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MAY 07 2007

DEPARTMENT OF
WATER RESOURCES

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 Nos.: 37-2128, 37-2471, 37-2472,
	)		37-20709, and 37-20710
	)		
Case No. 39576	)		STANDARD FORM 1
	)		OBJECTION TO AMENDED
	)		DIRECTOR'S REPORT

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: State of Idaho
Address: 700 W. Jefferson, Room 210
P.O. Box 44449
Boise, Idaho 83711-4449
Daytime Phone: (208) 334-2400

Name and Address of Attorney, if any:

Attorney Name: 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
Attorney Address: Office of the Attorney General
700 W. Jefferson, Room 210
P.O. Box 44449
Boise, ID 83711-4449
Attorney Phone No. (208) 334-2400

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

Name and Address: Legal Title
STATE OF IDAHO
STATEHOUSE
PO BOX 83720
BOISE ID 83720

Although the name of the State of Idaho appears in the Name and Address section of this partial decree, legal title is held in trust by the State of Idaho, for the use and benefit of the user of the water, Idaho Power Company, for power purposes and the people of the State of Idaho, pursuant to the Swan Falls Agreement and Idaho Code §42-203B.

Equitable Title
IDAHO POWER CO.
PO BOX 70
BOISE ID 83707

Equitable Title
STATE OF IDAHO, in and for the people of the State of Idaho
STATEHOUSE
PO BOX 83720
BOISE ID 83720

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☒ **Name and Address**
Should be: Only the State of Idaho should be listed in this element.
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____

6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
10. ☒ **Other**
Should be: The date recited in paragraph 5 of the "Other Provisions Necessary for Definition or Administration of this Water Right" should be "October 25, 1984."
11. **I object because:**
- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

"Name and Address": Under the Idaho Supreme Court's recent decision in *United States of America v. Pioneer Irrigation District*, Docket No. 31790 (March 9, 2007), the "Name and Address" section of a partial decree should identify only the holder of the legal title to a water right.

"Other": Paragraph 5 of the "Other Provisions Necessary for Definition or Administration of this Water Right" in the Amended Director's Report incorrectly states that the date of the contract entered into by the Governor and Idaho Power Company and ratified by Idaho Code § 42-203B(5) was October 25, 1985. The contract was actually executed on October 25, 1984, as stated in the statute. Idaho Code § 42-203B(5).

F.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

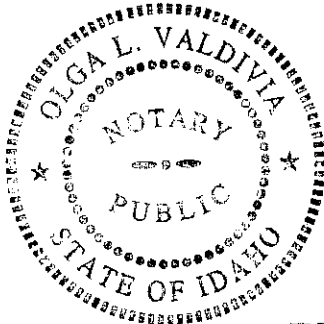
MICHAEL C. ORR, Deputy Attorney General, duly sworn, upon oath, deposes and says:

That the State of Idaho in its proprietary capacity is filing this objection and that I am a Deputy Attorney General authorized to represent the State of Idaho, which is a party/claimant in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

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

Michael C. Orr
By Attorney signing in representative capacity

Subscribed and sworn to before me on: 5-3-07
(Insert Date)



Olga L. Valdivia
Notary Public for IDAHO
Residing at: BOISE, ID
My commission expires: 2/8/2012

INSTRUCTIONS FOR MAILING

You must mail the objection to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G.

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

U.S. MAIL

Boise, ID 83724

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

HAND DELIVERY

A handwritten signature in cursive script, appearing to read "Michael C. Burr", written in dark ink.

Signature of Objector or attorney
Mailing on Objector's behalf