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Attorneys for Respondent

District Court - SRBA Fifth Judicial District In Re: Administrative Appeals County of Twin Falls - State of Idaho
FEB 06 2020
By _____ Clerk
_____ Deputy Clerk

**IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE STATE OF
IDAHO, IN AND FOR THE COUNTY OF WASHINGTON**

ECKHARDT FAMILY LLLP, an Idaho
Limited Partnership,

Petitioner,

vs.

THE IDAHO DEPARTMENT OF WATER
RESOURCES,

Respondent.

Case No. CV44-20-00039

**MOTION FOR EXTENSION OF TIME TO
LODGE AGENCY RECORD AND
TRANSCRIPT; MOTION FOR
CONSOLIDATION FOR PURPOSES OF
AGENCY RECORD AND TRANSCRIPT**

IN THE MATTER OF APPLICATIONS FOR
PERMIT 67-15298 AND 67-15300 IN THE
NAME OF ECKHARDT FAMILY LLLP

COMES NOW Respondent, the Idaho Department of Water Resources ("IDWR"), by and through its undersigned attorney of record, and moves the Court pursuant to I.R.C.P. 84(k) and 84(o) for an extension of time to lodge the agency record and transcript with the agency.

Respondent's Motion for Extension of Time to Lodge the Agency Record and Transcript is based upon the following:

1. Pursuant to this Court's Order of January 27, 2020, the agency record and transcript in this matter is due to be lodged with the agency on or before February 10, 2020.
2. Due to staff work load, IDWR requires additional time to lodge it with the agency.
3. IDWR reasonably expects that it will be able to lodge the agency record and transcript with the agency on or before March 2, 2020.

Additionally, pursuant to I.R.C.P. 42, Respondent requests that the two cases, CV44-20-38 and CV44-20-39, be consolidated only for the purpose of the agency record and transcript. Respondent requests to produce one agency record and one agency transcript that include all of the contested permit applications 67-15292 through 67-15297 and 67-15298 and 67-15300.

Respondent's Motion for Consolidation is based upon the following:

1. The agency held one joint hearing for all eight contested applications for permit found in cases CV44-20-38 and CV44-20-39. The agency has one set of exhibits from this hearing.
2. Consolidating the agency record and transcript will reduce the time and money the agency spends creating the record and transcript.
3. Neither party would be unduly burdened by these consolidations.


Counsel for IDWR reached out to counsel for the Petitioner Eckhardt Family, LLLP regarding both motions, and counsel has agreed to stipulate to an extension of the agency record deadline to March 2, 2020. Petitioner's counsel also agrees to consolidate the two cases only for the purpose of the agency record and transcript.

Accordingly, Respondent requests an order from the Court extending the time to lodge the agency record and transcript with the agency to March 2, 2020 consistent with the foregoing. Respondent also requests this Court to order consolidation of the two cases only for the purpose of preparing one agency record and one agency transcript.

DATED this 6th day of February, 2020.

LAWRENCE G. WASDEN
Attorney General

DARRELL G. EARLY
Chief, Natural Resources Division



JENNIFER R. WENDEL
Deputy Attorney General
Idaho Department of Water Resources

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6 day of February 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:

Original to:
SRBA District Court
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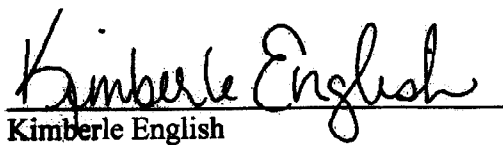
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