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DEPARTMENT OF
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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

IDAHO POWER COMPANY,

Plaintiff,

v.

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.

Consolidated Subcase No. 00-92023
(92-23)

**AFFIDAVIT OF MICHAEL A.
GHELETA IN SUPPORT OF IDAHO
POWER COMPANY'S OPENING
BRIEF IN SUPPORT OF MOTION FOR
PARTIAL SUMMARY JUDGMENT ON
RECHARGE SUBORDINATION**

Affidavit of Michael A. Gheleta in Support of
Idaho Power Company's Response to State of
Idaho's Motion for Partial Summary Judgment

STATE OF COLORADO)
) ss.
County of Denver)

MICHAEL A. GHELETA, 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 submit the following affidavit based upon my personal knowledge and best belief.
2. Attached hereto as Exhibit A is a true and correct copy of the Framework for Final Resolution of Snake River Water Rights Controversy (Oct. 1, 1984).
3. Attached hereto as Exhibit B is a true and correct copy of the Feasibility of Large-Scale Managed Recharge of the Eastern Snake Plain Aquifer System, Idaho Dept. of Water Resources (Dec. 1999).
4. Attached hereto as Exhibit C is a true and correct copy of the Hells Canyon License, Article 41 (Apr. 3, 1968).
5. Attached hereto as Exhibit D is a true and correct copy of Senate Bill 1180, 1983 Idaho Sess. Laws ch. 259, at 689.
6. Attached hereto as Exhibit E is a true and correct copy of a letter from Governor Evans to James Bruce (May 9, 1984).
7. Attached hereto as Exhibit F is a true and correct copy of the Swan Falls Agreement (Oct. 25, 1984).
8. Attached hereto as Exhibit G is a true and correct copy of the Statement of Legislative Intent, S.B. 1008, Senate Resource & Environment Committee (Feb. 1, 1985).
9. Attached hereto as Exhibit H is a true and correct copy of the Minutes of the Senate Resources and Environment Committee (Jan. 18, 1985).
10. Attached hereto as Exhibit I is a true and correct copy of the Contract to Implement Chapter 259, Sess. Laws, 1983 (Oct. 25, 1984) (the "SB-1180 Contract").

11. Attached hereto as Exhibit J is a true and correct copy of the Statement of Mr. C.J. Strike, President of Idaho Power Company at a hearing of the Hydroelectric Commission of Oregon (Sept. 15, 1947).

12. Attached hereto as Exhibit K is a true and correct copy of the 1934 Federal Power Commission License for the Twin Falls Facility

13. Attached hereto as Exhibit L is a true and correct copy of a letter from U.S. Bureau of Reclamation Commissioner B.E. Stoutemyer to Idaho State Director of Reclamation R.W. Faris (June 21, 1937).

14. Attached hereto as Exhibit M is a true and correct copy of a letter from the Assistant Idaho Attorney General Idaho to State Engineer Mark Kulp (Apr. 1, 1952).

15. Attached hereto as Exhibit N is a true and correct copy of State Water License No. 21671.

16. Attached hereto as Exhibit O is a true and correct copy of the Statement of Governor Len B. Jordan to the House Committee on Interior and Insular Affairs (Apr. 1, 1952).

17. Attached hereto as Exhibit P is a true and correct copy of Testimony of Governor Robert E. Smylie before the House Committee for Interior and Insular Affairs hearing on S. 1333 (May 1955).

18. Attached hereto as Exhibit Q is a true and correct copy of Testimony of Thomas E. Roach before the Federal Power Commission (July 8, 1953).

19. Attached hereto as Exhibit R is a true and correct copy of the Federal Power Commission license for the C.J. Strike Facility.

20. Attached hereto as Exhibit S is a true and correct copy of Oregon State Water Licenses for the Brownlee, Oxbow and HCC facilities.

21. Attached hereto as Exhibit T is a true and correct copy of a News Release from the office of the Idaho Attorney General (Jan. 11, 1984)

22. Attached hereto as Exhibit U is a true and correct copy of the Minutes of the Legislative Council Interim Committee on Aquifer Recharge (July 1, 1993).

23. Attached hereto as Exhibit V is a true and correct copy of the Minutes of the Legislative Council Interim Committee on Aquifer Recharge (Dec. 1, 1993).

24. Attached hereto as Exhibit W is a true and correct copy of the Minutes of the Legislative Council Interim Committee on Aquifer Recharge (Nov. 10, 1993).

25. Attached hereto as Exhibit X is a true and correct copy of a Memorandum from Phil Rassier to Wayne Haas (Nov. 30, 1993).

26. Attached hereto as Exhibit Y is a true and correct copy of Idaho Power's Comments to Interim Committee on Aquifer Recharge (Jan. 19, 1994).

27. Attached hereto as Exhibit Z is a true and correct copy of a Memorandum from Norm Young to Wayne Haas (Nov. 30, 1983)

28. Attached hereto as Exhibit AA is a true and correct copy of the Minutes of the Senate Resources and Environment Committee (Mar. 11, 1994).

29. Attached hereto as Exhibit BB is a true and correct copy of excerpts from the Deposition of Tom Nelson (Oct. 31, 1990).

31. Attached hereto as Exhibit CC is a true and correct copy of the Statement of Legislative Intent, S.B. 1575.

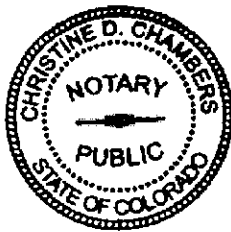
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Dated this 17th day of October 2008.

Michael A. Gheleta

Michael A. Gheleta, Esq.

SUBSCRIBED AND SWORN to before me this 17th day of October 2008.



My Commission Expires April 3 2011

Christine D. Chambers

Notary Public for Colorado

Residing at: 410 17th St, Denver, CO 80203

Commission Expires: 4.3.11

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of October 2008, I caused to be served a true and correct copy of the foregoing **AFFIDAVIT OF MICHAEL A. GHELETA IN SUPPORT OF IDAHO POWER COMPANY'S MOTION FOR PARTIAL SUMMARY JUDGMENT ON RECHARGE SUBORDINATION** by the method indicated below, and addressed to each of the following:

Filed with the Court via Federal Express, Overnight Delivery.

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