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October 30, 2009

Via Hand Delivery

Mr. Don Shaff
Idaho Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

RECEIVED
OCT 30 2009
DEPARTMENT OF
WATER RESOURCES

Re: Amended SRBA Claim – Subcase No. 2-103
Our file: 5995-1

Dear Don:

On behalf of Black Mesa Farms LLC, and as ordered by Special Master Dolan at the October 22, 2009 hearing in SRBA subcase no. 2-103, I am enclosing with this letter Black Mesa's Amended Notice of Claim to Water Right no. 2-103 ("Amended Claim"). This Amended Claim reflects a priority date of February 25, 1963 for this water right.

You will notice that this Amended Claim differs from the version attached to Black Mesa's August 28, 2009 Motion to File Amended Notice of Claim in that an amended signature page is attached. As we discussed on the phone this week, the amended signature page is necessary to accurately reflect "Beneficial Use" and "Permit" as alternative bases for this claim. We believe there is legal and factual support for both bases, as well as for the claimed priority date.

Please feel free to contact me with any questions.

Sincerely,



Michael P. Lawrence

cc: Wes Wootan
Don Bryant
MPL:la 697486_1

RECEIVED

OCT 30 2009

DEPARTMENT OF
WATER RESOURCES

SRBA Form No.42-1409-1 (Internet 2/09)

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 2-103

Date Received: _____

Receipt No: _____

Received By: _____

AMENDED

NOTICE OF CLAIM
TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) BLACK MESA FARMS LLC Phone (208) 366-7433

Mailing Address PO BOX 82 GLENN'S FERRY ID 83623
Street or Box City State ZIP

2. Date of Priority (Only one (1) per claim) February 25, 1963
Month Day Year (YYYY)

3. Source of water supply (Check one) Ground Water () or Other (✓) (a) SNAKE RIVER
which is tributary to (b) COLUMBIA RIVER

4. a. Location of Point of Diversion is: Township 6S, Range 11E, Section 9,
NW, 1/4 of SW, 1/4 Govt. Lot 6, BM., County of ELMORE

Parcel (PIN) no. _____

Additional points of diversion if any: _____

If available, GPS Coordinates _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4

Govt. Lot _____, BM., County of _____

ending point is: Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4

Govt. Lot _____, BM., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed
and as enlarged and the depth of each well. RIVER PUMPING STATION, PENSTOCK, RELIFT STATION,
RELIFT PENSTOCK, MAIN TRUNKLINE AND LATERAL MAIN LINES, WITH SOME BOOSTER PUMPS.

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD) (cfs) (acre feet)

For IRRIGATION purposes from 3/15 to 11/15 amount 8.54 or

For purposes from to amount or

For purposes from to amount or

For purposes from to amount or

7. Total quantity claimed (a) 8.54 (cfs) and/or (b) (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.)

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

Twn	Rng	Sec	SEE ATTACHED LIST																Totals
			NE								SE				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Parcel (PIN) no(s).

Total number of acres irrigated 428 acres within 3948 acre

10. In which county (ies) are lands listed above as place of use located? ELMORE

permissible place of use

11. Do you own the property listed above as place of use? Yes (✓) No ()

If your answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.

2-2209B

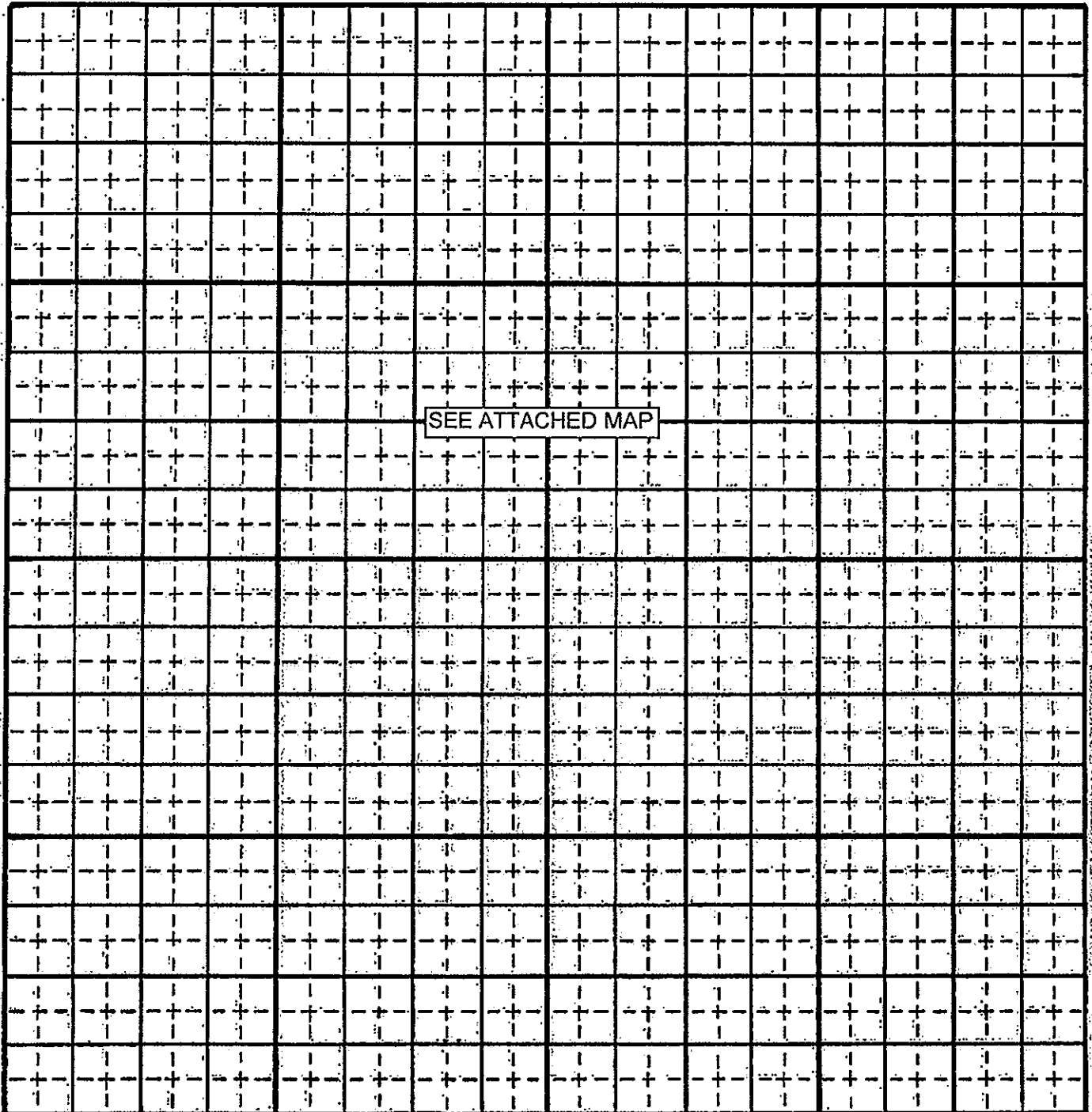
or None ()

13. Remarks: This Amended Claim corrects the priority date to be February 25, 1963. This priority date is correct as evidenced by the Beneficial Use Field Examiner's report for licensed water right no. 2-2209. The Field Examiner found that Section 14 lands were irrigated under 2-2209. However, Section 14 lands inexplicably were omitted from the license for 2-2209. This right (2-103) is for the irrigation of Section 14 lands and should have the same priority date as 2-2209 (i.e. February 25, 1963). This right also should include a remark stating that this right (2-103) and right number 2-2209B are the only rights historically beneficially used to irrigate land in Sec. 12, T6S, R10E.

Last Name BLACK MESA FARMS LLC Identification No. 2-103

Map of Project: Attach aerial photograph or topographic map showing clearly the point of diversion, place of use, section number, township, and range number, unless unavailable. Otherwise sketch the elements above on the grid below.

Scale: 2 Inches equals 1 mile



Last Name BLACK MESA FARMS LLC Identification No. 2-103

OR

14. Basis of Claim (Check One) Beneficial Use (✓) Posted Notice () License () Permit (✓) Decree ()

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number Permit No. 30990

Initial: MB

Date: 10/29/09

15. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices in the Snake River Basin Adjudication." (b.) I/We do () do not (✓) wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1 (Map), 1 (Legal Description)

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date: _____

_____ Date: _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am

PARTNER of BLACK MESA FARMS LLC

Title

Organization

that I have signed the foregoing document in the space below as

PARTNER of BLACK MESA FARMS LLC

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Don J. Bryant Date 8/28/09

Initial: MB

Date: 10/29/09

Title and Organization PARTNER, BLACK MESA FARMS LLC

16. Notice of Appearance:

Notice is hereby given that I, Michael C. Creamer, will be acting as attorney at law of behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Michael C. Creamer Date 8/28/09

Address GIVENS PURSLEY LLP

601 W. Bannock St., Boise, ID 83702

Last Name BLACK MESA FARMS LLC Identification No. 2-103

Water Right No. 2-103
Place of Use Legal Description

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06S	10E	1		NESW	35		SWSW	39		SESW	40			
				NWSE	30		SWSE	40		SESE	30			
			2	SESE	39									
			11	NENE	40		SWNE	40		SENE	39			
		12		NESW	40		NWSW	40		SWSW	40		SESW	40
				NESE	39		NWSE	40		SWSE	40		SESE	40
				NENE	40		NWNE	40		SWNE	40		SENE	40
				NENW	40		NWNW	39		SWNW	39		SENE	40
		13		NESW	40		NWSW	39		SWSW	38		SESW	21
				NESE	40		NWSE	40		SWSE	39		SESE	39
				NENE	39		NWNE	39		SWNE	40		SENE	40
				NENW	39		NWNW	39		SWNW	40		SENE	40
		14		NESW	40		NWSW	40						
				NESE	40		NWSE	40		SWSE	40		SESE	40
				NENE	40		NWNE	40		SWNE	40		SENE	40
				NENW	40		NWNW	40		SWNW	40		SENE	40
		24		NESW	39									
				NESE	39		NWSE	30						
				NENE	40		NWNE	39		SWNE	40		SENE	40
				NESE	40		NWSE	40						
	11E	6	7	SWSW	10									
				NENE	25		NWNE	25		SWNE	40		SENE	40
				NENW	30	1	NWNW	37	2	SWNW	37		SENE	40
				NESW	40	3	NWSW	38	4	SWSW	37		SESW	39
		17		NESE	40		NWSE	40		SWSE	39		SESE	40
				NWNW	40		SWNW	40						
				NWSW	40									
				NENE	38		NWNE	39		SWNE	40		SENE	39
		18		NENW	39	1	NWNW	37	2	SWNW	38		SENE	40
				NESW	40	3	NWSW	38	4	SWSW	38		SESW	40
				NESE	40		NWSE	40		SWSE	40			
				NWNW	39	2	SWNW	39						
		19	1	NWNW	39	2	SWNW	39						
			3	NWSW	39									

This right is limited to the irrigation of 428 acres within the place of use described above in a single irrigation season.

Water Right No. 2-103
Place of Use / Point of Diversion Map

