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DEPARTMENT OF
WATER RESOURCES

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**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA	)	Subcase Nos. 29-00271, et al. (see attached Exhibit A)
	)	
	)	POCATELLO'S MOTION TO STAY AUGUST 18,
Case No. 39576	)	2006 ORDER ON POCATELLO'S MOTION FOR
	)	SUMMARY JUDGMENT

The City of Pocatello (Pocatello) respectfully moves this court to stay the Special Master's August 18, 2006 Order on Pocatello's Motion for Summary Judgment. The Special Master ordered Pocatello to submit additional information to IDWR by August 31, 2006, and for IDWR to revise the 706 Report by September 7, 2006. For the reasons stated below, Pocatello requests that the Special Master stay the effect of that order.

**IDWR AND POCATELLO ARE ENGAGED IN FRUITFUL DISCUSSIONS
REGARDING THE SUBSTANCE OF THE DEPARTMENT'S CONDITION
RECOMMENDED FOR WATER RIGHTS CLAIMED UNDER 42-1425 AND THE
REQUIRED SUBMISSION OF DATA WILL NOT ADVANCE THOSE DISCUSSIONS**

Pocatello received the Special Master's Order on Monday August 22. Later that week, Pocatello began discussions with IDWR to attempt to reach a compromise regarding the substance of IDWR's condition that was the subject of Pocatello's Motion for Summary

Judgment. Those discussions continue and are moving forward. While Pocatello has data available that could be provided to IDWR pursuant to the Court's August 18, 2006 Order, it is unlikely that IDWR and Pocatello could engage in discussions about the meaning and use of the data prior to IDWR's September 7, 2006 deadline to amend the 706 Report. As such, Pocatello requests that the Special Master stay the deadline for Pocatello to submit information to IDWR, as well as the deadline for IDWR to amend its 706 Report. Based on conversations with counsel for IDWR as well as Dave Tuthill, Pocatello is authorized to say that IDWR joins in this request. Pocatello understands that IDWR may notify the Court about its agreement with this course of action.

No party will be prejudiced by this return to the status quo, and IDWR retains the ability to submit an additional or amended 706 Report with the permission of the court as these cases move forward. Pocatello will disclose its expert report as scheduled on September 15, 2006 and a portion of the analyses contained in Pocatello's expert report will reflect the data that will be part of the discussions with the IDWR between now and next week. If Pocatello and IDWR reach an agreement on the substance of the 1425 condition, Pocatello will promptly report that to the court.

Respectfully submitted this 31st day of August 2006.

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Attorneys for the City of Pocatello

By Josephine P. Beeman
Josephine P. Beeman

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By Josephine P. Beeman
(for) Sarah A. Klahn

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 31st day of August 2006, I caused a copy of the foregoing document to be served by U.S. First Class Mail on:

UNITED STATES OF AMERICA

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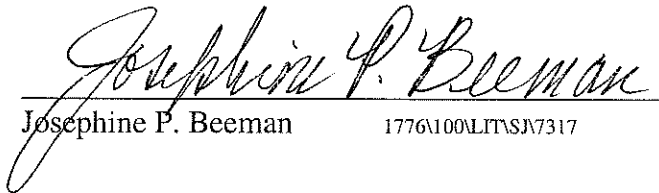

Josephine P. Beeman 1776\100\LIT\SN\7317

EXHIBIT A

Subcase Numbers

29-00271
29-00272
29-00273
29-02274
29-02338
29-02354
29-02382
29-02401
29-02499
29-04221
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