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DEPARTMENT OF
WATER RESOURCES

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Attorneys for Mace-Catlin Mutual Ditch Company, Inc.

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. 63-134, 63-132, 63-133,
) 63-134A, 63-134B, 63-186A, 63-186B,
) 63-17205 and 63-31772
)

) MACE-CATLIN MUTUAL DITCH
) COMPANY'S RESPONSE TO STATE OF
) IDAHO, DEPARTMENT OF PARKS
) RECREATION'S MOTION FOR
) SUMMARY JUDGMENT
)

COMES NOW Mace-Catlin Mutual Ditch Company (hereinafter "Mace-Catlin"), by and through its counsel of record, Ringert Clark, Chartered, submits to this Court, pursuant to Rule 56 of the Idaho Rules of Civil Procedure and pursuant to the Second Supplemental Trial Scheduling Order filed December 21, 2007, its *Response to State of Idaho, Department of Parks Recreation's Motion for Summary Judgment*.

BACKGROUND

The issues raised by the State in its Motion for Summary Judgment before the Court have been thoroughly briefed. Mace-Catlin's *Memorandum in Support of Motion for Summary Judgment* provides this Court with the legal basis for denying the State's Motion for Summary Judgment.

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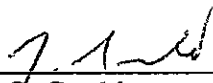
Mace-Catlin, therefore incorporates its Memorandum herein as if restated in whole along with Affidavit of Jon C. Gould, Affidavit of Mel Carlson, the claims of Mace-Catlin and the pleadings and documents on file with this Court.

V. CONCLUSION

For the foregoing reasons, this Court should deny State of Idaho's Motion for Summary Judgment.

DATED this 11th day of April, 2008.

RINGERT CLARK, CHARTERED

By: 
Jon Q. Gould

Attorney for Mace-Catlin Mutual Ditch Company

CERTIFICATE OF MAILING

I hereby certify that service of the within and foregoing document was made this 14th day of April, 2008, by mailing a copy thereof, postage prepaid, to each of the parties listed below.

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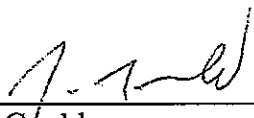
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