

ATTACHMENT 5

Confederated Salish and Kootenai Tribes) Docket No. P-5-100
Energy Keepers, Incorporated)
)

STATE OF MONTANA)
)
County of Lake)

1. I am a citizen of the United States, a resident of the State of Montana, of legal age and I am competent to be a witness. I am percipient and if called upon to testify could testify to the following, all of which are within my own personal knowledge.

2. I am an individual residing on the Flathead Indian Reservation ("FIR"). I am a farmer and own fee land on the FIR. I am an irrigator and a member of the Mission Irrigation District.

3. I make this affidavit of my own accord and do not speak for any other individual or entity other than my wife.

AFFIDAVIT OF R. ROY VALLEJO
PAGE 1

prepare and file on our behalf. This affidavit, which is attached as EXHIBIT 1, contains several untrue statements that I wish to bring to light.

5. Paragraph 13 of Mr. Cole's affidavit incorrectly portrays this motion to intervene as being counterproductive to the FJCB's efforts to negotiate with the Confederated Salish and Kootenai Tribes and the U.S. Department of Interior, on behalf of all FIP irrigators, the terms and conditions for securing a continued low-cost block of power for FIP irrigators. It then states, that when he called my wife on the telephone, my wife was "very apologetic and remorseful for having any part in involvement with Mr. Kogan that was counterproductive to the Board's efforts in any way." Mr. Cole's wording of what he thinks my wife said strongly suggests that we had apologized for the filing of this motion. Mr. Cole is incorrect. My wife felt sad and apologetic only for current divisiveness and disagreements among our friends and the FJBC. I, along with other of attorney Kogan's clients, regretted that the Board had been unwilling to work with attorney Kogan in negotiating a strong position on behalf of irrigators in the low-cost block of power settlement proceedings. However, my wife neither apologized nor expressed remorse to Mr. Cole during their phone call with him about our participation in the collective decision made by all attorney Kogan's clients to have him file the motion to intervene in this matter. In fact, we, along with the others, asked him to file it for the reasons stated below. Furthermore, my wife and I still regret that the Board has continued to be unwilling to work with attorney Kogan to represent FIP irrigators in the strongest manner possible.

6. My wife and I, along with other of attorney Kogan's clients, were very concerned that the Board had not been up front about what precisely they were negotiating and why it was important to irrigators. The Board also had been very secretive regarding how it planned to achieve its negotiating goals and objectives. And, the Board refused to discuss with irrigators

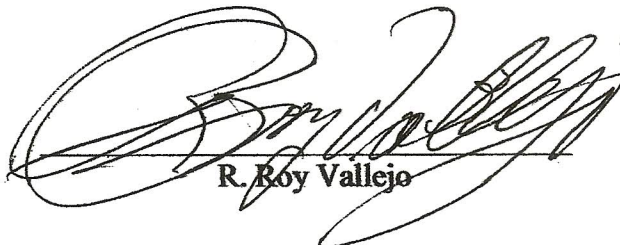
the relationship between our water rights, federal and tribal water rights and the low-cost block of power. Before we asked attorney Kogan to file the intervention, each time we and other irrigators had questioned the Board about this relationship and their negotiating goals and objectives, we received the following answers: the relationship was "not relevant," the goals and objectives were "privileged and confidential" and we had to "trust them." I can honestly say, on behalf of my wife and myself that we did not and still do not feel comfortable with the Board's answers to our questions. In fact, as my wife and I have come across new information, we are more disturbed by the Board's answers than we were before. It is my understanding that other of attorney Kogan's clients feel the same way. We and others had asked attorney Kogan to file a motion to intervene that strongly represented irrigator interests, which he did. We did not intend to "support the Board's efforts" if they did not strongly represent irrigator interests.

7. Paragraph 13 of Mr. Cole's affidavit also makes another untrue statement when referring to my wife and I. "Neither knew about this particular action or had seen any of the documents that attorney Kogan filed." This is a blatantly false statement. Between October 14th (a date of a FJBC Board meeting) and October 21st (the day Mr. Kogan filed the Intervention) there were discussions among Mr. Kogan and his clients as to whether or not the Intervention should be filed. My wife was somehow misinformed that the Intervention would not be filed. I knew that the motion to intervene would be filed because I, along with other of attorney Kogan's clients, had asked him to file it. Attorney Kogan had explained to us by telephone before the filing how the motion to intervene he would file would seek answers to the questions we had previously raised but which the Board had ignored, as noted above. He also emailed to us a copy of the motion to intervene during the early morning of October 22, 2015, after the FERC had acknowledged late in the evening of October 21, 2015, that the filing had been received. Our

copy of the filing was emailed to my wife's computer, but she had not opened the document at the time she was speaking with Mr. Cole. Mr. Cole misunderstood his conversation with my wife.

Further your affiant says not.

Dated: November 30, 2015
MM/DD/YY

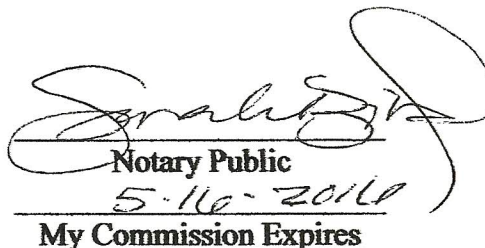

R. Roy Vallejo

STATE OF MONTANA
COUNTY OF LAKE, ss.

Personally appeared the above-named R. Roy Vallejo.

And made oath that the above facts are true upon his personal knowledge, information and belief and, to the extent that they are based upon information and belief, he swears that he believes them to be true.

Dated November 30, 2015
(MM/DD/YY)


Notary Public
5-16-2016
My Commission Expires

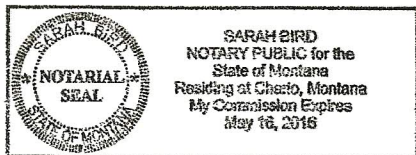


EXHIBIT 1

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

Confederated Salish and Kootenai Tribes
Energy Keepers, Incorporated

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Project No. P-5-100

AFFIDAVIT OF BOONE COLE

STATE OF MONTANA

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County of Sanders) ss:

Boone Cole, being first duly sworn upon oath, deposes and says:

1. I am a citizen of the United States; a resident of the State of Montana, of legal age and I am competent to be a witness. I am percipient and if called upon to testify could testify to the following; all of which are within my own personal knowledge.

2. I am an individual residing on the Flathead Indian Reservation ("FIR"). I am a rancher and own fee land on the FIR; I am an irrigator, a member of the Joeko Irrigation District; I am the Chairman of the Board and as such am a member of the Executive Committee of the Flathead Joint Board of Control ("FJBC").

3. I make this affidavit of my own accord and do not speak for any other individual or entity, including the irrigation districts and FJBC.

4. I am very familiar with the Flathead Irrigation Project's [the "Project"] history and with the issues surrounding Project operations. I am also very familiar with the Low Cost Block of Power ("LCB") and Net Power Revenues ("NPR"), and their associated issues, including the issues involved in the above captioned action.

5. Both LCB and NPR are vital to the continued viability of the Project and the irrigators who make their living on farms and ranches served by the Project.

6. I am providing this Affidavit in response to the Supplemental pleadings filed on October 5, 2015 and November 10, 2015, by attorney, Lawrence A. Kogan's on behalf of TED HEIN, DEAN BROCKWAY, BUFFALO WALLOW LLC, WESTERN WATER USERS ASSOCIATION LLC, GENE ERB, JR., PAUL A. and BARBARA GRIECO, MARY K. MATHEIDAS, R. ROY and SHEILA M. C. VALLEJO.

7. Although I do not know the Matheidases, I consider each of the remaining individuals named in the preceding paragraph to be a friend.

8. I understand that the following are the "clients" that have severed their relationship with Mr. Kogan, at least with respect to the above captioned action, and have withdrawn as intervenors:

- Linda Ambo;
- Gary and Sandy Baerisch;
- Charley and Carol Lyons;
- Robert and Erlene Robinson; and
- Ray L. and E. Anne Swenson.

9. I am personally very concerned with the positions taken by attorney Kogan and have been outspoken regarding my concerns, both at FJBC Board meetings and in conversations that I have had with friends and other irrigators who will ultimately be impacted by these proceedings.

10. I was especially concerned when I saw the names of the individuals attorney Kogan named as intervenors in this action. I did not believe that these individuals understood the positions that attorney Kogan was taking and did not understand what could and could not be addressed in these proceedings.

11. I took it upon myself, at no one's direction, to speak with some of the individuals named as intervenors. On October 23, 2015, I spoke with Carol Lyons, Sheila Vallejo, Dean Brockway and Ted Hein regarding Kogan's attempted intervention in the FERC proceeding. I visited with Ray Swenson on November 2, 2015. I spoke independently with Ted Hein and Dean Brockway and inquired as to their level of understanding of attorney Kogan's motion to intervene, particularly since it contained so many factual errors and did NOT reflect the Joint Board's position as it purported to do. Additionally, I expressed to them the potential damage that I firmly believed the intervention could do to the Board's efforts before FERC.

12. Dean Brockway assured me that he had no idea what had been filed, or even that anything had been filed. His only connection was that he had been a party to the earlier action by attorney Kogan regarding the transfer of Kerr Dam to the CSKT. He had not seen any documents or consented to be party to this action. I understand that he has since consented to attorney Kogan's representation.

13. Both the Lyons and the Vallejos, who are dear friends of mine, had already heard of the fallout of attorney Kogan's attempted intervention by the time I talked to them. They were very apologetic and remorseful for having any part in anything that was counterproductive to the Board's efforts in any way. Both have been staunch supporters of the Board. They both assured me that they were told that attorney Kogan would only be "supporting the Board's efforts" and in general they thought he was working with the Board. Neither knew about this particular action or had seen any of the documents that attorney Kogan filed.

14. Ray Swenson, also told me that he had not seen the documents that were filed.

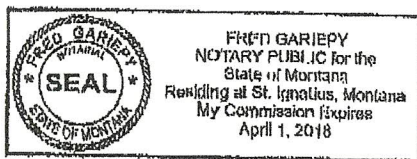
15. I consider all of the individuals with whom I spoke to be friends, and I certainly never used any "Mafia" tactics as attorney Kogan suggests.


16. I was not directed by any of the Board's attorneys to do or say anything to any of the individuals with whom I met. I did not believe that the intervenors had been provided with good information from attorney Kogan, and wanted to make sure that they each understood my concerns. I acted on my own meeting and speaking with those individuals. I was not acting on behalf of the Board or the Board's attorneys, although I know that they share many of my same concerns.

Further your affiant says not.


Boone Cole

SUBSCRIBED AND SWORN to before me this 13th day of November, 2015.




SIGNATURE
Fred Gariepy
Print or Type Name
Notary Public for the State of Montana,
Residing at St Ignatius, Montana
My commission expires: April 1, 2018
MONTH, DAY, YEAR (201*)