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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) 854-8072

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 REGARDING
	)	SERVICE OF SUBPOENA FOR DEPOSITION
	)	DUCES TECUM OF REPRESENTATIVE OF
	)	DBSI TIEGS 979 LLC
_____	)	

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.

2. I caused to be served on January 14, 2009, a copy of the attached SUBPOENA FOR DEPOSITION OF REPRESENTATIVE OF DBSI TIEGS 979 LLC on each of the following persons by the indicated method:

Douglas L. Swenson
DBSI TIEGS 979 LLC
1550 S. Tech Lane
Meridian, ID 83642

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

DBSI TIEGS 979 LLC
Jerry L. Tlucek and Mary Lou Tlucek
Rebekah Tlucek, Kevin Tlucek, Shelley Tlucek
& Byron Tlucek
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: (208) 385-5384
☐ 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
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☐ Facsimile: _____
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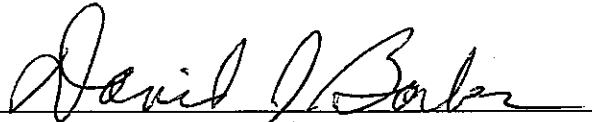
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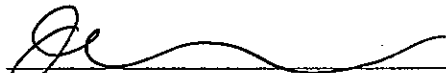
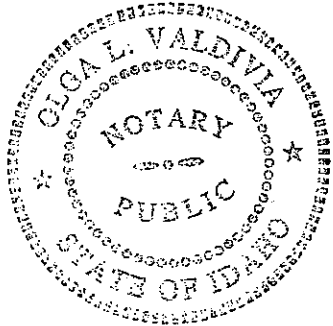
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3. Further your affiant sayeth naught.



DAVID J. BARBER
Deputy Attorney General
Natural Resources Division
Attorney for the State of Idaho

SUBSCRIBED AND SWORN to before me, a Notary Public in and for the State of Idaho, this 14th day of January 2009.



NOTARY PUBLIC FOR IDAHO
Residing at Boise, ID
My Commission expires: 2/5/2012

CERTIFICATE OF SERVICE

I certify that on this 14th day of January 2009, I caused to be served the original and/or copy of this AFFIDAVIT OF DAVID J. BARBER REGARDING SERVICE OF SUBPOENA FOR DEPOSITION DUCES TECUM OF REPRESENTATIVE OF DBSI TIEGS 979 LLC 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:

DBSI TIEGS 979 LLC
Jerry L. Tlucek and Mary Lou Tlucek
Rebekah Tlucek, Kevin Tlucek, Shelley Tlucek
& Byron Tlucek
Pioneer Irrigation District
c/o Scott L. Campbell & Dylan B. Lawrence
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Douglas L. Swenson
DBSI TIEGS 979 LLC
1550 S. Tech Lane
Meridian, ID 83642

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

M & M Court Reporting Service, LLC
421 W. Franklin St.
Boise, ID 83702

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

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

LAWRENCE G. WASDEN
Attorney General

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

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	)	63-3324, 63-09109 & 63-10435
	)	
Case No. 39576	)	SUBPOENA FOR DEPOSITION DUCES TECUM
	)	OF REPRESENTATIVE OF DBSI TIEGS 979 LLC
	)	
	)	

THE STATE OF IDAHO SENDS GREETING TO:

TO: DBSI TIEGS 979 LLC.

YOU ARE HEREBY COMMANDED:

☐ to appear at the place, date and time specified below to testify in the above case.

☒ to appear at the place, date and time specified below to testify at the taking of a deposition in the above case.

☒ to produce or permit inspection and copying of the following documents or objects, including electronically stored information, at the place, date, time specified below.

SUBPOENA FOR DEPOSITION DUCES TECUM OF REPRESENTATIVE OF
DBSI TIEGS 979 LLC

- In accordance with the Idaho Rule of Civil Procedure Rule 45, including I.R.C.P. 45(a), 45(b)(1), and 45(f)(1), deponent is directed to bring to the deposition any and all books, papers, documents, data, tangible things, print-outs of any electronic communication, and contracts for professional services in the care, custody, possession, or control of the deponent in any way related to the above-referenced subcases. The term "document" shall be defined in the broadest possible manner and shall, at a minimum, mean any original or copy of words or information, whether produced in original or copy form by printing, typing, recording, retrieval from electronic storage, manual reproduction, or other process regardless of form. The term "document" includes, but is not limited to, writings, agreements, communication, correspondence, electronic mail messages, reports, telegrams, memoranda, summaries or records of telephone conversations, summaries or records of personal conversations or interviews, diaries, records of meetings, conferences or congressional hearings, summaries or reports of investigations or negotiations, opinions, or reports of consultants, drafts of any document, phono-records, printouts from electronic storage or other data compilations from which information can be obtained or translated, if necessary, by the respondent through detection devices into reasonably usable form, marginal comments appearing on any document and all other writings.

☐ to permit inspection of the following premises at the date and time specified below.

PLACE: State of Idaho
Office of the Attorney General
700 West State Street, Second Floor,
Boise, ID 83702.

DATE: Tuesday, February 17, 2009.

TIME: 9:00 a.m.

In accordance with Idaho Rule of Civil Procedure 30(b)(6), DBSI Tiegs 979 LLC has a duty to designate one or more knowledgeable representatives to appear at this deposition. Specifically, examination is requested on the use of water under water right nos. 63-03163 & 63-03274, the pumps and motors used in the diversion of water, the water delivery system from the well to the field, the beneficial use made of the water, the periods of time when diversions of water occur, the cropping pattern, and the power records evidencing the diversion of water.

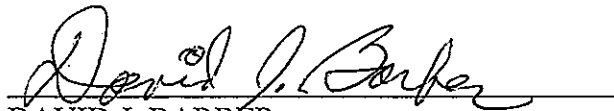
You are further notified that if you fail to appear at the place and time specified above, or to produce or permit copying or inspection as specified above that you may be held in contempt

of court and that the aggrieved party may recover from you the sum of \$100 and all damages which the party may sustain by your failure to comply with this subpoena.

DATED this 14th day of January 2009.

By order of the court

ISSUING OFFICER SIGNATURE AND TITLE

A handwritten signature in cursive script, reading "David J. Barber", is written over a horizontal line.

DAVID J. BARBER
Deputy Attorney General
Natural Resources Division
Attorney for the State of Idaho