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DEPARTMENT OF
WATER RESOURCES

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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. 01-00004, et al (See attached Exhibit A)
	)	
	)	
Case No. 39576	)	POCATELLO'S RESPONSE TO CLAIMANT'S
_____	)	JOINT MOTION FOR SUMMARY JUDGMENT

The City of Pocatello ("City") submits this Response to Claimant's ("SWC") Joint Motion for Summary Judgment ("Joint Motion") filed August 22, 2008. On January 13, 2009 the Special Master granted Ground Water Districts and Upper Snake Users motion to file amended objections in the subcases listed in Exhibit A. The Special Master further ordered that Pocatello would be allowed to participate in the subject sub-cases, limited to the issues raised by other parties in the objections as amended.

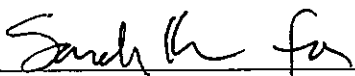
The Ground Water Districts amended objections requested a condition that the subject water rights are "high flow or "flood water" rights to reflect that these water rights are only

available during early spring run-off. *See* Amended Objections. Notably, the SWC's Joint Motion was filed before the Ground Water Districts' objections were amended. The City hereby joins in Ground Water District's Response to the Joint Motion, filed July 29, 2009, opposing the SWC's Joint Motion and requesting that it be denied and hereby incorporates the legal arguments therein as to all subcases that Pocatello has filed objections in.

Dated this 29th day of July, 2009.

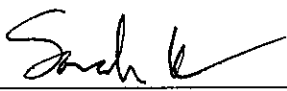
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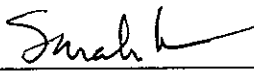
ATTACHMENT A – “HIGH WATER” aka “SOURCE OBJECTION” subcases

Subcase Nos.:

01-00004
01-00005
01-00006
01-00007
01-00008
01-00009
01-00010
01-00014
01-00016
01-00017
01-00212
01-00213
01-02050
01-02061
01-10034
01-10225
01-10237
01-10238
01-10240
01-10241
01-10482

CERTIFICATE OF MAILING/SERVICE

I hereby certify that on this 29th day of July, 2009, a true and correct copy of **Pocatello's Response to Claimant's Joint Motion for Summary Judgment for SRBA Surface Water Coalition Water Rights Cases [High Water aka Source Objection Subcases]** was served by email to those with email addresses and U.S. Mail, postage pre-paid and addressed to the following:



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US Department of Justice Environment & Natural Resources 550 W Fort St MSC 033 Boise ID 83724 [US, USDI Bureau of Reclamation]	
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