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DEPARTMENT OF
WATER RESOURCES

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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	)	Consolidated Subcase No. 00-92023
	)	(Basin-Wide Issue 92-23)
	)	
Case No. 39576	)	CITY OF POCATELLO'S STATEMENT FOR
	)	JULY 21, 2009 STATUS CONFERENCE
_____	)	REGARDING THE JUNE 25, 2009 STATE OF
	)	IDAHO AND IDAHO POWER JOINT MOTIONS
	)	TO MODIFY PARTIAL DECREES,
	)	CONSOLIDATE, AND ENTER PARTIAL DECREES

The purpose of the July 21, 2009 status conference is to discuss scheduling of the Joint Motions¹ and how to proceed with any opposition to the Joint Motions.

The City of Pocatello (Pocatello or City) submits the following statement about the schedule for the Joint Motions because it will be at least early October before Pocatello's experts will complete technical studies regarding the Joint Motions.

¹ On June 25, 2008, the State of Idaho and Idaho Power Company filed the following joint motions:

1. *State of Idaho's and Idaho Power Company's Joint Motion for Entry of Partial Decrees Re. Water Rights in Basin 02 and Basin 37;*
2. *State of Idaho's and Idaho Power Company's Joint Motion to Consolidate Water Right 02-10135 With Consolidated Subcase 92-23;*
3. *State of Idaho's and Idaho Power Company's Stipulation and Joint Motion to Dismiss Complaint and Petition for Declaratory and Injunctive Relief; and*
4. *State of Idaho's and Idaho Power Company's Joint Motion to Modify Partial Decrees Re. Water Rights 36-02013, 36-02018, and 36-02026.*

On April 15, 2009 Pocatello filed a Notice in this proceeding, expressing its concerns about the State of Idaho and Idaho Power Company proposed settlement of Consolidated Subcase No. 00-92023. The Notice was subsequently made of record to the Idaho Water Resource Board on April 30, 2009. In response to Pocatello's concerns, the State of Idaho and IDWR held a May 14 workshop to present data relevant to historic administration of the Swan Falls Agreement. At the May 14 meeting Pocatello informed IDWR, the State, Idaho Power, and any other parties present, that Pocatello's experts would not be able to examine the data presented at the May 14 meeting until the end of July at the earliest.

Pocatello has two primary reasons for engaging experts to review the May 14 technical data:

1. The Joint Motions include proposed language and a formula for administration of flows under the Swan Falls Agreement. The May 14 technical data addresses historic data relevant to administration of the Swan Falls Agreement. Earlier today, the Upper Snake Water Users filed a Response which expresses ground water users concerns about the State of Idaho/Idaho Power proposed formula.

2. The administration of flows under the Swan Falls Agreement was made part of the Nez Perce settlement by the following language in the Snake River Flow Component of the final settlement:

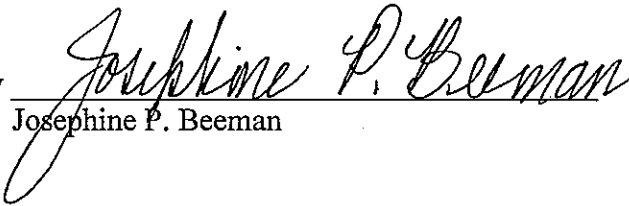
The minimum instream flows established by the Swan Falls Agreement shall be decreed in the SRBA to the Idaho Water Resource Board (IWRB). If the Idaho Department of Water Resources fails to regulate these minimum instream flows in accordance with the Swan Falls Agreement, then any party to this agreement shall be entitled to seek injunctive relief through the state district court responsible for the SRBA.

The key language in this quote is "regulate ... in accordance with the Swan Falls Agreement."

Pocatello wants to complete its analysis of the State of Idaho/IDWR historic data made available May 14 and appreciates a schedule which will accommodate its experts' work.

DATED this 21ST day of July 2009.

BEEMAN & ASSOCIATES, P.C.
Attorneys for the City of Pocatello

By 
Josephine P. Beeman

CERTIFICATE OF SERVICE

I certify that on this 21st day of July 2009, I caused to be served a true and correct copy of the foregoing document to the following parties by U.S. Mail:

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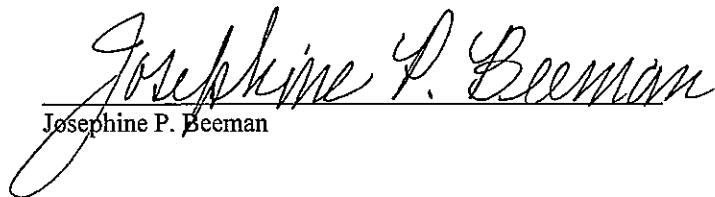
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