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Attorneys for the State of Idaho

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUN 19 2012	
By _____	Clerk
_____	Deputy Clerk

**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

)
) Subcase Nos. See Attachment A
)
)

) **AFFIDAVIT OF ELIZABETH**
) **ANNE CRESTO**
)
)

STATE OF IDAHO)

) ss.

COUNTY OF ADA)

ELIZABTH ANNE CRESTO, being first duly sworn upon oath, deposes and
states as follows:

1. I am over the age of eighteen and the facts stated below are based on my personal knowledge.

2. I have been employed by the Idaho Department of Water Resources ("Department") as a surface water hydrologist since 2004. My current position is Technical Hydrologist. My job responsibilities include running the water rights accounting program and the storage allocations program for the Boise River system and also the water rights accounting program and the storage allocations program for the Payette River system. I have been responsible for running these programs since 2005.

3. I have reviewed the *State Of Idaho's Motion For Partial Summary Judgment* which was filed on January 25, 2012, in the SRBA proceedings for the water rights for American Falls Reservoir (subcase no. 01-2068) and Palisades Reservoir (subcase no. 01-2068). The "refill" remark that the State of Idaho proposed in that motion is consistent with how the water rights for the federal reservoirs in the Boise River system and the Payette River system have been accounted for under the accounting programs for both of those systems during the entire period I have been responsible for running those programs.

4. I have reviewed the "Affidavit of Robert J. Sutter" which was filed in SRBA Subcase No. 63-3618 on February 12, 2008, and the description of the water rights and storage accounting programs therein is consistent with the current accounting for the Boise River system and the Payette River system.

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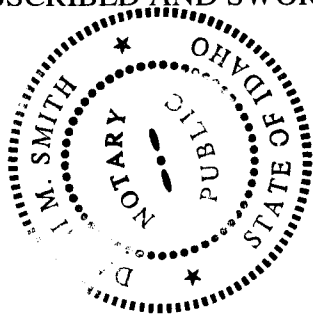
///

Further your affiant sayeth naught.

DATED this 18th day of June 2012.

Elizabeth A Cresto
ELIZABETH ANNE CRESTO

SUBSCRIBED AND SWORN to before me this 18th day of June 2012.



D. M. Smith
Notary Public for Idaho
Residing at: BOISE ID
My commission expires: Dec 12, 2012

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19TH day of June 2012, I caused the foregoing AFFIDAVIT OF ELIZABETH ANNE CRESTO to be filed with the Court and true and correct copies served on the following parties 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: <u>(208) 736-2121</u> Phone: (208) 736-3011
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2. Copies to:

Special Master Terrence A. Dolan Case Administrator Diana Delaney 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: <u>(208) 736-2121</u> ☒ E-Mail: <u>tdolan@id.courts.net</u> ☒ E-Mail: <u>ddelaney@id.courts.net</u> Phone: (208) 736-3011
James C. Tucker Idaho Power Co 1221 W. Idaho St. P.O. Box 70 Boise, ID 83707	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: ☒ E-Mail: <u>JTucker@idahopower.com</u> Phone: 388-2112
Adam DeVoe Brownstein, Hyatt, Farber, Schreck 410 17th Street, Suite 2200 Denver, CO 80202	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: ☒ E-Mail: <u>adevoe@bhfs.com</u>

C. Thomas Arkoosh 301 Main St P.O. Box 32 Gooding, ID 83330	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: ☒ E-Mail: tarkoosh@capitolawgroup.com Phone: (208) 934-8872
Roger D Ling 615 H St P.O. Box 396 Rupert, ID 83350-0396	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: ☒ E-Mail: rdl@idlawfirm.com Phone: (208) 436-4717
Candice McHugh Racine, Olson, Nye, Budge & Bailey, Chtd. 101 Capitol Blvd., Ste. 300 Boise, ID 83702	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☒ E-Mail: cmm@racinelaw.net Phone: 395-0011
Randall C. Budge 221 E. Center, Ste. A2 P.O. Box 1391 Pocatello, ID 83204-1391	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☒ E-Mail: rcb@racinelaw.net Phone: (208) 232-6101
Travis L Thompson 113 Main Ave W., Ste 303 P.O. Box 485 Twin Falls, ID 83303-0485	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☒ E-Mail: tlt@idahowaters.com Phone: (208) 733-0700
Paul L. Arrington 113 Main Ave. W., Ste 303 P.O. Box 485	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority

Twin Falls, ID 83303-0485	Overnight ☐ Facsimile: _____ ☒ E-Mail: pla@idahowaters.com Phone: (208) 733-0700
John K. Simpson 1010 W. Jefferson, Ste 102 P.O. Box 2139 Boise, ID 83701-2139	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☒ E-Mail: jks@idahowaters.com Phone: 336-0700
W. Kent Fletcher Fletcher Law Office 1200 Overland Ave P.O. Box 248 Burley, ID 83318	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☒ E-Mail: wkf@pmt.org Phone: (208) 678-3250
David Gehlert US Department Of Justice 999 18 th Street, South Terrace, Ste. 370 Denver, CO 80202	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☒ E-Mail: david.gehlert@usdoj.gov Phone: (303) 844-1386
USDI Bureau Of Reclamation Represented By: US Department Of Justice Environment & Nat'l Resources 550 West Fort Street, MSC 033 Boise, ID 83724	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Federal Express Priority Overnight ☐ Facsimile: _____ ☐ E-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 Priority Overnight ☐ Facsimile: _____ ☒ E-Mail: mhoward@usbr.gov

American Falls Reservoir Represented by: Craig D. Hobdey 125 5th Ave. P.O. Box 176 Gooding, ID 83330	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☒ E-Mail: hobdeycraig@gmail.com ☐ Statehouse Mail Phone: (208) 934-4429
American Falls Spaceholders New Sweden Irrigation Dist. Represented by: Jerry R. Rigby 25 N. 2nd E. P.O. Box 250 Rexburg, ID 83440-0250	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☐ E-Mail: _____ ☐ Statehouse Mail Phone: (208) 356-3633
Josephine P. Beeman Beeman & Associates, P.C. 409 W Jefferson St Boise, ID 83702	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☒ E-Mail: jo.beeman@beemanlaw.com Phone: 331-0950
State Of Idaho Represented By: Natural Resources Div. Chief State Of Idaho Attorney General's Office P.O. Box 44449 Boise, ID 83711-4449	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Federal Express ☐ Facsimile: _____ ☐ E-Mail: _____ ☒ Not applicable
IDWR Document Depository P.O. Box 83720 Boise, ID 83720-0098	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Federal Express ☐ Facsimile: _____ ☐ E-Mail: _____ ☒ Statehouse Mail
Scott L. Campbell 101 S. Capitol Blvd. 10th Fl.	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery

P.O. Box 829 Boise, ID 83701-0829	☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☒ E-Mail: slc@moffatt.com ☐ Statehouse Mail Phone: 345-2000
Charles F. McDevitt 420 W. Bannock St. P.O. Box 2564 Boise, ID 83701-0829	☒ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Federal Express Priority Overnight ☐ Facsimile: _____ ☐ E-Mail: chas@mcdevitt-miller.com ☐ Statehouse Mail Phone: 343-7500
Albert P. Baker Shelly Davis 1010 W. Jefferson, Ste. 102 P.O. Box 2139 Boise, ID 83701-2139	☒ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Federal Express Priority Overnight ☐ Facsimile: _____ ☐ E-Mail: apb@idahowaters.com ☐ Statehouse Mail Phone: 336-0700



Olga L. Valdivia
Legal Assistant

ATTACHMENT A

01-02064
01-02064A
01-02064E
01-02064F
01-02064L
01-10042
01-10042A
01-10042B
01-10053A
01-10190
(American Falls Subcases)

01-02068
01-02068D
01-02068E
01-02068F
01-02068M
01-02068Y
01-10043
01-10043A
01-10043E
01-10191
01-10389
(Palisades Subcases)