

A. Dean Tranmer I.B. # 2793
City of Pocatello
P. O. Box 4169
Pocatello, ID 83201
(208) 234-6149
(208) 234-6297 (Fax)
dtranmer@pocatello.us

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DEPARTMENT OF
WATER RESOURCES

Sarah A. Klahn
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. 01-00004, et al. (See attached Exhibit A.)
	)	
	)	POCATELLO'S MOTION TO VACATE AND
Case No. 39576	)	RESET HEARING ON POCATELLO'S MOTION
_____	)	TO PARTICIPATE

The City of Pocatello ("Pocatello") requests that the Special Master vacate and re-set the hearing on Pocatello's Motion to Participate. Currently, the hearing on Pocatello's Motion is set for January 17, 2008 at 10:30 am. On January 16, 2008, the Surface Water Coalition's Delivery Call case goes to hearing in front of Hearing Office Gerald Schroeder in Boise. The claimants in the sub-cases in which Pocatello seeks to participate (*see*, Exhibit A), as well as Pocatello, are all parties to the SWC Delivery Call hearing that begins January 16, 2008. Thus, the January 17, 2008 date creates a conflict.

A September 20, 2007, Order of the Special Master vacated a status conference in these and other sub-cases because of timing conflicts with pre-trial matters in the SWC Delivery Call

POCATELLO'S MOTION TO VACATE AND RESET HEARING ON MOTION TO PARTICIPATE

case. The Order provides that the Special Master will "likely reset" the status conference for a date in mid-April of 2008. As such, and in the interest of expediency, Pocatello requests that the hearing on Pocatello's Motion to Participate be re-set to be part of the next status conference in these sub-cases.

Pocatello has contacted Claimants' counsel in the sub-cases indicated on Exhibit A who have consented to this motion. The only exception is Mr. Arkoosh, for AFRD #2, who has not indicated whether he will oppose or consent to the requested vacation and re-setting.

In summary:

1. Pocatello requests that the hearing on Pocatello's Motion to Participate currently set for January 17, 2008 be vacated as it conflicts with the SWC Delivery Call hearing in Boise scheduled to begin on January 16, 2008. All claimants in these sub-cases are litigants in the SWC Delivery Call case, as is the City of Pocatello.

2. Pocatello requests that the hearing on its Motion to Participate be re-set for the next status conference that is set in these sub-cases.

3. Pocatello is authorized to say that counsel for the claimants in these sub-cases, with the exception of Mr. Arkoosh, consent to the vacation and re-setting of the hearing consistent with the proposal outlined herein.

Dated this 11th day of December, 2007.

CITY OF POCATELLO ATTORNEY'S OFFICE

Attorneys for the City of Pocatello

By Sarah Klahn for
A. Dean Tranmer

WHITE & JANKOWSKI, L.L.P.

Attorneys for the City of Pocatello

By Sarah Klahn
Sarah A. Klahn

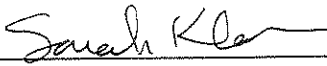
EXHIBIT A

Subcases Nos:

01-00004
01-00005
01-00006
01-00007
01-00008
01-00009
01-00010
01-00014
01-00016
01-00017
01-00212
01-00213
01-02050
01-02061
01-10034
01-10225
01-10237
01-10238
01-10240
01-10241
01-10482

CERTIFICATE OF MAILING

I hereby certify that on this 11th day of December, 2007, a true and correct copy of **Pocatello's Motion to Vacate and Reset Hearing on Pocatello's Motion to Participate** was served by U.S. Mail, postage pre-paid and addressed to the following:


 Sarah A. Klahn

Clerk of SRBA Court 253 3 rd Ave North PO Box 2707 Twin Falls ID 83303-2707 Phone 208-736-3011 [original & 21 copies = via Federal Express]	
Travis L. Thompson Barker Rosholt & Simpson LLP 113 Main Ave W, Ste 303 PO Box 485 Twin Falls ID 83303-0485 Phone 208-733-0700 Facsimile 208-735-2444 [Milner Irr Dist, North Side canal Co, Twin Falls Canal Co]	Roger D. Ling 615 H St PO Box 396 Rupert ID 83350-0396 Phone 208-436-4717 [A&B Irr Dist, Burley Irr Dist, Falls Irr Dist]
C. Thomas Arkoosh 301 Main St PO Box 32 Gooding ID 83330 Phone 208-934-8872 [American Falls Res Dist #2]	State of Idaho 700 W Jefferson Room 210 PO Box 44449 Boise ID 83711-4449 Phone 208-334-2400 [State of Idaho Dept]
Craig D. Hobdey 125 5 th Ave PO Box 176 Gooding ID 83330 Phone 208-934-4429 [American Falls Res]	US Department of Justice Environment & Natural Resources 550 W Fort St MSC 033 Boise ID 83724 [US, USDI Bureau of Reclamation]
Jerry R. Rigby 25 N 2 nd E PO Box 250 Rexburg ID 83440-0250 Phone 208-356-3633 [Blackfoot Irr Co, Fremont-Madison Irr]	US Regional Director PN Region Bureau of Reclamation 1150 N Curtis Rd Ste 100 Boise ID 83706-5322 Phone 208-378-5322

Josephine P. Beeman 409 W Jefferson St Boise ID 83702 Phone 208-331-0950 [City of Pocatello]	William A. Parsons 137 W 13 th St PO Box 910 Burley ID 83318 Phone 208-678-8382 [Southwest Irr Dist]
Natural Resources Div Chief State of Idaho Attorney General's Office PO Box 44449 Boise ID 83711-4449 [State of Idaho]	Idaho Dept of Water Resources Director PO Box 83720 Boise ID 83720-0098
Randall C. Budge 201 E Center Ste A2 PO Box 1391 Pocatello ID 83204-1391 Phone 208-232-6101 [IGWA Inc]	W. Kent Fletcher 1200 Overland Ave PO Box 248 Burley ID 83318 Phone 208-678-3250 [Minidoka Irr Dist]
Robert A. Maynard Perkins Coie LLP 251 E Front St Ste 400 Boise ID 83702-7310 Phone 208-343-3434 [Unit A Association]	Robert L. Harris 1000 Riverwalk Dr Ste 200 PO Box 50130 Idaho Falls ID 83405 Phone 208-523-0620 [Independent Water Users of Jefferson Irr Dist, Montevue Canal Co, Mud Lake Water Users Inc, Producers Irr Co]
Call Farms Partnership c/o Evan Call 4371 Coldwater Rd American Falls ID 83211 Phone 208-548-2450	Tim Eilers 1109 W 300 S Heyburn ID 83336 Phone 208-438-5118
Martin & Lorraine Muecke 1250 W 300 S Heyburn ID 83336 Phone 208-438-5649	J. Vaughn Hobson 19 S 700 W Burley ID 83318 Phone 208-678-2871

Bret Andersen Robyn Andersen 322 E Main Burley ID 83318 Phone 208-677-2864	M. Evan Call 4373 Cold Water Rd American Falls ID 83211 Phone 208-221-9913
Steve Muecke 925 W Wanda Ln Heyburn ID 83336 Phone 208-678-2106	A. Dean Tranmer City of Pocatello PO Box 4169 Pocatello ID 83201 Phone 208-234-6149 [City of Pocatello]