

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: A29-07118
Date Received: 3/28/1990 4/14/90
Receipt No: C016458
Received By: RAJ

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: APR 11, 1973

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	33E	16	NW	SW			POWER

5. Description of diverting works:
WELL (AIRPORT), PUMP & PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	4.010		975.00

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

8. Total consumptive use is 697.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	33E	16	SW	NW		IRR	40.0
			SE	NW		IRR	32.0
			NE	SW		IRR	32.0
			NW	SW		IRR	40.0

A29-07118

Page 1

Date: 04/16/90

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	33E	16	SW	SW		IRR	28.0
			SE	SW		IRR	12.0
					Section Acres		184.0
		17	SE	NE		IRR	32.0
			NE	SE		IRR	32.0
			SE	SE		IRR	30.0
					Section Acres		94.0
		20	NE	NE		IRR	1.0
					Section Acres		1.0
					Total Acres		279.0

11. Place of use in counties: POWER

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

13. Other Water Rights Used:
NONE

14. Remarks:
AC. IRR.=278.5.
P/U WITHIN CITY LIMITS OF POCA TELLO.

15. Basis of Claim: LICENSE

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 of _____ Title

CITY OF POCA TELLO, that I have signed the foregoing
Organization
document in the space below as MAYOR of _____ Title

CITY OF POCA TELLO and that the statements contained in the
Organization
foregoing document are true and correct.

Rein Christoff
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

Connie Lee Blackburn
Notary Public

Seal

Residing at Pocatello

My Commission Expires 8-18-91

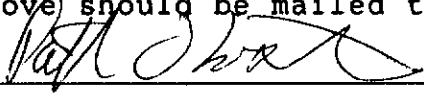
17. Notice of Appearance

Notice is hereby given that I, _____ 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.

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NOV 13 1992

Log for claim A29-07118

Spatial Dynamics AMH

7/17/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
06s33e	16	SWNW	40	40	
06s33e	16	SENW	32	26	
06s33e	16	NESW	32	27	
06s33e	16	NWSW	40	40	
06s33e	16	SWSW	28	28	
06s33e	16	SESW	12	15	
06s33e	17	SENE	32	40	
06s33e	17	NESE	32	40	
06s33e	17	SESE	30	39	
06s33e	20	NENE	1	2.3	
Totals:			279	297.3	

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CITY OF POCA TELLO PO BOX 4169 POCA TELLO ID 832054169	04/11/1973	IRRIGATION	04-01 11-01	4.010 CFS	975.00 AFA
					TOTAL DIVERSION: CONSUMPTIVE USE:	4.010 CFS 697.50 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T06S R33E S16

NWSW

POWER 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	33E	16	:									40	32			32	40	28	12	:	184.0
06S	33E	17	:																	:	94.0
06S	33E	20	:	01																:	1.0
																				TOTAL ACRES	279.0

POU County: POWER

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A29-11609 A29-12877Other Water Rights Listing Overlapping Place(s) of Use:
A29-04104 A29-07403 A29-07480

Conditions of Approval:

- 001 - A measuring device of a type approved by the Department shall
- be permanently installed and maintained as part of the diverting
- works.
- 016 - See remarks for additional conditions of approval.

Remarks: GEN AC. IRR.=278.5.
P/U WITHIN CITY LIMITS OF POCA TELLO.
NOTICE OF CHANGE OF FIRM AND ADDRESS REC'D 12/21/1993 SAS.
CONFORMED ATTORNEY ADDRESS DMS
NOTICE OF CHNAGE OF FIRM AND ADDRESS REC'D 7/7/95 DMS.

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 07/25/94 THOMPSON

AJ5809NP
No. A29-07118

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/23/00
PAGE: 52

Audit: 03/29/95 DSMITH 03/29/95 POST-STD 08/01/95 DSMITH 04/12/00 CVANDERM

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 29-7118 Priority April 11, 1973 Amount 4.01 cfs

THIS IS TO CERTIFY, that CITY OF POCATELLO
of Pocatello, Idaho, has complied with the terms and conditions of Permit
No. 29-7118 issued pursuant to Application for Permit dated April 11, 1973,
and has submitted proof to the Department of Water Resources on May 29, 1974,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 4.01 cfs of water from a ground water source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>April 1</u> to <u>Nov. 1</u>	at <u>4.01</u> cfs and	<u>975 acre feet or</u>
	from _____ to _____	_____ cfs and	<u>3.5 af per acre</u>
	from _____ to _____	at _____ cfs and	
(both dates inclusive)			

Subject, however, to the condition that no more than 4.01 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed

975 acre feet per year, said waters to be diverted within the NW 1/4 SW 1/4 of Sec. 16,
Twp. 6 S, Rge. 33 E, B. M. in the County of Power

Description and location of place of use:

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6 S	33 E	16							40	32	32	40	32	12					184
		17				32								32				30	94
		20	0.5																0.5

Total number of acres irrigated 278.5

A measuring device of a type approved by the Department shall be permanently
maintained as part of the diverting works.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 9 day of
January, 19 75

Director

MICROFILMED

Identification No. 29 7118

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
APPLICATION FOR PERMIT

APPROVED

To Appropriately the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant CITY OF POCATELLO, IDAHO c/o Anton Smith
post office address City Hall, Pocatello, Idaho 83201 Star Route
Pocatello, Idaho
2. Source of water supply groundwater which is a tributary of _____
3. a. Location of point of diversion is NW $\frac{1}{4}$ $\frac{1}{4}$ of SW $\frac{1}{4}$ $\frac{1}{4}$ of Section 16 Township 6S
Range 33E. B.M. Power County; additional points of diversion if any: _____
None
- b. If water is not consumed, it will be discharged into N/A at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 6.0 cfs or irrigation purpose from April 1 to Nov 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 6.0 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Pump, Diesel Engine w/ 14" bowls
20" casing (150 hp U.S. Electric Motor w/ 100 hp booster) (Peerless pump)
- b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
- c. Proposed well diameter is 20 inches; proposed depth of well is 284 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 1 year years.
b. Estimated construction cost is \$ \$20,000.00.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____
(5) If water is to be used for other purposes describe: _____

29 7118

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

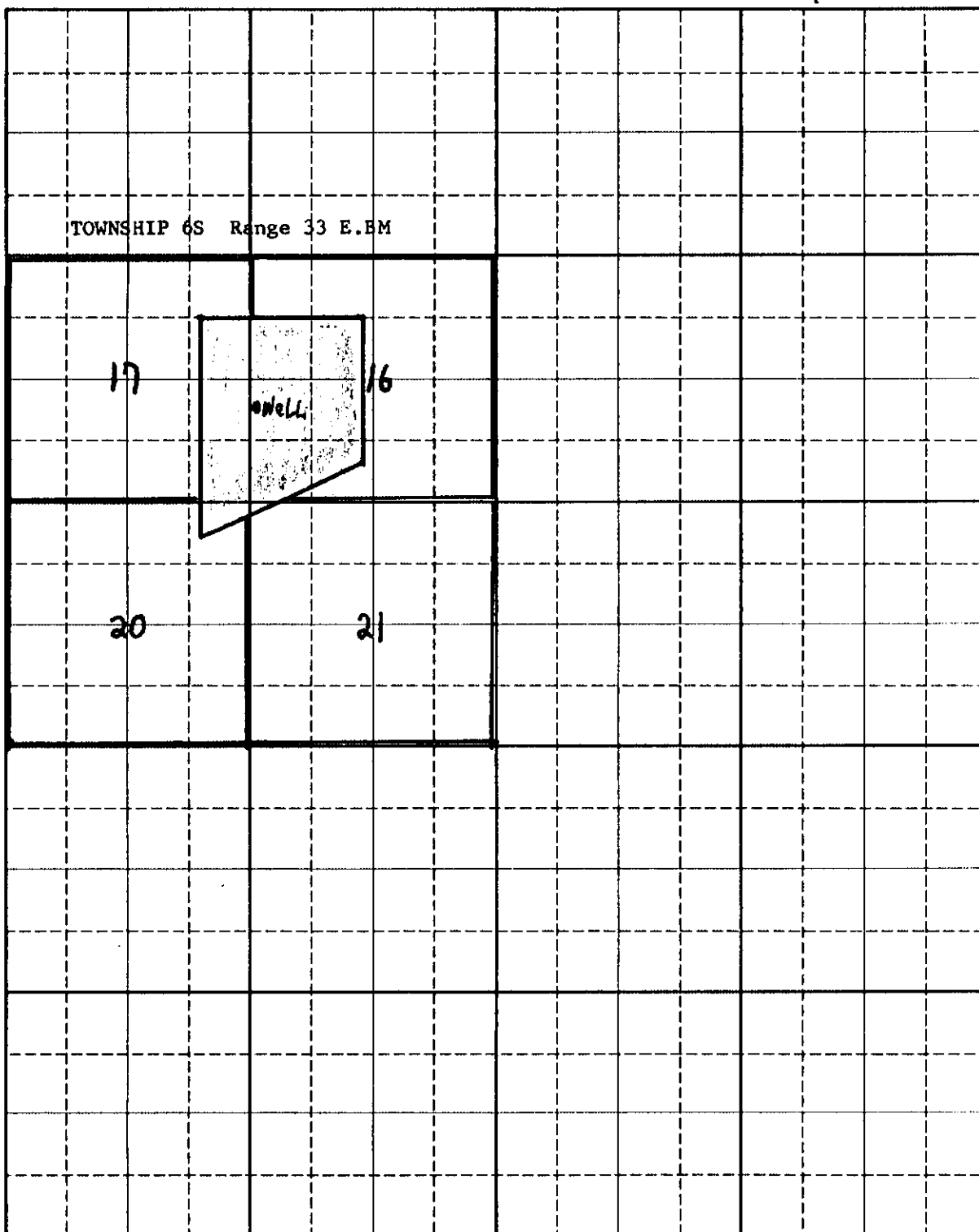
TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6S	33E	16							40	32	32	40	38	16					198
6S	33E	17				32									32			32	96
6S	33E	20	5																5
6S	33E	21					1												1

Total number of acres to be irrigated 300

c. Describe any other water rights used for the same purposes as described above.

9. a. Who owns the property at the point of diversion City of Pocatello, Idaho
 b. Who owns the land to be irrigated or place of use same as above
 c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing I am the Lessee of the above property with a long term lease from the City of Pocatello. My lease provides that I am to make application for this water right in the name of the City of Pocatello.
10. Remarks This well was drilled and tested December 28, 1963 and has been in constant use during the summers since that date. I inadvertently did not file on this water right until now.

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

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.

City of Pocatello
Anton Smith
(Applicant)

29 7118

F. W. Roskelley
City of Pocatello, F. W. Roskelley, Mayor

Received by 21 Date 4/2/73 Time 9:00 A 29 7118
Preliminary check by 142 Fee \$ 75.00
Received by 21 Date 4-12-73 Lit #10173
Publication prepared by BA Date 4/12/73
Published in Lower County Press
Publication dates 4/19-4/26/73
Publication approved NCY Date 5/7/73
Priority reduced to 4-11-73 Reason Sec 42-204
(Signature)

Protests filed by: _____

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by NCYN

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 29-7118, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 19 74.
- c. Other: A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

2. Denial of said application is for the following reasons: _____

Witness my hand this 11 day of May, 19 73.

P. Karl Hyatt
Director

DEPARTMENT OF WATER ADMINISTRATION FIELD REPORT

RECEIVED

1. Name of permit holder City of Pocatello, Idaho
 Postoffice address c/o Anton Smith, Star Route, Pocatello, ID Phone 308 10 1974
 Person to contact Anton Smith Department of Water Administration
 Phone Eastern District Office

2. Source of water supply: Groundwater ☒ Surface water ☐
 (name spring, stream, etc.)
 Tributary to _____

3. Water will be used for the following purposes:

Amount 6.0 c.f.s. for irrigation
 _____ AF/Annum (nature of use)

Period of Use: from Apr. 1 to Nov. 1
 (mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
 _____ AF/Annum (nature of use)

Period of Use: from _____ to _____
 (mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
 _____ AF/Annum (nature of use)

Period of Use: from _____ to _____
 (mo.-day) inclusive (mo.-day)

Other uses: _____

Permit No. 29-7118
 Examination for b/u

4. Total amount to be appropriated:

Max Rate of Diversion 6.0 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 6S N/S, Range 33E E/W, B.M., Section 16, Subdivision NW 1/4 SW 1/4, Power County
 Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4, _____ County
 Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4, _____ County

Other Points of Diversions: _____

Description of diverting works: Peerless turbine pump, 150 hp elec. motor, 20" casing, 370' deep, pumping level 54'.

Measuring device required: yes ☒ no ☐

6. Lands to be irrigated or place of use.

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6S	33E	16							40	32	32	40	38	16					198
		17				32									32			32	96
		20	5																5
		21					1												1

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TOTAL ACREAGE 300

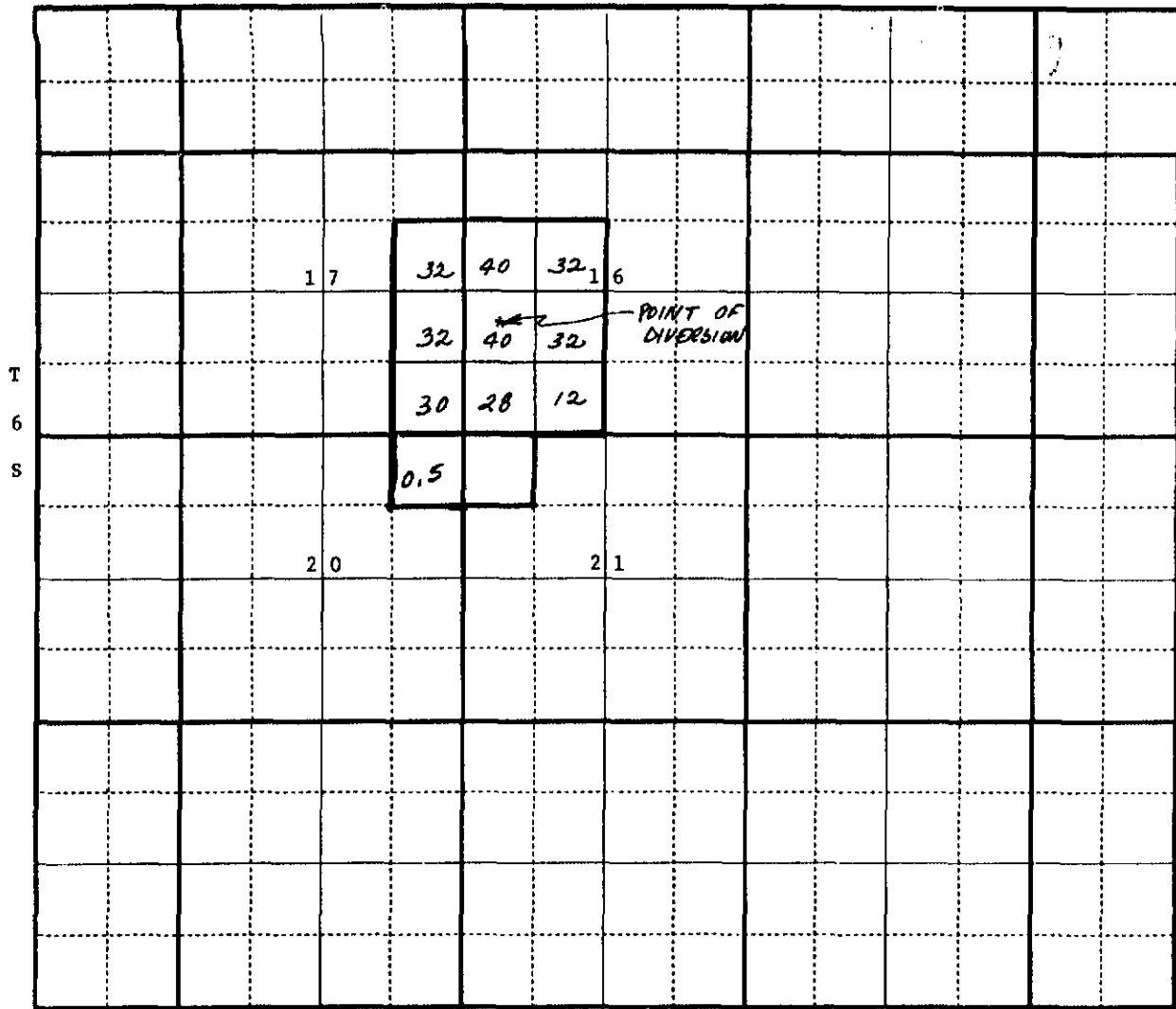
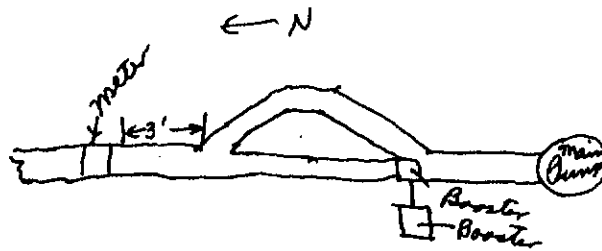


Diagram of System



DATE OF EXAM June 25, 1974

ACREAGE
Found 278.5
Recommended 278.5

Irrigation Requirement 3.5 Ac Ft/Ac

USE
Irrigation Q = 4.01 c.f.s. V = 975 AF/Ann. from April 1 to Nov 1
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no ☒

Name source: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County

Exchange? yes _____ no ☒

Name source exchanged with: N/A
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County

Point of injection: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County

Point of exchange: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County

Total Q measured 4.01 CFS Method of measurement McCrometer meter

Total Q recommended 4.01 CFS Meter No. 7312142 Type saddle Condition good

Total V recommended 975 AF/ANN

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None ☒

MEASUREMENT CALCULATION:

Needle measure 1800 gal/min ÷ 448.8 = 4.01 CFS

V = (278.5)(3.5) = 975 < (4.01)(.983)(215) = 1709

SYSTEM DESCRIPTION:

150 HP M. E. Motor # NYJ110701 with Peerless pump # no serial no.
booster is 100 HP U.S. Motor with Peerless pump # 309342
12" discharge north, thru meter
well depth 284' static water 32'

REMARKS:

System shown by Mr. Anton Smith who leases land
from City of Decatur in a long term lease. Mr. Smith in-
dicated no land was irrigated south of Interstate Hwy 15 W.

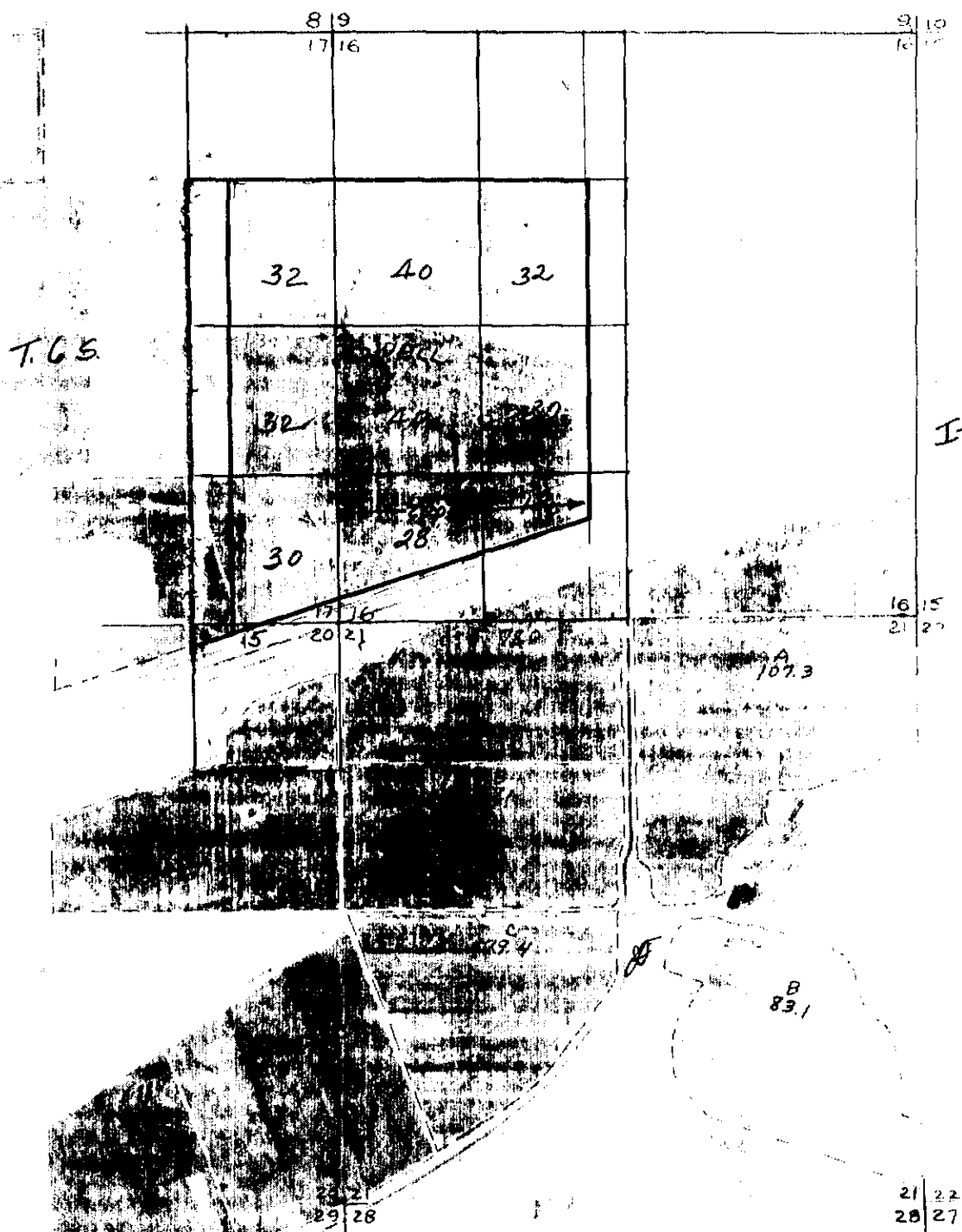
Examiner's Signature John Fierbauer Date June 25, 1974

Checked by Loren O. Hansen Date Oct 28, 1974

Approved by _____ Date _____

17-

R. 33 E.



DILLION
B O S C H
D A W
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

A29-07-8

cc: Eastern
Southern

Department of Water Resources
Eastern District Office

July 7, 1995

AUG 04 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

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NOV 13 1995

29-07118

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

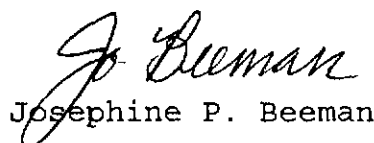
Re: City of Pocatello Reservoir List
MTBR&F File No. 15863.0000

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

MICROFILMED

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 MICROCOP at the Idaho Department of Water Resources who directed us to you.

NOV 13 1993

870224W100045.LTR
Boise

FAX: (208) 338-8299

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Mr. Lynn Collins
October 20, 1993
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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 info to you.

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Mr. Lynn Collins
October 20, 1993
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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

MICROFILMED

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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

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

RECEIVED

DATE 8-18-88

SIGNED [Signature]
POCA TELLO WATER DEPT.

DO NOT FILM

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 29-7118 Priority April 11, 1973 Amount 4.01 cfsTHIS IS TO CERTIFY, that CITY OF POCATELLOPocatello, Idaho, has complied with the terms and conditions of Permit29-7118 issued pursuant to Application for Permit dated April 11, 1973,and has submitted proof to the Department of Water Resources on May 29, 1974,that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 4.01 cfs of water from a ground water source,

advisory to _____, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	April 1 to Nov. 1	at 4.01 cfs and	975 acre feet or 3.5 af per acre
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	
(both dates inclusive)			

Subject, however, to the condition that no more than 4.01 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 975 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 16,

Twp. 6 S, Rge. 33 E, B. M. in the County of Power

Description and location of place of use:

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 $\frac{1}{4}$	
6S	33E	16							40	32	32	40	28	12					184
		17				32									32			30	94
		20	0.5																0.5

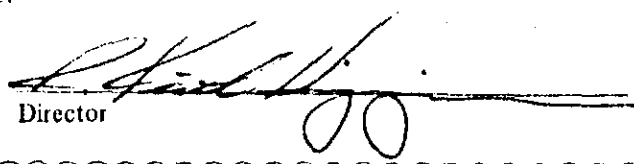
Total number of acres irrigated 278.5

A measuring device of a type approved by the Department shall be permanently maintained as part of the diverting works.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 9 day of January, 19 75.


Director