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JUL 31 2007
DEPARTMENT OF
WATER RESOURCES

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. 29-2354, 29-2382, 29-7222,
	)	29-7341, 29-7502, 29-7782, 29-11344, and
Case No. 39576	)	29-13636
	)	MOTION FOR RECONSIDERATION OF
_____	)	EIGHT (8) PARTIAL DECREES

The City of Pocatello respectfully submits this *Motion for Reconsideration of Eight (8) Partial Decrees*: 29-2354, 29-2382, 29-7222, 29-7341, 29-7502, 29-7782, 29-11344, and 29-13636. In accordance with SRBA Administrative Order 1¹ and Idaho Rule of Civil Procedure 59(e), Pocatello's *Motion* must be "served not later than fourteen (14) days after entry of the judgment." These partial decrees for the City of Pocatello were entered July 16, 2007; the service deadline for Rule 59(e) is July 30, 2007.

Pocatello's federal law SRBA claim 29-11609 is currently on appeal to the Idaho Supreme Court.² That appeal may moot these 8 partial decrees or may require the 8 partial decrees to be modified to be consistent with the mandate in the appeal. Pocatello requests that

¹ Administrative Order 1, Rule 1.a provides: "[t]he litigation of the SRBA will be governed by the Idaho Rules of Civil Procedure (I.R.C.P.), Idaho Rules of Evidence (I.R.E.), and the Idaho Appellate Rules (I.A.R.)."

² Idaho Supreme Court No. 33669: IN RE: SRBA CASE NO. 39576, SUBCASE NO. 29-11609, CITY OF POCATELLO, *Appellants*, vs. STATE OF IDAHO, UNITED STATES OF AMERICA, and SHOSHONE-BANNOCK TRIBES, *Respondents*.

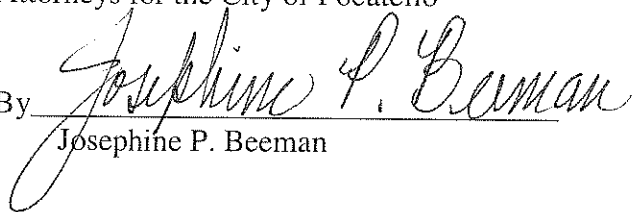
this Court withdraw the entry of judgment and delay entry of judgment for these 8 water rights until after the mandate in the appeal. The City's basis for this *Motion* will be explained in more detail in a brief to be submitted by Monday, August 13, 2007. IRCP 7(b)(3)(C).

Pocatello requests the court to schedule oral argument on this matter.

Respectfully submitted this 30th day of July 2007.

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

By


Josephine P. Beeman

CERTIFICATE OF SERVICE

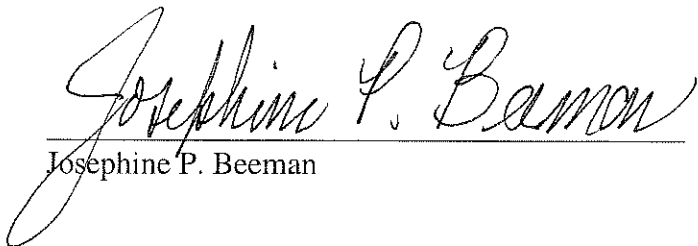
I HEREBY CERTIFY that on the 30th day of July 2007, I caused a true copy of the foregoing **MOTION FOR RECONSIDERATION OF EIGHT (8) PARTIAL DECREES** to be served by U.S. First Class Mail on:

UNITED STATES OF AMERICA
REPRESENTED BY:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NAT'L RESOURCES
550 WEST FORT STREET, MSC 033
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