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IN THE SUPREME COURT OF THE STATE OF IDAHO

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.

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,

Supreme Court Docket No. 44746-2017

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

**MOTION FOR LEAVE TO FILE
HYPERLINKED ELECTRONIC BRIEFS
AND MEMORANDUM IN SUPPORT**

SOUTH BOISE WATER COMPANY, and
THURMAN MILL DITCH COMPANY,

Petitioners/Respondents,

vs.

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

Petitioners/Respondents,

vs.

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

Respondents/Appellants,

and

SUEZ WATER IDAHO, INC.,

Intervenor-Respondent/Respondent.

COME NOW the parties to the above-captioned matter and hereby move the Court for leave to file hyperlinked electronic copies of the parties' briefs ("Linked Briefs") in this appeal pursuant to Idaho Appellate Rule 48 and Idaho Rule of Civil Procedure 84(o).¹ The parties request the Court grant this motion to facilitate the Court's consideration of the appeal.

¹ While Appellate Rule 34.1 authorizes the filing of electronic briefs, it also states that electronic briefs "must contain only an electronic copy of the submitted hard copy brief" and "must not contain any additional document or material that is not included in the original hard copy of the brief filed with the Court." I.A.R. 34.1(a)(4). Linked Briefs, however, must include "hyperlinks," as well copies of the cited portions of the record and legal authority in order for the hyperlinks to function. Thus, a Linked Brief would not strictly comply with the requirements of Rule 34.1 and also requires additional time to create. There is no provision in statute or rule addressing a motion for leave to file Linked Briefs. However, Idaho Appellate Rule 48 provides "where no provision is made by statute or by these rules, proceedings in the Supreme Court shall be in accordance with the practice usually followed in such

Memorandum in Support of Motion

A Linked Brief is a PDF copy of a written brief in which citations to legal authority and the record or transcripts are “hyperlinked” to the cited material, and the cited material can be viewed by “clicking” the hyperlinked citation. The Clerk’s Record for this appeal includes a functional copy of a Linked Brief the Idaho Department of Water Resources (“Department”) submitted to the District Court in the judicial review proceedings below. (R. 000665-000785.) The Department seeks the Court’s leave to file similar Linked Briefs in this appeal. The other parties would like the option to be able to file Linked Briefs as well.

The overall record before the Court is voluminous. The Agency Record lodged with the District Court, not including transcripts, contains 1,261 documents amounting to 28,766 pages. The District Court Clerk’s Record includes approximately 1,500 pages. Linked Briefs would facilitate the Court’s consideration of this appeal by significantly reducing the time and effort required to locate and review cited portions of the record and/or legal authority when reading the parties’ briefs. The Court can confirm this by testing some of the hyperlinked citations in the Department’s Linked Brief in the Clerk’s Record. (R. 000665-000785.)

The parties also request the Court authorize the parties to file a Linked Brief two weeks after the hard copy of the brief is filed. This additional two weeks is necessary because preparing a functional Linked Brief requires scanning the original hard copy, adding hyperlinks, and individually connecting each hyperlink to the particular page(s) of the document cited.

or similar cases” Idaho Rule of Civil Procedure 84(o) permits the filing of “[a]ll motions” in judicial review proceedings before a District Court. Thus, the Court may consider and grant the motion for leave to file Linked Briefs consistent with the Idaho Appellate Rules.

Conclusion

Based upon and consistent with the foregoing, the parties respectfully request the Court grant this motion for leave to file Linked Briefs. The parties also request the Court order that parties who want to file a Linked Brief do so within two weeks of the filing of the hard copy brief.

RESPECTFULLY SUBMITTED this 20th day of April 2017.

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



GARRICK L. BAXTER
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Idaho Department of Water Resources

DATED this 20th day of April 2017.

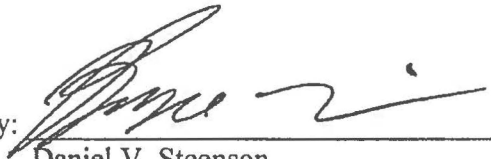
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DATED this 20th day of April 2017.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of April 2017, I caused to be served a true and correct copy of the foregoing document by the method(s) indicated:

Original to:

Clerk of the Court
IDAHO SUPREME COURT
451 W. State Street
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- ☐ U.S. Mail, postage prepaid
- ☒ Hand Delivery
- ☐ Overnight Mail
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