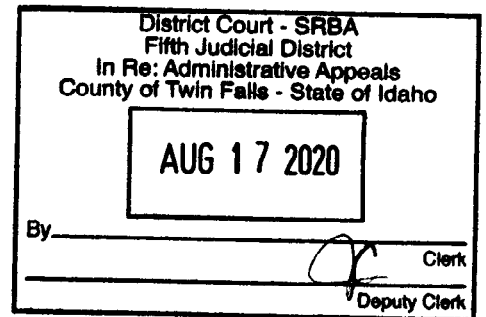


LAWRENCE G. WASDEN
Attorney General

DARRELL G. EARLY
Chief, Natural Resources Division

GARRICK BAXTER #6301
SEAN COSTELLO #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
sean.costello@idwr.idaho.gov

Attorneys for Respondent



**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.

KURT W. BIRD and JANET E. BIRD,

Cross Petitioners,

v.

THE IDAHO DEPARTMENT OF WATER
RESOURCES,

Respondent.

Case No. CV01-20-09661

**NOTICE OF LODGING THE SETTLED
AGENCY RECORD AND TRANSCRIPT
WITH DISTRICT COURT**

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

TO: THE DISTRICT COURT AND THE PARTIES OF RECORD

On July 21, 2020, the Idaho Department of Water Resources (“Department”) served its *Notice of Lodging Agency Transcript and Record with the Agency* (“Notice”) in this matter pursuant to I.R.C.P 84(j). The Notice gave the parties fourteen (14) days from the date of the Notice to file any objection to the agency record or transcript.

On August 4, 2020, petitioners Idaho Water Resource Board (“IWRB”) and the Idaho Department of Fish and Game (“IDFG”) filed *Petitioners’ Objection to the Record Lodged with the Agency*. On August 4, 2020, cross-petitioners Kurt W. Bird and Janet E. Bird filed *Bird’s Objection to the Record Lodged with the Agency*. On August 5, 2020, petitioners IWRB and IDFG filed *Petitioners’ Response to Bird’s Objection to the Record Lodged with the Agency*. These filings are addressed in the Department’s August 17, 2020, *Order Settling the Agency Record and Transcript with the District Court*.

Pursuant to the District Court’s July 6, 2020, *Order Granting Motion for Extension and Resetting Oral Argument*, the Department filed an *Order Settling the Agency Record and Transcript with the District Court* on August 17, 2020. The agency record and transcript are deemed settled pursuant to I.R.C.P. 84(j).

YOU ARE HEREBY NOTIFIED that the settled record and transcript are being filed with the District Court pursuant to I.R.C.P. 84(k), by providing one (1) DVD dated August 17, 2020, in OCR format and hard copy. Copies of the DVD are also being mailed with this notice to the parties.

//


//

//

DATED this 17th day of August, 2020.

LAWRENCE G. WARDEN
Attorney General

DARRELL G. EARLY
Chief, Natural Resources Division



SEAN COSTELLO
Deputy Attorney General
Idaho Department of Water Resources

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of August 2020, I caused a true and correct copy of the foregoing *Notice of Lodging the Settled Agency Record and Transcript with the District Court* is filed with the District Court and served on the following parties by the indicated methods:

Original faxed and mailed to:

SRBA Court
253 3rd Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

Copies to:

Michael C. Orr
Deputy Attorney General
PO Box 83720
Boise, ID 83720-0010
Michael.orr@ag.idaho.gov

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

Ann Y. Vonde
Deputy Attorney General
PO Box 83720
Boise, ID 83720-0010
Ann.vonde@ag.idaho.gov

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

Robert Harris
Holden Kidwell Hahn & Crapo
PO Box 50130
Idaho Falls, ID 83405
rharris@holdenlegal.com

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

Marie Calloway Kellner
Matt Nykiel
Idaho Conservation League
PO Box 844
Boise, ID 83701
mkellner@idahoconservation.org
mnykiel@idahoconservation.org

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

Travis Thompson
Barker Rosholt & Simpson LLP
PO Box 63
Twin Falls, ID 83303-0063
tlt@idahowaters.com

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

Kurt W and Janet E Bird
56 Lower Texas Creek Rd
Leadore, ID 83464

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

Penny Jane Ogden-Edwards
2330 S 350 W
Perry, UT 84302

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

Kerry Purcell
1774 Lee Creek Road
Leadore, ID 83464

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

Kerry Purcell
Purcell Ranch Partnership
98 Purcell Lane
Leadore, ID 83464

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


Kimberle English, Paralegal