

7-29-2010

City of Pocatello v. Idaho Clerk's Record v. 4 Dckt. 37723

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

| | | |
|----------------|---|---|
| In Re SRBA |) | Subcase Nos. 29-00271, <i>et al.</i> (see attached Exhibit A) |
| |) | |
| |) | |
| |) | |
| Case No. 39576 |) | RESPONSE MEMORANDUM IN OPPOSITION |
| |) | TO CITY OF POCATELLO'S MOTION FOR |
| |) | SUMMARY JUDGMENT |
| |) | |
| |) | |

This memorandum responds to the arguments made by the City of Pocatello, hereinafter referred to as the "City," in support of the *City of Pocatello's Motion For Summary Judgment on IDWR's Authority Under I.C. § 42-1425*, hereinafter the "*City's Motion.*" The City moves for summary judgment on the following two issues: (1) The Idaho Department of Water Resources, hereinafter referred to as the "IDWR", has no authority to recommend conditions for transferred water rights unless it complies with the procedures set forth in Idaho Code § 41-1425.

(2) Compliance with the procedures of Idaho Code § 42-1425 does not allow IDWR to re-open transfers formally determined by IDWR. *City's Motion*, at 1-2. The City asserts that IDWR imposed conditions on its water rights in excess of its authority.

The State of Idaho and the City agree on one matter here. The issues raised by the City are legal issues that the District Court may resolve on summary judgment.

ARGUMENT

I. STANDARD OF REVIEW FOR SUMMARY JUDGMENT.

Summary judgment is appropriate when the pleadings, depositions, affidavits, and admissions of records show that there was no genuine issue of material fact. In making that determination of whether an issue of material fact exists, all disputed facts are liberally construed in favor of the non-moving party and all reasonable inferences that can be drawn from the record are drawn in favor of the non-moving party. *Garner v. Bartshi*, 139 Idaho 430, 432 80 P.3d 1031, 1034 (2003). Substantive law defines as material those factual disputes that affect the outcome. Disputes about irrelevant matters do not defeat a motion for summary judgment. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986).

II. IDAHO CODE § 42-1425 DOES NOT LIMIT THE DISCRETION OF THE DIRECTOR TO IMPOSE THE CONDITIONS THAT THE CITY CHALLENGES IN ITS OBJECTIONS.

Idaho Code § 42-1425 addresses an issue that arose in the Snake River Basin Adjudication, hereinafter the "SRBA." How should the IDWR and the district court respond to a change in an established water right that occurred without following the mandatory procedures of Title 42, Idaho Code. The Act of March 27, 1969, ch. 303, 1969 Idaho Sess. Laws 905, made compliance with the administrative procedures in Title 42, Idaho Code, mandatory for changes in the purpose of use, place of use, and point of diversion. Those procedures required a person who

desired to make such a change in an existing water right to file an application with IDWR; IDWR then published notice of the application. If any person filed a written protest, then IDWR conducted an administrative hearing, which was subject to court review.

When the SRBA began, the Legislature enacted Idaho Code §§ 42-1416 and 42-1416A, which were commonly referred to as the “amnesty or presumption statutes.” These statutes were understood to address the issue of changes without compliance with the mandatory procedures contained in Title 42, Idaho Code. However, the district court later entered on February 4, 1994 its *Memorandum Decision and Order on Basin-Wide Issue No. 1, Constitutionality of I.C. § 42-1416 and I.C. § 42-1416A, as Written*, which held that these statutes were unconstitutional. The Legislature responded to this decision by enactment of the Act of April 12, 1994, ch. 454, § 31, 1994 Idaho Sess. Laws 1443, 1474, which added Idaho Code § 42-1425 among many other changes in the adjudication procedures. Subsection (2) of Idaho Code § 42-1425 allowed claimants in the SRBA to claim changes in their water rights without compliance with the mandatory procedures contained in Title 42, Idaho Code, upon the occurrence of three conditions: (1) the change occurred prior to November 19, 1987, which was the date of commencement of the SRBA; (2) “no other water rights existing on the date of the change were injured”; and (3) “the change did not result in an enlargement of the original right.” The existence of those three conditions constituted a complete waiver of the requirements of sections 42-108 and 42-222, except for the consent provisions that are not relevant here. Since Idaho Code § 42-1425 waived mandatory requirements regarding changes in water rights, it only applies to changes occurring from the effective date of the Act of March 27, 1969 to the date of November 18, 1987. Or stated another way, prior to the effective date of the Act of

March 27, 1969, there was no requirement to file an application for approval of a transfer; thus, there was nothing for Idaho Code § 42-1425 to waive.¹

The City then makes a convoluted argument regarding the alleged ambiguity of Idaho Code § 42-1425. Under either a narrow or a broad interpretation of Idaho Code § 42-1425, the City argues that IDWR did not have the authority to condition the accomplished transfers. *City of Pocatello's Brief In Support Of Motion For Summary Judgment On IDWR's Authority Under I.C. § 42-1425*, hereinafter "*City's Brief*," at 6. The City has interpreted Idaho Code § 42-1425 through a myopic lens that ignores the remaining provisions of the Act of April 12, 1994. These other changes in the Act of April 12, 1994 specifically provided: "The director shall determine **the following elements, to the extent the director deems appropriate and proper**, to define and administer the water rights under state law." Idaho Code § 42-1411(2) (emphasis added).² Thus, the director of IDWR was granted discretion to define the elements of a water right under state law. Subdivision (j) of subsection (2) applies directly to the conditions opposed by the City and specifically authorizes the director to impose "**conditions on the exercise of any water right** included in any decree, license, or approved transfer application." The City's conclusion that IDWR is without authority to condition the accomplished transfers ignores the rest of the Act of April 12, 1994 that authorizes the IDWR to determine the elements of a water right. The scope of that discretion to define the elements is described, as "the extent the director deems appropriate and proper." The City has not demonstrated that IDWR has abused that discretion in making the determination of the elements of City's water right.

¹ The City argues that some of its changes occurred in the 1940s. *City's Brief*, at 5. Those changes are not properly before the district court as accomplished transfers.

² The author of this brief was the author of this language in Idaho Code § 42-1411.

III. THE DIRECTOR HAD THE AUTHORITY TO IMPOSE THE CONDITIONS UPON FORMAL TRANSFERS DECIDED UNDER IDAHO CODE § 42-222.

The City states:

In 1999, Pocatello transferred the water rights associated with 29-2274, 29-2338, and 29-7375 to allow well 44 to be added to the City's interconnected culinary system. . . .

IDWR seeks to impose the same condition on these transferred rights that it has imposed on transfers claims by the City under 42-1425. Whatever the scope of IDWR's authority under 42-1425 to condition accomplished transfers, it does not allow a re-opening of transferred rights that were decided under 42-222.

City's Brief, at 9 (emphasis added). This argument is without merit because the "problem condition" identified by the City is not in the recommendations for these three water rights. The City identified the following condition as the problem condition:

To the extent necessary for administration, water was first appropriated or used from: Pocatello Well No ___, located in [legal description] on [date] in the amount of ___ cfs.

City's Brief, at 3. Attached as Exhibit B are pages 716, 717, 797, 798, 967, 968, 1579, and 1580 of the Director's Report for Basin 29. Pages 967 and 968 contain the Director's recommendation for water right no. 29-2499, which contains the "problem condition" identified by the City. The remaining pages of Exhibit B contain the Director's Recommendation for water right nos. 29-2274, 29-2338, and 29-7375. A cursory review of these pages indicates that those recommendations do not contain the "problem condition."³ The City's argument is without merit.

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³ Even if the Director had recommended this "problem condition" for water right nos. 29-2274, 29-2338, and 29-7375, Idaho Code § 42-1411(2)(j) specifically authorizes the director to impose "conditions on the exercise of any water right included in any . . . approved transfer application."


CONCLUSION

The Act of April 12, 1994 amended Idaho Code § 42-1411 and granted the IDWR broad discretion to determine and condition water rights under state law. IDWR had the authority to impose the conditions challenged here.

RESPECTFULLY SUBMITTED this 25th day of May 2006.

STATE OF IDAHO
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ATTORNEY GENERAL

CLIVE J. STRONG
DEPUTY ATTORNEY GENERAL
CHIEF, NATURAL RESOURCES DIVISION



DAVID J. BARBER
Deputy Attorney General
Natural Resources Division

EXHIBIT A

Subcase Numbers

29-00271
29-00272
29-00273
29-02274
29-02338
29-02354
29-02382
29-02401
29-02499
29-04221
29-04222
29-04223
29-04224
29-04225
29-04226
29-07106
29-07118
29-07119
29-07222
29-07322
29-07375
29-07431
29-07450
29-07502
29-07770
29-07782
29-11339
29-11344
29-11348
29-13558
29-13559
29-13560
29-13561
29-13562
29-13636
29-13637
29-13638
29-13639

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-2274
NAME AND ADDRESS: CITY OF POCATELLO
PO BOX 4169
POCATELLO ID 83205

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 9.690 CFS

PRIORITY DATE: 06/15/1948

POINT OF DIVERSION:
T06S R33E S10 NESE Within POWER County
T06S R33E S12 NESE Within POWER County
T06S R33E S15 SWNE Within POWER County
T06S R34E S15 NWSW Within BANNOCK County
T06S R34E S26 NENW Within BANNOCK County
T06S R34E S27 NWSE Within BANNOCK County
T06S R34E S35 SENE Within BANNOCK County
T06S R34E S35 SENE Within BANNOCK County
T06S R34E S35 NWSE Within BANNOCK County
T06S R34E S35 NWSE Within BANNOCK County
T06S R34E S35 NWSE Within BANNOCK County
T07S R34E S1 SESE Within BANNOCK County
T07S R35E S16 SWSW Within BANNOCK County

PURPOSE AND PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| MUNICIPAL | 01/01 12/31 | 9.690 CFS |

PLACE OF USE:

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

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

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-2338
NAME AND ADDRESS: CITY OF POCATELLO
PO BOX 4169
POCATELLO ID 83205

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 9.530 CFS

PRIORITY DATE: 09/01/1953

POINT OF DIVERSION:
T06S R33E S10 NESE Within POWER County
T06S R33E S12 NESE Within POWER County
T06S R33E S15 SWNE Within POWER County
T06S R34E S15 NWSW Within BANNOCK County
T06S R34E S26 NENW Within BANNOCK County
T06S R34E S27 NWSE Within BANNOCK County
T06S R34E S35 SENE Within BANNOCK County
T06S R34E S35 SENE Within BANNOCK County
T06S R34E S35 NWSE Within BANNOCK County
T06S R34E S35 NWSE Within BANNOCK County
T06S R34E S35 NWSE Within BANNOCK County
T07S R34E S1 SESE Within BANNOCK County
T07S R35E S16 SWSW Within BANNOCK County

PURPOSE AND PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| MUNICIPAL | 01/01 12/31 | 9.530 CFS |

PLACE OF USE:

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

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

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

EXHIBIT B

07/10/2003

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-2499
NAME AND ADDRESS: CITY OF POCATELLO
PO BOX 4169
POCATELLO ID 83205

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 4.100 CFS

PRIORITY DATE: 12/10/1964

POINT OF DIVERSION:

- T06S R34E S14 NWNW Within BANNOCK County
- T06S R34E S15 NWNE Within BANNOCK County
- T06S R34E S15 NENW Within BANNOCK County
- T06S R34E S15 NESE Within BANNOCK County
- T06S R34E S15 NESE Within BANNOCK County
- T06S R34E S16 NENE Within BANNOCK County
- T06S R34E S23 NWNE Within BANNOCK County
- T06S R34E S23 SWNE Within BANNOCK County
- T06S R34E S23 SENW Within BANNOCK County
- T06S R34E S23 NESW Within BANNOCK County
- T06S R34E S26 NENW Within BANNOCK County
- T06S R34E S26 SWSE Within BANNOCK County
- T06S R34E S35 NWNE Within BANNOCK County
- T06S R34E S35 SENE Within BANNOCK County
- T06S R34E S35 NWSE Within BANNOCK County
- T07S R34E S1 NWNE Lot 2 Within BANNOCK County
- T07S R34E S1 SWNE Within BANNOCK County
- T07S R34E S1 NESE Within BANNOCK County
- T07S R34E S1 SESE Within BANNOCK County
- T07S R35E S6 NWSE Within BANNOCK County
- T07S R35E S7 NESW Within BANNOCK County
- T07S R35E S10 SENE Within BANNOCK County

| | | | |
|----------------------------|-----------------------|----------------------|-----------------|
| PURPOSE AND PERIOD OF USE: | <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
| | MUNICIPAL | 01/01 12/31 | 4.100 CFS |

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

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

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

To the extent necessary for administration, water was first appropriated or used from:

Pocatello Well No. 2 located in T07S, R34E, S01, NWNE, on 12/31/1926 in the amount of 3.12 cfs
 Pocatello Well No. 3 located in T07S, R34E, S01, SWNE, on 12/31/1926 in the amount of 4.23 cfs.
 Pocatello Well No. 7 located in T06S, R34E, S35, NWNE, on 12/31/1940 in the amount of 4.46 cfs.
 Pocatello Well No. 10 located in T06S, R34E, S26, NENW, on 6/15/1948 in the amount of 5.35 cfs.
 Pocatello Well No. 12 located in T06S, R34E, S35, SENE, on 9/1/1953 in the amount of 6.20 cfs.
 Pocatello Well No. 13 located in T07S, R34E, S01, SESE, on 9/1/1953 in the amount of 2.22 cfs, and on 10/16/1958 for an additional amount of 0.89 cfs.
 Pocatello Well No. 14 located in T07S, R35E, S07, NESW, on 12/31/1955 in the amount of 0.22 cfs.
 Pocatello Well No. 15 located in T07S, R35E, S06, NWSE, on 9/1/1953 in the amount of 1.11 cfs, and on 2/24/1977 for an additional amount of 2.23 cfs.
 Pocatello Well No. 16 located in T06S, R34E, S26, SWSE, on 10/16/1958 in the amount of 6.67 cfs.
 Pocatello Well No. 18 located in T06S, R34E, S15, NENW, on 10/16/1958 in the amount of 4.66 cfs.
 Pocatello Well No. 21 located in T06S, R34E, S23, SWNE, on 9/15/1955 in the amount of 3.89 cfs.
 Pocatello Well No. 22 located in T06S, R34E, S23, SENW, on 10/22/1952 in the amount of 3.68 cfs.
 Pocatello Well No. 23 located in T06S, R34E, S23, NWNE, on 8/15/1956 in the amount of 4.44 cfs.
 Pocatello Well No. 26 located in T06S, R34E, S15, NWNE, on 6/1/1945 in the amount of 2.67 cfs.
 Pocatello Well No. 27 located in T06S, R34E, S14, NWNW, on 12/10/1964 in the amount of 4.10 cfs.
 Pocatello Well No. 28 located in T07S, R34E, S01, NESE, on 8/31/1951 in the amount of 4.90 cfs.
 Pocatello Well No. 29 located in T06S, R34E, S23, NESW, on 11/6/1972 in the amount of 6.20 cfs.
 Pocatello Well No. 30 located in T06S, R34E, S35, NWNE, on 4/25/1976 in the amount of 5.57 cfs.
 Pocatello Well No. 31 located in T06S, R34E, S15, NESE, on 4/25/1976 in the amount of 8.02 cfs.
 Pocatello Well No. 32 located in T06S, R34E, S16, NENE, on 4/25/1976 in the amount of 3.45 cfs.
 Pocatello Well No. 33 located in T07S, R35E, S18, SENE, on 10/1/1962 in the amount of 0.21 cfs.
 Pocatello Well No. 34 located in T06S, R34E, S15, NESE, on 2/18/1985 in the amount of 7.00 cfs.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

EXHIBIT B

07/10/2003

IDAHO DEPARTMENT OF WATER RESOURCES
 RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-7375
 NAME AND ADDRESS: CITY OF POCA TELLO
 PO BOX 4169
 POCA TELLO ID 83205

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 2.230 CFS

PRIORITY DATE: 02/24/1977

POINT OF DIVERSION:
 T06S R33E S10 NESE Within POWER County
 T06S R33E S12 NESE Within POWER County
 T06S R33E S15 SWNE Within POWER County
 T06S R34E S15 NWSW Within BANNOCK County
 T06S R34E S26 NENW Within BANNOCK County
 T06S R34E S27 NWSE Within BANNOCK County
 T06S R34E S35 SENE Within BANNOCK County
 T06S R34E S35 SENE Within BANNOCK County
 T06S R34E S35 NWSE Within BANNOCK County
 T06S R34E S35 NWSE Within BANNOCK County
 T06S R34E S35 NWSE Within BANNOCK County
 T07S R34E S1 SESE Within BANNOCK County
 T07S R35E S16 SWSW Within BANNOCK County

| | | | |
|----------------------------|-----------------------|----------------------|-----------------|
| PURPOSE AND PERIOD OF USE: | <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
| | MUNICIPAL | 01/01 12/31 | 2.230 CFS |

PLACE OF USE:

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

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

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

CERTIFICATE OF SERVICE

I certify that on this 25th day of May 2006, I caused to be served the original and/or copy of the RESPONSE MEMORANDUM IN OPPOSITION TO CITY OF POCA TELLO'S MOTION FOR SUMMARY JUDGMENT on each of the following persons by the indicated method:

1. One Original to:

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

- U.S. Mail, postage prepaid
- Hand Delivery
- Federal Express
- Facsimile: _____
- Statehouse Mail

2. Copies to

Special Master Brigitte Bilyeu
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

- U.S. Mail, postage prepaid
- Hand Delivery
- Federal Express
- Facsimile: _____
- Statehouse Mail

City of Pocatello
c/o Josephine P. Beeman
BEEMAN & ASSOCIATES, P.C.
409 West Jefferson Street
Boise, ID 83702

- U.S. Mail, postage prepaid
- Hand Delivery
- Federal Express
- Facsimile: _____
- Statehouse Mail

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

- U.S. Mail, postage prepaid
- Hand Delivery
- Federal Express
- Facsimile: _____
- Statehouse Mail

Jeanette Wolfley
Attorney at Law
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Pocatello, ID 83204

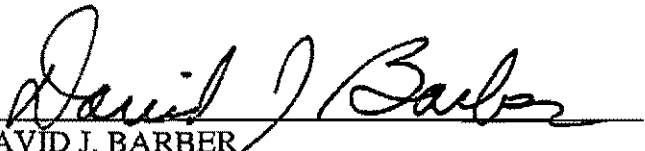
- U.S. Mail, postage prepaid
- Hand Delivery
- Federal Express
- Facsimile: _____
- Statehouse Mail

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

- U.S. Mail, postage prepaid
- Hand Delivery
- Federal Express
- Facsimile: _____
- Statehouse Mail

Chief of Natural Resource Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

Not Applicable



DAVID J. BARBER
Deputy Attorney General

LODGED

2004 MAY 25 PM 2:33

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Attorneys for Milner Irrigation District,
North Side Canal Company, and
Twin Falls Canal Company

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA)
)
)
Case No. 39576)
)
_____)

Subcases Nos. 29-00271, et al.

**JOINT RESPONSE TO CITY OF
POCATELLO'S MOTION FOR
SUMMARY JUDGMENT**

This Joint Response to City of Pocatello's Motion for Summary Judgment is filed by A &
B Irrigation District, American Falls Reservoir District #2, Burley Irrigation District, Milner

JOINT RESPONSE TO CITY OF POCATELLO'S MOTION
FOR SUMMARY JUDGMENT

Irrigation District, Minidoka Irrigation District, North Side Canal Company, and Twin Falls Canal Company (collectively referred to as the "Coalition").¹

ISSUES POSED BY POCATELLO'S MOTION

The Motion filed by the City of Pocatello (Pocatello) requests:

1. A summary judgment stating that the Idaho Department of Water Resources (IDWR) has no authority to recommend conditions for water rights claimed pursuant to the accomplished transfer provisions of Idaho Code § 42-1425 unless an objection to the claim is remanded by the district court to IDWR to determine whether the change injured a water right existing on the date of the change or constituted an enlargement of the original right.

2. A summary judgment on its transfers approved in 1999 pursuant to Idaho Code § 42-222 on the grounds that IDWR does not have authority to reopen those transfers that were determined pursuant to those procedures set forth in Idaho Code § 42-222.

3. That its 42-1425 accomplished transfers be remanded to IDWR for hearing.

Although it is not requested or argued in the Motion, in Pocatello's Brief in Support of the Motion, Pocatello argues that no hearing is required concerning the 42-1425 accomplished transfers because the objections filed to those water rights do not raise the issues of enlargement or injury.

¹ The respondents are filing a "joint" response for the convenience of the court and the other parties and reserve the right to participate as individual parties in these subcases, including any hearing on Pocatello's motion.

STANDARD OF REVIEW

The Coalition agrees with the Standard of Review set forth in Pocatello's Brief.

ARGUMENT

IDWR has no right to reopen transfers approved pursuant to Idaho Code § 42-222, except to the extent Pocatello's claims change the approved transfers.

Idaho Code § 42-222 sets forth a procedure to apply for a change of a water right. When one applies for a change of a water right pursuant to the provisions of Idaho Code § 42-222, the application for change must be examined by the Director of IDWR, all consents required by Idaho Code § 42-108 must be obtained, and notice of the requested change must be provided to afford anyone who desires to protest the change to file a notice of protest within ten (10) days of the last notice publication of the change. If there is a protest, the Director of IDWR must investigate the same and conduct a hearing. The watermaster must make a recommendation concerning the change. In addition, depending upon the type of change that is requested, other information must be furnished by the applicant.

The Director is required to review all of the evidence, determine that no other water rights are injured, determine that the change does not constitute an enlargement in use, determine the change is consistent with the conservation of water resources and is in the local public interest, determine that the change will not adversely affect the local economy and determine that the new use is beneficial. Once these findings are made, the Director furnishes a copy of the approved application for change to the applicant, authorizing the applicant to make the change, and the

original water right is presumed to have been amended by reason of the authorized change.

If IDWR follows the procedure set forth in Idaho Code § 42-222, due process is provided to other potentially injured waterusers. Once the transfer is accomplished, the applicant should be entitled to rely upon the actions of the department in approving the transfer.

Although it was addressing the issue in the context of a partial decree, the Idaho Supreme Court provided some guidance concerning this issue in *State v. Nelson*, 131 Idaho 12, 951 P.2d 943 (1998):

Finality in water rights is essential. 'A water right is tantamount to a real property right, and is legally protected as such.'

Id. at 16, 951 P.2d at 947 (citations omitted).

Collateral attack of the elements of a partial decree cannot be made in an administrative forum. See *Order on Motion to Enforce Order Granting State of Idaho's Motion for Interim Administration*, Subcase 92-00021 (November 17, 2005); *Connected Sources General Provision; Memorandum Decision and Order of Partial Decree*, Subcase 91-00005 (February 27, 2002). By the same token, IDWR should not be allowed to approve a transfer on one hand, and then effectively attack elements of that transfer through the recommendation process of the adjudication except for evidence of forfeiture or abandonment.

The water rights that were transferred pursuant to Idaho Code § 42-222 should not be reopened except to the extent that Pocatello seeks to change those water rights to operate as alterative points of diversion with its claimed transfers under Idaho Code § 41-1425.

A hearing should be held on any “accomplished transfer” pursuant to Idaho Code

§ 42-1425.

As an alternative to the procedure provided in Idaho Code § 42-222, Idaho Code § 42-1425 sets forth a procedure to recognize *de facto* transfers that did not comply with the due process requirements of Idaho Code § 42-222. Idaho Code § 42-1425 authorizes a person who, prior to November 19, 1987, changed the place of use, point of diversion, nature or purpose of use or period of use of a water right to make a claim in the adjudication even though the person did not comply with Idaho Code § 42-222, provided no other water rights existing on the date of the change were injured and the change did not result in an enlargement of the original right.

The procedure set forth in Idaho Code § 42-1425(2)(a) states:

If an objection is filed to a claim for accomplished change of place of use, point of diversion, nature or purpose of use or period of use, the district court shall remand the water right to the Director for further hearing to determine whether the change injured a water right existing on the date of the change or constituted an enlargement of the original right.

In this action, objections have been filed to Pocatello's § 42-1425 claims that purport to comply with the provisions of Idaho Code § 42-1425(2)(a). Since those objections have been filed, the district court must remand the § 42-1425 claims to the Director for further hearing.

CONCLUSION

The Coalition agrees with Pocatello's assertion that its water rights transferred pursuant to the procedure set forth in Idaho Code § 42-222 cannot be collaterally attacked by IDWR in the

SRBA Court; IDWR should not look behind its transfer orders when making recommendations to the SRBA Court, except to the extent that Pocatello is requesting a change to those water rights.

There has not been a similar review of Pocatello's claimed § 42-1425 transfers. Once an objection is filed to a claim pursuant to Idaho Code § 42-1425(2)(a), the district court must remand the water right to the Director for further hearing. Objections having been filed, those water rights must be remanded as required by law.

DATED: May 25, 2006.

LING ROBINSON & WALKER

ARKOOSH LAW OFFICES CHTD.


Roger D. Ling

Attorneys for A & B Irrigation District
and Burley Irrigation District


C. Tom Arkoosh

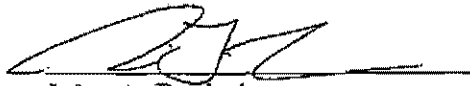
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JOINT RESPONSE TO CITY OF POCATELLO'S MOTION
FOR SUMMARY JUDGMENT

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of May, 2006, I served a true and correct copy of the foregoing **JOINT RESPONSE TO CITY OF POCATELLO'S MOTION FOR SUMMARY JUDGMENT** on the following by the method indicated:

1. Original to: Hand Delivery
- 2.

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to each attorney for the claimant at the following addresses: U.S. Mail

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3. Copies to: U.S. Mail

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

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

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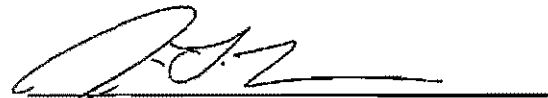

Travis L. Thompson

EXHIBIT A

Subcase Nos.:

- 29-00271
- 29-00272
- 29-00273
- 29-02274
- 29-02338
- 29-02354
- 29-02382
- 29-02401
- 29-02499
- 29-04221
- 29-04222
- 29-04223
- 29-04224
- 29-04225
- 29-04226
- 29-07106
- 29-07118
- 29-07119
- 29-07222
- 29-07322
- 29-07375
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- 29-07450
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- 29-13638
- 29-13639

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Attorneys for the United States

2006 JUN - 6 AM 10: 32
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA) Subcase Nos. 29-00271, et al. (see attached Exhibit A)
)
Case No. 39576) **JOINT MOTION TO ACCEPT STIPULATION**
) **AND AGREEMENT BETWEEN THE CITY OF**
) **POCATELLO AND THE UNITED STATES**
_____)

The City of Pocatello and the United States seek an order of this court accepting the attached *Stipulation and Agreement with the United States of America in Pocatello's SRBA Subcases 29-271 et seq.* (Stipulation). Pursuant to this Stipulation, the partial decrees in these sub-cases shall be entered in this matter consistent with the terms of the Stipulation. Until entry of partial decrees, the Court's order entering this Stipulation will confirm the dismissal of

Pocatello's separate streams and separate administration objections in these 38 subcases and the dismissal of all of the United States' responses previously filed on January 16, 2004 in these 38 subcases.

Respectfully submitted this 31st day of May, 2006.

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Attorneys for the City of Pocatello

By Josephine P. Beeman
Josephine P. Beeman

White & Jankowski, LLP
Attorneys for the City of Pocatello

By Josephine P. Beeman
(for) Sarah A. Klahn

UNITED STATES OF AMERICA

By Peter C. Monson
PETER C. MONSON
Assistant Chief, Indian Resources Section
Environmental and Natural Resources Div.
U.S. Department of Justice

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 5th day of ~~May~~ ^{June} 2006, I caused a true copy of the foregoing **JOINT MOTION TO ACCEPT STIPULATION AND AGREEMENT BETWEEN THE CITY OF POCA TELLO AND THE UNITED STATES** to be served on the following by U.S. First Class Mail:

| | |
|--|--|
| UNITED STATES OF AMERICA REPRESENTED BY: US DEPARTMENT OF JUSTICE ENVIRONMENT & NAT'L RESOURCES 550 WEST FORT STREET, MSC O33 BOISE, ID 83724 | C. TOM ARKOOSH ARKOOSH LAW OFFICES, CHTD. PO BOX 32 GOODING, IDAHO 83330 |
| STATE OF IDAHO REPRESENTED BY: NATURAL RESOURCES DIV CHIEF STATE OF IDAHO ATTORNEY GENERAL'S OFFICE PO BOX 44449 BOISE, ID 83711-4449 | W. KENT FLETCHER FLETCHER LAW OFFICE PO BOX 248 BURLEY, IDAHO 83318 |
| DIRECTOR OF IDWR PO BOX 83720 BOISE, ID 83720-0098 | ROGER D. LING LING ROBINSON & WALKER PO BOX 396 RUPERT, IDAHO 83350 |
| | JOHN A. ROSHOLT TRAVIS L. THOMPSON BARKER ROSHOLT & SIMPSON 113 MAIN AVE. WEST, SUITE 303 TWIN FALLS, IDAHO 83301-6167 |

Josephine P. Beeman

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EXHIBIT A

Subcase Numbers

29-00271
29-00272
29-00273
29-02274
29-02338
29-02354
29-02382
29-02401
29-02499
29-04221
29-04222
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June 6, 2006
jm

**STIPULATION AND AGREEMENT WITH THE UNITED STATES
OF AMERICA IN POCATELLO'S SRBA SUBCASES 29-271 *et seq.***

DISTRICT COURT - SRBA
TWIN FALLS
FILED
JUN 10 10:32 AM

WHEREAS, on November 19, 2003, the City of Pocatello filed Amended Objections to the IDWR recommendations for all of the City's 38 state-law based SRBA claims;

WHEREAS, on January 16, 2004, the United States of America filed Responses to each of Pocatello's Amended Objections; and

WHEREAS, the United States and the City of Pocatello desire to resolve their differences with regard to these 38 subcases by stipulation and agreement rather than litigation;

THE PARTIES DO HEREBY STIPULATE AND AGREE AS FOLLOWS:

1. Pocatello will file a Motion to Amend its Amended Objections. Said amendment will include a withdrawal of the City's claim for the following general provisions:

Separate Streams:

For purposes of water distribution in the Portneuf River drainage basin, water rights from the following sources to the extent recommended herein, are not considered junior to water rights from the Portneuf River, and will be administered separately from all other water rights in Basin 29:

- Mink Creek
- Gibson Jack Creek
- Ground water rights tributary to the Portneuf drainage

Separate Administration: All 38 of the City of Pocatello's Basin 29 state-law water rights, including water right no. and source, should be decreed with the following general provisions:

The following water rights from the following sources of water in Basin 29 shall be administered separately from all other water rights

in Basin 29 in accordance with the prior appropriation doctrine as established by Idaho law:

The following water rights from the following sources of water in Basin 29 shall be administered separately from all other water rights in Snake River Basin in accordance with the prior appropriation doctrine as established by Idaho law:

2. The United States originally had concerns about the Swan Falls general provision raised by Pocatello's Amended Objections. However, based on the SRBA court's August 23, 2004 order designating Basin Wide Issue # 91-13, the United States' concerns are expected to be addressed in proceedings related to that Basin-Wide Issue and not in these individual subcases.
3. In return for the City's withdrawal of these claims for separate streams and separate administration general provisions, the United States of America agrees to file a Motion to Withdraw its Responses and will withdraw from these subcases entirely and cease to participate.¹ However, the United States may participate in any issues that arise out of these subcases that are designated as basin-wide issues.
4. Each party will bear its own attorney fees and costs.

¹ For clarification purposes, the United States of America, on behalf of BLM, was at one time also an objector in 30 of these 38 subcases, but those objections were dismissed with prejudice in November 2004. (On November 13, 2003, the United States of America acting through the Department of Interior, Bureau of Land Management, Idaho State Office, filed objections to certain elements in the Director's Report for 31 of the City of Pocatello's 38 state-law based SRBA claims (BLM Objections). The City of Pocatello and the United States of America filed on November 18, 2004 a Joint Motion to Dismiss Objections, seeking to dismiss with prejudice the BLM Objections. On November 22, 2004, Special Master Bilyeu issued an order granting the Joint Motion to Dismiss Objections. The 30 subcases were: 29-00271, 29-00272, 29-00273, 29-02274, 29-02338, 29-02382, 29-02401, 29-02499, 29-04221, 29-04222, 29-04223, 29-04224, 29-04225, 29-04226, 29-07106, 29-07322, 29-07375, 29-07450, 29-07782, 29-11339, 29-11344, 29-11348, 29-13558, 29-13559, 29-13560, 29-13561, 29-13562, 29-13637, 29-13638 and 29-13639.

CITY OF POCATELLO

Dated: April 21, 2006

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CITY OF POCATELLO

Dated: April 21, 2006

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UNITED STATES OF AMERICA

Dated: April 24, 2006

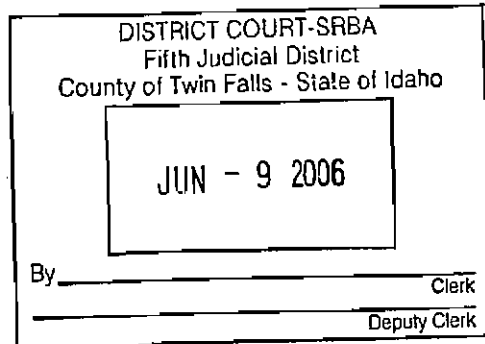
By Peter C. Monson
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Attorneys for City of Pocatello



**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA)
)
)
Case No. 39576)
_____)
Subcase Nos. 29-00271, et al. (see attached Exhibit A)
CITY OF POCATELLO'S REPLY BRIEF IN
SUPPORT OF MOTION FOR SUMMARY
JUDGMENT ON IDWR'S AUTHORITY UNDER
I.C. § 42-1425

Pocatello's Motion for Summary Judgment (Motion) sought a ruling that the following condition, imposed by the Idaho Department of Water Resources (IDWR or Department) on claims the City made for "accomplished transfers" under Idaho Code § 42-1425 in certain of these subcases,¹ was improper as a matter of law:

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, water was first appropriated at or used from:***

¹ See Exhibit F (first page), IDWR's 706 Report, April 13, 2006.

IDWR 706 Report, April 13, 2006 (filed in these subcases), at 16. For convenience, this condition is referred to herein as the “Condition.”²

Pocatello’s Brief in Support of Motion for Summary Judgment argued that the Condition was improper first, because the Department has failed to hold a hearing on the accomplished transfer claims, as required by § 42-1425(2)(a), and second, because § 42-1425 provides no legal basis for IDWR or its Director to impose conditions on formal transfers approved under Idaho Code § 42-222. Response Briefs were filed by the Surface Water Coalition (Coalition)³ and the State of Idaho (State).

In response to the Coalition’s and State’s briefs and in support of Pocatello’s Motion, this brief first considers the language of § 42-1425 and the authority it confers on the Director to act outside the language of the statute, specifically whether it allows the Director to disregard due process guarantees provided by the legislature to water rights holders. We then consider the changes in practice of the Department in light of these statutory requirements. Finally, we consider the interface between §§ 42-1425 and 42-222 and conclude that § 42-1425 does not provide the Department with authority to re-open § 42-222 transferred water rights.

Pocatello respectfully requests that its Motion be granted. An order is attached for the convenience of the Court.

² An earlier version of this Condition was imposed by the Department’s Recommendations relating to Pocatello’s claims under section 42-1425. *See* 706 Report at 14-15.

³ The members of the Surface Water Coalition are: A&B Irrigation District, American Falls Reservoir District #2, Burley Irrigation District, Milner Irrigation District, Minidoka Irrigation District, North Side Canal Company, and Twin Falls Canal Company.

I. THE PLAIN LANGUAGE OF IDAHO CODE § 42-1425 REQUIRES A HEARING UPON THE FILING OF AN OBJECTION TO AN ACCOMPLISHED TRANSFER AND LIMITS THE CONTENT OF THAT HEARING TO QUESTIONS OF INJURY OR ENLARGEMENT AT THE TIME THE TRANSFER WAS MADE.

- A. In electing to provide amnesty for accomplished transfers under certain factual conditions, the Legislature limited the Director's authority to condition water rights and made the general authorities provided under § 42-1411 inapplicable to claims made under § 42-1425.**

The State has ably described the circumstances under which § 42-1425 was adopted by the legislature: in the wake of a finding by the SRBA court that previously adopted amnesty statutes were unconstitutional. State's Response Brief, at 3. The State goes on to properly recite the operative provisions of § 42-1425(2)(a),⁴ but then argues that the Director may condition accomplished transfers under § 42-1411, apparently even if the provisions of amnesty established by the legislature under § 42-1425(2) are met and without the hearing required by § 42-1425(2)(a). The State cites no textual basis for this argument under § 42-1425, but refers instead to another statute entirely, § 42-1411, which it says describes authority of the Director to impose conditions on "any decree, license, or approved transfer application." *Id.* at 4.

The State's reliance on § 42-1411 does not withstand analysis. By its terms, Pocatello's claims under § 42-1425 are not "decrees, licenses, or approved transfer applications," but instead are informal transfers made outside of the formal transfer process. If the legislature had intended for the Director to have the same broad authority to condition accomplished transfers, it would not have adopted the amnesty statute under § 42-1425 which, by its terms, limits the discretion of the Director to condition accomplished transfers. Although licensed, the wells Pocatello claims under § 42-1425 do not reflect the changes in point of diversion made informally prior to

⁴ First, that the change made was prior to November 19, 1987; second, that no other water rights existing on the date of the change were injured; and three, that the change did not result in an enlargement of the original right. See Pocatello's Opening Brief at page 4-5 for the actual statutory language of 42-1425(2).

November 19, 1987.⁵ To treat them as any other licensed rights, and ignore the effect of § 42-1425 to provide “amnesty” to what otherwise would have been informal and unapproved transfers, frustrates the purpose of the accomplished transfer statutes.

Furthermore, nowhere in the language of § 42-1411 is there mention of the Director’s authority to condition amnesty rights under § 42-1425. This absence isn’t surprising: § 42-1425 establishes specific limitations on the Department’s ability to approve, deny, or condition accomplished transfers. In other words, § 42-1425 is a specific statute vis-à-vis the broad authority provided to the Director under § 42-1411. Under rules of statutory construction, specific statutes control over general statutes. *See City of Sandpoint v. Sandpoint Indep. Highway Dist.*, 126 Idaho 145, 149, 879 P.2d 1078, 1082 (1994) (stating that when there are specific statutes addressing an issue, those statutes control over more general statutes); *Christensen v. West*, 92 Idaho 87, 437 P.2d 359 (1968). *See also Nampa Charter School, Inc. v. DeLaPaz*, 140 Idaho 23, 28, 89 P.3d 863, 868 (2004).

B. The State’s position on the authority of the Director to impose conditions is inconsistent with the prior activities of the Department in recommending water rights for other cities in the SRBA.

The State makes a legal argument, discussed below, that the Director has authority to condition water rights claimed under § 42-1425. However, it is useful to look at the history of the Department’s understanding of a party’s ability to perfect accomplished transfers in the SRBA. Until it recommended Pocatello’s claims in the SRBA, the Department had *never before* imposed conditions on accomplished transfers claimed by other cities in the SRBA.⁶ The

⁵ With the exception of 13 points of diversion formally transferred under 42-222. *See Exhibit 1, Affidavit of Josephine P. Beeman submitted on May 4, 2006 with Pocatello’s Motion for Summary Judgment and Brief in Support of Motion for Summary Judgment.*

⁶ Prior to the Director’s Report for Basin 29, IDWR routinely recommended to the SRBA Court entry of partial decrees for claimants for alternate points of diversion for multiple water rights without the condition that is recommended for Pocatello’s wells. *See City of Aberdeen*, 35-04070, 35-04071, 35-07808; *Lamb Weston Inc*, 35-

Department's practice regarding conditioning accomplished transfers is not driven by changes in statutory language or legislative intent. There have been no changes to the accomplished transfer statute, § 42-1425, since its adoption in 1994.

Perhaps as troubling as the change in Department practice regarding conditioning of accomplished transfers, is the apparent reliance of the IDWR on its Transfer Processing Memo No. 24 (Transfer Guidelines). *See* IDWR 706 Report, April 13, 2006 (filed in these subcases), at 15. The Transfer Guidelines are a guidance document, unadopted pursuant to the Idaho APA, that the Department has used since October 2002 to make determinations on applications for formal transfers under Idaho Code § 42-222. To the extent that has informed the Department's change in practice regarding conditioning of accomplished transfers, there is no basis for the Court to grant any deference to the agency. In addition to being unadopted guidance documents, the Transfer Guidelines are—by their terms—devoted to determinations regarding *formal transfers*, and unrelated to accomplished transfers.

IDWR's change in its approach to accomplished transfers, as well as its apparent reliance on an unadopted guidance document used for formal transfers under § 42-222 demonstrates an erosion in the Department's understanding of legislative intent in granting amnesty to accomplished transfers, and an unsupportable change in its views about agency discretion over these matters. In addition to evaluating the legal arguments in this briefing, the Court should consider these changes in Department practice which, as discussed in Pocatello's opening brief and below, are without statutory basis.

02603, 35-04127, 35-12670; City of Hazelton, 36-02282, 36-04250, 36-07858; City of Jerome, 36-02518, 36-04195, 36-04196, 36-08237, 36-15361; City of Rupert, 36-04075, 36-07115, 36-07656, 36-07862, 36-07863, 36-15488, 36-15489; City of Burley, 36-02648A, 36-02729, 36-08154.

C. Section 42-1425(2)(a) grants Pocatello the right to a hearing and the Director has no authority, under any statute, to deny Pocatello due process.

Section 42-1425(2)(a) is unambiguous. If an objection is filed to a claim for accomplished transfer, the Director must seek remand from the SRBA Court, and the Court “shall remand” to hold a hearing on the objection to “determine whether the change injured a water right existing on the date of the change or constituted an enlargement of the original right.” Idaho Code § 42-1425(2)(a).⁷ The State’s brief neither mentions the due process requirements imposed on the Department by § 42-1425(2)(a) nor explains how the Director, whatever his discretion, can bypass such constitutional guarantees.

In Pocatello’s subcases, the only objection filed to the City’s § 42-1425 claims was Pocatello’s. Pocatello objected to the Director’s imposition of conditions on its claims for § 42-1425 accomplished transfers; however, Pocatello did not object that the transfer should be denied because of injury at the time the transfer occurred, or because of enlargement of use, the two limited areas of inquiry allowed under § 42-1425. To date, neither the Director nor any party has provided evidence of injury or enlargement of use. The 706 Report described the purpose of the conditions imposed on Pocatello’s accomplished transfers as intended “to prevent injury that could result from allowing this practice [of operating the wells as accomplished transfers]”.⁸ Providing no opportunity for hearing on the inquiries allowed under the statute is a denial of due process to Pocatello.

In its response brief, the Coalition agreed that § 42-1425 requires a hearing if an objection is filed to an accomplished transfer. The Court should remand the City’s claims under

⁷ “If an objection is filed to a claim for accomplished change of place of use, point of diversion, nature or purpose of use or period of use, the district court shall remand the water right to the Director for further hearing to determine whether the change injured a water right existing on the date of the change or constituted an enlargement of the original right.” I.C. § 42-1425(2)(a).

⁸ 706 Report, at 15.

§ 42-1425 to the Director for a hearing or should hold a hearing itself. The Court should also determine, based on the language of the statute, what content may be included in such a hearing. May the Department or its proxies assert future injury from the operation of accomplished transfers, even though § 42-1425 by its terms limits the injury inquiry to that “existing on the date of the transfer”?

II. IDAHO CODE § 42-222 DOES NOT AUTHORIZE THE COLLATERAL ATTACK ON FORMALLY TRANSFERRED WATER RIGHTS.

In 1999, Pocatello formally changed three water rights pursuant to § 42-222. Those rights are the subject of claims in SRBA subcases 29-2274, 29-2338, and 29-7375. *See* Exhibit 1, May 4, 2006 Affidavit of Josephine P. Beeman. The Department’s approved transfer of these three water rights in 1999 lists the same thirteen (13) wells as authorized points of diversion for each right; eight (8) of these points of diversion were also claimed, under § 42-1425, as common points of diversion pre-dating November 1987 for an additional eighteen (18) of the City’s SRBA claims. *See* Exhibit F (first page), 706 Report. These eight (8) points of diversion may lawfully operate as alternate points of diversion, based on the Department’s 1999 Order in Transfer No. 5452 (absent any clerical errors in legal description or later-capped wells). Exhibit 1, May 4, 2006 Affidavit of Josephine P. Beeman. However, when these eight (8) points of diversion, already formally approved in 1999 under Transfer No. 5452, were also claimed as alternate points of diversion pre-dating November 1987, the Department recommended each of the 18 affected SRBA claims with the Condition. *See* Exhibit F (first page), 706 Report.

Pocatello argued in its opening brief that whatever the Department’s authority to condition accomplished transfers, it had no authority to condition rights formally transferred pursuant to § 42-222. The Coalition, for its part, agrees with Pocatello that Transfer No. 5452 cannot be collaterally attacked by IDWR in this proceeding. The Coalition continues, and

Pocatello agrees, that IDWR may be able to impose conditions on § 42-222 transferred points of diversion to the extent they are accomplished transfers for other water rights not listed among the three water rights in Transfer No. 5452. However, like other claims under § 42-1425 to which objections have been filed, such conditions can be imposed *only after a hearing*.

The State does not respond to this argument. *See* State of Idaho's Response Brief at 5. Instead, the State attaches Recommendations for the three water rights subject to Transfer No. 5452 in which the Department did *not* impose the Condition. This does not explain the Department's apparent inconsistency in not imposing the Condition on thirteen (13) points of diversion for rights transferred in 1999 under § 42-222 and then imposing the Condition on eight (8) of those same points of diversion when they are claimed as accomplished transfers, pre-dating November 1987, for 18 water rights under the amnesty provisions of § 42-1425. It is undisputed that the Condition was imposed on the eighteen (18) rights without a hearing.

WHEREFORE, Pocatello respectfully requests this Court to grant its Motion for Summary Judgment filed in this matter.

Dated this 9th day of June 2006.

BEEMAN & ASSOCIATES, P.C.
Attorneys for the City of Pocatello

By Josephine P. Beeman
Josephine P. Beeman

WHITE & JANKOWSKI, L.L.P.
Attorneys for the City of Pocatello

By Josephine P. Beeman
(for) Sarah A. Klahn

2526

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 9th day of June 2006, I caused a true copy of the foregoing **CITY OF POCA TELLO'S REPLY BRIEF IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT ON IDWR'S AUTHORITY UNDER I.C. § 42-1425** to be served on the following by U.S. First Class Mail unless indicated as faxed or hand delivered:

| | |
|--|--|
| UNITED STATES OF AMERICA REPRESENTED BY: US DEPARTMENT OF JUSTICE ENVIRONMENT & NAT'L RESOURCES 550 WEST FORT STREET, MSC O33 BOISE, ID 83724 | C. TOM ARKOOSH ARKOOSH LAW OFFICES, CHTD. PO BOX 32 GOODING, IDAHO 83330 |
| STATE OF IDAHO REPRESENTED BY: NATURAL RESOURCES DIV CHIEF STATE OF IDAHO ATTORNEY GENERAL'S OFFICE PO BOX 44449 BOISE, ID 83711-4449 | W. KENT FLETCHER FLETCHER LAW OFFICE PO BOX 248 BURLEY, IDAHO 83318 |
| DIRECTOR OF IDWR PO BOX 83720 BOISE, ID 83720-0098 | ROGER D. LING LING ROBINSON & WALKER PO BOX 396 RUPERT, IDAHO 83350 |
| | JOHN A. ROSHOLT TRAVIS L. THOMPSON BARKER ROSHOLT & SIMPSON 113 MAIN AVE. WEST, SUITE 303 TWIN FALLS, IDAHO 83301-6167 |

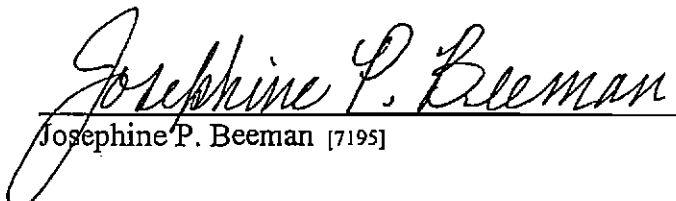

Josephine P. Beeman [7195]

EXHIBIT A

Subcase Numbers

29-00271
29-00272
29-00273
29-02274
29-02338
29-02354
29-02382
29-02401
29-02499
29-04221
29-04222
29-04223
29-04224
29-04225
29-04226
29-07106
29-07118
29-07119
29-07222
29-07322
29-07375
29-07431
29-07450
29-07502
29-07770
29-07782
29-11339
29-11344
29-11348
29-13558
29-13559
29-13560
29-13561
29-13562
29-13636
29-13637
29-13638
29-13639

District, A & B Irrigation District, Burley Irrigation District, Minidoka Irrigation District and the State Of Idaho agreed to strike their *Responses* as to Pocatello's general provision issue.

THEREFORE, IT IS ORDERED

- 1) That the portion of Pocatello's *Objections* as to general provisions on separate streams and separate administration are stricken and **dismissed with prejudice.**
- 2) That the portion of the United States' *Responses* to Pocatello's *Objections* to general provisions, on separate streams and separate administration are stricken and **dismissed with prejudice.**
- 3) That the United States shall remain a party to these subcases for the limited purpose of monitoring and participating in any litigation, Basin-Wide Issues, or other resolution of general provisions relating to the Swan Falls agreement.
- 4) That the portion of *Responses* to Pocatello's *Objection* on separate streams and separate administration filed by American Falls Reservoir Dist. #2 , Twin Falls Canal Company, North Side Canal Company, Milner Irrigation District, A & B Irrigation District, Burley Irrigation District, Minidoka Irrigation District and the State of Idaho as they relate to Pocatello's request on general provisions for separate streams and separate administration, are stricken and **dismissed with prejudice.**

Dated: July 14, 2006



BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

EXHIBIT A CITY OF POCATELLO

Subcase Nos:

29-00271
29-00272
29-00273
29-02274
29-02338
29-02354
29-02382
29-02401
29-02499
29-04221
29-04222
29-04223
29-04224
29-04225
29-04226
29-07106
29-07118
29-07119
29-07222
29-07322
29-07375
29-07431
29-07450
29-07502
29-07770
29-07782
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29-11344
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29-13558
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29-13560
29-13561
29-13562
29-13636
29-13637
29-13638
29-13639

(Subcase list: BEEMANGP)
7/14/06

2531

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER DISMISSING PORTIONS OF OBJECTIONS AND RESPONSES WITH PREJUDICE was mailed on July 14, 2006, with sufficient first-class postage to the following:

AMERICAN FALLS RESERVOIR

Represented by:
C. THOMAS ARKOOSH
301 MAIN STREET
PO BOX 32
GOODING, ID 83330
Phone: 208-934-8872

AMERICAN FALLS RESERVOIR

Represented by:
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Phone: 208-934-8872

CITY OF POCATELLO

Represented by:
JOSEPHINE P. BEEMAN
409 WEST JEFFERSON STREET
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STATE OF IDAHO

Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

A & B IRRIGATION DISTRICT
BURLEY IRRIGATION DISTRICT

Represented by:
ROGER D LING
615 H ST
PO BOX 396
RUPERT, ID 83350-0396
Phone: 208-436-4717

CITY OF POCATELLO

Represented by:
SARAH A KLAHN
WHITE & JANKOWSKI LLP
KITTREDGE BUILDING
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DENVER, CO 80202
Phone: 303-595-9441

MILNER IRRIGATION DISTRICT
NORTH SIDE CANAL COMPANY
TWIN FALLS CANAL COMPANY

Represented by:
TRAVIS L THOMPSON
113 MAIN AVE W, STE 303
TWIN FALLS, ID 83301-6167
Phone: 208-733-0700

UNITED STATE OF AMERICA
UNITED STATES OF AMERICA

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

MINIDOKA IRRIGATION DISTRICT

Represented by:
W. KENT FLETCHER
PO BOX 248
BURLEY, ID 83318
Phone: 208-678-3250

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

UNITED STATES OF AMERICA
US DEPT OF JUSTICE, ENRD
550 W FORT ST MSC 033
BOISE, ID 83724

7/16 AUG 18 PM 4:38

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

| | | |
|----------------|---|--------------------------------|
| In Re SRBA |) | Subcase 29-271 (See Exhibit A) |
| |) | |
| |) | ORDER ON SUMMARY JUDGMENT |
| Case No. 39576 |) | |
| _____ |) | |

I. PROCEDURAL BACKGROUND

The above subcases were claimed in the SRBA by the City of Pocatello (hereafter "Pocatello") under a state basis. (Pocatello claimed the same water use under its federal theory under subcase number 29-11609.) *Director's Reports* were issued by the Idaho Department of Water Resources (hereafter "IDWR") on the state-based claims. Pocatello filed *Objections* to the *Director's Reports* because it disagreed with conditions placed on the "other provisions necessary" element. The condition states:

To the extent necessary for administration, water was first appropriated or used from: Pocatello Well No. ____, located in [legal description] on [date] in the amount of _____ cfs.

Pocatello filed *City of Pocatello's Motion for Summary Judgment on IDWR's Authority Under I.C. § 42-1425* (hereafter "*Summary Judgment Motion*") on May 4, 2006. The *Summary Judgment Motion* argues that the condition is improper as a matter of law. First, Pocatello asserts that formal transfer No. 5452 was approved pursuant to I.C. § 42-222 without a condition. Thus, any conditions added in a *Director's Report* are impermissible collateral attacks on the administrative decision.

Second, Pocatello asserts the "accomplished transfer" statute, I.C. § 42-1425, allows for changes in water rights and that these "accomplished transfers" claims should be recognized without any conditions.

The State of Idaho opposed the *Summary Judgment Motion*. A & B Irrigation District, Burley Irrigation District, Milner Irrigation District, North Side Canal Company, Twin Falls Canal Company, Americans Falls Reservoir District #2, and the Minidoka Irrigation District filed a *Joint Response to City of Pocatello's Motion for Summary Judgment* generally supporting the *Summary Judgment Motion*. A hearing on the *Summary Judgment Motion* was held on July 12, 2006.

II. STANDARD OF REVIEW

Idaho Rule of Civil Procedure 56(c) provides for summary judgment where there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law. Courts look to “the pleadings, depositions, and admissions on file, together with the affidavits, if any,” to determine whether the moving party is entitled to summary judgment. I.R.C.P. 56(c). The facts are usually liberally construed in favor of the nonmoving party who is to be given the benefit of all favorable inferences which might reasonably be drawn from the evidence. *G & M Farms v. Funk Irrigation Co.*, 119 Idaho 514, 808 P.2d 851 (1991). The burden of proving the absence of genuine issues of material fact rests on the moving party. *Petricevich v. Salmon River Canal Co.*, 92 Idaho 865, 425 P.2d 362 (1969).

III. FACTS

The following facts are not in dispute.

1. IDWR issued Transfer No. 5452 to Pocatello on June 28, 1999. (Attached hereto as Exhibit 1)
2. Transfer No. 5452 refers to water right nos. 29-02274, 29-02338, and 29-07375 as those subject to the transfer.
3. Transfer No. 5452 did not include the condition at issue under the “Conditions of Approval and Remarks” section.
4. The *Director's Reports* for claims 29-02274, 29-02338, and 29-07375 did not add any conditions. (Attached hereto as Exhibit 2)
5. Other state-based claims filed by Pocatello assert transfers under the “accomplished transfer” statute, I.C. § 42-1425.
6. The *Director's Reports* for some of these “accomplished transfer” claims include a condition under the “other provisions necessary” element which states:

To the extent necessary for administration, water was first appropriated or used from: Pocatello Well No ____, located in [legal description] on [date] in the amount of ____ cfs.

7. IDWR filed a *706 Report* relating to Pocatello's claims. In the *706 Report*, a similar condition is recommended:

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, water was first appropriated at or used from: ____

8. These subcases were not "remanded" to IDWR.

IV. ANALYSIS

A. Transfer No. 5452

Pocatello argues that IDWR may not add a condition to a transferred water right if the transfer was approved without the condition pursuant to I.C. § 42-222. It is undisputed that in 1999, Pocatello transferred the water rights relating to 29-2274, 29-2338, and 29-7375. IDWR approved the transfer without adding the condition.

Pocatello points out that adding a material change to a water right subject to a formal transfer decision is an impermissible collateral attack on an administrative decision. The SRBA Court generally disfavors such collateral attacks. *Order on Challenge (Consolidated Issues) of "Facility Volume" Issue and "Additional Evidence" issue*, subcases 36-02708 *et al.* (December 29, 1999) However, IDWR did not include the condition in the recommendations for the three enumerated water rights 29-2274, 29-2338, or 29-7375.

At oral argument, Pocatello argued that the condition was included in other subcases which relate to Transfer No. 5452. Unfortunately neither Pocatello nor the other parties could identify the subcases to which this argument applies. It is inappropriate for the court to grant summary judgment regarding unidentified subcases.

B. Idaho Code § 42-1425

Pocatello has multiple state-based claims that rely on the accomplished transfer statute. Idaho Code § 42-1425 was enacted to address changes in established water rights that were made in violation of Idaho's mandatory transfer procedures. The statute sets forth:

Any change of place of use, point of diversion, nature or purpose of use or period of use of a water right by any person entitled to use of water or owning any land to which water has been made appurtenant either by decree of the court or under the provisions of the constitution and statutes of this state, prior to November 19,

1987, the date of commencement of the Snake River basin adjudication, may be claimed in a general adjudication even though the person has not complied with sections 42-108 and 42-222, Idaho Code, provided no other water rights existing on the date of the change were injured and the change did not result in an enlargement of the original right.

I.C. § 42-1425(2).

The statute allows SRBA claimants to assert water rights with changes to the elements if three components exist:

1. The change was made before November 19, 1987;
2. No other water rights existing on the date of the change were injured; and
3. The change did not result in an enlargement of the right.

The statute establishes a procedure for evaluating claims based on an accomplished transfer.

If an objection is filed to a claim for accomplished change of place of use, point of diversion, nature or purpose of use or period of use, the district court shall remand the water right to the director for further hearing to determine whether the change injured a water right existing on the date of the change or constituted an enlargement of the original right. After a hearing, the director shall submit a supplemental report to the district court setting forth his findings and conclusions. If the claimant or any person who filed an objection to the accomplished transfer is aggrieved by the director's determination, they may seek review before the district court. If the change is disallowed, the claimant shall be entitled to resume use of the original water right, provided such resumption of use will not cause injury or can be mitigated to prevent injury to existing water rights.

I.C. § 42-1425(2)(a). (Emphasis added.)

1. Legality of the Condition

Pocatello argues that the condition placed on its accomplished transfer is improper. Pocatello's argument is twofold. First, Pocatello argues that the condition is improper because these subcases were not "remanded" to IDWR as set forth in I.C. § 42-1425(2)(a).

Second, Pocatello argues that the condition is improper as a matter of law because it seeks to prevent **potential** injury rather than actual injury. Pocatello bases this argument on language from the *706 Report* which states that the condition was recommended "to prevent injury that **could result** from allowing this practice." *706 Report* at 15.

Pocatello asserts that its accomplished transfers did not injure water rights existing on the date of the change. IDWR concluded that water rights existing on the date of the changes were injured by the change and added the condition. *706 Report* at 15.

Pocatello reads the *706 Report* language as improperly looking at prospective, not actual injury. However, construing the language in favor of the non moving party shows that it addresses actual injury. The injury IDWR discusses is to the priority of rights on a given source. Injury to a water right would occur when another right takes precedence. For example, if a change in the point of diversion of Pocatello's wells allows a portion of its water rights to be delivered before existing water rights, those existing water rights are injured. Depending on conditions such as precipitation and weather, the damages may not appear immediately. Immediate injury to priority resulting in future damages appears to be just what IDWR was trying to prevent with the condition. The *706 Report* raises genuine issues of material fact on the injury issue. Therefore, this Special Master declines to strike the conditions under the summary judgment standard.

2. Remand Provision

Idaho Code § 42-1425 requires that the district court "shall remand the water right to the director for further hearing" if an objection is filed to a claim asserting an accomplished transfer.

Pocatello objected to the *Director's Report* because it disagreed with the conditions. Thus it would appear that the statutory directive of a remand has been met.

It is interesting to note that parties to the SRBA have not previously requested a formal "remand" to IDWR because IDWR regularly receives additional information from parties during the litigation process and supplements or amends its recommendations when necessary. Parties may provide additional information to IDWR, and IDWR may consider that information without a formal remand.

However duplicative a formal remand may be, it is provided for when an objection is filed relating to I.C. § 42-1425. Here, an objection was filed that relates to the accomplished transfer portion of the claim. To the extent Pocatello seeks a formal remand to IDWR, the motion is granted. These subcases are "remanded" to IDWR, with the Special Master retaining concurrent jurisdiction. The remand will consist of additional information or evidence being presented to IDWR. After IDWR considers the additional information, its conclusions may be reported in an *Amended Director's Report* or a *Supplemental 706 Report*. The *Amended*

Director's Report or *Supplemental 706 Report* should contain explanatory material stating the basis for its recommendation and should address injury to existing water rights. To be clear, the remand is not intended to be a separate administrative transfer proceeding, but is to be part of the record for this case.

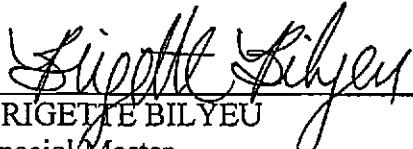
V. CONCLUSION

The *Motion for Summary Judgment* is denied in part and granted in part. There are no facts of record showing that IDWR added conditions to the subcases identified in Transfer No. 5452. If other subcases relating to Transfer No. 5452 are identified at trial, the court may consider facts and argument relating to transfer No. 5452 at that time. However, there are insufficient facts of record supporting a summary judgment ruling relating to Transfer No. 5452.

The facts of record regarding Pocatello's claimed accomplished transfers indicate that IDWR considered the injury question which is part of the inquiry under I.C. § 42-1425. IDWR apparently recommended conditions to prevent injury to existing water rights. No facts of record or legal arguments presented here support a finding that the condition is improper as a matter of law. Whether IDWR's conclusion on injury is correct is a matter for trial.

Finally, I.C. § 42-1425 provides for a remand to IDWR if an objection is filed "to a claim for accomplished change" Pocatello's objections dispute the conditions recommended by IDWR. Therefore, the objections appear to come within the statutory language "an objection . . . filed to a claim for accomplished change." Therefore, these subcases are "remanded" to IDWR for the purpose of allowing Pocatello to present additional evidence and information regarding the condition. The Special Master retains concurrent jurisdiction. All information must be presented to IDWR on or before August 31, 2006. IDWR should report its additional conclusions in a *Supplemental 706 Report*. The *Supplemental 706 Report* is due September 7, 2007.

DATED: August 18, 2006.


BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

2538

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5452
WATER RIGHT NO(S). 29-02274/29-02338/29-07375

This is to certify that: CITY OF POCATELLO
PO BOX 4169
POCATELLO ID 83205

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> |
|---|----------------------|-----------------------|
| Right No. 29-02274 : MUNICIPAL Priority: 06/15/1948 | 01/01 to 12/31 | 21.00 CFS |
| Right No. 29-02338 : MUNICIPAL Priority: 09/01/1953 | 01/01 to 12/31 | 14.76 CFS |
| Right No. 29-07375 : MUNICIPAL Priority: 02/24/1977 | 01/01 to 12/31 | 3.34 CFS |
| TOTAL: | | * 39.10 CFS |

SOURCE
GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

- NESE , Sec. 10, Township 06S, Range 33E
BANNOCK County
- NESE , Sec. 12, Township 06S, Range 33E
POWER County
- SWNE , Sec. 15, Township 06S, Range 33E
- NWSW , Sec. 15, Township 06S, Range 34E
- NENW , Sec. 26, Township 06S, Range 34E
- NWSE , Sec. 27, Township 06S, Range 34E
- SENE , Sec. 35, Township 06S, Range 34E
- SENE , Sec. 35, Township 06S, Range 34E
- SENE , Sec. 35, Township 06S, Range 34E
- SESE , Sec. 1, Township 07S, Range 34E
- SWSW , Sec. 16, Township 07S, Range 35E
BANNOCK County

SCANNED
APR 30 2001

MICROFILMED
AUG 09 1999

TRANSFER NO. 5452
WATER RIGHT NO(S). 29-02274/29-02338/29-07375

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
6. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- * 8. The total instantaneous diversion of water from all points of diversion under Transfer 5452 shall not exceed 39.10 cfs.
9. The well(s) previously used under these rights shall be abandoned in a manner which complies with Department well abandonment rules.
10. Place of use is located within the City of Pocatello and the surrounding service area.
11. Two (2) points of diversion are located within SENE, and three (3) points of diversion are located within NWSE, of S35, T06S, R34E.

Dated this 28th day of June, 19 99


Chief, Water Allocation Bureau

MICROFILMED

AUG 09 1999 2540

EXHIBIT 2

07/10/2003

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-2274
NAME AND ADDRESS: CITY OF POCA TELLO
PO BOX 4169
POCA TELLO ID 83205

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 9.690 CFS

PRIORITY DATE: 06/15/1948

POINT OF DIVERSION:
T06S R33E S10 NESE Within POWER County
T06S R33E S12 NESE Within POWER County
T06S R33E S15 SWNE Within POWER County
T06S R34E S15 NWSW Within BANNOCK County
T06S R34E S26 NENW Within BANNOCK County
T06S R34E S27 NWSE Within BANNOCK County
T06S R34E S35 SENE Within BANNOCK County
T06S R34E S35 SENE Within BANNOCK County
T06S R34E S35 NWSE Within BANNOCK County
T06S R34E S35 NWSE Within BANNOCK County
T06S R34E S35 NWSE Within BANNOCK County
T07S R34E S1 SESE Within BANNOCK County
T07S R35E S16 SWSW Within BANNOCK County

| | | | |
|----------------------------|-----------------------|----------------------|-----------------|
| PURPOSE AND PERIOD OF USE: | <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
| | MUNICIPAL | 01/01 12/31 | 9.690 CFS |

PLACE OF USE:

07/10/2003

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

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

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(5), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

2542

07/10/2003

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-2338

NAME AND ADDRESS: CITY OF POCATELLO
PO BOX 4169
POCATELLO ID 83205

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 9.530 CFS

PRIORITY DATE: 09/01/1953

POINT OF
DIVERSION:

T06S R33E S10 NESE Within POWER County
T06S R33E S12 NESE Within POWER County
T06S R33E S15 SWNE Within POWER County
T06S R34E S15 NWSW Within BANNOCK County
T06S R34E S26 NENW Within BANNOCK County
T06S R34E S27 NWSE Within BANNOCK County
T06S R34E S35 SENE Within BANNOCK County
T06S R34E S35 SENE Within BANNOCK County
T06S R34E S35 NWSE Within BANNOCK County
T06S R34E S35 NWSE Within BANNOCK County
T06S R34E S35 NWSE Within BANNOCK County
T07S R34E S1 SESE Within BANNOCK County
T07S R35E S16 SWSW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| MUNICIPAL | 01/01 12/31 | 9.530 CFS |

PLACE OF USE:

2543

07/10/2003

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

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

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

2544

07/10/2003

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-2499
NAME AND ADDRESS: CITY OF POCATELLO
PO BOX 4169
POCATELLO ID 83205

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 4.100 CFS

PRIORITY DATE: 12/10/1964

POINT OF DIVERSION:
T06S R34E S14 NWNW Within BANNOCK County
T06S R34E S15 NWNE Within BANNOCK County
T06S R34E S15 NENW Within BANNOCK County
T06S R34E S15 NESE Within BANNOCK County
T06S R34E S15 NESE Within BANNOCK County
T06S R34E S16 NENE Within BANNOCK County
T06S R34E S23 NWNE Within BANNOCK County
T06S R34E S23 SWNE Within BANNOCK County
T06S R34E S23 SENW Within BANNOCK County
T06S R34E S23 NESW Within BANNOCK County
T06S R34E S26 NENW Within BANNOCK County
T06S R34E S26 SWSE Within BANNOCK County
T06S R34E S35 NWNE Within BANNOCK County
T06S R34E S35 SENE Within BANNOCK County
T06S R34E S35 NWSE Within BANNOCK County
T07S R34E S1 NWNE Lot 2 Within BANNOCK County
T07S R34E S1 SWNE Within BANNOCK County
T07S R34E S1 NESE Within BANNOCK County
T07S R34E S1 SESE Within BANNOCK County
T07S R35E S6 NWSE Within BANNOCK County
T07S R35E S7 NESW Within BANNOCK County
T07S R35E S18 SENE Within BANNOCK County

PURPOSE AND PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| MUNICIPAL | 01/01 12/31 | 4.100 CFS |

PLACE OF USE:

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

2545

07/10/2003

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

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

To the extent necessary for administration, water was first appropriated or used from:

Pocatello Well No. 2 located in T07S, R34E, S01, NWNE, on 12/31/1926 in the amount of 3.12 cfs.
Pocatello Well No. 3 located in T07S, R34E, S01, SWNE, on 12/31/1926 in the amount of 4.23 cfs.
Pocatello Well No. 7 located in T06S, R34E, S35, NWNE, on 12/31/1940 in the amount of 4.46 cfs.
Pocatello Well No. 10 located in T06S, R34E, S26, NENW, on 6/15/1948 in the amount of 5.35 cfs.
Pocatello Well No. 12 located in T06S, R34E, S35, SENE, on 9/1/1953 in the amount of 6.20 cfs.
Pocatello Well No. 13 located in T07S, R34E, S01, SESE, on 9/1/1953 in the amount of 2.22 cfs, and on 10/16/1958 for an additional amount of 0.89 cfs.
Pocatello Well No. 14 located in T07S, R35E, S07, NESW, on 12/31/1955 in the amount of 0.22 cfs.
Pocatello Well No. 15 located in T07S, R35E, S06, NWSE, on 9/1/1953 in the amount of 1.11 cfs, and on 2/24/1977 for an additional amount of 2.23 cfs.
Pocatello Well No. 16 located in T06S, R34E, S26, SWSE, on 10/16/1958 in the amount of 6.67 cfs.
Pocatello Well No. 18 located in T06S, R34E, S15, NENW, on 10/16/1958 in the amount of 4.66 cfs.
Pocatello Well No. 21 located in T06S, R34E, S23, SWNE, on 9/15/1955 in the amount of 3.89 cfs.
Pocatello Well No. 22 located in T06S, R34E, S23, SENW, on 10/22/1952 in the amount of 3.68 cfs.
Pocatello Well No. 23 located in T06S, R34E, S23, NWNE, on 8/15/1956 in the amount of 4.44 cfs.
Pocatello Well No. 26 located in T06S, R34E, S15, NWNE, on 6/1/1945 in the amount of 2.67 cfs.
Pocatello Well No. 27 located in T06S, R34E, S14, NWNW, on 12/10/1964 in the amount of 4.10 cfs.
Pocatello Well No. 28 located in T07S, R34E, S01, NESE, on 8/31/1951 in the amount of 4.90 cfs.
Pocatello Well No. 29 located in T06S, R34E, S23, NESW, on 11/6/1972 in the amount of 6.20 cfs.
Pocatello Well No. 30 located in T06S, R34E, S35, NWNE, on 4/25/1976 in the amount of 5.57 cfs.
Pocatello Well No. 31 located in T06S, R34E, S15, NESE, on 4/25/1976 in the amount of 8.02 cfs.
Pocatello Well No. 32 located in T06S, R34E, S16, NENE, on 4/25/1976 in the amount of 3.45 cfs.
Pocatello Well No. 33 located in T07S, R35E, S18, SENE, on 10/1/1962 in the amount of 0.21 cfs.
Pocatello Well No. 34 located in T06S, R34E, S15, NESE, on 2/18/1985 in the amount of 7.00 cfs.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

2546

968

07/10/2003

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-7375
NAME AND ADDRESS: CITY OF POCATELLO
PO BOX 4169
POCATELLO ID 83205

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 2.230 CFS

PRIORITY DATE: 02/24/1977

POINT OF DIVERSION:
T06S R33E S10 NESE Within POWER County
T06S R33E S12 NESE Within POWER County
T06S R33E S15 SWNE Within POWER County
T06S R34E S15 NWSW Within BANNOCK County
T06S R34E S26 MENW Within BANNOCK County
T06S R34E S27 NWSE Within BANNOCK County
T06S R34E S35 SENE Within BANNOCK County
T06S R34E S35 SENE Within BANNOCK County
T06S R34E S35 NWSE Within BANNOCK County
T06S R34E S35 NWSE Within BANNOCK County
T06S R34E S35 NWSE Within BANNOCK County
T07S R34E S1 SESE Within BANNOCK County
T07S R35E S16 SWSW Within BANNOCK County

PURPOSE AND PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| MUNICIPAL | 01/01 12/31 | 2.230 CFS |

PLACE OF USE:

07/10/2003

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

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

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(5), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

2548

1580

EXHIBIT A CITY OF POCATELLO

Subcase Nos:

29-00271
29-00272
29-00273
29-02274
29-02338
29-02354
29-02382
29-02401
29-02499
29-04221
29-04222
29-04223
29-04224
29-04225
29-04226
29-07106
29-07118
29-07119
29-07222
29-07322
29-07375
29-07431
29-07450
29-07502
29-07770
29-07782
29-11339
29-11344
29-11348
29-13558
29-13559
29-13560
29-13561
29-13562
29-13636
29-13637
29-13638
29-13639

(Subcase list: BEEMANGP)
8/18/06

2549

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER ON SUMMARY JUDGMENT was mailed on August 18, 2006, with sufficient first-class postage to the following:

AMERICAN FALLS RESERVOIR

Represented by:
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AMERICAN FALLS RESERVOIR

Represented by:
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CITY OF POCATELLO

Represented by:
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STATE OF IDAHO

Represented by:
NATURAL RESOURCES DIV CHIEF
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A & B IRRIGATION DISTRICT
BURLEY IRRIGATION DISTRICT

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CITY OF POCATELLO

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MILNER IRRIGATION DISTRICT
NORTH SIDE CANAL COMPANY
TWIN FALLS CANAL COMPANY

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UNITED STATE OF AMERICA
UNITED STATES OF AMERICA

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

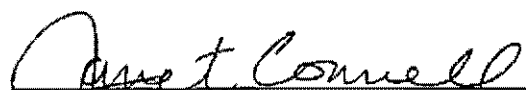
MINIDOKA IRRIGATION DISTRICT

Represented by:
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Phone: 208-678-3250

DIRECTOR OF IDWR
PO BOX 83720
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UNITED STATES OF AMERICA
US DEPT OF JUSTICE, ENRD
550 W FORT ST MSC 033
BOISE, ID 83724

ORDER ON SUMMARY JUDGMENT
8/18/06


Deputy Clerk 2550

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Attorneys for City of Pocatello

DISTRICT COURT-SRBA
 Fifth Judicial District
 County of Twin Falls - State of Idaho

NOV 30 2006

By _____ Clerk
 _____ Deputy Clerk

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
 OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

| | | |
|---|---------------------------------|---|
| In Re SRBA Case No. 39576 <hr style="width: 25%; margin-left: 0;"/> |))))))) | Subcase Nos. 29-00271, et al. (see attached Exhibit A) CITY OF POCATELLO'S MOTION FOR SUMMARY JUDGMENT ON MUNICIPAL PURPOSE OF USE, INTERCONNECTION, AND INJURY UNDER I.C. § 42-1425 |
|---|---------------------------------|---|

**I
 POCATELLO'S MOTION FOR SUMMARY JUDGMENT
 AS TO MUNICIPAL PURPOSE OF USE**

The City of Pocatello (Pocatello or City) moves for summary judgment under I.R.C.P. 56 that the City's water rights 29-7119, 29-7118, 29-7770 and 29-7431 be decreed with a municipal purpose of use, consistent with their use by the City in its broad capacity and function as a municipality.

As a matter of law, municipal water rights are defined by their use for purposes which benefit the City's inhabitants. This is in accordance with a prior decision of this Court interpreting the common law and I.C. § 42-202(B).^{1, 2} These necessary municipal functions, which require the use of water may include, but are not limited to, maintenance of parks and green spaces, airport safety, and EPA-approved biosolids programs to treat and dispose of domestic sewage.

Pocatello believes the following facts are not in dispute:

1. Water right 29-7118 always has been used by the City of Pocatello in its capacity and function as a municipality to manage municipal land at the Pocatello airport in accordance with Federal Aviation Administration safety and security requirements.
2. Water right 29-7119 always has been used by the City of Pocatello in its capacity and function as a municipality to manage municipal land at the Pocatello airport in accordance with Federal Aviation Administration safety and security requirements.
3. Water right 29-7770 always has been used by the City of Pocatello in its capacity and function as a municipality for the land application of the City's biosolids under Pocatello's EPA-approved biosolids program and NPDES permit.
4. Water right 29-7431 always has been used by the City of Pocatello in its capacity and function as a municipality to apply effluent from City's wastewater treatment plant to land in accordance with the Federal Water Pollution Control Act.

1 In 1997, in Subcase 34-10030 (City of Arco), Special Master Bilyeu issued a master's report that considered 42-202(B) in light of the common law. The report states that 42-202(B) codifies, but does not limit, the common law. The report adopts a broad view of "municipal purposes", stating that when used to describe the purpose of use of a water right, "municipal" means "a right used by a municipality for the benefit of its inhabitants. A 'municipal' right may be used for numerous purposes which benefit the city's inhabitants. The court finds this definition of 'municipal' persuasive and adopts it here. Thus 'municipal' water rights encompass a broad range of uses to which such water rights are used for the benefit of the municipality's inhabitants." (Emphasis added.) *In Re SRBA*, Subcase 34-10030, Special Master's Report April 8, 1997, at 2.

2 I.C. 42-202(B)(6) defines "municipal purposes" as "water for residential, commercial, industrial, irrigation of parks and open space, and related purposes, excluding use of water from geothermal sources for heating, which a municipal provider is entitled or obligated to supply to all those users within a service area, including those located outside the boundaries of a municipality served by a municipal provider."

5. The use of water by Pocatello to manage municipal land at the Pocatello airport, to land apply the City's biosolids under Pocatello's EPA-approved biosolids program and NPDES permit and to apply effluent from the City's wastewater treatment plant to private cropland, benefits the inhabitants of Pocatello.

Pocatello respectfully requests that the Special Master find and recommend that Pocatello water rights 29-7119, 29-7110, 29-7770 and 29-7431 be decreed with a municipal purpose of use, consistent with their use by the City of Pocatello in its broad capacity and function as a municipality.

Summary judgment is proper under I.R.C.P. 56(c) when "the pleadings, depositions, and admissions on file, together with the affidavits, if any, show that there is no genuine issue of material fact and that the moving party is entitled to a judgment as a matter of law." *See Strongman v. Idaho Potato Comm'n*, 129 Idaho 766, 771, 932 P.2d 889, 894 (1997).

II

POCATELLO'S MOTION FOR SUMMARY JUDGMENT AS TO INTERCONNECTION AND AS TO INJURY UNDER I.C. § 42-1425

Pocatello moves for summary judgment under I.R.C.P. 56 that Mink Creek, Gibson Jack Creek, Lower Portneuf River Valley Aquifer (LPRVA), the Snake River, and the Eastern Snake Plain Aquifer (ESPA) are interconnected sources of water, and there is no 42-1425 injury from the alternate points of diversion in operation for the City's interconnected culinary system and the water rights it served as of November 19, 1987.³ Specifically, IDWR, the State, and the Surface Water Coalition (SWC) have no facts to demonstrate injury to individual water rights

³ City 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, 29-13639, 29-2274, 29-2338, 29-7375, 29-7782.

from Pocatello's use of the wells claimed as alternate points of diversion pursuant to accomplished transfers, prior to November 19, 1987.⁴

Pocatello believes the following facts are not in dispute:

1. Twenty-two (22) wells were connected to Pocatello's municipal culinary water system prior to November 19, 1987.
2. The 22 wells operate to provide culinary water within Pocatello's service area.
3. The 22 wells were claimed as alternate points of diversion in Pocatello's SRBA claims for 22 water rights serving the culinary system.
4. Pocatello's "culinary water system" is defined as the City of Pocatello's interconnected system of wells that provide potable water, and of which 22 wells were interconnected as of November 19, 1987, serving 22 water rights.
5. The LPRVA and Mink Creek are interconnected sources of water.
6. The LPRVA and Gibson Jack Creek are interconnected sources of water.
7. The LPRVA, Mink Creek, Gibson Jack Creek, the ESPA, and the Snake River are interconnected sources of water.
8. IDWR, the State, and the SWC have no information about injury to individual water rights by Pocatello's use of the 22 interconnected wells located at the points of diversion identified and recommended by IDWR for Pocatello's interconnected culinary system.
9. IDWR and SWC allege prospective injuries occurring because of accomplished transfers of water rights pursuant to I.C. § 42-1425 but do not prove any injury as of November 19, 1987 for the City's alternate points of diversion for its interconnected culinary system.

⁴ Based upon review of the following documents, IDWR, the State, and the SWC have not provided any information to support any claims for injury from these accomplished transfers. The Supplemental Director's Report submitted to the SRBA court on April 13, 2006; SWC's Rebuttal Expert Report submitted attached here as Exhibit C to Affidavit of Joyce Angell; the State's Discovery in Response to Pocatello attached here as Exhibit D to Affidavit of Joyce Angell; and the SWC's Discovery in Response to Pocatello attached here as Exhibit E to Affidavit of Joyce Angell.

Pocatello respectfully requests the Special Master to grant summary judgment that Mink Creek, Gibson Jack Creek, the LPRVA, the ESPA, and the Snake River are interconnected sources of water, and that no 42-1425 injury has been proved for Pocatello's alternate points of diversion in operation for its interconnected culinary system as of November 19, 1987.

Summary judgment is proper under I.R.C.P. 56(c) when "the pleadings, depositions, and admissions on file, together with the affidavits, if any, show that there is no genuine issue of material fact and that the moving party is entitled to a judgment as a matter of law." *See Strongman v. Idaho Potato Comm'n*, 129 Idaho 766, 771, 932 P.2d 889, 894 (1997).

III DOCUMENTS RELIED ON IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT

The City relies on the following documents in support of its motion for summary judgment:

1. Pocatello's Brief in Support of Summary Judgment on the Issues of (1) Municipal Purpose of Use and (2) Interconnection and Injury Under I.C. § 42-1425.
2. The Supplemental Director's Report submitted to the SRBA Court on April 13, 2006.
3. Spronk Water Engineers, Inc. Expert Report Dated September 29, 2006 Prepared for the City of Pocatello, Claimant attached here as Exhibit B to Affidavit of Joyce Angell.
4. Brockway Engineering PLLC Rebuttal Expert Report to Spronk Water Engineers, Inc. Expert Report Dated September 29, 2006 Prepared November 2, 2006 for Milner Irrigation District, Minidoka Irrigation District, American Falls Reservoir District #2, A & B Irrigation District, Burley Irrigation District, North Side Canal Company, Twin Falls Canal Company attached here as Exhibit C to Affidavit of Joyce Angell.

5. Idaho's Responses to First Set of Discovery Requests Served by the City of Pocatello attached here as Exhibit D to Affidavit of Joyce Angell.
6. The Surface Water Coalition's Responses to Pocatello's First Set of Discovery Requests attached here as Exhibit E to Affidavit of Joyce Angell.
7. Pocatello's Objections and Responses to State of Idaho's First Set of Discovery Requests to the City of Pocatello attached here as Exhibit F to Affidavit of Joyce Angell.
8. Farm Lease Agreement between the City of Pocatello and Edward Alvin Smith and Christine Smith attached here at Exhibit G to Affidavit of Joyce Angell.

DATED this 30th day of November 2006.

BEEMAN & ASSOCIATES, P.C.
Attorneys for the City of Pocatello

By *Josephine P. Beeman*
Josephine P. Beeman

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 30th day of November 2006, I caused a true copy of the foregoing **CITY OF POCA TELLO'S MOTION FOR SUMMARY JUDGMENT ON THE ISSUES OF (1) MUNICIPAL PURPOSE OF USE AND (2) INTERCONNECTION AND INJURY UNDER I.C. § 42-1425** to be served on the following by U.S. First Class Mail unless indicated as faxed, hand delivered, or emailed:

UNITED STATES OF AMERICA
REPRESENTED BY:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NAT'L RESOURCES
550 WEST FORT STREET, MSC O33
BOISE, ID 83724

C. TOM ARKOOSH
ARKOOSH LAW OFFICES, CHTD.
PO BOX 32
GOODING, IDAHO 83330

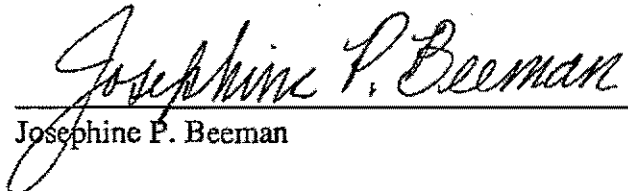
STATE OF IDAHO
REPRESENTED BY:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

W. KENT FLETCHER
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DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

ROGER D. LING
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JOHN A. ROSHOLT
TRAVIS L. THOMPSON
BARKER ROSHOLT & SIMPSON
113 MAIN AVE. WEST, SUITE 303
TWIN FALLS, IDAHO 83301-6167



Josephine P. Beeman

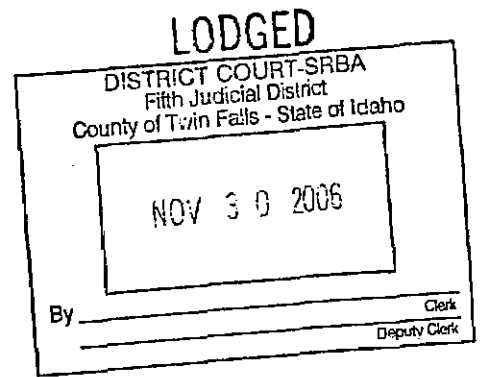
ZA1776A100LITV7441

EXHIBIT A

Subcase Numbers

29-00271
29-00272
29-00273
29-02274
29-02338
29-02354
29-02382
29-02401
29-02499
29-04221
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sarahk@white-jankowski.com

Attorneys for City of Pocatello

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

| | | |
|----------------|---|--|
| In Re SRBA |) | Subcase Nos. 29-00271, et al. (see attached Exhibit A) |
| |) | |
| |) | |
| Case No. 39576 |) | CITY OF POCATELLO'S BRIEF IN SUPPORT OF |
| |) | MOTION FOR SUMMARY JUDGMENT ON |
| |) | MUNICIPAL PURPOSE OF USE, INTERCON- |
| |) | NECTION, AND INJURY UNDER I.C. § 42-1425 |

I. STANDARD OF REVIEW FOR SUMMARY JUDGMENT

Summary judgment is appropriate only where two conditions are met: (1) "if the pleadings, depositions, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact;" and (2) "the moving party is entitled to a judgment as a matter of law." I.R.C.P. 56(c). When those two conditions are satisfied, a motion for summary judgment is proper. *See Sorenson v. Saint Alphonsus Reg'l Med. Ctr.*, 141 Idaho 754, 758, 118 P.3d 86, 90 (2005) ("Summary judgment is proper where there are no genuine

issues of material fact and the moving party is entitled to judgment as a matter of law.”); *State ex rel. Kempthorne v. Blaine County*, 139 Idaho 348, 349, 79 P.3d 707, 708 (2003) (“A summary judgment is properly granted when the moving party shows there is no genuine issue of material fact and is entitled to judgment as a matter of law.”).

Pocatello served identical discovery requests to the State and the SWC on July 21, 2006. The State and the SWC both relied upon the April 2006 Supplemental Director’s Report in answering Pocatello’s discovery requests.¹ Although the answers proffered by the State and SWC are far from identical, the answers of both parties result in the admission of facts supporting the factual bases for Pocatello’s motion for summary judgment.²

In responding to identical discovery questions, and although relying on the same information,³ the SWC refused to answer the majority of Pocatello’s discovery requests, stating that “[t]he Coalition has made reasonable inquiry and the information known or readily obtainable is insufficient to admit or deny the request . . .”⁴ even when the pertinent information was readily available in the April 2006 Supplemental Director’s Report upon which the SWC relies.

¹ See State’s Answers to Pocatello’s Discovery, Exhibit D to Affidavit of Joyce Angell, pages 4, 28, 42, 64, 70, 76, 78, 80, 86, 93, 96, 100, 103, 113, 115, 120, 128, 129, 130, 133, 138, 139, 140, 143, 148, 149, 150, 159, 160, 162, 163, 184, 190, 196, 198, 199, 200, 208, 211, 223, 224, 225, 243, 256, 258, 266, 268, 276, 277, 278, 287, 288, 291, 296, 297, 298, 301, 307, 308, 311, 316, 317, 327, 328, 331, 336, 337, 338, 341, 347, 348. SWC’s Answers to Pocatello’s Discovery Requests, Exhibit E to Affidavit of Joyce Angell, pages 3, 4, 8, 9, 14, 15, 19, 20, 23, 24.

² This occurs in part because The SWC objections do not meet the requirements of Idaho Rule of Civil Procedure 36(a) which provides that “[a]n answering party may not give lack of information or knowledge as a reason for failure to admit or deny unless the party states that the party has made reasonable inquiry and that the information known or readily obtainable by the party is insufficient to enable the party to admit or deny.”

³ The April 2006 Supplemental Director’s Report.

⁴ This answer is located throughout SWC’s Answers to Pocatello’s Discovery, Exhibit E to Affidavit of Joyce Angell, (See pages 5, 6, 7, 8, 10, 11, 12, 17, 21, 22, 23, 26, 29, 30, 31, 38, 38, 44.)

Idaho Rule of Civil Procedure 37 provides:

- “an evasive or incomplete answer is to be treated as a failure to answer.” [I.R.C.P. 37(a)(3)]
- “[i]f a party fails to admit the genuineness of any document or the truth of any matter as requested under Rule 36, and if the party requesting the admissions thereafter proves the genuineness of the document or truth of the matter, the requesting party may apply to the court for an order requiring the other party to pay the reasonable expenses incurred in making that proof, including reasonable attorney’s fees.” [I.R.C.P. 37(c)]

The SWC’s failure to comply with discovery rules prejudices and limits Pocatello’s ability to develop its own case in support of its claims because Pocatello has to prove “the genuineness of the document or truth of the matter” that the SWC did not answer. The factual discussions that follow in Pocatello’s brief will address the SWC’s answers to Pocatello’s discovery as those answers relate to the determination and admission of material facts.

II. MUNICIPAL PURPOSE OF USE

Pocatello has four licensed water rights for irrigation which the City claimed as municipal water rights in the SRBA⁵ because each water right “is used by the City in its capacity and function as a municipality.”⁶ It now seeks summary judgment as to the municipal purpose of use for these rights based on the following undisputed facts:

1. Water right 29-7118 always has been used by the City of Pocatello in its capacity and function as a municipality to manage under long term lease municipal land at the Pocatello airport.⁷

⁵ SRBA claims 29-7118, 29-7119, 29-7770, and 29-7431.

⁶ The quoted language is from Pocatello’s SRBA objections to the irrigation purpose of use which IDWR recommended to the SRBA court for 29-7118, 29-7119, 29-7770, and 29-7431.

⁷ Farm Lease, Exhibit G to Affidavit of Joyce Angell; SRBA claim file and IDWR license file of 29-7118 and 29-7118, Exhibit K to April 2006 Supplemental Director’s Report.

2. Water right 29-7119 always has been used by the City of Pocatello in its capacity and function as a municipality to manage under long term lease municipal land at the Pocatello airport.⁸
3. Water right 29-7770 always has been used by the City of Pocatello in its capacity and function as a municipality for the land application of the City's biosolids under Pocatello's EPA-approved biosolids program and NPDES permit.⁹
4. Water right 29-7431 always has been used by the City of Pocatello in its capacity and function as a municipality to apply effluent from City's wastewater treatment plant to land in accordance with the Federal Water Pollution Control Act.¹⁰
5. The use of water by Pocatello to manage municipal land at the Pocatello airport, to land apply the City's biosolids under Pocatello's EPA-approved biosolids program and NPDES permit and to apply effluent from the City's wastewater treatment plant to private cropland, benefits the inhabitants of Pocatello.

The chart on the next page summarizes the IDWR¹¹, State¹², and SWC¹³ responses to Pocatello's objections.

⁸ *Id.*

⁹ The SRBA claim files and license files for water rights 29-7770 are also attached to the April 2006 Supplemental Director's Report as Exhibit M.

¹⁰ The SRBA claim files and license files for water rights 29-7431 are also attached to the April 2006 Supplemental Director's Report as Exhibit L.

¹¹ IDWR's information is based on the April 2006 April 2006 Supplemental Director's Report, pp. 19-21. The SRBA claim files and license files for water rights 29-7118, 29-7119, 29-7431, 29-7770 are also attached to the April 2006 Supplemental Director's Report as Exhibits K, L, and M, respectively.

¹² The State of Idaho's responses to Pocatello's objections are in the State's Standard Form 2 Response to Objection in the SRBA court files for 29-7118, 29-7119, 29-7431, and 29-7770.

¹³ SWC's responses to Pocatello's objections taken from the Standard Form 2 Response to Objection for Minidoka Irrigation District, A&B Irrigation District, Twin Falls Canal Company, American Falls Reservoir Dist. #2, North Side Canal Company, and Milner Irrigation District which can be found in the SRBA court files for water rights 29-7118, 29-7119, 29-7431, and 29-7770.

RESPONSES TO POCATELLO'S PURPOSE OF USE OBJECTIONS

| | 29-7118 | 29-7119 | 29-7431 | 29-7770 |
|--|---|--|---|---|
| IDWR | Only purpose of use is to irrigate cropland at the city-owned airport; can't attack a license in the SRBA. | Only purpose of use is to irrigate cropland at the city-owned airport; can't attack a license in the SRBA. | [nothing] | Licensed for irrigation (biosolids well). Changing purpose of use would be a collateral attack on the license. |
| State of Idaho | ** | ** | ** | ** |
| Minidoka Irrigation District | Unaware of any basis for changing the purpose of use. | Unaware of any basis for changing the purpose of use. | ** | Unaware of any basis for changing the purpose of use. |
| A & B / Burley Irrigation Districts | Pocatello submits no factual or legal basis by which an irrigation right, whether held by a city or any other entity can be changed to a municipal water right. | No factual legal basis by which an irrigation right, whether held by a city or any other entity can be changed to a 'municipal' water right. | This wastewater is used as a supplement to the irrigation water available to the lands described. It should be shown as a supplemental use. The City of Pocatello has provided no legal or factual basis upon which this water right may be described as a municipal use. | The fact that the City of Pocatello is a municipality does not alter the nature of the water right held by the City for irrigation. No basis upon which the purpose of use should be changed. |
| AFRD #2 Irrigation District | Unaware of any basis for changing the purpose of use. | Unaware of any basis for changing the purpose of use. | ** | Unaware of any basis for changing the purpose of use. |
| Twin Falls and North Side Canal Co., and Milner Irrigation District | Unaware of any basis for changing the purpose of use. | Unaware of any basis for changing the purpose of use. | ** | Unaware of any basis for changing the purpose of use. |

** Only checked "purpose of use" box on Response; did not provide further explanation.

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A. “Municipal” purposes of use as defined by common law and statute is recognized by this court.

Idaho Code § 42-202(B)(6) defines “municipal purposes” as “water for residential, commercial, industrial, irrigation of parks and open space, and related purposes, excluding use of water from geothermal sources for heating, which a municipal provider is entitled or obligated to supply to all those users within a service area, including those located outside the boundaries of a municipality served by a municipal provider.”¹⁴

In 1997, in subcase 34-10030 (City of Arco), Special Master Bilyeu issued a master’s report that considered 42-202(B) in light of the common law. The report states that 42-202(B) codifies, but does not limit the common law. The report adopts a broad view of “municipal purpose of use”, stating that when used to describe the purpose of use of a water right, “municipal” means “a right used by a municipality for the benefit of its inhabitants. A ‘municipal’ right may be used for numerous purposes which benefit the city’s inhabitants. The court finds this definition of ‘municipal’ persuasive and adopts it here. Thus ‘municipal’ water rights encompass a broad range of uses to which such water rights are used for the benefit of the municipality’s inhabitants.” (Emphasis added.)¹⁵

B. Municipal purpose of use as admitted facts by the State and SWC.

Pocatello served identical discovery requests to the State and the SWC on July 21, 2006. The State and the SWC both relied upon the April 2006 Supplemental Director’s Report in

¹⁴ The actual pre-SRBA use was municipal for 29-7118, 29-7119, 29-7431, and 29-7770. Under 42-1425 the SRBA Court can decree this actual use without collaterally attacking the licenses for 29-7118, 29-7119, 29-7431, and 29-7770. For this reason, Judge Wood’s Facility Volume decision is distinguishable.

¹⁵ *In Re SRBA*, subcase 34-10030 Special Master’s Report April 8, 1997, at page 2.

answering Pocatello's discovery requests.¹⁶ The answers of both parties result in the admission of facts supporting a municipal purpose of use for 29-7118, 29-7119, and 28-7770.¹⁷

In its answers to Pocatello's discovery, the State admitted the following facts:

1. A municipal purpose of use "may include multiple uses such (sic) domestic, commercial, and other uses."¹⁸
2. "[A] municipal water right may be used for many uses including irrigation and airport safety."¹⁹
3. The "primary use" of water right 29-7118 "is to satisfy customer needs within the area served by Pocatello."²⁰
4. The water used under water right 29-7119 "is used within the corporate limits of Pocatello."²¹
5. Pocatello uses water right 29-7770 "for the land application of the City's biosolids under Pocatello's EPA-approved Biosolids program and NPDES permit . . ." and this land application of biosolids produced by Pocatello's waste water plant is performed "as a part of the City's municipal responsibility to treat and dispose of domestic sewage."²²

¹⁶ See State's Answers to Pocatello's Discovery, Exhibit D to Affidavit of Joyce Angell, pages 4, 28, 42, 64, 70, 76, 78, 80, 86, 93, 96, 100, 103, 113, 115, 120, 128, 129, 130, 133, 138, 139, 140, 143, 148, 149, 150, 159, 160, 162, 163, 184, 190, 196, 198, 199, 200, 208, 211, 223, 224, 225, 243, 256, 258, 266, 268, 276, 277, 278, 287, 288, 291, 296, 297, 298, 301, 307, 308, 311, 316, 317, 327, 328, 331, 336, 337, 338, 341, 347, 348. SWC's Answers to Pocatello's Discovery Requests, Exhibit E to Affidavit of Joyce Angell, pages 3, 4, 8, 9, 14, 15, 19, 20, 23, 24.

¹⁷ See footnotes 1-4 and text accompanying same.

¹⁸ Request for Admission No. 3, State's Answer to Pocatello's Discovery, Exhibit D to Affidavit of Joyce Angell, page 170.

¹⁹ Request for Admission No. 4, State's Answer to Pocatello's Discovery, Exhibit D to Affidavit of Joyce Angell, pages 170, 181.

²⁰ Request for Admission No. 1, State's Answer to Pocatello's Discovery, Exhibit D to Affidavit of Joyce Angell, page 168.

²¹ Request for Admission No. 1, State's Answer to Pocatello's Discovery, Exhibit D to Affidavit of Joyce Angell, page 179.

²² Request for Admission Nos. 1 and 2, State's Answer to Pocatello's Discovery, Exhibit D to Affidavit of Joyce Angell, page 240.

6. Pocatello requested IDWR to license water right 29-7770 as a “municipal” water right and that “Pocatello uses this water rights as part of its obligations as a municipality to treat and dispose of domestic sewage.”²³

Although, the State readily admitted to the purpose of use of water right 29-7770 (see footnotes 21, 22, and 23, and accompanying text), the SWC denied having sufficient²⁴ information²⁵ to formulate an answer.²⁶ However, the SWC and the State both relied upon the April 2006 Supplemental Director’s Report as a document which supports their responses to Pocatello’s objection. The April 2006 Supplemental Director’s Report specifically addressed 29-7770 and stated, in order “[t]o aid in the history and understanding of this water right, certified copies of the license and claim files are attached hereto as Exhibit M.”²⁷ Exhibit M is a substantial file from IDWR, containing numerous photos and maps of points of diversion and places of use for water right 29-7770. It also includes beneficial use field exam notes compiled by IDWR.

²³ Request for Admission Nos. 3 and 4, State’s Answer to Pocatello’s Discovery, Exhibit D to Affidavit of Joyce Angell, page 241

²⁴ “The Coalition has made reasonable inquiry and the information known or readily obtainable is insufficient to determine how Pocatello uses this water right under which EPA approved programs and permits . . .” Request for Admission no. 1, SWC Answer to Pocatello’s Discovery, Exhibit E to Affidavit of Joyce Angell, page 38.

²⁵ “It is impossible to determine what is meant by ‘municipal responsibility.’ The Coalition has made reasonable inquiry and the information known or readily obtainable is insufficient to determine how Pocatello applies ‘the biosolids produced by its water plant’ and therefore the request is denied.” Request for Admission No. 2, SWC Answer to Pocatello’s Discovery, Exhibit E to Affidavit of Joyce Angell, page 38.

²⁶ “It is impossible to determine what is meant by ‘as a part of its obligations as a municipality.’ The Coalition has made reasonable inquiry and the information known or readily obtainable is insufficient to determine how Pocatello uses this water right.” Request for Admission No. 4, SWC Answer to Pocatello’s Discovery, Exhibit E to Affidavit of Joyce Angell, page 39.

²⁷ April 2006 Supplemental Director’s Report, page 20.

Because the information supporting “the truth of the matter” was readily obtainable within the April 2006 Supplemental Director’s Report, the SWC’s responses should be construed as admissions.

III. INTERCONNECTION

A. The Supplemental Director’s Report states that Basin 29 ground water and surface water sources are interconnected, and that Basin 29 water rights are connected sources with the Snake River Basin.²⁸

The April 2006 Supplemental Director’s Report cites the interconnected sources provision in SRBA decision in Basin-Wide Issue 5: “[A]ll other water rights within Basin 29 will be administered as connected sources of water in the Snake River Basin in accordance with the prior appropriation doctrine as established by Idaho law.”²⁹ Referring specifically to Basin 29, the Report states, “[s]urface and ground water sources in Basin 29 are interconnected.”³⁰ On the issue of Pocatello’s interconnected wells before November 19, 1987, the Report is unequivocally clear: “[t]he Department found that there were 22 interconnected wells that serve Pocatello for the ‘city proper’ as depicted on Map 1 before November 19, 1987.”³¹

²⁸ These statements are based on general provisions in the Director’s Report to the SRBA court for basin 29. Pocatello initially filed SRBA Objections as to general provisions on separate streams and separate administration in the Director’s Report for Basin 29, but those objections were later dismissed as described in the following documents of record in Pocatello’s SRBA Subcases 29-271 et seq. Stipulation and Agreement with the United States of America in Pocatello’s SRBA subcases 29-271 et seq. (April 24, 2006) Joint Motion to Accept Stipulation and Agreement Between the City of Pocatello and the United States. (May 31, 2006) Order Dismissing Portions of Objections and Responses with Prejudice (July 14, 2006)

²⁹ April 2006 Supplemental Director’s Report, page 9.

³⁰ *Id.* at 10.

³¹ *Id.* at 13. The Report then moved on to explain that “[a]s of 1987, the City had 22 interconnected wells that provided municipal water to the city system service area. See Map 1.

B. Interconnection as admitted facts by the State and the SWC.

The general provisions regarding interconnection, discussed above, are not at issue. The discovery answers of both parties result in the admission of the facts supporting the interconnection of the LPRVA, Mink Creek, and Gibson Jack Creek, as well as the interconnection of the culinary wells serving Pocatello prior to November 19, 1987.

In its answers to Pocatello's discovery, the State does not dispute the existence of the LPRVA. The State proffered a Department of Environmental Quality report³² which specifically discusses the LPRVA in great detail. The State specified that the report illustrates the relationship between the corporate limits of Pocatello and the LPRVA.³³

The State readily admitted that "Mink Creek and the Lower Portneuf River Valley Aquifer are interconnected sources of water."³⁴ The State further admitted that "Gibson Jack Creek and the Lower Portneuf River Valley Aquifer are interconnected sources of water."³⁵

In response to identical discovery questions from Pocatello regarding interconnection, and although also relying on the April 2006 Supplemental Director's Report³⁶, the SWC refused

³² *Final Report: Economic Impacts of Enhanced Aquifer Protection for the LPRVA*. Prepared for the Department of Environmental Quality by BBC Research & Consulting on September 5, 2001. This report was submitted in State's Answers to Pocatello's Discovery Exhibit D to Affidavit of Joyce Angell, pages 10, 22, 36, 47, 58, 106, 108, 206, 208.

³³ Request for Admission no. 3, State's Answers to Pocatello's Discovery, Exhibit D to Affidavit of Joyce Angell, page 10. The State would not admit Pocatello's Request for Admission because the report "show that the corporate limits of Pocatello extend substantially beyond the Lower Portneuf River Valley Aquifer in the southwest and northeast portion of the City." *Id.* At 10. However, the State allowed that it would be able to respond to Pocatello's request if "the location of each of the twenty-two wells [is] . . . plotted on a map that illustrates the Lower Portneuf River Valley Aquifer and the corporate limits of the City of Pocatello, and the wells logs for each of the twenty two wells must be reviewed." *Id.* at 10, 22, 36, 48, 59, 107, 207.

³⁴ Request for Admission no. 1, State's Answers to Pocatello's Discovery, Exhibit D to Affidavit of Joyce Angell, pages 9 and 21.

³⁵ Request for Admission no. 1, State's Answers to Pocatello's Discovery, Exhibit D to Affidavit of Joyce Angell, page 105.

to answer the majority of Pocatello's discovery requests regarding interconnection. The SWC's repeated response to Pocatello's discovery requests was: "[t]he Coalition has made reasonable inquiry and the information known or readily obtainable is insufficient to admit of deny the request."³⁷ However, the pertinent information was readily available in the April 2006 Supplemental Director's Report, or the SWC's answers had no basis in fact (as discussed below.)

First, the SWC specifically objected to the term "Lower Portneuf River Valley Aquifer" stating that "[t]o the best of the Coalition's knowledge, the term 'Lower Portneuf River Valley Aquifer' is not, and has not been used by any other recognized water resource agency."³⁸ This term however, was repeatedly used in the State's proffered report by the Department of Environmental Quality,³⁹ several state and federal agency reports readily available to the public,⁴⁰ and is a common term used by environmental groundwater organizations.⁴¹

³⁶ See State's Answers to Pocatello's Discovery, Exhibit D to Affidavit of Joyce Angell, pages 4, 28, 42, 64, 70, 76, 78, 80, 86, 93, 96, 100, 103, 113, 115, 120, 128, 129, 130, 133, 138, 139, 140, 143, 148, 149, 150, 159, 160, 162, 163, 184, 190, 196, 198, 199, 200, 208, 211, 223, 224, 225, 243, 256, 258, 266, 268, 276, 277, 278, 287, 288, 291, 296, 297, 298, 301, 307, 308, 311, 316, 317, 327, 328, 331, 336, 337, 338, 341, 347, 348, and SWC's Answers to Pocatello's Discovery, Exhibit E to Affidavit of Joyce Angell, pages 3, 4, 8, 9, 14, 15, 19, 20, 23, 24.

³⁷ This answer is located throughout SWC's Answers to Pocatello's Discovery, Exhibit E to Affidavit of Joyce Angell, pages 5, 6, 7, 8, 10, 11, 12, 17, 21, 22, 23, 26, 29, 30, 31, 38, 38, 44.

³⁸ General Objection no. 5, SWC's Answers to Pocatello's Discovery, Exhibit E to Affidavit of Joyce Angell, page 5.

³⁹ *Final Report: Economic Impacts of Enhanced Aquifer Protection for the LPRVA*. Prepared for the Department of Environmental Quality by BBC Research & Consulting on September 5, 2001. This report was submitted in State's Answers to Pocatello's Discovery, Exhibit D to Affidavit of Joyce Angell, pages 10, 22, 36, 47, 58, 106, 108, 206, 208.

⁴⁰ Welhan, J., Meehan, C. and Reid, T., 1996, *The Lower Portneuf River Valley Aquifer: A Geologic / Hydrologic Model and Its Implication For Wellhead Protection Strategies; Final Report, EPA Wellhead Protection Demonstration Project and City of Pocatello Aquifer Geologic Characterization Project*.

⁴¹ The Portneuf Valley Groundwater Guardian Committee (PVGGC) is a not-for-profit organization promoting the protection and wise use of our local water resources, as part of its 1996 enrollment with the National

The SWC would not admit that Mink Creek or Gibson Jack Creek were interconnected with the LPRVA, citing several reasons:

It is impossible to determine what Pocatello means by the term 'interconnected.' The Coalition has made a reasonable inquiry and information known or readily obtainable is insufficient to determine if groundwater flows to Mink Creek and the extent that Mink Creek contributes to ground water or to determine whether the 'Lower Portneuf River Valley Aquifer' exists or the extent that Mink Creek is a connected source of water and therefore denies the same. In addition, the Coalition has not been able to determine the locations of hydraulic interconnectivity, if any, or to quantify the hydraulic interconnectivity.⁴²

This response by the SWC makes several assertions which were readily ascertainable: (1) the definition of "interconnected", (2) whether ground water flows to Mink Creek, and (3) whether the LPRVA exists.

The SWC Memorandum in Support of Joint Motion to Participate illustrates that the SWC clearly understands the definition of "interconnected" :

All water in the Snake River Basin is interconnected, unless a partial decree issued by the SRBA Court indicates the water derives from a separate source. *A&B Irrigation Dist. V. Idaho Conservation League*, 131 Idaho 411, 421-22 (1998). The SRBA Court plainly recognized the interconnection of tributary ground and surface water sources in the Snake River Basin in its Basin-Wide 5 decision issue in 2001. (Emphasis added.)⁴³

By relying on the Basin-Wide 5 decision, the SWC demonstrated its understanding of interconnection. In addition, the SWC's own expert report further demonstrates this understanding: "[t]he hydrogeology of the lower Portneuf River and tributaries and the aquifer

Groundwater Foundation. PVGGC's webpage includes a detailed map of the LPRVA, the water services area boundaries within and surrounding Pocatello, and the locations of Pocatello's groundwater wells. http://www.idahogeology.org/Services/Hydrogeology/PortneufGroundWaterGuardian/my_drinking_water/cool_maps/level2_coolmaps/water_service_areas.html

⁴² Request for Admission no. 1, SWC's Answers to Pocatello's Discovery, Exhibit E to Affidavit of Joyce Angell, pages 5 and 21.

⁴³ SWC's Memorandum in Support of Joint Motion to Participate, March 2, 2006, page 3.

underlying the lower Portneuf area shows that these are interconnected sources.” (Emphasis added.)⁴⁴ The SWC’s expert report also implies there is a connection from Mink Creek and Gibson Jack Creek to the LPRVA:

If, in fact, ground water is pumped in lieu of a surface water diversion six miles away from the ground water extraction with the same early priority as the surface right, there will be significant differences in the timing and magnitude of both the Portneuf River flow and ground water underflow from the basin.⁴⁵

Finally, in addition to the plethora of documentation describing the LPRVA (see above) and Pocatello’s definition offered to the SWC in discovery,⁴⁶ the SWC’s own expert report acknowledges the LPRVA.⁴⁷

In addition to the April 2006 Supplemental Director’s Report, the only document produced by the SWC in support of its response to Pocatello’s objection was the citation to an Idaho Department of Reclamation (IDR) article from 1970.⁴⁸ As stated above, Pocatello explicitly defined the LPRVA in their Discovery Requests to the SWC.⁴⁹ However, the area of

⁴⁴ SWC Rebuttal Expert Report by Brockway Engineering Inc., Exhibit C to Affidavit of Joyce Angell, page 2.

⁴⁵ SWC Rebuttal Expert Report by Brockway Engineering Inc., Exhibit C to Affidavit of Joyce Angell, page 4.

⁴⁶ Pocatello’s Discovery Requests to SWC contained a “definitions” section which provided: “The ‘Lower Portneuf River Valley Aquifer’ means an alluvial valley-fill aquifer, situated in the Portneuf Valley beginning at the Portneuf Gap and merging into the Eastern Snake Plan Aquifer northwest to Tyhee.” (See page 4.)

⁴⁷ SWC Rebuttal Expert Report by Brockway Engineering Inc., Exhibit C to Affidavit of Joyce Angell, page 3.

⁴⁸ *Reconnaissance of The Water Resources in the Portneuf River Basin Idaho*, Water Information Bulletin No. 16, Idaho Department of Reclamation (R.F. Norvitch and A.L. Larson, June 1970).

⁴⁹ *Supra*.

study in SWC's 1970 IDR article does not encompass the area⁵⁰ explicitly defined as the LPRVA in Pocatello's Discovery Requests.

III. INJURY

A. IDWR's hypothetical injury in the future does not establish injury as of November 19, 1987 or the present.

The April 2006 Supplemental Director's Report does not address any actual 42-1425 injury to junior water rights.⁵¹ The Report addresses hypothetical injuries in the future that *could* occur to water rights as they were known to exist before November 19, 1987. The Report is silent on actual injury as of November 19, 1987 or at any subsequent time.

B. The State and the SWC also have no Independent Information about 42-1425 Injury.

The State admits that it has no tangible proof of 42-1425 injury to water rights. Other than the hypothetical injury addressed in the April 2006 Supplemental Director's Report, the State admitted that it has "no other documents alleging or claiming injury" from Pocatello's accomplished transfers at issue.⁵² The State specifically disclosed that:

[The State] has not identified any water rights that would be injured by an accomplished transfer of this water right. Idaho relies upon the determination in

⁵⁰ The Article states: "This report presents the results of a reconnaissance of the water resources in the part of the Portneuf River basin that lies upstream from the Portneuf Gap." (Emphasis added.) *Reconnaissance of the Water Resources in the Portneuf River Basin Idaho*, Water Information Bulletin No. 16, Idaho Department of Reclamation (R.F. Norvitch and A.L. Larson, June 1970), page 2.

⁵¹ The Report provides only speculative statements on injury such as: "If at some time in the future, the City increases the pumping capacity of a well . . ." and "Allowing the City to increase the diversion rate withdrawn from any particular well by listing multiple, alternate points of diversion on its water rights could cause injury to other surface and ground water users." (Emphasis added.) April 2006 Supplemental Director's Report, pages 14 and 15.

⁵² Request for Admission No.2, State's Answers to Pocatello's Discovery Requests, Exhibit D to Affidavit of Joyce Angell, pages 78, 85, 88, 118, 120.

the Director's Report, as supplemented in the Supplemental Director's Report that an injury would occur to existing water rights by a transfer of this water right.⁵³

The State further declared that it has no information on the cone of depression created by Pocatello's use of the wells located at the points of diversion recommended by IDWR, on water rights that withdraw from the LPRVA within the cone of depression, the maximum amount of water ever withdrawn by Pocatello at the wells at the points of diversion recommended by IDWR, or individual water rights "injured" by Pocatello's use of these wells located at the points of diversion recommended by IDWR.⁵⁴

In their Memorandum in Support of Joint Motion to Participate, the SWC moved under I.R.C.P. 24(a) to intervene, arguing Pocatello's objections "would significantly impair the Coalition's water rights by reducing the available water supply of the Snake River and American Falls Reservoir."⁵⁵ Or more explicitly, "the Coalition plainly has a 'direct interest' that will be 'impaired or impeded' if Pocatello is successful in avoiding future water right administration and is allowed to deplete the water sources that supply the Coalition member's rights⁵⁶ under a 'separate stream' theory."⁵⁷

⁵³ Answer to Interrogatory No. 10, SWC's Answers to Pocatello's Discovery, Exhibit E to Affidavit of Joyce Angell, pages 76, 86, 96, 118, 128, 138, 148, 159, 256, 266, 276, 286, 296, 306, 316, 326, 336, 346.

⁵⁴ Interrogatory nos. 6, 7, 8, and 9, State's Answers to Pocatello's Discovery Requests, Exhibit D to Affidavit of Joyce Angell, pages 85, 86, 117, 118.

⁵⁵ SWC's Memorandum in Support of Joint Motion to Participate, page 2.

⁵⁶ SWC's Memorandum in Support of Joint Motion to Participate, page 9.

⁵⁷ In its March 2, 2006 Memorandum in Support of Joint Motion to Participate, the SWC repeatedly cited the 'separate stream' theory as grounds for its intervention in Pocatello's state-law SRBA subcases. Pocatello's 'separate stream' objections have since been dismissed. See footnote 28, *supra*. Although the SWC continues to participate in other issues in this proceeding (such as "municipal" purpose of use and 42-1425 injury) that were not addressed in its original Memorandum, the SWC has not provided any substantive information on these issues in its discovery answers.

To support its intervention under I.R.C.P. 24(a), the SWC alleged that its “water rights” and “direct interest” would be “impaired or impeded” by Pocatello’s objections. However, the SWC offered no proof of the alleged injury when specifically questioned in Pocatello’s Discovery Requests to the SWC. Instead, the SWC responded to injury questions with two answers: (1) “[t]he Coalition is without sufficient information to answer the interrogatory as this time”⁵⁸ and (2) “[t]he Coalition has made reasonable inquiry and the information known or readily available is insufficient to admit or deny the request . . .”⁵⁹ The SWC declared it was “without sufficient information” when asked to list any allegedly injured water rights under 42-1425.⁶⁰ When asked to describe any information regarding individual water rights “injured” by Pocatello’s use of the wells located at IDWR’s recommended points of diversion, the SWC declared it was “without sufficient information to answer the interrogatory completely....”⁶¹ Furthermore, the SWC could not proffer any information on the cone of depression created by Pocatello’s use of the wells located at the points of diversion recommended by IDWR or the ground water rights that withdraw water from the LPRVA within those cones of depression because, “no hydrologic analysis has been made.”⁶²

⁵⁸ SWC’s Answer’s to Pocatello’s Discovery, Exhibit E to Affidavit of Joyce Angell, pages 17, 26, 44.

⁵⁹ This answer is located throughout SWC’s Answers to Pocatello’s Discovery, Exhibit E to Affidavit of Joyce Angell, pages 5, 6, 7, 8, 10, 11, 12, 17, 21, 22, 23, 26, 29, 30, 31, 38, 38, 44.

⁶⁰ Answer to Interrogatory No. 10, SWC’s Answers to Pocatello’s Discovery, Exhibit E to Affidavit of Joyce Angell, pages 17, 26, 44.

⁶¹ Answer to Interrogatory No. 8, SWC’s Answers to Pocatello’s Discovery, Exhibit E to Affidavit of Joyce Angell, page 17.

⁶² Answers to Interrogatory Nos. 6 and 7, SWC’s Answers to Pocatello’s Discovery, Exhibit E to Affidavit of Joyce Angell, pages 16, 17, 25, 43, 44.

The following example demonstrates how SWC answers to Pocatello's Discovery would avoid admitting the SWC did not have documents or other information alleging or claiming an injury to their water rights.

Request for Admission No. 2: Admit that YOU have no DOCUMENTS or other INFORMATION alleging or claiming an injury as described in your response to Interrogatory No. 11 to the water rights listed in your response to Interrogatory No. 7.

Answer to Request for Admission No. 2: Denied. See answer to Interrogatory No. 8.

Interrogatory No. 8: Please DESCRIBE any information you have regarding the individual water rights "injured" by POCATELLO'S use of the wells located as the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 8: See answer to Interrogatory No. 6. The Coalition is without sufficient information to answer the interrogatory completely at this time.

Interrogatory No. 6: Please DESCRIBE any information you have regarding the cone of depression created by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 6: None at this time. Information on timing and quantity of use from Pocatello's wells is not available, so no hydrologic analysis has been made.⁶³

The ultimate fact is that the SWC has no information of any 42-1425 injury to individual water rights.

⁶³ SWC's Answers to Pocatello's Discovery, Exhibit E to Affidavit of Joyce Angell, pages 16, 17, 18.

CONCLUSION

In conclusion, Pocatello respectfully requests that the Special Master grant summary judgment on the following:

1. Water rights 29-7119, 29-7118, 29-7770, and 29-7431 are to be decreed with a municipal purpose of use, consistent with their use by the City of Pocatello in its broad capacity and function as a municipality.
2. Mink Creek, Gibson Jack Creek, the LPRVA, the ESPA, and the Snake River as interconnected sources of water.
3. No 42-1425 injury has been proved for Pocatello's alternate points of diversion in operation for its interconnected culinary system as of November 19, 1987.

DATED this 30th day of November 2006.

BEEMAN & ASSOCIATES, P.C.
Attorneys for the City of Pocatello

By Josephine P. Beeman
Josephine P. Beeman

2576

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 30th day of November 2006, I caused a true copy of the foregoing **CITY OF POCA TELLO'S BRIEF IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT ON MUNICIPAL PURPOSE OF USE, INTERCONNECTION, AND INJURY** to be served on the following by U.S. First Class Mail unless indicated as faxed or hand delivered:

UNITED STATES OF AMERICA
REPRESENTED BY:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NAT'L RESOURCES
550 WEST FORT STREET, MSC O33
BOISE, ID 83724

C. TOM ARKOOSH
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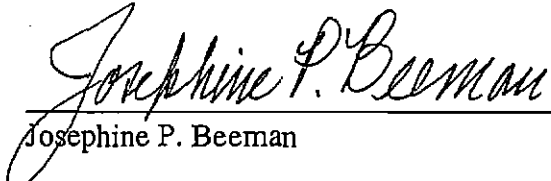
STATE OF IDAHO
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Josephine P. Beeman

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EXHIBIT A

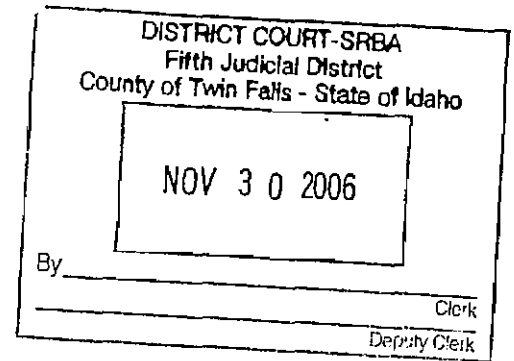
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Attorneys for City of Pocatello



**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA) Subcase Nos. 29-00271, et al. (see attached Exhibit A)
)
) **AFFIDAVIT OF JOYCE ANGELL IN SUPPORT**
) **OF CITY OF POCATELLO'S MOTION FOR**
Case No. 39576) **SUMMARY JUDGMENT ON THE ISSUES OF**
) **(1) MUNICIPAL PURPOSE OF USE AND**
) **(2) INTERCONNECTION AND INJURY UNDER**
_____) **I.C. § 42-1425**

STATE OF IDAHO)
) ss:
COUNTY OF ADA)


I, Joyce Angell, state that I am employed by the law office of Beeman & Associates, P.C., and I make the following statement on the basis of my personal knowledge.

1. I attest that the following attached documents are true and correct copies of the original documents, or where the documents are not the original copies, they are copies of the documents served on Beeman & Associates, P.C.:

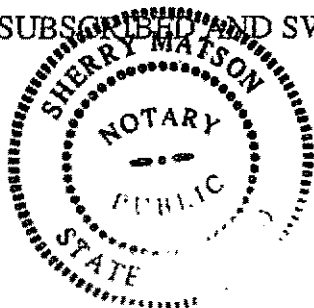
- Exhibit B: Spronk Water Engineers, Inc. Expert Report Dated September 29, 2006 Prepared for the City of Pocatello, Claimant
- Exhibit C: Brockway Engineering PLLC Rebuttal Expert Report to Spronk Water Engineers, Inc. Expert Report Dated September 29, 2006 Prepared November 2, 2006 for Milner Irrigation District, Minidoka Irrigation District, American Falls Reservoir District #2, A & B Irrigation District, Burley Irrigation District, North Side Canal Company, Twin Falls Canal Company
- Exhibit D: Idaho's Responses to First Set of Discovery Requests Served by the City of Pocatello
- Exhibit E: Coalition's Responses to Pocatello's First Set of Discovery Requests
- Exhibit F: Pocatello's Objections and Responses to State of Idaho's First Set of Discovery Requests to the City of Pocatello
- Exhibit G: Farm Lease Agreement between the City of Pocatello and Edward Alvin Smith and Christine Smith

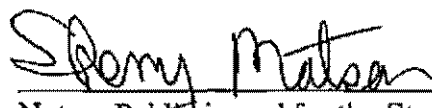
FURTHER YOUR AFFIANT SAYETH NAUGHT.

Dated this 30th day of November 2006.


Joyce Angell

SUBSCRIBED AND SWORN to before me this 30th day of November 2006.




Notary Public in and for the State of Idaho
Residing in: Boise, Idaho
My Commission Expires: October 11, 2011

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 30th day of November 2006, I caused a true copy of the foregoing **AFFIDAVIT OF JOYCE ANGELL IN SUPPORT OF CITY OF POCA TELLO'S MOTION FOR SUMMARY JUDGMENT ON THE ISSUES OF (1) MUNICIPAL PURPOSE OF USE AND (2) INTERCONNECTION AND INJURY UNDER I.C. § 42-1425** to be served on the following by U.S. First Class Mail unless indicated as faxed, hand delivered, or emailed:

UNITED STATES OF AMERICA
REPRESENTED BY:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NAT'L RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

C. TOM ARKOOSH
ARKOOSH LAW OFFICES, CHTD.
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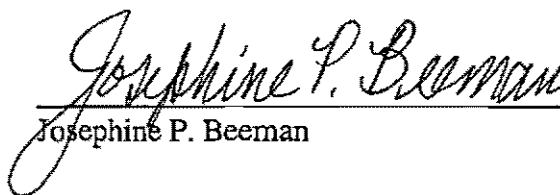
STATE OF IDAHO
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NATURAL RESOURCES DIV CHIEF
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Josephine P. Beeman

1776/100/LivDisc/SJ/7443

EXHIBIT A

Subcase Numbers

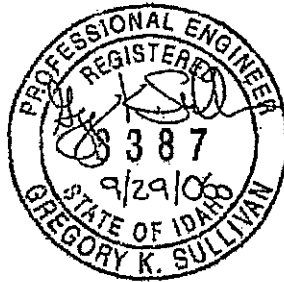
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29-13639

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

SPRONK WATER ENGINEERS, INC.
EXPERT REPORT DATED
SEPTEMBER 29, 2006 PREPARED
FOR THE CITY OF POCA TELLO,
CLAIMANT



Spronk Water Engineers, Inc.
1000 Logan Street
Denver, Colorado 80203

2583

Exhibit B
Affidavit of Joyce Angell in Support of
Pocatello's Motion for Summary Judgment
November 30, 2006 Subcase 29-271 et al

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Spronk Water Engineers, Inc.
Expert Report
Dated September 29, 2006
Prepared For The
City of Pocatello,
Claimant

1.0 INTRODUCTION

The City of Pocatello (Pocatello, the City) has claimed water rights in the Snake River Basin Adjudication ("SRBA") under two different legal approaches. These include claims based on Idaho State Law ("State-law claims") and another claim based on Federal Law. The State-law claims are the subject of this report.

The City originally filed 38 State-law claims in the SRBA for ground water and surface water rights on April 16, 1990. Amended claims were filed on November 18, 2003. There were no objections to the City's original or amended claims filed by other water users. The Idaho Department of Water Resources (the "Department") Basin 29 Director's Report for Irrigation and Other Uses ("Director's Report") was filed with the SRBA Court on November 18, 2003 and included recommendations for the City's SRBA claims. Pocatello filed various objections to these recommendations. There were no objections to the Director's recommendations by an other water users. Negotiations between Pocatello and the Department have resulted in a number of stipulations regarding certain of the City's State-law claims, although a number of disputed issues remain. This report addresses the following disputed issues:

- A condition proposed by the Department to limit the City's claims for alternate points of diversion for its interconnected municipal wells,
- The Department's recommended denial of the City's claim for alternate points of diversion for its surface water rights on Mink Creek and Gibson Jack Creek,
- Miscellaneous issues related to identification of the wells included in the City's

interconnected municipal well systems, and subset of these wells that were the subject of prior formal administrative transfers approved by the Department.

The above issues are described in The Department's April 13, 2006 Supplemental Director's Report Regarding the City of Pocatello's Basin 29 State-Based Water Rights ("706 Report"). This expert report was prepared to support the City's positions regarding the disputed issues.

1.1 Pocatello's Interconnected Water Systems

The City supplies water to over 50,000 residents in a service area of approximately 34 square miles. The primary source of water supply for the City is ground water pumped from municipal wells constructed in the Lower Portneuf River Valley Aquifer ("LPRVA"). The City currently has 28 wells that provide water to the primary municipal area of the City ("City Wells"). The City claimed water rights in the SRBA for 23 interconnected City Wells¹. These wells withdraw water from the LPRVA, with the exception of Well 32, which is constructed in the Eastern Snake Plain Aquifer ("ESPA") near where it connects to the LPRVA.. A map showing the location of the City Wells is attached as Figure 1.

Commercial and industrial development in and around the Pocatello Municipal Airport is supplied water from two interconnected wells, Wells. 35 and 39. Other wells near the airport are used for land application of biosolids from the Pocatello Wastewater Treatment Plant. The municipal and land application wells near the airport are collectively referred to as the "Airport Wells." These wells are constructed in the ESPA as shown in Figure 1.

1.2 Pocatello's SRBA Claims

Table 1 summarizes the City's State-law SRBA claims, including the claim number, priority date, diversion rate and location. Also shown in Table 1 are the priority dates and diversion rates recommended by the Department that are different from those claimed by the City.

¹Twenty-two of the interconnected wells existed in 1987. Well 44 was constructed as a replacement well after 1987 and is included in the City's SRBA claims.

Pocatello's water system developed over time as the water use by a growing population increased. The City's SRBA claims reflect the periodic increase in water supply capacity that was developed in response to increasing demands. Each water right claimed by the City represents the date (priority date) and amount (rate in cubic feet per second) of increases in system production capacity that resulted from construction of new wells, enlargement of well pumping capacity or acquisition of existing wells. The result was 22 ground water rights for 23 interconnected City Wells, each of which is claimed as an alternate point of diversion. The City Wells are also claimed as alternate points of diversion for surface water rights on Mink Creek and Gibson Jack Creek. In addition, the City claimed its two interconnected Airport Wells as alternate points of diversion for the two ground water rights associated with those wells.

Table 2 is a summary of the City's State-law claims that include alternate points of diversion. The alternate points of diversion reflect the physical operation of the City's water supply system, and allow the City to exercise its water rights in order of priority from senior to junior regardless of which interconnected wells are pumping at a given time.

The City Wells that serve the interconnected system and are claimed as alternate points of diversion are shown with red text labels in Figure 1. Of these, the wells that are interconnected are labeled red on yellow and those that are not interconnected are labeled red on white. The two interconnected Airport Wells are shown with red on blue labels. Other City Wells and Airport Wells for which no alternate points of diversion are claimed are shown with black on white labels.

Table 3 lists The Department's recommendations for water rights that Pocatello claimed with alternate points of diversion. The differences between what was claimed by Pocatello and what was recommended by the Department are highlighted in yellow on Table 2.

Pocatello filed objections to all 38 of the Department's recommendations listed in the Director's Report for the City's claimed water rights. These objections were for global issues that applied to many or all of the claims, and for specific issues for particular claims. Table 4 summarizes the City's objections that were filed on November 14, 2003 in the SRBA Court. A table similar to Table

4 was attached to each objection filed by the City. The objections addressed in this report are those identified in Table 4 by the columns, *Provisions Necessary, Correct Interconnection, Accomplished Transfer, and Point of Diversion.*

2.0 ALTERNATE POINTS OF DIVERSION FOR GROUND WATER RIGHTS

Pocatello's claim for alternate points of diversion for its ground water rights was made under the accomplished transfer provisions in Idaho Code §42-1425 ("Accomplished Transfer Statute"). The following is the essential portion of the statute:

Any change of ... point of diversion ... by any person entitled to use water ... prior to November 19, 1987, may be claimed in a general adjudication even though the person has not complied with 42-108 and 42-222, Idaho Code, provided no other water rights existing on the date of the change were injured and the change did not result in an enlargement of the original right. (emphasis added). I.C. §42-1425(2).

The 22 ground water rights and 23 alternate points of diversion claimed by Pocatello are listed in Table 3, and are described in Section 1.3. No objections to the City's claims were filed by other water right holders. Nevertheless, The Department seeks to add a condition to limit the City's alternate point of diversion operations as described below.

2.1 The Department's "Other Provisions Necessary" Condition

In July 2003, the Department recommended approval of 22 alternate points of diversion for 18 of the water rights claimed for the City Wells provided the exercise of the water rights at the alternate points was conditioned as follows:

To the extent necessary for administration, water was first appropriated or used from:
(List of alternate points of diversion, e.g., Pocatello Well No. 2 located in T07S, R34E, S01, NW¼NE¼, on 12/31/1926 in the amount of 3.12 cfs)

The above condition listed the location, priority date, and diversion rate amount for each of the 22 wells recommended as alternate points of diversion. The water rights that were conditioned and the alternate points of diversion are listed in Table 3, under the column heading "IDWR July 2003 Recommendations".

In April 2006, in the Department's 706 Report to Special Master Bilyue, the proposed condition was modified to the following ("Condition"):

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, water was first appropriated or used from:

The Department also revised the conditions list of wells, quantities and priority dates. The wells and water rights proposed to be conditioned by the Department are listed in Table 3, under the column heading "IDWR April 2006 Recommendations". In this April 2006 revision, the Department has recommended the Condition apply to 18 water rights and 31 alternate points of diversion for the interconnected City Wells. The Department added nine wells to the original list of 22 recommended alternate points to which the Condition would apply. The additional nine wells include original wells that are not in use but are related to the water rights claimed. The Department also revised the diversion rates for Wells 2 and 29.

For legal and technical reasons, Pocatello does not believe the Condition imposed by the Department on the City's water rights claimed with alternate points of diversion is warranted, and the Condition effectively denies the transfers claimed by the City under the Accomplished Transfer Statute.

2.2 The Departments's Basis for the Condition

The basis for the Department's proposed Condition on the alternate points of diversion claimed by Pocatello for its interconnected wells is described on pages 12-15 of the 706 Report. The Department contends that the Condition is necessary to avoid injury to other water users and to assist in the administration and definition of the water rights. A summary of IDWR's reasoning follows.

By listing all of its points of diversion for all of its water rights, the City would be allowed to withdraw water under its most senior priority water right from any well location. The Department, in order to recommend multiple, alternate points of diversion on the City's interconnected water rights under an accomplished transfer theory, included a condition to prevent injury that could result from allowing this practice. Without the condition, the Department would not have recommended the multiple, alternate points of diversion because injury to other water rights was likely. (emphasis added). (pp. 12-13).

The 706 Report lists three substantive parts of the condition (location, priority date, and amount), summarized as follows:

1. Location - The Department considers well location important because "*many other wells could have been drilled nearby before or after the City owned well was drilled or used*" (emphasis added) (p 14).

2. Priority Date - The Department considers the "... *date water was first appropriated from that well...*" important "... *when addressing well-interference issues and mitigation requirements for aquifer-wide regulation.*" It offers the following hypothetical example to illustrate its concern:

If at some time in the future, the City increases the pumping capacity of a well within the City's interconnected system, and it reduces the amount of water available to another water user, this condition preserves the ability of a water user to protect their water right". b) If a well developed by Pocatello in 1990 causes interference with a neighbor's well that was drilled in 1960, the City's well will be treated as junior to the 1960 well even though the City, on occasion, could be diverting a quantity from that well that is associated with a 1950 well owned elsewhere in the City. (page 14).

3. Amount - The Department stresses the importance of the water right amount when evaluating potential injury from the alternate point operation on other surface and ground water rights. This concern is illustrated by two hypothetical examples as follows:

If a senior surface water user makes a call and the Department determines that the City's use of ground water is causing injury to that senior surface water user from a certain well, the City has the flexibility to obtain that quantity from different well locations to supply its residents with water. However, the City is still responsible for mitigating any injury associated with the withdrawal of the quantity from its wells. In addition, when the City pumps water from a well at a different location, it may cause interference with a different surface water source, or another water user's well. " (p 15).

Finally, the 706 Report states that the proposed Condition "... *preserves the historical information necessary for administering the water rights as they were historically developed.*" (p.15).

In summary, the Department believes the proposed Condition is necessary for both local well-to-well interference concerns as well as for regional conjunctive administration of ground water and

surface water rights. These concerns are addressed in the following sections.

2.3 Well-to-Well Interference Impacts

The City has exercised its water rights with multiple points of diversion as its water uses increased and its interconnected water system expanded. As the City's demand increased, it constructed and acquired additional wells that were added to the interconnected system. The City has long delivered water for municipal uses through a central distribution system that is supplied through multiple wells. The wells that are actually pumped into the system vary from time-to-time for a variety of reasons. However, the City's exercise of its water rights in order from senior to junior reflects the increasing use of water through time by the City residents. The City's oldest water uses occur under the City's oldest water rights regardless of the wells that it operates because of convenience, reliability or other reasons.

The Department has provided no evidence of actual injury to other ground water users resulting from the City's pumping at multiple alternate points of diversion. Instead, the proposed Condition is based, in part, on speculation by the Department that injury may occur due to well-to-well interference, and hypothetical situations in which injury might occur. This is not a sufficient basis to limit Pocatello's water rights given that it properly claimed the alternate points of diversion under the Accomplished Transfer Statue and there were no objections to the claims filed by other water users. In addition, we are not aware of delivery calls made by local well users that have been placed against Pocatello's wells either before or after 1987.

In addition to not presenting evidence of actual injury caused by Pocatello's alternate point of diversion operations, the Department has no objective standards or criteria by which potential injury can be evaluated. The Department has not established "reasonable pumping levels" for the LPRVA or the ESPA. Nor has the Department quantified the amount of aquifer water level drawdown from pumping that is injurious to other water users.

Notwithstanding the lack of standards or criteria for evaluating injury, SWE analyzed the magnitude of aquifer drawdown that existed prior to November 19, 1987 as a result of the City's well

operations. Legal counsel has advised SWE that the relevant period is prior to November 19, 1987.

Water Level Measurements

SWE obtained water level measurements for the interconnected City Wells and Airport Wells. The data included measurements of depth to water and whether the measurements were taken while the pump was running (pumping water level) or when the pump was not running (static water level). The period of record for the water level measurements varies by well. Graphs of the pumping and static water levels for each well for which data were available are provided in Figure 2.

Average pumping and static water levels were calculated for each well for the period of record through 1987. The average pumping water levels were subtracted from the average static water levels and the resulting average pumping drawdown levels were plotted in Figure 3. The long-term average pumping drawdown gives a general indication of the magnitude of drawdown experienced within the pumping well. Drawdown in the aquifer immediately outside the well casing will typically be less than inside the well casing as a result of well losses and inefficiencies. The aquifer drawdown becomes less as the distance from the well increases because a greater portion of the aquifer is contributing to the well pumping rate.

The Pocatello wells were categorized by the average measured pumping drawdown as follows:

**Average Measured Pumping Drawdown
as of 1987
City of Pocatello Wells**

| 0 - 4 feet | 4 - 10 feet | 10 - 19 feet | No Data |
|------------|-------------|--------------|---------|
| Well 10 | Well 2 | Well 29 | Well 13 |
| Well 12 | Well 7 | Well 32 | Well 14 |
| Well 21 | Well 16 | | Well 15 |
| Well 22 | Well 18 | | Well 23 |
| Well 28 | Well 26 | | Well 33 |
| Well 30 | Well 27 | | Well 34 |
| Well 31 | | | Well 39 |
| Well 35 | | | Well 44 |

There reportedly are no water level measurements available prior to 1987 for the wells listed in "No Data" column. Static and pumping water levels measured post-1987 for Wells 13, 14, 33 and 34 show average measured pumping drawdowns of 1.5, 1.0, 3.0 feet and 6.2 feet, respectively. Average measured pumping drawdowns for Wells 15 and 44 could not be calculated because either only static water levels were generally measured (Well 15) or only pumping levels were generally measured (Well 44).

Hydrogeology

Published reports, pumping test results and other materials were reviewed for information regarding the aquifer hydrogeology in the vicinity of the City's wells. A list of the information that was reviewed is included in Section 5.

The City Wells, with the exception of Well 32, withdraw water from the LPRVA, which extends from the Portneuf Gap, through the City, to the City of Chubbuck. The Airport Wells and Well 32 are completed in the ESPA. The LPRVA aquifer is connected to the ESPA northwest of Pocatello.

The locations of the City's wells, and the LPRVA and ESPA aquifers are shown in Figure 1.

The LPRVA is a prolific aquifer, and many of the City's wells have impressive yields ranging as high as 3,600 gpm. Southeast of the City, the aquifer is characterized by 60 to 120 feet of highly permeable, unconfined gravels overlying a much thicker section of low-permeability basin fill sediments. Analysis of the City's wells in the southern portion of the aquifer (Wells 36, 13, and 28) indicated aquifer transmissivities of up to 7.5 ft²/sec (Welhan et. al., 1996).

The LPRVA within and north of the City is comprised of multiple, confined silty gravel and sand layers, and appears to consist of at least two major water-bearing zones which include a shallow, confined gravel aquifer and a deep confined gravel aquifer. Depths to water are generally greater than in the southern portion of the aquifer. Analysis of the City's wells in the northern portion of the aquifer (Wells 26, 27, 31, and 24) indicate transmissivities ranging from 1.5 ft²/sec to 4.7 ft²/sec. Aquifer thickness ranges from approximately 60 to 250 feet. (Welhan, et. al., 1996, Welhan, et. al., 1994) An upper clay layer, believed to represent the American Falls lake beds, overlies the deeper confined layers in the northern portion of the aquifer that supply the City's wells. The clay layer is approximately 60 to 80 feet thick in the vicinity of Well 26 and may extend as far as northwest as American Falls Reservoir (Welhan, personnel communication, 2006).

CH2M Hill performed a 30-hour constant rate discharge pumping test on the LDS Farm North Irrigation Well on May 14 and 15, 1994 in response to TCE contamination in the southern aquifer. This well is located near Well 44 as shown in Figure 1. The discharge rate for the test was approximately between 1,000 and 1,220 gpm. The maximum observed drawdown at the end of the pump test in the primary observation well, PA-5, located 40 feet from the pumping well, was 0.39 foot (CH2M Hill, 1994).

A pumping test was performed in April 1992 on Well 34 located in the northern portion of the aquifer as shown in Figure 1. The data collected during the pump test indicate that after 5.25 hours of pumping, there was drawdown of approximately 5.0 feet at the pumping well and approximately 2.5 feet in Well 31, 104 feet away. The pumping rate in Well 34 was 3,090 gpm (6.8 cfs). The long-

term average drawdown for the entire period of record (1988 - 2005) for Well 34 is 6.2 feet. (Welhan, personal communication, 2006).

The two pumping tests described above indicate that there does not appear to be significant water level drawdown that extends any appreciable distance away from wells that withdraw water from the LPRVA. Additionally, the small magnitude of drawdown experienced in Well 35 (interconnected Airport well completed in ESPA) also indicates that there does not appear to be a significant water level drawdown that extends from the City's Airport pumping wells.

The LPRVA aquifer is considered to have little direct hydraulic connection to the Portneuf River in the reach extending through the City during periods of normal and low flows. The lack of direct hydraulic connection is attributed to the approximately 50 feet thick layer of clayey silt underlying the bed of the Portneuf River. In addition, the Portneuf River flows in a concrete lined channel through portions of the City. South of the City in the southern portion of the LPRVA, the Portneuf River is generally a losing stream, with the river surface elevation typically above the ground water level elevations². The surface water elevations and ground water elevations become similar north of the City indicating connection of the ground and surface water system. However, the exchange of water between the deeper confined layer and the surface is limited by the American Falls lake bed sediments.

Conclusion

Due on the prolific nature of the LPRVA and the relatively small magnitude of drawdowns measured, it is unlikely that Pocatello's alternate point of diversion operations had any significant impact to neighboring wells prior to November 19, 1987.

The basis for the Condition proposed by the Department to limit the City's diversions of its ground water rights at alternate points of diversion appears to be largely based on a concern for potential

² During high flows, overbank flooding may recharge the aquifer and raise aquifer water levels to near the level of the surface flows resulting in a transient direct hydraulic connection.

interference with surrounding wells. The Department provided no evidence of actual injury; no standards by which it would judge injury, and in short, no means for the City to gauge the impact of its operations on other wells in the vicinity of the City. Nevertheless, based solely on speculation of potential injury, the Department is recommending the proposed Condition.

In my opinion, the information and analysis described herein indicates that diversion of the City's ground water rights at alternate points of diversion was not injurious to nearby wells prior to 1987 nor is this operation causing material adverse impacts at the present time.

2.4 Regional Impacts

The 706 Report alludes to the potential impacts to surface water rights that may occur if the proposed Condition limiting the City's diversion of its ground water rights at alternate points of diversion is not imposed as recommended by the Department. SWE reviewed information to determine whether injury to surface water users occurred prior to November 19, 1987 as a result of the City's pumping at its alternate points of diversion.

We are not aware of specific claims of injury by surface water rights in the Portneuf River basin nor downstream on the Snake River against the City's wells prior to 1987. Even if a delivery call was made by senior surface water users (as it was in 2005), the issue relevant to the proposed Condition would be whether (a) depletions to surface flows resulting from the City's ground water use were materially different with pumping at the alternate points of diversions compared to depletions for the same amounts withdrawn from the City's senior priority wells at their original points of diversion, and (b) whether any material differences in depletions caused injury to downstream surface water rights.

When the City diverts at alternate points of diversion, some pumping occurs at wells closer to the Snake River and some pumping occurs at wells further from the Snake River. Pumping closer to the Snake River could theoretically accelerate the timing of depletions, while pumping further from the river could have an opposite effect by slowing the timing of the depletions. Regardless of the well location the ultimate total depletion to the Snake River will be the same. The potential for a

change in the timing of the depletions was evaluated by determining if there is any significant difference in the centroid³ of the City's pumping under the following two conditions:

1. Historical Pumping Condition - The first condition is the pumping distribution that existed in 1987 as represented by the average pumping distribution for the period 1983 - 1987. The production records for the wells are provided in Appendix A.
2. Priority Pumping Condition - The second condition reflects pumping from the City's wells at their original points of diversion in order of priority from senior to junior up to the monthly demands existing in 1987.

The centroid of pumping for the two conditions was determined by GIS analysis. The results are shown in Figure 4. The pumping centroids are within approximately 1.3 miles of each other. This difference is relatively insignificant in comparison to the distance from the centroid to points of substantial hydraulic connection to the surface system which are likely near American Falls Reservoir (10+ miles). Furthermore, the City's pumping developed over many decades and has been relatively stable over recent years. Depletions from the City's pumping are likely at near steady state and therefore any differences in the timing of depletions between the two conditions would be minimal.

Conclusion

In my opinion there is no material difference in the depletions to surface water from when the City is pumping its senior priorities first or when the City is pumping using its alternate points of diversion. Priority administration of the City's wells should be based on the City being able to divert water from its interconnected wells in order of priority from senior to junior regardless of which of these wells it operates.

³ Geographic center of the City's pumping weighted by the average annual withdrawals from each well.

3.0 ALTERNATE POINTS OF DIVERSION FOR SURFACE WATER RIGHTS

Pocatello claimed its City Wells as alternate points of diversion for the City's surface water rights on Mink Creek and Gibson Jack Creek under the Accomplished Transfer Statute. The claim, if approved, would allow the City to continue its practice of pumping ground water under the City's senior surface water right priorities. The Department has recommended that this claim be denied. The claim is summarized on Table 2.

3.1 The Department's Basis for Refusal

The Department's basis for recommending denial of the City's claim for alternate points of diversion of its surface water rights at its City Wells refusal is provided on pages 11 and 12 of the 706 Report. The report states as follows:

The basis of the Department's refusal to recommend the wells as alternate points of diversion for rights is twofold: first, the change, if any, on how the water was diverted occurred after 1987 and second, there is no factual basis for recognizing the wells as alternate points of diversion for these surface water sources." (p. 11).

The 706 Report identifies IDWR's October 30, 2002 Transfer Processing Memo No. 24 ("Transfer Guidelines") as providing guidance for evaluating a well claimed as alternate points of diversion for a surface water right. The memo provides that for a change in source from surface water to ground water, "*... factual evidence is needed that illustrates there is an immediate and direct connection between the surface source and the well.*" The memo states further that the connection must show "*...at least 50 percent depletion in the original source from depletion at a proposed point of diversion in one day ...*" Finally, the memo states the following:

The existing point of diversion and proposed point of diversion must be proximate such that diversion and use of water from the proposed point of diversion would have substantially the same effect on the hydraulically connected source as diversion and use of water from the original point of diversion. (p. 12).

SWE has been advised by Pocatello's legal counsel that the Transfer Guidelines are not legally binding principles for limiting SRBA claims for alternate points of diversion. As a result, the factual basis for the City's claim was evaluated by other means. (See Pocatello's Brief in Support of Motion for Summary Judgment on IDWR's Authority Under I.C. § 42-1425)

3.2 Surface Water Rights

The City owns three surface water rights on Mink Creek and one surface water right on Gibson Jack Creek. The Mink Creek water rights are based on a decree entered in the Bannock County District court on June 5, 1926 in Sam B. Smith, Administrator, et.al. v. City of Pocatello, et.al. (Appendix B). This case granted the City the following water rights:

**Mink Creek Water Rights
City of Pocatello**

| Priority | Amount (cfs) |
|-------------------|--------------|
| February 26, 1869 | 3.222 |
| October 1, 1901 | 0.560 |
| October 1, 1917 | 1.218 |
| Total | 5.000 |

These water rights are claimed as 29-271, 29-272, and 29-273. The decreed point of diversion is in the NE¼ of the SE¼ of Section 13, Township 8 South, Range 34 East, located at the confluence of the West and South Forks of Mink Creek.

The City claims a single water right on Gibson Jack Creek for 7.00 cfs with a priority date of June 16, 1898. The decreed point of diversion is on Gibson Jack Creek in the SE¼ of the SW¼ of Section 24, Township 7 South, Range 34 East. This point is immediately downstream from the confluence of the mainstem and the South Fork of Gibson Jack Creek.

3.3 Historical Use

The City's diversions from Mink Creek and Gibson Jack Creek were the primary sources of water for the City following its acquisition of the Pocatello Water Company in 1916. Water was conveyed via pipeline to operational storage facilities located on the bench west of the City and then distributed for municipal water uses. The early municipal use of water that developed in the City and was supplied from surface water sources continues to this day. Until recently, the City diverted

from Mink Creek and Gibson Jack Creek relatively uniformly year-around. As a result of increasing water treatment regulations, the City began reducing its surface water diversion during the late-1980's. After diversions for culinary uses ceased, surface water continued to be diverted for municipal irrigation uses. The City currently leases a small part of its surface water supply for open space irrigation in the Wildhorse Ridge Subdivision.

Records kept by the City of Pocatello show combined surface water diversions for Mink Creek and Gibson Jack Creek. Figure 5 illustrates the annual water use of surface water and ground water (excluding the airport supply) and for the period 1964 to 1987. These reports show that the maximum surface water use occurred in 1982, and surface water diversions began declining in 1985. From 1982 through 1984 surface water comprised of approximately 25 percent of the City's municipal water supply. By 1987, surface water use had declined to approximately 10 percent of the City's water use. The records also show that there were three months in 1985 (April - June), and three months in 1986 (March - May) during which no surface water was diverted, and Pocatello's entire demand was satisfied from LPRVA ground water diverted from its interconnected City Wells. Copies of these records are included in Appendix C.

The City's water use records indicate the City used its wells as alternate points of diversion for its surface water rights prior to November 19, 1987. The City's overall increasing water use through the late-1980's and the concurrent decline in surface water use indicates that the City was diverting through wells what it previously diverted from surface water sources. The surface water rights were fully diverted at the City's wells during April - June 1985 and during March - May 1986. By meeting its demand through the interconnected wells in lieu of diverting surface water, Pocatello diverted its surface water rights through its interconnected well system as alternate points of diversion prior to November 19, 1987. The wells serving as alternate points of diversion for the surface water rights prior to November 19, 1987 are listed in Table 2.

The Department cites a letter from the Idaho Department of Environmental Quality in 1998 as evidence that Pocatello was still using its surface water for culinary purposes, and therefore concludes that an accomplished transfer is not appropriate because the change in practice did not

occur prior to November 19, 1987. The Department's reasoning is misapplied because the City's claim is for alternate points of diversion, not changes in points of diversion. The City's water use records support the alternate point of diversion claim because they show that prior to November 19, 1987 the City's surface water rights were, at times, being partially or fully diverted at alternate points of diversion at the City Wells.

3.4 Hydraulic Connection between Surface Water Sources and the LPRVA

SWE reviewed published reports, pumping test results and other information regarding the hydrogeology of the area to determine whether there is a hydraulic connection between the City's surface water supply sources (Mink Creek and Gibson Jack Creek) and the LPRVA which is the source for the City Wells that are claimed as alternate points of diversion for the City's surface water rights. The information reviewed indicates that the primary sources of recharge to the LPRVA are runoff and ground water underflow from the Bannock Range southwest of the City, particularly from the Mink Creek and Gibson Jack Creek basins, as well as from the upper Portneuf watershed as underflow through the Portneuf Gap (Welhan, et. al., 1996).

In addition, information reviewed indicates that the LPRVA is in hydraulic connection with the surface water system at two locations: (1) generally along the Bannock Range, where tributaries to the Portneuf River, including Mink Creek and Gibson Jack Creek, emerge from the foothills and comprise a source of recharge to the LPRVA, and, (2) north of the City. Based on that information, it is my opinion that the City's surface water diversions and ground water diversions are from the same water source.

3.5 Effect on Other Water Rights

SWE analyzed the potential impact of diverting the City's surface water rights from its interconnected municipal wells on water rights on Mink Creek, Gibson Jack Creek, the Portneuf River, and the Snake River. Summaries of these analyses follow.

Effect on Mink Creek and Gibson Jack Creek Water Rights

Historical surface diversions of the City's surface water rights have been fully consumptive against

other water rights on Mink Creek and Gibson Jack Creek. There were no return flows from the City's use of the subject water rights that accrued locally and were relied upon by other users on the two creeks. Instead, diversions under the subject water rights were delivered to the City, and return flows accrued directly to the Portneuf River. Therefore, diversions of Pocatello's surface water rights through the City Wells have not injured other water rights on the two creeks.

Portneuf River and Snake River Water Rights

The City's use of the surface water rights diverted at the City's interconnected municipal wells will be generally the same as it was historically, except that water will be diverted from the interconnected City Wells rather than from the diversion structures on Mink and Gibson Jack Creeks. SWE analyzed whether diverting the surface water rights through the interconnected City Wells have caused in change any stream depletions to the detriment of existing surface water rights on the Portneuf River and the Snake River.

Net stream depletions are computed as the streamflow depletions from diversions less streamflow accruals from return flows (i.e., water not consumed). There is no change in return flows that results from diverting surface water from the wells, because the City has and will continue to use the water the same as it did in the past, except for diverting the water at the wells. If the return flows are the same, then any changes in stream depletions would have to result from changes in the diversion depletions.

Review of the records in Table 5 indicates the City's historical diversions from Mink Creek and Gibson Jack Creek were relatively steady from month-to-month. The City's diversion of its surface water rights through the interconnected alternate points of diversion follow the same pattern of use, since the wells are pumping in lieu of the surface water diversions. The City's pumping has developed over a period of many decades, and therefore the cumulative effect of pumping is at near steady state. In addition, the large distance to the points of hydraulic connection to the surface water attenuates the resulting depletions. As a result, there is likely no significant change in timing of depletions whether the surface water rights are diverted at the original points of surface diversion or at the alternate ground water points of diversion. Finally, it is noted that the City's surface water

rights are generally senior to most of the downstream senior surface water rights that might potentially place a call.

When the surface water rights are being diverted from the interconnected wells, there is a change in the location of the stream depletion. Prior to the use of alternate points of diversion, diversions from Mink Creek and Gibson Jack Creek depleted the surface water system at the points of diversion. The location of the depletions caused by diversions from the City's wells occurs downstream from the original point of diversion. If anything, this would improve, not hinder, the water supply to local surface water users on the Portneuf River.

Local Impacts

Potential impacts to local well users from the City's pumping are addressed in Section 2. It is unlikely that Pocatello's municipal wells had any significant impact to neighboring wells prior to November 19, 1987 as a result of diverting its surface water rights at alternate points of diversions for the same reasons as described in Section 2.0.

Conclusion

In my opinion, the City's water use records indicate that the City used its wells as alternate points of diversion for its surface water rights prior to November 19, 1987. Since the surface water sources are hydraulically connected to the LPRVA, and diversion of the City's surface water rights at the City Wells does not adversely affect other water users, the City's claim for alternate points of diversion for its surface water rights should be approved.

4.0 MISCELLANEOUS OBJECTIONS

Pocatello objected to the following miscellaneous recommendations made by the Department as summarized on Table 4:

- The City and Airport interconnected wells ("Correct Interconnected Objection")
- Water rights 29-2274, 29-2338, 29-7375 ("Accomplished Transfer" Objection:)
- Water right 19-7782 ("Correct Interconnection" objection)

Pocatello's position on these objections is described below.

4.1 Interconnected City Wells

The Department recommended 22 interconnected wells as alternate points of diversion, rather than the 23 interconnected City Wells claimed by Pocatello. The Department's recommended list of interconnected wells omits Well 44. Well 44 was constructed in the LPRVA in 1999, and was formally added as a point of diversion to Water Rights Nos. 29-2274, 29-2338, and 29-7375 (priorities 6/15/1948, 9/1/1952, and 2/24/1977 respectively) in Transfer 5452 approved by the Department on June 28, 1999. These three water rights were among the 22 water rights for the City's interconnected culinary system; for each of these 22 water rights Pocatello claimed 23 alternate points of diversion under the Accomplished Transfer Statute. Because Well 44 is an approved point of diversion for three of the water rights claimed for the City's interconnected culinary system, and because other wells listed with these three rights (e.g. Wells 13 and 15) are recommended as APODs for the interconnected City wells, Well 44 should by extension also be included in the list of alternate points of diversion for the interconnected City culinary system (see Table 2).

4.2 Water Right Nos. 29-2274, 29-2338, and 29-7375

Water diverted by these three water rights comes from the City's interconnected culinary system. The Department's recommendation for Water Right Nos. 29-2274, 29-2338 and 29-7375 should be modified to include all 23 alternate points of diversion claimed for the City's interconnected culinary system (see Table 2).

4.3 Water Right No. 29-7782

Well 34 is the original point of diversion for Water Right No. 29-7782. This well was connected to the interconnected City Wells in November 19, 1987. The Department's recommendation for Water No. 29-7782 is limited to the single original point of diversion. This water right should be approved with 23 alternate points of diversion as part of the interconnected City Wells (see Table 2).

5.0 DOCUMENTS RELIED ON

1. CH2M-Hill, 1994, Hydrogeology and Assessment of TCE Contamination in the Southern Portion of the Pocatello Aquifer - Phase I Aquifer Management Plan.
2. City of Pocatello historic water level data for each of the City of Pocatello's wells (beginning of period of record to March 2006) (spreadsheets prepared by the City of Pocatello Water Department) and Well Driller's Reports.
3. City of Pocatello, Existing System Hydraulic Schematic.
4. Idaho Department of Water Resources, April 13, 2006, Supplemental Director's Rep. Regarding City of Pocatello's Basin 29 State-Based Water Rights.
5. Memorandum from Tom Dekker, City of Pocatello Water Department, to Ivan Legler, City Attorney, City of Pocatello (March 31, 1989) (Surface Supply from Mink Creek and Gibson Jack Creek).
6. Report, City of Pocatello, Yearly Water Consumption from 1956 to Present (April 12, 1989).
7. State of Idaho Department of Water Resources, Transfer of Water Right, Transfer No. 5452, Water Right Nos. 29-02274, 29-02338, and 29-07375.
8. Telephone Interview with John A. Welhan, Idaho Geological Survey (Sept. 25, 2006).
9. Water Department, City of Pocatello, Monthly Report (January to December, 1962-1993).
10. Welhan, John, 2006, Idaho Geologic Survey Staff Rep. 05-6, Water Balance and Pumping Capacity of the Lower Portneuf River Valley Aquifer, Bannock County, Idaho.

11. Welhan, J.A., Meehan, C. and Reid, T., 1996, The Lower Portneuf River Valley Aquifer: A Geologic/ Hydrologic Model and Its Implications For Wellhead Protection Strategies.
12. Welhan, J.A., and Meehan, C., 1994, *Hydrogeology of the Pocatello Aquifer: Implications for Wellhead Protection Strategies*, 30th Symposium, Engineering Geology and Geotechnical Engineering, Boise, ID).
13. <www.idwr.gov/gis_data.htm>. Idaho Department of Water Resources GIS shapefiles (showing Pocatello well locations, ESPA aquifer boundary, and rivers and streams).
14. <www.idwr.gov/gis_data.htm>. United States Geological Survey Quadrangles (Michaud, Michaud Creek, Pocatello North, Pocatello South, Moonlight Mountain, Inkom).
15. <www.idwr.idaho.gov/apps/ExtSearch/SearchWRAJ.asp> (Table, City of Pocatello Claims, Idaho Department of Water Resources).

Figures

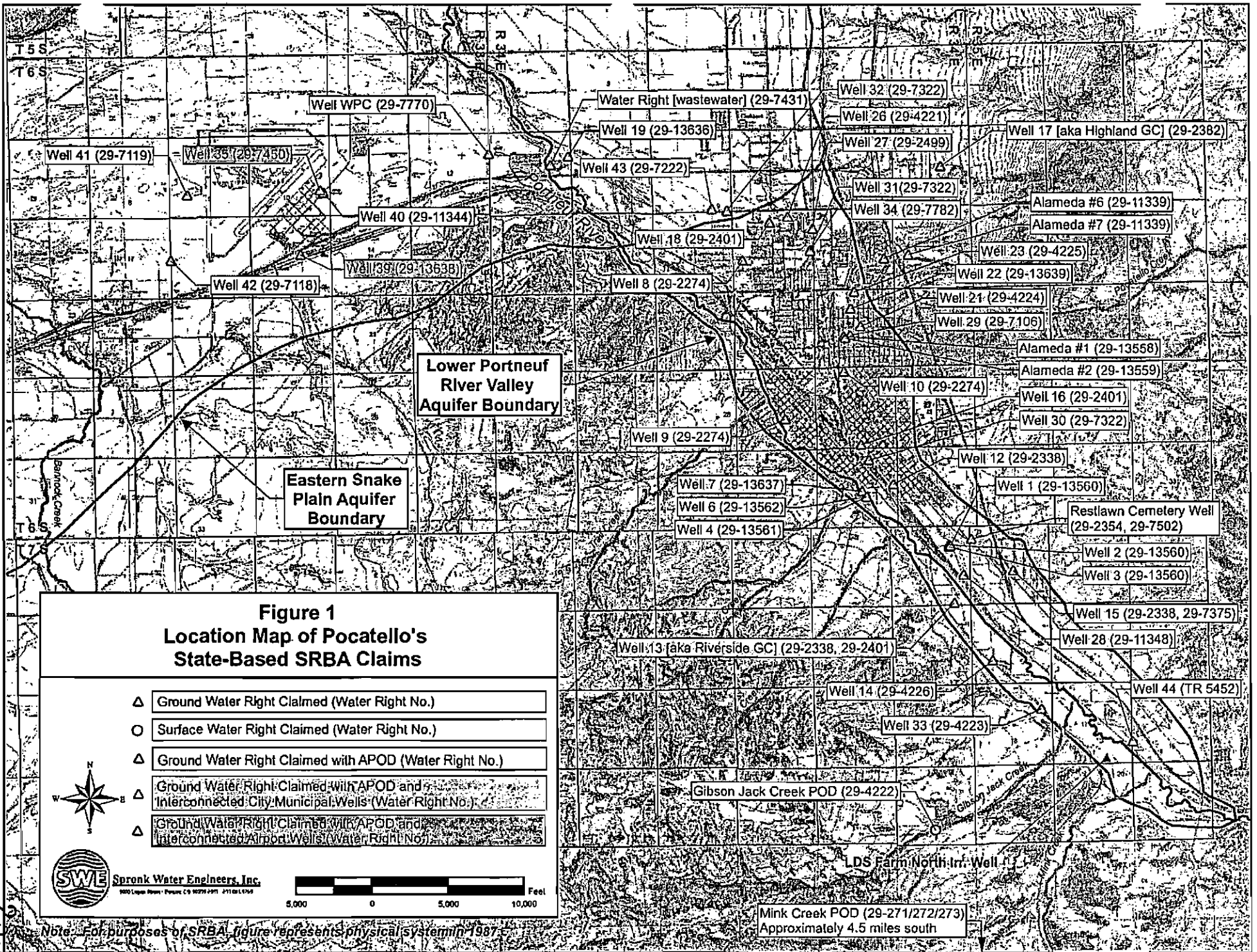


Figure 1
Location Map of Pocatello's
State-Based SRBA Claims

- △ Ground Water Right Claimed (Water Right No.)
- Surface Water Right Claimed (Water Right No.)
- △ Ground Water Right Claimed with APOD (Water Right No.)
- △ Ground Water Right Claimed with APOD and Interconnected City/Municipal Wells (Water Right No.)
- △ Ground Water Right Claimed with APOD and Interconnected Airport Wells (Water Right No.)



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Note: For purposes of SRBA, figure represents physical system in 1987.

LDS Farm North Irr. Well
 Mink Creek POD (29-271/272/273)
 Approximately 4.5 miles south

6023

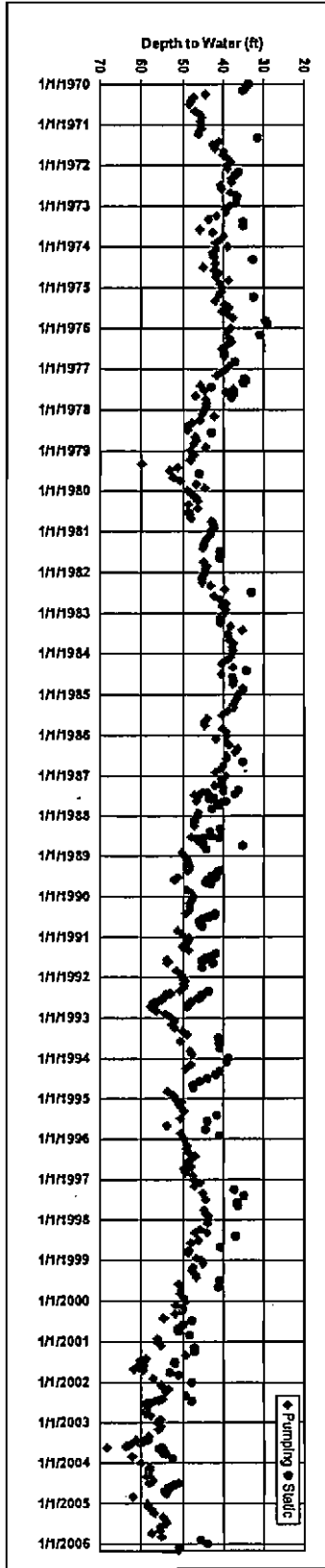
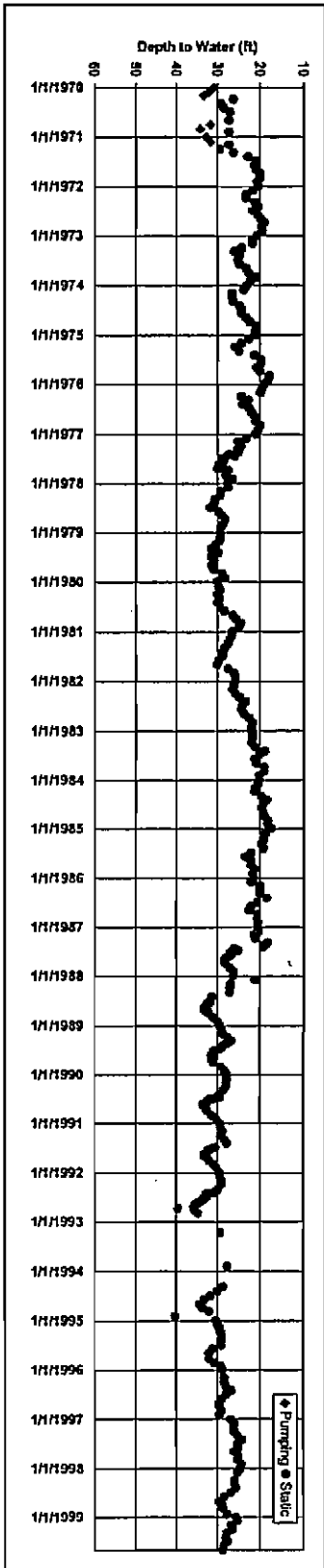
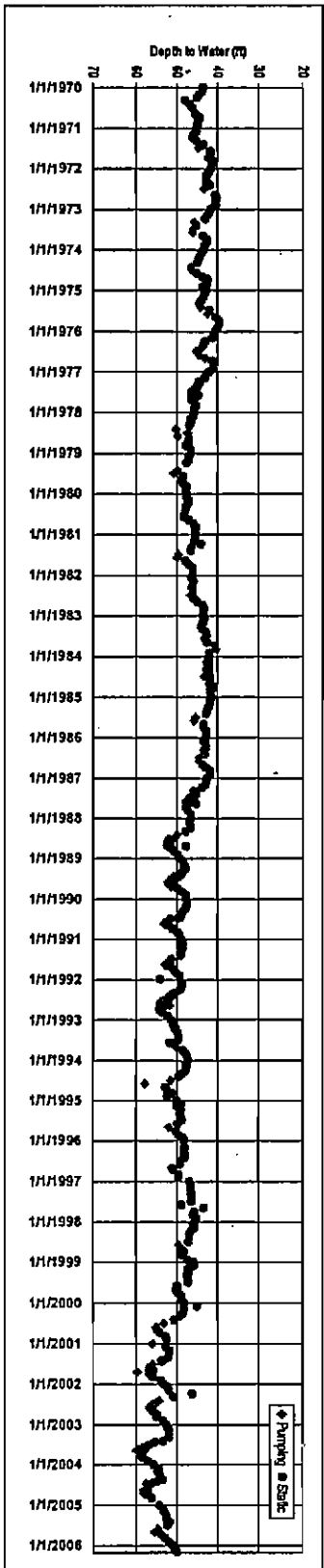
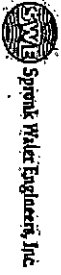


Figure 2
Measured Ground Water Levels for Interconnected Wells
City of Pocatello
(feet)



Figure 2
Measured Ground Water Levels for Interconnected Wells
City of Pocatello
(feet)

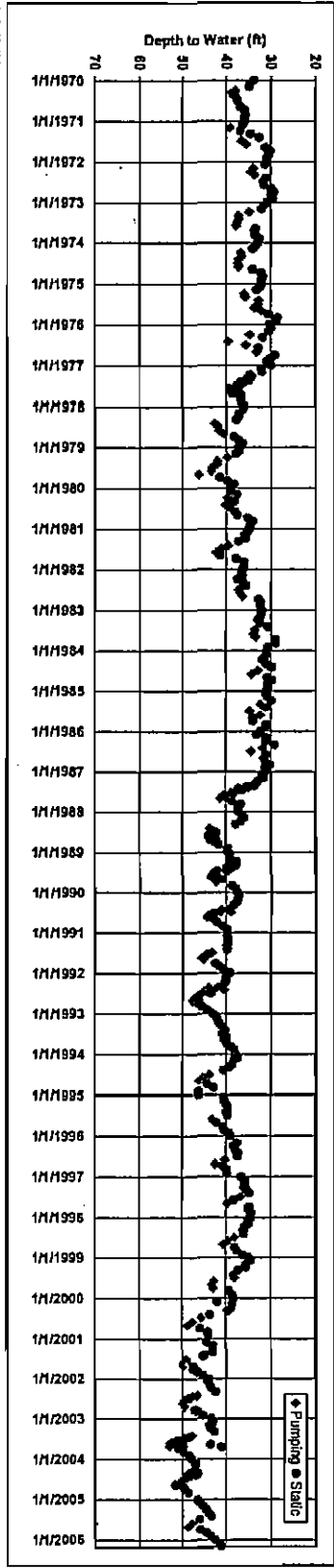
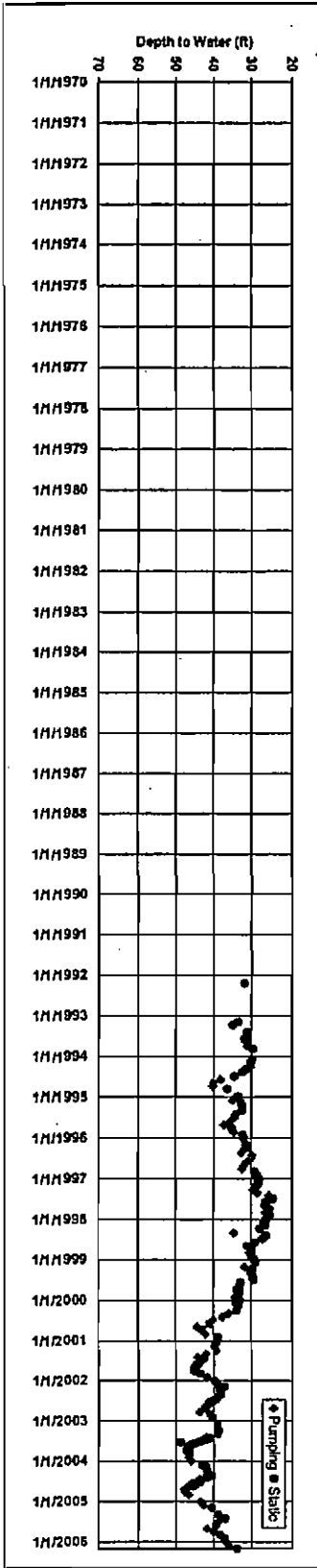
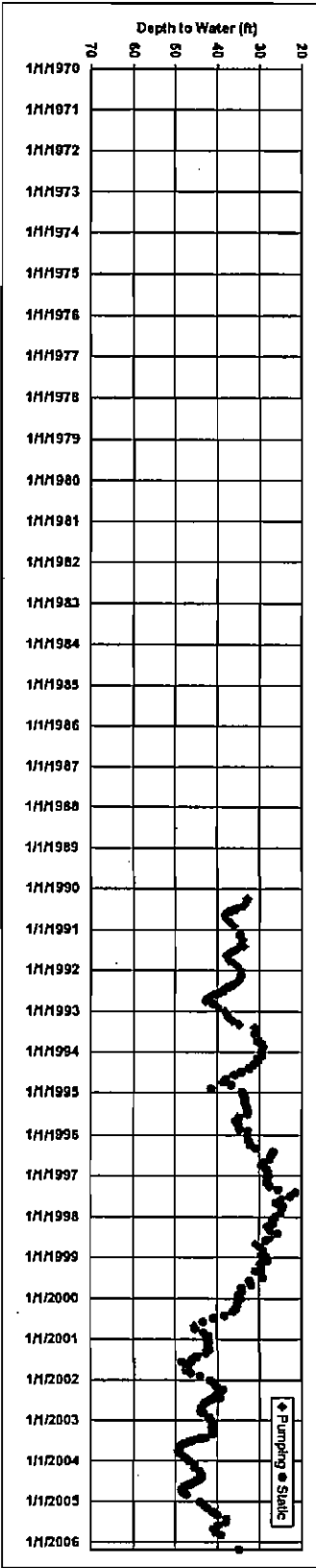
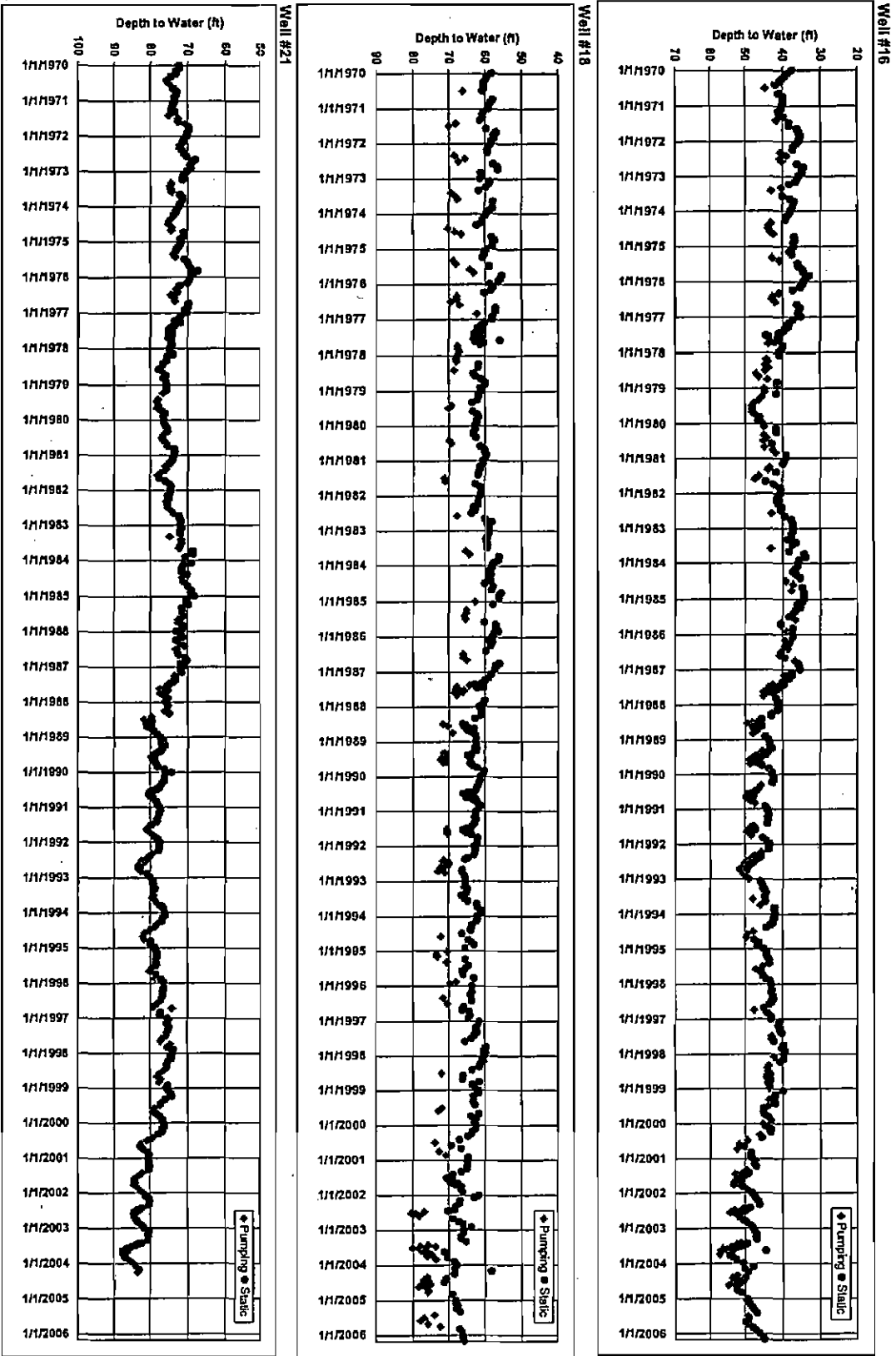


Figure 2
 Measured Ground Water Levels for Interconnected Wells
 City of Pocatello
 (feet)



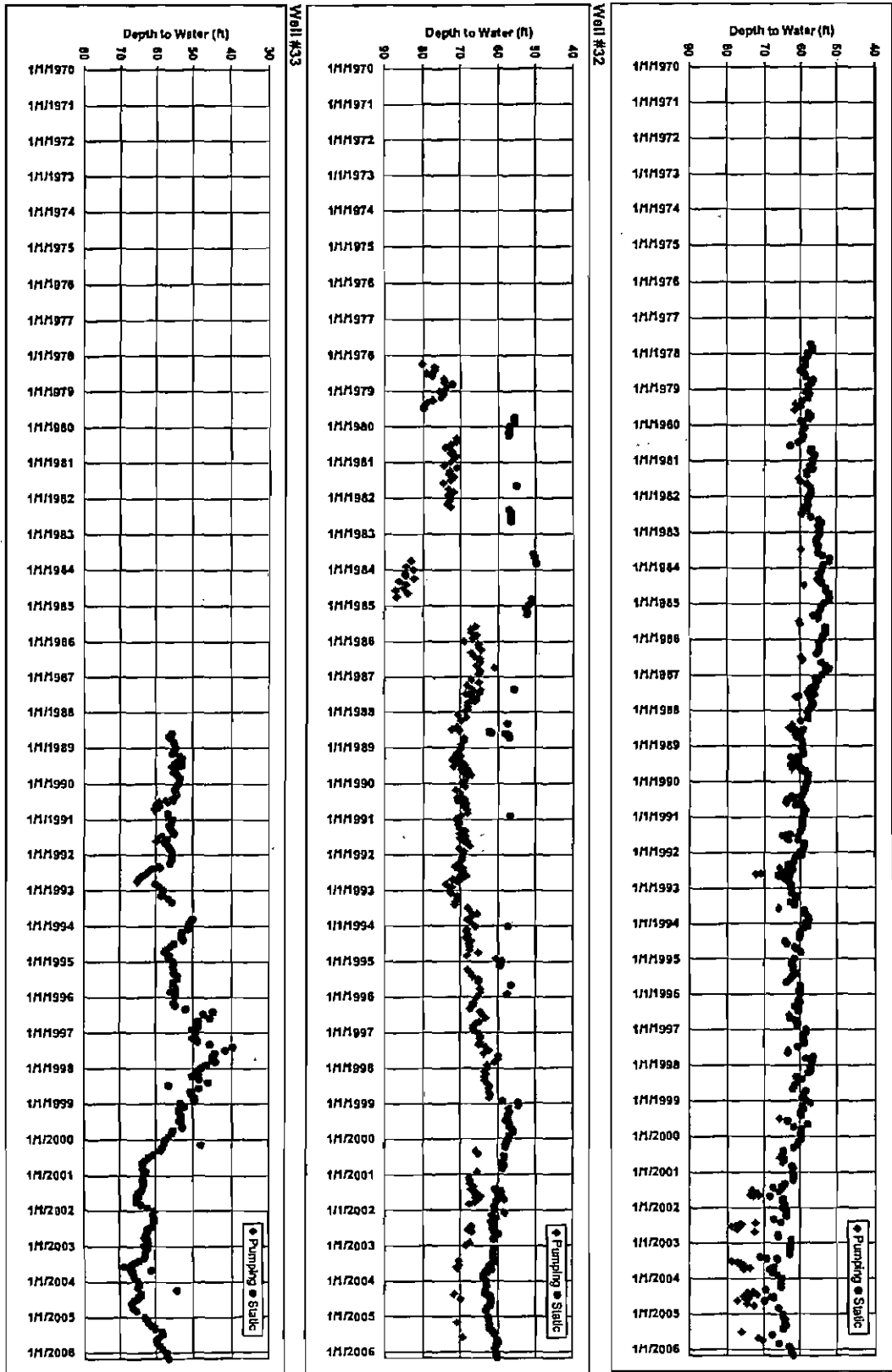


Figure 2
Measured Ground Water Levels for Interconnected Wells
City of Pocatello
(feet)

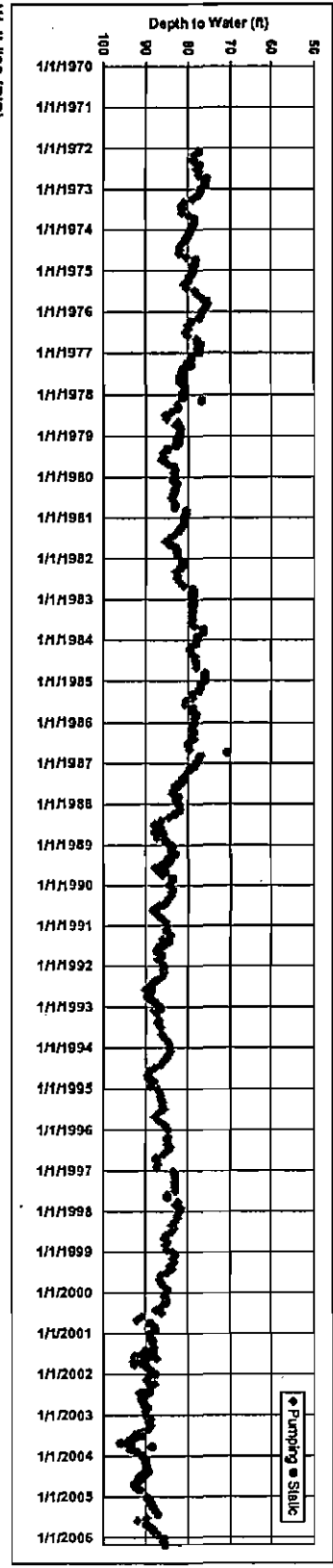
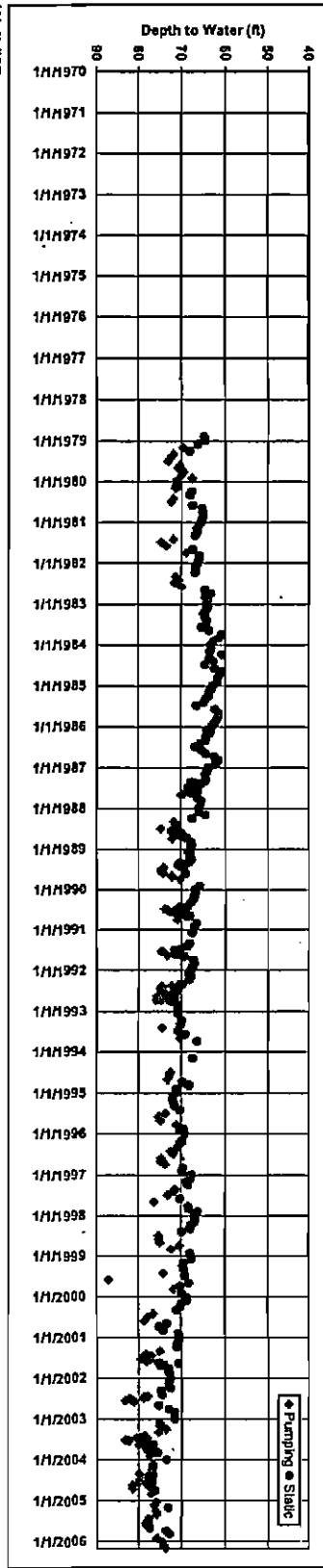
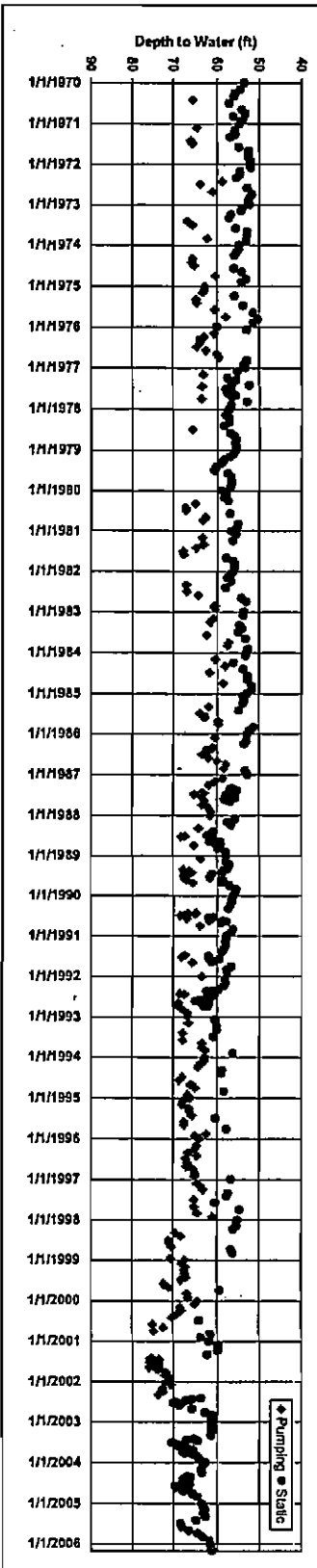
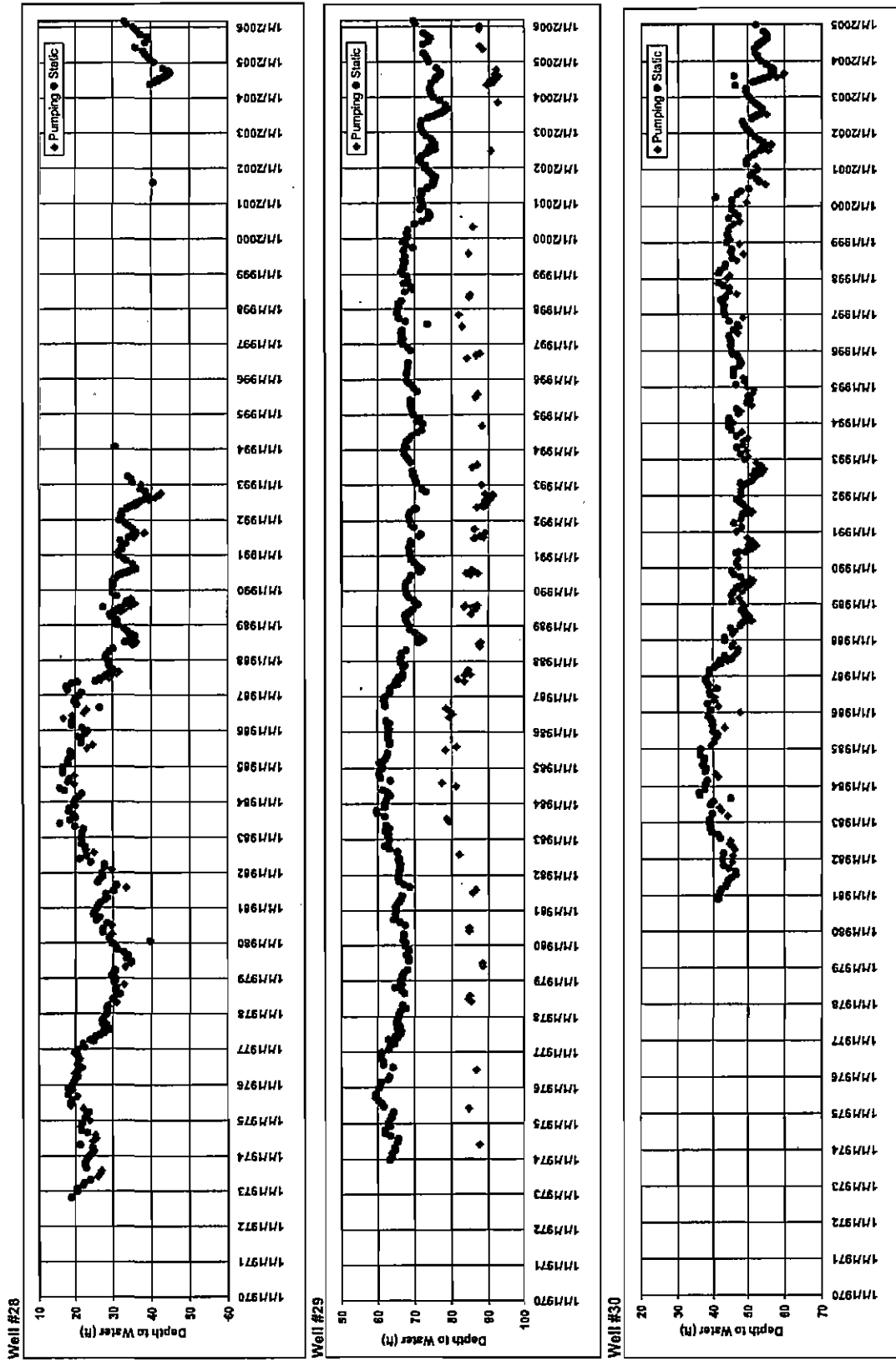


Figure 2
Measured Ground Water Levels for Interconnected Wells
City of Pocatello
(feet)

Figure 2
 Measured Ground Water Levels for Interconnected Wells
 City of Pocatello
 (feet)



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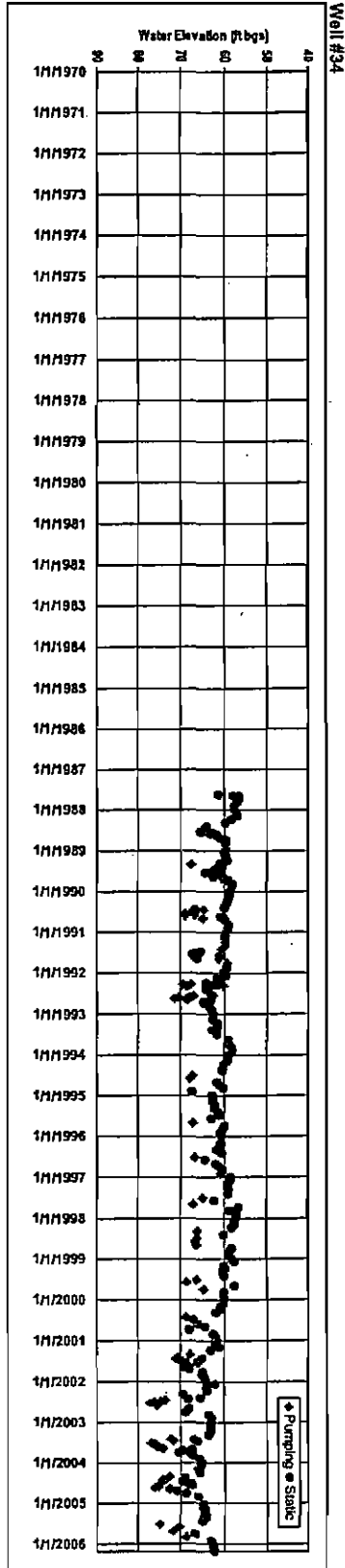
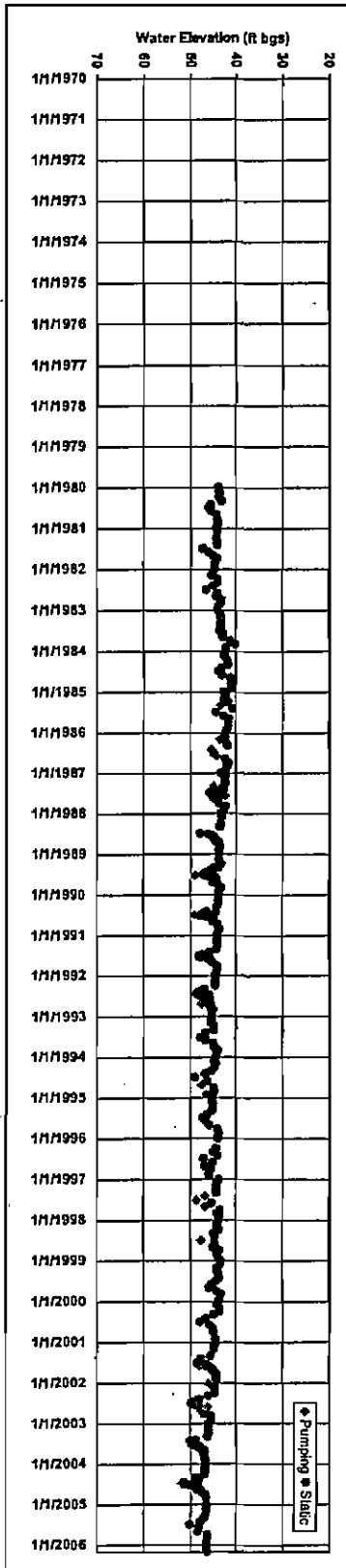
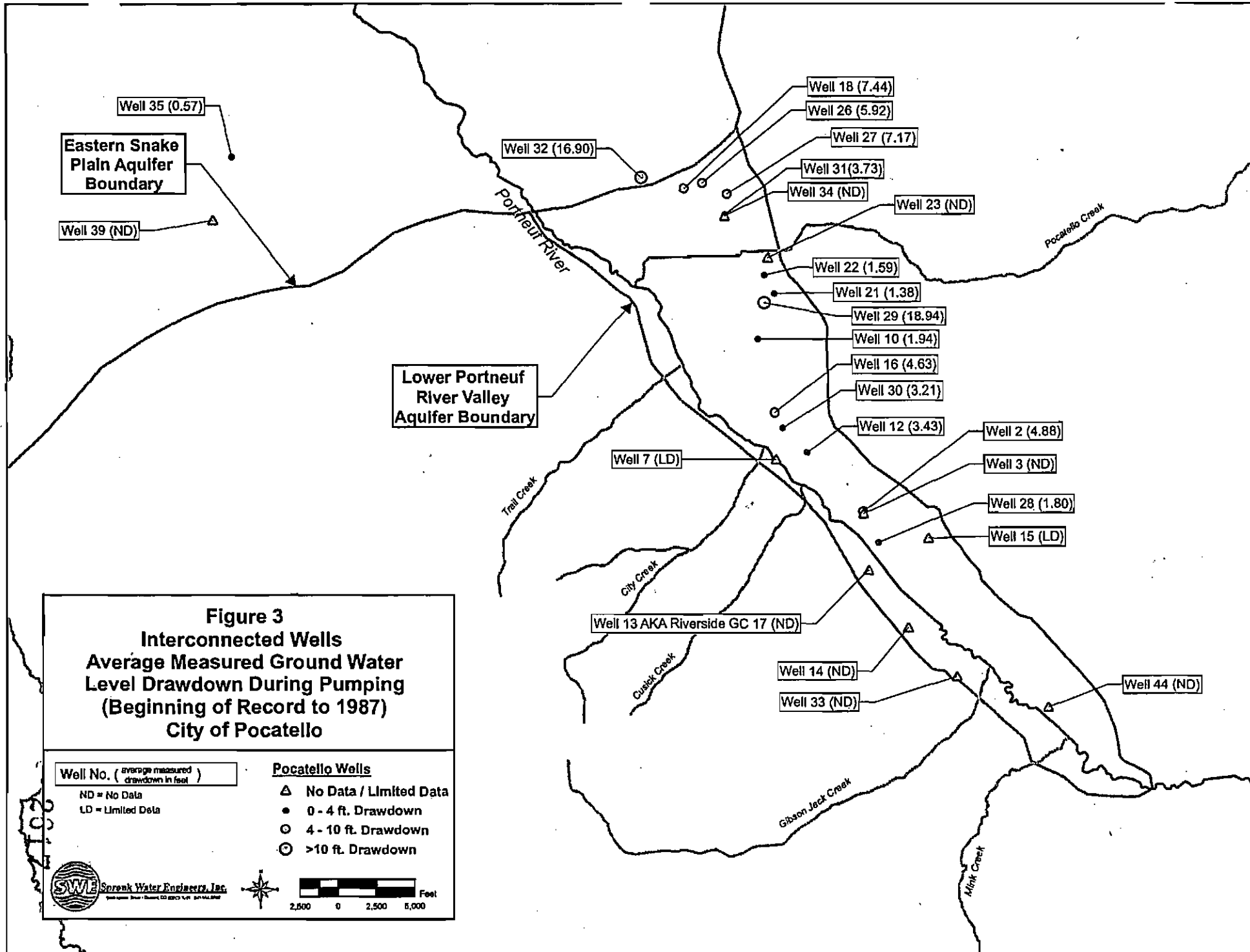


Figure 2
Measured Ground Water Levels for Interconnected Wells
City of Pocatello
(feet)



Well 35 (0.57)

Eastern Snake Plain Aquifer Boundary

Well 39 (ND)

Well 32 (16.90)

Portneuf River

Lower Portneuf River Valley Aquifer Boundary

Well 7 (LD)

Trail Creek

Well 13 AKA Riverside GC 17 (ND)

City Creek

Cursek Creek

Gibson Jack Creek

Mint Creek

Well 18 (7.44)

Well 26 (5.92)

Well 27 (7.17)

Well 31 (3.73)

Well 34 (ND)

Well 23 (ND)

Pocatello Creek

Well 22 (1.59)

Well 21 (1.38)

Well 29 (18.94)

Well 10 (1.94)

Well 16 (4.63)

Well 30 (3.21)

Well 12 (3.43)

Well 2 (4.88)

Well 3 (ND)

Well 28 (1.80)

Well 15 (LD)

Well 14 (ND)

Well 33 (ND)

Well 44 (ND)

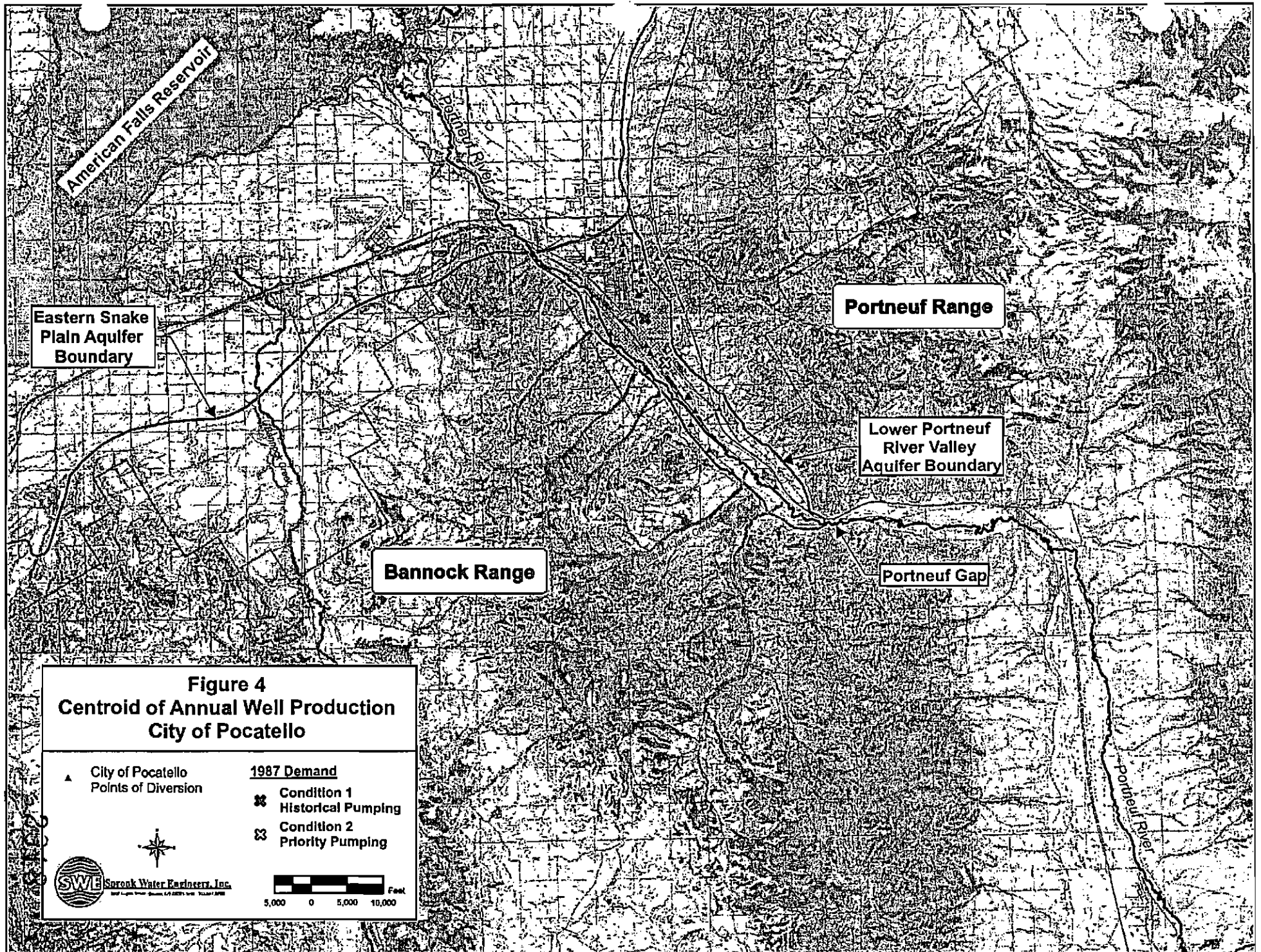


Figure 4
Centroid of Annual Well Production
City of Pocatello

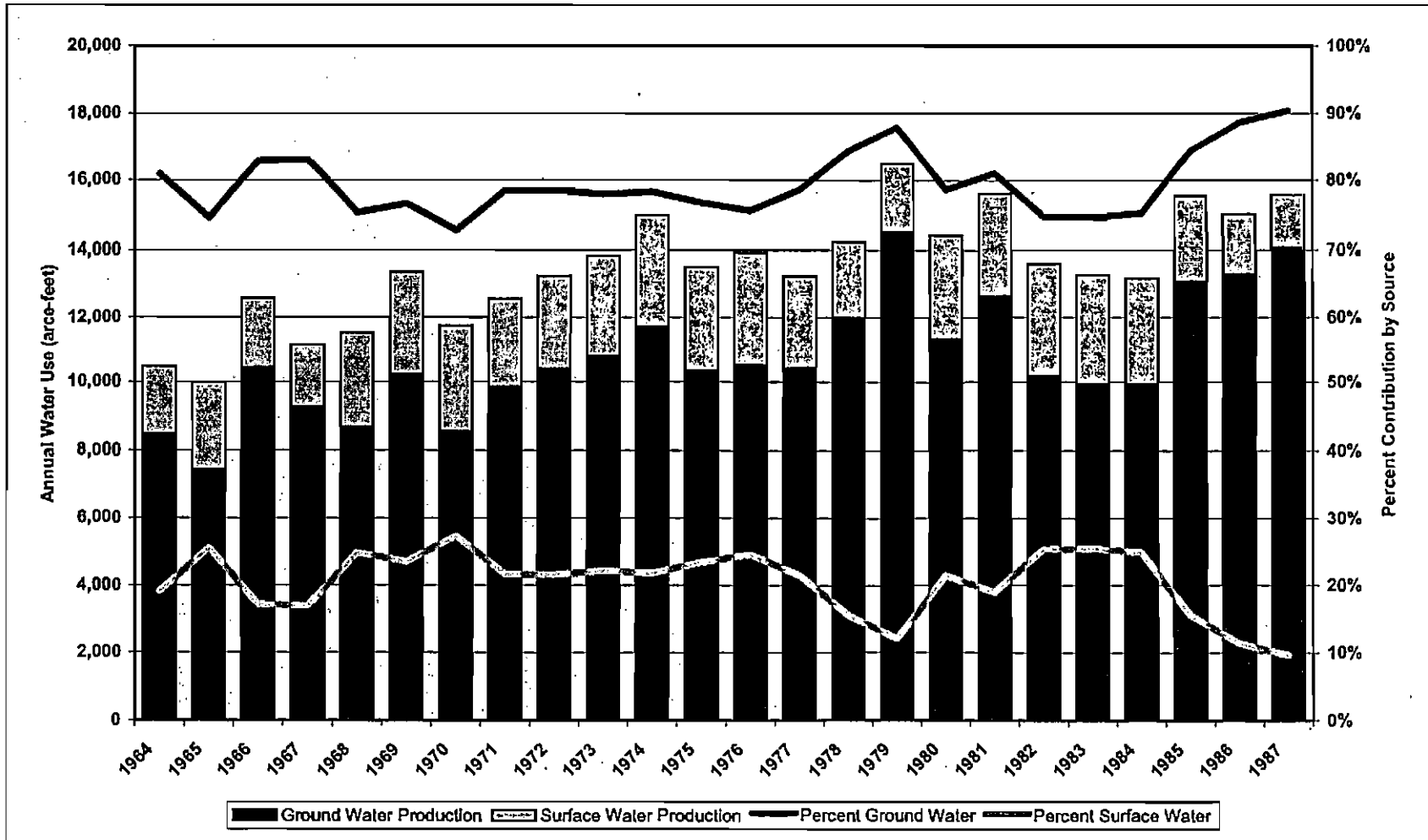
▲ City of Pocatello
 Points of Diversion

1987 Demand

- ⊗ Condition 1
Historical Pumping
- ⊗ Condition 2
Priority Pumping



Figure 5
Summary of Annual Water Use (1964 - 1987)
City of Pocatello



Note:
 Excluding Airport Wells

2619

Tables

Table 1
City of Pocatello
Summary of State-law SRBA Claims (1)

| SRBA Claim No. | Claimed by Pocatello | | Recommended by IDWR (2) | | Historical Well No. or Source | AKA/Name | Location | | | | |
|----------------|----------------------|----------------------|-------------------------|----------------------|-------------------------------|-------------|----------|----|-----|----|--------|
| | Priority Date | Diversion Rate (cfs) | Priority Date | Diversion Rate (cfs) | | | T | R | Sec | 40 | 160 |
| 29-271 | 2/26/1869 | 3.22 | | | Mink Creek | | 8 | 34 | 13 | NE | SE |
| 29-272 | 10/1/1901 | 0.56 | | | Mink Creek | | 8 | 34 | 13 | NE | SE |
| 29-273 | 10/1/1917 | 1.218 | | | Mink Creek | | 8 | 34 | 13 | NE | SE |
| 29-2274 | 6/15/1948 | 9.69 | | | 8 | | 6 | 34 | 15 | NW | SW |
| | | | | | 9 | | 6 | 34 | 27 | NW | SE |
| | | | | | 10 | | 6 | 34 | 26 | NE | NW |
| 29-2338 | 9/1/1953 | 9.53 | | | 12 | | 6 | 34 | 35 | SE | NE |
| | | | | | 13 | 17 | 7 | 34 | 1 | SE | SE |
| | | | | | 15 | | 7 | 35 | 6 | NW | SE |
| 29-2354 | 8/27/1954 | 0.28 | | | Restlawn Cemetery | | 7 | 35 | 6 | NW | NW |
| 29-2382 | 12/21/1956 | 3.82 | | | 17 | Highland GC | 6 | 34 | 12 | NW | SE |
| 29-2401 | 10/16/1958 | 13.02 | | | 13 | 17 | 7 | 34 | 12 | NW | NE |
| | | | | | 16 | | 6 | 34 | 26 | SW | SE |
| | | | | | 18 | | 6 | 34 | 15 | NE | NW |
| 29-2499 | 10/10/1964 | 4.1 | | | 27 | | 6 | 34 | 14 | NW | NW |
| 29-4221 | 6/1/1945 | 2.67 | | | 26 | PIP | 6 | 34 | 15 | NW | NE |
| 29-4222 | 6/16/1898 | 7 | | 5 | Gibson Jack Creek | | 7 | 34 | 24 | SE | SW |
| 29-4223 | 10/1/1962 | 2.67 | | 0.21 | 33 | Call | 7 | 35 | 18 | SE | NE |
| 29-4224 | 9/15/1955 | 3.89 | | | 21 | Alameda 4 | 6 | 34 | 23 | SW | NE |
| 29-4225 | 8/15/1956 | 4.44 | | | 23 | Alameda 5 | 6 | 34 | 23 | NW | NE |
| 29-4226 | 10/1/1955 | 1.22 | 12/31/1955 | 0.22 | 14 | Cree | 7 | 35 | 7 | NE | SW |
| 29-7106 | 11/6/1972 | 3.9 | | | 29 | | 6 | 34 | 23 | NE | SW |
| 29-7118 | 4/11/1973 | 4.01 | | | 42 | Airport 1 | 6 | 33 | 16 | NW | SW |
| 29-7119 | 4/11/1973 | 6 | | | 41 | Airport 2 | 6 | 33 | 9 | NW | SW |
| 29-7222 | 8/22/1974 | 1 | | | 43 | Ward Park | 6 | 34 | 9 | SW | SE |
| 29-7322 | 4/25/1976 | 17.07 | | 17.06 | 30 | | 6 | 34 | 35 | NW | NE |
| | | | | | 31 | | 6 | 34 | 15 | NE | SE |
| | | | | | 32 | | 6 | 34 | 16 | NE | NE |
| 29-7375 | 2/24/1977 | 2.23 | | | 15 | | 7 | 35 | 6 | NW | SE |
| 29-7431 | 12/29/1977 | 9.28 | | | Wastewater | | 6 | 34 | 7 | SW | NE |
| 29-7450 | 6/13/1978 | 3.34 | | | 35 | Phillips 3 | 6 | 33 | 10 | NE | SE |
| 29-7502 | 7/6/1979 | 0.1 | | | Restlawn Cemetery | | 7 | 35 | 6 | NW | NW |
| 29-7770 | 5/21/1984 | 4.46 | | | WPC | | 6 | 33 | 12 | SE | NE |
| 29-7782 | 1/18/1985 | 7 | | | 34 | | 6 | 34 | 15 | NE | SE |
| 29-11339 | 1961 | 3.36 | | | Alameda 6 | | 6 | 34 | 14 | NE | SE |
| | | | | | Alameda 7 | | 6 | 34 | 13 | NW | SW |
| 29-11344 | 12/31/1942 | 1.92 | | | 40 | Phillips 4 | 6 | 33 | 10 | NE | SE |
| 29-11348 | Aug-51 | 4.9 | | | 28 | 20/Turner | 7 | 34 | 1 | NE | SE |
| 29-13558 | 1905 | 1.34 | 7/16/1924 | | Alameda 1 | | 6 | 34 | 23 | NE | SW |
| 29-13559 | 1925 | 0.96 | | | Alameda 2 | | 6 | 34 | 23 | NE | SW |
| 29-13560 | 12/31/1926 | 9.13 | | | 1 | | 7 | 34 | 1 | NE | CENTER |
| | | | | | 2 | | 7 | 34 | 1 | NE | CENTER |
| | | | | | 3 | | 7 | 34 | 1 | NE | CENTER |
| 29-13561 | 8/31/1931 | 4.23 | | | 4 | | 6 | 34 | 35 | NW | SE |
| 29-13562 | 1936 | 2.45 | | | 6 | | 6 | 34 | 35 | NW | SE |
| 29-13636 | 10/16/1958 | 0.8 | | | 19 | | 6 | 34 | 7 | SE | NE |
| 29-13637 | 12/31/1940 | 4.46 | | | 7 | | 6 | 34 | 35 | NW | SE |
| 29-13638 | 12/31/1940 | 2.2 | | | 39 | Phillips 1 | 6 | 33 | 15 | SW | NE |
| 29-13639 | 12/31/1940 | 3.68 | 10/22/1952 | | 22 | Alameda 3 | 6 | 34 | 23 | SE | NW |
| Transfer S452 | | | | | 44 | | 7 | 35 | 16 | SW | SW |

Notes:

(1) Table 1 does not show whether the SRBA claim listed more than one point of diversion. Table 2 identifies which of the City's 38 State-law SRBA claims listed more than one point of diversion. Where more than one point of diversion is listed on a claim, each point of diversion is an alternate point of diversion.

(2) Only noted when different than claimed.

Table 2
City of Pocatello
38 State-law SRBA Claims and Sublisting of Claims with Alternate Points of Diversion

| Thirty-eight State-law SRBA Claims | | | | | Ground Water Claims with Alternate Points of Diversion | | | | Surface Water Claims with Alternate Points of Diversion | | |
|------------------------------------|---------------|------------------------------|----------------------------|-------------|--|-----------|-------------------|----------|---|-----------|-------------------|
| SRBA Claim No. | Priority Date | Diversion Rate Claimed (cfs) | Historical Well No./Source | AKA/Name | City | | Pocatello Airport | | WR.No. | APOD | |
| | | | | | WR.No. | APOD | WR.No. | APOD | | | |
| 29-271 | 2/26/1869 | 3.22 | Mink Creek | | | | | | | 29-271 | |
| 29-272 | 10/1/1901 | 0.56 | Mink Creek | | | | | | | 29-272 | |
| 29-273 | 10/1/1917 | 1.218 | Mink Creek | | | | | | | 29-273 | |
| 29-2274 | 6/15/1948 | 9.69 | 8 | | 29-2274 | | | | | | |
| | | | 9 | | | | | | | | |
| | | | 10 | | | | 10 | | | | |
| 29-2338 | 9/1/1953 | 9.53 | 12 | | 29-2338 | | 12 | | | | 12 |
| | | | 13 | 17 | | | 13 | | | | 13 |
| | | | 15 | | | | 15 | | | | 15 |
| 29-2354 | 8/27/1954 | 0.28 | Restlawn Cemetery | | | | | | | | Restlawn Cemetery |
| 29-2382 | 12/21/1956 | 3.82 | 17 | Highland GC | | | | | | | 17 |
| 29-2401 | 10/16/1958 | 13.02 | 13 | 17 | 29-2401 | | 13 | | | | 13 |
| | | | 16 | | | | 16 | | | | 16 |
| | | | 18 | | | | 18 | | | | 18 |
| 29-2499 | 10/10/1964 | 4.1 | 27 | | 29-2499 | | 27 | | | | 27 |
| 29-4221 | 6/1/1945 | 2.67 | 26 | PIP | 29-4221 | | 26 | | | | 26 |
| 29-4222 | 6/16/1898 | 7 | Gibson Jack Creek | | | | | | | 29-4222 | |
| 29-4223 | 10/1/1962 | 2.67 | 33 | Call | 29-4223 | | 33 | | | | 33 |
| 29-4224 | 9/15/1955 | 3.89 | 21 | Alameda 4 | 29-4224 | | 21 | | | | 21 |
| 29-4225 | 8/15/1956 | 4.44 | 23 | Alameda 5 | 29-4225 | | 23 | | | | 23 |
| 29-4226 | 10/1/1955 | 1.22 | 14 | Cree | 29-4226 | | 14 | | | | 14 |
| 29-7106 | 11/6/1972 | 3.9 | 29 | | 29-7106 | | 29 | | | | 29 |
| 29-7118 | 4/11/1973 | 4.01 | 42 | Airport 1 | | | | | | | |
| 29-7119 | 4/11/1973 | 6 | 41 | Airport 2 | | | | | | | |
| 29-7222 | 8/22/1974 | 1 | 43 | Ward Park | | | | | | | |
| 29-7322 | 4/25/1976 | 17.06 | 30 | | 29-7322 | | 30 | | | | 30 |
| | | | 31 | | | | 31 | | | | 31 |
| | | | 32 | | | | 32 | | | | 32 |
| 29-7375 | 2/24/1977 | 2.23 | 15 | | 29-7375 | | 15 | | | | 15 |
| 29-7431 | 12/29/1977 | 9.28 | Wastewater | | | | | | | | |
| 29-7450 | 6/13/1978 | 3.34 | 35 | Phillips 3 | | | 29-7450 | 35 | | | |
| 29-7502 | 7/6/1979 | 0.1 | Restlawn Cemetery | | | | | | | | |
| 29-7770 | 5/21/1984 | 4.46 | WPC | | | | | | | | |
| 29-7782 | 1/18/1985 | 7 | 34 | | 29-7782 | | 34 | | | | 34 |
| 29-11339 | 1961 | 3.36 | Alameda 6 | | 29-11339 | | | | | | |
| | | | Alameda 7 | | | | | | | | |
| 29-11344 | 12/31/1942 | 1.92 | 40 | Phillips 4 | | | | | | | |
| 29-11348 | Aug-51 | 4.9 | 28 | 20/Turner | 29-11348 | | 28 | | | | 28 |
| 29-13558 | 1905 | 1.34 | Alameda 1 | | 29-13558 | | | | | | |
| 29-13559 | 1925 | 0.96 | Alameda 2 | | 29-13559 | | | | | | |
| 29-13560 | 12/31/1926 | 9.13 | 1 | | 29-13560 | | | | | | |
| | | | 2 | | | | 2 | | | | 2 |
| | | | 3 | | | | 3 | | | | 3 |
| 29-13561 | 8/31/1931 | 4.23 | 4 | | 29-13561 | | | | | | |
| 29-13562 | 1936 | 2.45 | 6 | | 29-13562 | | | | | | |
| 29-13636 | 10/16/1958 | 0.8 | 19 | | | | | | | | |
| 29-13637 | 12/31/1940 | 4.46 | 7 | | 29-13637 | | 7 | | | | 7 |
| 29-13638 | 12/31/1940 | 2.2 | 39 | Phillips 1 | | | 29-13638 | 39 | | | |
| 29-13639 | 10/22/1952 | 3.68 | 22 | Alameda 3 | 29-13639 | | 22 | | | | 22 |
| | | | | | TR 5452 | | | | | | 44 |
| Total | | | | | 22 | 23 | 2 | 2 | 4 | 25 | |

Notes:

Yellow shading indicates difference between Pocatello's claim and IDWR recommendation. In Table 2, yellow shading identifies any alternate point of diversion claimed by Pocatello but not recommended as an alternate point of diversion by IDWR.

Table 3
City of Pocatello

38 State-law SRBA Claims and Sublisting of IDWR Recommendations for Ground Water Claims with Alternate Points of Diversion

| 38 State-law SRBA Claims | | | | | IDWR July 2003 Recommendations ("Other Provisions Necessary") | | | | IDWR April 2006 Recommendations ("Other Provisions Necessary") | | | |
|--------------------------|---------------|------------------------------------|-------------------------------|-------------|--|-------|-------------------|----------|---|------|-------------------|------|
| SRBA Claim No. | Priority Date | Diversion Rate Claimed (cfs) | Historical Well No./Source | AKA/Name | City | | Pocatello Airport | | City | | Pocatello Airport | |
| | | | | | WR No. | APODs | WR No. | APOD | WR No. | Well | WR No. | Well |
| 29-271 | 2/26/1869 | 3.22 | Mink Creek | | | | | | | | | |
| 29-272 | 10/1/1901 | 0.56 | Mink Creek | | | | | | | | | |
| 29-273 | 10/1/1917 | 1.218 | Mink Creek | | | | | | | | | |
| 29-2274 | 6/15/1948 | 9.69 | 8 | | 29-2274 | | | 29-2274 | 8 | | | |
| | | | 9 | | | | | | 9 | | | |
| | | | 10 | | | 10 | | | 10 | | | |
| 29-2338 | 9/1/1953 | 9.53 | 12 | | 29-2338 | 12 | | 29-2338 | 12 | | | |
| | | | 13 | 17 | | 13 | | | 13 | | | |
| | | | 15 | | | 15 | | | 15 | | | |
| 29-2354 | 8/27/1954 | 0.28 | Restlawn Cemetery | | | | | | | | | |
| 29-2382 | 12/21/1956 | 3.82 | 17 | Highland GC | | | | | | | | |
| 29-2401 | 10/16/1958 | 13.02 | 13 | 17 | 29-2401 | 13 | | 29-2401 | 13 | | | |
| | | | 16 | | | 16 | | | 16 | | | |
| | | | 18 | | | 18 | | | 18 | | | |
| 29-2499 | 10/10/1964 | 4.1 | 27 | | 29-2499 | 27 | | 29-2499 | 27 | | | |
| 29-4221 | 6/1/1945 | 2.67 | 26 | PIP | 29-4221 | 26 | | 29-4221 | 26 | | | |
| 29-4222 | 6/16/1898 | 7 | Gibson Jack Creek | | | | | | | | | |
| 29-4223 | 10/1/1962 | 2.67 | 33 | Call | 29-4223 | 33 | | 29-4223 | 33 | | | |
| 29-4224 | 9/15/1955 | 3.89 | 21 | Alameda 4 | 29-4224 | 21 | | 29-4224 | 21 | | | |
| 29-4225 | 8/15/1956 | 4.44 | 23 | Alameda 5 | 29-4225 | 23 | | 29-4225 | 23 | | | |
| 29-4226 | 10/1/1955 | 1.22 | 14 | Cree | 29-4226 | 14 | | 29-4226 | 14 | | | |
| 29-7106 | 11/6/1972 | 3.9 | 29 | | 29-7106 | 29 | | 29-7106 | 29 | | | |
| 29-7118 | 4/1/1973 | 4.01 | 42 | Airport 1 | | | | | | | | |
| 29-7119 | 4/1/1973 | 6 | 41 | Airport 2 | | | | | | | | |
| 29-7222 | 8/22/1974 | 1 | 43 | Ward Park | | | | | | | | |
| 29-7322 | 4/25/1976 | 17.06 | 30 | | 29-7322 | 30 | | 29-7322 | 30 | | | |
| | | | 31 | | | 31 | | | 31 | | | |
| | | | 32 | | | 32 | | | 32 | | | |
| 29-7375 | 2/24/1977 | 2.23 | 15 | | 29-7375 | 15 | | 29-7375 | 15 | | | |
| 29-7431 | 12/29/1977 | 9.28 | Wastewater | | | | | | | | | |
| 29-7450 | 6/13/1978 | 3.34 | 35 | Phillips 3 | | | 29-7450 | 35 | | | 29-7450 | 35 |
| 29-7502 | 7/6/1979 | 0.1 | Restlawn Cemetery | | | | | | | | | |
| 29-7770 | 5/21/1984 | 4.46 | WPC | | | | | | | | | |
| 29-7782 | 1/18/1985 | 7 | 34 | | 29-7782 | 34 | | 29-7782 | 34 | | | |
| 29-11339 | 1961 | 3.36 | Alameda 6 | | 29-11339 | | | 29-11339 | Alameda 6 | | | |
| | | | Alameda 7 | | | | | | Alameda 7 | | | |
| 29-11344 | 12/31/1942 | 1.92 | 40 | Phillips 4 | | | 29-11344 | 40 | | | 29-11344 | 40 |
| 29-11348 | Aug-51 | 4.9 | 28 | 20/Turner | 29-11348 | 28 | | 29-11348 | 28 | | | |
| 29-13558 | 1905 | 1.34 | Alameda 1 | | 29-13558 | | | 29-13558 | Alameda 1 | | | |
| 29-13559 | 1925 | 0.96 | Alameda 2 | | 29-13559 | | | 29-13559 | Alameda 2 | | | |
| 29-13560 | 12/31/1926 | 9.13 | 1 | | 29-13560 | | | 29-13560 | 1 | | | |
| | | | 2 | | | 2 | | | 2 | | | |
| | | | 3 | | | 3 | | | 3 | | | |
| 29-13561 | 8/31/1931 | 4.23 | 4 | | 29-13561 | | | 29-13561 | 4 | | | |
| 29-13562 | 1936 | 2.45 | 6 | | 29-13562 | | | 29-13562 | 6 | | | |
| 29-13636 | 10/16/1958 | 0.8 | 19 | | | | | | | | | |
| 29-13637 | 12/31/1940 | 4.46 | 7 | | 29-13637 | 7 | | 29-13637 | 7 | | | |
| 29-13638 | 12/31/1940 | 2.2 | 39 | Phillips 1 | | | 29-13638 | 39 | | | 29-13638 | 39 |
| 29-13639 | 10/22/1952 | 3.68 | 22 | Alameda 3 | 29-13639 | 22 | | 29-13639 | 22 | | | |
| Total | | | | | 18 | 22 | 3 | 3 | 18 | 31 | 3 | 3 |

Notes:

Yellow shading indicates a difference between Pocatello's claim and IDWR recommendation. Pocatello claimed 22 water rights were served by the City's interconnected culinary system. In Table 3, the yellow shading identifies four water rights (of the 22) that IDWR did not recommend as being served by the City's interconnected culinary system.

Table 4
City of Pocatello
Summary of Objections to IDWR Recommendations

CITY OF POCATELLO OBJECTIONS FILED NOVEMBER 14, 2003

| | General Provisions | Municipal POB | Provisions Necessary | Correct Inter-connection | Accomplished Transfer | Point of Diversion (Surface) | Name and address | Source | Quantity | Priority Date | Points of Diversion | Instream Flow | Purpose of Use | Period of Year | Place of Use |
|---------------------|--------------------|---------------|----------------------|--------------------------|-----------------------|------------------------------|------------------|--------|----------|---------------|---------------------|---------------|----------------|----------------|--------------|
| 29 271 | X | X | | | | X | | | | | | | | | |
| 29 272 | X | X | | | | X | | | | | | | | | |
| 29 273 | X | X | | | | X | | | | | | | | | |
| 29 2274 | X | X | | X | X | | | | | | | | | | |
| 29 2338 | X | X | | X | X | | | | | | | | | | |
| 29 2354 | X | X | | | | | | | | | | | | | |
| 29 2382 | X | X | | | | | | | | | | | | | |
| 29 2401 | X | X | X | X | | | | | | | | | | | |
| 29 2499 | X | X | X | X | | | | | | | | | | | |
| 29 4221 | X | X | X | X | | | | | | X | | | | | |
| 29 4222 | X | X | | | | X | | | X | | | | | | |
| 29 4223 | X | X | X | X | | | | | X | | | | | | |
| 29 4224 | X | X | X | X | | | | | | | | | | | |
| 29 4225 | X | X | X | X | | | | | | | | | | | |
| 29 4226 | X | X | X | X | | | | | X | | | | | | |
| 29 7106 | X | X | X | X | | | | | | | | | | | |
| 29 7118 | X | X | | | | | | | | | | | X | | X |
| 29 7119 | X | X | | | | | | | | | | | X | | X |
| 29 7222 | X | X | | | | | | | | | | | | | |
| 29 7322 | X | X | X | X | | | | | | | | | | | |
| 29 7375 | X | X | | X | X | | | | | | | | | | |
| 29 7431 | X | | | | | | | | X | | | | X | | X |
| 29 7450 | X | X | X | | | | | | | | X | | | | |
| 29 7502 | X | X | | | | | | | | | | | | | |
| 29 7770 | X | X | | | | | | | | | | | X | | X |
| 29 7782 | X | X | | X | | | | | | | | | | | |
| 29 11339 | X | X | X | X | | | | | | | | | | | |
| 29 11344 | X | X | X | | | | | | | | X | | | | |
| 29 11348 | X | X | X | X | | | | | | | | | | | |
| 29 11609 | | | | | | | | | X | | X | | X | | X |
| 29 12877 | | | | | | | X | X | X | X | X | X | X | X | X |
| 29 13558 | X | X | X | X | | | | | | X | | | | | |
| 29 13559 | X | X | X | X | | | | | | | | | | | |
| 29 13560 | X | X | X | X | | | | | | | | | | | |
| 29 13561 | X | X | X | X | | | | | | | | | | | |
| 29 13562 | X | X | X | X | | | | | | | | | | | |
| 29 13636 | X | X | | | | | | | | | | | | | X |
| 29 13637 | X | X | X | X | | | | | | | | | | | |
| 29 13638 | X | X | X | | | | | | | | X | | | | |
| 29 13639 | X | X | X | X | | | | | | X | | | | | |

Note 1: Six group objections effect multiple water rights (objections in bold).
Note 2: Sixteen objections are to individual water rights (water right numbers in bold).

2024

Table 5
City of Pocatello
Summary of Monthly Surface Water Use, 1980 - 1987
(acre-feet)

| Year | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Total |
|------|--|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|
| 1980 | 224 | 246 | 343 | 232 | 205 | 259 | 289 | 290 | 266 | 262 | 230 | 240 | 3,085 |
| 1981 | 271 | 259 | 284 | 226 | 175 | 233 | 321 | 266 | 244 | 239 | 209 | 239 | 2,964 |
| 1982 | 255 | 255 | 284 | 310 | 295 | 298 | 275 | 321 | 285 | 316 | 279 | 263 | 3,436 |
| 1983 | 284 | 237 | 280 | 294 | 316 | 309 | 305 | 296 | 281 | 249 | 240 | 284 | 3,376 |
| 1984 | 300 | 278 | 294 | 274 | 283 | 241 | 229 | 267 | 287 | 269 | 284 | 267 | 3,273 |
| 1985 | 332 | 352 | 355 | 0 | 0 | 0 | 294 | 204 | 191 | 196 | 198 | 305 | 2,426 |
| 1986 | Monthly surface water combined with other well production data | | | | | | | | | | | | 1,711 |
| 1987 | | | | | | | | | | | | | 1,499 |

Note:

Records show that in March, April, and May of 1986, there was no surface water diverted (see Appendix C).

2625



Appendix A
Pocatello Well Production Records

Appendix B
Mink Creek Decree

Minor cases
Water Rights

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL
DISTRICT OF THE STATE OF IDAHO, IN AND
FOR THE COUNTY OF BANNOCK.

SAR B. SMITH, Administrator of the
Estate of T. B. Smith, deceased,
Elkhorn Livestock and Dairy Company,
a corporation, JOSEPH HENN AND WILLIAM
H. EDWARDS,

Plaintiffs, :

-vs-

DECEASED

CITY OF POCATELLO, a municipal
corporation, ARTHUR GAY, J. A.
MCCANNON, H. F. GALLOWAY, JAMES A.
CAMPBELL, JOHN PATTIN and JOHN
COVILIS,

6669
June 5, 1926

Defendants. :

1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1

This cause came on regularly for trial on the 25th day
of June, 1926, before the court sitting without a jury, a jury having
expressly waived by the respective parties. Messrs. McInougall,
McDougall & McInougall appeared for the plaintiffs, Messrs. E. S.
Standrod and James Bacon appeared for the defendants and cross-com-
plainants, J. S. Campbell and J. A. McCannon, Messrs. Peterson and
Offin appeared for Arthur Gay and H. F. Galloway and no one appeared
for John Pattin and John Covilis, and their default was duly entered
and Jones, Pomeroy & Jones appeared for the defendant and cross-com-
plainant, the City of Pocatello.

Thereupon witnesses were sworn and testified on behalf
of the plaintiff and the several defendants and cross-complainants
herein, and documentary evidence was offered and received by and on
behalf of the respective parties and the testimony closed. Argument
was submitted by the respective counsel on behalf of said parties and
the cause was finally submitted to the Court for decision and the Court
having duly considered the testimony, the argument of the counsel, and
being fully advised in the premises, has made its finding of fact and
conclusions of law and ordered judgment to be entered in accordance there-
with.

That in the years 1917 and 1920, the Cross-complainant,
the City of Pocatello, purchased 500 acres of land from certain tribal
Indians who were occupying, irrigating and cultivating their said lands

to the extent of 161.1 acres at the time of the sale; and that on October 1st, 1901, the predecessors of the City of Pocatello constructed a pipe line which diverted water from Mink Creek to the City of Pocatello for municipal purposes to the extent of .28 inches (.68 Cu. feet);

That on September 1st, 1917, the City of Pocatello increased the size of the pipe line to a carrying capacity of 5 cubic feet per second of time and since said time has diverted said amount from the waters of Mink Creek for municipal purposes.

That on June 17th, 1902, the cross-complainant, James S. Campbell, appropriated and diverted 70 inches of the waters of Mink Creek and Campbell Creek and has used the same since said date.

That on September 7th, 1904, Arthur Say appropriated and diverted 75 inches of the waters of Mink Creek and used the same for irrigation purposes since said date.

That on August 20th, 1907, the predecessors of H. F. Galloway appropriated and diverted 20 inches of the waters of Mink Creek and has since used the same for irrigation purposes.

That on July 5th, 1910, J. A. McKinnon appropriated and diverted 10 inches of the waters of Mink Creek and has since used the same for irrigation purposes.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED; that the following named persons and corporation, defendants and cross-complainants in this action have the right to the use of said Mink Creek and the tributaries thereof, and springs, the sources of said tributaries, each amount and amounts of water, of the date of appropriation and priority, and for the uses and purposes and the point of diversion and means of diversion as set forth in the following schedule:

MINK CREEK

| <u>Name of Claimant and Date of Priority</u> | <u>Amount in Second Feet</u> | <u>Point of Diversion and Place of Use</u> |
|---|------------------------------|---|
| 1. Estate of T. B. Smith deceased: 1889 - February 28, | 10 inches | Said water to be diverted from the said creek by means of a dam in said creek at or near the center of section 20, Twp. 7, South Range 35, E.D.N. Said water to be used on the following described lands: Northwest Quarter of Section seventeen and Northwest Quarter of Southwest Quarter of Section 17, and Southwest Quarter of Northwest Quarter of Section 8, Twp. 7, South Range 35, E.D.N. |
| 1902 - July 21 | 44.65 inches | |

Pocatello amended 2.

MINK CREEK

| <u>Name of Claimant and Date of Priority</u> | <u>Amount in Second feet</u> | <u>Point of Diversion and Place of Use</u> |
|--|---|---|
| 2. Elkhorn Livestock and Dairy Company, a corporation. 1869 - February 26 | 45 inches | Said water to be diverted by means of a dam across said Mink Creek at or near the center of Section 20, Twp. 7, South Range 35, E.B.L. Said water to be used upon the following described land: Southeast quarter of the Northeast quarter, and the East one-half of the Southwest quarter of Section 17, Twp. 7, South Range 35, E.B.L. <i>City surrendered to? - See Amended Complaint - attached & initialed</i> |
| 1903 - July 21 | 47.22 inches | |
| 3. Joseph Mann | | |
| 1869 - February 26 | 8 inches | Said water to be diverted by means of a dam across said Mink Creek at or near the center of Section 20, Twp. 7, South Range 35, E.B.L. Said water to be used upon the following described land: Southeast quarter of the Northeast quarter of Section 18, and the West eight-acre acres of the Southwest quarter of the Northeast quarter of Section 17, Twp. 7, South Range 35, E.B.L. |
| 1903 - July 21 | 26.65 inches | |
| 4. William H. Edwards | | |
| 1869 - February 26 | 20 inches | Said water to be diverted by means of a dam across Mink Creek at or near the center of section 20, Twp., 7, South Range 35, E.B.L. Said water to be used upon the following described land: West half of the Northeast quarter of section 16, Twp. 7, South Range 35, E.B.L. |
| 1903 - July 21 | 21.55 inches | |
| 5. City of Pocatello | | |
| 1869 - February 26 | 461.1 inches | Said water to be diverted by means of a dam and head gate into a pipe line at a point 20 23' East 738.5 feet from the East quarter corner of section 17, Twp. 7, South Range 34, E.B.L. To be used for municipal purposes within the City of Pocatello, Blaine County, State of Idaho. |
| 1901 - October 1 | 58 inches | |
| 1917 - October 1 | 60.0 inches | |
| 6. James E. Campbell | | |
| 1869 - June 17 | 70 inches (From Mink Creek and Caspwell Creek, the amount which he shall receive from Caspwell Creek to be deducted from the 70 In. and the balance from Mink) | Said water to be diverted near the Southeast corner of the Northeast quarter of the Northeast quarter of section 31, Twp. 7, South Range 35, E.B.L. Said water to be used upon the lands described as follows: Southeast quarter of the Northeast quarter, East half of the Southwest quarter of section 30, Northeast quarter of section 31, all in Twp. 7, South Range 35, E.B.L. |
| 7. Arthur Coy | | |
| 1904 - September 7 | 75 inches | Said water to be diverted by means of a dam and head gate in the Southeast quarter of the Southeast quarter of Section 19, Twp. 7 South Range 35 E.B.L. Said water to be used upon the lands described as follows: The Southeast quarter of the Southeast quarter of Section 19, the Northeast quarter of the Northeast quarter of section 20, the Northeast quarter of the Northeast quarter of section 29, the Southwest quarter of the Southwest quarter of section 20, Twp. 7, South Range 35, E.B.L. |

| Name of Claimant and date of Priority | Amount in Second Feet | Point of Diversion and Place of Use & |
|--|-----------------------|--|
| G. H. F. Galloway 1907- August 7 <i>Nash</i> | 20 inches | Said water to be diverted from the said creek in the Southwest quarter of section 20, Twp. 7, South Range 35, E.D.M. Said water to be used upon the lands described as follows: Northeast quarter of the Southwest quarter, the Northwest quarter of the Southeast quarter of Section 30, Twp. 7, South Range 35, E.D.M. |

| | | |
|-----------------------------------|-----------|---|
| G. J. H. McInnon 1910- July 10 | 12 inches | Said water to be diverted from the said creek through the ditch of James S. Campbell at a point near the Southeast corner of the Northwest quarter of the Northeast quarter of section 31, Twp. 7, South Range 35, E.D.M. Said water to be used upon the lands described as follows: South half of the Northeast quarter, the southeast quarter of the Northwest quarter and the Northeast quarter of the Southeast quarter of Section 31, Twp. 7, South Range 35, E.D.M. |
|-----------------------------------|-----------|---|

IT IS FURTHER DECREED that the parties hereto shall permit sufficient water to flow through their respective headgates during the irrigation season to furnish 58.71 inches to Big Elk Allotment, and 37.68 to the Toano Allotment, with a priority of February 28, 1869, and an additional inch of water for each additional acre added to the present irrigated area while the same is in Indian ownership, which area at the date hereof is 97.17 acres.

The above provision regarding said Indian lands is made to avoid litigation with said Indians and to enjoin each of the parties hereto from preventing the said amount of water from flowing to said allotments while the same are in Indian ownership. Provided, however, in the event litigation shall be instituted to decree said Indian rights the provision herein regarding the same shall not be construed as any waiver of the right of the parties hereto to question the amount, extent, or priority of the use of the waters to which said Indian allotments are entitled, and shall not bar or entep or limit the parties hereto from urging any matter that could have been raised had said provision not been included in this decree.

No costs or disbursements are allowed to any of the parties to this action, but each shall pay his, her or its own costs.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED: that when the natural flow of the streams, the water of which is awarded by this decree, is not sufficient to furnish all parties claiming water therefrom with the full amount of water awarded to them, then such water shall be distributed in accordance with the priorities as hereinbefore decreed, and if the water is insufficient to furnish all rights which are of equal dignity, then the available supply of water shall be distributed pro rata among such rights.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED: that the Irrigation Season mentioned in this judgment shall be that portion of the calendar year beginning on the 15th day of April and closing on the 15th day of Sept-

ember, being a total of five months, or 152 days; that the term Acre Foot, as used in this judgment, means and shall mean, 43,560 cubic feet of water, or the amount necessary to cover an acre of land one foot in depth;

That the inches referred to in this judgment is such an amount of water which will pass through an orifice one inch square under a four-inch pressure, each second of time, being 1-50 part of a cubic foot per second;

That the term Cubic Foot per second of time as used in this judgment, is and shall be one cubic foot of water passing a definite, fixed cross-section per second of time.

That all water awarded by this judgment shall be measured at the point of diversion, except where conditions make it impossible so to do. Where it is so impossible, measuring devices or measuring stations shall be located at the nearest feasible point below said point of diversion;

That all canals or pipe lines diverting in excess of 50 cubic feet of water per second, must install a standard type of automatic regulator to be passed upon by the Commissioner of Reclamation and subject to review by this court;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, That the later appropriators shall be entitled to the benefit of the return flow into the river and its tributaries, as against, prior, lower, or prior and lower appropriators, in computing the amount of water herein awarded to said prior, lower or said prior and lower appropriators.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED; That the water hereby awarded has been applied to a beneficial use and that the parties to said action are the owners of the lands, reservoirs, canals and ditches, and ditches, which by the terms of this judgment are referred to respectively as the lands upon which the water awarded to them has been used by means of said canals, ditches, reservoirs and other works.

That all rights herein awarded to the plaintiff and several defendants and cross-complainants, are for the beneficial uses specified, and none of the parties hereto, or their successors in interest, whether heirs, executors, administrators, successors or assigns shall have the right to divert any of the waters of the said Mink Creek, its tributaries and sources, except for beneficial use, and whenever such use has ceased, such party or parties shall cease to divert, and shall have no right to divert, the said waters, or any part thereof, and each and every of the parties hereto, their servants, attorneys, employees and successors in interest as aforesaid, are hereby enjoined and re-

trained from any and all interference with or diversion or use of the said waters, except in the manner, and to the extent, and for the purposes provided in this judgment, whenever such interference, diversion or use would in any manner interfere with the diversion or use of the water decreed by this judgment to any of the other parties to this action;

That the parties hereto and their successors in interest shall install and maintain suitable and efficient headgates, controlling works and measuring devices at their respective points of diversion, and all water herein allotted and decreed shall be measured at said points of diversion. Said works and devices shall be built and installed in accordance with plans and specifications to be approved by the state official charged with the duty of supervising the distribution of water, (subject to review by this Court). All such devices shall be of such design as to accurately register the amount of water so diverted, and in case of ditches diverting more than 50 cubic feet per second, automatic measuring and registering devices shall be installed and shall at all times be subject to the inspection of any party to this action, or to any public officials or water masters having jurisdiction over the distribution and diversion of water, and no dam or other obstruction to the natural flow of the stream shall be maintained so as to divert water from the channel of the stream, except through ditches, canals or other works, provided with such headgates, control works and measuring devices, except as in this judgment provided; and each of the parties hereto shall be perpetually enjoined from diverting from the channel of the said Mink Creek, or its tributaries or sources, any water through any ditch, conduit, or other devices not provided with such headgates, control works and measuring devices; provided, that in case of diversions through pipes for power purposes or otherwise, measuring devices may be approved with where the quantity of water diverted may be otherwise determined by other means of calculation.

That the City of Pocatello must install a Standard Weir and Stevens recording gage or other similar standard device or devices that they may be readily read and may be located so that it is at all times subject to the inspection of the water users of Mink Creek and so located that ingress and egress is permitted thereto and therefrom. And the said City of Pocatello is required to submit to the Court plans for such devices for the approval of the Court.

The rights herein decreed and required are designated and classified as (municipal purposes and irrigation rights). Irrigation rights are defined as the right to divert from Mink Creek waters for the irrigation of the lands described in the decree belonging to the parties to this action. Domestic rights for municipal purposes are defined to be the right to divert from the waters of Mink Creek water through a pipe line to the City of Pocatello to be used by

and distributed to the inhabitants of the said City of Pocatello for domestic purposes, irrigation of farms, sprinkling of streets, fire and the purposes to which water is usually required by its inhabitants.

That no party to this decree shall divert more water than can be beneficially used, and that the waste of water is prohibited and enjoined.

That the retention of jurisdiction by the Court shall be for the following purposes and the following purposes only:

(a) To make corrections for clerical errors, inadvertences and omissions in the rights decreed.

(b) To review and amend the provisions of the decree fixing, if necessary, different limits upon the irrigating season as above described, and for reducing the amount of water which may be shown during actual operation of the creek and its tributaries, to be in excess of the amount actually necessary for the successful raising of crops.

(c) To define more accurately, if necessary, the diversions of the water to the several users mentioned within the decree, with special reference to stipulated rights when one user secures the total amount, through several ditches enumerated opposite his name with no data submitted or available with reference to the capacity of the ditches supplying said lands of the user.

(d) To observe for a season or longer if necessary the operation of the creek in order that such additional provisions may be added to this decree to facilitate such operation in the field, but jurisdiction is not retained to operate the creek, under order of Court.

(e) Until the measuring devices and all diversions are installed and operating to the satisfaction of the Court, and the parties hereto are given sixty (60) days in which to install the same,

Done in open Court this the 5th day of June, A. D. 1923.

C. H. HARRIS
DISTRICT JUDGE

Appendix C
Pocatello Monthly Water Use Reports (excerpts)

City of Pocatello
Water Department

1985 Monthly Reports
April, May, June

City of Pocatello • Water Department

P.O. Box 4169 • 902 E. Sherman • Pocatello, Idaho 83201 • (208) 232-4311



WATER DEPARTMENT MONTHLY REPORT APRIL 1985

MAIN LINE WORK

2000 Blk. So. 4th & So. 5th: Irrigation project. Installed: 2-4" valves, 1-4" Y fitting, 1-4" 45 ° bend.

2225 So. Bannock Highway: Pipe layed: 18' of 6" ductile iron. Installed: 1-6" fire hydrant, 1-6" tapping sleeve, 1-6" tapping valve, 1-valve box. Made 6" tap on 12" main.

During the month of April 326,044,000 gallons of water was produced from the system, or 10,868,133 gallons per day produced from the following sources.

| | <u>GALLONS PRODUCED</u> | <u>LBS. OF CHLORINE</u> |
|--------------------|-------------------------|-------------------------|
| Well # 2 | 45,246,000 | 144.0 lbs. |
| Well #12 | 10,205,000 | 23.0 lbs. |
| Well #16 | 25,614,000 | 63.5 lbs. |
| Well #18 | 72,892,000 | 233.0 lbs. |
| Well #21 | 11,627,000 | 30.0 lbs. |
| Well #22 | 15,228,000 | 39.5 lbs. |
| Well #27 | 15,168,000 | 36.0 lbs. |
| Well #28 | 1,561,000 | 6.0 lbs. |
| Well #29 | 1,302,000 | 4.5 lbs. |
| Well #30 | 99,110,000 | 248.5 lbs. |
| PIP Well | 4,524,000 | 8.5 lbs. |
| Gree Well | 16,016,000 | 37.0 lbs. |
| West Bench Booster | <u>7,551,000</u> | <u>19.5 lbs.</u> |
| | 326,044,000 | 893.0 lbs. |

This figure is 82,015,000 more than last April. Based on the population figure of 46,736 there were 232.5 gallons of water per person per day produced from the system.

Airport production was 2,258,000 gallons of water using 4.5 lbs. of chlorine and 30 man hours.

City of Pocatello • Water Department

P.O. Box 4169 • 902 E. Sherman • Pocatello, Idaho 83201 • (208) 232-4311



WATER DEPARTMENT MONTHLY REPORT

MAY 1985

MAIN LINE WORK:

Highland Tank: Pipe layed: 162' of 18" ductile iron, 194' of 14" ductile iron. Installed 1-18" Tee; 1-18" solid sleeve, 3-18" dresser valves, 3-valve boxes, 1-14" gate valve, top half of 1-valve box, 2-14" 45° bends, 1-14" flange coupling adaptor, 6'-threaded 3/4".

Country Club & Turf Drive: Pipe layed: 859' of 6" ductile iron. Installed: 3-6" tapping valves, 3-6" tapping sleeves, 3-valve boxes, 3-6" solid sleeves, 1-chlorination tap, 1-6" fire hydrant, 1-fire hydrant valve, 1-valve box, 1-6" tee, 2-6" M.J. 45° bends, 38'-6" P.V.C., 2-6" M.J. plugs.

700-800 Block Washington Avenue: Pipe layed: 486' of 10" ductile iron.

During the month of May 470,617,000 gallons of water was produced from the system, or 15,181,193 gallons per day produced from the following sources.

| | <u>GALLONS PRODUCED</u> | <u>LBS. OF CHLORINE</u> |
|-----------|-------------------------|-------------------------|
| Well # 2 | 47,238,000 | 225.5 lbs. |
| Well # 10 | 1,069,000 | 3.5 lbs. |
| Well # 12 | 45,324,000 | 112.0 lbs. |
| Well # 16 | 37,296,000 | 95.0 lbs. |
| Well # 18 | 75,708,000 | 183.5 lbs. |
| Well # 21 | 16,293,000 | 55.5 lbs. |
| Well # 22 | 27,103,000 | 78.5 lbs. |
| Well # 27 | 26,722,000 | 53.0 lbs. |
| Well # 28 | 27,832,000 | 95.5 lbs. |
| Well # 29 | 26,092,000 | 70.5 lbs. |
| Well # 30 | 104,961,000 | |
| Well # 31 | 3,204,000 | 10.5 lbs. |
| PIP Well | 14,952,000 | 32.5 lbs. |
| Cree Well | <u>16,823,000</u> | <u>78.0 lbs.</u> |
| | 470,617,000 | 1,021.0 lbs. |

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City of Pocatello • Water Department

P.O. Box 4169 • 902 E. Sherman • Pocatello, Idaho 83201 • (208) 232-4311



WATER DEPARTMENT MONTHLY REPORT

JUNE 1985

MAIN LINE WORK:

Washington Street-Cedar to Alameda: Pipe Layed: 33' of 6" ductile iron, 792' of 10" ductile iron. Installed 2-6" fire hydrants, 2-6" fire hydrant valves, 2-10" solid sleeves, 2-12" to 10" M.J. reducers, 6-10" pacific states valves, 2-10" x 6" tee fittings, 1-10" x 10" tee fitting, 8-valve boxes. 1-chlorination tap.

700 Block Willard Avenue: Pipe layed: 649' of 6" ductile iron. Installed: 1-6" pacific states fire hydrant, 1-6" fire hydrant valve, 2-6" Mueller gate valves, 3-valve boxes, 1-6" x 6" tee. 1-chlorination tap.

During the month of June 782,384,000 gallons of water was produced from the system, or 26,079,466 gallons per day produced from the following sources.

| | <u>GALLONS PRODUCED</u> | <u>LBS. OF CHLORINE</u> |
|-----------|-------------------------|-------------------------|
| Well # 2 | 46,063,000 | 146.0 lbs. |
| Well # 3 | 54,000,000 | 159.0 lbs. |
| Well # 10 | 38,430,000 | 112.0 lbs. |
| Well # 12 | 92,145,000 | 239.0 lbs. |
| Well # 16 | 31,328,000 | 537.0 lbs. |
| Well # 18 | 72,459,000 | 179.0 lbs. |
| Well # 21 | 21,827,000 | 65.0 lbs. |
| Well # 22 | 30,668,000 | 87.0 lbs. |
| Well # 27 | 44,658,000 | 86½.0 lbs. |
| Well # 28 | 31,720,000 | 223.0 lbs. |
| Well # 29 | 82,883,000 | 230.0 lbs. |
| Well # 31 | 70,464,000 | 157½.0 lbs. |
| Well # 33 | 10,960,000 | 31.0 lbs. |
| PIP Well | 15,153,000 | 32.0 lbs. |
| Cree Well | 13,048,000 | 28.0 lbs. |
| | <u>726,157,000</u> | <u>2,312.0 lbs.</u> |

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City of Pocatello
Water Department

1986 Monthly Reports
March, April, May

WATER DEPARTMENT MONTHLY REPORT

MARCH 1986

MAIN LINE WORK

Bannock Highway & Gibson Jack - Pipe layed: 72' of 6" ductile iron. Installed: 1-12" tapping sleeve, 1-valve box, 1-6" push-on plug, 1-6" tapping valve.

Bannock Highway & Country Club - Pipe layed: 54' of 6" ductile iron. Installed: 1-6" tapping valve, 1-12" x 6" tapping sleeve, 1-valve box, 1-6" push-on plug.

Bannock Highway & Shoshoni Trail - Pipe layed: 54' of 6" ductile iron. Installed: 1-6" tapping valve, 1-10" x 6" tapping sleeve, 1-valve box.

Bannock Highway & Leo Lane - Pipe layed: 8' of 6" ductile iron. Installed: 1 - 8" x 6" tapping valve, 1-8" x 6" tapping sleeve, 1-valve box, 1-6" push-on plug.

Bannock Highway & Riverside Golf Course - Pipe layed: 60' of 10" ductile iron. Installed: 1-10" x 12" tapping valve, 1-valve box, 1-10" push-on plug.

Jefferson & Poplar - Pipe layed: 38' of 6" and 6' of 10" ductile iron. Installed: 1-6" solid sleeve, 1-6" x 4" reducer, 1-4" steel to cast coupling, 1-10" x 6" tee, 1-10" solid sleeve, 2- valve boxes, 1-gate valve, 1-butterfly valve.

Jefferson & Maple - Pipe layed: 37' of 6" ductile iron. Installed: 1-6" ground out solid sleeve, 2-6" solid sleeves, 1-6" cross, 1-valve box, 1-gate valve.

During the month of March 248,126,000 gallons of water was produced from the system, or 8,004,864 gallons per day produced from the following sources.

| | <u>GALLONS PRODUCED</u> | <u>lbs. OF CHLORINE</u> |
|----------|-------------------------|-------------------------|
| Well #2 | 45,484,000 | 136.0 Lbs. |
| Well #16 | 56,254,000 | 140.0 Lbs. |
| Well #21 | 5,105,000 | 16.5 Lbs. |
| Well #27 | 6,488,000 | 15.0 Lbs. |
| Well #30 | 58,535,000 | 146.5 lbs. |

Water Department Monthly Report (cont.)

| | | |
|--------------------|------------------|------------------|
| Well #32 | 54,488,000 | 196.5 Lbs. |
| Cree Well | 16,237,000 | 37.5 Lbs. |
| West Bench Booster | <u>5,535,000</u> | <u>18.0 Lbs.</u> |
| | 248,126,000 | 706.0 Lbs. |

This figure is 10,880,000 less than last March. Based on the population figure of 46,736 there were 171.2 gallons of water per person per day produced from the system.

Airport production was 2,469,000 gallons of water using 2.5 lbs. of chlorine and 32 man hours.

5 MAIN LINE LEAKS were REPAIRED at the following locations:

| | | |
|---------------------|-------------------|--------------------------|
| 2200 South 2nd | 500 Elk So. Grant | Shane Dr. & Juniper Hill |
| 500 Elk South Grant | 732 W. Whitman | |

21 NEW SERVICES were INSTALLED at the following locations:

| | | |
|-------------------------|-------------------------|-------------------------|
| 5520 Bannock Hwy (3/4") | 5544 Bannock Hwy (3/4") | 5722 Bannock Hwy (3/4") |
| 5788 Bannock Hwy (3/4") | 5898 Bannock Hwy (3/4") | 4590 Bannock Hwy (3/4") |
| 4330 Bannock Hwy (3/4") | 2041 So. Main (3/4") | 2065 So. Main (3/4") |
| 2121 So. Main (3/4") | 2141 So. Main (3/4") | 2151 So. Main (3/4") |
| 2201 So. Main (3/4") | 2215 So. Main (3/4") | 865 Bitterroot (3/4") |
| 3705 U.S. Hwy 30 W (1") | 2403 So. Main (3/4") | 2671 Bannock Hwy (3/4") |
| 2711 Bannock Hwy (3/4") | 2735 Bannock Hwy (3/4") | 2755 Bannock Hwy (3/4") |

10 SERVICES were RENEWED at the following locations:

| | | |
|------------------------|------------------------|------------------------|
| 256 So. 6th (3/4") | 1635 So. 3rd (3/4") | 627 No. 11th (3/4") |
| 1634 Jensen (3/4") | 1371-77 Willard (3/4") | 751 W. Sublette (3/4") |
| 755 W. Sublette (3/4") | 344 McKinley (3/4") | 556 So. 11th (1") |
| 467 McKinley (3/4") | | |

19 SERVICES were REPAIRED at the following locations:

| | | |
|---------------------|--------------------------|---------------------------|
| 787 Bryan (1/2") | 1040 Gray (3/4") | 962 Gray (3/4") |
| 916 Gray (3/4") | 1578 Onyx (3/4") | 867 Northgate (3/4") |
| 1306 E. Lewis (1") | 1349 Allen Rd. (1/2") | 308 So. Main (3/4") |
| 1710 E. Wyeth (1") | 1850 No. Main (1") | 845 No. Garfield (1/2") |
| 979 Brennan (1/2") | 706 No. 10th (3/4") | 719 Myrtle (3/4") |
| 519 So. 11th (1/2") | 1006 No. Harrison (3/4") | Jefferson & Poplar (3/4") |
| 1445 No. 1st (1") | | |

WATER DEPARTMENT MONTHLY REPORT

APRIL 1986

MAIN LINE WORK

100 & 200 Block No. 9th, 100 Block So. 9th - Pipe layed: 1144' of 6" ductile iron. Installed: 1-12" x 6" tapping sleeve, 1-tapping valve, 6-valve boxes, 1-4" solid sleeve, 1-4" m.j. plug, 1-4" split sleeve, 3-6" gate valves, 2-6" fire hydrant valves, 2-6" tees, 2-6" fire hydrants, 1-6" solid sleeve, 1-6" x 4" reducer.

20th & Bonneville - Made 6" tap on 12" main. Made 3/4" chlorination tap.

During the month of April 239,878,000 gallons of water was produced from the system, or 7,995,933 gallons per day produced from the following sources.

| | <u>GALLONS PRODUCED</u> | <u>LBS. OF CHLORINE</u> |
|--------------------|-------------------------|-------------------------|
| Well #2 | 44,814,000 | 131.0 Lbs. |
| Well #16 | 26,216,000 | 69.0 Lbs. |
| Well #21 | 3,776,000 | 13.0 Lbs. |
| Well #22 | 9,409,000 | 34.5 Lbs. |
| Well #27 | 5,721,000 | 15.5 Lbs. |
| Well #30 | 75,555,000 | 192.5 Lbs. |
| Well #32 | 53,399,000 | 190.5 Lbs. |
| Cree Well | 16,313,000 | 35.5 Lbs. |
| West Bench Booster | <u>4,675,000</u> | <u>15.5 Lbs.</u> |
| | 239,878,000 | 706.0 Lbs. |

This figure is 86,165,000 less than last April. Based on the population figure of 46,736 there were 171.1 gallons of water per person per day produced from the system.

Airport production was 1,471,000 gallons of water using 2.5 lbs. of chlorine and 39 man hours.

WATER DEPARTMENT MONTHLY REPORT

MAY 1986

MAIN LINE WORK

300 Block Packard - Construct new main line. Pipe layed: 140' of 6" ductile iron, 2' of 4" cast iron. Installed: 1-6" gate valve, 1-4" steel to cast coupling, 1-valve box, 3/4" chlorination tap.

1000 Block Spruce Street - Capital improvement project. Pipe layed: 108' of 6" ductile iron.

1570 Yellowstone to Flandro - Capital improvement project (construct new main line). Pipe layed: 594' of 8" ductile iron, 79' of 6" ductile iron. Installed: 2-6" fire hydrants valves, 2-6" fire hydrants, 2-8" x 6" tees, 2-valve boxes, 1-8" solid sleeve.

Surrey Ridge 2nd Addition - Made 6" tap on 6" main. Install 2-3/4" chlorination taps.

305 West Quinn - Made 2-10" taps on 10" and 18" main.

During the month of May 424,916,000 gallons of water was produced from the system, or 13,706,968 gallons per day produced from the following sources.

| | <u>GALLONS PRODUCED</u> | <u>LBS. OF CHLORINE</u> |
|--------------------|-------------------------|-------------------------|
| Well #2 | 42,566,000 | 122.0 Lbs. |
| Well #3 | 12,500,000 | 28.5 Lbs. |
| Well #10 | 1,211,000 | 3.0 Lbs. |
| Well #12 | 11,481,000 | 20.5 Lbs. |
| Well #16 | 69,716,000 | 188.5 Lbs. |
| Well #18 | 17,201,000 | 18.5 Lbs. |
| Well #21 | 11,513,000 | 38.5 Lbs. |
| Well #22 | 31,703,000 | 119.5 Lbs. |
| Well #27 | 31,950,000 | 103.5 Lbs. |
| Well #28 | 17,045,000 | 33.0 Lbs. |
| Well #29 | 22,130,000 | 54.0 Lbs. |
| Well #30 | 60,336,000 | 132.5 Lbs. |
| Well #32 | 55,443,000 | 201.5 Lbs. |
| Well #33 | 7,235,000 | 22.5 Lbs. |
| PIP Well | 6,102,000 | 12.0 Lbs. |
| Cree Well | 15,183,000 | 32.0 Lbs. |
| West Bench Booster | 11,571,000 | 34.5 Lbs. |
| | <u>424,916,000</u> | <u>1,164.5 Lbs.</u> |

This figure is 45,701,000 less than last May. Based on the population figure of 46,736 there were 293.3 gallons of water per person per day produced from the system.

Airport production was 1,779,000 gallons of water using 3.5 lbs. of chlorine and 42 man hours.

6 MAIN LINE LEAKS were REPAIRED at the following locations:

| | | |
|--------------------|------------------------------------|--------------|
| 308 North 9th | E. Terry & Memorial | 1458 So. 2nd |
| 500 Block Fairmont | Settling Basin #3 (2" & 10" lines) | |

9 NEW SERVICES were INSTALLED at the following locations:

| | | |
|---|------------------------------|--------------------|
| 1614 So. Fairway (1" (3/4")) | 1616 So. Fairway (1" (3/4")) | 5505 Shoshon. |
| 2700 So. 5th (2" S.L. (2" S.L.)) | 1630 No. Hayes (3/4") | ISU Research Park |
| Revised Benchland Block 4 Lots O & P (3/4") | | 1023 Spruce (3/4") |

27 SERVICES were RENEWED at the following locations:

| | | |
|-------------------------------|-------------------------|------------------|
| 837 Berryman (3/4") (3/4") | 244 So. 6th (3/4") | 252 No. 7th |
| 705 Northland (3/4") (3/4") | 839 So. Main (3/4") | 405 Richland |
| 235 No. Johnson (3/4") (3/4") | 1357 Santa Anita (3/4") | 1365 Santa Anita |
| 216 So. 11th (3/4") (3/4") | 1364 Santa Anita (3/4") | 1349 Santa Anita |
| 538-40 No. 9th (3/4") (3/4") | 963 Santa Anita (3/4") | 1333 Santa Anita |
| 436 No. Main (3/4") (3/4") | 1341 Santa Anita (3/4") | 1289 Santa Anita |
| 1297 Santa Anita (3/4") | 1281 Santa Anita (3/4") | 151 Pearl (3/4") |
| 189 Pearl (3/4") | 247 Pearl (3/4") | 163 Pearl (3/4") |
| 232 Pearl (3/4") (3/4") | 250 Pearl (3/4") | 605 No. Arthur |

Water Department Monthly Report (cont.)

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**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In RE SRBA Case No 39576

**BROCKWAY ENGINEERING PLLC
REBUTTAL EXPERT REPORT TO
SPRONK WATER ENGINEERS INC.
EXPERT REPORT DATED
SEPTEMBER 29, 2006
PREPARED NOVEMBER 2, 2006
FOR
MILNER IRRIGATION DISTRICT
MINIDOKA IRRIGATION DISTRICT
AMERICAN FALLS RESERVOIR
DISTRICT #2, A & B
IRRIGATION DISTRICT
BURLEY IRRIGATION DISTRICT
NORTH SIDE CANAL COMPANY
TWIN FALLS CANAL COMPANY**

**Brockway Engineering PLLC
2601 Washington Street North, Suite #4
Twin Falls, Idaho 83301**

Exhibit C

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Affidavit of Joyce Angell in Support of
Pocatello's Motion for Summary Judgment
November 30, 2006 Subcase 29-271 et al

Introduction

The City of Pocatello filed 38 claims for water rights in the Snake River Basin April 16, 1990 and some amended claims on April 19, 2003. The Idaho Department of Water Resources filed the Basin 29 Director's Report for Irrigation and Other Uses in the SRBA court on July 10, 2003 and a Supplemental Directors Report Regarding the City of Pocatello's Basin 29 State-Based Water Rights. Subsequently on September 29, 2006 a report was prepared by Spronk Water Engineers, Inc. to address three remaining disputed issues, namely:

- A condition proposed by the Department to limit the City's claims for alternate points of diversion for its interconnected municipal wells
- The Department's recommended denial of the City's claim for alternate points of diversion for its surface water rights on Mink Creek and Gibson Jack Creek
- Miscellaneous issues related to identification of the wells included in the City's interconnected municipal well systems, and subset of these wells that were the subject of prior formal administrative transfers approved by the Department

This report addresses concerns relative to the above disputed issues.

Separate Sources: Mink Creek and Gibson Jack Creek

The City contends that the surface sources from Mink Creek, Gibson Jack Creek, and ground water rights tributary to the Portneuf drainage should be considered separate sources and should be administered separately from all water rights in Basin 29. There is no hydrologic evidence to suggest that Mink Creek and Gibson Jack Creek flows do not reach the Portneuf River and the Department has not found that these sources are not interconnected.

Miscellaneous discharge measurements made by the USGS through the period 1964 to 1967 indicate that there has been sufficient flow in the various branches of Mink Creek to reach the Portneuf River. Neither Mink Creek nor Gibson Jack Creek meet the hydrologic criteria for designation as a separate source and there are no prior decrees which designate these streams as separate sources. It is understood that these contentions have been resolved by the City and these rights will be administered as interconnected sources.

Separate Sources: Ground Water Rights Tributary to the Portneuf Drainage

The hydrogeology of the lower Portneuf River and tributaries and the aquifer underlying the lower Portneuf area shows that these are interconnected sources and are tributary to the Snake River and/or the Eastern Snake Plain aquifer and should not be considered as separate sources. Studies by the Idaho Water Resources Research Institute ,IWRRI, in connection with the development of the Enhanced ESPA ground water model, ESPAM, show that underflow from the Portneuf valley is tributary to the Eastern Snake Plain aquifer. IDWR and IWRRI with the advice of the Eastern Snake Plain Modeling Committee has identified the ground water underflow from the Portneuf river valley for additional evaluation for updating the ESPAM.

The designation of the aquifer underlying the Portneuf river at Pocatello and downstream as the "Lower Portneuf River Valley Aquifer " by Welhan in the July 2006 report and earlier reports and by Sullivan in the Spronk Water Engineers September 29, 2006 report is apparently for geographic definition only and not to define this region of the aquifer as independent hydrologically from the Eastern Snake River Plain aquifer and the Snake River. Wellhan states (p3) that "The LPRV aquifer merges with the Snake River Plain aquifer to which it is tributary and is part of a larger aquifer system that extends beyond the border of the LPRV-----", and further states (p11, Table 3) that the " Outflow to Snake River Plain aquifer is 0.2 to -0.5 Bgal/yr"

Therefore, changes in groundwater use by the City of Pocatello and reflected in changes to tributary underflow to the Eastern Snake Plain Aquifer and all of the City of Pocatello's ground water and surface water rights should be administered as interconnected sources. It is understood that these contentions have been resolved by the City and these rights will be administered as interconnected sources.

Alternate Points of Diversion

The City of Pocatello claims that City wells should be considered as alternate points of diversion for the claimed water rights from Mink Creek and Gibson Jack Creek.. There is no hydrologic evidence to support this contention or to argue that there is no change or impact to other water users if this were allowed. If, in fact, ground water is pumped in lieu of a surface water diversion six miles away from the ground water extraction with the same early

priority as the surface right, there will be significant differences in the timing and magnitude of both the Portneuf River flow and ground water underflow from the basin. It cannot be demonstrated that there is an 'immediate and direct connection between the surface sources and the well(s)', and certainly that there is "at least a 50 percent depletion in the original source from depletion at the proposed point of diversion in one day" as required by the IDWR Transfer Processing Memo No. 24.

Multiple, Alternative Points of Diversion.

The City claimed all of its wells as alternate points of diversion for all water rights which, if approved, would allow diversion of any of its water rights, senior or junior, from any well. If approved, priority administration would require determination of the instantaneous discharge from each well at all times to determine whether diversion rates were within priority. If the City was diverting in excess of the rate allowed under the cumulative priority of all rights, then either the Department or the City would have to decide which well or wells would be shut off or curtailed. This would be extremely difficult to regulate or administer. The Department's decision to require a condition on each water right showing the date of first appropriation and the well number and location is justified. Any decision by the City to pump at significantly greater rates than historical practice from later priority wells could result in injury to local ground water users, especially those with earlier priority wells.

A change in spatial distribution of ground water pumping by the City within the authorized service area or place of use would likely not result in significant changes in short or long term underflow from the aquifer to the Eastern Snake Plan Aquifer. Thus there would likely not be negative impacts to the ESPA resulting just from the changes in diversion points.

Individual Water Rights and Fact-Specific Elements.

Specific findings by the Department relative to certain water rights are left to the Department to determine the adequacy of evidence to support the individual claims. Relative to the claim for water right 29-4222 from Gibson Jack Creek, no evidence was available to ascertain whether the current diversion structures and pipeline capacity existed or are adequate to support the claim for 7.0 cfs from Gibson Jack Creek and the South Fork of Gibson Jack Creek. No evidence was provided to determine how and where the surface water supply was being used, except that it was not being used in the potable distribution system. Absent adequate evidence of the hydraulic capacity of these systems, the Department's recommendation for 5.0 cfs seems gratuitous.

Sufficiency of Ground Water Resources

Water diversion records provided by the City and the Sullivan report (Pg 16) show that no surface water was diverted to the City during the period April-June 1985 and March-May 1986. No reason is apparent for the lack of diversion. Available ground water rights during the 1985-86 periods were 152.4 cfs, more than ample to supply the four to five cfs of deferred surface water diversion. The fact that the ground water rights may have been furnishing the entire City demand during the April-June 1985 and March-May 1986 period does not affirm that the ground water pumped was, in fact, Mink Creek or Gibson Jack Creek water

Documents Reviewed

The following documents were reviewed by C.E. Brockway in preparing this report.

1. Supplemental Directors Report Regarding City of Pocatello's' Basin 29 State-Based Water Rights, April 13, 2006
2. Memo: City of Pocatello Water Department March 31, 1989 Subject: Surface Supply from Mink Creek and Gibson Jack Creek
3. Welhan, John A, Water Balance and Pumping Capacity of the Lower Portneuf River Valley Aquifer, Bannock County, Idaho, Idaho Geological Survey Staff Report 05-06, July 2006
4. Wellhan, John, Mechan Chris, and Ted Reid, The Lower Portneuf River Valley Aquifer: A Geologic/Hydrologic Model and it's Implications for Wellhead Protection Strategies, Final Report, July 1996 (draft revision)

5. Welhan, J., and C. Meehan, Hydrogeology of the Pocatello Aquifer: Implications for Wellhead Protection Strategies, Proceedings 30th Symposium, Engineering Geology and Geotechnical Engineering, 1994, 18 pp
6. Crosthwaite, E. G. 1957 Ground water possibilities South of the Snake River between Twin Falls and Pocatello, ID; USGS Water Supply Paper 1460-C
7. Stearns, H.T. and others 1938, Geology and water resources in the Snake River Plain in Southeast Idaho; USGS Water Supply Paper 774
8. CH2MHill 1994, Hydrogeology and Assessment of TCE Contamination in the Southern Portion of the Pocatello Aquifer—Phase I Aquifer Management Plan Final Report
9. Well Water Level Readings, City of Pocatello Wells
10. U S Geological Survey, Miscellaneous Stream Flow Measurements in Idaho 1894-1967, Basic Data Release Boise, Idaho 1970

ORIGINAL

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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

| | | |
|----------------|---|--|
| In Re SRBA |) | Subcase Nos.: See Exhibit A |
| |) | |
| |) | IDAHO'S RESPONSE TO FIRST SET OF DISCOVERY |
| |) | REQUESTS SERVED BY THE CITY OF POCA TELLO |
| Case No. 39576 |) | |
| |) | |
| |) | |
| _____ |) | |

General Objections

1. The State of Idaho, hereinafter referred to as Idaho," has not completed its own investigations and/or discovery. Accordingly, the responses that follow are based upon the best knowledge, information, and belief of Idaho as this time. Idaho reserves the right to make any further responses if it appears that any omission or error has been made in

connection with these responses or that more accurate information is, or has become available. These responses are made without prejudice to Idaho's right to use later discovery or to present at trial such evidence, as may be later discovered or evaluated.

2. Idaho objects to the definitions and instructions to the extent they purport to require discovery responses beyond that required under the Idaho Rules of Civil Procedure. These responses are provided in accordance with the Idaho Rules of Civil Procedure regardless of any definitions and instructions that may accompany these discovery requests.

3. These responses are made subject to all objections, including, but not limited to, competence, relevance, materiality, and admissibility. These responses are further subject to all objections that would require the exclusion of any statement, material, or information herein provided if such interrogatory were asked of, or any statement, material, or information provided were made by witnesses present and testifying in court. All such objections are reserved and may be interposed at the time of trial.

4. No incidental or implied admissions are intended. The fact that Idaho has responded to any discovery request, or part thereof, should not be taken as an admission that Idaho accepts that the discovery request or the response or objection thereto constitutes admissible evidence. Similarly, the fact that Idaho has responded to all or part of an interrogatory is not intended to and shall not be construed to be a waiver by Idaho of all or part of any objection to other interrogatories. Idaho's answers to any discovery requests do not constitute a waiver of Idaho's right to object to any future additional, or supplemental discovery requests regarding the same or similar matters.

5. Idaho's responses to this discovery does not include any information in the possession of a non-party, including the Idaho Department of Water Resources, hereinafter referred to as "IDWR."

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Subcase No. 29-00271

Interrogatory No. 1: Please STATE THE BASIS for YOUR RESPONSE TO POCATELLO'S OBJECTION in this SUBCASE.

Answer to Interrogatory No. 1: A RESPONSE is a procedural pleading that indicates a party's intention to participate in the litigation of a particular subcase. Idaho did not take a substantive position in its RESPONSE filed in this subcase.

Interrogatory No. 2: Please state YOUR CONTENTION as to the point(s) of diversion POCATELLO is entitled to in this SUBCASE, and STATE THE BASIS for YOUR CONTENTION.

Answer to Interrogatory No. 2: Idaho contends that the Director's Report, as amended by the Supplemental Director's Report, correctly describes the point of diversion. Idaho is not aware of any facts that justify changing this conclusion.

Interrogatory No. 3: Please IDENTIFY each PERSON who has information that RELATES TO YOUR RESPONSES that are the subject of Interrogatory Nos. 1 and 2.

Answer to Interrogatory No. 3: None. Idaho has not identified any lay person or retained any expert to provide testimony in these subcase proceedings. Idaho reserves the right to call employees from IDWR to testify as to the basis for the Director's Recommendations.

Interrogatory No. 4: Please describe the substance of the knowledge of each PERSON identified in YOUR RESPONSE to Interrogatory No. 3.

Answer to Interrogatory No. 4: Not applicable.

Interrogatory No. 5: Please IDENTIFY each EXPERT who YOU expect to testify RELATING TO YOUR RESPONSES that are the subject of Interrogatory Nos. 1 and 2.

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Answer to Interrogatory No. 5: Idaho has not retained any experts at this time. Idaho reserves the right to call employees from IDWR to testify as to the basis for the Director's Recommendations.

Interrogatory No. 6: For each EXPERT you IDENTIFIED in your RESPONSE to Interrogatory No. 5, state the subject matter on which the expert is expected to testify, state the substance of the opinions to which the expert is expected to testify, and state the underlying facts and data upon which the expert opinions are based.

Answer to Interrogatory No. 6: Not applicable.

Request for Production No. 1: Please PRODUCE all DOCUMENTS that support YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 1: The primary document that Idaho relies upon to support its RESPONSE is the Director's Report, as amended by the Supplemental Director's Report, which are available for inspection during normal business hours upon reasonable request. Idaho has not collected any other documents that support its RESPONSE.

Request for Production No. 2: Please PRODUCE all DOCUMENTS, not produced in response to Request for Production No. 1, that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 2: Idaho has not collected any other documents that relate to its RESPONSE.

Request for Production No. 3: Please PRODUCE all DOCUMENTS that constitute or were included with or referred to in CORRESPONDENCE between YOU and any other PERSON that RELATES TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

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Response to Request for Production No. 3: The following correspondence relates to Idaho's RESPONSE to Pocatello's objection:

Letter from Clive J. Strong to Honorable Terrence A. Dolan dated August 30, 2005.

Letter from Olga Valdivia to the Clerk of the District Court dated July 21, 2006.

Copies of these documents are attached.

Request for Production No. 4: Please PRODUCE all DOCUMENTS that RELATE TO COMMUNICATIONS between YOU and any other PERSON that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 4: Idaho has identified one hundred and nine e-mails that relate to communications between Idaho and another person about its Response to Pocatello's objection. Fifteen of these e-mails were sent by David J. Barber to various persons, and ninety-four of these e-mails were received by David J. Barber.

Ninety-three of these e-mails were sent or copied to at least one of the following persons: Jo Beeman, Sara Klahn, Joyce Angell, or Dana Rose. Because a representative of the City of Pocatello received a copy of these e-mails, a paper copy is not attached. However, copies of these ninety-three e-mails are available for inspection during normal business hours upon reasonable request. The remaining sixteen e-mails are attached and are described as follows:

- (1) An e-mail from Susan Hamlin Nygard to David J. Barber dated May 7, 2004.
- (2) An e-mail from Lori Pew to David J. Barber that is dated September 22, 2004.
- (3) An e-mail from David J. Barber to Lori Pew that is dated September 22, 2004.
- (4) An e-mail from Candice McHugh to David J. Barber that is dated January 26, 2005 at 11:51 am.

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- (5) An e-mail from David J. Barber to Candice McHugh that is dated January 26, 2005 at 12:08 p.m.
- (6) An e-mail from Candice McHugh to David J. Barber that is dated January 26, 2005 at 12:17 pm.
- (7) An e-mail from Susan Hamlin Nygard to Clive Strong and David J. Barber that is dated May 10, 2005.
- (8) An e-mail from David J. Barber to Tracy Behrens that is dated June 10, 2005.
- (9) An e-mail from Ray Williams to David Barber dated September 7, 2006 at 11:48 a.m.
- (10) An e-mail from Ray Williams to David Barber dated September 7, 2006 at 11:49 a.m.
- (11) An e-mail from Ray Williams to David Barber dated September 7, 2006 at 11:50 a.m.
- (12) An e-mail from Ray Williams to David Barber dated September 7, 2006 at 12:11 p.m.
- (13) An e-mail from Douglas Conde to Clive Strong and David Barber dated September 12, 2006.
- (14) An e-mail from Clive Strong to David Barber dated September 12, 2006.
- (15) An e-mail from Clive Strong to David Barber dated September 18, 2006.
- (16) An e-mail from Carter Fritschle to Candice McHugh and David Barber dated September 20, 2006.

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Request for Production No. 5: Please PRODUCE copies of all data and RELEVANT DOCUMENTS upon which the opinions of each EXPERT WITNESS whom YOU are asked to IDENTIFY in response to Interrogatory No. 5 are based or expected to be based.

Response to Request for Production No. 5: Not applicable.

Request for Production No. 6: Please PRODUCE copies of any RELEVANT DOCUMENTS that YOU have received from any PERSON, including but not limited to expert witness reports, in conjunction with his or her anticipated testimony in this SUBCASE.

Response to Request for Production No. 6: There are three categories of documents that Idaho has received. (1) Idaho received the Director's Report and Supplemental Director's Report, which are available for inspection during normal business hours upon reasonable request. (2) Idaho has identified one hundred and nine e-mails that relate to communications between Idaho and another person about its Response to Pocatello's objection. Fifteen of these e-mails were sent by David J. Barber to various persons, and ninety-four of these e-mails were received by David J. Barber. (3) Idaho also received well logs for some of Pocatello's wells. A copy of those well logs is attached (MAIL80235 through MAIL80261).

Ninety-three of these e-mails were sent or copied to at least one of the following persons: Jo Beeman, Sara Klahn, Joyce Angell, or Dana Rose. Because a representative of the City of Pocatello received a copy of these e-mails, a paper copy is not attached. However, copies of these ninety-three e-mails are available for inspection during normal business hours upon reasonable request. The remaining sixteen e-mails are attached and are described as follows:

- (1) An e-mail from Susan Hamlin Nygard to David J. Barber dated May 7, 2004.
- (2) An e-mail from Lori Pew to David J. Barber that is dated September 22, 2004.
- (3) An e-mail from David J. Barber to Lori Pew that is dated September 22, 2004.

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- (4) An e-mail from Candice McHugh to David J. Barber that is dated January 26, 2005 at 11:51 am.
- (5) An e-mail from David J. Barber to Candice McHugh that is dated January 26, 2005 at 12:08 p.m.
- (6) An e-mail from Candice McHugh to David J. Barber that is dated January 26, 2005 at 12:17 pm.
- (7) An e-mail from Susan Hamlin Nygard to Clive Strong and David J. Barber that is dated May 10, 2005.
- (8) An e-mail from David J. Barber to Tracy Behrens that is dated June 10, 2005.
- (9) An e-mail from Ray Williams to David Barber dated September 7, 2006 at 11:48 a.m.
- (10) An e-mail from Ray Williams to David Barber dated September 7, 2006 at 11:49 a.m.
- (11) An e-mail from Ray Williams to David Barber dated September 7, 2006 at 11:50 a.m.
- (12) An e-mail from Ray Williams to David Barber dated September 7, 2006 at 12:11 p.m.
- (13) An e-mail from Douglas Conde to Clive Strong and David Barber dated September 12, 2006.
- (14) An e-mail from Clive Strong to David Barber dated September 12, 2006.
- (15) An e-mail from Clive Strong to David Barber dated September 18, 2006.
- (16) An e-mail from Carter Fritschle to Candice McHugh and David Barber dated September 20, 2006.

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Request for Admission No. 1: Admit that Mink Creek and the Lower Portneuf River Valley Aquifer are interconnected sources of water.

Response to Request for Admission No. 1: Admitted.

Interrogatory No. 7: If YOU DENY Request for Admission No. 1, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 7: Not applicable.

Interrogatory No. 8: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 7.

Answer to Interrogatory No. 8: Not applicable.

Request for Production No. 7: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 7.

Response to Request for Production No. 7: None.

Request for Admission No. 2: Admit that the place of use of this WATER RIGHT is the service area of POCATELLO'S municipal water supply system as provided under Idaho law.

Response to Request for Admission No. 2: Admitted in part as follows: "Place of use is within the service area of the City of Pocatello municipal water supply system as provided for under Idaho law."

Interrogatory No. 9: If YOU DENY Request for Admission No. 2, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 9: Not applicable.

Interrogatory No. 10: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 9.

Answer to Interrogatory No. 10: Not applicable.

Request for Production No. 8: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 9.

Response to Request for Production No. 8: Not applicable.

Request for Admission No. 3: Admit that the wells of POCATELLO'S culinary water system withdraw water from the Lower Portneuf River Valley Aquifer.

Response to Request for Admission No. 3: Request for admission no. 3 is denied based on lack of information and knowledge. Idaho undertook a reasonable investigation to determine the relationship between the corporate boundaries of the City of Pocatello and the geographic limits of the LOWER PORTNEUF RIVER VALLEY AQUIFER and the information known or readily obtainable by Idaho does not enable it to admit this request for admission at this point in time. More specifically, Idaho found a FINAL REPORT: ECONOMIC IMPACTS OF ENHANCED AQUIFER PROTECTION FOR THE LOWER PORTNEUF RIVER VALLEY AQUIFER. A copy of this report is attached. Exhibit 2a-1 from this report illustrates the relationship between the corporate limits of Pocatello and the LOWER PORTNEUF RIVER VALLEY AQUIFER and shows that the corporate limits of Pocatello extend substantially beyond the LOWER PORTNEUF RIVER VALLEY AQUIFER in the southwest and northeast portion of the City. In order to respond to this request, the location of each of the twenty-two wells must be plotted on a map that illustrates the LOWER PORTNEUF RIVER VALLEY AQUIFER and the corporate limits of the City of Pocatello, and the well logs for each of the twenty-two wells must be reviewed. The review of the well logs is necessary because the withdrawal of water from the LOWER PORTNEUF RIVER VALLEY AQUIFER can only occur if the well is perforated in the unconfined gravels defined as that aquifer.

Interrogatory No. 11: If YOU DENY Request for Admission No. 3, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 11: Idaho denies request for admission no. 3 based on insufficient information and knowledge to respond to the substantive issue. Four factual matters need to be resolved to answer this question. (1) the location of the corporate limits of the City of Pocatello, (2) the location of the LOWER PORTNEUF RIVER VALLEY AQUIFER, (3) the placement of the perforations in the well casing, and (4) the location of the 22 interconnected wells. While Idaho has obtained information on these four factual matters, the information is too general for Idaho to make the determination requested.

Interrogatory No. 12: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 11.

Answer to Interrogatory No. 12: Mr. John Carlson and Ms. Dana Hiatt at IDWR..

Request for Production No. 9: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 11.

Response to Request for Production No. 9: Idaho undertook a reasonable investigation to determine the geographic scope of the LOWER PORTNEUF RIVER VALLEY AQUIFER and found the following document on the internet: FINAL REPORT: ECONOMIC IMPACTS OF ENHANCED AQUIFER PROTECTION FOR THE LOWER PORTNEUF RIVER VALLEY AQUIFER. A copy of this report is attached. Idaho also received well logs for some of Pocatello's wells. A copy of those well logs is attached (MAIL80235 through MAIL80261).

Request for Admission No. 4: Admit that prior to November 19, 1987, POCATELLO withdrew from its municipal wells in the Lower Portneuf River Valley Aquifer and the ESPA an

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instantaneous combined rate of diversion in excess of the combined rates of diversion for ground water currently recommended by IDWR in this CASE.

Response to Request for Admission No. 4: Denied.

Interrogatory No. 13: If YOU DENY Request for Admission No. 4, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 13: Idaho made a reasonable inquiry regarding the operation of Pocatello's municipal wells and concluded that it has no information about the operational details of Pocatello's many municipal wells. This information is within the specific knowledge of Pocatello. Idaho has insufficient information or knowledge to enable it to admit this request for admission.

Interrogatory No. 14: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 13.

Answer to Interrogatory No. 14: No one.

Request for Production No. 10: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 13.

Response to Request for Production No. 10: None.

Request for Admission No. 5: Admit that pursuant to I.C. 42-222 IDWR has administratively transferred the point of diversion of a surface water right to a ground water well.

Response to Request for Admission No. 5: Objection. This request for admission is unduly burdensome because it requires a thorough review of the records of IDWR and its agencies predecessor in function. Pocatello can undertake this review as easily as Idaho. Since IDWR is a non-party to the Snake River Basin Adjudication, Idaho has no responsibility to review the records of IDWR or its agencies predecessor in function. Furthermore, a portion of

the records of IDWR are available on the internet for review by anyone. It is unduly burdensome to request Idaho to conduct this research on the internet for Pocatello. Idaho has not undertaken a review of IDWR's records. Notwithstanding these objections, this request for admission is admitted in part and denied in part because of lack of information and knowledge. Idaho admits that IDWR Transfer Processing Memo No. 24 (October 30, 2002) addresses this legal issue. This document speaks for itself. Idaho denies all other aspects of request for admission no. 5 based on lack of information and knowledge. Idaho made a reasonable inquiry regarding request for admission no. 5 by asking Mr. Phil Rassier, deputy attorney general, for information about any administrative transfer of the point of diversion of a surface water right to a ground water well. Mr. Phil Rassier recalled only one possible example involving the transfer of water right no. 36-2603A. This one example does not support admission of Request for Admission No. 5.

Interrogatory No. 15: If YOUR RESPONSE to Request for Admission No. 5, is not a complete admission, please STATE THE BASIS for YOUR RESPONSE.

Answer to Interrogatory No. 15: Objection. This interrogatory is unduly burdensome because it requires a thorough review of the records of IDWR and its agencies predecessor in function. Pocatello can undertake this review as easily as Idaho. Since IDWR is a non-party to the Snake River Basin Adjudication, Idaho has no responsibility to review these records. Idaho made a reasonable inquiry regarding request for admission no. 5 by asking Mr. Phil Rassier, deputy attorney general, for information about any administrative transfer of the point of diversion of a surface water right to a ground water well. Mr. Phil Rassier recalled only one possible example involving the transfer of water right no. 36-2603A. This one example does not support admission of Request for Admission No. 5. Accordingly, Idaho does not have a factual

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basis to admit that IDWR has administratively transferred the point of diversion of a surface water right to a ground water well.

Interrogatory No. 16: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 15.

Answer to Interrogatory No. 16: Idaho contacted Mr. Phil Rassier, deputy attorney general, about the existence of an administrative transfer of the point of diversion from a surface water right to a ground water right.

Interrogatory No. 17: If YOU admit Request for Admission No. 5, please STATE the circumstances of all such administrative transfers.

Answer to Interrogatory No. 17: Not applicable.

Request for Production No. 11: Produce any DOCUMENTS related to YOUR response to Interrogatory Nos. 15 and 17.

Response to Request for Production No. 11: Attached are four pages from the water right back file for water right no. 36-2603A: (1) pages 1 and 2 of an agreement dated December 17, 1992 between Blue Lakes Country Club and the City of Twin Falls and (2) Amended Transfer of Water Right, Transfer No. 4066.

Interrogatory No. 18: Please IDENTIFY each PERSON who participated in or furnished information for the preparation of all or any portion of YOUR responses to these DISCOVERY REQUESTS and IDENTIFY the information that each such PERSON provided.

Answer to Interrogatory No. 18: Objection. The review process within the Natural Resources Division of the Office of the Attorney General and the contribution of each person in that review process constitutes attorney work product that is not subject to discovery. Notwithstanding this objection, I asked four persons to provide me information. I asked Mr.

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Carter Fritschle to provide me well logs for Pocatello's wells. I also asked Mr. John Carlson to provide me well logs for Pocatello's wells. I have not received any well log information from Mr. Carter Fritschle. Ms. Dana Hiatt responded for Mr. John Carlson and provided me a copy of the well logs for the City's wells.. I asked Mr. Phil Rassier, deputy attorney general, to provide me the water right number for any administrative transfers from a surface water source to a ground water source. Mr. Phil Rassier, deputy attorney general, provided me water right no. 36-2603A. I also described my request for well logs to Ms. Candice McHugh, deputy attorney general, on August 31, 2006, and she suggested that I contact Mr. John Carlson about that request. Finally, I asked Mr. Doug Conde, deputy attorney general, to provide me information about Pocatello's sewage wastewater facility. Mr. Conde provided me some documents from the Idaho Department of Environmental Quality. The reviewing person(s) within the Natural Resources Division provided no information.

Subcase No. 29-00272

Interrogatory No. 1: Please STATE THE BASIS for YOUR RESPONSE TO POCATELLO'S OBJECTION in this SUBCASE.

Answer to Interrogatory No. 1: A RESPONSE is a procedural pleading that indicates a party's intention to participate in the litigation of a particular subcase. Idaho did not take a substantive position in its RESPONSE filed in this subcase.

Interrogatory No. 2: Please state YOUR CONTENTION as to the point(s) of diversion POCATELLO is entitled to in this SUBCASE, and STATE THE BASIS for YOUR CONTENTION.

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Answer to Interrogatory No. 2: Idaho contends that the Director's Report correctly describes the point of diversion. Idaho is not aware of any facts that justify changing this conclusion.

Interrogatory No. 3: Please IDENTIFY each PERSON who has information that RELATES TO YOUR RESPONSES that are the subject of Interrogatory Nos. 1 and 2.

Answer to Interrogatory No. 3: None. Idaho has not identified any lay person or retained any expert to provide testimony in these subcase proceedings. Idaho reserves the right to call employees from IDWR to testify as to the basis for the Director's Recommendations.

Interrogatory No. 4: Please describe the substance of the knowledge of each PERSON identified in YOUR RESPONSE to Interrogatory No. 3.

Answer to Interrogatory No. 4: Not applicable.

Interrogatory No. 5: Please IDENTIFY each EXPERT who YOU expect to testify RELATING TO YOUR RESPONSES that are the subject of Interrogatory Nos. 1 and 2.

Answer to Interrogatory No. 5: Idaho has not retained any experts at this time. Idaho reserves the right to call employees from IDWR to testify as to the basis for the Director's Recommendations.

Interrogatory No. 6: For each EXPERT you IDENTIFIED in your RESPONSE to Interrogatory No. 5, state the subject matter on which the expert is expected to testify, state the substance of the opinions to which the expert is expected to testify, and state the underlying facts and data upon which the expert opinions are based.

Answer to Interrogatory No. 6: Not applicable.

Request for Production No. 1: Please PRODUCE all DOCUMENTS that support YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 1: The primary document that Idaho relies upon to support its RESPONSE is the Director's Report, as amended by the Supplemental Director's Report, which are available for inspection during normal business hours upon reasonable request. Idaho has not collected any documents related to these subcases.

Request for Production No. 2: Please PRODUCE all DOCUMENTS, not produced in response to Request for Production No. 1, that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 2: Idaho has not collected any documents that relate to its RESPONSE.

Request for Production No. 3: Please PRODUCE all DOCUMENTS that constitute or were included with or referred to in CORRESPONDENCE between YOU and any other PERSON that RELATES TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE

Response to Request for Production No. 3: The following correspondence relates to Idaho's RESPONSE to Pocatello's objection:

Letter from Clive J. Strong to Honorable Terrence A. Dolan dated August 30, 2005.

Letter from Olga Valdivia to the Clerk of the District Court dated July 21, 2006.

Copies of these documents are attached.

Request for Production No. 4: Please PRODUCE all DOCUMENTS that RELATE TO COMMUNICATIONS between YOU and any other PERSON that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 4: Idaho has identified one hundred and nine e-mails that relate to communications between Idaho and another person about its Response to

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Pocatello's objection. Fifteen of these e-mails were sent by David J. Barber to various persons, and ninety-four of these e-mails were received by David J. Barber.

Ninety-three of these e-mails were sent or copied to at least one of the following persons: Jo Beeman, Sara Klahn, Joyce Angell, or Dana Rose. Because a representative of the City of Pocatello received a copy of these e-mails, a paper copy is not attached. However, copies of these ninety-three e-mails are available for inspection during normal business hours upon reasonable request. The remaining sixteen e-mails are attached and are described as follows:

- (1) An e-mail from Susan Hamlin Nygard to David J. Barber dated May 7, 2004.
- (2) An e-mail from Lori Pew to David J. Barber that is dated September 22, 2004.
- (3) An e-mail from David J. Barber to Lori Pew that is dated September 22, 2004.
- (4) An e-mail from Candice McHugh to David J. Barber that is dated January 26, 2005 at 11:51 am.
- (5) An e-mail from David J. Barber to Candice McHugh that is dated January 26, 2005 at 12:08 p.m.
- (6) An e-mail from Candice McHugh to David J. Barber that is dated January 26, 2005 at 12:17 pm.
- (7) An e-mail from Susan Hamlin Nygard to Clive Strong and David J. Barber that is dated May 10, 2005.
- (8) An e-mail from David J. Barber to Tracy Behrens that is dated June 10, 2005.
- (9) An e-mail from Ray Williams to David Barber dated September 7, 2006 at 11:48 a.m.
- (10) An e-mail from Ray Williams to David Barber dated September 7, 2006 at 11:49 a.m.

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- (11) An e-mail from Ray Williams to David Barber dated September 7, 2006 at 11:50 a.m.
- (12) An e-mail from Ray Williams to David Barber dated September 7, 2006 at 12:11 p.m.
- (13) An e-mail from Douglas Conde to Clive Strong and David Barber dated September 12, 2006.
- (14) An e-mail from Clive Strong to David Barber dated September 12, 2006.
- (15) An e-mail from Clive Strong to David Barber dated September 18, 2006.
- (16) An e-mail from Carter Fritschle to Candice McHugh and David Barber dated September 20, 2006.

Request for Production No. 5: Please PRODUCE copies of all data and RELEVANT DOCUMENTS upon which the opinions of each EXPERT WITNESS whom YOU are asked to IDENTIFY in response to Interrogatory No. 5 are based or expected to be based.

Response to Request for Production No. 5: Not applicable.

Request for Production No. 6: Please PRODUCE copies of any RELEVANT DOCUMENTS that YOU have received from any PERSON, including but not limited to expert witness reports, in conjunction with his or her anticipated testimony in this SUBCASE.

Response to Request for Production No. 6: There are three categories of documents that Idaho has received. (1) Idaho received the Director's Report and Supplemental Director's Report, which are available for inspection during normal business hours upon reasonable request. (2) Idaho has identified one hundred and nine e-mails that relate to communications between Idaho and another person about its Response to Pocatello's objection. Fifteen of these e-mails were sent by David J. Barber to various persons, and ninety-four of these e-mails were received

by David J. Barber. (3) Idaho also received well logs for some of Pocatello's wells. A copy of those well logs is attached (MAIL80235 through MAIL80261).

Ninety-three of these e-mails were sent or copied to at least one of the following persons: Jo Beeman, Sara Klahn, Joyce Angell, or Dana Rose. Because a representative of the City of Pocatello received a copy of these e-mails, a paper copy is not attached. However, copies of these ninety-three e-mails are available for inspection during normal business hours upon reasonable request. The remaining sixteen e-mails are attached and are described as follows:

- (1) An e-mail from Susan Hamlin Nygard to David J. Barber dated May 7, 2004.
- (2) An e-mail from Lori Pew to David J. Barber that is dated September 22, 2004.
- (3) An e-mail from David J. Barber to Lori Pew that is dated September 22, 2004.
- (4) An e-mail from Candice McHugh to David J. Barber that is dated January 26, 2005 at 11:51 am.
- (5) An e-mail from David J. Barber to Candice McHugh that is dated January 26, 2005 at 12:08 p.m.
- (6) An e-mail from Candice McHugh to David J. Barber that is dated January 26, 2005 at 12:17 pm.
- (7) An e-mail from Susan Hamlin Nygard to Clive Strong and David J. Barber that is dated May 10, 2005.
- (8) An e-mail from David J. Barber to Tracy Behrens that is dated June 10, 2005.
- (9) An e-mail from Ray Williams to David Barber dated September 7, 2006 at 11:48 a.m.
- (10) An e-mail from Ray Williams to David Barber dated September 7, 2006 at 11:49 a.m.

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- (11) An e-mail from Ray Williams to David Barber dated September 7, 2006 at 11:50 a.m.
- (12) An e-mail from Ray Williams to David Barber dated September 7, 2006 at 12:11 p.m.
- (13) An e-mail from Douglas Conde to Clive Strong and David Barber dated September 12, 2006.
- (14) An e-mail from Clive Strong to David Barber dated September 12, 2006.
- (15) An e-mail from Clive Strong to David Barber dated September 18, 2006.
- (16) An e-mail from Carter Fritschle to Candice McHugh and David Barber dated September 20, 2006.

Request for Admission No. 1: Admit that Mink Creek and the Lower Portneuf River Valley Aquifer are interconnected sources of water.

Response to Request for Admission No. 1: Admitted.

Interrogatory No. 7: If YOU DENY Request for Admission No. 1, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 7: Not applicable.

Interrogatory No. 8: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 7.

Answer to Interrogatory No. 8: Not applicable.

Request for Production No. 7: Produce any DOCUMENTS related to YOUR response to Interrogatory 7.

Response to Request for Production No. 7: None.

Request for Admission No. 2: Admit that the place of use of this WATER RIGHT is the service area of POCATELLO'S municipal water supply system as provided under Idaho law.

Response to Request for Admission No. 2: Admitted in part as follows: "Place of use is within the service area of the City of Pocatello municipal water supply system as provided for under Idaho law."

Interrogatory No. 9: If YOU DENY Request for Admission No. 2, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 9: Not applicable.

Interrogatory No. 10: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 9.

Answer to Interrogatory No. 10: No one.

Request for Production No. 8: Produce any DOCUMENTS related to YOUR response to Interrogatory 9.

Response to Request for Production No. 8: None.

Request for Admission No. 3: Admit that the wells of POCATELLO'S culinary water system withdraw water from the Lower Portneuf River Valley Aquifer.

Response to Request for Admission No. 3: Request for admission no. 3 is denied based on lack of information and knowledge. Idaho undertook a reasonable investigation to determine the relationship between the corporate boundaries of the City of Pocatello and the geographic limits of the LOWER PORTNEUF RIVER VALLEY AQUIFER and the information known or readily obtainable by Idaho does not enable it to admit this request for admission at this point in time. More specifically, Idaho found a FINAL REPORT: ECONOMIC IMPACTS OF ENHANCED AQUIFER PROTECTION FOR THE LOWER PORTNEUF RIVER VALLEY

AQUIFER. A copy of this report is attached. Exhibit 2a-1 from this report illustrates the relationship between the corporate limits of Pocatello and the LOWER PORTNEUF RIVER VALLEY AQUIFER and shows that the corporate limits of Pocatello extend substantially beyond the LOWER PORTNEUF RIVER VALLEY AQUIFER in the southwest and northeast portion of the City. In order to respond to this request, the location of each of the twenty-two wells must be plotted on a map that illustrates the LOWER PORTNEUF RIVER VALLEY AQUIFER and the corporate limits of the City of Pocatello, and the well logs for each of the twenty-two wells must be reviewed. The review of the well logs is necessary because the withdrawal of water from the LOWER PORTNEUF RIVER VALLEY AQUIFER can only occur if the well is perforated in the unconfined gravels defined as that aquifer.

Interrogatory No. 11: If YOU DENY Request for Admission No. 3, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 11: Idaho denies request for admission no. 3 based on insufficient information and knowledge to respond to the substantive issue. Four factual matters need to be resolved to answer this question. (1) the location of the corporate limits of the City of Pocatello, (2) the location of the LOWER PORTNEUF RIVER VALLEY AQUIFER, (3) the placement of the perforations in the well casing, and (4) the location of the 22 interconnected wells. While Idaho has obtained information on these four factual matters, the information is too general for Idaho to make the determination requested.

Interrogatory No. 12: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 11.

Answer to Interrogatory No. 12: Mr. John Carlson and Ms. Dana Hiatt at IDWR..

Request for Production No. 9: Produce any DOCUMENTS related to YOUR response to Interrogatory 12.

Response to Request for Production No. 9: Idaho undertook a reasonable investigation to determine the geographic scope of the LOWER PORTNEUF RIVER VALLEY AQUIFER and found the following document on the internet: FINAL REPORT: ECONOMIC IMPACTS OF ENHANCED AQUIFER PROTECTION FOR THE LOWER PORTNEUF RIVER VALLEY AQUIFER. A copy of this report is attached. Idaho also received well logs for some of Pocatello's wells. A copy of those well logs is attached (MAIL80235 through MAIL80261).

Request for Admission No. 4: Admit that prior to November 19, 1987, POCATELLO withdrew from its municipal wells in the Lower Portneuf River Valley Aquifer and the ESPA an instantaneous combined rate of diversion in excess of the combined rates of diversion for ground water currently recommended by IDWR in this CASE.

Response to Request for Admission No. 4: Denied.

Interrogatory No. 13: If YOU DENY Request for Admission No. 4, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 13: Idaho made a reasonable inquiry regarding the operation of Pocatello's municipal wells and concluded that it has no information about the operational details of Pocatello's many municipal wells. This information is within the specific knowledge of Pocatello. Idaho has insufficient information or knowledge to enable it to admit this request for admission.

Interrogatory No. 14: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 13.

Answer to Interrogatory No. 14: No one.

Request for Production No. 10: Produce any DOCUMENTS related to YOUR response to Interrogatory 13.

Response to Request for Production No. 10: None.

Request for Admission No. 5: Admit that pursuant to I.C. 42-222 IDWR has administratively transferred the point of diversion of a surface water right to a ground water well.

Response to Request for Admission No. 5: Objection. This request for admission is unduly burdensome because it requires a thorough review of the records of IDWR and its agencies predecessor in function. Pocatello can undertake this review as easily as Idaho. Since IDWR is a non-party to the Snake River Basin Adjudication, Idaho has no responsibility to review the records of IDWR or its agencies predecessor in function. Furthermore, a portion of the records of IDWR are available on the internet for review by anyone. It is unduly burdensome to request Idaho to conduct this research on the internet for Pocatello. Idaho has not undertaken a review of IDWR's records. Notwithstanding these objections, this request for admission is admitted in part and denied in part because of lack of information and knowledge. Idaho admits that IDWR Transfer Processing Memo No. 24 (October 30, 2002) addresses this legal issue. This document speaks for itself. Idaho denies all other aspects of request for admission no. 5 based on lack of information and knowledge. Idaho made a reasonable inquiry regarding request for admission no. 5 by asking Mr. Phil Rassier, deputy attorney general, for information about any administrative transfer of the point of diversion of a surface water right to a ground water well. Mr. Phil Rassier recalled only one possible example involving the transfer of water right no. 36-2603A. This one example does not support admission of Request for Admission No. 5.

Interrogatory No. 15: If YOUR RESPONSE to Request for Admission No. 5, is not a complete admission, please STATE THE BASIS for YOUR RESPONSE.

Answer to Interrogatory No. 15: Objection. This interrogatory is unduly burdensome because it requires a thorough review of the records of IDWR and its agencies predecessor in function. Pocatello can undertake this review as easily as Idaho. Since IDWR is a non-party to the Snake River Basin Adjudication, Idaho has no responsibility to review these records. Idaho made a reasonable inquiry regarding request for admission no. 5 by asking Mr. Phil Rassier, deputy attorney general, for information about any administrative transfer of the point of diversion of a surface water right to a ground water well. Mr. Phil Rassier recalled only one possible example involving the transfer of water right no. 36-2603A. This one example does not support admission of Request for Admission No. 5. Accordingly, Idaho does not have a factual basis to admit that IDWR has administratively transferred the point of diversion of a surface water right to a ground water well.

Interrogatory No. 16: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 15.

Answer to Interrogatory No. 16: Idaho contacted Mr. Phil Rassier, deputy attorney general, about the existence of an administrative transfer of the point of diversion from a surface water right to a ground water right.

Interrogatory No. 17: If YOU admit Request for Admission No. 5, please STATE the circumstances of all such administrative transfers.

Answer to Interrogatory No. 17: Not applicable.

Request for Production No. 11: Produce any DOCUMENTS related to YOUR response to Interrogatory Nos. 15 and 17.

Response to Request for Production No. 11: Attached are four pages from the water right back file for water right no. 36-2603A: (1) pages 1 and 2 of an agreement dated

December 17, 1992 between Blue Lakes Country Club and the City of Twin Falls and (2) Amended Transfer of Water Right, Transfer No. 4066.

Interrogatory No. 18: Please IDENTIFY each PERSON who participated in or furnished information for the preparation of all or any portion of YOUR responses to these DISCOVERY REQUESTS and IDENTIFY the information that each such PERSON provided.

Answer to Interrogatory No. 18: Objection. The review process within the Natural Resources Division of the Office of the Attorney General and the contribution of each person in that review process constitutes attorney work product that is not subject to discovery. Notwithstanding this objection, I asked four persons to provide me information. I asked Mr. Carter Fritschle to provide me well logs for Pocatello's wells. I also asked Mr. John Carlson to provide me well logs for Pocatello's wells. I have not received any well log information from Mr. Carter Fritschle. Ms. Dana Hiatt responded for Mr. John Carlson and provided me a copy of the well logs for the City's wells.. I asked Mr. Phil Rassier, deputy attorney general, to provide me the water right number for any administrative transfers from a surface water source to a ground water source. Mr. Phil Rassier, deputy attorney general, provided me water right no. 36-2603A. I also described my request for well logs to Ms. Candice McHugh, deputy attorney general, on August 31, 2006, and she suggested that I contact Mr. John Carlson about that request. Finally, I asked Mr. Doug Conde, deputy attorney general, to provide me information about Pocatello's sewage wastewater facility. Mr. Conde provided me some documents from the Idaho Department of Environmental Quality. The reviewing person(s) within the Natural Resources Division provided no information.

Subcase No. 29-00273

Interrogatory No. 1: Please STATE THE BASIS for YOUR RESPONSE TO POCATELLO'S OBJECTION in this SUBCASE.

Answer to Interrogatory No. 1: A RESPONSE is a procedural pleading that indicates a party's intention to participate in the litigation of a particular subcase. Idaho did not take a substantive position in its RESPONSE filed in this subcase.

Interrogatory No. 2: Please state YOUR CONTENTION as to the point(s) of diversion POCATELLO is entitled to in this SUBCASE, and STATE THE BASIS for YOUR CONTENTION.

Answer to Interrogatory No. 2: Idaho contends that the Director's Report, as amended by the Supplemental Director's Report, correctly describes the point of diversion. Idaho is not aware of any facts that justify changing this conclusion.

Interrogatory No. 3: Please IDENTIFY each PERSON who has information that RELATES TO YOUR RESPONSES that are the subject of Interrogatory Nos. 1 and 2.

Answer to Interrogatory No. 3: None. Idaho has not identified any lay person or retained any expert to provide testimony in these subcase proceedings. Idaho reserves the right to call employees from IDWR to testify as to the basis for the Director's Recommendations.

Interrogatory No. 4: Please describe the substance of the knowledge of each PERSON identified in YOUR RESPONSE to Interrogatory No. 3.

Answer to Interrogatory No. 4: Not applicable.

Interrogatory No. 5: Please IDENTIFY each EXPERT who YOU expect to testify RELATING TO YOUR RESPONSES that are the subject of Interrogatory Nos. 1 and 2.

Answer to Interrogatory No. 5: Idaho has not retained any experts at this time. Idaho reserves the right to call employees from IDWR to testify as to the basis for the Director's Recommendations.

Interrogatory No. 6: For each EXPERT you IDENTIFIED in your RESPONSE to Interrogatory No. 5, state the subject matter on which the expert is expected to testify, state the substance of the opinions to which the expert is expected to testify, and state the underlying facts and data upon which the expert opinions are based.

Answer to Interrogatory No. 6: Not applicable.

Request for Production No. 1: Please PRODUCE all DOCUMENTS that support YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 1: The primary document that Idaho relies upon to support its RESPONSE is the Director's Report, as amended by the Supplemental Director's Report, which are available for inspection during normal business hours upon reasonable request. Idaho has not collected any other documents that support its RESPONSE.

Request for Production No. 2: Please PRODUCE all DOCUMENTS, not produced in response to Request for Production No. 1, that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 2: Idaho has not collected any other documents that relate to its RESPONSE.

Request for Production No. 3: Please PRODUCE all DOCUMENTS that constitute or were included with or referred to in CORRESPONDENCE between YOU and any other PERSON that RELATES TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE

Response to Request for Production No. 3: The following correspondence relates to Idaho's RESPONSE to Pocatello's objection:

Letter from Clive J. Strong to Honorable Terrence A. Dolan dated August 30, 2005.

Letter from Olga Valdivia to the Clerk of the District Court dated July 21, 2006.

Copies of these documents are attached.

Request for Production No. 4: Please PRODUCE all DOCUMENTS that RELATE TO COMMUNICATIONS between YOU and any other PERSON that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 4: Idaho has identified one hundred and nine e-mails that relate to communications between Idaho and another person about its Response to Pocatello's objection. Fifteen of these e-mails were sent by David J. Barber to various persons, and ninety-four of these e-mails were received by David J. Barber.

Ninety-three of these e-mails were sent or copied to at least one of the following persons: Jo Beeman, Sara Klahn, Joyce Angell, or Dana Rose. Because a representative of the City of Pocatello received a copy of these e-mails, a paper copy is not attached. However, copies of these ninety-three e-mails are available for inspection during normal business hours upon reasonable request. The remaining sixteen e-mails are attached and are described as follows:

- (1) An e-mail from Susan Hamlin Nygard to David J. Barber dated May 7, 2004.
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- (15) An e-mail from Clive Strong to David Barber dated September 18, 2006.
- (16) An e-mail from Carter Fritschle to Candice McHugh and David Barber dated September 20, 2006.

Request for Production No. 5: Please PRODUCE copies of all data and RELEVANT DOCUMENTS upon which the opinions of each EXPERT WITNESS whom YOU are asked to IDENTIFY in response to Interrogatory No. 5 are based or expected to be based.

Response to Request for Production No. 5: Not applicable.

Request for Production No. 6: Please PRODUCE copies of any RELEVANT DOCUMENTS that YOU have received from any PERSON, including but not limited to expert witness reports, in conjunction with his or her anticipated testimony in this SUBCASE.

Response to Request for Production No. 6: There are three categories of documents that Idaho has received. (1) Idaho received the Director's Report and Supplemental Director's Report, which are available for inspection during normal business hours upon reasonable request. (2) Idaho has identified one hundred and nine e-mails that relate to communications between Idaho and another person about its Response to Pocatello's objection. Fifteen of these e-mails were sent by David J. Barber to various persons, and ninety-four of these e-mails were received by David J. Barber. (3) Idaho also received well logs for some of Pocatello's wells. A copy of those well logs is attached (MAIL80235 through MAIL80261).

Ninety-three of these e-mails were sent or copied to at least one of the following persons: Jo Beeman, Sara Klahn, Joyce Angell, or Dana Rose. Because a representative of the City of Pocatello received a copy of these e-mails, a paper copy is not attached. However, copies of these ninety-three e-mails are available for inspection during normal business hours upon reasonable request. The remaining sixteen e-mails are attached and are described as follows:

- (1) An e-mail from Susan Hamlin Nygard to David J. Barber dated May 7, 2004.
- (2) An e-mail from Lori Pew to David J. Barber that is dated September 22, 2004.
- (3) An e-mail from David J. Barber to Lori Pew that is dated September 22, 2004.

- (4) An e-mail from Candice McHugh to David J. Barber that is dated January 26, 2005 at 11:51 am.
- (5) An e-mail from David J. Barber to Candice McHugh that is dated January 26, 2005 at 12:08 p.m.
- (6) An e-mail from Candice McHugh to David J. Barber that is dated January 26, 2005 at 12:17 pm.
- (7) An e-mail from Susan Hamlin Nygard to Clive Strong and David J. Barber that is dated May 10, 2005.
- (8) An e-mail from David J. Barber to Tracy Behrens that is dated June 10, 2005.
- (9) An e-mail from Ray Williams to David Barber dated September 7, 2006 at 11:48 a.m.
- (10) An e-mail from Ray Williams to David Barber dated September 7, 2006 at 11:49 a.m.
- (11) An e-mail from Ray Williams to David Barber dated September 7, 2006 at 11:50 a.m.
- (12) An e-mail from Ray Williams to David Barber dated September 7, 2006 at 12:11 p.m.
- (13) An e-mail from Douglas Conde to Clive Strong and David Barber dated September 12, 2006.
- (14) An e-mail from Clive Strong to David Barber dated September 12, 2006.
- (15) An e-mail from Clive Strong to David Barber dated September 18, 2006.
- (16) An e-mail from Carter Fritschle to Candice McHugh and David Barber dated September 20, 2006.

Request for Admission No. 1: Admit that Mink Creek and the Lower Portneuf River Valley Aquifer are interconnected sources of water.

Response to Request for Admission No. 1: Admitted.

Interrogatory No. 7: If YOU DENY Request for Admission No. 1, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 7: Not applicable.

Interrogatory No. 8: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 7.

Answer to Interrogatory No. 8: Not applicable.

Request for Production No. 7: Produce any DOCUMENTS related to YOUR response to Interrogatory 7.

Response to Request for Production No. 7: None.

Request for Admission No. 2: Admit that the place of use of this WATER RIGHT is the service area of POCATELLO'S municipal water supply system as provided under Idaho law.

Response to Request for Admission No. 2: Admitted in part as follows: "Place of use is within the service area of the City of Pocatello municipal water supply system as provided for under Idaho law."

Interrogatory No. 9: If YOU DENY Request for Admission No. 2, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 9: Not applicable.

Interrogatory No. 10: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 9.

Answer to Interrogatory No. 10: Not applicable.

Request for Production No. 8: Produce any DOCUMENTS related to YOUR response to Interrogatory 9.

Response to Request for Production No. 8: Not applicable.

Request for Admission No. 3: Admit that the wells of POCATELLO'S culinary water system withdraw water from the Lower Portneuf River Valley Aquifer.

Response to Request for Admission No. 3: Request for admission no. 3 is denied based on lack of information and knowledge. Idaho undertook a reasonable investigation to determine the relationship between the corporate boundaries of the City of Pocatello and the geographic limits of the LOWER PORTNEUF RIVER VALLEY AQUIFER and the information known or readily obtainable by Idaho does not enable it to admit this request for admission at this point in time. More specifically, Idaho found a FINAL REPORT: ECONOMIC IMPACTS OF ENHANCED AQUIFER PROTECTION FOR THE LOWER PORTNEUF RIVER VALLEY AQUIFER. A copy of this report is attached. Exhibit 2a-1 from this report illustrates the relationship between the corporate limits of Pocatello and the LOWER PORTNEUF RIVER VALLEY AQUIFER and shows that the corporate limits of Pocatello extend substantially beyond the LOWER PORTNEUF RIVER VALLEY AQUIFER in the southwest and northeast portion of the City. In order to respond to this request, the location of each of the twenty-two wells must be plotted on a map that illustrates the LOWER PORTNEUF RIVER VALLEY AQUIFER and the corporate limits of the City of Pocatello, and the well logs for each of the twenty-two wells must be reviewed. The review of the well logs is necessary because the withdrawal of water from the LOWER PORTNEUF RIVER VALLEY AQUIFER can only occur if the well is perforated in the unconfined gravels defined as that aquifer.

Interrogatory No. 11: If YOU DENY Request for Admission No. 3, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 11: Idaho denies request for admission no. 3 based on insufficient information and knowledge to respond to the substantive issue. Four factual matters need to be resolved to answer this question. (1) the location of the corporate limits of the City of Pocatello, (2) the location of the LOWER PORTNEUF RIVER VALLEY AQUIFER, (3) the placement of the perforations in the well casing, and (4) the location of the 22 interconnected wells. While Idaho has obtained information on these four factual matters, the information is too general for Idaho to make the determination requested.

Interrogatory No. 12: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 11.

Answer to Interrogatory No. 12: Mr. John Carlson and Ms. Dana Hiat at IDWR..

Request for Production No. 9: Produce any DOCUMENTS related to YOUR response to Interrogatory 12.

Response to Request for Production No. 9: Idaho undertook a reasonable investigation to determine the geographic scope of the LOWER PORTNEUF RIVER VALLEY AQUIFER and found the following document on the internet: FINAL REPORT: ECONOMIC IMPACTS OF ENHANCED AQUIFER PROTECTION FOR THE LOWER PORTNEUF RIVER VALLEY AQUIFER. A copy of this report is attached. Idaho also received well logs for some of Pocatello's wells. A copy of those well logs is attached (MAIL80235 through MAIL80261).

Request for Admission No. 4: Admit that prior to November 19, 1987, POCATELLO withdrew from its municipal wells in the Lower Portneuf River Valley Aquifer and the ESPA an

instantaneous combined rate of diversion in excess of the combined rates of diversion for ground water currently recommended by IDWR in this CASE.

Response to Request for Admission No. 4: Denied.

Interrogatory No. 13: If YOU DENY Request for Admission No. 4, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 13: Idaho made a reasonable inquiry regarding the operation of Pocatello's municipal wells and concluded that it has no information about the operational details of Pocatello's many municipal wells. This information is within the specific knowledge of Pocatello. Idaho has insufficient information or knowledge to enable it to admit this request for admission.

Interrogatory No. 14: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 13.

Answer to Interrogatory No. 14: No one.

Request for Production No. 10: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 13.

Response to Request for Production No. 10: None.

Request for Admission No. 5: Admit that pursuant to LC. 42-222 IDWR has administratively transferred the point of diversion of a surface water right to a ground water well.

Response to Request for Admission No. 5: Objection. This request for admission is unduly burdensome because it requires a thorough review of the records of IDWR and its agencies predecessor in function. Pocatello can undertake this review as easily as Idaho. Since IDWR is a non-party to the Snake River Basin Adjudication, Idaho has no responsibility to review the records of IDWR or its agencies predecessor in function. Furthermore, a portion of

the records of IDWR are available on the internet for review by anyone. It is unduly burdensome to request Idaho to conduct this research on the internet for Pocatello. Idaho has not undertaken a review of IDWR's records. Notwithstanding these objections, this request for admission is admitted in part and denied in part because of lack of information and knowledge. Idaho admits that IDWR Transfer Processing Memo No. 24 (October 30, 2002) addresses this legal issue. This document speaks for itself. Idaho denies all other aspects of request for admission no. 5 based on lack of information and knowledge. Idaho made a reasonable inquiry regarding request for admission no. 5 by asking Mr. Phil Rassier, deputy attorney general, for information about any administrative transfer of the point of diversion of a surface water right to a ground water well. Mr. Phil Rassier recalled only one possible example involving the transfer of water right no. 36-2603A. This one example does not support admission of Request for Admission No. 5.

Interrogatory No. 15: If YOUR RESPONSE to Request for Admission No. 5, is not a complete admission, please STATE THE BASIS for YOUR RESPONSE.

Answer to Interrogatory No. 15: Objection. This interrogatory is unduly burdensome because it requires a thorough review of the records of IDWR and its agencies predecessor in function. Pocatello can undertake this review as easily as Idaho. Since IDWR is a non-party to the Snake River Basin Adjudication, Idaho has no responsibility to review these records. Idaho made a reasonable inquiry regarding request for admission no. 5 by asking Mr. Phil Rassier, deputy attorney general, for information about any administrative transfer of the point of diversion of a surface water right to a ground water well. Mr. Phil Rassier recalled only one possible example involving the transfer of water right no. 36-2603A. This one example does not support admission of Request for Admission No. 5. Accordingly, Idaho does not have a factual

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basis to admit that IDWR has administratively transferred the point of diversion of a surface water right to a ground water well.

IDWR's Transfer Processing Memo No. 24 (October 30, 2002) provides information about such transfers. This document speaks for itself.

Interrogatory No. 16: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 15.

Answer to Interrogatory No. 16: Idaho contacted Mr. Phil Rassier, deputy attorney general, about the existence of an administrative transfer of the point of diversion from a surface water right to a ground water right.

Interrogatory No. 17: If YOU admit Request for Admission No. 5, please STATE the circumstances of all such administrative transfers.

Answer to Interrogatory No. 17: Not applicable.

Request for Production No. 11: Produce any DOCUMENTS related to YOUR response to Interrogatory Nos. 15 and 17.

Response to Request for Production No. 11: Attached are four pages from the water right back file for water right no. 36-2603A: (1) pages 1 and 2 of an agreement dated December 17, 1992 between Blue Lakes Country Club and the City of Twin Falls and (2) Amended Transfer of Water Right, Transfer No. 4066.

Interrogatory No. 18: Please IDENTIFY each PERSON who participated in or furnished information for the preparation of all or any portion of YOUR responses to these DISCOVERY REQUESTS and IDENTIFY the information that each such PERSON provided.

Answer to Interrogatory No. 18: Objection. The review process within the Natural Resources Division of the Office of the Attorney General and the contribution of each person in

that review process constitutes attorney work product that is not subject to discovery. Notwithstanding this objection, I asked four persons to provide me information. I asked Mr. Carter Fritschle to provide me well logs for Pocatello's wells. I also asked Mr. John Carlson to provide me well logs for Pocatello's wells. I have not received any well log information from Mr. Carter Fritschle. Ms. Dana Hiatt responded for Mr. John Carlson and provided me a copy of the well logs for the City's wells.. I asked Mr. Phil Rassier, deputy attorney general, to provide me the water right number for any administrative transfers from a surface water source to a ground water source. Mr. Phil Rassier, deputy attorney general, provided me water right no. 36-2603A. I also described my request for well logs to Ms. Candice McHugh, deputy attorney general, on August 31, 2006, and she suggested that I contact Mr. John Carlson about that request. Finally, I asked Mr. Doug Conde, deputy attorney general, to provide me information about Pocatello's sewage wastewater facility. Mr. Conde provided me some documents from the Idaho Department of Environmental Quality. The reviewing person(s) within the Natural Resources Division provided no information.

Subcase No. 29-02274

Interrogatory No. 1: Please STATE THE BASIS for YOUR RESPONSE TO POCATELLO'S OBJECTION in this SUBCASE.

Answer to Interrogatory No. 1: A RESPONSE is a procedural pleading that indicates a party's intention to participate in the litigation of a particular subcase. Idaho did not take a substantive position in its RESPONSE filed in this subcase.

Interrogatory No. 2: Please state YOUR CONTENTION as to the point(s) of diversion POCATELLO is entitled to in this SUBCASE, and STATE THE BASIS for YOUR CONTENTION.

Answer to Interrogatory No. 2: Idaho contends that the Director's Report, as amended by the Supplemental Director's Report, correctly describes the point of diversion. Idaho is not aware of any facts that justify changing this conclusion.

Interrogatory No. 3: Please IDENTIFY each PERSON who has information that RELATES TO YOUR RESPONSES that are the subject of Interrogatory Nos. 1 and 2.

Answer to Interrogatory No. 3: None. Idaho has not identified any lay person or retained any expert to provide testimony in these subcase proceedings. Idaho reserves the right to call employees from IDWR to testify as to the basis for the Director's Recommendations.

Interrogatory No. 4: Please describe the substance of the knowledge of each PERSON identified in YOUR RESPONSE to Interrogatory No. 3.

Answer to Interrogatory No. 4: Not applicable.

Interrogatory No. 5: Please IDENTIFY each EXPERT who YOU expect to testify RELATING TO YOUR RESPONSES that are the subject of Interrogatory Nos. 1 and 2.

Answer to Interrogatory No. 5: Idaho has not retained any experts at this time. Idaho reserves the right to call employees from IDWR to testify as to the basis for the Director's Recommendations.

Interrogatory No. 6: For each EXPERT you IDENTIFIED in your RESPONSE to Interrogatory No. 5, state the subject matter on which the expert is expected to testify, state the substance of the opinions to which the expert is expected to testify, and state the underlying facts and data upon which the expert opinions are based.

Answer to Interrogatory No. 6: Not applicable.

Request for Production No. 1: Please PRODUCE all DOCUMENTS that support YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 1: The primary document that Idaho relies upon to support its RESPONSE is the Director's Report, as amended by the Supplemental Director's Report, which are available for inspection during normal business hours upon reasonable request. Idaho has not collected any other documents that support its RESPONSE.

Request for Production No. 2: Please PRODUCE all DOCUMENTS, not produced in response to Request for Production No. 1, that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 2: Idaho has not collected any other documents that relate to its RESPONSE.

Request for Production No. 3: Please PRODUCE all DOCUMENTS that constitute or were included with or referred to in CORRESPONDENCE between YOU and any other PERSON that RELATES TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 3: The following correspondence relates to Idaho's RESPONSE to Pocatello's objection:

Letter from Clive J. Strong to Honorable Terrence A. Dolan dated August 30, 2005.

Letter from Olga Valdivia to the Clerk of the District Court dated July 21, 2006.

Copies of these documents are attached.

Request for Production No. 4: Please PRODUCE all DOCUMENTS that RELATE TO COMMUNICATIONS between YOU and any other PERSON that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 4: Idaho has identified one hundred and nine e-mails that relate to communications between Idaho and another person about its Response to

Pocatello's objection. Fifteen of these e-mails were sent by David J. Barber to various persons, and ninety-four of these e-mails were received by David J. Barber.

Ninety-three of these e-mails were sent or copied to at least one of the following persons: Jo Beeman, Sara Klahn, Joyce Angell, or Dana Rose. Because a representative of the City of Pocatello received a copy of these e-mails, a paper copy is not attached. However, copies of these ninety-three e-mails are available for inspection during normal business hours upon reasonable request. The remaining sixteen e-mails are attached and are described as follows:

- (1) An e-mail from Susan Hamlin Nygard to David J. Barber dated May 7, 2004.
- (2) An e-mail from Lori Pew to David J. Barber that is dated September 22, 2004.
- (3) An e-mail from David J. Barber to Lori Pew that is dated September 22, 2004.
- (4) An e-mail from Candice McHugh to David J. Barber that is dated January 26, 2005 at 11:51 am.
- (5) An e-mail from David J. Barber to Candice McHugh that is dated January 26, 2005 at 12:08 p.m.
- (6) An e-mail from Candice McHugh to David J. Barber that is dated January 26, 2005 at 12:17 pm.
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- (10) An e-mail from Ray Williams to David Barber dated September 7, 2006 at 11:49 a.m.

- (11) An e-mail from Ray Williams to David Barber dated September 7, 2006 at 11:50 a.m.
- (12) An e-mail from Ray Williams to David Barber dated September 7, 2006 at 12:11 p.m.
- (13) An e-mail from Douglas Conde to Clive Strong and David Barber dated September 12, 2006.
- (14) An e-mail from Clive Strong to David Barber dated September 12, 2006.
- (15) An e-mail from Clive Strong to David Barber dated September 18, 2006.
- (16) An e-mail from Carter Fritschle to Candice McHugh and David Barber dated September 20, 2006.

Request for Production No. 5: Please PRODUCE copies of all data and RELEVANT DOCUMENTS upon which the opinions of each EXPERT WITNESS whom YOU are asked to IDENTIFY in response to Interrogatory No. 5 are based or expected to be based.

Response to Request for Production No. 5: Not applicable.

Request for Production No. 6: Please PRODUCE copies of any RELEVANT DOCUMENTS that YOU have received from any PERSON, including but not limited to expert witness reports, in conjunction with his or her anticipated testimony in this SUBCASE.

Response to Request for Production No. 6: There are three categories of documents that Idaho has received. (1) Idaho received the Director's Report and Supplemental Director's Report, which are available for inspection during normal business hours upon reasonable request. (2) Idaho has identified one hundred and nine e-mails that relate to communications between Idaho and another person about its Response to Pocatello's objection. Fifteen of these e-mails were sent by David J. Barber to various persons, and ninety-four of these e-mails were received

by David J. Barber. (3) Idaho also received well logs for some of Pocatello's wells. A copy of those well logs is attached (MAIL80235 through MAIL80261).

Ninety-three of these e-mails were sent or copied to at least one of the following persons: Jo Beeman, Sara Klahn, Joyce Angell, or Dana Rose. Because a representative of the City of Pocatello received a copy of these e-mails, a paper copy is not attached. However, copies of these ninety-three e-mails are available for inspection during normal business hours upon reasonable request. The remaining sixteen e-mails are attached and are described as follows:

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- (14) An e-mail from Clive Strong to David Barber dated September 12, 2006.
- (15) An e-mail from Clive Strong to David Barber dated September 18, 2006.
- (16) An e-mail from Carter Fritschle to Candice McHugh and David Barber dated September 20, 2006.

Request for Admission No. 1: Admit that twenty-two wells were connected to POCA TELLO'S municipal culinary water system prior to November 19, 1987.

Response to Request for Admission No. 1: Admitted.

Interrogatory No. 7: If YOU DENY Request for Admission No. 1, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 7: Not applicable.

Interrogatory No. 8: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 7.

Answer to Interrogatory No. 8: No one.

Request for Production No. 7: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 7.

Response to Request for Production No. 7: None.

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Request for Admission No. 2: Admit that the place of use of this water right is the service area of POCATELLO'S municipal water supply system as provided under Idaho law.

Response to Request for Admission No. 2: Admitted in part as follows: "Place of use is within the service area of the City of Pocatello municipal water supply system as provided for under Idaho law."

Interrogatory No. 9: If YOU DENY Request for Admission No. 2, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 9: Not applicable.

Interrogatory No. 10: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 9.

Answer to Interrogatory No. 10: Not applicable.

Request for Production No. 8: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 9.

Response to Request for Production No. 8: Not applicable.

Request for Admission No. 3: Admit that the wells withdrawing water for POCATELLO'S culinary water system withdraw water from the Lower Portneuf River Valley Aquifer.

Response to Request for Admission No. 3: Request for admission no. 3 is denied based on lack of information and knowledge. Idaho undertook a reasonable investigation to determine the relationship between the corporate boundaries of the City of Pocatello and the geographic limits of the LOWER PORTNEUF RIVER VALLEY AQUIFER and the information known or readily obtainable by Idaho does not enable it to admit this request for admission at this point in time. More specifically, Idaho found a FINAL REPORT: ECONOMIC IMPACTS OF

ENHANCED AQUIFER PROTECTION FOR THE LOWER PORTNEUF RIVER VALLEY AQUIFER. A copy of this report is attached. Exhibit 2a-1 from this report illustrates the relationship between the corporate limits of Pocatello and the LOWER PORTNEUF RIVER VALLEY AQUIFER and shows that the corporate limits of Pocatello extend substantially beyond the LOWER PORTNEUF RIVER VALLEY AQUIFER in the southwest and northeast portion of the City. In order to respond to this request, the location of each of the twenty-two wells must be plotted on a map that illustrates the LOWER PORTNEUF RIVER VALLEY AQUIFER and the corporate limits of the City of Pocatello, and the well logs for each of the twenty-two wells must be reviewed. The review of the well logs is necessary because the withdrawal of water from the LOWER PORTNEUF RIVER VALLEY AQUIFER can only occur if the well is perforated in the unconfined gravels defined as that aquifer.

Interrogatory No. 11: If YOU DENY Request for Admission No. 3, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 11: Idaho denies request for admission no. 3 based on insufficient information and knowledge to respond to the substantive issue. Four factual matters need to be resolved to answer this question. (1) the location of the corporate limits of the City of Pocatello, (2) the location of the LOWER PORTNEUF RIVER VALLEY AQUIFER, (3) the placement of the perforations in the well casing, and (4) the location of the 22 interconnected wells. While Idaho has obtained information on these four factual matters, the information is too general for Idaho to make the determination requested.

Interrogatory No. 12: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 11.

Answer to Interrogatory No. 12: Mr. John Carlson and Ms. Dana Hiatt at IDWR..

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Request for Production No. 9: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 11.

Response to Request for Production No. 9: Idaho undertook a reasonable investigation to determine the geographic scope of the LOWER PORTNEUF RIVER VALLEY AQUIFER and found the following document on the internet: FINAL REPORT: ECONOMIC IMPACTS OF ENHANCED AQUIFER PROTECTION FOR THE LOWER PORTNEUF RIVER VALLEY AQUIFER. A copy of this report is attached. Idaho also received well logs for some of Pocatello's wells. A copy of those well logs is attached (MAIL80235 through MAIL80261).

Request for Admission No. 4: Admit that prior to November 19, 1987, the well or wells under this water right as originally licensed were interconnected to POCATELLO'S municipal culinary water system.

Response to Request for Admission No. 4: Denied.

Interrogatory No. 13: If YOU DENY Request for Admission No. 4, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 13: The Supplemental Director's Report lists the City's wells that were interconnected in 1987. Idaho has no other information about the interconnection of POCATELLO'S municipal culinary water system prior to November 19, 1987.

Interrogatory No. 14: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 13.

Answer to Interrogatory No. 14: No one.

Request for Production No. 10: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 13.

Response to Request for Production No. 10: None.

Request for Admission No. 5: Admit that prior to November 19, 1987, POCATELLO pumped water from the twenty-two interconnected wells in its municipal culinary water system without regard to priority date.

Response to Request for Admission No. 5: Denied.

Interrogatory No. 14 [This is the second Interrogatory No. 14 for Subcase No. 29-2274]:

If YOU DENY Request for Admission No. 5, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 14: Idaho made a reasonable investigation and concluded that it has no information about the operation of POCATELLO'S municipal culinary water system prior to November 19, 1987.

Interrogatory No. 15: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 14.

Answer to Interrogatory No. 15: No one.

Request for Production No. 11: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 14.

Response to Request for Production No. 11: None.

Interrogatory No. 16: Please IDENTIFY each PERSON who participated in or furnished information for the preparation of all or any portion of YOUR responses to these DISCOVERY REQUESTS and IDENTIFY the information that each such PERSON provided.

Answer to Interrogatory No. 16: Objection. The review process within the Natural Resources Division of the Office of the Attorney General and the contribution of each person in that review process constitutes attorney work product that is not subject to discovery. Notwithstanding this objection, I asked four persons to provide me information. I asked Mr.

Carter Fritschle to provide me well logs for Pocatello's wells. I also asked Mr. John Carlson to provide me well logs for Pocatello's wells. I have not received any well log information from Mr. Carter Fritschle. Ms. Dana Hiatt responded for Mr. John Carlson and provided me a copy of the well logs for the City's wells. I asked Mr. Phil Rassier, deputy attorney general, to provide me the water right number for any administrative transfers from a surface water source to a ground water source. Mr. Phil Rassier, deputy attorney general, provided me water right no. 36-2603A. I also described my request for well logs to Ms. Candice McHugh, deputy attorney general, on August 31, 2006, and she suggested that I contact Mr. John Carlson about that request. Finally, I asked Mr. Doug Conde, deputy attorney general, to provide me information about Pocatello's sewage wastewater facility. Mr. Conde provided me some documents from the Idaho Department of Environmental Quality. The reviewing person(s) within the Natural Resources Division provided no information.

Subcase No. 29-02338

Interrogatory No. 1: Please STATE THE BASIS for YOUR RESPONSE TO POCATELLO'S OBJECTION in this SUBCASE.

Answer to Interrogatory No. 1: A RESPONSE is a procedural pleading that indicates a party's intention to participate in the litigation of a particular subcase. Idaho did not take a substantive position in its RESPONSE filed in this subcase.

Interrogatory No. 2: Please state YOUR CONTENTION as to the point(s) of diversion POCATELLO is entitled to in this SUBCASE, and STATE THE BASIS for YOUR CONTENTION.

Answer to Interrogatory No. 2: Idaho contends that the Director's Report, as amended by the Supplemental Director's Report, correctly describes the point of diversion. Idaho is not aware of any facts that justify changing this conclusion.

Interrogatory No. 3: Please IDENTIFY each PERSON who has information that RELATES TO YOUR RESPONSES that are the subject of Interrogatory Nos. 1 and 2.

Answer to Interrogatory No. 3: None. Idaho has not identified any lay person or retained any expert to provide testimony in these subcase proceedings. Idaho reserves the right to call employees from IDWR to testify as to the basis for the Director's Recommendations.

Interrogatory No. 4: Please describe the substance of the knowledge of each PERSON identified in YOUR RESPONSE to Interrogatory No. 3.

Answer to Interrogatory No. 4: Not applicable.

Interrogatory No. 5: Please IDENTIFY each EXPERT who YOU expect to testify RELATING TO YOUR RESPONSES that are the subject of Interrogatory Nos. 1 and 2.

Answer to Interrogatory No. 5: Idaho has not retained any experts at this time. Idaho reserves the right to call employees from IDWR to testify as to the basis for the Director's Recommendations.

Interrogatory No. 6: For each EXPERT you IDENTIFIED in your RESPONSE to Interrogatory No. 5, state the subject matter on which the expert is expected to testify, state the substance of the opinions to which the expert is expected to testify, and state the underlying facts and data upon which the expert opinions are based.

Answer to Interrogatory No. 6: Not applicable.

Request for Production No. 1: Please PRODUCE all DOCUMENTS that support YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 1: The primary document that Idaho relies upon to support its RESPONSE is the Director's Report, as amended by the Supplemental Director's Report, which are available for inspection during normal business hours upon reasonable request. Idaho has not collected any other documents that support its RESPONSE.

Request for Production No. 2: Please PRODUCE all DOCUMENTS, not produced in response to Request for Production No. 1, that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 2: Idaho has not collected any other documents that relate to its RESPONSE.

Request for Production No. 3: Please PRODUCE all DOCUMENTS that constitute or were included with or referred to in CORRESPONDENCE between YOU and any other PERSON that RELATES TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 3: The following correspondence relates to Idaho's RESPONSE to Pocatello's objection:

Letter from Clive J. Strong to Honorable Terrence A. Dolan dated August 30, 2005.

Letter from Olga Valdivia to the Clerk of the District Court dated July 21, 2006.

Copies of these documents are attached.

Request for Production No. 4: Please PRODUCE all DOCUMENTS that RELATE TO COMMUNICATIONS between YOU and any other PERSON that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 4: Idaho has identified one hundred and nine e-mails that relate to communications between Idaho and another person about its Response to

Pocatello's objection. Fifteen of these e-mails were sent by David J. Barber to various persons, and ninety-four of these e-mails were received by David J. Barber.

Ninety-three of these e-mails were sent or copied to at least one of the following persons: Jo Beeman, Sara Klahn, Joyce Angell, or Dana Rose. Because a representative of the City of Pocatello received a copy of these e-mails, a paper copy is not attached. However, copies of these ninety-three e-mails are available for inspection during normal business hours upon reasonable request. The remaining sixteen e-mails are attached and are described as follows:

- (1) An e-mail from Susan Hamlin Nygard to David J. Barber dated May 7, 2004.
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- (15) An e-mail from Clive Strong to David Barber dated September 18, 2006.
- (16) An e-mail from Carter Fritschle to Candice McHugh and David Barber dated September 20, 2006.

Request for Production No. 5: Please PRODUCE copies of all data and RELEVANT DOCUMENTS upon which the opinions of each EXPERT WITNESS whom YOU are asked to IDENTIFY in response to Interrogatory No. 5 are based or expected to be based.

Response to Request for Production No. 5: Not applicable.

Request for Production No. 6: Please PRODUCE copies of any RELEVANT DOCUMENTS that YOU have received from any PERSON, including but not limited to expert witness reports, in conjunction with his or her anticipated testimony in this SUBCASE.

Response to Request for Production No. 6: There are three categories of documents that Idaho has received. (1) Idaho received the Director's Report and Supplemental Director's Report, which are available for inspection during normal business hours upon reasonable request. (2) Idaho has identified one hundred and nine e-mails that relate to communications between Idaho and another person about its Response to Pocatello's objection. Fifteen of these e-mails were sent by David J. Barber to various persons, and ninety-four of these e-mails were received

by David J. Barber. (3) Idaho also received well logs for some of Pocatello's wells. A copy of those well logs is attached (MAIL80235 through MAIL80261).

Ninety-three of these e-mails were sent or copied to at least one of the following persons: Jo Beeman, Sara Klahn, Joyce Angell, or Dana Rose. Because a representative of the City of Pocatello received a copy of these e-mails, a paper copy is not attached. However, copies of these ninety-three e-mails are available for inspection during normal business hours upon reasonable request. The remaining sixteen e-mails are attached and are described as follows:

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- (14) An e-mail from Clive Strong to David Barber dated September 12, 2006.
- (15) An e-mail from Clive Strong to David Barber dated September 18, 2006.
- (16) An e-mail from Carter Fritschle to Candice McHugh and David Barber dated September 20, 2006.

Request for Admission No. 1: Admit that twenty-two wells were connected to POCATELLO'S municipal culinary water system prior to November 19, 1987.

Response to Request for Admission No. 1: Admitted.

Interrogatory No. 7: If YOU DENY Request for Admission No. 1, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 7: Not applicable.

Interrogatory No. 8: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 7.

Answer to Interrogatory No. 8: No one.

Request for Production No. 7: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 7.

Response to Request for Production No. 7: None.

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Request for Admission No. 2: Admit that the place of use of this water right is the service area of POCATELLO'S municipal water supply system as provided under Idaho law.

Response to Request for Admission No. 2: Admitted in part as follows: "Place of use is within the service area of the City of Pocatello municipal water supply system as provided for under Idaho law."

Interrogatory No. 9: If YOU DENY Request for Admission No. 2, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 9: Not applicable.

Interrogatory No. 10: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 9.

Answer to Interrogatory No. 10: No one.

Request for Production No. 8: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 9.

Response to Request for Production No. 8: None.

Request for Admission No. 3: Admit that the wells withdrawing water for POCATELLO'S culinary water system withdraw water from the Lower Portneuf River Valley Aquifer.

Response to Request for Admission No. 3: Request for admission no. 3 is denied based on lack of information and knowledge. Idaho undertook a reasonable investigation to determine the relationship between the corporate boundaries of the City of Pocatello and the geographic limits of the LOWER PORTNEUF RIVER VALLEY AQUIFER and the information known or readily obtainable by Idaho does not enable it to admit this request for admission at this point in time. More specifically, Idaho found a FINAL REPORT: ECONOMIC IMPACTS OF

ENHANCED AQUIFER PROTECTION FOR THE LOWER PORTNEUF RIVER VALLEY AQUIFER. A copy of this report is attached. Exhibit 2a-1 from this report illustrates the relationship between the corporate limits of Pocatello and the LOWER PORTNEUF RIVER VALLEY AQUIFER and shows that the corporate limits of Pocatello extend substantially beyond the LOWER PORTNEUF RIVER VALLEY AQUIFER in the southwest and northeast portion of the City. In order to respond to this request, the location of each of the twenty-two wells must be plotted on a map that illustrates the LOWER PORTNEUF RIVER VALLEY AQUIFER and the corporate limits of the City of Pocatello, and the well logs for each of the twenty-two wells must be reviewed. The review of the well logs is necessary because the withdrawal of water from the LOWER PORTNEUF RIVER VALLEY AQUIFER can only occur if the well is perforated in the unconfined gravels defined as that aquifer.

Interrogatory No. 11: If YOU DENY Request for Admission No. 3, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 11: Idaho denies request for admission no. 3 based on insufficient information and knowledge to respond to the substantive issue. Four factual matters need to be resolved to answer this question. (1) the location of the corporate limits of the City of Pocatello, (2) the location of the LOWER PORTNEUF RIVER VALLEY AQUIFER, (3) the placement of the perforations in the well casing, and (4) the location of the 22 interconnected wells. While Idaho has obtained information on these four factual matters, the information is too general for Idaho to make the determination requested.

Interrogatory No. 12: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 11.

Answer to Interrogatory No. 12: Mr. John Carlson and Ms. Dana Hiatt at IDWR..

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Request for Production No. 9: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 11.

Response to Request for Production No. 9: Idaho undertook a reasonable investigation to determine the geographic scope of the LOWER PORTNEUF RIVER VALLEY AQUIFER and found the following document on the internet: FINAL REPORT: ECONOMIC IMPACTS OF ENHANCED AQUIFER PROTECTION FOR THE LOWER PORTNEUF RIVER VALLEY AQUIFER. A copy of this report is attached. Idaho also received well logs for some of Pocatello's wells. A copy of those well logs is attached (MAIL80235 through MAIL80261).

Request for Admission No. 4: Admit that prior to November 19, 1987, the well or wells under this water right as originally licensed were interconnected to POCATELLO'S municipal culinary water system.

Response to Request for Admission No. 4: Denied.

Interrogatory No. 13: If YOU DENY Request for Admission No. 4, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 13: The Supplemental Director's Report lists the City's wells that were interconnected in 1987. Idaho has no other information about the interconnection of POCATELLO'S municipal culinary water system prior to November 19, 1987.

Interrogatory No. 14: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 13.

Answer to Interrogatory No. 14: No one.

Request for Production No. 10: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 13.

Response to Request for Production No. 10: None.

Request for Admission No. 5: Admit that prior to November 19, 1987, POCATELLO pumped water from the twenty-two interconnected wells in its municipal culinary water system without regard to priority date.

Response to Request for Admission No. 5: Denied.

Interrogatory No. 14 [This is the second Interrogatory No. 14 for Subcase No. 29-2338]:

IF YOU DENY Request for Admission No. 5, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 14: Idaho made a reasonable investigation and concluded that it has no information about the operation of POCATELLO'S municipal culinary water system prior to November 19, 1987.

Interrogatory No. 15: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 14.

Answer to Interrogatory No. 15: No one.

Request for Production No. 11: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 14.

Response to Request for Production No. 11: None.

Interrogatory No. 16: Please IDENTIFY each PERSON who participated in or furnished information for the preparation of all or any portion of YOUR responses to these DISCOVERY REQUESTS and IDENTIFY the information that each such PERSON provided.

Answer to Interrogatory No. 16: Objection. The review process within the Natural Resources Division of the Office of the Attorney General and the contribution of each person in that review process constitutes attorney work product that is not subject to discovery. Notwithstanding this objection, I asked four persons to provide me information. I asked Mr.

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Carter Fritschle to provide me well logs for Pocatello's wells. I also asked Mr. John Carlson to provide me well logs for Pocatello's wells. I have not received any well log information from Mr. Carter Fritschle. Ms. Dana Hiatt responded for Mr. John Carlson and provided me a copy of the well logs for the City's wells. I asked Mr. Phil Rassier, deputy attorney general, to provide me the water right number for any administrative transfers from a surface water source to a ground water source. Mr. Phil Rassier, deputy attorney general, provided me water right no. 36-2603A. I also described my request for well logs to Ms. Candice McHugh, deputy attorney general, on August 31, 2006, and she suggested that I contact Mr. John Carlson about that request. Finally, I asked Mr. Doug Conde, deputy attorney general, to provide me information about Pocatello's sewage wastewater facility. Mr. Conde provided me some documents from the Idaho Department of Environmental Quality. The reviewing person(s) within the Natural Resources Division provided no information.

Subcase No. 29-02354

Interrogatory No. 1: Please STATE THE BASIS for YOUR RESPONSE TO POCATELLO'S OBJECTION in this SUBCASE.

Answer to Interrogatory No. 1: A RESPONSE is a procedural pleading that indicates a party's intention to participate in the litigation of a particular subcase. Idaho did not take a substantive position in its RESPONSE filed in this subcase.

Interrogatory No. 2: Please state YOUR CONTENTION as to the point(s) of diversion POCATELLO is entitled to in this SUBCASE, and STATE THE BASIS for YOUR CONTENTION.

Answer to Interrogatory No. 2: Idaho contends that the Director's Report, as amended by the Supplemental Director's Report, correctly describes the point of diversion. Idaho is not aware of any facts that justify changing this conclusion.

Interrogatory No. 3: Please IDENTIFY each PERSON who has information that RELATES TO YOUR RESPONSES that are the subject of Interrogatory Nos. 1 and 2.

Answer to Interrogatory No. 3: None. Idaho has not identified any lay person or retained any expert to provide testimony in these subcase proceedings. Idaho reserves the right to call employees from IDWR to testify as to the basis for the Director's Recommendations.

Interrogatory No. 4: Please describe the substance of the knowledge of each PERSON identified in YOUR RESPONSE to Interrogatory No. 3.

Answer to Interrogatory No. 4: Not applicable.

Interrogatory No. 5: Please IDENTIFY each EXPERT who YOU expect to testify RELATING TO YOUR RESPONSES that are the subject of Interrogatory Nos. 1 and 2.

Answer to Interrogatory No. 5: Idaho has not retained any experts at this time. Idaho reserves the right to call employees from IDWR to testify as to the basis for the Director's Recommendations.

Interrogatory No. 6: For each EXPERT you IDENTIFIED in your RESPONSE to Interrogatory No. 5, state the subject matter on which the expert is expected to testify, state the substance of the opinions to which the expert is expected to testify, and state the underlying facts and data upon which the expert opinions are based.

Answer to Interrogatory No. 6: Not applicable.

Request for Production No. 1: Please PRODUCE all DOCUMENTS that support YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 1: The primary document that Idaho relies upon to support its RESPONSE is the Director's Report, as amended by the Supplemental Director's Report, which are available for inspection during normal business hours upon reasonable request. Idaho has not collected any other documents that support its RESPONSE.

Request for Production No. 2: Please PRODUCE all DOCUMENTS, not produced in response to Request for Production No. 1, that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 2: Idaho has not collected any other documents that relate to its RESPONSE.

Request for Production No. 3: Please PRODUCE all DOCUMENTS that constitute or were included with or referred to in CORRESPONDENCE between YOU and any other PERSON that RELATES TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 3: The following correspondence relates to Idaho's RESPONSE to Pocatello's objection:

Letter from Clive J. Strong to Honorable Terrence A. Dolan dated August 30, 2005.

Letter from Olga Valdivia to the Clerk of the District Court dated July 21, 2006.

Copies of these documents are attached.

Request for Production No. 4: Please PRODUCE all DOCUMENTS that RELATE TO COMMUNICATIONS between YOU and any other PERSON that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 4: Idaho has identified one hundred and nine e-mails that relate to communications between Idaho and another person about its Response to

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Pocatello's objection. Fifteen of these e-mails were sent by David J. Barber to various persons, and ninety-four of these e-mails were received by David J. Barber.

Ninety-three of these e-mails were sent or copied to at least one of the following persons: Jo Beeman, Sara Klahn, Joyce Angell, or Dana Rose. Because a representative of the City of Pocatello received a copy of these e-mails, a paper copy is not attached. However, copies of these ninety-three e-mails are available for inspection during normal business hours upon reasonable request. The remaining sixteen e-mails are attached and are described as follows:

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Request for Production No. 5: Please PRODUCE copies of all data and RELEVANT DOCUMENTS upon which the opinions of each EXPERT WITNESS whom YOU are asked to IDENTIFY in response to Interrogatory No. 5 are based or expected to be based.

Response to Request for Production No. 5: Not applicable.

Request for Production No. 6: Please PRODUCE copies of any RELEVANT DOCUMENTS that YOU have received from any PERSON, including but not limited to expert witness reports, in conjunction with his or her anticipated testimony in this SUBCASE.

Response to Request for Production No. 6: There are three categories of documents that Idaho has received. (1) Idaho received the Director's Report and Supplemental Director's Report, which are available for inspection during normal business hours upon reasonable request. (2) Idaho has identified one hundred and nine e-mails that relate to communications between Idaho and another person about its Response to Pocatello's objection. Fifteen of these e-mails were sent by David J. Barber to various persons, and ninety-four of these e-mails were received

by David J. Barber. (3) Idaho also received well logs for some of Pocatello's wells. A copy of those well logs is attached (MAIL80235 through MAIL80261).

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- (16) An e-mail from Carter Fritschle to Candice McHugh and David Barber dated September 20, 2006.

Request for Admission No. 1: Admit that POCATELLO did not object to IDWR's recommended point of diversion for this water right.

Response to Request for Admission No. 1: Admitted.

Interrogatory No. 7: Please IDENTIFY each PERSON who participated in or furnished information for the preparation of all or any portion of YOUR responses to these DISCOVERY REQUESTS and IDENTIFY the information that each such PERSON provided.

Answer to Interrogatory No. 7: Objection. The review process within the Natural Resources Division of the Office of the Attorney General and the contribution of each person in that review process constitutes attorney work product that is not subject to discovery. Notwithstanding this objection, I asked four persons to provide me information. I asked Mr. Carter Fritschle to provide me well logs for Pocatello's wells. I also asked Mr. John Carlson to provide me well logs for Pocatello's wells. I have not received any well log information from Mr. Carter Fritschle. Ms. Dana Hiatt responded for Mr. John Carlson and provided me a copy of

the well logs for the City's wells.. I asked Mr. Phil Rassier, deputy attorney general, to provide me the water right number for any administrative transfers from a surface water source to a ground water source. Mr. Phil Rassier, deputy attorney general, provided me water right no. 36-2603A. I also described my request for well logs to Ms. Candice McHugh, deputy attorney general, on August 31, 2006, and she suggested that I contact Mr. John Carlson about that request. Finally, I asked Mr. Doug Conde, deputy attorney general, to provide me information about Pocatello's sewage wastewater facility. Mr. Conde provided me some documents from the Idaho Department of Environmental Quality. The reviewing person(s) within the Natural Resources Division provided no information.

Subcase No. 29-02382

Request for Admission No. 1: Admit that POCATELLO did not object to IDWR's recommended point of diversion for this water right.

Response to Request for Admission No. 1: Admitted.

Subcase No. 29-02401

Interrogatory No. 1: Please STATE THE BASIS for YOUR RESPONSE TO POCATELLO'S OBJECTION in this SUBCASE.

Answer to Interrogatory No. 1: A RESPONSE is a procedural pleading that indicates a party's intention to participate in the litigation of a particular subcase. Idaho did not take a substantive position in its RESPONSE filed in this subcase.

Interrogatory No. 2: Please IDENTIFY each PERSON who has information that RELATES TO YOUR RESPONSE that is the subject of Interrogatory No. 1.

Answer to Interrogatory No. 2: None. Idaho has not identified any lay person or retained any expert to provide testimony in these subcase proceedings. Idaho reserves the right to call employees from IDWR to testify as to the basis for the Director's Recommendations.

Interrogatory No. 3: Please describe the substance of the knowledge of each PERSON identified in YOUR RESPONSE to Interrogatory No. 2.

Answer to Interrogatory No. 3: Not applicable.

Interrogatory No. 4: Please IDENTIFY each EXPERT who YOU expect to testify RELATING TO YOUR RESPONSE that is the subject of Interrogatory No. 1.

Answer to Interrogatory No. 4: Idaho has not retained any experts at this time. Idaho reserves the right to call employees from IDWR to testify as to the basis for the Director's Recommendations.

Interrogatory No. 5: For each EXPERT you IDENTIFIED in your RESPONSE to Interrogatory No. 4, state the subject matter on which the expert is expected to testify, state the substance of the opinions to which the expert is expected to testify, and state the underlying facts and data upon which the expert opinions are based.

Answer to Interrogatory No. 5: Not applicable.

Request for Production No. 1: Please PRODUCE all DOCUMENTS that support YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 1: The primary document that Idaho relies upon to support its RESPONSE is the Director's Report, as amended by the Supplemental Director's Report, which are available for inspection during normal business hours upon reasonable request. Idaho has not collected any other documents that support its RESPONSE.

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Copies of these documents are attached.

Request for Production No. 4: Please PRODUCE all DOCUMENTS that RELATE TO COMMUNICATIONS between YOU and any other PERSON that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 4: Idaho has identified one hundred and nine e-mails that relate to communications between Idaho and another person about its Response to Pocatello's objection. Fifteen of these e-mails were sent by David J. Barber to various persons, and ninety-four of these e-mails were received by David J. Barber.

Ninety-three of these e-mails were sent or copied to at least one of the following persons:

Jo Beeman, Sara Klahn, Joyce Angell, or Dana Rose. Because a representative of the City of

Pocatello received a copy of these e-mails, a paper copy is not attached. However, copies of these ninety-three e-mails are available for inspection during normal business hours upon reasonable request. The remaining sixteen e-mails are attached and are described as follows:

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- (13) An e-mail from Douglas Conde to Clive Strong and David Barber dated September 12, 2006.
- (14) An e-mail from Clive Strong to David Barber dated September 12, 2006.
- (15) An e-mail from Clive Strong to David Barber dated September 18, 2006.
- (16) An e-mail from Carter Fritschle to Candice McHugh and David Barber dated September 20, 2006.

Request for Production No. 5: Please PRODUCE copies of all data and RELEVANT DOCUMENTS upon which the opinions of each EXPERT WITNESS whom YOU are asked to IDENTIFY in response to Interrogatory No. 4 are based or expected to be based.

Response to Request for Production No. 5: Not applicable.

Request for Production No. 6: Please PRODUCE copies of any RELEVANT DOCUMENTS that YOU have received from any PERSON, including but not limited to expert witness reports, in conjunction with his or her anticipated testimony in this SUBCASE.

Response to Request for Production No. 6: There are three categories of documents that Idaho has received. (1) Idaho received the Director's Report and Supplemental Director's Report, which are available for inspection during normal business hours upon reasonable request. (2) Idaho has identified one hundred and nine e-mails that relate to communications between Idaho and another person about its Response to Pocatello's objection. Fifteen of these e-mails were sent by David J. Barber to various persons, and ninety-four of these e-mails were received by David J. Barber. (3) Idaho also received well logs for some of Pocatello's wells. A copy of those well logs is attached (MAIL80235 through MAIL80261).

Ninety-three of these e-mails were sent or copied to at least one of the following persons: Jo Beeman, Sara Klahn, Joyce Angell, or Dana Rose. Because a representative of the City of

Pocatello received a copy of these e-mails, a paper copy is not attached. However, copies of these ninety-three e-mails are available for inspection during normal business hours upon reasonable request. The remaining sixteen e-mails are attached and are described as follows:

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- (15) An e-mail from Clive Strong to David Barber dated September 18, 2006.
- (16) An e-mail from Carter Fritschle to Candice McHugh and David Barber dated September 20, 2006.

Interrogatory No. 6: Please DESCRIBE any information you have regarding the cone of depression created by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 6: None.

Request for Production 7: Please produce any DOCUMENTS in your possession relating to your responses to Interrogatory No. 6.

Response to Request for Production No. 7: Not applicable.

Interrogatory No. 7: Please DESCRIBE any information you have regarding ground water rights that withdraw water from the Lower Portneuf River Valley Aquifer within the cone of depression created by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 7: None.

Interrogatory No. 8: Please DESCRIBE any information you have regarding the individual water rights "injured" by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 8: None.

Interrogatory No. 9: Please DESCRIBE any information you have regarding the maximum amount of water ever withdrawn by POCATELLO at the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 9: None.

Interrogatory No. 10: List any water rights YOU allege to be injured by an accomplished transfer of this water right pursuant to Idaho Code §42-1425.

Answer to Interrogatory No. 10: Since Idaho has not conducted an independent evaluation regarding the issue of injury by an accomplished transfer of this water right, it has not identified any water rights that would be injured by an accomplished transfer of this water right. Idaho relies upon the determination in the Director's Report, as supplemented in the Supplemental Director's Report that an injury would occur to existing water rights by a transfer of this water right.

Interrogatory No. 11: Describe the nature of the injury you allege occurred because of the accomplished transfer of this water right pursuant to Idaho Code §42-1425.

Answer to Interrogatory No. 11: Since Idaho has not conducted an independent evaluation regarding the issue of injury by an accomplished transfer of this water right, it has no independent information regarding any injury by an accomplished transfer of this water right. Idaho relies upon the determination in the Director's Report, as supplemented in the Supplemental Director's Report, for the conclusion that an injury would occur to existing water rights by an accomplished transfer of this water right.

Request for Production No. 8: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 11.

Response to Request for Production No. 8: The Director's Report, as supplemented in the Supplemental Director's Report, are available for review upon reasonable request during normal business hours.

Request for Admission No. 1: Admit that this water right has never been administered by the STATE in response to the injury alleged in Interrogatory No. 11.

Response to Request for Admission No. 1: Objection. This request for admission is unduly burdensome because it requires a thorough review of the records of IDWR and its agencies predecessor in function. Pocatello can undertake this review as easily as Idaho. Since IDWR is a non-party to the Snake River Basin Adjudication, Idaho has no responsibility to review the records of IDWR or its agencies predecessor in function. Furthermore, a portion of the records of IDWR are available on the internet for review by anyone. It is unduly burdensome to request Idaho to conduct this research on the internet for Pocatello. Idaho has not undertaken a review of IDWR's records. Notwithstanding these objections, this request for admission is denied because of lack of information and knowledge.

Interrogatory No. 12: If YOU DENY Request for Admission No. 1, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 12: Request for admission no. 1 is denied because of lack of information and knowledge.

Interrogatory No. 13: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 12.

Answer to Interrogatory No. 13: No one.

Request for Production No. 9: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 12.

Response to Request for Production No. 9: None.

Request for Admission No. 2: Admit that YOU have no DOCUMENTS or other INFORMATION alleging or claiming an injury as described in your response to Interrogatory No. 11 to the water rights listed in your response to Interrogatory No. 7.

Response to Request for Admission No. 2: Admitted in part: Idaho relies on the Director's Report, as supplemented in the Supplemental Director's Report, for the conclusion that an injury would occur to existing water rights by an accomplished transfer of this water right. Idaho admits that it has no other documents alleging or claiming injury for the claimed accomplished transfer.

Interrogatory No. 14: If YOU DENY Request for Admission No. 2, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 14: Not applicable.

Interrogatory No. 15: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 14.

Answer to Interrogatory No. 15: No one.

Request for Production No. 10: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 14.

Response to Request for Production No. 10: None.

Interrogatory No. 16: Please IDENTIFY each PERSON who participated in or furnished information for the preparation of all or any portion of YOUR responses to these DISCOVERY REQUESTS and IDENTIFY the information that each such PERSON provided.

Answer to Interrogatory No. 16: Objection. The review process within the Natural Resources Division of the Office of the Attorney General and the contribution of each person in

that review process constitutes attorney work product that is not subject to discovery. Notwithstanding this objection, I asked four persons to provide me information. I asked Mr. Carter Fritschle to provide me well logs for Pocatello's wells. I also asked Mr. John Carlson to provide me well logs for Pocatello's wells. I have not received any well log information from Mr. Carter Fritschle. Ms. Dana Hiatt responded for Mr. John Carlson and provided me a copy of the well logs for the City's wells. I asked Mr. Phil Rassier, deputy attorney general, to provide me the water right number for any administrative transfers from a surface water source to a ground water source. Mr. Phil Rassier, deputy attorney general, provided me water right no. 36-2603A. I also described my request for well logs to Ms. Candice McHugh, deputy attorney general, on August 31, 2006, and she suggested that I contact Mr. John Carlson about that request. Finally, I asked Mr. Doug Conde, deputy attorney general, to provide me information about Pocatello's sewage wastewater facility. Mr. Conde provided me some documents from the Idaho Department of Environmental Quality. The reviewing person(s) within the Natural Resources Division provided no information.

Subcase No. 29-02499

Interrogatory No. 1: Please STATE THE BASIS for YOUR RESPONSE TO POCATELLO'S OBJECTION in this SUBCASE.

Answer to Interrogatory No. 1: A RESPONSE is a procedural pleading that indicates a party's intention to participate in the litigation of a particular subcase. Idaho did not take a substantive position in its RESPONSE filed in this subcase.

Interrogatory No. 2: Please IDENTIFY each PERSON who has information that RELATES TO YOUR RESPONSE that is the subject of Interrogatory No. 1.

Answer to Interrogatory No. 2: None. Idaho has not identified any lay person or retained any expert to provide testimony in these subcase proceedings. Idaho reserves the right to call employees from IDWR to testify as the basis for the Director's Recommendations.

Interrogatory No. 3: Please describe the substance of the knowledge of each PERSON identified in YOUR RESPONSE to Interrogatory No. 2.

Answer to Interrogatory No. 3: Not applicable.

Interrogatory No. 4: Please IDENTIFY each EXPERT who YOU expect to testify RELATING TO YOUR RESPONSE that is the subject of Interrogatory No. 1.

Answer to Interrogatory No. 4: Idaho has not retained any experts at this time. Idaho reserves the right to call employees from IDWR to testify as the basis for the Director's Recommendations.

Interrogatory No. 5: For each EXPERT you IDENTIFIED in your RESPONSE to Interrogatory No. 4, state the subject matter on which the expert is expected to testify, state the substance of the opinions to which the expert is expected to testify, and state the underlying facts and data upon which the expert opinions are based.

Answer to Interrogatory No. 5: Not applicable.

Request for Production No. 1: Please PRODUCE all DOCUMENTS that support YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 1: The primary document that Idaho relies upon to support its RESPONSE is the Director's Report, as amended by the Supplemental Director's Report, which are available for inspection during normal business hours upon reasonable request. Idaho has not collected any other documents that support its RESPONSE.

Request for Production No. 2: Please PRODUCE all DOCUMENTS, not produced in response to Request for Production No. 1, that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 2: Idaho has not collected any other documents that relate to its RESPONSE.

Request for Production No. 3: Please PRODUCE all DOCUMENTS that constitute or were included with or referred to in CORRESPONDENCE between YOU and any other PERSON that RELATES TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 3: The following correspondence relates to Idaho's RESPONSE to Pocatello's objection:

Letter from Clive J. Strong to Honorable Terrence A. Dolan dated August 30, 2005.

Letter from Olga Valdivia to the Clerk of the District Court dated July 21, 2006.

Copies of these documents are attached.

Request for Production No. 4: Please PRODUCE all DOCUMENTS that RELATE TO COMMUNICATIONS between YOU and any other PERSON that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 4: Idaho has identified one hundred and nine e-mails that relate to communications between Idaho and another person about its Response to Pocatello's objection. Fifteen of these e-mails were sent by David J. Barber to various persons, and ninety-four of these e-mails were received by David J. Barber.

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Request for Production No. 5: Please PRODUCE copies of all data and RELEVANT DOCUMENTS upon which the opinions of each EXPERT WITNESS whom YOU are asked to IDENTIFY in response to Interrogatory No. 4 are based or expected to be based.

Response to Request for Production No. 5: Not applicable.

Request for Production No. 6: Please PRODUCE copies of any RELEVANT DOCUMENTS that YOU have received from any PERSON, including but not limited to expert witness reports, in conjunction with his or her anticipated testimony in this SUBCASE.

Response to Request for Production No. 6: There are three categories of documents that Idaho has received. (1) Idaho received the Director's Report and Supplemental Director's Report, which are available for inspection during normal business hours upon reasonable request. (2) Idaho has identified one hundred and nine e-mails that relate to communications between Idaho and another person about its Response to Pocatello's objection. Fifteen of these e-mails were sent by David J. Barber to various persons, and ninety-four of these e-mails were received by David J. Barber. (3) Idaho also received well logs for some of Pocatello's wells. A copy of those well logs is attached (MAIL80235 through MAIL80261).

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Interrogatory No. 6: Please DESCRIBE any information you have regarding the cone of depression created by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 6: None.

Request for Production 7: Please produce any DOCUMENTS in your possession relating to your responses to Interrogatory No. 6.

Response to Request for Production No. 7: Not applicable.

Interrogatory No. 7: Please DESCRIBE any information you have regarding ground water rights that withdraw water from the Lower Portneuf River Valley Aquifer within the cone of depression created by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 7: None.

Interrogatory No. 8: Please DESCRIBE any information you have regarding the individual water rights "injured" by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 8: None.

Interrogatory No. 9: Please DESCRIBE any information you have regarding the maximum amount of water ever withdrawn by POCATELLO at the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 9: None.

Interrogatory No. 10: List any water rights YOU allege to be injured by an accomplished transfer of this water right pursuant to Idaho Code §42-1425.

Answer to Interrogatory No. 10: Since Idaho has not conducted an independent evaluation regarding the issue of injury by an accomplished transfer of this water right, it has not identified any water rights that would be injured by an accomplished transfer of this water right. Idaho relies upon the determination in the Director's Report, as supplemented in the Supplemental Director's Report that an injury would occur to existing water rights by a transfer of this water right.

Interrogatory No. 11: Describe the nature of the injury you allege occurred because of the accomplished transfer of this water right pursuant to Idaho Code §42-1425.

Answer to Interrogatory No. 11: Since Idaho has not conducted an independent evaluation regarding the issue of injury by an accomplished transfer of this water right, it has no independent information regarding any injury by an accomplished transfer of this water right. Idaho relies upon the determination in the Director's Report, as supplemented in the Supplemental Director's Report, for the conclusion that an injury would occur to existing water rights by an accomplished transfer of this water right.

Request for Production No. 8: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 11.

Response to Request for Production No. 8: The Director's Report, as supplemented in the Supplemental Director's Report, are available for review upon reasonable request during normal business hours.

Request for Admission No. 1: Admit that this water right has never been administered by the STATE in response to the injury alleged in Interrogatory No. 11.

Response to Request for Admission No. 1: Objection. This request for admission is unduly burdensome because it requires a thorough review of the records of IDWR and its agencies predecessor in function. Pocatello can undertake this review as easily as Idaho. Since IDWR is a non-party to the Snake River Basin Adjudication, Idaho has no responsibility to review the records of IDWR or its agencies predecessor in function. Furthermore, a portion of the records of IDWR are available on the internet for review by anyone. It is unduly burdensome to request Idaho to conduct this research on the internet for Pocatello. Idaho has not undertaken a review of IDWR's records. Notwithstanding these objections, this request for admission is denied because of lack of information and knowledge.

Interrogatory No. 12: If YOU DENY Request for Admission No. 1, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 12: Request for admission no. 1 is denied because of lack of information and knowledge.

Interrogatory No. 13: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 12.

Answer to Interrogatory No. 13: No one.

Request for Production No. 9: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 12.

Response to Request for Production No. 9: None.

Request for Admission No. 2: Admit that YOU have no DOCUMENTS or other INFORMATION alleging or claiming an injury as described in your response to Interrogatory No. 11 to the water rights listed in your response to Interrogatory No. 7.

Response to Request for Admission No. 2: Admitted in part: Idaho admits that it has no documents alleging or claiming injury for the claimed accomplished transfer.

Interrogatory No. 14: If YOU DENY Request for Admission No. 2, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 14: Not applicable.

Interrogatory No. 15: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 14.

Answer to Interrogatory No. 15: No one.

Request for Production No. 10: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 14.

Response to Request for Production No. 10: None.

Interrogatory No. 16: Please IDENTIFY each PERSON who participated in or furnished information for the preparation of all or any portion of YOUR responses to these DISCOVERY REQUESTS and IDENTIFY the information that each such PERSON provided.

Answer to Interrogatory No. 16: Objection. The review process within the Natural Resources Division of the Office of the Attorney General and the contribution of each person in that review process constitutes attorney work product that is not subject to discovery. Notwithstanding this objection, I asked four persons to provide me information. I asked Mr. Carter Fritschle to provide me well logs for Pocatello's wells. I also asked Mr. John Carlson to

provide me well logs for Pocatello's wells. I have not received any well log information from Mr. Carter Fritschle. Ms. Dana Hiatt responded for Mr. John Carlson and provided me a copy of the well logs for the City's wells. I asked Mr. Phil Rassier, deputy attorney general, to provide me the water right number for any administrative transfers from a surface water source to a ground water source. Mr. Phil Rassier, deputy attorney general, provided me water right no. 36-2603A. I also described my request for well logs to Ms. Candice McHugh, deputy attorney general, on August 31, 2006, and she suggested that I contact Mr. John Carlson about that request. Finally, I asked Mr. Doug Conde, deputy attorney general, to provide me information about Pocatello's sewage wastewater facility. Mr. Conde provided me some documents from the Idaho Department of Environmental Quality. The reviewing person(s) within the Natural Resources Division provided no information.

Subcase No. 29-04221

Interrogatory No. 1: Please STATE THE BASIS for YOUR RESPONSE TO POCATELLO'S OBJECTION in this SUBCASE.

Answer to Interrogatory No. 1: A RESPONSE is a procedural pleading that indicates a party's intention to participate in the litigation of a particular subcase. Idaho did not take a substantive position in its RESPONSE filed in this subcase.

Interrogatory No. 2: Please IDENTIFY each PERSON who has information that RELATES TO YOUR RESPONSE that is the subject of Interrogatory No. 1.

Answer to Interrogatory No. 2: None. Idaho has not identified any lay person or retained any expert to provide testimony in these subcase proceedings. Idaho reserves the right to call employees from IDWR to testify as the basis for the Director's Recommendations.

Interrogatory No. 3: Please describe the substance of the knowledge of each PERSON identified in YOUR RESPONSE to Interrogatory No. 2.

Answer to Interrogatory No. 3: Not applicable.

Interrogatory No. 4: Please IDENTIFY each EXPERT who YOU expect to testify RELATING TO YOUR RESPONSE that is the subject of Interrogatory No. 1.

Answer to Interrogatory No. 4: Idaho has not retained any experts at this time. Idaho reserves the right to call employees from IDWR to testify as the basis for the Director's Recommendations.

Interrogatory No. 5: For each EXPERT you IDENTIFIED in your RESPONSE to Interrogatory No. 4, state the subject matter on which the expert is expected to testify, state the substance of the opinions to which the expert is expected to testify, and state the underlying facts and data upon which the expert opinions are based.

Answer to Interrogatory No. 5: Not applicable.

Request for Production No. 1: Please PRODUCE all DOCUMENTS that support YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 1: The primary document that Idaho relies upon to support its RESPONSE is the Director's Report, as amended by the Supplemental Director's Report, which are available for inspection during normal business hours upon reasonable request. Idaho has not collected any other documents that support its RESPONSE.

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Response to Request for Production No. 2: Idaho has not collected any other documents that relate to its RESPONSE.

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Response to Request for Production No. 3: The following correspondence relates to Idaho's RESPONSE to Pocatello's objection:

Letter from Clive J. Strong to Honorable Terrence A. Dolan dated August 30, 2005.

Letter from Olga Valdivia to the Clerk of the District Court dated July 21, 2006.

Copies of these documents are attached.

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- (12) An e-mail from Ray Williams to David Barber dated September 7, 2006 at 12:11 p.m.
- (13) An e-mail from Douglas Conde to Clive Strong and David Barber dated September 12, 2006.
- (14) An e-mail from Clive Strong to David Barber dated September 12, 2006.

(15) An e-mail from Clive Strong to David Barber dated September 18, 2006.

(16) An e-mail from Carter Fritschle to Candice McHugh and David Barber dated September 20, 2006.

Request for Production No. 5: Please PRODUCE copies of all data and RELEVANT DOCUMENTS upon which the opinions of each EXPERT WITNESS whom YOU are asked to IDENTIFY in response to Interrogatory No. 4 are based or expected to be based.

Response to Request for Production No. 5: Not applicable.

Request for Production No. 6: Please PRODUCE copies of any RELEVANT DOCUMENTS that YOU have received from any PERSON, including but not limited to expert witness reports, in conjunction with his or her anticipated testimony in this SUBCASE.

Response to Request for Production No. 6: There are three categories of documents that Idaho has received. (1) Idaho received the Director's Report and Supplemental Director's Report, which are available for inspection during normal business hours upon reasonable request. (2) Idaho has identified one hundred and nine e-mails that relate to communications between Idaho and another person about its Response to Pocatello's objection. Fifteen of these e-mails were sent by David J. Barber to various persons, and ninety-four of these e-mails were received by David J. Barber. (3) Idaho also received well logs for some of Pocatello's wells. A copy of those well logs is attached (MAIL80235 through MAIL80261).

Ninety-three of these e-mails were sent or copied to at least one of the following persons: Jo Beeman, Sara Klahn, Joyce Angell, or Dana Rose. Because a representative of the City of Pocatello received a copy of these e-mails, a paper copy is not attached. However, copies of these ninety-three e-mails are available for inspection during normal business hours upon reasonable request. The remaining sixteen e-mails are attached and are described as follows:

- (1) An e-mail from Susan Hamlin Nygard to David J. Barber dated May 7, 2004.
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(15) An e-mail from Clive Strong to David Barber dated September 18, 2006.

(16) An e-mail from Carter Fritschle to Candice McHugh and David Barber dated September 20, 2006.

Interrogatory No. 6: Please DESCRIBE any information you have regarding the cone of depression created by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 6: None.

Request for Production 7: Please produce any DOCUMENTS in your possession relating to your responses to Interrogatory No. 6.

Response to Request for Production No. 7: Not applicable.

Interrogatory No. 7: Please DESCRIBE any information you have regarding ground water rights that withdraw water from the Lower Portneuf River Valley Aquifer within the cone of depression created by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 7: None.

Interrogatory No. 8: Please DESCRIBE any information you have regarding the individual water rights "injured" by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 8: None.

Interrogatory No. 9: Please DESCRIBE any information you have regarding the maximum amount of water ever withdrawn by POCATELLO at the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 9: None.

Interrogatory No. 10: List any water rights YOU allege to be injured by an accomplished transfer of this water right pursuant to Idaho Code §42-1425.

Answer to Interrogatory No. 10: Since Idaho has not conducted an independent evaluation regarding the issue of injury by an accomplished transfer of this water right, it has not identified any water rights that would be injured by an accomplished transfer of this water right. Idaho relies upon the determination in the Director's Report, as supplemented in the Supplemental Director's Report that an injury would occur to existing water rights by a transfer of this water right.

Interrogatory No. 11: Describe the nature of the injury you allege occurred because of the accomplished transfer of this water right pursuant to Idaho Code §42-1425.

Answer to Interrogatory No. 11: Since Idaho has not conducted an independent evaluation regarding the issue of injury by an accomplished transfer of this water right, it has no independent information regarding any injury by an accomplished transfer of this water right. Idaho relies upon the determination in the Director's Report, as supplemented in the Supplemental Director's Report, for the conclusion that an injury would occur to existing water rights by an accomplished transfer of this water right.

Request for Production No. 8: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 11.

Response to Request for Production No. 8: The Director's Report, as supplemented in the Supplemental Director's Report, are available for review upon reasonable request during normal business hours.

Request for Admission No. 1: Admit that this water right has never been administered by the STATE in response to the injury alleged in Interrogatory No. 11.

Response to Request for Admission No. 1: Objection. This request for admission is unduly burdensome because it requires a thorough review of the records of IDWR and its agencies predecessor in function. Pocatello can undertake this review as easily as Idaho. Since IDWR is a non-party to the Snake River Basin Adjudication, Idaho has no responsibility to review the records of IDWR or its agencies predecessor in function. Furthermore, a portion of the records of IDWR are available on the internet for review by anyone. It is unduly burdensome to request Idaho to conduct this research on the internet for Pocatello. Idaho has not undertaken a review of IDWR's records. Notwithstanding these objections, this request for admission is denied because of lack of information and knowledge.

Interrogatory No. 12: If YOU DENY Request for Admission No. 1, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 12: Request for admission no. 1 is denied because of lack of information and knowledge.

Interrogatory No. 13: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 12.

Answer to Interrogatory No. 13: No one.

Request for Production No. 9: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 12.

Response to Request for Production No. 9: None.

Request for Admission No. 2: Admit that YOU have no DOCUMENTS or other INFORMATION alleging or claiming an injury as described in your response to Interrogatory No. 11 to the water rights listed in your response to Interrogatory No. 7.

Response to Request for Admission No. 2: Admitted in part: Idaho relies on the Director's Report, as supplemented in the Supplemental Director's Report, for the conclusion that an injury would occur to existing water rights by an accomplished transfer of this water right. Idaho admits that it has no other documents alleging or claiming injury for the claimed accomplished transfer.

Interrogatory No. 14: If YOU DENY Request for Admission No. 2, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 14: Not applicable.

Interrogatory No. 15: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 14.

Answer to Interrogatory No. 15: No one.

Request for Production No. 10: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 14.

Response to Request for Production No. 10: None.

Interrogatory No. 16: Please IDENTIFY each PERSON who participated in or furnished information for the preparation of all or any portion of YOUR responses to these DISCOVERY REQUESTS and IDENTIFY the information that each such PERSON provided.

Answer to Interrogatory No. 16: Objection. The review process within the Natural Resources Division of the Office of the Attorney General and the contribution of each person in that review process constitutes attorney work product that is not subject to discovery. Notwithstanding this objection, I asked four persons to provide me information. I asked Mr. Carter Fritschle to provide me well logs for Pocatello's wells. I also asked Mr. John Carlson to provide me well logs for Pocatello's wells. I have not received any well log information from

Mr. Carter Fritschle. Ms. Dana Hiatt responded for Mr. John Carlson and provided me a copy of the well logs for the City's wells. I asked Mr. Phil Rassier, deputy attorney general, to provide me the water right number for any administrative transfers from a surface water source to a ground water source. Mr. Phil Rassier, deputy attorney general, provided me water right no. 36-2603A. I also described my request for well logs to Ms. Candice McHugh, deputy attorney general, on August 31, 2006, and she suggested that I contact Mr. John Carlson about that request. Finally, I asked Mr. Doug Conde, deputy attorney general, to provide me information about Pocatello's sewage wastewater facility. Mr. Conde provided me some documents from the Idaho Department of Environmental Quality. The reviewing person(s) within the Natural Resources Division provided no information.

Subcase No. 29-04222

Interrogatory No. 1: Please STATE THE BASIS for YOUR RESPONSE TO POCATELLO'S OBJECTION in this SUBCASE.

Answer to Interrogatory No. 1: A RESPONSE is a procedural pleading that indicates a party's intention to participate in the litigation of a particular subcase. Idaho did not take a substantive position in its RESPONSE filed in this subcase.

Interrogatory No. 2: Please state YOUR CONTENTION as to the point(s) of diversion POCATELLO is entitled to in this SUBCASE, and STATE THE BASIS for YOUR CONTENTION.

Answer to Interrogatory No. 2: Idaho contends that the Director's Report, as amended by the Supplemental Director's Report, correctly describes the point of diversion. Idaho is not aware of any facts that justify changing this conclusion.

Interrogatory No. 3: Please IDENTIFY each PERSON who has information that RELATES TO YOUR RESPONSES that are the subject of Interrogatory Nos. 1 and 2.

Answer to Interrogatory No. 3: None. Idaho has not identified any lay person or retained any expert to provide testimony in these subcase proceedings. Idaho reserves the right to call employees from IDWR to testify as to the basis for the Director's Recommendations.

Interrogatory No. 4: Please describe the substance of the knowledge of each PERSON identified in YOUR RESPONSE to Interrogatory No. 3.

Answer to Interrogatory No. 4: Not applicable.

Interrogatory No. 5: Please IDENTIFY each EXPERT who YOU expect to testify RELATING TO YOUR RESPONSES that are the subject of Interrogatory Nos. 1 and 2.

Answer to Interrogatory No. 5: Idaho has not retained any experts at this time. Idaho reserves the right to call employees from IDWR to testify as to the basis for the Director's Recommendations.

Interrogatory No. 6: For each EXPERT you IDENTIFIED in your RESPONSE to Interrogatory No. 5, state the subject matter on which the expert is expected to testify, state the substance of the opinions to which the expert is expected to testify, and state the underlying facts and data upon which the expert opinions are based.

Answer to Interrogatory No. 6: Not applicable.

Request for Production No. 1: Please PRODUCE all DOCUMENTS that support YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 1: The primary document that Idaho relies upon to support its RESPONSE is the Director's Report, as amended by the Supplemental Director's

Report, which are available for inspection during normal business hours upon reasonable request. Idaho has not collected any other documents that support its RESPONSE.

Request for Production No. 2: Please PRODUCE all DOCUMENTS, not produced in response to Request for Production No. 1, that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 2: Idaho has not collected any other documents that relate to its RESPONSE.

Request for Production No. 3: Please PRODUCE all DOCUMENTS that constitute or were included with or referred to in CORRESPONDENCE between YOU and any other PERSON that RELATES TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 3: The following correspondence relates to Idaho's RESPONSE to Pocatello's objection:

Letter from Clive J. Strong to Honorable Terrence A. Dolan dated August 30, 2005.

Letter from Olga Valdivia to the Clerk of the District Court dated July 21, 2006.

Copies of these documents are attached.

Request for Production No. 4: Please PRODUCE all DOCUMENTS that RELATE TO COMMUNICATIONS between YOU and any other PERSON that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 4: Idaho has identified one hundred and nine e-mails that relate to communications between Idaho and another person about its Response to Pocatello's objection. Fifteen of these e-mails were sent by David J. Barber to various persons, and ninety-four of these e-mails were received by David J. Barber.

Ninety-three of these e-mails were sent or copied to at least one of the following persons: Jo Beeman, Sara Klahn, Joyce Angell, or Dana Rose. Because a representative of the City of Pocatello received a copy of these e-mails, a paper copy is not attached. However, copies of these ninety-three e-mails are available for inspection during normal business hours upon reasonable request. The remaining sixteen e-mails are attached and are described as follows:

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- (16) An e-mail from Carter Fritschle to Candice McHugh and David Barber dated September 20, 2006.

Request for Production No. 5: Please PRODUCE copies of all data and RELEVANT DOCUMENTS upon which the opinions of each EXPERT WITNESS whom YOU are asked to IDENTIFY in response to Interrogatory No. 5 are based or expected to be based.

Response to Request for Production No. 5: Not applicable.

Request for Production No. 6: Please PRODUCE copies of any RELEVANT DOCUMENTS that YOU have received from any PERSON, including but not limited to expert witness reports, in conjunction with his or her anticipated testimony in this SUBCASE.

Response to Request for Production No. 6: There are three categories of documents that Idaho has received. (1) Idaho received the Director's Report and Supplemental Director's Report, which are available for inspection during normal business hours upon reasonable request. (2) Idaho has identified one hundred and nine e-mails that relate to communications between Idaho and another person about its Response to Pocatello's objection. Fifteen of these e-mails were sent by David J. Barber to various persons, and ninety-four of these e-mails were received by David J. Barber. (3) Idaho also received well logs for some of Pocatello's wells. A copy of those well logs is attached (MAIL80235 through MAIL80261).

Ninety-three of these e-mails were sent or copied to at least one of the following persons: Jo Beeman, Sara Klahn, Joyce Angell, or Dana Rose. Because a representative of the City of Pocatello received a copy of these e-mails, a paper copy is not attached. However, copies of these ninety-three e-mails are available for inspection during normal business hours upon reasonable request. The remaining sixteen e-mails are attached and are described as follows:

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- (15) An e-mail from Clive Strong to David Barber dated September 18, 2006.
- (16) An e-mail from Carter Fritschle to Candice McHugh and David Barber dated September 20, 2006.

Request for Admission No. 1: Admit that Gibson Jack Creek and the Lower Portneuf River Valley Aquifer are interconnected sources of water.

Response to Request for Admission No. 1: Admitted.

Interrogatory No. 7: If YOU DENY Request for Admission No. 1, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 7: Not applicable.

Interrogatory No. 8: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 7.

Answer to Interrogatory No. 8: Not applicable.

Request for Production No. 7: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 7.

Response to Request for Production No. 7: None.

Request for Admission No. 2: Admit that the place of use of this WATER RIGHT is the service area of POCATELLO'S municipal water supply system as provided under Idaho law.

Response to Request for Admission No. 2: Admitted in part as follows: "Place of use is within the service area of the City of Pocatello municipal water supply system as provided for under Idaho law."

Interrogatory No. 9: If YOU DENY Request for Admission No. 2, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 9: Not applicable.

Interrogatory No. 10: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 9.

Answer to Interrogatory No. 10: Not applicable.

Request for Production No. 8: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 9.

Response to Request for Production No. 8: Not applicable.

Request for Admission No. 3: Admit that the wells of POCATELLO'S culinary water system withdraw water from the Lower Portneuf River Valley Aquifer.

Response to Request for Admission No. 3: Request for admission no. 3 is denied based on lack of information and knowledge. Idaho undertook a reasonable investigation to determine the relationship between the corporate boundaries of the City of Pocatello and the geographic limits of the LOWER PORTNEUF RIVER VALLEY AQUIFER and the information known or readily obtainable by Idaho does not enable it to admit this request for admission at this point in time. More specifically, Idaho found a FINAL REPORT: ECONOMIC IMPACTS OF ENHANCED AQUIFER PROTECTION FOR THE LOWER PORTNEUF RIVER VALLEY AQUIFER. A copy of this report is attached. Exhibit 2a-1 from this report illustrates the relationship between the corporate limits of Pocatello and the LOWER PORTNEUF RIVER

VALLEY AQUIFER and shows that the corporate limits of Pocatello extend substantially beyond the LOWER PORTNEUF RIVER VALLEY AQUIFER in the southwest and northeast portion of the City. In order to respond to this request, the location of each of the twenty-two wells must be plotted on a map that illustrates the LOWER PORTNEUF RIVER VALLEY AQUIFER and the corporate limits of the City of Pocatello, and the well logs for each of the twenty-two wells must be reviewed. The review of the well logs is necessary because the withdrawal of water from the LOWER PORTNEUF RIVER VALLEY AQUIFER can only occur if the well is perforated in the unconfined gravels defined as that aquifer.

Interrogatory No. 11: If YOU DENY Request for Admission No. 3, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 11: Idaho denies request for admission no. 3 based on insufficient information and knowledge to respond to the substantive issue. Four factual matters need to be resolved to answer this question. (1) the location of the corporate limits of the City of Pocatello, (2) the location of the LOWER PORTNEUF RIVER VALLEY AQUIFER, (3) the placement of the perforations in the well casing, and (4) the location of the 22 interconnected wells. While Idaho has obtained information on these four factual matters, the information is too general for Idaho to make the determination requested.

Interrogatory No. 12: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 11.

Answer to Interrogatory No. 12: Mr. John Carlson and Ms. Dana Hiatt at IDWR..

Request for Production No. 9: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 11.

Response to Request for Production No. 9: Idaho undertook a reasonable investigation to determine the geographic scope of the LOWER PORTNEUF RIVER VALLEY AQUIFER and found the following document on the internet: FINAL REPORT: ECONOMIC IMPACTS OF ENHANCED AQUIFER PROTECTION FOR THE LOWER PORTNEUF RIVER VALLEY AQUIFER. A copy of this report is attached. Idaho also received well logs for some of Pocatello's wells. A copy of those well logs is attached (MAIL80235 through MAIL80261).

Request for Admission No. 4: Admit that prior to November 19, 1987, POCATELLO withdrew from its municipal wells in the Lower Portneuf River Valley Aquifer and the ESPA an instantaneous combined rate of diversion in excess of the combined rates of diversion for ground water currently recommended by IDWR in this CASE.

Response to Request for Admission No. 4: Denied.

Interrogatory No. 13: If YOU DENY Request for Admission No. 4, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 13: Idaho made a reasonable inquiry regarding the operation of Pocatello's municipal wells and concluded that it has no information about the operational details of Pocatello's many municipal wells. This information is within the specific knowledge of Pocatello. Idaho has insufficient information or knowledge to enable it to admit this request for admission.

Interrogatory No. 14: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 13.

Answer to Interrogatory No. 14: No one.

Request for Production No. 10: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 13.

Response to Request for Production No. 10: None.

Request for Admission No. 5: Admit that pursuant to I.C. 42-222 IDWR has administratively transferred the point of diversion of a surface water right to a ground water well.

Response to Request for Admission No. 5: Objection. This request for admission is unduly burdensome because it requires a thorough review of the records of IDWR and its agencies predecessor in function. Pocatello can undertake this review as easily as Idaho. Since IDWR is a non-party to the Snake River Basin Adjudication, Idaho has no responsibility to review the records of IDWR or its agencies predecessor in function. Furthermore, a portion of the records of IDWR are available on the internet for review by anyone. It is unduly burdensome to request Idaho to conduct this research on the internet for Pocatello. Idaho has not undertaken a review of IDWR's records. Notwithstanding these objections, this request for admission is admitted in part and denied in part because of lack of information and knowledge. Idaho admits that IDWR Transfer Processing Memo No. 24 (October 30, 2002) addresses this legal issue. This document speaks for itself. Idaho denies all other aspects of request for admission no. 5 based on lack of information and knowledge. Idaho made a reasonable inquiry regarding request for admission no. 5 by asking Mr. Phil Rassier, deputy attorney general, for information about any administrative transfer of the point of diversion of a surface water right to a ground water well. Mr. Phil Rassier recalled only one possible example involving the transfer of water right no. 36-2603A. This one example does not support admission of Request for Admission No. 5.

Interrogatory No. 15: If YOUR RESPONSE to Request for Admission No. 5, is not a complete admission, please STATE THE BASIS for YOUR RESPONSE.

Answer to Interrogatory No. 15: Objection. This interrogatory is unduly burdensome because it requires a thorough review of the records of IDWR and its agencies predecessor in

function. Pocatello can undertake this review as easily as Idaho. Since IDWR is a non-party to the Snake River Basin Adjudication, Idaho has no responsibility to review these records. Idaho made a reasonable inquiry regarding request for admission no. 5 by asking Mr. Phil Rassier, deputy attorney general, for information about any administrative transfer of the point of diversion of a surface water right to a ground water well. Mr. Phil Rassier recalled only one possible example involving the transfer of water right no. 36-2603A. This one example does not support admission of Request for Admission No. 5. Accordingly, Idaho does not have a factual basis to admit that IDWR has administratively transferred the point of diversion of a surface water right to a ground water well.

Interrogatory No. 16: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 15.

Answer to Interrogatory No. 16: Idaho contacted Mr. Phil Rassier, deputy attorney general, about the existence of an administrative transfer of the point of diversion from a surface water right to a ground water right.

Interrogatory No. 17: If YOU admit Request for Admission No. 5, please STATE the circumstances of all such administrative transfers.

Answer to Interrogatory No. 17: Not applicable.

Request for Production No. 11: Produce any DOCUMENTS related to YOUR response to Interrogatory Nos. 15 and 17.

Response to Request for Production No. 11: Attached are four pages from the water right back file for water right no. 36-2603A: (1) pages 1 and 2 of an agreement dated December 17, 1992 between Blue Lakes Country Club and the City of Twin Falls and (2) Amended Transfer of Water Right, Transfer No. 4066.

Interrogatory No. 18: Please IDENTIFY each PERSON who participated in or furnished information for the preparation of all or any portion of YOUR responses to these DISCOVERY REQUESTS and IDENTIFY the information that each such PERSON provided.

Answer to Interrogatory No. 18: Objection. The review process within the Natural Resources Division of the Office of the Attorney General and the contribution of each person in that review process constitutes attorney work product that is not subject to discovery. Notwithstanding this objection, I asked four persons to provide me information. I asked Mr. Carter Fritschle to provide me well logs for Pocatello's wells. I also asked Mr. John Carlson to provide me well logs for Pocatello's wells. I have not received any well log information from Mr. Carter Fritschle. Ms. Dana Hiatt responded for Mr. John Carlson and provided me a copy of the well logs for the City's wells.. I asked Mr. Phil Rassier, deputy attorney general, to provide me the water right number for any administrative transfers from a surface water source to a ground water source. Mr. Phil Rassier, deputy attorney general, provided me water right no. 36-2603A. I also described my request for well logs to Ms. Candice McHugh, deputy attorney general, on August 31, 2006, and she suggested that I contact Mr. John Carlson about that request. Finally, I asked Mr. Doug Conde, deputy attorney general, to provide me information about Pocatello's sewage wastewater facility. Mr. Conde provided me some documents from the Idaho Department of Environmental Quality. The reviewing person(s) within the Natural Resources Division provided no information.

Subcase No. 29-04223

Interrogatory No. 1: Please STATE THE BASIS for YOUR RESPONSE TO POCATELLO'S OBJECTION in this SUBCASE.

Answer to Interrogatory No. 1: A RESPONSE is a procedural pleading that indicates a party's intention to participate in the litigation of a particular subcase. Idaho did not take a substantive position in its RESPONSE filed in this subcase.

Interrogatory No. 2: Please IDENTIFY each PERSON who has information that RELATES TO YOUR RESPONSE that is the subject of Interrogatory No. 1.

Answer to Interrogatory No. 2: None. Idaho has not identified any lay person or retained any expert to provide testimony in these subcase proceedings. Idaho reserves the right to call employees from IDWR to testify as to the basis for the Director's Recommendations.

Interrogatory No. 3: Please describe the substance of the knowledge of each PERSON identified in YOUR RESPONSE to Interrogatory No. 2.

Answer to Interrogatory No. 3: Not applicable.

Interrogatory No. 4: Please IDENTIFY each EXPERT who YOU expect to testify RELATING TO YOUR RESPONSE that is the subject of Interrogatory No. 1.

Answer to Interrogatory No. 4: Idaho has not retained any experts at this time. Idaho reserves the right to call employees from IDWR to testify as to the basis for the Director's Recommendations.

Interrogatory No. 5: For each EXPERT you IDENTIFIED in your RESPONSE to Interrogatory No. 4, state the subject matter on which the expert is expected to testify, state the substance of the opinions to which the expert is expected to testify, and state the underlying facts and data upon which the expert opinions are based.

Answer to Interrogatory No. 5: Not applicable.

Request for Production No. 1: Please PRODUCE all DOCUMENTS that support YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 1: The primary document that Idaho relies upon to support its RESPONSE is the Director's Report, as amended by the Supplemental Director's Report, which are available for inspection during normal business hours upon reasonable request. Idaho has not collected any other documents that support its RESPONSE.

Request for Production No. 2: Please PRODUCE all DOCUMENTS, not produced in response to Request for Production No. 1, that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 2: Idaho has not collected any other documents that relate to its RESPONSE.

Request for Production No. 3: Please PRODUCE all DOCUMENTS that constitute or were included with or referred to in CORRESPONDENCE between YOU and any other PERSON that RELATES TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 3: The following correspondence relates to Idaho's RESPONSE to Pocatello's objection:

Letter from Clive J. Strong to Honorable Terrence A. Dolan dated August 30, 2005.

Letter from Olga Valdivia to the Clerk of the District Court dated July 21, 2006.

Copies of these documents are attached.

Request for Production No. 4: Please PRODUCE all DOCUMENTS that RELATE TO COMMUNICATIONS between YOU and any other PERSON that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 4: Idaho has identified one hundred and nine e-mails that relate to communications between Idaho and another person about its Response to

Pocatello's objection. Fifteen of these e-mails were sent by David J. Barber to various persons, and ninety-four of these e-mails were received by David J. Barber.

Ninety-three of these e-mails were sent or copied to at least one of the following persons: Jo Beeman, Sara Klahn, Joyce Angell, or Dana Rose. Because a representative of the City of Pocatello received a copy of these e-mails, a paper copy is not attached. However, copies of these ninety-three e-mails are available for inspection during normal business hours upon reasonable request. The remaining sixteen e-mails are attached and are described as follows:

- (1) An e-mail from Susan Hamlin Nygard to David J. Barber dated May 7, 2004.
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- (11) An e-mail from Ray Williams to David Barber dated September 7, 2006 at 11:50 a.m.
- (12) An e-mail from Ray Williams to David Barber dated September 7, 2006 at 12:11 p.m.
- (13) An e-mail from Douglas Conde to Clive Strong and David Barber dated September 12, 2006.
- (14) An e-mail from Clive Strong to David Barber dated September 12, 2006.
- (15) An e-mail from Clive Strong to David Barber dated September 18, 2006.
- (16) An e-mail from Carter Fritschle to Candice McHugh and David Barber dated September 20, 2006.

Request for Production No. 5: Please PRODUCE copies of all data and RELEVANT DOCUMENTS upon which the opinions of each EXPERT WITNESS whom YOU are asked to IDENTIFY in response to Interrogatory No. 4 are based or expected to be based.

Response to Request for Production No. 5: Not applicable.

Request for Production No. 6: Please PRODUCE copies of any RELEVANT DOCUMENTS that YOU have received from any PERSON, including but not limited to expert witness reports, in conjunction with his or her anticipated testimony in this SUBCASE.

Response to Request for Production No. 6: There are three categories of documents that Idaho has received. (1) Idaho received the Director's Report and Supplemental Director's Report, which are available for inspection during normal business hours upon reasonable request. (2) Idaho has identified one hundred and nine e-mails that relate to communications between Idaho and another person about its Response to Pocatello's objection. Fifteen of these e-mails were sent by David J. Barber to various persons, and ninety-four of these e-mails were received

by David J. Barber. (3) Idaho also received well logs for some of Pocatello's wells. A copy of those well logs is attached (MAIL80235 through MAIL80261).

Ninety-three of these e-mails were sent or copied to at least one of the following persons: Jo Beeman, Sara Klahn, Joyce Angell, or Dana Rose. Because a representative of the City of Pocatello received a copy of these e-mails, a paper copy is not attached. However, copies of these ninety-three e-mails are available for inspection during normal business hours upon reasonable request. The remaining sixteen e-mails are attached and are described as follows:

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- (9) An e-mail from Ray Williams to David Barber dated September 7, 2006 at 11:48 a.m.
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- (15) An e-mail from Clive Strong to David Barber dated September 18, 2006.
- (16) An e-mail from Carter Fritschle to Candice McHugh and David Barber dated September 20, 2006.

Interrogatory No. 6: Please DESCRIBE any information you have regarding the cone of depression created by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 6: None.

Request for Production 7: Please produce any DOCUMENTS in your possession relating to your responses to Interrogatory No. 6.

Response to Request for Production No. 7: Not applicable.

Interrogatory No. 7: Please DESCRIBE any information you have regarding ground water rights that withdraw water from the Lower Portneuf River Valley Aquifer within the cone of depression created by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 7: None.

Interrogatory No. 8: Please DESCRIBE any information you have regarding the individual water rights "injured" by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 8: None.

Interrogatory No. 9: Please DESCRIBE any information you have regarding the maximum amount of water ever withdrawn by POCATELLO at the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 9: None.

Interrogatory No. 10: List any water rights YOU allege to be injured by an accomplished transfer of this water right pursuant to Idaho Code §42-1425.

Answer to Interrogatory No. 10: Since Idaho has not conducted an independent evaluation regarding the issue of injury by an accomplished transfer of this water right, it has not identified any water rights that would be injured by an accomplished transfer of this water right. Idaho relies upon the determination in the Director's Report, as supplemented in the Supplemental Director's Report that an injury would occur to existing water rights by a transfer of this water right.

Interrogatory No. 11: Describe the nature of the injury you allege occurred because of the accomplished transfer of this water right pursuant to Idaho Code §42-1425.

Answer to Interrogatory No. 11: Since Idaho has not conducted an independent evaluation regarding the issue of injury by an accomplished transfer of this water right, it has no independent information regarding any injury by an accomplished transfer of this water right. Idaho relies upon the determination in the Director's Report, as supplemented in the

Supplemental Director's Report, for the conclusion that an injury would occur to existing water rights by an accomplished transfer of this water right.

Request for Production No. 8: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 11.

Response to Request for Production No. 8: The Director's Report, as supplemented in the Supplemental Director's Report, are available for review upon reasonable request during normal business hours.

Request for Admission No. 1: Admit that this water right has never been administered by the STATE in response to the injury alleged in Interrogatory No. 11.

Response to Request for Admission No. 1: Objection. This request for admission is unduly burdensome because it requires a thorough review of the records of IDWR and its agencies predecessor in function. Pocatello can undertake this review as easily as Idaho. Since IDWR is a non-party to the Snake River Basin Adjudication, Idaho has no responsibility to review the records of IDWR or its agencies predecessor in function. Furthermore, a portion of the records of IDWR are available on the internet for review by anyone. It is unduly burdensome to request Idaho to conduct this research on the internet for Pocatello. Idaho has not undertaken a review of IDWR's records. Notwithstanding these objections, this request for admission is denied because of lack of information and knowledge.

Interrogatory No. 12: If YOU DENY Request for Admission No. 1, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 12: Request for admission no. 1 is denied because of lack of information and knowledge.

Interrogatory No. 13: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 12.

Answer to Interrogatory No. 13: No one.

Request for Production No. 9: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 12.

Response to Request for Production No. 9: None.

Request for Admission No. 2: Admit that YOU have no DOCUMENTS or other INFORMATION alleging or claiming an injury as described in your response to Interrogatory No. 11 to the water rights listed in your response to Interrogatory No. 7.

Response to Request for Admission No. 2: Admitted in part: Idaho relies on the Director's Report, as supplemented in the Supplemental Director's Report, for the conclusion that an injury would occur to existing water rights by an accomplished transfer of this water right. Idaho admits that it has no other documents alleging or claiming injury for the claimed accomplished transfer.

Interrogatory No. 14: If YOU DENY Request for Admission No. 2, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 14: Not applicable.

Interrogatory No. 15: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 14.

Answer to Interrogatory No. 15: No one.

Request for Production No. 10: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 14.

Response to Request for Production No. 10: None.

Interrogatory No. 16: Please IDENTIFY each PERSON who participated in or furnished information for the preparation of all or any portion of YOUR responses to these DISCOVERY REQUESTS and IDENTIFY the information that each such PERSON provided.

Answer to Interrogatory No. 16: Objection. The review process within the Natural Resources Division of the Office of the Attorney General and the contribution of each person in that review process constitutes attorney work product that is not subject to discovery. Notwithstanding this objection, I asked four persons to provide me information. I asked Mr. Carter Fritschle to provide me well logs for Pocatello's wells. I also asked Mr. John Carlson to provide me well logs for Pocatello's wells. I have not received any well log information from Mr. Carter Fritschle. Ms. Dana Hiatt responded for Mr. John Carlson and provided me a copy of the well logs for the City's wells. I asked Mr. Phil Rassier, deputy attorney general, to provide me the water right number for any administrative transfers from a surface water source to a ground water source. Mr. Phil Rassier, deputy attorney general, provided me water right no. 36-2603A. I also described my request for well logs to Ms. Candice McHugh, deputy attorney general, on August 31, 2006, and she suggested that I contact Mr. John Carlson about that request. Finally, I asked Mr. Doug Conde, deputy attorney general, to provide me information about Pocatello's sewage wastewater facility. Mr. Conde provided me some documents from the Idaho Department of Environmental Quality. The reviewing person(s) within the Natural Resources Division provided no information.

Interrogatory No. 17: Please state YOUR CONTENTION as to the quantity POCATELLO is entitled to receive in this SUBCASE, and STATE THE BASIS FOR YOUR CONTENTION.

Answer to Interrogatory No. 17: Idaho contends that the Director's Report, as amended by the Supplemental Director's Report, correctly described the quantity for this subcase as 3.890 c.f.s. Idaho is not aware of any facts that justify changing this conclusion.

Subcase No. 29-04224

Interrogatory No. 1: Please STATE THE BASIS for YOUR RESPONSE TO POCATELLO'S OBJECTION in this SUBCASE.

Answer to Interrogatory No. 1: A RESPONSE is a procedural pleading that indicates a party's intention to participate in the litigation of a particular subcase. Idaho did not take a substantive position in its RESPONSE filed in this subcase.

Interrogatory No. 2: Please IDENTIFY each PERSON who has information that RELATES TO YOUR RESPONSE that is the subject of Interrogatory No. 1.

Answer to Interrogatory No. 2: None. Idaho has not identified any lay person or retained any expert to provide testimony in these subcase proceedings. Idaho reserves the right to call employees from IDWR to testify as to the basis for the Director's Recommendations.

Interrogatory No. 3: Please describe the substance of the knowledge of each PERSON identified in YOUR RESPONSE to Interrogatory No. 2.

Answer to Interrogatory No. 3: Not applicable.

Interrogatory No. 4: Please IDENTIFY each EXPERT who YOU expect to testify RELATING TO YOUR RESPONSE that is the subject of Interrogatory No. 1.

Answer to Interrogatory No. 4: Idaho has not retained any experts at this time. Idaho reserves the right to call employees from IDWR to testify as to the basis for the Director's Recommendations.

Interrogatory No. 5: For each EXPERT you IDENTIFIED in your RESPONSE to Interrogatory No. 4, state the subject matter on which the expert is expected to testify, state the substance of the opinions to which the expert is expected to testify, and state the underlying facts and data upon which the expert opinions are based.

Answer to Interrogatory No. 5: Not applicable.

Request for Production No. 1: Please PRODUCE all DOCUMENTS that support YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 1: The primary document that Idaho relies upon to support its RESPONSE is the Director's Report, as amended by the Supplemental Director's Report, which are available for inspection during normal business hours upon reasonable request. Idaho has not collected any other documents that support its RESPONSE.

Request for Production No. 2: Please PRODUCE all DOCUMENTS, not produced in response to Request for Production No. 1, that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 2: Idaho has not collected any other documents that relate to its RESPONSE.

Request for Production No. 3: Please PRODUCE all DOCUMENTS that constitute or were included with or referred to in CORRESPONDENCE between YOU and any other PERSON that RELATES TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 3: The following correspondence relates to Idaho's RESPONSE to Pocatello's objection:

Letter from Clive J. Strong to Honorable Terrence A. Dolan dated August 30, 2005.

Letter from Olga Valdivia to the Clerk of the District Court dated July 21, 2006.

Copies of these documents are attached.

Request for Production No. 4: Please PRODUCE all DOCUMENTS that RELATE TO COMMUNICATIONS between YOU and any other PERSON that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 4: Idaho has identified one hundred and nine e-mails that relate to communications between Idaho and another person about its Response to Pocatello's objection. Fifteen of these e-mails were sent by David J. Barber to various persons, and ninety-four of these e-mails were received by David J. Barber.

Ninety-three of these e-mails were sent or copied to at least one of the following persons: Jo Beeman, Sara Klahn, Joyce Angell, or Dana Rose. Because a representative of the City of Pocatello received a copy of these e-mails, a paper copy is not attached. However, copies of these ninety-three e-mails are available for inspection during normal business hours upon reasonable request. The remaining sixteen e-mails are attached and are described as follows:

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- (15) An e-mail from Clive Strong to David Barber dated September 18, 2006.
- (16) An e-mail from Carter Fritschle to Candice McHugh and David Barber dated September 20, 2006.

Request for Production No. 5: Please PRODUCE copies of all data and RELEVANT DOCUMENTS upon which the opinions of each EXPERT WITNESS whom YOU are asked to IDENTIFY in response to Interrogatory No. 4 are based or expected to be based.

Response to Request for Production No. 5: Not applicable.

Request for Production No. 6: Please PRODUCE copies of any RELEVANT DOCUMENTS that YOU have received from any PERSON, including but not limited to expert witness reports, in conjunction with his or her anticipated testimony in this SUBCASE.

Response to Request for Production No. 6: There are three categories of documents that Idaho has received. (1) Idaho received the Director's Report and Supplemental Director's Report, which are available for inspection during normal business hours upon reasonable request. (2) Idaho has identified one hundred and nine e-mails that relate to communications between Idaho and another person about its Response to Pocatello's objection. Fifteen of these e-mails were sent by David J. Barber to various persons, and ninety-four of these e-mails were received by David J. Barber. (3) Idaho also received well logs for some of Pocatello's wells. A copy of those well logs is attached (MAIL80235 through MAIL80261).

Ninety-three of these e-mails were sent or copied to at least one of the following persons: Jo Beeman, Sara Klahn, Joyce Angell, or Dana Rose. Because a representative of the City of Pocatello received a copy of these e-mails, a paper copy is not attached. However, copies of these ninety-three e-mails are available for inspection during normal business hours upon reasonable request. The remaining sixteen e-mails are attached and are described as follows:

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- (15) An e-mail from Clive Strong to David Barber dated September 18, 2006.
- (16) An e-mail from Carter Fritschle to Candice McHugh and David Barber dated September 20, 2006.

Interrogatory No. 6: Please DESCRIBE any information you have regarding the cone of depression created by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 6: None.

Request for Production 7: Please produce any DOCUMENTS in your possession relating to your responses to Interrogatory No. 6.

Response to Request for Production No. 7: Not applicable.

Interrogatory No. 7: Please DESCRIBE any information you have regarding ground water rights that withdraw water from the Lower Portneuf River Valley Aquifer within the cone of depression created by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 7: None.

Interrogatory No. 8: Please DESCRIBE any information you have regarding the individual water rights "injured" by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 8: None.

Interrogatory No. 9: Please DESCRIBE any information you have regarding the maximum amount of water ever withdrawn by POCATELLO at the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 9: None.

Interrogatory No. 10: List any water rights YOU allege to be injured by an accomplished transfer of this water right pursuant to Idaho Code §42-1425.

Answer to Interrogatory No. 10: Since Idaho has not conducted an independent evaluation regarding the issue of injury by an accomplished transfer of this water right, it has not identified any water rights that would be injured by an accomplished transfer of this water right. Idaho relies upon the determination in the Director's Report, as supplemented in the

Supplemental Director's Report that an injury would occur to existing water rights by a transfer of this water right.

Interrogatory No. 11: Describe the nature of the injury you allege occurred because of the accomplished transfer of this water right pursuant to Idaho Code §42-1425.

Answer to Interrogatory No. 11: Since Idaho has not conducted an independent evaluation regarding the issue of injury by an accomplished transfer of this water right, it has no independent information regarding any injury by an accomplished transfer of this water right. Idaho relies upon the determination in the Director's Report, as supplemented in the Supplemental Director's Report, for the conclusion that an injury would occur to existing water rights by an accomplished transfer of this water right.

Request for Production No. 8: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 11.

Response to Request for Production No. 8: The Director's Report, as supplemented in the Supplemental Director's Report, are available for review upon reasonable request during normal business hours.

Request for Admission No. 1: Admit that this water right has never been administered by the STATE in response to the injury alleged in Interrogatory No. 11.

Response to Request for Admission No. 1: Objection. This request for admission is unduly burdensome because it requires a thorough review of the records of IDWR and its agencies predecessor in function. Pocatello can undertake this review as easily as Idaho. Since IDWR is a non-party to the Snake River Basin Adjudication, Idaho has no responsibility to review the records of IDWR or its agencies predecessor in function. Furthermore, a portion of the records of IDWR are available on the internet for review by anyone. It is unduly burdensome

to request Idaho to conduct this research on the internet for Pocatello. Idaho has not undertaken a review of IDWR's records. Notwithstanding these objections, this request for admission is denied because of lack of information and knowledge.

Interrogatory No. 12: If YOU DENY Request for Admission No. 1, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 12: Request for admission no. 1 is denied because of lack of information and knowledge.

Interrogatory No. 13: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 12.

Answer to Interrogatory No. 13: No one.

Request for Production No. 9: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 12.

Response to Request for Production No. 9: None.

Request for Admission No. 2: Admit that YOU have no DOCUMENTS or other INFORMATION alleging or claiming an injury as described in your response to Interrogatory No. 11 to the water rights listed in your response to Interrogatory No. 7.

Response to Request for Admission No. 2: Admitted in part: Idaho relies on the Director's Report, as supplemented in the Supplemental Director's Report, for the conclusion that an injury would occur to existing water rights by an accomplished transfer of this water right. Idaho admits that it has no other documents alleging or claiming injury for the claimed accomplished transfer.

Interrogatory No. 14: If YOU DENY Request for Admission No. 2, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 14: Not applicable.

Interrogatory No. 15: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 14.

Answer to Interrogatory No. 15: No one.

Request for Production No. 10: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 14.

Response to Request for Production No. 10: None.

Interrogatory No. 16: Please IDENTIFY each PERSON who participated in or furnished information for the preparation of all or any portion of YOUR responses to these DISCOVERY REQUESTS and IDENTIFY the information that each such PERSON provided.

Answer to Interrogatory No. 16: Objection. The review process within the Natural Resources Division of the Office of the Attorney General and the contribution of each person in that review process constitutes attorney work product that is not subject to discovery. Notwithstanding this objection, I asked four persons to provide me information. I asked Mr. Carter Fritschle to provide me well logs for Pocatello's wells. I also asked Mr. John Carlson to provide me well logs for Pocatello's wells. I have not received any well log information from Mr. Carter Fritschle. Ms. Dana Hiatt responded for Mr. John Carlson and provided me a copy of the well logs for the City's wells. I asked Mr. Phil Rassier, deputy attorney general, to provide me the water right number for any administrative transfers from a surface water source to a ground water source. Mr. Phil Rassier, deputy attorney general, provided me water right no. 36-2603A. I also described my request for well logs to Ms. Candice McHugh, deputy attorney general, on August 31, 2006, and she suggested that I contact Mr. John Carlson about that request. Finally, I asked Mr. Doug Conde, deputy attorney general, to provide me information

about Pocatello's sewage wastewater facility. Mr. Conde provided me some documents from the Idaho Department of Environmental Quality. The reviewing person(s) within the Natural Resources Division provided no information.

Subcase No. 29-04225

Interrogatory No. 1: Please STATE THE BASIS for YOUR RESPONSE TO POCATELLO'S OBJECTION in this SUBCASE.

Answer to Interrogatory No. 1: A RESPONSE is a procedural pleading that indicates a party's intention to participate in the litigation of a particular subcase. Idaho did not take a substantive position in its RESPONSE filed in this subcase.

Interrogatory No. 2: Please IDENTIFY each PERSON who has information that RELATES TO YOUR RESPONSE that is the subject of Interrogatory No. 1.

Answer to Interrogatory No. 2: None. Idaho has not identified any lay person or retained any expert to provide testimony in these subcase proceedings. Idaho reserves the right to call employees from IDWR to testify as to the basis for the Director's Recommendations.

Interrogatory No. 3: Please describe the substance of the knowledge of each PERSON identified in YOUR RESPONSE to Interrogatory No. 2.

Answer to Interrogatory No. 3: Not applicable.

Interrogatory No. 4: Please IDENTIFY each EXPERT who YOU expect to testify RELATING TO YOUR RESPONSE that is the subject of Interrogatory No. 1.

Answer to Interrogatory No. 4: Idaho has not retained any experts at this time. Idaho reserves the right to call employees from IDWR to testify as to the basis for the Director's Recommendations.

Interrogatory No. 5: For each EXPERT you IDENTIFIED in your RESPONSE to Interrogatory No. 4, state the subject matter on which the expert is expected to testify, state the substance of the opinions to which the expert is expected to testify, and state the underlying facts and data upon which the expert opinions are based.

Answer to Interrogatory No. 5: Not applicable.

Request for Production No. 1: Please PRODUCE all DOCUMENTS that support YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 1: The primary document that Idaho relies upon to support its RESPONSE is the Director's Report, as amended by the Supplemental Director's Report, which are available for inspection during normal business hours upon reasonable request. Idaho has not collected any other documents that support its RESPONSE.

Request for Production No. 2: Please PRODUCE all DOCUMENTS, not produced in response to Request for Production No. 1, that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 2: Idaho has not collected any other documents that relate to its RESPONSE.

Request for Production No. 3: Please PRODUCE all DOCUMENTS that constitute or were included with or referred to in CORRESPONDENCE between YOU and any other PERSON that RELATES TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 3: The following correspondence relates to Idaho's RESPONSE to Pocatello's objection:

Letter from Clive J. Strong to Honorable Terrence A. Dolan dated August 30, 2005.

Letter from Olga Valdivia to the Clerk of the District Court dated July 21, 2006.

Copies of these documents are attached.

Request for Production No. 4: Please PRODUCE all DOCUMENTS that RELATE TO COMMUNICATIONS between YOU and any other PERSON that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 4: Idaho has identified one hundred and nine e-mails that relate to communications between Idaho and another person about its Response to Pocatello's objection. Fifteen of these e-mails were sent by David J. Barber to various persons, and ninety-four of these e-mails were received by David J. Barber.

Ninety-three of these e-mails were sent or copied to at least one of the following persons: Jo Beeman, Sara Klahn, Joyce Angell, or Dana Rose. Because a representative of the City of Pocatello received a copy of these e-mails, a paper copy is not attached. However, copies of these ninety-three e-mails are available for inspection during normal business hours upon reasonable request. The remaining sixteen e-mails are attached and are described as follows:

- (1) An e-mail from Susan Hamlin Nygard to David J. Barber dated May 7, 2004.
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- (3) An e-mail from David J. Barber to Lori Pew that is dated September 22, 2004.
- (4) An e-mail from Candice McHugh to David J. Barber that is dated January 26, 2005 at 11:51 am.
- (5) An e-mail from David J. Barber to Candice McHugh that is dated January 26, 2005 at 12:08 p.m.
- (6) An e-mail from Candice McHugh to David J. Barber that is dated January 26, 2005 at 12:17 pm.

- (7) An e-mail from Susan Hamlin Nygard to Clive Strong and David J. Barber that is dated May 10, 2005.
- (8) An e-mail from David J. Barber to Tracy Behrens that is dated June 10, 2005.
- (9) An e-mail from Ray Williams to David Barber dated September 7, 2006 at 11:48 a.m.
- (10) An e-mail from Ray Williams to David Barber dated September 7, 2006 at 11:49 a.m.
- (11) An e-mail from Ray Williams to David Barber dated September 7, 2006 at 11:50 a.m.
- (12) An e-mail from Ray Williams to David Barber dated September 7, 2006 at 12:11 p.m.
- (13) An e-mail from Douglas Conde to Clive Strong and David Barber dated September 12, 2006.
- (14) An e-mail from Clive Strong to David Barber dated September 12, 2006.
- (15) An e-mail from Clive Strong to David Barber dated September 18, 2006.
- (16) An e-mail from Carter Fritschle to Candice McHugh and David Barber dated September 20, 2006.

Request for Production No. 5: Please PRODUCE copies of all data and RELEVANT DOCUMENTS upon which the opinions of each EXPERT WITNESS whom YOU are asked to IDENTIFY in response to Interrogatory No. 4 are based or expected to be based.

Response to Request for Production No. 5: Not applicable.

Request for Production No. 6: Please PRODUCE copies of any RELEVANT DOCUMENTS that YOU have received from any PERSON, including but not limited to expert witness reports, in conjunction with his or her anticipated testimony in this SUBCASE.

Response to Request for Production No. 6: There are three categories of documents that Idaho has received. (1) Idaho received the Director's Report and Supplemental Director's Report, which are available for inspection during normal business hours upon reasonable request. (2) Idaho has identified one hundred and nine e-mails that relate to communications between Idaho and another person about its Response to Pocatello's objection. Fifteen of these e-mails were sent by David J. Barber to various persons, and ninety-four of these e-mails were received by David J. Barber. (3) Idaho also received well logs for some of Pocatello's wells. A copy of those well logs is attached (MAIL80235 through MAIL80261).

Ninety-three of these e-mails were sent or copied to at least one of the following persons: Jo Beeman, Sara Klahn, Joyce Angell, or Dana Rose. Because a representative of the City of Pocatello received a copy of these e-mails, a paper copy is not attached. However, copies of these ninety-three e-mails are available for inspection during normal business hours upon reasonable request. The remaining sixteen e-mails are attached and are described as follows:

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- (6) An e-mail from Candice McHugh to David J. Barber that is dated January 26, 2005 at 12:17 pm.
- (7) An e-mail from Susan Hamlin Nygard to Clive Strong and David J. Barber that is dated May 10, 2005.
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- (9) An e-mail from Ray Williams to David Barber dated September 7, 2006 at 11:48 a.m.
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- (11) An e-mail from Ray Williams to David Barber dated September 7, 2006 at 11:50 a.m.
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- (14) An e-mail from Clive Strong to David Barber dated September 12, 2006.
- (15) An e-mail from Clive Strong to David Barber dated September 18, 2006.
- (16) An e-mail from Carter Fritschle to Candice McHugh and David Barber dated September 20, 2006.

Interrogatory No. 6: Please DESCRIBE any information you have regarding the cone of depression created by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 6: None.

Request for Production 7: Please produce any DOCUMENTS in your possession relating to your responses to Interrogatory No. 6.

Response to Request for Production No. 7: Not applicable.

Interrogatory No. 7: Please DESCRIBE any information you have regarding ground water rights that withdraw water from the Lower Portneuf River Valley Aquifer within the cone of depression created by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 7: None.

Interrogatory No. 8: Please DESCRIBE any information you have regarding the individual water rights "injured" by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 8: None.

Interrogatory No. 9: Please DESCRIBE any information you have regarding the maximum amount of water ever withdrawn by POCATELLO at the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 9: None.

Interrogatory No. 10: List any water rights YOU allege to be injured by an accomplished transfer of this water right pursuant to Idaho Code §42-1425.

Answer to Interrogatory No. 10: Since Idaho has not conducted an independent evaluation regarding the issue of injury by an accomplished transfer of this water right, it has not identified any water rights that would be injured by an accomplished transfer of this water right. Idaho relies upon the determination in the Director's Report, as supplemented in the

Supplemental Director's Report that an injury would occur to existing water rights by a transfer of this water right.

Interrogatory No. 11: Describe the nature of the injury you allege occurred because of the accomplished transfer of this water right pursuant to Idaho Code §42-1425.

Answer to Interrogatory No. 11: Since Idaho has not conducted an independent evaluation regarding the issue of injury by an accomplished transfer of this water right, it has no independent information regarding any injury by an accomplished transfer of this water right. Idaho relies upon the determination in the Director's Report, as supplemented in the Supplemental Director's Report, for the conclusion that an injury would occur to existing water rights by an accomplished transfer of this water right.

Request for Production No. 8: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 11.

Response to Request for Production No. 8: The Director's Report, as supplemented in the Supplemental Director's Report, are available for review upon reasonable request during normal business hours.

Request for Admission No. 1: Admit that this water right has never been administered by the STATE in response to the injury alleged in Interrogatory No. 11.

Response to Request for Admission No. 1: Objection. This request for admission is unduly burdensome because it requires a thorough review of the records of IDWR and its agencies predecessor in function. Pocatello can undertake this review as easily as Idaho. Since IDWR is a non-party to the Snake River Basin Adjudication, Idaho has no responsibility to review the records of IDWR or its agencies predecessor in function. Furthermore, a portion of the records of IDWR are available on the internet for review by anyone. It is unduly burdensome

to request Idaho to conduct this research on the internet for Pocatello. Idaho has not undertaken a review of IDWR's records. Notwithstanding these objections, this request for admission is denied because of lack of information and knowledge.

Interrogatory No. 12: If YOU DENY Request for Admission No. 1, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 12: Request for admission no. 1 is denied because of lack of information and knowledge.

Interrogatory No. 13: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 12.

Answer to Interrogatory No. 13: No one.

Request for Production No. 9: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 12.

Response to Request for Production No. 9: None.

Request for Admission No. 2: Admit that YOU have no DOCUMENTS or other INFORMATION alleging or claiming an injury as described in your response to Interrogatory No. 11 to the water rights listed in your response to Interrogatory No. 7.

Response to Request for Admission No. 2: Admitted in part: Idaho relies on the Director's Report, as supplemented in the Supplemental Director's Report, for the conclusion that an injury would occur to existing water rights by an accomplished transfer of this water right. Idaho admits that it has no other documents alleging or claiming injury for the claimed accomplished transfer.

Interrogatory No. 14: If YOU DENY Request for Admission No. 2, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 14: Not applicable.

Interrogatory No. 15: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 14.

Answer to Interrogatory No. 15: No one.

Request for Production No. 10: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 14.

Response to Request for Production No. 10: None.

Interrogatory No. 16: Please IDENTIFY each PERSON who participated in or furnished information for the preparation of all or any portion of YOUR responses to these DISCOVERY REQUESTS and IDENTIFY the information that each such PERSON provided.

Answer to Interrogatory No. 16: Objection. The review process within the Natural Resources Division of the Office of the Attorney General and the contribution of each person in that review process constitutes attorney work product that is not subject to discovery. Notwithstanding this objection, I asked four persons to provide me information. I asked Mr. Carter Fritschle to provide me well logs for Pocatello's wells. I also asked Mr. John Carlson to provide me well logs for Pocatello's wells. I have not received any well log information from Mr. Carter Fritschle. Ms. Dana Hiatt responded for Mr. John Carlson and provided me a copy of the well logs for the City's wells. I asked Mr. Phil Rassier, deputy attorney general, to provide me the water right number for any administrative transfers from a surface water source to a ground water source. Mr. Phil Rassier, deputy attorney general, provided me water right no. 36-2603A. I also described my request for well logs to Ms. Candice McHugh, deputy attorney general, on August 31, 2006, and she suggested that I contact Mr. John Carlson about that request. Finally, I asked Mr. Doug Conde, deputy attorney general, to provide me information

about Pocatello's sewage wastewater facility. Mr. Conde provided me some documents from the Idaho Department of Environmental Quality. The reviewing person(s) within the Natural Resources Division provided no information.

Subcase No. 29-04226

Interrogatory No. 1: Please STATE THE BASIS for YOUR RESPONSE TO POCATELLO'S OBJECTION in this SUBCASE.

Answer to Interrogatory No. 1: A RESPONSE is a procedural pleading that indicates a party's intention to participate in the litigation of a particular subcase. Idaho did not take a substantive position in its RESPONSE filed in this subcase.

Interrogatory No. 2: Please IDENTIFY each PERSON who has information that RELATES TO YOUR RESPONSE that is the subject of Interrogatory Nos. 1 and 17.

Answer to Interrogatory No. 2: None. Idaho has not identified any lay person or retained any expert to provide testimony in these subcase proceedings. Idaho reserves the right to call employees from IDWR to testify as to the basis for the Director's Recommendations.

Interrogatory No. 3: Please describe the substance of the knowledge of each PERSON identified in YOUR RESPONSE to Interrogatory No. 2.

Answer to Interrogatory No. 3: Not applicable.

Interrogatory No. 4: Please IDENTIFY each EXPERT who YOU expect to testify RELATING TO YOUR RESPONSE that is the subject of Interrogatory Nos. 1 and 17.

Answer to Interrogatory No. 4: Idaho has not retained any experts at this time. Idaho reserves the right to call employees from IDWR to testify as to the basis for the Director's Recommendations.

Interrogatory No. 5: For each EXPERT you IDENTIFIED in your RESPONSE to Interrogatory No. 4, state the subject matter on which the expert is expected to testify, state the substance of the opinions to which the expert is expected to testify, and state the underlying facts and data upon which the expert opinions are based.

Answer to Interrogatory No. 5: Not applicable.

Request for Production No. 1: Please PRODUCE all DOCUMENTS that support YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 1: The primary document that Idaho relies upon to support its RESPONSE is the Director's Report, as amended by the Supplemental Director's Report, which are available for inspection during normal business hours upon reasonable request. Idaho has not collected any other documents that support its RESPONSE.

Request for Production No. 2: Please PRODUCE all DOCUMENTS, not produced in response to Request for Production No. 1, that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 2: Idaho has not collected any other documents that relate to its RESPONSE.

Request for Production No. 3: Please PRODUCE all DOCUMENTS that constitute or were included with or referred to in CORRESPONDENCE between YOU and any other PERSON that RELATES TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 3: The following correspondence relates to Idaho's RESPONSE to Pocatello's objection:

Letter from Clive J. Strong to Honorable Terrence A. Dolan dated August 30, 2005.

Letter from Olga Valdivia to the Clerk of the District Court dated July 21, 2006.

Copies of these documents are attached.

Request for Production No. 4: Please PRODUCE all DOCUMENTS that RELATE TO COMMUNICATIONS between YOU and any other PERSON that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 4: Idaho has identified one hundred and nine e-mails that relate to communications between Idaho and another person about its Response to Pocatello's objection. Fifteen of these e-mails were sent by David J. Barber to various persons, and ninety-four of these e-mails were received by David J. Barber.

Ninety-three of these e-mails were sent or copied to at least one of the following persons: Jo Beeman, Sara Klahn, Joyce Angell, or Dana Rose. Because a representative of the City of Pocatello received a copy of these e-mails, a paper copy is not attached. However, copies of these ninety-three e-mails are available for inspection during normal business hours upon reasonable request. The remaining sixteen e-mails are attached and are described as follows:

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- (15) An e-mail from Clive Strong to David Barber dated September 18, 2006.
- (16) An e-mail from Carter Fritschle to Candice McHugh and David Barber dated September 20, 2006.

Request for Production No. 5: Please PRODUCE copies of all data and RELEVANT DOCUMENTS upon which the opinions of each EXPERT WITNESS whom YOU are asked to IDENTIFY in response to Interrogatory No. 4 are based or expected to be based.

Response to Request for Production No. 5: Not applicable.

Request for Production No. 6: Please PRODUCE copies of any RELEVANT DOCUMENTS that YOU have received from any PERSON, including but not limited to expert witness reports, in conjunction with his or her anticipated testimony in this SUBCASE.

Response to Request for Production No. 6: There are three categories of documents that Idaho has received. (1) Idaho received the Director's Report and Supplemental Director's Report, which are available for inspection during normal business hours upon reasonable request. (2) Idaho has identified one hundred and nine e-mails that relate to communications between Idaho and another person about its Response to Pocatello's objection. Fifteen of these e-mails were sent by David J. Barber to various persons, and ninety-four of these e-mails were received by David J. Barber. (3) Idaho also received well logs for some of Pocatello's wells. A copy of those well logs is attached (MAIL80235 through MAIL80261).

Ninety-three of these e-mails were sent or copied to at least one of the following persons: Jo Beeman, Sara Klahn, Joyce Angell, or Dana Rose. Because a representative of the City of Pocatello received a copy of these e-mails, a paper copy is not attached. However, copies of these ninety-three e-mails are available for inspection during normal business hours upon reasonable request. The remaining sixteen e-mails are attached and are described as follows:

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- (15) An e-mail from Clive Strong to David Barber dated September 18, 2006.
- (16) An e-mail from Carter Fritschle to Candice McHugh and David Barber dated September 20, 2006.

Interrogatory No. 6: Please DESCRIBE any information you have regarding the cone of depression created by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 6: None.

Request for Production 7: Please produce any DOCUMENTS in your possession relating to your responses to Interrogatory No. 6.

Response to Request for Production No. 7: Not applicable.

Interrogatory No. 7: Please DESCRIBE any information you have regarding ground water rights that withdraw water from the Lower Portneuf River Valley Aquifer within the cone of depression created by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 7: None.

Interrogatory No. 8: Please DESCRIBE any information you have regarding the individual water rights "injured" by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 8: None.

Interrogatory No. 9: Please DESCRIBE any information you have regarding the maximum amount of water ever withdrawn by POCATELLO at the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 9: None.

Interrogatory No. 10: List any water rights YOU allege to be injured by an accomplished transfer of this water right pursuant to Idaho Code §42-1425.

Answer to Interrogatory No. 10: Since Idaho has not conducted an independent evaluation regarding the issue of injury by an accomplished transfer of this water right, it has not identified any water rights that would be injured by an accomplished transfer of this water right. Idaho relies upon the determination in the Director's Report, as supplemented in the

Supplemental Director's Report that an injury would occur to existing water rights by a transfer of this water right.

Interrogatory No. 11: Describe the nature of the injury you allege occurred because of the accomplished transfer of this water right pursuant to Idaho Code §42-1425.

Answer to Interrogatory No. 11: Since Idaho has not conducted an independent evaluation regarding the issue of injury by an accomplished transfer of this water right, it has no independent information regarding any injury by an accomplished transfer of this water right. Idaho relies upon the determination in the Director's Report, as supplemented in the Supplemental Director's Report, for the conclusion that an injury would occur to existing water rights by an accomplished transfer of this water right.

Request for Production No. 8: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 11.

Response to Request for Production No. 8: The Director's Report, as supplemented in the Supplemental Director's Report, are available for review upon reasonable request during normal business hours.

Request for Admission No. 1: Admit that this water right has never been administered by the STATE in response to the injury alleged in Interrogatory No. 11.

Response to Request for Admission No. 1: Objection. This request for admission is unduly burdensome because it requires a thorough review of the records of IDWR and its agencies predecessor in function. Pocatello can undertake this review as easily as Idaho. Since IDWR is a non-party to the Snake River Basin Adjudication, Idaho has no responsibility to review the records of IDWR or its agencies predecessor in function. Furthermore, a portion of the records of IDWR are available on the internet for review by anyone. It is unduly burdensome

to request Idaho to conduct this research on the internet for Pocatello. Idaho has not undertaken a review of IDWR's records. Notwithstanding these objections, this request for admission is denied because of lack of information and knowledge.

Interrogatory No. 12: If YOU DENY Request for Admission No. 1, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 12: Request for admission no. 1 is denied because of lack of information and knowledge.

Interrogatory No. 13: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 12.

Answer to Interrogatory No. 13: No one.

Request for Production No. 9: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 12.

Response to Request for Production No. 9: None.

Request for Admission No. 2: Admit that YOU have no DOCUMENTS or other INFORMATION alleging or claiming an injury as described in your response to Interrogatory No. 11 to the water rights listed in your response to Interrogatory No. 7.

Response to Request for Admission No. 2: Admitted in part: Idaho relies on the Director's Report, as supplemented in the Supplemental Director's Report, for the conclusion that an injury would occur to existing water rights by an accomplished transfer of this water right. Idaho admits that it has no other documents alleging or claiming injury for the claimed accomplished transfer.

Interrogatory No. 14: If YOU DENY Request for Admission No. 2, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 14: Not applicable.

Interrogatory No. 15: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 14.

Answer to Interrogatory No. 15: No one.

Request for Production No. 10: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 14.

Response to Request for Production No. 10: None.

Interrogatory No. 16: Please IDENTIFY each PERSON who participated in or furnished information for the preparation of all or any portion of YOUR responses to these DISCOVERY REQUESTS and IDENTIFY the information that each such PERSON provided.

Answer to Interrogatory No. 16: Objection. The review process within the Natural Resources Division of the Office of the Attorney General and the contribution of each person in that review process constitutes attorney work product that is not subject to discovery. Notwithstanding this objection, I asked four persons to provide me information. I asked Mr. Carter Fritschle to provide me well logs for Pocatello's wells. I also asked Mr. John Carlson to provide me well logs for Pocatello's wells. I have not received any well log information from Mr. Carter Fritschle. Ms. Dana Hiatt responded for Mr. John Carlson and provided me a copy of the well logs for the City's wells. I asked Mr. Phil Rassier, deputy attorney general, to provide me the water right number for any administrative transfers from a surface water source to a ground water source. Mr. Phil Rassier, deputy attorney general, provided me water right no. 36-2603A. I also described my request for well logs to Ms. Candice McHugh, deputy attorney general, on August 31, 2006, and she suggested that I contact Mr. John Carlson about that request. Finally, I asked Mr. Doug Conde, deputy attorney general, to provide me information

about Pocatello's sewage wastewater facility. Mr. Conde provided me some documents from the Idaho Department of Environmental Quality. The reviewing person(s) within the Natural Resources Division provided no information.

Interrogatory No. 17: Please state YOUR CONTENTION as to the quantity POCATELLO is entitled to receive in this SUBCASE, and STATE THE BASIS FOR YOUR CONTENTION.

Answer to Interrogatory No. 17: Idaho contends that the Director's Report, as amended by the Supplemental Director's Report, correctly described the quantity for this subcase as 0.220 c.f.s. Idaho is not aware of any facts that justify changing this conclusion.

Subcase No. 29-07106

Interrogatory No. 1: Please STATE THE BASIS for YOUR RESPONSE TO POCATELLO'S OBJECTION in this SUBCASE.

Answer to Interrogatory No. 1: A RESPONSE is a procedural pleading that indicates a party's intention to participate in the litigation of a particular subcase. Idaho did not take a substantive position in its RESPONSE filed in this subcase.

Interrogatory No. 2: Please IDENTIFY each PERSON who has information that RELATES TO YOUR RESPONSE that is the subject of Interrogatory No. 1.

Answer to Interrogatory No. 2: None. Idaho has not identified any lay person or retained any expert to provide testimony in these subcase proceedings. Idaho reserves the right to call employees from IDWR to testify as to the basis for the Director's Recommendations.

Interrogatory No. 3: Please describe the substance of the knowledge of each PERSON identified in YOUR RESPONSE to Interrogatory No. 2.

Answer to Interrogatory No. 3: Not applicable.

Interrogatory No. 4: Please IDENTIFY each EXPERT who YOU expect to testify RELATING TO YOUR RESPONSE that is the subject of Interrogatory No. 1.

Answer to Interrogatory No. 4: Idaho has not retained any experts at this time. Idaho reserves the right to call employees from IDWR to testify as to the basis for the Director's Recommendations.

Interrogatory No. 5: For each EXPERT you IDENTIFIED in your RESPONSE to Interrogatory No. 4, state the subject matter on which the expert is expected to testify, state the substance of the opinions to which the expert is expected to testify, and state the underlying facts and data upon which the expert opinions are based.

Answer to Interrogatory No. 5: Not applicable.

Request for Production No. 1: Please PRODUCE all DOCUMENTS that support YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 1: The primary document that Idaho relies upon to support its RESPONSE is the Director's Report, as amended by the Supplemental Director's Report, which are available for inspection during normal business hours upon reasonable request. Idaho has not collected any other documents that support its RESPONSE.

Request for Production No. 2: Please PRODUCE all DOCUMENTS, not produced in response to Request for Production No. 1, that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 2: Idaho has not collected any other documents that relate to its RESPONSE.

Request for Production No. 3: Please PRODUCE all DOCUMENTS that constitute or were included with or referred to in CORRESPONDENCE between YOU and any other

PERSON that RELATES TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 3: The following correspondence relates to Idaho's RESPONSE to Pocatello's objection:

Letter from Clive J. Strong to Honorable Terrence A. Dolan dated August 30, 2005.

Letter from Olga Valdivia to the Clerk of the District Court dated July 21, 2006.

Copies of these documents are attached.

Request for Production No. 4: Please PRODUCE all DOCUMENTS that RELATE TO COMMUNICATIONS between YOU and any other PERSON that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 4: Idaho has identified one hundred and nine e-mails that relate to communications between Idaho and another person about its Response to Pocatello's objection. Fifteen of these e-mails were sent by David J. Barber to various persons, and ninety-four of these e-mails were received by David J. Barber.

Ninety-three of these e-mails were sent or copied to at least one of the following persons: Jo Beeman, Sara Klahn, Joyce Angell, or Dana Rose. Because a representative of the City of Pocatello received a copy of these e-mails, a paper copy is not attached. However, copies of these ninety-three e-mails are available for inspection during normal business hours upon reasonable request. The remaining sixteen e-mails are attached and are described as follows:

- (1) An e-mail from Susan Hamlin Nygard to David J. Barber dated May 7, 2004.
- (2) An e-mail from Lori Pew to David J. Barber that is dated September 22, 2004.
- (3) An e-mail from David J. Barber to Lori Pew that is dated September 22, 2004.

- (4) An e-mail from Candice McHugh to David J. Barber that is dated January 26, 2005 at 11:51 am.
- (5) An e-mail from David J. Barber to Candice McHugh that is dated January 26, 2005 at 12:08 p.m.
- (6) An e-mail from Candice McHugh to David J. Barber that is dated January 26, 2005 at 12:17 pm.
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- (10) An e-mail from Ray Williams to David Barber dated September 7, 2006 at 11:49 a.m.
- (11) An e-mail from Ray Williams to David Barber dated September 7, 2006 at 11:50 a.m.
- (12) An e-mail from Ray Williams to David Barber dated September 7, 2006 at 12:11 p.m.
- (13) An e-mail from Douglas Conde to Clive Strong and David Barber dated September 12, 2006.
- (14) An e-mail from Clive Strong to David Barber dated September 12, 2006.
- (15) An e-mail from Clive Strong to David Barber dated September 18, 2006.
- (16) An e-mail from Carter Fritschle to Candice McHugh and David Barber dated September 20, 2006.

Request for Production No. 5: Please PRODUCE copies of all data and RELEVANT DOCUMENTS upon which the opinions of each EXPERT WITNESS whom YOU are asked to IDENTIFY in response to Interrogatory No. 4 are based or expected to be based.

Response to Request for Production No. 5: Not applicable.

Request for Production No. 6: Please PRODUCE copies of any RELEVANT DOCUMENTS that YOU have received from any PERSON, including but not limited to expert witness reports, in conjunction with his or her anticipated testimony in this SUBCASE.

Response to Request for Production No. 6: There are three categories of documents that Idaho has received. (1) Idaho received the Director's Report and Supplemental Director's Report, which are available for inspection during normal business hours upon reasonable request. (2) Idaho has identified one hundred and nine e-mails that relate to communications between Idaho and another person about its Response to Pocatello's objection. Fifteen of these e-mails were sent by David J. Barber to various persons, and ninety-four of these e-mails were received by David J. Barber. (3) Idaho also received well logs for some of Pocatello's wells. A copy of those well logs is attached (MAIL80235 through MAIL80261).

Ninety-three of these e-mails were sent or copied to at least one of the following persons: Jo Beeman, Sara Klahn, Joyce Angell, or Dana Rose. Because a representative of the City of Pocatello received a copy of these e-mails, a paper copy is not attached. However, copies of these ninety-three e-mails are available for inspection during normal business hours upon reasonable request. The remaining sixteen e-mails are attached and are described as follows:

- (1) An e-mail from Susan Hamlin Nygard to David J. Barber dated May 7, 2004.
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- (14) An e-mail from Clive Strong to David Barber dated September 12, 2006.
- (15) An e-mail from Clive Strong to David Barber dated September 18, 2006.
- (16) An e-mail from Carter Fritschle to Candice McHugh and David Barber dated September 20, 2006.

Interrogatory No. 6: Please DESCRIBE any information you have regarding the cone of depression created by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 6: None.

Request for Production 7: Please produce any DOCUMENTS in your possession relating to your responses to Interrogatory No. 6.

Response to Request for Production No. 7: Not applicable.

Interrogatory No. 7: Please DESCRIBE any information you have regarding ground water rights that withdraw water from the Lower Portneuf River Valley Aquifer within the cone of depression created by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 7: None.

Interrogatory No. 8: Please DESCRIBE any information you have regarding the individual water rights "injured" by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 8: None.

Interrogatory No. 9: Please DESCRIBE any information you have regarding the maximum amount of water ever withdrawn by POCATELLO at the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 9: None.

Interrogatory No. 10: List any water rights YOU allege to be injured by an accomplished transfer of this water right pursuant to Idaho Code §42-1425.

Answer to Interrogatory No. 10: Since Idaho has not conducted an independent evaluation regarding the issue of injury by an accomplished transfer of this water right, it has not identified any water rights that would be injured by an accomplished transfer of this water right. Idaho relies upon the determination in the Director's Report, as supplemented in the Supplemental Director's Report that an injury would occur to existing water rights by a transfer of this water right.

Interrogatory No. 11: Describe the nature of the injury you allege occurred because of the accomplished transfer of this water right pursuant to Idaho Code §42-1425.

Answer to Interrogatory No. 11: Since Idaho has not conducted an independent evaluation regarding the issue of injury by an accomplished transfer of this water right, it has no independent information regarding any injury by an accomplished transfer of this water right. Idaho relies upon the determination in the Director's Report, as supplemented in the Supplemental Director's Report, for the conclusion that an injury would occur to existing water rights by an accomplished transfer of this water right.

Request for Production No. 8: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 11.

Response to Request for Production No. 8: The Director's Report, as supplemented in the Supplemental Director's Report, are available for review upon reasonable request during normal business hours.

Request for Admission No. 1: Admit that this water right has never been administered by the STATE in response to the injury alleged in Interrogatory No. 11.

Response to Request for Admission No. 1: Objection. This request for admission is unduly burdensome because it requires a thorough review of the records of IDWR and its

agencies predecessor in function. Pocatello can undertake this review as easily as Idaho. Since IDWR is a non-party to the Snake River Basin Adjudication, Idaho has no responsibility to review the records of IDWR or its agencies predecessor in function. Furthermore, a portion of the records of IDWR are available on the internet for review by anyone. It is unduly burdensome to request Idaho to conduct this research on the internet for Pocatello. Idaho has not undertaken a review of IDWR's records. Notwithstanding these objections, this request for admission is denied because of lack of information and knowledge.

Interrogatory No. 12: If YOU DENY Request for Admission No. 1, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 12: Request for admission no. 1 is denied because of lack of information and knowledge.

Interrogatory No. 13: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 12.

Answer to Interrogatory No. 13: No one.

Request for Production No. 9: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 12.

Response to Request for Production No. 9: None.

Request for Admission No. 2: Admit that YOU have no DOCUMENTS or other INFORMATION alleging or claiming an injury as described in your response to Interrogatory No. 11 to the water rights listed in your response to Interrogatory No. 7.

Response to Request for Admission No. 2: Admitted in part: Idaho relies on the Director's Report, as supplemented in the Supplemental Director's Report, for the conclusion that an injury would occur to existing water rights by an accomplished transfer of this water

right. Idaho admits that it has no other documents alleging or claiming injury for the claimed accomplished transfer.

Interrogatory No. 14: If YOU DENY Request for Admission No. 2, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 14: Not applicable.

Interrogatory No. 15: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 14.

Answer to Interrogatory No. 15: No one.

Request for Production No. 10: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 14.

Response to Request for Production No. 10: None.

Interrogatory No. 16: Please IDENTIFY each PERSON who participated in or furnished information for the preparation of all or any portion of YOUR responses to these DISCOVERY REQUESTS and IDENTIFY the information that each such PERSON provided.

Answer to Interrogatory No. 16: Objection. The review process within the Natural Resources Division of the Office of the Attorney General and the contribution of each person in that review process constitutes attorney work product that is not subject to discovery. Notwithstanding this objection, I asked four persons to provide me information. I asked Mr. Carter Fritschle to provide me well logs for Pocatello's wells. I also asked Mr. John Carlson to provide me well logs for Pocatello's wells. I have not received any well log information from Mr. Carter Fritschle. Ms. Dana Hiatt responded for Mr. John Carlson and provided me a copy of the well logs for the City's wells. I asked Mr. Phil Rassier, deputy attorney general, to provide me the water right number for any administrative transfers from a surface water source to a

ground water source. Mr. Phil Rassier, deputy attorney general, provided me water right no. 36-2603A. I also described my request for well logs to Ms. Candice McHugh, deputy attorney general, on August 31, 2006, and she suggested that I contact Mr. John Carlson about that request. Finally, I asked Mr. Doug Conde, deputy attorney general, to provide me information about Pocatello's sewage wastewater facility. Mr. Conde provided me some documents from the Idaho Department of Environmental Quality. The reviewing person(s) within the Natural Resources Division provided no information.

Subcase No. 29-07118

Interrogatory No. 1: Please STATE THE BASIS for YOUR RESPONSE TO POCATELLO'S OBJECTION in this SUBCASE.

Answer to Interrogatory No. 1: A RESPONSE is a procedural pleading that indicates a party's intention to participate in the litigation of a particular subcase. Idaho did not take a substantive position in its RESPONSE filed in this subcase.

Interrogatory No. 2: Please state YOUR CONTENTION as to the nature of use POCATELLO is entitled to receive in this SUBCASE, and STATE THE BASIS for YOUR CONTENTION.

Answer to Interrogatory No. 2: Idaho contends that the Director's Report, as amended by the Supplemental Director's Report, correctly described the purpose of use for this subcase. Idaho is not aware of any facts that justify changing this conclusion.

Interrogatory No. 3: Please IDENTIFY each PERSON who has information that RELATES TO YOUR RESPONSES that are the subject of Interrogatory Nos. 1 and 2.

Answer to Interrogatory No. 3: None. Idaho has not identified any lay person or retained any expert to provide testimony in these subcase proceedings. Idaho reserves the right to call employees from IDWR to testify as to the basis for the Director's Recommendations.

Interrogatory No. 4: Please describe the substance of the knowledge of each PERSON identified in YOUR RESPONSE to Interrogatory No. 3.

Answer to Interrogatory No. 4: Not applicable.

Interrogatory No. 5: Please IDENTIFY each EXPERT who YOU expect to testify RELATING TO YOUR RESPONSES that are the subject of Interrogatory Nos. 1 and 2.

Answer to Interrogatory No. 5: Idaho has not retained any experts at this time. Idaho reserves the right to call employees from IDWR to testify as to the basis for the Director's Recommendations.

Interrogatory No. 6: For each EXPERT you IDENTIFIED in your RESPONSE to Interrogatory No. 5, state the subject matter on which the expert is expected to testify, state the substance of the opinions to which the expert is expected to testify, and state the underlying facts and data upon which the expert opinions are based.

Answer to Interrogatory No. 6: Not applicable.

Request for Production No. 1: Please PRODUCE all DOCUMENTS that support YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 1: The primary document that Idaho relies upon to support its RESPONSE is the Director's Report, as amended by the Supplemental Director's Report, which are available for inspection during normal business hours upon reasonable request. Idaho has not collected any other documents that support its RESPONSE.

Request for Production No. 2: Please PRODUCE all DOCUMENTS, not produced in response to Request for Production No. 1, that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 2: Idaho has not collected any other documents that relate to its RESPONSE.

Request for Production No. 3: Please PRODUCE all DOCUMENTS that constitute or were included with or referred to in CORRESPONDENCE between YOU and any other PERSON that RELATES TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 3: The following correspondence relates to Idaho's RESPONSE to Pocatello's objection:

Letter from Clive J. Strong to Honorable Terrence A. Dolan dated August 30, 2005.

Letter from Olga Valdivia to the Clerk of the District Court dated July 21, 2006.

Copies of these documents are attached.

Request for Production No. 4: Please PRODUCE all DOCUMENTS that RELATE TO COMMUNICATIONS between YOU and any other PERSON that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 4: Idaho has identified one hundred and nine e-mails that relate to communications between Idaho and another person about its Response to Pocatello's objection. Fifteen of these e-mails were sent by David J. Barber to various persons, and ninety-four of these e-mails were received by David J. Barber.

Ninety-three of these e-mails were sent or copied to at least one of the following persons: Jo Beeman, Sara Klahn, Joyce Angell, or Dana Rose. Because a representative of the City of

Pocatello received a copy of these e-mails, a paper copy is not attached. However, copies of these ninety-three e-mails are available for inspection during normal business hours upon reasonable request. The remaining sixteen e-mails are attached and are described as follows:

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- (15) An e-mail from Clive Strong to David Barber dated September 18, 2006.
- (16) An e-mail from Carter Fritschle to Candice McHugh and David Barber dated September 20, 2006.

Request for Production No. 5: Please PRODUCE copies of all data and RELEVANT DOCUMENTS upon which the opinions of each EXPERT WITNESS whom YOU are asked to IDENTIFY in response to Interrogatory No. 5 are based or expected to be based.

Response to Request for Production No. 5: Not applicable.

Request for Production No. 6: Please PRODUCE copies of any RELEVANT DOCUMENTS that YOU have received from any PERSON, including but not limited to expert witness reports, in conjunction with his or her anticipated testimony in this SUBCASE.

Response to Request for Production No. 6: There are three categories of documents that Idaho has received. (1) Idaho received the Director's Report and Supplemental Director's Report, which are available for inspection during normal business hours upon reasonable request. (2) Idaho has identified one hundred and nine e-mails that relate to communications between Idaho and another person about its Response to Pocatello's objection. Fifteen of these e-mails were sent by David J. Barber to various persons, and ninety-four of these e-mails were received by David J. Barber. (3) Idaho also received well logs for some of Pocatello's wells. A copy of those well logs is attached (MAIL80235 through MAIL80261).

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- (15) An e-mail from Clive Strong to David Barber dated September 18, 2006.
- (16) An e-mail from Carter Fritschle to Candice McHugh and David Barber dated September 20, 2006.

Request for Admission No. 1: Admit that the water used under this water right is used within the corporate limits of POCATELLO.

Response to Request for Admission No. 1: Objection. This request for admission is ambiguous because Idaho does not have a current map showing the corporate limits of the City of Pocatello. Idaho also does not have access to records describing where Pocatello supplies water. Notwithstanding this objection, Idaho admits that the primary use of water is to satisfy customer needs within the area served by Pocatello.

Interrogatory No. 7: If YOU DENY Request for Admission No. 1, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 7: Not applicable.

Interrogatory No. 8: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 7.

Answer to Interrogatory No. 8: Not applicable.

Request for Production No. 7: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 7.

Response to Request for Production No. 7: Not applicable.

Request for Admission No. 2: Admit that this water right was used in part for irrigation and in part to maintain the land around the POCATELLO municipal airport for airport traffic safety prior to November 19, 1987.

Response to Request for Admission No. 2: Request for admission no. 2 is denied based on lack of information and belief.

Interrogatory No. 9: If YOU DENY Request for Admission No. 2, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 9: Idaho undertook a reasonable investigation to determine the history of water use for this well. Idaho determined that this well was located in the vicinity of the Pocatello Municipal Airport and that the original license confirmed the irrigation of about 300 acres. Idaho was unable to confirm the detailed factual statements made in the request for admission.

Interrogatory No. 10: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 9.

Answer to Interrogatory No. 10: No one.

Request for Production No. 8: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 9.

Response to Request for Production No. 8: Idaho reviewed a 1:100,000 scale metric map produced by the Bureau of Land Management entitled "Pocatello, Idaho." This map is the personal property of David J. Barber, deputy attorney general. This map is available for inspection during normal business hours upon reasonable request.

Request for Admission No. 3: Admit that irrigation rights have a single purpose of use.

Response to Request for Admission No. 3: Objection. Request for admission no. 3 is ambiguous because the phrase "single purpose of use" may have a variety of meanings. Notwithstanding this objection, if the phrase is intended to distinguish between a purpose of use such as municipal, which may include multiple uses such domestic, commercial and other uses, and a purpose of use that does not include multiple uses, then request for admission no. 3 is admitted.

Interrogatory No. 11: If YOU DENY Request for Admission No. 3, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 11: Not applicable.

Interrogatory No. 12: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 11.

Answer to Interrogatory No. 12: No one.

Request for Production No. 9: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 11.

Response to Request for Production No. 9: None.

Request for Admission No. 4: Admit that a municipal water right may be used for many uses, including irrigation and airport safety.

Response to Request for Admission No. 4: Admitted.

Interrogatory No. 13: If YOU DENY Request for Admission No. 4, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 13: Not applicable.

Interrogatory No. 14: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 13.

Answer to Interrogatory No. 14: Not applicable.

Request for Production No. 10: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 13.

Response to Request for Production No. 10: Not applicable.

Request for Admission No. 5: Admit that even if POCATELLO ceased using this water right to raise agricultural crops, it could still use this water right to maintain airport safety.

Response to Request for Admission No. 5: Denied.

Interrogatory No. 15: If YOU DENY Request for Admission No. 5, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 15: Pocatello's original application for water right no. 29-7118 requested a water right with a purpose of use of irrigation, and IDWR ultimately licensed water right no. 29-1778 with a purpose of use of irrigation. Pocatello has not gone through the formal process of getting IDWR to approve a transfer of water right no. 29-7118 to change the purpose of use from irrigation to municipal. Idaho does not have sufficient facts for it to conclude that Pocatello effected an accomplished transfer for water right no. 29-7118 under Idaho Code § 42-1425.

Interrogatory No. 16: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 15.

Answer to Interrogatory No. 16: No one.

Request for Production No. 11: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 15.

Response to Request for Production No. 11: Idaho reviewed the water right backfile for water right no. 29-7118. Idaho did not print out any paper copies of the documents. Those documents are available to Pocatello online during normal business hours.

Interrogatory No. 17: Please IDENTIFY each PERSON who participated in or furnished information for the preparation of all or any portion of YOUR responses to these DISCOVERY REQUESTS and IDENTIFY the information that each such PERSON provided.

Answer to Interrogatory No. 17: Objection. The review process within the Natural Resources Division of the Office of the Attorney General and the contribution of each person in that review process constitutes attorney work product that is not subject to discovery. Notwithstanding this objection, I asked four persons to provide me information. I asked Mr. Carter Fritschle to provide me well logs for Pocatello's wells. I also asked Mr. John Carlson to provide me well logs for Pocatello's wells. I have not received any well log information from Mr. Carter Fritschle. Ms. Dana Hiatt responded for Mr. John Carlson and provided me a copy of the well logs for the City's wells.. I asked Mr. Phil Rassier, deputy attorney general, to provide me the water right number for any administrative transfers from a surface water source to a ground water source. Mr. Phil Rassier, deputy attorney general, provided me water right no. 36-2603A. I also described my request for well logs to Ms. Candice McHugh, deputy attorney general, on August 31, 2006, and she suggested that I contact Mr. John Carlson about that request. Finally, I asked Mr. Doug Conde, deputy attorney general, to provide me information about Pocatello's sewage wastewater facility. Mr. Conde provided me some documents from the Idaho Department of Environmental Quality. The reviewing person(s) within the Natural Resources Division provided no information.

Subcase No. 29-07119

Interrogatory No. 1: Please STATE THE BASIS for YOUR RESPONSE TO POCATELLO'S OBJECTION in this SUBCASE.

Answer to Interrogatory No. 1: A RESPONSE is a procedural pleading that indicates a party's intention to participate in the litigation of a particular subcase. Idaho did not take a substantive position in its RESPONSE filed in this subcase.

Interrogatory No. 2: Please state YOUR CONTENTION as to the nature of use POCATELLO is entitled to receive in this SUBCASE, and STATE THE BASIS for YOUR CONTENTION.

Answer to Interrogatory No. 2: Idaho contends that the Director's Report, as amended by the Supplemental Director's Report, correctly described the purpose of use for this subcase. Idaho is not aware of any facts that justify changing this conclusion.

Interrogatory No. 3: Please IDENTIFY each PERSON who has information that RELATES TO YOUR RESPONSES that are the subject of Interrogatory Nos. 1 and 2.

Answer to Interrogatory No. 3: None. Idaho has not identified any lay person or retained any expert to provide testimony in these subcase proceedings. Idaho reserves the right to call employees from IDWR to testify as to the basis for the Director's Recommendations.

Interrogatory No. 4: Please describe the substance of the knowledge of each PERSON identified in YOUR RESPONSE to Interrogatory No. 3.

Answer to Interrogatory No. 4: Not applicable.

Interrogatory No. 5: Please IDENTIFY each EXPERT who YOU expect to testify RELATING TO YOUR RESPONSES that are the subject of Interrogatory Nos. 1 and 2.

Answer to Interrogatory No. 5: Idaho has not retained any experts at this time. Idaho reserves the right to call employees from IDWR to testify as to the basis for the Director's Recommendations.

Interrogatory No. 6: For each EXPERT you IDENTIFIED in your RESPONSE to Interrogatory No. 5, state the subject matter on which the expert is expected to testify, state the substance of the opinions to which the expert is expected to testify, and state the underlying facts and data upon which the expert opinions are based.

Answer to Interrogatory No. 6: Not applicable.

Request for Production No. 1: Please PRODUCE all DOCUMENTS that support YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 1: The primary document that Idaho relies upon to support its RESPONSE is the Director's Report, as amended by the Supplemental Director's Report, which are available for inspection during normal business hours upon reasonable request. Idaho has not collected any other documents that support its RESPONSE.

Request for Production No. 2: Please PRODUCE all DOCUMENTS, not produced in response to Request for Production No. 1, that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 2: Idaho has not collected any other documents that relate to its RESPONSE.

Request for Production No. 3: Please PRODUCE all DOCUMENTS that constitute or were included with or referred to in CORRESPONDENCE between YOU and any other PERSON that RELATES TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 3: The following correspondence relates to Idaho's RESPONSE to Pocatello's objection:

Letter from Clive J. Strong to Honorable Terrence A. Dolan dated August 30, 2005.

Letter from Olga Valdivia to the Clerk of the District Court dated July 21, 2006.

Copies of these documents are attached.

Request for Production No. 4: Please PRODUCE all DOCUMENTS that RELATE TO COMMUNICATIONS between YOU and any other PERSON that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 4: Idaho has identified one hundred and nine e-mails that relate to communications between Idaho and another person about its Response to Pocatello's objection. Fifteen of these e-mails were sent by David J. Barber to various persons, and ninety-four of these e-mails were received by David J. Barber.

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Request for Production No. 5: Please PRODUCE copies of all data and RELEVANT DOCUMENTS upon which the opinions of each EXPERT WITNESS whom YOU are asked to IDENTIFY in response to Interrogatory No. 5 are based or expected to be based.

Response to Request for Production No. 5: Not applicable.

Request for Production No. 6: Please PRODUCE copies of any RELEVANT DOCUMENTS that YOU have received from any PERSON, including but not limited to expert witness reports, in conjunction with his or her anticipated testimony in this SUBCASE.

Response to Request for Production No. 6: There are three categories of documents that Idaho has received. (1) Idaho received the Director's Report and Supplemental Director's Report, which are available for inspection during normal business hours upon reasonable request. (2) Idaho has identified one hundred and nine e-mails that relate to communications between Idaho and another person about its Response to Pocatello's objection. Fifteen of these e-mails were sent by David J. Barber to various persons, and ninety-four of these e-mails were received by David J. Barber. (3) Idaho also received well logs for some of Pocatello's wells. A copy of those well logs is attached (MAIL80235 through MAIL80261).

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Request for Admission No. 1: Admit that the water used under this water right is used within the corporate limits of POCATELLO.

Response to Request for Admission No. 1: Objection. This request for admission is ambiguous because Idaho does not have a current map showing the corporate limits of the City of Pocatello. Notwithstanding this objection, request for admission no. 1 is admitted.

Interrogatory No. 7: If YOU DENY Request for Admission No. 1, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 7: Not applicable.

Interrogatory No. 8: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 7.

Answer to Interrogatory No. 8: Not applicable.

Request for Production No. 7: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 7.

Response to Request for Production No. 7: Not applicable.

Request for Admission No. 2: Admit that this water right was used in part for irrigation and in part to maintain the land around the POCATELLO municipal airport for airport traffic safety prior to November 19, 1987.

Response to Request for Admission No. 2: Request for admission no. 2 is denied based on lack of information and belief.

Interrogatory No. 9: If YOU DENY Request for Admission No. 2, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 9: Idaho undertook a reasonable investigation to determine the history of water use for this well. Idaho determined that this well was located in the vicinity

of the Pocatello Municipal Airport and that the original license confirmed the irrigation of about 300 acres. Idaho was unable to confirm the detailed factual statements made in the request for admission.

Interrogatory No. 10: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 9.

Answer to Interrogatory No. 10: No one.

Request for Production No. 8: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 9.

Response to Request for Production No. 8: Idaho reviewed a 1:100,000 scale metric map produced by the Bureau of Land Management entitled "Pocatello, Idaho." This map is the personal property of David J. Barber, deputy attorney general. This map is available for inspection during normal business hours upon reasonable request.

Request for Admission No. 3: Admit that irrigation rights have a single purpose of use.

Response to Request for Admission No. 3: Objection. Request for admission no. 3 is ambiguous because the phrase "single purpose of use" may have a variety of meanings. Notwithstanding this objection, if the phrase is intended to distinguish between a purpose of use such as municipal, which may include multiple uses such domestic, commercial and other uses, and a purpose of use that does not include multiple uses, then request for admission no. 3 is admitted.

Interrogatory No. 11: If YOU DENY Request for Admission No. 3, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 11: Not applicable.

Interrogatory No. 12: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 11.

Answer to Interrogatory No. 12: No one.

Request for Production No. 9: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 11.

Response to Request for Production No. 9: None.

Request for Admission No. 4: Admit that a municipal water right may be used for many uses, including irrigation and airport safety.

Response to Request for Admission No. 4: Admitted.

Interrogatory No. 13: If YOU DENY Request for Admission No. 4, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 13: Not applicable.

Interrogatory No. 14: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 13.

Answer to Interrogatory No. 14: Not applicable.

Request for Production No. 10: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 13.

Response to Request for Production No. 10: Not applicable.

Request for Admission No. 5: Admit that even if POCATELLO ceased using this water right to raise agricultural crops, it could still use this water right to maintain airport safety.

Response to Request for Admission No. 5: Denied.

Interrogatory No. 15: If YOU DENY Request for Admission No. 5, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 15: Pocatello's original application for water right no. 29-7119 requested a water right with a purpose of use of irrigation, and IDWR ultimately licensed water right no. 29-7119 with a purpose of use of irrigation. Pocatello has not gone through the formal process of getting IDWR to approve a transfer of water right no. 29-7118 to change the purpose of use from irrigation to municipal. Idaho does not have sufficient facts for it to conclude that Pocatello effected an accomplished transfer for water right no. 29-7119 under Idaho Code § 42-1425.

Interrogatory No. 16: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 15.

Answer to Interrogatory No. 16: No one.

Request for Production No. 11: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 15.

Response to Request for Production No. 11: Idaho reviewed the water right-backfile for water right no. 29-7119. Idaho did not print out any paper copies of the documents. Those documents are available to Pocatello online during normal business hours.

Interrogatory No. 17: Please IDENTIFY each PERSON who participated in or furnished information for the preparation of all or any portion of YOUR responses to these DISCOVERY REQUESTS and IDENTIFY the information that each such PERSON provided.

Answer to Interrogatory No. 17: Objection. The review process within the Natural Resources Division of the Office of the Attorney General and the contribution of each person in that review process constitutes attorney work product that is not subject to discovery. Notwithstanding this objection, I asked four persons to provide me information. I asked Mr. Carter Fritschle to provide me well logs for Pocatello's wells. I also asked Mr. John Carlson to

provide me well logs for Pocatello's wells. I have not received any well log information from Mr. Carter Fritschle. Ms. Dana Hiatt responded for Mr. John Carlson and provided me a copy of the well logs for the City's wells.. I asked Mr. Phil Rassier, deputy attorney general, to provide me the water right number for any administrative transfers from a surface water source to a ground water source. Mr. Phil Rassier, deputy attorney general, provided me water right no. 36-2603A. I also described my request for well logs to Ms. Candice McHugh, deputy attorney general, on August 31, 2006, and she suggested that I contact Mr. John Carlson about that request. Finally, I asked Mr. Doug Conde, deputy attorney general, to provide me information about Pocatello's sewage wastewater facility. Mr. Conde provided me some documents from the Idaho Department of Environmental Quality. The reviewing person(s) within the Natural Resources Division provided no information.

Subcase No. 29-07222

Interrogatory No. 1: Please STATE THE BASIS for YOUR RESPONSE TO POCATELLO'S OBJECTION in this SUBCASE.

Answer to Interrogatory No. 1: A RESPONSE is a procedural pleading that indicates a party's intention to participate in the litigation of a particular subcase. Idaho did not take a substantive position in its RESPONSE filed in this subcase.

Interrogatory No. 2: Please IDENTIFY each PERSON who has information that RELATES TO YOUR RESPONSE that is the subject of Interrogatory No. 1.

Answer to Interrogatory No. 2: None. Idaho has not identified any lay person or retained any expert to provide testimony in these subcase proceedings. Idaho reserves the right to call employees from IDWR to testify as to the basis for the Director's Recommendations.

Interrogatory No. 3: Please describe the substance of the knowledge of each PERSON identified in YOUR RESPONSE to Interrogatory No. 2.

Answer to Interrogatory No. 3: Not applicable.

Interrogatory No. 4: Please IDENTIFY each EXPERT who YOU expect to testify RELATING TO YOUR RESPONSE that is the subject of Interrogatory No. 1.

Answer to Interrogatory No. 4: Idaho has not retained any experts at this time. Idaho reserves the right to call employees from IDWR to testify as to the basis for the Director's Recommendations.

Interrogatory No. 5: For each EXPERT you IDENTIFIED in your RESPONSE to Interrogatory No. 4, state the subject matter on which the expert is expected to testify, state the substance of the opinions to which the expert is expected to testify, and state the underlying facts and data upon which the expert opinions are based.

Answer to Interrogatory No. 5: Not applicable.

Request for Production No. 1: Please PRODUCE all DOCUMENTS that support YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 1: The primary document that Idaho relies upon to support its RESPONSE is the Director's Report, as amended by the Supplemental Director's Report, which are available for inspection during normal business hours upon reasonable request. Idaho has not collected any other documents that support its RESPONSE.

Request for Production No. 2: Please PRODUCE all DOCUMENTS, not produced in response to Request for Production No. 1, that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 2: Idaho has not collected any other documents that relate to its RESPONSE.

Request for Production No. 3: Please PRODUCE all DOCUMENTS that constitute or were included with or referred to in CORRESPONDENCE between YOU and any other PERSON that RELATES TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 3: The following correspondence relates to Idaho's RESPONSE to Pocatello's objection:

Letter from Clive J. Strong to Honorable Terrence A. Dolan dated August 30, 2005.

Letter from Olga Valdivia to the Clerk of the District Court dated July 21, 2006.

Copies of these documents are attached.

Request for Production No. 4: Please PRODUCE all DOCUMENTS that RELATE TO COMMUNICATIONS between YOU and any other PERSON that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 4: Idaho has identified one hundred and nine e-mails that relate to communications between Idaho and another person about its Response to Pocatello's objection. Fifteen of these e-mails were sent by David J. Barber to various persons, and ninety-four of these e-mails were received by David J. Barber.

Ninety-three of these e-mails were sent or copied to at least one of the following persons: Jo Beeman, Sara Klahn, Joyce Angell, or Dana Rose. Because a representative of the City of Pocatello received a copy of these e-mails, a paper copy is not attached. However, copies of these ninety-three e-mails are available for inspection during normal business hours upon reasonable request. The remaining sixteen e-mails are attached and are described as follows:

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Request for Production No. 5: Please PRODUCE copies of all data and RELEVANT DOCUMENTS upon which the opinions of each EXPERT WITNESS whom YOU are asked to IDENTIFY in response to Interrogatory No. 5 are based or expected to be based.

Response to Request for Production No. 5: Not applicable.

Request for Production No. 6: Please PRODUCE copies of any RELEVANT DOCUMENTS that YOU have received from any PERSON, including but not limited to expert witness reports, in conjunction with his or her anticipated testimony in this SUBCASE.

Response to Request for Production No. 6: There are three categories of documents that Idaho has received. (1) Idaho received the Director's Report and Supplemental Director's Report, which are available for inspection during normal business hours upon reasonable request. (2) Idaho has identified one hundred and nine e-mails that relate to communications between Idaho and another person about its Response to Pocatello's objection. Fifteen of these e-mails were sent by David J. Barber to various persons, and ninety-four of these e-mails were received by David J. Barber. (3) Idaho also received well logs for some of Pocatello's wells. A copy of those well logs is attached (MAIL80235 through MAIL80261).

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Interrogatory No. 6: Please IDENTIFY each PERSON who participated in or furnished information for the preparation of all or any portion of YOUR responses to these DISCOVERY REQUESTS and IDENTIFY the information that each such PERSON provided.

Answer to Interrogatory No. 6: Objection. The review process within the Natural Resources Division of the Office of the Attorney General and the contribution of each person in that review process constitutes attorney work product that is not subject to discovery. Notwithstanding this objection, no one provided me information related to the discovery responses for water right no. 29-7222.

Subcase No. 29-07322

Interrogatory No. 1: Please STATE THE BASIS for YOUR RESPONSE TO POCATELLO'S OBJECTION in this SUBCASE.

Answer to Interrogatory No. 1: A RESPONSE is a procedural pleading that indicates a party's intention to participate in the litigation of a particular subcase. Idaho did not take a substantive position in its RESPONSE filed in this subcase.

Interrogatory No. 2: Please IDENTIFY each PERSON who has information that RELATES TO YOUR RESPONSE that is the subject of Interrogatory No. 1.

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Answer to Interrogatory No. 3: Not applicable.

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Interrogatory No. 5: For each EXPERT you IDENTIFIED in your RESPONSE to Interrogatory No. 4, state the subject matter on which the expert is expected to testify, state the substance of the opinions to which the expert is expected to testify, and state the underlying facts and data upon which the expert opinions are based.

Answer to Interrogatory No. 5: Not applicable.

Request for Production No. 1: Please PRODUCE all DOCUMENTS that support YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

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Response to Request for Production No. 5: Not applicable.

Request for Production No. 6: Please PRODUCE copies of any RELEVANT DOCUMENTS that YOU have received from any PERSON, including but not limited to expert witness reports, in conjunction with his or her anticipated testimony in this SUBCASE.

Response to Request for Production No. 6: There are three categories of documents that Idaho has received. (1) Idaho received the Director's Report and Supplemental Director's Report, which are available for inspection during normal business hours upon reasonable request. (2) Idaho has identified one hundred and nine e-mails that relate to communications between Idaho and another person about its Response to Pocatello's objection. Fifteen of these e-mails were sent by David J. Barber to various persons, and ninety-four of these e-mails were received by David J. Barber. (3) Idaho also received well logs for some of Pocatello's wells. A copy of those well logs is attached (MAIL80235 through MAIL80261).

Ninety-three of these e-mails were sent or copied to at least one of the following persons: Jo Beeman, Sara Klahn, Joyce Angell, or Dana Rose. Because a representative of the City of Pocatello received a copy of these e-mails, a paper copy is not attached. However, copies of these ninety-three e-mails are available for inspection during normal business hours upon reasonable request. The remaining sixteen e-mails are attached and are described as follows:

- (1) An e-mail from Susan Hamlin Nygard to David J. Barber dated May 7, 2004.
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- (8) An e-mail from David J. Barber to Tracy Behrens that is dated June 10, 2005.
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- (12) An e-mail from Ray Williams to David Barber dated September 7, 2006 at 12:11 p.m.
- (13) An e-mail from Douglas Conde to Clive Strong and David Barber dated September 12, 2006.
- (14) An e-mail from Clive Strong to David Barber dated September 12, 2006.

(15) An e-mail from Clive Strong to David Barber dated September 18, 2006.

(16) An e-mail from Carter Fritschle to Candice McHugh and David Barber dated September 20, 2006.

Interrogatory No. 6: Please DESCRIBE any information you have regarding the cone of depression created by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 6: None.

Request for Production 7: Please produce any DOCUMENTS in your possession relating to your responses to Interrogatory No. 6.

Response to Request for Production No. 7: Not applicable.

Interrogatory No. 7: Please DESCRIBE any information you have regarding ground water rights that withdraw water from the Lower Portneuf River Valley Aquifer within the cone of depression created by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 7: None.

Interrogatory No. 8: Please DESCRIBE any information you have regarding the individual water rights "injured" by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 8: None.

Interrogatory No. 9: Please DESCRIBE any information you have regarding the maximum amount of water ever withdrawn by POCATELLO at the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 9: None.

Interrogatory No. 10: List any water rights YOU allege to be injured by an accomplished transfer of this water right pursuant to Idaho Code §42-1425.

Answer to Interrogatory No. 10: Since Idaho has not conducted an independent evaluation regarding the issue of injury by an accomplished transfer of this water right, it has not identified any water rights that would be injured by an accomplished transfer of this water right. Idaho relies upon the determination in the Director's Report, as supplemented in the Supplemental Director's Report that an injury would occur to existing water rights by a transfer of this water right.

Interrogatory No. 11: Describe the nature of the injury you allege occurred because of the accomplished transfer of this water right pursuant to Idaho Code §42-1425.

Answer to Interrogatory No. 11: Since Idaho has not conducted an independent evaluation regarding the issue of injury by an accomplished transfer of this water right, it has no independent information regarding any injury by an accomplished transfer of this water right. Idaho relies upon the determination in the Director's Report, as supplemented in the Supplemental Director's Report, for the conclusion that an injury would occur to existing water rights by an accomplished transfer of this water right.

Request for Production No. 8: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 11.

Response to Request for Production No. 8: The Director's Report, as supplemented in the Supplemental Director's Report, are available for review upon reasonable request during normal business hours.

Request for Admission No. 1: Admit that this water right has never been administered by the STATE in response to the injury alleged in Interrogatory No. 11.

Response to Request for Admission No. 1: Objection. This request for admission is unduly burdensome because it requires a thorough review of the records of IDWR and its agencies predecessor in function. Pocatello can undertake this review as easily as Idaho. Since IDWR is a non-party to the Snake River Basin Adjudication, Idaho has no responsibility to review the records of IDWR or its agencies predecessor in function. Furthermore, a portion of the records of IDWR are available on the internet for review by anyone. It is unduly burdensome to request Idaho to conduct this research on the internet for Pocatello. Idaho has not undertaken a review of IDWR's records. Notwithstanding these objections, this request for admission is denied because of lack of information and knowledge.

Interrogatory No. 12: If YOU DENY Request for Admission No. 1, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 12: Request for admission no. 1 is denied because of lack of information and knowledge.

Interrogatory No. 13: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 12.

Answer to Interrogatory No. 13: No one.

Request for Production No. 9: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 12.

Response to Request for Production No. 9: None.

Request for Admission No. 2: Admit that YOU have no DOCUMENTS or other INFORMATION alleging or claiming an injury as described in your response to Interrogatory No. 11 to the water rights listed in your response to Interrogatory No. 7.

Response to Request for Admission No. 2: Admitted in part: Idaho relies on the Director's Report, as supplemented in the Supplemental Director's Report, for the conclusion that an injury would occur to existing water rights by an accomplished transfer of this water right. Idaho admits that it has no other documents alleging or claiming injury for the claimed accomplished transfer.

Interrogatory No. 14: If YOU DENY Request for Admission No. 2, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 14: Not applicable.

Interrogatory No. 15: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 14.

Answer to Interrogatory No. 15: No one.

Request for Production No. 10: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 14.

Response to Request for Production No. 10: None.

Interrogatory No. 16: Please IDENTIFY each PERSON who participated in or furnished information for the preparation of all or any portion of YOUR responses to these DISCOVERY REQUESTS and IDENTIFY the information that each such PERSON provided.

Answer to Interrogatory No. 16: Objection. The review process within the Natural Resources Division of the Office of the Attorney General and the contribution of each person in that review process constitutes attorney work product that is not subject to discovery. Notwithstanding this objection, I asked four persons to provide me information. I asked Mr. Carter Fritschle to provide me well logs for Pocatello's wells. I also asked Mr. John Carlson to provide me well logs for Pocatello's wells. I have not received any well log information from

Mr. Carter Fritschle. Ms. Dana Hiatt responded for Mr. John Carlson and provided me a copy of the well logs for the City's wells. I asked Mr. Phil Rassier, deputy attorney general, to provide me the water right number for any administrative transfers from a surface water source to a ground water source. Mr. Phil Rassier, deputy attorney general, provided me water right no. 36-2603A. I also described my request for well logs to Ms. Candice McHugh, deputy attorney general, on August 31, 2006, and she suggested that I contact Mr. John Carlson about that request. Finally, I asked Mr. Doug Conde, deputy attorney general, to provide me information about Pocatello's sewage wastewater facility. Mr. Conde provided me some documents from the Idaho Department of Environmental Quality. The reviewing person(s) within the Natural Resources Division provided no information.

Subcase No. 29-07375

Interrogatory No. 1: Please STATE THE BASIS for YOUR RESPONSE TO POCATELLO'S OBJECTION in this SUBCASE.

Answer to Interrogatory No. 1: A RESPONSE is a procedural pleading that indicates a party's intention to participate in the litigation of a particular subcase. Idaho did not take a substantive position in its RESPONSE filed in this subcase.

Interrogatory No. 2: Please state YOUR CONTENTION as to the point(s) of diversion POCATELLO is entitled to in this SUBCASE, and STATE THE BASIS for YOUR CONTENTION.

Answer to Interrogatory No. 2: Idaho contends that the Director's Report, as amended by the Supplemental Director's Report, correctly describes the point of diversion. Idaho is not aware of any facts that justify changing this conclusion.

Interrogatory No. 3: Please IDENTIFY each PERSON who has information that RELATES TO YOUR RESPONSES that are the subject of Interrogatory Nos. 1 and 2.

Answer to Interrogatory No. 3: None. Idaho has not identified any lay person or retained any expert to provide testimony in these subcase proceedings. Idaho reserves the right to call employees from IDWR to testify as to the basis for the Director's Recommendations.

Interrogatory No. 4: Please describe the substance of the knowledge of each PERSON identified in YOUR RESPONSE to Interrogatory No. 3.

Answer to Interrogatory No. 4: Not applicable.

Interrogatory No. 5: Please IDENTIFY each EXPERT who YOU expect to testify RELATING TO YOUR RESPONSES that are the subject of Interrogatory Nos. 1 and 2.

Answer to Interrogatory No. 5: Idaho has not retained any experts at this time. Idaho reserves the right to call employees from IDWR to testify as to the basis for the Director's Recommendations.

Interrogatory No. 6: For each EXPERT you IDENTIFIED in your RESPONSE to Interrogatory No. 5, state the subject matter on which the expert is expected to testify, state the substance of the opinions to which the expert is expected to testify, and state the underlying facts and data upon which the expert opinions are based.

Answer to Interrogatory No. 6: Not applicable.

Request for Production No. 1: Please PRODUCE all DOCUMENTS that support YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 1: The primary document that Idaho relies upon to support its RESPONSE is the Director's Report, as amended by the Supplemental Director's

Report, which are available for inspection during normal business hours upon reasonable request. Idaho has not collected any other documents that support its RESPONSE.

Request for Production No. 2: Please PRODUCE all DOCUMENTS, not produced in response to Request for Production No. 1, that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 2: Idaho has not collected any other documents that relate to its RESPONSE.

Request for Production No. 3: Please PRODUCE all DOCUMENTS that constitute or were included with or referred to in CORRESPONDENCE between YOU and any other PERSON that RELATES TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 3: The following correspondence relates to Idaho's RESPONSE to Pocatello's objection:

Letter from Clive J. Strong to Honorable Terrence A. Dolan dated August 30, 2005.

Letter from Olga Valdivia to the Clerk of the District Court dated July 21, 2006.

Copies of these documents are attached.

Request for Production No. 4: Please PRODUCE all DOCUMENTS that RELATE TO COMMUNICATIONS between YOU and any other PERSON that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 4: Idaho has identified one hundred and nine e-mails that relate to communications between Idaho and another person about its Response to Pocatello's objection. Fifteen of these e-mails were sent by David J. Barber to various persons, and ninety-four of these e-mails were received by David J. Barber.

Ninety-three of these e-mails were sent or copied to at least one of the following persons: Jo Beeman, Sara Klahn, Joyce Angell, or Dana Rose. Because a representative of the City of Pocatello received a copy of these e-mails, a paper copy is not attached. However, copies of these ninety-three e-mails are available for inspection during normal business hours upon reasonable request. The remaining sixteen e-mails are attached and are described as follows:

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- (15) An e-mail from Clive Strong to David Barber dated September 18, 2006.
- (16) An e-mail from Carter Fritschle to Candice McHugh and David Barber dated September 20, 2006.

Request for Production No. 5: Please PRODUCE copies of all data and RELEVANT DOCUMENTS upon which the opinions of each EXPERT WITNESS whom YOU are asked to IDENTIFY in response to Interrogatory No. 5 are based or expected to be based.

Response to Request for Production No. 5: Not applicable.

Request for Production No. 6: Please PRODUCE copies of any RELEVANT DOCUMENTS that YOU have received from any PERSON, including but not limited to expert witness reports, in conjunction with his or her anticipated testimony in this SUBCASE.

Response to Request for Production No. 6: There are three categories of documents that Idaho has received. (1) Idaho received the Director's Report and Supplemental Director's Report, which are available for inspection during normal business hours upon reasonable request. (2) Idaho has identified one hundred and nine e-mails that relate to communications between Idaho and another person about its Response to Pocatello's objection. Fifteen of these e-mails were sent by David J. Barber to various persons, and ninety-four of these e-mails were received by David J. Barber. (3) Idaho also received well logs for some of Pocatello's wells. A copy of those well logs is attached (MAIL80235 through MAIL80261).

Ninety-three of these e-mails were sent or copied to at least one of the following persons: Jo Beeman, Sara Klahn, Joyce Angell, or Dana Rose. Because a representative of the City of Pocatello received a copy of these e-mails, a paper copy is not attached. However, copies of these ninety-three e-mails are available for inspection during normal business hours upon reasonable request. The remaining sixteen e-mails are attached and are described as follows:

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- (15) An e-mail from Clive Strong to David Barber dated September 18, 2006.
- (16) An e-mail from Carter Fritschle to Candice McHugh and David Barber dated September 20, 2006.

Request for Admission No. 1: Admit that twenty-two wells were connected to POCATELLO'S municipal culinary water system prior to November 19, 1987.

Response to Request for Admission No. 1: Admitted.

Interrogatory No. 7: If YOU DENY Request for Admission No. 1, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 7: Not applicable.

Interrogatory No. 8: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 7.

Answer to Interrogatory No. 8: No one.

Request for Production No. 7: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 7.

Response to Request for Production No. 7: None.

Request for Admission No. 2: Admit that the place of use of this water right is the service area of POCATELLO'S municipal water supply system as provided under Idaho law.

Response to Request for Admission No. 2: Admitted in part as follows: "Place of use is within the service area of the City of Pocatello municipal water supply system as provided for under Idaho law."

Interrogatory No. 9: If YOU DENY Request for Admission No. 2, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 9: Not applicable.

Interrogatory No. 10: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 9.

Answer to Interrogatory No. 10: Not applicable.

Request for Production No. 8: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 9.

Response to Request for Production No.8: None.

Request for Admission No. 3: Admit that the wells withdrawing water for POCATELLO'S culinary water system withdraw water from the Lower Portneuf River Valley Aquifer.

Response to Request for Admission No. 3: Request for admission no. 3 is denied based on lack of information and knowledge. Idaho undertook a reasonable investigation to determine the relationship between the corporate boundaries of the City of Pocatello and the geographic limits of the LOWER PORTNEUF RIVER VALLEY AQUIFER and the information known or readily obtainable by Idaho does not enable it to admit this request for admission at this point in time. More specifically, Idaho found a FINAL REPORT: ECONOMIC IMPACTS OF ENHANCED AQUIFER PROTECTION FOR THE LOWER PORTNEUF RIVER VALLEY AQUIFER. A copy of this report is attached. Exhibit 2a-1 from this report illustrates the

relationship between the corporate limits of Pocatello and the LOWER PORTNEUF RIVER VALLEY AQUIFER and shows that the corporate limits of Pocatello extend substantially beyond the LOWER PORTNEUF RIVER VALLEY AQUIFER in the southwest and northeast portion of the City. In order to respond to this request, the location of each of the twenty-two wells must be plotted on a map that illustrates the LOWER PORTNEUF RIVER VALLEY AQUIFER and the corporate limits of the City of Pocatello, and the well logs for each of the twenty-two wells must be reviewed. The review of the well logs is necessary because the withdrawal of water from the LOWER PORTNEUF RIVER VALLEY AQUIFER can only occur if the well is perforated in the unconfined gravels defined as that aquifer.

Interrogatory No. 11: If YOU DENY Request for Admission No. 3, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 11: Idaho denies request for admission no. 3 based on insufficient information and knowledge to respond to the substantive issue. Four factual matters need to be resolved to answer this question. (1) the location of the corporate limits of the City of Pocatello, (2) the location of the LOWER PORTNEUF RIVER VALLEY AQUIFER, (3) the placement of the perforations in the well casing, and (4) the location of the 22 interconnected wells. While Idaho has obtained information on these four factual matters, the information is too general for Idaho to make the determination requested.

Interrogatory No. 12: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 11.

Answer to Interrogatory No. 12: Mr. John Carlson and Ms. Dana Hiatt at IDWR..

Request for Production No. 9: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 11.

Response to Request for Production No. 9: Idaho undertook a reasonable investigation to determine the geographic scope of the LOWER PORTNEUF RIVER VALLEY AQUIFER and found the following document on the internet: FINAL REPORT: ECONOMIC IMPACTS OF ENHANCED AQUIFER PROTECTION FOR THE LOWER PORTNEUF RIVER VALLEY AQUIFER. A copy of this report is attached. Idaho also received well logs for some of Pocatello's wells. A copy of those well logs is attached (MAIL80235 through MAIL80261).

Request for Admission No. 4: Admit that prior to November 19, 1987, the well or wells under this water right as originally licensed were interconnected to POCATELLO'S municipal culinary water system.

Response to Request for Admission No. 4: Denied.

Interrogatory No. 13: If YOU DENY Request for Admission No. 4, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 13: The Supplemental Director's Report lists the City's wells that were interconnected in 1987. Idaho has no other information about the interconnection of POCATELLO'S municipal culinary water system prior to November 19, 1987.

Interrogatory No. 14: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 13.

Answer to Interrogatory No. 14: No one.

Request for Production No. 10: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 13.

Response to Request for Production No. 10: None.

Request for Admission No. 5: Admit that prior to November 19, 1987, POCATELLO pumped water from the twenty-two interconnected wells in its municipal culinary water system without regard to priority date.

Response to Request for Admission No. 5: Denied.

Interrogatory No. 14 [This is the second Interrogatory No. 14 for Subcase No. 29-7375]:

If YOU DENY Request for Admission No. 5, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 14: Idaho made a reasonable investigation and concluded that it has no information about the operation of POCATELLO'S municipal culinary water system prior to November 19, 1987.

Interrogatory No. 15: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 14.

Answer to Interrogatory No. 15: No one.

Request for Production No. 11: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 14.

Response to Request for Production No. 11: None.

Interrogatory No. 16: Please IDENTIFY each PERSON who participated in or furnished information for the preparation of all or any portion of YOUR responses to these DISCOVERY REQUESTS and IDENTIFY the information that each such PERSON provided.

Answer to Interrogatory No. 16: Objection. The review process within the Natural Resources Division of the Office of the Attorney General and the contribution of each person in that review process constitutes attorney work product that is not subject to discovery. Notwithstanding this objection, I asked four persons to provide me information. I asked Mr. Carter Fritschle to provide me well logs for Pocatello's wells. I also asked Mr. John Carlson to

provide me well logs for Pocatello's wells. I have not received any well log information from Mr. Carter Fritschle. Ms. Dana Hiatt responded for Mr. John Carlson and provided me a copy of the well logs for the City's wells. I asked Mr. Phil Rassier, deputy attorney general, to provide me the water right number for any administrative transfers from a surface water source to a ground water source. Mr. Phil Rassier, deputy attorney general, provided me water right no. 36-2603A. I also described my request for well logs to Ms. Candice McHugh, deputy attorney general, on August 31, 2006, and she suggested that I contact Mr. John Carlson about that request. Finally, I asked Mr. Doug Conde, deputy attorney general, to provide me information about Pocatello's sewage wastewater facility. Mr. Conde provided me some documents from the Idaho Department of Environmental Quality. The reviewing person(s) within the Natural Resources Division provided no information.

Subcase No. 29-07431

Interrogatory No. 1: Please STATE THE BASIS for YOUR RESPONSE TO POCATELLO'S OBJECTION in this SUBCASE.

Answer to Interrogatory No. 1: A RESPONSE is a procedural pleading that indicates a party's intention to participate in the litigation of a particular subcase. Idaho did not take a substantive position in its RESPONSE filed in this subcase.

Interrogatory No. 2: Please IDENTIFY each PERSON who has information that RELATES TO YOUR RESPONSE that is the subject of Interrogatory No. 1.

Answer to Interrogatory No. 2: None. Idaho has not identified any lay person or retained any expert to provide testimony in these subcase proceedings. Idaho reserves the right to call employees from IDWR to testify as to the basis for the Director's Recommendations.

Interrogatory No. 3: Please describe the substance of the knowledge of each PERSON identified in YOUR RESPONSE to Interrogatory No. 2.

Answer to Interrogatory No. 3: Not applicable.

Interrogatory No. 4: Please IDENTIFY each EXPERT who YOU expect to testify RELATING TO YOUR RESPONSE that is the subject of Interrogatory No. 1.

Answer to Interrogatory No. 4: Idaho has not retained any experts at this time. Idaho reserves the right to call employees from IDWR to testify as to the basis for the Director's Recommendations.

Interrogatory No. 5: For each EXPERT you IDENTIFIED in your RESPONSE to Interrogatory No. 4, state the subject matter on which the expert is expected to testify, state the substance of the opinions to which the expert is expected to testify, and state the underlying facts and data upon which the expert opinions are based.

Answer to Interrogatory No. 5: Not applicable.

Request for Production No. 1: Please PRODUCE all DOCUMENTS that support YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 1: The primary document that Idaho relies upon to support its RESPONSE is the Director's Report, as amended by the Supplemental Director's Report, which are available for inspection during normal business hours upon reasonable request. Idaho has not collected any other documents that support its RESPONSE.

Request for Production No. 2: Please PRODUCE all DOCUMENTS, not produced in response to Request for Production No. 1, that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 2: Idaho has not collected any other documents that relate to its RESPONSE.

Request for Production No. 3: Please PRODUCE all DOCUMENTS that constitute or were included with or referred to in CORRESPONDENCE between YOU and any other PERSON that RELATES TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 3: The following correspondence relates to Idaho's RESPONSE to Pocatello's objection:

Letter from Clive J. Strong to Honorable Terrence A. Dolan dated August 30, 2005.

Letter from Olga Valdivia to the Clerk of the District Court dated July 21, 2006.

Copies of these documents are attached.

Request for Production No. 4: Please PRODUCE all DOCUMENTS that RELATE TO COMMUNICATIONS between YOU and any other PERSON that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 4: Idaho has identified one hundred and nine e-mails that relate to communications between Idaho and another person about its Response to Pocatello's objection. Fifteen of these e-mails were sent by David J. Barber to various persons, and ninety-four of these e-mails were received by David J. Barber.

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(15) An e-mail from Clive Strong to David Barber dated September 18, 2006.

(16) An e-mail from Carter Fritschle to Candice McHugh and David Barber dated September 20, 2006.

Request for Production No. 5: Please PRODUCE copies of all data and RELEVANT DOCUMENTS upon which the opinions of each EXPERT WITNESS whom YOU are asked to IDENTIFY in response to Interrogatory No. 4 are based or expected to be based.

Response to Request for Production No. 5: Not applicable.

Request for Production No. 6: Please PRODUCE copies of any RELEVANT DOCUMENTS that YOU have received from any PERSON, including but not limited to expert witness reports, in conjunction with his or her anticipated testimony in this SUBCASE.

Response to Request for Production No. 6: There are three categories of documents that Idaho has received. (1) Idaho received the Director's Report and Supplemental Director's Report, which are available for inspection during normal business hours upon reasonable request. (2) Idaho has identified one hundred and nine e-mails that relate to communications between Idaho and another person about its Response to Pocatello's objection. Fifteen of these e-mails were sent by David J. Barber to various persons, and ninety-four of these e-mails were received by David J. Barber. (3) Idaho also received well logs for some of Pocatello's wells. A copy of those well logs is attached (MAIL80235 through MAIL80261).

Ninety-three of these e-mails were sent or copied to at least one of the following persons: Jo Beeman, Sara Klahn, Joyce Angell, or Dana Rose. Because a representative of the City of Pocatello received a copy of these e-mails, a paper copy is not attached. However, copies of these ninety-three e-mails are available for inspection during normal business hours upon reasonable request. The remaining sixteen e-mails are attached and are described as follows:

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- (16) An e-mail from Carter Fritschle to Candice McHugh and David Barber dated September 20, 2006.

Interrogatory No. 6: Please IDENTIFY each PERSON who participated in or furnished information for the preparation of all or any portion of YOUR responses to these DISCOVERY REQUESTS and IDENTIFY the information that each such PERSON provided.

Answer to Interrogatory No. 6: Objection. The review process within the Natural Resources Division of the Office of the Attorney General and the contribution of each person in that review process constitutes attorney work product that is not subject to discovery. Notwithstanding this objection, I asked four persons to provide me information. I asked Mr. Carter Fritschle to provide me well logs for Pocatello's wells. I also asked Mr. John Carlson to provide me well logs for Pocatello's wells. I have not received any well log information from Mr. Carter Fritschle. Ms. Dana Hiatt responded for Mr. John Carlson and provided me a copy of the well logs for the City's wells.. I asked Mr. Phil Rassier, deputy attorney general, to provide me the water right number for any administrative transfers from a surface water source to a ground water source. Mr. Phil Rassier, deputy attorney general, provided me water right no. 36-2603A. I also described my request for well logs to Ms. Candice McHugh, deputy attorney general, on August 31, 2006, and she suggested that I contact Mr. John Carlson about that request. Finally, I asked Mr. Doug Conde, deputy attorney general, to provide me information about Pocatello's sewage wastewater facility. Mr. Conde provided me some documents from the Idaho Department of Environmental Quality. The reviewing person(s) within the Natural Resources Division provided no information.

Subcase No. 29-07450

Interrogatory No. 1: Please STATE THE BASIS for YOUR RESPONSE TO POCATELLO'S OBJECTION in this SUBCASE.

Answer to Interrogatory No. 1: A RESPONSE is a procedural pleading that indicates a party's intention to participate in the litigation of a particular subcase. Idaho did not take a substantive position in its RESPONSE filed in this subcase.

Interrogatory No. 2: Please IDENTIFY each PERSON who has information that RELATES TO YOUR RESPONSE that is the subject of Interrogatory No. 1.

Answer to Interrogatory No. 2: None. Idaho has not identified any lay person or retained any expert to provide testimony in these subcase proceedings. Idaho reserves the right to call employees from IDWR to testify as to the basis for the Director's Recommendations.

Interrogatory No. 3: Please describe the substance of the knowledge of each PERSON identified in YOUR RESPONSE to Interrogatory No. 2.

Answer to Interrogatory No. 3: Not applicable.

Interrogatory No. 4: Please IDENTIFY each EXPERT who YOU expect to testify RELATING TO YOUR RESPONSE that is the subject of Interrogatory No. 1.

Answer to Interrogatory No. 4: Idaho has not retained any experts at this time. Idaho reserves the right to call employees from IDWR to testify as to the basis for the Director's Recommendations.

Interrogatory No. 5: For each EXPERT you IDENTIFIED in your RESPONSE to Interrogatory No. 4, state the subject matter on which the expert is expected to testify, state the substance of the opinions to which the expert is expected to testify, and state the underlying facts and data upon which the expert opinions are based.

Answer to Interrogatory No. 5: Not applicable.

Request for Production No. 1: Please PRODUCE all DOCUMENTS that support YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 1: The primary document that Idaho relies upon to support its RESPONSE is the Director's Report, as amended by the Supplemental Director's Report, which are available for inspection during normal business hours upon reasonable request. Idaho has not collected any other documents that support its RESPONSE.

Request for Production No. 2: Please PRODUCE all DOCUMENTS, not produced in response to Request for Production No. 1, that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 2: Idaho has not collected any other documents that relate to its RESPONSE.

Request for Production No. 3: Please PRODUCE all DOCUMENTS that constitute or were included with or referred to in CORRESPONDENCE between YOU and any other PERSON that RELATES TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 3: The following correspondence relates to Idaho's RESPONSE to Pocatello's objection:

Letter from Clive J. Strong to Honorable Terrence A. Dolan dated August 30, 2005.

Letter from Olga Valdivia to the Clerk of the District Court dated July 21, 2006.

Copies of these documents are attached.

Request for Production No. 4: Please PRODUCE all DOCUMENTS that RELATE TO COMMUNICATIONS between YOU and any other PERSON that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 4: Idaho has identified one hundred and nine e-mails that relate to communications between Idaho and another person about its Response to Pocatello's objection. Fifteen of these e-mails were sent by David J. Barber to various persons, and ninety-four of these e-mails were received by David J. Barber.

Ninety-three of these e-mails were sent or copied to at least one of the following persons: Jo Beeman, Sara Klahn, Joyce Angell, or Dana Rose. Because a representative of the City of Pocatello received a copy of these e-mails, a paper copy is not attached. However, copies of these ninety-three e-mails are available for inspection during normal business hours upon reasonable request. The remaining sixteen e-mails are attached and are described as follows:

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Request for Production No. 5: Please PRODUCE copies of all data and RELEVANT DOCUMENTS upon which the opinions of each EXPERT WITNESS whom YOU are asked to IDENTIFY in response to Interrogatory No. 4 are based or expected to be based.

Response to Request for Production No. 5: Not applicable.

Request for Production No. 6: Please PRODUCE copies of any RELEVANT DOCUMENTS that YOU have received from any PERSON, including but not limited to expert witness reports, in conjunction with his or her anticipated testimony in this SUBCASE.

Response to Request for Production No. 6: There are three categories of documents that Idaho has received. (1) Idaho received the Director's Report and Supplemental Director's Report, which are available for inspection during normal business hours upon reasonable request. (2) Idaho has identified one hundred and nine e-mails that relate to communications between Idaho and another person about its Response to Pocatello's objection. Fifteen of these e-mails were sent by David J. Barber to various persons, and ninety-four of these e-mails were received by David J. Barber. (3) Idaho also received well logs for some of Pocatello's wells. A copy of those well logs is attached (MAIL80235 through MAIL80261).

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- (16) An e-mail from Carter Fritschle to Candice McHugh and David Barber dated September 20, 2006.

Interrogatory No. 6: Please DESCRIBE any information you have regarding the cone of depression created by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 6: None.

Request for Production 7: Please produce any DOCUMENTS in your possession relating to your responses to Interrogatory No. 6.

Response to Request for Production No. 7: Not applicable.

Interrogatory No. 7: Please DESCRIBE any information you have regarding ground water rights that withdraw water from the Lower Portneuf River Valley Aquifer within the cone of depression created by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 7: None.

Interrogatory No. 8: Please DESCRIBE any information you have regarding the individual water rights "injured" by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 8: None.

Interrogatory No. 9: Please DESCRIBE any information you have regarding the maximum amount of water ever withdrawn by POCATELLO at the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 9: None.

Interrogatory No. 10: List any water rights YOU allege to be injured by an accomplished transfer of this water right pursuant to Idaho Code §42-1425.

Answer to Interrogatory No. 10: Since Idaho has not conducted an independent evaluation regarding the issue of injury by an accomplished transfer of this water right, it has not identified any water rights that would be injured by an accomplished transfer of this water right. Idaho relies upon the determination in the Director's Report, as supplemented in the Supplemental Director's Report that an injury would occur to existing water rights by a transfer of this water right.

Interrogatory No. 11: Describe the nature of the injury you allege occurred because of the accomplished transfer of this water right pursuant to Idaho Code §42-1425.

Answer to Interrogatory No. 11: Since Idaho has not conducted an independent evaluation regarding the issue of injury by an accomplished transfer of this water right, it has no independent information regarding any injury by an accomplished transfer of this water right. Idaho relies upon the determination in the Director's Report, as supplemented in the Supplemental Director's Report, for the conclusion that an injury would occur to existing water rights by an accomplished transfer of this water right.

Request for Production No. 8: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 11.

Response to Request for Production No. 8: The Director's Report, as supplemented in the Supplemental Director's Report, are available for review upon reasonable request during normal business hours.

Request for Admission No. 1: Admit that this water right has never been administered by the STATE in response to the injury alleged in Interrogatory No. 11.

Response to Request for Admission No. 1: Objection. This request for admission is unduly burdensome because it requires a thorough review of the records of IDWR and its agencies predecessor in function. Pocatello can undertake this review as easily as Idaho. Since IDWR is a non-party to the Snake River Basin Adjudication, Idaho has no responsibility to review the records of IDWR or its agencies predecessor in function. Furthermore, a portion of the records of IDWR are available on the internet for review by anyone. It is unduly burdensome to request Idaho to conduct this research on the internet for Pocatello. Idaho has not undertaken

a review of IDWR's records. Notwithstanding these objections, this request for admission is denied because of lack of information and knowledge.

Interrogatory No. 12: If YOU DENY Request for Admission No. 1, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 12: Request for admission no. 1 is denied because of lack of information and knowledge.

Interrogatory No. 13: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 12.

Answer to Interrogatory No. 13: No one.

Request for Production No. 9: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 12.

Response to Request for Production No. 9: None.

Request for Admission No. 2: Admit that YOU have no DOCUMENTS or other INFORMATION alleging or claiming an injury as described in your response to Interrogatory No. 11 to the water rights listed in your response to Interrogatory No. 7.

Response to Request for Admission No. 2: Admitted in part: Idaho relies on the Director's Report, as supplemented in the Supplemental Director's Report, for the conclusion that an injury would occur to existing water rights by an accomplished transfer of this water right. Idaho admits that it has no other documents alleging or claiming injury for the claimed accomplished transfer.

Interrogatory No. 14: If YOU DENY Request for Admission No. 2, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 14: Not applicable.

Interrogatory No. 15: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 14.

Answer to Interrogatory No. 15: No one.

Request for Production No. 10: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 14.

Response to Request for Production No. 10: None.

Interrogatory No. 16: Please IDENTIFY each PERSON who participated in or furnished information for the preparation of all or any portion of YOUR responses to these DISCOVERY REQUESTS and IDENTIFY the information that each such PERSON provided.

Answer to Interrogatory No. 16: Objection. The review process within the Natural Resources Division of the Office of the Attorney General and the contribution of each person in that review process constitutes attorney work product that is not subject to discovery. Notwithstanding this objection, I asked four persons to provide me information. I asked Mr. Carter Fritschle to provide me well logs for Pocatello's wells. I also asked Mr. John Carlson to provide me well logs for Pocatello's wells. I have not received any well log information from Mr. Carter Fritschle. Ms. Dana Hiatt responded for Mr. John Carlson and provided me a copy of the well logs for the City's wells. I asked Mr. Phil Rassier, deputy attorney general, to provide me the water right number for any administrative transfers from a surface water source to a ground water source. Mr. Phil Rassier, deputy attorney general, provided me water right no. 36-2603A. I also described my request for well logs to Ms. Candice McHugh, deputy attorney general, on August 31, 2006, and she suggested that I contact Mr. John Carlson about that request. Finally, I asked Mr. Doug Conde, deputy attorney general, to provide me information about Pocatello's sewage wastewater facility. Mr. Conde provided me some documents from the

Idaho Department of Environmental Quality. The reviewing person(s) within the Natural Resources Division provided no information.

Subcase No. 29-07502

Interrogatory No. 1: Please STATE THE BASIS for YOUR RESPONSE TO POCATELLO'S OBJECTION in this SUBCASE.

Answer to Interrogatory No. 1: A RESPONSE is a procedural pleading that indicates a party's intention to participate in the litigation of a particular subcase. Idaho did not take a substantive position in its RESPONSE filed in this subcase.

Interrogatory No. 2: Please state YOUR CONTENTION as to the place of use POCATELLO is entitled to in this SUBCASE, and STATE THE BASIS for YOUR CONTENTION.

Answer to Interrogatory No. 2: Idaho contends that the Director's Report, as amended by the Supplemental Director's Report, correctly describes the place of use. Idaho is not aware of any facts that justify changing this conclusion.

Interrogatory No. 3: Please IDENTIFY each PERSON who has information that RELATES TO YOUR RESPONSES that are the subject of Interrogatory Nos. 1 and 2.

Answer to Interrogatory No. 3: None. Idaho has not identified any lay person or retained any expert to provide testimony in these subcase proceedings. Idaho reserves the right to call employees from IDWR to testify as to the basis for the Director's Recommendations.

Interrogatory No. 4: Please describe the substance of the knowledge of each PERSON identified in YOUR RESPONSE to Interrogatory No. 3.

Answer to Interrogatory No. 4: Not applicable.

Interrogatory No. 5: Please IDENTIFY each EXPERT who YOU expect to testify RELATING TO YOUR RESPONSES that are the subject of Interrogatory Nos. 1 and 2.

Answer to Interrogatory No. 5: Idaho has not retained any experts at this time. Idaho reserves the right to call employees from IDWR to testify as to the basis for the Director's Recommendations.

Interrogatory No. 6: For each EXPERT you IDENTIFIED in your RESPONSE to Interrogatory No. 5, state the subject matter on which the expert is expected to testify, state the substance of the opinions to which the expert is expected to testify, and state the underlying facts and data upon which the expert opinions are based.

Answer to Interrogatory No. 6: Not applicable.

Request for Production No. 1: Please PRODUCE all DOCUMENTS that support YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 1: The primary document that Idaho relies upon to support its RESPONSE is the Director's Report, as amended by the Supplemental Director's Report, which are available for inspection during normal business hours upon reasonable request. Idaho has not collected any other documents that support its RESPONSE.

Request for Production No. 2: Please PRODUCE all DOCUMENTS, not produced in response to Request for Production No. 1, that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 2: Idaho has not collected any other documents that relate to its RESPONSE.

Request for Production No. 3: Please PRODUCE all DOCUMENTS that constitute or were included with or referred to in CORRESPONDENCE between YOU and any other

PERSON that RELATES TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 3: The following correspondence relates to Idaho's RESPONSE to Pocatello's objection:

Letter from Clive J. Strong to Honorable Terrence A. Dolan dated August 30, 2005.

Letter from Olga Valdivia to the Clerk of the District Court dated July 21, 2006.

Copies of these documents are attached.

Request for Production No. 4: Please PRODUCE all DOCUMENTS that RELATE TO COMMUNICATIONS between YOU and any other PERSON that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 4: Idaho has identified one hundred and nine e-mails that relate to communications between Idaho and another person about its Response to Pocatello's objection. Fifteen of these e-mails were sent by David J. Barber to various persons, and ninety-four of these e-mails were received by David J. Barber.

Ninety-three of these e-mails were sent or copied to at least one of the following persons: Jo Beeman, Sara Klahn, Joyce Angell, or Dana Rose. Because a representative of the City of Pocatello received a copy of these e-mails, a paper copy is not attached. However, copies of these ninety-three e-mails are available for inspection during normal business hours upon reasonable request. The remaining sixteen e-mails are attached and are described as follows:

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Request for Production No. 5: Please PRODUCE copies of all data and RELEVANT DOCUMENTS upon which the opinions of each EXPERT WITNESS whom YOU are asked to IDENTIFY in response to Interrogatory No. 5 are based or expected to be based.

Response to Request for Production No. 5: Not applicable.

Request for Production No. 6: Please PRODUCE copies of any RELEVANT DOCUMENTS that YOU have received from any PERSON, including but not limited to expert witness reports, in conjunction with his or her anticipated testimony in this SUBCASE.

Response to Request for Production No. 6: There are three categories of documents that Idaho has received. (1) Idaho received the Director's Report and Supplemental Director's Report, which are available for inspection during normal business hours upon reasonable request. (2) Idaho has identified one hundred and nine e-mails that relate to communications between Idaho and another person about its Response to Pocatello's objection. Fifteen of these e-mails were sent by David J. Barber to various persons, and ninety-four of these e-mails were received by David J. Barber. (3) Idaho also received well logs for some of Pocatello's wells. A copy of those well logs is attached (MAIL80235 through MAIL80261).

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Request for Admission No. 1: Admit that POCATELLO did not object to IDWR's recommended point of diversion for this water right.

Response to Request for Admission No. 1: Admitted.

Interrogatory No. 7: Please IDENTIFY each PERSON who participated in or furnished information for the preparation of all or any portion of YOUR responses to these DISCOVERY REQUESTS and IDENTIFY the information that each such PERSON provided.

Answer to Interrogatory No. 7: Objection. The review process within the Natural Resources Division of the Office of the Attorney General and the contribution of each person in that review process constitutes attorney work product that is not subject to discovery. Notwithstanding this objection, I asked four persons to provide me information. I asked Mr. Carter Fritschle to provide me well logs for Pocatello's wells. I also asked Mr. John Carlson to provide me well logs for Pocatello's wells. I have not received any well log information from Mr. Carter Fritschle. Ms. Dana Hiatt responded for Mr. John Carlson and provided me a copy of the well logs for the City's wells.. I asked Mr. Phil Rassier, deputy attorney general, to provide me the water right number for any administrative transfers from a surface water source to a ground water source. Mr. Phil Rassier, deputy attorney general, provided me water right no. 36-2603A. I also described my request for well logs to Ms. Candice McHugh, deputy attorney general, on August 31, 2006, and she suggested that I contact Mr. John Carlson about that request. Finally, I asked Mr. Doug Conde, deputy attorney general, to provide me information about Pocatello's sewage wastewater facility. Mr. Conde provided me some documents from the Idaho Department of Environmental Quality. The reviewing person(s) within the Natural Resources Division provided no information.

Subcase No. 29-07770

Interrogatory No. 1: Please STATE THE BASIS for YOUR RESPONSE TO POCATELLO'S OBJECTION in this SUBCASE.

Answer to Interrogatory No. 1: A RESPONSE is a procedural pleading that indicates a party's intention to participate in the litigation of a particular subcase. Idaho did not take a substantive position in its RESPONSE filed in this subcase.

Interrogatory No. 2: Please state YOUR CONTENTION as to the purpose and place of use POCATELLO is entitled to receive in this SUBCASE, and STATE THE BASIS for YOUR CONTENTION.

Answer to Interrogatory No. 2: Idaho contends that the Director's Report, as amended by the Supplemental Director's Report, correctly describes the purpose and place of use. Idaho is not aware of any facts that justify changing this conclusion.

Interrogatory No. 3: Please IDENTIFY each PERSON who has information that RELATES TO YOUR RESPONSES that are the subject of Interrogatory Nos. 1 and 2.

Answer to Interrogatory No. 3: None. Idaho has not identified any lay person or retained any expert to provide testimony in these subcase proceedings. Idaho reserves the right to call employees from IDWR to testify as to the basis for the Director's Recommendations.

Interrogatory No. 4: Please describe the substance of the knowledge of each PERSON identified in YOUR RESPONSE to Interrogatory No. 3.

Answer to Interrogatory No. 4: Not applicable.

Interrogatory No. 5: Please IDENTIFY each EXPERT who YOU expect to testify RELATING TO YOUR RESPONSES that are the subject of Interrogatory Nos. 1 and 2.

Answer to Interrogatory No. 5: Idaho has not retained any experts at this time. Idaho reserves the right to call employees from IDWR to testify as to the basis for the Director's Recommendations.

Interrogatory No. 6: For each EXPERT you IDENTIFIED in your RESPONSE to Interrogatory No. 5, state the subject matter on which the expert is expected to testify, state the substance of the opinions to which the expert is expected to testify, and state the underlying facts and data upon which the expert opinions are based.

Answer to Interrogatory No. 6: Not applicable.

Request for Production No. 1: Please PRODUCE all DOCUMENTS that support YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 1: The primary document that Idaho relies upon to support its RESPONSE is the Director's Report, as amended by the Supplemental Director's Report, which are available for inspection during normal business hours upon reasonable request. Idaho has not collected any other documents that support its RESPONSE.

Request for Production No. 2: Please PRODUCE all DOCUMENTS, not produced in response to Request for Production No. 1, that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 2: Idaho has not collected any other documents that relate to its RESPONSE.

Request for Production No. 3: Please PRODUCE all DOCUMENTS that constitute or were included with or referred to in CORRESPONDENCE between YOU and any other PERSON that RELATES TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 3: The following correspondence relates to Idaho's RESPONSE to Pocatello's objection:

Letter from Clive J. Strong to Honorable Terrence A. Dolan dated August 30, 2005.

Letter from Olga Valdivia to the Clerk of the District Court dated July 21, 2006.

Copies of these documents are attached.

Request for Production No. 4: Please PRODUCE all DOCUMENTS that RELATE TO COMMUNICATIONS between YOU and any other PERSON that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 4: Idaho has identified one hundred and nine e-mails that relate to communications between Idaho and another person about its Response to Pocatello's objection. Fifteen of these e-mails were sent by David J. Barber to various persons, and ninety-four of these e-mails were received by David J. Barber.

Ninety-three of these e-mails were sent or copied to at least one of the following persons: Jo Beeman, Sara Klahn, Joyce Angell, or Dana Rose. Because a representative of the City of Pocatello received a copy of these e-mails, a paper copy is not attached. However, copies of these ninety-three e-mails are available for inspection during normal business hours upon reasonable request. The remaining sixteen e-mails are attached and are described as follows:

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- (15) An e-mail from Clive Strong to David Barber dated September 18, 2006.
- (16) An e-mail from Carter Fritschle to Candice McHugh and David Barber dated September 20, 2006.

Request for Production No. 5: Please PRODUCE copies of all data and RELEVANT DOCUMENTS upon which the opinions of each EXPERT WITNESS whom YOU are asked to IDENTIFY in response to Interrogatory No. 5 are based or expected to be based.

Response to Request for Production No. 5: Not applicable.

Request for Production No. 6: Please PRODUCE copies of any RELEVANT DOCUMENTS that YOU have received from any PERSON, including but not limited to expert witness reports, in conjunction with his or her anticipated testimony in this SUBCASE.

Response to Request for Production No. 6: There are three categories of documents that Idaho has received. (1) Idaho received the Director's Report and Supplemental Director's Report, which are available for inspection during normal business hours upon reasonable request. (2) Idaho has identified one hundred and nine e-mails that relate to communications between Idaho and another person about its Response to Pocatello's objection. Fifteen of these e-mails were sent by David J. Barber to various persons, and ninety-four of these e-mails were received by David J. Barber. (3) Idaho also received well logs for some of Pocatello's wells. A copy of those well logs is attached (MAIL80235 through MAIL80261).

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- (15) An e-mail from Clive Strong to David Barber dated September 18, 2006.
- (16) An e-mail from Carter Fritschle to Candice McHugh and David Barber dated September 20, 2006.

Request for Admission No. 1: Admit that POCATELLO uses this water right for the land application of the CITY'S biosolids under POCATELLO'S EPA-approved Biosolids Program and NPDES permit.

Response to Request for Admission No. 1: Admitted.

Interrogatory No. 7: If YOU DENY Request for Admission No. 1, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 7: Not applicable.

Interrogatory No. 8: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. ___.

Answer to Interrogatory No. 8: Objection. This interrogatory is ambiguous because the Interrogatory that is the subject of the question is not clearly identified. Notwithstanding this objection, if the intended interrogatory is Interrogatory No. 7, then the answer is no one.

Request for Production No. 7: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 7.

Response to Request for Production No. 7: Not applicable.

Request for Admission No. 2: Admit that POCATELLO land applies the biosolids produced by its waste water plant as part of the CITY'S municipal responsibility to treat and dispose of domestic sewage.

Response to Request for Admission No. 2: Admitted.

Interrogatory No. 9: If YOU DENY Request for Admission No. 2, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 9: Not applicable.

Interrogatory No. 10: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 9.

Answer to Interrogatory No. 10: Not applicable.

Request for Production No. 8: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 9.

Response to Request for Production No. 8: Not applicable.

Request for Admission No. 3: Admit that POCATELLO requested that IDWR license this water right as a municipal water right during the licensing process.

Response to Request for Admission No. 3: Admitted.

Interrogatory No. 11: If YOU DENY Request for Admission No. 3, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 11: Not applicable.

Interrogatory No. 12: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 11.

Answer to Interrogatory No. 12: Not applicable.

Request for Production No. 9: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 11.

Response to Request for Production No. 9: Not applicable.

Request for Admission No. 4: Admit that POCATELLO uses this water right as part of its obligations as a municipality to treat and dispose of domestic sewage.

Response to Request for Admission No. 4: Admitted.

Interrogatory No. 13: If YOU DENY Request for Admission No. 4, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 13: Not applicable.

Interrogatory No. 14: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 13.

Answer to Interrogatory No. 14: Not applicable.

Request for Production No. 10: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 13.

Response to Request for Production No. 10: Not applicable.

Interrogatory No. 15: Please IDENTIFY each PERSON who participated in or furnished information for the preparation of all or any portion of YOUR responses to these DISCOVERY REQUESTS and IDENTIFY the information that each such PERSON provided.

Answer to Interrogatory No. 15: Objection. The review process within the Natural Resources Division of the Office of the Attorney General and the contribution of each person in that review process constitutes attorney work product that is not subject to discovery. Notwithstanding this objection, I asked four persons to provide me information. I asked Mr. Carter Fritschle to provide me well logs for Pocatello's wells. I also asked Mr. John Carlson to provide me well logs for Pocatello's wells. I have not received any well log information from Mr. Carter Fritschle. Ms. Dana Hiatt responded for Mr. John Carlson and provided me a copy of the well logs for the City's wells.. I asked Mr. Phil Rassier, deputy attorney general, to provide me the water right number for any administrative transfers from a surface water source to a ground water source. Mr. Phil Rassier, deputy attorney general, provided me water right no. 36-2603A. I also described my request for well logs to Ms. Candice McHugh, deputy attorney general, on August 31, 2006, and she suggested that I contact Mr. John Carlson about that request. Finally, I asked Mr. Doug Conde, deputy attorney general, to provide me information

about Pocatello's sewage wastewater facility. Mr. Conde provided me some documents from the Idaho Department of Environmental Quality. The reviewing person(s) within the Natural Resources Division provided no information.

Subcase No. 29-07782

Interrogatory No. 1: Please STATE THE BASIS for YOUR RESPONSE TO POCATELLO'S OBJECTION in this SUBCASE

Answer to Interrogatory No. 1: A RESPONSE is a procedural pleading that indicates a party's intention to participate in the litigation of a particular subcase. Idaho did not take a substantive position in its RESPONSE filed in this subcase.

Interrogatory No. 2: Please state YOUR CONTENTION as to the point of diversion POCATELLO is entitled to receive in THIS CASE, and STATE THE BASIS for YOUR CONTENTION.

Answer to Interrogatory No. 2: Idaho contends that the Director's Report, as amended by the Supplemental Director's Report, correctly describes the point of diversion. Idaho is not aware of any facts that justify changing this conclusion.

Interrogatory No. 3: Please IDENTIFY each PERSON who has information that RELATES TO YOUR RESPONSES that are the subject of Interrogatory Nos. 1 and 2.

Answer to Interrogatory No. 3: None. Idaho has not identified any lay person or retained any expert to provide testimony in these subcase proceedings. Idaho reserves the right to call employees from IDWR to testify as to the basis for the Director's Recommendations.

Interrogatory No. 4: Please describe the substance of the knowledge of each PERSON identified in YOUR RESPONSE to Interrogatory No. 3.

Answer to Interrogatory No. 4: Not applicable.

Interrogatory No. 5: Please IDENTIFY each EXPERT who YOU expect to testify RELATING TO YOUR RESPONSES that are the subject of Interrogatory Nos. 1 and 2.

Answer to Interrogatory No. 5: Idaho has not retained any experts at this time. Idaho reserves the right to call employees from IDWR to testify as to the basis for the Director's Recommendations.

Interrogatory No. 6: For each EXPERT you IDENTIFIED in your RESPONSE to Interrogatory No. 5, state the subject matter on which the expert is expected to testify, state the substance of the opinions to which the expert is expected to testify, and state the underlying facts and data upon which the expert opinions are based.

Answer to Interrogatory No. 6: Not applicable.

Request for Production No. 1: Please PRODUCE all DOCUMENTS that support YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 1: The primary document that Idaho relies upon to support its RESPONSE is the Director's Report, as amended by the Supplemental Director's Report, which are available for inspection during normal business hours upon reasonable request. Idaho has not collected any other documents that support its RESPONSE.

Request for Production No. 2: Please PRODUCE all DOCUMENTS, not produced in response to Request for Production No. 1, that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 2: Idaho has not collected any other documents that relate to its RESPONSE.

Request for Production No. 3: Please PRODUCE all DOCUMENTS that constitute or were included with or referred to in CORRESPONDENCE between YOU and any other

PERSON that RELATES TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 3: The following correspondence relates to Idaho's RESPONSE to Pocatello's objection:

Letter from Clive J. Strong to Honorable Terrence A. Dolan dated August 30, 2005.

Letter from Olga Valdivia to the Clerk of the District Court dated July 21, 2006.

Copies of these documents are attached.

Request for Production No. 4: Please PRODUCE all DOCUMENTS that RELATE TO COMMUNICATIONS between YOU and any other PERSON that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 4: Idaho has identified one hundred and nine e-mails that relate to communications between Idaho and another person about its Response to Pocatello's objection. Fifteen of these e-mails were sent by David J. Barber to various persons, and ninety-four of these e-mails were received by David J. Barber.

Ninety-three of these e-mails were sent or copied to at least one of the following persons: Jo Beeman, Sara Klahn, Joyce Angell, or Dana Rose. Because a representative of the City of Pocatello received a copy of these e-mails, a paper copy is not attached. However, copies of these ninety-three e-mails are available for inspection during normal business hours upon reasonable request. The remaining sixteen e-mails are attached and are described as follows:

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Request for Production No. 5: Please PRODUCE copies of all data and RELEVANT DOCUMENTS upon which the opinions of each EXPERT WITNESS whom YOU are asked to IDENTIFY in response to Interrogatory No. 5 are based or expected to be based.

Response to Request for Production No. 5: Not applicable.

Request for Production No. 6: Please PRODUCE copies of any RELEVANT DOCUMENTS that YOU have received from any PERSON, including but not limited to expert witness reports, in conjunction with his or her anticipated testimony in this SUBCASE.

Response to Request for Production No. 6: There are three categories of documents that Idaho has received. (1) Idaho received the Director's Report and Supplemental Director's Report, which are available for inspection during normal business hours upon reasonable request. (2) Idaho has identified one hundred and nine e-mails that relate to communications between Idaho and another person about its Response to Pocatello's objection. Fifteen of these e-mails were sent by David J. Barber to various persons, and ninety-four of these e-mails were received by David J. Barber. (3) Idaho also received well logs for some of Pocatello's wells. A copy of those well logs is attached (MAIL80235 through MAIL80261).

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Interrogatory No. 7: Please IDENTIFY each PERSON who participated in or furnished information for the preparation of all or any portion of YOUR responses to these DISCOVERY REQUESTS and IDENTIFY the information that each such PERSON provided.

Answer to Interrogatory No. 7: Objection. The review process within the Natural Resources Division of the Office of the Attorney General and the contribution of each person in that review process constitutes attorney work product that is not subject to discovery. Notwithstanding this objection, I asked four persons to provide me information. I asked Mr. Carter Fritschle to provide me well logs for Pocatello's wells. I also asked Mr. John Carlson to provide me well logs for Pocatello's wells. I have not received any well log information from Mr. Carter Fritschle. Ms. Dana Hiatt responded for Mr. John Carlson and provided me a copy of the well logs for the City's wells. I asked Mr. Phil Rassier, deputy attorney general, to provide me the water right number for any administrative transfers from a surface water source to a ground water source. Mr. Phil Rassier, deputy attorney general, provided me water right no. 36-2603A. I also described my request for well logs to Ms. Candice McHugh, deputy attorney general, on August 31, 2006, and she suggested that I contact Mr. John Carlson about that request. Finally, I asked Mr. Doug Conde, deputy attorney general, to provide me information about Pocatello's sewage wastewater facility. Mr. Conde provided me some documents from the Idaho Department of Environmental Quality. The reviewing person(s) within the Natural Resources Division provided no information.

Subcase No. 29-11339

Interrogatory No. 1: Please STATE THE BASIS for YOUR RESPONSE TO POCATELLO'S OBJECTION in this SUBCASE.

Answer to Interrogatory No. 1: A RESPONSE is a procedural pleading that indicates a party's intention to participate in the litigation of a particular subcase. Idaho did not take a substantive position in its RESPONSE filed in this subcase.

Interrogatory No. 2: Please IDENTIFY each PERSON who has information that RELATES TO YOUR RESPONSE that is the subject of Interrogatory No. 1.

Answer to Interrogatory No. 2: None. Idaho has not identified any lay person or retained any expert to provide testimony in these subcase proceedings. Idaho reserves the right to call employees from IDWR to testify as to the basis for the Director's Recommendations.

Interrogatory No. 3: Please describe the substance of the knowledge of each PERSON identified in YOUR RESPONSE to Interrogatory No. 2.

Answer to Interrogatory No. 3: Not applicable.

Interrogatory No. 4: Please IDENTIFY each EXPERT who YOU expect to testify RELATING TO YOUR RESPONSE that is the subject of Interrogatory No. 1.

Answer to Interrogatory No. 4: Idaho has not retained any experts at this time. Idaho reserves the right to call employees from IDWR to testify as to the basis for the Director's Recommendations.

Interrogatory No. 5: For each EXPERT you IDENTIFIED in your RESPONSE to Interrogatory No. 4, state the subject matter on which the expert is expected to testify, state the substance of the opinions to which the expert is expected to testify, and state the underlying facts and data upon which the expert opinions are based.

Answer to Interrogatory No. 5: Not applicable.

Request for Production No. 1: Please PRODUCE all DOCUMENTS that support YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 1: The primary document that Idaho relies upon to support its RESPONSE is the Director's Report, as amended by the Supplemental Director's Report, which are available for inspection during normal business hours upon reasonable request. Idaho has not collected any other documents that support its RESPONSE.

Request for Production No. 2: Please PRODUCE all DOCUMENTS, not produced in response to Request for Production No. 1, that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 2: Idaho has not collected any other documents that relate to its RESPONSE.

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- (13) An e-mail from Douglas Conde to Clive Strong and David Barber dated September 12, 2006.
- (14) An e-mail from Clive Strong to David Barber dated September 12, 2006.
- (15) An e-mail from Clive Strong to David Barber dated September 18, 2006.
- (16) An e-mail from Carter Fritschle to Candice McHugh and David Barber dated September 20, 2006.

Request for Production No. 5: Please PRODUCE copies of all data and RELEVANT DOCUMENTS upon which the opinions of each EXPERT WITNESS whom YOU are asked to IDENTIFY in response to Interrogatory No. 4 are based or expected to be based.

Response to Request for Production No. 5: Not applicable.

Request for Production No. 6: Please PRODUCE copies of any RELEVANT DOCUMENTS that YOU have received from any PERSON, including but not limited to expert witness reports, in conjunction with his or her anticipated testimony in this SUBCASE.

Response to Request for Production No. 6: There are three categories of documents that Idaho has received. (1) Idaho received the Director's Report and Supplemental Director's Report, which are available for inspection during normal business hours upon reasonable request. (2) Idaho has identified one hundred and nine e-mails that relate to communications between Idaho and another person about its Response to Pocatello's objection. Fifteen of these e-mails were sent by David J. Barber to various persons, and ninety-four of these e-mails were received

by David J. Barber. (3) Idaho also received well logs for some of Pocatello's wells. A copy of those well logs is attached (MAIL80235 through MAIL80261).

Ninety-three of these e-mails were sent or copied to at least one of the following persons: Jo Beeman, Sara Klahn, Joyce Angell, or Dana Rose. Because a representative of the City of Pocatello received a copy of these e-mails, a paper copy is not attached. However, copies of these ninety-three e-mails are available for inspection during normal business hours upon reasonable request. The remaining sixteen e-mails are attached and are described as follows:

- (1) An e-mail from Susan Hamlin Nygard to David J. Barber dated May 7, 2004.
- (2) An e-mail from Lori Pew to David J. Barber that is dated September 22, 2004.
- (3) An e-mail from David J. Barber to Lori Pew that is dated September 22, 2004.
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- (5) An e-mail from David J. Barber to Candice McHugh that is dated January 26, 2005 at 12:08 p.m.
- (6) An e-mail from Candice McHugh to David J. Barber that is dated January 26, 2005 at 12:17 pm.
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- (8) An e-mail from David J. Barber to Tracy Behrens that is dated June 10, 2005.
- (9) An e-mail from Ray Williams to David Barber dated September 7, 2006 at 11:48 a.m.
- (10) An e-mail from Ray Williams to David Barber dated September 7, 2006 at 11:49 a.m.

- (11) An e-mail from Ray Williams to David Barber dated September 7, 2006 at 11:50 a.m.
- (12) An e-mail from Ray Williams to David Barber dated September 7, 2006 at 12:11 p.m.
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- (14) An e-mail from Clive Strong to David Barber dated September 12, 2006.
- (15) An e-mail from Clive Strong to David Barber dated September 18, 2006.
- (16) An e-mail from Carter Fritschle to Candice McHugh and David Barber dated September 20, 2006.

Interrogatory No. 6: Please DESCRIBE any information you have regarding the cone of depression created by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 6: None.

Request for Production 7: Please produce any DOCUMENTS in your possession relating to your responses to Interrogatory No. 6.

Response to Request for Production No. 7: Not applicable.

Interrogatory No. 7: Please DESCRIBE any information you have regarding ground water rights that withdraw water from the Lower Portneuf River Valley Aquifer within the cone of depression created by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 7: None.

Interrogatory No. 8: Please DESCRIBE any information you have regarding the individual water rights "injured" by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 8: None.

Interrogatory No. 9: Please DESCRIBE any information you have regarding the maximum amount of water ever withdrawn by POCATELLO at the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 9: None.

Interrogatory No. 10: List any water rights YOU allege to be injured by an accomplished transfer of this water right pursuant to Idaho Code §42-1425.

Answer to Interrogatory No. 10: Since Idaho has not conducted an independent evaluation regarding the issue of injury by an accomplished transfer of this water right, it has not identified any water rights that would be injured by an accomplished transfer of this water right. Idaho relies upon the determination in the Director's Report, as supplemented in the Supplemental Director's Report that an injury would occur to existing water rights by a transfer of this water right.

Interrogatory No. 11: Describe the nature of the injury you allege occurred because of the accomplished transfer of this water right pursuant to Idaho Code §42-1425.

Answer to Interrogatory No. 11: Since Idaho has not conducted an independent evaluation regarding the issue of injury by an accomplished transfer of this water right, it has no independent information regarding any injury by an accomplished transfer of this water right. Idaho relies upon the determination in the Director's Report, as supplemented in the

Supplemental Director's Report, for the conclusion that an injury would occur to existing water rights by an accomplished transfer of this water right.

Request for Production No. 8: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 11.

Response to Request for Production No. 8: The Director's Report, as supplemented in the Supplemental Director's Report, are available for review upon reasonable request during normal business hours.

Request for Admission No. 1: Admit that this water right has never been administered by the STATE in response to the injury alleged in Interrogatory No. 11.

Response to Request for Admission No. 1: Objection. This request for admission is unduly burdensome because it requires a thorough review of the records of IDWR and its agencies predecessor in function. Pocatello can undertake this review as easily as Idaho. Since IDWR is a non-party to the Snake River Basin Adjudication, Idaho has no responsibility to review the records of IDWR or its agencies predecessor in function. Furthermore, a portion of the records of IDWR are available on the internet for review by anyone. It is unduly burdensome to request Idaho to conduct this research on the internet for Pocatello. Idaho has not undertaken a review of IDWR's records. Notwithstanding these objections, this request for admission is denied because of lack of information and knowledge.

Interrogatory No. 12: If YOU DENY Request for Admission No. 1, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 12: Request for admission no. 1 is denied because of lack of information and knowledge.

Interrogatory No. 13: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 12.

Answer to Interrogatory No. 13: No one.

Request for Production No. 9: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 12.

Response to Request for Production No. 9: None.

Request for Admission No. 2: Admit that YOU have no DOCUMENTS or other INFORMATION alleging or claiming an injury as described in your response to Interrogatory No. 11 to the water rights listed in your response to Interrogatory No. 7.

Response to Request for Admission No. 2: Admitted in part: Idaho relies on the Director's Report, as supplemented in the Supplemental Director's Report, for the conclusion that an injury would occur to existing water rights by an accomplished transfer of this water right. Idaho admits that it has no other documents alleging or claiming injury for the claimed accomplished transfer.

Interrogatory No. 14: If YOU DENY Request for Admission No. 2, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 14: Not applicable.

Interrogatory No. 15: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 14.

Answer to Interrogatory No. 15: No one.

Request for Production No. 10: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 14.

Response to Request for Production No. 10: None.

Interrogatory No. 16: Please IDENTIFY each PERSON who participated in or furnished information for the preparation of all or any portion of YOUR responses to these DISCOVERY REQUESTS and IDENTIFY the information that each such PERSON provided.

Answer to Interrogatory No. 16: Objection. The review process within the Natural Resources Division of the Office of the Attorney General and the contribution of each person in that review process constitutes attorney work product that is not subject to discovery. Notwithstanding this objection, I asked four persons to provide me information. I asked Mr. Carter Fritschle to provide me well logs for Pocatello's wells. I also asked Mr. John Carlson to provide me well logs for Pocatello's wells. I have not received any well log information from Mr. Carter Fritschle. Ms. Dana Hiatt responded for Mr. John Carlson and provided me a copy of the well logs for the City's wells. I asked Mr. Phil Rassier, deputy attorney general, to provide me the water right number for any administrative transfers from a surface water source to a ground water source. Mr. Phil Rassier, deputy attorney general, provided me water right no. 36-2603A. I also described my request for well logs to Ms. Candice McHugh, deputy attorney general, on August 31, 2006, and she suggested that I contact Mr. John Carlson about that request. Finally, I asked Mr. Doug Conde, deputy attorney general, to provide me information about Pocatello's sewage wastewater facility. Mr. Conde provided me some documents from the Idaho Department of Environmental Quality. The reviewing person(s) within the Natural Resources Division provided no information.

Subcase No. 29-11348

Interrogatory No. 1: Please STATE THE BASIS for YOUR RESPONSE TO POCATELLO'S OBJECTION in this SUBCASE.

Answer to Interrogatory No. 1: A RESPONSE is a procedural pleading that indicates a party's intention to participate in the litigation of a particular subcase. Idaho did not take a substantive position in its RESPONSE filed in this subcase.

Interrogatory No. 2: Please IDENTIFY each PERSON who has information that RELATES TO YOUR RESPONSE that is the subject of Interrogatory No. 1.

Answer to Interrogatory No. 2: None. Idaho has not identified any lay person or retained any expert to provide testimony in these subcase proceedings. Idaho reserves the right to call employees from IDWR to testify as to the basis for the Director's Recommendations.

Interrogatory No. 3: Please describe the substance of the knowledge of each PERSON identified in YOUR RESPONSE to Interrogatory No. 2.

Answer to Interrogatory No. 3: Not applicable.

Interrogatory No. 4: Please IDENTIFY each EXPERT who YOU expect to testify RELATING TO YOUR RESPONSE that is the subject of Interrogatory No. 1.

Answer to Interrogatory No. 4: Idaho has not retained any experts at this time. Idaho reserves the right to call employees from IDWR to testify as to the basis for the Director's Recommendations.

Interrogatory No. 5: For each EXPERT you IDENTIFIED in your RESPONSE to Interrogatory No. 4, state the subject matter on which the expert is expected to testify, state the substance of the opinions to which the expert is expected to testify, and state the underlying facts and data upon which the expert opinions are based.

Answer to Interrogatory No. 5: Not applicable.

Request for Production No. 1: Please PRODUCE all DOCUMENTS that support YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 1: The primary document that Idaho relies upon to support its RESPONSE is the Director's Report, as amended by the Supplemental Director's Report, which are available for inspection during normal business hours upon reasonable request. Idaho has not collected any other documents that support its RESPONSE.

Request for Production No. 2: Please PRODUCE all DOCUMENTS, not produced in response to Request for Production No. 1, that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 2: Idaho has not collected any other documents that relate to its RESPONSE.

Request for Production No. 3: Please PRODUCE all DOCUMENTS that constitute or were included with or referred to in CORRESPONDENCE between YOU and any other PERSON that RELATES TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 3: The following correspondence relates to Idaho's RESPONSE to Pocatello's objection:

Letter from Clive J. Strong to Honorable Terrence A. Dolan dated August 30, 2005.

Letter from Olga Valdivia to the Clerk of the District Court dated July 21, 2006.

Copies of these documents are attached.

Request for Production No. 4: Please PRODUCE all DOCUMENTS that RELATE TO COMMUNICATIONS between YOU and any other PERSON that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 4: Idaho has identified one hundred and nine e-mails that relate to communications between Idaho and another person about its Response to

Pocatello's objection. Fifteen of these e-mails were sent by David J. Barber to various persons, and ninety-four of these e-mails were received by David J. Barber.

Ninety-three of these e-mails were sent or copied to at least one of the following persons: Jo Beeman, Sara Klahn, Joyce Angell, or Dana Rose. Because a representative of the City of Pocatello received a copy of these e-mails, a paper copy is not attached. However, copies of these ninety-three e-mails are available for inspection during normal business hours upon reasonable request. The remaining sixteen e-mails are attached and are described as follows:

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Request for Production No. 5: Please PRODUCE copies of all data and RELEVANT DOCUMENTS upon which the opinions of each EXPERT WITNESS whom YOU are asked to IDENTIFY in response to Interrogatory No. 4 are based or expected to be based.

Response to Request for Production No. 5: Not applicable.

Request for Production No. 6: Please PRODUCE copies of any RELEVANT DOCUMENTS that YOU have received from any PERSON, including but not limited to expert witness reports, in conjunction with his or her anticipated testimony in this SUBCASE.

Response to Request for Production No. 6: There are three categories of documents that Idaho has received. (1) Idaho received the Director's Report and Supplemental Director's Report, which are available for inspection during normal business hours upon reasonable request. (2) Idaho has identified one hundred and nine e-mails that relate to communications between Idaho and another person about its Response to Pocatello's objection. Fifteen of these e-mails were sent by David J. Barber to various persons, and ninety-four of these e-mails were received

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- (11) An e-mail from Ray Williams to David Barber dated September 7, 2006 at 11:50 a.m.
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- (15) An e-mail from Clive Strong to David Barber dated September 18, 2006.
- (16) An e-mail from Carter Fritschle to Candice McHugh and David Barber dated September 20, 2006.

Interrogatory No. 6: Please DESCRIBE any information you have regarding the cone of depression created by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 6: None.

Request for Production 7: Please produce any DOCUMENTS in your possession relating to your responses to Interrogatory No. 6.

Response to Request for Production No. 7: Not applicable.

Interrogatory No. 7: Please DESCRIBE any information you have regarding ground water rights that withdraw water from the Lower Portneuf River Valley Aquifer within the cone of depression created by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 7: None.

Interrogatory No. 8: Please DESCRIBE any information you have regarding the individual water rights "injured" by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 8: None.

Interrogatory No. 9: Please DESCRIBE any information you have regarding the maximum amount of water ever withdrawn by POCATELLO at the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 9: None.

Interrogatory No. 10: List any water rights YOU allege to be injured by an accomplished transfer of this water right pursuant to Idaho Code §42-1425.

Answer to Interrogatory No. 10: Since Idaho has not conducted an independent evaluation regarding the issue of injury by an accomplished transfer of this water right, it has not identified any water rights that would be injured by an accomplished transfer of this water right. Idaho relies upon the determination in the Director's Report, as supplemented in the Supplemental Director's Report that an injury would occur to existing water rights by a transfer of this water right.

Interrogatory No. 11: Describe the nature of the injury you allege occurred because of the accomplished transfer of this water right pursuant to Idaho Code §42-1425.

Answer to Interrogatory No. 11: Since Idaho has not conducted an independent evaluation regarding the issue of injury by an accomplished transfer of this water right, it has no independent information regarding any injury by an accomplished transfer of this water right. Idaho relies upon the determination in the Director's Report, as supplemented in the

Supplemental Director's Report, for the conclusion that an injury would occur to existing water rights by an accomplished transfer of this water right.

Request for Production No. 8: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 11.

Response to Request for Production No. 8: The Director's Report, as supplemented in the Supplemental Director's Report, are available for review upon reasonable request during normal business hours.

Request for Admission No. 1: Admit that this water right has never been administered by the STATE in response to the injury alleged in Interrogatory No. 11.

Response to Request for Admission No. 1: Objection. This request for admission is unduly burdensome because it requires a thorough review of the records of IDWR and its agencies predecessor in function. Pocatello can undertake this review as easily as Idaho. Since IDWR is a non-party to the Snake River Basin Adjudication, Idaho has no responsibility to review the records of IDWR or its agencies predecessor in function. Furthermore, a portion of the records of IDWR are available on the internet for review by anyone. It is unduly burdensome to request Idaho to conduct this research on the internet for Pocatello. Idaho has not undertaken a review of IDWR's records. Notwithstanding these objections, this request for admission is denied because of lack of information and knowledge.

Interrogatory No. 12: If YOU DENY Request for Admission No. 1, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 12: Request for admission no. 1 is denied because of lack of information and knowledge.

Interrogatory No. 13: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 12.

Answer to Interrogatory No. 13: No one.

Request for Production No. 9: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 12.

Response to Request for Production No. 9: None.

Request for Admission No. 2: Admit that YOU have no DOCUMENTS or other INFORMATION alleging or claiming an injury as described in your response to Interrogatory No. 11 to the water rights listed in your response to Interrogatory No. 7.

Response to Request for Admission No. 2: Admitted in part: Idaho relies on the Director's Report, as supplemented in the Supplemental Director's Report, for the conclusion that an injury would occur to existing water rights by an accomplished transfer of this water right. Idaho admits that it has no other documents alleging or claiming injury for the claimed accomplished transfer.

Interrogatory No. 14: If YOU DENY Request for Admission No. 2, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 14: Not applicable.

Interrogatory No. 15: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 14.

Answer to Interrogatory No. 15: No one.

Request for Production No. 10: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 14.

Response to Request for Production No. 10: None.

Interrogatory No. 16: Please IDENTIFY each PERSON who participated in or furnished information for the preparation of all or any portion of YOUR responses to these DISCOVERY REQUESTS and IDENTIFY the information that each such PERSON provided.

Answer to Interrogatory No. 16: Objection. The review process within the Natural Resources Division of the Office of the Attorney General and the contribution of each person in that review process constitutes attorney work product that is not subject to discovery. Notwithstanding this objection, I asked four persons to provide me information. I asked Mr. Carter Fritschle to provide me well logs for Pocatello's wells. I also asked Mr. John Carlson to provide me well logs for Pocatello's wells. I have not received any well log information from Mr. Carter Fritschle. Ms. Dana Hiatt responded for Mr. John Carlson and provided me a copy of the well logs for the City's wells. I asked Mr. Phil Rassier, deputy attorney general, to provide me the water right number for any administrative transfers from a surface water source to a ground water source. Mr. Phil Rassier, deputy attorney general, provided me water right no. 36-2603A. I also described my request for well logs to Ms. Candice McHugh, deputy attorney general, on August 31, 2006, and she suggested that I contact Mr. John Carlson about that request. Finally, I asked Mr. Doug Conde, deputy attorney general, to provide me information about Pocatello's sewage wastewater facility. Mr. Conde provided me some documents from the Idaho Department of Environmental Quality. The reviewing person(s) within the Natural Resources Division provided no information.

Subcase No. 29-13558

Interrogatory No. 1: Please STATE THE BASIS for YOUR RESPONSE TO POCATELLO'S OBJECTION in this SUBCASE.

Answer to Interrogatory No. 1: A RESPONSE is a procedural pleading that indicates a party's intention to participate in the litigation of a particular subcase. Idaho did not take a substantive position in its RESPONSE filed in this subcase.

Interrogatory No. 2: Please IDENTIFY each PERSON who has information that RELATES TO YOUR RESPONSE that is the subject of Interrogatory Nos. 1 and 17.

Answer to Interrogatory No. 2: None. Idaho has not identified any lay person or retained any expert to provide testimony in these subcase proceedings. Idaho reserves the right to call employees from IDWR to testify as to the basis for the Director's Recommendations.

Interrogatory No. 3: Please describe the substance of the knowledge of each PERSON identified in YOUR RESPONSE to Interrogatory No. 2.

Answer to Interrogatory No. 3: Not applicable.

Interrogatory No. 4: Please IDENTIFY each EXPERT who YOU expect to testify RELATING TO YOUR RESPONSE that is the subject of Interrogatory Nos. 1 and 17.

Answer to Interrogatory No. 4: Idaho has not retained any experts at this time. Idaho reserves the right to call employees from IDWR to testify as to the basis for the Director's Recommendations.

Interrogatory No. 5: For each EXPERT you IDENTIFIED in your RESPONSE to Interrogatory No. 4, state the subject matter on which the expert is expected to testify, state the substance of the opinions to which the expert is expected to testify, and state the underlying facts and data upon which the expert opinions are based.

Answer to Interrogatory No. 5: Not applicable.

Request for Production No. 1: Please PRODUCE all DOCUMENTS that support YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 1: The primary document that Idaho relies upon to support its RESPONSE is the Director's Report, as amended by the Supplemental Director's Report, which are available for inspection during normal business hours upon reasonable request. Idaho has not collected any other documents that support its RESPONSE.

Request for Production No. 2: Please PRODUCE all DOCUMENTS, not produced in response to Request for Production No. 1, that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 2: Idaho has not collected any other documents that relate to its RESPONSE.

Request for Production No. 3: Please PRODUCE all DOCUMENTS that constitute or were included with or referred to in CORRESPONDENCE between YOU and any other PERSON that RELATES TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 3: The following correspondence relates to Idaho's RESPONSE to Pocatello's objection:

Letter from Clive J. Strong to Honorable Terrence A. Dolan dated August 30, 2005.

Letter from Olga Valdivia to the Clerk of the District Court dated July 21, 2006.

Copies of these documents are attached.

Request for Production No. 4: Please PRODUCE all DOCUMENTS that RELATE TO COMMUNICATIONS between YOU and any other PERSON that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 4: Idaho has identified one hundred and nine e-mails that relate to communications between Idaho and another person about its Response to

Pocatello's objection. Fifteen of these e-mails were sent by David J. Barber to various persons, and ninety-four of these e-mails were received by David J. Barber.

Ninety-three of these e-mails were sent or copied to at least one of the following persons: Jo Beeman, Sara Klahn, Joyce Angell, or Dana Rose. Because a representative of the City of Pocatello received a copy of these e-mails, a paper copy is not attached. However, copies of these ninety-three e-mails are available for inspection during normal business hours upon reasonable request. The remaining sixteen e-mails are attached and are described as follows:

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Request for Production No. 5: Please PRODUCE copies of all data and RELEVANT DOCUMENTS upon which the opinions of each EXPERT WITNESS whom YOU are asked to IDENTIFY in response to Interrogatory No. 4 are based or expected to be based.

Response to Request for Production No. 5: Not applicable.

Request for Production No. 6: Please PRODUCE copies of any RELEVANT DOCUMENTS that YOU have received from any PERSON, including but not limited to expert witness reports, in conjunction with his or her anticipated testimony in this SUBCASE.

Response to Request for Production No. 6: There are three categories of documents that Idaho has received. (1) Idaho received the Director's Report and Supplemental Director's Report, which are available for inspection during normal business hours upon reasonable request. (2) Idaho has identified one hundred and nine e-mails that relate to communications between Idaho and another person about its Response to Pocatello's objection. Fifteen of these e-mails were sent by David J. Barber to various persons, and ninety-four of these e-mails were received

by David J. Barber. (3) Idaho also received well logs for some of Pocatello's wells. A copy of those well logs is attached (MAIL80235 through MAIL80261).

Ninety-three of these e-mails were sent or copied to at least one of the following persons: Jo Beeman, Sara Klahn, Joyce Angell, or Dana Rose. Because a representative of the City of Pocatello received a copy of these e-mails, a paper copy is not attached. However, copies of these ninety-three e-mails are available for inspection during normal business hours upon reasonable request. The remaining sixteen e-mails are attached and are described as follows:

- (1) An e-mail from Susan Hamlin Nygard to David J. Barber dated May 7, 2004.
- (2) An e-mail from Lori Pew to David J. Barber that is dated September 22, 2004.
- (3) An e-mail from David J. Barber to Lori Pew that is dated September 22, 2004.
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- (6) An e-mail from Candice McHugh to David J. Barber that is dated January 26, 2005 at 12:17 pm.
- (7) An e-mail from Susan Hamlin Nygard to Clive Strong and David J. Barber that is dated May 10, 2005.
- (8) An e-mail from David J. Barber to Tracy Behrens that is dated June 10, 2005.
- (9) An e-mail from Ray Williams to David Barber dated September 7, 2006 at 11:48 a.m.
- (10) An e-mail from Ray Williams to David Barber dated September 7, 2006 at 11:49 a.m.

- (11) An e-mail from Ray Williams to David Barber dated September 7, 2006 at 11:50 a.m.
- (12) An e-mail from Ray Williams to David Barber dated September 7, 2006 at 12:11 p.m.
- (13) An e-mail from Douglas Conde to Clive Strong and David Barber dated September 12, 2006.
- (14) An e-mail from Clive Strong to David Barber dated September 12, 2006.
- (15) An e-mail from Clive Strong to David Barber dated September 18, 2006.
- (16) An e-mail from Carter Fritschle to Candice McHugh and David Barber dated September 20, 2006.

Interrogatory No. 6: Please DESCRIBE any information you have regarding the cone of depression created by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 6: None.

Request for Production 7: Please produce any DOCUMENTS in your possession relating to your responses to Interrogatory No. 6.

Response to Request for Production No. 7: Not applicable.

Interrogatory No. 7: Please DESCRIBE any information you have regarding ground water rights that withdraw water from the Lower Portneuf River Valley Aquifer within the cone of depression created by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 7: None.

Interrogatory No. 8: Please DESCRIBE any information you have regarding the individual water rights "injured" by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 8: None.

Interrogatory No. 9: Please DESCRIBE any information you have regarding the maximum amount of water ever withdrawn by POCATELLO at the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 9: None.

Interrogatory No. 10: List any water rights YOU allege to be injured by an accomplished transfer of this water right pursuant to Idaho Code §42-1425.

Answer to Interrogatory No. 10: Since Idaho has not conducted an independent evaluation regarding the issue of injury by an accomplished transfer of this water right, it has not identified any water rights that would be injured by an accomplished transfer of this water right. Idaho relies upon the determination in the Director's Report, as supplemented in the Supplemental Director's Report that an injury would occur to existing water rights by a transfer of this water right.

Interrogatory No. 11: Describe the nature of the injury you allege occurred because of the accomplished transfer of this water right pursuant to Idaho Code §42-1425.

Answer to Interrogatory No. 11: Since Idaho has not conducted an independent evaluation regarding the issue of injury by an accomplished transfer of this water right, it has no independent information regarding any injury by an accomplished transfer of this water right. Idaho relies upon the determination in the Director's Report, as supplemented in the

Supplemental Director's Report, for the conclusion that an injury would occur to existing water rights by an accomplished transfer of this water right.

Request for Production No. 8: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 11.

Response to Request for Production No. 8: The Director's Report, as supplemented in the Supplemental Director's Report, are available for review upon reasonable request during normal business hours.

Request for Admission No. 1: Admit that this water right has never been administered by the STATE in response to the injury alleged in Interrogatory No. 11.

Response to Request for Admission No. 1: Objection. This request for admission is unduly burdensome because it requires a thorough review of the records of IDWR and its agencies predecessor in function. Pocatello can undertake this review as easily as Idaho. Since IDWR is a non-party to the Snake River Basin Adjudication, Idaho has no responsibility to review the records of IDWR or its agencies predecessor in function. Furthermore, a portion of the records of IDWR are available on the internet for review by anyone. It is unduly burdensome to request Idaho to conduct this research on the internet for Pocatello. Idaho has not undertaken a review of IDWR's records. Notwithstanding these objections, this request for admission is denied because of lack of information and knowledge.

Interrogatory No. 12: If YOU DENY Request for Admission No. 1, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 12: Request for admission no. 1 is denied because of lack of information and knowledge.

Interrogatory No. 13: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 12.

Answer to Interrogatory No. 13: No one.

Request for Production No. 9: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 12.

Response to Request for Production No. 9: None.

Request for Admission No. 2: Admit that YOU have no DOCUMENTS or other INFORMATION alleging or claiming an injury as described in your response to Interrogatory No. 11 to the water rights listed in your response to Interrogatory No. 7.

Response to Request for Admission No. 2: Admitted in part: Idaho relies on the Director's Report, as supplemented in the Supplemental Director's Report, for the conclusion that an injury would occur to existing water rights by an accomplished transfer of this water right. Idaho admits that it has no other documents alleging or claiming injury for the claimed accomplished transfer.

Interrogatory No. 14: If YOU DENY Request for Admission No. 2, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 14: Not applicable.

Interrogatory No. 15: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 14.

Answer to Interrogatory No. 15: No one.

Request for Production No. 10: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 14.

Response to Request for Production No. 10: None.

Interrogatory No. 16: Please IDENTIFY each PERSON who participated in or furnished information for the preparation of all or any portion of YOUR responses to these DISCOVERY REQUESTS and IDENTIFY the information that each such PERSON provided.

Answer to Interrogatory No. 16: Objection. The review process within the Natural Resources Division of the Office of the Attorney General and the contribution of each person in that review process constitutes attorney work product that is not subject to discovery. Notwithstanding this objection, I asked four persons to provide me information. I asked Mr. Carter Fritschle to provide me well logs for Pocatello's wells. I also asked Mr. John Carlson to provide me well logs for Pocatello's wells. I have not received any well log information from Mr. Carter Fritschle. Ms. Dana Hiatt responded for Mr. John Carlson and provided me a copy of the well logs for the City's wells. I asked Mr. Phil Rassier, deputy attorney general, to provide me the water right number for any administrative transfers from a surface water source to a ground water source. Mr. Phil Rassier, deputy attorney general, provided me water right no. 36-2603A. I also described my request for well logs to Ms. Candice McHugh, deputy attorney general, on August 31, 2006, and she suggested that I contact Mr. John Carlson about that request. Finally, I asked Mr. Doug Conde, deputy attorney general, to provide me information about Pocatello's sewage wastewater facility. Mr. Conde provided me some documents from the Idaho Department of Environmental Quality. The reviewing person(s) within the Natural Resources Division provided no information.

Interrogatory No. 17: Please state YOUR CONTENTION as to the priority date POCATELLO is entitled to receive in this SUBCASE, and STATE THE BASIS FOR YOUR CONTENTION.

Answer to Interrogatory No. 17: Idaho contends that the Director's Report, as amended by the Supplemental Director's Report, correctly described the priority date for this subcase. Idaho is not aware of any facts that justify changing this conclusion.

Subcase No. 29-13559

Interrogatory No. 1: Please STATE THE BASIS for YOUR RESPONSE TO POCATELLO'S OBJECTION in this SUBCASE.

Answer to Interrogatory No. 1: A RESPONSE is a procedural pleading that indicates a party's intention to participate in the litigation of a particular subcase. Idaho did not take a substantive position in its RESPONSE filed in this subcase.

Interrogatory No. 2: Please IDENTIFY each PERSON who has information that RELATES TO YOUR RESPONSE that is the subject of Interrogatory No. 1.

Answer to Interrogatory No. 2: None. Idaho has not identified any lay person or retained any expert to provide testimony in these subcase proceedings. Idaho reserves the right to call employees from IDWR to testify as to the basis for the Director's Recommendations.

Interrogatory No. 3: Please describe the substance of the knowledge of each PERSON identified in YOUR RESPONSE to Interrogatory No. 2.

Answer to Interrogatory No. 3: Not applicable.

Interrogatory No. 4: Please IDENTIFY each EXPERT who YOU expect to testify RELATING TO YOUR RESPONSE that is the subject of Interrogatory No. 1.

Answer to Interrogatory No. 4: Idaho has not retained any experts at this time. Idaho reserves the right to call employees from IDWR to testify as to the basis for the Director's Recommendations.

Interrogatory No. 5: For each EXPERT you IDENTIFIED in your RESPONSE to Interrogatory No. 4, state the subject matter on which the expert is expected to testify, state the substance of the opinions to which the expert is expected to testify, and state the underlying facts and data upon which the expert opinions are based.

Answer to Interrogatory No. 5: Not applicable.

Request for Production No. 1: Please PRODUCE all DOCUMENTS that support YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 1: The primary document that Idaho relies upon to support its RESPONSE is the Director's Report, as amended by the Supplemental Director's Report, which are available for inspection during normal business hours upon reasonable request. Idaho has not collected any other documents that support its RESPONSE.

Request for Production No. 2: Please PRODUCE all DOCUMENTS, not produced in response to Request for Production No. 1, that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 2: Idaho has not collected any other documents that relate to its RESPONSE.

Request for Production No. 3: Please PRODUCE all DOCUMENTS that constitute or were included with or referred to in CORRESPONDENCE between YOU and any other PERSON that RELATES TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 3: The following correspondence relates to Idaho's RESPONSE to Pocatello's objection:

Letter from Clive J. Strong to Honorable Terrence A. Dolan dated August 30, 2005.

Letter from Olga Valdivia to the Clerk of the District Court dated July 21, 2006.

Copies of these documents are attached.

Request for Production No. 4: Please PRODUCE all DOCUMENTS that RELATE TO COMMUNICATIONS between YOU and any other PERSON that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 4: Idaho has identified one hundred and nine e-mails that relate to communications between Idaho and another person about its Response to Pocatello's objection. Fifteen of these e-mails were sent by David J. Barber to various persons, and ninety-four of these e-mails were received by David J. Barber.

Ninety-three of these e-mails were sent or copied to at least one of the following persons: Jo Beeman, Sara Klahn, Joyce Angell, or Dana Rose. Because a representative of the City of Pocatello received a copy of these e-mails, a paper copy is not attached. However, copies of these ninety-three e-mails are available for inspection during normal business hours upon reasonable request. The remaining sixteen e-mails are attached and are described as follows:

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- (15) An e-mail from Clive Strong to David Barber dated September 18, 2006.
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Request for Production No. 5: Please PRODUCE copies of all data and RELEVANT DOCUMENTS upon which the opinions of each EXPERT WITNESS whom YOU are asked to IDENTIFY in response to Interrogatory No. 4 are based or expected to be based.

Response to Request for Production No. 5: Not applicable.

Request for Production No. 6: Please PRODUCE copies of any RELEVANT DOCUMENTS that YOU have received from any PERSON, including but not limited to expert witness reports, in conjunction with his or her anticipated testimony in this SUBCASE.

Response to Request for Production No. 6: There are three categories of documents that Idaho has received. (1) Idaho received the Director's Report and Supplemental Director's Report, which are available for inspection during normal business hours upon reasonable request. (2) Idaho has identified one hundred and nine e-mails that relate to communications between Idaho and another person about its Response to Pocatello's objection. Fifteen of these e-mails were sent by David J. Barber to various persons, and ninety-four of these e-mails were received by David J. Barber. (3) Idaho also received well logs for some of Pocatello's wells. A copy of those well logs is attached (MAIL80235 through MAIL80261).

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- (15) An e-mail from Clive Strong to David Barber dated September 18, 2006.
- (16) An e-mail from Carter Fritschle to Candice McHugh and David Barber dated September 20, 2006.

Interrogatory No. 6: Please DESCRIBE any information you have regarding the cone of depression created by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 6: None.

Request for Production 7: Please produce any DOCUMENTS in your possession relating to your responses to Interrogatory No. 6.

Response to Request for Production No. 7: Not applicable.

Interrogatory No. 7: Please DESCRIBE any information you have regarding ground water rights that withdraw water from the Lower Portneuf River Valley Aquifer within the cone of depression created by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 7: None.

Interrogatory No. 8: Please DESCRIBE any information you have regarding the individual water rights "injured" by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 8: None.

Interrogatory No. 9: Please DESCRIBE any information you have regarding the maximum amount of water ever withdrawn by POCATELLO at the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 9: None.

Interrogatory No. 10: List any water rights YOU allege to be injured by an accomplished transfer of this water right pursuant to Idaho Code §42-1425.

Answer to Interrogatory No. 10: Since Idaho has not conducted an independent evaluation regarding the issue of injury by an accomplished transfer of this water right, it has not identified any water rights that would be injured by an accomplished transfer of this water right. Idaho relies upon the determination in the Director's Report, as supplemented in the

Supplemental Director's Report that an injury would occur to existing water rights by a transfer of this water right.

Interrogatory No. 11: Describe the nature of the injury you allege occurred because of the accomplished transfer of this water right pursuant to Idaho Code §42-1425.

Answer to Interrogatory No. 11: Since Idaho has not conducted an independent evaluation regarding the issue of injury by an accomplished transfer of this water right, it has no independent information regarding any injury by an accomplished transfer of this water right. Idaho relies upon the determination in the Director's Report, as supplemented in the Supplemental Director's Report, for the conclusion that an injury would occur to existing water rights by an accomplished transfer of this water right.

Request for Production No. 8: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 11.

Response to Request for Production No. 8: The Director's Report, as supplemented in the Supplemental Director's Report, are available for review upon reasonable request during normal business hours.

Request for Admission No. 1: Admit that this water right has never been administered by the STATE in response to the injury alleged in Interrogatory No. 11.

Response to Request for Admission No. 1: Objection. This request for admission is unduly burdensome because it requires a thorough review of the records of IDWR and its agencies predecessor in function. Pocatello can undertake this review as easily as Idaho. Since IDWR is a non-party to the Snake River Basin Adjudication, Idaho has no responsibility to review the records of IDWR or its agencies predecessor in function. Furthermore, a portion of the records of IDWR are available on the internet for review by anyone. It is unduly burdensome

to request Idaho to conduct this research on the internet for Pocatello. Idaho has not undertaken a review of IDWR's records. Notwithstanding these objections, this request for admission is denied because of lack of information and knowledge.

Interrogatory No. 12: If YOU DENY Request for Admission No. 1, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 12: Request for admission no. 1 is denied because of lack of information and knowledge.

Interrogatory No. 13: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 12.

Answer to Interrogatory No. 13: No one.

Request for Production No. 9: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 12.

Response to Request for Production No. 9: None.

Request for Admission No. 2: Admit that YOU have no DOCUMENTS or other INFORMATION alleging or claiming an injury as described in your response to Interrogatory No. 11 to the water rights listed in your response to Interrogatory No. 7.

Response to Request for Admission No. 2: Admitted in part: Idaho relies on the Director's Report, as supplemented in the Supplemental Director's Report, for the conclusion that an injury would occur to existing water rights by an accomplished transfer of this water right. Idaho admits that it has no other documents alleging or claiming injury for the claimed accomplished transfer.

Interrogatory No. 14: If YOU DENY Request for Admission No. 2, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 14: Not applicable.

Interrogatory No. 15: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 14.

Answer to Interrogatory No. 15: No one.

Request for Production No. 10: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 14.

Response to Request for Production No. 10: None.

Interrogatory No. 16: Please IDENTIFY each PERSON who participated in or furnished information for the preparation of all or any portion of YOUR responses to these DISCOVERY REQUESTS and IDENTIFY the information that each such PERSON provided.

Answer to Interrogatory No. 16: Objection. The review process within the Natural Resources Division of the Office of the Attorney General and the contribution of each person in that review process constitutes attorney work product that is not subject to discovery. Notwithstanding this objection, I asked four persons to provide me information. I asked Mr. Carter Fritschle to provide me well logs for Pocatello's wells. I also asked Mr. John Carlson to provide me well logs for Pocatello's wells. I have not received any well log information from Mr. Carter Fritschle. Ms. Dana Hiatt responded for Mr. John Carlson and provided me a copy of the well logs for the City's wells. I asked Mr. Phil Rassier, deputy attorney general, to provide me the water right number for any administrative transfers from a surface water source to a ground water source. Mr. Phil Rassier, deputy attorney general, provided me water right no. 36-2603A. I also described my request for well logs to Ms. Candice McHugh, deputy attorney general, on August 31, 2006, and she suggested that I contact Mr. John Carlson about that request. Finally, I asked Mr. Doug Conde, deputy attorney general, to provide me information

about Pocatello's sewage wastewater facility. Mr. Conde provided me some documents from the Idaho Department of Environmental Quality. The reviewing person(s) within the Natural Resources Division provided no information.

Subcase No. 29-13560

Interrogatory No. 1: Please STATE THE BASIS for YOUR RESPONSE TO POCATELLO'S OBJECTION in this SUBCASE.

Answer to Interrogatory No. 1: A RESPONSE is a procedural pleading that indicates a party's intention to participate in the litigation of a particular subcase. Idaho did not take a substantive position in its RESPONSE filed in this subcase.

Interrogatory No. 2: Please IDENTIFY each PERSON who has information that RELATES TO YOUR RESPONSE that is the subject of Interrogatory No. 1.

Answer to Interrogatory No. 2: None. Idaho has not identified any lay person or retained any expert to provide testimony in these subcase proceedings. Idaho reserves the right to call employees from IDWR to testify as to the basis for the Director's Recommendations.

Interrogatory No. 3: Please describe the substance of the knowledge of each PERSON identified in YOUR RESPONSE to Interrogatory No. 2.

Answer to Interrogatory No. 3: Not applicable.

Interrogatory No. 4: Please IDENTIFY each EXPERT who YOU expect to testify RELATING TO YOUR RESPONSE that is the subject of Interrogatory No. 1.

Answer to Interrogatory No. 4: Idaho has not retained any experts at this time. Idaho reserves the right to call employees from IDWR to testify as to the basis for the Director's Recommendations.

Interrogatory No. 5: For each EXPERT you IDENTIFIED in your RESPONSE to Interrogatory No. 4, state the subject matter on which the expert is expected to testify, state the substance of the opinions to which the expert is expected to testify, and state the underlying facts and data upon which the expert opinions are based.

Answer to Interrogatory No. 5: Not applicable.

Request for Production No. 1: Please PRODUCE all DOCUMENTS that support YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 1: The primary document that Idaho relies upon to support its RESPONSE is the Director's Report, as amended by the Supplemental Director's Report, which are available for inspection during normal business hours upon reasonable request. Idaho has not collected any other documents that support its RESPONSE.

Request for Production No. 2: Please PRODUCE all DOCUMENTS, not produced in response to Request for Production No. 1, that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 2: Idaho has not collected any other documents that relate to its RESPONSE.

Request for Production No. 3: Please PRODUCE all DOCUMENTS that constitute or were included with or referred to in CORRESPONDENCE between YOU and any other PERSON that RELATES TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 3: The following correspondence relates to Idaho's RESPONSE to Pocatello's objection:

Letter from Clive J. Strong to Honorable Terrence A. Dolan dated August 30, 2005.

Letter from Olga Valdivia to the Clerk of the District Court dated July 21, 2006.

Copies of these documents are attached.

Request for Production No. 4: Please PRODUCE all DOCUMENTS that RELATE TO COMMUNICATIONS between YOU and any other PERSON that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 4: Idaho has identified one hundred and nine e-mails that relate to communications between Idaho and another person about its Response to Pocatello's objection. Fifteen of these e-mails were sent by David J. Barber to various persons, and ninety-four of these e-mails were received by David J. Barber.

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Response to Request for Production No. 5: Not applicable.

Request for Production No. 6: Please PRODUCE copies of any RELEVANT DOCUMENTS that YOU have received from any PERSON, including but not limited to expert witness reports, in conjunction with his or her anticipated testimony in this SUBCASE.

Response to Request for Production No. 6: There are three categories of documents that Idaho has received. (1) Idaho received the Director's Report and Supplemental Director's Report, which are available for inspection during normal business hours upon reasonable request. (2) Idaho has identified one hundred and nine e-mails that relate to communications between Idaho and another person about its Response to Pocatello's objection. Fifteen of these e-mails were sent by David J. Barber to various persons, and ninety-four of these e-mails were received by David J. Barber. (3) Idaho also received well logs for some of Pocatello's wells. A copy of those well logs is attached (MAIL80235 through MAIL80261).

Ninety-three of these e-mails were sent or copied to at least one of the following persons: Jo Beeman, Sara Klahn, Joyce Angell, or Dana Rose. Because a representative of the City of Pocatello received a copy of these e-mails, a paper copy is not attached. However, copies of these ninety-three e-mails are available for inspection during normal business hours upon reasonable request. The remaining sixteen e-mails are attached and are described as follows:

- (1) An e-mail from Susan Hamlin Nygard to David J. Barber dated May 7, 2004.
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- (8) An e-mail from David J. Barber to Tracy Behrens that is dated June 10, 2005.
- (9) An e-mail from Ray Williams to David Barber dated September 7, 2006 at 11:48 a.m.
- (10) An e-mail from Ray Williams to David Barber dated September 7, 2006 at 11:49 a.m.
- (11) An e-mail from Ray Williams to David Barber dated September 7, 2006 at 11:50 a.m.
- (12) An e-mail from Ray Williams to David Barber dated September 7, 2006 at 12:11 p.m.
- (13) An e-mail from Douglas Conde to Clive Strong and David Barber dated September 12, 2006.
- (14) An e-mail from Clive Strong to David Barber dated September 12, 2006.
- (15) An e-mail from Clive Strong to David Barber dated September 18, 2006.
- (16) An e-mail from Carter Fritschle to Candice McHugh and David Barber dated September 20, 2006.

Interrogatory No. 6: Please DESCRIBE any information you have regarding the cone of depression created by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 6: None.

Request for Production 7: Please produce any DOCUMENTS in your possession relating to your responses to Interrogatory No. 6.

Response to Request for Production No. 7: Not applicable.

Interrogatory No. 7: Please DESCRIBE any information you have regarding ground water rights that withdraw water from the Lower Portneuf River Valley Aquifer within the cone of depression created by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 7: None.

Interrogatory No. 8: Please DESCRIBE any information you have regarding the individual water rights "injured" by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 8: None.

Interrogatory No. 9: Please DESCRIBE any information you have regarding the maximum amount of water ever withdrawn by POCATELLO at the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 9: None.

Interrogatory No. 10: List any water rights YOU allege to be injured by an accomplished transfer of this water right pursuant to Idaho Code §42-1425.

Answer to Interrogatory No. 10: Since Idaho has not conducted an independent evaluation regarding the issue of injury by an accomplished transfer of this water right, it has not identified any water rights that would be injured by an accomplished transfer of this water right. Idaho relies upon the determination in the Director's Report, as supplemented in the

Supplemental Director's Report that an injury would occur to existing water rights by a transfer of this water right.

Interrogatory No. 11: Describe the nature of the injury you allege occurred because of the accomplished transfer of this water right pursuant to Idaho Code §42-1425.

Answer to Interrogatory No. 11: Since Idaho has not conducted an independent evaluation regarding the issue of injury by an accomplished transfer of this water right, it has no independent information regarding any injury by an accomplished transfer of this water right. Idaho relies upon the determination in the Director's Report, as supplemented in the Supplemental Director's Report, for the conclusion that an injury would occur to existing water rights by an accomplished transfer of this water right.

Request for Production No. 8: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 11.

Response to Request for Production No. 8: The Director's Report, as supplemented in the Supplemental Director's Report, are available for review upon reasonable request during normal business hours.

Request for Admission No. 1: Admit that this water right has never been administered by the STATE in response to the injury alleged in Interrogatory No. 11.

Response to Request for Admission No. 1: Objection. This request for admission is unduly burdensome because it requires a thorough review of the records of IDWR and its agencies predecessor in function. Pocatello can undertake this review as easily as Idaho. Since IDWR is a non-party to the Snake River Basin Adjudication, Idaho has no responsibility to review the records of IDWR or its agencies predecessor in function. Furthermore, a portion of the records of IDWR are available on the internet for review by anyone. It is unduly burdensome

to request Idaho to conduct this research on the internet for Pocatello. Idaho has not undertaken a review of IDWR's records. Notwithstanding these objections, this request for admission is denied because of lack of information and knowledge.

Interrogatory No. 12: If YOU DENY Request for Admission No. 1, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 12: Request for admission no. 1 is denied because of lack of information and knowledge.

Interrogatory No. 13: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 12.

Answer to Interrogatory No. 13: No one.

Request for Production No. 9: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 12.

Response to Request for Production No. 9: None.

Request for Admission No. 2: Admit that YOU have no DOCUMENTS or other INFORMATION alleging or claiming an injury as described in your response to Interrogatory No. 11 to the water rights listed in your response to Interrogatory No. 7.

Response to Request for Admission No. 2: Admitted in part: Idaho relies on the Director's Report, as supplemented in the Supplemental Director's Report, for the conclusion that an injury would occur to existing water rights by an accomplished transfer of this water right. Idaho admits that it has no other documents alleging or claiming injury for the claimed accomplished transfer.

Interrogatory No. 14: If YOU DENY Request for Admission No. 2, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 14: Not applicable.

Interrogatory No. 15: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 14.

Answer to Interrogatory No. 15: No one.

Request for Production No. 10: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 14.

Response to Request for Production No. 10: None.

Interrogatory No. 16: Please IDENTIFY each PERSON who participated in or furnished information for the preparation of all or any portion of YOUR responses to these DISCOVERY REQUESTS and IDENTIFY the information that each such PERSON provided.

Answer to Interrogatory No. 16: Objection. The review process within the Natural Resources Division of the Office of the Attorney General and the contribution of each person in that review process constitutes attorney work product that is not subject to discovery. Notwithstanding this objection, I asked four persons to provide me information. I asked Mr. Carter Fritschle to provide me well logs for Pocatello's wells. I also asked Mr. John Carlson to provide me well logs for Pocatello's wells. I have not received any well log information from Mr. Carter Fritschle. Ms. Dana Hiatt responded for Mr. John Carlson and provided me a copy of the well logs for the City's wells. I asked Mr. Phil Rassier, deputy attorney general, to provide me the water right number for any administrative transfers from a surface water source to a ground water source. Mr. Phil Rassier, deputy attorney general, provided me water right no. 36-2603A. I also described my request for well logs to Ms. Candice McHugh, deputy attorney general, on August 31, 2006, and she suggested that I contact Mr. John Carlson about that request. Finally, I asked Mr. Doug Conde, deputy attorney general, to provide me information

about Pocatello's sewage wastewater facility. Mr. Conde provided me some documents from the Idaho Department of Environmental Quality. The reviewing person(s) within the Natural Resources Division provided no information.

Subcase No. 29-13561

Interrogatory No. 1: Please STATE THE BASIS for YOUR RESPONSE TO POCATELLO'S OBJECTION in this SUBCASE.

Answer to Interrogatory No. 1: A RESPONSE is a procedural pleading that indicates a party's intention to participate in the litigation of a particular subcase. Idaho did not take a substantive position in its RESPONSE filed in this subcase.

Interrogatory No. 2: Please IDENTIFY each PERSON who has information that RELATES TO YOUR RESPONSE that is the subject of Interrogatory No. 1.

Answer to Interrogatory No. 2: None. Idaho has not identified any lay person or retained any expert to provide testimony in these subcase proceedings. Idaho reserves the right to call employees from IDWR to testify as to the basis for the Director's Recommendations.

Interrogatory No. 3: Please describe the substance of the knowledge of each PERSON identified in YOUR RESPONSE to Interrogatory No. 2.

Answer to Interrogatory No. 3: Not applicable.

Interrogatory No. 4: Please IDENTIFY each EXPERT who YOU expect to testify RELATING TO YOUR RESPONSE that is the subject of Interrogatory No. 1.

Answer to Interrogatory No. 4: Idaho has not retained any experts at this time. Idaho reserves the right to call employees from IDWR to testify as to the basis for the Director's Recommendations.

Interrogatory No. 5: For each EXPERT you IDENTIFIED in your RESPONSE to Interrogatory No. 4, state the subject matter on which the expert is expected to testify, state the substance of the opinions to which the expert is expected to testify, and state the underlying facts and data upon which the expert opinions are based.

Answer to Interrogatory No. 5: Not applicable.

Request for Production No. 1: Please PRODUCE all DOCUMENTS that support YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 1: The primary document that Idaho relies upon to support its RESPONSE is the Director's Report, as amended by the Supplemental Director's Report, which are available for inspection during normal business hours upon reasonable request. Idaho has not collected any other documents that support its RESPONSE.

Request for Production No. 2: Please PRODUCE all DOCUMENTS, not produced in response to Request for Production No. 1, that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 2: Idaho has not collected any other documents that relate to its RESPONSE.

Request for Production No. 3: Please PRODUCE all DOCUMENTS that constitute or were included with or referred to in CORRESPONDENCE between YOU and any other PERSON that RELATES TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 3: The following correspondence relates to Idaho's RESPONSE to Pocatello's objection:

Letter from Clive J. Strong to Honorable Terrence A. Dolan dated August 30, 2005.

Letter from Olga Valdivia to the Clerk of the District Court dated July 21, 2006.

Copies of these documents are attached.

Request for Production No. 4: Please PRODUCE all DOCUMENTS that RELATE TO COMMUNICATIONS between YOU and any other PERSON that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 4: Idaho has identified one hundred and nine e-mails that relate to communications between Idaho and another person about its Response to Pocatello's objection. Fifteen of these e-mails were sent by David J. Barber to various persons, and ninety-four of these e-mails were received by David J. Barber.

Ninety-three of these e-mails were sent or copied to at least one of the following persons: Jo Beeman, Sara Klahn, Joyce Angell, or Dana Rose. Because a representative of the City of Pocatello received a copy of these e-mails, a paper copy is not attached. However, copies of these ninety-three e-mails are available for inspection during normal business hours upon reasonable request. The remaining sixteen e-mails are attached and are described as follows:

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- (15) An e-mail from Clive Strong to David Barber dated September 18, 2006.
- (16) An e-mail from Carter Fritschle to Candice McHugh and David Barber dated September 20, 2006.

Request for Production No. 5: Please PRODUCE copies of all data and RELEVANT DOCUMENTS upon which the opinions of each EXPERT WITNESS whom YOU are asked to IDENTIFY in response to Interrogatory No. 4 are based or expected to be based.

Response to Request for Production No. 5: Not applicable.

Request for Production No. 6: Please PRODUCE copies of any RELEVANT DOCUMENTS that YOU have received from any PERSON, including but not limited to expert witness reports, in conjunction with his or her anticipated testimony in this SUBCASE.

Response to Request for Production No. 6: There are three categories of documents that Idaho has received. (1) Idaho received the Director's Report and Supplemental Director's Report, which are available for inspection during normal business hours upon reasonable request. (2) Idaho has identified one hundred and nine e-mails that relate to communications between Idaho and another person about its Response to Pocatello's objection. Fifteen of these e-mails were sent by David J. Barber to various persons, and ninety-four of these e-mails were received by David J. Barber. (3) Idaho also received well logs for some of Pocatello's wells. A copy of those well logs is attached (MAIL80235 through MAIL80261).

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Interrogatory No. 6: Please DESCRIBE any information you have regarding the cone of depression created by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 6: None.

Request for Production 7: Please produce any DOCUMENTS in your possession relating to your responses to Interrogatory No. 6.

Response to Request for Production No. 7: Not applicable.

Interrogatory No. 7: Please DESCRIBE any information you have regarding ground water rights that withdraw water from the Lower Portneuf River Valley Aquifer within the cone of depression created by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 7: None.

Interrogatory No. 8: Please DESCRIBE any information you have regarding the individual water rights "injured" by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 8: None.

Interrogatory No. 9: Please DESCRIBE any information you have regarding the maximum amount of water ever withdrawn by POCATELLO at the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 9: None.

Interrogatory No. 10: List any water rights YOU allege to be injured by an accomplished transfer of this water right pursuant to Idaho Code §42-1425.

Answer to Interrogatory No. 10: Since Idaho has not conducted an independent evaluation regarding the issue of injury by an accomplished transfer of this water right, it has not identified any water rights that would be injured by an accomplished transfer of this water right. Idaho relies upon the determination in the Director's Report, as supplemented in the

Supplemental Director's Report that an injury would occur to existing water rights by a transfer of this water right.

Interrogatory No. 11: Describe the nature of the injury you allege occurred because of the accomplished transfer of this water right pursuant to Idaho Code §42-1425.

Answer to Interrogatory No. 11: Since Idaho has not conducted an independent evaluation regarding the issue of injury by an accomplished transfer of this water right, it has no independent information regarding any injury by an accomplished transfer of this water right. Idaho relies upon the determination in the Director's Report, as supplemented in the Supplemental Director's Report, for the conclusion that an injury would occur to existing water rights by an accomplished transfer of this water right.

Request for Production No. 8: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 11.

Response to Request for Production No. 8: The Director's Report, as supplemented in the Supplemental Director's Report, are available for review upon reasonable request during normal business hours.

Request for Admission No. 1: Admit that this water right has never been administered by the STATE in response to the injury alleged in Interrogatory No. 11.

Response to Request for Admission No. 1: Objection. This request for admission is unduly burdensome because it requires a thorough review of the records of IDWR and its agencies predecessor in function. Pocatello can undertake this review as easily as Idaho. Since IDWR is a non-party to the Snake River Basin Adjudication, Idaho has no responsibility to review the records of IDWR or its agencies predecessor in function. Furthermore, a portion of the records of IDWR are available on the internet for review by anyone. It is unduly burdensome

to request Idaho to conduct this research on the internet for Pocatello. Idaho has not undertaken a review of IDWR's records. Notwithstanding these objections, this request for admission is denied because of lack of information and knowledge.

Interrogatory No. 12: If YOU DENY Request for Admission No. 1, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 12: Request for admission no. 1 is denied because of lack of information and knowledge.

Interrogatory No. 13: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 12.

Answer to Interrogatory No. 13: No one.

Request for Production No. 9: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 12.

Response to Request for Production No. 9: None.

Request for Admission No. 2: Admit that YOU have no DOCUMENTS or other INFORMATION alleging or claiming an injury as described in your response to Interrogatory No. 11 to the water rights listed in your response to Interrogatory No. 7.

Response to Request for Admission No. 2: Admitted in part: Idaho relies on the Director's Report, as supplemented in the Supplemental Director's Report, for the conclusion that an injury would occur to existing water rights by an accomplished transfer of this water right. Idaho admits that it has no other documents alleging or claiming injury for the claimed accomplished transfer.

Interrogatory No. 14: If YOU DENY Request for Admission No. 2, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 14: Not applicable.

Interrogatory No. 15: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 14.

Answer to Interrogatory No. 15: No one.

Request for Production No. 10: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 14.

Response to Request for Production No. 10: None.

Interrogatory No. 16: Please IDENTIFY each PERSON who participated in or furnished information for the preparation of all or any portion of YOUR responses to these DISCOVERY REQUESTS and IDENTIFY the information that each such PERSON provided.

Answer to Interrogatory No. 16: Objection. The review process within the Natural Resources Division of the Office of the Attorney General and the contribution of each person in that review process constitutes attorney work product that is not subject to discovery. Notwithstanding this objection, I asked four persons to provide me information. I asked Mr. Carter Fritschle to provide me well logs for Pocatello's wells. I also asked Mr. John Carlson to provide me well logs for Pocatello's wells. I have not received any well log information from Mr. Carter Fritschle. Ms. Dana Hiatt responded for Mr. John Carlson and provided me a copy of the well logs for the City's wells. I asked Mr. Phil Rassier, deputy attorney general, to provide me the water right number for any administrative transfers from a surface water source to a ground water source. Mr. Phil Rassier, deputy attorney general, provided me water right no. 36-2603A. I also described my request for well logs to Ms. Candice McHugh, deputy attorney general, on August 31, 2006, and she suggested that I contact Mr. John Carlson about that request. Finally, I asked Mr. Doug Conde, deputy attorney general, to provide me information

about Pocatello's sewage wastewater facility. Mr. Conde provided me some documents from the Idaho Department of Environmental Quality. The reviewing person(s) within the Natural Resources Division provided no information.

Subcase No. 29-13562

Interrogatory No. 1: Please STATE THE BASIS for YOUR RESPONSE TO POCATELLO'S OBJECTION in this SUBCASE.

Answer to Interrogatory No. 1: A RESPONSE is a procedural pleading that indicates a party's intention to participate in the litigation of a particular subcase. Idaho did not take a substantive position in its RESPONSE filed in this subcase.

Interrogatory No. 2: Please IDENTIFY each PERSON who has information that RELATES TO YOUR RESPONSE that is the subject of Interrogatory No. 1.

Answer to Interrogatory No. 2: None. Idaho has not identified any lay person or retained any expert to provide testimony in these subcase proceedings. Idaho reserves the right to call employees from IDWR to testify as to the basis for the Director's Recommendations.

Interrogatory No. 3: Please describe the substance of the knowledge of each PERSON identified in YOUR RESPONSE to Interrogatory No. 2.

Answer to Interrogatory No. 3: Not applicable.

Interrogatory No. 4: Please IDENTIFY each EXPERT who YOU expect to testify RELATING TO YOUR RESPONSE that is the subject of Interrogatory No. 1.

Answer to Interrogatory No. 4: Idaho has not retained any experts at this time. Idaho reserves the right to call employees from IDWR to testify as to the basis for the Director's Recommendations.

Interrogatory No. 5: For each EXPERT you IDENTIFIED in your RESPONSE to Interrogatory No. 4, state the subject matter on which the expert is expected to testify, state the substance of the opinions to which the expert is expected to testify, and state the underlying facts and data upon which the expert opinions are based.

Answer to Interrogatory No. 5: Not applicable.

Request for Production No. 1: Please PRODUCE all DOCUMENTS that support YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 1: The primary document that Idaho relies upon to support its RESPONSE is the Director's Report, as amended by the Supplemental Director's Report, which are available for inspection during normal business hours upon reasonable request. Idaho has not collected any other documents that support its RESPONSE.

Request for Production No. 2: Please PRODUCE all DOCUMENTS, not produced in response to Request for Production No. 1, that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 2: Idaho has not collected any other documents that relate to its RESPONSE.

Request for Production No. 3: Please PRODUCE all DOCUMENTS that constitute or were included with or referred to in CORRESPONDENCE between YOU and any other PERSON that RELATES TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 3: The following correspondence relates to Idaho's RESPONSE to Pocatello's objection:

Letter from Clive J. Strong to Honorable Terrence A. Dolan dated August 30, 2005.

Letter from Olga Valdivia to the Clerk of the District Court dated July 21, 2006.

Copies of these documents are attached.

Request for Production No. 4: Please PRODUCE all DOCUMENTS that RELATE TO COMMUNICATIONS between YOU and any other PERSON that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 4: Idaho has identified one hundred and nine e-mails that relate to communications between Idaho and another person about its Response to Pocatello's objection. Fifteen of these e-mails were sent by David J. Barber to various persons, and ninety-four of these e-mails were received by David J. Barber.

Ninety-three of these e-mails were sent or copied to at least one of the following persons: Jo Beeman, Sara Klahn, Joyce Angell, or Dana Rose. Because a representative of the City of Pocatello received a copy of these e-mails, a paper copy is not attached. However, copies of these ninety-three e-mails are available for inspection during normal business hours upon reasonable request. The remaining sixteen e-mails are attached and are described as follows:

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Request for Production No. 5: Please PRODUCE copies of all data and RELEVANT DOCUMENTS upon which the opinions of each EXPERT WITNESS whom YOU are asked to IDENTIFY in response to Interrogatory No. 4 are based or expected to be based.

Response to Request for Production No. 5: Not applicable.

Request for Production No. 6: Please PRODUCE copies of any RELEVANT DOCUMENTS that YOU have received from any PERSON, including but not limited to expert witness reports, in conjunction with his or her anticipated testimony in this SUBCASE.

Response to Request for Production No. 6: There are three categories of documents that Idaho has received. (1) Idaho received the Director's Report and Supplemental Director's Report, which are available for inspection during normal business hours upon reasonable request. (2) Idaho has identified one hundred and nine e-mails that relate to communications between Idaho and another person about its Response to Pocatello's objection. Fifteen of these e-mails were sent by David J. Barber to various persons, and ninety-four of these e-mails were received by David J. Barber. (3) Idaho also received well logs for some of Pocatello's wells. A copy of those well logs is attached (MAIL80235 through MAIL80261).

Ninety-three of these e-mails were sent or copied to at least one of the following persons: Jo Beeman, Sara Klahn, Joyce Angell, or Dana Rose. Because a representative of the City of Pocatello received a copy of these e-mails, a paper copy is not attached. However, copies of these ninety-three e-mails are available for inspection during normal business hours upon reasonable request. The remaining sixteen e-mails are attached and are described as follows:

- (1) An e-mail from Susan Hamlin Nygard to David J. Barber dated May 7, 2004.
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- (8) An e-mail from David J. Barber to Tracy Behrens that is dated June 10, 2005.
- (9) An e-mail from Ray Williams to David Barber dated September 7, 2006 at 11:48 a.m.
- (10) An e-mail from Ray Williams to David Barber dated September 7, 2006 at 11:49 a.m.
- (11) An e-mail from Ray Williams to David Barber dated September 7, 2006 at 11:50 a.m.
- (12) An e-mail from Ray Williams to David Barber dated September 7, 2006 at 12:11 p.m.
- (13) An e-mail from Douglas Conde to Clive Strong and David Barber dated September 12, 2006.
- (14) An e-mail from Clive Strong to David Barber dated September 12, 2006.
- (15) An e-mail from Clive Strong to David Barber dated September 18, 2006.
- (16) An e-mail from Carter Fritschle to Candice McHugh and David Barber dated September 20, 2006.

Interrogatory No. 6: Please DESCRIBE any information you have regarding the cone of depression created by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 6: None.

Request for Production 7: Please produce any DOCUMENTS in your possession relating to your responses to Interrogatory No. 6.

Response to Request for Production No. 7: Not applicable.

Interrogatory No. 7: Please DESCRIBE any information you have regarding ground water rights that withdraw water from the Lower Portneuf River Valley Aquifer within the cone of depression created by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 7: None.

Interrogatory No. 8: Please DESCRIBE any information you have regarding the individual water rights "injured" by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 8: None.

Interrogatory No. 9: Please DESCRIBE any information you have regarding the maximum amount of water ever withdrawn by POCATELLO at the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 9: None.

Interrogatory No. 10: List any water rights YOU allege to be injured by an accomplished transfer of this water right pursuant to Idaho Code §42-1425.

Answer to Interrogatory No. 10: Since Idaho has not conducted an independent evaluation regarding the issue of injury by an accomplished transfer of this water right, it has not identified any water rights that would be injured by an accomplished transfer of this water right. Idaho relies upon the determination in the Director's Report, as supplemented in the

Supplemental Director's Report that an injury would occur to existing water rights by a transfer of this water right.

Interrogatory No. 11: Describe the nature of the injury you allege occurred because of the accomplished transfer of this water right pursuant to Idaho Code §42-1425.

Answer to Interrogatory No. 11: Since Idaho has not conducted an independent evaluation regarding the issue of injury by an accomplished transfer of this water right, it has no independent information regarding any injury by an accomplished transfer of this water right. Idaho relies upon the determination in the Director's Report, as supplemented in the Supplemental Director's Report, for the conclusion that an injury would occur to existing water rights by an accomplished transfer of this water right.

Request for Production No. 8: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 11.

Response to Request for Production No. 8: The Director's Report, as supplemented in the Supplemental Director's Report, are available for review upon reasonable request during normal business hours.

Request for Admission No. 1: Admit that this water right has never been administered by the STATE in response to the injury alleged in Interrogatory No. 11.

Response to Request for Admission No. 1: Objection. This request for admission is unduly burdensome because it requires a thorough review of the records of IDWR and its agencies predecessor in function. Pocatello can undertake this review as easily as Idaho. Since IDWR is a non-party to the Snake River Basin Adjudication, Idaho has no responsibility to review the records of IDWR or its agencies predecessor in function. Furthermore, a portion of the records of IDWR are available on the internet for review by anyone. It is unduly burdensome

to request Idaho to conduct this research on the internet for Pocatello. Idaho has not undertaken a review of IDWR's records. Notwithstanding these objections, this request for admission is denied because of lack of information and knowledge.

Interrogatory No. 12: If YOU DENY Request for Admission No. 1, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 12: Request for admission no. 1 is denied because of lack of information and knowledge.

Interrogatory No. 13: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 12.

Answer to Interrogatory No. 13: No one.

Request for Production No. 9: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 12.

Response to Request for Production No. 9: None.

Request for Admission No. 2: Admit that YOU have no DOCUMENTS or other INFORMATION alleging or claiming an injury as described in your response to Interrogatory No. 11 to the water rights listed in your response to Interrogatory No. 7.

Response to Request for Admission No. 2: Admitted in part; Idaho relies on the Director's Report, as supplemented in the Supplemental Director's Report, for the conclusion that an injury would occur to existing water rights by an accomplished transfer of this water right. Idaho admits that it has no other documents alleging or claiming injury for the claimed accomplished transfer.

Interrogatory No. 14: If YOU DENY Request for Admission No. 2, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 14: Not applicable.

Interrogatory No. 15: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 14.

Answer to Interrogatory No. 15: No one.

Request for Production No. 10: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 14.

Response to Request for Production No. 10: None.

Interrogatory No. 16: Please IDENTIFY each PERSON who participated in or furnished information for the preparation of all or any portion of YOUR responses to these DISCOVERY REQUESTS and IDENTIFY the information that each such PERSON provided.

Answer to Interrogatory No. 16: Objection. The review process within the Natural Resources Division of the Office of the Attorney General and the contribution of each person in that review process constitutes attorney work product that is not subject to discovery. Notwithstanding this objection, I asked four persons to provide me information. I asked Mr. Carter Fritschle to provide me well logs for Pocatello's wells. I also asked Mr. John Carlson to provide me well logs for Pocatello's wells. I have not received any well log information from Mr. Carter Fritschle. Ms. Dana Hiatt responded for Mr. John Carlson and provided me a copy of the well logs for the City's wells. I asked Mr. Phil Rassier, deputy attorney general, to provide me the water right number for any administrative transfers from a surface water source to a ground water source. Mr. Phil Rassier, deputy attorney general, provided me water right no. 36-2603A. I also described my request for well logs to Ms. Candice McHugh, deputy attorney general, on August 31, 2006, and she suggested that I contact Mr. John Carlson about that request. Finally, I asked Mr. Doug Conde, deputy attorney general, to provide me information

about Pocatello's sewage wastewater facility. Mr. Conde provided me some documents from the Idaho Department of Environmental Quality. The reviewing person(s) within the Natural Resources Division provided no information.

Subcase No. 29-13637

Interrogatory No. 1: Please STATE THE BASIS for YOUR RESPONSE TO POCATELLO'S OBJECTION in this SUBCASE.

Answer to Interrogatory No. 1: A RESPONSE is a procedural pleading that indicates a party's intention to participate in the litigation of a particular subcase. Idaho did not take a substantive position in its RESPONSE filed in this subcase.

Interrogatory No. 2: Please IDENTIFY each PERSON who has information that RELATES TO YOUR RESPONSE that is the subject of Interrogatory No. 1.

Answer to Interrogatory No. 2: None. Idaho has not identified any lay person or retained any expert to provide testimony in these subcase proceedings. Idaho reserves the right to call employees from IDWR to testify as to the basis for the Director's Recommendations.

Interrogatory No. 3: Please describe the substance of the knowledge of each PERSON identified in YOUR RESPONSE to Interrogatory No. 2.

Answer to Interrogatory No. 3: Not applicable.

Interrogatory No. 4: Please IDENTIFY each EXPERT who YOU expect to testify RELATING TO YOUR RESPONSE that is the subject of Interrogatory No. 1.

Answer to Interrogatory No. 4: Idaho has not retained any experts at this time. Idaho reserves the right to call employees from IDWR to testify as to the basis for the Director's Recommendations.

Interrogatory No. 5: For each EXPERT you IDENTIFIED in your RESPONSE to Interrogatory No. 4, state the subject matter on which the expert is expected to testify, state the substance of the opinions to which the expert is expected to testify, and state the underlying facts and data upon which the expert opinions are based.

Answer to Interrogatory No. 5: Not applicable.

Request for Production No. 1: Please PRODUCE all DOCUMENTS that support YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 1: The primary document that Idaho relies upon to support its RESPONSE is the Director's Report, as amended by the Supplemental Director's Report, which are available for inspection during normal business hours upon reasonable request. Idaho has not collected any other documents that support its RESPONSE.

Request for Production No. 2: Please PRODUCE all DOCUMENTS, not produced in response to Request for Production No. 1, that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 2: Idaho has not collected any other documents that relate to its RESPONSE.

Request for Production No. 3: Please PRODUCE all DOCUMENTS that constitute or were included with or referred to in CORRESPONDENCE between YOU and any other PERSON that RELATES TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 3: The following correspondence relates to Idaho's RESPONSE to Pocatello's objection:

Letter from Clive J. Strong to Honorable Terrence A. Dolan dated August 30, 2005.

Letter from Olga Valdivia to the Clerk of the District Court dated July 21, 2006.

Copies of these documents are attached.

Request for Production No. 4: Please PRODUCE all DOCUMENTS that RELATE TO COMMUNICATIONS between YOU and any other PERSON that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 4: Idaho has identified one hundred and nine e-mails that relate to communications between Idaho and another person about its Response to Pocatello's objection. Fifteen of these e-mails were sent by David J. Barber to various persons, and ninety-four of these e-mails were received by David J. Barber.

Ninety-three of these e-mails were sent or copied to at least one of the following persons: Jo Beeman, Sara Klahn, Joyce Angell, or Dana Rose. Because a representative of the City of Pocatello received a copy of these e-mails, a paper copy is not attached. However, copies of these ninety-three e-mails are available for inspection during normal business hours upon reasonable request. The remaining sixteen e-mails are attached and are described as follows:

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- (15) An e-mail from Clive Strong to David Barber dated September 18, 2006.
- (16) An e-mail from Carter Fritschle to Candice McHugh and David Barber dated September 20, 2006.

Request for Production No. 5: Please PRODUCE copies of all data and RELEVANT DOCUMENTS upon which the opinions of each EXPERT WITNESS whom YOU are asked to IDENTIFY in response to Interrogatory No. 4 are based or expected to be based.

Response to Request for Production No. 5: Not applicable.

Request for Production No. 6: Please PRODUCE copies of any RELEVANT DOCUMENTS that YOU have received from any PERSON, including but not limited to expert witness reports, in conjunction with his or her anticipated testimony in this SUBCASE.

Response to Request for Production No. 6: There are three categories of documents that Idaho has received. (1) Idaho received the Director's Report and Supplemental Director's Report, which are available for inspection during normal business hours upon reasonable request. (2) Idaho has identified one hundred and nine e-mails that relate to communications between Idaho and another person about its Response to Pocatello's objection. Fifteen of these e-mails were sent by David J. Barber to various persons, and ninety-four of these e-mails were received by David J. Barber. (3) Idaho also received well logs for some of Pocatello's wells. A copy of those well logs is attached (MAIL80235 through MAIL80261).

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- (16) An e-mail from Carter Fritschle to Candice McHugh and David Barber dated September 20, 2006.

Interrogatory No. 6: Please DESCRIBE any information you have regarding the cone of depression created by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 6: None.

Request for Production 7: Please produce any DOCUMENTS in your possession relating to your responses to Interrogatory No. 6.

Response to Request for Production No. 7: Not applicable.

Interrogatory No. 7: Please DESCRIBE any information you have regarding ground water rights that withdraw water from the Lower Portneuf River Valley Aquifer within the cone of depression created by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 7: None.

Interrogatory No. 8: Please DESCRIBE any information you have regarding the individual water rights "injured" by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 8: None.

Interrogatory No. 9: Please DESCRIBE any information you have regarding the maximum amount of water ever withdrawn by POCATELLO at the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 9: None.

Interrogatory No. 10: List any water rights YOU allege to be injured by an accomplished transfer of this water right pursuant to Idaho Code §42-1425.

Answer to Interrogatory No. 10: Since Idaho has not conducted an independent evaluation regarding the issue of injury by an accomplished transfer of this water right, it has not identified any water rights that would be injured by an accomplished transfer of this water right. Idaho relies upon the determination in the Director's Report, as supplemented in the

Supplemental Director's Report that an injury would occur to existing water rights by a transfer of this water right.

Interrogatory No. 11: Describe the nature of the injury you allege occurred because of the accomplished transfer of this water right pursuant to Idaho Code §42-1425.

Answer to Interrogatory No. 11: Since Idaho has not conducted an independent evaluation regarding the issue of injury by an accomplished transfer of this water right, it has no independent information regarding any injury by an accomplished transfer of this water right. Idaho relies upon the determination in the Director's Report, as supplemented in the Supplemental Director's Report, for the conclusion that an injury would occur to existing water rights by an accomplished transfer of this water right.

Request for Production No. 8: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 11.

Response to Request for Production No. 8: The Director's Report, as supplemented in the Supplemental Director's Report, are available for review upon reasonable request during normal business hours.

Request for Admission No. 1: Admit that this water right has never been administered by the STATE in response to the injury alleged in Interrogatory No. 11.

Response to Request for Admission No. 1: Objection. This request for admission is unduly burdensome because it requires a thorough review of the records of IDWR and its agencies predecessor in function. Pocatello can undertake this review as easily as Idaho. Since IDWR is a non-party to the Snake River Basin Adjudication, Idaho has no responsibility to review the records of IDWR or its agencies predecessor in function. Furthermore, a portion of the records of IDWR are available on the internet for review by anyone. It is unduly burdensome

to request Idaho to conduct this research on the internet for Pocatello. Idaho has not undertaken a review of IDWR's records. Notwithstanding these objections, this request for admission is denied because of lack of information and knowledge.

Interrogatory No. 12: If YOU DENY Request for Admission No. 1, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 12: Request for admission no. 1 is denied because of lack of information and knowledge.

Interrogatory No. 13: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 12.

Answer to Interrogatory No. 13: No one.

Request for Production No. 9: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 12.

Response to Request for Production No. 9: None.

Request for Admission No. 2: Admit that YOU have no DOCUMENTS or other INFORMATION alleging or claiming an injury as described in your response to Interrogatory No. 11 to the water rights listed in your response to Interrogatory No. 7.

Response to Request for Admission No. 2: Admitted in part: Idaho relies on the Director's Report, as supplemented in the Supplemental Director's Report, for the conclusion that an injury would occur to existing water rights by an accomplished transfer of this water right. Idaho admits that it has no other documents alleging or claiming injury for the claimed accomplished transfer.

Interrogatory No. 14: If YOU DENY Request for Admission No. 2, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 14: Not applicable.

Interrogatory No. 15: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 14.

Answer to Interrogatory No. 15: No one.

Request for Production No. 10: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 14.

Response to Request for Production No. 10: None.

Interrogatory No. 16: Please IDENTIFY each PERSON who participated in or furnished information for the preparation of all or any portion of YOUR responses to these DISCOVERY REQUESTS and IDENTIFY the information that each such PERSON provided.

Answer to Interrogatory No. 16: Objection. The review process within the Natural Resources Division of the Office of the Attorney General and the contribution of each person in that review process constitutes attorney work product that is not subject to discovery. Notwithstanding this objection, I asked four persons to provide me information. I asked Mr. Carter Fritschle to provide me well logs for Pocatello's wells. I also asked Mr. John Carlson to provide me well logs for Pocatello's wells. I have not received any well log information from Mr. Carter Fritschle. Ms. Dana Hiatt responded for Mr. John Carlson and provided me a copy of the well logs for the City's wells. I asked Mr. Phil Rassier, deputy attorney general, to provide me the water right number for any administrative transfers from a surface water source to a ground water source. Mr. Phil Rassier, deputy attorney general, provided me water right no. 36-2603A. I also described my request for well logs to Ms. Candice McHugh, deputy attorney general, on August 31, 2006, and she suggested that I contact Mr. John Carlson about that request. Finally, I asked Mr. Doug Conde, deputy attorney general, to provide me information

about Pocatello's sewage wastewater facility. Mr. Conde provided me some documents from the Idaho Department of Environmental Quality. The reviewing person(s) within the Natural Resources Division provided no information.

Subcase No. 29-13638

Interrogatory No. 1: Please STATE THE BASIS for YOUR RESPONSE TO POCATELLO'S OBJECTION in this SUBCASE.

Answer to Interrogatory No. 1: A RESPONSE is a procedural pleading that indicates a party's intention to participate in the litigation of a particular subcase. Idaho did not take a substantive position in its RESPONSE filed in this subcase.

Interrogatory No. 2: Please IDENTIFY each PERSON who has information that RELATES TO YOUR RESPONSE that is the subject of Interrogatory No. 1.

Answer to Interrogatory No. 2: None. Idaho has not identified any lay person or retained any expert to provide testimony in these subcase proceedings. Idaho reserves the right to call employees from IDWR to testify as to the basis for the Director's Recommendations.

Interrogatory No. 3: Please describe the substance of the knowledge of each PERSON identified in YOUR RESPONSE to Interrogatory No. 2.

Answer to Interrogatory No. 3: Not applicable.

Interrogatory No. 4: Please IDENTIFY each EXPERT who YOU expect to testify RELATING TO YOUR RESPONSE that is the subject of Interrogatory No. 1.

Answer to Interrogatory No. 4: Idaho has not retained any experts at this time. Idaho reserves the right to call employees from IDWR to testify as to the basis for the Director's Recommendations.

Interrogatory No. 5: For each EXPERT you IDENTIFIED in your RESPONSE to Interrogatory No. 4, state the subject matter on which the expert is expected to testify, state the substance of the opinions to which the expert is expected to testify, and state the underlying facts and data upon which the expert opinions are based.

Answer to Interrogatory No. 5: Not applicable.

Request for Production No. 1: Please PRODUCE all DOCUMENTS that support YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 1: The primary document that Idaho relies upon to support its RESPONSE is the Director's Report, as amended by the Supplemental Director's Report, which are available for inspection during normal business hours upon reasonable request. Idaho has not collected any other documents that support its RESPONSE.

Request for Production No. 2: Please PRODUCE all DOCUMENTS, not produced in response to Request for Production No. 1, that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 2: Idaho has not collected any other documents that relate to its RESPONSE.

Request for Production No. 3: Please PRODUCE all DOCUMENTS that constitute or were included with or referred to in CORRESPONDENCE between YOU and any other PERSON that RELATES TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 3: The following correspondence relates to Idaho's RESPONSE to Pocatello's objection:

Letter from Clive J. Strong to Honorable Terrence A. Dolan dated August 30, 2005.

Letter from Olga Valdivia to the Clerk of the District Court dated July 21, 2006.

Copies of these documents are attached.

Request for Production No. 4: Please PRODUCE all DOCUMENTS that RELATE TO COMMUNICATIONS between YOU and any other PERSON that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

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Request for Production No. 5: Please PRODUCE copies of all data and RELEVANT DOCUMENTS upon which the opinions of each EXPERT WITNESS whom YOU are asked to IDENTIFY in response to Interrogatory No. 4 are based or expected to be based.

Response to Request for Production No. 5: Not applicable.

Request for Production No. 6: Please PRODUCE copies of any RELEVANT DOCUMENTS that YOU have received from any PERSON, including but not limited to expert witness reports, in conjunction with his or her anticipated testimony in this SUBCASE.

Response to Request for Production No. 6: There are three categories of documents that Idaho has received. (1) Idaho received the Director's Report and Supplemental Director's Report, which are available for inspection during normal business hours upon reasonable request. (2) Idaho has identified one hundred and nine e-mails that relate to communications between Idaho and another person about its Response to Pocatello's objection. Fifteen of these e-mails were sent by David J. Barber to various persons, and ninety-four of these e-mails were received by David J. Barber. (3) Idaho also received well logs for some of Pocatello's wells. A copy of those well logs is attached (MAIL80235 through MAIL80261).

Ninety-three of these e-mails were sent or copied to at least one of the following persons: Jo Beeman, Sara Klahn, Joyce Angell, or Dana Rose. Because a representative of the City of Pocatello received a copy of these e-mails, a paper copy is not attached. However, copies of these ninety-three e-mails are available for inspection during normal business hours upon reasonable request. The remaining sixteen e-mails are attached and are described as follows:

- (1) An e-mail from Susan Hamlin Nygard to David J. Barber dated May 7, 2004.
- (2) An e-mail from Lori Pew to David J. Barber that is dated September 22, 2004.
- (3) An e-mail from David J. Barber to Lori Pew that is dated September 22, 2004.
- (4) An e-mail from Candice McHugh to David J. Barber that is dated January 26, 2005 at 11:51 am.
- (5) An e-mail from David J. Barber to Candice McHugh that is dated January 26, 2005 at 12:08 p.m.

- (6) An e-mail from Candice McHugh to David J. Barber that is dated January 26, 2005 at 12:17 pm.
- (7) An e-mail from Susan Hamlin Nygard to Clive Strong and David J. Barber that is dated May 10, 2005.
- (8) An e-mail from David J. Barber to Tracy Behrens that is dated June 10, 2005.
- (9) An e-mail from Ray Williams to David Barber dated September 7, 2006 at 11:48 a.m.
- (10) An e-mail from Ray Williams to David Barber dated September 7, 2006 at 11:49 a.m.
- (11) An e-mail from Ray Williams to David Barber dated September 7, 2006 at 11:50 a.m.
- (12) An e-mail from Ray Williams to David Barber dated September 7, 2006 at 12:11 p.m.
- (13) An e-mail from Douglas Conde to Clive Strong and David Barber dated September 12, 2006.
- (14) An e-mail from Clive Strong to David Barber dated September 12, 2006.
- (15) An e-mail from Clive Strong to David Barber dated September 18, 2006.
- (16) An e-mail from Carter Fritschle to Candice McHugh and David Barber dated September 20, 2006.

Interrogatory No. 6: Please DESCRIBE any information you have regarding the cone of depression created by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 6: None.

Request for Production 7: Please produce any DOCUMENTS in your possession relating to your responses to Interrogatory No. 6.

Response to Request for Production No. 7: Not applicable.

Interrogatory No. 7: Please DESCRIBE any information you have regarding ground water rights that withdraw water from the Lower Portneuf River Valley Aquifer within the cone of depression created by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 7: None.

Interrogatory No. 8: Please DESCRIBE any information you have regarding the individual water rights "injured" by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 8: None.

Interrogatory No. 9: Please DESCRIBE any information you have regarding the maximum amount of water ever withdrawn by POCATELLO at the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 9: None.

Interrogatory No. 10: List any water rights YOU allege to be injured by an accomplished transfer of this water right pursuant to Idaho Code §42-1425.

Answer to Interrogatory No. 10: Since Idaho has not conducted an independent evaluation regarding the issue of injury by an accomplished transfer of this water right, it has not identified any water rights that would be injured by an accomplished transfer of this water right. Idaho relies upon the determination in the Director's Report, as supplemented in the

Supplemental Director's Report that an injury would occur to existing water rights by a transfer of this water right.

Interrogatory No. 11: Describe the nature of the injury you allege occurred because of the accomplished transfer of this water right pursuant to Idaho Code §42-1425.

Answer to Interrogatory No. 11: Since Idaho has not conducted an independent evaluation regarding the issue of injury by an accomplished transfer of this water right, it has no independent information regarding any injury by an accomplished transfer of this water right. Idaho relies upon the determination in the Director's Report, as supplemented in the Supplemental Director's Report, for the conclusion that an injury would occur to existing water rights by an accomplished transfer of this water right.

Request for Production No. 8: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 11.

Response to Request for Production No. 8: The Director's Report, as supplemented in the Supplemental Director's Report, are available for review upon reasonable request during normal business hours.

Request for Admission No. 1: Admit that this water right has never been administered by the STATE in response to the injury alleged in Interrogatory No. 11.

Response to Request for Admission No. 1: Objection. This request for admission is unduly burdensome because it requires a thorough review of the records of IDWR and its agencies predecessor in function. Pocatello can undertake this review as easily as Idaho. Since IDWR is a non-party to the Snake River Basin Adjudication, Idaho has no responsibility to review the records of IDWR or its agencies predecessor in function. Furthermore, a portion of the records of IDWR are available on the internet for review by anyone. It is unduly burdensome

to request Idaho to conduct this research on the internet for Pocatello. Idaho has not undertaken a review of IDWR's records. Notwithstanding these objections, this request for admission is denied because of lack of information and knowledge.

Interrogatory No. 12: If YOU DENY Request for Admission No. 1, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 12: Request for admission no. 1 is denied because of lack of information and knowledge.

Interrogatory No. 13: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 12.

Answer to Interrogatory No. 13: No one.

Request for Production No. 9: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 12.

Response to Request for Production No. 9: None.

Request for Admission No. 2: Admit that YOU have no DOCUMENTS or other INFORMATION alleging or claiming an injury as described in your response to Interrogatory No. 11 to the water rights listed in your response to Interrogatory No. 7.

Response to Request for Admission No. 2: Admitted in part: Idaho relies on the Director's Report, as supplemented in the Supplemental Director's Report, for the conclusion that an injury would occur to existing water rights by an accomplished transfer of this water right. Idaho admits that it has no other documents alleging or claiming injury for the claimed accomplished transfer.

Interrogatory No. 14: If YOU DENY Request for Admission No. 2, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 14: Not applicable.

Interrogatory No. 15: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 14.

Answer to Interrogatory No. 15: No one.

Request for Production No. 10: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 14.

Response to Request for Production No. 10: None.

Interrogatory No. 16: Please IDENTIFY each PERSON who participated in or furnished information for the preparation of all or any portion of YOUR responses to these DISCOVERY REQUESTS and IDENTIFY the information that each such PERSON provided.

Answer to Interrogatory No. 16: Objection. The review process within the Natural Resources Division of the Office of the Attorney General and the contribution of each person in that review process constitutes attorney work product that is not subject to discovery. Notwithstanding this objection, I asked four persons to provide me information. I asked Mr. Carter Fritschle to provide me well logs for Pocatello's wells. I also asked Mr. John Carlson to provide me well logs for Pocatello's wells. I have not received any well log information from Mr. Carter Fritschle. Ms. Dana Hiatt responded for Mr. John Carlson and provided me a copy of the well logs for the City's wells. I asked Mr. Phil Rassier, deputy attorney general, to provide me the water right number for any administrative transfers from a surface water source to a ground water source. Mr. Phil Rassier, deputy attorney general, provided me water right no. 36-2603A. I also described my request for well logs to Ms. Candice McHugh, deputy attorney general, on August 31, 2006, and she suggested that I contact Mr. John Carlson about that request. Finally, I asked Mr. Doug Conde, deputy attorney general, to provide me information

about Pocatello's sewage wastewater facility. Mr. Conde provided me some documents from the Idaho Department of Environmental Quality. The reviewing person(s) within the Natural Resources Division provided no information.

Subcase No. 29-13639

Interrogatory No. 1: Please STATE THE BASIS for YOUR RESPONSE TO POCATELLO'S OBJECTION in this SUBCASE.

Answer to Interrogatory No. 1: A RESPONSE is a procedural pleading that indicates a party's intention to participate in the litigation of a particular subcase. Idaho did not take a substantive position in its RESPONSE filed in this subcase.

Interrogatory No. 2: Please IDENTIFY each PERSON who has information that RELATES TO YOUR RESPONSE that is the subject of Interrogatory Nos. 1 and 17.

Answer to Interrogatory No. 2: None. Idaho has not identified any lay person or retained any expert to provide testimony in these subcase proceedings. Idaho reserves the right to call employees from IDWR to testify as to the basis for the Director's Recommendations.

Interrogatory No. 3: Please describe the substance of the knowledge of each PERSON identified in YOUR RESPONSE to Interrogatory No. 2.

Answer to Interrogatory No. 3: Not applicable.

Interrogatory No. 4: Please IDENTIFY each EXPERT who YOU expect to testify RELATING TO YOUR RESPONSE that is the subject of Interrogatory Nos. 1 and 17.

Answer to Interrogatory No. 4: Idaho has not retained any experts at this time. Idaho reserves the right to call employees from IDWR to testify as to the basis for the Director's Recommendations.

Interrogatory No. 5: For each EXPERT you IDENTIFIED in your RESPONSE to Interrogatory No. 4, state the subject matter on which the expert is expected to testify, state the substance of the opinions to which the expert is expected to testify, and state the underlying facts and data upon which the expert opinions are based.

Answer to Interrogatory No. 5: Not applicable.

Request for Production No. 1: Please PRODUCE all DOCUMENTS that support YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 1: The primary document that Idaho relies upon to support its RESPONSE is the Director's Report, as amended by the Supplemental Director's Report, which are available for inspection during normal business hours upon reasonable request. Idaho has not collected any other documents that support its RESPONSE.

Request for Production No. 2: Please PRODUCE all DOCUMENTS, not produced in response to Request for Production No. 1, that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 2: Idaho has not collected any other documents that relate to its RESPONSE.

Request for Production No. 3: Please PRODUCE all DOCUMENTS that constitute or were included with or referred to in CORRESPONDENCE between YOU and any other PERSON that RELATES TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 3: The following correspondence relates to Idaho's RESPONSE to Pocatello's objection:

Letter from Clive J. Strong to Honorable Terrence A. Dolan dated August 30, 2005.

Letter from Olga Valdivia to the Clerk of the District Court dated July 21, 2006.

Copies of these documents are attached.

Request for Production No. 4: Please PRODUCE all DOCUMENTS that RELATE TO COMMUNICATIONS between YOU and any other PERSON that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Response to Request for Production No. 4: Idaho has identified one hundred and nine e-mails that relate to communications between Idaho and another person about its Response to Pocatello's objection. Fifteen of these e-mails were sent by David J. Barber to various persons, and ninety-four of these e-mails were received by David J. Barber.

Ninety-three of these e-mails were sent or copied to at least one of the following persons: Jo Beeman, Sara Klahn, Joyce Angell, or Dana Rose. Because a representative of the City of Pocatello received a copy of these e-mails, a paper copy is not attached. However, copies of these ninety-three e-mails are available for inspection during normal business hours upon reasonable request. The remaining sixteen e-mails are attached and are described as follows:

- (1) An e-mail from Susan Hamlin Nygard to David J. Barber dated May 7, 2004.
- (2) An e-mail from Lori Pew to David J. Barber that is dated September 22, 2004.
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- (6) An e-mail from Candice McHugh to David J. Barber that is dated January 26, 2005 at 12:17 pm.

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- (14) An e-mail from Clive Strong to David Barber dated September 12, 2006.
- (15) An e-mail from Clive Strong to David Barber dated September 18, 2006.
- (16) An e-mail from Carter Fritschle to Candice McHugh and David Barber dated September 20, 2006.

Request for Production No. 5: Please PRODUCE copies of all data and RELEVANT DOCUMENTS upon which the opinions of each EXPERT WITNESS whom YOU are asked to IDENTIFY in response to Interrogatory No. 4 are based or expected to be based.

Response to Request for Production No. 5: Not applicable.

Request for Production No. 6: Please PRODUCE copies of any RELEVANT DOCUMENTS that YOU have received from any PERSON, including but not limited to expert witness reports, in conjunction with his or her anticipated testimony in this SUBCASE.

Response to Request for Production No. 6: There are three categories of documents that Idaho has received. (1) Idaho received the Director's Report and Supplemental Director's Report, which are available for inspection during normal business hours upon reasonable request. (2) Idaho has identified one hundred and nine e-mails that relate to communications between Idaho and another person about its Response to Pocatello's objection. Fifteen of these e-mails were sent by David J. Barber to various persons, and ninety-four of these e-mails were received by David J. Barber. (3) Idaho also received well logs for some of Pocatello's wells. A copy of those well logs is attached (MAIL80235 through MAIL80261).

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- (15) An e-mail from Clive Strong to David Barber dated September 18, 2006.
- (16) An e-mail from Carter Fritschle to Candice McHugh and David Barber dated September 20, 2006.

Interrogatory No. 6: Please DESCRIBE any information you have regarding the cone of depression created by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 6: None.

Request for Production 7: Please produce any DOCUMENTS in your possession relating to your responses to Interrogatory No. 6.

Response to Request for Production No. 7: Not applicable.

Interrogatory No. 7: Please DESCRIBE any information you have regarding ground water rights that withdraw water from the Lower Portneuf River Valley Aquifer within the cone of depression created by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 7: None.

Interrogatory No. 8: Please DESCRIBE any information you have regarding the individual water rights "injured" by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 8: None.

Interrogatory No. 9: Please DESCRIBE any information you have regarding the maximum amount of water ever withdrawn by POCATELLO at the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 9: None.

Interrogatory No. 10: List any water rights YOU allege to be injured by an accomplished transfer of this water right pursuant to Idaho Code §42-1425.

Answer to Interrogatory No. 10: Since Idaho has not conducted an independent evaluation regarding the issue of injury by an accomplished transfer of this water right, it has not identified any water rights that would be injured by an accomplished transfer of this water right. Idaho relies upon the determination in the Director's Report, as supplemented in the

Supplemental Director's Report that an injury would occur to existing water rights by a transfer of this water right.

Interrogatory No. 11: Describe the nature of the injury you allege occurred because of the accomplished transfer of this water right pursuant to Idaho Code §42-1425.

Answer to Interrogatory No. 11: Since Idaho has not conducted an independent evaluation regarding the issue of injury by an accomplished transfer of this water right, it has no independent information regarding any injury by an accomplished transfer of this water right. Idaho relies upon the determination in the Director's Report, as supplemented in the Supplemental Director's Report, for the conclusion that an injury would occur to existing water rights by an accomplished transfer of this water right.

Request for Production No. 8: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 11.

Response to Request for Production No. 8: The Director's Report, as supplemented in the Supplemental Director's Report, are available for review upon reasonable request during normal business hours.

Request for Admission No. 1: Admit that this water right has never been administered by the STATE in response to the injury alleged in Interrogatory No. 11.

Response to Request for Admission No. 1: Objection. This request for admission is unduly burdensome because it requires a thorough review of the records of IDWR and its agencies predecessor in function. Pocatello can undertake this review as easily as Idaho. Since IDWR is a non-party to the Snake River Basin Adjudication, Idaho has no responsibility to review the records of IDWR or its agencies predecessor in function. Furthermore, a portion of the records of IDWR are available on the internet for review by anyone. It is unduly burdensome

to request Idaho to conduct this research on the internet for Pocatello. Idaho has not undertaken a review of IDWR's records. Notwithstanding these objections, this request for admission is denied because of lack of information and knowledge.

Interrogatory No. 12: If YOU DENY Request for Admission No. 1, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 12: Request for admission no. 1 is denied because of lack of information and knowledge.

Interrogatory No. 13: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 12.

Answer to Interrogatory No. 13: No one.

Request for Production No. 9: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 12.

Response to Request for Production No. 9: None.

Request for Admission No. 2: Admit that YOU have no DOCUMENTS or other INFORMATION alleging or claiming an injury as described in your response to Interrogatory No. 11 to the water rights listed in your response to Interrogatory No. 7.

Response to Request for Admission No. 2: Admitted in part: Idaho relies on the Director's Report, as supplemented in the Supplemental Director's Report, for the conclusion that an injury would occur to existing water rights by an accomplished transfer of this water right. Idaho admits that it has no other documents alleging or claiming injury for the claimed accomplished transfer.

Interrogatory No. 14: If YOU DENY Request for Admission No. 2, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 14: Not applicable.

Interrogatory No. 15: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 14.

Answer to Interrogatory No. 15: No one.

Request for Production No. 10: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 14.

Response to Request for Production No. 10: None.

Interrogatory No. 16: Please IDENTIFY each PERSON who participated in or furnished information for the preparation of all or any portion of YOUR responses to these DISCOVERY REQUESTS and IDENTIFY the information that each such PERSON provided.

Answer to Interrogatory No. 16: Objection. The review process within the Natural Resources Division of the Office of the Attorney General and the contribution of each person in that review process constitutes attorney work product that is not subject to discovery. Notwithstanding this objection, I asked four persons to provide me information. I asked Mr. Carter Fritschle to provide me well logs for Pocatello's wells. I also asked Mr. John Carlson to provide me well logs for Pocatello's wells. I have not received any well log information from Mr. Carter Fritschle. Ms. Dana Hiatt responded for Mr. John Carlson and provided me a copy of the well logs for the City's wells. I asked Mr. Phil Rassier, deputy attorney general, to provide me the water right number for any administrative transfers from a surface water source to a ground water source. Mr. Phil Rassier, deputy attorney general, provided me water right no. 36-2603A. I also described my request for well logs to Ms. Candice McHugh, deputy attorney general, on August 31, 2006, and she suggested that I contact Mr. John Carlson about that request. Finally, I asked Mr. Doug Conde, deputy attorney general, to provide me information

about Pocatello's sewage wastewater facility. Mr. Conde provided me some documents from the Idaho Department of Environmental Quality. The reviewing person(s) within the Natural Resources Division provided no information.

Interrogatory No. 17: Please state YOUR CONTENTION as to the priority date POCATELLO is entitled to receive in this SUBCASE, and STATE THE BASIS FOR YOUR CONTENTION.

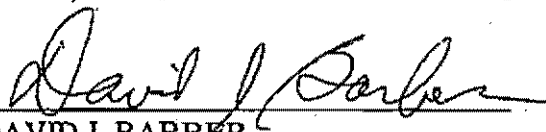
Answer to Interrogatory No. 17: Idaho contends that the Director's Report, as amended by the Supplemental Director's Report, correctly described the priority date for this subcase as October 22, 1952. Idaho is not aware of any facts that justify changing this conclusion.

DATED this 22nd day of September 2006.

STATE OF IDAHO

LAWRENCE G. WASDEN
ATTORNEY GENERAL

CLIVE J. STRONG
DEPUTY ATTORNEY GENERAL
CHIEF, NATURAL RESOURCES DIVISION



DAVID J. BARBER
Deputy Attorney General

STATE OF IDAHO)
)
County of Ada)

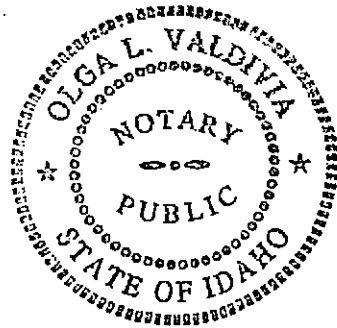
DAVID J. BARBER, being first duly sworn, deposes and states:

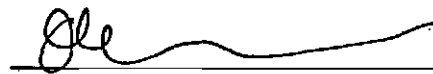
That he is the attorney for the State of Idaho in the above-entitled matter, that he has read the above and foregoing IDAHO'S RESPONSE TO FIRST SET OF DISCOVERY REQUESTS SERVED BY THE CITY OF POCA TELLO, knows the contents thereof, and the facts therein he believes to be true.



DAVID J. BARBER

SUBSCRIBED AND SWORN to before me this 22nd day of September 2006.





Notary Public for Idaho
Residing at: Boise, Idaho
My commission expires: 2/08/2012

EXHIBIT A

Subcase Numbers

29-00271
29-00272
29-00273
29-02274
29-02338
29-02354
29-02382
29-02401
29-02499
29-04221
29-04222
29-04223
29-04224
29-04225
29-04226
29-07106
29-07118
29-07119
29-07222
29-07322
29-07375
29-07431
29-07450
29-07502
29-07770
29-07782
29-11339
29-11344
29-11348
29-13558
29-13559
29-13560
29-13561
29-13562
29-13636
29-13637
29-13638
29-13639

ORIGINAL



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

August 30, 2005

VIA HAND DELIVERY

Honorable Terrence A. Dolan
Settlement Moderator
253 3rd Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

Re: Settlement Authority Regarding Subcases Listed on Exhibit A.

Dear Special Master Dolan:

I understand that Special Master Bilyeu, the presiding Special Master regarding the subcases listed on Exhibit A, has set a Mandatory Settlement Conference for August 31, 2005. The State of Idaho is a respondent to these thirty-eight subcases. The purpose of this letter is to inform you that David J. Barber, deputy attorney general, is authorized to settle these subcases on behalf of the State of Idaho. This authority is limited to the Mandatory Settlement Conference set for August 31, 2005.

Sincerely,

A handwritten signature in black ink that reads "Clive J. Strong".

CLIVE J. STRONG
Chief, Natural Resources Division

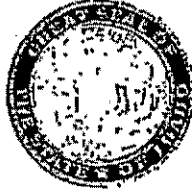
CJS/olv

3008

EXHIBIT A

Subcase Nos.

29-00271
29-00272
29-00273
29-02274
29-02338
29-02354
29-02382
29-02401
29-02499
29-04221
29-04222
29-04223
29-04224
29-04225
29-04226
29-07106
29-07118
29-07119
29-07222
29-07322
29-07375
29-07431
29-07450
29-07502
29-07770
29-07782
29-11339
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29-13636
29-13637
29-13638
29-13639



SRBA



41632

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

July 21, 2006

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

Re: Notice of Service and Certificate of Service – Subcase No. 29-00271

Dear Janet:

Per our telephone conversation this afternoon, enclosed find a total of 37 file copies in relation to the above-mentioned matter, filed today by facsimile with the SRBA Court.

Cordially,

A handwritten signature in black ink, appearing to read "Olga Valdivia".

Olga Valdivia
Legal Secretary

Enclosure

/olv

Barber, David

From: Hamlin Nygard, Susan [SHAMLIN@idwr.state.id.us]
Sent: Friday, May 07, 2004 9:24 AM
To: 'Barber, David'
Subject: RE: CHANGE IN TIME TO 11AM -- Pocatello/SRBA court, Separate Streams/ Separate Administration

David, I don't think you will miss much. We will show which basins were recommended with separate streams designations and give a list of 706 reports or orders from the court which talk of separate streams. From IDWR perspective this should not be new information. However I do not know what to expect from the parties. Susan

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

From: Barber, David [mailto:dbarber@ag.state.id.us]
Sent: Friday, May 07, 2004 8:36 AM
To: Hamlin Nygard, Susan
Subject: RE: CHANGE IN TIME TO 11AM -- Pocatello/SRBA court, Separate Streams/ Separate Administration

Dear Susan:

You scheduled the meeting very late in the evening at 11 p.m. I assume that you mean 11 a.m. Sincerely, David J. Barber P.S. Someone will be participating for me. I have a funeral to attend on Monday.

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

From: Hamlin Nygard, Susan [mailto:SHAMLIN@idwr.state.id.us]
Sent: Wednesday, May 05, 2004 4:45 PM
To: Hamlin Nygard, Susan; 'Peter.C.Monson@usdoj.gov'; 'dana.rose@beemanlaw.com'; Fritschle, Carter; McHugh, Candice; Tuthill, Dave; Kathleen Carr (E-mail); Kathleen Marion Carr (E-mail 2)
Cc: 'Larry.Brown@usdoj.gov'; 'David.Negri@usdoj.gov'; 'wolfleyj@nicoh.com'; 'dbarber@ag.state.id.us'; 'cstrong@ag.state.id.us'; 'bwhitworth@shoshonebannocktribes.com'; 'dtranmer@pocatello.us'
Subject: CHANGE IN TIME TO 11AM -- Pocatello/SRBA court, Separate Streams/ Separate Administration

Due to a scheduling conflict the time has been moved to 11pm.

Where: IDWR Conf. Rm A/B
When: Monday May 10th, 11 pm
Telephone participation: 1-405-319-0674 and the participate code 987764.

Thank you. Susan

Susan Hamlin Nygard
Deputy Attorney General
Idaho Department of Water Resources
(208) 327-5446

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

From: Dana Rose [mailto:dana.rose@beemanlaw.com]
Sent: Wednesday, May 05, 2004 1:56 PM
To: 'Hamlin Nygard, Susan'; dtuthill@idwr.state.id.us; 'McHugh, Candice'; Carter Fritschle
Cc: 'Peter.C.Monson'; 'Brandelle Whitworth (Sho-Ban)'; 'Clive Strong'; 'David Barber'; 'David Negri'; 'Dean Tranmer'; 'Jeanette Wolfley (Sho-Ban)'; Larry.Brown@usdoj.gov
Subject: Pocatello/SRBA court, Separate Streams/Separate Administration

Susan,

3012

This is to confirm our meeting, scheduled for May 10 at 10 a.m. Other counsel have been advised of the meeting (see Jo Beeman's April 20 email) and are welcome to participate.

Our purpose in asking for the May 10 meeting is to have IDWR discuss its use of the separate streams general provision and the conjunctive management general provision. Pocatello's objections in Basin 29 regarding general provisions for separate streams and conjunctive administration are based on an understanding of separate factual standards for these differing general provisions. We are asking for the meeting to have IDWR explain its use of the separate streams general provision in the Lemhi and Payette Adjudications, and its use of both general provisions in the on-going SRBA proceedings.

These are some of our questions, but we welcome any additional input from IDWR.

* Where IDWR has used or will use the separate streams provision in the SRBA - please explain the factual basis for that recommendation (Basin 65? Basin 74? Basin 63?)

* Where IDWR has not used the separate streams provision in the SRBA - what is the factual foundation? (Water District 36A, Basin 36?)

* Where IDWR has used the conjunctive management general provision and not also the separate stream provision - what is the factual foundation? (Basin 36?)

Dana

Dana H. Rose

Beeman & Associates, P.C.

Phone: 208-331-0950

Fax: 208-331-0954

dana.rose@beemanlaw.com <mailto:dana.rose@beemanlaw.com>

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contains.

Barber, David

From: Pew, Lori [LPew@idwr.state.id.us]
Sent: Wednesday, September 22, 2004 3:44 PM
To: 'dbarber@ag.state.id.us'
Subject: 29-271



WATERRIGHTS-#1
14810-v1-NOTICE_..

<<WATERRIGHTS-#134810-v1-NOTICE_RESETTING_STATUS_CONFERENCE.TIF>>

3013

2004 AUG 06 PM 12:23
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED *QC*

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
)
Case No. 39576)
_____) SUBCASE NOS: SEE ATTACHED EXHIBIT A

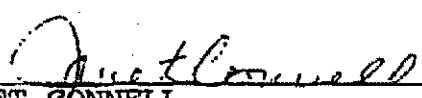
The Status Conference for this subcase, that was set for
WEDNESDAY, SEPTEMBER 22, 2004 at 09:00 AM, is reset as follows:

THURSDAY, SEPTEMBER 23, 2004 at 09:00 AM

SRBA
DISTRICT COURT
253 3RD AVENUE NORTH
TWIN FALLS, ID

Parties may participate by telephone by dialing the number
225-383-1099 and when prompted entering the code 926509.

Dated: AUGUST 06, 2004



JANET CONNELL
Deputy Clerk
Snake River Basin Adjudication

FILE COPY FOR 00272
FILE COPY FOR 00272

Page 1 8/06/04

3016

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the NOTICE RESETTING STATUS CONFERENCE was mailed on AUGUST 06, 2004, with sufficient first-class postage to the following:

CITY OF POCATELLO

Represented by:
JOSEPHINE P. BEEMAN
409 WEST JEFFERSON STREET
BOISE, ID 83702
Phone: 208-331-0950

STATE OF IDAHO

Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

UNITED STATES OF AMERICA
USDI BLM

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

CITY OF POCATELLO

PO BOX 4169
POCATELLO, ID 83205
Phone: 208-232-4311

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

UNITED STATES OF AMERICA

US DEPT OF JUSTICE, ENRD
550 W FORT ST MSC 033
BOISE, ID 83724

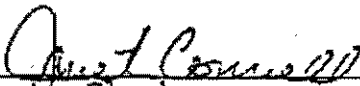

Deputy Clerk

Exhibit A

Subcase Nos:

29-00271
29-00272
29-00273
29-02274
29-02338
29-02354
29-02382
29-02401
29-02499
29-04221
29-04222
29-04223
29-04224
29-04225
29-04226
29-07106
29-07118
29-07119
29-07222
29-07322
29-07375
29-07431
29-07450
29-07502
29-07770
29-07782
29-11339
29-11344
29-11348
29-13558
29-13559
29-13560
29-13561
29-13562
29-13636
29-13637
29-13638
29-13639

Barber, David

From: Barber, David
Sent: Wednesday, September 22, 2004 3:53 PM
To: 'Pew, Lori'
Subject: RE: 29-271

Thank you!!

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

From: Pew, Lori [mailto:LPew@idwr.state.id.us]
Sent: Wednesday, September 22, 2004 3:44 PM
To: 'dbarber@ag.state.id.us'
Subject: 29-271

<< File: WATERRIGHTS-#134810-v1-NOTICE_RESETTING_STATUS_CONFERENCE.TIF >> <<WATERRIGHTS-#134810-v1-NOTICE_RESETTING_STATUS_CONFERENCE.TIF>>

Barber, David

From: McHugh, Candice [Candice.McHugh@idwr.idaho.gov]
Sent: Wednesday, January 26, 2005 11:51 AM
To: 'david.barber@ag.idaho.gov'
Subject: City of Pocatello

David,

Jo's concern about the Separate Streams and Separate Administration general provision about it not being used in all basins is unclear. As far as I understand that general provision it is taken directly from BWI 5 settlement and is what we use (except perhaps in Basin 65 where a separate agreement was reached). Perhaps her concern is how to get on the separate streams list which would then lead to separate administration within the basin. We have discussed this with her at different times but of course cannot ask her for a more definite statement and so we don't really get anywhere because we haven't been able to pin that issue down clearly.

Also, I agree with you that her issues seem to strike at the basis of the Director's Recommendations. I believe that the Department's basis could be explained at the settlement conference which may help the state and U.S.; for instance, decide what further discovery is necessary and what matters they want to support with evidence. I would hesitate to agree to a 706 Report given the Department's enormous task to recommend all remaining state-based claims this year.

Just a few thoughts.

Candice

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Barber, David

From: Barber, David
Sent: Wednesday, January 26, 2005 12:08 PM
To: McHugh, Candice
Subject: RE: City of Pocatello

Dear Candice:
We need to talk after lunch!
Sincerely,
David J. Barber

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

From: McHugh, Candice [mailto:Candice.McHugh@idwr.idaho.gov]
Sent: Wednesday, January 26, 2005 11:51 AM
To: 'david.barber@ag.idaho.gov'
Subject: City of Pocatello

David,

Jo's concern about the Separate Streams and Separate Administration general provision about it not being used in all basins is unclear. As far as I understand that general provision it is taken directly from BWI 5 settlement and is what we use (except perhaps in Basin 65 where a separate agreement was reached). Perhaps her concern is how to get on the separate streams list which would then lead to separate administration within the basin. We have discussed this with her at different times but of course cannot ask her for a more definite statement and so we don't really get anywhere because we haven't been able to pin that issue down clearly.

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Candice

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Barber, David

From: McHugh, Candice [Candice.McHugh@idwr.idaho.gov]
Sent: Wednesday, January 26, 2005 12:17 PM
To: 'david.barber@ag.idaho.gov'
Subject: RE: City of Pocatello

I'll be available now until 1:30, then from 2:00 - 3:00. I have a 1:30 hearing that should be short so may be available by 1:45. Give me a call when you have a moment. 287-4810.

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

From: david.barber@ag.idaho.gov [mailto:david.barber@ag.idaho.gov]
Sent: Wednesday, January 26, 2005 12:08 PM
To: candice.mchugh@idwr.idaho.gov
Subject: RE: City of Pocatello

Dear Candice:
We need to talk after lunch!
Sincerely,
David J. Barber

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

From: McHugh, Candice [mailto:Candice.McHugh@idwr.idaho.gov]
Sent: Wednesday, January 26, 2005 11:51 AM
To: 'david.barber@ag.idaho.gov'
Subject: City of Pocatello

David,

Jo's concern about the Separate Streams and Separate Administration general provision about it not being used in all basins is unclear. As far as I understand that general provision it is taken directly from BWI 5 settlement and is what we use (except perhaps in Basin 65 where a separate agreement was reached). Perhaps her concern is how to get on the separate streams list which would then lead to separate administration within the basin. We have discussed this with her at different times but of course cannot ask her for a more definite statement and so we don't really get anywhere because we haven't been able to pin that issue down clearly.

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Just a few thoughts.

Candice

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Barber, David

From: Hamlin Nygard, Susan [Susan.Hamlin@idwr.idaho.gov]
Sent: Tuesday, May 10, 2005 1:26 PM
To: Clive Strong (E-mail); David Barber (E-mail)
Subject: FW: Diversion Rates

FYI

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

From: Brent Read [mailto:bread@nrce.com]
Sent: Tuesday, May 10, 2005 12:02 PM
To: carter.fritschle@idwr.idaho.gov
Subject: Diversoin Rates

Carter Fritschle,

Thank you for helping me out with this search for diversion rates. I am attaching a spreadsheet and I am trying to fill in the blanks (yellow highlighted cells). I obtained this data from the IDWR GIS data site and the Water Right/Adjudication search. My goal is to determine what the diversion rate is for each of the ground water right PODs that are owned by the City of Pocatello and are used on the Fort Hall Reservation. I have identified each of them in the spreadsheet. The water rights that only draw from one diversion point were easy to get a value for as shown in the spreadsheet, but the water rights that draw from multiple diversions listed only the total that can be drawn for that water right. If those water rights that draw from multiple diversions could be split up to list the amount drawn from each diversion individually it would be very helpful.

Thank you very much for your time.

Brent Read
GIS Analyst

Natural Resources Consulting Engineers, Inc.
131 Lincoln Ave. Ste. 300
Fort Collins, CO 80524
(970) 224-1851
bread@nrce.com

3023

| Sequence | Suffix | Version | Basis | Status | Water_Uses | Priority_Date | Location | Diversion_Rate | Well Rate | Outside PODs | Total PODs |
|----------|--------|---------|----------------|--------|------------|---------------|-----------------------------|----------------|-----------|--------------|------------|
| 11609 | | | Reserved | Active | MUNICIPAL | 1867-06-14 | SW1/4,SW1/4,Sec.9,T6S,R33E | 139.968 | | 26 | 32 |
| 11609 | | | Reserved | Active | MUNICIPAL | 1867-06-14 | NW1/4,SW1/4,Sec.16,T6S,R33E | 139.968 | | 26 | 32 |
| 11609 | | | Reserved | Active | MUNICIPAL | 1867-06-14 | SW1/4,NE1/4,Sec.15,T6S,R33E | 139.968 | | 26 | 32 |
| 11609 | | | Reserved | Active | MUNICIPAL | 1867-06-14 | NE1/4,SE1/4,Sec.10,T6S,R33E | 139.968 | | 26 | 32 |
| 11609 | | | Reserved | Active | MUNICIPAL | 1867-06-14 | SE1/4,NE1/4,Sec.12,T6S,R33E | 139.968 | | 26 | 32 |
| 11609 | | | Reserved | Active | MUNICIPAL | 1867-06-14 | NE1/4,SE1/4,Sec.12,T6S,R33E | 139.968 | | 26 | 32 |
| 13638 | | | Beneficial Use | Active | MUNICIPAL | 12/31/1940 | SW1/4,NE1/4,Sec.15,T6S,R33E | 2.2 | 2.2 | 0 | 1 |
| 11344 | | | Beneficial Use | Active | MUNICIPAL | 12/31/1942 | NE1/4,SE1/4,Sec.10,T6S,R33E | 1.92 | 1.92 | 0 | 1 |
| 2274 | | | License | Active | MUNICIPAL | 6/15/1948 | SE1/4,NE1/4,Sec.10,T6S,R33E | 9.69 | | 11 | 13 |
| 2274 | | | License | Active | MUNICIPAL | 6/15/1948 | NE1/4,SE1/4,Sec.12,T6S,R33E | 9.69 | | 11 | 13 |
| 2338 | | | License | Active | MUNICIPAL | 9/1/1953 | SE1/4,NE1/4,Sec.10,T6S,R33E | 9.53 | | 10 | 13 |
| 2338 | | | License | Active | MUNICIPAL | 9/1/1953 | NE1/4,SE1/4,Sec.10,T6S,R33E | 9.53 | | 10 | 13 |
| 2338 | | | License | Active | MUNICIPAL | 9/1/1953 | NE1/4,SE1/4,Sec.12,T6S,R33E | 9.53 | | 10 | 13 |
| 7118 | | | License | Active | MUNICIPAL | 4/11/1973 | NW1/4,SW1/4,Sec.16,T6S,R33E | 4.01 | 4.01 | 0 | 1 |
| 7119 | | | License | Active | MUNICIPAL | 4/11/1973 | NW1/4,SW1/4,Sec.9,T6S,R33E | 6 | 6 | 0 | 1 |
| 7375 | | | License | Active | MUNICIPAL | 2/24/1977 | SW1/4,NE1/4,Sec.15,T6S,R33E | 2.23 | | 10 | 13 |
| 7375 | | | License | Active | MUNICIPAL | 2/24/1977 | NE1/4,SE1/4,Sec.10,T6S,R33E | 2.23 | | 10 | 13 |
| 7375 | | | License | Active | MUNICIPAL | 2/24/1977 | NE1/4,SE1/4,Sec.12,T6S,R33E | 2.23 | | 10 | 13 |
| 7450 | | | License | Active | MUNICIPAL | 6/13/1978 | NE1/4,SE1/4,Sec.10,T6S,R33E | 3.34 | 3.34 | 0 | 1 |
| 7770 | | | License | Active | MUNICIPAL | 5/21/1984 | SE1/4,NE1/4,Sec.12,T6S,R33E | 4.46 | 4.46 | 0 | 1 |

21.83

| Sequence | Suffix | Version | Basis | Status | Water_Uses | Priority_Date | Location | Diversion_Rate | Well Rate | Outside PODs | Total PODs |
|----------|--------|---------|----------------|--------|------------|---------------|-----------------------------|----------------|-----------|--------------|------------|
| 11609 | | 1 | Reserved | Active | MUNICIPAL | 1867-06-14 | SW1/4,SW1/4,Sec.9,T6S,R33E | 139.968 | | 32 | 38 |
| 11609 | | 1 | Reserved | Active | MUNICIPAL | 1867-06-14 | NW1/4,SW1/4,Sec.16,T6S,R33E | 139.968 | | 32 | 38 |
| 11609 | | 1 | Reserved | Active | MUNICIPAL | 1867-06-14 | SW1/4,NE1/4,Sec.15,T6S,R33E | 139.968 | | 32 | 38 |
| 11609 | | 1 | Reserved | Active | MUNICIPAL | 1867-06-14 | NE1/4,SE1/4,Sec.10,T6S,R33E | 139.968 | | 32 | 38 |
| 11609 | | 1 | Reserved | Active | MUNICIPAL | 1867-06-14 | SE1/4,NE1/4,Sec.12,T6S,R33E | 139.968 | | 32 | 38 |
| 11609 | | 1 | Reserved | Active | MUNICIPAL | 1867-06-14 | NE1/4,SE1/4,Sec.12,T6S,R33E | 139.968 | | 32 | 38 |
| 13638 | | 1 | Beneficial Use | Active | MUNICIPAL | 12/31/1940 | SW1/4,NE1/4,Sec.15,T6S,R33E | 2.2 | 2.2 | 0 | 1 |
| 11344 | | 1 | Beneficial Use | Active | MUNICIPAL | 12/31/1942 | NE1/4,SE1/4,Sec.10,T6S,R33E | 1.92 | 1.92 | 0 | 1 |
| 2274 | | 1 | License | Active | MUNICIPAL | 6/15/1948 | SW1/4,NE1/4,Sec.15,T6S,R33E | 9.69 | | 13 | 16 |
| 2274 | | 1 | License | Active | MUNICIPAL | 6/15/1948 | NE1/4,SE1/4,Sec.10,T6S,R33E | 9.69 | | 13 | 16 |
| 2274 | | 1 | License | Active | MUNICIPAL | 6/15/1948 | NE1/4,SE1/4,Sec.12,T6S,R33E | 9.69 | | 13 | 16 |
| 2338 | | 1 | License | Active | MUNICIPAL | 9/1/1953 | SW1/4,NE1/4,Sec.15,T6S,R33E | 9.53 | | 13 | 16 |
| 2338 | | 1 | License | Active | MUNICIPAL | 9/1/1953 | NE1/4,SE1/4,Sec.10,T6S,R33E | 9.53 | | 13 | 16 |
| 2338 | | 1 | License | Active | MUNICIPAL | 9/1/1953 | NE1/4,SE1/4,Sec.12,T6S,R33E | 9.53 | | 13 | 16 |
| 7118 | | 1 | License | Active | IRRIGATION | 4/11/1973 | NW1/4,SW1/4,Sec.16,T6S,R33E | 4.01 | 4.01 | 0 | 1 |
| 7119 | | 1 | License | Active | IRRIGATION | 4/11/1973 | NW1/4,SW1/4,Sec.9,T6S,R33E | 6 | 6 | 0 | 1 |
| 7375 | | 1 | License | Active | MUNICIPAL | 2/24/1977 | SW1/4,NE1/4,Sec.15,T6S,R33E | 2.23 | | 13 | 16 |

3024

| | | | | | | | | | | | |
|------|--|---|---------|--------|------------|-----------|-----------------------------|------|------|----|----|
| 7375 | | 1 | License | Active | MUNICIPAL | 2/24/1977 | NE1/4,SE1/4,Sec.10,T6S,R33E | 2.23 | | 13 | 16 |
| 7375 | | 1 | License | Active | MUNICIPAL | 2/24/1977 | NE1/4,SE1/4,Sec.12,T6S,R33E | 2.23 | | 13 | 16 |
| 7450 | | 1 | License | Active | MUNICIPAL | 6/13/1978 | NE1/4,SE1/4,Sec.10,T6S,R33E | 3.34 | 3.34 | 0 | 1 |
| 7770 | | 1 | License | Active | IRRIGATION | 5/21/1984 | SE1/4,NE1/4,Sec.12,T6S,R33E | 4.46 | 4.46 | 0 | 1 |

21.83

| Sequence | Suffix | Version | Basis | Status | Water_Uses | Priority_Date | Location | Diversion_Rate | Well Rate | Outside PODs | Total PODs |
|----------|--------|---------|---------|--------|------------|---------------|-----------------------------|----------------|-----------|--------------|------------|
| 2274 | | | License | Active | MUNICIPAL | 6/15/1948 | NE1/4,SE1/4,Sec.10,T6S,R33E | 21 | | 8 | 11 |
| 2274 | | | License | Active | MUNICIPAL | 6/15/1948 | SW1/4,NE1/4,Sec.15,T6S,R33E | 21 | | 8 | 11 |
| 2274 | | | License | Active | MUNICIPAL | 6/15/1948 | NE1/4,SE1/4,Sec.12,T6S,R33E | 21 | | 8 | 11 |
| 2338 | | | License | Active | MUNICIPAL | 9/1/1953 | NE1/4,SE1/4,Sec.10,T6S,R33E | 14.76 | | 8 | 11 |
| 2338 | | | License | Active | MUNICIPAL | 9/1/1953 | SW1/4,NE1/4,Sec.15,T6S,R33E | 14.76 | | 8 | 11 |
| 2338 | | | License | Active | MUNICIPAL | 9/1/1953 | NE1/4,SE1/4,Sec.12,T6S,R33E | 14.76 | | 8 | 11 |
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| 7119 | | | License | Active | IRRIGATION | 4/11/1973 | NW1/4,SW1/4,Sec.9,T6S,R33E | 6 | 6 | 0 | 1 |
| 7375 | | | License | Active | MUNICIPAL | 2/24/1977 | NE1/4,SE1/4,Sec.10,T6S,R33E | 3.34 | | 8 | 11 |
| 7375 | | | License | Active | MUNICIPAL | 2/24/1977 | SW1/4,NE1/4,Sec.15,T6S,R33E | 3.34 | | 8 | 11 |
| 7375 | | | License | Active | MUNICIPAL | 2/24/1977 | NE1/4,SE1/4,Sec.12,T6S,R33E | 3.34 | | 8 | 11 |
| 7450 | | | License | Active | MUNICIPAL | 6/13/1978 | NE1/4,SE1/4,Sec.10,T6S,R33E | 3.34 | 3.34 | 0 | 1 |
| 7770 | | | License | Active | IRRIGATION | 5/21/1984 | SE1/4,NE1/4,Sec.12,T6S,R33E | 4.46 | 4.46 | 0 | 1 |

17.81

3025

Barber, David

From: Barber, David
Sent: Friday, June 10, 2005 11:05 AM
To: 'Behrens, Tracy'
Subject: FW: Meeting re: Pocatello state law claims 6/14

Dear Tracy:
I need to talk to you about this meeting.
Sincerely,
David J. Barber

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

From: McHugh, Candice [mailto:Candice.McHugh@idwr.idaho.gov]
Sent: Wednesday, June 01, 2005 12:16 PM
To: 'Peter.C.Monson@usdoj.gov'; Jo Beeman; David Barber (E-mail)
Cc: Hamlin Nygard, Susan; Tuthill, Dave; Fritschle, Carter
Subject: RE: Meeting re: Pocatello state law claims 6/14

Peter,

Following is what I have as our "agenda" for the 6/14 meeting. I have it set for 2 hours 10:00 - 12:00. I'm sending this to Jo Beeman and David Barber as well since it has been awhile since we've visited about the state-based issues.

The June meeting is to orally provide the parties the Department's basis for:

- 1) Not including Gibson-Jack, Mink Creek and Pocatello creek as separate streams in Basin 29
- 2) Not including Pocatello's groundwater rights as separate sources from the rest of the Snake River Basin
- 3) Including the municipal point of diversion remark on Pocatello's interconnected well system
- 4) Not including Pocatello's wells as alternate points of diversion for the city's surface water rights

There is a formal settlement meeting on these (and other fact related issues) on July 16th. This June meeting is being done to provide the parties information in order to prepare their positions/information for the more formal settlement meeting in July. I'm not sure there will be time for a lot of back and forth at this meeting but the Department's basic rationale will be shared.

Candice McHugh
Deputy Attorney General, IDWR
(208) 287-4810

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

From: Peter.C.Monson@usdoj.gov [mailto:Peter.C.Monson@usdoj.gov]
Sent: Wednesday, June 01, 2005 12:01 PM
To: candice.mchugh@idwr.idaho.gov
Subject: Meeting re: Pocatello state law claims 6/14

Hi Candice:

I am trying to make travel arrangements to attend the meeting June 14 with Pocatello. Can you tell me what times you have scheduled for the meeting, along with any agenda items or topics for discussion? My main need right now is to know whether the meeting will go all day, or some part of the day, for purposes of figuring out my return flight.

Thanks very much, Peter

Peter C. Monson
Assistant Section Chief, Indian Resources
Managing Attorney, Denver Field Office

3026

Environment and Natural Resources Div.
U.S. Dept. of Justice
999 18th Street, Suite 945
Denver, CO 80202
ter.c.monson@usdoj.gov

3027

Barber, David

From: Williams, Ray [Raymond.Williams@idwr.idaho.gov]
Sent: Thursday, September 07, 2006 11:48 AM
To: Barber, David
Subject: City of Pocatello (Map 5)



MAP 5.pdf (2 MB)

David,

In an attempt to expedite getting the maps to you, I am forwarding them via e-mail. Attached is "Map 5". I'm not sure if the way the maps are set up for Maps 1-4 in pdf format will work for you. Please take a look at those, which will be contained in a subsequent e-mail, and let me know.

Thank you.

Ray

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

From: Pew, Lori
Sent: Thursday, September 07, 2006 11:40 AM
To: Williams, Ray
Subject: Emailing: MAP 5.pdf

The message is ready to be sent with the following file or link attachments:

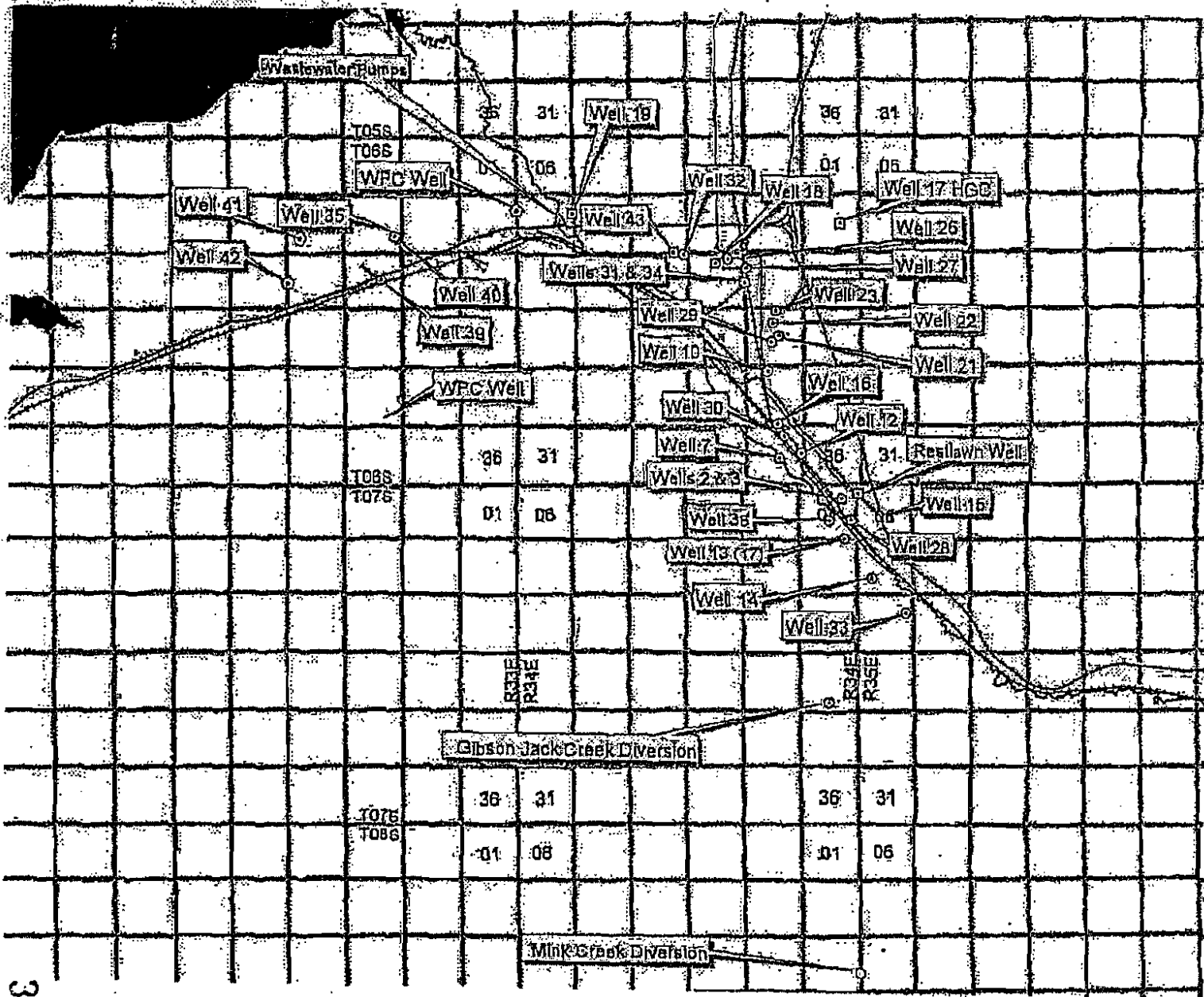
MAP 5.pdf

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled. <<MAP 5.pdf>>

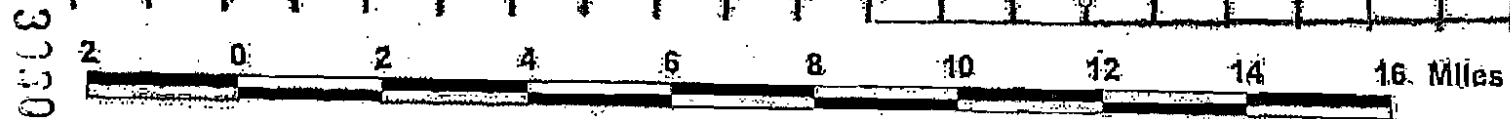
3028

MAP 5

Map 5 - All Points of Diversions



- Highways
- Railroads
- Portneuf River
- American Falls Reservoir
- Municipal Wells
- Other Wells in or Near City Proper
- Agricultural Irrigation Wells
- Surface Water Diversions



Barber, David

From: Williams, Ray [Raymond.Williams@idwr.idaho.gov]
Sent: Thursday, September 07, 2006 11:49 AM
To: Barber, David
Subject: City of Pocatello (Map 6)



MAP 6.pdf (2 MB)

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

From: Pew, Lori
Sent: Thursday, September 07, 2006 11:41 AM
To: Williams, Ray
Subject: Emailing: MAP 6.pdf

The message is ready to be sent with the following file or link attachments:

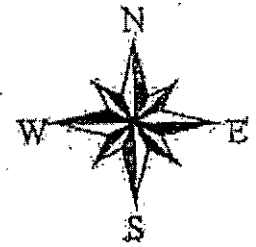
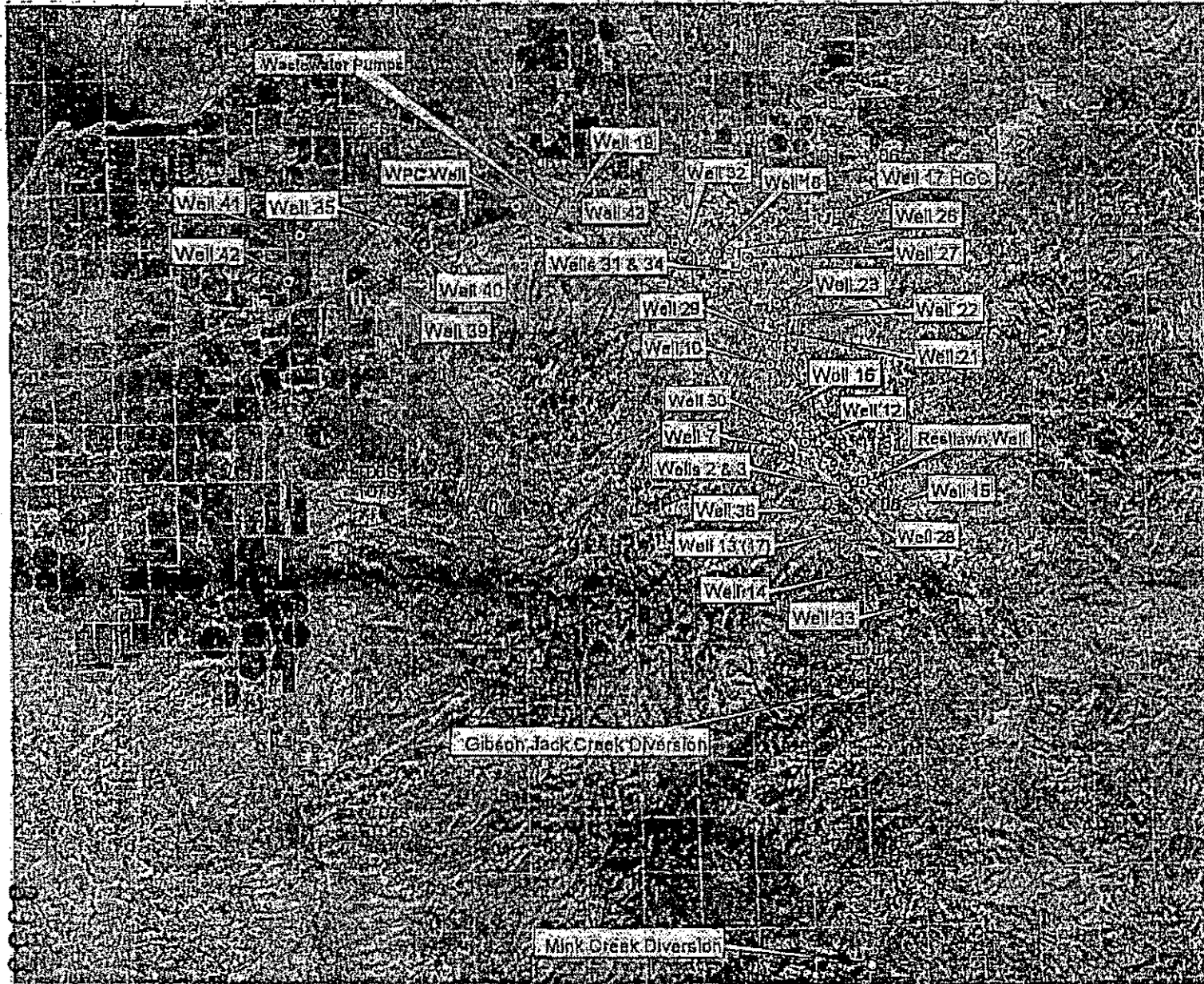
MAP 6.pdf

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled. <<MAP 6.pdf>>

3031

MAP 6

Map 6 - All Points of Diversions Overlaying 2004 NAIP Photography



- ⊙ Municipal Wells
- ⊠ Other Wells in or Near City Proper
- ⬠ Agricultural Irrigation Wells
- Surface Water Diversions



Barber, David

From: Williams, Ray [Raymond.Williams@idwr.idaho.gov]
Sent: Thursday, September 07, 2006 11:50 AM
To: Barber, David
Subject: City of Pocatello (Maps 1-4)



MAPS 1-4.pdf (2
MB)

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

From: Pew, Lori
Sent: Thursday, September 07, 2006 11:41 AM
To: Williams, Ray
Subject: Emailing: MAPS 1-4.pdf

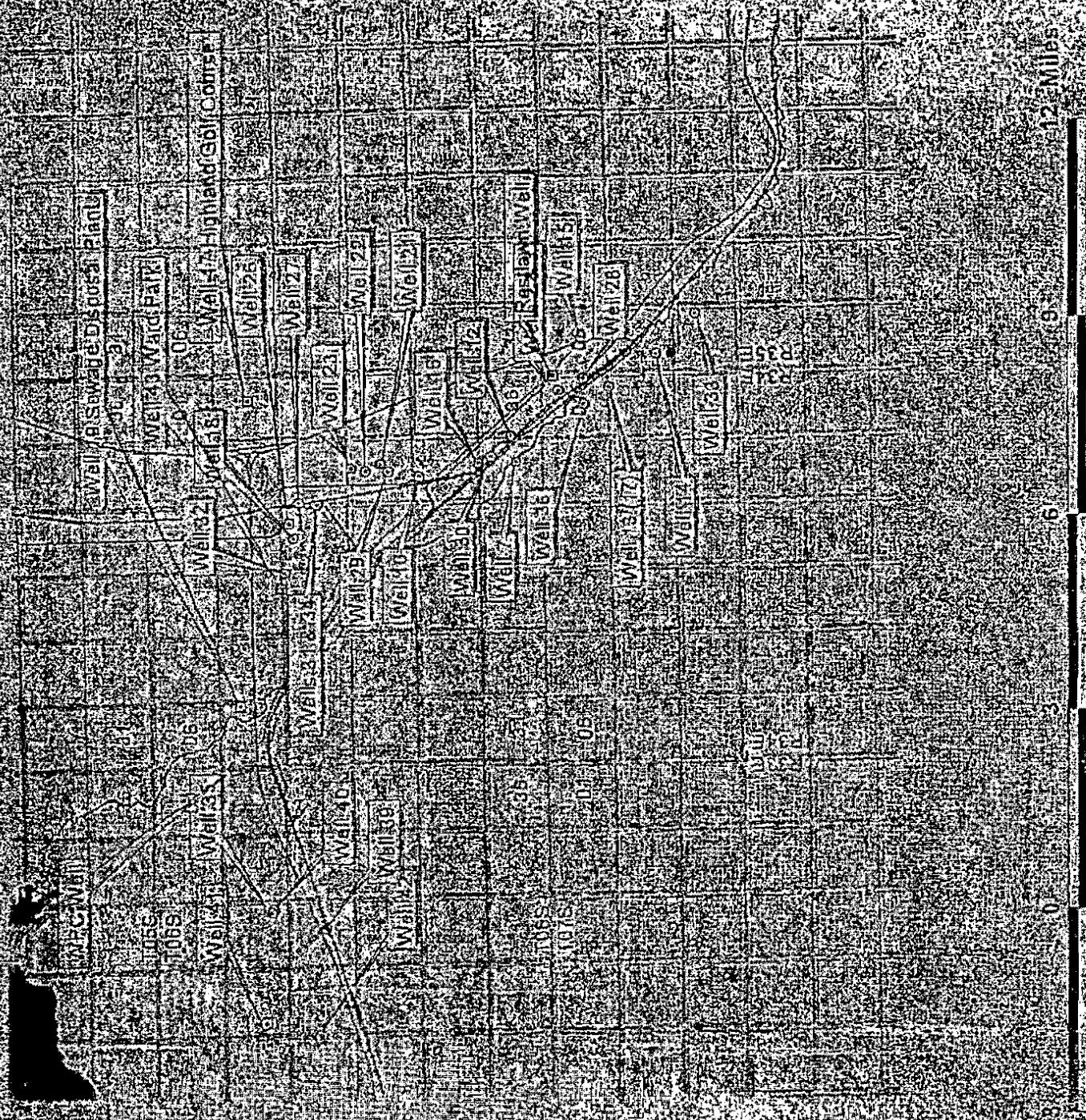
The message is ready to be sent with the following file or link attachments:

MAPS 1-4.pdf

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled. <<MAPS 1-4.pdf>>

MAPS 1-4

Map 1 - Interconnected Wells in City Proper
 Map 2 - Municipal Wells in City Proper
 Map 3 - Other Wells in City Proper
 Map 4 - Agricultural Irrigation Wells in City Proper



- Highways
- Railroads
- Potomac River
- American Falls Reservoir
- Municipal Wells
- Other Wells in or Near City Proper
- Agricultural Irrigation Wells

0 6 12 Miles

Barber, David

From: Williams, Ray [Raymond.Williams@idwr.idaho.gov]
Int: Thursday, September 07, 2006 12:11 PM
To: Barber, David
Subject: City of Pocatello - Map 1



2006090711114510
8_0001.jpg (16...

David,

I am attaching Map 1. It should be a clearer representation of the interconnected wells.

Thank you.

Ray

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

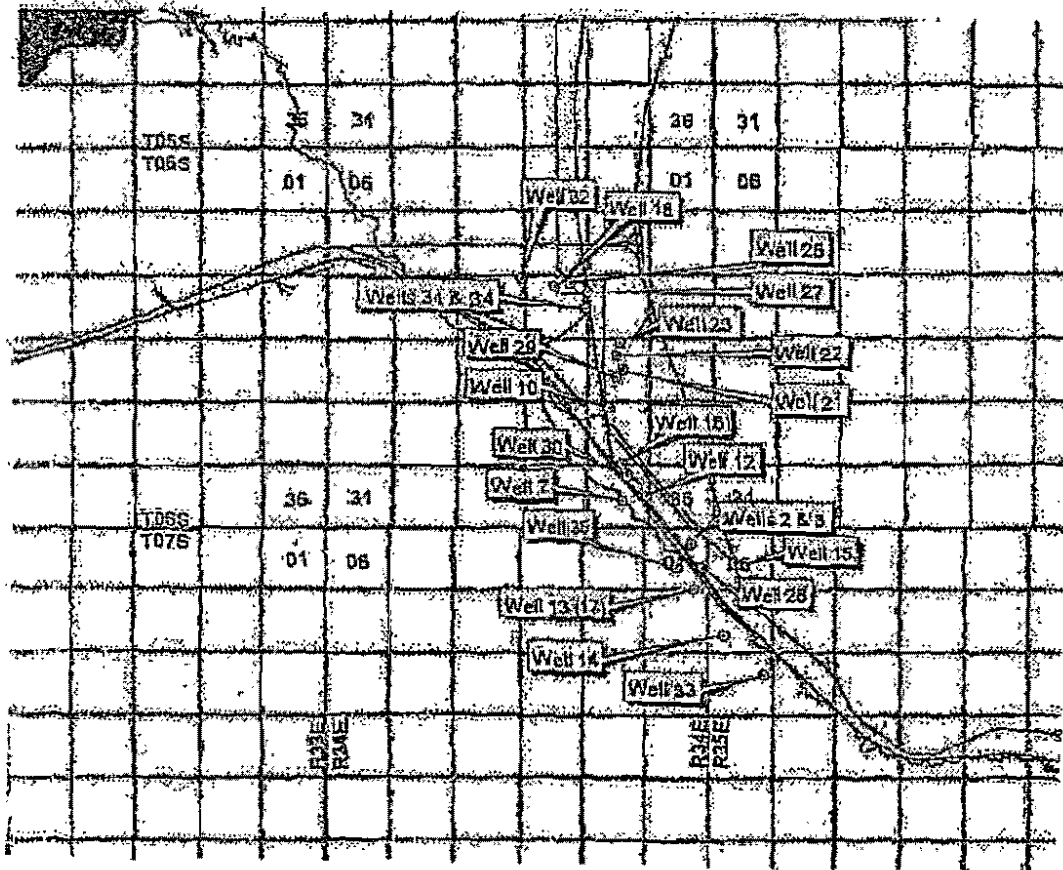
From: Pew, Lori
Sent: Thursday, September 07, 2006 12:06 PM
To: Williams, Ray
Subject: Emailing: 20060907111145108_0001.jpg

The message is ready to be sent with the following file or link attachments:

20060907111145108_0001.jpg

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled. <<20060907111145108_0001.jpg>>

**Map 1: Interconnected
Wells in City Proper**



-  Highways
-  Railroads
-  Portneuf River
-  American Falls Reservoir
-  Municipal Wells



Barber, David

From: Conde, Douglas
Sent: Tuesday, September 12, 2006 9:48 AM
To: Strong, Clive; Barber, David
Subject: FW: Scanning job

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Sandy

3039

5/17/06

CITY OF POCA TELLO
13th Annual POTW Biosolids Report
January 17 2006

FILE COPY

RECORDED
JAN 8 2006
IDaho DEPARTMENT OF ENVIRONMENTAL QUALITY

Submitted to: Region X
U.S. Environmental Protection Agency

Division of Environmental Quality
State of Idaho

Prepared by: Jon B. Herrick
Operations & Biosolids Supervisor
City of Pocatello
Water Pollution Control Department

January 17, 2006

Ms. Cindy Phung

US EPA - OW-133
Region 10
1200 Sixth Avenue
Seattle, WA 98101

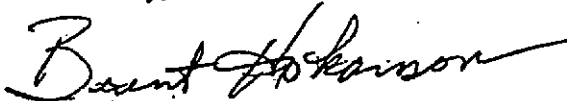
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Dear Ms. Phung,

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If there are any questions regarding this report, please contact me at (208) 234-6256, extension 18.

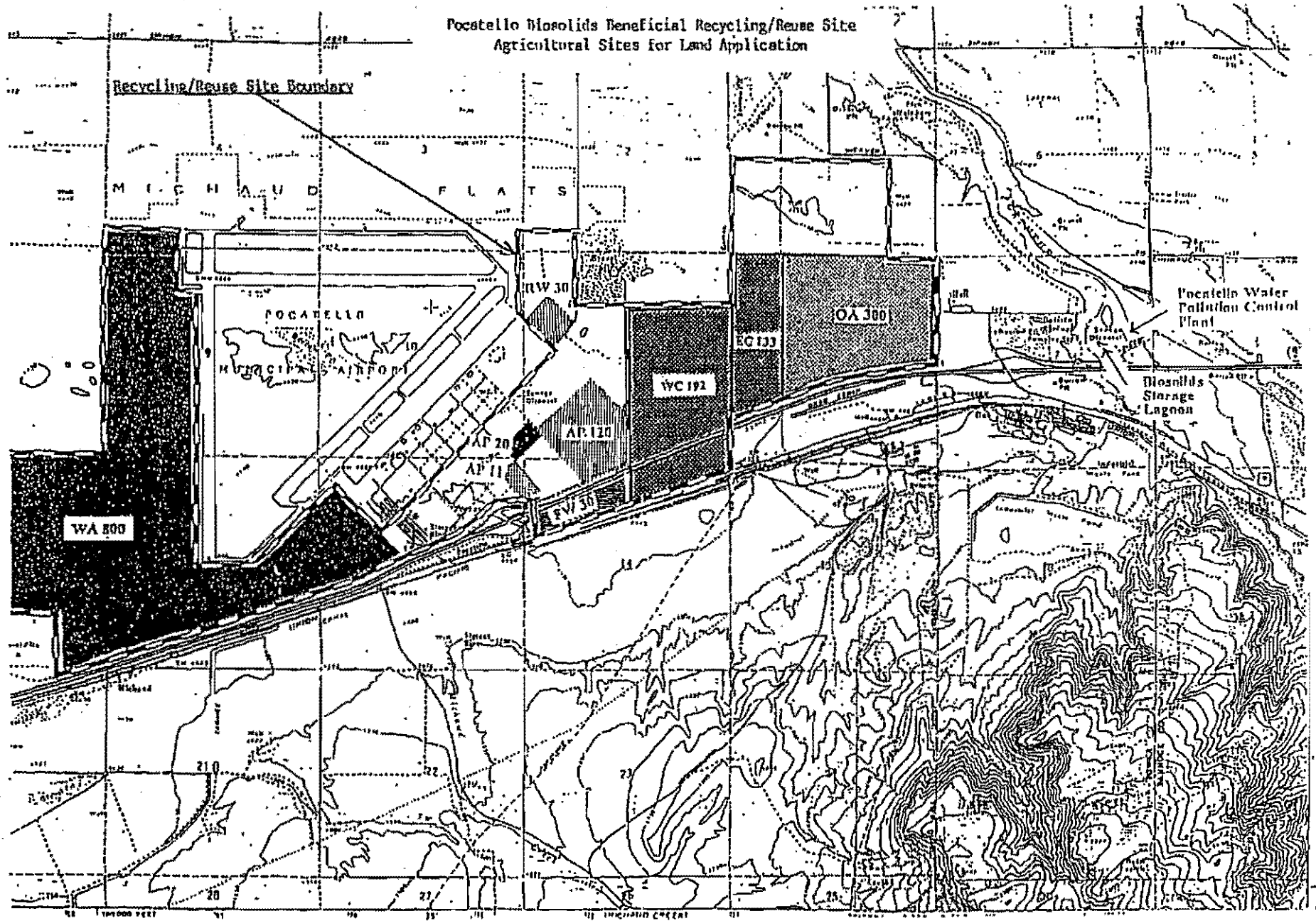
Sincerely,



Brent Hokanson
WPC Superintendent

Cc: Jon Herrick, WPC Supervisor
Greg Lanning, Pocatello Public Works Director
John Kirkpatrick, IDHW-DEQ, Pocatello
File

Pocatello Biosolids Beneficial Recycling/Reuse Site
Agricultural Sites for Land Application



3042

silver, and zinc. The limits and supporting documentation shall be submitted to EPA for review and approval within six months after the effective date of this permit.

G. Sewage Sludge (Biosolids) Management Requirements

1. The permittee shall comply with all existing federal and state laws and regulations that apply to its biosolids use or disposal practice. Additionally, the permittee shall ensure that biosolids are used or disposed in accordance with the applicable requirements of 40 CFR Part 503 Subparts A, B, and D, and the Biosolids Management Plan identified in the Definitions section of this permit. The federal regulations shall be interpreted using this permit and the documents "Part 503 Implementation Guidance" EPA 833-R-95-001, and "Environmental Regulations and Technology, Control of Pathogens and Vector Attraction in Sewage Sludge" EPA/625/R-92/013.
2. The permittee shall handle and dispose of biosolids so the public health and the environment are protected from any reasonably anticipated adverse effects due to any toxic pollutants that may be present.
3. The Permittee shall ensure pollutants from the biosolids do not reach surface waters of the United States.
4. For this permit, the Permittee is considered the person who applies biosolids for the purposes of determining compliance with the permit and compliance with the 40 CFR Part 503. This includes having records on actual agronomic loadings and on types of crops grown.
5. Class B biosolids applied to the land shall meet the requirements in Table 5:

| TABLE 5: Requirements for Biosolids Applied to Land | | |
|--|------------------------|--|
| Disposal Method | Product | Requirements |
| Land Application | Class B biosolids only | <ol style="list-style-type: none"> 1. Pollutants: <ul style="list-style-type: none"> • Monthly Average Concentrations 40 CFR § 503.13(a)(2)(ii)¹ • Ceiling Concentrations 40 CFR § 503.13(a)(1) 2. Pathogens: <ul style="list-style-type: none"> • Anaerobic Digestion, 40 CFR § 503.32(b)(3)², App B (A,3) 3. Vector Control: <ul style="list-style-type: none"> • >38% Volatile Solids Reduction, 40 CFR § 503.33(b)(1)². 4. Permittee must obtain EPA approval before land application for soil reclamation (above agronomic rates). |

TABLE 5: Requirements for Biosolids Applied to Land

1. EPA may separately approve through minor permit modification or by letter, the method of controlling the accumulation of metals per 40 CFR § 503.13(a)(2)(i).
 2. EPA may separately approve through minor permit modification or by letter: Pathogen Treatment - any Class A process per 40 CFR § 503.32(a), Class B equivalency per 40 CFR § 503.32(b)(4), or Class B compost or liming per 40 CFR § 503.32(b)(3) App B(A.4-5), and Vector Control - compost or liming per 40 CFR § 503.33(b)(5) or (6). There are additional pathogen reduction and vector attraction reduction alternatives available in 40 CFR § 503.32 and 40 CFR § 503.33. If the permittee intends to use one of these additional alternatives, the EPA and the state DEQ must be notified at least 30 days prior to its use. Notification shall include a demonstration of the facility's ability to measure compliance with the alternative option. The city may begin using the new alternative 30 days after submittal of a complete process description unless notified otherwise by EPA.
-
6. Biosolids (sewage sludge) may not be applied in the fall or winter without a cover crop unless a nitrogen mobility analysis has been conducted which demonstrates that mobile forms of nitrogen will be retained in the soil and utilized by the subsequent (spring) crop. The nitrogen mobility analysis procedure shall be designed by a qualified professional. The analysis shall address all forms of nitrogen and the major soil types, soil profiles, and crops to which the sludge will be applied. The analysis shall be updated as necessary. Soil nitrogen shall be tested to validate the results of the nitrogen mobility analysis. The soil nitrogen testing program shall be designed by a qualified professional. A record shall be kept of the analysis and testing results. This requirement will become effective August 1, 2000.
 7. Biosolids may be distributed in the specific land application areas identified in Table 6 (See map in Appendix A). All of the approved land application areas are within the "Pocatello Biosolids Beneficial Reuse Site" (map in Appendix A). Additional land application sites may be developed within the Pocatello Biosolids Beneficial Reuse Site provided the following conditions are met.
 - a) The Permittee shall submit an individual site plan to EPA 30 days prior to land applying biosolids to the new site. The site plan shall provide information on the site conditions and on the intended disposal practices at the site. The site plan shall be prepared in accordance with this permit and the Biosolids Management Plan.
 - b) Prior to land-applying biosolids at a new site, the Permittee shall notify interested parties by publishing a notice in the newspaper, and/or by mailing or delivering information packets to each interested party. Information packets shall include a copy of the site plan. Newspaper notices shall direct readers to obtain copies of the site plan from the Permittee or its representative, and direct commenters to send their comments on the new land application site to:

1200 Sixth Avenue, OW-130
 Seattle, WA 98103

At a minimum, interested parties shall include: 1) Land owners and occupants of any land adjacent to or abutting the new land application site; 2) The Shoshone-Bannock Indian Nation; 3) The local USDA Natural Resource Conservation Service; 4) The State Agricultural Extension Service; 5) The local Soil Conservation District;

- c) Distribution of Class B biosolids to areas outside of the Pocatello Biosolids Recycling/Reuse Site is not authorized by this permit. To expand outside this distribution site the permittee shall submit a revised permit application to EPA (40 CFR 122.41(l)(1)(iii)).
- d) Each new site plan shall report on a Permittee-conducted review of the site for potential endangered species habitat(s). The review shall consider the species currently listed by the US Government for the geographical area approved in this permit. The Permittee shall notify EPA immediately if any potential habitat is found. No biosolids may be applied to potential endangered species habitat without written approval from EPA.

| Table 6. Pocatello Biosolids Beneficial Recycling/Reuse Site Agricultural Sites for Land Application | | | | |
|---|---------|-------------------------------|------------|-----------|
| Site Name | Acreage | Map Reference (Appendix D) | Location | |
| | | | Latitude | Longitude |
| Old Airport | 300 | OA 300 | 112°32'30" | 42°55' |
| Airport 120 | 120 | AP 120 | 112°34' | 42°54' |
| Airport 20 | 20 | AP 20 | 112°34' | 42°54' |
| Airport 11 | 11 | AP 11 | 112°34' | 42°54' |
| Freeway 30 | 30 | FW 30 | 112°34' | 42°54' |
| Runway 30 | 30 | RW 30 | 112°34' | 42°55' |
| West Airport 800 | 800 | WA 800 | 112°34' | 42°55' |

- 8. The permittee may distribute Class B biosolids in crop trials of two acres or less. Crop trials may occur outside the land application sites listed in Table 6. Notification of planned crop trials shall be sent to the Environmental Protection Agency, Idaho Operations Office, the Idaho Division of Environmental Quality, Southeast Idaho Regional Office, if required by the state, and to the office of the Natural Resources Conservation Service of the U.S. Department of Agriculture closest to the crop trial site. Crop trials shall comply with all other requirements of the federal standards at 40 CFR Part 503.
- 9. The permittee shall submit a report to EPA on February 19 of each year that includes the following information:

Barber, David

From: Strong, Clive
Sent: Tuesday, September 12, 2006 12:41 PM
To: Barber, David
Subject: FW: Scanning job

FYI

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

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Thanks,
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3046

File

CITY OF POCA TELLO
13th Annual POTW Biosolids Report
January 17 2006

FILE COPY

RECEIVED
JAN 19 2006
IDAH O DEPARTMENT OF
ENVIRONMENTAL QUALITY

Submitted to: Region X
U.S. Environmental Protection
Agency

Division of Environmental
Quality
State of Idaho

Prepared by: Jon B. Herrick
Operations & Biosolids Supervisor
City of Pocatello
Water Pollution Control Department

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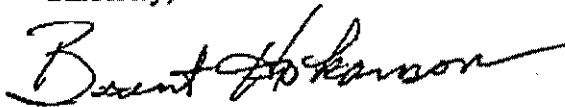
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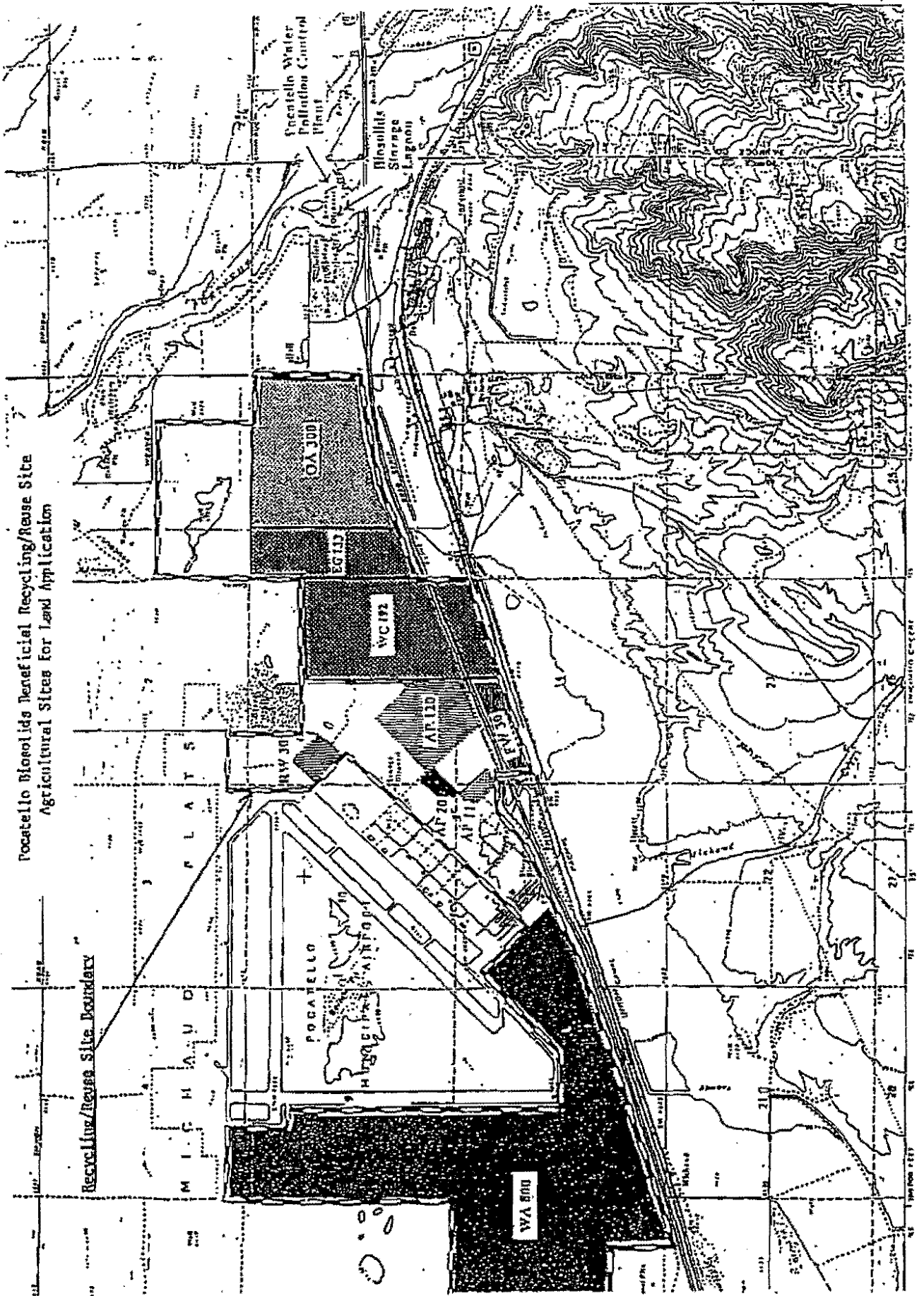
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Agricultural Sites for Land Application



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To: Barber, David
Subject: FW: Scanning job

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Submitted to: Region X
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Division of Environmental
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State of Idaho

Prepared by: Jon B. Herrick
Operations & Biosolids Supervisor
City of Pocatello
Water Pollution Control Department

January 17, 2006

Ms. Cindy Phung

US EPA - OW-133
Region 10
1200 Sixth Avenue
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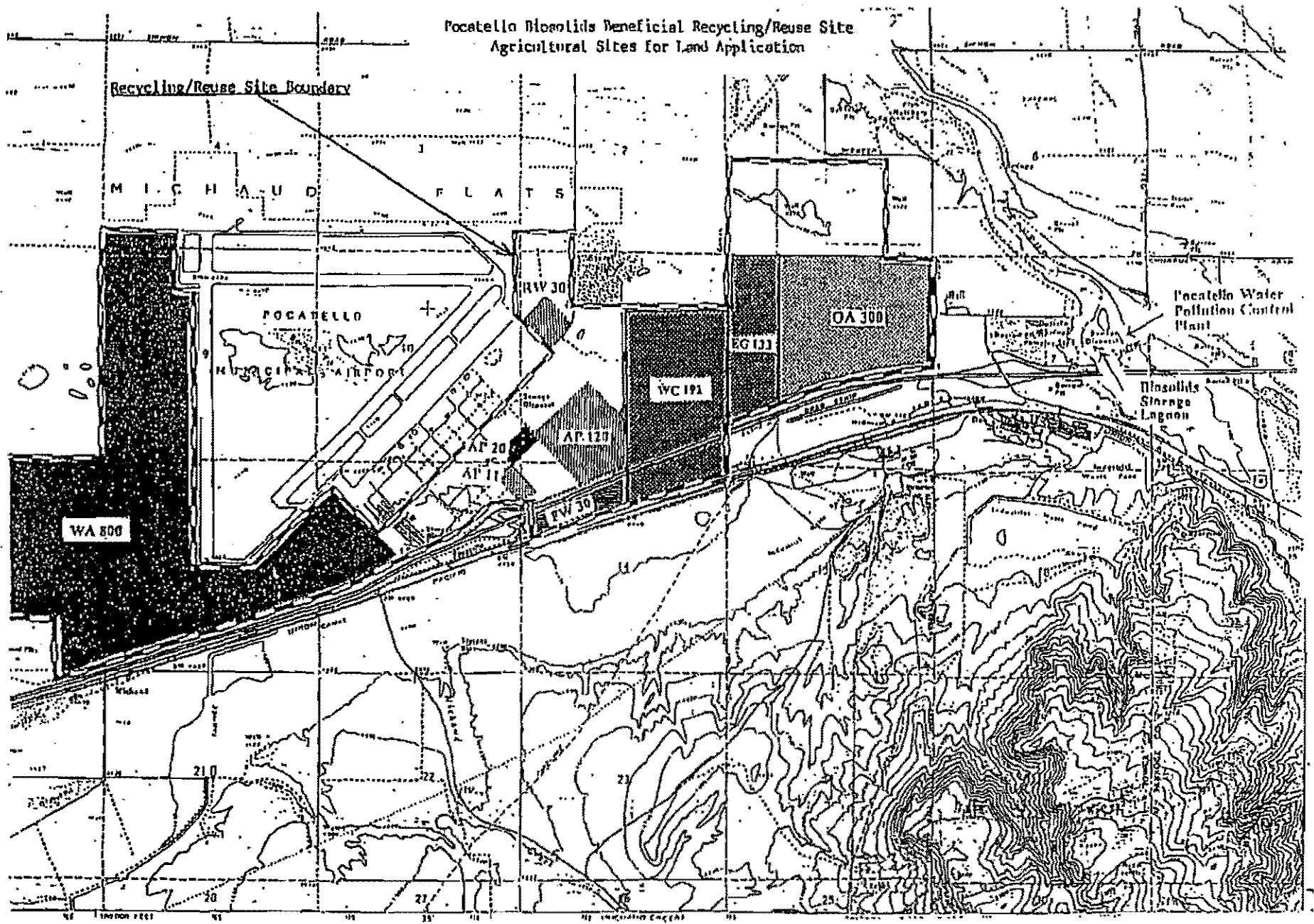
Sincerely,



Brent Hokanson
WPC Superintendent

Cc: Jon Herrick, WPC Supervisor
Greg Lanning, Pocatello Public Works Director
John Kirkpatrick, IDHW-DEQ, Pocatello
File

Pocatello Biosolids Beneficial Recycling/Reuse Site
Agricultural Sites for Land Application



3056

silver, and zinc. The limits and supporting documentation shall be submitted to EPA for review and approval within six months after the effective date of this permit.

G. Sewage Sludge (Biosolids) Management Requirements

1. The permittee shall comply with all existing federal and state laws and regulations that apply to its biosolids use or disposal practice. Additionally, the permittee shall ensure that biosolids are used or disposed in accordance with the applicable requirements of 40 CFR Part 503 Subparts A, B, and D, and the Biosolids Management Plan identified in the Definitions section of this permit. The federal regulations shall be interpreted using this permit and the documents "Part 503 Implementation Guidance" EPA 833-R-95-001, and "Environmental Regulations and Technology, Control of Pathogens and Vector Attraction in Sewage Sludge" EPA/625/R-92/013.
2. The permittee shall handle and dispose of biosolids so the public health and the environment are protected from any reasonably anticipated adverse effects due to any toxic pollutants that may be present.
3. The Permittee shall ensure pollutants from the biosolids do not reach surface waters of the United States.
4. For this permit, the Permittee is considered the person who applies biosolids for the purposes of determining compliance with the permit and compliance with the 40 CFR Part 503. This includes having records on actual agronomic loadings and on types of crops grown.
5. Class B biosolids applied to the land shall meet the requirements in Table 5:

| TABLE 5: Requirements for Biosolids Applied to Land | | |
|---|------------------------|--|
| Disposal Method | Product | Requirements |
| Land Application | Class B biosolids only | <ol style="list-style-type: none"> 1. Pollutants: <ul style="list-style-type: none"> • Monthly Average Concentrations 40 CFR § 503.13(a)(2)(ii)¹ • Ceiling Concentrations 40 CFR § 503.13(a)(1) 2. Pathogens: <ul style="list-style-type: none"> • Anaerobic Digestion, 40 CFR § 503.32(b)(3)², App B (A,3) 3. Vector Control: <ul style="list-style-type: none"> • >38% Volatile Solids Reduction, 40 CFR § 503.33(b)(1)², 4. Permittee must obtain EPA approval before land application for soil reclamation (above agronomic rates). |

TABLE 5: Requirements for Biosolids Applied to Land

1. EPA may separately approve through minor permit modification or by letter, the method of controlling the accumulation of metals per 40 CFR § 503.13(a)(2)(i).
2. EPA may separately approve through minor permit modification or by letter: Pathogen Treatment - any Class A process per 40 CFR § 503.32(a), Class B equivalency per 40 CFR § 503.32(b)(4), or Class B compost or liming per 40 CFR § 503.32(b)(3) App B(A.4-5), and Vector Control - compost or liming per 40 CFR § 503.33(b)(5) or (6). There are additional pathogen reduction and vector attraction reduction alternatives available in 40 CFR § 503.32 and 40 CFR § 503.33. If the permittee intends to use one of these additional alternatives, the EPA and the state DEQ must be notified at least 30 days prior to its use. Notification shall include a demonstration of the facility's ability to measure compliance with the alternative option. The city may begin using the new alternative 30 days after submittal of a complete process description unless notified otherwise by EPA.
6. Biosolids (sewage sludge) may not be applied in the fall or winter without a cover crop unless a nitrogen mobility analysis has been conducted which demonstrates that mobile forms of nitrogen will be retained in the soil and utilized by the subsequent (spring) crop. The nitrogen mobility analysis procedure shall be designed by a qualified professional. The analysis shall address all forms of nitrogen and the major soil types, soil profiles, and crops to which the sludge will be applied. The analysis shall be updated as necessary. Soil nitrogen shall be tested to validate the results of the nitrogen mobility analysis. The soil nitrogen testing program shall be designed by a qualified professional. A record shall be kept of the analysis and testing results. This requirement will become effective August 1, 2000.
7. Biosolids may be distributed in the specific land application areas identified in Table 6 (See map in Appendix A). All of the approved land application areas are within the "Pocatello Biosolids Beneficial Reuse Site" (map in Appendix A). Additional land application sites may be developed within the Pocatello Biosolids Beneficial Reuse Site provided the following conditions are met.
 - a) The Permittee shall submit an individual site plan to EPA 30 days prior to land applying biosolids to the new site. The site plan shall provide information on the site conditions and on the intended disposal practices at the site. The site plan shall be prepared in accordance with this permit and the Biosolids Management Plan.
 - b) Prior to land-applying biosolids at a new site, the Permittee shall notify interested parties by publishing a notice in the newspaper, and/or by mailing or delivering information packets to each interested party. Information packets shall include a copy of the site plan. Newspaper notices shall direct readers to obtain copies of the site plan from the Permittee or its representative, and direct commenters to send their comments on the new land application site to:

1200 Sixth Avenue, OW-130
 Seattle, WA 98103

At a minimum, interested parties shall include: 1) Land owners and occupants of any land adjacent to or abutting the new land application site; 2) The Shoshone-Bannock Indian Nation; 3) The local USDA Natural Resource Conservation Service; 4) The State Agricultural Extension Service; 5) The local Soil Conservation District;

- c) Distribution of Class B biosolids to areas outside of the Pocatello Biosolids Recycling/Reuse Site is not authorized by this permit. To expand outside this distribution site the permittee shall submit a revised permit application to EPA (40 CFR 122.41(l)(1)(iii)).
- d) Each new site plan shall report on a Permittee-conducted review of the site for potential endangered species habitat(s). The review shall consider the species currently listed by the US Government for the geographical area approved in this permit. The Permittee shall notify EPA immediately if any potential habitat is found. No biosolids may be applied to potential endangered species habitat without written approval from EPA.

| Table 6. Pocatello Biosolids Beneficial Recycling/Reuse Site Agricultural Sites for Land Application | | | | |
|---|---------|-------------------------------|------------|-----------|
| Site Name | Acreage | Map Reference (Appendix D) | Location | |
| | | | Latitude | Longitude |
| Old Airport | 300 | OA 300 | 112°32'30" | 42°55' |
| Airport 120 | 120 | AP 120 | 112°34' | 42°54' |
| Airport 20 | 20 | AP 20 | 112°34' | 42°54' |
| Airport 11 | 11 | AP 11 | 112°34' | 42°54' |
| Freeway 30 | 30 | FW 30 | 112°34' | 42°54' |
| Runway 30 | 30 | RW 30 | 112°34' | 42°55' |
| West Airport 800 | 800 | WA 800 | 112°34' | 42°55' |

- 8. The permittee may distribute Class B biosolids in crop trials of two acres or less. Crop trials may occur outside the land application sites listed in Table 6. Notification of planned crop trials shall be sent to the Environmental Protection Agency, Idaho Operations Office, the Idaho Division of Environmental Quality, Southeast Idaho Regional Office, if required by the state, and to the office of the Natural Resources Conservation Service of the U.S. Department of Agriculture closest to the crop trial site. Crop trials shall comply with all other requirements of the federal standards at 40 CFR Part 503.
- 9. The permittee shall submit a report to EPA on February 19 of each year that includes the following information:

Barber, David

From: Williams, Ray [Raymond.Williams@idwr.idaho.gov]
Sent: Thursday, September 07, 2006 12:11 PM
To: Barber, David
Subject: City of Pocatello - Map 1



2006090711114510
8_0001.jpg (16...

David,

I am attaching Map 1. It should be a clearer representation of the interconnected wells.

Thank you.

Ray

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

From: Pew, Lori
Sent: Thursday, September 07, 2006 12:06 PM
To: Williams, Ray
Subject: Emailing: 20060907111145108_0001.jpg

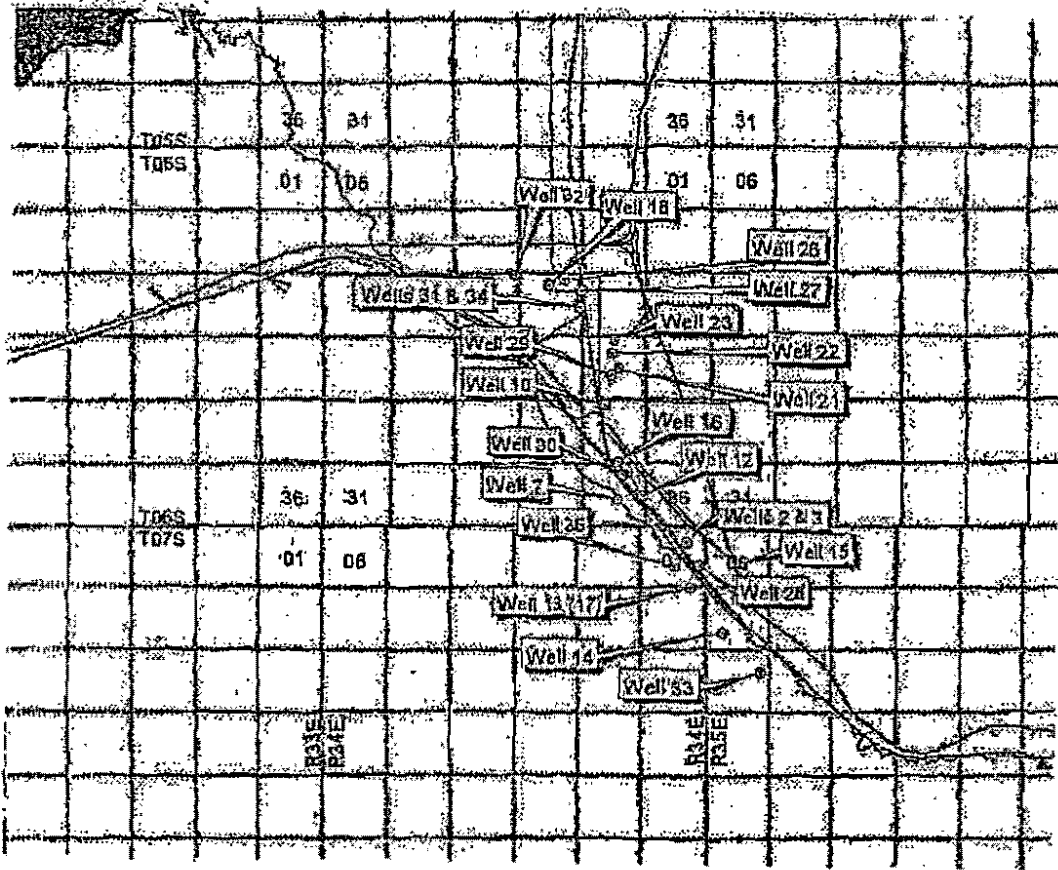
The message is ready to be sent with the following file or link attachments:


20060907111145108_0001.jpg

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled. <<20060907111145108_0001.jpg>>

3060

**Map 1 - Interconnected
Wells in City Proper**



-  Highways
-  Railroads
-  Portneut River
-  American Falls Reservoir
-  Municipal Wells



Barber, David

From: Fritschle, Carter [Carter.Fritschle@idwr.idaho.gov]
Sent: Wednesday, September 20, 2006 3:43 PM
To: Mchugh, Candice
Cc: Barber, David
Subject: RE: Map 1 for City of Pocatello

Candice

The City of Pocatello's Well No. 36 is associated with license 29-8086, which has a priority date of 3-26-1992 and was not claimed in the SRBA. I thought the City of Pocatello had requested Well No. 36 be included as part of the interconnected system, indicating that it had been drilled prior to 1987. However, I am unable to find anything to document that at this point. So, including it on Map 1 appears to have been an error on my part.

Carter

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

From: Mchugh, Candice
Sent: Wednesday, September 20, 2006 1:37 PM
To: Fritschle, Carter
Subject: Map 1 for City of Pocatello

Carter,

David Barber says our Map 1 shows the 22 interconnected wells but there are 23 wells on it. I'm in a hearing until 2:30 so I'm not able to check it. I think he might be referring to the sewer treatment well but I think we made a note of that somewhere.

Help?

Candice

Confidentiality Notice: This e-mail may contain confidential and privileged information exempt from disclosure under applicable law. This message is intended only for the use of the individual or individuals identified above. If you have received this message by mistake, please notify the sender immediately by replying to this message. Please delete the message from your system and do not review, disclose, copy, or distribute any information contained or attached to the message. Thank You



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

David,

Enclosed you will find a copy of the wells we were able to locate on our system for the City of Pocatello. Some of the well driller logs date back to the 1950's and although they do not have "City of Pocatello" on them I am assuming they are because of the legal, the numbering system and locations (airport & parks). I hope this information is helpful to you. Let me know if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Dana Hiatt".

Dana Hiatt

Idaho Department of Water Resources
208-287-4931

3064

Mail - 80235

WELL DRILLER'S REPORT

Use Typewriter or Ballpoint Pen

058378

Office Use Only
 Inspected by _____
 Twp. _____ Rge. _____ Sec. _____
 1/4 1/4 1/4
 Lat. : : Long. : :

1. DRILLING PERMIT NO. 29-96-E-0094-99
Other IDWR No. 29-0815

2. OWNER:
Name CITY OF POCA TELLO #1
Address P.O. BOX 4169
City POCA TELLO State ID Zip 83205-4169

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.

N
 W E S
 Twp. 7 North or South
 Rge. 35 East or West
 Sec. 17 SW 1/4 SE 1/4 1/4
 Gov't Lot _____ County BANNOCK
 Lat. : : Long. : :
 Address of Well Site _____
 City _____

(Give at least name of road + Distance to Road or Landmark)

LL. BIK. Sub. Name _____

4. USE:

- Domestic Municipal Monitor Irrigation
- Thermal Injection Other _____

5. TYPE OF WORK check all that apply (Replacement etc.)

- New Well Modify Abandonment Other _____

6. DRILL METHOD

- Air Rotary Cable Mud Rotary Other _____

7. SEALING PROCEDURES

| SEAL/FILTER PACK | | AMOUNT | | METHOD |
|------------------|------|--------|-----------------|--------|
| Material | From | To | Sacks or Pounds | |
| CEMENT | 8 | 30' | 81 sack | PUMPED |
| BENSEAL | 30' | 48' | 4 sack | PUMPED |

Was drive shoe used? Y N Shoe Depth(s) _____
Was drive shoe seal tested? Y N How? _____

8. CASING/LINER:

| Diameter | From | To | Gauge | Material | Casing | Liner | Welded | Threaded |
|----------|------|-----|-------|------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| 20" | +2' | 53' | .375 | MILD STEEL | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Length of Headpipe 7' Length of Tailpipe 12'

9. PERFORATIONS/SCREENS

- Perforations Method _____
- Screens Screen Type JOHNSON S.S.

| From | To | Slot Size | Number | Diameter | Material | Casing | Liner |
|------|------|-----------|--------|----------|----------|--------------------------|--------------------------|
| 57' | 67' | .50 | | 1.8" | S.S. | <input type="checkbox"/> | <input type="checkbox"/> |
| 67' | 107' | .100 | | 1.8" | S.S. | <input type="checkbox"/> | <input type="checkbox"/> |

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

_____ ft. below ground Artesian pressure _____ lb.
Depth flow encountered _____ ft. Describe access port or control devices: _____

11. WELL TESTS:

- Pump Baller Air Flowing Artesian

| Yield gal/min | Drawdown | Pumping Level | Time |
|---------------|----------|---------------|------|
| | | | |
| | | | |
| | | | |

Water Temp. _____ Bottom hole temp. _____
Water Quality test or comments: _____

12. LITHOLOGIC LOG: (Describe repairs or abandonment) Water

| Bore Dia. | From | To | Remarks: Lithology, Water Quality & Temperature | Y | N |
|-----------|------|-----|---|---|---|
| 24 | 0 | 2 | top soil | | |
| 24 | 2 | 23 | fine silty sand & clay | | |
| 24 | 23 | 30 | heavy course gravel & boulders | | |
| 24 | 30 | 35 | course gravel & boulders | | |
| 24 | 35 | 45 | course sand & gravel | | |
| 24 | 45 | 55 | hard packed sand & gravel | | |
| 20 | 55 | 65 | med to course sand & gravel | | X |
| 20 | 65 | 75 | sand & gravel cobbles | | X |
| 20 | 75 | 85 | course gravel & cobbles | | X |
| 20 | 85 | 95 | course sand & gravel with cobbles | | X |
| 20 | 95 | 102 | course sand & gravel cobbles | | X |
| 20 | 102 | 107 | course silty sand & gravel w/trace of clay | | X |
| 20 | 107 | 121 | cemented sand & gravel | | X |

RECEIVED

FEB 21 1997

Department of Water Resources

RECEIVED

FEB 03 1997

Department of Water Resources
Eastern District Office

Completed Depth 120' (Measurable)
Date: Started 9-25-96 Completed 11-05-96

13. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name HIDDLESTON & SON, INC. Firm No. 35

Firm Official *Robert Hiddleston* Date 1/28/97

Supervisor or Operator *John Salzman* Date Jan 20 1997
(Sign once if Firm Official & Operator)

Form 228-7
 W.R.
 10MO

IDAHO DEPARTMENT OF WATER RESOURCES WELL DRILLER'S REPORT

Use Typewriter or Ballpoint Pen

| | | |
|--------------------|-----------|-----------|
| Office Use Only | | |
| Inspected by _____ | | |
| Wp _____ | Rge _____ | Sec _____ |
| 1/4 _____ | 1/4 _____ | 1/4 _____ |
| Long: _____ | | |

RECEIVED

1. DRILLING PERMIT NO. 29-96-E-0111-000
 Other IDWR No. 29-08116

11. WELL TESTS:
 Pump Bailor Air Flowing Artesian

2. OWNER:
 Name CITY OF POCA TELLO #2
 Address P.O. BOX 4169
 City POCA TELLO State ID Zip 83205-4169

| Yield gal/min | Pumping Level | Time |
|--|---------------|------|
| | | |
| Department of Water Resources Basin District Office | | |

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.

| | | | | | |
|---|---|--|--|--|---|
| N | | | | | |
| W | | | | | E |
| | X | | | | |
| S | | | | | |

Twp. 7 North or South
 Rge. 35 East or West
 Sec. 17 SW 1/4 SE 1/4 1/4
 Gov't Lot _____ County BANNOCK
 Lat: _____ Long: _____

Address of Well Site _____

City _____

(Give at least name of road - Distance to Road or Landmark)

Blk. _____ Sub. Name _____

4. USE:

- Domestic Municipal Monitor Irrigation
 Thermal Injection Other

5. TYPE OF WORK check all that apply (Replacement etc.)

- New Well Modify Abandonment Other

6. DRILL METHOD

- Air Rotary Cable Mud Rotary Other

7. SEALING PROCEDURES

| SEAL/FILTER PACK | | | AMOUNT | METHOD |
|------------------|------|-----|-----------------|--------|
| Material | From | To | Sacks or Pounds | |
| BENSEAL | 50' | 30' | 5 sack | PUMPED |
| CEMENT | 30' | 7' | 8 sack | PUMPED |
| BENTONITE | 7' | 0' | 24 sack | POURED |

Was drive shoe used? Y N Shoe Depth(s) _____
 Was drive shoe seal tested? Y N How? _____

8. CASING/LINER:

| Diameter | From | To | Gauge | Material | Casing | Liner | Welded | Threaded |
|----------|------|-----|-------|------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| 20" | +2' | 54' | .735 | MILD STEEL | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | | | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Length of Headpipe 7' Length of Tailpipe 5'

9. PERFORATIONS/SCREENS

- Perforations Method _____
 Screens Screen Type JOHNSON S.S

| From | To | Slot Size | Number | Diameter | Material | Casing | Liner |
|------|------|-----------|--------|----------|----------|--------------------------|--------------------------|
| 60' | 100' | .80 | | 18" | S.S. | <input type="checkbox"/> | <input type="checkbox"/> |
| 105' | 115' | .80 | | 18" | S.S. | <input type="checkbox"/> | <input type="checkbox"/> |
| 121' | 130' | .80 | | 18" | S.S. | <input type="checkbox"/> | <input type="checkbox"/> |

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

_____ ft. below ground Artesian pressure _____ lb.
 Depth flow encountered _____ ft. Describe access port or control devices: _____

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

| Bore Dia. | From | To | Remarks: Lithology, Water Quality & Temperature | Y | N |
|-----------|------|-----|---|---|---|
| 24 | 0 | 2 | top soil | | |
| 24 | 2 | 13 | fine silty sand | | |
| 24 | 13 | 30 | course gravel and sand | | |
| 24 | 30 | 40 | course dirty sand & gravel | | X |
| 24 | 40 | 50 | heavy course gravel & sand with cobbles | | X |
| 20 | 50 | 60 | course sand & gravel (silty) | | X |
| 20 | 60 | 70 | course sand & gravel (clean) | | X |
| 20 | 70 | 80 | course sand & gravel and sand | | X |
| 20 | 80 | 90 | heavy course gravel sand | X | |
| 20 | 90 | 101 | heavy course gravel & sand with cobbles | | X |
| 20 | 101 | 104 | layer fine silty sand | | X |
| 20 | 104 | 110 | heavy course sand/gravel | X | |
| 20 | 110 | 118 | course sand & gravel trace clay | | X |
| 20 | 118 | 121 | course sand & gravel no circulation | | X |
| 20 | 121 | 130 | course sand & gravel (cobbles) | | X |
| 20 | 130 | 135 | course sand & gravel cobbles & clay | | X |
| 20 | 135 | 136 | course sand & gravel (cobbles) | | X |
| 20 | 136 | 140 | course sand & gravel clay & cobbles | | X |

Completed Depth 130' (Measurable)
 Date: Started 11-07-96 Completed 1-15-97

13. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name HIDDLESTON & SON, INC. Firm No. 35

Firm Official [Signature] Date 1/20/97

and Supervisor or Operator [Signature] Date JAN 20 1997

(Sign once if Firm Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES

707985

3066
 Mail - 80237

Form 238-7
11/97

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

054489

Office Use Only
Inspected by _____
Twp _____ Rge _____ Sec _____
1/4 _____ 1/4 _____ 1/4 _____
Lat : : Long: : :

1. WELL TAG NO. D 0006983
DRILLING PERMIT NO. 29-91-E-0074
Other IDWR No. 15452

2. OWNER: WR 29-22274
Name City of Pocatello
Address P.O. Box 4169
City Pocatello State ID Zip 83205

3. LOCATION OF WELL by legal description:
Sketch map location must agree with written location.

| | | | |
|-----------|--|---|--|
| N | | Twp. <u>7</u> North <input type="checkbox"/> or South <input checked="" type="checkbox"/> | |
| E | | Rge. <u>25</u> East <input checked="" type="checkbox"/> or West <input type="checkbox"/> | |
| S | | Sec. <u>16</u> SW 1/4 SW 1/4 | |
| Gov't Lot | | County <u>Bannock</u> | |
| Lat | | Long | |

Address of Well Site Highway Point
City Pocatello

LI _____ Blk _____ Sub. Name _____

4. USE:
 Domestic Municipal Monitor Irrigation
 Thermal Injection Other _____

5. TYPE OF WORK check all that apply (Replacement etc.)
 New Well Modify Abandonment Other _____

6. DRILL METHOD
 Air Rotary Cable Mud Rotary Other _____

7. SEALING PROCEDURES

| SEAL/FILTER PACK | | | AMOUNT | METHOD |
|------------------|-----------|------------|-----------------|---------------|
| Material | From | To | Sacks or Pounds | |
| <u>Bentonite</u> | <u>5'</u> | <u>30'</u> | | <u>Slurry</u> |

Was drive shoe used? Yes No Shoe Depth(s) _____
Was drive shoe seal tested? Yes No How? _____

8. CASING/LINER:

| Diameter | From | To | Gauge | Material | Casing | Liner | Welded | Threaded |
|------------|------------|------------|-------------|--------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <u>18"</u> | <u>26'</u> | <u>80'</u> | <u>3/8"</u> | <u>Steel</u> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Length of Headpipe _____ Length of Tailpipe _____

9. PERFORATIONS/SCREENS
Perforations _____ Method _____
Screens _____ Screen Type Johnson

| From | To | Slot Size | Number | Diameter | Material | Casing | Liner |
|------------|------------|------------|--------|----------|----------|--------------------------|--------------------------|
| <u>36'</u> | <u>66'</u> | <u>100</u> | | | | <input type="checkbox"/> | <input type="checkbox"/> |

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:
23 ft. below ground Artesian pressure _____ lb.
Depth flow encountered _____ ft. Describe access port or control devices: _____

11. WELL TESTS:
 Pump Baller Air Flowing Artesian

| Yield gal/min. | Drawdown | Pumping Level | Time |
|----------------|------------|---------------|---------------|
| <u>3,000</u> | <u>19'</u> | <u>32'</u> | <u>11 hrs</u> |

Water Temp. very cold Bottom hole temp.
Water Quality test or comments: _____

12. LITHOLOGIC LOG: (Describe repairs or abandonment) Water _____
Depth first Water Encounter _____

| Bore Dia. | From | To | Remarks: Lithology, Water Quality & Temperature | Y | H |
|------------|-----------|-----------|---|-------------------------------------|-------------------------------------|
| <u>24"</u> | <u>0</u> | <u>12</u> | <u>Top Soil</u> | | <input checked="" type="checkbox"/> |
| <u>24"</u> | <u>12</u> | <u>32</u> | <u>Dark Clay Silt + Gravel</u> | <input checked="" type="checkbox"/> | |
| <u>20"</u> | <u>32</u> | <u>60</u> | <u>Large Gravel + Silt</u> | <input checked="" type="checkbox"/> | |
| <u>20"</u> | <u>60</u> | <u>62</u> | <u>Silty Clay and Gravel</u> | <input checked="" type="checkbox"/> | |
| <u>20"</u> | <u>62</u> | <u>72</u> | <u>Large Gravel + Silt</u> | <input checked="" type="checkbox"/> | |
| <u>20"</u> | <u>72</u> | <u>81</u> | <u>Clay + Gravel</u> | | <input checked="" type="checkbox"/> |

RECEIVED

SEP 24 1999

Department of Water Resources

RECEIVED

SEP 15 1999

Department of Water Resources
Eastern Region

Completed _____ Depth 80 (Measurable)
Date: Started Aug 10 99 Completed Aug 10 99

13. DRILLER'S CERTIFICATION
We certify that all minimum well construction standards were complied with at the time the rig was removed.
Company Name Valley Well Drilling Firm No. 383
Firm Official Russ Halls Date 9/10/99
and Driller or Operator J. S. Sals Date Sept 17, 99
(Sign once if Firm Official's Operator)

FORWARD WHITE COPY TO WATER RESOURCES

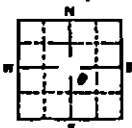
708252

3367

Mail - 80238

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

| <p>1. WELL OWNER Name <u>City of Pocatello</u> Address <u>P.O. Box 4169 Pocatello, ID 83205</u> Drilling Permit No. <u>29-92E-0125</u> Water Right Permit No. <u>29-08086</u></p> | <p>7. WATER LEVEL Static water level <u>42</u> feet below land surface. Flowing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No G.P.M. flow _____ Artesian closed-in pressure _____ p.s.i. Controlled by: <input type="checkbox"/> Valve <input type="checkbox"/> Cap <input type="checkbox"/> Plug Temperature <u>50</u> °F. Quality <u>excellent</u> Describe erosion or temperature zones below.</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|--|------------------|---------------------------------|-------------------------------------|-------------------------------------|-----------|-----------|-------------|---------------|-----------|-------------|---------------|----------|----------|--------------------------|--|-------------------------------------|-----------|----------|-----------|-------------|--|-------------------------------------|-----------|-----------|-----------|---------------|--|-------------------------------------|-----------|-----------|-----------|---------------|-------------------------------------|--|-----------|-----------|-----------|------------------------|--|-------------------------------------|-----------|-----------|-----------|--------------------------|--|-------------------------------------|-----------|-----------|-----------|---------------|-------------------------------------|--|-----------|-----------|-----------|--------------------------|-------------------------------------|--|-----------|-----------|------------|--------------------------|-------------------------------------|--|-----------|------------|------------|---------------|-------------------------------------|--|-----------|------------|------------|---------------|-------------------------------------|--|-----------|------------|------------|--------------------------------|--|-------------------------------------|-----------|------------|------------|--------------------------------|--|-------------------------------------|-----------|------------|------------|-------------------------|--|-------------------------------------|-----------|------------|------------|-------------------------------|--|-------------------------------------|-----------|------------|------------|--------------------------------|-------------------------------------|--|-----------|------------|------------|--------------------------------|-------------------------------------|--|-----------|------------|------------|---------------------------------|-------------------------------------|--|-----------|------------|------------|-------------------------|--|-------------------------------------|-----------------|--|--|--|--|--|
| <p>2. NATURE OF WORK <input checked="" type="checkbox"/> New well <input type="checkbox"/> Deepened <input type="checkbox"/> Replacement <input type="checkbox"/> Well diameter increase <input type="checkbox"/> Modification <input type="checkbox"/> Abandoned (describe abandonment or modification procedures such as liners, screen, materials, plug depths, etc. in lithologic log, section 8.)</p> | <p>8. WELL TEST DATA <input checked="" type="checkbox"/> Pump <input type="checkbox"/> Bailor <input type="checkbox"/> Air <input type="checkbox"/> Other _____</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Discharge G.P.M.</th> <th>Pumping Level</th> <th>Hours Pumped</th> </tr> </thead> <tbody> <tr> <td><u>2500</u></td> <td><u>43</u></td> <td><u>24</u></td> </tr> <tr> <td><u>3000</u></td> <td><u>43 1/2</u></td> <td><u>24</u></td> </tr> <tr> <td><u>3000</u></td> <td><u>43 1/2</u></td> <td><u>5</u></td> </tr> </tbody> </table> | Discharge G.P.M. | Pumping Level | Hours Pumped | <u>2500</u> | <u>43</u> | <u>24</u> | <u>3000</u> | <u>43 1/2</u> | <u>24</u> | <u>3000</u> | <u>43 1/2</u> | <u>5</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Discharge G.P.M. | Pumping Level | Hours Pumped | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>2500</u> | <u>43</u> | <u>24</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>3000</u> | <u>43 1/2</u> | <u>24</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>3000</u> | <u>43 1/2</u> | <u>5</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>3. PROPOSED USE <input checked="" type="checkbox"/> Domestic <input type="checkbox"/> Irrigation <input type="checkbox"/> Monitor <input type="checkbox"/> Industrial <input type="checkbox"/> Stock <input type="checkbox"/> Waste Disposal or Injection <input type="checkbox"/> Other _____ (specify type)</p> | <p>B. LITHOLOGIC LOG 103882</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">Bore Diam.</th> <th colspan="2">Depth</th> <th rowspan="2">Material</th> <th colspan="2">Water</th> </tr> <tr> <th>From</th> <th>To</th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td><u>24</u></td> <td><u>0</u></td> <td><u>1</u></td> <td><u>clay & gravel</u></td> <td></td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td><u>24</u></td> <td><u>1</u></td> <td><u>25</u></td> <td><u>clay</u></td> <td></td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td><u>24</u></td> <td><u>25</u></td> <td><u>40</u></td> <td><u>gravel</u></td> <td></td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td><u>20</u></td> <td><u>40</u></td> <td><u>43</u></td> <td><u>gravel</u></td> <td><input checked="" type="checkbox"/></td> <td></td> </tr> <tr> <td><u>20</u></td> <td><u>43</u></td> <td><u>52</u></td> <td><u>brown hard clay</u></td> <td></td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td><u>20</u></td> <td><u>52</u></td> <td><u>63</u></td> <td><u>gravel & clay</u></td> <td></td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td><u>20</u></td> <td><u>63</u></td> <td><u>64</u></td> <td><u>gravel</u></td> <td><input checked="" type="checkbox"/></td> <td></td> </tr> <tr> <td><u>20</u></td> <td><u>64</u></td> <td><u>94</u></td> <td><u>gravel & clay</u></td> <td><input checked="" type="checkbox"/></td> <td></td> </tr> <tr> <td><u>20</u></td> <td><u>94</u></td> <td><u>105</u></td> <td><u>gravel & sand</u></td> <td><input checked="" type="checkbox"/></td> <td></td> </tr> <tr> <td><u>20</u></td> <td><u>105</u></td> <td><u>125</u></td> <td><u>gravel</u></td> <td><input checked="" type="checkbox"/></td> <td></td> </tr> <tr> <td><u>20</u></td> <td><u>125</u></td> <td><u>177</u></td> <td><u>gravel</u></td> <td><input checked="" type="checkbox"/></td> <td></td> </tr> <tr> <td><u>20</u></td> <td><u>177</u></td> <td><u>212</u></td> <td><u>brown clay & gravel</u></td> <td></td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td><u>20</u></td> <td><u>212</u></td> <td><u>220</u></td> <td><u>black & green shale</u></td> <td></td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td><u>20</u></td> <td><u>220</u></td> <td><u>227</u></td> <td><u>hard black shale</u></td> <td></td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td><u>20</u></td> <td><u>227</u></td> <td><u>236</u></td> <td><u>black clay & shale</u></td> <td></td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td><u>20</u></td> <td><u>236</u></td> <td><u>244</u></td> <td><u>blue shale & gravel</u></td> <td><input checked="" type="checkbox"/></td> <td></td> </tr> <tr> <td><u>20</u></td> <td><u>244</u></td> <td><u>250</u></td> <td><u>brown clay & gravel</u></td> <td><input checked="" type="checkbox"/></td> <td></td> </tr> <tr> <td><u>20</u></td> <td><u>250</u></td> <td><u>256</u></td> <td><u>black shale & gravel</u></td> <td><input checked="" type="checkbox"/></td> <td></td> </tr> <tr> <td><u>20</u></td> <td><u>256</u></td> <td><u>300</u></td> <td><u>black sand shale</u></td> <td></td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td colspan="6" style="text-align: center;"><u>finished</u></td> </tr> </tbody> </table> | Bore Diam. | Depth | | Material | Water | | From | To | Yes | No | <u>24</u> | <u>0</u> | <u>1</u> | <u>clay & gravel</u> | | <input checked="" type="checkbox"/> | <u>24</u> | <u>1</u> | <u>25</u> | <u>clay</u> | | <input checked="" type="checkbox"/> | <u>24</u> | <u>25</u> | <u>40</u> | <u>gravel</u> | | <input checked="" type="checkbox"/> | <u>20</u> | <u>40</u> | <u>43</u> | <u>gravel</u> | <input checked="" type="checkbox"/> | | <u>20</u> | <u>43</u> | <u>52</u> | <u>brown hard clay</u> | | <input checked="" type="checkbox"/> | <u>20</u> | <u>52</u> | <u>63</u> | <u>gravel & clay</u> | | <input checked="" type="checkbox"/> | <u>20</u> | <u>63</u> | <u>64</u> | <u>gravel</u> | <input checked="" type="checkbox"/> | | <u>20</u> | <u>64</u> | <u>94</u> | <u>gravel & clay</u> | <input checked="" type="checkbox"/> | | <u>20</u> | <u>94</u> | <u>105</u> | <u>gravel & sand</u> | <input checked="" type="checkbox"/> | | <u>20</u> | <u>105</u> | <u>125</u> | <u>gravel</u> | <input checked="" type="checkbox"/> | | <u>20</u> | <u>125</u> | <u>177</u> | <u>gravel</u> | <input checked="" type="checkbox"/> | | <u>20</u> | <u>177</u> | <u>212</u> | <u>brown clay & gravel</u> | | <input checked="" type="checkbox"/> | <u>20</u> | <u>212</u> | <u>220</u> | <u>black & green shale</u> | | <input checked="" type="checkbox"/> | <u>20</u> | <u>220</u> | <u>227</u> | <u>hard black shale</u> | | <input checked="" type="checkbox"/> | <u>20</u> | <u>227</u> | <u>236</u> | <u>black clay & shale</u> | | <input checked="" type="checkbox"/> | <u>20</u> | <u>236</u> | <u>244</u> | <u>blue shale & gravel</u> | <input checked="" type="checkbox"/> | | <u>20</u> | <u>244</u> | <u>250</u> | <u>brown clay & gravel</u> | <input checked="" type="checkbox"/> | | <u>20</u> | <u>250</u> | <u>256</u> | <u>black shale & gravel</u> | <input checked="" type="checkbox"/> | | <u>20</u> | <u>256</u> | <u>300</u> | <u>black sand shale</u> | | <input checked="" type="checkbox"/> | <u>finished</u> | | | | | |
| Bore Diam. | Depth | | Material | Water | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | From | To | | Yes | No | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>24</u> | <u>0</u> | <u>1</u> | <u>clay & gravel</u> | | <input checked="" type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>24</u> | <u>1</u> | <u>25</u> | <u>clay</u> | | <input checked="" type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>24</u> | <u>25</u> | <u>40</u> | <u>gravel</u> | | <input checked="" type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>20</u> | <u>40</u> | <u>43</u> | <u>gravel</u> | <input checked="" type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>20</u> | <u>43</u> | <u>52</u> | <u>brown hard clay</u> | | <input checked="" type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>20</u> | <u>52</u> | <u>63</u> | <u>gravel & clay</u> | | <input checked="" type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>20</u> | <u>63</u> | <u>64</u> | <u>gravel</u> | <input checked="" type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>20</u> | <u>64</u> | <u>94</u> | <u>gravel & clay</u> | <input checked="" type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>20</u> | <u>94</u> | <u>105</u> | <u>gravel & sand</u> | <input checked="" type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>20</u> | <u>105</u> | <u>125</u> | <u>gravel</u> | <input checked="" type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>20</u> | <u>125</u> | <u>177</u> | <u>gravel</u> | <input checked="" type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>20</u> | <u>177</u> | <u>212</u> | <u>brown clay & gravel</u> | | <input checked="" type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>20</u> | <u>212</u> | <u>220</u> | <u>black & green shale</u> | | <input checked="" type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>20</u> | <u>220</u> | <u>227</u> | <u>hard black shale</u> | | <input checked="" type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>20</u> | <u>227</u> | <u>236</u> | <u>black clay & shale</u> | | <input checked="" type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>20</u> | <u>236</u> | <u>244</u> | <u>blue shale & gravel</u> | <input checked="" type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>20</u> | <u>244</u> | <u>250</u> | <u>brown clay & gravel</u> | <input checked="" type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>20</u> | <u>250</u> | <u>256</u> | <u>black shale & gravel</u> | <input checked="" type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>20</u> | <u>256</u> | <u>300</u> | <u>black sand shale</u> | | <input checked="" type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>finished</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>4. METHOD DRILLED <input type="checkbox"/> Rotary <input type="checkbox"/> Air <input type="checkbox"/> Auger <input type="checkbox"/> Reverse rotary <input checked="" type="checkbox"/> Cable <input type="checkbox"/> Mud <input type="checkbox"/> Other _____ (backhoe, hydraulic, etc.)</p> | <p>10. Work started <u>Jan 29, 1993</u> finished <u>3-20-93</u></p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>5. WELL CONSTRUCTION Casing schedule: <input checked="" type="checkbox"/> Steel <input type="checkbox"/> Concrete <input type="checkbox"/> Other _____ Thickness <u>375</u> inches <u>20</u> inches + <u>2</u> feet <u>300</u> feet _____ inches _____ inches _____ feet _____ feet _____ inches _____ inches _____ feet _____ feet _____ inches _____ inches _____ feet _____ feet Was casing drive shoe used? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Was a packer or seal used? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Perforated? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No How perforated? <input type="checkbox"/> Factory <input checked="" type="checkbox"/> Knife <input type="checkbox"/> Torch <input type="checkbox"/> Gun Size of perforation? <u>3/4</u> inches by <u>3</u> inches _____ Number _____ From _____ To _____ <u>518</u> perforations <u>125</u> feet <u>150</u> feet <u>120</u> perforations <u>155</u> feet <u>165</u> feet <u>160</u> perforations <u>165</u> feet <u>175</u> feet Well screen installed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Manufacturer _____ Type _____ Top Packer or Headpipe _____ Bottom of Tailpipe _____ Diameter _____ Slot size _____ Set from _____ feet to _____ feet Diameter _____ Slot size _____ Set from _____ feet to _____ feet Gravel packed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Size of gravel _____ Placed from _____ feet to _____ feet Surface seal depth <u>110</u> Material used in seal: <input type="checkbox"/> Cement grout <input checked="" type="checkbox"/> Bentonite <input type="checkbox"/> Pudding clay <input type="checkbox"/> _____ Sealing procedure used: <input type="checkbox"/> Slurry pit <input checked="" type="checkbox"/> Temp. surface casing <input checked="" type="checkbox"/> Overbore to seal depth Method of joining casing: <input type="checkbox"/> Threaded <input checked="" type="checkbox"/> Welded <input type="checkbox"/> Solvent Weld <input type="checkbox"/> Cemented between strata Describe access port <u>well cap</u></p> | <p>11. DRILLER'S CERTIFICATION I/We certify that all minimum well construction standards were complied with at the time the rig was removed. Firm Name <u>High Plains</u> Firm No. <u>299</u> Address <u>Rebung, Id.</u> Date <u>4-10-93</u> Signed by Drilling Supervisor <u>Marcel J. Amber</u> and _____ (Operator) _____ (if different than the Drilling Supervisor)</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>6. LOCATION OF WELL Sketch map location must agree with written location.  Subdivision Name _____ Lot No. _____ Block No. <u>40609</u> County <u>Bannock</u> Address of Well Site <u>2800 S Bannock Hwy.</u> (give at least name of road) <u>NW 1/4 SE 1/4 Sec. 1, R. 34 E 1/4</u></p> | <p>3068</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

707124

Form 1778 RECEIVED

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

USE TYPEWRITER OR BALLPOINT PEN

JAN 24 1979

WELL DRILLER'S REPORT 22-2 #6

Department of Water Resources Eastern District Office State Law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

1. WELL OWNER
Name City of Pocatello (Airport Well)
Address POB 4169 Pocatello, ID 83201
Owner's Permit No.

7. WATER LEVEL
Static water level 47 feet below land surface.
Flowing? [] Yes [X] No G.P.M. flow
Artesian closed-in pressure p.s.i.
Controlled by: [] Valve [] Cap [] Plug
Temperature °F. Quality

2. NATURE OF WORK
[X] New well [] Deepened [] Replacement
[] Abandoned (describe method of abandoning)

8. WELL TEST DATA
[] Pump [] Baller [] Air [] Other No Test
Discharge G.P.M. Pumping Level Hours Pumped
Undetermined

3. PROPOSED USE
[] Domestic [] Irrigation [] Test [] Municipal
[X] Industrial [] Stock [] Waste Disposal or Injection
[] Other (specify type)

9. LITHOLOGIC LOG 103226
Hole Diam. Depth From To Material Water Yes No

4. METHOD DRILLED
[] Rotary [] Air [] Hydraulic [] Reverse rotary
[X] Cable [] Dug [] Other

Lithologic log table with columns: Hole Diam., Depth (From, To), Material, Water (Yes, No). Rows include: 20-5 Brown Clay & Boulders, 5-10 Same, 10-25 Brown Clay & Gravel, 25-27 Brown Clay & Boulders, 27-52 Brown Clay & Gravel, 52-56 Blue Clay & Gravel, 56-73 Blue Clay, 73-78 Gravel, 78-85 Gravel & Sand, 85-98 Pea Gravel & Sand, 98-131 Brown Sand, 131-142 Brown Sandy Clay & Gravel, 142-150 Sand & Gravel, 150-160 Brown Sandy Clay & Gravel, 160-165 Sand & Gravel, 165-167 Brown Sand, 167-185 Sand & Gravel, 185-220 Clay & Small Gravel, 220-250 Black Lava, 250-265 Black Lava.

5. WELL CONSTRUCTION
Casing schedule: [X] Steel [] Concrete [] Other
Thickness Diameter From To
.375 inches 20 inches + 3 feet 221 feet
Was casing drive shoe used? [X] Yes [] No
Was a packer or seal used? [] Yes [X] No
Perforated? [] Yes [X] No
How perforated? [] Factory [] Knife [] Torch
Size of perforation inches by inches
Number perforations From To
Well screen installed? [] Yes [X] No
Manufacturer's name
Type Model No.
Diameter Slot size Set from feet to feet
Gravel packed? [] Yes [X] No [] Size of gravel
Placed from feet to feet
Surface seal depth 18 Material used in seal: [] Cement grout [X] Pudding clay [] Well cuttings
Sealing procedure used: [] Slurry pit [] Temp. surface casing [] Overbore to seal depth
Method of joining casing: [] Threaded [X] Welded [] Solvent Weld
Describe access port

6. LOCATION OF WELL
Sketch map location must agree with written location
Subdivision Name
Lot No. Block No.
County Power
SE x NE x Sec 10, T. 6 N/S, R. 33 E/W

10. Work started 9/26/78 finished 11/16/78
11. DRILLERS CERTIFICATION
I/We certify that all minimum well construction standards were complied with at the time the rig was removed.
DOUG CUSHMAN
Firm Name DRILLING COMPANY Firm No. 72
Address Blackfoot, ID 83221 Date 1/22/79
Signed by (Firm Official) Doug Cushman and Operator

USE ADDITIONAL SHEETS IF NECESSARY - FORWARD THE WHITE COPY TO THE DEPARTMENT

777057

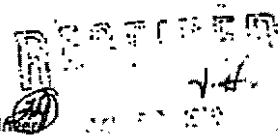
3089 Mail - 80240

USE TYPEWRITER OR BALL POINT PEN

State of Idaho Department of Reclamation

WELL DRILLER'S REPORT

State law requires that this report be filed with the State Reclamation Engineer within 30 days after completion or abandonment of the well.



1. WELL OWNER Name: Town Hall Address: South Front Extension Rossette, Idaho

7. WATER LEVEL Depth: 73 feet below land surface

2. NATURE OF WORK New well

8. WELL TEST DATA Rig: AIR Compressor

3. PROPOSED USE Domestic

9. LITHOLOGIC LOG 29982

4. METHOD DRILLED Rotary

Lithologic log table with columns: Hole Diam., Depth, Material, Water

5. WELL CONSTRUCTION Diameter of hole: 7 1/8 inches Total depth: 116 feet

Handwritten notes in lithologic log: Drilled to 116' set 10' of casing...

6. LOCATION OF WELL County: Bonanza SE 1/4 NW 1/4 Sec 1 T. 7 N. R. 34 E

10. Work started: Jan 3-1970 finished: Jan 21-1970

11. DRILLER'S CERTIFICATION Doug Cushman Drilling Co.

3070

Mail - 80241

USE TYPEWRITER OR BALL POINT PEN

State of Idaho
Department of Water Administration

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Administration within 30 days after the completion or abandonment of the well.

RECEIVED

MAY 28 1973

1. WELL OWNER

Name CITY WELL

Address Pocatello, Idaho 83401

Owner's Permit No. _____

7. WATER LEVEL

Static water level 63 feet below land surface

Flowing? Yes No G.P.M. flow _____

Temperature _____ ° F. Quality _____

Artesian closed-in pressure _____ p.s.l.

Controlled by Valve Cap Plug

2. NATURE OF WORK

New well Deepened Replacement

Abandoned (describe method of abandoning) _____

8. WELL TEST DATA

Pump Bailor Other

| Discharge G.P.M. | Draw Down | Hours Pumped |
|------------------|-----------|--------------|
| 2500 | 33 | 72 |
| | | |
| | | |

3. PROPOSED USE

Domestic Irrigation Test

Municipal Industrial Stock

9. LITHOLOGIC LOG 30690

| Hole Diam. | Depth | | Material | Water | |
|------------|-------|-----|----------------------|-------|----|
| | From | To | | Yes | No |
| 20" | 0 | 39 | Clay | | x |
| | 39 | 48 | Sand & Gravel | | x |
| | 48 | 63 | Sand & Gravel | x | |
| | 63 | 97 | Sand & Gravel | x | |
| | 97 | 127 | Clay & Gravel | x | |
| | 127 | 138 | Clay - Sand & Gravel | x | |
| | 138 | 167 | Clay - Sand & Gravel | x | |
| | 167 | 182 | Good Gravel | x | |
| | 182 | 205 | Clay Sticky | | x |
| | 205 | 232 | Sand - Clay & Gravel | x | |
| | 232 | 242 | Clay - Sand & Gravel | x | |
| | 242 | 282 | Clay - Sand & Gravel | x | |
| | 282 | 310 | Clay - Sand & Gravel | x | |
| | 310 | 314 | Good Gravel | x | |
| | 314 | 337 | Clay - Sand & Gravel | x | |
| | 337 | 340 | Clay - Sand & Gravel | x | |

4. METHOD DRILLED

Cable Rotary Dug Other

5. WELL CONSTRUCTION

Diameter of hole 20 inches Total depth 340 feet

Casing schedule: Steel Concrete

| Thickness | Diameter | From | To |
|-------------------|------------------|---------------|-----------------|
| <u>375</u> inches | <u>20</u> inches | <u>1</u> feet | <u>339</u> feet |
| _____ inches | _____ inches | _____ feet | _____ feet |
| _____ inches | _____ inches | _____ feet | _____ feet |
| _____ inches | _____ inches | _____ feet | _____ feet |
| _____ inches | _____ inches | _____ feet | _____ feet |

Was a packer or seal used? Yes No

Perforated? Yes No

How perforated? Factory Knife Torch

Size of perforation 1/2 inches by 4 inches

| Number | From | To |
|--------------------------|-----------------|-----------------|
| <u>440</u> perforations | <u>127</u> feet | <u>182</u> feet |
| <u>1190</u> perforations | <u>205</u> feet | <u>314</u> feet |
| <u>208</u> perforations | <u>314</u> feet | <u>340</u> feet |

Well screen installed? Yes No

Manufacturer's name _____

Type _____ Model No. _____

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Gravel packed? Yes No Size of gravel _____

Placed from _____ feet to _____ feet

Surface seal? Yes No To what depth 18 feet

Material used in seal Cement grout Puddling clay

6. LOCATION OF WELL

Sketch map location must agree with written location.

County BANNOCK

N7E7 $\frac{1}{4}$ S.W. $\frac{1}{4}$ Sec. 23 T. 6 S. R. 34 E

10. Work started 1-8-73 finished 5-1-73

11. DRILLER'S CERTIFICATION

This well was drilled under my supervision and this report is true to the best of my knowledge.

DOUG CUSHMAN DRILLING COMPANY 72.

Driller's or Firm's Name _____ Number _____

945 South Broadway - Blackfoot, Idaho 83221

Address _____

Signed By Douglas Cushman Date 5/8/73

3071

Mail - 80242

USE TYPEWRITER OR BALL POINT PEN

State of Idaho
Department of Water Resources

WELL DRILLER'S REPORT

RECEIVED

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

JUL 5 1977

1. WELL OWNER
Name City Pocatello
Address Pocatello, Idaho
Owner's Permit No. 29-7322 WR

7. WATER LEVEL
Department of Water Resources
Eastern District Office
Static water level .54 feet below land surface
Flowing? Yes No G.P.M. flow _____
Temperature _____ ° F. Quality _____
Artesian closed-in pressure _____ p.s.i.
Controlled by Valve Cap Plug

2. NATURE OF WORK
 New well Deepened Replacement
 Abandoned (describe method of abandoning)

8. WELL TEST DATA
 Pump Baller Other
Discharge G.P.M. 11.66 Draw Down 11.51 Hours Pumped 7.2

3. PROPOSED USE
 Domestic Irrigation Test Other (specify type)
 Municipal Industrial Stock Waste Disposal or Injection

9. LITHOLOGIC LOG **30709**

| Hole Diam. | Depth | | Material | Water | |
|------------|-------|-----|-----------------------------|-------|----|
| | From | To | | Yes | No |
| 20 | 0 | 11 | Top soil water | - | - |
| 11 | 11 | 36 | Large gravel & shales | - | - |
| 11 | 36 | 64 | Large gravel | - | - |
| 11 | 64 | 119 | Sand & gravel - little clay | - | - |
| 11 | 119 | 217 | Coarse gravel & shales | - | - |
| 11 | 217 | 227 | Brown sticky clay | - | - |
| 11 | 227 | 230 | Sticky clay & little gravel | - | - |
| 11 | 230 | 236 | Large gravel & shales | - | - |
| 11 | 236 | 300 | Good hard gravel | - | - |

4. METHOD DRILLED
 Cable Rotary Dug Other

5. WELL CONSTRUCTION
Diameter of hole 26 inches Total depth 300 feet
Casing schedule: Steel Concrete
Thickness 3/16 inches Diameter 26 inches From 0 feet To 300 feet
Was casing drive shoe used? Yes No
Was a packer or seal used? Yes No
Perforated? Yes No
How perforated? Factory Knifs Torch
Size of perforation 2 1/2 inches by 5 inches
Number of perforations From To
10-12 perforations 130 feet 145 feet
35 perforations 185 feet 195 feet
36 perforations 235 feet 245 feet
Well screen installed? Yes No
Manufacturer's name _____
Type _____ Model No. _____
Diameter _____ Slot size _____ Set from _____ feet to _____ feet
Diameter _____ Slot size _____ Set from _____ feet to _____ feet
Gravel packed? Yes No Size of gravel _____
Placed from _____ feet to _____ feet
Surface seal depth 37 1/2 Material used in seal Cement grout
 Pudding clay Well cuttings
Sealing procedure used Shary pit Temporary surface sealing
 Overbore to seal depth

8. LOCATION OF WELL
Sketch map location must agree with written location.
Subdivision Name _____
Lot No. _____ Block No. _____
County Blaine
NE x SE x Sec. 15 T. 6 N/S, R. 31 E/W

10. Work started 2-21-77 finished 11-1-77

11. DRILLERS CERTIFICATION
Firm Name Jack Chesman Drilling Firm No. 94
Address 445 S. 2nd Date 6/21/77
Signed by (Firm Official) Jack Chesman
and (Operator) W. J. ...

3072

Mail - 80243

USE TYPEWRITER OR BALL POINT PEN

State of Idaho
Department of Water Resources

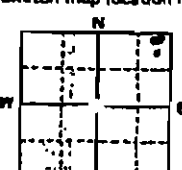
RECEIVED

WELL DRILLER'S REPORT

AUG 31 1977

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

Department of Water Resources

| <p>1. WELL OWNER</p> <p>Name <u>City of Pocatello Well #32</u></p> <p>Address <u>Pocatello Idaho</u></p> <p>Owner's Permit No. <u>29-7118</u></p> | <p>7. WATER LEVEL Eastern District Office</p> <p>Static water level <u>54ft</u> feet below land surface</p> <p>Flowing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No G.P.M. flow _____</p> <p>Temperature _____ ° F. Quality _____</p> <p>Artesian closed-in pressure _____ p.s.i.</p> <p>Controlled by <input type="checkbox"/> Valve <input type="checkbox"/> Cap <input type="checkbox"/> Plug</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|--|------------------|-------------------------|--------------|------------------|------------------|---------------|-----------------|------------------|------------------|-----------------|-----------------|--------------|--------------|------------|------------|--------------|--------------|------------|------------|-------------------|--------------|------------|------------|--------|------|-----------------------|------------------------|-----------------|-----------------|-------------------------|-----------------|-----------------------|-------------------------|----------------|----------------|----|----|---------------|--|--|----|----|----|--------|--|--|----|----|----|------------|--|--|----|----|----|-------------------------|--|--|----|----|-----|--------------------|--|--|----|-----|-----|--------|--|--|----|-----|-----|-------------|--|--|----|-----|-----|---------------|--|--|----|-----|-----|-------------------|--|--|----|-----|-----|--------|--|--|----|-----|-----|-------------------------|--|--|----|-----|-----|------|--|--|
| <p>2. NATURE OF WORK</p> <p><input checked="" type="checkbox"/> New well <input type="checkbox"/> Deepened <input type="checkbox"/> Replacement</p> <p><input type="checkbox"/> Abandoned (describe method of abandoning)</p> | <p>8. WELL TEST DATA</p> <p><input checked="" type="checkbox"/> Pump <input type="checkbox"/> Bailor <input type="checkbox"/> Other</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Discharge G.P.M.</th> <th>Draw Down</th> <th>Hours Pumped</th> </tr> </thead> <tbody> <tr> <td><u>From</u></td> <td><u>143</u></td> <td><u>72</u></td> </tr> <tr> <td><u>1600</u></td> <td></td> <td></td> </tr> </tbody> </table> | Discharge G.P.M. | Draw Down | Hours Pumped | <u>From</u> | <u>143</u> | <u>72</u> | <u>1600</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Discharge G.P.M. | Draw Down | Hours Pumped | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>From</u> | <u>143</u> | <u>72</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>1600</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>3. PROPOSED USE</p> <p><input type="checkbox"/> Domestic <input type="checkbox"/> Irrigation <input type="checkbox"/> Test <input type="checkbox"/> Other (specify type)</p> <p><input checked="" type="checkbox"/> Municipal <input type="checkbox"/> Industrial <input type="checkbox"/> Stock <input type="checkbox"/> Waste Disposal or Injection</p> | <p>9. LITHOLOGIC LOG 30953</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">Hole Diam.</th> <th colspan="2">Depth</th> <th rowspan="2">Material</th> <th colspan="2">Water</th> </tr> <tr> <th>From</th> <th>To</th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td>20</td> <td>0</td> <td>3</td> <td>Topsail</td> <td></td> <td></td> </tr> <tr> <td>11</td> <td>3</td> <td>27</td> <td>Gravel & boulders</td> <td></td> <td></td> </tr> <tr> <td>11</td> <td>27</td> <td>39</td> <td>Sand & streaks gravel</td> <td></td> <td></td> </tr> <tr> <td>11</td> <td>39</td> <td>43</td> <td>Fin gravel & boulders</td> <td></td> <td></td> </tr> <tr> <td>11</td> <td>43</td> <td>58</td> <td>clay & gravel</td> <td></td> <td></td> </tr> <tr> <td>11</td> <td>58</td> <td>70</td> <td>gravel</td> <td></td> <td></td> </tr> <tr> <td>11</td> <td>70</td> <td>80</td> <td>Brown clay</td> <td></td> <td></td> </tr> <tr> <td>11</td> <td>80</td> <td>99</td> <td>gravel with little clay</td> <td></td> <td></td> </tr> <tr> <td>11</td> <td>99</td> <td>106</td> <td>Sandy small gravel</td> <td></td> <td></td> </tr> <tr> <td>11</td> <td>106</td> <td>153</td> <td>gravel</td> <td></td> <td></td> </tr> <tr> <td>11</td> <td>153</td> <td>181</td> <td>Firm Basalt</td> <td></td> <td></td> </tr> <tr> <td>11</td> <td>181</td> <td>185</td> <td>Broken Basalt</td> <td></td> <td></td> </tr> <tr> <td>11</td> <td>185</td> <td>196</td> <td>Hard Green Basalt</td> <td></td> <td></td> </tr> <tr> <td>11</td> <td>196</td> <td>203</td> <td>gravel</td> <td></td> <td></td> </tr> <tr> <td>11</td> <td>203</td> <td>213</td> <td>clay with little gravel</td> <td></td> <td></td> </tr> <tr> <td>11</td> <td>213</td> <td>300</td> <td>clay</td> <td></td> <td></td> </tr> </tbody> </table> | Hole Diam. | Depth | | Material | Water | | From | To | Yes | No | 20 | 0 | 3 | Topsail | | | 11 | 3 | 27 | Gravel & boulders | | | 11 | 27 | 39 | Sand & streaks gravel | | | 11 | 39 | 43 | Fin gravel & boulders | | | 11 | 43 | 58 | clay & gravel | | | 11 | 58 | 70 | gravel | | | 11 | 70 | 80 | Brown clay | | | 11 | 80 | 99 | gravel with little clay | | | 11 | 99 | 106 | Sandy small gravel | | | 11 | 106 | 153 | gravel | | | 11 | 153 | 181 | Firm Basalt | | | 11 | 181 | 185 | Broken Basalt | | | 11 | 185 | 196 | Hard Green Basalt | | | 11 | 196 | 203 | gravel | | | 11 | 203 | 213 | clay with little gravel | | | 11 | 213 | 300 | clay | | |
| Hole Diam. | Depth | | Material | Water | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | From | To | | Yes | No | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20 | 0 | 3 | Topsail | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 11 | 3 | 27 | Gravel & boulders | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 11 | 27 | 39 | Sand & streaks gravel | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 11 | 39 | 43 | Fin gravel & boulders | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 11 | 43 | 58 | clay & gravel | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 11 | 58 | 70 | gravel | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 11 | 70 | 80 | Brown clay | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 11 | 80 | 99 | gravel with little clay | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 11 | 99 | 106 | Sandy small gravel | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 11 | 106 | 153 | gravel | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 11 | 153 | 181 | Firm Basalt | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 11 | 181 | 185 | Broken Basalt | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 11 | 185 | 196 | Hard Green Basalt | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 11 | 196 | 203 | gravel | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 11 | 203 | 213 | clay with little gravel | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 11 | 213 | 300 | clay | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>4. METHOD DRILLED</p> <p><input checked="" type="checkbox"/> Cable <input type="checkbox"/> Rotary <input type="checkbox"/> Dug <input type="checkbox"/> Other</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>5. WELL CONSTRUCTION</p> <p>Diameter of hole <u>20</u> inches Total depth <u>300</u> feet</p> <p>Casing schedule: <input checked="" type="checkbox"/> Steel <input type="checkbox"/> Concrete</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Thickness</th> <th>Diameter</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td><u>28</u> inches</td> <td><u>20</u> inches</td> <td><u>0</u> feet</td> <td><u>154</u> feet</td> </tr> <tr> <td><u>36</u> inches</td> <td><u>16</u> inches</td> <td><u>154</u> feet</td> <td><u>300</u> feet</td> </tr> <tr> <td>_____ inches</td> <td>_____ inches</td> <td>_____ feet</td> <td>_____ feet</td> </tr> <tr> <td>_____ inches</td> <td>_____ inches</td> <td>_____ feet</td> <td>_____ feet</td> </tr> <tr> <td>_____ inches</td> <td>_____ inches</td> <td>_____ feet</td> <td>_____ feet</td> </tr> </tbody> </table> <p>Was casing drive shoe used? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Was a packer or seal used? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Perforated? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>How perforated? <input type="checkbox"/> Factory <input checked="" type="checkbox"/> Knife <input type="checkbox"/> Torch</p> <p>Size of perforation <u>5/16</u> inches by <u>6</u> inches</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Number</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td><u>60</u> perforations</td> <td><u>202</u> feet</td> <td><u>196</u> feet</td> </tr> <tr> <td><u>440</u> perforations</td> <td><u>150</u> feet</td> <td><u>106</u> feet</td> </tr> <tr> <td><u>158</u> perforations</td> <td><u>99</u> feet</td> <td><u>82</u> feet</td> </tr> </tbody> </table> <p>Well screen installed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Manufacturer's name _____</p> <p>Type _____ Model No. _____</p> <p>Diameter _____ Slot size _____ Set from _____ feet to _____ feet</p> <p>Diameter _____ Slot size _____ Set from _____ feet to _____ feet</p> <p>Gravel packed? <input type="checkbox"/> Yes <input type="checkbox"/> No Size of gravel _____</p> <p>Placed from _____ feet to _____ feet</p> <p>Surface seal depth <u>2.3ft</u> Material used in seal <input checked="" type="checkbox"/> Cement grout</p> <p><input type="checkbox"/> Pudding clay <input type="checkbox"/> Well cuttings</p> <p>Sealing procedure used <input type="checkbox"/> Slurry pit <input checked="" type="checkbox"/> Temporary surface casing</p> <p><input type="checkbox"/> Overbars to seal depth</p> | Thickness | Diameter | From | To | <u>28</u> inches | <u>20</u> inches | <u>0</u> feet | <u>154</u> feet | <u>36</u> inches | <u>16</u> inches | <u>154</u> feet | <u>300</u> feet | _____ inches | _____ inches | _____ feet | _____ feet | _____ inches | _____ inches | _____ feet | _____ feet | _____ inches | _____ inches | _____ feet | _____ feet | Number | From | To | <u>60</u> perforations | <u>202</u> feet | <u>196</u> feet | <u>440</u> perforations | <u>150</u> feet | <u>106</u> feet | <u>158</u> perforations | <u>99</u> feet | <u>82</u> feet | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Thickness | Diameter | From | To | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>28</u> inches | <u>20</u> inches | <u>0</u> feet | <u>154</u> feet | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>36</u> inches | <u>16</u> inches | <u>154</u> feet | <u>300</u> feet | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| _____ inches | _____ inches | _____ feet | _____ feet | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| _____ inches | _____ inches | _____ feet | _____ feet | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| _____ inches | _____ inches | _____ feet | _____ feet | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Number | From | To | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>60</u> perforations | <u>202</u> feet | <u>196</u> feet | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>440</u> perforations | <u>150</u> feet | <u>106</u> feet | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>158</u> perforations | <u>99</u> feet | <u>82</u> feet | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>6. LOCATION OF WELL</p> <p>Sketch map location must agree with written location.</p>  <p>Subdivision Name <u>Turner Tracts</u></p> <p>Lot No. <u>2</u> Block No. <u>N 1/2</u></p> <p>County <u>Bannock</u></p> <p><u>NE x NE x Sec. 16 T. 6 N.S. R. 34 E.M.</u></p> | <p>10. Work started <u>Aug 22-77</u> finished <u>Aug 12-77</u></p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | <p>11. DRILLERS CERTIFICATION</p> <p>Firm Name <u>Jack Cushman Drilling Firm No. 94</u></p> <p>Address <u>7405 S. Broadway Blackfoot Idaho</u> Date <u>Aug 16-77</u></p> <p>Signed by (Firm Official) <u>Jack Cushman</u></p> <p>and <u>Nyle H. Bailey</u> (Operator)</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

3073

Mail - 80244

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

29

Office Use Only
Well ID No. _____
Inspected by _____
Twp _____ Rge _____ Sec _____
1/4 _____ 1/4 _____ 1/4 _____
Lat : : Long : :

1. WELL TAG NO. D 27340
DRILLING PERMIT NO. _____
Water Right or Injection Well No. 29-2401

2. OWNER:
Name City of Pocatello
Address PO Box 4169
City Pocatello State ID Zip 83205

3. LOCATION OF WELL by legal description:
You must provide address or Lot, Blk, Sub. or Directions to well.
Twp 7 North or South
Rge 34 East or West
Sec 1 1/4 NW 1/4 NE 1/4
Gov't Lot _____ County Bannock
Lat : : Long : :
Address of Well Site 2700 Blacksmith
2nd ave. City Pocatello
LL _____ Blk. _____ Sub. Name _____

4. USE:
 Domestic Municipal Monitor Irrigation
 Thermal Injection Other _____

5. TYPE OF WORK check all that apply (Replacement etc.)
 New Well Modify Abandonment Other _____

6. DRILL METHOD:
 Air Rotary Cable Mud Rotary Other _____

7. SEALING PROCEDURES

| Seal Material | From | To | Weight / Volume | Seal Placement Method |
|---------------|------|----|-----------------|-----------------------|
| Concrete | 0 | 45 | 3yds | tremie back pull |

Was drive shoe used? Y N Shoe Depth(s) _____
Was drive shoe seal tested? Y N How? _____

8. CASING/LINER:

| Diameter | From | To | Gauge | Material | Casing | Liner | Welded | Threaded |
|----------|------|-----|-------|----------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| 20 | +3 | 131 | 375 | steel | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 18 | +1 | 85 | 375 | A53B | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 18 | 204 | 204 | 375 | A53B | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Length of Headpipe 85 Length of Tailpipe 15
Packer Y N Type base plate 3/8" thick

9. PERFORATIONS/SCREENS PACKER TYPE
Perforation Method _____
Screen Type & Method of Installation Johnson 304 screen

| From | To | Slot Size | Number | Diameter | Material | Casing | Liner |
|------|-----|-----------|--------|----------|----------|--------------------------|--------------------------|
| 85 | 185 | .45 | - | 18 | 304 | <input type="checkbox"/> | <input type="checkbox"/> |

10. FILTER PACK

| Filter Material | From | To | Weight / Volume | Placement Method |
|-----------------|------|-----|-----------------|------------------|
| gravel | 80 | 204 | 1600 lbs | tremie |

11. STATIC WATER LEVEL OR ARTESIAN PRESSURE:
53 ft. below ground Artesian pressure _____ lb.
Depth flow encountered _____ ft. Describe access port or control devices: _____

12. WELL TESTS:
 Pump Bailor Air Flowing Artesian

| Yield gal./min. | Drawdown | Pumping Level | Time |
|-----------------|----------|---------------|--------|
| 1560 | 3 | 56 | 12 hrs |
| 2000 | 3 | 56 | 45 hrs |
| 3400 | 7 | 60 | 4 hrs |

Water Temp. 52° Bottom hole temp. 52°
Water Quality test or comments: excellent

13. LITHOLOGIC LOG: (Describe repairs or abandonment) Water

| Bore Dia. | From | To | Remarks: Lithology, Water Quality & Temperature | Y | N |
|-----------|------|-----|---|-------------------------------------|-------------------------------------|
| 24 | 0 | 10 | clay | | <input checked="" type="checkbox"/> |
| 24 | 10 | 58 | clay & gravel | | <input checked="" type="checkbox"/> |
| 20 | 58 | 90 | gravel & little clay | <input checked="" type="checkbox"/> | |
| 20 | 90 | 105 | tan clay & gravel | <input checked="" type="checkbox"/> | |
| 20 | 105 | 125 | gravelly sand | <input checked="" type="checkbox"/> | |
| 20 | 125 | 128 | gravel | <input checked="" type="checkbox"/> | |
| 20 | 128 | 150 | hard cemented gravel | <input checked="" type="checkbox"/> | |
| 20 | 150 | 172 | very hard black rock | <input checked="" type="checkbox"/> | |
| 20 | 172 | 183 | broken black lava | <input checked="" type="checkbox"/> | |
| 20 | 183 | 204 | broken black lava | <input checked="" type="checkbox"/> | |

RECEIVED

MAY 11 2004

Department of Water Resources
Eastern Region

Completed Depth 204' (Measurable)
Date: Started 8-14-03 Completed 5-2-04

14. DRILLER'S CERTIFICATION
We certify that all minimum well construction standards were complied with at the time the rig was removed.
Company Name High Plains Drilling Firm No. 299
Principal Driller Marcus F. Sander Date 5-8-04
and
Driller or Operator II Danny F. Sander Date 5-8-04
Operator I _____ Date _____
Principal Driller and Rig Operator Required.
Operator I must have signature of Driller/Operator 3074

804305

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

USE TYPEWRITER OR
PRINTING

State law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well.

RECEIVED
JAN 15 1985
Department of Water Resources
Eastern District Office

1. WELL OWNER
Name City of Pocatello
Address Pocatello, Idaho 83201
Owner's Permit No. _____

7. WATER LEVEL
Static water level 23 feet below land surface.
Flowing? Yes No G.P.M. flow _____
Artesian closed-in pressure _____ p.s.i.
Controlled by: Valve Cap Plug
Temperature 54 °F. Quality good
Describe artesian or temperature zones below.

2. NATURE OF WORK
 New well Deepened Replacement
 Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)

B. WELL TEST DATA
 Pump Baller Air Other _____
Discharge G.P.M. 960 Pumping Level 56 Hours Pumped 7

3. PROPOSED USE
 Domestic Irrigation Test Municipal
 Industrial Stock Waste Disposal or Injection
 Other _____ (specify type)

9. LITHOLOGIC LOG **88315**

| Bore Diam. | Depth | | Material | Water | |
|------------|-------|-----|--------------------------|-------|----|
| | From | To | | Yes | No |
| 16" | 0 | 12 | brown clay | | X |
| 16" | 12 | 23 | boulders, sand, gravel | | X |
| 16" | 23 | 28 | sand, pea gravel & clay | | X |
| 12" | 28 | 46 | sand, 1" gravel & clay | | X |
| 12" | 46 | 55 | red clay | | X |
| 12" | 55 | 72 | red sand | X | |
| 12" | 72 | 86 | sand & some gravel | X | |
| 12" | 86 | 88 | course sand & gravel | X | |
| 12" | 88 | 119 | sand & trace 3/4" gravel | X | |
| 12" | 119 | 131 | sandy red clay | | X |
| 12" | 131 | 137 | black lava | | X |
| 12" | 137 | 150 | black cinders | X | |
| 12" | 150 | 151 | red clay | | X |

4. METHOD DRILLED
 Rotary Air Hydraulic Reverse rotary
 Cable Dug Other _____

5. WELL CONSTRUCTION
Casing schedule: Steel Concrete Other _____
Thickness _____ Diameter _____ From _____ To _____
375 inches 12 inches 2 feet 136 feet
_____ inches _____ inches _____ feet _____ feet
_____ inches _____ inches _____ feet _____ feet
_____ inches _____ inches _____ feet _____ feet
Was casing drive shoes used? Yes No
Was a packer or seal used? Yes No
Perforated? Yes No
How perforated? Factory Knife Torch
Size of perforation _____ inches by _____ inches
Number _____ From _____ To _____
_____ perforations _____ feet _____ feet
_____ perforations _____ feet _____ feet
_____ perforations _____ feet _____ feet
Well screen installed? Yes No
Manufacturer's name _____
Type _____ Model No. _____
Diameter _____ Slot size _____ Set from _____ feet to _____ feet
Diameter _____ Slot size _____ Set from _____ feet to _____ feet
Gravel packed? Yes No Size of gravel _____
Placed from _____ feet to _____ feet
Surface seal depth 24 Material used in seal: Cement grout
 Bentonite Puddling clay _____
Sealing procedure used: Slurry pit Temp. surface casing
 Overbore to seal depth
Method of joining casing: Threaded Welded Solvent
Weld _____
 Cemented between strata
Describe access port well cap

10. Work started 12-9-85 finished 12-30-85

11. DRILLERS CERTIFICATION
I/We certify that all minimum well construction standards were complied with at the time the rig was removed.
Firm Name Dan's Pump & Service Firm No. 339
P.O. Box 190
Address American Falls, Idaho Date 1-7-86
Signed by (Firm Official) [Signature]
and
(Operator) [Signature]

6. LOCATION OF WELL
Sketch map location must agree with written location.
N
W E S
Subdivision Name _____
Lot No. _____ Block No. _____
County Bannock
NE 1/4 NE 1/4 Sec. 7, T. 6 N, R. 34 E/W.

10. Work started 12-9-85 finished 12-30-85

11. DRILLERS CERTIFICATION
I/We certify that all minimum well construction standards were complied with at the time the rig was removed.
Firm Name Dan's Pump & Service Firm No. 339
P.O. Box 190
Address American Falls, Idaho Date 1-7-86
Signed by (Firm Official) [Signature]
and
(Operator) [Signature]

RECEIVED
JAN 15 1985

MICROFILMED

805314

3075

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

| | | |
|-------------------------------|-------|--|
| Office Use Only | | |
| Inspected by _____ | _____ | |
| Twp _____ Rge _____ Sec _____ | _____ | |
| 1/4 _____ 1/4 _____ 1/4 _____ | _____ | |
| Lat: : : Long: : : | _____ | |

1. DRILLING PERMIT NO. _____
Other IDWR No. D0032425

2. OWNER:
Name City of Pocatello Water Department
Address 911 N 7th
City Pocatello State ID _____ Zip 83201

3. LOCATION OF WELL by legal description:
Sketch map location must agree with written location
N

| | | | | |
|-------------------------------------|--------------------------|--------------------------|--------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Twp. <u>6</u> North <input type="checkbox"/> or South <input checked="" type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Rge. <u>34</u> East <input checked="" type="checkbox"/> or West <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Sec. <u>35</u> NW 1/4 <u>NW</u> 1/4 SE 1/4 |
| | | 10 acres | 40 acres | 160 acres |

Gov't lot _____ County Bannock

Lat: : : Long: : :

Address of Well Site _____
Sout St & Arthur City Intersection
(Give at least name of road - Distance to Road or Landmark)
Lt. _____ Blk. _____ Sub. Name _____

4. USE:
 Domestic Municipal Monitor Irrigation
 Thermal Injection Other _____

5. TYPE OF WORK check all that apply (Replacement etc.)
 New Well Modify Abandonment Other _____

6. DRILL METHOD
 Air Rotary Cable Mud Rotary Other _____

| SEAL/FILTER PACK | | AMOUNT | | METHOD |
|------------------|------|--------|-----------------|---------|
| Material | From | To | Sacks or Pounds | |
| Cement | 0 | 50 | 2 yd | Pumped |
| Sand 6-9 | 55 | 198 | 56 sack | Trimmed |

Was drive shoe used? Y N Shoe Depth(s) _____
Was drive shoe seal tested? Y N How? _____

| Diameter | | From | To | Gauge | Material | Casing | Liner | Welded | Threaded |
|----------|----|------|-----|-------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|----------|
| 8 5/8 | +2 | 58 | 322 | Steel | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| 6 5/8 | 37 | 58 | 250 | Steel | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| 6 5/8 | 98 | 198 | 250 | Steel | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |

Length of Headpipe 21 Length of Tailpipe 100

9. PERFORATIONS/SCREENS
 Perforations Method _____
 Screens Screen Type Johnson

| From | To | Slot Size | Number | Diameter | Material | Casing | Liner |
|------|----|-----------|--------|----------|----------|--------------------------|-------------------------------------|
| 58 | 98 | 040 | | 6 5/8 | S Steel | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:
34 ft. below ground Artesian Pressure _____ lb
Depth flow encountered _____ ft. Describe access port or control devices: _____

11. WELL TESTS:
 Pump Bailer Air Flowing Artesian

| Yield gal/min | Drawdown | Pumping Level | Time |
|---------------|----------|---------------|------|
| 10 | 70 | 105 | 2.5 |

Water Temp. _____ Bottom hole temp. _____
Water Quality test or comments: _____
Depth first Water Encountered _____

12. LITHOLOGIC LOG: (Describe repair or abandonment)

| Bore No. | From | To | Remarks: Lithology, Water Quality & Temp. | Y | N |
|----------|------|-----|---|-------------------------------------|-------------------------------------|
| 12 | 0 | 3 | Gravels and Sand | | <input checked="" type="checkbox"/> |
| 12 | 3 | 4.5 | Boulders | | <input checked="" type="checkbox"/> |
| 12 | 4.5 | 55 | Boulders & Gravels | | <input checked="" type="checkbox"/> |
| 8 | 55 | 70 | Boulder red | | <input checked="" type="checkbox"/> |
| 8 | 70 | 80 | Gravels & Sand | <input checked="" type="checkbox"/> | |
| 8 | 80 | 95 | Boulder | | <input checked="" type="checkbox"/> |
| 8 | 95 | 101 | Clay | | <input checked="" type="checkbox"/> |
| 8 | 101 | 198 | Red Shale | | <input checked="" type="checkbox"/> |

RECEIVED
APR 05 2004
Department of Water Resources
Southern Basin

RECEIVED
APR 07 2004
Department of Water Resources
Eastern Region

Completed Depth: 198 (Measurable)
Date Started Mar 9, 04 Completed Mar 30, 04

13. DRILLER'S CERTIFICATION
I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name Hiddleston & Son, Inc. Firm No. 35
Firm Official Kevin J. Keel Date 4-1-04
Supervisor or Operator John J. Smith Date 4-1-04
(Sign once if Firm Official & Operator)

3076

811387

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

USE TYPEWRITER OR
BALLPOINT PEN

State law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well.

1. WELL OWNER
Name City of Pocatello
Address 902 E. Sherman Pocatello, Idaho
Owner's Permit No. ID. #29-7770

7. WATER LEVEL
Static water level 38' feet below land surface.
Flowing? Yes No G.P.M. flow _____
Artesian closed-in pressure _____ p.s.i.
Controlled by: Valve Cap Plug
Temperature _____ °F. Quality Good

2. NATURE OF WORK
 New well Deepened Replacement
 Abandoned (describe method of abandoning) _____

8. WELL TEST DATA
 Pump Baller Air Other _____

| Discharge G.P.M. | Pumping Level | Hours Pumped |
|------------------|---------------|--------------|
| 2050 | 44' | 3 |
| | | |

3. PROPOSED USE
 Domestic Irrigation Test Municipal
 Industrial Stock Waste disposal or Injection
 Other _____ (specify type)

4. METHOD DRILLED
 Rotary Air Hydraulic Reverse rotary
 Cable Dug Other _____

5. WELL CONSTRUCTION
Casing schedule: Steel Concrete Other _____
Thickness _____ Diameter _____ From _____ To _____
7/16 inches 20" inches + 2' feet 160' feet
_____ inches _____ inches _____ feet _____ feet
_____ inches _____ inches _____ feet _____ feet
_____ inches _____ inches _____ feet _____ feet
Was casing drive shoe used? Yes No
Was a packer or seal used? Yes No
Perforated? Yes No
How perforated? Factory Knife Torch
Size of perforation _____ inches by _____ inches
Number _____ From _____ To _____
_____ perforations _____ feet _____ feet
_____ perforations _____ feet _____ feet
_____ perforations _____ feet _____ feet
Well screen installed? Yes No
Manufacturer's name _____
Type _____ Model No. _____
Diameter _____ Slot size _____ Set from _____ feet to _____ feet
Diameter _____ Slot size _____ Set from _____ feet to _____ feet
Gravel packed? Yes No Size of gravel _____
Placed from _____ feet to _____ feet
Surface seal depth 23' Material used in seal: Cement grout Cement
 Pudding clay Well cuttings
Sealing procedure used: Slurry pit Temp. surface casing
 Overbore to seal depth
Method of joining casing: Threaded Welded Solvent
Weld _____
 Cemented between strata
Describe access port 2" Pipe 2' long

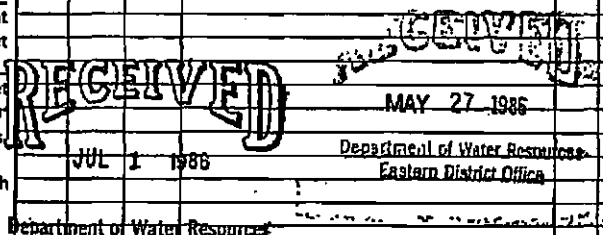
9. LITHOLOGIC LOG **88108**

| Hole Diam. | Depth | | Material | Water | |
|------------|-------|-----|-------------------------|-------|----|
| | From | To | | Yes | No |
| 20" | 0 | 2 | Clay | | X |
| | 2 | 45 | Boulders & Gravel | | X |
| | 45 | 58 | Large Gravel | | X |
| | 58 | 73 | Gravel & Sand | X | |
| | 73 | 80 | Brown clay | | X |
| | 80 | 106 | Clay & Gravel | | X |
| | 106 | 124 | Sandy Gravel | X | |
| | 124 | 158 | Hard Clay & Gravel | | X |
| | 158 | 198 | Fairly Hard Grey Basalt | | X |
| | 198 | 202 | Cinders | X | |
| | 202 | 207 | Firm Grey Basalt | | X |

6. LOCATION OF WELL
Sketch map location must agree with written location.
N
W E
S
Subdivision Name _____
Lot No. _____ Block No. _____
County Power
SE 1/4 NE 1/4 Sec. 12 T. 6 N/S. R. 33 EAK

11. DRILLERS CERTIFICATION DR
I/We certify that all minimum well construction standards were
complied with at the time the rig was removed.
Firm Name Jack Cushman Drilling Firm No. #94
1405 south Broadway
Address Blackfoot, Idaho Date 3/3/86
Signed by (Firm Official) J Cushman
and
(Operator) Nyle Bailey

10. Work started 12/30/85 finished 3/3/86



3077

024940

Mail - 80248

10/10

APPLICATION FOR REPAIR () OR ABANDONMENT (X) OF A WELL

1. LEGAL CONTACT (Owner or Operator)

Date: 11/8/2005
Name: Jay Ulrich Phone Number 234-6179
Mailing Address: P.O. Box 4169
City: Pocatello State ID Zip Code 83205-4169

2. WELL LOCATION

Township 75, Range 34E, Section 1, NW SW 1/4 NE 1/4 1/4
Gov't Lot No. _____ County Bannock
Street Address of Well Site: 2600 South 2nd City Pocatello
Lot _____, Block _____, Subdivision Name _____

3. TYPE OF WELL

() DOMESTIC: Water used for homes, organization camps, public campgrounds, livestock (1,000 head or less) and for any other purpose in connection therewith, including irrigation of up to 1/2 acre of land, if the total use is not in excess of 13,000 gpd; or any other uses, if the total use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

NON-DOMESTIC: [] Irrigation [x] Municipal [] Industrial
[] Stock [] Test [] Other _____
(Over 1,000 head) (Describe)

() INJECTION
() MONITORING

4. WELL SPECIFICATIONS

Previous Drilling Permit Number 20677-9-9-1953
Water Right Number 20677
Well Log on File? () Yes () No
Casing Size: 18" or 25"/16" 25' Material: Steel Temperature: _____
Casing Height Above Ground: 12"-106'
Flowing Artesian? () Yes (X) No
Static Water Level: 48' (Measured) Well Depth: 106' (Measured)
Remarks: _____

5. **CONDITION OF WELL, REPAIRS REQUIRED**

Lower well casing is deteriorated and starting to collapse.

Well to be abandoned.

6. **PROPOSED METHODS OF REPAIR OR ABANDONMENT**

(This Application must be approved prior to commencement of operations)

See attached.

7. **NAME OF DRILLER OR INDIVIDUAL PERFORMING THE REPAIR OR ABANDONMENT**

City of Pocatello / Cac Turner PE 234-6212

8. **DATE OF PROPOSED REPAIR OR ABANDONMENT** 11/21/05

9. **APPLICANT'S SIGNATURE**

Lowell "Cac" Turner

DATE: 11/7/05

Title City Engineer

(Owner, Firm Representative, Other)

ACTION OF THE DEPARTMENT OF WATER RESOURCES

This application for repair/abandonment is **APPROVED** Date 11/16/05

This approval does not constitute an endorsement of the proper abandonment of this well, without an attached document prepared by an Idaho Licensed Water Well Driller, Professional Geologist or Engineer who witnessed the procedure. This approval is subject to the following conditions of approval. **READ CAREFULLY!**

CONDITIONS OF APPROVAL:

1. Pursuant to Section 42-238(4), Idaho Code. All repairs and/or abandonment must meet the requirements of the Department's Rules and Regulations for Well Construction Standards.
2. Abandonment or repair of this well may require the services of a well driller licensed in the State of Idaho.

Ronald Carson

Signature of Authorized Department Representative

Eastern Regional Manager

Title

Well #3 will be abandoned due to a deteriorated casing that has started to collapse. The well was drilled and cased to a depth of 106', the top 25' of casing is 18" and the remaining 81' is 16". After consulting with IDWR and Bob Cushman of Jack Cushman Drilling and Pump Co. it was determined that we would fill the well from the bottom up to 40' with bentonite chips. This will fill the casing five feet above the perforations, which begin at a depth of 45' and continue to the bottom of the well. Bentonite chips will be added at a rate of 20 pounds per minute and will be screened and a fan utilized to eliminate any dust from being introduced into the well, forming a bridge on top of the water. In addition a weighted rope will be used periodically to ensure that bridging of the bentonite fill material does not occur. After the lower 66' has been filled with bentonite and allowed to expand, any remaining water in the well will be removed with a submersible pump. The top 6' of the well casing will be excavated and the remaining 34' of casing will be filled with concrete.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

USE TYPEWRITER OR
BALLPOINT PEN

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

RECEIVED
OCT 21 1985

| <p>1. WELL OWNER</p> <p>Name <u>City of Pocatello</u></p> <p>Address <u>Pocatello, Idaho 83205</u></p> <p>Owner's Permit No. _____</p> | <p>7. WATER LEVEL</p> <p>Department of Water Resources Eastern District Office</p> <p>Static water level <u>57</u> feet below land surface</p> <p>Flowing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No G.P.M. flow _____</p> <p>Artesian closed-in pressure _____ p.s.i.</p> <p>Controlled by: <input type="checkbox"/> Valve <input type="checkbox"/> Cap <input type="checkbox"/> Plug</p> <p>Temperature <u>58</u> °F. Quality _____</p> <p><i>Describe artesian or temperature zones below.</i></p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|--|------------------|-------------------------------------|--------------|-------------------|------------------|---------------|-----------------|----|-----|----|--------|---|---|------|--|---|--------|---|----|------------------------------|------|----|-------------------------|-----------------|-----------------|-------------------------|-----------------|-----------------|-------------------------|----------------|----------------|---|---|--|-----|----|----|------------------------|---|--|-----|----|-----|---------------------------|---|--|-----|-----|-----|---------------------------|---|--|-----|-----|-----|-------------------------|---|--|-----|-----|-----|--------------------|---|--|-----|-----|-----|-------------------------------|---|--|-----|-----|-----|---------------------------|---|--|-----|-----|-----|-------------------------------------|---|--|-----|-----|-----|--------------------|---|--|-----|-----|-----|--------------------|---|--|
| <p>2. NATURE OF WORK</p> <p><input checked="" type="checkbox"/> New well <input type="checkbox"/> Deepened <input type="checkbox"/> Replacement</p> <p><input type="checkbox"/> Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)</p> | <p>8. WELL TEST DATA</p> <p><input checked="" type="checkbox"/> Pump <input type="checkbox"/> Sailer <input type="checkbox"/> Air <input type="checkbox"/> Other _____</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th>Discharge G.P.M.</th> <th>Pumping Level</th> <th>Hours Pumped</th> </tr> <tr> <td><u>1220</u></td> <td><u>135</u></td> <td><u>9</u></td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table> | Discharge G.P.M. | Pumping Level | Hours Pumped | <u>1220</u> | <u>135</u> | <u>9</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Discharge G.P.M. | Pumping Level | Hours Pumped | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>1220</u> | <u>135</u> | <u>9</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| <p>3. PROPOSED USE</p> <p><input type="checkbox"/> Domestic <input type="checkbox"/> Irrigation <input type="checkbox"/> Test <input checked="" type="checkbox"/> Municipal</p> <p><input type="checkbox"/> Industrial <input type="checkbox"/> Stock <input type="checkbox"/> Waste Disposal or Injection</p> <p><input type="checkbox"/> Other _____ (specify type)</p> | <p>9. LITHOLOGIC LOG <u>79255</u></p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">Bore Diam.</th> <th colspan="2">Depth</th> <th rowspan="2">Material</th> <th colspan="2">Water</th> </tr> <tr> <th>From</th> <th>To</th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td>2 1/2"</td> <td>0</td> <td>7</td> <td>clay</td> <td></td> <td>X</td> </tr> <tr> <td>2 1/2"</td> <td>7</td> <td>13</td> <td>large gravel, boulders, sand</td> <td></td> <td>X</td> </tr> <tr> <td>20"</td> <td>13</td> <td>64</td> <td>sand & gravel</td> <td>X</td> <td></td> </tr> <tr> <td>20"</td> <td>64</td> <td>74</td> <td>2" gravel & sand</td> <td>X</td> <td></td> </tr> <tr> <td>20"</td> <td>74</td> <td>93</td> <td>gravel up to 6" & sand</td> <td>X</td> <td></td> </tr> <tr> <td>20"</td> <td>93</td> <td>122</td> <td>sand, gravel & trace clay</td> <td>X</td> <td></td> </tr> <tr> <td>20"</td> <td>122</td> <td>128</td> <td>large gravel, sand & clay</td> <td>X</td> <td></td> </tr> <tr> <td>20"</td> <td>128</td> <td>156</td> <td>3" gravel & coarse sand</td> <td>X</td> <td></td> </tr> <tr> <td>20"</td> <td>156</td> <td>159</td> <td>gravel & some clay</td> <td>X</td> <td></td> </tr> <tr> <td>20"</td> <td>159</td> <td>196</td> <td>yellow clay & up to 3" gravel</td> <td>X</td> <td></td> </tr> <tr> <td>20"</td> <td>196</td> <td>208</td> <td>gravel, sand & trace clay</td> <td>X</td> <td></td> </tr> <tr> <td>20"</td> <td>208</td> <td>214</td> <td>sandy yellow clay & trace of gravel</td> <td>X</td> <td></td> </tr> <tr> <td>20"</td> <td>214</td> <td>235</td> <td>sticky yellow clay</td> <td>X</td> <td></td> </tr> <tr> <td>20"</td> <td>235</td> <td>300</td> <td>gravel & some sand</td> <td>X</td> <td></td> </tr> </tbody> </table> | Bore Diam. | Depth | | Material | Water | | From | To | Yes | No | 2 1/2" | 0 | 7 | clay | | X | 2 1/2" | 7 | 13 | large gravel, boulders, sand | | X | 20" | 13 | 64 | sand & gravel | X | | 20" | 64 | 74 | 2" gravel & sand | X | | 20" | 74 | 93 | gravel up to 6" & sand | X | | 20" | 93 | 122 | sand, gravel & trace clay | X | | 20" | 122 | 128 | large gravel, sand & clay | X | | 20" | 128 | 156 | 3" gravel & coarse sand | X | | 20" | 156 | 159 | gravel & some clay | X | | 20" | 159 | 196 | yellow clay & up to 3" gravel | X | | 20" | 196 | 208 | gravel, sand & trace clay | X | | 20" | 208 | 214 | sandy yellow clay & trace of gravel | X | | 20" | 214 | 235 | sticky yellow clay | X | | 20" | 235 | 300 | gravel & some sand | X | |
| Bore Diam. | Depth | | Material | Water | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | From | To | | Yes | No | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2 1/2" | 0 | 7 | clay | | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2 1/2" | 7 | 13 | large gravel, boulders, sand | | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20" | 13 | 64 | sand & gravel | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20" | 64 | 74 | 2" gravel & sand | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20" | 74 | 93 | gravel up to 6" & sand | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20" | 93 | 122 | sand, gravel & trace clay | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20" | 122 | 128 | large gravel, sand & clay | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20" | 128 | 156 | 3" gravel & coarse sand | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20" | 156 | 159 | gravel & some clay | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20" | 159 | 196 | yellow clay & up to 3" gravel | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20" | 196 | 208 | gravel, sand & trace clay | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20" | 208 | 214 | sandy yellow clay & trace of gravel | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20" | 214 | 235 | sticky yellow clay | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20" | 235 | 300 | gravel & some sand | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>4. METHOD DRILLED</p> <p><input type="checkbox"/> Rotary <input type="checkbox"/> Air <input type="checkbox"/> Hydraulic <input type="checkbox"/> Reverse rotary</p> <p><input checked="" type="checkbox"/> Cable <input type="checkbox"/> Dug <input type="checkbox"/> Other _____</p> | <p>10.</p> <p>Work started <u>7-17-85</u> finished <u>9-20-85</u></p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>5. WELL CONSTRUCTION</p> <p>Casing schedule: <input checked="" type="checkbox"/> Steel <input type="checkbox"/> Concrete <input type="checkbox"/> Other _____</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Thickness</th> <th>Diameter</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td><u>375</u> inches</td> <td><u>20</u> inches</td> <td><u>2</u> feet</td> <td><u>300</u> feet</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table> <p>Was casing drive shoe used? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Was a packer or seal used? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Perforated? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>How perforated? <input type="checkbox"/> Factory <input checked="" type="checkbox"/> Knife <input type="checkbox"/> Torch</p> <p>Size of perforation <u>5/16</u> inches by <u>6</u> inches</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Number</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td><u>600</u> perforations</td> <td><u>235</u> feet</td> <td><u>295</u> feet</td> </tr> <tr> <td><u>380</u> perforations</td> <td><u>122</u> feet</td> <td><u>156</u> feet</td> </tr> <tr> <td><u>190</u> perforations</td> <td><u>74</u> feet</td> <td><u>93</u> feet</td> </tr> </tbody> </table> <p>Well screen installed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Manufacturer's name _____</p> <p>Type _____ Model No. _____</p> <p>Diameter _____ Slot size _____ Set from _____ feet to _____ feet</p> <p>Diameter _____ Slot size _____ Set from _____ feet to _____ feet</p> <p>Gravel packed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Size of gravel _____</p> <p>Placed from _____ feet to _____ feet</p> <p>Surface seal depth <u>10</u> Material used in seal: <input type="checkbox"/> Cement grout <input checked="" type="checkbox"/> Bentonite <input type="checkbox"/> Puddling clay <input type="checkbox"/> _____</p> <p>Sealing procedure used: <input type="checkbox"/> Slurry pit <input type="checkbox"/> Temp. surface casing <input checked="" type="checkbox"/> Overbore to seal depth</p> <p>Method of joining casing: <input type="checkbox"/> Threaded <input checked="" type="checkbox"/> Welded <input type="checkbox"/> Solvent Weld</p> <p><input type="checkbox"/> Cemented between strata</p> <p>Describe access port <u>plug base</u></p> | Thickness | Diameter | From | To | <u>375</u> inches | <u>20</u> inches | <u>2</u> feet | <u>300</u> feet | | | | | | | | | | | | | Number | From | To | <u>600</u> perforations | <u>235</u> feet | <u>295</u> feet | <u>380</u> perforations | <u>122</u> feet | <u>156</u> feet | <u>190</u> perforations | <u>74</u> feet | <u>93</u> feet | <p>11. DRILLERS CERTIFICATION</p> <p>I/We certify that all minimum well construction standards were complied with at the time the rig was removed.</p> <p>Firm Name <u>Dan's Pump & Service</u> Firm No. <u>339</u></p> <p>P.O. Box <u>190</u></p> <p>Address <u>American Falls, Idaho Data 9-23-85</u></p> <p>Signed by (Firm Official) <u>[Signature]</u></p> <p>and (Operator) <u>[Signature]</u></p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Thickness | Diameter | From | To | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>375</u> inches | <u>20</u> inches | <u>2</u> feet | <u>300</u> feet | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| Number | From | To | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>600</u> perforations | <u>235</u> feet | <u>295</u> feet | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>380</u> perforations | <u>122</u> feet | <u>156</u> feet | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>190</u> perforations | <u>74</u> feet | <u>93</u> feet | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>6. LOCATION OF WELL</p> <p>Sketch map location must agree with written location.</p> <div style="text-align: center;"> </div> <p>Subdivision Name _____</p> <p>Lot No. _____ Block No. _____</p> <p>County <u>Bannock</u></p> <p><u>NE</u> & <u>SE</u> & Sec. <u>15</u>, T. <u>6</u> N/S, R. <u>31</u> E/W</p> | <p>10.</p> <p>Work started <u>7-17-85</u> finished <u>9-20-85</u></p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

RECEIVED

OCT 28 1985

DEPARTMENT OF WATER RESOURCES
MICROFILMED

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

USE TYPEWRITER OR
BALLPOINT PEN
RECEIVED
OCT 28 1985

State law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well.

| <p>1. WELL OWNER</p> <p>Name <u>City of Pocatello</u></p> <p>Address <u>Pocatello, Idaho 83205</u></p> <p>Owner's Permit No. _____</p> | <p>7. WATER LEVEL Department of Water Resources Eastern District Office</p> <p>Static water level <u>58</u> feet below land surface.</p> <p>Flowing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No G.P.M. flow _____</p> <p>Artesian closed-in pressure _____ p.s.i.</p> <p>Controlled by: <input type="checkbox"/> Valve <input type="checkbox"/> Cap <input type="checkbox"/> Plug</p> <p>Temperature <u>58</u> °F. Quality _____</p> <p style="text-align:center"><small>Describe artesian or temperature zones below.</small></p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| <p>2. NATURE OF WORK</p> <p><input checked="" type="checkbox"/> New well <input type="checkbox"/> Deepened <input type="checkbox"/> Replacement</p> <p><input checked="" type="checkbox"/> Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)</p> <p><u>Abandoned--not enough water</u></p> | <p>8. WELL TEST DATA</p> <p><input checked="" type="checkbox"/> Pump <input type="checkbox"/> Bailor <input type="checkbox"/> Air <input type="checkbox"/> Other _____</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th>Discharge G.P.M.</th> <th>Pumping Level</th> <th>Hours Pumped</th> </tr> <tr> <td style="text-align:center">300</td> <td></td> <td style="text-align:center">30</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table> | Discharge G.P.M. | Pumping Level | Hours Pumped | 300 | | 30 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Discharge G.P.M. | Pumping Level | Hours Pumped | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 300 | | 30 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| <p>3. PROPOSED USE</p> <p><input type="checkbox"/> Domestic <input type="checkbox"/> Irrigation <input type="checkbox"/> Test <input checked="" type="checkbox"/> Municipal</p> <p><input type="checkbox"/> Industrial <input type="checkbox"/> Stock <input type="checkbox"/> Waste Disposal or Injection</p> <p><input type="checkbox"/> Other _____ (specify type)</p> | <p>9. LITHOLOGIC LOG 79254</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">Bore Diam.</th> <th colspan="2">Depth</th> <th rowspan="2">Material</th> <th rowspan="2">Water Yes/No</th> </tr> <tr> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr><td>20"</td><td>0</td><td>4</td><td>clay</td><td>X</td></tr> <tr><td>20"</td><td>4</td><td>9</td><td>sand, gravel & med. boulders</td><td>X</td></tr> <tr><td>20"</td><td>9</td><td>51</td><td>sand & large gravel</td><td>X</td></tr> <tr><td>20"</td><td>51</td><td>57</td><td>gravel up to 4"</td><td>X</td></tr> <tr><td>20"</td><td>57</td><td>68</td><td>clean gravel (3/4") & sand</td><td>X</td></tr> <tr><td>20"</td><td>68</td><td>76</td><td>clay & gravel up to 4"</td><td>X</td></tr> <tr><td>20"</td><td>76</td><td>86</td><td>clean gravel (2") & sand</td><td>X</td></tr> <tr><td>20"</td><td>86</td><td>112</td><td>sandy clay & some gravel</td><td>X</td></tr> <tr><td>20"</td><td>112</td><td>114</td><td>sand & 3/4" gravel</td><td>X</td></tr> <tr><td>20"</td><td>114</td><td>120</td><td>red sandy clay & gravel</td><td>X</td></tr> <tr><td>20"</td><td>120</td><td>165</td><td>large gravel & sand</td><td>X</td></tr> <tr><td>20"</td><td>165</td><td>208</td><td>sandy clay & gravel</td><td>X</td></tr> <tr><td>20"</td><td>208</td><td>224</td><td>sticky yellow clay & gravel</td><td>X</td></tr> <tr><td>20"</td><td>224</td><td>231</td><td>sticky yellow clay</td><td>X</td></tr> <tr><td>20"</td><td>231</td><td>246</td><td>sticky yellow clay & 2" gravel</td><td>X</td></tr> <tr><td>20"</td><td>246</td><td>250</td><td>gravel & some sand</td><td>X</td></tr> <tr><td>20"</td><td>250</td><td>276</td><td>clay & gravel</td><td>X</td></tr> <tr><td>20"</td><td>276</td><td>290</td><td>sand & gravel</td><td>X</td></tr> <tr><td>20"</td><td>290</td><td>305</td><td>large gravel & sand</td><td>X</td></tr> <tr><td>20"</td><td>305</td><td>315</td><td>very sandy, large gravel</td><td>X</td></tr> </tbody> </table> | Bore Diam. | Depth | | Material | Water Yes/No | From | To | 20" | 0 | 4 | clay | X | 20" | 4 | 9 | sand, gravel & med. boulders | X | 20" | 9 | 51 | sand & large gravel | X | 20" | 51 | 57 | gravel up to 4" | X | 20" | 57 | 68 | clean gravel (3/4") & sand | X | 20" | 68 | 76 | clay & gravel up to 4" | X | 20" | 76 | 86 | clean gravel (2") & sand | X | 20" | 86 | 112 | sandy clay & some gravel | X | 20" | 112 | 114 | sand & 3/4" gravel | X | 20" | 114 | 120 | red sandy clay & gravel | X | 20" | 120 | 165 | large gravel & sand | X | 20" | 165 | 208 | sandy clay & gravel | X | 20" | 208 | 224 | sticky yellow clay & gravel | X | 20" | 224 | 231 | sticky yellow clay | X | 20" | 231 | 246 | sticky yellow clay & 2" gravel | X | 20" | 246 | 250 | gravel & some sand | X | 20" | 250 | 276 | clay & gravel | X | 20" | 276 | 290 | sand & gravel | X | 20" | 290 | 305 | large gravel & sand | X | 20" | 305 | 315 | very sandy, large gravel | X |
| Bore Diam. | Depth | | Material | Water Yes/No | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | From | To | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20" | 0 | 4 | clay | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20" | 4 | 9 | sand, gravel & med. boulders | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20" | 9 | 51 | sand & large gravel | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20" | 51 | 57 | gravel up to 4" | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20" | 57 | 68 | clean gravel (3/4") & sand | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20" | 68 | 76 | clay & gravel up to 4" | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20" | 76 | 86 | clean gravel (2") & sand | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20" | 86 | 112 | sandy clay & some gravel | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20" | 112 | 114 | sand & 3/4" gravel | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20" | 114 | 120 | red sandy clay & gravel | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20" | 120 | 165 | large gravel & sand | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20" | 165 | 208 | sandy clay & gravel | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20" | 208 | 224 | sticky yellow clay & gravel | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20" | 224 | 231 | sticky yellow clay | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20" | 231 | 246 | sticky yellow clay & 2" gravel | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20" | 246 | 250 | gravel & some sand | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20" | 250 | 276 | clay & gravel | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20" | 276 | 290 | sand & gravel | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20" | 290 | 305 | large gravel & sand | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20" | 305 | 315 | very sandy, large gravel | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>4. METHOD DRILLED</p> <p><input type="checkbox"/> Rotary <input type="checkbox"/> Air <input type="checkbox"/> Hydraulic <input type="checkbox"/> Reverse rotary</p> <p><input checked="" type="checkbox"/> Cable <input type="checkbox"/> Dug <input type="checkbox"/> Other _____</p> | <p>10.</p> <p>Work started <u>5-1-85</u> finished <u>6-5-85</u></p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>5. WELL CONSTRUCTION</p> <p>Casing schedule: <input checked="" type="checkbox"/> Steel <input type="checkbox"/> Concrete <input type="checkbox"/> Other _____</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Thickness</th> <th>Diameter</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td><u>375</u> Inches</td> <td><u>20</u> Inches</td> <td><u>2</u> feet</td> <td><u>310</u> feet</td> </tr> <tr> <td>_____ Inches</td> <td>_____ Inches</td> <td>_____ feet</td> <td>_____ feet</td> </tr> <tr> <td>_____ Inches</td> <td>_____ Inches</td> <td>_____ feet</td> <td>_____ feet</td> </tr> <tr> <td>_____ Inches</td> <td>_____ Inches</td> <td>_____ feet</td> <td>_____ feet</td> </tr> </tbody> </table> <p>Was casing drive shoes used? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Was a packer or seal used? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Perforated? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>How perforated? <input type="checkbox"/> Factory <input checked="" type="checkbox"/> Knife <input type="checkbox"/> Torch</p> <p>Size of perforation <u>5/16</u> Inches by <u>6</u> Inches</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Number</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td><u>150</u> perforations</td> <td><u>120</u> feet</td> <td><u>165</u> feet</td> </tr> <tr> <td><u>140</u> perforations</td> <td><u>246</u> feet</td> <td><u>292</u> feet</td> </tr> <tr> <td><u>290</u> perforations</td> <td><u>276</u> feet</td> <td><u>305</u> feet</td> </tr> </tbody> </table> <p>Well screen installed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Manufacturer's name _____</p> <p>Type _____ Model No. _____</p> <p>Diameter _____ Slot size _____ Set from _____ feet to _____ feet</p> <p>Diameter _____ Slot size _____ Set from _____ feet to _____ feet</p> <p>Gravel packed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Size of gravel _____</p> <p>Placed from _____ feet to _____ feet</p> <p>Surface seal depth <u>20</u> Material used in seal: <input type="checkbox"/> Cement grout</p> <p><input checked="" type="checkbox"/> Bentonite <input checked="" type="checkbox"/> Pudding clay <input type="checkbox"/> _____</p> <p>Sealing procedure used: <input type="checkbox"/> Slurry pit <input type="checkbox"/> Temp. surface casing</p> <p><input checked="" type="checkbox"/> Overbore to seal depth</p> <p>Method of joining casing: <input type="checkbox"/> Threaded <input checked="" type="checkbox"/> Welded <input type="checkbox"/> Solvent</p> <p><input type="checkbox"/> Cemented between strata</p> <p>Describe access port: <u>pump base</u></p> | Thickness | Diameter | From | To | <u>375</u> Inches | <u>20</u> Inches | <u>2</u> feet | <u>310</u> feet | _____ Inches | _____ Inches | _____ feet | _____ feet | _____ Inches | _____ Inches | _____ feet | _____ feet | _____ Inches | _____ Inches | _____ feet | _____ feet | Number | From | To | <u>150</u> perforations | <u>120</u> feet | <u>165</u> feet | <u>140</u> perforations | <u>246</u> feet | <u>292</u> feet | <u>290</u> perforations | <u>276</u> feet | <u>305</u> feet | <p>11. DRILLERS CERTIFICATION DR</p> <p>I/We certify that all minimum well construction standards were complied with at the time the rig was removed.</p> <p>Firm Name <u>Dan's Pump & Service</u> Firm No. <u>339</u></p> <p>P.O. Box <u>190</u></p> <p>Address <u>Am. Falls, Idaho</u> Date <u>6-6-85</u></p> <p>Signed by (Firm Official) <u>[Signature]</u></p> <p>and</p> <p>(Operator) <u>[Signature]</u></p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Thickness | Diameter | From | To | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>375</u> Inches | <u>20</u> Inches | <u>2</u> feet | <u>310</u> feet | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| _____ Inches | _____ Inches | _____ feet | _____ feet | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| _____ Inches | _____ Inches | _____ feet | _____ feet | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| _____ Inches | _____ Inches | _____ feet | _____ feet | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| <u>150</u> perforations | <u>120</u> feet | <u>165</u> feet | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>140</u> perforations | <u>246</u> feet | <u>292</u> feet | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>290</u> perforations | <u>276</u> feet | <u>305</u> feet | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>6. LOCATION OF WELL</p> <p>Sketch map location <u>must</u> agree with written location.</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="text-align:center">N</td></tr> <tr><td style="text-align:center">W E</td></tr> <tr><td style="text-align:center">S</td></tr> </table> <p>Subdivision Name _____</p> <p>Lot No. _____ Block No. _____</p> <p>County <u>Bannock</u></p> <p><u>NE</u> 1/4 <u>SE</u> 1/4 Sec. <u>15</u>, T. <u>6</u> N/S, R. <u>34</u> E/W.</p> | N | W E | S | <p>11. DRILLERS CERTIFICATION DR</p> <p>I/We certify that all minimum well construction standards were complied with at the time the rig was removed.</p> <p>Firm Name <u>Dan's Pump & Service</u> Firm No. <u>339</u></p> <p>P.O. Box <u>190</u></p> <p>Address <u>Am. Falls, Idaho</u> Date <u>6-6-85</u></p> <p>Signed by (Firm Official) <u>[Signature]</u></p> <p>and</p> <p>(Operator) <u>[Signature]</u></p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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USE ADDITIONAL SHEETS IF NECESSARY — FORWARD THE WHITE COPY TO THE DEPARTMENT

227711

3082

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

USE TYPEWRITER OR
BALL POINT PEN

State law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well.

OCT 1985

RECEIVED

| <p>1. WELL OWNER</p> <p>Name <u>City of Pocatello</u></p> <p>Address <u>Pocatello, Idaho 83205</u></p> <p>Owner's Permit No. _____</p> | <p>7. WATER LEVEL Department of Water Resources Eastern District Office</p> <p>Static water level <u>62</u> feet below land surface.</p> <p>Flowing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No G.P.M. flow _____</p> <p>Artesian closed-in pressure _____ p.s.i.</p> <p>Controlled by: <input type="checkbox"/> Valve <input type="checkbox"/> Cap <input type="checkbox"/> Plug</p> <p>Temperature <u>58</u> °F. Quality _____</p> <p><i>Describe artesian or temperature zones below.</i></p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| <p>2. NATURE OF WORK</p> <p><input checked="" type="checkbox"/> New well <input type="checkbox"/> Deepened <input type="checkbox"/> Replacement</p> <p><input checked="" type="checkbox"/> Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)</p> <p><u>Abandoned - not enough water</u></p> | <p>8. WELL TEST DATA</p> <p><input checked="" type="checkbox"/> Pump <input type="checkbox"/> Bailor <input type="checkbox"/> Air <input type="checkbox"/> Other _____</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th>Discharge G.P.M.</th> <th>Pumping Level</th> <th>Hours Pumped</th> </tr> <tr> <td style="text-align: center;">300</td> <td></td> <td style="text-align: center;">10</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table> | Discharge G.P.M. | Pumping Level | Hours Pumped | 300 | | 10 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Discharge G.P.M. | Pumping Level | Hours Pumped | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| <p>3. PROPOSED USE</p> <p><input type="checkbox"/> Domestic <input type="checkbox"/> Irrigation <input type="checkbox"/> Test <input checked="" type="checkbox"/> Municipal</p> <p><input type="checkbox"/> Industrial <input type="checkbox"/> Stock <input type="checkbox"/> Waste Disposal or Injection</p> <p><input type="checkbox"/> Other _____ (specify type)</p> | <p>9. LITHOLOGIC LOG 79253</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">Bore Diam.</th> <th colspan="2">Depth</th> <th rowspan="2">Material</th> <th colspan="2">Water</th> </tr> <tr> <th>From</th> <th>To</th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr><td>20"</td><td>0</td><td>3</td><td>clay</td><td></td><td>X</td></tr> <tr><td>20"</td><td>3</td><td>7</td><td>sand, clay, gravel</td><td></td><td>X</td></tr> <tr><td>20"</td><td>7</td><td>19</td><td>large gravel & sand</td><td></td><td>X</td></tr> <tr><td>20"</td><td>19</td><td>34</td><td>med. boulders, gravel, sand</td><td></td><td>X</td></tr> <tr><td>20"</td><td>34</td><td>44</td><td>sand & gravel h^o to 5"</td><td></td><td>X</td></tr> <tr><td>20"</td><td>44</td><td>55</td><td>1"-2" gravel & sand</td><td></td><td>X</td></tr> <tr><td>20"</td><td>55</td><td>58</td><td>sand & pea gravel</td><td>X</td><td></td></tr> <tr><td>20"</td><td>58</td><td>67</td><td>sticky yellow clay, sand & pea gravel</td><td></td><td>X</td></tr> <tr><td>20"</td><td>67</td><td>68</td><td>red clay & 2" gravel</td><td></td><td>X</td></tr> <tr><td>20"</td><td>68</td><td>69</td><td>sand & gravel up to 3"</td><td>X</td><td></td></tr> <tr><td>20"</td><td>69</td><td>78</td><td>red clay & trace of gravel</td><td></td><td>X</td></tr> <tr><td>20"</td><td>78</td><td>80</td><td>sand & gravel up to 4"</td><td>X</td><td></td></tr> <tr><td>20"</td><td>80</td><td>87</td><td>sand & gravel up to 1 1/2"</td><td>X</td><td></td></tr> <tr><td>20"</td><td>87</td><td>116</td><td>course sand & pea gravel</td><td>X</td><td></td></tr> <tr><td>20"</td><td>116</td><td>118</td><td>fine, course sand & gravel up to 3/4"</td><td>X</td><td></td></tr> <tr><td>20"</td><td>118</td><td>127</td><td>sand & gravel up to 2"</td><td>X</td><td></td></tr> <tr><td>20"</td><td>127</td><td>183</td><td>sandy clay & gravel</td><td></td><td>X</td></tr> <tr><td>20"</td><td>183</td><td>225</td><td>red clay & trace of gravel</td><td></td><td>X</td></tr> <tr><td>20"</td><td>225</td><td>226</td><td>gravel & sand</td><td></td><td>X</td></tr> <tr><td>20"</td><td>226</td><td>232</td><td>red clay</td><td></td><td>X</td></tr> <tr><td>20"</td><td>232</td><td>258</td><td>clay, sand & trace of gravel</td><td></td><td>X</td></tr> <tr><td>20"</td><td>258</td><td>273</td><td>sand & some 3/4" gravel</td><td>X</td><td></td></tr> <tr><td>20"</td><td>273</td><td>277</td><td>3" to 4" gravel & sand</td><td>X</td><td></td></tr> <tr><td>20"</td><td>277</td><td>279</td><td>clay, sand & small gravel</td><td>X</td><td></td></tr> <tr><td>20"</td><td>279</td><td>309</td><td>course sand & gravel up to 3"</td><td>X</td><td></td></tr> <tr><td>20"</td><td>309</td><td>339</td><td>very sandy clay & some small gravel</td><td></td><td>X</td></tr> </tbody> </table> | Bore Diam. | Depth | | Material | Water | | From | To | Yes | No | 20" | 0 | 3 | clay | | X | 20" | 3 | 7 | sand, clay, gravel | | X | 20" | 7 | 19 | large gravel & sand | | X | 20" | 19 | 34 | med. boulders, gravel, sand | | X | 20" | 34 | 44 | sand & gravel h ^o to 5" | | X | 20" | 44 | 55 | 1"-2" gravel & sand | | X | 20" | 55 | 58 | sand & pea gravel | X | | 20" | 58 | 67 | sticky yellow clay, sand & pea gravel | | X | 20" | 67 | 68 | red clay & 2" gravel | | X | 20" | 68 | 69 | sand & gravel up to 3" | X | | 20" | 69 | 78 | red clay & trace of gravel | | X | 20" | 78 | 80 | sand & gravel up to 4" | X | | 20" | 80 | 87 | sand & gravel up to 1 1/2" | X | | 20" | 87 | 116 | course sand & pea gravel | X | | 20" | 116 | 118 | fine, course sand & gravel up to 3/4" | X | | 20" | 118 | 127 | sand & gravel up to 2" | X | | 20" | 127 | 183 | sandy clay & gravel | | X | 20" | 183 | 225 | red clay & trace of gravel | | X | 20" | 225 | 226 | gravel & sand | | X | 20" | 226 | 232 | red clay | | X | 20" | 232 | 258 | clay, sand & trace of gravel | | X | 20" | 258 | 273 | sand & some 3/4" gravel | X | | 20" | 273 | 277 | 3" to 4" gravel & sand | X | | 20" | 277 | 279 | clay, sand & small gravel | X | | 20" | 279 | 309 | course sand & gravel up to 3" | X | | 20" | 309 | 339 | very sandy clay & some small gravel | | X |
| Bore Diam. | Depth | | Material | Water | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | From | To | | Yes | No | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20" | 0 | 3 | clay | | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20" | 3 | 7 | sand, clay, gravel | | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20" | 7 | 19 | large gravel & sand | | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20" | 19 | 34 | med. boulders, gravel, sand | | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20" | 34 | 44 | sand & gravel h ^o to 5" | | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20" | 44 | 55 | 1"-2" gravel & sand | | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20" | 55 | 58 | sand & pea gravel | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20" | 58 | 67 | sticky yellow clay, sand & pea gravel | | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20" | 67 | 68 | red clay & 2" gravel | | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20" | 68 | 69 | sand & gravel up to 3" | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20" | 69 | 78 | red clay & trace of gravel | | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20" | 78 | 80 | sand & gravel up to 4" | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20" | 80 | 87 | sand & gravel up to 1 1/2" | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20" | 87 | 116 | course sand & pea gravel | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20" | 116 | 118 | fine, course sand & gravel up to 3/4" | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20" | 118 | 127 | sand & gravel up to 2" | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20" | 127 | 183 | sandy clay & gravel | | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20" | 183 | 225 | red clay & trace of gravel | | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20" | 225 | 226 | gravel & sand | | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20" | 226 | 232 | red clay | | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20" | 232 | 258 | clay, sand & trace of gravel | | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20" | 258 | 273 | sand & some 3/4" gravel | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20" | 273 | 277 | 3" to 4" gravel & sand | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20" | 277 | 279 | clay, sand & small gravel | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20" | 279 | 309 | course sand & gravel up to 3" | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20" | 309 | 339 | very sandy clay & some small gravel | | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>4. METHOD DRILLED</p> <p><input type="checkbox"/> Rotary <input type="checkbox"/> Air <input type="checkbox"/> Hydraulic <input type="checkbox"/> Reverse rotary</p> <p><input checked="" type="checkbox"/> Cable <input type="checkbox"/> Dug <input type="checkbox"/> Other _____</p> | <p>10. DRILLERS CERTIFICATION 92</p> <p>I/We certify that all minimum well construction standards were complied with at the time the rig was removed.</p> <p>Firm Name <u>Dan's Pump & Service</u> Firm No. <u>339</u></p> <p>P.O. Box <u>190</u></p> <p>Address <u>American Falls, Id. Dist</u> <u>4-10-85</u></p> <p>Signed by (Firm Official) <u>[Signature]</u></p> <p>and (Operator) <u>[Signature]</u></p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>5. WELL CONSTRUCTION</p> <p>Casing schedule: <input checked="" type="checkbox"/> Steel <input type="checkbox"/> Concrete <input type="checkbox"/> Other _____</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Thickness</th> <th>Diameter</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td><u>3/75</u> inches</td> <td><u>20</u> inches</td> <td><u>3</u> feet</td> <td><u>338</u> feet</td> </tr> <tr> <td>_____ inches</td> <td>_____ inches</td> <td>_____ feet</td> <td>_____ feet</td> </tr> <tr> <td>_____ inches</td> <td>_____ inches</td> <td>_____ feet</td> <td>_____ feet</td> </tr> <tr> <td>_____ inches</td> <td>_____ inches</td> <td>_____ feet</td> <td>_____ feet</td> </tr> </tbody> </table> <p>Was casing drive shoe used? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Was a packer or seal used? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Perforated? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>How perforated? <input type="checkbox"/> Factory <input checked="" type="checkbox"/> Knife <input type="checkbox"/> Torch</p> <p>Size of perforation <u>5/16</u> inches by <u>6</u> inches</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Number</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td><u>520</u> perforations</td> <td><u>258</u> feet</td> <td><u>310</u> feet</td> </tr> <tr> <td>_____ perforations</td> <td>_____ feet</td> <td>_____ feet</td> </tr> <tr> <td>_____ perforations</td> <td>_____ feet</td> <td>_____ feet</td> </tr> </tbody> </table> <p>Well screen installed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Manufacturer's name _____</p> <p>Type _____ Model No. _____</p> <p>Orameter _____ Slot size _____ Set from _____ feet to _____ feet</p> <p>Diameter _____ Slot size _____ Set from _____ feet to _____ feet</p> <p>Gravel packed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Size of gravel _____</p> <p>Placed from _____ feet to _____ feet</p> <p>Surface seal depth <u>25</u> Material used in seal: <input type="checkbox"/> Cement grout <input checked="" type="checkbox"/> Bentonite <input checked="" type="checkbox"/> Puddling clay <input type="checkbox"/> _____</p> <p>Sealing procedure used: <input type="checkbox"/> Slurry pit <input type="checkbox"/> Temp. surface seal <input checked="" type="checkbox"/> Overbore to seal depth</p> <p>Method of joining casing: <input type="checkbox"/> Threaded <input checked="" type="checkbox"/> Welded <input type="checkbox"/> Solvent Weld</p> <p>Describe access port <u>_____ pump base</u> Department of Water Resources</p> | Thickness | Diameter | From | To | <u>3/75</u> inches | <u>20</u> inches | <u>3</u> feet | <u>338</u> feet | _____ inches | _____ inches | _____ feet | _____ feet | _____ inches | _____ inches | _____ feet | _____ feet | _____ inches | _____ inches | _____ feet | _____ feet | Number | From | To | <u>520</u> perforations | <u>258</u> feet | <u>310</u> feet | _____ perforations | _____ feet | _____ feet | _____ perforations | _____ feet | _____ feet | <p>Work started <u>2-25-85</u> finished <u>3-9-85</u></p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Thickness | Diameter | From | To | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>3/75</u> inches | <u>20</u> inches | <u>3</u> feet | <u>338</u> feet | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| _____ inches | _____ inches | _____ feet | _____ feet | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| _____ inches | _____ inches | _____ feet | _____ feet | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| _____ inches | _____ inches | _____ feet | _____ feet | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Number | From | To | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>520</u> perforations | <u>258</u> feet | <u>310</u> feet | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| _____ perforations | _____ feet | _____ feet | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| _____ perforations | _____ feet | _____ feet | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>6. LOCATION OF WELL</p> <p>Sketch map location <u>must</u> agree with written location.</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="text-align: center;">N</td></tr> <tr><td style="text-align: center;">W X E</td></tr> <tr><td style="text-align: center;">S</td></tr> </table> <p>Subdivision Name _____</p> <p>Lot No. _____ Block No. _____</p> <p>County <u>Bannock</u></p> <p><u>NE</u> x <u>SE</u> x Sec. <u>15</u>, T. <u>6</u> N/S, R. <u>34</u> E/W.</p> | N | W X E | S | <p>11. DRILLERS CERTIFICATION 92</p> <p>I/We certify that all minimum well construction standards were complied with at the time the rig was removed.</p> <p>Firm Name <u>Dan's Pump & Service</u> Firm No. <u>339</u></p> <p>P.O. Box <u>190</u></p> <p>Address <u>American Falls, Id. Dist</u> <u>4-10-85</u></p> <p>Signed by (Firm Official) <u>[Signature]</u></p> <p>and (Operator) <u>[Signature]</u></p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| N | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| W X E | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| S | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

USE ADDITIONAL SHEETS IF NECESSARY - FORWARD THE WHITE COPY TO THE DEPARTMENT

3083

Mail - 80252

WELL NO. 4

ELEVATION

LOCATION: Rainey Park. The NW 1/4 Sec. 35, T. 6 S., R. 34 E. B. M.

STATE PERMIT NO. 20611 9-2-1952

Possible Daily Production 1,700,000

DILLED: 6 to 8, 1931 By Stephenson Bros.

DEPTH: 120', A pit 12' x 14' was dug to a depth of 28'. Water was found at this point. The pit is now filled in with gravel and the casing has been extended to within 5' of the surface.

LEVEL: Static 30' 3" to 34' (Varies with season)
Running 41' 6"

STRATA:

| <u>From</u> | <u>To</u> | <u>Thickness</u> | <u>Description</u> |
|-------------|-----------|------------------|--|
| 0 | 28' | 28' | Clay with few large boulders, sand streaks |
| 28' | 50' | 22' | Coarse gravel and boulders with clay streaks, large quantity of water |
| 50' | 75' | 25' | Streaks of clay and boulders, occasional thin layer of sand. Slow drilling |
| 75' | 100' | 25' | Soft clay with boulders carrying considerable water. Some streaks of pea gravel. |
| 100' | 120' | 20' | Streaks of clay and gravel, considerable water |

When Well No. 4 is pumping the water level in Well No. 5 drops 5" rapidly, then slowly to a total of 1' 2" below its static level.

CASING INSTALLED:

| <u>From</u> | <u>To</u> | <u>Length</u> | <u>Description</u> |
|-------------|-----------|---------------|---|
| 5' | 28' | 23' | 16" O. D. |
| 28' | 120' | 92' | 16" O. D. 70# Perforated with Mills Perforator |

24

65-34E - 35 NWSE

WELL NO. 5

ELEVATION 4442.911

LOCATION: Rainey Park NW 1/4 Sec. 35, T. 6 S., R. 34 E.B.M.

STATE PERMIT NO. 20611 9-2-1953

Possible Daily Production 1,300,000

DRIILLED: 8 to 10 1933 By Stephenson Bros.

DEPTH: 100' orig. struck water August 16 at 25' 7" below surface
85' 6" Feb. 1941

WATER LEVEL: 1955

Static: 24' 8" to 30' 7" (Varies with season)

Running:

Water stands 24' 2" below surface when Well No. 4 is not being pumped. When No. 4 is being pumped water in Well No. 5 drops 5" rapidly, then slowly to a total of 1'-2" below its static level. (Taken from original test by Tom Stephenson 11-6-33)

STRATA:

| From | To | Thickness | Description |
|------|------|-----------|--|
| 0' | 20' | 20' | Clay with occasional streaks of sand and boulders |
| 20' | 25' | 5' | Coarse sand and gravel |
| 25' | 36' | 11' | Loose boulders and gravel - large quantity of water |
| 36' | 59' | 23' | Clay and boulders (hard drilling) |
| 59' | 67' | 8' | Clay and gravel |
| 67' | 72' | 5' | Streaks pea gravel |
| 72' | 76' | 4' | Soft clay |
| 76' | 86' | 10' | Hard clay and boulders |
| 86' | 100' | 14' | Soft clay, gravel and boulders Considerable water |

CASING:

100' - 16" O.D. 70#

72' perforated with cutting torch
10 slots 3/4" x 3' every 6"

us.

24 65-34E ————— 35 NWSE

WELL NO. 6

ELEVATION 1441.37'

LOCATION: Rainey Park NW 1/4 Sec. 35, T. 6 S., R. 34 E. B. M.

STATE PERMIT No. 20611, 9-2-1953

Possible Daily Production 1,100,000

DRILLED: June 1934 By Stephenson Bros.

DEPTH: 1934 - 96'
1941 - 87'6"

WATER LEVEL: Static 1934 - 25'6"
Running

STRATA:

| <u>From</u> | <u>To</u> | <u>Thickness</u> | <u>Description</u> |
|-------------|-----------|------------------|---------------------------------|
| 0 | 25' | 25' | Clay, small rocks |
| 25' | 45' | 20' | Gravel, water bearing |
| 45' | 96' | 51' | Gravel, boulders, water bearing |

CASING: 1 7/8" I. D.

ed.

29 65-34E ————— 35 NW 1/4 SE 9

WELL NO. 7

ELEVATION 1117.86'

LOCATION: East Side of River Within the NW 1/4 of Sec. 35, T. 6 S, R. 24 E. B. M.

STATE PERMIT NO. 20611 9-2-53

Possible Daily Production 1,700,000

DRILLED: 1940 By - Stevenson Bros.

DEPTH: 1956 - 105'

WATER LEVEL:

Static 1940 - 27' 1956 - 22'0" to 27'4"
Running 1956 - 31'3" to 33'4"

Standing water level in 1940 was 27' below the pump house floor. Drawdown of 17' when pumping at the rate of 2000 GPM.

STRATA:

| From | To | Thickness | Description |
|------|------|-----------|---------------------|
| 1' | 20' | 20' | Silt and clay |
| 20' | 60' | 40' | Silt and boulders |
| 60' | 96' | 36' | Gravel and boulders |
| 96' | 105' | 9' | Unknown |

CASINO:

20" I. D.

27 65 - 34E ----- 35 NW SE 10

WELL NO. 8

ELEVATION 1450.85'

LOCATION: Valleyview Park - 300 Block W. Eldredge - in NW¹ SE¹ Sec. 15, T. 6 S., R. 34 E. B. M.

STATE PERMIT NO. 20611 9-2-53

Possible Daily Production 1,300,000 gallons.

DRILLED:

Originally - 10-47 By A. J. Schoonover
Redrilled - 4-53 By A. J. Schoonover

DEPTH:

1947 - 105'
1953 - 320' (deepened)

WATER LEVEL:

Static: 1947 - 31' 1955 - 35' to 37'10"
Running: 1953 - 37'11" to 39'0"

STRATA:

| From | To | Thickness | Description |
|------|----------------|-----------|---|
| 0' | 5' | 5' | Topsoil |
| 5' | 31' | 26' | Sand, Gravel, Dirt & Boulders |
| 31' | 40' | 9' | Gravel & Boulders - Water Bearing |
| 40' | 55' | 15' | Gravel - Water Bearing |
| 55' | 64' | 9' | Clay |
| 64' | 105' | 41' | Packed sand & small boulders |
| | Original Depth | | |
| 105' | 126' | 21' | Sandy Gravel - Water Bearing |
| 126' | 151' | 25' | Sandy Gravel - Boulders - Water Bearing |
| 151' | 195' | 44' | Sandy Gravel - Boulders - Clay |
| 195' | 201' | 6' | Clay - Gravel |
| 201' | 220' | 19' | Sandy Gravel - Water Bearing |
| 220' | 228' | 8' | Sandy Clay & Boulders |
| 228' | 251' | 23' | Sandy Gravel - Water Bearing |
| 251' | 320' | 69' | Clay, Gravel & Boulders |

CASINGS:

| From | To | Length | Number | Description |
|------|------|--------|--------|-----------------------------------|
| 35' | 52' | 17' | 177 | Cuts 5/16" x 6" in the 20" casing |
| 35' | 95' | 60' | 480 | Cuts 1/2" x 6" in the 16" casing |
| 114' | 149' | 35' | 280 | " " " " " " " " |
| 201' | 220' | 19' | 160 | " " " " " " " " |
| 228' | 251' | 23' | 184 | " " " " " " " " |

ud.

20 65-34E ————— 15 N W S E "

WELL NO. 11

ELEVATION M.S.L. 8

LOCATION:

At the Old Municipal Airport - NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 12, T. 6 S.,
R. 33 E., B. M.

State Permit No. 0 24451

DRILLED:

June 16 to July 24, 1952
By A. J. Schooner

DEPTH:

113' - 1952

WATER LEVEL:

Static
65.5' - 1952
Running: 60.5' - 1952

STRATA:

| <u>From</u> | <u>To</u> | <u>Thickness</u> | <u>Description</u> |
|-------------|-----------|------------------|-----------------------------|
| 0' | 10' | 10' | Tan Clay |
| 10' | 15' | 5' | Red Clay |
| 15' | 30' | 15' | Gravel, Clay & Boulders |
| 30' | 58' | 28' | Fine Gravel |
| 58' | 68' | 10' | Grey Clay |
| 68' | 81' | 13' | Clay & Gravel (water tight) |
| 81' | 105' | 24' | Sandy gravel water bearing |
| 105' | 113' | 8' plus | Gravel & Clay water tight |

CASING:

| <u>From</u> | <u>To</u> | <u>Length</u> | <u>Description</u> |
|-------------|-----------|---------------|--|
| 0' | 108' | 108' | 8.625" O.D. 3/8" wall, standard seamless steel pipe |

PERFORATIONS:

| <u>From</u> | <u>To</u> |
|-------------|-----------|
| 81' | 103' |

Cutting: 308 perf. 5/16" x 1 1/4" slits
7 to a round every 6 in.

upsl.

24 65-33E ————— 12 NESE

3089

Mail - 80258

C-27631

RECEIVED

DEC 7 1964

WELL NO. 12

Department of Reclamation

ELEVATION

8978.935, 6834E

LOCATION: Block 358, Lot 16, S.W. Corner of Original Poostello Townsite

STATE PERMIT No. G 24451

DRILLED:

- 10-2-54 Started Drilling
- 11-15-54 Stopped Drilling, Shoe hung up on lava rock. Casing was reduced from 20" to 16". Drilling was continued.
- 11-30-54 Drilling Completed.

DEPTH:

1954 - 132'

WATER LEVEL:

Statics: 1954- 33', 1956 - 33'2" to 34'8"
 Running: 1954 - 34' to 35' 1956 - 44'4"

STRATA:

| From | To | Thickness | Description |
|------|------|-----------|-----------------------------------|
| 0' | 20' | 20' | Fill |
| 20' | 30' | 10' | Dirty sand & gravel |
| 30' | 40' | 10' | Dirty gravel |
| 40' | 70' | 30' | Gravel - water bearing - milky |
| 70' | 94' | 24' | Clean gravel - water bearing |
| 94' | 106' | 12' | Lava rock |
| 106' | 110' | 4' | Clean gravel - water bearing |
| 110' | 119' | 9' | Ten clay - gravel - water bearing |
| 119' | 132' | 13' | Gravel - water bearing |
| 132' | | | Red rock & clay - water bearing |

CASING:

| From | To | Length | Description |
|------|------|--------|------------------------------|
| 0 | 94' | 94' | 20" O.D. 3/8 wall thickness |
| 94 | 132' | 42' | 16" O. D. 3/8 wall thickness |

The shoe on the 20" casing hung up on the lava rock at a depth of 94'. In order to drill further it was necessary to reduce the size of casing to 16" O. D.

PERFORATED CASING:

| From | To | Remarks |
|------|------|--|
| 70' | 90' | 20" of perforations in 20" casing cut 3/8" x 4" - 18 perf. to a round 8" apart |
| 106' | 130' | 24" of perforations in 16" casing cut 1/8" x 4" 10 perf. to a round, 8" apart |

65-34E ——— ^{ad.} 35 SENE *See 27631 for hydrograph*

3030

Mail - 80259

WELL NO. 13

SE 1/4, SE 1/4 of Sec 1, T 7 S R 34 E, B 17.
Location - ~~NE 1/4, SE 1/4 of Sec 1, T 7 S, R 34 E, B 17~~

Barnock County at the Municipal Golf Course
approximately 500' easterly from the Club House

State Permit - 70-24451

Possible daily production - ~~expected to produce about 200,000 gpd.~~ *pumps changed*
This well has been developed to produce about 650,000 gpd.
Drilling was terminated at 101' in a very favorable water bearing coarse
gravel horizon. By drilling deeper into this horizon it is very probable
2000 gpm or more could be easily attained.

Drilled - by Sterling Signer Aug. to Nov. 1953

Depth - 101'

Water Level - 19.7' below floor level

| <u>STRATA</u> | | | |
|---------------|-----------|------------------|--------------------------------|
| <u>From</u> | <u>To</u> | <u>Thickness</u> | |
| 0 | 17' | 17' | Silty clay |
| 17' | 19' | 2' | Silty gravel |
| 19' | 52' | 33' | Gravelly silt - water tight |
| 52' | 62' | 10' | Sand. Water bearing |
| | | | Unfavorable water bearing |
| | | | Horizon |
| 62' | 101' | 39' | Sandy gravel - water bearing. |
| | | | Favorable due to its coarser |
| | | | nature. |
| 101' | Unknown | | Coarse gravel - water bearing. |
| | | | Very favorable water bearing |
| | | | horizon. |

Casing - 0' to 101' - 1 1/2" O. D. 1/2" standard seamless steel pipe.

Perforations from 65' to 100'
210, cut 1/2" x 10" 6 every foot.

ulll

20

75 - 34E ——— 1 SESE

20

3091

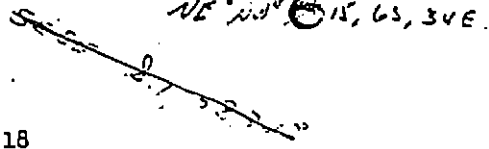
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DEC 7 1964

Department of Reclamation

WELL # 18

Elev. 4471



Location; on N 30' of lot 2, block 1 of Northgate Subdivision

Drilled; by Ralph C. Denton Drilling Co., Murtaugh, Idaho
Arnold Elsing, operator.
Drilled April 19, 1958 to May 31, 1958
Perforated May 31, 1958
Test pumped on June 5, 7, & 9, 1958

Depth; 301'

Water Level; 58'6" (June 5, 1958) After pumping, immediate recovery to 60'6" with over 24 hours necessary for full recovery.

| | | |
|---------|-----------|--|
| Strata; | 0-3' | Topsoil |
| | 3'-28' | Gravel, clay, and boulders |
| | 28'-92' | Gravel in clay |
| | | Water encountered at 61' |
| | 92'-94' | Gravel, water bearing |
| | 94'-106' | Gravel in clay |
| | 106'-110' | Gravel, water bearing |
| | 110'-125' | Clay with gravel |
| | 125'-153' | Fine brown sand mixed with a little clay |
| | 153'-155' | Coarse gravel, water bearing |
| | 155'-167' | Yellow sandy clay, some water |
| | 167'-187' | Yellow sandy clay and gravel |
| | 187'-196' | Gravel, apparent good quantity water |
| | 196'-250' | Yellow sandy clay and gravel |
| | 250'-261' | Sandy brown clay |
| | 261'-267' | Gravel, apparent good quantity water |
| | 267'-272' | Sticky yellow clay |
| | 272'-301' | Gravel, apparent good quantity of water |

Casing; 20" OD 5/16" wall thickness, entire depth of well

Perforations; Done by a Mills Perforator, 5/16" blade
10 perforations to a round, 12" vertical spacing between perforations

| | |
|-----------|------------------|
| 187'-196' | 90 perforations |
| 261'-267' | 60 perforations |
| 272'-298' | 230 perforations |

29

65-34E

15 NEW

John G. ...
well

3092

Mail - 80261

CITY OF POCA TELLO
13th Annual POTW Biosolids Report
January 17 2006

FILE COPY

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JAN 18 2006
DIVISION OF ENVIRONMENTAL QUALITY
STATE OF IDAHO

Submitted to: Region X
U.S. Environmental Protection
Agency

Division of Environmental
Quality
State of Idaho

Prepared by: Jon B. Herrick
Operations & Biosolids Supervisor
City of Pocatello
Water Pollution Control Department

3093

Mail - 80262

January 17, 2006

Ms. Cindy Phung

US EPA - OW-133
Region 10
1200 Sixth Avenue
Seattle, WA 98101

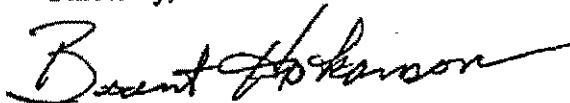
RE: 13th Annual Biosolids Report

Dear Ms. Phung,

In compliance with Federal Sludge Regulations, 40-CFR 503, the City of Pocatello has prepared the 13th Annual Biosolids Report for the Pocatello Biosolids Beneficial Recycling/Reuse Site. A copy of this report is enclosed; copies have also been submitted to the State of Idaho Department of Environmental Quality.

If there are any questions regarding this report, please contact me at (208) 234-6256, extension 18.

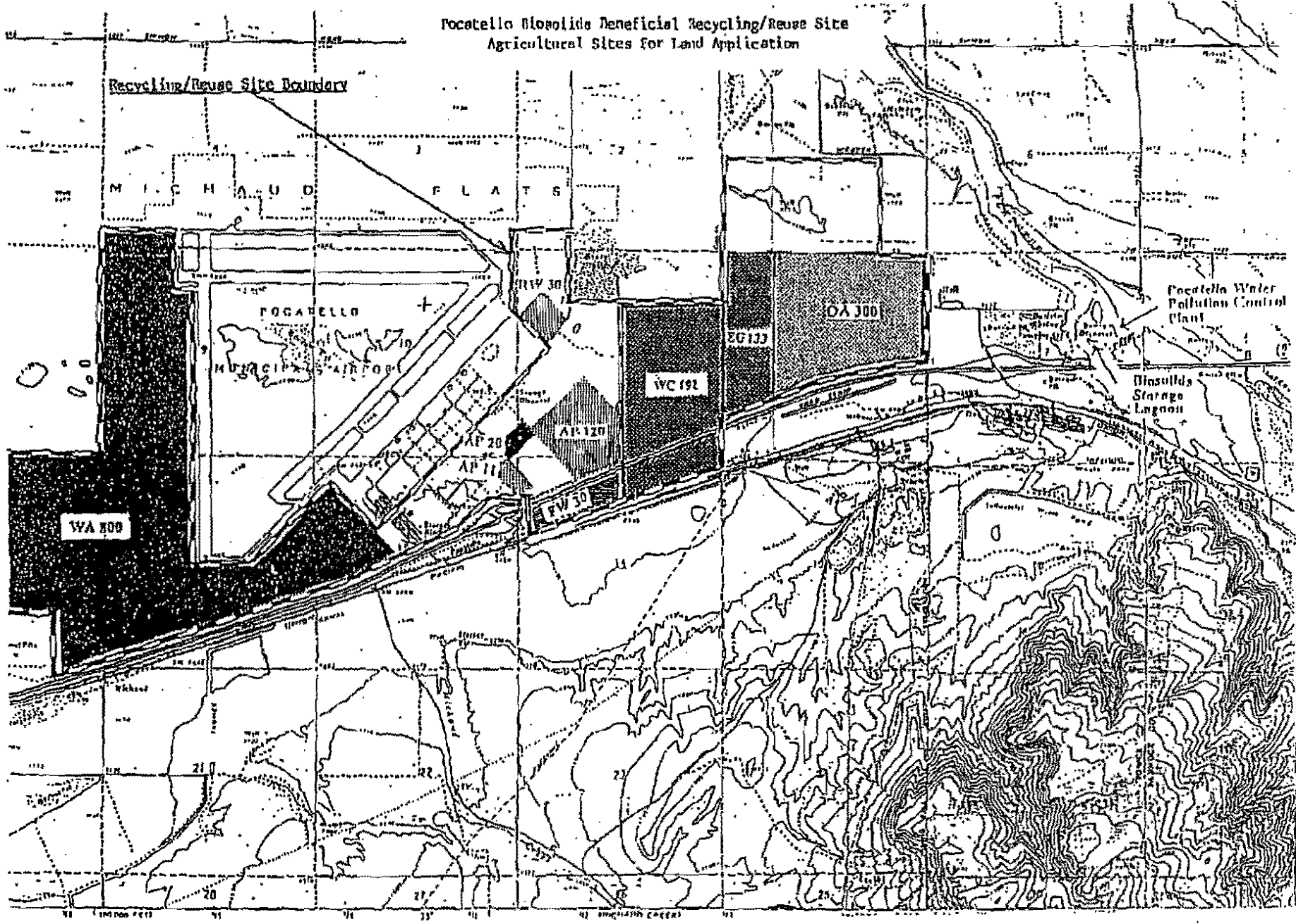
Sincerely,



Brent Hokanson
WPC Superintendent

Cc: Jon Herrick, WPC Supervisor
Greg Lanning, Pocatello Public Works Director
John Kirkpatrick, IDHW-DEQ, Pocatello
File

Focatello Biosolids Beneficial Recycling/Reuse Site
Agricultural Sites for Land Application



3095

silver, and zinc. The limits and supporting documentation shall be submitted to EPA for review and approval within six months after the effective date of this permit.

G. Sewage Sludge (Biosolids) Management Requirements

1. The permittee shall comply with all existing federal and state laws and regulations that apply to its biosolids use or disposal practice. Additionally, the permittee shall ensure that biosolids are used or disposed in accordance with the applicable requirements of 40 CFR Part 503 Subparts A, B, and D, and the Biosolids Management Plan identified in the Definitions section of this permit. The federal regulations shall be interpreted using this permit and the documents "Part 503 Implementation Guidance" EPA 833-R-95-001, and "Environmental Regulations and Technology, Control of Pathogens and Vector Attraction in Sewage Sludge" EPA/625/R-92/013.
2. The permittee shall handle and dispose of biosolids so the public health and the environment are protected from any reasonably anticipated adverse effects due to any toxic pollutants that may be present.
3. The Permittee shall ensure pollutants from the biosolids do not reach surface waters of the United States.
4. For this permit, the Permittee is considered the person who applies biosolids for the purposes of determining compliance with the permit and compliance with the 40 CFR Part 503. This includes having records on actual agronomic loadings and on types of crops grown.
5. Class B biosolids applied to the land shall meet the requirements in Table 5:

| TABLE 5: Requirements for Biosolids Applied to Land | | |
|--|------------------------|--|
| Disposal Method | Product | Requirements |
| Land Application | Class B biosolids only | <ol style="list-style-type: none"> 1. Pollutants: <ul style="list-style-type: none"> • Monthly Average Concentrations 40 CFR § 503.13(a)(2)(ii)¹ • Ceiling Concentrations 40 CFR § 503.13(a)(1) 2. Pathogens: <ul style="list-style-type: none"> • Anaerobic Digestion, 40 CFR § 503.32(b)(3)², App B (A.3) 3. Vector Control: <ul style="list-style-type: none"> • >38% Volatile Solids Reduction, 40 CFR § 503.33(b)(1)², 4. Permittee must obtain EPA approval before land application for soil reclamation (above agronomic rates). |

TABLE 5: Requirements for Biosolids Applied to Land

1. EPA may separately approve through minor permit modification or by letter, the method of controlling the accumulation of metals per 40 CFR § 503.13(a)(2)(i).
2. EPA may separately approve through minor permit modification or by letter: Pathogen Treatment - any Class A process per 40 CFR § 503.32(a), Class B equivalency per 40 CFR § 503.32(b)(4), or Class B compost or liming per 40 CFR § 503.32(b)(3) App B(A.4-5), and Vector Control - compost or liming per 40 CFR § 503.33(b)(5) or (6). There are additional pathogen reduction and vector attraction reduction alternatives available in 40 CFR § 503.32 and 40 CFR § 503.33. If the permittee intends to use one of these additional alternatives, the EPA and the state DEQ must be notified at least 30 days prior to its use. Notification shall include a demonstration of the facility's ability to measure compliance with the alternative option. The city may begin using the new alternative 30 days after submittal of a complete process description unless notified otherwise by EPA.

6. Biosolids (sewage sludge) may not be applied in the fall or winter without a cover crop unless a nitrogen mobility analysis has been conducted which demonstrates that mobile forms of nitrogen will be retained in the soil and utilized by the subsequent (spring) crop. The nitrogen mobility analysis procedure shall be designed by a qualified professional. The analysis shall address all forms of nitrogen and the major soil types, soil profiles, and crops to which the sludge will be applied. The analysis shall be updated as necessary. Soil nitrogen shall be tested to validate the results of the nitrogen mobility analysis. The soil nitrogen testing program shall be designed by a qualified professional. A record shall be kept of the analysis and testing results. This requirement will become effective August 1, 2000.
7. Biosolids may be distributed in the specific land application areas identified in Table 6 (See map in Appendix A). All of the approved land application areas are within the "Pocatello Biosolids Beneficial Reuse Site" (map in Appendix A). Additional land application sites may be developed within the Pocatello Biosolids Beneficial Reuse Site provided the following conditions are met.
 - a) The Permittee shall submit an individual site plan to EPA 30 days prior to land applying biosolids to the new site. The site plan shall provide information on the site conditions and on the intended disposal practices at the site. The site plan shall be prepared in accordance with this permit and the Biosolids Management Plan.
 - b) Prior to land-applying biosolids at a new site, the Permittee shall notify interested parties by publishing a notice in the newspaper, and/or by mailing or delivering information packets to each interested party. Information packets shall include a copy of the site plan. Newspaper notices shall direct readers to obtain copies of the site plan from the Permittee or its representative, and direct commenters to send their comments on the new land application site to:

1200 Sixth Avenue, OW-130
 Seattle, WA 98103

At a minimum, interested parties shall include: 1) Land owners and occupants of any land adjacent to or abutting the new land application site; 2) The Shoshone-Bannock Indian Nation; 3) The local USDA Natural Resource Conservation Service; 4) The State Agricultural Extension Service; 5) The local Soil Conservation District;

- c) Distribution of Class B biosolids to areas outside of the Pocatello Biosolids Recycling/Reuse Site is not authorized by this permit. To expand outside this distribution site the permittee shall submit a revised permit application to EPA (40 CFR 122.41(l)(1)(iii)).
- d) Each new site plan shall report on a Permittee-conducted review of the site for potential endangered species habitat(s). The review shall consider the species currently listed by the US Government for the geographical area approved in this permit. The Permittee shall notify EPA immediately if any potential habitat is found. No biosolids may be applied to potential endangered species habitat without written approval from EPA.

| Site Name | Acreage | Map Reference (Appendix D) | Location | |
|------------------|---------|-------------------------------|------------|-----------|
| | | | Latitude | Longitude |
| Old Airport | 300 | OA 300 | 112°32'30" | 42°55' |
| Airport 120 | 120 | AP 120 | 112°34' | 42°54' |
| Airport 20 | 20 | AP 20 | 112°34' | 42°54' |
| Airport 11 | 11 | AP 11 | 112°34' | 42°54' |
| Freeway 30 | 30 | FW 30 | 112°34' | 42°54' |
| Runway 30 | 30 | RW 30 | 112°34' | 42°55' |
| West Airport 800 | 800 | WA 800 | 112°34' | 42°55' |

- 8. The permittee may distribute Class B biosolids in crop trials of two acres or less. Crop trials may occur outside the land application sites listed in Table 6. Notification of planned crop trials shall be sent to the Environmental Protection Agency, Idaho Operations Office, the Idaho Division of Environmental Quality, Southeast Idaho Regional Office, if required by the state, and to the office of the Natural Resources Conservation Service of the U.S. Department of Agriculture closest to the crop trial site. Crop trials shall comply with all other requirements of the federal standards at 40 CFR Part 503.
- 9. The permittee shall submit a report to EPA on February 19 of each year that includes the following information:

FINAL REPORT

**Economic Impacts of Enhanced Aquifer Protection for
the Lower Portneuf River Valley Aquifer**

3100

Mail - 80288

FINAL REPORT

September 5, 2001

**Economic Impacts of Enhanced Aquifer Protection
for the Lower Portneuf River Valley**

Prepared for

State of Idaho
Department of Environmental Quality
1410 North Hilton
Boise, Idaho 83706-1255

Prepared by

8BC Research & Consulting
3773 Cherry Creek N. Drive, Suite 850
Denver, Colorado 80209-3827
303.321.2547 fax 303.399.0448
www.bbcresearch.com
bbc@bbcresearch.com

BBC
RESEARCH &
CONSULTING

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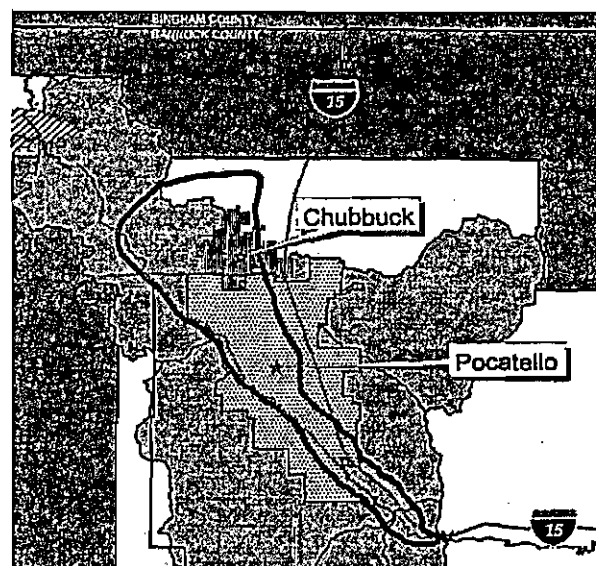
EXECUTIVE SUMMARY— ECONOMIC IMPACTS OF ENHANCED AQUIFER PROTECTION IN THE LOWER PORTNEUF RIVER VALLEY







Background

In October 2000, BBC Research & Consulting (BBC) was commissioned to study the economic implications of additional regulatory measures to protect ground water quality in the LPRV. BBC worked with the Lower Portneuf River Valley Aquifer Protection Work Group to identify potential protection goals. The study ultimately described specific protection measures and examined the potential costs and benefits from those measures.

Reasons for Concerns

At least three factors have led to concerns about water quality in the LPRV and local interest in considering measures to protect the aquifer: the aquifer's status as the sole source of potable water for the Pocatello area, recent recognition of water quality contamination (PCE and TCE) and vulnerability of the aquifer due to its geology and the surface activities above it.



-  LPRV Aquifer
-  Interstates
-  Counties
-  Pocatello City Limits
-  Watersheds
-  Ft. Hall Indian Reservation

EXECUTIVE SUMMARY— ECONOMIC IMPACTS OF ENHANCED AQUIFER PROTECTION IN THE LOWER PORTNEUF RIVER VALLEY

Three Pronged Strategy for Protection

Facing many similar circumstances to the LPRV two decades ago, the Rathdrum Prairie region of Northern Idaho embarked on a Sensitive Resource Designation. The LPRV can learn from what worked in the Rathdrum Prairie and what is applicable to the LPRV. Following this example, this study examined three protection strategies targeted at new business and residential activity in the LPRV:

1. Manage future septic and sewer discharge through development requirements and Sewage Management Areas,
2. Manage contamination from stormwater runoff and non-domestic wastewater disposal through stormwater management plans and non-domestic wastewater restriction, and
3. Manage critical materials risks such as fuels, industrial solvents and cleaners through critical materials plans.

Costs

Financial and economic costs of enhanced aquifer protection include direct administrative costs and indirect costs incurred by residents and businesses in complying with the regulations. BBC has estimated that annual administrative costs would be less than \$500,000 per year, while annual indirect costs borne by new businesses and new homeowners could increase from about \$500,000 in the initial years to about \$4 million 20 years into the future. Further cost detail is provided in Exhibit ES-1. Both the magnitude of the potential costs and interviews with the Rathdrum business community indicate that enhanced aquifer protection will not have any substantial negative impact on the Pocatello area's ability to maintain current businesses or attract new firms and residents.

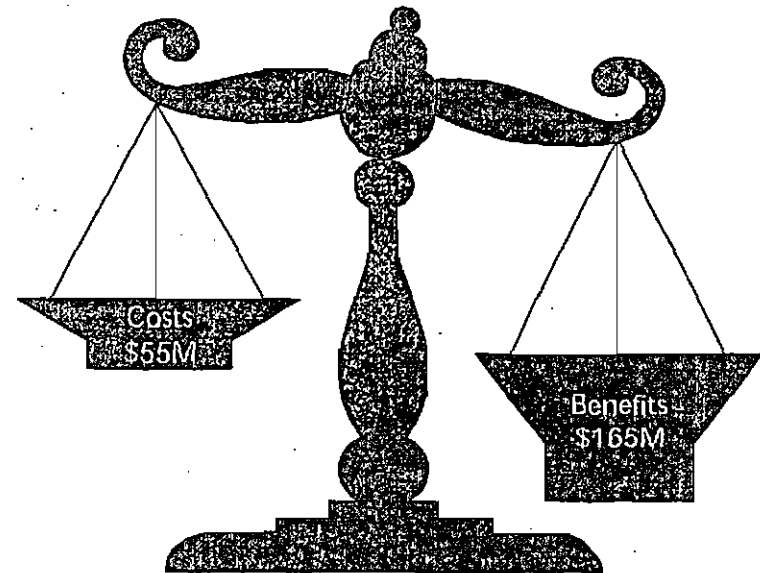
EXECUTIVE SUMMARY— ECONOMIC IMPACTS OF ENHANCED AQUIFER PROTECTION IN THE LOWER PORTNEUF RIVER VALLEY

Benefits

Economic benefits of enhanced aquifer protection stem from avoiding the need for future actions by homeowners and businesses to alleviate water quality problems (such as purchasing bottled water or on-site filtration systems), and avoiding expensive remediation activities by the public water providers. Economic development benefits may arise from added certainty regarding future water quality in the area. Annual benefits to households alone in the LPRV are anticipated to reach between \$6 million and \$17 million by 2020. Further benefits information is provided in Exhibit ES-2.

Conclusion

Even under conservative assumptions (low end estimates for benefits, high end estimates for costs, inclusion of business costs but not business benefits), the economic benefits of implementing measures to protect water quality in the LPRV are expected to substantially exceed the costs. The initial years would be a period of investment in the future, since costs begin immediately, while benefits accrue more gradually. Annual benefits are expected to exceed annual costs within ten years of implementation, and estimated cumulative benefits over the first 20 years of \$165 million far exceed estimated cumulative direct and indirect costs of about \$55 million. In sum, for every one dollar in cost, there are approximately three dollars worth of benefits.



EXECUTIVE SUMMARY— ECONOMIC IMPACTS OF ENHANCED AQUIFER PROTECTION IN THE LOWER PORTNEUF RIVER VALLEY

Exhibit ES-1. Economic Costs

| Category | 2010 Annual Cost | Basis | Comment |
|--|---------------------|---|---|
| Administrative | Less than \$500,000 | High end of Rathdrum Prairie Experience | Largely new ordinances, monitoring |
| New Homeowners | Less than \$300,000 | Septic vs. Sewer System Costs | 20-35 additional households per year affected |
| Lost Wages in Affected Sectors | <u>\$1.9M</u> | Foregone business and home development | Based on response to cost increases |
| Total | \$2.7M | | |
| (This amount could grow to \$4.0 million by 2020.) | | | |

Exhibit ES-2. Benefits (Avoided Costs Of Water Quality Contamination)

| Category | 2010 Annual Cost | Basis | Comment |
|--|--------------------|------------------------------|---|
| Households | \$4 - \$11M | \$120 to \$360 per household | Bottled water, on-site filtration, appliance life, etc. |
| Businesses | Not quantified | Not quantified | Product quality, workforce recruitment |
| Hazardous Material Contamination Costs | Not quantified | Not quantified | Cost of clean-up, regulatory agencies |
| Economic Development | <u>\$1M</u> | 30 jobs | Certainty of water quality desirable |
| Total | \$5 - \$12M | | |
| (This amount could grow to \$15 - \$26 million by 2020.) | | | |

STUDY INTRODUCTION

STUDY INTRODUCTION

The primary question leading to this study is whether a sensitive resource designation under the Idaho Groundwater Rule will create unacceptable economic impacts as compared with the benefits to the region. A sensitive resource designation was adopted for the Coeur d'Alene area in the Rathdrum Prairie in the early 1990s.

Water quality issues gained a certain prominence in Bannock County in recent years when it was discovered that the aquifer had been contaminated, or was vulnerable to potential contamination, from the local landfill and a gravel pit utilized by public transportation agencies. Other concerns were raised about wastewater discharge into dry wells, pollutants from stormwater runoff and septic tank leachate. Studies of the groundwater characteristics were conducted by the Idaho Geologic Survey, among others. Efforts have been undertaken to address certain past contamination issues.

To curtail further contamination of the LPRV aquifer, one option is to pursue a sensitive resource designation for the LPRV aquifer under Idaho Groundwater Rules. This rule does not prescribe specific practices or methods of protection, suggesting that local areas in Idaho determine their own formula for aquifer protection.

In examining the prospect of the LPRV sensitive resource designation, there was a specific concern about potentially negative economic impacts, unintended consequences and the broader question of whether or not a designation would be good for the LPRV. This study is intended to address those issues.

The data sources utilized in this study include existing economic and demographic information from the State of Idaho and local governmental entities, along with projections from the Idaho Power Company. One recently completed and helpful report was the *Our Vision, Our Valley*, published in 2000.

STUDY INTRODUCTION, CONTINUED

Much of the core knowledge of the LPRV hydrogeology is based on extensive research conducted through Idaho State University by John Welhan and Chris Meehan. Additional data is available from the following sources:

- Idaho DEQ Regional and Local Monitoring Data — IDEQ maintains several databases that house data about various potential contaminant sources. These include: 1) Primary Contaminant Inventory; 2) Drinking Water Management System; and 3) Wastewater Application Permit Database.
- Idaho Department of Water Resources Ambient Monitoring Data — Idaho Department of Water Resources (DWR) in cooperation with the Idaho Department of Environmental Quality (DEQ) and the Idaho Department of Agriculture (IDA) designed and maintains a statewide groundwater quality-monitoring network. The objectives of the statewide program are to: 1) characterize the groundwater quality, 2) analyze for trends, and 3) identify areas where concentrations of constituents are anomalous.
- EPA Regional Geographic Initiatives Database — A geographic information systems (GIS) database of wells, water quality data, soils, geology, land use, etc.
- Other Research in the Area — Several research projects have been conducted in the vicinity of the LPRV, but are focused on specific areas and issues.

This study was commissioned by the State of Idaho Department of Environmental Quality (IDEQ) and supported by the LPRV Aquifer Protection Work Group. The BBC team consisted of Ed Harvey, Doug Jeavons and Lloyd Levy with BBC and Steve Hannula from ERO Resources.

STUDY INTRODUCTION, CONTINUED

The remainder of this report is divided into three sections:

- Section 1 characterizes the enhanced protection scenario, describes the measures assumed to be implemented to enhance groundwater protection in the LPRV.
- Section 2 describes the baseline scenario, including projected economic, demographic, water quality and water quantity conditions over the 20 year forecast period. Water quality related costs are also examined.
- Section 3 provides economic and fiscal impact estimates from implementing the enhanced protection scenario. This section also summarizes and compares the costs and benefits of enhanced aquifer protection in the LPRV.

SECTION 1.
CHARACTERIZATION OF ENHANCED AQUIFER PROTECTION

3114

OVERVIEW

This section is the first of three which, together, address the economic impacts of enhanced aquifer protection for the Lower Portneuf River Valley (LPRV) Aquifer. Section 1 of this report offers:

- a description of the sensitive resource designation for the aquifer underlying the Coeur d' Alene area;
- a definition of the LPRV enhanced aquifer protection scenario; and
- a description of what ordinances, rules and regulations already address the components of the LPRV aquifer protection scenario (APS).

THE RATHDRUM PRAIRIE PRECEDENT

In this study, the assumed LPRV protection scenario draws heavily upon the experience in the Rathdrum Prairie. The work accomplished, and the experience gained in protecting the Rathdrum Prairie aquifer provides relevant and important information for this study for several reasons:

- The Rathdrum Prairie Aquifer is the only aquifer in Idaho currently designated in the Sensitive Resource category. Re-designation of the LPRV Aquifer to this category is the assumed mechanism for enhanced protection for purposes of this study.
- Certain key physical characteristics of the Rathdrum Prairie Aquifer are similar to the LPRV aquifer. Both have a high potential vulnerability to contamination from surface and near surface contaminants due to thin and porous overlying surface material. Both also have a potential for relatively rapid contaminant spreading due to the aquifers' fast moving natures.
- The Rathdrum Prairie area has considerable experience in developing specific measures to protect their aquifer; it offers an example of the potential costs and effectiveness of protection approaches.

The LPRV protection scenario, therefore, relies heavily on the Rathdrum Prairie plan and the experience with that plan, modified for local conditions in the LPRV.

SENSITIVE RESOURCE PROTECTION MEASURES FOR THE RATHDRUM PRAIRIE AQUIFER

The Rathdrum Prairie Aquifer is the sole source of potable water for the residents and businesses of Coeur d'Alene, nearby communities and unincorporated residents in Kootenai County. Across the state border in Washington, the aquifer (termed "Spokane Valley") also provides the sole source of potable water for the City of Spokane and its environs. Since the late 1970s — and spurred further by \$1 million annual Congressional appropriations to Spokane County, Idaho DEQ and Panhandle Health District from 1988-1994 — the aquifer has been the subject of extensive monitoring and analysis and considerable effort to develop and implement water quality protection measures.

The Rathdrum Prairie programs and goals are listed on the following page. In as much as the Rathdrum Prairie Aquifer Protection Program includes studies, data gathering and feasibility examinations, specific best management practices (BMPs) and best available methods (BAMs) have been adopted for this protection program in the areas of wastewater, stormwater and hazardous materials. With the exception of wastewater land application, which is not relevant to the LPRV, these BMPs and BAMs have been applied to the definition of the enhanced aquifer protection scenario for the LPRV. Wastewater land application is not relevant for the LPRV, since wastewater discharge occurs in the Lower Portneuf River and at the Pocatello Airport which is outside the study area. The wastewater, stormwater and hazardous materials programs are especially relevant to the LPRV.

Regarding the hazardous materials, the Idaho Administrative Code spells out the specific responsibilities of the Panhandle health district. Critical materials are defined as any flowable or water soluble material listed in the most current Superfund Amendments and Reauthorization Act, title 3. There are classifications for extremely hazardous substances, hazardous substances, toxic chemicals and other chemicals. Secondary containment facilities or systems are required to prevent the disbursement and percolation of these materials into the Rathdrum Prairie Aquifer. The responsibilities for carrying out these programs largely rest with the Panhandle health district, IDEQ and Kootenai County.

RATHDRUM PRAIRIE AQUIFER PROTECTION PROGRAM SUMMARY

| Program | Program Goals |
|-----------------------------|--|
| On-Site Wastewater | <ul style="list-style-type: none"> ■ Limit septic system density: no Aquifer impact (1 to 5 rule) ■ Higher density new development near urban centers (SMAs) |
| Wastewater Facilities | <ul style="list-style-type: none"> ■ Wastewater facility plans written for each city/district ■ Construct improvements according to the facility plans ■ Extend sewer lines as needed to eliminate septic system |
| Wastewater Land Application | <ul style="list-style-type: none"> ■ Study feasibility of land application over the Aquifer ■ Publish guidelines for land applying wastewater over Aquifer |
| Commercial Wastewater | <ul style="list-style-type: none"> ■ Prohibit commercial wastewater discharge to the Aquifer |
| Stormwater | <ul style="list-style-type: none"> ■ Inventory all shallow injection wells (dry wells) over Aquifer ■ Develop an Aquifer Stormwater Management Plan ■ Plan implementation, stormwater training and education |
| Hazardous Materials | <ul style="list-style-type: none"> ■ Emergency response for hazardous material spills ■ Secondary containment for hazardous materials over Aquifer ■ Household hazardous waste disposal facility |
| Technical Reviews | <ul style="list-style-type: none"> ■ Insure new government rules maintain Aquifer protection ■ Review and comment on proposed developments over Aquifer |
| Scientific Analysis | <ul style="list-style-type: none"> ■ Develop groundwater model for Aquifer ■ Contract with local Universities for technical analysis and data |
| Land Use Planning | <ul style="list-style-type: none"> ■ Update comprehensive plans and zoning ordinances ■ Develop a geographic information system (GIS) |
| Recharge Areas | <ul style="list-style-type: none"> ■ Study effects of small aquifers that drain to the Aquifer ■ Write management plans for Aquifer recharge lakes |
| Drinking Water | <ul style="list-style-type: none"> ■ Write monitoring waiver justification for Aquifer systems |
| Public Education | <ul style="list-style-type: none"> ■ Develop a mass media education program ■ Develop a public school education program ■ Host a national conference on wellhead protection ■ Survey residents to determine education program effect |

LPRV AQUIFER PROTECTION

An enhanced aquifer protection scenario must be defined for the LPRV to examine the economic impacts, costs and benefits of implementing such a program. It is necessary, therefore, to identify specific actions in the form of BMPs or BAMs which would be implemented in the LPRV. Considering the water quality issues in the LPRV (fully discussed in the Task 2 report), the LPRV enhanced protection scenario should focus on three primary areas:

1. Reduction of future contamination from septic and sewer discharge to the aquifer;
2. Avoid contamination from stormwater runoff and non-domestic wastewater disposal; and
3. Reduction of risk of contamination from unintended spills of critical materials.

LPRV AQUIFER PROTECTION -- SEPTIC/SEWER DISCHARGE

To address the first of the three protection scenario objectives, reducing future potential contamination from septic and sewer discharge to the aquifer, the following measures are assumed:

- limiting the density of future home development relying on septic discharge to one home per five acres, unless the location of the future development is within a Sewage Management Area (SMA).
- SMA's created under local ordinance or through state regulation. These would be areas, presumably proximate to existing sewerage service, that are contractually committed to future sewer system development under specified development progress conditions. Contracts would be between the developer, an existing sewage disposal entity and the local health district or other regulatory authority.
- Higher densities could also be permitted if the homeowner and developer agree to install a septic pretreatment system, approved by the health district or other regulatory authority, and to submit to periodic monitoring of pretreatment system maintenance by the health district or other regulatory authority.
- Any sewage effluent discharge over the aquifer must either be discharged into the Lower Portneuf River or must employ the "slow-rate application" to crop lands best management practices (BMP) developed in the Hayden Land Application Pilot Study. The BMP is reflected in the Special Supplemental Guidelines to the Idaho Wastewater Land Application Guidelines published in 1995.

These measures are drawn largely from the Rathdrum Prairie list, adapted to more closely fit the nitrate and chloride issues in the LPRV.

LPRV AQUIFER PROTECTION -- STORMWATER AND OTHER NON-DOMESTIC WASTEWATER MANAGEMENT

To address the second of the three protection scenario objectives, avoiding contamination from stormwater runoff and non-domestic wastewater disposal, the following measures are assumed:

- New developments larger than a single family home must develop and implement a stormwater management plan, consistent with the BMP discussed below. The local health district or other regulatory authority would register and review all new stormwater disposal systems.
- Stormwater management plans would reflect BMPs, such as the recommendations in the *Handbook of Best Management Practices for Stormwater Management and Erosion and Sedimentation Control (1992)*. For example, for isolated systems this generally means the development of grassy swale areas at the lowest point on the property with an appropriately designed dry well (with a raised casing) in the midst of the swale to capture extraordinary runoff events.
- Non-domestic wastewater discharge to the aquifer (such as wastewater streams associated with production, cleaning and vehicle washwater) would be prohibited and these types of wastewater would be required to be sent to a local wastewater treatment plant. In some cases, as required by the wastewater treatment operator, this may require pre-treatment of the waste stream by the commercial facility.

This list of measures is drawn entirely from the Rathdrum Prairie experience.

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LPRV AQUIFER PROTECTION -- CRITICAL MATERIALS

The final protection objective, management of critical materials, involves the following measures:

- The health district or other regulatory authority would develop a list of "critical materials" and establish threshold quantities of those materials for purposes of the following procedures. These materials would include potentially significant contaminants to the aquifer if they were accidentally spilled or leaked. Examples of such materials could include certain fuels, industrial solvents and cleaners, etc.
- Facilities that store, handle or use materials included in the list would be required to submit a report on the types and quantities of listed materials used. If quantities exceeded the thresholds established by the health department or other responsible regulatory agency, the facility would need to submit a plan demonstrating that the material(s) cannot get into the aquifer under either normal operations or in the event of spills.
- The health district or another regulatory authority will have the authority to either approve the plan proposed by the facility or require additional measures.
- The critical materials management regulations would apply to both new facilities and new uses at existing facilities.

The management of critical materials is drawn entirely from the Rathdrum Prairie where it has been effectively utilized.

LPRV AQUIFER PROTECTION — OTHER COMPONENTS

In addition to the specific protection measures just identified, important components of aquifer protection include:

- land management of recharge areas;
- enhanced public education; and
- ongoing water quality data collection.

The recharge area for the LPRV, particularly the Bannock Range, is largely undeveloped at this time. Potential water quality impacts arising from future developments may be important for county planning and land use agencies to consider in protecting aquifer water quality. Additional monitoring wells and data collection and analysis would be included under the protection scenario to both enhance understanding of the LPRV aquifer and its water quality and to monitor changes in water quality over time. Additional funding for public education measures is also envisioned.



EXISTING ORDINANCES, RULES AND REGULATIONS WHICH PROTECT THE LPRV AQUIFER

State and local government already have adopted rules, regulations, ordinances and policies which embody some, though not all, of the LPRV enhanced protection scenario BMPs and BAMs. To the extent that these programs and policies are already on the books, the impact of their adoption as part of a sensitive resource designation would only be to reinforce what already exists. First, there are current zoning and land use restrictions which effect the decision of whether a new home will be hooked up to a sewage collection system or be permitted to utilize a septic tank. The Bannock County regulations are as follows:

| <i>Zone</i> | <i>Density</i> |
|-------------------|---|
| Agriculture | 1 per 40 acres |
| Rural Residential | 1 per 2.5 acres with central water and sewer 1 per 5 acres on septic 1 per 0.5 acres if PUD clustered to preserve open space and with central water and sewer |
| Rural Suburban | 1 per 1 acre on well and septic 1 per 0.33 if clustered and on water and sewer |

EXISTING ORDINANCES, RULES AND REGULATIONS WHICH PROTECT THE LPRV AQUIFER, CONTINUED

Only agricultural operations with one housing unit per 40 acres and rural suburban uses are currently allowed to utilize septic tanks. Except in the Rural Suburban Zoning category, the threshold of one home per five acres to permit septic discharge is effectively already in place in Bannock County (Robert Chambers, personal communication). As indicated previously, effluent discharged into the Lower Portneuf River eliminates the need for slow rate land application.

Secondly, stormwater control and management is currently under serious consideration within Bannock County. Stormwater feasibility studies have been completed or are underway in the study area. The employment of grassy swale and appropriately designed dry well disposal in isolated areas is not currently required in the LPRV. Non-domestic wastewater discharge to the aquifer is not yet prohibited in the LPRV. However, current incidences are believed to be minimal in number and isolated.

Finally, the management of critical materials is regulated by federal and state authorities to some extent, but the BMPs suggested for the LPRV enhanced protection scenario are not yet in place at any level of government. Specifically, secondary containment facilities for new businesses and new uses at existing facilities are not yet required.

Other components of the LPRV protection scenario principally include technical studies and monitoring and public education. These elements will represent an administrative cost, although the economic impacts will be largely confined to increased costs of government.

**SECTION 2.
BASELINE SCENARIO**

OVERVIEW OF SECTION 2

The second study task, following the definition of the enhanced protection scenario in Section 1, was to develop projections of the baseline scenario - or the changes that can be expected to take place in the LPRV in the absence of enhanced aquifer protection measures. This section describes that baseline scenario, providing some general information about study area characteristics, but primarily focusing on aspects related to water quality and water quantity.

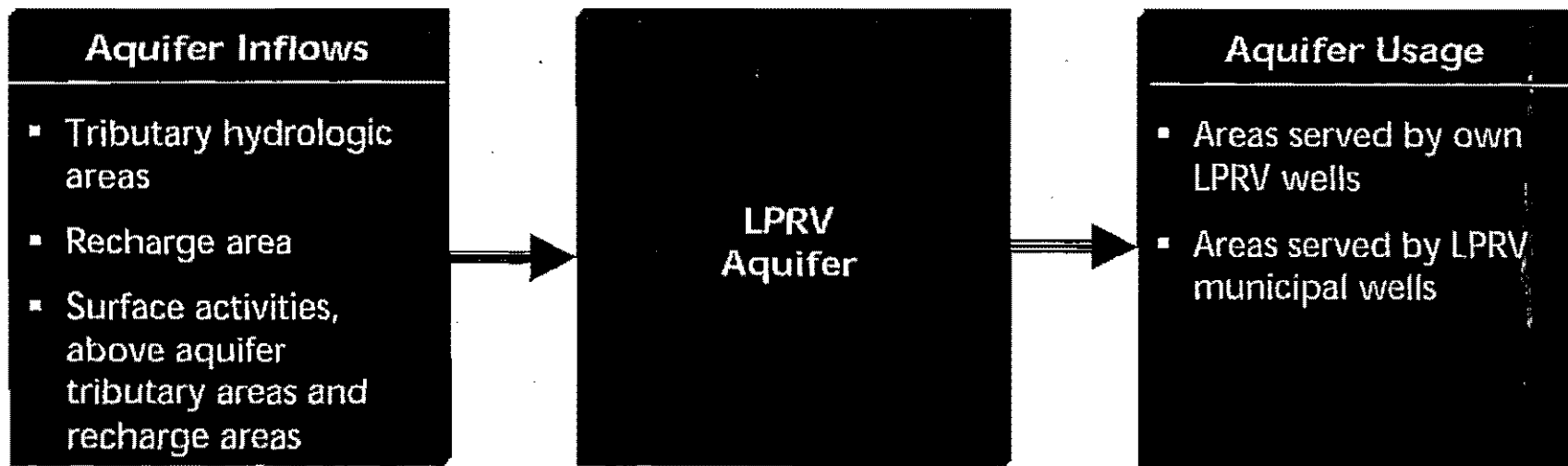
This section is divided into three components describing:

- baseline economic and demographic characteristics of the study area,
- baseline water quality and quantity characteristics of the study area, and
- baseline cost considerations for the study area.

The future is obviously uncertain. Given the 20-year study horizon, each element described in this section will ultimately differ from the projections described herein. However, the information presented in this section represents the study team's best estimates and projections based on available data and the assumptions described in this report.

STUDY AREA DEFINITION

The study area for this assessment is defined in two ways. In considering the area that would potentially be subject to enhanced aquifer protection measures, the study area is defined as all lands that can contribute to aquifer inflows of freshwater or, potentially, of contaminants from surface and near surface activities. In considering the potential financial and economic impacts of invoking enhanced protection measures, the study area has a somewhat broader definition. This definition includes all areas that rely directly or indirectly upon the aquifer for their water supply. Thus, certain areas not directly overlying the aquifer, such as portions of the cities of Pocatello and Chubbuck, are included in the study impact area definition. This somewhat complex study area definition is conceptually illustrated in the graphic below.



STUDY AREA DEFINITION, CONTINUED

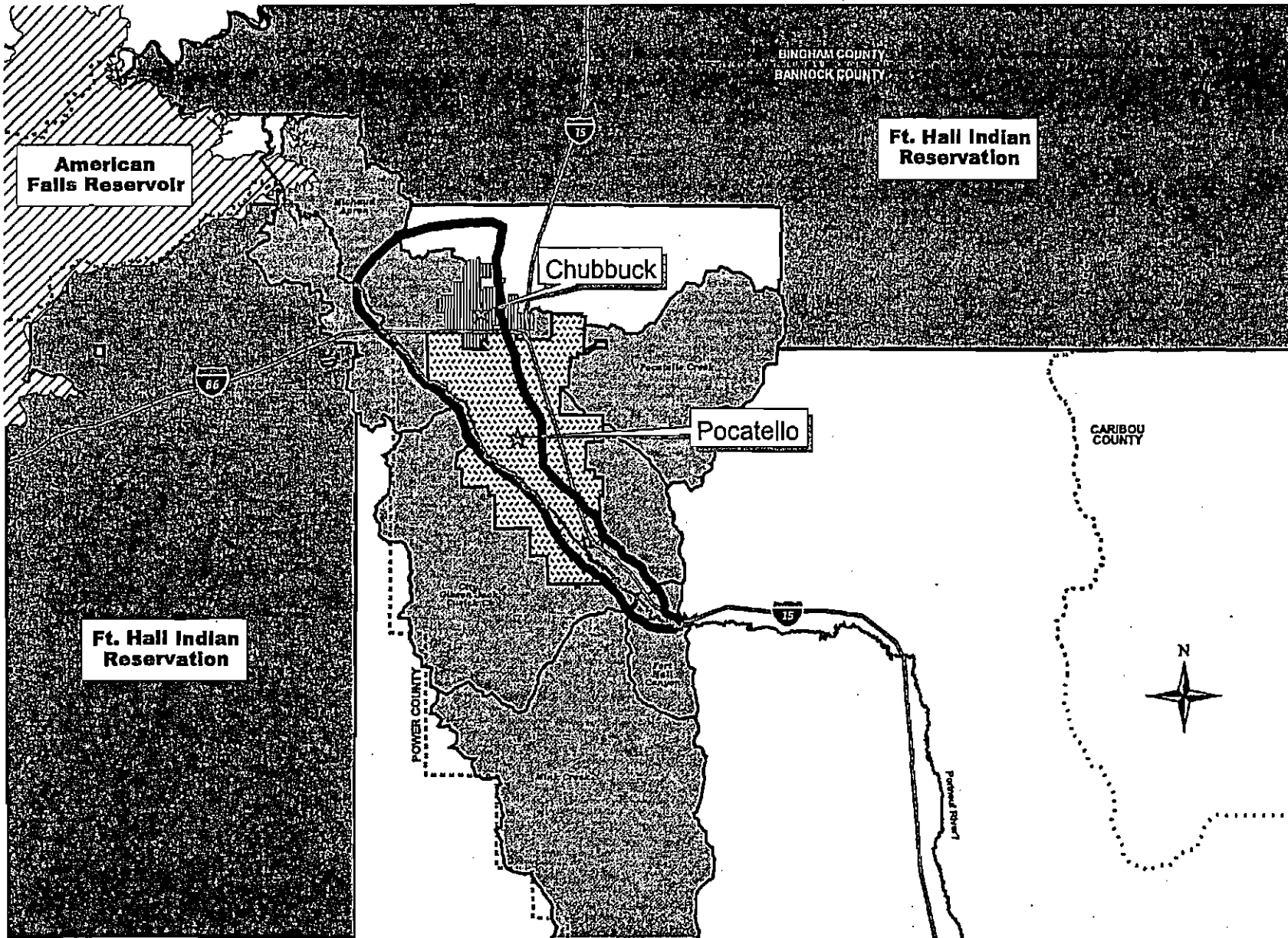
The cities of Pocatello and Chubbuck currently pump all their municipal water from the LPRV aquifer. Other withdrawals from the aquifer consist of private and other wells for domestic, industrial and agricultural self-supply. Non-municipal withdrawals in the study area are mostly within Bannock County.

The LPRV aquifer system itself is composed of two main parts (that are sometimes broken down into four subdivisions):

1. The southern aquifer system flows northward from Portneuf Gap to Red Hill. In this area, the aquifer roughly parallels Interstate 15 (I-15) and the lower Portneuf River.
2. The northern aquifer system begins at Red Hill and flows northward to a point where the aquifer widens and merges with the Snake River Plain aquifer and Fort Hall groundwater.

Portions of six surface water basins overlap the aquifer's surface, which covers an area of about 26 square miles.

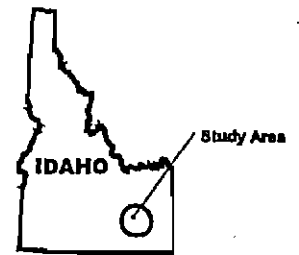
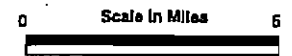
The study area and its vicinity are mapped on Exhibit 2a-1.



Lower Portneuf River Valley

Impacts of Aquifer Protection

EXHIBIT 2a-1.
Study Area



- LPRV Aquifer
- Interstates
- Counties
- Pocatello City Limits
- Chubbuck City Limits
- Watersheds
- Ft. Hall Indian Reservation

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STUDY AREA HISTORY

Long a transportation corridor — first traveled by Native Americans, then by trappers, westward migrants, and fortune seekers in the gold fields — the Portneuf Valley entered a new age with the coming of the railroad in 1876. At Pocatello Junction, Union Pacific created the largest rail center west of the Mississippi. Pocatello incorporated in 1882 and, reflecting its strategic location in southeast Idaho, took the nickname "The Gate City."

During World War II, the United States Naval Ordnance Plant was sited in Pocatello to reline naval guns from warships. The refurbished weapons were shipped to a range at what is now the Idaho National Environmental and Engineering Laboratory for test firing of shells over distances of up to 35 miles.

Today the study area is a community of diverse occupations. The railroad remains a major employer. In Pocatello, Idaho State University increasingly shapes the economy and lifestyle. Diverse industries use the region's natural and human resources: mineral processing, food products, high tech manufacturing, industrial fabrication, telecommunications services, and government research and development. Still a crossroads, Portneuf Valley businesses continue to supply goods and services to travelers who now follow the nation's interstate highways instead of the Oregon Trail.

CURRENT AND HISTORIC ECONOMIC & DEMOGRAPHIC PROFILE

The first portion of the baseline economic and demographic profile for the LPRV describes current conditions and historic trends. This information both provides a current profile of the area and establishes the background for subsequent economic and demographic projections. The following elements are described:

- Major LPRV employers and the local economic base
- Historic and current unemployment rates
- Per capita personal income
- County and state population trends
- Population relying on the LPRV aquifer
- Water use and the economic base
- Economic development strengths and weaknesses

MAJOR EMPLOYERS & THE ECONOMIC BASE

Chief sources of income in the study area are higher education, manufacturing, transportation, business services, agriculture, high-tech and nuclear research, recreation, and tourism. The study area has an unusually diversified economic base.

The Union Pacific Railroad has a major freight classification yard in Pocatello, plus maintenance and repair facilities for locomotives, cars, and track maintenance equipment. The broad manufacturing base includes integrated circuits, processed foods, and medical products. There is a growing "call center" segment of the business services industry. Agriculture, including farming and potato processing, remains a small but significant export industry. Public employers in the economic base include Idaho State University and the FBI Western Data Center. Other major public sector employers are School District 25, the cities of Pocatello and Cubbuck and Bannock County.

The study area is a retail hub for southeast Idaho and, because of its location on major transportation routes, it supplies goods and services to tourists, business travelers and visitors to the region's recreation areas. However, studies have shown there is considerable retail "leakage," and many local residents apparently travel to Idaho Falls or to the Salt Lake City, Utah area, to make certain purchases. Located 60 miles northwest of Pocatello, the Idaho National Environmental and Engineering Laboratory (INEEL) employs about 7,900 people, a number of who live within the study area. Pocatello houses INEEL suppliers, as well. Examples include the lab's cleanup contractor and a specialty steel fabricator.

Major Study Area Employers

| Employer | Employment |
|-----------------------------------|------------|
| Idaho State University | 3,090 |
| School District 25 | 1,495 |
| American Microsystems, Inc. | 1,250 |
| Union Pacific Railroad | 950 |
| Bannock Regional Medical Center | 884 |
| Convergys | 700 |
| J.R. Simplot Minerals & Chemicals | 652 |
| Pocatello City Government | 600 |
| Pocatello Regional Medical Center | 500 |
| Astaris (Power County) | 458 |
| Kimberly-Clark Medical Products | 405 |
| Bannock County Government | 400 |
| Heinz Frozen Foods | 360 |

Source: Bannock Development Corporation, July 2000.

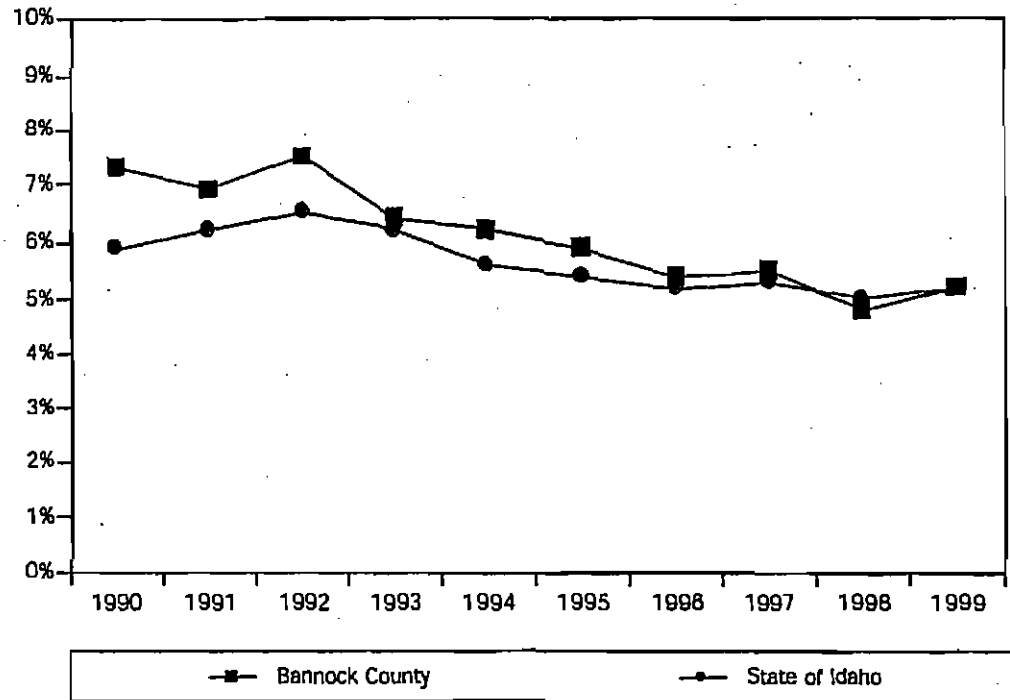
UNEMPLOYMENT RATES

Recent employment growth within the study area has substantially reduced the unemployment rate in Bannock County. The County exceeded the state average in the early 1990s, but currently mirrors Idaho.

Since 1996, unemployment rates for both Bannock County and the state have ranged between 4.8 percent and 5.4 percent.

The present tight labor market has been felt locally. Hiring entry-level employees has been more difficult for retailers, service establishments, fast food restaurants, nursing homes and contractors.

Unemployment Rate
Bannock County and State of Idaho
1990-1998



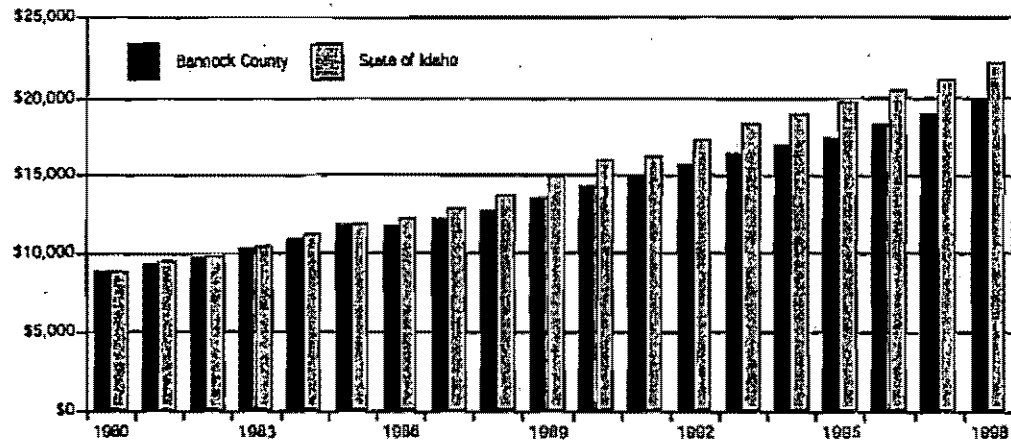
Source: Idaho Department of Labor.

PER CAPITA PERSONAL INCOME

At parity or nearly so with Idaho through 1985, Bannock County per capita personal income went flat during the last half of the 1980s while statewide personal income growth accelerated. By the mid 1990s, Bannock County per capita personal income resumed a healthy growth rate.

Average study area personal income has remained stable at about 90 percent of the state average over the past decade.

Bannock County and State of Idaho
Per Capita Income
1980-1998



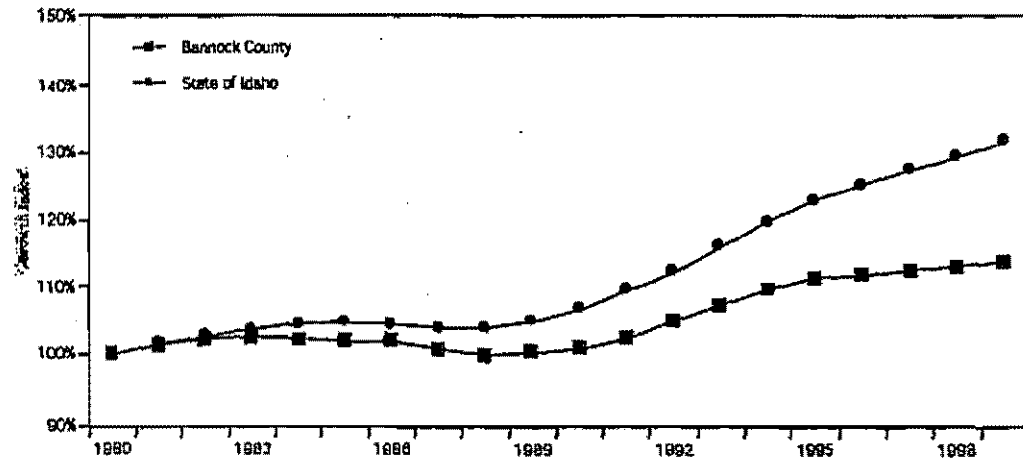
Source: BEA RES.

COUNTY AND STATE POPULATION

From 1980 to 1999, the U.S. Census Bureau estimated that Bannock County grew by 14.1 percent compared to 32 percent for the state of Idaho as a whole. This equates to an average annual rate of 0.7 percent for Bannock County versus 1.4 percent per year on average statewide.

Net natural change (births minus deaths) accounted for all of Bannock County's growth in the 1980s (net natural change was 9,151, offsetting net out-migration of 8,546) and for 81 percent of growth in the 1990s (natural change was 7,203 and net in-migration was 1,652). Annual estimates were not available specifically for the study area, given its irregular geography.

Population Growth
Bannock County and State of Idaho
1980-1999



Note: Growth Index is defined as 1980 population equal to 100.
Source: U.S. Bureau of the Census.

POPULATION RELYING ON THE LPRV AQUIFER

An estimated 69,700 persons in the cities of Pocatello, Chubbuck, and the surrounding unincorporated area rely on the LPRV aquifer as a water supply.

- Growth has varied within the study area. While the City of Chubbuck grew 34 percent, the City of Pocatello grew 14 percent from 1980 to 2000. The self-supplied area grew about 22 percent, or 1.0 percent per year.

Housing units with municipal sewer and water predominate within the study area, but households on septic appear to be increasing more rapidly.

- The 1990 Census indicated roughly 2,200 homes with their own water supply wells and about 2,600 homes on septic systems in the LPRV. Some of these homes, however, are located north of the study area (defined in terms of aquifer inflows) and lie over the Snake River Aquifer.
- About 1,600 homes within the study area were on septic systems in 1990, including 550 homes in Pocatello and 35 in Chubbuck. Nearly 90 percent of homes in unincorporated portions of the study area used septic systems for wastewater disposal.
- Assuming the same proportion of new homes built in unincorporated areas during the 1990s continue to rely on septic disposal, the study team estimates that there are now approximately 3,200 homes on septic in the LPRV, including over 2,000 homes in the study area (defined in terms of aquifer inflows).
- These estimates are consistent with communications from the health department suggesting that 50 to 75 new homes on septic have been built each year in the LPRV during the 1990s.

Estimated Population Relying on LPRV Aquifer

| <i>Population</i> | <i>1980</i> | <i>1990</i> | <i>2000</i> |
|-------------------|-------------|-------------|-------------|
| City of Pocatello | 46,531 | 46,080 | 52,910 |
| City of Chubbuck | 7,080 | 7,791 | 9,470 |
| Unincorporated | 6,013 | 6,269 | 7,328 |
| Total | 59,624 | 60,140 | 69,708 |

Source: PCensus for cities; BBC estimate of self-supplied population. Estimates are as of July 1. Year 2000 adjusted for consistency with Our Valley-Our Vision forecast.

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WATER USE AND THE ECONOMIC BASE

Based on national averages, key industries within the study area's economic base are moderate to high in water use intensity. Values for the following sectors are expressed in gallons per employee per day: food processing, 469; chemicals processing, 267; hotels and other lodging places, 230; educational services, 117; electronics manufacturing, 95 gallons; business services, 73; railroad transportation, 68 (Table 23.10, Average Rates of Nonresidential Water Use from Establishment Level Data, McGraw-Hill Water Resources Handbook).

The top ten water consumers served by the City of Pocatello Water Utility include several of the study area's base industries: American Microsystems, Inc., Heinz Weight Watchers Foods and the Union Pacific Railroad. Other top consumers are government entities: School District 25 and Idaho State University. The FBI Western Data Center is also a large water customer of the City of Pocatello Utility. Highland Golf Course, leased to an operating company, ranks high in water consumption, too, despite irrigating only five months a year.

Relatively attractive water and wastewater costs play a role in the study area's economic development strategy. In 1998, the City of Pocatello charged \$0.85 per thousand gallons for industrial/commercial water, \$0.98 per thousand gallons of wastewater for establishments inside the City, \$1.29 per thousand gallons of wastewater outside the City, and additional charges of \$1.18 and \$1.07 per pound per year for suspended solids and BOD respectively for amounts greater than 200 PPM. Wastewater service rates and connection fees are ranked relatively low among comparable site location markets in a six-state, intermountain region, according to Bannock Development Corp.

ECONOMIC DEVELOPMENT STRENGTHS AND WEAKNESSES

The study area combines a positive attitude toward growth with numerous economic development strengths — among them relatively low wages, energy costs and cost of living, a skilled industrial work force, and the presence of a technology-oriented university. ISU increasingly is a seedbed for economic development, business incubation and technical training of the work force.

Although the preponderance of total jobs has shifted to retail and services and away from transportation, the traditional leading sector, the study area remains focused on industrial activity as a primary source of higher-wage economic development. Gateway West Industrial Center, the former World War II Naval Ordnance Plant in Pocatello, is a 200-acre complex currently home to more than 20 businesses and about 500 jobs, many in heavy industry. The industrial infrastructure that exists at the facility is unique in the state.

The study area's location within an important transportation corridor is a plus. However, a key economic development issue in the attraction of industrial growth in the future is limited air transportation and high truck freight costs. In addition, the telecommunications infrastructure, though advanced, lacks fiber optic capacity. As a trade center, the study area faces two strong competitors: Idaho Falls and the Salt Lake City, Utah area. In addition, the local economy remains sensitive to the fortunes of the key employers (Union Pacific, Simplot, FMC INEEL, and others). This leads to some volatility in economic performance and the potential for severe economic shocks.

PROJECTED BASELINE ECONOMIC AND DEMOGRAPHIC PROFILE

The remainder of the economic and demographic information presented in this section describes projected growth and change under the baseline scenario. The information presented herein draws heavily from the Our Valley/Our Vision planning process currently underway in the study area and focuses on elements important for subsequent comparison with the Enhanced Protection Scenario and impact analysis. Consistent with the Our Valley/Our Vision effort, this study adopts a 20 year forecast horizon.

The following elements are described on subsequent pages:

- Baseline employment projections
- Projected numbers of new firms
- Growth in population and households relying on the LPRV
- Projected growth in households using septic wastewater disposal
- Key infrastructure considerations

PROJECTED EMPLOYMENT GROWTH

A number of key employers in the Pocatello area depend on the area's relatively abundant, high quality water supply. Therefore sustaining employment growth in the future is likely to go hand in hand with sustaining water quantity and quality as a factor in business retention and a relative advantage in competing for business location.

As part of the ongoing Our Valley-Our Vision process, Bannock County and the cities of Pocatello and Chubbuck have adopted a consensus baseline forecast of the economy for the Greater Pocatello Urban Area. This forecast can be viewed generally, and sector by sector, as defining what is at risk in the future in terms of the region's economic development.

Based on current trends, the forecast projects an average annual rate of total nonagricultural employment growth of about 2% per year through the year 2020. This compares to the 3% growth rate experienced by the county as a whole for most of the 1990's. As in the past, the economy's three largest sectors — services, manufacturing and trade — are projected to be the fastest growing. The services sector is projected to grow at about 2.7% per year, the manufacturing sector at about 2.6%, and the trade sector at about 2.3%. As a whole, the area is expected to add a total of about 17,400 net new jobs over the 20-year forecast horizon.

Projected Employment
Greater Pocatello Urban Area
Our Valley-Our Vision/Bannock Planning Organization Forecast
With Estimated Sector Breakdown

| | 2000 | 2010 | 2020 | Average Annual Growth 2000 to 2020 |
|-----------------------|--------|--------|--------|--|
| Manufacturing | 3,353 | 4,546 | 5,560 | 2.6% |
| Mining | 11 | 11 | 11 | 0.1% |
| Construction | 1,898 | 2,307 | 2,765 | 1.9% |
| TCU | 2,946 | 3,265 | 3,590 | 1.0% |
| Trade | 9,549 | 12,319 | 14,986 | 2.3% |
| FIRE | 1,441 | 1,654 | 1,830 | 1.2% |
| Services | 7,497 | 9,976 | 12,734 | 2.7% |
| Government | 9,030 | 10,367 | 11,672 | 1.3% |
| Total Nonagricultural | 35,727 | 44,445 | 53,148 | 2.0% |

Source: Bannock Planning Organization data files and Intermountain Demographics for total nonagricultural employment through 2020, Idaho Power 2000 Economic Forecast for sector

PROJECTED GROWTH IN ESTABLISHMENTS

Costs to business establishments are important in the evaluation of measures for protecting aquifer water quality.

Recent data is readily available from the Census bureau on the number and size of business establishments present in the local economy on a county-by-county basis. However, unlike employment, there are no generally available forecasts of establishment numbers to carry forward into the assessment of future economic conditions. For this analysis, employment forecasts taken from the Our Valley-Our Vision Process have been translated into a rough but reasonable estimate of future numbers of establishments and net additions to local numbers of business. The approach used here divides projected employment growth by current employment-per-establishment averages taken from Census data.

On this basis, it is projected that there will be a net addition of about 1,350 new business establishments in the Greater Pocatello Urban Area by the year 2020, an average of 68 net new establishments per year. In the manufacturing sector, it is projected that 35 net new establishments will be added to the area by the year 2020, an average of two net new establishments per year.

Projected Number of Establishments Greater Pocatello Urban Area

| Year | Manufacturing Establishments | Total Establishments |
|---------------------------------------|---------------------------------|-------------------------|
| 2000 | 52 | 2,785 |
| 2010 | 71 | 3,464 |
| 2020 | 87 | 4,143 |
| Net New Establishments Per Year | 2 | 68 |

Source: Bannock Planning Organization data files and Intermountain Demographics total nonagricultural employment through 2020. Establishment estimates based on average establishment size as calculated from 1998 County Business Patterns.

PROJECTED POPULATION GROWTH

Projected population and housing growth presented in this report is based on the same growth forecast as is being used by the Our Valley-Our Vision planning process in its study of the Greater Pocatello Urban Area. Originally prepared for the Bannock Planning Organization and updated for the buildout analysis currently underway, the forecast projects that the area is expected to add almost 20,000 people over the next 20 years. The added population is expected to occupy almost 8,700 additional households within the area.

*Projected Households & Population
Greater Pocatello Urban Area
Our Valley-Our Vision/Bannock Planning Organization Forecast*

| | <i>Population</i> | <i>Households</i> |
|---------------------------|-------------------|-------------------|
| <i>2000</i> | 69,708 | 26,505 |
| <i>2010</i> | 79,970 | 31,002 |
| <i>2020</i> | 89,500 | 35,171 |
| <i>Total Growth</i> | 19,792 | 8,666 |
| <i>Average % Per Year</i> | 1.30% | 1.40% |

Growth rates implied by the planning forecast are 1.3% per year for population and 1.7% for households. The population growth rate is substantially greater than the rate of 0.7% observed in Bannock County as a whole for the period from 1980 to 1999. A higher rate of growth for households than for population reflects the assumption that household size will continue to decline consistent with past trends.

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PROJECTED GROWTH IN HOUSING ON SEPTIC

Growth in the Greater Pocatello Urban Area tends to consume land at a high rate, although not at the highest rate possible under current zoning. In areas where septic wastewater disposal can be permitted, this has led to a relative cost advantage in favor of on-site sewage disposal and the continuing potential for new home development on septic in the future:

- Without other constraints, and based on continued patterns that are generally occurring today, relatively low-density residential development can be assumed to occur at the edges of the communities of Pocatello and Chubbuck. As part of the Our Valley-Our Vision process, areas with the potential for low-density development were identified and the developable acreages were quantified. If it were assumed that these areas are all developed with on-site sewage disposal, a projected 570 new households on septic potentially would be added by 2020.
- As an alternative approach to the estimate, the number of new households on septic may be projected from the historical rate of septic systems permitting. Local sources contacted about the issue estimate that approximately 50 to 75 new homes on septic have been added to the area each year since 1996. Assuming a rate of 50 per year for the 20-year planning horizon equates to a total of 1,000 new households on septic by 2020.
- Under current trends, areas north and west of Chubbuck are considered to be the most likely to develop at the low densities amenable to on-site septic systems. It is possible that some of this development may occur far enough north to be located in the Snake River Plain instead of over the LPRV aquifer. To account for this, it is assumed that only 70% of new households on septic will potentially impact the LPRV. The range of new households on septic with the potential for water quality impacts is therefore estimated to be about 400 to 700.

New Households on Septic Greater Pocatello Urban Area Alternative Projections

Our Valley-Our Vision

"Current Trends" Forecast

| | |
|--------------------------------|-----|
| Total new units on 1 acre lots | 572 |
| Share over aquifer | 70% |
| Net new units over aquifer | 400 |

Permitting Trends Projection

| | |
|----------------------------|-------|
| Annual septic permits | 50 |
| Forecast horizon (years) | 20 |
| Total new units on septic | 1,000 |
| Share over aquifer | 70% |
| Net new units over aquifer | 700 |

Source: Technical Analysis, Our Valley-Our Vision (May 2000), Table 13, for acres and units of low-density development. Personal communication with Ed Merugg, Director of Environmental Health, Southeast District Health Department, for approximate annual on-site disposal permits issued in Pocatello area. BBC estimates.

KEY INFRASTRUCTURE ISSUES

The scope and cost of facilities to address water quantity issues in the Greater Pocatello Urban Area have been addressed on a preliminary basis (HDR Engineering, preliminary draft memorandum dated January 2001):

- The municipal water systems of Pocatello and Chubbuck are a series of wells and decentralized transmission lines near each area of demand. Most local distribution system costs are assumed by the developer and recovered in the final land sale. If future water demand is within the aquifer's capacity, expansion of the existing system may be possible. A preliminary estimate of public expenditures for water facilities to serve the most land-efficient buildout scenario is \$11.5 million.
- On a preliminary basis, it has been estimated that the cost to develop Pocatello's water rights in Palisades Reservoir to serve growth beyond the aquifer's currently estimated capacity (about 10,000 additional residents) would be between \$25 million and \$30 million. Pocatello has rights to at least 50,000 acre-feet of storage in the Reservoir.
- Another possible water resource, the Snake River Aquifer, lies under the northern part of the Greater Pocatello Urban Area identified for future growth. However, study is needed to determine the quality, quantity and availability of water from this aquifer.

Facilities to address wastewater issues are in the current City of Pocatello capital improvements program. Other needs have been given preliminary consideration (HDR Engineering, preliminary draft memorandum dated January 2001):

- The cost of additional capacity and upgrades at the City of Pocatello's treatment plant are estimated at \$17 million to serve projected population increases.
- New wastewater conveyance facilities that are not currently planned would be required to serve the preferred land use scenario under consideration by the Our Valley-Our Vision process. A preliminary estimate of the total cost of these system improvements is \$12.9 million. This study, however, focuses on the current trends scenario, not the preferred scenario, as a baseline.

SUMMARY OF BASELINE ECONOMIC AND DEMOGRAPHIC SCENARIO

Preceding pages have described current trends and projected baseline growth and change in the economy and population of the LPRV over the 20-year study horizon. Key findings include:

- The study area has an unusually diversified economic base that is forecasted to create about 17,400 new jobs over the next 20 years. Total employment is projected to grow at an average rate of about 2% per year, and the three largest sectors—services, manufacturing, and trade—are projected to grow the fastest.
- Population growth in the study area lagged behind the state's from 1980 until now, but the LPRV is projected to grow by almost 20,000 people and 8,700 households over the next 20 years. This equates to annual rates of about 1.3% for population and 1.7% for households, or almost twice the average pace of the last 20 years.
- Employment projections for the study area imply a net addition of about 1,350 new business establishments in the LPRV by the year 2020, an average of 68 per year. This includes 35 net new manufacturing establishments, or an average of two per year.
- Whether projected housing development will follow current trends or more compact land use patterns is the focus of the ongoing Our Valley-Our Vision planning process. The current trends forecast adopted for this baseline implies continued low-density development in areas outside of cities and, potentially, an additional 400 to 700 housing units on individual well and septic systems in the LPRV over the next 20 years.
- Available cost estimates for municipal facilities to address projected growth range from \$11.5 million to \$30 million for water development and from \$17 million to \$30 million for wastewater treatment and conveyance capacity.

In general, the LPRV is an area that seeks to encourage growth and has a number of economic development advantages. Access to abundant, high quality water for major industrial customers and relatively low-cost water and wastewater services are important from an economic development standpoint.

SECTION 2b.
BASELINE WATER QUANTITY AND QUALITY
CHARACTERISTICS

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INTRODUCTION TO BASELINE LPRV WATER QUANTITY AND QUALITY

The following pages describe the LPRV Aquifer, currently the sole source of water supply for the study area. Geologic and recharge characteristics are briefly summarized. Current and future water use patterns are also presented as baseline assumptions. Finally, this component of Section 2 concludes with a description of current water quality conditions and future baseline water quality assumptions.

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LPRV AQUIFER CHARACTERISTICS

The LPRV aquifer is a highly prolific, alluvial valley-fill aquifer, situated in the Portneuf Valley beginning at the Portneuf Gap and merging into the Eastern Snake Plain aquifer northwest to Tyhee. The contributing watershed includes portions of the Bannock Range and the Pocatello Range, as well as the Upper Portneuf River Valley. The LPRV aquifer is the source of supply for all human needs in the study area.

The general flow path of groundwater in the LPRV system is from the Portneuf Gap toward Pocatello (from southeast to the northwest) (see Exhibit 2b-1). Northwest of Pocatello, toward American Falls Reservoir, groundwater in the LPRV aquifer converges with groundwater flowing from the north out of the Fort Hall Reservation and groundwater from the Eastern Snake Plain Aquifer.

Much of the current understanding of LPRV aquifer hydrogeology is based on the work of John Welhan and Chris Meehan, who divide the LPRV aquifer into four hydrologic subdivisions for purposes of analysis. These hydrologic subdivisions are shown on Exhibit 2b-1 and discussed below:

- The Southern Aquifer is the principal source of water supply for Pocatello and Chubbuck.
- The Eastern Aquifer, smaller than the other hydrologic subdivisions, roughly parallels the southern aquifer, but is distinguished based on a different water quality.
- The Central Aquifer acts as a transition from the southern aquifer to the northern aquifer.
- The Northern Aquifer extends from the high bedrock located mid-way down the lower Portneuf Valley to the northwest. This portion includes the Pocatello Creek tributary.

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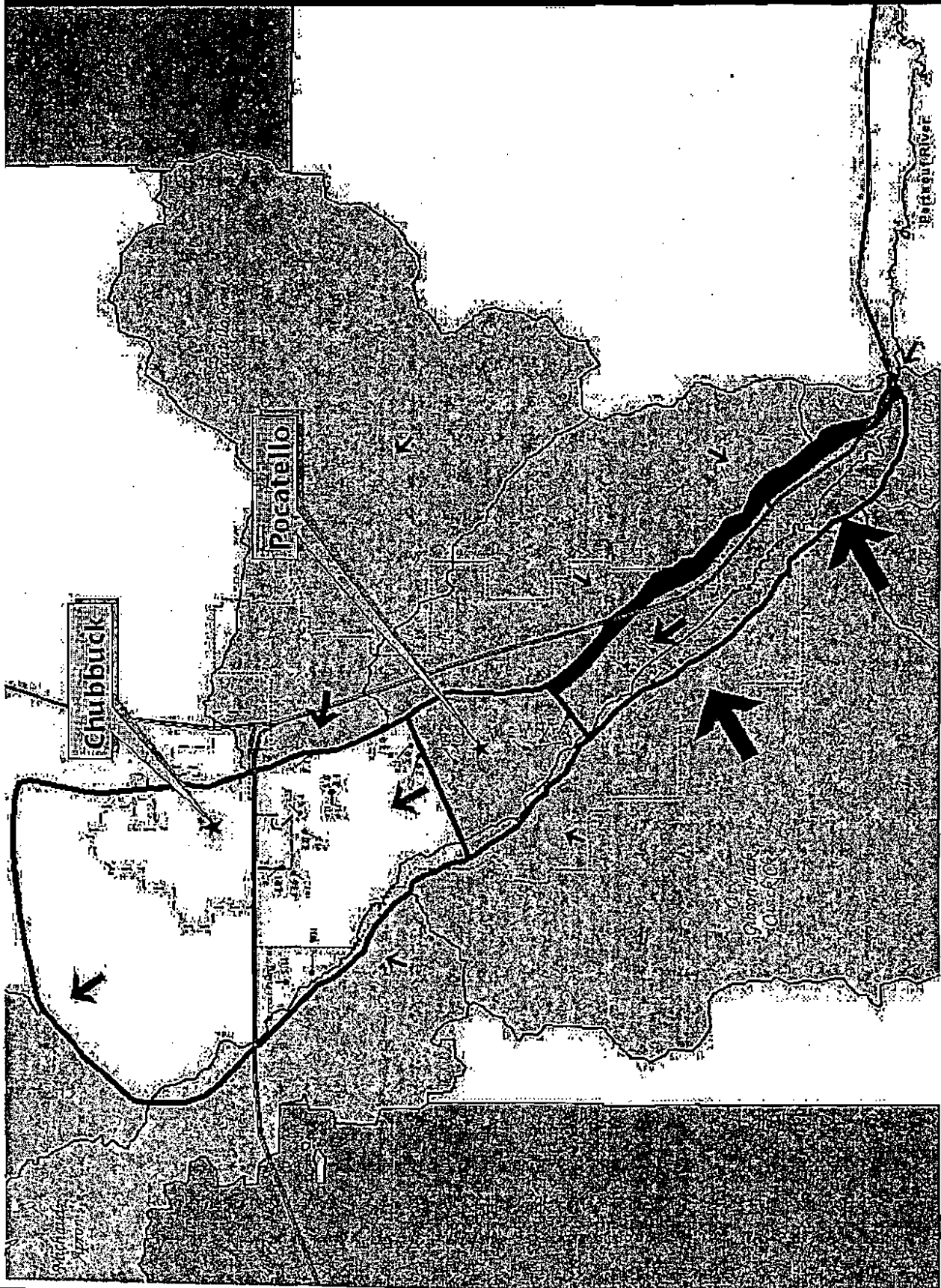
Lower Portneuf River Valley

Impacts of
Aquifer Protection

EXHIBIT 2b74
Aquifer Subdivisions
Groundwater Flow
and
Select Well Locations

- Water Wells
- Chubbuck City Limits
- Pocatello City Limits
- Interstates
- Northport Aquifer
- Center Aquifer
- Southport Aquifer
- Eastern Aquifer
- Watersheds
- The Hall Indian Reservation

BBC
RESURFACE &
CONSULTING



GEOLOGY OF THE LPRV AQUIFER

The high productivity and the vulnerability to contamination from surface and near surface sources are rooted in the LPRV aquifer's geology. The following is a highly simplified overview of that geology.

- The geology of the LPRV aquifer is comprised of sands and gravels ranging in thickness from approximately 100 to more than 500 feet and blanketed in areas by 5 to 20 feet of silt and loess. Interbedded units of clay are common toward the northern end of the system.
- Changes in sand and gravel composition, depth to bedrock, and bedrock type are evident along the aquifer system. The subdivision of the aquifer into four smaller areas, described on the previous page, reflects the geologic variability along the river valley.
- The Southern Aquifer has a history of excellent water yields, which are derived from coarse, gravels at depths less than 100 to 150 feet below surface. Very permeable, unconfined gravels overlying a section of low-permeability, basin fill sediments dominate this portion of the LPRV aquifer.
- The Eastern Aquifer is unconfined and is composed of silty gravels of low permeability.
- The Central Aquifer is also unconfined and is comprised of a thin sedimentary layer overlying shallow bedrock.
- The Northern Aquifer is comprised of multiple confined silty gravel and sand aquifers hosted in stratified, but poorly sorted, sedimentary basin fill more than 2,000 feet thick.

LPRV AQUIFER RECHARGE

The recharge characteristics of the LPRV aquifer provide both information about its sustainability as the sole water source for the study area and about the areas that may be particularly susceptible to contamination from surface or near surface sources.

- Annual recharge of the LPRV aquifer is estimated at approximately 7.5 billion gallons (23,000 acre-feet) per year. The following discussion focuses primarily on the southern division of the aquifer, which initially receives the bulk of the recharge. The other aquifer hydrologic subdivisions are recharged principally through intra-basin flows from south to north.
- An estimated 70 percent of primary recharge to the southern portion of the LPRV aquifer is lateral groundwater flow from the Bannock Range. This recharge area includes the Mink Creek and the Gibson-Jack Creek sub-basins (see Exhibit 2b-1). The recharge originates from the snowpack and precipitation in the southern Bannock Range.
- Approximately 15 percent of southern LPRV aquifer recharge is derived from the upper Portneuf River basin through the Portneuf Gap, and over ten percent is derived from the other drainages, principally the Eastern Aquifer and Pocatello Creek. The evidence suggests that the Portneuf River does not significantly recharge the aquifer.
- Other recharge sources include the Pocatello Creek drainage, Pocatello Range, direct precipitation and intra-basin flow. Groundwater flowing into the LPRV watershed from areas outside of the boundaries (intra-basin flow) is unknown, but is potentially a source of recharge.

OVERVIEW OF LPRV WATER USE PATTERNS

The LPRV aquifer is the sole source of potable water supply for Valley cities, self-supplied industrial operations, agricultural operations and rural households with their own wells. Year 2000 water use is in rough balance with recharge. Increases in future water use suggest that additional supplies or greater conservation will need to be pursued.

LPRV AQUIFER WATER USE

The LPRV aquifer provides the sole source of potable water supply for the cities of Pocatello and Chubbuck, as well as supplies for self-supplied industrial operations, rural households with their own wells and agricultural operations in the valley. Current annual water use is rapidly approaching the annual recharge estimate described previously. If water demands continue to rise at the rates experienced over the past decade, groundwater mining resulting in declining aquifer levels may begin to occur.

- Published statistics on LPRV aquifer water use are available only for the Pocatello and Chubbuck municipal water utilities. The Study Team has estimated household water use in rural areas based on a local per capita water use factor and an estimate of the self-supplied population served. Total withdrawals for municipal system and household self-supply in the year 2000 are estimated to be about 6.9 billion gallons (21,400 acre-feet).
- The LPRV aquifer also supports self-supplied industrial and agricultural operations. No available data specifically quantifies these uses. Based on rough estimates of the number of irrigated acres, local agricultural water use per acre, United States Geological Survey 1999, water use estimates of industrial groundwater pumping in the Portneuf watershed, the study team estimates that 0.6 to 1.3 billion gallons (2,000 to 4,000 acre-feet) per year are withdrawn from the aquifer for these non-potable purposes.

Year 2000 Water Withdrawals for Potable Use in the LPRV Aquifer

| | Billions of Gallons | Acre-Feet |
|----------------------------|------------------------|-----------|
| Pocatello Municipal System | 5.64 | 17,576 |
| Chubbuck Municipal System | 0.64 | 2,000 |
| Unincorporated Domestic | 0.60 | 1,784 |
| Total | 6.88 | 21,360 |

Note: Year 2000 municipal use data, annualized amounts, are based on 11 months through the end of November.

Source: Cities of Pocatello and Chubbuck and BBC estimates.

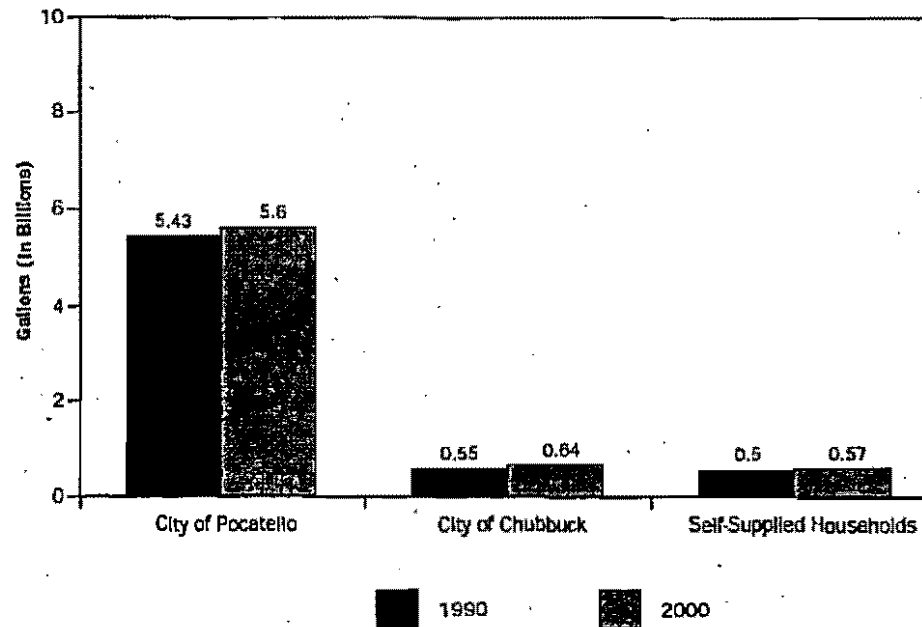
WATER USE TRENDS

In the past decade, there has been modest growth in the amount of LPRV aquifer water withdrawn by municipal water utilities and by self-supplied households in aquifer-served rural areas.

The accompanying chart illustrates the following water use trends:

- Pocatello used 5.6 billion gallons (17,580 acre-feet) per year in 2000, up from 5.43 billion gallons (16,920 acre-feet) in 1990, an increase of about 4 percent. Current Pocatello water use is about 300 gallons per capita per day.
- Chubbuck used 0.64 billion gallons (2,000 acre-feet) per year in 2000, up from 0.55 billion gallons (1,720 acre-feet) in 1990, an increase of about 16 percent. Chubbuck water use is about 190 gallons per capita per day.
- Self-supplied households in rural areas used 0.57 billion gallons (1,780 acre-feet) per year in 2000, up from 0.50 billion gallons (1,560 acre-feet) in 1990, an increase of about 15 percent.

Water Use, Lower Portneuf River Valley Aquifer
1990 and 2000



Source: Cities of Pocatello and Chubbuck; BBC estimate for unincorporated domestic.

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LPRV WATER USE PROJECTIONS

Based upon the growth projections developed for the Our Valley-Our Vision process, 2020 water demand in the LPRV could exceed 30,000 acre-feet per year. Future water use will reflect changes in domestic, self-supplied industrial and agricultural water demands. The following LPRV water demand projections are based upon water use per unit of demand (i.e., water per capita per day times the anticipated change in population between the year 2000 and 2020).

- Year 2000 domestic water use in the LPRV averaged 277 gallons per capita per day, which translates into 0.3113 acre-feet per capita per year. Applying this latter ratio to expected population growth of 20,000 person between year 2000 and 2020, additional domestic water demand of about 6,200 acre-feet can be anticipated. This would mean that year 2020 baseline potable water demand would amount to 27,500 acre-feet.
- Industrial and agricultural water use self-supplied from their own wells is currently approximately 2,000 to 4,000 acre-feet per year. Increases in self-supplied water use are likely to be somewhat offset by decreases in agricultural water use, due to increased urbanization and farm consolidation. Net change water use is assumed to be an increase in 1,000 acre-feet over the next 20 years. Hence, year 2020 water demand for these self-supplied uses is expected to be 3,000 to 5,000 acre-feet or a mid-point of 4,000 acre-feet.
- In total, LPRV water demand under baseline assumptions is projected to be 31,500 acre-feet or an increase of about 30 percent.

IMPLICATIONS OF PROJECTED LPRV WATER USE

LPRV water demands of 31,500 acre-feet in the year 2020 will substantially exceed the annual recharge estimated to be approximately 23,000 acre-feet per year.

Clearly, new water supplies will need to be developed or water consumers will need to reduce their water use patterns. Although the purpose of this study is not to explore water supply alternatives, it is known that additional supply sources, such as the Palisades Reservoir, are being considered in on-going planning efforts. Proactive water conservation programs are also a potential option.

As the withdrawals from the LPRV Aquifer increase, the effects on water quality are difficult to predict. If alternative supplies are developed that can more than meet projected increases in water use, the economic impact of deterioration in LPRV quality could be reduced.

BASELINE LPRV WATER QUALITY CONDITIONS — OVERVIEW

Baseline LPRV water quality conditions include well-publicized existing water quality issues, upon which certain progress is being made. Other issues, such as levels of nitrate, chloride and sulfate, are not presently being addressed. The considerable permeability of the LPRV geology contributes to its unusual vulnerability to water quality degradation.

HISTORY OF LPRV WATER QUALITY CONCERNS

Historically, the study area has had numerous commercial or industrial sites that have at one time caused water quality degradation. There have been 13 U.S. EPA Superfund sites identified in the study area but, through remediation and other efforts, all except one of these sites have been removed from the Superfund list.

LPRV water quality concerns became highly publicized with the discovery of Trichloroethylene (TCE) in a number of Pocatello municipal wells in 1991 and Perchloroethylene (PCE) in Chubbuck municipal wells. The source of the TCE is generally believed to be from older areas in the Fort Hall Mine Landfill and work is currently underway to pinpoint the source and develop a plan to limit further contamination. The source of PCE is still unknown after being investigated by EPA and its consultants.

The cities of Pocatello and Chubbuck water quality records show that the overall quality of the LPRV aquifer is good, although the water is very hard and has a relatively high total dissolved solids (TDS) content. However, more recent water quality monitoring by the IDEQ, Idaho Department of Water Resources, and the City of Pocatello indicate several areas of the LPRV aquifer system have degraded water quality. TCE, PCE, nitrate, sulfate, chloride and TDS are the primary constituents of concern (COCs) that have been identified to date. The COCs vary with each portion of the aquifer, as discussed on the following page.

LPRV AQUIFER WATER QUALITY — BY LOCATION

Principal locations of water quality concern are shown on Exhibit 2b-2. The observations regarding LPRV water quality are based upon the Idaho Statewide Groundwater Monitoring Program, IDEQ studies and various reports by John Welhan and Chris Meehan.

- Southern Aquifer — The greatest concern in the Southern Aquifer has been the TCE plume, discovered in 1991, discussed earlier. Nitrate levels in five of the six monitoring wells used in the Idaho Statewide Groundwater Quality Monitoring Program appear fairly constant. The sixth well indicates a substantial increase in concentration between 1993 and 1997, although only two data points are available. An area near the northern end of the hydrologic subdivision is experiencing increasing salt concentrations, likely due to drawing water from the Eastern Aquifer as a result of cones of depression from municipal water supply wells in this area. Several localized, high-chloride anomalies have been observed in this aquifer and may stem from surface, or near surface, sources such as salt runoff from road de-icing, septic field leaching and/or agricultural/animal waste.
- Eastern Aquifer — This area is known to have degraded water quality and a portion of the hydrologic subdivision has been identified by IDEQ as a nitrate priority area. One municipal well was drilled in this area, but was never used regularly and was eventually abandoned because of chronically high nitrate levels. Flow of contaminated groundwater into the Southern Aquifer is a potential concern.
- Central Aquifer — This area is not well researched, but, as in parts of the Southern Aquifer, there is concern over migration of high salt concentrations from the Eastern Aquifer.
- Northern Aquifer — IDEQ has identified a high nitrate concentration area near the Pocatello Creek mouth as a nitrate priority area. Corresponding increases in chloride, sulfate, sodium, calcium and magnesium in the same area suggest that septic leachate may be the cause. The City of Chubbuck and the EPA have contracted for a groundwater monitoring program in this area, largely due to concerns about the nearby PCE plume affecting the Fort Hall Reservation and municipal wells in Chubbuck.

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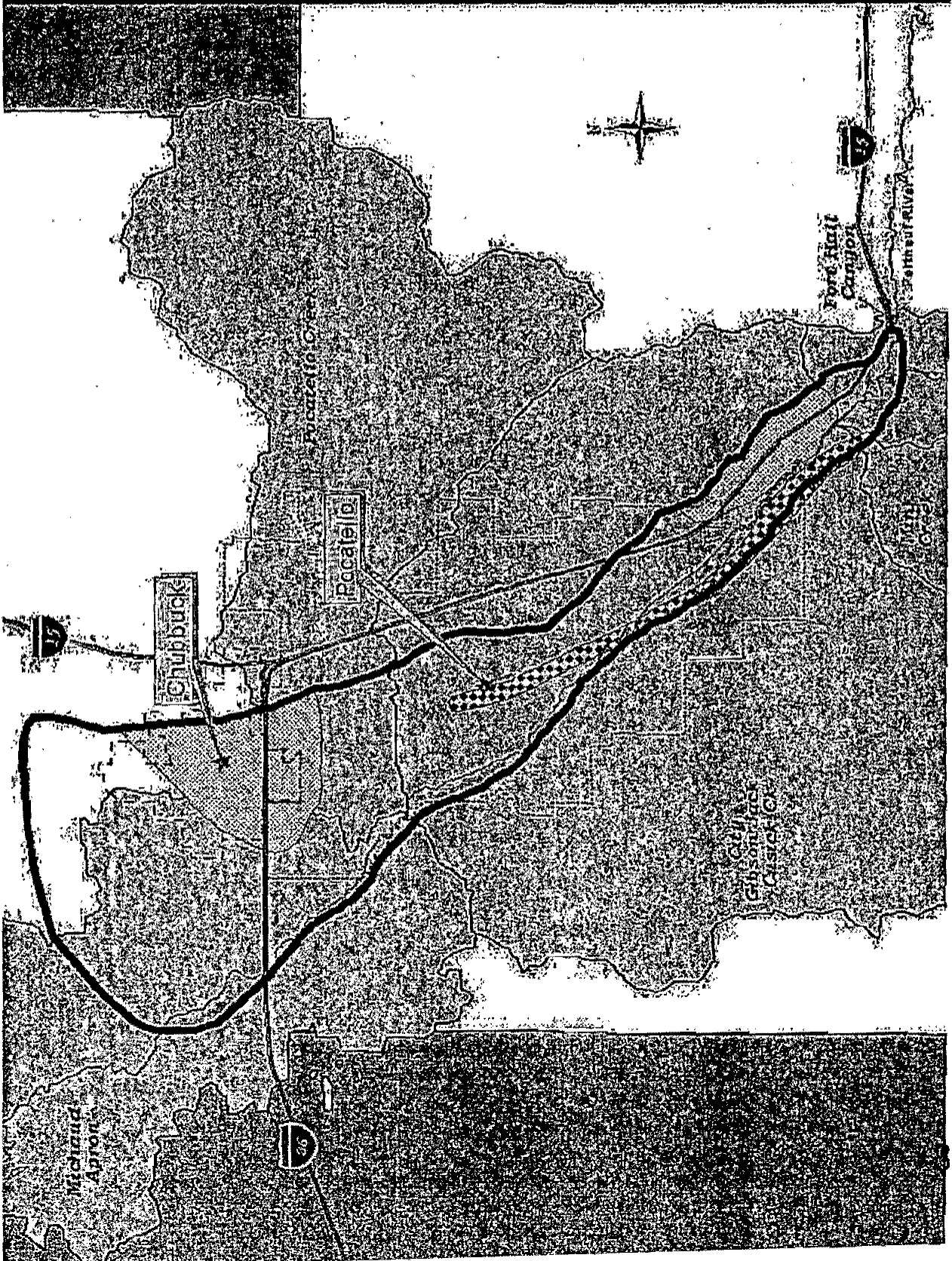
**Lower Fortneuf
River Valley
Impact of
Aquifer Protection**

**EXHIBIT 2b,2:
Known Locations
of Water Quality
Concern**



CONCERN

- ZZ Nitrate Priority Areas
- ZZZ CEPL Areas
- ZZZZ Other Locations
- ZZZZZ Other Locations
- ZZZZZZ Other Locations
- ZZZZZZZ Other Locations
- ZZZZZZZZ Other Locations
- ZZZZZZZZZ Other Locations



CURRENT EFFORTS TO ADDRESS WATER QUALITY CONCERNS

Efforts have been made by Bannock County and the cities of Pocatello and Chubbuck to address several of the water quality issues mentioned above. For example, the TCE contamination in the Southern Aquifer is currently being studied. The PCE contamination in the Chubbuck area was also monitored and investigated for several years.

In contrast, proactive programs have not been implemented to address the concentration, distribution, and sources of other COCs - such as sulfate and nitrate - and indicators of potential problems such as increased chloride levels. Rising chloride levels are an indicator of potential pathways for contamination from surface spills or contaminated runoff. These contaminants are likely the result of non-point sources such as septic leachate, road salting, stormwater runoff and runoff from agriculture and ranching operations. Without proactive measures, these contaminants are likely to continue to degrade LPRV groundwater quality.

LPRV WATER QUALITY TRENDS

This study focuses on certain water quality constituents, namely nitrate, sulfate, TDS and chloride which, in high concentration, degrade drinking water supplies. Each of these constituents naturally occur in water at low concentration levels. Increasing presence of these constituents can also be an indicator of other existing or potential contaminants.

The trends in LPRV water quality are quite difficult to discern because:

- Historical water quality data has only been drawn from a small number of wells, 25 in all, throughout the LPRV.
- Concentrations of the COCs have only been monitored for the past 15 years and irregularly during that time.
- Water quality from specific wells and specific locations in the LPRV are worse than others.

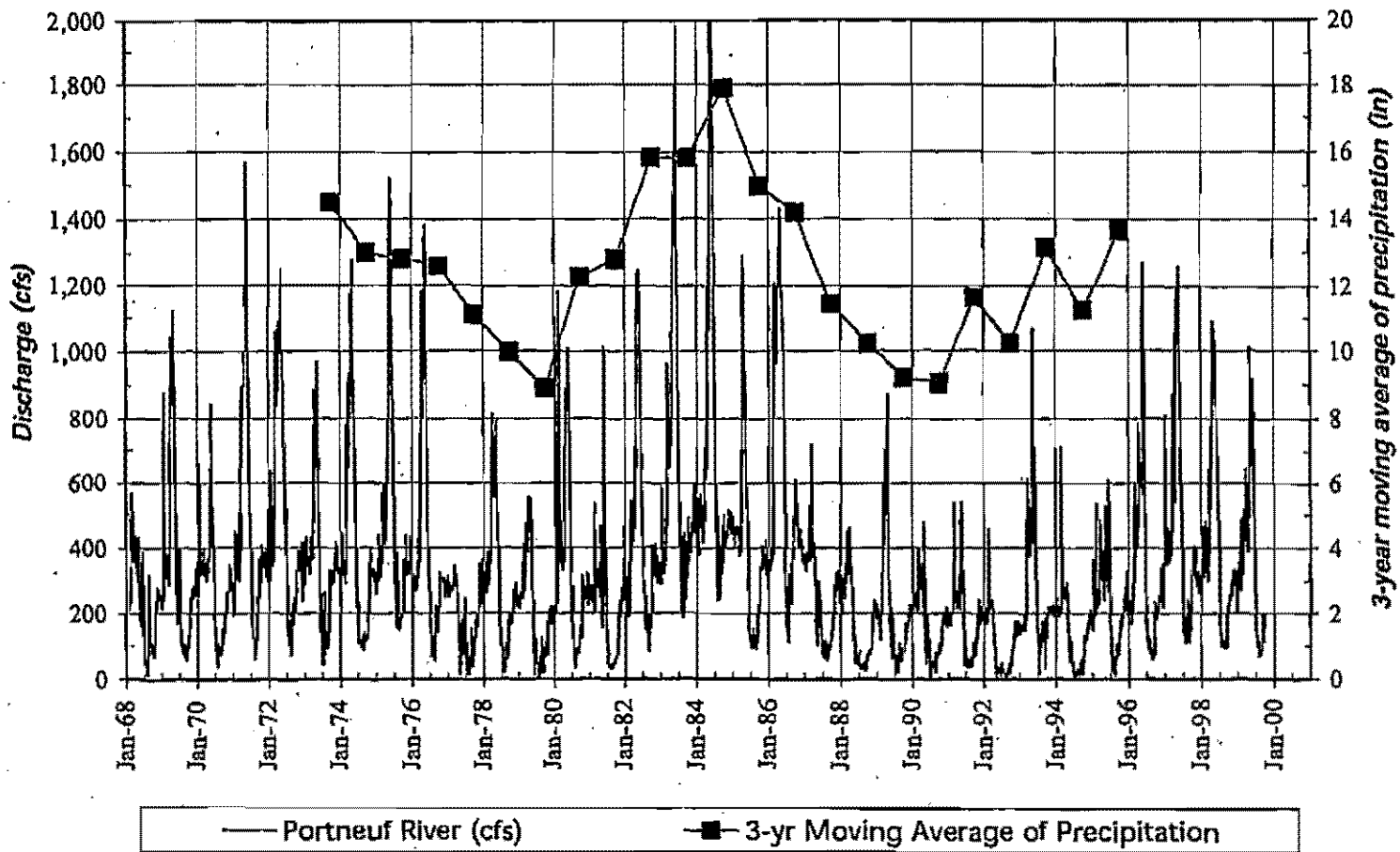
An important explanatory variable is the precipitation which falls in the LPRV.

RELATIONSHIP OF PRECIPITATION AND WATER QUALITY IN THE LPRV

Variations in water quality in the LPRV bear a close relationship to precipitation. Exhibit 2b-3 shows the historical trend in the Portneuf River discharge and the three-year moving average of precipitation for the LPRV. The heavy precipitation events from 1968 through the year 2000 occurred in the early 1970s and mid 1980s. Relatively drier conditions, with certain exceptions, have occurred since then.

As precipitation falls, it facilitates the transport of the surface contaminants through the permeable layers to the groundwater. This process can require several years of lag time to become evident in groundwater tests. Measurements of water quality in the late 1980s show significant, temporary spikes. During periods of drought or low precipitation, the leaching process is retarded and water quality appears to improve as the underground aquifer flushes from the Portneuf Gap downgradient. Excluding the effects of precipitation, there appears to be a gradual upward trend in the COCs at various wells in different locations throughout the LPRV.

**Exhibit 2b-3. Portneuf River Discharge at Pocatello and
3-year Moving Average of Precipitation**



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CHLORIDES

Chloride is a non-enforceable contaminant which has a secondary standard of 250 mg/L (milligrams per liter). This secondary standard reflects primarily drinking water taste, with water considered to be salty with chloride levels at or above the standard. Chloride is not found naturally in water and is thus an indication of contamination, usually from sewage, but sometimes from road de-icing salt and water softeners.

With one exception, wells monitored in the LPRV have not exhibited an exceedence of the chloride standard. The Blackcliffs Mobile Home Park well recorded a single chloride concentration value of 264 mg/L in 1980. One well in the Southern Aquifer reached 200 mg/L and a well in the Northern Aquifer reached 194 mg/L, both in the late 1980s. No other wells in the LPRV indicated excessive levels of chloride, although presence of chloride levels even at lower levels suggests some influence of human sewage. Chloride levels have been down in the late 1990s, possibly reflecting the dry period in the early 1990s.

NITRATES

Nitrate is regulated as a primary drinking water standard at 10 mg/L. Typical sources of this contamination are leaching from septic tanks and fertilizer use. A map showing recent nitrate readings by well and geographic areas of nitrate concern is found in Exhibit 2b-4.

Several wells in the LPRV have recorded spikes in nitrate concentration beyond the standard. In the Northern Aquifer, wells near Pocatello Creek tended to be higher than other wells and certain increases in nitrate concentration are evident in wells downgradient of Pocatello Creek. As indicated by measurements taken at municipal wells #26 and #27, the Pocatello Creek Basin has relatively high nitrate loads and is affecting other portions of the LPRV Aquifer through recharge or subflow. The contours illustrated in Exhibit 2b-4 show this spreading affect. The Central Aquifer does not appear to be substantially affected by elevated nitrate levels. The Eastern Aquifer, however, shows problematic nitrate levels, periodically at the Blackcliffs Mobile Home Park where exceedences are not uncommon. Some wells in the Southern Aquifer show gradual increases in nitrate, whereas other do not exhibit a discernable trend.

Lower Portneuf River Valley

Impacts of Aquifer Protection

EXHIBIT 2B-4
 Aquifer Subdivisions,
 Select Well Locations,
 and Most Recent
 Nitrate Concentration

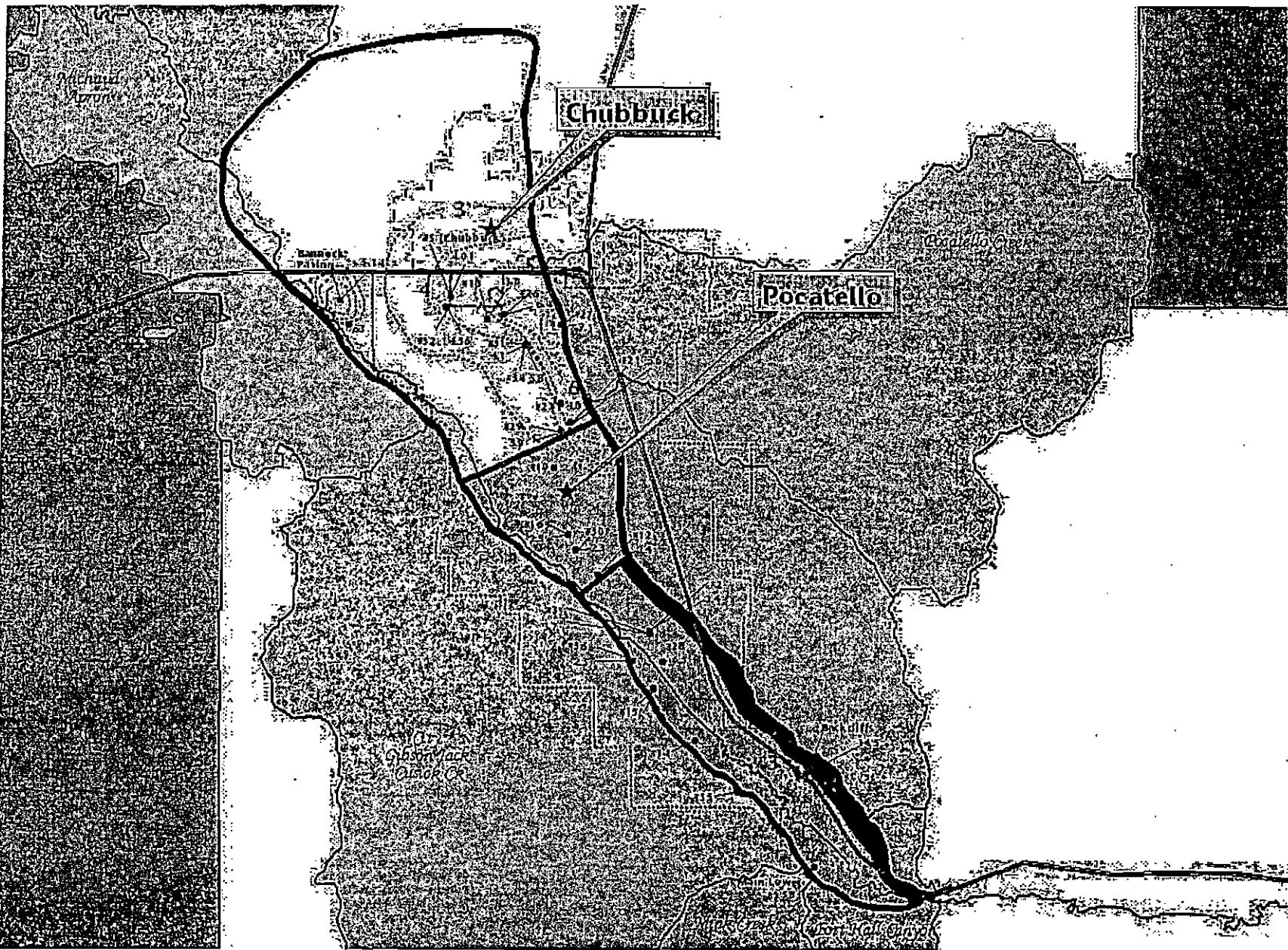
Water Wells

- Well # = Well Number
- Nitrate Reading (mg/L)
- Nitrate Concentration Contour

Aquifer Subdivisions

- Northern
- Southern
- Central
- Eastern

- Chubbuck City Limits
- Pocatello City Limits
- Interstates
- Watersheds
- Ft. Hall Indian Reservation



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SULFATES AND TDS

Sulfate is a non-enforceable contaminant with a secondary standard of 250 mg/L. This standard protects drinking water tastes, odor and color. Sulfate can have adverse affects on pregnant women and those with cardiac disease, also. Sulfate concentrations have generally ranged between 50 and 100 mg/L in the LPRV. The highest recorded concentration was 170 mg/L in the Southern Aquifer. One possible source of sulfates in the LPRV is roadbase material from crushed phosphate slag (Meehan and Welhan, 1994).

Total dissolve solids (TDS) is also a non-enforceable contaminant with a secondary standard of 500 mg/L. TDS connotes hardness and includes other constituents such as chloride, nitrate and sulfate. Most of the wells in the Northern Aquifer and several in the Southern Aquifer exceed 500 mg/L. TDS concentrations as high as 1,100 mg/L have been reported in the Northern Aquifer. TDS concentrations have increased during the 1990s.

WATER QUALITY LESSONS FROM THE RATHDRUM PRAIRIE

Establishing precise linkages between surface activities and corresponding changes in aquifer water quality is a challenging undertaking. During the past twenty years of study in the Rathdrum Prairie, a number of rules of thumb have been developed, used for water quality modeling and become well accepted. The following factors are drawn from the Rathdrum Prairie Report, August 1999:

- The average household generates 130 to 250 gallons of wastewater per day.
- Each septic system contributes, on average, 14 pounds of nitrogen to the aquifer each year.
- Fertilized lawns contribute, on average, 6 pounds of nitrogen to the aquifer each year.
- In the Rathdrum Prairie, an increase of four homes on septic per square mile increases the nitrate level in the aquifer by 0.5 Mg/L.

SUMMARY OF PROJECTED BASELINE CHANGES IN LPRV WATER QUALITY

Water quality in the LPRV shows an inconsistent trend geographically and temporally due to the weather. There have been exceedences of water quality standards for nitrate and TDS generally lagging several years behind the major precipitation events of the mid 1980s. The Pocatello Creek area and locations, and the Blackcliffs Mobile Home Park area have more severely degraded water quality.

Water quality in the LPRV appears to be tied to certain human activities on the surface. Septic tanks, stormwater runoff and agricultural use may contribute to increasing water quality deterioration. Higher than average precipitation years will accelerate the deterioration process and cause temporary spikes which are likely to exceed standards. These precipitation-driven increases will tend to be more geographically pervasive and more common as related human surface activity increases.

UNCERTAINTY REGARDING WATER QUALITY CHANGES

Existing LPRV data is limited for drawing hard and fast conclusions about future baseline water quality. There are too few wells with data, and the well data which exists shows an inconsistent pattern. Although continuing deterioration is likely, it will be gradual and it will not be uniform throughout the study area or from year to year.



SECTION 2c.
BASELINE COST CHARACTERISTICS

BASELINE COST CHARACTERISTICS — OVERVIEW

The final substantive portion of this section describes selected cost measures under the baseline scenario — with no additional proactive measures to protect water quality in the LPRV. These baseline cost measures allow for subsequent comparison with the alternative scenario — which will assume the enhanced aquifer protection scenario described in Section 1.

Identification of Relevant Cost Measures

For this study, the key cost measures are those that may be substantially different between the baseline and the enhanced protection scenario and/or those that will eventually be needed to calculate cost differentials between the two scenarios. To identify the most relevant cost measures (summarized on the following page), the study team:

- Examined the enhanced protection scenario definition provided in Section 1 to identify likely impacts on governmental, business and household costs.
- Gathered and examined existing cost information in the LPRV.
- Conducted interviews and reviewed documents describing the experience of residents, businesses and governments in the Rathdrum Prairie region with similar measures to those under consideration for the LPRV

Cost analyses in this study generally convert relevant costs to average annual figures for purposes of consistent comparison. Rather than attempting to project generalized price inflation over the study horizon, costs are presented in year 2000 dollars.

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RELEVANT COST MEASURES

| <i>Measure/element</i> | <i>Baseline Scenario</i> | <i>Impact Scenario</i> | <i>Not Relevant</i> |
|--|--------------------------|------------------------|---------------------|
| Administrative Costs of Enhanced Protection | \$0 | To be estimated | |
| Costs of Residential Wastewater Disposal for New Homes | To be estimated | To be estimated | |
| Total Cost/Price of New Homes | To be estimated | To be estimated | |
| Economic Costs of Enhanced Protection for Local Businesses (e.g. Secondary Containment, Stormwater Disposal) | \$0 | To be estimated | |
| Costs of Water Quality Degradation | To be estimated | \$0 | |
| Economic Impacts (Jobs, Wages, etc.) | To be estimated | To be estimated | |
| Costs of Modified Municipal Wastewater Treatment Practices | | | See following page |
| Costs of Additional Non-domestic Wastewater Disposal Practices | | | See following page |
| Changes In Utility Costs for Wastewater Treatment and Disposal | | | See following page |

OTHER COST MEASURES THAT WERE EXCLUDED

As noted in the preceding table, several potential cost measures were excluded to either avoid double counting or because they reflect elements of the enhanced protection scenario that are already in place in the LPRV. Such measures include:

- **Costs of slow rate land application of municipal wastewater outflows** — this BMP developed in the Rathdrum should not be necessary in the LPRV where wastewater outflows are not discharged over the aquifer.
- **Costs of non-domestic wastewater disposal** — based on interviews with Pocatello staff, virtually all industrial and commercial facilities in the LPRV are either already connected to municipal wastewater systems or discharge to areas outside the study area.
- **Additional utility costs for wastewater treatment and disposal** — potential increases in the costs of operation for municipal wastewater systems should be offset by additional rate and connection charge revenues, captured in other cost elements already included.

BASELINE COSTS OF RESIDENTIAL SEWER AND SEPTIC DISPOSAL

The relative costs of developing and owning homes in the LPRV that are connected to municipal sewerage systems for wastewater disposal, versus homes that utilize their own septic systems for wastewater disposal is an important element of this study — since the enhanced protection scenario can be anticipated to lead to a larger number of new homes on sewer and smaller number on septic.

Home Ownership Costs — Sewered Homes

Based on data assembled for the Our Valley/Our Vision project, current sewerage connection charges and rates for Pocatello and Chubbuck and representative homeowner financing rates, the study team calculates the average annual cost of wastewater disposal for a sewered home to be approximately \$1,187 per year. This estimate results from the following calculations:

- Capital costs of sewer (reflecting developer contributions in aid of construction and plant capacity fees paid to City of Pocatello) are estimated to be approximately \$11,200, on average.
- Financed over a 30-year mortgage at 8.0 APR, the homeowner's annual payment for this capital cost is approximately \$995.
- Average operating charges (sewer bills) for a homeowner in the LPRV are approximately \$16 per month, or \$192 per year.

BASELINE COSTS OF RESIDENTIAL SEWER AND SEPTIC DISPOSAL

Home Ownership Costs — Septic Homes

Based on cost estimates provided by the local Health District, the study team calculates the average annual cost of wastewater disposal for a home on a septic system to be approximately \$335 per year. This estimate results from the following calculations:

- Capital costs of the septic system are estimated to be approximately \$3,500, on average.
- Financed over a 30-year mortgage at 8.0 APR, the homeowner's annual payment for this capital cost is approximately \$310.
- Properly maintained septic systems are pumped at least once each three years, with an average pumping and disposal cost of about \$75. This computes to an annual cost of \$25.

Current Home Values and Differences in Cost of Development for Sewer versus Septic

The average price for homes sold in the LPRV in 2000 was approximately \$95,000 based on local realtor data.

The estimated difference in the cost of developing homes with sewer from those with septic disposal is \$7,700, based on the analyses just described.

BASELINE COSTS OF WATER QUALITY DEGRADATION — OVERVIEW

Developing precise estimates of the economic costs and impacts of declining drinking water quality is a complicated undertaking for several reasons. These costs depend on several factors that are inherently uncertain, including the specific changes in water quality by type of contaminant, the timing of those changes and human physical, perceptual and behavioral responses to those changes. To help understand these costs, it may be helpful to distinguish first between more common contaminants (such as nitrates) and contamination from hazardous materials (such as fuels and solvents) and, second, to consider the relationship between water quality related costs and time.

Distinction Between Common Contaminants and Hazardous Material Contamination

Common contaminants such as nitrates, chlorides and other constituents that are found in low levels, even in pristine water supplies, differ from more hazardous contaminants in at least two ways that are important from the standpoint of economic analysis. The more common contaminants — from sources such as septic tanks, stormwater and agricultural runoff — are found in much larger volumes and accumulate in a somewhat predictable fashion based on above ground activities. Further, though these contaminants pose increasing health risks as their levels rise, the levels at which they become a serious health concern are generally much higher than for hazardous material contaminants — as reflected in the much higher Maximum Contaminant Levels (MCLs) established for the common contaminants by the EPA.

Hazardous materials contaminants — such as PCE, TCE and arsenic — can pose a serious health risk even at relatively low concentrations. Water quality contamination from such substances is not the result of routine surface activity, but instead usually occurs as a result of accidents or illegal disposal practices. This type of contamination is more commonly associated with individual incidents — such as chemical spills — and individual sources. This type of contamination is not amenable to prediction, but instead is a matter of risks and probabilities.

BASELINE COSTS OF WATER QUALITY DEGRADATION – COMMON CONTAMINANTS (E.G. NITRATES)

Water quality related costs and time

For the more common contaminants, costs associated with declining water quality over a period of years can be separated into two phases. The first phase, as water quality declines but contamination has yet to reach levels that force remediation by the water supplier (due to either exceedence of the MCL standard or public demand for action), can be characterized by three types of costs:

- some households and business will begin to make expenditures to mitigate their own water quality (such as purchasing bottled water, installing in-home water treatment or pre-treatment systems for business, etc.),
- rising contaminant levels may be associated with reduced appliance and fixture life and higher incidence of illness among water users who do not take steps to mediate their own water supplies, and
- the perception of declining water quality can have an impact on local views of quality of life and the ability to attract businesses that are dependent on high quality water supplies.

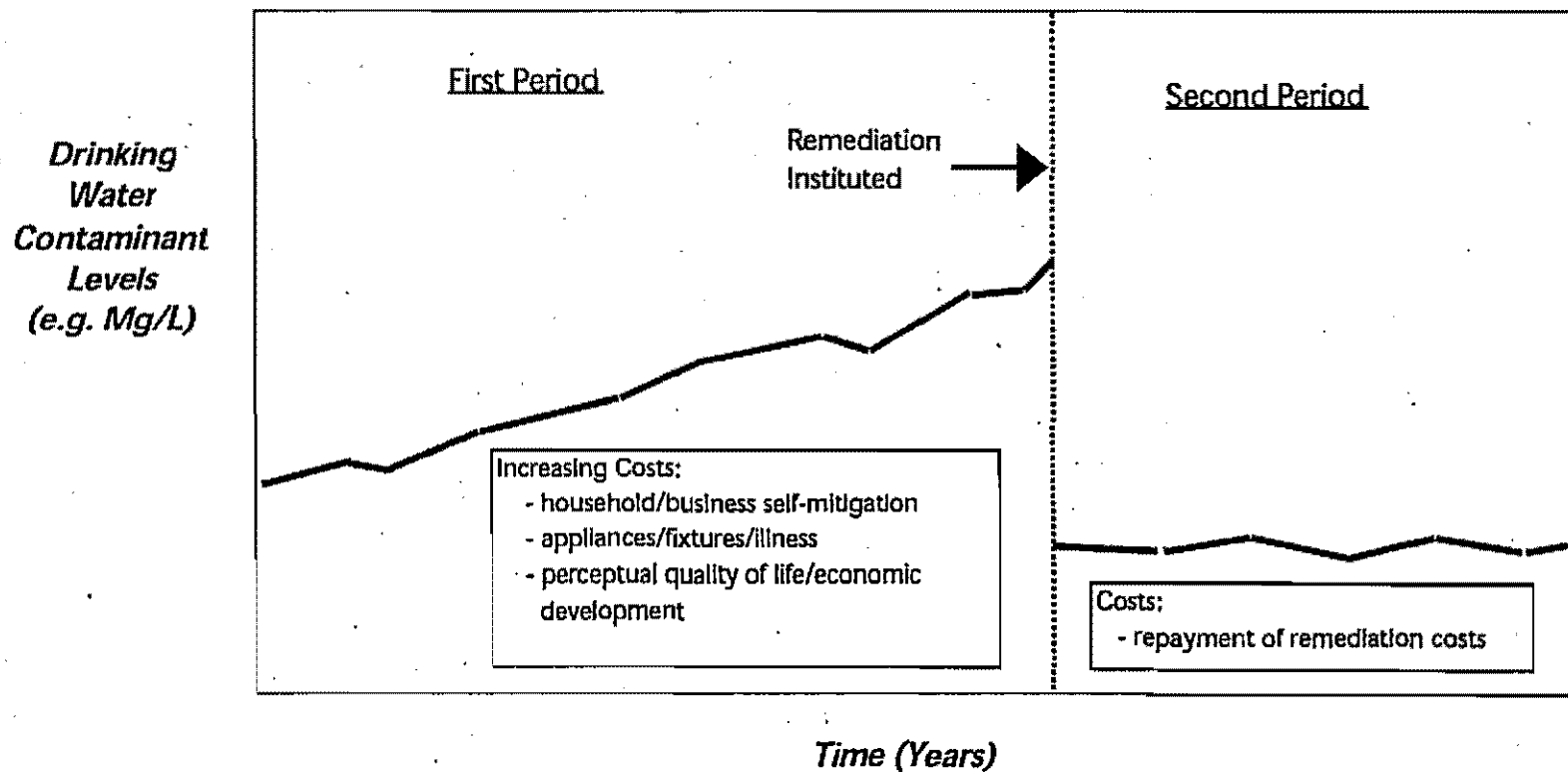
Costs during the second phase, which occurs during and after remediation by the water supplier, can be characterized more simply:

- the water supplier invests in remediation — either through enhanced treatment or development of alternative water supplies
- household and business costs return to normal.

BASELINE COSTS OF WATER QUALITY DEGRADATION – COMMON CONTAMINANTS (E.G. NITRATES)

The relationship between water quality related costs and time (for more common contaminants) is illustrated below.

Relationship Between Water Quality Degradation Costs and Time



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BASELINE COSTS OF WATER QUALITY DEGRADATION – COMMON CONTAMINANTS (E.G. NITRATES)

As described in Section 2b, there are some indications that water quality degradation from common contaminants, especially nitrates which are the most commonly measured constituent, is increasing in the LPRV aquifer. High concentrations of nitrates are associated with certain specific health risks. There are a number of communities in the U.S. that provide examples of what can occur with extreme nitrate contamination.

Nitrates are a naturally occurring chemical compound formed in soil when oxygen and nitrogen combine. Small amounts of nitrates are not harmful and natural concentrations of nitrate are found even in pristine groundwater, usually at levels less than 2 mg/L (USEPA Region 8, 2000 and USGS, 2000).

Health problems begin to occur when nitrate levels reach higher concentration. The best known health risk is methemoglobinemia, or oxygen starvation in the bloodstream. This condition is particularly risky for infants aged 0 to 6 months, where it is known as "blue baby syndrome." EPA characterizes this risk as becoming unacceptable for infants when nitrate levels exceed 10 mg/L, although other countries have established stricter standards — such as the European Community's limit of 5.6 mg/L (USEPA Region 8, 2000 and Environmental Working Group, 2000). There is some recent evidence that high levels of nitrates may also be associated with increased risk of non-Hodgkins Lymphoma (National Cancer Institute, 1996). Nitrate contamination from septic systems and animal waste can also be associated with fecal contamination and its associated diseases.

BASELINE COSTS OF WATER QUALITY DEGRADATION – COMMON CONTAMINANTS (E.G. NITRATES) (CONTINUED)

There are a number of communities in the U.S. that provide examples of what can occur with extreme nitrate contamination.

Severe nitrate contamination problems have occurred, or are currently occurring, in some U.S. communities both large and small, wealthy and poor. It is estimated that the Philadelphia metropolitan region contains at least 200,000 homes on septic, including nearly 4,000 within the city limits. During the past decade or so, rising nitrate levels associated with poor septic system maintenance have been found in wells throughout at least three suburban counties. In 1990, five families in suburban Bucks County contracted hepatitis A attributed to septic contamination. (Philadelphia Enquirer, May 25, 1998).

At the other end of the spectrum, the small town of Chualar in Monterey County, California has been severely afflicted with nitrate contamination during the past few years. In May 1996, the County determined that water from the town system was no longer fit to drink due to nitrate concentration. The town was without a permanent safe water supply for more than two years and local residents had to be supplied by tank truck. The anticipated solution of replacing the community's source well is expected to cost nearly \$1,000 per resident. (San Francisco Chronicle, May 12 and May 26, 1998).

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BASELINE COSTS OF WATER QUALITY DEGRADATION – COMMON CONTAMINANTS (E.G. NITRATES) (CONTINUED)

Quantitative Cost Estimates

Since 1988, at least eight formal studies across the U.S. have used survey and contingent valuation approaches to quantify the household costs associated with groundwater contamination. Five studies have focused on estimating household consumers willingness-to-pay to avoid contamination or remediate existing contamination, while three studies have examined household purchases and expenditures to estimate the household costs of mitigating or avoiding contaminated water supplies through purchases of filters, bottled water and other tactics. These studies are summarized on the following page.

BASELINE COSTS OF WATER QUALITY DEGRADATION – COMMON CONTAMINANTS (E.G. NITRATES) (CONTINUED)

National Studies Estimating Average Annual Household Values for GW Contamination Avoidance and Willingness to Pay to Avoid or Remedy Contamination

Studies of Household GW Contamination Avoidance Behavior.

| <i>Study</i> | <i>Location</i> | <i>Contamination</i> | <i>Original Avoidance Cost</i> | <i>Cost In Year 2000 \$</i> |
|--|-----------------|------------------------------|--------------------------------|-----------------------------|
| Abdalla, 1990 | Centre Co., PA | Perchloroethylene | \$252 | \$382 |
| Abdalla, Roach, and Epp, 1990 and 1992 | Bucks Co., PA | Trichloroethylene | \$123 | \$171 |
| Collins and Steinbeck, 1993 | West Virginia | Bacteria, Minerals, Organics | \$1,410 | \$1,860 |
| | | | <i>Median</i> | \$382 |

Studies of Willingness to Pay to Protect GW Quality.

| <i>Study</i> | <i>Description</i> | <i>Original Value</i> | <i>Year 2000 \$</i> |
|---------------------------|--------------------------------------|-----------------------|---------------------|
| Doyle, 1991 | Remediate contamination | \$138 | \$174 |
| Edwards, 1988 | Reduce prob. Of nitrate contam. | \$815 | \$1,186 |
| Jordan, et al, 1993 | Reduce nitrate contam. To safe level | \$135 | \$161 |
| Schultz, et al, 1989/1990 | Maintain GW Quality | \$40 | \$53 |
| Clemons, et al, 1995 | Wellhead protection program | \$21 | \$24 |
| | | <i>Median</i> | \$161 |

Source: *Valuing Groundwater*, National Research Council, 1997.

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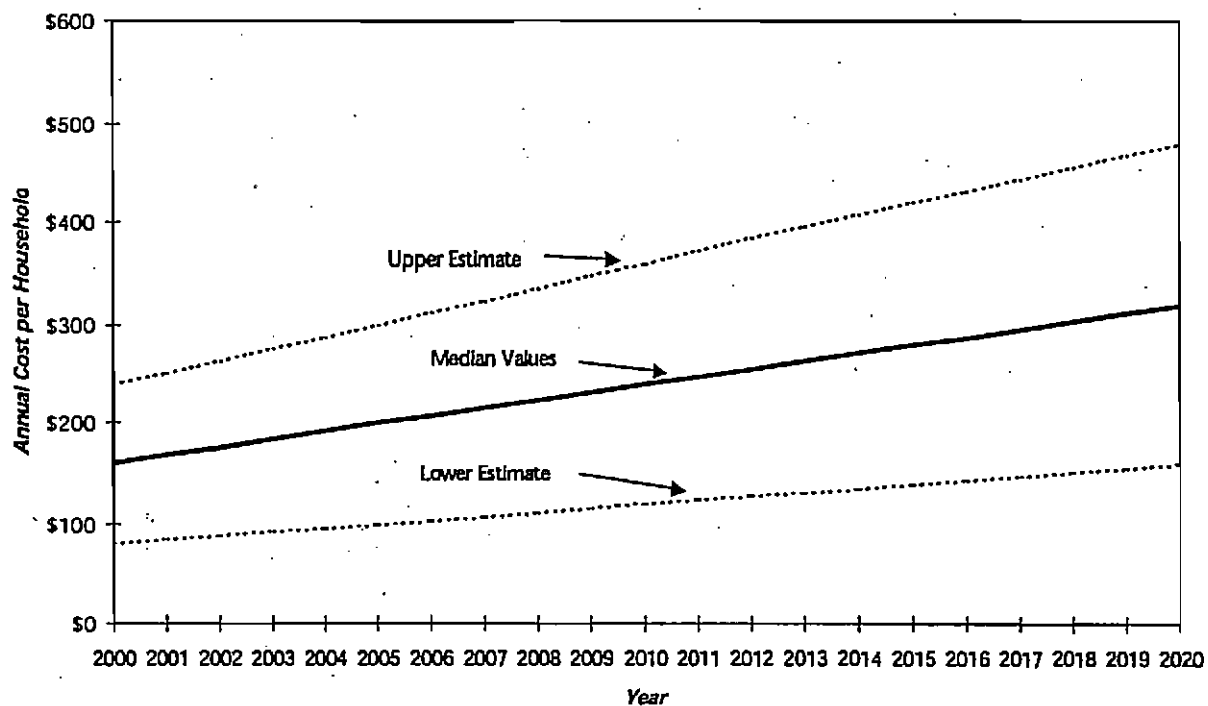
BASELINE COSTS OF WATER QUALITY DEGRADATION – COMMON CONTAMINANTS (E.G. NITRATES) (CONTINUED)

Since the willingness to pay studies are primarily associated with the value households place on avoiding future increase in contamination, they are perhaps the most analogous to the current situation in the LPRV. The value derived from such studies is akin to the value of an insurance policy against future declines in water quality — through establishing the enhanced aquifer protection measures. The avoidance cost studies may represent more appropriate estimates of the household cost as contamination levels approach the threshold requiring remediation by the water supplier — more closely representing the situation that may be experienced in the LPRV towards the end of this study's 20 year planning horizon. We have calculated a range of potential cost estimates based on the median values from the studies, plus or minus 50%. The figure on the following page depicts the study team's estimate of the range of household costs/values associated with groundwater quality degradation in the LPRV over the 20 year study horizon (presuming remediation by the water supplier does not occur within this timeframe).



BASELINE COSTS OF WATER QUALITY DEGRADATION – COMMON CONTAMINANTS (E.G. NITRATES) (CONTINUED)

Estimated Annual Costs per Household of Groundwater Degradation in the LPRV,
2000 - 2020



BASELINE COSTS OF WATER QUALITY DEGRADATION – OTHER COSTS

Apart from the first phase, household costs associated with degradation from common contaminants, there are several other cost considerations.

Business costs in first phase

Like households, business may also be willing to pay to avoid further contamination and may undertake their own measures to avoid or mitigate contaminated supplies — for example by installing on-site pre-treatment equipment. Unfortunately, there is little information available to provide a basis for even generalized estimates of the magnitude of these costs.

Remediation (second phase) costs

It is possible that at least a portion of the water supplies in the LPRV (i.e., Pocatello Creek area, Blackcliffs Mobile Home Park area, etc.) may become so degraded during the twenty year study horizon that water suppliers are required to provide centralized remediation — through either enhanced treatment or development of alternative supplies.

BASELINE COSTS OF WATER QUALITY DEGRADATION – OTHER COSTS

From least to most expensive, the most likely options could include:

- Develop new wells (with an estimated financed annual capital cost of about \$250 per household living in the LPRV in 2020, based on estimated well system development costs from the Our Valley/Our Vision study process). However, given the fact that LPRV water uses are already approaching the sustainable capacity of the aquifer (see Page 2b-9), it is unclear whether or not this option will be viable.
- Development, treatment and conveyance of surface supplies from Pallsades Reservoir with an estimated annualized cost of about \$600 per household projected to live in the LPRV in 2020), or
- enhanced treatment through large scale reverse osmosis — suitable for removing nitrates as well as other contaminants. No cost estimates specific to the LPRV have been developed for this approach, but based on prior study team work in Tucson (and accounting for differences between that area and the LPRV) costs might fall between the cost estimate for new wells and the cost estimate for new surface supplies.

Hazardous material contamination

While contamination of public water supplies by hazardous materials can impose the same sorts of household, business and remediation costs, the probability of this type of contamination is much more unpredictable. However, hazardous material contamination (after detection) can require almost immediate remediation by the water supplier. Although quantitative estimates of these costs have not been projected by the study team — due to inability to predict the probability of occurrence — the cost of this risk should not be underestimated. This is particularly clear in the LPRV, where recent costs associated with PCE and TCE contamination have included about \$1.5 million for new wells and treatment facilities in Chubbuck the loss of production from one of Pocatello's municipal wells and the costs of extensive studies and future actions at the Fort Hall Mine landfill and other potential source sites.

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BASELINE COSTS OF WATER QUALITY DEGRADATION – IMPACT ON ECONOMIC DEVELOPMENT

As noted on page 2a-10, Pocatello's manufacturing base includes numerous industries that are dependent on relatively abundant, high quality water supplies. Further, local economic developers have indicated that new water intensive operations are currently considering relocating to the Pocatello area and water quality and quantity is important to new firms considering locating in the area (Ray Burstedt, Bannock County Development Corporation).

While it is not possible to precisely predict the potential impact of declining water quality on economic development in the study area, some simplified calculations can provide a reasonable, order of magnitude assessment of what may be at stake:

- The baseline economic projections described on page 2a-13 indicate that the area is expected to experience an average net increase in manufacturing employment of about 110 jobs per year, or about 2 net new firms per year (based on current average manufacturing firm size in the area).
- Assume water quality is an important concern for one-half of all new manufacturing firms considering locating in the study area (to be conservative, we'll assume it is not a critical factor for other types of firms considering the area).
- If one half of these firms choose another locale because of increasing water quality concerns, manufacturing growth in the Pocatello area would be reduced by 25%. This means that each year, the area would lose almost 30 new manufacturing jobs and about \$1 million dollars in wages (based on 1998 average manufacturing wages of \$35,000 in the area). If this phenomenon began to occur in 2010, cumulative manufacturing losses by 2020 would be 275 jobs, 5 firms and about \$9.6 million in annual wages.

BASELINE COSTS OF WATER QUALITY DEGRADATION – SUMMARY

Projected baseline costs of water quality degradation are summarized in the figure below. These costs are more indicative of the general magnitude of potential costs over the study horizon than precise estimates, given the varied uncertainties described earlier. Given that several types of costs could not be reasonably quantified at even a general level, these estimates may tend to understate actual costs.

| <i>Cost Element</i> | <i>Annual Cost (Year 2000 \$)</i> | | <i>Notes</i> |
|--------------------------------------|-----------------------------------|---------------------|---|
| | <i>2010</i> | <i>2020</i> | |
| <i>Common Contaminants - Phase I</i> | | | |
| Household Costs per Household | \$120 to \$360 | \$160 to \$480 | |
| Aggregate Household Costs | \$4 to \$11 million | \$6 to \$17 million | |
| Business Costs | Not Quantified | Not Quantified | |
| <i>Hazardous Contamination Costs</i> | Not Quantified | Not Quantified | Risk not easily amenable to prediction. Recent local experience and costs indicative of risk. Could force earlier remediation by water suppliers. |
| <i>Remediation Costs</i> | Assumed To Occur After 2020 | | Range of annualized costs from \$250 to \$600 per household. Corresponding reduction in phase 1 household and business costs after remediation by water supplier. |
| <i>Economic Development Costs</i> | | | |
| Annual New Employment Foregone | 28 Jobs | 28 Jobs | Indicative estimates only, based on assumptions stated in text. Actual costs may be higher or lower. |
| Annual New Wages Foregone | \$1 million | \$1 million | |
| Cumulative Employment Foregone | 28 Jobs | 275 Jobs | |
| Cumulative Yearly Wages Foregone | \$1 million | \$9.6 million | |

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BASELINE COSTS — SUMMARY

This section has described selected cost measures under the baseline scenario — including those that have the likely potential to differ between the baseline and the scenario with enhanced aquifer protection and cost elements that will be needed to calculate cost differentials between the two scenarios. These baseline cost elements and projections are summarized in the following figure:

Summary of Projected Annual Baseline Costs and Cost Elements

| Cost Element | Annual Cost (Year 2000 \$) | |
|---|----------------------------|------------------------|
| | 2010 | 2020 |
| <i>Administrative Costs of Enhanced Aquifer Protection*</i> | \$0 | \$0 |
| <i>Aggregate Costs of Residential Wastewater Disposal for New Development</i> | | |
| Via Septic Systems (20 to 35 new homes per year over aquifer) | \$67,000 to \$120,000 | \$135,000 to \$235,000 |
| Via Sewer Systems (385 to 400 new homes per year) | \$4.5 to \$4.7 million | \$9.1 to \$9.4 million |
| <i>Aggregate Homeowner Payments for New Homes</i> | \$35 million | \$70 million |
| <i>Costs of Secondary Containment of Critical Materials*</i> | \$0 | \$0 |
| <i>Costs of Enhanced Stormwater Disposal for New Facilities*</i> | \$0 | \$0 |
| <i>Costs of Water Quality Degradation</i> | | |
| Household Costs | \$4 to \$11 million | \$6 to \$17 million |
| Business Costs | not quantified | not quantified |
| Economic Development Losses | | |
| Manufacturing Jobs | 30 | 275 |
| Annual Wages | \$1 million | \$9.6 million |

*Will be compared to values in the enhanced aquifer protection scenario.

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SECTION 3.
ECONOMIC AND FISCAL IMPACT ESTIMATES



INTRODUCTION — OVERVIEW OF SECTION 3

This section describes the third, and last, analytical element in this evaluation of economic impacts of enhanced aquifer protection for the Lower Portneuf River Valley (LPRV).

Two previous sections have focused on:

- Section 1 - Characterization of the Enhanced Aquifer Protection Scenario. This section defines the measures assumed to be implemented to protect water quality in the LPRV Aquifer for purposes of this study.
- Section 2 - Description of the Baseline Scenario. This section describes current and projected economic and demographic conditions, hydrologic conditions and water quality related costs in the LPRV, assuming no further aquifer protection.

In Section 3, the study team has endeavored to describe the projected effects of the enhanced protection scenario relative to the baseline scenario. This comparison produces estimates of the financial and economic impacts of implementing the enhanced protection scenario in the LPRV.

INTRODUCTION — OVERVIEW OF SECTION 3, CONTINUED

The structure of this report includes six elements, following this overview. These elements include:

1. A recap of the enhanced protection scenario definition.
2. Direct costs of the enhanced protection scenario.
3. Indirect costs and economic impacts of the enhanced protection scenario.
4. Benefits of the enhanced protection scenario.
5. Comparisons of the enhanced protection scenario with the baseline scenario.
6. Areas of uncertainty and potential for further research.

INTRODUCTION: SUMMARY OF ENHANCED AQUIFER PROTECTION SCENARIO

The enhanced protection scenario assumes a specific set of measures would be implemented to diminish future aquifer constituent loadings due to human activities on the ground surface and reduce the risk of contamination due to unanticipated, one-time, events such as spills or accidents. These measures are based largely on policies implemented over the past two decades in the Rathdrum Prairie region in northern Idaho. The set of measures, and the extent to which they reflect changes from current policy and practice in the LPRV, is described in detail in Section 1. The key objectives and principal management measures are summarized below.

- Reduction of future contamination from septic and sewer discharge to the aquifer - this measure limits the density of future home developments relying on septic disposal to no more than one home per five acres unless the homes are located in contractually agreed upon Sewage Management Areas that will be sewered in the near future.
- Avoidance of contamination from stormwater runoff and non-domestic wastewater disposal - this measure requires larger new developments to develop and implement stormwater management plans incorporating best management practices and disallows non-domestic wastewater discharge to the aquifer.
- Reduction of risk of contamination from unintended spills of critical materials - this measure requires businesses using, storing or handling designated critical materials to report on material use and, if use is above designated threshold quantities, to submit management plans and, in some cases, incorporate secondary containment facilities.

These measures are assumed to apply only to new developments, businesses and material uses in the LPRV.



INTRODUCTION: SUMMARY OF ENHANCED AQUIFER PROTECTION SCENARIO

There are three major categories of potential economic and fiscal effects associated with implementing the enhanced protection scenario. Such a strategy may impose direct costs upon residents or other sources of funding to pay for administration and implementation of the aquifer protection measures. Secondly, the strategy may impose indirect costs on residents and/businesses by requiring modifications to current practices. Finally, the strategy may provide economic benefits by avoiding further decreases in the quality of the water supply relied upon by residents and businesses. Each is addressed in turn.



**SECTION 3a.
DIRECT COSTS OF ENHANCED AQUIFER
PROTECTION IN THE LPRV**

DIRECT COSTS OF THE ENHANCED AQUIFER PROTECTION SCENARIO

The best available guideline for estimating the direct costs associated with implementing the enhanced protection scenario is the experience in the Rathdrum Prairie with very similar aquifer protection measures. Arguably, the LPRV might expect to experience lower direct costs in implementing and managing the aquifer protection effort than the Rathdrum Prairie region for several reasons:

- the surface area of the Rathdrum Prairie Aquifer (283 square miles in Idaho) is more than ten times larger than the surface area of the LPRV Aquifer (26 square miles).
- administratively, the Rathdrum effort appears more complex as it involved 11 municipalities and Kootenai County, compared with two municipalities and one county government in the LPRV.
- most importantly, the LPRV would be able to learn from more than a decade of experience in implementing and managing efforts in the Rathdrum Prairie rather than having to be the pioneer in devising management and administrative approaches.
- The Rathdrum Prairie has grown more rapidly than the LPRV, suggesting protection measures would be less challenging in the LPRV.

However, the Rathdrum Prairie effort also undoubtedly benefited from synergy with comparable efforts across the border in Spokane County, Washington. The economic base of the LPRV is more diversified than that of the Rathdrum Prairie, with more industry and related risks. To be conservative in estimating costs for the LPRV, the study team has assumed direct costs would be comparable to those experienced in the Rathdrum Region.

DIRECT COSTS OF THE ENHANCED AQUIFER PROTECTION SCENARIO, CONTINUED

Direct costs will likely be highest in the early years of implementing the enhanced protection scenario and developing additional technical information regarding the aquifer. These costs will ultimately diminish to a lower level for ongoing maintenance of the protection effort. Based on the Rathdrum experience, the study team estimates that annual direct costs and staffing requirements during a five to ten year formative period would be approximately \$500,000 per year and about six full time equivalent positions. After this formative period, ongoing annual costs and staffing for maintaining the program should decrease to about \$275,000 per year and about four full time equivalent positions. The table above depicts more detailed annual direct costs and staffing requirements experienced in the Rathdrum Prairie.

Rathdrum Prairie Annual Administrative Costs and Staffing

| <i>Program Area</i> | <i>Formative Years</i> | | <i>Maintenance Years</i> | |
|------------------------------------|-------------------------------|---------------------|---------------------------------|---------------------|
| | <i>Dollars</i> | <i>Staff</i> | <i>Dollars</i> | <i>Staff</i> |
| Septic/Sewer Discharge | \$9,000 | 0.2 | \$9,000 | 0.2 |
| Stormwater/Non-domestic Wastewater | \$60,000 | 1.0 | \$30,000 | 0.5 |
| Critical Materials | \$72,000 | 1.2 | \$105,000 | 1.8 |
| <i>Other Components</i> | | | | |
| Public Education/Awareness | \$112,000 | 1.2 | \$40,500 | 0.5 |
| Groundwater Monitoring | \$5,000 | 0.0 | \$5,000 | 0.0 |
| Technical Assistance | \$100,000 | 1.2 | \$75,000 | 1.0 |
| Hazardous Materials Response | \$50,000 | 0.5 | \$0 | 0.0 |
| Other | \$92,000 | 0.7 | \$9,000 | 0.2 |
| Total | \$500,000 | 5.9 | \$273,500 | 4.1 |

Source: Rathdrum Prairie Aquifer Program: Past, Present and Future? Rathdrum Prairie Aquifer Policy Advisory Committee, June 1996; personal interviews with Ken Lustig, Environmental Health Director, Panhandle Health District Number One, 2001.

DIRECT COSTS OF THE ENHANCED AQUIFER PROTECTION SCENARIO, CONTINUED

The burden of these direct costs would likely be spread across several funding sources. In the Rathdrum Prairie, some of these costs are offset by fees paid for septic permits and filing charges associated with critical materials plans. A larger contribution is made by the State, which pays for technical assistance and public education administered by the local DEQ office. During the "formative years", when annual direct costs averaged \$500,000 per year, the State contribution covered about 50 percent of the total annual cost, while fees met a little less than twenty percent of the remaining local funding requirement. During the "maintenance years", when annual direct costs averaged about \$275,000 per year, the State contribution covered about 40 percent of the total annual cost, while fees covered a little more than twenty percent of the remaining local funding requirement. (Rathdrum Prairie Aquifer Program: Past, Present and Future? Rathdrum Prairie Aquifer Policy Advisory Committee, June 1996).

To again presume the most conservative, or "worst case" from a local impact perspective, we can consider the burden if the total direct cost burden was recovered from taxpayers in the LPRV. Under these worst case assumptions, the maximum potential annual direct cost burden during the higher cost, formative years would equate to an average of about \$8 per LPRV resident, per year.

SECTION 3b.
INDIRECT COSTS AND ECONOMIC IMPACTS OF ENHANCED
AQUIFER PROTECTION IN THE LPRV

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INDIRECT COSTS AND ECONOMIC IMPACTS OF THE ENHANCED AQUIFER PROTECTION SCENARIO

The second major category of potential economic and fiscal effects are indirect costs that might be incurred by residents and businesses in the LPRV and possible negative effects on the local economy. Potential positive effects on the economy, relative to the baseline scenario, are discussed separately.

Within the enhanced protection scenario, there are two primary elements that might conceivably produce indirect costs and economic impacts within the LPRV:

- *measures designed to drive new residential homes onto municipal sewer systems instead of septic systems might have an impact on the cost of new home development within the LPRV and, consequently, might affect home ownership costs, the number of new homes sold in the study area and the industries most closely tied to new home development and sales (e.g. construction, finance, insurance and real estate).*
- *measures designed to reduce contaminant loadings from stormwater runoff and reduce the risk of critical material spills into the aquifer could impact the costs of developing new businesses in the LPRV. Potential secondary effects might include reductions in the number of new businesses and, consequently, new jobs in the study area.*

The balance of this discussion presents the study team's assessment of these two indirect cost/economic impact elements. First we present the impressions of both aquifer management and business development representatives in the Rathdrum Prairie concerning their experience with these issues over the past decade. We then estimate the magnitude of these potential effects in the LPRV.

INDIRECT COSTS AND ECONOMIC IMPACTS — RESIDENTIAL DEVELOPMENT

The Sewage Management Area/septic density requirements were the single most controversial aspect of the aquifer protection strategy in the early years of the Rathdrum Prairie effort. Based on extensive documentation produced throughout the past 20 years of the Rathdrum Prairie aquifer protection effort and study team interviews with Panhandle Health Department #1 (PHD#1) and the local Department of Environmental Quality office in Coeur d'Alene, the following are some key observations from the Rathdrum experience:

- When PHD#1 began implementing the Sewage Management Area/septic density requirements in the late 1970s, strong opposition was raised by some local developers and realtors. Opponents contended that new homes would be priced out of the market and that the economic impacts would exceed any benefits from such protection measures. Ultimately, PHD#1 prevailed in a court challenge to the requirements. (***A Case Study of Innovative Subsurface Sewage Management over the Rathdrum Prairie Aquifer, Idaho.*** PHD#1 and Gradient Corporation, 1986).
- The Sewage Management Area/septic density requirements have resulted in a number of changes in the pattern of residential development in the Rathdrum Prairie. Over the past two decades, a number of new sewer districts have been started, existing sewer systems have been expanded and an estimated \$50 million dollars has been spent on wastewater system improvements. Residential development has been channeled into urbanized areas and some believe that local planning has been improved and the costs of providing public sector services to new homes has been reduced. (***Rathdrum Prairie Aquifer Protection Project: Ground Water Quality Technical Report No. 12.*** Idaho Department of Environmental Quality, 1999. Study team interview with Ken Lustig, Environmental Director for PHD#1, 2001).
- While the rapid population growth in the Rathdrum Prairie demonstrates that Sewage Management Area/septic density requirements did not curtail development and the controversy has subsided, these regulations may continue to evolve. A current planning process is considering alternatives or modifications to the existing septic density rule that might provide the same level of aquifer protection while providing more flexibility in development standards. (Study team interview with Ken Lustig, Environmental Director for PHD#1, 2001).

INDIRECT COSTS AND ECONOMIC IMPACTS — RESIDENTIAL DEVELOPMENT, CONTINUED

The study team believes that the Sewage Management Agreement/septic density requirements would convert at least a portion of the new homes in the LPRV that would have been developed with septic systems into sewer wastewater development. This conversion is likely to have a modest impact on the cost of some new homes in the LPRV and might have modest effects on housing demand and economic activity in construction, real estate and other related sectors.

- As discussed in the Section 2, Baseline Conditions, an estimated 20 to 35 new homes will be developed per year with septic disposal systems over the next twenty years, out of a projected total of 385 to 400 new homes developed each year in the LPRV. To gauge the "worst case" in terms of potential economic impact, we can assume that all of these homes would be converted to development using municipal sewerage under the enhanced protection scenario (although in reality some proportion could still be developed with septic systems at a one unit per five acre density).

- Also drawing from analysis in Section 2, the cost of developing a new home in the LPRV with municipal sewer disposal is estimated to be about \$7,700 more than developing the same home with septic disposal. If we assume that this cost difference is reflected in the price difference for the home and use the current average home sale price in the LPRV of about \$95,000, the impact of this cost difference on the average price of homes in the LPRV can be estimated by the following formula:
 - Impact on average price = (% of homes converted from septic to sewer development) x (% difference in price), or:
 - **Lower end impact estimate** = $20/385 \times \$7,700/\$95,000 = \$400$ or 0.4% impact on average home price.
 - **Higher end impact estimate** = $35/385 \times \$7,700/\$95,000 = \$675$ or 0.7% Impact on average home price.

INDIRECT COSTS AND ECONOMIC IMPACTS — RESIDENTIAL DEVELOPMENT, CONTINUED

- The less than one percent estimated magnitude of the impact of these regulations on the average price of new homes in the LPRV is likely less than the effect of fluctuations in market conditions from year to year and might have essentially no economic impact on the economic sectors related to new home development. Potentially, some proportion of this increase in the cost of developing new homes may be absorbed in lower profits by home developers, rather than reflected in higher new home prices.
- However, we can assess the potential "worst case" from an economic impact standpoint by applying estimates of the "elasticity" of housing demand to the estimate range of potential price increases. Elasticity is an economic measure of the percentage reduction in demand resulting from a one percent increase in price. Prior studies of the elasticity of housing demand suggest that this value may be approximately 1.2 (1997 Mackinac Center for Public Policy, citing various elasticity studies).
- Using this elasticity value, the reduction in housing demand corresponding to the estimated increase in the average price of new homes due to the enhanced protection scenario would be between 0.5% and 0.8%. This implies that approximately two to three fewer new homes could be developed each year in the LPRV.
- If one half of the approximately 3,500 LPRV jobs in the construction and finance, insurance and real estate sectors can be assumed to be directly related to new home development, this estimated decrease in new home development could result in approximately nine to 14 fewer jobs in these sectors.
- Homeowners who purchase new homes that would have been on septic systems that would now be developed with municipal sewer hookups will also experience a financial impact. As described in Section 2, these homeowners will pay an estimated \$850 more per year (including both higher mortgage payments and the difference between septic operating costs and sewer rates) than if their homes were on septic systems. Less than ten percent of all new homeowners in the LPRV would experience this impact.

INDIRECT COSTS AND ECONOMIC IMPACTS — COMMERCIAL/INDUSTRIAL ACTIVITY

The suite of measures designed to reduce or prevent aquifer contamination by new commercial and industrial businesses could affect the cost of developing some new business properties in the LPRV. Experience in the Rathdrum Prairie, however, indicates that the local business community in that area has been generally supportive of these measures.

- Panhandle Health District staff indicated to the study team that approximately 40 firms per year file critical materials reports with the Health District. About one-half of these firms use these materials at levels above the designated thresholds and, consequently, must file a critical materials management plan with the District. In most cases, the plans are simple letters that can be prepared by the business without outside engineering consultation. In these cases the actual secondary containment requirements are also met fairly simply with measures such as containment pallets for drums or double walled storage tanks. There are, however, occasional instances where secondary containment can be much more significant. The most recent, high profile example in the Rathdrum concerned a proposed new railroad refueling depot. The railroad was, however, able to develop a containment design that exceeded the District's requirements and obtain District approval.
- Study team interviews with executives at the local chamber of commerce and economic development agencies also indicated that there is little or no negative feedback from local firms concerning either the critical materials regulations or stormwater management requirements (Jonathan Coe, Executive Director, *Coeur d'Alene Chamber*). Further, the Rathdrum protection measures were deemed to have had essentially "no impact on efforts to recruit companies" into the region (Robert Potter, Executive Director, *Jobs Plus*, Coeur d'Alene). Both agencies indicated that their members consider the aquifer to be an extremely valuable resource that must be protected.
- One significant concern regarding business impacts was raised by sources at the Coeur d'Alene wastewater utility. The restriction on non-domestic wastewater disposal has reportedly been a problem for a number of pre-existing commercial businesses located in areas isolated from municipal wastewater collection systems. These businesses are effectively prohibited from expanding their operations (or at least the volume of their wastewater disposal) until, or unless, they can eventually connect to one of the municipal sewer systems in the area. (Don Kyle, Operations Manager, *Coeur d'Alene Wastewater System*).

INDIRECT COSTS AND ECONOMIC IMPACTS — COMMERCIAL/INDUSTRIAL ACTIVITY, CONTINUED

The aquifer protection measures focused on new commercial/industrial activity and development (critical materials regulation, stormwater disposal and non-domestic wastewater disposal) could potentially have an impact on new business activity in the LPRV. While these impacts cannot be quantified with any certainty, The Rathdrum Prairie experience suggests they are unlikely to be a major issue. The following is the study team's generalized assessment of the "worst case" potential impacts.

- There are no available estimates of the costs incurred by businesses in the Rathdrum Prairie to install secondary containment or to meet the stormwater disposal requirements. Based on descriptions of typical approaches to these problems in practice, the study team believes the stormwater disposal requirements can be met with essentially no increase in cost, while the critical materials regulations might increase the average costs of developing those particular, new commercial and industrial facilities that require secondary containment by about two to four percent.
- There are also no known estimates of the impact of such cost increases in commercial and industrial property development costs on the rate at which new businesses develop over time. However, we can get a sense of the potential magnitude of these impacts by applying the same elasticity approach used in the assessment of impacts of protection measures on residential development.
- In Section 2, the study team estimated that about 68 net new establishments would be created each year in the LPRV under the baseline scenario. Based on the level of Rathdrum critical material permitting activity, and adjusting for the slower growth rate in the LPRV, perhaps as many as ten of these establishments would require secondary containment facilities. Using the residential elasticity estimate of 1.2 together with the estimated cost increases for commercial and industrial property development of four percent (for properties requiring critical materials containment) implies that perhaps five fewer businesses will be developed **each decade** due to the cost increases from the enhanced protection scenario. At average LPRV employment of 13 jobs per business, this would imply about 65 fewer new jobs over the decade, or about five fewer jobs each year.

INDIRECT COSTS AND ECONOMIC IMPACTS — SUMMARY

The potential indirect costs and economic impacts of implementing the enhanced protection scenario in the LPRV are subject to much more uncertainty than the direct costs for administration and management. Prior experience in the Rathdrum Prairie suggests that, despite initial concerns, these impacts have been modest. We have endeavored to develop order of magnitude estimates of the potential impacts under "worst case" assumptions. Study team estimates of the magnitude of cost impacts suggest that these effects are likely well within the range of annual fluctuations due to other market factors. The table below summarizes the range of these potential impact estimates.

Summary of "Worst Case" Indirect Cost and Impact Estimates

| <i>Cost/Impact Element</i> | <i>2010</i> | <i>2020</i> |
|---|-------------------|---------------------|
| Increase in average Price of New Homes | 0.4% to 0.7% | 0.4% to 0.7% |
| Annual Cost Increase for 20 to 35 homeowners per year* | \$850/household | \$850/household |
| Potential Reduction In Annual Number of New Homes | 2-3 Homes | 2-3 Homes |
| Potential Cumulative Reduction in New Homes | 20-30 Homes | 40-60 Homes |
| Annual Reduction in Number of New LPRV Businesses | 0.5 Businesses | 0.5 Businesses |
| Cumulative Employment Effects From Reduced New Home Development | 9-14 Jobs | 9-14 Jobs |
| From Reduced New Business Development | 65 Jobs | 130 Jobs |
| Total | 74-79 Jobs | 139-144 Jobs |

*Applied only to owners of homes that are developed with sewer disposal under enhanced aquifer protection scenario that would have been developed with septic disposal under the baseline scenario.

**SECTION 3c.
BENEFITS OF ENHANCED AQUIFER
PROTECTION IN THE LPRV**

OVERVIEW OF BENEFITS OF THE ENHANCED AQUIFER PROTECTION SCENARIO

The enhanced protection scenario is intended to prevent further deterioration in LPRV water quality resulting from new developments, new businesses and new business activity. As such the benefits of this scenario are in avoiding anticipated or potential declines in water quality under the baseline scenario and the economic costs associated with additional water quality degradation.

This section summarizes the potential hydrologic and economic benefits of the enhanced protection scenario based on avoiding the implications of the baseline scenario. Much more detail on the projected hydrologic impacts and water quality related costs of taking no action under the baseline scenario is provided in Section 2b and Section 2c (respectively) of this report.

HYDROLOGIC BENEFITS OF THE ENHANCED PROTECTION SCENARIO

Section 2 described the physical characteristics of the LPRV aquifer, the relationships that have been found between surface activities and water quality in extensive studies of the hydrologically similar Rathdrum Prairie Aquifer and the comparatively limited data on water quality trends in the LPRV. The following are the key points from this information in terms of the hydrologic benefits of the enhanced protection scenario.

- The LPRV Aquifer has an important combination of attributes in common with the Rathdrum Prairie Aquifer: highly permeable surface cover, relatively shallow depth to groundwater, intensive surface activity and development, and the aquifer's status as the sole supply source for the study area. These elements make the LPRV aquifer highly vulnerable to contamination and the waters it contains highly important to the region.
- Extensive technical analysis in the Rathdrum Prairie over the past twenty years has demonstrated and quantified the relationships between surface activities and water quality in that aquifer. These relationships have not been fully quantified in the LPRV.
- Apart from well publicized issues with PCE and TCE contamination, certain areas in the LPRV aquifer have elevated levels of contaminants such as nitrates and chlorides. While some wells indicate an increasing trend, there is not enough data available to conclusively determine the rate of change in LPRV water quality.
- Overall, there is sufficient evidence to indicate that the LPRV aquifer has been degraded by surface activities to this point and is highly vulnerable to further degradation. There is not enough evidence to determine how quickly, or precisely where, future degradation will occur.

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ECONOMIC BENEFITS OF THE ENHANCED PROTECTION SCENARIO

Section 2 also described estimated economic costs associated with water quality degradation under the baseline scenario. These cost estimates are based largely on national studies of household responses to perceived water quality degradation and/or household willingness to pay to avoid the possibility of future contamination. Although business costs may also be significant, they could not be quantified based on previous research. The following table from Section 2 presents projected costs of water quality degradation under the baseline scenario, which become the corresponding benefits of the enhanced protection scenario.

| Cost Element | Annual Cost (Year 2000 \$) | | Notes |
|--------------------------------------|-----------------------------|---------------------|---|
| | 2010 | 2020 | |
| <i>Common Contaminants - Phase I</i> | | | |
| Household Costs per Household | \$120 to \$360 | \$160 to \$480 | |
| Aggregate Household Costs | \$4 to \$11 million | \$6 to \$17 million | |
| Business Costs | Not Quantified | Not Quantified | |
| <i>Hazardous Contamination Costs</i> | Not Quantified | Not Quantified | Risk not easily amenable to prediction. Recent local experience and costs indicative of risk. Could force earlier remediation by water suppliers. |
| <i>Remediation Costs</i> | Assumed To Occur After 2020 | | Range of annualized costs from \$250 to \$600 per household. Corresponding reduction in phase 1 household and business costs after remediation by water supplier. |
| <i>Economic Development Costs</i> | | | |
| Annual New Employment Foregone | 28 jobs | 28 Jobs | Indicative estimates only, based on assumptions stated in text. Actual costs may be higher or lower. |
| Annual New Wages Foregone | \$1 million | \$1 million | |
| Cumulative Employment Foregone | 28 Jobs | 275 Jobs | |
| Cumulative Yearly Wages Foregone | \$1 million | \$9.6 million | |

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SECTION 3d.
COMPARISON OF THE ENHANCED AQUIFER PROTECTION
SCENARIO WITH THE BASELINE SCENARIO

COMPARISON OVERVIEW

The following pages provide a comparison of relevant costs and economic effects under the enhanced protection scenario with the baseline scenario. This comparison yields estimates of the net annual benefits of the enhanced protection scenario in years 2010 and 2020. In these comparisons, the study team has also identified the parties or groups anticipated to experience each type of cost or benefit. Following the assessment of annual effects in the two selected years, we also provide a projection of total benefits and costs over the 20-year study horizon - allowing for an estimate of the cumulative net present value of implementing the enhanced protection scenario.

The estimates of benefits and costs provided throughout this section draw from information and analyses developed earlier in this section - which in turn draw from work described in both Section 1 and Section 2. While specific dollar values are presented in this section wherever possible, the reader should remain aware that many of the cost and benefit estimates are subject to considerable uncertainty. Nonetheless, the values provided herein represent the study team's best estimates of potential benefits and potential "worst case" costs and economic impacts. Because costs of enhanced protection for local business have been included, while benefits of enhanced protection for business have not, the net benefits estimates are likely understated. Specific areas of uncertainty, and the potential to address some of these areas through further research, are discussed further in the final pages of this report.

COMPARISON OF PROJECTED ANNUAL COSTS IN 2010

The table on the following page draws together information presented elsewhere throughout this study to provide a comparison of annual costs in 2010 under the enhanced protection scenario relative to the baseline scenario. This comparison leads to an estimate that the net annual benefit of the enhanced protection scenario in year 2010 would be between \$2.5 and \$9.6 million. The estimated benefit/cost ratio of the enhanced protection scenario for year 2010 alone is between 1.9 and 4.7.

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COMPARISON OF PROJECTED ANNUAL COSTS IN 2010

Comparison of Projected Annual Costs and Cost Elements in 2010 Enhanced Protection Scenario Versus Baseline Scenario

| <i>Cost Element</i> | <i>Annual Cost in 2010 (excluding inflation)</i> | | <i>Enhanced Protection Annual Benefit/(Cost) in 2010</i> | <i>Affected Parties</i> |
|---|--|---------------------------|--|---|
| | <i>Enhanced Protection</i> | <i>Baseline</i> | | |
| <i>Administrative Costs of Enhanced Aquifer Protection</i> | \$0.5 million | \$0 | (\$0.5 million) | All LPRV residents and businesses |
| <i>Aggregate Costs of Residential Wastewater Disposal for New Development</i> | | | | |
| Via Septic Systems | \$0 | \$0.067 to \$0.12 million | | |
| Via Sewer Systems | \$4.8 to \$5.1 million | \$4.5 to \$4.7 million | | |
| Sub-total | \$4.8 to \$5.1 million | \$4.6 to \$4.8 million | (\$0.2 to \$0.3 million) | Under 10% of new homeowners in LPRV, or LPRV new home developers |
| <i>Water Quality Related Costs</i> | | | | |
| Household Costs | \$0 | \$4 to \$11 million | \$4 to \$11 million | All LPRV residents |
| Business Costs | \$0 | not quantified | not quantified | |
| <i>Impacts on Jobs and Wages</i> | | | | |
| Direct employment in enhanced protection administration | 6 jobs | 0 | | |
| Annual wages | \$0.2 million | \$0 | \$0.2 million | Administering agency employees |
| Impacts due to indirect costs of enhanced protection: | | | | |
| Lost jobs in new home construction, real estate, etc. | 9 to 14 jobs | 0 | | Construction & real estate sectors |
| Lost jobs due to regulatory costs for new businesses | 65 jobs | 0 | | Employees of foregone new businesses |
| Total jobs lost due to increased home and business costs | 74 to 78 jobs | 0 | | |
| Annual Wages Lost (midpoint estimate) | \$1.9 million | \$0 | (\$1.9 million) | |
| Economic Development Losses Due to Water Quality Issues | | | | |
| Manufacturing jobs | 0 | 30 jobs | | |
| Annual Wages | \$0 | \$1 million | \$1 million | Employees of foregone new businesses |
| <i>Scenario Comparison in 2010</i> | | | | |
| <i>Annual Net Monetized Benefits/(Costs) of Enhanced Protection Scenario</i> | | | \$2.5 to \$9.6 million | |
| <i>Annual Benefit/Cost Ratio in 2010</i> | | | 1.9 to 4.7 | |

COMPARISON OF PROJECTED ANNUAL COSTS IN 2020

The table on the following page provides comparable information for year 2020. In that year, the projected net annual benefit of the enhanced protection scenario is between \$11.1 and \$22.5 million. The estimated benefit/cost ratio of the enhanced protection scenario for year 2020 alone is between 3.4 and 6.4.

COMPARISON OF PROJECTED ANNUAL COSTS IN 2020

Comparison of Projected Annual Costs and Cost Elements in 2020 Enhanced Protection Scenario Versus Baseline Scenario

| Cost Element | Annual Cost in 2020 (excluding Inflation) | | Enhanced Protection Annual Benefit/(Cost) in 2020 | Effected Parties |
|---|---|----------------------------|---|--|
| | Enhanced Protection | Baseline | | |
| Administrative Costs of Enhanced Aquifer Protection | \$0.275 million | \$0 | (\$0.275 million) | All LPRV residents and businesses |
| Aggregate Costs of Residential Wastewater Disposal for New Development | | | | |
| Via Septic Systems | \$0 | \$0.135 to \$0.235 million | | |
| Via Sewer Systems | \$9.5 to \$10.3 million | \$9.1 to \$9.4 million | | |
| Sub-total | \$9.5 to \$10.3 million | \$9.2 to \$9.6 million | (\$0.3 to \$0.7 million) | Under 10% of new homeowners in LPRV, or LPRV new home developers |
| Water Quality Related Costs | | | | |
| Household Costs | \$0 | \$6 to \$17 million | \$6 to \$17 million | All LPRV residents |
| Business Costs | \$0 | not quantified | not quantified | |
| Impacts on Jobs and Wages | | | | |
| Direct employment in enhanced protection administration | 4 jobs | 0 | | |
| Annual wages | \$0.1 million | \$0 | \$0.1 million | Administering agency employees |
| Impacts due to indirect costs of enhanced protection: | | | | |
| Lost jobs in new home construction, real estate, etc. | 9 to 14 jobs | 0 | | Construction & real estate sectors |
| Lost jobs due to regulatory costs for new businesses | 130 jobs | 0 | | Employees of foregone new businesses |
| Total jobs lost due to increased home and business costs | 139 to 144 jobs | 0 | | |
| Annual Wages Lost (midpoint estimate) | \$3.6 million | \$0 | (\$3.6 million) | |
| Economic Development Losses Due to Water Quality Issues | | | | |
| Manufacturing Jobs | 0 | 275 jobs | | |
| Annual Wages | \$0 | \$9.6 million | \$9.6 million | Employees of foregone new businesses |
| Scenario Comparison in 2020 | | | | |
| Annual Net Monetized Benefits/(Costs) of Enhanced Protection Scenario | | | \$11.1 to \$22.5 million | |
| Annual Benefit/Cost Ratio in 2020 | | | 3.4 to 6.4 | |

NET PRESENT VALUE AND "BREAK EVEN" POINT FOR ENHANCED PROTECTION SCENARIO

In order to assess the cumulative, net present value of implementing the enhanced protection scenario, estimates of annual benefits and costs are required for each year of the study horizon. For purposes of analysis only, the study team has assumed the scenario would be enacted in year 2001. We have also made the conservative assumption that no benefits would accrue from the enhanced protection scenario until year 2010.

The following table indicates that the cumulative net present value of implementing the enhanced protection scenario is estimated at approximately \$56 million (using a four percent real discount rate on the uninflated annual cost and benefit estimates). The "break even" when cumulative benefits begin to exceed cumulative costs is anticipated to be 2012.

Present Value of Net Benefits and Projected "Break Even" Year

| | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 |
|-----------------------------------|--------------|---------|---------|---------|---------|---------|---------|----------|----------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| Annual Benefits | \$0.0 | \$0.0 | \$0.0 | \$0.0 | \$0.0 | \$0.0 | \$0.0 | \$0.0 | \$0.0 | \$8.5 | \$9.8 | \$11.0 | \$12.3 | \$13.5 | \$14.8 | \$16.0 | \$17.3 | \$18.5 | \$19.8 | \$21.0 |
| (Annual Costs) | (\$1.0) | (\$1.2) | (\$1.4) | (\$1.5) | (\$1.7) | (\$1.9) | (\$2.1) | (\$2.3) | (\$2.5) | (\$2.7) | (\$2.9) | (\$3.0) | (\$3.2) | (\$3.4) | (\$3.6) | (\$3.8) | (\$4.0) | (\$4.2) | (\$4.4) | (\$4.5) |
| Net Benefit | (\$1.0) | (\$1.2) | (\$1.4) | (\$1.5) | (\$1.7) | (\$1.9) | (\$2.1) | (\$2.3) | (\$2.5) | \$5.8 | \$6.9 | \$8.0 | \$9.0 | \$10.1 | \$11.2 | \$12.2 | \$13.3 | \$14.3 | \$15.4 | \$16.5 |
| Present Value of Net Benefit | (\$1.0) | (\$1.1) | (\$1.2) | (\$1.4) | (\$1.5) | (\$1.6) | (\$1.7) | (\$1.7) | (\$1.8) | \$4.1 | \$4.7 | \$5.2 | \$5.6 | \$6.1 | \$6.4 | \$6.8 | \$7.1 | \$7.4 | \$7.6 | \$7.8 |
| Cumulative Present Value | (\$1.0) | (\$2.1) | (\$3.3) | (\$4.7) | (\$6.2) | (\$7.8) | (\$9.4) | (\$11.2) | (\$13.0) | (\$8.9) | (\$4.2) | \$1.0 | \$6.6 | \$12.7 | \$19.1 | \$25.9 | \$33.0 | \$40.3 | \$47.9 | \$55.8 |
| Total Net Present Value 2001-2020 | \$56 million | | | | | | | | | | | | | | | | | | | |
| "Break Even" Year | 2012 | | | | | | | | | | | | | | | | | | | |

SUMMARY OF SCENARIO COMPARISON AND IMPACT ESTIMATES

Comparisons of the enhanced protection scenario with the baseline scenario indicate the following key findings:

- The economic and financial benefits of implementing the enhanced protection scenario are projected to substantially exceed the costs over the 20-year study horizon. Further, the annual net benefit grows as the years progress. If the benefits of enhanced protection for local business could be quantified, the net benefit would be even larger.
- In the early years, the annual costs will likely exceed the benefits. The study team estimates that the cumulative present value of the "investment" in the enhanced protection scenario could reach approximately \$13 million before benefits begin to be recouped in year 2010.
- In general, the benefits of the enhanced protection scenario are widely spread amongst both existing and future, residential and business water users in the LPRV.
- While many of the costs (such as the direct administrative costs) are also widely spread throughout the study area, some costs effect more specific groups. In particular, sectors associated with new home development (construction, real estate, etc.) are anticipated to bear a specific, though relatively modest, portion of the cost. Similarly, new homebuyers who purchase properties that would have been served by septic systems but are now developed with sewer hookups are projected to experience higher annual costs, or developers will profit less.
- Because the enhanced protection scenario is focused on preventing water degradation from new activities in the LPRV, rather than addressing existing sources of potential contamination, future residents and businesses would bear the largest share of the financial and economic costs.

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SECTION 3e.
AREAS OF GREATEST UNCERTAINTY AND POTENTIAL
FOR FUTURE RESEARCH

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UNCERTAINTY AND POTENTIAL FUTURE RESEARCH

This initial study of enhanced protection of the LPRV aquifer indicates that benefits of implementing additional aquifer protection measures likely will substantially exceed costs. As noted throughout the three sections, however, there are numerous areas of uncertainty pertaining to both the benefit estimates and the cost estimates. Some, though not all, of these areas of uncertainty could be reduced by further technical research and analysis. Five key areas of uncertainty, and potential strategies to enhance available information, are described below.

- **Hydrologic benefits of enhanced aquifer protection** - While this element is obviously important in the context of this analysis, it will not be easy to substantially reduce its uncertainty. More monitoring wells, more frequent data collection from such wells and enhanced analysis using the additional data will likely be required and data may need to be collected over a number of years.
- **Water quantity concerns in the LPRV** - This study has indicated, based on previous research, that withdrawals from the LPRV aquifer are rapidly approaching (or may already exceed) annual recharge into the aquifer. Given the estimated volume of supply existing in the aquifer, this does not pose an immediate threat to the availability of water in the study area. While the enhanced protection scenario focuses on preserving water quality and does not address water quantity concerns, the economic benefits of aquifer protection strategies could be affected by alternative supply strategies. For example, if surface supplies were developed in sufficient capacity to serve not only new growth but also existing users in the LPRV, the economic benefits of preserving aquifer water quality would likely diminish. Clearly, the water quality protection plan should consider the water supply planning efforts and vice versa.

UNCERTAINTY AND POTENTIAL FUTURE RESEARCH

- **Indirect costs of enhanced aquifer protection** - While the study team does not believe that costs of secondary containment facilities would have a substantial economic impact in the study area, this issue could be clarified by more detailed research. In particular, review of authorized commercial and industrial building permits over the past few years could identify the number and types of facilities affected. Preliminary engineering cost estimates could then be developed for secondary containment equipment at representative facilities and compared to the overall cost of facility development.
- **Economic benefits of enhanced aquifer protection** - Estimates of household costs due to water quality degradation are an important part of the economic analysis of enhanced aquifer protection measures. In this study, these cost estimates were based upon contingent valuation studies and other household survey research in other parts of the U.S. confronting similar water quality issues. Similar surveys and studies could be performed in the LPRV to more precisely quantify these baseline costs and enhanced protection benefits.
- **Primary research with the LPRV business community** - Surveys or more extensive key informant interviews could be performed with corporate leaders in the LPRV to address several issues. In particular, the effect of increases in the cost of developing new facilities and the perceptual impact of water quality concerns on economic development might be further clarified through such research.
- **Refined assumptions based on public input** - Following the publication and dissemination of these study results, certain key assumptions might be modified and/or uncertainties might be raised. The study team can devise a plan for refining those assumptions based upon further research to reduce uncertainty in these estimates.

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Department of Water Resources
Southern Region Office

AGREEMENT

KNOW ALL PERSONS TO WHOM THESE PRESENTS COME that this Agreement is made and entered into this 17th day of December, 1992, by and between Blue Lakes Country Club, Inc. (hereinafter referred to as "BLCC") and the City of Twin Falls, Idaho (hereinafter referred to as "City");

WITNESSETH

WHEREAS, the City desires to relocate the point at which it diverts water for municipal use in order to meet the requirements of the U.S. Environmental Protection Agency's Surface Water Treatment Rule; and

WHEREAS, the City proposes to relocate said point of diversion from Alpheus Creek to the Blue Lakes Spring; and

WHEREAS, the BLCC is willing to permit the City to so relocate said point of diversion on real property owned by the BLCC, under certain terms and conditions;

NOW, THEREFORE, for and in consideration of the mutual terms, covenants and provisions set forth below, the parties do hereby mutually agree as follows:

1. The BLCC hereby covenants and agrees to grant and convey unto the City a permanent easement and right of way over the premises herein described and owned by BLCC, as a means of ingress and egress from the present point of diversion to that point where the main Blue Lakes Spring discharges, which is the relocated point of diversion. The specific right of way said easement reserves will be mutually agreed upon and will be described in Attachment "A," attached hereto and incorporated herein by reference. (See Paragraph 7, below). Within this above-described easement and right of way,

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T # 4066

the parties anticipate an access road, a pipeline, a water diversion structure, and a water pumping station, the latter located at a point above the head of the spring at the top of Upper Blue Lakes, known as Blue Lakes Spring. The access road and pipeline easement will be at least twenty (20) feet wide, with an additional area included, for the diversion structure. The right of way and easement contemplated herein shall be kept open at all times for use by the City, its' personnel and authorized agents. The right of way and easement shall run with the land and shall remain an incumbrance upon said real property for the benefit of the City.

2. The City agrees to withdraw its' protest to BLCC's current pending application, number 36-07895, before the Idaho ~~Water Resources Board~~.

3. The City agrees to not protest BLCC's application to the Idaho ~~Water Resources Board~~ to divert up to 3.0 cfs total for irrigation of not more than 120 acres total. Further, the City agrees to permit BLCC to use up to 1.8 cfs of city water for irrigation purposes, if the following conditions are met:

a. The City does not need this amount of water for municipal purposes; and

b. The additional diversion described in this paragraph is not calculated as part of the minimum lake level requirement, as set forth in paragraph 10 below; and

c. BLCC is not able to acquire the necessary permit to divert additional water from the relevant authorities.

4. No part of this Agreement shall be construed so as to compromise any part or amount of either partys' existing water rights.

5. The City agrees ~~to not~~ seek permission or authority for, or to

OCT 19 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

TRANSFER OF WATER RIGHT

AMENDED

TRANSFER NO. 4066
WATER RIGHT NO(S). 36-02603A/36-02646

This is to certify that: CITY OF TWIN FALLS
PO BOX 1907
TWIN FALLS ID 833031907

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> |
|--|----------------------|-----------------------|
| Right No. 36-02603A : MUNICIPAL Priority: 04/17/1964 | 01/01 to 12/31 | 45.00 CFS |
| Right No. 36-02646 : MUNICIPAL Priority: 03/29/1966 | 01/01 to 12/31 | 7.47 CFS |

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SENE, Sec. 28, Township 09S, Range 17E
NESE, Sec. 28, Township 09S, Range 17E
JEROME County

PLACE OF USE: See Remarks

CONDITIONS/REMARKS:

1. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
2. The change approved by this transfer is subject to the terms of the court's final decree of this right in the ongoing Snake River Basin Adjudication.
3. Place of use is located within the city limits of Twin Falls and the surrounding service area.
4. The total combined rate of diversion under Right Nos. 36-02603A, 36-02646 and 36-07239 shall not exceed 52.47 cfs.
5. Use of Right No. 36-02603A when combined with Right Nos. 36-02646, 36-02361, 47-02373, 47-11815 and 47-11817, is limited to a total combined annual consumptive use volume of 8,500 af.

MINOR AMENDED

OCT 19 1993

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AMENDED

TRANSFER NO. 4066
WATER RIGHT NO(S). 36-02603A/36-02646

AMENDED

CONDITIONS/REMARKS:

- 6. Use of Right No. 36-02646 when combined with Right Nos. 36-02603A, 36-02361, 47-02373, 47-11815 and 47-11817, is limited to a total combined annual consumptive use volume of 4,091 af.
- 9. Transfer No. 4066 results in changing the source of Right Nos. 36-02603A and 36-02646 from springs to groundwater.

Dated this 12th day of October, 1993.

J. Glen Saylor
Chief, Water Alloc. Bureau

RECORDED

OCT 19 1993

3229

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Attorneys for Minidoka Irrigation District

IN THE COURT OF THE FIFTH JUDICIAL DISTRICT

OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

)
) Subcase Nos.: EXHIBIT A
) (City of Pocatello)
)
)
) **COALITION'S RESPONSES TO**
) **POCATELLO'S FIRST SET OF**
) **DISCOVERY REQUESTS**
)
)
)
)

COME NOW, American Falls Reservoir District #2, A & B Irrigation District, Burley
Irrigation District, Milner Irrigation District, Minidoka Irrigation District, North Side Canal
Company and Twin Falls Canal Company (collectively "Surface Water Coalition" or

COALITION RESPONSES TO POCATELLO'S FIRS

Exhibit E **3230**
Affidavit of Joyce Angell in Support of
Pocatello's Motion for Summary Judgment
November 30, 2006 Subcase 29-271 et al

"Coalition"), by and through their undersigned attorneys of record, and pursuant to Rules 33(a)(2), 34(b)(2) and 36(a) of the Idaho Rules of Civil Procedure and hereby submit the following responses to POCATELLO'S FIRST SET OF DISCOVERY REQUESTS.

GENERAL OBJECTIONS

1. The Coalition objects to the Interrogatories, Requests for Production, Requests for Admission and to the definitions and instructions to the extent they purport to require discovery responses beyond that required under the local rules and orders of the Idaho Rules of Civil Procedure. These responses are provided in accordance with the Idaho Rules of Civil Procedure irrespective of any definitions and instructions that may accompany the discovery requests.

2. These responses are made subject to all objections as to competence, relevance, materiality, and admissibility. These responses are subject to all objections that would require the exclusion of any statement, material, or information herein provided if such requests were asked of, or any statement, material, or information provided were made by witness present and testifying in court. All such objections are reserved and may be interposed at the time of trial.

3. The Coalition specifically objects to these discovery requests to the extent they seek information protected by the attorney-client privilege, the accountant-client privilege, the work product doctrine, and the rules governing the discovery relating to experts as set forth in Rule 26(b)(4). The objection is intended to apply to all of the discovery requests that seek such information and will not be repeated specifically for each request to which it applies. The Coalition, to the extent possible, construed each request as requesting only information and/or documents not subject to any applicable protection.

4. No incidental or implied admissions are intended. The fact that the Coalition has responded to any discovery request or part thereof should not be taken as an admission that the

Coalition accepts that the discovery request or the response or objection thereto constitutes admissible evidence. Similarly, the fact that the Coalition has responded to all or part of a request is not intended to and shall not be construed to be a waiver by the Coalition of all or part of any objection to other requests. The Coalition answers to any discovery requests herein do not constitute a waiver of the Coalition's right to object to any future additional, or supplemental discovery requests regarding the same or similar matters.

5. The Coalition specifically objects to the term "Lower Portneuf River Valley Aquifer" and the use of that term, including any implications that the "Lower Portneuf River Valley Aquifer" constitutes a separate defined hydrologic feature or entity. To the best of the Coalition's knowledge, the term "Lower Portneuf River Valley Aquifer" is not, and has not been used by any other recognized water resource agency.

6. Each of these objections is incorporated into the response to each of the Interrogatories as though set forth verbatim therein.

DISCOVERY REQUESTS

The following discovery requests apply to the rights identified in the indicated SUBCASE:

Subcase Nos. 29-00271, 29-00272, 29-00273

Interrogatory No. 1: Please STATE THE BASIS for YOUR RESPONSE TO POCATELLO'S OBJECTION in this SUBCASE.

Answer to Interrogatory No. 1: Based upon IDWR's recommendations, the source for Pocatello's water right claims #29-271, #29-272, and #29-273 is surface water, not ground water. The Coalition is unaware of any basis in fact or law for Pocatello's objection to IDWR's recommendations, including the assertion that "Mink Creek and Gibson Jack Creek are connected to the Lower Portneuf River Valley Aquifer upstream of the City of Pocatello's municipal wells". See also, Supplemental Director's Report Regarding City of Pocatello's Basin 29 State-Based Water Rights and exhibits. The bases of the various responses are set forth in the Responses filed in these subcases.

Interrogatory No. 2: Please state YOUR CONTENTION as to the point(s) of diversion POCATELLO is entitled to in this SUBCASE, and STATE THE BASIS for YOUR CONTENTION.

Answer to Interrogatory No. 2: The claimant has not provided any information to support its objection that these surface water rights are sufficiently interconnected with an aquifer nor has the claimant provided any information on the effects of the timing or time lags of flow in the aquifer on water availability to allow the right to be converted to a ground water right and diverted through Pocatello's system of municipal wells. Surface water has not been diverted to ground water under a right to recapture it from a well. Water from the creeks in question that seeps into the ground becomes ground water that was subject to appropriation and any senior water rights to the ground water and surface water to which the ground water flows.

Interrogatory No. 3: Please IDENTIFY each PERSON who has information that RELATES TO YOUR RESPONSES that are the subject of Interrogatory Nos. 1 and 2.

Answer to Interrogatory No. 3: Charles E. Brockway, P.E., Ph.D., Brockway Engineering, 2016 N. Washington St., Suite 4, Twin Falls, ID 83301.

Interrogatory No. 4: Please describe the substance of the knowledge of each PERSON identified in YOUR RESPONSE to Interrogatory No. 3.

Answer to Interrogatory No. 4: Dr. Brockway is knowledgeable about the interconnectedness of the surface and ground water resources in southern Idaho and in Basin 29. Dr. Brockway has experience with municipal water right issues. If called, Dr. Brockway would be an expert witness. No specific analyses has been completed yet, other than a review of published data, IDWR's recommendations for the water right claims and its supplemental Director's report, Pocatello's amended objections, and the Coalition's responses to the same.

Interrogatory No. 5: Please IDENTIFY each EXPERT who YOU expect to testify RELATING TO YOUR RESPONSES that are the subject of Interrogatory Nos. 1 and 2.

Answer to Interrogatory No. 5: Charles E. Brockway, P.E., Ph.D., Brockway Engineering, 2016 N. Washington St., Suite 4, Twin Falls, ID 83301.

Interrogatory No. 6: For each EXPERT you IDENTIFIED in your RESPONSE to Interrogatory No. 5, state the subject matter on which the expert is expected to testify, state the substance of the opinions to which the expert is expected to testify, and state the underlying facts and data upon which the expert opinions are based.

Answer to Interrogatory No. 6: See response to Interrogatory No. 4.

Request for Production No. 1: Please PRODUCE all DOCUMENTS that support YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

See IDWR's files for water rights #29-271, #29-272, and #29-273 which are publicly available at IDWR. See Supplemental Director's Report Regarding City of Pocatello's Basin 29 State-Based Water Rights and exhibits. See Reconnaissance of The Water Resources in the Portneuf River

Basin Idaho, Water Information Bulletin No. 16, Idaho Department of Reclamation (R.F. Norvitch and A.L. Larson, June 1970). Additional studies and reports on the Portneuf River Basin relating to IDWR's ESPA Groundwater Model as a tributary to the ESPA are currently being generated as part of the technical committee's work on the model with the Idaho Water Resources Research Institute.

Request for Production No. 2: Please PRODUCE all DOCUMENTS, not produced in response to Request for Production No. 1, that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Answer: See response to Request for Production No. 1.

Request for Production No. 3: Please PRODUCE all DOCUMENTS that constitute or were included with or referred to in CORRESPONDENCE between YOU and any other PERSON that RELATES TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE

Answer: None.

Request for Production No. 4: Please PRODUCE all DOCUMENTS that RELATE TO COMMUNICATIONS between YOU and any other PERSON that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Answer: None.

Request for Production No. 5: Please PRODUCE copies of all data and RELEVANT DOCUMENTS upon which the opinions of each EXPERT WITNESS whom YOU are asked to IDENTIFY in response to Interrogatory No. 5 are based or expected to be based.

Answer: See response to Request for Production No. 1. Additional data and relevant documents will be produced as discovered and identified.

Request for Production No. 6: Please PRODUCE copies of any RELEVANT DOCUMENTS that YOU have received from any PERSON, including but not limited to expert witness reports, in conjunction with his or her anticipated testimony in this SUBCASE.

Answer: See response to Request for Production No. 5.

Request for Admission No. 1: Admit that Mink Creek and the Lower Portneuf River Valley Aquifer are interconnected sources of water.

Response to Request for Admission No. 1: Objection. It is impossible to determine what Pocatello means by the term "interconnected." The Coalition has made a reasonable inquiry and information known or readily obtainable is insufficient to determine if ground water flows to Mink Creek and the extent that Mink Creek contributes to ground water or to determine if the "Lower Portneuf River Valley Aquifer" exists or the extent that Mink Creek is a connected source of water and therefore denies the same. In addition, the Coalition has not been able to determine the locations of hydraulic interconnectivity, if any, or to quantify the hydraulic interconnectivity.

Interrogatory No. 7: If YOU DENY Request for Admission No. 1, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 7: N/A.

Interrogatory No. 8: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 7.

Answer to Interrogatory No. 8: N/A

Request for Production No. 7: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 7.

Answer to Request for Production No. 7: N/A

Request for Admission No. 2: Admit that the place of use of this WATER RIGHT is the service area of POCATELLO'S municipal water supply system as provided under Idaho law.

Response to Request for Admission No. 2: Objection. It is impossible to physically determine the "place of use of this WATER RIGHT". If it refers to the place of use of water diverted under these water rights, the described place of use controls. The Coalition has made reasonable inquiry, and the information known or readily available is insufficient to determine the service area of Pocatello and the place of use at the time these water rights were obtained and therefore denies the same.

Interrogatory No. 9: If YOU DENY Request for Admission No. 2, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 9: N/A

Interrogatory No. 10: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 9.

Answer to Interrogatory No. 10: N/A

Request for Production No. 8: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 9.

Answer to Request for Production No. 8: N/A

Request for Admission No. 3: Admit that the wells of POCATELLO'S culinary water system withdraw water from the Lower Portneuf River Valley Aquifer.

Answer to Request for Admission No. 3: Objection. It is impossible to determine what is meant by Pocatello's "culinary water system". The Coalition admits that some of the ground water diverted by Pocatello is from an aquifer that is located in the Portneuf River Basin, but based upon reasonable inquiry has found no known information or readily obtained information

sufficient to establish the aquifer(s) from which wells of Pocatello's culinary water system divert water from and therefore denies the request.

Interrogatory No. 11: If YOU DENY Request for Admission No. 3, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 11: N/A

Interrogatory No. 12: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 11.

Answer to Interrogatory No. 12: N/A

Request for Production No. 9: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 11.

Answer to Interrogatory No. 9: N/A

Request for Admission No. 4: Admit that prior to November 19, 1987, POCATELLO withdrew from its municipal wells in the Lower Portneuf River Valley Aquifer and the ESPA an instantaneous combined rate of diversion in excess of the combined rates of diversion for ground water currently recommended by IDWR in this CASE.

Answer to Request for Admission No. 4: The Coalition has made reasonable inquiry and the information known or readily obtainable is insufficient information at this time to determine the combined rates of diversion by Pocatello prior to November 19, 1987, and therefore denies the request.

Interrogatory No. 13: If YOU DENY Request for Admission No. 4, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 13: N/A

Interrogatory No. 14: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 13.

Answer to Interrogatory No. 14: N/A

Request for Production No. 10: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 13.

Answer to Request for Production No. 10: N/A

Request for Admission No. 5: Admit that pursuant to I.C. 42-222 IDWR has administratively transferred the point of diversion of a surface water right to a ground water well.

Answer to Request for Admission No. 5: Objection. The question is vague and irrelevant and fails to identify a specific water right or transfer proceeding. The Coalition has made a

reasonable inquiry and the information known or readily obtainable is insufficient regarding the request and therefore the Coalition denies the request.

Interrogatory No. 15: If YOUR RESPONSE to Request for Admission No. 5, is not a complete admission, please STATE THE BASIS for YOUR RESPONSE.

Answer to Interrogatory No 15: See answer to Request for Admission No. 5.

Interrogatory No. 16: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 15.

Answer to Interrogatory No. 17: N/A

Interrogatory No. 17: If YOU admit Request for Admission No. 5, please STATE the circumstances of all such administrative transfers.

Answer to Interrogatory No. 17: N/A

Request for Production No. 11: Produce any DOCUMENTS related to YOUR response to Interrogatory Nos. 15 and 17.

Answer to Request for Production No. 11: N/A

Interrogatory No. 18: Please IDENTIFY each PERSON who participated in or furnished information for the preparation of all or any portion of YOUR responses to these DISCOVERY REQUESTS and IDENTIFY the information that each such PERSON provided.

Answer to Interrogatory No. 18: Roger D. Ling, W. Kent Fletcher, C. Tom Arkoosh, John K. Simpson, Paul L. Arrington, Travis L. Thompson, Charles E. Brockway.

Subcase Nos. 29-02274, 29-02338, 29-07375

Interrogatory No. 1: Please STATE THE BASIS for YOUR RESPONSE TO POCATELLO'S OBJECTION in this SUBCASE.

Answer to Interrogatory No. 1: IDWR's recommendations identify various points of diversion for these water rights. These water rights were subject to Transfer No. 5452. The Coalition is without any information regarding the "accomplished transfer" and the "interconnection" references in Pocatello's amended objections. The "accomplished transfer" component of these claims has been remanded to IDWR. See also, Supplemental Director's Report Regarding City of Pocatello's Basin 29 State-Based Water Rights and exhibits. The bases of the various responses are set forth in the Responses filed in these subcases.

Interrogatory No. 2: Please state YOUR CONTENTION as to the points of diversion POCATELLO is entitled to receive in this SUBCASE, and STATE THE BASIS for YOUR CONTENTION.

Answer to Interrogatory No. 2: See answer to Interrogatory No. 1.

Interrogatory No. 3: Please IDENTIFY each PERSON who has information that RELATES TO YOUR RESPONSES that are the subject of Interrogatory Nos. 1 and 2.

Answer to Interrogatory No. 3: Charles E. Brockway, P.E., Ph.D., Brockway Engineering, 2016 N. Washington St., Suite 4, Twin Falls, ID 83301.

Interrogatory No. 4: Please describe the substance of the knowledge of each PERSON identified in YOUR RESPONSE to Interrogatory No. 3.

Answer to Interrogatory No. 4: Dr. Brockway is knowledgeable about the water resources in southern Idaho and in Basin 29. Dr. Brockway has experience with municipal water right issues. If called, Dr. Brockway would be an expert witness. No specific analyses has been completed yet, other than a review of published data, IDWR's recommendations and supplemental Director's Report for the water right claims, Pocatello's amended objections, and the Coalition's responses to the same.

Interrogatory No. 5: Please IDENTIFY each EXPERT who YOU expect to testify RELATING TO YOUR RESPONSES that are the subject of Interrogatory Nos. 1 and 2.

Answer to Interrogatory No. 5: Charles E. Brockway, P.E., Ph.D., Brockway Engineering, 2016 N. Washington St., Suite 4, Twin Falls, ID 83301.

Interrogatory No. 6: For each EXPERT you IDENTIFIED in your RESPONSE to Interrogatory No. 5, state the subject matter on which the expert is expected to testify, state the substance of the opinions to which the expert is expected to testify, and state the underlying facts and data upon which the expert opinions are based.

Answer to Interrogatory No. 6: See response to Interrogatory No. 4.

Request for Production No. 1: Please PRODUCE all DOCUMENTS that support YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

See IDWR's files for the water rights referenced above which are publicly available at IDWR. See Supplemental Director's Report Regarding City of Pocatello's Basin 29 State-Based Water Rights and exhibits. See Reconnaissance of The Water Resources in the Portneuf River Basin Idaho, Water Information Bulletin No. 16, Idaho Department of Reclamation (R.F. Norvitch and A.L. Larson, June 1970). Additional studies and reports on the Portneuf River Basin relating to IDWR's ESPA Groundwater Model as a tributary to the ESPA are currently being generated as part of the technical committee's work on the model with the Idaho Water Resources Research Institute.

Request for Production No. 2: Please PRODUCE all DOCUMENTS, not produced in response to Request for Production No. 1, that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

None.

Request for Production No. 3: Please PRODUCE all DOCUMENTS that constitute or were included with or referred to in CORRESPONDENCE between YOU and any other PERSON that RELATES TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

None.

Request for Production No. 4: Please PRODUCE all DOCUMENTS that RELATE TO COMMUNICATIONS between YOU and any other PERSON that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

None.

Request for Production No. 5: Please PRODUCE copies of all data and RELEVANT DOCUMENTS upon which the opinions of each EXPERT WITNESS whom YOU are asked to IDENTIFY in response to Interrogatory No. 5 are based or expected to be based.

See response to Request for Production No. 1. Additional data and relevant documents will be produced as discovered and identified.

Request for Production No. 6: Please PRODUCE copies of any RELEVANT DOCUMENTS that YOU have received from any PERSON, including but not limited to expert witness reports, in conjunction with his or her anticipated testimony in this SUBCASE.

See response to Request for Production No. 5.

Request for Admission No. 1: Admit that twenty-two wells were connected to POCATELLO'S municipal culinary water system prior to November 19, 1987.

Answer to Request for Admission No. 1: Objection. It is impossible to determine what is meant by Pocatello's "municipal culinary water system prior to November 19, 1987." The Coalition has made reasonable inquiry and the information known or readily obtainable is insufficient to admit or deny the request therefore the request is denied.

Interrogatory No. 7: If YOU DENY Request for Admission No. 1, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 7: N/A.

Interrogatory No. 8: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 7.

Answer to Interrogatory No. 8: N/A

Request for Production No. 7: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 7.

Answer to Request for Production No. 7: N/A

Request for Admission No. 2: Admit that the place of use of this water right is the service area of POCATELLO'S municipal water supply system as provided under Idaho law.

Answer to Request for Admission No. 2: Objection. It is physically impossible to determine the "service area of POCATELLO'S municipal water supply system as provided under Idaho law." If Pocatello's definition is the same as the Director's, the request is admitted.

Interrogatory No. 9: If YOU DENY Request for Admission No. 2, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 9: N/A

Interrogatory No. 10: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 9.

Answer to Interrogatory No. 10: N/A

Request for Production No. 8: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 9.

Answer to Request for Production No. 8: N/A

Request for Admission No. 3: Admit that the wells withdrawing water for POCATELLO'S culinary water system withdraw water from the Lower Portneuf River Valley Aquifer.

Answer to Request for Admission No. 3: The Coalition admits that some of the ground water diverted by Pocatello is from an aquifer that is located in the Portneuf River Basin, but based upon reasonable inquiry has found no information or readily obtained information sufficient to establish the aquifer(s) from which wells of Pocatello's culinary water system divert water from and therefore denies the request.

Interrogatory No. 11: If YOU DENY Request for Admission No. 3, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 11: N/A

Interrogatory No. 12: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 11.

Answer to Interrogatory No. 12: N/A

Request for Production No. 9: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 11.

Answer to Request for Production No. 9: N/A

Request for Admission No. 4: Admit that prior to November 19, 1987, the well or wells under this water right as originally licensed were interconnected to POCATELLO'S municipal culinary water system.

Answer to Request for Admission No. 4: Objection. It is impossible to determine what is meant by "POCATELLO'S municipal culinary water system. The Coalition has made reasonable inquiry and the information known or readily obtainable is insufficient and therefore the request is denied.

Interrogatory No. 13: If YOU DENY Request for Admission No. 4, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 13: N/A

Interrogatory No. 14: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 13.

Answer to Interrogatory No. 14: N/A

Request for Production No. 10: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 13.

Answer to Request for Production No. 10: N/A

Request for Admission No. 5: Admit that prior to November 19, 1987, POCATELLO pumped water from the twenty-two interconnected wells in its municipal culinary water system without regard to priority date.

Answer to Request for Admission No. 5: Objection. It is impossible to determine what is meant by Pocatello's "municipal culinary water system" and "without regard to priority date." The Coalition has made reasonable inquiry and the information known or readily available is insufficient therefore the request is denied.

Interrogatory No. 14: If YOU DENY Request for Admission No. 5, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 14: N/A

Interrogatory No. 15: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 14.

Answer to Interrogatory No. 15: N/A

Request for Production No. 11: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 14.

Answer to Request for Production No. 11: N/A

Interrogatory No. 16: Please IDENTIFY each PERSON who participated in or furnished information for the preparation of all or any portion of YOUR responses to these DISCOVERY REQUESTS and IDENTIFY the information that each such PERSON provided.

Answer to Interrogatory No. 16: Roger D. Ling, W. Kent Fletcher, C. Tom Arkoosh, John K. Simpson, Paul L. Arrington, Travis L. Thompson, Charles E. Brockway.

Subcase Nos. 29-02354

Interrogatory No. 1: Please STATE THE BASIS for YOUR RESPONSE TO POCATELLO'S OBJECTION in this SUBCASE.

Answer to Interrogatory No. 1: Based upon IDWR's recommendation and the Supplemental Director's Report, the purpose of use for this water right claim is "irrigation" and the place of use is specifically identified. The Coalition is unaware of any basis in fact or law for Pocatello's objection to IDWR's recommendation. See Responses filed in this subcase for further comments supporting the recommendation of the Director.

Interrogatory No. 2: Please state YOUR CONTENTION as to the place of use POCATELLO is entitled to receive in this SUBCASE, and STATE THE BASIS for YOUR CONTENTION.

Answer to Interrogatory No. 2: See IDWR's recommendation and Supplemental Director's Report for this water right claim.

Interrogatory No. 3: Please IDENTIFY each PERSON who has information that RELATES TO YOUR RESPONSES that are the subject of Interrogatory Nos. 1 and 2.

Answer to Interrogatory No. 3: Charles E. Brockway, P.E., Ph.D., Brockway Engineering, 2016 N. Washington St., Suite 4, Twin Falls, ID 83301.

Interrogatory No. 4: Please describe the substance of the knowledge of each PERSON identified in YOUR RESPONSE to Interrogatory No. 3.

Answer to Interrogatory No. 4: Dr. Brockway is knowledgeable about the water resources in southern Idaho and in Basin 29. Dr. Brockway has experience with municipal water right issues. If called, Dr. Brockway would be an expert witness. No specific analyses has been completed yet, other than a review of published data, IDWR's recommendations and the Supplemental Director's Report for this water right claim, Pocatello's amended objection, and the Coalition's responses to the same.

Interrogatory No. 5: Please IDENTIFY each EXPERT who YOU expect to testify RELATING TO YOUR RESPONSES that are the subject of Interrogatory Nos. 1 and 2.

Answer to Interrogatory No. 5: Charles E. Brockway, P.E., Ph.D., Brockway Engineering, 2016 N. Washington St., Suite 4, Twin Falls, ID 83301.

Interrogatory No. 6: For each EXPERT you IDENTIFIED in your RESPONSE to Interrogatory No. 5, state the subject matter on which the expert is expected to testify, state the substance of the opinions to which the expert is expected to testify, and state the underlying facts and data upon which the expert opinions are based.

Answer to Interrogatory No. 6: See response to Interrogatory No. 4.

Request for Production No. 1: Please PRODUCE all DOCUMENTS that support YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

See IDWR's file for water right #29-02354 which is publicly available at IDWR. See Supplemental Director's Report Regarding City of Pocatello's Basin 29 State-Based Water Rights and exhibits. See Reconnaissance of The Water Resources in the Portneuf River Basin Idaho, Water Information Bulletin No. 16, Idaho Department of Reclamation (R.F. Norvitch and A.L. Larson, June 1970). Additional studies and reports on the Portneuf River Basin relating to IDWR's ESPA Groundwater Model as a tributary to the ESPA are currently being generated as part of the technical committee's work on the model with the Idaho Water Resources Research Institute.

Request for Production No. 2: Please PRODUCE all DOCUMENTS, not produced in response to Request for Production No. 1, that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

None.

Request for Production No. 3: Please PRODUCE all DOCUMENTS that constitute or were included with or referred to in CORRESPONDENCE between YOU and any other PERSON that RELATES TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

None.

Request for Production No. 4: Please PRODUCE all DOCUMENTS that RELATE TO COMMUNICATIONS between YOU and any other PERSON that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

None.

Request for Production No. 5: Please PRODUCE copies of all data and RELEVANT DOCUMENTS upon which the opinions of each EXPERT WITNESS whom YOU are asked to IDENTIFY in response to Interrogatory No. 5 are based or expected to be based.

See response to Request for Production No. 1. Additional data and relevant documents will be produced as discovered and identified.

Request for Production No. 6: Please PRODUCE copies of any RELEVANT DOCUMENTS that YOU have received from any PERSON, including but not limited to expert witness reports, in conjunction with his or her anticipated testimony in this SUBCASE.

None.

Interrogatory No. 7: Please IDENTIFY each PERSON who participated in or furnished information for the preparation of all or any portion of YOUR responses to these DISCOVERY REQUESTS and IDENTIFY the information that each such PERSON provided.

Answer to Interrogatory No. 7: Roger D. Ling, W. Kent Fletcher, C. Tom Arkoosh, John K. Simpson, Paul L. Arrington, Travis L. Thompson, Charles E. Brockway.

**Subcase Nos. 29-02401, 29-02499, 29-4221, 29-04224, 29-04225, 29-07106,
29-07322, 29-07450, 29-11339, 29-11348, 29-13559, 29-13560,
29-13561, 29-13562, 29-13637, 29-13638**

Interrogatory No. 1: Please STATE THE BASIS for YOUR RESPONSE TO POCA TELLO'S OBJECTION in this SUBCASE.

Answer to Interrogatory No. 1: The Coalition is unaware of any basis in fact or law for Pocatello's objections to IDWR's recommendations. See Responses filed in these subcases for further comments supporting the recommendations of the Director.

Interrogatory No. 2: Please IDENTIFY each PERSON who has information that RELATES TO YOUR RESPONSE that is the subject of Interrogatory No. 1.

Answer to Interrogatory No. 2: Charles E. Brockway, P.E., Ph.D., Brockway Engineering, 2016 N. Washington St., Suite 4, Twin Falls, ID 83301.

Interrogatory No. 3: Please describe the substance of the knowledge of each PERSON identified in YOUR RESPONSE to Interrogatory No. 2.

Answer to Interrogatory No. 3: Dr. Brockway is knowledgeable about the water resources in southern Idaho and in Basin 29. Dr. Brockway has experience with municipal water right issues. If called, Dr. Brockway would be an expert witness. No specific analyses has been completed yet, other than a review of published data, IDWR's recommendations and the Supplemental Director's Report for these water right claims, Pocatello's amended objection, and the Coalition's responses to the same.

Interrogatory No. 4: Please IDENTIFY each EXPERT who YOU expect to testify RELATING TO YOUR RESPONSE that is the subject of Interrogatory No. 1.

Answer to Interrogatory No. 4: See response to Interrogatory No. 2.

Interrogatory No. 5: For each EXPERT you IDENTIFIED in your RESPONSE to Interrogatory No. 5, state the subject matter on which the expert is expected to testify, state the substance of the opinions to which the expert is expected to testify, and state the underlying facts and data upon which the expert opinions are based.

Answer to Interrogatory No. 5: See response to Interrogatory No. 3.

Request for Production No. 1: Please PRODUCE all DOCUMENTS that support YOUR RESPONSE to POCA TELLO'S OBJECTION in this SUBCASE.

See IDWR's files for the water rights referenced above which are publicly available at IDWR. See Supplemental Director's Report Regarding City of Pocatello's Basin 29 State-Based Water Rights and exhibits. See Reconnaissance of The Water Resources in the Portneuf River Basin

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Idaho, Water Information Bulletin No. 16, Idaho Department of Reclamation (R.F. Norvitch and A.L. Larson, June 1970). Additional studies and reports on the Portneuf River Basin relating to IDWR's ESPA Groundwater Model as a tributary to the ESPA are currently being generated as part of the technical committee's work on the model with the Idaho Water Resources Research Institute.

Request for Production No. 2: Please PRODUCE all DOCUMENTS, not produced in response to Request for Production No. 1, that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

None.

Request for Production No. 3: Please PRODUCE all DOCUMENTS that constitute or were included with or referred to in CORRESPONDENCE between YOU and any other PERSON that RELATES TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

None.

Request for Production No. 4: Please PRODUCE all DOCUMENTS that RELATE TO COMMUNICATIONS between YOU and any other PERSON that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

None.

Request for Production No. 5: Please PRODUCE copies of all data and RELEVANT DOCUMENTS upon which the opinions of each EXPERT WITNESS whom YOU are asked to IDENTIFY in response to Interrogatory No. 4 are based or expected to be based.

See response to Request for Production No. 1. Additional data and relevant documents will be produced as discovered and identified.

Request for Production No. 6: Please PRODUCE copies of any RELEVANT DOCUMENTS that YOU have received from any PERSON, including but not limited to expert witness reports, in conjunction with his or her anticipated testimony in this SUBCASE.

None.

Interrogatory No. 6: Please DESCRIBE any information you have regarding the cone of depression created by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 6: None at this time. Information on timing and quantity of use from Pocatello's wells is not available, so no hydrologic analysis has been made.

Request for Production 7: Please produce any DOCUMENTS in your possession relating to your responses to Interrogatory No. 6.

Answer to Request for Production No. 7: See answer to Interrogatory No. 6.

Interrogatory No. 7: Please DESCRIBE any information you have regarding ground water rights that withdraw water from the Lower Portneuf River Valley Aquifer within the cone of depression created by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 7: See answer to Interrogatory No. 6.

Interrogatory No. 8: Please DESCRIBE any information you have regarding the individual water rights "injured" by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 8: See answer to Interrogatory No. 6. The Coalition is without sufficient information to answer the interrogatory completely at this time, and the "accomplished transfer" issues in Pocatello's subcases have been remanded to IDWR. Records of IDWR show that surface flows to the Snake River from the Portneuf River and its tributaries, including reach gains from ground water, have diminished substantially and that ground water diversions are a substantial factor leading to these reduced flows. Reduced flows in the Snake River affect the water rights of the Coalition to divert water from the Snake River for storage and for irrigation.

Interrogatory No. 9: Please DESCRIBE any information you have regarding the maximum amount of water ever withdrawn by POCATELLO at the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 9: None.

Interrogatory No. 10: List any water rights YOU allege to be injured by an accomplished transfer of this water right pursuant to Idaho Code §42-1425.

Answer to Interrogatory No. 10: See answer to Interrogatory No. 6. The Coalition is without sufficient information to answer the interrogatory at this time, and the "accomplished transfer" issues in Pocatello's subcases have been remanded to IDWR.

Interrogatory No. 11: Describe the nature of the injury you allege occurred because of the accomplished transfer of this water right pursuant to Idaho Code §42-1425.

Answer to Interrogatory No. 11: See answer to Interrogatory No. 10.

Request for Production No. 8: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 11.

Answer to Request for Production No. 8: N/A.

Request for Admission No. 1: Admit that this water right has never been administered by the STATE in response to the injury alleged in Interrogatory No. 11.

Answer to Request for Admission No. 1: See response to Interrogatory No. 11. The Coalition has made reasonable inquiry and the information known or readily available is insufficient

information to admit or deny the request therefore the request is denied. In addition, the "accomplished transfer" issues in Pocatello's subcases have been remanded to IDWR.

Interrogatory No. 12: If YOU DENY Request for Admission No. 1, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 12: N/A

Interrogatory No. 13: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 12.

Answer to Interrogatory No. 13: N/A

Request for Production No. 9: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 12.

Answer to Request for Production No. 9: N/A

Request for Admission No. 2: Admit that YOU have no DOCUMENTS or other INFORMATION alleging or claiming an injury as described in your response to Interrogatory No. 11 to the water rights listed in your response to Interrogatory No. 7.

Answer to Request for Admission No. 2: Denied. See answer to Interrogatory No. 8.

Interrogatory No. 14: If YOU DENY Request for Admission No. 2, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 14: N/A.

Interrogatory No. 15: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 14.

Answer to Interrogatory No. 15: N/A.

Request for Production No. 10: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 14.

Answer to Request for Product No. 10: N/A.

Interrogatory No. 16: Please IDENTIFY each PERSON who participated in or furnished information for the preparation of all or any portion of YOUR responses to these DISCOVERY REQUESTS and IDENTIFY the information that each such PERSON provided.

Answer to Interrogatory No. 16: Roger D. Ling, W. Kent Fletcher, C. Tom Arkoosh, John K. Simpson, Paul L. Arrington, Travis L. Thompson, Charles E. Brockway.

Subcase No. 29-04222

Interrogatory No. 1: Please STATE THE BASIS for YOUR RESPONSE TO POCATELLO'S OBJECTION in this SUBCASE.

Answer to Interrogatory No. 1: Based upon IDWR's recommendation and the Supplemental Director's Report, the source for Pocatello's water right claim #29-04222 is surface water, not ground water. The Coalition is unaware of any basis in fact or law for Pocatello's objection to IDWR's recommendation, including the assertion that "Mink Creek and Gibson Jack Creek are connected to the Lower Portneuf River Valley Aquifer upstream of the City of Pocatello's municipal wells". See also, Supplemental Director's Report Regarding City of Pocatello's Basin 29 State-Based Water Rights and exhibits. The bases of the various responses are set forth in the Responses filed in this subcase.

Interrogatory No. 2: Please state YOUR CONTENTION as to the point(s) of diversion POCATELLO is entitled to in this SUBCASE, and STATE THE BASIS for YOUR CONTENTION.

Answer to Interrogatory No. 2: The claimant has not provided any information to support its objection that this surface water right is sufficiently interconnected with an aquifer nor has the claimant provided any information on the effects of the timing or time lags of flow in the aquifer on water availability to allow the right to be converted to a ground water right and diverted through Pocatello's system of municipal wells. Surface water has not been diverted to ground water under a right to recapture it from a well. Water from the creek in question that seeps into the ground becomes ground water that was subject to appropriation and any senior water rights to the ground water and surface water to which the ground water flows.

Interrogatory No. 3: Please IDENTIFY each PERSON who has information that RELATES TO YOUR RESPONSES that are the subject of Interrogatory Nos. 1 and 2.

Answer to Interrogatory No. 3: Charles E. Brockway, P.E., Ph.D., Brockway Engineering, 2016 N. Washington St., Suite 4, Twin Falls, ID 83301.

Interrogatory No. 4: Please describe the substance of the knowledge of each PERSON identified in YOUR RESPONSE to Interrogatory No. 3.

Answer to Interrogatory No. 4: Dr. Brockway is knowledgeable about the interconnectedness of the surface and ground water resources in southern Idaho and in Basin 29. Dr. Brockway has experience with municipal water right issues. If called, Dr. Brockway would be an expert witness. No specific analyses has been completed yet, other than a review of published data, IDWR's recommendation and the Supplemental Director's Report for the water right claim, Pocatello's amended objection, and the Coalition's response to the same.

Interrogatory No. 5: Please IDENTIFY each EXPERT who YOU expect to testify RELATING TO YOUR RESPONSES that are the subject of Interrogatory Nos. 1 and 2.

Answer to Interrogatory No. 5: Charles E. Brockway, P.E., Ph.D., Brockway Engineering, 2016 N. Washington St., Suite 4, Twin Falls, ID 83301.

Interrogatory No. 6: For each EXPERT you IDENTIFIED in your RESPONSE to Interrogatory No. 5, state the subject matter on which the expert is expected to testify, state the substance of the opinions to which the expert is expected to testify, and state the underlying facts and data upon which the expert opinions are based.

Answer to Interrogatory No. 6: See response to Interrogatory No. 5.

Request for Production No. 1: Please PRODUCE all DOCUMENTS that support YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

See IDWR's file for water right #29-04222 which is publicly available at IDWR. See Supplemental Director's Report Regarding City of Pocatello's Basin 29 State-Based Water Rights and exhibits. See Reconnaissance of The Water Resources in the Portneuf River Basin Idaho, Water Information Bulletin No. 16, Idaho Department of Reclamation (R.F. Norvitch and A.L. Larson, June 1970). Additional studies and reports on the Portneuf River Basin relating to IDWR's ESPA Groundwater Model as a tributary to the ESPA are currently being generated as part of the technical committee's work on the model with the Idaho Water Resources Research Institute.

Request for Production No. 2: Please PRODUCE all DOCUMENTS, not produced in response to Request for Production No. 1, that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Answer: See response to Request for Production No. 1.

Request for Production No. 3: Please PRODUCE all DOCUMENTS that constitute or were included with or referred to in CORRESPONDENCE between YOU and any other PERSON that RELATES TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE

Answer: None.

Request for Production No. 4: Please PRODUCE all DOCUMENTS that RELATE TO COMMUNICATIONS between YOU and any other PERSON that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Answer: None.

Request for Production No. 5: Please PRODUCE copies of all data and RELEVANT DOCUMENTS upon which the opinions of each EXPERT WITNESS whom YOU are asked to IDENTIFY in response to Interrogatory No. 5 are based or expected to be based.

Answer: See response to Request for Production No. 1. Additional data and relevant documents will be produced as discovered and identified.

Request for Production No. 6: Please PRODUCE copies of any RELEVANT DOCUMENTS that YOU have received from any PERSON, including but not limited to expert witness reports, in conjunction with his or her anticipated testimony in this SUBCASE.

Answer: See response to Request for Production No. 5.

Request for Admission No. 1: Admit that Gibson Jack Creek and the Lower Portneuf River Valley Aquifer are interconnected sources of water.

Response to Request for Admission No. 1: Objection. It is impossible to determine what Pocatello means by the term "interconnected." The Coalition has made a reasonable inquiry and information known or readily obtainable is insufficient to determine if ground water flows to Gibson Jack Creek and the extent that Gibson Jack Creek contributes to ground water or to determine if the "Lower Portneuf River Valley Aquifer" exists or the extent that Gibson Jack Creek is a connected source of water and therefore denies the same. In addition, the Coalition has not been able to determine the locations of hydraulic interconnectivity, if any, or to quantify the hydraulic interconnectivity.

Interrogatory No. 7: If YOU DENY Request for Admission No. 1, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 7: N/A.

Interrogatory No. 8: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 7.

Answer to Interrogatory No. 8: N/A

Request for Production No. 7: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 7.

Answer to Request for Production No. 7: N/A

Request for Admission No. 2: Admit that the place of use of this WATER RIGHT is the service area of POCATELLO'S municipal water supply system as provided under Idaho law.

Response to Request for Admission No. 2: Objection. It is impossible to physically determine the "place of use of this WATER RIGHT". If it refers to the place of use of water diverted under these water rights, the described place of use controls. The Coalition has made reasonable inquiry, and the information known or readily available is insufficient to determine the service area of Pocatello and the place of use at the time these water rights were obtained and therefore denies the same.

Interrogatory No. 9: If YOU DENY Request for Admission No. 2, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 9: N/A

Interrogatory No. 10: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 9.

Answer to Interrogatory No. 10: N/A

Request for Production No. 8: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 9.

Answer to Request for Production No. 8: N/A

Request for Admission No. 3: Admit that the wells of POCATELLO'S culinary water system withdraw water from the Lower Portneuf River Valley Aquifer.

Answer to Request for Admission No. 3: Objection. It is impossible to determine what is meant by Pocatello's "culinary water system." The Coalition admits that some of the ground water diverted by Pocatello is from an aquifer that is located in the Portneuf River Basin, but based upon reasonable inquiry has found no information or readily obtained information sufficient to establish the aquifer(s) from which wells of Pocatello's culinary water system divert water from and therefore denies the request.

Interrogatory No. 11: If YOU DENY Request for Admission No. 3, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 11: N/A

Interrogatory No. 12: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 11.

Answer to Interrogatory No. 12: N/A

Request for Production No. 9: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 11.

Answer to Interrogatory No. 9: N/A

Request for Admission No. 4: Admit that prior to November 19, 1987, POCATELLO withdrew from its municipal wells in the Lower Portneuf River Valley Aquifer and the ESPA an instantaneous combined rate of diversion in excess of the combined rates of diversion for ground water currently recommended by IDWR in this CASE.

Answer to Request for Admission No. 4: The Coalition has made reasonable inquiry and the information known or readily obtainable is insufficient information at this time to determine the combined rates of diversion by Pocatello prior to November 19, 1987, and therefore denies the request.

Interrogatory No. 13: If YOU DENY Request for Admission No. 4, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 13: N/A

Interrogatory No. 14: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 13.

Answer to Interrogatory No. 14: N/A

Request for Production No. 10: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 13.

Answer to Request for Production No. 10: N/A

Request for Admission No. 5: Admit that pursuant to I.C. 42-222 IDWR has administratively transferred the point of diversion of a surface water right to a ground water well.

Answer to Request for Admission No. 5: Objection. The question is vague and irrelevant and fails to identify a specific water right or transfer proceeding. The Coalition has made a reasonable inquiry and the information known or readily obtainable is insufficient regarding the request and therefore the Coalition denies the request.

Interrogatory No. 15: If YOUR RESPONSE to Request for Admission No. 5, is not a complete admission, please STATE THE BASIS for YOUR RESPONSE.

Answer to Interrogatory No 15: See answer to Request for Admission No. 5.

Interrogatory No. 16: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 15.

Answer to Interrogatory No. 17: N/A

Interrogatory No. 17: If YOU admit Request for Admission No. 5, please STATE the circumstances of all such administrative transfers.

Answer to Interrogatory No. 17: N/A

Request for Production No. 11: Produce any DOCUMENTS related to YOUR response to Interrogatory Nos. 15 and 17.

Answer to Request for Production No. 11: N/A

Interrogatory No. 18: Please IDENTIFY each PERSON who participated in or furnished information for the preparation of all or any portion of YOUR responses to these DISCOVERY REQUESTS and IDENTIFY the information that each such PERSON provided.

Answer to Interrogatory No. 18: Roger D. Ling, W. Kent Fletcher, C. Tom Arkoosh, John K. Simpson, Paul L. Arrington, Travis L. Thompson, Charles E. Brockway.

Subcase Nos. 29-04223 and 29-04226

Interrogatory No. 1: Please STATE THE BASIS for YOUR RESPONSE TO POCATELLO'S OBJECTION in this SUBCASE.

Answer to Interrogatory No. 1: The Coalition is unaware of any basis in fact or law for Pocatello's objections to IDWR's recommendation. See also, Supplemental Director's Report

Regarding City of Pocatello's Basin 29 State-Based Water Rights and exhibits. The bases of the various responses are set forth in the Responses filed in this subcase.

Interrogatory No. 2: Please IDENTIFY each PERSON who has information that RELATES TO YOUR RESPONSE that is the subject of Interrogatory Nos. 1 and 17.

Answer to Interrogatory No. 2: Charles E. Brockway, P.E., Ph.D., Brockway Engineering, 2016 N. Washington St., Suite 4, Twin Falls, ID 83301.

Interrogatory No. 3: Please describe the substance of the knowledge of each PERSON identified in YOUR RESPONSE to Interrogatory No. 2.

Answer to Interrogatory No. 3: Dr. Brockway is knowledgeable about the interconnectedness of the surface and ground water resources in southern Idaho and in Basin 29. Dr. Brockway has experience with municipal water right issues. If called, Dr. Brockway would be an expert witness. No specific analyses has been completed yet, other than a review of published data, IDWR's recommendations and the Supplemental Director's Report for these water right claims, Pocatello's amended objections, and the Coalition's responses to the same.

Interrogatory No. 4: Please IDENTIFY each EXPERT who YOU expect to testify RELATING TO YOUR RESPONSE that is the subject of Interrogatory Nos. 1 and 17.

Answer to Interrogatory No. 4: See response to Interrogatory No. 2.

Interrogatory No. 5: For each EXPERT you IDENTIFIED in your RESPONSE to Interrogatory No. 5, state the subject matter on which the expert is expected to testify, state the substance of the opinions to which the expert is expected to testify, and state the underlying facts and data upon which the expert opinions are based.

Answer to Interrogatory No. 5: See response to Interrogatory No. 3.

Request for Production No. 1: Please PRODUCE all DOCUMENTS that support YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

See IDWR's files for water rights #29-04223 and #29-04226 which are publicly available at IDWR. See Supplemental Director's Report Regarding City of Pocatello's Basin 29 State-Based Water Rights and exhibits. See Reconnaissance of The Water Resources in the Portneuf River Basin Idaho, Water Information Bulletin No. 16, Idaho Department of Reclamation (R.F. Norvitch and A.L. Larson, June 1970). Additional studies and reports on the Portneuf River Basin relating to IDWR's ESPA Groundwater Model as a tributary to the ESPA are currently being generated as part of the technical committee's work on the model with the Idaho Water Resources Research Institute.

Request for Production No. 2: Please PRODUCE all DOCUMENTS, not produced in response to Request for Production No. 1, that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

None.

Request for Production No. 3: Please PRODUCE all DOCUMENTS that constitute or were included with or referred to in CORRESPONDENCE between YOU and any other PERSON that RELATES TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

None.

Request for Production No. 4: Please PRODUCE all DOCUMENTS that RELATE TO COMMUNICATIONS between YOU and any other PERSON that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

None.

Request for Production No. 5: Please PRODUCE copies of all data and RELEVANT DOCUMENTS upon which the opinions of each EXPERT WITNESS whom YOU are asked to IDENTIFY in response to Interrogatory No. 4 are based or expected to be based.

See response to Request for Production No. 1. Additional data and relevant documents will be produced as discovered and identified.

Request for Production No. 6: Please PRODUCE copies of any RELEVANT DOCUMENTS that YOU have received from any PERSON, including but not limited to expert witness reports, in conjunction with his or her anticipated testimony in this SUBCASE.

See response to Request for Production No. 5.

Interrogatory No. 6: Please DESCRIBE any information you have regarding the cone of depression created by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 6: None at this time. Information on timing and quantity of use from Pocatello's wells is not available, so no hydrologic analysis has been made.

Request for Production 7: Please produce any DOCUMENTS in your possession relating to your responses to Interrogatory No. 6.

Answer to Request for Production No. 7: See answer to Interrogatory No. 6.

Interrogatory No. 7: Please DESCRIBE any information you have regarding ground water rights that withdraw water from the Lower Portneuf River Valley Aquifer within the cone of depression created by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 7: See answer to Interrogatory No. 6.

Interrogatory No. 8: Please DESCRIBE any information you have regarding the individual water rights "injured" by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 8: See answer to Interrogatory No. 6. The Coalition is without sufficient information to answer the interrogatory completely at this time, and the "accomplished transfer" issues in Pocatello's subcases have been remanded to IDWR. Records of IDWR show that surface flows to the Snake River from the Portneuf River and its tributaries, including reach gains from ground water, have diminished substantially and that ground water diversions are a substantial factor leading to these reduced flows. Reduced flows in the Snake River affect the water rights of the Coalition to divert water from the Snake River for storage and for irrigation.

Interrogatory No. 9: Please DESCRIBE any information you have regarding the maximum amount of water ever withdrawn by POCATELLO at the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 9: None.

Interrogatory No. 10: List any water rights YOU allege to be injured by an accomplished transfer of this water right pursuant to Idaho Code §42-1425.

Answer to Interrogatory No. 10: See answer to Interrogatory No. 6. The Coalition is without sufficient information to answer the interrogatory at this time, and the "accomplished transfer" issues in Pocatello's subcases have been remanded to IDWR.

Interrogatory No. 11: Describe the nature of the injury you allege occurred because of the accomplished transfer of this water right pursuant to Idaho Code §42-1425.

Answer to Interrogatory No. 11: See answer to Interrogatory No. 10.

Request for Production No. 8: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 11.

Answer to Request for Production No. 8: N/A.

Request for Admission No. 1: Admit that this water right has never been administered by the STATE in response to the injury alleged in Interrogatory No. 11.

Answer to Request for Admission No. 1: See response to Interrogatory No. 11. The Coalition has made reasonable inquiry and the information known or readily available is insufficient information to admit or deny the request therefore the request is denied. In addition, the "accomplished transfer" issues in Pocatello's subcases have been remanded to IDWR.

Interrogatory No. 12: If YOU DENY Request for Admission No. 1, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 12: N/A

Interrogatory No. 13: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 12.

Answer to Interrogatory No. 13: N/A

Request for Production No. 9: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 12.

Answer to Request for Production No. 9: N/A

Request for Admission No. 2: Admit that YOU have no DOCUMENTS or other INFORMATION alleging or claiming an injury as described in your response to Interrogatory No. 11 to the water rights listed in your response to Interrogatory No. 7.

Answer to Request for Admission No. 2: Denied. See answer to Interrogatory No. 8.

Interrogatory No. 14: If YOU DENY Request for Admission No. 2, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 14: N/A.

Interrogatory No. 15: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 14.

Answer to Interrogatory No. 15: N/A.

Request for Production No. 10: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 14.

Answer to Request for Product No. 10: N/A.

Interrogatory No. 16: Please IDENTIFY each PERSON who participated in or furnished information for the preparation of all or any portion of YOUR responses to these DISCOVERY REQUESTS and IDENTIFY the information that each such PERSON provided.

Answer to Interrogatory No. 16: Roger D. Ling, W. Kent Fletcher, C. Tom Arkoosh, John K. Simpson, Paul L. Arrington, Travis L. Thompson, Charles E. Brockway.

Interrogatory No. 17: Please state YOUR CONTENTION as to the quantity POCATELLO is entitled to receive in this SUBCASE, and STATE THE BASIS FOR YOUR CONTENTION.

Answer to Interrogatory No. 17: See IDWR's recommendation and the Supplemental Director's Report.

Subcase No. 29-07118 and 29-07119

Interrogatory No. 1: Please STATE THE BASIS for YOUR RESPONSE TO POCATELLO'S OBJECTION in this SUBCASE.

Answer to Interrogatory No. 1: The Coalition is unaware of any basis in fact or law for Pocatello's objections to IDWR's recommendation. See also, Supplemental Director's Report Regarding City of Pocatello's Basin 29 State-Based Water Rights and exhibits. The bases of the various responses are set forth in the Responses filed in this subcase.

Interrogatory No. 2: Please state YOUR CONTENTION as to the nature of use POCATELLO is entitled to receive in this SUBCASE, and STATE THE BASIS for YOUR CONTENTION.

Answer to Interrogatory No. 2: See IDWR's recommendations and the Supplemental Director's Report. Pocatello cannot collaterally attack licensed water rights in the SRBA. Pocatello cannot change the purpose and place of use of this irrigation water right without complying with Idaho's transfer statute, I.C. § 42-222.

Interrogatory No. 3: Please IDENTIFY each PERSON who has information that RELATES TO YOUR RESPONSES that are the subject of Interrogatory Nos. 1 and 2.

Answer to Interrogatory No. 3: Charles E. Brockway, P.E., Ph.D., Brockway Engineering, 2016 N. Washington St., Suite 4, Twin Falls, ID 83301.

Interrogatory No. 4: Please describe the substance of the knowledge of each PERSON identified in YOUR RESPONSE to Interrogatory No. 3.

Answer to Interrogatory No. 4: Dr. Brockway is knowledgeable about the interconnectedness of the surface and ground water resources in southern Idaho and in Basin 29. Dr. Brockway has experience with municipal water right issues. If called, Dr. Brockway would be an expert witness. No specific analyses has been completed yet, other than a review of published data, IDWR's recommendations for the water right claims, Pocatello's amended objections, and the Coalition's responses to the same.

Interrogatory No. 5: Please IDENTIFY each EXPERT who YOU expect to testify RELATING TO YOUR RESPONSES that are the subject of Interrogatory Nos. 1 and 2.

Answer to Interrogatory No. 5: See response to Interrogatory No. 3.

Interrogatory No. 6: For each EXPERT you IDENTIFIED in your RESPONSE to Interrogatory No. 5, state the subject matter on which the expert is expected to testify, state the substance of the opinions to which the expert is expected to testify, and state the underlying facts and data upon which the expert opinions are based.

Answer to Interrogatory No. 6: See response to Interrogatory No. 4.

Request for Production No. 1: Please PRODUCE all DOCUMENTS that support YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

See IDWR's files for water rights #29-07118 and #29-07119 which are publicly available at IDWR. See Supplemental Director's Report Regarding City of Pocatello's Basin 29 State-Based Water Rights and exhibits. See Reconnaissance of The Water Resources in the Portneuf River Basin Idaho, Water Information Bulletin No. 16, Idaho Department of Reclamation (R.F. Norvitch and A.L. Larson, June 1970). Additional studies and reports on the Portneuf River Basin relating to IDWR's ESPA Groundwater Model as a tributary to the ESPA are currently being generated as part of the technical committee's work on the model with the Idaho Water Resources Research Institute.

Request for Production No. 2: Please PRODUCE all DOCUMENTS, not produced in response to Request for Production No. 1, that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

None.

Request for Production No. 3: Please PRODUCE all DOCUMENTS that constitute or were included with or referred to in CORRESPONDENCE between YOU and any other PERSON that RELATES TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

None.

Request for Production No. 4: Please PRODUCE all DOCUMENTS that RELATE TO COMMUNICATIONS between YOU and any other PERSON that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

None.

Request for Production No. 5: Please PRODUCE copies of all data and RELEVANT DOCUMENTS upon which the opinions of each EXPERT WITNESS whom YOU are asked to IDENTIFY in response to Interrogatory No. 5 are based or expected to be based.

See response to Request for Production No. 1. Additional data and relevant documents will be produced as discovered and identified.

Request for Production No. 6: Please PRODUCE copies of any RELEVANT DOCUMENTS that YOU have received from any PERSON, including but not limited to expert witness reports, in conjunction with his or her anticipated testimony in this SUBCASE.

See response to Request for Production No. 5.

Request for Admission No. 1: Admit that the water used under this water right is used within the corporate limits of POCATELLO.

Answer to Request for Admission No. 1: Objection. It is impossible to physically determine what is meant by the "corporate limits" of Pocatello. The Coalition has made a reasonable inquiry and the information known or readily obtainable is insufficient to determine whether the water used under these rights is used within the "corporate limits" of Pocatello, therefore the request is denied.

Interrogatory No. 7: If YOU DENY Request for Admission No. 1, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 7: N/A

Interrogatory No. 8: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 7.

Answer to Interrogatory No. 8: N/A

Request for Production No. 7: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 7.

Answer to Request for Production No. 7: N/A

Request for Admission No. 2: Admit that this water right was used in part for irrigation and in part to maintain the land around the POCATELLO municipal airport for airport traffic safety prior to November 19, 1987.

Answer to Request for Admission No. 2: Objection. It is impossible to determine what is meant by "maintain the land for airport traffic safety." The Coalition has made a reasonable inquiry and information known or readily obtainable is insufficient to determine if water under these rights was used for the alleged purposes mentioned before November 19, 1987, therefore the request is denied.

Interrogatory No. 9: If YOU DENY Request for Admission No. 2, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 9: N/A

Interrogatory No. 10: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 9.

Answer to Interrogatory No. 10: N/A

Request for Production No. 8: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 9.

Answer to Request for Production No. 8: N/A

Request for Admission No. 3: Admit that irrigation rights have a single purpose of use.

Answer to Request for Admission No. 3: Objection. The request is vague and irrelevant and fails to identify a specific water right. Notwithstanding the objection, the Coalition admits that certain water rights may be used solely for irrigation purposes.

Interrogatory No. 11: If YOU DENY Request for Admission No. 3, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 11: See answer to Request for Admission No. 3.

Interrogatory No. 12: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 11.

Answer to Interrogatory No. 12: N/A.

Request for Production No. 9: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 11.

Answer to Request for Production No. 9: N/A.

Request for Admission No. 4: Admit that a municipal water right may be used for many uses, including irrigation and airport safety.

Answer to Request for Admission No. 4: Objection. The request is vague and overly broad and it is impossible to determine what is meant by "airport safety". Notwithstanding the objection, the Coalition admits that certain "municipal" water rights may be used for certain irrigation purposes. The Coalition has made a reasonable inquiry and information known or readily obtainable is insufficient regarding an "airport safety" purpose of use for a water right and therefore the request is denied.

Interrogatory No. 13: If YOU DENY Request for Admission No. 4, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 13: See answer to Request for Admission No. 4.

Interrogatory No. 14: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 13.

Answer to Interrogatory No. 14: N/A.

Request for Production No. 10: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 13.

Answer to Request for Production No. 10: N/A.

Request for Admission No. 5: Admit that even if POCATELLO ceased using this water right to raise agricultural crops, it could still use this water right to maintain airport safety.

Answer to Request for Admission No. 5: Objection. The request is vague and overly broad and it is impossible to determine what is meant by "airport safety". The Coalition has made a reasonable inquiry and information known or readily obtainable is insufficient regarding an "airport safety" purpose of use for a water right and therefore the request is denied.

Interrogatory No. 15: If YOU DENY Request for Admission No. 5, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 15: N/A.

Interrogatory No. 16: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 15.

Answer to Interrogatory No. 16: N/A.

Request for Production No. 11: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 15.

Answer to Request for Production No. 11: N/A.

Interrogatory No. 17: Please IDENTIFY each PERSON who participated in or furnished information for the preparation of all or any portion of YOUR responses to these DISCOVERY REQUESTS and IDENTIFY the information that each such PERSON provided.

Answer to Interrogatory No. 17: Roger D. Ling, W. Kent Fletcher, C. Tom Arkoosh, John K. Simpson, Paul L. Arrington, Travis L. Thompson, Charles E. Brockway.

Subcase No. 29-07222, 29-7431

Interrogatory No. 1: Please STATE THE BASIS for YOUR RESPONSE TO POCATELLO'S OBJECTION in this SUBCASE.

Answer to Interrogatory No. 1: The Coalition is unaware of any basis in fact or law for Pocatello's objections to IDWR's recommendations. See also, Supplemental Director's Report Regarding City of Pocatello's Basin 29 State-Based Water Rights and exhibits. The bases of the various responses are set forth in the Responses filed in these subcases. In addition, Pocatello cannot collaterally attack licensed water rights in the SRBA. Pocatello cannot change the purpose and place of use of this irrigation water right without complying with Idaho's transfer statute, I.C. § 42-222.

Interrogatory No. 2: Please IDENTIFY each PERSON who has information that RELATES TO YOUR RESPONSES that are the subject of Interrogatory Nos. 1.

Answer to Interrogatory No. 2: Charles E. Brockway, P.E., Ph.D., Brockway Engineering, 2016 N. Washington St., Suite 4, Twin Falls, ID 83301.

Interrogatory No. 3: Please describe the substance of the knowledge of each PERSON identified in YOUR RESPONSE to Interrogatory No. 2.

Answer to Interrogatory No. 3: Dr. Brockway is knowledgeable about the water resources in southern Idaho and in Basin 29. Dr. Brockway has experience with municipal water right issues. If called, Dr. Brockway would be an expert witness. No specific analyses has been completed yet, other than a review of published data, IDWR's recommendations and the Supplemental Director's Report for these water right claims, Pocatello's amended objections, and the Coalition's responses to the same.

Interrogatory No. 4: Please IDENTIFY each EXPERT who YOU expect to testify RELATING TO YOUR RESPONSES that are the subject of Interrogatory No 1.

Answer to Interrogatory No. 4: Charles E. Brockway, P.E., Ph.D., Brockway Engineering, 2016 N. Washington St., Suite 4, Twin Falls, ID 83301.

Interrogatory No. 5: For each EXPERT you IDENTIFIED in your RESPONSE to Interrogatory No. 4, state the subject matter on which the expert is expected to testify, state the substance of the opinions to which the expert is expected to testify, and state the underlying facts and data upon which the expert opinions are based.

Answer to Interrogatory No. 5: See response to Interrogatory No. 3.

Request for Production No. 1: Please PRODUCE all DOCUMENTS that support YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

See IDWR's files for water rights #29-07222 and #29-07431 which are publicly available at IDWR. See Supplemental Director's Report Regarding City of Pocatello's Basin 29 State-Based Water Rights and exhibits. See Reconnaissance of The Water Resources in the Portneuf River Basin Idaho, Water Information Bulletin No. 16, Idaho Department of Reclamation (R.F. Norvitch and A.L. Larson, June 1970). Additional studies and reports on the Portneuf River Basin relating to IDWR's ESPA Groundwater Model as a tributary to the ESPA are currently being generated as part of the technical committee's work on the model with the Idaho Water Resources Research Institute.

Request for Production No. 2: Please PRODUCE all DOCUMENTS, not produced in response to Request for Production No. 1, that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

None.

Request for Production No. 3: Please PRODUCE all DOCUMENTS that constitute or were included with or referred to in CORRESPONDENCE between YOU and any other PERSON that RELATES TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

None.

Request for Production No. 4: Please PRODUCE all DOCUMENTS that RELATE TO COMMUNICATIONS between YOU and any other PERSON that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

None.

Request for Production No. 5: Please PRODUCE copies of all data and RELEVANT DOCUMENTS upon which the opinions of each EXPERT WITNESS whom YOU are asked to IDENTIFY in response to Interrogatory No. 5 are based or expected to be based.

See response to Request for Production No. 1. Additional data and relevant documents will be produced as discovered and identified.

Request for Production No. 6: Please PRODUCE copies of any RELEVANT DOCUMENTS that YOU have received from any PERSON, including but not limited to expert witness reports, in conjunction with his or her anticipated testimony in this SUBCASE.

None.

Interrogatory No. 6: Please IDENTIFY each PERSON who participated in or furnished information for the preparation of all or any portion of YOUR responses to these DISCOVERY REQUESTS and IDENTIFY the information that each such PERSON provided.

Answer to Interrogatory No. 6: Roger D. Ling, W. Kent Fletcher, C. Tom Arkoosh, John K. Simpson, Paul L. Arrington, Travis L. Thompson, Charles E. Brockway.

Subcase No. 29-07502

Interrogatory No. 1: Please STATE THE BASIS for YOUR RESPONSE TO POCATELLO'S OBJECTION in this SUBCASE.

Answer to Interrogatory No. 1: The Coalition is unaware of any basis in fact or law for Pocatello's objection to IDWR's recommendation. See also, Supplemental Director's Report Regarding City of Pocatello's Basin 29 State-Based Water Rights and exhibits. The bases of the various responses are set forth in the Responses filed in this subcase.

Interrogatory No. 2: Please state YOUR CONTENTION as to the point(s) of diversion POCATELLO is entitled to in this SUBCASE, and STATE THE BASIS for YOUR CONTENTION.

Answer to Interrogatory No. 2: See IDWR's recommendation. See also, Supplemental Director's Report Regarding City of Pocatello's Basin 29 State-Based Water Rights and exhibits.

Interrogatory No. 3: Please IDENTIFY each PERSON who has information that RELATES TO YOUR RESPONSES that are the subject of Interrogatory Nos. 1 and 2.

Answer to Interrogatory No. 3: Charles E. Brockway, P.E., Ph.D., Brockway Engineering, 2016 N. Washington St., Suite 4, Twin Falls, ID 83301.

Interrogatory No. 4: Please describe the substance of the knowledge of each PERSON identified in YOUR RESPONSE to Interrogatory No. 3.

Answer to Interrogatory No. 4: Dr. Brockway is knowledgeable about the interconnectedness of the surface and ground water resources in southern Idaho and in Basin 29. Dr. Brockway has experience with municipal water right issues. If called, Dr. Brockway would be an expert witness. No specific analyses has been completed yet, other than a review of published data, IDWR's recommendation and Supplemental Director's Report for the water right claim, Pocatello's amended objection, and the Coalition's responses to the same.

Interrogatory No. 5: Please IDENTIFY each EXPERT who YOU expect to testify RELATING TO YOUR RESPONSES that are the subject of Interrogatory Nos. 1 and 2.

Answer to Interrogatory No. 5: Charles E. Brockway, P.E., Ph.D., Brockway Engineering, 2016 N. Washington St., Suite 4, Twin Falls, ID 83301.

Interrogatory No. 6: For each EXPERT you IDENTIFIED in your RESPONSE to Interrogatory No. 5, state the subject matter on which the expert is expected to testify, state the substance of the opinions to which the expert is expected to testify, and state the underlying facts and data upon which the expert opinions are based.

Answer to Interrogatory No. 6: See response to Interrogatory No. 5.

Request for Production No. 1: Please PRODUCE all DOCUMENTS that support YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

See IDWR's file for water right #29-07502 which is publicly available at IDWR. See Supplemental Director's Report Regarding City of Pocatello's Basin 29 State-Based Water Rights and exhibits. See Reconnaissance of The Water Resources in the Portneuf River Basin Idaho, Water Information Bulletin No. 16, Idaho Department of Reclamation (R.F. Norvitch and A.L. Larson, June 1970). Additional studies and reports on the Portneuf River Basin relating to IDWR's ESPA Groundwater Model as a tributary to the ESPA are currently being generated as part of the technical committee's work on the model with the Idaho Water Resources Research Institute.

Request for Production No. 2: Please PRODUCE all DOCUMENTS, not produced in response to Request for Production No. 1, that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Answer: See response to Request for Production No. 1.

Request for Production No. 3: Please PRODUCE all DOCUMENTS that constitute or were included with or referred to in CORRESPONDENCE between YOU and any other PERSON that RELATES TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE

Answer: None.

Request for Production No. 4: Please PRODUCE all DOCUMENTS that RELATE TO COMMUNICATIONS between YOU and any other PERSON that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Answer: None.

Request for Production No. 5: Please PRODUCE copies of all data and RELEVANT DOCUMENTS upon which the opinions of each EXPERT WITNESS whom YOU are asked to IDENTIFY in response to Interrogatory No. 5 are based or expected to be based.

Answer: See response to Request for Production No. 1. Additional data and relevant documents will be produced as discovered and identified.

Request for Production No. 6: Please PRODUCE copies of any RELEVANT DOCUMENTS that YOU have received from any PERSON, including but not limited to expert witness reports, in conjunction with his or her anticipated testimony in this SUBCASE.

Answer: See response to Request for Production No. 5.

Request for Admission No. 1: Admit that POCATELLO did not object to IDWR's recommended point of diversion for this water right.

Answer to Request for Admission No. 1: Admit.

Interrogatory No. 7: Please IDENTIFY each PERSON who participated in or furnished information for the preparation of all or any portion of YOUR responses to these DISCOVERY REQUESTS and IDENTIFY the information that each such PERSON provided.

Answer to Interrogatory No. 7: Roger D. Ling, W. Kent Fletcher, C. Tom Arkoosh, John K. Simpson, Paul L. Arrington, Travis L. Thompson, Charles E. Brockway.

Subcase No. 29-07770

Interrogatory No. 1: Please STATE THE BASIS for YOUR RESPONSE TO POCATELLO'S OBJECTION in this SUBCASE.

Answer to Interrogatory No. 1: The Coalition is unaware of any basis in fact or law for Pocatello's objection to IDWR's recommendation. See also, Supplemental Director's Report Regarding City of Pocatello's Basin 29 State-Based Water Rights and exhibits. The bases of the various responses are set forth in the Responses filed in this subcase.

Interrogatory No. 2: Please state YOUR CONTENTION as to the point(s) of diversion POCATELLO is entitled to in this SUBCASE, and STATE THE BASIS for YOUR CONTENTION.

Answer to Interrogatory No. 2: See IDWR's recommendation. See also, Supplemental Director's Report Regarding City of Pocatello's Basin 29 State-Based Water Rights and exhibits. Pocatello cannot collaterally attack licensed water rights in the SRBA. Pocatello cannot change the purpose and place of use of this irrigation water right without complying with Idaho's transfer statute, I.C. § 42-222.

Interrogatory No. 3: Please IDENTIFY each PERSON who has information that RELATES TO YOUR RESPONSES that are the subject of Interrogatory Nos. 1 and 2.

Answer to Interrogatory No. 3: Charles E. Brockway, P.E., Ph.D., Brockway Engineering, 2016 N. Washington St., Suite 4, Twin Falls, ID 83301.

Interrogatory No. 4: Please describe the substance of the knowledge of each PERSON identified in YOUR RESPONSE to Interrogatory No. 3.

Answer to Interrogatory No. 4: Dr. Brockway is knowledgeable about the interconnectedness of the surface and ground water resources in southern Idaho and in Basin 29. Dr. Brockway has experience with municipal water right issues. If called, Dr. Brockway would be an expert witness. No specific analyses has been completed yet, other than a review of

published data, IDWR's recommendation and the Supplemental Director's Report for the water right claim, Pocatello's amended objection, and the Coalition's response to the same.

Interrogatory No. 5: Please IDENTIFY each EXPERT who YOU expect to testify RELATING TO YOUR RESPONSES that are the subject of Interrogatory Nos. 1 and 2.

Answer to Interrogatory No. 5: Charles E. Brockway, P.E., Ph.D., Brockway Engineering, 2016 N. Washington St., Suite 4, Twin Falls, ID 83301.

Interrogatory No. 6: For each EXPERT you IDENTIFIED in your RESPONSE to Interrogatory No. 5, state the subject matter on which the expert is expected to testify, state the substance of the opinions to which the expert is expected to testify, and state the underlying facts and data upon which the expert opinions are based.

Answer to Interrogatory No. 6: See response to Interrogatory No. 5.

Request for Production No. 1: Please PRODUCE all DOCUMENTS that support YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

See IDWR's files for water right #29-07770 which is publicly available at IDWR. See also, Supplemental Director's Report Regarding City of Pocatello's Basin 29 State-Based Water Rights and exhibits. See Reconnaissance of The Water Resources in the Portneuf River Basin Idaho, Water Information Bulletin No. 16, Idaho Department of Reclamation (R.F. Norvitch and A.L. Larson, June 1970). Additional studies and reports on the Portneuf River Basin relating to IDWR's ESPA Groundwater Model are currently being generated as part of the technical committee's work on the model with the Idaho Water Resources Research Institute.

Request for Production No. 2: Please PRODUCE all DOCUMENTS, not produced in response to Request for Production No. 1, that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Answer: See response to Request for Production No. 1.

Request for Production No. 3: Please PRODUCE all DOCUMENTS that constitute or were included with or referred to in CORRESPONDENCE between YOU and any other PERSON that RELATES TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE

Answer: None.

Request for Production No. 4: Please PRODUCE all DOCUMENTS that RELATE TO COMMUNICATIONS between YOU and any other PERSON that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Answer: None.

Request for Production No. 5: Please PRODUCE copies of all data and RELEVANT DOCUMENTS upon which the opinions of each EXPERT WITNESS whom YOU are asked to IDENTIFY in response to Interrogatory No. 5 are based or expected to be based.

Answer: See response to Request for Production No. 1. Additional data and relevant documents will be produced as discovered and identified.

Request for Production No. 6: Please PRODUCE copies of any RELEVANT DOCUMENTS that YOU have received from any PERSON, including but not limited to expert witness reports, in conjunction with his or her anticipated testimony in this SUBCASE.

Request for Admission No. 1: Admit that POCATELLO uses this water right for the land application of the CITY'S biosolids under POCATELLO'S EPA-approved Biosolids Program and NPDES permit.

Answer to Request for Admission No. 1: The Coalition has made reasonable inquiry and the information known or readily obtainable is insufficient to determine how Pocatello uses this water right under which EPA approved programs and permits, therefore the request is denied.

Interrogatory No. 7: If YOU DENY Request for Admission No. 1, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 7: N/A

Interrogatory No. 8: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. ___.

Answer to Interrogatory No. 8: N/A

Request for Production No. 7: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 7.

Answer to Request for Production No. 7: N/A

Request for Admission No. 2: Admit that POCATELLO land applies the biosolids produced by its waste water plant as part of the CITY'S municipal responsibility to treat and dispose of domestic sewage.

Answer to Request for Admission No. 2: Objection. It is impossible to determine what is meant by "municipal responsibility". The Coalition has made reasonable inquiry and the information known or readily obtainable is insufficient to determine how Pocatello applies "the biosolids produced by its water plant" and therefore the request is denied.

Interrogatory No. 9: If YOU DENY Request for Admission No. 2, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 9: N/A

Interrogatory No. 10: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 9.

Answer to Interrogatory No. 10: N/A

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Request for Production No. 8: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 9.

Answer to Request for Production No. 8: N/A

Request for Admission No. 3: Admit that POCATELLO requested that IDWR license this water right as a municipal water right during the licensing process.

Answer to Request for Admission No. 3: The Coalition has made reasonable inquiry and the information known or readily obtainable is insufficient to determine whether and what Pocatello requested of IDWR during the "licensing process" of this water right.

Interrogatory No. 11: If YOU DENY Request for Admission No. 3, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 11: N/A

Interrogatory No. 12: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 11.

Answer to Interrogatory No. 12: N/A

Request for Production No. 9: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 11.

Answer to Request for Production No. 9: N/A

Request for Admission No. 4: Admit that POCATELLO uses this water right as part of its obligations as a municipality to treat and dispose of domestic sewage.

Answer to Request for Admission No. 4: Objection. It is impossible to determine what is meant by "as part of its obligations as a municipality." The Coalition has made reasonable inquiry and the information known or readily obtainable is insufficient to determine how Pocatello uses this water right.

Interrogatory No. 13: If YOU DENY Request for Admission No. 4, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 13: N/A

Interrogatory No. 14: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 13.

Answer to Interrogatory No. 14: N/A

Request for Production No. 10: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 13.

Answer to Request for Production No. 10: N/A

Interrogatory No. 15: Please IDENTIFY each PERSON who participated in or furnished information for the preparation of all or any portion of YOUR responses to these DISCOVERY REQUESTS and IDENTIFY the information that each such PERSON provided.

Answer to Interrogatory No. 18: Roger D. Ling, W. Kent Fletcher, C. Tom Arkoosh, John K. Simpson, Paul L. Arrington, Travis L. Thompson, Charles E. Brockway.

Subcase No. 29-07782

Interrogatory No. 1: Please STATE THE BASIS for YOUR RESPONSE TO POCATELLO'S OBJECTION in this SUBCASE.

Answer to Interrogatory No. 1: The Coalition is unaware of any basis in fact or law for Pocatello's objection to IDWR's recommendation. See also, Supplemental Director's Report Regarding City of Pocatello's Basin 29 State-Based Water Rights and exhibits. The bases of the various responses are set forth in the Responses filed in this subcase.

Interrogatory No. 2: Please state YOUR CONTENTION as to the point of diversion POCATELLO is entitled to receive in THIS CASE, and STATE THE BASIS for YOUR CONTENTION.

Answer to Interrogatory No. 2: See IDWR's recommendation. See also, Supplemental Director's Report Regarding City of Pocatello's Basin 29 State-Based Water Rights and exhibits.

Interrogatory No. 3: Please IDENTIFY each PERSON who has information that RELATES TO YOUR RESPONSES that are the subject of Interrogatory Nos. 1 and 2.

Answer to Interrogatory No. 3: Charles E. Brockway, P.E., Ph.D., Brockway Engineering, 2016 N. Washington St., Suite 4, Twin Falls, ID 83301.

Interrogatory No. 4: Please describe the substance of the knowledge of each PERSON identified in YOUR RESPONSE to Interrogatory No. 3.

Answer to Interrogatory No. 4: Dr. Brockway is knowledgeable about the interconnectedness of the surface and ground water resources in southern Idaho and in Basin 29. Dr. Brockway has experience with municipal water right issues. If called, Dr. Brockway would be an expert witness. No specific analyses has been completed yet, other than a review of published data, IDWR's recommendation and the Supplemental Director's Report for the water right claim, Pocatello's amended objection, and the Coalition's responses to the same.

Interrogatory No. 5: Please IDENTIFY each EXPERT who YOU expect to testify RELATING TO YOUR RESPONSES that are the subject of Interrogatory Nos. 1 and 2.

Answer to Interrogatory No. 5: Charles E. Brockway, P.E., Ph.D., Brockway Engineering, 2016 N. Washington St., Suite 4, Twin Falls, ID 83301.

Interrogatory No. 6: For each EXPERT you IDENTIFIED in your RESPONSE to Interrogatory No. 5, state the subject matter on which the expert is expected to testify, state the substance of

the opinions to which the expert is expected to testify, and state the underlying facts and data upon which the expert opinions are based.

Answer to Interrogatory No. 6: See response to Interrogatory No. 5.

Request for Production No. 1: Please PRODUCE all DOCUMENTS that support YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

See IDWR's files for water right #29-07782 which is publicly available at IDWR. See also, Supplemental Director's Report Regarding City of Pocatello's Basin 29 State-Based Water Rights and exhibits. See Reconnaissance of The Water Resources in the Portneuf River Basin Idaho, Water Information Bulletin No. 16, Idaho Department of Reclamation (R.F. Norvitch and A.L. Larson, June 1970). Additional studies and reports on the Portneuf River Basin relating to IDWR's ESPA Groundwater Model are currently being generated as part of the technical committee's work on the model with the Idaho Water Resources Research Institute.

Request for Production No. 2: Please PRODUCE all DOCUMENTS, not produced in response to Request for Production No. 1, that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Answer: See response to Request for Production No. 1.

Request for Production No. 3: Please PRODUCE all DOCUMENTS that constitute or were included with or referred to in CORRESPONDENCE between YOU and any other PERSON that RELATES TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE

Answer: None.

Request for Production No. 4: Please PRODUCE all DOCUMENTS that RELATE TO COMMUNICATIONS between YOU and any other PERSON that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

Answer: None.

Request for Production No. 5: Please PRODUCE copies of all data and RELEVANT DOCUMENTS upon which the opinions of each EXPERT WITNESS whom YOU are asked to IDENTIFY in response to Interrogatory No. 5 are based or expected to be based.

Answer: See response to Request for Production No. 1. Additional data and relevant documents will be produced as discovered and identified.

Request for Production No. 6: Please PRODUCE copies of any RELEVANT DOCUMENTS that YOU have received from any PERSON, including but not limited to expert witness reports, in conjunction with his or her anticipated testimony in this SUBCASE.

Answer: See response to Request for Production No. 5.

Interrogatory No. 7: Please IDENTIFY each PERSON who participated in or furnished information for the preparation of all or any portion of YOUR responses to these DISCOVERY REQUESTS and IDENTIFY the information that each such PERSON provided.

Answer to Interrogatory No. 7: Roger D. Ling, W. Kent Fletcher, C. Tom Arkoosh, John K. Simpson, Paul L. Arrington, Travis L. Thompson, Charles E. Brockway.

Subcase No. 29-13558, 29-13639

Interrogatory No. 1: Please STATE THE BASIS for YOUR RESPONSE TO POCATELLO'S OBJECTION in this SUBCASE.

Answer to Interrogatory No. 1: The Coalition is unaware of any basis in fact or law for Pocatello's objection to IDWR's recommendation. See also, Supplemental Director's Report Regarding City of Pocatello's Basin 29 State-Based Water Rights and exhibits. The bases of the various responses are set forth in the Responses filed in this subcase.

Interrogatory No. 2: Please IDENTIFY each PERSON who has information that RELATES TO YOUR RESPONSE that is the subject of Interrogatory No. 1.

Answer to Interrogatory No. 2: Charles E. Brockway, P.E., Ph.D., Brockway Engineering, 2016 N. Washington St., Suite 4, Twin Falls, ID 83301.

Interrogatory No. 3: Please describe the substance of the knowledge of each PERSON identified in YOUR RESPONSE to Interrogatory No. 2.

Answer to Interrogatory No. 3: Dr. Brockway is knowledgeable about the interconnectedness of the surface and ground water resources in southern Idaho and in Basin 29. Dr. Brockway has experience with municipal water right issues. If called, Dr. Brockway would be an expert witness. No specific analyses has been completed yet, other than a review of published data, IDWR's recommendation and the Supplemental Director's Report for the water right claim, Pocatello's amended objection, and the Coalition's response to the same.

Interrogatory No. 4: Please IDENTIFY each EXPERT who YOU expect to testify RELATING TO YOUR RESPONSE that is the subject of Interrogatory No. 1.

Answer to Interrogatory No. 4: See response to Interrogatory No. 2.

Interrogatory No. 5: For each EXPERT you IDENTIFIED in your RESPONSE to Interrogatory No. 5, state the subject matter on which the expert is expected to testify, state the substance of the opinions to which the expert is expected to testify, and state the underlying facts and data upon which the expert opinions are based.

Answer to Interrogatory No. 5: See response to Interrogatory No. 3.

Request for Production No. 1: Please PRODUCE all DOCUMENTS that support YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

See IDWR's files for water right #29-13558 and #29-13639 which are publicly available at IDWR. See also, Supplemental Director's Report Regarding City of Pocatello's Basin 29 State-Based Water Rights and exhibits. See Reconnaissance of The Water Resources in the Portneuf River Basin Idaho, Water Information Bulletin No. 16, Idaho Department of Reclamation (R.F. Norvitch and A.L. Larson, June 1970). Additional studies and reports on the Portneuf River Basin relating to IDWR's ESPA Groundwater Model are currently being generated as part of the technical committee's work on the model with the Idaho Water Resources Research Institute.

Request for Production No. 2: Please PRODUCE all DOCUMENTS, not produced in response to Request for Production No. 1, that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

None.

Request for Production No. 3: Please PRODUCE all DOCUMENTS that constitute or were included with or referred to in CORRESPONDENCE between YOU and any other PERSON that RELATES TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

None.

Request for Production No. 4: Please PRODUCE all DOCUMENTS that RELATE TO COMMUNICATIONS between YOU and any other PERSON that RELATE TO YOUR RESPONSE to POCATELLO'S OBJECTION in this SUBCASE.

None.

Request for Production No. 5: Please PRODUCE copies of all data and RELEVANT DOCUMENTS upon which the opinions of each EXPERT WITNESS whom YOU are asked to IDENTIFY in response to Interrogatory No. 4 are based or expected to be based.

Answer: See response to Request for Production No. 1. Additional data and relevant documents will be produced as discovered and identified.

Request for Production No. 6: Please PRODUCE copies of any RELEVANT DOCUMENTS that YOU have received from any PERSON, including but not limited to expert witness reports, in conjunction with his or her anticipated testimony in this SUBCASE.

Answer: See response to Request for Production No. 5.

Interrogatory No. 6: Please DESCRIBE any information you have regarding the cone of depression created by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer: None at this time. Information on timing and quantity of use from Pocatello's wells is not available, so no hydrologic analysis has been made.

Interrogatory No. 7: Please DESCRIBE any information you have regarding ground water rights that withdraw water from the Lower Portneuf River Valley Aquifer within the cone of depression

created by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 7: See answer to Interrogatory No. 6.

Interrogatory No. 8: Please DESCRIBE any information you have regarding the individual water rights "injured" by POCATELLO'S use of the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 8: See answer to Interrogatory No. 6. The Coalition is without sufficient information to answer the interrogatory completely at this time, and the "accomplished transfer" issues in Pocatello's subcases have been remanded to IDWR. Records of IDWR show that surface flows to the Snake River from the Portneuf River and its tributaries, including reach gains from ground water, have diminished substantially and that ground water diversions are a substantial factor leading to these reduced flows. Reduced flows in the Snake River affect the water rights of the Coalition to divert water from the Snake River for storage and for irrigation.

Interrogatory No. 9: Please DESCRIBE any information you have regarding the maximum amount of water ever withdrawn by POCATELLO at the wells located at the points of diversion recommended by IDWR for this water right.

Answer to Interrogatory No. 9: None.

Interrogatory No. 10: List any water rights YOU allege to be injured by an accomplished transfer of this water right pursuant to Idaho Code §42-1425.

Answer to Interrogatory No. 10: See answer to Interrogatory No. 6. The Coalition is without sufficient information to answer the interrogatory at this time, and the "accomplished transfer" issues in Pocatello's subcases have been remanded to IDWR.

Interrogatory No. 11: Describe the nature of the injury you allege occurred because of the accomplished transfer of this water right pursuant to Idaho Code §42-1425.

Answer to Interrogatory No. 11: See answer to Interrogatory No. 10.

Request for Production No. 8: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 11.

Answer to Request for Production No. 8: N/A.

Request for Admission No. 1: Admit that this water right has never been administered by the STATE in response to the injury alleged in Interrogatory No. 11.

Answer to Request for Admission No. 1: See response to Interrogatory No. 11. The Coalition has made reasonable inquiry and the information known or readily available is insufficient information to admit or deny the request therefore the request is denied. In addition, the "accomplished transfer" issues in Pocatello's subcases have been remanded to IDWR.

Interrogatory No. 12: If YOU DENY Request for Admission No. 1, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 12: N/A

Interrogatory No. 13: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 12.

Answer to Interrogatory No. 13: N/A

Request for Production No. 9: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 12.

Answer to Request for Production No. 9: N/A

Request for Admission No. 2: Admit that YOU have no DOCUMENTS or other INFORMATION alleging or claiming an injury as described in your response to Interrogatory No. 11 to the water rights listed in your response to Interrogatory No. 7.

Answer to Request for Admission No. 2: Denied. See answer to Interrogatory No. 8.

Interrogatory No. 14: If YOU DENY Request for Admission No. 2, please STATE THE BASIS for YOUR DENIAL.

Answer to Interrogatory No. 14: N/A.

Interrogatory No. 15: Please IDENTIFY each PERSON who has information that RELATES TO YOUR CONTENTION that is the subject of Interrogatory No. 14.

Answer to Interrogatory No. 15: N/A.

Request for Production No. 10: Produce any DOCUMENTS related to YOUR response to Interrogatory No. 14.

Answer to Request for Product No. 10: N/A.

Interrogatory No. 16: Please IDENTIFY each PERSON who participated in or furnished information for the preparation of all or any portion of YOUR responses to these DISCOVERY REQUESTS and IDENTIFY the information that each such PERSON provided.

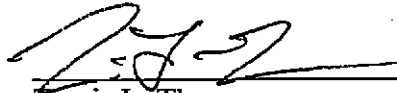
Answer to Interrogatory No. 16: Roger D. Ling, W. Kent Fletcher, C. Tom Arkoosh, John K. Simpson, Paul L. Arrington, Travis L. Thompson, Charles E. Brockway.

Interrogatory No. 17: Please state YOUR CONTENTION as to the priority date POCATELLO is entitled to receive in this SUBCASE, and STATE THE BASIS FOR YOUR CONTENTION.

Answer to interrogatory No. 17: See IDWR's recommendation. See also, Supplemental Director's Report Regarding City of Pocatello's Basin 29 State-Based Water Rights and exhibits.

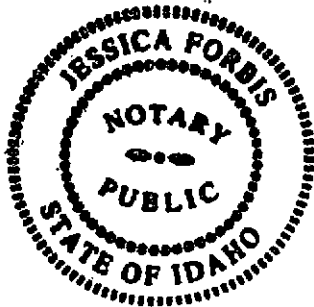
DATED this 22nd day of September, 2006.

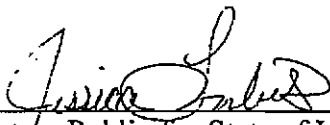
BARKER ROSHOLT & SIMPSON, LLP



Travis L. Thompson

SUBSCRIBED AND SWORN to before me this 22 day of September, 2006.





Notary Public for State of Idaho
Residing at Twin Falls
Commission Expires: 4/3/12

DATED this 20th day of September, 2006.

LING ROBINSON & WALKER

Roger D. Ling

Roger D. Ling
Attorneys for A & B Irrigation District & Burley Irrigation District

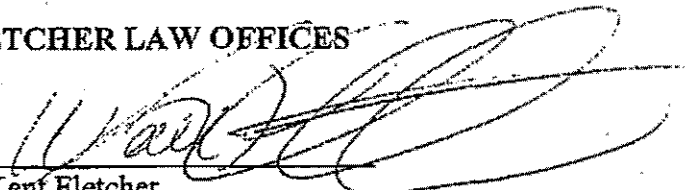
SUBSCRIBED AND SWORN to before me this 20th day of September, 2006.

JUDY BARNES
NOTARY PUBLIC
STATE OF IDAHO

Judy Barnes
Notary Public for State of Idaho
Residing at Rupert, Idaho
Commission Expires: 02-12-2011

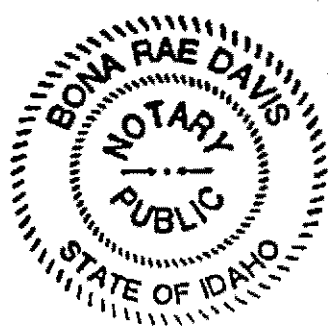
DATED this 20 day of September, 2006.

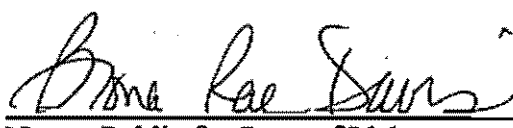
FLETCHER LAW OFFICES



W. Kent Fletcher
Attorneys for Minidoka Irrigation District

SUBSCRIBED AND SWORN to before me this ^{qs} 20 day of September, 2006.





Notary Public for State of Idaho
Residing at Burley
Commission Expires: 7/5/2008

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 22nd day of September 2006, I caused a copy of the foregoing TWIN FALLS CANAL COMPANY, MILNER IRRIGATION DISTRICT, AND NORTH SIDE CANAL COMPANY'S RESPONSES TO POCATELLO'S FIRST SET OF DISCOVERY REQUESTS to be served by electronic mail and U.S. First Class Mail on:

Josephine P. Beeman
BEEMAN & ASSOCIATES, P.C.
406 West Jefferson Street
Boise, ID 83702

Sarah A. Klahn
Eliza F. Hillhouse
William A. Hillhouse II
WHITE & JANKOWSKI, LLP
511 16TH St., Suite 500
Denver CO 80202


Travis L. Thompson

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EXHIBIT A

Subcase Numbers

29-00271
29-00272
29-00273
29-02274
29-02338
29-02354
29-02382
29-02401
29-02499
29-04221
29-04222
29-04223
29-04224
29-04225
29-04226
29-07106
29-07118
29-07119
29-07222
29-07322
29-07375
29-07431
29-07450
29-07502
29-07770
29-07782
29-11339
29-11344
29-11348
29-13558
29-13559
29-13560
29-13561
29-13562
29-13636
29-13637
29-13638
29-13639

Josephine P. Beeman #1806
Beeman & Associates, P.C.
409 West Jefferson Street
Boise, ID 83702
(208) 331-0950
(208) 331-0954 (Facsimile)
jo.beeman@beemanlaw.com

Sarah A. Klahn
Eliza F. Hillhouse
William A. Hillhouse II
White & Jankowski, LLP
511 16th St., Suite 500
Denver, CO 80202
303-595-9441
303-825-5632 (Facsimile)
sarahk@white-jankowski.com

Attorneys for City of Pocatello

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

| | | |
|----------------|---|--|
| In Re SRBA |) | Subcase Nos. 29-00271, et al. (see attached Exhibit A) |
| |) | |
| |) | POCATELLO'S OBJECTIONS AND RESPONSES |
| Case No. 39576 |) | TO STATE OF IDAHO'S FIRST SET OF |
| |) | DISCOVERY REQUESTS TO THE CITY OF |
| _____ |) | POCATELLO |

The City of Pocatello (Pocatello or City), pursuant to I.R.C.P. Rules 26, 33 and 34, responds to the STATE OF IDAHO'S FIRST SET OF DISCOVERY REQUESTS TO THE CITY OF POCATELLO.

OBJECTIONS TO GENERAL INSTRUCTIONS

1. Pocatello objects to General Instruction 2 to the extent it attempts to impose on Pocatello a duty to supplement these responses greater than that required by I.R.C.P. 26(e) and to

the extent that it conflicts with the July 21, 2006, deadline for service of written discovery established in the Fifth Amended Trial Scheduling Order dated April 14, 2006.

OBJECTIONS TO INSTRUCTIONS FOR INTERROGATORIES

1. Pocatello objects to Instruction for Interrogatories 1 to the extent it conflicts with I.R.C.P. 33(a)(2) and the deadline for submission of written discovery responses established in the Seventh Amended Trial Scheduling Order dated September 11, 2006.

OBJECTIONS TO INSTRUCTIONS FOR REQUESTS FOR PRODUCTION

1. Pocatello objects to Instruction 1 for Requests for Production. The documents and things requested by the State are, for the most part, official records of the City of Pocatello and must remain in the custody of the City and/or its agents. Pocatello will not release custody of those records to the State of Idaho under any circumstances. Pocatello further objects to Instruction 1 for Requests for Production to the extent it conflicts with I.R.C.P. 34(b)(2) and the deadline for submission of written discovery responses established in the Seventh Amended Trial Scheduling Order dated September 11, 2006.

2. Pocatello objects to Instruction 2 for Requests for Production to the extent the time period therein conflicts with I.R.C.P. 34(b)(2) and the deadline for submission of written discovery responses established in the Seventh Amended Trial Scheduling Order dated September 11, 2006.

3. Pocatello objects to Instruction 3 for Requests for Production. The pre-production location of the documents produced by the City of Pocatello in response to these requests was the offices of its attorney, Josephine P. Beeman, Beeman & Associates, 409 West Jefferson Street, Boise, ID 83702, under and pursuant to a file system developed by that attorney. As a result the sequential relationship of those documents and file folders and folder tabs associated with their

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location reflect the mental impressions, work product and privileged information of that attorney. The City of Pocatello declines to reveal that information to the State of Idaho. The original, non-privileged, documents of the City of Pocatello are available to the State of Idaho in their original locations and folders at the various offices and locations housing City of Pocatello records.

4. Pocatello objects to instruction 4 for Requests for Production to the extent the time period therein conflicts with I.R.C.P. 34(b)(2) and the deadline for submission of written discovery responses established in the Seventh Amended Trial Scheduling Order dated September 11, 2006.

OBJECTION TO DEFINITIONS

Pocatello objects to the definition of "identify" in D(2) relating to the identification of persons in that it is unreasonable and will cause Pocatello to have to provide information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORIES AND REQUESTS FOR PRODUCTION

Interrogatory No. 1

Please provide a narrative history for each point of diversion from ground water for the water rights described in Exhibit A. This narrative history should include the following, except as excluded below:

- a. the date when the well was first drilled or excavated;
- b. the dates of any changes to the depth of the well or the size of the well casing;
- c. a description of the changes to the depth of the well and the size of the well,
- d. a description of the amount of water produced from each well; and
- e. a description of the service area that received water from the well.

This narrative history should exclude any information that is contained in the water right license

files for the subcases listed in Exhibit A maintained by the Idaho Department of Water Resources.

RESPONSE TO INTERROGATORY NO. 1:

Pocatello objects to this Interrogatory because the burden of deriving or ascertaining the response is substantially the same for the State of Idaho as it is for Pocatello. To the extent the State of Idaho seeks material prepared in anticipation of trial on any or all of the claims made in this matter, Pocatello objects on the basis of work product and attorney client privilege. I.R.C.P. 26(b)(3). Persons with knowledge of the basis of this objection are Josephine P. Beeman and Dean Tranmer, Pocatello City Attorney.

Subject to and without waiving its objections, Pocatello responds to Interrogatory No. 1 by stating that the response to the Interrogatory may be derived from the business or other records of Pocatello and the water right license files for the subcases listed in Exhibit A to the STATE OF IDAHO'S FIRST SET OF DISCOVERY REQUESTS TO THE CITY OF POCATELLO. The City's documents are being produced in response to request for Production No. 1.

Request for Production No. 1

Produce all documents that relate to your answer in Interrogatory No. 1. This request for production is not intended to request any documents that are contained in a water right license file maintained by the Idaho Department of Water Resources.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1:

See Response to Interrogatory No. 1. Subject to and without waiving these objections, Pocatello submits the requested documents. Pocatello has scanned and Bates numbered these documents on the CD attached hereto. The maps which are Bates numbers 002279, 002281,

002291, 002292, and 002293 were too large to copy and are available for inspection Monday to Friday, 9 AM to 5 PM at the offices of Beeman and Associates, P.C., 409 W. Jefferson Street, Boise, Idaho 83702. Please call in advance.

Pocatello also provides the following list of IDWR materials which are not provided here, but are identified here, as a courtesy, to facilitate the State of Idaho's review of license files associated with the City of Pocatello's 38 state law SRBA claims.

- 1) December 18, 1996 Evidence of Priority Binder for SRBA Claims A29-4221, 29-4222, 29-4223, 29-4224, 29-4225, 29-4226, 29-11343, and 29-11344
- 2) IDWR File 29-2274
- 3) IDWR File 29-2324
- 4) IDWR File 29-2338
- 5) IDWR File 29-2338, 29-2401, 29-2274
- 6) IDWR File 29-2382, 29-2383, 29-2384
- 7) IDWR File 29-2401
- 8) IDWR File 29-2499
- 9) IDWR File 29-4221
- 10) IDWR File 29-4222
- 11) IDWR File 29-4223
- 12) IDWR File 29-4224
- 13) IDWR File 29-4225
- 14) IDWR File 29-4226
- 15) IDWR File 29-7106
- 16) IDWR File 29-7118
- 17) IDWR File 29-7119

- 18) IDWR File 29-7222
- 19) IDWR File 29-7322
- 20) IDWR File 29-7431
- 21) IDWR File 29-7450
- 22) IDWR File 29-7770, 29-7782
- 23) IDWR File License 29-8086, Permit 29-8115, Permit 29-8116
- 24) IDWR File Alpheus Creek Transfer from Surface to Ground Water Source (36-2603, 36-2603A, 36-2646, 36-7239, and Transfer 4066)
- 25) Idaho Department of Water Resources Bureau of Energy, Survey of Municipal Water Pumping Systems, for City of Pocatello, by Gary Thornton (received at IDWR February 27, 1987). Associated with item 26.
- 26) Energy Efficiency Evaluations for Pumps in the City of Pocatello, Idaho, October 1988 Prepared by Rick Sterling, P.E., Idaho Department of Water Resources

As Pocatello becomes aware of additional relevant, nonprivileged documents, it will supplement pursuant to Rule 26(e), I.R.C.P.

Request for Production No. 2

Produce all maps or other documents that illustrate the locations of the water mains that connect the points of diversion for the water rights described in Exhibits A and B to any storage facilities and that illustrate the water distribution system that delivers water to the ultimate place of use within the City's service area.

RESPONSE TO REQUEST FOR PRODUCTION NO. 2:

See Response to Interrogatory No. 1. Subject to and without waiving these objections, Pocatello submits the requested documents. Pocatello has scanned and Bates numbered these documents on the CD attached hereto. The maps which are Bates numbers 002279, 002281, 002291, 002292, and 002293 were too large to copy and are available for inspection Monday to

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Friday, 9 AM to 5 PM at the offices of Beeman and Associates, P.C., 409 W. Jefferson Street, Boise, Idaho 83702. Please call in advance.

As Pocatello becomes aware of additional relevant, nonprivileged documents, it will supplement pursuant to Rule 26(e), I.R.C.P.

Request for Production No. 3

Produce all reports, data, and other documents upon which the City relies in quantifying the amount of water claimed for each water right described in Exhibits A and B.

RESPONSE TO REQUEST FOR PRODUCTION NO. 3:

See Response to Interrogatory No. 1. Subject to and without waiving these objections, Pocatello submits the requested documents. Pocatello has scanned and Bates numbered these documents on the CD attached hereto. The maps which are Bates numbers 002279, 002281, 002291, 002292, and 002293 were too large to copy and are available for inspection Monday to Friday, 9 AM to 5 PM, at the offices of Beeman and Associates, P.C., 409 W. Jefferson Street, Boise, Idaho 83702. Please call in advance.

As Pocatello becomes aware of additional relevant, nonprivileged documents, it will supplement pursuant to Rule 26(e), I.R.C.P.

Interrogatory No. 2

Identify all persons who assisted in the preparation of each notice of claim for the subcases listed in Exhibits A and B.

RESPONSE TO INTERROGATORY NO. 2:

- a. Gary Thornton, 17410 Wilson River Hwy, Tillamook, OR 97141. Mr. Thornton was a water superintendent for the City of Pocatello.
- b. Tom Dekker, 40 Orchard, Pocatello, ID 83204. Mr. Dekker is a former water superintendent for the City of Pocatello.

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- c. Pat Costello, University of Idaho College of Law, P.O. Box 442322, Moscow, ID 83844-2322.
- d. Ivan Legler, Town of Prescott Valley Arizona, 9684 Catalina Drive, Prescott Valley, AZ 86314.
- e. Josephine P. Beeman, 409 W. Jefferson Street, Boise, ID 83702. Ms. Beeman is the attorney representing the City in this matter.
- f. Dean Tranmer, City Attorney, City of Pocatello, P. O. Box 4169, Pocatello, ID 83205. Mr. Tranmer is the City Attorney for the City of Pocatello.

Interrogatory No. 3

Identify each and every person whom you expect to call as a fact witness in the trial of this matter and state the substance of the facts upon which the person is expected to testify.

RESPONSE TO INTERROGATORY NO. 3:

Pocatello objects to this Interrogatory insofar as it requests information that is privileged or otherwise protected from disclosure. The City of Pocatello's witness list reflects the mental impressions and privileged information of its attorneys. Pocatello further objects to providing its witness list because it is work product prepared in anticipation of litigation or for trial by Pocatello's attorneys or consultants pursuant to I.R.C.P. 26(b)(3). The City of Pocatello declines to reveal that information to the State of Idaho until instructed to do so by the Court. Persons with knowledge of the basis of this objection are Josephine P. Beeman and Dean Tranmer, Pocatello City Attorney,

To the extent "expect" is defined in Webster's II, *New Riverside University Dictionary* (1994) at 454 to mean "[t]o consider likely or certain", Pocatello identifies the following fact witnesses who have a high probability of being called by the Pocatello in the trial in this matter:

- a. Greg Lanning, Public Works Director, City of Pocatello, P. O. Box 4169, Pocatello, Idaho 83205; (208) 234-6189. Mr. Lanning may have discoverable information pertaining to: Pocatello's water rights and water right permits,

licenses and decrees; Pocatello's water supply and distribution system; Pocatello's present and future water needs; present and future operation of Pocatello's water rights and water system; and related matters.

- b. Brent Hokanson, Superintendent, Water Pollution Control Department, City of Pocatello, P. O. Box 4169, Pocatello, Idaho 83205; (208) 234-6254. Mr. Hokanson has discoverable information regarding water rights used to operate Pocatello's Biosolids Control Program, and specifically regarding the municipal uses of the well operated under water right 29-7770 to comply with the Biosolids Control Program.
- c. Bill Bottles, Land Treatment Supervisor, Water Pollution Control Department, City of Pocatello, P. O. Box 4169, Pocatello, Idaho 83205; (208) 234-6254. Mr. Bottles is generally familiar with Pocatello's Land Treatment system.
- d. Jay Ulrich, Superintendent, Mr. Ulrich is generally familiar with Pocatello's water system and water rights that may be at issue in this matter.
- e. Harold Hargreaves, Pocatello Water Department, City of Pocatello, P. O. Box 4169, Pocatello, Idaho 83205; (208) 234-6174. Mr. Hargreaves is familiar with Pocatello's water system and water rights.
- f. Len Nelson, Airport Director, City of Pocatello, P. O. Box 4169, Pocatello, Idaho 83205; (208) 234-6154. Mr. Nelson is familiar with the airport water rights and water system.
- g. Gregory K. Sullivan, P.E., Spronk Water Engineers, Inc., 1000 Logan Street, Denver, Colorado; (303) 861-9700. Mr. Sullivan may have discoverable information pertaining to: Pocatello's water rights, including permits and licenses; operations; Pocatello's water supply and distribution system; and related matters.
- h. Karen Wogsland, Spronk Water Engineers, Inc., 1000 Logan Street, Denver, Colorado; (303) 861-9700. Ms. Wogsland may have discoverable information pertaining to: Pocatello's water rights, including permits and licenses; operations; Pocatello's water supply and distribution system; and related matters.
- i. Tom Dekker, 40 Orchard, Pocatello, ID 83204. Mr. Dekker is a former water superintendent for the City of Pocatello. Mr. Dekker is knowledgeable as to records and documents in the custody of the City of Pocatello's Water Department and as to the City of Pocatello's water delivery system and water usage.
- j. Rhonda Johnson, P.O. Box 4169, Pocatello, ID 83205, City Clerk for the City of Pocatello. Ms. Johnson is knowledgeable about records maintained by the City Clerk of the City of Pocatello.
- k. Representatives of IDWR, including Karl Dreher, Dave Tuthill, and Carter Fritschle, P. O. Box 83720, Boise, Idaho 83720-0098; (208) 287-4800. Personnel

of IDWR may have information relevant to Pocatello's claims and defenses in this matter, including but not limited to information that relates to the water rights, water supplies, and water uses.

Interrogatory No. 4

Identify each and every person whom you expect to call as an expert witness in this matter. For each such person identified, please state the subject matter on which the expert is expected to testify, the substance of the opinions to which the expert is expected to testify, and the underlying facts and data upon which the expert opinions are based.

RESPONSE TO INTERROGATORY NO. 4:

1. Gregory K. Sullivan, P.E., Spronk Water Engineers, Inc., 1000 Logan St., Denver, Colorado 80203. Mr. Sullivan is knowledgeable about water rights, ground water hydrology and engineering matters related to Pocatello's water rights.

2. Doug Littlefield, Ph.D., of Littlefield Historical Associates, 6207 Snake Rd., Oakland, CA 94611, (510) 339-1017 has expertise regarding historical documents upon which Pocatello may rely in support of its state law claims in the SRBA.

3. Karen Wogsland, Spronk Water Engineers, Inc., 1000 Logan Street, Denver, Colorado; (303) 861-9700. Ms. Wogsland may have discoverable information pertaining to: Pocatello's water rights, including permits and licenses, Pocatello's water supply and distribution system; and related matters.

4. John Welhan, Ph. D., Research Geologist with the Idaho Geologic Survey, Idaho State University, Pocatello. Dr. Welhan is knowledgeable regarding the Lower Portneuf River Valley Aquifer.

Pocatello objects to Interrogatory No. 4 because the State of Idaho seeks information subject to a deadline in the Seventh Amended Trial Scheduling Order dated September 11, 2006,

and as such, the State is not entitled to such information prior to the deadline. Specifically, Pocatello objects to providing information regarding Pocatello's expert witness reports prior to the deadline established in the Seventh Amended Trial Scheduling Order. Pocatello will provide the requested information pursuant to the schedule established in the Seventh Amended Trial Scheduling Order.

Request for Production No. 4

For each person identified in your response to Interrogatory No. 4, please produce: (1) a curriculum vitae or resume, including a list of publications authored by that person, if any, as well as any other information which would demonstrate the person's knowledge or qualifications to state the facts or express the opinions to which the person is expected to testify; and (2) all documents containing or evidencing the underlying facts or data described in your response to Interrogatory No. 4.

RESPONSE TO REQUEST FOR PRODUCTION NO. 4:

Pocatello objects to producing any responsive documents that were prepared in anticipation of litigation or for trial by Pocatello's attorneys or consultants pursuant to I.R.C.P. 26(b)(3). Pocatello objects to Request for Production No. 4 because the State of Idaho seeks information subject to a deadline in the Seventh Amended Trial Scheduling Order dated September 11, 2006, and as such, the State is not entitled to such information prior to the deadline. Specifically, Pocatello objects to providing information regarding Pocatello's expert witness reports prior to the deadline established in the Seventh Amended Trial Scheduling Order. Pocatello will provide the requested information pursuant to the schedule established in the Seventh Amended Trial Scheduling Order.

Subject to these objections Pocatello submits herewith the requested documents.

Interrogatory No. 5

Identify all persons who assisted in the preparation of the City's responses to these Interrogatories and Requests for Production.

RESPONSE TO INTERROGATORY NO. 5:

Josephine P. Beeman
Peter R. Anderson
Beeman & Associates, P.C.
409 West Jefferson Street
Boise, ID 83702
(208) 331-0950

Sarah A. Klahn
William A. Hillhouse II
White & Jankowski, LLP
511 16th St., Suite 500
Denver, CO 80202
(303) 595-9441

Gregory K. Sullivan, P.E., P.E.
Spronk Water Engineers, Inc.
1000 Logan St.
Denver, Colorado 80203
(303) 861-9700

Dean Tranmer
Pocatello City Attorney
P.O. Box 4169,
Pocatello, ID83201
(208) 234-6148

Respectfully submitted this 22nd day of September 2006.

BEBMAN & ASSOCIATES, P.C.
Attorneys for the City of Pocatello

By



Josephine P. Beeman

ACKNOWLEDGEMENT

STATE OF IDAHO)
) ss.
County of Bannock)

I, Roger W. Chase, after being first duly sworn upon oath, state that I am the duly elected Mayor of the City of Pocatello, and that the Responses By The City Of Pocatello To The State of Idaho' First Set Of Discovery Requests contained herein are true and correct to the best of my knowledge and belief..


Dated this 22 day of September 2006.



Roger W. Chase
Mayor, City of Pocatello

On this 22nd day of September 2006, before me, a notary public in and for the State of Idaho, personally appeared **ROGER W. CHASE**, known or identified to me to be the Mayor of the City of Pocatello, the corporation that executed the within and foregoing document, and acknowledged to me that such corporation executed the same as its free and voluntary act and deed,

+++++
DARCY L. TAYLOR
NOTARY PUBLIC
STATE OF IDAHO
+++++

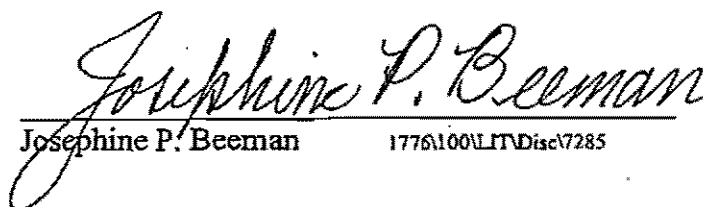


Notary Public for Idaho
Residing at Pocatello, Idaho
Commission Expires: 8/12/12

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 22nd day of September 2006, I caused a copy of the foregoing document to be served by U.S. First Class Mail on:

STATE OF IDAHO
REPRESENTED BY:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449



Josephine P. Beeman 1776\100\LIT\Disc\7285

EXHIBIT A

Subcase Numbers

29-00271
29-00272
29-00273
29-02274
29-02338
29-02354
29-02382
29-02401
29-02499
29-04221
29-04222
29-04223
29-04224
29-04225
29-04226
29-07106
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29-13639

Gregory K. Sullivan, P.E.
Principal Water Resources Engineer
Spronk Water Engineers, Inc.

Education: B.S., Civil Engineering, May 1985, Colorado State University.
M.S., Civil Engineering, May 1990, University of Colorado - Denver.
Thesis - "Optimal Water Supply Capacity Expansion Using Objective Space
Dynamic Programming"
Continuing Education: Applied Ground Water Flow Modeling, International Ground
Water Modeling Center, Colorado School of Mines (3/93)

Professional
Registration: Professional Engineer in Colorado (#26802), Idaho (#8387) and Nevada (#10868)

Professional
Memberships: American Society of Civil Engineers (Water Laws Committee)
Colorado Ground Water Association
American Water Resources Association

Work Experience:

1990 to Present: Principal and Senior Water Resources Engineer
Spronk Water Engineers, Inc.
1000 Logan Street
Denver, Colorado 80203

Mr. Sullivan is a principal and senior water resources engineer for Spronk Water Engineers, Inc. He is responsible for the management and successful completion of water rights engineering and water resources planning projects. Projects include water supply planning, changes of water rights, plans for augmentation, historical consumptive use and stream depletion analyses, water rights evaluations and appraisals, water supply planning, reservoir operations studies, ground water modeling and water rights accounting.

1985 to 1990: Water Resources Engineer
J. W. Patterson & Associates, Inc.
Denver, Colorado

Performed water supply, hydraulic and hydrologic analyses for agricultural, industrial, commercial and municipal developments. Managed yield and impact analyses of water rights adjudications, transfers, exchanges and plans for augmentation. Conducted ground water studies including aquifer testing, project dewatering and water well design and construction monitoring.

Gregory K. Sullivan, P.E.
Resume
Page 2

1985 Laboratory Technician
 Engineering Research Center
 Colorado State University

Assisted in physical hydraulic modeling of erosion, rip-rap stability and river sedimentation. Duties included model setup, data collection, data analyses and interpretation.

Selected
Projects:

Kansas v. Colorado - Arkansas River basin in Colorado and Kansas
Kansas v Nebraska - Republican River basin in Nebraska, Kansas and Colorado
Water Supply Planning - Arapahoe County Water and Wastewater Authority, Colorado
Water Rights Transfers - City of Loveland, Colorado
Rio Grande Irrigation Project Modeling - New Mexico
Water Supply Planning - Perry Park Water and Sanitation District, Douglas County,
Colorado
Carson River Water Rights Modeling - California and Nevada
Water Rights Appraisal - Gilman Mine near Minturn, Colorado
Snake River Basin Adjudication, Idaho
Development of Conjunctive Management Rules - Snake River Basin, Idaho
Ground and Surface Water Modeling - Eastern Snake River Basin, Idaho
Federal Reserved Water Rights Claims - Snake River Basin, Idaho
Senate Bill 74 Study of Denver Metropolitan Area Water Supplies - Colorado
Water Supply Planning - Hiwan Golf Club, Evergreen, Colorado
Plan for Augmentation - Buffalo Park Development Company, Evergreen, Colorado
Water Supply Yield Modeling - Genesee Water and Sanitation District, Colorado
Water Supply Yield Modeling - City of Loveland, Colorado
Plan for Augmentation and Water Supply Modeling - Upper Cherry Creek Water
Association, Colorado

Expert
Testimony:

U.S. Supreme Court, Kansas v. Colorado, No. 105, Original
District Court, Water Division 1, Colorado (several cases)

List of Cases in Which
Gregory K. Sullivan, P.E.
 Has Testified as an Expert Witness

| Date | Case No. | Court | Description | Client | Trial or Depo | Areas of Expertise |
|----------------------|----------------------------|--|--|--|---------------|---|
| 07/91 | 86CW388(A) | District Court, Water Division 1, Colorado | Plan for Augmentation | Arapahoe Water & Sanitation District (Applicant) | Trial | Water Resources Engineering and Water Rights Engineering |
| 11/91 | 80CW156 & 80CW074 | District Court, Water Division 1, Colorado | Change of Water Rights and Plan for Augmentation | Perry Park Water & Sanitation District (Applicant) | Trial | Water Resources Engineering and Water Rights Engineering |
| 11/93 | 89CW225 | District Court, Water Division 1, Colorado | Application for Water Rights, Change of Water Rights and Plan for Augmentation | Perry Park Water & Sanitation District (Applicant) | Depo | n/a |
| 04/95 | 93CW092, 93CW093 & 93CW094 | District Court, Water Division 1, Colorado | Application for Water Rights, Change of Water Rights and Plan for Augmentation | Arapahoe Water & Sanitation District (Objector) | Depo | n/a |
| 12/95 | 89CW228 | District Court, Water Division 1, Colorado | Application for Water Rights and Plan for Augmentation | Perry Park Water & Sanitation District (Objector) | Trial | Water Resources Engineering and Water Rights Engineering |
| 08/96 | 86CW380 & 88CW054(B) | District Court, Water Division 1, Colorado | Applications for Water Rights, Plan for Augmentation and Exchange | Arapahoe County Water and Wastewater Authority | Trial | Water Resources Engineering and Water Rights Engineering |
| 09/98 | 90CW201 | District Court, Water Division 1, Colorado | Applications for Water Rights, Plan for Augmentation and Exchange | Arapahoe County Water and Wastewater Authority | Trial | Water Resources Engineering and Water Rights Engineering |
| 12/98 | 95CV411-1 | District Court, Douglas County, Colorado | Paulk v. Braden, et. al. (Reservoir Title Lawsuit) | Perry Park Country Club (Defendant) | Depo | n/a |
| 01/00, 06/02 - 01/03 | No. 105, Original | U.S. Supreme Court | Arkansas River Compact Violation | State of Kansas (Plaintiff) | Trial | Water Resources Engineering, Water Rights Engineering and Hydrologic Modeling |

9258

Douglas R. Littlefield, Ph.D.
Littlefield Historical Research
6207 Snake Road
Oakland, California 94611
Telephone: (510) 339-1017
Email: douglittlefield@aol.com

EDUCATION:

- Ph.D. American history. University of California, Los Angeles, 1987. Dissertation: "Interstate Water Conflicts, Compromises, and Compacts: The Rio Grande, 1880-1938." Fields: history of California and the American West, water rights history, legal history, environmental history.
- M.A. American history. University of Maryland, College Park, 1979. Master's thesis: "A History of the Potomac Company and Its Colonial Predecessors." Fields: business history, colonial history, early republic history, trans-Appalachian West history, British history.
- B.A. English literature. Brown University, 1972.

CONSULTING AND EXPERT WITNESS EXPERIENCE:

- 2004 - Present: Research historian and consultant for City of Santa Maria, California (counsel: Best, Best & Krieger of Riverside, California). Providing historical research and documentation on the history of water rights of the U.S. Bureau of Reclamation's Santa Maria Project (California) for use in *Santa Maria Valley Water Conservation District v. City of Santa Maria, Southern California Water Company, City of Guadalupe, et al.*, Santa Clara County (California) Superior Court, Case No. CV 770214.
- 2004 - Present: Research historian and consultant for City of Pocatello, Idaho (counsel: Beerman & Associates of Boise, Idaho, and White & Jankowski of Denver, Colorado). Providing historical research and documentation on the history of Pocatello's water rights for use in Snake River Basin Adjudication (*In Re: the General Adjudication of Rights to the Use of Water From the Snake River Drainage Basin Water System, State of Idaho v. United States; State of Idaho; and all unknown claimants to the use of water from the Snake River Drainage Basin Water System*, County of Twin Falls (Idaho) District Court, Case No. 39576.
- 2003 - Present: Research historian and consultant for U.S. Bureau of Reclamation (Mid-Pacific Region). Providing historical research and a report on the history of the water rights of the Friant Unit of the Bureau's Central Valley Project (California).

- 2001 – Present: Research historian and consultant for Paloma Investment Limited Partnership (counsel: Mesch, Clark & Rothschild of Tucson, Arizona). Providing historical research (and deposed) regarding whether the Gila River was commercially navigable in 1912 when Arizona became a state for use in *Flood Control District of Maricopa County v. Paloma Investment Limited Partnership* and *Paloma Investment Limited Partnership v. Flood Control District of Maricopa County*, Maricopa County (Arizona) Superior Court, Case No. CV97-07081.
- 2000 – 2001: Research historian and consultant for Salt River Project, Arizona (counsel: Salmon, Lewis & Weldon of Phoenix, Arizona). Provided extensive historical research and documentation on Zuni Indian water rights and land claims in Arizona and New Mexico for use in *In re the General Adjudication of All Rights to Use of Water in the Little Colorado River System and Source*, Apache County (Arizona) Superior Court, Case No. 6417.
- 2000 – 2001: Research historian and consultant for the Maryland Attorney General. Provided historical research and affidavit testimony on the 1785 "Mount Vernon" interstate compact between Maryland and Virginia for use in U.S. Supreme Court case of *Virginia v. Maryland*, No. 129 Original.
- 2000: Research historian and consultant for the Salt River Project, Arizona (counsel: Salmon, Lewis & Weldon of Phoenix, Arizona). Provided historical research and documentation on water rights of the Gila River, Arizona, for use in *In Re: The General Adjudication of All Rights to Use Water in the Gila River System and Source*, Maricopa County (Arizona) Superior Court, Case No. W1-203.
- 1998 – 2000: Research historian and consultant for the Idaho Attorney General. Provided historical research and report on whether the Salmon River and selected tributaries were commercially navigable in 1890 when Idaho became a state.
- 1998 – 1999: Research historian and consultant for the Idaho Coalition, a landowners' group (counsel: John K. Simpson of Roaholt, Robertson & Tucker of Boise, Idaho, and Shawn Del Ysura of J.R. Simplot Company of Boise, Idaho). Provided historical research, and affidavit testimony on the impacts of various dams in the Columbia River and Snake River watersheds on anadromous fish for use in Snake River Basin Adjudication (*In Re: the General Adjudication of Rights to the Use of Water From the Snake River Drainage Basin Water System, State of Idaho v. United States; State of Idaho; and all unknown claimants to the use of water from the Snake River Drainage Basin Water System*, County of Twin Falls (Idaho) District Court, Case No. 39576.
- 1998 – 2000: Research historian and consultant for Sacramento Municipal Utility District of California (counsel: Ronald Aronovsky of Alden, Aronovsky & Sax of San Francisco). Provided research on land site history for use in *Sacramento Municipal Utility District v. California Department of Transportation, Sacramento Housing and Redevelopment Agency, et al.*, Sacramento County (California) Superior Court, Case No. 96AS04149.

- 1997 – Present: Research historian and consultant for City of Las Cruces, New Mexico (counsel: Stein & Brockmann of Santa Fe, New Mexico). Providing historical research and report on the City's water rights for use in *State of New Mexico v. Elephant Butte Irrigation District*.
- 1997 – 2003: Research historian and consultant for Fort Hall Water Users' Association, Idaho (counsel: Richard Simms of Hailey, Idaho). Provided historical research and report the Association's water rights in relation to the Shoshone and Bannock Indian land cessions on the Fort Hall Indian Reservation in Idaho for use in *Fort Hall Water Users' Association, et al., v. United States of America*, U.S. Court of Federal Claims, Case No. 01-445L.
- 1997 – Present: Research historian and consultant for Kern Delta Water District. Providing historical research and report on Kern Delta's water rights for use in *North Kern Water Storage District v. Kern Delta Water District, et al.*, Tulare County (California) Superior Court, Case No. 96-172919. Testified in that case as an expert witness historian for ten days in the initial trial, which was remanded for additional testimony and evidence. Providing additional research and written reports on water rights for the remanded trial.
- 1996 – 1998: Research historian and consultant for Idaho Attorney General. Provided historical research and report on water rights in relation to the Deer Flat National Wildlife Refuge for use in Snake River Basin Adjudication (*In Re: the General Adjudication of Rights to the Use of Water From the Snake River Drainage Basin Water System, State of Idaho v. United States; State of Idaho; and all unknown claimants to the use of water from the Snake River Drainage Basin Water System*, County of Twin Falls (Idaho) District Court, Case No. 39576.
- 1995 – 1998: Research historian and consultant for U.S. Department of Justice. Provided historical documentation on the history of water rights on the Santa Margarita River at U.S. Marine Corps Base, Camp Pendleton, in southern California.
- 1995 – Present: Research historian and consultant for the Salt River Project (counsel: Salmon, Lewis & Weldon of Phoenix, Arizona). Providing historical documentation and reports on whether the Salt, Gila, and Verde rivers were commercially navigable in 1912 when Arizona became a state. Testified in 1997 and 1998 before the Arizona Navigable Stream Adjudication Commission regarding the navigability of the Salt, Verde, and Gila rivers. Testified on the same subject in 1998 and 1999 before the Arizona State Legislature.
- 1995 – 2001: Research historian and consultant for Nebraska Department of Water Resources (counsel: Stein & Brockmann of Santa Fe, New Mexico). Provided historical documentation and report on water rights and the history of *Nebraska v. Wyoming*, 325 U.S. 589 (1945), for use in U.S. Supreme Court case of *Nebraska v. Wyoming*, Original No. 108, regarding the apportionment of the waters of the North Platte River. Deposed in that case, but the case was settled before trial.

- 1993 - 1994: Research historian and consultant for Simms and Stein, attorneys specializing in water law in Santa Fe, New Mexico. Provided historical documentation and affidavit testimony on Arapaho and Shoshone land claims and cessions along the Wind River in Wyoming for use in *In Re: the General Adjudication of All Rights to Use Water in the Big Horn River System and All Other Sources, State of Wyoming*.
- 1991 - 2003: Research historian and consultant for Legal Counsel, Division of Water Resources, Kansas State Board of Agriculture (counsel: Montgomery & Andrews of Santa Fe, New Mexico). Provided historical documentation and reports on water rights and history of apportionment of the Republican River and its tributaries among Kansas, Nebraska, and Colorado for use in U.S. Supreme Court case of *Kansas v. Nebraska and Colorado*, No. 126 Original, regarding the interstate apportionment of the Republican River.
- 1991 - 1993: Research historian and consultant for Nickel Enterprises (Bakersfield, California; counsel: Anthony Murray of Carlsmith, Ball, Wichman, Murray, Case, Mukai & Ichiki of Long Beach, California). Provided historical documentation and report on the navigability of the Kern River for use in *Nickel Enterprises v. State of California*, Kern County (California) Superior Court, Case No. 199557. Testified as an expert witness historian in this case for eleven days.
- 1989 - 1990: Research historian for Pacific Enterprises, Los Angeles, California. Directed historical research for and coauthored a corporate history of this southern California holding company entitled *The Spirit of Enterprise: A History of Pacific Enterprises, 1867-1989* (1990).
- 1988 - 1989: Research historian and consultant for Water Defense Association, Roswell, New Mexico (counsel: Simms & Stein of Santa Fe, New Mexico). Provided historical documentation of water rights claims along the Bonito, Hondo, and Ruidoso rivers in southeastern New Mexico for use in *State v. Lewis*, Chaves County (New Mexico), Case Nos. 20294 & 22600, Consolidated.
- 1986 - 1990: Research historian and consultant for Legal Counsel, Division of Water Resources, Kansas State Board of Agriculture (counsel: Simms & Stein of Santa Fe, New Mexico). Provided historical documentation and report on water rights and interstate apportionment of the Arkansas River between Kansas and Colorado for use in U.S. Supreme Court case of *Kansas v. Colorado*, October Term 1985, Original No. 105, regarding the interstate apportionment of the Arkansas River. Testified as an expert witness historian for twelve days.
- 1986 - 1989: Research historian and consultant for Legal Counsel, State Engineer Office, State of New Mexico. Provided historical documentation and report on water rights in the Carlsbad

Irrigation District in southeastern New Mexico for use in *State v. Lewis*, Chaves County (New Mexico) Case Nos. 20294 & 22600, Consolidated.

1986 – 1987: Historical consultant for *National Geographic Magazine*. Advised editors on June 1987 article, "George Washington's Patowmack Canal."

1984 – 1986: Research historian and consultant for Legal Counsel, State Engineer Office, State of New Mexico. Provided historical documentation and report on the history of water rights on the Rio Grande and interstate apportionment disputes between New Mexico and Texas for use in *El Paso v. Reynolds*, U.S. District Court, Civ. Case No. 80-730-HB.

OTHER PROFESSIONAL EXPERIENCE:

January 1992 – 1994: Member of Board of Editors of *Western Historical Quarterly*.

1991 – 1995: Lecturer, Department of History, California State University, Hayward. Taught a graduate seminar on environmental history and also taught survey courses on American history and California history.

1980 – 1984: Editorial Assistant, *Pacific Historical Review*. Edited scholarly articles and book reviews.

1979 – 1979: Lecturer, University of Maryland's University College off-campus program. Taught courses on the history of the American West and U.S. History surveys.

PUBLICATIONS:

Books:

The Spirit of Enterprise: A History of Pacific Enterprises, 1867-1989 (coauthor, 1990).

Articles:

"The History of the Rio Grande Compact of 1938," in Catherine T. Ortega Klett, ed., *44th Annual New Mexico Water Conference – Proceedings – The Rio Grande Compact: It's the Law* (Las Cruces: New Mexico Water Resources Research Institute, 2000).

"The Forensic Historian: Clio in Court," *Western Historical Quarterly* (1994).

"The Rio Grande Compact of 1929: A Truce in an Interstate River Apportionment War," *Pacific Historical Review* (1991).

"Eighteenth Century Plans to Clear the Potomac River: Technology, Expertise, and Labor in a Developing Nation," *Virginia Magazine of History and Biography* (1985).

"The Potomac Company: A Misadventure in Financing an Early American Internal Improvement Project," *Business History Review* (1984).

"Water Rights During the California Gold Rush: Conflicts over Economic Points of View," *Western Historical Quarterly* (1983).

"Maryland Sectionalism and the Development of the Potomac Route to the West, 1768-1826," *Maryland Historian* (1983).

Book Reviews:

Sarah S. Elkind, *Bay Cities and Water Politics: The Battle for Resources in Boston and Oakland* (Lawrence: University Press of Kansas, 1998), in *Environmental History* (2000).

David C. Frederick, *Rugged Justice: The Ninth Circuit Court of Appeals and the American West, 1891-1941* (Berkeley: University of California Press, 1994), in *Pacific Historical Review* (1995).

Daniel Tyler, *The Last Water Hole in the West: The Colorado - Big Thompson Project and the Northern Colorado Water Conservancy District* (Niwot, Colorado: University Press of Colorado, 1992), in *Montana: The Magazine of Western History* (1994).

Lloyd Burton, *American Indian Water Rights and the Limits of Law* (Lawrence: University Press of Kansas, 1991), in *Journal of the West* (1994).

Zachary A. Smith, ed., *Water and the Future of the Southwest* (Albuquerque: University of New Mexico Press, 1989), in *Western Historical Quarterly* (1991).

F. Lee Brown and Helen Ingram, *Water and Poverty in the Southwest* (Tucson: University of Arizona Press, 1987), in *The Public Historian* (1990).

David J. Eaton and Michael Andersen, *The State of the Rio Grande/Rio Bravo: A Study of Water Resource Issues Along the Texas/Mexico Border* (Tucson: University of Arizona Press, 1987), in *New Mexico Historical Review* (1988).

Pat Kelley, *River of Lost Dreams: Navigation on the Rio Grande* (Lincoln: University of Nebraska Press, 1986), in *Pacific Historical Review* (1988).

Marc Reisner, *Cadillac Desert: The American West and Its Disappearing Water* (New York: Viking Penguin, Inc., 1986), in *Environmental History Review* (1987).

Thomas F. Hahn, *The Chesapeake and Ohio Canal: Pathway to the Nation's Capitol* (Metuchen, N.J.: Scarecrow Press, Inc., 1984), in *Business History Review* (1987).

PROFESSIONAL AFFILIATIONS:

American Historical Association, American Society for Environmental History, California Committee for the Promotion of History, California Historical Society, National Council on Public History, Ninth Judicial Circuit Court Historical Society, Organization of American Historians, Western History Association, Western Council on Legal History.

911 North 7th
P.O. Box 4169
Pocatello, ID 83203
Office: 208-334-6149
FAX: 208-339-6586

City of Pocatello
City Attorney's Office

Fax

Date: 11/30/06 Total Number of Pages including cover: 10

To: Anna

Beecher + Associates, P.C.

Fax Number: 208 331 - 0954

From: Darcy Taylor

Comments: Anna: Attached is the lease which covers both WR 29-718 and 29-719. (See reference on page 4). FAA restrictions are referenced at Pt 9 on pp 5-6. This lease is unsigned because it is in the process of being reviewed. The prior lease expired on 9/30/06.

Any questions give me a call -
Darcy

FARM LEASE

THIS LEASE AGREEMENT, entered into this _____ day of _____, 2006, between the CITY OF POCATELLO, a municipal corporation of Idaho, hereinafter called Lessor, and EDWARD ALVIN SMITH AND CHRISTINE SMITH, husband and wife, hereinafter called Lessee, of 2811 Margo Lane, Pocatello, Idaho 83201.

In consideration of the agreements set forth in this Lease, the parties agree as follows:

1. The Lessor rents and leases to the Lessee to occupy and to use for agricultural purposes the following real estate located in the County of Power, State of Idaho, on property owned by the Lessor and described as follows:

1. Beginning at the north 1/16 corner on the west line of Section 16 T.6S.R. 33 E.B.M.; thence east along the north 1/16 line of the said Section 16, 2250 feet more or less to a point which is 250 feet west of the west boundary of the N/S Runway; thence south parallel to the said west boundary 3210 feet to the northerly right-of-way line of U.S. Highway No. 30; thence in a southwesterly direction along the said right-of-way line 2363 feet to the west line of the said Section 16; thence continuing southwesterly along the said right-of-way line 1281 feet to a point which is 1220 feet west of the east line of Section 20, T.6S.R. 33 E.B.M.; thence north parallel to the east lines of Sections 20 and 17, 4323 feet more or less to the north 1/16 line of Section 17, T.6S.R. 33 E.B.M.; thence east 1220 feet to the point of beginning.

The above tract of land is a part of Sections 16, 17 and 20, T.6S.R. 33 E.B.M. in Power County, Idaho and contains 300 acres more or less.

2. Beginning at the NE 1/16 corner of Sec. 17, T.6S., R. 33 E.B.M., thence east 100 feet to a point which is 1220 feet west of the east line of the said Sec. 17; thence S.4323 feet to the northerly right-of-way line of the U.S. Highway 30 N; thence south $72^{\circ}17'W$. along the said right-of-way line 105 feet to the E. 1/16 line of Sec. 20, T.6S.R. 34 E.B.M.; thence north along the E. 1/16 line of Sections 20 and 17, 4355 feet to the point of beginning. Containing 10 acres more or less.

Also, the W. 1/2 of the SE 1/4 (80 acres); W. 1/2 of the S. 1/2 of the NE 1/4 (40 acres); SE 1/4 of the NW 1/4 (40 acres); E 1/2 of the SW 1/4 of the NW 1/4 (20 acres); E 1/2 of the NW 1/4 of the SW 1/4 (20 acres) and NE 1/4 of the SW 1/4 (40 acres), all within Sec. 17 T.6S.R. 33 E.B.M. containing 240 acres more or less.

Save and except, however, 25 acres more or less containing a gravel pit and building foundation on the foregoing described land which leaves a total of 215 acres more or less of ground subject to this lease under this sub-paragraph #2.

3. Commencing at a point of intersection of the northerly right-of-way line of the Old Oregon Trail Highway and the centerline of Beechcraft Avenue of the Pocatello Regional Airport; thence South $72^{\circ}30'W$. along the said right-of-way line 742 feet to the point of beginning; thence continuing S. $72^{\circ}30'W$. 3967.5 feet; thence N. $2^{\circ}42'E$. 962 feet; thence N. $45^{\circ}18'E$. 966 feet; thence East 441 feet to the northeast corner of the F.A.A. Radar Tract; thence North 407 feet; thence N. $72^{\circ}05'E$. 1451 feet; thence S. $43^{\circ}42'E$. 1783 feet to the point of beginning.

The above described tract of land is part of Sections 15 and 16, T.6S., R.33 E.B.M. and contains 109.03 acres, as shown on the map on file in the Pocatello City Engineer's Office.

4. A tract of land in West 1/2 of Section 9 and NW 1/4 of Section 16, T.6S., R. 33 E.B.M., Power County, Idaho, more particularly described as follows:

BEGINNING at a point on the West section line of Section 9, T.6S., R. 33 E.B.M., that is S. $00^{\circ}10'22"W$, 1030.40 feet from a stone monument at Northwest corner of said Section 9;

Thence S $00^{\circ}10'22"W$ on said West line of Section 9, 4254.50 feet to a stone monument at section corner that is common to Sections 8, 9, 16, and 17, T.6S., R.33 E.B.M.; Thence S $00^{\circ}13'52"W$ on West line of Section 16, T.6S., R.33 E.B.M., 1340.10 feet; Thence S $89^{\circ}44'08"E$, 2311.30 feet, more or less, to a point 250.0 feet from centerline of the North/South Runway; Thence N $00^{\circ}15'52"E$ parallel to the North/South Runway, 5594.60 feet; Thence N $89^{\circ}44'08"W$, 2311.30 feet to the Point of Beginning and contains 297.0 acres, more or less.

NOTE: Bearings are from Department of Highways, the equation

in Bearing are N 00°15'52"E, Idaho Department of Highway=North, Airport Bearing. Illustrated in the map attached hereto as an exhibit.

The term of this lease shall be for a period of five (5) years commencing the first day of October, 2006, and expiring the 30th day of September, 2011, subject to certain conditions hereinafter contained.

3. The terms of this Lease shall be binding on the heirs, executors, administrators and assigns of the respective parties hereto, unless amended in writing by both parties.

4. Lessee agrees to pay the Lessor as annual cash rent for the above-described lands the sum of \$68.75 per acre for a total of 922 acres, for a total yearly rent of \$63,387.50. This rent shall be due and payable in semi-annual payments, one half on March 15th and one half on September 15th of each year. Payments shall be made to the Office of the City Water Pollution Control Superintendent, P.O. Box 4169, Pocatello, ID 83205.

Lessee agrees to pay the rental upon said premises promptly when due and, should Lessee fail to pay said rent after receiving written notice from Lessor to pay within ten (10) days from date of notice, Lessor has the right to re-enter and take possession of said premises without the necessity of resorting to litigation. Lessee reserves the right to re-enter for the limited purpose of preserving, irrigating, harvesting or removing any and all growing crops. If Lessor is required to water, fertilize, maintain, preserve, or harvest crops on this land, all right, title, and interest to said crops shall inure or be vested with Lessor. Any costs expended by Lessee on said crops prior to Lessor's required entry to water, fertilize, maintain, preserve, or harvest said crops shall be borne by Lessee and Lessee shall have no right to restitution in any manner whatsoever for said costs.

5. Lessee acknowledges that bio-solids application is an integral component of

the Lessor's municipal wastewater treatment system. Lessee understands that there are limitations as to the type of crop which may be grown and the timing and scheduling of bio-solids application in order to meet federal and state guidelines and in order to fulfill the Lessor's requirements and needs for bio-solids recycling. The parties agree to meet annually, or as needed, to set acceptable crops and bio-solids application schedules in writing. The City shall have the right to make the final determination as to what crop is grown on the leased premises. If Lessee and Lessor cannot agree on a crop to be grown, Lessee or City or both, may terminate this Lease upon 30 days written notice. Bio-solids application amounts and method will be in accordance with the City's approved bio-solids Management Plan which is part of the City's N.P.D.E.S. operating permit, and E.P.A. Guidelines, and in accordance with guidelines and as approved and directed by the State of Idaho Department of Health and Welfare, Division of Environmental Quality. The Lessor agrees to waive a portion of the cash rental payment as set out in paragraph 4 above in the event the Lessor requires Lessee to plant and harvest alfalfa as part of its bio-solids application program. The waiver applies only to those acres planted in alfalfa. Crops to be grown are limited to summer wheat, winter wheat, and alfalfa, plus any other crops both parties can agree upon that have similar nitrogen uptake qualifications and meet bio-solids requirements and limitations.

6. Lessee shall not add nutrients (fertilizer) in addition to the bio-solids application unless the City specifically agrees to allow said additional nutrients in writing prior to any such application.

7. Lessee may utilize the two wells on the premises (Water License No. 29-7118 and No. 29-7119), the pumping equipment, and the waterline owned by Lessor. Lessee agrees to bear all costs relating to operation of the well's water system during the lease term, including but not limited to maintenance, repair, power, and equipment replacement costs. Lessee further

agrees that any replacement of any part of the well's water system shall attach to the real property herein leased and shall remain the property of the Lessor upon termination of this Lease.

It is further agreed that the Lessee shall follow a year-by-year crop rotation program acceptable to the Soil Conservation Service as a program of good farming practice for this land, thereby giving the Lessee the optimum yield without depleting the soil. Types of crops grown on the premises must be acceptable to the Airport Board and the State Department of Aeronautics. If a crop is inconsistent with airport operation (because of attraction to water fowl or any other reason), the Lessor may deny permission to plant such crop. The rental rate on those portions of the premises so restricted, may be renegotiated at the option of Lessee to reflect a fair market rental rate for such portions.

8. Lessee agrees further that it shall furnish all the machinery, equipment and labor necessary to farm the leased premises properly; to faithfully cultivate the farm in dutiful, thorough and business-like manner; not to assign this Lease to any person or persons or sublet any part of the premises without the written consent of the Lessor; to keep the said premises in as good a condition as they may be put during the term of this Lease; not to allow noxious weeds to go to seed on said premises, but to destroy the same; to fertilize in an acceptable manner the property concerned herein, as practicable; to prevent all unnecessary waste or loss or damage to the property of the Lessor; to keep the farm neat and orderly at all times. It is further agreed that the Lessee shall not permit any livestock on the real property herein leased for grazing or any other purpose.

9. It is fully understood and agreed by the Lessee that the land leased herein belongs to the City of Pocatello, a municipal corporation of Idaho, and that said land is situated upon the Pocatello Municipal Airport property; that, as such, said lands are subject to certain

Federal Regulations under the jurisdiction of the Federal Aviation Agency as well as regulations of the State Department of Transportation, and, as such, the Lessee agrees to abide by such regulations wherever they shall apply to the uses of the said land engaged in by the Lessee herein named. In this respect the Lessee acknowledges that if it causes any hazard to flying aircraft such as dust or other hazards, the Lessee shall take such necessary action to remove and/or abate such hazard immediately upon notice thereof.

10. It is further fully understood and agreed that this lease agreement may be terminated by the Lessor upon thirty (30) days written notice, subject, however, to the Lessee having full right of ingress and egress to remove from said land any and all growing crops which might be contained thereon subject to the following conditions:

1. That the said lands are subject to development by the Lessor for industrial and commercial uses, and in such instance and event that the Lessor has a suitable and acceptable tenant for industrial or commercial lease, the Lessor has the granted power to terminate this agreement by written notice as above mentioned in order to apply said land to the higher use value;
2. That the Lessee fully understands and agrees that surrounding property, not only upon the Pocatello Municipal Airport but adjacent properties thereto, are presently being used industrially and commercially and the Lessee enters into this agreement with full knowledge of the said uses and accepts full responsibility for any and all crop damage that might be occasioned by those industrial uses presently in existence and that might hereinafter be established.

Lessee further agrees that at any time this Lease is terminated with notice or by the natural termination of time, said land shall be reseeded to crested wheat grass at the expense of Lessee.

11. It is fully understood and agreed by Lessee that the Lessor assumes no responsibility for crop yields or the ultimate marketability of any crops grown on the above-described land.

12. The Lessee further agrees to carry a current comprehensive liability insurance policy on the leasehold, in the minimum amount of \$500,000 per event, for the term of this Lease agreement, to protect the Lessor from any and all public liability claims arising out of the Lease of land by this agreement. To this end, the Lessee expressly agrees to hold the Lessor City harmless from any and all claims of any kind whatsoever, which may arise out of or by reason of the occupancy and use by the Lessee of the land hereinbefore described.

13. If the Lessee should fail to carry out substantially the terms of this Lease, or if death or physical or mental or financial incapacity prevents them from doing so, or if any other situation should arise which makes it impossible for Lessee to do so, the Lessor may serve written notice to the Lessee of the Lessee's failure to fulfill the terms of this rental agreement. If such notice is given, the Lessee agrees to vacate the premises but reserves the right to re-enter for the purpose of removing any and all growing crops, provided Lessor has not been required to re-enter to preserve, maintain, irrigate, or fertilize said crops.

14. The Lessor reserves the right of its employees, assigns, prospective buyers, or those agents to enter upon the said premises at any time for the purpose of viewing the same, but shall not interfere with the occupancy of Lessee.

15. Lessee shall pay all fees, charges or costs, if any, for governmental inspections or examinations relating to Lessee's use or occupancy of the leased premises. Furthermore, Lessee shall pay all taxes on personal property of the Lessee on the leased premises, and shall pay any and all taxes, if any, on the leasehold interest, created by this agreement.

Should Power County impose any tax upon Lessee's leasehold interest, it is agreed that Lessor shall not assume any liability therefore. Should such tax be an excessive burden upon Lessee, the tax would constitute grounds for voiding this agreement. Whether said tax is an excessive burden is to be determined by the Pocatello City Council.

IN WITNESS WHEREOF, the parties have signed this Lease on the date first above written.

LESSOR: CITY OF POCA TELLO, a
Municipal corporation of Idaho

ROGER CHASE, Mayor

ATTEST:

RHONDA L. JOHNSON, City Clerk

LESSEE:

EDWARD ALVIN SMITH

CHRISTINE SMITH

STATE OF IDAHO)
)
) SS
County of Bannock)

On this ___ day of _____, 2006, before me, the undersigned, a Notary Public in and for the State, personally appeared Roger Chase and Rhonda L. Johnson, known to me to be the Mayor and City Clerk, respectively, of the City of Pocatello, a municipal corporation of Idaho, who executed the foregoing instrument on behalf of said municipal corporation, and acknowledged to me that such corporation 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.

NOTARY PUBLIC FOR IDAHO
Residing in Pocatello, Idaho.
My commission expires

STATE OF IDAHO)
)
) SS
County of Bannock)

On this ___ day of _____, 2006 before me, the undersigned, a Notary Public in and for the State, personally appeared EDWARD ALVIN SMITH and CHRISTINE SMITH, known to me or proved to me to be the persons that executed the foregoing instrument, and acknowledged to me that 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.

NOTARY PUBLIC FOR IDAHO
Residing in Pocatello, Idaho
My commission expires: