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DEPARTMENT OF
WATER RESOURCES

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Attorneys for hereinafter described Upper Valley American Falls Spaceholders

Collectively: American Falls Spaceholders

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. 01-02017, 01-02032, 01-
) 02046, 01-10382, 01-10383, 01-10384, 01-
) 10531 and 01-10532
) (American Falls Hydropower Natural Flow
) Subcases)

) Subcase Nos. 01-10485, 01-10486, 01-
) 10487, 01-02064
) (American Falls Hydropower Storage
) Subcases)

) **AFFIDAVIT OF JERRY R. RIGBY IN**
) **SUPPORT OF AMERICAN FALLS**
) **SPACEHOLDERS MOTION TO**
) **PARTICIPATE AND MOTION TO**
) **FILE A LATE OBJECTION AND**
) **MEMORANDUM IN SUPPORT**
) **THEREOF**

STATE OF IDAHO)
 ss
County of Madison.)

JERRY R. RIGBY, being first duly sworn, deposes and says:

1. I am one of the attorneys for the American Falls Spaceholders in the above entitled matter (as specifically described in the motion to which this affidavit is attached).

2. On behalf of the American Falls Spaceholders, this firm has monitored the activities of the above entitled Idaho Power Company sub-cases.

3. In connection with our activities, we initially confirmed that the State of Idaho and the United States were actively involved in objecting to the claims of Idaho Power Company insofar as the additional 255,000 acre feet of storage in American Falls Reservoir is concerned, which is a primary threat to the American Falls Spaceholders's storage rights. We have continuously inquired as to the status of the above sub-cases and have provided any material in our possession as requested by the State in its investigation of the past documentation and historical data.

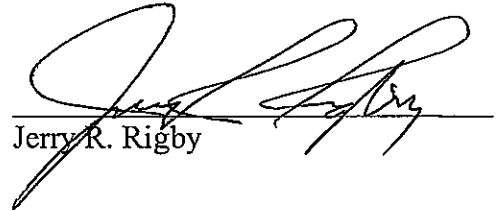
4. However, no one Spaceholder or group was privy to all of the said documentation and historical data as was the State of Idaho. Furthermore, said Spaceholders had no reasonable means to undertake such a detailed investigation of Idaho Power's claims on their own.

5. Only now that we have reviewed the vast documentation and historical data which is incorporated within the brief in support of the State of Idaho's Motion For Partial Summary Judgment have we discovered that although the State of Idaho and the United States certain are key to defending our storage rights from Idaho Power's claims, it is imperative that the Spaceholders themselves, those who relied upon the representations and documentation in the past and present, be personally represented in these subcases.

6. Idaho Power Company will not be prejudiced in any way by the granting of the

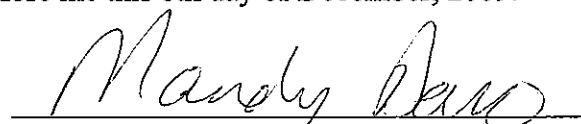
American Falls Spaceholder's participation and late objections in that no significantly new issues will be brought forward by said Spaceholders and the only significant change will be that those who are **directly** impacted by Idaho Power's claims will be participating as it should be.

7. Therefor your affiant respectfully requests that the Court grant the American Falls Spaceholders motions to participate and file a late objection.


Jerry R. Rigby

SUBSCRIBED AND SWORN to before me this 8th day of December, 2009.




Notary Public for Idaho
Residing at St. Anthony, Idaho
My Commission Expires: 6/24/2011