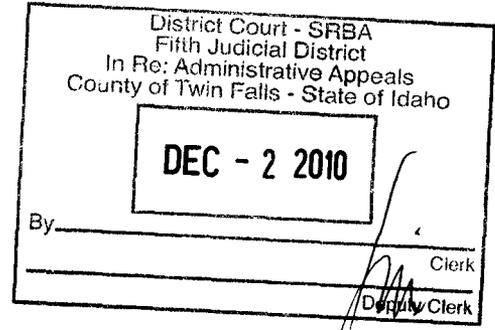


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Attorneys for Respondents



**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)

**SECOND 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.)

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)

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 October 21, 2010, the agency transcript and record in this matter is due to be settled and lodged with the Court on or before December 3, 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 had additional delays.

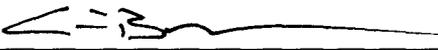
3. Due to other record deadlines associated with matters pending before IDWR, the agency reasonably anticipates that it will be able to lodge the settled transcript and agency record with the Court on or before **December 19, 2010**.

4. The parties have been contacted regarding an extension and they are in agreement to a two week extension.

5. The parties are also in the process of negotiating a stay of the judicial review proceeding pending resolution of the appeal before the Supreme Court in case no. 38193-2010.

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 15th day of December, 2010.



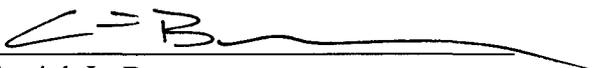
GARRICK L. BAXTER
CHRIS M. BROMLEY
Deputy Attorneys General
Idaho Department of Water Resources

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of December, 2010, I caused a true and correct copy of the foregoing **SECOND 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 3rd Ave. North P.O. Box 2707 Twin Falls, ID 83303-2707 Facsimile: (208) 736-2121</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</p>
<p>John A. Rosholt John K. Simpson Travis L. Thompson Paul L. Arrington BARKER ROSHOLT & SIMPSON, LLP P.O. Box 485 Twin Falls, ID 83303 jks@idahowaters.com tlt@idahowaters.com pla@idahowaters.com</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>C. Thomas Arkoosh CAPITOL LAW GROUP, PLLC P.O. Box 32 Gooding, ID 83330 tarkoosh@capitollawgroup.net</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>W. Kent Fletcher FLETCHER LAW OFFICE P.O. Box 248 Burley, ID 83318 wkf@pmt.org</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>Randall C. Budge Candice M. McHugh Thomas J. Budge RACINE OLSON P.O. Box 1391 Pocatello, ID 83204-1391 rcb@racinelaw.net cmm@racinelaw.net tjb@racinelaw.net</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 dtranmer@pocatello.us</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 WHITE & JANKOWSKI LLP 511 Sixteenth Street, Suite 500 Denver, CO 80202 sarahk@white-jankowski.com</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



Garrick L. Baxter
Chris M. Bromley
Deputy Attorneys General