

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 37-00425
(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.

VERIFICATION (Must be Completed)

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

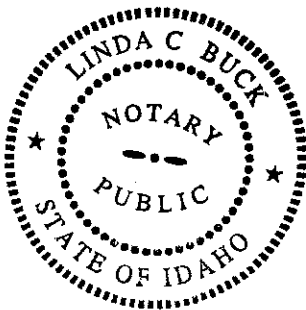
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(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} ~~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:

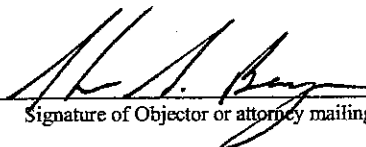
Name: Donald Taber
Address: 312 E 20 N; Shoshone, Idaho 83352
Name:
Address: ;
Name:
Address: ;
Name:
Address: ;

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: 37-425
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 POU's that describe Public Land
TRIBUTARY: MAIAD RIVER

QUANTITY: 2.200 CFS

MIXED POU
- THE PLACES OF USE IDENTIFIED BELOW
CONTAIN BOTH PRIVATE AND PUBLIC
LANDS.

PRIORITY DATE: 04/01/1887

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

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	2.200 CFS

PLACE OF USE: IRRIGATION Within LINCOLN County

BLM/PV	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/PV	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
	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 120 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 333.7 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS : 37-59B, 37-423 & 37-424.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

11/01/2005

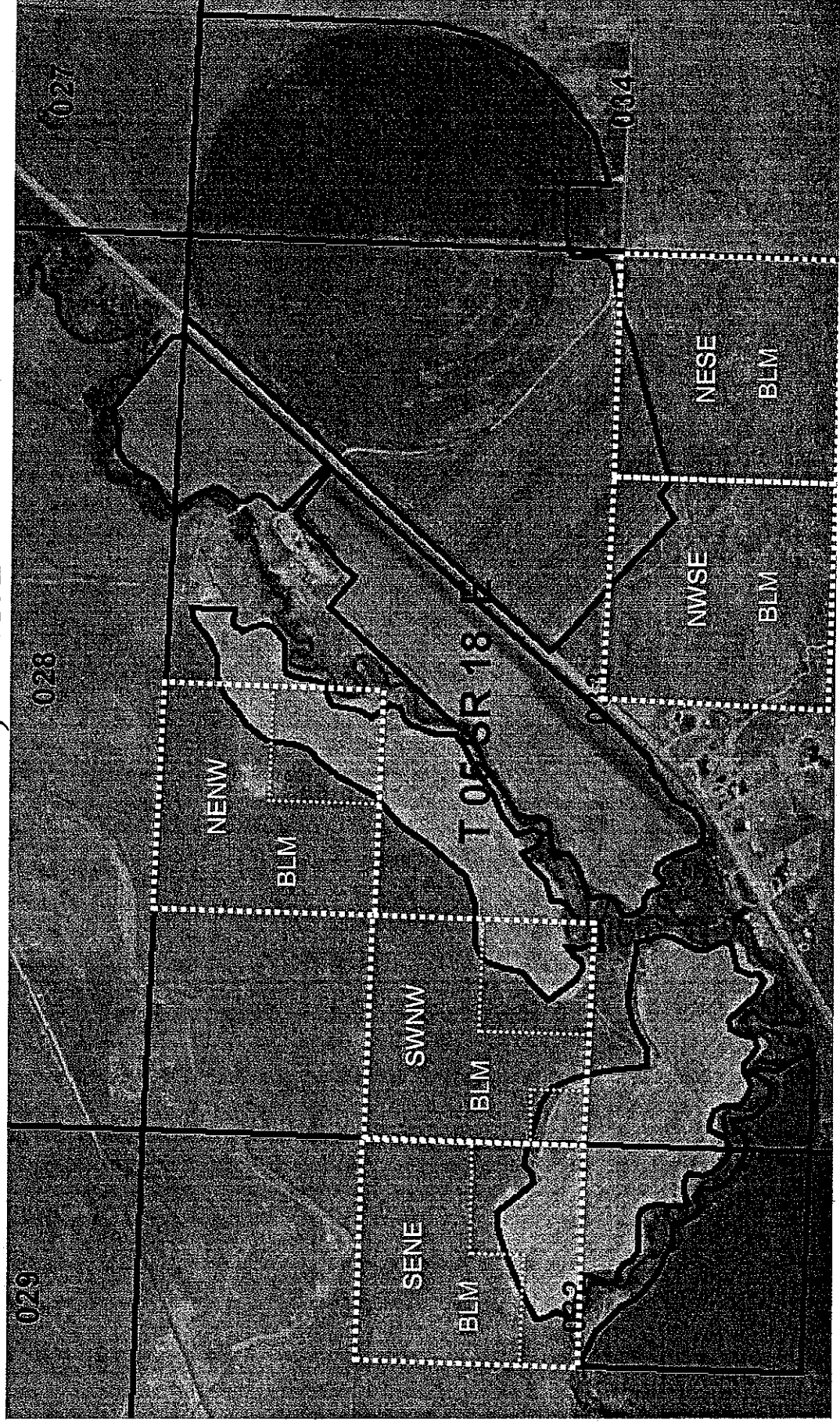
IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

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

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

Donald Taber

T05S, R18E

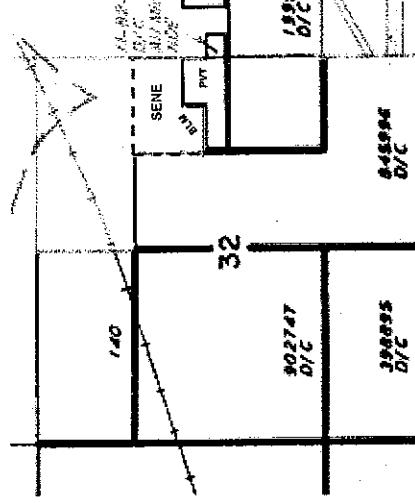
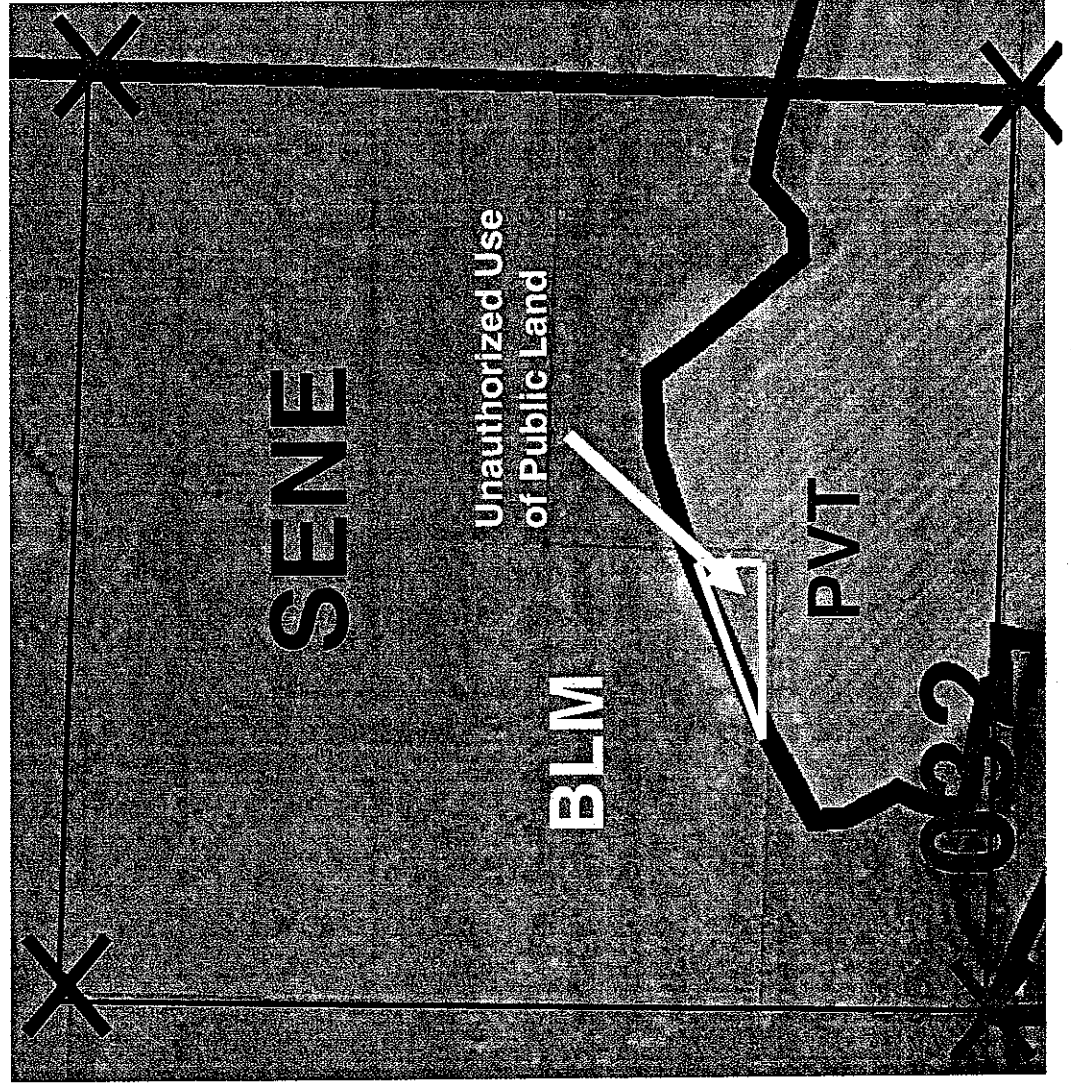


37-00059B, 37-00423, 37-00424, & 37-00425

Donald Taber

T05S, R18E, S32, SENE

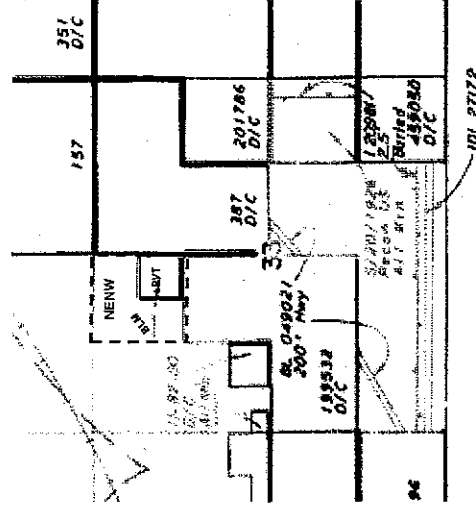
Town	Rang	Subcase	Sect	QQ	Quar	Bar	Govern	Mix	PVT	BLM	FS	BOR	OtherFed	State	Own Comment
05S	18E	37-00059B	32	SE	NE	37		☒	☒	☒	☐	☐	☐	☐	Mixed Ownership POU with Unauthorized Use
05S	18E	37-00423	32	SE	NE	37		☒	☒	☒	☐	☐	☐	☐	Mixed Ownership POU with Unauthorized Use
05S	18E	37-00424	32	SE	NE	37		☒	☒	☒	☐	☐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



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.

Town	Range	Subcase	Sect	QQ	Quar	Bas	Govern	Mix	PVT	BLM	FS	BOR	Other	Fed	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



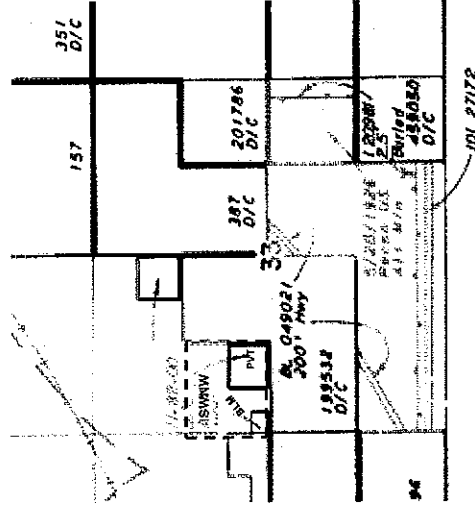
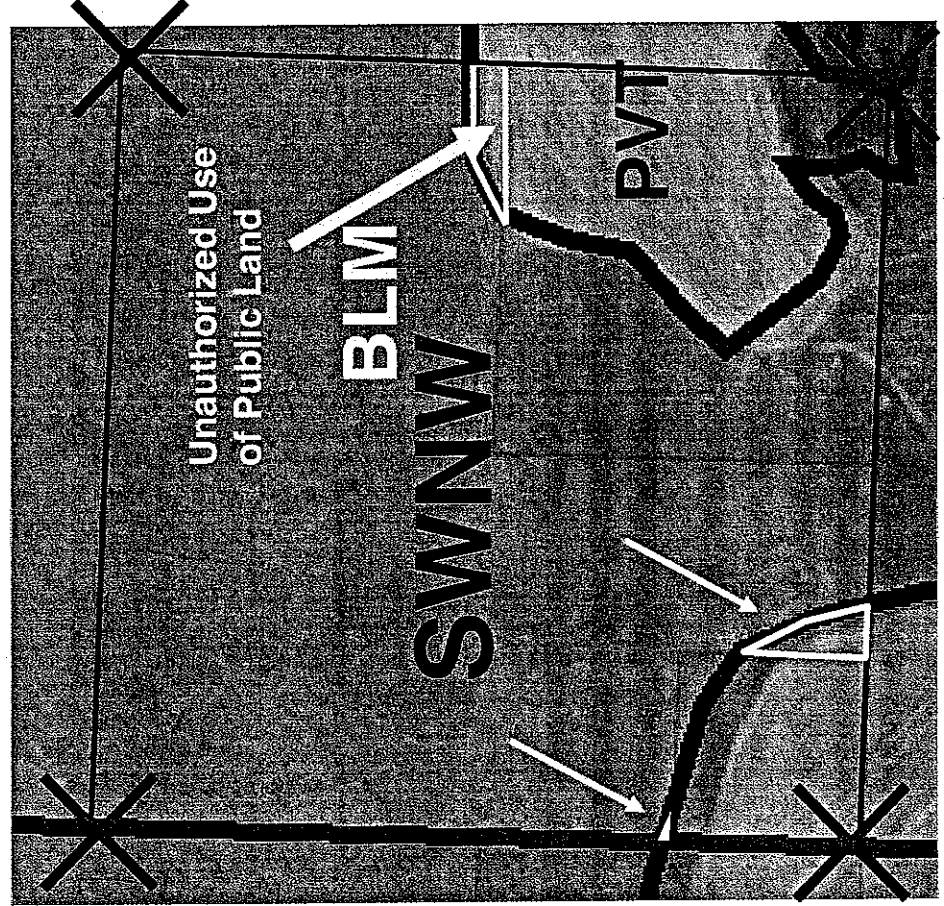
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37-00059B, 37-00423, 37-00424, & 37-00425

Donald Taber

T05S, R18E, S33, SWNW

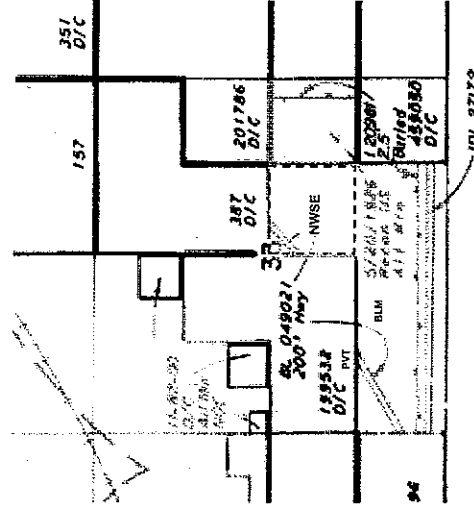
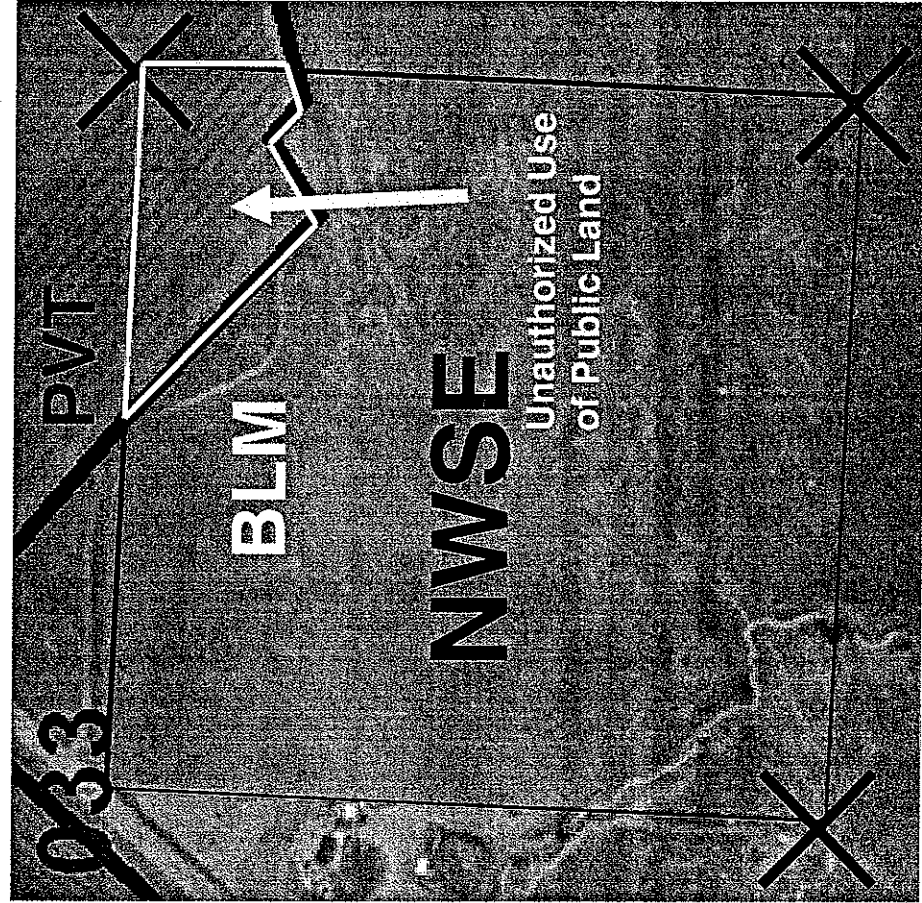
Town	Rang	Subcase	Sect	QQ	Quar	Bas	Govern	Mix	PVT	BLM	FS	BOR	OtherFed	State	Own Comment
D5S	18E	37-00059B	33	SW	NW	37		☒	☒	☒	☐	☐	☐	☐	Mixed Ownership POU with Unauthorized Use
D5S	18E	37-00423	33	SW	NW	37		☒	☒	☒	☐	☐	☐	☐	Mixed Ownership POU with Unauthorized Use
D5S	18E	37-00424	33	SW	NW	37		☒	☒	☒	☐	☐	☐	☐	Mixed Ownership POU with Unauthorized Use
D5S	18E	37-00425	33	SW	NW	37		☒	☒	☒	☐	☐	☐	☐	Mixed Ownership POU with Unauthorized Use



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Town	Range	Subcase	Sect	QC	Quar	Bar	Govern	Mix	PVT	BLM	FS	BOR	Other Fed	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 063
SHOSHONE DISTRICT SEC 3

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT

[illegible]

15243 SIKAS Act. 9/18/1978
Soc 141 N 1 SE 1/4 SW 1/4
Soc 221 SE 1/4 NE 1/4
Soc 231 NW 1/4 SW 1/4 NE 1/4 SW 1/4
Soc 12 SE 1/4 NE 1/4
Soc 35 NW 1/4 SE 1/4 NE 1/4 SW 1/4
101 27209 PM Soc 27 SW 1/4 NE 1/4 SW 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 Title, 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 effected by lateral movements of rivers or other bodies of water. Refer to the indicated minutes for official survey information.

SCALE in Chains

SCALE in Chains

0 5 10 20 30 40

Boise Mer
T. 55
R. 18E