

COPY

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

RECEIVED

MAY 02 2018

DEPARTMENT OF
WATER RESOURCES

Case No. CV-2017-7491

GORDON SYLTE, AN INDIVIDUAL, SUSAN
GOODRICH, AN INDIVIDUAL, JOHN SYLTE, AN
INDIVIDUAL, AND SYLTE RANCH LIMITED
LIABILITY COMPANY, AN IDAHO LIMITED
LIABILITY 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.

and

TWIN LAKES IMPROVEMENT ASSOCIATION,
MARY A. ALICE, MARY F. ANDERSON, MARY F.
ANDERSON ET AL., DEBRA ANDREWS, JOHN
ANDREWS, MATTHEW A. BAFUS, CHARLES AND
RUTH BENAGE, ARTHUR CHETLAIN JR.,
CLARENCE & KURT GEIGER FAMILIES, MARY K.
COLLINS/BOSCH PROPERTIES, SANDRA
COZZETTO, WES CROSBY, JAMES CURB,
MAUREEN DEVITIS, DON ELLIS, SUSAN ELLIS,
SCOTT ERICKSON, JOAN FREIJE, AMBER
HATROCK, BARBARA HERR, WENDY AND JAMES
HILLIARD, PAT & DENISE HOGAN, STEVEN &
ELIZABETH HOLMES, LEIF HOUKAM, DONALD
JAYNE, DOUGLAS I & BERTHA MARY JAYNE,
TERRY KIEFER, MICHAEL KNOWLES, ADAM
KREMIN, ROBERT KUHN, RENE LACROIX, JOAN
LAKE-OMMEN, LARRY D & JANICE A FARIS
LIVING TRUST, TERRY LALIBERTE, PATRICK E.
MILLER, WILLIAM H. MINATRE, ANGELA
MURRAY, DAVID R. NIPP, JOHN NOONEY, STEVE
& PAM RODGERS, KIMBERLI ROTH, DAVID &
LORI SCHAFFER, DARWIN R. SCHULTZ, MOLLY
SEABURG, HAL SUNDAY, TCRV LLC, TWIN
LAKES, LLC, RICK & CORRINNE VAN ZANDT,
GERALD J. WELLER, BRUCE & JAMIE WILSON,

DAVE ZIUCHKOVSKI, PAUL FINMAN, AND TWIN
LAKES FLOOD CONTROL DISTRICT NO. 17,

Intervenors.

IN THE MATTER OF SYLTE'S PETITION FOR
DECLARATORY RULING REGARDING
DISTRIBUTION OF WATER TO WATER RIGHT NO.
95-0734

PETITIONER SYLTE'S PETITION FOR REHEARING

Appeal of final agency action by the Idaho Department of Water Resources

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Association, et al.*

Petitioners Gordon Sylte, Susan Goodrich, John Sylte, and Sylte Ranch Limited Liability Company (collectively, “Sylte”), by and through its counsel of record and pursuant to Idaho Rule of Civil Procedure 84 and Idaho Appellate Rule 42,¹ hereby petition to this Court for rehearing regarding the *Memorandum Decision and Order and Judgment* issued in this proceeding on April 11, 2018.

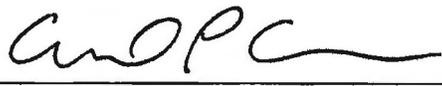
As required by Idaho Appellate Rule 42(b), Sylte will file a memorandum in support of this Petition within fourteen (14) days of the filing date of this Petition. Sylte’s supporting memorandum will focus primarily on the Court’s determination that Sylte’s substantial rights were not prejudiced by the language added to the *Instructions* by the Department’s *Order*² which improperly directs administration of water right no. 95-0734 based on the amount of water “delivered.” Sylte does not request oral argument.

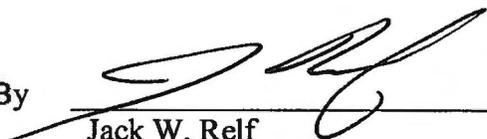
¹ Rule 84 of the Idaho Rules of Civil Procedure states that “any procedure for judicial review not specified or covered by these rules must be in accordance with the appropriate rule of the Idaho Appellate Rules to the extent not contrary to this rule 84.” I.R.C.P. 84(r). While Rule 84 recognizes that “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). *See also Order Denying Motion for Reconsideration or Relief from Judgment*, Ada County Case No. CV-01-16-21480 (Apr. 25, 2017) (treating a motion for reconsideration as a petition for rehearing under Idaho Appellate Rule 42).

DATED this 1st day of May, 2018.

Respectfully submitted,

GIVENS PURSLEY LLP

By 
Michael P. Lawrence

By 
Jack W. Relf
*Attorneys for Petitioners Gordon Sylte,
Susan Goodrich, John Sylte, and Sylte
Ranch Limited Liability Company*

² This terms *Order* and *Instructions* have the same meaning set forth in *Sylte's Opening Brief* (Dec. 22, 2017).

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of May, 2018, I caused a true and correct copy of the foregoing to be filed and copies delivered by the method indicated below, and addressed to the following:

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