

HUTCHINSON
— & —
BROWN, LLP

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

ATTORNEYS AT LAW

COPY

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

RECEIVED

July 16, 2010

JUL 19 2010

DEPARTMENT OF
WATER RESOURCES

Clerk of District Court
SNAKE RIVER BASIN ADJUDICATION
253 3rd Ave. N.
P.O. Box 2707
Twin Falls ID 83303-2707

Re: **Hailey**, City of - Water Rights
Subcase Nos. 37-00296A, 37-00717, 37-01216 & 37-07854

Dear Clerk:

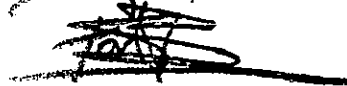
Enclosed herewith for filing please find original and 3 copies of:

SUBPOENA: VICTOR HOFSTETTER; and
ACCEPTANCE OF SERVICE

(one for filing in each of the above-numbered Subcases).

Thank you.

Sincerely,



Patrick D. Brown

/cb
Enc.

cc: Dana Hofstetter, w/enc.
Craig Hobdey, w/enc.
Director of IDWR, w/enc.
Chief, Natural Resources Div., w/enc.
Environment & Natural Resource Div., w/enc.
City of Hailey, w/enc.

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DEPARTMENT OF
WATER RESOURCES

Patrick D. Brown, ISB #4413
HUTCHINSON & BROWN, LLP
104 Lincoln St., P.O. Box 207
Twin Falls ID 83303-0207
Telephone: (208) 733-9300
Attorneys for **Claimant City of Hailey**

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 and 37-07854
Case No. 39576	)	
	)	SUBPOENA: VICTOR HOFSTETTER
	)	
_____	)	

THE STATE OF IDAHO TO: **VICTOR HOFSTETTER**

YOU ARE HEREBY COMMANDED:

- [x] To appear at the place and time specified below to testify in the above case.
- [x] To produce and permit inspection and copying of the following documents and objects, including audio, visual and other electronically stored information at the place, date and time specified below. The materials to be produced for inspection and copying are as follows:

All items of any type and all other tangible things in his knowledge or possession regarding:

1. The negotiation, drafting, execution and implementation of the 1983 agreement;

2. The surface water rights and water right usage of ICROA in the last 20 years;
3. The surface water rights and water right usage by each member of ICROA in the last 20 years;
4. ICROA's knowledge about the City of Hailey's use of water since 1980;
5. ICROA's knowledge about the City of Hailey's water rights;
6. All information provided to any person who may testify as an expert for ICROA in any of the subcases; and
7. The sources of information relating to each of the above items.

DATE & TIME: **Thursday, 7-15-10, 10:00 a.m.**

PLACE: **CITY OF HAILEY
115 Main St. S., Ste. H
Hailey ID 83333 (208) 788-4221**

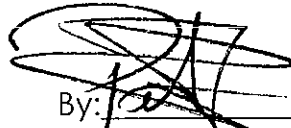
YOU ARE FURTHER NOTIFIED that

1. If you fail to appear at the place and time specified above, you may be held in contempt of court and the aggrieved party may recover from you the sum of \$100 and all damages which the party may sustain by your failure to attend as a witness.
2. The office identified above as the place of production will pay the reasonable cost of producing and copying the items identified above.
3. The items to be produced shall be produced as they are kept in the usual course of business or organized and labeled to correspond with the categories listed above.
4. Some of the items sought may be privileged, and you may consult with counsel or those to whom the privileges belong in determining how to respond to this subpoena.

By order of the Court.

Dated this 8 day of July, 2010.

HUTCHINSON & BROWN, LLP



By: _____
Patrick D. Brown
Attorneys for Claimant

CERTIFICATE OF SERVICE 8th

The undersigned hereby certifies that on the 8th day of July, 2010, (s)he served a true and correct copy of the within and foregoing document upon the following by faxing a copy thereof to Dana Hofstetter, fax 424-8774, and by depositing a copy thereof in the United States mail, postage prepaid, addressed to the remaining parties:

Dana Hofstetter
HOFSTETTER LAW OFFICE
608 W. Franklin St.
Boise ID 83702 fax 424-8774
(for Indian Creek Ranch Owners Assoc. "ICROA")

Craig Hobdey
HOBDEY LAW OFFICE
125 5th Ave. W.
P.O. Box 176
Gooding ID 83330-0176
(for Big Wood Canal Co.)

Director of IDWR
IDWR Document Depository
P.O. Box 83720
Boise ID 83720-0098

Chief, Natural Resources Div.
IDAHO ATTORNEY GENERAL
P.O. Box 44449
Boise ID 83711-4449

Environment & Natural Resource Div.
U.S. DEPT. OF JUSTICE
550 W. Fort St., MSC 033
Boise ID 83724

CITY OF HAILEY
115 Main St. S., Ste. H
Hailey ID 83333

Connie Bell

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JUL 19 2010

DEPARTMENT OF
WATER RESOURCES

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Patrick D. Brown, ISB #4413
HUTCHINSON & BROWN, LLP
104 Lincoln St., P.O. Box 207
Twin Falls ID 83303-0207
Telephone: (208) 733-9300
Attorneys for Claimant City of Halley

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

Case No. 39576

Subcase Nos. **37-00296A, 37-00717,**
37-01216 and 37-07854

ACCEPTANCE OF SERVICE

STATE OF IDAHO

County of Ada

}
{ ss.
}

DANA HOFSTETTER, being first duly sworn on oath, deposes and states:

1. I am a member of the law firm HOFSTETTER LAW OFFICE, counsel for Defendant Indian Creek Ranch Owners Association ("ICROA") in the above-entitled action.

2. On the 8th day of July, 2010, I received a copy of SUBPOENA: VICTOR HOFSTETTER in the above-entitled matter.

3. I hereby accept service of said SUBPOENA: VICTOR HOFSTETTER on behalf of Deponent Victor Hofstetter, *under protest and subject to objections and reservation of all claims, rights, causes of action and defenses, etc.*

ACCEPTANCE OF SERVICE - 1

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Hofstetter La

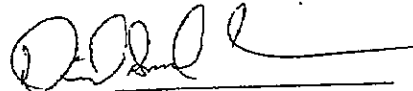
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Dana Hofstetter

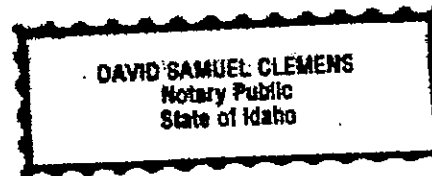
SUBSCRIBED and SWORN to before me this 12TH day of July, 2010.



NOTARY PUBLIC

Residence: Boise, ID

My Commission Expires: 7/18/2014



ACCEPTANCE OF SERVICE - 2

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 16th day of July, 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:

Dana Hofstetter
HOFSTETTER LAW OFFICE
608 W. Franklin St.
Boise ID 83702 fax 424-8774
(for Indian Creek Ranch Owners Assoc. "ICROA")

Craig Hobdey
HOBDEY LAW OFFICE
125 5th Ave. W.
P.O. Box 176
Gooding ID 83330-0176 934-4429; fax 934-4420
(for Big Wood Canal Co.)

Director of IDWR
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Chief, Natural Resources Div.
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U.S. DEPT. OF JUSTICE
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CITY OF HAILEY
115 Main St. S., Ste. H
Hailey ID 83333

Connie Bee