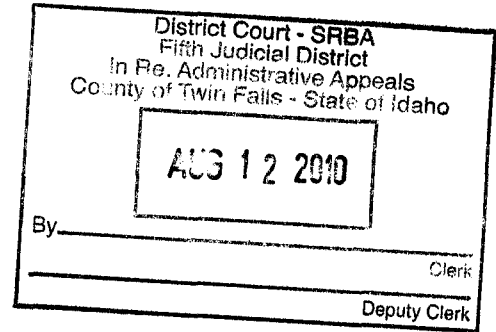


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Attorneys for Respondents



**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT**  
**OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF GOODING**

IDAHO GROUND WATER )  
APPROPRIATORS, INC., )  
 )  
Petitioners, )  
 )  
vs. )  
 )  
CITY OF POCATELLO, )  
 )  
Petitioner, )  
 )  
vs. )  
 )  
TWIN FALLS CANAL COMPANY, NORTH )  
SIDE CANAL COMPANY, A&B IRRIGATION )  
DISTRICT, AMERICAN FALLS RESERVOIR )  
DISTRICT #2, BURLEY IRRIGATION )  
DISTRICT, MILNER IRRIGATION DISTRICT, )

**Case No. CV-2010-382**

(consolidated Gooding County  
Cases CV-2010-382, CV-2010-383,  
CV-2010-384, CV-2010-387,  
CV-2010-388, and Twin Falls  
County Case CV-2010-3403)

**MOTION FOR EXTENSION OF  
TIME TO LODGE AGENCY  
TRANSCRIPT AND RECORD**

and MINIDOKA IRRIGATION DISTRICT, )  
 )  
 Petitioners, )  
 )  
 vs. )  
 )  
 GARY SPACKMAN, in his capacity as Interim )  
 Director of the Idaho Department of Water )  
 Resources, and THE IDAHO DEPARTMENT OF )  
 WATER RESOURCES, )  
 )  
 Respondents. )  
 )

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IN THE MATTER OF DISTRIBUTION OF )  
 WATER TO VARIOUS WATER RIGHTS )  
 HELD BY OR FOR THE BENEFIT OF A&B )  
 IRRIGATION DISTRICT, AMERICAN FALLS )  
 RESERVOIR DISTRICT #2, BURLEY )  
 IRRIGATION DISTRICT, MILNER IRRIGATION )  
 DISTRICT, MINIDOKA IRRIGATION DISTRICT, )  
 NORTH SIDE CANAL COMPANY, AND TWIN )  
 FALLS CANAL COMPANY )  
 )

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COMES NOW respondents, Idaho Department of Water Resources and Gary Spackman, in his capacity as Interim Director of the Idaho Department of Water Resources (“IDWR”), by and through their undersigned attorney of record, and move the Court pursuant to I.A.R. 46 and I.R.C.P. 84(f)(5) for an extension of time to prepare and lodge the agency record and transcript with IDWR and to lodge the settled agency record and transcript with the Court. Pursuant to I.R.C.P. 84(o), argument is not requested.

This motion is based upon the following:

1. Pursuant to this Court's Order of August 3, 2010, the agency record in this matter is due to be lodged with IDWR on or before September 7, 2010 and the settled agency record is due to be filed with the Court by September 21, 2010.

2. IDWR staff has not commenced preparation of the record due to another Petition for Judicial Review recently filed relating to this matter. Given the short timeframe to prepare the record and the other Petitions for Judicial Review being filed by the same parties, IDWR will not be able to lodge the record with the agency by September 7, 2010.

3. IDWR reasonably expects that it will be able to lodge the Notice of the Transcript and Agency Record with the agency on or before **October 1, 2010**.

4. Pursuant to I.R.C.P. 84(j), the agency shall provide a period of fourteen (14) days from the date of mailing of the notice of lodging of the transcript and record for the parties to file objections with the agency. Rule 84(j) further provides that any objection made shall be determined by the agency within fourteen (14) days of receipt thereof.

5. IDWR reasonably expects that it will be able to lodge the settled transcript and record with the Court on or before **October 29, 2010**.

Accordingly, respondents request an order from the Court extending the time for preparation and lodging of the agency record and transcript with IDWR and to lodge the settled agency record and transcript with the Court consistent with the foregoing. A proposed order is provided with this motion.

DATED this 11<sup>th</sup> day of August, 2010.

LAWRENCE G. WASDEN  
Attorney General  
CLIVE J. STRONG  
Chief, Natural Resources Division



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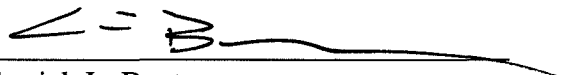
GARRICK L. BAXTER  
CHRIS M. BROMLEY  
Deputy Attorneys General  
Idaho Department of Water Resources

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11<sup>th</sup> day of August, 2010, I caused a true and correct copy of the foregoing **MOTION FOR EXTENSION OF TIME TO FILE AGENCY TRANSCRIPT AND RECORD** to be filed with the Court and served on the following parties by the indicated methods:

<p><i>Original to:</i>  SRBA Court  253 3<sup>rd</sup> Ave. North  P.O. Box 2707  Twin Falls, ID 83303-2707  Facsimile: (208) 736-2121</p>	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile
<p>John A. Rosholt  John K. Simpson  Travis L. Thompson  Paul L. Arrington  BARKER ROSHOLT &amp; SIMPSON, LLP  P.O. Box 485  Twin Falls, ID 83303  <a href="mailto:jks@idahowaters.com">jks@idahowaters.com</a>  <a href="mailto:tlt@idahowaters.com">tlt@idahowaters.com</a>  <a href="mailto:pla@idahowaters.com">pla@idahowaters.com</a></p>	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Email
<p>C. Thomas Arkoosh  CAPITOL LAW GROUP, PLLC  P.O. Box 32  Gooding, ID 83330  <a href="mailto:tarkoosh@capitolawgroup.net">tarkoosh@capitolawgroup.net</a></p>	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Email
<p>W. Kent Fletcher  FLETCHER LAW OFFICE  P.O. Box 248  Burley, ID 83318  <a href="mailto:wkf@pmt.org">wkf@pmt.org</a></p>	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Email

<p>Randall C. Budge  Candice M. McHugh  Thomas J. Budge  <b>RACINE OLSON</b>  P.O. Box 1391  Pocatello, ID 83204-1391  <a href="mailto:rcb@racinelaw.net">rcb@racinelaw.net</a>  <a href="mailto:cmm@racinelaw.net">cmm@racinelaw.net</a>  <a href="mailto:tjb@racinelaw.net">tjb@racinelaw.net</a></p>	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Email
<p>A. Dean Tranmer  City of Pocatello  P.O. Box 4169  Pocatello, ID 83201  <a href="mailto:dtranmer@pocatello.us">dtranmer@pocatello.us</a></p>	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Email
<p>Sarah A. Klahn  <b>WHITE &amp; JANKOWSKI LLP</b>  511 Sixteenth Street, Suite 500  Denver, CO 80202  <a href="mailto:sarahk@white-jankowski.com">sarahk@white-jankowski.com</a></p>	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Email


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Garrick L. Baxter  
Chris M. Bromley  
Deputy Attorneys General