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DEPARTMENT OF
WATER RESOURCES

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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)
	)	
	)	STIPULATED MOTION TO MODIFY
Case No. 39576	)	SEPTEMBER 11, 2006 SEVENTH AMENDED TRIAL
	)	SCHEDULING ORDER

The City of Pocatello (Pocatello) moves the court to modify its September 11, 2006
Seventh Amended Trial Scheduling Order as set forth below.

Counsel for Pocatello has spoken with counsel for the Surface Water Coalition¹ today
about the following changes to the Seventh Amended Trial Scheduling Order:

- an immediate extension to the November 17, 2006 dispositive motion deadline;
 - the provision of a December 1 deadline for Pocatello to serve its expert rebuttal report;
- and

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.

- an immediate extension of the November 10, 2006 deadline to complete expert depositions.

The modifications affect a three (3) week period from November 17, 2006 through December 8, 2006 and do not change the current schedule from December 8 forward. Counsel for Pocatello and the Surface Water Coalition believe the modifications reasonably address the completion of discovery, and Pocatello will withdraw its Motion To Preclude Submission Of Respondent Surface Water Coalition's Rebuttal Expert Report (currently scheduled for hearing on November 28, 2006) in favor of these modifications.

November 30, 2006	Deadline to file all dispositive motions and briefs in support (by HAND DELIVERY) (new)
December 1, 2006	Deadline for Pocatello to serve (by HAND DELIVERY) rebuttal expert reports. (new)
December 8, 2006	Deadline to complete expert depositions (previously was November 10, 2006)
December 8, 2006	Deadline for response briefs (no change)
December 21, 2006	Deadline for reply briefs (no change)
January 17, 2007	1:30 pm 2nd Summary Judgment Hearing (Twin Falls) (no change)
January 17, 2007	3:00 pm Trial Management Conference (no change)
January 24, 2007	10:00 am Pretrial Conference (Twin Falls) (no change)
February 26 – March 2, 2007	9:00 am Trial (5 day) (Twin Falls) (no change)

Pocatello does not request oral argument on this motion. A proposed Order with these modifications is enclosed with this motion.

Respectfully submitted this 17th day of November 2006.

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

By Josephine P. Beeman
Josephine P. Beeman

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 17th day of November 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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US DEPARTMENT OF JUSTICE
ENVIRONMENT & NAT'L RESOURCES
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STATE OF IDAHO
REPRESENTED BY:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
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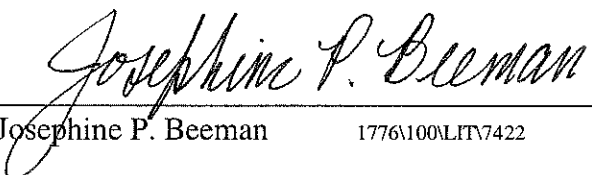
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EXHIBIT A

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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29-07118
29-07119
29-07222
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