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**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

CITY OF HEYBURN,
Petitioner,

vs.

THE IDAHO DEPARTMENT OF WATER
RESOURCES,
Respondent.

Case No. CV01-25-19943

**CITY OF HEYBURN'S
PETITION FOR REHEARING**

IN THE MATTER OF APPLICATION FOR
TRANSFER NO. 87938 IN THE NAME OF
THE CITY OF HEYBURN

Petitioner, the City of Heyburn (“Heyburn”), by and through its counsel of record, McHugh Bromley, PLLC, and pursuant to I.R.C.P. 84 and I.A.R. 42, hereby petitions this Court for rehearing regarding its *Memorandum Decision and Order* and *Judgment* issued in this proceeding on May 1, 2026.¹

¹ I.R.C.P. 84(r) states: “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.” While

As required by I.A.R 42(b), Heyburn will file a memorandum in support of this Petition within fourteen (14) days of the filing date of this Petition. Heyburn’s supporting memorandum will focus primarily on the Court’s determination that the “Enlargement Condition” was proposed too late in the evidentiary hearing to be adequately considered by the Idaho Department of Water Resources. Rather than affirming the Amended Final Order, the Court should have remanded the proceeding to IDWR for additional findings as to the Enlargement Condition.

DATED this 15th day of May, 2026.

/s/ Chris M. Bromley
Chris M. Bromley
McHugh Bromley, PLLC
Attorneys for City of Heyburn

Rule 84 recognizes that “a petition for rehearing” may be filed after judgement 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 I.A.R. 42 regarding petitions for rehearing apply in this judicial review proceeding. I.R.C.P. 84(r). *See Order Denying Motion for Reconsideration or Relief from Judgment*, Ada County Case No. CV-01-16-21480 (Apr. 25, 2017) (treating a motion for reconsideration as a petition for rehearing under I.A.R. 42); *see also Order Denying Petition for Rehearing*, Kootenai County Case No. CV-2017-7491 (June 5, 2018) (addressing merits of petition for rehearing based on I.A.R. 42).

