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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,

vs.

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

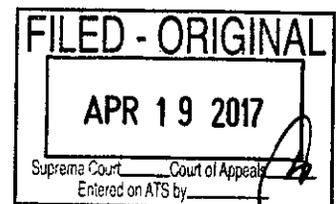
Petitioners,

vs.

Supreme Court Docket No. 44677-2016

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

**MEMORANDUM IN SUPPORT
OF THE DITCH COMPANIES'
MOTION FOR LEAVE TO FILE
OVERLENGTH BRIEF**



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.

The Appellants, 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 (the "Ditch Companies") submit this *Memorandum* in support of their Motion to File Overlength Brief requesting leave of the Court to exceed the 50-page limit set forth in Idaho Appellate Rule 34(b).

The Ditch Companies have appealed to this Court for review of the *Memorandum Decision and Order and Judgment*, issued by Snake River Basin Adjudication District Court Judge Wildman on September 1, 2016, in the above-captioned judicial review case of the underlying contested case before the Idaho Department of Water Resources and Director Spackman. The contested case was initiated by the Director in October 2013. It was thereafter stayed pending a decision of the Idaho Supreme Court in the Basin-Wide Issue 17 case and was re-opened in September 2014. The parties then participated in discovery, filed pre-hearing motions, and participated in a five-day hearing in August and September 2015, at which 23 witnesses testified. The Director issued his 79-page, single-spaced *Amended Final Order* on

October 20, 2015. The Ditch Companies filed a Petition for Judicial Review with the district court on December 15, 2015. The district court issued its *Memorandum Decision and Order* and entered *Judgment* on September 1, 2016. Various parties, including the Ditch Companies, petitioned for rehearing of the case. On November 14, 2016, the district court issued its *Order Denying Rehearing*, from which this appeal arises.

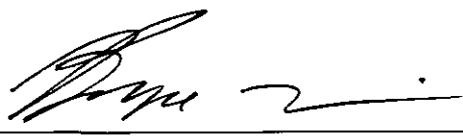
In their appeal, the Ditch Companies identified 24 discreet issues for review by this Court. For the opening brief the Ditch Companies' are preparing, and will submit in conformance with the Idaho Appellate Rules, 50 pages will be insufficient to address all of the issues raised for review. Given the length of these proceedings, the number of witnesses who testified, and the complexity of the issues to be addressed, good cause exists to exceed the 50 page limit set forth in Idaho Appellate Rule 34(b).

For the reasons set forth above, the Ditch Companies request that this Court grant their Motion for Leave to File Overlength Brief.

Furthermore, it is anticipated that other parties may also seek leave to file overlength briefs and the Ditch Companies submit that it may be judicially efficient for the Court to grant all parties leave to file briefs which exceed the 50 page limit set forth in Idaho Appellate Rule 34(b). In any event, counsel for the Ditch Companies will not oppose similar overlength brief motions should they be requested by the other parties to this appeal or in appeal nos. 44745 and 44746.

DATED this 19th day of April, 2017.

SAWTOOTH LAW OFFICES, PLLC

By 

S. Bryce Farris
Attorneys for the Ditch Companies
Petitioners-Appellants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of April, 2017, I caused a true and correct copy of the foregoing **MEMORANDUM IN SUPPORT OF THE DITCH COMPANIES' MOTION FOR LEAVE TO FILE OVERLENGTH BRIEF** to be served by the method indicated below, and addressed to the following:

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