

Robert Maynard, Bar No. 5537
Rmaynard@perkinscoie.com
Erika E. Malmen, Bar No. 6185
Emalmen@perkinscoie.com
PERKINS COIE LLP
251 East Front Street, Suite 400
Boise, ID 83702-7310
Telephone: 208.343.3434
Facsimile: 208.343.3232

Attorneys for City of Boise and Ada County

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

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)
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Subcase No: 63-03618

**AFFIDAVIT OF VICTOR A.
ENGEL**

STATE OF MASSACHUSETTS

County of Essex

)
) ss.
)

VICTOR A. ENGEL, being first duly sworn upon oath, deposes and says as
follows:

1. That I am the Vice-President of Engineering & Regulatory Affairs at Fulcrum, Inc., a subsidiary of Enel North America, Inc. and have been employed with the company since March 15, 1993.

2. That as the Vice-President, I have oversight of the operation of the Barber Project which is located in Ada County, Idaho, on the Boise River.

3. That I make these statements based on personal knowledge.

4. Fulcrum, Inc. leases the Barber Project from Ada County.

5. The Barber Project is a power producing facility that operates year round.

6. The power that is produced from the Barber Project is sold to Idaho Power.

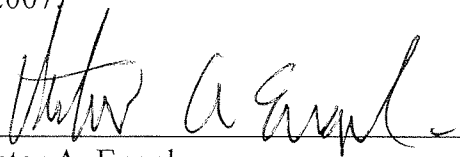
7. The Barber Project cannot operate if the water in the Boise River is less than 150 cfs.

8. Power has been produced at the Barber Project during the October through March timeframe since 1995.

9. Based on energy payments from Idaho Power from October 2005 through March 2006, revenue to Fulcrum, Inc. would decrease by \$241,046.47 if the Barber Project did not operate and produce power.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

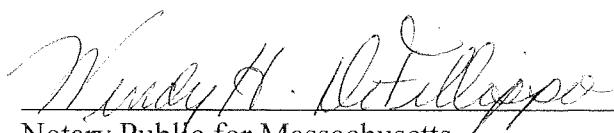
DATED this 12th day of October, 2007/



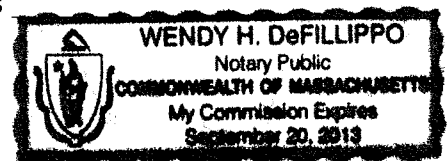
Victor A. Engel
Vice President, Fulcrum, Inc.

STATE OF MASSACHUSETTS)
County of Essex) ss.

SUBSCRIBED AND SWORN to before me this 12 day of October, 2007.



Notary Public for Massachusetts
Commission Expires



CERTIFICATE OF SERVICE

The undersigned hereby certifies under penalty of perjury under the laws of the State of Idaho that, on this 15th day of October, 2007, he/she/they caused to be served on the person(s) listed below in the manner shown:

AFFIDAVIT OF VICTOR A. ENGEL

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

Hand Delivery ☐
U.S. Mail ☒
Facsimile: (208) 736-2121 ☒
Overnight Mail ☐

State of Idaho
c/o Natural Resources Div. Chief
Attorney General's Office
P.O. Box 44449
Boise, Idaho 83711-4449

Hand Delivery ☐
U.S. Mail ☒
Facsimile: (208) 334-2690 ☐
Overnight Mail ☐

United States of America
US Department of Justice
Envir. & Nat. Resources
550 West Fort Street, MSC 033
Boise, Idaho 83724

Hand Delivery ☐
U.S. Mail ☒
Facsimile: _____ ☐
Overnight Mail ☐

Director
Idaho Dept. of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098

Hand Delivery ☐
U.S. Mail ☒
Facsimile: _____ ☐
Overnight Mail ☐

Scott L. Campbell
P.O. Box 829
Boise, Idaho 83701-0829

Hand Delivery ☐
U.S. Mail ☒
Facsimile: (208) 385-5384 ☐
Overnight Mail ☐

Albert P. Barker
Shelley M. Davis
P.O. Box 2139
Boise, Idaho 83701-2139

Hand Delivery ☐
U.S. Mail ☒
Facsimile: (208) 334-6034 ☐
Overnight Mail ☐

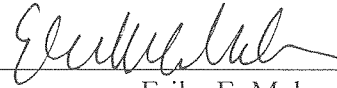
Jerry A. Kiser
620 West Hayes
Boise, Idaho 83702

Hand Delivery ☐
U.S. Mail ☒
Facsimile: (208) 336-1027 ☐
Overnight Mail ☐

Daniel V. Steenson
S. Bryce Farris
P.O. Box 2773
Boise, Idaho 83701-2773

Hand Delivery
U.S. Mail
Facsimile: (208) 342-4657
Overnight Mail

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Erika E. Malmen