

**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,

vs.

KURT W. BIRD and JANET E. BIRD,

Cross Petitioners,

vs.

THE IDAHO DEPARTMENT OF WATER  
RESOURCES,

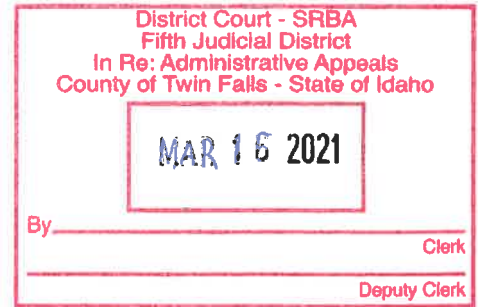
Respondent.

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

) Case No. CV01-20-9661

) **ORDER GRANTING THIRD**  
) **UNOPPOSED MOTION TO**  
) **RESCHEDULE ORAL**  
) **ARGUMENT DATE**

) **ORDER VACATING ORAL**  
) **ARGUMENT**



Oral argument was scheduled in this matter for March 18, 2021. On March 16, 2021, the Cross-Petitioners filed a *Third Unopposed Motion to Reschedule Oral Argument Date*, requesting to vacate that hearing and suspend oral argument indefinitely to permit time for settlement negotiations between the parties. Counsel for the Cross-Petitioners represents he has conferred with counsel for the other parties and that they support the *Third Unopposed Motion*. Therefore, the Court in an exercise of discretion will grant the *Third Unopposed Motion*.

THEREFORE THE FOLLOWING ARE HEREBY ORDERED:

1. The Cross Petitioners' *Third Unopposed Motion to Reschedule Oral Argument Date* is hereby granted.

ORDER GRANTING MOTION TO RESCHEDULE ORAL ARGUMENT;  
ORDER VACATING ORAL ARGUMENT

2. The hearing set for March 18, 2021, is hereby vacated.

Dated: March 16, 2021



---

ERIC J. WILDMAN  
District Judge

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING THIRD UNOPPOSED MOTION TO RESCHEDULE ORAL ARGUMENT; ORDER VACATING ORAL ARGUMENT was mailed on March 16, 2021, with sufficient first-class postage to the following:

IDAHO DEPARTMENT OF FISH AND  
IDAHO WATER RESOURCE BOARD

Represented by:  
ANN Y VONDE  
DEPUTY ATTORNEY GENERAL  
PO BOX 83720  
BOISE, ID 83720-0010  
Phone: 208-334-2400

IDAHO DEPARTMENT OF WATER

Represented by:  
GARRICK L BAXTER  
DEPUTY ATTORNEY GENERAL  
STATE OF IDAHO - IDWR  
PO BOX 83720  
BOISE, ID 83720-0098  
Phone: 208-287-4800

IDAHO DEPARTMENT OF FISH AND  
IDAHO WATER RESOURCE BOARD

Represented by:  
MICHAEL C ORR  
DEPUTY ATTORNEY GENERAL  
700 W STATE ST, 2ND FLOOR  
PO BOX 83720  
BOISE, ID 83720-0010

KURT W & JANET E BIRD

Represented by:  
ROBERT L HARRIS  
1000 RIVERWALK DR, STE 200  
PO BOX 50130  
IDAHO FALLS, ID 83405  
Phone: 208-523-0620

TRAVIS L THOMPSON  
BARKER ROSHOLT & SIMPSON LLP  
PO BOX 63  
TWIN FALLS, ID 83303-0063

MARIE CALLAWAY KELLNER  
IDAHO CONSERVATION LEAGUE  
PO BOX 844  
BOISE, ID 83701

MATTHEW A NYKIEL  
IDAHO CONSERVATION LEAGUE  
PO BOX 844

BOISE, ID 83701

JAMES CEFALO  
IDWR  
900 N SKYLINE DR STE A  
BOISE, ID 83402-1718

PURCELL RANCH PARTNERSHIP  
KERRY PURCELL  
98 PURCELL LAND  
LEADORE, ID 83464

PENNY JANE OGDEN-EDWARDS  
PO BOX 183  
LEADORE, ID 83464

DIRECTOR OF IDWR  
PO BOX 83720  
BOISE, ID 83720-0098

KERRY PURCELL  
1774 LEE CREEK ROAD  
LEADORE, ID 83464

