

**SUPPLEMENTAL DIRECTOR'S REPORT REGARDING
SUBCASE NO. 27-7007C**

In RE SRBA

Twin Falls County Civil Case No. 39576

Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources

David J. Tuthill, Jr., Director

Donald V. Shaff, Adjudication Bureau Chief

January 9, 2007

TABLE OF CONTENTS

I.	INTRODUCTION.....	3
II.	SUMMARY OF THE ISSUES.....	3
III.	DISCUSSION.....	4
IV.	CONCLUSION.....	7
V.	CERTIFICATE OF SERVICE.....	8

I. INTRODUCTION

In accordance with Idaho Code § 42-1412(4), Administrative Order 1, and Special Master Bilyeu's November 1, 2006, *Trial Scheduling Order*, the Director of the Idaho Department of Water Resources ("IDWR" or "Department") submits this Supplemental Director's Report ("Report") regarding subcase number 27-7007C, setting forth the basis for the Department's recommendation for this water right. The Report was prepared under the supervision of David R. Tuthill, Jr., Director, and Donald V. Shaff, Adjudication Bureau Chief.

The following employee has knowledge of the information contained in the Report: Ernest Carlsen, Water Resource Program Manager.

II. SUMMARY OF THE ISSUES

At issue is the Department's recommendation for a groundwater right currently owned by J. Blaine Shoemaker (Shoemaker). In its Director's Report for Irrigation and Other Uses in Basin 27 filed on November 10, 2005, the Department recommended water right number 27-7007C. This recommendation was based on a license for water right number 27-7007 (a copy of the license is attached hereto as "Exhibit A") which was issued on September 28, 1982. An Application for Transfer of Water Right was approved by the Department on July 7, 1983 and is attached hereto as "Exhibit B". An additional Application for Transfer was approved on June 20, 1998 and is attached hereto as Exhibit C. This transfer changed the point of diversion under a portion of water right number 27-7007, splitting the right into parts A and B. Water right number 27-7007A was claimed in the adjudication by two people, Shoemaker and Oleson. Shoemaker's claim was numbered 27-7007C and Oleson's was numbered 27-7007D. (See Exhibit D).

The major issue in this subcase involves quantity. The original licensed quantity for water right number 27-7007 was 3.85 cfs. This quantity has been properly apportioned between the split rights with water right number 27-7007B receiving .52 cfs, water right number 27-7007C receiving 3.13 cfs and water right number 27-7007D receiving .20 cfs, respectively.

Water Right No.	Quantity
27-7007B	.52 cfs
27-7007C	3.13 cfs
27-7007D	.20 cfs
Total	3.85 cfs

Shoemaker objected to the Department's recommendation for 27-7007C asserting that the quantity for this part of 27-7007 should be 4.78 cfs rather than the 3.13 cfs that was recommended by the Department. Shoemaker alleges the original water right, as measured and determined by the Department, is inconsistent with the capacity of the system and the historical use dating to 1969

In addition, Shoemaker objected to the point of diversion recommended by IDWR. Shoemaker indicates that the point of diversion should be T03S R36E S4 SESWNE within Bingham County rather than the recommended location of T03S R36E S4 SWSWNE within Bingham County.

III. DISCUSSION

A. Quantity

The permit to develop water right 27-7007 was approved on May 12, 1969, for irrigation use on 320 acres from a source of groundwater in an amount of 6.4 cfs. The permit required the applicant, Shoemaker, to permanently install and maintain a measuring device of a type approved by the Department. Proof of beneficial use was submitted on June 28, 1974. In accepting the proof, the Department reminded Shoemaker of the requirement to install an approved measuring device. The Department attempted to examine the system on July 30, 1976, and noted in a letter to Shoemaker that the exam could not be completed because a measuring device had not been installed as required under the permit. (See Exhibit E, copy of letter)

A second scheduled exam was completed on May 23, 1979; however, the examiner's notes indicate the existing flow meter was not functioning. A copy of the exam is attached hereto as "Exhibit F". The results of the Department's exam were mailed to Shoemaker on June 30, 1982. Along with the June 30, 1982, letter, was a copy of the proposed license. The license indicated that the examiner found irrigation of 294 acres with a flow of 3.85 cfs. The letter provided that Shoemaker should contact the Department within 30 days if he did not concur with the findings. The license was issued on September 28, 1982, and sent to Shoemaker on October 4, 1982. No protest to the license was filed.

In a letter dated July 27, 2005, to IDWR Director Karl J. Dreher accompanying his SRBA Notice of Error Reply, Shoemaker stated that he desired to "request the fulfillment of the 1969 application of license of the remaining .35" of irrigation of water

per acre on my farm.” (A copy of the letter with attachments is attached hereto as “Exhibit G”) In response to this letter, the Department reviewed the license file and determined that the license could not be amended. A letter dated August 19, 2005 to Shoemaker from Jeff Peppersack, Section Manager, Water Rights Permit Section, IDWR informed Shoemaker that his license could not be amended. (A copy of the letter is attached hereto as “Exhibit H”)

In the July 27, 2005 letter, Shoemaker states that the Application for Permit filed in 1969 was for one inch per acre, and that nine years later in 1978, when the Department conducted its field examination it measured .65 inches per acre, the amount for which the license was issued. Shoemaker alleges that the lower amount was licensed because the field exam missed the dates of optimum water use. Shoemaker further contends that the license issued in 1982 did not nullify the ability to divert the remaining .35 cfs of water per acre. Although Shoemaker did not raise any issues or disagreement during the time of licensing, he now disagrees with the licensed quantity by IDWR, some 23 years after the license was issued.

Shoemaker had the opportunity to disagree with IDWR’s findings throughout the permitting and licensing process, but failed to do so. Shoemaker is prohibited from collaterally attacking a valid license in the SRBA. *See Order on Challenge (Consolidated Issues) of “Facility Volume” Issue and “Additional Evidence Issue” (“Fish Facility Volume”), 3 SRBA 18, 18.15 (December 29, 1999).*

B. Point of Diversion

Shoemaker has also objected to the point of diversion element in the Department’s recommendation. The Department’s recommendation contained a clerical

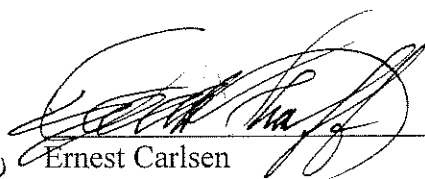
error, and the point of diversion description should be changed to T03S R36E S4 SESWNE within Bingham County rather than the location of T03S R36E S4 SWSWNE within Bingham County as previously recommended by the Department. After the filing of the Director's Report for Basin 27, the Department became aware of this clerical error and solicited the objection to this element of the water right in a letter to Mr. Shoemaker dated February 28, 2006 (A copy of the letter is attached hereto as "Exhibit I".)

IV. CONCLUSION

With regard to the quantity issue raised by Shoemaker, the Department's recommendation for water right number 27-7007C is based on a prior valid license. The basis of claim of this water right is a license issued on September 28, 1982. No action was taken by Shoemaker to disagree or take exception with the license until July 27, 2005. The Department's license for 27-7007 and subsequent recommendation of water right number 27-7007C was based on a valid prior administrative process which should not be collaterally attacked in the SRBA.

Shoemaker's objection to the point of diversion element, however, should be granted, as the recommendation contains a clerical error. The description of the point of diversion should be accurately described as T03S R36E S4 SESWNE within Bingham County.

Submitted this 9th day of January, 2007.

for 
Ernest Carlsen
Water Resource Program Manager

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I served a true and correct copy of the following described document on the persons listed below by United States mail with the correct postage affixed thereto on this 9th day of January, 2007.

Document Served: **SUPPLEMENTAL DIRECTOR'S REPORT REGARDING
WATER RIGHT NUMBER 27-7007C**

J BLAINE SHOEMAKER

Represented by:
DWIGHT E. BAKER
266 WEST BRIDGE
BLACKFOOT, ID 83221

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



EXHIBIT A

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 27-7007 (late proof)
Priority May 18, 1969 Amount 3.85 cfs

THIS IS TO CERTIFY, that J. Blaine Shoemaker
of Pocatello, Idaho, has complied with the terms and conditions of Permit
No. 27-7007 issued pursuant to Application for Permit dated March 21, 1969,
and has submitted proof to the Department of Water Resources on June 28, 1974,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 3.85 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from <u>March 1</u> to <u>October 31</u>	at <u>3.85</u> cfs and	<u>1029.0</u> acre feet
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 3.85 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
1029.0 acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 4, Twp.
3S, Rge. 36E in the County of Bingham

Description and location of place of use:

Twp.	Range	Section	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	Totals
3S	36E	4	18	37	35	35	294

Total number of acres irrigated 294

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 28th day of
September, 19 82.

Acting for the Director

EXHIBIT B

Transfer No. 2839

Water Right No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**APPROVED****APPLICATION FOR TRANSFER OF WATER RIGHT****To Change the Point of Diversion and/or the Place of Use**Name of applicant J. Blaine Shoemaker Phone 785-5936Post Office address P.O. Box 41 Blackfoot Idaho 83221**A. DESCRIPTION OF RIGHT AS RECORDED**

1. Right evidenced by:

a. Decree No. _____ Decreed to _____ (Name)

in case of _____ vs _____

dated in _____ in _____ county of _____ (Name of court)

b. License No. 27-7007 issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____

Applicant is original holder of right.3. Source of water Ground water. tributary to _____4. Date of priority May 18, 1969

5. Water is used for the following purposes:

amount 3.85cfs for Irrigation purposes from 3-1 to 10-31

amount _____ for _____ purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____ (month/day — both dates inclusive)

6. Total amount of water under right: a. 3.85 cubic feet per secondb. 1029.0 &/or acre feet per annum7. Location of original point of diversion is SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 4Township 3S Range 36E B.M., in Bingham County

Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
3S	36E	4		39	40	40	20		18	37	35	35				30			294

Total number of acres to be irrigated 2949. Describe any other water rights used for the same purpose as described above None10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? no If yes, describe in item D, REMARKS.

APPROVED

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
- ✓ Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____

3. Place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information

- a. Amount of water to be diverted 3.85 c.f.s. &/or 1029.0 acre feet
- b. Description of diverting works 12" diameter well with 25 Hp. motor & pump
20" diameter well with 150 Hp. motor & pump
- c. Describe the reasons for the proposed changes 12" diameter well was drilled to
provide water to 4 Seasons Ranch Division # II which is located
on lands originally irrigated under License # 27-7007

2. Change in point of diversion

Point of diversion SW ¼ NE ¼, Section 4 Township 3S
Range 36E, B.M., Bingham County
Additional points SE 1/4 NW 1/4 Sec. 4 T.3S R. 36E

3. Change in place of use

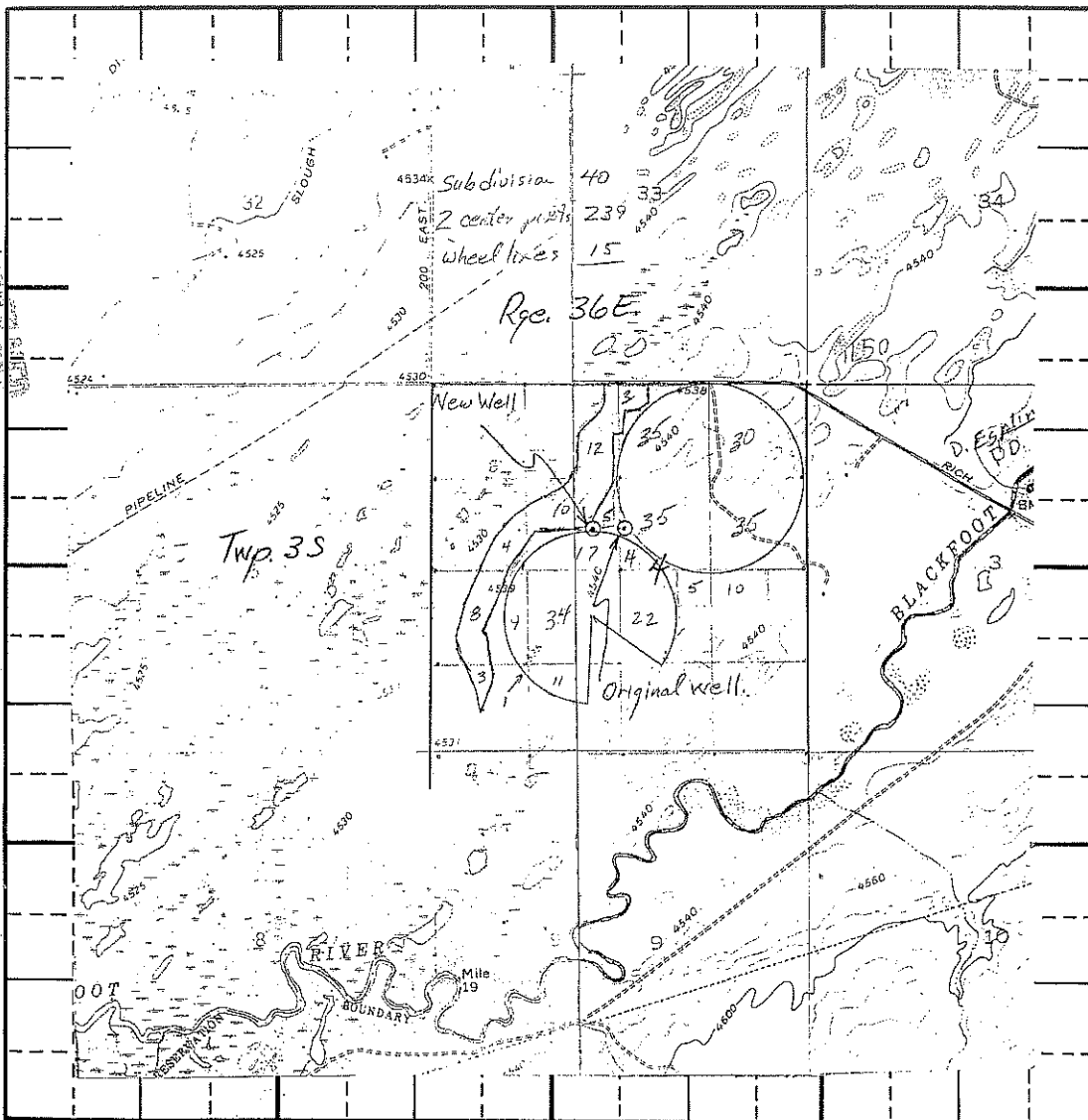
- a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No X. If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
Property originally licensed but not included under this
transfer will become dry land

c. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
Original Well																			
3S	36E	4	30	35	39	35				1	22	34	9	1	11	10	27		254
New Well																			
3S	36E	4		3			12		4	10		8	3						40

Total number of acres to be irrigated 294

4. Describe any other water rights used for the same purpose as described above. None
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

D. REMARKS

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 14th day of April, 19 83

J. Blain Shoemaker
(Signature of Applicant)

William Wray
(Notary Public)

My commission expires 6-15-85

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 27-7007
and said application is hereby Approved, subject to the following limitations and conditions:

Witness my hand this 7th day of July, 19 83

L. Glen Saxton
L. GLEN SAXTON, Chief Operations Bureau

FOR DEPARTMENT USE ONLY

Assisted
Received by EMC Date 4/14/1983 Protest filed by _____
Prelim. check by KCW Fee 50.00 _____
Received by OW Date 4-14-83 _____
Published in Blackfoot News # 28047 Copies of protest forwarded by _____
Pub. dates 4/28 & 5/5/83 Hearing held by _____ Date _____
Watermaster recommendation requested on _____ Recommended for approval denial
_____ rec'd. by EMC for Det

EXHIBIT C

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5074
WATER RIGHT NO. 27-07007B

This is to certify that: STEVE OLESON
GEORGE OLESON
363 E 200 N
BLACKFOOT ID 83221

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	0.20 CFS	60.0 AF

SOURCE

GROUNDWATER

Priority: 05/18/1969

LOCATION OF POINT(S) OF DIVERSION: NWSW , Sec. 3, Township 03S, Range 36E
BINGHAM County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03S	36E	4	NESE 10	NWSE 5		15
Total number of acres irrigated:						15

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

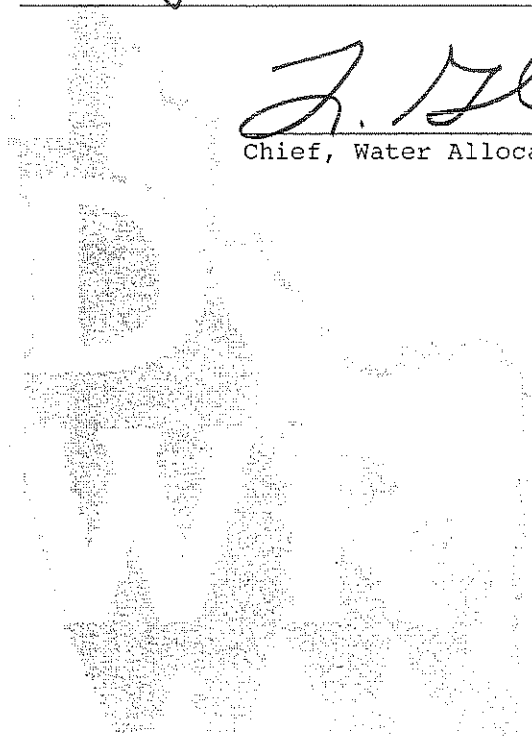
MICROFILMED
JUL 31 1998

TRANSFER NO. 5074
WATER RIGHT NO. 27-07007B

CONDITIONS OF APPROVAL AND REMARKS

5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Dated this 30th day of June, 1998.


J. Glen Saxton
Chief, Water Allocation Bureau

MICROFILMED

JUL 31 1998

EXHIBIT D

SCANNED

JUL 18 2001

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: A27-07007C

Date Received: 2/13/1991

Receipt No: X777777

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: J BLAINE SHOEMAKER
Address: PO BOX 41
BLACKFOOT ID

83221

2. Date of Priority: MAY 18, 1969

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03S	36E	4	SW	NE			BINGHAM

5. Description of diverting works:
WELL, PUMP & PIPELINE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/01	10/31	3.130		836.50

7. Total Quantity Appropriated is:
3.130 C.F.S. (and/or) 836.50 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03S	36E	4	NE	NE		IRR	35.0
			NW	NE		IRR	35.0
			SW	NE		IRR	39.0
			SE	NE		IRR	35.0
			SW	NW		IRR	1.0

A27-07007C

Page 1

Date: 04/25/97

A2707007C



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03S	36E	4	SE	NW		IRR	17.0
			NE	SW		IRR	34.0
			NW	SW		IRR	9.0
			SW	SW		IRR	1.0
			SE	SW		IRR	11.0
			NW	SE		IRR	22.0

Section Acres 239.0

Total Acres 239.0

11. Place of use in counties: BINGHAM

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

14. Remarks:

TRANS. 2839.

REINSTATED 7/15/1974.

15. Basis of Claim: LICENSE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice 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: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

EXHIBIT E

August 5, 1976

RE: Permit No. 27-7007

J. Blaine Shoemaker
~~Star Route, Box 170~~ Rich Ln.
~~Pocatello, Idaho 83201~~ Blackfoot, ID

Dear Mr. Shoemaker:

On July 30, 1976, personnel from this office visited the well under your Permit No. 27-7007. This examination was to finalize the water permit and collect data required for the licensing of the well.

The examination indicated that the system may possibly not be operated as you stated in your proof of beneficial use. A measuring device approved by this Department has not been installed at the point of diversion. Because of this non-compliance where the measuring device is concerned, the priority date that you have established for this ground-water source may be in jeopardy.

This office will hold the field report until August 20, 1976. At that time we will submit our findings to the State Office in Boise. Hopefully, before that time you will contact this office and indicate that the measuring device has been purchased and/or installed. We will then re-examine the system with you or your representative present. Please contact me to set up an appointment for this re-examination.

Compliance with the conditions on your permit is the only way a license can be issued pursuant to the Idaho Code for your water right development and the land included under the above referenced permit.

If you have any questions concerning this matter, please do not hesitate to contact me.

Very truly yours,

WILLIAM G. GRAHAM
Senior Water Resource Agent

WGG: CW

EXHIBIT F

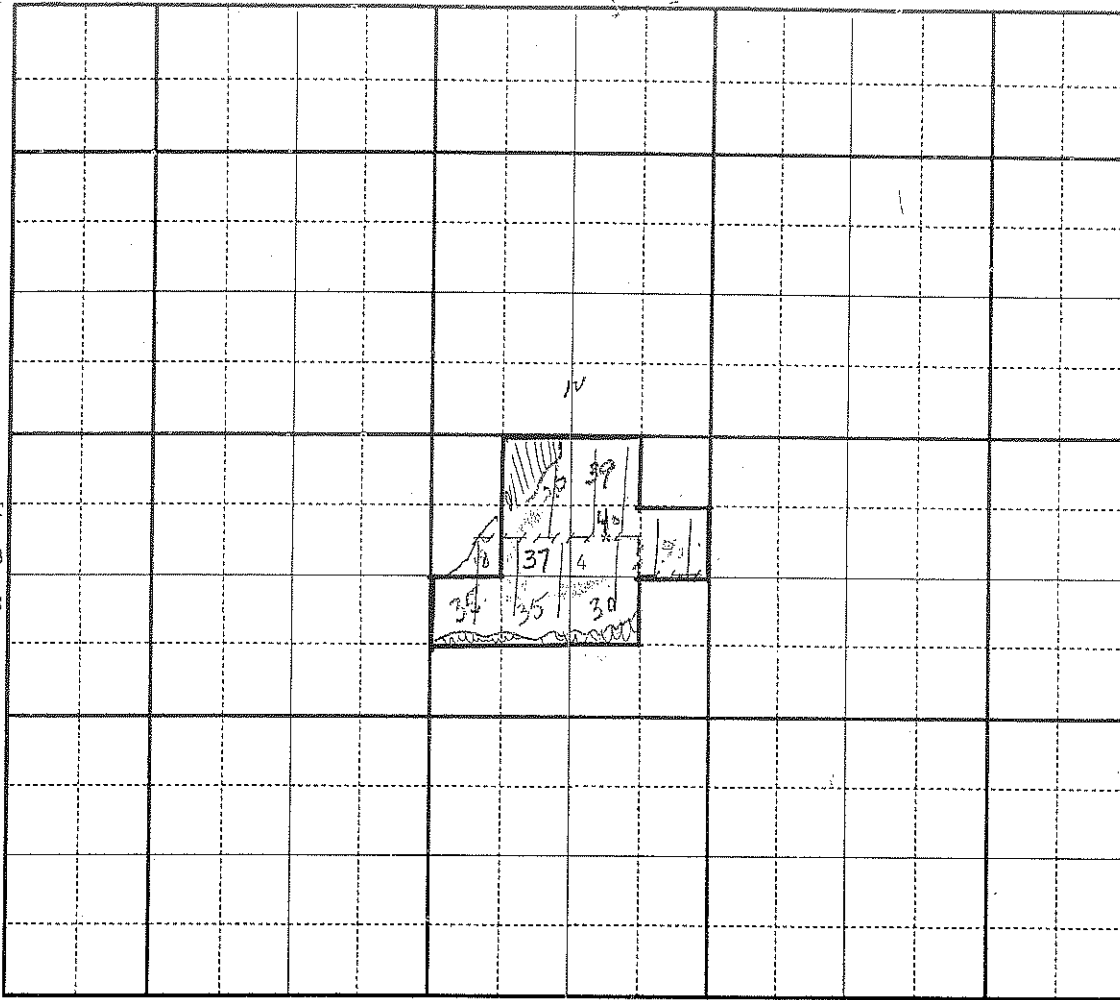
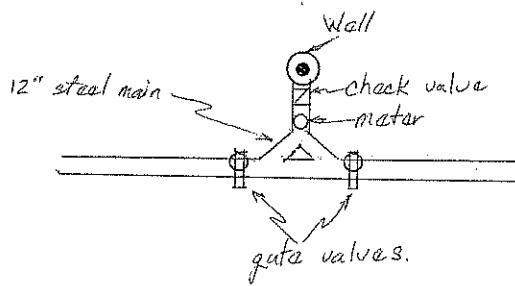


Diagram of System



DATE OF EXAM ~~5-23-79~~ 5-23-79

ACREAGE
Found 294 ✓
Recommended 294 ✓

Irrigation Requirement 3.5 Ac Ft/Ac

USE
Irrigation Q= 3.85 c.f.s. V= 1029.0 AF/Ann. from MAR 1 to Oct 31
Domestic Q= c.f.s. V= AF/Ann. from to
Livestock Q= c.f.s. V= AF/Ann. from to

Is water co-mingled? yes no ☒

Name source: n/a
twp. N/S, Rge. E/W, B.M., Sec. Sub. 1/4 1/4 County

Exchange? yes no ☒

Name source exchanged with: n/a
twp. N/S, Rge. E/W, B.M., Sec. Sub. 1/4 1/4 County

Point of injection: N/A
twp. N/S, Rge. E/W, B.M., Sec. Sub. 1/4 1/4 County

Point of exchange: N/A
twp. N/S, Rge. E/W, B.M., Sec. Sub. 1/4 1/4 County

Total Q measured 3.846 CFS Method of measurement pitot tube ✓

Total Q recommended 3.85 Meter No. n/a Type draft Condition shd

Total V recommended 1029.0 AF/YR In-line flow meter non functional

Recommended Amendments:

P.D.
Place of Use L ADD ACREAGE IN SW & NW 1/4 SEC 18 - SEE REVERSE FOR AMENDMENT
Other
None

MEASUREMENT CALCULATION:

PITOT TUBE TOTAL = $1726.44 \text{ gpm} = 3.846 \text{ CFS} = 3.85 \text{ cfs}$ CAPACITY
① = SEE REVERSE FOR PITOT TUBE TOTALS
 $V = 3.85 \times 19.835 \times 183 = 1397.5 \text{ AF/YR}$ $3.5 \times 294 \text{ AC} = 1029 \text{ AF/YR}$

SYSTEM DESCRIPTION:

150 HP, G.E. 3 phase motor 3/4" P.O. 7051416 1/2" Layne & Bowler
furnishing pump 3/4" 262.82 12 inch steel main extends 5 ft south of P.O.
connecting to east west buried main; system operates 9 3/8 mile hand lines.
4 1/2 inch diameter nozzles. ROCKWELL METER No. 12287 - BROKEN

REMARKS:

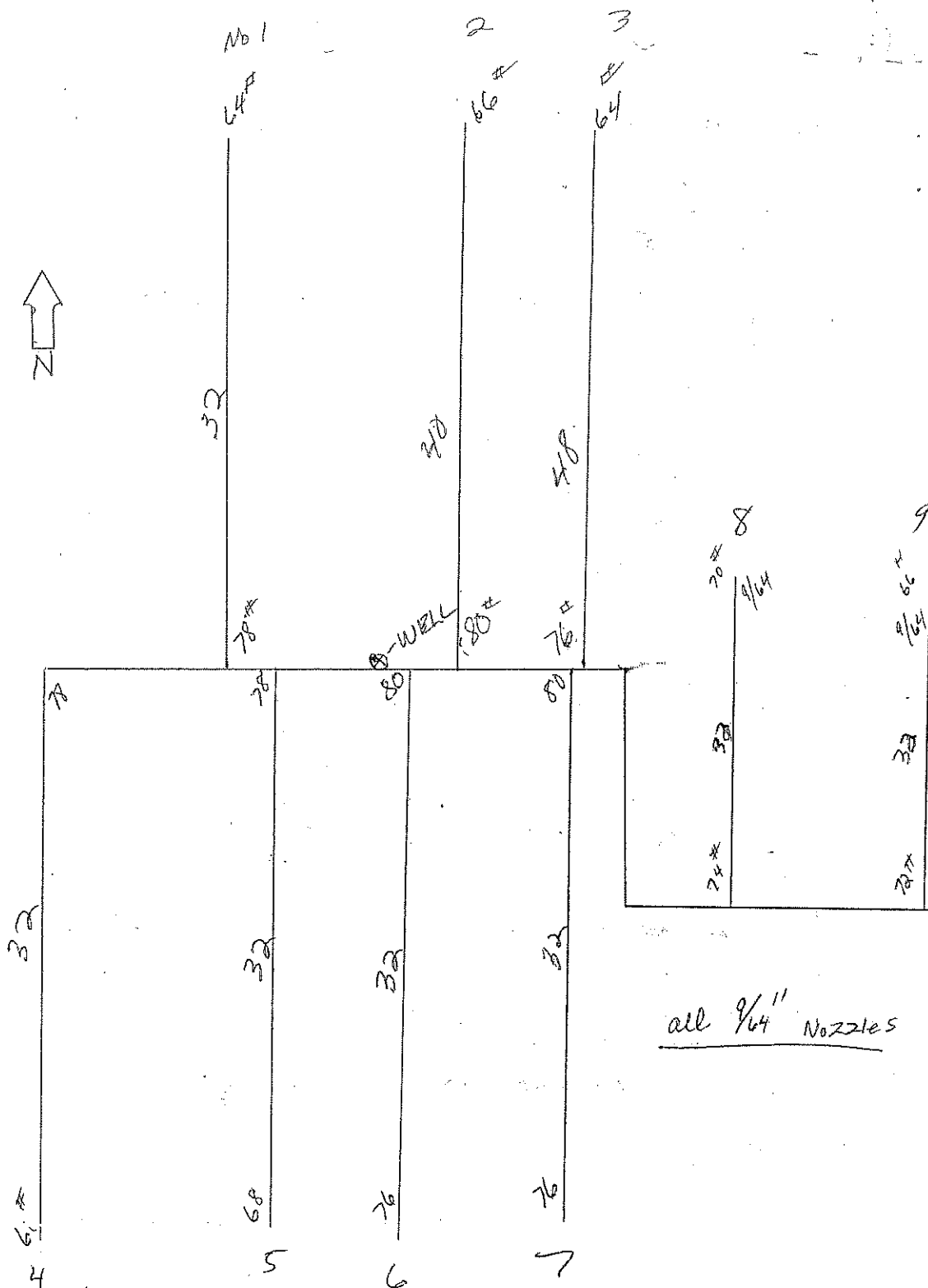
Mr. Shoemaker accompanied agent during exam.
MR. SHOEMAKER SENT LETTER CONCERNING LANDS IRRIGATED +
NOT COVERED BY PERMIT

Examiner's Signature Rodney A Parker Date 11-16-79

Checked by Anthony R. Kozlowski Date 4-30-80

Approved by [Signature] Date 6/29/82

No Overlap



all 1/4" Nozzles

TOTALS PER LINE

1. 160.00 gpm

2. 198.40 gpm

3. 228.48 gpm

4. 158.72 gpm

5. 162.56

6. 168.00

7. 168.00

8. 161.60

9. 158.72

TOTAL 1726.44 gpm = 3.846 cfs

EXHIBIT G

RECEIVED

JUL 29 2005

DEPARTMENT OF
WATER RESOURCES

J. Blaine Shoemaker
24 South 200 East
Blackfoot ID 83221

July 27, 2005

Mr. Karl J. Dreher, Director
State of Idaho Dept. of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Re: Permit #27-7007C

Dear Mr. Dreher:

This letter is an appeal submitted in order to prevent an injustice from occurring. The purpose of this letter is two-fold. First, to request an exemption from the IDWR water licensing moratorium, and secondly, to request the **fulfillment of the 1969 application** of license of the **remaining .35"** of irrigation water per acre on my farm.

In 1969 I installed a 150 H.P. motor, a 3-stage turbine pump in a 20-inch well drilled to 80 feet. **Today I am still using the same motor, the same pump pumping from the same well, as I have continuously done for 36 years.**

My 1969 application was for 1" per acre and **nine years later** (1978) when the IDWR did a field inspection which measured .65" of output, the license was issued for that amount. It is not surprising that the inspection time missed the dates of optimum water use. It is my contention that the license issued in 1982 did not nullify nor forbid the request to draw the remaining .33" of water per acre. I proceeded in good faith. The IDWR, the public and all other pertinent parties were informed of my intent to draw up to 1" per acre.

During that 1969 – 1978 timeframe, the pressure gauges continued to show adequate pressure. At no time did a tenant complain of water shortage. It is still a mystery to me how the IDWR with hand-held Pedo Tube readings came up with their findings as contrasted to the pressure gauge readings. I am not arguing the results of the IDWR findings, but I am questioning the impact of that one reading in 36 years.

This system has pumped nearer to the requested cfs at least 3 periods in its 36-year history. First in 1969 when it was first installed, in 1987 when the well was deepened and the pump was rebuilt, and finally in 2003 when the pump was again rebuilt. The distribution system has gone from hand lines to wheel lines to pivots. New pvc mainlines were installed from the pump to each of the pivot

SCANNED
AUG 24 2005
23

center points. We have also recently learned that there is more pump wear when one side of the system is shut down to allow more water to the other side. Throughout all this, the water pressure at the pump as measured by the pressure gauge did not change significantly—always adequate.

I did not appeal the inspection report of the IDWR because there was no known logical basis for appeal at that time. That basis was not revealed until 1987 when the pump was pulled and inspected. By then, it was too late. Apparently the principle that "as the water decreases the pressure increases" was at work.

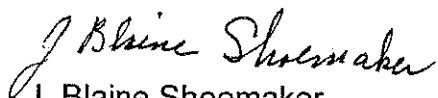
There is a general understanding that 2/3" of water per acre is sufficient to irrigate Southeast Idaho crops. This is true on a seasonal basis but not on a daily flow basis. There are times like filling the mainlines at startup in the spring, reconstituting the water profile after hay-cutting, crowding the soil with water on grain prior to shutoff, and/or keeping potatoes properly hydrated during peak bulking, when 2/3" just doesn't cut it.

I can attest that this is crucial farm and financial survival for me. As you well know, farmland prices are severely impacted by the adequacy of the water allocation attendant to it. I feel I must fight for what I originally applied for, what was published to the public and what the total licensed cfs should have been issued for.

Attached is a copy of the IDWR water application filed with the Idaho Falls office requesting the aforementioned irrigation water. Also attached is a copy of the "error report" which has been forwarded to the Boise office.

I can be contacted by telephone at (208) 785-5936 should you have any questions. I am willing to comply as much as possible with any and all requests.

Respectfully submitted,


J. Blaine Shoemaker

Attachments

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AUG 3 2 2005

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

Ident. No. _____

1. Name of Applicant J. Blaine Shoemaker (208) Phone 785-5936
Mailing address 245 200E, Blackfoot, Id 83221
2. Source of water supply GROUNDWATER which is a tributary of _____
3. Location of point of diversion is Township 3S Range 36E Sec. 4, in the SW 1/4, NE 1/4, Govt. Lot _____, B.M., Bingham County
additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 1.65 cfs for IRRIGATION purposes from 4/1 to 10/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 1.65 cubic feet per second and/or (b) _____ acre feet per annum
6. Proposed diverting works:
a. Describe type and size of devices used to divert water from the source well pump to center pivots
b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
c. Proposed well diameter is 20 inches; proposed depth of well is 710 feet
d. Is ground water with a temperature of greater than 85°F being sought? NO
e. If well is already drilled, when? 1969; Drilling firm Barrus / Cushman
Well was drilled for (well owner) Shoemaker; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
a. Hydropower; show total feet of head and proposed capacity in kW.
b. Stockwatering; list number and kind of livestock.
c. Municipal; show name of municipality.
d. Domestic; show number of households.
e. Other; describe fully. _____

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AUG 3 2 2005

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 the use (example: D for Domestic) in the corresponding place of below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOT
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3S	36E	4	35	35	39	35			1	17	34	9	1	11		22			23

Total number of acres to be irrigated 234

10. Describe any other water rights used for the same purposes as described above. 27-7007

11. a. Who owns the property at the point of diversion? Applicant

b. Who owns the land to be irrigated or place of use? Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to use this filing: _____

12. Remarks: _____

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

J. Blaine Shermaker
 Signature of Applicant (and title, if applicable)

Received by _____ Date _____ Time _____ Preliminary check by _____

Fee \$ _____ Received by _____ # _____
 Publication prepared by _____ Date _____ Published in _____

SCANNED
 Date
 AUG 3 2 2005



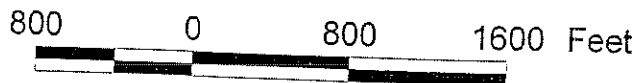
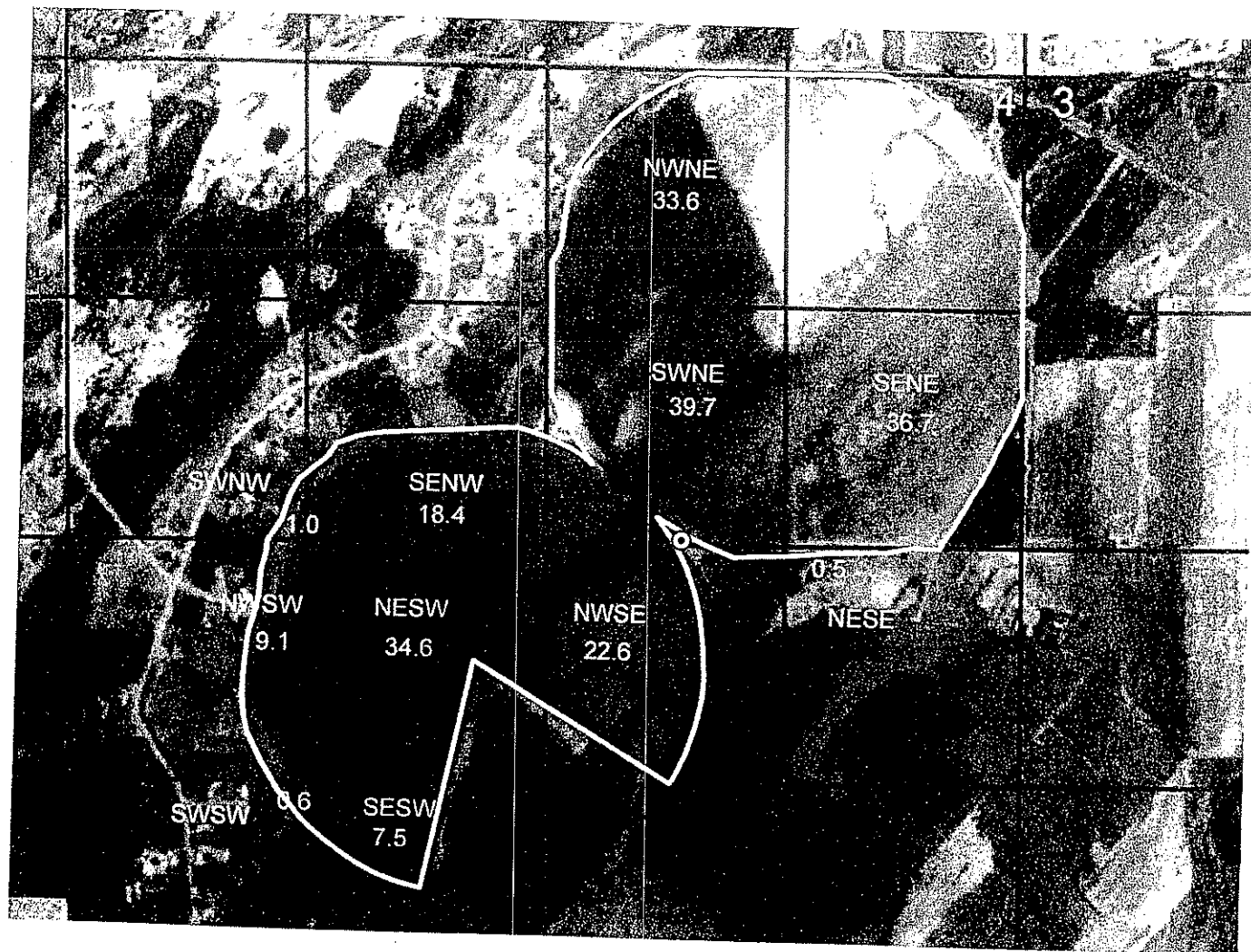
STATE OF IDAHO

Department of Water Resources

Eastern Region



Water Right(s) 27-7007C



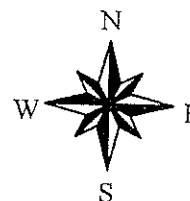
IRRIGATED ACRES 259.0

LEGEND

- ⊙ Point of Diversion
- Place of Use
- Townships
- Sections
- Quarter-Quarters

Place of Use: T3S, R36E:
(part of) Sec. 4, NENE, NWNE,
SWNE, SENE, SWNW, SENW,
NESW, NWSW, SWSW,
SESW, NWSE NESE.

Point(s) of Diversion: T3S, R36E:
Sec. 4, SWNE.



GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by: B. Payne
Date: December 2003

AUG 3 2 2005

12/12/2003

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 27-7007C

J. Blaine Shoemaker

PO Box 41-----please change to street address: 24 South 200 East
Blackfoot ID 83221 Daytime ph: (208) 785-5936 Evening Phone: same

1. Describe the portion of the proposed recommendation with which you disagree
 (e.g. priority date, period of use, source):

 quantity – CFS
2. Describe the changes you wish to make in the proposed recommendation:

 Restore the CFS to 1" per acre.
 27-7007B is no longer a part of this system
3. Give a brief explanation as to why you disagree with these portions:

 Explained in the attached memo and attachments

____ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 7-27-05

SIGNATURE: J. Blaine Shoemaker

Please print your name: J. BLAINE SHOEMAKER

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls ID 83402, 2085257161

SCANNED
AUG 3 2 2005

1969 – Installed new motor and pump in a new 20" well

2003 – Replicated the installation by using the same motor (reconditioned), the same pump rebuilt to its original specifications and set at the same pumping depth; the same well which was deepened in 1987 to stop the pumping of small gravel and sand which was causing accelerated wear on the pump bowls. This is a request for a new test of the now replicated system. These test results should duplicate the CFS pumped in 1969 under Permit #27-7007C.

Because of the excessive wear on the bowls between 1969 and 1978 when the IDWR executed the official test the inspection determined a reduced water flow.

The IDWR sets the time of tests. This is the basis of my filing the notice of error. If the Department had performed the inspection in a timely manner, the erosion of the pumping system would have been greatly reduced.

I had the right to appeal the results of the 1978 inspection, but the grounds for the appeal were not revealed until 1987 when the pump was pulled and inspection found it to be gutted. By then it was too late.

On the advice of IDWR personnel, I have applied for a new permit for 1.65 CFS, which would bring it to 1" per acre.

I believe that, unless it is prevented by regulations, it would be better to proceed under the original permit. It has been advertised, and it has pumped to the requested CFS (to be substantiated by the next inspection). It met the criteria to qualify for the license. Could this be done? I don't want to fall through the cracks because of factors beyond my control.

J. Blaine Shoemaker 7-27-05
J. Blaine Shoemaker Date

SCANNED
AUG 23 2005

12/12/2003

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-7007C

NAME AND ADDRESS: J BLAINE SHOEMAKER
PO BOX 41
BLACKFOOT ID 83221

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.130 CFS
836.50 AFY

PRIORITY DATE: 05/18/1969

POINT OF DIVERSION:
T03S R36E S4 SWSWNE Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

IRRIGATION

PERIOD OF USE

3/01 10/31

QUANTITY

3.130 CFS
836.50 AFY

PLACE OF USE: IRRIGATION Within BINGHAM County

T03S R36E S04	NENE	34.8	T03S R36E S04	NWNE	33.6
T03S R36E S04	SWNE	39.7	T03S R36E S04	SENE	36.7
T03S R36E S04	SWNW	1.0	T03S R36E S04	SENW	18.4
T03S R36E S04	NESW	34.6	T03S R36E S04	NWSW	9.1
T03S R36E S04	SWSW	0.6	T03S R36E S04	SESW	7.5
T03S R36E S04	NESE	0.5	T03S R36E S04	NWSE	22.6

239.1 ACRES TOTAL

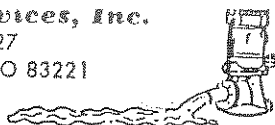
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 - License

RIGHT NO. 27-7007B IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

SCANNED
AUG 23 2005



INVOICE

INVOICE # 6781

BILL TO:

SHOEMAKER, BLAINE
24 S 200 E
BLACKFOOT, ID 83221

83221

JOB LOCATION

SHOEMAKER, BLAINE
24 S 200 E
BLACKFOOT, ID 83221

83221

CUSTOMER

84120

DATE	TERMS	TERMS %	SALESMAN	JOB NO.
05-13-87		.0000	CHAFFIN, R	11
DESCRIPTION				AMOUNT
* 1.00	3 STAGE 14 TLC	3700.0000	.00	3700.00
* 1.00	NEW SCREEN	160.0000	.00	160.00
* 1.00	HEAD SHAFT 1X67"	90.0000	.00	90.00
* 1.00	MACHINE & NEW BUSHINGS	335.0000	.00	335.00
* 2.50	PUMP RIG	85.0000	.00	212.50
* 1.00	CHERRY PICKER PICK UP	65.0000	.00	65.00
* 1.00	HELPER TUBE & SHAFT	30.0000	.00	30.00
* 1.00	SHOP TIME DIS BOWLS	30.0000	.00	30.00
* 12.50	SHOP TUBE & SHAFT	30.0000	.00	375.00
* 6.00	SET PUMP	85.0000	.00	510.00
* 2.00	START UP PUMP	30.0000	.00	60.00

SUB TOTAL 5,567.50

TOTAL INVOICE 5,567.50				
CONTRACT AMOUNT	AMOUNT BILLED	COMPLETE	AMT. REMAINING	AMT. RETAINED
.00	5,567.50	0%		.00

SCANNED
AUG 23 2005

164 W. Judicial — Phone 785-5121
BLACKFOOT, IDAHO 83221

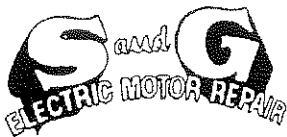
S O L D T O	HEATH SHOEBAKER	S H I P T O
	P. O. Box 41	
	Blackfoot, Idaho 83221	

☐ TAX
EXEMPT

P.O. # verbal	REQ. #	TERMS: NET UPON RECEIPT	DATE 6-29-81	INVOICE # 3796-SGG-005	SHIP VIA
------------------	--------	----------------------------	-----------------	---------------------------	----------

PLEASE PAY ON INVOICE

SCANNED
AUG 23 2005



(208) 785-5121

180 Doud
P.O. Box 881
Blackfoot, ID
83221

INVOICE

DATE	INVOICE #
4/2/2003	19799

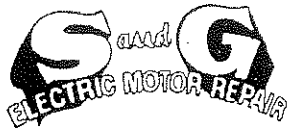
BILL TO
Blaine Shoemaker 24 S 200 E Blackfoot, ID 83221

P.O. NO.	TERMS	JOB NUMBER
		U-166

DESCRIPTION	AMOUNT
150 HP G.E., vertical hollow shaft motor, B444TP16 frame, 1770 RPM, Serial #DCI405146	
Dip & bake, recondition	Estimated @ 1,100.00
EXTRAS:	
Supply & install 1 guide bearing & 1 angular contact thrust bearing	
Straighten rotor shaft	
Machine & metalize bearing fit on top bearing hub	
Bore & sleeve bottom end bracket bearing housing	
Dynamically balance rotor	
Machine work	536.00
Dynamically balance	81.00
Parts and materials used	830.00
Clean, service, check & test pump panel	98.00
	0.00
	0.00
Sales Tax	
Thank you for your business!	TOTAL \$2,645.00

SCANNED

AUG 23 2005



(208) 785-5121

180 Doud
P.O. Box 881
Blackfoot, ID
83221

INVOICE

DATE	INVOICE #
4/2/2003	19798

BILL TO
Blaine Shoemaker 24 S 200 E Blackfoot, ID 83221

P.O. NO.	TERMS	JOB NUMBER
		U-148

DESCRIPTION	AMOUNT
Deepwell turbine pump	
Pull pump & motor	
Dismantle, steam clean & sandblast pump, check & inspect parts	
Machine new bowl shaft from stainless steel pump shafting & new head shaft from carbon steel pump shafting	
Machine new oil tube from blank tubing	
Machine bowls & impellers true & to clean-up, dynamically balance impellers	
Machine new wear rings from stainless steel stock	
Machine new flange from steel plate	
Reassemble with new bowl bearings, stretch bearing, "I" bearing, column nipple, spiders, lineshaft couplings & tube & shaft	
Final check & paint	
Set back & install	
AS PER QUOTE:	
Shop labor and machine work, pulling & setting charges	4,166.00
Parts and materials used	3,450.00
Sales Tax	0.00
Thank you for your business!	TOTAL
	~~\$7,616.00~~

AUG 23 2005



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

July 1, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

STEVE OLESON
GEORGE OLESON
363 E 200 N
BLACKFOOT ID 83221

RE: Water Right 27-07007B (Transfer 5074)

Dear Water Right Holder(s):

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water right (Transfer 5219). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

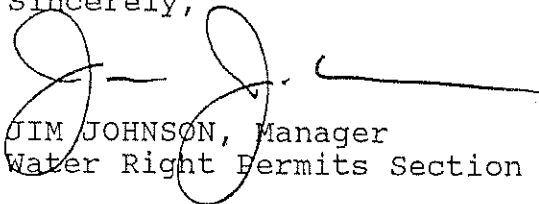
As of July 1, 1996, all water right owners are required to report any change in water right ownership and any change of mailing address to the department.

If you have acquired any other water right or have changed your mailing address **PRIOR TO** July 1, 1996, you have until July 30, 1998, to record the ownership and/or address change with the department.

If you acquired other water rights or changed your mailing address **AFTER** July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes in a timely manner could result in a \$100 late filing fee. You can contact any office of the department for more information. If you have any questions concerning your water right listed above you can contact me at (208) 327-7947.

Sincerely,


JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt
Enclosures

SCANNED

APR 03 2003

MICROFILMED

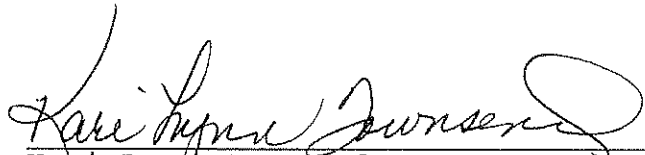
JUL 31 1998

CERTIFICATE OF MAILING

I hereby certify that on the 1st day of July, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

WATER RIGHT 27-07007B (Transfer 5074)

STEVE OLESON
GEORGE OLESON
363 E 200 N
BLACKFOOT ID 83221



Kari Lynn Townsend
Secretary

MICROFILMED
JUL 31 1998

EXHIBIT H



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 19, 2005

J BLAINE SHOEMAKER
24 SOUTH 200 EAST
BLACKFOOT ID 83221

Re: License 27-7007

Dear Mr. Shoemaker:

The Department of Water Resources has received your July 27, 2005 letter and documentation requesting either an exemption from the moratorium for a new permit, or a change in the diversion rate for your portion of the water right license referenced above. I will address your requests in the order presented.

The moratorium for the Snake River Basin upstream from Milner Dam (non-trust area) expired on December 12, 1997; however, the Director has instructed that all applications for new appropriations for a consumptive use (such as irrigation) must provide mitigation or show that water is available and will not injure senior appropriators on the Snake River. The reason for the directive is due to water shortages that have occurred on the Snake River in prior years. In addition, junior appropriators have been faced with possible curtailment of water use and the need to provide mitigation to continue diverting water. From the information presented in your letter, it appears that your proposal for additional water will result in increased consumption, at least in some years, and mitigation will be required to process the application.

I have reviewed the documentation you submitted and also the water right file for license 27-7007 and found the following as described below. The permit to develop the water right was approved on May 12, 1969 for irrigation use on 320 acres from a source of ground water in the amount of 6.4 cfs. The permit required the applicant to permanently install and maintain a measuring device of a type approved by the Department.

Proof of beneficial use was submitted on June 28, 1974. In accepting the proof, the Department reminded the applicant of the requirement to install an approved measuring device. The Department attempted to examine the system on July 30, 1976 and noted in a letter to the applicant that the exam could not be completed because a measuring device had not been installed as required under the permit.

A second scheduled exam was completed on May 23, 1979; however, the examiner's notes indicate that the existing flow meter was non-functional. The examiner estimated the total capacity of the pumping system by measuring sprinkler nozzle pressure and summing the estimated nozzle flow for each of the nozzles in the sprinkler laterals found on the system. The method is a reasonable and accepted method to estimate flow in the absence of a flow meter.

SCANNED
AUG 23 2005

Your letter indicated that during the 1969 to 1978 time frame, the pressure gauges continued to show adequate pressure. The 1979 field exam by the Department appears to confirm adequate pressure showing 80 psi at the head of laterals near the pump and not less than 64 psi at the end of the furthest lateral, with all laterals operating.

The purpose of a field exam is to document the extent of beneficial use of the water as developed under authority of a water right permit. A license cannot be issued for more than the amount beneficially used during the development period of the permit. A permit holder may appeal a license within the time period allowed under the administrative process or as provided under Idaho law.

Results of the Department's exam were mailed to you on June 30, 1982, just prior to licensing. The letter indicated that the examiner found irrigation of 294 acres with a flow of 3.85 cfs. The letter indicated that you should contact the Department within 30 days if you did not concur with the findings. The license was issued on September 28, 1982 and sent to the applicant on October 4, 1982. The license was not appealed.

Although the Department cannot increase the licensed quantity due to changes after the authorized development period, the Department has amended licenses (after the appeal period) in cases where the licensed amount was based on clear computational or clerical errors. In this case, it does not appear that the Department made any computational or clerical errors that would justify an increase in the licensed diversion rate. Non-compliance with the flow meter requirements created a delay in the exam and required the examiner to determine the capacity of the system using an alternate method. Results of the estimate were not questioned by the permit holder during the appeal period.

To conclude, the Department does not find sufficient evidence to support a change in the amount licensed. If you have additional questions or concerns regarding this matter, please feel free to contact the Department.

Sincerely,



Jeff Peppersack, Section Manger
Water Right Permits Section

SCANNED
AUG 23 2005

EXHIBIT I



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 28, 2006

Dear Basin 27 Water User:

It has recently come to the Department's attention that a clerical error was made in the recommendation for your water right no. 27-7007C. In order to correct this clerical error, the Department is requesting that you review and complete the enclosed Standard Form 1 Objection Form and use the enclosed pre-addressed envelopes to file a copy of the objection with the Snake River Basin Adjudication (SRBA) District Court and required parties. Also enclosed for your reference is a copy in underline/strikeout format of a revised recommendation that shows which elements should be changed or added. If you would like to object to any other element or to the elements marked for some other reason, you may do so on the enclosed form as well.

The enclosed objection form must be received by the SRBA District Court prior to March 17, 2006, so your prompt attention to this matter is greatly appreciated.

If you have any questions you can contact Ernest Carlsen at the Department's Eastern Region Office at 525-7161 or Cindy Bird at the Department's Soda Springs at 547-3993.

Again, thank you for your prompt cooperation.

Very Truly-Yours,

Donald V. Shaff
Adjudication Bureau Chief

cc: Ernest Carlsen
Cindy Bird

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)

A. Subcase 27-7007C
(Insert water right number)

Case No. 39576)

**STANDARD FORM 1
OBJECTION**

_____)
Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: J. Blaine Shoemaker
Address: 24 S 200 E
Blackfoot, ID 83221
Daytime Phone: 208-785-5936

Name & Address of Attorney, if any:

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: J. Blaine Shoemaker
Address: 24 S 200 E
Blackfoot, ID 83221

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**

Should be: _____

2. ☐ **Source**

Should be: _____

3. ☐ **Quantity**

Should be: _____

4. ☐ **Priority Date**

Should be: _____

5. ☒ **Point(s) of Diversion**

Should be: _____

6. ☐ **Instream Flow Beginning and Ending Point**

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be: _____

9. ☐ **Place of Use**

Should be: _____

10. **I object because:**

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): _____

F.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of _____)

_____, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: _____

Notary Public for _____
Residing at: _____
My Commission Expires: _____

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G.

CERTIFICATE OF MAILING

I certify that on _____, 2006, I mailed the original and copies of this objection, including all attachments, to the following persons:

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

2. One copy to the claimant of the water right at the following address:

J. Blaine Shoemaker
24 S 200 E
Blackfoot, ID 83221

3. Copies to:

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

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. 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

Signature of Objector or attorney mailing on Objector's behalf

02/09/2006

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

RIGHT NUMBER: 27-7007C

NAME AND ADDRESS: J BLAINE SHOEMAKER
24 S 200 E
BLACKFOOT ID 83221

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.130 CFS
836.50 AFY

PRIORITY DATE: 05/18/1969

POINT OF
DIVERSION: T03S R36E S4 SESWSWNE Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/01 10/31	3.130 CFS 836.50 AFY

PLACE OF USE: IRRIGATION Within BINGHAM County

T03S R36E S04	NENE	34.80	T03S R36E S04	NWNE	33.60
T03S R36E S04	SWNE	39.70	T03S R36E S04	SENE	36.70
T03S R36E S04	SWNW	1.00	T03S R36E S04	SENW	18.40
T03S R36E S04	NESW	34.60	T03S R36E S04	NWSW	9.10
T03S R36E S04	SWSW	0.60	T03S R36E S04	SESW	7.50
T03S R36E S04	NESE	0.50	T03S R36E S04	NWSE	22.60

239.1 ACRES TOTAL

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 - License

RIGHT NO. 27-7007B IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

This right is a split from former right 27-7007A.