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DEPARTMENT OF
WATER RESOURCES

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Attorneys for Hart-Davis 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 NO. 63-132, 63-00133,
) 63-00134, 63-00134A, 63-00134B,
) 63-00186A, 63-00186B, 63-17205, and
) 63-31772
)

) HART DAVIS DITCH COMPANY'S
) COMPANY'S RESPONSE TO STATE OF
) IDAHO, DEPARTMENT OF PARKS
) RECREATION'S MOTION FOR
) SUMMARY JUDGMENT
)

COMES NOW Hart Davis Ditch Company's (hereinafter "Hart Davis"), 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. Hart Davis'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. Hart Davis,

HART DAVIS DITCH COMPANY'S RESPONSE TO STATE'S MOTION FOR SUMMARY JUDGMENT - Page 1

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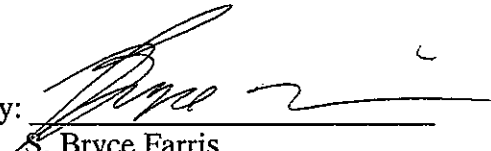
therefore incorporates its Memorandum herein as if restated in whole along with Affidavit of S. Bryce Farris, Affidavit of Ron Rippey, the claims of Hart Davis and the pleadings and documents on file with this Court.

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: 
S. Bryce Farris
Attorney for Hart Davis Ditch Company

CERTIFICATE OF MAILING

I HEREBY CERTIFY that service of the within and foregoing document was made this 11th day of April, 2008, by mailing a copy thereof, postage prepaid, to each of the parties listed below.

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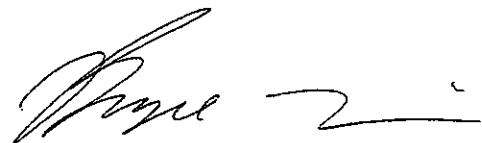
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