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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,

v.

KURT W. BIRD and JANET E. BIRD,

Cross Petitioners,

v.

THE IDAHO DEPARTMENT OF WATER  
RESOURCES,

Respondent.

**Case No. CV01-20-09661**

**NOTICE OF LODGING THE SETTLED  
AGENCY RECORD AND TRANSCRIPT  
WITH DISTRICT COURT**

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

NOTICE OF LODGING THE SETTLED AGENCY RECORD AND TRANSCRIPT  
WITH THE DISTRICT COURT – Page 1

TO: THE DISTRICT COURT AND THE PARTIES OF RECORD

On July 21, 2020, the Idaho Department of Water Resources (“Department”) served its *Notice of Lodging Agency Transcript and Record with the Agency* (“Notice”) in this matter pursuant to I.R.C.P 84(j). The Notice gave the parties fourteen (14) days from the date of the Notice to file any objection to the agency record or transcript.

On August 4, 2020, petitioners Idaho Water Resource Board (“IWRB”) and the Idaho Department of Fish and Game (“IDFG”) filed *Petitioners’ Objection to the Record Lodged with the Agency*. On August 4, 2020, cross-petitioners Kurt W. Bird and Janet E. Bird filed *Bird’s Objection to the Record Lodged with the Agency*. On August 5, 2020, petitioners IWRB and IDFG filed *Petitioners’ Response to Bird’s Objection to the Record Lodged with the Agency*. These filings are addressed in the Department’s August 17, 2020, *Order Settling the Agency Record and Transcript with the District Court*.

Pursuant to the District Court’s July 6, 2020, *Order Granting Motion for Extension and Resetting Oral Argument*, the Department filed an *Order Settling the Agency Record and Transcript with the District Court* on August 17, 2020. The agency record and transcript are deemed settled pursuant to I.R.C.P. 84(j).

YOU ARE HEREBY NOTIFIED that the settled record and transcript are being filed with the District Court pursuant to I.R.C.P. 84(k), by providing one (1) DVD dated August 17, 2020, in OCR format and hard copy. Copies of the DVD are also being mailed with this notice to the parties.

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NOTICE OF LODGING THE SETTLED AGENCY RECORD AND TRANSCRIPT  
WITH THE DISTRICT COURT – Page 2

DATED this 7<sup>th</sup> day of August, 2020.

LAWRENCE G. WASDEN  
Attorney General

DARRELL G. EARLY  
Chief, Natural Resources Division

  
SEAN COSTELLO  
Deputy Attorney General  
Idaho Department of Water Resources

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17<sup>th</sup> day of August 2020, I caused a true and correct copy of the foregoing *Notice of Lodging the Settled Agency Record and Transcript with the District Court* is filed with the District Court and served on the following parties by the indicated methods:

### Original faxed and mailed to:

SRBA Court  
253 3<sup>rd</sup> Avenue North  
P.O. Box 2707  
Twin Falls, ID 83303-2707

### Copies to:

Michael C. Orr  
Deputy Attorney General  
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Boise, ID 83720-0010  
[Michael.orr@ag.idaho.gov](mailto:Michael.orr@ag.idaho.gov)

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| <input checked="" type="checkbox"/> | Email                      |

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Kimberle English, Paralegal