

LAWRENCE G. WASDEN  
ATTORNEY GENERAL

**COPY**

STEVEN L. OLSEN, ISB # 3586  
Deputy Attorney General  
Chief, Civil Litigation Division

MICHAEL S. GILMORE, ISB #1625  
MICHAEL C. ORR, ISB #6720  
Deputy Attorneys General  
P.O. Box 83720  
Boise, Idaho 83720-0010  
Telephone: (208) 334-2400  
mike.gilmore@ag.idaho.gov  
michael.orr@ag.idaho.gov  
Attorneys for the Idaho Water Resources Board

**BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO**

IN THE MATTER OF LICENSING )  
WATER RIGHT PERMIT NO. 01-7011 )  
IN THE NAME OF TWIN FALLS CANAL )  
COMPANY AND NORTH SIDE CANAL )  
COMPANY ) **SECOND AFFIDAVIT OF  
MICHAEL C. ORR IN SUPPORT  
OF IDAHO WATER RESOURCE  
BOARD'S MOTION FOR  
SUMMARY JUDGMENT**

STATE OF IDAHO )  
 ) ss.  
COUNTY OF ADA )

MICHAEL C. ORR, being first duly sworn upon his oath, deposes and states that:

1. I am a Deputy Attorney General in the Idaho Office of the Attorney General and one of the attorneys of record for the Idaho Water Resource Board in the above-entitled proceedings.

2. The following is based upon my own personal knowledge.

3. Attached hereto as **Exhibit 1** is a true and correct copy of the *Order Issuing Major License (Constructed), Project No. 2258*, issued by the Federal Power

Commission on March 31, 1975.

4. Attached hereto as **Exhibit 2** is a true and correct copy of the *Order Issuing Major License (Inconstructed), Project No. 2736*, issued by the Federal Power Commission on March 31, 1975.

Further your affiant sayeth naught.

DATED this 11<sup>th</sup> day of February 2010.

Michael C. Orr  
MICHAEL C. ORR

SUBSCRIBED AND SWORN to before me this 11<sup>th</sup> day of February 2010.



[Signature]  
Notary Public for Idaho  
Residing at: Boise  
My commission expires: 2/8/2012

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 11<sup>th</sup> day of February 2010, I caused a true and correct copy of the foregoing **SECOND AFFIDAVIT OF MICHAEL C. ORR IN SUPPORT OF IDAHO WATER RESOURCE BOARD'S MOTION FOR SUMMARY JUDGMENT** to be filed with the Court and served on the following parties by the indicated methods:

John Rosholt Travis Thompson Barker Rosholt 113 Main Ave., W. Ste 303 Twin Falls, ID 83301-6167	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Certified Mail <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile: _____ <input checked="" type="checkbox"/> E-mail (Affidavit only – no exhibits): <a href="mailto:jar@idahowaters.com">jar@idahowaters.com</a> <a href="mailto:tlt@idahowaters.com">tlt@idahowaters.com</a>
John Simpson Barker Rosholt PO Box 2139 Boise, ID 83701-2139	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Certified Mail <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile: _____ <input checked="" type="checkbox"/> E-mail (Affidavit only – no exhibits): <a href="mailto:jks@idahowaters.com">jks@idahowaters.com</a>
Randall C. Budge Candice M. McHugh Racine Olson Nye Budge & Bailey, Chartered PO Box 1391 Pocatello, Idaho 83204-1391	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Certified Mail <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile: _____ <input checked="" type="checkbox"/> E-mail (Affidavit only – no exhibits): <a href="mailto:rcb@racinelaw.net">rcb@racinelaw.net</a> <a href="mailto:cmm@racinelaw.net">cmm@racinelaw.net</a>
Robert L. Harris PO Box 50130 Idaho Falls, ID 83405	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Certified Mail <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile: _____ <input checked="" type="checkbox"/> E-mail (Affidavit only – no exhibits): <a href="mailto:rharris@holdenlegal.com">rharris@holdenlegal.com</a>

<p>Craig B. Evans, Chairman          Bingham Group Water District          PO Box 1268          Blackfoot, ID 83221</p>	<p><input checked="" type="checkbox"/> U.S. Mail  <input type="checkbox"/> Hand Delivery  <input type="checkbox"/> Certified Mail  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Facsimile: _____  <input checked="" type="checkbox"/> E-mail (Affidavit only – no exhibits):  <a href="mailto:binghamgroundwtr@cableone.net">binghamgroundwtr@cableone.net</a></p>
<p>Lyle Swank          IDWR          900 N. Skyline Dr.          Idaho Falls, ID 83402-6105</p>	<p><input checked="" type="checkbox"/> U.S. Mail  <input type="checkbox"/> Hand Delivery  <input type="checkbox"/> Certified Mail  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Facsimile: _____  <input checked="" type="checkbox"/> E-mail (Affidavit only – no exhibits):  <a href="mailto:lyle.swank@idwr.idaho.gov">lyle.swank@idwr.idaho.gov</a></p>
<p>Allen Merritt          Cindy Yenter          IDWR          1341 Fillmore St. Ste 200          Twin Falls, ID 83301-3033</p>	<p><input checked="" type="checkbox"/> U.S. Mail  <input type="checkbox"/> Hand Delivery  <input type="checkbox"/> Certified Mail  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Facsimile: _____  <input checked="" type="checkbox"/> E-mail (Affidavit only – no exhibits):  <a href="mailto:allen.merritt@idwr.idaho.gov">allen.merritt@idwr.idaho.gov</a>  <a href="mailto:Cindy.yenter@idwr.idaho.gov">Cindy.yenter@idwr.idaho.gov</a></p>

  
 MICHAEL C. ORR  
 Deputy Attorney General

5.