

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. WASDEN
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
Michael C. Orr
PO Box 83720
Boise, ID 83720-0010
Michael.orr@ag.idaho.gov

☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Overnight Mail
☒ Email

Deputy Attorney General
Ann Y. Vonde
PO Box 83720
Boise, ID 83720-0010
Ann.vonde@ag.idaho.gov

☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Overnight Mail
☒ Email

Robert Harris
Holden Kidwell Hahn & Crapo
PO Box 50130
Idaho Falls, ID 83405
rharris@holdenlegal.com

☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Overnight Mail
☒ Email

Idaho Conservation League
Marie Calloway Kellner
Matt Nykiel
PO Box 844
Boise, ID 83701
mkellner@idahoconservation.org
mnykiel@idahoconservation.org

☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Overnight Mail
☒ Email

Travis Thompson
Barker Rosholt & Simpson LLP
PO Box 63
Twin Falls, ID 83303-0063
tlr@idahowaters.com

☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Overnight Mail
☒ Email

Penny Jane Ogden-Edwards
2330 S 350 W
Perry, UT 84302

☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Overnight Mail
☐ 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