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Attorneys for Plaintiffs

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF POWER

ABERDEEN-SPRINGFIELD CANAL
COMPANY, an Idaho Corporation,
JEFFREY and CHANA DUFFIN,
individually, as stockholders, and as
husband and wife,

Plaintiffs,

vs.

IDAHO DEPARTMENT OF WATER
RESOURCES, an executive department
of the State of Idaho,

Defendant.

Case No. CV-2014-165

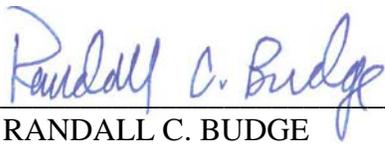
**PLAINTIFFS' MOTION FOR SUMMARY
JUDGMENT**

COME NOW Plaintiffs, Aberdeen-Springfield Canal Company and Jeffrey and Chana Duffin, by and through their counsel of record, Randall C. Budge of Racine, Olson, Nye, Budge & Bailey, Chartered, and pursuant to Rule 56 of the Idaho Rules of Civil Procedure, hereby move the Court for entry of summary judgment in their favor and against Defendant Idaho Department of Water Resources. This Motion is made upon the grounds and for the reasons that there are no material issues of fact and Plaintiffs are entitled to judgment as a matter of law on the interpretation of, and application of, Idaho Code § 42-228.

This motion is supported by the Memorandum in Support of Motion for Summary Judgment and Affidavits of Steven Howser and Jeffrey Duffin filed herewith.

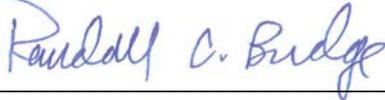
DATED this 15th day of June, 2014.

RACINE, OLSON, NYE, BUDGE &
BAILEY, CHARTERED

By:  _____
RANDALL C. BUDGE

CERTIFICATE OF SERVICE

I certify that on this the 15th day of June, 2014, the foregoing document was served on the following persons in the manner indicated.



Signature of person mailing form

Clerk of the District Court Snake River Basin Adjudication P.O. Box 2707 253 Third Avenue North Twin Falls, Idaho 83303-2707	<input checked="" type="checkbox"/> U.S. Mail/Postage Prepaid <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-mail
John K. Simpson/Travis L. Thompson Barker Rosholt & Simpson LLP P.O. Box 485 Twin Falls, Idaho 83303-0485 tlt@idahowaters.com	<input type="checkbox"/> U.S. Mail/Postage Prepaid <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-mail
W. Kent Fletcher Attorney at Law P.O. Box 248 Burley, Idaho 83318 wkf@pmt.org	<input type="checkbox"/> U.S. Mail/Postage Prepaid <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-mail
John Homan Deputy Attorney General P.O. Box 83720 Boise, Idaho 83720-0098 john.homan@idwr.idaho.gov	<input type="checkbox"/> U.S. Mail/Postage Prepaid <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-mail
Garrick Baxter Idaho Department of Water Resources P. O. Box 83720 Boise, Idaho 83720-0098 garrick.baxter@idwr.idaho.gov	<input type="checkbox"/> U.S. Mail/Postage Prepaid <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-mail