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**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF LICENSING)	
WATER RIGHT PERMIT NO. 01-7011)	
IN THE NAME OF TWIN FALLS CANAL)	IDAHO WATER RESOURCE
COMPANY AND NORTH SIDE CANAL)	BOARD'S MOTION FOR
<u>COMPANY</u>)	SUMMARY JUDGMENT

The Idaho Water Resource Board, by and through its counsel of record, and pursuant to the "Order Approving Stipulation To Vacate And Re-set Hearing And Corresponding Stipulated Schedule" entered in this matter on December 10, 2009, hereby moves for summary judgment affirming the Director's "Final Order" of October 20, 2008, with respect to inclusion of the following subordination provision in the license for water right no. 01-7011:

The diversion and use of water for hydropower purposes under this water right shall be subordinate to all subsequent upstream beneficial depletionary uses, other than hydropower, within the Snake River Basin of the state of Idaho that are initiated later in time than the priority of this water right and shall not give rise to any right or claim against any junior-priority rights for the depletionary or consumptive beneficial use of water,

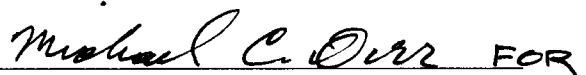
other than hydropower, within the Snake River Basin of the state of Idaho initiated later in time than the priority of water right no. 01-7011.

The grounds for this motion are discussed in the supporting memorandum, filed herewith. The Idaho Water Resource Board requests oral argument on this motion.

Respectfully submitted this 11th day of February 2010.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of February 2010, I caused a true and correct copy of the foregoing IDAHO WATER RESOURCE BOARD'S MOTION FOR SUMMARY JUDGMENT to be filed with the Department of Water Resources and served on the following parties by the indicated methods:

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