

COPY

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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. 00-92023
	)	(92-23)
Case No. 39576	)	
	)	SECOND AFFIDAVIT OF
	)	PATSY McGOURTY
	)	

STATE OF IDAHO	)
	) ss.
COUNTY OF ADA	)

PATSY McGOURTY, being first duly sworn upon oath, deposes and states that:

1. I am the secretary and custodian of records for the Idaho Water Resource Board ("the Board"). I have custody of audio tape cassettes that contain recordings of public hearings the Board held on January 28-31 and February 5-6, 1985, on proposed

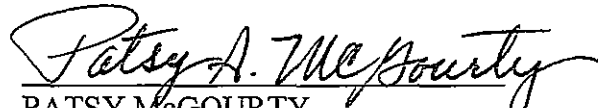
amendments to Policy 32 of the State Water Plan. These audio tape cassettes are public records of the Board.

2. I posted true and correct copies of the above-described recordings on the Board's public website, at <http://www.idwr.idaho.gov/waterboard/hearings.htm>. The recordings can be accessed via hyperlinks on that website.

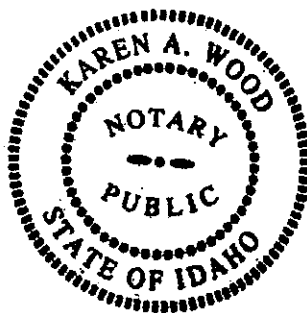
3. I have caused true and correct copies of the above-described recordings to be made and have provided copies to the Idaho Office of the Attorney General. Attached here to as **Exhibit A** is a true and correct copy of a memorandum I prepared that accompanied the copies I provided to the Office of the Attorney General.

DATED this 14th day of October, 2008.

I


PATSY MCGOURTY
Secretary
Idaho Water Resource Board

SUBSCRIBED AND SWORN to before me this 14th day of October, 2008.



Karen A Wood
Notary Public for Idaho
Residing at: BOISE, IDAHO
My commission expires:

CERTIFICATE OF SERVICE

I certify that on this 17th day of October 2008, I caused to be served a true and correct copy of the foregoing SECOND AFFIDAVIT OF PATSY MCGOURTY, INCLUDING EXHIBITS, 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: _____
- ☒ E-mail: jtucker2@idahopower.com

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 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: _____
- ☒ E-mail: jks@idahowaters.com

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

- ☒ U.S. Mail
- ☐ Hand Delivery
- ☐ 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

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

Jerry R. Rigby
Rigby, Andrus & Moeller Chtd.
P.O. Box 250
Rexburg, ID 83440

- ☒ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile:
- ☒ E-mail: jrigby@rigby-thatcher.com



MICHAEL C. ORR
Deputy Attorney General

Second Affidavit of Patsy McGourty

Exhibit A



IDAHO WATER RESOURCE BOARD

C.L. "Butch" Otter
Governor

Jerry R. Rigby
Chairman
Rexburg
At Large

Terry T. Uhling
Vice Chairman
Boise
District 2

Chuck Cuddy
Orofino
District 1

Leonard Beck
Burley
District 3

Bob Graham
Bonners Ferry
At Large

L. Claude Storer
Idaho Falls
District 4

Gary M. Chamberlain
Challis
At Large

Lawrence "Vic" Armacost
New Meadows
At Large

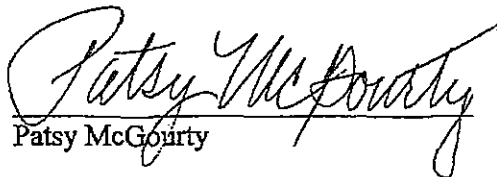
To: Michael Orr, Deputy Attorney General
From: Patsy McGourty, Administrative Assistant
Date: February 9, 2007
RE: Copies of Tapes of Information Meetings on Swan Falls Agreement

As you know, I had copies made of 18 audio cassette tapes that contain recordings of information meetings regarding the Swan Falls Agreement that the Idaho Water Resource Board held in 1985. Please find enclosed your copies of these tapes. The tapes that were copied are listed below:

Tape 1-2	IWRB SWP Hearing Policy 32, Jan. 28, 1985, Idaho Falls Idaho
Tape 1-3	IWRB SWP Hearing Policy 32, Jan. 29, 1985, Pocatello Idaho
Tape 1-4	IWRB SWP Hearing Policy 32, Jan. 30, 1985, Burley Idaho
Tape 1-3	IWRB SWP Hearing Policy 32, Jan. 31, 1985, Twin Falls Idaho
Tape 1-3	IWRB SWP Hearing Policy 32, Feb. 5, 1985, Boise Idaho
Tape 1-3	IWRB SWP Hearing Policy 32, Feb. 6, 1985, Lewiston Idaho

Custom Sound & Recording, Inc., which is located here in Boise, made copies in several forms: audio cassette tapes and CDs. Your copies include 18 cassette tapes and 15 CDs that contain audio recordings (one master set of 15 for IDWR).

Please feel free to contact me if you have questions or comments, or if I can be further assistance.


Patsy McGourty

RECEIVED BY
FEB 12 2007
OFFICE OF THE
ATTORNEY GENERAL