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DEPARTMENT OF
WATER RESOURCES

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 SURFACE WATER COALITION'S REQUEST FOR AMENDED BRIEFING SCHEDULE**

Idaho Ground Water Appropriators, Inc. ("IGWA"), on behalf of its members, hereby responds to the Surface Water Coalition's ("SWC") Request for Amended Briefing Schedule ("SWC Request") filed with the Department on this date. IGWA has on this date also filed its Response to Pocatello's Motion for Extension of Deadlines ("Response to Extension Motion").

On Friday, April 28, 2006, in compliance with the Director's February 10, 2006 Order Staying Proceedings and Amended Scheduling Order ("Scheduling Order"), IGWA and

Pocatello timely filed their Joint Response to the SWC's Motion for Partial Summary Judgment ("Joint Summary Judgment Response").

In its Response to Extension Motion, IGWA stated, among other things, its position that the deadline for replies, if any, to the Joint Summary Judgment Response should not be amended or extended. IGWA restates its position here and opposes the SWC's request that the deadline for it to file any reply to the Joint Summary Judgment Response be extended for an additional fourteen days from the current May 5 deadline.

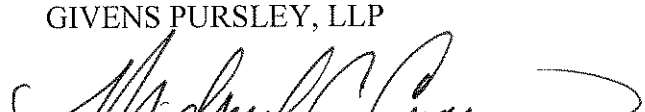
IGWA's counsel has reviewed the May 1, 2006 letter from Mr. Thompson to Mr. Rassier concerning their telephone conversation of April 27, 2006, and containing Mr. Thompson's representation that it was the SWC's intention that the stay imposed by the Director's Scheduling Order had been extended and the parties would not be held to any pending deadlines. For the record, IGWA was never informed by Mr. Thompson or anyone else representing the SWC of such "intention," nor had the issue of a continuing stay been agreed to by the parties. Had a continuing stay been agreed to prior to April 28th, which was the operative briefing deadline on SWC's Motion for Partial Summary Judgment, IGWA and Pocatello would not have gone to the trouble to draft and file their Joint Summary Judgment Response. Instead a stipulation for extension of the stay would have been appropriate.

SWC does not allege, nor can it, that it was not properly and timely served with the Joint Summary Judgment Response, as it was served on all parties by U.S. Mail on April 28, 2006 as provided by the Department's procedural rules.

SWC has no grounds to seek an extension of a deadline of which it has been aware for many weeks. SWC's Request for Amended Briefing Schedule should be denied.

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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