

RECEIVED

DEC 15 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

DEC 14 2009

By _____

Clerk

Deputy Clerk

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 No. 29-00271, *et al.*

Case No. 39576

)
)
) NOTICE OF HEARING AND RESPONSE
) BRIEFING SCHEDULE ON MOTION TO
) ALTER OR AMEND NOVEMBER 9, 2009,
) MEMORANDUM DECISION AND
) ORDER ON CHALLENGE; I.R.C.P. 59(e);
) I.R.C.P. 11(a)(2)

On November 9, 2009, this Court issued a *Memorandum Decision and Order on Challenge* in the above-captioned subcases. The *Order* was certified as final pursuant to I.R.C.P. 54(b). On November 23, 2009, the City of Pocatello, by and through counsel of record, Josephine P. Beeman of Beeman and Associates, P.C., filed *City of Pocatello's Motion to Alter or Amend November 9, 2009, Memorandum Decision and Order on Challenge* pursuant to I.R.C.P. 59(e) or in the alternative I.R.C.P. 11(a)(2). On December 8, 2009, the City of Pocatello filed *City of Pocatello's Motion to Accept for Filing Two Days Late Brief in Support of Motion to Alter or Amend*. On December 10, 2009, the City of Pocatello filed *City of Pocatello's Brief in Support of Motion . . .*

THEREFORE, THE FOLLOWING ARE HEREBY ORDERED:

1. The City of Pocatello's motion for acceptance of untimely filing of brief is **Granted.**

NOTICE OF HEARING AND RESPONSE BRIEFING SCHEDULE ON MOTION TO ALTER OR AMEND NOVEMBER 9, 2009, MEMORANDUM DECISION AND ORDER ON CHALLENGE; I.R.C.P. 59(e); I.R.C.P. 11(a)(2)

2. **Responsive briefing:** Any party (including *Amici*) wishing to file a brief in response may do so no later than **January 15, 2010**.

3. **Notice of Hearing:** NOTICE IS GIVEN that a hearing is scheduled for the above-captioned matter at 3:00 p.m. (Mountain Time), Tuesday, February 2, 2010, at the Idaho Water Center, 322 East Front Street, 6th Floor Conference Rooms C & D, and at the Snake River Basin Adjudication Courthouse, 235 – 3rd Avenue North, Twin Falls, Idaho. The Court will preside from the Idaho Water Center; however, the two locations will be linked via video teleconferencing allowing full participation from either location. Parties may also participate by telephone by dialing the number 918-583-3445 and when prompted entering the code 406128.

IT IS SO ORDERED.

Dated September 14, 2009

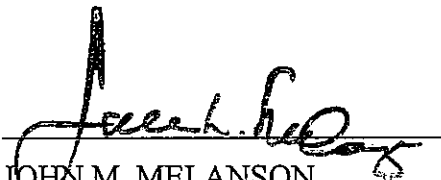

JOHN M. MELANSON
Presiding Judge, *pro tem*
Snake River Basin Adjudication

EXHIBIT A - CITY OF POCATELLO

Subcase Nos:

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
29-13559
29-13560
29-13561
29-13562
29-13637
29-13638
29-13639

CERTIFICATE OF MAILING

I certify that a true and correct copy of the NOTICE OF HEARING AND RESPONSE BRIEFING SCHEDULE ON MOTION TO ALTER OR AMEND MEMORANDUM DECISION AND ORDER ON CHALLENGE was mailed on December 14, 2009, with sufficient first-class postage to the following:

CITY OF POCATELLO

Represented by:
A. DEAN TRANMER
CITY OF POCATELLO
PO BOX 4169
POCATELLO, ID 83201
Phone: 208-234-6148

AMERICAN FALLS RESERVOIR

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

CITY OF BLACKFOOT

CITY OF NAMPA

UNITED WATER IDAHO

Represented by:
CHRISTOPHER H MEYER
601 W BANNOCK ST
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

AMERICAN FALLS RESERVOIR

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

CITY OF POCATELLO

Represented by:
JOSEPHINE P BEEMAN
409 W JEFFERSON ST
BOISE, ID 83702
Phone: 208-331-0950

STATE OF IDAHO

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

A & B IRRIGATION DISTRICT BURLEY IRRIGATION DISTRICT

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

CITY OF POCATELLO

Represented by:
SARAH A KLAHN
WHITE & JANKOWSKI LLP
KITREDGE BUILDING
511 16TH ST STE 500
DENVER, CO 80202
Phone: 303-595-9441

MILNER IRRIGATION DISTRICT NORTH SIDE CANAL CO LTD TWIN FALLS CANAL COMPANY

Represented by:
TRAVIS L THOMPSON
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485
Phone: 208-733-0700

UNITED STATES OF AMERICA

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

(Certificate of mailing continued)

MINIDOKA IRRIGATION DISTRICT

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

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

ORDER

Page 2 12/14/09

FILE COPY FOR 00272

Deputy Clerk

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the printed text "Deputy Clerk".