

access to my clients' files in this matter and make this affidavit based upon personal knowledge, and in support of their Response in Opposition to Motions to Amend Objections filed contemporaneously herewith.

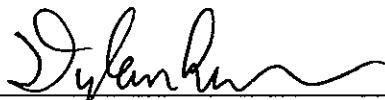
2. Attached hereto as Exhibit A is a true and correct copy of excerpts from the "Watermaster Handbook" that I obtained from the Idaho Department of Water Resources website.

3. Attached hereto as Exhibit B is a true and correct copy of the Motion to Amend Objection filed by the City of Pocatello in Subcase 01-212, which I obtained from the Idaho Department of Water Resources website.

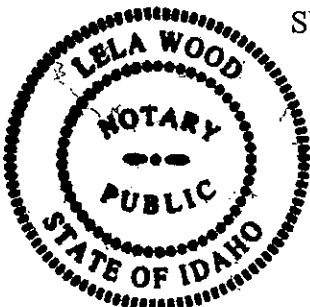
4. Attached hereto as Exhibit C is a true and correct copy of the Joint Response to City of Pocatello's Motion to Amend Objections filed by the American Falls Reservoir District #2, *et al.* in several subcases, including Subcase 01-212, which I obtained from the Idaho Department of Water Resources website.

5. Attached hereto as Exhibit D is a true and correct copy of Special Master Dolan's Order Granting City of Pocatello's Motion to Amend Objections, which I obtained from the Idaho Department of Water Resources website.

Further your affiant sayeth naught.


Dylan B. Lawrence

SUBSCRIBED AND SWORN to before me this 24th day of July, 2008.




NOTARY PUBLIC FOR IDAHO
Residing at Boise, ID
My Commission Expires 5-31-2012

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of July, 2008, I caused a true and correct copy of the foregoing **AFFIDAVIT OF DYLAN B. LAWRENCE** to be served by the method indicated below, and addressed to the following:

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Grace Eakin, John F Stevenson, Pete Van Der
Meulen, Rocky Sherbine, and Tom O Gara*

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Representing: Big Wood Canal Co.

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P.O. Box 1800
Hailey, Idaho 83333-1800
Representing: Flying Heart Ranch II

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SPECK & AANESTAD
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Ketchum, ID 83340

*Representing: Barker Living Trust, Chaney
Creek Ranch LLC, Charles L Matthiesen,
Charles T Foley, Eagle Creek Irrigation Co,
ECD Inc, Elise G Lufkin, Gimlet Property
Owners Assn, Gregory Ranch LLC, Lake Creek
Meadows Homeowners, Michael E Willard
Michael Engl, Myer Berlow, Ralph W & Kandi
L Girton, River Rock Ranch LP, Rivers Edge
Associates LLC, Roy R Woods, Steven D
Holzman Trust, The Gulch Trust, The R Daniel
Olmstead, and William B Gordon*

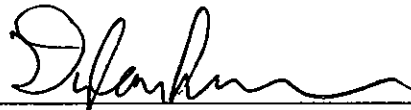
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Pepin Corso-Harris
c/o Concerned Water Users
P.O. Box 1200
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Director
IDAHO DEPARTMENT OF WATER RESOURCES
322 E. Front Street, 6th Floor
P.O. Box 83720
Boise, ID 83720

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☐ Hand Delivered
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☐ Facsimile



Dylan B. Lawrence

In Re SRBA,
Case No. 39576
Subcase Nos. 37-415, 37-416,
37-12111, 37-12130

EXHIBIT A
TO AFFIDAVIT OF DYLAN B. LAWRENCE

WATERMASTER HANDBOOK



(Statute update through 2000)

IDAHO DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street
Boise, Idaho 83706
(208) 327-7900

PREFACE

Proper water distribution under Idaho water law and the appropriation system is the primary goal and responsibility of all Idaho watermasters. Daily water distribution, record keeping, measurement and general water district management can be a challenge. While the difficulty associated with these tasks depends upon the size and complexity of the individual water district, most of the principles and concepts involved are common to all districts. The purpose of this handbook therefore is to provide a quick reference when questions arise concerning water districts, and to provide all watermasters with the basic information needed to deliver water and manage a water district.

This handbook is divided into several sections involving different aspects of water delivery and water district management. Each section, while not all inclusive, is intended to stand alone and provide information when questions are raised concerning water districts and watermaster duties. Further information and assistance may be obtained by contacting any one of the Idaho Department of Water Resources offices listed on the following page.

IDAHO DEPARTMENT OF WATER RESOURCES

DIRECTORY

Northern Region

1910 Northwest Blvd. Ste. #210
Coeur d'Alene, Idaho 83814-2615
(208) 769-1450
Fax - 769-1454

Eastern Region

900 N Skyline Dr. Ste. A
Idaho Falls, Idaho 83402-1718
(208) 525-7161
Fax - 525-7177

Southern Region

1341 Fillmore St. Ste. #200
Twin Falls, Idaho 83301-3380
(208) 736-3033
Fax - 736-3037

Western Region

2735 Airport Way
Boise, Idaho 83705-5082
(208) 334-2190
Fax - 334-2348

State Office

1301 N. Orchard St.
Boise, Idaho 83705
Mailing Address:
PO Box 83720
Boise, Idaho 83720-0098
(208) 327-7900
Fax - 327-7866

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SECTION 8. – DISTRIBUTION OF WATER

A. GENERAL

As between appropriators, the older right is the better right and is to be supplied before later in time appropriators. Several Idaho court cases have stipulated that the watermaster may disregard the call of a senior downstream water user if, in the judgement of the watermaster, the water will not reach its point of diversion or an inadequate amount of said water will reach its point of diversion (i.e.; a futile call.) Some decrees in the state provide language or direction about this type of situation for specific tributaries or reaches of streams.

The season of use for irrigation purposes is commonly specified in the decree, permit or licensed water right. Whenever the season of use is not specified in a decree, permit or licensed water right, the watermaster should generally look to the recommended irrigation seasons used by the department in connection with permits, licenses and adjudication director's reports (see Map 8.1). If the season of use specified by a decree, permit or licensed water right is shorter than the recommended irrigation season, the season of use may be extended to the recommended irrigation season if such an extension does not injure other water rights.

B. NATURAL FLOW

The term natural flow may be considered as the actual flow of the stream which does not include storage water released from a reservoir or water from other sources, such as groundwater pumped from a well and injected into the stream. Natural flow may include tributary streams, springs, return flows and underground flow or groundwater which seeps into the stream channel. Except under a valid storage right, natural flow may not be stored for later use. A natural flow right must either be beneficially used as provided in the water right or shall not be diverted from the public source of water. Diversions to rights for in-stream or off-stream storage facilities which can be filled within 24 hours with the maximum authorized rate are not considered to be a violation of this rule.

C. STORED WATER

Reservoirs are allowed to fill only once an irrigation season unless otherwise specified in the water right or determined by the Director.

Storage rights are generally filled according to priority. Where there are multiple reservoirs on one stream or river system, the senior storage rights should be satisfied ahead of junior storage rights, but it is often preferable to just allow the reservoirs to fill naturally and make adjustments later. Diversion of water to new storage during the storage period should not interfere with earlier priority natural flow rights.

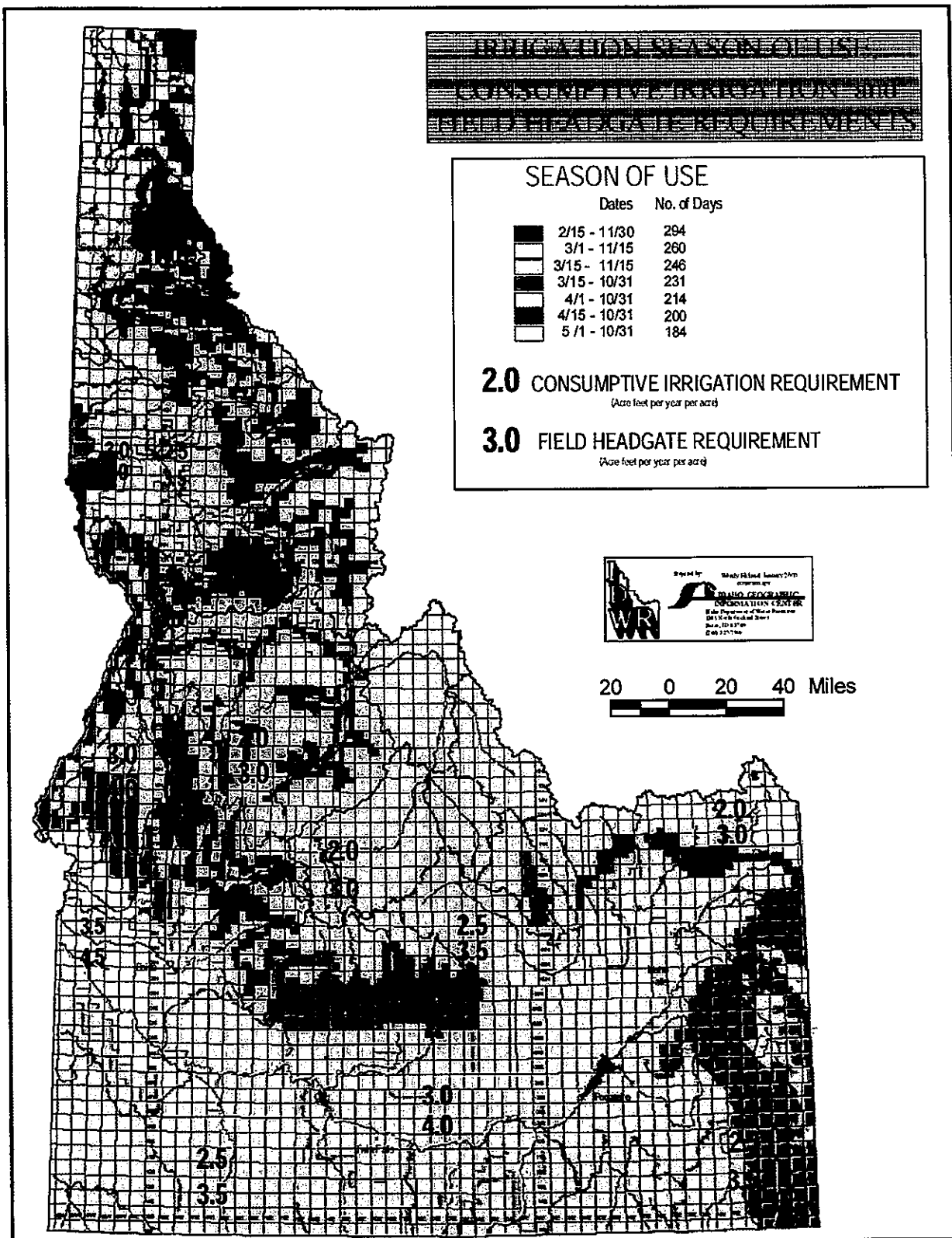
D. DETERMINATION OF NATURAL FLOW

To determine natural flow, the watermaster must measure the streamflow, and any diversions and reservoir storage changes. Data collection is essential to the proper delivery of water and may consume much of the time of the watermaster and assistants during the irrigation season.

After the natural flow has been determined, the watermaster must compute the allocation of flow to the respective users. In general, this is done by deducting the various amounts of the water rights calling for water (ranked from senior to junior) from the amount of the natural flow until the entire natural flow has been allotted. All diversions with a date of priority junior to the last water right for which water is available must be shut off or charged with the use of storage water if the user owns storage which is available. This procedure is also further discussed below.

After determination of the natural flow and the allocation of it to the users, the watermaster is authorized to adjust headgates to insure that the natural flow and stored water flows are delivered to those users entitled to its use. The above described procedure must be performed daily or as often as flows or diversion rates change.

Water districts in Idaho range in size from very small watersheds to major river basins. In some cases, the smaller districts may include a water producing area, such as a mountainous watershed, below which two or more canals divert the flow from the stream. If these diversions are near each other, such that they share essentially the same water supply, the district represents the simplest type of natural flow determination. Figure 8.1 illustrates a basin having one location for allocating the natural flow. In this case, the natural flow to be allocated is equal to the flow of the stream plus the sum of any diversions which may be located above the stream gage. Table 8.1 illustrates the method of computation of natural flow in this type of basin.



Map 8.1: Consumptive Irrigation Requirement, Field Headgate Requirement, and Season of Use.

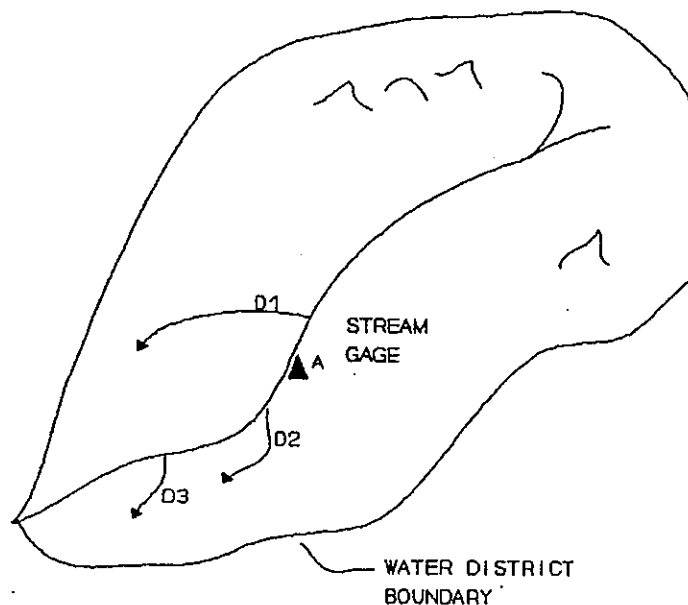


Figure 8.1: Water district having one location for natural flow allocation.

Date	D1 (cfs)	QA (cfs)	Natural flow at A (cfs)
May 13	10	12	22
May 14	12	11	23
May 15	18	10	28

Table 8.1: Computation of natural flow at one location,
[D1=diversion #1 and QA = discharge at Gage A]

The benefit of taking the approach shown in this simple example is that it establishes a record of natural flow or water supply available for all of the diversions. Comparing the natural flow with a list of ranked water rights will simplify distribution and priority cuts. While daily distribution in the above example might often be accomplished by trial and error or without stream gage A or determination of natural flow, the stream flow usually reaches a critical point which will require a stream measurement and computation of natural flow. If, in the above example, the stream became dry just below D2, and D3 is a senior right holder calling for water, then natural flow would represent the sum of D1 and D2. These latter junior right diversions then would have to be adjusted in order to satisfy D3's right. The temporary non-delivery of the senior right probably could be avoided if there were at least some periodic measurement and computation of natural flow.

A more complex basin might include diversions having differing water supplies. For example, diversions may be made from a stream above and below a significant tributary illustrated in Figure 8.2. Those which divert below the tributary have access to a larger supply of

water than the upper diversions. It is therefore necessary to compute the natural flow at two locations. Table 8.2 illustrates the natural flow determinations for this situation. Natural gains are computed for the reach to gage A as in the simpler system illustrated by Figure 8.1 and Table 8.1. Then natural gains (or losses) from A to B are computed by summing the outflows (flow at B plus the diversions from A to B.) The total flow at B is the sum of the natural flow at A plus the natural gain A to B (or loss, expressed as a negative.)

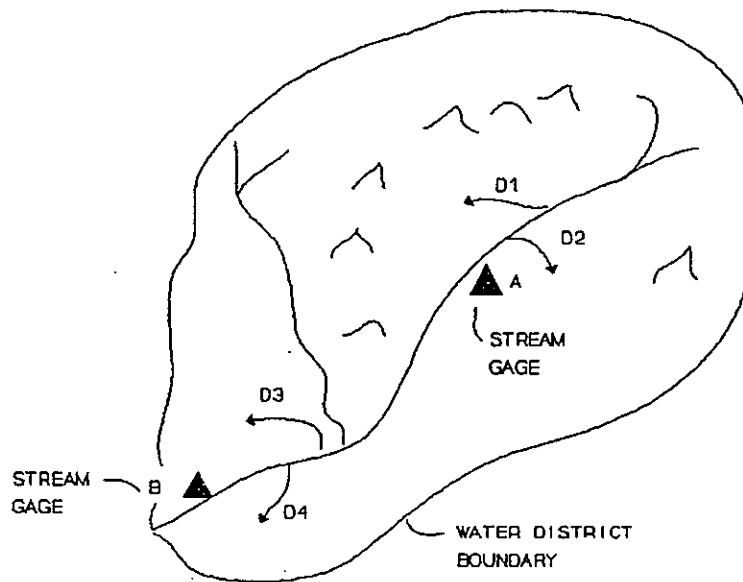


Figure 8.2: Water district having two locations for natural flow allocation.

1	2	3	4	5	6	7	8	9	10
Date	D1	D2	QA	Natural flow at A (2+3+4)	D3	D4	QB	Natural Gain A to B (6+7+8-4)	Natural Flow at B (5+9)
May 23	10	0	7	17	3	15	0	11	28
May 24	10	2	7	19	3	15	0	11	30
May 25	9	3	10	22	4	14	2	10	32

Table 8.2: Computation of natural flow at two locations.

Return flows may accrue to the stream from upstream diversions. In most cases, the return flow is considered part of the natural flow and is available to the downstream users. In the examples above, any return flows are automatically treated as natural flow because the computed gain does not distinguish between sources of water entering the channel.

For basins having reservoirs, the natural flow computations must take account of changes in storage. The usual way to accomplish this is to take the differences in reservoir contents on successive days and convert those differences to an average daily rate as follows:

$$\text{Storage change in cfs} = \frac{\text{contents on 2}^{\text{nd}} \text{ day} - \text{contents on 1}^{\text{st}} \text{ day}}{1.9835}$$

If this difference is positive (storage is increasing), it is added to the natural flow computed in the examples. If negative, it is subtracted. Gages or devices for measuring reservoir inflow and outflow should be read on a daily basis and compared with storage changes.

For large basins, the time required for flow to move through the system becomes important. The water supply available to a lower basin today may be affected by an upper basin diversion made on a previous day. Travel times, therefore, must be taken into account when determining natural flow or when allocating it. For example, if the travel time from A to B is one day, the computation lines could be offset one day between columns (5) and (6).

E. ALLOCATION OF NATURAL FLOW

When water supplies are inadequate to meet all needs in a basin, the watermaster must regulate diversions according to their respective rights.

In a water district having only one location for distribution of natural flow (see example in Figure 8.1), the allocation process is quite simple. After the natural flow has been determined (Table 8.1), and if it is insufficient to satisfy the diversion requests of all users to the extent of their rights, then the rights having the latest priority are cut or reduced. If stored water is being released from an upstream reservoir, diversions in excess of the natural flow entitlement are charged as stored water.

Table 8.3 illustrates the allocation computation for the example water district in Figure 8.2 when diversion requests exceed the available supply. Flows are those of May 23 from Table 8.2. In this situation, some of the natural flow in the upper reach must be passed downstream to supply a prior right in the lower reach. Water right priorities are to be supplied in the sequence shown in the "Priority Sequence" column of Table 8.3.

Canal	Priority Sequence	Reach A			Reach B		
		Water Right (cfs)	Actual Div. (cfs)	Remaining Natural Flow (cfs)	Water Right (cfs)	Actual Div. (cfs)	Remaining Natural Flow (cfs)
				17*			28*
D4	1				16	15	13
D1	2	10	10	7			3
D3	3				5	3	0**
D2	4	3	0				

* Flows for May 23 from Table 8.2

** Allocation ceases when the remaining natural flow in the lower reach is zero.

Table 8.3: Allocation of natural flow at two locations

Calculations in Table 8.3 begin with the natural flows which are entered from Table 8.2 at the tops of the remaining natural flow (RNF) columns. Diversions in the priority sequence are then subtracted from the preceding RNF and from the RNF of each downstream reach. Reach B RNF thus becomes 13 cfs (28 minus 15), then Reach A RNF becomes 7 (17 minus 10) and Reach B becomes 3 (13 minus 10.) When the RNF in Reach B becomes zero (after D3 has been subtracted), no additional allocation can take place.

By preparing Table 8.3, the watermaster knows that D2 should receive no water and that 7 cfs must be allowed to pass Gage A for downstream use. While this might have been determined by inspection or by a trial and error adjustment of diversion, the table provides a systematic method which will minimize errors and also establish a record of the decision process.

In this example, the diversions and flow at A and B in Table 8.2 conform with the allocation determined in Table 8.3. However, the natural flows are independent of diversions. The natural flows of 17 cfs at A and 28 cfs at B might have been determined from actual diversion rates occurring before allocation. Preparation of Table 8.3 would then tell the watermaster to reset the diversions within the requests as shown in Table 8.3.

The natural flow computation and allocation examples shown here represent basic water distribution scenarios. The principles and procedures shown above are applicable to more complex basins, including those basins having storage rights/reservoirs and water exchanges. Storage examples are omitted here because storage is usually very unique to each basin.

Both storage and natural flow can be allocated properly if all diversions including storage and natural flow diversions, storage inflow, outflow (or releases) and changes in storage contents are measured on a regular basis. In districts having multiple storage users with separate storage accounts, the water district should maintain a daily storage account balance for each storage user. Since some Idaho streams have reaches with significant losses, it may sometimes be appropriate to determine storage conveyance losses and assess such losses to the delivery of stored water. Losses may also need to be assessed to delivery of exchange water. Storage water, exchanges, and losing reaches are all very unique and site specific and should be addressed on a case by case basis. The Department can review and assist with distribution procedures involving storage and exchanges.

SECTION 9. – WATER DISTRICT FUNDS AND BUDGETS

A. ASSESSMENTS, COLLECTIONS AND DISBURSEMENTS

The water assessment collection procedure provides that after adopting a budget at an annual meeting and filing a certified copy of the budget with the Department and the County Auditor's office, the Auditor shall make a roll showing the amount to be collected from each user. The County Treasurer is then authorized to collect the assessments. Assessments may be collected with the regular county taxes, but are often collected separately. Water district assessments are to be paid by June 1 of each year. Assessments not paid by this date are subject

In Re SRBA,
Case No. 39576
Subcase Nos. 37-415, 37-416,
37-12111, 37-12130

EXHIBIT B
TO AFFIDAVIT OF DYLAN B. LAWRENCE

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City of Pocatello
P. O. Box 4169
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sarahk@white-jankowski.com

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. 1-212
	)	
Case No. 39576	)	MOTION TO AMEND OBJECTION
_____	)	

The City of Pocatello ("Pocatello") respectfully moves the SRBA Court to permit it to amend its objection in Sub-case No. 1-212. 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 12th day of December, 2007.

CITY OF POCATELLO ATTORNEY'S OFFICE

Attorneys for the City of Pocatello

By 
A. DEAN TRANMER

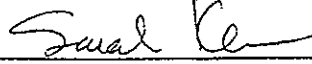
WHITE & JANKOWSKI, LLP

Attorneys for the City of Pocatello

By 
Sarah A. Klahn

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of December, 2007, a true and correct copy of **Motion to Amend Objection** for Subcase No. 1-212 was served by U.S. Mail postage pre-paid and addressed to the following:



Sarah Klahn

Barker Rosholt & Simpson LLP 113 Main Ave W, Ste 303 PO Box 485 Twin Falls ID 83303-0485 Phone 208-733-0700 [North Side Canal Co]	Robert L. Harris 1000 Riverwalk Dr, Ste 200 PO Box 50130 Idaho Falls ID 83405 Phone 208-523-0620 [Independent Water Users; Jefferson Irr Dist; Monteview Canal Co; Mud Lake Water Users Inc; Producers Irr Co]
Jerry R. Rigby 25 N 2 nd E PO Box 250 Rexburg ID 83440-0250 Phone 208-356-3633 [Blackfoot Irr Co; Fremont-Madison Irr; United Canal Co]	Roger D. Ling 615 H St PO Box 396 Rupert ID 83350-0396 Phone 208-436-4717 [Burley Irr Dist]
Josephine P. Beeman 409 W Jefferson St Boise ID 83702 Phone 208-331-0950 [City of Pocatello]	US Dept of Justice Environment & Natl' Resources 550 W Fort St MSC 033 Boise ID 83724 [United States; USDI Bureau of Reclamation]
Natural Resources Div Chief State of Idaho Attorney General's Office PO Box 44449 Boise ID 83711-4449 [State of Idaho]	Director of IDWR PO Box 83720 Boise ID 83702-0098
Randall C. Budge 201 E Center Ste A2 PO Box 1391 Pocatello ID 83204-1391 [IGWA]	North Side Canal Co Ltd 921 N Lincoln Ave Jerome ID 83338 Phone 208-324-2319

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: 1-212

Case No. 39576

(insert water right number)

STANDARD FORM 1
OBJECTION

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 16th Street, Suite 500

Denver, Colorado 80202

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

Name: North Side Canal Company

Address: 921 N. Lincoln

Jerome, Idaho 83338

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: _____

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.

Additionally, NSCC should be required to demonstrate that its historical operations were consistent with its claimed amounts in light of the crops raised, application methods, weather conditions, and system losses. The quantity should be reduced accordingly if NSCC fails to support its claims.

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**

Should be: _____

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)

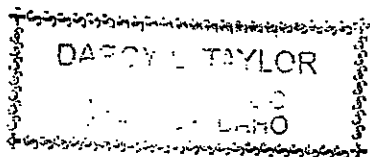
State of IDAHO)
County of Bannock) ss.

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 # 2793
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

In Re SRBA,

Case No. 39576

Subcase Nos. 37-415, 37-416,
37-12111, 37-12130

EXHIBIT C

TO AFFIDAVIT OF DYLAN B. LAWRENCE

RECEIVED

APR 24 2008

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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 Nos.: SEE EXHIBIT A
)
) JOINT RESPONSE TO CITY OF
) POCATELLO'S MOTION TO
) AMEND OBJECTIONS
)
)

COME NOW, American Falls Reservoir District #2, A&B Irrigation District, Burley
Irrigation District, Milner Irrigation District, Minidoka Irrigation District, North Side Canal
Company, and Twin Falls Canal Company (for purposes of this response collectively referred to
as the "Coalition"), by and through counsel of record, and submit this *Joint Response to the City*
JOINT RESPONSE TO CITY OF POCATELLO'S MOTION TO AMEND OBJECTION

1

of Pocatello's Motion to Amend Objections, in the above-captioned subcases. For the following reasons, the Court should deny Pocatello's motion to amend its objection.

The Director's Report for Basin 01 was originally filed with the Court by the Department in May, 2006, with objections due by October 6, 2006. Pocatello failed to file any timely objections to the above-captioned water rights, consciously deciding no objections were necessary. On December 21, 2006, the Department filed an Amended Director's Report on these water rights – an action that is subject to challenge by the Coalition in these subcases. Objections to the Amended Director's Report were due April 20, 2007. Through the Amended Director's Report, the Department added a remark addressing certain provisions from the Foster Decree (for purposes of this response the "Minidoka Credit"), but *did not change any other element of the above-captioned water rights*. At that time, Pocatello filed objections to these water rights for a limited purpose. However, *Pocatello only objected to the Minidoka Credit remark*. As before, Pocatello did not object to any of the other, unchanged, elements of the water rights. In other words, Pocatello has had, and failed to take advantage of, two opportunities (albeit one subject to legal challenge) to file objections to the elements of the water rights. Now, nearly two-years after the water rights were originally recommended, Pocatello seeks to "include factual issues not previously raised" in its objections. *Motion at 1*.

In its motion to participate, previously granted by this Court, Pocatello assured the Court and parties that it would agree "to be *limited to the issues previously identified* by the claimants and objectors to this matter." *Motion to Participate at 2* (emphasis added); *Memorandum in Support of Motion to Participate at 5* ("Pocatello agrees to be limited to the issues raised by other parties to this matter") (emphasis added). Notwithstanding these promises, Pocatello now seeks to "include factual issue not previously raised." Not only did Pocatello fail to raise these

issues in its prior objection, but, the issues raised in Pocatello's proposed objections *have not been raised by any objectors in this matter*. In other words, Pocatello is seeking to expand the scope of these subcases and add issues to these proceedings, in stark contrast to its prior promises.

Pocatello asserts that its proposed objections will not prejudice the parties in this matter. Such a claim overlooks the fact that, should Pocatello's motion be granted, existing objections to the water rights will be greatly expanded and will significantly increase the time and expense imposed upon the Claimant who will be forced to defend against these new factual issues, issues that were not timely raised as provided by the objection procedure under Idaho law.

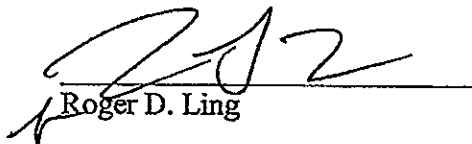
No justification for this late filing is offered other than to say that Pocatello has "additional counsel" that has "advised" Pocatello to "broaden its objections." *Motion* at 1. Hiring additional counsel does not justify expanding the issues before the Court and increasing the time and expense necessary for the claimants to defend their water rights – especially where the objector has specifically chosen not to challenge these same elements on two separate occasions.

Pocatello has already been afforded two opportunities to object to these water rights. Pocatello failed to timely file objections to the originally recommended elements of these water rights. Furthermore, when Pocatello finally filed an objection to these water rights, it limited that objection to the specific changes imposed by the Amended Director's Report – namely, the Minidoka Credit remark. Notwithstanding this second opportunity to object to these water rights, brought about by the Department's questionable filing of the Amended Director's Report, Pocatello still failed to challenge any of the original elements of the water rights. The Court should not now, nearly 2-years after the fact, allow Pocatello to piggy back its untimely

objections to the original elements onto its limited objection relative to the Minidoka Credit language. Instead, the Court should hold Pocatello to the promises it previously made in these subcases and limit Pocatello's objections to the issue that it originally identified. This is especially the case here, where Pocatello has assured the Court and parties that its participation will not expand the issues before the Court. As such, Pocatello's motion should be denied.

DATED this 22nd day of April, 2008.

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CERTIFICATE OF MAILING

I certify that on April 22, 2008, I mailed the original and copies of the foregoing motion to the following persons:

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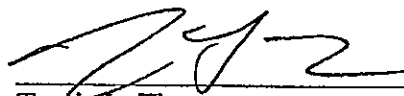

Travis L. Thompson

EXHIBIT A

SUBCASES:

01-00004
01-00005
01-00006
01-00007
01-00008
01-00009
01-00010
01-00014
01-00016
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01-00212
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01-02061
01-10034
01-10225
01-10237
01-10238
01-10240
01-10241
01-10482

In Re SRBA,
Case No. 39576
Subcase Nos. 37-415, 37-416,
37-12111, 37-12130

EXHIBIT D
TO AFFIDAVIT OF DYLAN B. LAWRENCE

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MAY 22 2008

DEPARTMENT OF
WATER RESOURCES

MAY 21 PM 2:27

DISTRICT COURT-SRCA
TWIN FALLS CO., IDAHO
FILED

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	)	Subcases 01-209, 01-211A, 01-211B, 01-212,
	)	01-213, 01-214A, 01-214B and 01-219
Case No. 39576	)	"Minidoka Credit Remark"
	)	
	)	ORDER GRANTING CITY OF
	)	POCATELLO'S MOTION TO
	)	AMEND OBJECTIONS

On December 13, 2007, the City of Pocatello filed its *Motion to Amend Objection* in the above 8 subcases concerning the issue informally termed "Minidoka credit remark." The City sought "to broaden its objection to include factual issues not previously raised, but properly within the scope of the Court's determinations in this case. . . and [to provide] notice of the entire range of issues it intends to pursue in these cases." In its amended *Objection* attached to the *Motion*, it objects to quantity and place of use whereas before it objected to source and quantity.

Various irrigation districts and canal companies, called the "Coalition,"¹ filed their *Joint Response to City of Pocatello's Motion to Amend Objections* on April 22, 2008.² They argued that the City's *Motion* should be denied because it was not filed timely, it violates the City's promise to limit its participation to issues raised by other parties and it will prejudice the other parties because "existing objections to the water rights will be greatly expanded."

¹ The Coalition consists of: American Falls Reservoir District #2, A&B Irrigation District, Burley Irrigation District, Milner Irrigation District, Minidoka Irrigation District, North Side Canal Company and Twin Falls Canal Company.

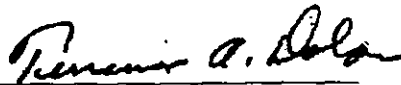
² The Coalition filed their *Joint Response* in 21 subcases, including only 2 (01-212 and 01-213) of the above 8 subcases.

A hearing on the City's *Motion* was held on April 29, 2008, at the Bonneville County Courthouse in Idaho Falls, Idaho. Sarah A. Klahn appeared for the City and Travis L. Thompson appeared for the Coalition.

During the hearing and on the record, the Special Master granted the City's *Motion* because of the relatively early stage of proceedings (initial hearings in the Basin were held the same date) and the concern for complete development of the contested issues. This *Order* is entered for the purpose of clarifying the record.

THEREFORE, IT IS ORDERED that the City of Pocatello's *Motion to Amend Objection* filed in each of the above 8 subcases is granted.

DATED May 21, 2008.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING CITY OF POCATELLO'S MOTION TO AMEND OBJECTIONS was mailed on May 21, 2008, with sufficient first-class postage to the following:

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USDI BUREAU OF RECLAMATION

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ORDER GRANTING MOTION TO AMEND OBJECTIONS

Page 1
5/21/08

(Certificate of mailing continued)

MINIDOKA IRRIGATION DISTRICT

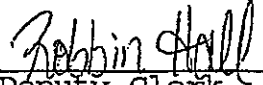
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ORDER GRANTING MOTION TO AMEND OBJECTIONS
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