

A&B IRRIGATION DISTRICT,)
AMERICAN FALLS RESERVOIR)
DISTRICT #2, BURLEY IRRIGATION)
DISTRICT, MILNER IRRIGATION)
DISTRICT, MINIDOKA IRRIGATION)
DISTRICT, NORTH SIDE CANAL)
COMPANY AND TWIN FALLS CANAL)
COMPANY)
_____)

On September 26, 2014, this Court entered a *Memorandum Decision and Order* in the above-captioned matter. On that same date this Court entered its *Judgment*. In part, the *Judgment* directs that various final orders issued by the Director of the Idaho Department of Water Resources be “remanded for further proceedings as necessary.” On October 10, 2014, the Respondents filed a *Motion to Alter or Amend Judgment*. It is the Respondents’ position that no further administrative proceedings are necessary on remand with respect to certain of the final orders addressed in the *Judgment*. As a result, the Respondents request that this Court amend its *Judgment* to provide that no remands are necessary with respect to those final orders.

The decision to grant or deny the Respondents’ *Motion to Alter or Amend Judgment* is left to the discretion of this Court. *Harris, Inc. v. Foxhollow Const. & Trucking, Inc.*, 151 Idaho 761, 777, 264 P.3d 400, 416 (2011). In this case, the Court in an exercise of its discretion declines to alter or amend its *Judgment*. The language of the *Judgment* as it is currently constituted addresses the Respondents’ concerns.¹ It directs that the Director’s final orders are remanded for further proceedings “as necessary.” That language does not require any further administrative proceedings on remand if such proceedings are found to be unnecessary. If no further proceedings are necessary with respect to any given final order addressed in the *Judgment*, the Director can so find and proceed accordingly.

Therefore, IT IS ORDERED that the *Motion to Alter or Amend Judgment* filed in the above-captioned matter is hereby denied.

Dated November 17, 2014



ERIC J. WILDMAN
District Judge

¹ Idaho Code § 67-5279 instructs that “[i]f the agency action is not affirmed, it shall be set aside, in whole or in part, and remanded for further proceedings *as necessary*.” (emphasis added).

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER DENYING MOTION TO ALTER OR AMEND JUDGMENT was mailed on November 17, 2014, with sufficient first-class postage to the following:

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