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DEPARTMENT OF
WATER RESOURCES

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ISB #3862

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

In Re SRBA	) Subcase No. 37-7620
	)
Case No. 39576	) STANDARD FORM 4
	)
	) MOTION TO FILE:
	)
	) ☐ LATE NOTICE OF CLAIM
	) ☒ AMENDED NOTICE OF CLAIM
	)

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.

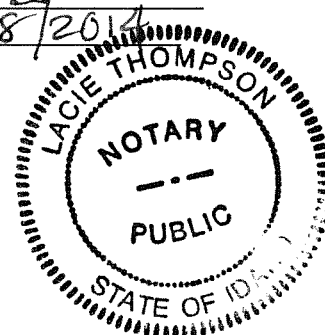
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on May 4th 2011
(Insert Date)

Lacie Thompson

Notary Public for Idaho
Residing at: Hailey, ID
My Commission expires: 1/28/2014



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

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)


FRITZ X. HAEMMERLE

WATER RIGHT NUMBER: 37-7620

<u>Owner Type</u>	<u>Name and Address</u>
	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

Priority Date: 06/02/1977

<u>Source</u>	<u>Tributary</u>
GROUND WATER	
<u>Beneficial Use</u>	<u>From</u> <u>To</u> <u>Diversion Rate</u> <u>Annual Volume</u>
IRRIGATION	04/15 to 10/31 3.310 CFS
IRRIGATION STORAGE	01/01 to 12/31 25.50 AF
IRRIGATION FROM STORAGE	04/15 to 10/31 25.50 AF
DIVERSION TO STORAGE	01/01 to 12/31 3.310 CFS
<u>Total Diversion:</u> 3.310 CFS	

<u>Location of Point(s) of Diversion</u>		
GROUND WATER	NE1/4SE1/4SE1/4	Sec. 3, Twp 01S, Rge 22E, B.M.
BLAINE County		
GROUND WATER	NE1/4SE1/4SE1/4	Sec. 3, Twp 01S, Rge 22E, B.M.
BLAINE County		
GROUND WATER	NE1/4SE1/4SE1/4	Sec. 3, Twp 01S, Rge 22E, B.M.
BLAINE County	(Injection)	
GROUND WATER	NE1/4SE1/4SE1/4	Sec. 3, Twp 01S, Rge 22E, B.M.
BLAINE County	(Injection)	
GROUND WATER	SE1/4NW1/4	Sec. 10, Twp 01S, Rge 22E, B.M.
BLAINE County	(Rediversion)	
GROUND WATER	SE1/4SW1/4	Sec. 10, Twp 01S, Rge 22E, B.M.
BLAINE County	(Rediversion)	

<u>Place of Use</u>					
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>				
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 and 37-22598.