

LODGED
DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO
FILED
2009 AUG 31
DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Id
OCT 29 2009
 By _____ Clerk

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 2-103
 (Insert water right number)

Case No. 39576)

STANDARD FORM 1
OBJECTION

Please **print or type** the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: **Black Mesa Farms LLC**

Address: **PO BOX 82**

Glenns Ferry, Idaho 83623

Daytime Phone: **208- 366-7433**

Name & Address of Attorney, if any:

Michael C. Creamer

GIVENS PURSLEY LLP

P.O. Box 2720

Boise, Idaho 83701

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: **Black Mesa Farms LLC**

Address: **PO BOX 82**

Glenns Ferry, Idaho 83623

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: 8.54 cfs without recommended combined use limit remark
4. ☒ **Priority Date**
Should be: February 25, 1963
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: see below
11. **I object because:**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):** _____

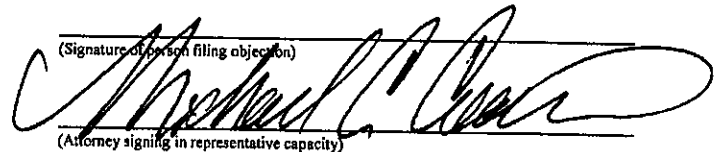
There is no basis for including a combined use limitation in this water right. Other rights listed in the remark do not have the same limitation. A Beneficial Use Field Examiner's report for 2-2209 shows the priority date should be February 25, 1963. A Motion to File Amended Claim to reflect this also has been filed. A remark should be included to alert IDWR that Black Mesa's rights are not limited by other rights that have been decreed or Recommended with a place of use in Section 12 (and vice versa).

F. VERIFICATION (Must be Completed)

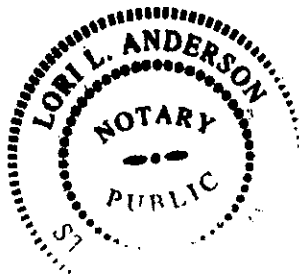
State of Idaho)
) ss.
County of Ada)

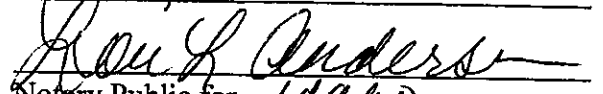
Michael C. Creamer, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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 responding and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: August 28, 2009




Notary Public for Idaho
Residing at: Boise ID
My Commission Expires: Aug 23, 2013

INSTRUCTIONS FOR MAILING

You must mail the objection to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on August 20th, 2009, I mailed the original and copies of this response, 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:

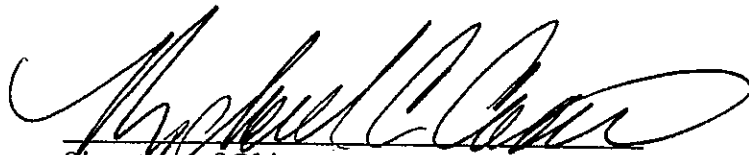
Name: Black Mesa Farms LLC
Address: PO BOX 82
Glenns Ferry, Idaho 83623

3. Copies to:

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

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

United States Department of Justice
Environment & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724


Signature of Objector or attorney
mailing on Objector's behalf