

12-16
RECEIVED
DEC 17 2013
DEPARTMENT OF
WATER RESOURCES

James C. Tucker, ISB No. 2038
Senior Attorney
IDAHO POWER COMPANY
1221 West Idaho Street
Boise, ID 83702-5627
Telephone: (208) 388-2112
Facsimile: (208) 388-6935

John K. Simpson, ISB No. 4242
Shelley M. Davis, ISB No. 6788
BARKER ROSHOLT & SIMPSON LLP
1010 W. Jefferson St., Ste. 102
P.O. Box 2139
Boise, Idaho 83701-2139
(208) 336-0700 – Telephone
(208) 344-6034 – Facsimile

Attorneys for Idaho Power Company

**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. 02-0080
)

Case No. 39576

) **RESPONSE OF IDAHO POWER COMPANY**
) **TO GRANDVIEW MUTUAL CANAL**
) **COMPANY'S MOTION TO SET ASIDE**
) **PARTIAL DECREE**
)
)

COMES NOW, Idaho Power Company, by and through its counsel, the law firm Barker Rosholt & Simpson, LLP, and hereby makes this Response to Grandview Mutual Canal Company's Motion to Set Aside Partial Decree in the above-referenced sub-case. At the outset, it should be noted that Idaho Power does not oppose the Motion to the extent that the additional authorized rate of diversion that Grandview Mutual is seeking is limited to that water necessary to account for conveyance loss for delivery to Grandview Mutual. That is the intent and purpose stated by Grandview Mutual in seeking the additional diversion rate.

**RESPONSE OF IDAHO POWER COMPANY TO GRANDVIEW MUTUAL CANAL
COMPANY'S MOTION TO SET ASIDE PARTIAL DECREE**

1

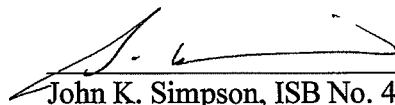
COPY

The records that Idaho Power Company reviewed, for the years 1985-2013, indicate that a rate of diversion in excess of the 75.5 cfs decreed to Grandview Mutual Canal Company through water right nos. 02-0080, 02-0081 and 02-7336, has been delivered during certain periods of the irrigation season in all of those years. Idaho Power does not seek to decrease or limit the historical diversion that has been delivered. Idaho Power Company continues to work with the Grandview Mutual Canal Company and cooperate in matters to ensure that the Grandview Mutual Canal Company is delivered sufficient water to meet the needs of its shareholders.

In 2006 Grandview Mutual Canal Company sought and received an increase in the number of acres covered by the place of use for its water right nos. 02-0080, 02-0081 and 02-7336, increasing the number of irrigated acres from 2,670 and 2,914 acres. Idaho Power seeks assurances that the increase in the rate of diversion sought in Grandview Mutual's Motion to Set Aside will not increase the consumptive use of water by the Grandview Mutual Canal Company, and further, that the increase in the rate of diversion will not place an additional burden on the Snake River.

Dated this 16th day of December, 2013.

BARKER ROSHOLT & SIMPSON LLP



John K. Simpson, ISB No. 4242
Shelley M. Davis, ISB No. 6788
BARKER ROSHOLT & SIMPSON LLP
1010 W. Jefferson St., Suite 102
P.O. Box 2139
Boise, ID 83701-2139
Attorneys for Idaho Power Company

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of December, 2013, I served a true and correct copy of the foregoing document, **IDAHO POWER COMPANY'S RESPONSE TO GRANDVIEW MUTUAL CANAL COMPANY'S MOTION TO SET ASIDE PARTIAL DECREE**, upon the following persons via the method indication below:

Clerk of the SRBA Court
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

- ☐ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☒ Facsimile: 208-736-2121

Dan Steenson
Sawtooth Law Offices, PLLC
1101 W. River St., Ste. 110
P.O. Box 7985
Boise, ID 83707

- ☒ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: 208-424-8774
- ☒ E-mail: dan@sawtoothlaw.com

State of Idaho

Represented by:

Clive Strong, Deputy A.G.
Michael C. Orr, Deputy A.G.
Natural Resources Division
700 W. Jefferson St., Rm. 210
P.O. Box 44449
Boise, ID 83711-4449

- ☒ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: 208-735-2444
- ☒ E-mail: clive.strong@ag.idaho.gov
- ☐ E-mail: michael.orr@ag.idaho.gov

Josephine P. Beeman
Beeman & Associates, P.C.
409 W. Jefferson Street
Boise, ID 83702

- ☒ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: 208-331-0954
- ☒ E-mail: jo.beeman@beemanlaw.com

United States Department of Justice
Environment & Natural Resources Division
550 West Fort Street
MSC 033
Boise, ID 83724

- ☒ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

- ☒ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile:
- ☐ Statehouse Mail

Idaho Power Company
Represented by:
James C. Tucker
P.O. Box 70
1221 W. Idaho
Boise, ID 83707

- ☒ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: 208-388-6935
- ☒ E-mail: JamesTucker@idahopower.com



Shelley M. Davis