

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	)	AFFIDAVIT OF JOSEPHINE P. BEEMAN IN
	)	SUPPORT OF POCA TELLO'S MOTION TO
	)	MODIFY AUGUST 18, 2006 <i>SIXTH AMENDED</i>
	)	<i>TRIAL SCHEDULING ORDER</i>

STATE OF IDAHO)
) ss:
COUNTY OF ADA)

I, Josephine P. Beeman, after being duly sworn, state that I am an attorney licensed to practice law in the State of Idaho. I am over the age of 18 years and state that the following is based on my personal knowledge.

1. I am the attorney primarily responsible for the litigation of Pocatello's state-law SRBA claims, based on my representation of the City of Pocatello as to its SRBA matters since 1992.

2. In my role as Pocatello's water law counsel, I have amassed considerable data in the form of records from the City of Pocatello and records from the Idaho Department of Water Resources (IDWR) pertaining to the City's water use since before 1900. This data occupies approximately 40 binders of information.

3. In anticipation of providing discovery in Pocatello's state-law SRBA claims and related preparation for trial, during the spring of 2006, I actively recruited an additional water law attorney, Peter Anderson, to work at my office for these purposes. Mr. Anderson began work on July 10, 2006, solely on these projects.

4. On Friday, September 1, 2006, Mr. Anderson informed me that he would not be able to continue working on any of Pocatello's matters because of a family medical emergency, and that I needed to find another attorney to assist on these matters.

5. Since that was the Friday of Labor Day weekend, I called David Barber, counsel for the State of Idaho, on Tuesday morning, September 5, 2006, to inform him that I would be unable to meet Pocatello's discovery deadline of September 8, 2006. Although there are other parties in Pocatello's state-law SRBA claims, the State of Idaho is the only party that served discovery on the City of Pocatello.

6. During the course of this week (September 5), it has become apparent to me that I cannot devote sufficient time for the coordination of compiling Pocatello's expert reports to meet the September 15, 2006 deadline.

7. I called Mr. Barber again this morning and requested his agreement to a two-week extension for the September 8, 2006 discovery response deadline and Pocatello's September 15, 2006 expert report deadline because of Mr. Anderson's absence, and because while I tried to make myself available to complete this project, I did not feel I had enough time given the extent of other matters I am involved with at the SRBA court.

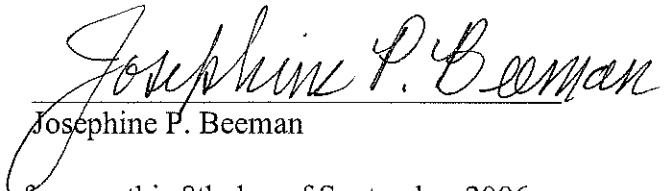
8. I then called Travis Thompson whose law firm represents three of the members of the Surface Water Coalition (North Side Canal Company, Twin Falls Canal Company, and Milner Irrigation District). I discussed with Mr. Thompson that a two-week extension to Pocatello's expert report deadline would necessarily affect subsequent deadlines in the *Sixth*

Amended Trial Scheduling Order that were important to the Surface Water Coalition. I discussed the same information that I discussed with Mr. Barber. I also explained to Mr. Thompson that the State of Idaho did not have any experts and had agreed to the extension of both the discovery responses and expert report deadline for Pocatello. Mr. Thompson and I proceeded to choose dates that would allow modification of the Sixth Amended Trial Scheduling Order. These dates include consideration of Surface Water Coalition board meetings, the Idaho Water Users Association annual meeting, and the annual meeting of water districts.

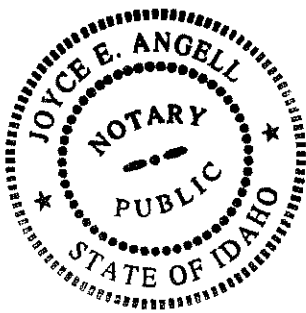
9. Prior to Mr. Anderson's family medical emergency, and based on the August 18, 2006 *Sixth Amended Trial Scheduling Order*, I made travel arrangements and medical appointments for a trip to New Jersey for my daughter Katherine the week of November 6, 2006. That appointment has been confirmed with the doctor.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this 8th day of September 2006.


Josephine P. Beeman

SUBSCRIBED AND SWORN to before me this 8th day of September 2006.




Notary Public in and for the State of Idaho
My Commission Expires: 07-29-2008

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

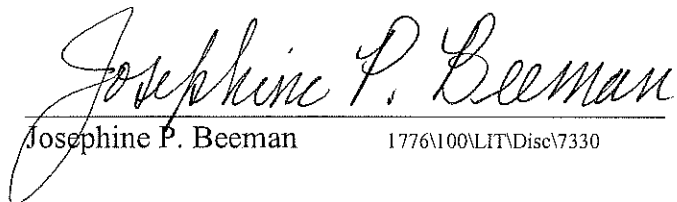
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

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\7330

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
29-04223
29-04224
29-04225
29-04226
29-07106
29-07118
29-07119
29-07222
29-07322
29-07375
29-07431
29-07450
29-07502
29-07770
29-07782
29-11339
29-11344
29-11348
29-13558
29-13559
29-13560
29-13561
29-13562
29-13636
29-13637
29-13638
29-13639