

827

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: A29-07431
Date Received: 3/23/1990 4/19/90
Receipt No: C016458
Received By: RET

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

83205-4169

2. Date of Priority: DEC 29, 1977

3. Source: WASTE WATER

Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	34E	7	SW	NE			BANNOCK

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	9.280		2723.00

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

A.F.A.

8. Total consumptive use is 1942.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	34E	25	NE	NE		IRR	24.0
			NW	NE		IRR	19.0
			SW	NE		IRR	39.0
			SE	NE		IRR	38.0

A29-07431

Page 1

Date: 04/16/90

APR 16 1990
MICROFILMED

APR 16 1990

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
05S	34E	25	NE		NW		IRR	12.0
			NW		NW		IRR	14.0
			SW		NW		IRR	35.0
			SE		NW		IRR	25.0
			SE		SW		IRR	11.0
			NE		SE		IRR	33.0
			NW		SE		IRR	30.0
			SW		SE		IRR	39.0
			SE		SE		IRR	35.0
			Section Acres 354.0					
		26	NE		NE		IRR	8.0
			SE		NE		IRR	40.0
			NE		SE		IRR	37.0
			SE		SE		IRR	4.0
			Section Acres 89.0					
		36	NE		NE		IRR	32.0
			NW		NE		IRR	37.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	17.0
			NE		SE		IRR	3.0
			NW		SE		IRR	3.0
			Section Acres 172.0					
	35E	30	NW		NE		IRR	5.0
			SW		NE		IRR	7.0
			NE		NW		IRR	40.0
			NW		NW		IRR	33.0
			SW		NW		IRR	38.0
			SE		NW		IRR	39.0
			Section Acres 162.0					
			Total Acres 777.0					

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:
FORT HALL IRRIGATION DISTRICT

14. Remarks:

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.

[Signature]
Signature of Authorized Agent

MAYOR / CITY OF POCA TELLO
Title and Organization

4-17-90

Date

State of Idaho)
County of Lannock) SS.

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

[Signature]
Notary Public

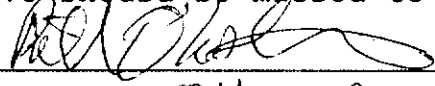
Seal

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 A29-07431

Spatial Dynamics LTD

9/22/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
05s34e	25	NENE	24	26	
05s34e	25	NWNE	19	23	
05s34e	25	SWNE	39	40	
05s34e	25	SENE	38	40	
05s34e	25	NENW	12	15	
05s34e	25	NWNW	14	23	
05s34e	25	SWNW	35	37	
05s34e	25	SENW	25	32	
05s34e	25	SESW	11	13	
05s34e	25	NESE	33	37	
05s34e	25	NWSE	30	34	
05s34e	25	SWSE	39	40	
05s34e	25	SESE	35	37	
05s34e	26	NENE	8	18	
05s34e	26	SENE	40	40	
05s34e	26	NESE	37	40	
05s34e	26	SESE	4	7.8	
05s34e	36	NENE	32	40	Indiscernible
05s34e	36	NWNE	37	40	
05s34e	36	SWNE	40	40	
05s34e	36	SENE	40	40	
05s34e	36	NENW	17	23	
05s34e	36	NESE	3	14	Indiscernible
05s34e	36	NWSE	3	23	Indiscernible
05s35e	30	NWNE	5	40	Indiscernible
05s35e	30	SWNE	7	38	Indiscernible
05s35e	30	NENW	40	40	
05s35e	30	NWNW	33	32	
05s35e	30	SWNW	38	35	
05s35e	30	SENW	39	39	
06s34e	7	SWNE	0	0	POD placement?
Totals:			777	946.8	

AJ5809NP
No. A29-07431

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/24/00
PAGE: 109

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	12/29/1977	IRRIGATION	04-01 11-01	9.280 CFS	2723.00 AFA
TOTAL DIVERSION:					9.280 CFS	
CONSUMPTIVE USE:						1942.50 AFA

Water Source: WASTE WATER

Tributary to: PORTNEUF RIVER

Stage: LICENSE

Point(s) of Diversion:

T06S R34E S07

SWNE

BANNOCK County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE														
				NENE	NWNE	SWNE	SENE					NENW	NWNW	SWNW	SENW					NESE	NWSE	SWSE	SESE	SUM						
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:						
05S	34E	25	:	24		19		39		38		12		14		35		25		11		33		30		39		35		354.0
05S	34E	26	:	08				40														37				04			89.0	
05S	34E	36	:	32		37		40		40		17										03		03					172.0	
05S	35E	30	:			05		07				40		33		38		39											162.0	
																							TOTAL ACRES			777.0				

POU County: BANNOCK

Other Rights: FORT HALL IRRIGATION DISTRICT

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A29-02020 A29-02225 A29-02502 A29-04334 A29-11609 A29-12877

Other Water Rights Listing Overlapping Place(s) of Use:
A29-02049 A29-02371 A29-02438A A29-02438C A29-12567

Conditions of Approval:

- R30 - This right when combined with all other rights shall provide no
- more than .02 cfs per acre nor more than 3.5 afa per acre for
- irrigation of the lands above.
R04 - Use of water under this water right will be regulated by the
- watermaster of State Water District No. 29.

Remarks: GEN NOTICE OF CHANGE OF FIRM AND ADDRESS REC'D 12/21/1993 SAS.
CONFORMED ATTORNEY ADDRESS DMS
NOTICE OF CHANGE OF FIRM AND ADDRESS REC'D 7/7/95 DMS.

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

Misc: Water District Number: 29 Field Inspection Flag:
Presumption Flag:

Audit: 04/23/90 HARRINGT 04/16/92 CAN-SHAF 05/26/94 SSHERMAN 07/27/94 THOMPSON

AJ5809NP
No. A29-07431

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/24/00
PAGE: 110

Audit: 03/29/95 DSMITH 03/29/95 POST-STD 08/01/95 DSMITH

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 29-7431

Priority: December 29, 1977 Amount: 9.28 CFS 2723.0 AFA

This is to certify, that CITY OF POCA TELLO
P.O. BOX 4169

POCA TELLO, ID 83205-4169 has complied with the terms and conditions
of the permit issued pursuant to Application for Permit dated December 29, 1977, and
has submitted proof to the Department of Water Resources on July 11, 1983, that
water has been applied to a beneficial use; an examination by the Department indicates
that the works have a diversion capacity of 9.28 cfs of water from;

WASTE WATER tributary to PORTNEUF RIVER

and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
Irrigation	04/01 to 11/01	9.28 cfs	2723.0 afa

LOCATION OF POINT OF DIVERSION(S): SWNE , Sec. 7, Township 6S, Range 34E
Bannock County

PLACE OF USE: Irrigation

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
5S	34E	25	NENE 24	NWNE 19	SWNE 39	SENE 38	
			NENW 12	NWNW 14	SWNW 35	SENW 25	
			SESW 11	NESE 33	NWSE 30	SWSE 39	
			SESE 35				354
	26		NENE 8	SENE 40	NESE 37	SESE 4	89
	36		NENE 32	NWNE 37	SWNE 40	SENE 40	
			NENW 17	NESE 3	NWSE 3		172
5S	35E	30	NWNE 5	SWNE 7	NENW 40	NWNW 33	
			SWNW 38	SENW 39			162

Total number of acres irrigated: 777

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. This right when combined with all other rights shall provide no more than .02 cfs per acre or more than 3.5 afa per acre for the lands above.

RECORDED

JUL 01 1987

State of Idaho
Department of Water Resources

PAGE 2

WATER RIGHT LICENSE

WATER RIGHT NO. 29-7431

CONDITIONS/REMARKS:

5. Use of water under this license is subject to control by the watermaster of State Water District No. 29 .

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 11th day of JUNE, 1987.

Acting for the

Director

Norm C. Young

MICROFILMED

JUL 01 1987

State of Idaho
Department of Water Resources

RECEIVED

APR 08 1987

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 29-7431

Department of Water Resources

APPROVED

Date of Priority: December 29, 1977

Comes now CITY OF POCATELLO
P.O. BOX 4169
POCATELLO, ID 83201

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 29-7431, and requests that the permit be changed as follows:

Source: WASTE WATER

tributary to: PORTNEUF RIVER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
Irrigation	04/01 to 11/01	9.28 cfs	2723.0 af

LOCATION OF POINT OF DIVERSION(S): SWNE, Sec. 7, Township 6S, Range 34E
Bannock County

PLACE OF USE: Irrigation

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
5S	34E	25	NENE 24	NWNE 19	SWNE 39	SENE 38	
			NENW 12	NWNW 14	SWNW 35	SENW 25	
			SESW 11	NESE 33	NWSE 30	SWSE 39	
			SESE 35				354
	26		NENE 8	SENE 40	NESE 37	SESE 4	89
	36		NENE 32	NWNE 37	SWNE 40	SENE 40	
			NENW 17	NESE 3	NWSE 3		172
5S	35E	30	NWNE 5	SWNE 7	NENW 40	NWNW 33	
			SWNW 38	SENW 39			162

Total number of acres irrigated: 777

Permit holder asserts 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, this 3 day of APRIL, 1987.

MICROFILMED

JUL 01 1987

(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 29-7431

FOR DEPARTMENT USE ONLY

Preliminary check by fw Fee = \$20.00 ✓ Received by CCW Date 4-17-87 #44681

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, A. Kenneth Dunn, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 29-7431 with the following;

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.

Witness my hand this 11TH day of JUNE, 1987.

Roman Young
Acting for the (Director)

RECEIVED

JUL 01 1987

Identification No. _____

Application No. 29-7431 AMENDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES **APPROVED**

AMENDED

APPLICATION FOR PERMIT

AMENDED

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

1. Name of applicant City of Pocatello Phone: 232-4311
post office address Lewis Street Pocatello, Idaho 83201
2. Source of water supply Wastewater which is a tributary of _____
3. a. Location of point of diversion is SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 7 Township 6 S.
Range 34 E. B.M. Bannock County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ 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 up to 6655 acre feet for irrigation purpose from May 1 to Oct. 31 (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. _____ cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Piped to surge pond, pumped
in 24" pipe to empoundment area. Piped to irrigation area.

b. Height of storage dam 38 feet, active reservoir capacity 860 acre feet; total reservoir
capacity 860 acre feet, materials used in storage dam: Earth Dike
Period of year during which storage will occur year round to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$4,000,000.
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 _____

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	
5S	34E	29	10	40	40	30													120
5S	34E	27													30			36	66
5S	34E	26									37	40	40	37	40			40	234
5S	34E	34	40	40	40	40									40	40	40	40	320
5S	34E	25	40	40	40	40	30	40	40	20	40	30	30	40	40	40	40	40	590
5S	34E	30				40										40	40	40	160
5S	34E	36	40	40	40	40	40	31											231
6S	33E	1															9	9	18

Total number of acres to be irrigated. 3,124

c. Describe any other water rights used for the same purposes as described above. Irrigation wells are used for all of the above acreages except small parts of Section 35 & all of Sec. 32 and 33, R.34 E. They are all Fort Hall Irrigation water or wells.

9. a. Who owns the property at the point of diversion City of Pocatello or J.R. Simplot
 b. Who owns the land to be irrigated or place of use See No. 10 below
 c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing contract with landowner to use water

10. Remarks 9.b.: West Pocatello Stake L.D.S.

George Shiozawa

Whitewater Corporation

Edwin R. Dekay

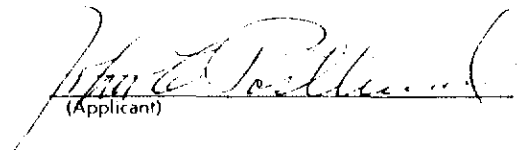
City of Pocatello

J.R. Simplot Company

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.


(Applicant)

Received by CW Date 6-28-78 Time 11:45 AM
Preliminary check by FWC Fee \$ 10.00
Received by FWC Date 6-28-78 11/14/83
Publication prepared by _____ Date _____
Published in _____
Publication dates _____
Publication approved _____ Date _____
Priority reduced to _____ Reason _____

Protests filed by: _____

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

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 29-7431, 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 September, 19 83.
- c. Other: _____

PURSUANT TO MEMORANDUM DECISION AND ORDER OF THIS DATE

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

Witness my hand this 8 day of September, 19 78.

[Signature]
Deputy Director

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	12	40	40	40	40	40			40	30			25	29	27	10		361
6S	34E	7				20							5	10	30	15	10	35	125
6S	34E	8							5	1	30	30	35	40		1	2		144
6S	34E	17		3			12												20
6S	34E	18	40	40	12	12	40	20	6	12	40	20	20	40	40	40	40	40	462
6S	34E	2						28	25										53
6S	34E	3	40	40	40	40													160
6S	34E	19					40	20											60

Total number of acres to be irrigated _____

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

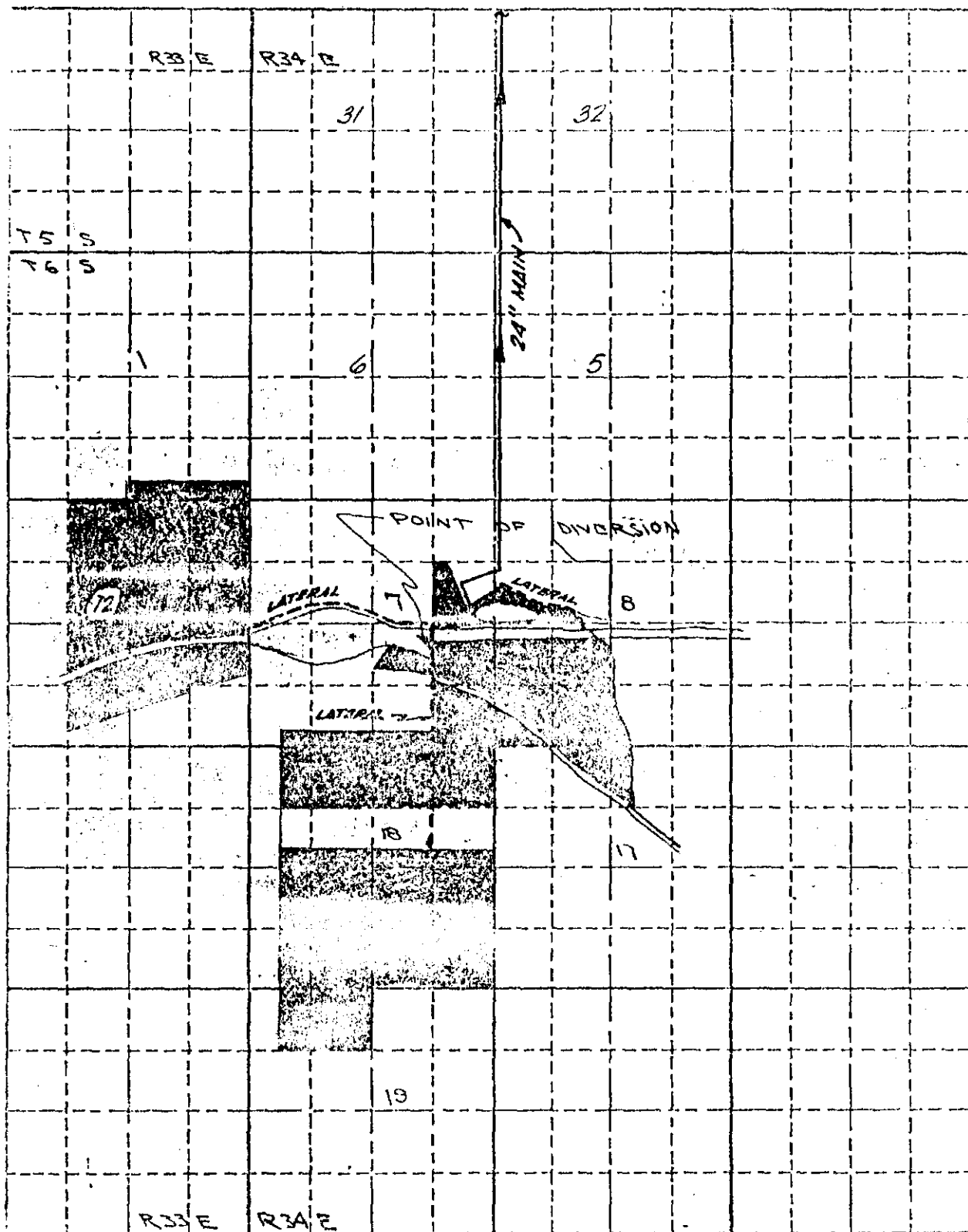
9. a. Who owns the property at the point of diversion _____

b. Who owns the land to be irrigated or place of use _____

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks _____

11. Map or proposed plan, showing clearly the proposed project, version, place of use, section number, township and range number.

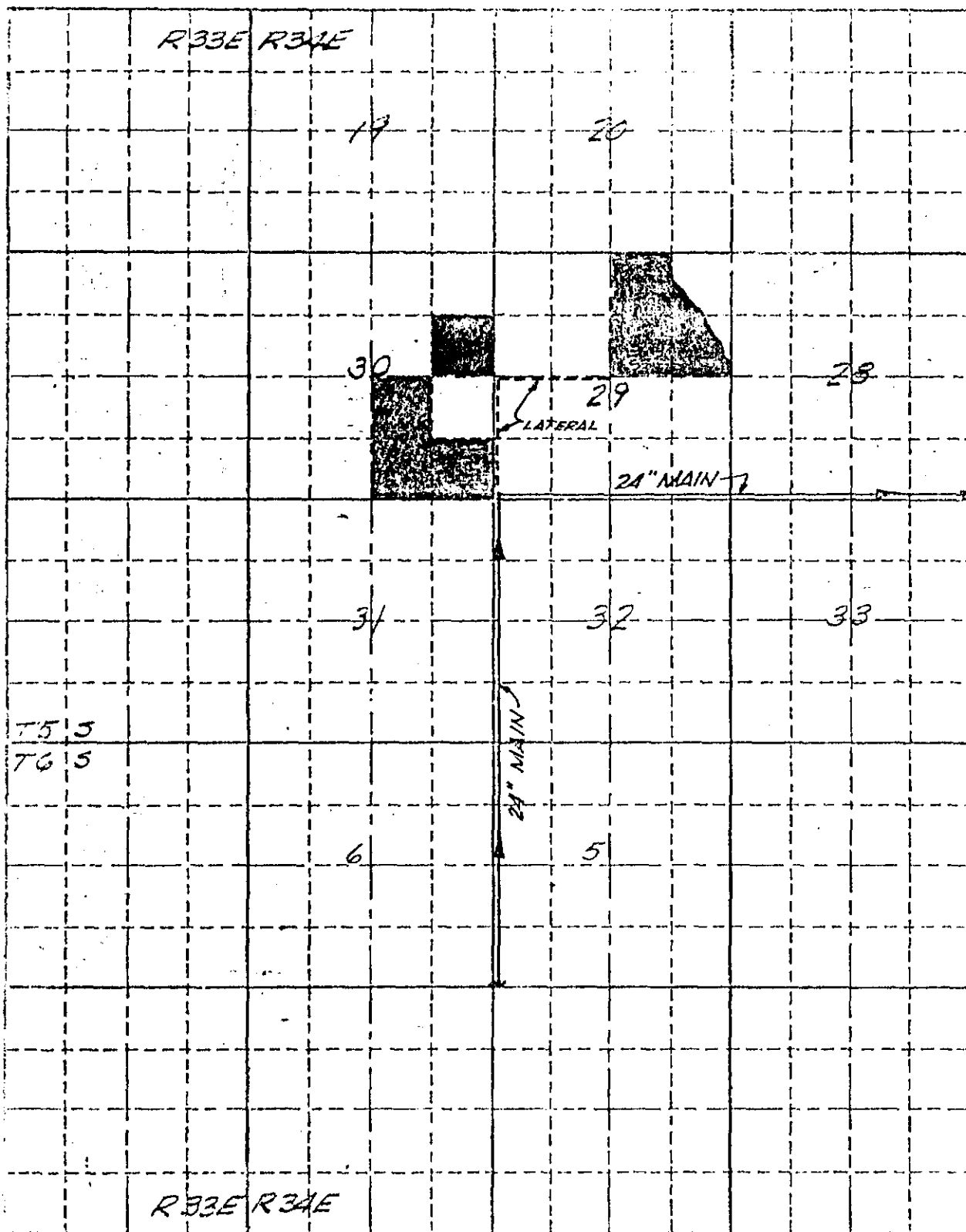


Scale: -2 inches equal 1 mile.

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.

James Pettigrew
 (Applicant)
 State Public Works

11. Map of proposed project, showing the location of the project, place of origin, section number, township and range number.



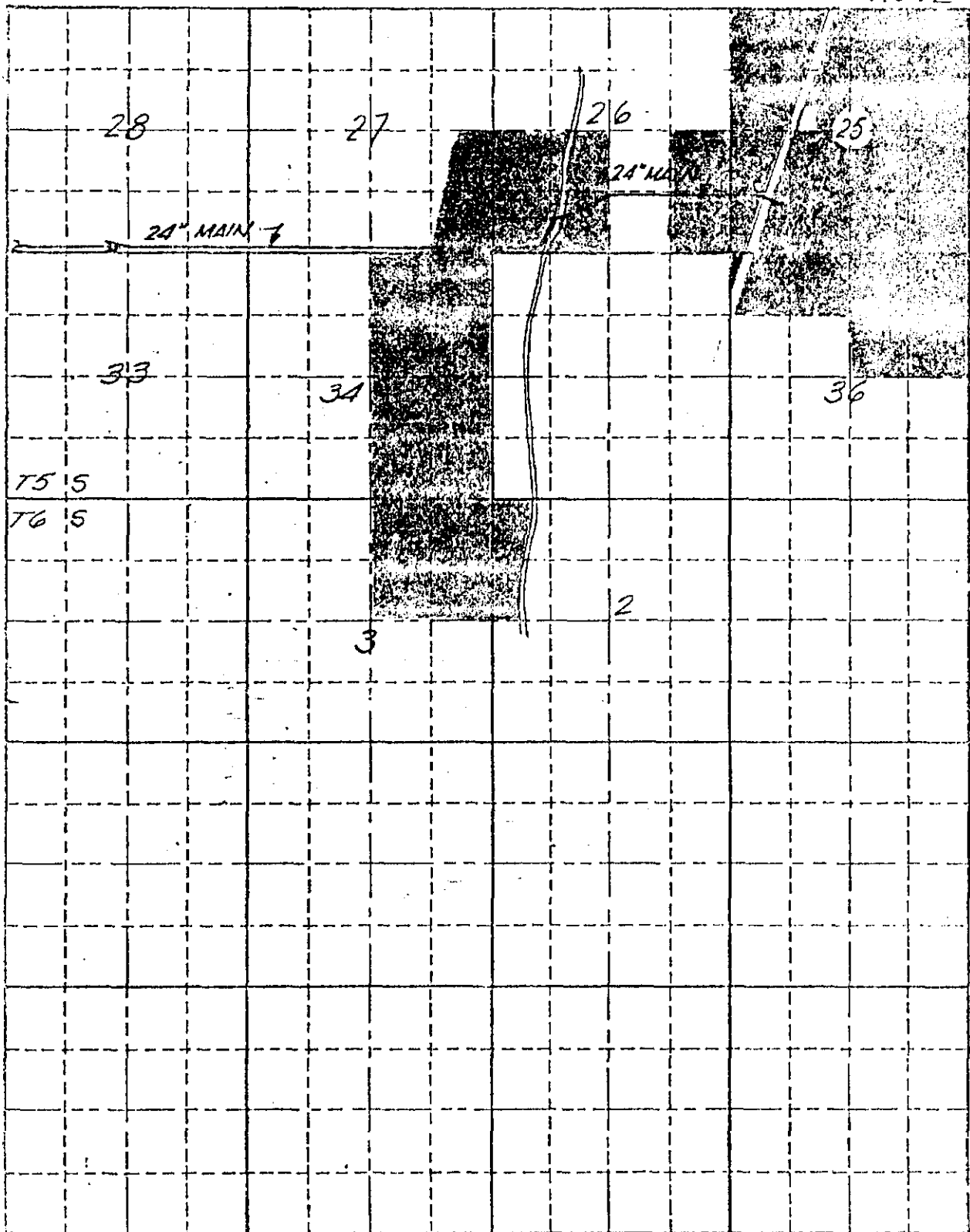
Scale: 2 inches equal 1 mile.

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.

John C. Postlewaite
 (Applicant)
 Director, Public Works

11. Map of proposed project, show clearly the proposed location, dimensions, plan of project, section number, township and range number.

R34E



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.

John C. Patterson
(Applicant)
Wm. J. Public Works

Identification No. _____

Application No. 29-7431

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

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

1. Name of applicant City of Pocatello Phone: 232-4311
post office address Lewis Street
2. Source of water supply Wastewater which is a tributary of _____
3. a. Location of point of diversion is SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 7 Township 6 S.
Range 34 E.B.M. Bannock County; additional points of diversion if any:

b. If water is not consumed, it will be discharged into _____ 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 up to 665 Acre Feet for Irrigation purpose from May 1 to Oct. 31 (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. _____ cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Piped to surge pond, pumped
in 24" pipe to empoundment area. Piped to irrigation area.

b. Height of storage dam 38 feet, active reservoir capacity 860 acre feet; total reservoir
capacity 860 acre feet, materials used in storage dam: Earth Dike
Period of year during which storage will occur Year round to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years
b. Estimated construction cost is \$ 4,000,000
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 _____

15. 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	
5S	34E	25	40	40	40	40	40	40	40	40	40		20		40	40	40	40	540
5S	35E	30	40	40	40	40	40	40	40	40	40			40	40	40	40		520
5S	34E	36	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
5S	34E	35	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
5S	35E	31	40		40				40	40	40	40	40	40	40	40	40	40	480
5S	35E	32			40	40		40	40	40	40	40	40	40	40	40	40	40	520
6S	34E	2	30	40	40	30	40			40	40			40	40	20	20	40	420
5S	34E	33	20	20	40	20	40	20	20	40	40	20	20	20	20	40	20	20	420
5S	34E	32	20	20	40	20	40	20	20	40	40	20	20	20	20	40	20	20	420

(Cont.)

Total number of acres to be irrigated

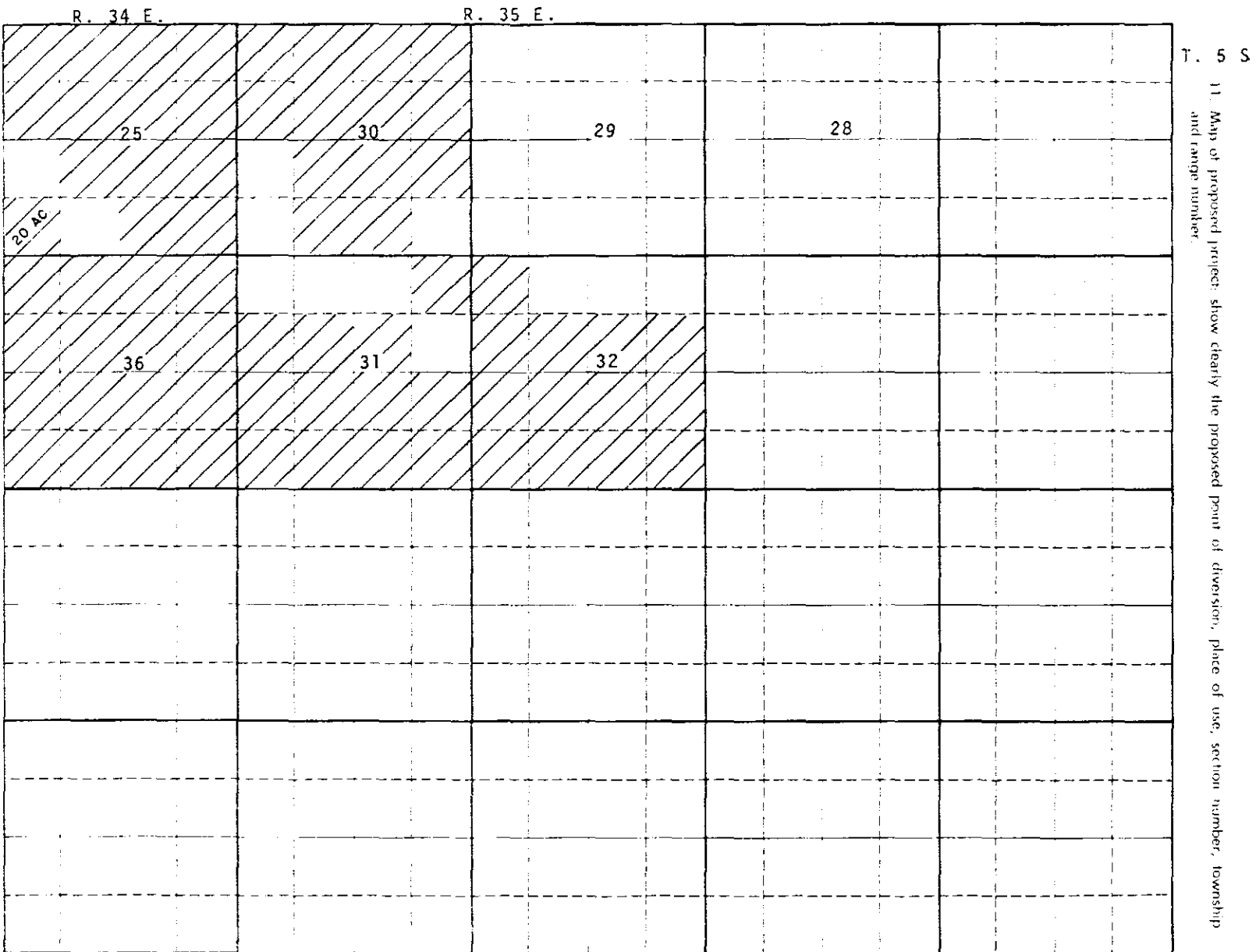
- c. Describe any other water rights used for the same purposes as described above. Irrigation wells are used for all of the above acreages except small parts of Section 35 and all of Section 32 and 33, R. 34 E. They are all Fort Hall Irrigation water or wells.
9. a. Who owns the property at the point of diversion City of Pocatello or J. R. Simplot
- b. Who owns the land to be irrigated or place of use See No. 10 below.
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Contract with landowner to use water.

10. Remarks The following land owners will use water as it becomes available:

1. Whitewater Corporation
2. S. Albert Johnson
3. S. Albert Johnson, Jr.
4. Melvin Jackson
5. Veda Rupp
6. Harry Hart
7. City of Pocatello

See attached map, showing exact locations of various ownerships.

1. 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

I, THOMAS that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Thomas
(Applicant)
Thomas

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	33 E	12	40	40	40	40	40	40	40	40	20	40				20			400
6S	33 E	11					40	40	40	40	40	40	40	40					320
6S	33E	2	40	40	40	40					40	40	40	40	40	40	40	40	480

Total number of acres to be irrigated... 6200*

c. Describe any other water rights used for the same purposes as described above.
Irrigation from wells only.

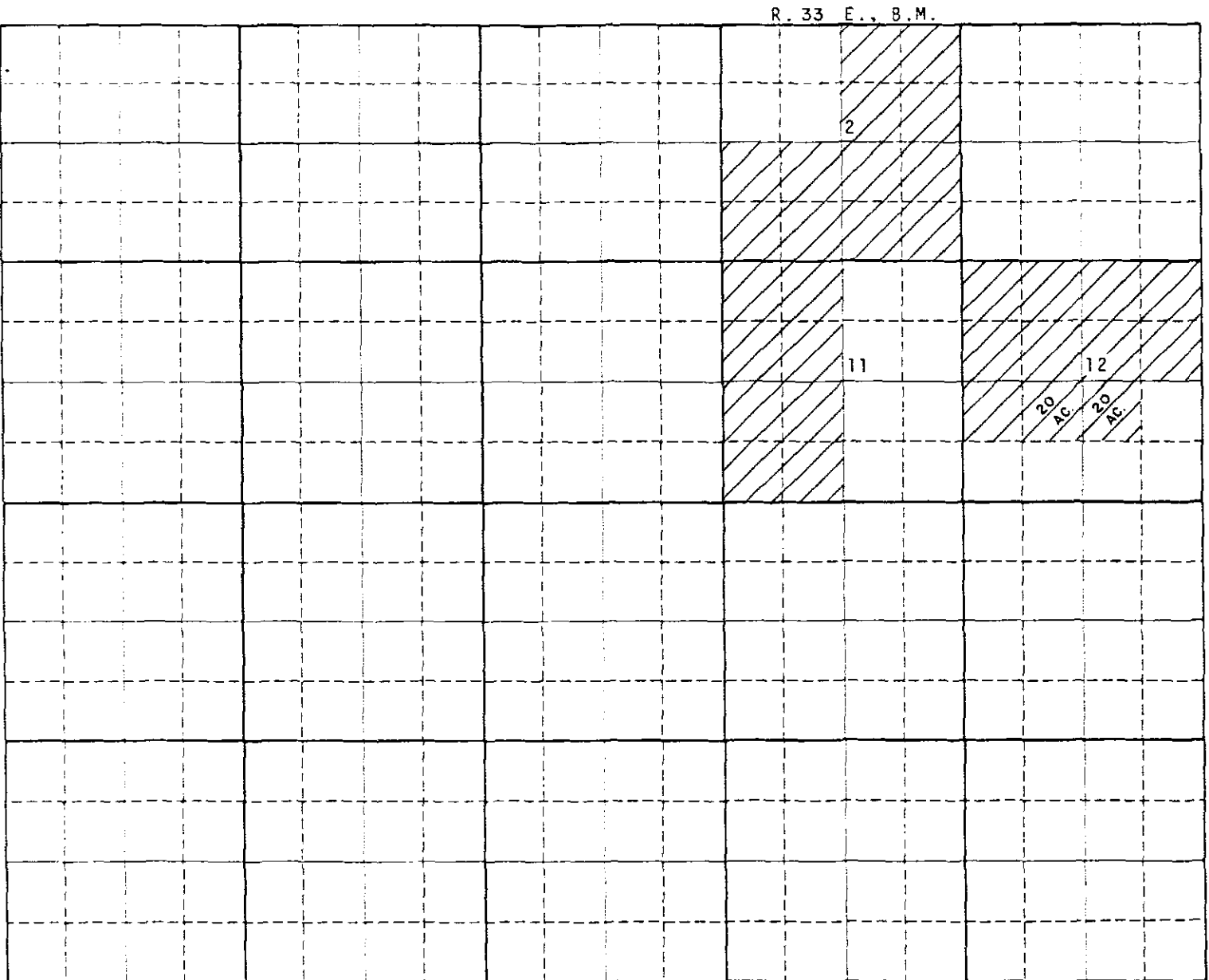
9. a. Who owns the property at the point of diversion _____
 b. Who owns the land to be irrigated or place of use _____
 c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks _____

* The total acreage for irrigation will change as the amount of wastewater increases. We have shown all lands that are now available for use of the wastewater.

T. 6 S.

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

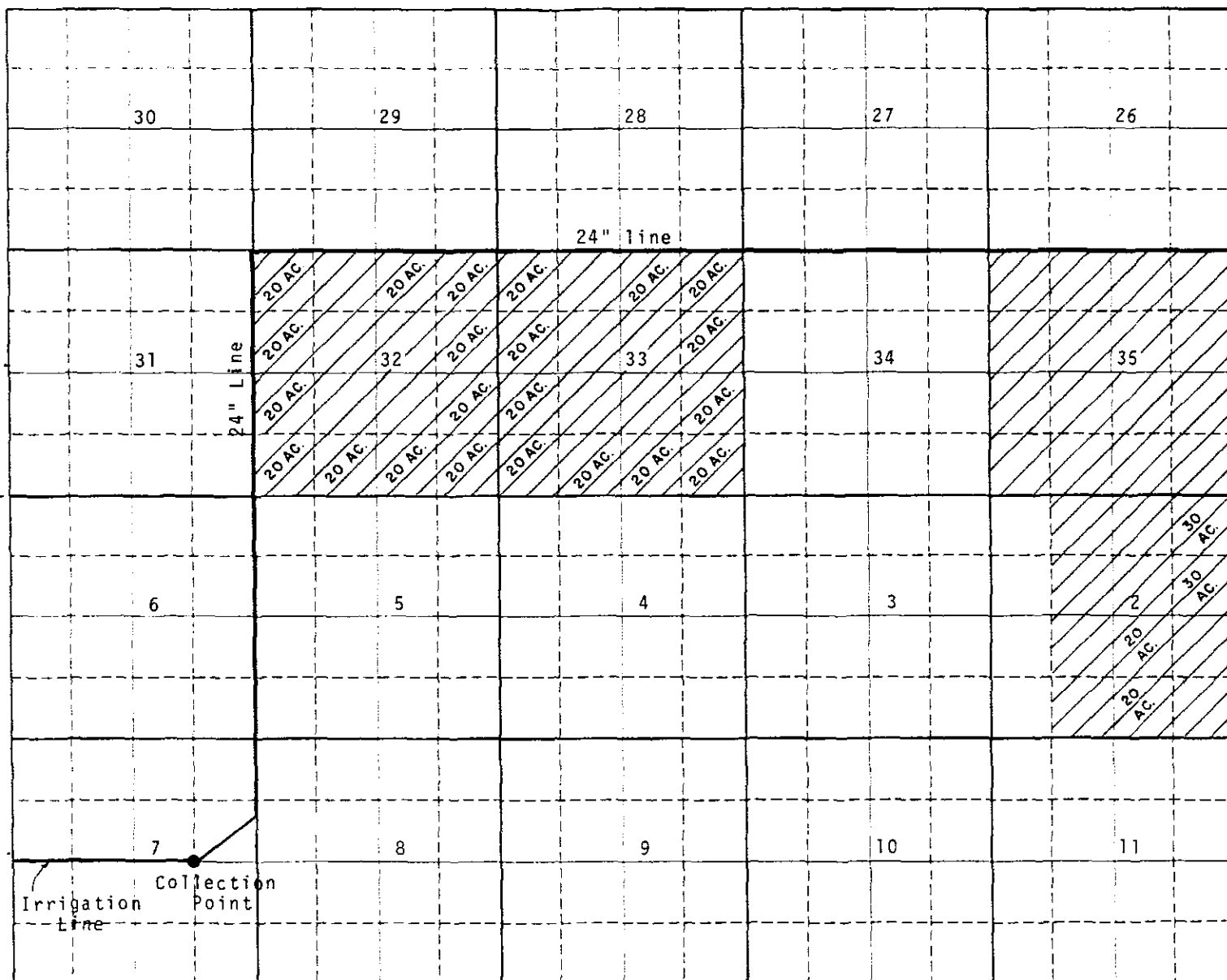


Scale 2 inches equal 1 mile

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.

Robert J. McDonald
(Applicant)
Allen the Public Water

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



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.

(Applicant)
Alfred J. Anderson
Alfred J. Anderson

Range 34 E.

Place(s) of Use:		Irrigation - give acres served by system at time of exam. Indicate Method of Determination																	
Twp.	Rge.	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	
SS	34E	25	24	19	39	38	12	14	35	25				11	33	30	39	55	351
		26	8			40								37			4	89	
		36	32	37	40	40	17							3	3			172	
SS	35E	30		5	7		40	33	38	39								162	
Total Acres <u>777</u>																			

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

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FEB 27 1986

29-7431

Permit No.

1. Measurement Calculations

Department of Water Resources

a) Field Measurement Calculations (Include theoretical capacities and system capacity)

By Badger Flow Chart;

6,000,000 gpd capacity
can add go thru treatment plant

or 9.28 cfs →

b) Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 778 \text{ acres} \times 3.5 \text{ af/acre} = 2723 \text{ af}$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 9.28 \text{ cfs} \times 274 \text{ days} \times 1.9835 = 5039$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} = 2723 \text{ af}$$

c) Volume Calculations for Other Uses:

2. Overlap Review

a) Other water rights with same place of use: 29-2371 + 29-2049 + 29-2438

b) Other water rights with same point of diversion: NA. ✓

c) Analysis:

- a/ system capacity 9.28 cfs (No storage)
- b/ acres irrigated 778 — — 778 acres 2.02 cfs/acre 15.56 cfs
- c/ Therefore license for 9.28 cfs since it does not exceed allowable maximum.
- d/ since there are three other licenses on part of this same ground add conditions; R-16-(3.5)

R30

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JUL 01 1987

DILLION
BOSCH
DAW
BOCK &
Chartered

Attorneys
Josephine P. Beeman
Les Bock
Allan R. Bosch
C. A. Daw
Lee B. Dillon
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

A29-07-31

cc: Eastern
Southern

Department of Water Resources
Eastern District Office

July 7, 1995

AUG 04 1995

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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

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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

29.07431

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FEB 28 1994

Department of Water Resources

LAW OFFICE

MOFFATT, THOMAS, BARRETT, ROCK & FIELDS
CHARTERED

Eugene C. Thomas
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R. B. Rock
Richard C. Fields
Robert E. Bakes
Paul S. Street
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Glenna M. Christensen
Mark S. Prusynski
Morgan W. Richards, Jr.
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Gary T. Dance
Gerald T. Husch
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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
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Josephine P. Beeman

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February 25, 1994

Willis C. Moffatt
(1907-1980)

E. Renn Yorgason
Office Administrator

Gary T. Dance
Partner in Charge
Eastern Idaho Offices

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ABA Net 010

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

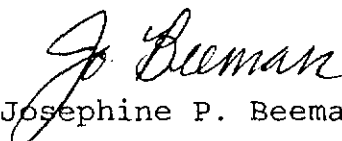
Re: City of Pocatello Reservoir List
MTBR&F File No. 15863.0000

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

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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

MICROFILMED

APR 12 1994

DAVIS WRIGHT TREMAINE

LAW OFFICES

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

JOSEPHINE BREMAN
(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
Bric

Fax: (208) 338-8299

ANSWERED 10/21/93 BY: [illegible]

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

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 287
POCA TELLO WATER DEPT.

DO NOT