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DEPARTMENT OF
WATER RESOURCES

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Attorneys for A&B Irrigation District

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF DISTRIBUTION OF
WATER TO VARIOUS WATER RIGHTS
HELD BY OR FOR THE BENEFIT OF
A&B IRRIGATION DISTRICT,
AMERICAN FALLS RESERVOIR
DISTRICT #2, BURLEY IRRIGATION
DISTRICT, MILNER IRRIGATION
DISTRICT, MINIDOKA IRRIGATION
DISTRICT, NORTH SIDE CANAL
COMPANY, AND TWIN FALLS CANAL
COMPANY

Docket No. CM-DC-2010-001

**A&B IRRIGATION DISTRICT'S
UNOPPOSED MOTION TO AMEND
DEADLINES FOR REBUTTAL
EXPERT REPORTS / DEPOSITIONS**

**PARTIAL UNOPPOSED MOTION TO
MODIFY RESPONSE DEADLINE TO
PENDING MOTIONS FILED BY
IGWA AND AMERICAN FALLS-
ABERDEEN GROUND WATER
DISTRICT**

COMES NOW, A&B IRRIGATION DISTRICT, by and through counsel of record, and pursuant to the Department's Rules of Procedure (IDAPA 37.01.01 et seq.) and the previous *Scheduling Order* (Oct. 7, 2025), and hereby moves the Hearing Officer to amend certain deadlines in this case as set forth below. This motion contains two parts: 1) related to the rebuttal expert report and deposition deadline; and 2) related to the motions filed by IGWA and American Falls-Aberdeen (AFA) Ground Water District on November 18, 2025.

Rebuttal Expert Reports / Depositions

In order to accommodate schedules for counsel and the parties' experts, A&B requests the Hearing Officer to amend the deadlines as follows:

Rebuttal Expert Reports	December 19, 2025
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Deposition Deadline	January 9, 2026
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Counsel for A&B has contacted counsel for AFA, IGWA, the Coalition of Cities, and Bonneville-Jefferson Ground Water District. All counsel do not oppose the request and have communicated their support for moving the deadlines as set forth above.

IGWA Motion / AFA Motion

IGWA filed a *Motion for Summary Judgment* and AFA filed a *Motion for Reconsideration et al.* on November 18, 2025. Pursuant to the Department's rules, any responses to these motions would be due within 14 days, or on Tuesday December 2, 2025. *See* Rule 220.02.b. A&B seeks to extend the deadline for a response to these motions on the following grounds based upon its counsel's schedule and upcoming conflicts.

First, counsel has three summary judgment motions to brief in litigation in the Kootenai County District Court and the Coeur d'Alene-Spokane River Basin Adjudication (CSRBA) District Court over the next two weeks, including an oral argument set for December 4, 2025. Second, counsel for A&B is preparing for the deposition of IDWR's witness Brian Ragan on Friday November 21, 2025. Next, counsel has a pending discovery response deadline set for December 1, 2025 in mitigation plan case CM-MP-2024-04 (Falls Water Company, Inc.). Third, next week is a holiday week with Thanksgiving falling on Thursday November 27, 2025. Counsel for A&B has plans to travel out of town to spend time with family, including a son, a

niece, and a nephew who will all be back visiting from college November 26th – 29th. Finally, counsel for A&B has an unavoidable conflict with a scheduled out-of-town meeting in another case set for December 2nd. Given these pending scheduling conflicts, and in order to provide sufficient time to prepare and file adequate responses to the IGWA and AFA motions filed just last evening, A&B requests a reasonable seven (7) day extension to the current response deadlines.

Rule of Procedure 220.02.f provides that “modifications to the time limits in this rule may be granted by the presiding officer for good cause shown.” *See e.g. Prehn v. Hodge*, 161 Idaho 321, 326 (2016) (“A scheduling order may only be modified for good cause, and this Court will not reverse a district court’s decision whether to consider a late-filed motion absent evidence that the district court abused its discretion”). In light of counsel’s other litigation commitments and scheduled travel during the week of November 24th described above, the requisite “good cause” exists for the Hearing Officer to exercise his discretion and extend the response deadlines to the motions filed by IGWA and AFA. Stated another way, pressing work commitments and allowing some time to visit family for an important holiday meet the rule’s “good cause” standard, particularly when the movants will not be prejudiced by the extension.

Counsel for A&B has conferred with counsel for the other parties to this case, and counsel for IGWA, the Coalition of Cities, and Bonneville-Jefferson Ground Water District have all stipulated to the following deadlines. However, counsel for AFA would not stipulate to this requested extension. Since the motions filed by IGWA and AFA are based on similar legal theories and seek similar relief, A&B submits that the following single response deadline would be the most efficient and appropriate for purposes of the parties’ filings and the Hearing Officer’s consideration:

Response to IGWA Summary Judgment Motion **December 9, 2025**

Response to AFA Motion for Reconsideration **December 9, 2025**

For the reasons set forth above, A&B respectfully requests an order granting this motion to extend the above-referenced deadlines. The motion is based upon the non-opposition of the other parties where noted, and the “good cause” related to A&B’s counsel’s schedules for other pending litigation matters and travel identified above. No oral argument is requested.

DATED this 19th day of November, 2025.

PARSONS BEHLE & LATIMER



Travis L. Thompson

Attorneys for A&B Irrigation District

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of November, 2025, I served a true and correct copy of the foregoing document on the following by the method indicated:

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/s/ Jessica Nielsen
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