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DEPARTMENT OF
WATER RESOURCES

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Attorneys for
Indian Creek Ranch Owners Association, 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	)	Subcase Nos. 37-296A, 37-717, 37-1216
	)	and 37-7854
	)	
Case 39576	)	INDIAN CREEK RANCH OWNERS
	)	ASSOCIATION, INC.'S MOTION TO
	)	COMPEL DISCOVERY
	)	

The Indian Creek Ranch Owners Association, Inc. ("ICROA") moves this Court for an Order, pursuant to Rule 37 of the Idaho Rules of Civil Procedure, compelling the Claimant in the above-referenced subcases to answer ICROA's First Set of Interrogatories and respond to its First Requests for Production of Documents

("Discovery Requests") in each of the above-listed subcases. This Motion is supported by, and incorporates, the Affidavit of Dana L. Hofstetter filed contemporaneously herewith.

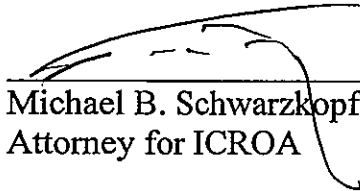
The Discovery Requests were served by facsimile on September 15, 2009. *Affidavit of Dana L. Hofstetter*. Answers and Responses were due on October 15, 2009. No Answers or Responses have been received, and Claimant's counsel has never made a request for an extension of the discovery response time. *Id.* Moreover, Claimant's counsel refuses to give ICROA any definite date assurance as to when Claimant will answer ICROA's Discovery Requests. *Id.* And, he has avoided ICROA's efforts to meet and confer about these matters. *Id.*

The Trial Scheduling Order requires that discovery be completed by January 4, 2010. The ICROA requires answers to its Discovery Requests so that it may complete discovery and prepare for trial, particularly given the scheduling constraints of the holiday season.

The ICROA respectfully requests an Order directing Claimant to answer the Discovery Requests forthwith and that, pursuant to Rule 37(a)(4) of the Idaho Rules of Civil Procedure, Claimants be required to pay the ICROA's reasonable costs and attorney fees incurred in preparing and prosecuting this Motion.

The ICROA requests oral argument on this Motion and does not intend to file any other brief in support of it at this time.

DATED this 4th day of November, 2009.



Michael B. Schwarzkopf
Attorney for ICROA

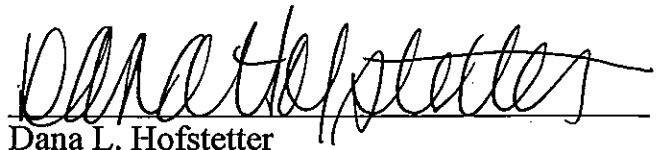
CERTIFICATE OF SERVICE

I hereby certify that I caused to be served a copy of the foregoing document (including any attachments) this 4th day of November, 2009, by the pre-paid method(s) indicated below to:

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