

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     | ) | A. Subcase | <u>63-32483</u> |
|                | ) |            |                 |
| Case No. 39576 | ) |            |                 |
|                | ) |            |                 |

STANDARD FORM 1  
OBJECTION

NAME AND ADDRESS OF PERSON OBJECTING

Name: Black Canyon Irrigation District  
Address: P.O. Box 226  
Notus, ID 83656  
Daytime Phone: 208-459-4141

Name & Address of Attorney, if any:  
Chas F. McDevitt & Miller LLP  
McDevitt & Miller LLP  
420 W. Bannock  
P.O. Box 2564-83701  
Boise, ID 83702

CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

**Current Owner:**

Name: Carolyn E. Tesnohlidek  
Dwain A. Tesnohlidek  
  
Address: 2535 NW 1<sup>st</sup> Ave.  
Fruitland, ID 83619

I object to the following elements as recommended in the Director's Report.

1. ☐ **Name and Address**  
Should be: \_\_\_\_\_
2. ☒ **Source**  
Should be: The waste waters claimed belong to the Black Canyon Irrigation District.
3. ☐ **Quantity**  
Should be: \_\_\_\_\_
4. ☐ **Priority Date**  
Should be: \_\_\_\_\_
5. ☐ **Point of Diversion**  
Should be: \_\_\_\_\_

6. ☐ **Instream Flow Beginning and Ending Point**

Should be: \_\_\_\_\_

7. ☐ **Purpose(s) of Use**

Should be: \_\_\_\_\_

8. ☐ **Period of Year**

Should be: \_\_\_\_\_

9. ☐ **Place of Use**

Should be: \_\_\_\_\_

10 ☐ **I object because:**

☒ This water right Should not exist.

☐ This water right was not recommended, but Should be recommended with the elements described above.

**REASONS SUPPORTING OBJECTIONS(S):**

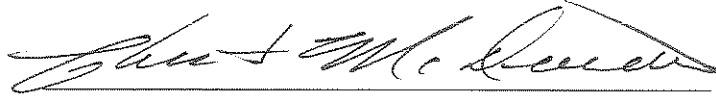
There has been no lawful appropriation of this right. The waste waters belong to the Black Canyon Irrigation District and are not available for private development and appropriation. Further, any attempted development of this right constitutes a trespass against the drains of the Black Canyon Irrigation District.

VERIFICATION

State of Idaho                     )  
                                          )ss.  
County of Ada                    )

Chas F. McDevitt, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and(6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.



Chas F. McDevitt  
McDEVITT & MILLER LLP

Subscribed and sworn to before me on: 6/14/07

Notary Public for Heather Hule. Legal Assist.  
Residing at: Boise, Idaho  
My Commission Expires: 6/20/2012

### CERTIFICATE OF MAILING

I certify that on June 14<sup>th</sup>, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District court  
Snake River Basin Adjudication  
253 Third Avenue North  
PO Box 2707  
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

**Current Owner:**

Name: Carolyn E. Tesnohldek  
Dwain A. Tesnohldek

Address: 2535 NW 1<sup>st</sup> Ave.  
Fruitland, ID 83619

3. Copies to:

IDWR Document Depository  
PO Box 83720  
Boise, ID 83720-0098

United States Department of Justice  
Environment & Nat'l Resources Div  
550 W Fort Street, MSC 033  
Boise, ID 83724

Chief, Natural Resources Division  
Office of Attorney General  
PO Box 44449  
Boise, ID 83711-4449

  
McDEVITT & MILLER LLP