

ORIGINAL

Albert P. Barker, ISB #2867
Shelley M. Davis, ISB #6788
BARKER ROSHOLT & SIMPSON LLP
1010 W. Jefferson St., Ste. 102
P.O. Box 2139
Boise, ID 83701-2139
Telephone: (208) 336-0700
Facsimile: (208) 344-6034
apb@idahowaters.com
smd@idahowaters.com
Attorneys for Boise Project Board of Control

Daniel V. Steenson, ISB #4332
S. Bryce Farris, ISB #5636
Andrew J. Waldera, ISB #6608
SAWTOOTH LAW OFFICES, PLLC
1101 W. River St., Ste. 110
P.O. Box 7985
Boise, ID 83707
Telephone: (208) 629-7447
dan@sawtoothlaw.com
bryce@sawtoothlaw.com
andy@sawtoothlaw.com
Attorneys for Ditch Companies

RECEIVED
IDAHO SUPREME COURT
COURT OF APPEALS
2018 APR 18 PM 2:50

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. 44677-2017

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

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,

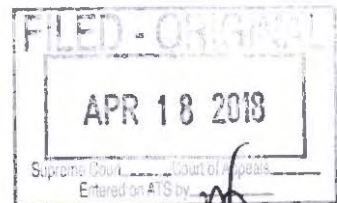
vs.

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

Petitioners-Respondents,

vs.

**JOINT MOTION TO SUSPEND
APPEAL AND TO VACATE ORAL
ARGUMENT**



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 Boise Project Board of Control, the New York Irrigation District, and Ballentyne Ditch Company, *et al.*, (collectively “the Ditch Companies”), by and through their counsel of record, and hereby jointly move for this Court to suspend the proceedings and to vacate the oral argument currently scheduled for May 7, 2018. The parties have been earnestly attempting to negotiate a global settlement that will resolve these proceedings, as well as matters currently pending but stayed before the Snake River Basin Adjudication court. While significant progress has been made in recent weeks, additional negotiations are necessary to resolve remaining issues. Preparing for and presenting oral argument at this time will interrupt the parties’ attention and progress toward a negotiated resolution of this matter.

Furthermore, in order to effectuate a resolution, certain matters will need to be addressed and confirmed by the Snake River Basin Adjudication district court. Certain other matters are expected to be addressed by the Idaho State legislature during the next legislative session. As a result of the unknown outcome of such anticipated actions, the parties to this appeal respectfully request that this Court stay this appeal until February 25th, 2019, in order to continue to resolve this matter, as well as the Snake River Basin Adjudication proceedings, by undertaking the necessary actions described above.

For this Court, as well as the Snake River Basin Adjudication district court, providing the parties' further time to globally resolve a complicated suite of matters attendant to both proceedings furthers the interests of judicial economy. No party to the ongoing proceedings in both this Court and the SRBA court will be prejudiced thereby. The matters before this Court are fully briefed, and no additional time or expense will be had by any party to this appeal by the granting of the Motion. Additionally, the matters before the SRBA district court are presently stayed, and no additional time or resources will be expended before that court during the pendency of the stay.

The parties to this Motion respectfully request that a determination of this Motion be made in an expedited fashion, as oral argument is currently scheduled in this appeal on May 7th, 2018.

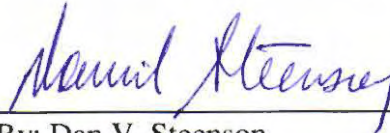
Dated this 18th day of April, 2018.

BARKER ROSHOLT & SIMPSON LLP



By: Rochelle M. Davis
Attorneys for Boise Project Board of Control

SAWTOOTH LAW OFFICES, PLLC



By: Dan V. Steenson
Attorneys for Ditch Companies

CHARLES MCDEVITT, ATTORNEY AT LAW



By: Charles McDevitt
Attorney for New York Irrigation District

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of April, 2018, I caused a true and correct copy of the foregoing **JOINT MOTION TO STAY APPEAL AND VACATE ORAL ARGUMENT** 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 Delivery
 Facsimile
 Overnight Mail
 Email

Copies to:

Garrick L. Baxter
Emmi L. Blades
Andrea L. Courtney
Michael C. Orr
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
michael.orr@ag.idaho.gov

U.S. Mail, postage prepaid
 Hand Delivery
 Facsimile
 Overnight Mail
 Email

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: chrismeyer@givenspursley.com
mpl@givenspursley.com

U.S. Mail, postage prepaid
 Hand Delivery
 Facsimile
 Overnight Mail
 Email

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 Delivery
 Facsimile
 Overnight Mail
 Email

Charles F. McDevitt, ISB #835
CHAS MCDEVITT LAW
P.O. Box 1543
Boise, ID 83701
Telephone: (208) 412-5200
Email: chas@mcdevitt.org

U.S. Mail, postage prepaid
 Hand Delivery
 Facsimile
 Overnight Mail
 Email



Rochelle M. Davis