

Josephine P. Beeman #1806
Beeman & Associates, P.C.
409 West Jefferson Street
Boise, ID 83702
(208) 331-0950
(208) 331-0954 (Facsimile)
jo.beeman@beemanlaw.com

Sarah A. Klahn
Eliza F. Hillhouse
William A. Hillhouse II
White & Jankowski, LLP
511 16th St., Suite 500
Denver, CO 80202
303-595-9441
303-825-5632 (Facsimile)
sarahk@white-jankowski.com

Attorneys for City of Pocatello

**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)
	)	
	)	
Case No. 39576	)	POCATELLO'S MOTION TO MODIFY AUGUST 18, 2006 <i>SIXTH AMENDED TRIAL SCHEDULING</i> <i>ORDER</i>
	)	

The City of Pocatello (Pocatello) moves the court to modify its August 18, 2006 *Sixth Amended Trial Scheduling Order* as set forth below. The Motion is supported by the Affidavit of Josephine P. Beeman filed contemporaneously herewith.

Counsel for Pocatello has spoken with counsel for the State of Idaho and counsel for the Surface Water Coalition¹ today about an immediate two-week extension to the September 8, 2006 deadline to file discovery responses, and the September 15, 2006 deadline for Pocatello to serve its expert reports. Counsel for the State (David Barber) has authorized the undersigned

¹ The "Surface Water Coalition" refers to the seven surface water delivery organizations who are each a party respondent in these 38 subcases: Minidoka Irrigation District, A & B Irrigation District, Burley Irrigation District, Twin Falls Canal Company, Milner Irrigation District, North Side Canal Company, and American Falls Reservoir District #2.

counsel to state that it does not oppose either of these extensions. Pocatello also agrees that the immediate two-week extension of the September 8, 2006 deadline to serve discovery responses would also apply to the State and the Surface Water Coalition.

Counsel for the Surface Water Coalition believes these extensions and the additional modifications listed below can be stipulated to during the week of September 11, 2006. Counsel for the State is out of his office until Wednesday, September 13, 2006, and was not available to discuss the additional modifications listed below.

September 22, 2006	All written discovery responses due. (previously was September 8, 2006)
September 29, 2006	Deadline for serving Pocatello's expert reports. (previously was September 15, 2006)
October 24, 2006	Deadline for serving (by HAND DELIVERY) the Respondents' expert reports. (previously was October 10, 2006)
November 3, 2006	Deadline for disclosing rebuttal experts. (previously was October 20, 2006)
November 3, 2006	Deadline for serving (by HAND DELIVERY) rebuttal expert reports. (previously was October 20, 2006)
November 17, 2006	Deadline for filing all dispositive motions (previously was October 27, 2006)
November 10, 2006	Deadline to complete expert depositions (previously was November 9, 2006)
December 8, 2006	Deadline for response briefs (previously was November 17, 2006)
December 21, 2006	Deadline for reply briefs (previously was December 1, 2006)
January 17, 2007	1:30 pm 2nd Summary Judgment Hearing (Twin Falls) (previously was December 6, 2006)

January 17, 2007	3:00 pm	Trial Management Conference (previously was December 6, 2006)
January 24, 2007	10:00 am	Pretrial Conference (Twin Falls) (previously was December 13, 2006)
February 26 – March 2, 2007	9:00 am	Trial (5 day) (Twin Falls) (previously was January 22-26, 2007)

The proposed summary judgment briefing schedule in November reflects accommodation to a previously scheduled medical trip to the east coast by undersigned counsel. *See Affidavit of Josephine P. Beeman, ¶ 9.*

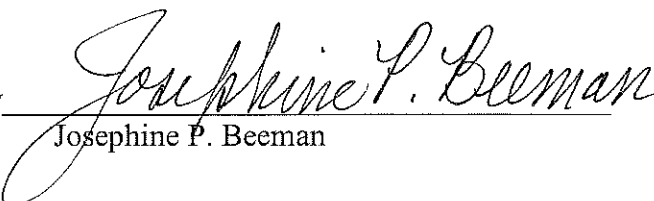
SRBA Court Clerk Janet Connell advised undersigned counsel that should a hearing before Special Master Bilyeu be necessary on this motion the afternoon of Wednesday, September 13, 2006 was available. However, Special Master Bilyeu will review this motion before deciding whether to schedule a hearing.

Pocatello does not otherwise request oral argument on this motion, but will accommodate whatever the Court deems appropriate.

A proposed Order with these modifications is enclosed with this motion. .

Respectfully submitted this 8th day of September 2006.

BEEMAN & ASSOCIATES, P.C.
Attorneys for the City of Pocatello

By 
Josephine P. Beeman

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 8th day of September 2006, I caused a copy of the foregoing document to be served by U.S. First Class Mail on:

UNITED STATES OF AMERICA

REPRESENTED BY:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NAT'L RESOURCES
550 WEST FORT STREET, MSC O33
BOISE, ID 83724

STATE OF IDAHO

REPRESENTED BY:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

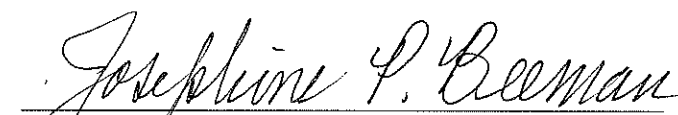
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

C. TOM ARKOOSH
ARKOOSH LAW OFFICES, CHTD.
PO BOX 32
GOODING, IDAHO 83330

W. KENT FLETCHER
FLETCHER LAW OFFICE
PO BOX 248
BURLEY, IDAHO 83318

ROGER D. LING
LING ROBINSON & WALKER
PO BOX 396
RUPERT, IDAHO 83350

JOHN A. ROSHOLT
TRAVIS L. THOMPSON
BARKER ROSHOLT & SIMPSON
113 MAIN AVE. WEST, SUITE 303
TWIN FALLS, IDAHO 83301-6167



Josephine P. Beeman 1776\100\LIT\Disc\7329

EXHIBIT A

Subcase Numbers

29-00271
29-00272
29-00273
29-02274
29-02338
29-02354
29-02382
29-02401
29-02499
29-04221
29-04222
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29-07118
29-07119
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