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DEPARTMENT OF
WATER RESOURCES

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BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF THE DISTRIBUTION OF WATER TO VARIOUS WATER RIGHTS HELD BY OR FOR THE BENEFIT OF A&B IRRIGATION DISTRICT, AMERICAN FALLS RESERVOIR DISTRICT #2, BURLEY IRRIGATION DISTRICT, MILNER IRRIGATION DISTRICT, MINIDOKA IRRIGATION DISTRICT, NORTH SIDE CANAL COMPANY, AND TWIN FALLS CANAL COMPANY	**IGWA'S RESPONSE TO POCATELLO'S MOTION FOR EXTENSION OF TIME AND IGWA'S SEPARATE MOTION FOR EXTENSION OF TIME**

Idaho Ground Water Appropriators, Inc. ("IGWA"), on behalf of its members, hereby responds to *City of Pocatello's Motion for Extension of Deadlines and to Reset Hearing* ("Pocatello's Motion"), and further moves the Director, Idaho Department of Water Resources ("Director") for a larger extension of deadlines as set forth below. The reasons for this response and, for IGWA's Motion, are as follows:

1. IGWA agrees with Pocatello that the deadlines for expert rebuttal reports and for completing discovery and other pre-hearing matters, such as expert depositions, the last day for discovery, and the hearing date, should be extended.

2. For several reasons, however, additional time is needed beyond the dates Pocatello suggests. IGWA proposes that the hearing be rescheduled to begin September 5, 2006 and that, with the exceptions set forth below, all other dates set out in the current pre-hearing schedule be reset to advance them ninety days (accommodating holidays and weekends, of course).

3. An exception to this extension should be the dates for responses and replies to pending dispositive motions and the motion in limine filed by the Surface Water Coalition ("SWC"). On April 28, 2006, IGWA and Pocatello, in compliance with the Director's February 10, 2006 Order Staying Proceedings and Amended Scheduling Order ("Scheduling Order"), timely filed their Joint Response to SWC's motion for summary judgment. SWC's reply on summary judgment is due May 5, 2006. These deadlines, with which IGWA and Pocatello have fully complied, should remain as set forth in the Scheduling Order. IGWA likewise timely filed its response to SWC's motion in limine concerning economist John Church's testimony, and the reply date for this motion should remain in place.

4. Additional time is needed for expert and potentially other witness depositions in this matter. Since January 2006, the parties engaged in concerted and good faith efforts to settle this matter. During this time, substantial time by both Pocatello's and IGWA's expert witnesses was devoted to evaluating various aspects of proposed settlement issues. Their ability to complete rebuttal reports, and to prepare for depositions, was significantly limited. More time is needed to complete these and related tasks. In addition, IGWA's hydrologic expert has other

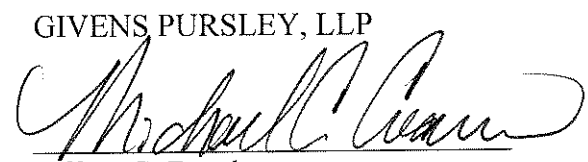
obligations during significant portions of July that will impair his ability to complete these tasks during that month. Postponing the hearing's start date to September 5, 2006 would accommodate these needs, and should not prejudice any party.

5. IGWA has discussed this proposed schedule with counsel for Pocatello, and believes that Pocatello would agree to it.

6. IGWA's proposed schedule would accommodate a final decision from the Director well before the 2007 irrigation season.

Respectfully submitted this 2nd day of May, 2006.

GIVENS PURSLEY, LLP



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CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of May 2006, I served a true and correct copy of the foregoing by delivering it to the following individuals by the method indicated below, addressed as stated.

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