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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JAN 14 2009	
By _____	Clerk
Deputy Clerk	

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

) Subcases 63-02529, 63-03163, 63-03274,
) 63-03323, 63-03324, 63-09109,
) and 63-10435
)
) ORDER GRANTING MOTION FOR
) PROTECTIVE ORDER
)
) ORDER DENYING MOTION TO SEVER

On December 22, 2008, the claimant of water rights 63-03163 and 63-03274, DBSI Tiegs 979, LLC, through its attorney Dylan B. Lawrence, file a *Motion for Protective Order* pursuant to I.R.C.P. 26(c), seeking additional time to respond to Respondent State of Idaho's discovery requests. The *Motion* asserted that the member-manager of the Claimant, DBSI, Inc., had recently filed for bankruptcy protection, which hindered the ability of the claimant to timely respond.

The State of Idaho, through Deputy Attorney General David Barber, responded to the *Motion for Protective Order* by filing a *Motion to Sever Subcase Nos. 63-03163 and 63-03274 from Consolidated Proceeding and Request for Expedited Hearing*. The State argued that it did not want to delay the previously scheduled summary judgment schedule for the remaining subcases in the consolidated proceeding, and that severing the two claims by DBSI Tiegs 979 LLC was an appropriate remedy.

A hearing on the *Motion for Protective Order* and the *Motion to Sever* was held on January 13, 2009. Based upon the comments of counsel at the hearing, the following are hereby ordered:

(1) The *Motion for Protective Order* is **granted**, with the proviso that DBSI Tiegs 979 LLC shall respond to the State's discovery requests no later than February 3, 2009.

(2) The State's *Motion to Sever Subcase Nos. 63-03163 and 63-03274 from the Consolidated Proceeding* is **denied**.

Dated Jan. 14, 2009

A handwritten signature in black ink, appearing to read 'Theodore R. Booth', written over a horizontal line.

THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION FOR PROTECTIVE ORDER; ORDER DENYING MOTION TO SEVER was mailed on January 14, 2009, with sufficient first-class postage to the following:

DBSI TIEGS 979 LLC

Represented by:

DYLAN B LAWRENCE

101 S CAPITOL BLVD 10TH FLOOR

PO BOX 829

BOISE, ID 83701-0829

STATE OF IDAHO

Represented by:

NATURAL RESOURCES DIV CHIEF

STATE OF IDAHO

ATTORNEY GENERAL'S OFFICE

PO BOX 44449

BOISE, ID 83711-4449

BYRON TLUCEK

JERRY L TLUCEK

KEVIN TLUCEK

MARY LOU TLUCEK

PIONEER IRRIGATION DISTRICT

REBEKAH TLUCEK

REBEKAH TLUCEK, KEVEN TLUCEK

SHELLEY TLUCEK

Represented by:

SCOTT L CAMPBELL

101 S CAPITOL BLVD 10TH FLOOR

PO BOX 829

BOISE, ID 83701-0829

Phone: 208-345-2000

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

