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DEPARTMENT OF
WATER RESOURCES

**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. 37-296A,
37-717, and 37-1216,**

**INDIAN CREEK RANCH OWNER'S
ASSOCIATION INC.'S MOTION FOR
SUMMARY JUDGMENT**

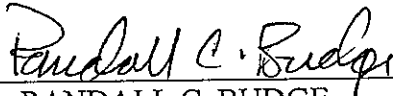
INDIAN CREEK RANCH OWNER'S ASSOCIATION, INC. ("Homeowners") through counsel of record and pursuant to Rule 56 of the Idaho Rules of Civil Procedure, hereby moves the Court for the entry of an Order granting summary judgment in favor of the Homeowners and against the City of Hailey ("City) dismissing the City's Objections and entering a "Partial Decree" of each of the City's water right numbers 37-296A, 37-717, and 37-1216 as "Recommended" in the *Amended Director's Report* dated September 30, 2010, and attached as Attachment A to the *Supplemental Director's Report* dated December 17, 2010 filed by the Idaho Department of Water Resources with this Court and on record herein. This *Motion* is

made upon the grounds and for the reasons that there are no material issues of fact and that the Homeowner's is entitled to judgment as a matter of law.

This *Motion* is based upon the recommended water rights as set forth in the Amended Director's Report for Claim Nos. 37-296A, 37-717, and 37-1216, the Memorandum in Support of Indian Creek Ranch Owner's Association's Motion for Summary Judgment, the *Supplemental Director's Report* and its attachments filed herein.

DATED this 18th day of January, 2011.

RACINE, OLSON, NYE, BUDGE &
BAILEY, CHARTERED

By: 
RANDALL C. BUDGE
Attorney for Indian Creek Ranch
Owner's Association, Inc.

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 18th day of January, 2011, I mailed a true and complete copy of the foregoing document, postage prepaid, to each of the following:

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