

COPY

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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

In Re SRBA

Case No. 39576

A. Subcase Number: 47-0039B

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: State of Idaho,
Department of Lands
Address: 300 N. 6th St.
P. O. Box 83720
Boise, Idaho 83720-0050
Daytime Phone: (208) 334-0200

Name and Address of Attorney, if any:

Attorney Name: LAWRENCE G. WASDEN
Attorney General
CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division
DAVID J. BARBER (ISB # 2597)
Deputy Attorney General
Attorney Address: Office of the Attorney General
JRW Building, Second Floor
700 West State Street
P.O. Box 44449
Boise, ID 83711-4449
Attorney Phone No. (208) 334-2400

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

Name: J. R. Simplot Self Declaration Revocable Trust
Address: PO Box 27
Boise, ID 83707-0027

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: State of Idaho, Department of Lands, 954 West Jefferson St., P. O. Box 8372, Boise, ID 83720-0050 should be added as a joint owner of the water right for that portion of the place of use, which the State of Idaho, Department of Lands, hereinafter the "IDL," owns and which the claimant has under lease.
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: Not applicable
7. ☐ **Purpose of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: There are three classes of land within the place of use. First, there is a portion of the place of use owned by the IDL, which the claimant has leased from the IDL. This land should be split into a separate water right. Second, the claimant has private land within the place of use, which should be described in a separate water right. Third, the claimant has included in the place of use lands that are owned by the IDL and that the IDL has leased to other parties.

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 claimant and the State of Idaho, State Board of Land Commissioners, executed State Land Lease, Lease Nos. G-7663 and G-7665, hereinafter referred to as Lease Nos. G-7663 and G-7665, respectively with the following described terms:

Lease No.	Lease Effective Date	Lease Ending Date
G-7663	January 1, 2005	December 31, 2014
G-7665	January 1, 2007	December 31, 2016

The following table describes the land that meets the following two criteria: (i) the claimant has leased the land from the IDL and (ii) the land is included in the place of use for water right no. 47-00039B:

Lessee	Lease No.	Township	Range	Sec	QQ
JR Simplot Revocable Trust	G-7663	11S	11E	16	NWSE
JR Simplot Revocable Trust	G-7665	12S	11E	16	SESW

Lease Nos. G-7663 and G-7665 contain an identical paragraph 9.1, which relates to water right claims. Paragraph 9.1 states as follows:

9.1 Water Rights. No water rights are included in this Lease. The establishment of any new water rights during the term of this Lease shall be by and for Lessor and no claim thereto shall be made by Lessee. Such water rights shall attach to and become appurtenant to the leased land.

In accordance with paragraph 9.1 and 17, the IDL proposes that the water right be split. The water right that includes the state lands should have joint ownership of the claimant and of the IDL. A remark should also be included that the ownership of the IDL is subject to a private agreement executed between the IDL and the claimant. The other water right that includes only the private land should have the claimant as the sole owner.

Finally, the place of use includes land owned by the IDL that it has leased to another party in State Land Lease No. G-7653, hereinafter referred to as "Lease No. G-7653," as follows:

Lessee	Lease No.	Township	Range	Section	
Brackett Ranches Limited Partnership	G-7653	14S	11E	36	NESW

This land should be deleted from the place us, because the claimant does not have any possessory interest in this property.

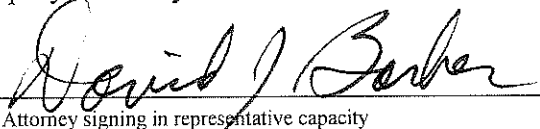
F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

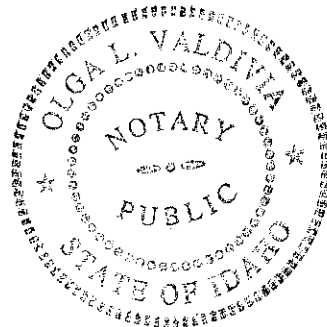
DAVID J. BARBER, Deputy Attorney General, duly sworn, upon oath, deposes and says:

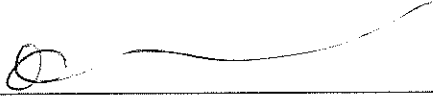
That the State of Idaho, Department of Lands, in its proprietary capacity is filing this objection and that I am a Deputy Attorney General authorized to represent the State of Idaho, Department of Lands, which is a party/claimant in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

LAWRENCE G. WASDEN
Attorney General
CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division
DAVID J. BARBER
Deputy Attorney General


By Attorney signing in representative capacity

Subscribed and sworn to before me on: September 18, 2007
(Insert Date)




Notary Public for IDAHO
Residing at: BOISE, ID
My commission expires: 2/8/2012

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

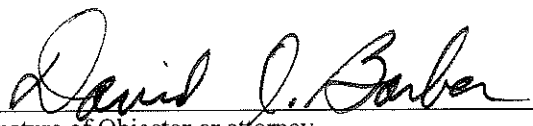
I certify that on September 18, 2007 I caused the original and the copies of this objection, including all attachments, to be served on the following persons by the method designated:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707
FEDERAL EXPRESS
2. One copy to the owner of the water right at the following address:
J. R. Simplot Self Declaration
Revocable Trust
PO Box 27
Boise, ID 83707-0027
U.S. MAIL
3. Copies to:
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098
STATEHOUSE MAIL

State of Idaho
Department of Lands
300 N. 6th St.
PO Box 83720
Boise, Idaho 83720-0050
STATEHOUSE MAIL

United States Department of Justice
Environment & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724
U.S. MAIL

Chief of Natural Resource Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449
(not applicable)



Signature of Objector or attorney
Mailing on Objector's behalf