

**FRITZ X. HAEMMERLE**  
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ISB #3862

**RECEIVED**  
**MAY 09 2011**  
DEPARTMENT OF  
WATER RESOURCES

**Attorney for the Claimant**

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE**  
**STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

|                       |                                                                      |
|-----------------------|----------------------------------------------------------------------|
| <b>In Re SRBA</b>     | ) <b>Subcase No. 37-743B</b>                                         |
|                       | )                                                                    |
| <b>Case No. 39576</b> | ) <b>STANDARD FORM 4</b>                                             |
|                       | )                                                                    |
|                       | ) <b>MOTION TO FILE:</b>                                             |
|                       | )                                                                    |
|                       | ) <input type="checkbox"/> <b>LATE NOTICE OF CLAIM</b>               |
|                       | ) <input checked="" type="checkbox"/> <b>AMENDED NOTICE OF CLAIM</b> |
|                       | )                                                                    |

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**INSTRUCTIONS**

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

☒ I have read **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996).

My name is:

My address is:

I am an attorney representing: Hiawatha Canal Water Users

My name is: Fritz X. Haemmerle, Haemmerle & Haemmerle, P.L.L.C.

My address is: P.O. Box 1800, Hailey, ID 83333

My phone number is: (208) 578-0520

### **MOTION TO FILE AN AMENDED NOTICE OF CLAIM**

A *Motion to File an Amended Notice of Claim* may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

☒ I must amend my Notice of Claim to the use of water in the SRBA because:

1. After meeting with IDWR, after the claims were filed, it was discovered that the Canal was not described properly.

☐ I am providing legal and factual documentation to support my amended Notice of Claim.

You must describe these documents and attach a readable copy.

This Motion is supported by:

I have attached:

☒ An amended Notice of Claim (available from IDWR).

☐ Payment of the following additional fees required by IDWR:

VERIFICATION

State of Idaho            )  
                                  ) ss.  
County of Blaine        )

Fritz X. Haemmerle, being first duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

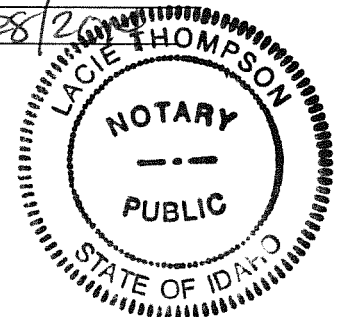
\_\_\_\_\_  
Signature of person filing motion

\_\_\_\_\_  
Attorney signing in representative capacity

Subscribed and sworn to before me on Lacie Thompson  
(Insert Date)

At. May 4, 2011

Notary Public for Idaho  
Residing at: Harley, ID  
My Commission expires: 1/28/2012



## CERTIFICATE OF MAILING

*May 4 2011*  
I certify that on ~~October 29, 2010~~, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

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. Copies to:

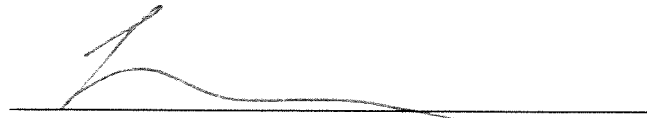
IDWR Document Depository  
PO Box 83720  
Boise, ID 83720-0098

Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
PO 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

W.D. Pardue  
535 Austin Rd.  
Carey, ID 83320

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase. (Insert Names/address of parties)



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FRITZ X. HAEMMERLE

RIGHT NUMBER: 37-743B

NAME AND ADDRESS: BONNIE C KEVICKI  
43559 W SPARKS CT  
MARICOPA AZ 85138

BARBARA L MURPHY  
BOX 215  
CAREY ID 83320

MICHAEL L OLSEN  
BOX 144  
CAREY ID 83320

DEAN E OLSEN  
BOX 144  
CAREY ID 83320

MILFORD D SWEAT  
656 FAIRBANKS ST APT A-11  
FAIRBANKS AK 99709

JOEL E OLSEN  
568 BAKER ST  
TWIN FALLS ID 83301

SOURCE: FISH CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 3.200 CFS

PRIORITY DATE: 01/16/1909

POINT OF DIVERSION:

T01N R22E S27 SWSESE Within BLAINE County

T01N R22E S33 SENESE Within BLAINE County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 04/15 10/31          | 3.200 CFS       |

PLACE OF USE: IRRIGATION in BLAINE County

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T01S R22E S03 | SWSE | 26.00 | T01S R22E S03 | SESE | 19.00 |
| T01S R22E S10 | NWNE | 33.00 | T01S R22E S10 | SENE | 15.00 |
| T01S R22E S10 | NENW | 36.00 | T01S R22E S10 | SESW | 19.00 |
| T01S R22E S10 | NESE | 32.00 | T01S R22E S10 | NWSE | 9.40  |
| T01S R22E S10 | SWSE | 34.00 | T01S R22E S15 | NWNE | 31.00 |
| T01S R22E S15 | SWNE | 24.00 | T01S R22E S15 | NENW | 34.00 |
| T01S R22E S15 | NWNW | 39.00 | T01S R22E S15 | SENW | 40.00 |
| T01S R22E S15 | NESW | 40.00 | T01S R22E S15 | NWSE | 19.00 |

450.4 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 475.9 acres in a single irrigation season. Combined Right Nos.: 37-732, 37-743B, 37-2777, 37-2676 & 37-7620.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

OTHER WATER RIGHTS USED: 37-732, 37-743B, 37-2777,  
37-2676, 37-7620 & 37-22598.

This right is renumbered from former right 37-743 & 37-743A