

**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. 22-626
) (NOW RECOMMENDED AS
) WATER RIGHTS 22-626,
) 22-14003 & 22-14109)
)
) 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. 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 ("Court") has jurisdiction of the parties and subject matter to enter a partial decree for this water right; and 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.

City of Driggs water right 22-626 was originally claimed and recommended for 3.20 cfs of water from a source of Teton Creek. City of Driggs water right 22-14003 was claimed and recommended for 1.0 cfs of water from a spring source. The recommendation of right 22-626 was objected to; the recommendation of right 22-14003 was not.

Through objection resolution, it was discovered the quantity of 3.2 cfs recommended for right 22-626 should have been reduced in order to recognize the 1.0 cfs recommended for water right 22-14003, a right based on Wyoming Permit No. 11330. The quantity of right 22-626 has also been reduced by an additional 1.5 cfs in order to recognize a use now identified as right 22-14109, based on Wyoming Permit No. 7265E.

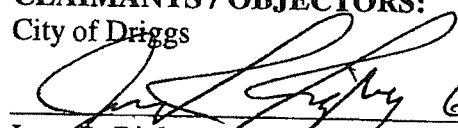
Water rights 22-14003 and 22-14109 were appropriated in Wyoming but the quantity of water diverted under these rights is charged against Idaho's allocation of the Teton Creek Drainage as set forth in *Roxana Canal Co. v. Daniels, Equity No. 2447* (D. Wy. Feb. 4, 1941). The recommended source of rights 22-14003 and 22-14109 is "Spring," tributary to Teton Creek as noted on the Wyoming permits. The recommended point of diversion for both rights is where the conveyance system enters Idaho. The recommended priority dates for both rights stem from the Wyoming permits. However, the priority date of June 8, 1999, recommended for right 22-14109, has been conditioned to acknowledge the January 22, 1916 priority date recommended for right 22-626, which supplied the quantity of water (1.5 cfs) recommended for right 22-14109.

Water right 22-626 retains 0.70 cfs of the 3.20 cfs originally recommended under this right from the Teton Creek source.

The recommendation for right 22-14003 currently before the Court is correct and does not require amendment. Accordingly, that recommendation is not included here. The parties and IDWR agree and stipulate that water rights 22-626 and 22-14109 should be decreed as shown on the attached pages. The parties and IDWR have further indicated their concurrence by signing below and initialing the attached pages.

CLAIMANTS / OBJECTORS:

City of Driggs


Jerry R. Rigby

Date

Attorney for the City of Driggs

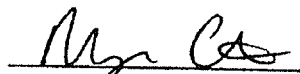
IDWR CONCURRENCE:


Carter Fritschle

Date

Manager, Adjudication Section

IDWR CONCURRENCE:


Meghan Carter

Date

Deputy Attorney General

Attorney for IDWR

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

04/28/2014

RIGHT NUMBER: 22-626

NAME AND ADDRESS: CITY OF DRIGGS
PO BOX 48
DRIGGS ID 83422

SOURCE: TETON CREEK
TRIBUTARY: TETON RIVER

QUANTITY: ~~3-20~~ 0.70 CFS
The quantity of water diverted under this water right shall be from the portion awarded to Idaho and deducted therefrom as set forth in Roxana Canal Co. v. Daniels, Equity No. 2447 (D. Wy. Feb. 4, 1941).

PRIORITY DATE: 01/22/1916

POINT OF DIVERSION: T05N R46E S20 NWNE Lot 1 Within TETON County
The point of diversion for this water right is in Wyoming, T44N, R118W, S29, NWNW, Sixth Principal Meridian.
The point of diversion shown above is where the conveyance system enters Idaho.

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MUNICIPAL	01/01 12/31	~~3-20~~ 0.70 CFS

PLACE OF USE: Place of use is within the service area of the City of Driggs municipal water supply system as provided for under Idaho Law.

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.

This water right is subject to the delivery provisions contained in Roxana Canal Co. v. Daniels, Equity No. 2447 (D. Wy. Feb. 4, 1941) ("Roxana decree"). Nothing in this Partial Decree is intended to relieve or alter the state of Idaho nor the state of Wyoming from their obligations contained in the Roxana decree.

The remainder of this right was recommended as right nos. 22-14003 and 22-14109.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

Water is delivered through the Grand Teton Canal.

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

04/28/2014

RIGHT NUMBER: 22-14109

NAME AND ADDRESS: CITY OF DRIGGS
PO BOX 48
DRIGGS ID 83422

SOURCE: SPRING

TRIBUTARY: TETON CREEK

QUANTITY: 1.500 CFS

The quantity of water diverted under this water right shall be from the portion awarded to Idaho and deducted therefrom as set forth in Roxana Canal Co. v. Daniels, Equity No. 2447 (D. Wy. Feb. 4, 1941).

PRIORITY DATE: 06/08/1999

Pursuant to a call in times of scarcity when water diverted under this right is charged against that part of the flow of the Teton Creek Drainage allocated to Idaho by the stipulation which is part of the "Roxanna Decree" of the United States District Court entered on February 4, 1941, including the clarifying agreement attached thereto, this water right has an Idaho priority date of January 22, 1916.

POINT OF
DIVERSION:

T05N R46E S17 SWSE Lot 4 Within TETON County

The point of diversion for this water right is in Wyoming, T44N, R118W, S21, NWSE, Sixth Principal Meridian.
The point of diversion shown above is where the conveyance system enters Idaho.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
MUNICIPAL

PERIOD OF USE
01/01 12/31

QUANTITY
1.500 CFS

PLACE OF USE:

Place of use is within the service area of the City of Driggs municipal water supply system as provided for under Idaho Law.

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.

This water right is subject to the delivery provisions contained in Roxana Canal Co. v. Daniels, Equity No. 2447 (D. Wy. Feb. 4, 1941) ("Roxana decree"). Nothing in this Partial Decree is intended to relieve or alter the state of Idaho nor the state of Wyoming from their obligations contained in the Roxana decree.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

This right is based on Wyoming Certificate of Appropriation of Water under Permit No. 7265E.

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JLL*

CERTIFICATE OF MAILING

I certify that on June 4th, 2014, I mailed the original and copies of this form, including all attachments, postage prepaid and addressed as follows:

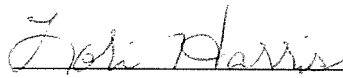
1. Original to:

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

Jerry R. Rigby
Rigby, Andrus & Rigby Law PLLC
P.O. Box 250
Rexburg, ID 83340



Signature of person mailing documents