

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

IN THE MATTER OF 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 )  
)  
(Water Districts No. 120 and No. 130) )  
\_\_\_\_\_ )

**ORDER INVITING  
RESPONSES TO  
MOTIONS FOR  
CHANGES IN  
SCHEDULING ORDER**

On May 1, 2006, the Director of the Department of Water Resources (“Director” or “Department”) sent a letter apprising the parties of the expiration of the stay provided for in the *Order Staying Proceedings And Amended Scheduling Order* issued by the Director on February 10, 2006. On May 2, 2006, it came to the Director’s attention that on April 27, 2006, the City of Pocatello (“Pocatello”) filed *Pocatello’s Motion For Extension Of Deadlines And To Reset Hearing* (“Pocatello’s Motion”). Also on May 2, 2006, the Idaho Ground Water Appropriators, Inc. (“IGWA”) filed *IGWA’s Response To Pocatello’s Motion For Extension Of Time And IGWA’s Separate Motion For Extension Of Time* (“IGWA’s Response”).

Pocatello’s Motion and IGWA’s Response each request that the Director extend certain deadlines in this matter including the date for the scheduled hearing, which is currently set to commence on May 31, 2006. Of most immediate concern, Pocatello and IGWA both request that the deadline for expert rebuttal reports be extended.

IGWA argues that, “[a]n 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”).” IGWA’s Response at 2. On April 28, 2006, IGWA and Pocatello timely filed their *Joint Response to the Surface Water Coalition’s Motion For Partial Summary Judgment* and IGWA filed its *Memorandum In Opposition To Motion In Limine To Exclude Expert Report Of John Church* in accordance with the Amended Scheduling Order of February 10, 2006. Any replies by the SWC under the existing scheduling order are currently due on May 5, 2006.

On May 2, 2006, the SWC filed *Surface Water Coalition’s Request For Amended Briefing Schedule / Notice of Intent to Respond To Pocatello’s Motion*. Also on May 2, 2006, IGWA filed *IGWA’s Response to Surface Water Coalition’s Request for Amended Briefing Schedule* objecting to the SWC’s request for amended briefing schedule. In its filing, the SWC asks for a two-week extension, until May 19, 2006, to file reply briefing to the IGWA and

Pocatello responses given that the SWC just received the responses on May 1, 2006, and given the schedule commitments of the SWC's counsel. Because the existing schedule only provided one week for the submission of reply briefs and because four days of this week were available to counsel, an extension of seven days should provide an adequate extension of time for filing of reply briefs in this matter.

**ORDER**

Based upon and consistent with the foregoing, IT IS HEREBY ORDERED as follows:

1. All parties shall have until Monday, May 8, 2006, to file a response with the Director to *Pocatello's Motion For Extension Of Deadlines And To Reset Hearing* and *IGWA's Separate Motion For Extension Of Time*.

2. All parties shall have until Friday, May 12, 2006, to file a reply with the Director to any responses filed in accordance with paragraph one above.

3. All deadlines presently existing under the Amended Scheduling Order of February 10, 2006, are stayed pending further order of the Director, with the exception of the deadline of April 28, 2006, for responses to dispositive motions, which remains unchanged, and the deadline for replies to all dispositive motions which is extended from May 5, 2006, to May 12, 2006.

DATED this 2<sup>nd</sup> day of May, 2006.

  
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KARL J. DREHER  
Director

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of May 2006, the above and foregoing, was served by the method indicated below, and addressed to the following:

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