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Seventh Judicial District, Bingham County
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Attorneys for Respondent

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BINGHAM

JERRY D. BINGHAM and VALERIE H. BINGHAM, Petitioners, vs. IDAHO DEPARTMENT OF WATER RESOURCES, Respondent, and IDAHO GROUND WATER APPROPRIATORS, INC., CITY OF POCATELLO, AMERICAN FALLS RESERVOIR DISTRICT #2, MINIDOKA IRRIGATION DISTRICT A&B IRRIGATION DISTRICT, BURLEY IRRIGATION DISTRICT, MILNER IRRIGATION DISTRICT, NORTH SIDE CANAL COMPANY, TWIN FALLS CANAL COMPANY, Intervenors.	Case No. CV06-26-1801 **DECLARATION OF SARAH C. TSCHOHL IN SUPPORT OF MOTION FOR EXTENSION**

I, SARAH C. TSCHOHL, hereby declare and state as follows:

1. I am over the age of eighteen (18) years and competent to testify to the matters contained herein. I make this declaration pursuant to Idaho Code § 9-1406 and based on my own personal knowledge.

2. I currently work as a paralegal under the supervision of Garrick L. Baxter, counsel of record for Respondent the Idaho Department of Water Resources ("Department").

3. The Department's deadline to file the settled agency record with the Court in this matter was November 4, 2026. I was tasked with assembling, preparing, and electronically filing the settled agency record.

4. After the Director decided to sustain in part the Binghams' objection to the agency record and agreed to certain additions, I compiled the additional materials into the record. Once the additions were incorporated, the expanded agency record exceeded 500 megabytes in size.

5. The expanded record vastly exceeded the I.R.E.F.S. 6 limits and could not be filed in its compiled form. To file the record electronically, I needed to reduce its size.

6. On November 4, 2026, I worked to reduce the record to a size capable of being filed electronically. I made repeated attempts to compress and split the PDF record to fit within the applicable size limits.

7. My attempts to split and compress the PDF record caused the Adobe application and alternative online programs I was using to crash on multiple occasions. On more than one occasion, the crashes were severe enough that I was forced to restart my computer before I could resume work. These technical failures occurred after normal business hours. Because of the hour, the Department's technology support personnel were not available to assist me with reducing the large and complex file or the resulting application and system crashes.

8. Despite these difficulties, I continued working in good faith to reduce the record to a size that could be filed using iCourt. My efforts continued up to and past midnight. The combination of the record's size and complexity, the repeated application crashes and forced restarts, and the

unavailability of after-hours technical support made it impossible for me to complete the electronic filing of the settled agency record before the November 4, 2026 deadline.

9. The substantive work required to lodge the record was complete before the deadline.

10. The delay in filing the settled agency record was not the result of any strategic decision, carelessness, or disregard of the deadline. It resulted solely from the unexpected technical difficulties described above, which arose from the size of the record and the application and computer failures I encountered while attempting to prepare it for electronic filing.

I declare under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct to the best of my knowledge.

DATED this 5th day of November 2026.

SARAH C. TSCHOHL, Paralegal
Idaho Department of Water Resources

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of November 2026, I caused to be served a true and correct copy of the foregoing *Declaration of Sarah C. Tschohl in Support of Motion for Extension of Time*, via iCourt E-File and Serve, upon the following:

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