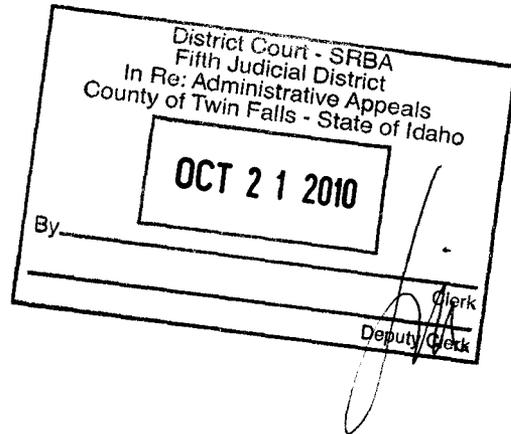


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Attorneys for Respondents



**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 )

**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 THE SETTLED  
AGENCY TRANSCRIPT AND  
RECORD WITH THE COURT**

DISTRICT, MILNER IRRIGATION DISTRICT, )  
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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)

COME 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 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 16, 2010, the agency transcript and record in this matter is due to be settled and lodged with the Court on or before October 29, 2010.

2. Based upon the objections filed by the parties in response to the agency transcript and record as lodged with the agency on October 1, 2010, the incorporation of the record presently before Gooding County Court in case no. CV-2008-551, has been requested into the case referenced above. The agency agrees with the inclusion. Therefore, the agency will need additional time to print off a 40 volume record, and exhibits and transcripts in addition to preparing and incorporating a record of the case beyond what the Agency Record and Transcript contained. This task will take additional time to accomplish before settlement and lodging with the Court is possible.

3. An extension of time was requested by IGWA to respond with its complete objection because of an error in the content of the CD it was provided by IDWR staff. This extension will delay the agency from completing and lodging the record with the Court by October 29, 2010.

4. Due to other record deadlines associated with matters pending before IDWR (case no. CV 2010-3822), the agency reasonably expects that it will be able to lodge the settled transcript and agency record with the Court on or before **December 3, 2010**.

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

DATED this 20th day of October, 2010.

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

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 20<sup>th</sup> day of October, 2010, I caused a true and correct copy of the foregoing **MOTION FOR EXTENSION OF TIME TO LODGE THE SETTLED AGENCY TRANSCRIPT AND RECORD WITH THE COURT** 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@capitollawgroup.net">tarkoosh@capitollawgroup.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  RACINE OLSON  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>	<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>
<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>	<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>
<p>Sarah A. Klahn  WHITE &amp; JANKOWSKI LLP  511 Sixteenth Street, Suite 500  Denver, CO 80202  <a href="mailto:sarahk@white-jankowski.com">sarahk@white-jankowski.com</a></p>	<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>



Garrick L. Baxter  
Chris M. Bromley  
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