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Attorneys for Idaho Ground Water Appropriators, Inc. (IGWA)

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

In the Matter of )  
 )  
 DISTRIBUTION OF WATER TO )  
 WATER RIGHT NOS. 36-02356A, )  
 36-07210, AND 36-07427 )  
 (Blue Lakes Delivery Call) )  
 \_\_\_\_\_ )

**MOTION FOR SUMMARY  
 JUDGMENT**

In the Matter of )  
 )  
 DISTRIBUTION OF WATER TO )  
 WATER RIGHT NOS. 36-04013A, )  
 36-04013B, AND 36-07148 (SNAKE )  
 RIVER FARMS); AND TO 36-07083, )  
 36-07568 (CRYSTAL SPRINGS FARMS) )  
 (Clear Springs Delivery Call) )  
 \_\_\_\_\_ )

COME NOW the Idaho Ground Water Appropriators, Inc. (IGWA), North Snake Ground Water District and Magic Valley Ground Water District, for and on behalf of their respective members (collectively the “Ground Water Users”), through counsel, and hereby move the Director ,

pursuant to IDAPA 37.01.01.565 and Rule 56 of the Idaho Rules of Civil Procedure, for an Order granting Summary Judgment in favor of these moving parties, and denying the *Director's June 15, 2007, Curtailment Order* and all previous orders upon which it is based, together with all delivery calls underlying such orders, by reason of one or more of the affirmative defenses asserted in the *Ground Water Users' Petition for Reconsideration of the Director's June 15, 2007 Curtailment Order, Petition for Declaratory Ruling and Motion For Summary Judgment* filed herewith. This Motion is made upon the grounds and for the reasons that there are no material issues of fact and the moving parties are entitled to Summary Judgment as a matter of law.

This Motion is supported by the Supporting Affidavits of R. Lynn Carlquist, Orlo H. Maughan, Joint Carlquist and Maughan, Charles M. Brendecke, and Ronald Dean Carlson filed herein. This Motion is further supported by the *Memorandum in Support of Petition for Reconsideration, Petition for Declaratory Ruling, and Motion for Summary Judgment* filed herein and incorporated by reference.

DATED this 18th day of June, 2007.

RACINE, OLSON, NYE, BUDGE &  
BAILEY, CHARTERED

By  \_\_\_\_\_  
RANDALL C. BUDGE

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Attorneys for Idaho Ground Water Appropriators, Inc. (IGWA)

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO

IN THE MATTER OF DISTRIBUTION )  
OF WATER TO WATER RIGHT NOS. )  
36-02356A, 36-07210, AND 36-07427 )  
(Blue Lakes Delivery Call) )

\_\_\_\_\_ )

**NOTICE OF HEARING**

IN THE MATTER OF DISTRIBUTION )  
OF WATER TO WATER RIGHT NOS. )  
36-04013A, 36-04013B, AND 36-07148 )  
(SNAKE RIVER FARM); AND TO )  
WATER RIGHT NOS. 36-07083 AND )  
36-07568 (CRYSTAL SPRINGS FARMS) )  
(Clear Springs Delivery Call) )

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TO: THE ABOVE NAMED PARTIES AND THEIR COUNSEL OF RECORD

PLEASE TAKE NOTICE that the undersigned will bring on for hearing the Idaho Ground Water Appropriators, Inc. (IGWA), North Snake Ground Water District and Magic Valley Ground Water District's Motion for Summary Judgment before the Department Director, on July, 16, 2007, at the hour of 1:30 o'clock p.m., or as soon thereafter as counsel can be heard.

DATED this 18<sup>th</sup> day of June, 2007.

RACINE, OLSON, NYE, BUDGE  
& BAILEY, CHARTERED

By:   
RANDALL C. BUDGE