

RECEIVED

MAY 06 2009

**DEPARTMENT OF
WATER RESOURCES**

Richard W. Stover, ISB #6801
EBERLE, BERLIN, KADING, TURNBOW &
McKLVEEN, CHARTERED
1111 West Jefferson Street, Suite 530
P. O. Box 1368
Boise, ID 83701
Telephone: (208) 344-8535
Facsimile: (208) 344-8542

Attorneys for Claimant/Responding Party

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. 63-31194A & 63-31194B

SUNDANCE INVESTMENTS LTD'S
MOTION FOR SUMMARY JUDGMENT

COME NOW, Claimant/Responding Party, Sundance Investments Ltd. Partnership, (hereinafter, "Sundance") by and through its counsel of record, the law firm of Eberle, Berlin, Kading, Turnbow & McKlveen, Chartered, and hereby moves this court for summary judgment pursuant to Rule 56 of the Idaho Rules of Civil Procedure.

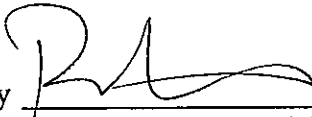
Sundance asserts that there is no genuine issue of material fact with respect to the conveyance of water right no. 63-31194 to Sundance with its purchase of the land to which the water right is appurtenant, and that as a result Sundance is entitled to judgment as a matter of law.

This Motion is supported by the record on file with the Court, the Memorandum in Support of Sundance Investment LTD's Motion for Summary Judgment, and the Affidavits of Roger L. Anderson and Richard W. Stover in Support of Summary Judgment filed contemporaneously herewith.

Oral argument is hereby requested.

DATED this 5¹² day of May, 2009.

**EBERLE, BERLIN, KADING, TURNBOW,
& McKLVEEN, CHARTERED**

By 
Richard W. Stover, of the firm
Attorneys for Claimant/Responding Party,
Sundance Investments Ltd. Partnership

CERTIFICATE OF MAILING

I certify that a true and correct copy of the **SUNDANCE INVESTMENTS LTD'S MOTION FOR SUMMARY JUDGMENT** was mailed on May 5th, 2009, with sufficient first-class postage prepaid to the following:

John C. Gould
Ringert Clark Chartered
P.O. Box 2773
Boise, Idaho 83701

Director of IDWR
P.O. Box 83720
Boise, Idaho 83720-0098

A handwritten signature in black ink, appearing to read 'R. Stover', is written over a horizontal line.

Richard W. Stover