

Robert L. Harris (ISB No. 7018)
Luke H. Marchant (ISB No. 7944)
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.
P.O. Box 50130
1000 Riverwalk Drive, Suite 200
Idaho Falls, ID 83405
Telephone: (208) 523-0620
Facsimile: (208) 523-9518
Email: rharris@holdenlegal.com
lmarchant@holdenlegal.com
Court Service: efiling@holdenlegal.com

Attorneys for Petitioners

**IN THE DISTRICT COURT OF THE SEVENTH 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,

v.

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

Respondent.

Case No. CV30-21-0304

**DECLARATION IN SUPPORT OF
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

I, Robert L. Harris, state that the following is made on my personal knowledge, and that I would so testify in open court if called upon to do so.

1. I am over the age of eighteen (18) and am competent to testify to the matters contained herein.

2. I am a member of Holden, Kidwell, Hahn & Crapo, P.L.L.C. (“HKHC”), representing James Whittaker and Whittaker Two Dot Ranch LLC, the petitioners in this matter.
3. The settled agency transcript and record in this matter was filed with this court on February 17, 2022, approximately two months after the original due date.
4. With the filing of the settled agency transcript and record, the petitioners’ brief is due on March 24, 2022.
5. I will be out of town on a scheduled vacation, which initially was not a concern given the original transcript/record due date.
6. Counsel for petitioners has contacted counsel respondent and the anticipated intervenors by email to a briefing schedule set forth herein and such counsel have responded that they have no objection.
7. Petitioners’ brief shall be due on or before April 7, 2022.
8. Response briefs shall be due on or before May 5, 2022.
9. Petitioners’ reply brief shall be due on or before May 26, 2022.
10. These due dates are well in advance of the hearing date, which the parties have also agreed to hold on June 16, 2022, at 1:30 p.m.
11. The petitioners have not previously requested an extension of time in this appeal to file a brief.
12. Given the circumstances, the proposed briefing schedule provides sufficient time for me to prepare petitioners’ brief in this appeal.

I certify (or declare) under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct. Idaho R. Civ. P. 2.7; Idaho Code § 9-1406.

March 3, 2022

Robert L. Harris

Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of March, 2022, I served a true and correct copy of the following described pleading or document on the attorneys and/or individuals listed below by the method indicated.

Document Served: DECLARATION IN SUPPORT OF JOINT MOTION TO RESET BRIEFING SCHEDULE AND ORAL ARGUMENT

Attorneys and/or Individuals Served:

| | |
|---|--|
| Garrick Baxter Mark Cecchini-Beaver Deputy Attorney General IDAHO DEPARTMENT OF WATER RESOURCES P. O. Box 83720 Boise, ID 83720-0098 garrick.baxter@idwr.idaho.gov mark.cecchini-beaver@idwr.idaho.gov | <input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input type="checkbox"/> FedEx Delivery <input checked="" type="checkbox"/> iCourt |
| Chris M. Bromley MCHUGH BROMLEY PLLC 380 S. 4 th St., Ste. 103 Boise, ID 83702 cbromley@mchughbromley.com | <input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input type="checkbox"/> FedEx Delivery <input checked="" type="checkbox"/> iCourt |
| Robert L. Harris HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C. 1000 Riverwalk Dr., Ste. 200 P.O. Box 50130 Idaho Falls, Idaho 83405 rharris@holdenlegal.com | <input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input type="checkbox"/> FedEx Delivery <input checked="" type="checkbox"/> iCourt |



Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.
Attorneys for the Petitioners