

Attorneys for Jerry L. Tlucek
and Mary Lou Tlucek

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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 No. 63-03174

**AFFIDAVIT OF SCOTT L. CAMPBELL IN
SUPPORT OF MOTION TO VACATE TRIAL
SCHEDULING ORDER AND RESET DATES**

STATE OF IDAHO)
) ss.
County of Ada)

Scott L. Campbell, having been duly sworn upon oath, deposes and states as follows:

1. I am one of the attorneys providing legal services to Jerry L. Tlucek and Mary Lou Tlucek (hereafter "Tluceks"), in the above-captioned matter.

2. I have knowledge of the files in this matter, and I make this affidavit based upon personal knowledge.

3. On or about October 1, 2007, a Trial Scheduling Order was issued in the above-captioned matter.

4. To date, the factual record of depositions, admissions, and affidavits necessary to develop the basis for a summary judgment motion, specifically with regard to depositions, has not been sufficiently established.

5. On or about September 17, 2007, the law offices of Moffatt, Thomas, Barrett, Rock & Fields, Chartered received the Supplemental Director's Report (hereafter "Report") regarding this matter.

6. With regard to the relevant depositions associated with the Report, after a substantial unavoidable delay in communications, Garrick Baxter, counsel for the Idaho Department of Water Resources (hereafter "IDWR"), provided the available dates and names of certain individuals, including Don Shaff, who were allegedly proper for such depositions.

7. The deposition of Don Shaff was conducted on October 25, 2007, at which time it became apparent that there were individuals in addition to those initially identified for deposition by the IDWR, who would be proper deponents.

8. Mr. Garrick Baxter informed me on October 26, 2007, that individuals for deposition in connection with the Report, David Tuthill, Jan Shurte, and Carter Fritschle, would not be made available in a timely manner.

9. Mr. Garrick Baxter also informed me and confirmed that the individuals identified above in paragraph 8 would not be available for depositions until on or after November 19, 2007. Attached hereto as Exhibit A is a true and correct copy of an e-mail from

Garrick Baxter to me dated October 26, 2007, wherein he advised of available dates for depositions.

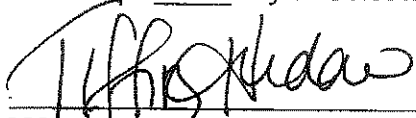
10. The lack of availability of said individuals identified above in paragraph 8 has prevented us from taking their depositions and fully developing the record for this case.

Further your affiant sayeth naught.

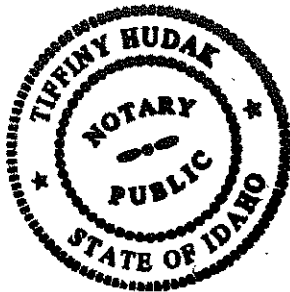


Scott L. Campbell

SUBSCRIBED AND SWORN to before me this 30th day of October, 2007.



NOTARY PUBLIC FOR IDAHO
Residing at Boise
My Commission Expires 9/16/09

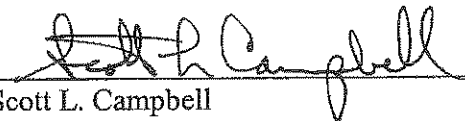


CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30~~th~~ day of October, 2007, I caused a true and correct copy of the foregoing **AFFIDAVIT OF SCOTT L. CAMPBELL IN SUPPORT OF MOTION TO VACATE TRIAL SCHEDULING ORDER AND RESET DATES** to be served by the method indicated below, and addressed to the following:

Director
IDAHO DEPARTMENT OF WATER RESOURCES
P.O. Box 83720
Boise, ID 83720-0098
Fax: 208-287-6700

() U.S. Mail, Postage Prepaid
() Hand Delivered
() Overnight Mail
(☒) Facsimile



Scott L. Campbell

Scott Campbell - Available deposition dates

From: "Baxter, Garrick" <Garrick.Baxter@idwr.idaho.gov>
To: "Scott Campbell (E-mail)" <slc@moffatt.com>
Date: 10/26/2007 2:59 PM
Subject: Available deposition dates

Scott,

Dave is available all day November 20 and 26.

Jan is available all day on November 20 and 26.

Carter is available the afternoon of November 19, and then all day on November 20 and 26.

Let me know if these dates work for you.

I did not receive copies of the most recent deposition notices for Don and Jan. Can you make sure that copies of the deposition notices are sent to me for these depositions.

Thanks,

Garrick

Garrick L. Baxter

Deputy Attorney General

Idaho Department of Water Resources

322 East Front Street

P.O. Box 83720

Boise, Idaho 83720-0098

Phone: (208) 287-4811

Fax: (208) 287-6700