

Josephine P. Beeman (Idaho Bar # 1806)
Jane M. Newby (Idaho Bar # 2848)
Beeman & Associates, P.C.
409 West Jefferson Street
Boise, Idaho 83702
TELEPHONE: (208) 331-0950
FACSIMILE: (208) 331-0954
EMAIL: jo.beeman@beemanlaw.com

Attorneys for City of Pocatello

IN THE SUPREME COURT FOR THE STATE OF IDAHO

In Re SRBA Case No. 39576)
Subcase No. 29-271 et al.)
_____))
CITY OF POCA TELLO,)
)
Appellant,)
)
vs.)
)
STATE OF IDAHO,)
)
Respondent.)
_____)

Supreme Court No. 37723-2010

**CITY OF POCA TELLO'S
AFFIDAVIT OF JOSEPHINE P. BEEMAN
IN SUPPORT OF RULE 46 MOTION TO
EXTEND DATE FOR ORAL
ARGUMENT**

STATE OF IDAHO)
) ss:
COUNTY OF ADA)

I, Josephine P. Beeman, after first being duly sworn upon oath, depose and state that:

1. I am the counsel of record for the Appellant City of Pocatello in the above-captioned action.

2. Reply briefing by the City of Pocatello was completed on August 31, 2011, and the Notice of Intent to present oral argument was filed September 13.

3. On September 19, 2011, I had my office inquire with the Clerk's office of the Idaho Supreme Court about the possible date for oral argument and was informed argument would not be in December or January but instead would be in February 2012 or after.

4. On October 3, 2011, I received notice that oral argument was scheduled for the Court's Fall Term for 2011, on Monday, November 7, 2011, at 11:10 a.m. in Boise.

5. An extension of the oral argument date to the Court's Spring Term for 2012 is necessary due to my continuing workload and the following specific obligations from September 19 through November 4 which have not allowed adequate time to prepare for oral argument in the five weeks between October 3 and November 7:

- three briefing deadlines on Swan Falls summary judgment issues at the SRBA court (and hearing);
- continuing settlement conferences (and documentation) for the American Falls and Palisades reservoir water rights at the SRBA court;
- preparation of the final settlement agreement and individual draft decrees for the Jesse Creek drainage at the SRBA court;
- work on the Final Unified Decree at the SRBA court;
- concurrent SRBA and Owyhee County proceedings involving a motion to alter or amend briefing (and hearing), reconsideration briefing (and hearing), motion for stay briefing (and hearing), and preparation/filing of pretrial brief; and
- an IDWR consolidated administrative proceeding related to ground water development in the Mayfield area.

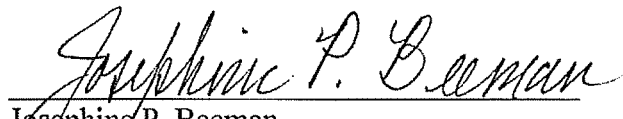
6. In addition to this active case load, I must also attend to the administrative obligations at my law firm, particularly client billings, that arose during and subsequent to the

months (November 2010 through March 2011) I had unexpected personal obligations with my family as set forth in my affidavits in support of the motions for the fourth and fifth extension of time in which to file the opening brief.

7. The only parties are the City of Pocatello and the State of Idaho. There has been no stipulation regarding Pocatello's application for extension. On Tuesday afternoon, although not required by Appellate Rule 46, I asked Jane Newby of my office to discuss the matter with Shasta Kilminster-Hadley (Deputy Attorney General). Due to preparations already undertaken, the State of Idaho wants to proceed with oral argument on November 7 and does not support a change of date.

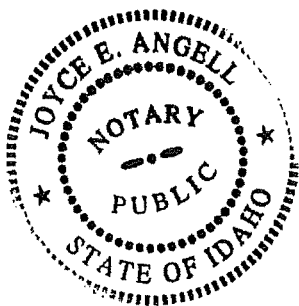
FURTHER YOUR AFFIANT SAYETH NAUGHT.

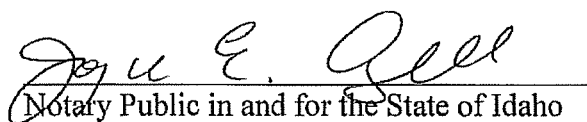
DATED this 2nd day of November 2011.



Josephine P. Beeman

SUBSCRIBED AND SWORN to before me this 2nd day of November 2011.





Notary Public in and for the State of Idaho
Residing in: Boise, Idaho
My Commission Expires: 7-29-14

CERTIFICATE OF SERVICE

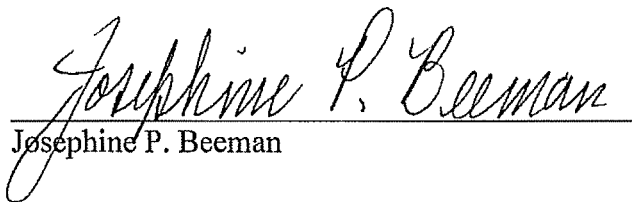
I HEREBY CERTIFY that on the 2nd day of November 2011, I caused a true and correct copy of the foregoing document to be served on the following by U.S. Mail:

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

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

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

CHRISTOPHER H. MEYER
JOHN M. MARSHALL
GIVENS PURSLEY LLP
P. O. BOX 2720
BOISE, ID 83701-2720



Josephine P. Beeman