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DEPARTMENT OF
WATER RESOURCES

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and Mary Lou Tlucek

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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,
Case No. 39576

Subcase No. 63-03174

MOTION FOR SUMMARY JUDGMENT

COMES NOW Jerry L. Tlucek and Mary Lou Tlucek (hereafter "Tluceks"), by
and through their counsel of record, Scott L. Campbell of the firm Moffatt, Thomas, Barrett,
Rock & Fields, Chartered, in accordance with the Amended Trial Scheduling Order, entered by
this Court on November 1, 2007, and pursuant to Rule 56, Idaho Rules of Civil Procedure, and
hereby respectfully move this Court for summary judgment in their favor. Specifically, the

Tluceks request this Court reject the inclusion of an annual diversion volume limitation in the recommendation of the Director of the Idaho Department of Water Resources.

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

This Motion is made and based on the record herein, specifically including the Tlucek's Brief in Support of Motion for Summary Judgment, and the Affidavit of Scott L. Campbell, filed contemporaneously herewith.

Oral argument has already been scheduled for Friday, February 1, 2008, in the offices of Moffatt, Thomas, Barrett, Rock & Fields, Chartered.

DATED this 3rd day of January, 2008.

MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED

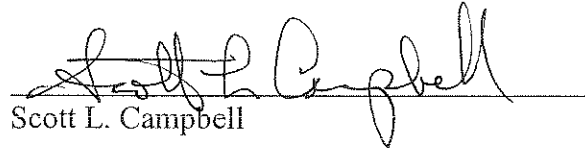
By Scott L. Campbell
Scott L. Campbell – Of the Firm
Attorneys for Jerry L. Tlucek and
Mary Lou Tlucek

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of January, 2008, I caused a true and correct copy of the foregoing **MOTION FOR SUMMARY JUDGMENT** to be served by the method indicated below, and addressed to the following:

Director
IDAHO DEPARTMENT OF WATER RESOURCES
P.O. Box 83720
Boise, ID 83720-0098
Fax: 208-287-6700

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Scott L. Campbell