

COPY

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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	)	
	)	AFFIDAVIT OF
	)	GARY SPACKMAN
_____	)	

STATE OF IDAHO	)
	) ss.
COUNTY OF ADA	)

GARY SPACKMAN, being first duly sworn upon his oath, deposes and states
that:

1. I am the Administrator of the Water Management Division of the Idaho
Department of Water Resources ("Department"). I have been an employee of the
Department since December 1985.

2. The following is based upon my own personal knowledge.

3. As a part of its regularly conducted and regularly recorded activities, the Department conducts public information meetings and public hearings on a variety of matters that fall within the scope of the Department's statutory duties and authorities.

4. The audio cassette tape shown in the photocopy attached hereto as **Exhibit A** is retained in the files of the Department, and contains audio recordings of public hearings held in January 1986 on administrative rules and regulations for water appropriation that the Department intended to adopt. The Department held these public hearings as part of its regularly conducted and regularly recorded activities.

5. The audio cassette tape shown in the photocopy attached hereto as **Exhibit B** is retained in the files of the Department, and contains audio recordings of public hearings held in January 1986 on administrative rules and regulations for water appropriation that the Department intended to adopt. The Department held these public hearings as part of its regularly conducted and regularly recorded activities.

6. The audio cassette tape shown in the photocopy attached hereto as **Exhibit C** is retained in the files of the Department, and contains audio recordings of public hearings held in January 1986 on administrative rules and regulations for water appropriation that the Department intended to adopt. The Department held these public hearings as part of its regularly conducted and regularly recorded activities.

7. The audio cassette tape shown in the photocopy attached hereto as **Exhibit D** is retained in the files of the Department, and contains audio recordings of a public information meeting held in May 1985 on administrative rules and regulations for water appropriation that the Department intended to adopt. The Department held this public

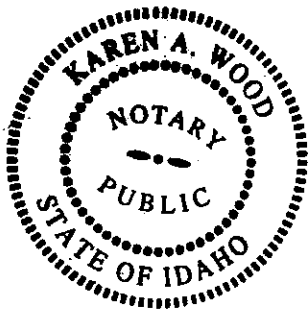
information meeting as part of its regularly conducted and regularly recorded activities

Further your affiant sayeth naught.

DATED this 16th day of October, 2008.

Gary Spackman
GARY SPACKMAN

SUBSCRIBED AND SWORN to before me this 16 day of October, 2008.



Karen A Wood
Notary Public for Idaho
Residing at: BOISE, IDAHO
My commission expires: NOVEMBER 13, 2012

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 AFFIDAVIT OF GARY SPACKMAN, 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

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- ☐ 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

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- ☐ 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

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- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail

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☒ E-mail: jrigby@rigby-thatcher.com

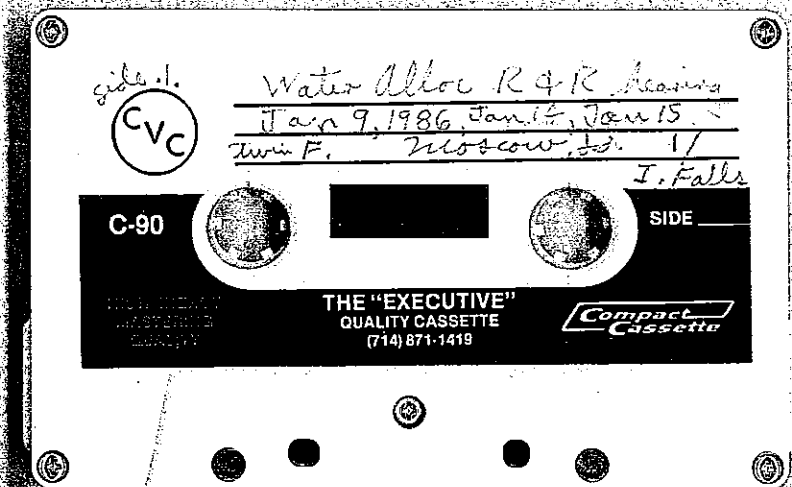
A handwritten signature in black ink, appearing to read "Michael C. Orr". The signature is fluid and cursive, with a horizontal line drawn underneath it.

MICHAEL C. ORR
Deputy Attorney General

Exhibit A



Exhibit B



side 1.

CVC

Water Alice R & R Hearing
Jan 9, 1986, Jan 15, Jan 15
Twin F. Moscow, Id. 1/
I. Falls

C-90

SIDE

HIGH DENSITY
MASTERED
CASSETTES

THE "EXECUTIVE"
QUALITY CASSETTE
(714) 871-1419

Compact
Cassette

Exhibit C

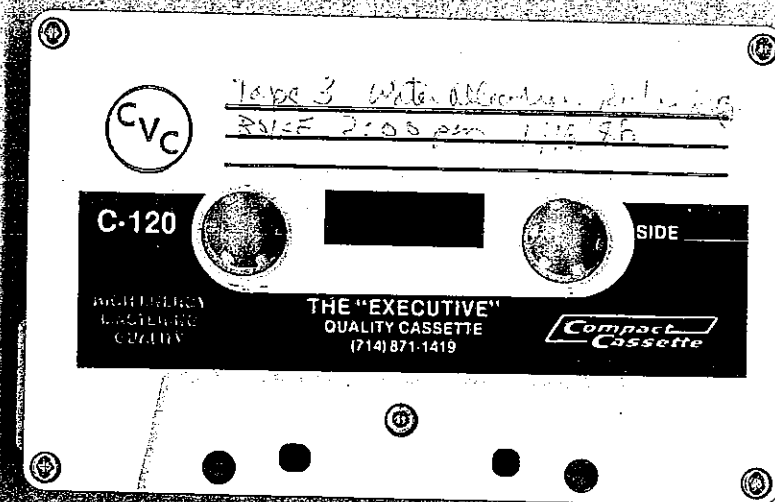


Exhibit D



Brief
Amended Motion
Orr Aff
Young Aff
McGourty Aff
Spackman Aff