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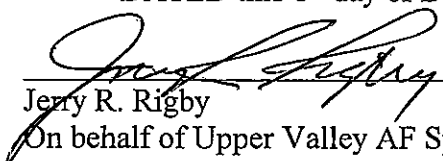
**AMERICAN FALLS SPACEHOLDERS
MOTION FOR SUMMARY
JUDGMENT**

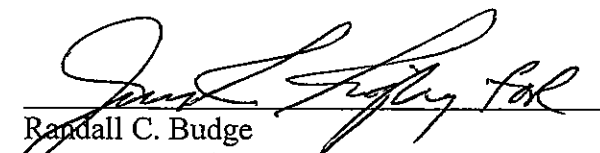
COMES NOW Aberdeen Springfield Canal Company, together with the following Upper Valley American Falls Spaceholders, namely: Blackfoot Canal Company, Burgess Canal Company, Butte & Market Lake Canal Company, Corbett Slough Ditch Company, Dilts Irrigation Company, Enterprise Canal Company, Enterprise Irrigation District, Harrison Canal Company, Idaho Irrigation District, Lenroot Canal Company, New Sweden Irrigation District, Osgood Canal Company, Peoples Canal & Irrigation Company, Poplar, Progressive Irrigation District, Reid Canal Company, Rudy Irrigation Company, Snake River Valley Irrigation District, Trego Ditch Company, and Woodville Canal Company, hereinafter collectively the "American Falls Spaceholders," and by and through counsel, respectfully support the State of Idaho and the United States' independent Motions For (Partial) Summary Judgments as to Idaho Power's claim to "Independent Power Water Right" and further file this Motion for Summary Judgment pursuant to Rule 56 of the Idaho Rules of Civil Procedure on the following issue:

Idaho Power has consistently represented to American Falls Spaceholders that its hydropower water rights are subordinate to water uses for irrigation with the exception of its storage rights in American Falls Reservoir, which are limited to 45,000 acre-feet. The Company should therefore be precluded from claiming otherwise under the doctrines of equitable estoppel and quasi estoppel.

This Motion is supported by the Memorandum in Support of Summary Judgment being submitted under separate cover.

DATED this 8th day of December, 2009.


Jerry R. Rigby
On behalf of Upper Valley AF Spaceholders


Randall C. Budge
Thomas J. Budge
On behalf of Aberdeen Springfield CC

CERTIFICATE OF MAILING

I certify that on December 8, 2009, I mailed the original and copies of the Brief in Support of Motion for Partial Summary Judgment including all attachments, to the following persons:

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