

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

) A. Subcase 01-10531

) STANDARD FORM 1

) OBJECTION

RECEIVED

APR 18 2007

Department of Water Resources
Adjudication Bureau

B. NAME AND ADDRESS OF PERSON OBJECTING:

Name: Idaho Ground Water Appropriators, Inc.
Address: c/o Lynn Tominaga
P.O. Box 2624, Boise, ID 83701
(208) 381-0294

Name and Address of Attorney: Randall C. Budge
Candice M. McHugh
Racine, Olson, Nye, Budge & Bailey, Chtd.
P.O. Box 1391
Pocatello, Idaho 83204-1391
Phone: 208-232-6101
Fax: 208-232-6109
E-mail: rcb@racinelaw.net

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT:

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

D. I object to the following elements as recommended in the Director's Report:

1. ☐ Name and Address
Should be: _____
2. ☐ Source
Should be: _____
3. ☒ Quantity
Should be: _____
4. ☒ Priority Date
Should be: Subordinated
5. ☐ Points of Diversion
Should be: _____
6. ☐ Instream Flow Description
Should be: _____
7. ☐ Purpose of Use
Should be: _____
8. ☐ Period of Year
Should be: _____
9. ☐ Place of Use:
Should be: _____
10. ☐ I object because:

E. REASONS SUPPORTING OBJECTION(S):

The recommended language under the "other provisions necessary" portion of the water right does not clearly subordinate the water right. Other water rights (for example, 01-2064) for power purposes at American Falls have clear subordination language that says:

The appropriator shall exercise this right in a manner that recognizes the historic practice that the use of water for power generation is incidental to the rights of others to use of water for other purposes. The appropriator shall not make a delivery call for hydropower generation except as against junior hydropower rights.

Likewise, this water right should be subordinated to all other water rights, except junior-priority hydropower rights, and thus should not be allowed to make delivery calls against the rights of others.

VERIFICATION

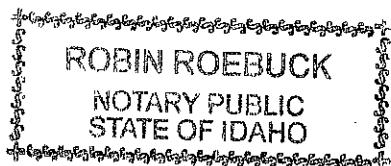
State of Idaho)
 : ss
County of Bannock)

Randall C. Budge, duly sworn, upon oath, deposes and says:

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

Randall C. Budge
RANDALL C. BUDGE, Attorney

SUBSCRIBED AND SWORN TO before me this 16th day of April, 2007.



Robin Roebuck
NOTARY PUBLIC FOR IDAHO
Residing at Pocatello.
My Commission Expires 8/18/2012.

CERTIFICATE OF MAILING

I certify that on April 16, 2007, I mailed the original and copies of this objection, 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, Idaho 83303-2707

2. Copy to Claimant:

Idaho Power Company
P.O. Box 70
Boise, ID 83707

3. Copies to:

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

Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449

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



RANDALL C. BUDGE
Attorney for Objector