

DISTRICT COURT - IDAHO
TWIN FALLS CO. IDAHO
FILED _____
2009 DEC 4 PM 4 40

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 1 Report of Board of Engineers to Consider Projects in Snake River Valley which may affect the Proposed American Falls Reservoir (Apr. 10, 1920)
- Exhibit 2 1923 American Falls Contract - Contract Between the United States and the Idaho Power Company, Relative to Power Rights at American Falls, Idaho, Contract No. 11r-733 (June 15, 1923)
- Exhibit 3 Order Issuing License, Project No. 18 (FPC May 11, 1934)
- Exhibit 4 Order Issuing License, Project No. 1971 (FPC Aug. 4, 1955)
- Exhibit 5 Letter from K. Holum, Ass't Sec. of the Interior, to J.C. Swidler, Chairman, FPC (Aug. 30, 1962)
- Exhibit 6 American Falls Dam Replacement: Information Report (USBOR Dec. 1966)
- Exhibit 7 Letter from J.G. Watt, Ass't Sec'y of the Interior, to Chairman, FPC (Dec. 16, 1969)
- Exhibit 8 Order to Show Cause, In the Matter of Permits No. 15201/01-2041 and R-273/01-2065 in the Name of Idaho Power Company (IDWR Oct. 1, 1970)
- Exhibit 9 Answer to Order to Show Cause, In the Matter of Permits No. 15201/01-2041 and R-273/01-2065 in the Name of Idaho Power Company (IDWR Dec. 1, 1970)
- Exhibit 10 Memorandum Decision, In the Matter of Permit Nos. 01-2041 and 01-2065 in the Name of Idaho Power Company (IDWR Apr. 21, 1971)
- Exhibit 11 American Falls Dam Replacement: Executive Summary Report (USBOR Dec. 1972)
- Exhibit 12 Idaho Power Company Proposal Presented to Executive Committee of Spaceholders (Feb. 27, 1973)

- Exhibit 13 Letter from L.E. Lanham, Director of Public Affairs, Idaho Power Company to Senator Frank Church (Feb. 28, 1973)
- Exhibit 14 American Falls Spaceholders' Minutes (Mar. 2, 1973)
- Exhibit 15 Memorandum from Dan Dreyfus, Staff Member of Committee on Interior and Insular Affairs, to Senator Church (Mar. 11, 1973)
- Exhibit 16 S. 1528 (1973)
- Exhibit 17 S. 1529 (1973)
- Exhibit 18 Hearing before the Senate Subcommittee on Water and Power Resources on S. 1528 and S. 1529, 93rd Cong. (1973)
- Exhibit 19 S. Rep. No. 93-223 (1973)
- Exhibit 20 Hearing before the House Subcommittee on Water and Power Resources on H.R. 6781, H.R. 6782, and S. 1529 to Authorize the Replacement of the American Falls Dam in Idaho, 93rd Cong. (1973)
- Exhibit 21 Pub. L. 93-206, 87 Stat. 904 (1973)
- Exhibit 22 Petition of AFRD to Intervene in Support of Application for License (Jan. 25, 1974)
- Exhibit 23 Final Env't'l Statement: American Falls Dam Replacement and Powerplant (Department of Interior Nov. 13, 1974)
- Exhibit 24 Letter from P. Holm, Chapman and Cutler, to D. C. Alexander, IRS Comm'r (Nov. 27, 1974)
- Exhibit 25 Brief of AFRD to IRS (Jan. 31, 1975)
- Exhibit 26 Order Issuing Major License (Constructed), Project No. 2258 (FPC Mar. 31, 1975)
- Exhibit 27 Order Issuing Major License (Unconstructed), Project No. 2736 (FPC Mar. 31, 1975)
- Exhibit 28 S. Rep. No. 94-263 (1975)
- Exhibit 29 121 Cong. Rec. 21385 (1975)
- Exhibit 30 121 Cong. Rec. 31515 (1975)
- Exhibit 31 H.R. Rep. No. 94-531 (1975)

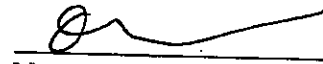
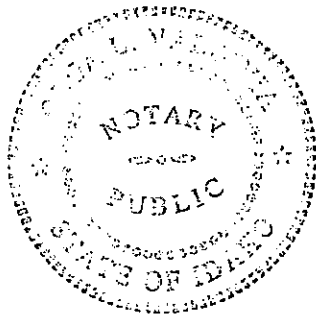
- Exhibit 32 121 Cong. Rec. 31868 (1975)
- Exhibit 33 S. Rep. No. 94-570 (1975)
- Exhibit 34 Pub. L. 94-164, 89 Stat. 970 (1975)
- Exhibit 35 1976 Government Contract - Contract between the United States and the AFRD for Construction and Operation and Maintenance of the American Falls Replacement Dam Program, Contract No. 14-06-100-9041 (Mar. 31, 1976)
- Exhibit 36 1976 Falling Water Contract - Falling Water Contract by and between AFRD and Idaho Power Company (Mar. 31, 1976)
- Exhibit 37 1976 Spaceholder Contract - Spaceholder Contract among the United States, the AFRD, and Idaho Power Company for Storage in the American Falls Replacement Dam and for Construction and Operation and Maintenance of the American Falls Replacement Dam Program (Mar. 31, 1976)
- Exhibit 38 Memorandum in Support of Defendants Motion to Dismiss, Kerner v. United States, Civ. No. 1-76-204 (D. Idaho Feb. 28, 1977)
- Exhibit 39 Memorandum Decision, In the Matter of the Petition of the Boards of Directors of the American Falls Reservoir District, CV No. 28378 (Idaho 5th Dist. Ct. Mar. 7, 1977)
- Exhibit 40 Amended Findings of Fact and Conclusions of Law, In the Matter of the Petition of the Boards of Directors of the American Falls Reservoir District, CV No. 28378 (Idaho 5th Dist. Ct. May 18, 1977)
- Exhibit 41 Transcript on Appeal, Kerner v. Johnson, 99 Idaho 433, 583 P.2d 360 (1978)
- Exhibit 42 Answers and Objections of Idaho Power Company to Plaintiff's First Request for Admissions at 56-56, Kerner v. United States, CV. No. 1-76-204 (D. Idaho July 25, 1978)
- Exhibit 43 Reply Brief of the Non-Federal Defendants, Kerner v. United States, CV. No. 1-76-204 (D. Idaho Apr. 6, 1979)
- Exhibit 44 Bond Counsel Opinion at 15 (Chapman and Cutler Dec. 1, 1980)
- Exhibit 45 Bond Counsel Opinion at 20 (Chapman and Cutler Feb. 21, 1990)
- Exhibit 46 Upper Snake River Basin: A Description of Bureau of Reclamation System Operations Above Milner Dam (USBOR Jan. 1996)

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 4th day of December 2009.



Notary Public for Idaho
Residing at Boise, ID
My Commission expires: 2/8/2012

CERTIFICATE OF SERVICE

I certify that on this 4th day of December 2009, I caused to be served the original and copies of the **AFFIDAVIT OF DAVID I. STANISH** 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

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

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

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

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

CANDICE MCHUGH
RACINE, OLSON, NYE, BUDGE &
BAILEY, CHTD.
101 CAPITOL BLVD., STE. 208
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

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

NORTH SIDE CANAL CO LTD
TWIN FALLS CANAL COMPANY

Represented by:
TRAVIS L THOMPSON
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485

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

MINIDOKA IRRIGATION DISTRICT

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

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

USDI BUREAU OF RECLAMATION

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

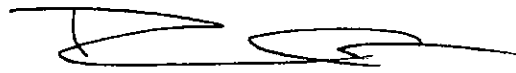
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- ☐ Statehouse Mail

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
- ☐ Federal Express
- ☐ Facsimile: _____
- ☐ Statehouse Mail

IDWR DOCUMENT DEPOSITORY
PO BOX 83720
BOISE, ID 83720-0098

- ☐ Federal Express
- ☐ Facsimile: _____
- ☒ Statehouse Mail

A handwritten signature in black ink, appearing to read 'D. Stanish', written over a horizontal line.

DAVID I. STANISH
Deputy Attorney General

EXHIBITS TO AFFIDAVIT
ON FILE WITH THE
COURT

To request a copy, (\$1.00 per page) please contact
Clerk of the Court at 208-736-3011.