

RESEARCH

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 No. <u>2-4001B</u>
	)	Consolidated Case #92-23
	)	
Case No. 39576	)	STANDARD FORM 1
	)	OBJECTION
	)	

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING:

Name: IDAHO POWER COMPANY
Address: P. O. BOX 70
BOISE, IDAHO 83707
Daytime Phone: (208) 388-2112

Name and Address of Attorney, if any:

John K. Simpson
Shelley M. Davis
Barker, Rosholt & Simpson, LLP
P.O. Box 2139
Boise, ID 83701-2139
Telephone: (208) 336-0700

James S. Lochhead
Michael A. Gheleta
Brownstein Hyatt Farber Schreck, P.C.
410 17th St., Suite 2200
Denver, CO 80202
Telephone: (303) 223-1100

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

Equitable Title:
IDAHO POWER COMPANY
P. O. BOX 70
BOISE, IDAHO 83707

Legal Title:
STATE OF IDAHO
STATEHOUSE
P.O. BOX 83720
BOISE, ID 83720

Equitable Title:
STATE OF IDAHO, IN AND FOR THE
PEOPLE OF THE STATE OF IDAHO
P. O. BOX 83720
BOISE, ID 83720

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

1. ☒ **Name and Address**
Should be:
2. ☒ **Source**
Should be:
3. ☒ **Quantity**
Should be:
4. ☒ **Priority Date**
Should be:
5. ☒ **Point(s) of Diversion**
Should be:
6. ☒ **Instream Flow Beginning and Ending Point**
Should be:
7. ☒ **Purpose(s) of Use**
Should be:
8. ☒ **Period of Year**
Should be:
9. ☒ **Place of Use**
Should be:
10. ☒ **Other Provisions Necessary for Definition or Administration of this Water Right should not be included in the decree.**
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.

The propriety of including other provisions (including alleged water right ownership under the Swan Falls Agreement), or any provisions regarding the Swan Falls Agreement, in an SRBA decree is the subject of the designation of Basin-Wide Issue #13, (SRBA Subcase #91-13) which the SRBA Court has framed as addressing "To What Extent, If Any, Should the Swan Falls Agreement Be Addressed in the SRBA or Memorialized in a Decree?" Additionally, issues in this recommended claim, if allowed, come under the jurisdiction of the court's "Order....Consolidating Common Issues into Common Subcase..." entered on the 24th day of July 2007, designating consolidated SRBA Subcase #92-23.

E. REASONS SUPPORTING OBJECTION(S):

Director's Report recommends ownership to a claimant that did not file a Notice of Claim, as required by statute. Recommendation #2-4001B is for an invalid water right, recommended in place of objector Idaho Power's Company valid, licensed right #2-4001, which was claimed under #2-4001 in the SRBA.

This objection is filed in the Snake River Basin Adjudication pursuant to applicable deadlines, and is done without prejudice to Idaho Power Company's rights to pursue the issues encompassed herein and related issues in other appropriate forums, state or federal.

F. VERIFICATION

State of IDAHO)
) ss.
County of Gooding)

James C. Tucker, duly sworn, upon oath, deposes and says:

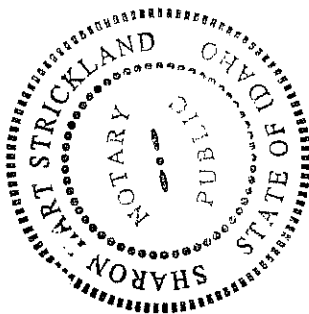
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6), or that I am the attorney for the party/claimant objecting, and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.



(Signature of person filing objection)

James C. Tucker, Senior Attorney
Idaho Power Company

Subscribed and sworn to before me on: December 5, 2007.



Notary Public for: IDAHO

Residing at: Gooding

My Commission Expires: 12-22-09

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 12-5-, 2007, I hand-delivered and mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original hand delivered to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy mailed to the claimant of the water right at the following address:

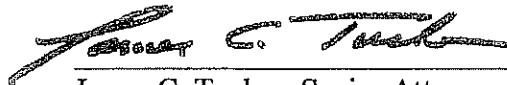
Name: Idaho Power Company
Address: P.O.Box 70
Boise, Idaho 83707

3. Copies mailed to:

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

United States Department of Justice
Environment & Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449
Fax: 208-334-2690



James C. Tucker, Senior Attorney
Idaho Power Company