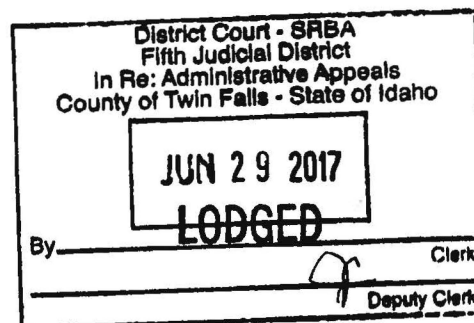


Robert L. Harris (ISB No. 7018)  
 D. Andrew Rawlings (ISB No. 9569)  
**HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.**  
 P.O. Box 50130  
 1000 Riverwalk Drive, Suite 200  
 Idaho Falls, ID 83405  
 Telephone: (208) 523-0620  
 Facsimile: (208) 523-9518  
 Email: [rharris@holdenlegal.com](mailto:rharris@holdenlegal.com)  
[arawlings@holdenlegal.com](mailto:arawlings@holdenlegal.com)



*Attorneys for the Associations*

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE  
 STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE**

**BLACK HAWK HOMEOWNERS  
 ASSOCIATION, INC.** an Idaho nonprofit  
 membership corporation; **IRON RIM RANCH  
 HOME OWNERS ASSOCIATION, INC.,** an  
 Idaho nonprofit membership corporation,

Petitioners,

v.

**THE IDAHO DEPARTMENT OF WATER  
 RESOURCES,**

Respondent.

**IN THE MATTER OF APPLICATIONS FOR  
 PERMIT NO. 25-14428**

**In the name of Black Haw HOA and Iron Rim  
 Ranch HOA.**

Case No. CV-2017-1141

**MEMORANDUM IN SUPPORT OF  
 MOTION FOR EXTENSION OF  
 TIME IN WHICH TO FILE  
 PETITIONERS' REPLY BRIEF AND  
 TO CONTINUE ORAL ARGUMENT**

Petitioners, Black Hawk Homeowners Association, Inc. and Iron Rim Ranch Home Owners Association, Inc. (together, the "Associations"), by and through their counsel of record, Holden, Kidwell, Hahn & Crapo, P.L.L.C., submit this memorandum—as required by Idaho Rule of Civil Procedure 84(o)—in support of the *Motion for Extension of Time in which to File*

**MEMORANDUM IN SUPPORT OF MOTION  
 FOR EXTENSION OF TIME IN WHICH TO  
 FILE PETITIONERS' OPENING BRIEF AND  
 TO CONTINUE ORAL ARGUMENT**

*Petitioners' Reply Brief and to Continue Oral Argument*, which was filed pursuant to Idaho Rule of Civil Procedure 84(r) and Idaho Appellate Rule 34(e). The Associations seek an Order from this Court for a fifty-seven day extension of time in which to file Petitioners' Reply Brief. The Petitioners' Reply Brief is currently due on July 6, 2017—only fifteen days after receipt of the briefs filed by Respondent and Intervenor.

As described in the *Affidavit of Robert L. Harris in Support of the Motion for Extension and Continuance* (the "Harris Aff."), the Associations are negotiating with a third party to purchase a ground water right from the third party. *Harris Aff.*, ¶ 5. The Associations believe that they can transfer this groundwater right to the proposed place of use for Permit No. 25-14428, which may resolve this case. *Harris Aff.*, ¶¶ 5-6. Because of this settlement possibility, the Associations require more time to continue the purchase negotiations. This is in keeping with the goals of "provid[ing] a just, speedy and inexpensive determination of [this] petition[] for review." Idaho Rule of Civil Procedure 84(r).

The Associations ask for a fifty-seven day extension of the due date of Petitioner's reply brief, from July 6 to August 8, 2017. The reason the Associations are seeking an extension of this number of days is because, based upon prior emails between counsel in response to the State of Idaho's motion for extension of time, as the months of July and August were generally unavailable for all counsel (including counsel for the Associations) because of previously-scheduled matters and summer activities. *Harris Aff.*, ¶ 10.<sup>1</sup>

Additionally, while counsel for the Associations agreed to keep the original reply brief deadline of July 6, 2017 in response to the State of Idaho's motion for extension of time, there is

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<sup>1</sup> It was partly because of the difficulty in finding other dates that would work for everyone that counsel for the Associations preliminarily agreed to keep the July 13, 2017 oral argument date.

more in the response briefing to respond to than originally anticipated, which will require sufficient additional time to respond. Counsel also has other pressing matters for other clients that need attention, and will not be able to complete the reply brief by the July 6, 2017 deadline. *Harris Aff.*, ¶ 13.

Oral Argument is currently scheduled to occur in this matter at 1:30 p.m. on Thursday, July 6, 2017. *Harris Aff.*, ¶ 13. Because the Associations seek to extend the due date for their reply brief past the schedule time for oral argument, such extension would also necessitate a continuance of the oral argument, which can be rescheduled at the convenience of Court and counsel on or after September 7, 2017.

For these reasons, the Associations ask the Court to grant their requested extension and continuance.

Dated this 29<sup>th</sup> day of June, 2017.

  
Robert L. Harris, Esq.  
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.  
*Attorneys for the Associations*

## CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the following described pleading or document on the attorneys and/or individuals listed below, by the method indicated, a true and correct copy thereof on this \_\_\_\_ day of June, 2017.

**Document Served:** MEMORANDUM IN SUPPORT OF MOTION FOR EXTENSION OF TIME IN WHICH TO FILE PETITIONERS' OPENING BRIEF AND TO CONTINUE ORAL ARGUMENT

**Attorneys and/or Individuals Served:**

Gary Spackman, Director  
IDAHO DEPARTMENT OF WATER RESOURCES  
P.O. Box 83720  
Boise, Idaho 83720-0098  
Fax: (208) 287-4800  
Email: [gary.spackman@idwr.idaho.gov](mailto:gary.spackman@idwr.idaho.gov)

☒ Mail  
☐ Hand Delivery  
☐ Facsimile  
☐ Courthouse Box  
☒ Email

Garrick Baxter  
IDAHO ATTORNEY GENERAL'S OFFICE  
P.O. Box 83720  
Boise, Idaho 83720-0098  
Fax: (208) 287-4800  
Email: [garrick.baxter@idwr.idaho.gov](mailto:garrick.baxter@idwr.idaho.gov)

☒ Mail  
☐ Hand Delivery  
☐ Facsimile  
☐ Courthouse Box  
☒ Email

Paul L. Arrington  
BARKER RSHOLT & SIMPSON LLP  
163 Second Ave. West  
P.O. Box 63  
Twin Falls, Idaho 83303-0063  
Fax: (208) 735-2444  
Email: [pla@idahowaters.com](mailto:pla@idahowaters.com)

☒ Mail  
☐ Hand Delivery  
☐ Facsimile  
☐ Courthouse Box  
☒ Email

W. Kent Fletcher  
FLETCHER LAW OFFICE  
P.O. Box 248  
Burley, Idaho 83318  
Fax: (208) 735-2444  
Email: [wkf@pmtl.org](mailto:wkf@pmtl.org)

☒ Mail  
☐ Hand Delivery  
☐ Facsimile  
☐ Courthouse Box  
☒ Email

  
Robert L. Harris, Esq.  
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.  
*Attorneys for the Associations*

MEMORANDUM IN SUPPORT OF MOTION  
FOR EXTENSION OF TIME IN WHICH TO  
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