IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-59B

WATER RIGHT NUMBER: **37-59B**

| Owner Type | Name and Address |
|---|---|
| Current Owner | DONALD TABER<br>312 E 20 N<br>SHOSHONE, ID 83352<br>(208)886-2427 |

Priority Date: 05/27/1899
Basis: Decreed
Status: Active

| Source | Tributary |
|---|---|
| BIG WOOD RIVER | MALAD RIVER |

| Beneficial Use | From To | Diversion Rate | Annual Volume |
|---|---|---|---|
| IRRIGATION | 4/01 to 11/01 | 4.160 CFS | |
| | Total Diversion: | 4.160 CFS | |

Location of Point(s) of Diversion

| | | | |
|---|---|---|---|
| BIG WOOD RIVER<br>LINCOLN County | SE1/4NE1/4SE1/4<br>(Rediversion) | Sec. 32, | Twp 05S, Rge 18E, B.M. |
| BIG WOOD RIVER<br>LINCOLN County | NE1/4NW1/4NE1/4<br>(Rediversion) | Sec. 33, | Twp 05S, Rge 18E, B.M. |
| BIG WOOD RIVER<br>BLAINE County | NE1/4SE1/4 | Sec. 30, | Twp 02S, Rge 18E, B.M. |

Place of Use

IRRIGATION

| Twp Rge Sec | NE | | | | NW | | | | SW | | | | SE | | | | Totals |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 05S 18E 28 | | | | | | | | | | | | | | | 1.0 | 6.0 | 7.0 |
| 05S 18E 32 | | | | 6.0 | | | | | | | | | 33.0 | | | | 39.0 |
| 05S 18E 33 | 38.0 | 16.0 | 36.0 | 40.0 | 8.0 | | 4.0 | 32.0 | 18.0 | 23.0 | | | | | | | 215.0 |
| 05S 18E 34 | | | | | | 40.0 | 33.0 | | | | | | | | | | 73.0 |

Total Acres: 334

Conditions of Approval:

1. 16

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-59B

2. R01 A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
3. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
4. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.

Remarks:

1. General RT. SUBJECT TO 27% CONVEYANCE LOSS; 3.04 CFS CAN BE RE- DIVERTED FROM LITTLE WOOD RIVER.
POINTS OF REDIV. ARE UNDER CONTROL OF DIST. 37M WATERMASTER.
| ADDRESS CHANGE BY CLAIMANT LETTER 7/15/99 SS.

Comments:

Dates and Other Information:

Claim Received Date: 6/29/1988
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: AND/OR
Water District Number: 37
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

**SNAKE RIVER BASIN ADJUDICATION**
**CHANGE IN ADDRESS OF NOTICE OF CLAIM**

RECEIVED
DEC 11 2001
Department of Water Resources
Southern Region

**Claim Number(s):** _____

**Previous Mailing Address:** Don Taber CID 101034
Box 474 Hwy 93
Shoshone, ID 83352

Beverly = CID 153924

**New Mailing Address:**
Don Taber
**Donley Farms, Inc.**
312 East 20 North
Shoshone, Idaho 83352

**Telephone Number:** (208) 886- [redacted] 2427

**Signature of Claimant(s):** Don Taber

**Please return this completed form to:**

**Adjudication Bureau**
**Idaho Dept. of Water Resources**
**1301 N. Orchard St.**
**Boise, ID 83706-2237**
**Ph. 1/800/451-4129 or**
**FAX 208/327-5400**

**Adjudication Bureau**
**Idaho Dept. of Water Resources**
**2735 Airport Way**
**Boise, ID 83705-5082**
**Ph. 208/334-2190 or**
**FAX 208/334-2348**

**Adjudication Bureau**
**Idaho Dept. of Water Resources**
**1341 Fillmore St., Ste. 200**
**Twin Falls, ID 83301-3380 or**
**FAX 208/736-3037**

**Adjudication Bureau**
**Idaho Dept. of Water Resources**
**900 N. Skyline, Ste. A**
**Idaho Falls, ID 83402-3653 or**
**FAX 208/525-7177**

SS
ADDRESS FM
Revised 12/13/1999

IDWR Use Only:
Data Entry: [signature]

Date: 12/13/01

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: **A37-00059B**
Date Received: 6/29/1988
Receipt No: 5000615
Received By: ADM

## NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

1. Name: DONALD TABER 208-886-2427
   Address: BOX 474 HWY 93
   SHOSHONE, ID 83352

2. Date of Priority: MAY 27, 1899

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 | of 1/4 | of 1/4 | Lot | County |
|---|---|---|---|---|---|---|---|
| 02S | 18E | 30 | | NE | SE | | BLAINE |
| 05S | 18E | 32 | SE | NE | SE | R | LINCOLN |
| | | 33 | NE | NW | NE | R | LINCOLN |

5. Description of diverting works:
   VIA RICHFIELD CANAL

6. Water is used for the following purposes:

| Purpose | From | To | C.F.S | (or) | A.F.A. |
|---|---|---|---|---|---|
| IRRIGATION | 04/01 | 11/01 | 4.160 | | |

7. Total Quantity Appropriated is:
   4.160 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 1002.0 Acre Feet Per Annum.

9. Non-irrigation uses:
   NONE

10. Place of Use:

| Township | Range | Section | 1/4 | of 1/4 | Lot | Use | Acres |
|---|---|---|---|---|---|---|---|
| 05S | 18E | 28 | SW | SE | | IRR | 1.0 |



MICROFILMED
FEB 22 1993

10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | | Lot | Use | Acres |
|---|---|---|---|---|---|---|---|
| 05S | 18E | 28 | SE | SE | | IRR | 6.0 |
| | | | | | | Section Acres | 7.0 |
| | | 32 | SE | NE | | IRR | 6.0 |
| | | | NE | SE | | IRR | 33.0 |
| | | | | | | Section Acres | 39.0 |
| | | 33 | NE | NE | | IRR | 38.0 |
| | | | NW | NE | | IRR | 16.0 |
| | | | SW | NE | | IRR | 36.0 |
| | | | SE | NE | | IRR | 40.0 |
| | | | NE | NW | | IRR | 8.0 |
| | | | SW | NW | | IRR | 4.0 |
| | | | SE | NW | | IRR | 32.0 |
| | | | NE | SW | | IRR | 18.0 |
| | | | NW | SW | | IRR | 23.0 |
| | | | | | | Section Acres | 215.0 |
| | | 34 | NW | NW | | IRR | 40.0 |
| | | | SW | NW | | IRR | 33.0 |
| | | | | | | Section Acres | 73.0 |
| | | | | | | Total Acres | 334.0 |

11. Place of use in counties: LINCOLN

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
    37-0423, 37-0424, 37-0425, SHARES IN BIG WOOD CANAL CO.

14. Remarks:
    RT. SUBJECT TO 27% CONVEYANCE LOSS; 3.04 CFS CAN BE RE-DIVERTED FROM LITTLE WOOD RIVER.
    POINTS OF REDIV. ARE UNDER CONTROL OF DIST. 37M WATERMASTER.

15. Basis of Claim: DECREED
    Water Right Number:
    Case Number:
    Court :
    Decree date:



RECEIVED
FEB 22 1993

S. C. FROST, ET. AL.
Decree Plaintiff

vs

ALTURAS WATER COMPANY, ET. AL.
Decree Defendant

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: 0

**For Individuals:**

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Donald Tabor Date: 6/29/88

_____ Date: _____

State of Idaho )
) SS.
County of Twin Falls )

Subscribed and sworn (or affirmed) before me this 24th day of June 19 88

Mary A. Baldwin
Notary Public

Seal

Residing at Gooding ID

My Commission Expires 12/16/1992



MICROFILMED
FEB 22 1993

Farm Credit Services
Attn: Carolyn
P. O. Box 5059
Twin Falls, Idaho 83303

# COMMONWEALTH LAND TITLE INSURANCE COMPANY

## COMMITMENT FOR TITLE INSURANCE

## SCHEDULE A

ORDER NUMBER: L-28294 (DT)

1. Effective Date: March 24, 1999 at 8:00 A.M.

2. Policy or Policies to be issued:

   A. [] ALTA Owners Policy - Standard Coverage (10/17/92)
   Amount $
   Premium $

   Proposed Insured:

   B. [x] ALTA Loan Policy [x] Standard [] Extended (10/17/92)
   [] With Endorsements
   Amount $.
   Premium $
   Premium$

   Proposed Insured:
   **Northwest Farm Credit Services, ACA**

   C. []
   Amount $
   Premium $

   Proposed Insured:

3. The Estate or Interest in the land described or referred to in this Commitment and covered herein is **Fee Simple** and is at the effective date vested in:

   **Parcel No. 1: Donald R. Taber and Beverly Taber, husband and wife**
   **Parcel No. 2: Don Taber and Bev Taber, husband and wife**
   **Parcel No. 3: Donald E. Taber and Beverly M. Taber, husband and wife**
   **Parcel No. 4: Donald E. Taber and Beverly A. Taber, husband and wife**

4. The land referred to in this Commitment is situated in the County of **Lincoln**, State of Idaho, and described as follows:

**SEE ATTACHED SCHEDULE A, PAGE 2**

Countersigned: Donna Thomas
Authorized Officer or Agent
This Commitment is valid only if Schedule B is attached.

Issued by:
LAND TITLE AND ESCROW, INC.
237 North Lincoln
P. O. Box 349
Jerome, ID 83338
(208) 324-3357

A37-00059B

COMMONWEALTH LAND TITLE INSURANCE COMPANY

## ENDORSEMENT #3

File No. **L-28294/Donald R. Taber**

To be annexed to and form a part of Commitment No. **L-28294** insuring

**Northwest Farm Credit Services, ACA**

as set forth in said Commitment.
The said Commitment is hereby amended in the following manner:

**SCHEDULE A**

**The following legal description of Schedule A is hereby amended to read as follows:**

**SEE ATTACHED SCHEDULE A, PAGE 2**

The total liability of the Company under said commitment and any endorsements attached thereto shall not exceed, in the aggregate, the face amount of said policy and costs which the Company is obligated under the provisions of said commitment to pay.

This endorsement is made a part of said commitment and is subject to the exclusions, schedules, endorsements, conditions, stipulations and terms thereof, except as modified by the provisions hereof.

Nothing herein contained shall be construed as extending or changing the effective date of said Commitment, unless otherwise expressly stated.

Dated: **May 4, 1999**

Countersigned

By Donna Thomas
Authorized Officer or Agent

Form 1013-14

Issued by:
LAND TITLE AND ESCROW, INC.
237 North Lincoln
P. O. Box 349
Jerome, ID 83338
(208) 324-3357

**CONTINUATION**

**SCHEDULE A**

**Order Number: L-28294**

**Parcel No. 1:**

TOWNSHIP 6 SOUTH, RANGE 18 EAST OF THE BOISE MERIDIAN,
LINCOLN COUNTY, IDAHO

Section 3: Lots 3, 4, SW¼NE¼; S½NW¼;

Section 4: Lots 2, 3, 4, S½NE¼; S½NW¼; E½SE¼;

TOWNSHIP 5 SOUTH, RANGE 18 EAST OF THE BOISE MERIDIAN,
LINCOLN COUNTY, IDAHO

Section 28: That part of the S½SE¼ described as follows:

Beginning at a point on the North line of Section 33, Township 5 South, Range 18, East Boise Meridian, 32.75 rods West of the Northeast corner;
Thence in a direction a little East of North 23 rods to a stone set in ground near the bank of Little Wood River marked H;
Thence in a Westerly and Southerly direction following the line of the river to a point where said river intersects the North line of Section 33;
Thence East along said North line 40 rods more or less to THE PLACE OF BEGINNING.

Section 32: NE¼SE¼;

Section 33: NE¼; SE¼NW¼; N½SW¼;

EXCEPT a strip of land 80 feet wide for Highway purposes as set forth in Deed to State of Idaho, across N½SW¼; SE¼NW¼; SW¼NE¼; N½NE¼ Section 33 and part of the SE¼SE¼ Section 28, Township 5 South, Range 18, East Boise Meridian, recorded January 9, 1936 in Book 37 Deeds Page 528.

AND EXCEPT that part of the SE¼NW¼SW¼ of Section 33, Township 5 South, Range 18 East Boise Meridian, lying South of Little Wood River, and that part of the NE¼SW¼ of said Section 33, lying South and Southwesterly of Little Wood River and of the Dry Creek which joins said Little Wood River approximately in the center of said NE¼SW¼ of said Section as described in Deed by Western Lands, Inc., a corporation, to The Village of Shoshone, Lincoln County, Idaho, dated June 3, 1935 and recorded July 6, 1937 in Book 38 Deeds Page 90, Lincoln County records.

ALSO EXCEPT a parcel of land located in the SW¼NE¼, more particularly described as follows:

**CONTINUATION**

**SCHEDULE A**

**Order Number: L-28294**

Commencing at the South One Quarter corner of said Section 33, from which the North One Quarter corner of said Section 33 bears North 00°12'34" West, 5340.32 feet;
Thence North 00°12'34" West along the West boundary of the E½ of said Section 33 for a distance of 4403.17 feet;
Thence South 89°47'26" East for a distance of 777.15 feet to THE TRUE POINT OF BEGINNING;
Thence North 46°26'28" East for a distance of 411.85 feet;
Thence South 66°59'37" East for a distance of 35.61 feet;
Thence South 42°38'20" East for a distance of 391.15 feet to a point on the Northwesterly right of way boundary of Highway U.S. 93;
Thence South 39°31'37" West along the Northwesterly right of way boundary of Highway U.S. 93 for a distance of 54.04 feet;
Thence North 42°42'20" West for a distance of 322.12 feet;
Thence South 45°23'12" West for a distance of 371.25 feet;
Thence North 43°24'36" West for a distance of 115.03 feet to THE TRUE POINT OF BEGINNING.

SUBJECT TO a 50.0 foot wide farm access road easement on, over and across a 50.0 foot wide strip of land that is centered on the following described line:

Commencing at a point on the most Westerly boundary of the before described parcel that is located North 46°26'28" East, 397.43 feet from the most Southwesterly corner of the before described parcel and being THE TRUE POINT OF BEGINNING;
Thence South 42°48'44" East for a distance of 427.32 feet to a point on the Northwesterly right of way boundary of Highway U.S. 93 and the Terminus point of said easement, the sideline boundaries of said easement shall be lengthened and/or shortened as necessary to intersect the highway right of way boundary and the Northwesterly boundary of the before described parcel.

Section 34: W½NW¼;

**Parcel No. 2:**

TOWNSHIP 5 SOUTH, RANGE 18 EAST OF THE BOISE MERIDIAN,
LINCOLN COUNTY, IDAHO

Section 32: A parcel of land located in the SE¼SE¼ of said Section, more particulary described as follows:

- Continued -

**CONTINUATION**

**SCHEDULE A**

**Order Number: L-28294**

Commencing at the Southeast corner of said Section 32;
Thence North 00°11'44" East along the East boundary of the SE¼SE¼ of Section 32 for a distance of 750.95 feet to a point on the Northerly right of way boundary of Highway U.S. 93 and being THE TRUE POINT OF BEGINNING;
Thence South 57°56'13" West along the Northerly right of way boundary of Highway U.S. 93 for a distance of 674.36 feet to the point of curve of a curve right;
Thence Southwesterly along the Northerly right of way boundary of Highway U.S. 93 on the arc of the curve right for a distance of 783.47 feet, said arc having a radius of 2251.83 feet and a long chord bearing and distance of South 67°54'15" West, 779.52 feet;
Thence North 00°10'09" West for a distance of 1243.39 feet to a point on the North boundary of the SE¼SE¼ of Section 32;
Thence South 89°46'45" East along the North boundary of the SE¼SE¼ of Section 32 for a distance of 1299.45 feet to the Northeast corner of the SE¼SE¼ of Section 32;
Thence South 00°11'44" West along the East boundary of the SE¼SE¼ of Section 32 for a distance of 587.17 feet to THE TRUE POINT OF BEGINNING.

**Parcel No. 3:**

TOWNSHIP 5 SOUTH, RANGE 18 EAST OF THE BOISE MERIDIAN,
LINCOLN COUNTY, IDAHO

Section 34: A parcel of land located in the S½SE¼ more particularly described as follows:

Commencing at the Southeast corner of said Section 34 from which the South one quarter (S¼) corner of said Section 34 bears North 89°55'18" West 2659.55 feet, said Southeast corner of Section 34 being the TRUE POINT OF BEGINNING;
Thence North 89°55'18" West along the South boundary of the Southeast quarter of Section 34 for a distance of 2387.55 feet;
Thence North 00°06'24" West parallel with the West boundary of the Southeast quarter of Section 34 for a distance of 800.00 feet;
Thence North 89°55'18" West parallel with the South boundary of the Southeast quarter of Section 34 for a distance of 272.00 feet to a point on the West boundary of the Southeast quarter of Section 34;
Thence North 00°06'24" West along the West boundary of the Southeast quarter of Section 34 for a distance of 539.84 feet to the Northwest corner of Section 34;

- Continued -

**CONTINUATION**

**SCHEDULE A**

**Order Number: L-28294**

Thence South 89°53'45" East along the North boundary of the S½SE¼ of Section 34 for a distance of 2656.20 feet to the Northeast corner of the S½SE¼ of Section 34;
Thence South 00°15'00" East along the East boundary of the SE¼ of Section 34 for a distance of 1338.66 feet to the TRUE POINT OF BEGINNING.

SUBJECT TO a 25.0 foot wide County road easement along the East and South boundaries of the before described parcel.

**Parcel No. 4:**

TOWNSHIP 6 SOUTH, RANGE 18 EAST OF THE BOISE MERIDIAN,
LINCOLN COUNTY, IDAHO

Section 3: Lots 1 and 2;

08/25/2006

IDAHO DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

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RIGHT NUMBER: 37-59B

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

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

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

QUANTITY: 4.160 CFS

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

PRIORITY DATE: 05/27/1899

POINT OF DIVERSION:

T02S R18E S30 SWSENE Within BLAINE County

T03S R19E S19 SWNENE Injection Within BLAINE County

T04S R19E S25 SENWSE Injection Within BLAINE County

T05S R18E S32 SENESE Rediversion Within LINCOLN County

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

| | | | | | |
|---|---|---|---|---|---|
| T05S R18E S28 | SWSE | 1.10 | T05S R18E S28 | SESE | 4.80 |
| T05S R18E S32 | SENE | 9.10 | T05S R18E S32 | NESE | 35.00 |
| T05S R18E S33 | NENE | 38.00 | T05S R18E S33 | NWNE | 18.00 |
| T05S R18E S33 | SWNE | 35.00 | T05S R18E S33 | SENE | 40.00 |
| T05S R18E S33 | NENW | 6.60 | T05S R18E S33 | SWNW | 7.40 |
| T05S R18E S33 | SENW | 31.00 | T05S R18E S33 | NESW | 9.20 |
| T05S R18E S33 | NWSW | 25.00 | T05S R18E S34 | NWNW | 40.00 |
| T05S R18E S34 | SWNW | 27.00 | | | |

327.2 ACRES TOTAL

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.

USE OF THIS RIGHT WITH RIGHT NO.37-425 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 327.2 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.

Place of use does not include federal public lands

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.

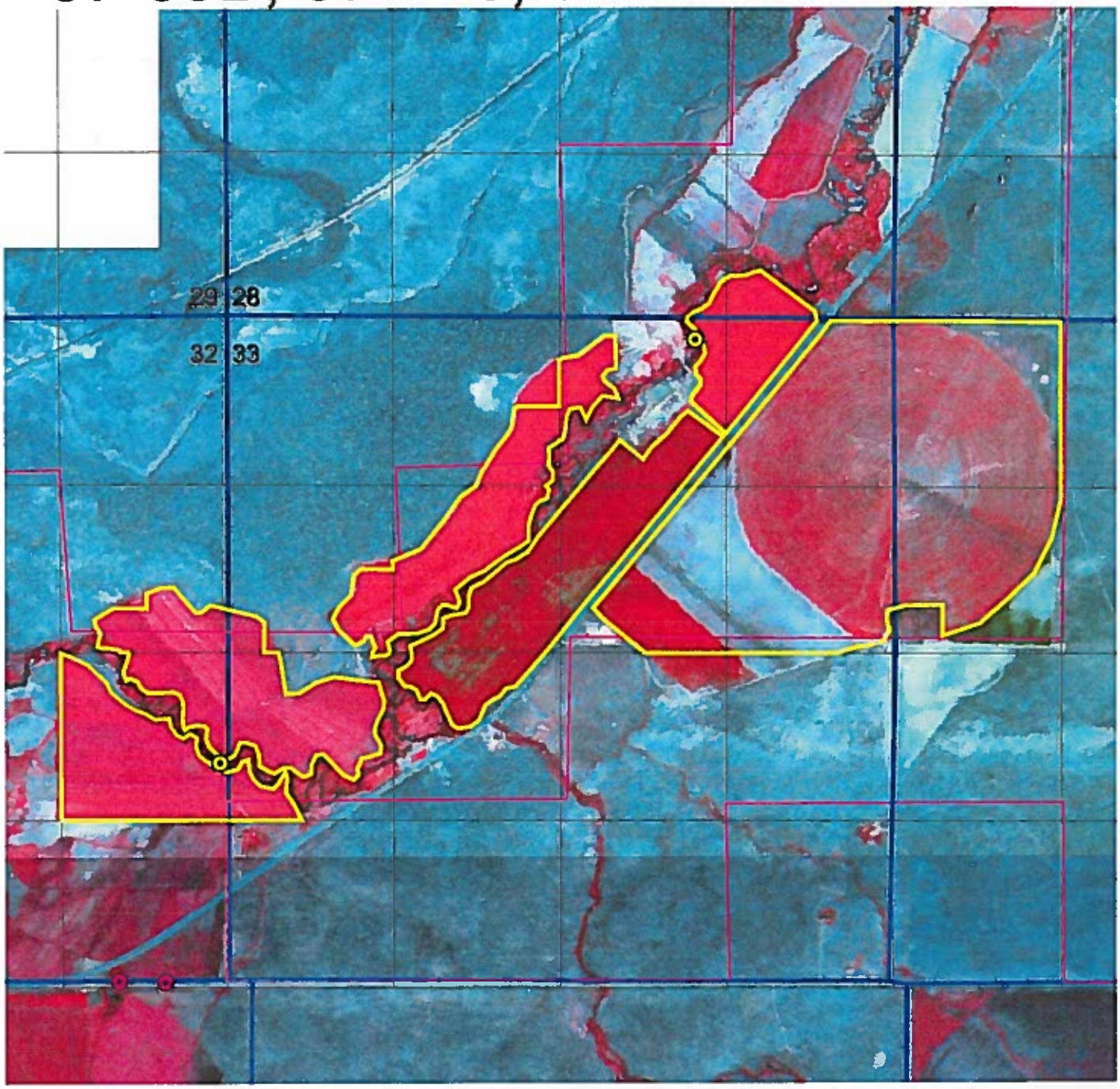
EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

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

# IDAHO DEPT OF WATER RESOURCES

# 37-59B, 37-423, 37-424 & 37-425




1320 0 1320 Feet

- Basin 37 part 1-POU
- Basin 37 part 1-POD
- Ownership FED-Private
- Streams
- Section Lines
- Quarter - Quarter lines

TWN: 5S
RNG: 18E
SEC: 28,32,33,34

N
W E
S

GIS Place of Use Presentation
NAPP Aerial Photo 1987/1988
By Steve Clelland

Date: AUGUST 25, 2006

## Clelland, Steve

**From:** Kelly, Vicki
**Sent:** Monday, July 17, 2006 11:39 AM
**To:** Clelland, Steve
**Subject:** FW: 37-00059B, 37-00423, 37-00424, 37-00425; Claimant: Taber

Sorry...

-----Original Message-----
From: Larry.Brown@usdoj.gov [mailto:Larry.Brown@usdoj.gov]
Sent: Wednesday, May 31, 2006 12:20 PM
To: Spencer, Nick; Kelly, Vicki
Cc: Fred_Price@blm.gov; donleyf@hughes.net
Subject: 37-00059B, 37-00423, 37-00424, 37-00425; Claimant: Taber

I spoke with Mr. Taber just a few minutes ago. We negotiated a settlement of BLM's objections to the above-referenced water rights as follows.

Please delete the following places of use that describe federal public lands from each water right:

T5S, R18E, Section 33 NESE 3.2 acres
NWSE 3.3 acres

Recaluculate quantity if necessary.

Also, add the following remark to the place of use element of each water right:

"The use of water under this right does not include a use on federal public land."

Please draft appropriate Standard Forms 5 and call Fred Price at the BLM when they are done. Fred will send them to Mr. Taber for signature. Mr. Taber will send them back to Fred, and Fred will obtain IDWR concurrence and then send the documents to me for signature, filing, and service. Thanks,

Larry

Total Acres: 327.2

POU 442

03/19/2003

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

---

RIGHT NUMBER: **37-59B**

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

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

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

QUANTITY: 4.160 CFS

PRIORITY DATE: 05/27/1899

POINT OF DIVERSION:

T02S R18E S30 SWSENE Within BLAINE County Source: BIG WOOD RIVER

T03S R19E S19 SWNENE Injection Within BLAINE County Source: BIG WOOD RIVER

T04S R19E S25 SENWSE Injection Within BLAINE County Source: BIG WOOD RIVER

T05S R18E S32 SENESE Rediversion Within LINCOLN County Source: BIG WOOD RIVER

T05S R18E S33 NENWNE Rediversion Within LINCOLN County Source: BIG WOOD RIVER

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

| | | | | | |
|---|---|---|---|---|---|
| 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 |
| T05S R18E S33 | NENW | 7.8 | T05S R18E S33 | SWNW | 7.8 |
| T05S R18E S33 | SENW | 30.0 | T05S R18E S33 | NESW | 9.2 |
| T05S R18E S33 | NWSW | 25.0 | T05S R18E S33 | NESE | 3.2 |
| 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.

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.

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

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.

 added: 27% conv. loss Remark ✓ 3/19/03 Scc 

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

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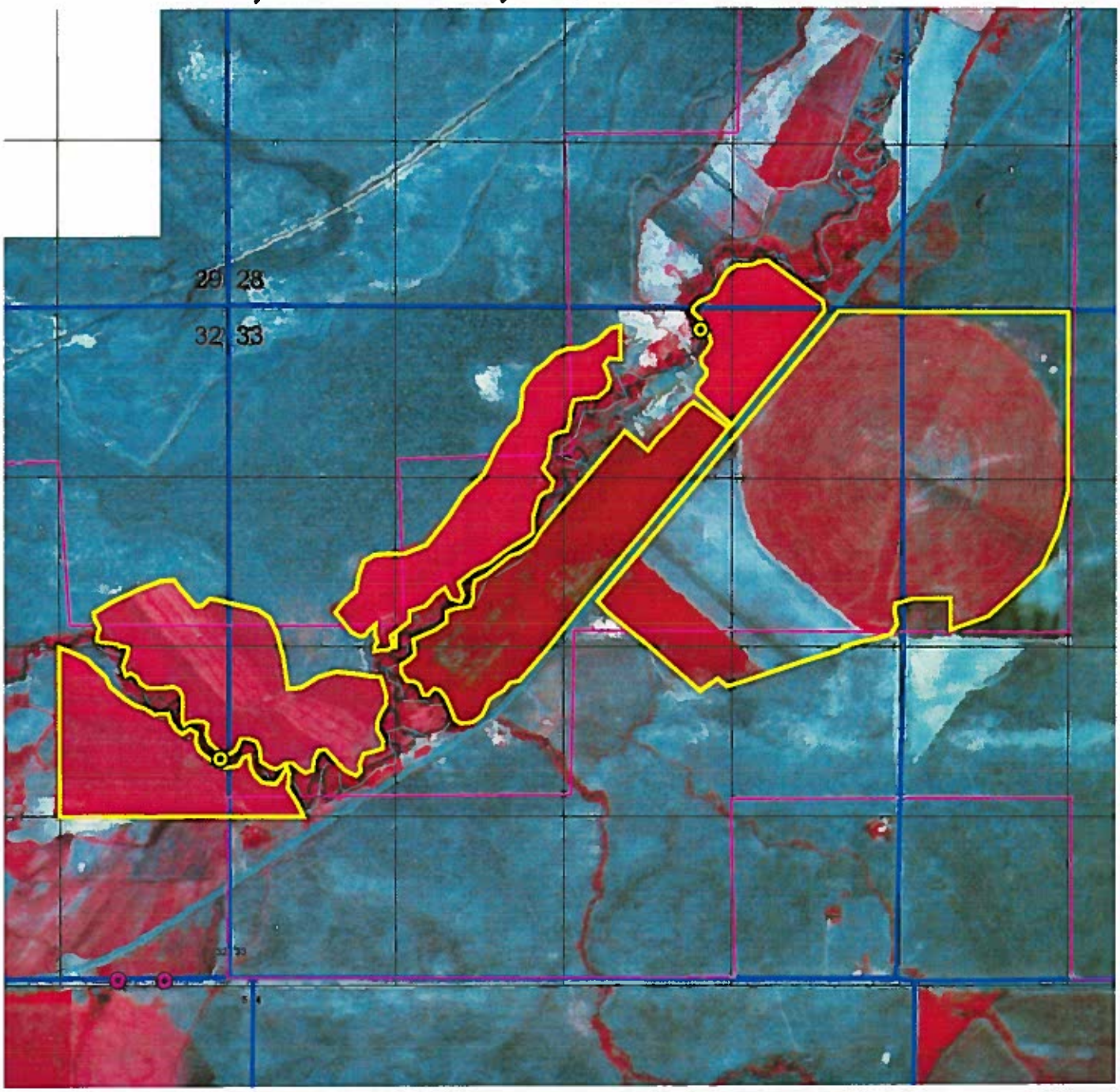
EXPLANATORY MATERIAL: Decreed

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.

# IDAHO DEPT OF WATER RESOURCES

# 37-59B, 37-423, 37-424 & 37-425




1320 0 1320 Feet

Basin 37 part 1-POU

Basin 37 part 1-POD

Ownership FED-Private

Streams

Section Lines

Quarter - Quarter lines

TWN: 5S
RNG: 18E

N
W E
S

GIS Place of Use Presentation
NAPP Aerial Photo 1987/1988
By Steve Clelland

Date: MARCH 19, 2003

37-59 B ETAL

3/7/03 SCC
Pg. 1

| | | WR | WR |
|---|---|---|---|
| -59 B | BWR | 4.16 cfs | 295 |
| -423 | LWR | 0.30 cfs | 295 AC. |
| -424 | " | 2.2 | 295 |
| -425 | " | 2.2 | + 120 |
| | | | 415 AC (per Transfer) |

Combined Ac Limit = 295

Combined Ac limit = 334 PPU

POU confirmed in Lic. Exam for 37-8401.

trans # 2203 c. 1978

(POU is not accurate)
GIS ≠ Claimed acres

308-2427
Don Taber
(cell phone)

EXAM: msg. 3/10/03 886-2427

3/11/03 3 miles East, Turn right to dairy office (actually go straight = hiway veers off left.)

Appt. @ Noon
3/12/03

-59B POD: POINT OF INJECTION INTO JIM BYRNS SLOUGH THAT FLOWS INTO THE LITTLEWOOD RIVER. POINT OF REDIVERSION FROM THE LITTLE WOOD RIVER.
(GW2 Source)
(27% Conv. Loss LWR)

3/12/03 Appt. w/ DON TABER

Supplemental well? S. 33 NENWNE

where is filing? get info to Don Taber

Call Back 37-8401

Recd w/ BLM ground

he has purchased most & still irrigates the rest.

3/19/03 Rediv. were okay as shown.

Called Don Taber: Everything is okay w/ ~~License~~ Permit and pending license is in the hands of IDWR to finish.

2/19/03
Scc

37-59 B

Pg 2

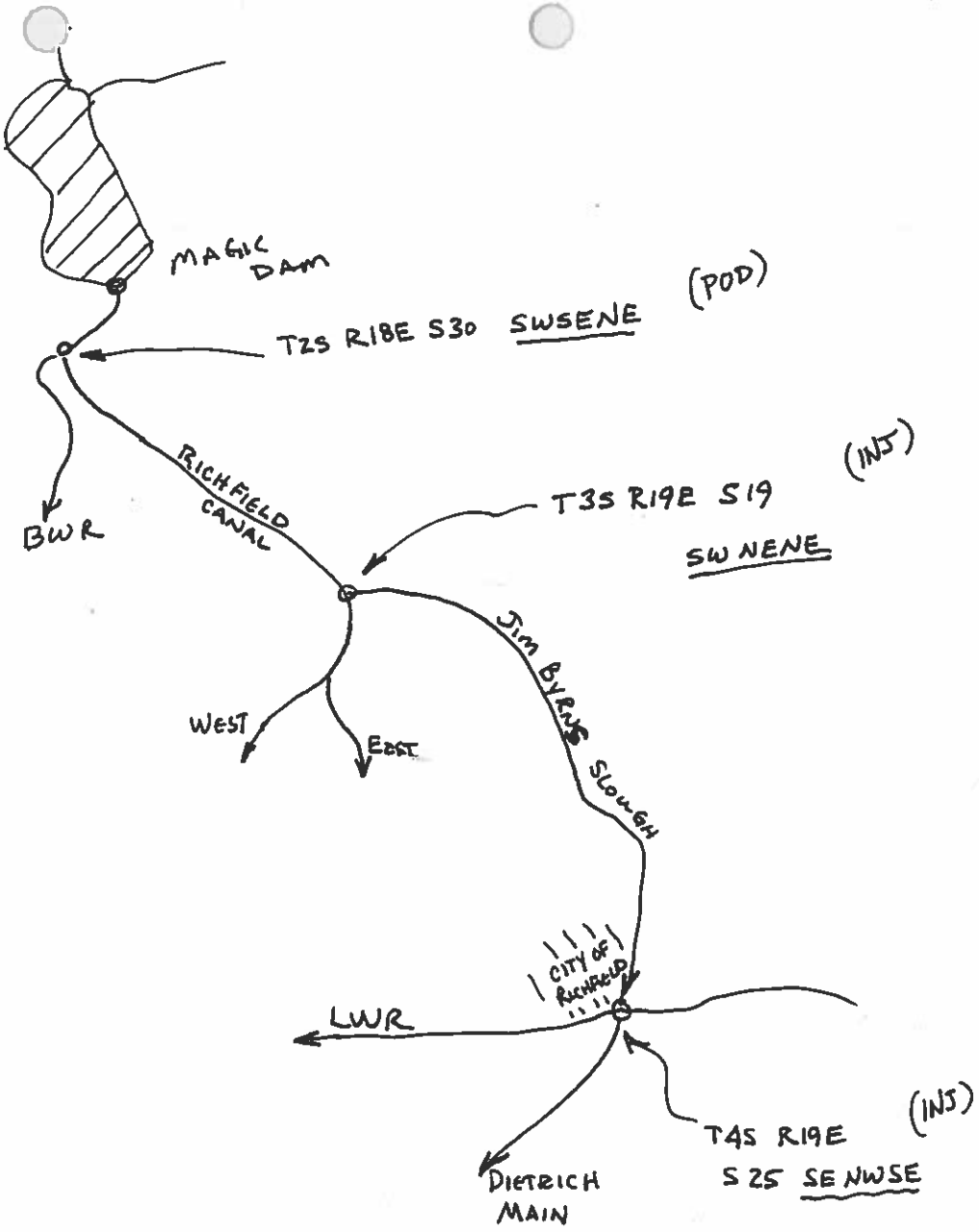
Remarks:

Combined POH limits (see pg. 1) E11 POH
E14

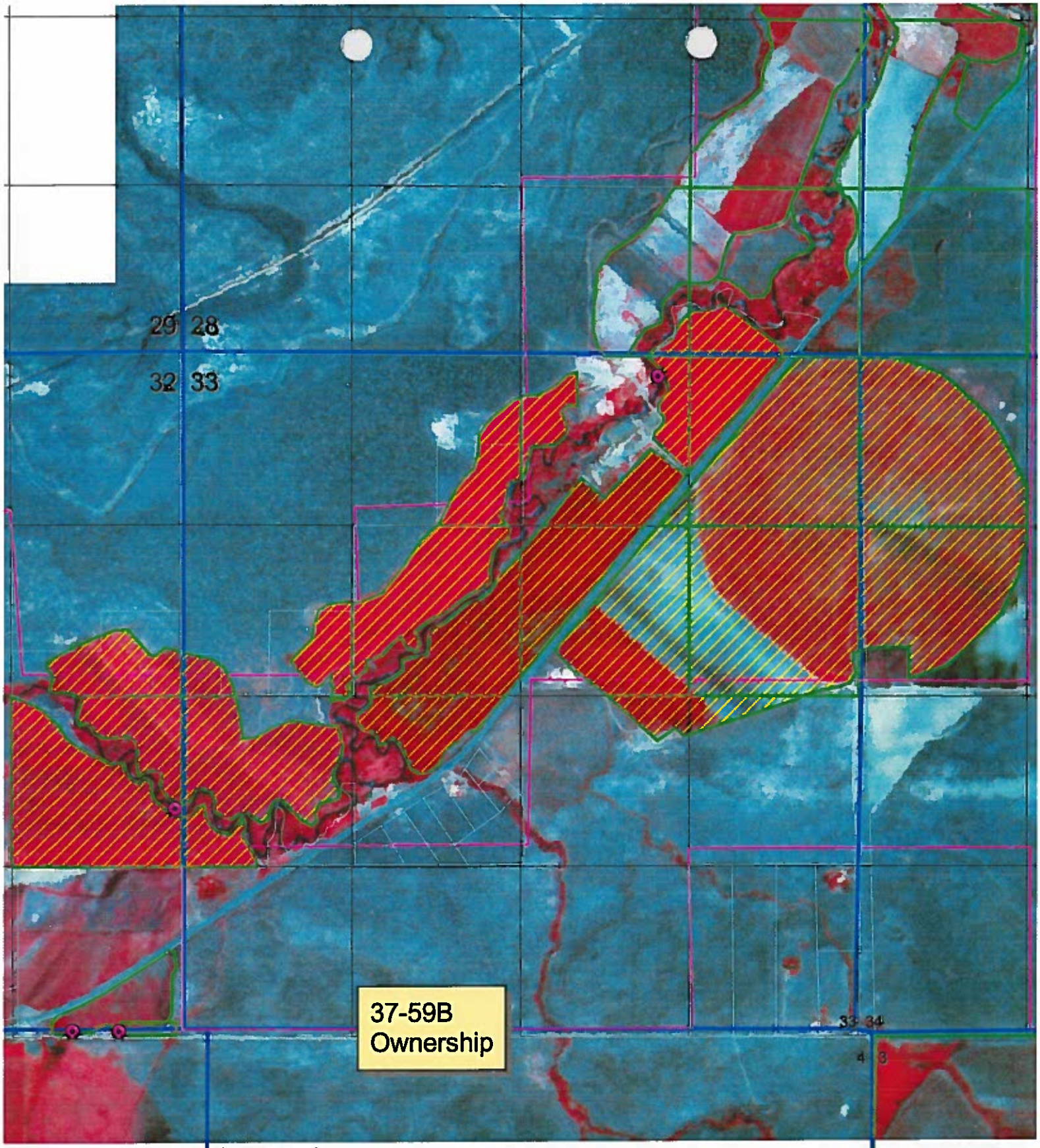
C05

S05 BWCC

K06

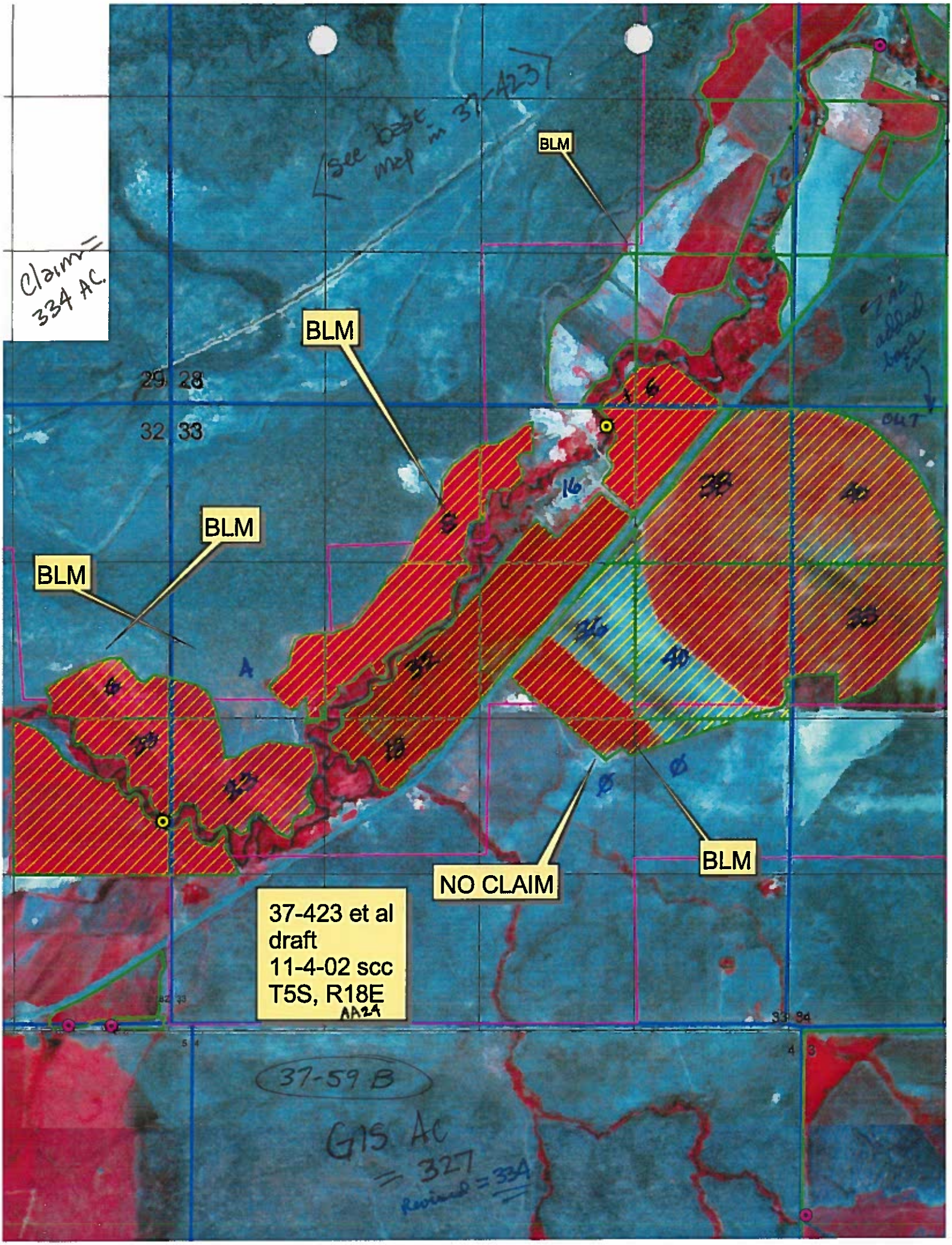

MAGIC DAM
T2S R18E S30 SWSENE
(POD)
BWR
RICHFIELD CANAL
T3S R19E S19
SW NENE
(INJ)
WEST
EAST
JIM BYRNS SLOUGH
CITY OF RICHFIELD
LWR
T4S R19E
S 25 SE NWSE
(INJ)
DIETRICH MAIN

37-59 B




3/10/03
SCL

LINCOLN CO.
TAXLOT


BLM
BLM
BLM
BLM
BLM
NO CLAIM
Claim = 334 AC.
see base map in 37-423
37-423 et al
draft
11-4-02 scc
T5S, R18E
AA24
37-59 B
GIS AC = 327
Revised = 334

37-59 Review/Splits 11/4/02 SCC

| Basi | Seqi | Suffi | Basi | Statu | Right ID | Priority Dat | Rate(c | Volum | Source | Wat | Owner(s) | Version | Source Ta | App.ID |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 37 | 59 | | Decr | Active | 234414 | 1899-05-27 | 2.3 | | BIG WOO | IRRI | ARKOOSH, BILL (Current); | | wrAdjudicationClaim | |
| 37 | 59 | A | Decr | Active | 234415 | 1899-05-27 | 4.66 | 692 | BIG WOO | IRRI | ANCHUSTEGUI, ALEX (Cu | | wrAdjudicationClaim | |
| 37 | 59 | B | Decr | Active | 234416 | 1899-05-27 | 4.16 | | BIG WOO | IRRI | TABER, DONALD (Current) | | wrAdjudicationClaim | |
| 37 | 59 | C | Decr | Active | 234417 | 1899-05-27 | 3.58 | 642 | LITTLE W | IRRI | DINGES, RICHARD A (Curr | | wrAdjudicationClaim | |
| 37 | 59 | D | Decr | Active | 234418 | 1899-05-27 | 0.38 | | BIG WOO | IRRI | BRYANT III, ERNESTATE / | | wrAdjudicationClaim | |
| 37 | 59 | G | Decr | Active | 234419 | 1899-05-27 | 1 | | LITTLE W | IRRI | NEWELL, CHARLES E (Cu | | wrAdjudicationClaim | |
| 37 | 59 | H | Decr | Active | 234420 | 1899-05-27 | 2.88 | | BIG WOO | IRRI | THORNTON, LARRY (Curr | | wrAdjudicationClaim | |
| 37 | 59 | I | Decr | Active | 234421 | 1899-05-27 | 0.32 | | LITTLE W | IRRI | PRICE, SANDRA (Current); | | wrAdjudicationClaim | |
| 37 | 59 | J | Decr | Active | 234422 | 1899-05-27 | 0.23 | | LITTLE W | IRRI | MC DADE, ERNESTATE J | | wrAdjudicationClaim | |
| 37 | 59 | K | Decr | Active | 282299 | 1899-05-27 | 21.76 | 872 | BIG WOO | IRRI | STIMPSON, DON F (Currer | | wrAdjudicationClaim | |
| 37 | 59 | A | Decr | Active | 346578 | 1899-05-27 | 4.66 | 692 | BIG WOO | IRRI | ANCHUST | 1 | wrAdjudicationRecommendation | |
| 37 | 59 | K | Decr | Active | 346552 | 1899-05-27 | 21.76 | 872 | BIG WOO | IRRI | STIMPSOI | 1 | wrAdjudicationRecommendation | |
| 37 | 59 | B | Decr | Active | 36644 | 1899-05-27 | 4.16 | | BIG WOO | IRRI | TABER, DONALD (Current) | | wrWaterRight | |
| 37 | 59 | D | Decr | Active | 36646 | 1899-05-27 | 0.38 | | BIG WOO | IRRI | BRYANT III, ERNESTATE / | | wrWaterRight | |
| 37 | 59 | F | Decr | Active | 36648 | 1899-05-27 | 21.76 | 872 | BIG WOO | IRRI | STIMPSON, DON F (Currer | | wrWaterRight | |
| 37 | 59 | G | Decr | Active | 36649 | 1899-05-27 | 161 | | BIG WOO | IRRI | COTTONWOOD CANAL C | | wrWaterRight | |
| 37 | 59 | H | Decr | Active | 36650 | 1899-05-27 | 4.66 | 692 | BIG WOO | IRRI | ANCHUSTEGUI, ALEX (Cu | | wrWaterRight | |
| 37 | 59 | K | | Active | 346552 | 1899-05-27 | 21.76 | 872 | BIG WOO | IRRIGATION | | xrFromAdj | 70080 | |
| 37 | 59 | K | | Active | 561456 | 1899-05-27 | 21.76 | 872 | BIG WOO | IRRIGATION | | xrToAdjCla | 70080 | |

State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 17, 2002

DON TABER
BEVERLY TABER
312 E 20 N
SHOSHONE ID 83352

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim No. 37-59B, 37-423, 37-424, 37-425, 37-7617
Decreed Water Right 37-10221, 37-10334, 37-10335, 37-10336
Change of Address Notification

Dear Claimant(s):

Thank you for notifying us of your change in address on the water right claim(s) referenced above. Our records have been updated accordingly.

If you have any questions, please feel free to contact this office.

Sincerely,

Trish Fawcett
Technical Records Specialist

/tf

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-59B

WATER RIGHT NUMBER: 37-59B

| Owner Type | Name and Address |
|---|---|
| Current Owner | DONALD TABER<br>312 E 20 N<br>SHOSHONE, ID 83352<br>(208)886-2427 |
| Original Owner | COTTONWOOD CANAL CO<br><br>OAKLEY, ID |

Priority Date: 05/27/1899
Basis: Decreed
Status: Active

| Source | Tributary |
|---|---|
| BIG WOOD RIVER | MALAD RIVER |

| Beneficial Use | From To | Diversion Rate | Annual Volume |
|---|---|---|---|
| IRRIGATION | / to / | 4.160 CFS | |
| | Total Diversion: | 4.160 CFS | |

Location of Point(s) of Diversion

| | | | | |
|---|---|---|---|---|
| BIG WOOD RIVER<br>BLAINE County | NW1/4NE1/4<br>(Rediversion) | Sec. 33, | Twp 05S, | Rge 18E, B.M. |
| BIG WOOD RIVER<br>BLAINE County | NE1/4SE1/4 | Sec. 30, | Twp 02S, | Rge 18E, B.M. |
| BIG WOOD RIVER<br>BLAINE County | SE1/4NW1/4<br>(Rediversion) | Sec. 23, | Twp 05S, | Rge 18E, B.M. |

Place of Use
IRRIGATION

| Twp | Rge | Sec | NE | | | | NW | | | | SW | | | | SE | | | | Totals |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 05S | 18E | 28 | | | | | | | | | | | | | | | | 15.0 | 15.0 |
| 05S | 18E | 33 | 40.0 | 40.0 | 40.0 | 40.0 | | | | 40.0 | | | | | | | | | 200.0 |
| 05S | 18E | 34 | | | | | | 40.0 | 40.0 | | | | | | | | | | 80.0 |

Total Acres: 295

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-59B

1. 016 See remarks for additional conditions of approval.
2. R01 A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
3. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
4. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.

Remarks:

1. General TRANS. 156, 2008 & 2203.
RT. SUBJECT TO 27% CONVEYANCE LOSS; 3.04 CFS CAN BE RE- DIVERTED FROM LITTLE WOOD RIVER.
THERE ARE 2 POINTS OF REDIV. IN THE SENW S.23.
POINTS OF REDIV. ARE UNDER CONTROL OF DIST. 37M WATERMASTER.

Comments:

Dates and Other Information:

Licensed Date:
Decreed Date: 12/13/1909
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 37
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant: Alturas Water Co, et al
Decree Plaintiff: S C Frost, et al
Civil Case Number:
Judicial District: Fourth District
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False