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MAY 11 2006
DEPARTMENT OF
WATER RESOURCES

11 Attorneys for Objector, William A. Poulton

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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. 45-00167A

)
Case No. 39576

) **MOTION FOR SUMMARY JUDGMENT**

COMES NOW William A. Poulton, the objector in Water Right No. 45-00167A,
by and through his attorneys of record Ling, Robinson & Walker, and files this *Motion for
Summary Judgment* seeking an Order finding that Water Right No. 45-00167A is not a lawful
right, as Leah Rose and her predecessors in interest never appropriated the waters of Willow
Creek on the claimed place of use, and, if they did, that such right has been abandoned or
forfeited. Mr. Poulton seeks to have Water Right No. 45-00167A disallowed as recommended
by the Idaho Department of Water Resources.

DATED this 1st day of May, 2006.

LING, ROBINSON & WALKER

By: Michael P. Tribe
Michael P. Tribe
Attorneys for Objector, William A. Poulton

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3 CERTIFICATE OF MAILING

4 I hereby certify that on the 1st day of May, 2006, I served the original and true
5 and correct copies, respectively, of the foregoing MOTION FOR SUMMARY JUDGMENT as
6 follows:

7 1. Original to:

8 Clerk of the District Court
9 Snake River Basin Adjudication
10 253 Third Avenue North
11 P.O. Box 2707
12 Twin Falls, Idaho 83303-2707

13 2. One copy to the claimant of the water right at the following address:

14 Leah Rose
15 994 S. 150 E.
16 Burley, ID 83318

17 3. Copies to:

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

21 Chief, Natural Resources Division
22 Office of the Attorney General
23 State of Idaho
24 P. O. Box 44449
25 Boise, Idaho 83711-4449

26 by depositing said document in the United States mail, postage prepaid, in envelopes addressed
27 to said persons/entities at the foregoing addresses.

28

Michael P. Tribe