

John K. Simpson, ISB #4242
Travis L. Thompson, ISB #6168
Sarah W. Higer, ISB #8012
Michael A. Short, ISB #10554
BARKER ROSHOLT & SIMPSON LLP
163 Second Avenue West
P.O. Box 63
Twin Falls, Idaho 83303-0063
Telephone: (208) 733-0700
Facsimile: (208) 735-2444

*Attorneys for A&B Irrigation District, Burley
Irrigation District, Milner Irrigation District,
North Side Canal Company, Twin Falls Canal
Company*

W. Kent Fletcher, ISB #2248
FLETCHER LAW OFFICE
P.O. Box 248
Burley, Idaho 83318
Telephone: (208) 678-3250
Facsimile: (208) 878-2548

*Attorney for American Falls Reservoir
District #2 and Minidoka Irrigation District*

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

**JEFFREY and CHANA DUFFIN, husband
and wife;**

Petitioners-Appellants,

vs.

**IDAHO DEPARTMENT OF WATER
RESOURCES,**

Respondent-Respondent,

and

**A&B IRRIGATION DISTRICT, BURLEY
IRRIGATION DISTRICT, MILNER
IRRIGATION DISTRICT, NORTH SIDE
CANAL COMPANY, TWIN FALLS CANAL
COMPANY, AMERICAN FALLS
RESERVOIR DISTRICT #2, and
MINIDOKA IRRIGATION DISTRICT,**

Intervenors-Respondents.

Supreme Court No. 48769-2021

**Bingham County Case No. CV06-20-
1467**

**INTERVENORS' MOTION FOR
EXTENSION OF TIME FOR FILING
OF BRIEF**

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

**TO: THE ABOVE NAMED PARTIES AND COUNSEL OF RECORD, AND THE
CLERK OF THE SUPREME COURT OF THE STATE OF IDAHO.**

INTERVENORS, A&B Irrigation District, Burley Irrigation District, Milner Irrigation District, North Side Canal Company, Twin Falls Canal Company, American Falls Reservoir #2, and Minidoka Irrigation District (“Intervenors,” Surface Water Coalition,” or “SWC”), by and through its attorneys of record, Barker Rosholt and Simpson LLP and Fletcher Law Office, hereby moves this Court to extend, by fourteen (14) days, the time for filing of Intervenors’ briefs in this appeal, so that the briefs must be filed no late than September 21, 2021. For the reasons discussed below and in the accompanying declaration of counsel, there is good cause of 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 Intervenors’ brief to be filed twenty-eight (28) days later, on September 7, 2021. I.A.R. 34(c). Due to scheduling conflicts and other matters beyond Intervenors’ control, counsel for Intervenors requires additional time to sufficiently and adequately complete its appellate brief in this appeal. *See generally Declaration of Counsel in Support of Motion for Extension of Time for Filing Brief* (filed concomitantly).

Respondent, Idaho Department of Water Resources (“Department”), contacted counsel of all parties to discuss a two-week extension to file its brief. *Id.* Counsel for all parties consented to the two-week extension, provided that the extension also applied to the due date to file Intervenors’ brief. *Id.* On August 23, 2021, the Department submitted its *Motion for Extension of Time for Filing Respondent’s and Intervenors’ Briefs*, as well as an accompanying affidavit. On

August 24, 2021, Department's motion was granted only as to the Department, while no extension was granted to Intervenors. *Id.*

Extending the time for filing of Intervenors' brief by fourteen (14) days, to September 21, 2021, will not unduly delay the proceedings in this appeal, nor prejudice any party. All parties have consented to this extension. Intervenors submit there is good cause to grant this motion, and respectfully requests this Court extend the time for filing of Intervenors' brief in this appeal to align with the briefing deadline for the Department, i.e., by fourteen (14) days, to September 21, 2021.

This motion is supported by the declaration of Intervenors' counsel, filed concomitantly.

RESPECTFULLY SUBMITTED this 24th day of August, 2021.

BARKER ROSHOLT & SIMPSON LLP

FLETCHER LAW OFFICE

 /s/ Michael A. Short
John K. Simpson
Travis L. Thompson
Sarah W. Higer
Michael A. Short

 /s/ W. Kent Fletcher
W. Kent Fletcher

*Attorneys for American Falls Reservoir
District #2 and Minidoka Irrigation District*

*Attorneys for A&B Irrigation District, Burley
Irrigation District, Milner Irrigation District,
North Side Canal Company, Twin Falls Canal
Company*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 24th day of August, 2021, I served true and correct copies of the foregoing upon the following by the method indicated:

Idaho Supreme Court
Clerk of the Court of Appeals
P.O. Box 83720
Boise, ID 83720-0101

U. S. Mail
 Hand Delivered
 Overnight Mail
 iCourt
 E-mail

Snake River Basin Adjudication
Clerk of the Court
P.O. Box 2707
Twin Falls, Idaho 83303-2707

U. S. Mail
 Hand Delivered
 Overnight Mail
 iCourt
 E-mail

Director Gary Spackman
Idaho Department of Water Resources
PO Box 83720
Boise, ID 83720-0098
gary.spackman@idwr.idaho.gov

U. S. Mail
 Hand Delivered
 Overnight Mail
 iCourt
 E-mail

Garrick Baxter
Michael C. Orr
Shantel Chapple Knowlton
Idaho Attorney General’s Office
PO Box 83720
Boise, ID 83720-4800
garrick.baxter@idwr.idaho.gov
michael.orr@ag.idaho.gov
shantel.knowlton@ag.idaho.gov

U. S. Mail
 Hand Delivered
 Overnight Mail
 iCourt
 E-mail

Robert L. Harris
D. Andrew Rawlings
**HOLDEN, KIDWELL, HAHN & CRAPO,
P.L.L.C.**
P.O. Box 50130
Idaho Falls, Idaho 83405
rharris@holdenlegal.com
lmarchant@holdenlegal.com

U. S. Mail
 Hand Delivered
 Overnight Mail
 iCourt
 E-mail

_____/s/ Jessica Nielsen
Jessica Nielsen