

ORIGINAL

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**IN THE SUPREME COURT OF THE STATE OF IDAHO**

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

Supreme Court Docket No. 44745-2017

RECEIVED  
IDAHO SUPREME COURT  
COURT OF APPEALS  
2018 FEB 13 PM 3:30

**UNOPPOSED MOTION TO RESET  
ORAL ARGUMENT DATE**

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-Respondents,

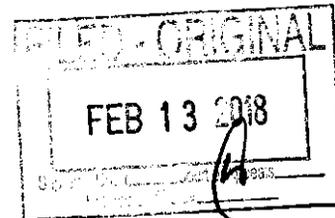
vs.

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

Petitioners-Respondents,

vs.

IDAHO DEPARTMENT OF WATER  
RESOURCES; and GARY SPACKMAN, in his



capacity as the Director of the Idaho  
Department of Water Resources,  
Respondents-Appellants,  
and  
SUEZ WATER IDAHO, INC.,  
Intervenor-Respondent

COME NOW, the Petitioners, the Boise Project Board of Control (“Boise Project”), by and through its counsel of record Barker Rosholt & Simpson LLP, and the New York Irrigation District (“NYID”), by and through its counsel, Charles McDevitt of McDevitt & Miller, PLLC, hereby submit this Unopposed Motion to Reset Oral Argument Date for the reasons set forth below.

The oral argument has been set for April 13, 2018, pursuant to the Order entered by the Court on February 12, 2018. Petitioners’ counsel for the Boise Project has a conflict with this oral argument date and will be out of the country in April. Boise Project counsel therefore seeks to reschedule oral argument in all three related appeals (Docket Nos. 44677-2017, 44745-2017 and 44746-2017) from April 13, 2018, to either May 7<sup>th</sup> or 9<sup>th</sup>, 2018, during the Court’s next setting in Boise. Counsel for the Boise Project has contacted counsel for the Idaho Department of Water Resources (“IDWR”), the Ditch Companies and Suez Water Idaho, Inc. All counsel are available on those two dates in May. Counsel for IDWR is not available for the setting on May 11<sup>th</sup> of that week. IDWR counsel would prefer May 7<sup>th</sup>. Other counsel expressed no preference between the 7<sup>th</sup> and the 9<sup>th</sup>. No one opposes this motion.

Therefore, the parties petition this Court to vacate oral argument set for April 13, 2018, and reset oral argument to May 7<sup>th</sup> or 9<sup>th</sup>, 2018.

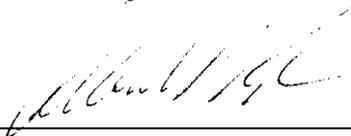
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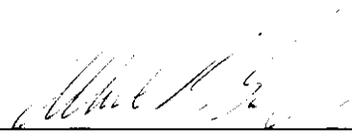
The undersigned does hereby certify that he or she has contacted opposing counsel(s) and is authorized to represent that opposing counsel(s) has no objection to this motion.

Dated this 13<sup>th</sup> day of February, 2018.

**BARKER ROSHOLT & SIMPSON LLP**

**MCDEVITT & MILLER, PLLC**

  
\_\_\_\_\_  
By: Albert P. Barker  
*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 13<sup>th</sup> day of February, 2018, I caused a true and correct copy of the foregoing **UNOPPOSED MOTION TO RESET ORAL ARGUMENT DATE** to be served by the method indicated below, and addressed to the following:

### Original to:

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