

**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>See Attachment A</u>
	)		(All 38 of City of Pocatello's
	)		basin 29 water rights)
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: See "Reasons supporting objections" below.
3. ☒ **Quantity**
Should be: See "Reasons supporting objections" below.
4. ☒ **Priority Date**
Should be: See "Reasons supporting objections" below.
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☒ **Purpose(s) of Use**
Should be: See "Reasons supporting objections" below.
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
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):

All 38 of the City of Pocatello's basin 29 water rights should include the following remark regarding the City of Pocatello's water distribution facilities:

The City of Pocatello'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. The right to use such storage facilities is therefore a part of each of the city's water rights.

All 38 of the City of Pocatello's basin 29 water rights should be decreed with the following general provisions:

Separate Streams:

For purposes of water distribution in the Portneuf River drainage basin, water rights from the following sources to the extent recommended herein, are not considered junior to water rights from the Portneuf River, and will be administered separately from all other water rights in Basin 29:

Mink Creek

Gibson Jack Creek

Ground water rights tributary to the Portneuf drainage

Separate Administration: The City's 38 water rights, including water right no. and source, should be decreed with the following general provisions:

The following water rights from the following sources of water in Basin 29 shall be administered separately from all other water rights in Basin 29 in accordance with the prior appropriation doctrine as established by Idaho law:

The following water rights from the following sources of water in Basin 29 shall be administered separately from all other water rights in Snake River Basin in accordance with the prior appropriation doctrine as established by Idaho law:

Swan Falls: This objection is parallel to the Swan Falls objections in Basin 37 (Consolidated Subcase No. 37-02499). Because the Swan Falls objections in Basin 37 have not been designated a basin-wide issue, this objection addresses the Swan Fall protections for water rights in Basin 29.

No decree entered in the SRBA will supercede, preempt, modify, terminate, extend or otherwise affect the legal force and effect of the October 25, 1984 Swan Falls Agreement, the October 25, 1984 Swan Falls Contract (so long as the Agreement and Contract remain in effect), Consent Judgments in *Idaho Power Co. v. State of Idaho, Case No. 81375 (Fourth Judicial Dist. Feb. 16, 1990)* and *Idaho Power Co. v. State of Idaho, Case No. 62237 (Fourth Judicial Dist. Mar. 9, 1990)*, and the 1982 State Water Plan (as amended in 1985).

VERIFICATION

State of Idaho)
)ss.
County of Ada)

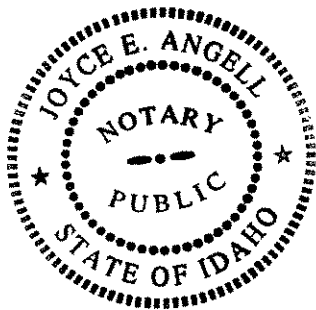
Josephine P. Beeman, duly sworn, upon oath, deposes and says:

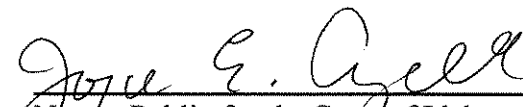
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(i) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.



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:

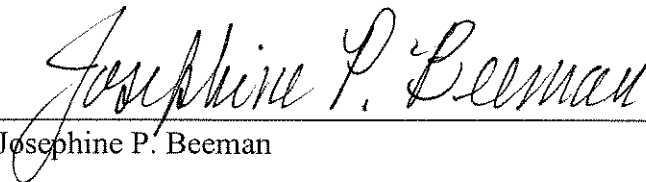
Name: City of Pocatello
Address: P. O. Box 4169
Pocatello, ID 83201

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

Attachment A

[List of each water right]

29-271
29-272
29-273
29-2274
29-2338
29-2354
29-2382
29-2401
29-2499
29-4221
29-4222
29-4223
29-4224
29-4225
29-4226
29-7106
29-7118
29-7119
29-7222
29-7322
29-7375
29-7431
29-7450
29-7502
29-7770
29-7782
29-11339
29-11344
29-11348
29-13558
29-13559
29-13560
29-13561
29-13562
29-13636
29-13637
29-13638
29-13639

BEEMAN & ASSOCIATES, P.C.

Counselors and Attorneys at Law
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Dana H. Rose
dana.rose@beemanlaw.com

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 14 2003
Department of Water Resources

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

Dear Ms. Delaney:

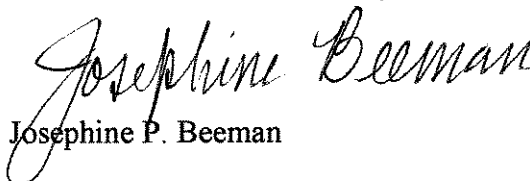
The City of Pocatello is filing objections to 40 water rights listed in the Director's Report for Irrigation and Other Water Rights in Basin 29.

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