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DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

February 19, 2008

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

Re: In Re SRBA, Case No. 39576 – Consolidated Subcase no. 92-23

Dear Clerk:

Please find enclosed compact discs ("CDs") containing electronic versions of the following memoranda the State of Idaho previously filed in the above-referenced matter:

1. State of Idaho's Memorandum in Response to Idaho Power Company's Cross-Motion for Summary Judgment (filed Feb. 7, 2008); and
2. Reply in Support of State of Idaho's Motion for Partial Summary Judgment (filed Feb. 15, 2008).

Four CDs are enclosed: the two memoranda are on two separate CDs, and an extra copy of each CD is also provided. The electronic versions of the memoranda incorporate the same hyperlinking feature used in the electronic version of the State's opening brief on the State's motion for partial summary judgment. Please note that because the above-described "Response" memorandum contains some citations to the State's opening brief on the State's motion for partial summary judgment and the supporting affidavit, the links for such citations in the "Response" memorandum will open the electronic versions of the State's opening brief and the supporting affidavit.

Due to time constraints, only a few of the citations in the above-described "Reply" memorandum incorporate the hyperlinking feature (pages 14, 23-25). The CD containing the "Reply" memorandum also contains electronic versions of the transcripts cited in the State's memoranda.

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The "Reply" memorandum also contains some minor typographical and citation errors, which are identified and corrected in the following errata:

Page 4: The word "Law" in the section header for "D." should be capitalized;

Page 9: The second to last sentence in the first paragraph should read "... satisfy the public interest ..." rather than "satisfy that public interest ..."

Page 13, note 8: The first citation should be to "Exhibit 41, Track 2" rather than "Exhibit 42, Track 1." (The time index figures are correct.)

Page 14: The first sentence under section "D" should read "Not only is the Company incorrect ..." rather than "Not only is the Company is incorrect ..." Further, the double colon at end of the sentence should be a single colon.

Page 14, note 10: There should be two citations to the Orr Affidavit in this footnote. The existing citation should be the second citation and should be introduced by a "see also" signal. The first citation in the footnote should be to "Exhibit 8, p.3."

Page 16: The Idaho Reporter citation to *Harsin v. Pioneer Irrigation District* should be 45 Idaho 369, 375. In addition, the last sentence on the page should read "... to continue to use flows ..." rather than "... to continue use flows ..."

Page 22: The second sentence in section "III" should read "Idaho Power ignores the fact that the State ..." rather than "Idaho Power ignores that the State ..."

Page 22, note 16: The citation to Exhibit 20 should include a pinpoint citation to pages 3-4; and the citation to Exhibit 21 should include a pinpoint citation to page 2.

Page 23: The second block quote should read "[Exhibit] 7B simply was ..." rather than "[Exhibit] 7B was simply ..."

Page 25, note 29: The first citation should be "Exhibit 33, Track 2, 00:00 – 00:20," rather than "Exhibit 33, Track 1 (13:59 – 15:24)."

Page 34, note 42: The time index figures in the citation to Exhibit 41, Track 1 should be "26:59-27:38" rather than "26:30 - 28:24."

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Page 35, note 45: The time index figures in the citation to Exhibit 34a, Track 1 should be "00:44 – 00:56" rather than "00:19 – 00:56."

Page 36: The first sentence of the second paragraph under section "VII" should read "The Company is mistaken . . ." rather than "To the extent the Company is mistaken . . ."

Page 48: Delete the "." following the word "at" in the citation for the block quote at the top of the page.

Page 53: The citation in the middle of the page to page 17 of Exhibit 45 of the Orr Affidavit is incorrect: the pinpoint citation should be to page 28.

Page 54, note 58: The Idaho Reporter pinpoint cite in the *Allen* citation should be page 145.

Page 55: The Idaho Reporter pinpoint cite in the *Allen* citation should be page 146.

The "Response" memorandum described above also contains the following citation errors:

Page 38, note 75: The citation to "Exhibit 11, p.9" is incorrect. The citation should be to "Exhibit 8, page 10." (The hyperlink for this citation is correct and will open Exhibit 8 at page 10.)

Page 44, note 85: The citation to Exhibit 11 is incorrect. The citation should be to Exhibit 10. (The hyperlink for this citation is correct and will open Exhibit 10 at the first page of the attachment described in the citation.)

Very Truly Yours,



Michael C. Orr
Deputy Attorney General

MCO/olv

Enclosures

cc: Counsel

Copies of the CD's are in the repository and legal files