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Attorneys for Respondent

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

The IDAHO WATER RESOURCE BOARD,  
and the IDAHO DEPARTMENT OF FISH  
AND GAME,

Petitioners,

vs.

THE IDAHO DEPARTMENT OF WATER  
RESOURCES,

Respondent.

**Case No. CV01-20-9661**

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

IN THE MATTER OF APPLICATION FOR  
PERMIT NO. 74-16187 IN THE NAME OF  
KURT W. BIRD OR JANET E. BIRD

**COMES NOW** Respondent, the Idaho Department of Water Resources (“IDWR” or  
“Agency”), by and through its undersigned attorney of record, and moves the Court pursuant to

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AGENCY RECORD AND TRANSCRIPT WITH THE AGENCY – Page 1

I.A.R. 24(f) & 46, and I.R.C.P. 84(f)(3), 84(g)(1)(C), 84(k) and 84(o), for an extension of time to lodge the agency record and transcript with the Agency. Oral argument is not requested.

This motion is based upon the following:

1. Pursuant to I.R.C.P. 84(j) and this Court's June 23, 2020 *Procedural Order Governing Judicial Review of Final Order of Director of Idaho Department of Water Resources*, the agency transcript and record in this matter is due to be lodged with the Agency on or before July 7, 2020.

2. IDWR has commenced preparation of the record. However, due to staff workload and schedules, coupled with the fact that some Agency staff continue to work remotely due to the COVID-19 virus pandemic, IDWR requires additional time to lodge the agency record and transcript with the Agency. Additionally, Petitioners have requested a transcription of the administrative hearing. The hearing audio is extensive and the Agency has been notified that M & M Court Reporting requires additional time for completion of the transcript.

3. IDWR reasonably expects that it will be able to lodge the agency record with the Agency on or before July 21, 2020.

4. Pursuant to I.R.C.P. 84(j)(3), parties shall have 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. IDWR will determine any objection within fourteen (14) days of receipt thereof and include the agency's decision on the objection in the record on petition for review.

5. The Court's June 23, 2020 *Procedural Order Governing Judicial Review of Final Order of Director of Idaho Department of Water Resources* directs that the settled record and transcript shall be lodged with the Court no later than August 4, 2020. IDWR reasonably expects

that it will be able to lodge the settled record and transcript with the Court on or before August 18, 2020.

6. The hearing is currently scheduled for November 19, 2020. However, in an effort to allow the parties to properly prepare for hearing, the Agency conferred with the Court, Petitioners' counsel, and Applicant's counsel, and all have agreed to reschedule the hearing for December 3, 2020, at 1:30 p.m.

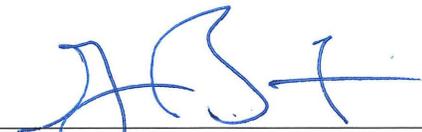
7. Counsel for IDWR has contacted counsel for the Petitioners, the Idaho Water Resource Board, and the Idaho Department of Fish and Game, and counsel for the Applicants regarding this motion. The parties do not oppose this motion and agree to the new date for oral argument.

8. IDWR respectfully requests the Court issue an order extending the time to lodge the agency record and consistent with the foregoing.

DATED this 2<sup>nd</sup> day of July, 2020.

LAWRENCE G. WASDEN  
Attorney General

DARRELL G. EARLY  
Chief, Natural Resources Division

  
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Garrick L. Baxter  
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**CERTIFICATE OF SERVICE**

I hereby certify that on July 2, 2020, I served a true and correct copy of the foregoing document to be filed with the Court and served on the persons listed below by the methods indicated below:

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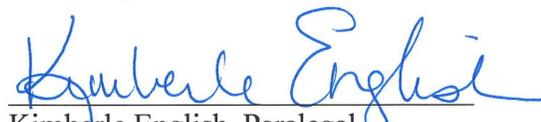
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