

COPY

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

a

In Re SRBA

A. Subcase 63-32419

RECEIVED

Case No. 39576

STANDARD FORM 1

OCT 23 2011

OBJECTION

DEPARTMENT OF
WATER RESOURCES

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: Brendan M. Smedick
Address: 9900 Blanc Ln
Caldwell, ID 83607-7922

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

1. ☐ **Name and Address**

Should be: _____

2. ☒ **Source**

Should be: The waters claimed belong to the Black Canyon Irrigation District
and are from a "live water" lateral.

3. ☐ **Quantity**

Should be: _____

4. ☐ **Priority Date**

Should be: _____

5. ☐ **Point of Diversion**

Should be: _____

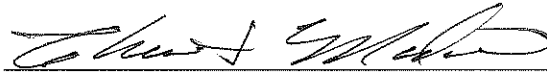
6. ☐ **Instream Flow Beginning and Ending Point**

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.

REASONS SUPPORTING OBJECTIONS(S):

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

Dated this 19th day of October 2007



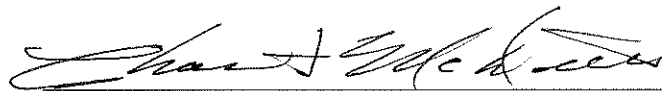
Chas F. McDevitt
McDEVITT & MILLER LLP

VERIFICATION

State of Idaho)
)ss.
County of Ada)

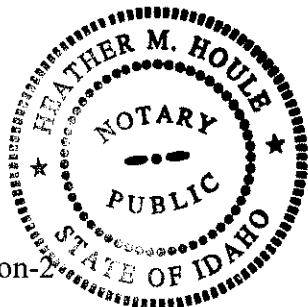
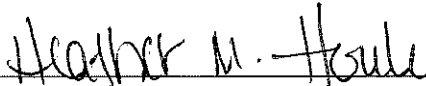
Chas F. McDevitt, duly sworn, upon oath, deposes and says:

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:



Notary Public for Idaho
Residing at: Boise, Idaho
My Commission Expires: 6/20/2012

CERTIFICATE OF MAILING

I certify that on October 19th, 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:

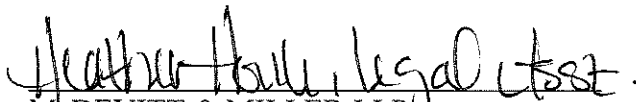
Name: Brendan M. Smedick
Address: 9900 Blanc Ln
Caldwell, ID 83607-7922

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