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and Settlers Irrigation District

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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. 63-3618
(Lucky Peak Reservoir)

**EX PARTE MOTION TO SHORTEN TIME FOR
HEARING**

COME NOW Pioneer Irrigation District and Settlers Irrigation District
(hereinafter the "Districts"), by and through undersigned counsel, and respectfully move this
Court, pursuant to Rule 7(b)(3), Idaho Rules of Civil Procedure, for an order shortening time for
hearing on the Districts' Motion to Strike, or in the Alternative, Rule 56(f) Motion, filed
contemporaneously herewith, related to affidavit testimony, exhibits and argument first advanced
by the Reply Memorandum in Support of Participants' (City of Boise and Ada County) Motion
for Summary Judgment, and allowing said motion to be heard on March 4, 2008, at 1:30 p.m.

This *ex parte* motion is made and based upon the record herein, specifically including the following:

1. The Districts previously filed a similar Motion to Strike, or in the Alternative, Rule 56(f) Motion, with respect to affidavit testimony, exhibits and argument first advanced by the United States in its reply briefing, which is set for hearing before this Court on March 4, 2008.
2. The matters at issue, with respect to the two motions to strike, or in the alternative, Rule 56(f) motions, are the same or similar, and therefore, judicial consideration of the two motions during the course of the hearing set on March 4, 2008, is in the interest of efficiency.
3. More importantly, the hearing on all parties' motions for summary judgments is set on March 6, 2008, and it is necessary that the issues raised by the Motion to Strike, or in the Alternative, Rule 56(f) Motion, filed herewith, be heard and resolved prior to the currently scheduled hearing on the motions for summary judgment, and sufficient time does not remain to provide notice in accordance with the Idaho Rule of Civil Procedure 7(b)(3).

WHEREFORE, the Districts respectfully requests this Court enter an Order granting the Districts' Motion to Shorten Time for Hearing, and set the hearing on the Districts' Motion to Strike, or in the Alternative, Rule 56(f) Motion, filed herewith, for hearing on March 4, 2008, at 1:30 p.m.

DATED this 25th day of February, 2008.

MOFFATT, THOMAS, BARRETT, ROCK &
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By Scott L. Campbell
Scott L. Campbell - Of the Firm
Attorneys for Pioneer Irrigation District
and Settlers Irrigation District

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of February, 2008, I caused a true and correct copy of the foregoing *EX PARTE* MOTION TO SHORTEN TIME FOR HEARING to be served by the method indicated below, and addressed to the following:

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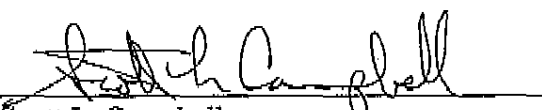
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