

Albert P. Barker, ISB No. 2867
Travis L. Thompson, ISB No. 6168
Michael A. Short, ISB No. 10554
BARKER ROSHOLT & SIMPSON LLP
1010 W. Jefferson St., Ste. 102
P.O. Box 2139
Boise, ID 83701-2139
Telephone: (208) 336-0700
Facsimile: (208) 344-6034
Attorneys for Cross Appellant South Valley Ground Water District

James R. Laski, ISB No. 5429
Heather E. O’Leary, ISB No. 8693
LAWSON LASKI CLARK, PLLC
675 Sun Valley Road, Suite A
P.O. Box 3310
Ketchum, Idaho 83340
Telephone 208.725.0055
Facsimile 208.725.0076
Attorneys for Cross Appellant Galena Ground Water District

IN THE SUPREME COURT OF THE STATE OF IDAHO

SOUTH VALLEY GROUND WATER
DISTRICT and GALENA GROUND
WATER DISTRICT,

Petitioners-Respondents-Cross
Appellants,

vs.

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

Respondents-Appellants-Cross
Respondents,

and

SUN VALLEY COMPANY, CITY OF
BELLEVUE, BIG WOOD CANAL

Supreme Court Docket No. 49632-2022

**RESPONDENTS’ AND
CROSS-APPELLANTS’
MOTION FOR LEAVE TO FILE
OVERLENGTH BRIEF**

COMPANY, BIG WOOD & LITTLE
WOOD WATER USERS ASSOCIATION,
CITY OF POCA TELLO, CITY OF
KETCHUM, and CITY OF HAILEY,

Intervenors-Respondents.

COME NOW, the Respondents and Cross-Appellants, SOUTH VALLEY GROUND WATER DISTRICT, by and through counsel of record, BARKER ROSHOLT & SIMPSON LLP and GALENA GROUND WATER DISTRICT, by and through counsel of record, LAWSON LASKI CLARK, PLLC (collectively “Districts”), pursuant to Idaho Appellate Rule 34(b), and hereby respectfully move this court for leave to file a single combined response and cross appeal opening brief in excess of the fifty (50) page limitation imposed by Idaho Appellate Rule 34(b).

Districts’ counsel has endeavored to keep the combined brief within the rule’s prescribed page limit. However, as the case concerns a lengthy historical background, including certain complex legal issues that need to be fully addressed in context, and, along with a review of an extensive agency record, the legal analysis and citations have resulted in an overlength combined brief. Counsel expects that the final combined brief will be between 55-60 pages in length.

For the sake of clarity throughout the Districts’ cross-appeal argument and response arguments to the Department’s opening brief, the Districts have endeavored to meet the page limit within a single brief. Additionally, this Court’s scheduling order provides for the Districts to file two separate briefs—one cross-appellants opening brief, and another respondent’s response brief. *Order Granting Stipulated Joint Motion to Modify Briefing Schedule* at 1, No. 49632-2022 (Idaho Sup. Ct. June 29, 2022) (On September 16, 2022, the Districts will submit “(a) Response to the Department’s Opening Brief and (b) Cross-Appeal Opening Brief”).

Instead of filing two briefs (each with 50-page limits), in the interests of judicial economy and conciseness, the Districts have chosen to combine their respondents' brief and cross-appellants' brief. *See* I.A.R 34(c) (the rules provide for two briefs while permissively allowing for a combined brief, "the respondent's and cross-appellant's brief which may be joined in one brief") (emphasis added). In that light, the Districts believe their request for an overlength brief of 55-60 pages is both reasonable and efficient.

Therefore, the Districts respectfully request that they be allowed to file a brief in excess of the appellate rule pages limit, but not to exceed 60 pages.

RESPECTFULLY SUBMITTED this 20th day of September, 2021.

BARKER ROSHOLT & SIMPSON LLP

/s/ Travis L. Thompson
Travis L. Thompson

*Attorneys for Respondent-Cross Appellant South
Valley Ground Water District*

LAWSON LASKI CLARK PLLC

/s/ Heather E. O'Leary
Heather E. O'Leary

*Attorneys for Respondent-Cross Appellant Galena
Ground Water District*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of September 2022, the foregoing was filed electronically using the Court's e-file system, and upon such filing the following parties were served electronically.

Garrick L. Baxter Mark Cecchini-Beaver IDAHO DEPARTMENT OF WATER RESOURCES garrick.baxter@idwr.idaho.gov mark.cecchini-beaver@idwr.idaho.gov	James R. Laski Heather O'Leary LAWSON LASKI CLARK PLLC jrl@lawsonlaski.com heo@lawsonlaski.com efiling@lawsonlaski.com
Candice McHugh Chris Bromley MCHUGH BROMLEY, PLLC cmchugh@mchughbromley.com cbromley@mchughbromley.com	W. Kent Fletcher FLETCHER LAW OFFICE wkf@pmt.org
Sarah A. Klahn SOMACH SIMMONS & DUNN sklahn@somachlaw.com	Joseph F. James JAMES LAW OFFICE, PLLC efile@jamesmvlaw.com
Jerry R. Rigby Chase Hendricks RIGBY THATCHER jrigby@rex-law.com chendricks@rex-law.com	Michael Lawrence GIVENS PURSLEY mpl@givenspursley.com
Brian O'Bannon Matthew Johnson WHITE PETERSON icourt@whitepeterson.com	

/s/ Travis L. Thompson
Travis L. Thompson