

Scheduling Conference and Order Re: Motion Practice, this *Motion* is supported by a *Memorandum, Statement of Facts, Affidavit of Chris M. Bromley in Support of Thomas M. Ricks' Motion for Summary Judgment*, and *Affidavit of Thomas M. Ricks in Support of Thomas M. Ricks' Motion for Summary Judgment*, filed contemporaneously herewith.

In accordance with I.R.C.P. 56, and as to the *Amended Complaint* filed by D.L. Evans Bank on July 28, 2014, Ricks moves for summary judgment on the following issues:

1. Whether, as a Matter of Law, the Water Rights Diverted by the Ballentyne Ditch Company from the Boise River Company are Real Property?
2. Whether, as a Matter of Law, Shares of Stock in the Ballentyne Ditch Company are Personal Property?
3. Whether, as a Matter of Law, the Trustee's Deed and Correction Trustee's Deed could Convey Personal Property?
4. Whether, as a Matter of Law, a Security Interest Attached or was Perfected by the Bank as to Ricks' Shares of Stock in the Ballentyne Ditch Company?
5. Whether, as a Matter of Law, D.L. Evans Bank can Compel Ballentyne Ditch Company to Transfer Shares of Stock Owned by Thomas M. Ricks to the Bank?

Respectfully submitted this 23rd day of January, 2015.

MCHUGH BROMLEY, PLLC



CHRIS M. BROMLEY
Attorneys for Thomas M. Ricks

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 23rd day of January, 2015, a true and correct copy of the foregoing document was served as follows:

Jason R. Naess Parsons Smith Stone Loveland & Shirley, LLP PO Box 910 Burley, ID 83318	<input checked="" type="checkbox"/> First Class Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Delivery
John Homan Idaho Department of Water Resources PO Box 83720-0098 Boise, ID 83720	<input type="checkbox"/> First Class Mail <input checked="" type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Delivery
S. Bryce Farris Sawtooth Law Offices, PLLC PO Box 7985 Boise, ID 83707	<input type="checkbox"/> First Class Mail <input checked="" type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Delivery



CHRIS M. BROMLEY