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Attorneys for the Mud Lake Water Users

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

IN THE MATTER OF APPLICATION
FOR TRANSFER NO. 73951 (in the
name of Mud Lake Water Users, Inc.)

**MOTION FOR
DECLARATORY RULING**

Mud Lake Water Users, Inc. ("MLWU"), by and through their counsel, Robert L. Harris of Holden, Kidwell, Hahn and Crapo, PLLC, pursuant to Rule 400 of the Rules of Procedure of the Idaho Department of Water Resources (IDAPA 37.01.01.400) hereby submits this Motion for Declaratory Ruling. The motion for declaratory ruling relates to whether or not MLWU is required under Idaho law to file an application for transfer with regards to its water rights in order to utilize a pump which recovers water from leaking headgates in MLWU's dike, and which pumps stranded water from Camas Creek from behind the dike that would proceed downstream if the dike were not present.

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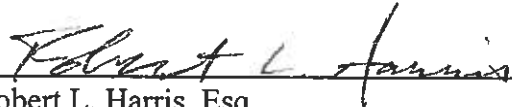
OCT 23 2008

Department of Water Resources
Eastern Region

This motion is supported by the Memorandum in Support of Motion for Declaratory Ruling and the Affidavit of Ronald D. Carlson.

DATED this 22nd day of October, 2008.

HOLDEN, KIDWELL, HAHN & CRAPO, PLLC


Robert L. Harris, Esq.
Attorneys for Mud Lake Water Users, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the following described pleading or document on the attorneys listed below by hand delivering, by mailing or by facsimile, with the correct postage thereon, on this 22 day of October, 2008.

DOCUMENT SERVED: MOTION FOR DECLARATORY RULING

ATTORNEYS AND/OR INDIVIDUALS SERVED:

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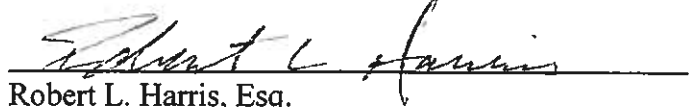
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