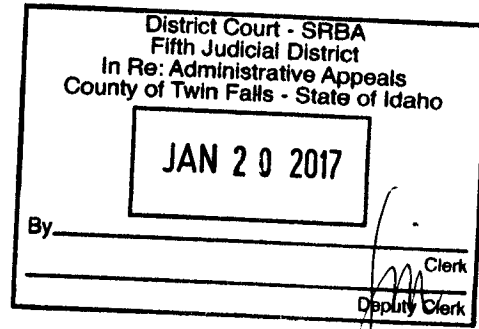


LAWRENCE G. WASDEN
ATTORNEY GENERAL

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

GARRICK L. BAXTER, ISB #6301
EMMI L. BLADES, ISB #8682
Deputy Attorneys General
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098
Telephone: (208) 287-4800
Facsimile: (208) 287-6700
garrick.baxter@idwr.idaho.gov
emmi.blades@idwr.idaho.gov

Attorneys for Respondents



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

CITY OF POCATELLO,

Petitioner,

vs.

GARY SPACKMAN, in his capacity as
Director of the Idaho Department of Water
Resources, and the IDAHO DEPARTMENT
OF WATER RESOURCES,

Respondents.

Case No. CV-01-17-67

**MOTION FOR EXTENSION OF TIME
TO LODGE THE AGENCY RECORD
WITH THE AGENCY AND
MEMORANDUM IN SUPPORT**

COME NOW Respondents, Gary Spackman, in his capacity as Director ("Director") of the Idaho Department of Water Resources ("Department"), and the Department, by and through their undersigned attorney of record, and move the Court pursuant to I.R.C.P. 84(o) and I.R.C.P.

MOTION FOR EXTENSION OF TIME TO LODGE THE AGENCY RECORD WITH THE AGENCY AND MEMORANDUM IN SUPPORT - Page 1

84(f)(3), for an extension of time to lodge the agency record with the agency.¹ This motion is based upon the following:

1. Pursuant to I.R.C.P. 84(j) and the Court's January 6, 2017, *Procedural Order Governing Judicial Review of Final Orders of the Director* the agency record is due to be lodged with the agency on or before January 20, 2017.
2. The Department has commenced preparation of the record. However, on January 13, 2017, Sun Valley Company ("SVC") filed a *Motion to Determine Jurisdiction and Memorandum in Support of Motion to Determine Jurisdiction* (collectively, "Motion") in Case No. CV-0116-23185. SVC's Motion requests that the Court determine if it has jurisdiction to review the issues set forth in SVC's *Petition for Judicial Review* regarding the Director's November 4, 2016, *Order Designating the Eastern Snake Plain Aquifer Ground Water Management Area*, the same order the City of Pocatello seeks judicial review of in this matter.
3. On January 17, 2017, the Department issued a *Notice of Continued Pre-Hearing Conference; Order Staying Proceedings Except Intervention* in the underlying administrative proceeding² to await the Court's decision on SVC's Motion.
4. The Department requests that the deadline for lodging the agency record with the agency be set for ten (10) days following the Court's issuance of a decision on SVC's Motion should the Court determine it has jurisdiction to review the issues set forth in SVC's *Petition for Judicial Review*. The Department further requests that the remaining deadlines in this matter be rescheduled accordingly.

¹ The Department is not requesting an extension of time to prepare a copy of the transcript because there is no transcript.

² In the Matter of Designating the Eastern Snake Plain Aquifer Ground Water Management Area; Docket No. AA-GWMA-2016-001.

5. Counsel for the Department has contacted Counsel for Petitioner, the City of Pocatello, regarding this motion. Counsel does not oppose this motion.

Accordingly, Respondents respectfully request the Court issue an order extending the time to lodge the agency record with the agency consistent with the foregoing.

DATED this 20th day of January 2017.

LAWRENCE G. WASDEN
Attorney General

CLIVE J. STRONG
Chief, Natural Resources Division



GARRICK L. BAXTER
Deputy Attorney General
Idaho Department of Water Resources

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of January 2017, 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:

Original to:
SRBA DISTRICT COURT
PO BOX 2101
TWIN FALLS ID 83303-2707
Facsimile: (208) 736-2121

- U.S. Mail, postage prepaid
- Hand Delivery
- Facsimile
- Email

SADALAVI ALUNI
MITRA M PEMBERTON
WHITE & JANKOWSKI LLP
511 SIXTEENTH STREET STE 500
DENVER CO 80202
sarahk@white-jankowski.com
mitrap@white-jankowski.com

- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Facsimile
- Email

A DEAN TRANMER
CITY OF POCATELLO
PO BOX 4169
POCATELLO ID 83201
atranmer@pocatello.gov

- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Facsimile
- Email

ROBERT E WILLIAMS
WILLIAMS MESERVY & LOTH SPEICH
1534 EAST MAIN STREET
PO BOX 168
JEROME ID 83338
rewilliams@wmlattys.com

- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Facsimile
- Email

CHRIS BROMLEY
CANDICE MCHUGH
MCHUGH BROMLEY PLLC
380 S 4TH STREET STE 103
BOISE ID 83702
cbromley@mchughbromley.com
cmchugh@mchughbromley.com

- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Facsimile
- Email

RANDALL C BUDGE
 THOMAS J BUDGE
 RACINE OLSON NYE BUDGE
 201 E CENTER STREET
 POCATELLO ID 83204-1391
rcb@racinelaw.net
tjb@racinelaw.net

- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Facsimile

JOHN K SIMPSON
 TRAVIS L THOMPSON
 PAUL L ARRINGTON
 BARKER ROSHOLT & SIMPSON
 163 SECOND AVE WEST
 PO BOX 63
 TWIN FALLS ID 83303-0063
jks@idahowaters.com
ltt@idahowaters.com
pla@idahowaters.com

- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Facsimile
- Email

W KENT FLETCHER
 FLETCHER LAW OFFICE
 PO BOX 248
 BURLEY ID 83318
wkf@pmt.org

- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Facsimile
- Email

ALBERT P BARKER
 BARKER ROSHOLT & SIMPSON
 1010 W JEFFERSON STE 102
 PO BOX 2139
 BOISE ID 83701-2139
apb@idahowaters.com

- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Facsimile
- Email

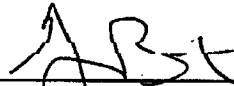
SCOTT L CAMPBELL
 CAMPBELL LAW
 PO BOX 170538
 BOISE ID 83717
scott@slccll20.com

- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Facsimile
- Email

MATTHEW J MCGEE
MOFFATT THOMAS BARRETT ROCK
101 S CAPITOL BLVD 10TH FL
PO BOX 829
BOISE ID 83701

imi@moffatt.com

- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Facsimile
- Email



Garrick L. Baxter
Deputy Attorney General