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IDAHO SUPREME COURT
COURT OF APPEALS

2017 JAN 17 AM 10:10

**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)

SUEZ WATER IDAHO, INC.,)
)
Petitioner/Intervenor-)
Respondent,)

vs.)

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,)

vs.)

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

**Supreme Court
Docket No. 44677**

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

**CLERK'S CERTIFICATE
OF SUEZ'S SECOND NOTICE OF
CROSS-APPEAL
(Suez Water Idaho Inc.)**

FILED - ORIGINAL
JAN 17 2017
Supreme Court Court of Appeals
Entered on RTS by

Petitioners,)
 vs.)
 IDAHO DEPARTMENT OF WATER)
 RESOURCES and GARY)
 SPACKMAN, in his capacity as)
 Director of the Idaho Department of)
 Water Resources,)
 Respondents.)
 _____)

APPEAL FROM: Fifth Judicial District, Twin Falls County,
Honorable Eric J. Wildman, presiding¹

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

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

**APPEALED BY PETITIONER/
INTERVENOR/RESPONDENT:** SUEZ WATER IDAHO, INC.

**ATTORNEYS FOR PETITIONER/
INTERVENOR/RESPONDENT:** Christopher H. Meyer
Michael P. Lawrence
GIVENS PURSLEY, LLP
601 W. Bannock St.
PO Box 2720
Boise, ID 83701-2720

PETITIONERS: BALLENTYNE DITCH COMPANY;
BOISE VALLEY IRRIGATION DITCH
COMPANY; CANYON COUNTY WATER

¹ 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.

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

**ATTORNEYS FOR
PETITIONERS:**

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Andrew J. Waldera
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PETITIONERS:

BOISE PROJECT BOARD OF CONTROL,
and NEW YORK IRRIGATION DISTRICT

**ATTORNEYS FOR
PETITIONERS:**

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PO Box 2139
Boise, ID 83701-2139

RESPONDENTS:

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

ATTORNEYS FOR RESPONDENTS:

Garrick L. Baxter
Emmi L. Blades
Andrea L. Courtney
Deputy Attorneys General
Idaho Department of Water Resources
PO Box 83720
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**NOTICE OF SECOND
CROSS-APPEAL FILED:**

January 13, 2017

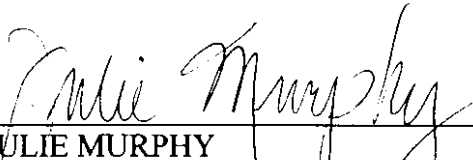
APPELLATE FEE PAID:

\$129.00

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

No

DATED: January 13, 2017.



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