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DEPARTMENT OF
WATER RESOURCES

LAWRENCE G. WASDEN
Attorney General

STEVEN L. OLSEN
Deputy Attorney General
Chief, Civil Litigation Division

KARL T. KLEIN (ISB # 5156)
Deputy Attorney General
Civil Litigation Division

MICHAEL C. ORR (ISB # 6720)
Deputy Attorney General
Natural Resources Division

700 West Jefferson Street Room 210
P.O. Box 44449
Boise, ID 83711-4449
(208) 334-2400
Attorneys for The State of Idaho

**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	)	Consolidated Subcase no. 92-23
	)	
Case No. 39576	)	AFFIDAVIT OF LAIRD NOH
	)	
_____		)

STATE OF IDAHO	)
	) ss.
COUNTY OF ADA	)

LAIRD NOH, being first duly sworn upon his oath, deposes and states that:

1. The following is based upon my own personal knowledge.
2. I was a Senator of the Idaho Senate and the Chairman of the Idaho Senate

Resource and Environment Committee ("the Committee") during the 1985 and 1986 legislative sessions. I was present for and presided over the Committee's proceedings on the legislation proposed and enacted in 1985 and 1986 in connection with the dispute between the State of Idaho and Idaho Power Company over the validity and scope of certain water rights claimed by Idaho Power Company at the Swan Falls dam and other hydroelectric facilities upstream of Swan Falls. As Chairman of the Committee, it was my responsibility to determine what documents were to be included in compiling the legislative record of the Committee's proceedings.

3. The Committee made audio tape recordings of its hearings and meetings as a standard practice. In light of the controversy surrounding the above-described dispute, and the singular importance and potentially historic nature of the proposed legislation described above, I directed, as Chairman of the Committee, that the audio tape recordings of the Committee's hearings for January 18, 21, 25 and February 1, 1985, be permanently preserved as part of the official legislative record. I also advised the other Committee members that the tape recordings would be permanently preserved.

4. I observed the making of the audio recordings of the Committee's hearings of January 18, 21, 25 and February 1, 1985. The Committee secretary, Bev Mullins, recorded the proceedings on audio tape cassettes in plain view of the Committee members and most, if not all, of the non-committee members in attendance. I discussed the recordings with Ms. Mullins on several occasions, and also held the audio tape cassettes in my hands on several occasions.

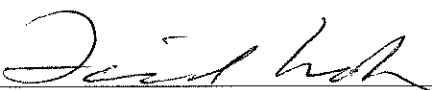
5. I directed Ms. Mullins to deliver the audio cassette tapes containing the recordings of the Committee's hearings of January 18, 21, 25 and February 1, 1985, to the Legislative Services Office. To the best of my knowledge, Ms. Mullins delivered the audio cassette tapes to Mike Nugent of the Legislative Services Office and he placed the audio tape

cassettes in the vault in the basement of the Statehouse.

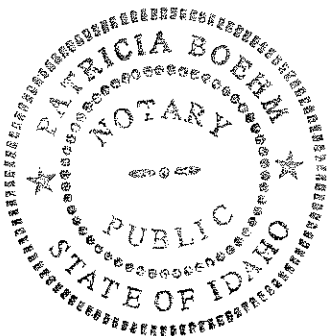
6. It is my understanding that the audio tape cassettes were moved from the vault to the Legislative Reference Library. I recently visited the Legislative Reference Library to review the audio tape cassettes. I inspected the cassettes and reviewed portions of the recordings on each cassette. Based on my inspection and review, I concluded that the audio tape cassettes held in the Legislative Reference Library are the same cassettes that are described in paragraph 4 above.

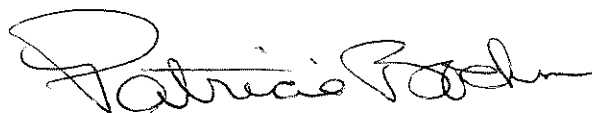
7. Representatives of the Office of the Attorney General have provided me with compact discs that were represented to me to contain full and complete copies of the recordings on the audio tape cassettes described in paragraphs 4 and 6 above. I have listened carefully to all of the recordings on said compact discs. Based on my review of the compact discs, I concluded that the recordings on the compact discs are fair and accurate recordings of the Committee's hearings on January 18, 21, 25 and February 1, 1985.

DATED this 4th day of January 2008.


LAIRD NOH

SUBSCRIBED AND SWORN to before me this 4th day of January 2008.




Notary Public for Idaho
Residing at: Seise ID
My commission expires: 11/6/09

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of January 2008, I caused to be served a true and correct copy of the foregoing AFFIDAVIT OF LAIRD NOH to the following parties by the indicated methods:

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

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

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: _____

Idaho Power Company
Represented by:
James S. Lochhead
Adam T. DeVoe
Mark J. Mathews
Michael A. Gheleta
Michelle C. Kales
Brownstein Hyatt Farber Shreck
410 17th Street, Ste. 2200
Denver, CO 80202-4432

- ☒ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: 303-223-0904
- ☒ E-mail: MGheleta@BHFS.com

Idaho Power Company
Represented by
John K. Simpson
Shelley M. Davis
1010 W. Jefferson, Suite 102
Boise, ID 83701-2139

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

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

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho -
P.O. Box 44449
Boise, Idaho 83720-4449

- ☐ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: _____
- ☒ Not Applicable

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

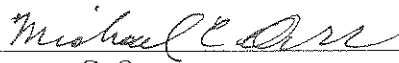
- ☒ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: _____

Randall C. Budge
Candice M. McHugh
Racine Olson Nye Budge & Bailey,
Chartered
P.O. Box 1391
Pocatello, Idaho 83204-1391

- ☒ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: _____
- ☒ E-mail: cmm@racinelaw.net

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

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



MICHAEL C. ORR
Deputy Attorney General