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DEPARTMENT OF
WATER RESOURCES

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Attorneys for Idaho Power Company

IN THE DISTRICT COURT FOR THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	Subcase No. 01-02064
	)	(Hydropower Storage Claim at American Falls)
Case No. 39576	)	
	)	AFFIDAVIT OF ADAM T. DEVOE
	)	

I, ADAM T. DEVOE, being first duly sworn, deposes and states:

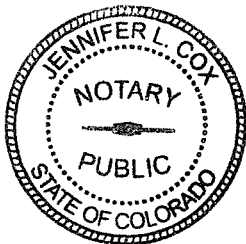
1. I am a competent adult over the age of eighteen years, and the statements made herein are based upon my own personal knowledge of the events described.
2. I am counsel for Idaho Power Company in the above-referenced SRBA proceeding.
3. Attached to this affidavit are true and correct copies of the following documents:

Exhibit	Date	Description
72.	3/15/1974	Memorandum from BOR Regional Finance Officer to BOR Regional Supervisor of Water & Land Operation



STATE OF COLORADO)
) ss.
CITY AND COUNTY OF DENVER)

My commission expires: 6/6/2012





Notary Public

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EXHIBIT 72

**TO THE AFFIDAVIT OF ADAM T. DEVOE
AND IDAHO POWER COMPANY MOTION TO
ALTER OR AMEND**



IN REPLY
REFER TO: 360

United States Department of the Interior
BUREAU OF RECLAMATION

FEDERAL BUILDING & U.S. COURTHOUSE
BOX 043-550 WEST FORT STREET
BOISE, IDAHO 83724

MAR 15 1974

To: Regional Supervisor of Water & Land Operations
Attention: Code 440

From: Regional Finance Officer

Subject: Review of Draft of "Falling Water" Agreement, American
Falls Dam Replacement, Minidoka Project, Idaho

We have reviewed the draft of agreement, comments, and proposed new articles extracted from the 1923 contract with the Idaho Power Company.

We have no basic differences to offer with respect to your comments. Believe it is well to qualify, as you have done, that American Falls Reservoir District does not own storage rights as an entity but actually represents the five canal companies.

Your suggested articles to be included, as extracted from the 1923 contract, contains language that applies to the 45,000 acre-feet of the company's primary right. We assume reference to the 89,250 acre-feet tertiary right has been purposely omitted. We have never fully understood the background or purpose of this additional right that surpasses the capacity of the reservoir. While the elimination of this right would change the distribution of O&M expenses, it would also simplify such distribution. The company's share of O&M expenses, however, would be reduced from 7.1389% to 2.64706%. We assume the Regional Supervisor of Power will have comments with respect to the tertiary storage rights.

Raymond F. Fullerton



Save Energy and You Serve America!