

Robert A. Maynard, Bar No. 5537
RMaynard@perkinscoie.com
Erika E. Malmen, Bar No. 6185
EMalmen@perkinscoie.com
PERKINS COIE LLP
251 East Front Street, Suite 400
Boise, ID 83702-7310
Telephone: 208.343.3434
Facsimile: 208.343.3232

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OCT 16 2007
DEPARTMENT OF
WATER RESOURCES

Attorneys for the City of Boise and Ada County

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**

MOTION FOR SUMMARY JUDGMENT

Participants City of Boise and Ada County ("Participants"), body politics of the State of Idaho, by and through its counsel of record, Perkins Coie LLP, hereby moves the Court pursuant to Rule 56 of the Idaho Rules of Civil Procedure, for entry of summary judgment against the objections of Pioneer Irrigation District, Farmers Union Ditch Company, Canyon County Water Company, Middleton Irrigation Association, Middleton Mill Ditch Company, Boise Project Board of Control, Eagle Island Water Users Association, Inc., New Dry Creek Ditch Company, Boise Valley Irrigation Ditch Company, Eureka Water Company, South Boise Water Company, Ballantyne Ditch Company, Nampa & Meridian Irrigation District, Thurman Mill Ditch Company, and Settlers Irrigation District, and in favor of affirming the Director's Recommendation for Claim No. 63-03618 in this matter.

This motion is based upon the Affidavits of Mayor David H. Bieter, Robbin Finch, Selena O'Neal, Thomas P. Harmon, Victor A. Engel and Erika E. Malmen and the

Memorandum in Support filed concurrently herewith. This motion is timely filed and oral argument is respectfully requested.

DATED: October 15th, 2007

PERKINS COIE LLP

By: Robert A. Maynard
Robert A. Maynard, Of the Firm
Erika E. Malmen, Of the Firm
Attorneys for the City of Boise and
Ada County

CERTIFICATE OF SERVICE

The undersigned hereby certifies under penalty of perjury under the laws of the State of Idaho that, on this 15th day of October, 2007, he/she/they caused to be served on the person(s) listed below in the manner shown:

MOTION FOR SUMMARY JUDGMENT

Clerk of the District Court	Hand Delivery	☐
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Twin Falls, Idaho 83303-2707		

State of Idaho	Hand Delivery	☐
c/o Natural Resources Div. Chief	U.S. Mail	☒
Attorney General's Office	Facsimile: (208) 334-2690	☐
P.O. Box 44449	Overnight Mail	☐

Boise, Idaho 83711-4449		
United States of America	Hand Delivery	☐
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Boise, Idaho 83724		

Director
Idaho Dept. of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098

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Facsimile: ☐
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Scott L. Campbell
P.O. Box 829
Boise, Idaho 83701-0829

Hand Delivery ☐
U.S. Mail ☒
Facsimile: (208) 385-5384 ☐
Overnight Mail ☐

Albert P. Barker
Shelley M. Davis
P.O. Box 2139
Boise, Idaho 83701-2139

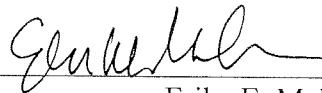
Hand Delivery ☐
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Facsimile: (208) 334-6034 ☐
Overnight Mail ☐

Jerry A. Kiser
620 West Hayes
Boise, Idaho 83702

Hand Delivery ☐
U.S. Mail ☒
Facsimile: (208) 336-1027 ☐
Overnight Mail ☐

Daniel V. Steenson
S. Bryce Farris
P.O. Box 2773
Boise, Idaho 83701-2773

Hand Delivery ☐
U.S. Mail ☒
Facsimile: (208) 342-4657 ☐
Overnight Mail ☐



Erika E. Malmen