

08/25/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-7384

NAME AND ADDRESS: CITY OF BLACKFOOT
157 N BROADWAY
BLACKFOOT ID 83221

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.140 CFS
101.300 AFY

PRIORITY DATE: 06/30/1983

POINT OF DIVERSION:

T02S R35E S27 SWNE Lot 5 Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
MUNICIPAL

PERIOD OF USE
01/01 12/31

QUANTITY
0.140 CFS
101.30 AFY

PLACE OF USE:

Place of use is within the city of Blackfoot Golf Course.

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

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

PROFILED

SCANNED
SEP 20 2006



STATE OF IDAHO

Department of Water Resources

Eastern Region



Water Right(s) 27-7384



1000010000 Feet



SCANNED

APR 18 2006

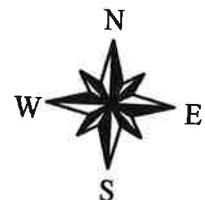
MUNICIPAL

LEGEND

- Point of Diversion
- Place of Use
- Townships
- Sections
- Quarter-Quarters

Place of Use: T2S & T3S, R35E:
City limits of Blackfoot

Point(s) of Diversion: T2S, R35E:
Sec. 27, SWNE L-5



GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by: B. Payne
Date: April 2005.

COPY

RECEIVED
APR 3 2006
DEPARTMENT OF
WATER RESOURCES

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) A. Subcase: 27-07384
)
) (Insert water right number
Case No. 39576) From the Objection Form)
)
)
)
)
_____)

STANDARD FORM 2
RESPONSE TO OBJECTION

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: State of Idaho
Address: 700 W. Jefferson, Room 210
P.O. Box 44449
Boise, Idaho 83711-4449
Phone: Work: (208) 334-2400 Home: N/A

Name and Address of Attorney, if any:

Attorney Name: LAWRENCE G. WASDEN
Attorney General
CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division
DAVID J. BARBER
Deputy Attorney General
Attorney Address: Office of the Attorney General
700 W. Jefferson, Room 210
P.O. Box 44449
Boise, ID 83711-4449
Attorney Phone No. (208) 334-2400
Idaho State Bar # 2597

SCANNED

SEP 20 2006

FILED

C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO WHICH YOU ARE RESPONDING

Name: Shoshone-Bannock Tribes
Address: P.O. Box 306
Fort Hall, ID 83203

Name & Address of Attorney, if any:
Jeanette Wolfley
202 N. Arthur
Pocatello, ID 83204

D. I am responding to the objections to the following elements. (Please check the appropriate box(es)).

1. ☐ Name and Address
2. ☐ Source
3. ☒ Quantity
4. ☐ Priority Date
5. ☐ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☐ Purpose(s) of Use
8. ☐ Period of Year
9. ☐ Place of Use
11. **Recommendation**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

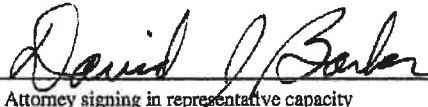
DAVID J. BARBER, Deputy Attorney General, being first duly sworn, upon oath, deposes and says:

That the State of Idaho is the party/claimant filing this response as defined by I.C. §§ 42-1401A(1) and (6), that I am a Deputy Attorney General authorized to represent the State of Idaho and that I have read this response, know its contents and that the statements are true to the best of my knowledge and belief.

LAWRENCE G. WASDEN
Attorney General

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

DAVID J. BARBER
Deputy Attorney General

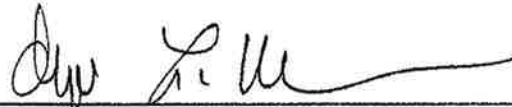


By Attorney signing in representative capacity

Subscribed and sworn to before me on this 31st day of March, 2006

(Insert Date)





Notary Public for IDAHO

Residing at: BOISE, ID

My commission expires: 2/8/2012

INSTRUCTIONS FOR MAILING

You must mail the response, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G.

CERTIFICATE OF MAILING

I certify that on this 31st day of March, 2006, I caused to be served the original and copies of this response to the following persons by the indicated methods:

1. Original to: Clerk of the District Court U. S. MAIL
 Snake River Basin Adjudication
 253 Third Avenue North
 P.O. Box 2707
 Twin Falls, Idaho 83303-2707

2. One copy to the claimant of the water right at the following addresses:

 Claimant Name: City of Blackfoot U. S. MAIL
 Address: 157 N. Broadway
 Blackfoot, ID 83221

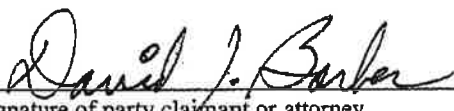
3. One copy to the party who filed the objection at the following address:

 Name: Shoshone-Bannock Tribes U. S. MAIL
 Jeanette Wolfley
 Address: 202 N. Arthur
 Pocatello, ID 83204

4. Copies to: IDWR Document Depository STATEHOUSE
 PO Box 83720 MAIL
 Boise, ID 83720-0098

 United States Department of Justice U. S. MAIL
 Environment and Natural Resource Division
 550 West Fort Street, MSC 033
 Boise, Idaho 83724

 Chief of Natural Resource Division (not applicable)
 Office of the Attorney General
 State of Idaho
 P.O. Box 44449
 Boise, Idaho 83711-4449



Signature of party claimant or attorney

RECEIVED

MAR 20 2006

DEPARTMENT OF
WATER RESOURCES

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

Case No. 39576

A. Subcase 27-7384

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: City of Blackfoot
Attention Ron Harwell
Public Works Director
Address: 157 N. Broadway
Blackfoot, ID 83221
Daytime Phone: 208-785-8600
Email: ron@cityblackfoot.org

Name & Address of Attorney, if any:

Christopher H. Meyer
Givens Pursley LLP
601 W. Bannock St.
P.O. Box 2720
Boise, ID 83701
Daytime Phone: 208-388-1236
Facsimile: 208-388-1300
Email: chrismeyer@givenspursley.com

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: City of Blackfoot
Address: 157 N. Broadway
Blackfoot, ID 83221

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: City of Blackfoot
157 N. Broadway
Blackfoot, ID 83221
2. ☐ **Source**
Should be: Groundwater
3. ☒ **Quantity**
Should be: 0.14 cfs (no annual volume)
4. ☐ **Priority Date**
Should be: 06/30/1983

5. ☐ **Point(s) of Diversion**
Should be:

POD Description	Common name
T2S R35E S27 SWNE Lot 5	Golf Course Well

6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: Municipal
8. ☐ **Period of Year**
Should be: 1/1 to 12/31
9. ☒ **Place of Use**
Should be: Place of use is within the service area of the City of Blackfoot municipal water supply system, including areas outside the city limits, as provided for under Idaho law.

11. I object because:

- ☐ This water right should not exist.
- ☒ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

The IDWR should not have limited the place of use.

This is a municipal water right. Under Idaho law, municipal water rights held by municipal providers for reasonably anticipated future needs are deemed to be beneficially used. No annual volume limit should be included for a municipal water right.

To the extent any quantity of water under this right is not currently being diverted, such portion of the original right has been transferred by accomplished transfer to beneficial use for future need purposes.

We believe it would be helpful to clarify and expressly put the public on notice that the place of use includes areas outside of the city limits.

Regarding municipal water rights, please note in particular the following guidance documents: Operations Division Administrator's Memorandum from A. Kenneth Dunn to District Engineers dated April 7, 1975; Memorandum from Phil Rassier to Dave Tuthill dated May 7, 1979; Administrator's Memorandum, from Norman Young to Regional Offices and Water Allocation Section dated November 5, 1979; Memorandum from L. Glen Saxton to Water Allocation Bureau, Adjudication Bureau, and Regional Offices dated March 18, 1998; Letter from Karl J. Dreher to Christopher H. Meyer dated June 14, 1999.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Christopher H. Meyer, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

Christopher H. Meyer

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: March 16, 2006



Katrina Thomas

Notary Public for Idaho

Residing at: Boise ID

My Commission Expires: 4-10-06

INSTRUCTIONS FOR MAILING

You must mail the objection to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on March 16, 2006, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original (via overnight mail) to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

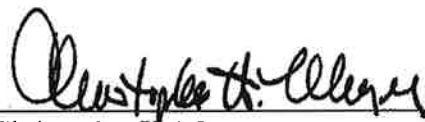
Name: City of Blackfoot
Attention Ron Harwell
Public Works Director
Address: 157 N. Broadway
Blackfoot, ID 83221

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Christopher H. Meyer
Attorney for Objector/Claimant

Christopher H. Meyer [ISB No. 4461]
GIVENS PURSLEY LLP
601 West Bannock Street
P.O. Box 2720
Boise, Idaho 83701-2720
Office: (208) 388-1200
Fax: (208) 388-1300
www.givenspursley.com
Attorneys for the City of Blackfoot.

**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

Case No. 39576

Sub Case No.: 27-7384

NOTICE OF APPEARANCE

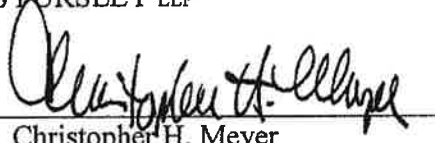
YOU WILL PLEASE take notice that Christopher H. Meyer of the firm Givens Pursley LLP, hereby enters his appearance as attorney of record for claimant City of Blackfoot in the above entitled action.

DATED this 13th day of April 2006.

Respectfully submitted,

GIVENS PURSLEY LLP

By


Christopher H. Meyer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th of April 2006, the foregoing was filed, served, or copied as follows:

ORIGINAL FILED

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

SERVICE

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

☒ U. S. Mail
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Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

☒ U. S. Mail
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☐ E-mail

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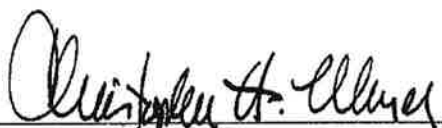
☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

Jeanette Wolfley, Esq.
Tribal Attorney's Office
Shoshone-Bannock Tribes
P.O. Box 306
Fort Hall, ID 83203

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

David J. Barber, Esq.
Deputy Attorney General
Office of the Attorney General
Natural Resources Division
700 W. Jefferson Street, 210 Statehouse
P.O. Box 83720
Boise, ID 83720-0010

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail


Christopher H. Meyer

Bird, Cindy

From: Ciscell, Michael
Sent: Wednesday, April 06, 2005 7:58 AM
To: Bird, Cindy
Subject: T02s35e GCDB lotting

Cindy,

Some time ago (3/24) you sent Danielle a FAX of a lotting confusion you were seeing. The answer is that the plat you FAXed was from a 1957 survey. The GCDB reflects a 1960 survey with new lot numbers along the river. We have fiche of both surveys. BLM has tried to use the most current surveys to compile the GCDB.

Hope this helps,

Michael

Bird, Cindy

From: Bird, Cindy
Sent: Monday, March 28, 2005 2:27 PM
To: Keen, Shelley
Subject: RE: POD error on 27-7384

Shelley,

I can send you the GPS data if you would like. It appears that they are off by about 700 feet and neither one of the points are close to the QQ lines.

If transfer memo #24 doesn't require a transfer to correct the legal when technology has improved then their shouldn't be a problem correcting it in the SRBA.

Cindy

-----Original Message-----

From: Keen, Shelley
Sent: Monday, March 28, 2005 12:00 PM
To: Bird, Cindy
Subject: RE: POD error on 27-7384

Cindy,

I don't have the GPS data to review, but I will assume the POD is really close to the line. In such cases, IDWR is reluctant to make changes because the GPS data and the GCDB may not be accurate enough to result in a reliable change. For example, if the GCDB is revised in the future, the revised POD location could become "wrong" again.

Transfer Memo #24 says that IDWR will not require a transfer when the change in the legal description of the POD is due entirely to improved technology for referencing and displaying the location. In other words, IDWR will not take enforcement action against the right holder if the description is found to be "wrong" based on new methods. If the right holder wants the change to be shown in the water right record, however, he or she must file an application for transfer. In this case, if the right holder files the application for transfer, it would not have to be advertised because it is not a physical change.

Call if you want to talk it over some more.

Shelley

-----Original Message-----

From: Bird, Cindy
Sent: Thursday, March 24, 2005 1:57 PM
To: Walker, Kay
Cc: Keen, Shelley
Subject: POD error on 27-7384

good afternoon Kay,

License 27-7384 was approved in 1990. The permit claimed the POD in the SWNE of section 27, T2S, R35E. The license was amended to put the POD in Lot 13 (NWSE) of section 27, T2S, R35E. When Skip went out on a field exam to the site he GPS'd the POD and it is in L-5 (SWNE) of section 27, T2S, R35E not the NWSE. Would it be possible to correct the license?

thanks,
Cindy

-----Original Message-----

From: Wilson, Keith

Sent: Thursday, March 24, 2005 1:22 AM
To: Bird, Cindy
Subject: RE: 27-7384

Cindy,
About all I can do is send you a copy of the field exam. Hopefully you can use this.

Keith

<< File: 27-7384_POD.doc >>

-----Original Message-----

From: Bird, Cindy
Sent: Wednesday, March 23, 2005 4:22 PM
To: Wilson, Keith
Subject: 27-7384

hi Keith,

I'm working on the recommendation for this right but the POD isn't coming out in the correct place. Do you a water right pod for this right? If so could you send me the shape. I tried to look under water rights but it said It couldn't connect to the water right server.

Hope you can help, thanks.
Cindy

15 West Center Street
Soda Springs, Idaho 83276
(208) 547-3993
(208) 547-3939 fax

Idaho Department of Water Resources

Fax

To: Danielle Favreau From: Cindy Bird
Fax: 1-208-287-6700 Pages: 2
Phone: 1-208-287-4938 Date: 3/24/05
Re: T2S, R35E CC:
☐ Urgent ☒ For Review ☐ Please Comment ☒ Please Reply ☐ Please Recycle

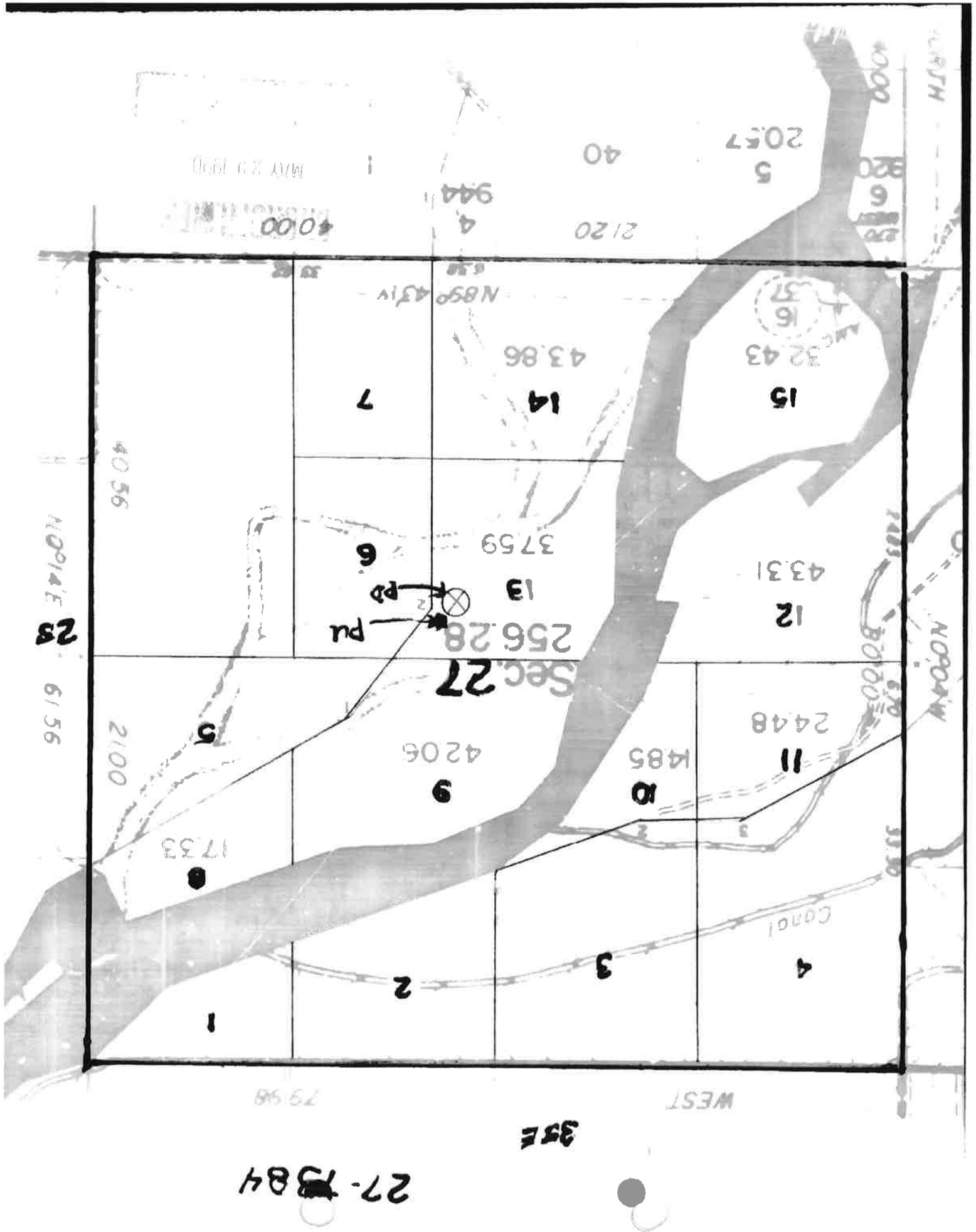
• Comments:

Hi Danielle,

The attached map is located in T2S, R35E section 27. If you notice next to the river it's lot 13. But if you look in the GCDB it's now lot 17? There is no lot 13? It goes from lot 12 to lot 17 and lot 6? What is going on?

Thanks,
Cindy

FAXED
2-24 PM
3/24/05



Bird, Cindy

From: Bird, Cindy
Sent: Thursday, March 24, 2005 1:57 PM
To: Walker, Kay
Cc: Keen, Shelley
Subject: POD error on 27-7384

good afternoon Kay,

License 27-7384 was approved in 1990. The permit claimed the POD in the SWNE of section 27, T2S, R35E. The license was amended to put the POD in Lot 13 (NWSE) of section 27, T2S, R35E. When Skip went out on a field exam to the site he GPS'd the POD and it is in L-5 (SWNE) of section 27, T2S, R35E not the NWSE. Would it be possible to correct the license?

thanks,
Cindy

-----Original Message-----

From: Wilson, Keith
Sent: Thursday, March 24, 2005 11:22 AM
To: Bird, Cindy
Subject: RE: 27-7384

Cindy,
About all I can do is send you a copy of the field exam. Hopefully you can use this.

Keith



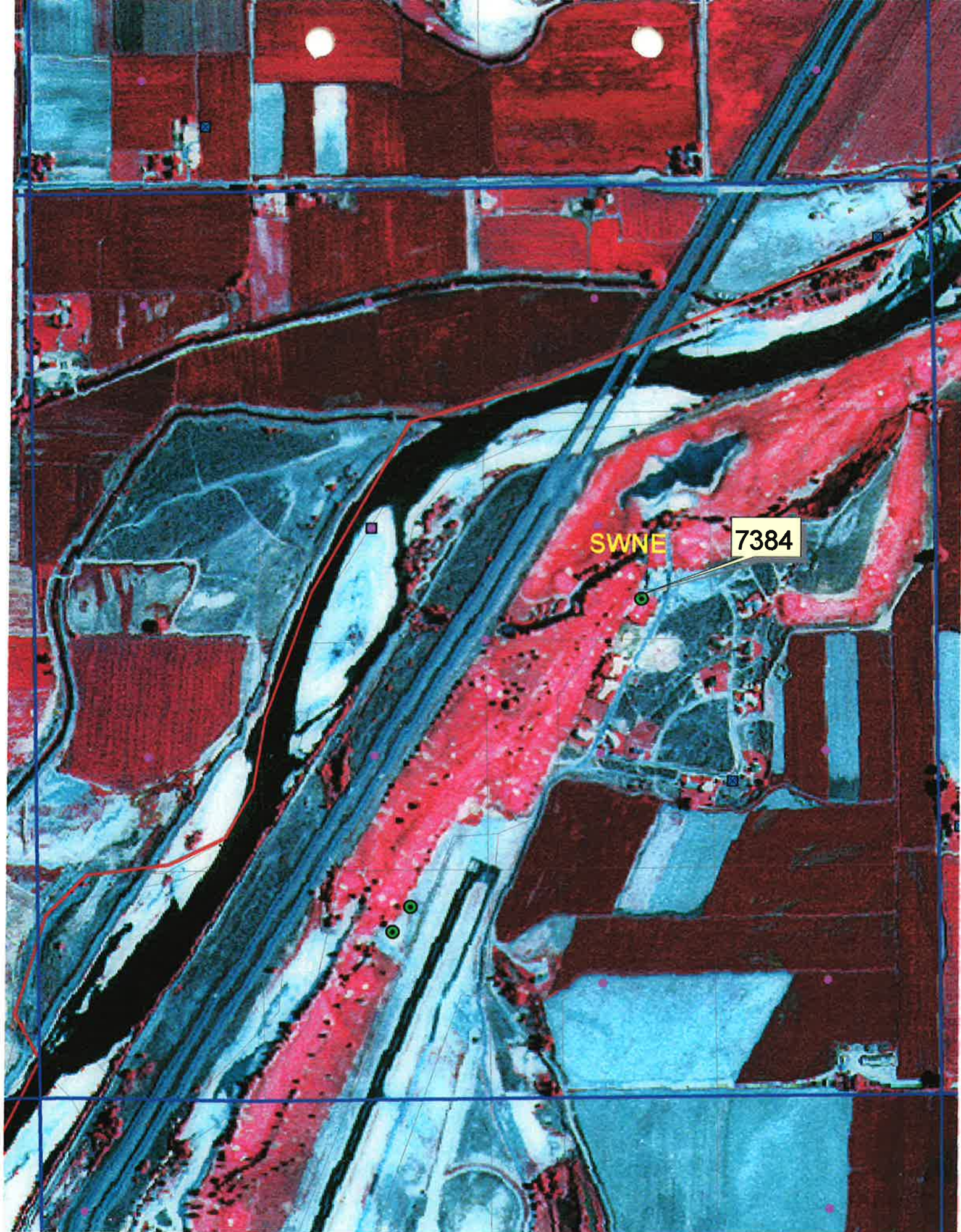
27-7384_PO
D.doc

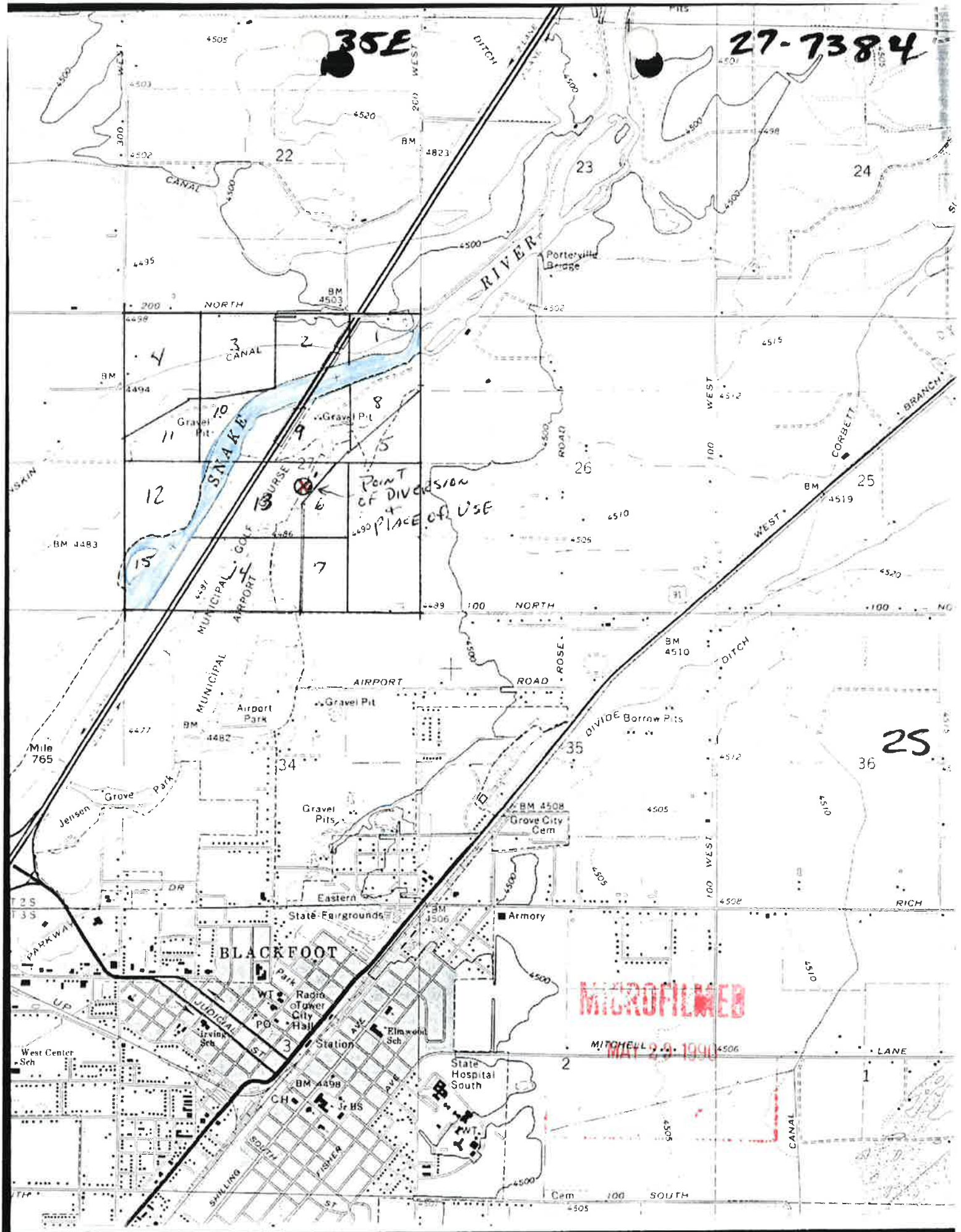
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To: Wilson, Keith
Subject: 27-7384

hi Keith,
I'm working on the recommendation for this right but the POD isn't coming out in the correct place. Do you a water right pod for this right? If so could you send me the shape. I tried to look under water rights but it said It couldn't connect to the water right server.

Hope you can help, thanks.
Cindy





Notes

12/10/04 Taken off line in 1994

12/14/04 Recommend as "DISALLOWED" Within 5 years of nonuse of the 1989 filing date. Ask to Candice if this can be recommended as abandoned/forfeited?

12/15/04 Rick Mangum: 1983 - hooked to City water. Capped - abandoned.

12/17/04 - according to Candice, this claim needs to be recommended.

1/18/05 recommend as noted.

I.C. 42-219, 42-222, 42-202B(3)a. for municipal use.

licensed in 1990. CB.

Bird, Cindy

From: Carlsen, Ernie
Sent: Friday, December 17, 2004 12:06 PM
To: Bird, Cindy
Subject: RE: abandoned/forfeited claim recommendation

Cindy Did you receive a copy of the transfer for the City of Blackfoot? It went to you by snail mail a couple of days ago. When the Department approves a transfer or issues a license the administrative action is recognized as amending related SRBA claims and gives validity to the effected water rights even if they are based on beneficial use. The starting point for making recommendations for the City of Blackfoot is the transfer which amended the claims. Generally administrative actions after November 1987 confirm the elements of the water right and dictates how the recommendations will be structured. If IDWR approved a transfer for a beneficial use right as recently as 2000 the SRBA is precluded from considering abandonment or forfeiture.

You and I can consult about the City's claims next time either of us visits the others office.

Jennifer is making good progress on generating shape files from the warranty deeds in the Basin 27 binder. I am confident they will provide some valuable info for determining how the rights were divided.

Ernie

-----Original Message-----

From: Bird, Cindy
Sent: Friday, December 17, 2004 11:26 AM
To: Carlsen, Ernie
Subject: RE: abandoned/forfeited claim recommendation

Yes. The City of Blackfoot claims are a mess. They filed on both statutory claims and licenses from the same pod and then in 2000 and 2001 they filed transfers to include both the statutory claims and licenses. The diversion rates for both were added in the transfer exceeding the capacity of the well. Some of the wells were completely abandoned or they claimed to have drilled new or replacements wells 10 years later but claim the original priority dates. So I have several questions on the City.

-----Original Message-----

From: Carlsen, Ernie
Sent: Friday, December 17, 2004 10:45 AM
To: Bird, Cindy
Cc: McHugh, Candice
Subject: RE: abandoned/forfeited claim recommendation

I understanding is this applies to all claims, regardless of the basis. Do you have a specific claim the is based on beneficial use but the water has not been diverted for a number of years?

Ernie

-----Original Message-----

From: Bird, Cindy
Sent: Friday, December 17, 2004 9:52 AM
To: Carlsen, Ernie
Subject: RE: abandoned/forfeited claim recommendation

Does that also go for statutory claims that have not been verified?

-----Original Message-----

From: Carlsen, Ernie
Sent: Friday, December 17, 2004 9:18 AM
To: Bird, Cindy
Cc: McHugh, Candice
Subject: RE: abandoned/forfeited claim recommendation

Cindy based on the time line in your email I believe we are legally precluded from recommending this right has been lost thru nonuse. Judge Wood's decision on forfeiture in the SRBA states that after the claim is filed the forfeiture clock ceases to tick until the partial decree is issued. The

non-use has to have occurred prior to when the claim is filed. It does not seem logical to recommend a claim on a well that has not been used for 10 years but in this case that is how the dust settles. After the partial decree is issued the City of Blackfoot will have five years to transfer the quantity under 27-7384 into its municipal system.
Ernie

-----Original Message-----

From: Bird, Cindy
Sent: Thursday, December 16, 2004 4:19 PM
To: McHugh, Candice
Cc: Carlsen, Ernie
Subject: abandoned/forfeited claim recommendation

hi,

I'm working on the claims for the City of Blackfoot and wanted you to be aware of my recommendation and see if you have any concerns. Claim 27-7384 has a 1983 priority date and was licensed in 1990's. In 1994 this well was abandoned (capped) and the culinary use for the golf course has been added to city system. The claim was filed in 1989 and abandoned in 1994 which falls within 5 years. I would like to disallow the claim and add the P04 remark that it has been abandoned/forfeited 1994 to current.

Cindy

Notes

Claim A27-07384

1/ Exam done Oct 21, 2003

2/ This well has been taken off-line + clubhouse
now has Blackfoot City water from main
trunk-line. Well taken off-line in 1994.

3/ GPS data - 0634675 File # 7384
* No tag affixed 0236685



Claim A27-07384

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

04/28/2003

WATER RIGHT NO. 27-7384

Owner Type	Name and Address
Current Owner	CITY OF BLACKFOOT 157 N BROADWAY BLACKFOOT, ID 83221 (208)785-8688

Priority Date: 06/30/1983

Basis: License

Status: Active

Source	Tributary
GROUND WATER	

(1944)
Abandoned well - new on city water
GPS + photo
GPS - 0634675
0236685
File 7384
No tags put on

State of Idaho
Department of Water Resources

RECEIVED
MAY 22 1990
Department of Water Resources
Eastern District Office

WATER RIGHT LICENSE

WATER RIGHT NO. 27-07384

Priority: June 30, 1983

Maximum Diversion Rate:

0.14 CFS

This is to certify, that CITY OF BLACKFOOT

157 N. BROADWAY
BLACKFOOT, ID 83221

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 30, 1983; and has submitted Proof of Beneficial Use on October 14, 1986. An examination indicates that the works have a diversion capacity of .190 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
MUNICIPAL	01/01 to 12/31	0.14 CFS —	

LOCATION OF POINT(S) OF DIVERSION: LOT 13(NWSE), Sec. 27, Township 02S, Range 35E
BINGHAM County

PLACE OF USE: See Remarks

CONDITIONS/REMARKS:

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. Place of use at City of Blackfoot Golf Course.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 10th day of MAY, 1990.

Acting for R. Keith Higginson, Director

State of Idaho
Department of Water Resources

RECEIVED
APR 24 1990

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 27-07384

Department of Water Resources

Date of Priority: June 30, 1983
Comes now
157 N. BROADWAY
BLACKFOOT, ID 83221

Maximum Diversion Rate 0.14 CFS
CITY OF BLACKFOOT

APPROVED

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 27-07384, and requests that the permit be changed as follows:

Source: GROUNDWATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
MUNICIPAL	01/01 to 12/31	0.14 CFS	
<u>LOCATION OF POINT(S) OF DIVERSION:</u> LOT 13(NWSE), Sec. 27, Township 02S, Range 35E BINGHAM County			

PLACE OF USE: See Remarks

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Blackfoot, Idaho, this 17 day of April, 1990.

Jack A. Chery water-Sup
(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 27-07384

FOR DEPARTMENT USE ONLY

Preliminary check by kw Fee = \$20.00 ✓ Received by C. Wong Date 4/24/90 #C016488

ACTION OF THE DEPARTMENT OF WATER RESOURCES

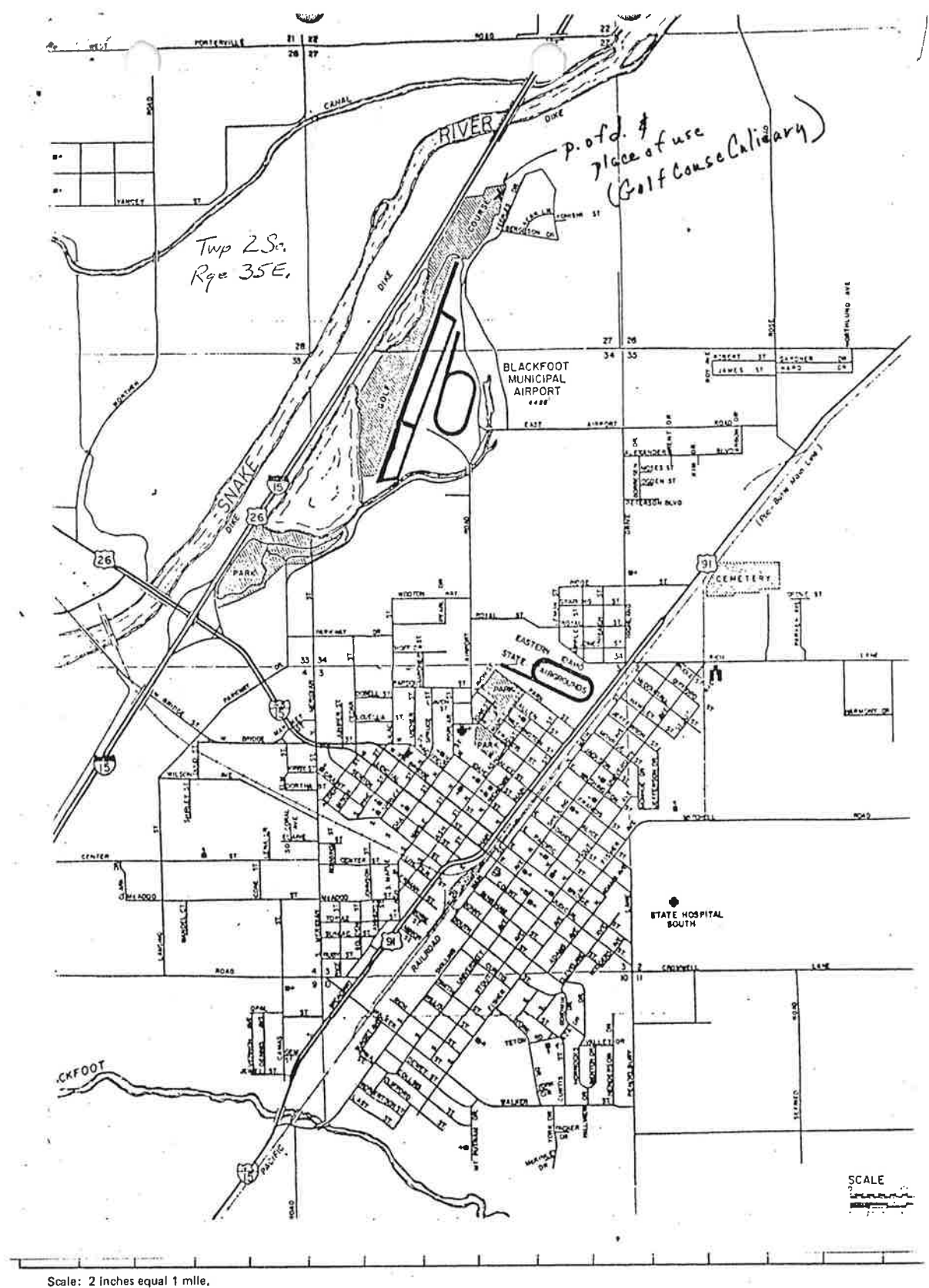
I, R. Keith Higginson, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 27-07384 with the following;

CONDITIONS/REMARKS:

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
- ✓ 4. Place of use at City of Blackfoot Golf Course.

Witness my hand this 10th day of MAY, 1990.

R. Keith Higginson
Acting for R. Keith Higginson, Director



BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Jack A. Olney water Sept
(Applicant)

Proposed Priority... 6/30/83

Received by CW Date 6-30-83 Time 10:30A

Preliminary check by HW Fee \$ 30.00

Received by CW Date 6-30-83 # 25225

Publication prepared by CW Date 8-27-85

Published in Shoshone News

Publication dates 4/24 & 4/25/85 Read 9-2 & 9-12-85

Publication approved CW Date 4-16-85 & 9-27-85

Protests filed by: none

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by EDR CW

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 27-7384, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before November 1, 19 86.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: Use of water under this permit is subject to control by the watermaster of State Water District No. 01, Snake River.

Witness my hand this 8th day of October, 1985.

J. Glen Saxton
Chief, Operations Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant CITY OF BLACKFOOT (Golf Course) (Culinary) Phone 785-0491
Post office address 157 N. Broadway, Blackfoot, Idaho 83221
2. Source of water supply ground water which is a tributary of _____
3. Location of point of diversion is SW % of NE % of Section 27 Township 2So.
Range 35 E.B.M. Bingham County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Allow 0.14 cfs*

Amount 144 cfs for Municipal purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated: *kw 10/7/1985

Allow 0.14 cfs*

a. 144 cfs cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. submersible pump, 5 H.P., and
pressure pump

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir
capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is 6 inches; proposed depth of well is 82 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial
completed

use is 1 years (minimum 1 year - maximum 5 years). Completed July 23, 1973

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: SW % of NE % of Section 27 Township 2So.
Range 35 E.B.M.

(2) Amount of power to be generated: n.a. horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered n.a.

(4) Name of municipality to be served City of Blackfoot Golf Course or number of families to be
supplied with domestic water _____

(5) If water is to be used for other purposes describe: n.a.

EXHIBIT-111111

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

Total number of acres to be irrigated

c. Describe any other water rights used for the same purposes as described above.

9. a. Who owns the property at the point of diversion CITY OF BLACKFOOT

b. Who owns the land to be irrigated or place of use CITY OF BLACKFOOT

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing N.A.

10. Remarks SEE ATTACHED MAP FOR LOCATION OF POINT OF DIVERSION AND
PLACE OF USE.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

SCANNED

JUL 20 2001

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

RECEIVED

MAR 1 - 1990

Department of Water Resources
Eastern District Office

February 22, 1990

Blackfoot Water Dept.
C/O Jack Olney
157 N. Broadway
Blackfoot, ID 83221

Gentlemen:

Our records show you have filed your adjudication claim(s) in the Snake River Basin Adjudication. Our records do not, however, include a clear map of your service area. Would it be possible for us to get a map of your customer service area for your municipal water system, both to supplement the record of your claim(s) and for use as described below?

In our review and investigation phase of the Snake River Basin Adjudication, the map would be helpful for us to have this information in verifying individual claims to water rights for domestic purposes. We will be happy to discuss with you the most convenient way for you to provide this information to us. I can be reached at 327-7931 or you may contact my assistant, Anita Warntjes at 327-7986.

Your assistance in this matter is greatly appreciated.

Sincerely

DAVID B. SHAW
Adjudication Bureau Chief

DBS:alw

101-04007
27-02142+
14084+
14086+
14087+
14088+
14089+
14106+
14151+
14152+
35-04251

MICROFILMED

NOV 12 1992

JUL 20 2001

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: A27-07384
Date Received: 3/31/1989
Receipt No: E006680
Received By: EMC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CITY OF BLACKFOOT 208-785-8600
Address: 157 N. BROADWAY
BLACKFOOT, ID 83221

2. Date of Priority: JUN 30, 1983

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02S	35E	27	SW	NE			BINGHAM

5. Description of diverting works:
WELL, PUMP AND DISTRIBUTION SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
MUNICIPAL	01/01	12/31	0.144		

7. Total Quantity Appropriated is:
0.144 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
M/ CULINARY WELL AT MUNICIPAL GOLF COURSE IN BLACKFOOT.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02S	35E	27	SW	NE		MUNI	

11. Place of use in counties: BINGHAM

A27-07384

Page 1

Date: 03/31/89

A2707384



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NOV 12 1992

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE.

14. Remarks:

15. Basis of Claim: PERMIT

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 x wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Organizations:

I do solemnly swear or affirm that I am Water Supt. of
Title
City of Blackfoot, that I have signed the foregoing
Organization
document in the space below as Water Supt. of
Title
City of Blackfoot and that the statements contained in the
Organization
foregoing document are true and correct.

Paul A. Olney
Signature of Authorized Agent

Water Supt. City of Blackfoot
Title and Organization

4-3-89
Date

State of Idaho)
County of Blackfoot) SS.

Subscribed and sworn (or affirmed) before me this 3 day
of April 19 89

Donovan D. Wren
Notary Public

Seal

Residing at Blackfoot

My Commission Expires 4-21-93
Date: 03/31/89

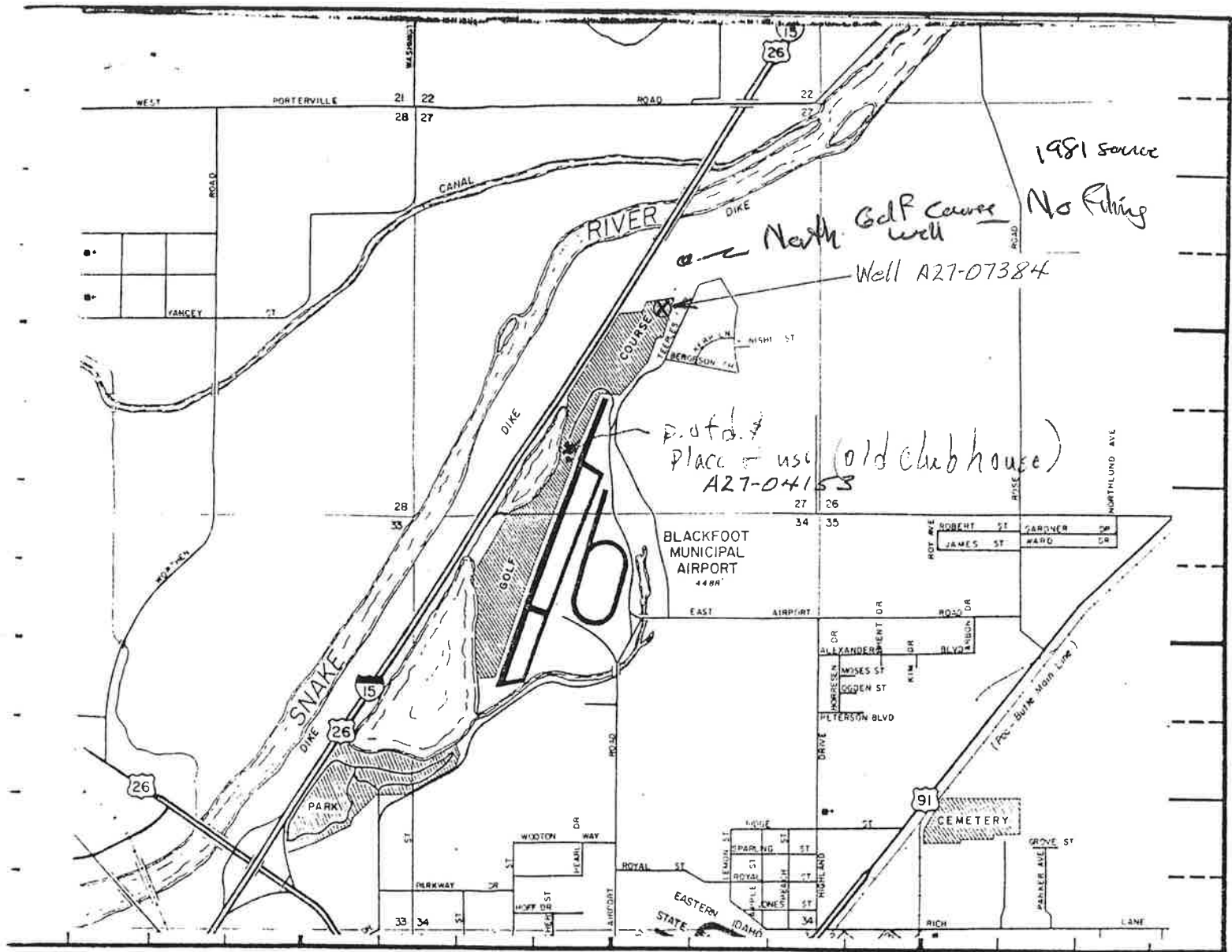
A27-07384

Page

2

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NOV 12 1992

Remarks SEE ATTACH MAP FOR POINT OF DIVERSION AND PLACE OF USE



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

MICROFILMED
NOV 12 1992