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DEPARTMENT OF  
WATER RESOURCES

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Attorneys for: Upper Valley American Falls Spaceholders

**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 No. <b>01-2064</b>                 |
|                | ) | (USDI/BOR)                                    |
| Case No. 39576 | ) | (American Falls Reservoir Hydropower Storage) |
|                | ) |                                               |
|                | ) | <b>RESPONSE TO MOTION FOR</b>                 |
|                | ) | <b>RECONSIDERATION OR, IN THE</b>             |
|                | ) | <b>ALTERNATIVE, MOTION TO ALTER OR</b>        |
|                | ) | <b>AMEND</b>                                  |
| _____          | ) |                                               |

The American Falls Spaceholders, by and through their Attorney of Record, Jerry R. Rigby, hereby respond to the State of Idaho's Motion for Reconsideration Or, in the Alternative, Motion to Alter or Amend.

The State of Idaho correctly identifies that Idaho Power confirmed it no longer claims 255,000 acre feet of secondary storage. *Motion for Reconsideration, Or, in the Alternative, Motion to Alter or Amend*, at 3 (Apr. 25 2011), citing to *Idaho Power Comapny's Motion to Alter or Amend* at 2 n.1 (Apr. 21, 2011). The State of Idaho also identifies that the Court makes reference to an Idaho Power right to 300,000 acre feet for power storage purposes at American Falls. *Motion for Reconsideration, Or, in the Alternative, Motion to Alter or Amend*, at 3 (Apr.

**Response to Motion for Reconsideration or, in the Alternative, Motion to Alter or Amend -  
Page - 1**

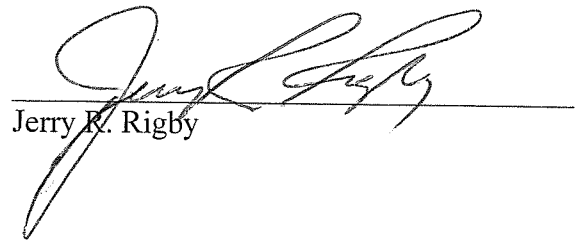
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25 2011), citing *Order on Motions for Summary Judgment and Alternative Motion for Declaratory Judgment* at 26, 27 (Mar. 31, 2011).

The American Falls Spaceholders agree with the State of Idaho that the Court's *Order on Motions for Summary Judgment and Alternative Motion for Declaratory Judgment* should be reconsidered and/or amended to clarify that Idaho Power's right at American Falls is limited to 45,000 acre feet or 2.65% of active storage capacity.

Therefore, the American Falls Spaceholders concur with the State of Idaho's prayer for relief, and respectfully request that the State of Idaho's prayer for relief be granted.

DATED this 3<sup>rd</sup> day of May, 2011

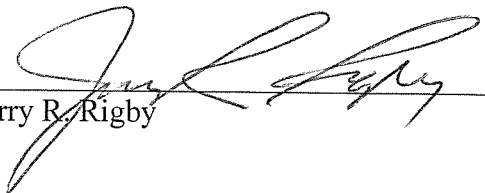
  
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DATED this 3<sup>rd</sup> day of May, 2011.

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