

10-3 ✓

DEPARTMENT OF
WATER RESOURCES

Attorney for Basin and Range
Resource Company, LLC

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

Case 39576

)
Subcase Nos. 63-3182, 63-3308,
) 63-3583, 63-7177, 63-7349, 63-7533,
) 63-7903, 63-31839, 63-31840, 63-31841,
) 63-31842, 63-31854 and 63-31855
)
)
) AFFIDAVIT OF DANA L. HOFSTETTER
)

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

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 Basin and Range Resource Company, LLC.

(2) On information and belief, Jan Shurte is the Idaho Department of Water Resources

agent assigned to the above-captioned Subcases.

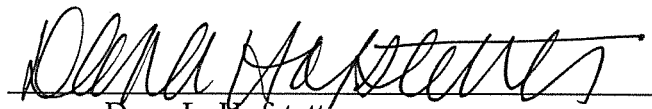
(3) On information and belief, Ms. Shurte has been on personal leave for about two months and has not been available to discuss settlement of these Subcases or to prepare proposed Standard Form 5's for these Subcases.

(4) In my opinion, settlement of most, if not all, of the objections in these Subcases is likely.

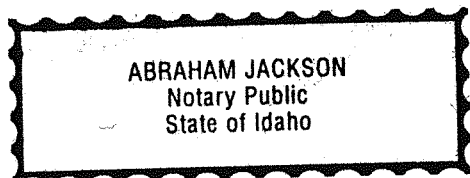
(5) In view of Ms. Shurte's leave, the current trial setting of December 4, 2012 does not offer sufficient time to explore possible settlement prior to having to undertake trial preparations.

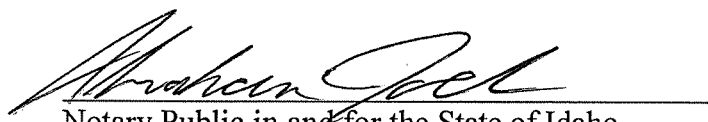
FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this 30th day of October, 2012.


Dana L. Hofstetter

SUBSCRIBED AND SWORN to before me this 30th day of October, 2012.




Notary Public in and for the State of Idaho
Residing at: Boise, ID
My Commission Expires: 2/2/18

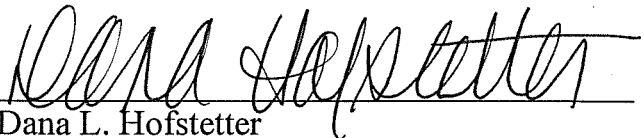
CERTIFICATE OF SERVICE

I hereby certify that I caused to be served a copy of the foregoing document (including any attachments) this 30th day of October, 2012, by the pre-paid methods indicated below to:

IDWR Director
P. O. Box 83720
Boise, Idaho 83720-0098
☒ U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax

U.S. Department of Justice
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, Idaho 83724
☒ U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax

David Negri
U.S. Department of Justice
Environment and Natural Resources Division
c/o U.S. Attorney's Office
800 Park Blvd., Suite 600
Boise, Idaho 83712
☐ U.S. Mail ☐ Fed Ex ☐ Hand ☒ Fax


Dana L. Hofstetter