

District Court - SRBA
Fifth Judicial District
In Re: Administrative Appeals
County of Twin Falls - State of Idaho

OCT 14 2020

By _____ Clerk
_____ Deputy Clerk

LAWRENCE G. WASDEN
Attorney General

BRIAN P. KANE
Assistant Chief Deputy

GARRICK BAXTER #6301
SEAN COSTELLO #8743
Deputy Attorneys General
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098
Telephone: (208) 287-4800
Facsimile: (208) 287-6700
garrick.baxter@idwr.idaho.gov
sean.costello@idwr.idaho.gov

Attorneys for Respondent

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF ADA**

The IDAHO WATER RESOURCE BOARD,
and the IDAHO DEPARTMENT OF FISH
AND GAME,

Petitioners,

v.

KURT W. BIRD and JANET E. BIRD,

Cross-Petitioners,

v.

THE IDAHO DEPARTMENT OF WATER
RESOURCES,

Respondent.

Case No. CV01-20-9661

**UNOPPOSED MOTION TO MODIFY
BRIEFING SCHEDULE**

IN THE MATTER OF APPLICATION FOR
PERMIT NO. 74-16187 IN THE NAME OF
KURT W. BIRD OR JANET E. BIRD

COMES NOW Respondent, the Idaho Department of Water Resources ("IDWR"), by and through its undersigned attorney of record, and moves the Court for an *Order Granting Unopposed Motion to Modify Briefing Schedule*, adopting the following briefing schedule:


- 1. November 2, 2020: Respondent IDWR files response brief; Cross Petitioners Bird file combined response brief on appeal and opening brief on cross appeal
- 2. November 23, 2020: Petitioners IWRB/FG file reply brief on appeal
- 3. December 2, 2020:: Petitioners IWRB/FG file response brief on cross appeal; Respondent IDWR files response brief on cross appeal
- 4. December 23, 2020: Cross Petitioners Bird file reply brief on cross appeal
- 5. January 14, 2021: Oral argument at 1:30

Counsel for IDWR has conferred with counsel for all parties in the matter, who have all indicated their support for this motion.

DATED this 7th day of October 2020.

LAWRENCE G. WARDEN
Attorney General

BRIAN P. KANE
Assistant Chief Deputy



GARRICK BAXTER
Deputy Attorney General
Idaho Department of Water Resources

CERTIFICATE OF SERVICE

I hereby certify that on October 7th, 2020, I served a true and correct copy of the foregoing **UNOPPOSED MOTION TO MODIFY BRIEFING SCHEDULE** to be filed with the Court and served on the persons listed below by the methods indicated below:

Deputy Attorney General	<input checked="" type="checkbox"/>	U.S. Mail, postage prepaid
Michael C. Orr	<input type="checkbox"/>	Hand Delivery
PO Box 83720	<input type="checkbox"/>	Overnight Mail
Boise, ID 83720-0010	<input checked="" type="checkbox"/>	Email
<u>Michael.orr@ag.idaho.gov</u>		

Deputy Attorney General	<input checked="" type="checkbox"/>	U.S. Mail, postage prepaid
Ann Y. Vonde	<input type="checkbox"/>	Hand Delivery
PO Box 83720	<input type="checkbox"/>	Overnight Mail
Boise, ID 83720-0010	<input checked="" type="checkbox"/>	Email
<u>Ann.vonde@ag.idaho.gov</u>		

Robert Harris	<input checked="" type="checkbox"/>	U.S. Mail, postage prepaid
Holden Kidwell Hahn & Crapo	<input type="checkbox"/>	Hand Delivery
PO Box 50130	<input type="checkbox"/>	Overnight Mail
Idaho Falls, ID 83405	<input checked="" type="checkbox"/>	Email
<u>rharris@holdenlegal.com</u>		

Idaho Conservation League	<input checked="" type="checkbox"/>	U.S. Mail, postage prepaid
Marie Calloway Kellner	<input type="checkbox"/>	Hand Delivery
Matt Nykiel	<input type="checkbox"/>	Overnight Mail
PO Box 844	<input checked="" type="checkbox"/>	Email
Boise, ID 83701		
<u>mkellner@idahoconservation.org</u>		
<u>mnykiel@idahoconservation.org</u>		

Travis Thompson	<input checked="" type="checkbox"/>	U.S. Mail, postage prepaid
Barker Rosholt & Simpson LLP	<input type="checkbox"/>	Hand Delivery
PO Box 63	<input type="checkbox"/>	Overnight Mail
Twin Falls, ID 83303-0063	<input checked="" type="checkbox"/>	Email
<u>trt@idahowaters.com</u>		

Penny Jane Ogden-Edwards	<input checked="" type="checkbox"/>	U.S. Mail, postage prepaid
2330 S 350 W	<input type="checkbox"/>	Hand Delivery
Perry, UT 84302	<input type="checkbox"/>	Overnight Mail
	<input type="checkbox"/>	Email

Kerry Purcell
1774 Lee Creek Road
Leadore, ID 83464

- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Email

Purcell Ranch Partnership
Kerry Purcell
98 Purcell Lane
Leadore, ID 83464

- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Email

Kimberle English
Kimberle English, Paralegal