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SEP 11 2008

DEPARTMENT OF  
WATER RESOURCES

DISTRICT COURT-SRBA  
Fifth Judicial District  
County of Twin Falls - State of Idaho

SEP 10 2008

By \_\_\_\_\_

Clerk

Deputy Clerk

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

ORDER OF PARTIAL DECREES

Subcases: See Attached Exhibit A  
(Halpern)

On March 27, 2008, a *Special Master's Report and Recommendation* was filed for the above-captioned water rights. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that the above-captioned water rights are hereby decreed as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED September 10, 2008.

  
JOHN M. MELANSON

Presiding Judge

Snake River Basin Adjudication

EXHIBIT A - (HALPERN)

Subcase Nos:

75-04043

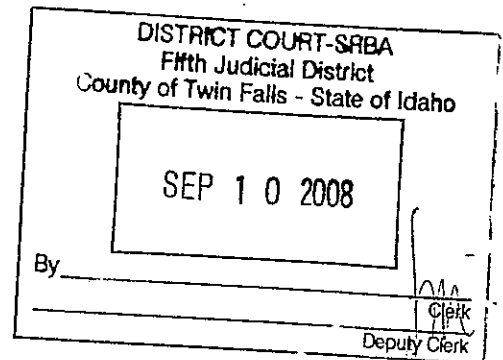
75-04180

75-10042

75-10043

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 )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 75-04043



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

SOURCE: SOUTH GULCH CREEK TRIBUTARY: BIG HAT CREEK  
SPRING TRIBUTARY: BIG HAT CREEK

QUANTITY: 0.15 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  
SESW

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 04-01 TO 10-31 | 0.13 CFS |
|                               | Stockwater     | 01-01 TO 12-31 | 0.02 CFS |

PLACE OF USE: Irrigation Within Lemhi County  
T17N R20E S14 NENW 3.1 SENW 0.3  
3.4 Acres Total

Stockwater Within Lemhi County  
T17N R20E S14 NENW SENW

PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC LANDS.

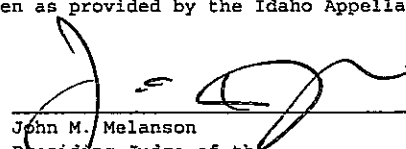
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance  
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a  
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final  
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

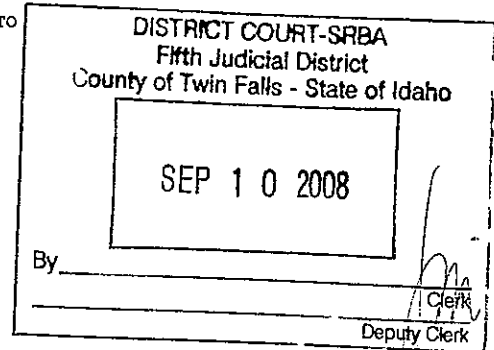
  
John M. Melanson  
Presiding Judge of the  
Snake River Basin Adjudication

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 )  
\_\_\_\_\_ )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR

Water Right 75-04180



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

SOURCE: HAT CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.36 CFS

PRIORITY DATE: 01/01/1952

POINT OF DIVERSION: T17N R20E S10 NWNW Within Lemhi County

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------------------|----------------|----------------|----------|
|                            | Irrigation     | 04-01 TO 10-31 | 0.36 CFS |

PLACE OF USE: Irrigation Within Lemhi County

|                 |      |     |
|-----------------|------|-----|
| T17N R20E S14   | NWNW | 0.1 |
| S15             | NENE | 7.0 |
| 7.1 Acres Total |      |     |

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  
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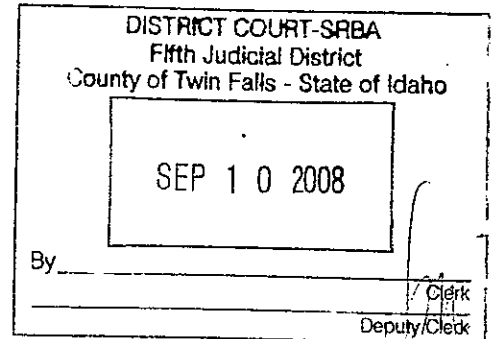
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

John M. Melanson  
Presiding Judge of the  
Snake River Basin Adjudication

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 )  
\_\_\_\_\_ )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 75-10042



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

SOURCE: SPRING TRIBUTARY: SINKS

QUANTITY: 0.06 CFS

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

PRIORITY DATE: 06/01/1952

POINT OF DIVERSION: T17N R20E S15 SENE Within Lemhi County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 04-01 TO 11-01 | 0.02 CFS |
|                               | Domestic       | 01-01 TO 12-31 | 0.04 CFS |

PLACE OF USE: Irrigation Within Lemhi County  
T17N R20E S15 SENE 1.0  
1.0 Acres Total

Domestic Within Lemhi County  
T17N R20E S15 SENE

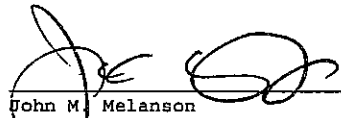
PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC LANDS.

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

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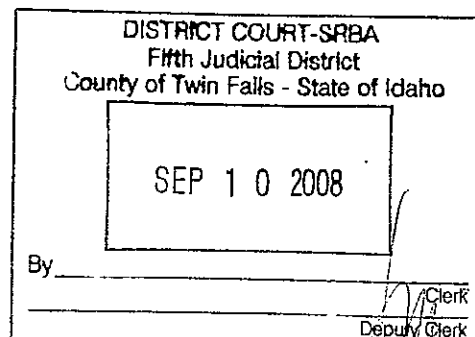
  
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In Re SRBA )  
Case No. 39576 )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR

Water Right 75-10043



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

SOURCE: SPRING TRIBUTARY: SINKS

QUANTITY: 0.06 CFS

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

PRIORITY DATE: 06/01/1952

POINT OF DIVERSION: T17N R20E S15 SENENE Within Lemhi County

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------------------|----------------|----------------|----------|
|                            | Irrigation     | 04-01 TO 11-01 | 0.02 CFS |
|                            | Domestic       | 01-01 TO 12-31 | 0.04 CFS |

PLACE OF USE: Irrigation Within Lemhi County  
T17N R20E S15 NENE 1.0  
1.0 Acres Total

Domestic Within Lemhi County  
T17N R20E S15 NENE

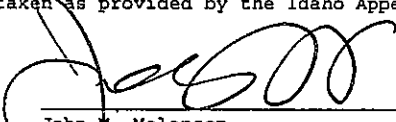
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John M. Melanson  
Presiding Judge of the  
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREES was mailed on September 10, 2008, with sufficient first-class postage to the following:

UNITED STATES OF AMERICA

Represented by:

US DEPARTMENT OF JUSTICE  
ENVIRONMENT & NATL' RESOURCES  
550 WEST FORT STREET, MSC 033  
BOISE, ID 83724

MARTIN W HALPERN  
PO BOX 32  
ARGYLE, TX 76226  
Phone: 214-957-6189

DIRECTOR OF IDWR  
PO BOX 83720  
BOISE, ID 83720-0098

ORDER

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Deputy Clerk