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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)

**SECOND AFFIDAVIT OF MICHAEL A.
GHELETA IN SUPPORT OF IDAHO
POWER COMPANY'S RESPONSE IN
OPPOSITION TO THE STATE OF
IDAHO'S AND THE UPPER SNAKE
WATER USER'S OPENING BRIEFS ON
ISSUE OF RECHARGE
SUBORDINATION**

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 1996 Idaho State Water Plan (Dec. 1996).
3. Attached hereto as Exhibit B is a true and correct copy of the Summary Judgment entered in Idaho Power Company v. State of Idaho, Case No. 62237 (Feb. 4, 1980).
4. Attached hereto as Exhibit C is a true and correct copy of the Amended Summary Judgment entered in Idaho Power Company v. State of Idaho, Case No. 62237 (June 3, 1980).
5. Attached hereto as Exhibit D is a true and correct copy of the IWRB Resolution In the Matter of the Application by the Idaho Water Resource Board for the Rental of Water from the Upper Snake River Rental Pool for Recharge Purposes in the Snake River Plain Aquifer Area (Apr. 21, 1995).
6. Attached hereto as Exhibit E is a true and correct copy of the IWRB Comprehensive State Water Plan Rules (July 1, 1993), section 37.02.01.030.
7. Attached hereto as Exhibit F is a true and correct copy of the IWRB Resolution In the Matter of Policy 32 of the State Water Plan (Mar. 1, 1985)
8. Attached hereto as Exhibit G is a true and correct copy of the State Water Plan, Policy 5A (Dec. 12, 1986).
9. Attached hereto as Exhibit H is a true and correct copy of the State Water Plan, Policy 5A (Jan. 1992).
10. Attached hereto as Exhibit I is a true and correct copy of the Minutes of the Senate Resources & Environment Committee (Feb. 19, 1986).
11. Attached hereto as Exhibit J is a true and correct copy of the Minutes of the House Resources and Conservation Committee (Feb. 11, 1985).

12. Attached hereto as Exhibit K is a true and correct copy of the Stipulation entered into between Idaho Power Company and the State of Idaho (Apr. 11, 2006).
13. Attached hereto as Exhibit L is a true and correct copy of the excerpts from Complaint filed in Idaho Power Company v. Idaho Department of Water Resources, Case No. 81375 (Mar. 30, 1983).
14. Attached hereto as Exhibit M is a true and correct copy of the Affidavit of Cynthia Cranston-Felton, Case No. 81375 (Feb. 7, 1984).
15. Attached hereto as Exhibit N is a true and correct copy of the Notice of Dismissal of Certain Defendants, Case No. 81375 (Oct. 25, 1984).
16. Attached hereto as Exhibit O is a true and correct copy of the Contract to Implement, Chapter 259, Sess. Laws, 1983 (Oct. 25, 1984).
17. Attached hereto as Exhibit P is a true and correct copy of the IDWR Order Approving Request for Extension of Time (Aug. 25, 2004).
18. Attached hereto as Exhibit Q is a true and correct copy of the Order Granting Motion to Dismiss Petition for Writ of Mandate (Jan. 25, 2008).
19. Attached hereto as Exhibit R is a true and correct copy of the ESPA Managed Aquifer Recharge Project, Interim Report on Water Availability (Aug. 1998).

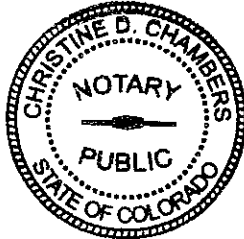
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Dated this 7th day of November, 2008.

Michael A. Gheleta

Michael A. Gheleta, Esq.

SUBSCRIBED AND SWORN to before me this 7th day of November 2008.



My Commission Expires April 3, 2011

Christine D. Chambers

Notary Public for Colorado

Residing at: 410 17th St. #2200, Denver, CO 80202

Commission Expires: 4.3.11

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of November 2008, I caused to be served a true and correct copy of the foregoing **SECOND AFFIDAVIT OF MICHAEL A. GHELETA IN SUPPORT OF IDAHO POWER COMPANY'S RESPONSE IN OPPOSITION TO THE STATE OF IDAHO'S AND THE UPPER SNAKE WATER USER'S OPENING BRIEFS ON ISSUE OF RECHARGE SUBORDINATION** by the method indicated below, and addressed to each of the following:

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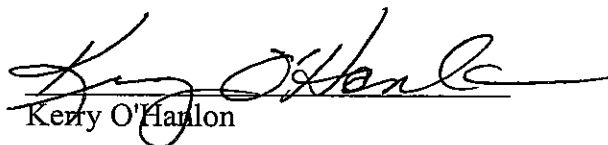
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Kerry O'Hanlon