

RECEIVED

APR 18 2013

DEPARTMENT OF
WATER RESOURCES

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

APR 17 2013

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

Water Right Claim: 37-22797

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

On January 29, 2013, Alvin V. and Sally P. Shoemaker, by and through counsel, Robert E. Williams, filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* was held on April 16, 2013. This *Motion* complied with all procedural requirements under *SRBA Administrative Order 1*, and no objections were made to this late Notice of Claim.

THEREFORE, IT IS ORDERED, that the *Motion to File a Late Notice of Claim* for the above-captioned water right is **granted**.

The original Notice of Claim, as well as any attached filing fees, and a copy of this **Order** will be forwarded to the Idaho Department of Water Resources for further action. Following investigation by the Idaho Department of Water Resources, recommendation for the claim will be reported in the next *Late Claims Director's Report* which is issued on an annual basis. This modifies the provisions of *SRBA Administrative Order 1* 4d(2)(h).

IT IS SO ORDERED.

Dated: April 17, 2013.


ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING
MOTION TO FILE LATE NOTICE OF CLAIM was mailed on April 17,
2013, with sufficient first-class postage to the following:

ALVIN V SHOEMAKER
SALLY P SHOEMAKER
Represented by:
ROBERT E WILLIAMS
FREDERICKSEN WILLIAMS ET AL
PO BOX 168
JEROME, ID 83338
Phone: 208-324-2303

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

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the "Deputy Clerk" text.

RECEIVED

APR 18 2013

DEPARTMENT OF
WATER RESOURCES

Fifth Judicial District
County of Twin Falls - State of Idaho

JAN 29 2013

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**

By

**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 37-22797

Date Received: 4-18-13

Receipt No: 097011

Received By: [Signature]

**NOTICE OF CLAIM
TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

Please type or print clearly

1. Name of Claimant (s) Alvin V. Shoemaker and Sally P. Shoemaker Phone (208) _____

Mailing Address P.O.Box 550 Bellevue ID 83313
Street or Box City State

2. Date of Priority (Only one (1) per claim) July 21, 1880
Month Day Year (YYYY)

3. Source of water supply (Check one) Ground Water () or Other (✓) (a) Seamans Creek
which is tributary to (b) Sinks

4. a. Location of Point of Diversion is: Township 2 North, Range 19 East, Section § 33,
NW, 1/4 of NE, 1/4 Govt. Lot _____, BM., County of Blaine

Parcel (PIN) no. _____

Additional points of diversion if any: _____

If available, GPS Coordinates _____

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 embankment and on-stream pond are located at the above
referenced point of diversion of water from Seamans Creek for irrigation purposes. The pond is approximately 7
feet deep, has a surface area of approximately 5.9 acres and a volume of approximately 41.3 af. Diversions from
the pond are accomplished by (1) opening the outlets and lowering the pond to provide an adequate discharge for
irrigation, and then (2) closing the outlet gates until the pond fills again. In the winter months the pond is lowered
and the flow from Seamans Creek is allowed to proceed downstream.

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For storage for irrigation* purposes from 4-15 to 10-31 amount or 634 ac feet

For aesthetic, wildlife, rec* purposes from 1-1 to 12-31 amount or 27.9 ac feet

For irrigation from storage*** purposes from 4-15 to 10-31 amount or 322 ac feet

For purposes from to amount or

7. Total quantity claimed (a) (cfs) and/or (b) 634 (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) Recreation Storage

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. *cyw*

Twn	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	19E	31	26			15	28	33	3.0	4.4									
02N	19E	32	31	25	7.1		28	33	3.0	4.4									
02N	19E	33					18	26											
02N	19E	33	awr																

Parcel (PIN) no(s).

Total number of acres irrigated 216.5

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.

or None (✓)

13. Remarks: This claim is for a storage right associated with irrigation Water Right No. 37-22582, and for

Recreation Storage. As shown by the attached Affidavit of Les Cameron, there has been

significant public use of the pond for hunting and fishing purposes.

* Storage for irrigation includes storage above the minimum pool for irrigation cycles (322 ac ft), plus open water evaporation (15.2 ac ft, U of I Et for Idaho, Hailey Ranger Station), plus seepage (297 ac ft), for a total of 634 ac ft.

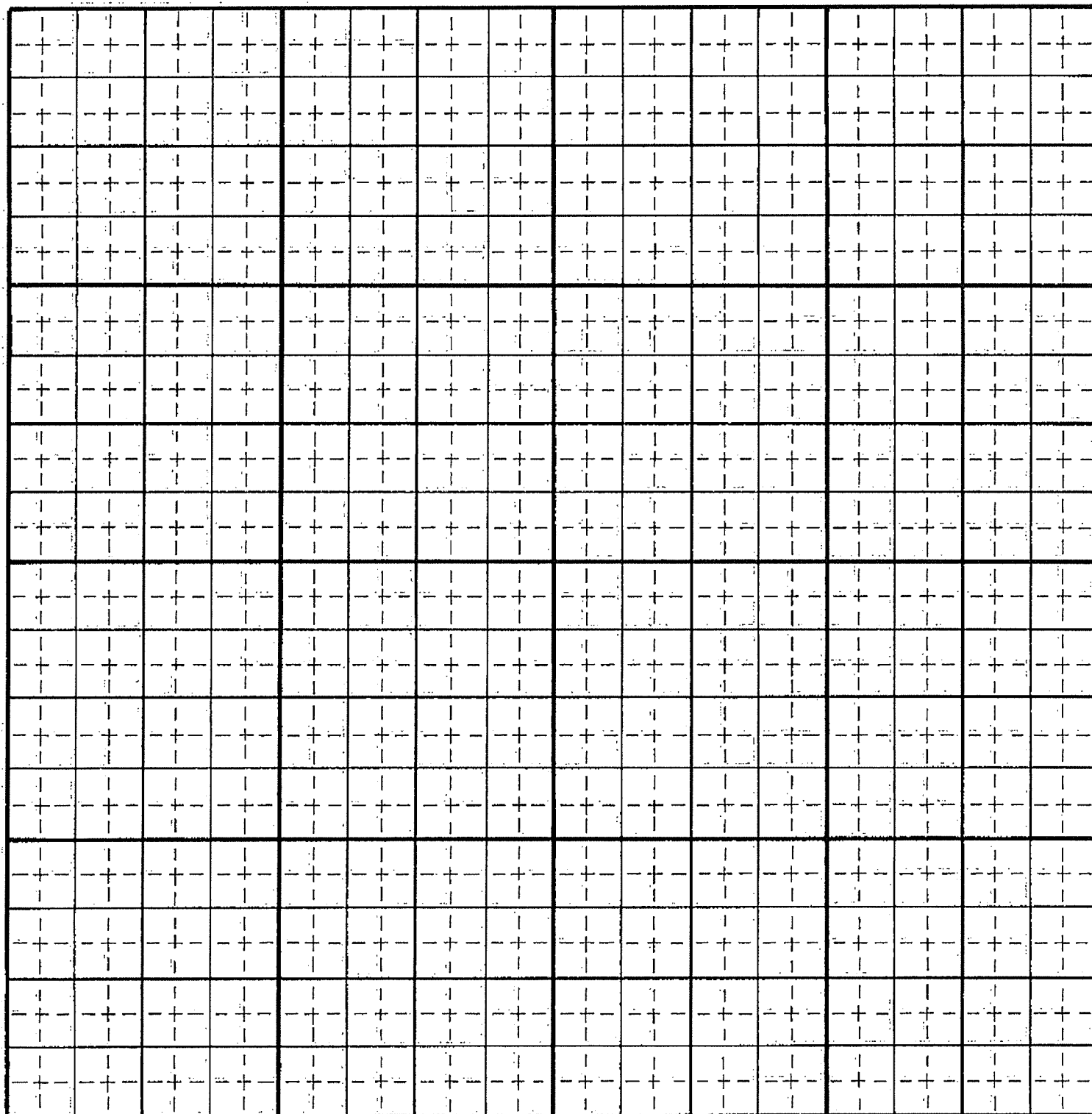
** Recreation, aesthetics and wildlife storage equals the minimum storage volume or 27.9 ac. ft.

*** Irrigation from storage equals the sum of refill volumes (24) delivered for irrigation (322 ac ft) delivered to the place of use under water right 37-22582.

Last Name Identification No.

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. _____

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

Court Blaine Cnty Dist Decree Date 5/25/1909 Plaintiff v. Defendant Joslyn vs Daly

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: _____

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 _____ Date _____

Title and Organization _____

16. Notice of Appearance:

Notice is hereby given that I, Robert E. Williams, 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 4/16/13

Address PO Box 168

Jerome ID 83338

Last Name _____ Identification No. _____

AFFIDAVIT OF LES CAMERON

STATE OF IDAHO)
 :SS
County of Blaine)

LES CAMERON, first being duly sworn, deposes and says as follows:

1. I am a resident of Bellevue, Idaho. My current mailing address is P.O. Box 326, Bellevue, Idaho 83313. I am a lifelong resident of Bellevue, Blaine County, Idaho. I am presently sixty-five (65) years of age.
2. Commencing in the early 1950s and continuing through the 1960s I frequently hiked or drove to a pond approximately five (5) acres in size located in the NE¼ NE¼ Section 33 and W½NW¼ and NE¼SW¼ Section 34, Township 2 North, Range 19 East. My purpose in going to the pond was to hunt or fish. During my frequent visits to the pond during the time period I have mentioned, I became aware that the pond was used for the storage of irrigation water from Seamans Creek for irrigation purposes. The irrigation water was used for irrigation of what is now Ee-Da-How Ranch, and a ranch to the west of EE-Da-How Ranch. The property west of Ee-Da-How Ranch is now a subdivision.
3. When I commenced visiting the pond in the early 1950s there were many dead aspen trees within the perimeter of the pond. These aspen trees appeared to have been dead for a long time, and must have been dead, in my estimation, for several decades prior to the early 1950s.
4. From the early 1950s through approximately 1961 I would visit the pond four (4) or (5) during each summer.
5. I recently visited the pond I have previously described. The pond currently appears to have the same configuration in terms of its location and area that it had when I visited it in the 1950s and 1960s.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

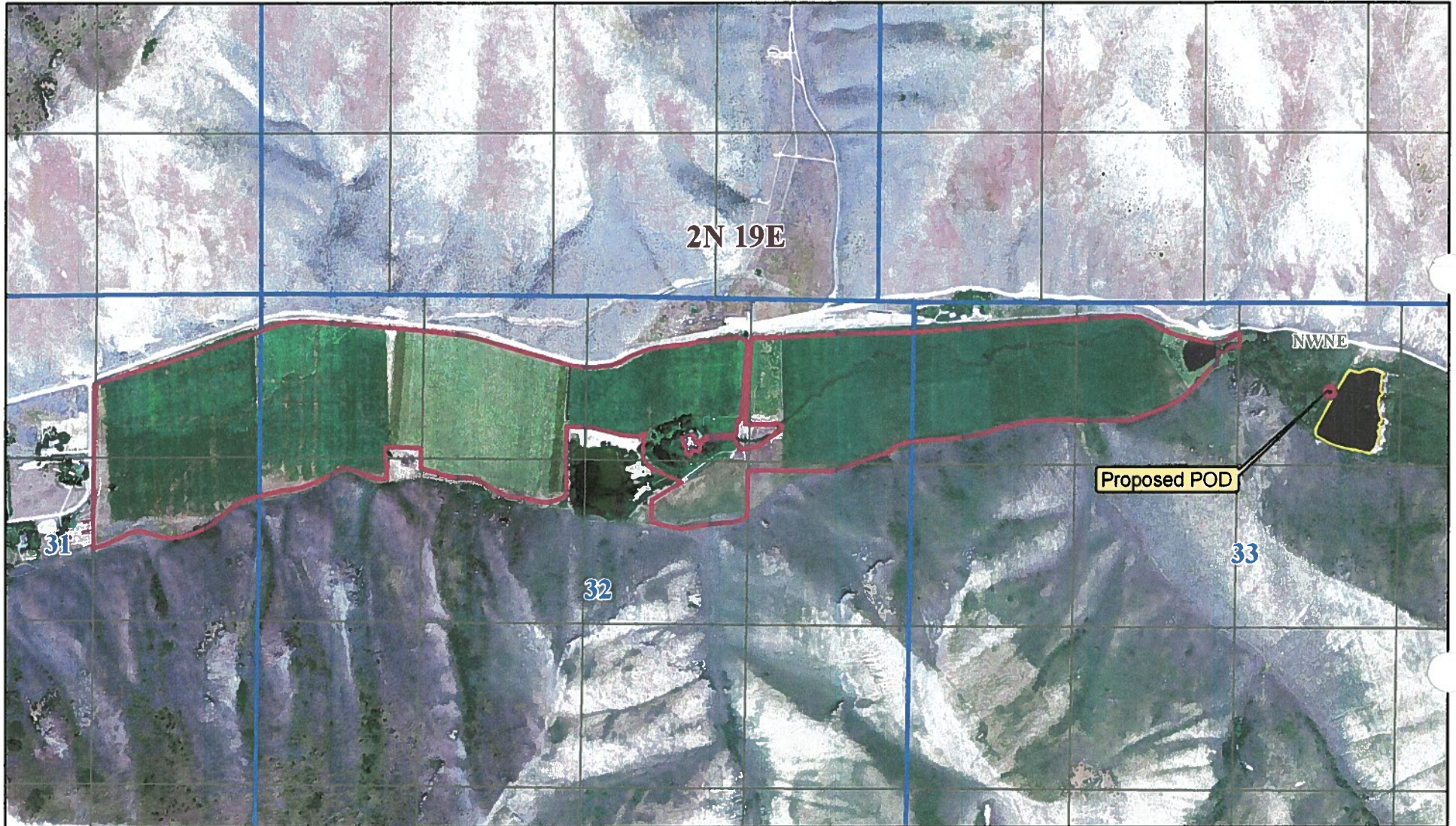
DATED this 26th day of November, 2012.

Les Cameron
LES CAMERON

SUBSCRIBED AND SWORN to before me this 26th day of November, 2012.

VERONICA GUTIERREZ
Notary Public
State of Idaho

[Signature]
NOTARY PUBLIC
Residing at: Harley 19
My commission expires: 8/2/18



0 500 1,000 2,000 Feet

**ALVIN V & SALLY P SHOEMAKER
AMENDED CLAIM UPPER POND
NAIP 2011 AERIAL**

Legend

- 37-22582 WR POU
- Upper Pond
- first
- township
- ladesco