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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 Nos.: 74-40

**MOTION FOR
SUMMARY JUDGMENT**

F. James Whittaker and Paula J. Whittaker ("Whittaker"), by and through their attorneys of record, Holden, Kidwell, Hahn & Crapo, P.L.L.C., and in accordance with this court's September 13, 2007 Trial Scheduling Order, hereby submit this Motion for Summary Judgment in regards to the adjudication of Water Right No. 74-40. This motion is supported by the accompanying Memorandum in Support of Motion for Summary Judgment.

At the time of the filing of this motion, Whittaker has agreed to resolve the matter in a manner satisfactory to them and the claimants, but no documents have been prepared or filed. This motion is therefore filed out of an abundance of caution in the very unlikely event that the matter is not resolved as agreed.

COPY

Dated this 14th day of March, 2008.


Robert L. Harris, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of March, 2008, I mailed the original and copies of this Motion, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

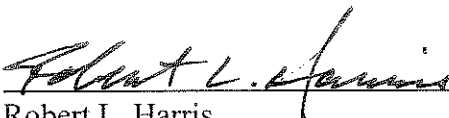
Leadore Land Partners, Ltd.
Represented by:
Josephine P. Beeman
409 W. Jefferson St.
Boise, ID 83702

Richard Foster
PO Box 55
Leadore, ID 83464

Kurt Bird
56 Lower Texas Creek Rd.
Leadore, ID 83464

Purcell Partnership
Purcell Ranch Partnership
c/o Allan/Betty/Kerry Purcell
98 Purcell Rd.
Leadore, ID 83464

Director of IDWR
PO Box 83720
Boise, ID 83720-0098


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