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Attorneys for Respondents

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

CITY OF POCA TELLO,

Petitioner,

vs.

GARY SPACKMAN, in his capacity as
Director of the Idaho Department of Water
Resources, and the IDAHO DEPARTMENT
OF WATER RESOURCES,

Respondents.

Case No. CV-01-17-67

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

COME NOW Respondents, Gary Spackman, in his capacity as Director (“Director”) of the Idaho Department of Water Resources (“Department”), and the Department, by and through their undersigned attorney of record, and move 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.¹ 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, Sun Valley Company (“SVC”) filed a *Motion to Determine Jurisdiction and Memorandum in Support of Motion to Determine Jurisdiction* (collectively, “Motion”) in Case No. CV-0116-23185. 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* regarding the Director’s November 4, 2016, *Order Designating the Eastern Snake Plain Aquifer Ground Water Management Area*, the same order the City of Pocatello seeks judicial review of in this matter.

3. On January 17, 2017, the Department issued a *Notice of Continued Pre-Hearing Conference; Order Staying Proceedings Except Intervention* in the underlying administrative proceeding² 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.

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

² In the Matter of Designating the Eastern Snake Plain Aquifer Ground Water Management Area; Docket No. AA-GWMA-2016-001.

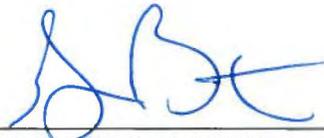
5. Counsel for the Department has contacted Counsel for Petitioner, the City of Pocatello, regarding this motion. Counsel does not oppose this motion.

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

DATED this 20th day of January 2017.

LAWRENCE G. WASDEN
Attorney General

CLIVE J. STRONG
Chief, Natural Resources Division



GARRICK L. BAXTER
Deputy Attorney General
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th 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:

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