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RECEIVED

MAY 08 2006

DEPARTMENT OF
WATER RESOURCES

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Attorneys for City of Pocatello

**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 Nos. 29-00271, et al. (see attached Exhibit A)
	)	
	)	
Case No. 39576	)	AFFIDAVIT OF JOSEPHINE P. BEEMAN IN
_____	)	SUPPORT OF CITY OF POCA TELLO'S
	)	MOTION FOR SUMMARY JUDGMENT ON
	)	IDWR'S AUTHORITY UNDER I.C. § 42-1425

STATE OF IDAHO)
) ss:
COUNTY OF ADA)

I, Josephine P. Beeman, after being duly sworn, state that I am an attorney licensed to practice law in the State of Idaho. I am over the age of 18 years and state that the following is based on my personal knowledge.

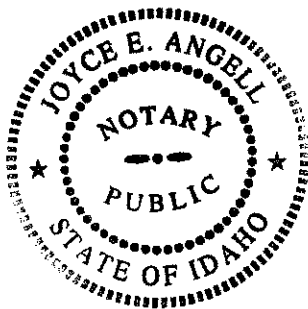
1. Attached here to as Exhibit 1 is a true and correct copy of Transfer No. 5452, issued by the Idaho Department of Water Resources on June 28, 1999.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this 4th day of May 2006.

Josephine P. Beeman
Josephine P. Beeman

SUBSCRIBED AND SWORN to before me this 4th day of May 2006.

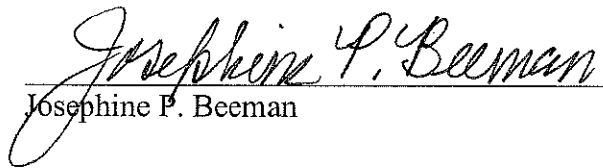


Joyce E. Angell
Notary Public in and for the State of Idaho
My Commission Expires: 07-29-2008

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 4th day of May 2006, I caused a true copy of the foregoing **AFFIDAVIT OF JOSEPHINE P. BEEMAN IN SUPPORT OF POCA TELLO'S MOTION FOR SUMMARY JUDGMENT ON IDWR'S AUTHORITY UNDER I.C. § 42-1425** to be served on the following by U.S. First Class Mail unless indicated as faxed or hand delivered:

UNITED STATES OF AMERICA REPRESENTED BY: US DEPARTMENT OF JUSTICE ENVIRONMENT & NAT'L RESOURCES 550 WEST FORT STREET, MSC O33 BOISE, ID 83724	C. TOM ARKOOSH ARKOOSH LAW OFFICES, CHTD. PO BOX 32 GOODING, IDAHO 83330
STATE OF IDAHO REPRESENTED BY: NATURAL RESOURCES DIV CHIEF STATE OF IDAHO ATTORNEY GENERAL'S OFFICE PO BOX 44449 BOISE, ID 83711-4449	W. KENT FLETCHER FLETCHER LAW OFFICE PO BOX 248 BURLEY, IDAHO 83318
DIRECTOR OF IDWR PO BOX 83720 BOISE, ID 83720-0098	ROGER D. LING LING ROBINSON & WALKER PO BOX 396 RUPERT, IDAHO 83350
	JOHN A. ROSHOLT TRAVIS L. THOMPSON BARKER ROSHOLT & SIMPSON 113 MAIN AVE. WEST, SUITE 303 TWIN FALLS, IDAHO 83301-6167



Josephine P. Beeman

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EXHIBIT A

Subcase Numbers

29-00271
29-00272
29-00273
29-02274
29-02338
29-02354
29-02382
29-02401
29-02499
29-04221
29-04222
29-04223
29-04224
29-04225
29-04226
29-07106
29-07118
29-07119
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29-07322
29-07375
29-07431
29-07450
29-07502
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29-13637
29-13638
29-13639

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5452
WATER RIGHT NO(S). 29-02274/29-02338/29-07375

This is to certify that: CITY OF POCATELLO
PO BOX 4169
POCATELLO ID 83205

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
Right No. 29-02274 :		
MUNICIPAL	01/01 to 12/31	21.00 CFS
Priority: 06/15/1948		
Right No. 29-02338 :		
MUNICIPAL	01/01 to 12/31	14.76 CFS
Priority: 09/01/1953		
Right No. 29-07375 :		
MUNICIPAL	01/01 to 12/31	3.34 CFS
Priority: 02/24/1977		
TOTAL:		* 39.10 CFS

SOURCE
GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

-NESE , Sec. 10, Township 06S, Range 33E
BANNOCK County
-NESE , Sec. 12, Township 06S, Range 33E
POWER County
-SWNE , Sec. 15, Township 06S, Range 33E
-NWSW , Sec. 15, Township 06S, Range 34E
-NENW , Sec. 26, Township 06S, Range 34E
-NWSE , Sec. 27, Township 06S, Range 34E
SENE , Sec. 35, Township 06S, Range 34E
=SENE , Sec. 35, Township 06S, Range 34E
=NWSE , Sec. 35, Township 06S, Range 34E
-SESE , Sec. 1, Township 07S, Range 34E
-SWSW , Sec. 16, Township 07S, Range 35E
BANNOCK County

SCANNED
APR 30 2001

MICROFILMED
AUG 09 1999

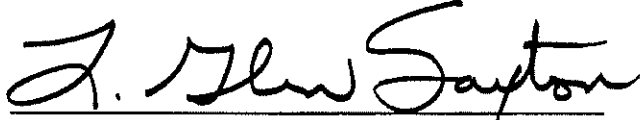
Exhibit 1
Affidavit of Josephine P. Beeman
29-00271 et al

TRANSFER NO. 5452
WATER RIGHT NO(S). 29-02274/29-02338/29-07375

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
6. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- * 8. The total instantaneous diversion of water from all points of diversion under Transfer 5452 shall not exceed 39.10 cfs.
9. The well(s) previously used under these rights shall be abandoned in a manner which complies with Department well abandonment rules.
10. Place of use is located within the City of Pocatello and the surrounding service area.
11. Two (2) points of diversion are located within SENE, and three (3) points of diversion are located within NWSE, of S35, T06S, R34E.

Dated this 28th day of June, 19 99


Chief, Water Allocation Bureau

MICROFILMED

AUG 09 1999