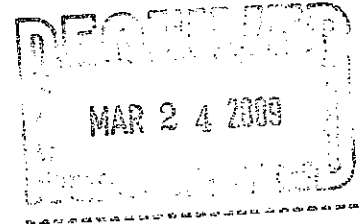


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DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED  
MAY 04 2009  
DEPARTMENT OF  
WATER RESOURCES  
2009 MAY 14 AM 10 23



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

RECEIVED  
MAY 15 2009  
DEPARTMENT OF  
WATER RESOURCES

|                |   |                          |
|----------------|---|--------------------------|
| In Re SRBA     | ) | Subcase No. 22-12696     |
|                | ) |                          |
| Case No. 39576 | ) |                          |
|                | ) | STANDARD FORM 5          |
|                | ) |                          |
|                | ) | STIPULATED ELEMENTS OF A |
|                | ) | WATER RIGHT              |

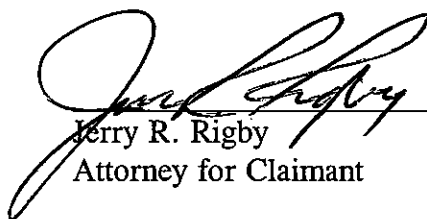
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary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

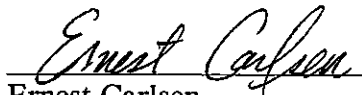
  
Jerry R. Rigby  
Attorney for Claimant  
3-18-09  
Date

**OBJECTORS:**

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

 4/29/09  
Travis L. Thompson Date

**IDWR Concurrence:**

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

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

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

RIGHT NUMBER: 22-12696

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

SOURCE: TETON RIVER

TRIBUTARY: HENRYS FORK

QUANTITY: 244.320 CFS

PRIORITY DATE: 06/01/1885

POINT OF DIVERSION:

T07N R40E S36 NWSNW Within FREMONT County

PURPOSE AND  
PERIOD OF USE:

| PURPOSE OF USE                                 | PERIOD OF USE | QUANTITY    |
|------------------------------------------------|---------------|-------------|
| <del>GROUNDWATER RECHARGE</del> SUB-IRRIGATION | 11/01 03/31   | 244.320 CFS |
| IRRIGATION                                     | 04/01 10/31   | 244.320 CFS |

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).

PLACE OF USE:

9448.2 ACRES TOTAL

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.

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.

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

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

Water is delivered through Teton Island Feeder Canal.

## 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. 2<sup>ND</sup>. 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