

**COPY**

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DEPARTMENT OF  
WATER RESOURCES

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700 West State Street, 2<sup>nd</sup> Floor  
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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 | ) | <b>AFFIDAVIT OF MICHAEL</b>    |
|                | ) | <b>C. ORR IN SUPPORT OF</b>    |
|                | ) | <b>STATE OF IDAHO'S MOTION</b> |
|                | ) | <b>FOR PARTIAL SUMMARY</b>     |
|                | ) | <b>JUDGMENT</b>                |
|                | ) |                                |

STATE OF IDAHO            )  
                                  ) ss.  
COUNTY OF ADA         )

MICHAEL C. ORR, being first duly sworn upon his oath, deposes and states that:

1.     I am a Deputy Attorney General and one of the attorneys of record for the

State of Idaho in this consolidated subcase.

2. The following is based upon my own personal knowledge.

3. Attached hereto as Exhibit 1 is a true and correct copy of a letter I received from Kristin M. Ford, Legislative Librarian, regarding certified copies of legislative records that I requested and that Ms. Ford provided from the Legislative Reference Library of the Legislative Services Office.

4. Attached hereto as Exhibit 2 are true and correct copies of "Certification of Documents" I received from Kristin M. Ford, Legislative Librarian, for copies of certain legislative records I requested of and received from the Legislative Reference Library of the Legislative Services Office.

5. Attached hereto as Exhibit 3 are true and correct copies of the certified copies of 1985 Senate Bill 1008 and its Statement of Purpose that I received from the Legislative Reference Library of the Legislative Services Office.

6. Attached hereto as Exhibit 4 are true and correct copies of the certified copies of 1985 Senate Bill 1005 and its Statement of Purpose that I received from the Legislative Reference Library of the Legislative Services Office.

7. Attached hereto as Exhibit 5 is a true and correct copy of the certified copy of the minutes of the Senate Resources and Environment Committee for **January 9, 1985**, including all attachments, that I received from the Legislative Reference Library of the Legislative Services Office.

8. Attached hereto as Exhibit 6 is a true and correct copy of the certified copy of the minutes of the Senate Resources and Environment Committee for **January 11, 1985**, including all attachments, that I received from the Legislative Reference

Library of the Legislative Services Office.

9. Attached hereto as Exhibit 7 is a true and correct copy of the certified copy of the minutes of the Senate Resources and Environment Committee for **January 16, 1985**, including all attachments, that I received from the Legislative Reference Library of the Legislative Services Office.

10. Attached hereto as Exhibit 8 is a true and correct copy of the certified copy of the minutes of the Senate Resources and Environment Committee for **January 18, 1985**, including all attachments, that I received from the Legislative Reference Library of the Legislative Services Office.

11. Attached hereto as Exhibit 9 is a true and correct copy of the certified copy of the minutes of the Senate Resources and Environment Committee for its **January 21, 1985** "Public Hearing," including all attachments, that I received from the Legislative Reference Library of the Legislative Services Office.

12. Attached hereto as Exhibit 10 is a true and correct copy of the certified copy of the minutes of the Senate Resources and Environment Committee for **January 25, 1985**, including all attachments, that I received from the Legislative Reference Library of the Legislative Services Office.

13. Attached hereto as Exhibit 11 is a true and correct copy of the certified copy of the minutes of the Senate Resources and Environment Committee for **February 1, 1985**, including all attachments, that I received from the Legislative Reference Library of the Legislative Services Office.

14. Attached hereto as Exhibit 12 is a true and correct copy of the certified copy of the minutes of the Senate Resources and Environment Committee for **February**

6, 1985, including all attachments, that I received from the Legislative Reference Library of the Legislative Services Office.

15. Attached hereto as Exhibit 13 is a true and correct copy of the certified copy of the minutes of the Senate Resources and Environment Committee for **February 8, 1985**, including all attachments, that I received from the Legislative Reference Library of the Legislative Services Office.

16. Attached hereto as Exhibit 14 is a true and correct copy of the certified copy of the minutes of the Senate Resources and Environment Committee for **February 15, 1985**, including all attachments, that I received from the Legislative Reference Library of the Legislative Services Office.

17. Attached hereto as Exhibit 15 is a true and correct copy of the certified copy of the minutes of the Senate Resources and Environment Committee for **March 4, 1985**, including all attachments, that I received from the Legislative Reference Library of the Legislative Services Office.

18. Attached hereto as Exhibit 16 is a true and correct copy of the certified copy of the minutes of the Senate Resources and Environment Committee for **March 6, 1985**, including all attachments, that I received from the Legislative Reference Library of the Legislative Services Office.

19. Attached hereto as Exhibit 17 is a true and correct copy of the certified copy of the minutes of the House Resources and Conservation Committee for **January 17, 1985**, including all attachments, that I received from the Legislative Reference Library of the Legislative Services Office.

20. Attached hereto as Exhibit 18 is a true and correct copy of the certified

copy of the minutes of the House Resources and Conservation Committee for **January 31, 1985**, including all attachments, that I received from the Legislative Reference Library of the Legislative Services Office.

21. Attached hereto as Exhibit 19 is a true and correct copy of the certified copy of the minutes of the House Resources and Conservation Committee for **February 1, 1985**, including all attachments, that I received from the Legislative Reference Library of the Legislative Services Office.

22. Attached hereto as Exhibit 20 is a true and correct copy of the certified copy of the minutes of the House Resources and Conservation Committee for **February 11, 1985**, including all attachments, that I received from the Legislative Reference Library of the Legislative Services Office.

23. Attached hereto as Exhibit 21 is a true and correct copy of the certified copy of the minutes of the House Resources and Conservation Committee for **February 13, 1985**, including all attachments, that I received from the Legislative Reference Library of the Legislative Services Office.

24. Attached hereto as Exhibit 22 is a true and correct copy of the certified copy of the minutes of the House Resources and Conservation Committee for **February 15, 1985**, including all attachments, that I received from the Legislative Reference Library of the Legislative Services Office.

25. Attached hereto as Exhibit 23 is a true and correct copy of the certified copy of the minutes of the House Resources and Conservation Committee for **February 19, 1985**, including all attachments, that I received from the Legislative Reference Library of the Legislative Services Office.

26. Attached hereto as Exhibit 24 is a true and correct copy of the certified copy of the minutes of the House Resources and Conservation Committee for **February 25, 1985**, including all attachments, that I received from the Legislative Reference Library of the Legislative Services Office.

27. Attached hereto as Exhibit 25 is a true and correct copy of the certified copy of the minutes of the House Resources and Conservation Committee for **March 7, 1985**, including all attachments, that I received from the Legislative Reference Library of the Legislative Services Office.

28. Attached hereto as Exhibit 26 is a true and correct copy of the certified copy of the minutes of the Senate State Affairs Committee for **January 25, 1985**, including all attachments, that I received from the Legislative Reference Library of the Legislative Services Office.

29. Attached hereto as Exhibit 27 is a true and correct copy of the certified copy of the minutes of the Senate State Affairs Committee for **February 1, 1985**, including all attachments, that I received from the Legislative Reference Library of the Legislative Services Office.

30. Attached hereto as Exhibit 28 are true and correct copies of the certified copies of the title page, page 22, and pages 58-61 of the 1985 Journal of the State Senate that I received from the Legislative Reference Library of the Legislative Services Office.

31. Attached hereto as Exhibit 29 is a true and correct copy of the certified copy of the "Framework for Final Resolution of Snake River Water Rights Controversy" that I received from the Idaho Department of Water Resources.

32. Attached hereto as Exhibit 30 is a true and correct copy of the certified

copy of the Swan Falls "Agreement" of October 25, 1984, that I received from the Idaho Department of Water Resources.

33. Attached hereto as Exhibit 31 is a true and correct copy of the certified copy of the "Contract to Implement Chapter 259, Sess. Laws, 1983," of October 25, 1984, that I received from the Idaho Department of Water Resources.

34. Attached hereto as Exhibit 32 is a true and correct copy of the certified copy of the November 1984 edition of "Currents" that I received from the Idaho Department of Water Resources.

35. Attached hereto as Exhibit 33 is a compact disc containing true and correct copies of the audio tape recordings of the proceedings of the Senate Resources and Environment Committee of January 18, 1985, which are on file in the Legislative Reference Library.

36. Attached hereto as Exhibit 34a is a compact disc containing true and correct copies of the first part of the audio tape recordings of the proceedings of the Senate Resources and Environment Committee of January 21, 1985, which are on file in the Legislative Reference Library.

37. Attached hereto as Exhibit 34b is a compact disc containing true and correct copies of the second part of the audio tape recordings of the proceedings of the Senate Resources and Environment Committee of January 21, 1985, which are on file in the Legislative Reference Library.

38. Attached hereto as Exhibit 35 is a compact disc containing true and correct copies of the audio tape recordings of the proceedings of the Senate Resources and Environment Committee of January 25, 1985, which are on file in the Legislative

Reference Library.

39. Attached hereto as Exhibit 36 is a compact disc containing true and correct copies of the audio tape recordings of the proceedings of the Senate Resources and Environment Committee of February 1, 1985, which are on file in the Legislative Reference Library.

40. Attached hereto as Exhibit 37 is a true and correct copy of a court reporter's transcript of Exhibit 33 that I caused to be prepared.

41. Attached hereto as Exhibit 38 is a true and correct copy of a court reporter's transcript of Exhibits 34a and 34b that I caused to be prepared.

42. Attached hereto as Exhibit 39 is a true and correct copy of a court reporter's transcript of Exhibit 35 that I caused to be prepared.

43. Attached hereto as Exhibit 40 is a true and correct copy of a court reporter's transcript of Exhibit 36 that I caused to be prepared.

44. Attached hereto as Exhibit 41 is a compact disc containing true and correct copies of the audio tape recordings of the Idaho Water Resource Board's October 25, 1984, public information meeting on the Swan Falls settlement, which are on file with the Idaho Water Resource Board.

45. Attached hereto as Exhibit 42 is a compact disc containing true and correct copies of the audio tape recordings of the Idaho Water Resource Board's October 31, 1984, public information meeting on the Swan Falls settlement, which are on file with the Idaho Water Resource Board.

46. Attached hereto as Exhibit 43a is a compact disc containing true and correct copies of the first part of the audio tape recordings of the Idaho Water Resource

Board's November 1, 1984, public information meeting on the Swan Falls settlement, which are on file with the Idaho Water Resource Board.

47. Attached hereto as Exhibit 43b is a compact disc containing true and correct copies of the second part of the audio tape recordings of the Idaho Water Resource Board's November 1, 1984, public information meeting on the Swan Falls settlement, which are on file with the Idaho Water Resource Board.

48. Attached hereto as Exhibit 44 is a true and correct copy of a court reporter's transcript of Exhibit 41 that I caused to be prepared.

49. Attached hereto as Exhibit 45 is a true and correct copy of a court reporter's transcript of Exhibit 42 that I caused to be prepared.

50. Attached hereto as Exhibit 46 is a true and correct copy of a court reporter's transcript of Exhibits 43a and 43b that I caused to be prepared.

51. Attached hereto as Exhibit 47 is a true and correct copy of the certified copy of the "Affirmation of Continuation of Agreement" that I received from the Idaho Department of Water Resources.

52. Attached hereto as Exhibit 48 are true and correct copies of certified copies of "News Releases" that I received from the Idaho Department of Water Resources.

53. Attached hereto as Exhibit 49 is a true and correct copy of the certified copy of a "Request for Comment and Notice of Intent to Write and Adopt Rules and Regulations for Water Appropriation" that I received from the Idaho Department of Water Resources.

54. Attached hereto as Exhibit 50 is a true and correct copy of the certified

copy of a letter dated June 13, 1985, from Thomas G. Nelson to A. Kenneth Dunn, Director of the Idaho Department of Water Resources that I received from the Idaho Department of Water Resources.

55. Attached hereto as Exhibit 51 is a true and correct copy of the certified copy of a letter dated June 24, 1985 from Norman C. Young of the Idaho Department of Water Resources to Thomas G. Nelson that I received from the Idaho Department of Water Resources.

56. Attached hereto as Exhibit 52 is a true and correct copy of the certified copy of the October 1985 edition of "Currents" that I received from the Idaho Department of Water Resources.

57. Attached hereto as Exhibit 53 is a true and correct copy of the certified copy of a letter dated November 5, 1985, from Thomas G. Nelson to A. Kenneth Dunn, Director of the Idaho Department of Water Resources that I received from the Idaho Department of Water Resources.

58. Attached hereto as Exhibit 54 is a true and correct copy of the certified copy of the December 1985 edition of "Currents" that I received from the Idaho Department of Water Resources.

59. Attached hereto as Exhibit 55 is a true and correct copy of the certification I received from Linda Morton-Keithley, Administrator of the Public Archives and Research Library of the Idaho State Historical Society.

60. Attached hereto as Exhibit 56 is a true and correct copy of the certified copy of Idaho Power Company's "Petition for Declaratory Judgment," including attached exhibits, that I received from the Public Archives and Research Library of the Idaho State

Historical Society.

61. Attached hereto as Exhibit 57 is a true and correct copy of the certified copy of Idaho Power Company's "Notice of Dismissal" that I received from the Public Archives and Research Library of the Idaho State Historical Society.

62. Attached hereto as Exhibit 58 is a true and correct copy of the certified copy of Idaho Power Company's "Petition for the Amendment of Rule 5,2. of the Water Appropriation Rules and Regulations Adopted April 8, 1986" that I received from the Idaho Department of Water Resources.

63. Attached hereto as Exhibit 59 is a true and correct copy of the certified copy of the "Objections of Idaho Power Company" that I received from the Idaho Department of Water Resources.

64. Attached hereto as Exhibit 60 are true and correct copies of the certified copies of 1986 Senate Bill 1358 and its Statement of Purpose that I received from the Legislative Reference Library of the Legislative Services Office.

65. Attached hereto as Exhibit 61 is a true and correct copy of the certified copy of the minutes of the Senate Resources and Environment Committee for **February 5, 1986**, including all attachments, that I received from the Legislative Reference Library of the Legislative Services Office.

66. Attached hereto as Exhibit 62 is a true and correct copy of the certified copy of the minutes of the Senate Resources and Environment Committee for **February 19, 1986**, including all attachments, that I received from the Legislative Reference Library of the Legislative Services Office.

67. Attached hereto as Exhibit 63 is a true and correct copy of the certified

copy of the minutes of the House Resources and Conservation Committee for **March 13, 1986**, including all attachments, that I received from the Legislative Reference Library of the Legislative Services Office.

68. Attached hereto as Exhibit 64 is a true and correct copy of a certified copy of a letter from Commissioner of Reclamation W. G. Swendsen to Governor C.C. Moore, dated August 18, 1924, that I received from the Idaho State Historical Society.

69. Attached hereto as Exhibit 65 is a true and correct copy of a certified copy of Order no. 19590 of the Idaho Public Utilities Commission that I received from the Idaho Public Utilities Commission.

70. Attached hereto as Exhibit 66 is a true and correct copy of the certified copy of the January 1985 edition of "Currents" that I received from the Idaho Department of Water Resources.

71. Attached hereto as Exhibit 67 is a true and correct copy of the certified copy of an order of the Federal Energy Regulatory Commission ("FERC") that I received from FERC.

72. Attached hereto as Exhibit 68 is a true and correct copy of the certified copy of the "Joint Agreement Regarding Fish and Wildlife Studies" that I received from FERC.

73. Attached hereto as Exhibit 69 is a true and correct copy of a letter from Idaho Attorney General Jim Jones to Idaho Governor John Evans dated October 17, 1984.

74. Attached hereto as Exhibit 70 are true and correct copies of certified copies of 1985 Senate Bill 1205 and its Statement of Purpose that I received from the

Legislative Reference Library of the Legislative Services Office.

75. Attached hereto as Exhibit 71 is a true and correct copy of a certified copy of the minutes of the Idaho Water Resource Board for November 2, 1984, that I received from the Idaho Water Resource Board.

76. Attached hereto as Exhibit 72 is a true and correct copy of a certified copy of the minutes of the Idaho Water Resource Board for January 17, 1985, that I received from the Idaho Water Resource Board.

77. Attached hereto as Exhibit 73 is a true and correct copy of a certified copy of the minutes of the Idaho Water Resource Board for March 1, 1985, that I received from the Idaho Water Resource Board.

78. Attached hereto as Exhibit 74 are true and correct copies of pages 2-3 of the State of Idaho's First Set of Requests for Admission and Requests for Production of Documents to Idaho Power Company in consolidated subcase 92-23 (Oct. 18, 2007).

79. Attached hereto as Exhibit 75 are true and correct copies of pages 3-4 of Idaho Power Company's Response to the State of Idaho's First Set of Requests for Admission and Requests for Production of Documents State's First Set of Discovery Requests in consolidated subcase (Nov. 19, 2007).

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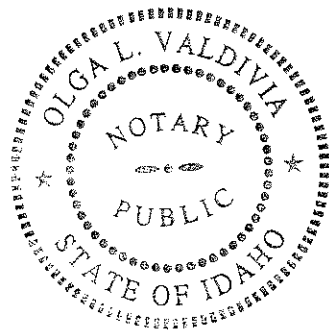
/

/

DATED this 9<sup>th</sup> day of January 2008.

Michael C. Orr  
MICHAEL C. ORR  
Deputy Attorney General

SUBSCRIBED AND SWORN to before me this 9<sup>th</sup> day of January, 2008.



Olga L. Valdivia  
Notary Public for Idaho  
Residing at: Boise, ID  
My commission expires: 2/8/2012

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11<sup>th</sup> day of January 2008, I caused to be served a true and correct copy of the foregoing AFFIDAVIT OF MICHAEL C. ORR IN SUPPORT OF STATE OF IDAHO'S MOTION FOR PARTIAL SUMMARY JUDGMENT, 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 17<sup>th</sup> 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

- ☐ 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

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

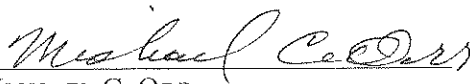
- ☒ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: \_\_\_\_\_

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

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- ☐ Overnight Mail
- ☐ Facsimile: \_\_\_\_\_
- ☐ E-mail: [cmm@racinelaw.net](mailto:cmm@racinelaw.net)

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

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- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: \_\_\_\_\_
- ☐ E-mail: : [jo.beeman@beemanlaw.com](mailto:jo.beeman@beemanlaw.com)

  
MICHAEL C. ORR  
Deputy Attorney General

**Exhibits to Affidavit of Michael C. Orr in Support of State of Idaho's Motion for Partial Summary Judgment**  
*In Re SRBA, Case No. 39576, Consolidated Subcase no. 92-23*

| Exhibit | Description                                                                                                 |
|---------|-------------------------------------------------------------------------------------------------------------|
| 1       | Letter from Kristin M. Ford, Legislative Librarian, re: certified copies from Legislative Reference Library |
| 2       | "Certification of Documents" (Legislative Reference Library)                                                |
| 3       | 1985 Senate Bill 1008 & Statement of Purpose                                                                |
| 4       | 1985 Senate Bill 1005 & Statement of Purpose                                                                |
| 5       | Senate Resources & Environment Committee Minutes - January 9, 1985                                          |
| 6       | Senate Resources & Environment Committee Minutes - January 11, 1985                                         |
| 7       | Senate Resources & Environment Committee Minutes - January 16, 1985                                         |
| 8       | Senate Resources & Environment Committee Minutes - January 18, 1985 (Recording: 33; Transcript: 37)         |
| 9       | Senate Resources & Environment Committee Minutes - January 21, 1985 (Recording: 34a, 34b; Transcript: 38)   |
| 10      | Senate Resources & Environment Committee Minutes - January 25, 1985 (Recording: 35; Transcript: 39)         |
| 11      | Senate Resources & Environment Committee Minutes - February 1, 1985 (Recording: 36; Transcript: 40)         |
| 12      | Senate Resources & Environment Committee Minutes - February 6, 1985                                         |
| 13      | Senate Resources & Environment Committee Minutes - February 8, 1985                                         |
| 14      | Senate Resources & Environment Committee Minutes - February 15, 1985                                        |
| 15      | Senate Resources & Environment Committee Minutes - March 4, 1985                                            |
| 16      | Senate Resources & Environment Committee Minutes - March 6, 1985                                            |
| 17      | House Resources & Conservation Committee Minutes - January 17, 1985                                         |
| 18      | House Resources & Conservation Committee Minutes - January 31, 1985                                         |
| 19      | House Resources & Conservation Committee Minutes - February 1, 1985                                         |
| 20      | House Resources & Conservation Committee Minutes - February 11, 1985                                        |
| 21      | House Resources & Conservation Committee Minutes - February 13, 1985                                        |
| 22      | House Resources & Conservation Committee Minutes - February 15, 1985                                        |
| 23      | House Resources & Conservation Committee Minutes - February 19, 1985                                        |
| 24      | House Resources & Conservation Committee Minutes - February 25, 1985                                        |
| 25      | House Resources & Conservation Committee Minutes - March 7, 1985                                            |
| 26      | Senate State Affairs Committee Minutes - January 25, 1985                                                   |
| 27      | Senate State Affairs Committee Minutes - February 1, 1985                                                   |
| 28      | 1985 Senate Journal Excerpts, including "Statement of Legislative Intent - S 1008"                          |
| 29      | Framework for Final Resolution of Snake River Water Rights Controversy (October 1, 1984)                    |
| 30      | Swan Falls Agreement (October 25, 1984)                                                                     |
| 31      | Contract to Implement 1983 Sess. Laws Chapter 259 ("1180 Contract") (October 25, 1984)                      |
| 32      | "Currents," November 1984                                                                                   |
| 33      | Recording - Senate Resources & Environment Committee - January 18, 1985                                     |
| 34a     | Recording - Senate Resources & Environment Committee - January 21, 1985                                     |
| 34b     | Recording - Senate Resources & Environment Committee - January 21, 1985                                     |
| 35      | Recording - Senate Resources & Environment Committee - January 25, 1985                                     |
| 36      | Recording - Senate Resources & Environment Committee - February 1, 1985                                     |

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DEPARTMENT OF  
WATER RESOURCES

**Exhibits to Affidavit of Michael C. Orr in Support of State of Idaho's Motion for Partial Summary Judgment**  
*In Re SRBA, Case No. 39576, Consolidated Subcase no. 92-23*

|     |                                                                                                                        |
|-----|------------------------------------------------------------------------------------------------------------------------|
| 37  | Attorney General's transcript of recording of Senate Resources & Environment Committee - January 18, 1985              |
| 38  | Attorney General's transcript of recording of Senate Resources & Environment Committee - January 21, 1985              |
| 39  | Attorney General's transcript of recording of Senate Resources & Environment Committee - January 25, 1985              |
| 40  | Attorney General's transcript of recording of Senate Resources & Environment Committee - February 1, 1985              |
| 41  | Recording - Idaho Water Resource Board Public Information Meeting - October 25, 1984 (Transcript: 44)                  |
| 42  | Recording - Idaho Water Resource Board Public Information Meeting - October 31, 1984 (Transcript: 45)                  |
| 43a | Recording - Idaho Water Resource Board Public Information Meeting - November 1, 1984 (Transcript: 46)                  |
| 43b | Recording - Idaho Water Resource Board Public Information Meeting - November 1, 1984 (Transcript: 46)                  |
| 44  | Attorney General's transcript of recording of Idaho Water Resource Board Public Information Meeting - October 25, 1984 |
| 45  | Attorney General's transcript of recording of Idaho Water Resource Board Public Information Meeting - October 31, 1984 |
| 46  | Attorney General's transcript of recording of Idaho Water Resource Board Public Information Meeting - November 1, 1984 |
| 47  | Affirmation of Continuation of Agreement (May 15, 1985)                                                                |
| 48  | Idaho Department of Water Resources News Releases re: water allocation rules (May 1985)                                |
| 49  | Request for Comment & Notice of Intent to Write & Adopt Rules (May 31, 1985)                                           |
| 50  | Idaho Power Company comments (June 13, 1985)                                                                           |
| 51  | Acknowledgement of Receipt of Idaho Power Company comments (June 24, 1985)                                             |
| 52  | "Currents," October 1985                                                                                               |
| 53  | Idaho Power Company comments (November 5, 1985)                                                                        |
| 54  | "Currents," December 1985                                                                                              |
| 55  | Idaho Historical Society Certification                                                                                 |
| 56  | Idaho Power Company's Petition for Declaratory Judgment (April 28, 1986)                                               |
| 57  | Idaho Power Company's Notice of Dismissal of Petition for Declaratory Judgment (December 18, 1986)                     |
| 58  | Idaho Power Company's Petition to Idaho Department of Water Resources (April 28, 1986)                                 |
| 59  | Idaho Power Company's Objection to Idaho Department of Water Resources (April 28, 1986)                                |
| 60  | 1986 Senate Bill 1358 & Statement of Purpose                                                                           |
| 61  | Senate Resources & Environment Committee Minutes - February 5, 1986                                                    |
| 62  | Senate Resources & Environment Committee Minutes - February 19, 1986                                                   |
| 63  | House Resources & Conservation Minutes - March 13, 1986                                                                |
| 64  | Letter from Idaho Commissioner of Reclamation W.G. Swendsen to Governor C.C. Moore (August 18, 1924)                   |
| 65  | Idaho Public Utilities Commission Order Order 19590                                                                    |
| 66  | "Currents," January 1985                                                                                               |
| 67  | FERC Order of March 25, 1988 (Docket no. EL 85-38-000)                                                                 |
| 68  | Joint Agreement Regarding Fish & Wildlife Studies (FERC EL 85-38-000) (May 24, 1988)                                   |
| 69  | Letter from Attorney General Jim Jones to Governor John L. Evans (October 17, 1984)                                    |
| 70  | 1985 Senate Bill 1205 & Statement of Purpose                                                                           |
| 71  | Idaho Water Resource Board Minutes - November 2, 1984                                                                  |
| 72  | Idaho Water Resource Board Minutes - January 17, 1985                                                                  |
| 73  | Idaho Water Resource Board Minutes - March 1, 1985                                                                     |

**Exhibits to Affidavit of Michael C. Orr in Support of State of Idaho's Motion for Partial Summary Judgment**  
*In Re SRBA, Case No. 39576, Consolidated Subcase no. 92-23*

|    |                                                                                                           |
|----|-----------------------------------------------------------------------------------------------------------|
| 74 | Pages 2-3 of State of Idaho's First Set of Requests for Admissions & Requests for Production of Documents |
| 75 | Pages 3-4 of Idaho Power Company's Responses to State's First Discovery Requests                          |

Exhibits can be viewed in the repository or legal file