

JUL 06 2010

DEPARTMENT OF
WATER RESOURCES

Niznik's Objection to: Edwards LLC, Motion of Summary Judgement
Reasons for Objections Listed Below

1. The Silkey v. Tiegs decree should have no legal bearing on our water right 63-5195 for the following reasons:

A. Our water right 63-5195 is a Domestic water right which has protection under Idaho law over commercial uses.

B. The Silkey v. Tiegs decree was and is not a General Decree but an agreement among a few private parties.

C. Our water right 63-5195, may not have been part of the Silkey v. Tiegs decree because this well has senior rights over the Silkey wells. The Silkeys knew that the Cantwell's well was senior to their wells so why would you involve them in this litigation.

2. Also I object to being served this Summary Judgement. I was told by Dana Hoffstetter on multiple occasions that we would be getting a very attractive settlement offer very soon. Point being is I have not had time to fully prepare, because I was lead to believe it would not be necessary. I would like to have more time to read and study this Motion of Summary Judgement to formulate more objections.

Certificate of Service

I hereby certify that on the 2nd day of July 2010, I caused to be served copies of NIZNIK'S OBJECTION TO : EDWARDS FAMILLY, LLC'S MOTION FOR SUMMARY JUDGEMENT by the method Indicated below.

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