

**LAWRENCE G. WASDEN**  
ATTORNEY GENERAL

**CLIVE J. STRONG**  
Deputy Attorney General  
Chief, Natural Resources Division

**GARRICK L. BAXTER, ISB #6301**  
**EMMI L. BLADES, ISB #8682**  
Deputy Attorneys General  
Idaho Department of Water Resources  
P.O. Box 83720  
Boise, Idaho 83720-0098  
Telephone: (208) 287-4800  
Facsimile: (208) 287-6700  
[garrick.baxter@idwr.idaho.gov](mailto:garrick.baxter@idwr.idaho.gov)  
[emmi.blades@idwr.idaho.gov](mailto:emmi.blades@idwr.idaho.gov)

Attorneys for Respondents

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

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,

vs.

THE IDAHO DEPARTMENT OF WATER  
RESOURCES and GARY SPACKMAN, in

Case No. CV-WA-2015-21376

**NOTICE OF LODGING AGENCY  
RECORD AND TRANSCRIPT  
WITH THE AGENCY**

his capacity as Director of the Idaho  
Department of Water Resources,

Respondents.

IN THE MATTER OF ACCOUNTING FOR  
THE DISTRIBUTION OF WATER TO THE  
FEDERAL ON-STREAM RESERVOIRS IN  
WATER DISTRICT 63

TO: CLERK OF THE ABOVE COURT AND ALL COUNSEL OF RECORD

In accordance with I.R.C.P. 84(j), YOU ARE HEREBY NOTIFIED that the agency record and transcript, having been prepared pursuant to I.R.C.P. 84(f) and (g), are lodged with the agency for the purpose of settlement.

A copy of the record and transcript which are contained on one (1) DVD has been served by mail with a copy of this notice to the Petitioners' attorneys of record. In accordance with Rules 84(f) and (g) the Petitioners have paid \$15.00 per the estimated fee for preparation of the record and transcript. The actual preparation cost of the record and transcript is \$65.44. The outstanding remaining balance is \$50.44. The agency does not anticipate any further charges affiliated with continued preparation of the record and transcript. However, the agency will inform the parties immediately should additional charges be incurred.

The Petitioners have fourteen (14) days from the date of the mailing of this notice to file any objections to the record and transcript. If no objections are filed within that time, the record and transcript shall be deemed settled. The agency's decision on any objection timely filed along with all evidence, exhibits, and written presentation of the objection shall be included in the record. Thereafter, the agency shall lodge the settled transcript and record with the district court pursuant to I.R.C.P. 84(k).

DATED this 24<sup>th</sup> day of December 2015.

LAWRENCE G. WASDEN  
Attorney General

CLIVE J. STRONG  
Chief, Natural Resources Division



---

GARRICK L. BAXTER  
Deputy Attorney General  
Idaho Department of Water Resources

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29<sup>th</sup> day of December 2015, I served the foregoing document to the following and by the method(s) indicated below:

<p><i>Original to:</i>                  SRBA DISTRICT COURT                  253 3RD AVENUE NORTH                  PO BOX 2707                  TWIN FALLS ID 83303-2707                  Facsimile: (208) 736-2121</p>	<p><input type="checkbox"/> U.S. Mail, postage prepaid  <input type="checkbox"/> Hand Delivery  <input type="checkbox"/> Overnight Mail  <input checked="" type="checkbox"/> Facsimile  <input type="checkbox"/> Email</p>
<p>Daniel V. Steenson                  S. Bryce Farris                  Andrew Waldera                  Sawtooth Law Offices, PLLC                  P.O. Box 7985                  Boise, ID 83707  <a href="mailto:dan@sawtoothlaw.com">dan@sawtoothlaw.com</a>  <a href="mailto:bryce@sawtoothlaw.com">bryce@sawtoothlaw.com</a>  <a href="mailto:andy@sawtoothlaw.com">andy@sawtoothlaw.com</a></p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid  <input type="checkbox"/> Hand Delivery  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Facsimile  <input checked="" type="checkbox"/> Email</p>
<p>Albert P. Barker                  Shelley M. Davis                  BARKER ROSHOLT &amp; SIMPSON, LLP                  P.O. Box 2139                  Boise, ID 83701-2139  <a href="mailto:apb@idahowaters.com">apb@idahowaters.com</a>  <a href="mailto:smd@idahowaters.com">smd@idahowaters.com</a></p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid  <input type="checkbox"/> Hand Delivery  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Facsimile  <input checked="" type="checkbox"/> Email</p>
<p>Erika E. Malmen                  Perkins Coie LLP                  1111 West Jefferson St., Ste 500                  Boise, ID 83702-5391  <a href="mailto:emalmen@perkinscoie.com">emalmen@perkinscoie.com</a></p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid  <input type="checkbox"/> Hand Delivery  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Facsimile  <input checked="" type="checkbox"/> Email</p>
<p>David Gehlert, Esq.                  U.S. Dept. of Justice                  Denver Field Office                  999 18<sup>th</sup> Street, South Terrace                  Suite 370                  Denver, CO 80202  <a href="mailto:david.gehlert@usdoj.gov">david.gehlert@usdoj.gov</a></p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid  <input type="checkbox"/> Hand Delivery  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Facsimile  <input checked="" type="checkbox"/> Email</p>

<p>James C. Tucker, Esq.  Idaho Power Company  P.O. Box 70  Boise, ID 83702  <a href="mailto:jamestucker@idahopower.com">jamestucker@idahopower.com</a></p>	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email
<p>Chas. F. McDevitt  Dean J. Miller  McDEVITT &amp; MILLER, LLP  P.O. Box 2564  Boise, ID 83701  <a href="mailto:chas@mcdevitt-miller.com">chas@mcdevitt-miller.com</a>  <a href="mailto:joe@mcdevitt-miller.com">joe@mcdevitt-miller.com</a></p>	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email
<p>Jerry A. Kiser  P.O. Box 8389  Boise, ID 83707  <a href="mailto:jkiser@cableone.net">jkiser@cableone.net</a></p>	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email
<p>John K. Simpson  Travis L. Thompson  Paul L. Arrington  BARKER ROSHOLT &amp; SIMPSON LLP  195 River Vista Place, Ste 204  Twin Falls, Idaho 83301-3029  <a href="mailto:jks@idahowaters.com">jks@idahowaters.com</a>  <a href="mailto:tlt@idahowaters.com">tlt@idahowaters.com</a>  <a href="mailto:pla@idahowaters.com">pla@idahowaters.com</a></p>	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email
<p>W. Kent Fletcher  FLETCHER LAW OFFICE  P.O. Box 248  Burley, Idaho 83318  <a href="mailto:wkf@pmt.org">wkf@pmt.org</a></p>	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email
<p>Rex Barrie  Watermaster  Water District 63  P.O. Box 767  Star, ID 83669  <a href="mailto:waterdistrict63@qwestoffice.net">waterdistrict63@qwestoffice.net</a></p>	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email

<p>Ron Shurtleff  Watermaster  Water District 65  102 N. Main St  Payette, ID 83661  <a href="mailto:wd65@srvinet.com">wd65@srvinet.com</a></p>	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email
<p>Michael P. Lawrence  Givens Pursley  P.O. Box 2720  Boise, ID 83701-2720  <a href="mailto:mpl@givenspursley.com">mpl@givenspursley.com</a></p>	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email

---

Garrick L. Baxter  
Deputy Attorney General