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**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.

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.

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

**SUEZ'S MEMORANDUM IN SUPPORT OF  
MOTION TO FILE OVERLENGTH BRIEF**

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

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Intervenor Suez Water Idaho Inc. (“Suez”) submits this memorandum in support of *Suez’s Motion to File Overlength Brief* requesting leave of Court to exceed the 50-page limit set forth in Idaho Appellate Rule 34(b).

Suez participated in the underlying administrative proceeding and this Court has granted Suez leave to intervene as a party to this proceeding. *Order Treating Appearance as Motion to Intervene and Granting Same* (Feb. 4, 2016). Suez opposes the Petitioners’<sup>1</sup> positions in this judicial review proceeding and intends to file a brief responding to Petitioners’ opening briefs by the April 5, 2016 deadline for filing Respondents’ Briefs. *Order Granting Stipulated Motion for Extension of Time* (Feb. 22, 2016).

Petitioners identified more than 50 issues combined in their petitions for judicial review. On February 19, 2016, this Court granted Petitioners’ respective motions to file overlength opening briefs and, consequently, their two opening briefs total nearly 200 pages combined. Suez cannot adequately respond to the many issues and arguments raised by Petitioners within the 50 page limit set forth in Idaho Appellate Rule 34(b). Accordingly, good cause exists for Suez to exceed the 50-page limit. Suez anticipates its combined response to Petitioners’ opening briefs will be no more than 100 pages.

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<sup>1</sup> The “Petitioners” include the parties named as Petitioners in the caption above as well as the Boise Project Board of Control and New York Irrigation District, who are the Petitioners named in consolidated Ada County Case No. CV-WA-2015-21391.

For the reasons set forth above, Suez requests the Court grant *Suez's Motion to File Overlength Brief*.

Dated this 23rd day of March, 2016.

GIVENS PURSLEY LLP

By   
Michael P. Lawrence

*Attorneys for Suez Water Idaho Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 23rd day of March, 2016, I caused to be filed and served true and correct copies of the foregoing document to the person(s) listed below by the method indicated:

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