

RECEIVED
MAR 13 2006
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

In Re SRBA

Case No. 39576

A. Subcase 37-00059B
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior,
Bureau of Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax
United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Donald Taber

Address: 312 E 20 N; Shoshone, Idaho 83352

Name:

Address: ;

Name:

Address: ;

Name:

Address: ;

D. 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: _____
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: See attached.
11. **I object because:**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):**

The United States of America, through the Bureau of Land Management, is the owner of the land upon which use is claimed. The claimant's use of Federal land is unauthorized. See attached POU. Claimant's water right should not include this POU.

F.

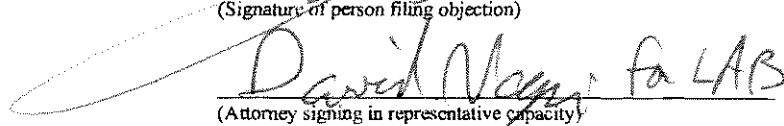
VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of ADA)

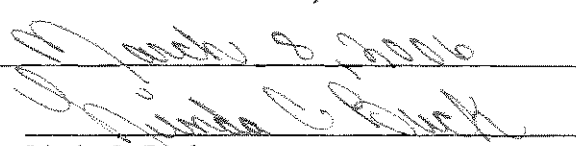
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

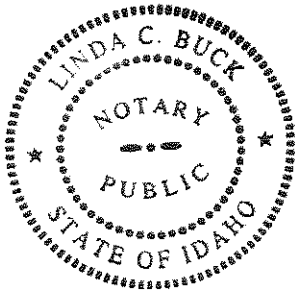
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)


(Attorney signing in representative capacity)

Subscribed and sworn to before me on: _____


Linda C. Buck
Notary Public in and for the State of Idaho
Residing at: Mountain Home
My Commission Expires: 12-21-2011



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.

G. CERTIFICATE OF MAILING

I certify that on March 9, 2006, 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
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

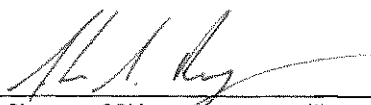
Name: Donald Taber
Address: 312 E 20 N; Shoshone, Idaho 83352
Name:
Address: ;
Name:
Address: ;
Name:
Address: ;

3. Copies to:

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

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. 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

11/01/2005

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-59B
NAME AND ADDRESS: DONALD TABER
312 E 20 N
SHOSHONE ID 83352

UNAUTHORIZED USE

**- CLAIMANT IS NOT AUTHORIZED TO FARM
PUBLIC LAND.**

POUs on BLM

- Remove POUs that describe Public Land

SOURCE: BIG WOOD RIVER
POINT OF INJECTION INTO JIM BYRNS SLOUGH THAT FLOWS INTO THE LITTLE
WOOD RIVER. POINT OF REDIVERSION FROM THE LITTLE WOOD RIVER.

TRIBUTARY: MALAD RIVER

QUANTITY: 4.160 CFS

MIXED POU

**- THE PLACES OF USE IDENTIFIED BELOW
CONTAIN BOTH PRIVATE AND PUBLIC LANDS.
-CLARIFY THE POU SUCH THAT IT IS CLEAR**

PRIORITY DATE: 05/27/1899

POINT OF
DIVERSION: T02S R18E S30 SWSENE Within BLAINE County **BLM**
T03S R19E S19 SWNE Injection Within BLAINE County **BLM**
T04S R19E S25 SENWSE Injection Within BLAINE County **BLM**
T05S R18E S32 SENESE Rediversion Within LINCOLN County **BLM**
T05S R18E S33 NENWNE Rediversion Within LINCOLN County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	4.160 CFS

PLACE OF USE: IRRIGATION Within LINCOLN County

BLM/PVT	T05S R18E S28	SWSE	1.1	T05S R18E S28	SESE	4.8
	T05S R18E S32	SENE	9.5	T05S R18E S32	NESE	35.0
	T05S R18E S33	NENE	38.0	T05S R18E S33	NWNE	17.0
	T05S R18E S33	SWNE	35.0	T05S R18E S33	SENE	40.0
BLM/PVT	T05S R18E S33	NENW	7.8	T05S R18E S33	SWNW	7.8 BLM/PVT
	T05S R18E S33	SENW	30.0	T05S R18E S33	NESW	9.2
	T05S R18E S33	NWSW	25.0	T05S R18E S33	NESE	3.2 BLM
BLM	T05S R18E S33	NWSE	3.3	T05S R18E S34	NWNW	40.0
	T05S R18E S34	SWNW	27.0			

333.7 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 295 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NO.37-425 IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 333.7 ACRES IN A SINGLE IRRIGATION
SEASON.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 295 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 37-423 & 37-424.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

11/01/2005

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

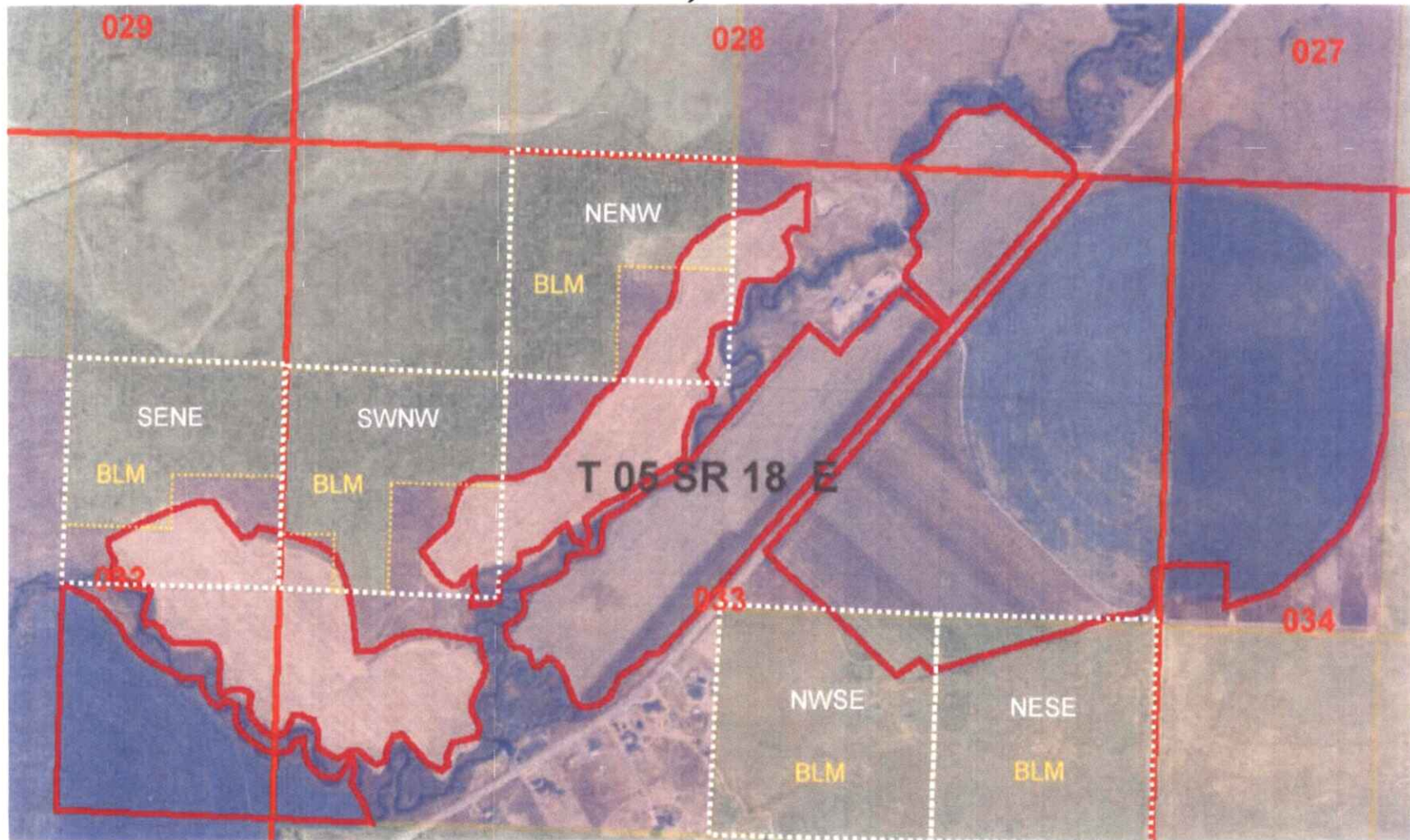
USE OF THIS RIGHT IS COMBINED WITH WATER FROM BIG WOOD CANAL CO.

RIGHT SUBJECT TO 27% CONVEYANCE LOSS; 3.04 CFS CAN BE REDIVERTED FROM LITTLE WOOD RIVER.

37-00059B, 37-00423, 37-00424, & 37-00425

Donald Taber

T05S, R18E

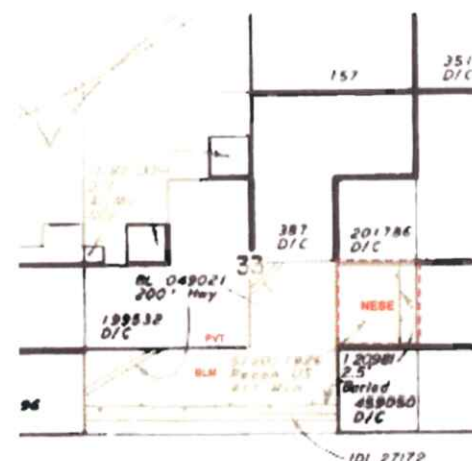
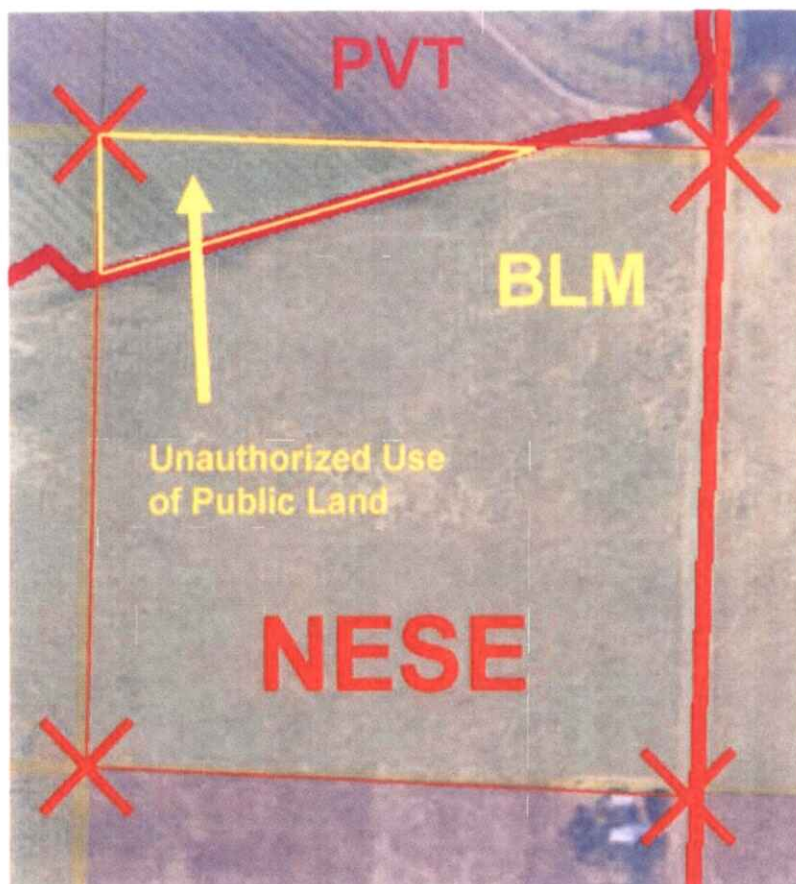


37-00059B, 37-00423, 37-00424, & 37-00425

Donald Taber

T05S, R18E, S33, NESE

	Town	Rang	Subcase	Sect	QQ	Quar	Bas	Govern	Mix	PVT	BLM	FS	BOR	OtherFed	State	Own Comment
	05S	18E	37-00059B	33	NE	SE	37		☐	☐	☒	☐	☐	☐	☐	Recon to US, Unauthorized Use
	05S	18E	37-00423	33	NE	SE	37		☐	☐	☒	☐	☐	☐	☐	Recon to US, Unauthorized Use
	05S	18E	37-00424	33	NE	SE	37		☐	☐	☒	☐	☐	☐	☐	Recon to US, Unauthorized Use
	05S	18E	37-00425	33	NE	SE	37		☐	☐	☒	☐	☐	☐	☐	Recon to US, Unauthorized Use



SCALE in Chains

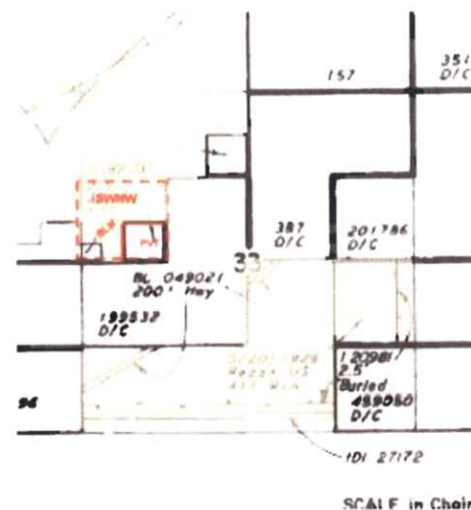
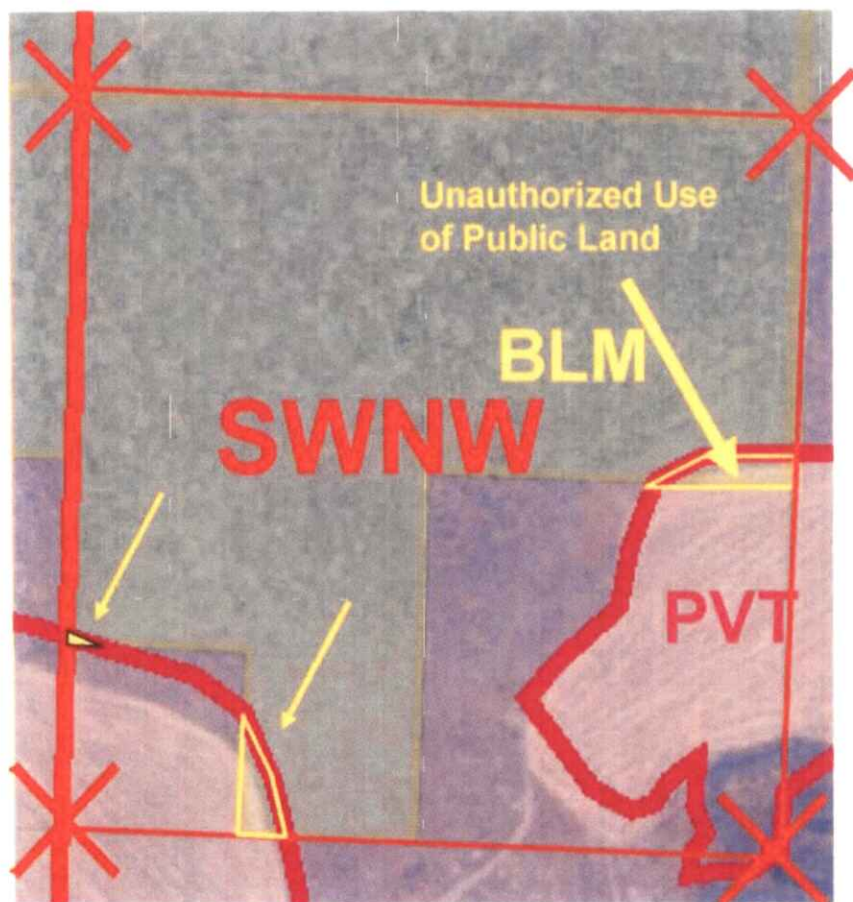
Shape should be corrected to eliminate the intrusion on Public Land. This change should reduce acreage, quantity may also need to be proportionally reduced to reflect the acreage change.

37-00059B, 37-00423, 37-00424, & 37-00425

Donald Taber

T05S, R18E, S33, SWNW

Town	Rang	Subcase	Sect	QQ	Quar	Bas	Govern	Mix	PVT	BLM	FS	BOR	OtherFed	State	Own Comment
O5S	18E	37-00059B	33	SW	NW	37		☒	☒	☒	☐	☐	☐	☐	Mixed Ownership POU with Unauthorized Use
O5S	18E	37-00423	33	SW	NW	37		☒	☒	☒	☐	☐	☐	☐	Mixed Ownership POU with Unauthorized Use
O5S	18E	37-00424	33	SW	NW	37		☒	☒	☒	☐	☐	☐	☐	Mixed Ownership POU with Unauthorized Use
O5S	18E	37-00425	33	SW	NW	37		☒	☒	☒	☐	☐	☐	☐	Mixed Ownership POU with Unauthorized Use



Add remark under Place of Use; **"The use of water under this right does not include a use on Federal Public Land."**

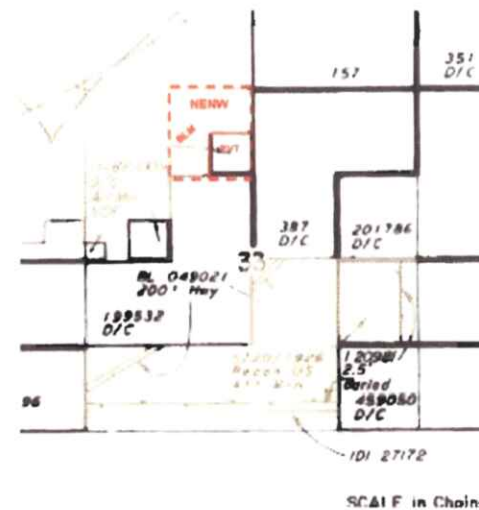
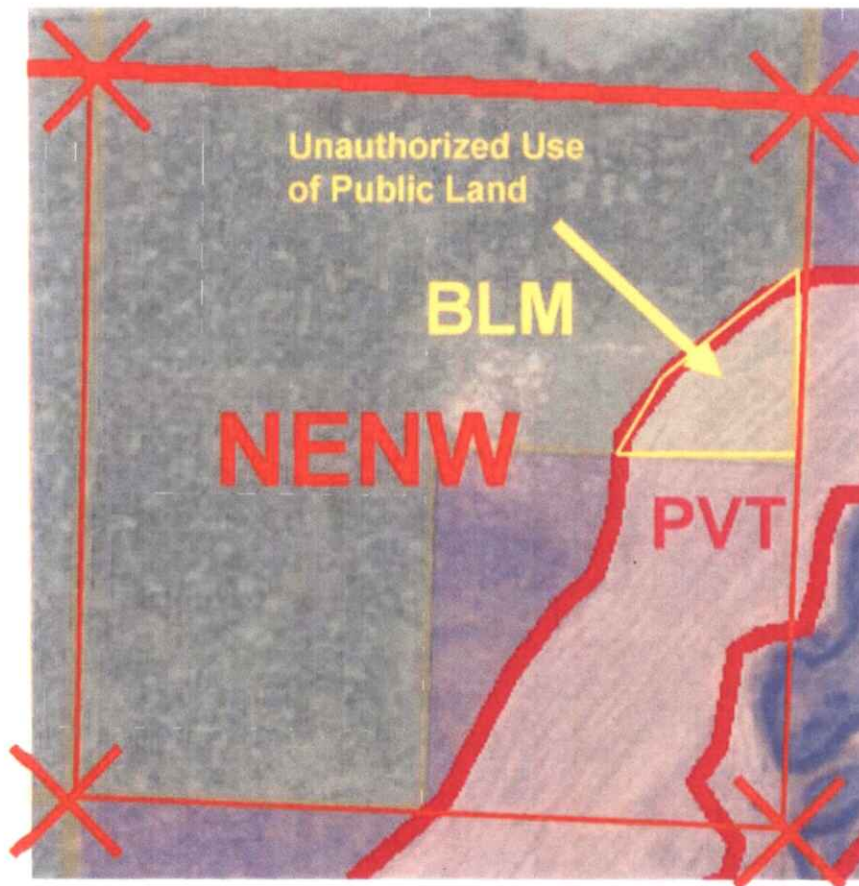
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37-00059B, 37-00423, 37-00424, & 37-00425

Donald Taber

T05S, R18E, S33, NENW

Town	Rang	Subcase	Sect	QQ	Quar	Bas	Govern	Mix	PVT	BLM	FS	BOR	OtherFed	State	Own Comment
05S	18E	37-00059B	33	NE	NW	37		☒	☒	☒	☐	☐	☐	☐	Mixed Ownership POU with Unauthorized Use
05S	18E	37-00423	33	NE	NW	37		☒	☒	☒	☐	☐	☐	☐	Mixed Ownership POU with Unauthorized Use
05S	18E	37-00424	33	NE	NW	37		☒	☒	☒	☐	☐	☐	☐	Mixed Ownership POU with Unauthorized Use
05S	18E	37-00425	33	NE	NW	37		☒	☒	☒	☐	☐	☐	☐	Mixed Ownership POU with Unauthorized Use

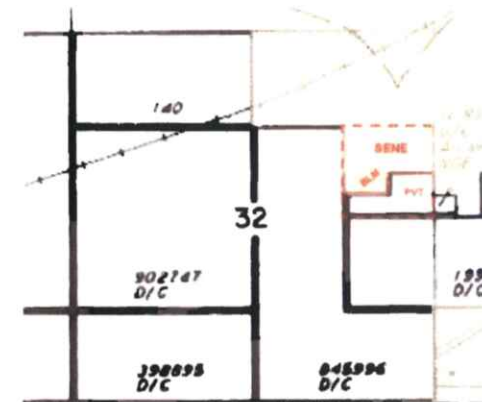
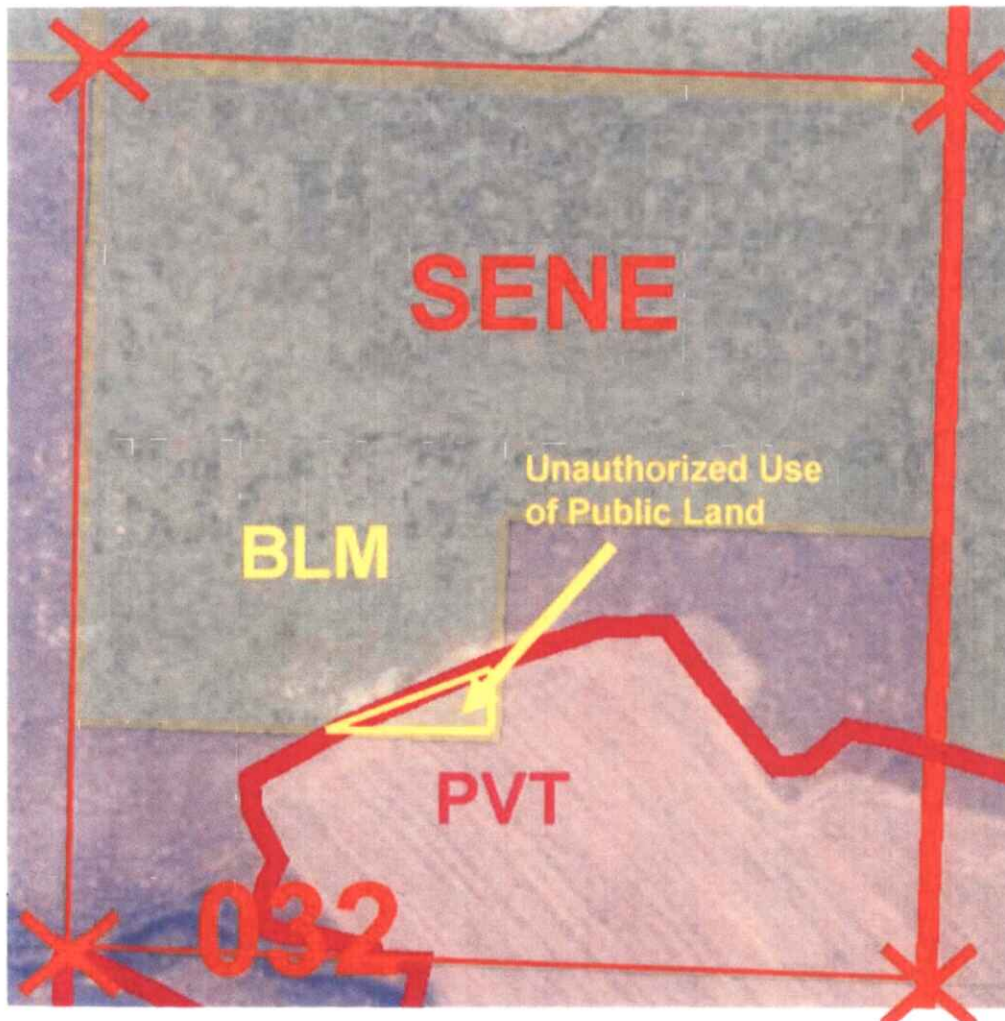


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37-00059B, 37-00423, 37-00424, & 37-00425
Donald Taber
T05S, R18E, S32, SENE

	Town	Rang	Subcase	Sect	QQ	Quar	Bas	Govern	Mix	PVT	BLM	FS	BOR	OtherFed	State	Own Comment
	05S	18E	37-00059B	32	SE	NE	37		☒	☒	☒	☐	☐	☐	☐	Mixed Ownership POU with Unauthorized Use
	05S	18E	37-00423	32	SE	NE	37		☒	☒	☒	☐	☐	☐	☐	Mixed Ownership POU with Unauthorized Use
	05S	18E	37-00424	32	SE	NE	37		☒	☒	☒	☐	☐	☐	☐	Mixed Ownership POU with Unauthorized Use
	05S	18E	37-00425	32	SE	NE	37		☒	☒	☒	☐	☐	☐	☐	Mixed Ownership POU with Unauthorized Use

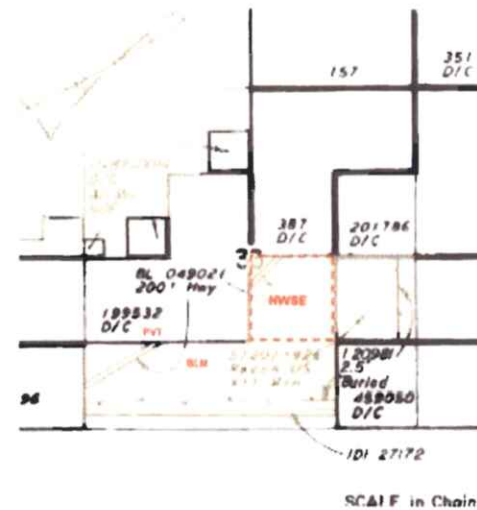
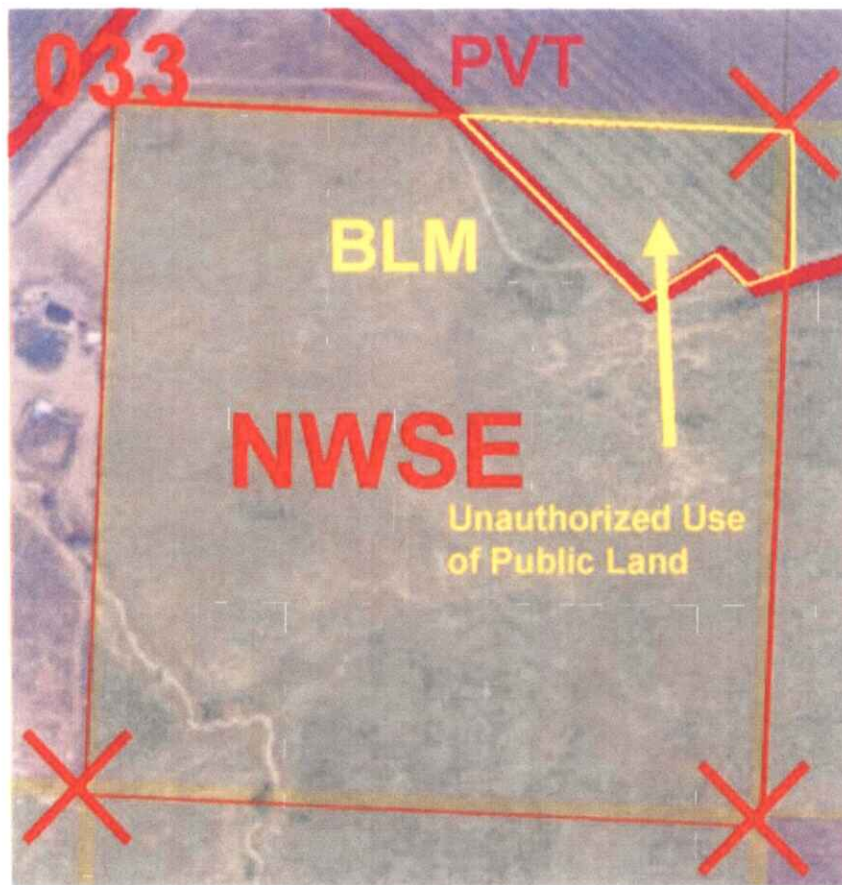


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Shape should be corrected to eliminate the intrusion on Public Land. This change should reduce acreage, quantity may also need to be proportionally reduced to reflect the acreage change.

37-00059B, 37-00423, 37-00424, & 37-00425
Donald Taber
T05S, R18E, S33, NWSE

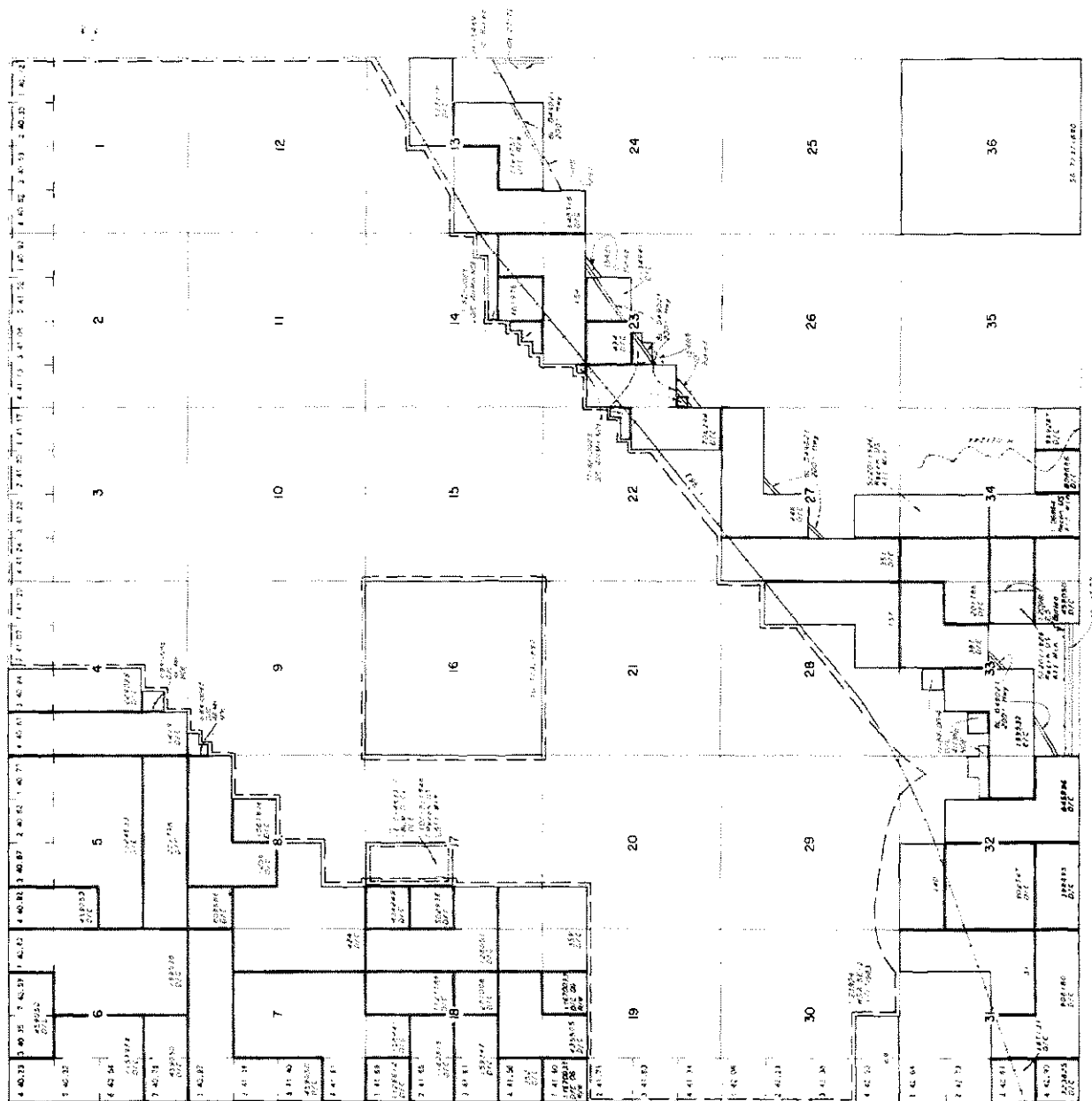
Town	Rang	Subcase	Sect	QQ	Quar	Bas	Govern	Mix	PVT	BLM	FS	BOR	OtherFed	State	Own Comment
05S	18E	37-00059B	33	NW	SE	37		☐	☐	☒	☐	☐	☐	☐	Unauthorized Use+
05S	18E	37-00423	33	NW	SE	37		☐	☐	☒	☐	☐	☐	☐	Unauthorized Use
05S	18E	37-00424	33	NW	SE	37		☐	☐	☒	☐	☐	☐	☐	Unauthorized Use
05S	18E	37-00425	33	NW	SE	37		☐	☐	☒	☐	☐	☐	☐	Unauthorized Use



Shape should be corrected to eliminate the intrusion on Public Land. This change should reduce acreage, quantity may also need to be proportionally reduced to reflect the acreage change.

LINCOLN COUNTY D63
SANDSLOAF DISTRICT SEC 3STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

INDEX TO SEGREGATED TRACTS		ORIGINAL SURVEY	
TRACT NO	Y	W	SEC
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SCALE IN ENGINE

For Answers, See Page 100

THE NOTATION SHOWN ON WITHDRAWALS REPRESENT THE LAST ACTION TAKEN BUT MAY NOT BE THE EFFECTIVE DATE. SEE THE HISTORICAL INDEX FOR THE DATE OF THE ORIGINAL WITHDRAWAL ORDER.

4000

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