

Josephine P. Beeman #1806
BEEMAN & ASSOCIATES, P.C.
409 West Jefferson Street
Boise, ID 83702
(208) 331-0950
(208) 331-0954 (Facsimile)
office@beemanlaw.com

RECEIVED
APR 17 2009
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. 29-271 et al. (see Attachment A)
	)	
Case No. 39576	)	AFFIDAVIT OF JOSEPHINE P. BEEMAN
	)	IN SUPPORT OF CITY OF POCA TELLO'S
	)	MOTION FOR EXTENSION OF TIME TO
	)	FILE CHALLENGER'S OPENING BRIEF
	)	AND AMENDMENT OF CHALLENGE
	)	SCHEDULING ORDER

STATE OF IDAHO)
) ss:
COUNTY OF ADA)

I, Josephine P. Beeman, after being duly sworn, state that I am an attorney licensed to practice law in the State of Idaho. I am over the age of 18 years and state that the following is based on my personal knowledge.

1. I am counsel for the City of Pocatello in the above captioned matter and the following additional SRBA matters:

(a) Swan Falls Subcase 92-23: A 90-day schedule is now operative for 92-23 and time sensitive issues are ongoing at the Idaho Legislature regarding the proposed 92-23 settlement.

(b) Historic Use / Palisades Consolidated Subcases: Pocatello is currently preparing for a mandatory settlement conference and discovery/trial schedule regarding the City's SRBA claim for its Palisades contract. Pocatello filed an SRBA claim for its Palisades Contract (1-2068Y) and, when that was denied, filed objections to the denial of 1-2068Y and the

recommendation of 1-2068 to the United States. The consolidated subcases involve counsel and representatives from the State of Idaho, Idaho Power Company, the United States, eight ground water districts, and numerous canal companies and irrigation districts from the Upper Snake.

(c) Bureau Of Reclamation Ownership Issue: This is a separate matter that involves many of the same counsel and subcases as the historic use/ Palisades matter.

Pocatello's Counsel

3. Dean Tranmer, City Attorney for Pocatello, was co-counsel with me during the trial of the City's 30 state law claims that are the subject of the Notice of Challenge. Mr. Tranmer and I have been working together since 1991 on issues related to Pocatello's Palisades Contract, and since 2002 on the Swan Falls issues. Mr. Tranmer is currently resuming limited professional work following his hospitalization from February 23 to March 20. An extension of time will give me time to work with Mr. Tranmer on the ongoing litigation affecting Pocatello's Palisades claim, the Swan Falls issues (92-23 and 91-13), and will allow Mr. Tranmer to participate in the final preparation of the opening brief on challenge for Pocatello's state-law claims.

4. In addition to the complications arising from Mr. Tranmer's hospitalization, I have been managing an acute medical situation with my daughter Katherine for the last year and was informed April 14 that Katherine needed surgery April 15. The surgery, which must be completed within a week, was attempted April 15th, but could not go forward due to respiratory and neurological complications. I am attempting to clear my professional obligations during this time.

5. These personal matters, along with Pocatello's numerous active SRBA matters, have also coincided with an unusual SRBA work load for my firm. In February, Beeman and Associates had Initial Hearings affecting 40 subcases for its clients.¹

¹ 37-22219, 37-22221, 37-22223, 37-22225, and 37-22227; 37-2593, 37-21499, 37-21501, and 37-21974; 37-7460; 02-10167, 02-10169, 02-10171, and 02-10298; 02-00080, 02-00081, and 02-07336; 2-200, 2-201, 2-223, and 2-224; AFFIDAVIT OF JOSEPHINE P. BEEMAN IN SUPPORT OF POCATELLO'S MOTION FOR EXTENSION OF TIME TO FILE CHALLENGER'S OPENING BRIEF AND AMENDMENT OF CHALLENGE SCHEDULING ORDER – PAGE 2

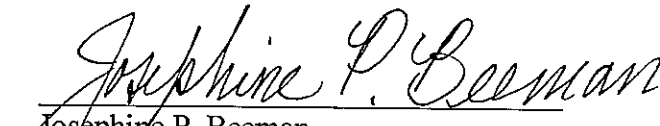
Coordination With Other Counsel

6. Pocatello has a history of advising and supporting the intervention of entities like United Water Idaho on issues affecting municipal rights in Idaho. See, e.g., the IDWR/SRBA file for proceedings related to water right 34-10030 for the City of Arco.

7. When Chris Meyer (counsel for United Water Idaho and the cities of Nampa and Blackfoot) contacted my office at the end of February, I was unavailable for initial hearings at the SRBA court due to my work load. Also due to my workload and Mr. Tranmer's illness, Mr. Tranmer and I were unable to review the *Motion to Participate* and *Brief Addressing Alternate Points of Diversion Condition* from Mr. Meyer until April 10.

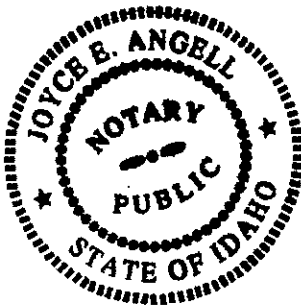
FURTHER YOUR AFFIANT SAYETH NAUGHT.

Dated this ¹⁶~~18~~th day of April 2009.



Josephine P. Beeman

SUBSCRIBED AND SWORN to before me this ¹⁶~~18~~th day of April 2009.





Notary Public in and for the State of Idaho
My Commission Expires: 07-29-2014

Attachment A (30 subcases)

29-00271
29-00272
29-00273
29-02274
29-02338
29-02401
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29-04221
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29-13639

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the ~~18~~¹⁹th day of April 2009, I caused a true and correct copy of the foregoing document to be served on the following by the method indicated:

AMERICAN FALLS RESERVOIR DIST #2

Represented by:
C THOMAS ARKOOSH
DAVID HEIDA
301 MAIN ST
PO BOX 32
GOODING, ID 83330
Phone: 208-934-8872

Via email

STATE OF IDAHO

Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

Via U.S. mail

A & B IRRIGATION DISTRICT
BURLEY IRRIGATION DISTRICT

Represented by:
ROGER D LING
PO BOX 396
RUPERT, ID 83350-0396
Phone: 208-436-4717

Via email

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

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

Represented by:
W KENT FLETCHER
1200 OVERLAND AVE
PO BOX 248
BURLEY, ID 83318
Phone: 208-678-3250

Via email

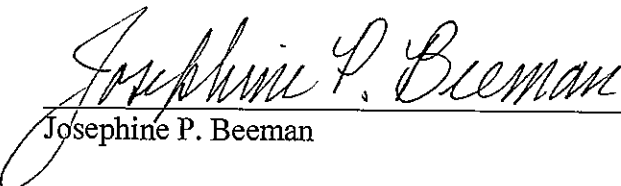
MILNER IRRIGATION DISTRICT
NORTH SIDE CANAL COMPANY
TWIN FALLS CANAL COMPANY

Represented by:
TRAVIS L THOMPSON
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485
Phone: 207-733-0700

Via email

Christopher H. Meyer
John M. Marshall
Givens Pursley LLP
P. O. Box 2720
Boise, ID 83701-2720

Via email


Josephine P. Beeman