

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-Respondents,)
and)

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

Petitioners-Respondents,)
v.)

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

Respondents-Appellants,)
and)

SUEZ WATER IDAHO, INC.,)

Intervenor-Respondent.)

ORDER RE: JOINT MOTION TO
SUSPEND APPEAL AND MOTION FOR
JUDICIAL NOTICE

Supreme Court Docket No. 44746-2017

Snake River Basin Adjudication No.
CVWA-2015-21376 (Consolidated Ada
County No. CVWA-2015-21391)

Ref. No. 18-130

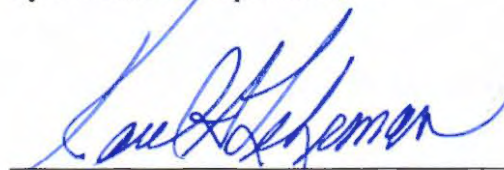
The above entitled appeal is scheduled for oral argument on Monday, May 7, 2018, at 10:00 a.m. in Boise, Idaho. A JOINT MOTION TO SUSPEND APPEAL AND TO VACATE ORAL ARGUMENT was filed by counsel for the Ditch Companies in Supreme Court docket nos. 44677, 44746, and 44745 on April 18, 2018, requesting 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.

IT IS FURTHER ORDERED that the ORDER GRANTING MOTION FOR JUDICIAL NOTICE issued by this Court on April 24, 2018, is RESCINDED and the DEPARTMENT'S MOTION FOR JUDICIAL NOTICE AND STATEMENT IN SUPPORT is DENIED, however, the filing shall be allowed as additional authority.

DATED this 26th day of April, 2018.

By Order of the Supreme Court



Karel A. Lehrman, Clerk

cc: Counsel of Record