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DEPARTMENT OF
WATER RESOURCES

Attorneys for Pioneer Irrigation District
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. 63-3614
(Anderson Ranch Reservoir)

**PIONEER AND SETTLERS IRRIGATION
DISTRICTS' MOTION FOR SUMMARY
JUDGMENT**

COME NOW Pioneer Irrigation District and Settlers Irrigation District
(collectively, hereinafter the "Districts"), by and through their counsel of record, MOFFATT,
THOMAS, BARRETT, ROCK & FIELDS, CHARTERED, in accordance with the Order Extending
Schedule Deadlines, entered by this Court on January 29, 2008, and pursuant to Rule 56, Idaho
Rules of Civil Procedure, and hereby respectfully move this Court for summary judgment in
their favor. Specifically, the Districts request that this Court revise the recommendation of the
Idaho Department of Water Resources (the "Department") for water right no. 63-3614 to include

critical language from the water right license regarding the priority of water uses between irrigation and power purposes. Such omitted language reads as follows:

493,161 ac.ft. for irrigation and such power as can be generated by use of water released for irrigation.

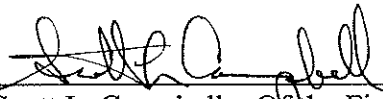
Pursuant to Rule 56, Idaho Rules of Civil Procedure, this Motion is made on the grounds and for the reasons that there is no genuine issue of material fact in dispute and the Districts are entitled to summary judgment, as a matter of law.

This Motion is made and based on the record herein, specifically including the Memorandum in Support of Pioneer and Settlers Irrigation Districts' Motion for Summary Judgment and the Affidavit of Dylan B. Lawrence, filed contemporaneously herewith.

ORAL ARGUMENT IS REQUESTED.

DATED this 28th day of February, 2008.

MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED

By 
Scott L. Campbell – Of the Firm

By 
Dylan B. Lawrence – Of the Firm
Attorneys for Pioneer Irrigation District
and Settlers Irrigation District

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of February, 2008, I caused a true and correct copy of the foregoing **PIONEER AND SETTLERS IRRIGATION DISTRICTS' MOTION FOR SUMMARY JUDGMENT** to be served by the method indicated below, and addressed to the following:

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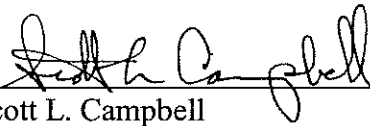
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United States Department of Justice
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