STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 87529

This is to certify that: CITY OF POCATELLO
911 N 7TH AVE
PO BOX 4169
POCATELLO, ID 83205-4169

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

Water Right	Origin/Basis	Priority Date	Diversion Rate	Diversion Volume	Acre Limit	Total Acres	Source
29-13560	WR/DECREED	12/31/1926	9.130 cfs	N/A	N/A	N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
29-13560	NO	YES	NO	NO	NO	NO

Summary Of Water Rights After the Approved Change

Existing Right	New No. (Changed Portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
29-13560	N/A	9.130 cfs	N/A	N/A	N/A	N/A				
COMBINED TOTALS		**9.130 cfs**	**N/A**	**N/A**	**N/A**		**N/A**	**N/A**	**N/A**	**N/A**

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 17th day of March, 2023.

Regional Manager

SCANNED
MAR 16 2023

WATER RIGHT NO. 29-13560

As Modified by Transfer No. 87529

In accordance with the approval of Transfer No. 87529, Water Right No. 29-13560 is now described as follows:

Right Holder: CITY OF POCATELLO
911 N 7TH AVE
PO BOX 4169
POCATELLO, ID 83205-4169

Priority Date: 12/31/1926

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate
MUNICIPAL	01/01	to 12/31	9.130 cfs
			9.130 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWNW	Sec 14	Twp 06S	Rge 34E	BANNOCK County
GROUND WATER	NWNE	Sec 15	Twp 06S	Rge 34E	BANNOCK County
GROUND WATER	NENW	Sec 15	Twp 06S	Rge 34E	BANNOCK County
GROUND WATER	NESE	Sec 15	Twp 06S	Rge 34E	BANNOCK County
GROUND WATER	NESE	Sec 15	Twp 06S	Rge 34E	BANNOCK County
GROUND WATER	NENE	Sec 16	Twp 06S	Rge 34E	BANNOCK County
GROUND WATER	NWNE	Sec 23	Twp 06S	Rge 34E	BANNOCK County
GROUND WATER	SWNE	Sec 23	Twp 06S	Rge 34E	BANNOCK County
GROUND WATER	SENW	Sec 23	Twp 06S	Rge 34E	BANNOCK County
GROUND WATER	NESW	Sec 23	Twp 06S	Rge 34E	BANNOCK County
GROUND WATER	NENW	Sec 26	Twp 06S	Rge 34E	BANNOCK County
GROUND WATER	SWSE	Sec 26	Twp 06S	Rge 34E	BANNOCK County
GROUND WATER	NWNE	Sec 35	Twp 06S	Rge 34E	BANNOCK County
GROUND WATER	SENE	Sec 35	Twp 06S	Rge 34E	BANNOCK County
GROUND WATER	NWSE	Sec 35	Twp 06S	Rge 34E	BANNOCK County
GROUND WATER	SWNE	Sec 1	Twp 07S	Rge 34E	BANNOCK County
GROUND WATER	SWNE	Sec 1	Twp 07S	Rge 34E	BANNOCK County
GROUND WATER	NESE	Sec 1	Twp 07S	Rge 34E	BANNOCK County
GROUND WATER	SESE	Sec 1	Twp 07S	Rge 34E	BANNOCK County
GROUND WATER	SENE	Sec 18	Twp 07S	Rge 35E	BANNOCK County
GROUND WATER	NWSE	Sec 6	Twp 07S	Rge 35E	BANNOCK County
GROUND WATER	NESW	Sec 7	Twp 07S	Rge 35E	BANNOCK County

CONDITIONS OF APPROVAL

1. Pocatello Well No. 2 previously used under water rights 29-2401, 29-2499, 29-4221, 29-4223, 29-4224, 29-4225, 29-4226, 29-7106, 29-7322, 29-11339, 29-11348, 29-13558, 29-13559, 29-13560, 29-13561, 29-13562, 29-13637 and 29-13639 shall be abandoned in a manner which complies with Department well abandonment rules. Further, the right holder shall request that Well No. 2, located in L2(NWNE) Sec 1, T07S, R34E, be removed as an authorized point of diversion for these rights.

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MAR 16 2023

WATER RIGHT NO. 29-13560

As Modified by Transfer No. 87529

CONDITIONS OF APPROVAL

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

3. To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, ground water was first diverted under this right from Pocatello Well No. 1 located in T07S, R34E, S01, Lot 2 (NWNE) in the amount of 2.45 cfs, from Pocatello Well No. 2 located in T07S, R34E, S01, Lot 2 (NWNE) in the amount of 2.45 cfs and from Pocatello Well No. 3 located in T07S, R34E, S01, SWNE in the amount of 4.23 cfs. Well No. 1 was replaced by Well No. 5 located in T06S, R34E, S35, NWNE and Well No. 2 was replaced by Well No. 2R located in T07S, R34E, S1, SWNE.

4. Prior to the diversion and use of water under Transfer approval 87529, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

5. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.

6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

8. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

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42-222 POD - 07/18

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
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Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the *Application for Transfer Instructions* for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

☑ Change diversion point(s) ☐ Add diversion point(s) ☐ Ownership change ☐ Ownership split

☐ Transfer is for changes pursuant to Idaho Code § 42-221.O.8. Attach an explanation and any supporting documentation.

1. **APPLICANT(S)** City of Pocatello Phone (208) 234-6174
2. **MAILING ADDRESS** 911 N. 7th Ave, PO Box 4169 City Pocatello
   State Idaho Zip 83205 Email jarmstrong@pocatello.us

☑ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.

☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.

☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the fee schedule.

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. **LIST WATER RIGHT NUMBER(S)** 29-13560

☑ Attach a copy of the water right(s) as recorded, available at *idwr.idaho.gov, Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 9.13 (diversion rate) cubic feet per second and/or _____ (storage volume) acre-feet per annum.

5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at idwr.idaho.gov, *Water Rights, Water Right Transfers, Modeling Resources*.

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
No			NW	NW	14	6S	34E	Bannock	Ground water	Well 27
No			NW	NE	15	6S	34E	Bannock	Ground water	Well 26
No			NE	NW	15	6S	34E	Bannock	Ground water	Well 18
No			NE	SE	15	6S	34E	Bannock	Groundwater	Well 31
No			NE	SE	15	6S	34E	Bannock	Ground water	Well 34
No			NE	NE	16	6S	34E	Bannock	Ground water	Well 32
No			NW	NE	23	6S	34E	Bannock	Ground water	Well 23
No			SW	NE	23	6S	34E	Bannock	Ground water	Well 21
										Cont. Table 5a...

Transfer No. 87529

87529

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FEB 15 2023

Table 5a - Point of Diversion (Continued)

New?	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local name or tag #
No			SE	NW	23	6S	34E	Bannock	Ground water	Well 22
No			NE	SW	23	6S	34E	Bannock	Ground water	Well 29
No			NE	NW	26	6S	34E	Bannock	Ground water	Well 10
No			SW	SE	26	6S	34E	Bannock	Ground water	Well 16
No			NW	NE	35	6S	34E	Bannock	Ground water	Well 30
No			SE	NE	35	6S	34E	Bannock	Ground water	Well 12
No			NW	SE	35	6S	34E	Bannock	Ground water	Well 7
Yes			SW	NE	1	7S	34E	Bannock	Ground water	Well 2R
No			SW	NE	1	7S	34E	Bannock	Ground water	Well 3R
No			NE	SE	1	7S	34E	Bannock	Ground water	Well 28
No			SE	SE	1	7S	34E	Bannock	Ground water	Well 13
No			NW	SE	6	7S	35E	Bannock	Ground water	Well 15
No			NE	SW	7	7S	35E	Bannock	Ground water	Well 14
No			SE	NE	18	7S	35E	Bannock	Ground water	Well 33

87529

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FEB 15 2023

6. **GENERAL INFORMATION**

a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Several deep wells, equipped with vertical turbine pumps, motors, control valves and flow meter located in a secured lockable building. New replacement Well 2R - 16" well, 118 ft deep, with 100-hp motor equipped similar

b. Who owns the property at the point(s) of diversion? City of Pocatello
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes	No	
☐	☑	undergone a period of five or more consecutive years of non-use,
☐	☑	currently used in a mitigation plan limiting the use of water under the right(s), or
☐	☑	currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☑ No

☐ If yes and there are multiple owners, attach a Lessor Designation form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☑ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and ¼ ¼ of section information. You may create a map at idwr.idaho.gov, *Water Rights, Water Right Transfers, File a Transfer Application, Step 2C.*

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Signature of applicant or authorized agent	Print name and title if applicable	Date
	Brian Blad, Mayor	1-23-2023
	Justin Armstrong, Water Superintendent	1/17/2023

9. **FEE** – ☑ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8. require a filing fee of $50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The *Fee Schedule* is available at *www.idwr.idaho.gov, Water Right Transfers, Step 4* and in the *Application for Transfer Instructions*.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments. Received by _____ Date _____

Fee paid $1220.00 Date 1/30/23 Receipted by _____ Receipt # E048877

Preliminary review by _____ Date _____ Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

ADMINISTRATIVE APPROVAL 87529

SCANNED FEB 15 2023

IDAHO DEPARTMENT OF WATER RESOURCES **2/9/2023**
Proof Report

Water Right 29-13560

Owner Type	**Name**
Current Owner	CITY OF POCATELLO

Priority Date: 12/31/1926
Basis: Decreed
Status: Active

Source	**Tributary**
GROUND WATER	

Beneficial Use	**From**	**To**	**Diversion Rate**	**Volume**
MUNICIPAL	01/01	12/31	9.130 CFS	
	Total Diversion		9.130 CFS	

Source and Point(s) of Diversion:

GROUND WATER	L2(NWNE)	Sec. 1, Twp 07S, Rge 34E, BANNOCK County
GROUND WATER	NESW	Sec. 7, Twp 07S, Rge 35E, BANNOCK County
GROUND WATER	NWSE	Sec. 6, Twp 07S, Rge 35E, BANNOCK County
GROUND WATER	SWSE	Sec. 26, Twp 06S, Rge 34E, BANNOCK County
GROUND WATER	NENW	Sec. 15, Twp 06S, Rge 34E, BANNOCK County
GROUND WATER	SWNE	Sec. 23, Twp 06S, Rge 34E, BANNOCK County
GROUND WATER	SENW	Sec. 23, Twp 06S, Rge 34E, BANNOCK County
GROUND WATER	NWNE	Sec. 23, Twp 06S, Rge 34E, BANNOCK County
GROUND WATER	NWNE	Sec. 15, Twp 06S, Rge 34E, BANNOCK County
GROUND WATER	NWNW	Sec. 14, Twp 06S, Rge 34E, BANNOCK County
GROUND WATER	NESE	Sec. 1, Twp 07S, Rge 34E, BANNOCK County
GROUND WATER	NESW	Sec. 23, Twp 06S, Rge 34E, BANNOCK County
GROUND WATER	NWNE	Sec. 35, Twp 06S, Rge 34E, BANNOCK County
GROUND WATER	NESE	Sec. 15, Twp 06S, Rge 34E, BANNOCK County
GROUND WATER	NENE	Sec. 16, Twp 06S, Rge 34E, BANNOCK County
GROUND WATER	SENE	Sec. 18, Twp 07S, Rge 35E, BANNOCK County
GROUND WATER	NESE	Sec. 15, Twp 06S, Rge 34E, BANNOCK County
GROUND WATER	NENW	Sec. 26, Twp 06S, Rge 34E, BANNOCK County
GROUND WATER	SWNE	Sec. 1, Twp 07S, Rge 34E, BANNOCK County
GROUND WATER	NWSE	Sec. 35, Twp 06S, Rge 34E, BANNOCK County
GROUND WATER	SENE	Sec. 35, Twp 06S, Rge 34E, BANNOCK County
GROUND WATER	SESE	Sec. 1, Twp 07S, Rge 34E, BANNOCK County

Place Of Use:

Conditions of Approval:

1.	124	Place of use is within the service area of the City of Pocatello municipal water supply system as provided for under Idaho Law.
2.	C03	Right includes accomplished change in point of diversion pursuant to Section

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FEB 15 2023

87529

42-1425, Idaho Code.

3.	211	To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, ground water was first diverted under this right from Pocatello Well No. 1 located in T07S, R34E, S01, Lot 2 (NWNE) in the amount of 2.45 cfs, from Pocatello Well No. 2 located in T07S, R34E, S01, Lot 2 (NWNE) in the amount of 2.45 cfs and from Pocatello Well No. 3 located in T07S, R34E, S01, SWNE in the amount of 4.23 cfs. Pocatello Well No. 1 was replaced by Pocatello Well No. 5 located in T06S, R34E, S35, NWNE.
4.	C18	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.

Dates and Other Information:
Decreed Date: 4/26/2012
Civil Case Number: 39576
Judicial District: FIFTH
Water District Number: 120
Mitigation Plan: False

87529

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29-13560
FEB 15 2023

Idaho Statutes

TITLE 50
MUNICIPAL CORPORATIONS
CHAPTER 6
MAYOR

50-602. MAYOR, ADMINISTRATIVE OFFICIAL. The mayor, except as provided in sections 50-801 through 50-812[, Idaho Code], shall be the chief administrative official of the city, preside over the meetings of the city council and determine the order of business subject to such rules as the council may prescribe, have a vote only when the council is equally divided, have the superintending control of all the officers and affairs of the city, preserve order, and take care that the ordinances of the city and provisions of this act are complied with and enforced.

History:

[50-602, added 1967, ch. 429, sec. 122, p. 1249.]

How current is this law?

Search the Idaho Statutes and Constitution

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FEB 15 2023

Idaho Statutes

TITLE 50
MUNICIPAL CORPORATIONS
CHAPTER 6
MAYOR

50-607. GENERAL POWERS. The mayor shall have and exercise such powers, prerogatives and authority as is conferred by the laws of the state of Idaho or as may be conferred upon him by the city council, and shall have the power to administer oaths, and shall sign all contracts and conveyances in the name of and on behalf of the city.

History:

[50-607, added 1967, ch. 429, sec. 127, p. 1249.]

How current is this law?

Search the Idaho Statutes and Constitution

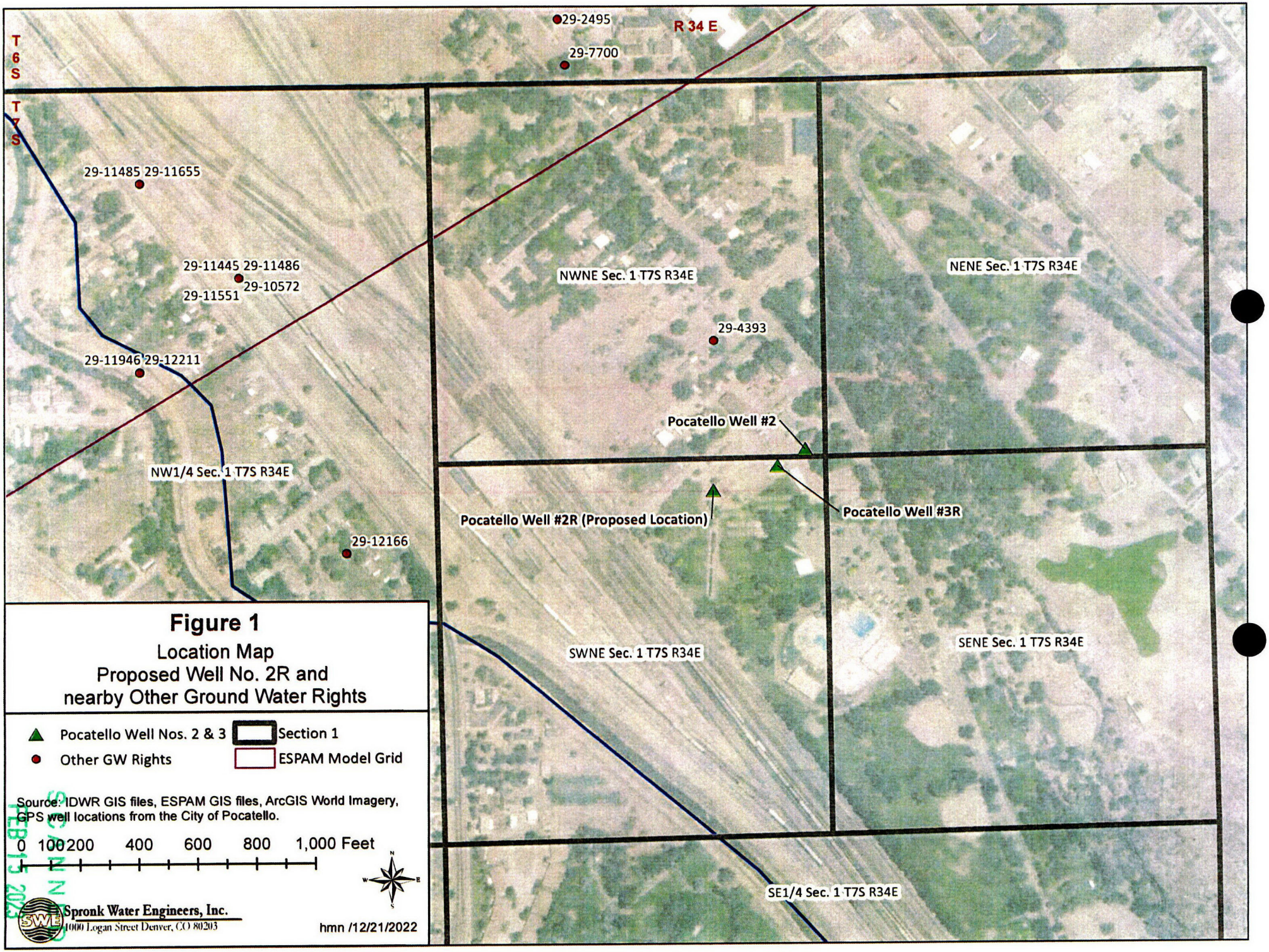
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FEB 15 2023

Figures

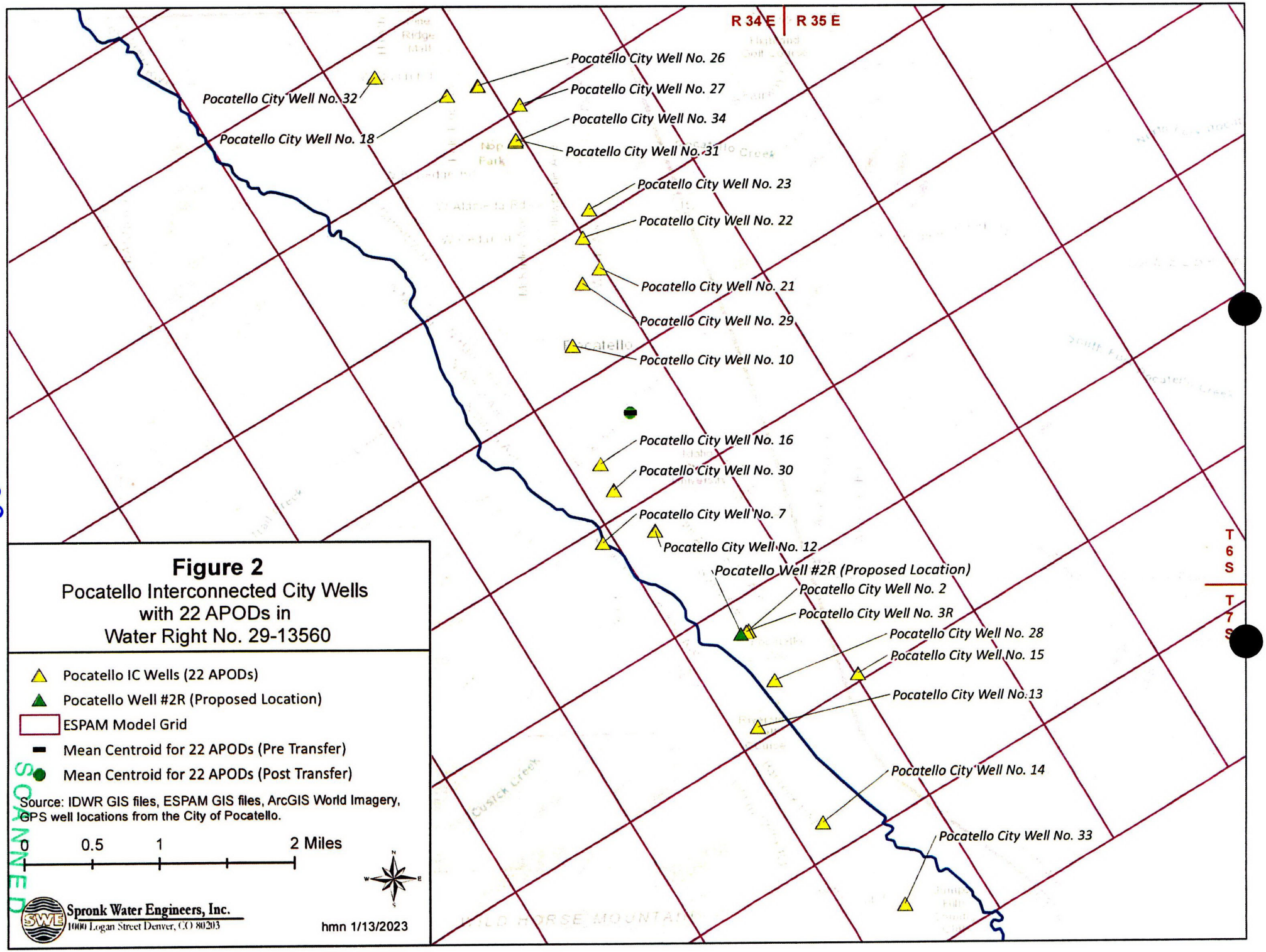
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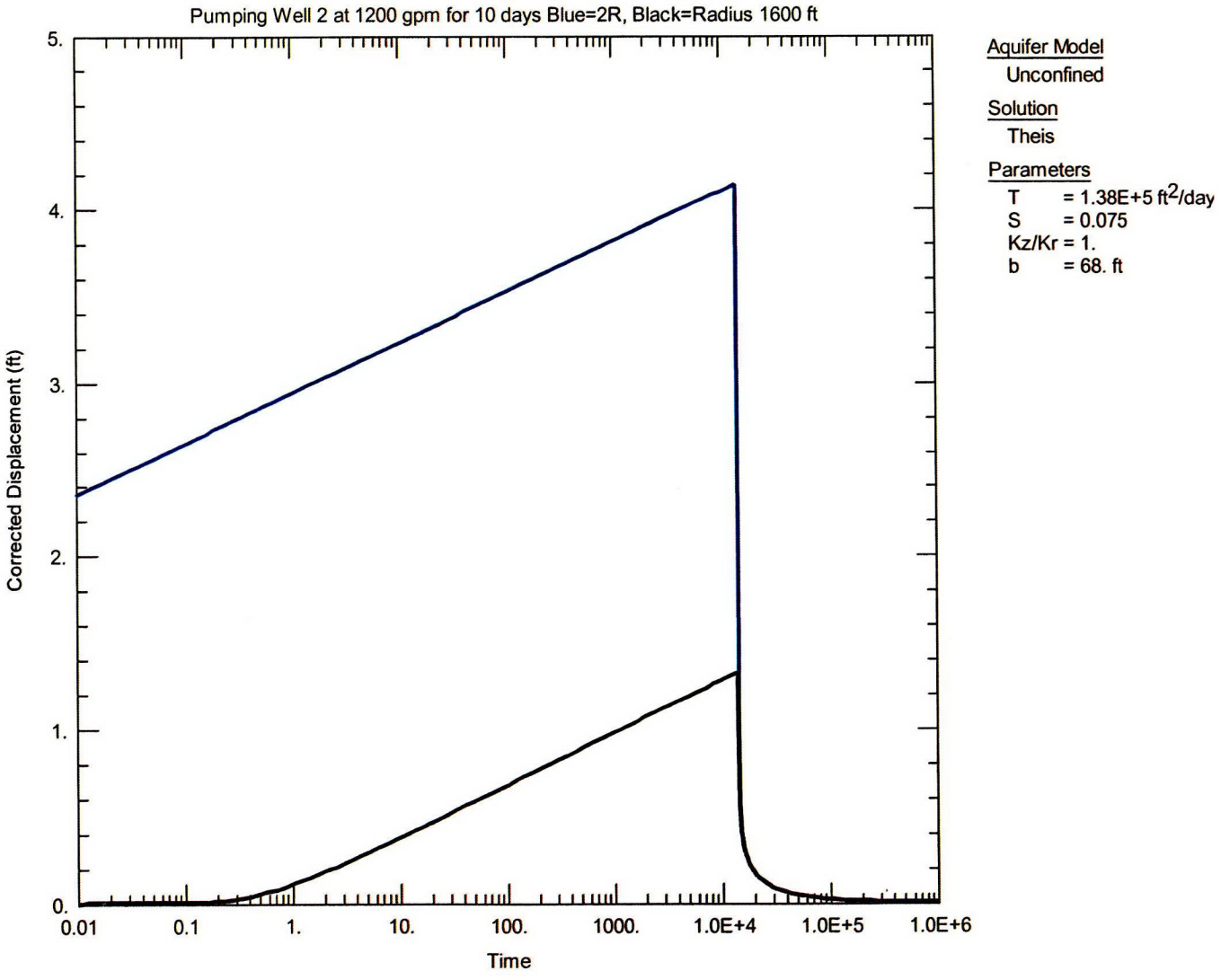


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Figure 3

Model Results

Drawdown at 1,600 feet from Pumping Well 2 at 1,200 gpm for 10 days



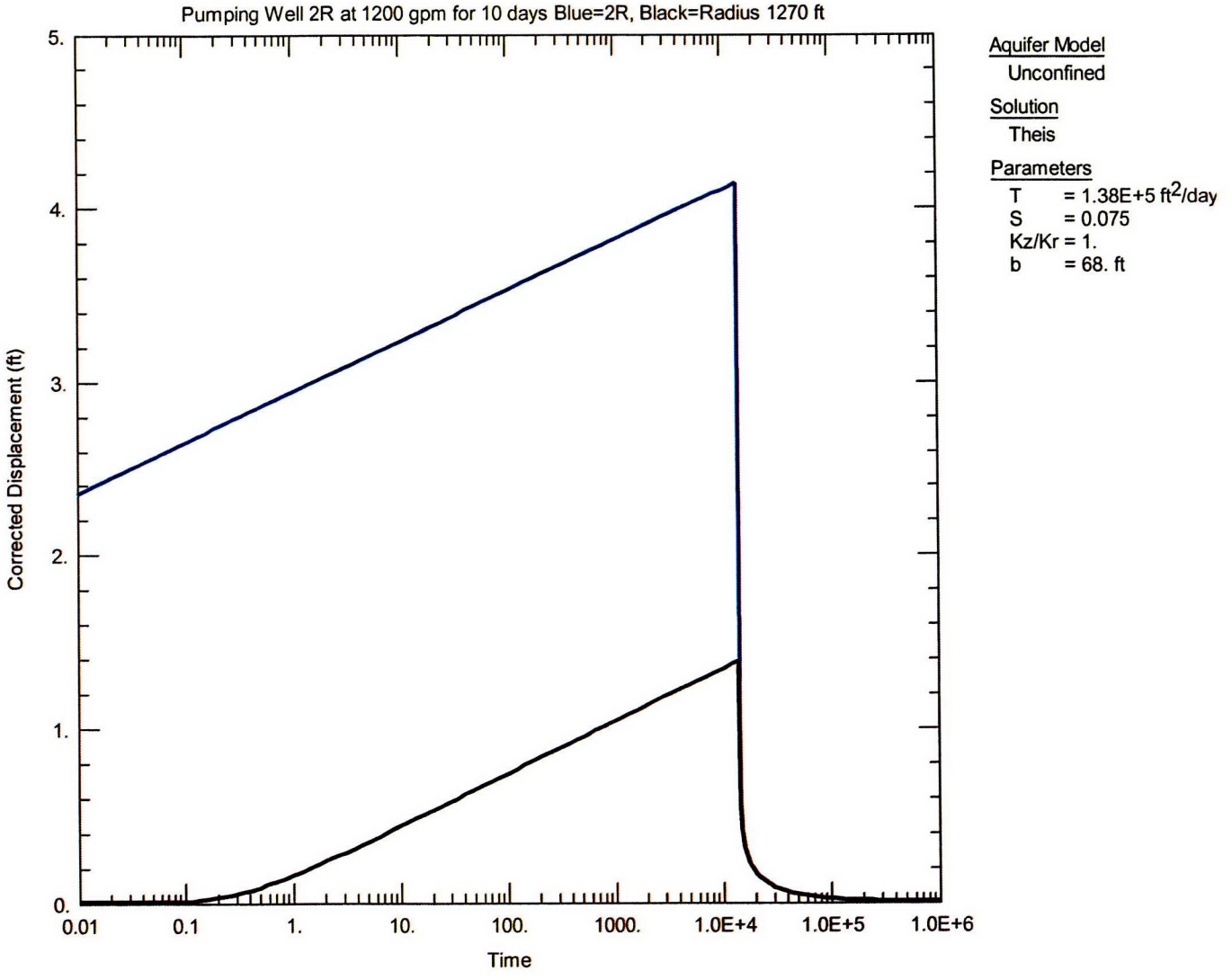
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Figure 3

Model Results

Drawdown at 1,270 feet from Pumping Well 2R at 1,200 gpm for 10 days



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FEB 15 2023

Spronk Water Engineers, Inc.
1000 Logan St | Denver, CO 80203-3011 | (303) 861-9700 | spronkwaterengineers.com

Memorandum

TO: Justin Armstrong and Allen Skyler, City of Pocatello

FROM: Heidi Netter and Greg Sullivan, Spronk Water Engineers, Inc.

DATE: January 13, 2023

RE: Application for Transfer of Water Right Point of Diversion, Water Right No. 29-13560

The City of Pocatello is filing an application for transfer of a water right no. ("WR") 29-13560. The purpose of the transfer is to change the point of diversion for Well No. 2. Well No. 2 is currently located in the NW¼ of the NE¼ in Section 1, Township 7 South, and Range 34 East. The proposed new site for redrill of Well No. 2 is less than 350 feet southwest of the current site in the SW¼ of the NE¼ in Section 1, Township 7 South, and Range 34 East. The current Well No. 2 is located only 25 feet north of the SW¼ that contains the new redrill location. Although extremely close, the new redrill location is in a different quarter-quarter section and this technically triggers a transfer requirement to update the water right point of diversion. The existing and proposed redrill location for Well No. 2 are shown on the attached **Figure 1.**

Spronk Water Engineers, Inc. ("SWE") prepared this memorandum to summarize the effect of the transfer on other rights on a basin-wide and a local scale.

Eastern Snake Plain Aquifer Effects

The 2009 Idaho Department of Water Resources ("IDWR") Transfer Processing Memo No. 24 ("TP24") generally requires analysis of the potential effect of groundwater rights transfers on Snake River surface water rights using the Eastern Snake Plain Aquifer Model ("ESPAM") transfer tool. However, according to paragraph 3 of TP24, an ESPAM analysis is not required for groundwater right location transfers within the same model cell.

The existing and proposed redrill location for Pocatello's Well No. 2 are in the same model cell of ESPAM (Version 2.1) (Row 102, Column 121). In addition, the computed centroids of the 22 points of diversion for WR 29-13560 before and after the proposed redrill of Well No. 2 are also located within the same model cell (Row 100, Column 121). The centroids are shown on the attached **Figure 2**. Because the transfer will change neither the model cell containing Well No. 2 nor the centroid of the 22 points of diversion for WR 29-13560, an analysis of the transfer using the ESPAM transfer tool is not required and the transfer can be presumed to cause no impact to Snake River Basin surface water rights.

87529

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FEB 15 2023

Local Effects

The potential impacts of redrilling Well No. 2 on nearby groundwater rights can be assessed by analyzing whether changing the location of the well will cause a material change in the groundwater levels at the nearby wells.

According to the IDWR water rights shapefile and as shown on the attached **Figure 1**, the nearby wells closest to the proposed location for Well No. 2R are WR 29-4393 and WR 29-12166.

WR-29-4392 is approximately 520 feet north of the proposed Well No. 2R, or approximately 30 feet further away than the existing location of Well No. 2. Since the proposed redrilled Well No. 2 would be slightly further away from WR 29-4393, the transfer will cause no increased effect on groundwater levels at that well.

The proposed Well No. 2R is 330 feet closer to WR 29-12166 than the existing location of Well No. 2. To analyze the potential effect on WR 29-12166 from pumping Well No. 2R, we compared the drawdown at WR 29-12166 from pumping at the current Well No. 2 with drawdown from pumping at the proposed Well No. 2R. Clearwater Geosciences, LLP ("Clearwater") prepared an analysis of the cone of depression surrounding the current Well No. 2 and proposed Well No. 2R after pumping 1,200 gallons per minute ("gpm") for ten days. The results of the model runs are shown on the attached **Figure 3**. The results show that the estimated drawdown at 1,600 feet from Well No. 2 is 1.36 feet, the estimated drawdown at 1,270 feet from Well No. 2R is 1.40 feet, and the difference in drawdown at WR 29-12166 is 0.04 feet (0.5 inches).

There is less than one inch change in drawdown on the closest potentially affected well.

Given that observed annual static water level fluctuations in this area typically range from 4 feet to 6 feet, with fluctuations up to 12 feet, an increase in water level drawdown at the nearest well should be considered insignificant and within the margin of measurement error.

Conclusion

Based on the foregoing discussion, the proposed redrill of Well No. 2 will cause no material effect or injury on other surface water and groundwater rights.

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FEB 15 2023

References

Clearwater Geosciences, LLP. 2022. Summary of Pocatello Test Well No. 2R – Rev 1. October 31, 2022.

Clearwater Geosciences, LLP. 2023. Model Run Results and Figures.

Cooper, H.H. and Jacob, C.E. 1953. A generalized graphical method for evaluating formation constants and summarizing well field history, Ground Water Notes, Hydraulics, No. 7. U.S. Geological Survey, Water Resources Division, Ground Water Branch. January 1953.

IDWR. 2009. State of Idaho, Department of Water Resources, Water Measurement Guidelines. Version 7.c. February 2, 1999 (Edits made 5/30/2006, 2/4/2009 and 6/30/2009). Available from: https://idwr.idaho.gov/wp-content/uploads/sites/2/water-measurement/IDWR-Water-Measurement-Reporting-Guidelines.pdf Last Accessed: January 12, 2023.

IDWR. 2022a. Idaho Department of Water Resources, GIS data downloads. Water Rights Points of Diversions shapefile. Last Updated on September 26, 2022. Available from: https://data-idwr.hub.arcgis.com/search?collection=Dataset Last Accessed: December 7, 2022.

IDWR. 2022b. Eastern Snake Plain Aquifer Model Documents. Available from: https://idwr.idaho.gov/water-data/projects/espam/documents/ Last Accessed: December, 21, 2022.

Mawlood, D. and Mustafa, J. 2016. Performing Pumping Test Data Analysis Applying Cooper-Jacob's Method for Estimating of the Aquifer Parameters. Mathematical Modelling in Civil Engineering.

Peppersack, J. 2009. Transfer Processing No. 24, Transfer Processing Policies and Procedures Rev. 8.3, December 21, 2009.

Theis, C.V. 1952. The Relation between the Lowering of the Piezometric Surface and the Rate and Duration of Discharge of a Well Using Ground Water Storage. Ground Water Notes, Hydraulics, No. 5 U.S. Geological Survey, Water Resources Division, Ground Water Branch. August 1952.

SCANNED
FEB 15 2023
87529

WATER OPERATIONS FACILITY
1889 N. Arthur Avenue
P.O. Box 4169
Pocatello, ID 83205-4169

SUPERINTENDENT'S OFFICE
(208) 234-6174
FAX (208) 234-7084

REPAIR SHOP
(208) 234-6182

RECEIVED

JAN 30 2023

Department of Water Resources
Eastern Region

January 17, 2023

State of Idaho
Department of Water Resources
IDWR Eastern Region
900 N. Skyline Dr, Suite A
Idaho Falls, ID 83402-1718

Subject: Application for Transfer of Water Right – Point(s) of Diversion, Water Right 29-13560

Dear Agency:

Please find the enclosed Application for Transfer of Water Right – Point(s) of Diversion, as well as, the supporting documentation and payment of fees for the transfer of Water Right 29-13560, owned and operated by the City of Pocatello.

Due to recent nitrate contamination and an aging wellhead at City municipal Well #2, the City is currently in the design process to relocate and replace Well #2 from its current point of diversion (POD) (T07S, R34E, NW1/4 NE1/4, Section 1) to a new POD approximately 300 feet away (T07S, R34E, SW1/4 NE1/4, Section 1). After development of the new well, the former well will be properly sealed and the current POD will no longer be utilized.

As shown in Table 5 of the Transfer Application, Water Right 29-13560 is currently associated with City's Interconnected System that includes 22 alternate PODs (APODs) located throughout the City of Pocatello pursuant to its partial decree in the Snake River Basin Adjudication. However, this Transfer Application seeks only to transfer the POD for Water Right No. 29-13560, which authorizes diversion from Well Nos. 1, 2, and 3; at this time the City is not seeking to make the new POD for Water Right No. 29-13560 an APOD for the other water rights associated with the City's Interconnected System.

Along with the Transfer Application, we have attached an analysis demonstrating the change in POD will not cause hydraulic impacts to nearby ground water rights. This analysis is offered to support the City's request that the Department exempt this transfer from the publication under the exception available in Idaho Code §42-222. Under 42-222, the Director has discretion to exempt from publication a transfer application that will "change only the point of diversion" of a water right upon on a showing that relocation to the new POD will not "change the effect on the source for the right and any other hydraulically connected sources from the effect resulting under the right as previously approved, and that [the transfer] will not affect the rights of other water users."

The attached analysis, conducted by Spronk Water Engineers, demonstrates that the proposed change in POD for Water Right No. 29-13560 will not change the "hydraulic effect" or otherwise "effect the rights of other water users". Specifically, we've provided a map of nearby wells which, combined with a cone of depression analysis with the anticipated pumping rate, shows no impact to nearby non-City water rights from the proposed change in POD for Water Right 29-13560. We are requesting that the Department evaluate the attached analysis and let us know whether the Department will apply the statutory exception

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FEB 15 2023

for publication; if the Department will not exempt the transfer from publication, the City may decide to withdraw its application rather than risk a repeat of its experience with Transfer No. 81155.

Please note that we have *not* included a transfer tool analysis of the requested change in POD. Based on Spronk's evaluation, the proposed change does not move the centroid of pumping into a different model cell, so no transfer tool analysis is required.

If you should have any questions regarding this application, please do not hesitate to call my office at (208) 234-6174. Thanks for your review and assistance.

Sincerely,

Justin Armstrong
Water Superintendent
City of Pocatello
(208) 234-6174

Enc. IDWR Application for Transfer of Water Right – Point(s) of Diversion
Spronk Water Engineers Memorandum – Analysis for Application of Water Right POD Transfer
Payment for Application Filing Fee

87529

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FEB 15 2023

IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718
Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little **Director Gary Spackman**

March 17, 2023

CITY OF POCATELLO
911 N 7TH AVE
PO BOX 4169
POCATELLO ID 83205-4169

Re: Transfer No: 87529
Water Right No(s).: 29-13560

Transfer Approval Notice

Dear Water Right Holder:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

SCANNED
MAR 16 2023

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a $100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 525-7161.

Sincerely,

Christina Henman
Administrative Assistant

Enclosure
CC:

SCANNED
MAR 16 2023

CERTIFICATE OF SERVICE

I hereby certify that on March 17, 2023 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 87529
Water Right No(s).: 29-13560

CITY OF POCATELLO
911 N 7TH AVE
PO BOX 4169
POCATELLO ID 83205-4169

Christina Henman
Administrative Assistant

SCANNED
MAR 16 2023

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

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MAR 16 2023

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

> Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:
>
> (a) The petition for reconsideration is disposed of; or
> (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

i. A hearing was held,
ii. The final agency action was taken,
iii. The party seeking review of the order resides, or
iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

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MAR 16 2023

MEMORANDUM

Date: March 16, 2023

To: Transfer 87529

From: James Cefalo

Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the point of diversion for one of the municipal wells for the City of Pocatello on one of the city's water rights, 29-13560. The proposed well (#2R) is located only 300 feet from the existing well (#2), but crosses a QQ line and requires a transfer application. The City has another well (#3R) in the same QQ. The existing well (#2) will be abandoned.

Authority to File: City of Pocatello is the owner of record for water right 29-13560. Application was signed by Mayor Brian Blad.

Water Right Validity: City of Pocatello's water rights have been actively used. Well #2 is being replaced because of water quality concerns. Forfeiture is not an issue.

Injury to Other Water Rights: No issues identified. Proposed well is located only 300 feet from the existing well. The point of diversion for right 29-4393 is located within 1/8 mile from the existing point of diversion. The proposed point of diversion is farther from 29-4393 than the existing well. Existing and proposed points of diversion are in the same ESPA model cell. Although many of the City's wells are within the WD 120 boundary, the existing and proposed wells are not.

Enlargement of Use: No issue identified. Unique conditions will be carried forward. City will be required to formally abandon Well #2 and remove that well as an authorized point of diversion for the other water rights tied to the well.

Local Public interest / Beneficial Use / Conservation of Water Resources: No issues identified.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

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EMPOWERING THE COMMUNITY SINCE 1890

IDAHO STATE JOURNAL

WWW.IDAHOSTATEJOURNAL.COM

PROOF OF PUBLICATION
Idaho State Journal

RECEIVED

MAR 06 2023

Department of Water Resources
Eastern Region

State of Idaho
County of Bannock

I, ~~Dawn Giannini, or~~ Collins Crapo first being duly sworn, depose and say: That I am the ~~Classified Manager, or~~ Processing Clerk employed by Adams Publishing Group of the Rockies LLC, publishers of Idaho State Journal, a newspaper of general circulation, published 4 days, Tues-Wed-Friday and Saturday, at Pocatello, Idaho.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Idaho State Journal for 2 day(s), first publication having been made on 02/22/2023 last publication having been made on 03/01/2023, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Collins Crapo

Subscribed and sworn to before me, on this 1st day of March, 2023

Beth Crossley

BETH CROSSLEY
68167
NOTARY PUBLIC
STATE OF IDAHO
MY COMMISSION EXPIRES 07/28/28

Notary Public
My commission expires:

_____ attached jurat _____

STATE OF IDAHO

ss.

COUNTY OF BANNOCK

On this 1st day of March, 2023 before me, the undersigned, a Notary public for said state, personally appeared ~~Dawn Giannini or~~ Collins Crapo, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she/they executed the same,

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Beth Crossley

BETH CROSSLEY
68167
NOTARY PUBLIC
STATE OF IDAHO
MY COMMISSION EXPIRES 07/28/28

Notary Public for APG of the Rockies
Residing: Idaho Falls, Idaho
Commission expires:

335400

SCANNED
MAR 15 2023

AD# 335400AD#

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 87529

CITY OF POCATELLO, 911 N 7TH AVE, PO BOX 4169, POCATELLO, ID 83205-4169 has filed Application No. 87529 for changes to the following water rights within BANNOCK County(s): Right No(s). 29-13560; to see a full description of these rights and the proposed transfer, please see https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers. The purpose of the transfer is to change a portion of the above rights as follows: change point of diversion. Water right 29-13560 has 22 points of diversion. The applicant proposes to change 1 of the 22 points of diversion (well #2). Well #2 is currently in Lot 2 (NWNE) Sec 1 T07S R34E. The proposed point of diversion (replacement well) is in SWNE Sec 1 T07S R34E for 9.13 cfs from ground water. For additional information concerning the property location, contact Eastern Region office at (208)525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of $25.00 for each application on or before 3/13/2023. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN
Director

Published: February 22, Mar. 1, 2023 (ISJ2497-335400)

SCANNED
MAR 15 2023

State of Idaho
Department of Water Resources
Transfer of Water Right(s)
RECOMMENDATION FORM

RE: Transfer No. 87529

Transfer Applicant's Name: CITY OF POCATELLO
911 N 7TH AVE
PO BOX 4169
POCATELLO, ID 83205-4169

Watermaster's Recommendation:

a) X I do not oppose approval of this application.

b) _____ I do not oppose approval of this application if it is conditioned as follows:

c) _____ I oppose approval of this application for the following reasons:

d) X Additional comments:
the proposed point of diversion is located outside WD 120 Boundary. Point of diversion will not be regulated by WD 120

Dated this 16th day of February 2023.

Blake Sorden
Watermaster's Signature
WD120

SCANNED

Henman, Christina

From: Henman, Christina
Sent: Wednesday, February 15, 2023 2:49 PM
To: Jordan, Blake
Subject: Applications for Transfer Nos. 87498, 87507, 87529
Attachments: tmp3AC4.docx; tmpDF52.docx; tmp1E70.docx

Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the application at: https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Please contact this office if you have any questions regarding the application.

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MAR 15 2023

IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718
Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

February 15, 2023

CITY OF POCATELLO
911 N 7TH AVE
PO BOX 4169
POCATELLO, ID 83205-4169

RE: Transfer No. 87529
Water Right No(s). 29-13560

Dear Applicant:

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the IDAHO STATE JOURNAL on 2/22/2023 and 3/1/2023. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

CH

Christina Henman
Administrative Assistant

SCANNED
FEB 15 2023

Henman, Christina

From: Henman, Christina
Sent: Wednesday, February 15, 2023 1:22 PM
To: legalnotices@postregister.com
Subject: Legal Notice for Idaho State Journal
Attachments: 87529 Idaho State Journal.docx

LEGAL NOTICE DEPARTMENT
IDAHO STATE JOURNAL
PO BOX 431
POCATELLO, ID 83204-0431

RE: Transfer No. 87529
Water Right No(s). 29-13560

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). 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. Please send the affidavit and bill to this office before 3/13/2023. Your cooperation is appreciated.

Thank You,

IDAHO DEPARTMENT OF WATER RESOURCES

Christina Henman
Administrative Assistant
IDWR, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 525-7161

SCANNED
FEB 15 2023

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 87529

CITY OF POCATELLO, 911 N 7TH AVE, PO BOX 4169, POCATELLO, ID 83205-4169 has filed Application No. 87529 for changes to the following water rights within BANNOCK County(s): Right No(s). 29-13560; to see a full description of these rights and the proposed transfer, please see https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers. The purpose of the transfer is to change a portion of the above rights as follows: change point of diversion. Water right 29-13560 has 22 points of diversion. The applicant proposes to change 1 of the 22 points of diversion (well #2). Well #2 is currently in Lot 2 (NWNE) Sec 1 T07S R34E. The proposed point of diversion (replacement well) is in SWNE Sec 1 T07S R34E for 9.13 cfs from ground water.

For additional information concerning the property location, contact Eastern Region office at (208)525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of $25.00 for each application on or before 3/13/2023. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 2/22/2023 and 3/1/2023

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FEB 15 2023

Holliday, Michael

From: Armstrong, Justin <jarmstrong@pocatello.gov>
Sent: Monday, February 13, 2023 3:50 PM
To: Holliday, Michael
Subject: RE: Well #2 transfer application
Attachments: WR 29-13560 Transfer Application Packet.pdf

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Interesting... that's not how it reads on my attached pdf document but yes that is the correct description.

Justin Armstrong
Water Superintendent
City of Pocatello
Water Department
☎ (208)234-6174 | Fax: (208)234-7084

From: Holliday, Michael <Michael.Holliday@idwr.idaho.gov>
Sent: Monday, February 13, 2023 3:45 PM
To: Armstrong, Justin <jarmstrong@pocatello.gov>
Subject: Well #2 transfer application

Justin,

It looks like the legal description at the bottom of page 1 for well 21 is incomplete. It currently shows SW__ Sec 23 T06S R34E. I think it should be SWNE Sec 23 T06S R34E. If you agree, I will make the change and we will forge ahead with advertising. Thanks.

Michael Holliday
Water Rights Supervisor
Phone: 208-525-7161
Fax: 208-525-7177

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FEB 15 2023