

Adjudication Recommendation Report 37-12378 V1

WATER RIGHT NUMBER: 37-12378 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ALVIN V SHOEMAKER PO BOX 1504 SUN VALLEY , ID 83353 (208)788-1135
Current Owner	SALLY P SHOEMAKER PO BOX 1504 SUN VALLEY , ID 83353 (208)788-1135
Original Owner	ESTATE OF JAMES E WEST DECEASED C/O MRS LITA WEST PERS REPR PO BOX 360 BELLEVUE, ID 83313 (208)788-4445

Status: Active

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.160 CFS	
DOMESTIC	1/01 to 12/31	0.040 CFS	
	Total Diversion:	0.200 CFS	

GROUND WATER SE1/4NW1/4NE1/4 Sec. 32, Twp 02N, Rge 19E, B.M.

BLAINE County

STOCKWATER

[illegible]

DOMESTIC

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 37-12378 V1

Conditions of Approval:

1. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
2. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks:

1. Explanatory STOCKWATER 7-10 HORSES & 700 BEEF CATTLE PARCEL NO. 02N19031424

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag: NONE RECEIVED
State or Federal: S
Owner Name Connector: AND/OR
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

**STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES**

RECEIVED

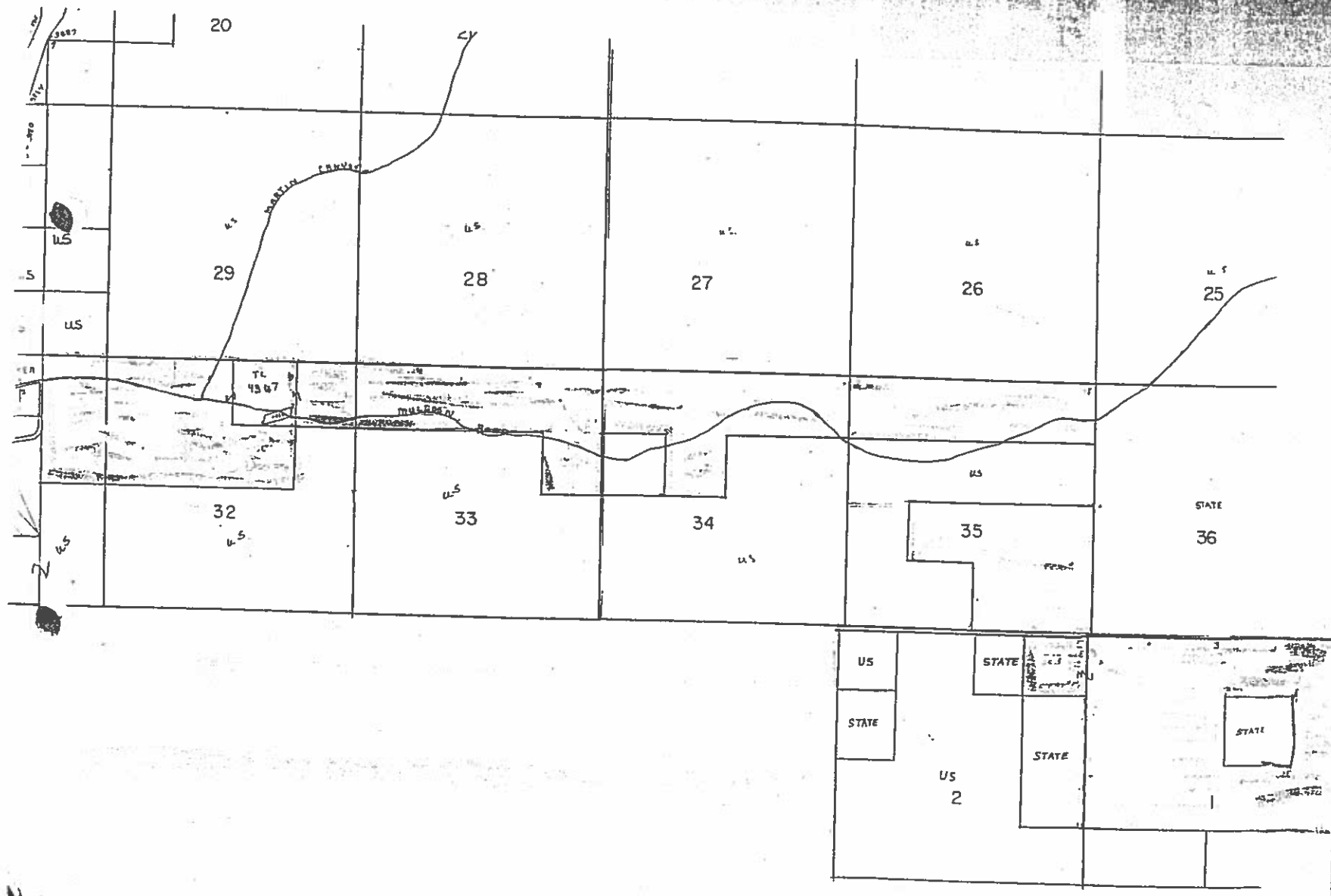
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

AUG 31 2001

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

Department of Water Resources
Southern Region

1. Water Right No(s): 37-1200 + 37-12375
Adjudication Claim No(s): 37-1200
2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
 - AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
 - OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant Estate of James E. West, Deceased & Lita West
Box 867 Bellevue, Id 83313
4. New Owner/Claimant(s) Alvin V. Shoemaker
New Mailing Address Name Connector (Check one): [] and, [] or, [] and/or
Box 1504
City, State and ZIP Code Sun Valley, ID 83353
New Telephone Number (208) 788-1135
5. Date you acquired the property 10-18-89
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres you irrigate _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner or Claimant(s) Alvin V. Shoemaker
Sally P. Shoemaker
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..



22-9574
2/19/11

①

311495

Sup. Ct. 360

BLAINE CO. REQUEST

CF: _____

'89 OCT 18 PM 4 50

MARY COHEN

FEE \$ 27.00

WARRANTY DEED

THIS INDENTURE, made this 15th day of October, 1989,
between LITA WALKER WEST, an unmarried woman, and LITA WALKER
WEST, Personal Representative of the Estate of James Everett
West, Deceased, hereinafter collectively referred to as
"GRANTOR," and ALVIN V. SHOEMAKER and SALLY P. SHOEMAKER, husband
and wife, hereinafter referred to as "GRANTEE";

W I T N E S S E T H :

FOR VALUE RECEIVED, the GRANTOR has granted, conveyed,
bargained and sold, and does hereby grant, bargain, sell, convey
and confirm to the GRANTEE and their successors and assigns
forever, that certain real property situate in the COUNTY OF
BLAINE, STATE OF IDAHO, which is more particularly described on
Exhibit "A" attached hereto and by this reference made a part
hereof.

TOGETHER with all and singular the buildings,
structures, improvements, tenements, hereditaments,
appurtenances, water and water rights thereunto belonging or in
anywise appertaining, the reversion and reversions, remainder and
remainders, rents, issues and profits thereof.

SUBJECT TO:

1. Property taxes, including any assessments collected with taxes, levied for the year 1989 and all subsequent years.
2. Right of Way Deed for ditch and reservoir dated May 28, 1887, and recorded May 24, 1888, in Book 11 of Deeds, Page 305, records of Blaine County, Idaho, which also grants a right to enter said land to repair ditch and pipe line; ALSO granted in Deed Recorded November 28, 1887, in Book 11 of Deeds, Page 247, records of Blaine County, Idaho, which was granted to the City of Bellevue, Idaho, said ditch crossing said property and running in a westerly direction toward the City of Bellevue, Idaho.
3. Agreement dated April 19, 1920, entered into between the City of Bellevue, a municipal corporation of the State of Idaho, and LeMoyne Farm & Livestock Co., a corporation, granting a right of way ten feet in width to first party over and across lands of second party, being NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 33, NE $\frac{1}{4}$ NE $\frac{1}{4}$, ^{S $\frac{1}{2}$ W $\frac{1}{2}$} W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 32, T. 2N., R. 19 E., and granting exclusive use of land surrounding a certain spring in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33, T. 2 N., R. 19 E., said right of way to be for a pipe line to the City of Bellevue; recorded July 21, 1920, in

Book 74 of Agreements and Contracts, Page 628, records of Blaine County, Idaho.

A Memorandum Agreement

By and between: CITY OF BELLEVUE, a municipal corporation,
the STATE OF IDAHO, and the LEMOYNE FARM &
LIVESTOCK COMPANY, a corporation

Dated: April 19, 1920

Recorded: March 14, 1975

Instrument No.: 158779, records of Blaine County, Idaho

An Agreement

By and between: CITY OF BELLEVUE and JAMES E. WEST & DONNA Q.
WEST, husband and wife

Recorded: April 2, 1985

Instrument No.: 261649, records of Blaine County, Idaho

4. Reservations in Warranty Deed dated June, 1965, executed by Margaret Jane Robertson, a widow, to Paul Dana and Lillian Dana, husband and wife, and recorded July 7, 1965, in Book 180 of Deeds, Page 42, records of Blaine County, Idaho, as follows: EXCEPTING and reserving an undivided one-half interest in and to all minerals and mineral rights thereon.

5. Easement granted by Judgment and Decree of the District Court of the Fourth Judicial District in and for the County of Blaine, State of Idaho, dated March 11, 1912, and recorded in Book 6 of Judgments, Page 629, and Order of Condemnation out of said Court dated April 12, 1912, and filed April 15, 1912, and recorded in Book 6 of Judgments, Page 633, records of Blaine County, Idaho, said easement condemned being for a right of way for construction of a ditch for irrigation purposes, and said ditch to be 10 feet wide and 882 feet long, across NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32, T. 2N., R. 19 E., Blaine County, Idaho.

6. An easement for the purpose shown below and rights incidental thereof as set forth in a Power Line Easement

Granted to:	IDAHO POWER COMPANY, a corporation
Purpose:	Power line easement
Recorded:	February 23, 1966
Book:	180 of Deeds
Page No.:	357, records of Blaine County, Idaho

7. An easement for the purpose shown below and rights incidental thereof as set forth in a Access Road Easement

Granted to:	UNITED STATES OF AMERICA
Purpose:	Roadway easement

Recorded: June 13, 1963
Book: 178 of Deeds
Page No.: 11, records of Blaine County, Idaho

8. An easement for the purpose shown below and rights incidental thereof as set forth in a Power Line Easement

Granted to: IDAHO POWER COMPANY, a corporation
Purpose: Power line easement
Recorded: June 16, 1975
Instrument No.: 160240, records of Blaine County, Idaho

9. An easement for the purpose shown below and rights incidental thereof as set forth in a Power Line Easement

Granted to: IDAHO POWER COMPANY, a corporation
Purpose: Power line easement
Recorded: December 14, 1978
Instrument No.: 189545, records of Blaine County, Idaho

10. All other easements, claims of easement or encumbrances which are shown by the public records or which appear on the premises.

11. Discrepancies between the location of the existing fence lines and the boundaries between state or federal lands and

the real property being conveyed hereunder, shortage in acreage, and any easements or encroachments which would be revealed by inspection of the property.

12. Unpatented mining claims, reservations or exceptions in patents or state deeds or in acts authorizing the issuance thereof.

13. That certain Mortgage dated October ^{juw} 16, 1989 granted by Alvin V. Shoemaker and Sally P. Shoemaker, husband and wife, to Lita Walker West, an unmarried woman, and Lita Walker West, Personal Representative of the Estate of James Everett West, deceased, which was recorded on October __, 1989 as Instrument No. _____, records of Blaine County, Idaho.

Subject to those exceptions to title to which this conveyance is expressly made subject and those made, suffered or done by the GRANTEE; the GRANTOR covenants to the GRANTEE, their successors and assigns, that the GRANTEE shall enjoy the quiet and peaceful possession of the above-described premises, and GRANTOR warrants to the GRANTEE, their successors and assigns, that GRANTOR is the owner of said premises in fee simple and has the right and authority to convey the same to GRANTEE, and they will defend the same from all lawful claims whatsoever. juw

The current address of the GRANTEE is: 34 Chandler
Road, Chatham, New Jersey 07928.

IN WITNESS WHEREOF, this WARRANTY DEED has been duly
executed by the GRANTOR the day and year herein first above
written.

Lita Walker West
LITA WALKER WEST

THE ESTATE OF JAMES EVERETT WEST,
DECEASED

By Lita Walker West
LITA WALKER WEST,
Personal Representative

STATE OF IDAHO)
County of Blaine) ss.

On this 18th day of October, 1989, before me,
Cassie Mayerus, the undersigned, a Notary
Public in and for said State, personally appeared LITA WALKER
WEST, known or identified to me to be the person whose name is
subscribed to the foregoing instrument, and acknowledged to me
that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my official seal the day and year in this certificate
first above written.

Cassie Mayerus
Notary Public for Idaho
Residing at Hailey, Idaho
My commission expires 9-7-1992

STATE OF IDAHO)
) ss.
County of Blaine)

On this 18th day of October, 1989, before me,
Craig Maperus, a Notary Public in and for said
State, personally appeared LITA WALKER WEST, known or identified
to me to be the person whose name is subscribed to the within
instrument as Personal Representative of the Estate of James
Everett West, deceased, and acknowledged to me that she executed
the same as such Personal Representative.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my official seal the day and year in this certificate
first above written.

Craig Maperus
Notary Public for Idaho
Residing at Hailey Idaho
My commission expires 9-7, 1994

EXHIBIT "A"

PARCEL I

Township 2 North, Range 19 East, Boise Meridian, Blaine County, Idaho.

Section 31: E1/2NE1/4
Section 32: NW1/4, SW1/4NE1/4, N1/2NE1/4, EXCEPTING THEREFROM
S1/2SE1/4NW1/4NE1/4
Section 33: N1/2N1/2, SE1/4NE1/4,
Section 34: N1/2N1/2, SE1/4NW1/4,
Section 35: N1/2N1/2, NE1/4SW1/4, SE1/4

and

Township 1 North, Range 19 East, of the Boise Meridian, Blaine County, Idaho

Section 1: Lots 1, 2, 3, 4, 5, 6; N1/2SW1/4, S1/2NW1/4,
NW1/4SE1/4
Section 2: Lot 1

PARCEL II

Township 2 North, Range 19 East, of the Boise Meridian, Blaine County, Idaho

Section 32: S1/2SE1/4NW1/4NE1/4

Memorandum

To: FILE

CC:

From: Cheryl E. Timm

Date: 01/18/00

Re: PHONE CONVERSATION WITH ROBERT MARCROST

Robert wanted info on how to change water rights to Alvin Shoemaker, Eedaho Ranch. I am sending profile reports for 37-14278 (currently in Shoemaker's name), 37-12375; 12376; 12377; 12378 (currently in Estate of James E West Deceased), along with an ownership change form. Mr. Shoemaker states there are 4 ponds on the property and that Charles Brockway helped to 'license' them some years back. Mr. Shoemaker had no knowledge of the stockwater claims until he received a packet from Leta West. I advised him to look over the packet I'm sending and to then make an appointment with an agent to complete his claim of ownership.

Shoemaker
pg 2127 (4)

AJ5856NP

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

DATE: SEP-19-1997

PAGE: A-182

RIGHT NUMBER: 37-12378

NAME & ADDRESS: ESTATE OF JAMES E WEST DECEASED
% MRS LITA WEST PERS REPR
PO BOX 360
BELLEVUE ID 83313

Alvin & Sally Shoemaker
Go Susan Faris
60 Brush Hill Rd
Kinnelon NJ 07405

SOURCE: GROUNDWATER

QUANTITY: 0.2 CFS

PRIORITY DATE: 11/12/1984

POINT OF DIVERSION: T02N R19E S32 SENWNE Within BLAINE County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.16 CFS
	DOMESTIC D/1 HOUSE, S/710 -10 HORS	01-01 12-31	0.04 CFS

PLACE OF USE: STOCKWATER Within BLAINE County
T02N R19E S32 NENE NWNE

DOMESTIC Within BLAINE County
T02N R19E S32 NWNE

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

02N 19031424

Verified by Dad Date: 11-2-98

Verification Source: By Faris Lpts 9/18/98 + Max

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: A37-12378
Date Received: 11/08/1988
Receipt No: S004704
Received By: RV-24

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ESTATE OF JAMES E. WEST, DECEASED 208-788-4445
Address: % MRS LITA WEST, PERS. REPR.
P.O. BOX 360
BELLEVUE, ID 83313

2. Date of Priority: NOV 12, 1984

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	19E	32	SE	NW	NE		BLAINE

5. Description of diverting works:
6" X 145' WELL WITH PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
STOCKWATER	01/01	12/31	0.160		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOUSE, S/710 -10 HORSES & 700 BEEF CATTLE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	19E	32	NE	NE		STOCK	

A37-12378

Page 1

Date: 02/01/89

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FEB 26 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	19E	32	NW	NE		DOMEST	
			NW	NE		STOCK	

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

17. Notice of Appearance:

Notice is hereby given that I, _____ will be
_____ Print Name
acting as attorney at law on 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 _____

Address _____

Date _____

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 A37-12378
Date Received 11-8-88
Receipt Number 5004704 scu

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day. Filing fee \$25

1. Name of Claimant(s): Estate of James E. West, deceased
Phone: (208) 788-4445
Mailing Address: c/o Mrs. Lita West, Personal Representative
P. O. Box 360
Bellevue, ID 83313

2. Date of Priority: November 12, 1984

3. Source of water supply: (a) Groundwater
which is tributary to: (b)

4. Location of point of diversion is:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4</u>	<u>1/4</u>	<u>1/4</u>	<u>Lot</u>	<u>County</u>
2N	19E	32	SE	NW	NE		Blaine

Additional points of diversion if any: None.

5. Description of diversion works: 145 ft. deep well, 6 inch casing & pump; pipeline to house, barn & stockwaterers.

6. Water is claimed for following purposes:

<u>Purpose</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
Domestic	January 1	December 31	0.04 cfs
Stockwater	January 1	December 31	0.16 cfs

7. Total Quantity Claimed: 0.20 cfs

8. Total consumptive use claimed is de minimus

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FEB 26 1993

9. Non-irrigation uses: Domestic - one (1) household and horse barn; stockwater - ten (10) horses and seven hundred (700) non-dairy cattle.

10. Place of use:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4</u>	<u>1/4</u>	<u>Use</u>
2N	19E	32	NE	NE	S
2N	19E	32	NW	NE	D/S

11. Place of use is located in Blaine County.

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

13. Describe other water rights used? None.

14. Remarks:

15. Basis of Claim: Beneficial use.

IDWR Water Right Number: N/A

Court: Case Number:

Decree Date:

Plaintiff v. Defendant:

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 not wish to receive and pay a small annual fee for monthly copies of the docket sheet. Number of attachments - none.

[For Organizations] I do solemnly swear or affirm that I am the Personal Representative of the Estate of James E. West, deceased, that I have signed the foregoing document in the space below as Personal Representative of said Estate, and that the statements contained in the foregoing document are true and correct.

Estate of James E. West, deceased

By:

Lita W West

Lita West, Personal Representative

Date:

December 15, 1988

State of Idaho)

) ss.

County of Blaine)

Subscribed and sworn before me this 15th day of December, 1988.

Notary Public

Residing at

Commission Expires

James N. [Signature]
East Fork, ID
1/22/91

a:\west7.clm

MICROFILMED
FEB 26 1993

Date Received

State of Idaho
Department of Water Resources

REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)

RECEIVED
OCT 24 1988

The Idaho Department of Water Resources will consider this form as a request that the claimant be granted an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

Estate of James E. West

Name of Claimant

c/o Lita West, P.O. Box 360

Post Office Address

Bellevue, Idaho 83313

City, State, Zip Code

Blaine

County(s) where Place of Use is located

October 26, 1988

Date Claim Originally Due

See attached Addendum

Identify water right(s) for which extension is requested

State reason(s) why an extension of time is requested:

See attached Addendum

Claimant requests an extension to December 15, 1988.

James E. West
Signature

ATTORNEY FOR ESTATE OF JAMES E. WEST
Title

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby

X granted

denied,

and the filing deadline extended to 12/15, 1988.

RECEIVED

Signed this 24 day of October, 1988.

NOV 8 1988

Wick & Aarnestad

David B. Shaw
Director or his designee

DAVID B. SHAW

RECORDED
FEB 26 1993