

06/27/2003

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

RIGHT NUMBER: 29-7431

NAME AND ADDRESS: CITY OF POCA TELLO
PO BOX 4169
POCA TELLO ID 83205

SOURCE: WASTE WATER

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 9.280 CFS
3,108.000 AFY

PRIORITY DATE: 12/29/1977

POINT OF DIVERSION:

T06S R34E S7 SWNE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/01 11/01

QUANTITY
9.280 CFS
3,108.00 AFY

PLACE OF USE: IRRIGATION Within BANNOCK County

T05S R34E S25	NENE	24.0	T05S R34E S25	NWNE	19.0
T05S R34E S25	SWNE	39.0	T05S R34E S25	SENE	38.0
T05S R34E S25	NENW	12.0	T05S R34E S25	NWNW	14.0
T05S R34E S25	SWNW	35.0	T05S R34E S25	SENW	25.0
T05S R34E S25	SESW	11.0	T05S R34E S25	NESE	33.0
T05S R34E S25	NWSE	30.0	T05S R34E S25	SWSE	39.0
T05S R34E S25	SESE	35.0	T05S R34E S26	NENE	8.0
T05S R34E S26	SENE	40.0	T05S R34E S26	NESE	37.0
T05S R34E S26	SESE	4.0	T05S R34E S36	NENE	32.0
T05S R34E S36	NWNE	37.0	T05S R34E S36	SWNE	40.0
T05S R34E S36	SENE	40.0	T05S R34E S36	NENW	17.0
T05S R34E S36	NESE	3.0	T05S R34E S36	NWSE	3.0
T05S R35E S30	NWNE	5.0	T05S R35E S30	SWNE	7.0
T05S R35E S30	NENW	40.0	T05S R35E S30	NWNW	33.0
T05S R35E S30	SWNW	38.0	T05S R35E S30	SENW	39.0

777 ACRES TOTAL

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: License

THE SOURCE OF THIS RIGHT IS WASTE WATER ORIGINALLY DIVERTED BY THE CITY OF POCA TELLO.

APR 25 2003

Department of Water Resources

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 29-7431
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: December 29 1977

3. Source: WASTE WATER to the extent it is not generated from non-municipal diversions; REUSE of municipal diversions

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
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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	9.28	

7. Total Quantity Appropriated is:
9.28 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
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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.

29-7431: based on license, except that explanatory statement should be changed as follows: THE SOURCE IS THE CITY OF POCA TELLO'S DIVERSIONS FOR MUNICIPAL USE. THIS IS A REUSE OF THAT MUNICIPAL WATER.

15. Basis of Claim: LICENSE

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)

The City of Pocatello Ground Water Development History					
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					
29-4222	7		6/16/1898		0						
29-272	0.56		10/1/1901	29-11343	0	1					
29-273	1.218		10/1/1917	29-11344	0	1					
29-2274A	7.11		12/31/1926	29-11348	0	2					
29-2274B	2.34		12/31/1930	29-2274	21	5	6/15/1948				
29-11343	2.2		12/31/1940		0						
29-11344	1.92		12/31/1942		0						
29-4221	2.67		6/1/1943		0						
29-2274C	5.04		6/15/1948	29-2324	3		10/22/1952				
29-11348	5.57		8/31/1951	29-2338	14.76	5	9/1/1953				
29-11342	1.11		7/24/1952	29-2382	0	3					
29-2324	3		10/22/1952	29-2401	12.13		10/16/1958				
29-11339	10.42		9/1/1953	29-2499	4.1		12/10/1964				
29-4224	3.89		9/15/1955	29-271	3.22		2/26/1869				
29-4226	1.22		10/1/1955	29-272	0.56		10/1/1901				
29-4225	4.44		8/15/1956	29-273	1.218		10/1/1917				
29-2382	3.82		12/21/1956	29-4221	0	4					
29-2401	12.13		10/16/1958	29-4222	0	4					
29-4223	2.67		10/1/1962	29-4223	0	4					
29-2499	4.1		12/10/1964	29-4224	0	4					
29-7106	5.57		11/6/1972	29-4225	0	4					
29-7118	4.01	1,114 AFY	4/11/1973	29-4226	0	4					
29-7119	6	1,200 AFY	4/11/1973	29-7106	5.57		11/6/1972				
29-7222	1		8/22/1974	29-7118	4.01		4/11/1973				
29-7322	17.07		4/25/1976	29-7119	6		4/11/1973				
29-7375	3.34		2/24/1977	29-7222	1		8/22/1974				
29-7431	9.28	3,108 AFY	12/29/1977	29-7322	17.07		4/25/1976				
29-7450	3.34		6/13/1978	29-7375	3.34	5	2/24/1977				
29-7770	5.72	1,120 AFY	5/21/1984	29-7431	9.28		12/29/1977				
29-2274	0			29-7450	3.34		6/13/1978				
29-2338	0			29-7770	4.46		5/21/1984				
SUM	140.978				114.058						

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

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

SCANNED

JUL 10 1981

WATER RIGHT NO. 29-7431

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

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

POCATELLO, 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	354
			NENW 12	NWNW 14	SWNW 35	SENE 25	
			SESW 11	NESE 33	NWSE 30	SWSE 39	
			SESE 35				
	26		NENE 8	SENE 40	NESE 37	SESE 4	89
			NENE 32	NWNE 37	SWNE 40	SENE 40	
			NENW 17	NESE 3	NWSE 3		
5S	35E	30	NWNE 5	SWNE 7	NENW 40	NWNW 33	172
			SWNW 38	SENE 39			

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

MICROFILMED

JUL 01 1981

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.

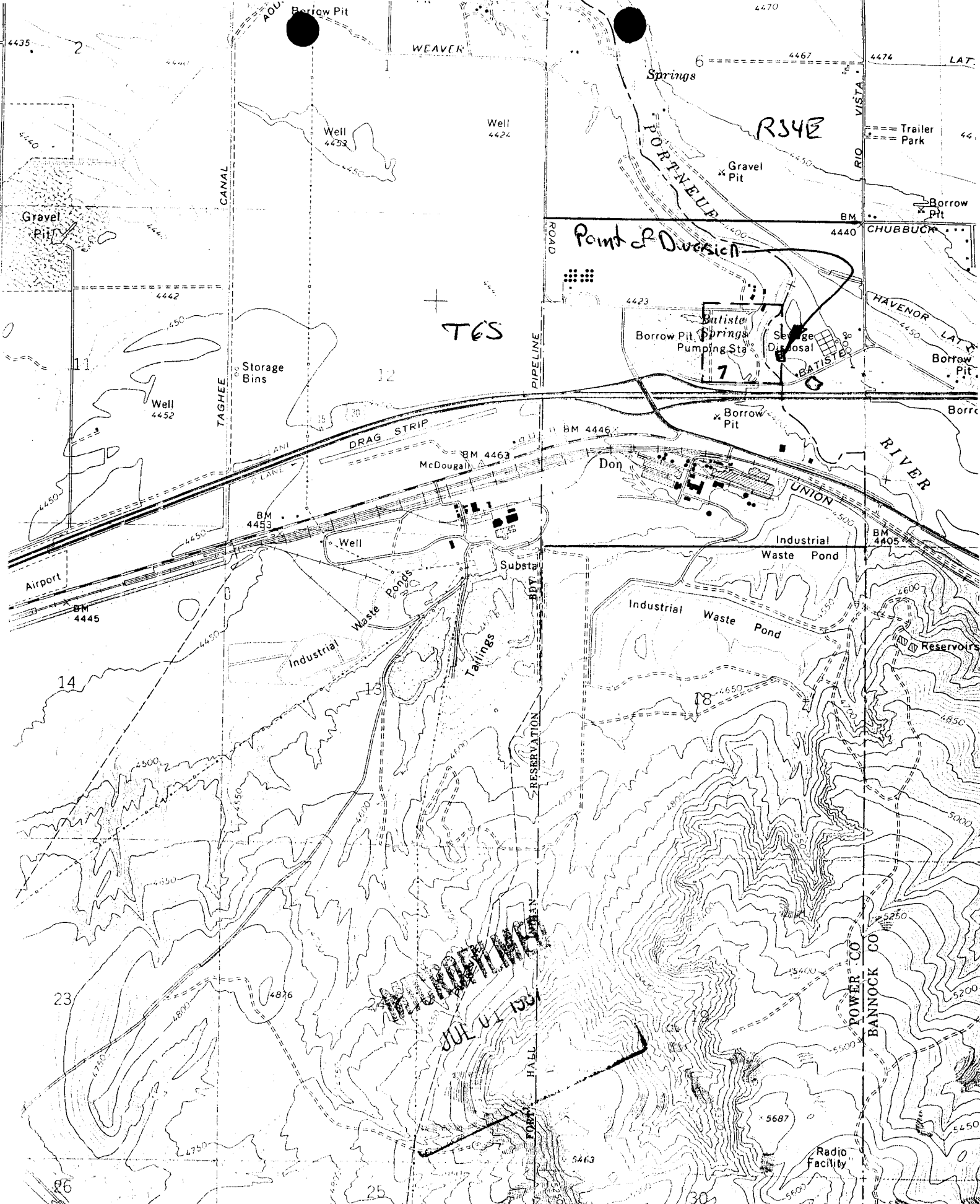
Acting for the

Director

Norman C. Young

MICROFILMED

JUL 01 1987



11/13/2002

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

RIGHT NUMBER: 29-7431

NAME AND ADDRESS: CITY OF POCATELLO
PO BOX 4169
POCATELLO ID 83201

SOURCE: WASTE WATER

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 9.280 CFS
3,108.000 AFY

PRIORITY DATE: 12/29/1977

POINT OF DIVERSION:

T06S R34E S7 SWNE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/01 11/01

QUANTITY
9.280 CFS
3,108.00 AFY

PLACE OF USE: IRRIGATION Within BANNOCK County

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T05S R34E S25	SESW	11.0	T05S R34E S25	NESE	33.0
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T05S R34E S36	NESE	3.0	T05S R34E S36	NWSE	3.0
T05S R35E S30	NWNE	5.0	T05S R35E S30	SWNE	7.0
T05S R35E S30	NENW	40.0	T05S R35E S30	NWNW	33.0
T05S R35E S30	SWNW	38.0	T05S R35E S30	SENW	39.0

777 ACRES TOTAL

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EXPLANATORY MATERIAL: License

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