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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

**MOTION FOR EXTENSION OF TIME
FOR FILING OF APPELLANTS'
REPLY BRIEF**

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

Appellants, Jeffrey and Chana Duffin (the “Appellants”), by and through their counsel of record, Holden, Kidwell, Hahn & Crapo, P.L.L.C., 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 Appellants’ reply brief in this appeal, so that the reply brief must be filed no later than October 26, 2021. For the reasons set forth below and in the accompanying declaration, there is good cause for granting this motion.

Appellants filed their opening brief in this appeal on August 10, 2021, as required under the Idaho Appellate Rules. Based on this filing, the Respondent’s (the Idaho Department of Water Resources) and Intervenors’ (the Surface Water Coalition) response briefs were originally due twenty-eight (28) days thereafter on September 7, 2021. 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.

The original schedule, 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. Even with the change in due date to October 12, 2021, counsel believed he could meet that deadline. However, given a change in circumstances, counsel does not believe he can meet that

deadline. See generally *Declaration of Robert L. Harris in Support of Motion for Extension of Time for Filing Appellants' Reply Brief*. Counsel for Appellants has contacted counsel for Respondent and Intervenors requesting a fourteen (14) day extension for filing the reply brief, and such counsel have no objection to the extension request.

Extending the time for filing of the reply brief by fourteen (14) days, to October 26, 2021, will not unduly delay the proceedings in this appeal, or prejudice any party. Appellants submit there is good cause to the grant this motion, and request that this Court extend the time for filing of Appellants' reply brief in this appeal by fourteen (14) days, to October 26, 2021.

RESPECTFULLY SUBMITTED this 5th day of October, 2021.



Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.
Attorneys for the Appellants

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: 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>
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