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

IDAHO GROUND WATER APPROPRIATORS, INC.,	)	CASE NO. 37308-2010
NORTH SNAKE GROUND WATER DISTRICT, and	)	
MAGIC VALLEY GROUND WATER DISTRICT,	)	
	)	<b>CROSS-APPELLANTS/</b>
Appellants/Cross-	)	<b>RESPONDENTS' JOINT</b>
Respondents,	)	<b>MOTION FOR EXTENSION</b>
	)	<b>OF TIME FOR FILING</b>
vs.	)	<b>BRIEFS</b>
	)	
CLEAR SPRINGS FOODS, INC., and BLUE LAKES	)	
TROUT FARM, INC.,	)	
	)	
Cross-	)	
Appellants/Respondents,	)	
	)	
vs.	)	
	)	
GARY SPACKMAN, in his capacity as Interim Director	)	
of the Idaho Department of Water Resources, and THE	)	

IDAHO DEPARTMENT OF WATER RESOURCES, )  
 )  
 Respondents/Cross- )  
 Respondents. )  
 )  
 vs. )  
 )  
 IDAHO DAIRYMEN’S ASSOCIATION, INC. and )  
 RANGEN, INC., )  
 )  
 Intervenor )  
 )

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IN THE MATTER OF DISTRIBUTION OF WATER )  
 TO WATER RIGHTS NOS. 36-0413A, 36-04013B, )  
 AND 36-07148. )

(Clear Springs Delivery Call) )

IN THE MATTER OF DISTRIBUTION OF WATER TO )  
 WATER RIGHT NOS. 36-02356A, 36-07210, AND 36- )  
 07427. )

(Blue Lakes Delivery Call) )

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**COME NOW**, Clear Springs Foods, Inc. and Blue Lakes Trout Farm, Inc. (collectively referred to as the “Cross Appellants/Respondents”), by and through their attorneys of record, and hereby jointly move this Court for an Order extending the deadline for filing the Cross-Appellants/Respondents’ briefs to July 16, 2010. This motion is made pursuant to Idaho Appellate Rules 34(e) and 46.

Presently pending before the Court is an appeal of the Gooding County District Court’s June 19, 2009 *Order of Petition for Judicial Review* and subsequent *Order on Petitions for Rehearing*. The Appellants submitted their Opening Brief on June 7, 2010, after the Court had previously granted an extension of their filing deadline. *See Order Granting Extension of Time* (Apr. 26, 2010). On June 7, 2010, the Court issued its *Appellant/Cross-Respondent Brief File*,

notifying the parties that the Appellants Opening Brief was filed on June 7, 2010 and that the Spring Users' briefs must be "filed in this office or postmarked by 07-06-10."

Appellate Rule 34(e) allows the Court to extend the deadline for filing a brief and requires that the request contain the following information:

1. *Current Deadline:* The Cross-Appellants/Respondents' briefs are presently due on July 6, 2010.

2. *Previous Extensions:* There have been no previous extensions of the deadline for filings the Cross-Appellants/Respondents briefs. As stated above, the Appellants sought, and were granted, an extension of the deadline for filing their Opening Brief from May 4, 2010 to June 4, 2010.

3. *Court's Actions on Previous Extension Requests:* There have been no prior requests for an extension of the deadline for the filing of the Cross-Appellants/Respondents briefs. The Court previously granted the Appellants' request for an extension.

4. *Reasons for Extension:* With the filing of the Appellants' Opening Brief on June 7, 2010, the deadline for filing the Cross-Appellants' and Respondents' briefs fell on July 6, 2010. However, prior commitments of counsel for the Cross-Appellants/Respondents will prevent them from being able to file on that day. Counsel have commitments both the week prior to and week of the July 6, 2010 deadline. During the week prior to the July 6, 2010 deadline, Clear Springs' counsel will be participating in an administrative hearing and has family commitments later that week. The week of July 6, 2010, counsel for Blue Lakes will be out of the office on family commitments. Due to these prior commitments, the Cross-Appellants/Respondents' counsel will not be able to submit their briefs on the July 6, 2010 deadline.

5. *Length of Desired Extension:* The Cross-Appellants/Respondents request an extension of ten (10) days, making the new deadline July 16, 2010. The Court previously granted an extension of thirty one (31) days for the Appellants' Opening Brief.

6. *Stipulation:* Counsel for Clear Springs has discussed the requested extension with counsel for the Appellants and Respondents, and they both indicated that they would stipulate to the extension.

7. *Position of Other Parties:* Counsel for Clear Springs has discussed this extension with counsel for the Appellants and the Respondents, and they both indicated that they would accept the proposed extension.

8. *Assurances that the Brief will be File on the New Deadline:* The Cross-Appellants/Respondents do not foresee any reason why they will not be able to file their briefs on or before July 16, 2010.

The Cross-Appellants/Respondents did not oppose the extension of the deadline for the Appellants' Opening Brief. However, extending the deadline has resulted in a new deadline for the filing of the Cross-Appellants/Respondents' briefs that conflicts with prior commitments. Accordingly, good cause exists for the Court to grant an extension of the deadline for filing the Cross-Appellants/Respondents' briefs.

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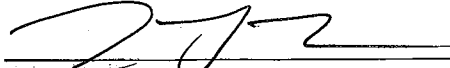
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RESPECTFULLY submitted, this 16<sup>th</sup> day of June, 2010.

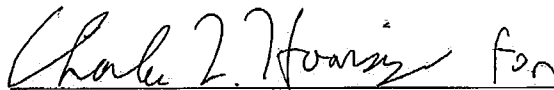
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 17<sup>th</sup> day of June, 2010, I served true and correct copies of the foregoing, **CROSS-APPELLANTS/RESPONDENTS' JOINT MOTION FOR EXTENSION OF TIME FOR FILING BRIEFS**, upon the following by the method indicated:

Idaho Supreme Court  
Clerk of the Courts  
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