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 2nd day of May, 2006.

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:

TOM C. ARKOOSH ARKOOSH LAW OFFICES PO BOX 32 GOODING ID 83330 (208) 934-8873 alo@cableone.net	(x) U.S Mail, Postage Prepaid ( ) Facsimile (x) E-mail
W. KENT FLETCHER FLETCHER LAW OFFICE PO BOX 248 BURLEY ID 83318-0248 (208) 878-2548 wkf@pmt.org	(x) U.S. Mail, Postage Prepaid ( ) Facsimile (x) E-mail
ROGER D. LING LING ROBINSON PO BOX 396 RUPERT ID 83350-0396 (208) 436-6804 rdl@idlawfirm.com	(x) U.S. Mail, Postage Prepaid ( ) Facsimile (x) E-mail
JOHN A. ROSHOLT TRAVIS L. THOMPSON BARKER ROSHOLT 113 MAIN AVENUE WEST, SUITE 303 TWIN FALLS ID 83301-6167 (208) 735-2444 jar@idahowaters.com tlt@idahowaters.com	(x) U.S. Mail, Postage Prepaid ( ) Facsimile (x) E-mail
JOHN K. SIMPSON BARKER ROSHOLT PO BOX 2139 BOISE ID 83701-2139 (208) 344-6034 jks@idahowaters.com	(x) U.S. Mail, Postage Prepaid ( ) Facsimile (x) E-mail

JEFFREY C. FEREDAY MICHAEL C. CREAMER GIVENS PURSLEY PO BOX 2720 BOISE ID 83701-2720 (208) 388-1200 cf@givenspursley.com mcc@givenspursley.com	(x) U.S. Mail, Postage Prepaid ( ) Facsimile (x) E-mail
SCOTT L. CAMPBELL MOFFATT THOMAS PO BOX 829 BOISE ID 83701 (208) 385-5384 slc@moffatt.com	(x) U.S. Mail, Postage Prepaid ( ) Facsimile (x) E-mail
KATHLEEN M. CARR OFFICE OF THE SOLICITOR 960 BROADWAY, SUITE 400 BOISE ID 83706 (208) 334-1378	(x) U.S. Mail, Postage Prepaid (x) Facsimile
MATT HOWARD PN-3130 US BUREAU OF RECLAMATION PACIFIC NORTHWEST REGION 1150 NORTH CURTIS ROAD BOISE ID 83706-1234 (208) 378-5003 mhoward@pn.usbr.gov	(x) U.S. Mail, Postage Prepaid ( ) Facsimile (x) E-mail
JOSEPHINE P. BEEMAN BEEMAN & ASSOCIATES 409 WEST JEFFERSON STREET BOISE ID 83702 (208) 331-0954 jo.beeman@beemanlaw.com	(x) U.S. Mail, Postage Prepaid ( ) Facsimile (x) E-mail
SARAH A. KLAHN WHITE & JANKOWSKI 511 16TH STREET, SUITE 500 DENVER CO 80202 sarahk@white-jankowski.com	(x) U.S. Mail, Postage Prepaid ( ) Facsimile (x) E-mail

MICHAEL S. GILMORE ATTORNEY GENERAL'S OFFICE PO BOX 83720 BOISE ID 83720-0010 (208) 334-2830 mike.gilmore@ag.idaho.gov	(x) U.S. Mail, Postage Prepaid ( ) Facsimile (x) E-mail
TERRY T. UHLING J.R. SIMPLOT COMPANY 999 MAIN STREET BOISE ID 83702 (208) 336-2110 tuhling@simplot.com	(x) U.S. Mail, Postage Prepaid ( ) Facsimile (x) E-mail
JAMES C. TUCKER IDAHO POWER COMPANY 1221 WEST IDAHO STREET BOISE ID 83702 (208) 388-2112 jamestucker@idahopower.com	(x) U.S. Mail, Postage Prepaid ( ) Facsimile (x) E-mail
JAMES S. LOCHHEAD BROWNSTEIN HYATT & FARBER 410 17TH STREET, 22ND FLOOR DENVER CO 80202 (303) 223-1100 jlochhead@bhf-law.com	(x) U.S. Mail, Postage Prepaid ( ) Facsimile (x) E-mail
LYLE SWANK IDWR 900 NORTH SKYLINE DRIVE IDAHO FALLS ID 83402-6105 (208) 525-7177 lyle.swank@idwr.idaho.gov	(x) U.S. Mail, Postage Prepaid ( ) Facsimile (x) E-mail

ALLEN MERRITT
CINDY YENTER
IDWR
1341 FILLMORE STREET, SUITE 200
TWIN FALLS ID 83301-3033
(208) 736-3037
allen.merritt@idwr.idaho.gov
cindy.yenter@idwr.idaho.gov

(x) U.S. Mail, Postage Prepaid
( ) Facsimile
(x) E-mail

Victoria Wigle
Administrative Assistant to the Director
Idaho Department of Water Resources