



Randall C. Budge (ISB #1949)  
Candice M. McHugh (ISB #5908)  
Thomas J. Budge (ISB #7465)  
RACINE OLSON NYE BUDGE &  
BAILEY, CHARTERED  
201 East Center Street  
Post Office Box 1391  
Pocatello, ID 83201  
(208) 232-6101 - Telephone  
(208) 232-6109 - Facsimile

*Attorneys for Idaho Ground Water Appropriators, Inc., North Snake Ground Water District, and Magic Valley Ground Water District*

**IN THE SUPREME COURT OF THE STATE OF IDAHO**

CLEAR SPRINGS FOODS, INC.,  
Petitioner/Respondent,

v.

BLUE LAKES TROUT FARM, INC.,  
Cross-Petitioner/Respondent,

v.

IDAHO GROUND WATER APPROPRIATORS,  
INC., NORTH SNAKE GROUND  
WATER DISTRICT, and MAGIC VALLEY  
GROUND WATER DISTRICT,  
Cross-Petitioners/Appellants,

v.

IDAHO DAIRYMEN'S ASSOCIATION, INC.,  
Cross-Petitioner/Respondent,

v.

RANGEN, INC.,  
Cross-Petitioner/Respondent,

v.

Supreme Court No.: 37308-2010

**APPELLANT'S MOTION FOR  
EXTENSION OF TIME FOR FILING  
OPENING BRIEF**

GARY SPACKMAN., in his capacity as Director of the Idaho Department of Water Resources; and the IDAHO DEPARTMENT OF WATER RESOURCES, Respondents/Respondents.

IN THE MATTER OF DISTRIBUTION OF WATER TO WATER RIGHT NOS. 36-02356A, 36-07210, AND 36-07427 t(Blue Lakes Delivery Call)

IN THE MATTER OF DISTRIBUTION OF WATER TO WATER RIGHT NOS. 36-04013A, 36-04013B, AND 36-07148 (Clear Springs Delivery Call)

COME NOW IDAHO GROUND WATER APPROPRIATORS, INC., MAGIC VALLEY GROUND WATER DISTRICT, and NORTH SNAKE GROUND WATER DISTRICT (collectively, the "Ground Water Users") and respectively move the Court pursuant to Idaho Appellate Rules 34(e) and 46 for an order granting an extension of time of 30 days for the Ground Water Users to file their opening brief. The grounds for this Motion are as follows:

1. On April 1, 2010, the Ground Water Users are the appellants in this action and filed, *Appellant's Motion to File Brief in Excess of Fifty Pages* which has not yet been acted upon.


2. The Ground Water Users' Opening Brief is due May 4, 2010, and without knowing whether *Appellant's Motion to File Brief in Excess of Fifty Pages* is granted, completing the brief properly is not possible.

3. No prior extensions have been requested.

This Motion is further supported by the *Affidavit of Counsel* filed herewith. Based on the foregoing and the supporting affidavit of counsel, the Ground Water Users request an order extending the opening brief deadline to June 4, 2010.

DATED this 26<sup>th</sup> day of April, 2010.

RACINE, OLSON, NYE, BUDGE  
& BAILEY, CHARTERED



---

Randall C. Budge  
Candice M. McHugh  
Thomas J. Budge

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of April, 2010, the above and foregoing document was served in the following manner:

Idaho Supreme Court  
Clerk of the Courts  
PO Box 83720  
451 W State St  
Boise, ID 83720

- U.S. Mail/Postage Prepaid
- Facsimile
- Overnight Mail
- Hand Delivery

Daniel V. Steenson  
Charles L. Honsinger  
Ringert Clark  
P.O. Box 2773  
Boise, Idaho 83701-2773  
[dan@ringertclark.com](mailto:dan@ringertclark.com)  
[clh@ringertclark.com](mailto:clh@ringertclark.com)

- U.S. Mail/Postage Prepaid
- Facsimile
- Overnight Mail
- Hand Delivery
- E-Mail

Garrick Baxter  
Chris Bromley  
Idaho Department of Water Resources  
P.O. Box 83720  
Boise, Idaho 83720-0098  
[garrick.baxter@idwr.idaho.gov](mailto:garrick.baxter@idwr.idaho.gov)  
[chris.bromley@idwr.idaho.gov](mailto:chris.bromley@idwr.idaho.gov)

- U.S. Mail/Postage Prepaid
- Facsimile
- Overnight Mail
- Hand Delivery
- E-Mail

Jeff Fereday  
Mike Creamer  
Givens, Pursley  
P.O. Box 2720  
Boise, Idaho 83701-2720  
[jcf@givenspursley.com](mailto:jcf@givenspursley.com)  
[mcc@givenspursley.com](mailto:mcc@givenspursley.com)

- U.S. Mail/Postage Prepaid
- Facsimile
- Overnight Mail
- Hand Delivery
- E-Mail

J. Justin May  
May, Sudweeks & Browning  
P.O. Box 6091  
Boise, Idaho 83707  
[jmay@may-law.com](mailto:jmay@may-law.com)

- U.S. Mail/Postage Prepaid
- Facsimile
- Overnight Mail
- Hand Delivery
- E-Mail

John Simpson  
Travis L. Thompson  
Barker Rosholt  
P.O. Box 2139  
Boise, Idaho 83701-2139  
[jks@idahowaters.com](mailto:jks@idahowaters.com)  
[tlr@idahowaters.com](mailto:tlr@idahowaters.com)

- U.S. Mail/Postage Prepaid
- Facsimile
- Overnight Mail
- Hand Delivery
- E-Mail

  
CANDICE M. McHUGH