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DEPARTMENT OF
WATER RESOURCES

Attorneys for Claimant and Objector
Pioneer Irrigation District

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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 Nos. 63-00166A 63-00166B
63-00167A 63-00167B
63-00179A 63-00179C
63-32580

**MOTION FOR PARTIAL SUMMARY
JUDGMENT AND MOTION TO REMAND**

Pioneer Irrigation District, through undersigned counsel of record, hereby files this Motion for Partial Summary Judgment and Motion to Remand pursuant to SRBA Rule of Procedure 1, Idaho Rules of Civil Procedure 7(b) and 56(c), and Idaho Code Sections 42-108 and 42-1425. In short, Pioneer respectfully requests a holding from this Court that the recommended points of diversion for water rights 63-166B, 63-167B, and 63-179C are invalid until the

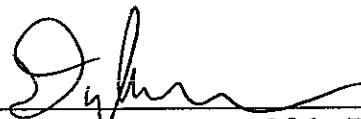
procedures of Idaho Code Section 42-1425 are followed and until Pioneer provides the consent required by Idaho Code Section 42-108. Pioneer further requests that the Court remand this matter back to the Idaho Department of Water Resources pursuant to Idaho Code Section 42-1425.

These motions are supported by a memorandum of law and affidavits of Scott Campbell, Dawn Fowler, Dylan Lawrence, and Mark Zirschky.

Oral argument is requested.

DATED this 13th day of September, 2010.

MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED

By 
Dylan B. Lawrence – Of the Firm
Attorneys for Objector Pioneer
Irrigation District

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of September, 2010, I caused a true and correct copy of the foregoing **MOTION FOR PARTIAL SUMMARY JUDGMENT AND MOTION TO REMAND** to be served by the method indicated below, and addressed to the following:

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