



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

CORPORATE HEADQUARTERS

RECEIVED

JAN 10 2007

DEPARTMENT OF
WATER RESOURCES

January 9, 2007

Certified Mail, Return Receipt Requested

Julie Murphy
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

Dear Ms. Murphy:

Re: IDWR Water Right Nos. 24-2005A, 24-4015, 24-4016 and 24-4017.

Enclosed for filing in the Snake River Basin Adjudication are objections to the reports submitted by the Director of the Idaho Department of Water Resources for each of the above referenced water rights.

Sincerely,

Vic Conrad, Director
Land, Water & Asset Recovery

Enclosures

RECEIVED

JAN 10 2007

DEPARTMENT OF
WATER RESOURCES

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

Subcase 24-2005A

(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: 999 Main Street, Suite 1300

PO Box 27

Boise, ID 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: J. R. Simplot Company, c/o Terry Uhling; 999 Main Street, Suite 1300, Boise, ID 83707.
2. ☒ **Source**
Should be: Roberts Creek; Tributary to Tygee Creek
3. ☒ **Quantity**
Should be: 1.76 cfs
4. ☒ **Priority Date**
Should be: September 29, 1904
5. ☒ **Point(s) of Diversion**
Should be: T.8S R.46E Section 20: SE $\frac{1}{4}$ NE $\frac{1}{4}$
6. ☐ **Instream Flow Description**
Should be: _____
7. ☒ **Purpose(s) of Use**
Should be: Industrial
8. ☒ **Period of Year**
Should be: Year round; Jan. 1 thru December 31 (inclusive)
9. ☒ **Place of Use**
Should be: T.8S R.46E Section 21: SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$.
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): In connection with the development of J. R. Simplot Company's ("Simplot") Smoky Canyon Mine, a tailings dam was constructed within the Roberts Creek channel in 1983 ("Tailings Dam #1"). Notice of the commencement of construction of Tailings Dam #1 was provided by Simplot's Planning Geologist, Robert R. Black in a letter dated January 3, 1983 to Robert E. Anderson, Chairman of the Caribou County Commissioners (copy of letter attached). The Idaho Department of Water Resources ("IDWR") approval to Simplot's

proposed plans and specifications for the construction of Tailings Dam #1 was provided pursuant to a letter dated August 15, 1983 from John Mitchell, IDWR's Dam Safety Section to Simplot's Jack Olson (copy attached). On December 2, 1983, Simplot's consulting engineer, John W. Millar, with Forsgren-Perkins Engineering, P.A. provided David LeParde, IDWR, with notice that the first phase of Tailings Dam #1 was complete.

A feature of the construction was the installation of a by-pass ditch to divert the flow of Roberts Creek around Tailings Dam #1 to prevent the water flowing in Roberts Creek from contacting Simplot's mining tails. After Roberts Creek is diverted into the ditch, it flows into Tygee Creek which receives Roberts Creek downstream from Tailings Dam #1. In addition to installing the ditch, Simplot also installed a head gate allowing the diversion of water from Roberts Creek into the reservoir impounded by Tailings Dam #1. Beginning in 1983 water from Roberts Creek was diverted by Simplot into this reservoir. This water was then used by Simplot to supplement Simplot's industrial groundwater right (24-7113) in the processing of phosphate ore within Simplot's nearby milling operation.

During the period between 1983 and 1986, Simplot continued to use water diverted from Roberts Creek in Simplot's milling process without a water right. On January 10, 1986, Simplot acquired an option to purchase land described as the W $\frac{1}{2}$ W $\frac{1}{2}$ of Section 15 T.8 South Range 46 East, B.M. from Ted C. and Betty B. Frome ("Frome") together with the appurtenant right to divert up to 1.76cfs under water right 24-2005. Simplot exercised its option to acquire the Frome land on January 10, 1986. The Warranty Deed recorded in the official real property records of Caribou County, Idaho on June 10, 1986 as instrument no. 128365 concluded Simplot's acquisition of the land and a portion of water right 24-2005 from Frome. Simplot's portion of the original license 24-2005 was filed in the Snake River Basin Adjudication under claim no. 24-2005A.

Upon the acquisition of this water right, in accordance with the provisions of Idaho Code Section 42-1425, Simplot accomplished a transfer moving its licensed point of diversion upstream to the head gate Simplot installed to divert water from the Roberts Creek bypass ditch. Roberts Creek is a tributary to Tygee Creek or "Tagee Creek" as shown on the original license. In addition to accomplishing the change in the point of diversion, Simplot also changed the nature of use from *Irrigation* to *Industrial* use and the place of use from those licensed for irrigation to Simplot's industrial milling operation and for the water stored behind Tailings Dam #1. The season of use was also changed from the irrigation season to year round industrial use. This use of Roberts Creek in

Simplot's milling process and the storage in the reservoir behind Tailings Dam #1 continued uninterrupted until the present time.

On November 10, 2006, an IDWR adjudication specialist accompanied a Simplot employee to inspect the water use described above. Based on her recommendations, Simplot prepared an amended claim to accurately describe the location and use of water verified that day. A copy of the fully executed and notarized amended claim was transmitted by email to the IDWR on November 16, 2006, and the original was forwarded by U.S. Mail. The IDWR's date stamp indicates the hard copy original was received at the Soda Springs office on November 20, 2006 (copy attached). Consequently, Simplot was surprised when its filing of the amended claim was denied on the basis that the Director's Report had already been filed with the SRBA court even though the Basin 24 Report wasn't filed with the SRBA Court until November 21, 2006. Simplot was not aware, nor did IDWR inform Simplot, about the imminent Director's Report deadline. In fact, Simplot had been advised that the Director's Report would be filed with the Court in mid-December. As a result of the foregoing facts and circumstances Simplot believes it is therefore appropriate for Simplot to object to the IDWR's denial, on the basis that the amendment was not timely filed, of the attached amended claim.

The amendment of this claim should most appropriately and efficiently have been resolved through the administrative Notice of Error procedure, especially considering that Simplot filed a notice of error containing the same amendments set forth herein on October 11, 2006. The IDWR's decision, without notice to the claimant, to defer the resolution of this matter to the judicial system by shortening the Notice of Error procedure will probably add additional expense to process the amendment of this claim.

After receiving the disallowal of this claim, Simplot recently received a communication from the IDWR expressing a willingness to resolve the amendments required for this claim during the Initial Hearing that will be scheduled following the filing of this objection. Simplot appreciates that the IDWR has realized the potential inconvenience and expense their disallowal may cause. Although the matter could have been handled much more efficiently during the Notice of Error procedure, Simplot intends to cooperate with the IDWR in an attempt to accomplish the amendments during the Initial Hearing.

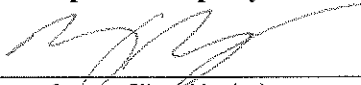
VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of ADA)

Terry T. Uhling, Senior Vice President, Secretary and General Counsel of the J. R. Simplot Company, 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 (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.

J. R. Simplot Company


(Signature of person filing objection)

Terry T. Uhling, Senior Vice President, Secretary
and General Counsel

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: January 9, 2007

Neel Janet Vumms
Notary Public for Idaho
Residing at: Bois
My Commission Expires: 10/29/08

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 January 9th, 2007, 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: (Claimant is the Objector) _____

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

Dir. Conrad, Director Land, Water
Signature of Objector or attorney & Asset Recovery
mailing on Objector's behalf

J. R. SIMPLOT COMPANY, P. O. BOX 775, POCAATELLO, IDAHO 83201
 (208) 332-6620 (PLANT) / (208) 332-7500 (DIVISION OFFICE)

MINERALS & CHEMICAL DIVISION

copy in each
\$18 c1
\$18 c2
\$18 c3

January 3, 1983

Mr. Robert E. Anderson, Chairman
 Caribou County Commissioners
 P. O. Box 775
 Soda Springs, ID 83276

Dear Mr. Anderson:

This letter is to inform the Caribou County Commissioners of the J. R. Simplot Company's intent to commence construction on the Smoky Canyon Phosphate Mill, Slurry Line, and Tailings Pond Site, on March 1, 1983, pursuant to permits issued by Caribou County; number 498 issued December 14, 1981, number 507 issued May 10, 1982, and number 513 issued November 8, 1982.

By copy of this letter, we are informing the State Plumbing Inspector, Edmund Reed, and the State Electrical Inspector, Bill Ellibee, of our intent and respectfully request their notification as to what phases of the construction they wish to inspect, as well as any further requirements Caribou County may have.

Please address all correspondence or phone calls to the undersigned.

Very truly yours,

Robert R. Black

Robert R. Black
 Planning Geologist

RRB:cm

CC: Robert A. Lothrop
 Ken Schiess
 Robert V. Kimball

Mr. Edmund Reed
 State Plumbing Inspector
 1043 Verdugo
 Pocatello, ID 83201

Mr. Bill Ellibee
 State Electrical Inspector
 170 East Soda Creek Drive
 Soda Springs, ID 83276



State of Idaho
 DEPARTMENT OF WATER RESOURCES
 STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
 Governor

A. KENNETH DUNN
 Director

Mailing address:
 Statehouse
 Boise, Idaho 83720
 (208) 334-4440

August 15, 1983

Jack Olsen
 J.R. Simplot Company
 P.O. Box 912
 Pocatello, ID 83201

RE: Smoky Canyon Tailings Structure

B24-XX01

Dear Mr. Olsen:

The Department has completed a review of the revised set of plans and specifications and hereby approves construction of the referenced tailings structure, subject to the following conditions:

1. At random locations, one or more compaction tests shall be taken in each foot of fill rise, as the embankment is constructed.
2. The Department shall be notified to conduct construction inspections at the following times:
 - After the foundation area has been stripped and the cutoff trench has been excavated, before any fill is placed.
 - After the starter embankment is completed.

Please contact our Eastern Regional Office (phone 525-7161) in Idaho Falls to schedule the construction inspections.

Before tailings storage can be authorized the following items will need to be submitted to the Department:

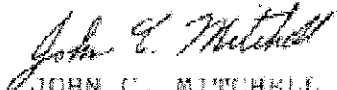
- As-built plans (if necessary) and a construction report compiled by the registered professional engineer directing the work.
- A more complete operation plan (separate document) describing design/operating and storage criteria, tailings deposition (including winter deposition) start-up, tests and monitoring (instrument installations, readings and recordings) routine operational procedures and emergency procedures for flood and earthquake events (and for broken slurry lines, if such would adversely affect the safety of the structure).

Jack Olsen
RE: D24-XX01
Page 2

- A more detailed abandonment plan, including anticipated costs (material, equipment and labor) should be included.
- A bond, based on the amount required to decommission the project site covering the first two year certificate period. The bond will also provide for assuring long-term stability of the starter embankment if the dam construction is not continued to a timely completion. The calculation of the bond amount required should be redone to include these costs.

Should you have any questions concerning the items required to be submitted to the Department, please contact Dave LePard (phone 334-4490).

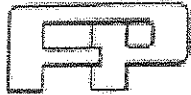
Very truly yours,


JOHN C. MITCHELL
Dam Safety Section

DHM:ldt

Enclosure

CC: IDWR - Eastern Region
John Miller - Forsgren & Perkins



FORSGREN-PERKINS ENGINEERING, p.a.

JAC
DEC 05

See P.1
013

December 2, 1983

830037

Mr. David D. LeParde
State of Idaho
Department of Water Resources
Statehouse
Boise, ID 83720

RE: J. R. Simplot Company
Smoky Canyon Tailings Impoundment Structure 024-XXD1

Dear Dave:

This letter is to inform you that the first phase of the Simplot Mine tailings impoundment structure, located at their Smoky Canyon project, has been completed in accordance with the project plans and specifications.

No deviations were made from the project plans or specifications and as-built drawings will be done at a later date as additional portions of the structure are completed.

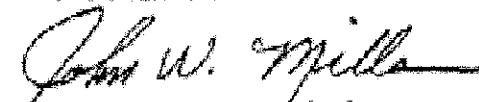
Enclosed with this letter is a copy of our inplace density and moisture tests that were taken during construction and also copies of the moisture density curves that were prepared for the various soils. We had an inspector on the job at all times during construction to review the work to insure conformance with the approved plans and specifications. There were no deviations encountered in the work which was done.

The operation and abandonment plan will be forwarded to you at a later date along with additional information on drilling and testing which was done during the summer of 1983 for the north portion of the impoundment structure which could be constructed as early as 1984.

If you need any further information, please contact me as soon as possible so that we can forward the information to you.

Very truly yours,

FORSGREN-PERKINS ENGINEERING, p.a.


John W. Miller, P.E.

rts

Enclosure

cc: Mr. Jack Olsen, Simplot Project Engineer w/Enclosures

WARRANTY DEED

Ted C. Frome and Betty B. Frome, husband and wife, Grantors, do hereby grant, bargain, sell, and convey in fee simple to Simplot Leasing Corporation, an Idaho corporation, whose current mailing address is P.O. Box 27, Boise, Idaho 83707, Grantee, and to Grantee's successors and assigns forever all of the following described real estate located in Caribou County, Idaho:

Township 8 South, Range 46 East Boise Meridian:
Section 15: West Half of the West Half (W1/2W1/2).

Together with all improvements and water rights.

All mineral rights are excluded and are retained by Grantor, its successors and assigns, provided, however, the Grantees use of the surface of the premises is not to be interrupted by reason of the exploration or extraction thereof.

TOGETHER, with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, and rents, issues and profits thereof;

TO HAVE AND TO HOLD, all and singular, the same premises, together with the appurtenances, unto the said Grantee of the second part, and to its successors and assigns forever.

And the said Grantors do hereby covenant to and with the said Grantee that they are the owners in fee simple of said premises; that they are free from all encumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, the Grantors have hereunto caused this deed to be executed this 1st day of June, 1986.

STATE OF IDAHO }
County of Caribou }

SS 128365

I Heraby certify that this instrument was filed

at the request of Caribou Title Co.

at: 11:05 o'clock A M this 10 day of

June, 1986 In my office and duly

recorded in Microfilm Records

Myrna W. Archibald

Ex-Officio Recorder

4.00

Deputy

Ted C. Frome
Ted C. Frome

Betty B. Frome
Betty B. Frome

STATE OF WYOMING)
) ss.
County of Lincoln)

On this 1st day of June, 198⁶, before me,
a Notary Public in and for said State, personally appeared
Ted C. Frome and Betty B. Frome, husband and wife, known to me
to be the persons whose names are subscribed to the fore-going
instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my official seal the day and year in this certificate
first above written.

Shirley Lampe Deaule
Notary Public for Wyoming
Residing at: Afton, Wyoming
My Commission Expires: 9-16-87

After recording return to:

Ronald N. Graves
P.O. Box 27
Boise, Idaho 83707

QUITCLAIM DEED

SIMPLOT LEASING CORPORATION, an Idaho corporation, for consideration paid, releases to J. R. SIMPLOT COMPANY, a Nevada corporation having a place of business at P.O. Box 27, Boise, Idaho 83707;

All the following described real estate, situated in the County of Caribou, State of Idaho, to-wit:

Township 8 South, Range 46 East Boise Meridian
Section 15: West Half of the West Half (W 1/2 W 1/2),

Together with all improvements and water rights.

Also hereby conveying all remaining rights, easements, privileges and appurtenances belonging to the premises hereinabove described.

IN WITNESS WHEREOF, SIMPLOT LEASING CORPORATION has hereunto caused this instrument to be signed in its corporate name by Scott R. Simplot and Ronald N. Graves, the President and Secretary, respectively, hereunto duly authorized, this 1st day of August, 1988.

SIMPLOT LEASING CORPORATION

ATTEST:

Ronald N. Graves
Secretary

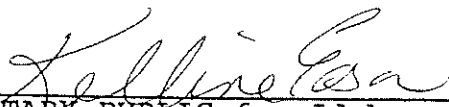
By Scott R. Simplot
Its President

STATE OF IDAHO }
County of Caribou } SS **135757**
I Hereby certify that this instrument was filed
at the request of J. R. Simplot Co.
at 9:30 o'clock A M this 19th day of
December, 19 88 in my office and duly
recorded in Microfilm Records _____
Myrna W. Archibald
Becky Jenkins
Ex-Officio Recorder 6 @ Deputy

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

On this 1st day of August, 1988, before me, a Notary Public in and for said state, personally appeared Scott R. Simplot and Ronald N. Graves, the President and Secretary, respectively, of the corporation that executed the foregoing instrument and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



NOTARY PUBLIC for Idaho
Residing at: Boise, Idaho
My Commission Expires: 10-13-92

1697S

County of Bannock
Deer Hollow, Tagoes and Miller Creeks
4.36 second feet
Irrigation
Priority 9-29-1904

S T A T E O F I D A H O.

Water License No. 879.

WHEREAS, On the 29th day of September A.D. 1904, MARY I. MILLER, of Fairview, County of Uinta, and State of Wyoming, duly made application (No. 1221) to me for a permit to use 6 2/5 cubic feet per second of the waters of Deer Hollow Creek, Tagoes Creek and Miller Creek, County of Bannock, State of Idaho, for irrigation and domestic purposes; and,

WHEREAS, On the 25th day of October A.D. 1904, Permit No. 879 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 25th day of October A.D. 1908, and for the application to beneficial use of said water on or before the 25th day of October A.D. 1910, and,

WHEREAS, On the 1st day of September A.D. 1908, the holder of said permit duly made proof of the completion of adequate works for the diversion of 6 2/5 cubic feet per second of said waters, as evidenced by my Certificate No. 879, dated September 12, 1908, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 6 2/5 cubic feet per second of water, with date of priority of September 29, 1904, and,

WHEREAS, On the 1st day of September A.D. 1908, proof was duly made of the application to beneficial use of 4.36 cubic feet per second of said water;

NOW, THEREFORE, By virtue of the authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to MARY I. MILLER, of Fairview, Wyoming, the holder and owner of said Permit No. 879 a perpetual right dating from September 29, 1904, to the use of 4.36 cubic feet per second of the waters of Deer Hollow, Tagoes and Miller Creeks, in the County of Bannock and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at Ditch No. 1 - SW 1/4 SW 1/4 of sec. 15; ditch No. 2 - SW 1/4 of NW 1/4 sec. 15; ditch No. 3 - NE 1/4 of NW 1/4 Sec. 16; ditch No. 4 - SE 1/4 of SE 1/4 of Sec. 9; ditch No. 5 - SW 1/4 of SE 1/4 Section 10; township 8 south, range 46 east of the Boise Meridian, and conducted to and upon (28 acres in SW 1/4 of SW 1/4; 18 acres in NW 1/4 of SW 1/4; 25 acres in SW 1/4 NW 1/4; 17 acres in NW 1/4 of NW 1/4; section 15:- 31 acres in S 1/4 of SW 1/4; 27 acres in NW 1/4 of SW 1/4; 33 acres in NE 1/4 of SW 1/4, section 10:- 39 acres in SE 1/4 of SE 1/4, section 9, township 8 south, range 46 east of Boise Meridian, for the purpose of irrigation and domestic use, subject, however, to the laws of the state of Idaho applicable to a license for the use of the waters of the state, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 14th day of September,

A. D. Nineteen Hundred and eight.

Jas. Stephenson, Jr.

State Engineer.

(SEAL)

Recorded September 14, 1908.

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: 24-2005A
Date Received:
Receipt No:
Received By:

AMENDED
NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

J. R. Simplot Company
C/O Terry T. Uhling
999 Main Street, Suite 1300
PO Box 27
Boise, ID 83707

Phone: (208)336-2110

2. Date of Priority: 09/29/1904

3. Source: Roberts Creek Trib. to: Tygee Creek

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
08S	46E	20	SE NE	Caribou	Industrial

5. Description of diverting works:

Diversion dams & ditch

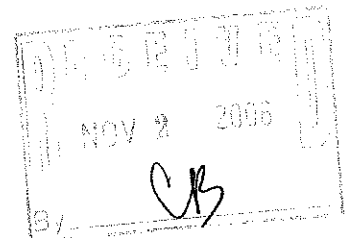
6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
Industrial	1/1	12/31	0.43	

7. Total Quantity Appropriated is:
0.43 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:



10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
08S	46E	21	SE	NW		INDUSTRIAL	
			NW	SW		INDUSTRIAL	
			NE	SW		INDUSTRIAL	
			NW	SE		INDUSTRIAL	
			SW	NE		INDUSTRIAL	
			SW	NW		INDUSTRIAL	
			SW	SW		INDUSTRIAL	

11. Place of use in counties: Caribou

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

13. Other Water Rights Used:

14. Remarks: 24-7113

15. Basis of Claim: License

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 x wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: none.

For Organizations:

I do solemnly swear or affirm that I am Senior Vice President, Secretary and General Counsel of J. R. Simplot Company, that I have signed the foregoing
Organization

document in the space below as Senior Vice President, Secretary and General Counsel of J. R. Simplot Company and that the statements contained in the
Organization

J. R. Simplot Company

foregoing document are true and correct. By [Signature]
Signature of Authorized Agent
Terry T. Uhling

Senior Vice President, Secretary and General Counsel
Title and Organization

November 16, 2006
Date

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 16 day

of November 2006

Nail Janet Venners
Notary Public

Residing at Boise

My commission Expires 10/29/08

