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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	)	
	)	
Case No. 39576	)	Subcase Nos. 1-2068 and 1-2068Y
	)	
	)	CITY OF POCATELLO'S
	)	MOTION TO FILE POST-TRIAL BRIEF
	)	ONE DAY LATE
_____	)	

The City of Pocatello (City or Pocatello), by and through its counsel of record, Josephine P. Beeman of Beeman & Associates, P.C., hereby moves the Court to accept its post-trial brief as filed February 4, one day after the February 1 filing deadline.

Granting Pocatello's motion is warranted because no party will be prejudiced.

Counsel's office has contacted David Gehlert (for U.S. Bureau of Reclamation) and Michael Orr (for State of Idaho) regarding the one-day extension, and has been advised that the U.S. Bureau of Reclamation does not oppose the one-day extension and the State of Idaho reserves its right to object pending receipt of a copy of the request. The Motion is filed with Pocatello's Post-Trial Brief.

RESPECTFULLY SUBMITTED this 4th day of February 2013.

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

By 

Josephine P. Beeman

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 4th day of February 2013, I caused a true and correct copy of the foregoing document to be served on the following by U.S. Mail:

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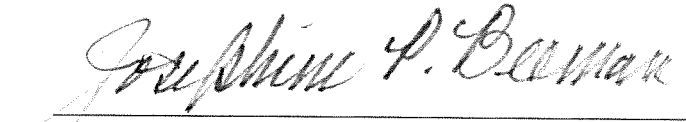
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	)	
_____	)	

The City of Pocatello (City or Pocatello), by and through its counsel of record, Josephine P. Beeman of Beeman & Associates, P.C., hereby files its post-trial brief for the trial held Monday, December 10, 2012.

**SRBA TRIAL PROCEEDINGS ARE SUBJECT TO THE LAW ESTABLISHED
BY EXISTING SRBA DISTRICT COURT DECISIONS**

The records related to Pocatello Exhibit 522 – United Water Idaho water right associated with municipal purpose of use under Reclamation water right 63-3614 – are appropriately part of the record in 1-2068 and 102068Y because 63-3614 has a municipal purpose of use already decreed in the SRBA.

POCATELLO'S CLAIM FOR 1-2068Y AND OBJECTION TO 1-2068 IS NOT SUBJECT TO ADMINISTRATION IN ORDER TO BE RECOGNIZED BY THE SRBA COURT

In the briefing in SRBA basin-wide issue 17, the State has provided extensive research on the following statements of law which support Pocatello's position that it is an error of law to require a specific uses of 1-2068 in order to recommend the purposes of use claimed by Pocatello:

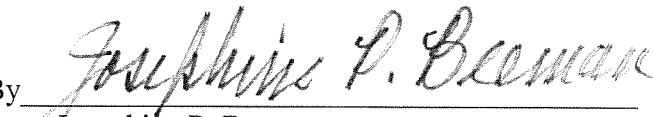
1. The Argument That A Storage Water Right Must Be Administered To Satisfy Its "Purpose Of Use" Is Contrary To The Idaho Code And Idaho Supreme Court Decisions.
2. The Argument That A Storage "Water Right Has A "Second Component" That Requires Administration Based On Diversions "Coupled With" Beneficial Use Conflicts With The Idaho Code And The Idaho Constitution.
3. Under the idaho code and idaho supreme court decisions, The distribution of stored water from a reservoir is not Natural flow administration and is not governed by the storage water right.
4. Under the idaho constitution, a right to a distribution of Stored water from a reservoir is distinct from an Appropriation to divert natural flow into a reservoir.

The State of Idaho's reply brief in basin wide 17, without attachments, is included with Pocatello's brief.

Pocatello will include additional legal citation in its reply brief.

Dated this 4th day of February 2013.

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

By 
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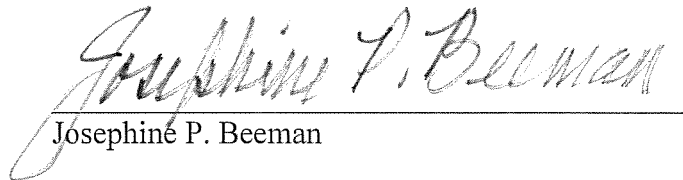
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