

370

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: A29-02382
Date Received: 3/28/1990 4/19/90
Receipt No: 0016458
Received By: RRT

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CITY OF POCA TELLO
Address: P.O. BOX 4169
POCA TELLO, ID

83205

2. Date of Priority: DEC 21, 1956

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	34E	12	NW	SE			BANNOCK

5. Description of diverting works:
WELL (HIGHLAND GOLF COURSE), PUMP, PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	3.820		

7. Total Quantity Appropriated is:
3.820 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 800.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	34E	12	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0

Section Acres 160.0

A29-02382

Page 1

Date: 04/16/90

MICROFILMED

NOV 13 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	35E	7	NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
						Section Acres	160.0
						Total Acres	320.0

11. Place of use in counties: BANNOCK

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 26676

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice 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 Organizations:

I do solemnly swear or affirm that I am MAYOR Title _____ of CITY OF POCA TELLO Organization, that I have signed the foregoing document in the space below as MAYOR Title _____ of CITY OF POCA TELLO Organization and that the statements contained in the foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

MAYOR / CITY OF POCA TELLO
Title and Organization

4-17-90
Date

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 18th day
of April 19 90

[Signature]
Notary Public

Seal

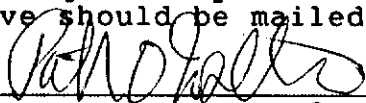
Residing at Pocatello
My Commission Expires 8-18-91

17. Notice of Appearance.

Notice is hereby given that I, Patrick D. Costello will be
Print Name

acting as attorney at law on 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



Address

775 N. 8th Boise, ID 83702

Date

4/16/90

REMARKS

The Claimant's water supply system for distribution of all of its ground water and surface water supplies includes various reservoir and tank storage facilities, which are capable of being fully recharged by the quantity of water available in a 24-hour period from all of the city's sources of water. Right to use such storage facilities is therefore claimed as a part of the surface or ground water claim asserted herein.

MICROFILMED
NOV 13 1992

Log for claim A29-02382

Spatial Dynamics LTD

9/20/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
06s34e	12	NENE	40	36	
06s34e	12	NWNE	40	38	
06s34e	12	SWNE	40	31	
06s34e	12	SENE	40	28	
06s35e	7	NENW	40	38	
06s35e	7	NWNW	40	30	
06s35e	7	SWNW	40	26	
06s35e	7	SENW	40	36	
Totals:			320	263	

AJ5809NP
No. A29-02382

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/24/00
PAGE: 53

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CITY OF POCATELLO PO BOX 4169 POCATELLO ID 832054169	12/21/1956	IRRIGATION	03-15 11-15	3.820 CFS	
					TOTAL DIVERSION: CONSUMPTIVE USE:	3.820 CFS 800.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T06S R34E S12

NWSE

BANNOCK County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
06S	34E	12	:	40		40		40		40											160.0
06S	35E	7	:							40		40		40							160.0
																				TOTAL ACRES	320.0

POU County: BANNOCK

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A29-11609 A29-12877

Remarks: GEN NOTICE OF CHANGE OF FIRM AND ADDRESS REC'D 12/21/1993 SAS.
CONFORMED ATTORNEY ADDRESS DMS
ATTORNEY-BEEMAN CHANGED FIRMS, RETAINED CLIENTS, PER COURT LETTER
DATED 7/7/95. DMS 8/1/95.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 04/23/90 HARRINGT 04/16/92 CAN-SHAF 05/26/94 SSHERMAN 06/23/94 COX
03/29/95 DSMITH 03/29/95 POST-STD 08/01/95 DSMITH 04/12/00 CVANDERM

State of Idaho License and Certificate of Water Right

Water License No. G-26676

Amount 3.82 c.f.s.

Water District No.

Priority December 21, 1956

THIS IS TO CERTIFY that A. Y. SATTERFIELD et al - Assignee - POCATELLO CREEK DEVELOPMENT CO., INC. of Pocatello, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated December 21, 1956; that Permit No. G-26676 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 3.82 second feet, was issued thereunder on October 11, 1962, showing that said works were completed on the 19th day of June, 1962; and that on the 19th day of June, 1962, POCATELLO CREEK DEVELOPMENT CO., INC.

of Pocatello, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well, a tributary of subterranean flow, for the purpose of irrigation and domestic use, under Use Permit No. G-26676 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 12 of Licenses at page 7488, on the 11 day of October, 1962; The right hereby confirmed dates from December 21, 1956;

The Point of Diversion is located

in the NW 1/4 SE 1/4 Sec. 12, Tp. 6S, R. 34 E, B. M. Barnock County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 3.82 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
6 S	34 E	12	NE ₁ NE ₁	40	40
			NW ₁ NE ₁	40	40
			SW ₁ NE ₁	40	40
			SE ₁ NE ₁	40	40
6 S	35 E	7	NE ₁ NW ₁	40	40
			NW ₁ NW ₁	40	40
			SW ₁ NW ₁	40	40
			SE ₁ NW ₁	40	40
				40	40
Total number of acres to be irrigated:				320	

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 11th day of October, 1962.

/s/ RALPH W. THOMAS
Deputy State Reclamation Engineer.

(SEAL)

APPLICATION FOR PERMIT 29-

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 34578
 Permit No. G- 26676
 District No.

A. Y. Satterfield
 436 North Main St.
 Pocatello, Idaho

1. Name of Applicant: A. Y. SATTERFIELD, L. T. DAHL & E. H. BARRETT
 Postoffice address: Pocatello County: Bannock State: Idaho
 Assigned to *Pocatello, Bannock*
2. Quantity of water claimed: 7.0 c.f.s.
 (a) Rate of withdrawal in cubic feet per second. 7 or Idaho
 Miners' inches 350 or gallons per minute.
 (b) Annual withdrawal in acre feet per annum 1900
3. Source of water supply: Underground Well No. 5
4. Location of point of diversion or well is in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 11
 Twp. 6 S. , Rge. 34 E. , B.M., County of Bannock
5. Water is to be used for: Irrigation and domestic purposes
6. If for municipal, industrial or recreational purposes, give:
 - (a) Point of use of water is in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp.
 Rge. , B. M
 - (b) Waste water or sewage effluent is to be returned to
 at a point in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp. , Rge. , B. M.
7. Kind of works: Drilled well, turbine pump, pipe distribution and sprinkler system.
8. Estimated cost of works: \$76,000
9. (a) Is reservoir to be used? No.
 (b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.
11. If applicant is a corporation, give:
 - I. (a) Date and place of incorporation:
 (b) Amount of capital stock: \$ (c) Amount paid in: \$
 (d) Names and addresses of directors:
 - II. The financial resources of the applicant are (a) Cash on hand: \$
 (b) Treasury stock: (c) Bonds to be issued:
 (d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None
 - (a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
 - (b) (cubic feet per second, inches or gallons per minute) is for new lands.

Remarks:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

A. Y. Satterfield
L. T. Dahl
E. H. Barrett *Applicant.*

By /s/ A. Y. Satterfield *Agent.*

Date of first receipt at Department of Reclamation: 9:00 A.M. December 21, 1956

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G-26676

Recorded in Book 94 Page 26676 Approved January 9, 1957

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ to be filed on or before

Work to begin on or before and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before July 9, 1959.

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made on or before January 9, 1962.

Witness my hand this 9th day of January, 1957.

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLIE, Governor of the State of Idaho, and JAS. H. YOUNG, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 9th day of January, 1957.

Countersigned:

STATE OF IDAHO

(SEAL)

By JAS. H. YOUNG

By ROBERT E. SMYLIE

Governor

Secretary of State.

12.

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
6 S	34 E	11	40	40	40		40	12	8	40									220
		12	40	40			40	40											160
																			380

Application for Amendment
POINT OF DIVERSION
Permit No. G-26676

Comes now A.Y. Satterfield, L. T. Dahl and E. H. Barrett and represents to the State Reclamation Engineer of the State of Idaho that they are the owners and holders of Permit to appropriate the Public Waters of the State of Idaho, No. G-26676.

That the point of diversion is described in said Permit as being located: SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 11, Twp. 6 S., Rge. 34 E., B. M.

That they now requests that the point of diversion be changed to a point located: NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 12, Twp. 6 S., Rge. 34 E., B. M.

That the reason for desiring to make such change is as follows: Well was drilled sometime ago in changed location- was unaware that change was not made in Point of Diversion.

That no one will be injured by such change and that such change will be made at Permit Holder's own risk.

Signed at Pocatello, Idaho, this 2nd day of March, 1962.

E. H. Barrett

Date of Receipt at Department of Reclamation March 5, 1962

APPROVAL OF STATE RECLAMATION ENGINEER

I, Ralph W. Thomas, Deputy State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. G-26676. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

s/ RALPH W. THOMAS
Deputy State Reclamation Engineer

Recorded: March 9, 1962

A S S I G N M E N T

For value received, I hereby assign my right, title, and interest in and to Permit to Appropriate the Public Waters of the State of Idaho, No. G-26676 to POCATELLO CREEK DEVELOPMENT COMPANY, Inc. An Idaho Corporation, of Pocatello, Idaho.

/s/ Ammon Y. Satterfield
/s/ Jane S. Satterfield
/s/ Lawrence T. Dahl
/s/ Lois G. Dahl

/s/ El. H. Berrett
Permit Holder
/s/ Amy J. Berrett
Wife of Permit Holder

STATE OF IDAHO)
 : ss
County of Bannock)

On this 13 day of March, 1962, before me, a Notary Public for the State of Idaho, residing at Pocatello, Idaho personally appeared Ammon Y. Satterfield, Jane S. Satterfield, Lawrence T. Dahl, Lois G. Dahl, E.H. Berrett and Amy Berrett known to me to be the persons whose names are subscribed to the within instrument, and duly acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal, the day and year in this certificate first above written.

/s/ Clarence Stephenson
Notary Public Residing at Pocatello, Idaho

My commission expires 1/5/65

(SEAL)

Application for Amendment -
LAND LIST
Permit No. G-26676

Comes now POCATELLO CREEK DEVELOPMENT COMPANY, Inc. and represents to the State Reclamation Engineer of the State of Idaho:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho, No. G-26676, and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows:

NE $\frac{1}{4}$, Sec. 12, T6S, Range 34 E1M; and Lots 1 and 2, and East One half of NW $\frac{1}{4}$, Sec. 7, T6S., Range 35 E., B. M., making a total of 320 acres.

That an additional amount of water is not asked for, and that the rights of others will not be adversely affected by such change.

Signed at Pocatello, Idaho, this 10th day of May, 1962.

s/ POCATELLO CREEK DEVELOPMENT COMPANY, Inc.

A. Y. Satterfield, Pres.

Date of Receipt at Office of Department of Reclamation: May 11, 1962

APPROVAL OF STATE RECLAMATION ENGINEER

I, RALPH W. THOMAS, Deputy State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to Appropriate the Public Waters of the State of Idaho, No. G-26676. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers, and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

s/ RALPH W. THOMAS, Deputy
State Reclamation Engineer

Recorded: May 16, 1962

Permit No. G-26676 ✓
CERTIFICATE OF COMPLETION OF WORKS

TO WHOM IT MAY CONCERN:

This is to certify that A. Y. SATTERFIELD et al - Assignee - POCAHELLO CREEK DEVELOPMENT CO., INC. of Pocatello, County of Blaine, and State of Idaho, the holder of Permit No. G-26676, issued upon Application No. G-34576 bearing date of priority of December 21, 1956, authorizing the diversion of 7.0 second feet of waters of a well County of Blaine, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 3.82 second feet of the waters of a well from subterranean flow; that the point of diversion of said waters is NE $\frac{1}{4}$ Sec. 12, T. 6 S., R. 34 E., B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: 320 acres in the NE $\frac{1}{4}$ Sec. 12, T. 6 S., R. 34 E., B.M.; NW $\frac{1}{4}$ Sec. 7, T. 6 S., R. 35 E., B.M.

Witness my hand this 11th day of October, A. D. 1962

/s/ RALPH W. THOMAS
Deputy State Reclamation Engineer

Date of Completion of Works Made: June 19, 1962

LICENSE ISSUED FOR 3.82 SEC. FT.

page 7488

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. G-26676

This proof is for Completion of Works & Beneficial Use In Water District No.

1. Name of applicant Pocatello Creek Development Co., 436 N. Main St., Pocatello, Idaho

2. Source of water supply: a well - subterranean

3. Location of point of diversion: Is in the NW 1/4 of Section 12

T. 6 S. R. 34 E. County of Bannock

4. Describe works as they exist, giving dimensions and capacities of same: 250 HP GEM Motor

* RTJ 429007, Layne-Bowker Pump # 27114 (1300 GPM @ 60' @ 1720 RPM)

435' x 12" Column, Well 720' x 20" reduced to 16"; H: 400' Id. 20' -

Booster -> 125 HP US Motor # 1171597, Layne-Bowker Pump # D00410. Setting on a

20' x 10' casing that acts as a sump for Booster pump. Plate welded

to bottom and bolt flange welded to top for Pump mounting. 10" by 10" ground

booster 12" main line from Booster then graduated down to 10", 8" & 6" main

5. Water is used for: irrigation and domestic

6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

NE 1/4, Sec. 12, T. 6 S., R. 34 E., B. M.; and Lots 1 & 2, and East One half

NW 1/4, Sec. 7, T. 6 S., R. 35 E., B. M. - 320 acres

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks: Mr. Stevenson along

Measurement made by taking pressure readings along each
lateral, added all pressure readings together and divided by number of reading
to get average because some of the readings were for other recorded discharges
in testing to bla.

This examination was made on the 28th day of September, 1967

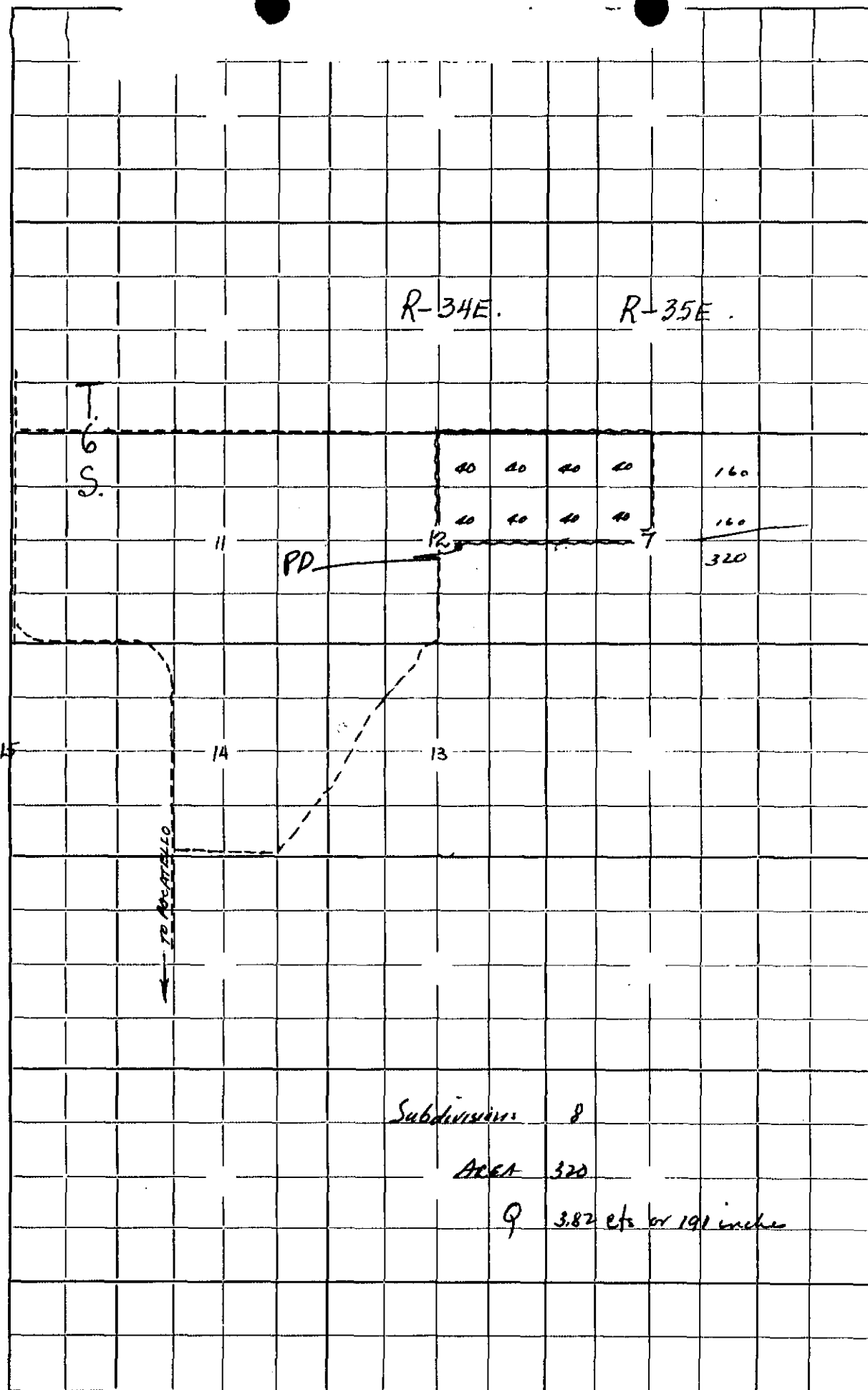
(Signed) L. Johnson Examiner.

26676

Driller: Glenn Hopkins

M. Skuman

Department of Information



Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

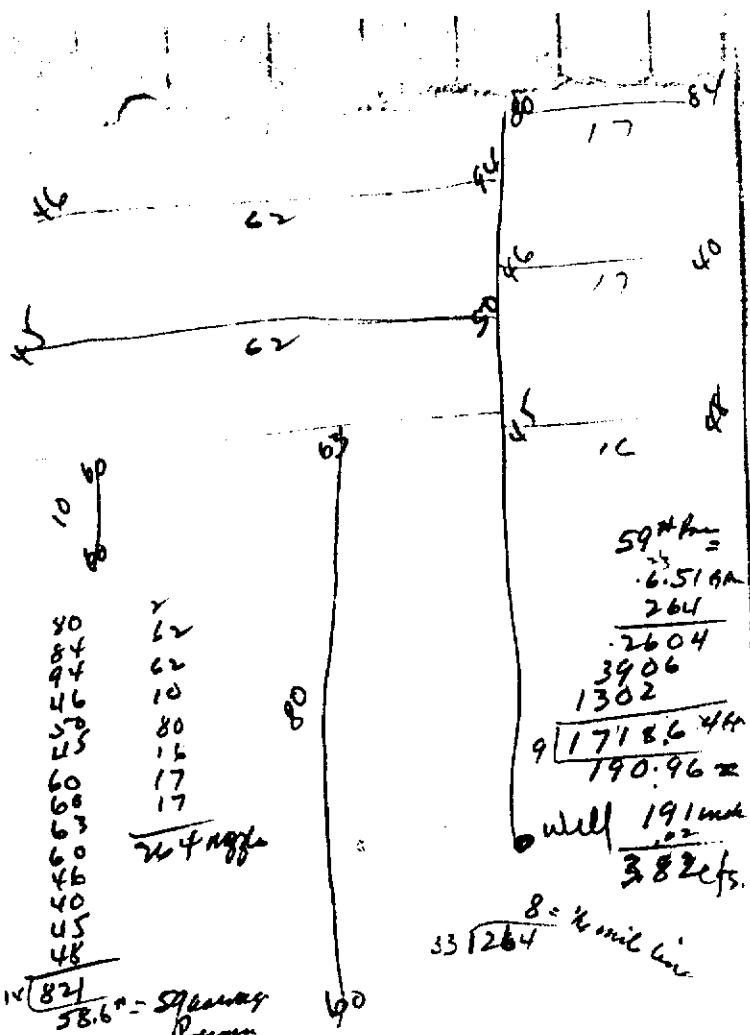
REPORT OF ENGINEER

PERMIT NO. G-26676

Pocatello Creek Development Co.
436 N. Main St., Pocatello, Idaho
Attn: H. S. Satterfield

REPORT ON PROOF OF ~~Completion of Works & Beneficial Use~~

26676



10 60
 80
 84 62
 94 62
 46 10
 53 80
 45 16
 60 17
 68 17
 63
 60
 46
 40
 45
 48
 12 824
 58.6 ft = square
 Perimeter

**DILLION
BOSCH
DAW
BOCK**
Chartered

Attorneys

Josephine P. Beeman
Les Bock
Allan R. Bosch
C. A. Daw
Lee B. Dillion
Robert Wreggelsworth

Fidelity Building
242 N. 8th St.
Suite 200
Boise, ID 83702

tel (208) 344-8990
fax (208) 344-9140

Internet E-mail to:
dbdb@micron.net

A29-02-82

AUG 04 1995

cc: Eastern
Southern

Department of Water Resources
Eastern District Office

July 7, 1995

RECEIVED

JUL 17 1995

OFFICE OF THE
ATTORNEY GENERAL

Diana Delaney, Chief Deputy Clerk
Snake River Basin Adjudication
253 3rd Ave. N.
P.O. Box 2707
Twin Falls, ID 83303-2707

RECEIVED

JUL 18 1995

Department of Water Resources
Adjudication Bureau

Re: Case No. 39576 and Subcases mailing lists

Dear Diana:

Please revise all court certificates of mailing, labels and service lists which include Josephine P. Beeman to reflect the following address change:

Josephine P. Beeman
Dillion, Bosch, Daw & Bock, Chtd.
Fidelity Building
243 N. 8th St., Suite 200
Boise, ID 83702

records modified by
Danni 8-1-95.

This change reflects a change in the law firm Ms. Beeman is associated with, but she remains legal counsel for all clients previously represented in SRBA matters.

By copy of this letter, I request counsel to similarly modify their service lists and labels.

Sincerely,

Dillion, Bosch, Daw & Bock
Chartered

By:

Debra L. Cline

Debra L. Cline, Administrative Assistant
to Josephine P. Beeman

cc: May 3, 1995 Court Certificate of Mailing for Expedited Hearings

NOV 13 1995

29-02382

RECEIVED

FEB 28 1994

Department of Water Resources

LAW OFFICE

MOFFATT, THOMAS, BARRETT, ROCK & FIELDS
CHARTERED

Eugene C. Thomas
John W. Barrett
R. B. Rock
Richard C. Fields
Robert E. Bakes
Paul S. Street
Larry C. Hunter
Glenna M. Christensen
Mark S. Prusynski
Morgan W. Richards, Jr.
Michael G. McPeck
Stephen R. Thomas
Jon S. Gorski
Gary T. Dance
Gerald T. Husch
Thomas V. Munson
Kirk R. Helvie

Thomas C. Morris
Michael E. Thomas
James C. deGlee
Christine E. Nicholas
Patricia M. Olsson
Grant T. Burgoyne
Stephen J. Olson
Patrick J. Kole
Andrew P. Doman
David S. Jensen
Ray E. Smith
Allen K. Davis
Bradley J. Williams
Mark A. Ellison
James L. Martin
Alan D. Malone
Josephine P. Beeman

FIRST SECURITY BUILDING
911 WEST IDAHO
POST OFFICE BOX 829
BOISE, IDAHO 83701

Telephone (208) 345-2000

Facsimile (208) 385-5384

February 25, 1994

Willis C. Moffatt
(1907-1980)

E. Renn Yorgason
Office Administrator

Gary T. Dance
Partner in Charge
Eastern Idaho Offices

IDAHO FALLS, IDAHO
525 Park Avenue, Suite 2D
Post Office Box 1367
83403

Telephone (208) 522-6700
Facsimile (208) 522-5111

POCATELLO, IDAHO
825 West Center, Suite C
Post Office Box 4941
83201

Telephone (208) 233-2001

Idaho WATS: 1 (800) 422-2889
ABA Net 010

Shelley Keen
Idaho Department of Water Resources
1301 N. Orchard Street
Boise, ID 83706

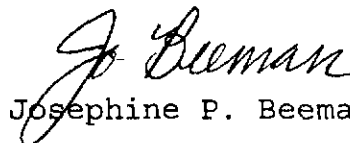
Re: City of Pocatello Reservoir List
MTBR&F File No. 15863.0000

Dear Shelley:

Enclosed is a copy of the City of Pocatello's reservoir list. Carter Fritschle reviewed the City's SRBA claims last summer and requested the reservoir list to confirm that the City's reservoir and tank storage facilities are capable of being fully recharged by the quantity of water available in a 24 hour period from all of the City's sources of water.

If you have any questions, do not hesitate to call.

Yours very truly,



Josephine P. Beeman

JPB/lis
Enclosure
cc: Dean Tranmer
Fred Ostler
Tom Dekker

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APR 12 1994

RECEIVED
FEB 28 1994
Department of Water Resources

CITY OF POCA TELLO
WATER STORAGE CAPACITY

Date: 8-30-93

The following is a summary of storage reservoirs:

NO.	LOCATION	DATE	CAPACITY (GAL)	STATUS
# 1	Reservoir Yard (NE $\frac{1}{4}$ SW $\frac{1}{4}$, 2-7S-34E)	1891	1,500,000	Abandoned
# 2	Reservoir Yard (NE $\frac{1}{4}$ NW $\frac{1}{4}$, 2-7S-34E)	1892	865,000	Abandoned
# 3	Reservoir Yard (NE $\frac{1}{4}$ NW $\frac{1}{4}$, 2-7S-34E)	1905	2,000,000	Abandoned
# 4	Reservoir Yard (NW $\frac{1}{4}$ NE $\frac{1}{4}$, 2-7S-34E)	1935	11,500,000	Abandoned
# 5	S End Valleyview (SE $\frac{1}{4}$ NE $\frac{1}{4}$, 33-6S-34E)	1950	300,000	In Use
# 6	Center & I-15 (SE $\frac{1}{4}$ SW $\frac{1}{4}$, 24-6S-34E)	1953	300,000	In Use
# 7	End E Cedar (SW $\frac{1}{4}$ NE $\frac{1}{4}$, 24-6S-34E)	1955	500,000	In Use
# 8	Reservoir Yard (SE $\frac{1}{4}$ SW $\frac{1}{4}$, 35-6S-34E)	1961	2,000,000	In Use
# 9	S End Valleyview (SE $\frac{1}{4}$ NE $\frac{1}{4}$, 33-6S-34E)	1964	20,000	In Use
#10	Satterfield & Terrace (SW $\frac{1}{4}$ SE $\frac{1}{4}$, 7-6S-35E)	1964	1,000,000	In Use
#11	Center & Apex (SW $\frac{1}{4}$ SE $\frac{1}{4}$, 19-6S-35E)	1973	2,000,000	In Use
#12	Birdie & Silverwood (SE $\frac{1}{4}$ NW $\frac{1}{4}$, 30-6S-35E)	1973	3,000,000	In Use
#13	Reservoir Yard (NE $\frac{1}{4}$ NW $\frac{1}{4}$, 2-7S-34E)	1975	5,000,000	In Use
#14	W End Juniper Hill (NW $\frac{1}{4}$ NE $\frac{1}{4}$, 13-7S-34E)	1978	500,000	In Use
#15	S End City Creek (NE $\frac{1}{4}$, 3-7S-34E)	1978	3,000,000	In Use
#16	Satterfield & Terrace (SW $\frac{1}{4}$ SE $\frac{1}{4}$, 7-6S-35E)	1985	3,000,000	In Use
#17	Airport - 10th Ave. & "B" St.	1969	150,000	In Use

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APR 12 1994

DAVIS WRIGHT TREMAINE

LAW OFFICES

702 WEST IDAHO STREET · SUITE 700 · BOISE, IDAHO 83702
(208) 338-8200

JOSEPHINE BEEMAN
(208) 338-8233

October 20, 1993

VIA FACSIMILE
503-231-6791

ATTENTION: Mr. Robert Fenton

Mr. Lynn Collins
Intermountain Regional Solicitor
United States Department of the Interior

Re: City of Pocatello Contracts for Water From the Fort Hall
Irrigation Project

Dear Mr. Collins:

We represent the City of Pocatello in the Snake River Basin Adjudication (SRBA). Earlier this month, the City Attorney for Pocatello forwarded to us letters which describe city acreage to be deleted from the SRBA claim for the Fort Hall Irrigation Project (Project). The letters explain that non-Indian land within the Project must have been irrigated between 1983 and 1987 in order to be included in the state law portion of the Project water right. The City of Pocatello's letters list 102.97 acres currently assessed by the Project. Based on actual irrigation between 1983 and 1987, the acreage would be reduced to 47.68 acres.

As a result of receiving these letters, the City of Pocatello has asked us to determine how many acres the City has under contract with the Fort Hall Irrigation Project and whether the amount of water under those contracts might be preserved for the City's use because of the unique status of municipal water rights under Idaho law. Generally, when a city acquires a water right, it can "grow into" the full amount of the water right and the water right is not subject to forfeiture.

In our efforts to understand the nature of the water right that the City of Pocatello holds within the Project (in direct contracts or assigned contracts), we have examined City records and we have asked for help from the Project (Alan Oliver), the Bureau of Indian Affairs (Robert Fenton), and the Idaho State law library to obtain historical documents regarding Project contracts held by Pocatello. We have also talked with David Shaw at the Idaho Department of Water Resources who directed us to you.

#70224W100045.LTR
Boise

Fax: (208) 338-8299

Antiquities Act, 1906, 16 U.S.C. § 431

Mr. Lynn Collins
October 20, 1993
Page 2

The City of Pocatello has records which indicate that some Project contracts were deeded to the City by individuals in exchange for municipal water when structural problems made Project water difficult to deliver within the City. The City has always understood that it would have a right to use the Project water, particularly since its own municipal supplies were used as a replacement for Project water.

We also have in our possession a 1936 contract between the City of Pocatello and the project engineer for the Fort Hall Irrigation Project which identifies 602.42 Project acres within the corporate limits of the City of Pocatello. The contract is a supplemental repayment contract and identifies earlier repayment contracts from 1907 and 1922 for the same land. We have obtained copies of the 1907 and 1922 Acts of Congress, but have not been able to obtain any of the rules, regulations, or contracts under those earlier Acts. The 1907 Act does state, "any town or city embraced within the project may acquire water rights sufficient for its needs on such terms and condition as the Secretary of the Interior may impose." Senator Dubois of Idaho provided a letter (to the Senate Committee on Indian Affairs) to accompany the 1907 bill which states that "the city of Pocatello, with a population now of 8,000, will be supplied with water at a price to be fixed by the Secretary of the Interior." The letter also explains that the City's price is different from the price for water to supply the agricultural lands of the Project.

We do not know if the 102.97 acres in the recent Project letters represent all of the Pocatello contracts, or whether the 1936 contract, which describes 602.42 acres may be one of a series of contracts representing assignments to the City when individual users switched from Project water to City water. Mr. Oliver is checking Project billing records to determine current Project acreage for Pocatello and to determine past assignment of contract rights to or from the City.

Pocatello would use the Project water within the city limits for existing and future needs, just as the City uses its other municipal water rights. The Project water is particularly suited for uses which do not require potable water.

I understand that you will arrive in Boise this evening for meetings Thursday and Friday related to the Fort Hall reserved right and the Fort Hall state-based water right. Due to your travel schedule, Mr. Fenton offered to deliver this fax to you.

Mr. Lynn Collins
October 20, 1993
Page 3

The City of Pocatello would like me to discuss their contract rights with you. I would welcome the opportunity to meet with you and can meet at your convenience. My office is across the street from the Attorney General's office and I can be reached at 338-8233.

Sincerely yours,

DAVIS WRIGHT TREMAINE

Josephine Beeman
Josephine P. Beeman

JPB:ma

cc: Dean Tranmer, Esq., City Attorney for Pocatello
Jack Hockberger, Esq.
Mr. Alan Oliver
Clive Strong, Esq.
Mr. David Shaw
Mr. Jeff Peppersack
Mr. Brent Spronk

NOV 19 1993

DEPARTMENT OF WATER RESOURCES
WATER RIGHTS NAME INDEX

DATE: 08/16/88
PAGE: 1

NAME	O C	WATER RIGHT NUMBER	STG STA	PRIORITY DATE	SOURCE OF WATER	TRIBUTARY TO
CITY OF POCATELLO	C	29-00262	D/	06/03/1907	SOUTH SPRINGS	
CITY OF POCATELLO	C	29-00271	D/	02/26/1869	MINK CREEK	PORTNEUF RIVER
CITY OF POCATELLO	C	29-00272	D/	10/01/1901	MINK CREEK	PORTNEUF RIVER
CITY OF POCATELLO	C	29-00273	D/	10/01/1917	MINK CREEK	PORTNEUF RIVER
CITY OF POCATELLO	C	29-02274	L/	06/15/1948	GROUNDWATER	
CITY OF POCATELLO	C	29-02338	L/	09/01/1953	GROUNDWATER	
CITY OF POCATELLO	C	29-02401	L/	10/16/1958	GROUNDWATER	
CITY OF POCATELLO	C	29-02499	L/	12/10/1964	GROUNDWATER	
CITY OF POCATELLO	C	29-04221	S/	06/01/1943	GROUNDWATER	
CITY OF POCATELLO	C	29-04222	S/	06/16/1898	GIBSON JACK CREEK, SOUTH FORK GIBSON JACK CREEK	GIBSON JACK CREEK PORTNEUF RIVER
CITY OF POCATELLO	C	29-04223	S/	10/01/1962	GROUNDWATER	
CITY OF POCATELLO	C	29-04224	S/	09/15/1955	GROUNDWATER	
CITY OF POCATELLO	C	29-04225	S/	08/15/1956	GROUNDWATER	
CITY OF POCATELLO	C	29-04226	S/	10/01/1955	GROUNDWATER	
CITY OF POCATELLO	C	29-07106	L/	11/06/1972	GROUNDWATER	
CITY OF POCATELLO	C	29-07118	L/	04/11/1973	GROUNDWATER	
CITY OF POCATELLO	C	29-07119	L/	04/11/1973	GROUNDWATER	
CITY OF POCATELLO	C	29-07322	L/	04/25/1976	GROUNDWATER	
CITY OF POCATELLO	C	29-07375	L/	02/24/1977	GROUNDWATER	
CITY OF POCATELLO	C	29-07431	L/	12/29/1977	WASTE WATER	PORTNEUF RIVER
CITY OF POCATELLO	C	29-07450	L/	06/13/1978	GROUNDWATER	
CITY OF POCATELLO	C	29-07700	A/	04/27/1983	GROUNDWATER	
CITY OF POCATELLO	C	29-07770	A/	05/21/1984	GROUNDWATER	
CITY OF POCATELLO	C	29-07782	P/	01/18/1985	GROUNDWATER	

RECEIVED

DATE 8-18-88

SIGNED 2187
POCATELLO WATER DEPT.

26676/29-2382

HIGHLAND GOLF COURSE

3.82

December 21 1956

Was

of

public waters of the State of Idaho, dated December 21, 1956, and was a right to use water for the purpose of irrigation.

1.00 cfs, was hereby confirmed on the 11th day of October, 1956.

was a right to use water for the purpose of irrigation.

day of June, 1956.

of Coocattello, State of Idaho, hereby granted to the

State Reclamation Engineer of Idaho, of the right to use the water

, a tributary of the Snake River, for the purpose of irrigation

domestic use, under Use Permit No. 9-3376 of the Department of Water

and that said right to the use of said water has been perfected in accordance with the laws of Idaho

and is hereby confirmed by the State Reclamation Engineer of Idaho and under the provisions of

12 of Licenses at page 7403, on the 11 day of October

The right hereby confirmed dates from December 21, 1956.

The Point of Diversion is located

in the NW 1/4 SE 1/4, Sec. 12, Tp. 6S, R. 3E, B. M. Burlock Cont.

That the amount of water to which such right is entitled and hereby confirmed, for the purpose aforesaid, is limited to an amount actually needed and beneficially used for said purpose

not exceed 3.82 cubic feet per second.

Investigation and location of

Tract	Acres	Owner	Water Right	Point of Diversion
1	2.00	10	1.00 cfs	1.00 cfs
2	2.00	10	1.00 cfs	1.00 cfs
3	2.00	10	1.00 cfs	1.00 cfs
4	2.00	10	1.00 cfs	1.00 cfs
5	2.00	10	1.00 cfs	1.00 cfs
6	2.00	10	1.00 cfs	1.00 cfs
7	2.00	10	1.00 cfs	1.00 cfs
8	2.00	10	1.00 cfs	1.00 cfs
9	2.00	10	1.00 cfs	1.00 cfs
10	2.00	10	1.00 cfs	1.00 cfs
11	2.00	10	1.00 cfs	1.00 cfs
12	2.00	10	1.00 cfs	1.00 cfs
13	2.00	10	1.00 cfs	1.00 cfs
14	2.00	10	1.00 cfs	1.00 cfs
15	2.00	10	1.00 cfs	1.00 cfs
16	2.00	10	1.00 cfs	1.00 cfs
17	2.00	10	1.00 cfs	1.00 cfs
18	2.00	10	1.00 cfs	1.00 cfs
19	2.00	10	1.00 cfs	1.00 cfs
20	2.00	10	1.00 cfs	1.00 cfs
21	2.00	10	1.00 cfs	1.00 cfs
22	2.00	10	1.00 cfs	1.00 cfs
23	2.00	10	1.00 cfs	1.00 cfs
24	2.00	10	1.00 cfs	1.00 cfs
25	2.00	10	1.00 cfs	1.00 cfs
26	2.00	10	1.00 cfs	1.00 cfs
27	2.00	10	1.00 cfs	1.00 cfs
28	2.00	10	1.00 cfs	1.00 cfs
29	2.00	10	1.00 cfs	1.00 cfs
30	2.00	10	1.00 cfs	1.00 cfs
31	2.00	10	1.00 cfs	1.00 cfs
32	2.00	10	1.00 cfs	1.00 cfs
33	2.00	10	1.00 cfs	1.00 cfs
34	2.00	10	1.00 cfs	1.00 cfs
35	2.00	10	1.00 cfs	1.00 cfs
36	2.00	10	1.00 cfs	1.00 cfs
37	2.00	10	1.00 cfs	1.00 cfs
38	2.00	10	1.00 cfs	1.00 cfs
39	2.00	10	1.00 cfs	1.00 cfs
40	2.00	10	1.00 cfs	1.00 cfs
41	2.00	10	1.00 cfs	1.00 cfs
42	2.00	10	1.00 cfs	1.00 cfs
43	2.00	10	1.00 cfs	1.00 cfs
44	2.00	10	1.00 cfs	1.00 cfs
45	2.00	10	1.00 cfs	1.00 cfs
46	2.00	10	1.00 cfs	1.00 cfs
47	2.00	10	1.00 cfs	1.00 cfs
48	2.00	10	1.00 cfs	1.00 cfs
49	2.00	10	1.00 cfs	1.00 cfs
50	2.00	10	1.00 cfs	1.00 cfs
51	2.00	10	1.00 cfs	1.00 cfs
52	2.00	10	1.00 cfs	1.00 cfs
53	2.00	10	1.00 cfs	1.00 cfs
54	2.00	10	1.00 cfs	1.00 cfs
55	2.00	10	1.00 cfs	1.00 cfs
56	2.00	10	1.00 cfs	1.00 cfs
57	2.00	10	1.00 cfs	1.00 cfs
58	2.00	10	1.00 cfs	1.00 cfs
59	2.00	10	1.00 cfs	1.00 cfs
60	2.00	10	1.00 cfs	1.00 cfs
61	2.00	10	1.00 cfs	1.00 cfs
62	2.00	10	1.00 cfs	1.00 cfs
63	2.00	10	1.00 cfs	1.00 cfs
64	2.00	10	1.00 cfs	1.00 cfs
65	2.00	10	1.00 cfs	1.00 cfs
66	2.00	10	1.00 cfs	1.00 cfs
67	2.00	10	1.00 cfs	1.00 cfs
68	2.00	10	1.00 cfs	1.00 cfs
69	2.00	10	1.00 cfs	1.00 cfs
70	2.00	10	1.00 cfs	1.00 cfs
71	2.00	10	1.00 cfs	1.00 cfs
72	2.00	10	1.00 cfs	1.00 cfs
73	2.00	10	1.00 cfs	1.00 cfs
74	2.00	10	1.00 cfs	1.00 cfs
75	2.00	10	1.00 cfs	1.00 cfs
76	2.00	10	1.00 cfs	1.00 cfs
77	2.00	10	1.00 cfs	1.00 cfs
78	2.00	10	1.00 cfs	1.00 cfs
79	2.00	10	1.00 cfs	1.00 cfs
80	2.00	10	1.00 cfs	1.00 cfs
81	2.00	10	1.00 cfs	1.00 cfs
82	2.00	10	1.00 cfs	1.00 cfs
83	2.00	10	1.00 cfs	1.00 cfs
84	2.00	10	1.00 cfs	1.00 cfs
85	2.00	10	1.00 cfs	1.00 cfs
86	2.00	10	1.00 cfs	1.00 cfs
87	2.00	10	1.00 cfs	1.00 cfs
88	2.00	10	1.00 cfs	1.00 cfs
89	2.00	10	1.00 cfs	1.00 cfs
90	2.00	10	1.00 cfs	1.00 cfs
91	2.00	10	1.00 cfs	1.00 cfs
92	2.00	10	1.00 cfs	1.00 cfs
93	2.00	10	1.00 cfs	1.00 cfs
94	2.00	10	1.00 cfs	1.00 cfs
95	2.00	10	1.00 cfs	1.00 cfs
96	2.00	10	1.00 cfs	1.00 cfs
97	2.00	10	1.00 cfs	1.00 cfs
98	2.00	10	1.00 cfs	1.00 cfs
99	2.00	10	1.00 cfs	1.00 cfs
100	2.00	10	1.00 cfs	1.00 cfs