

COPY

RECEIVED

DEC 15 2008

Department of Water Resources
Adjudication Bureau

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 W. State Street – 2nd Floor
P.O. Box 83720
Boise, Idaho 83720-0010
(208) 334-2400
Facsimile: (208) 854-8072
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

Case No. 39576

)
) Consolidated Subcase No. 00-92023 (92-23)
)
) **STATE OF IDAHO'S SUBMISSION OF**
) **ELECTRONIC VERSIONS OF STATE**
) **OF IDAHO'S MEMORANDA FILED IN**
) **CONNECTION WITH THE SUMMARY**
) **JUDGMENT MOTIONS OF DECEMBER**
) **2007 AND JANUARY 2008.**
)

The State of Idaho hereby submits three computer CDs that contain hyperlinked electronic versions of the following memoranda that the State of Idaho filed previously in connection with its Motion for Partial Summary Judgment filed December 14, 2007 and Idaho Power Company's Cross-Motion for Summary Judgment filed January 25, 2008:

STATE OF IDAHO'S SUBMISSION OF ELECTRONIC VERSIONS OF STATE OF IDAHO'S MEMORANDA FILED IN
CONNECTION WITH THE SUMMARY JUDGMENT MOTIONS OF DECEMBER 2007 AND JANUARY 2008 - 1

- Memorandum in Support of State of Idaho's Motion for Partial Summary Judgment filed January 11, 2008;
- Memorandum in Response to Idaho Power Company's Cross-Motion for Summary Judgment filed February 7, 2008; and
- Reply in Support of State of Idaho's Motion for Partial Summary Judgment filed


While the State previously provided the Court with computer CDs containing hyperlinked electronic versions of the above-listed memoranda, these CDs were provided informally in letters rather than through filings in this consolidated subcase. The State therefore submits copies of these CDs through this filing for purposes of completing the summary judgment record in this proceeding. The CDs are attached hereto.

DATED this 11th day of December 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 11th day of December 2008, I caused a true and correct copy of the STATE OF IDAHO'S SUBMISSION OF ELECTRONIC VERSIONS OF STATE OF IDAHO'S MEMORANDA FILED IN CONNECTION WITH THE SUMMARY JUDGMENT MOTIONS OF DECEMBER 2007 AND JANUARY 2008 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

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
- ☒ E-mail: jlochhead@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: 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

- ☒ 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

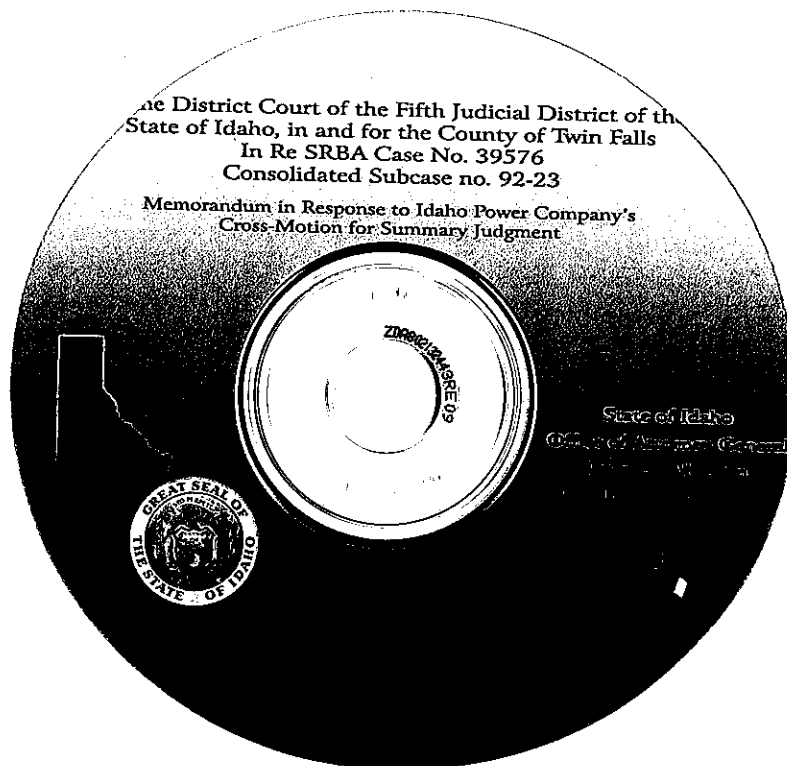
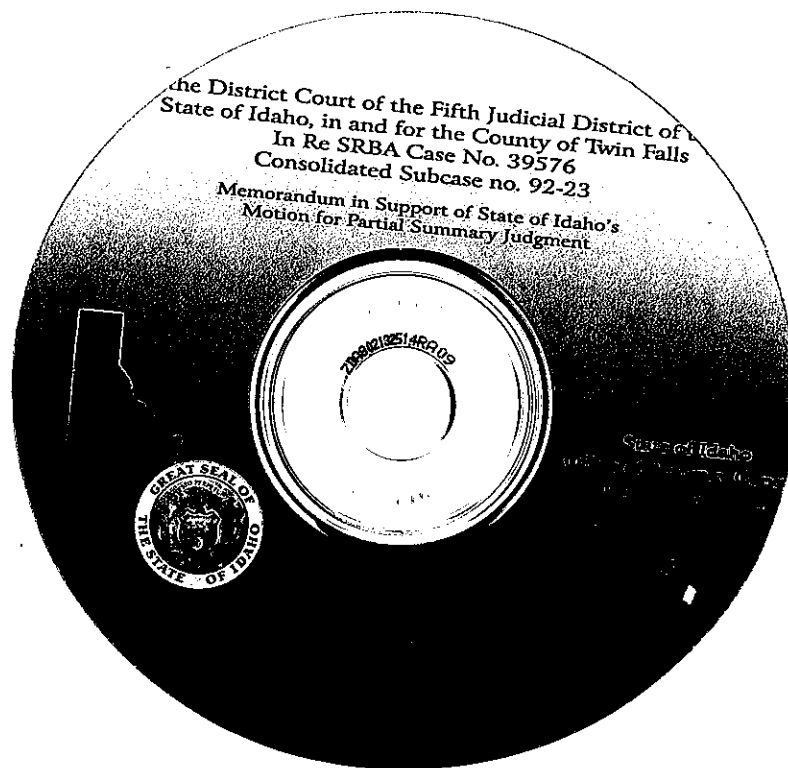
Josephine Beeman
Beeman & Associates, P.C.
409 W. Jefferson Street
Boise, Idaho 83702

- ☒ 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@rex-law.com

Michael C. Orr



the District Court of the Fifth Judicial District of the
State of Idaho, in and for the County of Twin Falls
In Re SRBA Case No. 39576
Consolidated Subcase no. 92-23

Reply in Support of State of Idaho's
Motion for Partial Summary Judgment



2007/12/08 10:09

State of Idaho
Clifford W. Brown, Clerk
Twin Falls, Idaho