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*Attorneys for the IDWR and Gary Spackman*



**IN THE SUPREME COURT OF THE STATE OF IDAHO**

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

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,

**Supreme Court Docket No. 44677-2016**

Ada County District Court No. CV-WA-  
2015-21376 (Consolidated Ada County No.  
CV-2015-21391)

**STIPULATED AND JOINT  
MOTION FOR EXTENSION OF  
TIME FOR FILING BRIEF**

SOUTH BOISE WATER COMPANY, and  
THURMAN MILL DITCH COMPANY,

Petitioners/Appellants,

vs.

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

Petitioners,

vs.

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

Respondents,

and

SUEZ WATER IDAHO, INC.,

Intervenor-Respondent.

COME NOW the parties to this matter, through their attorneys, and pursuant to Rules 34(e) and 46 of the Idaho Appellate Rules, and hereby stipulate and jointly move this Court to extend the deadline for filing Appellants' opening brief to May 26, 2017.

Counsel for the Department contacted counsel for the other parties to request an extension of time for filing its Appellants' brief in the companion appeal, Supreme Court Docket No. 44746-2016. Counsel did not oppose, but also asked that the Department broaden its request to apply to the briefing schedule in this appeal (44677-2016) and in the companion appeal, Supreme Court Docket No. 44745-2016, so that there will be uniformity in the briefing schedules. Accordingly, the parties request an extension of time for the filing of Appellants' opening brief to May 26, 2017, and


will, by separate motion, request an extension of time for the filing of briefs in Supreme Court Docket Nos. 44745-2016 and 44746-2016. The Department has not previously requested an extension of time for filing briefs in this matter.

This motion is based upon the affidavit of counsel for the Department filed herewith.

RESPECTFULLY SUBMITTED this 1<sup>st</sup> day of May 2017.


LAWRENCE G. WASDEN  
Attorney General

CLIVE J. STRONG  
Deputy Attorney General  
Chief, Natural Resources Division

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

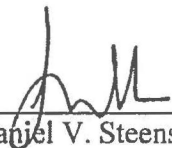
DATED this 1<sup>st</sup> day of May 2017.

GIVENS PURSLEY LLP

By:   
\_\_\_\_\_  
Christopher H. Meyer  
Michael P. Lawrence  
*Attorneys for Suez Water Idaho Inc.*

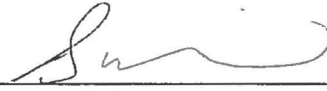
DATED this 1<sup>st</sup> day of May 2017.

SAWTOOTH LAW OFFICES, PLLC

By:   
Daniel V. Steenson  
S. Bryce Farris  
Andrew J. Waldera  
*Attorneys for the Ditch Companies*

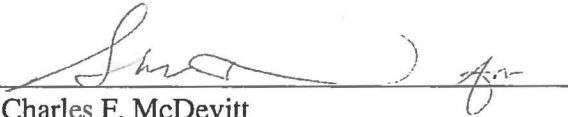
DATED this 14 day of May 2017.

BARKER ROSHOLT & SIMPSON, LLC

By:   
Albert P. Barker  
Shelley M. Davis  
*Attorneys for Boise Project Board of Control*

DATED this 1st day of May 2017.

CHAS F. MCDEVITT LAW OFFICE

By:   
Charles F. McDevitt  
*Attorney for New York Irrigation District*

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15<sup>th</sup> day of May 2017, I caused to be served a true and correct copy of the foregoing document by the method(s) indicated:

*Original to:*

Clerk of the Court  
IDAHO SUPREME COURT  
451 W. State Street  
Boise, ID 83303-2707

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

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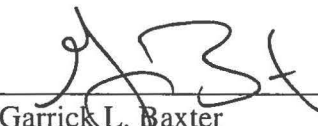
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Deputy Attorney General