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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 47-00039A
(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:

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 is claimed. Investigation of the POD indicates that the diversion and associated use have been abandoned. Claimant's water right should not include this POD.

F.

VERIFICATION (Must be Completed)

State of Idaho

)

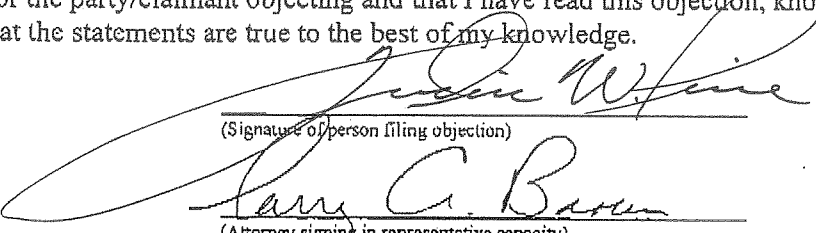
) ss.

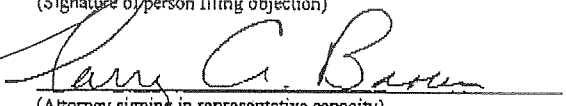
County of ADA

)

Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

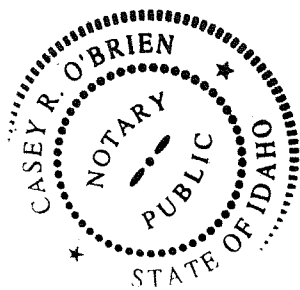
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)


(Attorney signing in representative capacity)

Subscribed and sworn to before me on: September 19, 2007


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:

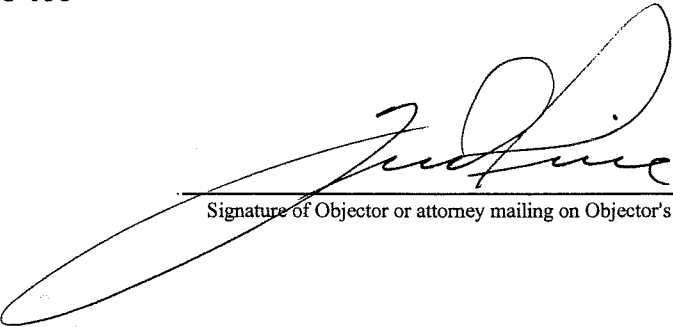
Address: ;

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: 47-39A
NAME AND ADDRESS: J R SIMPLOT SELF DECLARATION REVOCABLE TRUST
PO BOX 27
BOISE ID 83707-0027
SOURCE: CEDAR CREEK TRIBUTARY: SALMON FALLS CREEK
QUANTITY: 0.720 CFS
The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 05/01/1893

POINT OF
DIVERSION: T14S R13E S33 SWNE Within TWIN FALLS County BLM
PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 11/01	0.720 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION in TWIN FALLS County

T14S R13E S27	SWSW	0.70	T14S R13E S33	NENE	27.00
T14S R13E S33	SENE	4.00	T14S R13E S34	NWNW	4.30

STOCKWATER in TWIN FALLS County

T14S R13E S27	SWSW	T14S R13E S33	NENE
T14S R13E S33	SENE	T14S R13E S34	NWNW

36 ACRES TOTAL

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

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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

POD on BLM:

-The POD on BLM does not exist. The Point of Diversion and use has been abandoned.

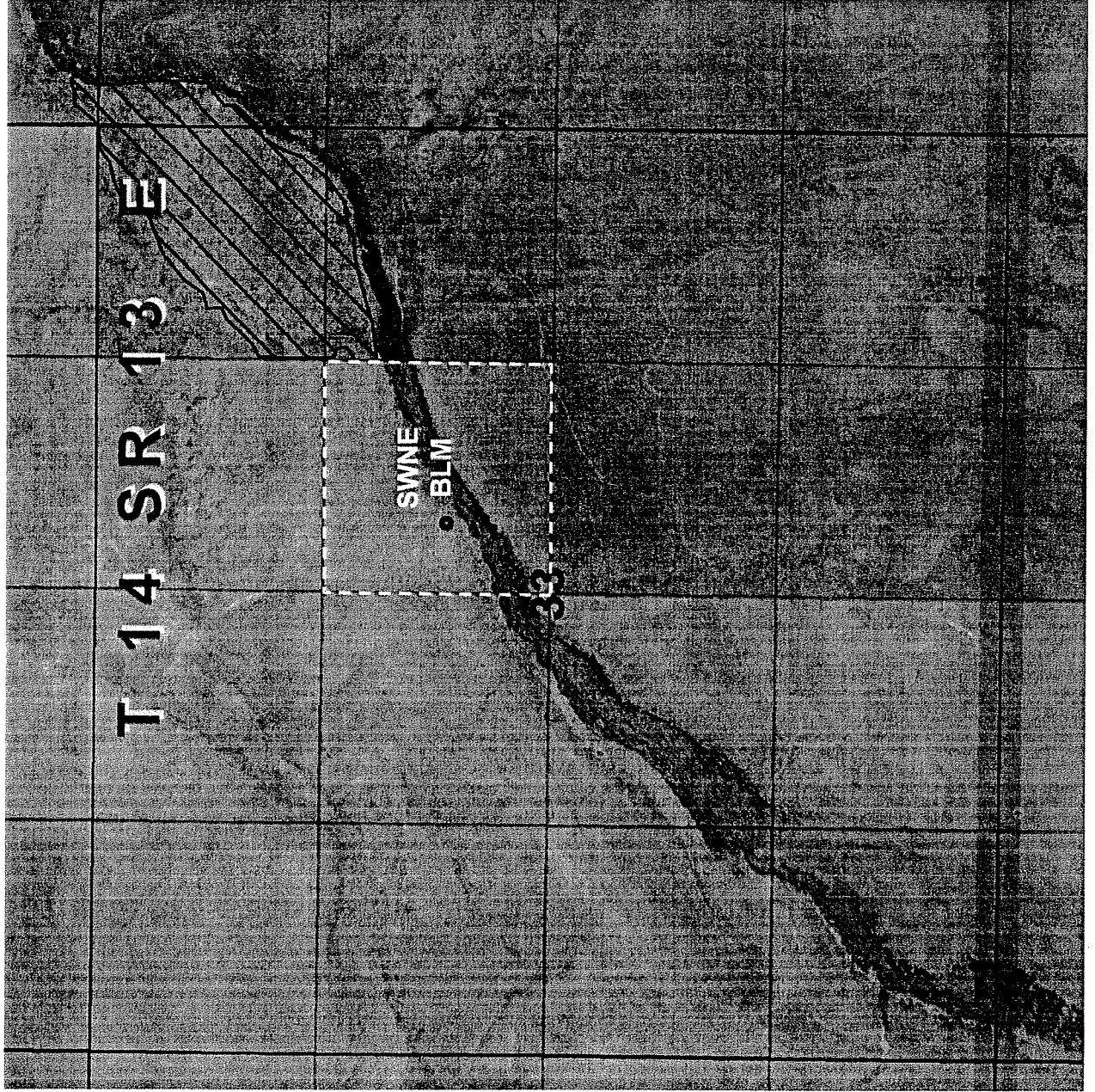
47-00039A

J R Simplot Self Declaration Revocable Trust

T 14 SR 13 E

SWNE
BLM

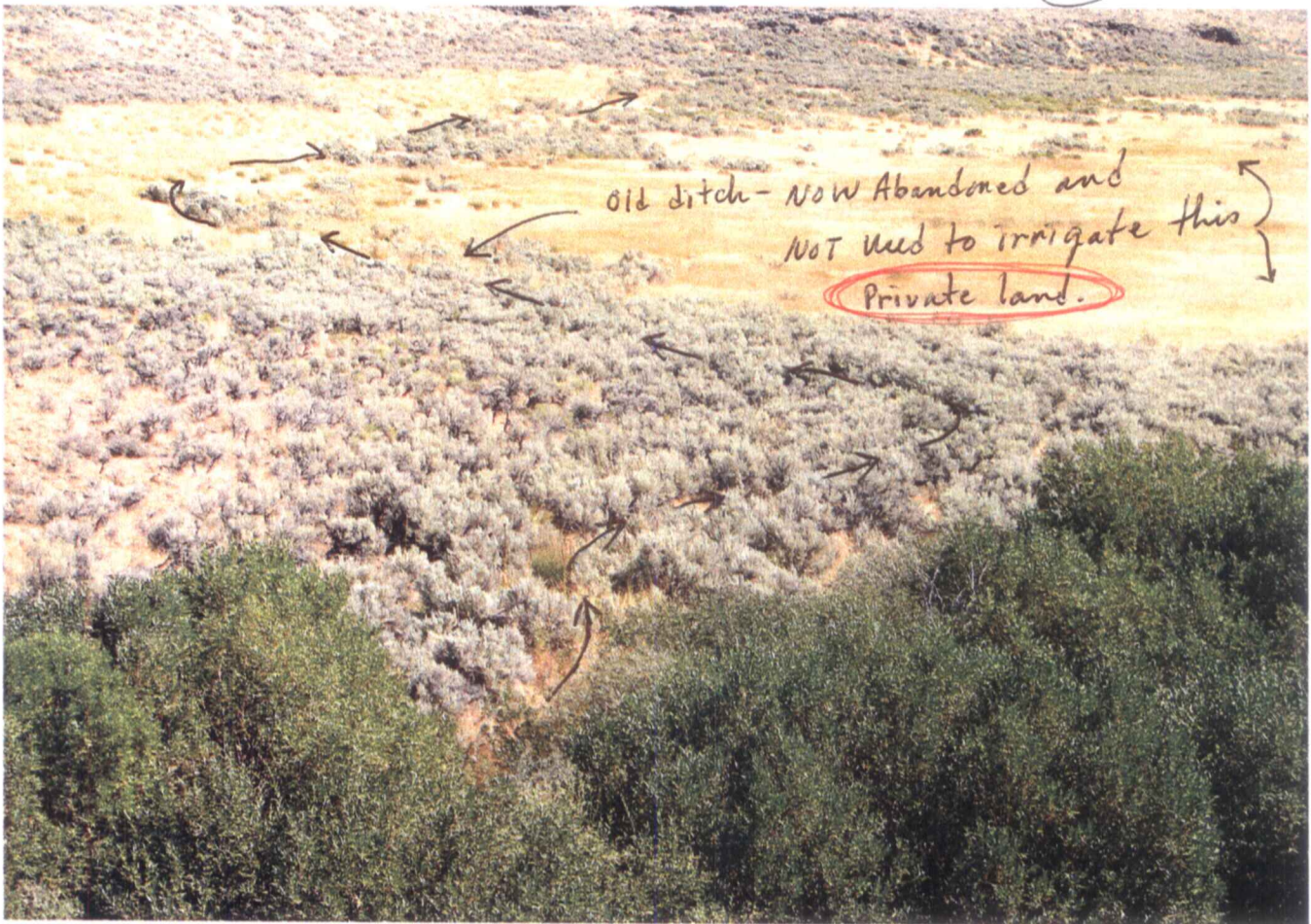
POD on BLM:
-The POD on BLM does not
exist. The Point of Diversion and
use has been abandoned.



Photos taken from Photo Point #2

Photos by Ron - taken on Aug. 17, 2007.

Photo Sheet (B)



Simplest Trust Claim #47-39A of POP on BLM land in the SWNE, Sec. 33, T. 14S, R. 13E, which has long ago been abandoned as photos on private land show

Photos taken on Aug. 11, 2001
by Ash.



Photo sheet (H)

Area where old POD was located is now occupied by beaver/dams

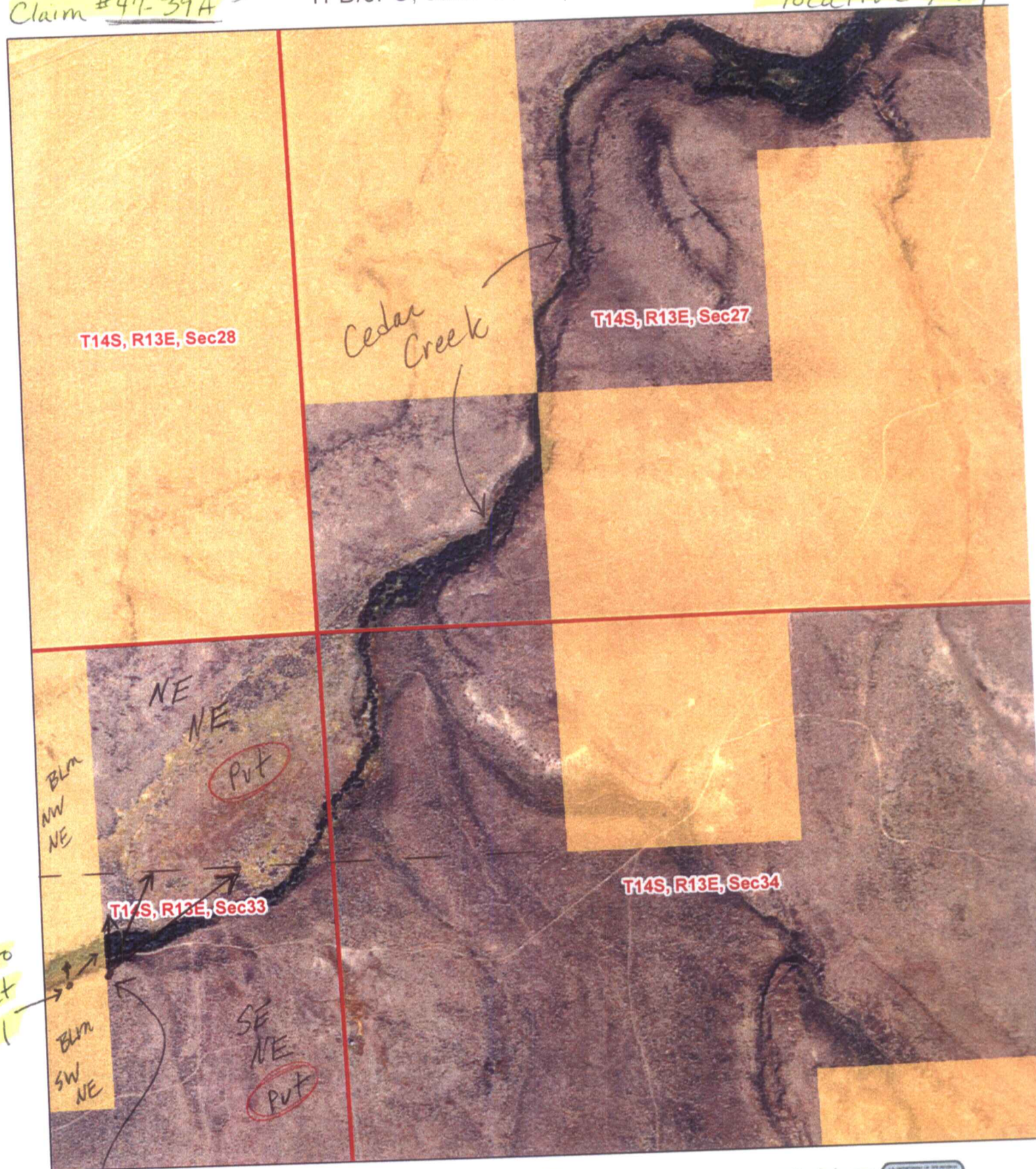


Simplot + Trust Claim #47-39A claiming POD on BLM Lands in the SWNE, Sec. 33, T14S, R13E. - which has long ago been abandoned (Photo Point #1)

Simplest Trust
Claim #47-39A

Claimed BLM 100 in 2000
TFD/JFO, June '07 map/'04 aerial photo.

Photo Point
location Map



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completeness of these data for individual use or aggregate
use with other data is not guaranteed.



Photo taken on Aug. 17, 2007 by Ash.

Un-irrigated Private land of the NENE & SENE of Sec. 33



Photo
Sheet
©

Photo shows the Un-irrigated private lands of Simplot Trust Claim #47-39A associated with the claimed point of diversion on BLM @ the SWNE of Sec. 33, T. 14S, R. 13E, which is no longer functional or even exist today. The practice of diverting Cedar Creek to irrigate this private property shown above No longer takes place today. Photo taken from Photo Point #2