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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

Subcase Nos. 63-297, 63-372, 63-296, 63-294, 63-295, 63-367, 63-33515, 63-33516, 63-299, 63-303, 63-300, 63-374

**OBJECTION TO COURT'S NOTICE OF
INTENT TO ISSUE AMENDED PARTIAL
DECREES**

COMES NOW, the Boise Project Board of Control, by and through its counsel of record, the law firm Barker Rosholt & Simpson, LLP, and hereby submits this Objection to the Court's Notice of Intent to Issue Amended Partial Decrees in the above-referenced sub-cases.

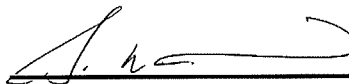
As explained by the Idaho Department of Water Resources in its Requests for Correction of Errors in the above-referenced sub-case numbers, the Department discovered that 13 water rights that were decreed in the Bryan Decree with priority dates senior to the Stewart Decree rights require clarification, and the Department has requested that subordination language be inserted on the face of those 13 partial decrees to clarify administration. However, after reviewing the remarks that are currently included on both the Bryan Decree and Stewart Decree partial decrees, it has become clear that the identical remarks do not accurately reflect the priorities of such rights with respect to what is commonly referred to as the "step-down

provision.” Inclusion of the Department’s requested subordination provision is insufficient to remedy the ambiguity created by the inclusion of the identical step-down remark on both the Bryan and Stewart Decree rights. The Department and interested parties are in discussion concerning how best to remedy this error.

Additionally, specifically with regard to water right no. 63-303 inclusion of the requested subordination remark on an amended decree for this right is inappropriate. With regard to water right no. 63-303 specifically, the Bryan Decree states that it “shall not be subject to cut until the flow of the Boise River is insufficient to supply the said right and all rights prior thereto,” distinguishing water right no. 63-303 from identical administration with the other Bryan Decree rights identified. The requested subordination provision should not be included on water right no. 63-303.

Dated this 11th day of July, 2014.

BARKER ROSHOLT & SIMPSON LLP

A handwritten signature in black ink, appearing to read 'S. Davis', is written over a horizontal line.

Shelley M. Davis
Attorneys for Boise Project Board of Control

CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of July, 2014, I served a true and correct copy of the foregoing **OBJECTION TO COURT'S NOTICE OF INTENT TO ISSUE AMENDED PARTIAL DECREES** on the person(s) listed below in the manner indicated:

Filed with the SRBA Court via **HAND DELIVERY**.

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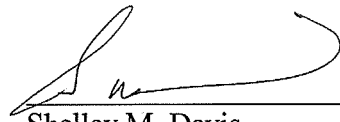
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