

**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 37-02471

RECEIVED

MAY 15 2006

DEPARTMENT OF  
WATER RESOURCES

**STANDARD FORM 2  
RESPONSE TO OBJECTION**

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 17<sup>th</sup> St., 22<sup>nd</sup> 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

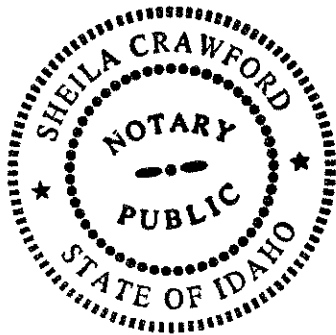
State of Idaho            ) ss:  
County of Ada            )

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 17<sup>th</sup> St., 22<sup>nd</sup> Floor  
Denver, Colorado 80202

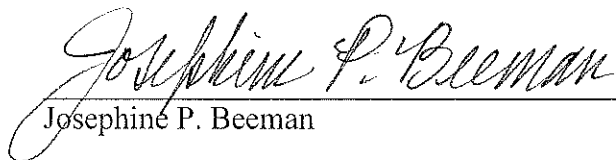
(Counsel for Idaho Power Company)

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