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*Attorneys for Petitioners-Respondents
Ballentyne Ditch Company, et al.*

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; 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.

**SUPREME COURT DOCKET
No. 44746-2016**

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

**MEMORANDUM IN SUPPORT
OF RESPONDENTS'
UNOPPOSED 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-Appellants,

and

SUEZ WATER IDAHO, INC.,

Intervenor-Respondent.

The Respondents, 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") hereby submit this memorandum in support of their accompanying motion to file a response brief requesting leave of the Court to exceed the 50-page limit set forth in Idaho Appellate Rule 34(b). The Ditch Companies estimate that the text of the brief will not exceed 100 pages.

The case is an appeal from an IDAPA administrative judicial review proceeding initiated by the Idaho Department of Water Resources and Gary Spackman (collectively, the "Department"). The Ditch Companies, along with the Boise Project Board of Control and New York Irrigation District, petitioned the District Court for review of the Director's final orders regarding "distribution of water to federal on-stream reservoirs in Water District 63."

R. 001053.

The underlying administrative 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's orders are lengthy and include extensive factual findings and legal analysis. 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.

Given the voluminous record, the nature and complexity of the issues, and the length of the Department's opening brief, good cause exists to grant the Ditch Companies' motion for leave to exceed the 50 page limit of Idaho Appellate Rule 34(b). As the Certificate of Uncontested Motion accompanying the motion explains, counsel for the Ditch Companies has discussed this matter with opposing counsel and is authorized to represent that opposing counsel have no objection to this motion.

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

DATED AND CERTIFIED this 10th day of July, 2017.

SAWTOOTH LAW OFFICES, PLLC

By 
Daniel V. Steenson
Attorneys for Petitioners-Respondents
Ditch Companies

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of July, 2017, I caused a true and correct copy of the foregoing **RESPONDENTS' UNOPPOSED MOTION FOR LEAVE TO FILE OVERLENGTH BRIEF** to be served by the method indicated below, and addressed to the following:

Original by Hand Delivery to:

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