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Attorneys for Kathleen Legg, the Legg Family Trust
and Randy and Kathryn Noah

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

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

KATHLEEN LEGG, THE LEGG FAMILY
TRUST AND RANDY AND KATHRYN
NOAH'S MOTION FOR SUBPOENAS

Kathleen Legg, the Legg Family Trust (collectively "Legg"), and Randy and Kathryn Noah (collectively "Noah"), by and through their 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), the Idaho Rules of Civil Procedure, and the October 24, 2019, *Notice of Status Conference and Notice of Hearing* in this proceeding, hereby move IDWR for four (4) subpoenas: 1. one directing Donald F. Driscoll, the designated representative of the Applicant in this proceeding; 2. one directing James Fronk who was involved in development of two of the subject ponds in the Application;


3. another directing Craig Utter, the designated representative of the Payette Land Trust, Inc. who holds the Conservation Easement covering the place of use associated with the subject Application; and 4. another directing Brandi Horton-Bonner, the District 67 Watermaster to appear to provide testimony at hearing on January 31, 2020, in the above-captioned matter. The record reflects that Mr. Fronk is involved in this matter although he is not a party to the proceeding, having attended at least one of the pre-hearing conferences and one of the status conferences. The record also reflects that the land associated with the Application is subject to the Payette Land Trust's Deed of Conservation Easement, Washington County Instrument No. 207839, obtained from Washington County's website. This Conservation Easement covers and restricts uses on the place of use.

It is requested that the subpoenas are issued by January 24, 2020, to provide ample notice to the witnesses. Copies of the proposed subpoenas are attached hereto as Exhibit A.

Dated: January 22, 2020

HAWLEY TROXELL ENNIS & HAWLEY LLP

By


Dana L. Hofstetter, ISB No. 3867
Attorneys for Kathleen Legg, the Legg Family
Trust and Randy and Kathryn Noah

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of January 2020, I caused to be served a true copy of the foregoing KATHLEEN LEGG, THE LEGG FAMILY TRUST AND RANDY AND KATHRYN NOAH'S MOTION FOR SUBPOENAS by the method (s) indicated below, and addressed to each of the following:

Nick Miller (original)
Manager, Western Region
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