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Willis C. Moffatt, 1907-1980
Kirk R. Helvie, 1956-2003

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OCT 15 2007

DEPARTMENT OF
WATER RESOURCES

October 12, 2007
via Overnight Delivery

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Clerk of the Court
Snake River Basin Adjudication District Court
PO Box 2707
Twin Falls, ID 83303-2707

Re: Subcase No. 63-03618 - Lucky Peak Project
MTBR&F File No. 18946.24

Dear Clerk of the Court:

Please find enclosed the following four (4) documents with exhibits for filing with the Court. Copies of each of these documents (without exhibits) have also been enclosed.

1. Pioneer Irrigation District's and Settlers Irrigation District's Motion for Summary Judgment;
2. Memorandum in Support of Pioneer Irrigation District's and Settlers Irrigation District's Motion for Summary;
3. Affidavit of Scott L. Campbell in Support of Pioneer's and Settlers' Motion for Summary Judgment with Exhibits A through Q; and
4. Affidavit of Jennifer A. Stevens in Support of Pioneer's and Settlers' Motion for Summary Judgment with Exhibits A through F.

Please conform the copies and returned them in the postage, pre-paid envelope enclosed. Also enclosed for the Court's convenience is a CD containing all documents and exhibits being filed.

Very truly yours,



Deborah L. Long
Administrative Assistant to
Scott L. Campbell

/dl

Enclosures

cc: Service List

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DEPARTMENT OF
WATER RESOURCES

Scott L. Campbell, ISB No. 2251
Tara Martens, ISB No. 5773
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18-946.24

Attorneys for Pioneer Irrigation District
and Settlers 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 No. 63-03618
(Lucky Peak Project)

**PIONEER IRRIGATION DISTRICT'S AND
SETTLERS IRRIGATION DISTRICT'S
MOTION FOR SUMMARY JUDGMENT**

Pioneer Irrigation District (hereinafter "Pioneer") and Settlers Irrigation District (hereinafter "Settlers") (collectively, the "Districts"), by and through their counsel of record, MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD., in accordance with the Order Setting Trial Date, Final Pre-Trial Conference, Discovery Deadlines, Settlement Conference and Scheduling Pre-Trial Motions I.R.C.P. 16, entered by this Court on August 3, 2007, and Order Amending Schedule Deadlines, dated September 5, 2007, and pursuant to Rule 56, Idaho Rules of Civil Procedure, respectfully move this Court for summary judgment in its favor. Specifically, the

Districts request this Court reject the recommendation of the Director of the Idaho Department of Water Resources and deny the Notice of Claim to a Water Right Acquired Under State Law by the United States of America, acting through the Bureau of Reclamation, Identification Number A63-03618, for the purposes of “minimum instream flow storage” (in the amount of 152,300 acre feet per annum) and “minimum instream flow from storage” (in the amount of 152,300 acre feet per annum), and limit the nature of use to irrigation purposes.

Pursuant to Rule 56, Idaho Rules of Civil Procedure, this Motion is made on the grounds and for the reasons there is no genuine issue of material fact in dispute and the Districts are entitled to summary judgment, as a matter of law.

This Motion is made and based on the record herein, specifically including the Memorandum in Support of Pioneer Irrigation District’s and Settlers Irrigation District’s Motion for Summary Judgment, and the Affidavits of Scott L. Campbell and Jennifer A. Stevens, filed contemporaneously herewith.

ORAL ARGUMENT IS REQUESTED.

DATED this 12th day of October, 2007.

MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED

By Tara L. Martens FOR
Scott L. Campbell – Of the Firm

By Tara L. Martens
Tara L. Martens – Of the Firm
Attorneys for Pioneer Irrigation District
and Settlers Irrigation District

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of October, 2007, I caused a true and correct copy of the foregoing **PIONEER IRRIGATION DISTRICT'S AND SETTLERS IRRIGATION DISTRICT'S MOTION FOR SUMMARY JUDGMENT** to be served by the method indicated below, and addressed to the following:

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Director
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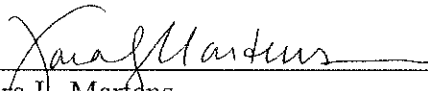
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Tara L. Martens