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DEPARTMENT OF
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IN THE SUPREME COURT OF THE STATE OF IDAHO

CLEAR SPRINGS FOODS, INC.,
Petitioner/Respondent,

v.

BLUE LAKES TROUT FARM, INC.,
Cross-Petitioner/Respondent,

v.

IDAHO GROUND WATER APPROPRIATORS,
INC., NORTH SNAKE GROUND
WATER DISTRICT, and MAGIC VALLEY
GROUND WATER DISTRICT,
Cross-Petitioners/Appellants,

v.

IDAHO DAIRYMEN'S ASSOCIATION, INC.,
Cross-Petitioner/Respondent,

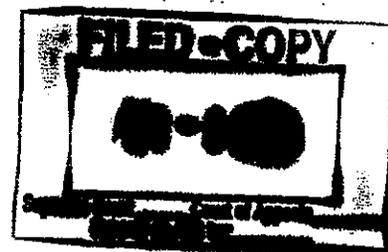
v.

RANGEN, INC.,
Cross-Petitioner/Respondent,

v.

Supreme Court No.: 37308-2010

APPELLANTS' MOTION TO FILE
BRIEF IN EXCESS OF FIFTY (50)
PAGES



GARY SPACKMAN., in his capacity as Director
of the Idaho Department of Water Resources; and
the IDAHO DEPARTMENT OF WATER
RESOURCES,
Respondents/Respondents.

IN THE MATTER OF DISTRIBUTION OF
WATER TO WATER RIGHT
NOS. 36-02356A, 36-07210, AND 36-07427
(Blue Lakes Delivery Call)

IN THE MATTER OF DISTRIBUTION OF
WATER TO WATER RIGHT
NOS. 36-04013A, 36-04013B, AND 36-07148
(Clear Springs Delivery Call)

Idaho Ground Water Appropriators, Inc., Magic Valley Ground Water District, and North Snake Ground Water District (collectively, the Ground Water Users) respectfully move the Court pursuant to Rule 34(b) of the Idaho Appellate Rules for an order allowing the parties to file opening briefs in the above-entitled appeal in excess of fifty (50) pages but not to exceed seventy-five (75) pages. No extension is requested for response briefs or reply briefs.

STATEMENT IN SUPPORT OF MOTION

This request is made because this appeal involves numerous issues of first impression before the Court. The *Notice of Appeal* filed by the Ground Water Users and the *Notice of Cross-Appeal* filed by Blue Lakes Trout Farm, Inc., collectively identify eleven (11) issues for appeal. There are relatively numerous issues on appeal due to the groundbreaking nature of this

GROUND WATER USERS' MOTION TO FILE BRIEF IN EXCESS OF FIFTY (50) PAGES

Idaho Ground Water Appropriators, Inc., North Snake Ground
Water District, and Magic Valley Ground Water District

case. In the case of *American Falls Reservoir District No. 2 v. IDWR (AFRD2)*, 143 Idaho 862 (2007), the Court considered the facial constitutionality of the Rules for the Conjunctive Management of Surface and Ground Water Resources (IDAPA 30.03.11) promulgated by the Idaho Department of Water Resources (IDWR). This case presents the first challenge to the IDWR's application of the "Conjunctive Management Rules." This case also presents the first challenge to the IDWR's application of key provisions of the monumental Swan Falls Agreement which was entered into by the Idaho Power Company and the State of Idaho in 1985 to settle a massive lawsuit brought by Idaho Power against some 7,500 water users, many of whom are involved in this case.

The difficulty of addressing the many issues on appeal within the standard fifty page limit is exacerbated by the complexity of the subject matter of the case. As the Court noted in its *AFRD2* decision, the conjunctive management of surface and ground water resources is a "difficult and contentious task." *Id.* at 880. The administrative hearing from which this appeal is taken took more than two weeks to complete. Much of the testimony was tendered by hydrologists, economists, and other experts. Further, the factual and legal history of the case spans a period of a half century. Without an extension of the briefing page limit, the Ground Water Users are concerned the Court will not receive a sufficient explanation of relevant facts and history to properly inform its decision.

Therefore, the Ground Water Users respectfully ask that the page limit for opening briefs be increased to seventy-five (75) pages.

GROUND WATER USERS' MOTION TO FILE BRIEF IN EXCESS OF FIFTY (50) PAGES

DATED this 1st day of April, 2010.

RACINE, OLSON, NYE, BUDGE
& BAILEY, CHARTERED

A handwritten signature in cursive script, appearing to read "Candice M. McHugh", is written over a horizontal line.

Randall C. Budge
Candice M. McHugh
Thomas J. Budge

GROUND WATER USERS' MOTION TO FILE BRIEF IN EXCESS OF FIFTY (50) PAGES

Idaho Ground Water Appropriators, Inc., North Snake Ground
Water District, and Magic Valley Ground Water District

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of April, 2010, the above and foregoing document was served in the following manner:

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