

RECEIVED

SEP 17 2009

HUTCHINSON

&

BROWN, LLP

DEPARTMENT OF
WATER RESOURCES

Keith E. Hutchinson, Esq.
Patrick D. Brown, Esq.

ATTORNEYS AT LAW

PHONE: (208) 733-9300
WATS: (800) 753-2529
FAX: (208) 733-9343

September 15, 2009

Clerk of District Court
SNAKE RIVER BASIN ADJUDICATION
253 3rd Ave. N.
P.O. Box 2707
Twin Falls ID 83303-2707

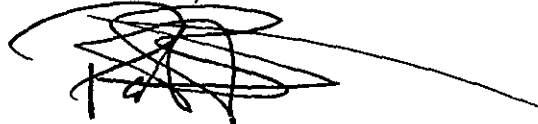
Re: **Hailey**, City of
Subcase Nos. 37-00296A, 37-00717, 37-01216 & 37-07854

Dear Clerk:

Enclosed herewith for filing please find OBJECTION TO PROPOSED SCHEDULING ORDER.

Thank you.

Sincerely,



Patrick D. Brown

/cb
Enc.

cc: Dana Hofstetter, w/enc.
Chris Bromley, w/enc.
Craig Hobdey, w/enc.
Director of IDWR, w/enc.
Chief, Natural Resources Div., w/enc.
Environment & Natural Resource Div., w/enc.
City of Hailey, w/enc.

RECEIVED

SEP 17 2009

DEPARTMENT OF
WATER RESOURCES

Patrick D. Brown, ISB #4413
HUTCHINSON & BROWN, LLP
104 Lincoln St., P.O. Box 207
Twin Falls ID 83303-0207
Telephone: (208) 733-9300
Attorneys for **Claimant**

IN THE DISTRICT COURT OF THE 5th JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	Subcase Nos. 37-00296A, 37-00717,
	)	37-01216, 37-07854
Case No. 39576	)	
	)	OBJECTION TO PROPOSED
	)	SCHEDULING ORDER
_____	)	

Comes now the City of Hailey, by and through its counsel of record, and objects to part of the proposed scheduling order submitted by Dana Hofstetter on or about September 10, 2009.

The paragraphs of the proposed order the City objects to are paragraphs 7 and 8.

Paragraph 7 would require attendance at the mandatory settlement conference on October 19, 2009. Such a settlement conference so early in the process and before discovery has significantly advanced is a waste of time. The City respectfully submits that it is not in a position to compromise or settle until it has discovered the facts and other bases for any objections to its claims. The

COPIES

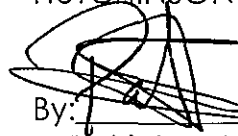
City requests the Court schedule a mandatory settlement conference no earlier than February 1, 2010.

Paragraph 8 would require jurisdictional motions to be filed by September 30, 2009. Again the City submits it should be given the opportunity to conduct discovery before being put in the position of having to file motions. Consequently the City requests the Court schedule any deadline for jurisdictional motions no earlier than January 1, 2010.

The City does not request oral argument on this objection, and, since Ms. Hofstetter also did not request oral argument, the City requests that the Court issue the order without argument pursuant to I.R.C.P. 7(b)(3).

Respectfully submitted this 15 day of September, 2009.

HUTCHINSON & BROWN, LLP

By: 
Patrick D. Brown
Attorneys for Claimant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 15th day of September, 2009, (s)he served a true and correct copy of the within and foregoing document upon the following by depositing a copy thereof in the United States mail, postage prepaid, addressed to:

Dana Hofstetter
HOFSTETTER LAW OFFICE
608 W. Franklin St.
Boise ID 83702
424-7800; fax 424-8774; dana@idahowaterlaw.com

Chris Bromley, Deputy A-G
IDAHO ATTORNEY GENERAL
322 E. Front St.
P.O. Box 83720
Boise ID 83720-0098
287-4801; fax 287-6700; chris.bromley@idwr.idaho.gov

Craig Hobdey
HOBDEY LAW OFFICE
125 5th Ave. W.
P.O. Box 176
Gooding ID 83330-0176
934-4429; fax 934-4420

Director of IDWR
IDWR Document Depository
P.O. Box 83720
Boise ID 83720-0098

Chief, Natural Resources Div.
IDAHO ATTORNEY GENERAL
P.O. Box 44449
Boise ID 83711-4449

Environment & Natural Resource Div.
U.S. DEPT. OF JUSTICE
550 W. Fort St., MSC 033
Boise ID 83724

CITY OF HAILEY
115 Main St. S., Ste. H
Hailey ID 83333

A handwritten signature in cursive script, reading "Connie Bell", is written over a horizontal line.