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Department of Water Resources

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Attorneys for Black Canyon Irrigation District

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

|                |   |                               |
|----------------|---|-------------------------------|
| In Re SRBA     | ) | Subcase No. 65-03115          |
|                | ) |                               |
| Case No. 39576 | ) | <b>MOTION BY BLACK CANYON</b> |
|                | ) | <b>IRRIGATION DISTRICT TO</b> |
|                | ) | <b>WITHDRAW ITS OBJECTION</b> |
| _____          | ) |                               |

Black Canyon Irrigation District files this Motion to Withdraw its Objection to SRBA Subcase No. 65-03115.

On December 8, 1999, the Idaho Department of Water Resources ("IDWR") issued a Directors Report for Basin 65, Part I, including water right claim 65-03115. On April 12, 2000, Black Canyon Irrigation District ("BCID") filed an Objection to water right 65-03115, arguing that the priority date should be May 6, 1949, and the place of use should be limited to 2,679 acres, as decreed in the Payette Adjudication.

On May 31, 2001, Roseberry Irrigation District ("Roseberry") filed a Motion to Correct Clerical Mistakes in Judgment. BCID filed a response on September 14, 2002, which

acknowledged an error in the acreage calculation, but which reasserted its objection to changing the priority date. Roseberry's motion was denied by Order of the Special Master on October 1, 2002.

BCID and Roseberry have subsequently reached an agreement to settle their disagreement over the priority that should be granted this water right.

Therefore, Black Canyon Irrigation District having no further objection to Roseberry's claim for water right 65-03115, the BCID petitions this court for leave to withdraw its Objection.

Respectfully submitted this 14 Day of October, 2002.

McDevitt & Miller, LLP

Attorneys for Black Canyon Irrigation District

A handwritten signature in cursive script, appearing to read "Chas. F. McDevitt", written over a horizontal line.

Chas. F. McDevitt

**CERTIFICATE OF SERVICE**

I hereby certify that on the 2<sup>nd</sup> day of April, 2003, I caused to be served copies of the foregoing **MOTION BY BLACK CANYON IRRIGATION DISTRICT TO WITHDRAW ITS OBJECTION** postage pre-paid by the methods indicated below:

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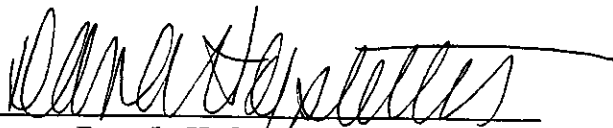
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