

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.

RECEIVED

MAY 02 2006

**DEPARTMENT OF
WATER RESOURCES**

**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 SURFACE
WATER COALITION'S REQUEST FOR
AMENDED BRIEFING SCHEDULE**

Idaho Ground Water Appropriators, Inc. ("IGWA"), on behalf of its members, hereby responds to the Surface Water Coalition's ("SWC") Request for Amended Briefing Schedule ("SWC Request") filed with the Department on this date. IGWA has on this date also filed its Response to Pocatello's Motion for Extension of Deadlines ("Response to Extension Motion").

On Friday, April 28, 2006, in compliance with the Director's February 10, 2006 Order Staying Proceedings and Amended Scheduling Order ("Scheduling Order"), IGWA and

Pocatello timely filed their Joint Response to the SWC's Motion for Partial Summary Judgment ("Joint Summary Judgment Response").

In its Response to Extension Motion, IGWA stated, among other things, its position that the deadline for replies, if any, to the Joint Summary Judgment Response should not be amended or extended. IGWA restates its position here and opposes the SWC's request that the deadline for it to file any reply to the Joint Summary Judgment Response be extended for an additional fourteen days from the current May 5 deadline.

IGWA's counsel has reviewed the May 1, 2006 letter from Mr. Thompson to Mr. Rassier concerning their telephone conversation of April 27, 2006, and containing Mr. Thompson's representation that it was the SWC's intention that the stay imposed by the Director's Scheduling Order had been extended and the parties would not be held to any pending deadlines. For the record, IGWA was never informed by Mr. Thompson or anyone else representing the SWC of such "intention," nor had the issue of a continuing stay been agreed to by the parties. Had a continuing stay been agreed to prior to April 28th, which was the operative briefing deadline on SWC's Motion for Partial Summary Judgment, IGWA and Pocatello would not have gone to the trouble to draft and file their Joint Summary Judgment Response. Instead a stipulation for extension of the stay would have been appropriate.

SWC does not allege, nor can it, that it was not properly and timely served with the Joint Summary Judgment Response, as it was served on all parties by U.S. Mail on April 28, 2006 as provided by the Department's procedural rules.

SWC has no grounds to seek an extension of a deadline of which it has been aware for many weeks. SWC's Request for Amended Briefing Schedule should be denied.

Respectfully submitted this 2nd day of May, 2006.

GIVENS PURSLEY, LLP

A handwritten signature in black ink, appearing to read "Michael C. Creamer", written over a horizontal line.

Jeffrey C. Fereday

Michael C. Creamer

Attorneys for Idaho Ground Water

Appropriators, Inc.

CERTIFICATE OF SERVICE

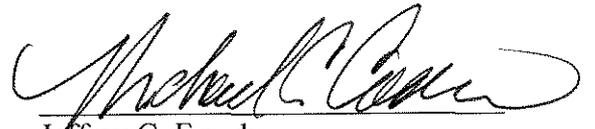
I hereby certify that on this 2nd day of May 2006, I served a true and correct copy of the foregoing by delivering it to the following individuals by the method indicated below, addressed as stated.

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 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