

1539

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

FEB 24 2011

By _____ 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	)))))))	Subcase No.: 37-14278 STANDARD FORM 5 STIPULATED ELEMENTS OF A WATER RIGHT
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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.

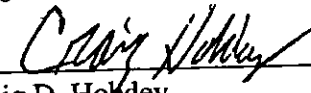
The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions 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. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

 2/14/11
 _____ Date
 Robert E. Williams
 Attorney for Alvin Shoemaker &
 Shoemaker Properties

OBJECTORS:

 2-15-11
 _____ Date
 Craig D. Hodgey
 Attorney for Big Wood Canal Company

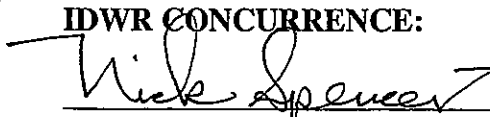
 2-16-11
 _____ Date
 Albert P. Barker
 Attorney for Tom O'Gara, John F.
 Stevenson, Bill Molyneux, Pete Van Der
 Meulen, Grace Eakin, Gerald Bashaw, and
 Pepin Corso-Harris

IDWR CONCURRENCE:


Steve Clelland
Sr. Water Resource Agent

2/8/11
Date

IDWR CONCURRENCE:


Nicholas B. Spencer
Deputy Attorney General
Attorney for IDWR

2-10-11
Date

10/13/2010

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

RIGHT NUMBER: 37-14278

NAME AND ADDRESS: ALVIN SHOEMAKER
PO BOX 2172
KETCHUM ID 83340

SHOEMAKER PROPERTIES
PO BOX 2172
KETCHUM ID 83340

SOURCE: SEAMANS CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 3.000 CFS
33.400 AFY

PRIORITY DATE: 07/01/1966

POINT OF DIVERSION:

T02N R19E S32 SWNWNE Within BLAINE County

T02N R19E S32 NWSENE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
WILDLIFE STORAGE	1/01 12/31	33.40 AFY
RECREATION STORAGE	1/01 12/31	33.40 AFY
DIVERSION TO STORAGE	1/01 12/31	3.000 CFS

PLACE OF USE: WILDLIFE STORAGE in BLAINE County

T02N R19E S32	NWNE	T02N R19E S32	SWNE
T02N R19E S32	NENW	T02N R19E S32	SENE

RECREATION STORAGE in BLAINE County

T02N R19E S32	NWNE	T02N R19E S32	SWNE
T02N R19E S32	NENW	T02N R19E S32	SENE

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.

The owner shall install a staff gauge at each of the two (2) ponds storing water under this right which shall be readily visible to the naked eye, and which shall measure the water level in the ponds.

The owner shall not allow the storage ponds to exceed the size necessary to store more than 33.4 acre feet of water by volume.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

CERTIFICATE OF SERVICE

I certify that on February 23, 2011, 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

Robert E. Williams
Williams, Meservy & Lothspeich, LLP
P.O. Box 168
Jerome, ID 83338

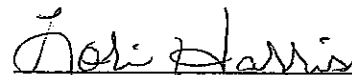
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Craig D. Hobdey
Hobdey & Hobdey
P.O. Box 176
Gooding, ID 83330

☐ Overnight Mail
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☐ Hand-Delivered
☐ Facsimile

Albert P. Barker
Barker, Rosholt & Simpson LLP
P.O. Box 2139
Boise, ID 83701-2139

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☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile



Signature of person or attorney mailing the form