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WATER RESOURCES  
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**BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION FOR  
PERMIT NO. 63-34614 IN THE NAME OF  
MICRON TECHNOLOGY INC.

**DITCH COMPANIES AND BOISE PROJECT  
BOARD OF CONTROL'S MOTION TO  
STRIKE SUEZ'S CONSOLIDATED REPLY IN  
SUPPORT OF ITS MOTION FOR PARTIAL  
SUMMARY JUDGMENT CONCERNING  
CONDITION 908 AND SECOND  
DECLARATION OF MICHAEL P. LAWRENCE**

COMES NOW, the Ditch Companies<sup>1</sup> and Boise Project Board of Control, by and through  
their respective attorneys of record, and hereby submit this Motion to Strike ("Motion") *SUEZ's*

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<sup>1</sup> The Protestant "Ditch Companies" include 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.

*Consolidated Reply in Support of its Motion for Partial Summary Judgment Concerning Condition 908* (“Consolidated Reply”) and the *Second Declaration of Michael P. Lawrence in Support of SUEZ’s Consolidated Reply in Support of its Motion for Partial Summary Judgment Concerning Condition 908* (“Second Lawrence Declaration”).

On or about July 23, 2020, SUEZ Water Idaho Inc.’s filed its Consolidated Reply and Second Lawrence Declaration in reply to the issues raised in Micron Technology Inc.’s Response to SUEZ’s Motion for Partial Summary Judgment Concerning Condition 908, Boise Project Board of Control’s Response to SUEZ’s Motion for Partial Summary Judgment Concerning Condition 908, and Ditch Companies’ Response to SUEZ’s Motion for Partial Summary Judgment Concerning Condition 908.


Idaho Department of Water Resources’ Rule of Procedure do not allow for the filing of a reply to a response to a motion. *See* IDAPA 37.01.01.270. *See also*, Director’s *Order on Motion for Protective Order* issued July 14, 2020, In the Matter of Application for Permit Nos. 63-34403, 63-34652, 63-34897, and 63-34900 in the Name of Cat Creek Energy LLC, p. 2, fn. 2 in which the Director struck and/or did not consider the reply brief submitted by Cat Creek Energy, LLC. SUEZ is a party to said matter involving the applications by Cat Creek Energy, LLC and was on the certificate of mailing for the Director’s Order in said matter. SUEZ also made no mention of the need or intent to file a reply at the status conference held on July 20, 2020 in this matter. Accordingly, the Hearing Officer should strike and/or not consider SUEZ’s Consolidated Reply or the Second Lawrence Declaration in this matter.

Oral argument is not requested.

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DATED this 24<sup>th</sup> day of July, 2020.

SAWTOOTH LAW OFFICES, PLLC

By   
S. Bryce Farris  
Attorneys for the Ditch Companies

DATED this 24<sup>th</sup> day of July, 2020.

BARKER ROSHOLT & SIMPSON LLP

By   
Albert P. Barker  
Attorneys for Boise Project Board  
of Control

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24<sup>th</sup> day of July, 2020, I caused a true and correct copy of the foregoing **DITCH COMPANIES AND BOISE PROJECT BOARD OF CONTROL'S MOTION TO STRIKE SUEZ'S CONSOLIDATED REPLY IN SUPPORT OF ITS MOTION FOR PARTIAL SUMMARY JUDGMENT CONCERNING CONDITION 908 AND SECOND DECLARATION OF MICHAEL P. LAWRENCE** to be served by the method indicated below, and addressed to the following:

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