

IN THE SUPREME COURT OF THE STATE OF IDAHO

IN THE MATTER OF DISTRIBUTION OF)
WATER TO WATER RIGHT NOS. 36-04013A)
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))
)

Supreme Court Docket
No. 37308-2010

CLEAR SPRINGS FOODS, INC.,)

Petitioner-Respondents-Cross Appellant,)

v.)

BLUE LAKES TROUT FARM, INC.,)

Cross-Petitioner-Respondent-Cross)
Appellant,)

v.)

IDAHO GROUND WATER APPROPRIATORS,)
INC., NORTH SNAKE GROUND WATER)
DISTRICT, and MAGIC VALLEY GROUND)
WATER DISTRICT,)

Cross-Petitioners-Appellants-Cross)
Respondents)

v.)

GARY SPACKMAN, in his official capacity as)
Interim Director of the Idaho Department of Water)
Resources; and IDAHO DEPARTMENT OF)
WATER RESOURCES,)

Respondents-Respondents on Appeal-Cross)
Respondents.)

**IDWR RESPONDENTS'
MOTION TO FILE BRIEF
IN EXCESS OF FIFTY (50)
PAGES BUT NOT TO EXCEED
SIXTY (60) PAGES**

IDAHO DAIRYMEN’S ASSOCIATION, INC.,)
and RANGEN, INC.,)
)
Intervenors-Respondents-Cross)
Respondents.)
_____)

COME NOW, Gary Spackman, Interim Director, and the Idaho Department of Water Resources (“IDWR”), and respectfully move this Court, pursuant to Idaho Appellate Rule 34(b), for an order allowing IDWR to file a brief in excess of fifty pages, but not to exceed sixty (60) pages. IDWR does not seek a filing extension for briefing. While the briefing schedule is currently suspended, IDWR is prepared to file its respondent’s brief on July 16, 2010.

STATEMENT IN SUPPORT OF MOTION

On April 1, 2010, counsel for the Ground Water Users filed a *Motion to File Brief in Excess of Fifty (50) Pages*. The Ground Water Users explained that “this appeal involves numerous issues of first impression . . . [and that] [w]ithout an extension of the briefing page limit, the Ground Water Users are concerned the Court will not receive a sufficient explanation of relevant facts and history to properly inform its decision.” *Id.* at 2-3. Particularly, the Ground Water Users stated a need for additional pages to fully brief “the monumental Swan Falls Agreement” *Id.* at 3. On April 30, 2010, the Court granted the Ground Water Users’ request to file a brief not to exceed seventy-five (75) pages.

IDWR Respondents find themselves in a similar position. Due to the nature and breadth of the Ground Water Users’ Opening Brief, IDWR cannot fully respond without a ten (10) page extension.

IDWR therefore respectfully requests that the page limit for its brief be increased to sixty

(60) pages.

RESPECTFULLY SUBMITTED this 8th day of July, 2010.

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CLIVE J. STRONG
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CHRIS M. BROMLEY
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Idaho Department of Water Resources

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am a duly licensed attorney in the state of Idaho, employed by the Attorney General of the state of Idaho and residing in Boise, Idaho; and that I served a true and correct copy of the following described document on the persons listed below by electronic mail and by mailing in the United States mail, first class, with the correct postage affixed thereto on this 8th day of July, 2010.

Document Served: **IDWR Respondents' Motion to File Brief in Excess of Fifty (50) Pages But Not to Exceed Sixty (60) Pages**

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