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	)	**Subcase No. 22-7188**
	)	
Case No. 39576	)	
	)	**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.

CLAIMANT(s):
TETON PIPELINE ASSN, INC

Secretary 8/17/06
Date

OBJECTOR(s):

Larry A. Brumfield 8/10/06
David W. Gehlert. USDOJ Date
Attorney for BOR

IDWR Concurrence:

Ernie Carlsen 5-17-06
Ernie Carlsen Date
IDWR Adjudication Supervisor

Candice McHugh 5/17/06
Candice McHugh Date
Deputy Attorney General

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

RIGHT NUMBER: 22-7188

NAME AND ADDRESS: TETON PIPELINE ASSN INC
C/O HOLDEN KIDWELL HAHN & CRAPO, PLLC
PO BOX 50130
IDAHO FALLS ID 83405-0130

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 3.370 CFS
1,225.00 AFY

The rights listed below are limited to a total combined diversion rate of 66.80 cfs and to a total combined annual diversion volume of 45717.0 AF. Combined Right Nos.: 22-145B, 22-221B, 22-245B, 22-435B, 22-7044A, 22-7044B, 22-7100, 22-7108, 22-7110A, 22-7110B, 22-7111, 22-7116, 22-7119, 22-7120, 22-7121, 22-7122, 22-7148, 22-7157, 22-7159, 22-7180, 22-7181, 22-7186, 22-7392, 22-7470, 22-7188, 22-7208, 22-7209, 22-7211, 22-7216, 22-7223, 22-7235, 22-7295, 22-7360, 22-7375A, 22-7375B, 22-7505, 22-13271, 22-13288.

Right Nos. 22-7188 and 22-7470 are limited to a total combined annual diversion volume of 1500.0 AF.

PRIORITY DATE: 07/06/1976

POINT OF DIVERSION:

T06N R40E S3 SENESW Injection Within MADISON County

T06N R40E S3 SENESW Within MADISON County

T06N R44E S3 SWNWSE Rediversion Within TETON County

T06N R44E S10 NWSENW Rediversion Within TETON County

T06N R44E S15 SWNENW Rediversion Within TETON County

T06N R44E S15 NWSESE Rediversion Within TETON County

Water diverted under this right is exchanged by injecting water diverted under this right into Teton Island Canal at the point of injection described above, and diverting an equal amount from Teton River at the points of rediversion described above.

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/15	3.370 CFS 1,225.00 AFY

The use of water for irrigation under this right may begin as early as April 1 and continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before April 15 and after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE:

13062 ACRES TOTAL

The Place of Use does not include Federal Public Land.

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

Right Nos. 22-7188 and 22-7470 are limited to the irrigation of a combined total of 429.0 acres in a single irrigation season.

This right is limited to the irrigation of 350.0 acres within the place of use described above in a single irrigation season.

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

No demand on upstream prior rights or existing prior exchanges can be made and no interference with prior rights located between the rediversion pumps and the exchange well will be allowed even if the exchange well is pumping water into the Teton Island Canal.

The rate of rediversion from the Teton River shall not exceed the rate of injection into the Teton Island Canal from the exchange well.

The exchange well must inject water into the Teton Island Canal under this license, and the injection must continue after the diversion from the Teton River ceases until the water not diverted reaches the point of injection.

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.

This right is subject to regulation by the watermaster of Water District 01.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

The right holder shall maintain a totalizing measuring device at each point of diversion and point of rediversion of a type approved by the Department as a part of the diverting works.

Right No. 22-13288 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

The following rights are also diverted through points of rediversion/diversion described above: 22-145B, 22-221B, 22-245B, 22-435B, 22-7044A, 22-7044B, 22-7100, 22-7108, 22-7110A, 22-7110B, 22-7111, 22-7116, 22-7119, 22-7120, 22-7121, 22-7122, 22-7148, 22-7157, 22-7159, 22-7180, 22-7181, 22-7186, 22-7392, 22-7470, 22-7188, 22-7208, 22-7209, 22-7211, 22-7216, 22-7223, 22-7235, 22-7295, 22-7360, 22-7375A, 22-7375B, 22-7505, 22-13271, 22-13288.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

CERTIFICATE OF MAILING

I certify that on 8-17-, 2006, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Hand delivery

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

Emc

USDI BUREAU OF RECLAMATION
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC O33
BOISE, ID 83724

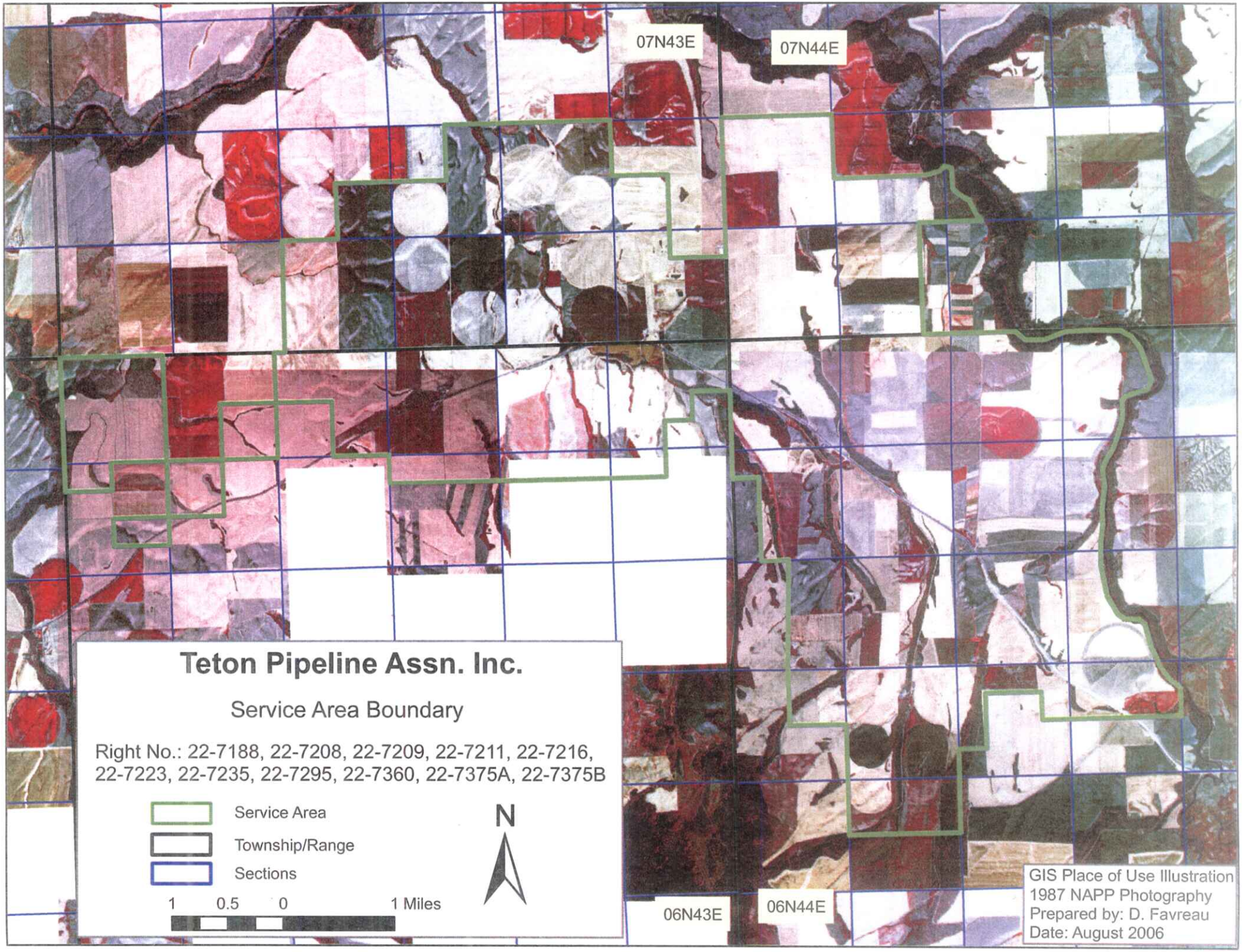
TETON PIPELINE ASSN INC
C/O HOLDEN KIDWELL HAHN &
CRAPO PLLC
PO BOX 50130
IDAHO FALLS, ID 83405-0130

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

Ernest Carlson

Signature of person mailing the form

STANDARD FORM 5 – 22-7188


07N43E
07N44E
06N43E
06N44E
Teton Pipeline Assn. Inc.
Service Area Boundary
Right No.: 22-7188, 22-7208, 22-7209, 22-7211, 22-7216, 22-7223, 22-7235, 22-7295, 22-7360, 22-7375A, 22-7375B
Service Area
Township/Range
Sections
1 0.5 0 1 Miles
N
GIS Place of Use Illustration
1987 NAPP Photography
Prepared by: D. Favreau
Date: August 2006