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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,

and

BRUCE and GLENDA MCCONNELL,

Intervenors.

Case No. CV30-21-0304

**DECLARATION IN SUPPORT OF
MOTION TO RESET BRIEFING
SCHEDULE**

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 court in this matter previously issued its *Order Granting Joint Motion to Reset Briefing Schedule and Oral Argument* (March 8, 2022) (the “Order”) resetting the oral argument date for this matter on June 16, 2022 (originally scheduled for April 21, 2022) primarily because the oral argument date had to be reset given the need for additional time to prepare the record on appeal.
4. The *Order* also set the following briefing schedule:
 - a. Petitioners’ brief is due on or before April 7, 2022.
 - b. Response briefs is due on or before May 5, 2022.
 - c. Petitioners’ reply brief (if any) is due on or before May 26, 2022.
5. Since the *Order* was issued, I have experienced medical issues with my back that now requires an MRI on April 6th and follow up doctor visits (likely over the next two days). The issues relate to a prior surgery I had in June of 2021. Because of these necessary appointments, and out of an abundance of caution, I believe it is prudent to request up to an additional 7 days to finalize *Petitioners’ Opening Brief*, which would change the briefing schedule for all briefs as follows:
 - a. Petitioners’ brief is due on or before April 14, 2022.
 - b. Response briefs is due on or before May 12, 2022.
 - c. Petitioners’ reply brief (if any) is due on or before June 2, 2022.

6. The revised briefing schedule provides due dates that are well in advance of the scheduled hearing date of June 16, 2022, and will not require a change to the oral argument date (any reply brief will be due two weeks before the hearing date).
7. I have contacted counsel for respondent and the intervenors by email to a briefing schedule set forth herein and such counsel have responded that they have no objection, provided that the hearing date of June 16, 2022 does not change.
8. The petitioners, along with the other parties to this matter, did previously request an extension of time in this appeal as described herein.
9. Given the circumstances, the proposed briefing schedule provides sufficient time for me to prepare *Petitioners' Opening 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.

April 5, 2022



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

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of April, 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 MOTION TO RESET BRIEFING SCHEDULE

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
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