



CORPORATE HEADQUARTERS

November 21, 2007

Certified Mail, Return Receipt Requested

Julie Murphy
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

Re: IDWR Water Right Nos. 24-4016 and 24-4017.

Dear Ms. Murphy:

Enclosed for filing in the Snake River Basin Adjudication are Standard Forms 4; Motions to Amend the above referenced SRBA Claims. Attached to each Motion are amendments proposed for each claim.

The enclosed motions are filed in response to the IDWR's recent on-site investigations to confirm the places of use for each of these water rights. The proposed amendments described in each of the attached amended claim motion are consistent with the IDWR's findings during these recent investigations. I am available anytime to discuss dates that are convenient for Special Master Dolan to hear these motions (phone: 208-389-7359).

Sincerely,

Vic Conrad, Director
Land, Water & Asset Recovery

Enclosures



**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	)	SUBCASE NO: <u>24-4016</u>
	)	(Insert Water Right Number)
	)	
Case No. 39576	)	STANDARD FORM 4
	)	
	)	MOTION TO FILE:
	)	☐ LATE NOTICE OF CLAIM
_____	)	☒ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a separate form for each late or amended Notice of Claim.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.



☒ 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.

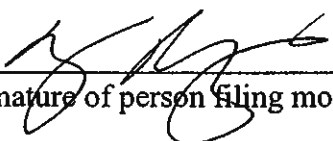
VERIFICATION (Must be completed)

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: Boise

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

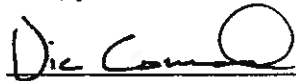
2. Copies to:

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 24-4016
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 CO 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: 01/26/1903

3. Source: ROCK 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	21	SE	NE	NW	CARIBOU	
~~09S~~	~~46E~~	~~21~~	~~SW~~	~~SE~~	~~SW~~	~~CARIBOU~~	
09S	46E	28	NE	NE	NW	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	5	623

7. Total Quantity Appropriated is:
5 C.F.S. or 623 A.F.A.

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~~	~~15~~	~~SW~~	~~SE~~	~~IRRIGATION~~	~~3.1~~	✓
					Section Acres	~~3.1~~	
09S	46E	21	NE	SW	IRRIGATION	~~33~~	17.0 ✓
			SE	SW	IRRIGATION	~~34~~	32.0 ✓
			NE	SE	IRRIGATION	~~35~~	8.0 ✓
			NW	SE	IRRIGATION	23	✓
			SW	SE	IRRIGATION	13	✓
					Section Acres	135	93.0
09S	46E	22	NW	NE	IRRIGATION	24	10.0 ✓
			SW	NE	IRRIGATION	30	6.0 ✓
			~~SE~~	~~NE~~	~~IRRIGATION~~	~~6.5~~	✓
			~~SW~~	~~NW~~	~~IRRIGATION~~	~~4.6~~	✓
			NE	NW	IRRIGATION		8.0
			SE	NW	IRRIGATION		26.0
			NW	SW	IRRIGATION	24	✓
			NE	SW	IRRIGATION	5.7	✓
					Section Acres	94.8	50.0
					Total Acres	~~232.9~~	143.0

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:

2 DIVERSION POINTS WITHIN SESW SEC 21 T 09S R 46E

2 DIVERSION POINTS WITHIN NENW SEC 28 T 09S R 46E CHANGE IN OWNERSHIP 10-25-94 GJT.
SOURCE ALSO KNOWN AS HORSE CREEK. 2-25-97 HWJ.

OWNERSHIP SAME; PARTNERSHIP NAME CHANGED 3-24-97/HWJ/DC/JT Approval of Transfer
No. 5040 does not confirm Claimed Right No. 24-04016.

This right when combined with all other rights shall provide no more than 3.5 afa
per acre at the field headgate for irrigation of the lands above.

15. Basis of Claim: Statutory Claim

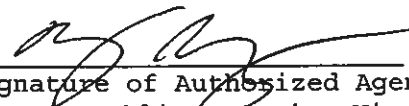
16. Signature(s)

(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.



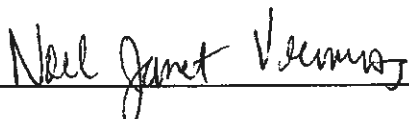
Signature of Authorized Agent
Terry T. Uhling, Senior Vice President,
Secretary and General Counsel for the J. R.
Simplot Company

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



Notary Public

Residing at Boise
My commission Expires 10/29/08