

RECEIVED

SEP 20 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

In Re SRBA

Case No. 39576

A. Subcase 47-00029
(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 (202) 305-0435 phone, (202) 305-0274 fax
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 Self Declaration Revocable Trust

Address: P.O. Box 27; Boise, Idaho 83707-0027

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:
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 the diversion and a portion of the use is claimed. Investigation of the POD & POU indicates that the POD & POU on BLM have been abandoned. Claimant's water right should not include this POD or POU.

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)

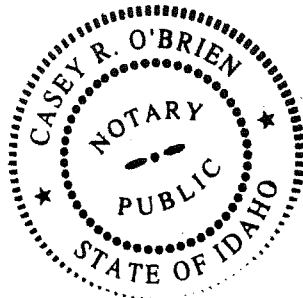
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price
(Signature of person filing objection)

Casey R. O'Brien
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: September 19, 2008

Casey R. O'Brien
Casey R. O'Brien



Notary Public for State of Idaho

Residing at: Nampa, Idaho

My Commission Expires: 10/31/2009

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 Sept. 19, 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
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 Self Declaration Revocable Trust

Address: P.O. Box 27; Boise, Idaho 83707-0027

Name:

Address: ;

Name:

Address: ;

Name:

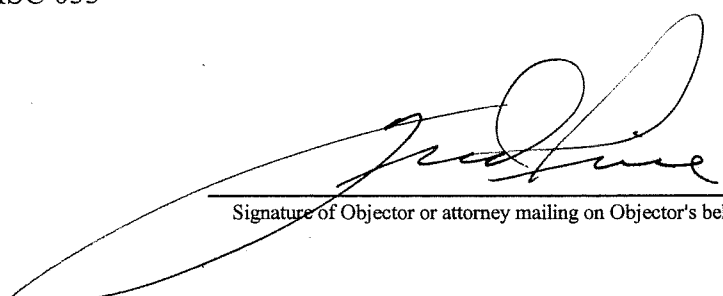
Address: ;

3. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. 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

01/29/2007

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

RIGHT NUMBER: 47-29
NAME AND ADDRESS: J R SIMPLOT SELF DECLARATION REVOCABLE TRUST
PO BOX 27
BOISE ID 83707-0027
SOURCE: CEDAR CREEK SPRINGS
TRIBUTARY: SALMON FALLS CREEK
TRIBUTARY: CEDAR CREEK
QUANTITY: 0.640 CFS
PRIORITY DATE: 05/01/1906

POINT OF DIVERSION: -----
T14S R13E S27 NWNENE Within TWIN FALLS County BLM
T14S R13E S27 SWSWNE Within TWIN FALLS County
T14S R13E S27 SWSWNE Within TWIN FALLS County
T14S R13E S27 SESENW Within TWIN FALLS County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.460 CFS
IRRIGATION	04/01 10/31	0.640 CFS

PLACE OF USE: IRRIGATION in TWIN FALLS County

T14S R13E S22	SESE	14.00	T14S R13E S27	NENE	8.00	BLM
T14S R13E S27	SWNE	10.00				

STOCKWATER same as IRRIGATION

32 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Stockwater use is for 2000 beef cattle.

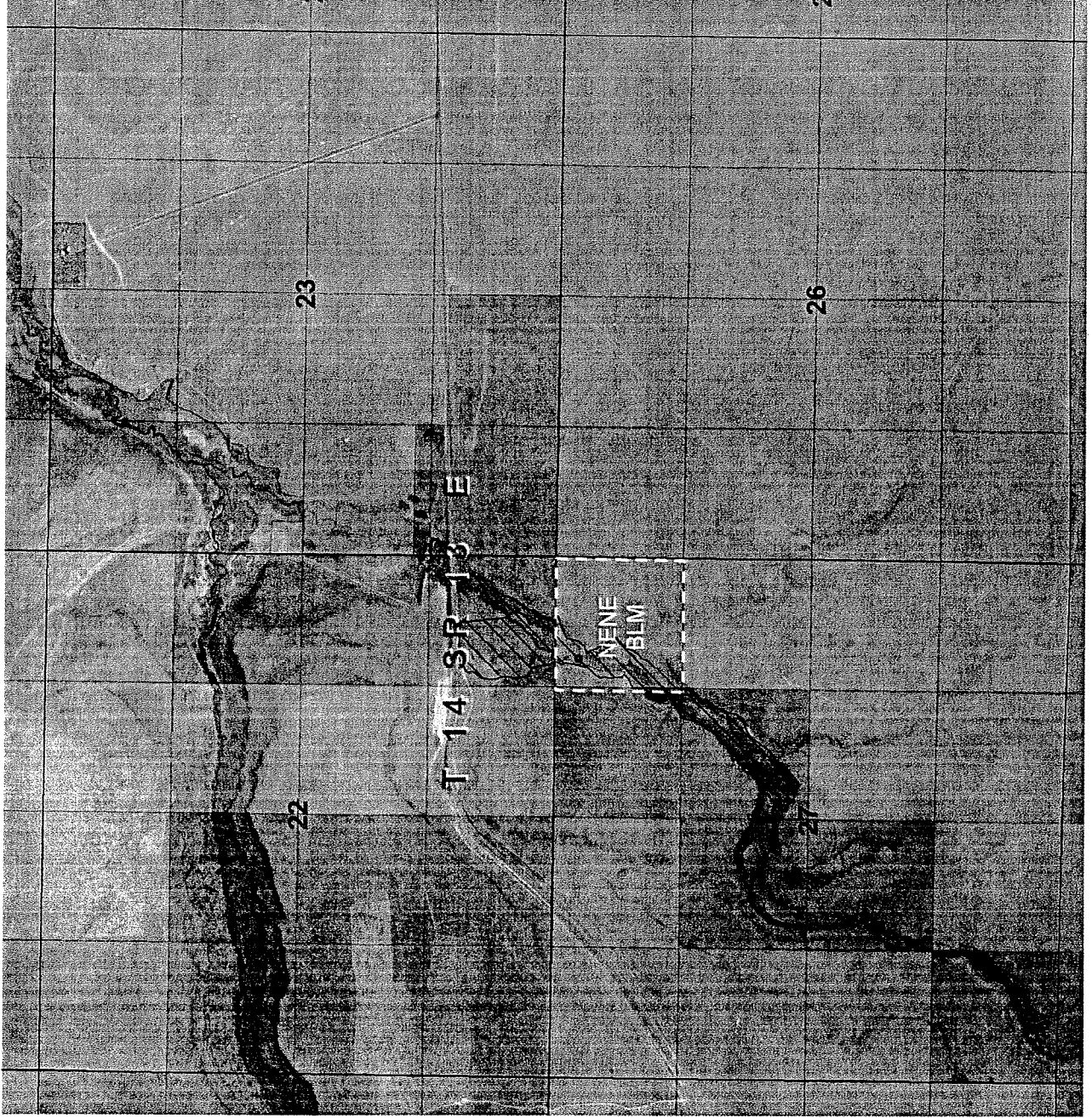
POD/POU on BLM:

-The POD on BLM appears to be retired in favor of the PODs on Private.

-Place of Use T14S R13E S27 NENE 8.0 acres is not authorized. Please remove BLM land from recommendation and adjust shapefile accordingly.

47-00029

J R Simplot Self Declaration Revocable Trust



POD/POU on BLM:

- The POD on BLM appears to be retired in favor of the PODs on Private.
- Place of Use T14S R13E S27 NENE 8.0 acres is not authorized. Please remove BLM land from recommendation and adjust shapefile accordingly.

Photos taken on Aug. 17, 2007 by Adh.

Photo Sheet (C)



Photo point #2 looking down ditch from side Creek ward out.



Photo Point #3 → looking down old abandoned ditch - NOT used for irrigation BLM lands anymore.

Simplot Trust Claim #47-29 of old abandoned ditch on BLM land in the NENE, Sec. 27, T.14S, R.13E.

Photos taken on Aug. 17, 2007
by Ash.

Photo Sheet (B)



side Creek
wash out



side Creek
wash out

Simplex Trust Claim #47-29 of old abandoned ditch
on BLM in the NNE, Sec. 27, T.14S, R.13E @
Photo Point #2.

old ditch
route

Photos taken on Aug. 11, 2001
by Ash

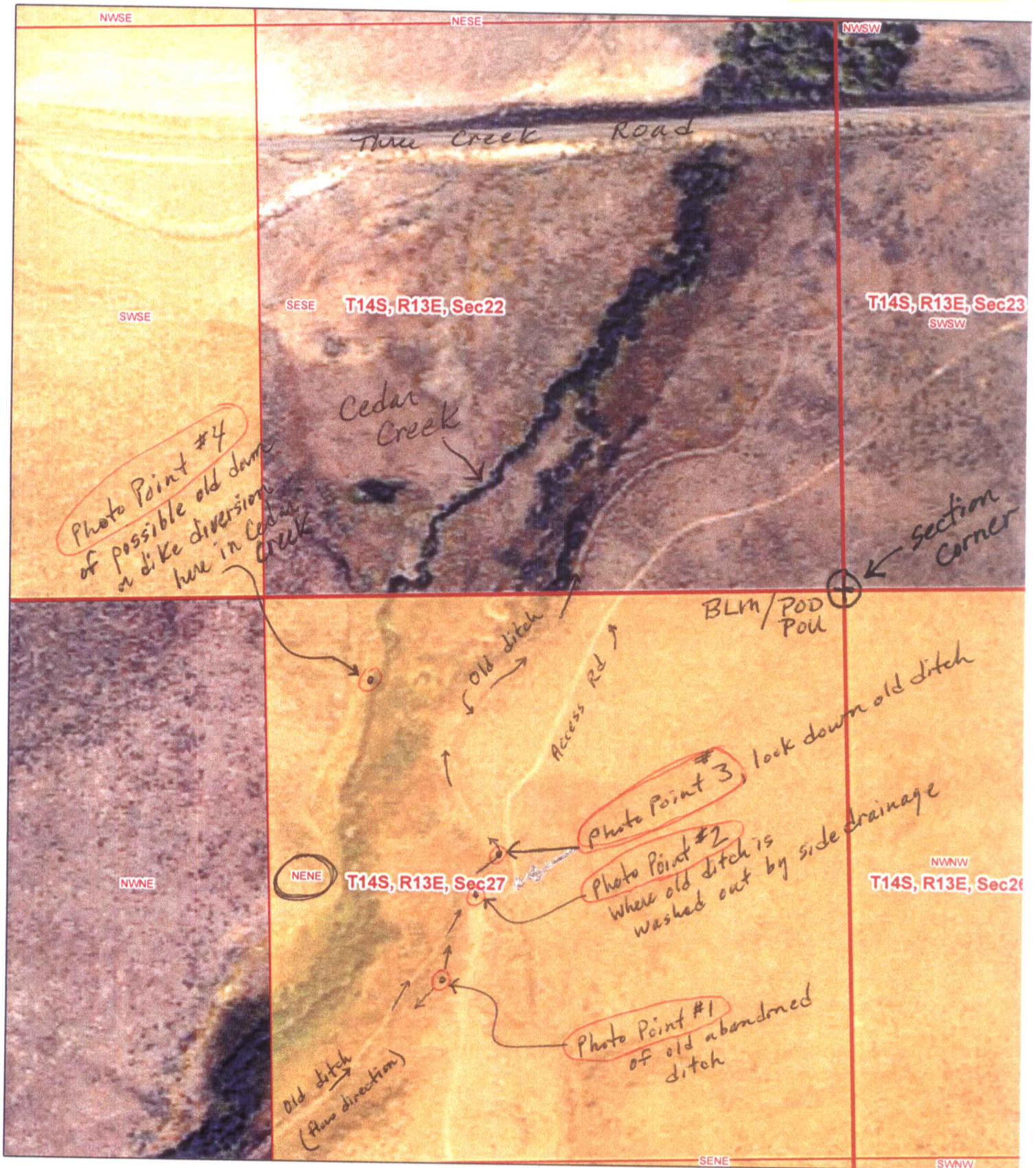


Photo Sheet #

Simplex Tract Claim #47-29 of old abandoned ditch on BLM in the
SWNE of Sec. 27, T.14S, R.13E. @ Photo Point #1

Simplot Trust, Claim #47-29
 Claimed BLM POU in Secs.
 TFD/JFO, '04 aerial photo.

Photo Point
 Location Map

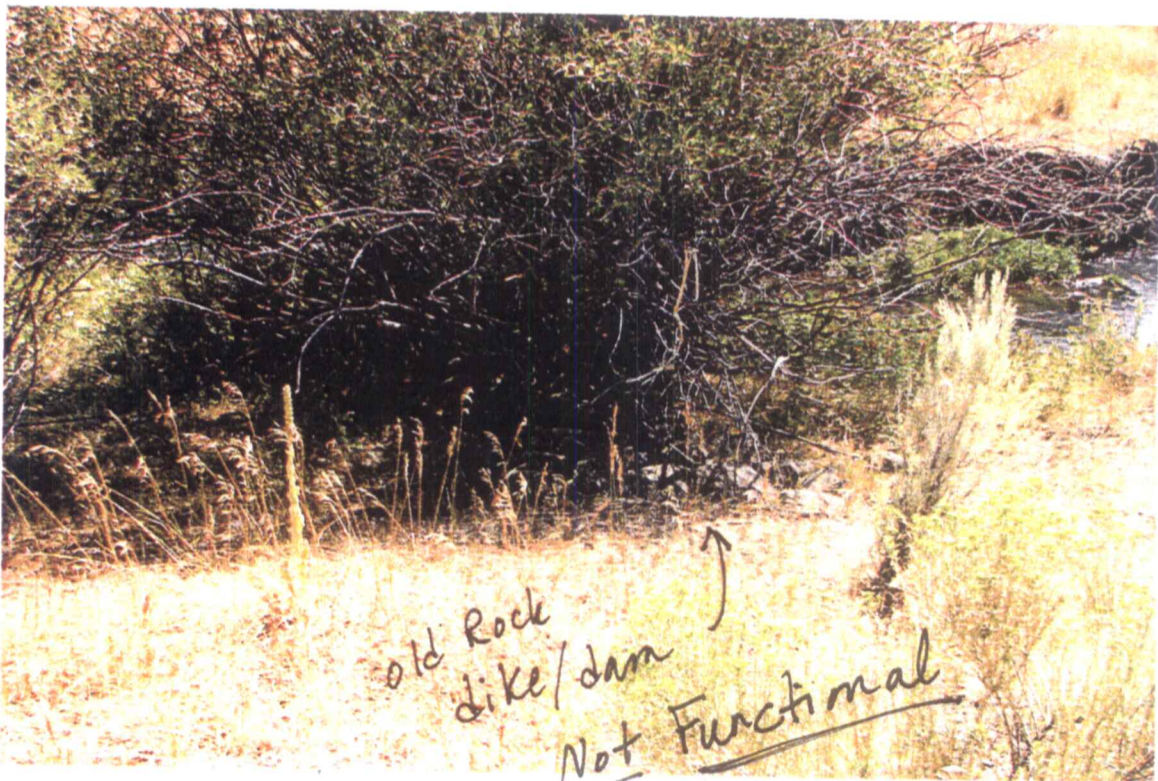


For internal BLM use only. Review and/or display copy not for distribution. No warranty is made by the Bureau of Land Management. The accuracy, reliability, or completeness of these data for individual use or aggregate use with other data is not guaranteed.



Photo Sheet (D)

Simplot Trust Claim #47-29 of possible old dike or diversion dam site in Cedar Creek on BLM found in the NW NENE, Sec. 27, T. 14 S, R. 13 E @ Photo Point #4. This was the only spot found along the stretch of Cedar Creek on BLM land as identified above that appeared to be a diversion site. There were no other diversions or apparent diversions found along Cedar Creek on BLM land here (NENE, Sec. 27)



All is Abandoned Now
by the Simplot Trust Claim #47-29

There is no diversion of Cedar Creek water or irrigation activity going on currently on BLM land in the NENE, Sec. 27 or elsewhere as Claimed

1 notes taken on Aug. 11, 2001
by Ash.