

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: A29-07770
Date Received: 3/28/1990 4/19/90
Receipt No: COL 6498
Received By: RAO

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CITY OF POCATELLO
Address: P.O. BOX 4169
POCATELLO, ID 83205

2. Date of Priority: MAY 21, 1984

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06S	33E	12	SE	NE			POWER

5. Description of diverting works:
WELL (WPC PLANT), PUMP, PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/15	5.720		

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

8. Total consumptive use is 715.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
06S	33E	1	SW	SE		IRR	9.0
			SE	SE		IRR	9.0

Section Acres 18.0

A2907770



10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06S	33E	12	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	25.0
			NE		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	25.0
			NE		SE		IRR	3.0
			NW		SE		IRR	15.0
							Section Acres	268.0
							Total Acres	286.0

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:
The maximum rate of diversion for irrigation purposes under this permit shall not exceed 5.72 cfs.

15. Basis of Claim: PERMIT

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.

Pete Angstadt
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, 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 Pat O'Pat

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.

MICROFILME

NOV 13 1992

Log for claim A29-07770

Spatial Dynamics LTD

9/25/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
06s33e	1	SWSE	9	9.9	
06s33e	1	SESE	9	9.5	
06s33e	12	NENE	40	37	
06s33e	12	NWNE	40	34	
06s33e	12	SWNE	40	32	
06s33e	12	SENE	25	35	Indiscernible
06s33e	12	NENW	40	39	
06s33e	12	SENW	40	40	
06s33e	12	NESW	25	28	
06s33e	12	NESE	3	7.4	
06s33e	12	NWSE	15	12	
Totals:			286	283.8	

AJ5809NP
No. A29-07770

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/24/00
PAGE: 134

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	05/21/1984	IRRIGATION	04-01 10-15	5.720 CFS	
TOTAL DIVERSION:					5.720 CFS	
CONSUMPTIVE USE:						715.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: PERMIT

Point(s) of Diversion: T06S R33E S12 SENE

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	1	:															09	09	18.0
06S	33E	12	:	40		40		40		25		40		40		25		03	15	268.0
TOTAL ACRES																			286.0	

POU County: POWER

Other Rights: NONE

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

Other Water Rights Listing Overlapping Place(s) of Use:
A29-02344A A29-02344B

Conditions of Approval:

- 01G - Prior to the diversion of water under this right a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
- 046 - Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
- 048 - The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
- 049 - The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
- 016 - See remarks for additional conditions of approval.
- 03A - The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

AJ5809NP
No. A29-07770

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/24/00
PAGE: 135

Remarks: GEN The maximum rate of diversion for irrigation purposes under
this permit shall not exceed 5.72 cfs.
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: Field Inspection Flag:
Presumption Flag:

Audit: 04/23/90 HARRINGT 04/16/92 CAN-SHAF 05/26/94 SSHERMAN 07/29/94 THOMPSON
03/29/95 DSMITH 03/29/95 POST-STD 08/01/95 DSMITH 04/12/00 CVANDERM

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 29-07770

Proposed Priority: May 21, 1984

Maximum Diversion Rate:

5.72 CFS

This is to certify, that CITY OF POCATELLO

P.O. BOX 4169

POCATELLO, ID 83205

has applied for a permit to appropriate water from: GROUNDWATER
and a permit is APPROVED for development of water as follows:

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

IRRIGATION

04/01 to 10/15

5.72 CFS

LOCATION OF POINT(S) OF DIVERSION:

SENE Sec. 12, Township 06S, Range 33E
POWER 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>
06S	33E	1	SWSE 9	SESE 9			18
		12	NENE 40	NWNE 40	SWNE 40		
			SENE 25	NENW 40	SENE 40		
			NESW 25	NESE 3	NWSE 15		268

Total number of acres irrigated:

286

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before January 1, 1991.
2. Subject to all prior water rights.
3. Prior to the diversion of water under this permit a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
4. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
6. The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
7. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

RECEIVED

DEC 14 1984

Permit To Appropriate Water

NO. 29-07770

CONDITIONS/REMARKS:

8. The maximum rate of diversion for irrigation purposes under this permit shall not exceed 5.72 cfs.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

7th day of December, 1989.

for R. Keith Higginson
R. Keith Higginson, Director

RECEIVED
DEC 11 1989

DEC 11 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant City of Pocatello Phone (208) 232-4311 ext. 175
Post office address P. O. Box 4169 Pocatello, ID 83205
2. Source of water supply ground water which is a tributary of _____
3. Location of point of diversion is S.E. $\frac{1}{4}$ of N.E. $\frac{1}{4}$ of Section 12 Township 6 S.
Range 33 E. B.M. _____ Power _____ County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

- Amount 5.72 for irrigation purposes from April 1 to Oct. 15 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

- a. 5.72 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

- a. Description of ditches, flumes, pumps, headgates, etc. 20" diameter deep well with appropriate vertical turbine pump and motor to pump 6.7 cfs. various sizes of irrigation mainline to accommodate flow.
- b. Height of storage dam N/A feet, active reservoir capacity N/A acre-feet; total reservoir capacity N/A acre-feet, materials used in storage dam: N/A
Period of year when water will be diverted to storage N/A to N/A inclusive.
(Month/Day) (Month/Day)
- c. Proposed well diameter is 20 inches; proposed depth of well is 300 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 years (minimum 1 year - maximum 5 years).

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: _____ horsepower 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: _____

RECEIVED

OCT 14 1983

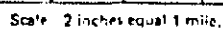
[illegible]

c. Describe any other water rights used for the same purposes as described above. None

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

Change
95 per
letter
HWT
10-17-85

See Attached USGS Map



DEC 14 1989

(Applicant)
Director of Public Works

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

A29-07070

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

RECEIVED

JUL 18 1995

Department of Water Resources
Adjudication Bureau

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

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

29-07770

LAW OFFICE
MOFFATT, THOMAS, BARRETT, ROCK & FIELDS
CHARTERED

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FEB 28 1994
Department of Water Resources

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

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525 Park Avenue, Suite 2D
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83403

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POCATELLO, IDAHO
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Post Office Box 4941
83201

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

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

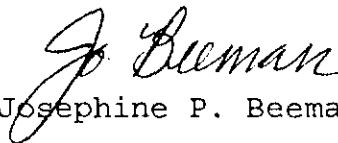
Re: City of Pocatello Reservoir List
MTBR&F File No. 15863.0000

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/ljs
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

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

870224W100045.LTR

Boise

NOV 13 1993

Fax: (208) 338-8299

ATTORNEYS AT LAW • BOISE, IDAHO

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.

MICROFILMED
NOV 19 1993

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

MICROFILMED
NOV 13 1990

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 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 [Signature]
POCATELLO WATER DEPT.

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 29-07770

Proposed Priority: May 21, 1984

Maximum Diversion Rate:

5.72 CFS

This is to certify, that CITY OF POCATELLO
P.O. BOX 4169
POCATELLO, ID 83205

has applied for a permit to appropriate water from: GROUNDWATER
and a permit is APPROVED for development of water as follows:

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

IRRIGATION

04/01 to 10/15

5.72 CFS

LOCATION OF POINT(S) OF DIVERSION:

SENE Sec. 12, Township 06S, Range 33E
POWER 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>
06S	33E	1	SWSE 9	SESE 9			18
		12	NENE 40	NWNE 40	SWNE 40		
			SENE 25	NENW 40	SENE 40		
			NESW 25	NESE 3	NWSE 15		268
Total number of acres irrigated:							286

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before January 1, 1991.
2. Subject to all prior water rights.
3. Prior to the diversion of water under this permit a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
4. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
6. The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
7. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.