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56(c) hereby moves for summary judgment on certain objections filed by Pocatello in the above-referenced subcases.

There are no genuine issues of material of fact with respect to the point of diversion for Pocatello's previously decreed Mink Creek surface water rights. In addition, there are no genuine issues of material fact with respect to the purpose of use and place of use for Pocatello's previously licensed groundwater and wastewater irrigation rights. Pocatello cannot collaterally attack its prior decrees and licenses in the SRBA. Therefore, the following objections to Pocatello's prior decreed and licensed water rights should be dismissed as a matter of law:

#29-271, #29-272, #29-273

5. Point(s) of Diversion:

Should be: Include all ground water points of diversion for the City of Pocatello's municipal water rights.

#29-7118, #29-7119, #29-7431, #29-7770

7. Purpose(s) of Use:

Should be: municipal, see also "Reasons supporting objections" below.

9. Place of Use:

Should be: "Place of use is within the service area of the City of Pocatello municipal water supply system as provided for under Idaho law ..."

Alternatively, the point of diversion objection to water right claims #29-271, #29-272, and #29-273 should be dismissed for violating AO1 4(d)(1)(b). Pocatello has not filed amended claims for these water rights and cannot do so by filing an objection. This motion is supported by the *Memorandum in Support of SWC Motion for Summary Judgment* and the *Affidavit of Travis L. Thompson in Support of SWC Motion for Summary Judgment* submitted together herewith. The Coalition requests oral argument on this motion, to be held on January 17, 2007 at

1:30 p.m. at the SRBA Courthouse as set by the *Eighth Amended Trial Scheduling Order* issued on November 21, 2007.

DATED this 30th day of November, 2006.

LING ROBINSON & WALKER



Roger D. Ling

*Attorneys for A & B Irrigation District and
Burley Irrigation District*

ARKOOSH LAW OFFICES CHTD.



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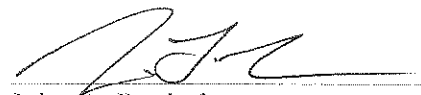
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Canal Company*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 30th day of November, 2006, I served the foregoing SURFACE WATER COALITION'S MOTION FOR SUMMARY JUDGMENT upon the following:

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P.O. Box 83720
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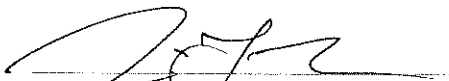

Travis L. Thompson

EXHIBIT A

Subcase Numbers

29-00271
29-00272
29-00273
29-07118
29-07119
29-07431
29-07770