

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: A51-12889

Date Received: 7/31/98

Receipt No: W924219

Received By: Rch

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: J R SIMPLOT COMPANY 208-336-2110
Address: PO BOX 27
BOISE ID 83707

2. Date of Priority: MAR 7, 1914

3. Source: SPRING Trib. to: WICKAHONEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11S	03E	8	SE	SE	NE		OWYHEE

5. Description of diverting works:
DIVERSION DITCH TO POND

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DIVERSION TO STORAGE	01/01	12/31	0.110		
STOCKWATER	01/01	12/31	0.110		
STOCKWATER STORAGE	01/01	12/31			5.00
STOCKWATER FROM STORAGE	01/01	12/31			5.00

7. Total Quantity Appropriated is:
0.110 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 1000 RANGE CATTLE, 30 HORSES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11S	03E	8	SE	NE		STOCK	

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11S	03E	8	SE	NE		STOC S	
			SE	NE		STO FS	
		9	SW	NW		STOCK	
			SW	NW		STOC S	
			SW	NW		STO FS	

11. Place of use in counties: OWYHEE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A51-12890

14. Remarks:

SOURCE ALSO KNOWN AS COTTONWOOD SPRING

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice 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: _____

For Organizations:

I do solemnly swear or affirm that I am _____ Secretary _____ of _____ Title _____

J.R. Simplot Company _____, that I have signed the foregoing Organization

document in the space below as _____ Secretary _____ of _____ Title _____

J.R. Simplot Company _____ and that the statements contained in the Organization

foregoing document are true and correct.

Signature of Authorized AgentSecretary, J.R. Simplot Company
Title and Organization

7-31-98

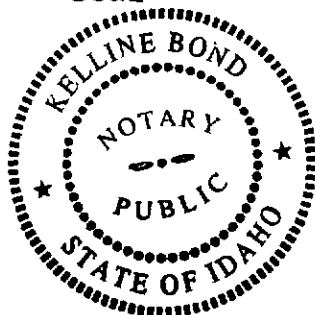
Date

State of Idaho)
County of Ada) ss.

Subscribed and sworn (or affirmed) before me this 31st day

of July 19 98

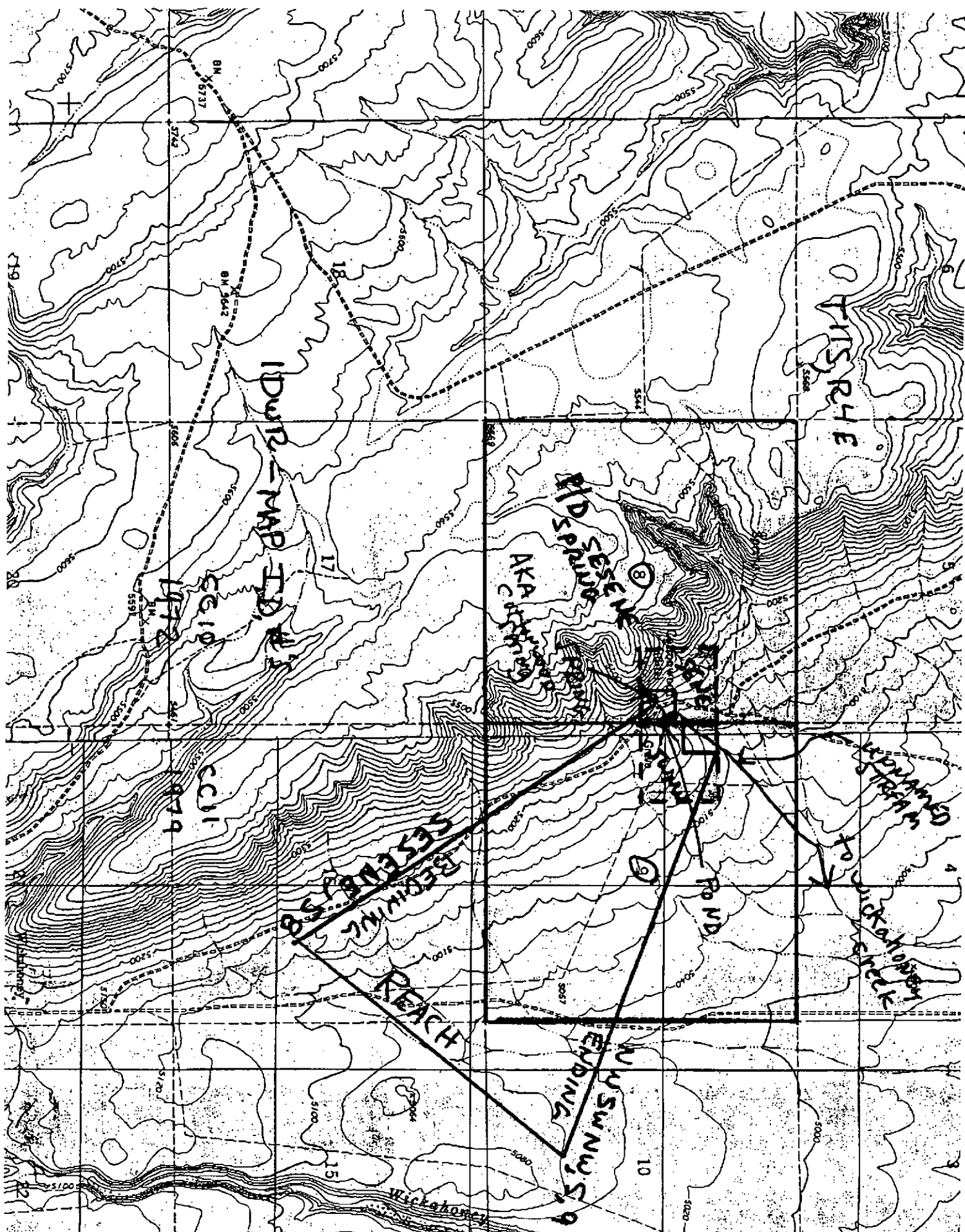
Seal



Kelline Bond
Notary Public

Residing at Perse, Idaho

My Commission Expires 10-13-98



AJ0749NP
No. R51-12889

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 04/18/99
PAGE: 2

=====

Dates:	Exam Made Date:	Verified Date:	04/18/1999	Objection Filed Date:
Misc:	Water District Number:	Field Inspection Flag:		
Audit:	04/18/99 RHOMERTO	Presumption Flag:		

=====

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: APR-18-1999

PAGE: A-1

RIGHTS FROM: SOURCE: SPRING TRIBUTARY: WICKAHONEY CREEK

RIGHT NUMBER: 51-12889

NAME AND ADDRESS: J R SIMPLOT COMPANY
PO BOX 27
BOISE ID 83707

SOURCE: SPRING TRIBUTARY: WICKAHONEY CREEK

QUANTITY: 0.11 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 03/07/1914

POINT OF DIVERSION: T11S R04E S08 SESENE Within Owyhee County
~~T11S R03E S08~~ ~~SESENE~~

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.11 CFS
	STOCKWATER STORAGE	01-01 12-31	5.0 AFY
	STOCKWATER FROM STORAGE	01-01 12-31	5.0 AFY
	DIVERSION TO STORAGE	01-01 12-31	0.11 CFS

PLACE OF USE: STOCKWATER Within Owyhee County
T11S R04E S08 SENE
S09 SNNW
~~R03E S08~~ ~~SENE~~
~~S09~~ ~~SNNW~~

STOCKWATER STORAGE Within Owyhee County
T11S R04E S08 SENE
S09 SNNW
~~R03E S08~~ ~~SENE~~
~~S09~~ ~~SNNW~~

STOCKWATER FROM STORAGE Within Owyhee County
T11S R04E S08 SENE
S09 SNNW
~~R03E S08~~ ~~SENE~~
~~S09~~ ~~SNNW~~

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: APR-18-1999

PAGE: A-2

51-12889 (CONT.)

DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
STOCKWATER, 1000 RANGE CATTLE, 30 HORSES
SOURCE IS ALSO KNOWN AS COTTONWOOD SPRING

RECEIVED

MAR 31 1999

Department of Water Resources

RECEIVED

APR 06 1999

WATER RESOURCES
WESTERN REGION

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

Subcase 51-12889

(Insert water right number)

In Re SRBA)

Case No. 39576)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

NAME AND ADDRESS OF PERSON OBJECTING

Name: J. R. Simplot Company

Address: P. O. Box 27

Boise, Idaho 83707

Daytime Phone: 208-336-2110

Name & Address of Attorney, if any:

CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: J. R. Simplot Company

Address: P. O. Box 27

Boise, Idaho 83707

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: _____

5. ☒ **Point(s) of Diversion**

Should be: T.11S R.4E Section 8 SESENE (Instream Beginning Point)

T.11S R.4E Section 9 NWSWNW (Instream Ending Point)

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: T.11S R.4E Section 8 SENE

T.11S R.4E Section 9 SWNW

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.

REASONS SUPPORTING OBJECTION(S): The legal descriptions on the claim incorrectly described the points of diversion and places of use within T.11S R.3E. The legal descriptions for the points of diversion and places of use are actually located within T.11S R.4E. The Director's Report should be amended to accurately identify the location of the points of diversion and places of use.

VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Ada)

Ronald N. Graves, Secretary, Vice President and General Counsel of the J. R. Simplot Company,
duly sworn, upon oath, deposes and says:
(Name of person filing objection)

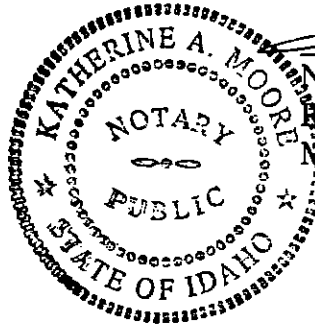
That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6)
or that I am the attorney for the party/claimant objecting and that I have read this objection, know
its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

Ronald Graves

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: March 30, 1999



Katherine A. Moore
Notary Public for Idaho
Residing at: Bose
My Commission Expires: 5/20/99

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.

CERTIFICATE OF MAILING

I certify that on March 30, 1997, I mailed the original and copies of this objection, 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:

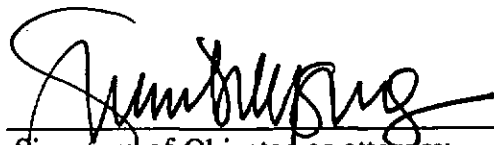
Name: J. R. Simplot Company
Address: P. O. Box 27
Boise, Idaho 83707

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 and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

RECEIVED

APR 01 1999

Department of Water Resources

RECEIVED

APR 06 1999

WATER RESOURCES
WESTERN REGION

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 51-12889

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior,
Bureau of Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown 208 387-0835; R. Lee Leininger, 202 305-0242; Paul F. Holleman, 202 305-0494

United States Department of Justice; Environment and Natural Resource Division; General Litigation Section
550 West Fort Street, MSC 033; Boise, Idaho 83724

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

Name: J. R. Simplot Company

Address: P.O. Box 27 Boise, ID. 83707

Name:

Address:

Name:

Address:

Name:

Address:

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: See attached
5. ☒ **Point(s) of Diversion**
Should be: See attached
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 attached

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):

The United States of America, through the Bureau of Land Management, is the owner of the land upon which use is claimed. The claimant does not have a valid water right with the elements claimed.

F.

VERIFICATION (Must be Completed)

State of Idaho)

) ss.

County of Ada)

Fredric W. Price, Water Rights Specialist, 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 objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price
(Signature of person filing objection)

Larry A. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

Jan. 29, 1999

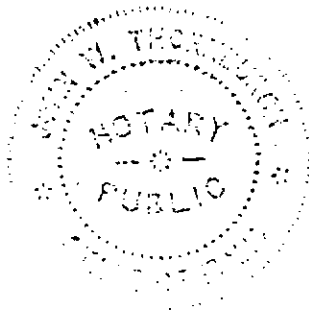
John W. Thornburgh

John W. Thornburgh

Notary Public for Idaho

Residing at: Boise

My Commission Expires: 05-16-2003



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 MAR 31 1999, 1999, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

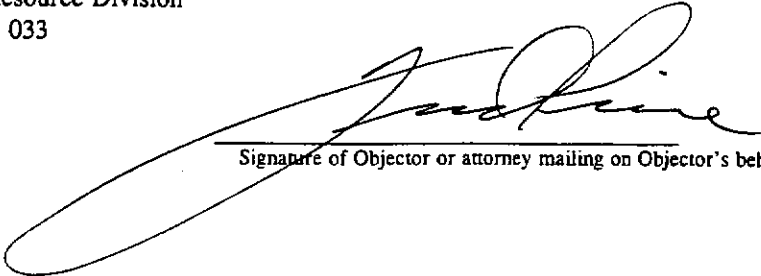
Name: J. R. Simplot Company
Address: P.O. Box 27 Boise, ID. 83707
Name:
Address:
Name:
Address:
Name:
Address:

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 and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724


Signature of Objector or attorney mailing on Objector's behalf

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: NOV-20-1998
PAGE: A-824-----
RIGHTS FROM: SOURCE: SPRING TRIBUTARY: WICKAHONEY CREEK

RIGHT NUMBER: 51-12899

NAME & ADDRESS: J R SIMPLOT COMPANY
PO BOX 27
BOISE ID 83707

SOURCE: SPRING

TRIBUTARY: WICKAHONEY CREEK

QUANTITY: 0.11 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 03/07/1914

POINT OF DIVERSION: T11S R03E S08 SESENE *BLM* Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.11 CFS
	STOCKWATER STORAGE	01-01 12-31	5.0 AFY
	STOCKWATER FROM STORAGE	01-01 12-31	5.0 AFY
	DIVERSION TO STORAGE	01-01 12-31	0.11 CFS

PLACE OF USE:	STOCKWATER	Within Owyhee County
	T11S R03E S08	SENE <i>BLM</i>
	S09	SNNW <i>BLM</i>
	STOCKWATER STORAGE	Within Owyhee County
	T11S R03E S08	SENE <i>BLM</i>
	S09	SNNW <i>BLM</i>
	STOCKWATER FROM STORAGE	Within Owyhee County
	T11S R03E S08	SENE <i>BLM</i>
	S09	SNNW <i>BLM</i>

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
STOCKWATER, 1000 RANGE CATTLE, 30 HORSES
SOURCE IS ALSO KNOWN AS COTTONWOOD SPRING

RECEIVED

MAR 31 1999

Department of Water Resources

RECEIVED

APR 06 1999

WATER RESOURCES
WESTERN REGION

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 51-12889

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: David Lahtinen

Address: HC 85, Box 167A

Bruneau, Idaho 83604

Daytime Phone: (208) 845-2208

Name & Address of Attorney, if any:

Jay R. Friedly

340 East 2nd North

Mountain Home, Idaho 83647

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

Name: J. R. Simplot Company

Address: P. O. Box 27

Boise, Idaho 83707

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: _____
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: _____

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): The diversion and storage of water
from Wickahoney Creek will interfere with and deny Objector his downstream
water rights which have priority.

F.

VERIFICATION (Must be Completed)

State of IDAHO)

County of ELMORE)ss.

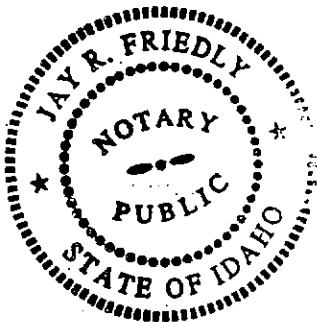
David Lahtinen, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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

David Lahtinen
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: March 29, 1999



Jay R. Friedly
Notary Public for Idaho
Residing at: Mtn. Home, ID
My Commission Expires: 5-23-03

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 March 29, 1999, I mailed the original and copies of this objection, 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:

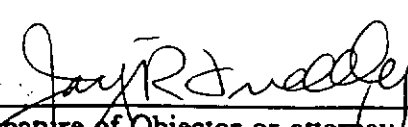
Name: J. R. Simplot Company
Address: P. O. Box 27
Boise, Idaho 83707

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 and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

AJ0749NP
No. R51-12889

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 07/31/98
PAGE: 2

=====

Dates: Exam Made Date: 07/31/1998 Verified Date: 07/31/1998 Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM VERIFICATION EXAM SHEET

(use in place of the CVR for small Domestic/Stock exams)

1. ☐ No Change NAME
☐ NEW OWNER: _____
☐ No Change ADDRESS _____
☐ NEW ADDRESS: _____
2. ☐ No Change - DATE OF PRIORITY: Completed - No Field Verification Needed.
☐ Incomplete - Claim shows no priority date, claimant should be asked during the exam when was water first used.
Priority date, per claimant, is _____.
(if the priority date, based on your exam, seems questionable, explain in remarks.)
3. ☐ No Change - SOURCE
☐ Source is different than that claimed:
Source found: _____
4. ☐ No Change - POINT OF DIVERSION
☐ Point of diversion is different than the claim
New P/D: Twp. _____, Rge. _____, Sec. _____, _____ 1/4 _____ 1/4 _____ 1/4
5. ☐ No Change - DESCRIPTION OF DIVERTING WORKS
☐ Incomplete desc., complete items missing, IF KNOWN.
☐ Additional comments in remarks.
HP of pump _____ Pump Ser. # _____ Pumping water level _____
Well depth _____ Motor Ser. # _____ Static water level _____
Casing size _____ Method of irr. _____
6. ☐ No Change - WATER USES
☐ Different uses, (list uses found).
Use _____ From _____ To _____ Amount _____ cfs _____ af
Use _____ From _____ To _____ Amount _____ cfs _____ af
7. ☐ No Change - TOTAL VOLUME
☐ Incomplete on claim, the total is, -- -- _____ cfs _____ af
☐ Change found, the new total is, -- -- -- _____ cfs _____ af
8. N/A
9. ☐ No Change - NON-IRRIGATION USES: Completed on claim
☐ Incomplete on claim - Exam found:
Domestic - No. of homes _____ Stockwater - No. of head _____
Other: _____

10. ☐ No Change - PLACE OF USE: (If changed, list below.)
Use Twp. Rge. Sec. 1/4, 1/4,

Remarks: (Comments pertinent to field examination)

ATTACHMENTS:

Attached to
This Form.

Attachments are
in Permit File.

PHOTOS (optional) ☒

MAP ☒

SYSTEM DIAGRAM ☒

☐
☐
☐

☐ Changes found during exam or additional information in the permit file, see permit file.

DATE EXAM CONDUCTED:

7/31/98

FIELD EXAMINER:

Ron Howerton

Signature

Ron Howerton



J.R. SIMPLOT COMPANY ONE CAPITAL CENTER 999 MAIN STREET SUITE 1300
P.O. BOX 27 BOISE, IDAHO 83707-0027 (208) 336-2110 FAX (208) 389-7515

CORPORATE HEADQUARTERS

July 31, 1998

HAND DELIVERY

Ron Howerton
State of Idaho
Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Re: SRBA Claim Nos. A51-12889 and A51-12890.

Dear Ron:

Enclosed for filing is the above referenced claims and two \$25.00 checks to cover the filing fee for each claim. Please provide the person making this delivery with a receipt for the enclosed checks.

Sincerely,

Vic Conrad
Simplot Land and Development

Enclosures