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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.

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

PETITION FOR REHEARING

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

Petitioners,

vs.

THE 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.

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

PETITION FOR REHEARING

Respondents the Idaho Department of Water Resources and Gary Spackman in his capacity as Director of the Idaho Department of Water Resources, by and through their counsel of record and pursuant to Idaho Rule of Civil Procedure 84 and Idaho Appellate Rule 42,¹ hereby petition this Court for rehearing regarding the *Memorandum Decision and Order* filed in this proceeding on September 1, 2016.

¹ Rule 84 of the Idaho Rules of Civil Procedure states that “any procedure for judicial review not specified or covered by these rules must be in accordance with the appropriate rule of the Idaho Appellate Rules to the extent not contrary to this Rule 84.” I.R.C.P. 84(r). While Rule 84 recognizes that “a petition for rehearing” may be filed after judgment is entered in a judicial review proceeding, I.R.C.P. 84(t), it does not specify the applicable procedures. Thus, the procedural provisions in Idaho Appellate Rule 42 regarding petitions for rehearing apply in this judicial review proceeding. I.R.C.P. 84(r).

As required by Idaho Appellate Rule 42(c), Respondents will file a memorandum in support of this petition within 14 days of the filing date of this petition. The supporting memorandum will focus primarily on the accounting procedures pertaining to “unaccounted for storage.” Respondents do not request oral argument.

RESPECTFULLY SUBMITTED this 9th day of September 2016.

LAWRENCE G. WASDEN
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CLIVE J. STRONG
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Chief, Natural Resources Division



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Idaho Department of Water Resources

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of September 2016, I caused to be served a true and correct copy of the foregoing document by the methods indicated:

Original to:
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SRBA DISTRICT COURT
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