

RECEIVED

JAN 09 2009

DEPARTMENT OF
WATER RESOURCES

LAWRENCE G. WASDEN
Attorney General

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

DAVID J. BARBER (ISB #2597)
Deputy Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449
Telephone: (208) 334-2400
Facsimile: (208) 334-2690

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	)	Subcase nos. 63-02529, 63-03163, 63-03274, 63-03323,
	)	63-03324, 63-09109, & 63-10435
	)	
	)	
Case No. 39576	)	AFFIDAVIT OF DAVID J. BARBER DATED
	)	JANUARY 8, 2009
	)	
_____	)	
STATE OF IDAHO	)	
	) ss	
County of Ada	)	

DAVID J. BARBER, being first duly sworn deposes and states:

1. I am a competent adult, over the age of eighteen years, and have personal knowledge of the facts stated herein. I am a deputy attorney general assigned to the Snake River Basin Adjudication.

COPY

2. The State of Idaho served by U. S. Mail the *State of Idaho's First Set of Discovery Requests to DBSI Tiegs 979 LLC* on October 20, 2008. Answers were due on November 24, 2008. Before the answers were due, Mr. Dylan Lawrence, attorney for DBSI Tiegs 979 LLC, called me and asked for an extension of time to December 24, 2008, for a service of a response. He confirmed that request in an e-mail to me on November 17, 2008, a copy of which is attached as Exhibit 1. I responded and agreed to the extension in an e-mail dated November 20, 2008, which is attached as Exhibit 2.

3. I decided to investigate the bankruptcy of DBSI to determine the reasonableness of the extension request. On or about December 11, 2008, I went to the U.S. Bankruptcy Court in Boise and reviewed its files. I searched for DBSI Tiegs 979 LLC and DBSI Housing Inc. on the terminal available for public use. Neither entity had filed for protection under the bankruptcy laws. I also obtained Notice of Commencement of Chapter 11 Bankruptcy for Case No. 08-12687, which included several hundred DBSI entities as debtors.

4. At this time, I did not remember the details of the discussion with Mr. Lawrence about the DBSI bankruptcy. Therefore, I looked for any relevant e-mails and failed through inadvertence to find the e-mails attached as Exhibits 1 and 2. In addition, the Annual Report Form filed on behalf of DBSI Tiegs 979 LLC on May 13, 2008, incorrectly described the managing member of DBSI Tiegs 979 LLC as DBSI Housing Inc. A copy of that Annual Report Form is attached as Exhibit 3.

5. I sent a demand letter dated December 15, 2008 regarding answers to the discovery previously served on DBSI Tiegs 979 LLC. A copy of this letter is attached as Exhibit 4. Mr. Lawrence responded in a letter dated December 16, 2008. After I reviewed the response letter and the e-mails that I had misplaced, I replied in a letter dated December 17, 2008. A copy of that letter

is attached as Exhibit 5. The letter dated December 17, 2008 apologized for the letter dated December 15, 2008 and also stated that I would honor the extension of the discovery deadline to December 24, 2008, which was agreed to in the misplaced e-mails.

6. On December 23, 2008, Mr. Dylan Lawrence wrote me an e-mail about the motion for protective order. I responded to that e-mail in a letter dated December 29, 2008. A copy of this letter is attached as Exhibit 6.

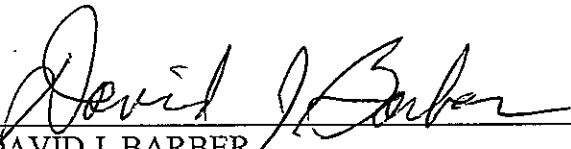
7. I further responded to Mr. Dylan Lawrence in e-mails that are dated January 5th and 6th of this year. Those e-mails are attached as Exhibits 7 and 8, respectively.

8. The policy to include an annual volume of diversion limitation in the Director's Recommendation of these state water rights is a policy determination made by the Idaho Department of Water Resources (hereinafter "IDWR"). The IDWR and the Idaho Water Resource Board are those entities in state government with primary responsibility for the determination of state policy regarding the definition of state water rights. If the State were required to designate a representative to testify at the deposition of the State presently scheduled for January 27, 2009, at 9:30 a.m., it would designate a knowledgeable person from IDWR, since that agency developed the policy on the subject of the deposition.

9. The Office of the Idaho Attorney General consists of the Attorney General elected by the people of the State of Idaho, over one hundred deputy attorney generals, criminal investigators, and various administrative support staff. The State of Idaho, represented by the Office of the Idaho Attorney General, would not designate a person from the Office of the Idaho Attorney General to testify at a deposition regarding the policy to include an annual volume of diversion limitation in a Director's recommendation for a water right.

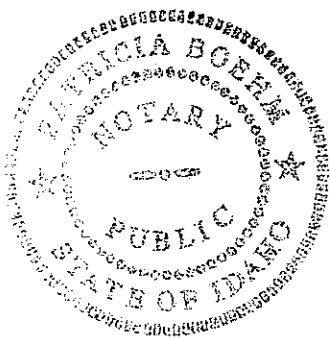
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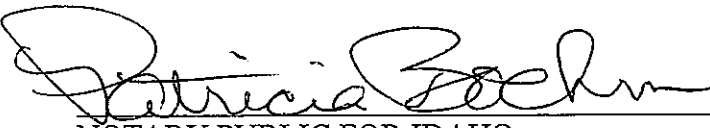
10. Further your affiant sayeth naught.



DAVID J. BARBER
Deputy Attorney General
Natural Resources Division

SUBSCRIBED AND SWORN to before me, a Notary Public in and for the State of
Idaho, this 8th day of January 2009.





NOTARY PUBLIC FOR IDAHO
Residing at Boise ID
My Commission expires: 11/6/09

CERTIFICATE OF SERVICE

I certify that on the 8th day of January 2009, I caused to be served the original and/or copy of this AFFIDAVIT OF DAVID J. BARBER DATED JANUARY 8, 2009 on each of the following persons by the indicated method.

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

- ☐ U.S. Mail, postage prepaid
☒ Hand Delivery
☐ Federal Express
☐ Facsimile: (208) 736-2121
☐ Statehouse Mail

2. Copies to the following persons:

Pioneer Irrigation District
c/o Scott L. Campbell & Dylan B. Lawrence
Moffat Thomas Barrett Rock & Fields, CHTD.
101 S. Capitol Blvd., 10th Floor
P.O. Box 829
Boise, Idaho 83701-0829

- ☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile:
☐ Statehouse Mail

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

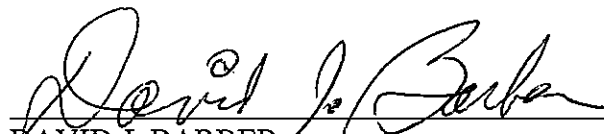
- ☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile: (303) 312-7379
☐ Statehouse Mail

IDWR Document Depository
STATEHOUSE MAIL
322 East Front St.
Boise, ID

- ☐ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile: _____
☒ Statehouse Mail

Chief of Natural Resource Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

Not Applicable



DAVID J. BARBER
Deputy Attorney General

Barber, David

From: Dylan Lawrence [DBL@moffatt.com]
Sent: Monday, November 17, 2008 4:44 PM
To: Barber, David
Cc: Scott Campbell; Debby Long; Lela Wood
Subject: Discovery responses of DBSI Tiegs 979, LLC

Hello, David.

As we discussed earlier today, I am requesting an extension of 30 days for claimant DBSI Tiegs 979, LLC to respond to the State of Idaho's discovery requests in subcases 63-3163 and 63-3274. I believe the current deadline in effect for responding to those requests is Monday, November 24, which would make the new deadline Wednesday, December 24. As I explained, the claimant's parent company and several subsidiaries recently filed for bankruptcy protection, and I am still waiting for confirmation from the client on how the bankruptcy stay affects our participation in these subcases. If you agree to this extension, then the claimant agrees not oppose the State's efforts to seek additional time for discovery, if that proves necessary due to delay caused by this extension. Please confirm if you agree to this arrangement.

Thank you,
Dylan

Dylan Lawrence
Moffatt Thomas Barrett Rock & Fields, Chtd.
P.O. Box 829
Boise, Idaho 83701-0829
Phone & fax: (208) 385-5417

NOTICE: This e-mail, including attachments, constitutes a confidential attorney-client communication. It is not intended for transmission to, or receipt by, any unauthorized persons. If you have received this communication in error, do not read it. Please delete it from your system without copying it, and notify the sender by reply e-mail or by calling (208) 345-2000, so that our address record can be corrected. Thank you.

NOTICE: To comply with certain U.S. Treasury regulations, we inform you that, unless expressly stated otherwise, any U.S. federal tax advice contained in this e-mail, including attachments, is not intended or written to be used, and cannot be used, by any person for the purpose of avoiding any penalties that may be imposed by the Internal Revenue Service.

Barber, David

From: Barber, David
Sent: Thursday, November 20, 2008 10:01 AM
To: 'Dylan Lawrence'
Subject: RE: Discovery responses of DBSI Tiegs 979, LLC

Dear Dylan:

Your proposal is acceptable. I apologize for not getting back to you sooner.

Sincerely,

David J. Barber

-----Original Message-----

From: Dylan Lawrence [mailto:DBL@moffatt.com]
Sent: Monday, November 17, 2008 4:44 PM
To: Barber, David
Cc: Scott Campbell; Debby Long; Lela Wood
Subject: Discovery responses of DBSI Tiegs 979, LLC

Hello, David.

As we discussed earlier today, I am requesting an extension of 30 days for claimant DBSI Tiegs 979, LLC to respond to the State of Idaho's discovery requests in subcases 63-3163 and 63-3274. I believe the current deadline in effect for responding to those requests is Monday, November 24, which would make the new deadline Wednesday, December 24. As I explained, the claimant's parent company and several subsidiaries recently filed for bankruptcy protection, and I am still waiting for confirmation from the client on how the bankruptcy stay affects our participation in these subcases. If you agree to this extension, then the claimant agrees not oppose the State's efforts to seek additional time for discovery, if that proves necessary due to delay caused by this extension. Please confirm if you agree to this arrangement.

Thank you,
Dylan

Dylan Lawrence
Moffatt Thomas Barrett Rock & Fields, Chtd.
P.O. Box 829
Boise, Idaho 83701-0829
Phone & fax: (208) 385-5417

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No. W 52401		Due no later than Jul 31, 2008 Annual Report Form		2. Registered Agent and Address (NO PO BOX)		
Return to: SECRETARY OF STATE WEST JEFFERSON BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE		1. Mailing Address: Correct in this box if needed. DBSI TIEGS 979 LLC DOUGLAS L SWENSON 1550 S TECH LN MERIDIAN ID 83642		DOUGLAS L SWENSON 1550 S TECH LN MERIDIAN ID 83642		
				3. <u>New</u> Registered Agent Signature:*		
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.						
Office Held	Name	Street or PO Address	City	State	Country	Postal Code
MEMBER	DBSI HOUSING INC	1550 S TECH LN	MERIDIAN	ID	USA	83642
5. Organized Under the Laws of: ID W 52401		6. Annual Report must be signed.* Signature: Sandy Stern Name (type or print): Sandy Stern Date: 05/13/2008 Title: Executive Assistant				
Processed 05/13/2008		* Electronically provided signatures are accepted as original signatures.				



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

December 15, 2008

VIA U.S. MAIL AND
FACSIMILE (208) 385-5384

Mr. Dylan B. Lawrence
Moffat Thomas Barrett Rock &
Fields, CHTD.
101 S. Capitol Blvd., 10th Floor
P.O. Box 829
Boise, Idaho 83701-0829

Re: SRBA Subcase Nos. 63-03163 and 63-03274. MTBR&F File No. 00UFO.5432.

Dear Mr. Lawrence:

Enclosed is a copy of a document that I obtained from the U. S. Bankruptcy Court in Idaho. The document establishes that DBSI, Inc., *et al.*, filed for bankruptcy protection in the U.S. Bankruptcy Court for the District of Delaware. The claimant in subcase nos. 63-03163 and 63-03274, DBSI TIEGS 979 LLC, is an Idaho Limited Liability Company. It is not listed as a debtor in the filing in Delaware; it is not listed as a debtor in a bankruptcy proceeding commenced in Idaho. Accordingly, your statements to me that the claimant of subcase nos. 63-03163 and 63-03274 was in bankruptcy proceedings were inaccurate, and there appears to be no basis for the indefinite postponement of answers to the discovery.

On Monday, December 22, 2008, I intend to file a *Motion to Compel Discovery and Request for Sanctions* based on your reckless statements of fact. If I receive a complete answer to the discovery that I served by 5:00 p.m. on Friday, December 19, 2008, I will not file these papers.

Sincerely,

A handwritten signature in black ink, appearing to read "David J. Barber".

DAVID J. BARBER
Deputy Attorney General

DJB/pb

Encl.

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

NOV 24 2008

In re:

DBSI, INC., *et al.*,

Debtors.

Chapter 11

Case No. 08-12687 (PJW)

Jointly Administered

Filed _____ Time _____
 CLERK OF COURT
 JAMESON S. BURKE
 CLERK OF COURT

**NOTICE OF COMMENCEMENT OF CHAPTER 11 BANKRUPTCY
CASES, MEETING OF CREDITORS AND FIXING OF CERTAIN DATES**

On November 6 and 10, 2008, DBSI, Inc., *et al.*, the debtors and debtors-in-possession in the above-captioned jointly administered cases (collectively, the "Debtors"), each filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code, 11 U.S.C. §§ 101 *et seq.* (the "Bankruptcy Code"). The Debtors and their respective addresses, case numbers and federal tax identification numbers are as follows:

DEBTORS	ADDRESS	OTHER	CASE NO.	EIN
		NAMES (Other names used by the Debtors in the last 8 years)		
One-Executive Tower LLC ¹	12426 W. Explorer Drive, Suite 220 Boise, ID 83713		08-12666	82-0355037*
DBSI Inc.	1550 S. Tech Lane Meridian, ID 83642		08-12687	82-0355037
DBSI South 75 Center LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713		08-12688	20-2704298
DBSI 14001 Weston Parkway LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713		08-12689	20-2256264
DBSI CP Ironwood LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713		08-12690	82-0355037*
DBSI Lake Ellenor LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713		08-12691	82-0355037*
DBSI 12 South Place LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713		08-12692	82-0355037*
DBSI 13000 Weston Parkway LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713		08-12693	20-2256231
DBSI 2001A Funding Corporation	1550 S. Tech Lane Meridian, ID 83642		08-12694	82-0355037*

¹ One-Executive Tower LLC filed a voluntary petition for relief on November 6, 2008; all other Debtors listed herein filed voluntary petitions on November 10, 2008.

* The EIN listed on the voluntary petition for certain Debtors is the EIN for the entity that is responsible for that Debtor's taxable income. As certain Debtors are disregarded entities for tax purposes, those Debtors do not maintain their own EIN.

DEBTORS	ADDRESS	OTHER NAMES (Other names used by the Debtors in the last 3 years)	CASE NO.	EIN
DBSI 2001B Funding Corporation	1550 S. Tech Lane Meridian, ID 83642		08-12695	82-0355037*
DBSI 2001C Funding Corporation	1550 S. Tech Lane Meridian, ID 83642		08-12696	82-0355037*
DBSI 2005 Secured Notes Corporation	1550 S. Tech Lane Meridian, ID 83642		08-12697	20-3223353
DBSI 2006 Secured Notes Corporation	1550 S. Tech Lane Meridian, ID 83642		08-12698	20-5544489
DBSI 2008 Notes Corporation	1550 S. Tech Lane Meridian, ID 83642		08-12699	26-1649963
DBSI 2nd Street Quad LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713		08-12700	82-0355037*
DBSI 700 Locust LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713		08-12701	82-0355037*
DBSI Abbotts Bridge LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713		08-12702	82-0355037*
DBSI Allison Pointe LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713		08-12703	82-0355037*
DBSI Amarillo Apartments LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713		08-12704	20-2019186
DBSI Anna Plaza LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713		08-12705	82-0355037*
DBSI Arlington Town Square LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713		08-12706	82-0355037*
DBSI Arrowhead LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713		08-12707	82-0355037*
DBSI Avenues North Center LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713		08-12708	82-0355037*
DBSI Bandera Trails LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713		08-12709	82-0355037*
DBSI Battlefield Station LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713		08-12710	82-0355037*
DBSI Belton Town Center LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713		08-12711	82-0355037*
DBSI Breckinridge LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713		08-12712	82-0355037*

DEBTORS	ADDRESS	OTHER NAMES (Other names used by the Debtors in the last 8 years)			CASE NO.	EIN
DBSI Brendan Way LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713				08-12713	82-0355037*
DBSI Brookfield Pelham LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713				08-12714	82-0355037*
DBSI Cambridge Place LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713				08-12715	82-0355037*
DBSI Carolina Commons LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713				08-12716	82-0355037*
DBSI Cedar East and Cypress LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713				08-12717	20-2187873
DBSI Clear Creek Square LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713				08-12718	20-2377296
DBSI Corporate Woods LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713				08-12719	20-2033818
DBSI CP Clearwater LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713				08-12720	82-0355037*
DBSI Cranberry LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713				08-12721	82-0355037*
DBSI Cross Pointe LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713				08-12722	82-0355037*
DBSI Crosstown Woods LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713				08-12723	20-2505092
DBSI Daniel Burnham LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713				08-12724	20-2070664
DBSI Decatur LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713				08-12725	20-2070700
DBSI Eagles Landing LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713				08-12726	20-2741896
DBSI Embassy Tower LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713				08-12727	82-0355037*
DBSI Executive Dr LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713				08-12728	82-0355037*
DBSI Executive Park LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713				08-12729	20-2261886

DEBTORS	ADDRESS	OTHER NAMES (Other names used by the Debtors in the last 3 years)		
		CASE NO.		FIN
DBSI Fairlane Green LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713		08-12730	82-0355037*
DBSI Fairway LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713		08-12731	82-0355037*
DBSI Florissant Market Place LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713		08-12732	82-0355037*
DBSI Gadd Crossing LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713		08-12733	82-0355037*
DBSI Ghent Road LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713		08-12734	82-0355037*
DBSI Grant Street Portfolio LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713		08-12735	82-0355037*
DBSI Green Street Commons LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713		08-12736	82-0355037*
DBSI Guaranteed Capital Corporation	1550 S. Tech Lane Meridian, ID 83642		08-12737	82-0355037*
DBSI Hampton LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713		08-12738	82-0355037*
DBSI Hickory Plaza LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713		08-12739	82-0355037*
DBSI Highlands & Southcreek LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713		08-12740	82-0355037*
DBSI Houston Levee Galleria LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713		08-12741	82-0355037*
DBSI Kemper Pointe LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713		08-12742	82-0355037*
DBSI Kenwood Center LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713		08-12743	20-2505066
DBSI Keystone Commerce LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713		08-12744	82-0355037*
DBSI Lake Natoma LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713		08-12745	82-0355037*
DBSI Lamar LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713		08-12746	82-0355037*

DEBTORS	ADDRESS	OTHER NAMES (Other names used by the Debtors in the last 8 years)			CASE NO.	EIN
DBSI Landmark Towers Leaseco LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713				08-12747	82-0355037*
DBSI Lifestyle Center LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713				08-12748	82-0355037*
DBSI Lincoln Park 10 LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713				08-12749	82-0355037*
DBSI Mansell Forest LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713				08-12750	82-0355037*
DBSI Mansell Place LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713				08-12751	82-0355037*
DBSI Master Leaseco, Inc.	1550 S. Tech Lane Meridian, ID 83642				08-12752	20-2070548
DBSI Meadow Chase Apartments LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713				08-12753	82-0355037*
DBSI Megan Crossings LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713				08-12754	82-0355037*
DBSI Metropolitan Square LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713				08-12755	82-0355037*
DBSI Missouri LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713				08-12756	20-2256200
DBSI Network LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713				08-12757	20-2070356
DBSI North Logan Retail Center LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713				08-12758	82-0355037*
DBSI North Park LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713				08-12759	20-1979200
DBSI North Stafford LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713				08-12760	82-0355037*
DBSI Northlite Commons II LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713				08-12761	82-0355037*
DBSI Northpark Ridgeland LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713				08-12762	82-0355037*
DBSI Northridge LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713				08-12763	20-2185392

DEBTORS	ADDRESS	OTHER NAMES (Other names used by the Debtors in the last 8 years)			CASE NO.	EIN
DBSI Oakwood Plaza LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713				08-12764	82-0355037*
DBSI Old National Town Center LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713				08-12765	82-0355037*
DBSI One Executive Center LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713				08-12766	82-0355037*
DBSI One Hanover LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713				08-12767	20-1444404
DBSI Park Creek-Gainesville LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713				08-12768	82-0355037*
DBSI Parkway III LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713				08-12769	82-0355037*
DBSI Peachtree Corners Pavilion LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713				08-12770	82-0355037*
DBSI Phoenix Peak LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713				08-12771	82-0355037*
DBSI Pinehurst Square East LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713				08-12772	82-0355037*
DBSI Pinehurst Square West LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713				08-12773	82-0355037*
DBSI Plano Tech Center LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713				08-12774	20-2376346
DBSI Portofino Tech Center LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713				08-12775	82-0355037*
DBSI Properties Inc.	1550 S. Tech Lane Meridian, ID 83642				08-12776	20-3349713
DBSI Real Estate Funding Corporation	1550 S. Tech Lane Meridian, ID 83642				08-12777	82-0355037*
DBSI Realty Inc.	1550 S. Tech Lane Meridian, ID 83642				08-12778	82-0372831
DBSI Road 68 Retail Center LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713				08-12779	82-0355037*
DBSI Sam Houston Tech Center LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713				08-12780	82-0355037*
DBSI Sapphire Pointe LeaseCo LLC	12426 W. Explorer Drive, Suite 220				08-12781	82-0355037*

DEBTORS	ADDRESS	OTHER NAMES (Other names used by the Debtors in the last 8 years)			CASE NO.	EIN
	Boise, ID 83713					
DBSI Securities Corporation	1550 S. Tech Lane Meridian, ID 83642				08-12782	82-0350370
DBSI Sherwood Plaza LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713				08-12783	82-0355037*
DBSI Shoppes at Misty Meadows LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713				08-12784	82-0355037*
DBSI Shoppes at Trammel LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713				08-12785	82-0355037*
DBSI Signature Place LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713				08-12786	82-0355037*
DBSI Silver Lakes Leaseco LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713				08-12787	82-0355037*
DBSI Southport Pavilion LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713				08-12788	82-0355037*
DBSI Spalding Triangle LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713				08-12789	82-0355037*
DBSI Spring Valley Road LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713				08-12790	20-2610702
DBSI Springville Corner Leaseco LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713				08-12791	82-0355037*
DBSI ST Tower LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713				08-12792	82-0355037*
DBSI St. Andrews Place LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713				08-12793	82-0355037*
DBSI Stone Glen Village LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713				08-12794	82-0355037*
DBSI Stony Brook South LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713				08-12795	82-0355037*
DBSI Streetside at Towne Lake LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713				08-12796	82-0355037*
DBSI Topsham Fair Mall LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713				08-12797	82-0355037*

DEBTORS	ADDRESS	OTHER NAMES (Other names used by the Debtors in the last 8 years)	CASE NO.	EIN
DBSI Torrey Chase LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713		08-12798	82-0355037*
DBSI Treasure Valley Business Center LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713		08-12799	82-0355037*
DBSI Trinity Ridge Business Center LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713		08-12800	82-0355037*
DBSI University Park LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713		08-12801	82-0355037*
DBSI Vantage Drive LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713		08-12802	20-1255705
DBSI Watkins LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713		08-12803	20-2070283
DBSI West Oaks Square LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713		08-12804	82-0355037*
DBSI Wilson Estates LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713		08-12805	82-0355037*
DBSI Winchester Office LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713		08-12806	82-0355037*
DBSI Windcom Court LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713		08-12807	82-0355037*
DBSI Wisdom Pointe LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713		08-12808	82-0355037*
DBSI Woodlands Medical Office I LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713		08-12809	82-0355037*
DBSI Woodside Center LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713		08-12810	82-0355037*
DCJ Inc.	1550 S. Tech Lane Meridian, ID 83642		08-12811	82-0351881
DBSI Draper LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713		08-12812	82-0355037*
FOR 1031 LLC	1550 S. Tech Lane Meridian, ID 83642		08-12813	20-0184991
Spectrus Real Estate Inc.	1550 S. Tech Lane Meridian, ID 83642		08-12814	82-0355037*
DBSI Academy Park Loop LeaseCo LLC	12426 W. Explorer Drive, Suite 220		08-12815	82-0355037*

DEBTORS	ADDRESS	OTHER NAMES (Other names used by the Debtors in the last 8 years)		
		CASE NO.		FIN
	Boise, ID 83713			
DBSI Copperfield Timbercreek LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713		08-12816	82-0355037*
DBSI Corporate Center II LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713		08-12817	82-0355037*
DBSI Executive Plaza LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713		08-12818	82-0355037*
DBSI Northgate LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713		08-12819	82-0355037*
DBSI Two Notch Rd. LeaseCo LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713		08-12820	20-2741869
DBSI Asset Management LLC	1550 S. Tech Lane Meridian, ID 83642		08-12821	82-0355037*
DBSI 2006 Land Opportunity Fund LLC	1550 S. Tech Lane Meridian, ID 83642		08-12822	20-5347758*
DBSI Shoppes at Trammel LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713		08-12823	82-0355037*
DBSI 2007 Land Improvement & Development Fund LLC	1550 S. Tech Lane Meridian, ID 83642		08-12824	20-5432982
DBSI 2008 Land Option Fund LLC	1550 S. Tech Lane Meridian, ID 83642		08-12825	20-5390673
DBSI Alma/121 Office Commons LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713		08-12826	20-5347758*
DBSI Cottonwood Plaza Development LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713		08-12827	20-5347758*
DBSI Draper Technology 21 LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713		08-12828	20-4679604*
DBSI Escala LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713		08-12829	82-0355037*
DBSI Short-Term Development Fund LLC	1550 S. Tech Lane Meridian, ID 83642		08-12830	82-0355037
DBSI Telecom Office LLC	12426 W. Explorer Drive, Suite 220 Boise, ID 83713		08-12831	73-1676718
DBSI Discovery Real Estate Services LLC	1550 S. Tech Lane Meridian, ID 83642	DDRS and DBSI	08-12834	20-2411648

DATE, TIME AND LOCATION OF MEETING OF CREDITORS: FRIDAY, DECEMBER 19, 2008 AT 10:00 A.M. (ET), 2ND FLOOR, ROOM 2112, J. CALEB BOGGS FEDERAL BUILDING, 844 NORTH KING STREET, WILMINGTON, DELAWARE.

DEADLINE TO FILE A PROOF OF CLAIM. Notice of this deadline will be sent by and through a separate notice.

NAME, ADDRESS AND TELEPHONE NUMBER OF TRUSTEE. None appointed to date.

COUNSEL FOR THE DEBTORS:

James L. Patton, Jr., Esq.
Michael R. Nestor, Esq.
Joseph M. Barry, Esq.
Kenneth J. Enos, Esq.
Young Conaway Stargatt & Taylor, LLP
1000 West Street, 17th Floor
P.O. Box 391
Wilmington, DE 19899
Telephone: (302) 576-3572

COMMENCEMENT OF CASES. A petition for reorganization under chapter 11 of the Bankruptcy Code has been filed in this Court by each of the Debtors listed above, and orders for relief have been entered. You will not receive notice of all documents filed in these cases. All documents filed with the Court, including lists of the Debtors' property and debts, are available for inspection at the Office of the Clerk of the Bankruptcy Court. In addition, such documents may be available at www.deb.uscourts.gov or www.kccllc.net/dbsi.

PURPOSE OF CHAPTER 11 FILING. Chapter 11 of the Bankruptcy Code enables a debtor to reorganize pursuant to a plan. A plan is not effective unless approved by the Court at a confirmation hearing. Creditors will be given notice concerning any plan, or in the event these cases are dismissed or converted to another chapter of the Bankruptcy Code. The Debtors will remain in possession of their property and will continue to operate any business unless a trustee is appointed.

CREDITORS MAY NOT TAKE CERTAIN ACTIONS. A creditor is anyone to whom a debtor owes money or property. Under the Bankruptcy Code, a debtor is granted certain protection against creditors. Common examples of prohibited actions by creditors are contacting a debtor to demand repayment, taking action against a debtor to collect money owed to creditors or to take property of a debtor, and starting or continuing foreclosure actions or repossessions. If unauthorized actions are taken by a creditor against a debtor, the Court may penalize that creditor. A creditor who is considering taking action against a debtor or the property of a debtor should review section 362 of the Bankruptcy Code and may wish to seek legal advice. The staff of the Clerk of the Bankruptcy Court is not permitted to give legal advice.

MEETING OF CREDITORS. The Debtors' representative, as specified in Rule 9001(5) of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), is required to appear at the meeting of creditors on the date and at the place set forth above for the purpose of being examined under oath. Attendance by creditors at the meeting is welcomed, but not required. At the meeting, the creditors may examine the Debtors and transact such other business as may properly come before the meeting. The meeting may be continued or adjourned from time to time by notice at the meeting, without further written notice to the creditors.

CLAIMS. Schedules of creditors will be filed pursuant to Bankruptcy Rule 1007. Any creditor holding a scheduled claim, which is not listed as disputed, contingent, or unliquidated as to amount, may, but is not required to, file a proof of claim in these cases. Creditors whose claims are not scheduled or whose claims are listed as disputed, contingent, or

unliquidated as to amount and who desire to participate in these cases or share in any distribution must file their proofs of claim. A creditor who desires to rely on the schedule of creditors has the responsibility for determining that the claim is listed accurately. **Separate notice of the deadlines to file proofs of claim and proofs of claim forms will be provided to the Debtors' known creditors.** Proof of claim forms also are available in the clerk's office of any bankruptcy court. Proof of claim forms are also available from the Court's web site at www.deb.uscourts.gov or may be obtained on the website of the Debtors' noticing and claims agent at www.kccllc.net/dbsi.

DISCHARGE OF DEBTS. Confirmation of a chapter 11 case may result in a discharge of debts, which may include all or part of your debt. See Bankruptcy Code § 1141(d). A discharge means that you may never try to collect the debt from the debtor, except as provided in the plan.

For the Court: /s/ David D. Bird
Clerk of the United States Bankruptcy Court



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

December 17, 2008

*VIA U.S. MAIL AND
FACSIMILE (208) 385-5384*

Mr. Dylan B. Lawrence
Moffat Thomas Barrett Rock &
Fields, CHTD.
101 S. Capitol Blvd., 10th Floor
P.O. Box 829
Boise, Idaho 83701-0829

Re: SRBA Subcase Nos. 63-03163 and 63-03274. MTBR&F File No. 00UFO.5432.

Dear Mr. Lawrence:

This letter is in response to your letter dated December 16, 2008 received at 5:19 p.m. It is evident to me that I did not understand the facts at the time of our discussion on November 17, 2008. I would not have agreed to any extension, if I had my present understanding of the facts. I evidently misplaced your e-mail of that date and my response, which confirmed the extension of the deadline to December 24, 2008. I will honor that date. Thank you for sending a copy to me. I apologize for sending the letter dated December 15, 2008.

Sincerely,

A handwritten signature in cursive script, reading "David J. Barber".

DAVID J. BARBER
Deputy Attorney General

DJB/ov



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

December 29, 2008

*VIA U.S. MAIL AND
FACSIMILE (208) 385-5384*

Mr. Dylan B. Lawrence
Moffat Thomas Barrett Rock &
Fields, CHTD.
101 S. Capitol Blvd., 10th Floor
P.O. Box 829
Boise, Idaho 83701-0829

Re: SRBA Subcase Nos. 63-03163 and 63-03274. MTBR&F File No. 00UFO.5432.

Dear Mr. Lawrence:

This letter is in response to your e-mail dated December 23, 2008 received at 3:07 p.m. I am responding as quickly as I can, as I have been out of the office. The State of Idaho got into these subcases because of the major policy issues related to the inclusion of an annual volume of diversion for licenses that did not include them initially. As we have discussed in the past, the State of Idaho understands this proceeding to involve primarily an important legal issue.

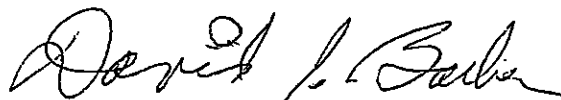
I identify two possible solutions to the issues posed by the DBSI bankruptcy and the pending discovery. First, the two DBSI subcases would be severed from the consolidated proceeding as I suggested during our phone conversation last week. Second, discovery could be suspended in the consolidated proceeding, pending resolution of the summary judgment proceeding. Because the State's participation in this matter is based primarily on an issue of law, proceeding with summary judgment will not prejudice any party. The second solution would require a stipulation regarding the basis for IDWR's recommendations. My preference would be the first solution, although the second solution would also work.

My response raises the issue of the status of the proposed stipulation. I have had one further meeting with the IDWR on the subject and am revising a draft stipulation. Since I would prefer to work on the stipulation rather than a response brief to your motion for a protective order, I accept your offer to extend the hearing date on the motion for protective order. I will be in the office this week, except for the holiday on January 1, 2009. Please get

Mr. Dylan Lawrence
December 29, 2008
Page 2

back to me as soon as possible on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "David J. Barber". The signature is fluid and cursive, with the first name "David" being more prominent.

DAVID J. BARBER
Deputy Attorney General

DJB/ov

Barber, David

From: Barber, David
Sent: Monday, January 05, 2009 3:32 PM
To: 'Lawrence, Dylan'
Subject: Draft Stipulation re Subcase nos. 63-2529 et al.

Dear Mr. Lawrence:

I had planned on sending you a draft Stipulation regarding the various subcases by today. I found out earlier today that one of the persons who needs to review the stipulation is sick. That review needs to occur before I send the document to you. I appreciate your patience.

Sincerely,

David J. Barber

Barber, David

From: Barber, David
Sent: Tuesday, January 06, 2009 3:08 PM
To: 'Lawrence, Dylan'
Cc: Baxter, Garrick; Courtney, Andrea
Subject: 20090106085012454.pdf - Adobe Reader

Dear Dylan:

Attached to this e-mail is the draft stipulation that I promised. Please get back to me with your suggestions or comments.

Sincerely,

David J. Barber



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4.pdf (280 KB)...