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WATER RESOURCES
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Attorneys for Applicant Marion Ogle

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

**IN THE MATTER OF APPLICATION
FOR TRANSFER NO. 84698 IN THE
NAME OF MARION OGLE**

**MARION OGLE'S MOTION FOR
SUBPOENAS**

Marion Ogle, by and through her counsel of record, Hawley Troxell Ennis & Hawley LLP ("HTEH"), and in accordance with the requirements of Rule 525 of the Idaho Department of Water Resources ("IDWR") Rules of Procedure (IDAPA 37.01.01.525), hereby moves IDWR for four (4) subpoenas: 1. one directing Richard Fereday, the designated representative of the Protestant in this proceeding; 2. one directing the IDWR Records Custodian(s) who can authenticate Applicant's Exhibits that comprise IDWR records for admission into evidence; 3. another directing Rob Whitney of IDWR, who has information about the availability of IDWR measurement records for the subject point of diversion on Rush Creek; and 4. another directing Brandi Horton-Bonner,

the District 67 Watermaster, who has information about diversions from the subject point of diversion on Rush Creek to appear to provide testimony at hearing commencing on February 1, 2022.

It is requested that the subpoenas are issued by January 28, 2022, to provide advance notice to the witnesses. Copies of the four (4) proposed subpoenas are attached hereto as Exhibit A.

Dated: January 26, 2022

HAWLEY TROXELL ENNIS & HAWLEY LLP



By

Dana L. Hofstetter, ISB No. 3867
Attorneys for Applicant Marion Ogle

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of January, 2022, I caused to be served the foregoing MARION OGLE'S MOTION FOR SUBPOENAS by the pre-paid method (s) indicated below, and addressed to each of the following:

Nick Miller
Manager, Western Region
IDAHO DEPARTMENT OF WATER RESOURCES
2735 Airport Way
Boise, Idaho 83705
Email: nick.miller@idwr.idaho.gov

- ☐ U.S. Mail, Postage Prepaid
- ☒ Hand Delivered
- ☐ Overnight Mail
- ☐ E-mail
- ☐ Facsimile 208-334-2348
- ☐ iCourt

Michael P. Lawrence
Charlie S. Baser
GIVENS PURSLEY LLP
601 W. Bannock St.
P.O. Box 2720
Boise, Idaho 83701-2720
Email: mpl@givenspursley.com
csb@givenspursley.com

- ☐ U.S. Mail, Postage Prepaid
- ☒ Hand Delivered
- ☐ Overnight Mail
- ☐ E-mail
- ☐ Facsimile 208-388-1300
- ☐ iCourt



Dana L. Hofstetter, ISB No. 3867

EXHIBIT A

Dana L. Hofstetter, ISB No. 3867
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Amy M. J. Knight, ISB No. 11226
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SUBPOENA – RICHARD FEREDAY

YOU ARE HEREBY COMMANDED to appear to provide testimony under oath at hearing in the above-captioned matter at the Idaho Department of Water Resources State Office, 322 East Front Street, 6th Floor, Boise, Idaho on the 2nd day of February, 2022, at 9 a.m. until released by the Hearing Officer.

Dated: _____

Nick Miller
Hearing Officer

Dana L. Hofstetter, ISB No. 3867
Tyler J. Anderson, ISB No. 6632
Amy M. J. Knight, ISB No. 11226
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SUBPOENA – IDWR RECORDS
CUSTODIAN(S)

YOU ARE HEREBY COMMANDED to appear to provide testimony under oath at hearing in the above-captioned matter at the Idaho Department of Water Resources State Office, 322 East Front Street, 6th Floor, Boise, Idaho on the 1st day of February, 2022, at 9:30 a.m. until released by the Hearing Officer.

Dated: _____

Nick Miller
Hearing Officer

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**IN THE MATTER OF APPLICATION
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SUBPOENA – ROB WHITNEY

YOU ARE HEREBY COMMANDED to appear to provide testimony under oath at hearing in the above-captioned matter at the Idaho Department of Water Resources State Office, 322 East Front Street, 6th Floor, Boise, Idaho on the 1st day of February, 2022, at 10:30 a.m. until released by the Hearing Officer.

Dated: _____

Nick Miller
Hearing Officer

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SUBPOENA – BRANDI HORTON
BONNER

YOU ARE HEREBY COMMANDED to appear to provide testimony under oath at hearing in the above-captioned matter at the Idaho Department of Water Resources State Office, 322 East Front Street, 6th Floor, Boise, Idaho on the 1st day of February, 2022, at 10:00 a.m. until released by the Hearing Officer.

Dated: _____

Nick Miller
Hearing Officer