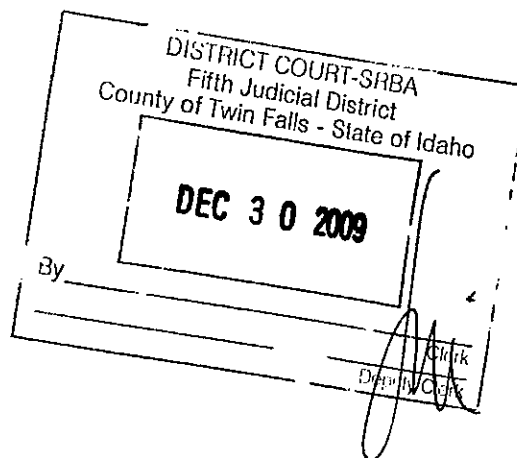


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Attorneys for
 Indian Creek Ranch Owners Association, Inc.



**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

Case 39576

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

AFFIDAVIT OF DANA L. HOFSTETTER

STATE OF IDAHO)

COUNTY OF ADA)

) ss.

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) City of Hailey did not serve Answers/Responses to ICROA's Discovery Requests (which were the subject of ICROA's November 4, 2009 Motion to Compel) by the Court-ordered date of December 11, 2009;

(4) Neither did City of Hailey alert me in advance that it would not be able to do so;

(5) Neither did City of Hailey initiate any communication with me about the status of its Answers/Responses *after* the Court-ordered date passed;

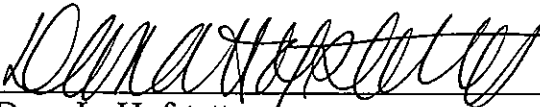
(6) City of Hailey finally served its Answers/Responses on ICROA by U.S. Mail on Wednesday, December 23, 2009. (The result of which was that I didn't receive the Answers and Responses until late in the afternoon of Christmas Eve);

(7) City of Hailey did not give me the courtesy of any call to inform me that the Answers/Responses would not be in ICROA's hands on December 21, 2009, as requested by Mr. Schwarzkopf;

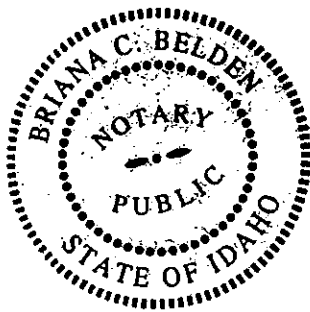
(8) This last failure made it nearly impossible for ICROA to treat the rescheduling of deadlines issue informally with the Court, given the intervening holiday and this Motion's approaching filing cutoff date for hearing at the Court's available January 13, 2010 Status Conference time.

FURTHER YOUR AFFIANT SAYETH NOT.

DATED this 30th day of December, 2009.


Dana L. Hofstetter

SUBSCRIBED AND SWORN to before me this 30th day of December, 2009.




Notary Public in and for the State of Idaho
Residing at: Meridian
My Commission Expires: 01-16-2013

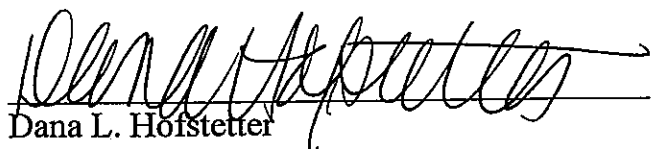
CERTIFICATE OF SERVICE

I hereby certify that I caused to be served a copy of the foregoing document (including any attachments) this 30th day of December, 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

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Dana L. Hofstetter