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Department of Water Resources

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Attorneys for Emmett Irrigation District

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re: SRBA

Case No. 39576

Subcase Nos. 65-11412 and 65-11412A

MOTION FOR SUMMARY JUDGMENT

Emmett Irrigation District, by and through its counsel of record, Moffatt, Thomas, Barrett, Rock & Fields, Chtd., and in accordance with Idaho Rule of Civil Procedure 56, Administrative Order 1, and the Special Master's orders in these subcases, hereby moves the Special Master for an Order granting summary judgment in favor of the District.

More specifically, the District respectfully requests that the Hearing Officer recommend that SRBA Claim Number 65-11412A be decreed in its entirety in the name of the District. In the alternative, the District respectfully requests that the Hearing Officer recommend

that the District be decreed the beneficial owner of SRBA Claim Number 65-11412, with the United States holding only nominal legal title.

This Motion is supported by a Memorandum lodged concurrently herewith and the Affidavits of Counsel (Scott L. Campbell) and Roy Maxwell, filed concurrently herewith.

The District respectfully requests that the Special Master grant its Motion for Summary Judgment.

DATED this 2nd day of February 2003.

MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED

By Scott L. Campbell
Scott L. Campbell - Of the Firm

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 7th day of February 2003, I caused a true and correct copy of the foregoing EMMETT IRRIGATION DISTRICT'S MOTION FOR SUMMARY JUDGMENT to be served by the method indicated below, and addressed to the following:

David W. Gehlert
Department of Justice
General Litigation Section
999 18th Street, Suite 945
Denver, CO 80202

- ☒ U.S. Mail, Postage Prepaid
- ☐ Hand Delivered
- ☐ Overnight Mail
- ☐ Facsimile

Director of IDWR
P.O. Box 83720
Boise, Idaho 83702-0098

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Scott L. Campbell