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OCT 18 2007

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 75-04043
(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: Martin W. Halpern
Address: P.O. Box 32; Argyle, TX 76226

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 legal description for the place of use describes land that contains both public and private land. The legal description should be clarified such that it is specific enough to exclude Federal land.

F.

VERIFICATION (Must be Completed)

State of Idaho

)

) ss.

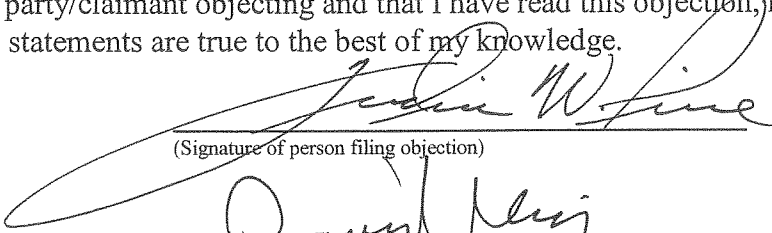
County of ADA

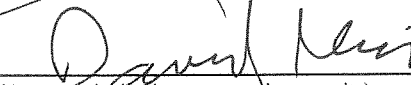
)

Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:

(Name of person filing objection)

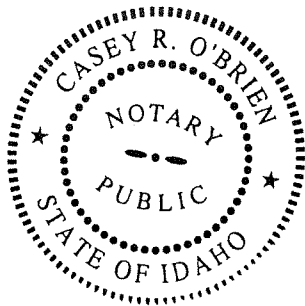
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)


(Attorney signing in representative capacity)

Subscribed and sworn to before me on: October 15, 2007


Casey R. O'Brien



Notary Public for State of Idaho

Residing at: Nampa, ID.

My Commission Expires: 10-31-2009

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 Oct. 16, 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: Martin W. Halpern
Address: P.O. Box 32; Argyle, TX 76226

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

01/08/2007

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

RIGHT NUMBER: 75-4043

NAME AND ADDRESS: MARTIN W HALPERN
PO BOX 32
ARGYLE TX 76226

SOURCE: SOUTH GULCH CREEK
SPRING

TRIBUTARY: BIG HAT CREEK
TRIBUTARY: BIG HAT CREEK

QUANTITY: 0.150 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 05/01/1952

POINT OF
DIVERSION: T17N R20E S11 SESW Within LEMHI County
T17N R20E S11 SESW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
IRRIGATION	04/01 10/31	0.130 CFS

PLACE OF USE:	<u>IRRIGATION in LEMHI County</u>					
	T17N R20E S14	NENW	3.10	T17N R20E S14	SENW	0.30
	<u>STOCKWATER in LEMHI County</u>					
	T17N R20E S14	NENW		T17N R20E S14	SENW	
3.4 ACRES TOTAL						

Mixed

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

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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 - Beneficial Use

Mixed POUs:

-The places of use contain both private and public lands.

-Please clarify such that only private land is intended by inserting the following language under place of use:

"Place of use does not include federal public lands."

TOWNSHIP 17 NORTH RANGE 20 EAST OF THE BOISE MERIDIAN, IDAHO

SALMON DISTRICT SEC. 3

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT

INDEX TO SEGREGATED TRACTS			
TRACT NO.	SEC.	T.	R.
1	36	17N	20E
2	36	17N	20E
3	36	17N	20E
4	36	17N	20E
5	36	17N	20E
6	36	17N	20E
7	36	17N	20E
8	36	17N	20E
9	36	17N	20E
10	36	17N	20E
11	36	17N	20E
12	36	17N	20E
13	36	17N	20E
14	36	17N	20E
15	36	17N	20E
16	36	17N	20E
17	36	17N	20E
18	36	17N	20E
19	36	17N	20E
20	36	17N	20E
21	36	17N	20E
22	36	17N	20E
23	36	17N	20E
24	36	17N	20E
25	36	17N	20E
26	36	17N	20E
27	36	17N	20E
28	36	17N	20E
29	36	17N	20E
30	36	17N	20E
31	36	17N	20E
32	36	17N	20E
33	36	17N	20E
34	36	17N	20E
35	36	17N	20E
36	36	17N	20E

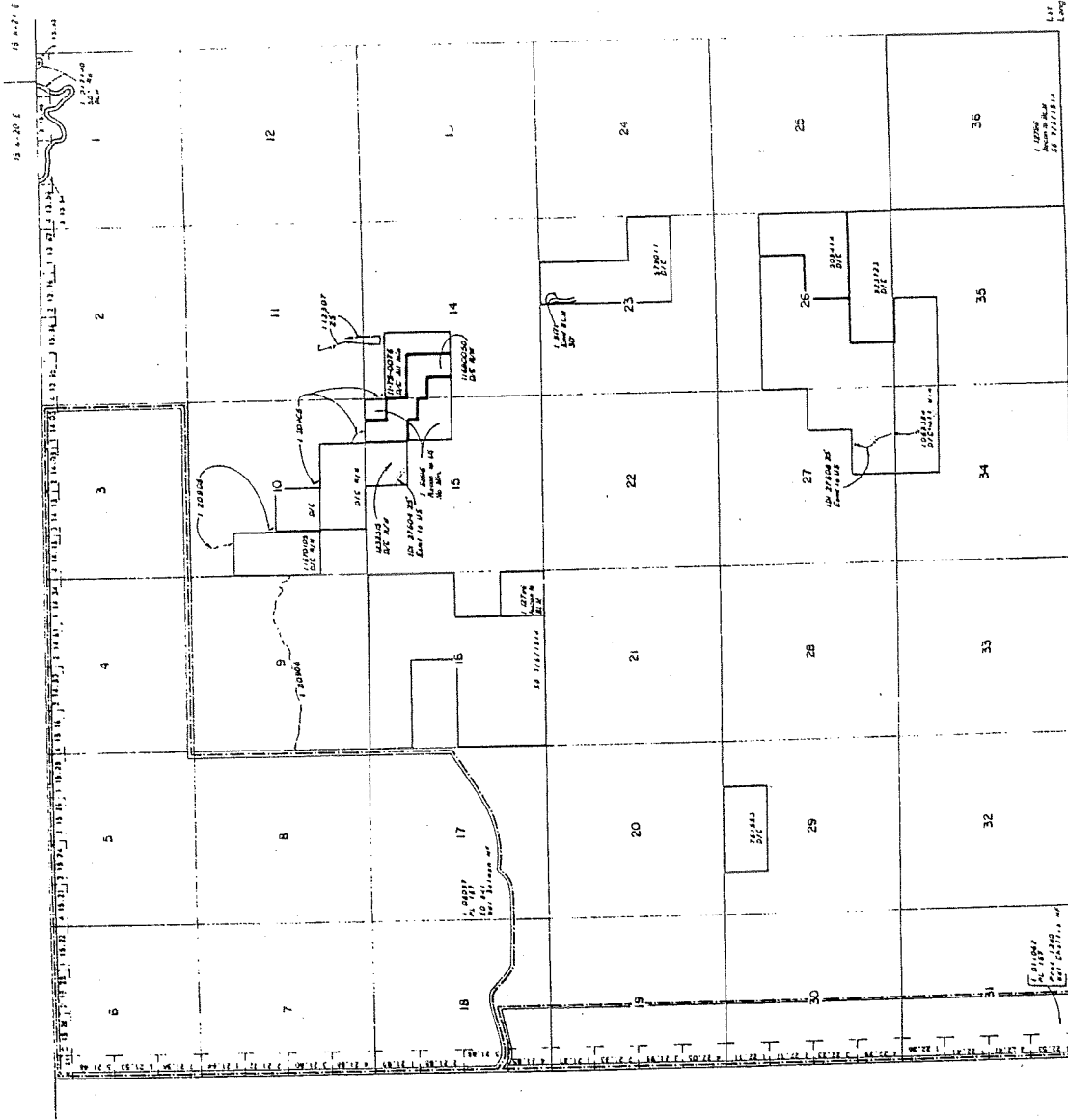
1. 1897 Act No. 187 (Act of Cong. 7/23/1897)
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18. 1897 Act No. 187 (Act of Cong. 7/23/1897)
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31. 1897 Act No. 187 (Act of Cong. 7/23/1897)
32. 1897 Act No. 187 (Act of Cong. 7/23/1897)
33. 1897 Act No. 187 (Act of Cong. 7/23/1897)
34. 1897 Act No. 187 (Act of Cong. 7/23/1897)
35. 1897 Act No. 187 (Act of Cong. 7/23/1897)
36. 1897 Act No. 187 (Act of Cong. 7/23/1897)

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

COMMIT TO	COMMIT TO
EEB-7-2000	EEB-7-2000

USE DATE	USE DATE
1/1/2000	1/1/2000

Scale Map
T. 17N
R. 20E



CUSTER COUNTY 037
LEMMI COUNTY 059

SCALE IN CHAINS
0.1 0.2 0.3 0.4 0.5 0.6 0.7 0.8 0.9 1.0

THE NOTATION SHOWN ON WITHDRAWALS REPRESENTS THE LAST
ACTION TAKEN BUT MAY NOT BE THE EFFECTIVE DATE. SEE
THE HISTORICAL INDEX FOR THE DATE OF THE ORIGINAL WITH-
DRAWAL.

75-04043; Martin Halpern



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