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DEPARTMENT OF
WATER RESOURCES

Attorneys for Claimants Pioneer Irrigation
District, Jerry L. Tlucek, Mary Lou Tlucek,
Shelly Tlucek, Byron Tlucek, Rebekah Tlucek,
and Kevin Tlucek

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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. 63-02529 63-03323
 63-03324 63-10435

MOTION FOR SUMMARY JUDGMENT

Claimants Pioneer Irrigation District, Jerry L. Tlucek, Mary Lou Tlucek, Shelly Tlucek, Byron Tlucek, Rebekah Tlucek, and Kevin Tlucek, through undersigned counsel of record, hereby file this Motion for Summary Judgment pursuant to Idaho Rule of Civil Procedure 56, Rules 1 and 10 of this Court's Administrative Order 1, and this Court's Summary Judgment Scheduling Order of November 3, 2008. In short, the Claimants respectfully request that the Court dismiss the responses filed by the State of Idaho in these subcases as violative of Idaho

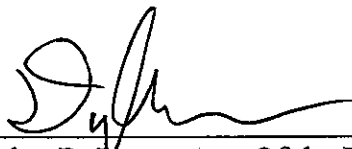
Code Section 42-1401B, and further request that this Court remove the annual diversion volume limitations on these water rights as violative of Idaho Code Section 42-220.

This Motion is supported by a legal brief, an affidavit of counsel, and an affidavit of expert witness Scott N. King, P.E., all filed contemporaneously herewith.

A hearing on this Motion is currently scheduled for 10:30 a.m., April 16, 2009, at the offices of Moffatt, Thomas, Barrett, Rock & Fields, Chartered, 101 S. Capitol Boulevard, Boise, Idaho.

DATED this 11th day of March, 2009.

MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED

By 
Dylan B. Lawrence – Of the Firm
Attorneys for Claimants Pioneer
Irrigation District, Jerry L. Tlucek,
MaryLou Tlucek, Shelly Tlucek, Byron
Tlucek, Rebekah Tlucek, and Kevin Tlucek

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of March, 2009, I caused a true and correct copy of the foregoing **MOTION FOR SUMMARY JUDGMENT** to be served by the method indicated below, and addressed to the following:

Representing: State of Idaho
David J. Barber
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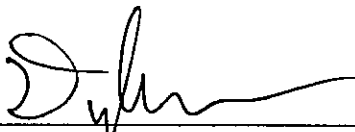
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Dylan B. Lawrence