

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
emmi.blades@idwr.idaho.gov
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. 44746-2016

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-Respondents,

vs.

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

Petitioners-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-Appellants,

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-Appellants") in the above captioned matter.

2. That the Respondents' briefs in this matter are due June 23, 2017.

3. That the Department 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 briefs in the companion appeals, Supreme Court Docket Nos. 44677-2016 and 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 briefs. Counsel stipulated to the request upon the condition that the Department broaden its request to apply to Intervenor-Respondent, Suez Water Idaho, Inc.'s ("Suez") joint cross-appellant's opening and response brief filing deadlines in Supreme Court Docket Nos. 44677-2016 and 44745-2016, and the briefing schedule in this appeal (Supreme Court Docket No. 44746-2016), so that there will be uniformity in the briefing schedules. Accordingly, the Department requests an extension of time for the filing of all Respondents' briefs in this appeal to July 14, 2017.


7. The parties will, by separate motions, request an extension of time for the filing of briefs in Supreme Court Docket Nos. 44677-2016 and 44745-2016.

8. I am reasonably assured that the Department's response briefs in Supreme Court Docket Nos. 44677-2016 and 44745-2016 will be timely filed on or before July 14, 2017, should this request be granted.

DATED this 20TH day of June 2017.

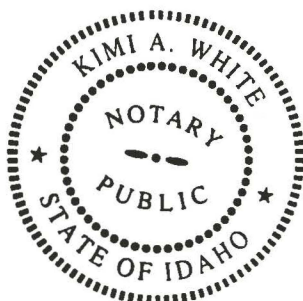
LAWRENCE G. WASDEN
Attorney General

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 20th 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 20TH 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
bryce@sawtoothlaw.com
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
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

- ☒ 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
mpl@givenspursley.com

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



Garrick L. Baxter
Deputy Attorney General