

# In the Supreme Court of the State of Idaho

IN THE MATTER OF ACCOUNTING FOR )  
 DISTRIBUTION OF WATER TO THE )  
 FEDERAL ON-STREAM RESERVOIRS IN )  
 WATER DISTRICT 63 BEFORE THE )  
 IDAHO DEPARTMENT OF WATER )  
 RESOURCES. )

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 BALLANTYNE 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, SOUTH BOISE )  
 WATER COMPANY, THURMAN MILL )  
 DITCH COMPANY, )

Petitioners-Appellants- )  
 Cross Respondents, )  
 and )

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

Petitioners, )  
 v. )

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

Respondents, )  
 and )

SUEZ WATER IDAHO, INC., )  
 Intervenor-Respondent-Cross Appellant. )

ORDER RE: JOINT MOTION TO  
 SUSPEND APPEAL

Supreme Court Docket No. 44677-2016

Ada County District Court No.  
 CVWA-2015-21376 (Consolidated  
 Ada County No. CVWA-2015-21391)

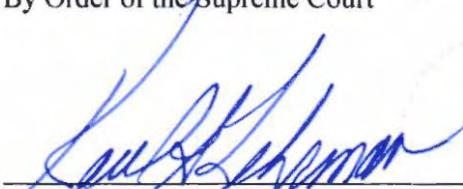
Ref. No. 18-130

The above entitled appeal is scheduled for oral argument on Monday, May 7, 2018, at 8:50 a.m. in Boise, Idaho. A JOINT MOTION TO SUSPEND APPEAL AND TO VACATE ORAL ARGUMENT was filed by counsel for the Ditch Companies in Supreme Court docket nos. 44677, 44746, and 44745 on April 18, 2018, requesting this Court to suspend the proceedings and to vacate the oral argument currently scheduled for May 7, 2018. Thereafter, the DEPARTMENT'S STATEMENT IN OPPOSITION TO MOTION TO SUSPEND APPEAL AND VACATE ORAL ARGUMENT was filed by counsel for the Department on April 23, 2018. SUEZ'S RESPONSE TO JOINT MOTION TO SUSPEND AND VACATE was filed by counsel for the Irrigators on April 25, 2018. The Court is fully advised; therefore, good cause appearing,

IT IS HEREBY ORDERED that the Ditch Companies' JOINT MOTION TO SUSPEND APPEAL AND TO VACATE ORAL ARGUMENT and continue oral argument to February 15, 2019 be, and hereby is, DENIED however, should all parties file a Stipulation to reset oral argument to June, 2018, the motion will be reconsidered.

DATED this 26<sup>th</sup> day of April, 2018.

By Order of the Supreme Court



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Karel A. Lehrman, Clerk

cc: Counsel of Record