

# HAEMMERLE & HAEMMERLE, P.L.L.C.

Attorneys & Counselors at Law

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April 11, 2011

Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Ave. North  
P.O. Box 2707  
Twin Falls, ID 83303-2707

*Re: Claims: 37-191, 37-483, 37-905A, 37-905B, 37-918, 37-11483, 37-11489, 37-14296 and 37-22157*

Dear Clerk:

Please find enclosed Claims in the aforementioned subcases filed by the Hiawatha Canal Water Users Association of Lateral or Laterals ("Hiawatha Canal"). My client previously filed Objections to these same rights, and the Special Master held that we also had to file Claims covering the same basis as the Objections.

Thank you.

Sincerely,

HAEMMERLE & HAEMMERLE, P.L.L.C.



Fritz X. Haemmerle

FXH: fxh  
Encl.  
cc: client

ORIGINAL

SRBA Form No.42-1409-1 (Internet 2/09)

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

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number: See Attachment D

Date Received: \_\_\_\_\_

Receipt No: \_\_\_\_\_

Received By: \_\_\_\_\_

Amended

NOTICE OF CLAIM  
TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) See Attachment A Phone (208) \_\_\_\_\_

Mailing Address P.O. Box 669 Hailey ID ZIP 83333  
Street or Box State

2. Date of Priority (Only one (1) per claim) See Attachment D  
Month Day Year (YYYY)

3. Source of water supply (Check one) Ground Water ( ) or Other (✓) (a) Big Wood River  
which is tributary to (b) Malad River

4. a. Location of Point of Diversion is: Township 3N, Range 18E, Section 20,  
SW, 1/4 of NW, 1/4 Govt. Lot \_\_\_\_\_, BM., County of Blaine

Parcel (PIN) no. n/a

Additional points of diversion if any: none

If available, GPS Coordinates n/a

b. If instream flow, beginning point of claimed instream flow is:

Township \_\_\_\_\_, Range \_\_\_\_\_, Section \_\_\_\_\_, \_\_\_\_\_, 1/4 of \_\_\_\_\_, 1/4

Govt. Lot \_\_\_\_\_, BM., County of \_\_\_\_\_

ending point is: Township \_\_\_\_\_, Range \_\_\_\_\_, Section \_\_\_\_\_, \_\_\_\_\_, 1/4 of \_\_\_\_\_, 1/4

Govt. Lot \_\_\_\_\_, BM., County of \_\_\_\_\_

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),  
including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed  
and as enlarged and the depth of each well. An existing headgate diverts water into the Hiawatha Canal and  
associated lateral ditches for delivery to private water right holders.

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For mitigation purposes from 4/15 to 10/31 amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) See Attachment D (cfs) and/or (b) \_\_\_\_\_ (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) conveyance loss in the Hiawatha Canal and associated lateral ditches

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| Twn | Rng | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

The place of use is described as the route of the Hiawatha Canal and associated lateral ditches as shown on Attachment B.

Parcel (PIN) no(s) n/a

Total number of acres irrigated n/a

10. In which county (ies) are lands listed above as place of use located? Blaine

11. Do you own the property listed above as place of use? Yes ( ) No (✓)

If your answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.

37-577B, 37-12097 , 37-12098 or None ( )

13. Remarks: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Last Name \_\_\_\_\_ Identification No. \_\_\_\_\_

14. Basis of Claim (Check One) Beneficial Use ( ) Posted Notice ( ) License ( ) Permit ( ) Decree (✓)

Court \_\_\_\_\_ Decree Date \_\_\_\_\_ Plaintiff v. Defendant \_\_\_\_\_

If applicable provide IDWR Water Right Number \_\_\_\_\_

15. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices in the Snake River Basin Adjudication." (b.) I/We do ( ) do not ( ) wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 4

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am

\_\_\_\_\_ of \_\_\_\_\_  
Title Organization

that I have signed the foregoing document in the space below as

\_\_\_\_\_ of \_\_\_\_\_  
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature] Date 4/11/11

Title and Organization Attorney

16. Notice of Appearance:

Notice is hereby given that I, Fritz X. Harnisch, will be acting as attorney at law of behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature [Signature] Date 4/11/11

Address P.O. Box 1800  
Hailey, ID 83337

Last Name \_\_\_\_\_ Identification No. \_\_\_\_\_

## **Attachment A**

1. **Name of Claimant(s):** Hiawatha Canal Water Users' Association of Lateral or Laterals

### Attachment B - Place of Use

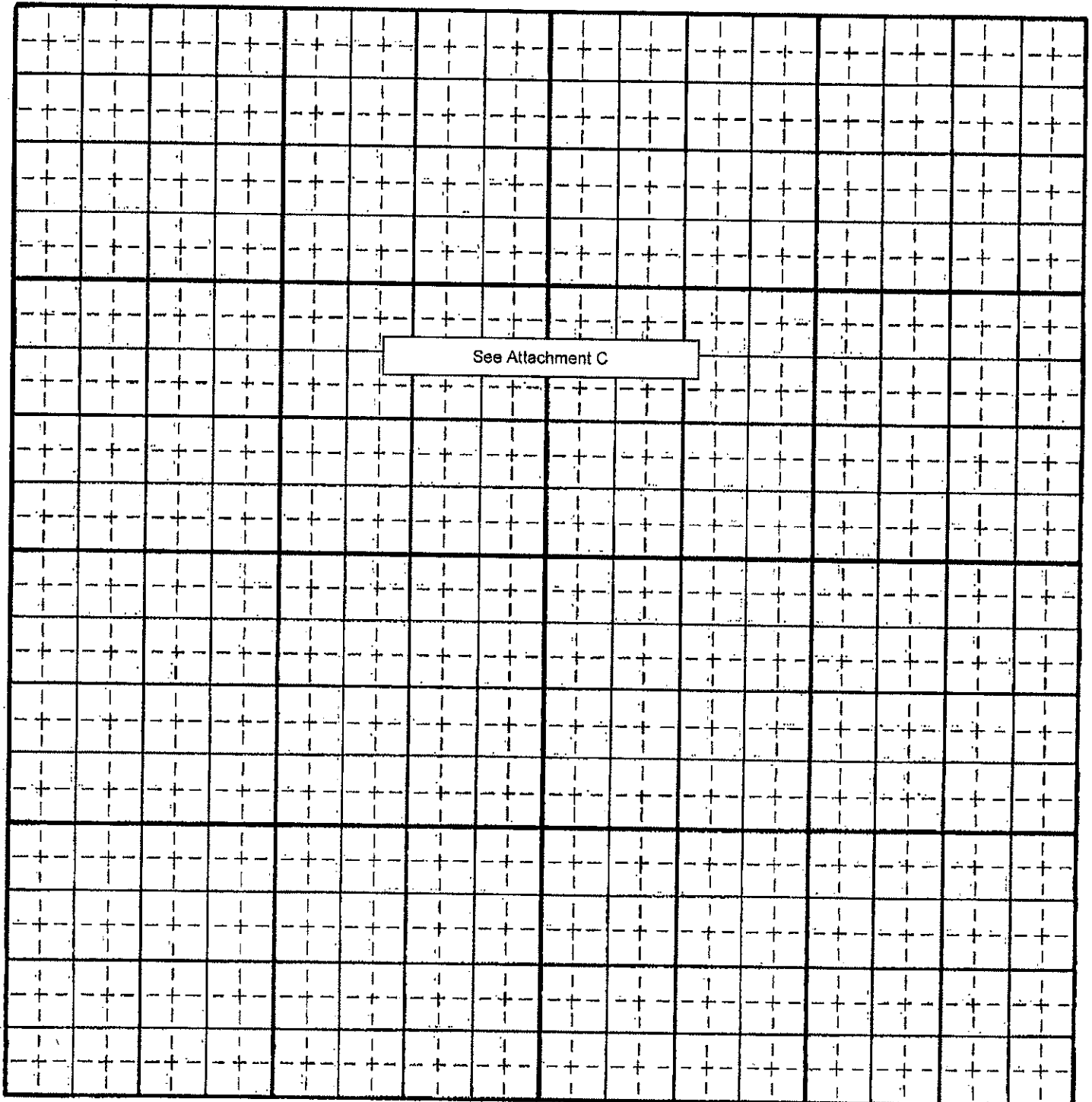
| TOWNSHIP | RANGE | SEC | QQ   | GOVT LOT<br>NUM |
|----------|-------|-----|------|-----------------|
| 02N      | 18E   | 3   | SWSW |                 |
| 02N      | 18E   | 4   | NWNE | 2               |
| 02N      | 18E   | 4   | SWNE |                 |
| 02N      | 18E   | 4   | SENE |                 |
| 02N      | 18E   | 4   | NENW | 3               |
| 02N      | 18E   | 4   | SENW |                 |
| 02N      | 18E   | 4   | NESW |                 |
| 02N      | 18E   | 4   | NWSW |                 |
| 02N      | 18E   | 4   | NESE |                 |
| 02N      | 18E   | 4   | NWSE |                 |
| 02N      | 18E   | 4   | SESE |                 |
| 02N      | 18E   | 9   | NENE |                 |
| 02N      | 18E   | 10  | SWNE |                 |
| 02N      | 18E   | 10  | SENE |                 |
| 02N      | 18E   | 10  | NENW |                 |
| 02N      | 18E   | 10  | NWNW |                 |
| 02N      | 18E   | 10  | SWNW |                 |
| 02N      | 18E   | 10  | SENW |                 |
| 02N      | 18E   | 10  | NWSW |                 |
| 02N      | 18E   | 10  | SWSW |                 |
| 02N      | 18E   | 10  | SESW |                 |
| 02N      | 18E   | 10  | NESE |                 |
| 02N      | 18E   | 10  | NWSE |                 |
| 02N      | 18E   | 10  | SWSE |                 |
| 02N      | 18E   | 10  | SESE |                 |
| 02N      | 18E   | 14  | SWNW |                 |
| 02N      | 18E   | 14  | NWSW |                 |
| 02N      | 18E   | 14  | SWSW |                 |
| 02N      | 18E   | 14  | SESW |                 |
| 02N      | 18E   | 15  | NENE |                 |
| 02N      | 18E   | 15  | SWNE |                 |
| 02N      | 18E   | 15  | SENE |                 |
| 02N      | 18E   | 15  | NENW |                 |
| 02N      | 18E   | 15  | SENW |                 |
| 02N      | 18E   | 15  | NESE |                 |
| 02N      | 18E   | 15  | NWSE |                 |
| 02N      | 18E   | 15  | SESE |                 |
| 02N      | 18E   | 22  | NENE |                 |
| 02N      | 18E   | 23  | NWNE |                 |
| 02N      | 18E   | 23  | SWNE |                 |
| 02N      | 18E   | 23  | NENW |                 |
| 02N      | 18E   | 23  | NWNW |                 |
| 02N      | 18E   | 23  | SWNW |                 |
| 02N      | 18E   | 23  | SENW |                 |

# Attachment B - Place of Use

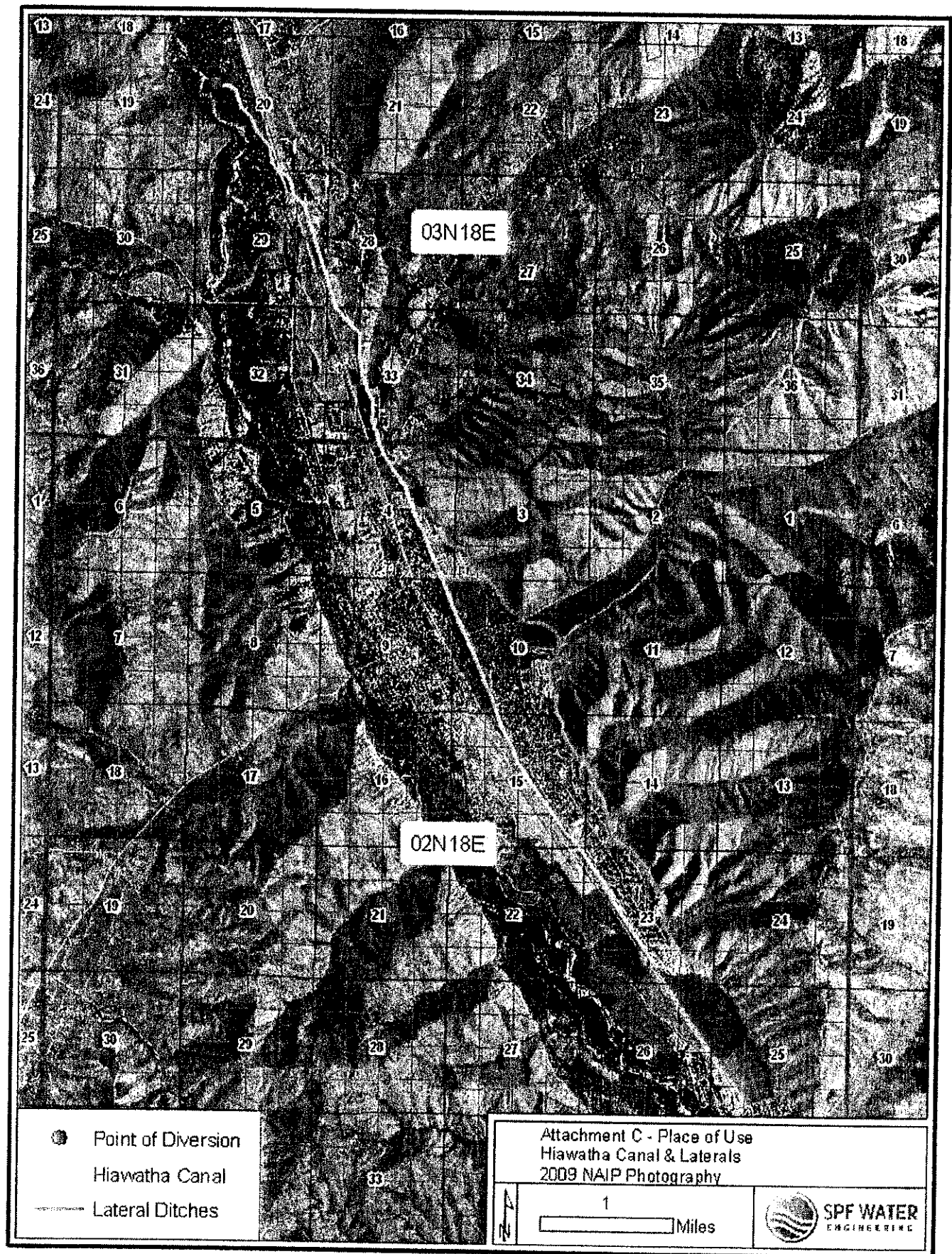
| TOWNSHIP | RANGE | SEC | QQ   | GOVT LOT<br>NUM |
|----------|-------|-----|------|-----------------|
| 02N      | 18E   | 23  | NESW |                 |
| 02N      | 18E   | 23  | SESW |                 |
| 02N      | 18E   | 23  | NWSE |                 |
| 02N      | 18E   | 23  | SWSE |                 |
| 02N      | 18E   | 23  | SESE |                 |
| 03N      | 18E   | 20  | SWNE |                 |
| 03N      | 18E   | 20  | SWNW |                 |
| 03N      | 18E   | 20  | SENE |                 |
| 03N      | 18E   | 20  | NESW |                 |
| 03N      | 18E   | 20  | SESW |                 |
| 03N      | 18E   | 20  | NESE |                 |
| 03N      | 18E   | 20  | NWSE |                 |
| 03N      | 18E   | 20  | SWSE |                 |
| 03N      | 18E   | 20  | SESE |                 |
| 03N      | 18E   | 21  | SWSW |                 |
| 03N      | 18E   | 28  | NWNW |                 |
| 03N      | 18E   | 28  | SWNW |                 |
| 03N      | 18E   | 28  | NWSW |                 |
| 03N      | 18E   | 28  | SWSW |                 |
| 03N      | 18E   | 29  | NENE |                 |
| 03N      | 18E   | 29  | NWNE |                 |
| 03N      | 18E   | 29  | SWNE |                 |
| 03N      | 18E   | 29  | SENE |                 |
| 03N      | 18E   | 29  | NESW |                 |
| 03N      | 18E   | 29  | SWSW |                 |
| 03N      | 18E   | 29  | SESW |                 |
| 03N      | 18E   | 29  | NESE |                 |
| 03N      | 18E   | 29  | NWSE |                 |
| 03N      | 18E   | 29  | SESE |                 |
| 03N      | 18E   | 32  | NENE |                 |
| 03N      | 18E   | 32  | SENE |                 |
| 03N      | 18E   | 32  | NESE |                 |
| 03N      | 18E   | 33  | NENW |                 |
| 03N      | 18E   | 33  | NWNW |                 |
| 03N      | 18E   | 33  | SWNW |                 |
| 03N      | 18E   | 33  | SENE |                 |
| 03N      | 18E   | 33  | NESW |                 |
| 03N      | 18E   | 33  | SESW |                 |

Map of Project: Attach aerial photograph or topographic map showing clearly the point of diversion, place of use, section number, township, and range number, unless unavailable. Otherwise sketch the elements above on the grid below.

Scale: 2 Inches equals 1 mile



Last Name \_\_\_\_\_ Identification No. \_\_\_\_\_



**ATTACHMENT D**

**Claimant:** Hiawatha Canal Water Users Association of Lateral or Laterals

| <b><u>Water Right</u></b> | <b><u>Quantity for:</u></b> | <b><u>Priority Date:</u></b> |
|---------------------------|-----------------------------|------------------------------|
| 37-191                    | 0.572 cfs                   | 4/30/1889                    |
| 37-483                    | 0.600 cfs                   | 8/1/1902                     |
| 37-905A                   | 0.28 cfs                    | 4/1/1940                     |
| 37-905B                   | 0.08 cfs                    | 4/1/1940                     |
| 37-918                    | 0.019 cfs                   | 4/1/1940                     |
| 37-11483                  | 1.392 cfs                   | 3/24/1883                    |
| 37-11489                  | 2.8 cfs                     | 4/30/1889                    |
| 37-14296                  | 0.069 cfs                   | 3/24/1883                    |
| 37-22157                  | 0.006 cfs                   | 3/24/1883                    |