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DEPARTMENT OF
WATER RESOURCES

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**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)
	)	
	)	CITY OF POCATELLO'S MOTION FOR JUDICIAL
Case No. 39576	)	NOTICE OF RECORDS IN RELATED SUBCASES
_____	)	AND MEMORANDUM IN SUPPORT

COMES NOW the City of Pocatello, by and through its counsel of record, Josephine P. Beeman, and submits this motion for the Court to take Judicial Notice of the records in the following subcases: City of Roberts, 35-04241, 35-07886; City of Aberdeen, 35-04070, 35-04071, 35-07808; Lamb Weston Inc, 35-02603, 35-04127, 35-12670; City of Hazelton, 36-02282, 36-04250, 36-07858; City of Jerome, 36-02518, 36-04195, 36-04196, 36-08237, 36-15361; City of Paul, 36-04083, 36-07206, 36-07899; City of Rupert, 36-04075, 36-07115, 36-07656, 36-07862, 36-07863, 36-15488, 36-15489; City of Twin Falls, 36-02603A, 36-02646;

City of Burley, 36-02648A, 36-02729, 36-08154; Union Pacific Railroad Co, 36-04203, 36-04204.

This motion is made pursuant to I.R.C.P. 44(d), I.R.E. 201, and I.C. § 9-101.

MEMORANDUM

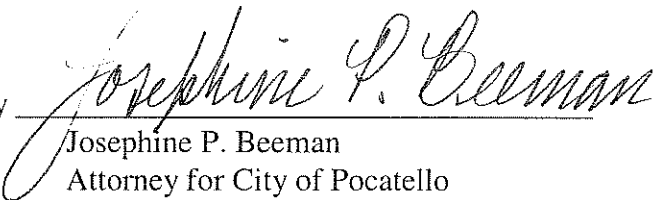
Prior to the Director's Report for Basin 29, IDWR routinely recommend to the SRBA Court entry of partial decrees for claimants for alternate points of diversion for multiple water rights without the condition that is recommended for Pocatello's wells. See City of Roberts, 35-04241, 35-07886; City of Aberdeen, 35-04070, 35-04071, 35-07808; Lamb Weston Inc, 35-02603, 35-04127, 35-12670; City of Hazelton, 36-02282, 36-04250, 36-07858; City of Jerome, 36-02518, 36-04195, 36-04196, 36-08237, 36-15361; City of Paul, 36-04083, 36-07206, 36-07899; City of Rupert, 36-04075, 36-07115, 36-07656, 36-07862, 36-07863, 36-15488, 36-15489; City of Twin Falls, 36-02603A, 36-02646; City of Burley, 36-02648A, 36-02729, 36-08154; Union Pacific Railroad Co, 36-04203, 36-04204.

This Court is requested to take judicial notice of these facts in the just-listed subcases within this SRBA proceeding. A trial court may take judicial notice of its own records. *State v. Palmlund*, 95 Idaho 150, 504 P.2d 1199 (1972); *Larson v. State*, 91 Idaho 908, 435 P.2d 248 (1967); *Saydes v. Cuoio*, 71 Idaho 17, 226 P.2d 172 (1950), and of records arising from prior proceedings in a case. *Caldwell City v. Roark*, 98 Idaho 897, 899 fn. 1, 575 P.2d 495, 497 fn. 1 (1978). A court may also take judicial notice of related proceedings, *Almgren v. Idaho Dept. of Lands*, 136 Idaho 180, 183, 30 P.3d 958, 961 (2001), and of other proceedings that affect the subject matter then pending before it. *Roberts v. Hollandsworth*, 101 Idaho 522, 524, 616 P.2d 1058, 1060 (1980).

Therefore, pursuant to this authority, this Court may properly take judicial notice of the records in subcases listed above, in respect to the alternate points of diversion for multiple water rights that were made in those cases, which were made without the condition that is recommended for Pocatello's wells in this case.

Respectfully submitted this 15th day of February, 2007.

BEEMAN & ASSOCIATES, P.C.

By 
Josephine P. Beeman
Attorney for City of Pocatello

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 15th day of February 2007, I caused a true copy of the foregoing **CITY OF POCATELLO'S MOTION FOR JUDICIAL NOTICE OF RECORDS IN RELATED SUBCASES AND MEMORANDUM IN SUPPORT** 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 033 BOISE, ID 83724	C. TOM ARKOOSH ARKOOSH LAW OFFICES, CHTD. PO BOX 32 GOODING, IDAHO 83330
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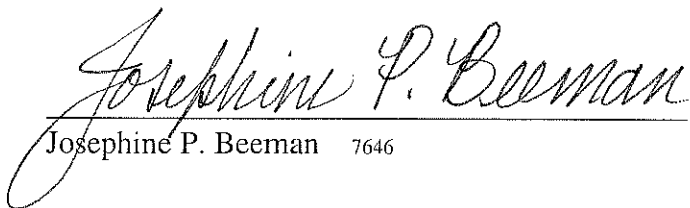

Josephine P. Beeman 7646

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
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