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DEPARTMENT OF
WATER RESOURCES

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ATTORNEYS FOR THE CITY OF POCATELLO

**BEFORE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF ACCOUNTING)
FOR DISTRIBUTION OF WATER)
TO THE FEDERAL ON-STREAM) **CITY OF POCATELLO'S STATEMENT**
RESERVOIRS IN WATER DISTRICT 1)
_____)

The City of Pocatello ("City" or "Pocatello"), by and through its undersigned attorneys, hereby submits this Statement in response to the Director's *Notice of Contested Case and Formal Proceedings, and Notice of Status Conference* dated October 22, 2013.

Pocatello is a municipal corporation of the State of Idaho which diverts its municipal water supply from wells in the Eastern Snake Plain Aquifer within Water District 120. Pocatello is party to the Surface Water Coalition delivery call proceeding. The manner in which the Department accounts for the fill of certain entities' storage rights affects the determination of demand shortfall and carryover shortfall, if any, pursuant to the Director's *Second Amended Final Order Regarding Methodology for Determining Material Injury to Reasonable In-Season Demand and Reasonable Carryover* ("Methodology Order"), dated June 23, 2010. Pursuant to the Methodology Order, Pocatello may be subject to potential curtailment or mitigation

obligations if storage rights are not properly accounted for, and any accounting changes by the Department may impact Pocatello's water rights. For example, accounting of American Falls Reservoir District #2's ("AFRD#2") partial decree nos. 1-6 and 1-2064 was a contested issue in Docket No. CM-DC-2010-001, and is currently on appeal. *See generally Order Denying Petition for Reconsideration*, CM-DC-2010-001, Dec. 21, 2012.

Pocatello owns rights to water stored in Palisades Reservoir. Pocatello's Palisades right is impacted by how the Department accounts for water rights in Palisades and other Water District 1 reservoirs, as well as surface rights. For example, how the Department accounts for AFRD#2's natural flow and storage water rights may potentially reduce the yield of Pocatello's Palisades Reservoir right.

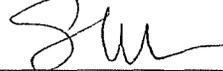
Pocatello is therefore impacted by the operation of storage accounting in Water District 1. Pocatello reserves the right to respond to any statements filed by any other water user in this matter with additional concerns.

Respectfully submitted this 4th day of December, 2013.

CITY OF POCATELLO ATTORNEY'S OFFICE

By  _____
A. Dean Tranmer

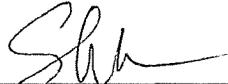
WHITE & JANKOWSKI

By  _____
Sarah A. Klahn

ATTORNEYS FOR CITY OF POCATELLO

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of December, 2013, I caused to be served a true and correct copy of the foregoing **City of Pocatello's Statement for IDWR WD01 Contested Case regarding Accounting of Federal On-Stream Reservoirs** upon the following by the method indicated:



 Sarah Klahn, White & Jankowski, LLP

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