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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

Case No. 39576

Subcase No.: **See Exhibit A**

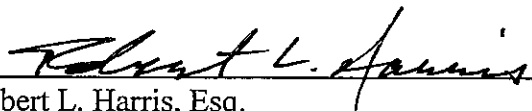
MOTION FOR SUMMARY JUDGMENT

Mud Lake Water Users, Inc., Montevue Canal Co., Independent Water Users of Mud Lake, Producers Irrigation Co., and Jefferson Irrigation District, Objectors in the above referenced subcases (hereinafter "Objectors"), by and through counsel of record, Robert L. Harris of the law firm Holden, Kidwell, Hahn & Crapo, PLLC, and pursuant to Idaho Rule of Civil Procedure 56 hereby move for summary judgment in the above referenced subcases. The Objectors submit there are no genuine issues of material fact as to the flood water nature of Claimants' water rights set forth in Exhibit A.

This motion is supported by the Affidavit of Robert L. Harris in Support of Motion for Summary Judgment and Memorandum in Support of Motion for Summary Judgment filed herewith. It is also supported by the Affidavit of Candace McHugh in Support of Motion for Summary

Judgment, the Affidavit of Anthony Olenichak, and Affidavit of Ronald D. Carlson in Support of Motion for Summary Judgment previously filed with the Court. The Objectors will call up their motion for hearing at the SRBA District Court, 253 Third Ave. North, Twin Falls, Idaho, on August 27, 2009, at 10:00 a.m. pursuant to the Stipulation Regarding Summary Judgment Briefing Schedule.

DATED this 23rd day of June, 2009.


Robert L. Harris, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

CERTIFICATE OF SERVICE

I hereby certify that I am a duly licensed attorney in the State of Idaho, resident of and with my office in Idaho Falls, Idaho; that I served a copy of the following described pleading or document on the attorneys listed below by hand delivering, by mailing or by facsimile, with the correct postage thereon, a true and correct copy thereof on this 23rd day of June, 2009.

DOCUMENT SERVED: Motion for Summary Judgment

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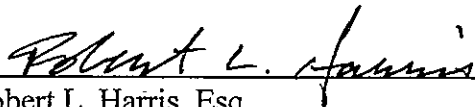
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GAWPDATA\HMA\1047-001 Mud Lake WU\MSJ, 062309.wpd

EXHIBIT A

WR#	Claimant	Priority Date
1-4	TFCC	12/22/1915
1-5	NSCC	12/23/1915
1-6	AFRD	3/30/1921
1-7	BID	4/1/1939
1-8	MID	4/1/1939
1-9	Milner	4/1/1939
1-10	TFCC	4/1/1939
1-13	FID	4/1/1939
1-14	A&B	4/1/1939
1-16	NSCC	12/23/1915
1-17	Milner	11/14/1916
1-211A	BOR	3/26/1903
1-211B	BID	3/26/1903
1-212	North Side	10/7/1905
1-213	North Side	6/16/1908
1-214A	BOR	8/6/1908
1-214B	BID	8/16/1908
1-219	BOR	12/14/1909
1-2050	Milner	10/25/1939
1-2061	BOR	6/11/1956
1-10034	BOR	3/15/1911
1-10225	A&B	4/1/1984
1-10237	A&B	7/11/1968
1-10238	A&B	7/11/1968
1-10239	A&B	7/11/1968
1-10240	A&B	7/12/1968
1-10241	A&B	4/1/1978
1-10482	BOR	4/1/1940
1-10483	Amalgamated	5/18/1926