

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re CSRBA)

A. Subcase 95-9119

(Insert water right number)

Case No. 49576)

STANDARD FORM 1
OBJECTION

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Avista Corporation

Address: 1411 East Mission Avenue
Spokane, WA 99220-3727

Daytime Phone: 509-489-0500

Name & Address of Attorney, if any:

Chris Bromley

McHugh Bromley, PLLC

380 S. 4th St., Ste. 103

Boise, ID 83702

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

Name: Avista Corporation

Address: 1411 East Mission Avenue
Spokane, WA 99220-3727

D. I object to the following elements or general provision 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: As claimed, see line E, below.
4. ☐ **Priority Date**
Should be: _____
5. ☒ **Point of Diversion**
Should be: As claimed, which includes T.50N, R.05W, S.3, SWNW.
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☒ **Purpose(s) of Use**
Should be: As claimed, see line E, below.
8. ☒ **Period of Year**
Should be: As claimed, 1/1 - 12/31. See line E, below.
9. ☐ **Place of Use**
Should be: _____
10. ☐ **General Provision** ☐ Individual Water Right ☐ All Water Rights
☐ Should not be recommended.

☐ This general provision was not recommended but should be recommended as described below.

Should be: _____

☐ General provision was recommended but should be modified as described below.

Should be: _____

11. ☐ **I object** because the recommendation contains an accomplished transfer under Idaho Code § 42-1425 resulting in injury to my water right(s) and/or enlargement of the original right.

12. ☐ **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): _____

Avista operates Post Falls Hydroelectric Development consistent with its FERC license and Idaho 401 certification. The conditions in the Quantity, Purpose of Use, and Period of Use elements should be removed as they are inconsistent with Avista's FERC license and Idaho 401 certification.

Point of diversion should include the legal description of the dam in the north channel of the Spokane River -- T.50N, R.05W, S.3, SWNW.

(Signature of person filing objection)



(Attorney signing in representative capacity)

INSTRUCTIONS FOR MAILING

You must mail the Objection, to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

F. CERTIFICATE OF MAILING

I certify that on April 29, 2019, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to: Clerk of the District Court
Coeur d'Alene-Spokane River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Avista Corporation
Address: 1411 East Mission Avenue
Spokane, WA 99220-3727

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
State of Idaho
PO Box 83720
Boise, ID 83720-0010



Signature of Objector or attorney
mailing on Objector's behalf