

JAN 27 2020

WATER RESOURCES  
WESTERN REGION

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

IN THE MATTER OF THE APPLICATION  
FOR PERMIT NO. 67-15261 IN THE NAME  
OF THE DONALD F. DRISCOLL FAMILY  
TRUST

**THE DONALD F. DRISCOLL FAMILY  
TRUST'S RESPONSE IN OPPOSITION  
TO INTERVENORS' MOTION FOR  
SUBPOENA TO DONALD F.  
DRISCOLL, CRAIG UTTER, AND  
JAMES FRONK**

Applicant the Donald F. Driscoll Family Trust ("Driscoll"), by and through its counsel Givens Pursley LLP, hereby opposes Intervenor Kathleen Legg, the Legg Family Trust, and Randy and Kathryn Noah's (collectively, "Intervenors") *Motion for Subpoenas*.

Intervenors' *Motion* requests that the Hearing Officer issue subpoenas to Donald F. Driscoll, Craig Utter, and James Fronk, directing them to appear before the Hearing Officer to provide testimony on January 31, 2020. However, as discussed at the January 17, 2020 status conference, the parties will try to accommodate the schedules of the other parties' witnesses during the hearing scheduled for January 29, 30, and 31.

Driscoll currently intends to call Donald F. Driscoll, Craig Utter, and James Fronk as witnesses during Driscoll's initial presentation on January 29 or, if necessary, January 30, 2020. These witnesses reside in McCall, Idaho. To the extent Driscoll calls any of these witnesses on

January 29 or 30, they could be made available for Intervenor's examination during those days. It would be unreasonable and unduly burdensome to force them to return to Boise on January 31 (or stay in Boise until January 31) for Intervenor's desired examination schedule.

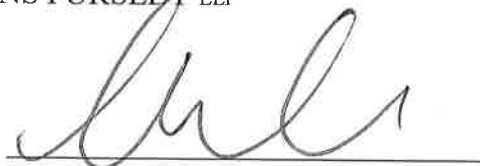
Driscoll thus requests that the Hearing Officer deny Intervenor's *Motion* insofar as it would require Donald F. Driscoll, Craig Utter, and James Fronk to appear for Intervenor's examination only on January 31, 2020.

DATED January 23, 2020.

Respectfully submitted,

GIVENS PURSLEY LLP

By

A handwritten signature in cursive script, appearing to read 'C. Baser', written over a horizontal line.

Charlie S. Baser

*Attorneys for the Donald F. Driscoll  
Family Trust*

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 23rd day of January, 2020, I served a true and correct copy of the above and foregoing document via the manner listed below to the following:

#### DOCUMENT FILED:

James Cefalo	<u>  X  </u>	U. S. Mail
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Charlie S. Baser