

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho
MAY - 7 2010
By Lodged
Deputy Clerk

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho
MAY 20 2010
By _____
Deputy Clerk
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)
Case No. 39576)
A. Subcase 63-5195
(Insert water right no.)
STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: THE TERTELING CO INC.
Address: 3858 Garden Center Way, Suite 300
Boise, Idaho 83703
Daytime Phone: 208 338-5200

Name & Address of Attorney, if any:
Charles L. Honsinger
Ringert Law, Chartered
P.O. Box 2773
Boise, ID 83701

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

Name: David Niznik
Diane Peck-Niznik
Address: 3911 Whitehead
Boise, Idaho 83703

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: _____
4. ☒ **Priority Date**
Should be: July 2, 1921
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: _____
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.

E. REASONS SUPPORTING OBJECTION (S):

The proof submitted to establish the priority date of this water right states that the well that is the point of diversion for this water right was drilled after the first Silkey well was drilled. Because the priority date for the first Silkey water right no. 63-12 is July 1, 1921, the priority date of June 1, 1921 recommended for this water right no. 63-5195 is in error. Please see attached statements of Raymond F. Stralow and Clifton W. Johnson that were used as proof of priority by IDWR when recommending this water right.

F.

VERIFICATION (must be completed)

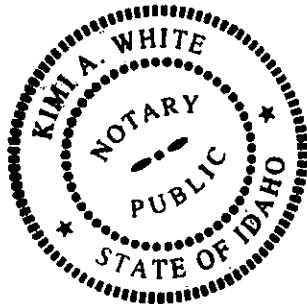
State of Idaho)
) ss.
County of Ada)

Charles L. Honsinger, 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/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.

Charles L. Honsinger

Charles L. Honsinger



Subscribed and sworn to before me
on: May 5th, 2010

Kimi A. White

Notary Public for Idaho

Residing at: Boise, Idaho

My Commission Expires: 01/01/11

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will no be accepted.**
You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on the 5th of May, 2010 I mailed the original and copies of this objection, including all attachments, to the following by Federal Express:

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 by U.S. Mail:

Name: David Niznik
Diane Peck-Niznik

Address: 3911 Whitehead
Boise, Idaho 83703

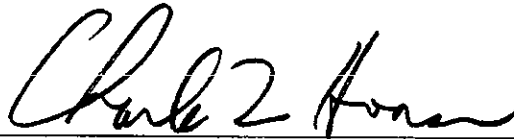
3. Copies by U.S. Mail to:

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

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

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

Ms. Dana Hofstetter
Hofstetter Law Office, LLC
608 W. Franklin Street
Boise, ID 83702
Fax: (208)424-8744

A handwritten signature in cursive script, appearing to read "Charles Z. Homan", written over a horizontal line.

Signature of Objector or attorney
mailing on Objector's behalf