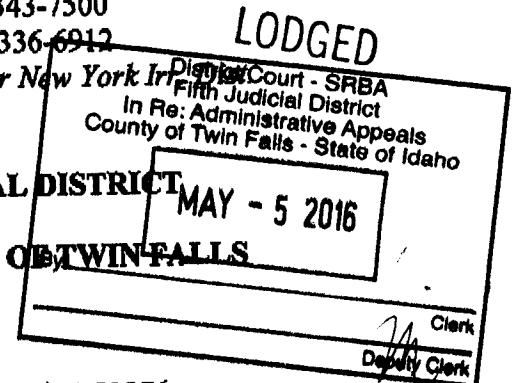


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**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

**BOISE PROJECT BOARD OF CONTROL,
and NEW YORK IRRIGATION DISTRICT,**

Petitioners,

vs.

**THE IDAHO DEPARTMENT OF WATER
RESOURCES, AND DIRECTOR GARY
SPACKMAN**

Respondents.

CASE NO. CV-WA-2015-21376
(consolidated with Ada County
CV-WA-2015-21391)

**MEMORANDUM IN SUPPORT OF
SECOND MOTION FOR LEAVE TO
FILE OVERLENGTH BRIEF**

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

The Petitioners, Boise Project Board of Control and New York Irrigation District submit this Memorandum in Support of their Motion to File Overlength Brief requesting leave of the Court to exceed the 50 page limit set forth in Idaho Appellate Rule 34(b).

In their Respondents' Briefs the Department of Water Resources and Suez filed approximately 200 pages of briefing. The Boise Project has worked diligently to attempt to meet

**MEMORANDUM IN SUPPORT OF SECOND MOTION FOR
LEAVE TO FILE OVERLENGTH BRIEF**

the 50 page maximum set forth at Idaho Appellate Rule 34(b) in drafting its Reply brief, however, finds that the brief is likely to exceed that limit by 5 to 10 pages. Based on the volume of argument that the Boise Project is responding to in its Reply brief, good cause exists for this court to allow the Boise Project to submit a Reply brief in excess of the 50 page limit, up to 60 pages.

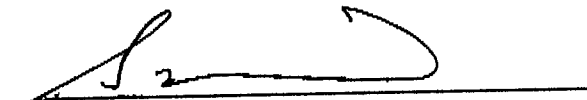
CONCLUSION

For the reasons set forth above, the Boise Project and New York request that this Court grant its Second Motion For Leave to File Overlength Brief.

Dated this 5th day of May, 2016.

BARKER ROSHOLT & SIMPSON LLP

MCDEVITT & MILLER, PLLC


By: Shelley M. Davis
Attorneys for Boise Project Board of Control


By: Charles McDevitt
Attorneys for New York Irrigation District

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of May, 2016, I caused to be served a true and correct copy of the foregoing **MEMORANDUM IN SUPPORT OF SECOND MOTION FOR LEAVE TO FILE OVERLENGTH BRIEF** the method indicated below, and addressed to each of the following:

Original Filed with the Clerk of the SRBA Court, via Facsimile.

Copy to Parties:

Idaho Department of Water Resources
Water Management Division
322 E. Front Street
P.O. Box 83720
Boise, Idaho 83720-0098

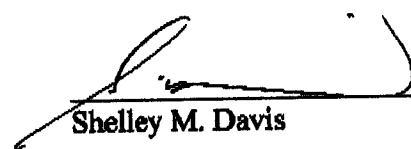
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