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DEPARTMENT OF
WATER RESOURCES

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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. **Attachment 1**
)

) **CLAIMANTS' JOINT MOTION**
) **FOR SUMMARY JUDGMENT**
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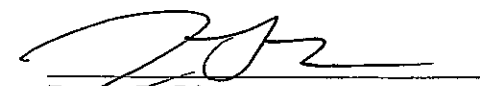
COME NOW, A&B Irrigation District, American Falls Reservoir District #2, Burley
Irrigation District, Falls Irrigation District, Milner Irrigation District, Minidoka Irrigation

District, North Side Canal Company and Twin Falls Canal Company, Claimants in the above-referenced subcases (hereinafter collectively referred to as "Claimants" or "SWC"), by and through counsel of record, and pursuant to Idaho Rule of Civil Procedure 56 hereby jointly move for summary judgment in the above-entitled subcases. The Claimants submit there are no genuine issues of material fact as to the "source" element of their claims and that the objections filed by the Ground Water Districts¹, the Mud Lake Users² and Fremont-Madison Objectors³ should be dismissed as a matter of law.

This motion is supported by the *Affidavit of Travis L. Thompson* and the *Memorandum in Support of Claimants' Joint Motion for Summary Judgment* filed together herewith. The Claimants will call up their motion for hearing at the SRBA District Court, located at 253 Third Ave. North, Twin Falls, Idaho, on **Thursday October 16, 2008 at 10:00 a.m.** pursuant to the Court's *Trial Scheduling Order* issued on May 6, 2008.

DATED this 22nd day of August, 2008.

CAPITOL LAW GROUP PLLC


Roger D. Ling

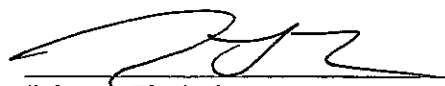
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¹ Abderdeen-American Falls Ground Water District, Bingham Ground Water District, Bonneville-Jefferson Ground Water District, Carey-Valley Ground Water District, Jefferson Clark Ground Water District, Madison Ground Water District, Magic Valley Ground Water District, and North Snake Ground Water District.

² Montevue Canal Company, Producers Irrigation Company, Independent Water Users of Mud Lake, Jefferson Irrigation District, and Mud Lake Water Users, Inc.

³ Fremont-Madison Irrigation District, Blackfoot Irrigation Company, and United Canal Company.

Attorneys for Minidoka Irrigation District

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Attorneys for A&B Irrigation District,
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District, North Side Canal Company, and
Twin Falls Canal Company

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of August, 2008, I served a true and correct copy of the foregoing *Claimants' Joint Motion for Summary Judgment* on the following by the method indicated:

Clerk of the SRBA Court
253 Third Ave. North
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Twin Falls, Idaho 83303-2707

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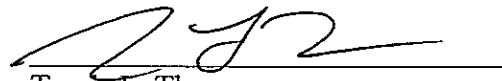
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Travis L. Thompson

Attachment 1

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