

**LAWRENCE G. WASDEN**  
Attorney General

**DARRELL G. EARLY**  
Deputy Attorney General  
Chief, Natural Resources Division

**GARRICK L. BAXTER, ISB #6301**  
**EMMI L. BLADES, ISB #8682**  
**ANDREA L. COURTNEY, ISB #7705**  
**MICHAEL C. ORR, ISB # 6720**  
Deputy Attorneys General  
Idaho Department of Water Resources  
P.O. Box 83720  
Boise, ID 83720-0098  
Telephone: (208) 287-4800  
Facsimile: (208) 287-6700  
[garrick.baxter@idwr.idaho.gov](mailto:garrick.baxter@idwr.idaho.gov)  
[emmi.blades@idwr.idaho.gov](mailto:emmi.blades@idwr.idaho.gov)  
[andrea.courtney@idwr.idaho.gov](mailto:andrea.courtney@idwr.idaho.gov)  
[michael.orr@ag.idaho.gov](mailto:michael.orr@ag.idaho.gov)

*Attorneys for Respondents*

**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;

Supreme Court Docket No. 44677-2016

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

**JOINT MOTION TO RESET ORAL  
ARGUMENT**

SOUTH BOISE WATER COMPANY; and  
THURMAN MILL DITCH COMPANY,

*Petitioners-Appellants-Cross Respondents,*

vs.

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

*Petitioners,*

vs.

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

*Respondents,*

and

SUEZ WATER IDAHO, INC.,

*Intervenor-Respondent-Cross Appellant.*

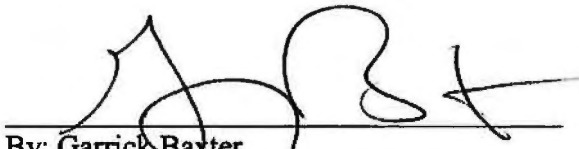
The parties to the above-captioned appeal hereby jointly move this Court, pursuant to Rules 32(c) and 48 of the Idaho Appellate Rules and Rule 16(a)(3) of the Idaho Rules of Civil Procedure, to reset the oral argument in this matter. The parties have been earnestly attempting to negotiate a global settlement that will resolve the appeals and cross appeals pending before this Court in Idaho Supreme Court docket nos. 44677-2016, 44745-2017, and 44746-2017, as well as matters currently pending and currently stayed before the Snake River Basin Adjudication district court. The parties have reached a tentative global settlement agreement that does resolve all matters. However, the settlement agreement cannot be finalized before oral argument in this case, which is currently set for argument on June 20, 2018. Additional time is

needed to allow the irrigation entities to take the tentative settlement agreement back to their respective boards for approval. Because settlement is only tentative at this point, the parties request that this Court reset oral argument to next available oral argument date after July of 2018.<sup>1</sup>

DATED this 14<sup>th</sup> day of June, 2018.

LAWRENCE G. WASDEN  
Attorney General

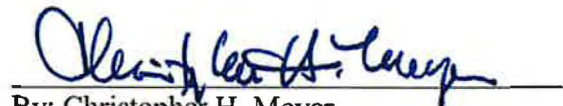
DARRELL G. EARLY  
Deputy Attorney General  
Chief, Natural Resources Division



By: Garrick Baxter  
Deputy Attorney General  
*Attorneys for Idaho Department of  
Water Resources*

DATED this 14<sup>th</sup> day of June, 2018.

GIVENS PURSLEY LLP

  
By: Christopher H. Meyer  
*Attorneys for Suez Water Idaho, Inc.*

---

<sup>1</sup> If this Court grants this request and if the settlement is signed by the parties to the appeals and cross appeals in docket nos. 44677-2016, 44745-2017, and 44746-2017, the parties to these appeals will be filing with this Court another request to reset oral argument in this proceeding. The settlement agreement calls for the dismissal of the appeals and cross appeals pending before this Court in Idaho Supreme Court docket nos. 44677-2016, 44745-2017, and 44746-2017 after the 2019 legislative session and after issuance of partial decrees by the SRBA district court. These steps may not be complete until late 2019.

DATED this \_\_\_\_ day of June, 2018.

**BARKER ROSHOLT & SIMPSON LLP**

---

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

DATED this 14<sup>th</sup> day of June, 2018.

**SAWTOOTH LAW OFFICES, PLLC**



---

By: Daniel V. Steenson  
*Attorneys for Ditch Companies*

DATED this \_\_\_\_ day of June, 2018.

**CHARLES MCDEVITT, ATTORNEY AT LAW**

---

By: Charles McDevitt  
*Attorney for New York Irrigation District*

DATED this 14<sup>th</sup> day of June, 2018.

**BARKER ROSHOLT & SIMPSON LLP**



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

DATED this \_\_\_\_ day of June, 2018.

**SAWTOOTH LAW OFFICES, PLLC**

\_\_\_\_\_  
By: Daniel V. Steenson  
*Attorneys for Ditch Companies*

DATED this 14<sup>th</sup> day of June, 2018.

**CHARLES MCDEVITT, ATTORNEY AT LAW**



\_\_\_\_\_  
By: Charles McDevitt  
*Attorney for New York Irrigation District*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 14<sup>th</sup> day of June 2018, I caused to be served a true and correct copy of the foregoing document by the method(s) indicated:

*Original to:*

Clerk of the Court  
IDAHO SUPREME COURT  
451 W. State Street  
Boise, ID 83303-2707

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

Daniel V. Steenson  
S. Bryce Farris  
Andrew Waldera  
SAWTOOTH LAW OFFICES, PLLC  
P.O. Box 7985  
Boise, ID 83707  
[dan@sawtoothlaw.com](mailto:dan@sawtoothlaw.com)  
[bryce@sawtoothlaw.com](mailto:bryce@sawtoothlaw.com)  
[andy@sawtoothlaw.com](mailto:andy@sawtoothlaw.com)

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

Albert P. Barker  
Shelley M. Davis  
BARKER ROSHOLT & SIMPSON, LLP  
P.O. Box 2139  
Boise, ID 83701-2139  
[apb@idahowaters.com](mailto:apb@idahowaters.com)  
[smd@idahowaters.com](mailto:smd@idahowaters.com)

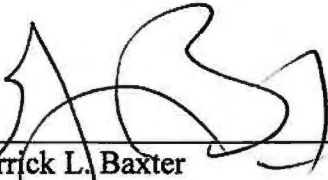
- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Facsimile
- Email

Charles F. McDevitt  
P.O. Box 1543  
Boise, ID 83701  
[chas@mcdevitt.org](mailto:chas@mcdevitt.org)

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

Christopher H. Meyer  
Michael P. Lawrence  
GIVENS PURSLEY, LLP  
P.O. Box 2720  
Boise, ID 83701-2720  
[chrismeyer@givenspursley.com](mailto:chrismeyer@givenspursley.com)  
[mpl@givenspursley.com](mailto:mpl@givenspursley.com)

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

  
\_\_\_\_\_  
Garrick L. Baxter  
Deputy Attorney General