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**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)

**SUBMISSION OF ELECTRONIC
COPIES OF SRBA BRIEF AND
AFFIDAVIT RE: MILNER ZERO
MINIMUM FLOW**

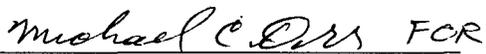
The Idaho Water Resource Board (“IWRB”) hereby files for the Hearing Officer’s convenience a computer CD that contains hyperlinked electronic copies of the *Memorandum in Support of State of Idaho’s Motion for Partial Summary Judgment Re: Milner Zero Minimum Flow* (“SRBA Brief”) and the *Affidavit of Michael C. Orr* (“SRBA Affidavit”), which the State of Idaho filed on October 19, 2009 in SRBA subcase nos.00-92002GP, 02-00200, 02-00201, 00-00223 and 02-00224. The *Memorandum in Support of Idaho Water Resource Board’s Motion for Summary Judgment* in the above-captioned matter, filed herewith, incorporates pages 21-52 of the SRBA Brief by reference, and relies in part on exhibits contained in the SRBA Affidavit.

The IWRB has included copies of the SRBA Brief and the SRBA Affidavit in the affidavit in support of the IWRB's motion for summary judgment in this proceeding, which is filed herewith. The CD attached hereto is submitted for the convenience of the Hearing Officer and counsel, because the CD allows affidavit exhibits and cited portions of the record be viewed by activating hyperlinks. The SRBA Brief will open automatically as a .pdf document after the CD is loaded into a computer. The SRBA Affidavit can be opened through the CD's directory. Activating a hyperlink in the SRBA Brief or the SRBA Affidavit will open a new window displaying the corresponding exhibit or portion of the record as a .pdf document. Clicking the "X" in the upper right corner will close the new window, and return to the SRBA Brief or SRBA Affidavit.

Respectfully submitted this 11TH day of February 2010.

LAWRENCE G. WASDEN
Attorney General

STEVEN L. OLSEN
Chief, Civil Litigation Division

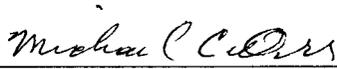

MICHAEL S. GILMORE
Deputy Attorney General

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of February 2010, I caused a true and correct copy of the foregoing SUBMISSION OF ELECTRONIC COPIES OF SRBA BRIEF AND AFFIDAVIT RE: MILNER ZERO MINIMUM FLOW to be filed with the Court and served on the following parties by the indicated methods:

<p>John Rosholt Travis Thompson Barker Rosholt 113 Main Ave., W. Ste 303 Twin Falls, ID 83301-6167</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: jar@idahowaters.com tlr@idahowaters.com</p>
<p>John Simpson Barker Rosholt PO Box 2139 Boise, ID 83701-2139</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: jks@idahowaters.com</p>
<p>Randall C. Budge Candice M. McHugh Racine Olson Nye Budge & Bailey, Chartered PO Box 1391 Pocatello, Idaho 83204-1391</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: rcb@racinelaw.net cmm@racinelaw.net</p>
<p>Robert L. Harris PO Box 50130 Idaho Falls, ID 83405</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: rharris@holdenlegal.com</p>
<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: binghamgroundwtr@cableone.net</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: lyle.swank@idwr.idaho.gov</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: allen.merritt@idwr.idaho.gov Cindy.yenter@idwr.idaho.gov</p>



 MICHAEL C. ORR
 Deputy Attorney General

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. 00-92002GP, 02-00200, 02-00201,
02-00223 and 02-00224

Memorandum in Support of State of Idaho's Motion for Partial Summary Judgment
Affidavit of Michael C. Orr



State of Idaho
Office of Attorney General
Lawrence Wasden
Filed October 16, 2009



(Including supporting affidavits and exhibits.)