

MAR - 4 2013

By _____

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.: 22-13288

**AMENDED
STANDARD FORM 5
(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)**

**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.

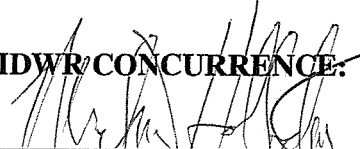
Robert L. Harris 1/31/2013
Robert L. Harris Date

Attorney for Claimant

Amended Standard Form 5

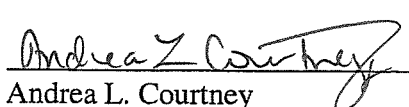
22-13288

IDWR CONCURRENCE:


Michael Holliday
Senior Water Resource Agent

1/31/2013
Date

IDWR CONCURRENCE:


Andrea L. Courtney
Deputy Attorney General
Attorney for IDWR

3/1/13
Date

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

AKC

SOURCE:

Source:

Tributary:

GROUND WATER

MNK

QUANTITY:

35.730 CFS

11.826 CFS

1,866.000 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 45,717 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.~~

Rest

~~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 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

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

T06N R40E S11 NWNENE Injection
Within MADISON County

T06N R40E S15 SWSW
Within MADISON County

T06N R40E S15 NWSWSW
Within MADISON County

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 NWSEW 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~~

PLACE OF USE:

13062 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.

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

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

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.

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.~~

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.~~

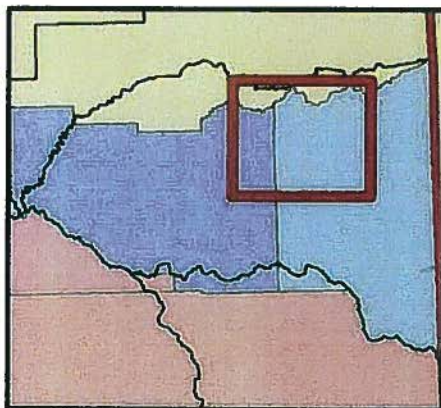


Teton Pipeline Assn Inc

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

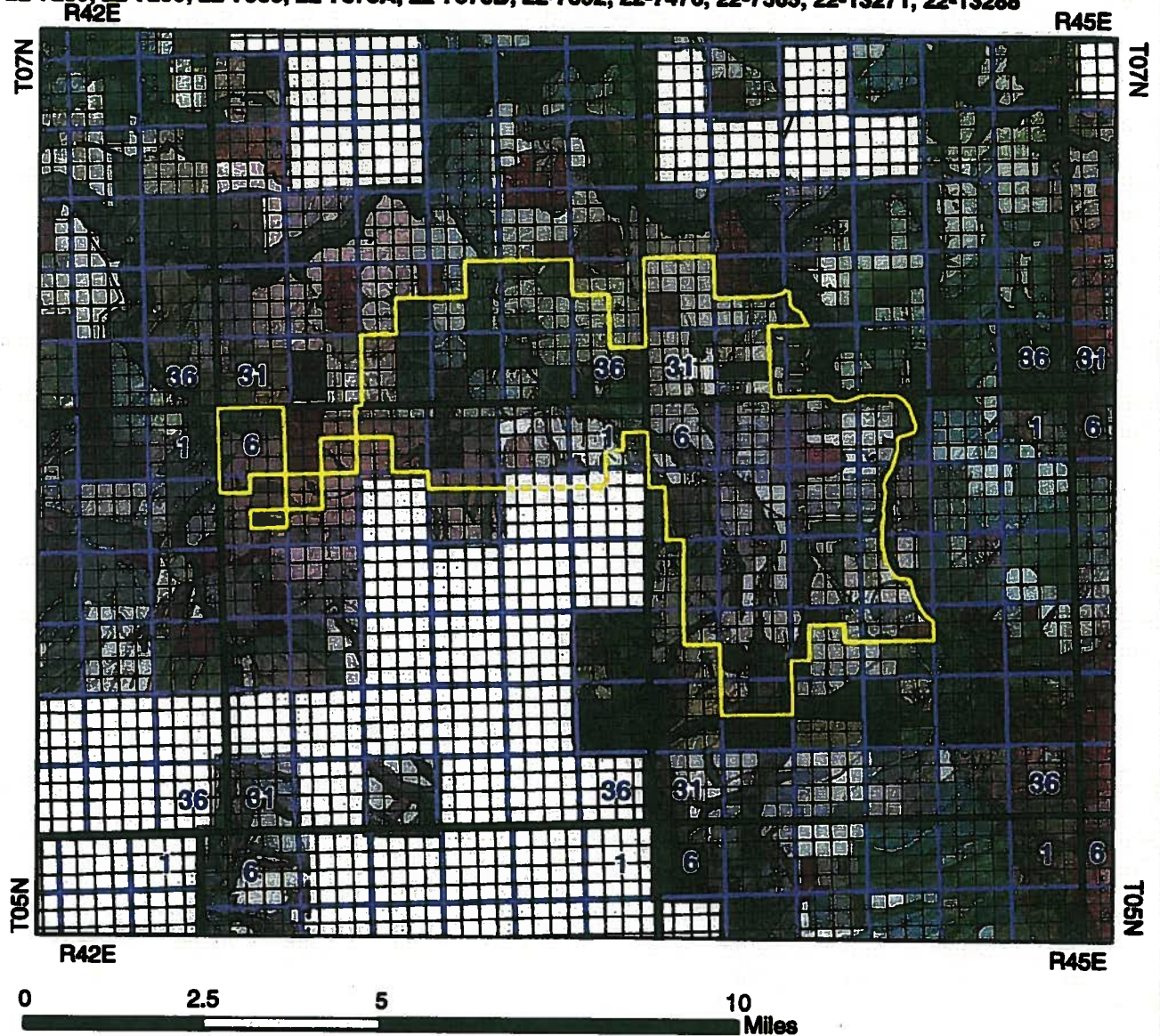
-  Service Area
-  State Outline
-  Townships
-  PLS Sections
-  Quarter Quarters



Madison, Teton Counties
IDWR Basin 22

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

Ref
QW
MDA



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

Robert L. Harris

Signature of person or attorney mailing the form