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Attorneys for Respondents

**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.

THE IDAHO DEPARTMENT OF WATER
RESOURCES and GARY SPACKMAN, in

Case No. CV-WA-2015-21376

MOTION TO CONSOLIDATE

his capacity as Director of the Idaho
Department of Water Resources,

Respondents.

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

COME NOW Respondents, the Idaho Department of Water Resources (“Department”) and Gary Spackman in his capacity as Director of the Department, by and through their undersigned attorney of record, and move for consolidation for the reasons set forth below.

Petitions for judicial review filed by the Boise Project Board of Control and New York Irrigation District (collectively referred to as “BOC”) and the Ditch Companies¹, Case Nos. CV-WA-2015-21391 and CV-WA-2015-21376, respectively, are pending before this Court. These petitions seek review of the same order entered in the contested case before the Department: *Amended Final Order* issued on October 20, 2015, *In the Matter of Accounting for the Distribution of Water to the Federal On-Stream Reservoirs in Water District 63*. The Department files this motion to consolidate judicial review of these petitions.

Consolidation is appropriate because both petitions arise from the same order issued in the contested case and are based on the same agency record. Consolidation would also expedite the matters and minimize the expense upon the public and the parties.

¹ The Ditch Companies are comprised of 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.

A motion to consolidate is being filed concurrently herewith in *Boise Project Board of Control, et al. v. IDWR*, Case No. CV-WA-2015-21391.

Counsel for the Department has contacted counsel for BOC and the Ditch Companies regarding this motion. There is no opposition to this motion.

DATED this 28th day of December, 2015.

LAWRENCE G. WASDEN
Attorney General

CLIVE J. STRONG
Chief, Natural Resources Division

A handwritten signature in blue ink, appearing to read "G. Baxter", is written over a horizontal line.

GARRICK L. BAXTER
Deputy Attorney General
Idaho Department of Water Resources

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of December 2015, I served the foregoing document to the following and by the method(s) indicated below:

<p><i>Original to:</i> SRBA District Court 253 3rd Avenue North P.O. Box 2707 Twin Falls, ID 83303-2707 Facsimile: (208) 736-2121</p>	<input type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input checked="" type="checkbox"/> Facsimile <input type="checkbox"/> Email
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Garrick L. Baxter
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