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DEPARTMENT OF
WATER RESOURCES

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

November 14, 2008

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 (92-23)

Dear Clerk:

Please find enclosed for filing in the above referenced consolidated subcase the "State of Idaho's Submission of Electronic Version of Memorandum in Response to Idaho Power Company's Motion for Partial Summary Judgment on Recharge Subordination and Submission of Index of Exhibits to Affidavits of Michael C. Orr." This submission includes a CD containing a hyperlinked electronic version of the State of Idaho's Memorandum in Response to Idaho Power Company's Motion for Partial Summary Judgment on Recharge Subordination, filed November 7, 2008. It also includes an index of the exhibits to the affidavits of Michael C. Orr filed to date in this consolidated subcase.

A document entitled "Electronic Brief Instructions" will open automatically when the CD is loaded into a computer. This document contains important information regarding the Adobe® Acrobat® settings necessary for the hyperlinking feature to function properly. The instructions document also contains a hyperlink that will open the hyperlinked version of the Memorandum. The hyperlinked citations in the Memorandum will open the corresponding portion of the record or the corresponding legal authority in a new window. The new window can be closed by clicking the "X" in the upper right corner.

The CD also contains hyperlinked copies of the first, second, third, fourth and fifth affidavits of Michael C. Orr. The affidavits can be accessed via the main directories for the CDs. The hyperlinks in these affidavits will open the corresponding exhibits in a new window. Also enclosed with this letter are two copies of the CD for chambers.

Very Truly Yours,



for

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)
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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	)	
	)	STATE OF IDAHO'S SUBMISSION OF
	)	ELECTRONIC VERSION OF
	)	MEMORANDUM IN RESPONSE TO
	)	IDAHO POWER COMPANY'S
	)	MOTION FOR PARTIAL SUMMARY
	)	JUDGMENT ON RECHARGE
	)	SUBORDINATION AND
	)	SUBMISSION OF INDEX OF EXHIBITS
	)	TO AFFIDAVITS OF MICHAEL C. ORR
	)	

The State of Idaho hereby submits for the Court's convenience a computer CD
that contains a hyperlinked electronic version of the "Memorandum in Response to Idaho

Power Company's Motion for Partial Summary Judgment on Recharge Subordination," filed in this consolidated subcase on October 17, 2008. The State also submits for the Court's convenience an index of the exhibits to the following:

- (1) Affidavit of Michael C. Orr in Support of State of Idaho's Motion for Partial Summary Judgment (Jan. 11, 2008) ("First Orr Affidavit");
- (2) Second Affidavit of Michael C. Orr (Feb. 7, 2008) ("Second Orr Affidavit");
- (3) Third Affidavit of Michael C. Orr (July 18, 2008) ("Third Orr Affidavit");
- (4) Fourth Affidavit of Michael C. Orr (Oct. 17, 2008) ("Fourth Orr Affidavit");
- (5) Fifth Affidavit of Michael C. Orr (Nov. 7, 2008) ("Fifth Orr Affidavit").

The CD and the exhibit index are attached hereto.

DATED this 14th day of November 2008.

LAWRENCE G. WASDEN
Attorney General

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

KARL T. KLEIN
MICHAEL C. ORR
SHASTA KILMINSTER-HADLEY
Deputy Attorneys General



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of November 2008, I caused a true and correct copy of the STATE OF IDAHO'S SUBMISSION OF ELECTRONIC VERSION OF MEMORANDUM IN RESPONSE TO IDAHO POWER COMPANY'S MOTION FOR PARTIAL SUMMARY JUDGMENT ON RECHARGE SUBORDINATION AND SUBMISSION OF INDEX OF EXHIBITS TO AFFIDAVITS 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
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Idaho Power Company
Represented by:
James C. Tucker
P.O. Box 70
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- ☐ Facsimile: 208.344.6034
- ☒ E-mail: smd@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

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Michael C. Orr

FIRST ORR AFFIDAVIT	
Exhibit	Description
1	Letter from Kristin M. Ford, Legislative Librarian, re: certified copies from Legislative Reference Library
2	"Certification of Documents" (Legislative Reference Library)
3	1985 Senate Bill 1008 & Statement of Purpose
4	1985 Senate Bill 1005 & Statement of Purpose
5	Senate Resources & Environment Committee Minutes - January 9, 1985
6	Senate Resources & Environment Committee Minutes - January 11, 1985
7	Senate Resources & Environment Committee Minutes - January 16, 1985
8	Senate Resources & Environment Committee Minutes - January 18, 1985 (Recording: 33; Transcript: 37)
9	Senate Resources & Environment Committee Minutes - January 21, 1985 (Recording: 34a, 34b; Transcript: 38)
10	Senate Resources & Environment Committee Minutes - January 25, 1985 (Recording: 35; Transcript: 39)
11	Senate Resources & Environment Committee Minutes - February 1, 1985 (Recording: 36; Transcript: 40)
12	Senate Resources & Environment Committee Minutes - February 6, 1985
13	Senate Resources & Environment Committee Minutes - February 8, 1985
14	Senate Resources & Environment Committee Minutes - February 15, 1985
15	Senate Resources & Environment Committee Minutes - March 4, 1985
16	Senate Resources & Environment Committee Minutes - March 6, 1985
17	House Resources & Conservation Committee Minutes - January 17, 1985
18	House Resources & Conservation Committee Minutes - January 31, 1985
19	House Resources & Conservation Committee Minutes - February 1, 1985
20	House Resources & Conservation Committee Minutes - February 11, 1985
21	House Resources & Conservation Committee Minutes - February 13, 1985
22	House Resources & Conservation Committee Minutes - February 15, 1985
23	House Resources & Conservation Committee Minutes - February 19, 1985
24	House Resources & Conservation Committee Minutes - February 25, 1985
25	House Resources & Conservation Committee Minutes - March 7, 1985
26	Senate State Affairs Committee Minutes - January 25, 1985
27	Senate State Affairs Committee Minutes - February 1, 1985
28	1985 Senate Journal Excerpts, including "Statement of Legislative Intent - S 1008"
29	Framework for Final Resolution of Snake River Water Rights Controversy (October 1, 1984)
30	Swan Falls Agreement (October 25, 1984)
31	Contract to Implement 1983 Sess. Laws Chapter 259 ("1180 Contract") (October 25, 1984)
32	"Currents," November 1984
33	Recording - Senate Resources & Environment Committee - January 18, 1985
34a	Recording - Senate Resources & Environment Committee - January 21, 1985
34b	Recording - Senate Resources & Environment Committee - January 21, 1985

35	Recording - Senate Resources & Environment Committee - January 25, 1985
36	Recording - Senate Resources & Environment Committee - February 1, 1985
37	Transcript - Senate Resources & Environment Committee - January 18, 1985
38	Transcript - Senate Resources & Environment Committee - January 21, 1985
39	Transcript - Senate Resources & Environment Committee - January 25, 1985
40	Transcript - Senate Resources & Environment Committee - February 1, 1985
41	Recording - Idaho Water Resource Board Public Information Meeting - October 25, 1984 (Transcript: 44)
42	Recording - Idaho Water Resource Board Public Information Meeting - October 31, 1984 (Transcript: 45)
43a	Recording - Idaho Water Resource Board Public Information Meeting - November 1, 1984 (Transcript: 46)
43b	Recording - Idaho Water Resource Board Public Information Meeting - November 1, 1984 (Transcript: 46)
44	Transcript - Idaho Water Resource Board Public Information Meeting - October 25, 1984
45	Transcript - Idaho Water Resource Board Public Information Meeting - October 31, 1984
46	Transcript - Idaho Water Resource Board Public Information Meeting - November 1, 1984
47	Affirmation of Continuation of Agreement (May 15, 1985)
48	Idaho Department of Water Resources News Releases re: water allocation rules (May 1985)
49	Request for Comment & Notice of Intent to Write & Adopt Rules (May 31, 1985)
50	Idaho Power Company comments (June 13, 1985)
51	Acknowledgement of Receipt of Idaho Power Company comments (June 24, 1985)
52	"Currents," October 1985
53	Idaho Power Company comments (November 11, 1985)
54	"Currents," December 1985
55	Idaho Historical Society Certification
56	Idaho Power Company's Petition for Declaratory Judgment (April 28, 1986)
57	Idaho Power Company's Notice of Dismissal of Petition for Declaratory Judgment (December 6, 1986)
58	Idaho Power Company Petition to Idaho Department of Water Resources (April 28, 1986)
59	Idaho Power Company Objection to Idaho Department of Water Resources (April 28, 1986)
60	1986 Senate Bill 1358 & Statement of Purpose
61	Senate Resources & Environment Committee Minutes - February 5, 1986
62	Senate Resources & Environment Committee Minutes - February 19, 1986
63	House Resources & Conservation Minutes - February 13, 1986
64	Letter from Idaho Commissioner of Reclamation W.G. Swendsen to Governor C.C. Moore (August 18, 1924)
65	Idaho Public Utilities Commission Order 19590
66	"Currents," January 1985
67	FERC Order of March 25, 1988 (Docket no. EL 85-38-000)
68	Joint Agreement Regarding Fish & Wildlife Studies (FERC EL 85-38-000) (May 24, 1988)
69	Letter from Attorney General Jim Jones to Governor John L Evans (October 17, 1984)
70	1985 Senate Bill 1205 & Statement of Purpose

71	Idaho Water Resource Board Minutes - November 2, 1984
72	Idaho Water Resource Board Minutes - January 17, 1985
73	Idaho Water Resource Board Minutes - March 1, 1985
74	Pages 2-3 of State of Idaho's First Set of Requests for Admissions & Requests for Production of Documents
75	Pages 3-4 of Idaho Power Company's Responses to State's First Discovery Requests
SECOND ORR AFFIDAVIT	
Exhibit	Description
1	"The Hells Canyon Issue In Simple Terms" & "The Plain ABCs You Should Know About Hells Canyon Dam"
2	FPC Official Stenographer's Report - T.E. Roach testimony in FPC Hells Canyon proceedings (July 8, 1953)
3	"Opening Statement of R.P. Parry, Attorney for Idaho Power Company" re: FPC Hells Canyon proceedings
4	Various Idaho Power Company Letters re: subordination of Idaho Power Company water rights
5	Excerpts of Deposition of Thomas G. Nelson, In re SRBA (Oct. 31, 1990)
6	IPUC Order No. 13376 (IPUC Docket no. U-1006-124) (Aug. 3, 1977)
7	Legal memorandum from Thomas G. Nelson to James E. Bruce re: Stopping Upstream Depletions (June 22, 1976)
8	Newspaper advertisement by Idaho Water Rights Defense, Inc. (Feb. 4, 1984)
9	Newspaper articles pertaining to Swan Falls controversy
10	Memorandum Decision re: Attorney Fees (Ada County Case. No. 62237) (June 28, 1990)
11	Excerpted pages from "Legacy of Light - A History of Idaho Power Company" (1991)
12	Excerpts of Deposition of Patrick James Costello, In re SRBA (Nov. 14, 1990)
13	Excerpts of Deposition of Patrick Jerome Kole, In re SRBA (Nov. 14, 1990)
THIRD ORR AFFIDAVIT	
Exhibit	Description
1	"Between a Rock and a Hard Place: Who Will Control Idaho's Waters?" by Thomas G. Nelson (Advocate, Sept. 1989)
2	Excerpted Pages from "Report of Board of Engineers" (Apr. 10, 1920)
3	"Report on Application Before Federal Power Commission by Idaho Power Company," re: Twin Falls site
4	Excerpted pages of Idaho Power Company's "Application for License" to Federal Power Commission re: Twin Falls site (Feb. 1, 1922)
5	"Exhibit H - Statement of Effect of Project on Stream Flows," re: Idaho Power Company's application for Twin Falls license (Feb. 6, 1922)
6	Excerpted pages from "Contract Between the United States and the Idaho Power Company Relative to Power Rights at American Falls, Idaho" (Symbol Ilr 733) (June 15, 1923)
7	"Twin Falls Hydro-Electric Development," by H.L. Senger, Idaho Power Company (Electrical West, April 1936)
8	"Proposed Stipulation for inserting in Federal Power License No. 18, to Idaho Power Company" (May 7, 1932)
9	"License on Government Lands, Project No. 18, Idaho Power Company" (Federal Power Commission) (May 11, 1934)
10	"Idaho Power Company, Minutes of Special Meeting of Board of Directors, May 11, 1934"

11	"Report on Upper Snake River Storage Investigations" (USBOR, June 1935).
12	Letter from Lynn Crandall, USGS District Engineer, to B.E. Stoutemyer (June 18, 1937)
13	Letter from B.E. Stoutemyer, USBOR District Counsel, to R.W. Faris, Idaho State Commissioner of Reclamation (June 21, 1937)
14	Excerpted pages of transcript of examination of Lynn Crandall, FPC Proceedings on Idaho Power Company's Application for License for Hells Canyon Project (Jan. 12-15, 1954)
15	Letter from Assistant Secretary of the Interior Kenneth Holum to Honorable Joseph C. Swidler, Chairman, Federal Power Commission (Aug. 30, 1962)
16	Excerpted pages of "Application for License" to Federal Power Commission re: Project no. 2258 (Idaho Power Company, Feb. 13, 1959)
17	Excerpted pages of "Application for License" to Federal Power Commission re: American Falls reservoir (Idaho Power Company, Sept. 21, 1973)
18	"Answer in Opposition to Motion to Intervene" (FERC Docket no. 18-000) (Idaho Power Company, Nov. 17, 1993)
19	"News Release" by the Idaho Office of the Attorney General (Oct. 1, 1983)
20	Excerpted pages of Minutes of Meeting of Idaho Water Resource Board (Dec. 13, 1984)
21	Excerpted pages of Minutes of Meeting of Idaho Water Resource Board (Mar. 1, 1985)
22	"Request for Comment and Notice of Intent to Write and Adopt Rules and Regulations for Water Appropriation" (Idaho Department of Water Resources, May 31 1985)
23	Transcript - Idaho Water Resource Board Hearing on Policy 32 of State Water Plan (Idaho Falls) (2:00pm and 7:00 pm, Jan. 28, 1985)
24	Transcript - Idaho Water Resource Board Hearing on Policy 32 of State Water Plan (Pocatello) (2:00pm and 7:00pm, Jan. 29, 1985)
25	Transcript - Idaho Water Resource Board Hearing on Policy 32 of State Water Plan (Burley) (2:00pm and 7:00pm, Jan. 30, 1985)
26	Transcript - Idaho Water Resource Board Hearing on Policy 32 of State Water Plan (Twin Falls) (2:00pm and 7:00pm, Jan. 31, 1985)
27	Transcript - Idaho Water Resource Board Hearing on Policy 32 of State Water Plan (Boise) (2:00pm and 7:00pm, Feb. 5, 1985)
28	Transcript - Idaho Water Resource Board Hearing on Policy 32 of State Water Plan (Lewiston) (2:00pm and 7:00pm, Feb. 6, 1985)
29	Attendance Sheets, written testimony and exhibits, Idaho Water Resource Board Hearing on Policy 32 of State Water Plan (Idaho Falls) (2:00pm and 7:00 pm, Jan. 28, 1985)
30	Attendance Sheets, written testimony and exhibits, Idaho Water Resource Board Hearing on Policy 32 of State Water Plan (Pocatello) (2:00pm and 7:00 pm, Jan. 29, 1985)
31	Attendance Sheets, written testimony and exhibits, Idaho Water Resource Board Hearing on Policy 32 of State Water Plan (Burley) (2:00pm and 7:00 pm, Jan. 30, 1985)
32	Attendance Sheets, written testimony and exhibits, Idaho Water Resource Board Hearing on Policy 32 of State Water Plan (Twin Falls) (2:00pm and 7:00 pm, Jan. 31, 1985)

33	Attendance Sheets, written testimony and exhibits, Idaho Water Resource Board Hearing on Policy 32 of State Water Plan (Boise) (2:00pm and 7:00 pm, Feb. 5, 1985)
34	Attendance Sheets, written testimony and exhibits, Idaho Water Resource Board Hearing on Policy 32 of State Water Plan (Lewiston) (2:00pm and 7:00 pm, Feb. 6, 1985)
35	"News Releases" by the Idaho Department of Water Resources re: public hearings on rules and regulations for water appropriation (May and October, 1985)
36	Memorandum from Norm Young to Ken Dunn re: Legal Issues Associated with Senate Bill 1008 (June 14, 1985)
37	Letter from Jeff Fereday to A. Kenneth Dunn, Director, Idaho Department of Water Resources (July 12, 1985)
38	Letter from John Rosholt to Kenneth Dunn, Director, Department of Water Resources re: Proposed Rules (Oct. 30, 1985)
39	"Notice of Intent to Adopt Rules Governing Water Allocation to Hold Hearing" (Idaho Department of Water Resources, Nov. 21, 1985)
40	Memorandum from Norm Young to Ken Dunn re: Issues Raised in Hearings on Water Allocation Rules (Jan. 21, 1986)
41	"News Release" by the Idaho Office of the Attorney General (Jan. 29, 1986)
42	Memorandum from Norm Young to Ken Dunn re: Additional Issues Raised in Written Comments on Water Allocation Rules (Feb. 5, 1986)
43	Water District No. 1 Annual Meeting - Agenda and Resolution (March 4, 1986)
44	"News Release" by Idaho Department of Water Resources re: public meetings on ground water tributary to Milner to Swan Falls reach (Apr. 23, 1986)
45	Excerpted pages of "Response to Questions 5 and 6 Completing Response to Request for Information Dated January 30, 1987" (FERC Docket no. EL85-38-000) (Idaho Power Company, May 19, 1987)
46	Excerpted pages of "State of Idaho Response to Federal Energy regulatory Commission Request for Additional Information" (FERC Docket no. EL85-38-000) (May 18, 1987)
47	Excerpted pages of "Notice of Dismissal of Certain Defendants" (Ada County No. 81375) (Idaho Power Company, Oct. 25, 1984)
48	Expanded Natural Resources Interim Committee Meeting - July 7, 2004 - Minutes
49	Meeting - Expanded Natural Resources Interim Committee Meeting - September 2, 2004 - Minutes
50	"Idaho Power Company's Third Set of Discovery Requests to State Defendants" (SRBA Consolidated Subcase 00-92023) (May 23, 2008)
51	"Idaho Power Company's Response to State of Idaho's Third Set of Discovery Requests" (SRBA Consolidated Subcase 00-92023) (June 30, 2008)
52	"Idaho Power Company's Response to State of Idaho's First Set of Requests for Admission and Requests for Production of Documents" (SRBA Consolidated Subcase 00-92023) (Nov. 19, 2007)
53	"Future Upstream Depletion Above Hells Canyon," by Lynn Crandall (April 28, 1953)
FOURTH ORR AFFIDAVIT	
Exhibit	Description
1	Excerpted pages of 1982 Idaho State Water Plan

2	Excerpted pages of State of Idaho Response to Federal Energy Regulatory Commission Request for Additional Information (FERC Docket No. EL85-38-000)
3	Excerpted pages of Idaho Power Company's Response to Questions 5 and 6 Completing Information Dated January 30, 1987 (FERC Docket No. EL85-38-000)
4	Excerpted pages of Report of Board of Engineers (April 10, 1920)
5	Excerpted pages of Minutes of Public Hearing at Rupert, Idaho (Oct. 7, 1921)
6	Report & Recommendations to Federal Power Commission by W.G. Swendsen, Idaho Commissioner of Reclamation (Oct. 28, 1922)
7	Future Upstream Depletion Above Hells Canyon, by Lynn Crandall (April 6, 1953)
8	Excerpted pages of Transcript of Examination of Lynn Crandall, FPC Proceedings on Idaho Power Company's Application for License for Hells Canyon Project (Jan. 12-15, 1954)
9	Excerpted pages of Opinion & Order Issuing License (Major), Projects Nos. 1971, 2132, 2133
10	Excerpted pages of Minutes of Meeting of USBOR & Advisory Committee, Burley, Idaho (Dec. 29, 1960)
11	Statement of Mr. Edward Ermine, Irrigation & Reclamation Subcommittee, House Interior & Insular Affairs Committee (Mar. 4, 1957)
12	Letter from John M. George to Senator Henry Dworshak (Apr. 22, 1957)
13	USBOR-Corps Information Bulletin on a Study of Water Resource Development Possibilities - Upper Snake River Basin (Sept. 29, 1960)
14	Statement by D.L. Crandall to Columbia Basin Inter-Agency Committee Meeting, Pocatello, Idaho (Jan. 11, 1961)
15	Letter from Assistant Sec. of Interior Kenneth Holum to FPC Chairman Joseph Swidler (Aug. 30, 1962)
16	Letter from Governor Robert E. Smylie to Sec. of Interior Stewart Udall (Dec. 7, 1966)
17	Letter from Norman H. Moore, USBOR to Dr. Robert E. Lee, IWRB Director (Oct. 27, 1967)
18	Excerpted pages of Parts 1 and 2 of the State Water Plan (June 1974 & Dec. 1976)
19	Amended Complaint, Motion to Amend Amended Complaint by Interlineation, & Order Granting Plaintiff's Motion to Amend by Interlineation, Ada County Case no. 62237
20	Idaho Power Company notification letters pertaining to Ada County Case no. 62237
21	Excerpted pages of Application for Re-License - Swan Falls Hydroelectric Project - Exhibit W (Dec. 1979)
22	Excerpted pages of Complaint in Ada County Case no. 81375
23	Letter from T.E. Roach of Idaho Power Company to Ed Ermine (July 31, 1952)
24	Plaintiff's Memorandum in Support of Motion to Re-Consider and Amend Summary Judgment, Ada County Case no. 62237 (Feb. 19, 1980)
25	Memorandum Decision, Ada County Case no. 62237 (May 16, 1980)
26	Notice of Appeal, Ada County Case no. 62237 (June 14, 1980)
27	Minutes of the Legislative Council Committee on Water Rights - Joint Meeting with Governor's Swan Falls Task Force (June 30-July 1, 1983)
28	Minutes of the Third Meeting of the Snake River Technical Advisory Committee (Aug. 4-5, 1983)
29	Commentary on Swan Falls Resolution, by Patrick D. Costello & Patrick J. Kole (1985)

30a	Miscellaneous documents from files of the Department relating to winter flow negotiations
30b	Miscellaneous documents produced by Idaho Power Company relating to winter flow negotiations
31	Letters from Attorney General Jim Jones to Governor John Evans and James Bruce of Idaho Power Company (Aug. 16, 1984)
32	Recording of IWRB public hearing on proposed amendments to Policy 32 of State Water Plan (Jan. 28, 1984) Tapes 1 & 2
33	Recording of IWRB public hearing on proposed amendments to Policy 32 of State Water Plan (Jan. 29, 1984) Tape 1
34	Recording of IWRB public hearing on proposed amendments to Policy 32 of State Water Plan (Jan. 29, 1984) Tape 2
35	Recording of IWRB public hearing on proposed amendments to Policy 32 of State Water Plan (Jan. 29, 1985) Tape 3
36	Recording of IWRB public hearing on proposed amendments to Policy 32 of State Water Plan (Jan. 30, 1984) Tape 1
37	Recording of IWRB public hearing on proposed amendments to Policy 32 of State Water Plan (Jan. 30, 1984) Tape 2
38	Recording of IWRB public hearing on proposed amendments to Policy 32 of State Water Plan (Jan. 30, 1984) Tapes 3 & 4
39	Recording of IWRB public hearing on proposed amendments to Policy 32 of State Water Plan (Jan. 31, 1984) Tape 1
40	Recording of IWRB public hearing on proposed amendments to Policy 32 of State Water Plan (Jan. 31, 1984) Tape 2
41	Recording of IWRB public hearing on proposed amendments to Policy 32 of State Water Plan (Jan. 31, 1984) Tape 3
42	Recording of IWRB public hearing on proposed amendments to Policy 32 of State Water Plan (Feb. 5, 1984) Tape 1
43	Recording of IWRB public hearing on proposed amendments to Policy 32 of State Water Plan (Feb. 5, 1984) Tape 2
44	Recording of IWRB public hearing on proposed amendments to Policy 32 of State Water Plan (Feb. 5, 1984) Tape 3
45	Recording of IWRB public hearing on proposed amendments to Policy 32 of State Water Plan (Feb. 6, 1984) Tape 1
46	Recording of IWRB public hearing on proposed amendments to Policy 32 of State Water Plan (Feb. 6, 1984) Tapes 2 & 3
47	Recording of IDWR public information meeting regarding water appropriation rules (May 23, 1985) (Twin Falls)
48	Transcript of IDWR public information meeting regarding water appropriation rules (May 23, 1985) (Twin Falls)
49	Statement of "Nelson" regarding recharge diversions above Milner and trust water
50	Roster of Attendance for IDWR public information meeting regarding water appropriation rules (May 23, 1985) (Twin Falls)
51	Recording of IDWR public hearings water appropriation rules, January 9, 14, 15, 1986 (Transcripts - 54, 55, 56)
52	Recording of IDWR public hearings on water appropriation rules, January 15, 1986 (Transcripts - 56, 57)
53	Recording of IDWR public hearings on water appropriation rules, January 16, 1986 (Transcripts - 58, 59)
54	Transcript of IDWR public hearings on water appropriation rules - Jan. 9, 1986
55	Transcript of IDWR public hearings on water appropriation rules - Jan. 14, 1986, 2:20pm
56	Transcript of IDWR public hearings on water appropriation rules - Jan. 15, 1986, 2:15 pm.
57	Transcript of IDWR public hearings on water appropriation rules - Jan. 15, 1986, 7:20pm
58	Transcript of IDWR public hearings on water appropriation rules - Jan. 16, 1986, 2:17pm
59	Transcript of IDWR public hearings on water appropriation rules - Jan. 16, 1986, 7:48pm
60	Letter from Ron Carlson/Committee of 9/Water District-1 to Senators & Representatives & Ken Dunn (Jan. 31. 1985)
61	Letter from Edwin Hanson & Eldred Lee of Great Feeder Canal Co. to All members of Idaho Legislature (Feb. 4, 1985)
62	Letter from Kent Foster of Idaho Water Rights Defense to Governor John Evans (Sept. 26, 1984)
63	Attendance Sheets, written testimony, exhibits for IWRB public hearing on proposed amendments to Policy 32 of State Water Plan - Jan. 28, 1985

64	Attendance Sheets, written testimony, exhibits for IWRB public hearing on proposed amendments to Policy 32 of State Water Plan - Jan. 29, 1985.
65	Attendance Sheets, written testimony, exhibits for IWRB public hearing on proposed amendments to Policy 32 of State Water Plan - Jan. 30, 1985
66	Attendance Sheets, written testimony, exhibits for IWRB public hearing on proposed amendments to Policy 32 of State Water Plan - Jan. 31, 1985
67	Attendance Sheets, written testimony, exhibits for IWRB public hearing on proposed amendments to Policy 32 of State Water Plan - Feb. 5, 1985
68	Attendance Sheets, written testimony, exhibits for IWRB public hearing on proposed amendments to Policy 32 of State Water Plan - Feb. 6, 1985
69	Letter from John Rosholt to Ken Dunn (Oct. 30, 1985)
70	Letter from John Rosholt to Ken Dunn (Jan. 15, 1986)
71	Letter from Thomas G. Nelson to Ken Dunn (Jan. 27, 1986)
72	Letter from Attorney General Jim Jones to Ken Dunn (Jan. 27, 1986)
73	Letter from Sherl Chapman to Ken Dunn (Jan. 27, 1986)
74	Letter from John Keyes to Ken Dunn (Jan. 27, 1986)
75	Memorandum from John Keyes to "John" (Oct. 1985)
76	Letter from Roger Ling to Ken Dunn (Jan. 15, 1986)
77	Letter from Donald Suchan to IDWR (Jan. 24, 1986)
78	Legislative history materials (bills, committee minutes, journal excerpts, etc.) for 1994 amendments to IC 42-4201A(2) and 42-234(2)
79	Minutes of Senate Resources and Environment Committee (Mar. 27, 2006)
80	"Stipulation" between State of Idaho & Idaho Power Company (Apr. 11, 2006)
81	Excerpted pages from "Notice of Dismissal of Certain Defendants" (Ada County Case no. 81375) (Oct. 24, 1984)
82	Permit for Water Right 01-7054
83	Permit for Water Right 37-7842
84	Letter from Paul Jauregui of Idaho Power Company to Idaho Department of Water Resources (Oct. 7, 1981)
85	Memorandum from Pat Costello to J. Vard Chatburn (Feb. 4, 1985)
86	Newspaper Article produced by Idaho Power Company relating to Ada County Case no. 62237
87	"News Release" by Idaho Department of Water Resource (9-1-88)
88	Draft Policy & Implementation Plan for Water Rights Filings in The Swan Falls Area produced by Idaho Power Company
89	Letter from Thomas G. Nelson to R. Keith Higginson (Oct. 14, 1988)
90	Memorandum from Norman C. Young to R. Keith Higginson (Nov. 2, 1988)
91	Memoranda from Norm Young to Ken Dunn (June 14, 1985; January 21, 1986; February 5, 1986)
92	Permit for Water Right 21-7166
FIFTH ORR AFFIDAVIT	
Exhibit	Description

1	Excerpted pages of "Legacy of Light - A History of Idaho Power Company"
2	Excerpted pages of Idaho Power Company's Second Supplemental Response to State of Idaho's Third Set of Discovery (Sept. 5, 2008)
3	Excerpted pages of the 1982 Idaho State Water Plan
4	"Memorandum Decision and Order," <i>Idaho Power Co. v. State</i> , Case No. 62237 (Fourth Jud. Dist., Ada County) (Dec. 10, 1979)
5	Excerpted pages of the 1986 Idaho State Water Plan
6	Excerpted pages of the 1992 Idaho State Water Plan
7	Minutes and attachments for the 1993 Idaho Legislative Council Interim Committee on Aquifer Recharge
8	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)