

RECEIVED
FEB 20 2007
DEPARTMENT OF
WATER RESOURCES

Josephine P. Beeman #1806
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(208) 331-0954 (Facsimile)
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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**

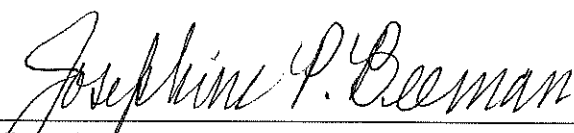
In Re SRBA	) Subcase Nos. 29-00271, 29-00272, 29-00273
	)
Case No. 39576	)
	) MOTION FOR LEAVE TO FILE
	) AMENDED NOTICES OF CLAIM
	)

Pursuant to SRBA Administrative Order No. 1, Sections 4d, 10f, and 10h, and Rule 7(b)(3) and Rule 55(c) of the Idaho Rules of Civil Procedure, the City of Pocatello, by and through its counsel of record, Beeman & Associates, P.C., respectfully moves this Court for an order allowing them to file Amended Notices of Claim in Subcase Nos. 29-00271, 29-00272, and 29-00273. A copy of the Amended Notices of Claim to be filed and served are attached as Exhibits A, B, and C.

When Pocatello filed its objections to these three claims, it indicated it would seek to amend the claims to show the City's interconnected wells as alternate points of diversion. The IDWR 706 Report has consistently treated these claims, with 29-4222, as the group of surface water rights for which the interconnected wells are sought as alternate points of diversion.

RESPECTFULLY SUBMITTED this 15th day of February 2007.

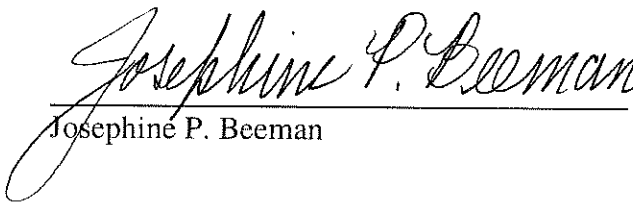
BEEMAN & ASSOCIATES, P.C.

By 
Josephine P. Beeman

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 15th day of February 2007, I caused a true copy of the foregoing **MOTION FOR LEAVE TO FILE AMENDED NOTICES OF CLAIMS** 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

Z:\1776/100/7642

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 29-00271
Date Received:
Receipt No:
Received By:

AMENDED NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

CITY OF POCA TELLO
PO BOX 4169
POCA TELLO ID USA 83201

Phone: (208)232-4311

2. Date of Priority: February 26, 1869

3. Source: Mink Creek

Tributary: Portneuf River

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
T08S	R34E	S13	NESE within BANNOCK County		
T07S	R34E	S24	SESW within BANNOCK County		
32 WELLS (Attachment A)					

5. Description of diverting works:

DIVERSION DAM, HEADGATE, PIPELINE TO SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
MUNICIPAL	1/01	12/31	3.220	

7. Total Quantity Appropriated is:

3.220 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses: MUNICIPAL, CITY OF POCA TELLO

10. Place of use: WITHIN THE SERVICE AREA OF THE CITY OF POCA TELLO MUNICIPAL WATER SUPPLY SYSTEM AS PROVIDED FOR UNDER IDAHO LAW.

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
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11. Place of use in counties:

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used: SEE ATTACHMENT.

14. Remarks:

P/U WITHIN CITY OF POCA TELLO & VICINITY, IN BANNOCK AND POWER COUNTIES.

The claimant'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. Right to use such storage facilities is therefore claimed as a part of the surface or ground water claim asserted herein.

15. Basis of Claim: DECREED.

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am the City Attorney of the City of Pocatello, a Municipal Corporation, that I have signed the foregoing document in the space below as the City Attorney of the City of Pocatello and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent: _____
Title and Organization: City Attorney, City of Pocatello

Date

STATE OF IDAHO)
) ss.
County of Bannock)

Subscribed and sworn to before me this _____ day of February 2007.

NOTARY PUBLIC
Residing at _____

My commission Expires _____

ATTACHMENT A

Township	Range	Section	¼ of ¼,	County of
7S	34E	1	NE	BANNOCK (well #2)
7S	34E	1	NE	BANNOCK (well #3)
6S	34E	26	NE NW	BANNOCK (well #10)
6S	34E	35	SE NE	BANNOCK (well #12)
7S	34E	12	NW NE	BANNOCK (well #13)
7S	35E	7	NE SW	BANNOCK (well #14, Cree)
7S	35E	6	NW SE	BANNOCK (well #15)
6S	34E	26	SW SE	BANNOCK (well #16)
7S	34E	1	SE SE	BANNOCK (well #17)
6S	34E	15	NE NW	BANNOCK (well #18)
6S	34E	7	SE NE	BANNOCK (well #19)
6S	34E	23	SW NE	BANNOCK (well #21)
6S	34E	23	SE NW	BANNOCK (well #22)
6S	34E	23	NW NE	BANNOCK (well #23)
6S	34E	15	NW NE	BANNOCK (well #26, PIP)
6S	34E	15	NE NE	BANNOCK (well #27)
7S	34E	1	NE SE	BANNOCK (well #28)
6S	34E	23	NE SW	BANNOCK (well #29)
6S	34E	35	NW NE	BANNOCK (well #30)
6S	34E	15	NE SE	BANNOCK (well #31)
6S	34E	16	NE NE	BANNOCK (well #32)
7S	35E	18	SE NE	BANNOCK (well #33)
6S	34E	15	NE SE	BANNOCK (well #34)
6S	33E	10	NE SE	POWER (well #35, Phillips 3)
6S	33E	15	SW NE	POWER (well #39, Phillips 1)
6S	33E	10	NE SE	POWER (well #40, Phillips 2)
6S	33E	9	SW SW	POWER (well #41, Airport 2)
6S	33E	16	NW SW	POWER (well #42, Airport 1)
6S	34E	9	SW SE	BANNOCK (well #43, Ward)
7S	35E	16	SW SW	BANNOCK (well #44)
6S	33E	12	SE NE	POWER (WPC plant)
7S	35E	6	NW NW	BANNOCK (Restlawn)

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 29-00272
Date Received:
Receipt No:
Received By:

**AMENDED NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

CITY OF POCA TELLO Phone: (208)232-4311
PO BOX 4169
POCA TELLO ID USA 83201

2. Date of Priority: October 1, 1901

3. Source: Mink Creek Tributary: Portneuf River

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
T08S	R34E	S13	NESE within BANNOCK County		
T07S	R34E	S24	SESW within BANNOCK County		
32 WELLS (Attachment A)					

5. Description of diverting works:

DIVERSION DAM & PIPELINE TO RESERVOIR, HEADGATE, PIPELINE TO SYSTEM,
STORAGE TANKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
MUNICIPAL	1/01	12/31	0.560	

7. Total Quantity Appropriated is:

0.560 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses: MUNICIPAL, CITY OF POCA TELLO

10. Place of use: WITHIN THE SERVICE AREA OF THE CITY OF POCA TELLO MUNICIPAL WATER SUPPLY SYSTEM AS PROVIDED FOR UNDER IDAHO LAW.

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
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11. Place of use in counties:

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used: SEE ATTACHMENT.

14. Remarks:

P/U WITHIN CITY OF POCA TELLO & VICINITY, IN BANNOCK AND POWER COUNTIES.

The claimant'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. Right to use such storage facilities is therefore claimed as a part of the surface or ground water claim asserted herein.

15. Basis of Claim: DECREED.

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am the City Attorney of the City of Pocatello, a Municipal Corporation, that I have signed the foregoing document in the space below as the City Attorney of the City of Pocatello and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent: _____
Title and Organization: City Attorney, City of Pocatello

Date

STATE OF IDAHO)
) ss.
County of Bannock)

Subscribed and sworn to before me this _____ day of February 2007.

NOTARY PUBLIC
Residing at _____
My commission Expires _____

ATTACHMENT A

Township	Range	Section	¼ of ¼,	County of
7S	34E	1	NE	BANNOCK (well #2)
7S	34E	1	NE	BANNOCK (well #3)
6S	34E	26	NE NW	BANNOCK (well #10)
6S	34E	35	SE NE	BANNOCK (well #12)
7S	34E	12	NW NE	BANNOCK (well #13)
7S	35E	7	NE SW	BANNOCK (well #14, Cree)
7S	35E	6	NW SE	BANNOCK (well #15)
6S	34E	26	SW SE	BANNOCK (well #16)
7S	34E	1	SE SE	BANNOCK (well #17)
6S	34E	15	NE NW	BANNOCK (well #18)
6S	34E	7	SE NE	BANNOCK (well #19)
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6S	34E	23	SE NW	BANNOCK (well #22)
6S	34E	23	NW NE	BANNOCK (well #23)
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6S	34E	15	NE SE	BANNOCK (well #31)
6S	34E	16	NE NE	BANNOCK (well #32)
7S	35E	18	SE NE	BANNOCK (well #33)
6S	34E	15	NE SE	BANNOCK (well #34)
6S	33E	10	NE SE	POWER (well #35, Phillips 3)
6S	33E	15	SW NE	POWER (well #39, Phillips 1)
6S	33E	10	NE SE	POWER (well #40, Phillips 2)
6S	33E	9	SW SW	POWER (well #41, Airport 2)
6S	33E	16	NW SW	POWER (well #42, Airport 1)
6S	34E	9	SW SE	BANNOCK (well #43, Ward)
7S	35E	16	SW SW	BANNOCK (well #44)
6S	33E	12	SE NE	POWER (WPC plant)
7S	35E	6	NW NW	BANNOCK (Restlawn)

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 29-00273
Date Received:
Receipt No:
Received By:

**AMENDED NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

CITY OF POCATELLO
PO BOX 4169
POCATELLO ID USA 83201

Phone: (208)232-4311

2. Date of Priority: October 1, 1917

3. Source: Mink Creek

Tributary: Portneuf River

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
T08S	R34E	S13	NESE within BANNOCK County		
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32 WELLS (Attachment A)					

5. Description of diverting works:

DIVERSION DAM, HEADGATE, PIPELINE TO SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
MUNICIPAL	1/01	12/31	1.218	

7. Total Quantity Appropriated is:

1.218 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses: MUNICIPAL, CITY OF POCATELLO

10. Place of use: WITHIN THE SERVICE AREA OF THE CITY OF POCA TELLO MUNICIPAL WATER SUPPLY SYSTEM AS PROVIDED FOR UNDER IDAHO LAW.

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
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Title and Organization: City Attorney, City of Pocatello

Date

STATE OF IDAHO)
) ss.
County of Bannock)

Subscribed and sworn to before me this _____ day of February 2007.

NOTARY PUBLIC
Residing at _____
My commission Expires _____

ATTACHMENT A

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7S	35E	7	NE SW	BANNOCK (well #14, Cree)
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7S	35E	18	SE NE	BANNOCK (well #33)
6S	34E	15	NE SE	BANNOCK (well #34)
6S	33E	10	NE SE	POWER (well #35, Phillips 3)
6S	33E	15	SW NE	POWER (well #39, Phillips 1)
6S	33E	10	NE SE	POWER (well #40, Phillips 2)
6S	33E	9	SW SW	POWER (well #41, Airport 2)
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