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District Court - SRBA
Fifth Judicial District
In Re: Administrative Appeals
County of Twin Falls - State of Idaho
FEB 17 2016
By _____ Clerk
Deputy Clerk

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

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

Petitioners,

vs.

**THE IDAHO DEPARTMENT OF WATER
RESOURCES, AND DIRECTOR GARY
SPACKMAN**

Respondents.

CASE NO. CV-WA-2015-21876
(consolidated with Ada County
CV-WA-2015-21391)

District Court - SRBA
Fifth Judicial District
In Re: Administrative Appeals
County of Twin Falls - State of Idaho
FEB 18 2016
by _____ Clerk
Deputy Clerk

**MEMORANDUM IN SUPPORT OF
MOTION FOR LEAVE TO FILE
OVERLENGTH BRIEF**

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

The Petitioners, Boise Project Board of Control and New York Irrigation District 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).

Petitioners have petitioned this Court to review the Amended Final Order issued by Director Spackman in the above-entitled contested case held before the Department. The

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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 17 and was re-opened in September, 2014. Thereafter the parties participated in discovery, filed pre-hearing motions, and a five-day hearing was held in August and September, 2015, at which 23 witnesses testified. The Director issued his 79 Amended Final Order on October 20, 2015, from which this Petition arises.

In their Petition for Judicial Review these parties identified 28 discreet issues that they sought review of from this Court. In the brief that these parties are currently drafting and will submit in conformance with this Court's scheduling order, 50 pages will be insufficient to address all of the issues that these parties have raised for review. Given the length of the proceedings and the number of witnesses who testified, as well as the complexity of the issues to be addressed, good cause exists to exceed the 50 page limit set forth at Idaho Appellate Rule 34(b).

CONCLUSION

For the reasons set forth above, the Boise Project and New York request that this Court grant its Motion For Leave to File Overlength Brief.

Dated this 18th day of February, 2016.

BARKER ROSHOLT & SIMPSON LLP

MCDEVITT & MILLER, PLLC



By: Shelley M. Davis
Attorneys for Boise Project Board of Control



By: Charles McDevitt
Attorneys for New York Irrigation District

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of February, 2016, I caused to be served a true and correct copy of the foregoing **MEMORANDUM IN SUPPORT OF MOTION FOR LEAVE TO FILE OVERLENGTH BRIEF** the method indicated below, and addressed to each of the following:

Original Filed with the Clerk of the SRBA Court, via Facsimile.

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