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DEPARTMENT OF
WATER RESOURCES

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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

Case No. 39576

) Consolidated Subcase no. 92-23
)
) STATE OF IDAHO'S SECOND MOTION
) FOR PROTECTIVE ORDER AND
) REQUEST FOR EXPEDITED HEARING
)

The State of Idaho, by and through its attorneys of record, moves this Court under Rule 26(c) of the Idaho Rules of Civil Procedure for a protective order prohibiting Idaho Power Company from taking the deposition of Tim Luke. Mr. Luke received a Subpoena Duces Tecum on March 28th, 2008 noticing his deposition from April 18, 2008.

Mr. Luke was not employed by the State of Idaho during the Swan Falls controversy or at the time the Swan Falls Agreement was entered and the resulting legislation was adopted, and consequently has no personal knowledge concerning the issues at play during that time. Mr. Luke was not employed by IDWR until 1988 when he was assigned to process applications for water right permits pursuant to state law. His current role and responsibility with IDWR is to assist in managing water districts and administering water rights.

The grounds for this motion are set forth in the "Memorandum in Support of State of Idaho's Motion for Protective Order," filed April 1, 2008. The specific application of these grounds to the deposition of Tim Luke is explained in a supplemental memorandum filed herewith.

The State requests oral argument and an expedited hearing on this motion, and that it be heard in conjunction with the hearing on the State's previous Motion for Protective Order, set for April 15, 2008 at 3:00pm.

Dated this 4th day of April, 2008.

LAWRENCE G. WASDEN
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STEVEN L. OLSEN
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CERTIFICATE OF SERVICE

I certify that on this 4th day of April, 2008, I caused to be served a true and correct copy of the foregoing STATE OF IDAHO'S SECOND MOTION FOR PROTECTIVE ORDER AND REQUEST FOR EXPEDITED HEARING, to the following parties by the indicated methods:

Clerk of the SRBA Court
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

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- ☐ Hand Delivery
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Represented by:
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P.O. Box 70
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United States Department of Justice
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