

District Court - SRBA
Fifth Judicial District
In Re: Administrative Appeals
County of Twin Falls - State of Idaho

DEC 30 2015

Clerk
Deputy Clerk

**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.

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 Director of the Idaho Department of Water Resources,

Respondents.

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

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

ORDER CONSOLIDATING PROCEEDINGS

I.

PROCEDURAL BACKGROUND

1. On October 20, 2015, the Director of the Idaho Department of Water Resources issued an *Amended Final Order* in *The Matter of Accounting for the Distribution of Water to the Federal On-Stream Reservoirs in Water District 63*.

2. On December 17, 2015, the Ditch Companies¹ filed a *Petition* seeking judicial review of the *Amended Final Order* in Ada County Case No. CV-WA-2015-21376. On that same date, the Boise Project Board of Control and New York Irrigation District filed a *Petition* seeking judicial review of the *Amended Final Order* in Ada County Case No. CV-WA-2015-21391. Both *Petitions* were subsequently reassigned to this Court by the Clerk of the Court.

3. On December 28, 2015, the Respondents filed a *Motion to Consolidate* in both proceedings. The *Motions* request that this Court consolidate the two matters into one proceeding since both *Petitions* arise from the same *Amended Final Order* issued by the Director and will proceed upon the same agency record. Counsel for the Respondents represents that he has contacted counsel for the Petitioners in both matters and that they do not oppose the *Motion*.

II.

ANALYSIS

The Idaho Supreme Court has directed that “whenever the court is of the opinion that it may expedite its business and further the interests of the litigants, at the same time minimizing the expense upon the public and the litigants alike, the order of consolidation should be made.” *Branom v. Smith Frozen Foods of Idaho, Inc.*, 83 Idaho 502, 508, 365 P.2d 958, 961 (1961). This Court finds that the *Petitions* filed in Ada County Case CV-WA-2015-21376 and Ada County Case CV-WA-2015-21391 seek judicial review of the same final order of the Director of the Idaho Department of Water Resources. The Court further finds that the *Petitions* seek judicial review of similar issues and will proceed upon the same agency record. Additionally, that the Respondents’ *Motions* are unopposed and that consolidation of these *Petitions* will

¹ The term “Ditch Companies” refers collectively to the 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.


expedite resolution of these matters. Therefore, the *Petition for Judicial Review* filed by the Boise Project Board of Control and New York Irrigation District in in Ada County Case No. CV-WA-2015-21391 shall be consolidated into Ada County Case No. CV-WA-2015-21376.

III.
ORDER

THEREFORE, THE FOLLOWING ARE HEREBY ORDERED:

1. The Respondents' *Motions to Consolidate* are hereby granted.
2. The *Petition for Judicial Review* filed by the Boise Project Board of Control and New York Irrigation District in in Ada County Case No. CV-WA-2015-21391 is hereby consolidated into Ada County Case No. CV-WA-2015-21376.
2. All further captions used in this proceeding shall be characterized as shown above.

Dated December 30, 2015


ERIC J. WILDMAN
District Judge

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER CONSOLIDATI
PROCEEDINGS was mailed on December 30, 2015, with sufficient
first-class postage to the following:

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MIDDLETON MILL DITCH COMPANY
NAMPA & MERIDIAN IRRIGATION
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MIDDLETON MILL DITCH COMPANY
NAMPA & MERIDIAN IRRIGATION
ORDER

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ORDER

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