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DEPARTMENT OF
WATER RESOURCES

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Attorneys for Wilder Irrigation District, Objector

**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.: 63-32533**
)
) **WILDER IRRIGATION**
) **DISTRICT'S MOTION FOR**
) **PARTIAL SUMMARY JUDGMENT**
)
)

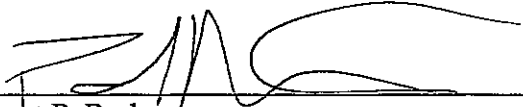
COMES NOW, the Objector, Wilder Irrigation District ("Wilder"), by and through its attorneys of record, Barker Rosholt & Simpson LLP, and pursuant to Rule 56(c) of the Idaho Rules of Civil Procedure and Rule 6(4)(f) of this Court's Administrative Order 1 ("AO1"), hereby moves this court for an order granting partial summary judgment in the above-entitled matter. Wilder submits that there are no genuine issues of material fact and that it is entitled to judgment as a matter of law.

It is undisputed that water right 63-32533 diverts waste water that is gathered from the Wilder Irrigation District by the Arena, Case and East Arena Drains. As such, a comment is necessary to ensure that future administration of water right 63-32533 is administered consistent with the rights of Wilder as the "paramount appropriator."

This motion is supported by *Wilder Irrigation District's Memorandum in Support of Motion for Partial Summary Judgment*, the *Affidavit of Vern E. Case* and the *Affidavit of Paul L. Arrington*, filed together herewith.

Dated this 6th day of August, 2009.

BARKER ROSHOLT & SIMPSON LLP

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

Albert P. Barker

Paul L. Arrington

Attorneys for Wilder Irrigation District

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of August, 2009, I served true and correct copies of the foregoing **WILDER IRRIGATION DISTRICT'S MOTION FOR PARTIAL SUMMARY JUDGMENT** by the method indicated below, and addressed to the following:

VIA U.S. MAIL POSTAGE PREPAID

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