



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

October 12, 2007

Special Master Brigitte Bilyeu
Snake River Basin Adjudication
253 3rd Ave. North
P.O. Box 2707
Twin Falls, ID 83303-2707

RE: City of Pocatello Subcases (See Attachment A)

Dear Special Master Bilyeu:

The Idaho Department of Water Resources ("IDWR") has had an opportunity to review the *Master's Report and Recommendation and Order on Motion to Reconsider* issued by you on October 2, 2007. Upon review, IDWR has a concern that it wishes to bring to your attention.

In its Director's Reports for water right numbers 29-271, 29-272, 29-273, 29-2338, 29-2401, 29-2499, 29-4221, 29-4222, 29-4223, 29-4224, 29-4225, 29-4226, 29-7106, 29-7322, 29-7375, 29-7450, 29-11339, 29-11348, 29-13558, 29-13559, 29-13560, 29-13561, 29-13562, 29-13637, 29-13638 and 29-13639, IDWR recommended the place of use for these municipal water rights as:

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

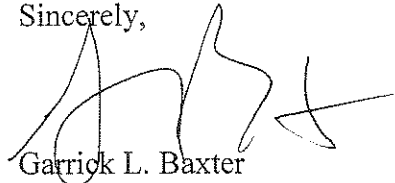
The Bureau of Land Management ("BLM") subsequently filed objections to this place of use description; however in the *Joint Motion to Dismiss Objections* filed on November 17, 2004, the BLM agreed to withdraw the place of use objections and agreed to the place of use element as recommended by IDWR. The *Order on Joint Motion to Dismiss Objections* was issued on November 22, 2004 allowing the withdrawal of the BLM objections.

The October 2, 2007 *Special Master's Report and Order on Motion to Reconsider* recommends the place of use with a quarter-quarter description of the acreage instead of the general place of use description provided above. It appears to IDWR that in the place

of use element for these water rights should be described by the City of Pocatello's service area as provided above instead of the quarter-quarter description of the acreage.

If you should have any questions or comments, please don't hesitate to contact me at 287-4811.

Sincerely,

A handwritten signature in black ink, appearing to be "G. Baxter", written over the printed name.

Garrick L. Baxter
Deputy Attorney General

cc: Josephine Beeman
Larry Brown
Fred Price

“Attachment A”

29-271
29-272
29-273
29-2338
29-2401
29-2499
29-4221
29-4222
29-4223
29-4224
29-4225
29-4226
29-7106
29-7322
29-7375
29-7450
29-11339
29-11348
29-13558
29-13559
29-13560
29-13561
29-13562
29-13637
29-13638