



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

February 8, 2005

Josephine Beeman
Beeman & Associates, P.C.
409 W Jefferson St.
Boise, ID 83702-6049

*RE: Stipulations on 29-4221, 29-7450, 29-11344, 29-13636, 29-13638
Stipulation concerning storage*

Dear Jo:

Enclosed with this letter you will find proposed Stipulations that resolve some of the City of Pocatello's objections to some of their claims. As the Stipulations reflect, the enclosed documents only apply to the specific element stated and do not resolve the other objections that are still outstanding on the particular water right.

I have also enclosed a more general stipulation to address the City's objection to lack of a storage component as I understand that issue has been resolved on all 38 state-based water rights.

Please review these documents and if they meet with you and your client's approval, please sign the documents and route to the other parties for review and signature.

If you have any further questions on this matter, please call me at (208) 287-4810.

Very Truly Yours,

A handwritten signature in cursive script, reading "Candice M. McHugh".

Candice M. McHugh
Deputy Attorney General, IDWR

cc: Carter Fritschle
Peter Monson
Larry Brown
David Barber

**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: 29-4221**
)
)

Case No. 39576

) **STIPULATION TO RESOLVE**
) **OBJECTION**
)
)
)
)
)

_____)
This form is used to report the stipulated elements of one water right acquired under state law. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; and they have been served with sufficient process, according to the law; and that they have appeared, prosecuted and defended their positions with regard to this water right dispute.

The claimant and IDWR agree and stipulate that the **stipulation will only resolves the objection by the City of Pocatello to the following element(s):**

priority date, change to 08/02/1943.

The parties and IDWR acknowledge that the other objections filed by the City of Pocatello to any other elements and/or general provisions and the related responses are still outstanding. The parties and IDWR have further indicated their concurrence by their signatures below and by initialing each of the attached pages.

CLAIMANT/OBJECTOR:

RESPONDENT:

City of Pocatello

Date

United States

Date

RESPONDENT:

State of Idaho

Date

IDWR CONCURRENCE:

Carter Fritschle
Adjudication Supervisor, IDWR

Date

Candice M. McHugh
Attorney for IDWR

Date

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-4221
NAME AND ADDRESS: CITY OF POCATELLO
PO BOX 4169
POCATELLO ID 83205

PRIORITY DATE: 08/02/1943
~~06/01/1945~~

CERTIFICATE OF MAILING

I certify that on _____, 2004, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

2. Copies to:

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

Josephine P. Beeman
Attorney for City of Pocatello
409 W. Jefferson St.
Boise, ID 83702

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

City of Pocatello
P.O. Box 4169
Pocatello, ID 83205

Larry A. Brown, USDOJ
Attorney for BLM
550 W Fort St., MSC 033
Boise, ID 83724

Peter C. Monson, USDOJ
Indian Resource Section
550 W. Fort St. MSC 033
Boise, ID 83724

Signature of person or attorney mailing the form

In Re SRBA

Case No. 39576

Date _____

State of Idaho _____ Date _____
IDWR CONCURRENCE:

Candice M. McHugh
Attorney for IDWR

Date

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-7450

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

POINT OF
DIVERSION: T06S R33E S10 NESE Within POWER County
~~T06S R33E S10 NESE Within POWER County~~
T06S R33E S15 SWNE Within POWER County

CERTIFICATE OF MAILING

I certify that on _____, 2004, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

2. Copies to:

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

Josephine P. Beeman
Attorney for City of Pocatello
409 W. Jefferson St.
Boise, ID 83702

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

City of Pocatello
P.O. Box 4169
Pocatello, ID 83205

Larry A. Brown, USDOJ
Attorney for BLM
550 W Fort St., MSC 033
Boise, ID 83724

Peter C. Monson, USDOJ
Indian Resource Section
550 W. Fort St. MSC 033
Boise, ID 83724

Signature of person or attorney mailing the form

**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

Case No. 39576

SUBCASE NO: 29-11344

**STIPULATION TO RESOLVE
OBJECTION**

This form is used to report the stipulated elements of one water right acquired under state law. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; and they have been served with sufficient process, according to the law; and that they have appeared, prosecuted and defended their positions with regard to this water right dispute.

The claimant and IDWR agree and stipulate that the **stipulation will resolve the objection by the City of Pocatello to the following element(s):**

point of diversion.

The claimants and IDWR acknowledge that the other objections filed by the City of Pocatello to any other elements and/or general provisions and the related responses are still outstanding. The claimant, respondents and IDWR have further indicated their concurrence by their signatures below and by initialing each of the attached pages.

CLAIMANT/OBJECTOR:

RESPONDENT:

City of Pocatello

Date

United States

Date

RESPONDENT:

State of Idaho

Date

IDWR CONCURRENCE:

Carter Fritschle
Adjudication Supervisor, IDWR

Date

Candice M. McHugh
Attorney for IDWR

Date

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-11344
NAME AND ADDRESS: CITY OF POCA TELLO
PO BOX 4169
POCA TELLO ID 83205

POINT OF
DIVERSION: T06S R33E S10 NESE Within POWER County
~~T06S R33E S10 NESE Within POWER County~~
~~T06S R33E S15 SWNE Within POWER County~~

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

~~To the extent necessary for administration, water was first appropriated or used from:~~
~~Pocatello Well No. 35 located in T06S, R33E, S10, NESE,~~
~~on 6/13/1978 in the amount of 3.34 cfs.~~
~~Pocatello Well No. 39 located in T06S, R33E, S15, SWNE,~~
~~on 12/31/1940 in the amount of 2.20 cfs.~~
~~Pocatello Well No. 40 located in T06S, R33E, S10, NESE,~~
~~on 12/31/1942 in the amount of 1.92 cfs.~~

CERTIFICATE OF MAILING

I certify that on _____, 2004, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

2. Copies to:

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

Josephine P. Beeman
Attorney for City of Pocatello
409 W. Jefferson St.
Boise, ID 83702

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

City of Pocatello
P.O. Box 4169
Pocatello, ID 83205

Larry A. Brown, USDOJ
Attorney for BLM
550 W Fort St., MSC 033
Boise, ID 83724

Peter C. Monson, USDOJ
Indian Resource Section
550 W. Fort St. MSC 033
Boise, ID 83724

Signature of person or attorney mailing the form

Date _____

IDWR CONCURRENCE:

Carter Fritschle
Adjudication Supervisor, IDWR

Candice M. McHugh Attorney for IDWR	Date
--	------

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-13636

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

PLACE OF USE: MUNICIPAL Within BANNOCK County
~~T06S R34E S07 Lot 6 SENE~~

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

CERTIFICATE OF MAILING

I certify that on _____, 2004, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

2. Copies to:

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

Josephine P. Beeman
Attorney for City of Pocatello
409 W. Jefferson St.
Boise, ID 83702

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

City of Pocatello
P.O. Box 4169
Pocatello, ID 83205

Larry A. Brown, USDOJ
Attorney for BLM
550 W Fort St., MSC 033
Boise, ID 83724

Peter C. Monson, USDOJ
Indian Resource Section
550 W. Fort St. MSC 033
Boise, ID 83724

Signature of person or attorney mailing the form

Date _____

RESPONDENT:

State of Idaho _____ Date _____
IDWR CONCURRENCE:

Carter Fritschle
Adjudication Supervisor, IDWR

Candice M. McHugh
Attorney for IDWR

Date

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-13638

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

POINT OF
DIVERSION: T06S R33E S10 NESE Within POWER County
~~T06S R33E S10 NESE Within POWER County~~
T06S R33E S15 SWNE Within POWER County

CERTIFICATE OF MAILING

I certify that on _____, 2004, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

2. Copies to:

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

Josephine P. Beeman
Attorney for City of Pocatello
409 W. Jefferson St.
Boise, ID 83702

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

City of Pocatello
P.O. Box 4169
Pocatello, ID 83205

Larry A. Brown, USDOJ
Attorney for BLM
550 W Fort St., MSC 033
Boise, ID 83724

Peter C. Monson, USDOJ
Indian Resource Section
550 W. Fort St. MSC 033
Boise, ID 83724

Signature of person or attorney mailing the form

In Re SRBA) **SUBCASE NO: See Attachment**
)
)
) **STIPULATION TO RESOLVE**
Case No. 39576) **OBJECTION**
)
)
)

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.

The parties and IDWR acknowledge that the other objections filed by the City of Pocatello to any other elements and/or general provisions and the related responses are still outstanding.

OBJECTOR/RESPONDENT:

United States Date

State of Idaho _____ Date _____

Carter Fritschle
Adjudication Supervisor, IDWR

Candice M. McHugh
Attorney for IDWR

CERTIFICATE OF MAILING

I certify that on _____, 2004, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

2. Copies to:

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

Josephine P. Beeman
Attorney for City of Pocatello
409 W. Jefferson St.
Boise, ID 83702

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

City of Pocatello
P.O. Box 4169
Pocatello, ID 83205

Larry A. Brown, USDOJ
Attorney for BLM
550 W Fort St., MSC 033
Boise, ID 83724

Peter C. Monson, USDOJ
Indian Resource Section
550 W. Fort St. MSC 033
Boise, ID 83724

Signature of person or attorney mailing the form

ATTACHMENT A

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