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*Attorneys for Lower Snake River Aquifer Recharge District and Thomas M. O’Gara Family Trust*

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

IN THE MATTER OF APPLICATION FOR  
PERMIT NOS. 37-22682 & 37-22852 in the  
name of Innovative Mitigation Solutions, LLC

**MOTION FOR SUMMARY  
JUDGMENT**

COME NOW, Protestants, THOMAS M. O’GARA FAMILY TRUST, and LOWER SNAKE RIVER AQUIFER RECHARGE DISTRICT, by and through counsel of record, and hereby move for an order of summary judgment in the above title action. This motion is filed pursuant to Department Rule of Procedure 260 (IDAPA 37.01.01.260). Protestants request oral argument on this motion.

Idaho Law strictly dictates the standards necessary for the development of new water rights. In particular, Idaho Code § 42-203A(5) provides the criteria that the Director must consider in relation to any application to appropriate the State’s water resources.

In this case, the Applicant, Innovative Mitigation Solutions, LLC (“IMS”) has failed to meet these standards. In particular, as it relates to this motion, IMS cannot meet the following standards

(c) where it appears to the satisfaction of the director that such application is not made in good faith, is made for delay or speculative purposes, or

...

(e) that it will conflict with the local public interest as defined in section 42-202B, Idaho Code, or

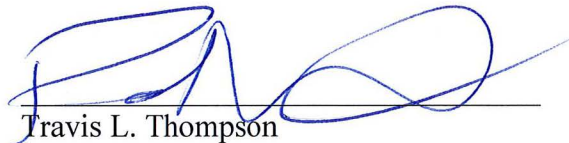
(f) that it is contrary to conservation of water resources within the state of Idaho

I.C. § 42-203A(5).

Accordingly, the Hearing Officer should dismiss the Applications.

DATED this 16<sup>th</sup> day of April, 2015.

**BARKER ROSHOLT & SIMPSON LLP**

A handwritten signature in blue ink, appearing to be "Travis L. Thompson", written over a horizontal line.

Travis L. Thompson  
Paul L. Arrington

*Attorneys for Lower Snake River Aquifer Recharge  
District and Thomas M. O'Gara Family Trust*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 13<sup>th</sup> day of April, 2015, I served a true and correct copy of the foregoing, via email to the following:

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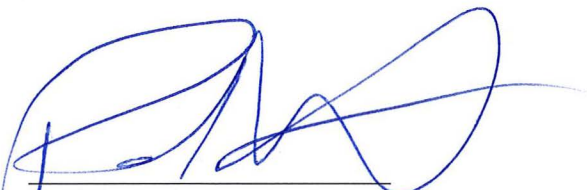
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