

RECEIVED

APR 14 2003

Department of Water Resources

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 65-01681

(Insert water right number)

DOMESTIC AND
STOCK WATER RIGHT
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

Richard & Belinda Hersh
10500 Liberty Road
Sweet, Idaho 83670

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: See attached
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 legal description for element five (POD) and nine (POU) above may include federal public land. The description should be made specific enough to exclude federal public land.

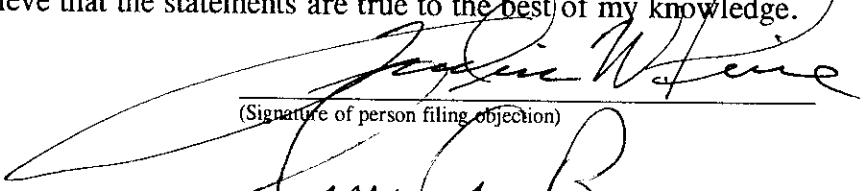
F.

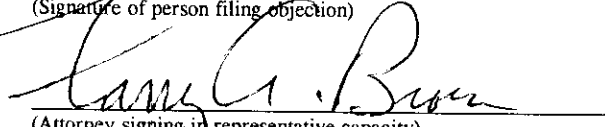
VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

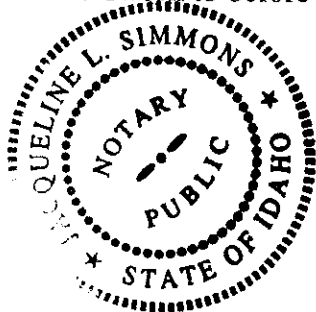
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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: 4-7-03



Jacqueline L. Simmons
Jacqueline L. Simmons
Notary Public for: State of Idaho
Residing at: Boise, Idaho
My Commission Expires: 07-07-2005
04-

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 April 8, 2003, 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:

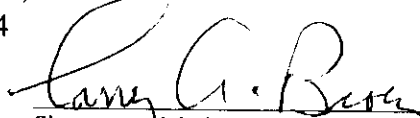
Richard & Belinda Hersh
10500 Liberty Road
Sweet, Idaho 83670

3. Copies to:

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

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, Idaho 83724



Signature of Objector or attorney mailing on Objector's behalf

02/12/2003

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

RIGHT NUMBER: 65-1681

NAME AND ADDRESS: RICHARD HERSH
10500 LIBERTY RD
SWEET ID 83670

BELINDA HERSH
10500 LIBERTY RD
SWEET ID 83670

MIXED OWNERSHIP

- The Point of Diversion and Place of Use identified below contains both private and public land.
- Clarified the POD and POU such that it is clear only private land is intended.

SOURCE: SPRING

TRIBUTARY: TIMBER CREEK

QUANTITY: 0.050 CFS
2.70 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED
13,000 GALLONS PER DAY.

PRIORITY DATE: 04/01/1932

POINT OF

DIVERSION: T08N R01E S14 NWNW Within GEM County **BLM/PVT**

PURPOSE AND
PERIOD OF USE:

THE POINT OF DIVERSION RESIDES WITHIN MINERAL SURVEY 2647.

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	1/01 12/31	0.050 CFS 2.70 AFY

PLACE OF USE: STOCKWATER Within GEM County

T08N R01E S14 NWNW **BLM/PVT**

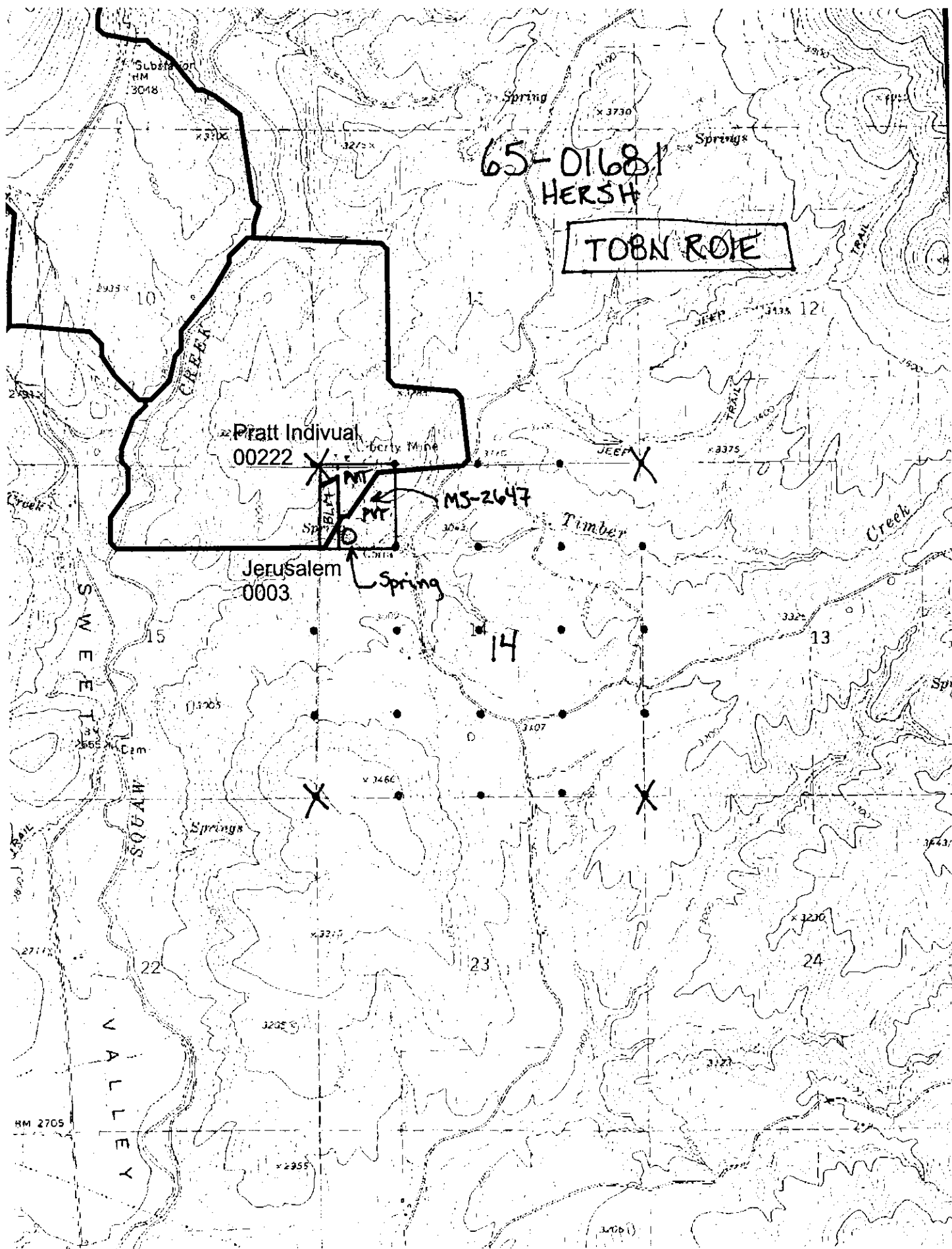
THE USE OF WATER UNDER THIS RIGHT IS LIMITED TO MINERAL SURVEY 2647.

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

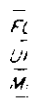
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO
LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION
42-1412(6), IDAHO CODE.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed



RE
TA



STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

GEM COUNTY 045
BOISE DISTRICT SEC 3

MT PLAT

INDEX TO SEGREGATED THACTS

[illegible]

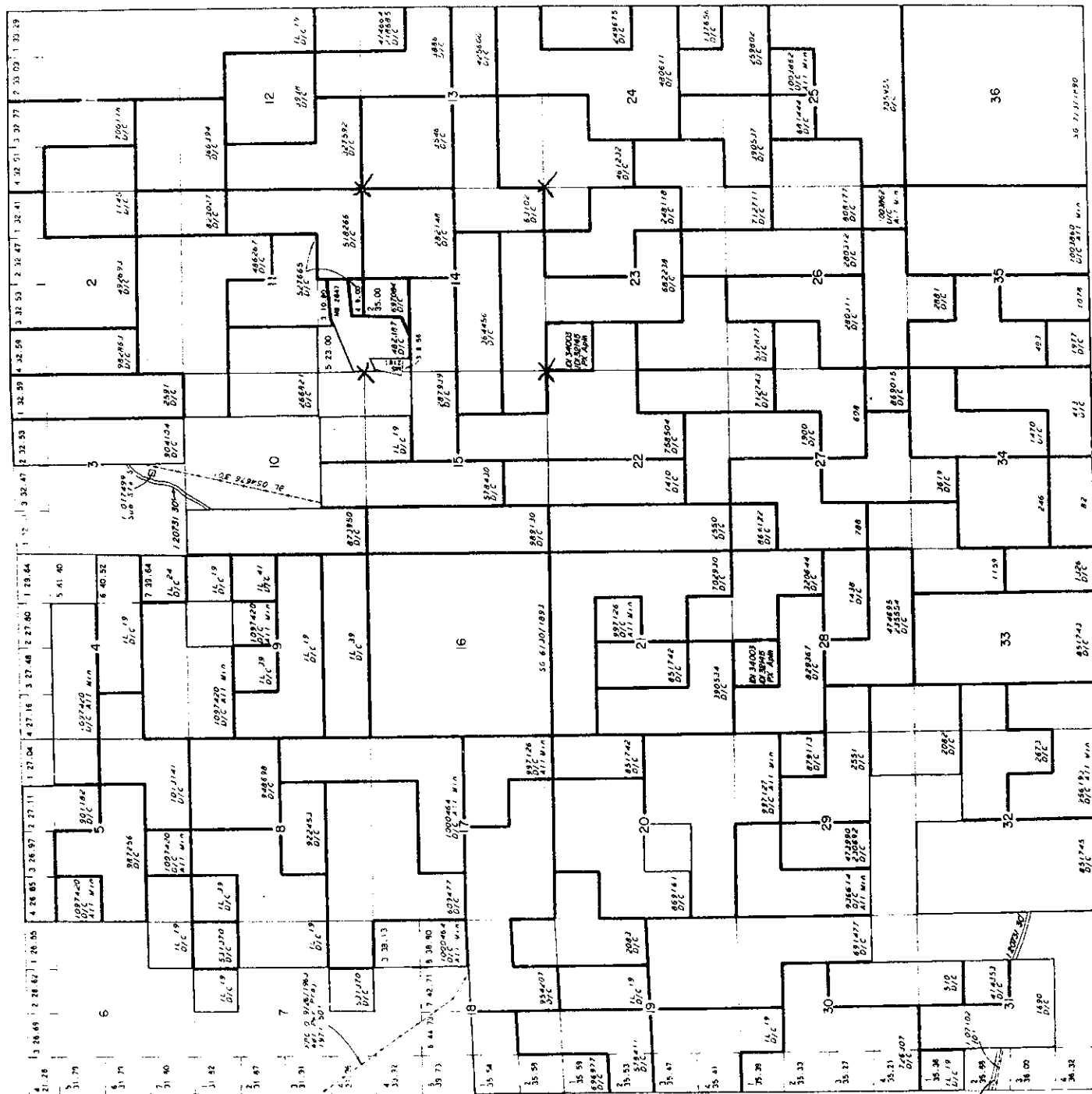
FOR ORDERS EFFECTING DISPOSAL, IN USE OR
UNIDENTIFIED LANDS REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS

TABLE 47

USE PLAYS

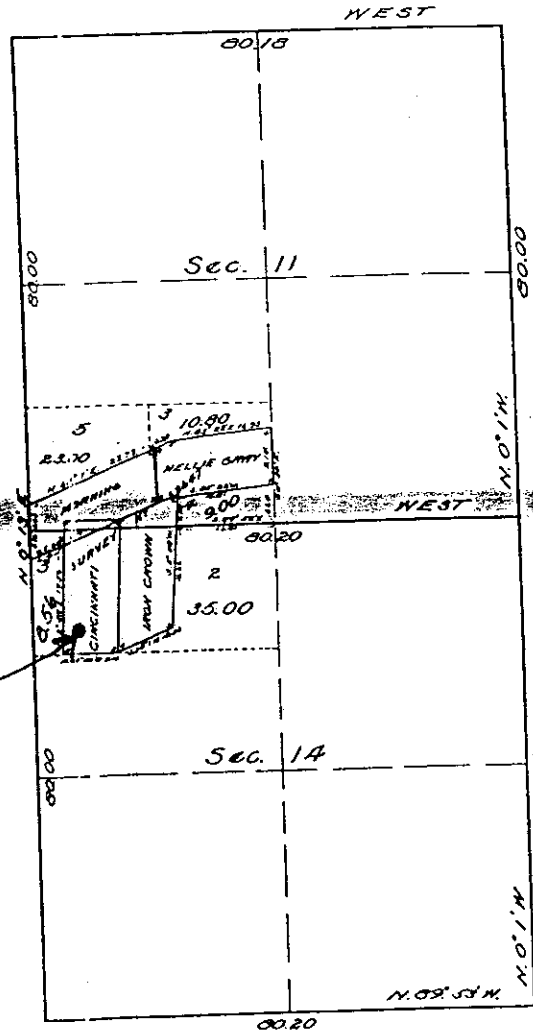
1000 115.17.0
1000 135.02.0

TRAINING



Scale 20 Chain: - 1 inch

Spring



Note: The Segregation Plat of Mineral Land, Secs. 11 and 16 T.8N. R.1E. approved September 19, 1908, and segregating the now abandoned Liberty Lodge, Mineral Surrey N° 930, is now annulled, withdrawn and hereby superseded.

This amended plan
of the Boise Meridi-
of Mineral Survey,
with Homestead En-
Sec. 14, in accordan-
Commissioner of th-
U.S. Surveyor G-
Boise, Idaho, Janua-