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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 37-00577B
(Insert water right number)

**STANDARD FORM 2
RESPONSE TO OBJECTION**

Please **print or type** the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

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. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO
WHICH YOU ARE RESPONDING**

Name: Hiawatha Canal Water Users Association of Lateral or Laterals
Address: P.O. Box 669; Hailey, Idaho 83333
Name: Fritz X. Haemmerle (attorney for objector)
Address: P.O. Box 1800; Hailey, Idaho 83333
Name: _____
Address: _____ ;

D. I am responding to the objections to the following elements. (Please check the appropriate box(es)).

1. ☐ Name and Address
2. ☐ Source
3. ☐ Quantity
4. ☐ Priority Date
5. ☐ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☐ Purpose(s) of Use
8. ☐ Period of Year
9. ☒ Place of Use See attached.

11. **Recommendation:**

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

REASONS SUPPORTING RESPONSE:

The intent of the claimant's objection seeks corrections to quarter-quarter descriptions in the place of use element, however the objection also changes the township from T03N to T02N. This change moves the claim 6 miles away onto federal public land where there is no use and such a use would constitute a trespass. Perhaps the objection contains typographic errors.

E.

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 response)

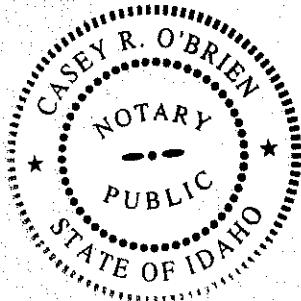
That I am the party/claimant filing this response, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price
(Signature of person filing response)

Casey R. O'Brien
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: January 15, 2008

Casey R. O'Brien
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 response, including all attachments, 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.

E.

CERTIFICATE OF MAILING

I certify that on Jan 15, 2008, I mailed the original and copies of this response, 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:

Hiawatha Canal Water Users Association of Lateral or Laterals
P.O. Box 669; Hailey, Idaho 83333

3. One copy to the party who filed the objection at the following address:

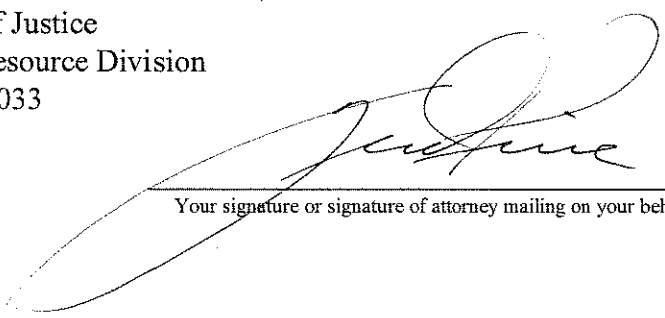
Hiawatha Canal Water Users Association of Lateral or Laterals
P.O. Box 669; Hailey, Idaho 83333
Fritz X. Haemmerle (attorney for objector)
P.O. Box 1800; Hailey, Idaho 83333

4. 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



Your signature or signature of attorney mailing on your behalf

37-00577B, 37-12097, 37-12098
Hiawatha Canal Water Users Association of Lateral or Laterals

-The claimants objection suggests that the township recommended (T03N) by IDWR for the places of use should be T02N. This is a typographical error as this change represents an unauthorized use of public land where no such use exists.



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

RIGHT NUMBER: 37-577B

NAME AND ADDRESS: HIAWATHA CANAL WATER USERS ASSOCIATION OF LATERAL OR LATERALS
PO BOX 669
HAILEY ID 83333

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 2.740 CFS

To prevent injury to other water right holders, the watermaster shall deliver 2.74 cfs of this right into the Hiawatha Canal where it shall remain undiverted.

PRIORITY DATE: 03/24/1883

POINT OF
DIVERSION: T03N R18E S20 SWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	MITIGATION	04/15 10/31	2.740 CFS
PLACE OF USE:	<u>MITIGATION in BLAINE County</u>		
	T03N R18E S20 NENE	T03N R18E S20	NWNE
	T03N R18E S20 SWNE	T03N R18E S20	SENE
	T03N R18E S20 NENW	T03N R18E S20	NWNW
	T03N R18E S20 SWNW	T03N R18E S20	SENW
	T03N R18E S20 NESW	T03N R18E S20	SESW
	T03N R18E S20 NESE	T03N R18E S20	NWSE
	T03N R18E S20 SWSE	T03N R18E S20	SESE

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

BLAINE COUNTY 013
THAN FALLS DISTRICT SEC 3

STATUS OF PUBLIC DOMAIN LAND AND MINERAL TITLES AND ACQUIRED LANDS

[illegible]

Acq 10/20/1936 WD to USFS
Sec 8: Lots 20 to 24 incl, Blk 25
City of Healey
Rsd Min

DOI 07862 Del PL 167 (Act of Cong 07/23/1985)
completed 06/22/1980. All PD surface Mount by ELM
excluding
DOI 07862 Del PL 167 (Act of Cong 07/23/1985)

NDI 4119 Esmt to US (Use for SD)

Sec 4: M&B

Sec 9: Lots 4, 8, 13, 20, incl. Bk 20
Townsite of Hazley
Vol 34934 PX Appl (Min Only)

[illegible]

Journal of Management Education 36(8) 907-924
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[illegible]

Figure 1. Schematic representation of the experimental design. The figure shows a timeline of the experiment. The timeline starts with a 'Pre-test' phase, followed by a 'Training' phase, and then a 'Test' phase. The 'Test' phase is divided into two parts: 'Test 1' and 'Test 2'. The 'Test 1' phase is further divided into 'Test 1a' and 'Test 1b'. The 'Test 2' phase is further divided into 'Test 2a' and 'Test 2b'. The 'Test 1a' and 'Test 2a' phases are marked with '1' and '2' respectively, indicating the first and second trials. The 'Test 1b' and 'Test 2b' phases are marked with '1' and '2' respectively, indicating the first and second trials. The 'Test 1a' and 'Test 2a' phases are marked with '1' and '2' respectively, indicating the first and second trials. The 'Test 1b' and 'Test 2b' phases are marked with '1' and '2' respectively, indicating the first and second trials.

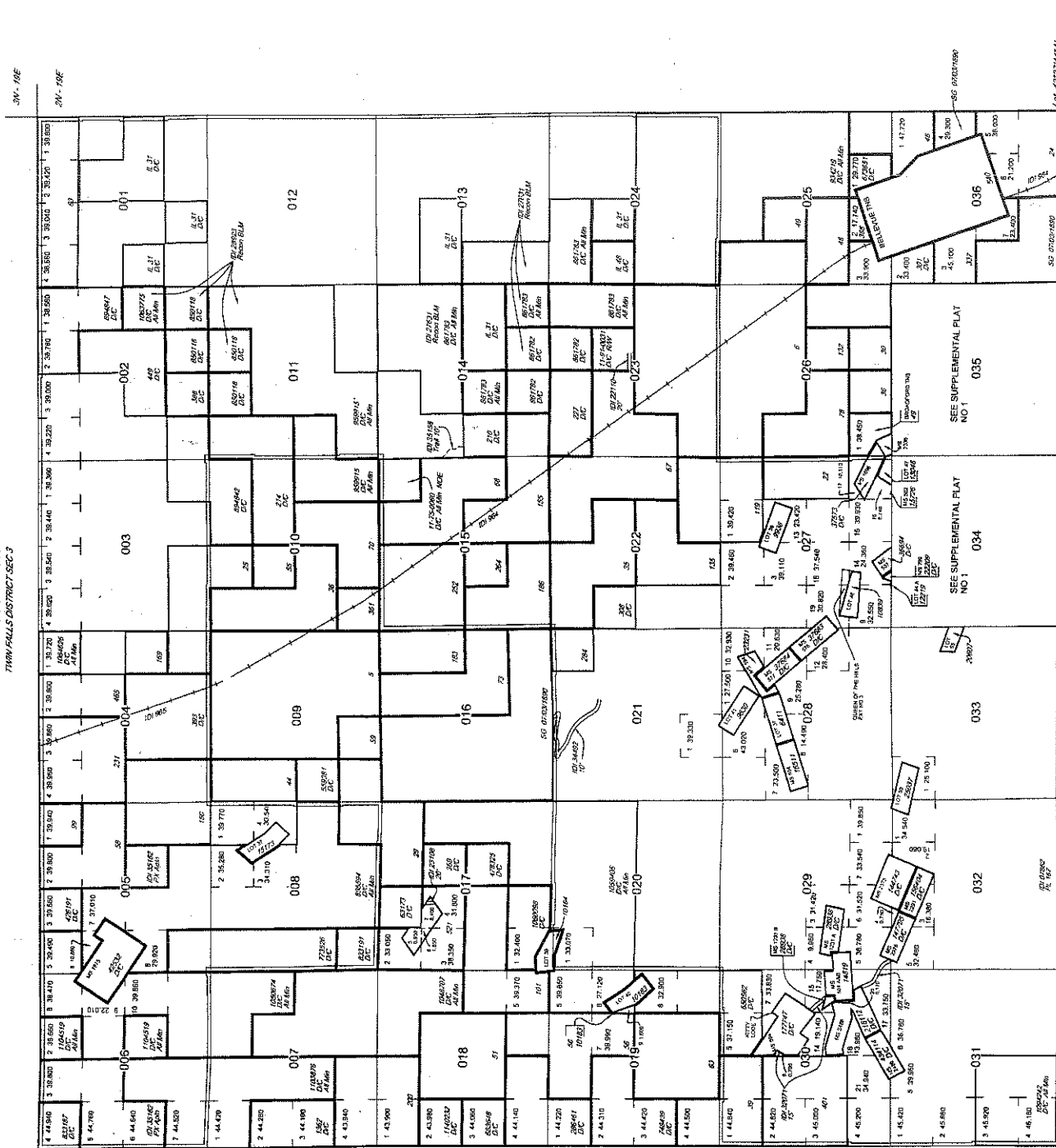
Figure 1. Schematic representation of the experimental design. The figure shows a timeline of the experiment. The timeline starts with a 10 min rest period, followed by a 10 min rest period, and then a 10 min rest period. The timeline ends with a 10 min rest period. The timeline is divided into three main sections: 'Pre-test', 'Test', and 'Post-test'. The 'Pre-test' section includes a 10 min rest period, a 10 min rest period, and a 10 min rest period. The 'Test' section includes a 10 min rest period, a 10 min rest period, and a 10 min rest period. The 'Post-test' section includes a 10 min rest period, a 10 min rest period, and a 10 min rest period.

FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LAND REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS

FILE REF:	0000200100EAM0000A.dwg
CONVERTED TFF:	01/12/2005
BY:	MDP
LAST UPDATED:	01/12/2005
BY:	ST
LAST VERIFIED:	
BY:	
POSTED TO PUBLIC RECORDS:	
PUBLIC AND SURVEY SYSTEM (PLSS)	
BLM EIDEN ACQUIRED:	09/19/2004
USFS OFF ACQUIRED:	N/A
PROJECTED COORDINATE SYSTEM: UTM ZONE 18N, SMO 1983	
NOTES:	

USE PLATS:

T. 2 N
R. 18 E



DISCLAIMER:



SCALE in cm/pptg

The rotation shown on which month represents the last action taken, but may not reflect the effective date. See the historical index for the date of the original environmental order.

This data is not for individual use or aggregate use with other data. The accuracy, reliability, completeness of the data for individual use or aggregate use with other data is not guaranteed.

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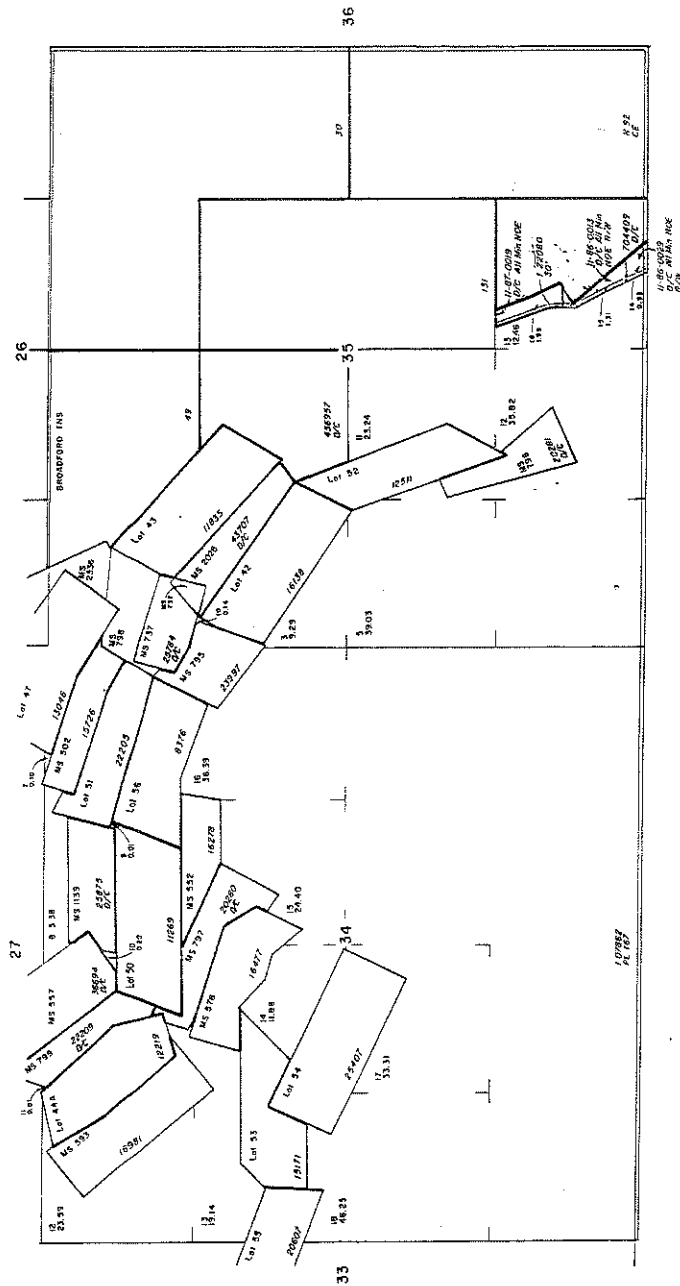
BLAINE COUNTY 013
SHOSHONE DISTRICT SEC 3

No. 1
STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MTP
SUPPL Sec 34, 35

INDEX TO SEGREGATED TRACTS		
RESURVEY	ORIGINAL SURVEY	
TRACT NO	F	A SEC
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completed 6/22/1960. All PD surface Mgmt by BLM



SCALE in Chains

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

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