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Fax Cover Sheet

To:	Michele EDL	From:	DELL E. KEEHN
Fax:	208-287-6700	Pages:	3
Phone:		Date:	
Re:	CRYSTAL SPRINGS WATER RIGHTS	cc:	

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Comments:

WATER RIGHTS Number 47-07768

WATER Right Number 47-07991

I Do Agree That in License No. 47-07991
that the Language "The Source of this

WATER is Waste WATER. The Wasting of

Water May be Discontinued at Any Time."

is Appropriate for inclusion and that
we Agree To That inclusion.

DELL E. —————

DELL E. KEEHN

CRYSTAL SPRINGS Hydroelectric

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

) Subcase Nos. 47-7768
)
)
)
)
)
)

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

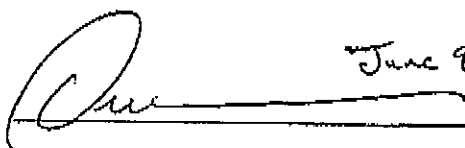
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANTS:

Crystal Springs Hydroelectric

OBJECTORS:

Twin Falls Canal Company



Date
Don E. Kechn

Paul Arrington, Attorney
Date

06/08/2009

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 47-7758

NAME AND ADDRESS: CRYSTAL SPRINGS HYDROELECTRIC LP
ATTN: DELL E KERN
7829 CENTER BLVD SE #100
BNOQUALMIE WA 98065

SOURCE: CEDAR DRAW

TRIBUTARY: SNAKE RIVER

QUANTITY: 110.000 CFS
61,100.00 AFY

PRIORITY DATE: 11/10/1981

The right shall be junior and subordinate to all rights for the use of water other than hydropower, within the State of Idaho that are initiated later in time than the priority of this right and shall not give rise to any right or claim against any future rights for the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this right.

POINT OF DIVERSION:

T098 R15E S23 SWNE Within TWIN FALLS County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

POWER

01/01 12/31

110.000 CFS
61,100.00 AFY

Use of water under this right shall be non-consumptive.

PLACE OF USE:

POWER in TWIN FALLS County

T098 R15E S14 NWNE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This exercise of this right does not grant any right-of-way or easement across the land of another.

This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.

The diversion and use of water for hydropower purposes under this right is subject to review by the Director after the date of expiration of license 8278 (4/30/2035) issued by the Federal Energy Regulatory Commission. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.

This right is subject to the minimum instream flow requirement of the Federal Energy Regulatory Commission license for this project.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

~~The source of this water right is waste water. The watering of water may be discontinued at any time.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

SEF5 Amended Director's Report

47-7768

June 9, 2009