

**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     | ) | A. Subcase No. 29-4224       |
|                | ) | & Consol. Subcase 92-37      |
| Case No. 39576 | ) | <b>STANDARD FORM 2</b>       |
|                | ) | <b>RESPONSE TO OBJECTION</b> |
| _____          | ) |                              |

**B. NAME AND ADDRESS OF PERSON RESPONDING:**

Name: United States of America,  
Address: U.S. Dept. of Justice, ENRD  
550 W. Fort St. MSC 033  
Boise, ID 83724

Name and Address of Attorney:

Attorney Name: Peter C. Monson  
Attorney Address: United States Department of Justice  
Environment and Natural Resources Division  
Indian Resources Section  
550 W. Fort St. MSC 033  
Boise, ID 83724  
Attorney Phone: (303) 312-7350

**C. NAME AND ADDRESS OF PERSON WHO FILED OBJECTION TO WHICH YOU  
ARE RESPONDING:**

Name: City of Pocatello  
Address: P.O. Box 4169  
Pocatello, ID 83205

**D. I am responding to the objection(s) to the following elements:**

1. ☐ Name and Address

2. ☒ Source
3. ☒ Quantity
4. ☒ Priority Date
5. ☒ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☒ Purpose(s) of Use
8. ☐ Period of Year
9. ☒ Place of Use
10. ☒ Claimant's Proposed General Provisions
11. Recommendation:

☐ This water right should not exist

☐ This water right was not recommended, but should be recommended with the elements described above.

**BRIEF EXPLANATION FOR RESPONSE.** In its Original Objection, filed on or about October 20, 2003, claimant City of Pocatello requested the inclusion of a general provision regarding the October 24, 1984 Swan Falls Agreement and related documents. Claimant states that "[t]his Objection is parallel to the Swan Falls objections in Basin 37 (Consolidated subcase No. 37-02499)." The United States understands that this objection has been separated from Basin 29 and consolidated with similar objections as Consolidated Subcase 92-37. By this response, the United States expresses its intention to participate in proceedings related to this issue.

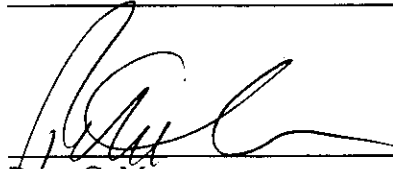
In its Amended Objection filed on or about November 19, 2003, claimant City of Pocatello requested the inclusion of several general provisions for this water right, including *inter alia*, general provisions regarding "source, quantity, priority date and purpose of use," "separate streams," "separate administration," and "Swan Falls." The United States is unaware of any basis for the inclusion of such general provisions and therefore opposes them as unnecessary to define or administer the water right. The United States also responds to the objections regarding "place of use" and "point of diversion" by noting that it is unaware of any basis for the objections and opposes both of them as well. By this response, the United States expresses its intention to participate in proceedings related to these issues as well.

**VERIFICATION**

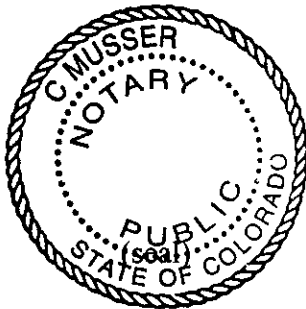
State of Colorado     )  
                                  ) ss.  
County of Denver     )

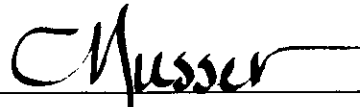
PETER C. MONSON, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this response, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding, and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

  
\_\_\_\_\_  
Peter C. Monson  
United States Department of Justice

Subscribed and sworn to before me on: January 15, 2004



  
\_\_\_\_\_  
Notary Public for: Colorado  
Residing at: 999 18th St., Denver  
My Commission Expires: 06.14.05

## CERTIFICATE OF MAILING

I certify that on January 15, 2004, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

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

2. One copy to the claimant of the water right at the following address:

City of Pocatello  
P.O. Box 4169  
Pocatello, ID 83205

3. One copy to the party who filed the objection at the following address:

Josephine P. Beeman  
409 W. Jefferson St.  
Boise, ID 83702

4. Copies to counsel for the parties to Consolidated Subcase 92-37, specifically:

State of Idaho  
David J. Barber  
P.O. Box 44449  
Boise, ID 83711-4449

Jerry R. Rigby  
P.O. Box 250  
Rexburg, ID 83440-0250

John K. Simpson  
205 N 10<sup>th</sup> Street, Ste. 520  
P.O. Box 2139  
Boise, ID 83701-2139

Michael C. Creamer  
P.O. Box 2720  
Boise, ID 83701-2720

Josephine P. Beeman  
409 W. Jefferson St.  
Boise, ID 83702

5. Copies to:

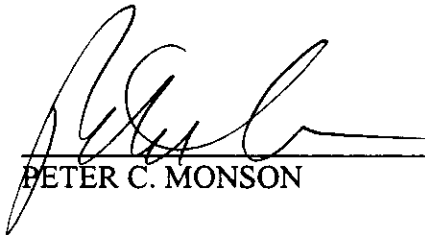
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PETER C. MONSON