

I have read *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996).

My name is: Terry T. Uhling,
Senior Vice President, Secretary and General Counsel
J. R. Simplot Company

My address is: PO Box 27
Boise, ID 83707

My phone number is: Work: 208-336-2110 Home:

I am an attorney representing:

My name is:

My address is:

My phone number is:
Fax: 208-389-7464

MOTION TO FILE A LATE NOTICE OF CLAIM

- I did not file a Notice of Claim to the use of water in the SRBA because:
- I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stockwatering use.
- I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

I have attached:

- A fully completed Notice of Claim (available from IDWR).
- A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$_____.
- A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a Notice of Claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources (IDWR) in the amount of \$_____.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on _____.
(Insert Date and Time)

at the SRBA Courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED CLAIM

A Motion to File an Amended Notice of Claim may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the Court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- I must amend my Notice of Claim to the use of water in the SRBA because: *This motion seeks an amendment to the place of use to conform to the locations water is beneficially used for irrigation purposes confirmed during IDWR's recent field investigations.*
- I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

I have attached:

- An amended Notice of Claim (available from IDWR).
- Payment of the following additional fees required by IDWR.


VERIFICATION (Must be completed)

State of Idaho

County of Ada

Terry T. Uhling, being first duly sworn, upon
(Insert name of person filing form)
oath, deposes and says:

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.



Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on November 20, 2007
(Insert Date)

Notary Public for Idaho

Residing at: Boik

My Commission expires: 10/29/08

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on November 21, 2007 I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

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

2. Copies to:

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

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

United States, Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or Special Master, you must serve a copy on all parties to that subcase.



Signature of person or attorney mailing the form

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 24-4017
Date Received: 12/5/1989
Receipt No: E011253
Received By:

AMENDED NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

J R SIMPLOT COMPANY Phone: (208) 336-2110

C/O TERRY T UHLING
999 MAIN STREET SUITE 1300
PO BOX 27
BOISE ID USA 83707

2. Date of Priority: 09/18/1888

3. Source: SAGE CREEK Trib. to: CROW CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
09S	46E	20	NE	SE	SW	CARIBOU	

5. Description of diverting works:

DAM, HEADGATE, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	1.4	

7. Total Quantity Appropriated is:
1.4 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
09S	46E	21	SW	NE	IRRIGATION	29.5
			SE	NW	IRRIGATION	6.8
			NE	SW	IRRIGATION	3.4
			NW	SE	IRRIGATION	11 12.0
			SE	NE	IRRIGATION	17.3
			NE	SE	IRRIGATION	0.5
			Section Acres			
09S	46E	22	SW	NW	IRRIGATION	6.0
			NW	NW	IRRIGATION	1.5
			Section Acres			
Total Acres					68 77.0	

11. Place of use in counties: CARIBOU

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

CHANGE IN OWNERSHIP 10-25-94 GJT.
 PARTNERSHIP NAME CHANGED/OWNERSHIP THE SAME/NO DEED SUBMITTED 3-24-97/HWJ/DC/JT

15. Basis of Claim: Statutory Claim

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: None

For Organizations:

I do solemnly swear or affirm that I am Senior Vice President, Secretary and General Counsel of the J. R. Simplot Company, that I have signed the foregoing document in the space below as Senior Vice President, Secretary and General Counsel of the J. R. Simplot Company and that the statements contained in the foregoing document are true and correct.

[Signature]
Signature of Authorized Agent
Terry T. Uhling, Senior Vice President,
Secretary and General Counsel for the J. R.
Simplot Company
Title and Organization
November 20, 2007
Date

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 20 day
of November 2007

[Signature]
Notary Public

Residing at Boise

My commission Expires 10/29/2008

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: 1.4 cfs
- 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: T. 9S R. 46E B.M.

Section 21:	SENW	6.8 acres
	? SONE	SWNW 28.5 acres
	SENE	18 acres
	NESW	3.4 acres
	NWSE	11 acres
	NESE	<u>0.3 acres</u>
Total acres Section 21		68

Section 22:	SWNW	<u>0.7 acres</u>
Total acres Section 22		0.7

Total Irrigated Acres 68.7 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):

In its Director's Report, the IDWR limited water right 24-4017 to allow for the irrigation of only 33.9 acres through the diversion of up to 1.020 cfs from Sage Creek. However, 68.7 acres have historically been irrigated with approximately 1.4 cfs diverted from this source. The "quantity" and "place of use" elements under water right 24-4017 should be corrected as described in nos. 3 and 9 above.

VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Ada)

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

Noel Janet Hummer
Notary Public for Idaho
Residing at: Boise
My Commission Expires: 10/27/08

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 Volkmans
Notary Public for Idaho
Residing at: Boise
My Commission Expires: 10/29/08

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

Dic Cunniff Director Land & Water
Signature of Objector or attorney & Asset Recovery
mailing on Objector's behalf

27-4017.

5/23/07 2:55 pm Sage creek water to JR
Simplots.

The ditch crosses under the road, west
of the ranch, then travels down to a pond
that is east of the ranch house.

They irrigate the piece between the ranch
house and road with sprinklers out
of the pond.

Pipe (buried) now runs above the road.

15:31 photo 1582, looking west at Sage creek
ditch as it crosses under the road

15:34 photo 1583 looking in a westerly
direction at the ditch for Sage creek
that has been cleaned out.

Q - where the ditch crosses under the road
could it have gone around and irrigated
the piece above the road? Keep in
mind that the road was changed.

The ~~land~~ lay of the land in an
option would make that different
photo 1584 looking at land above the
road, looking North.

W to East 10 shots taken. (Panorama)

after driving a short distance you
could see where an old ditch just
above the road takes off and heads east.
I think the old ditch would be just
above where the new road is now.
Therefore, I don't think the pipe
above the new road was irrigated
by this ditch.

When was the sprinklers & buried
mainline pipe put in?



photo 1582

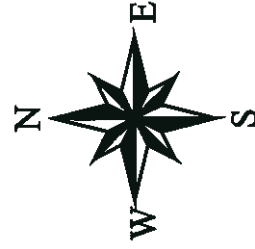


photo 1583

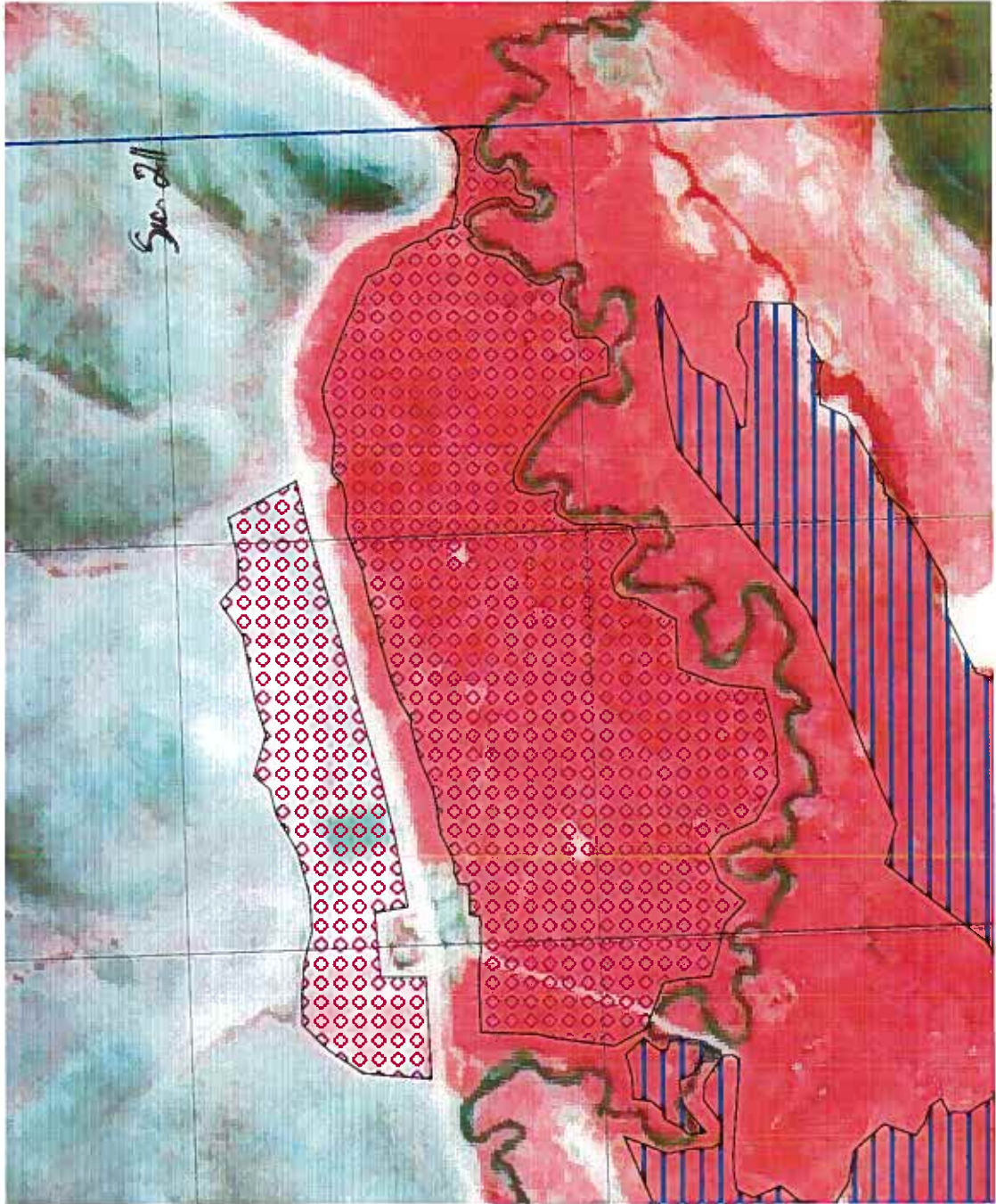
24-4017 Sage Creek



-  24-4017 pou
-  POD
-  Sections
-  T09S R46E



Prepared by: Cbird
Oct. 30, 2007
2006 Imagery



0.4 Miles

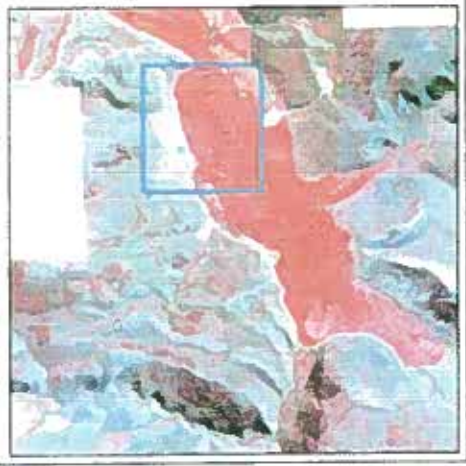
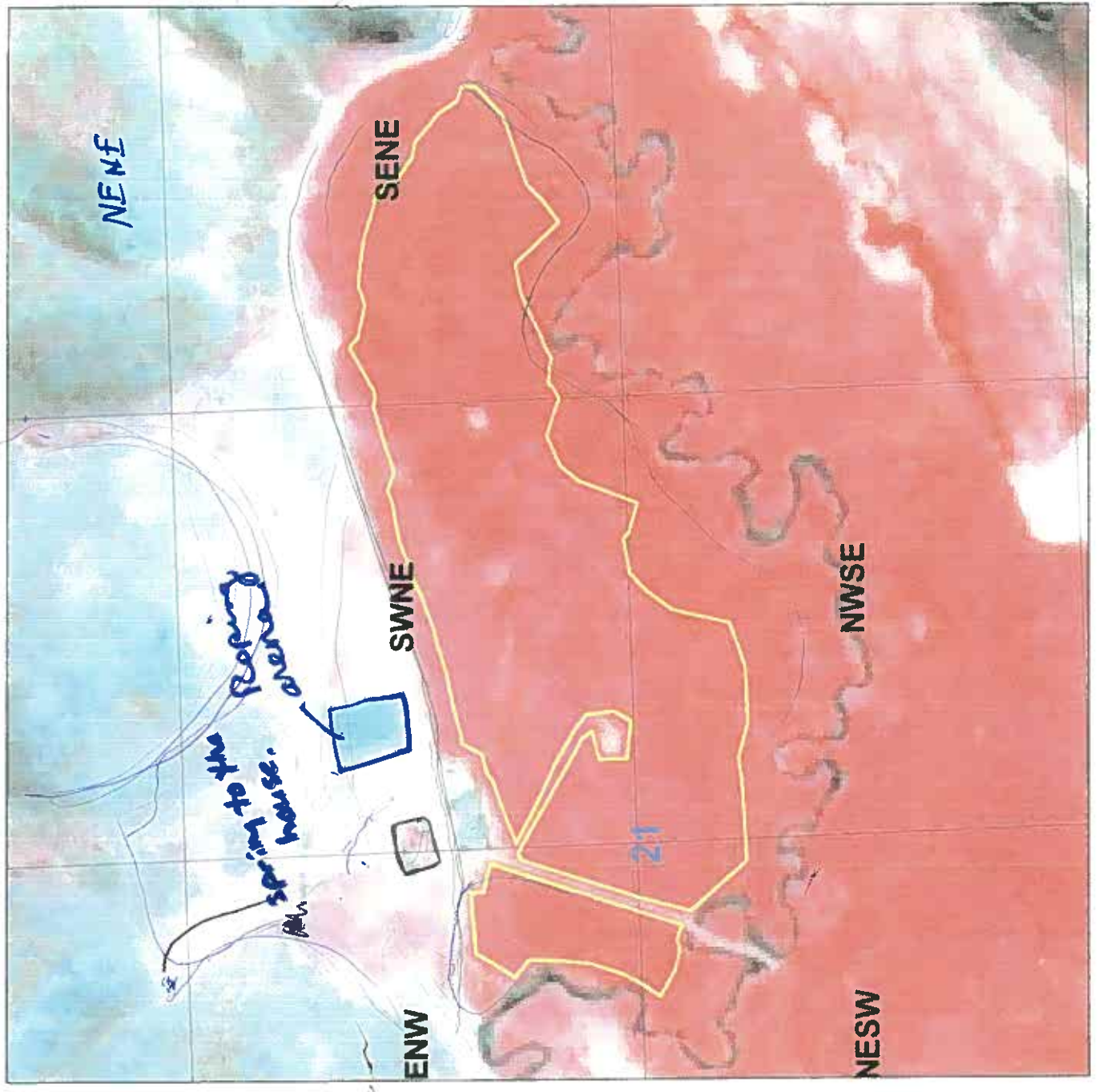
0.2

0

0.2

Case CR
Johnfield Hydro Corp.

24-4017



NW NW

SW NW








Idaho Department of Water Resources

SRBA Recommendation:

24-4017
(Irrigation)

Legend

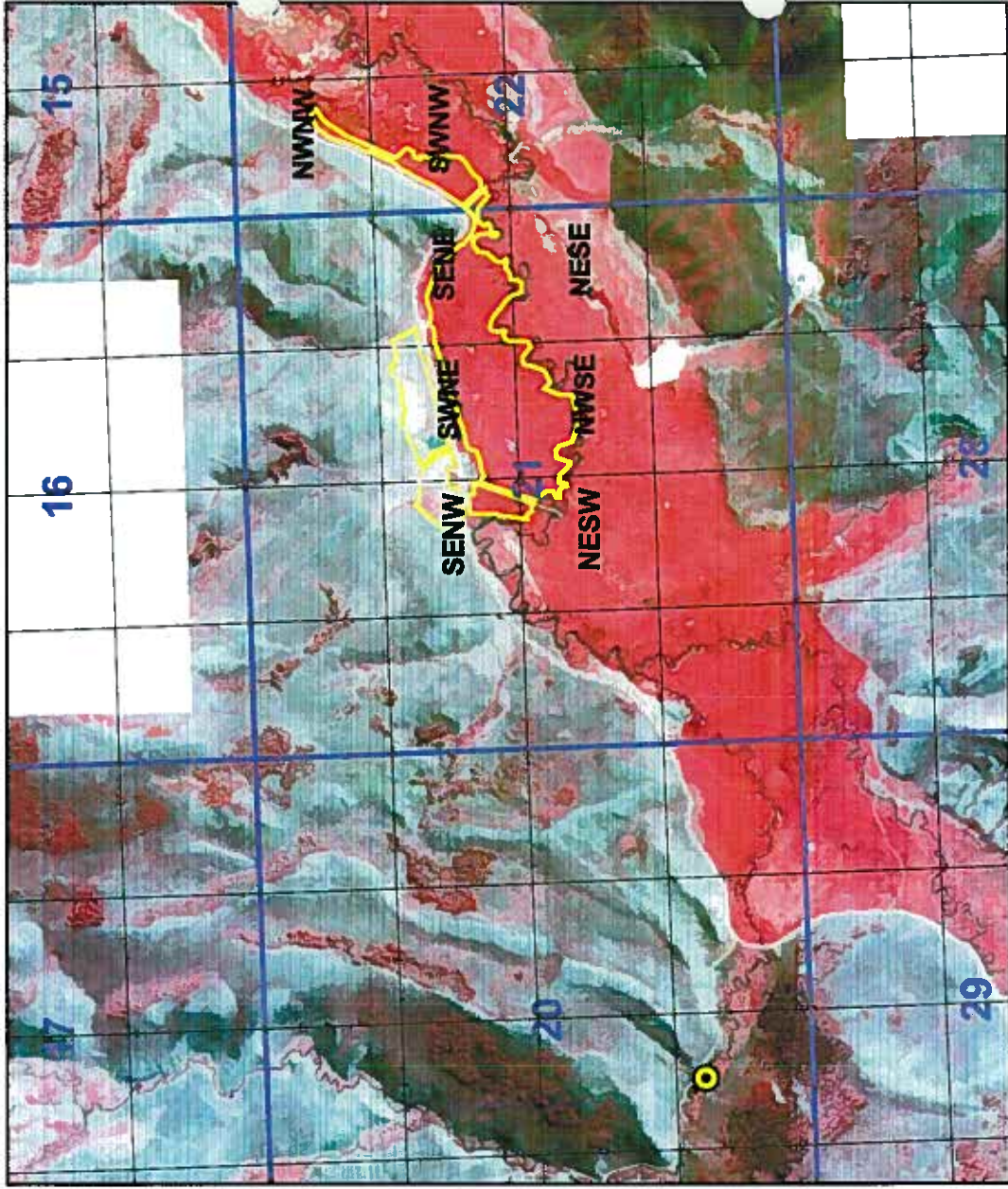
-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Caribou County
IDWR Basin 24



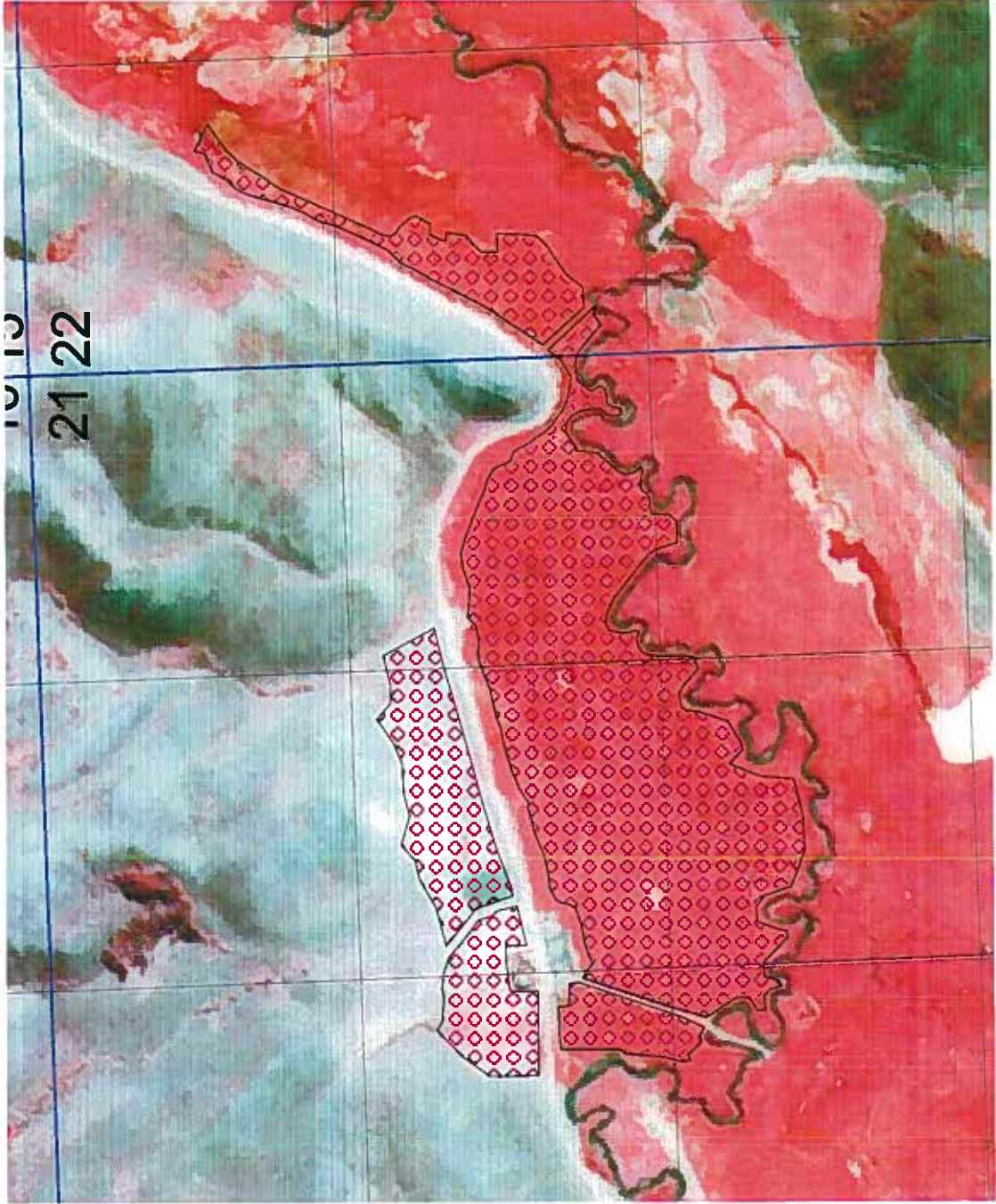
R46E





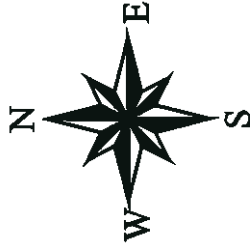
T09S

Prepared by C. Bird
On Monday, December 17, 2007
1987/88 Aerial Photography

24-4017 Sage Creek



-  24-4017 pou
-  POD
-  Sections
-  T09S R46E



70 acres irrigated

Prepared by: Cbird
Nov. 13, 2007
1987 NAPP Photography

0.6 Miles

0.3

0

0.3

Sage crk.

Township	Range	Sec	Qq	Acres
09S	46E	21	SWNE	1.4 ✓
09S	46E	21	SENE	3.4 ✓
09S	46E	21	SENE	0.7 ✓
09S	46E	21	SWNE	7.8 ✓
09S	46E	22	SWNW	5.3 ✓
09S	46E	22	NWNW	1.2 ✓
09S	46E	21	NESW	0.4 ✓
09S	46E	21	SENE	2.6 ✓
09S	46E	22	SWNW	0.5 ✓
09S	46E	21	SENE	15.0 ✓
09S	46E	21	NWSE	12.0 ✓
09S	46E	21	NESW	1.7 ✓
09S	46E	21	SWNE	17.0 ✓
09S	46E	21	SENE	0.8 ✓
09S	46E	21	NESE	0.3 ✓
09S	46E	21	NESE	0.1 ✓

Sec. 21 ✓ SENE 6.8
✓ NESW 2.1
✓ SWNE 26.2
✓ SENE 15.7
✓ NWSE 12.0
NESE .4

Sec. 22. SWNW 5.8
NWNW 1.2