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*Attorneys for the Ditch Companies*

**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.

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

**MEMORANDUM IN SUPPORT  
OF THE DITCH COMPANIES'  
SECOND MOTION FOR LEAVE  
TO FILE OVERLENGTH BRIEF**

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

The Petitioners, 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") submit this Memorandum in Support of their Second Motion to File Overlength Brief requesting leave of the Court to exceed the 50-page limit set forth in Idaho Appellate Rule 34(b).

The response briefs submitted by each of the Respondents total approximately 200 pages to which the Ditch Companies, in preparing their reply brief, find that 50 pages will be insufficient to address the issues raised for review. Given the length of these proceedings and the complexity of the issues to be addressed, good cause exists to exceed the 50-page limit set forth in Idaho Appellate Rule 34(b).

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

DATED this 5<sup>th</sup> day of May, 2016.

SAWTOOTH LAW OFFICES, PLLC

By   
Daniel V. Steenson  
Attorneys for the Ditch Companies

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 5<sup>th</sup> day of May, 2016, I caused a true and correct copy of the foregoing **MEMORANDUM IN SUPPORT OF DITCH COMPANIES' SECOND MOTION FOR LEAVE TO FILE OVERLENGTH BRIEF** to be served by the method indicated below, and addressed to the following:

## Original to:

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