

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

IN THE MATTER OF ACCOUNTING )  
FOR DISTRIBUTION OF WATER )  
TO THE FEDERAL ON-STREAM )  
RESERVOIRS IN WATER DISTRICT )  
63 BEFORE THE IDAHO )  
DEPARTMENT OF WATER )  
RESOURCES )

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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; SOUTH )  
BOISE WATER COMPANY; and )  
THURMAN MILL DITCH )  
COMPANY; )

Petitioners-Appellants, )

vs. )

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

Petitioners, )

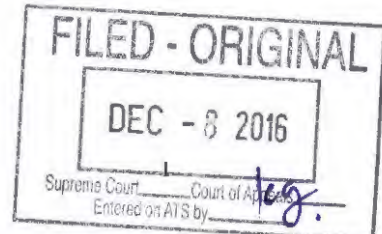
vs. )

FILED  
 IDAHO SUPREME COURT  
 COURT OF APPEALS  
 2016 DEC -8 AM 9:23

**Supreme Court**  
Docket No. 44677

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

**CLERK'S CERTIFICATE  
OF APPEAL**



IDAHO DEPARTMENT OF WATER )  
 RESOURCES and GARY )  
 SPACKMAN, in his capacity as )  
 Director of the Idaho Department of )  
 Water Resources, )  
 Respondents, )  
 and )  
 SUEZ WATER IDAHO, INC., )  
 Intervenor-Respondent. )  
 \_\_\_\_\_ )

**APPEAL FROM:** Fifth Judicial District, Twin Falls County,  
 Honorable Eric J. Wildman, presiding<sup>1</sup>

**CASE NUMBER FROM COURT:** CV-WA-2015-21376

**ORDER OR JUDGMENT APPEALED FROM:** *Memorandum Decision and Order*  
 (filed September 1, 2016) and  
*Order Denying Rehearing*  
 (filed November 14, 2016)

**APPEALED BY:** 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;  
 SOUTH BOISE WATER COMPANY; and  
 THURMAN MILL DITCH COMPANY

<sup>1</sup> This matter was reassigned to this Court on December 22, 2015, by the Clerk of the Court for Ada County, pursuant to *Idaho Supreme Court Administrative Order*, dated December 9, 2009.

**ATTORNEYS FOR  
PETITIONERS – APPELLANTS:**

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**APPEALED AGAINST:**

BOISE PROJECT BOARD OF CONTROL,  
and NEW YORK IRRIGATION DISTRICT

**ATTORNEYS FOR  
PETITIONERS:**

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**APPEALED AGAINST  
RESPONDENTS:**

THE IDAHO DEPARTMENT OF WATER  
RESOURCES and GARY SPACKMAN, in his  
capacity as Director of the Idaho  
Department of Water Resources

**ATTORNEY FOR RESPONDENTS:**

Garrick Baxter  
Deputy Attorney General  
Idaho Department of Water Resources  
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**APPEALED AGAINST  
INTERVENOR-RESPONDENT:**

SUEZ WATER IDAHO, INC.

**ATTORNEY FOR INTERVENOR-  
RESPONDENT:**

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**NOTICE OF APPEAL FILED:**

December 6, 2016

**APPELLATE FEE PAID:**

\$109.00

**WAS A DISTRICT COURT  
REPORTER'S TRANSCRIPT  
REQUESTED?**

Yes

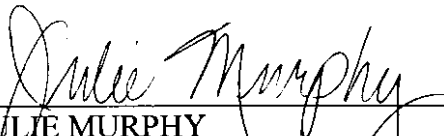
**NUMBER OF PAGES:**

Unknown

**COURT REPORTER:**

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**DATED:** December 6, 2016.

  
\_\_\_\_\_  
JULIE MURPHY  
Deputy Clerk of the District Court  
Snake River Basin Adjudication