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Attorneys for Appellants

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. 44746-2017

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

**AFFIDAVIT OF GARRICK L.
BAXTER IN SUPPORT OF
MOTION FOR EXTENSION OF
TIME FOR FILING REPLY BRIEF**

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 Gary Spackman in his capacity as Director of the Idaho Department of Water Resources (collectively, "Department") in the above captioned matter.

2. That the Department's reply brief to the Boise Project Board of Control's, Ditch Companies'¹, and Suez Water Idaho, Inc.'s response briefs is due August 22, 2017.

3. That the Department previously requested an extension of time in this matter for the filing of its opening brief. The Department's opening brief was originally due on May 3, 2017. This Court granted the extension on May 1, 2017, extending the deadline for filing the opening brief to May 26, 2017.

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 Department's reply brief by the due date.

5. That I believe an extension of seventeen (17) days, to and including September 8, 2017, is a reasonable and necessary extension.

6. That the undersigned counsel has contacted counsel for the other parties regarding this request for an extension of time for filing the Department's reply brief and counsel for the other parties do not oppose this request.

7. That I am reasonably assured the Department's reply brief in this matter will be filed on or before September 8, 2017, should this request be granted.

¹ The "Ditch Companies" are: 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.

RESPECTFULLY SUBMITTED this 14th day of August 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 14th day of August 2017.



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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of August 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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