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IN THE SUPREME COURT OF THE STATE OF IDAHO

IN THE MATTER OF ACCOUNTING FOR
THE DISTRIBUTION OF WATER TO THE
FEDERAL ON-STREAM RESERVOIRS IN
WATER DISTRICT 63 BEFORE THE IDAHO
DEPARTMENT OF WATER RESOURCES

Supreme Court Docket No. 44745-2017

BALLENTYNE DITCH COMPANY; BOISE
VALLEY IRRIGATION DITCH COMPANY;
CANYON COUNTY WATER COMPANY;
EUREKA WATER COMPANY; FARMERS'
CO-OPERATIVE DITCH COMPANY;
MIDDLETON MILL DITCH COMPANY;
MIDDLETON IRRIGATION ASSOCIATION,
INC.; NAMPA & MERIDIAN IRRIGATION
DISTRICT; NEW DRY CREEK DITCH
COMPANY; PIONEER DITCH COMPANY;
PIONEER IRRIGATION DISTRICT;
SETTLERS IRRIGATION DISTRICT;
SOUTH BOISE WATER COMPANY; and
THURMAN MILL DITCH COMPANY;

Petitioners-Respondents,

vs.

BOISE PROJECT BOARD OF CONTROL,
and NEW YORK IRRIGATION DISTRICT,

Petitioners-Respondents,

vs.

IDAHO DEPARTMENT OF WATER
RESOURCES; and GARY SPACKMAN, in his

CASE NO. CV-WA-2015-21376
(consolidated with Ada County
CV-WA-2015-21391)

**AFFIDAVIT OF ALBERT P. BARKER
IN SUPPORT OF MOTION FOR
EXTENSION OF TIME FOR FILING
REPLY BRIEF**



capacity as the Director of the Idaho
Department of Water Resources,
Respondents-Appellants,
and
SUEZ WATER IDAHO, INC.,
Intervenor-Respondent

STATE OF IDAHO)
) ss.
County of Ada)

I, ALBERT P. BARKER, being first duly sworn upon oath, depose and say:

1. That I am the attorney of record for the Boise Project Board of Control (“Boise Project”) in the above captioned matter.
2. That the Boise Project’s reply brief to the Idaho Department of Water Resources and Suez Water Idaho, Inc.’s response briefs is due August 22, 2017.
3. That IDWR has requested an extension of time until September 8, 2017 within in which to file its reply in related case, Docket No. 44746, to the Boise Project and Ditch Companies’ responsive briefs in that appeal.
4. That this Court denied the motion to consolidate the appeals in Docket Nos. 44745, 44746 and 44677, but the parties have endeavored to keep the briefing schedule in all these related cases on the same track so that briefs are generally due simultaneously in the related cases. The only exception to this was that the Boise Project’s response brief in Docket No. 44746 was filed before the other parties’ responsive briefs were filed because the Boise Project did not ask for leave to file an overlength response brief and the other parties did in their respective appeals.

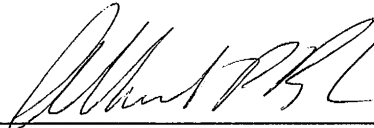
5. That due to travel schedules that had be set before the prior extensions of time pushed the due date for the reply brief to August 22, 2017, counsel for the Boise Project requires some additional time to complete and file the reply brief in Docket No. 44754.

6. That an extension to September 8, 2107, is a reasonable time for the Boise Project to file its reply brief and is consistent with the extension requested by IDWR in Docket No. 44746.

7. That counsel in this appeal has been contacted and have advised that a motion to extend the deadline for the Boise Project's reply brief to September 8, 2017, is not opposed.

Dated this 15th day of August, 2017.

BARKER ROSHOLT & SIMPSON LLP

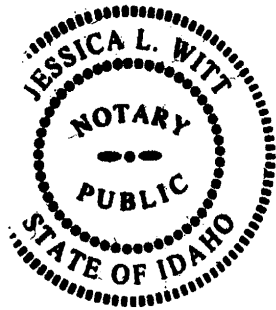


By: Albert P. Barker

Attorneys for Boise Project Board of Control

SUBSCRIBED AND SWORN to before me this 15th day of August, 2017.

(seal)



Jess L Witt
NOTARY PUBLIC FOR IDAHO
Residence: Boise, ID
My Commission Expires: 2/23/2021

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of August, 2017, I caused a true and correct copy of the foregoing **AFFIDAVIT OF ALBERT P. BARKER IN SUPPORT OF MOTION FOR EXTENSION OF TIME FOR FILING REPLY BRIEF** to be served by the method indicated below, and addressed to the following:

Original to:

Idaho Supreme Court
451 W. State Street
P.O. Box 83720
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☐ U.S. Mail, Postage Prepaid
☒ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ Electronic Mail or CM/ECF

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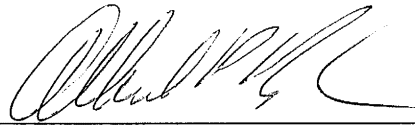
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