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District Court - SRBA Fifth Judicial District In Re: Administrative Appeals County of Twin Falls - State of Idaho
<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;">           SEP 22 2016         </div>
By _____ 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.

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

Respondents,

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

**PETITION FOR REHEARING**

and

SUEZ WATER IDAHO INC.,  
Intervenor.

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

Intervenor, Suez Water Idaho Inc. ("Suez"), by and through its counsel of record and pursuant to Idaho Rule of Civil Procedure 84 and Idaho Appellate Rule 42,<sup>1</sup> hereby petitions to this Court for rehearing regarding the *Memorandum Decision and Order* filed in this proceeding on September 1, 2016.

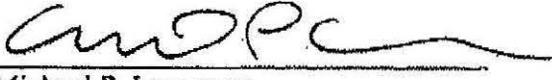
As required by Idaho Appellate Rule 42(c), Suez will file a memorandum in support of this Petition within 14 days of the filing date of this Petition. Suez's supporting memorandum will focus primarily on the accounting procedures pertaining to "unaccounted for storage" and, in particular, the right to "free river" refill that Suez alleges is inherent in every on-stream storage right and compelled by Idaho's Prior Appropriation Doctrine and the constitutional mandate for maximum use. Suez does not request oral argument.

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<sup>1</sup> 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(f). 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).

Respectfully submitted this 22st day of September, 2016.

GIVENS PURSLEY LLP

By 

Michael P. Lawrence  
*Attorneys for Suez Water Idaho Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 22<sup>nd</sup> day of September, 2016, I caused to be filed and served true and correct copies of the foregoing document to the person(s) listed below by the method indicated:

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