

RECEIVED

OCT 11 2011

DEPARTMENT OF
WATER RESOURCES

Michael C. Creamer [ISB No. 4030]
Michael P. Lawrence [ISB No. 7288]
GIVENS PURSLEY LLP
601 West Bannock Street
P.O. Box 2720
Boise, Idaho 83701-2720
Office: (208) 388-1200
Fax: (208) 388-1300
www.givenspursley.com
Attorneys for Black Mesa Farms, LLC

**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

Subcase Nos. 2-103 and 2-10300

**BLACK MESA'S MOTION FOR
SUMMARY JUDGMENT**

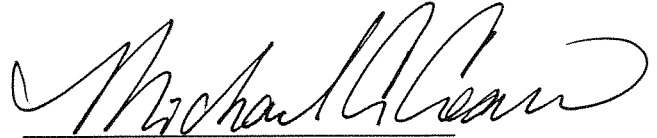
Black Mesa Farms LLC ("Black Mesa"), by and through its counsel Givens Pursley LLP, pursuant to I.R.C.P. 56 and the Special Master's July 29, 2011 *Order Granting Motion to Amend Claim and Setting Deadline for Director's Report and Objections, Summary Judgment Schedule, and Trial Setting*, hereby moves the court for an order granting summary judgment in its favor and determining that Black Mesa owns the water rights represented by the corrected portion of license no. 2-2209 (the "Section 14 Water Rights") authorizing diversions of 8.0 cfs of Snake River water to irrigate 400 acres in Section 14, T6S, R10E, B.M., owned by Black Mesa. Black Mesa is entitled to summary judgment because there is no issue as to any material fact and Black Mesa owns the Section 14 Water Rights as a matter of law.

This motion is made and based on the *Affidavit of Wesley R Wootan* and the *Affidavit of Michael P. Lawrence* filed contemporaneously herewith, together with such other pleadings and

documents as are currently filed and lodged in these subcases or that may be filed or lodged hereafter. A *Memorandum in Support of Black Mesa's Motion for Summary Judgment* has been filed contemporaneously herewith.

Respectfully submitted this 7th day of October, 2011.

GIVENS PURSLEY LLP

A handwritten signature in black ink, appearing to read "Michael C. Creamer", written over a horizontal line.

Michael C. Creamer

Attorneys for Black Mesa Farms, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of October, 2011, Black Mesa Farms, LLC filed and served the foregoing document as indicated below:

ORIGINAL FILED

Clerk of Fifth Judicial District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707
Fax: 208-736-2121

☐ U. S. Mail
☒ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

SERVICE

Director of IDWR
P.O. Box 83720
Boise, ID 83720-0098
Fax: 208-287-6700

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

Chief of Natural Resource Division
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449
Fax: 208-334-2690

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

United States Department of Justice
Environment & Nat'l Resource Div
550 West Fort Street, MSC 033
Boise, ID 83724

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

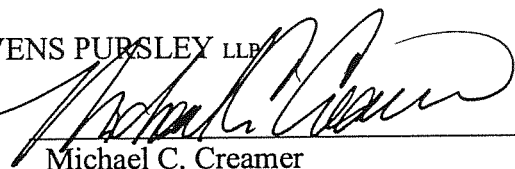
Charles L. Honsinger
Daniel V. Steenson
Ringert Law Chartered
PO Box 2773
Boise, ID 83701

☐ U. S. Mail
☒ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

DATED this 7th day of October, 2011.

Respectfully submitted,

GIVENS PURSLEY LLP

By: 

Michael C. Creamer