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DEPARTMENT OF
WATER RESOURCES

Attorney for Dana L. Hofstetter

**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 Nos. 37-296A, 37-296B, 37-296C,
	)	37-717, 37-1216, 37-7854, 37-19740,
	)	and 37-21412
	)	
Case 39576	)	HOFSTETTER MOTION TO VACATE
	)	AND RESET CASE DEADLINES AND
	)	TRIAL DATES AND MOTION FOR
	)	EXPEDITED HEARING
	)	
_____	)	

Dana L. Hofstetter ("Hofstetter") by and through her above-captioned counsel of record and pursuant to SRBA Administrative Order No. 1 and Rules 7(b)(1) and 7(b)(3) of the Idaho Rules of Civil Procedure, hereby moves the Court for an Order vacating and resetting case deadlines and trial dates and for an expedited hearing on January 25, 2012 at 11 a.m. on these Motions. These Motions are supported by the Memorandum below, the Affidavit of Dana L. Hofstetter in Support of Motion to Vacate and Reset Case Deadlines and Trial Dates ("*Hofstetter Affidavit*") and the record.

MEMORANDUM

On December 6, 2011, counsel for the Hofstetters first received the Amended Settlement Term Sheet asserted to be between Indian Creek Ranch Owners Association, Inc. ("ICROA") and the City of Hailey by email from Randy Budge. *Hofstetter Affidavit*. Upon request, Mr. Budge subsequently provided the Settlement Term Sheet asserted to be between Indian Creek Ranch Owners Association, Inc. ICROA and the City of Hailey by email dated December 10, 2011. *Id.*

After reviewing the Amended Settlement Term Sheet and the Settlement Term Sheet, on December 13, 2011 counsel for Hofstetter sent an email to Mr. Budge, requesting a meeting with ICROA Board members to discuss settlement. *Id.*, *Exhibit A*.

At the January 4, 2011 Status Conference a meeting between ICROA Board members and counsel for Hofstetter was scheduled. *Id.* The planned meeting date was January 18, 2012, in Boise. *Id.* In part, the meeting was scheduled at this time to enable settlement to be pursued prior to upcoming case deadlines. *Id.*

Due to weather conditions on January 18, 2012, the Boise meeting was cancelled. *Id.*, *Exhibit B*. The settlement meeting has been rescheduled for January 24, 2012 at 11:00 a.m. in Boise. *Id.* Additional time to pursue settlement would help potentially avoid the need for a trial. *Id.* The imminent trial dates and other upcoming case deadlines make it difficult to pursue settlement. *Id.* Additionally, the recent Amended Claim in Subcase 37-717 and its Amended Director's Report also militate in favor of vacating and resetting case deadlines and trial dates.

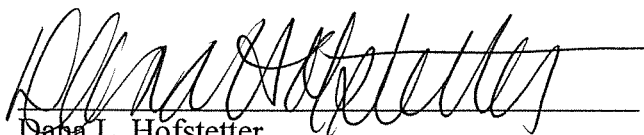
Mr. Budge, counsel for ICROA, has represented that ICROA has no objection to vacating and resetting case deadlines and trial dates. *Id.*, *Exhibit C*. Counsel for the City of Hailey has

not yet responded as to its position on these Motions. *Hofstetter Affidavit, Exhibit D*. An expedited hearing on this matter is necessary due to the upcoming deadlines and trial scheduling in these Subcases.

CONCLUSION

For the foregoing reasons, the Court should grant the Motion for Expedited Hearing and grant the Motion to Vacate and Reset Case Deadlines and Trial Dates.

DATED this 20th day of January, 2012.


Dana L. Hofstetter
Attorney for Dana L. Hofstetter

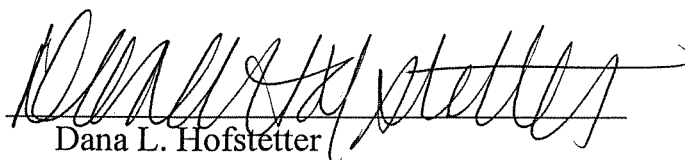
CERTIFICATE OF SERVICE

I hereby certify that I caused to be served a copy of the foregoing document (including any attachments) this 20th day of January, 2012, by the pre-paid method(s) indicated below to:

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