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DEPARTMENT OF
WATER RESOURCES

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Attorney General

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Chief, Natural Resources Division

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Deputy Attorney General
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Counsel 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

Subcase Nos. 01-00217, 01-00218,
01-04024, and 01-04025
(Minidoka Power Rights)

Subcase Nos. 01-02068 and 01-04054
(Palisades Power Rights)

**AFFIDAVIT OF DAVID I. STANISH
IN SUPPORT OF THE STATE OF
IDAHO'S MOTION FOR PARTIAL
SUMMARY JUDGMENT**

State of Idaho

County of Ada

DAVID I. STANISH, being first duly sworn, deposes and states:

1. I am a competent adult over the age of eighteen years, and the statements made

herein are based upon my own personal knowledge of the events described.

2. I am a deputy attorney general assigned to the Snake River Basin Adjudication.

3. Attached to this affidavit are true and correct copies of the following documents:

Exhibit A: Town Sites and Power Development Act of 1906, Pub. L. No. 59-103, 34 Stat. 116 (1906);

Exhibit B: *Burley Irr. Dist. v. Ickes*, 116 F.2d 529, 532 (D.C. Cir. 1940), *cert. denied*, 312 U.S. 687 (1941);

Exhibit C: Act Authorizing the Palisades Project, Pub. L. No. 81-864, 64 Stat. 1083 (1949);

Exhibit D: H.R. Doc. No. 81-720 (2d Sess. 1950);

Exhibit E: Supplemental Decree, *Burley Irr. Dist. v. Eagle* (Idaho 5th Dist. Ct. July 10, 1968);

Exhibit F: Supplemental Decree, *Aberdeen-Springfield Canal Co. v. Eagle* (Idaho 7th Dist. Ct. Mar. 12, 1969);

Exhibit G: *Upper Snake River Chapter of Trout Unlimited v. Hodel*, 706 F.Supp. 737 (D. Idaho 1989); and

Exhibit H: *Upper Snake River Chapter of Trout Unlimited v. Hodel*, 921 F.2d 232 (9th Cir. 1990).

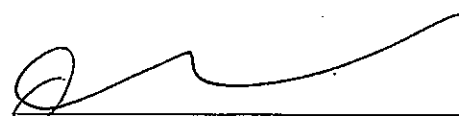
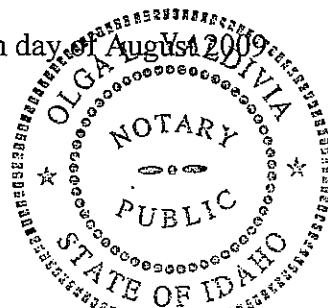
4. Further your affiant sayeth naught.



DAVID I. STANISH
Deputy Attorney General
Natural Resources Division

Subscribed and sworn (or affirmed) to before me, a notary public in and for the State of

Idaho this 14th day of August 2009



Notary Public for Idaho
Residing at Boise, ID
My Commission expires: 2/08/2012

CERTIFICATE OF SERVICE

I certify that on this 17th day of August 2009, I caused to be served the original and copies of the **AFFIDAVIT OF DAVID I. STANISH IN SUPPORT OF THE STATE OF IDAHO'S MOTION FOR PARTIAL SUMMARY JUDGMENT** on the following persons by the methods indicated:

1. Original to:

CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
PO BOX 2707
TWIN FALLS, ID 83303-2707

- ☐ U.S. Mail, postage prepaid
☐ Hand Delivery
☒ Federal Express
☐ Facsimile: (208) 736-2121
☐ Statehouse Mail

2. Copies to:

IDAHO POWER COMPANY
Represented by:
JAMES C TUCKER
IDAHO POWER CO
PO BOX 70
BOISE, ID 83707

- ☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile:
☐ Statehouse Mail

IDAHO POWER COMPANY
Represented by:
JIM LOCHHEAD
BROWNSTEIN HYATT ET AL
410 17TH STREET, SUITE 2200
DENVER, CO 80202

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☐ Facsimile:
☐ Statehouse Mail

AMERICAN FALLS RESERVOIR
Represented by:
C THOMAS ARKOOSH
301 MAIN ST
PO BOX 32
GOODING, ID 83330

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☐ Statehouse Mail

ABERDEEN AMERICAN FALLS GWD
BINGHAM GWD
BONNEVILLE JEFFERSON GWD
CAREY VALLEY GWD
IGWA INC
JEFFERSON CLARK GWD
MADISON GWD
MAGIC VALLEY GWD
NORTH SNAKE GWD

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☐ Statehouse Mail

Represented by:
RANDALL C BUDGE
201 E CENTER, STE A2
PO BOX 1391
POCATELLO, ID 83204-1391

CITY OF POCATELLO
Represented by:
JOSEPHINE P BEEMAN
409 W JEFFERSON ST
BOISE, ID 83702

A&B IRRIGATION DISTRICT
BURLEY IRRIGATION DISTRICT
FALLS IRRIGATION DISTRICT
Represented by:
ROGER D LING
615 H ST
PO BOX 396
RUPERT, ID 83350-0396

MILNER IRRIGATION DIST
NORTH SIDE CANAL COMPANY
TWIN FALLS CANAL COMPANY
Represented by:
JOHN SIMPSON
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485

MINIDOKA IRRIGATION DISTRICT
Represented by:
W KENT FLETCHER
1200 OVERLAND AVE
PO BOX 248
BURLEY, ID 83318

NEW SWEDEN IRRIGATION DISTICT
FREMONT-MADISON IRR DIST
Represented by:
JERRY R. RIGBY
25 N 2ND E
PO BOX 250
REXBURG, ID 83440-0250

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USDI BUREAU OF RECLAMATION
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

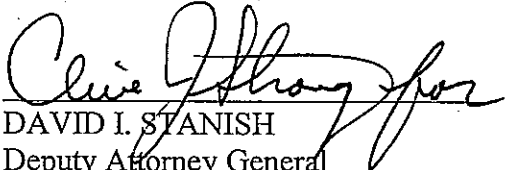
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UNITED STATES OF AMERICA
REGIONAL DIRECTOR PN REGION
BUREAU OF RECLAMATION PN-3100
1150 N CURTIS RD STE 100
BOISE, ID 83706-1234

- ☒ U.S. Mail, postage prepaid
- ☐ Hand Delivery
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IDWR DOCUMENT DEPOSITORY
PO BOX 83720
BOISE, ID 83720-0098

- ☐ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: _____
- ☒ Statehouse Mail


DAVID I. STANISH
Deputy Attorney General

Attachments may be viewed in the repository
or legal file