

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

Subcase 24-4015
(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: _____

Address: _____

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. 9S R. 46E B.M
Section 21: NWNESW
NENWSE
Section 22: SWNENW
NENENW

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. 9S R. 46E B.M.

Section 15:	SESW	8.8 acres
	SWSE	20
	NWSE	<u>3.5</u>
Total acres Section 15		32.3
Section 21:	NESW	Recreation (pond)
	NWSE	Recreation (pond)
	NESE	Recreation (pond)
Section 22:	NWNE	5.3 acres
	NENW	29
	NWNW	11
	SWNW	25

	SWNW	Recreation (pond)
	NWSW	Recreation (pond)
	NENW	<u>3.6</u>
Total Acres Section 22		73.9

Total Irrigated Acres 106.2 acres

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 J. R. Simplot Company ("Simplot") acquired fee title to the place of use described under water right no. 24-4015 on July 26, 2006. Upon further investigating the diversion and use of water pursuant to this water right, Simplot discovered inconsistencies with the quantity of water, points of diversion and places of use claimed by Simplot's predecessors when compared with the actual historical beneficial use of water under this water right. In an attempt to correct these inconsistencies, Simplot filed an amended claim with the IDWR on or about November 9, 2006. It is Simplot's understanding that the amendments contained in Simplot's amended claim were rejected by the IDWR due to an administrative approval to an application for transfer of water right that was filed by Simplot predecessor on June 6, 1997. This transfer application was filed to change the nature of use for a portion of the rights to irrigate under water right 24-4015 into a recreation use, which involved the construction of ponds on land formerly irrigated.

The transfer application that was filed contained errors in its description of the elements of this water right. These errors persisted in the eventual approval by the IDWR to this transfer application. To further complicate matters, Simplot's predecessor proceeded to complete the pond development requested under the transfer in locations that differ from those approved by the IDWR. In fact, the source for the recreation use (ponds) ultimately constructed is Crow Creek exclusively. However, all of the improvements installed are situated among the places of use identified under Simplot's water right 24-4016. Simplot is filing this objection in an attempt to correct the description of this water right to accurately reflect the historic and current use of water diverted from Crow Creek. Similarly the correct number of acres irrigated with water diverted from Crow Creek should be revised from the 142 acres recommended to the 106.2 acres shown in no. 9 above.

VERIFICATION (Must be Completed)

State of Idaho)
County of ADA)ss.

Terry T. Uhling, 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

By: [Signature]
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

Neil Janet Volmann
Notary Public for Idaho
Residing at: Bois
My Commission Expires: 10/29/06

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 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

Die Condu Director Land, Water
Signature of Objector or attorney & Asset Recovery
mailing on Objector's behalf