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IN THE DISTRICT COURT FOR THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	
Case No. 39576	)	
_____	)	Consolidated Subcase No. 00-92023
IDAHO POWER COMPANY,	)	
Plaintiff,	)	
v.	)	AFFIDAVIT OF SHELLEY M. DAVIS
	)	IN SUPPORT OF IDAHO POWER
	)	COMPANY'S REQUEST FOR
	)	SCHEDULING CONFERENCE
STATE OF IDAHO; C.L. "BUTCH" OTTER,	)	
Governor of the State of Idaho; LAWRENCE G.	)	
WASDEN, Attorney General of the State of	)	
Idaho; IDAHO DEPARTMENT OF WATER	)	
RESOURCES; and DAVID TUTHILL, Director,	)	
Idaho Department of Water Resources	)	
Defendants.	)	
_____	)	

STATE OF IDAHO)
) ss.
County of Ada)

SHELLEY M. DAVIS, being first duly sworn upon oath, deposes and states as follows:

1. I am one of the attorneys representing Plaintiff Idaho Power Company in the above-entitled action, and make the following affidavit upon my personal knowledge of the facts and circumstances set forth herein.

2. On May 30, 2008, the State of Idaho propounded its third set of discovery upon Idaho Power, which sought discovery on matters that were, in the opinion of Idaho Power, far outside the scope of the issues remaining to be litigated in the action. Nevertheless on June 30, 2008, Idaho Power answered the State's third set of discovery, but responded by objection to those requests that it felt were outside the scope of the litigation. Additionally, Idaho Power filed its Motion to Strike, or Alternatively Motion in Limine seeking direction of the Court as to the appropriate scope of the issues to be resolved in the remainder of this action.

3. On July 7, 2008, the State moved to vacate Idaho Power's hearing on its Motion to Strike, which was at that time scheduled to be heard on July 15, 2008. The Court heard the State's Motion to vacate on July 9, 2008, denied the State's motion, and issued a modified schedule to accommodate the hearing of Idaho Power's Motion to Strike on July 29, 2008. In the interim, on July 21, 2008, the State of Idaho filed a Motion to Compel, seeking responses to the discovery requests that Idaho Power had objected to as falling outside of the scope of the issues being litigated. The Court issued its Order denying Idaho Power's Motion to Strike and granting the State's Motion to Compel on August 6, 2008. In its Order, at pg. 4 the Court stated that it "will provide additional time to allow Idaho Power to respond accordingly."

4. Beginning in early June, and continuing through the present, counsel for Idaho Power have been working with staff at Idaho Power to attempt to locate and identify potentially relevant documents responsive to the State's requests for production relating to its American Falls contracts, the Twin Falls license, the Twin Falls, Shoshone Falls, Upper and Lower Salmon power projects, and all records of the flows and sources of flows for the water rights at each of these projects. This search has produced approximately 1000 pages of indexes from the Idaho Power archives listing boxes which may contain documents responsive to the broad range of requests from the State.

5. The Company is in the process of preparing 4 additional boxes of documents that were discovered in the Company's ongoing search for supplemental production documents. Approximately half of the documents are responsive to the Swan Falls issues in general, and the other half are specifically related to the issue of whether the Company's water rights are subordinated to recharge. To date these boxes represent the only additional recharge specific document that have been located in the Company archives, which have not already been produced to the State. The Company intends to produce these additional documents to the State on September 12, 2008, and has already communicated that intent to the State.

6. Approximately 60 boxes of documents were identified as containing information potentially responsive to the State's requests relating to American Falls alone. After an initial review, those boxes have been culled down to approximately 16 boxes of documents which will need to be copied and bates numbered, as well as reviewed for any privileged documents before being produced to the State.

7. Based on my initial review of the indexes generated by the Idaho Power archives, it is likely that a similar number of boxes of documents will need to be reviewed and produced to

the State based on its broad requests relating to the Company's Twin Falls, Shoshone Falls, Upper Salmon and Lower Salmon power projects, and also its requests seeking information on the flows and source of flows at each of these power projects.

8. To place this volume of documents in context, as of this date the documents which have been produced to the State specific to the Swan Falls negotiations, the 1180 Contract, the implementing legislation, and the Ada County District Court cases which led to the negotiations, total approximately 20 boxes of documents. Idaho Power made these documents available to the State in March of this years, but the State did not review them until July, 2008, and therefore missed the opportunity to determine the need for additional documents, request them from Idaho Power, and enable Idaho Power to search for and produce them, earlier in the litigation.

9. In order to prepare the initial 20 boxes of documents to be produced to the State, counsel for Idaho Power spent more than 6 months gathering and preparing the documents for production, and an additional 3 to 5 months reviewing the documents for privilege and preparing the privilege log.

10. Counsel for Idaho Power have been conferring regularly over the past month attempting to devise a strategy and process that will make it possible to produce the documents that this Court has ordered the Company to produce to the State before the discovery cutoff on November 10, 2008, and in advance of the trial in early 2009 should a trial be necessary. Counsel for the Company believe that they have been able to develop a reasonable schedule that will allow this matter to be concluded within the approximate timeframe set by this Court's pretrial and trial schedule. The proposed schedule is set forth in the Company's Scheduling Conference Report filed concurrently herewith.

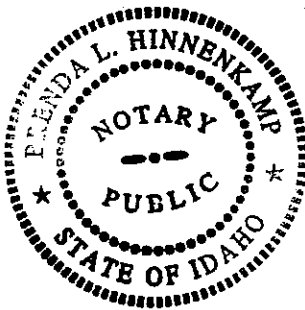
10. On August 28, 2008, counsel for Idaho Power proposed this schedule to the State. The State, however, rejected the Company's proposed schedule.

11. Based on review of Company files and discussions with Company staff to date, I do not believe that it is possible to make all of the responsive documents in the possession of Idaho Power Company available to the State before November 10, 2008.

Dated this 2nd day of September, 2008.


SHELLEY M. DAVIS

SUBSCRIBED AND SWORN to before me this 2nd day of September, 2008.



Brenda L. Hinnenkamp
Notary Public for Idaho
Residing at: Bowen, Idaho
Commission Expires: 9/11/2008

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of September 2008, I caused to be served a true and correct copy of the foregoing document entitled **AFFIDAVIT OF SHELLEY M. DAVIS IN SUPPORT OF IDAHO POWER COMPANY'S REQUEST FOR SCHEDULING CONFERENCE AND STATEMENT** via the method indicated below, and addressed to each of the following:

Original filed via Facsimile with the Court.

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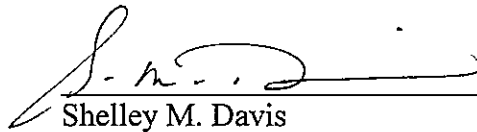


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