

COPY

October 2, 2013

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

Case No. 39576

A. Subcase Number: 02-2001B

Consolidated Subcase Number: 92-23

STANDARD FORM 1 OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: State of Idaho
Address: 700 W. State – Second Floor
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. State – Second Floor
P.O. Box 44449
Boise, ID 83711-4449

Attorney Phone No. (208) 334-2400

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

COPY

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: (See "Reasons Supporting Objection," below) _____
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: _____

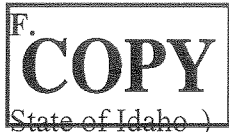
10. ☐ **Other**

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 decision in *United States of America v. Pioneer Irrigation District*, 144 Idaho 106, 157 P.3d 600 (2007), the "Name and Address" section of a partial decree identifies only the holder of the legal title to a water right. Under *Pioneer*, the recognition of any equitable or beneficial interest or a trust relationship is limited to appropriate remarks in the "Other Provisions Necessary for Definition or Administration of this Water Right" section of the partial decree.



VERIFICATION (Must be Completed)

) 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.

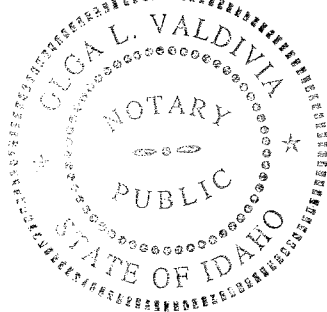
LAWRENCE G. WASDEN
Attorney General
STEVEN L. OLSEN
Deputy Attorney General
Chief, Civil Litigation Division
KARL T. KLEIN (ISB # 5156)
Deputy Attorney General
Civil Litigation Division
MICHAEL C. ORR (ISB # 6720)
Deputy Attorney General
Natural Resources Division

By Attorney signing in representative capacity

Subscribed and sworn to before me on:

11-30-07

(Insert Date)



Notary Public for IDAHO

Residing at: BOISE, ID

My commission expires: 2/2/2012

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.



CERTIFICATE OF MAILING

I certify that on November 30, 2007, I caused the original and the copies of this objection, including all attachments, to be 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

STATEHOUSE MAIL

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

U.S. MAIL

3. Copies to:

James S. Lochhead
Michael A. Gheleta
Mark J. Mathews
Michelle C. Kales
Adam T. DeVoe
Brownstein Hyatt Farber Shreck, P.C.
410 Seventeenth Street, Suite 220
Denver, Colorado 80202

U.S. MAIL

John K. Simpson
Shelley M. Davis
Barker Rosholt & Simpson LLP
205 North Tenth Street, Suite 520
P.O. Box 2139
Boise, Idaho 83702-2139

U.S. MAIL

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Randall C. Budge
John Olson Nye Budge Bailey, Chtd.
201 East Center Street
Suite 2A
P.O. Box 1391
Pocatello, Idaho 83204-1391

U.S. MAIL

Josephine Beeman
Beemand & Associates
409 West Jefferson
Boise, Idaho 83702

U.S. MAIL

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

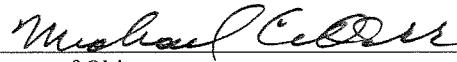
STATEHOUSE MAIL

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

STATEHOUSE MAIL



Signature of Objector or attorney
Mailing on Objector's behalf