

ORIGINAL

Albert P. Barker, ISB No. 2867  
Shelley M. Davis, ISB No. 6788  
**BARKER ROSHOLT & SIMPSON, LLP**  
1010 W. Jefferson Street, Suite 102  
P.O. Box 2139  
Boise, ID 83701-2139  
Tel: (208) 336-0700  
Fax: (208) 344-6034

*Attorneys for Petitioner-Respondent Boise  
Project Board of Control*

Charles F. McDevitt, ISB No. 835  
**CHAS. F. MCDEVITT LAW OFFICE**  
420 W. Bannock  
P.O. Box 2564  
Boise, ID 83701  
Tel: (208) 343-7500  
Fax: (208) 336-6912

*Attorney for New York Irrigation District*

2018 FEB 13 PM 3:30

RECEIVED  
IDAHO SUPREME COURT  
COURT OF APPEALS

**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

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.

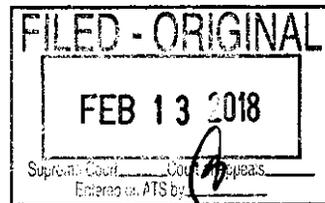
BOISE PROJECT BOARD OF CONTROL, and  
NEW YORK IRRIGATION DISTRICT,

Petitioners-Respondents,

vs.

Supreme Court Docket No. 44746-2017

**UNOPPOSED MOTION TO RESET  
ORAL ARGUMENT DATE**



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.

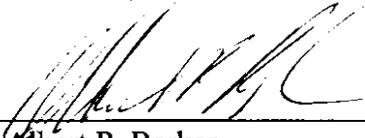
Therefore, the parties petition this Court to vacate oral argument set for April 13, 2018, and reset oral argument to May 7<sup>th</sup> or 9<sup>th</sup>, 2018.

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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**



By: Albert P. Barker  
*Attorneys for Boise Project Board of Control*

**MCDEVITT & MILLER, PLLC**



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:

Idaho Supreme Court  
451 W. State Street  
P.O. Box 83720  
Boise, ID 83720  
Telephone: (208) 334-2210  
Facsimile: (208) 947-7590

U.S. Mail, Postage Prepaid  
 Hand Delivered  
 Overnight Mail  
 Facsimile  
 Electronic Mail or CM/ECF

### Copies to:

Garrick L. Baxter  
Emmi L. Blades  
Andrea L. Courtney  
Deputy Attorney General  
IDAHO DEPARTMENT OF WATER RESOURCES  
322 E. Front Street  
P.O. Box 83720  
Boise, ID 83720-0098  
Telephone: (208) 287-4800  
Facsimile: (208) 287-6700  
Email: garrick.baxter@idwr.idaho.gov  
emmi.blades@idwr.idaho.gov  
andrea.courtney@idwr.idaho.gov

U.S. Mail, Postage Prepaid  
 Hand Delivered  
 Overnight Mail  
 Facsimile  
 Electronic Mail or CM/ECF

Christopher H. Meyer  
Michael P. Lawrence  
GIVENS PURSLEY, LLP  
601 W. Bannock Street  
P.O. Box 2720  
Boise, ID 83701-2720  
Telephone: (208) 388-1200  
Facsimile: (208) 388-1300  
Email: chris Meyer@givenspursley.com  
mpl@givenspursley.com

U.S. Mail, Postage Prepaid  
 Hand Delivered  
 Overnight Mail  
 Facsimile  
 Electronic Mail or CM/ECF

Daniel V. Steenson  
S. Bryce Farris  
Andrew J. Waldera  
SAWTOOTH LAW OFFICES, PLLC  
1101 W. River Street, Suite 110  
P.O. Box 7985  
Boise, ID 83707  
Telephone: (208) 629-7447  
Facsimile: (208) 629-7559  
Email: dan@sawtoothlaw.com  
bryce@sawtoothlaw.com  
andy@sawtoothlaw.com

U.S. Mail, Postage Prepaid  
 Hand Delivered  
 Overnight Mail  
 Facsimile  
 Electronic Mail or CM/ECF

Charles F. McDevitt, ISB #835  
MCDEVITT & MILLER, PLLC  
P.O. Box 2564  
Boise, ID 83701  
Telephone: (208) 412-5200  
Email: [chas@mcdevitt.org](mailto:chas@mcdevitt.org)

U.S. Mail, Postage Prepaid  
 Hand Delivered  
 Overnight Mail  
 Facsimile  
 Electronic Mail or CM/ECF



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Albert P. Barker