

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 37-00424

(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.

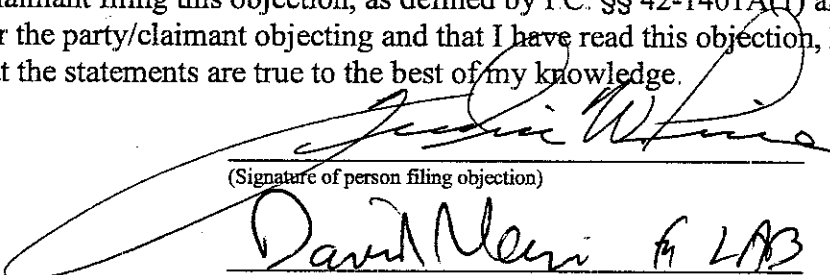
**E.**

**VERIFICATION (Must be Completed)**

State of Idaho )  
                          ) ss.  
County of ADA)

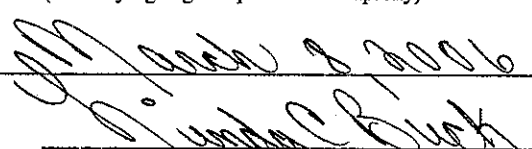
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:  
(Name of person filing objection)

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.

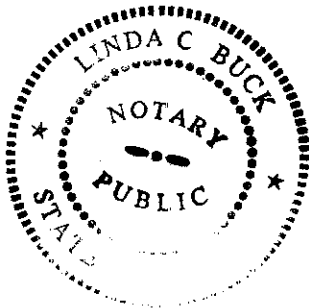
  
(Signature of person filing objection)

David Merri for LAB  
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: March 8 2006

  
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:

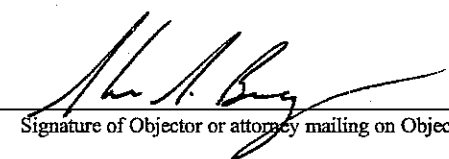
Name: Donald Taber  
Address: 312 E 20 N; Shoshone, Idaho 83352  
Name:  
Address: ;  
Name:  
Address: ;  
Name:  
Address: ;

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: 37-424  
NAME AND ADDRESS: DONALD TABER  
312 E 20 N  
SHOSHONE ID 83352

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

SOURCE: LITTLE WOOD RIVER

**POUs on BLM**  
**- Remove POUs that describe Public Land**

TRIBUTARY: MALAD RIVER

QUANTITY: 2.200 CFS

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

PRIORITY DATE: 04/01/1884

POINT OF  
DIVERSION: T05S R18E S32 SENESE Within LINCOLN County  
T05S R18E S33 NENWNE Within LINCOLN County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 03/15 11/15          | 2.200 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 |         |
| BLM/PVT | T05S R18E S33 | SWNE | 35.0 | T05S R18E S33 | SENE | 40.0 |         |
|         | T05S R18E S33 | NENW | 7.8  | T05S R18E S33 | SWNW | 7.8  | BLM/PVT |
|         | T05S R18E S33 | SENE | 30.0 | T05S R18E S33 | NESW | 9.2  |         |
| BLM     | T05S R18E S33 | NWSW | 25.0 | T05S R18E S33 | NESE | 3.2  | BLM     |
|         | T05S R18E S33 | NWSE | 3.3  | T05S R18E S34 | NWNW | 40.0 |         |
|         | T05S R18E S34 | SWNW | 27.0 |               |      |      |         |

333.7 ACRES TOTAL

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.

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 THE RIGHTS LISTED BELOW IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 295 ACRES IN A SINGLE  
IRRIGATION SEASON. COMBINED RIGHT NOS.: 37-59B & 37-423.

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

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

11/01/2005

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

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

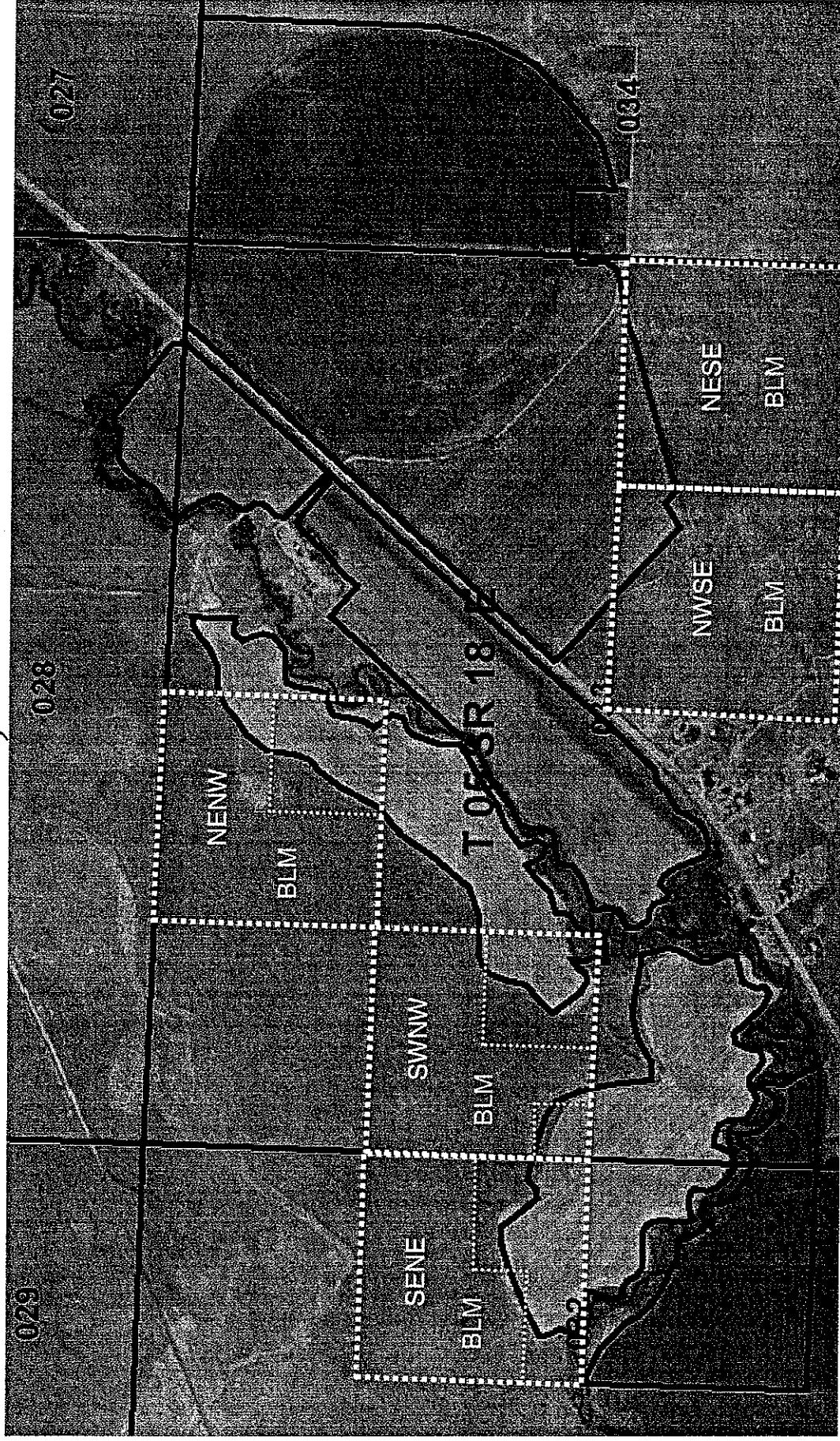
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT  
TO SECTION 42-1425, IDAHO CODE.

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

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

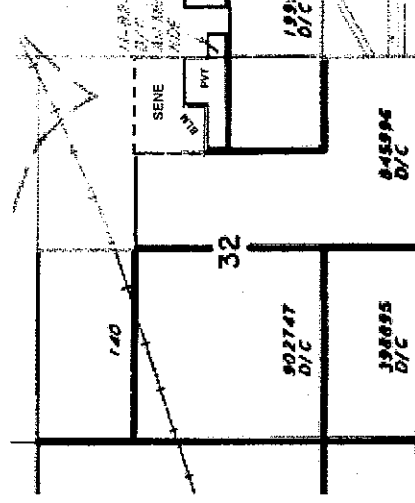
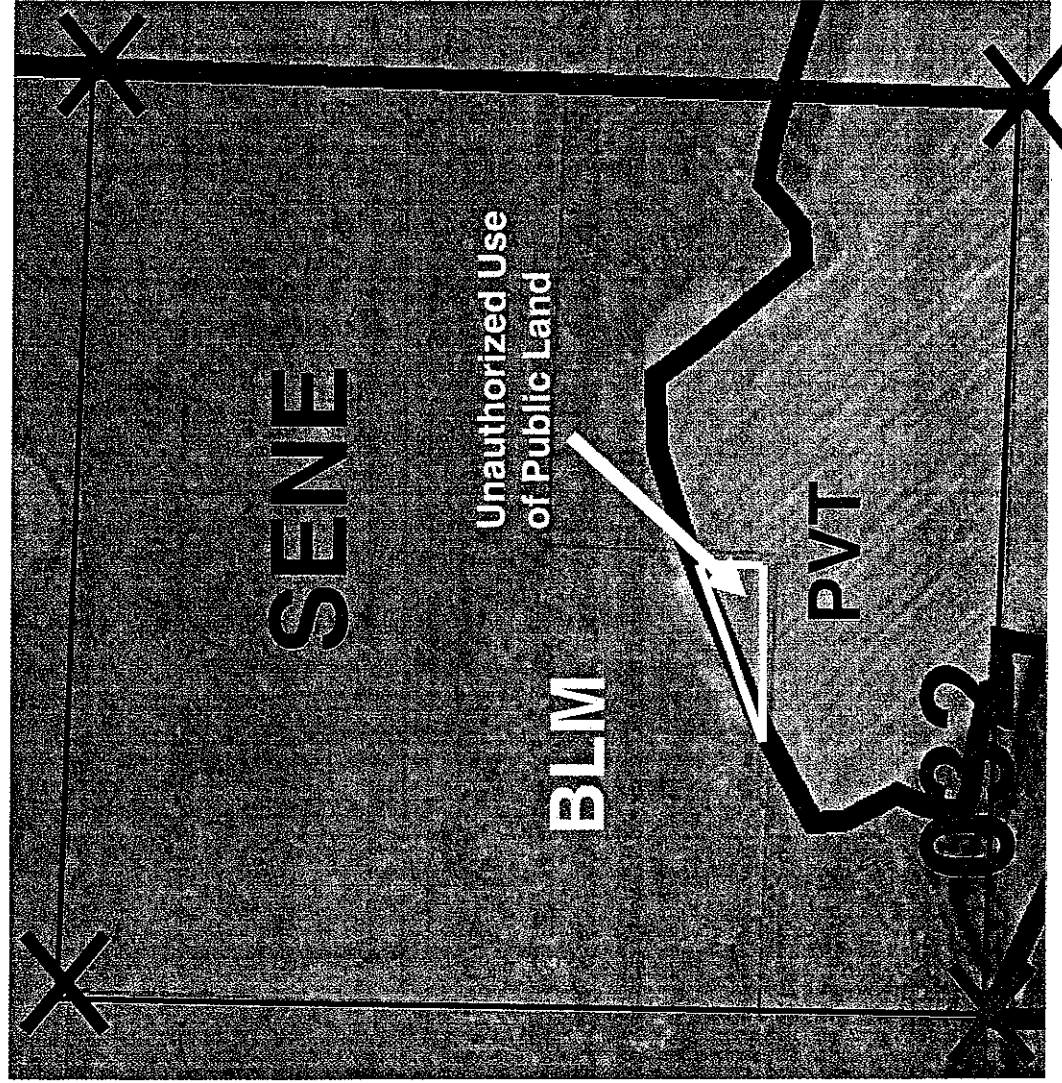
Donald Taber

T05S, R18E



# 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  |        | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Mixed Ownership POU with Unauthorized Use |
| 05S  | 18E  | 37-00423  | 32   | SE | NE   | 37  |        | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Mixed Ownership POU with Unauthorized Use |
| 05S  | 18E  | 37-00424  | 32   | SE | NE   | 37  |        | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Mixed Ownership POU with Unauthorized Use |
| 05S  | 18E  | 37-00425  | 32   | SE | NE   | 37  |        | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Mixed Ownership POU with Unauthorized Use |

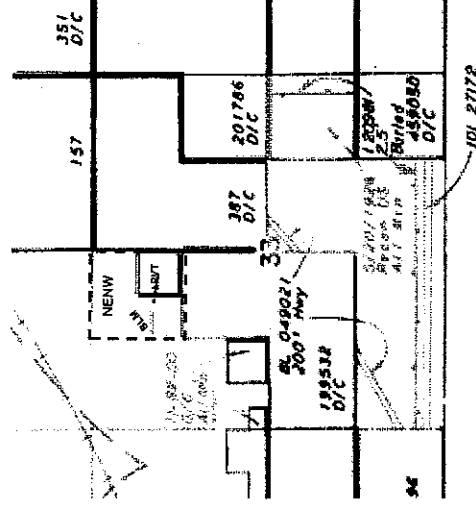
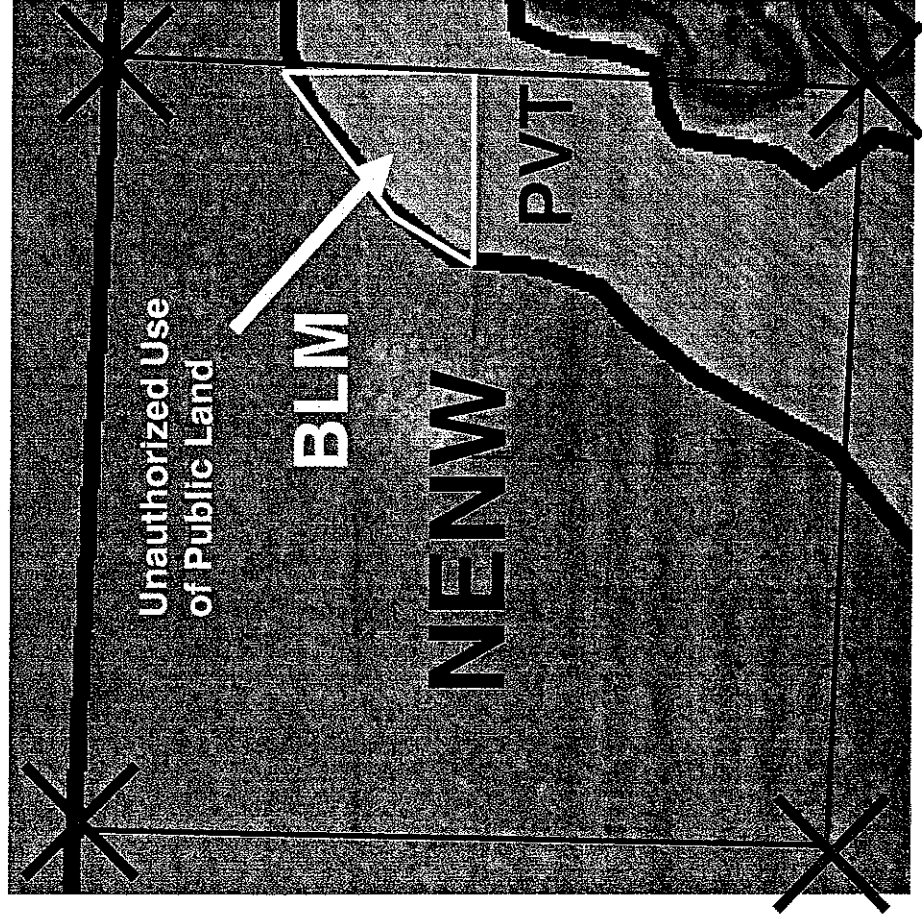


Add remark under Place of Use; "The use of water under this right does not include a use on Federal Public Land."

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, 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  |        | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Mixed Ownership POU with Unauthorized Use |
| 05S  | 18E  | 37-00423  | 33   | NE | NW   | 37  |        | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Mixed Ownership POU with Unauthorized Use |
| 05S  | 18E  | 37-00424  | 33   | NE | NW   | 37  |        | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Mixed Ownership POU with Unauthorized Use |
| 05S  | 18E  | 37-00425  | 33   | NE | NW   | 37  |        | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Mixed Ownership POU with Unauthorized Use |



SCALE in Chains

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

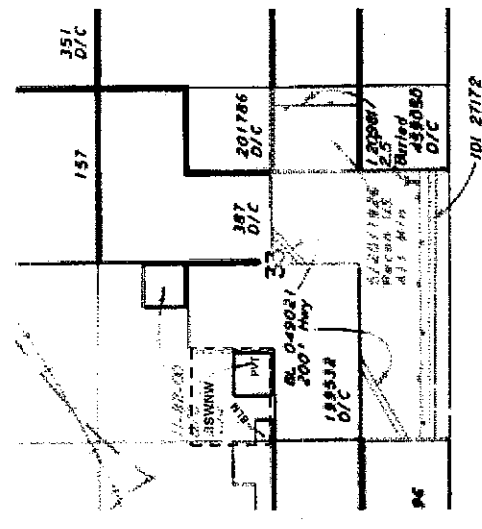
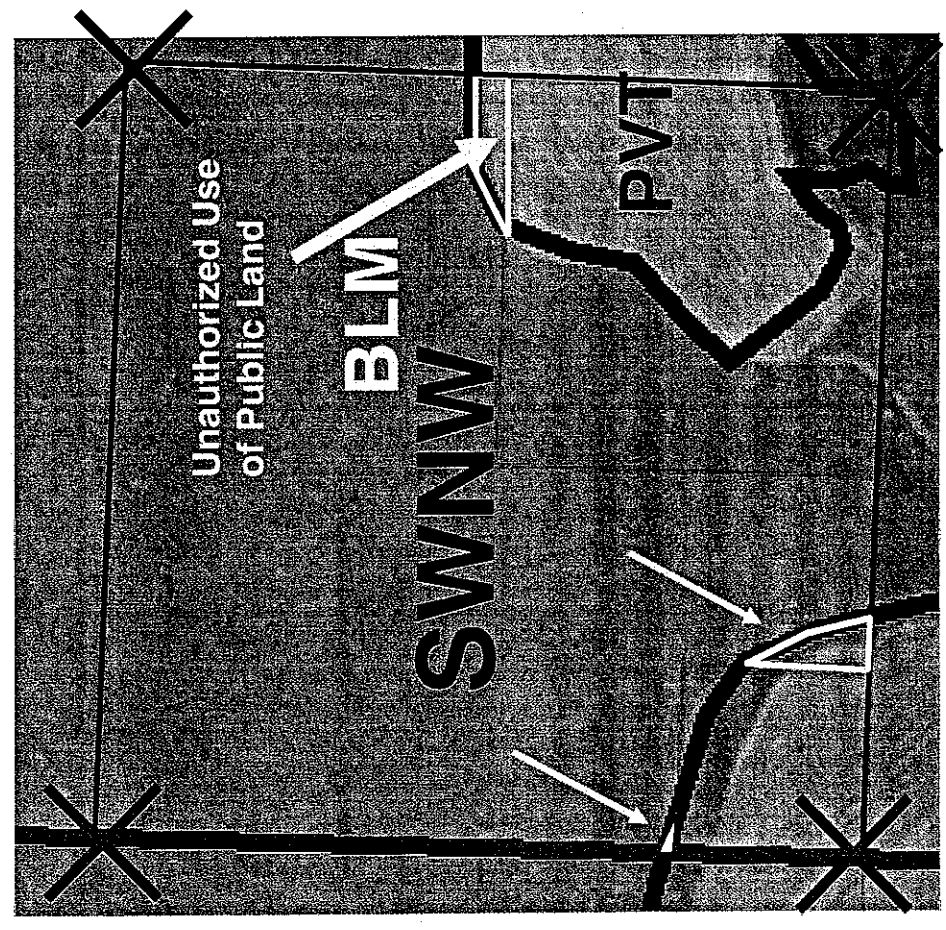
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# 37-00059B, 37-00423, 37-00424, & 37-00425

## Donald Taber

### T05S, R18E, S33, SWNW

| Town | Rang | Subcase   | Sect  | QQ | Quar | Bar | Govern | Mix                                 | PVT                                 | BLM                                 | FS                       | BOR                      | Other                    | Fed                      | State                    | Own Comment                               |
|------|------|-----------|-------|----|------|-----|--------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------------|
| 05S  | 18E  | 37-00059B | 33 SW | 37 | NW   | 37  |        | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Mixed Ownership POU with Unauthorized Use |
| 05S  | 18E  | 37-00423  | 33 SW | 37 | NW   | 37  |        | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Mixed Ownership POU with Unauthorized Use |
| 05S  | 18E  | 37-00424  | 33 SW | 37 | NW   | 37  |        | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Mixed Ownership POU with Unauthorized Use |
| 05S  | 18E  | 37-00425  | 33 SW | 37 | NW   | 37  |        | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Mixed Ownership POU with Unauthorized Use |



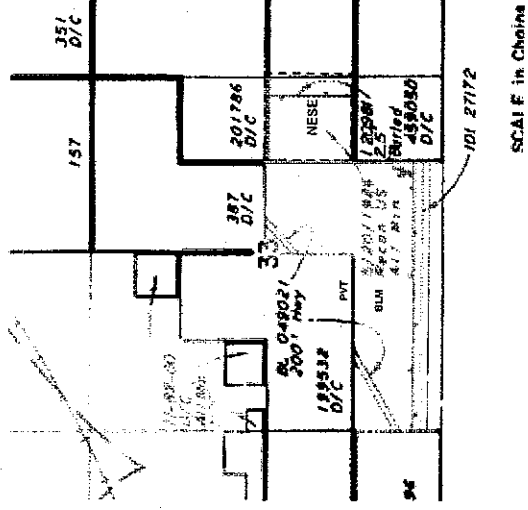
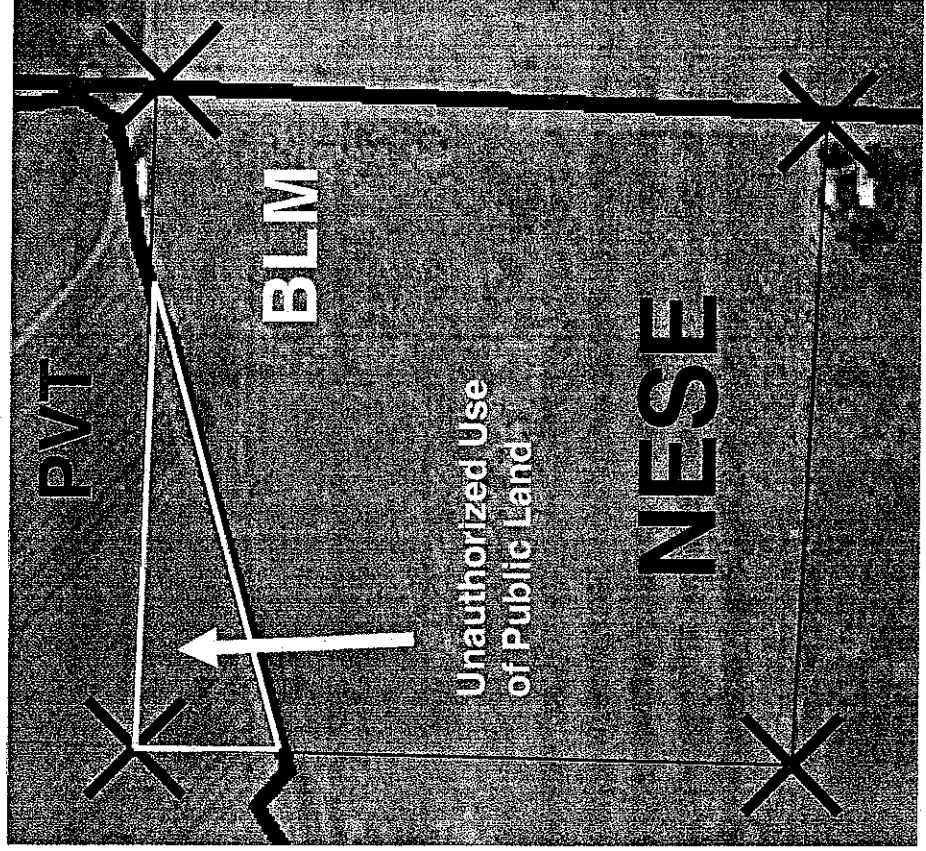
SCALE in Chains

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

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.

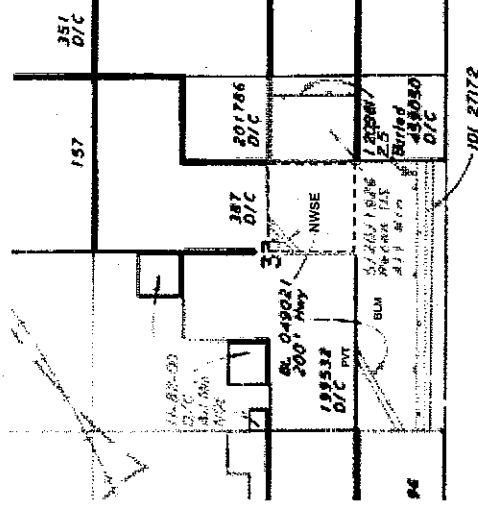
**37-00059B, 37-00423, 37-00424, & 37-00425**  
**Donald Taber**  
**T05S, R18E, S33, NESE**

| Town | Range | Subcase   | Sect | QQ | Quar | Bar | Govern | Mix                      | PVT                      | BLM                                 | FS                       | BOR                      | OtherFed                 | State                    | Own | Comment                       |
|------|-------|-----------|------|----|------|-----|--------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-----|-------------------------------|
| 05S  | 18E   | 37-00059B | 33   | NE | SE   | 37  |        | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |     | Recon to US, Unauthorized Use |
| 05S  | 18E   | 37-00423  | 33   | NE | SE   | 37  |        | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |     | Recon to US, Unauthorized Use |
| 05S  | 18E   | 37-00424  | 33   | NE | SE   | 37  |        | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |     | Recon to US, Unauthorized Use |
| 05S  | 18E   | 37-00425  | 33   | NE | SE   | 37  |        | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |     | Recon to US, 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.

| Town | Rang | Subcase   | Sect | QQ | Quar | Bar | Govern | Mix                      | PVT                      | BLM                                 | FS                       | BOR                      | Other | Fed                      | State                    | Own | Comment           |
|------|------|-----------|------|----|------|-----|--------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|-------|--------------------------|--------------------------|-----|-------------------|
| 05S  | 18E  | 37-00059B | 33   | NW | SE   | 37  |        | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |       | <input type="checkbox"/> | <input type="checkbox"/> |     | Unauthorized Use+ |
| 05S  | 18E  | 37-00423  | 33   | NW | SE   | 37  |        | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |       | <input type="checkbox"/> | <input type="checkbox"/> |     | Unauthorized Use  |
| 05S  | 18E  | 37-00424  | 33   | NW | SE   | 37  |        | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |       | <input type="checkbox"/> | <input type="checkbox"/> |     | Unauthorized Use  |
| 05S  | 18E  | 37-00425  | 33   | NW | SE   | 37  |        | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |       | <input type="checkbox"/> | <input type="checkbox"/> |     | 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 063  
SHOSHONE DISTRICT SEC 3STATUS OF PUBLIC DOMAIN  
LAND AND MINERAL TITLES

## MT PLAT

[illegible]

15243 SINGA Acl 9/18/1978  
 Sec 14: N  $\frac{1}{2}$  SE  $\frac{1}{4}$  S  $\frac{1}{2}$  SW  $\frac{1}{4}$   
 Sec 22: SE  $\frac{1}{4}$  NE  $\frac{1}{4}$   
 Sec 23: NW  $\frac{1}{4}$  NW  $\frac{1}{4}$ , SW  $\frac{1}{4}$  SW  $\frac{1}{4}$ , NE  $\frac{1}{4}$  SW  $\frac{1}{4}$   
 Sec 32: SE  $\frac{1}{4}$  NE  $\frac{1}{4}$   
 Sec 33: W  $\frac{1}{2}$  SE  $\frac{1}{4}$ , NE  $\frac{1}{4}$  SE  $\frac{1}{4}$ , SW  $\frac{1}{4}$  NW  $\frac{1}{4}$ , NE  $\frac{1}{4}$  NW  $\frac{1}{4}$

101 27209 Per  
 Sec 27: SW  $\frac{1}{4}$  NE  $\frac{1}{4}$  S  $\frac{1}{2}$  SW  $\frac{1}{4}$  (Portion)

FOR ORDERS EFFECTING DISPOSAL OR USE OF  
UNIDENTIFIED LANDS REFER TO INDEX OF  
MISCELLANEOUS DOCUMENTS.

|            |            |
|------------|------------|
| CURRENT TO | CURRENT TO |
| 100        |            |

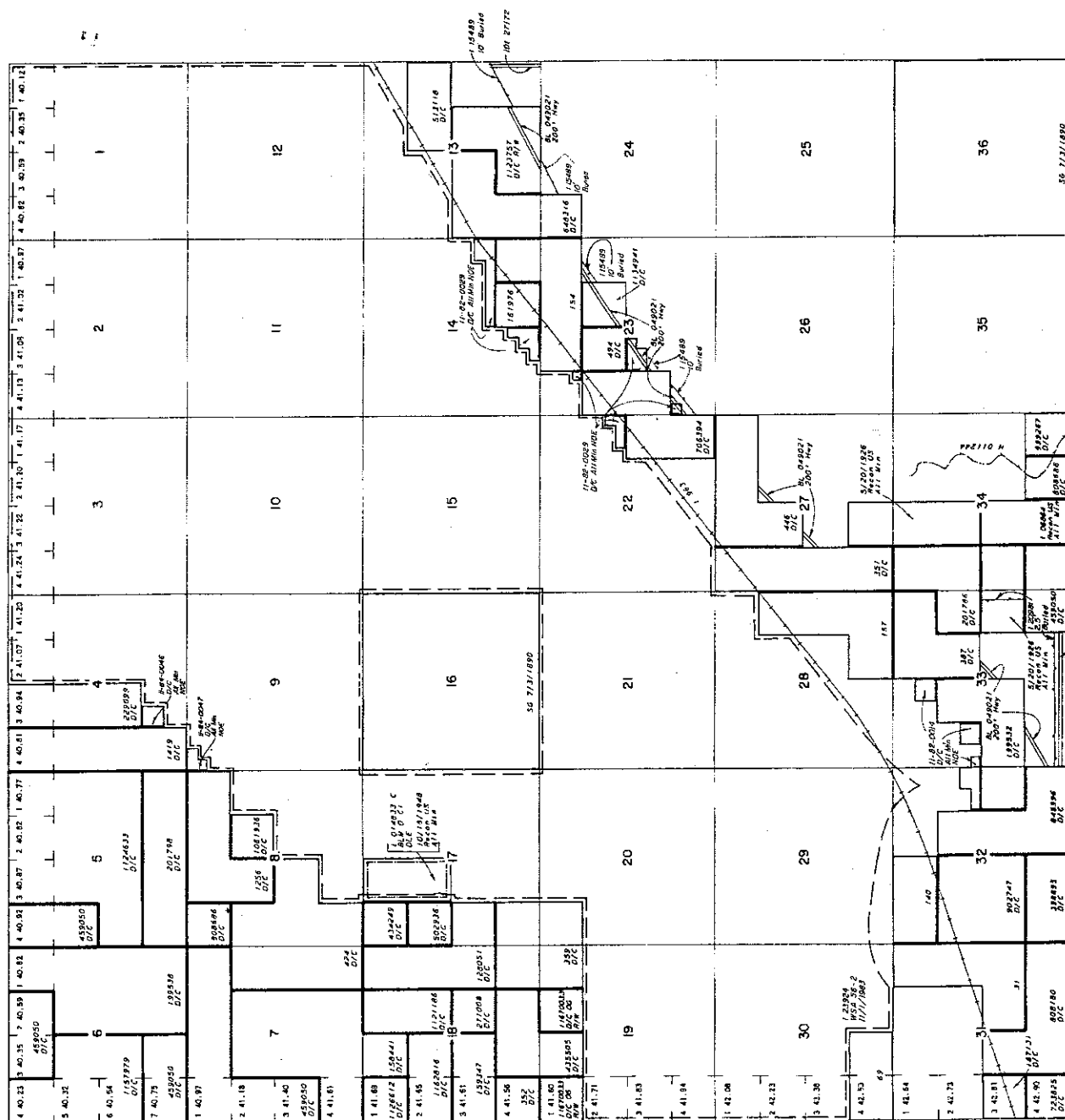
USE PLATS:

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

**WARNING STATEMENT**

**WARNING STATEMENT**

This plot is the Bureau's Record of Tide, and should be used only as a graphic display of the township survey data. Records herein do not reflect title changes which may have been affected by lateral movements of rivers or other bodies of water. Under no circumstances for public or private information.



### SCALE in Chains

Boise Mer  
T. 25.  
R. 18E