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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. 44745-2016

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

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

SOUTH BOISE WATER COMPANY, and
THURMAN MILL DITCH COMPANY,

Petitioners,

vs.

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

Petitioners-Appellants-
Cross Respondents,

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-
Cross Appellant.

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 Respondents in the above captioned matter.
2. That the Appellants' brief in this matter is due May 3, 2017.

3. That the Department has not previously requested an extension of time in this matter.

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 Appellants' brief by the due date in the companion appeal, Supreme Court Docket No. 44746-2016.

5. That the undersigned counsel 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 stipulated to the request upon the condition that the Department broaden its request to apply to the briefing schedule in this appeal (Supreme Court Docket No. 44745-2016) and in the companion appeal, Supreme Court Docket No. 44677-2016, so that there will be uniformity in the briefing schedules. Accordingly, the Department requests an extension of time for the filing of the Appellants' brief in this appeal to May 26, 2017.

6. That I believe an extension of twenty-three (23) days, to and including May 26, 2017, is a reasonable and necessary extension.

7. The parties will, by separate motion, request an extension of time for the filing of briefs in Supreme Court Docket Nos. 44677-2016 and 44746-2016.

8. I am reasonably assured that the Appellants' brief in Supreme Court Docket No. 44746-2016 will be timely filed on or before May 26, 2017, should this request be granted.

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DATED this 1st day of May 2017.


LAWRENCE G. WASDEN
ATTORNEY GENERAL
CLIVE J. STRONG
Chief, Natural Resources Division
Deputy Attorney General



GARRICK L. BAXTER
Deputy Attorney General
Department of Water Resources

SUBSCRIBED AND SWORN to before me this 1st day of May 2017.





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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15 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
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