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Attorneys for Kurt W. Bird & Janet E. Bird

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

The IDAHO WATER RESOURCE BOARD,
and the IDAHO DEPARTMENT OF FISH
AND GAME,

Petitioners,

v.

THE IDAHO DEPARTMENT OF WATER
RESOURCES,

Respondent.

v.

KURT W. BIRD and JANET E. BIRD,

Cross Petitioners.

Case No. CV01-20-9661

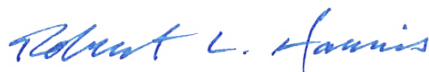
**BIRD'S OBJECTION TO THE
RECORD LODGED WITH THE
AGENCY**

IN THE MATTER OF APPLICATION FOR
PERMIT NO. 74-16187 IN THE NAME OF
KURT W. BIRD OR JANET E. BIRD

Petitioners Kurt W. Bird and Janet E. Bird (collectively “Bird”), by and through their counsel of record, Holden, Kidwell, Hahn & Crapo, P.L.L.C., and pursuant to Rule 84(j)(1)(c) of the Idaho Rules of Civil Procedure and the *Notice of Lodging Agency Transcript and Record with the Agency* (July 21, 2020) (the “Notice”), hereby file this objection to the record lodged with the Idaho Department of Water Resources (“Department”), and requests that additional time be provided for Bird to review the agency record.

The *Notice* provides that a copy of the agency record and transcript are contained on one (1) DVD. However, counsel for Bird never received the DVD copy by mail sent to him in Idaho Falls. While the *Notice* does provide that a copy of the agency record and transcript can be picked up in Boise, on other appeal matters, most recently in the ESPA Ground Water Management Area appeal (Ada County Case No. CV 01-20-8068), the Department has mailed a DVD with the record to my office in Idaho Falls for review. Counsel for Bird assumed this same practice would continue in the instant matter. Today, counsel for Bird contacted Sean Costello about the DVD, and he indicated that he would have Kimberle English mail a copy of the DVD to me today. For that reason, Bird requests to have until August 24, 2020, to review the record and lodge any objections.

Dated this 4th day of August 2020.



Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of August 2020, I served a copy of the following described pleading or document on the parties listed below by the indicated method.

Document Served: **BIRD'S OBJECTION TO THE RECORD LODGED WITH THE AGENCY**

Original to:

Clerk of the District Court
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253 3rd Avenue North
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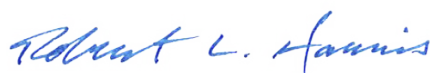
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