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DEPARTMENT OF
WATER RESOURCES

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DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUN 16 2010	
By _____	Clerk
Deputy Clerk	

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	)
	) MOTION TO COMPEL, FOR
	) PROTECTIVE ORDER, SANCTIONS,
	) & CONSOLIDATION OF SUBCASES

(Subcases for consolidation
include also **37-296B, 37-19740 & 37-21412**).

COMES NOW Claimant City of Hailey and moves this Court, under IRCP Rule 26, 30, 34, 35, and 37, and AO1 Rule 11 and IRCP 42, to do the following:

1. Order the Indian Creek Ranchowners Association and its counsel to resume the 30(b)(6) deposition that began on March 17, 2010, to produce the documents that were not produced at that deposition even though it was a duces tecum deposition, timely noticed and rescheduled to accommodate the deponents and their counsel;

2. Order the Indian Creek Ranchowners Association and its counsel to produce those people from the organization with knowledge of the topics identified in the deposition notice, when the deposition is resumed;
3. Order counsel for the Indian Creek Ranchowners Association to pay sanctions in the amount of the additional cost to the City of Hailey and its counsel of resuming those depositions;
4. Order counsel for the Indian Creek Ranchowners Association to provide dates when Dana Hofstetter and Victor Hofstetter are available to be deposed by the movant;
5. Deny the Indian Creek Ranchowners Association motion to compel answers to requests for production and not require the production of such documents unless and until Indian Creek and its counsel complies with the outstanding discovery to which it has not properly responded.
6. Vacate and reschedule the deposition the Indian Creek Ranchowners Association has noticed for July 1, of the City, on the grounds that neither counsel nor the City are available and because, until Indian Creek Ranchowners and its counsel complies with outstanding discovery propounded by the City, it would be inequitable and wrongful to allow them to proceed;
7. Order counsel for the Indian Creek Ranchowners to comply with IRCP 30(d), and pay for a special master to sit through the resumed depositions to ensure the

deposition is not unfairly impeded by improper speaking objections, improper privilege claims, and other coaching of the deponent.

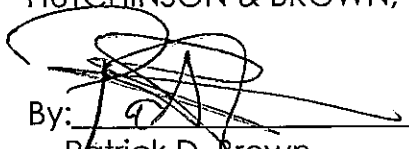
8. Order Indian Creek Ranchowners to produce any facts, data, and results of the inspection they conducted of the City's facilities pursuant to IRCP 34, by its engineers on October 29, 2009.

9. Order the consolidation of the City's subcases with those of the Indian Creek Ranchowners and order IDWR to file amended director's reports for the amended Indian Creek claims. (Subcases 37-296B, 37- 19740 and 37-21412).

The grounds for this motion are set forth in the affidavit of counsel being filed contemporaneously. Oral argument is requested. And it is further requested this be argued on shortened notice under IRCP 6 as it is intrinsically interrelated to motions already pending before the court in these subcases.

Dated this 16 day of June, 2010.

HUTCHINSON & BROWN, LLP

By: 

Patrick D. Brown

Attorneys for Claimant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 16th day of June, 2010, (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:

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