

Dane
RECEIVED
AUG 02 2007
DEPARTMENT OF
WATER RESOURCES

Josephine P. Beeman #1806
Anna R. Trentadue #7519
Beeman & Associates, P.C.
409 West Jefferson Street
Boise, ID 83702
(208) 331-0950
(208) 331-0954 (Facsimile)
jo.beeman@beemanlaw.com
anna.trentadue@beemanlaw.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. 29-2354, 29-2382, 29-7222,
	)	29-7431, 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, 29-7431, 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*

Paul
RECEIVED

AUG 02 2007

DEPARTMENT OF
WATER RESOURCES

Josephine P. Beeman #1806
Anna R. Trentadue #7519
Beeman & Associates, P.C.
409 West Jefferson Street
Boise, ID 83702
(208) 331-0950
(208) 331-0954 (Facsimile)
jo.beeman@beemanlaw.com
anna.trentadue@beemanlaw.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. 29-2354, 29-2382, 29-7222,
Case No. 39576) 29-7431, 29-7502, 29-7782, 29-11344, and

Replacement of first
page. Subcase # OR RECONSIDERATION OF
PARTIAL DECREES
was wrong

The City of Pocatello res: *7-30-07* for Reconsideration of Eight (8)
Partial Decrees: 29-2354, 29-2382, 29-7222, 29-7431, 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*