

COPY

RECEIVED

OCT 28 2009

**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

A. Subcase Number: 01-02046

(Insert water right number)

**AMENDED
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: State of Idaho
Address: Natural Resources Division
Office of Attorney General
P.O. Box 83720
Boise, Idaho 83720
Phone: (208) 334-2400

Name and Address of Attorney, if any:

Attorney Name: LAWRENCE G. WASDEN
Attorney General
CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division
DAVID I. STANISH (ISB # 7310)
Deputy Attorney General
Attorney Address: Office of the Attorney General
700 W. State Street
Joe R. Williams Building, 2nd Floor
P.O. Box 83720
Boise, Idaho 83720-0010
Attorney Phone No. (208) 334-2400

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

Name: Idaho Power Co.
Address: PO Box 70
Boise, ID 83707

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: _____
4. ☒ **Priority Date**
Should be: _____
5. ☒ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: n/a _____
7. ☒ **Purpose(s) of Use**
Should be: _____
8. ☒ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: _____
10. ☒ **Other Provisions Necessary**
Should be: _____
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.

E. REASONS SUPPORTING OBJECTION(S):

Among other reasons, this right has been waived, conveyed, forfeited, or abandoned by and through federal contracts, federal licenses, federal or state laws, and/or equitable doctrines including but not limited to the following: adverse possession, estoppel, waiver, laches, etc.

To the extent that the Court finds that this right should exist, the State maintains and reserves its prior objections as well as asserts that the releases past the American Falls Dam for hydropower generation are limited by Pub. L. 93-206, 87 Stat. 904 (Dec. 28, 1973) and Pub. L. 94-164, 89 Stat. 970 (Dec. 23, 1975), and have otherwise been further limited, waived, or abandoned by federal and state law, federal contracts, federal licenses, and equitable doctrines including but not limited to the following: adverse possession, estoppel, waiver, laches, etc.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

DAVID I. STANISH, Deputy Attorney General, duly sworn, upon oath, deposes and says:

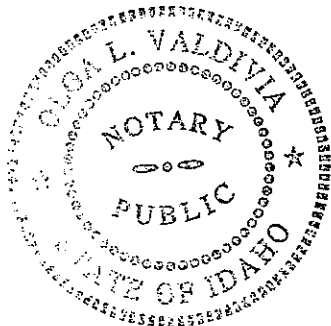
That the State of Idaho in its proprietary capacity is filing this objection and that I am a Deputy Attorney General authorized to represent the State of Idaho, which is a party/claimant in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

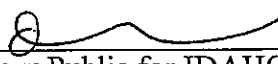
LAWRENCE G. WASDEN
Attorney General
CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division
DAVID I. STANISH
Deputy Attorney General



By Attorney signing in representative capacity

Subscribed and sworn to before me on: Oct. 27, 2009
(Insert Date)




Notary Public for IDAHO
Residing at: BOISE, ID
My commission expires: 2/8/2012

CERTIFICATE OF SERVICE

I certify that on this 27th day of October, 2009, I caused to be served the original and copies of the **AMEND OBJECTION** on the following persons by the methods indicated:

1. Original to:

CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
PO BOX 2707
TWIN FALLS, ID 83303-2707

- ☐ U.S. Mail, postage prepaid
☐ Hand Delivery
☒ Federal Express
☐ Facsimile: (208) 736-2121
☐ Statehouse Mail

2. Copies to:

IDAHO POWER COMPANY
Represented by:
JAMES C TUCKER
IDAHO POWER CO
PO BOX 70
BOISE, ID 83707

- ☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile:
☐ Statehouse Mail

IDAHO POWER COMPANY
Represented by:
MICHAEL A GHELETA
BROWNSTEIN HYATT ET AL
410 17TH STREET, SUITE 2200
DENVER, CO 80202

- ☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile:
☐ Statehouse Mail

ABERDEEN AMERICAN FALLS GWD
BINGHAM GWD
BONNEVILLE JEFFERSON GWD
CAREY VALLEY GWD
IGWA INC
JEFFERSON CLARK GWD
MADISON GWD
MAGIC VALLEY GWD
NORTH SNAKE GWD
Represented by:
RANDALL C BUDGE
201 E CENTER, STE A2
PO BOX 1391
POCATELLO, ID 83204-1391

- ☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile:
☐ Statehouse Mail

USDI BUREAU OF RECLAMATION

Represented by:

US DEPARTMENT OF JUSTICE

ENVIRONMENT & NATL' RESOURCES

550 WEST FORT STREET, MSC 033

BOISE, ID 83724

☒ U.S. Mail, postage prepaid

☐ Hand Delivery

☐ Federal Express

☐ Facsimile:

☐ Statehouse Mail

IDWR DOCUMENT DEPOSITORY

PO BOX 83720

BOISE, ID 83720-0098

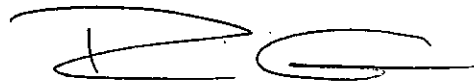
☐ U.S. Mail, postage prepaid

☐ Hand Delivery

☐ Federal Express

☐ Facsimile:

☒ Statehouse Mail



DAVID I. STANISH

Deputy Attorney General