



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

November 6, 2006

Josephine Beeman, Esq.
Beeman and Associates, PC
409 W Jefferson St
Boise ID 83702-6049

*Re: City of Pocatello SRBA Claims
Settlement Offer for Alternate Points of Diversion Condition*

Dear Jo:

This letter follows the settlement discussion with Karl and the City on September 14, 2006. I have enclosed copies of the City of Pocatello's water right descriptions as proposed settlements of the City's objections.

The water rights still have the alternate points of diversion allowing the City the flexibility to manage its water supply. However, the alternate point of diversion condition has been reworded slightly and simplified.

Please review this proposal with your client and get back to me as soon as possible. The Department still has a request from the Special Master to provide a report regarding the alternate point of diversion condition, thus, we would like know as soon as possible whether this proposal will settle the City's objections.

If you have any questions or would like to discuss this further, please call me at (208) 287-4810.

Very Truly Yours,


Candice M. McHugh
Deputy Attorney General, IDWR

cc: David Barber
Peter Monson
Travis Thompson

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

RIGHT NUMBER: 29-13560

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 9.130 CFS

PRIORITY DATE: 12/31/1926

POINT OF
DIVERSION:

T06S R34E S14 NWNW Within BANNOCK County
T06S R34E S15 NWNE Within BANNOCK County
T06S R34E S15 NENW Within BANNOCK County
T06S R34E S15 NESE Within BANNOCK County
T06S R34E S15 NESE Within BANNOCK County
T06S R34E S16 NENE Within BANNOCK County
T06S R34E S23 NWNE Within BANNOCK County
T06S R34E S23 SWNE Within BANNOCK County
T06S R34E S23 SENW Within BANNOCK County
T06S R34E S23 NESW Within BANNOCK County
T06S R34E S26 NENW Within BANNOCK County
T06S R34E S26 SWSE Within BANNOCK County
T06S R34E S35 NWNE Within BANNOCK County
T06S R34E S35 SENE Within BANNOCK County
T06S R34E S35 NWSE Within BANNOCK County
T07S R34E S1 NWNE Lot 2 Within BANNOCK County
T07S R34E S1 SWNE Within BANNOCK County
T07S R34E S1 NESE Within BANNOCK County
T07S R34E S1 SESE Within BANNOCK County
T07S R35E S6 NWSE Within BANNOCK County
T07S R35E S7 NESW Within BANNOCK County
T07S R35E S18 SENE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MUNICIPAL	01/01 12/31	9.130 CFS

PLACE OF USE:

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

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

To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, ground water was first diverted under this right from Pocatello Well No. 1 located in T07S, R34E, S01, Lot 2 (NWNE) in the amount of 2.45 cfs, from Pocatello Well No. 2 located in T07S, R34E, S01, Lot 2 (NWNE) in the amount of 2.45 cfs and from Pocatello Well No. 3 located in T07S, R34E, S01, SWNE in the amount of 4.23 cfs. Pocatello Well No. 1 was replaced by Pocatello Well No. 5 located in T06S, R34E, S35, NWNE.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water

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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: BASIS OF CLAIM - Beneficial Use

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.