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Attorneys for City of Pocatello

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

IN THE MATTER OF THE REQUEST FOR)
ADMINISTRATION IN WATER DISTRICT 120)
AND THE REQUEST FOR DELIVERY OF WATER)
TO SENIOR SURFACE WATER RIGHTS BY)
A&B IRRIGATION DISTRICT.)
AMERICAN FALLS RESERVOIR DISTRICT #2.)
BURLEY IRRIGATION DISTRICT,)
MILNER IRRIGATION DISTRICT,)
MINIDOKA IRRIGATION DISTRICT,)
NORTH SIDE CANAL COMPANY, AND)
TWIN FALLS CANAL COMPANY)

**POCATELLO'S MOTION
FOR EXTENSION OF
DEADLINES AND TO
RESET HEARING**

The City of Pocatello moves the Director to set and extend certain deadlines as well as to reset the hearing currently scheduled for May 31, 2006. As grounds therefore, Pocatello states:

1. The Director entered an Order allowing a 60 day stay in this case on February 10, 2006 so that the parties to this matter could investigate settlement ("Order"). The State of Idaho retained a mediator, Stephen Allred, whose contract for mediation services expires on Monday, May 1, 2006.
2. The parties have engaged in negotiations during the period of the stay, and since the stay has expired, Pocatello met as recently as Tuesday, April 25, 2006 with the Surface Water Coalition and Reclamation. However, to date, no settlements have been entered into.

- 3. The Order provided that "once the sixty (60)-day stay has expired, the parties shall be allowed an additional twenty-one (21) days to meet applicable due dates previously established by order of the Department."
- 4. By Pocatello's calculations, this provision makes rebuttal reports due on Tuesday, May 2. Pocatello would propose to delay the deadline for provision of rebuttal reports by 10 days, to Friday, May 12, 2006. Parties' experts have been involved to some extent in negotiations and an additional period of time is necessary to prepare for hearing in this matter.
- 5. In addition, because the Parties have been engaged in discussions, no expert depositions have been taken. The Order did not provide deadlines for expert depositions. Pocatello would propose that expert depositions be conducted beginning May 1 through May 19.
- 6. The remainder of the Order deadlines should be similarly extended by 21 days. Thus, identification of exhibits would be required on June 2; proposed orders governing the procedures of the hearing would be due on June 2, the prehearing conference would be conducted on June 6; written open arguments would be due on June 12; and the hearing would begin on June 21 for four weeks.

Pocatello still has not received some of the documents it sought from SWC in the Motion to Compel. Specifically, the publications of Chuck Brockway have never been provided, despite repeated efforts to obtain them informally after the stay entered. The City would be pleased to argue the sanctions that should be associated with the failure to provide this material. The City could do so at a status conference the Director would set regarding this Motion or at a status conference to confirm that the hearing is going forward.

Respectfully submitted this 27th day of April 2006

BEEMAN & ASSOCIATES, P.C.

By Josephine P. Beeman
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WHITE & JANKOWSKI, LLP

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CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of April 2006, I caused to be served a true and correct copy of the foregoing document by regular U.S. Mail, postage prepaid, to:

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