

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

Subcase 24-4016
(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: _____

Address: _____

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: T. 9S R. 46E B.M.
Section 21: SWSESW (two diversions within this 10 acre subdivision)
Sec 28. SENENW
6. ☐ **Instream Flow Description**
Should be: _____
7. ☒ **Purpose(s) of Use**
Should be:

<u>Purpose of Use</u>	<u>Period of Use</u>	<u>Quantity</u>
<u>Irrigation</u>	<u>Apr.15 to Oct. 15</u>	<u>5.0 cfs</u>
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: T. 9S R. 46E B.M.

Section 15:	SWSE	<u>3.1 acres</u>
Total acres Section 15		3.1

Section 21:	SENE	2.1 acres
	NESW	33
	NWSE	23
	NESE	35
	SESW	31
	SWSE	<u>13</u>
Total acres Section 21		137.1

Section 22:	NWNE	24 acres
	SWNE	6.5
	NENW	1.2
	SWNW	3.9

SENW	30
NWSW	<u>24</u>
Total Acres Section 22	89.6

Total Irrigated Acres 229.8 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):

The J. R. Simplot Company ("Simplot") acquired fee title to the place of use described under water right no. 24-4016 on July 26, 2006. Upon further investigating the diversion and use of water pursuant to this water right, Simplot discovered inconsistencies with the quantity of water, points of diversion and places of use claimed by Simplot's predecessors when compared with the actual historical beneficial use of water under this water right. In an attempt to correct these inconsistencies, Simplot filed an amended claim with the IDWR on or about November 9, 2006. It is Simplot's understanding that the amendments contained in Simplot's amendment were rejected by the IDWR due to an administrative approval of an application for transfer of water right that was filed by Simplot predecessor on June 6, 1997. This transfer application was filed to change the nature of use for a portion of the rights to irrigate under water right 24-4016 into a recreational use, which involved the construction of ponds on land formerly irrigated.

The transfer application that was filed contained errors in its description of the elements of this water right. These errors persisted in the eventual approval by the IDWR to this transfer application. To further complicate matters, Simplot's predecessor proceeded to complete the pond development requested under the transfer in locations that differ from those approved by the IDWR and in fact using water exclusively from Crow Creek not Rock Creek. Simplot is filing this objection in an attempt to correct the description of this water right to accurately reflect its historic and current use.

Simplot recognizes that the timing of the pond development, which occurred after the commencement of the SRBA, may require a second transfer application to accurately describe the location of the recreation use constructed. Furthermore it would serve judicial and administrative economy to recognize the actual location of the recreation used by amending the claim as requested herein in lieu of requiring a second transfer application. Nevertheless, the elements of the original

water right should be corrected in the SRBA to accurately reflect the historic diversion of Rock Creek and its beneficial use for irrigation purposes.

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

Noel Janet Vonnans

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

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