

**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 No. 22-7223

**AMENDED
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.

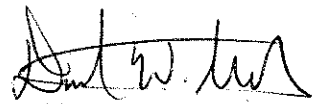
CLAIMANT(s):

Teton Pipeline Association, Inc.

OBJECTOR(s):

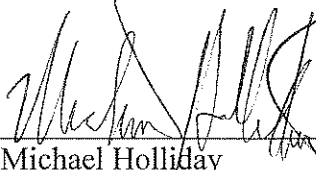
Bureau of Reclamation

 12/20/2007
Robert L. Harris Date
Attorney for Claimant

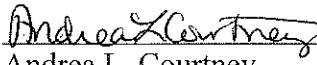
 1/16/08
David W. Gehlert, USDOJ Date
Attorney for BOR

AMENDED STANDARD FORM 5 – 22-7223

IDWR Concurrence:


Michael Holliday
Senior Water Resource Agent

12/17/2007
Date


Andrea L. Courtney
Deputy Attorney General
Attorney for IDWR

12/13/07
Date

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

RIGHT NUMBER: 22-7223

NAME AND ADDRESS:

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

SOURCE:

Source:
GROUND WATER

Tributary:

QUANTITY:

7.000 CFS
2,520.000 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 45716 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.

~~The rights listed below are limited to a total combined diversion rate of 11.95 cfs. Combined Right Nos.: 22-7216, 22-7223, 22-7235, 22-7360.~~

PRIORITY DATE: 04/05/1977

POINT OF DIVERSION:

T06N R40E S15 NWSWSW Injection
Within MADISON County

T06N R40E S15 NWSWSW
Within MADISON County

T06N R44E S3 NWSE Rediversion
Within TETON County

T06N R44E S3 SWNWSW Rediversion
Within TETON County

T06N R44E S10 NWSSENW 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 the Teton River at the point of injection described above, and diverting an equal amount from Teton River at the points of rediversion described above.

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

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

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
IRRIGATION	04/15 10/15	7.000 CFS 2,520.00 AFY

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

~~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:

IRRIGATION within TETON County

T06N R43E S01 Lot 1 NENE 43.0

T06N R43E S01 Lot 2 NWNE 16.0

T06N R43E S01 SWNE 5.2

T06N R43E S01 Lot 5 SENE 19.0

T06N R43E S01 Lot 3 NENW 21.0

T06N R43E S01 Lot 4 NWNW 20.0

T06N R43E S01 SWNW 32.0

T06N R43E S01 SENW 34.0

T06N R43E S01 NESW 38.0

T06N R43E S01 NWSW 37.0

T06N R43E S01 SWSW 19.0

T06N R43E S01 SESW 29.0

T06N R43E S01 NWSE 2.2

T06N R43E S02 Lot 1 NENE 25.0

T06N R43E S02 Lot 2 NWNE 12.0

T06N R43E S02 SWNE 9.0

T06N R43E S02 SENE 36.0

T06N R43E S02 Lot 3 NENW 29.0

T06N R43E S02 Lot 4 NWNW 30.0

T06N R43E S02 SWNW 35.0

T06N R43E S02 SENW 32.0

T06N R43E S02 NESW 30.0

T06N R43E S02 NWSW 37.0

T06N R43E S02 SWSW 26.0

T06N R43E S02 SESW 32.0

T06N R43E S02 NESE 34.0

T06N R43E S02 NWSE 1.9

T06N R43E S02 SESE 8.0

T06N R43E S03 Lot 1 NENE 32.0

T06N R43E S03 Lot 2 NWNE 31.0

T06N R43E S03 SWNE 26.0

T06N R43E S03 SENE 35.0

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

T06N R43E S03 Lot 3 NENW 26.0
T06N R43E S03 Lot 4 NWNW 31.0
T06N R43E S03 SWNW 34.0
T06N R43E S03 SENW 26.0
T06N R43E S03 NESW 30.0
T06N R43E S03 NWSW 31.0
T06N R43E S03 SWSW 40.0
T06N R43E S03 SESW 40.0
T06N R43E S03 NESE 37.0
T06N R43E S03 NWSE 40.0
T06N R43E S03 SWSE 40.0
T06N R43E S03 SESE 22.0
T06N R43E S04 Lot 1 NENE 31.0
T06N R43E S04 Lot 2 NWNE 32.0
T06N R43E S04 SWNE 40.0
T06N R43E S04 SENE 39.0
T06N R43E S04 Lot 3 NENW 32.0
T06N R43E S04 Lot 4 NWNW 32.0
T06N R43E S04 SWNW 40.0
T06N R43E S04 SENW 40.0
T06N R43E S04 NESE 38.0
T06N R43E S04 NWSE 40.0
T06N R43E S04 SWSE 18.0
T06N R43E S04 SESE 21.0
T06N R43E S10 NENE 20.0
T06N R43E S10 NWNE 40.0
T06N R43E S10 NENW 40.0
T06N R43E S10 NWNW 38.0
T06N R43E S11 NENW 3.9
T06N R43E S11 NWNW 2.1
T06N R43E S12 NENW 7.6
T06N R43E S12 NWNW 0.2
T06N R44E S03 Lot 2 NWNE 8.0
T06N R44E S03 SWNE 29.0
T06N R44E S03 Lot 3 NENW 21.0
T06N R44E S03 Lot 4 NWNW 22.0
T06N R44E S03 SWNW 40.0
T06N R44E S03 SENW 35.0
T06N R44E S03 NESW 25.0
T06N R44E S03 NWSW 40.0
T06N R44E S03 SWSW 37.0
T06N R44E S03 SESW 28.0
T06N R44E S03 NWSE 7.6
T06N R44E S04 Lot 1 NENE 11.0
T06N R44E S04 Lot 2 NWNE 14.0
T06N R44E S04 SWNE 40.0
T06N R44E S04 SENE 39.0

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

T06N R44E S04 Lot 3 NENW 35.0
T06N R44E S04 Lot 4 NWNW 35.0
T06N R44E S04 SWNW 40.0
T06N R44E S04 SENW 39.0
T06N R44E S04 NESW 39.0
T06N R44E S04 NWSW 40.0
T06N R44E S04 SWSW 39.0
T06N R44E S04 SESW 39.0
T06N R44E S04 NESE 40.0
T06N R44E S04 NWSE 40.0
T06N R44E S04 SWSE 39.0
T06N R44E S04 SESE 39.0
T06N R44E S05 Lot 1 NENE 35.0
T06N R44E S05 Lot 2 NWNE 37.0
T06N R44E S05 SWNE 40.0
T06N R44E S05 SENE 40.0
T06N R44E S05 Lot 3 NENW 37.0
T06N R44E S05 Lot 4 NWNW 34.0
T06N R44E S05 SWNW 40.0
T06N R44E S05 SENW 40.0
T06N R44E S05 NESW 40.0
T06N R44E S05 NWSW 33.0
T06N R44E S05 SWSW 25.0
T06N R44E S05 SESW 40.0
T06N R44E S05 NESE 39.0
T06N R44E S05 NWSE 39.0
T06N R44E S05 SWSE 40.0
T06N R44E S05 SESE 40.0
T06N R44E S06 Lot 1 NENE 25.0
T06N R44E S06 Lot 2 NWNE 29.0
T06N R44E S06 SWNE 39.0
T06N R44E S06 SENE 27.0
T06N R44E S06 Lot 3 NENW 37.0
T06N R44E S06 Lot 4 NWNW 39.0
T06N R44E S06 Lot 5 SWNW 34.0
T06N R44E S06 SENW 39.0
T06N R44E S06 NESW 15.0
T06N R44E S06 Lot 6 NWSW 4.9
T06N R44E S06 Lot 7 SWSW 29.0
T06N R44E S06 SESW 22.0
T06N R44E S06 NESE 28.0
T06N R44E S06 NWSE 23.0
T06N R44E S06 SWSE 0.2
T06N R44E S06 SESE 20.0
T06N R44E S07 NENE 2.7
T06N R44E S07 NWNE 6.5
T06N R44E S07 SWNE 33.0

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

T06N R44E S07 SENE 20.0
T06N R44E S07 NENW 36.0
T06N R44E S07 Lot 1 NWNW 6.8
T06N R44E S07 SENW 17.0
T06N R44E S07 NESW 21.0
T06N R44E S07 SESW 16.0
T06N R44E S07 NESE 11.0
T06N R44E S07 NWSE 34.0
T06N R44E S07 SWSE 33.0
T06N R44E S07 SESE 17.0
T06N R44E S08 NENE 39.0
T06N R44E S08 NWNE 39.0
T06N R44E S08 SWNE 35.0
T06N R44E S08 SENE 34.0
T06N R44E S08 NENW 30.0
T06N R44E S08 NWNW 8.8
T06N R44E S08 SWNW 39.0
T06N R44E S08 SENW 18.0
T06N R44E S08 NESW 40.0
T06N R44E S08 NWSW 39.0
T06N R44E S08 SWSW 32.0
T06N R44E S08 SESW 39.0
T06N R44E S08 NESE 29.0
T06N R44E S08 NWSE 23.0
T06N R44E S08 SWSE 28.0
T06N R44E S08 SESE 29.0
T06N R44E S09 NENE 39.0
T06N R44E S09 NWNE 40.0
T06N R44E S09 SWNE 40.0
T06N R44E S09 SENE 40.0
T06N R44E S09 NENW 40.0
T06N R44E S09 NWNW 38.0
T06N R44E S09 SWNW 2.6
T06N R44E S09 SENW 40.0
T06N R44E S09 NESW 40.0
T06N R44E S09 NWSW 4.9
T06N R44E S09 SWSW 15.0
T06N R44E S09 SESW 37.0
T06N R44E S09 NESE 40.0
T06N R44E S09 NWSE 40.0
T06N R44E S09 SWSE 40.0
T06N R44E S09 SESE 37.0
T06N R44E S10 NENW 9.3
T06N R44E S10 NWNW 40.0
T06N R44E S10 SWNW 38.0
T06N R44E S10 SENW 0.5
T06N R44E S10 NESW 0.7

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WATER RIGHTS ACQUIRED UNDER STATE LAW

T06N R44E S10 NWSW 34.0
T06N R44E S10 SWSW 24.0
T06N R44E S10 SESW 3.3
T06N R44E S15 NENW 2.4
T06N R44E S15 NWNW 38.0
T06N R44E S15 SWNW 40.0
T06N R44E S15 SENW 11.0
T06N R44E S15 NESW 32.0
T06N R44E S15 NWSW 40.0
T06N R44E S15 SWSW 40.0
T06N R44E S15 SESW 40.0
T06N R44E S15 NWSE 9.2
T06N R44E S15 SWSE 34.0
T06N R44E S16 NENE 22.0
T06N R44E S16 NWNE 29.0
T06N R44E S16 SWNE 35.0
T06N R44E S16 SENE 36.0
T06N R44E S16 NENW 26.0
T06N R44E S16 NWNW 36.0
T06N R44E S16 SWNW 40.0
T06N R44E S16 SENW 25.0
T06N R44E S16 NESW 35.0
T06N R44E S16 NWSW 37.0
T06N R44E S16 SWSW 30.0
T06N R44E S16 SESW 35.0
T06N R44E S16 NESE 40.0
T06N R44E S16 NWSE 24.0
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T06N R44E S17 NENE 27.0
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T06N R44E S17 NESW 39.0
T06N R44E S17 NWSW 34.0
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T06N R44E S17 NESE 40.0
T06N R44E S17 NWSE 21.0
T06N R44E S17 SWSE 25.0
T06N R44E S17 SESE 40.0
T06N R44E S18 NENE 11.0
T06N R44E S18 SWNE 7.3

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WATER RIGHTS ACQUIRED UNDER STATE LAW

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T06N R44E S18 NWSE 37.0
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T06N R44E S19 NENE 20.0
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T06N R44E S20 NENE 40.0
T06N R44E S20 NWNE 26.0
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T06N R44E S20 NESE 40.0
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T06N R44E S21 NENE 24.0
T06N R44E S21 NWNE 37.0
T06N R44E S21 SENE 3.8
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T06N R44E S21 NWNW 24.0
T06N R44E S21 SWNW 14.0
T06N R44E S21 NWSW 2.0
T06N R44E S22 NENE 11.0
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T06N R44E S22 SENE 2.9
T06N R44E S22 NENW 40.0
T06N R44E S22 NWNW 35.0
T06N R44E S22 SWNW 29.0
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T06N R44E S29 NENE 10.0
T06N R44E S29 NWNE 40.0
T06N R44E S29 SWNE 38.0
T06N R44E S29 SENE 6.4
T06N R44E S29 NENW 18.0
T06N R44E S29 NWNW 40.0
T06N R44E S29 SWNW 29.0
T06N R44E S29 SENW 12.0
T07N R43E S25 NESW 35.0

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WATER RIGHTS ACQUIRED UNDER STATE LAW

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T07N R43E S26 NWNE 40.0
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T07N R43E S26 NWNW 28.0
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T07N R43E S26 NESE 40.0
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T07N R43E S27 NWSW 37.0
T07N R43E S27 SWSW 40.0
T07N R43E S27 SESW 40.0
T07N R43E S27 NESE 18.0
T07N R43E S27 SESE 17.0
T07N R43E S28 NESE 33.0
T07N R43E S28 NWSE 35.0
T07N R43E S28 SWSE 40.0
T07N R43E S28 SESE 40.0
T07N R43E S33 NENE 40.0
T07N R43E S33 NWNE 40.0
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T07N R43E S33 SENE 40.0
T07N R43E S33 NENW 39.0
T07N R43E S33 NWNW 40.0
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T07N R43E S33 NESW 40.0
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T07N R43E S33 SESE 40.0

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WATER RIGHTS ACQUIRED UNDER STATE LAW

T07N R43E S34 NENE 40.0
T07N R43E S34 NWNE 39.0
T07N R43E S34 SWNE 38.0
T07N R43E S34 SENE 33.0
T07N R43E S34 NENW 40.0
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T07N R43E S34 SWNW 40.0
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T07N R43E S34 NESW 40.0
T07N R43E S34 NWSW 40.0
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T07N R43E S35 SESE 37.0
T07N R43E S36 SWNE 40.0
T07N R43E S36 SENE 40.0
T07N R43E S36 NENW 39.0
T07N R43E S36 NWNW 39.0
T07N R43E S36 SWNW 38.0
T07N R43E S36 SENW 40.0
T07N R43E S36 NESW 40.0
T07N R43E S36 NWSW 40.0
T07N R43E S36 SWSW 35.0
T07N R43E S36 SESW 35.0
T07N R43E S36 NESE 40.0
T07N R43E S36 NWSE 40.0
T07N R43E S36 SWSE 40.0
T07N R43E S36 SESE 40.0
T07N R44E S28 NWSW 11.0

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

T07N R44E S28 SWSW 35.0
T07N R44E S28 SESW 1.7
T07N R44E S29 NESW 24.0
T07N R44E S29 NWSW 24.0
T07N R44E S29 SWSW 39.0
T07N R44E S29 SESW 39.0
T07N R44E S29 NESE 21.0
T07N R44E S29 NWSE 24.0
T07N R44E S29 SWSE 40.0
T07N R44E S29 SESE 34.0
T07N R44E S30 NENE 40.0
T07N R44E S30 NWNE 40.0
T07N R44E S30 SWNE 40.0
T07N R44E S30 SENE 40.0
T07N R44E S30 NENW 40.0
T07N R44E S30 Lot 1 NWNW 39.0
T07N R44E S30 Lot 2 SWNW 39.0
T07N R44E S30 SENW 40.0
T07N R44E S30 NESW 40.0
T07N R44E S30 Lot 3 NWSW 39.0
T07N R44E S30 Lot 4 SWSW 39.0
T07N R44E S30 SESW 40.0
T07N R44E S30 NESE 40.0
T07N R44E S30 NWSE 40.0
T07N R44E S30 SWSE 40.0
T07N R44E S30 SESE 40.0
T07N R44E S31 NENE 39.0
T07N R44E S31 NWNE 24.0
T07N R44E S31 SWNE 35.0
T07N R44E S31 SENE 28.0
T07N R44E S31 NENW 40.0
T07N R44E S31 Lot 1 NWNW 39.0
T07N R44E S31 Lot 2 SWNW 40.0
T07N R44E S31 SENW 40.0
T07N R44E S31 NESW 40.0
T07N R44E S31 Lot 3 NWSW 41.0
T07N R44E S31 Lot 4 SWSW 41.0
T07N R44E S31 SESW 40.0
T07N R44E S31 NESE 37.0
T07N R44E S31 NWSE 36.0
T07N R44E S31 SWSE 18.0
T07N R44E S31 SESE 33.0
T07N R44E S32 NWNE 39.0
T07N R44E S32 SWNE 40.0
T07N R44E S32 NENW 40.0
T07N R44E S32 NWNW 39.0
T07N R44E S32 SWNW 38.0

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

T07N R44E S32 SENW 40.0
T07N R44E S32 NESW 40.0
T07N R44E S32 NWSW 38.0
T07N R44E S32 SWSW 33.0
T07N R44E S32 SESW 39.0
T07N R44E S32 NWSE 40.0
T07N R44E S32 SWSE 39.0

13061.6 ACRES TOTAL

This right is limited to the irrigation of 720.0 acres within the place of use described above in a single irrigation season.

Place of use does not include federal public lands

~~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.~~

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

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

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 River.

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

~~The exchange well must inject water into the Teton River 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.~~

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Unperforated well casing shall be retained above the first confining layer to prevent interference with shallow wells and recharge to the river.

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-

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

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.

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

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.

The right holder shall maintain a totalizing measuring device at each point of diversion and each point of redirection 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 point of diversion described above:
22-7216, 22-7223, 22-7235, 22-7360.~~

OK
De *not*
MWH

CERTIFICATE OF MAILING

I certify that on JAN, 16, 2008, 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:

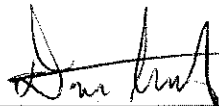
CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

2. Copies to:

TETON PIPELINE ASSN INC
Represented by:
ROBERT L HARRIS
1000 RIVERWALK DR., STE. 200
P.O. BOX 50130
IDAHO FALLS, ID 83405

USDI BUREAU OF RECLAMATION
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098



Signature of person or attorney mailing the form