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DEPARTMENT OF WATER RESOURCES
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Attorneys for Rangen, Inc.

Attorneys for Idaho Ground Water Appropriators, Inc. (IGWA)

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

IN THE MATTER OF DISTRIBUTION)
OF WATER TO WATER RIGHT NOS.) Docket No. CM-DC-2011-004
36-02551 AND 36-07694)
) **JOINT STIPULATION FOR ENTRY OF**
(RANGEN, INC.)) **PROTECTIVE ORDER AND MODIFICATION**
_____) **OF SUBPOENAS DUCES TECUM**

COMES NOW, the City of Pocatello ("Pocatello"), Idaho Ground Water Appropriators, Inc. ("IGWA") and Rangen, Inc. ("Rangen") (collectively, "Parties") to request entry of a

protective order and modification of subpoenas duces tecum signed by the Director on August 15, 2012. As grounds therefor, the Parties would show the Department:

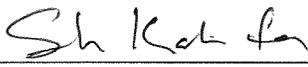
1. Depositions of Rangen's employees begin September 10, 2012.
2. Pocatello and IGWA sought documents related to matters at issue in this case pursuant to August 13, 2012, Subpoenas Duces Tecum to be produced at or before the depositions of Rangen's employees.
3. The Director signed the Subpoenas Duces Tecum at the August 15, 2012 status conference in the captioned matter.
4. On August 27, 2012, Rangen filed a Motion to Quash or Modify Subpoenas Duces Tecum and Motion for Protective Order alleging, *inter alia*, that the documents sought must be produced pursuant to a protective order to avoid disclosure of Rangen's confidential information to entities beyond Pocatello and IGWA.
5. The Parties have engaged in discussions to resolve the dispute over production of documents pursuant to Pocatello and IGWA's subpoenas.
6. The Parties have agreed that Rangen will:
 - a. Produce the requested documents under the attached Protective Order.
 - b. Produce of documents for a period from 1987-present.
 - c. Produce the Idaho Power contract, which contains a confidentiality provision, upon entry of the attached Protective Order (*see*, Exhibit 1, August 27 Letter from Adam Richins, IPCo Corporate Counsel, to Robyn Brody).
 - d. Redact financial information under the Modified Subpoenas from the following records:
 - i. Idaho Power Contract
 - ii. Fish production records

- iii. Final disposition of fish records
 - iv. Pounds of fish feed used each month
7. The Parties agree that “financial information” subject to redaction is limited to monetary values that could properly be preceded by a “dollar sign”.
8. In entering this Stipulation, Pocatello and IGWA do not waive the right to seek an *in camera* inspection by the Director of any documents they assert, upon review, may include redactions contrary to that described in ¶6.c. above.

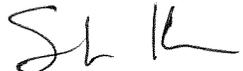
WHEREFORE, in the spirit of compromise and settlement, the Parties now request entry and issuance of: an Order approving this stipulation (Attachment 1), a Protective Order (Attachment 2), and issuance of Modified Subpoenas Duces Tecum (Attachment 3).

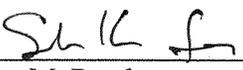
Respectfully submitted this 31 day of August, 2012.

CITY OF POCATELLO ATTORNEY'S OFFICE

By 
A. Dean Tranmer

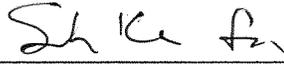
WHITE & JANKOWSKI

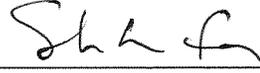
By 
Sarah A. Klahn

By 
Mitra M. Pemberton

ATTORNEYS FOR CITY OF POCATELLO

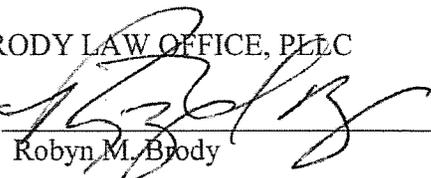
RACINE OLSON NYE BUDGE & BAILEY, CHTD.

By 
Candice McHugh

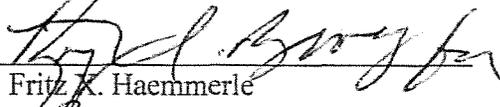
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Thomas J. Budge

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BRODY LAW OFFICE, PLLC

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Robyn M. Brody

HAEMMERLE & HAEMMERLE, PLCC

By 
Fritz K. Haemmerle

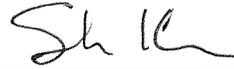
MAY, BROWNING & MAY

By 
J. Justin May

ATTORNEYS FOR RANGEN, INC.

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of August, 2012, I caused to be served a true and correct copy of the foregoing **Joint Stipulation for Entry of Protective Order and Modification of Subpoenas Duces Tecum** for **Docket No. CM-DC-2011-004** upon the following by the method indicated:



Sarah Klahn, White & Jankowski, LLP

<p>Gary Spackman, Director State of Idaho, Dept of Water Resources 322 E Front St PO Box 83720 Boise ID 83720-0098 deborah.gibson@idwr.idaho.gov</p>	<p><input type="checkbox"/> Original sent via U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> Overnight Mail – Federal Express <input type="checkbox"/> Facsimile – 208-287-6700 = Phone – 208-287-4942 <input checked="" type="checkbox"/> Email</p>
<p>J. Justin May May Browning 1419 W Washington Boise ID 83702 jmay@maybrowning.com</p>	<p><input checked="" type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile – 208-342-7278 <input checked="" type="checkbox"/> Email</p>
<p>Robyn Brody Brody Law Office PO Box 554 Rupert ID 83350 rbrody@cablone.net robynbrody@hotmail.com</p>	<p><input checked="" type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile - 208-260-5482 <input checked="" type="checkbox"/> Email</p>
<p>Fritz Haemmerle Haemmerle Haemmerle PO Box 1800 Hailey ID 83333 fxh@haemlaw.com</p>	<p><input checked="" type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile – 208-578-0564 <input checked="" type="checkbox"/> Email</p>
<p>Garrick L. Baxter Chris M. Bromley Deputy Attorneys General – IDWR PO Box 83720 Boise ID 83720-0098 garrick.baxter@idwr.idaho.gov chris.bromley@idwr.idaho.gov</p>	<p><input checked="" type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile - 208-287-6700 <input checked="" type="checkbox"/> Email</p>
<p>Randall C. Budge Candice M. McHugh Racine Olson Nye Budge & Bailey 101 S Capitol Blvd Ste 300 Boise ID 83702 rcb@racinelaw.net cmm@racinelaw.net</p>	<p><input checked="" type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile – 208-433-0167 <input checked="" type="checkbox"/> Email</p>
<p>Dean Tranmer City of Pocatello PO Box 4169 Pocatello ID 83201 dtranmer@pocatello.us</p>	<p><input checked="" type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile – 208-234-6297 <input checked="" type="checkbox"/> Email</p>

<p>C. Thomas Arkoosh Capitol Law Group PO Box 32 Gooding ID 83330 tarkoosh@capitolawgroup.net</p>	<p><input checked="" type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile 208-934-8873 <input checked="" type="checkbox"/> Email</p>
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<p>W. Kent Fletcher Fletcher Law Office PO Box 248 Burley, ID 83318 wkf@pmt.org</p>	<p><input checked="" type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile 208-878-2548 <input checked="" type="checkbox"/> Email</p>
<p>Jerry R. Rigby Rigby Andrus & Rigby PO Box 250 Rexburg ID 83440-0250 jrigby@rex-law.com</p>	<p><input checked="" type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile 208-356-0768 <input checked="" type="checkbox"/> Email</p>



ADAM J. RICHINS
Corporate Counsel
ARichins@idahopower.com

Via Email
rbrody@cableone.net

August 27, 2012

Robyn M. Brody
Brody Law Office, PLLC
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Rupert, ID 83350

Re: *In the Matter of the Petition Delivery Call of Rangen, Inc.'s*
Water Right Nos. 36-20551 & 36-7694
IDWR Docket No. CM-DC-2011-004

Dear Ms. Brody:

Thank you for providing notice to Idaho Power Company ("IPC") on behalf of your client, Rangen, Inc. ("Rangen"), of Subpoenas Duces Tecum ("Subpoenas") issued by the Department of Water Resources of the State of Idaho seeking the production of IPC documents as well as Rangen's Motion to Quash or Modify Subpoenas Duces Tecum and Motion for Protective Order.

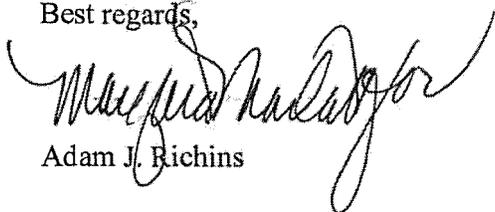
The Subpoenas appear to seek copies of any contracts between Rangen and IPC for the time period of 2002 - 2012, as well as fish production and purchase records for that same time frame. The contracts between Rangen and IPC for the period of 2002 - 2012 contain confidentiality provisions intended to protect IPC's confidential and proprietary information.

IPC's position regarding Rangen's Motion to Quash the Subpoenas is two-fold:

1. IPC will not give written consent to production of the records until a Protective Order such as that attached to Rangen's Motion to Quash is entered; and
2. IPC requests that Rangen redact all financial information contained in the contracts and exhibits thereto.

Please call me at your convenience if you wish to discuss the Subpoena and IPC's objections.

Best regards,

A handwritten signature in black ink, appearing to read "Adam J. Richins", written in a cursive style.

Adam J. Richins

AJR/mm

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

IN THE MATTER OF DISTRIBUTION)
OF WATER TO WATER RIGHT NOS.) Docket No. CM-DC-2011-004
36-02551 AND 36-07694)
(RANGEN, INC.)) **ORDER APPROVING STIPULATION FOR**
_____) **ENTRY OF PROTECTIVE ORDER AND**
) **MODIFICATION OF SUBPOENAS DUCES**
) **TECUM**

Having reviewed the Joint Stipulation for Entry of Protective Order and Modification of Subpoenas Duces Tecum (“Joint Stipulation”), as well as the Protective Order and Modified Subpoenas, and being fully apprised of the premises, the Director hereby **APPROVES** the Joint Stipulation as an Order of the Department acknowledging the Parties’ resolution of the dispute underlying “Rangen’s Motion to Quash or Modify Subpoenas and Motion for Protective Order.”

Done this ___ day of _____, 2012.

Gary Spackman, Director