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MAY 04 2011

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAY -3 2011	
Clerk	Deputy Clerk

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

Subcase No. 47-2281

ORDER GRANTING MOTION TO
FILE LATE OBJECTION

On March 25, 2011, Claimant J.R. Simplot Self-Declaration of Revocable Trust ("Simplot Trust") filed a *Motion to File Late Objection* ("Motion") with accompanying *Affidavit of Vic Conrad in Support of Motion to File Late Objection*, and a proposed *Standard Form 1 Objection* with respect to the Idaho Department of Water Resources' recommendation for water right 47-2281. A hearing on the *Motion* was granted on 5/3, 2011. No objections to the *Motion* were filed. A hearing on the *Motion* was held on May 3, 2011. The Court, having reviewed the *Motion* and supporting *Affidavit* and being fully advised, hereby finds that good cause exists for the *Motion* to be granted.

THEREFORE, IT IS ORDERED, THAT THE *Motion* is **granted**.

The *Standard Form 1 Objection* that accompanied the *Motion*, and a copy of this *Order*, will be forwarded to the Idaho Department of Water Resources for further action.

IT IS SO ORDERED.

Dated May 3, 2011.



/S/ THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE OBJECTION was mailed on May __, 2011, with sufficient first-class postage to the following:

J. R. Simplot Self-Declaration of
Revocable Trust

Represented by:

Gray A. Young
J. R. Simplot Company
999 Main Street, Suite 1300
PO Box 27
Boise, ID 83707-0027
Phone: 208-336-2110

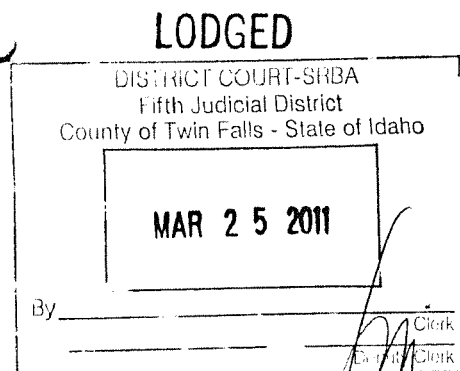
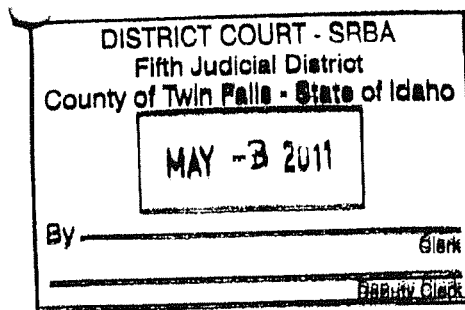
United States of America

Represented by:

US Department of Justice
Environment & Natural Resources
550 West Fort Street, MSC 033
Boise, ID 83724

Director of IDWR
PO Box 83720
Boise, ID 83720-0098

/s/ Diana R. Delaney
Deputy Clerk



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

Subcase 47-2281
(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 Self-Declaration of Revocable Trust
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 Self-Declaration of Revocable Trust
Address: P. O. 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: _____
3. ☒ **Quantity**
Should be: 1,020 AFA _____
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 license issued by the IDWR on October 6, 1959 for this water right did not include a provision limiting the annual diversion volume. The IDWR standard shown on the IDWR's Irrigation Season of Use, Consumptive Use and Field Headgate Requirements Map dated January 17, 2006 shows the geographic location for the place of use and point of diversion under this right are situated within an area requiring 4.0 acre feet per acre for the Field Headgate requirement. The Recommendation by the IDWR dated January 29, 2007 contains an annual volume limit of 3.5 acre feet per acre which is inconsistent with IDWR's Field Headgate

Standard and the license issued on October 6, 1959. The annual volume limit should be removed, or in the alternative should be recommended with a 4.0 acre feet per acre limit that is consistent with the IDWR's Field Headgate Standard.

VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Ada)

Ronald N. Graves, Trustee of the J. R. Simplot Self-Declaration of Revocable Trust, duly sworn, upon oath, deposes and says:

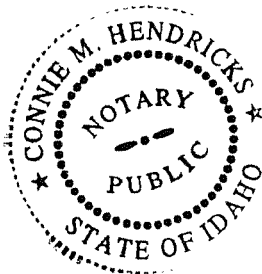
That I am the Trustee of the claimant filing this objection, as defined by I.C. § 42-1401A(1) and or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Ronald N. Graves - Trustee

Ronald N. Graves, Trustee for the J. R. Simplot Self-Declaration of Revocable Trust

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: March 24, 2011



Connie M. Hendricks

Notary Public for Idaho
Residing at: Boise
My Commission Expires: 6/22/2014

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 _____, 2011 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 Self-Declaration of Revocable Trust
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

Signature of Objector or attorney
mailing on Objector's behalf