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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

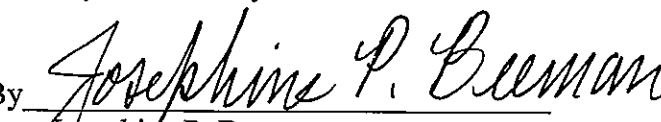
In Re SRBA	)	Subcase Nos. 29-271 et al. (see Attachment A)
	)	
Case No. 39576	)	ADDENDUM TO POCATELLO'S
	)	JUNE 11, 2008 MOTION TO STAY
_____	)	PROCEEDINGS IN THIRTY (30) STATE
	)	LAW CLAIMS

In Pocatello's June 11, 2008 Motion to Stay Proceedings in Thirty (30) State Law Claims, the attachment referenced in footnote 2 inadvertently was not attached.

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

Dated this 25th 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
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29-11348
29-13558
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29-13637
29-13638
29-13639

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 25th day of June 2008, I caused a true copy of the foregoing **ADDENDUM TO POCATELLO'S JUNE 11, 2008 MOTION TO STAY PROCEEDINGS IN THIRTY (30) STATE LAW CLAIMS** be served by the method indicated on:

AMERICAN FALLS RESERVOIR DIST #2

Represented by:
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BURLEY IRRIGATION DISTRICT

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UNITED STATES OF AMERICA

Represented by:
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ENVIRONMENT & NAT'L RESOURCES
550 WEST FORT STREET, MSC 033
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MINIDOKA IRRIGATION DISTRICT

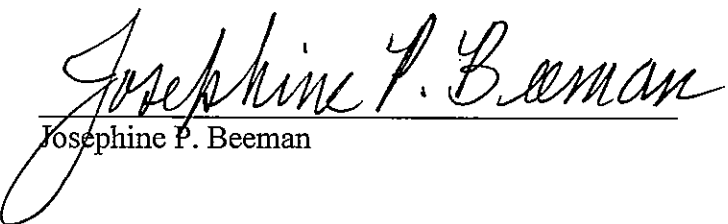
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Via email


Josephine P. Beeman

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

CITY OF POCA TELLO, Applicant,

v.

STATE OF IDAHO, UNITED STATES OF AMERICA and the SHOSHONE-
BANNOCK TRIBES, Respondents.

APPLICATION FOR EXTENSION OF TIME TO FILE PETITION FOR WRIT OF
CERTIORARI TO THE SUPREME COURT THE STATE OF IDAHO

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June 4, 2008

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No. _____

IN THE SUPREME COURT OF THE UNITED STATES

CITY OF POCA TELLO, Applicant,
v.
STATE OF IDAHO, UNITED STATES OF AMERICA and the SHOSHONE-
BANNOCK TRIBES, Respondents.

APPLICATION FOR EXTENSION OF TIME TO FILE PETITION FOR WRIT OF
CERTIORARI TO THE SUPREME COURT OF THE STATE OF IDAHO

To the Honorable Anthony M. Kennedy, Associate Justice of the Supreme
Court of the United States and Circuit Justice for the Ninth Circuit:

Applicant the City of Pocatello prays for a 30-day extension of time to file its
petition for certiorari in this Court to and including August 1, 2008. The decision of
the Supreme Court of Idaho was entered on 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. Applicant's time to petition for certiorari in this Court
expires on July 2, 2008. This application is being filed more than 10 days before
that date.

Copies of the opinion of the Supreme Court of Idaho, the order denying the
petition for rehearing, the remittitur and the judgment appealed from are attached
hereto at Tab A. The jurisdiction of this Court is invoked under 28 U.S.C. §1257.

1. The decision below concerns the nature and extent of the City of Pocatello's rights to the use of waters arising on the Fort Hall Indian Reservation. In 1888, the City of Pocatello was established in the center of the Fort Hall Reservation by Congress under the Act of September 1, 1888, ch. 936, 25 Stat. 452 ("Pocatello Townsite Act"). Because the original Pocatello townsite was landlocked by the Reservation, with no source of water available on the new townsite, Congress provided under Section 10 of the Pocatello Townsite Act that Pocatello "shall have the free and undisturbed used in common with the said Indians of the waters of any river, creek, stream or spring flowing through the Fort Hall Reservation..." *Id.*

2. As the petition for writ of certiorari will set out in greater detail, Pocatello is the second largest city in Idaho, with over 50,000 treated water customers. The City of Pocatello requires a sufficient and reliable water supply, and therefore sought to adjudicate its water rights under the Pocatello Townsite Act in the Idaho Snake River Basin Adjudication ("SRBA"). The SRBA is the first McCarran Act adjudication (28 U.S.C. § 666) to determine the rights of Idaho waters users to the Snake River and its tributaries.

3. The SRBA Court found that Section 10 granted Pocatello no water rights as a matter of federal law, but only a right of access to the reservation land and a right to seek water rights under state law. The Idaho Supreme Court affirmed, holding that Congress had conveyed to Pocatello a right of access to the reservation, and the right to remove water from the reservation pursuant to compliance with

state law, but that the statutory language did not reflect any congressional intent to convey a vested water right to Pocatello.

4. As shown by the opinion below, this case involves a determination by the Supreme Court of the State of Idaho that a federal statutory diminishment of Indian treaty rights conferring water rights on a municipal corporation cannot be effective unless it contains explicit language of conveyance as well as the consent of the Indian tribe. The case thus presents important questions under the Constitution of the United States and laws of the United States which were determined adversely to Applicant by the court below.

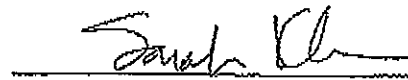
5. Because of the importance this decision has to Applicant's need for a sufficient and reliable water supply, as well as the importance of the federal constitutional and legal issues presented, Applicant intends to file a petition for certiorari with the Court and has recently retained additional counsel to assist existing counsel in doing so. Newly-retained counsel was not involved in any part of the proceedings below. Undersigned counsel, while intimately familiar with the proceedings below, has a three-week trial that is scheduled to commence June 9, 2008 and has been engaged in post-trial briefing on another case in which the final order was issued on April 29, 2008. In short, additional time would be valuable to provide new counsel a chance to become familiar with the issues and to provide existing counsel with the opportunity to perform the necessary work to properly frame and argue the questions to this Court. An extension of time for filing a petition for certiorari will not prejudice any party or postpone resolution of the case

below, as the issues were determined adversely to applicant in the case below, and will have no effect on resolution of any matters in the Snake River Basin Adjudication.

Wherefore applicant respectfully requests that an order be entered extending its time to petition for certiorari to and including August 1, 2008.

June 4, 2008

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Sarah Klahn", is written over a horizontal line.

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**Counsel of Record*

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

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v.

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BANNOCK TRIBES, Respondents.

APPLICATION FOR EXTENSION OF TIME TO FILE PETITION FOR WRIT OF
CERTIORARI TO THE SUPREME COURT OF IDAHO

CERTIFICATE OF SERVICE

I, Sarah A. Klahn, a member of the Bar of this Court, hereby certify that on this 3rd day of June, 2008, one copy of the Application for Extension of Time to File Petition for Writ of Certiorari in the above-entitled case was mailed, first class postage prepaid, to counsel for all the respondents listed below. I further certify that all parties require to be served has been served.


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