

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

MAR - 4 2013

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DEPARTMENT OF
WATER RESOURCES

Clerk

Deputy Clerk

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.: 22-7295

SECOND 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. To minimize further confusion, the agreed upon recommendation included herein and shown in underline / overstrike is compared to the recommendation of the water right as formerly reported in the original Director's Report, and not as compared to the earlier SF5(s).

CLAIMANT:

Teton Pipeline Assn. Inc.

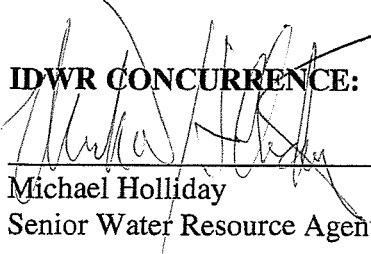
Robert L. Harris 1/31/2013
Robert L. Harris Date
Attorney for Claimant

OBJECTOR:

Bureau of Reclamation

David W. Gehlert 2/25/13
David W. Gehlert, USDOJ Date
Attorney for the Bureau of Reclamation

IDWR CONCURRENCE:


Michael Holliday
Senior Water Resource Agent

1/31/2013
Date

IDWR CONCURRENCE:


Andrea L. Courtney
Deputy Attorney General
Attorney for IDWR

2/28/13
Date

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

RIGHT NUMBER: 22-7295

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:

3.360 CFS

1,226.000 AFY

2,380.200 AFY

Right Nos. 22-7211 and 22-7295 are limited to a total combined annual diversion volume of 2800.0 AF.

~~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 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 66.80 cfs and to a total combined annual diversion volume of 26,500 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 10.07 cfs. Combined Right Nos.: 22-7211, 22-7221, and 22-7295.

PRIORITY DATE: 06/12/1979

POINT OF DIVERSION:

T06N R44E S3 NWSE Rediversion
Within TETON County

~~T06N R44E S3 SNNWSE Rediversion~~
~~Within TETON County~~

T06N R44E S10 NWSNW Rediversion
Within TETON County

T06N R44E S15 SWNENW Rediversion
Within TETON County

T06N R44E S15 NWSESE Rediversion
Within TETON County

T07N R40E S25 SESESE Injection
Within FREMONT County

T07N R40E S25 SESESE
Within FREMONT County

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

Water diverted under this right is exchanged by injecting water diverted under this right into 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 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 10/15

3.360 CFS

1,226.00 AFY

2,380.20 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:

13062 ACRES TOTAL

Place of use does not include federal public lands.

~~This right is limited to the irrigation of 800.0 acres within the place of use described above in a single irrigation season.~~

Right Nos. 22-7211 and 22-7295 are limited to the irrigation of a combined total of 800.0 acres in a single irrigation season.

Place of use is within the area served by Teton Pipeline Association.

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.

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

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 River.

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.

~~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

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

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.

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

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

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

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

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



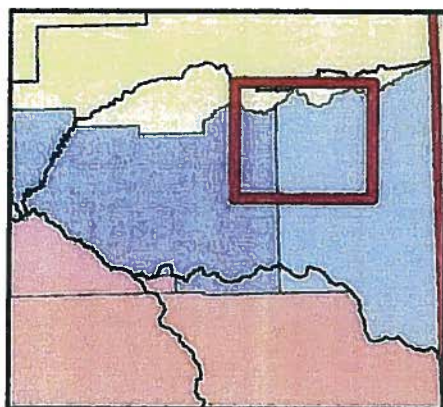
Teton Pipeline Assn Inc

Adjudication Recommendations: 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, 22-7188, 22-7208, 22-7209, 22-7211, 22-7216, 22-7223, 22-7235, 22-7295, 22-7360, 22-7375A, 22-7375B, 22-7392, 22-7470, 22-7505, 22-13271, 22-13288

Irrigation Service Area Boundary
GIS Place of Use Illustration

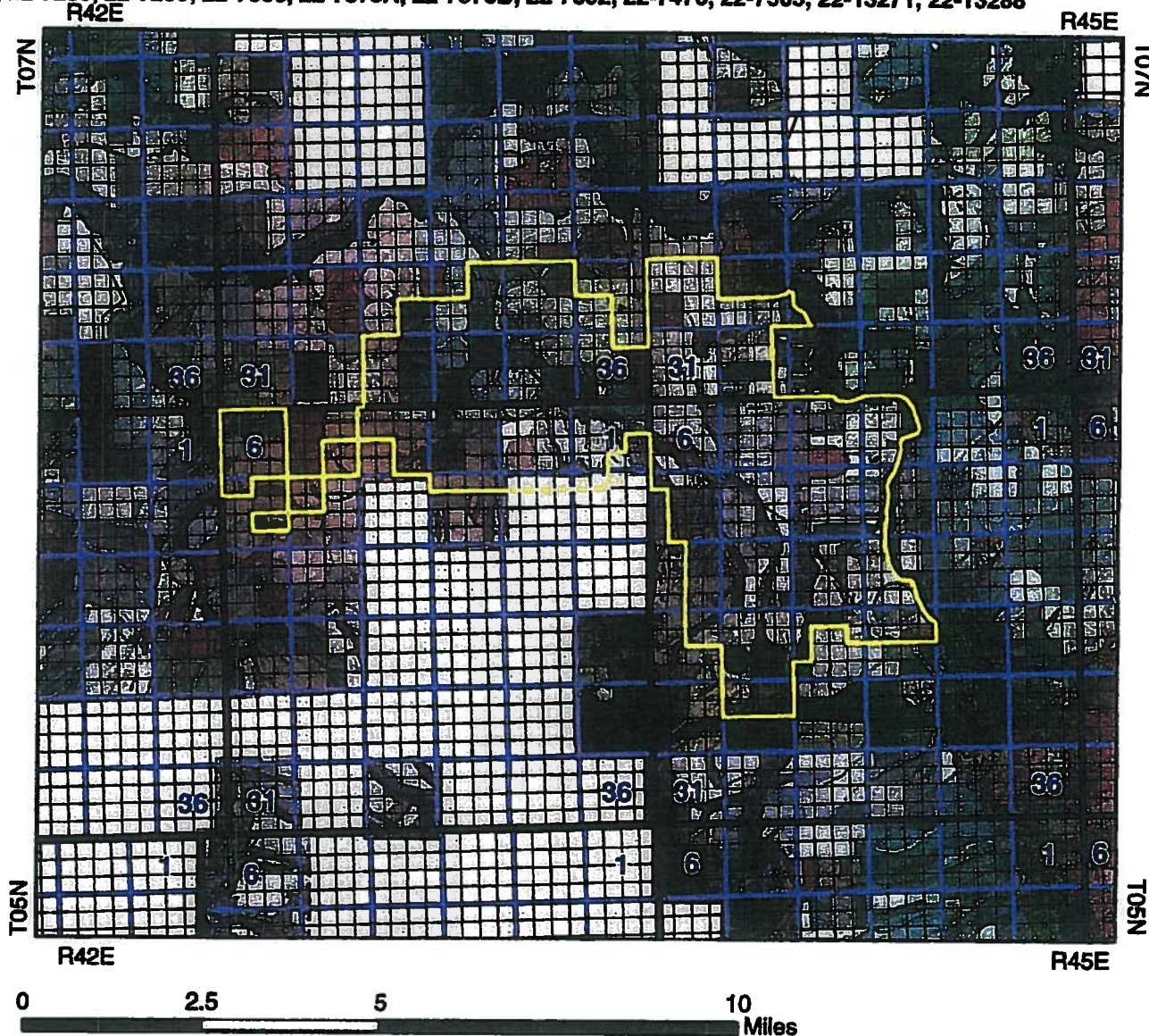
-  Service Area
-  State Outline
-  Townships
-  PLS Sections
-  Quarter Quarters

Ref OK
MNF
me



Madison, Teton Counties
IDWR Basin 22

Prepared by Favreau, Danielle
On December 18, 2012
1987/88 Aerial Photography



CERTIFICATE OF SERVICE

I certify that on March 1, 2012, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated 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, ID 83303-2707

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

2. Copies to:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

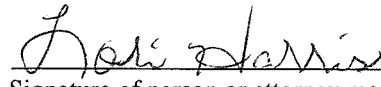
☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile

Robert L. Harris
1000 Riverwalk Dr, Ste 200
P.O. Box 50130
Idaho Falls, ID 83405

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

USDI Bureau of Reclamation
US Department of Justice
Environment & Nat'l Resources
550 West Fort Street, MSC 033
Boise, ID 83724

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile



Signature of person or attorney mailing the form