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John K. Simpson, ISB #4242
Travis L. Thompson, ISB #6168
Paul L. Arrington, ISB #7198
BARKER ROSHOLT & SIMPSON LLP
113 Main Ave. West, Suite 303
P.O. Box 485
Twin Falls, Idaho 83303-485
Telephone: (208) 733-0700
Facsimile: (208) 735-2444

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FEB 23 2012
DEPARTMENT OF
WATER RESOURCES

Attorneys for Twin Falls Canal Company

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

	)	
	)	Subcase Nos.: 1-4, 1-10 and 1-209
In Re SRBA	)	
	)	TFCC'S MOTION FOR
	)	PROTECTIVE ORDER
Case No. 39576	)	
	)	
_____	)	

COMES NOW, the Claimant, Twin Falls Canal Company ("TFCC"), by and through its undersigned attorneys of record, and hereby moves this Court, pursuant to I.R.C.P. 26(c), for a protective order in the above-referenced subcases. TFCC seeks an order protecting it from irrelevant and unduly burdensome discovery requests propounded by the Objector City of Pocatello ("City"). In particular, the City has propounded numerous discovery requests seeking information about the development and use of TFCC's water rights that post-dates the commencement of the SRBA (November 19, 1987). The City's requests go beyond the scope of the SRBA and are contrary to statute and existing case law in the SRBA.

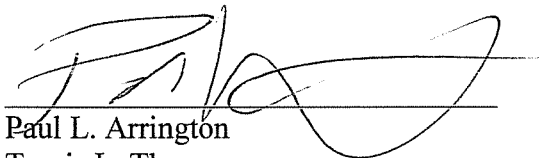
Since water rights recommended and decreed in the SRBA are reflective of the use and development of the rights as of November 19, 1987, any information post-dating that time is not

relevant and should not be discoverable. Accordingly, TFCC requests the Court to enter an order protecting TFCC from the City's discovery requests seeking irrelevant post-1987 information in these subcases. A proposed order is attached to this motion for the Court's consideration.

This motion is supported by the *Memorandum in Support of TFCC's Motion for Protective Order* and the *Affidavit of Paul L. Arrington*, each filed concurrently herewith. TFCC respectfully requests oral argument on this motion.

DATED this 22nd day of February, 2012.

BARKER ROSHOLT & SIMPSON LLP



Paul L. Arrington
Travis L. Thompson

Attorneys for Twin Falls Canal Company

CERTIFICATE OF SERVICE

I hereby certify that on the _____ day of February, 2012, I served a true and correct copy of the foregoing **TFCC'S MOTION FOR PROTECTIVE ORDER** on the person(s) listed below, by U.S. Mail, and electronic mail if available:

Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

U.S. Bureau of Reclamation
Regional Director, PN Region
1150 N. Curtis Rd., Ste. 100
Boise, ID 83706-1234

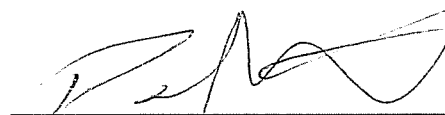
Randall C. Budge
Candice M. McHugh
T.J. Budge
Racine Olson
101 S. Capitol Blvd, Suite 300
Boise, ID 83702

U.S. Department of Justice
Division of Env. & Natural Resources
550 W. Fort Street, MSC 033
Boise, ID 83706-1234

Idaho Attorney General's Office
Natural Resources Division
P.O. Box 44449
Boise, ID 83711-4449

A. Dean Tranmer
P.O. Box 4169
Pocatello, Idaho 83201

Sarah Klahn
Mitra Pemberton
White & Jankowski
511 16th St., Suite 500
Denver, CO 80202



Paul L. Arrington

**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

)
) **Subcase Nos.: 1-4, 1-10, and 1-209**
)
) **ORDER GRANTING TFCC'S**
) **MOTION FOR PROTECTIVE**
) **ORDER**
)
)

THIS MATTER comes before the Court on the Claimant Twin Falls Canal Company's ("TFCC") *Motion for Protective Order*. The Court, having reviewed the pleadings, and being otherwise fully informed on this matter, issues the following order. NOW THEREFORE:

IT IS ORDERED, that the Court enters a Protective Order against the discovery of information post-dating the commencement of the SRBA (i.e. November 19, 1987). TFCC shall not be required to respond to discovery requests or otherwise disclose information relating to the elements and or use of TFCC water rights after November 19, 1987.

DATED this _____ day of _____, 2012.

TERRENCE A. DOLAN
Special Master, Snake River Basin Adjudication

CERTIFICATE OF SERVICE

I hereby certify that on the _____ day of _____, 2012, I served a true and correct copy of the foregoing **ORDER GRANTING TFCC'S MOTION FOR PROTECTIVE ORDER** on the person(s) listed below, by U.S. Mail, and electronic mail if available:

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Deputy Clerk