

COPY

RECEIVED

MAY 07 2007

DEPARTMENT OF
WATER RESOURCES

LAWRENCE G. WASDEN
Attorney General

STEVEN L. OLSEN
Deputy Attorney General
Chief, Civil Litigation Division

KARL T. KLEIN (ISB # 5156)
Deputy Attorney General
Civil Litigation Division

MICHAEL C. ORR (ISB # 6720)
Deputy Attorney General
Natural Resources Division

700 W. Jefferson, Room 210
P.O. Box 44449
Boise, ID 83711-4449
(208) 334-2400

Attorneys for the State of Idaho

**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

**Subcase Nos: 37-2128, 37-2471, 37-2472,
37-20709, and 37-20710**

**MOTION TO FILE LATE
OBJECTIONS TO
AMENDED DIRECTOR'S
REPORTS UNDER
ADMINISTRATIVE
ORDER 1 § 17(c)**

The State of Idaho, by and through Deputy Attorneys General Karl T. Klein and Michael C. Orr, moves under Administrative Order 1 § 17(c) for an order granting the State leave to file late objections to the Amended Director's Reports docketed in subcases

37-2128, 37-2471, 37-2472, 37-20709, and 37-20710. Specifically, the State seeks leave to object as follows:

- (1) to the “Name and Address” section of the Amended Director’s Reports to ensure they are consistent with the Idaho Supreme Court’s recent decision in *United States of America v. Pioneer Irrigation District (In re SRBA)*, Docket No. 31790 (March 9, 2007); and
- (2) to the section of the Amended Director’s Reports entitled “Other Provisions Necessary for the Definition or Administration of This Water Right,” to correct a scrivener’s error in the date recited for the contract between the Governor and Idaho Power Company that was ratified by Idaho Code § 42-203B(5).

Good cause exists for this motion because the *Pioneer* decision was handed down after the Amended Director’s Reports were filed and under it only the legal title holder of a water right should be named in the “Name and Address” section of a partial decree; and because the scrivener’s error should be corrected to avoid creating confusion as to the date the Swan Falls Agreement was signed. The State advised the Court and the parties of its intention to file this motion in the telephonic conference call of Wednesday, May 2, 2007, and the parties stated they would not oppose such a motion. Thus, this motion is timely and based on a meritorious position, and granting it will not prejudice opposing parties.

The proposed objection is attached. The Court scheduled a hearing on this motion for Friday, May 11, at 10:00 a.m., and asked the State to prepare a notice of hearing. The notice of hearing is filed herewith.

DATED this 3rd day of May, 2007.

/

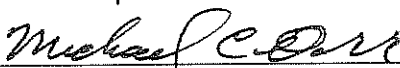
/

/

Respectfully submitted,

KARL T. KLEIN (ISB # 5156)
Deputy Attorney General
Civil Litigation Division

MICHAEL C. ORR (ISB # 6720)
Deputy Attorney General
Natural Resources Division



CERTIFICATE OF MAILING

I certify that on May 3, 2007, I caused this motion, including all attachments, to be filed and served on the following persons by the method designated:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707
U.S. MAIL
2. One copy to each entity identified in the ownership section of the water right at the following addresses:
STATE OF IDAHO
700 W. Jefferson, Room 210
P.O. Box 44449
Boise, Idaho 83711-4449
NOT APPLICABLE

IDAHO POWER CO.
P.O. Box 70
Boise, Idaho 83707
U.S. MAIL

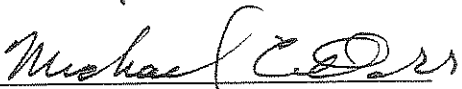
James S. Lochhead
Brownstein Hyatt Farber Schreck, P.C.
410 17th Street, Suite 2200
Denver, Colorado 80202
lochhead@bhfs.com
U.S. MAIL & E-Mail

John K. Simpson
Barker Rosholt & Simpson
P.O. Box 2139
Boise, Idaho 83701
U.S. MAIL
3. Copies to:
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098
STATEHOUSE MAIL

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

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

HAND DELIVERY


MICHAEL C. ORR