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DEPARTMENT OF
WATER RESOURCES

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**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. 22-13288

) STANDARD FORM 5

) STIPULATED ELEMENTS OF A
) WATER RIGHT

) (Uncontested Overlapping Water Right
) to 22-7188, 22-7208, 22-7209, 22-7211, 22-
) 7216, 22-7223, 22-7235, 22-7295, 22-7360,
) 22-7375A & 22-7375B)

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.

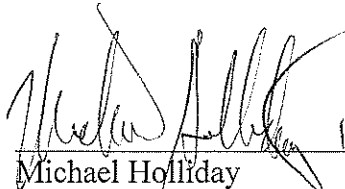
CLAIMANT(s):

Teton Pipeline Association, Inc.

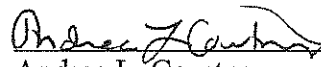
Robert L. Harris 12/20/2007
Robert L. Harris Date
Attorney for Claimant

STANDARD FORM 5 – 22-13288

IDWR Concurrence:

 12/18/2007

Michael Holliday Date
Senior Water Resource Agent

 12/13/07

Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 22-13288

NAME AND ADDRESS:

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

SOURCE:

Source:

Tributary:

GROUND WATER

QUANTITY:

35.730 CFS

11.826 CFS

1,866.000 AFY

0.000 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 45,716 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 58.8 cfs. Combined Right Nos.: 22-7208, 22-7209, 22-7211, 22-7216, 22-7223, 22-7235, 22-7295, 22-7360, 22-7375A, 22-7375B, and 22-13288.

PRIORITY DATE:

04/15/1987

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF DIVERSION:

~~T06N R40E S3 SENESW~~
~~Within MADISON County~~

~~T06N R40E S3 SENESW Injection~~
~~Within MADISON County~~

T06N R40E S11 NWNENE
Within MADISON County

T06N R40E S11 NWNENE
Within MADISON County

T06N R40E S11 NWNENE Injection
Within MADISON County

T06N R40E S11 NWNENE Injection
Within MADISON County

T06N R40E S15 SWSW
Within MADISON County

T06N R40E S15 NWSWSW
Within MADISON County

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

T06N R40E S15 NWSWSW Injection
Within MADISON County

T06N R40E S15 NWSWSW Injection
Within MADISON County

T06N R44E S3 NWSE Rediversion
Within TETON 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

T07N R40E S25 SESESE
Within FREMONT County

T07N R40E S25 SESESE
Within FREMONT County

T07N R40E S25 SESESE Injection
Within FREMONT County

T07N R40E S36 NENENE Injection
Within FREMONT County

Water diverted under this right is exchanged by injecting water diverted under this right into Teton River at the points 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 10/31

35.730 CFS

1,866.00 AFY

11,826 CFS

AM *rest*
MW/B

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

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

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

AN

PH

MW/K

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

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
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

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

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
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

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

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
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

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

T06N R44E S16 SENW 25.0
T06N R44E S16 NESW 35.0
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T06N R44E S16 NESE 40.0
T06N R44E S16 NWSE 24.0
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T06N R44E S16 SESE 26.0
T06N R44E S17 NENE 27.0
T06N R44E S17 NWNE 37.0
T06N R44E S17 SWNE 26.0
T06N R44E S17 SENE 37.0
T06N R44E S17 NENW 38.0
T06N R44E S17 NWNW 2.4
T06N R44E S17 SWNW 1.9
T06N R44E S17 SENW 15.0
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T06N R44E S17 SESW 39.0
T06N R44E S17 NESE 40.0
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T06N R44E S20 SWSE 40.0

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

T06N R44E S20 SESE 26.0
T06N R44E S21 NENE 24.0
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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
T06N R44E S22 SENW 26.0
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T07N R43E S27 NWSW 37.0
T07N R43E S27 SWSW 40.0

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

T07N R43E S27 SESW 40.0
T07N R43E S27 NESE 18.0
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T07N R43E S35 SWNW 39.0
T07N R43E S35 SENW 29.0
T07N R43E S35 NESW 24.0

OK

REH

MWA

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

T07N R43E S35 NWSW 39.0
T07N R43E S35 SWSW 40.0
T07N R43E S35 SESW 35.0
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T07N R43E S36 NESW 40.0
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T07N R43E S36 SESW 35.0
T07N R43E S36 NESE 40.0
T07N R43E S36 NWSE 40.0
T07N R43E S36 SWSE 40.0
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T07N R44E S29 NESW 24.0
T07N R44E S29 NWSW 24.0
T07N R44E S29 SWSW 39.0
T07N R44E S29 SESW 39.0
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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

AK

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

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
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

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13061.6 ACRES TOTAL

Place of use does not include federal public lands

The rights listed below are limited to the irrigation of a combined total of 12,712 acres in a single irrigation season. Combined Right Nos.: 22-7208, 22-7209, 22-7211, 22-7216, 22-7223, 22-7235, 22-7295, 22-7360, 22-7375A, 22-7375B, and 22-13288.

~~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.

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
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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 wells will be allowed even if the exchange wells are pumping water into the Teton River.

This right is based upon an enlargement of Right Nos. 22-7208, 22-7209, 22-7211, 22-7216, 22-7223, 22-7235, 22-7295, 22-7360, 22-7375A, and 22-7375B pursuant to Section 42-1426, Idaho Code.

The exchange well(s) 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(s) of injection.

~~This right is based upon an enlargement of Right No. 22-7188, 22-7208, 22-7209, 22-7211, 22-7216, 22-7223, 22-7235, 22-7295, 22-7360, 22-7375A, and 22-7375B pursuant to Section 42-1426, Idaho Code.~~

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

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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.

This right is for an enlargement of 4805 acres within the place of use described for this right.

~~The right holder shall maintain a totalizing measuring device of a type approved by the Department as a part of the diverting works.~~

CERTIFICATE OF MAILING

I certify that on Jan. 18, 2009, 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:

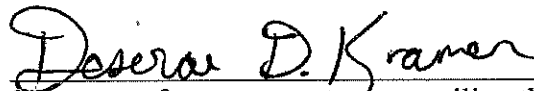
1. Original to:

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

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



Signature of person or attorney mailing the form