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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

Subcase Nos. 01-23B, 01-297, 35-2543, 35-4246

Case No. 39576

**CLAIMANT'S MOTION FOR
SUMMARY JUDGMENT**

Aberdeen-Springfield Canal Company ("Claimant"), through counsel of record and pursuant to Rule 56 of the Idaho Rules of Civil Procedure, hereby moves the Court for the entry of an Order granting a "partial decree" of each of Claimant's water right numbers 02-23B, 02-297, 35-2543 and 35-4246 as "Recommended" in the Amended Director's Report dated March 21, 2008, filed by the Idaho Department of Water Resources and of record herein. This motion is made upon the grounds and for the reasons that there are no material issues of fact and Claimant is entitled to judgment as a matter of law.

This Motion is based upon the Recommended Water Rights set forth in the Director's Report for Claim Nos. 01-23B, 01-297, 35-2543 and 35-4246, the Claimant's *Memorandum in Support of Motion for Summary Judgment*, and the supporting affidavits of Randall C. Budge, Steven Howser, and Anthony Olenichak filed herein.

DATED this 26th day of March, 2009.

RACINE, OLSON, NYE, BUDGE &
BAILEY, CHARTERED

A handwritten signature in black ink, reading "Randall C. Budge", written over a horizontal line.

RANDALL C. BUDGE
Attorney for Claimant