

01/06/2003

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-271

NAME AND ADDRESS: CITY OF POCATELLO
PO BOX 4169
POCATELLO ID 83205

SOURCE: MINK CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 3.220 CFS

PRIORITY DATE: 02/26/1869

POINT OF DIVERSION:

T08S R34E S13 NESE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
MUNICIPAL

PERIOD OF USE
1/01 12/31

QUANTITY
3.220 CFS

PLACE OF USE:

Place of use is within the service area of the City of Pocatello municipal water supply system as provided for under Idaho Law.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Decreed

2671869--February 26

5 inches

Said water to be diverted by means of a dam across said Mink Creek at or near the center of section 20, Township 7, South Range 35, E. B. M. Said water to be used upon the following described land: Southeast quarter of the Northeast quarter of section 18, and the West eighteen acres of the Southwest quarter of the Northwest quarter of section 17, Township 7, South Range 35, E. B. M.

9 02681902--July 21,

26.98 inches

4. William H. Edwards

9 02691869--February 26

20 inches

9 02701902--July 21,

31.53 inches

Said water to be diverted by means of a dam across said Mink Creek at or near the center of section 20, Township 7, South Range 35, E. B. M. Said water to be used upon the following described land: North half of the Northeast quarter of Section 18, Township 7, South Range 35, E. B. M.

5. City of Pocatello

9 02711869--February 26

161.1 inches

9 02721901--October 1,

28 inches

9 02731917--October 1,

60.9 inches

Said water to be diverted by means of a dam and head gate into a pipe line at a point 3° 38' West 728.3 feet from the East quarter corner of section 13, Township 8, South Range 34, E. B. M. To be used for municipal purposes within the City of Pocatello, Bannock County, State of Idaho.

6. James S. Campbell

9 02741902--June 17,

70 inches

Trans. 252 (PD)

(from Mink Creek and Campbell Creek, the amount which he shall receive from Campbell Creek to be deducted from the 70 inches and the balance from Mink Creek)

Said water to be diverted near the Southeast corner of the Northwest quarter of the Northeast quarter of section 31, Township 7, South Range 35, E. B. N. Said water to be used upon the lands described as follows: Southeast quarter of the Northeast quarter, East half of the Southeast quarter of Section 30, Northeast quarter of section 31, all in Township 7, South Range 35, E. B. M.

7. Arthur Say

9 02751904--September 7,

75 inches

Trans. 1715

(See exhibit B of trans. for mapped list of water users)

Said water to be diverted by means of a dam and head gate in the Southeast quarter of the Southeast quarter of Section 19, Township 7 South Range 35, E. B. M. Said water to be used upon the lands described as follows:

Saxton, Craig

From: McHugh, Candice
Sent: Tuesday, March 05, 2002 11:41 AM
To: Saxton, Craig; Carlsen, Ernie
Subject: RE: City Of Pocatello Issue

Craig,

I think you have a great start. One comment, on 29-271, 272, 273 if the SOU is changed from the shorter season to the longer season I think this would need to be done as an accomplished transfer or even an enlargement depending on what safeguards you would include to not add injury to other water users. Ernie, your comments?

-----Original Message-----

From: Saxton, Craig
Sent: Friday, March 01, 2002 2:32 PM
To: Carlsen, Ernie
Cc: McHugh, Candice
Subject: City Of Pocatello Issue

<< File: City Of Pocatello Issues.doc >> << File: City of Pocatello Claim list.xls >>

Oops, forgot to send the attachment.

*Decreased as Municipal
use - sou not
necessarily an issue*

Deb Nelson
(Debora)
(208) 331-0950

✓
Works with Jo Beeman
She is now the
direct contact.

9-25-01 CJ

City Of Pocatello Issues

Needed From Claimant:

Map of all City of Pocatello Wells and Numbering system.

Attorney information – Has this changed?

How are we describing the POU.

What kind of overlap conditions/remarks need to be considered in recommendations.

29-00271, 29-00272, 29-00273:

Season of Use: Decree 29-C, “Smith Vs. City of Pocatello” Mink Creek, defines a SOU for irrigation but not Municipal. Assumed SOU to be year round.

Needs field exam to locate POD

TR 5452 Issue:

29-02274 (A,B,C):

This right was included in Approved Transfer 5452 completed in 1999.

This historical license was claimed in three parts in 1990.

29-02274A: Claimed Wells 2 and 3 with a more senior priority date than originally licensed and an additional diversion rate. However, notes in claim 29-02401 indicate that well 3 water is claimed under 24-02401.

If claimant wants to pursue the earlier priority date and diversion rate, claim needs to be renumbered and treated as a beneficial use claim. Besides priority date, the elements of this claim are covered under claim 29-02274 as defined by TR 5452.

29-02274B: Claimed Well 7 with a more senior priority date than originally licensed. If claimant wants to pursue the earlier priority date, claim needs to be renumbered and treated as a beneficial use claim. Besides priority date, the elements of this claim are covered under claim 29-02274 as defined by TR 5452.

29-02274C: Elements of this claim are covered under claim 29-02274 as defined by TR 5452. Recommend as Disallowed.

29-02338 (29-011339, 29-11342, 29-11343, 29-11344):

29-02338 was included in approved TR 5452 completed in 1999.

This historical licensed was claimed in 4 parts in 1990.

29-11339: Claimed Wells 12, 13, 15 with remarks that state. "These wells are being claimed based on beneficial use although they are described in licenses 29-02338 and 29-02401. License 29-02401 identified and additional 0.89 cfs diversion for Well #13. This additional amount reflects a more accurate measurement, rather than expansion of use, and therefore is being claimed under the priority of the earlier license 29-02338."

TR 5452 doesn't account for this additional 0.89 cfs. The other elements of this claim are covered by TR 5452. If claimant wishes to pursue the additional 0.89 cfs with 1953 priority date, claim will be treated as beneficial use, and the appropriate documentation needs to be provided.

29-11342: This claim is for a portion of City Of Pocatello right 29-02338. This right split by C/O to Astaris in 2000 after approval of TR 5452. Follow Bryce's recommendation of 0.50 cfs to Astaris. Remaining amount to City of Pocatello.

29-11343: This claim is for a portion of historical license right 29-02338 (Phillips Well #1) but was claimed with an earlier priority date. If claimant wishes to pursue an early priority date, treat as beneficial use. Remaining elements of claim are covered by TR 5452.

29-11344: This claim is for a portion of historical license right 29-02338 (Phillips Well #2) but was claimed with an earlier priority date. If claimant wishes to pursue an early priority date, treat as beneficial use. Remaining elements of claim are covered by TR 5452.

29-07375:

Recommend as defined by TR 5452. No Problems.

Statutory Claims:

29-04421:

Need priority evidence to support 6/1/1943

No Intrepid Data – need diversion rate

POD Location? Well # P.I.P

29-04222:

Need priority Evidence for June 16, 1898 - Look on Paragraph 18

Is Gibson Jack Creek previously Decreed? Doesn't appear to be. If yes, what decree.
29-00263A claims A source from Gibson Jack but was originally decreed as Mink Creek.

No Intrepid Data – need diversion rate
POD Location? - Check to see if party to decree
- Doesn't seem to be involved in 29-6

29-04223:

Need Priority Evidence for 10/1/1962

No Intrepid Data – need diversion Rate

POD Location? Well #33

29-04224:

Need Priority Evidence for 9/15/1955

No Intrepid Data – need diversion rate

POD Location? Well # 21

29-04225:

Need Priority Evidence for 8/15/1956

No Intrepid Data – need diversion rate

POD Location? Well #23

29-04226:

Need priority evidence of 10/1/1955

No Intrepid Data – need diversion rate

POD Location? Well #(CREE)

29-07106, 29-11348:

29-07106 was licensed for 11.1 cfs form Well #s: 28 and 29

Well #29 claimed as 29-07106 for 5.57 cfs and licensed priority date. } provide Doc

Well #28 claimed as 29-11348 for 5.57 cfs and 1951 priority date.

- Diversion rate is over-claimed between the two claims.

Plan is to recommend 29-07106 as licensed and treat 29-11348 as a beneficial use claim that will require evidence of priority.

Does AJ claim 29-07106 needs to be amended?

29-02324:

Licensed in 1979 to city of Alameda for 6 cfs and two wells.

City of Pocatello claimed 3 cfs from well #22. Questions are, how did City of Pocatello gain half of the right? Is well #22 one of the originally licensed wells? Need some more info on this claim. Why isn't the other 3 cfs claimed by either City of Alameda or City of Pocatello?

29-02382:

Licensed for irrigation – According to NAPP, licensed POU is either a subdivision or not irrigated.

POD is described as “Well (Highland Golf Course).

Is this water used for the golf course south of the licensed POU? This needs an explanation.

29-02401:

Licensed for wells 3, 14, 17, 18, 19. However, I think Well # 14 is also referred to as Well #16 which I think is abandoned.

Water from Well #3 is claimed under right 29-02274A. Since 29-02274 water has been accounted for in TR 5452, disregard additional diversion rate claimed under this right and most likely recommend as licensed.

29-02499:

Looks Ok.

Well #27. Need POD location.

29-07118

POU issue. Looks like part of the originally licensed POU is under a Pivot. Is this a new owner? Enlargement? Need to ask claimant about POU and POD location.

29-07119:

No major problems. Recommend as licensed. Need POD location Well# (airport).

29-07450:

No Problems.

POD Phillips well #3

29-07322:

No Problems

Well #'s 30, 31, 32

29-07431:

No Problems – Waste water