

**LAWRENCE G. WASDEN**  
Attorney General

**DARRELL G. EARLY**  
Deputy Attorney General  
Chief, Natural Resources Division

**GARRICK L. BAXTER, ISB #6301**  
**EMMI L. BLADES, ISB #8682**  
**ANDREA L. COURTNEY, ISB #7705**  
Deputy Attorneys General  
Idaho Department of Water Resources  
P.O. Box 83720  
Boise, ID 83720-0098  
Telephone: (208) 287-4800  
Facsimile: (208) 287-6700  
[garrick.baxter@idwr.idaho.gov](mailto:garrick.baxter@idwr.idaho.gov)  
[emmi.blades@idwr.idaho.gov](mailto:emmi.blades@idwr.idaho.gov)  
[andrea.courtney@idwr.idaho.gov](mailto:andrea.courtney@idwr.idaho.gov)

*Attorneys for 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. CVWA-2015-  
21376 (Consolidated Ada County No.  
CVWA-2015-21391)

**AFFIDAVIT OF GARRICK L. BAXTER  
IN SUPPORT OF STIPULATED AND  
JOINT MOTION FOR EXTENSION OF  
TIME FOR FILING RESPONDENTS'  
BRIEFS**

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.

STATE OF IDAHO            )  
  ) ss.  
County of Ada             )

I, GARRICK L. BAXTER, being first duly sworn upon oath, depose and say:

1. That I am a deputy attorney general and represent the Idaho Department of Water Resources and its Director Gary Spackman (“Respondents”) in the above captioned matter.
2. That the Respondents’ response brief in this matter is due June 23, 2017.
3. That the parties previously requested an extension of time in this matter for the filing of the Appellants’ opening briefs, through the filing of the *Stipulated and Joint Motion for*

*Extension of Time for Filing Brief (“Motion”) and Affidavit of Garrick L. Baxter in Support of Stipulated and Joint Motion for Extension of Time for Filing Brief*, which were filed with the Court on May 1, 2017. The Court granted the Motion the same day.

4. That due to other urgent intervening matters related to judicial review proceedings and water rights administration and orders of the Department requiring counsel’s attention, counsel will not be able to complete the Respondents’ response brief in this appeal and in the companion appeal, Supreme Court Docket No. 44745-2016, by the due date.

5. That I believe an extension of twenty-one (21) days, to and including July 14, 2017, is a reasonable and necessary extension.

6. That the undersigned counsel contacted counsel for the other parties to inquire of an extension of time for filing its Respondents’ briefs in this appeal and in the companion appeal, Supreme Court Docket No. 44745-2016. Counsel stipulated to the request upon the condition that the Department broaden its request to apply to (1) Intervenor-Respondent-Cross Appellant, Suez Water Inc.’s (“Suez”) joint cross-appellant’s opening and response brief; and (2) the briefing schedule in the companion appeal, Supreme Court Docket No. 44746-2016, so that there will be uniformity in the briefing schedules. Accordingly, the Respondents request an extension of time for the filing of the Respondents’ response brief and Suez’s joint cross-appellant’s opening and response brief.

7. The parties will, by separate motions, request an extension of time for the filing of briefs in Supreme Court Docket Nos. 44745-2016 and 44746-2016.


8. I am reasonably assured that the Respondents’ response brief will be timely filed on or before July 14, 2017, should this request be granted.

//

DATED this 20<sup>th</sup> day of June 2017.


LAWRENCE G. WASDEN  
Attorney General

DARRELL G. EARLY  
Chief, Natural Resources Division  
Deputy Attorney General

  
\_\_\_\_\_  
GARRICK L. BAXTER  
Deputy Attorney General  
Department of Water Resources

SUBSCRIBED AND SWORN to before me this 20<sup>th</sup> day of June 2017.



  
\_\_\_\_\_  
NOTARY PUBLIC FOR IDAHO  
Residing at Boise, Idaho  
Commission Expires: 04/01/22

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 20<sup>th</sup> day of June 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

Daniel V. Steenson  
S. Bryce Farris  
Andrew Waldera  
SAWTOOTH LAW OFFICES, PLLC  
P.O. Box 7985  
Boise, ID 83707  
[dan@sawtoothlaw.com](mailto:dan@sawtoothlaw.com)  
[bryce@sawtoothlaw.com](mailto:bryce@sawtoothlaw.com)  
[andy@sawtoothlaw.com](mailto:andy@sawtoothlaw.com)

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

Albert P. Barker  
Shelley M. Davis  
BARKER ROSHOLT & SIMPSON, LLP  
P.O. Box 2139  
Boise, ID 83701-2139  
[apb@idahowaters.com](mailto:apb@idahowaters.com)  
[smd@idahowaters.com](mailto:smd@idahowaters.com)

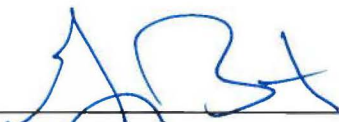
- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Facsimile
- Email

Charles F. McDevitt  
P.O. Box 1543  
Boise, ID 83701  
[chas@mcdevitt.org](mailto:chas@mcdevitt.org)

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

Christopher H. Meyer  
Michael P. Lawrence  
GIVENS PURSLEY, LLP  
P.O. Box 2720  
Boise, ID 83701-2720  
[chrismeyer@givenspursley.com](mailto:chrismeyer@givenspursley.com)  
[mpl@givenspursley.com](mailto:mpl@givenspursley.com)

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

  
\_\_\_\_\_  
Garrick L. Baxter  
Deputy Attorney General