

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA	)	Subcase No. <u>29-7431</u>
	)	
	)	
Case No. 39576	)	
	)	
	)	STANDARD FORM 1
	)	OBJECTION
_____	)	

NAME AND ADDRESS OF PERSON OBJECTING:

Name: City of Pocatello, a municipal corporation
Address: P. O. Box 4169
Pocatello, ID 83205

Daytime Phone: 208-232-4311

Name & Address of Attorney, if any:
Josephine P. Beeman, ISB # 1806
409 W. Jefferson St.
Boise, Idaho 83702
(208) 331-0950

CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT:

Name: City of Pocatello
Address: P. O. Box 4169
Pocatello, ID 83205

I object to the following elements as recommended in the Director's Report:

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: 9.28 cfs; 0 AFY
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☒ **Purpose(s) of Use**
Should be: municipal
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: "Place of use is within the service area of the City of Pocatello municipal water supply system as provided for under Idaho law, including all lands necessary to complete the beneficial use of the municipal water right. This right is used for the irrigation of specified lands within 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)."

11. **I object because:**

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

REASONS SUPPORTING OBJECTION(S):

Quantity: Diversion volume limits do not apply to use of surface water, in this case, wastewater.

Purpose of use: This water right has always been used by the City of Pocatello in its capacity and function as a municipality. Beneficial use of a municipal water right includes all actions necessary to comply with public health and safety standards.

Place of use: The municipal service area includes all lands necessary to complete the beneficial use of the municipal water right.

This City of Pocatello water right should include the following REMARK: To the extent that this point of diversion is a rediversion of municipal water rights for the City of Pocatello, it does not affect the elements of those municipal water rights.

VERIFICATION

State of Idaho)
) ss.
County of Ada)

Josephine P. Beeman, duly sworn, upon oath, deposes and says:

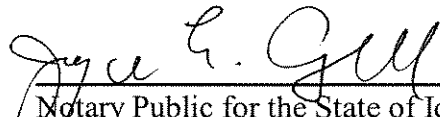
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(i) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.



Josephine P. Beeman
Beeman & Associates, P.C.
Attorneys for the City of Pocatello

Subscribed and sworn to before me on: November 14, 2003





Notary Public for the State of Idaho
Residing at: Boise, Idaho
My Commission Expires: July 29, 2008

CERTIFICATE OF MAILING

I certify that on November 14, 2003, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: City of Pocatello
Address: P. O. Box 4169
Pocatello, ID 83201

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Josephine P. Beeman

BEEMAN & ASSOCIATES, P.C.

Counselors and Attorneys at Law
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Phone (208) 331-0950
Fax (208) 331-0954
office@beemanlaw.com

November 14, 2003

*Via Facsimile (208) 736-2121
and U.S. Mail*

Diana Delaney, Chief Deputy Clerk
Snake River Basin Adjudication
253 Third Avenue, North
Twin Falls, ID 83301

RECEIVED
NOV 18 2003
Department of Water Resources

Re: Objections to Director's Report for Irrigation and Other Water Rights in Basin 29

Dear Ms. Delaney:

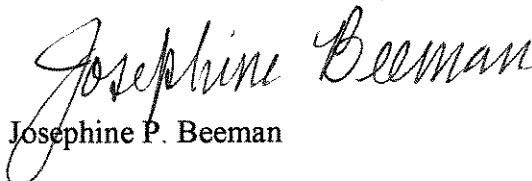
The City of Pocatello is filing objections to 40 water rights listed in the Director's Report for Irrigation and Other Water Rights in Basin 29.

We enclose a chart listing these 40 water rights and the grounds for objections to each. The bolding and notes on the chart explain which water rights are affected by the six group objections and which are affected by the 16 individual water right objections. We hope that this chart facilitates the court's handling of these objections.

The originals and copies for the court to conform have been sent by courier. Please call if we can be of additional help or answer questions. Thank you for your assistance in these matters.

Sincerely,

BEEMAN & ASSOCIATES, P.C.


Josephine P. Beeman

JPB:ja
cc: City of Pocatello
IDWR Document Depository
US Department of Justice
Office of Attorney General
Enclosure
Z:\1776\Obj\5998

CITY OF POCATELLO OBJECTIONS FILED NOVEMBER 13, 2003

General Provisions	Municipal PQU	Provisions Necessary	Correct Inter connection	Accomplished Transfer	Point of Diversion (Surface)	Name and address	Source	Quantity	Priority Date	Points of Diversion Flow	Purpose of Use	Period of Year	Place of Use
29 271	X				X								
29 272	X				X								
29 273	X				X								
29 274	X		X	X									
29 2338	X		X	X									
29 2354	X												
29 2382	X												
29 2401	X	X	X										
29 2499	X	X	X										
29 4221	X	X	X						X				
29 4222	X				X			X					
29 4223	X	X	X					X					
29 4224	X	X	X										
29 4225	X	X	X										
29 4226	X	X	X					X					
29 7106	X	X	X										
29 7118	X										X		X
29 7119	X										X		X
29 7222	X												
29 7322	X	X	X										
29 7375	X		X	X									
29 7431	X			X				X			X		X
29 7450	X	X								X			
29 7502	X												
29 7770	X										X		X
29 7782	X		X										
29 11339	X	X	X										
29 11344	X	X	X							X			
29 11348	X	X	X										
29 11609								X		X	X		X
29 12877						X	X	X	X	X	X	X	X
29 13558	X	X	X										
29 13559	X	X	X										
29 13560	X	X	X										
29 13561	X	X	X										
29 13562	X	X	X										
29 13636	X	X											X
29 13637	X	X	X										
29 13638	X	X	X							X			
29 13639	X	X	X	X					X				

Note 1: Six group objections affect multiple water rights (objections in bold).

Note 2: Sixteen objections are to individual water rights (water right numbers in bold).