

Daniel V. Steenson, ISB No. 4332
S. Bryce Farris, ISB No. 5636
Andrew J. Waldera, ISB No. 6608
Sawtooth Law Offices, PLLC
1101 W. River Street, Suite 110
P.O. Box 7985
Boise, Idaho 83707
Tel: (208) 629-7447
Fax: (208) 629-7559
dan@sawtoothlaw.com
bryce@sawtoothlaw.com
andy@sawtoothlaw.com

*Attorneys for Petitioners-Appellants
Ditch Companies*



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

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/Appellants/Cross-Respondents,

vs.

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

Petitioners,

Supreme Court Docket No. 44677-2016

CASE NO. CV-WA-2015-21376
(Consolidated Ada County Case
No. CV-WA-2015-21391)

**AFFIDAVIT OF COUNSEL IN
SUPPORT OF DITCH COMPANIES'
MOTION FOR EXTENSION OF
TIME TO FILE REPLY BRIEF**

vs.

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/Cross-Appellant.

STATE OF IDAHO)
) ss.
County of Ada)

I, S. BRYCE FARRIS, being first duly sworn upon oath, depose and say:

1. I am one of the attorneys representing the Ditch Companies in the above-captioned action.

2. That the Ditch Companies' reply brief to the Idaho Department of Water Resources and Suez Water Idaho's response briefs is due August 22, 2017.

3. That the Ditch Companies' cross-respondent's brief to the Suez Water Idaho's cross-appellant brief is due August 29, 2017.

4. That IDWR has requested an extension of time until September 8, 2017, within which to file its reply brief in related case, Docket No. 44746 to the Boise Project and Ditch Companies' responsive briefs in that appeal.

5. That this Court denied the motion to consolidate the appeals in Docket Nos. 44677, 44745, and 44746, 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 Boise Project's response brief in Docket No. 44746 was filed before the other parties' responsive briefs were filed because Boise Project

did not request leave to file an overlength response brief and the other parties did in their respective appeals.

6. That due to travel schedules that had been set before the prior extensions of time pushed the due date for the reply brief to August 22, 2017 and cross-respondent's brief to August 29, 2017, counsel for the Ditch Companies requires some additional time to complete and file the reply brief and cross-respondent's brief in Docket No. 44677.

7. That an extension to September 8, 2017 for filing the Ditch Companies' reply brief and cross-respondent's brief to Suez Water Idaho's cross-appellant brief is a reasonable time for the Ditch Companies to file said briefs and is consistent with the extension requested by IDWR in Docket No. 44746


8. That counsel in this appeal has been contacted and has been advised that a motion to extend the deadline for the Ditch Companies' reply brief, including the cross-respondent's brief to Suez Water Idaho's cross-appellant brief, to September 8, 2017, is not opposed.

Further your affiant sayeth naught.



S. Bryce Farris

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



NOTARY PUBLIC FOR IDAHO
Residing at Boise, Idaho
My Commission Expires 10/10/2019

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of August, 2017, I caused a true and correct copy of the foregoing **AFFIDAVIT OF COUNSEL IN SUPPORT OF DITCH COMPANIES' MOTION FOR EXTENSION OF TIME TO FILE REPLY BRIEF** to be served by the method indicated below, and addressed to the following:

Original by Hand Delivery to:

Idaho Supreme Court
451 W. State Street
P.O. Box 83720
Boise, ID 83720
Telephone: (208) 334-2210
Facsimile: (208) 947-7590

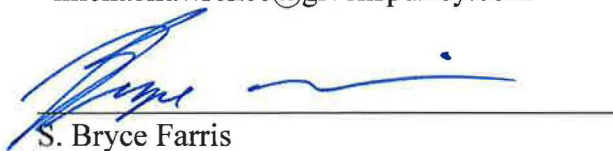
Copies by U.S. Mail and Email to:

Garrick L. Baxter
Emmi L. Blades
Andrea L. Courtney
STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
IDAHO DEPARTMENT OF WATER RESOURCES
P.O. Box 83720
Boise, ID 83720-0098
Tel (208) 287-4800
garrick.baxter@idwr.idaho.gov
emmi.blades@idwr.idaho.gov
andrea.courtney@idwr.idaho.gov

Charles F. McDevitt
CHAS F. McDEVITT, LAW OFFICE
P.O. Box 1543
Boise, ID 83701
Tel (208) 412-5250
chas@mcdevitt.org

Albert P. Barker
Shelley M. Davis
BARKER ROSHOLT & SIMPSON, LLP
P.O. Box 2139
Boise, ID 83701-2139
Tel (208) 336-0700
apb@idahowaters.com
smd@idahowaters.com

Christopher H. Meyer
Michael P. Lawrence
GIVENS PURSLEY, LLP
601 W. Bannock Street
P.O. Box 2720
Boise, ID 83701-2720
Tel (208) 388-1200
chrismeyer@givenspursley.com
michaellawrence@givenspursley.com


S. Bryce Farris