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LOUIS F. RACINE (1917-2008)
WILLIAM D. OLSON, OF COUNSEL

March 26, 2009

Clerk of the Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, Idaho 83303-2707

Overnight Mail

Re: Case No. 39576, Subcase Nos. 01-23B, 01-297, 35-2543, 35-4246
Claimant: Aberdeen-Springfield Canal Company
Objectors: Twin Falls Canal Company, A&B Irrigation Co.,
North Side Canal Company, Burley Irrigation District,
Milner Irrigation District and Minidoka Irrigation District

Dear Clerk:

Enclosed please find the following which we are submitting for filing in the above-referenced subcases on behalf of Claimant Aberdeen-Springfield Canal Company:

1. Motion to Compel.
2. Motion for Summary Judgment.
3. Supporting Affidavits of Steven T. Howser, Anthony Olenichak and Randall C. Budge.
4. Motion to Clarify and/or Modify Trial Scheduling Order.
5. Memorandum in Support of Motion for Summary Judgment and Other Motions.
6. Proof of Service

Please file the originals. To ensure timely filing by the March 27 motion cut-off deadline, we are also providing the Motions today by fax. Please notice these motions up for hearing at the next regular hearing date and provide notice thereof to the parties of record per the service list.

March 26, 2009

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Thank you for your assistance. If you have any questions, please contact me or my assistant Robin Roebuck.

Sincerely,

A handwritten signature in cursive script that reads "Randall C. Budge".

RANDALL C. BUDGE

RC

RCB:rr

Enclosures

cc: Service List (Email and/or U.S. Mail)

Randall C. Budge, ISB No. 1949
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DEPARTMENT OF
WATER RESOURCES

Attorneys for Aberdeen-Springfield Canal Company

**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	)	
	)	A. Subcase Nos. 01-23B, 01-297, 35-2543, 35-4246
Case No. 39576	)	
	)	MOTION FOR ORDER
	)	COMPELLING DISCOVERY
	)	
	)	
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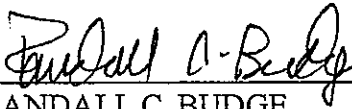
COMES NOW Claimant Aberdeen-Springfield Canal Company ("Claimant"), by and through counsel, and hereby moves the Court pursuant to I.R.C.P. Rule 37(a) for an Order compelling discovery against Objectors, Twin Falls Canal Company, A&B Irrigation Company, North Side Canal Company, Burley Irrigation District, Milner Irrigation District and Minidoka Irrigation District (hereinafter collectively "Objectors") and their answers to the Interrogatories and Requests for Production of Documents filed herein pursuant to Rules 33 and 34, I.R.C.P., by Claimants on March 5, 2009. To the extent said discovery requests are not timely and completely answered by Objectors as required by the Discovery Order issued by the Court, Claimant further moves for sanctions by the Court to include precluding Objectors from

presenting any testimony or evidence at the trial of this matter with respect to which Claimant requested discovery in their Interrogatories and Requests for Production which have not been full answered. Claimant further requests an award of expenses of motion incurred in obtaining the Order, including attorney fees pursuant to Rule 37(a)(4), I.R.C.P.

Claimant's Interrogatories and Requests for Production were filed herein and served on Objectors on March 5, 2009, a copy of which is attached as Exhibit 1 to the Supporting Affidavit of Randall C. Budge filed herein. No response has been filed by Objectors to said discovery requests. *Supporting Aff. Of Randall C. Budge*, ¶ 3.

DATED this 26 day of March, 2009.

RACINE, OLSON, NYE, BUDGE &
BAILEY, CHARTERED



RANDALL C. BUDGE