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DEPARTMENT OF
WATER RESOURCES

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Attorneys for Objector/Claimant,
Ben D. Jernberg and Idaho Properties, LLC

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

Subcase No. 31-11845

Case No. 39576

**MOTION FOR
SUMMARY JUDGMENT**

COME NOW Ben D. Jernberg and Idaho Properties, LLC, by and through their attorneys of record Ling, Robinson & Walker, and move the Court, pursuant to Rule 56(c) of the Idaho Rules of Civil Procedure, for an Order that Water Right No. 31-11845 be partially decreed for groundwater at a quantity of 4.99 cfs, which is to be used for the flood irrigation of 663 acres within Jefferson County, Idaho. That such an Order is supported by the Idaho Department of Water Resources' 1986 Beneficial Use Field Exam, the license file for Water Right No. 31-7311 and the 1997 license for Water Right No. 31-7311.

A Memorandum in Support of Motion for Summary Judgment and supporting Affidavits are submitted herewith in Support of the Motion for Summary Judgment.

MOTION FOR SUMMARY JUDGMENT

1
2 DATED this 28th day of April, 2006

3
4 LING, ROBINSON & WALKER

5
6 By: Michael P. Tribe
7 Michael P. Tribe
8 Attorneys for Ben D. Jernberg

9 CERTIFICATE OF SERVICE

10 I certify that on April 28, 2006, I served the original and copies of this *Motion for Summary Judgment* to the following:

11 1. Original hand delivered to:

12 Clerk of the District Court
13 Snake River Basin Adjudication
14 253 Third Avenue North
15 P.O. Box 2707
16 Twin Falls, Idaho 83303-2707

17 2. Copies mailed to:

18 IDWR Document Depository
19 P. O. Box 83720
20 Boise, Idaho 83720-0098

21 The United States Department of Justice
22 Environment and Natural Resources Division
23 550 West Fort Street, MSC 033
24 Boise, Idaho 83724

25 Chief, Natural Resources Division
26 Office of the Attorney General
27 State of Idaho
28 P.O. Box 44449
Boise, Idaho 83711-4449

by depositing said copies in the United States mail with first-class postage prepaid, in envelopes addressed to said parties at the foregoing addresses.

26 Michael P. Tribe
27 Michael P. Tribe