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Attorneys for the Respondent

IN THE SUPREME COURT OF THE STATE OF IDAHO

JEFFREY AND CHANA DUFFIN, husband
and wife,

Appellants-Petitioners,

v.

THE IDAHO DEPARTMENT OF WATER
RESOURCES,

Appellee-Respondent,

v.

A&B IRRIGATION DISTRICT, BURLEY
IRRIGATION DISTRICT, MILNER
IRRIGATION DISTRICT, AMERICAN
FALLS RESERVOIR DISTRICT NO. 2,
MINIDOKA IRRIGATION DISTRICT,
NORTH SIDE CANAL COMPANY, AND
TWIN FALLS CANAL COMPANY,

Intervenors.

Supreme Court No. 48769-2021

Bingham County District Court
Case No. CV06-20-1467

**MOTION FOR EXTENSION OF TIME
FOR FILING OF RESPONDENT'S AND
INTERVENORS' BRIEFS**

IN THE MATTER OF APPLICATION FOR
TRANSFER NO. 83160 IN THE NAME OF
JEFFREY AND CHANA DUFFIN

RESPONDENT, the Idaho Department of Water Resources (“Department”) by and through its attorneys and pursuant to Rules 34(d) and 46 of the Idaho Appellate Rules, hereby moves this Court to extend by fourteen (14) days the time for filing of the Department’s and the Intervenor’s briefs in this appeal, so that the briefs must be filed no later than September 21, 2021. For the reasons discussed below and in the accompanying affidavit of counsel, there is good cause for granting this motion.

Appellants filed their opening brief in this appeal on August 10, 2021, as required by this Court. This Court therefore ordered the Respondent’s brief to be filed twenty-eight (28) days later, on September 7, 2021. I.A.R. 34(c). Due to circumstances beyond Respondent’s control, however, counsel for Respondent has only fourteen days to prepare the Respondent’s brief, rather than the twenty-eight days contemplated by I.A.R. 34(c) and this Court’s scheduling order. *See generally Affidavit of Michael C. Orr in Support of Motion for Extension of Time for Filing of Respondent’s and Intervenor’s Briefs* (filed herewith).

Counsel for the Department therefore contacted counsel for the other parties via email to request an extension of fourteen (14) days for the filing the Department’s brief, to September 21, 2021. Counsel consented such an extension, provided that the extension also applies to the due date for the filing of the Intervenor’s briefs. *Id.*

Extending the time for filing of the Department’s and Intervenor’s briefs by fourteen (14) days, to September 21, 2021, will not unduly delay the proceedings in this appeal or prejudice any party. Respondent submits there is good cause to grant this motion, and respectfully requests that this Court extend the time for filing of the Respondent’s and Intervenor’s briefs in this appeal by

fourteen (14) days, to September 21, 2021.

This motion is based upon the affidavit of counsel for the Department filed herewith.

RESPECTFULLY SUBMITTED this 23RD day of August, 2021.

LAWRENCE G. WASDEN
Attorney General

DARRELL G. EARLY
Deputy Attorney General
Chief, Natural Resources Division



MICHAEL C. ORR
Deputy Attorney General

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of August, 2021, I caused to be served true and correct copies of the foregoing on the persons listed below by the indicated methods:

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MICHAEL C. ORR