

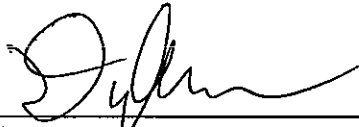
11-22

1. I am licensed to practice law in the state of Idaho. I am one of the attorneys of record for Pioneer Irrigation District ("Pioneer") in the above-captioned matter and have access to the files that are pertinent to this matter. I make this affidavit based upon my own personal knowledge.

2. Attached hereto as Exhibit A is a true and correct copy of a document that I printed from the website for the Idaho Board of Licensure of Professional Engineers and Professional Land Surveyors, at <http://ipels.idaho.gov/rostersearch.cfm>.

3. Attached hereto as Exhibit B is a true and correct copy of relevant portions of Franklin's most recent discovery response regarding the disclosure of its expert witnesses.

Further your affiant sayeth naught.



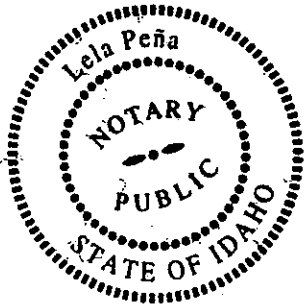
Dylan B. Lawrence

SUBSCRIBED AND SWORN to before me this 19th day of November, 2010.



NOTARY PUBLIC FOR IDAHO

Residing at Boise, Ada County
My Commission Expires 5-31-2012



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of November, 2010, I caused a true and correct copy of the foregoing **AFFIDAVIT OF DYLAN B. LAWRENCE IN SUPPORT OF MOTION IN LIMINE** to be served by the method indicated below, and addressed to the following:

Mason Creek Ditch Company

Represented by:

Albert P. Barker

Shelley M. Davis

BARKER ROSHOLT & SIMPSON LLP

1010 W. Jefferson, Suite 102

P.O. Box 2139

Boise, ID 83701-2139

☒ U.S. Mail, Postage Prepaid

☐ Hand Delivered

☐ Overnight Mail

☐ Facsimile

Franklin Ditch Company

Represented by:

Daniel V. Steenson

Jon C. Gould

RINGERT LAW CHARTERED

P.O. Box 2773

Boise, ID 83701

☒ U.S. Mail, Postage Prepaid

☐ Hand Delivered

☐ Overnight Mail

☐ Facsimile

Martin Galvin

P.O. Box 115

Middleton, ID 83644

☒ U.S. Mail, Postage Prepaid

☐ Hand Delivered

☐ Overnight Mail

☐ Facsimile

John J. McEvoy

1703 N. KCID Road

Caldwell, ID 83605

☒ U.S. Mail, Postage Prepaid

☐ Hand Delivered

☐ Overnight Mail

☐ Facsimile

Director

IDAHO DEPARTMENT OF WATER RESOURCES

322 E. Front Street, 6th Floor

P.O. Box 83720

Boise, ID 83720

☒ U.S. Mail, Postage Prepaid

☐ Hand Delivered

☐ Overnight Mail

☐ Facsimile

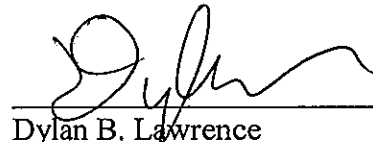

Dylan B. Lawrence

EXHIBIT A

TO THE AFFIDAVIT OF DYLAN B. LAWRENCE

In Re SRBA Case No. 39576

Subcase Numbers 63-00166A, 63-00166B, 63-00167A,
63-00167B, 63-00179A, 63-00179C, and 63-32580



Next Board Meeting
Special Telephone Conference December 7, 2010
Next Regular Board Meeting
Board Office, Meridian, ID February 7-9, 2011

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Roster Search Results

Database Last Modified - 11/16/2010

DISCLAIMER

The State of Idaho Professional Engineers and Land Surveyors Search, as presented, is made available on the State of Idaho website as a public service. The database used for this inquiry is updated on a regular basis, but might not contain all current information.

NAME:	DAVID R. TUTHILL JR.
ADDRESS:	IDAHO WATER ENGINEERING 2918 N. EL RANCHO PLACE BOISE, ID 83704
LICENSE NUMBER:	P-3909
LICENSE GRANTED BY:	Comity
DISCIPLINE:	CE
RECORD STATUS:	PENDING
RETIRED:	No
ISSUE DATE:	09/07/1979
EXPIRATION DATE:	10/31/2012

[Try another search?](#)

License/Certificate Number Legend

C Business Entity
E EI - Engineer Intern
L LS - Professional Land Surveyor
P PE - Professional Engineer
S LSI - Land Surveyor Intern
PL PE/LS - Combined License

Discipline Legend

AcE Acoustical Engineer
AerE Aeronautical/Aerospace Engineer
AgE Agricultural Engineer
ArE Architectural Engineer
CE Civil Engineer
ChE Chemical Engineer
COA Certificate of Authorization
CsE Control System Engineer
EE Electrical Engineer
EnvE Environmental Engineer
ForE Forest Engineer
FpE Fire Protection Engineer
GeoE Geological Engineer
IE Industrial Engineer
LS Land Surveyor
ManE Manufacturing Engineer
ME Mechanical Engineer
MetE Metallurgical Engineer
MinE Mining Engineer
NamE Naval Architecture & Marine Engineer
NE Nuclear Engineer
PetE Petroleum Engineer
SE Structural Engineer

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[Accessibility](#) [Privacy & Security](#)

= external link

EXHIBIT B

TO THE AFFIDAVIT OF DYLAN B. LAWRENCE

In Re SRBA Case No. 39576

Subcase Numbers 63-00166A, 63-00166B, 63-00167A,
63-00167B, 63-00179A, 63-00179C, and 63-32580

DANIEL V. STEENSON (ISB #4332)
JON C. GOULD (ISB #6709)
RINGERT LAW CHARTERED
455 S. Third, P. O. Box 2773
Boise, Idaho 83701-2773
Telephone: (208) 342-4591
Facsimile: (208) 342-4657

RECEIVED
SEP 13 2010
MOFFATT, THOMAS, BARRETT,
ROCK & FIELDS, CHTD.

Attorneys for Franklin Ditch Company, Inc.

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. 63-00166 and 63-00167
)
) FRANKLIN DITCH COMPANY'S
) ANSWERS TO PIONEER IRRIGATION
) DISTRICT'S FIRST SET OF DISCOVERY
) REQUESTS
)

Franklin Ditch Company (Franklin) answers Pioneer Irrigation District's First Set of Discovery pursuant to Rules 26, 33, 34, and 36 of the Idaho Rules of Civil Procedure.

GENERAL OBJECTIONS

1. Franklin has not completed its own investigations and/or discovery. Accordingly, the answers that follow are based upon the best knowledge, information and belief of Franklin at this time. Franklin reserves the right to make any further answers if it appears that any omission or error has been made in connection with these answers or that more accurate information is or has become available. These answers are made without prejudice to Franklin's right to use in later discovery or to present at trial, such evidence as may later be discovered or evaluated.

2. Franklin objects to the definitions and instructions to the extent that they purport to

Franklin's right to object to any future additional or supplemental requests regarding the same or similar matters.

INTERROGATORY NO. 1: Please state the name, address, and telephone number of each and every individual known to you who has any knowledge of, or who claims to have knowledge of, any facts or evidence discoverable in this matter, together with a summary of each person's knowledge.

ANSWER TO INTERROGATORY NO. 1:

Helen Larson
P.O. Box 1058
Caldwell, ID 83605
Tel: (208) 466-3819

Ms. Larson is a member and the current president of Franklin Ditch Company. She has lived within Franklin's place of use for 72 years. She is familiar with Franklin's water delivery system.

Bill Clayton
6820 Joplin Road
Meridian, ID 83642
Tel: (208) 442-7100

Mr. Clayton is an active member of Franklin Ditch Company. He owns a farm that is within the Franklin's place of use. He is familiar with Franklin's water delivery system.

Dale Van Beek
9613 Lincoln Road
Caldwell, ID 83605
Tel: (208) 459-8021

Mr. Van Beek is a member and the current secretary of Franklin Ditch Company.

INTERROGATORY NO. 2: Please identify any and all expert witnesses you intend to call at the trial in this matter, and please:

- (a) Summarize each expert's background and qualifications;

- (b) State the subject matter of each expert's expected testimony;
- (c) State the substance of the facts and opinions to which each expert is expected to testify; and
- (d) Disclose all underlying facts and data upon which each expert bases his or her expert opinions.

ANSWER TO INTERROGATORY NO. 2: Franklin has not identified any expert witness it intends to call trial in this matter at this time.

INTERROGATORY NO. 3: If you intent that Pioneer, or any individual(s) acting on behalf of Pioneer, has made any admission or statement against any of the Pioneer's interest in this matter, please state the following:

- (a) The identity of the individual making the admission and/or statement;
- (b) The date, time, and location where the admission and/or statement was made;
- (c) The name and address of each individual present at the time of the admission and/or statement was made;
- (d) Whether the admission and/or statement was written or oral; and
- (e) If the admission and/or statement was oral, please state the complete content of the admission and/or statement to the best of your knowledge.

ANSWER TO INTERROGATORY NO. 3:

- (a) H.M. Hedges
- (b) The year 1908
- (c) Franklin does not know this information.
- (d) Franklin believes the statements to be oral testimony; and

INTERROGATORY NO. 10: Please identify and describe in full and complete detail any and all agreements or contracts (oral or written) you have entered into with either Pioneer or the Idaho and Oregon Land Improvement Company concerning your claimed water rights and/or any corresponding water conveyance facilities/infrastructure (*i.e.*, canals, ditches, headgates, diversion dams, etc.).

ANSWER TO INTERROGATORY NO. 10: See attached Exhibits.

INTERROGATORY NO. 11: Please describe in full and complete detail all facts supporting your claimed ownership of your water rights.

ANSWER TO INTERROGATORY NO. 11: See attached Exhibits including June 19, 2008 letter from Dan Steenson to Scott Campbell, IDWR Director's Report for water right nos. 63-166 and 63-167, and the pertinent portions of the Stewart Decree.

INTERROGATORY NO. 12: Please list/identify all water rights used for irrigation of your claimed Place of Use.

ANSWER TO INTERROGATORY NO. 12: 63-166, 63-167, and 63-5239

INTERROGATORY NO. 13: Please identify all documents and/or tangible objects which have been provided to each expert who has been retained or consulted by you or your attorneys with regard to the above-captioned subcases.

ANSWER TO INTERROGATORY NO. 13: Franklin has not retained any experts at this time. Franklin will supplement its responses if necessary.

INTERROGATORY NO. 14: If any of your responses to any of the requests for admission contained herein are anything other than an unqualified admission, please explain in full and

RESPONSE TO REQUEST FOR PRODUCTION NO. 3: See Exhibit.

REQUEST FOR PRODUCTION NO. 4: Please produce any and all documents that are in any way responsive to any of the interrogatories contained herein and/or that are in any way supportive of your answers to any of the interrogatories contained herein.

RESPONSE TO REQUEST FOR PRODUCTION NO. 4: See Exhibit.

REQUEST FOR PRODUCTION NO. 5: Please produce any and all documents that are in any way responsive to any of the requests for admission contained herein and/or that are in any way supportive of your responses to any of the requests for admission contained herein.

RESPONSE TO REQUEST FOR PRODUCTION NO. 5: See Exhibit.

REQUEST FOR PRODUCTION NO. 6: Please produce any maps or diagrams depicting the Company's irrigation system.

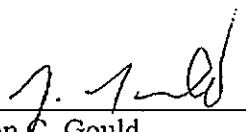
RESPONSE TO REQUEST FOR PRODUCTION NO. 6: See Exhibit.

REQUEST FOR PRODUCTION NO. 7: Please produce any and all other additional documentation that is in any way supportive of any of your claims or allegations in the above-captioned subcases.

RESPONSE TO REQUEST FOR PRODUCTION NO. 7: See Exhibit.

DATED this 13th day of September, 2010.

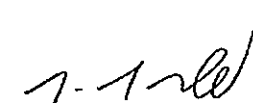
RINGERT LAW CHARTERED

By: 
Jon C. Gould
Attorneys for Franklin Ditch Company

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of September, 2010, I served a true and correct copy of the foregoing document by U.S. mail, postage pre-paid to the following:

Pioneer Irrigation District
c/o Scott Campbell
P.O. Box 829
Boise, Idaho 83701-0829



Jon C. Gould