

RECEIVED

MAY 21 2012

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
MAY 18 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

Case No. 39576

) SPECIAL MASTER'S REPORT
)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHTS 37-22630,
) 37-22631, 37-22632, and 37-22633
)
) RECOMMENDATION OF
) DISALLOWAL FOR 37-12097
) and 37-12098

I. FINDINGS OF FACT

A notice of claim was filed for the water rights 37-12097 and 37-12098 pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of these water rights.

On January 3, 2011, IDWR filed an *Amended Director's Report* for claims 37-12097 and 37-12098, recommending that they be disallowed. On January 27, 2011, the claimant, Hiawatha Canal Water Users Association of Lateral or Laterals, through its attorney Fritz X. Haemmerle, filed an objection. On May 2, 2012, the parties filed a *Standard Form 5 – Stipulated Elements of a Water Right* which resolved the objection by recommending claims 37-12097 and 37-12098 as claim numbers 37-22630, 37-22631, 37-22632, and 37-22633. The Idaho Department of Water Resources concurred with the stipulation.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that water rights 37-22630, 37-22631, 37-22632, and 37-22633 be **decreed** with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to*

I.R.C.P. 54(b). IT IS FURTHER RECOMMENDED that the SRBA District Court enter a final order disallowing water right numbers 37-12097 and 37-12098.

Dated May 18, 2012


Theodore R. Booth
Special Master
Snake River Basin Adjudication

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 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	PURPOSE OF USE	PERIOD OF USE	QUANTITY
PERIOD OF USE:	Mitigation	04-15 TO 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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

RECOMMENDATION

MAY 18 2012

Red R. Booth
SPECIAL MASTER

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 37-22631

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: 3.372 CFS

The watermaster shall deliver this right into the Hiawatha Canal
where it shall be 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 TO 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.

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.

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judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Eric J. Wildman

Presiding Judge of the

Snake River Basin Adjudication

RECOMMENDATION

MAY 18 2012

Lawrence R. Booth

SPECIAL MASTER

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 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: 0.60 CFS

The watermaster shall deliver this right into the Hiawatha Canal
where it shall be 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 TO 10-31	0.60 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:

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judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Eric J. Wildman

Presiding Judge of the

RECOMMENDATION

MAY 18 2012

Red Booth
SPECIAL MASTER

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 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: 0.36 CFS

The watermaster shall deliver this right into the Hiawatha Canal
where it shall be 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 TO 10-31	0.36 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:

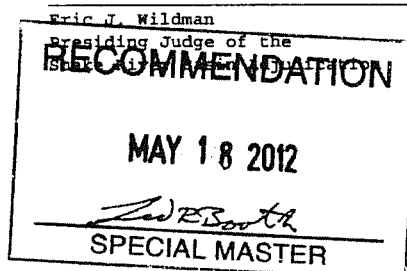
Place of use does not include federal public lands.
Place of use for this right is limited to the canal and lateral
system served by the Hiawatha Canal Water Users Association of
Lateral or Laterals to the point at which its canal and lateral
systems terminate.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
MAY 13 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)
)
Case No. 39576)
)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

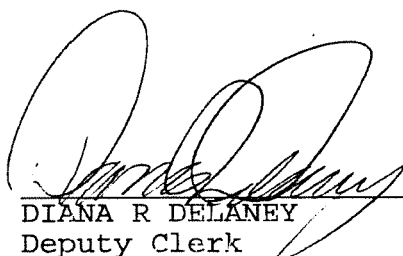
Water Right(s) : 37-12097
37-12098 37-22630 37-22631
37-22632 37-22633

On May 18, 2012, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

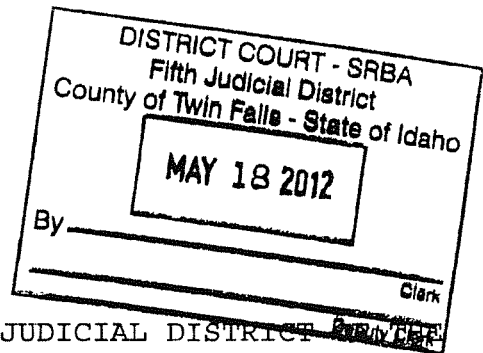
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED May 18, 2012.



DIANA R DELANEY
Deputy Clerk



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

In Re SRBA)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 37-12097
37-12098 37-22630 37-22631
37-22632 37-22633

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on May 18, 2012, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

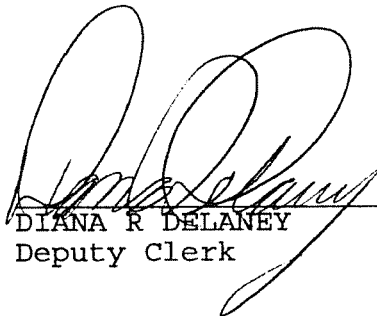
HIAWATHA CANAL WATER USERS

Represented by:
HAEMMERLE, FRITZ X.
PO BOX 1800
HAILEY, ID 83333
Phone: 208-578-0520

UNITED STATES OF AMERICA

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

CERTIFICATE OF MAILING



DIANA R DELANEY
Deputy Clerk

PAGE 1
05/18/12