

Attorneys for Claimants Pioneer Irrigation
 District, Jerry L. Tlucek, Mary Lou Tlucek,
 Shelly Tlucek, Byron Tlucek, Rebekah Tlucek,
 Kevin Tlucek and DBSI Tiegs 979, LLC

Scott L. Campbell, ISB No. 2251
 Dylan B. Lawrence, ISB No. 7136
 MOFFATT, THOMAS, BARRETT, ROCK &
 FIELDS, CHARTERED
 101 S. Capitol Blvd., 10th Floor
 Post Office Box 829
 Boise, Idaho 83701
 Telephone (208) 345-2000
 Facsimile (208) 385-5384
 18946.0126

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 Nos. 63-02529 63-03163
 63-03274 63-03323
 63-03324 63-09109
 63-10435

AFFIDAVIT OF MATTHEW J. MCGEE

STATE OF IDAHO)
) ss.
 County of Ada)

Matthew J. McGee, having been duly sworn upon oath, deposes and states as
 follows:

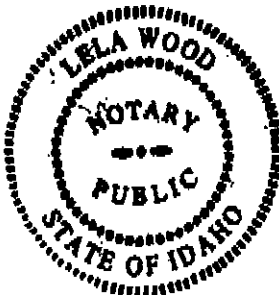
1. I am an attorney duly licensed to practice law in the state of Idaho. I am one of the attorneys representing Pioneer Irrigation District, Jerry L. Tlucek, Mary Lou Tlucek, Shelly Tlucek, Byron Tlucek, Kevin Tlucek, and DBSI Tiegs 979, LLC, in the above-referenced matter. I have access to the clients' files in this matter, and make this affidavit based upon personal knowledge, and in support of the Response in Opposition to State of Idaho's Motion for Protective Order.

2. Attached hereto as Exhibit A is a true and correct copy of the Notice of Rule 30(b)(6) Deposition Duces Tecum of the State of Idaho, served on December 17, 2008.

Further your affiant sayeth naught.


Matthew J. McGee

SUBSCRIBED AND SWORN to before me this 15th day of January, 2009.




NOTARY PUBLIC FOR IDAHO
Residing at Boise, ID
My Commission Expires 5-31-2012

CERTIFICATE OF SERVICE

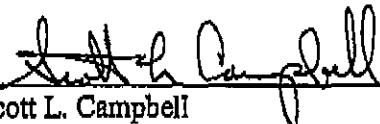
I HEREBY CERTIFY that on this 5th day of January, 2009, I caused a true and correct copy of the foregoing AFFIDAVIT OF MATTHEW J. MCGEE to be served by the method indicated below, and addressed to the following:

Representing: State of Idaho
David J. Barber
Office of the Attorney General
STATE OF IDAHO
700 West State Street, 2nd Floor
P.O. Box 83720
Boise, ID 83720-0010
Fax: (208) 854-8072

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

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
(X) Facsimile



Scott L. Campbell

EXHIBIT A

to

AFFIDAVIT OF MATTHEW J. MCGEE

Attorneys for Claimants Pioneer Irrigation
District, Jerry L. Tlucek, Mary Lou Tlucek,
Shelly Tlucek, Byron Tlucek, Rebekah Tlucek,
Kevin Tlucek and DBSI Tiegs 979, LLC

Scott L. Campbell, ISB No. 2251
Dylan B. Lawrence, ISB No. 7136
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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 Nos. 63-02529 63-03163
63-03274 63-03323
63-03324 63-09109
63-10435

NOTICE OF RULE 30(b)(6) DEPOSITION
DUCES TECUM OF THE STATE OF IDAHO

PLEASE TAKE NOTICE that Claimants Pioneer Irrigation District, Jerry L. Tlucek, Mary Lou Tlucek, Shelly Tlucek, Byron Tlucek, Rebekah Tlucek, Kevin Tlucek and DBSI Tiegs 979, LLC, hereby notice the Rule 30(b)(6) deposition duces tecum of the Respondent State of Idaho ("State"), before an officer authorized to administer oaths on Tuesday, January 27, 2009 at 9:30 a.m., and continuing thereafter from day to day until

NOTICE OF RULE 30(b)(6) DEPOSITION
DUCES TECUM OF THE STATE OF IDAHO - 1

Client:1063493.2

EXHIBIT A

completed, at the offices of MOFFATT, THOMAS, BARRETT, ROCK & FIELDS, CHARTERED, located at 101 S. Capital Blvd., 10th Floor, Boise, Idaho, at which time and place you are notified to appear and take such part in the examination as you may deem proper.

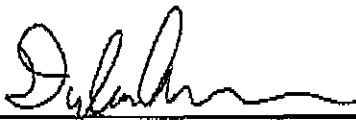
Pursuant to Idaho Rule of Civil Procedure 30(b)(6), the State must designate one or more knowledgeable representatives to testify on its behalf at this deposition. Specifically, examination is requested on the State's interest in the above-referenced subcases, and the basis for the State's position that annual diversion volume ("ADV") limitations should be included on those water rights.

Pursuant to Rule 30(b)(5), deponent is requested to bring to the deposition any and all documents, records, or correspondence, in the care, custody, possession, or control of the deponent in any way related to the above-referenced subcases, the State's interest therein, and the basis for the State's position that such water rights should include ADV limitations.

This deposition shall take place pursuant to the Idaho Rules of Civil Procedure.

DATED this 17th day of December, 2008.

MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED

By 

Dylan B. Lawrence - Of the Firm
Attorneys for Claimants Pioneer
Irrigation District, Jerry L. Tlucek,
MaryLou Tlucek, Shelly Tlucek, Byron
Tlucek, Rebekah Tlucek, Kevin Tlucek
and DBSI Tiegs 979, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of December, 2008, I caused a true and correct copy of the foregoing NOTICE OF RULE 30(b)(6) DEPOSITION DUCES TECUM OF THE STATE OF IDAHO to be served by the method indicated below, and addressed to the following:

Representing: State of Idaho
David J. Barber
Office of the Attorney General
STATE OF IDAHO
700 West State Street, 2nd Floor
P.O. Box 83720
Boise, ID 83720-0010
Fax: (208) 854-8072

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Lori Pulsifer
QNA Court Reporting
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☐ Overnight Mail
☐ Facsimile



Dylan B. Lawrence