

1465

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
MAY - 2 2012
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	)	Subcase No.: 37-12097
	)	(Formerly Disallowed;
	)	Now Recommended as Rights
Case No. 39576	)	37-22630, 37-22631, 37-22632,
	)	and 37-22633)
	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. To resolve the objection, the conveyance losses claimed under water rights 37-12097 and 37-12098 are now recommended as water rights 37-22630, 37-22631, 37-22632 and 37-22633. The parties and IDWR agree and stipulate that the recommendations of water rights 37-12097 and 37-12098 should remain disallowed. Water rights 37-22630, 37-22631, 37-22632 and 37-22633 now supersede rights 37-12097 and 37-12098. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT / OBJECTOR:

Fritz X. Haemmerle
Fritz X. Haemmerle
Attorney for Hiawatha Canal Water Users
Association of Lateral or Laterals

Standard Form 5 37-12097

RESPONDENT:

Craig D. Hodgey 3-14-12
Craig D. Hodgey Date
Attorney for Big Wood Canal Company

RESPONDENT:

United States on behalf of the
Bureau of Land Management

David L. Negri 3/22/12
Date

David L. Negri
Attorney, U.S. Department of Justice
Environment and Natural Resources

IDWR CONCURRENCE:

Carter Fritschle 3-8-12
Date

Carter Fritschle
Manager, Adjudication Section

IDWR CONCURRENCE:

C. M. Bromley 5/1/12
Date

Christopher M. Bromley
Deputy Attorney General
Attorney for IDWR

02/27/2012

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
37-12097	MIAMATHA CANAL WATER USERS ASSOCIATION OF LATERAL OR LATERALS PO BOX 669 HAILEY ID 83333	Disallowed	~~No lawful appropriation shown.~~ Recommended as Right Nos. 37-22630, 37-22631, 37-22632 and 37-22633.

(K) JH DN CB

02/27/2012

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

RIGHT NUMBER: 37-22630

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: 1.467 CFS

The watermaster shall deliver this right into the Hiawatha Canal where it shall not be rediverted.

PRIORITY DATE: 03/24/1883

POINT OF
DIVERSION:

T03N R18E S20 SWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

MITIGATION

04/15 10/31

1.467 CFS

This right is limited to conveyance loss associated with delivery of water by the Hiawatha Canal Water Users Association of Lateral or Laterals through its canal and lateral system.

PLACE OF USE:

Place of use does not include federal public lands.

Place of use for this right is limited to the canal and lateral system served by the Hiawatha Canal Water Users Association of Lateral or Laterals to the point at which its canal and lateral systems terminate.

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 - Beneficial Use

02/27/2013

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

RIGHT NUMBER: 37-22631

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

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 3.372 CFS

The watermaster shall deliver this right into the Hiawatha Canal where it shall not be rediverted.

PRIORITY DATE: 04/30/1889

POINT OF
DIVERSION:

T03N R18E S20 SWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

MITIGATION

04/15 10/31

3.372 CFS

This right is limited to conveyance loss associated with delivery of water by the Hiawatha Canal Water Users Association of Lateral or Laterals through its canal and lateral system. *OK*

PLACE OF USE:

Place of use does not include federal public lands. *DN*

Place of use for this right is limited to the canal and lateral system served by the Hiawatha Canal Water Users Association of Lateral or Laterals to the point at which its canal and lateral systems terminate. *CB*

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 - Beneficial Use *et*
(F&H)

02/27/2012

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

RIGHT NUMBER: 37-22632

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: 0.600 CFS

The watermaster shall deliver this right into the Hiawatha Canal where it shall not be rediverted.

PRIORITY DATE: 08/01/1902

POINT OF
DIVERSION:

T03N R18E S20 SWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

MITIGATION

04/15 10/31

0.600 CFS

This right is limited to conveyance loss associated with delivery of water by the Hiawatha Canal Water Users Association of Lateral or Laterals through its canal and lateral system.

PLACE OF USE:

Place of use for this right is limited to the canal and lateral system served by the Hiawatha Canal Water Users Association of Lateral or Laterals to the point at which its canal and lateral systems terminate.

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 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 - Beneficial Use

03/09/2012

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

RIGHT NUMBER: 37-22633
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: 0.360 CFS

The watermaster shall deliver this right into the Hiawatha Canal where it shall not be rediverted.

PRIORITY DATE: 04/01/1940

POINT OF
DIVERSION:

T03N R18E S20 SWNW within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

MITIGATION

04/15 10/31

0.360 CFS

This right is limited to conveyance loss associated with delivery of water by the Hiawatha Canal Water Users Association of Lateral or Laterals through its canal and lateral system.

PLACE OF USE:

Place of use does not include federal public lands.

Place of use for this right is limited to the canal and lateral system served by the Hiawatha Canal Water Users Association of Lateral or Laterals to the point at which its canal and lateral systems terminate.

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 - Beneficial Use

CERTIFICATE OF SERVICE

I certify that on May 1, 2012, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated and addressed as follows:

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

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

2. Copies to:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile

Fritz X. Haemmerle
Haemmerle & Haemmerle
P.O. Box 1800
Hailey, ID 83333

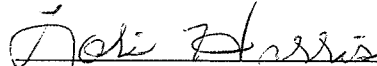
☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

U.S. Department of Justice
Environment & Nat'l Resources Div.
550 W. Fort St., MSC 033
Boise, ID 83724

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Craig D. Hobdey
Hobdey & Hobdey
P.O. Box 176
Gooding, ID 83330

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile



Signature of person or attorney mailing the form