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December 8, 2010

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Honorable Eric J. Wildman
District Judge
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, Idaho 83303-2707

Re: Case No. 39576, Subcase Nos. 01-23B, 01-297, 35-2543, 35-4246
Claimant: Aberdeen-Springfield Canal Company
Objectors: Twin Falls Canal Company, A&B Irrigation Co., North Side
Canal Company, Burley Irrigation District, Milner Irrigation
District and Minidoka Irrigation District

Dear Judge Wildman:

We represent the Claimant/Respondent Aberdeen-Springfield Canal Company ("Respondent") in the pending Challenge filed by the Surface Water Coalition. The Challenge Scheduling Order provided for a briefing schedule with Respondent's Brief due December 14 and the Challenger's optional Rebuttal Brief due December 21. The matter is presently scheduled before you for oral argument on January 18, 2011 at 3:00 p.m.

Due to other work commitments, we need a two-week extension of time to file our Responsive Brief. The Surface Water Coalition as well as the state have graciously stipulated to this extension with the understanding that their Rebuttal Brief would also be extended and due January 11, 2011.

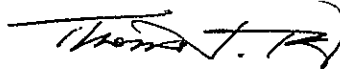
December 8, 2010

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Accordingly, I am enclosing for filing the original and three copies of Respondent's Unopposed Motion to Extend Briefing Deadling, together with the original and copies of a proposed Order Granting Unopposed Motion to Extend Briefing Deadlines. If the same meets with your approval, would you kindly issue the original Order and have the Clerk conform and serve copies upon the parties per the attached Certificate of Mailing. Stamped and addressed envelopes are enclosed.

Thank you for your assistance.

Respectfully,

A handwritten signature in black ink, appearing to read "Randall C. Budge", enclosed in a large, stylized right parenthesis shape.

FOR RANDALL C. BUDGE

RCB:rr

Enclosures

cc: Service List (U.S. Mail)

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DEC 10 2010
DEPARTMENT OF
WATER RESOURCES

Attorneys for Aberdeen-Springfield Canal Company

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA
Case No. 39576

Subcase Nos. 01-23B, 01-297, 35-2543, 35-4246
(Aberdeen-Springfield Canal Company)

**UNOPPOSED MOTION TO EXTEND
BRIEFING DEADLINES**

COMES NOW ABERDEEN-SPRINGFIELD CANAL COMPANY and respectfully moves the Court for an order extending the deadline for the respondent's responsive brief in the above-captioned *Challenge* to December 28, 2010.

Counsel for Aberdeen-Springfield Canal Company ("ASCC" or "Respondent") has discussed this matter with counsel for 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 ("collectively, the "Coalition" or "Challenger"), and the State of Idaho and counsel does not oppose this motion.

The *Challenge Scheduling Order* ("Challenge Order") issued by presiding Judge Wildman dated September 15, 2011 sets out the briefing schedule. The Respondent's Responsive Brief is due on December 14, 2010 and the Challenger's Optional Rebuttal Brief is

due on December 24, 2010. Oral Argument is presently set for January 18, 2011 at 3:00 p.m.

In addition to continuing the Responsive Brief deadline, the Coalition has asked for a continuance of the Rebuttal Brief to January 11, 2011. Counsel for Respondent does not oppose the continuance of the rebuttal brief deadline. Extending these deadlines will not prejudice the Court or parties who will prepare for the oral argument in this matter presently set one week after the proposed, extended rebuttal brief deadline.

Accordingly, the ASCC and the Coalition request that the Court extend the deadlines as follows:

Respondent's Responsive Brief due by December 28, 2010

Challenger's Rebuttal Brief due by January 11, 2011

DATED this 8TH day of December, 2010.

RACINE, OLSON, NYE, BUDGE &
BAILEY, CHARTERED

By 
FUR RANDALL C. BUDGE

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 8th day of December, 2010, I caused to be served the original and copies of the foregoing document to the following persons by the indicated methods:

Original to: Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
253 Third Avenue North
Twin Falls, Idaho 83303-2707
U.S. Mail and Facsimile

Copy to the Claimant/Respondent:

Aberdeen-Springfield Canal Company
P.O. Box 857
Aberdeen, Idaho 83210
U.S. Mail and Email

Copy to each of the parties and their attorneys:

John K. Simpson/Travis L. Thompson
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W. Kent Fletcher
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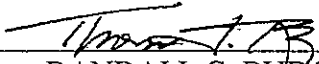
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Boise, Idaho 83720-0098
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United States Department of Justice
Environment and Natural Resource Div.
550 W. Fort Street, MSC 033
Boise, Idaho 83724
U.S. Mail

Chief, Natural Resource Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

U.S. Mail

DATED this 8th day of December, 2010.

By 

FOR RANDALL C. BUDGE

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA
Case No. 39576

Subcase Nos. 01-23B, 01-297, 35-2543, 35-4246
(Aberdeen-Springfield Canal Co.)

**ORDER GRANTING UNOPPOSED
MOTION TO EXTEND BRIEFING
DEADLINES**

On September 15, 2010, this Court entered a *Challenge Scheduling Order* in the above-captioned subcases, which among other things, set forth the Briefing Schedule. On December ___, 2010, Aberdeen-Springfield Canal Company ("ASCC") filed an *Unopposed Motion to Extend Deadlines* requesting an order from this court extending the deadline to file the Respondent's Responsive Brief to December 28, 2010 and to extend the deadline to file the Challenger's Rebuttal Brief to January 11, 2011. In the *Motion*, counsel for ASCC represented to the Court that he had discussed the requested extension with counsel for the "Coalition"¹ and for the State of Idaho. The State did not oppose the Motion. The Coalition stated it would not oppose the motion as long as the rebuttal brief deadline was also extended.

The Court having reviewed the *Motion*, and good cause appearing therefore,

THE FOLLOWING ARE HEREBY ORDERED:

1. The ASCC Unopposed Motion to Extend Briefing Deadlines is **granted**.

The deadline for the Respondent's Brief set forth in the *Challenge Scheduling Order* is hereby extended to December 28, 2010.

¹ A&B Irrigation District, American Falls Reservoir District #2, Burley Irrigation District, Falls Irrigation District, Milner Irrigation District, Minidoka Irrigation District, North Side Canal Company and Twin Falls Canal Company (collectively, the "Coalition").

2. The deadline for the Challenger's Rebuttal Brief set forth in the *Challenge Scheduling Order* is hereby extended to January 11, 2011.

DATED this ____th day of December, 2010.

ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

CLERK'S CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this _____ day of December, 2010, I caused to be served copies of the foregoing document to the following persons by the indicated methods:

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Aberdeen, Idaho 83210

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W. Kent Fletcher
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Gooding, Idaho 83330

Copies to: IDWR Document Depository U.S. Mail
P.O. Box 83720
Boise, Idaho 83720-0098

United States Department of Justice
Environment and Natural Resource Div.
550 W. Fort Street, MSC 033
Boise, Idaho 83724

Chief, Natural Resource Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

By _____
Deputy Clerk