

06/27/2003

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

RIGHT NUMBER: 29-4224

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.890 CFS

PRIORITY DATE: 09/15/1955

POINT OF DIVERSION:

T06S R34E S14 NWNW Within BANNOCK County
T06S R34E S15 NWNE Within BANNOCK County
T06S R34E S15 NENW Within BANNOCK County
T06S R34E S15 NESE Within BANNOCK County
T06S R34E S15 NESE Within BANNOCK County
T06S R34E S16 NENE Within BANNOCK County
T06S R34E S23 NWNE Within BANNOCK County
T06S R34E S23 SWNE Within BANNOCK County
T06S R34E S23 SENW Within BANNOCK County
T06S R34E S23 NESW Within BANNOCK County
T06S R34E S26 NENW Within BANNOCK County
T06S R34E S26 SWSE Within BANNOCK County
T06S R34E S35 NWNE Within BANNOCK County
T06S R34E S35 SENE Within BANNOCK County
T06S R34E S35 NWSE Within BANNOCK County
T07S R34E S1 NWNE Lot 2 Within BANNOCK County
T07S R34E S1 SWNE Within BANNOCK County
T07S R34E S1 NESE Within BANNOCK County
T07S R34E S1 SESE Within BANNOCK County
T07S R35E S6 NWSE Within BANNOCK County
T07S R35E S7 NESW Within BANNOCK County
T07S R35E S18 SENE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
MUNICIPAL

PERIOD OF USE
1/01 12/31

QUANTITY
3.890 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:

IDAHO DEPARTMENT OF WATER RESOURCES
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To the extent necessary for administration, water was first appropriated or used from:

Pocatello Well No. 2 located in T07S, R34E, S01, NWNE,
on 12/31/1926 in the amount of 3.12 cfs.

Pocatello Well No. 3 located in T07S, R34E, S01, SWNE,
on 12/31/1926 in the amount of 4.23 cfs.

Pocatello Well No. 7 located in T06S, R34E, S35, NWNE,
on 12/31/1940 in the amount of 4.46 cfs.

Pocatello Well No. 10 located in T06S, R34E, S26, NENW,
on 6/15/1948 in the amount of 5.35 cfs.

Pocatello Well No. 12 located in T06S, R34E, S35, SENE,
on 9/1/1953 in the amount of 6.20 cfs.

Pocatello Well No. 13 located in T07S, R34E, S01, SESE,
on 9/1/1953 in the amount of 2.22 cfs, and on 10/16/1958 for an additional amount of 0.89 cfs.

Pocatello Well No. 14 located in T07S, R35E, S07, NESW,
on 12/31/1955 in the amount of 0.22 cfs.

Pocatello Well No. 15 located in T07S, R35E, S06, NWSE,
on 9/1/1953 in the amount of 1.11 cfs, and on 2/24/1977 for an additional amount of 2.23 cfs.

Pocatello Well No. 16 located in T06S, R34E, S26, SWSE,
on 10/16/1958 in the amount of 6.67 cfs.

Pocatello Well No. 18 located in T06S, R34E, S15, NENW,
on 10/16/1958 in the amount of 4.66 cfs.

Pocatello Well No. 21 located in T06S, R34E, S23, SWNE,
on 9/15/1955 in the amount of 3.89 cfs.

Pocatello Well No. 22 located in T06S, R34E, S23, SENW,
on 10/22/1952 in the amount of 3.68 cfs.

Pocatello Well No. 23 located in T06S, R34E, S23, NWNE,
on 8/15/1956 in the amount of 4.44 cfs.

Pocatello Well No. 26 located in T06S, R34E, S15, NWNE,
on 6/1/1945 in the amount of 2.67 cfs.

Pocatello Well No. 27 located in T06S, R34E, S14, NWNW,
on 12/10/1964 in the amount of 4.10 cfs.

Pocatello Well No. 28 located in T07S, R34E, S01, NESE,
on 8/31/1951 in the amount of 4.90 cfs.

Pocatello Well No. 29 located in T06S, R34E, S23, NESW,
on 11/6/1972 in the amount of 6.20 cfs.

Pocatello Well No. 30 located in T06S, R34E, S35, NWNE,
on 4/25/1976 in the amount of 5.57 cfs.

Pocatello Well No. 31 located in T06S, R34E, S15, NESE,
on 4/25/1976 in the amount of 8.02 cfs.

Pocatello Well No. 32 located in T06S, R34E, S16, NENE,
on 4/25/1976 in the amount of 3.45 cfs.

Pocatello Well No. 33 located in T07S, R35E, S18, SENE,
on 10/1/1962 in the amount of 0.21 cfs.

Pocatello Well No. 34 located in T06S, R34E, S15, NESE,
on 2/18/1985 in the amount of 7.00 cfs.

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.

06/27/2003

IDAHO DEPARTMENT OF WATER RESOURCES
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EXPLANATORY MATERIAL: Beneficial Use

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

RECEIVED

APR 25 2003

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, Department of Water Resources
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 29 - 4224
Date Received:
Receipt No:
Received By:

AMENDED NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

CITY OF POCA TELLO Phone: (208) 232-4311

PO BOX 4169
POCA TELLO ID USA 83201

2. Date of Priority: September 15, 1955

3. Source: GROUND WATER

4. Point of Diversion:

Township Range Section 1/4 of 1/4 of 1/4 Lot County Type

SEE ATTACHMENT A

5. Description of diverting works:

32 WELLS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
MUNICIPAL	1/01	12/31	3.89	

7. Total Quantity Appropriated is:
3.89 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses: MUNICIPAL, CITY OF POCA TELLO

COPY

10. Place of use: WITHIN THE SERVICE AREA OF THE CITY OF POCA TELLO'S MUNICIPAL WATER SUPPLY SYSTEM AS PROVIDED FOR UNDER IDAHO LAW.

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
----------	-------	---------	------------	-----	-----	-------

11. Place of use in counties:

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used: [LIST/ATTACH CITY'S MUNICIPAL WATER RIGHTS]

14. Remarks:

P/U WITHIN CITY OF POCA TELLO & VICINITY.

29-4224 (WELL # 21)

15. Basis of Claim:

STATUTORY CLAIM

COPY

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 the City Attorney of the City of Pocatello, a Municipal Corporation, that I have signed the foregoing document in the space below as the City Attorney of the City of Pocatello and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent: _____

Title and Organization: _____

A. Dean Tranne
City Attorney, City of Pocatello

4-21-03
Date

STATE OF IDAHO)
) ss.
County of Bannock)

Subscribed and sworn to before me this 21st day of April, 2003.



Rayna Valentine
NOTARY PUBLIC
Residing at Pocatello
My commission Expires 4/28/09

COPY

Notices of Claim

Tab	Priority Date	Rate of Diversion C.F.S.
1	June 16, 1898	7.000
2	1905	1.34
3	1925	0.96
4	December 31, 1926	9.13
5	August 31, 1931	4.23
6	1936	2.45
7	December 31, 1940	10.34
8	December 31, 1942	1.92
9	June 1, 1943	2.67
10	June 15, 1948	9.69
11	August 1951	4.9
12	September 1, 1953	9.53
13	August 27, 1954	0.28
14	September 15, 1955	3.89
15	October 1, 1955	1.22
16	August 15, 1956	4.44
17	December 21, 1956	3.82
18	October 16, 1958	13.02
19	1961	3.36
20	October 1, 1962	2.67
21	December 10, 1964	4.1
22	November 6, 1972	3.9
23	April 11, 1973	10.01
24	August 22, 1974	1
25	April 25, 1976	17.07
26	February 24, 1977	2.23
27	December 29, 1977	9.28
28	June 13, 1978	3.34
29	July 6, 1979	0.10
30	May 21, 1984	4.46
31	January 18, 1985	7

ATTACHMENT A

Township	Range	Section	¼ of ¼,	County of
7S	34E	1	NE	BANNOCK (well #2)
7S	34E	1	NE	BANNOCK (well #3)
6S	34E	26	NE NW	BANNOCK (well #10)
6S	34E	35	SE NE	BANNOCK (well #12)
7S	34E	12	NW NE	BANNOCK (well #13)
7S	35E	7	NE SW	BANNOCK (well #14, Cree)
7S	35E	6	NW SE	BANNOCK (well #15)
6S	34E	26	SW SE	BANNOCK (well #16)
7S	34E	1	SE SE	BANNOCK (well #17)
6S	34E	15	NE NW	BANNOCK (well #18)
6S	34E	7	SE NE	BANNOCK (well #19)
6S	34E	23	SW NE	BANNOCK (well #21)
6S	34E	23	SE NW	BANNOCK (well #22)
6S	34E	23	NW NE	BANNOCK (well #23)
6S	34E	15	NW NE	BANNOCK (well #26, PIP)
6S	34E	15	NE NE	BANNOCK (well #27)
7S	34E	1	NE SE	BANNOCK (well #28)
6S	34E	23	NE SW	BANNOCK (well #29)
6S	34E	35	NW NE	BANNOCK (well #30)
6S	34E	15	NE SE	BANNOCK (well #31)
6S	34E	16	NE NE	BANNOCK (well #32)
7S	35E	18	SE NE	BANNOCK (well #33)
6S	34E	15	NE SE	BANNOCK (well #34)
6S	33E	10	NE SE	POWER (well #35, Phillips 3)
6S	33E	15	SW NE	POWER (well #39, Phillips 1)
6S	33E	10	NE SE	POWER (well #40, Phillips 2)
6S	33E	9	SW SW	POWER (well #41, Airport 2)
6S	33E	16	NW SW	POWER (well #42, Airport 1)
6S	34E	9	SW SE	BANNOCK (well #43, Ward)
7S	35E	16	SW SW	BANNOCK (well #44)
6S	33E	12	SE NE	POWER (WPC plant)
7S	35E	6	NW NW	BANNOCK (Restlawn)

List of Pocatello Ground Water Development Permits					
Priority date	Amount by priority (cfs)	Cumulative amount (cfs)	IDWR Reference	Well #	Explanation showing ground water use development over time
1905	1.34	1.34	29-2324	A 1	Alameda well 1 (replaced by well #29 in 1972)
1925	0.96	2.3	29-2324	A 2	Alameda well 2 (replaced by well #29 in 1972)
1926	9.13	11.43	29-2274	1, 2, 3	Establish capacity and demonstrate use of facilities on Pocatello wells # 1 (2.45 cfs), 2 (2.45 cfs), 3 (4.23 cfs)
Aug. 31 1931	4.23	15.66	29-2274	4	Establish additional capacity: Pocatello well # 4 (4.23 cfs, using pump from # 3 with no intent to abandon well #3). Continue use of Pocatello wells # 1, 2
1934-1936	0	15.66	29-2274	5	No change in capacity: abandon well # 1 and replace with well # 5; using wells # 4 (transfer pump # 1), 5 (transfer pump # 2 with no intent to abandon well # 2); pump 3 sold to Idaho Falls
1936	2.45	18.11	29-2274	6	Establish additional capacity: well # 6 (2.45 cfs with new pump); continue use of wells # 4, 5
1939	0	18.11			No change in capacity: well # 3 reactivated
Dec. 31 1940	10.34	28.45	29-2274 29-2338 29-2324	7, 39 (Ph 1), 22 (A 3)	Establish additional capacity: well # 7 completed (pump capacity of 2000 gpm or 4.46 cfs); well #39 or Phillips 1 (2.2 cfs); well #22 or Alameda well 3 (3.68 cfs)
Dec. 31 1942	1.92	30.37	29-2338	40 (Ph 2)	Establish additional capacity: Well #40 or Phillips 2 (1.92 cfs; Report of Eng for amount; Evidence binder supports priority date)
June 1 1943	2.67	33.04	29-4221	PIP	Establish additional capacity: well PIP (2.67 cfs; Evidence binder supports priority date)
1947	0	33.04			No change in capacity: well # 8 drilled but infrastructure completed and well put into use in 1948
June 15 1948	9.69	42.73	29-2274: 1948 Permit; 1953 Proof of C/W due; 1959 Notice of BU due; 1954 Field Report	2 (add'l cfs) 8 9 10	Establish additional capacity: well # 2 reactivated (additional .67 cfs for total of 3.12 cfs); well # 8 (2.67 cfs; larger pump installed before Notice of Completion of Works due [4/25/53] on 1948 permit; see 1954 field exam); well # 9 drilled in 1948 (450 gpm pump by 1952 = 1 cfs); well # 10 (5.35 cfs pump capacity). Well # 3 redrilled; no change in capacity.
Aug. 1951	4.9	47.63	29-7106	28 (aka 20/Turner)	Well # 28 (also # 20 and Turner well) drilled in August 1951; license 29-7106 (erroneous 1972 priority date) establishes 1951 use.
Sept. 1 1953	9.53	57.16	29-2338	11, 12, 15 13 (Riverside GC)	Well # 11 (0 cfs; well and property sold in 1992); well # 12 (6.2 cfs); well # 13 (Riverside Golf Course, 2.22 cfs); well # 15 (1.11 cfs); Phillips 1 @ 1940; Phillips 2 @ 1942
Aug. 27 1954	0.28	57.44	29-2354	Restlawn	Restlawn Cemetery well
Sept. 15 1955	3.89	61.33	29-4224	21 (A 4)	Well # 21 (Alameda 4) for 3.89 cfs
Oct. 1 1955	1.22	62.55	29-4226	14 /CREE	Well #14 or Cree for 1.22 cfs
Aug. 15 1956	4.44	66.99	29-4225	23 (A 5)	Well # 23 (Alameda 5) for 4.44 cfs
Dec. 21 1956	3.82	70.81	29-2382	17 (Highland GC)	Well # 17 (3.82 cfs; Highland Golf Course; land & well purchased by city in 1973; not to be confused with well #17 at Riverside Golf Course)
Oct. 16 1958	13.02	83.83	29-2401 for 15.63	16, 18, 19 13 (add'l cfs at RGC)	Well # 16 (6.67 cfs); well #17 is actually Riverside Golf Course well # 13 (increased capacity, .89 cfs), well # 18 (4.66 cfs); well # 19 (0.8 cfs); well 3 claimed in 1926
July 1961	3.36	87.19	29-2383 29-2384	A 6 A 7	Alameda 6, 29-2383 (1.70 cfs) and Alameda 7, 29-2384 (1.66 cfs)
Oct. 1 1962	2.67	89.86	29-4223	33	Well # 33 for 2.67 cfs (Evidence binder)
Dec. 10 1964	4.1	93.96	29-2499	27	Well # 27 for 4.1 cfs
Nov. 6 1972	3.9	97.86	29-7106	29	Well # 29 for 3.9 cfs (3.9 cfs: 6.2 cfs less 2.3 cfs for replacement of Alameda 1 and 2 wells; 6.2 cfs: licensed amount 11.1 cfs less 4.9 cfs for well # 28 claimed with 1951 priority date)
Apr. 11 1973	10.01	107.87	29-7118, 29-7119	42, 41 (Airport 1 and 2)	Well #42 or airport 1 (4.01 cfs) and #41 or airport 2 (6 cfs)
Aug. 22 1974	1	108.87	29-7222	43	Well #43 or Ward Park for 1 cfs
Apr. 25 1976	17.07	125.94	29-7322	30, 31, 32	Well # 30 (5.57 cfs); well # 31 (8.02 cfs); well # 32 (3.45 cfs)
Feb. 24 1977	2.23	128.17	29-7375	15 (add'l cfs)	Well #15 redrilled, 2.23 cfs (well capacity is 3.34 cfs, less 1.11 cfs claimed on earlier license, 29-2338)
Dec. 29 1977	9.28	137.45	29-7431		Reuse of municipal water, irrigation season only (9.28 cfs)
June 13 1978	3.34	140.79	29-7450	35 (Ph 3)	Well # 35 or Phillips 3 (3.34 cfs)
July 6 1979	.1	140.89	29-7502	Restlawn	Restlawn Cemetery well (.1 cfs)
May 21 1984	4.46	145.35	29-7770	WPC	Well # WPC: Does Pocatello have evidence of 5.72 cfs?
Jan. 18 1985	7	152.35	29-7782	34	Well #34 (7 cfs)
2001	0	152.35	Transfer 5452	44	POD added to 29-2274, 29-2338, and 29-7375
TOTAL	152.35				

City of Pocatello Claim Summary

Original Claims (4/16/1990)				IDWR Preliminary Recommendations (2/12/2003)				Revised Comprehensive Filing (4/25/2003)	
WR No.	cfs	AFY	Priority Date	WR No.	Proposed cfs	Comments	Priority Date	WR No.	cfs
29-271	3.22		2/26/1869	29-11339	0	1		1869	3.22
29-4222	7		6/16/1898		0			1898	7
29-272	0.56		10/1/1901	29-11343	0	1		1901	0.56
29-273	1.218		10/1/1917	29-11344	0	1		1905	1.34
29-2274A	7.11		12/31/1926	29-11348	0	2		1917	1.218
29-2274B	2.34		12/31/1930	29-2274	21	5	6/15/1948	1925	0.96
29-11343	2.2		12/31/1940		0			1926	9.13
29-11344	1.92		12/31/1942		0			1931	4.23
29-4221	2.67		6/1/1943		0			1936	2.45
29-2274C	5.04		6/15/1948	29-2324	3		10/22/1952	1940	10.34
29-11348	5.57		8/31/1951	29-2338	14.76	5	9/1/1953	1942	1.92
29-11342	1.11		7/24/1952	29-2382	0	3		1943	2.67
29-2324	3		10/22/1952	29-2401	12.13		10/16/1958	1948	9.69
29-11339	10.42		9/1/1953	29-2499	4.1		12/10/1964	1951	4.9
29-4224	3.89		9/15/1955	29-271	3.22		2/26/1869	1953	9.53
29-4226	1.22		10/1/1955	29-272	0.56		10/1/1901	1954	0.28
29-4225	4.44		8/15/1956	29-273	1.218		10/1/1917	Sep-55	3.89
29-2382	3.82		12/21/1956	29-4221	0	4		Oct-55	1.22
29-2401	12.13		10/16/1958	29-4222	0	4		Aug-56	4.44
29-4223	2.67		10/1/1962	29-4223	0	4		Dec-56	3.82
29-2499	4.1		12/10/1964	29-4224	0	4		1958	13.02
29-7106	5.57		11/6/1972	29-4225	0	4		1961	3.36
29-7118	4.01	1,114 AFY	4/11/1973	29-4226	0	4		1962	2.67
29-7119	6	1,200 AFY	4/11/1973	29-7106	5.57		11/6/1972	1964	4.1
29-7222	1		8/22/1974	29-7118	4.01		4/11/1973	1972	3.9
29-7322	17.07		4/25/1976	29-7119	6		4/11/1973	1973	10.01
29-7375	3.34		2/24/1977	29-7222	1		8/22/1974	1974	1
29-7431	9.28	3,108 AFY	12/29/1977	29-7322	17.07		4/25/1976	1976	17.07
29-7450	3.34		6/13/1978	29-7375	3.34	5	2/24/1977	Feb-77	2.23
29-7770	5.72	1,120 AFY	5/21/1984	29-7431	9.28		12/29/1977	Dec-77	9.28
29-2274	0			29-7450	3.34		6/13/1978	1978	3.34
29-2338	0			29-7770	4.46		5/21/1984	1979	0.1
								1984	4.46
								1985	7
SUM	140.978				114.058				164.348

Comments

- 1: Recommended as Right No. 29-2338
- 2: Recommended as Right No. 29-7106
- 3: Forfeited/abandoned due to no irrigation use at claimed POU from 1975-1989
- 4: No lawful appropriate shown
- 5: Instantaneous diversion limit of 39.1 cfs

(7) If you are claiming water as a member of an organization, list name of organization: CITY OF POCA TELLO

MICROECONOMICS

			T. 6 S.		R. 34 E.				
	16		15		14			13	
	21		22		23	Well Location		24	
	28		27		26			25	

Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)

County of Bannock) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

CITY OF POCA TELLO BY C.W. MOSS

C. W. Moss
(Claimant)

Sworn to before me this 2nd day of February, 19 82.

Joan Button
Notary Public
Residing at Pocatello, Idaho

My commission expires April 15, 1982

Received by <u>CW</u>	Date <u>2-8-82</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>HWT</u>	Date <u>2-12-82</u>		claimant by:	
\$20.00 fee received by <u>CW</u>	Date <u>2-15-82</u>			
Published in <u>H20091</u>				
Dates				

01/13/2003

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

RIGHT NUMBER: 29-4224
NAME AND ADDRESS: CITY OF POCATELLO
PO BOX 4169
POCATELLO ID 83205

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

NO LAWFUL APPROPRIATION SHOWN: There are a number of circumstances in which a claim is proposed to be disallowed on this basis. This is most commonly included for a claim based on beneficial use or posted notice that is PROPOSED to be disallowed because the right claimed is not within an exception to the mandatory permit statute, and beneficial use of water prior to the mandatory permit statute was not confirmed. This is also included where a claim is PROPOSED to be disallowed because the claim is to water that is not public water subject to appropriation. This is also included where a right was determined not to exist in a prior adjudication.

NO LAWFUL APPROPRIATION SHOWN.