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Attorneys for Jeffrey and Chana Duffin

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,

Respondent,

v.

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

Intervenors.

Supreme Court Case No. 48769-2021

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

**DECLARATION IN SUPPORT OF
MOTION FOR EXTENSION OF TIME
FOR FILING APPELLANTS' REPLY
BRIEF**

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

I, Robert L. Harris, state that the following is made on my personal knowledge, and that I would so testify in open court if called upon to do so.

1. I am over the age of eighteen (18) and am competent to testify to the matters contained herein.
2. I am a member of Holden, Kidwell, Hahn & Crapo, P.L.L.C. (“HKHC”), representing Jeffrey and Chana Duffin, the appellants in this matter.
3. The appellants’ reply brief is currently due no later than October 12, 2021.
4. The appellants have not previously requested an extension of time in this appeal to file a brief.
5. The original schedule for submission of briefs, where Appellants’ reply brief would have been due on or before September 28, 2021, was before counsel for Appellants intended to take time off to assist family. The Respondent and Intervenors requested an extension of time for an additional fourteen (14) days to file their response briefs, without objection from Appellants, which this court granted, the result of which is that their response brief was due on or before September 21, 2021. These response briefs were timely filed on September 21, 2021, thereby making Appellant’s reply brief due twenty-one (21) days later, on or before October 12, 2021 under Rule 34(c) of the Idaho Appellate Rules.
6. Even with the change in due date to October 12, 2021, counsel believed he could meet that deadline. However, given a change in circumstances where counsel needs to assist family

during potato harvest, counsel for Appellants does not believe he can reasonably meet that deadline.

7. Counsel for Appellants has contacted counsel for Respondent and Intervenors by email requesting a fourteen (14) day extension for filing the reply brief, and such counsel have responded that they have no objection to the extension request.
8. Accordingly, the appellants request that the date for filing appellants' reply brief be extended by fourteen (14) days to October 26, 2021.
9. Given the circumstances, the proposed extension of the filing date of the reply brief provides sufficient time for me to prepare the reply brief in this appeal.

I certify (or declare) under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct. Idaho R. Civ. P. 2.7; Idaho Code § 9-1406.

October 5, 2021



Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of October, 2021, I served a true and correct copy of the following described pleading or document on the attorneys and/or individuals listed below by the method indicated.

Document Served: DECLARATION IN SUPPORT OF MOTION FOR EXTENSION OF TIME FOR FILING OF APPELLANTS’ REPLY BRIEF

Attorneys and/or Individuals Served:

<p>Garrick L Baxter Michael C. Orr Deputy Attorney General IDAHO DEPARTMENT OF WATER RESOURCES P. O. Box 83720 Boise, ID 83720-0098 Email: Garrick.Baxter@idwr.idaho.gov Michael.orr@ag.idaho.gov</p>	<p><input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input type="checkbox"/> FedEx Delivery <input checked="" type="checkbox"/> iCourt</p>
<p>A&B Irrigation District Burley Irrigation District Milner Irrigation District North Side Canal Company Twin Falls Canal Company</p> <p>Represented by: John K. Simpson and Sarah W. Higer BARKER ROSHOLT & SIMPSON LLP P. O. Box 2139 Boise, ID 83701-2139 Email: jks@idahowaters.com swh@idahowaters.com</p>	<p><input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input type="checkbox"/> FedEx Delivery <input checked="" type="checkbox"/> iCourt</p>
<p>A&B Irrigation District Burley Irrigation District Milner Irrigation District North Side Canal Company Twin Falls Canal Company</p> <p>Represented by: Travis L. Thompson BARKER ROSHOLT & SIMPSON LLP P. O. Box 63</p>	<p><input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input type="checkbox"/> FedEx Delivery <input checked="" type="checkbox"/> iCourt</p>

Twin Falls, ID 83303-0063 Email: flt@idahowaters.com	
American Falls Reservoir Minidoka Irrigation District Represented by: W. Kent Fletcher FLETCHER LAW OFFICE P. O. Box 248 Burley, ID 83318-0248 wkf@pmt.org	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input type="checkbox"/> FedEx Delivery <input checked="" type="checkbox"/> iCourt



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