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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

Case No. 39576

Subcase No. 92-00002 GP

(General Provision #4)

**STANDARD FORM 2
RESPONSE TO OBJECTION**

NAME AND ADDRESS OF PERSON RESPONDING

Name: City of Pocatello
P. O. Box 4169
Pocatello, ID
(208) 234-6149

Name & Address of Attorney, if any:

Josephine P. Beeman, ISB # 1806
409 W. Jefferson St.
Boise, Idaho 83702
208-331-0950
Fax: 208-331-0954

**NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO WHICH
YOU ARE RESPONDING**

Idaho Power Company
P. O. Box 70
Boise, ID 83707
(208) 388-2112

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

(Attorney)
James S. Lochhead
Michael A. Gheleta
Brownstein Hyatt Farber Schreck
410 17th Street, Suite 2200
Denver, CO 80202
(303) 223-1100

I am responding to the objections to the following elements.

1. ☐ **Name and Address**
2. ☐ **Source**
3. ☐ **Quantity**
4. ☐ **Priority Date**
5. ☐ **Point(s) of Diversion**
6. ☐ **Instream Flow Description**
7. ☐ **Purpose(s) of Use**
8. ☐ **Period of Year**
9. ☐ **Place of Use**
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.
 - ☒ This General Provision should not be included in the Director's Report or in any decree.

BRIEF EXPLANATION FOR RESPONSE:

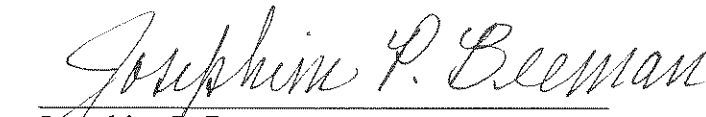
The City of Pocatello responds to support the inclusion of General Provision 4 in Basin 02. General Provision 4 provides for the administration of the Idaho Water Resource Board's zero flow right 2-200. The point of diversion for 2-200 is Milner Dam, although the Milner gauging station is .4 miles below Milner Dam, as explained in the General Provision 4. Pocatello understands General Provision 4 to apply both above and below Milner Dam.

VERIFICATION

State of Idaho) ss:
County of Ada)

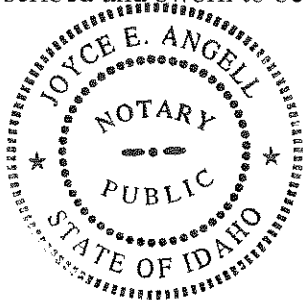
Josephine P. Beeman, duly sworn, upon oath, deposes and says:

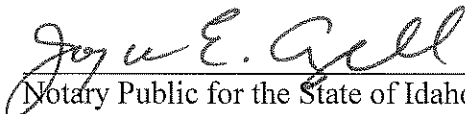
That I am the attorney for the party filing this response as defined by I.C. § 42-1401A(1) and (6) and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.



Josephine P. Beeman
Attorney for City of Pocatello

Subscribed and sworn to before me on February 5, 2008





Notary Public for the State of Idaho
Residing at: Boise, Idaho
My Commission Expires: July 29, 2008

CERTIFICATE OF MAILING

I certify that on February 5, 2008 the original and the copies of the foregoing Response were mailed to the following:

1. Original to:

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

2. One copy to the claimant of the water right at the following address: N/A

3. One copy to the party who filed the objection at the following address:

John K. Simpson
Barker, Rosholt & Simpson
P. O. Box 2139
Boise, ID 83701-2139
Phone: (208) 336-0700

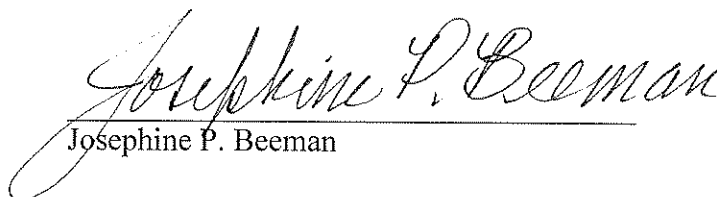
James S. Lochhead
Michael A. Gheleta
Brownstein Hyatt Farber
Schreck
410 17th Street, Suite 2200
Denver, CO 80202

4. Copies to:

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

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

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


Josephine P. Beeman