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DEPARTMENT OF
WATER RESOURCES

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HOFSTETTER LAW OFFICE, LLC
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Boise, Idaho 83702
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Facsimile: (208) 424-8774
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1809 Graham Street
Yakima, Washington 98902
Telephone: (208) 841-8227
Email: mbschwarzkopf@yahoo.com

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

Case 39576

)
) Subcase Nos. 37-296A, 37-717, 37-1216
) and 37-7854
)

) **AFFIDAVIT OF DANA L. HOFSTETTER**
)
)
)

STATE OF IDAHO)
-) ss.
COUNTY OF ADA)

Dana L. Hofstetter, being first being duly sworn upon oath, deposes and says:

(1) I am Dana L. Hofstetter, counsel of record in this matter for Indian Creek Ranch Owners Association, Inc. ("ICROA");

(2) I have personal knowledge of the facts set forth herein;

(3) On September 15, 2009, I served by facsimile four (4) sets of Discovery Requests (First Set of Interrogatories and Requests for Production), one set respectively for each of the above-captioned water right subcases, on Claimant City of Hailey's counsel, Patrick Brown;

(4) Attached hereto as Exhibits A, B, C and D, respectively, are true and correct copies of those Discovery Requests (including facsimile confirmation pages);

(5) This discovery was propounded in good faith, and the information sought thereby was reasonably requested and essential to ICROA's case;

(6) Pursuant to the Idaho Rules of Civil Procedure, Claimant's answers and responses to these Discovery Requests were due thirty (30) days later, on October 15, 2009;

(7) Claimant's counsel has never requested an extension of time in which to answer and/or respond to these Discovery Requests and Claimant's counsel has never given me any definite time by which he would provide any answers;

(8) Even after I sent Mr. Brown a letter by facsimile on October 21, 2009 (attached hereto as Exhibit E, and including the facsimile confirmation page) telling him that unless I received his answers by the end of business on October 26, 2009, I would

need to move to compel, I did not receive a definite commitment from Mr. Brown as to when discovery answers would be forthcoming;

(9) Although I received a letter from Claimant's counsel's office assistant by facsimile on October 22, 2009 (attached hereto as Exhibit F) to the effect that counsel would not be back in his office until October 26, 2009, neither he nor his office made any effort to commit to when answers to the outstanding Discovery Requests would be provided;

(10) On Monday October 26, 2009, I called Claimant's counsel in a further attempt to meet and confer about Claimant's failure to answer or respond to these Discovery Requests. I was told that he was at lunch, and I left a message asking that he call me back. I received no return telephone call from Mr. Brown concerning this matter;

(11) At 1:38 p.m. that same day, October 26, 2009, I followed up my phone message with an e-mail to Claimant's counsel (attached hereto as Exhibit G), in a further attempt to meet and confer about "a mutually acceptable resolution of the overdue discovery answers;"

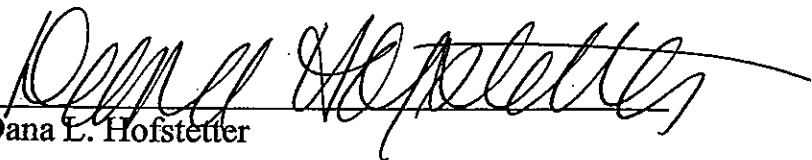
(12) Rather than return my telephone call to discuss resolution of the answers to the outstanding Discovery Requests, Claimant's counsel sent me a rather personally offensive e-mail at 2:39 p.m. that same day, October 26, 2009, with misrepresentations of fact and incorrect assertions concerning my character and motives. In it, he continued to fail to give any definite time by which he would respond to the Discovery Requests;

(13) As of today, November 4, 2009, I have not received any answers to these Discovery Requests and Claimant's counsel has yet to give me any definite time by which Claimant would answer;

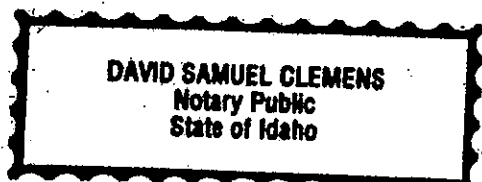
(14) As such, I certify that ICROA has in good faith attempted to meet and confer with the Claimant to resolve the overdue discovery answers and avoid the need for court action. Despite these attempts, Claimant's counsel has never committed to provide the discovery answers by a date certain. The case schedule necessitates that ICROA receives answers to these discovery requests immediately.

FURTHER YOUR AFFIANT SAYETH NOT.

DATED this 4th day of November, 2009.


Dana L. Hofstetter

SUBSCRIBED AND SWORN to before me this 4th day of November, 2009.




Notary Public in and for the State of Idaho
Residing at: Boise, ID
My Commission Expires: 7/18/2014

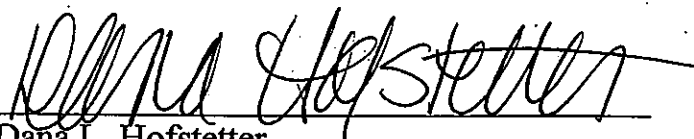
CERTIFICATE OF SERVICE

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:

IDWR
Document Depository
P.O. Box 83720
Boise, Idaho 83720-0098
✱ U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax

Craig Hobdey
P.O. Box 176
Gooding, Idaho 83330
✱U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax

Patrick D. Brown
Hutchinson & Brown
104 Lincoln Street
P.O. Box 207
Twin Falls, Idaho 83303
☐ U.S. Mail ☐ Fed Ex ✱Hand ☐ Fax


Dana L. Hofstetter

**Attorney for Objector Indian Creek Ranch
Owners Association, Inc. ("ICROA")**

In Re SRBA

Case 39576

**ICROA'S FIRST SET OF
INTERROGATORIES AND
REQUESTS FOR PRODUCTION
TO CLAIMANT
CITY OF HAILEY**

YOU WILL PLEASE TAKE NOTICE that Objector ICROA hereby propounds its First Set of Interrogatories and Requests for Production, pursuant to the Idaho Rules of Civil Procedure 26, 33 and 34. In accordance with these rules, you are required to answer the Interrogatories under oath, and respond to the Requests for Production within thirty (30) days from service hereof.

In answering these Interrogatories and Requests for Production of Documents, furnish all information available so you, including information in the possession of your

attorneys (and investigators, experts, etc., retained by you and your attorneys), not merely information known of your own personal knowledge. If you cannot respond to the following in full, after exercising due diligence to secure the information to do so, so state, then respond to the extent possible, specifying your inability to respond to the remainder, and stating whatever information and knowledge you have concerning the unanswered portion.

You may respond to the Requests for Production of Documents by producing for inspection and/or reproduction the originals or true and correct copies of the documents and items listed below, in whatever form, whether electronic, written, xeroxed, filmed or otherwise, at Hofstetter Law Office, 608 West Franklin Street, Boise, Idaho 83702, within thirty (30) days of service hereof. Objector ICROA will reimburse you for any reasonable copying expense incurred in complying with these Requests.

If there is any Interrogatory or Request for Production of Documents to which you object in whole or in part, or as to which you claim a privilege in whole or in part, or as to which you claim protection from discovery in whole or in part, state the nature and basis of your objection or claim of protection from discovery, describe in detail the facts upon which you base your objection, and answer any remaining part to which you do not object, do not claim a privilege, or do not claim protection from discovery.

These Interrogatories and Requests for Production are deemed continuing, and your answers and responses thereto are to be supplemented as additional information and knowledge becomes available or known to you.

The following definitions will be used with respect to these Interrogatories and Requests:

1. The word "you" refers to the individually named party addressed herein, the City of Hailey, as well as that party's employees, directors, partners, officers, City Council members, Mayor, trustees, beneficiaries, agents, attorneys, representatives, servants, and any expert witnesses expected to testify at hearing or trial.
2. The word "document" means any written, typed, graphic, electronically or digitally stored or printed matter, in its entirety, including any addenda, supplements, amendments, revisions, exhibits, and appendices thereto, in its original form (or copies thereof where bearing notations, memoranda or other written information not on the original) including, but not limited to, books, pamphlets, brochures, notebooks, correspondence, telegrams, notes or taped or sound recordings of any type of conversation or meeting or conference, notes or tape or sound recordings of any type of statements of witnesses, minutes of meetings, reports, photographs, memoranda, interoffice or intraoffice communications, notes, data, measurements, graphs, maps, studies, analyses, governmental records, results of investigations, reviews, contracts, licenses, agreements, ledgers, books of account, vouchers, bank checks and drafts, invoices, charge slips, receipts, bills, working papers, data records, statistical records, costs sheets, stenographer's notebooks, desk calendars, appointment books, diaries, time sheets or logs, maps, computer input data, computer output data, computer runs, voice mail, e-mail, work sheets or work papers or other materials, including, without limitation, all such defined documents of which you are aware, which are in your possession,

custody or control or which were submitted to your experts or attorneys or submitted by your experts or attorneys to you, or papers similar to any of the foregoing.

3. The word "person" means any natural person, partnership, firm or corporation or any other type of business or legal entity, its agents, employees and representatives.

4. If any document or portion thereof, which is responsive to any request herein, is or will be withheld from production, inspection or copying, please fully identify such document or portion thereof in your response, in accordance with definition 5 below, and fully describe in your response, the reason it is or will be withheld.

5. "Identify" or "identification" means

(a) In each instance wherein you are asked to "identify" or describe a document, your description should include, but not be limited to, the following:

(i) The name, address, telephone number, occupation, job title and employer of the present custodian of the document;

(ii) The date of the making of the document, and the name, address, telephone number, occupation, job title and employer of each person whose testimony could be used to authenticate such document and lay the foundation for its introduction into evidence;

(iii) The identity of the author; and

(iv) The title, date, and subject matter of the document;

(b) With respect to an oral communication by personal means, "identify" means a complete statement setting forth the date, the approximate time and place, the name and address of each person present, whether any conversation

was recorded and, if so, the name and address of the person who recorded it and the name and address of the person who has custody or possession of such recording, and whether any notes or memoranda were made of any conversations and, if so, the name and address of the person who made such notes or memoranda and the name and address of each person who has custody or possession of the original notes or memoranda.

(c) With respect to a telephone conversation, "identify" means a complete statement setting forth the date, the approximate time, the name of the person initiating the call, the location from which the call was placed, the words spoken or the substance of what was said by the person initiating the call and by the person called, whether anyone else listened in on one or both sides of such telephone conversation and, if so, the name and address of such person, whether such conversation was recorded and, if so, the name and address of the person who recorded it and the name and address of the person who has custody or possession of such recording and whether any notes or memoranda were made of such conversation and, if so, the name and address of each person who has custody or possession of the original notes or memoranda.

(d) With respect to a document for which you claim a privilege, "identify" means the name of the person who prepared it, the name of the person who signed it or in whose name it was issued, the name of each person to whom it was addressed or circulated, the nature and substance of the writing and its title, if any, its date, and if it bears no date, the date when it was prepared, the physical location of the original and any copies of which you are aware, the name and

address of each person having custody or control of the document, and the name and number of the file, if any, in which it is contained and the basis for the privilege for which you claim.

(e) When used in reference to a person, "identify" means the person's full name, state of incorporation (if applicable), last known business address, last known home address (if applicable), last known business, profession, or occupation, last known job title, list of officers, directors, agents, representatives and employees (if applicable) and relationship to you.

6. The term "knowledge" includes firsthand knowledge and information derived from any other source, including, but not limited, to hearsay knowledge.

7. The term "describe" or "description" means to set forth all facts which exhaust your information, knowledge, and belief with respect to the subject matter of the discovery request.

8. The term "relating to" or "relates to" means pertaining to or in any way concerning, whichever meaning has the broadest application in the context used.

9. The term "related entity" refers to any trust, corporation, partnership, limited liability company, joint venture, sole proprietorship or any other kind of business or legal entity or other legal or business relationship in which you have an interest.

10. The term "Subcase" refers to the above-captioned SRBA Subcase No. 37-296A.

11. The term "Water Right" refers to Idaho Water Right No. 37-296.

12. The term "Claim" refers to your Snake River Basin Adjudication Claim for the Water Right or portion of the Water Right, as amended (if any) and appropriately filed.

INTERROGATORIES AND REQUESTS FOR PRODUCTION

INTERROGATORY NO. 1: Please set forth the name, address, telephone number, and occupation of each and every individual known to you or your counsel who has knowledge of or who purports to have knowledge relating to your Claim, and set forth a full and accurate summary of the knowledge possessed by each such person.

INTERROGATORY NO. 2: Please set forth the name, address, telephone number, and occupation of each person you may call as a witness at trial in this Subcase, and for each such witness, state the substance of his/her expected testimony.

INTERROGATORY NO. 3: Please identify each person whom you may call as an expert witness at the trial of this Subcase and state the subject matter on which such expert witness is expected to testify, the substance of the facts to which such expert witness is expected to testify and the substance of the opinions to which such expert witness is expected to testify as required by Rule 26(b)(4) of the Idaho Rules of Civil Procedure together with all of the underlying facts and data as required by Rule 705 of the Idaho Rules of Evidence.

INTERROGATORY NO. 4: Please identify each person with whom you or your representatives have communicated seeking information which in any way relates to your Claim.

INTERROGATORY NO. 5: Please identify each person who supplied answers to these Interrogatories and designate the answers or answer or part thereof supplied by

each such person. (This interrogatory is intended to discover principal sources of information and does not seek to ascertain the identity of typists or other persons responsible for the mechanical preparation of these answers.).

INTERROGATORY NO. 6: Please separately identify each communication which in any way relates to your Claim. For each such communication, please identify:

- a. Whether the communication was oral or written;
- b. Who were the parties to the communication;
- c. The date of the communication;
- d. The substance of the communication; and
- e. The relevance of the communication to the issues in this Subcase.

REQUEST FOR PRODUCTION NO. 1: Please produce a copy of each and every written communication identified in your answer to Interrogatory No. 6.

INTERROGATORY NO. 7: Please separately identify each document which in any way relates to your Claim, and describe its significance.

REQUEST FOR PRODUCTION NO. 2: Please produce copies of each and every document identified in your answer to Interrogatory No. 7.

INTERROGATORY NO. 8: Please identify each exhibit which you may offer into evidence at the trial in this Subcase, and describe as to each such exhibit the fact or facts intended to be proved by the use of the exhibit or the relevance of which is felt to justify the use of the exhibit and as to each such exhibit which consists of more than 15 pages or more than 3,000 words, quote or otherwise specifically designate each portion of such exhibit which you contend is the relevant portions thereof.

REQUEST FOR PRODUCTION NO. 3: Please produce a copy of each and every exhibit identified in your answer to Interrogatory No. 8.

INTERROGATORY NO. 9: Please identify each statement made by anyone on your behalf, oral or written, which relates in any way to your Claim. For each such statement please identify:

- a. Whether the statement was oral or written;
- b. Who made the statement;
- c. The person to whom the statement was made;
- c. The date of the statement;
- d. The substance of the statement; and
- e. The relevance of the statement to the issues in this Subcase.

REQUEST FOR PRODUCTION NO. 4: Please produce a copy of each and every written statement identified in your answer to Interrogatory No. 9.

INTERROGATORY NO. 10: If you contend that the Indian Creek Ranch Owners Association, Inc., or any agent, predecessors in interest or other person who could make an admission binding on it, has admitted a fact material to your position with respect to the Claim, please describe who made each admission, what the admission is and whether there are any documents which purport to reflect that an admission occurred.

REQUEST FOR PRODUCTION NO. 5: Please produce all documents that you assert support or may support your Claim.

INTERROGATORY NO. 11: In your Claim, you contend that the Water Right, or a portion thereof, should be in the name of the City of Hailey. Please describe all the facts that support this contention.

REQUEST FOR PRODUCTION NO. 6: Please produce all documents relating to your answer to Interrogatory No. 11.

INTERROGATORY NO. 12: In your Claim, you contend that the priority date of the Water Right is "April 1, 1880." Please describe all the facts that support this contention.

REQUEST FOR PRODUCTION NO. 7: Please produce all documents relating to your answer to Interrogatory No. 12.

INTERROGATORY NO. 13: In your Claim, you contend that the source of your portion of the Water Right is "Indian Springs tributary to Indian Creek." Please describe all the facts that support this contention.

REQUEST FOR PRODUCTION NO. 8: Please produce all documents relating to your answer to Interrogatory No. 13.

INTERROGATORY NO. 14: In your Claim, you contend that the point of diversion of your portion of the Water Right is located in the "SW1/4SE1/4NW1/4 of Section 23, Township 3 North, Range 18 East in Blaine County." Please describe all the facts that support this contention.

REQUEST FOR PRODUCTION NO. 9: Please produce all documents relating to your answer to Interrogatory No. 14.

INTERROGATORY NO. 15: Please describe the equipment you use for diverting water under your portion of the Water Right from the source and conveying it to the place of use, including in your response, without limitation, descriptions of all pumps, pipelines, tanks, conduits, and other facilities employed in such diversion and

distribution systems.

REQUEST FOR PRODUCTION NO. 10: Please produce all documents relating to your answer to Interrogatory No. 15.

INTERROGATORY NO. 16: Please describe any and all measurement equipment used for measuring your diversions of water under the Water Right from the source.

REQUEST FOR PRODUCTION NO. 11: Please produce all documents relating to your answer to Interrogatory No. 16.

INTERROGATORY NO. 17: In your Claim, you contend that your portion of the Water Right is for "Municipal Purpose." Please describe all the facts that support this contention.

REQUEST FOR PRODUCTION NO. 12: Please produce all documents relating to your answer to Interrogatory No. 17.

INTERROGATORY NO. 18: In your Claim, you contend that your portion of the Water Right has a season of use of "1/01 to 12/31." Please describe all the facts that support this contention.

REQUEST FOR PRODUCTION NO. 13: Please produce all documents relating to your answer to Interrogatory No. 18.

INTERROGATORY NO. 19: In your Claim, you contend that your portion of the Water Right is for 2,620 cubic feet per second "cfs." Please describe all the facts that support this contention.

REQUEST FOR PRODUCTION NO. 14: Please produce all documents relating to your answer to Interrogatory No. 19.

REQUEST FOR PRODUCTION NO. 15: Please produce all documents that contain any measurement records of Indian Creek and/or Indian Springs flows or diversion quantities.

REQUEST FOR PRODUCTION NO. 16: Please produce all documents referenced in, relating to or supporting any of your answers to the Interrogatories above, that are not otherwise being produced in response to another Request for Production herein.

DATED this 15th day of September, 2009.

HOFSTETTER LAW OFFICE, LLC


Dana L. Hofstetter

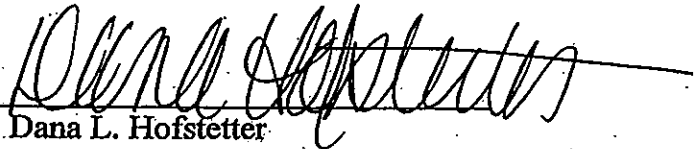
CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of September, 2009, I caused to be served a copy of the foregoing ICROA's First Set of Interrogatories and Requests for Production to Claimant City of Hailey on the following person(s) by the method(s) indicated below:

Patrick Brown, Esq.
Hutchinson & Brown LLP
104 Lincoln Street
P.O. Box 207

Twin Falls, Idaho 83303-0207

☐ U.S. Mail ☐ FedEx Overnight ☐ Hand Delivery ☒ Fax


Dana L. Hofstetter

HOFSTETTER LAW OFFICE, LLC

608 West Franklin Street

Boise, Idaho 83702

Phone: (208) 424-7800

Fax: (208) 424-8774

E-Mail: Dana@IdahoWaterLaw.com

FAX COVER SHEET

DATE: September 15, 2009

TO: Pat Brown

FAX: (208) 733-9343

FROM: Dana Hofstetter

RE: SRBA Subcase 37-296A

The information contained in this facsimile may be confidential information or attorney work product or both and is for the exclusive use of the intended recipient listed above. Any reading, disclosure, use or reproduction of this communication other than by the intended recipient is prohibited. If you have received this communication in error, please notify us by collect telephone call immediately and return the communication to us by U. S. Mail.

NUMBER OF PAGES BEING TRANSMITTED (INCLUDING THIS PAGE) 14

IF ALL PAGES ARE NOT RECEIVED, PLEASE CALL (208) 424-7800.

ORIGINAL BY MAIL: YES NO X

HP Officejet 7310xi
Personal Printer/Fax/Copier/Scanner

Log for
Hofstetter Law Office LLC
(208) 424-8774
Sep 15 2009 4:55PM

Last Transaction

<u>Date</u>	<u>Time</u>	<u>Type</u>	<u>Identification</u>	<u>Duration</u>	<u>Pages</u>	<u>Result</u>
Sep 15	4:50PM	Fax Sent	12087339343	5:19	14	OK

**Attorney for Objector Indian Creek Ranch
Owners Association, Inc. ("ICROA")**

**ICROA'S FIRST SET OF
INTERROGATORIES AND
REQUESTS FOR PRODUCTION
TO CLAIMANT
CITY OF HAILEY**

EXHIBIT
B

attorneys (and investigators, experts, etc., retained by you and your attorneys), not merely information known of your own personal knowledge. If you cannot respond to the following in full, after exercising due diligence to secure the information to do so, so state, then respond to the extent possible, specifying your inability to respond to the remainder, and stating whatever information and knowledge you have concerning the unanswered portion.

You may respond to the Requests for Production of Documents by producing for inspection and/or reproduction the originals or true and correct copies of the documents and items listed below, in whatever form, whether electronic, written, xeroxed, filmed or otherwise, at Hofstetter Law Office, 608 West Franklin Street, Boise, Idaho 83702, within thirty (30) days of service hereof. Objector ICROA will reimburse you for any reasonable copying expense incurred in complying with these Requests.

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custody or control or which were submitted to your experts or attorneys or submitted by your experts or attorneys to you, or papers similar to any of the foregoing.

3. The word "person" means any natural person, partnership, firm or corporation or any other type of business or legal entity, its agents, employees and representatives.

4. If any document or portion thereof, which is responsive to any request herein, is or will be withheld from production, inspection or copying, please fully identify such document or portion thereof in your response, in accordance with definition 5 below, and fully describe in your response, the reason it is or will be withheld.

5. "Identify" or "identification" means

(a) In each instance wherein you are asked to "identify" or describe a document, your description should include, but not be limited to, the following:

(i) The name, address, telephone number, occupation, job title and employer of the present custodian of the document;

(ii) The date of the making of the document, and the name, address, telephone number, occupation, job title and employer of each person whose testimony could be used to authenticate such document and lay the foundation for its introduction into evidence;

(iii) The identity of the author; and

(iv) The title, date, and subject matter of the document;

(b) With respect to an oral communication by personal means, "identify" means a complete statement setting forth the date, the approximate time and place, the name and address of each person present, whether any conversation

was recorded and, if so, the name and address of the person who recorded it and the name and address of the person who has custody or possession of such recording, and whether any notes or memoranda were made of any conversations and, if so, the name and address of the person who made such notes or memoranda and the name and address of each person who has custody or possession of the original notes or memoranda.

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(d) With respect to a document for which you claim a privilege, "identify" means the name of the person who prepared it, the name of the person who signed it or in whose name it was issued, the name of each person to whom it was addressed or circulated, the nature and substance of the writing and its title, if any, its date, and if it bears no date, the date when it was prepared, the physical location of the original and any copies of which you are aware, the name and

address of each person having custody or control of the document, and the name and number of the file, if any, in which it is contained and the basis for the privilege for which you claim.

(e) When used in reference to a person, "identify" means the person's full name, state of incorporation (if applicable), last known business address, last known home address (if applicable), last known business, profession, or occupation, last known job title, list of officers, directors, agents, representatives and employees (if applicable) and relationship to you.

6. The term "knowledge" includes firsthand knowledge and information derived from any other source, including, but not limited, to hearsay knowledge.

7. The term "describe" or "description" means to set forth all facts which exhaust your information, knowledge, and belief with respect to the subject matter of the discovery request.

8. The term "relating to" or "relates to" means pertaining to or in any way concerning, whichever meaning has the broadest application in the context used.

9. The term "related entity" refers to any trust, corporation, partnership, limited liability company, joint venture, sole proprietorship or any other kind of business or legal entity or other legal or business relationship in which you have an interest.

10. The term "Subcase" refers to the above-captioned SRBA Subcase No. 37-717.

11. The term "Water Right" refers to Idaho Water Right No. 37-717.

12. The term "Claim" refers to your Snake River Basin Adjudication Claim for the Water Right, as amended (if any) and appropriately filed.

INTERROGATORIES AND REQUESTS FOR PRODUCTION

INTERROGATORY NO. 1: Please set forth the name, address, telephone number, and occupation of each and every individual known to you or your counsel who has knowledge of or who purports to have knowledge relating to your Claim, and set forth a full and accurate summary of the knowledge possessed by each such person.

INTERROGATORY NO. 2: Please set forth the name, address, telephone number, and occupation of each person you may call as a witness at trial in this Subcase, and for each such witness, state the substance of his/her expected testimony.

INTERROGATORY NO. 3: Please identify each person whom you may call as an expert witness at the trial of this Subcase and state the subject matter on which such expert witness is expected to testify, the substance of the facts to which such expert witness is expected to testify and the substance of the opinions to which such expert witness is expected to testify as required by Rule 26(b)(4) of the Idaho Rules of Civil Procedure together with all of the underlying facts and data as required by Rule 705 of the Idaho Rules of Evidence.

INTERROGATORY NO. 4: Please identify each person with whom you or your representatives have communicated seeking information which in any way relates to your Claim.

INTERROGATORY NO. 5: Please identify each person who supplied answers to these Interrogatories and designate the answers or answer or part thereof supplied by each such person. (This interrogatory is intended to discover principal sources of information and does not seek to ascertain the identity of typists or other persons responsible for the mechanical preparation of these answers.).

INTERROGATORY NO. 6: Please separately identify each communication which in any way relates to your Claim. For each such communication, please identify:

- a. Whether the communication was oral or written;
- b. Who were the parties to the communication;
- c. The date of the communication;
- d. The substance of the communication; and
- e. The relevance of the communication to the issues in this Subcase.

REQUEST FOR PRODUCTION NO. 1: Please produce a copy of each and every written communication identified in your answer to Interrogatory No. 6.

INTERROGATORY NO. 7: Please separately identify each document which in any way relates to your Claim, and describe its significance.

REQUEST FOR PRODUCTION NO. 2: Please produce copies of each and every document identified in your answer to Interrogatory No. 7.

INTERROGATORY NO. 8: Please identify each exhibit which you may offer into evidence at the trial in this Subcase, and describe as to each such exhibit the fact or facts intended to be proved by the use of the exhibit or the relevance of which is felt to justify the use of the exhibit and as to each such exhibit which consists of more than 15 pages or more than 3,000 words, quote or otherwise specifically designate each portion of such exhibit which you contend is the relevant portions thereof.

REQUEST FOR PRODUCTION NO. 3: Please produce a copy of each and every exhibit identified in your answer to Interrogatory No. 8.

INTERROGATORY NO. 9: Please identify each statement made by anyone on your behalf, oral or written, which relates in any way to your Claim. For each such

statement please identify:

- a. Whether the statement was oral or written;
- b. Who made the statement;
- c. The person to whom the statement was made;
- c. The date of the statement;
- d. The substance of the statement; and
- e. The relevance of the statement to the issues in this Subcase.

REQUEST FOR PRODUCTION NO. 4: Please produce a copy of each and every written statement identified in your answer to Interrogatory No. 9.

INTERROGATORY NO. 10: If you contend that the Indian Creek Ranch Owners Association, Inc., or any agent, predecessors in interest or other person who could make an admission binding on it, has admitted a fact material to your position with respect to the Claim, please describe who made each admission, what the admission is and whether there are any documents which purport to reflect that an admission occurred.

REQUEST FOR PRODUCTION NO. 5: Please produce all documents that you assert support or may support your Claim.

INTERROGATORY NO. 11: In your Claim, you contend that the Water Right should be in the name of the City of Hailey. Please describe all the facts that support this contention.

REQUEST FOR PRODUCTION NO. 6: Please produce all documents relating to your answer to Interrogatory No. 11.

INTERROGATORY NO. 12: In your Claim, you contend that the priority date of the Water Right is "August 1, 1907." Please describe all the facts that support this

contention.

REQUEST FOR PRODUCTION NO. 7: Please produce all documents relating to your answer to Interrogatory No. 12.

INTERROGATORY NO. 13: In your Claim, you contend that the source of the Water Right is "Indian Springs tributary to Indian Creek." Please describe all the facts that support this contention.

REQUEST FOR PRODUCTION NO. 8: Please produce all documents relating to your answer to Interrogatory No. 13.

INTERROGATORY NO. 14: In your Claim, you contend that the point of diversion of the Water Right is located in "the SW1/4SE1/4NW1/4 of Section 23, Township 3 North, Range 18 East in Blaine County." Please describe all the facts that support this contention.

REQUEST FOR PRODUCTION NO. 9: Please produce all documents relating to your answer to Interrogatory No. 14.

INTERROGATORY NO. 15: Please describe the equipment you use for diverting water under the Water Right from the source and conveying it to the place of use, including in your response, without limitation, descriptions of all pumps, pipelines, tanks, conduits, and other facilities employed in such diversion and distribution systems.

REQUEST FOR PRODUCTION NO. 10: Please produce all documents relating to your answer to Interrogatory No. 15.

INTERROGATORY NO. 16: Please describe any and all measurement equipment used for measuring your diversions of water under the Water Right from the source.

REQUEST FOR PRODUCTION NO. 11: Please produce all documents relating to your answer to Interrogatory No. 16.

INTERROGATORY NO. 17: In your Claim, you contend that the Water Right is for "Municipal Purpose." Please describe all the facts that support this contention.

REQUEST FOR PRODUCTION NO. 12: Please produce all documents relating to your answer to Interrogatory No. 17.

INTERROGATORY NO. 18: In your Claim, you contend that the Water Right has a season of use of "1/01 to 12/31." Please describe all the facts that support this contention.

REQUEST FOR PRODUCTION NO. 13: Please produce all documents relating to your answer to Interrogatory No. 18.

INTERROGATORY NO. 19: In your Claim, you contend that the Water Right is for 1.830 cubic feet per second "cfs." Please describe all the facts that support this contention.

REQUEST FOR PRODUCTION NO. 14: Please produce all documents relating to your answer to Interrogatory No. 19.

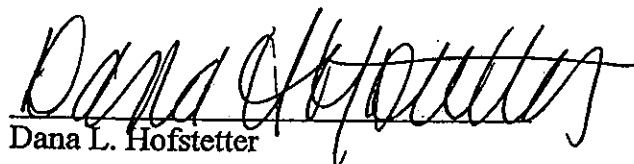
REQUEST FOR PRODUCTION NO. 15: Please produce all documents that contain any measurement records of Indian Creek and/or Indian Springs flows or diversion quantities.

REQUEST FOR PRODUCTION NO. 16: Please produce all documents referenced in, relating to or supporting any of your answers to the Interrogatories above, that are not otherwise being produced in response to another Request for

Production herein.

DATED this 15th day of September, 2009.

HOFSTETTER LAW OFFICE, LLC

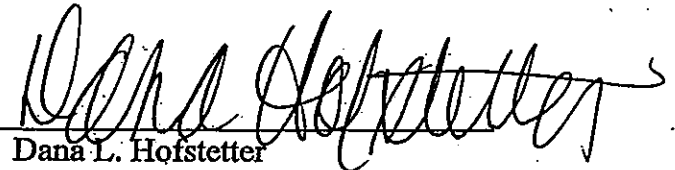

Dana L. Hofstetter

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of September, 2009, I caused to be served a copy of the foregoing ICROA's First Set of Interrogatories and Requests for Production to Claimant City of Hailey on the following person(s) by the method(s) indicated below:

Patrick Brown, Esq.
Hutchinson & Brown LLP
104 Lincoln Street
P.O. Box 207
Twin Falls, Idaho 83303-0207

☐ U.S. Mail ☐ FedEx Overnight ☐ Hand Delivery ☒ Fax


Dana L. Hofstetter

HOFSTETTER LAW OFFICE, LLC

608 West Franklin Street

Boise, Idaho 83702

Phone: (208) 424-7800

Fax: (208) 424-8774

E-Mail: Dana@IdahoWaterLaw.com

FAX COVER SHEET

DATE: September 15, 2009

TO: Pat Brown

FAX: (208) 733-9343

FROM: Dana Hofstetter

RE: SRBA Subcase 37-717

The information contained in this facsimile may be confidential information or attorney work product or both and is for the exclusive use of the intended recipient listed above. Any reading, disclosure, use or reproduction of this communication other than by the intended recipient is prohibited. If you have received this communication in error, please notify us by collect telephone call immediately and return the communication to us by U. S. Mail.

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Sep 15	4:31PM	Fax Sent	12087339343	5:15	14	OK

Attorney for Objector Indian Creek Ranch
Owners Association, Inc. ("ICROA")

In Re SRBA

Case 39576

**ICROA'S FIRST SET OF
INTERROGATORIES AND
REQUESTS FOR PRODUCTION
TO CLAIMANT
CITY OF HAILEY**

YOU WILL PLEASE TAKE NOTICE that Objector ICROA hereby propounds its First Set of Interrogatories and Requests for Production, pursuant to the Idaho Rules of Civil Procedure 26, 33 and 34. In accordance with these rules, you are required to answer the Interrogatories under oath, and respond to the Requests for Production within thirty (30) days from service hereof.

In answering these Interrogatories and Requests for Production of Documents, furnish all information available so you, including information in the possession of your

attorneys (and investigators, experts, etc., retained by you and your attorneys), not merely information known of your own personal knowledge. If you cannot respond to the following in full, after exercising due diligence to secure the information to do so, so state, then respond to the extent possible, specifying your inability to respond to the remainder, and stating whatever information and knowledge you have concerning the unanswered portion.

You may respond to the Requests for Production of Documents by producing for inspection and/or reproduction the originals or true and correct copies of the documents and items listed below, in whatever form, whether electronic, written, xeroxed, filmed or otherwise, at Hofstetter Law Office, 608 West Franklin Street, Boise, Idaho 83702, within thirty (30) days of service hereof. Objector ICROA will reimburse you for any reasonable copying expense incurred in complying with these Requests.

If there is any Interrogatory or Request for Production of Documents to which you object in whole or in part, or as to which you claim a privilege in whole or in part, or as to which you claim protection from discovery in whole or in part, state the nature and basis of your objection or claim of protection from discovery, describe in detail the facts upon which you base your objection, and answer any remaining part to which you do not object, do not claim a privilege, or do not claim protection from discovery.

These Interrogatories and Requests for Production are deemed continuing, and your answers and responses thereto are to be supplemented as additional information and knowledge becomes available or known to you.

The following definitions will be used with respect to these Interrogatories and Requests:

1. The word "you" refers to the individually named party addressed herein, the City of Hailey, as well as that party's employees, directors, partners, officers, City Council members, Mayor, trustees, beneficiaries, agents, attorneys, representatives, servants, and any expert witnesses expected to testify at hearing or trial.
2. The word "document" means any written, typed, graphic, electronically or digitally stored or printed matter, in its entirety, including any addenda, supplements, amendments, revisions, exhibits, and appendices thereto, in its original form (or copies thereof where bearing notations, memoranda or other written information not on the original) including, but not limited to, books, pamphlets, brochures, notebooks, correspondence, telegrams, notes or taped or sound recordings of any type of conversation or meeting or conference, notes or tape or sound recordings of any type of statements of witnesses, minutes of meetings, reports, photographs, memoranda, interoffice or intraoffice communications, notes, data, measurements, graphs, maps, studies, analyses, governmental records, results of investigations, reviews, contracts, licenses, agreements, ledgers, books of account, vouchers, bank checks and drafts, invoices, charge slips, receipts, bills, working papers, data records, statistical records, costs sheets, stenographer's notebooks, desk calendars, appointment books, diaries, time sheets or logs, maps, computer input data, computer output data, computer runs, voice mail, e-mail, work sheets or work papers or other materials, including, without limitation, all such defined documents of which you are aware, which are in your possession,

custody or control or which were submitted to your experts or attorneys or submitted by your experts or attorneys to you, or papers similar to any of the foregoing.

3. The word "person" means any natural person, partnership, firm or corporation or any other type of business or legal entity, its agents, employees and representatives.

4. If any document or portion thereof, which is responsive to any request herein, is or will be withheld from production, inspection or copying, please fully identify such document or portion thereof in your response, in accordance with definition 5 below, and fully describe in your response, the reason it is or will be withheld.

5. "Identify" or "identification" means

(a) In each instance wherein you are asked to "identify" or describe a document, your description should include, but not be limited to, the following:

(i) The name, address, telephone number, occupation, job title and employer of the present custodian of the document;

(ii) The date of the making of the document, and the name, address, telephone number, occupation, job title and employer of each person whose testimony could be used to authenticate such document and lay the foundation for its introduction into evidence;

(iii) The identity of the author; and

(iv) The title, date, and subject matter of the document;

(b) With respect to an oral communication by personal means, "identify" means a complete statement setting forth the date, the approximate time and place, the name and address of each person present, whether any conversation

was recorded and, if so, the name and address of the person who recorded it and the name and address of the person who has custody or possession of such recording, and whether any notes or memoranda were made of any conversations and, if so, the name and address of the person who made such notes or memoranda and the name and address of each person who has custody or possession of the original notes or memoranda.

(c) With respect to a telephone conversation, "identify" means a complete statement setting forth the date, the approximate time, the name of the person initiating the call, the location from which the call was placed, the words spoken or the substance of what was said by the person initiating the call and by the person called, whether anyone else listened in on one or both sides of such telephone conversation and, if so, the name and address of such person, whether such conversation was recorded and, if so, the name and address of the person who recorded it and the name and address of the person who has custody or possession of such recording and whether any notes or memoranda were made of such conversation and, if so, the name and address of each person who has custody or possession of the original notes or memoranda.

(d) With respect to a document for which you claim a privilege, "identify" means the name of the person who prepared it, the name of the person who signed it or in whose name it was issued, the name of each person to whom it was addressed or circulated, the nature and substance of the writing and its title, if any, its date, and if it bears no date, the date when it was prepared, the physical location of the original and any copies of which you are aware, the name and

address of each person having custody or control of the document, and the name and number of the file, if any, in which it is contained and the basis for the privilege for which you claim.

(e) When used in reference to a person, "identify" means the person's full name, state of incorporation (if applicable), last known business address, last known home address (if applicable), last known business, profession, or occupation, last known job title, list of officers, directors, agents, representatives and employees (if applicable) and relationship to you.

6. The term "knowledge" includes firsthand knowledge and information derived from any other source, including, but not limited, to hearsay knowledge.

7. The term "describe" or "description" means to set forth all facts which exhaust your information, knowledge, and belief with respect to the subject matter of the discovery request.

8. The term "relating to" or "relates to" means pertaining to or in any way concerning, whichever meaning has the broadest application in the context used.

9. The term "related entity" refers to any trust, corporation, partnership, limited liability company, joint venture, sole proprietorship or any other kind of business or legal entity or other legal or business relationship in which you have an interest.

10. The term "Subcase" refers to the above-captioned SRBA Subcase No. 37-1216.

11. The term "Water Right" refers to Idaho Water Right No. 37-1216.

12. The term "Claim" refers to your Snake River Basin Adjudication Claim for the Water Right, as amended (if any) and appropriately filed.

INTERROGATORIES AND REQUESTS FOR PRODUCTION

INTERROGATORY NO. 1: Please set forth the name, address, telephone number, and occupation of each and every individual known to you or your counsel who has knowledge of or who purports to have knowledge relating to your Claim, and set forth a full and accurate summary of the knowledge possessed by each such person.

INTERROGATORY NO. 2: Please set forth the name, address, telephone number, and occupation of each person you may call as a witness at trial in this Subcase, and for each such witness, state the substance of his/her expected testimony.

INTERROGATORY NO. 3: Please identify each person whom you may call as an expert witness at the trial of this Subcase and state the subject matter on which such expert witness is expected to testify, the substance of the facts to which such expert witness is expected to testify and the substance of the opinions to which such expert witness is expected to testify as required by Rule 26(b)(4) of the Idaho Rules of Civil Procedure together with all of the underlying facts and data as required by Rule 705 of the Idaho Rules of Evidence.

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INTERROGATORY NO. 6: Please separately identify each communication which in any way relates to your Claim. For each such communication, please identify:

- a. Whether the communication was oral or written;
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- d. The substance of the communication; and
- e. The relevance of the communication to the issues in this Subcase.

REQUEST FOR PRODUCTION NO. 1: Please produce a copy of each and every written communication identified in your answer to Interrogatory No. 6.

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REQUEST FOR PRODUCTION NO. 6: Please produce all documents relating to your answer to Interrogatory No. 11.

INTERROGATORY NO. 12: In your Claim, you contend that the priority date of the Water Right is "April 1, 1880." Please describe all the facts that support this

contention.

REQUEST FOR PRODUCTION NO. 7: Please produce all documents relating to your answer to Interrogatory No. 12.

INTERROGATORY NO. 13: In your Claim, you contend that the source of the Water Right is "Indian Springs tributary to Indian Creek." Please describe all the facts that support this contention.

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INTERROGATORY NO. 14: In your Claim, you contend that the point of diversion of the Water Right is located in "the SW1/4SE1/4NW1/4 of Section 23, Township 3 North, Range 18 East in Blaine County." Please describe all the facts that support this contention.

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REQUEST FOR PRODUCTION NO. 11: Please produce all documents relating to your answer to Interrogatory No. 16.

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REQUEST FOR PRODUCTION NO. 12: Please produce all documents relating to your answer to Interrogatory No. 17.

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REQUEST FOR PRODUCTION NO. 13: Please produce all documents relating to your answer to Interrogatory No. 18.

INTERROGATORY NO. 19: In your Claim, you contend that the Water Right is for 0.900 cubic feet per second "cfs." Please describe all the facts that support this contention.

REQUEST FOR PRODUCTION NO. 14: Please produce all documents relating to your answer to Interrogatory No. 19.

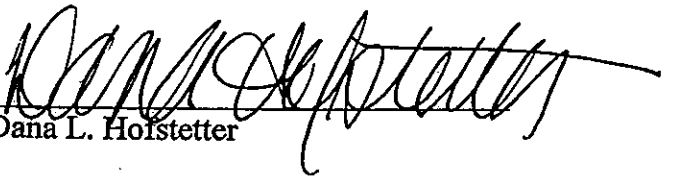
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Production herein.

DATED this 15th day of September, 2009.

HOFSTETTER LAW OFFICE, LLC


Dana L. Hofstetter

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of September, 2009, I caused to be served a copy of the foregoing ICROA's First Set of Interrogatories and Requests for Production to Claimant City of Hailey on the following person(s) by the method(s) indicated below:

Patrick Brown, Esq.
Hutchinson & Brown LLP
104 Lincoln Street
P.O. Box 207

Twin Falls, Idaho 83303-0207

☐ U.S. Mail ☐ FedEx Overnight ☐ Hand Delivery ☒ Fax


Dana L. Hofstetter

HOFSTETTER LAW OFFICE, LLC

608 West Franklin Street

Boise, Idaho 83702

Phone: (208) 424-7800

Fax: (208) 424-8774

E-Mail: Dana@IdahoWaterLaw.com

FAX COVER SHEET

DATE: September 15, 2009

TO: Pat Brown

FAX: (208) 733-9343

FROM: Dana Hofstetter

RE: SRBA Subcase 37-1216

The information contained in this facsimile may be confidential information or attorney work product or both and is for the exclusive use of the intended recipient listed above. Any reading, disclosure, use or reproduction of this communication other than by the intended recipient is prohibited. If you have received this communication in error, please notify us by collect telephone call immediately and return the communication to us by U. S. Mail.

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Dana L. Hofstetter, ISB #3867
HOFSTETTER LAW OFFICE, LLC
608 West Franklin Street
Boise, Idaho 83702
Telephone (208) 424-7800
Facsimile: (208) 424-8774
Email: Dana@IdahoWaterLaw.com

Attorney for Objector Indian Creek Ranch
Owners Association, Inc. ("ICROA")

**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 39576

)
) Subcase No. 37-7854
)

) ICROA'S FIRST SET OF
) INTERROGATORIES AND
) REQUESTS FOR PRODUCTION
) TO CLAIMANT
) CITY OF HAILEY
)
_____)

TO: City of Hailey, and its attorney of record.

YOU WILL PLEASE TAKE NOTICE that Objector ICROA hereby propounds its First Set of Interrogatories and Requests for Production, pursuant to the Idaho Rules of Civil Procedure 26, 33 and 34. In accordance with these rules, you are required to answer the Interrogatories under oath, and respond to the Requests for Production within thirty (30) days from service hereof.

INSTRUCTIONS AND DEFINITIONS

In answering these Interrogatories and Requests for Production of Documents, furnish all information available so you, including information in the possession of your



attorneys (and investigators, experts, etc., retained by you and your attorneys), not merely information known of your own personal knowledge. If you cannot respond to the following in full, after exercising due diligence to secure the information to do so, so state, then respond to the extent possible, specifying your inability to respond to the remainder, and stating whatever information and knowledge you have concerning the unanswered portion.

You may respond to the Requests for Production of Documents by producing for inspection and/or reproduction the originals or true and correct copies of the documents and items listed below, in whatever form, whether electronic, written, xeroxed, filmed or otherwise, at Hofstetter Law Office, 608 West Franklin Street, Boise, Idaho 83702, within thirty (30) days of service hereof. Objector ICROA will reimburse you for any reasonable copying expense incurred in complying with these Requests.

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2. The word "document" means any written, typed, graphic, electronically or digitally stored or printed matter, in its entirety, including any addenda, supplements, amendments, revisions, exhibits, and appendices thereto, in its original form (or copies thereof where bearing notations, memoranda or other written information not on the original) including, but not limited to, books, pamphlets, brochures, notebooks, correspondence, telegrams, notes or taped or sound recordings of any type of conversation or meeting or conference, notes or tape or sound recordings of any type of statements of witnesses, minutes of meetings, reports, photographs, memoranda, interoffice or intraoffice communications, notes, data, measurements, graphs, maps, studies, analyses, governmental records, results of investigations, reviews, contracts, licenses, agreements, ledgers, books of account, vouchers, bank checks and drafts, invoices, charge slips, receipts, bills, working papers, data records, statistical records, costs sheets, stenographer's notebooks, desk calendars, appointment books, diaries, time sheets or logs, maps, computer input data, computer output data, computer runs, voice mail, e-mail, work sheets or work papers or other materials, including, without limitation, all such defined documents of which you are aware, which are in your possession,

custody or control or which were submitted to your experts or attorneys or submitted by your experts or attorneys to you, or papers similar to any of the foregoing.

3. The word "person" means any natural person, partnership, firm or corporation or any other type of business or legal entity, its agents, employees and representatives.

4. If any document or portion thereof, which is responsive to any request herein, is or will be withheld from production, inspection or copying, please fully identify such document or portion thereof in your response, in accordance with definition 5 below, and fully describe in your response, the reason it is or will be withheld.

5. "Identify" or "identification" means

(a) In each instance wherein you are asked to "identify" or describe a document, your description should include, but not be limited to, the following:

(i) The name, address, telephone number, occupation, job title and employer of the present custodian of the document;

(ii) The date of the making of the document, and the name, address, telephone number, occupation, job title and employer of each person whose testimony could be used to authenticate such document and lay the foundation for its introduction into evidence;

(iii) The identity of the author; and

(iv) The title, date, and subject matter of the document;

(b) With respect to an oral communication by personal means, "identify" means a complete statement setting forth the date, the approximate time and place, the name and address of each person present, whether any conversation

was recorded and, if so, the name and address of the person who recorded it and the name and address of the person who has custody or possession of such recording, and whether any notes or memoranda were made of any conversations and, if so, the name and address of the person who made such notes or memoranda and the name and address of each person who has custody or possession of the original notes or memoranda.

(c) With respect to a telephone conversation, "identify" means a complete statement setting forth the date, the approximate time, the name of the person initiating the call, the location from which the call was placed, the words spoken or the substance of what was said by the person initiating the call and by the person called, whether anyone else listened in on one or both sides of such telephone conversation and, if so, the name and address of such person, whether such conversation was recorded and, if so, the name and address of the person who recorded it and the name and address of the person who has custody or possession of such recording and whether any notes or memoranda were made of such conversation and, if so, the name and address of each person who has custody or possession of the original notes or memoranda.

(d) With respect to a document for which you claim a privilege, "identify" means the name of the person who prepared it, the name of the person who signed it or in whose name it was issued, the name of each person to whom it was addressed or circulated, the nature and substance of the writing and its title, if any, its date, and if it bears no date, the date when it was prepared, the physical location of the original and any copies of which you are aware, the name and

address of each person having custody or control of the document, and the name and number of the file, if any, in which it is contained and the basis for the privilege for which you claim.

(e) When used in reference to a person, "identify" means the person's full name, state of incorporation (if applicable), last known business address, last known home address (if applicable), last known business, profession, or occupation, last known job title, list of officers, directors, agents, representatives and employees (if applicable) and relationship to you.

6. The term "knowledge" includes firsthand knowledge and information derived from any other source, including, but not limited, to hearsay knowledge.

7. The term "describe" or "description" means to set forth all facts which exhaust your information, knowledge, and belief with respect to the subject matter of the discovery request.

8. The term "relating to" or "relates to" means pertaining to or in any way concerning, whichever meaning has the broadest application in the context used.

9. The term "related entity" refers to any trust, corporation, partnership, limited liability company, joint venture, sole proprietorship or any other kind of business or legal entity or other legal or business relationship in which you have an interest.

10. The term "Subcase" refers to the above-captioned SRBA Subcase No. 37-7854.

11. The term "Water Right" refers to Idaho Water Right No. 37-7854.

12. The term "Claim" refers to your Snake River Basin Adjudication Claim for the Water Right, as amended (if any) and appropriately filed.

INTERROGATORIES AND REQUESTS FOR PRODUCTION

INTERROGATORY NO. 1: Please set forth the name, address, telephone number, and occupation of each and every individual known to you or your counsel who has knowledge of or who purports to have knowledge relating to your Claim, and set forth a full and accurate summary of the knowledge possessed by each such person.

INTERROGATORY NO. 2: Please set forth the name, address, telephone number, and occupation of each person you may call as a witness at trial in this Subcase, and for each such witness, state the substance of his/her expected testimony.

INTERROGATORY NO. 3: Please identify each person whom you may call as an expert witness at the trial of this Subcase and state the subject matter on which such expert witness is expected to testify, the substance of the facts to which such expert witness is expected to testify and the substance of the opinions to which such expert witness is expected to testify as required by Rule 26(b)(4) of the Idaho Rules of Civil Procedure together with all of the underlying facts and data as required by Rule 705 of the Idaho Rules of Evidence.

INTERROGATORY NO. 4: Please identify each person with whom you or your representatives have communicated seeking information which in any way relates to your Claim.

INTERROGATORY NO. 5: Please identify each person who supplied answers to these Interrogatories and designate the answers or answer or part thereof supplied by each such person. (This interrogatory is intended to discover principal sources of information and does not seek to ascertain the identity of typists or other persons responsible for the mechanical preparation of these answers.).

INTERROGATORY NO. 6: Please separately identify each communication which in any way relates to your Claim. For each such communication, please identify:

- a. Whether the communication was oral or written;
- b. Who were the parties to the communication;
- c. The date of the communication;
- d. The substance of the communication; and
- e. The relevance of the communication to the issues in this Subcase.

REQUEST FOR PRODUCTION NO. 1: Please produce a copy of each and every written communication identified in your answer to Interrogatory No. 6.

INTERROGATORY NO. 7: Please separately identify each document which in any way relates to your Claim, and describe its significance.

REQUEST FOR PRODUCTION NO. 2: Please produce copies of each and every document identified in your answer to Interrogatory No. 7.

INTERROGATORY NO. 8: Please identify each exhibit which you may offer into evidence at the trial in this Subcase, and describe as to each such exhibit the fact or facts intended to be proved by the use of the exhibit or the relevance of which is felt to justify the use of the exhibit and as to each such exhibit which consists of more than 15 pages or more than 3,000 words, quote or otherwise specifically designate each portion of such exhibit which you contend is the relevant portions thereof.

REQUEST FOR PRODUCTION NO. 3: Please produce a copy of each and every exhibit identified in your answer to Interrogatory No. 8.

INTERROGATORY NO. 9: Please identify each statement made by anyone on your behalf, oral or written, which relates in any way to your Claim. For each such

statement please identify:

- a. Whether the statement was oral or written;
- b. Who made the statement;
- c. The person to whom the statement was made;
- c. The date of the statement;
- d. The substance of the statement; and
- e. The relevance of the statement to the issues in this Subcase.

REQUEST FOR PRODUCTION NO. 4: Please produce a copy of each and every written statement identified in your answer to Interrogatory No. 9.

INTERROGATORY NO. 10: If you contend that the Indian Creek Ranch Owners Association, Inc., or any agent, predecessors in interest or other person who could make an admission binding on it, has admitted a fact material to your position with respect to the Claim, please describe who made each admission, what the admission is and whether there are any documents which purport to reflect that an admission occurred.

REQUEST FOR PRODUCTION NO. 5: Please produce all documents that you assert support or may support your Claim.

INTERROGATORY NO. 11: In your Claim, you contend that the Water Right should be in the name of the City of Hailey. Please describe all the facts that support this contention.

REQUEST FOR PRODUCTION NO. 6: Please produce all documents relating to your answer to Interrogatory No. 11.

INTERROGATORY NO. 12: In your Claim, you contend that the priority date of the Water Right is "July 23, 1980." Please describe all the facts that support this

contention.

REQUEST FOR PRODUCTION NO. 7: Please produce all documents relating to your answer to Interrogatory No. 12.

INTERROGATORY NO. 13: In your Claim, you contend that the source of the Water Right is "Indian Creek Spring tributary to Indian Creek." Please describe all the facts that support this contention.

REQUEST FOR PRODUCTION NO. 8: Please produce all documents relating to your answer to Interrogatory No. 13.

INTERROGATORY NO. 14: In your Claim, you contend that the point of diversion of the Water Right is located in "the SW1/4SE1/4NW1/4 of Section 23, Township 3 North, Range 18 East in Blaine County." Please describe all the facts that support this contention.

REQUEST FOR PRODUCTION NO. 9: Please produce all documents relating to your answer to Interrogatory No. 14.

INTERROGATORY NO. 15: Please describe the equipment you use for diverting water under the Water Right from the source, conveying it to the place of use, and using it, including in your response, without limitation, descriptions of all pumps, pipelines, tanks, conduits, and other facilities employed in such diversion, conveyance and use.

REQUEST FOR PRODUCTION NO. 10: Please produce all documents relating to your answer to Interrogatory No. 15.

INTERROGATORY NO. 16: Please describe any and all measurement equipment used for measuring your diversions of water under the Water Right from the

source.

REQUEST FOR PRODUCTION NO. 11: Please produce all documents relating to your answer to Interrogatory No. 16.

INTERROGATORY NO. 17: In your Claim, you contend that the Water Right is for "Power Purpose." Please describe all the facts that support this contention.

REQUEST FOR PRODUCTION NO. 12: Please produce all documents relating to your answer to Interrogatory No. 17.

INTERROGATORY NO. 18: In your Claim, you contend that the Water Right has a season of use of "01/01 to 12/31." Please describe all the facts that support this contention.

REQUEST FOR PRODUCTION NO. 13: Please produce all documents relating to your answer to Interrogatory No. 18.

INTERROGATORY NO. 19: In your Claim, you contend that the Water Right is for 5.000 cubic feet per second "cfs." Please describe all the facts that support this contention.

REQUEST FOR PRODUCTION NO. 14: Please produce all documents relating to your answer to Interrogatory No. 19.

INTERROGATORY NO. 20: In your Claim, you contend that the place of use of the Water Right is located in "the NW1/4NE1/4 of Section 33, Township 3 North, Range 18 East in Blaine County." Please describe all the facts that support this contention.

REQUEST FOR PRODUCTION NO. 15: Please produce all documents relating to your answer to Interrogatory No. 20.

REQUEST FOR PRODUCTION NO. 16: Please produce all documents that contain any measurement records of Indian Creek and/or Indian Springs flows or diversion quantities.

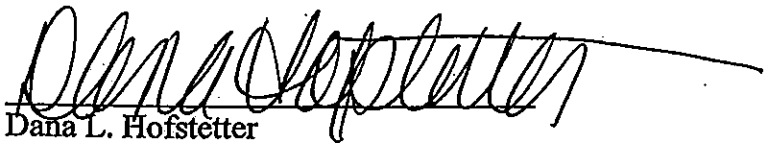
REQUEST FOR PRODUCTION NO. 17: Please produce all documents relating to the amount of power generated with the use of this Water Right.

REQUEST FOR PRODUCTION NO. 18: Please produce all documents relating to any remuneration received by you for the provision of power with the use of this Water Right.

REQUEST FOR PRODUCTION NO. 19: Please produce all documents referenced in, relating to or supporting any of your answers to the Interrogatories above, that are not otherwise being produced in response to another Request for Production herein.

DATED this 15th day of September, 2009.

HOFSTETTER LAW OFFICE, LLC


Dana L. Hofstetter

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of September, 2009, I caused to be served a copy of the foregoing ICROA's First Set of Interrogatories and Requests for Production to Claimant City of Hailey on the following person(s) by the method(s) indicated below:

Patrick Brown, Esq.
Hutchinson & Brown LLP
104 Lincoln Street
P.O. Box 207
Twin Falls, Idaho 83303-0207

☐ U.S. Mail ☐ FedEx Overnight ☐ Hand Delivery ☒ Fax


Dana L. Hofstetter

HOFSTETTER LAW OFFICE, LLC

608 West Franklin Street

Boise, Idaho 83702

Phone: (208) 424-7800

Fax: (208) 424-8774

E-Mail: Dana@IdahoWaterLaw.com

FAX COVER SHEET

DATE: September 15, 2009

TO: Pat Brown

FAX: (208) 733-9343

FROM: Dana Hofstetter

RE: SRBA Subcase 37-7854

The information contained in this facsimile may be confidential information or attorney work product or both and is for the exclusive use of the intended recipient listed above. Any reading, disclosure, use or reproduction of this communication other than by the intended recipient is prohibited. If you have received this communication in error, please notify us by collect telephone call immediately and return the communication to us by U. S. Mail.

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Sep 15	4:43PM	Fax Sent	12087339343	5:25	14	OK

HOFSTETTER LAW OFFICE

608 West Franklin Street
Boise, Idaho 83702

Dana@IdahoWaterLaw.com

Dana L. Hofstetter
Attorney at Law

Telephone: (208) 424-7800
Facsimile: (208) 424-8774

October 21, 2009

Via Facsimile (208) 733-9343 and U.S. Mail

Patrick D. Brown
Hutchinson & Brown, LLP
P.O. Box 207
Twin Falls, Idaho 83303-0207

Re: Subcase Nos. 37-296A, 37-717, 37-1216, and 37-7854

Dear Pat:

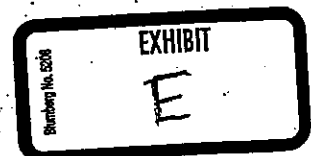
I served discovery requests on you by facsimile in the above-referenced SRBA Subcases on September 15, 2009. Although responses were due on October 15, 2009, I have not yet received your answers. I have scheduling and timeline concerns in this matter and, as a result, I will be forced to file a Motion to Compel if I do not receive answers to the discovery by the end of the business day on Monday, October 26, 2009. Thank you for your attention to this matter.

Sincerely,

HOFSTETTER LAW OFFICE, L.L.C.



Dana L. Hofstetter



HOFSTETTER LAW OFFICE, LLC

608 West Franklin Street

Boise, Idaho 83702

Phone: (208) 424-7800

Fax: (208) 424-8774

E-Mail: Dana@IdahoWaterLaw.com

FAX COVER SHEET

DATE: October 21, 2009

TO: Pat Brown

FAX: (208) 733-9343

FROM: Dana Hofstetter

RE: SRBA Subcase Nos. 37-296A, 37-717, 37-1216 and 37-7854

The information contained in this facsimile may be confidential information or attorney work product or both and is for the exclusive use of the intended recipient listed above. Any reading, disclosure, use or reproduction of this communication other than by the intended recipient is prohibited. If you have received this communication in error, please notify us by collect telephone call immediately and return the communication to us by U. S. Mail.

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Hofstetter Law Office LLC
(208) 424-8774
Oct 21 2009 11:50AM

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Oct 21	11:49AM	Fax Sent	12087339343	0:53	2	OK

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

HUTCHINSON
&
BROWN, LLP

ATTORNEYS AT LAW

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

October 22, 2009

Sent via Facsimile-----1 page-----

Dana Hofstetter
HOFSTETTER LAW OFFICE
608 W. Franklin St.
Boise ID 83702
208-424-8774 fax

Re: **Halley, City of - Water Rights**

Dear Ms. Hofstetter:

I received your fax of 10-21-09 regarding your intention to file a Motion to Compel in the above matter. Please be aware that Mr. Brown is not in the office this week, and won't return until Monday, 10-26-09.

Thank you.

Sincerely,



Jani Belcoe
Legal Assistant

/jlb

Subject: Discovery - SRBA Subcase Nos. 37-296A, 37-717, 37-1216 and 37-7854
From: Hofstetter Law Office <Dana@IdahoWaterLaw.com>
Date: Mon, 26 Oct 2009 13:37:34 -0600
To: patbrown@cableone.net
BCC: Mike Schwarzkopf <mbschwarzkopf@yahoo.com>

Pat:

I called your office today at 1:15 p.m. to follow up on a letter I sent you on October 21, 2009 regarding the City of Hailey's overdue discovery answers in the above-referenced SRBA subcases. I have not received a response to that letter from you. When I called your office today, I was told that you were not back from lunch yet and I left a message for you to call me. As you know, case deadlines in this matter are tight and unless you and I are able to discuss and agree to a mutually acceptable resolution of the overdue discovery answers by 5 p.m. today, I will have to proceed with a Motion to Compel immediately thereafter, as described in my October 21 letter.

Thank you for your attention to this matter,
Dana Hofstetter

Hofstetter Law Office, LLC
608 West Franklin Street
Boise, Idaho 83702
Telephone: (208) 424-7800
Facsimile: (208) 424-8774

EXHIBIT

G

Exhibit No. 5208