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**IN THE SUPREME COURT OF THE STATE OF IDAHO**

**2012 Opinion No. 3**

**IN RE: SRBA CASE NO. 39576** )  
\_\_\_\_\_) )  
**CITY OF POCA TELLO,** )  
 ) )  
**Petitioner-Appellant,** )  
 ) )  
**v.** )  
 ) )  
**THE STATE OF IDAHO,** )  
 ) )  
**Respondent.** )

**Docket No. 37723**

Appeal from the District Court of the Fifth Judicial District of the State of Idaho, in and for Twin Falls County. The Hon. Eric J. Wildman, District Judge.

Josephine Beeman, Beeman & Associates, P.C., Boise, argued for appellant.

Shasta Kilminster-Hadley, Deputy Attorney General, Boise, argued for respondent.

The judgment of the district court is affirmed.

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In a unanimous decision issued today, the Idaho Supreme Court affirmed the Snake River Basin Adjudication District Court’s decision upholding the restrictions placed on Pocatello’s water rights by the the Idaho Department of Water Resources.

Pocatello has claimed the water rights at issue in 1990. Pursuant to its statutory duty, the Idaho Department of Water Resources issued recommendations for Pocatello’s water rights. These recommendations: (a) forbid Pocatello from using its ground water wells as alternative points of diversion for its surface water rights, (b) conditioned Pocatello’s practice of using its interconnected wells as alternative points of diversion for

all of the associated water rights, (c) classified the use of a particular water right for irrigation purposes only, and (d) determined the priority dates for two other water rights as July 16, 1924 and October 22, 1952.

Pocatello objected to the Department's recommendations and the State responded to those objections. A trial was held before a hearing officer, who agreed with the recommendations of the Department. However, the hearing officer did change the priority date of the October 22, 1952 water right to October 21, 1952. Pocatello then challenged the hearing officer's conclusions to the Snake River Basin Adjudication ("SRBA") District Court. The SRBA court affirmed the conclusions of the Special Master.

Pocatello appealed to the Idaho Supreme Court. Upon appeal, Pocatello made several arguments. First, Pocatello argued that it should be able to use its groundwater wells as alternative points of diversion for its surface water rights. Second, Pocatello alleged the Department had no authority to condition its practice of using its interconnected well system as alternative points of diversion for all of the associated water rights. Third, Pocatello asserted the water right classified for irrigation purposes should be eligible for multiple uses. Fourth, Pocatello claimed the July 16, 1924 and October 22, 1952 water rights should have priority dates of 1905 and December 31, 1940, respectively.

The Supreme Court held: (a) that Pocatello cannot use its wells as alternate points of diversion for its surface water rights; (b) that it can use its interconnected wells as alternate points of diversion for all of the associated water rights on the condition that doing so will not change the priority date and quantity of water that can be pumped from each well; (c) that one groundwater right was properly classified as for an irrigation purpose; and (d) that Pocatello failed to establish earlier priority dates for two of its groundwater rights. No attorney fees were awarded.