



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

October 17, 2008

Hand Delivery

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. 00-92023

Dear Clerk:

Please find enclosed for filing in the above-referenced proceeding the State of Idaho's Amended Motion for Summary Judgment on Issue of Recharge Subordination, the Memorandum in Support of State of Idaho's Amended Motion for Summary Judgment on Issue of Recharge Subordination, and a compact disc ("CD") containing an electronic version of the Fourth Affidavit of Michael C. Orr, which is also being filed today.

Please note that some of the citations in the above-referenced memorandum are underlined and in blue font. This is because the State will be providing the Court with an electronic, hyper-linked version of the memorandum. The citations that are underlined and in blue font will be linked to the corresponding portions of the record, and/or legal authority. We anticipate that we will be providing a copy of the electronic, hyper-linked version of the memorandum to the Court within one week.

Thank you for your assistance in this matter.

Very Truly Yours,

A handwritten signature in black ink that reads "Michael C. Orr".

Michael C. Orr
Deputy Attorney General

MCO/olv
Enclosures
cc: Counsel

COPY

LAWRENCE G. WASDEN
Attorney General

STEVEN L. OLSEN
Deputy Attorney General
Chief, Civil Litigation Division

KARL T. KLEIN (ISB # 5156)
MICHAEL C. ORR (ISB # 6720)
SHASTA KILMINSTER-HADLEY (ISB # 7889)
Deputy Attorneys General

700 West State Street, 2nd Floor
P.O. Box 44449
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	)	
	)	FOURTH AFFIDAVIT OF
	)	MICHAEL C. ORR
_____	)	

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

MICHAEL C. ORR, being first duly sworn upon his oath, deposes and states that:

1. I am a Deputy Attorney General in the Idaho Office of the Attorney General and one of the attorneys of record for the State of Idaho in this consolidated subcase.

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

3. Attached hereto as **Exhibit 1** are true and correct copies of excerpted pages of the 1982 Idaho State Water Plan, which can be accessed via the internet at http://www.idwr.idaho.gov/waterboard/Planning/State_Planning/Documents/StatePlans/SWP1982.pdf.

4. Attached hereto as **Exhibit 2** are true and correct copies of excerpted pages of the “State of Idaho Response to Federal Energy Regulatory Commission Request for Additional Information,” *In the Matter of Petition for Declaratory Order by Idaho Power Company*, FERC Docket no. EL85-38-000 (May 18, 1987).

5. Attached hereto as **Exhibit 3** are true and correct copies of excerpted pages of Idaho Power Company’s “Response to Questions 5 and 6 Completing Response to Request for Information Dated January 30, 1987” (FERC Docket no. EL85-38-000) (May 19, 1987).

6. Attached hereto as **Exhibit 4** are true and correct copies of excerpted pages of the “Report of Board of Engineers to Consider Projects in Snake River Valley Which May Affect the Proposed American Falls Reservoir and the Available Water Supply Therefor” (Apr. 10, 1920).

7. Attached hereto as **Exhibit 5** are true and correct copies of excerpted pages of the “Minutes of Public Hearing at Rupert, Idaho, October 7, 1921,” *In the Matter of the Application of Idaho Power Company for a Preliminary Permit, Twin Falls Power Site* (Federal Power Commission).

8. Attached hereto as **Exhibit 6** is a true and correct copy of the “Report and Recommendations to Federal Power Commission by W.G. Swendsen, Commissioner of Reclamation, representing the State of Idaho” (Oct. 28, 1922).

9. Attached hereto as **Exhibit 7** is a true and correct copy of "Future Upstream Depletion Above Hells Canyon," by Lynn Crandall, April 6, 1953 (Exhibit 119 in Formal Hearings Before the Federal Power Commission, Project No. 1971, P-2132, P-2133 (admitted January 13, 1954)).

10. Attached hereto as **Exhibit 8** are true and correct copies of excerpted pages of the transcript of the Examination of Lynn Crandall, Formal Hearings Before the Federal Power Commission, Project No. 1971, P-2132, P-2133 (January 12-15, 1954).

11. Attached hereto as **Exhibit 9** are true and correct copies of excerpted pages of the "Opinion and Order Issuing License (Major), Projects Nos. 1971, 2132, and 2133" (In the Matter of Idaho Power Company) (Aug. 4, 1955).

12. Attached hereto as **Exhibit 10** is a true and correct copy of the "Minutes of Meeting, Bureau of Reclamation and Advisory Committee," Burley, Idaho (Dec. 29, 1960).

13. Attached hereto as **Exhibit 11** is a true and correct copy of "Statement of Mr. Edward Ermine, Irrigation and Reclamation Subcommittee, House Interior and Insular Affairs Committee, March 4, 1957."

14. Attached hereto as **Exhibit 12** is a true and correct copy of a letter from John M. George to the Honorable Henry Dworshak, U.S. Senate (Apr. 22, 1957).

15. Attached hereto as **Exhibit 13** is a true and correct copy of the "Information Bulletin on a Study of Water Resource Development Possibilities – Upper Snake River Basin" (U.S. Bureau of Reclamation & U.S. Army Corps of Engineers) (Sept. 29, 1960).

16. Attached hereto as **Exhibit 14** is a true and correct copy of the "Statement

by D.L. Crandall, Area Engineer, Snake River Development Office, Bureau of Reclamation – Columbia Basin Inter-Agency Committee Meeting, Pocatello, Idaho – January 11, 1961.”

17. Attached hereto as **Exhibit 15** is a true and correct copy of a letter from Assistant Secretary of the Interior Kenneth Holum to the Honorable Joseph C. Swidler, Chairman, Federal Power Commission (Aug. 30, 1962).

18. Attached hereto as **Exhibit 16** is a true and correct copy of a letter from Robert E. Smylie, Governor of Idaho, to the Honorable Stewart L. Udall, Secretary of the Interior (Dec. 7, 1966).

19. Attached hereto as **Exhibit 17** is a true and correct copy of a letter from letter from Norman H. Moore, Assistant Regional Director, United States Bureau of Reclamation, to Dr. Robert E. Lee, Director, Idaho Water Resource Board (Oct. 27, 1967).

20. Attached hereto as **Exhibit 18** are true and correct copies of excerpted pages from “The Objectives – Part I of the State Water Plan” (June 1974) and of “The State Water Plan – Part Two” (Dec. 1976), which can be accessed via the internet at http://www.idwr.idaho.gov/waterboard/Planning/State_Planning/Documents/StatePlans/1974ObjectivesPart1.pdf and http://www.idwr.idaho.gov/waterboard/Planning/State_Planning/Documents/StatePlans/1976StateWaterPlanPart2.pdf.

21. Attached hereto as **Exhibit 19** are true and correct copies of the “Amended Complaint” and “Motion to Amend Amended Complaint by Interlineation” filed in *Idaho Power Company v. State*, Case No. 62237 (Fourth Jud. Dist., Ada County),

and the "Order Granting Plaintiff's Motion to Amend by Interlineation" entered in the same action.

22. Attached hereto as **Exhibit 20** are true and correct copies of two letters of notification regarding Ada County Case No. 62237 produced by Idaho Power Company to the State of Idaho in discovery proceedings in this action.

23. Attached hereto as **Exhibit 21** are true and correct copies of excerpted pages from "Application for Relicense – Swan Falls Hydroelectric Project – Exhibit W" (Idaho Power Company) (Dec. 1979) produced by Idaho Power Company to the State of Idaho in discovery proceedings in this action.

24. Attached hereto as **Exhibit 22** are true and correct copies of excerpted pages from Idaho Power Company's Complaint in *Idaho Power Company v. State*, Case No. 81375 (Fourth Jud. Dist., Ada County) (Mar. 30, 1983).

25. Attached hereto as **Exhibit 23** is a true and correct copy of a letter from T.E. Roach, Idaho Power Company, to Ed Ermine, Editor, Idaho Farm Journal (July 31, 1952).

26. Attached hereto as **Exhibit 24** is a true and correct copy of "Plaintiff's Memorandum in Support of Motion to Re-Consider and Amend Summary Judgment," *Idaho Power Co. v. State*, Case no. 62237 (Fourth Jud. Dist., Ada County) (Idaho Power Company, Feb. 19, 1980).

27. Attached hereto as **Exhibit 25** is a true and correct copy of the "Memorandum Decision" entered in *Idaho Power Co. v. State*, Case no. 62237 (Fourth Jud. Dist., Ada County), on May 16, 1980.

28. Attached hereto as **Exhibit 26** is a true and correct copy of Idaho Power

Company's "Notice of Appeal," *Idaho Power Co. v. State*, Case no. 62237 (Fourth Jud. Dist., Ada County) (June 14, 1980).

29. Attached hereto as **Exhibit 27** is a true and correct copy of the "Minutes of the Legislative Council Committee on Water Rights – Joint Meeting with the Governor's Task Force on Swan Falls – June 30-July 1, 1983."

30. Attached hereto as **Exhibit 28** is a true and correct copy of the "Minutes of the Third Meeting of the Snake River Technical Advisory Committee, August 4 & 5, 1983."

31. Attached hereto as **Exhibit 29** is a true and correct copy of "Commentary on Swan Falls Resolution," by Patrick D. Costello and Patrick J. Kole (Western Natural Resource Litigation Digest, Summer 1985).

32. Attached hereto as **Exhibit 30a** are true and correct copies of 61 pages of miscellaneous documents pertaining to non-irrigation season minimum flow negotiations obtained from the files of the Department.

33. Attached hereto as **Exhibit 30b** are true and correct copies of 41 pages of miscellaneous documents pertaining to non-irrigation season minimum flow negotiations produced by Idaho Power Company to the State of Idaho in discovery proceedings in this matter.

34. Attached hereto as **Exhibit 31** is a true and correct copy of a letter from Attorney General Jim Jones to the Honorable John V. Evans, Governor of Idaho, dated Aug. 16, 1984, and a true and correct copy of a substantially similar letter to Mr. James Bruce, Idaho Power Company, also dated Aug. 16, 1984.

35. Attached hereto as **Exhibit 32** is a compact disc containing a true and

correct copy of the copy of the recordings on tapes 1 and 2 of the Idaho Water Resource Board's January 28, 1985, public hearings on amendments to Policy 32 of the State Water Plan provided to Idaho Office of the Attorney General by Patsy McGourty, secretary of the Idaho Water Resource Board.

36. Attached hereto as **Exhibit 33** is a compact disc containing a true and correct copy of the copy of the recordings on tape 1 of the Idaho Water Resource Board's January 29, 1985, public hearings on amendments to Policy 32 of the State Water Plan provided to Idaho Office of the Attorney General by Patsy McGourty, secretary of the Idaho Water Resource Board.

37. Attached hereto as **Exhibit 34** is a compact disc containing a true and correct copy of the copy of the recordings on tape 2 of the Idaho Water Resource Board's January 29, 1985, public hearings on amendments to Policy 32 of the State Water Plan provided to Idaho Office of the Attorney General by Patsy McGourty, secretary of the Idaho Water Resource Board.

38. Attached hereto as **Exhibit 35** is a compact disc containing a true and correct copy of the copy of the recordings on tape 3 of the Idaho Water Resource Board's January 29, 1985, public hearings on amendments to Policy 32 of the State Water Plan provided to Idaho Office of the Attorney General by Patsy McGourty, secretary of the Idaho Water Resource Board.

39. Attached hereto as **Exhibit 36** is a compact disc containing a true and correct copy of the copy of the recordings on tape 1 of the Idaho Water Resource Board's January 30, 1985, public hearings on amendments to Policy 32 of the State Water Plan provided to Idaho Office of the Attorney General by Patsy McGourty, secretary of the

Idaho Water Resource Board.

40. Attached hereto as **Exhibit 37** is a compact disc containing a true and correct copy of the copy of the recordings on tape 2 of the Idaho Water Resource Board's January 30, 1985, public hearings on amendments to Policy 32 of the State Water Plan provided to Idaho Office of the Attorney General by Patsy McGourty, secretary of the Idaho Water Resource Board.

41. Attached hereto as **Exhibit 38** is a compact disc containing a true and correct copy of the copy of the recordings on tapes 3 and 4 of the Idaho Water Resource Board's January 30, 1985, public hearings on amendments to Policy 32 of the State Water Plan provided to Idaho Office of the Attorney General by Patsy McGourty, secretary of the Idaho Water Resource Board.

42. Attached hereto as **Exhibit 39** is a compact disc containing a true and correct copy of the copy of the recordings on tape 1 of the Idaho Water Resource Board's January 31, 1985, public hearings on amendments to Policy 32 of the State Water Plan provided to Idaho Office of the Attorney General by Patsy McGourty, secretary of the Idaho Water Resource Board.

43. Attached hereto as **Exhibit 40** is a compact disc containing a true and correct copy of the copy of the recordings on tape 2 of the Idaho Water Resource Board's January 31, 1985, public hearings on amendments to Policy 32 of the State Water Plan provided to Idaho Office of the Attorney General by Patsy McGourty, secretary of the Idaho Water Resource Board.

44. Attached hereto as **Exhibit 41** is a compact disc containing a true and correct copy of the copy of the recordings on tape 3 of the Idaho Water Resource Board's

January 31, 1985, public hearings on amendments to Policy 32 of the State Water Plan provided to Idaho Office of the Attorney General by Patsy McGourty, secretary of the Idaho Water Resource Board.

45. Attached hereto as **Exhibit 42** is a compact disc containing a true and correct copy of the copy of the recordings on tape 1 of the Idaho Water Resource Board's February 5, 1985, public hearings on amendments to Policy 32 of the State Water Plan provided to Idaho Office of the Attorney General by Patsy McGourty, secretary of the Idaho Water Resource Board.

46. Attached hereto as **Exhibit 43** is a compact disc containing a true and correct copy of the copy of the recordings on tape 2 of the Idaho Water Resource Board's February 5, 1985, public hearings on amendments to Policy 32 of the State Water Plan provided to Idaho Office of the Attorney General by Patsy McGourty, secretary of the Idaho Water Resource Board.

47. Attached hereto as **Exhibit 44** is a compact disc containing a true and correct copy of the copy of the recordings on tape 3 of the Idaho Water Resource Board's February 5, 1985, public hearings on amendments to Policy 32 of the State Water Plan provided to Idaho Office of the Attorney General by Patsy McGourty, secretary of the Idaho Water Resource Board.

48. Attached hereto as **Exhibit 45** is a compact disc containing a true and correct copy of the copy of the recordings on tape 1 of the Idaho Water Resource Board's February 6, 1985, public hearings on amendments to Policy 32 of the State Water Plan provided to Idaho Office of the Attorney General by Patsy McGourty, secretary of the Idaho Water Resource Board.

49. Attached hereto as **Exhibit 46** is a compact disc containing a true and correct copy of the copy of the recordings on tapes 2 and 3 of the Idaho Water Resource Board's February 6, 1985, public hearings on amendments to Policy 32 of the State Water Plan provided to Idaho Office of the Attorney General by Patsy McGourty, secretary of the Idaho Water Resource Board.

50. Attached hereto as **Exhibit 47** is a compact disc containing a true and correct copy of the recordings on the audio cassette tape referred to in paragraph 7 of the Affidavit of Gary Spackman and in paragraphs 5(c) and 6 of the Affidavit of Norman C. Young, filed in this matter on October 17, 2008.

51. Attached hereto as **Exhibit 48** is a true and correct copy of a court reporter's transcript of the recordings in **Exhibit 47**, prepared for the Idaho Office of the Attorney General.

52. Attached hereto as **Exhibit 49** is a true and correct copy of a statement by "Nelson."

53. Attached hereto as **Exhibit 50** is a true and correct copy of the "Roster of Attendance" for the Department's public information meeting held on Thursday, May 23, 1985, 7:00 p.m. in Twin Falls, Idaho.

54. Attached hereto as **Exhibit 51** is a compact disc containing a true and correct copy of the recordings on the audio cassette tape referred to in paragraph 4 of the Affidavit of Gary Spackman, filed in this matter on October 17, 2008

55. Attached hereto as **Exhibit 52** is a compact disc containing a true and correct copy of the recordings on the audio cassette tape referred to in paragraph 5 of the Affidavit of Gary Spackman, filed in this matter on October 17, 2008.

56. Attached hereto as **Exhibit 53** is a compact disc containing a true and correct copy of the recordings on the audio cassette tape referred to in paragraph 6 of the Affidavit of Gary Spackman, filed in this matter on October 17, 2008

57. Attached hereto as **Exhibit 54** is a true and correct copy of a court reporter's transcript of the recordings in **Exhibit 51**, prepared for the Idaho Office of the Attorney General.

58. Attached hereto as **Exhibit 55** is a true and correct copy of a court reporter's transcript of recordings in **Exhibit 51**, prepared for the Idaho Office of the Attorney General.

59. Attached hereto as **Exhibit 56** is a true and correct copy of a court reporter's transcript of recordings in **Exhibit 51** and **Exhibit 52**, prepared for the Idaho Office of the Attorney General.

60. Attached hereto as **Exhibit 57** is a true and correct copy of a court reporter's transcript of recordings in **Exhibit 52**, prepared for the Idaho Office of the Attorney General.

61. Attached hereto as **Exhibit 58** is a true and correct copy of a court reporter's transcript of recordings in **Exhibit 53**, prepared for the Idaho Office of the Attorney General.

62. Attached hereto as **Exhibit 59** is a true and correct copy of a court reporter's transcript of recordings in **Exhibit 53**, prepared for the Idaho Office of the Attorney General.

63. Attached hereto as **Exhibit 60** is a true and correct copy of a letter from Ronald D. Carlson, Snake River Watermaster, to all Senators and Representatives, and

Ken Dunn, dated January 31, 1985, enclosing a "Resolution" of the Committee of Nine dated January 17, 1985.

64. Attached hereto as **Exhibit 61** is a true and correct copy of a letter from Edwin E. Hanson and Eldred Lee of the Great Feeder Canal Company to Members of the Idaho State Senate and House of Representatives (Feb. 4, 1985).

65. Attached hereto as **Exhibit 62** is a true and correct copy of a letter from Kent Foster, attorney for Idaho Water Rights Defense, Inc., to Governor John V. Evans and Attorney General Jim Jones (Sept. 26, 1984).

66. Attached hereto as **Exhibit 63** are true and correct copies of the attendance sheets and written testimony and/or exhibits for the Idaho Water Resource Board public hearings of January 28, 1985, on proposed amendments to Policy 32 of the State Water Plan.

67. Attached hereto as **Exhibit 64** are true and correct copies of the attendance sheets and written testimony and/or exhibits for the Idaho Water Resource Board public hearings of January 29, 1985, on proposed amendments to Policy 32 of the State Water Plan.

68. Attached hereto as **Exhibit 65** are true and correct copies of the attendance sheets and written testimony and/or exhibits for the Idaho Water Resource Board public hearings of January 30, 1985, on proposed amendments to Policy 32 of the State Water Plan.

69. Attached hereto as **Exhibit 66** are true and correct copies of the attendance sheets and written testimony and/or exhibits for the Idaho Water Resource Board public hearings of January 31, 1985, on proposed amendments to Policy 32 of the State Water

Plan.

70. Attached hereto as **Exhibit 67** are true and correct copies of the attendance sheets and written testimony and/or exhibits for the Idaho Water Resource Board public hearings of February 5, 1985, on proposed amendments to Policy 32 of the State Water Plan.

71. Attached hereto as **Exhibit 68** are true and correct copies of the attendance sheets and written testimony and/or exhibits for the Idaho Water Resource Board public hearings of February 6, 1985, on proposed amendments to Policy 32 of the State Water Plan.

72. Attached hereto as **Exhibit 69** is a true and correct copy of a letter from John A. Rosholt of Nelson, Rosholt, Robinson, Tollman & Tucker, Chtd., to Mr. Kenneth Dunn, Director, Idaho Department of Water Resources (Oct. 30, 1985).

73. Attached hereto as **Exhibit 70** is a true and correct copy of a letter from John A. Rosholt of Nelson, Rosholt, Robinson, Tollman & Tucker, Chtd., to Mr. A. Kenneth Dunn, Director, Idaho Department of Water Resources (Jan. 15, 1986).

74. Attached hereto as **Exhibit 71** is a true and correct copy of a letter from Thomas G. Nelson of Nelson, Rosholt, Robinson, Tollman & Tucker, Chtd., to A. Kenneth Dunn, Idaho Department of Water Resources (Jan. 27, 1986).

75. Attached hereto as **Exhibit 72** is a true and correct copy of a letter from Attorney General Jim Jones to Mr. A. Kenneth Dunn, Director, Idaho Department of Water Resources (Jan. 27, 1986).

76. Attached hereto as **Exhibit 73** is a true and correct copy of a letter from Sherl L. Chapman, Executive Director, Idaho Water Users Association to Mr. Ken Dunn,

Director, Idaho Department of Water Resources (Jan. 27, 1986).

77. Attached hereto as **Exhibit 74** is a true and correct copy of a letter from John W. Keyes III, Assistant Regional Director, United States Department of the Interior, Bureau of Reclamation, A. Kenneth Dunn, Director, Idaho Department of Water Resources (Jan. 27, 1986).

78. Attached hereto as **Exhibit 75** is a true and correct copy of a “memorandum” from John Keyes to “John” produced by Idaho Power Company to the State of Idaho in discovery proceedings in this matter.

79. Attached hereto as **Exhibit 76** is a true and correct copy of a letter from Roger D. Ling to Director, Idaho Department of Water Resources (Jan. 15, 1986).

80. Attached hereto as **Exhibit 77** is a true and correct copy of a letter from Donald D. Suchan to Idaho Department of Water Resources (Jan. 24, 1986).

81. Attached hereto as **Exhibit 78** are true and correct copies of legislative history materials for the 1994 amendments to Idaho Code §§ 42-4201A(2) and 42-234(2).

82. Attached hereto as **Exhibit 79** is a true and correct copy of the minutes of the Senate Resources and Environment Committee for March 27, 2006.

83. Attached hereto as **Exhibit 80** is a true and correct copy of the “Stipulation” dated April 11, 2006, between the State of Idaho and Idaho Power Company.

84. Attached hereto as **Exhibit 81** are true and correct copies of excerpted pages of the “Notice of Dismissal of Certain Defendants” filed by Idaho Power Company in *Idaho Power Company v. State*, Case No. 81375 (Fourth Jud. Dist., Ada County) on October 24, 1984.

85. Attached hereto as **Exhibit 82** is a true and correct copy of the permit for water right 01-7054.

86. Attached hereto as **Exhibit 83** is a true and correct copy of the permit for water right 37-7842.

87. Attached hereto as **Exhibit 84** is a true and correct copy of a letter from Paul L. Jauregui of Idaho Power Company to the Idaho Department of Water Resources (Oct. 7, 1981).

88. Attached hereto as **Exhibit 85** is a true and correct copy of a memorandum from Pat Costello to J. Vard Chatburn (Feb. 4, 1985).

89. Attached hereto as **Exhibit 86** is a true and correct copy of a newspaper article produced by Idaho Power Company to the State of Idaho in discovery proceedings in this matter.

90. Attached hereto as **Exhibit 87** is a true and correct copy of a Department "News Release" dated September 1, 1988.

91. Attached hereto as **Exhibit 88** is a true and correct copy of a "Draft Policy And Implementation Plan For Processing Water Right Filings In The Swan Falls Area," produced by Idaho Power Company to the State of Idaho in discovery proceedings in this matter.

92. Attached hereto as **Exhibit 89** is a true and correct copy of a letter from Thomas G. Nelson to R. Keith Higginson, Director, Idaho Department of Water Resources (Oct. 14, 1988).

93. Attached hereto as **Exhibit 90** is a true and correct copy of a memorandum from Norman C. Young to R. Keith Higginson (Nov. 2, 1988).

94. Attached hereto as **Exhibit 91** are true and correct copies of three memoranda from Norm Young to Ken Dunn regarding the Department's proposed rules and regulations for water appropriation (June 14, 1985; January 21, 1986; February 5, 1986).

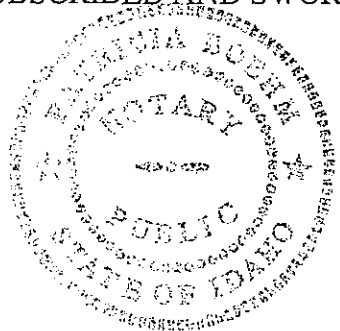
95. Attached hereto as **Exhibit 92** is a true and correct copy of the permit for water right 21-7166.

Further your affiant sayeth naught.

DATED this 16th day of October, 2008.


MICHAEL C. ORR

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




Notary Public for Idaho
Residing at: Boise ID
My commission expires: 11/6/09

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of October 2008, I caused a true and correct copy of the foregoing FOURTH AFFIDAVIT OF MICHAEL C. ORR to be served on 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: 208.388.6935
- ☒ E-mail: jtucker2@idahopower.com (pleading only, no exhibits)

Idaho Power Company
Represented by:
James S. Lochhead
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 (pleading only, no exhibits)
- ☒ E-mail: jlochhead@bhfs.com (pleading only, no exhibits)

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: 208.344.6034
- ☒ E-mail: smd@idahowaters.com (pleading only, no exhibits)

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 (pleading only, no exhibits)

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 (pleading only, no exhibits)

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@rex-law.com (pleading
only, no exhibits)

Michael C. Orr

Attachments may be viewed in the repository
or legal file