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*Attorneys for Respondents*

**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;

Supreme Court Docket No. 44677-2016

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

**DEPARTMENT'S I.A.R. 34(f)(1) NOTICE  
OF ADDITIONAL AUTHORITY**

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.

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.

**I.A.R. 34(f)(1) NOTICE OF ADDITIONAL AUTHORITY**

Respondents the Idaho Department of Water Resources and Gary Spackman, in his capacity as Director of the Idaho Department of Water Resources (collectively, “Department”), by and through their attorneys of record, and pursuant to Idaho Appellate Rule 34(f)(1), hereby provide notice to this Court and all parties of additional legal authority, cited herein to supplement the Department’s briefing in this appeal.<sup>1</sup>

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<sup>1</sup> Idaho Appellate Rule 34(f)(1) provides as follows:

The additional authority consists of the following decisions of this Court, which were issued after all briefs had been filed in this appeal: *Black Canyon Irr. Dist. v. State of Idaho & Suez Water Idaho, Inc. Co. (In re: SRBA Case No. 39576, Subcase Nos. 65-23531 and 65-23532)*, 163 Idaho 144, 408 P.3d 899 (2017) (“*BCID v. State*”); and *United States v. Black Canyon Irr. Dist., State of Idaho, and Suez Water Idaho, Inc. Co. (In re: SRBA Case No. 39576, Subcase Nos. 65-23531 and 65-23532)*, 163 Idaho 54, 408 P.3d 52 (2017) (“*U.S. v. BCID*”).

These decisions pertain to the following issue on appeal: whether the Ditch Companies’ arguments are collateral attacks on partial decrees issued in the SRBA,<sup>2</sup> whether the District Court erred in Section VI of its *Memorandum Decision and Order* by denying the Ditch Companies’ request for attorney’s fees and costs, and whether the Ditch Companies are entitled to attorney’s fees and costs on appeal.<sup>3</sup> The relevant pages of the additional authorities cited above are as follows: *BCID v. State*, 163 Idaho at 152-57, 408 P.3d at 907-12; *U.S. v. BCID*, 163 Idaho at 61-64, 408 P.3d at 59-62.

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At any time before the issuance of an opinion, any party may supplement his brief by the citation of additional authority, identifying the issue on appeal to which it pertains, without written comment thereon, and identifying the headnote or relevant pages of the authority cited. This augmentation may be done by written notice to the court and all parties without first obtaining leave of the court.

<sup>2</sup> This issue is set forth on page 27 of *IDWR Respondents’ Brief* filed in this appeal (Idaho Supreme Court case no. 44677) on August 1, 2017.

<sup>3</sup> The issues of attorney’s fees and costs are set forth on pages 42-43 of the *Appellants’ Opening Brief* filed in this appeal (Idaho Supreme Court case no. 44677) on May 26, 2017.

RESPECTFULLY SUBMITTED this 6<sup>TH</sup> day of April 2018.

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 6<sup>th</sup> day of April 2018, 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  
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