

RECEIVED

MAY 02 2006

DEPARTMENT OF
WATER RESOURCES

Jeffrey C. Fereday (Idaho State Bar # 2719)
Michael C. Creamer (Idaho State Bar # 4030)
John M. Marshall (Idaho State Bar # 5628)
Brad V. Sneed (Idaho State Bar # 6254)
GIVENS PURSLEY LLP
601 Bannock Street, Suite 200
P.O. Box 2720
Boise, ID 83701-2720
Telephone: (208) 388-1200
Facsimile: (208) 388-1300

Attorneys for Idaho Ground Water Appropriators, Inc.

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

IN THE MATTER OF THE DISTRIBUTION
OF WATER TO VARIOUS WATER
RIGHTS HELD BY OR FOR THE BENEFIT
OF 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

**IGWA'S RESPONSE TO POCATELLO'S
MOTION FOR EXTENSION OF TIME AND
IGWA'S SEPARATE MOTION FOR
EXTENSION OF TIME**

Idaho Ground Water Appropriators, Inc. ("IGWA"), on behalf of its members, hereby responds to *City of Pocatello's Motion for Extension of Deadlines and to Reset Hearing* ("Pocatello's Motion"), and further moves the Director, Idaho Department of Water Resources ("Director") for a larger extension of deadlines as set forth below. The reasons for this response and, for IGWA's Motion, are as follows:

1. IGWA agrees with Pocatello that the deadlines for expert rebuttal reports and for completing discovery and other pre-hearing matters, such as expert depositions, the last day for discovery, and the hearing date, should be extended.

2. For several reasons, however, additional time is needed beyond the dates Pocatello suggests. IGWA proposes that the hearing be rescheduled to begin September 5, 2006 and that, with the exceptions set forth below, all other dates set out in the current pre-hearing schedule be reset to advance them ninety days (accommodating holidays and weekends, of course).

3. An exception to this extension should be the dates for responses and replies to pending dispositive motions and the motion in limine filed by the Surface Water Coalition (“SWC”). On April 28, 2006, IGWA and Pocatello, in compliance with the Director’s February 10, 2006 Order Staying Proceedings and Amended Scheduling Order (“Scheduling Order”), timely filed their Joint Response to SWC’s motion for summary judgment. SWC’s reply on summary judgment is due May 5, 2006. These deadlines, with which IGWA and Pocatello have fully complied, should remain as set forth in the Scheduling Order. IGWA likewise timely filed its response to SWC’s motion in limine concerning economist John Church’s testimony, and the reply date for this motion should remain in place.

4. Additional time is needed for expert and potentially other witness depositions in this matter. Since January 2006, the parties engaged in concerted and good faith efforts to settle this matter. During this time, substantial time by both Pocatello’s and IGWA’s expert witnesses was devoted to evaluating various aspects of proposed settlement issues. Their ability to complete rebuttal reports, and to prepare for depositions, was significantly limited. More time is needed to complete these and related tasks. In addition, IGWA’s hydrologic expert has other

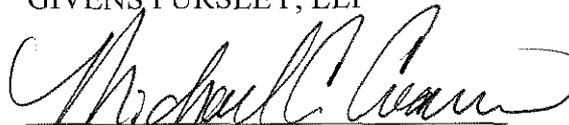
obligations during significant portions of July that will impair his ability to complete these tasks during that month. Postponing the hearing's start date to September 5, 2006 would accommodate these needs, and should not prejudice any party.

5. IGWA has discussed this proposed schedule with counsel for Pocatello, and believes that Pocatello would agree to it.

6. IGWA's proposed schedule would accommodate a final decision from the Director well before the 2007 irrigation season.

Respectfully submitted this 2nd day of May, 2006.

GIVENS PURSLEY, LLP



Jeffrey C. Fereday

Michael C. Creamer

*Attorneys for Idaho Ground Water
Appropriators, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of May 2006, I served a true and correct copy of the foregoing by delivering it to the following individuals by the method indicated below, addressed as stated.

Mr. Karl J. Dreher, Director Idaho Department of Water Resources 322 East Front Street P.O. Box 83720 Boise, ID 83720-0098	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input checked="" type="checkbox"/> Hand Delivery <input type="checkbox"/> E-mail
C. Tom Arkoosh, Esq. Arkoosh Law Offices, Chtd. 301 Main Street P.O. Box 32 Gooding, ID 83330	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-mail
W. Kent Fletcher, Esq. Fletcher Law Office P.O. Box 248 Burley, ID 83318-0248	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-mail
Roger D. Ling, Esq. Ling, Robinson & Walker 615 H St. P.O. Box 396 Rupert, ID 83350-0396	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-mail
John A. Rosholt, Esq. John K. Simpson, Esq. Travis L. Thompson, Esq. Barker, Rosholt & Simpson 113 Main Avenue West, Ste. 303 Twin Falls, ID 83301-6167	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-mail
Kathleen Marion Carr, Esq. Office of the Field Solicitor U.S. Department of the Interior 550 West Fort Street, MSC 020 Boise, ID 83724-0020	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-mail

Matt J. Howard, Esq. U.S. Bureau of Reclamation Pacific Northwest Region 1150 N. Curtis Road Boise, ID 83706-1234	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-mail
Scott L. Campbell, Esq. Moffatt Thomas Barrett Rock & Fields, Chtd. 101 S. Capitol Blvd., 10th Floor P.O. Box 829 Boise, ID 83701-0829	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-mail
Michael S. Gilmore, Esq. Deputy Attorney General Civil Litigation Division Office of the Attorney General P.O. Box 83720 Boise, ID 83720-0010	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-mail
Josephine P. Beeman, Esq. Beeman & Associates PC 409 West Jefferson Boise, ID 83702-6049	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-mail
Sarah A. Klahn, Esq. White & Jankowski, LLP 511 16th Street, Suite 500 Denver, CO 80202	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input checked="" type="checkbox"/> E-mail
Terry T. Uhling, Esq. J.R. Simplot Company 999 Main Street P.O. Box 27 Boise, ID 83707	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-mail
Mr. Lewis Rounds Idaho Department of Water Resources Eastern Regional Office 900 North Skyline Dr. Idaho Falls, ID 83402-6105	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-mail

Mr. Allen Merritt
Ms. Cindy Yenter
Idaho Department of Water Resources
Southern Regional Office
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3033

U.S. Mail
 Facsimile
 Overnight Mail
 Hand Delivery
 E-mail



Jeffrey C. Fereday
Michael C. Creamer
Bradley V. Sneed