

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 29-7431

Priority: December 29, 1977 Amount: 9.28 CFS 2723.0 AFA

This is to certify, that CITY OF POCATELLO

P.O. BOX 4169

POCATELLO, ID 83205-4169

has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated December 29, 1977, and has submitted proof to the Department of Water Resources on July 11, 1983, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of 9.28 cfs of water from;

WASTE WATER

tributary to PORINEUF RIVER

and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
Irrigation	04/01 to 11/01	9.28 cfs	2723.0 afa

LOCATION OF POINT OF DIVERSION(S): SWNE , Sec. 7, Township 6S, Range 34E
Bannock County

PLACE OF USE: Irrigation

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
5S	34E	25	NENE 24	NWNE 19	SWNE 39	SENE 38	
			NENW 12	NWNW 14	SWNW 35	SENW 25	
			SESW 11	NESE 33	NWSE 30	SWSE 39	
			SESE 35				354
	26		NENE 8	SENE 40	NESE 37	SESE 4	89
	36		NENE 32	NWNE 37	SWNE 40	SENE 40	
			NENW 17	NESE 3	NWSE 3		172
5S	35E	30	NWNE 5	SWNE 7	NENW 40	NWNW 33	
			SWNW 38	SENW 39			162

Total number of acres irrigated: 777

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
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. This right when combined with all other rights shall provide no more than 0.2 cfs per acre or more than 3.5 afa per acre for the lands above.

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JUL 01 1987

State of Idaho
Department of Water Resources

PAGE 2

WATER RIGHT LICENSE

WATER RIGHT NO. 29-7431

CONDITIONS/REMARKS:

5. Use of water under this license is subject to control by the watermaster of State Water District No. 29 .

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 11th day of JUNE, 1987.

Acting for the

Director



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State of Idaho
Department of Water Resources

RECEIVED

APR 08 1987

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 29-7431

Department of Water Resources

APPROVED

Date of Priority: December 29, 1977

Comes now CITY OF POCA TELLO
P.O. BOX 4169
POCA TELLO, ID 83201

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. 29-7431 , and requests that the permit be changed as follows:

Source: WASTE WATER

tributary to: PORINEUF RIVER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
Irrigation	04/01 to 11/01	9.28 cfs	2723.0 af

LOCATION OF POINT OF DIVERSION(S): SWNE , Sec. 7, Township 6S, Range 34E
Bannock County

PLACE OF USE: Irrigation

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
5S	34E	25	NENE 24	NWNE 19	SWNE 39	SENE 38	
			NENW 12	NWNW 14	SWNW 35	SENW 25	
			SESW 11	NESE 33	NWSE 30	SWSE 39	
			SESE 35				354
	26		NENE 8	SENE 40	NESE 37	SESE 4	89
	36		NENE 32	NWNE 37	SWNE 40	SENE 40	
			NENW 17	NESE 3	NWSE 3		172
5S	35E	30	NWNE 5	SWNE 7	NENW 40	NWNW 33	
			SWNW 38	SENW 39			162

Total number of acres irrigated: 777

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 POCA TELLO , this 3 day of APRIL , 1987.

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JUL 01 1987

[Signature]
(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 29-7431

FOR DEPARTMENT USE ONLY

Preliminary check by fw Fee = \$20.00 ✓ Received by CCW Date 4-17-87 #44681

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, A. Kenneth Dunn, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 29-7431 with the following;

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
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. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.

Witness my hand this 11TH day of JUNE, 1987.

Norman Young
Acting for the (Director)

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JUL 01 1987

412 2100

Identification No. _____

Application No. 29-7431 **AMENDED**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPROVED

AMENDED

APPLICATION FOR PERMIT

AMENDED

To Appropriate the Public Waters of the State of Idaho

(TYPE OR PRINT IN INK)

1. Name of applicant City of Pocatello Phone: 232-4311
post office address Lewis Street Pocatello, Idaho 83201
2. Source of water supply Wastewater which is a tributary of _____
3. a. Location of point of diversion is SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 7 Township 6 S.
Range 34 E. B.M. Bannock County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount up to 6655 acre feet for irrigation purpose from May 1 to Oct. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. _____ cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Piped to surge pond, pumped
in 24" pipe to empoundment area. Piped to irrigation area.

b. Height of storage dam 38 feet, active reservoir capacity 860 acre feet; total reservoir
capacity 860 acre feet, materials used in storage dam: Earth Dike
Period of year during which storage will occur year round to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$4,000,000.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____
(5) If water is to be used for other purposes describe: _____

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5S	34E	29✓	10	40	40	30													120
5S	34E	27✓													30			36	66
5S	34E	26✓									37	40	40	37	40			40	234
5S	34E	34✓	40	40	40	40									40	40	40	40	320
5S	34E	25	40	40	40	40	30	40	40	20	40	30	30	40	40	40	40	40	590
5S	34E	30				40										40	40	40	160
5S	34E	36	40	40	40	40	40	31											231
6S	33E	1✓															9	9	18

Total number of acres to be irrigated 3,124

c. Describe any other water rights used for the same purposes as described above. Irrigation wells
are used for all of the above acreages except small parts of Section 35
& all of Sec. 32 and 33, R.34 E. They are all Fort Hall Irrigation
water or wells.

9. a. Who owns the property at the point of diversion City of Pocatello or J.R. Simplot

b. Who owns the land to be irrigated or place of use See No. 10 below

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the
applicant to make this filing contract with landowner to use water

10. Remarks 9.b.: West Pocatello Stake L.D.S.

George Shiozawa

Whitewater Corporation

Edwin R. Dekay

City of Pocatello

J.R. Simplot Company

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

A blank sheet of graph paper featuring a uniform grid of small squares. The grid consists of 20 columns and 20 rows, creating a total of 400 square units. The lines are thin and black, set against a white background. There are no margins, text, or other markings on the page.

Scale: 2 inches equal 1 mile

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.

John Postlewaite
(Applicant)

Received by CW Date 6-14-78 Time 11:15 A.
Preliminary check by EMC Fee \$ 10.00
Received by EP Date 6-22-78 # 11425
Publication prepared by _____ Date _____
Published in _____
Publication dates _____
Publication approved _____ Date _____
Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by _____

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. 29-7431, and said application is hereby APPROVED.

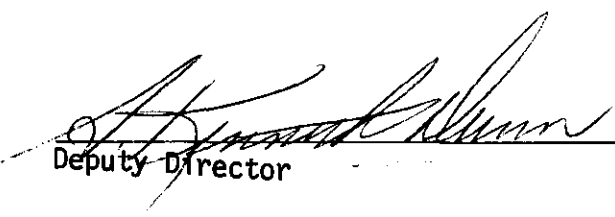
1. Approval of said application is subject to the following limitations and conditions:

- 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 September, 19 83.
- c. Other: _____

PURSUANT TO MEMORANDUM DECISION AND ORDER OF THIS DATE

2. Denial of said application is for the following reasons: _____

Witness my hand this 8 day of September 19 78.


Deputy Director

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

[illegible]

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 _____

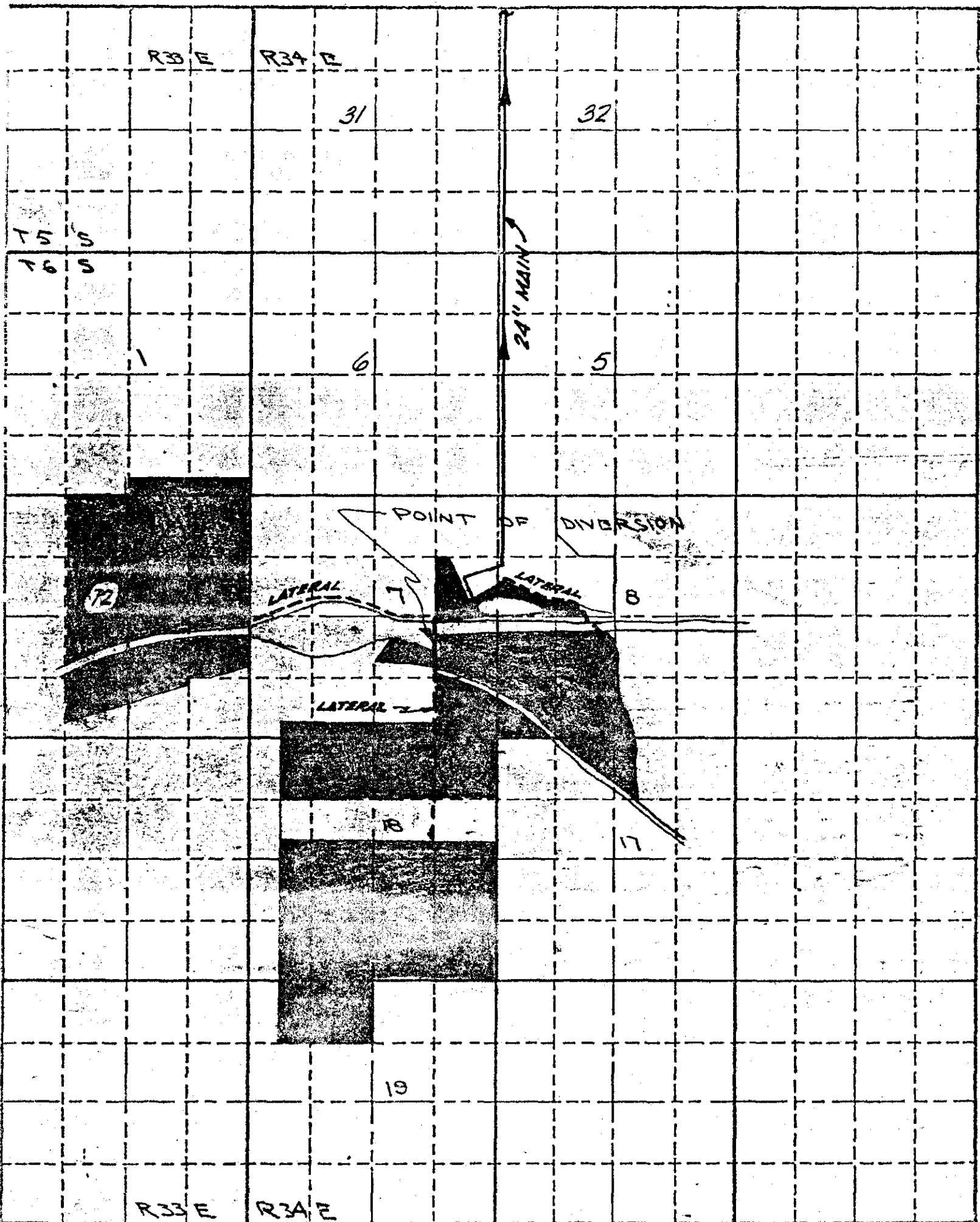
b. Who owns the land to be irrigated or place of use _____

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

10. Remarks _____

1

11. Map of proposed project, show clearly the proposed point of diversion, place of use, section number, township and range number.

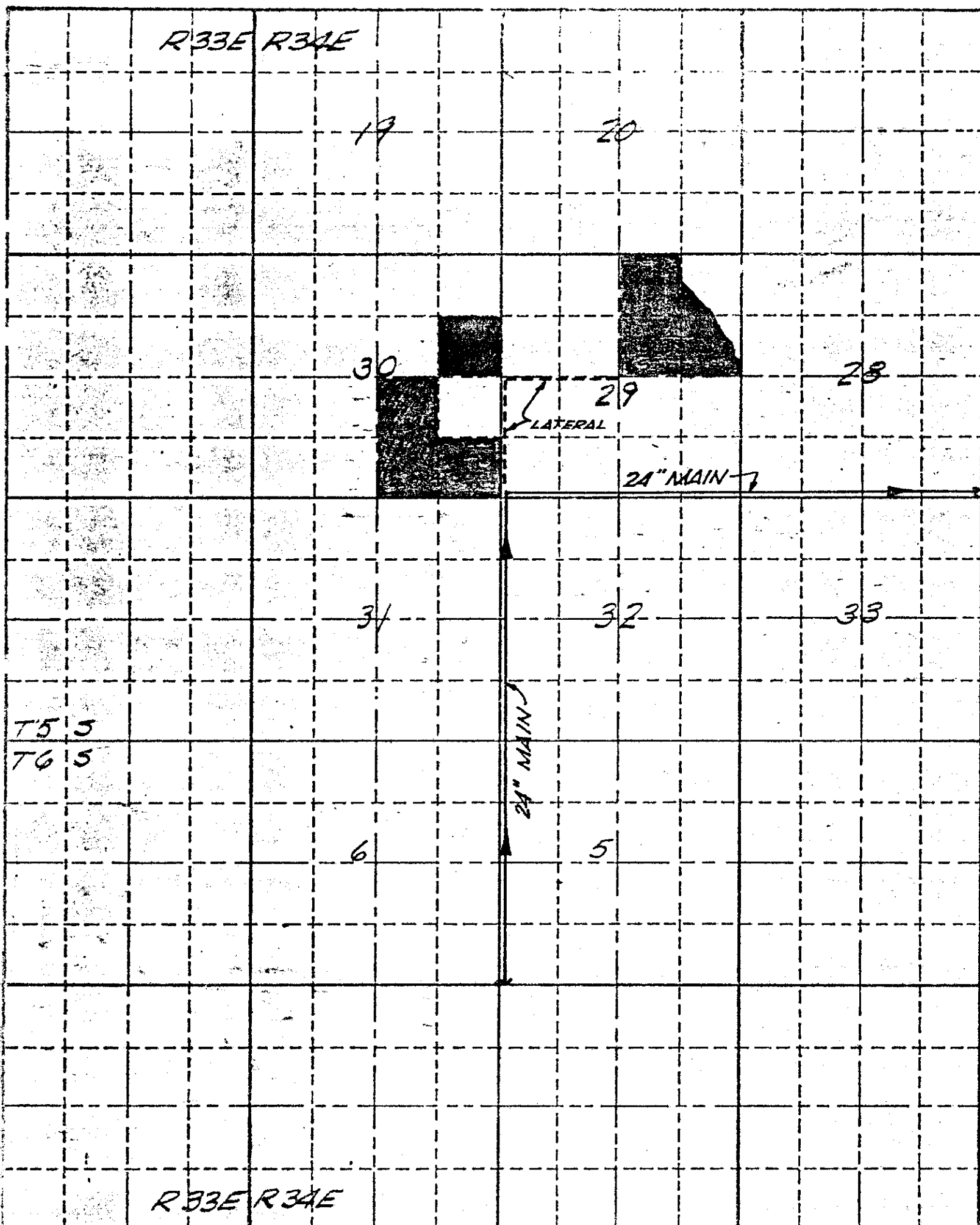


Scale: 2 inches equal 1 mile.

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.

John C. Postlewa
 (Applicant)
 Public Works

11. Map of proposed project, show clearly the proposed point of diversion, place of use, section number, township and range number.



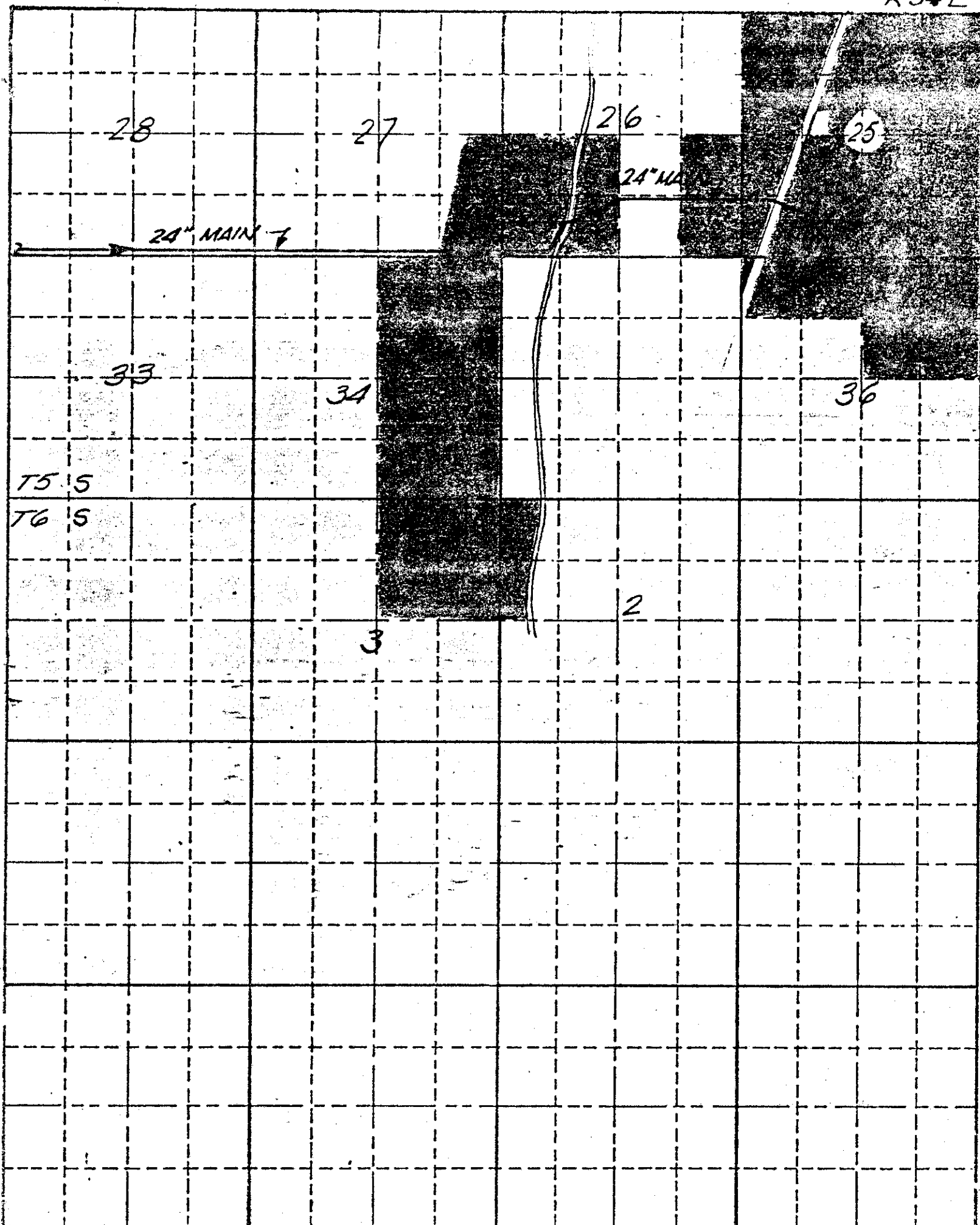
Scale: 2 inches equal 1 mile.

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

John C. Postlewaite
 (Applicant)
 Director Public Works

11. Map of proposed project, show clearly the proposed point of diversion, place of use, section number, township and range number.

R34E



Scale: 2 inches equal 1 mile.

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.

John C. Pottier
 (Applicant)
 Dir. of Public Works

Identification No. 29 7431

Application No. 29 7431

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant City of Pocatello Phone: 232-4311
post office address Lewis Street
2. Source of water supply Wastewater which is a tributary of _____
3. a. Location of point of diversion is SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 7 Township 6 S.
Range 34 E. B.M. Bannock County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount up to 6655 Acre Feet for Irrigation purpose from May 1 to Oct. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. _____ cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Piped to surge pond, pumped
in 24" pipe to empoundment area. Piped to irrigation area.

b. Height of storage dam 38 feet, active reservoir capacity 860 acre feet; total reservoir
capacity 860 acre feet, materials used in storage dam: Earth Dike
Period of year during which storage will occur Year round to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ 4,000,000.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____
(5) If water is to be used for other purposes describe: _____

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

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
✓ 5S	34E	25	40	40	40	40	40	40	40	40	40		20		40	40	40	40	540
✓ 5S	35E	30	40	40	40	40	40	40	40	40	40			40	40	40	40		520
✓ 5S	34E	36	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
✓ 5S	34E	35	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
✓ 5S	35E	31	40		40				40	40	40	40	40	40	40	40	40	40	480
✓ 5S	35E	32			40	40		40	40	40	40	40	40	40	40	40	40	40	520
✓ 6S	34E	2	30	40	40	30	40			40	40			40	40	20	20	40	420
✓ 5S	34E	33	20	20	40	20	40	20	20	40	40	20	20	20	20	40	20	20	420
✓ 5S	34E	32	20	20	40	20	40	20	20	40	40	20	20	20	20	40	20	20	420

(Cont.)

Total number of acres to be irrigated

- c. Describe any other water rights used for the same purposes as described above. Irrigation wells are used for all of the above acreages except small parts of Section 35 and all of Section 32 and 33, R. 34 E. They are all Fort Hall Irrigation water or wells.
9. a. Who owns the property at the point of diversion City of Pocatello or J. R. Simplot
- b. Who owns the land to be irrigated or place of use See No. 10 below.
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Contract with landowner to use water.

10. Remarks The following land owners will use water as it becomes available:

1. Whitewater Corporation
2. S. Albert Johnson
3. S. Albert Johnson, Jr.
4. Melvin Jackson
5. Veda Rupp
6. Harry Hart
7. City of Pocatello

See attached map, showing exact locations of various ownerships.

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

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
46S	33 E	12	40	40	40	40	40	40	40	40	20	40				20			400
46S	33 E	11					40	40	40	40	40	40	40	40					320
6S	33E	2	40	40	40	40					40	40	40	40	40	40	40	40	480

Total number of acres to be irrigated 6200*

c. Describe any other water rights used for the same purposes as described above.
Irrigation from wells only.

9. a. Who owns the property at the point of diversion
b. Who owns the land to be irrigated or place of use
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

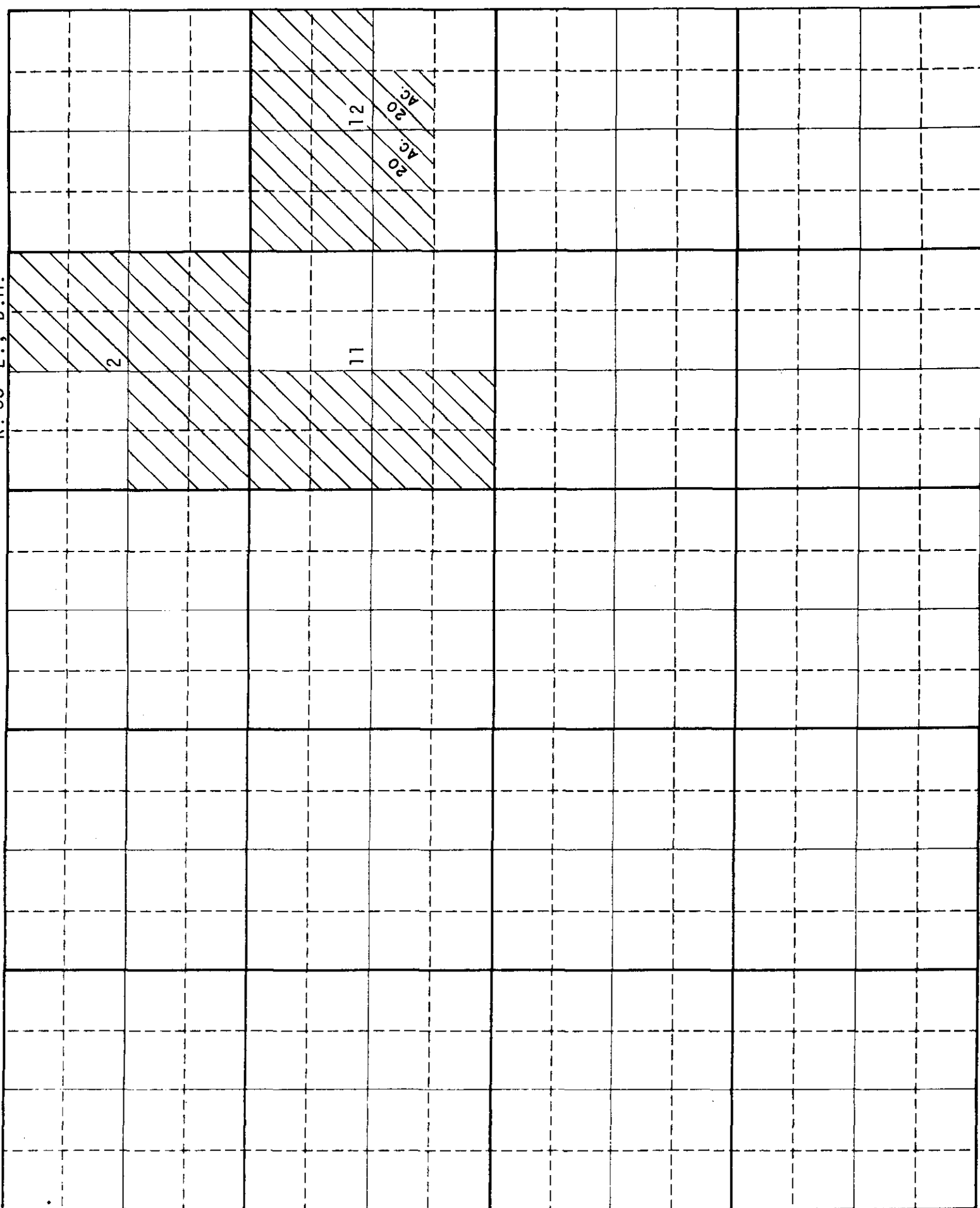
10. Remarks

* The total acreage for irrigation will change as the amount of wastewater increases. We have shown all lands that are now available for use of the wastewater.

T. 6 S.

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

R. 33 E., B.M.



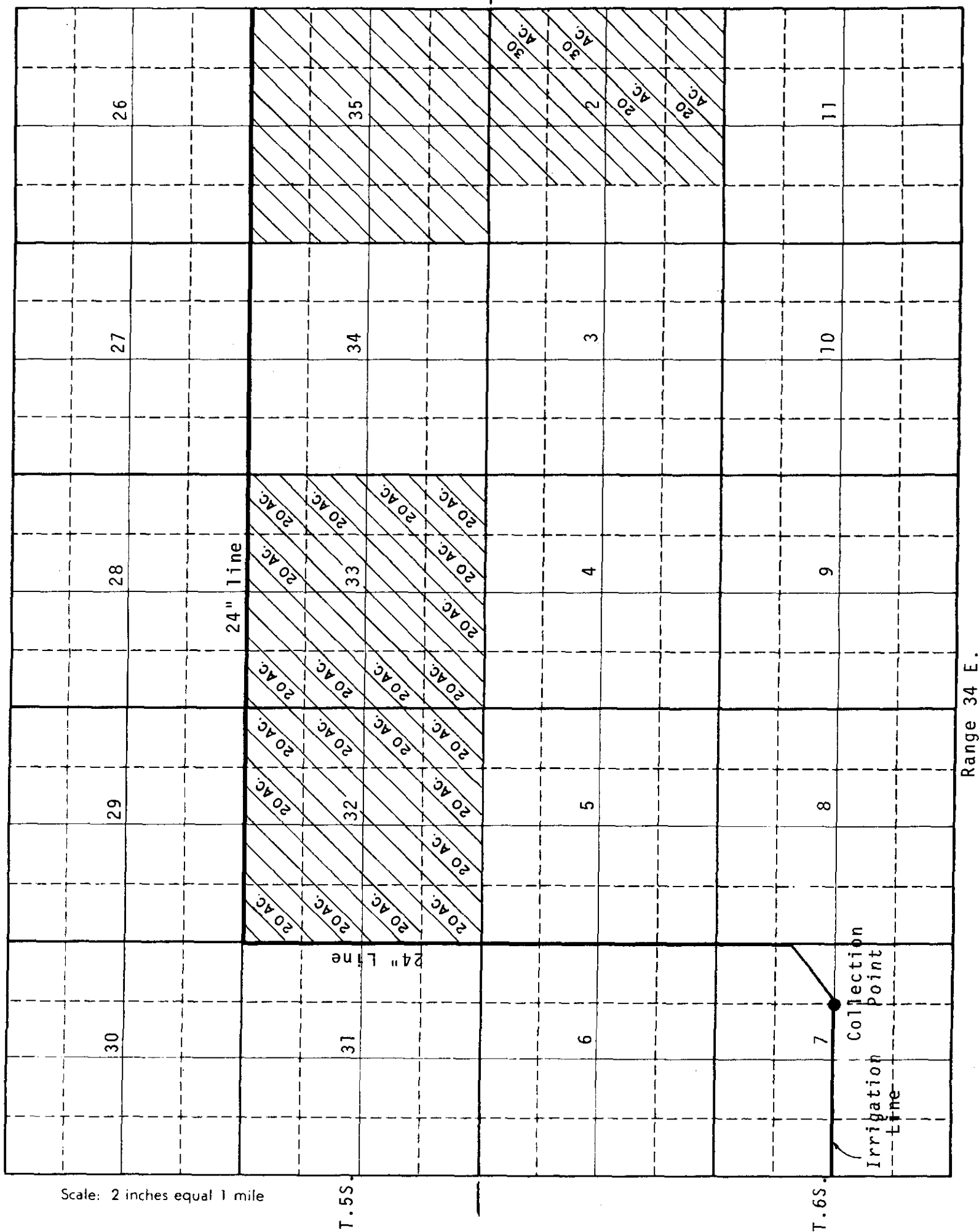
T. 6 S.

Scale: 2 inches equal 1 mile

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.

John C. Postlewaite
(Applicant)
Director Public Works

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



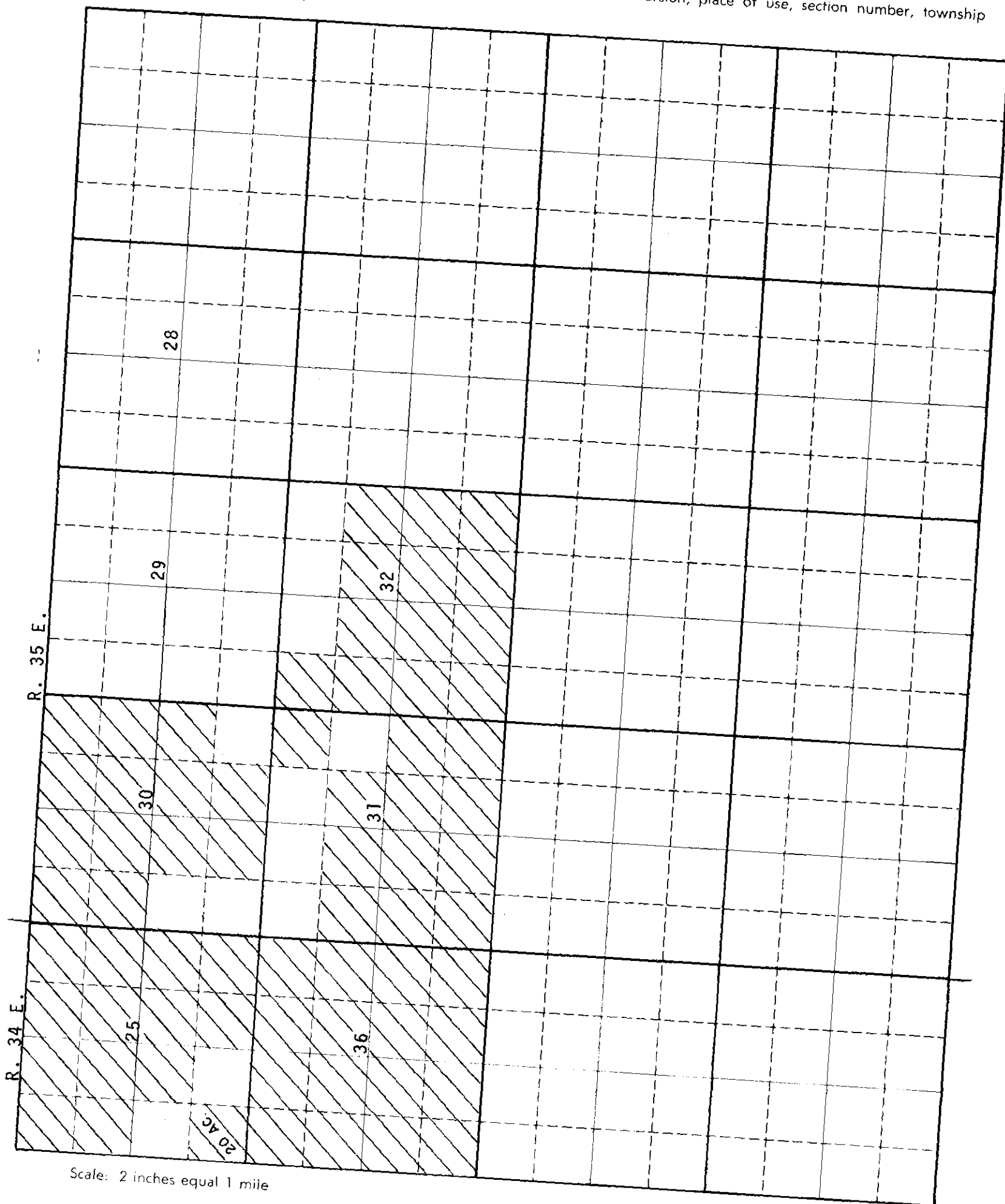
Scale: 2 inches equal 1 mile

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.

John C. Postlewaite
 (Applicant)
 Director Public Works

T. 5 S

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

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.

John E. Postlewaad
(Applicant)
Director of Public Works

Received by (u) Date 12-23-77 Time 11:25 A.
Preliminary check by LA Fee \$ 85.00 rec'd 12-29-77
Receipted by me Date 12-30-77
Publication prepared by (u) Date 1-03-78
Published in Idaho State Journal
Publication dates January 12+19, 1978
Publication approved me Date 1-27-78
Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by _____

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. _____, and said application is hereby _____.

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 _____, 19____.
- c. Other: _____

2. Denial of said application is for the following reasons: _____

Witness my hand this _____ day of _____, 19____.

Director

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)	
PERMIT NO. 29-7437 IN THE NAME)	ORDER DENYING PETITION
OF J. R. SIMPLOT COMPANY AND FOR)	
PERMIT NO. 29-7431 IN THE NAME)	FOR REHEARING
OF CITY OF POCA TELLO.)	
_____)	

The petition for rehearing filed by Dwight Baker on behalf of protestants in the above-entitled matter, Bob Hart, Sam McNabb, S. Albert Johnson, John Spanbauer, Veda Rupp, Robert Brown, and L. T. Gucker is denied for the following reasons:

1) Condition 5 in the order provides that the rate of diversion for the land being irrigated under this right shall not exceed 0.02 cubic feet per second per acre when combined with all other water rights for the irrigation of this land. Condition 5 is consistent with Idaho Code 42-202 which provides that ". . . no one shall be authorized to divert for irrigation purposes more than one cubic foot of water per second of the normal flow for each fifty (50) acres of land to be so irrigated. . . ". The permit approved for the J. R. Simplot Company provides that 4.25 cfs will be used for irrigation purposes from March 15 to November 15. If Simplot waste water is diverted from the impoundment for irrigation purposes at the stated rate throughout the specified irrigation season, an annual maximum of approximately 1,767 acre feet would be diverted per year. Adding the approximate total acre feet of Simplot waste water which would be annually diverted from the impoundment to the annual maximum of 6,655 acre feet of waste water from the City of Pocatello proposed to be used for irrigation purposes under the City's permit from May 1, to October 1, water would be diverted up to a total annual maximum of 8,422 acre feet. According to the above calculations and the total

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acreage described in the permits, the annual use of water from the impoundment for irrigation purposes would average less than three acre feet per acre.

Petitioners' objections to Condition 5 are without merit in that Idaho Code 42-202 limits the amount of water that can be diverted for irrigation purposes to one cubic foot of water per second for each 50 acres of land irrigated, and the volume of water that would be used per acre per year can be determined according to the rate of diversion specified in the application for permit approved for the J. R. Simplot Co., the length of the irrigation season, and the total acreage proposed to be irrigated, the last two factors being specified in permits approved for both the J. R. Simplot Co. and the City of Pocatello.

Finding of Fact 4 refers to the average concentrations of nitrogen and phosphate contained in each acre foot of water discharged from the City of Pocatello's plant and the Simplot plant. The finding notes that all of the materials appear to be well within the limitations set by the United States Environmental Protection Agency for land disposal.

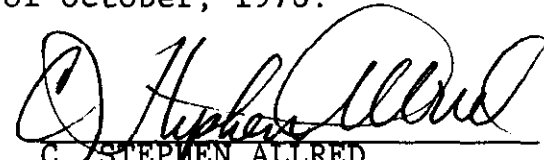
2) The location and the total number of acres to be irrigated is described in the permits approved for the City of Pocatello and the J. R. Simplot Company. The conditions in the order are capable of enforcement even if lands within the boundaries described fail to become available for irrigation purposes. The actual land irrigated under the approved permits must be located within the boundaries described, and under the statutory limitation previously discussed, water can be diverted at no more than one cubic foot per second for each 50 acres of land to be irrigated, or .02 cfs per acre. The license issued by the Department upon proof of application to beneficial use will describe only the actual acreage irrigated.

3) At a prehearing conference held to determine the issues in the matter, the areas of public interest found to be within the purview of the Department were set forth. Consistent with the earlier determination, the proof accepted at the hearing was limited to the following areas:

1. What adverse water related effects will the local community suffer because of surface runoff generated by this project?
2. What is the potential for groundwater contamination?

IT IS, THEREFORE, HEREBY ORDERED That Petition for Rehearing In the Matter of Application For Permit No. 29-7437 In the Name of J.R. Simplot Company and for Application For Permit No. 29-7431 In the Name of the City of Pocatello is DENIED.

DATED This 19th day of October, 1978.


C. STEPHEN ALLRED
Director

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO. }
29-7437 IN THE NAME OF J. R. SIMPLOT COMPANY }
AND FOR APPLICATION FOR PERMIT NO. 29-7431 }
IN THE NAME OF THE CITY OF POCA TELLO }

MEMORANDUM DECISION
AND ORDER

In 1972, the Federal Water Pollution Control Act was passed by Congress. This act required that the best practicable control technology be implemented by July 1, 1977, to control the discharge of pollutants into the navigable waters of the United States.

After extensive review of the available control technology, the City of Pocatello and the J. R. Simplot Company determined that the land application of their waste effluent would be the most practical and least costly disposal alternative. Detailed evaluation of the primary alternative indicated that a joint land application system would be the best approach.

Because the water normally returned to the Portneuf River by the City and the Simplot Company was part of the public water of the State of Idaho, it was necessary to obtain a permit from the Idaho Department of Water Resources to appropriate these waters.

On December 23, 1977, the City of Pocatello applied to the Department of Water Resources to appropriate 6655 acre feet of waste water at a point within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 7, Twp. 6S, Rge. 39E, B.M., Bannock County. Notice of this application was published in the Idaho State Journal on January 12 and January 19, 1978. No protests against the granting of this permit were received.

The second application to appropriate waste effluent from the Simplot Fertilizing Plant at Pocatello was filed by the J. R. Simplot Company on January 27, 1978. This application proposed the appropriation of 4.25 cubic feet per second and 860 acre feet for storage of industrial waste water to be diverted from a point within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 7, Twp. 6S, Rge. 34E to a reservoir located within the S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 25 and N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 36, Twp. 5S, Rge. 34E, B.M., Bannock County. Notice of this application was advertised in the Idaho State Journal on March 23 and March 30, 1978 and, subsequently, was protested by Ray F. Miller, Mrs. Veda Rupp, Robert L. Brown, S. Albert Johnson, L. T. Gucker, Robert Hart,

MICROFILMED

Paula G. Crandall, John Spanbauer, and Sam McNabb.

A conference to determine the issues involved was conducted on May 23, 1978. It was determined at that time that the issues set forth in Idaho Code, Sec. 203 which would be considered at the conference would be:

1) That the application was speculative because the applicant lacked possessory interest in the property designated as the place of use.

2) That this proposal "will conflict with the local public interest, where the local public interest is defined as the affairs of the people in the area directly affected by the proposed use."

It was further determined that because of the City's involvement in this project, the City of Pocatello should be joined as an indispensable party in any hearing in this matter. The areas of public interest found to be within the purview of the Department were to be confined to the following questions:

a) What adverse water related effects will the local community suffer because of surface runoff generated by this project?

b) What is the potential for groundwater contamination?

With the issues properly defined, the hearing in the matter was continued to a later date.

On June 26, 1978, a hearing in the matter was conducted in Pocatello, Idaho. The applicants, the J. R. Simplot Company and the City of Pocatello were represented by Ronald N. Graves, Associate General Counsel, and Gerald W. Olsen, City Attorney, respectively. The protestants were present and represented by Dwight E. Baker, Attorney at Law.

Based upon the information presented at the hearing and the Director's understanding of the law, the Director of the Department of Water Resources found the following facts to be pertinent in reaching a decision in this matter:

FINDINGS OF FACT

1) Waste water from the City of Pocatello would be diverted at a point within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 7, Twp. 6S, Rge. 34E, B.M. Waste effluent from the Simplot Fertilizing Plant at Pocatello would be diverted at a point within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 7, Twp. 6S, Rge. 34E B.M.

2) All of the water from the Simplot plant would be pumped for land application. The effluent from the City's sewage treatment plant would only be pumped for land disposal during the irrigation season. During the non-irrigation season, the City would continue to treat and discharge its effluent into the Portneuf River under its NPDES permit. The proposed reservoir would have capacity to

hold all of the effluent from the Simplot plant for a minimum period of seven months.

3) The application, as amended, specify 3,124 acres of land on which water would be used under these permits. The applicants have submitted copies of users agreements identifying 1,613 acres of land not controlled by the City of Pocatello or the J. R. Simplot Company on which water and nutrient materials would be used.

4) The City of Pocatello, on the average, produces slightly over six million gallons per day of effluent from its secondary sewage treatment system. The average concentrations of nitrogen and phosphate in one acre foot of this water has been determined to be about 76 pounds of nitrogen and 11 pounds of phosphate. The effluent from the Simplot plant, now averaging about 1.4 million gallons a day, will contain about 360 pounds of nitrogen and about 124 pounds of phosphate per acre foot. In addition to nitrogen and phosphate, trace amounts of other elements are found in these combined effluent. All of these materials appear to be well within the limitations set by the United States Environmental Protection Agency for land disposal.

5) The proposed reservoir would be constructed through the windblown deposits loess on the Tyhee Bench to provide for an 800 acre feet reservoir. The plans, submitted by International Engineers, show a drainage channel around the reservoir to catch any surface runoff and divert it away from the reservoir. If constructed pursuant to this design, the only water contained in the reservoir other than that pumped into the reservoir from the pumping station would be limited to precipitation falling directly on the water surface. Geologic information indicates about 80 feet of loess in this area covering basalt formations and river deposited gravels. Geologists have named the geological formations of the area the "starlight formation" and indicate this formation can have several confined or perched aquifers. Percolation tests reflect the vertical permeability of the loess to be about 10^{-4} cm/sec. These preliminary tests indicate seepage water from this pond should not reach the Tyhee area for over one hundred years.

CONCLUSIONS OF LAW

1) These applications are not speculative since the applicants have made adequate showing that they have obtained the use agreements and intend to proceed with the project.

2) All of the available data indicate that, with proper management and monitoring, there is only a remote possibility of affecting the water supply of

the Tyhee area.

ORDER

IT IS, THEREFORE, HEREBY ORDERED and Application for Permit Nos. 29-7431 and 29-7437 are hereby APPROVED subject to the following conditions:

- 1) Subject to all prior water rights.
- 2) That prior to diverting any water under these permits, the applicants will submit for approval of the Department of Water Resources a detailed operating plan which will include the following items:
 - a) A program to prevent, detect, and control any leakage which may occur from the pressure pipeline.
 - b) A plan for monitoring the movement of any material which may seep from the reservoir.
- 3) Plans for the dam must be approved by the Department under the Dam Safety Act prior to the impoundment of water.
- 4) Subject to the control of the watermaster of Water District 29, Portneuf River.
- 5) The rate of diversion for the land being irrigated under this right shall not exceed 0.02 cubic feet per second^{per acre}/when combined with all other water rights for the irrigation of this land.
- 6) The issuance of this permit in no way grants any right-of-way or easement across the land of another.
- 7) Proof of construction of works and application of water to beneficial use shall be submitted on or before September 1, 1983.

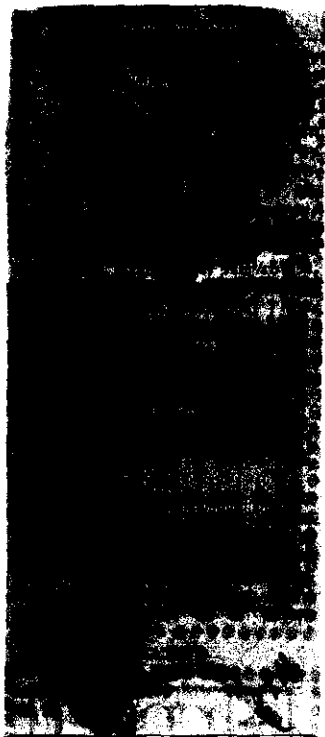
Dated this 8 day of September, 1978.


C. STEPHEN ALLRED
Director

RECEIVED

PROOF OF PUBLICATION

STATE OF IDAHO 1978 ss.
County of Bannock
Department of Water Resources
Eastern District Office



Patricia Gsch

She

being first duly sworn on oath deposes and says: That.....
was at all times herein mentioned a citizen of the United States of
America, more than 21 years of age, and the Principal Clerk of THE
IDAHO STATE JOURNAL, a daily newspaper, printed and published at
Pocatello, Bannock County, Idaho, and having a general circulation
therein.

That the document or notice, a true copy of which is attached, was
published in the said IDAHO STATE JOURNAL, on the following dates,
to-wit:

January 12, 1978 19.....
January 19, 1978 19.....
..... 19..... 19.....
..... 19..... 19.....
..... 19..... 19.....

That said paper has been continuously and uninterruptedly pub-
lished in said County for a period of seventy-eight weeks prior to the
publication of said notice or advertisement and is a newspaper within
the meaning of the laws of Idaho.

Patricia Gsch

Subscribed and sworn to before me this.....

25

day of *January*, 19*78*

James Roberts

Notary Public, State of Idaho
Residence: Pocatello, Idaho

MINUTEMAN

PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

SS.

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that City of Pocatello, Pocatello, Idaho has on 12-29-77 submitted Application No. 29-7431 for a permit to appropriate 665.5 acre feet per annum of water from wastewater by means of pond and pipeline within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 7, T. 6S, R. 34E, B.M., Bannock County; to be used from May 1 to Oct. 31 for the irrigation of 6,200 acres within the E $\frac{1}{2}$, NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 25, Sec. 32, 33, T. 36, T. 5S, R. 34E; N $\frac{1}{2}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 30, NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$, Sec. 31, S $\frac{1}{2}$ N $\frac{1}{2}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$, Sec. 32, T. 5S, R. 35E; E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$, Sec. 2 T. 6S, R. 34E; N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 12, W $\frac{1}{2}$, Sec. 11, E $\frac{1}{2}$, SW $\frac{1}{4}$, Sec. 2, T. 6S, R. 33E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401 on or before January 30, 1978.

C. STEPHEN ALLRED
Director
January 12, 19, 1978
No. 38

Patricia Tech

She

being first duly sworn on oath deposes and says: That she was at all times herein mentioned a citizen of the United States of America, more than 21 years of age, and the Principal Clerk of THE IDAHO STATE JOURNAL, a daily newspaper, printed and published at Pocatello, Bannock County, Idaho, and having a general circulation therein.

That the document or notice, a true copy of which is attached, was published in the said IDAHO STATE JOURNAL, on the following dates, to-wit:

January 12, 1978 19.....
January 19, 1978 19.....
..... 19....., 19.....
..... 19....., 19.....
..... 19....., 19.....

That said paper has been continuously and uninterruptedly published in said County for a period of seventy-eight weeks prior to the publication of said notice or advertisement and is a newspaper within the meaning of the laws of Idaho.

Patricia Tech

Subscribed and sworn to before me this

day of January, 1978

Stephen Allred

Notary Public, State of Idaho
Residence: Pocatello, Idaho

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JAN 27 1978

SEAL OF IDAHO
County of Bannock

PROOF OF PUBLICATION

Patricia Peck

She

being first duly sworn on oath deposes and says: That.....
was at all times herein mentioned a citizen of the United States of
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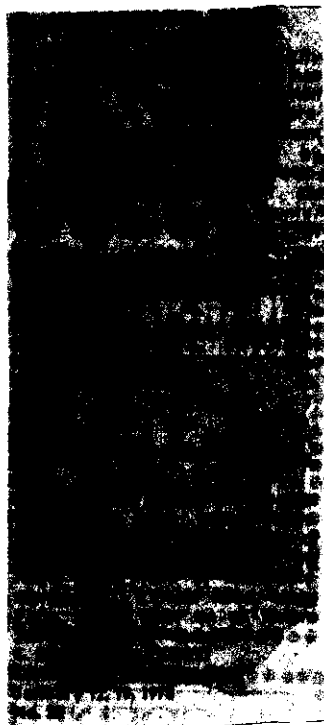
Patricia Peck

Subscribed and sworn to before me this *25*.....

day of *January*....., 19*78*

Sydney Roberts

Notary Public, State of Idaho
Residence: Pocatello, Idaho



RECEIVED
JAN 27 1978

PROOF OF PUBLICATION

STATE OF IDAHO

County of Bannock

ss.

NOTICE OF APPLICATION FOR WATER PERMIT

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C. STEPHEN ALLRED

Director

January 12, 19, 1978
No. 38

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Patricia Pech

Subscribed and sworn to before me this *12*

day of *January*, 19 *78*

Stephen Allred

Notary Public, State of Idaho

Residence: Pocatello, Idaho

June 12, 1987

CITY OF POCA TELLO
P.O. BOX 4169
POCA TELLO, ID 83205-4169

RE: Permit No. 29-7431

Dear Permit Holder(s):

Enclosed herewith is a copy of your Water Right License issued on the above referenced permit along with a copy of your approved application for amendment.

Should you have any questions regarding these documents, please feel free to contact our office.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED
JUL 01 1987



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

Ino #450

DATE 4/15/87

FUND/DEPT 32-01

ACCT. # 639.00

AMOUNT \$ 20.00

APPR BY _____

SEQ. NO.

RECEIVED

APR 17 1987

Department of Water Resources

April 14, 1987

RE: Permit No. 29-7431

City of Pocatello
Box 4169
Pocatello, ID 83205-4169

Dear Permit Holder:

Thank you for returning the licensing Amendment, however you did not include the \$20.00 filing fee.

I will hold the amendment form here for twenty (20) days without further action. Please return the \$20.00 filing fee for the amendment by May 5, 1987.

If you have any questions, please contact me at 334-4162.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

MICROFILMED

JUL 01 1987

April 14, 1987

RE: Permit No. 29-7431

City of Pocatello
Box 4169
Pocatello, ID 83205-4169

Dear Permit Holder:

Thank you for returning the licensing Amendment, however you did not include the \$20.00 filing fee.

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Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

MICROFILMED
JUL 01 1987

CITY OF POCA TELLO

Where People Are Important

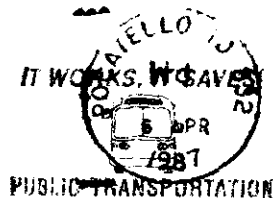
P. O. Box 4169
Pocatello, Idaho 83205-4169

Water Pollution Control

JUL 01 1981
MICROFILMED

note
zip code
correction.

FILED
807067
AIL



State of Idaho
Department of Water Resources
State Office
450 W. State Street
Boise, Idaho 83720

Mr. Jim Johnson

March 31, 1987

CITY OF POCA TELLO
P.O. BOX 4169
POCA TELLO, ID 83201

RE: Permit No. 29-7431

Dear Permit Holder(s):

We previously forwarded to you an Amendment for Water Permit so that you could amend your permit to correspond with the findings of the Department's field examiner.

As of this date, we have not received this amendment. If we do not receive the amendment within fifteen (15) days, we will issue a Water Right License which reduces the amount that could have been allowable to you. Enclosed for your convenience is another amendment form in the event the first one was misplaced.

Since the license will be a permanent water right your prompt attention to this matter will be appreciated.

If you have any questions, please contact us as soon as possible.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

JUL 01 1987



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

CECIL D. ANDRUS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

February 20, 1987

CITY OF POCATELLO
P.O. BOX 4169
POCATELLO, ID 83201

RE: Permit No. 29-7431

Dear Permit Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to correspond with the findings of the Department's field examiner.

The enclosed application for amendment contains information that will be included on the license when it is issued. Please review carefully and if you concur, sign the amendment and return with the \$20.00 filing fee within 30 days.

If you do not concur with these findings or if you have any questions, please contact us within the 30-day period.

Sincerely,



JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

JUL 01 1987

RECEIVED
FEB 26 1986

Department of Water Resources

Permit No. 29-7431

Phone No. 232-4311

1. Owner: City of Pocatello Phone No. 232-4311
Current Address: P.O. Box 4169 Pocatello, ID.
2. Accompanied by: Dick Grigora EXAM. DATE: 6-07-84
Address: Pocatello City Treatment Plant Phone No. _____
Relationship to Permit Holder: Employee
3. Source: Treatment plant Effluent water tributary to Portneuf River

Well/Diversion* No.	Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
{Treatment Plant} {Lift Site}	Westinghouse	300	7710		806W0005
	Westinghouse	300	7710		806W0005
	G.E.	200	BSJ213129		806W0004
	Westinghouse	100	8002		806W0003
Booster Pumps near Reservoir	G.E.	150	HP335034	Cornell	30811
	G.E.	150	NA	Cornell	30810

*Code with points of diversion, system diagram & photos on reverse side. Disregard if only one.

5. System Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)
Treatment plant effluent (a maximum of 6 million gallons/day) is pumped up to the
Sumplot reservoir site. It is not stored but can be mixed in a mixing chamber at
reservoir site with Sumplot effluent water & re-pumped to sprinkler lines
on surrounding farm land. (Relift motor both GE. on Johnston pumps) on mix
chambers
- 75hp #ESJ521314 - Pump #A60011
125hp #DPJ419119 - Pump #A60012

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Recording Chart	Circular Chart	Badger				
Flow meter		Engineering Instrument			1000 gal increments	
Meters (several)		Sparling				

7. Measurements ☐ Additional data/computation sheets attached

☐ Additional data/computation sheets attached

Effluent flows thru the treatment plant peak at about 6,000,000 gpd. Depending on farm demand this entire amt. can be pumped up to sprinkler lines. Total inflow per day recorded on Badger circular chart at plant site.

- | | |
|----------------------------------|--|
| 8. Point(s) of Diversion: | Indicate Method of Determination USGS Map |
|----------------------------------|--|

Indicate Method of Determination USGS Map

[illegible]

- | | | |
|----|------------------|---|
| 9. | Place(s) of Use: | Irrigation - give acres served by system at time of exam.
Indicate Method of Determination |
|----|------------------|---|

Place(s) of Use:

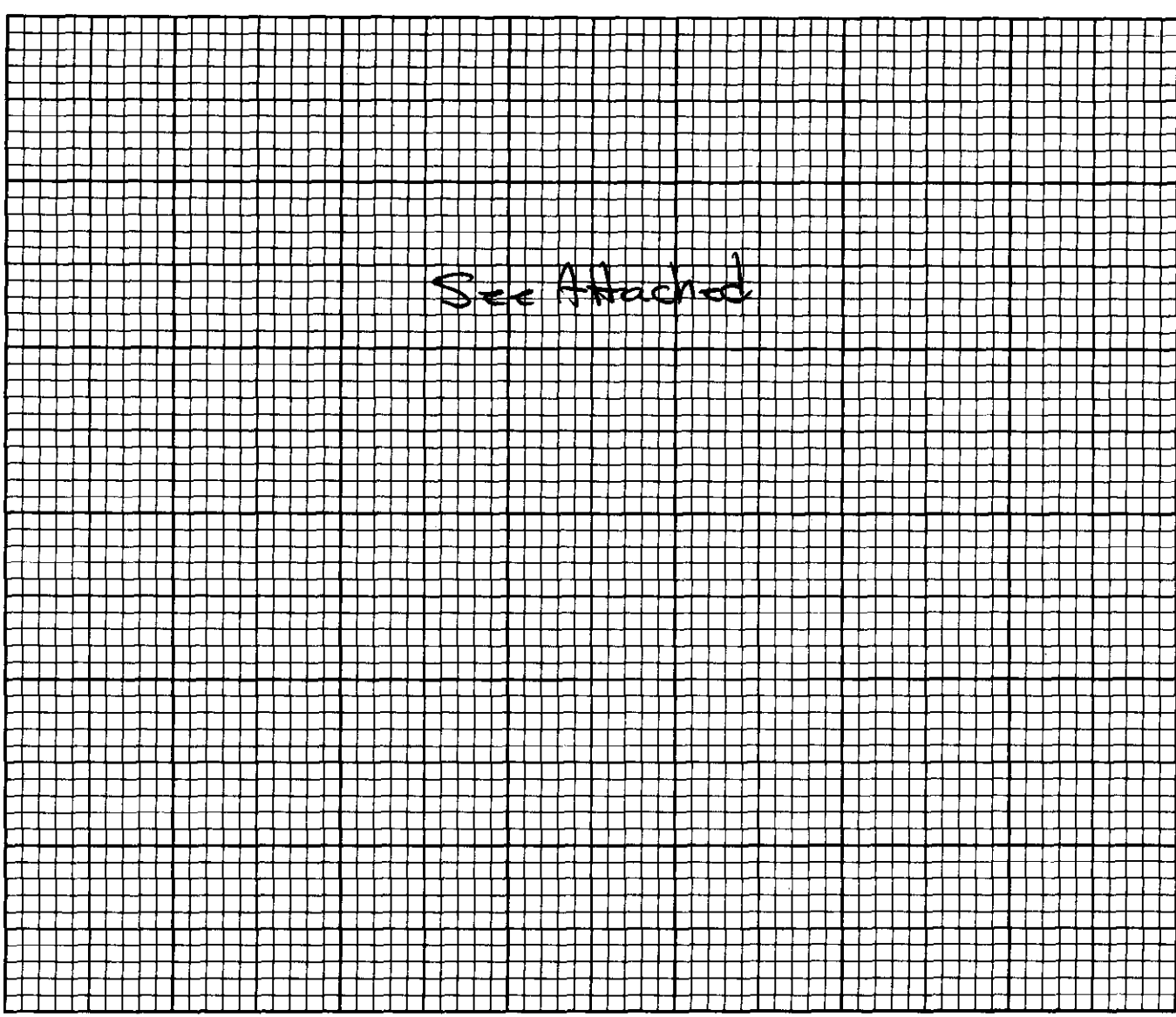
Irrigation - give acres served by system at time of exam.

Indicate Method of Determination

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
SS	34E	25	24	19	39	38	12	14	35	25				11	33	30	39	35	357
		26	8			40									37			4	89
		36	32	37	40	40	17								3				172
SS	35E	30		5	7		40	33	38	39									162
Total Acres																			777

10. Other water rights on these lands 29-2571 + 29-2049
11. Other water right diverted from same p.d. NA.

12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.



13. ☒ Photo of Diversion & System Attached ☒ Aerial Photo of Place of Use Attached or Map of Irrigated Acreage Attached

14. Remarks This is not a storage system but a use of direct flow from the treatment plant that gives the operator an option to mix in stored Simplot effluent that is in their reservoir + then pump this mixture to sprinkler lines. If no simplot effluent is desired the city effluent bypasses the mixing chamber + goes directly to the booster pumps.

15. Recommended Amendments
☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☒ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

16. Examiner's/Consultant's Signature HC Jones Date 9-06-85

Consultant's License Number _____
IDWR Director's Authorization to Conduct
Beneficial Use Examination _____

RECORDED Date

CONSULTANT SEAL

JUL 01 1987

RECEIVED

29-7431

Permit No.

FEB 21 1986

1. Measurement Calculations

Department of Water Resources

- a) Field Measurement Calculations (Include theoretical capacities and system capacity)

By Badger Flow Chart;

6,000,000 gpd capacity
can & does go thru treatment plant

or 9.28 cfs →

- b) Volume Calculations for Irrigation:

$$\begin{aligned} V_{I.R.} &= (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 778 \text{ acres} \times 3.5 \text{ af/acre} = 2723 \text{ af} \\ V_{D.R.} &= [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 9.28 \text{ cfs} \times 214 \text{ days} \times 1.9835 = 3939 \text{ af} \\ V &= \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 2723 \text{ af} \end{aligned}$$

- c) Volume Calculations for Other Uses:

2. Overlap Review

- a) Other water rights with same place of use: 29-2371 + 29-2049 + 29-2438

- b) Other water rights with same point of diversion: NA. - ✓

- c) Analysis:
- a/ system capacity 9.28 cfs (No storage)
 - b/ acres irrigated 778 — — 778 acres @ 2.02 cfs/acre = 1556 cfs
 - c/ Therefore license for 9.28 cfs since it does not exceed allowable maximum.
 - d/ since there are three other licenses on part of this same ground add conditions; R16 (3.5)
- R30

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JUL 01 1987

RECOMMENDED AMOUNTS

3.	Permit No.	Priority	Amount	App. Date	Date Proof Submitted	System Capacity

4. Permit Holder: _____

Address: _____

5. Source: _____ tributary to _____

6. Beneficial Use	Period of Use		Rate of Diversion	Annual Volume
	From	To	Q (cfs)	V (afa)
Irrigation	4-1	11-1	9.28	2723

Allowable Maximums: _____

7. Point(s) of Diversion:

[illegible]

8. Place(s) of Use

[illegible]

9. Recommended Conditions/Remarks: _____

MICROFILMED

~~JUL 01 1967~~

10. Recommended Amendments

- ☐
- Change P.D. as reflected above
- ☐
- Add P.D. as reflected above
- ☐
- None

- ☒
- Change P.U. as reflected above
- ☐
- Add P.U. as reflected above
- ☐
- Other _____

11. Examiner's Signature H. G. Jones

Date 9-16-85

Checked in Regional Office by Billy Sackman

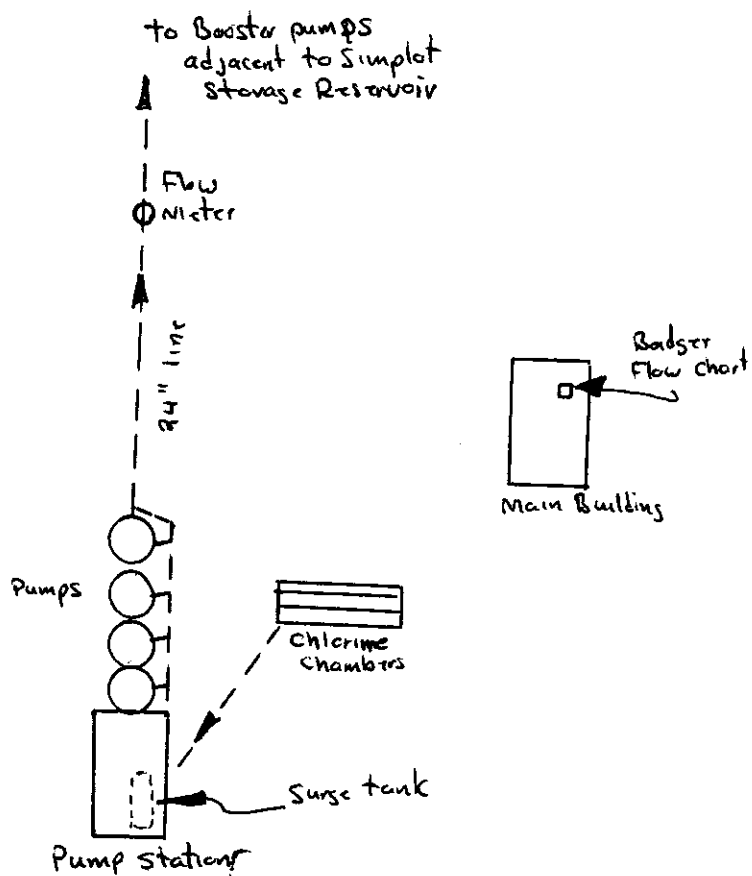
Date 2-18-86

Approved in State Office by Jim

Date 1-9-87

DIVERSION AND DELIVERY
SYSTEM

#29-7431



AT POINT OF DIVERSION
AT POCATELLO CITY TREATMENT
PLANT

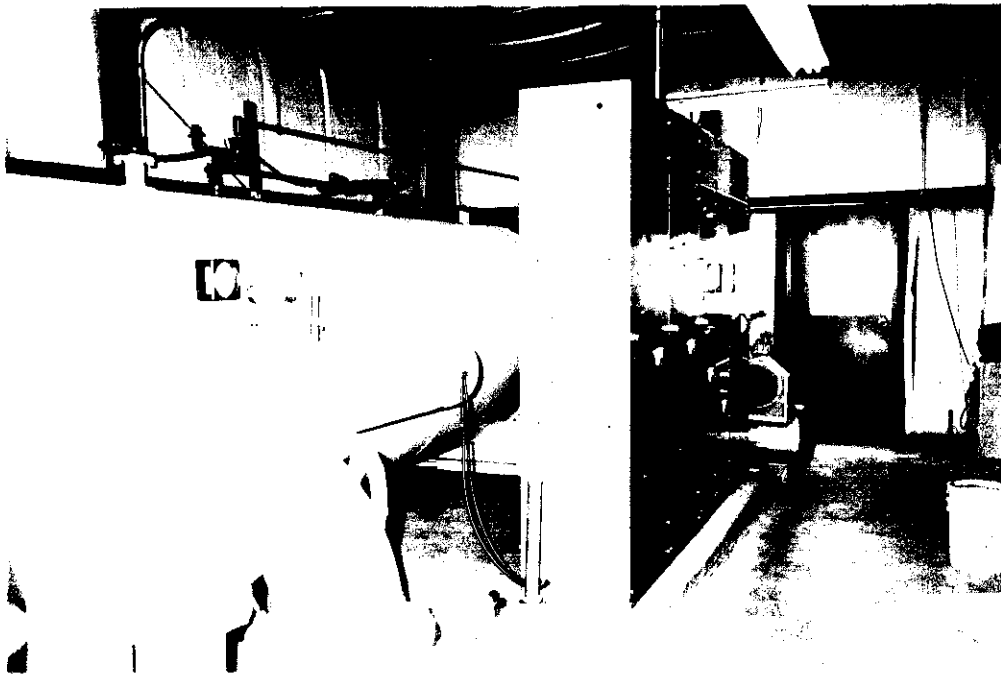
* This system lifts
effluent water to
ground 240' higher

MICROFILMED
JUL 01 1987

#29-7431



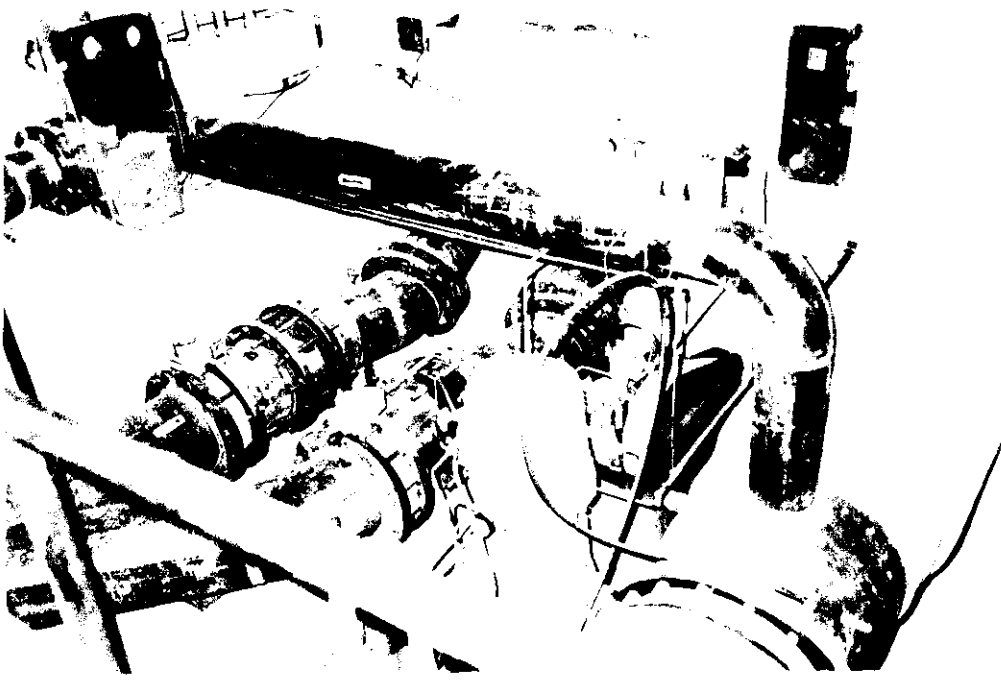
Pump station
at Pocatello City
Treatment Plant



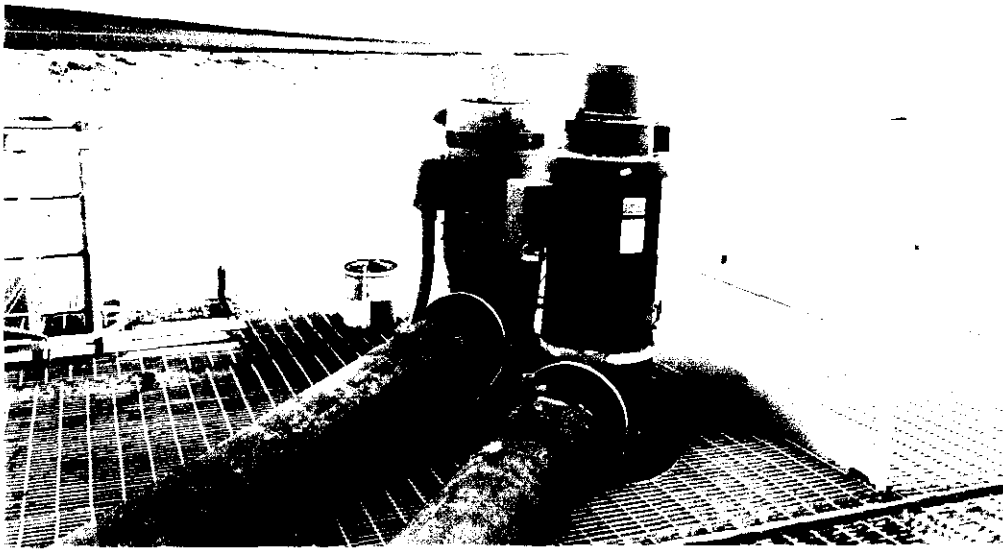
Interior of pump station
showing large tank and
control panels

29-7431

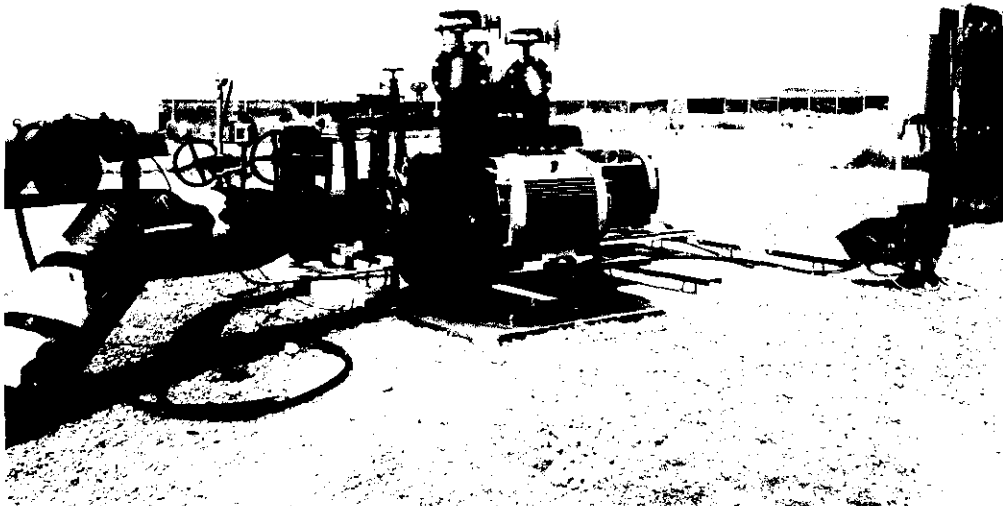
Valve Building



Relief pumps over
mixing chamber



Booster Pumps



29-7431

Theoretical Lift Station Capacity

$$Q = \frac{HP(8.814)(\text{Pump EFF.})(\text{Motor EFF.})}{\text{Lift} + (2.31 \times \text{PSI})}$$
$$= \frac{900(8.814)(82\%)(80\%)}{250' + (2.31 \times 108\text{psi})}$$
$$= \frac{5203.78}{499.48}$$

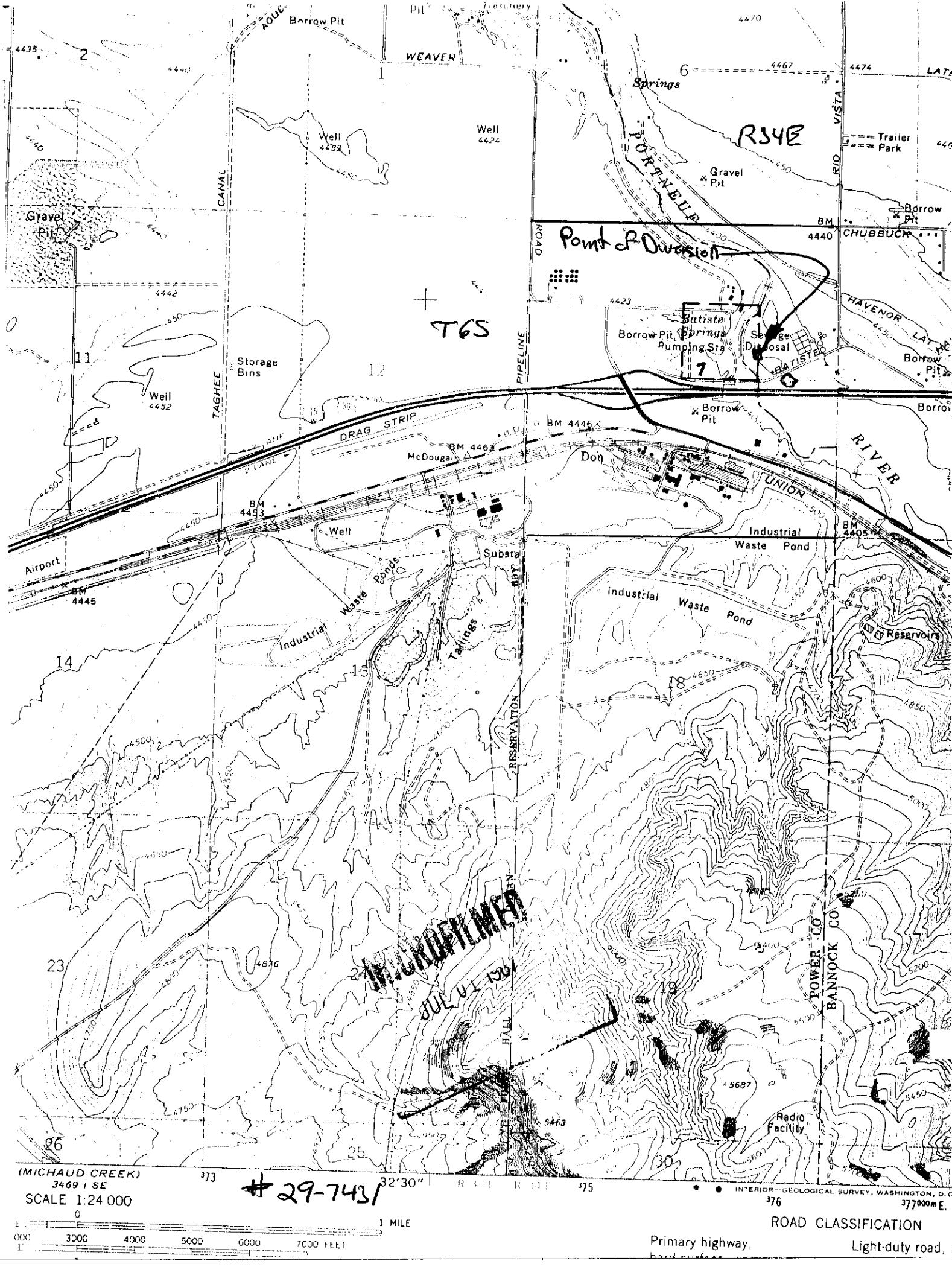
$$Q = 10.42 \text{ cfs theoretical capacity}$$

This amt. exceeds actual usage.

HwJ

MICROFILMED

JUL 01 1987



1/ Small Hold pond across
From plant - Capacity approx 17,000,000 gallons

2/ Large holding Pond Capacity

Potential 860 aF

approx 1 mile circumference
38' deep

5,475,000,000 gallons

Convert to aF
Divide by 325,380
8/aF

potentially used
each year
from
Storage in
Large holding Pond

4

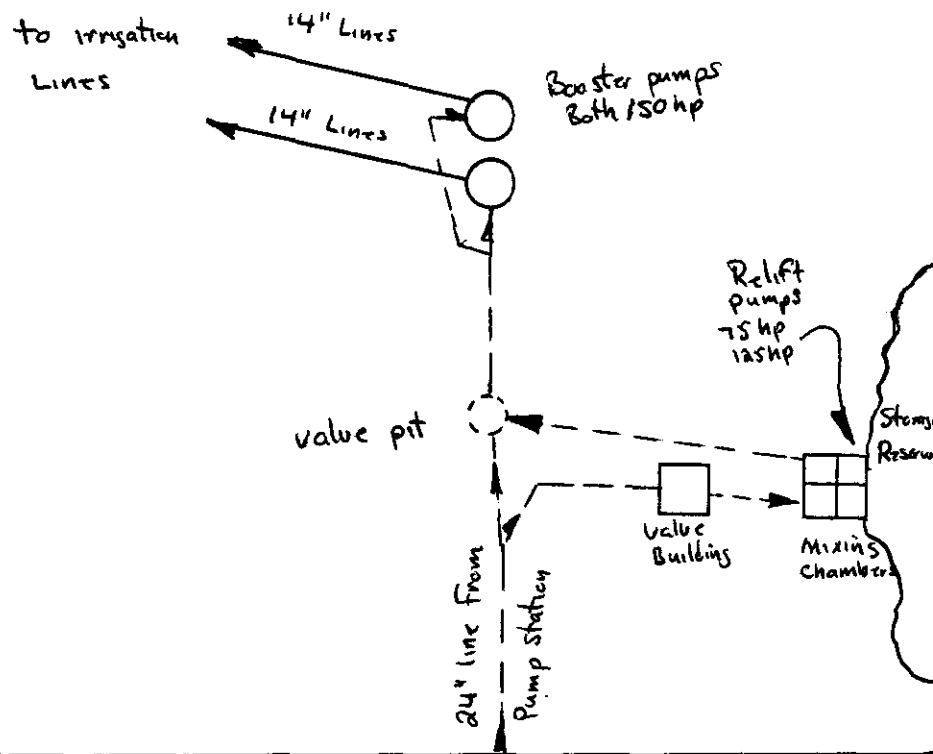
small
Pix 1 - holding Pond

Pix 2 - Initial pumping station

Pix 4 - ? Relift + Large holding Pond

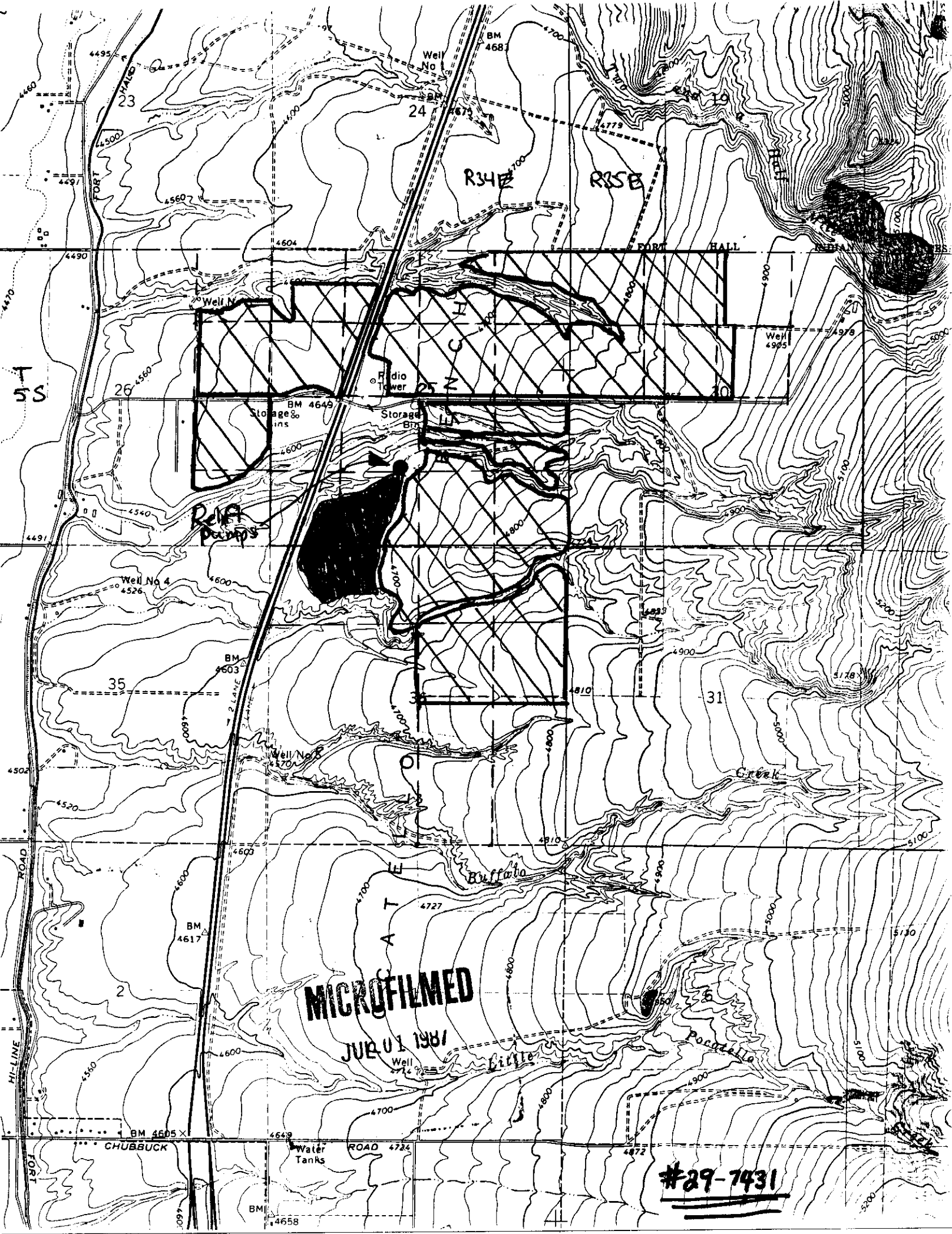
DIVERSION AND DELIVERY
SYSTEM

#29-7431



AT RESERVOIR SITE
TSS R34E Sect. 25
NESW

MICROFILMED
JUL 01 1987





STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

150 Shoup
Idaho Falls, Idaho 83401
(208) 525-7161

A. Kenneth Dunn
Director

August 5, 1983

City of Pocatello
Box 4169
Pocatello, ID 83201

RE: Permit #29-7431

Dear Permit Holder:

We acknowledge receipt of your statement submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department.

_____ A field examination of your system has been scheduled for _____.

If this time and date is not convenient for you, please contact this office as soon as possible.

 X A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office.

Sincerely,

HAROLD W. JONES
Sr. Resource Agent

HWJ:JK

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 29-7431.

Name(s) of Permit Holder: CITY OF POCATELLO

Post Office Address: Box 4169

POCATELLO IDAHO 83201 Tel. No. 234-4311

Source of Water: WASTEWATER

Extent of Use: ☐ Domestic (number of households)
☐ Stockwater (number and type of stock)
☒ Irrigation (acres)
☐ Other

Measuring Device: Required? ☐ Yes ☒ No Installed? ☐ Yes ☐ No
Access Port: Required? ☐ Yes ☒ No Installed? ☐ Yes ☐ No

The above information is a true statement of the extent to which the above numbered permit has been developed.

7/7/83
Date

[Signature]
Signature of Permit Holder

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

CITY OF POCA TELLO
LEWIS ST.
POCA TELLO, ID 83201

138719

PROOF DUE NOTICE

JUNE 30, 1983

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 29-7431 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE SEPTEMBER 01, 1983. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). ENCLOSED IS A POSTCARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU OR A PREVIOUS OWNER OF THIS PERMIT HAVE NOT RECEIVED A PRIOR EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME IF THE DELAY IS FOR REASONABLE CAUSE AS PROVIDED IN SECTION 42-204, IDAHO CODE. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

EITHER THE BENEFICIAL USE POSTCARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE DESCRIBED PROOF DUE DATE. IF NEITHER IS RECEIVED, THE DEPARTMENT WILL SEND YOU A LAPSE NOTICE. WITHIN SIXTY (60) DAYS OF THE MAILING OF THE LAPSE NOTICE, THE PERMIT WILL NO LONGER BE OF ANY FORCE NOR EFFECT.

SINCERELY,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

July 10, 1979

Lee W. Stokes, Administrator
Department of Health and Welfare
Division of Environment
Statehouse
Boise, ID 83720

Dear Mr. Stokes:

Pursuant to your letter request of June 29, 1979, we are enclosing copies of two permits which propose to use effluent from a waste treatment facility. This Department generally has sent a copy of new applications of this type to Health and Welfare regional offices for comments. It is possible this hasn't been done in all cases, however.

The University of Idaho and Moscow may have some agreement for the use of effluent; but to my knowledge, no water right information has been filed with this office relative to that use.

Since applications of the nature requested in your letter are often difficult to readily identify, we would suggest that someone from your office would be welcome to conduct research in our records if you need all inclusive information at an early date.

If you have any questions, please feel free to contact us.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

Enclosures

INTER-DEPARTMENT MEMO — 1

DATE 7-5-79

FROM Glen S

TO Jim T

SUBJECT attached request by letter.

Would you check out the Source on
^{Kirkley} 11-7005, ^{Pineville} 29-7431, ^{Enfield} 29-7437 & any others you
 can find which have ~~been~~ been filed
 on effluent from a treatment facility.
 & prepare a ^{draft} response to Stokes. We
 may wish to send copies of
 appropriate apps to Stokes. *Ly*

SIGNATURE



STATE OF IDAHO

DEPARTMENT OF HEALTH
AND WELFARE

DIVISION OF ENVIRONMENT
Statehouse
Boise, Idaho 83720

June 29, 1979

William R. Gossett
Idaho Department of
Water Resources
92 South Cole Road
Boise, Idaho 83705

REFERENCE TO: Application for Permit #67-7438

Dear Mr. Gossett:

We have recently become aware of the above application for a water right on the effluent from the City of Council's lagoons. We object to the issuance of this water right and intend to file a protest.

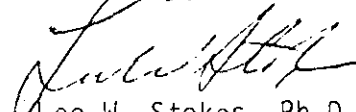
We object to the water right on the basis that it could potentially interfere with the control the City can exercise over the discharge. We cannot file a formal protest at this time because we have not had sufficient opportunity to research the technical and legal aspects of this matter. We did not receive a copy of the application directly but were made aware of it by the City on June 25, 1979.

We would like to request that your Department furnish us with any other water right that has been issued on a discharge from a waste treatment facility. It is our understanding that such a situation exists at Moscow and several other places in Idaho.

We will be providing you our position and substantiating information as soon as possible but will need the requested information first.

Thank you for your cooperation. If you have any questions, please feel free to contact us.

Sincerely,


Lee W. Stokes, Ph.D.
Administrator

LWS:lab

cc: Troy Schwartz, City of Council
Kenneth Adler, Attorney
Dave Sanders, IDHW

RECEIVED

JUL 2 1979

Department of Water Resources
Western Regional Office

EQUAL OPPORTUNITY EMPLOYER

Bob —
Can someone there
research the above request?
WG

Glen—These are the ones I recall

11-7005

29-7431

29-7437

The university and the City
may have some agreement for the use
of the effluent but nothing was filed.
There ~~is~~ is another filing
in Basin 36 as I recall.

May 13, 1979

Mr. Bob Hart
4848 Pleasant View Drive
Pocatello, ID 83201

Dear Mr. Hart:

Re: Exhibit B-5, File No. 29-7431

As requested in your phone call to this office, enclosed is a copy of Exhibit B-5 with reference to City of Pocatello, file No. 29-7431.

There is a minimum fee of \$1 for the enclosed copy which you may remit to this office.

If we can be of further assistance, please do not hesitate to contact us.

Sincerely,

Roberta Garrett
Records Supervisor

Enclosure

October 20, 1978

Re: Permit No.'s 29-7431 - City of Pocatello
29-7437 - J. R. Simplot Company

Dwight E. Baker
P.O. Box 8
Blackfoot, ID 83221

Dear Mr. Baker:

Enclosed is a copy of the Order which denies your petition for a rehearing for the above referenced permits.

Any person that does not agree with the decision of the Director may appeal directly to the District Court within 60 days from the date of this Order.

Sincerely,

L. GLEN SEXTON
Chief, Operations Bureau

LGS:jg
Enclosure

cc: City of Pocatello
J. R. Simplot Company
Paul E. Smith
Dan Meyer
Bob Hart
Sam McNabb
Ronald Graves

S. Albert Johnson
John Spanbauer
Veda Rupp
Robert Brown
L. T. Gucker
Gerald W. Olson
Stephen A. Beebe

DWIGHT E. BAKER
ATTORNEY AT LAW
P. O. BOX 8
BLACKFOOT, IDAHO 83221
TELEPHONE: 208/785-6101
ATTORNEY FOR: Protestants

RECEIVED

OCT 2 1978

Department of Water Resources

timely filed

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 29-7437 IN THE)
NAME OF J. R. SIMPLOT COMPANY) PETITION FOR REHEARING
AND FOR APPLICATION FOR PERMIT)
NO. 29-7431 IN THE NAME OF THE)
CITY OF POCA TELLO)
_____)

COME NOW PROTESTANTS Bob Hart, Sam McNabb, S. Albert Johnson,
John Spanbauer, Veda Rupp, Robert Brown, and L. T. Gucker and petition the
Director for a rehearing of the above cause.

This petition is based upon the following grounds:

1. Condition number 5 is vague and ambiguous, in that said condition allows
a diversion rate of up to 0.02 cubic feet per second per acre of effluent. This
condition does not limit the diversion to an annual maximum, but implies that up
to 0.02 cubic feet per second may be diverted on a calendar year basis. Conversely,
the irrigation season is only six to seven months long, and the order is unclear as
to any limitation during the remaining five-month period, or alternatively, to an
annual maximum.

Said condition further makes no reference as to any maximum concentrations
of the Simplot effluent, notwithstanding that the beneficial application of the
Simplot effluent to land for irrigation purposes is certainly subject to some limitation.
Unless some limitation is imposed with respect to concentration, the applicant,
J. R. Simplot Company can divert pure effluent at the rate of 0.02 cubic feet per
second and be in complete conformity with the permit. As a result, no person could
object, even though such a diversion would be inconsistent with an irrigation or
agricultural use.

2. The Director erred in not making a finding, conclusion or condition regarding the actual land to be irrigated. While protestants acknowledge that the Director takes the position that he will not rule on the validity or the invalidity of the water user agreements, protestants assert that the Director's order should make more clear the relationship between the water to be diverted and the actual land to be utilized for the project. Without such clarification, the order is vague and unclear and incapable of proper enforcement. Additionally, the evidence adduced clearly establishes that portions of the land described in the application clearly are unavailable for applicant's intended use, and it is error to rule that the applicant can proceed with respect to said property.

3. The Director erred in refusing to consider evidence which bears upon the local public interest as defined by Idaho Code 42-203.

Protestants would submit the following evidence.

(a) In support of objection 1, protestants would submit evidence that 0.02 c.f.s. is the maximum amount of water which may be effectively used for irrigation purposes, and that this use is limited to the irrigation season. Protestants would submit evidence that the concentration of the effluent in the irrigation water has limits in order to be used for irrigation purposes. These two limitations would indicate the total diversion of effluent from the J. R. Simplot Company per irrigation season which could be beneficially disposed of, and thereby prevent a non-beneficial use or nuisance from occurring from the storage of diverted effluent.

(b) In support of objection 2, protestants would offer additional evidence that the Fort Hall Planning and Zoning Committee has in the past week refused to permit effluent from the J. R. Simplot Company to be disposed of on the Fort Hall reservation. Without sufficient guidelines with respect to the land to be utilized, the monitoring can not be effectively completed, and the conditions will be incapable of enforcement, as a result of which there will be insufficient protection for the rights of the protestants and others similarly situated.

(c) Protestants would resubmit the offer of proof made during the initial hearing as to the issue of local public interest, for the reason that protestants

continue to object to the refusal to consider this evidence as a rule of law, which objection must be preserved on appeal.

DATED this _____ day of September, 1978.


Dwight E. Baker
ATTORNEY FOR PROTESTANTS

CERTIFICATE OF SERVICE BY MAIL

I, DWIGHT E. BAKER, do hereby certify that on this 27 day of September, 1978, I caused a full, true and correct copy of the foregoing PETITION FOR REHEARING to be mailed in an envelope, postage prepaid, addressed to:

G. Stephen Allred, Director (By Certified Mail)
Department of Water Resources
State of Idaho
Statehouse
Boise, Idaho 83720

Stephen A. Beebe, Esq.
Attorney at Law
P. O. Box 2777
Boise, Idaho 83701

Gerald W. Olson, Esq.
Attorney at Law
P. O. Box 1725
Pocatello, Idaho 83201

Garth Pincock
Bannock County Prosecuting Attorney
P. O. Box 4986
Pocatello, Idaho 83201


Dwight E. Baker

September 12, 1978

City of Pocatello
City Hall, Box 4169
Pocatello, ID 83201

Attention: William L. Herrington

Gentlemen:

RE: Permit No. 29-7431

Enclosed is a copy of the fourth page of the Memorandum Decision and Order issued on the above referenced permit on September 8, 1978. Please note that an addition to the Order part under item 5 has been made.

Please substitute this page for the one previously sent to you.

Sincerely,

RITA FLECK
Secretary

Enc: 1

cc: John Spanbauer
Veda Rupp
Roy F. Miller
Robert L. Brown
S. Albert Johnson
Robert Hart
L. T. Gucker

Dwight E. Baker
Gerald W. Olson
Ronald Graves
Stephen A. Beebe
Sam McNabb
Paula G. Crandall

MICROFILMED

September 12, 1978

Re: Permit No. 29-7431

City of Pocatello
William L. Herrington
Deputy City Attorney
City Hall, Box 4169
Pocatello, ID 83201

Dear Mr. Herrington:

Enclosed is a corrected copy of the fourth page of your permit. Please note that the proof due date has been corrected to show September 1, 1983 instead of September 1, 1978.

We are sorry if this error has caused you any inconvenience.

Sincerely,

KAY WALKER
Senior Clerk

KW:k
Enclosure

RECEIVED
SEP 13 1978
MED

September 11, 1978

Re: Permit No. 29-7431

City of Pocatello
William L. Herrington
Deputy City Attorney
City Hall, Box 4169
Pocatello, ID 83201

Dear Mr. Herrington:

Enclosed is a copy of your approved Application for Permit No. 29-7431 for the City of Pocatello along with a copy of the Memorandum Decision and Order. We direct your attention to the conditions of approval as set forth in the Order.

Any person that does not agree with the decision of the Director may request a re-hearing before the Director within 20 days, or may appeal directly to the District Court within 60 days of the date of the decision.

Sincerely,

L. Glen Saxton
Chief, Operations Bureau

LGS:jg
Enclosures

cc: See attached sheet
Enclosures

MICROFILMED

Copies of Memorandum Decision & Order & Approved Permit Sent To:

PROTESTANTS

John Spanbauer
Route #1, Box 82
Pocatello, ID 83201

Veda Rupp
Route #2, Box 19
Pocatello

Roy F. Miller
Professional Management Consultant
475 Yellowstone, Suite 6
Pocatello

Robert L. Brown
Route #2 North, Box 124
Pocatello

S. Albert Johnson
Route #2 North, Box 219
Pocatello

Robert Hart
929 E. Chubbuck Rd.
Pocatello

L. T. Gucker
Route #1 North, Box 88
Pocatello

Sam McNabb
Route #1, Box 62
Pocatello

Paula G. Crandall
Route #2, Box 21-X
Pocatello

ATTORNEYS

Dwight E. Baker, Attorney
P.O. Box 8, 515 W. Bridge
Blackfoot, ID 83221

Gerald W. Olson, City of Pocatello
Legal Department
P.O. Box 1725, Spaulding Bldg.
Pocatello

Attorneys cont.

Ronald Graves, Attorney
J. R. Simplot Co.
P.O. Box 27
Boise, ID 83707

Stephen A. Beebe
General Counsel
J. R. Simplot Co.
P.O. Box 27
Boise, ID 83707

APPLICANTS

J. R. Simplot Co.
P.O. Box 27
Boise, ID 83707

City of Pocatello
P.O. Box 4169
Pocatello, ID 83201

PRESENT AT HEARING

Harry Hart
Route #2 North
Pocatello

Robert A. Ryden
657 Howard St.
San Francisco, CA 94105

John Cochrane
Route #5, Parks Rd.
Pocatello

Jay H. Smith
Route #1, Box 186
Kimberly, ID 83341

John C. Postlewad
Box 4169
Pocatello

James A. Higgins
625 University Drive
Pocatello

MICROFILMED

Fred Y. M. Chen
220 Montgomery St.
San Francisco, CA 94104

Dan Magnatta
KWIK Radio
1509 Eastridge Drive #27
Pocatello

Jed D. Weiner
222 Fairmont
KIFI-TV
Pocatello

Bob Harrison
P.O. Box 4700
Idaho Transportation Dept.
Pocatello

Gordon Hopsoh & Henry Moran
Dept. of Health & Welfare
Division of Environment
636 Pershing Ave.
Pocatello, ID

R. B. Gimlin
330 W. Chubbuck Rd #8
Pocatello

C. M. Bull
1451 S. 5th Ave.
Pocatello

Ralph R. Wilson
632 S. 10th Ave.
Pocatello

Eugene J. Pickenbroch
277 Montaire Circle
Clayton, California

Robert M. Thompson
40 Oakwood #25
Pocatello

Jack L. Smith
12 Tulane Ave
Pocatello

Karole Honas & Sharon Harris
Route #4, Treevalley Road
Pocatello

Tracy Barry & M. S. Finney
KPVI-TV
425 E. Center
Pocatello
COPIES ALSO TO:
Jack Smith
Box 912
Pocatello

Paul E. Smith
Idaho State Journal
P.O. Box 431
Pocatello, ID

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Initial Date

Application No. City of Pocatello.

☒ Source
☒ Point of Diversion
☒ County
Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

In form to receipt

Send Copies to:

Idaho State Health Department
Idaho Fish and Game Department
Bureau of Land Management

Request Special Use Permit from U.S.F.S.
Request Easement from B.L.M.
Request Information from Applicant

In form for advertising

Platted on Map No. _____

Located within Water District No. _____

Critical groundwater area: yes _____ no _____

Groundwater levels:

_____ Declining, _____ Stable, _____ Increa

(comment) _____

Other rights on the same place of use

Comments: _____

Affidavit of Publication received(date) _____

Final date for protests _____

Protests received: yes _____ no _____

All requested information received from agencies or
applicant: yes _____ no _____

Action recommended:

_____ Approve _____ Deny

_____ Proposed Priority

_____ Reason for Reduction _____

_____ Measuring device required

_____ See attached sheet for other conditions of
approval

_____ No special conditions for approval

District _____ By _____ Date _____

RECEIVED

SEP 5 1978

Department of Water Resources

MICROFILMED

#100
Fee received
6-22-78

Need 10⁰⁰ amendment
fee, Amended app.
includes new lands.

July 19, 1978

RE: Application for Permit No. 29-7431 AMENDED - City of Pocatello

Mr. Robert Hart
929 East Chubbuck Road
Pocatello, Idaho 83201

Dear Mr. Hart:

Please find enclosed a copy of the above referenced permit which you requested in your letter dated July 17, 1978.

If we may be of assistance to you, please contact this office.

Very truly yours,

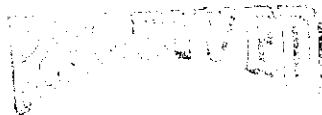
Beulah Peeler
Secretary

BP

Enclosure: Copy of App. (Amended)

NO
COPIES
FILMED

HART
929 East Chubbuck
Pocatello, Idaho 83201



JUL 18 1978

Department of Water Resources
Eastern District Office

MOOREHEAD

State of Idaho
Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho
83401

RECEIVED

JUL 18 1978

Department of Water Resources
Eastern District Office

Robert Hart

929 East Chubbuck Road

Paratello, Idaho 83201

July 17, 1978

Department of Water Resources

1515 Lincoln Road

Idaho Falls, Idaho 83401

Dear Sir:

I would please like to obtain another copy of the City of Paratello's Amended Application for Permit No. 29-7431. My original copy was given to our attorney for his preparation for the hearing before the water resources

MICROFILM

Sincerely,

Robert Hart

City of Pocatello

POCATELLO, IDAHO 83201

GERALD W. OLSON
CITY ATTORNEY

208-232-7926
SPAULDING BUILDING
P. O. BOX 1725

LEGAL DEPARTMENT

July 14, 1978

WILLIAM L. HERRINGTON
DEPUTY CITY ATTORNEY

208-232-4311
CITY HALL
P. O. BOX 4169

RECEIVED

JUL 17 1978

Department of Water Resources

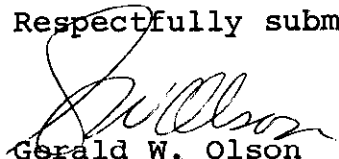
Mr. C. Stephen Allred
Director
Department of Water Resources
State of Idaho
373 West Franklin Street
Boise, Idaho 83720

Re: City of Pocatello
Application for Diversion as Amended

Dear Mr. Allred:

Enclosed you will find the Argument of the City of Pocatello on the above referenced. Copies have gone forward to counsel of record.

Respectfully submitted,


Gerald W. Olson

GWO:cr
Enc.

c: Stephen Beebe, General Counsel
J. R. Simplot Co.

Dwight Baker, Esquire

Send copy to Ron Carlson

MICROFILMED

RECEIVED

JUL 17 1978

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

In the Matter of the City of)
Pocatello, a municipal)
corporation of Idaho,) WRITTEN ARGUMENT
)
Applicant.)
_____)

Formal hearing before the Director of the Water Resources Board was held in Pocatello, Bannock County, Idaho, June 26 and June 27 on the applications, as amended, of the City of Pocatello, a municipal corporation of Idaho and J. R. Simplot Co. for the diversion of water. Written arguments were requested by the Director, as hearing officer, from the principal parties represented by counsel in support of or opposed to the applications.

There were technically and procedurally no issues framed by protestants to the application of the City of Pocatello, as amended, as no protests were filed against the municipal applications. Such issues that are recognized were established by the hearing officer at the informal conference exclusively for the determination of the granting or denial of the application. The issues framed by the hearing officer will be responded to in the arguments filed by J. R. Simplot Co. No protests having been properly filed or lodged against the application of the

City, the City moves for a determination by the hearing officer to grant the application. Protestants to the J. R. Simplot Co. applications present at the consolidated hearing requested authority to intervene in the City's application which request was objected to by City's counsel. Rules of Administrative Procedure adopted by the Water Resources Board permits intervention only by written petition served on the parties at least five (5) days prior to the hearing date. (Rule 6.3)

It is the position of the municipal corporation as applicant for the diversion of water for irrigation purposes, as supported by agreements entered into by the tenants and/or owners of land for the use of such water for agricultural purposes, that sufficient and substantial evidence was introduced and uncontroverted to find that the use of the water sought to be diverted is intended to be applied to the land for agricultural purposes and the growing of crops; the source of water being from the waste water system of the City of Pocatello will not reduce the quantity of water existing under any established water rights. The testimony of the Director of Public Works, John Postlewait, was not rebutted that the water supply is sufficient and adequate for the purposes for which it is sought to be diverted and the application is made in good faith and not for speculative purposes. The applicant city has sufficient financial resources with which to complete the project; all in accordance with I.C. 42-203.

Agricultural productivity of the State of Idaho and the economic well being of the State is highly dependent upon irrigation. Nearly seventy (70%) percent of the harvested crop lands of the State are irrigated. Therefore an orderly process for the appropriation, diversion, and distribution of

water is a vital necessity. The testimony of representatives on behalf of the Idaho Department of Health and Welfare and United States Department of Agriculture support substantially the nature and purpose of the project and its beneficial application for agricultural uses.

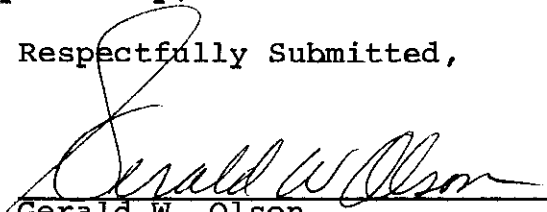
The Idaho Supreme Court has declared that it is the policy of the laws of Idaho to require the highest and greatest possible duty from the waters of the State in the interest of agricultural and other useful and beneficial purposes. Farmers Co-op Ditch Co. v. Riverside Irrigation District, 16 Idaho 525, 535, 102 Pac 481. It is the policy of the law to prevent the wasting of water. Stickney v. Hanrahn, 7 Idaho 424, 433, 63 Pac 189. It is the policy of the law to encourage rather than discourage measures to prevent wastes of water or to increase its effective use. Reynolds Irrigation District v. Sproat, 69 Idaho 315, 334, 206 Pac 2d 774. It is the policy of the law to encourage the most efficient, and least wasteful, use of the waters of the State. Simonson v. Moon, 72 Idaho 39, 47, 237 Pac 2d 93.

Wastewaters from the municipal wastewater treatment system which is now being discharged into the Portneuf River may be diverted back to useful and beneficial application to the land for agricultural purposes. A project, which has been meticulously studied, prepared, and examined by established experts in the fields, supported by federal and state agencies, and purposefully designed to maximize the use of the waters of the State to the greatest potential and beneficial application, should be granted the rights of diversion to those users contracting for that right. To deny would be to diametrically

oppose the intent of the Water Resources Act and the established water laws of the State of Idaho.

DATED this 14th day of July, 1978.

Respectfully Submitted,



Gerald W. Olson
City Attorney
Attorney for Applicant
City of Pocatello, Idaho

U

Exhibit B-5
Applicant: City of Pocatello
Doc 6-26-78 Pocatello

December 12, 1977

In the Matter of PERMISSION TO)
EXCAVATE FOR PROPOSED PIPELINE)

R E S O L U T I O N

WHEREAS, the City of Pocatello has requested permission to excavate for a proposed pipeline from the Wastewater Treatment Plant on Batiste Road to the Pocatello East Bench area; and

WHEREAS, the City of Pocatello has guaranteed restoration of the roadways to acceptable standards of construction and profile;

NOW, THEREFORE, BE IT RESOLVED, that the City of Pocatello is hereby granted permission to excavate north on Rio Vista and east on Tyhee Road above Hilina Canal. Plans are on file in the County Assistant Engineer's office. The motion was made by Commissioner Terry and seconded by Commissioner Hall. The vote was unanimous.

BOARD OF BANNOCK COUNTY COMMISSIONERS

Wayne Hall
Wayne Hall, Chairman

Elmer R. Terry
Elmer R. Terry, Member

L. Boyd Johnson
L. Boyd Johnson, Member

DATED this 12th day of December, 1977.

ATTEST:

Tim Eiken
Clerk

STATE OF IDAHO, }
County of Bannock } ss
I hereby certify that the foregoing is a full,
true and correct copy of an instrument as the same
now remains on file and of record in my office.
WITNESS my hand and official seal hereto affixed
this 22nd day of June A.D., 19 78
TIM EIKSEN, CLERK OF THE DISTRICT COURT
EX-OFFICIO AUDITOR AND RECORDER.
Ev Deputy Linda K. Brown

MICROFILMED

June 22, 1978

RE: Amended Application for Permit No. 29-7431

Ms. Mary Brown
Secretary
City of Pocatello
P.O. Box 4169
Pocatello, Idaho 83201

Dear Ms. Brown:

Attached herewith is departmental receipt No. 11425 in the amount of \$10.00 for the above referenced application.

Very truly yours,

COLLEEN WRAY
Senior Secretary

Attachment

MICROFILMED

City of Pocatello

POCATELLO, IDAHO 83201

MUNICIPAL BUILDING
P. O. BOX 4169

Public Works

209 EAST LEWIS
208-232-4311

RECEIVED

JUN 22 1978

Department of Water Resources
Eastern District Office

June 21, 1978

Eastern District Office
ATT: Mr. Carlson
1515 Lincoln Road
Idaho Falls, ID 83401

Dear Mr. Carlson:

Enclosed please find a check for the amount of \$10.00 to cover the amendment fee for the revised application for the City-Simplot project.

Sincerely,

Mary Brown

Mary Brown
Secretary

mb

Enc. Check for \$10.00

11/1/78

June 21, 1978

RE: Application for Permit No. 29-7431 AMENDED CITY OF POCA TELLO

Mr. Robert Hart
929 East Chubbuck Road
Pocatello, Idaho 83201

Dear Mr. Hart:

Pursuant to your request, please find enclosed a copy of the above referenced application.

Very truly yours,

COLLEEN WRAY
Senior Secretary

Enclosure

RECEIVED

City of Pocatello

POCATELLO, IDAHO 83201

MUNICIPAL BUILDING
P. O. BOX 4169

Public
Works

209 EAST LEWIS
208-232-4311

June 13, 1978

Eastern District Office
Att: Mr. Carlson
1515 Lincoln Road
Idaho Falls, ID 83401

Dear Mr. Carlson:

Enclosed please find the revised application for the
City-Simplot project.

Sincerely,



Mary Brown
Secretary

MB:kdj

Enc.

RECEIVED
JUN 15 1978
CITY OF POCATELLO

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. _____

☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

(1) LA 12-30-77

In form to receipt yes

(2) LA 12-30-77

Send Copies to:

☒ Idaho State Health Department
☒ Idaho Fish and Game Department
☒ Bureau of Land Management

HENRY MORAN

(3) LA 12-30-77

☐ Request Special Use Permit from U.S.F.S.
☐ Request Easement from B.L.M.
☐ Request Information from Applicant
☐ Request Dam Safety Information Plans submitted

(4) " "

In form for advertising YES

(5) " "

Platted on Map No. AA-39

(6) " "

NA Located within Water District No. _____

(7) " "

NA Critical groundwater area: yes _____ no ☒

(8) " "

Groundwater levels:

_____ Declining, _____ Stable, _____ Increasing

(comment) _____

(9) " "

Other rights on the same place of use NO Conflicting
rights

(10) _____

Comments: none

(11) me 1-27-78

Affidavit of Publication received(date) 1-27-78

(12) Ca 1-30-78

Final date for protests January 30, 1978
Protests received: yes _____ no ☒

(13) LA 1-30-78

All requested information received from agencies or applicant: yes ☒ no _____

(14) LA 1-30-78

Action recommended:

☒ Approve _____ Deny

12-30-77 Proposed Priority

_____ Reason for Reduction _____

☒ Measuring device required

_____ See attached sheet for other conditions of approval

_____ No special conditions for approval

(15) District F

By Loren C. Walker Date 1-30-78

Copy sent

MICROFILMED

STATE OF IDAHO

NOTICE OF CONFERENCE
AND/OR HEARING

It has been determined by the Director of the Idaho Department of Water Resources that the applications filed by the City of Pocatello and the J. R. Simplot Company are essential parts of the same project. The Director of the Department has therefore joined applications 29-7437 (J. R. Simplot) and 29-7431 (City of Pocatello) for hearing at 10:00 a.m., Monday, June 26, 1978, in the State Highway Building, South of City, Pocatello, Idaho.

Dated this 12th day of June, 1978.

RONALD D. CARLSON
Supervisor, Eastern Region

cc: J. R. Simplot Co.
IDWR - State Office

State of Idaho - Dept of Water Resources
1515 Lincoln Rd.
Idaho Falls, Idaho 83401

Pocatello, Idaho
May 9, 1978

RECEIVED

MAY 10 1978

Department of Water Resources
Eastern District Office

Mr. Ron Carlson:

Dear Sir,

It came to my attention, that the city of Pocatello permit, no 297431, has applied to divert city sewage water to the same impoundment area, as the J. K. Samplat Co., of which 9 area residents submitted written opposition. These people are presently awaiting a hearing. In view of the fact, that the area people concerned, were not aware of this project, before the county Planning & Zoning, meeting held Jan 13, 1978. I here by request, in behalf of myself and the other eight protestants, that the permit of the City of Pocatello be held up, until the hearing of the Samplat Co. proposal has been disposed of.

I also would like a copy of the city's proposal.

Many thanks

Sincerely

John Spanbauer

R#1 Box 82

Pocatello,

Id 83201

MAIL ROOM

INTER-DEPARTMENT MEMO — 1

FROM Ylu S

DATE 4-17-78

TO Jan G.

~~SUBJECT~~ We should hold app 29-7431 without approving until protested app 29-7437 is resolved according to B. Fleenor.

The two apps are involve the same water apparently, even tho Simplat filed one & the City of Pocatello the other

YLS

SIGNATURE



STATE OF IDAHO

RECEIVED

JAN 13 1978

DEPARTMENT OF HEALTH AND WELFARE

Department of Water Resources
Eastern District Office

DIVISION OF ENVIRONMENT
636 Pershing
Pocatello, Idaho
83201

12 January 1978

Ronald D. Carlson, Supervisor
Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Re: Application #29-7431 (Bannock
County)

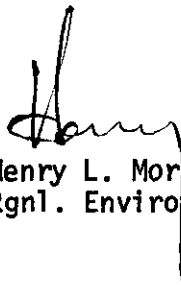
Dear Ron:

We are in receipt of the subject application, submitted by the City of Pocatello, to appropriate the public waters of the State of Idaho to contract irrigation water to several farmers in the vicinity.

Since the project involves the disposal of wastewater (combined industrial and domestic) with the specific intent to eliminate the discharge of pollutants to surface water, we have been informed and concur with the concept.

We appreciate the opportunity to comment. If you need further information, please contact our office.

Yours very truly,


Henry L. Moran, P.E.
Rgnl. Environmental Supervisor

HLM/md

January 6, 1978

RE: Application for Permit No. 29-7431 CITY OF POCATELLO

Henry L. Moran
Regional Environmental Supervisor
Department of Health & Welfare
Division of Environment
636 Pershing
Pocatello, Idaho 83201

Dear Mr. Moran:

We are enclosing a copy of an application that may be of interest to your agency. Please review the application and if you have any comments, submit them to our Department as soon as possible. The last date of protest is January 30, 1978, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:CD

Enclosure

MICROFILMED

January 6, 1978

RE: Application for Permit No. 29-7431 POCATELLO
29-7432 BURMESTER

Idaho State Journal
Box 431
Pocatello, Idaho 83201

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

Bill submitted 1-27-78 by MC

RDC:CW

Enc: Legal Notice (2)

RECEIVED
JAN 10 1978
FBI - BOISE

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that City of Pocatello,
Pocatello, Idaho
has on 12-29-77 submitted Application No. 29-7431
for a permit to appropriate 665.5 ~~cubic feet per second~~ acre feet per annum
of water from wastewater
by means of pond and pipeline
within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 7, T. 6S, R. 34E, B.M., Bannock County;

to be used from May 1 to Oct. 31
for the irrigation of 6,200 acres within the E $\frac{1}{2}$, NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 25,
Sec. 32, 33, 35, 36, T. 5S, R. 34E; N $\frac{1}{2}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 30, NE $\frac{1}{4}$ NE $\frac{1}{4}$,
~~XXXXXX~~ SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$, Sec. 31, S $\frac{1}{2}$ N $\frac{1}{2}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$, Sec. 32, T. 5S, R. 35E;
E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$, Sec. 2, T. 6S, R. 34E; N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 12, W $\frac{1}{2}$, Sec. 11, E $\frac{1}{2}$, SW $\frac{1}{4}$,
Sec. 2, T. 6S, R. 33E, B.M.

If issued, this permit will be subject to all prior water rights. Protests
against the granting of the permit must be filed with the Idaho Department of
Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before _____
January 30, 1978.

C. STEPHEN ALLRED
~~XXXXXXXXXXXXXXXXXXXX~~

Director

Published in the Idaho State Journal, Pocatello, Idaho
on January 12 and January 19, 1978

UNRECORDED

0-114
CW-R

December 30, 1977

RE: Application for Permit No. 29-7431 CITY OF POCA TELLO

Department of Health & Welfare
Statehouse,
Boise, Idaho 83720

Gentlemen:

We are enclosing a copy of an application that may be of interest to your agency. Please review the application and if you have any comments, submit them to our Department as soon as possible. The last date of protest is January 23, 1978, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:CD

Enclosure

MICROFILMED

December 30, 1977

RE: Application for Permit No. 29-7431

John C. Postlewait
Director of Public Works
City of Pocatello
P.O. Box 4169
Pocatello, ID 83201

Dear Mr. Postlewait:

Attached herewith is Departmental receipt No. 9153 in the amount of \$85.00 for the above referenced application in the name of the City of Pocatello.

Very truly yours,

COLLEEN WRAY
Secretary

CW:CD

Attachment

MICROFILMED

City of Pocatello

POCATELLO, IDAHO 83201

MUNICIPAL BUILDING
P. O. BOX 4169

Department of Water Resources
Eastern District Office

209 EAST LEWIS
208-232-4311

RECEIVED
DEC 29 1977

December 27, 1977

Idaho Water Resource Board
Eastern District Office
1515 Lincoln Road
Idaho Falls, Idaho 83401

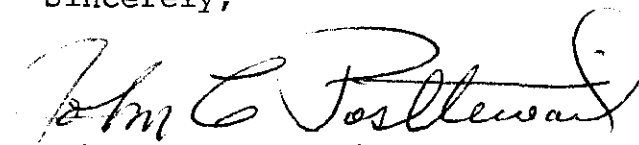
Dear Sirs:

Enclosed please find a check in the amount of \$85.00. This covers the filing fee for our application for a permit concerning the Pocatello Post Secondary Treatment Land Application Project.

The Application for Permit has been previously sent.

If you have any questions, please contact me at the above number, extension 245.

Sincerely,


John C. Postlewait
Director of Public Works

CC: Forsgren
J. Smith

MICROFILMED