

12-10
RECEIVED
DEC 10 2012
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	)	Subcase: 22-626
	)	
	)	STANDARD FORM 4
Case 39576	)	
	)	MOTION TO FILE
	)	☐ LATE NOTICE OF CLAIM
	)	☒ AMENDED NOTICE OF CLAIM
_____	)	

X I have read *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996).

My name is: City of Driggs

My address is: P.O. Box 48, Driggs, ID 83422

My phone number is: (208) 354-2362

I am an attorney representing the City of Driggs

My name is Jerry R. Rigby

My address is: 25 North 2nd East, P.O. Box 250, Rexburg, Idaho 83440

My phone number is: (208) 356-3633

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A *Motion to File and Amended Notice of Claim* may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☒ The purpose of this amended claim is to correct the claim which was previously filed by Claimant. Claimant's late claim was conditionally granted by the above entitled court upon payment of the proper payment of fees. Upon further discussions with IDWR personnel regarding fees, it was determined that due to the unique nature of the claims along with a factual case of Accomplished Transfer from the original Roxanna Decree claim, an amended claim has become necessary.
- ☐ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

This amended claim is being submitted based on information provided to the claimant by Water District 01 and the Idaho Department of Water Resources personnel who have reviewed the amended claim and approved it for the purpose of filing the amended claim.

I have attached:

- ☒ An Amended Notice of Claim (available from IDWR).
- ☒ Payment of the following additional fees required by IDWR in the amount of \$325.50:
- ☐ Fees have been paid when the claims were originally filed.

This motion will be heard on: To be determined by the Special Master at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho. Parties may participate by phone by dialing 1-215-446-0193 and when prompted enter participant code 926509.

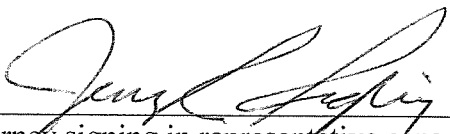
VERIFICATION

STATE OF IDAHO,)
 ss
County of Madison.)

Jerry R. Rigby, being first duly sworn, upon oath, deposes and says:

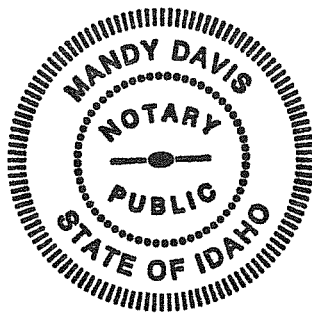
That I am the Secretary of party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 4204101A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

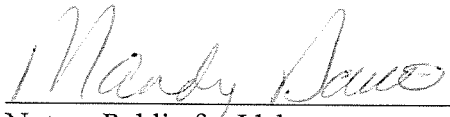
Signature of person filing motion



Attorney signing in representative capacity.

Subscribed and sworn to before me on this 7th day of December, 2012.





Notary Public for Idaho
Residing at: St Anthony
My Commission Expires: 6/24/17

CERTIFICATE OF MAILING

I certify that on December 7th, 2012, 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, ID 83303-2707

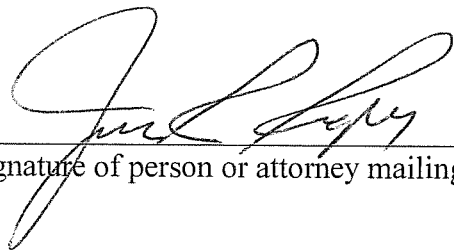
2. Copies to:

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

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or Special Master, you must serve a copy on all parties in that subcase.



Signature of person or attorney mailing the form

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

**IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM**

CIVIL CASE NUMBER: 39576

Ident. Number 22-626

Date Received: _____

Receipt No: _____

Received By: _____

**AMENDED NOTICE OF CLAIM
TO A WATER RIGHT AMENDED
ACQUIRED UNDER STATE LAW**

Please type or print clearly

1. Name of Claimant (s) City of Driggs Phone (208) 354-2362
Mailing Address PO Box 48 Driggs ID 83422
Street or Box City State ZIP
2. Date of Priority (Only one (1) per claim) 01/22/1916
Month Day Year (YYYY)

3. Source of water supply (Check one) Ground Water () or Other (✓) (a) Spring
which is tributary to (b) Teton Creek

4. a. Location of Point of Diversion is: Township 5N, Range 46E, Section 17,
SW, 1/4 of SE, 1/4 Govt. Lot 4, BM., County of TETON

Parcel (PIN) no. _____

Additional points of diversion if any: _____

If available, GPS Coordinates _____

- b. If instream flow, beginning point of claimed instream flow is:

Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4

Govt. Lot _____, BM., County of _____

ending point is: Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4

Govt. Lot _____, BM., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. _____

This right is diverted from the spring and conveyed through a pipeline to the city water supply system. The point of diversion listed above is the point where the conveyance system enters Idaho. The actual point of diversion is located in Wyoming in the NWSE Section 21 T44N R118W.

(both dates are inclusive MM-DD) (cfs) (acre feet)

For Municipal purposes from 1/01 to 12/31 amount 3.2 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) Municipal use is for the service area of the City of Driggs

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below
b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

[illegible]

10. In which county (ies) are lands listed above as place of use located? Teton

12. Describe any other water rights used at the same place and for the same purposes as described above.

13. Remarks: This right is based on decreed right 22-626, which was decreed January 24, 1938. The water was originally diverted from Teton Creek through the Grand Teton Canal Company. However, the City moved the diversion to the springs through an accomplished transfer to deliver this right through the water supply system.

Identification No. 22626

14. Basis of Claim (Check One) Beneficial Use () Posted Notice () License () Permit () Decree (✓)

Court _____ Decree Date 01/24/1938 Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number 22-626

15. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices in the Snake River Basin Adjudication." (b.) I/We do () do not (✓) wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date: _____

_____ Date: _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am

_____ of _____,
Title Organization

that I have signed the foregoing document in the space below as

_____ of _____,
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Jerry R. Riggs Date 12-7-12

Title and Organization ATTY FOR CLAIMANT

16. Notice of Appearance:

Notice is hereby given that I, Jerry R. Riggs, will be acting as attorney at law of behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Jerry R. Riggs Date 12-7-12

Address PO Box 250

Rexburg, ID 83440

Last Name Driggs Identification No. 22-626

