

RECEIVED

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 75-04180
(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.

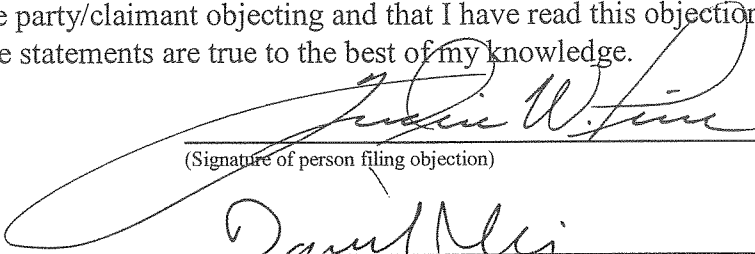
County of ADA

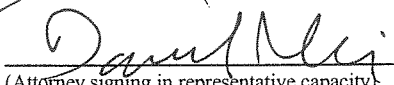
)

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

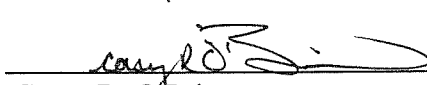
(Name of person filing objection)

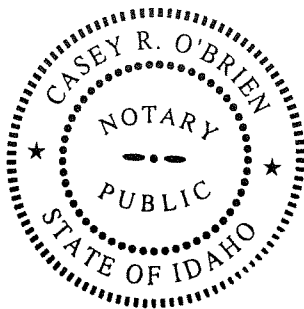
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)


(Attorney signing in representative capacity)

Subscribed and sworn to before me on: October 12, 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: ;

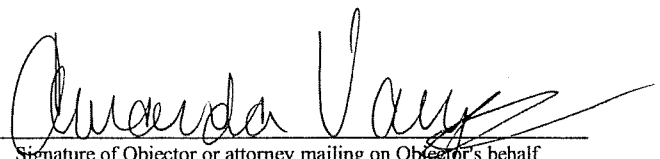
Name:
Address: ;

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: 75-4180

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

SOURCE: HAT CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.360 CFS

PRIORITY DATE: 01/01/1952

POINT OF
DIVERSION: T17N R20E S10 NWNW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.360 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T17N R20E S14	NWNW	0.10	T17N R20E S15	NENE	7.00	Mixed
7.1 ACRES TOTAL						

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 - 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

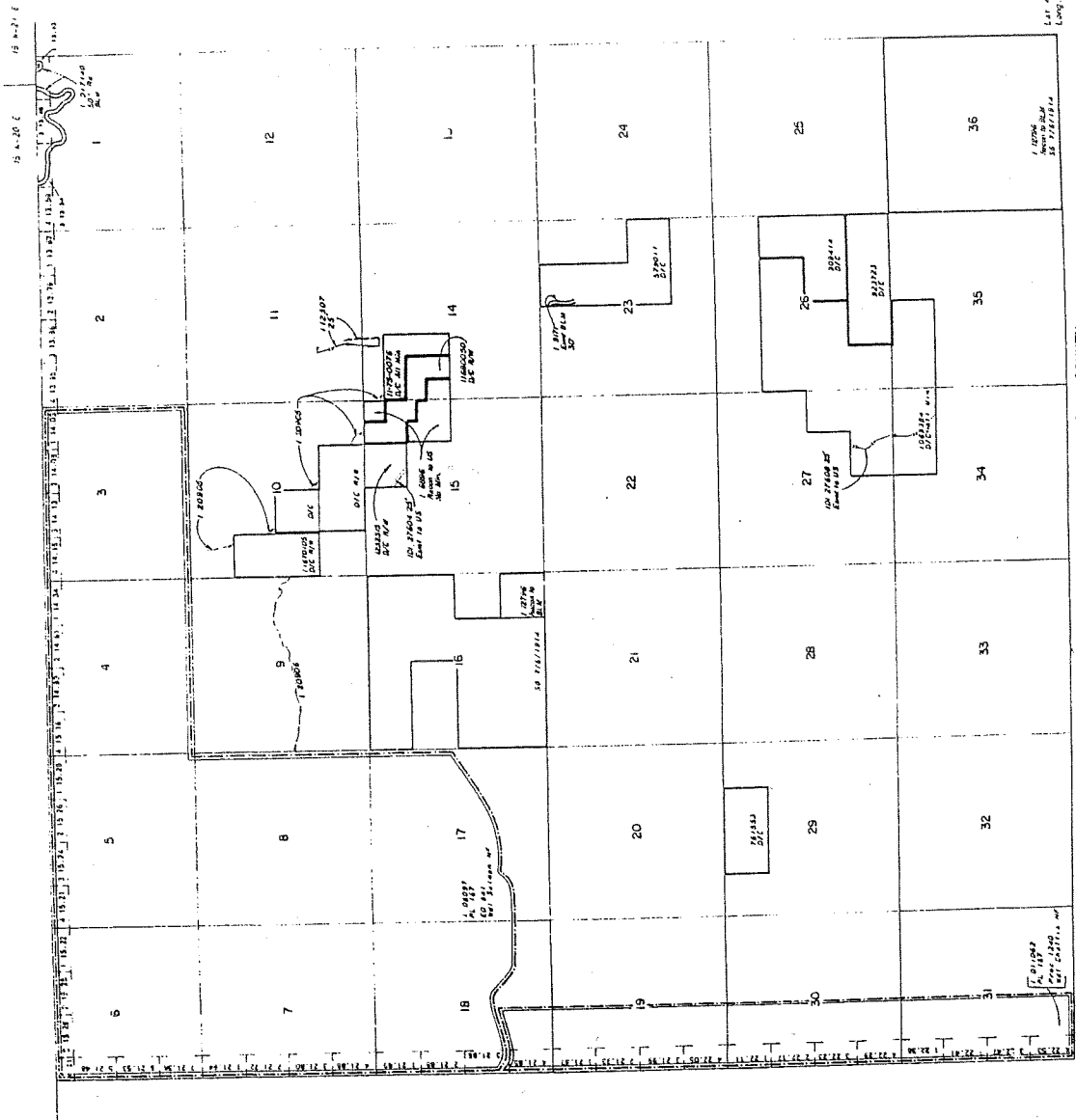
INDEX TO SEGREGATED TRACTS		
TRACT NO.	SEC.	SECTION
1	1	1
2	1	2
3	1	3
4	1	4
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35	1	35
36	1	36

1. 0007 Cat. M. 187 (Act of Cong. 7/23/1933)
2. 0007 Cat. M. 187 (Act of Cong. 7/23/1933)
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33. 0007 Cat. M. 187 (Act of Cong. 7/23/1933)
34. 0007 Cat. M. 187 (Act of Cong. 7/23/1933)
35. 0007 Cat. M. 187 (Act of Cong. 7/23/1933)
36. 0007 Cat. M. 187 (Act of Cong. 7/23/1933)

FOR ORDER EFFECTING DISPOSAL ON USE OF
UNIDENTIFIED LANDS, REFERENCE TO THESE OF
MISCELLANEOUS DOCUMENTS

CURRENT TO	CURRENT TO
FEB 7 2008	USE PLATES

Base Map
T. 17N
R. 20E



Lat. 44° 45' 37" N
Long. 113° 28' 4"

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.

CUSTER COUNTY
037

LENHI COUNTY
059

SCALE IN CHAINS
0 10 20 30 40

WARNING: This plat is for Bureau of Land Management use only. It is not to be used for any other purpose.

75-04180; Martin Halpern

Mixed POUs:

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