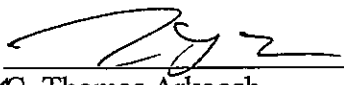


Company and Twin Falls Canal Company, Objectors in the above-referenced subcases, by and through counsel of record, and pursuant to Idaho Rule of Civil Procedure 56 hereby jointly move for summary judgment in the above-entitled subcases. The Objectors submit there are no genuine issues of material fact as to the "recharge for irrigation" purpose of use element which was not included in ASCC's previously decreed water right and that purpose of use 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 Objectors' Joint Motion for Summary Judgment* filed together herewith. The Objectors request oral argument on this motion.

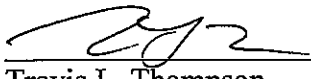
DATED this 27th day of March, 2009.

CAPITOL LAW GROUP PLLC


C. Thomas Arkoosh

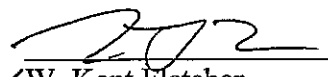
Attorneys for American Falls Reservoir District #2

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Irrigation District, Milner Irrigation District, North
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CERTIFICATE OF MAILING

I certify that on March 27th, 2009, I mailed the original and copies of the foregoing to the following persons:

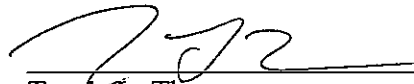
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