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Seventh Judicial District, Bingham County
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Attorneys for Respondent

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BINGHAM

JERRY D. BINGHAM and VALERIE H. BINGHAM, Petitioners, vs. IDAHO DEPARTMENT OF WATER RESOURCES, Respondent, and IDAHO GROUND WATER APPROPRIATORS, INC., CITY OF POCATELLO, AMERICAN FALLS RESERVOIR DISTRICT #2, MINIDOKA IRRIGATION DISTRICT A&B IRRIGATION DISTRICT, BURLEY IRRIGATION DISTRICT, MILNER IRRIGATION DISTRICT, NORTH SIDE CANAL COMPANY, TWIN FALLS CANAL COMPANY, Intervenors.	Case No. CV06-26-1801 **MOTION FOR EXTENSION OF TIME TO LODGE AGENCY RECORD AND TRANSCRIPT WITH THE DISTRICT COURT**

Respondent the Idaho Department of Water Resources ("Department") moves this Court, pursuant to its September 23, 2026 *Procedural Order* and I.A.R. 46, for a one-day extension of time to respond to *Petitioners' Objections to the Lodged Agency Record* and to lodge the settled agency

record and transcript with the District Court. This motion is supported by the contemporaneously filed *Declaration of Sarah C. Tschohl in Support of Motion for Extension of Time*.

For good cause shown, the Court may extend any deadline to lodge an agency record, lodge an agency transcript, or file an agency decision on record objection. *See* I.A.R. 46. Good cause exists here for the reasons discussed below. The Department is lodging the settled agency record concurrently with this motion, so the requested extension is of the shortest possible duration and causes no prejudice to any party or to the orderly progress of this appeal.

After the Director decided to sustain in part the Binghams' objection to the agency record, the expanded record exceeded 500 megabytes. That size vastly exceeds the limits imposed by the Idaho Rules for Electronic Filing and Service, under which an electronically filed document may not exceed 50 megabytes, and a filing envelope must not exceed 100 megabytes. I.R.E.F.S. 6. As more fully set forth in the accompanying declaration, the Department made repeated, diligent, good-faith efforts to reduce the record to a size capable of being filed electronically. Those efforts included repeatedly attempting to split and compress the PDF record. The attempts resulted in multiple Adobe application crashes and forced computer restarts. These technical failures occurred after normal business hours, when technology support personnel were unavailable to assist. Efforts to reduce the record to a size able to be filed continued up to and past midnight. The delay was neither strategic nor the product of a lack of diligence. The substantive work necessary to lodge the record was complete before the deadline; only the mechanical task of reducing the electronic file to a size able to be filed prevented timely submission. The record file size has now been successfully reduced and is ready for filing.

Therefore, the Department respectfully requests an order from the Court extending the time to respond to *Petitioners' Objections to the Lodged Agency Record* and to lodge the settled

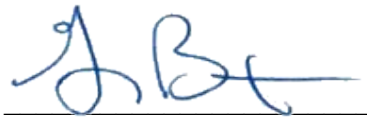
agency record and transcript with the Court to November 5, 2026. Consistent with this request, the Department has concurrently filed its:

1. *Agency Decision on Objection and Order Settling the Agency Record and Transcript*;
2. *Settled Agency Record on Appeal*;
3. *Settled Agency Transcript on Appeal*; and
4. *Notice of Lodging the Settled Agency Record and Transcript with the District Court*.

However, considering the order on objections and the notice of lodging were prepared on November 4, 2026, only the dates on the certificates of service have since been updated to reflect the one-day delay in filing.

DATED this 5th day of November 2026.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL



GARRICK L. BAXTER
Deputy Attorney General

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of November 2026, I caused to be served a true and correct copy of the foregoing *Motion for Extension of Time to Lodge Agency Record and Transcript with the District Court*, via iCourt E-File and Serve, upon the following:

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