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DEPARTMENT OF
WATER RESOURCES

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Counsel for the State of Idaho

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	)	
	)	Subcase No. 01-02064
	)	
Case No. 39576	)	(American Falls Hydropower Storage
	)	Subcase)
	)	
	)	AMENDED MOTION FOR PARTIAL
	)	SUMMARY JUDGMENT
	)	

The State of Idaho, by and through the undersigned deputy attorney general, hereby moves the Court, pursuant to Idaho Rule of Civil Procedure 56, for entry of a summary judgment order on the following issues in the above-captioned American Falls Hydropower Storage Subcase:

1. Whether power storage at American Falls should be decreed in the name of the United States in the amount of ~45,000 acre-feet (2.65% of reservoir capacity); and

2. Whether water in excess of ~45,000 acre-feet (2.65% of reservoir capacity) must be released past the American Falls Dam specifically for Idaho Power's power generation purposes rather than stored in the Upper Snake River reservoir system.

The grounds for this motion are set out in the State of Idaho's *Brief in Support of Amended Motion for Partial Summary Judgment* filed concurrently herewith.

This motion is supported by the *Brief in Support of Amended Motion for Partial Summary Judgment*, the *Affidavit of David I. Stanish* (Dec. 4, 2009), and the *Second Affidavit of David I. Stanish* filed concurrently herewith.

Oral argument on this motion will take place on December 21, 2010 at 9:00am.

PRAYER FOR RELIEF

1. That the Court enter an order finding that power storage at American Falls should be decreed in the name of the United States in the amount of ~45,000 acre-feet (2.65% of reservoir capacity);

2. That the Court enter an order disallowing any explanatory remark requiring water in excess of ~45,000 acre-feet (2.65% of reservoir capacity) be released past the American Falls Dam specifically for Idaho Power's power generation purposes rather than stored in the Upper Snake River reservoir system; and

3. That the Court grant such other and further relief as it deems proper and just.

RESPECTFULLY SUBMITTED this 5th day of October 2010.

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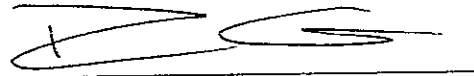
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LAWRENCE G. WASDEN
Attorney General

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

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DAVID I. STANISH
Deputy Attorney General

CERTIFICATE OF SERVICE

I certify that on this 5th day of October 2010, I caused to be served the original and copies of the **AMENDED MOTION FOR PARTIAL SUMMARY JUDGMENT** on the following persons by the methods indicated:

1. Original to:

CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
PO BOX 2707
TWIN FALLS, ID 83303-2707

- ☐ U.S. Mail, postage prepaid
- ☒ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: (208) 736-2121
- ☐ Statehouse Mail

2. Copies to:

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Represented by:
JAMES C TUCKER
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BOISE, ID 83707

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ABERDEEN AMERICAN FALLS GWD
BINGHAM GWD
BONNEVILLE JEFFERSON GWD
CAREY VALLEY GWD
IGWA INC
JEFFERSON CLARK GWD
MADISON GWD
MAGIC VALLEY GWD
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FALLS IRRIGATION DISTRICT

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TWIN FALLS CANAL COMPANY

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USDI BUREAU OF RECLAMATION

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ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

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UNITED STATES OF AMERICA
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A handwritten signature in black ink, appearing to read 'D. Stanish', is positioned above a horizontal line.

DAVID I. STANISH
Deputy Attorney General