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Attorneys for Respondent

**IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF LEMHI**

JAMES WHITTAKER, an individual, and
WHITTAKER TWO DOT RANCH LLC,
an Idaho limited liability company,

Petitioners,

vs.

THE IDAHO DEPARTMENT OF
WATER RESOURCES, an administrative
agency of the State of Idaho,

Respondent,

and

BRUCE and GLENDA MCCONNELL,

Intervenors.

Case No. CV30-21-0304

**JOINT MOTION TO RESET
BRIEFING SCHEDULE AND ORAL
ARGUMENT**

IN THE MATTER OF APPLICATION
FOR TRANSFER NO. 84441 IN THE
NAME OF BRUCE AND GLENDA
MCCONNELL

The parties, in accordance with the *Procedural Order* issued by the Court in this matter on December 2, 2021, and pursuant to I.R.C.P. Rule 84(o) and to I.A.R. 34 and 46, jointly request that the Court issue an order resetting the briefing schedule and oral argument in this matter.

The *Procedural Order* originally set the deadline to lodge the transcript and agency record with the Idaho Department of Water Resources for December 16, 2021. Proc. Order at ¶¶ 5, 6. The *Procedural Order* also set oral argument for April 21, 2022, at 1:30 p.m. (Mountain Time). *Id.* at ¶ 12. The date for oral argument was based on the Department lodging the transcript and agency record with the agency by December 16, 2021.

Subsequently, the Court granted the Department's request for an extension of time to lodge the transcript and agency record with the Department. The transcript and agency record were lodged with the Department on February 2, 2022. Notice Lodging Tr. & R. with Agency at 2. Because the deadline to lodge the transcript and agency record was moved, the previously set oral argument date would be before all briefs are due under Paragraph 9 of the *Procedural Order*. The parties respectfully request that this court vacate the April 21, 2022 oral argument date and reset oral argument for Thursday, June 16, 2022, at 1:30 p.m. (Mountain Time).

In addition, the parties request the briefing deadlines in this matter be reset, as follows: (1) Petitioner's brief April 7, 2022; (2) Respondent's brief and Intervenor's¹ brief May 5, 2022; and (3) any reply brief May 26, 2022. This request is supported by

¹ The parties note that the conditions for automatically issuing an order granting Bruce and Glenda McConnel intervenor status are satisfied. *See Procedural Order* ¶ 2.

Petitioners' counsel's Declaration in Support of Joint Motion to Reset Briefing Deadlines and Oral Argument filed concurrently herewith. Respondent and Intervenors do not object to resetting the briefing schedule in this manner.

Therefore, the Court should grant the parties request to reset the briefing schedule and oral argument as described above.

DATED this 3rd day of March 2022.



MARK CECCHINI-BEAVER
Deputy Attorney General
Idaho Department of Water Resources

Attorney for Respondent

DATED this 3rd day of March 2022.



ROBERT L. HARRIS
LUKE H. MARCHANT
Holden, Kidwell, Hahn & Crapo, P.L.L.C.

Attorneys for Petitioners

DATED this 3rd day of March 2022.



CHRIS M BROMLEY
CANDICE MCHUGH
McHugh Bromley, PLLC

Attorneys for Bruce and Glenda McConnell

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of March 2022, I caused to be served a true and correct copy of the foregoing *Joint Motion to Reset Briefing Schedule and Oral Argument* by iCourt E-file and Serve to:

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