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Attorneys for Respondents

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF MINIDOKA**

A&B IRRIGATION DISTRICT,)

Petitioner,)

vs.)

THE IDAHO DEPARTMENT OF WATER)
RESOURCES and GARY SPACKMAN in his)

official capacity as Interim Director of the)
Idaho Department of Water Resources,)

Respondent.)

) Case No. CV-2011-512

) **IDWR’S UNOPPOSED MOTION FOR**
) **EXTENSION OF TIME TO**
) **LODGE THE SETTLED**
) **RECORD AND TRANSCRIPT**
) **WITH THE COURT**

_____)
)
) IN THE MATTER OF THE PETITION FOR)
) DELIVERY CALL OF A&B IRRIGATION)
) DISTRICT FOR THE DELIVERY OF)
) GROUND WATER AND FOR THE)
) CREATION OF A GROUND WATER)
) MANAGEMENT AREA)
)
)

IDWR’S UNOPPOSED MOTION FOR EXTENSION OF TIME TO LODGE THE SETTLED
RECORD AND TRANSCRIPT WITH THE COURT

COME NOW respondents, Gary Spackman, in his capacity as Director of the Idaho Department of Water Resources, and the Idaho Department of Water Resources (“IDWR”), by and through their undersigned attorney of record, and move the Court pursuant to I.A.R. 46 and I.R.C.P. 84(f)(5) and 84(j) for an extension of time to prepare and lodge the settled agency record and transcript with the Court. Pursuant to I.R.C.P. 84(o), argument is not requested.

This motion is based upon the following:

1. Pursuant to I.R.C.P. 84(f)(5), the agency record in this matter is due to be settled and lodged with the Court on or before December 4, 2012.

2. On November 13, 2012, IDWR lodged correspondence noting the record filed with the Court on October 29, 2009 in related case CV-2009-647 is also the record in case CV-2011-512. IDWR further noted corrections made to the record in case CV-2009-647 in 2010, as well as additional filings that should be included in the record in the CV-2011-512 case.

3. On November 26, 2012, Petitioner A&B Irrigation District (“A&B”) filed an objection to the Agency Record. IDWR agrees with the changes requested by A&B and IDWR is in the process of making the requested corrections to the record. IDWR expects that it will be able to lodge the settled transcript and record with the Court on or before December 10, 2012.

4. Undersigned counsel has contacted the counsel for the other parties about the requested extension. No counsel opposes IDWR’s request.

Accordingly, IDWR moves the Court for an order extending the time for preparation and lodging of the agency record and transcript from December 4, 2012 to December 10, 2012. A proposed order is provided with this motion.

DATED this 3rd day of December 2012.

LAWRENCE G. WASDEN
Attorney General
CLIVE R. J. STRONG
Chief, Natural Resources Division



CHRIS M. BROMLEY
Deputy Attorneys General
Idaho Department of Water Resources

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am a duly licensed attorney in the state of Idaho, employed by the Attorney General of the state of Idaho and residing in Boise, Idaho; and that I served a true and correct copy of the following described document on the persons listed below by mailing in the United States mail, first class, with the correct postage affixed thereto on this 3rd day of August 2011.

Document Served: **MOTION FOR EXTENSION OF TIME TO LODGE THE SETTLED AGENCY TRANSCRIPT AND RECORD WITH THE COURT**

SRBA District Court P.O. Box 2707 Twin Falls, ID 83350 Fax: (208) 736-2121	<input type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input checked="" type="checkbox"/> Facsimile <input type="checkbox"/> Email
John K. Simpson Travis Thompson Paul L. Arrington Sarah W. Higer BARKER ROSHOLT & SIMPSON LLP 195 River Vista Place, Ste 204 Twin Falls, ID 83301-3029 jks@idahowaters.com tlt@idahowaters.com pla@idahowaters.com swh@idahowaters.com	<input type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email
Randy C. Budge Candice M. McHugh RACINE OLSON NYE BUDGE BAILEY P.O. Box 1391 Pocatello, ID 83201 rcb@racinelaw.net cmm@racinelaw.net	<input type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email
A. Dean Tranmer City of Pocatello P.O. Box 4169 Pocatello, ID 83201 dtranmer@pocatello.us	<input type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email

<p>Sarah A. Klahn Mitra M. Pemberton WHITE & JANKOWSKI LLP 511 Sixteenth Street, Suite 500 Denver, CO 80202 sarahk@white-jankowski.com mitrap@white-jankowski.com</p>	<input type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email
<p>Jerry R. Rigby Rigby Andrus and Moeller 25 N 2nd East Rexburg, ID 83440 jrigby@rex-law.com</p>	<input type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email



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Case No. CV 2011-512
**ORDER GRANTING IDWR'S
UNOPPOSED MOTION FOR
EXTENSION OF TIME TO
LODGE THE SETTLED
RECORD AND
TRANSCRIPT WITH THE
COURT**

_____)
)
IN THE MATTER OF THE PETITION FOR)
DELIVERY CALL OF A&B IRRIGATION)

DISTRICT FOR THE DELIVERY OF)
GROUND WATER AND FOR THE)
CREATION OF A GROUND WATER)
MANAGEMENT AREA)
_____)

The Court having reviewed *IDWR's Unopposed Motion for Extension of Time to Lodge the Settled Record and Transcript with the Court* filed by the respondent Idaho Department of Water Resources ("IDWR") in this action, and good cause appearing, therefor,

IT IS ORDERED that the time for lodging the settled transcript and record with the district court and in this action shall be extended and that IDWR shall lodge the settled transcript and record with this Court on or before December 10, 2012.

DATED this _____ day of December, 2012.

ERIC J. WILDMAN
District Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this _____ day of December, 2012, I caused a true and correct copy of the foregoing **IDWR'S UNOPPOSED MOTION FOR EXTENSION OF TIME TO LODGE THE SETTLED RECORD AND TRANSCRIPT WITH THE COURT** to be served on the following parties by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

<p>Garrick L. Baxter Chris M. Bromley IDWR P.O. Box 83720 Boise, ID 83720-0098 Garrick.Baxter@idwr.idaho.gov Chris.Bromley@ idwr.idaho.gov</p>	<p><input type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Email</p>
<p>John K. Simpson Travis Thompson Paul L. Arrington Sarah W. Higer BARKER ROSHOLT & SIMPSON LLP 195 River Vista Place, Ste 204 Twin Falls, ID 83301-3029 jks@idahowaters.com tlt@idahowaters.com pla@idahowaters.com swh@idahowaters.com</p>	<p><input type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Email</p>
<p>Randy C. Budge Candice M. McHugh RACINE OLSON NYE BUDGE BAILEY P.O. Box 1391 Pocatello, ID 83201 rcb@racinelaw.net cmm@racinelaw.net</p>	<p><input type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Email</p>
<p>A. Dean Tranmer City of Pocatello P.O. Box 4169 Pocatello, ID 83201 dtranmer@pocatello.us</p>	<p><input type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Email</p>

<p>Sarah A. Klahn Mitra M. Pemberton WHITE & JANKOWSKI LLP 511 Sixteenth Street, Suite 500 Denver, CO 80202 sarahk@white-jankowski.com mitrap@white-jankowski.com</p>	<input type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Email
<p>Jerry R. Rigby Rigby Andrus and Moeller 25 N 2nd East Rexburg, ID 83440 jrigby@rex-law.com</p>	<input type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Email

Clerk of the Court