

**LAWRENCE G. WASDEN**  
ATTORNEY GENERAL

**DARRELL G. EARLY**  
Chief of Natural Resources Division

**GARRICK L. BAXTER, ISB No. 6301**  
**SEAN H. COSTELLO, ISB No. 8743**  
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](mailto:garrick.baxter@idwr.idaho.gov)  
[sean.costello@idwr.idaho.gov](mailto:sean.costello@idwr.idaho.gov)

Attorneys for Respondents

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

EDEN'S GATE LLC,

Petitioner,

vs.

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

Respondents.

**Case No. CV14-21-10116**

**MOTION AND SUPPORTING  
POINTS FOR EXTENSION OF TIME  
TO LODGE AGENCY RECORD AND  
TRANSCRIPT**

IN THE MATTER OF APPLICATION  
FOR PERMIT NO. 63-34832 THROUGH  
63-34838 AND 63-34840 THROUGH 63-  
34846 ALL IN THE NAME OF EDEN'S  
GATE LLC

TO: THE DISTRICT COURT AND THE PARTIES OF RECORD


COMES NOW Respondents, the Idaho Department of Water Resources (“IDWR”) and Gary Spackman in his official capacity as Director of IDWR, by and through their attorneys 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.

Respondents’ motion is based upon the following:

1. Pursuant to this Court’s November 17, 2021 *Procedural Order*, the agency record and transcript in this matter are due to be lodged with the agency on or before December 1, 2021.
2. Due to staff workload, IDWR requires additional time to lodge the record with the agency.
3. IDWR has not yet received the transcript in this matter and requires additional time to lodge the transcript with the agency.
4. IDWR reasonably expects that it will be able to lodge the agency record and transcript with the agency on or before January 7, 2022.

Accordingly, Respondents request an order from the Court extending the time to lodge the agency record and transcript with the agency to January 7, 2022, consistent with the foregoing.

Dated the 23rd day of November 2021.

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

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of November 2021, I caused to be served a true and correct copy of the foregoing *Motion and Supporting Points for Extension of Time to Lodge Agency Record and Transcript* via iCourt E-File and Serve, upon the following:

Albert P. Barker

Michael A. Short

**BARKER ROSHOLT & SIMPSON  
LLP**

1010 W. Jefferson St., Ste. 102

P.O. Box 2139

Boise, ID 83701-2139

[apb@idahowaters.com](mailto:apb@idahowaters.com)

[mas@idahowaters.com](mailto:mas@idahowaters.com)

*Attorneys for Petitioner Eden's Gate LLC*

U.S. Mail, postage prepaid

Hand Delivery

Overnight Mail

Facsimile

iCourt E-File and Serve

Bryce Farris

**SAWTOOTH LAW OFFICES, PLLC**

P.O. Box 7985

Boise, Idaho 83707

[bryce@sawtoothlaw.com](mailto:bryce@sawtoothlaw.com)

*Attorney for Administrative Protestant Farmers Co-Operative Ditch Company*

U.S. Mail, postage prepaid

Hand Delivery

Overnight Mail

Facsimile

iCourt E-File and Serve



GARRICK L. BAXTER

Deputy Attorney General

Idaho Department of Water Resources