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DEPARTMENT OF
WATER RESOURCES

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Attorney 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 No. 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 subcase to answer ICROA's Second Set of Interrogatories and Requests for Production of Documents ("Discovery Requests") in the above-listed subcase. This Motion is supported by, and incorporates, the Affidavit of Dana L. Hofstetter filed contemporaneously herewith.

The Discovery Requests were served by facsimile on April 28, 2010. *Affidavit of Dana L. Hofstetter.* Answers and Responses were due on May 28, 2010. No Answers or

INDIAN CREEK RANCH OWNERS ASSOCIATION, INC.'s MOTION TO COMPEL
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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 has not responded in any fashion to the June 2, 2010 letter request of ICROA's counsel as to when Claimant will answer ICROA's Discovery Requests. *Id.*

The Trial Scheduling Order requires that discovery be completed by August 27, 2010. The ICROA requires answers to its Discovery Requests so that it may complete discovery and prepare for trial.

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, Claimant 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 June, 2010.

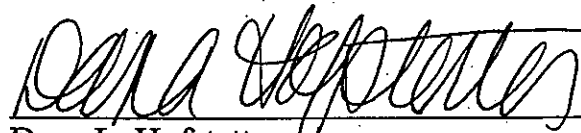

Dana L. Hofstetter
Attorney for ICROA

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 June, 2010, by the pre-paid method(s) indicated below to:

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