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ATTORNEYS FOR THE CITY OF POCATELLO

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF GOODING**

A&B IRRIGATION DISTRICT, AMERICAN  
FALLS RESERVOIR DISTRICT #2,  
BURLEY IRRIGATION DISTRICT,  
MILNER IRRIGATION DISTRICT,  
MINIDOKA IRRIGATION DISTRICT,  
NORTH SIDE CANAL COMPANY, and  
TWIN FALLS CANAL COMPANY

UNITED STATES OF AMERICA,  
BUREAU OF RECLAMATION,

Petitioners,

vs.

IDAHO DAIRYMEN'S ASSOCIATION,  
INC.,

Cross-Petitioner,

vs.

GARY SPACKMAN, in his capacity as

**Case No.: CV-2008-0000551**

AFFIDAVIT OF SARAH A. KLAHN

Interim Director of the Idaho Department of Water Resources,<sup>1</sup> and THE IDAHO DEPARTMENT OF WATER RESOURCES

Respondents,

IN THE MATTER OF DISTRIBUTION OF WATER TO VARIOUS WATER RIGHTS HELD BY OR FOR THE BENEFIT OF A&B IRRIGATION DISTRICT, AMERICAN FALLS RESERVOIR DISTRICT #2, BURLEY IRRIGATION DISTRICT, MILNER IRRIGATION DISTRICT, MINIDOKA IRRIGATION DISTRICT, NORTH SIDE CANAL COMPANY AND TWIN FALLS CANAL COMPANY

STATE OF COLORADO )  
 ) ss.  
COUNTY OF DENVER )

SARAH A. KLAHN, being first duly sworn upon her oath, deposes and states that:

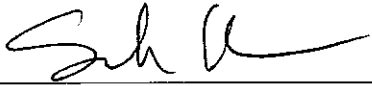
1. I am an attorney of record for the City of Pocatello in the captioned matter.
2. Attached is a true and correct copy of official transcripts from the following proceedings before the Idaho Department of Water Resources on May 24<sup>th</sup> and May 25, 2010:
  - a. The Hearing on the Methodology Order, May 24, 2010. Exhibit A.
  - b. The Hearing on the As Applied Order, May 24, 2010, Volume I. Exhibit B.
  - c. The Hearing on the As Applied Order, May 25, 2010, Volume II. Exhibit C.
3. Our office received the Court's June 1, 2010, Order Granting Requests for Extension on Friday, June 4, 2010 by United States Mail.

Further, AFFIANT SAYETH NAUGHT.

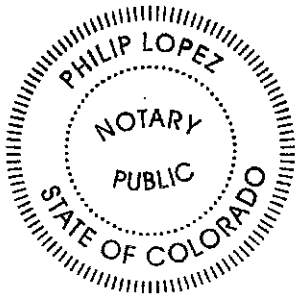
DATED this 7<sup>th</sup> day of June, 2010.

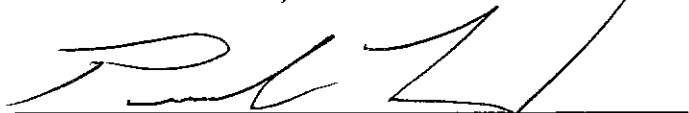
<sup>1</sup> Director David R. Tuthill retired as Director of Idaho Department of Water Resources effective June 30, 2009. Gary Spackman was appointed as Interim Director. I.R.C.P. 25 (d) and (e).

WHITE & JANKOWSKI, LLP  
Attorneys for the City of Pocatello

By   
Sarah A. Klahn

BEFORE ME, the undersigned, a Notary Public, in and for said County and State on this 7<sup>th</sup> day of June, 2010, personally appeared Sarah A. Klahn, who executed the above as his/her free and voluntary act.



  
Notary Public  
511 16<sup>th</sup> St. Suite 500  
Denver, CO 80202

My Commission Expires: 7/23/2013

**CERTIFICATE OF SERVICE**

I hereby certify that on this 7<sup>th</sup> day of June, 2010, I caused to be served a true and correct copy of the foregoing **Affidavit of Sarah A. Klahn** in **Case No. CV-2008-0000551** upon the following by the method indicated:

  
 \_\_\_\_\_  
 Sarah Klahn, White & Jankowski, LLP

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|--|--|
| Gary Spackman, Interim Director<br>State of Idaho, Dept of Water Resources<br>322 E Front St<br>PO Box 83720<br>Boise ID 83720-0098<br><a href="mailto:Deborah.Gibson@idwr.idaho.gov">Deborah.Gibson@idwr.idaho.gov</a>  | <input type="checkbox"/> U.S. Mail, Postage Prepaid<br><input type="checkbox"/> Hand Delivery<br><input type="checkbox"/> Overnight Mail – Federal Express<br><input type="checkbox"/> Facsimile 208-287-6700, Phone 208-287-4942<br><input checked="" type="checkbox"/> Email |
| Cynthia R. Eagle-Ervin, Deputy Clerk<br>Gooding County District Court<br>624 Main St<br>Gooding ID 83330   | <input type="checkbox"/> U.S. Mail, Postage Prepaid<br><input type="checkbox"/> Hand Delivery<br><input checked="" type="checkbox"/> Overnight Mail – Federal Express<br><input type="checkbox"/> Facsimile 208-934-4408, Phone 208-934-4861<br><input type="checkbox"/> Email |
| Courtesy Copy to:<br>Judge John M. Melanson<br>Idaho Court of Appeals<br>PO Box 83720<br>Boise ID 83720-0101   | <input type="checkbox"/> U.S. Mail, Postage Prepaid<br><input checked="" type="checkbox"/> Hand Delivery<br><input type="checkbox"/> Overnight Mail<br><input type="checkbox"/> Facsimile 208-334-2616<br><input type="checkbox"/> Email                                       |
| C. Thomas Arkoosh<br>Capitol Law Group<br>PO Box 32<br>Gooding ID 83330<br><a href="mailto:tarkoosh@capitolawgroup.net">tarkoosh@capitolawgroup.net</a>  | <input type="checkbox"/> U.S. Mail, Postage Prepaid<br><input type="checkbox"/> Hand Delivery<br><input type="checkbox"/> Overnight Mail<br><input type="checkbox"/> Facsimile 208-934-8873<br><input checked="" type="checkbox"/> Email                                       |
| John A. Rosholt<br>John K. Simpson<br>Travis L. Thompson<br>Paul L. Arrington<br>Barker Rosholt & Simpson<br>113 Main Ave West Ste 303<br>PO Box 485<br>Twin Falls ID 83303-0485<br><a href="mailto:jar@idahowaters.com">jar@idahowaters.com</a><br><a href="mailto:tlt@idahowaters.com">tlt@idahowaters.com</a><br><a href="mailto:jks@idahowaters.com">jks@idahowaters.com</a><br><a href="mailto:pla@idahowaters.com">pla@idahowaters.com</a> | <input type="checkbox"/> U.S. Mail, Postage Prepaid<br><input type="checkbox"/> Hand Delivery<br><input type="checkbox"/> Overnight Mail<br><input type="checkbox"/> Facsimile 208-735-2444<br><input checked="" type="checkbox"/> Email                                       |
| Kent Fletcher<br>Fletcher Law Office<br>PO Box 248<br>Burley, ID 83318<br><a href="mailto:wktf@pmt.org">wktf@pmt.org</a>   | <input type="checkbox"/> U.S. Mail, Postage Prepaid<br><input type="checkbox"/> Hand Delivery<br><input type="checkbox"/> Overnight Mail<br><input type="checkbox"/> Facsimile 208-878-2548<br><input checked="" type="checkbox"/> Email                                       |

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|--|---|
| <p>Garrick L. Baxter<br/> Chris M. Bromley<br/> Deputy Attorneys General – IDWR<br/> PO Box 83720<br/> Boise ID 83720-0098<br/> <a href="mailto:garrick.baxter@idwr.idaho.gov">garrick.baxter@idwr.idaho.gov</a><br/> <a href="mailto:chris.bromley@idwr.idaho.gov">chris.bromley@idwr.idaho.gov</a></p> | <p><input type="checkbox"/> U.S. Mail, Postage Prepaid<br/> <input type="checkbox"/> Hand Delivery<br/> <input type="checkbox"/> Overnight Mail<br/> <input type="checkbox"/> Facsimile 208-287-6700<br/> <input checked="" type="checkbox"/> Email</p> |
| <p>Randall C. Budge<br/> Candice M. McHugh<br/> Racine Olson Nye Budge &amp; Bailey<br/> 201 E Center St<br/> PO Box 1391<br/> Pocatello ID 83204-1391<br/> <a href="mailto:rbc@racinelaw.net">rbc@racinelaw.net</a><br/> <a href="mailto:cmm@racinelaw.net">cmm@racinelaw.net</a></p>                   | <p><input type="checkbox"/> U.S. Mail, Postage Prepaid<br/> <input type="checkbox"/> Hand Delivery<br/> <input type="checkbox"/> Overnight Mail<br/> <input type="checkbox"/> Facsimile 208-232-6109<br/> <input checked="" type="checkbox"/> Email</p> |
| <p>Dean Tranmer<br/> City of Pocatello<br/> PO Box 4169<br/> Pocatello ID 83201<br/> <a href="mailto:dtranmer@pocatello.us">dtranmer@pocatello.us</a></p>  | <p><input type="checkbox"/> U.S. Mail, Postage Prepaid<br/> <input type="checkbox"/> Hand Delivery<br/> <input type="checkbox"/> Overnight Mail<br/> <input type="checkbox"/> Facsimile 208-234-6297<br/> <input checked="" type="checkbox"/> Email</p> |
| <p>Kathleen Carr<br/> US Dept Interior<br/> 960 Broadway Ste 400<br/> Boise ID 83706<br/> <a href="mailto:kmarioncarr@yahoo.com">kmarioncarr@yahoo.com</a></p>   | <p><input type="checkbox"/> U.S. Mail, Postage Prepaid<br/> <input type="checkbox"/> Hand Delivery<br/> <input type="checkbox"/> Overnight Mail<br/> <input type="checkbox"/> Facsimile 208-334-1907<br/> <input checked="" type="checkbox"/> Email</p> |
| <p>David W. Gehlert<br/> Natural Resources Section<br/> Environment &amp; Natural Resources Division<br/> US Dept of Justice<br/> 1961 Stout St 8<sup>th</sup> Floor<br/> Denver CO 80294<br/> <a href="mailto:david.gehlert@usdoj.gov">david.gehlert@usdoj.gov</a></p>                                  | <p><input type="checkbox"/> U.S. Mail, Postage Prepaid<br/> <input type="checkbox"/> Hand Delivery<br/> <input type="checkbox"/> Overnight Mail<br/> <input type="checkbox"/> Facsimile 303-844-1350<br/> <input checked="" type="checkbox"/> Email</p> |
| <p>Michael Gilmore<br/> Attorney General's Office<br/> PO Box 83720<br/> Boise ID 83720-0010<br/> <a href="mailto:mike.gilmore@ag.idaho.gov">mike.gilmore@ag.idaho.gov</a></p>   | <p><input type="checkbox"/> U.S. Mail, Postage Prepaid<br/> <input type="checkbox"/> Hand Delivery<br/> <input type="checkbox"/> Overnight Mail<br/> <input type="checkbox"/> Facsimile 208-334-2830<br/> <input checked="" type="checkbox"/> Email</p> |
| <p>Michael C Creamer<br/> Jeffery C. Fereday<br/> Givens Pursley<br/> 601 W Bannock St Ste 200<br/> PO Box 2720<br/> Boise ID 83701-2720<br/> <a href="mailto:mcc@givenspursley.com">mcc@givenspursley.com</a><br/> <a href="mailto:jefffereday@givenspursley.com">jefffereday@givenspursley.com</a></p> | <p><input type="checkbox"/> U.S. Mail, Postage Prepaid<br/> <input type="checkbox"/> Hand Delivery<br/> <input type="checkbox"/> Overnight Mail<br/> <input type="checkbox"/> Facsimile 208-388-1300<br/> <input checked="" type="checkbox"/> Email</p> |

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|---|---|
| <p>Roger D. Ling<br/> Attorney at Law<br/> PO Box 623<br/> Rupert ID 83350<br/> <u><a href="mailto:rdl@idlawfirm.com">rdl@idlawfirm.com</a></u></p>   | <p><input type="checkbox"/> U.S. Mail, Postage Prepaid<br/> <input type="checkbox"/> Hand Delivery<br/> <input type="checkbox"/> Overnight Mail<br/> <input type="checkbox"/> Facsimile 208-436-6804<br/> <input checked="" type="checkbox"/> Email</p> |
| <p>Matt Howard<br/> US Bureau of Reclamation<br/> 1150 N Curtis Road<br/> Boise ID 83706-1234<br/> <u><a href="mailto:mhoward@pn.usbr.gov">mhoward@pn.usbr.gov</a></u></p>  | <p><input type="checkbox"/> U.S. Mail, Postage Prepaid<br/> <input type="checkbox"/> Hand Delivery<br/> <input type="checkbox"/> Overnight Mail<br/> <input type="checkbox"/> Facsimile<br/> <input checked="" type="checkbox"/> Email</p>              |
| <p>Lyle Swank<br/> IDWR – Eastern Region<br/> 900 N Skyline Dr<br/> Idaho Falls ID 83402-6105<br/> <u><a href="mailto:lyle.swank@idwr.idaho.gov">lyle.swank@idwr.idaho.gov</a></u></p>  | <p><input type="checkbox"/> U.S. Mail, Postage Prepaid<br/> <input type="checkbox"/> Hand Delivery<br/> <input type="checkbox"/> Overnight Mail<br/> <input type="checkbox"/> Facsimile<br/> <input checked="" type="checkbox"/> Email</p>              |
| <p>Allen Merritt<br/> Cindy Yenter<br/> IDWR – Southern Region<br/> 1341 Filmore St Ste 200<br/> Twin Falls ID 83301-3033<br/> <u><a href="mailto:allen.merritt@idwr.idaho.gov">allen.merritt@idwr.idaho.gov</a></u><br/> <u><a href="mailto:cindy.yenter@idwr.idaho.gov">cindy.yenter@idwr.idaho.gov</a></u></p> | <p><input type="checkbox"/> U.S. Mail, Postage Prepaid<br/> <input type="checkbox"/> Hand Delivery<br/> <input type="checkbox"/> Overnight Mail<br/> <input type="checkbox"/> Facsimile<br/> <input checked="" type="checkbox"/> Email</p>              |