

**LAWRENCE G. WASDEN**  
ATTORNEY GENERAL

**CLIVE J. STRONG**  
Deputy Attorney General  
Chief, Natural Resources Division

**GARRICK L. BAXTER, ISB #6301**  
**EMMI L. BLADES, ISB #8682**  
Deputy Attorneys General  
Idaho Department of Water Resources  
P.O. Box 83720  
Boise, Idaho 83720-0098  
Telephone: (208) 287-4800  
Facsimile: (208) 287-6700  
[garrick.baxter@idwr.idaho.gov](mailto:garrick.baxter@idwr.idaho.gov)  
[emmi.blades@idwr.idaho.gov](mailto:emmi.blades@idwr.idaho.gov)

Attorneys for Respondent

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

SUN VALLEY COMPANY,

Petitioner,

vs.

GARY SPACKMAN, Director of the Idaho  
Department of Water Resources.

Respondent.

Case No. CV-01-16-23173

**MOTION FOR EXTENSION OF TIME  
TO LODGE THE AGENCY RECORD  
WITH THE AGENCY AND  
MEMORANDUM IN SUPPORT**

COMES NOW Respondent, Gary Spackman, in his capacity as Director of the Idaho  
Department of Water Resources (“Department”), by and through his undersigned attorney of

record, and moves the Court pursuant to I.R.C.P. 84(o) and I.R.C.P. 84(f)(3), for an extension of time to lodge the agency record with the agency.<sup>1</sup> This motion is based upon the following:

1. Pursuant to I.R.C.P. 84(j) and the Court's January 6, 2017, *Procedural Order Governing Judicial Review of Final Orders of the Director*, the agency record is due to be lodged with the agency on or before January 20, 2017.

2. The Department has commenced preparation of the record. However, on January 13, 2017, the Petitioner Sun Valley Company ("SVC") filed a *Motion to Determine Jurisdiction* and *Memorandum in Support of Motion to Determine Jurisdiction* (collectively, "Motion") in this matter. SVC's Motion requests that the Court determine if it has jurisdiction to review the issues set forth in SVC's *Petition for Judicial Review*.

3. On January 17, 2017, the Department issued a *Notice of Continued Pre-Hearing Conference; Order Staying Proceedings Except Intervention* in the underlying administrative proceeding<sup>2</sup> to await the Court's decision on SVC's Motion.

4. The Department requests that the deadline for lodging the agency record with the agency be set for ten (10) days following the Court's issuance of a decision on SVC's Motion should the Court determine it has jurisdiction to review the issues set forth in SVC's *Petition for Judicial Review*. The Department further requests that the remaining deadlines in this matter be rescheduled accordingly.

5. Counsel for the Department has contacted Counsel for Petitioner SVC regarding this motion. Counsel does not oppose this motion.

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<sup>1</sup> The Department is not requesting an extension of time to prepare a copy of the transcript because there is no transcript.

<sup>2</sup> In the Matter of Sun Valley Company's Petition for Declaratory Ruling Regarding Creation of ESPA Ground Water Management Area; Docket No. P-DR-2016-001.

Accordingly, Respondent respectfully requests the Court issue an order extending the time to lodge the agency record with the agency consistent with the foregoing.

DATED this 20<sup>th</sup> day of January 2017.

LAWRENCE G. WASDEN  
Attorney General

CLIVE J. STRONG  
Chief, Natural Resources Division



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GARRICK L. BAXTER  
Deputy Attorney General  
Idaho Department of Water Resources

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 20<sup>th</sup> day of January 2017, I caused a true and correct copy of the foregoing document to be filed with the Court and served on the following parties by the indicated methods:

*Original to:*  
SRBA DISTRICT COURT  
253 3<sup>RD</sup> AVENUE NORTH  
PO BOX 2707  
TWIN FALLS ID 83303-2707  
Facsimile: (208) 736-2121

- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Facsimile
- Email

SCOTT L CAMPBELL  
CAMPBELL LAW  
PO BOX 170538  
BOISE ID 83717  
[scott@slcexh2o.com](mailto:scott@slcexh2o.com)

- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Facsimile
- Email

MATTHEW J MCGEE  
MOFFATT THOMAS BARRETT ROCK  
101 S CAPITOL BLVD 10<sup>TH</sup> FL  
PO BOX 829  
BOISE ID 83701  
[jmj@moffatt.com](mailto:jmj@moffatt.com)

- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Facsimile
- Email

SARAH A KLAHN  
MITRA M PEMBERTON  
WHITE & JANKOWSKI LLP  
511 SIXTEENTH STREET STE 500  
DENVER CO 80202  
[sarahk@white-jankowski.com](mailto:sarahk@white-jankowski.com)  
[mitrap@white-jankowski.com](mailto:mitrap@white-jankowski.com)

- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Facsimile
- Email

A DEAN TRANMER  
CITY OF POCATELLO  
PO BOX 4169  
POCATELLO ID 83201  
[dtranmer@pocatello.us](mailto:dtranmer@pocatello.us)

- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Facsimile
- Email

CHRIS BROMLEY  
MCHUGH BROMLEY PLLC  
380 S 4<sup>TH</sup> STREET STE 103  
BOISE ID 83702  
[cbromley@mchughbromley.com](mailto:cbromley@mchughbromley.com)

- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Facsimile
- Email

RANDALL C BUDGE  
THOMAS J BUDGE  
RACINE OLSON NYE BUDGE  
201 E CENTER STREET  
PO BOX 1391  
POCATELLO ID 83204-1391  
[rbc@racinelaw.net](mailto:rbc@racinelaw.net)  
[tjb@racinelaw.net](mailto:tjb@racinelaw.net)

- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Facsimile
- Email

JOHN K SIMPSON  
TRAVIS L THOMPSON  
PAUL L ARRINGTON  
BARKER ROSHOLT & SIMPSON  
163 SECOND AVE WEST  
PO BOX 63  
TWIN FALLS ID 83303-0063  
[jks@idahowaters.com](mailto:jks@idahowaters.com)  
[tlt@idahowaters.com](mailto:tlt@idahowaters.com)  
[pla@idahowaters.com](mailto:pla@idahowaters.com)

- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Facsimile
- Email

W KENT FLETCHER  
FLETCHER LAW OFFICE  
PO BOX 248  
BURLEY ID 83318  
[wkf@pmt.org](mailto:wkf@pmt.org)

- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Facsimile
- Email

ALBERT P BARKER  
BARKER ROSHOLT & SIMPSON  
1010 W JEFFERSON STE 102  
PO BOX 2139  
BOISE ID 83701-2139  
[apb@idahowaters.com](mailto:apb@idahowaters.com)

- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Facsimile
- Email



Garrick L. Baxter  
Deputy Attorney General