

**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

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A. Subcase 37-02128

**STANDARD FORM 2
RESPONSE TO OBJECTION**

RECEIVED
MAY 15 2006
DEPARTMENT OF
WATER RESOURCES

Please **print or type** the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: City of Pocatello, a municipal corporation

Address: P.O. Box 4169
Pocatello, ID 83205

Daytime Phone: 208-232-4311

Name & Address of Attorney, if any:

Josephine P. Beeman, ISB # 1806
409 W. Jefferson St.
Boise, Idaho 83702
208-331-0950

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

Name: Idaho Power Company

Address: P.O. Box 70
Boise, Idaho 83707

Name & Address of Attorney, if any:

James S. Lochhead
Adam T. DeVoe
Brownstein Hyatt & Farber, P.C.
410 17th St., 22nd Floor
Denver, Colorado 80202
Telephone: 303-223-1100

D. I am responding to the objections 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**
11. **Recommendation**

- ☒ "Other Provisions Necessary for Definition or Administration of this Water Right" should not be included in the decree." (Idaho Power Company added this statement to its Standard Form 1 Objection in this subcase.)
- ☐ 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:

The SRBA Court has framed the following issue in Basin-Wide Issue 91-13: To what extent, if any, should the Swan Falls Agreement be addressed in the SRBA or memorialized in a decree?

The City of Pocatello is responding to this objection as a participant to Basin-Wide Issue 91-13 and as a beneficiary of the Swan Falls Agreement.

VERIFICATION

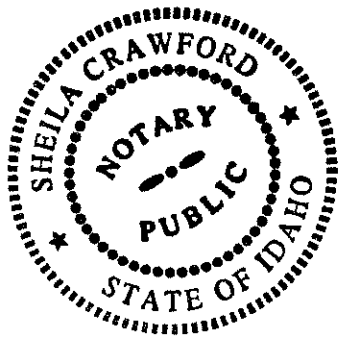
State of Idaho)
County of Ada)

Josephine P. Beeman, 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.

Josephine P. Beeman
Josephine P. Beeman
Attorney for the City of Pocatello

Subscribed and sworn to before me on May 12, 2006



Sheila Crawford
Notary Public for the State of Idaho
Residing at: Boise, Idaho
My Commission Expires: 5-9-08

CERTIFICATE OF MAILING

I certify that on May 12, 2006 the original was hand delivered and the copies were mailed of this response, including all attachments, to the following persons:

1. Original to:

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

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

Name: Idaho Power Company
Address: P.O. Box 70
Boise, Idaho 83707

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

Name: James S. Lochhead
Adam T. DeVoe
Brownstein Hyatt & Farber, P.C.

Address: 410 17th St., 22nd Floor
Denver, Colorado 80202

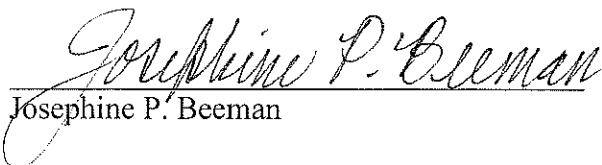
(Counsel for Idaho Power Company)

4. Copies to:

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

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

Karl T. Klein
Michael C. Orr
Civil Litigation Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, ID 83711-4449


Josephine P. Beeman