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DEPARTMENT OF
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BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF 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 HEARING ON DIRECTOR'S MAY 2, 2005 AMENDED ORDER	**SURFACE WATER COALITION'S REQUEST FOR AMENDED BRIEFING SCHEDULE / NOTICE OF INTENT TO RESPOND TO POCATELLO'S MOTION**

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 Company (collectively hereafter referred to as the "Surface Water Coalition" or "Coalition"), by and through counsel of record, hereby requests an amendment to the Hearing Officer's briefing schedule for the pending replies to be submitted by the Coalition in support of its *Motion for Partial Summary Judgment* and *Motion in Limine*.

REQUEST FOR ADDITIONAL TIME FOR REPLIES

The original briefing schedule on the Coalition's *Motion for Partial Summary Judgment* and *Motion in Limine* required responses to be filed on February 6, 2006. *See* January 24, 2006 *Order Setting Briefing Schedule*. Subsequently, the case was stayed and the deadline was extended for over three months to April 28, 2006. *See* February 10, 2006 *Order Staying Proceedings and Amended Scheduling Order*. IGWA and Pocatello filed a joint response to the Coalition's *Partial Summary Judgment* and IGWA filed a response to the Coalition's *Motion in Limine* on April 28, 2006. The Coalition just received the responses and accompanying documents yesterday. The Coalition requests a two week extension, until May 19, 2006, to file reply briefing to these responses. Since IGWA and Pocatello have benefited from the stay in preparing their response briefs, well over 90 days, it follows that the Coalition's request for an additional 14 days is reasonable under the circumstances. Moreover, due to Coalition's counsels' schedules this week, including a week long trial and an out of state hearing on another case, an extension is necessary and appropriate.

INTENT TO RESPOND TO MOTION / REQUEST FOR STATUS CONFERENCE

The Coalition hereby notifies the Hearing Officer of its intent to respond to Pocatello's *Motion for Extension of Deadlines*. Counsel for TFCC/NSCC and Milner, Travis Thompson,

spoke with Phil Rassier this afternoon and it is the Coalition's understanding that the Hearing Officer will be issuing an order regarding a schedule for responses to Pocatello's motion. The Coalition reserves the right to respond to Pocatello's motion and will do so pursuant to the forthcoming order. In addition, the Coalition requests a status conference on the motion and responses.

DATED this 2nd day of May, 2006.

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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 *Surface Water Coalition's Request for Amended Briefing Schedule / Notice of Intent to Respond to Pocatello's Motion* on the following by the method indicated:

Via Email and U.S. Mail

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