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Attorneys for Respondent

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

BASIN 33 WATER USERS, a coalition of
water right holders, and the UPPER VALLEY
WATER USERS, a coalition of water right
holders,

Petitioners,

vs.

THE IDAHO DEPARTMENT OF WATER
RESOURCES,

Respondent.

Case No. CV01-20-08069

**MOTION FOR EXTENSION OF TIME
TO LODGE AGENCY RECORD**

IN THE MATTER OF DESIGNATING THE
EASTERN SNAKE PLAIN AQUIFER
GROUND WATER MANAGEMENT AREA

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

I.R.C.P. 84(f), 84(k) and 84(o) for an extension of time to lodge the agency record.¹ Oral argument is not requested.

This motion is based upon the following:

1. Pursuant to I.R.C.P. 84(f) and this Court's May 27, 2020, *Procedural Order Governing Judicial Review of Final Order of Director of Idaho Department of Water Resources*, the agency record in this matter is due to be lodged with the Agency on or before June 10, 2020.

2. IDWR has commenced preparation of the record. However, due to staff workload and schedules, coupled with the fact that Agency staff continues to work remotely due to the COVID-19 virus, IDWR requires additional time to lodge the agency record with the Agency.

3. IDWR reasonably expects that it will be able to lodge the agency record with the Agency on or before June 16, 2020.

4. Pursuant to I.R.C.P. 84(j), the parties have a period of fourteen (14) days from the date of mailing of the notice of lodging of the record for the parties to file objections with the Agency. Rule 84(j) further states that any objection made shall be determined by the Agency within fourteen (14) days of receipt thereof.

5. The Court's May 27, 2020, *Procedural Order Governing Judicial Review of Final Order of Director of Idaho Department of Water Resources*, directs that the settled agency record shall be lodged with the District Court no later than July 8, 2020. IDWR reasonably expects that it will be able to lodge the agency record and transcript with the Court on or before July 14, 2020.

6. Counsel for IDWR has contacted counsel for the Petitioners, Basin 33 Water Users and Upper Valley Water Users, regarding this motion. Basin 33 Water Users and Upper Valley Water Users do not oppose this motion.

¹ Petitioners did not request a transcript of the live proceedings in this matter. See *Joint Notice of Appeal and Petition for Judicial Appeal of Final Agency Action* at 5.

Accordingly, Respondent requests an order from the Court extending the time to lodge the agency record and consistent with the foregoing.

DATED this 9th day of June, 2020.

LAWRENCE G. WASDEN
Attorney General

DARRELL G. EARLY
Chief, Natural Resources Division

A handwritten signature in black ink, appearing to read 'S. Costello', written over a horizontal line.

SEAN COSTELLO
Deputy Attorney General
Idaho Department of Water Resources

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of June 2020, 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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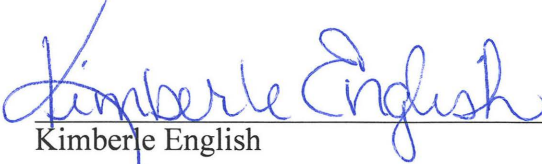
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