

RECEIVED

JAN 9 2009

Department of Water Resources
Adjudication Bureau

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

Subcase 63-32571

(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: _____
2. ☒ **Source**
Should be Dixie Slough (See "Reasons to Support Objection(s)" below)
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
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: _____

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 Idaho Department of Water Resources ("IDWR") Recommended Water Rights Acquired Under State Law dated November 17, 2008 for claim no. 63-32571 contains the following remark under the "Source" element recommended for this water right:

"The source of this water right is waste water. The wasting of water may be discontinued at any time."

The Dixie Slough, which is the source for this water right, flows year round. Unquestionably, the quantity of water available from this source increases after irrigation commences further upgradient in the Boise River Basin. And arguably, this increase in flow may in some part be attributable to return flows from the upgradient irrigation practices.

There is a lag, however, from the time the irrigation season begins until this increased flow is available from the source. The Claimant relies and has always relied on the use of this source for irrigation prior to the time when the increased flow caused by these return flows becomes available. For this reason, the Claimant agrees that a portion of the source of this water right may be “waste water”. However, this remark incorrectly implies that the entire source depends on others continuing the practice of wasting water. For this reason, the Claimant objects to this remark.

This remark should be removed in its entirety from IDWR’s recommendation for this water right; or in the alternative the remark should be modified to clarify that only some portion of the source of this right depends on wastewater.

VERIFICATION (Must be Completed)

State of Idaho)
County of Ada)ss.

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

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, 2009
Noel Vannoy
Notary Public for Idaho
Residing at: Boise
My Commission Expires: 10/29/2016

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 9, 2009, 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: J. R. Simplot Company
Address: PO Box 27
Boise, ID 83707

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