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*Attorneys for City of Pocatello*

**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     | ) | Subcase No. 1-214A               |
|                | ) |                                  |
| Case No. 39576 | ) | <b>MOTION TO AMEND OBJECTION</b> |
| _____          | ) |                                  |

The City of Pocatello ("Pocatello") respectfully moves the SRBA Court to permit it to amend its objection in Sub-case No. 1-214A. Such amendment is attached hereto. As grounds therefore, Pocatello asserts it has good cause for amending its objection in this subcase:

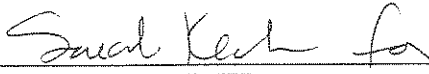
1. Pocatello's previous objections raised questions of law regarding the Minidoka Credit only.
2. Since that time, Pocatello has determined it will rely on additional counsel to pursue its objections in these cases. In bringing additional counsel into these cases, Pocatello has been advised to broaden its objections to include factual issues not previously raised, but properly within the scope of the Court's determinations in this case.
3. Pocatello arguably could have participated in litigating the issues regarding amount, source, and ownership without amending its objections. However, by amending its objections at this time it provides notice of the entire range of issues it intends to pursue in these cases.

4. No prejudice shall accrue to any party, as no status conferences have been held in these cases, no case management schedule has been adopted, and no partial decrees have been entered.
5. Counsel for Pocatello has contacted counsel for the claimants in the captioned matters. The Bureau of Reclamation and Burley Irrigation District have not indicated whether they oppose the motion to file late objections; TFCC and NSCC indicate that they do oppose this motion.

DATED this 12<sup>th</sup> day of December, 2007.

CITY OF POCATELLO ATTORNEY'S OFFICE

Attorneys for the City of Pocatello

By   
A. DEAN TRANMER

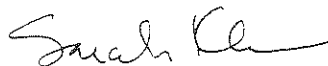
WHITE & JANKOWSKI, LLP

Attorneys for the City of Pocatello

By   
Sarah A. Klahn

# CERTIFICATE OF SERVICE

I hereby certify that on this 12<sup>th</sup> day of December, 2007, a true and correct copy of **Motion to Amend Objection** for Subcase No. 1-214A was served by U.S. Mail postage pre-paid and addressed to the following:



Sarah Klahn

|                                                                                                                                                                       |                                                                                                                                                                                                                                     |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Barker Rosholt & Simpson LLP<br>113 Main Ave W, Ste 303<br>PO Box 485<br>Twin Falls ID 83303-0485<br>Phone 208-733-0700<br>[North Side Canal Co; Twin Falls Canal Co] | Robert L. Harris<br>1000 Riverwalk Dr, Ste 200<br>PO Box 50130<br>Idaho Falls ID 83405<br>Phone 208-523-0620<br>[Independent Water Users; Jefferson Irr Dist;<br>Monteview Canal Co; Mud Lake Water Users<br>Inc; Producers Irr Co] |
| Jerry R. Rigby<br>25 N 2 <sup>nd</sup> E<br>PO Box 250<br>Rexburg ID 83440-0250<br>Phone 208-356-3633<br>[Blackfoot Irr Co; Fremont-Madison Irr;<br>United Canal Co]  | Roger D. Ling<br>615 H St<br>PO Box 396<br>Rupert ID 83350-0396<br>Phone 208-436-4717<br>[Burley Irr Dist]                                                                                                                          |
| Josephine P. Beeman<br>409 W Jefferson St<br>Boise ID 83702<br>Phone 208-331-0950<br>[City of Pocatello]                                                              | US Dept of Justice<br>Environment & Natl' Resources<br>550 W Fort St MSC 033<br>Boise ID 83724<br>[United States; USDI Bureau of<br>Reclamation]                                                                                    |
| Natural Resources Div Chief<br>State of Idaho<br>Attorney General's Office<br>PO Box 44449<br>Boise ID 83711-4449<br>[State of Idaho]                                 | W. Kent Fletcher<br>1200 Overland Ave<br>PO Box 248<br>Burley ID 83318<br>[Minidoka Irr Dist]                                                                                                                                       |
| Randall C. Budge<br>201 E Center Ste A2<br>PO Box 1391<br>Pocatello ID 83204-1391<br>[IGWA]                                                                           | Director of IDWR<br>PO Box 83720<br>Boise ID 83702-0098                                                                                                                                                                             |

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE  
OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

|                                             |   |                             |
|---------------------------------------------|---|-----------------------------|
| <b>In Re SRBA</b>                           | ) | <b>A. Subcase: 1-214A</b>   |
|                                             | ) |                             |
| <b>Case No. 39576</b>                       | ) | (Insert water right number) |
| <hr style="width: 300px; margin-left: 0;"/> | ) | <b>STANDARD FORM 1</b>      |
|                                             |   | <b>OBJECTION</b>            |

Please fill in the following information:

**B. NAME AND ADDRESS OF PERSON OBJECTING**

Name: City of Pocatello  
Address: Box 4169  
Pocatello, ID 83201-7700  
Telephone: 208-234-6148

Name & Address of Attorney, if any:

A. Dean Tranmer I.B. # 2793  
City of Pocatello  
P. O. Box 4169  
Pocatello, ID 83201

Sarah Klahn  
White & Jankowski, LLP  
511 16<sup>th</sup> Street, Suite 500  
Denver, Colorado 80202

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

Name: United States of America, Acting through Regional  
Director PN Regional Code PN-3100  
Bureau of Reclamation  
Address: 1150 N. Curtis Rd. Suite 100  
Boise Idaho, 83706-5155

**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: The United States can show no beneficial use except through the Minidoka Project. This right should be vested with the Burley Irrigation District (subject to the objections made below and in the companion sub-case).

2. ☐ **Source**

Should be: \_\_\_\_\_

3. ☒ **Quantity**

Should be: The decreed quantity is a maximum and does not create a guaranteed right to call for the full amount of water at all times during the claimed season of use.

4. ☐ **Priority Date**

Should be: \_\_\_\_\_

5. ☐ **Point 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:** \_\_\_\_\_

10. ☐ **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):** See explanation in #3 and 9.

F.

**VERIFICATION** (must be completed)

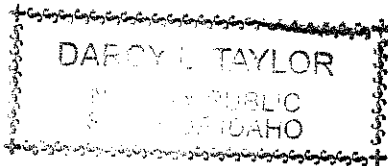
State of IDAHO )  
County of Bannock ) ss.

A. Dean Tranmer, duly sworn, upon oath, deposes and says:  
(Name of person filing objection)

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.

A. Dean Tranmer  
A. Dean Tranmer  
City Attorney  
City of Pocatello

Subscribed and sworn to before me on: December 6, 2007



Darcy L. Taylor  
Notary Public for IDAHO  
Residing at: Pocatello, Idaho  
My Commission Expires: 8-12-12