

COPY

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**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	)	SECOND AFFIDAVIT OF
	)	MICHAEL C. ORR
	)	

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** are true and correct copies of the Idaho Power Company publications entitled "The Hells Canyon Issue In Simple Terms," and "The Plain ABC's You Should Know About Hells Canyon Dam As Proposed By Federal Agencies."
4. Attached hereto as **Exhibit 2** is a true and correct copy of excerpts of the "Official Stenographer's Report before the Federal Power Commission," *In the Matter of Idaho Power Company*, Project Nos. 1971, 2132, 2133, p. 1419 (July 8, 1953).
5. Attached hereto as **Exhibit 3** is a true and correct copy of the "Opening Statement of R.P. Parry, Attorney for Idaho Power Company (Idaho Power Co. FPC Hearing)."
6. Attached hereto as **Exhibit 4** are true and correct copies of letters sent by Idaho Power Company to various recipients.
7. Attached hereto as **Exhibit 5** are true and correct copies of pages 1-4, 16, 19, 24-25, 49-53, 72-73, 106-07, 169-70 and 179-80 of the Deposition of Thomas G. Nelson (*In re SRBA*) of October 31, 1990.
8. Attached hereto as **Exhibit 6** is a true and correct copy of Order No. 13376 of the Idaho Public Utilities Commission (Case No. U-1006-124) (Aug. 31, 1977).
9. Attached hereto as **Exhibit 7** is a true and correct copy of a memorandum from Thomas G. Nelson to James E. Bruce, dated June 22, 1976.
10. Attached hereto as **Exhibit 8** is a true and correct copy of a newspaper advertisement from the February 4, 1984 edition of the Idaho Statesman.
11. Attached hereto as **Exhibit 9** are true and correct copies of newspaper

articles related to the Swan Falls controversy.

12. Attached hereto as **Exhibit 10** is a true and correct copy of the "Memorandum Decision" entered in *Idaho Power Co. v. State*, Case no. 66237 (Fourth Jud. Dist.), on June 28, 1990.

13. Attached hereto as **Exhibit 11** are true and correct copies of the cover plate, the first ten pages, and pages 200-03 of Legacy of Light: A History of Idaho Power Company.

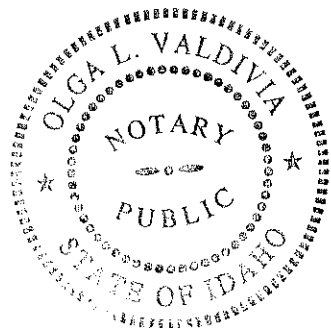
14. Attached hereto as **Exhibit 12** are true and correct copies of pages 1-4, 56, 59 and 61 of the Deposition of Patrick James Costello (*In re SRBA*) of November 14, 1990.

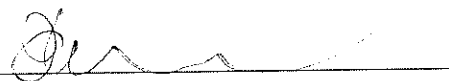
15. Attached hereto as **Exhibit 13** are true and correct copies of pages 1-5, 32-33 and 52 of the Deposition of Patrick Jerome Kole (*In re SRBA*) of November 14, 1990.

DATED this 7th day of February 2008.


MICHAEL C. ORR

SUBSCRIBED AND SWORN to before me this 7th day of February, 2008.




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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of February 2008, I caused to be served a true and correct copy of the foregoing SECOND AFFIDAVIT OF MICHAEL C. ORR 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
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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

- ☒ 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
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- ☐ 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
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- ☒ U.S. Mail
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- ☐ 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

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


MICHAEL C. ORR

Exhibits can be viewed in the repository or legal file