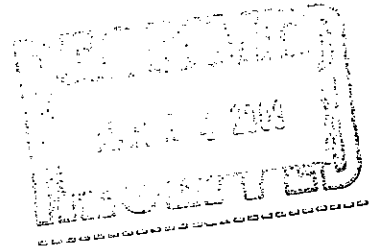


COPY

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED RECEIVED

2009 MAY 14 AM 10 12 2009

DEPARTMENT OF
WATER RESOURCES



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. 22-571

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

RECEIVED

MAY 15 2009

DEPARTMENT OF
WATER RESOURCES

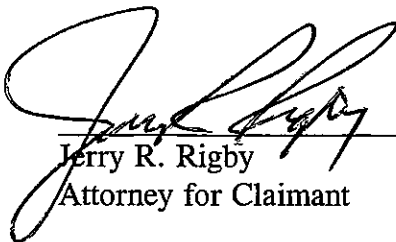
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary 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. No changes have been made to the digital boundary, thus no maps or compact disks are being filed with this document.

CLAIMANT:

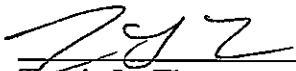
Teton Island Feeder Canal Company


Jerry R. Rigby
Attorney for Claimant

3-18-09
Date

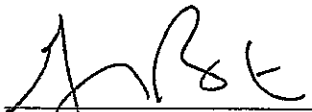
OBJECTORS:

Twin Falls Canal Company
North Side Canal Company
Milner Irrigation District
A & B Irrigation District
Burley Irrigation District


Travis L. Thompson 4/27/09
Date

IDWR Concurrence:


Ernest Carlsen 5/7/09
Date
Water Resource Program Manager


Garrick L. Baxter 5/12/09
Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 22-571

NAME AND ADDRESS: TETON ISLAND FEEDER CANAL CO
386 N 2400 E
ST ANTHONY ID 83445

SOURCE: TETON RIVER

TRIBUTARY: HENRYS FORK

QUANTITY: 3.360 CFS

PRIORITY DATE: 06/01/1888

POINT OF DIVERSION:

T07N R40E S36 NWSENW Within FREMONT County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	3.360 CFS
~~GROUNDWATER RECHARGE~~ SUB-IRRIGATION	11/01 03/31	3.360 CFS
<u>Sub-irrigation is authorized between 11/1 and 3/31 consistent with the practices described in the Rexburg Irr. Co. v. Teton Irr. Co. Decree (including paragraph 31).</u>		

PLACE OF USE:

9448.2 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 9448.2 acres in a single irrigation season. Combined Right Nos.: 22-288, 22-571, 22-589B, 22-12694, 22-12695, 22-12696, 22-12697.

Place of use is within the area served by Teton Island Feeder Canal Company.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Water is delivered through Teton Island Feeder Canal.

The following rights are all diverted through point of diversion described above: 22-288, 22-571, 22-589B, 22-12694 through 22-12697.

CERTIFICATE OF MAILING

I certify that on 5/13, 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:

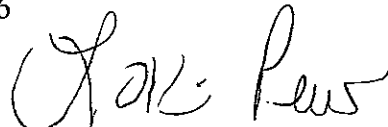
A & B IRRIGATION DISTRICT
BURLEY IRRIGATION DISTRICT
MILNER IRRIGATION DISTRICT
NORTH SIDE CANAL COMPANY
TWIN FALLS CANAL COMPANY

Represented by:
BARKER, ROSHOLT & SIMPSON LLP
113 MAIN AVE. W., STE 303
P.O. BOX 485
TWIN FALLS, ID 83303-0485

TETON ISLAND FEEDER CANAL CO.
Represented by:
JERRY R. RIGBY
25 N. 2ND. E.
P.O. BOX 250
REXBURG, ID 83440-0250

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

ROGER D LING
615 H STREET
P.O. BOX 396
RUPERT, ID 83350-0396



Signature of person or attorney mailing the form