

DEPARTMENT OF
WATER RESOURCES

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

JUN 12 2014

By _____
DISTRICT OF THE _____
TWIN FALLS _____
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

**SPECIAL MASTER'S REPORT AND
RECOMMENDATION; FINDINGS OF
FACT AND CONCLUSIONS OF LAW**

FOR WATER RIGHTS: 22-626, 22-14003, and 22-14109

I. FINDINGS OF FACT

A notice of claim was filed for water rights 22-626 and 22-14003 pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Reports* contained recommendations for the elements of water rights 22-626 and 22-14003.

An *Objection* was filed to 22-626 by the City of Driggs on March 3, 2014. There was no objection filed to 22-14003. The *Objection* was resolved on June 5, 2014 with the filing of a *Standard Form 5*. All parties to the subcase and IDWR are signatories to the *Standard Form 5*. The resolution of the objection resulted in recommendations for 22-626, 22-14003, and 22-14109, which are all derived from 22-626.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, IT IS RECOMMENDED that this water right be **decreed** with the elements set forth in the attached *Special Master's Recommendation for Partial Decree*.

DATED: June 12, 2014.

Brigette Bilyeu
BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

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JUN 13 2014

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

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

JUN 12 2014

In Re SRBA)
)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 22-00626

By

Clerk

Deputy Clerk

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

SOURCE: TETON CREEK TRIBUTARY: TETON RIVER

QUANTITY: 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 LOT 1 (NWNE) 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:

PURPOSE OF USE
Municipal

PERIOD OF USE
01-01 TO 12-31

QUANTITY
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 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.

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. I.C. SECTION 42-1412(6).

RECOMMENDATION

JUN 12 2014

David H. Hagen
SPECIAL MASTER

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

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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

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
JUN 12 2014	
By _____	Clerk
Deputy Clerk	

In Re SRBA)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Case No. 39576)
Water Right 22-14003

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

SOURCE: SPRING TRIBUTARY: TETON CREEK

QUANTITY: 1.00 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: 06/28/1912

POINT OF DIVERSION: T05N R46E S17 LOT 4 (SWSE) 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	PERIOD OF USE	QUANTITY
	Municipal	01-01 TO 12-31	1.00 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 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.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

RECOMMENDATION
JUN 12 2014
<i>[Signature]</i>
SPECIAL MASTER

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

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JUN 13 2014

DEPARTMENT OF
WATER RESOURCES

In Re SRBA)
Case No. 39576)

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

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 22-14109

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUN 12 2014	
By _____	Clerk
	Deputy Clerk

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

SOURCE: SPRING TRIBUTARY: TETON CREEK

QUANTITY: 1.50 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 LOT 4 (SWSE) 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	PERIOD OF USE	QUANTITY
	Municipal	01-01 TO 12-31	1.50 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 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.

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. I.C. SECTION 42-1412(6).

RECOMMENDATION

JUN 12 2014

David H. Lyon
SPECIAL MASTER

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

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JUN 13 2014

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
JUN 12 2014	
By _____	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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

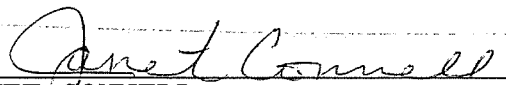
Water Right(s): 22-00626
22-14003 22-14109

On June 12, 2014, Special Master BRIGETTE BILYEU issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

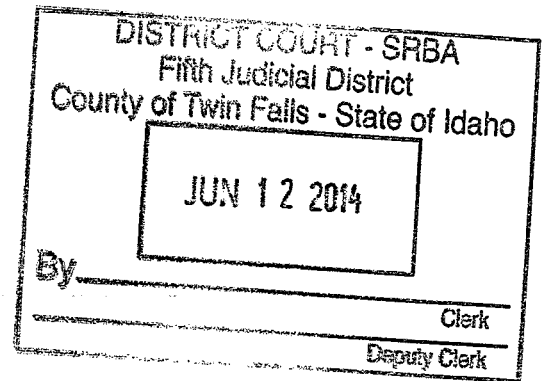
DATED June 12, 2014.


JANET CONNELL
Deputy Clerk

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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)

Case No. 39576)

CERTIFICATE OF MAILING

Water Right(s): 22-00626
22-14003 22-14109

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on June 12, 2014, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

CITY OF DRIGGS

Represented by:

JERRY R RIGBY

25 N 2ND E

PO BOX 250

REXBURG, ID 83440-0250

Phone: 208-356-3633

JANET CONNELL
Deputy Clerk

CERTIFICATE OF MAILING

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06/12/14