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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. 29-271 et al. (see Attachment A)
	)	
Case No. 39576	)	MOTION TO STAY PROCEEDINGS IN
	)	THIRTY (30) STATE LAW CLAIMS
_____	)	

The City of Pocatello respectfully submits this Motion to Stay the SRBA Proceedings for thirty (30) of the City's state law claims for which a Notice of Challenge is due June 11, 2008. Proceedings on the thirty (30) claims before SRBA Special Master Bilyeu concluded with a May 28, 2008 *ORDER DENYING MOTION TO ALTER OR AMEND*.

Pocatello's federal law SRBA claim 29-11609 was appealed to the Idaho Supreme Court¹ and is now pending proceedings before the United States Supreme Court.² That appeal may moot the recently concluded proceedings before Special Master Bilyeu for these thirty (30) state law claims or may require the Special Master's Report and Recommendation to be modified to

¹ Idaho Supreme Court No. 33669: IN RE: SRBA CASE NO. 39576, SUBCASE NO. 29-11609, CITY OF POCA TELLO, *Appellants*, vs. STATE OF IDAHO, UNITED STATES OF AMERICA, and SHOSHONE-BANNOCK TRIBES, *Respondents*. The decision of the Idaho Supreme Court was entered February 19, 2008. A timely petition for rehearing was denied, and a final judgment was entered by the Supreme Court of Idaho on April 3, 2008. The City of Pocatello's time to Petition the United States Supreme Court for a Writ of Certiorari to the Idaho Supreme Court expires July 2, 2008.

² The City of Pocatello has filed with the United States Supreme Court an Application for Extension of Time to File a Petition for Writ of Certiorari. The Application seeks an extension to August 1, 2008 to file the Petition for Writ of Certiorari. A June 3, 2008 service copy of the City's Application is attached to this Motion.

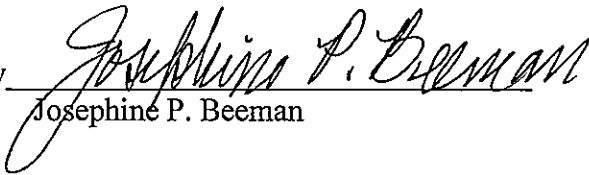
be consistent with the mandate in the appeal. Pocatello requests that this Court stay the proceedings on these thirty (30) state law claims until after the mandate in the appeal.

The City's basis for this *Motion* will be explained in more detail in a brief to be submitted by Wednesday, June 25, 2008. IRCP 7(b)(3)(C).

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

Respectfully submitted this 11th day of June 2008.

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

By 
Josephine P. Beeman

Attachment A (30 subcases)

29-00271
29-00272
29-00273
29-02274
29-02338
29-02401
29-02499
29-04221
29-04222
29-04223
29-04224
29-04225
29-04226
29-07106
29-07118
29-07119
29-07322
29-07375
29-07450
29-07770
29-11339
29-11348
29-13558
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29-13560
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29-13637
29-13638
29-13639

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 11th day of June 2008, I caused a true copy of the foregoing **MOTION TO STAY PROCEEDINGS IN THIRTY (30) STATE LAW CLAIMS** to be served by U.S. First Class Mail on:

AMERICAN FALLS RESERVOIR DIST #2

Represented by:
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Via email

STATE OF IDAHO

Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
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Via U.S. mail

A & B IRRIGATION DISTRICT
BURLEY IRRIGATION DISTRICT

Represented by:
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Phone: 208-436-4717

Via email

DIRECTOR OF IDWR
PO BOX 83720
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Via U.S. mail

UNITED STATES OF AMERICA

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NAT'L RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

Via U.S. mail

MINIDOKA IRRIGATION DISTRICT

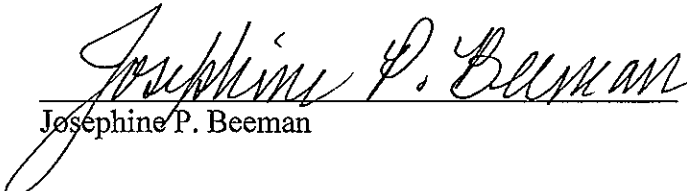
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MILNER IRRIGATION DISTRICT
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