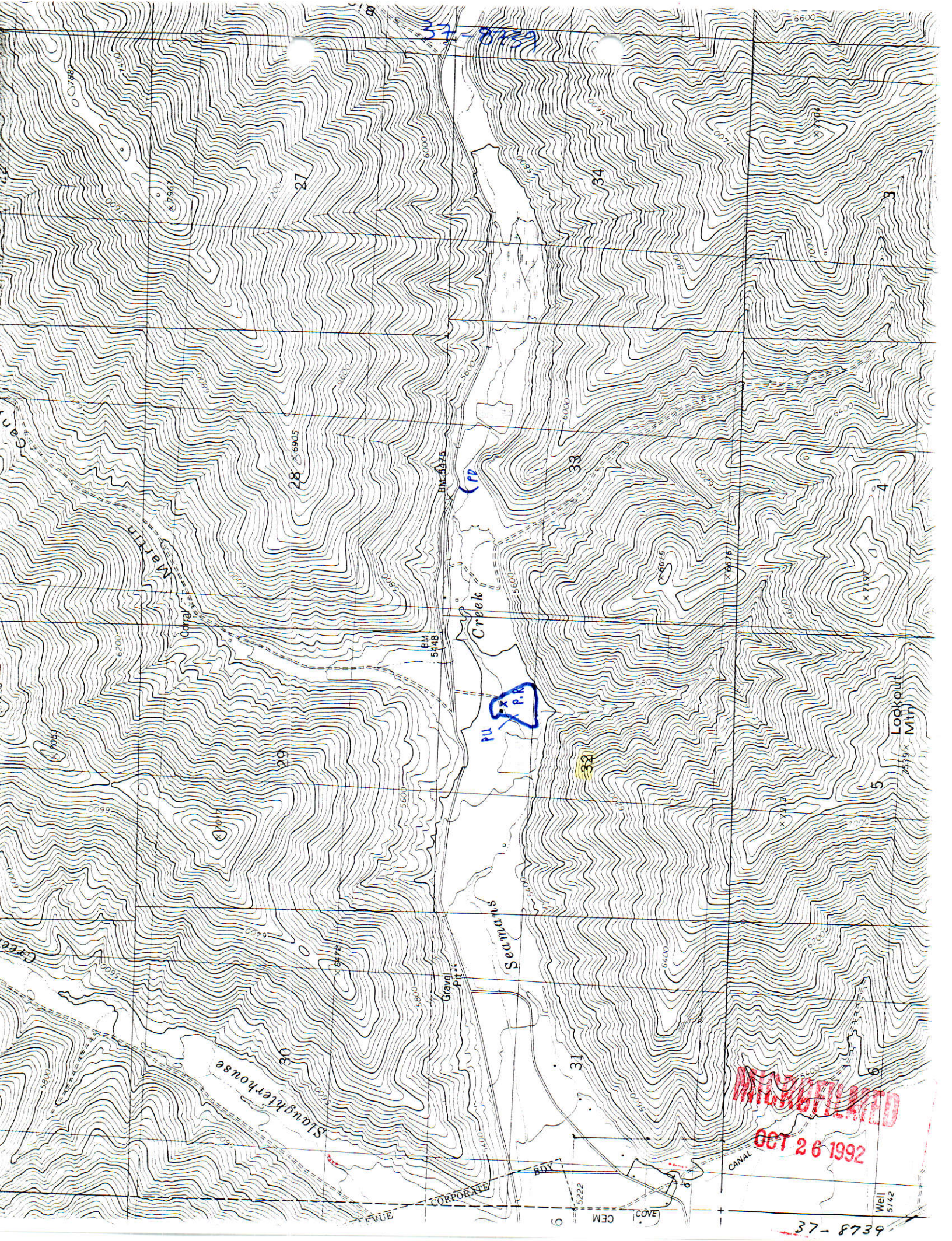
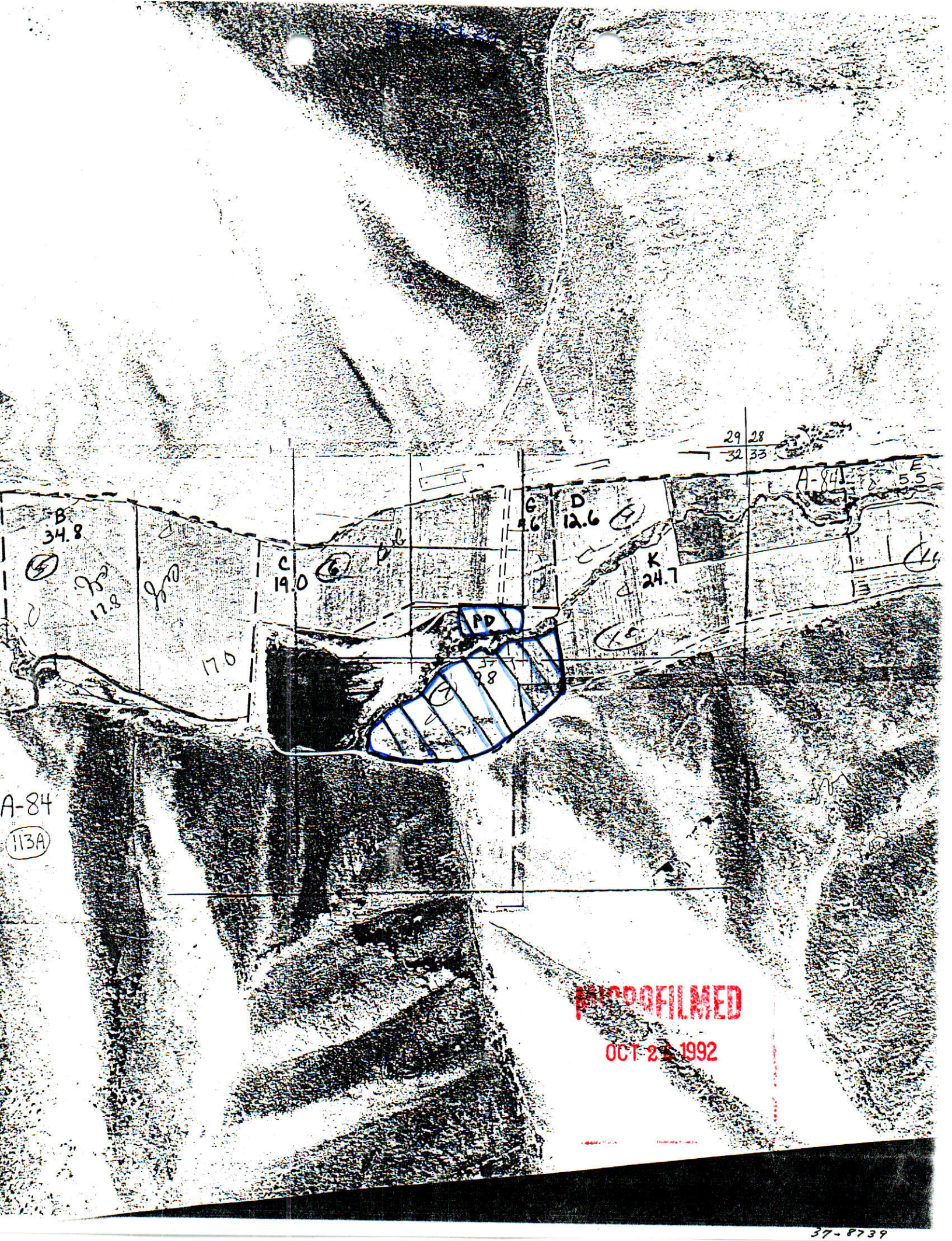






29 28
32 33

B
34.8

C
19.0

D
12.6

K
24.7

E
5.5

A-84

17.0

28

A-84

113A

MICROFILMED

OCT 21 1992

PLEASE CHANGE MAILING ADDRESS REGARDING THIS LETTER TO;
Alvin V. Shoemaker
c/o Bob Marcroft
P.O. Box 1092
Hailey, ID 83333 (208) 788-2921

The address listed below is no longer valid.

June 23, 1992

~~December 15, 1991~~

RECEIVED

JUN 24 1992

Department of Water Resources
Southern Region Office

Mr. Douglas Jones, E.I.T.
Water Resources engineering Specialist
State of Idaho
Department of Water Resources
Southern Region
222 Shoshone Street East
Twin Falls, Idaho 83301

RE: Application for Permit No. 37-08739

Dear Mr. Jones:

In response to your request for additional information requirements for applications in the name of a corporation, company, or partnership, Shoemaker Properties (EE-DA-HO Ranch) is owned by an individual, Alvin V. Shoemaker. It is not owned by a partnership or joint venture. The mailing address is:

Alvin V. Shoemaker
c/o Susan E. Faris
P.O. Box 2172
Ketchum, Idaho 83340

If you have any further questions regarding this application, my secretary, Susan Faris, can be reached at (208) 622-8201.

Yours truly,



Alvin V. Shoemaker

MICROFILMED

OCT 26 1992

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 37-08739

Proposed Priority: March 4, 1991

Maximum Storage Volume:

12.0 AF

This is to certify, that **ALVIN V SHOEMAKER**
DBA SHOEMAKER PROPERTIES
C/O BOB MARCROFT
PO BOX 1092
HAILEY ID 83333

has applied for a permit to appropriate water from:

SEAMANS CREEK

tributary of **SINKS**

and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION STORAGE	01/01 to 12/31		12.0 AF
IRRIGATION FROM STORAGE	04/15 to 10/15		12.0 AF
	Totals		12.0 AF

LOCATION OF POINT(S) OF DIVERSION:
Rediversion

NENENW , Sec. 33, Township 02N, Range 19E
SEWNNE , Sec. 32, Township 02N, Range 19E
BLAINE County

PLACE OF USE: IRRIGATION FROM STORAGE

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
02N	19E	32	NENE 1	NWNE 2.5	SWNE 8.8	
			SENE 1.5			13.8

Total number of acres irrigated: 13.8

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **November 1, 1993**.
2. Subject to all prior water rights.
3. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
4. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works prior to diversion of water under this right.
5. Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.

MICROFILMED

OCT 26 1992

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

NO. 37-08739

CONDITIONS/REMARKS:

6. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
7. The Director retains jurisdiction of this right and/or subsequent license issued to change, add or remove any requirement as determined to be appropriate.
8. Permanent measuring devices must be installed in such a manner that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured.
9. The storage of water under this right is contingent upon the certification of the dam and authorization of storage per the dam safety provisions of the Idaho Code.
10. This permit does not authorize the development and irrigation of new land not previously irrigated.
11. The point of redirection is from a recreational pond back into Seamans Creek.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

~~28~~ 28

day of

~~28~~ September, 1992

R. Keith Higginson
for R. Keith Higginson, Director

MICROFILMED

OCT 26 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

(Alvin V. Shoemaker, dba) * per letter, 12/15/91 (df, 12/20/91)

1. Name of applicant Shoemaker Properties Phone 788-2921

Post office address P.O. Box 2172, Ketchum, ID 83340

2. Source of water supply Seamans Creek which is a tributary of Sinks

3. Location of point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of NW $\frac{1}{4}$, Govt. Lot _____

Sec. 33 Township 2N Range 19E B.M. Blaine County; additional

points of diversion if any: Re-diversion SE/NW/NE Sec. 32 T. 2N R. 19E

4. Water will be used for the following purposes:

Amount 12 for Storage for Irrig. purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 12 for Irrig. from Storage purposes from 5-4-15 to 11-10-15 (both dates inclusive)
(cfs or acre-feet per annum) BLM

Amount 0.25 for Irrigation from storage purposes from 5-1 to 11-1 (both dates inclusive)
(cfs or acre-feet per annum) 7-22-91

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum) 50 cfs 7-22-91

5. Total quantity to be appropriated is (a) 0.25 and/or (b) 12
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Earth dam across Seamans Creek will store natural flow. Water will be let out into the natural channel to supply 2 existing pumps that deliver decreed irrigation rights. Flow rates to the pumps will thus improve

b. Height of storage dam 10 feet; active reservoir capacity 12 acre-feet; total reservoir capacity 12 acre-feet; period of year when water will be diverted to storage: 1-1 to 12-31 inclusive.

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

d. Is ground water with a temperature of greater than 90°F being sought? -

7. Time required for the completion of the works and application of the water to the proposed beneficial use is One years (minimum 1 year).

OCT 26 1991

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. _____

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: *D* for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
2N	19E	32	1	2.5	8.8	1.5													(13.8) 13.8

Total number of acres to be irrigated

(13.8)
13.8

10. Describe any other water rights used for the same purposes as described above. _____

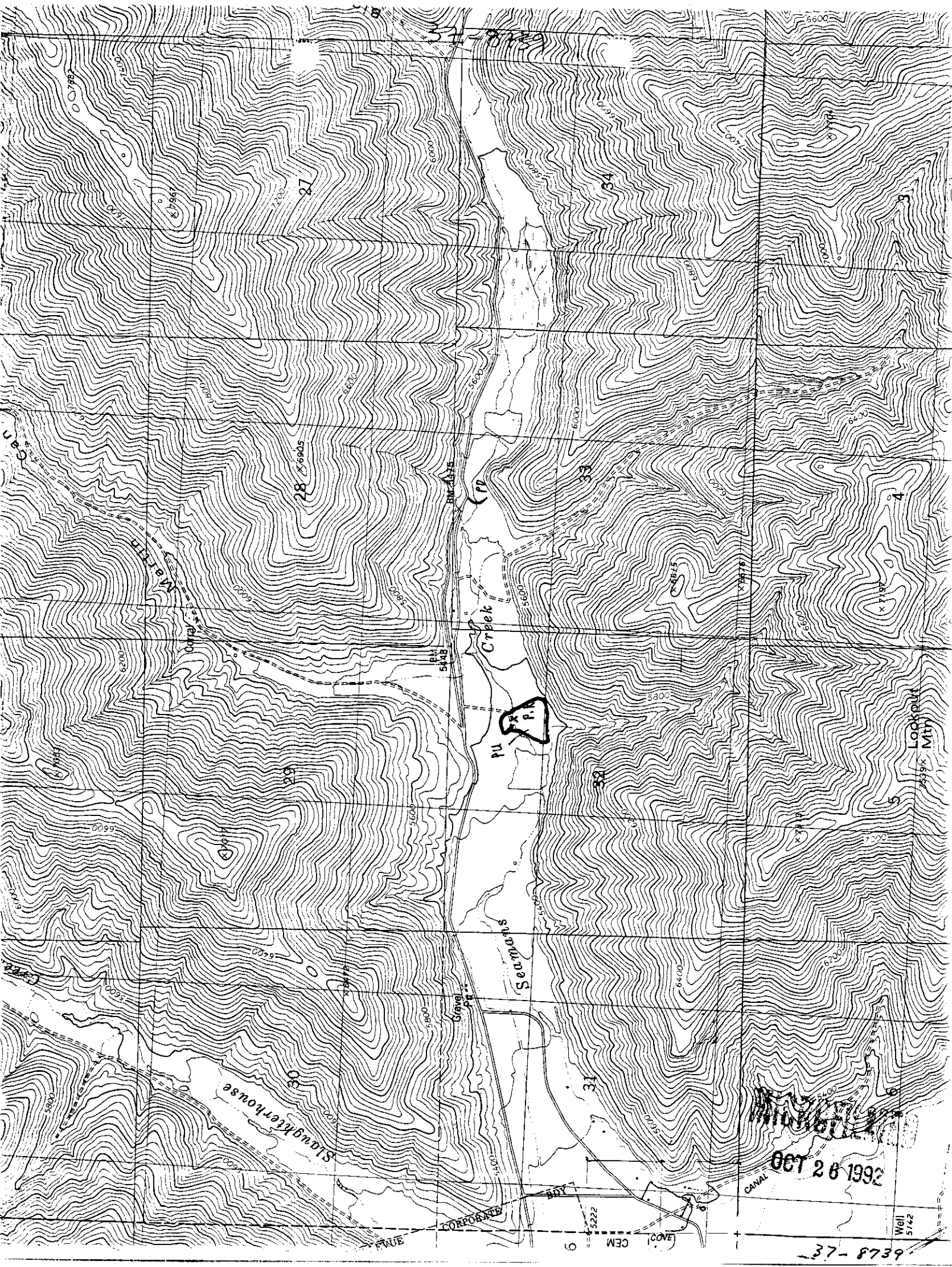
37-1198, 37-1200

- Who owns the property at the point of diversion? Applicant
- Who owns the land to be irrigated or place of use? "
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: Property is part of the Le-Da-Ho Ranch.
No water from Segman's Creek leaves the ranch, all water not taken out
at the pumps is captured in an existing recreational pond.

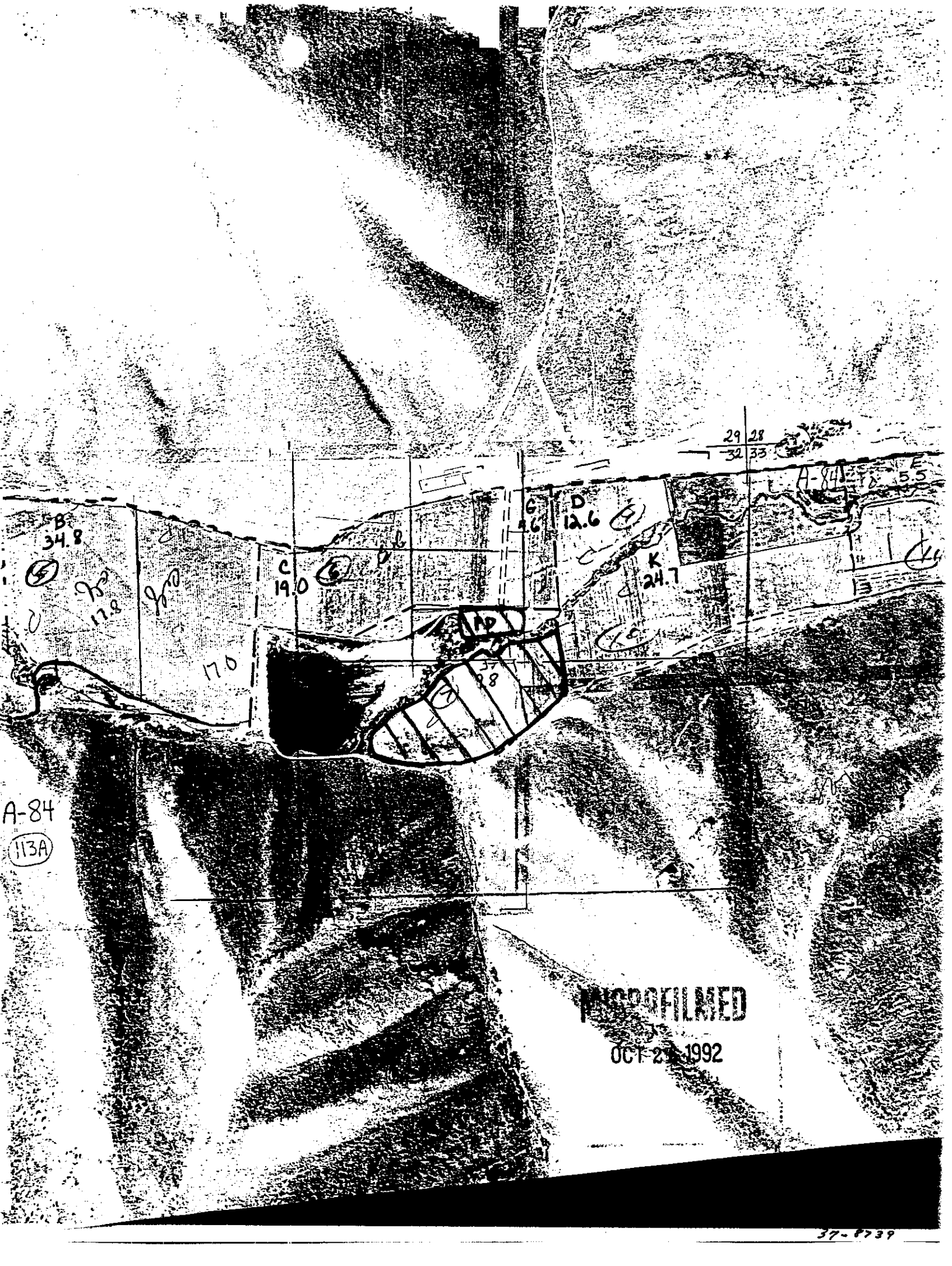
NOT RECORDED

OCT 26 1992



NOV 26 1992

37-8739



UNRECORDED

OCT 21 1992

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

[illegible]

Scale: 2 inches equal 1 mile.

Approved

~~OCT 26 1992~~

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

Shoemaker Properties
(Applicant)
By Bob Harney, Manager

Received by J.F. Stanton Date 3-4-91 Time 10 am Preliminary check by ISL
Fee \$ 245.00 Receipted by JS # 5013074 Date 3-4-91
Publication prepared by MB Date 7-15-91 Published in Wood River Journal
Publication approved M. Baldwin Date 9-23-91

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:

RECORDED

OCT 26 1992

AFFIDAVIT of PUBLICATION

RECEIVED

SEP 20 1991

State of Idaho, } ss.
County of Blaine }

Department of Water Resources
Southern Region Office

DANIEL J. GORHAM

being first duly sworn, deposes and says that he is the printer (publisher) of the Wood River Journal, a newspaper published every week in Hailey, County of Blaine, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the

annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first

publication of said advertisement was on the 21 day of Aug 1991, and

the date of the last publication was on the 15 day of Aug 1991.

Subscribed and sworn to before me this 25 day of Aug 1991
(SEAL)

NOTARY PUBLIC

#7788
WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line	11
Number of Lines in Notice	108
Number of Insertions	
Lines tabular at	6c / Pica
108 Lines straight at	59.40 5c / Pica
108 Subsequent lines at	47.52 4c / Pica
TOTAL COST	111.92 5.00

COPY OF NOTICE
(Paste Here)

1st application / 6 file
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

I.A. Water Dept
BILL TO

Six file on trust water rights

NOTICE OF APPLICATION FOR TRUST WATER RIGHT

37-08737 ✓ OK
REMBER, CRAIG
REMBER, ELIZABETH
HC 84 BOX 9928
STANLEY, ID 83278
Source: GROUNDWATER
Diversification Pt: NENW Sec 23 T 01N
R 18E
Use: IRRIGATION (1.600 CFS)
Total Diversification: (1.600 CFS)
Date Filed: 2/19/1991
In: T01N R18E S23 NENW SENW
80.0 ACRES TOTAL

37-08739 ✓ OK
SHOEMAKER PROPERTIES
P.O. BOX 2172
KETCHUM, ID 83340
Source: SEAMANS CREEK
Tributary: SINKS
Diversification Pt: SENWNE Sec 32 T
02N R 19E; NENENW Sec 33 T
02N R 18E
Use: IRRIGATION STORAGE
(12.00 AF); IRRIGATION FROM
STORAGE (12.00 AF)
Total Diversification: (12.00 AF)
Date Filed: 3/4/1991
In: T02N R19E S32 NENE NWNE
SWNE SENE
13.8 ACRES TOTAL

37-08742 ✓ OK
KING, STEVE
P.O. BOX 1285
SUN VALLEY, ID 83363
Source: SPRING
Tributary: SINKS
Diversification Pt: NWSENE Sec 25 T
02N R 17E
Use: STOCKWATER (.020 CFS)
Total Diversification: (.020 CFS)
Date Filed: 4/8/1991
In: T02N R17E S25 SENE

37-08744 ✓ OK
KING, STEVE
P.O. BOX 1285
SUN VALLEY, ID 83363
Source: GROUNDWATER
Diversification Pt: NWSENE Sec 25 T
02N R 17E
Use: IRRIGATION (.120 CFS)
DOMESTIC (.040 CFS)
Total Diversification: (.160 CFS)
Date Filed: 4/8/1991
In: T02N R17E S25 SENE
4.0 ACRES TOTAL

37-08745 ✓ OK
CENARRUSA, JERRY
P.O. BOX 184
CAREY, ID 83320
Source: WASTE WATER
Tributary: SINKS
Diversification Pt: SENE Sec 13 T 01S
R 21E
Use: IRRIGATION (2.000 CFS)
Total Diversification: (2.000 CFS)
Date Filed: 5/18/1991
In: T01S R21E S13 SENE NESE;
R22E S18 Lot 2 (SWNW) Lot 3
(NWSW)
180.0 ACRES TOTAL

37-08746 ✓ OK
OLBURN, CAROLYN
OLBURN, GLENN
6251 FAIR OAKS ST.
PITTSBURGH, PA 15217
Source: GROUNDWATER
Diversification Pt: NWNW Sec 25 T
05N R 17E; NENE Sec 26 T 05N R
17E
Use: DOMESTIC (.040 CFS)
Total Diversification: (.040 CFS)
Date Filed: 7/8/1991
In: T05N R17E S25 NWNW

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code, and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 222 Shoshone St. East, Twin Falls, Idaho 83301, on or before SEPTEMBER 9, 1991.

R. Keith Higginson, Director
Publish: Wood River Journal
August 21 & 28, 1991.

RECEIVED
OCT 26 1992

October 16, 1992

ALVIN V SHOEMAKER
DBA SHOEMAKER PROPERTIES
C/O BOB MARCROFT
PO BOX 1092
HAILEY ID 83333

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 37-08739

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the SOUTHERN Regional Office in Twin Falls at (208)736-3033.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

MAILED
OCT 26 1992

RECEIVED

OCT 13 1992

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

OFFICE USE ONLY

Amt. of Fee \$ 50.00Date 10-13-92Receipt No. 0025723Receipt by [Signature]

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 37-08739 Telephone No. 788-29212. Name(s) of Permit Holder(s): Alvin V. Shoemaker3. Mailing Address: PO Box 1092 Hailey, Id. 833334. Source of Water: Seamans Creek

If GROUNDWATER, Well Driller's Name: _____ Date Drilled: _____

OPTIONAL:

Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use (as authorized by the permit):

Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)

Irrigation 13.8 (No. of acres) Other _____6. Total rate and/or volume for which proof is submitted _____ cfs OR 12.0 acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? ☒ Yes _____ No Installed? _____ Yes _____ No

OR

Flow Measurement Port: Required? _____ Yes _____ No Installed? _____ Yes _____ No

8. Fee Enclosed: \$ 50.00 (See License Fee Schedule on back of Instruction Sheet)

9. Person to contact to accompany the Department representative during field examination of the water system.

Bob Marcroft 788-2921
Name Telephone No.Box 1092 Hailey, Id. 83333
Address

10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

10-9-92 Bob Marcroft, Manager
Date Signature (and title, if on behalf of a company or organization)

OCT 26 1992

RECEIVED

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 37-08739

Reviewed by Klg

Date 10/14/92

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?
yes Address same as permit?
yes Proof timely received?
If not, complete calculation below.

irrigate - B.8
yes Correct Uses?

SOURCE OF WATER

✓ Surface water source

 Ground water source

NA Drilling permit required?

 Copy in the file? Drilling Permit No.

 Amount paid for permit Correct?

 Well log in the file?

LICENSE EXAMINATION FEE

yes Required?
50 Amount Submitted
yes Correct?

MEASURING DEVICE

yes Required?
yes Installed?
NA Waiver requested?

PRIORITY CALCULATION

Date proof received NA
Date proof due -
No. of days late =
Priority Date +
New Priority Date

DEFICIENCIES OR ACTION ITEMS

proof acceptable

DATA ENTRY

New Address

Proof Made 10/13/92
10/16/92 Klg



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

September 30, 1992

ALVIN V SHOEMAKER
DBA SHOEMAKER PROPERTIES
% BOB MARCROFT
PO BOX 1092
HAILEY ID 83333-1092

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 37-08739

Dear Permit Holder(s):

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed you should complete and submit this form immediately.

Be sure to note the special condition requiring you to install a measuring device and lockable controlling works that will enable the watermaster to control the rate of diversion.

This permit authorizes the appropriation of trust water. Trust water is defined as that portion of a particular hydropower water right which exceeds certain minimum stream flows established by state action, and is held in trust by the State of Idaho for the use and benefit of the people within the state. Conditions pertaining to a term review, annual use fee and jurisdiction of the permit are trust water conditions.

If the diversion dam is 10 feet or more in height, or has an impounding capacity of 50 acre-feet or more, certain dam safety requirements must be met. Please contact the regional office nearest you for details.

Sincerely,

BRENDA L. MILLER
Water Resource Agent

BLM:cz

Enclosure

MICROFILMED
OCT 26 1992

APPLICATION FOR PERMIT REVIEW

Application #: 37-8739 Date: 9-22-92 Reviewer: Brenda Miller *BM*

SYSTEM COMPLETED:

No - 26A-P17
 Complete in 1 year - P16
 Yes
 Proof not submitted - P16
 Proof submitted - N/A

GROUNDWATER:

GT. 0.2 cfs <flo-ch> - 01G-P03, 01C-P03 (existing well)
 - NMR <fl ch>, A of C
 LT. 0.2 cfs - No measurement required <flow chart>

Drilling Permit:

Approved w/permit - P99
 Not included - 046-46A-46B-P23 (after 7/1/87), N/A

SURFACE WATER: not in w/d - 01C-P03 (=GT.2 w/pump), NMR <flow chart>

LOCATION:

Water Districts - WD No. 37
 Surface water - R04, R04-01H-P01 (LT.2 w/pump)
 R04-01J-P08 (GT.2), NMR <flow chart>
 Groundwater - P05
 Irrigation Districts - 023
 Canal Co. Areas - 023
 Drainage Districts - 024
 Boise Front (63) - 058 (Groundwater)
 Swan Falls Flag - 7 (1, Blank or Other)
 Trust - 051-052-053-P74 (Consumptive Uses)
 Non Trust <1> - 048-049

RIVER BASINS:

(Surface Water) Water District Control Condition &....
 Boise (63) - 05A & 11E
 Payette (65) - 047-P04, 059-P71
 Snake (01, 02 & 03) - 11A-P04(01), 061-P07(02/03 No W.D.Cond.)

USE:

Fish Propagation - 06A, 09E-P10 & 010 (WQ/Choose One),
 042(req.), 002-P06(MD), 07A(Spec.),
 044(Policy 5G)
 Power - Use Power Review
 Mining - 06A, 010, or 09E-P10 & 054(req.)
 Storage - 18A-for multiple measuring devices(In WD),
 18B-P09(Size)
 Rec/Wildlf/Aes - 027(Non-Consumptive)
 Domestic - 021 (Boise River - upstream from L Peak)
 (restricted areas) 27A (Payette River & main tributaries)

OWNERSHIP:

Non land owner - 004

PROTESTED:

Agreement - 020

Beneficial Use Due Date: - 11-01-1993

Other Conditions:

- ① Rediversion remark
- ② No new acres remark.

All ready routed for Sam Safety and Threat Review. See Pam's review sheet.



CHARLES
BROCKWAY
ENGINEERING

CHARLES E.
BROCKWAY,
PHD., P.E.

706 SUNRISE
BOULEVARD
NORTH

TWIN FALLS,
IDAHO 83301

208-733-0938

RECEIVED

SEP 9 1992

Department of Water Resources

September 7, 1992

Mr. Jim Johnson
Idaho Dept. of Water Resources
1301 N. Orchard Street
Boise, Idaho 83706-2237

Subject: Application for Permit No 37-08739-A. Shoemaker

Dear Jim:

As we discussed in your office on August 31, this application by Mr. Shoemaker is for a permit to utilize a small instream pond on Seaman's Creek for regulation of the flow. The natural flow of Seaman's Creek is currently used under licenses 37-1198 and 37-1200 to irrigate land of which the 13.8 acre parcel mentioned in this application is appurtenant. The 13.8 acre parcel has been irrigated historically by sprinkler and the system is designed for a discharge which is higher than the current drought-reduced flow of Seaman's Creek. The purpose of the proposed pond is to regulate the stream flow so that the sprinkler system can be supplied at the design rate for an adequate period of time and thereby increase irrigation efficiency. The natural flow of Seaman's Creek is fully appropriated and does not reach the Big Wood River.

The pond will be constructed to include a controlled outlet gate, flow measurement device and pond overflow section to accommodate flood flows. The configuration of the pond and measurement system has been discussed with Mr. Lee Peterson, Watermaster for District 37.

I have informed Mr. Marcroft, Manager of the Ee Da Ho Ranch, that he can proceed to contract for construction of the pond in late mid to late September contingent upon approval of the application. My understanding is that this letter of explanation is the only remaining impediment to approval.

Please call if you need additional information. My daytime phone is 423-6601.

Sincerely,

C. E. Brockway, P.E.

cc R. Marcroft Ee Da Ho Ranch

MICROFILMED
OCT 26 1992

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RETURN

TO



RECEIVED

AUG 07 1992

Department of Water Resources



POSTAGE AND FEE GUARANTEE FOR PRIVATE USE, \$300

Print Sender's name, address, and ZIP Code in the space below.

Water Allocation Bureau
Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706

RECEIVED

AUG 26 1992

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent the item from being returned to you. The return receipt fee will provide you the name of the person delivered and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:

ALVIN SHOEMAKER
C/O BOB MARFROFT
PO BOX 1112
GAUKET ID 83333

4. Article Number

33854

Type of Service:

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Addressee

X

6. Signature - Agent

X

7. Date of Delivery

8-5-92

8. Addressee's Address (ONLY if requested and fee paid)

37-08739



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

July 30, 1992

ALVIN SHOEMAKER
% BOB MARCORFT
PO BOX 1092
HAILEY ID 83333

RE: Application to Appropriate Water No. 37-08739

NOTICE OF PENDING ORDER VOIDING APPLICATION

Dear Appicant(s):

On March 9, 1991, you filed with the Department of Water Resources an application to appropriate water No. 37-08739, for storage for irrigation and irrigation from storage purposes in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 33, Twp. 02N, Rng. 19E, B.M., Blaine County.

On March 4, 1992, the Department requested that you submit additional information on how you propose preventing any injury to senior right holders downstream of your proposed diversion dam. As of this date, the Department has not received the requested information. Pursuant to Section 42-204, Idaho Code, the Department may void the record of applications for which requested information is not submitted.

The purpose of this letter is to request that you withdraw your application or explain why the Department should not void your application. Enclosed is a withdrawal form that should be signed and returned to me, unless you have some explanation that would prevent the Department from voiding your application.

If you fail to respond to this inquiry within thirty (30) days of the date of this letter, the Department will act to void your application. The application will be voided on the grounds that requested information was not submitted.

Sincerely,

JIM JOHNSON
Water Right Supervisor

JJ:cz

cc: Eastern Region

CERTIFICATION OF MAILING

I hereby certify that on 8/9/92
an original of this document was
deposited in the United States mail
postage prepaid addressed to the
addressee(s) named above.

Andy Zimmerman

OCT 26 1992

RECORDED & INDEXED

MEMORANDUM

TO: Application 37-08739
FROM: Brenda
DATE: July 16, 1992
RE: Telephone Conversation

=====

I contacted Mel at Southern to see if he has been in contact with Mr. Shoemaker. Still no response from the applicant. Will send a Notice of Pending Order to Void the Application.

RECEIVED

OCT 26 1992

PLEASE CHANGE MAILING ADDRESS REGARDING THIS LETTER TO;
Alvin V. Shoemaker
c/o Bob Marcroft
P.O. Box 1092
Hailey, ID 83333

(208) 788-2921

The address listed below is no longer valid.

June 23, 1992

~~December 15, 1991~~

RECEIVED

JUN 24 1992

Department of Water Resources
Southern Region Office

Mr. Douglas Jones, E.I.T.
Water Resources engineering Specialist
State of Idaho
Department of Water Resources
Southern Region
222 Shoshone Street East
Twin Falls, Idaho 83301

RE: Application for Permit No. 37-08739

Dear Mr. Jones:

In response to your request for additional information requirements for applications in the name of a corporation, company, or partnership, Shoemaker Properties (EE-DA-HO Ranch) is owned by an individual, Alvin V. Shoemaker. It is not owned by a partnership or joint venture. The mailing address is:

Alvin V. Shoemaker
c/o Susan E. Faris
P.O. Box 2172
Ketchum, Idaho 83340

If you have any further questions regarding this application, my secretary, Susan Faris, can be reached at (208) 622-8201.

Yours truly,



Alvin V. Shoemaker

MICROFILMED

OCT 26 1992

MEMORANDUM

TO: Application 37-08739
FROM: Brenda
DATE: June 22, 1992
RE: Telephone Conversation

=====

The applicant, Mr. Shoemaker, called Mel Schulte at Southern thinking his application had been approved and was wondering why he hadn't received his copy. I told Mel I had sent a letter to Mr. Shoemaker requesting additional information on March 4th and have not received a response from him.

I forwarded a copy of the letter to Mel and he was going to contact the applicant.

MICROFILMED

OCT 26 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER DISTRICT NO. 37 & 37 M
P.O. Box T
Shoshone, Idaho 83352
886-2451

RECEIVED
MAR 6 1992



Lee R. Peterson
Watermaster

Department of Water Resources

State of Idaho
Department of Water Resources
Attn: Tim Luke
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

Tim:

Yesterday, Dr. Chuck Brockway and myself, drove to Bellevue and observed the site and plans of the Shoemaker properties, Ref: Application for permit No. 37-8739. While there we visited with Mr. Bob Marcroft, Manager of the ranch, he explained that this application was not to bring in any additional lands under cultivation that has not been agricultural for many years, they are just proceeding to improve their irrigation systems and the proposed pond would not increase water seepage in this particular system more than past years, it would be used strictly for improved control and better use of the water flowing thru Seamans creek. By viewing this site it is evident that only high spring run off would ever reach the end of Seamans creek. Following this visit and discussion of the permit with Dr. Brockway and Bob Marcroft I do not believe issuance of the permit would create any problems within this area, so I would like to withdraw my protest, letter dated, February 13, 1992.

Sincerely

Lee R. Peterson
Watermaster
District 37-37M

MICROFILMED

OCT 26 1992

March 4, 1992

CALVIN V. SHOEMAKER
dba Shoemaker Properties
P.O. Box 2172
Ketchum, ID 83340

RE: Application for Permit No. 37-08739

Dear Mr. Shoemaker:

The above referenced application has reached the State Office for final review and processing. Before the application process can continue, I will need additional information concerning your project.

You should be aware that Seamans Creek is a part of the Big Wood Water Management area and new appropriations that would injure existing rights are being restricted. Placing a new dam across Seamans Creek causes concern that water users below your diversion may be injured.

The amount of water you request for storage, 12 acre-feet, is not an adequate amount to fully irrigate 13.8 acres. I need to know how you plan to irrigate these lands and not injure water users with earlier priority dates.

Thank you for your time and assistance with this matter. I will hold the application from further processing pending your reply. Please respond at your earliest convenience in order to prevent undue delay in processing this application.

Sincerely,

BRENDA L. MILLER
Technical Records Specialist

MICROFILMED

OCT 26 1992

MEMORANDUM

TO: PAM SKAGGS/JIM JOHNSON *g*

FROM: TIM LUKE *TL*

RE: APP. NO. 37-8739/Trust Water Processing

DATE: 2-15-92

The above application is a trust water filing which has been forwarded to the state office for final review and processing.

I am not sure I understand the intent of this application. ✓
The filing appears to represent a new development of some 13 acres, yet the place of use potentially overlaps claim no. A37-1200. Based on review of the maps submitted with the filing and because the application was filed, I assume this is a new development. The applicant has referenced other rights on the application, including claim no. A37-1200 which shares a common point of diversion and also references a pond. I am not certain if the pond in this application is a new pond or the same pond described in A37-1200.

In regard to trust water processing, the acreage under the filing should count as trust acreage and trust conditions are required if approved. I do not recommend approval of this filing however because of the Directors moratorium of new consumptive use surface water appropriations above Magic Reservoir. This tributary stream may also be fully appropriated. The District 37 watermaster also has not recommended approval of this application. Perhaps we should contact the applicant and clarify the intent of this filing, or ask for rule 4,5,3. information. The applicant should also be aware of the surface and groundwater moratorium designations in this area. It is not apparent whether or not the regional office has discussed or notified the applicant of these designations.

RECEIVED

OCT 26 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER DISTRICT NO. 37 & 37 M
P.O. Box T
Shoshone, Idaho 83352
886-2451

RECEIVED

FEB 14 1992



Lee R. Peterson
Watermaster

Department of Water Resources

State of Idaho Department of Water Resources
1301 N Orchard St., Statehouse Mail
Boise, Idaho 83720-9000

February 13, 1992

Dear Tim,

I do not condone the approval of this permit because Big Wood River above Magic Reservoir has been designated a water management area. I believe all waters available are already designated. I do believe this water from Seamans Creek, whether it be surface or ground water, is a part of Big Wood River and Silver Creek. This Creek should not be dammed restricting the flow any more than it presently is. I am definitely opposed to authorization of this water for irrigation of Mr. Shoemakers property.

If he were allowed to dam this creek how would I, as Watermaster control the flow of water in Seamans Creek, if this dam were installed he would always have water in his pond adding to the evaporation and seepage from the creek and reducing water for water rights below him.

Sincerely,

A handwritten signature in cursive script, reading "Lee R. Peterson".

Lee R. Peterson
Watermaster

MICROFILMED

OCT 26 1992

APPLICATION FOR PERMIT TO A WATER RIGHT

NO. 37-08739

RECOMMENDATION OF WATERMASTER

I, Lee R. Peterson, watermaster of Big Wood, Little Wood Rivers
& Silver Creek
of Water District No. 37 & 37M, County of Blaine, Lincoln, State of Idaho,
& Gooding
whose address is P.O. Box T

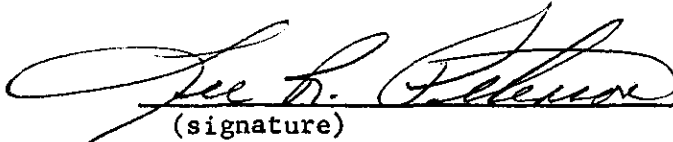
have read the attached copy of the application for permit for _____
Shoemaker Properties, and to the best of my knowledge believe the
(name)
application to be true.

A. I hereby endorse the above numbered Application for Permit and re-
commend that the Director of the Department of Water Resources approve the
Application subject to the following reasons: _____

OR

B. I do not endorse approval of the above numbered Application for
Permit as requested for the following reasons: _____
See Attached Letter

Dated at Shoshone, Idaho, this 13th day of February, 19 92


(signature)

MICROFILMED

OCT 26 1992

Please use reverse side if needed.



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

February 7, 1992

Lee Peterson
District 37 Watermaster
Box T
Shoshone, ID 83352

Re: Application for Permit No. 37-8739

Dear Lee:

Enclosed is a copy of the above referenced application. The filing proposes diversion and storage of water from Seamans Creek for irrigation purposes.

As you are aware, there is an administrative memorandum signed by the director about 1979 or 1980 which limits further consumptive use appropriations of surface water from the Big Wood and tributaries above Magic Reservoir. Given this directive, I question whether the department can approve the attached application. Seaman's Creek was not designated as a dry stream in the Frost Decree, but I believe it is an intermittent stream.

Before we proceed with this application any further, I would like to ask for your comments concerning the proposed diversion and flows in Seaman's Creek. The Big Wood Canal Co. withdrew their protest because they felt water in Seaman's Creek never reaches the Big Wood River. Please provide any comments concerning this matter at your earliest convenience.

Sincerely,

Tim Luke
Sr. Water Resource Spec.

cc: Southern Region
Alvin Shoemaker

NOT RECORDED

OCT 26 1992

APPLICATION FOR PERMIT REVIEW

Application #: 37-8739
Date: 01-24-91

Reviewer: Pam Skaggs *CS*

Existing:

☒ No ☒ Complete in 1 year - 26A-P17
- P16

Yes

Proof not submitted - P16
Proof submitted - N/A

Groundwater:

GT. 0.2 cfs - 01G-P03, 01C-P03(existing well)
LT. 0.2 cfs - N/A

Drilling Permit:

Approved w/permit - P99
Not included - 046-P23(All GW, even existing wells)

Location:

☒ Water Districts - WD No. 37
☒ Surface water - ~~005~~, 005-01H-P01(LT.2 w/pump)
005-01J-P08(GT.2)

Groundwater - P05
Irrigation Districts - 023
Canal Co. Areas - 023
Drainage Districts - 024

☒ Boise Front (63) - 058 (Groundwater)
☒ Swan Falls Flag - 7 (1, Blank or Other)
☒ Trust - 051-052-053-P74(Consumptive Uses)
Non Trust - 048-049

River Basins:

(Surface Water) Water District Control Condition &....
Boise (63) - 05A & 11E
Payette (65) - 047-P04, 059-P71
Snake (01, 02 & 03) - 11A-P04(01), 061-P07(02/03 No W.D.Cond.)

Use:

Fish Propagation - 06A, 09E-P10 & 010 (WQ/Choose One),
042(req.), 002-P06(MD), 07A(Spec.),
044(Policy 5G)
Power - Use Power Review
Mining - 06A, 010, or 09E-P10 & 054(req.)
☒ Storage - 18A for multiple measuring devices(In WD),
18B-P09(Size)
Rec/Wildlf/Aes - 027(Non-Consumptive)
Domestic - 021(restricted areas)

Ownership:

Non land owner - 004

Protested:

Agreement - 020

☒ Beneficial Use Due Date: - 02-01-1993

Other Conditions Recommended Route to Dam Safety for review *01-25-92*
Route for Trust Review *02-18-92*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY DRS DATE 6/11/91 APPLICATION NUMBER 37-08739

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
☒ Address
☒ Source (See USGS Quad for names of water sources)
☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
☒ County Blaine
☒ Period of use
☒ Nature of proposed use (Include description of use.)
☒ Description of diverting works
☒ Time required for beneficial use of water
☒ Place of use or acres irrigated
☒ Map
☒ Signature (If applicant is corp. partnership, or municipality, title of signator is required)
☒ Fee
☒ Yes ☐ No* In form to receipt ***PROPOSED PRIORITY DATE 3/4/91

ADDITIONAL INFORMATION

- ☒ Overlapping place of use (Describe source & relationship to present application on the back.)
☒ Overlapping point of diversion
☒ Yes ☐ No Field check required
☒ Yes ☐ No Field check by Jim Stanton
☒ Yes ☐ No Field report attached
☒ Yes ☐ No Critical groundwater area
☒ Yes ☐ No Groundwater management area
☒ Yes ☐ No Send dam safety information
☒ Yes ☐ No Send power requirement letter
☒ Yes ☐ No Send fish farm requirement letter
☒ Yes ☐ No Power residency affidavit
☒ Yes ☐ No Power efficiency form
☒ Yes ☐ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)
☐ See reverse side for additional information

RECEIVED
JAN 07 1992

Department of Water Resources

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT Excessive Flow

rate info sheet - 30 day response

Date Requested

Include paragraph attached

ADDITIONAL INFORMATION

LOCAL PUBLIC INTEREST

Comments received from:

<u> </u> City	<u> </u> Idaho Fish & Game	<u> </u> Irrigation District
<u> </u> County	<u> </u> Idaho Health & Welfare	<u> </u> Canal Company
<u> </u> Reservations	<u> </u> Division of Environment	<u> </u> Other <u> </u>

Project impacts/implications report

COMMENTS

RECEIVED

December 15, 1991

DEC 17 1991

Department of Water Resources
Southern Region Office

Mr. Douglas Jones, E.I.T.
Water Resources engineering Specialist
State of Idaho
Department of Water Resources
Southern Region
222 Shoshone Street East
Twin Falls, Idaho 83301

RE: Application for Permit No. 37-08739

Dear Mr. Jones:

In response to your request for additional information requirements for applications in the name of a corporation, company, or partnership, Shoemaker Properties (EE-DA-HO Ranch) is owned by an individual, Alvin V. Shoemaker. It is not owned by a partnership or joint venture. The mailing address is:

Alvin V. Shoemaker
c/o Susan E. Faris
P.O. Box 2172
Ketchum, Idaho 83340

If you have any further questions regarding this application, my secretary, Susan Faris, can be reached at (208) 622-8201.

Yours truly,


Alvin V. Shoemaker

Box 2172
Ketchum ID 83340

MICROFILMED
OCT 26 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

10-Dec-1991

R. KEITH HIGGINSON
Director

ATTENTION BOB MARCROFT MANAGER
SHOEMAKER PROPERTIES
PO BOX 2172
KETCHUM ID 83340

RE: APPLICATION FOR PERMIT NO. 37-08739

SECOND REQUEST

Dear Mr. Marcroft:

The issue of the protest has been resolved and the Department is now prepared to proceed with the normal processing of the application.

In order to complete our regional review, we need a list of officers as requested in our correspondence dated 7/22/1991.

Please see attached list for clarification of the additional information requirement.

We will continue to hold the application until the requested information is received.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Sincerely,

Douglas Jones, E. I. T.
Water Resources Engineering Specialist

DJ:MB
Enclosure

OCT 26 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

24-Oct-1991

R. KEITH HIGGINSON
Director

ATTN RICHARD M ONEIDA MGR
BIG WOOD CANAL COMPANY
PO BOX C
SHOSHONE ID 83352

RE: Application for Permit No. 37-08739 (SHOEMAKER
PROPERTIES)

Dear Mr. Oneida:

This office acknowledges receipt of the withdrawal of your protest against the above referenced application for permit.

The issue of the protest has been resolved and the Department is now prepared to proceed with the normal processing of the application which includes regional review prior to being forwarded to our State Office.

State office personnel will conduct a complete review prior to final processing of the application. When a permit is issued, you will be sent a copy.

Please feel free to contact this office if you have any questions regarding this procedure.

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Manager

LH:MB

cc: Shewmaker Properties

MICROFILMED

OCT 26 1992

Big Wood Canal Company

112 S. Apple P.O. Box C
Shoshone, Idaho 83352
886-2331

RECEIVED

OCT 21 1991

Department of Water Resources
Southern Region Office

October 18, 1991

Director
Department of Water Resources
222 Shoshone St. East
Twin Falls, Idaho 83301

RE: Application No. 37-08739
SHEWMAKER PROPERTIES

Dear Sir:

I would like to withdraw the protest on the application
filed by SHEWMAKER PROPERTIES.

Sincerely,

Richard M. Oneida

Richard M. Oneida
Manager

RMO/mae

PROFILMED

OCT 26 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

11-Oct-1991

R. KEITH HIGGINSON
Director

ATTN DOUG BREAREY
FRIENDS OF THE BIG WOOD RIVER
PO BOX 4411
KETCHUM ID 83340

RE: Application for Permit No. 37-08739

Dear Mr. Brearey:

This office acknowledges receipt of the withdrawal of your protest against the above referenced application for permit.

Since there were multiple protestants, the concerns of the other protestants will need to be addressed by the Department before final processing of the application can be completed.

State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy.

Please feel free to contact this office if you have any questions regarding this procedure.

Very truly yours,

A handwritten signature in cursive script that reads "Loren O. Holmes".

Loren O. Holmes, P.E.
Southern Region Manager

LH:MB

MICROFILMED

OCT 26 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

11-Oct-1991

R. KEITH HIGGINSON
Director

ATTN BOB MARCROFT MGR
SHOEMAKER PROPERTIES
PO BOX 2172
KETCHUM ID 83340

RE: Application for Permit No. 37-08739

Dear Mr. Marcroft:

Enclosed please find a copy of the withdrawal of the protest against the above referenced application by the Friends of the Big Wood River.

To date our Department has not received a written withdrawal of the protest against your application by the Big Wood Canal Company; therefore, it appears that action by the Department is necessary to resolve the matter.

Please feel free to contact this office if you have any questions regarding this procedure.

Very truly yours,


Loren O. Holmes, P.E.
Southern Region Manager

LH:MB

MICROFILMED

OCT 26 1992

10-3-91

Mr. Gary Spackman
Department of Water Resources
1301 N. Orchard St.
Boise, Idaho 83702

RECEIVED
OCT 28 1991

Department of Water Resources



FRIENDS OF THE
BIG WOOD RIVER

Re: Right Number Application 37-08739
Shoemaker Properties
P.O. Box 2172
Ketchum, Idaho 83340

RECEIVED

OCT 10 1991

Department of Water Resources
Southern Region Office

The Friends withdraw their protest of above application. We have met with the applicant and our concerns have been worked out.

We are sorry if we caused any inconvenience to Shoemaker Properties but the water situation in our valley is critical and all aspects of it's use must be considered.

Sincerely,

Doug Brearey

Doug Brearey

Vice-President

Friend of The Big Wood River

RECEIVED

OCT 26 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

01-Oct-1991

R. KEITH HIGGINSON
Director

ATTN DOUG BREARY
FRIENDS OF THE BIG WOOD RIVER
PO BOX 4411
KETCHUM ID 83340

RE: APPLICATION FOR PERMIT NO. 37-08739 (Shoemaker Properties)

Dear Mr. Breary:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant with the suggestion that he contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

The attachment to this letter describes the issues which the Department must consider in taking action on an application for permit. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Manager

LH:MB
Enclosure(s)

MICROFILMED

OCT 26 1992

Attachment to letter dated 01-Oct-1991

To all parties in the matter of
Application for permit No. 37-08739
In the name of Shoemaker Properties

PROTESTED APPLICATION FOR PERMIT:
ISSUES CONSIDERED, CONFERENCE PROCEDURE

In processing all applications for permit, the department must consider the following issues, which are specified in Section 42-203A of the IDAHO CODE:

- 1) Will the proposed use reduce the quantity of water under existing rights?
- 2) Is the proposed water supply insufficient for the purposes intended?
- 3) Is the application made in good faith or for delay or speculative purposes?
- 4) Has the applicant sufficient financial resources with which to complete the proposed project?
- 5) Will the proposed use conflict with the local public interest?
- 6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

When an application is protested, the statute requires the department to conduct a hearing to create a record of the evidence considered in approving or denying the application.

Normally, an informal pre-hearing conference is held prior to the actual hearing. The objectives of the informal conference are as follows:

- 1) To familiarize all parties with the application and the issues being raised.
- 2) To provide a forum for discussion and possible resolution of the matter among the parties.
- 3) To provide information to the parties about the department's hearing procedure in deciding protested applications.
- 4) To discuss scheduling of the matter for hearing.

Notices setting the time and place for the conference will be sent by certified mail to all parties at least 10 days prior to the conference. This is the same procedure specified by law for serving notice of hearings.

Conferences are conducted under Rules for Practice and Procedure adopted under the Idaho Administrative Procedures Act.

RECEIVED
OCT 26 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

01-Oct-1991

R. KEITH HIGGINSON
Director

ATTN RICHARD M ONEIDA MGR
BIG WOOD CANAL COMPANY
PO BOX C
SHOSHONE ID 83352

RE: APPLICATION FOR PERMIT NO. 37-08739 (Shoemaker Properties)

Dear Mr. Oneida:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant with the suggestion that he contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

The attachment to this letter describes the issues which the Department must consider in taking action on an application for permit. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Manager

LH:MB
Enclosure(s)

MICROFILMED
OCT 26 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

01-Oct-1991

R. KEITH HIGGINSON
Director

ATTN BOB MARCROFT MGR
SHOEMAKER PROPERTIES
PO BOX 2172
KETCHUM ID 83340

RE: APPLICATION FOR PERMIT NO. 37-08739

Dear Mr. Marcroft:

Enclosed are copies of protests filed against the issuance of a permit pursuant to the above referenced application.

The Department suggests you contact the protestant(s) directly to determine the exact nature of the protest(s) and, if possible, to resolve the matter without action by the Department.

The attachment to this letter describes the issues which the Department must consider in taking action on an application for permit. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Manager

LH:MB
Enclosure(s)

MICROFILMED

OCT 26 1992

Big Wood Canal Company

112 S. Apple P.O. Box C
Shoshone, Idaho 83352
886-2331

RECEIVED

AUG 23 1991

Department of Water Resources
Southern Region Office

August 22, 1991

Mr. James E. Stanton
ST. Water Resource Agent
Department of Water Resources
222 Shoshone St. East
Twin Falls, Idaho 83301

RE: Application No. 37-08739
SHOEMAKER PROPERTIES

Dear Sir:

I would like to protest application filed by SHOEMAKER PROPERTIES on grounds that this use of water could be detrimental to the storage of irrigation water in Magic Reservoir.

Sincerely,



Richard M. Oneida
Manager

RMO/mae

RECEIVED

OCT 26 1992

8-2-91

MR. GARY SPACKMAN
DEPARTMENT OF WATER RESOURCES
1301 N. ORCHARD ST.
BOISE, IDAHO 83702

RECEIVED
AUG 05 1991

Department of Water Resources



FRIENDS OF THE
BIG WOOD RIVER

RE: RIGHT NUMBER APPLICATION 37-08739
Shoemaker Properties
P.O. BOX 2172
Ketchum, Idaho 83340

RECEIVED

AUG 07 1991

In conjunction with the I.D.W.R. establishing the Big Wood River Drainage as a Ground Water Management Area, which the Friends of The Big Wood River fully support, please accept this as our formal protest of above mentioned application.

Department of Water Resources
Southern Region Office

It is not the position of the Friends of The Big Wood River to protest domestic water applications (.04 CFS for up to 1/2 acre) or reasonable Municipal water applications. However appropriations larger than this amount we feel will have the following effects.

1. They will reduce the quantity of water under existing rights.
2. The question of a sufficient wat supply for the purposes intended is in question.
3. The proposed use will conflict with the local public interest.
4. The proposed use will be contrary to conservation of water resources within the State of Idaho.

Thank You

Doug

Board of Directors

Friends of The Big Wood River

MICROFILMED

OCT 26 1992

P.S. It is not our intention to be antagonistic but to support the position taken by the I.D.W.R. to help protect this precious resource, which is ultimately linked to the over all water table, quality and water system.



cc. Shoemaker Properties
Board of Directors
Fish & Game
Wood River Canal Co.
County Commissioners

MICROFILMED
OCT 26 1992

MEMORANDUM

TO: FILE

FROM: Mary Baldwin, Sec/Office Coordinator

DATE: 20-Aug-1991

SUBJECT: Wood River Journal Publication problems

37-08737-Rember
37-08739, Shoemaker Properties
37-08743, King
37-08744, King
37-08745, Cenarrusa
37-08746, Olbum

Received a telephone call on this date from Patty Healy from the Wood River Journal that the scheduled publication for 8/7 did run but did not run on 8/14/91 due to WRJ staff failure to put them in the paper.

Therefore, a re-scheduling was made for publications on 8/21 & 8/28/91 with the last date for timely submitting of protests being on September 9, 1991.

RECORDED

OCT 26 1992

**Seven file on
trust water rights****NOTICE OF APPLICATION
FOR TRUST WATER RIGHT****37-08737**

REMBER, CRAIG
REMBER, ELIZABETH
HC 84 BOX 8328
STANLEY, ID 83278
Source: GROUNDWATER
Diversión Pt: NENW Sec 23 T 01N
R 18E
Use: IRRIGATION (1.600 CFS)
Total Diversión: (1.600 CFS)
Date Filed: 2/19/1991
In: T01N R18E S23 NENW SENW
80.0 ACRES TOTAL

37-08739

SHOEMAKER PROPERTIES
P.O. BOX 2172
KETCHUM, ID 83340
Source: SEAMANS CREEK
Tributary: SINKS
Diversión Pt: SENWNE Sec 32 T
02N R 19E; NENENW Sec 33 T
02N R 19E
Use: IRRIGATION STORAGE
(12.00 AF); IRRIGATION FROM
STORAGE (12.00 AF)
Total Diversión: (12.00 AF)
Date Filed: 3/4/1991
In: T02N R19E S32 NENE NWNE
SWNE SENE
13.6 ACRES TOTAL

37-08741

MASSARO, CARL
STAR RT. TRIUMPH
HAILEY, ID 83333
Source: UNNAMED STREAM
Diversión Pt: SESW Sec 25 T 04N
R 18E
Use: IRRIGATION (.020 CFS);
POWER (.200 CFS); FIRE PRO-
TECTION (.200 CFS);
AESTHETIC (.200 CFS)
Total Diversión: (.200 CFS)
Date Filed: 3/15/1991
In: T04N R18E S25 SESW
0.5 ACRES TOTAL

37-08743

KING, STEVE
P.O. BOX 1285
SUN VALLEY, ID 83353
Source: SPRING
Tributary: SINKS
Diversión Pt: NWSENE Sec 25 T
02N R 17E
Use: STOCKWATER (.020 CFS)
Total Diversión: (.020 CFS)
Date Filed: 4/8/1991
In: T02N R17E S25 SENE

37-08744

KING, STEVE
P.O. BOX 1285
SUN VALLEY, ID 83353
Source: GROUNDWATER
Diversión Pt: NWSENE Sec 25 T
02N R 17E
Use: IRRIGATION (.120 CFS)
DOMESTIC (.040 CFS)
Total Diversión: (.160 CFS)
Date Filed: 4/8/1991
In: T02N R17E S25 SENE
4.0 ACRES TOTAL

37-08745

CENARRUSA, JERRY
P.O. BOX 184
CAREY, ID 83320
Source: WASTE WATER
Tributary: SINKS
Diversión Pt: SENE Sec 13 T 01S
R 21E
Use: IRRIGATION (2.000 CFS)
Total Diversión: (2.000 CFS)
Date Filed: 8/18/1991
In: T01S R21E S13 SENE NESE;
R22E S18 Lot 2 (SWNW) Lot 3
(NWSW)
160.0 ACRES TOTAL

37-08746

OLBUM, CAROLYN
OLBUM, GLENN
5251 FAIR OAKS ST.
PITTSBURGH, PA 15217
Source: GROUNDWATER
Diversión Pt: NVNW Sec 25 T
05N R 17E; NENE Sec 26 T 05N R
17E
Use: DOMESTIC (.040 CFS)
Total Diversión: (.040 CFS)
Date Filed: 4/8/1991
In: T05N R17E S25 NVNW

The permit(s) will be subject to all
prior water rights. Protests may
be submitted based on the criteria
of Sec. 42-203A, Idaho Code,
and/or the new public interest
criteria of Sec. 42-203C, Idaho
Code. Protests must be filed with
the Director, Dept. of Water Re-
sources, 222 Shoshone St. East,
Twin Falls, Idaho 83301, on or be-
fore AUGUST 28, 1991.

R. Keith Higginson, Director
Publish: Wood River Journal-
August 7 & 14, 1991.

R 18 E 11

AUG 1 1991

Department of Water Resources
Southern Region OfficeOK
MB
8-1-91

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OCT 26 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

22-Jul-1991

R. KEITH HIGGINSON
Director

ATTENTION BOB MARCROFT MANAGER
SHOEMAKER PROPERTIES
PO BOX 2172
KETCHUM ID 83340

Re: Application for Permit No. 37-08739

Dear Applicant (s):

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned the above referenced identification number. Please refer to this number in all further correspondence.

This office will be advertising the application in the Wood River Journal on 8/7 & 8/14/91. A period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks. Please see attached list for additional information requirement.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Douglas Jones, E. I. T.
Water Resources Engineering Specialist

DJ:MB

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S. Region
5/89

Application No. 37-08739

ADDITIONAL INFORMATION REQUIREMENTS
FOR APPLICATIONS IN THE NAME OF A CORPORATION,
COMPANY, OR PARTNERSHIP

In reviewing the application for compliance with the requirements of the Department's Rules and Regulations for Water Appropriations, we have determined that the following information is required to make the Application complete for processing.

- 1) If the Application is filed in the name of a corporation, the names and addresses of its directors and officers shall be provided. If the application is filed by or in behalf of a partnership or joint venture, the application shall provide the names and addresses of all partners and shall designate the managing partner, if any. (Rule 3,3,2,1)

Because the required information does not appear in the legal notice, we are proceeding with advertising of your Application. If the required information is received within ten days of the second publication date, no additional delay should be incurred in processing.

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37-08739

SHOEMAKER PROPERTIES
P.O. BOX 2172
KETCHUM, ID 83340

Source: SEAMANS CREEK

Tributary: SINKS

Diversion Pt:

SEWNNE	Sec 32 T 02N R 19E
NENENW	Sec 33 T 02N R 19E

Use: IRRIGATION STORAGE	(12.00 AF)
IRRIGATION FROM STORAGE	(12.00 AF)
Total Diversion:	(12.00 AF)

Date Filed: 3/ 4/ 1991

In: T02N R19E S32 NENE NWNE SWNE SENE

13.8 ACRES TOTAL

THE UNIVERSITY OF CHICAGO

OCT 26



The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 222 Shoshone St. East, Twin Falls, IDaho 83301 on or before AUGUST 26, 1991.

R. Keith Higginson, Director

Published 8/7/1991 & 8/14/1991

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15-Jul-1991

WOOD RIVER JOURNAL
PO BOX 988
HAILEY ID 83333

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the required publication dates. If time allows, please submit a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

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EXPENDITURE VOUCHER

AUDITOR USE

STATE OF IDAHO
Office of State Auditor

AGENCY USE

Date	5577
Code	06/17/91
	193002

VENDOR: If you require additional information regarding this payment, please contact the State agency listed below.

AGENCY NAME: DEPT. OF WATER RESOURCES

Document No.	
Pre-Audit	Date
Warrant No.	

CHECK ONE:

(1) MISCELLANEOUS EXPENDITURE

() STATE CONTRACT

() PURCHASE ORDER

() MISCELLANEOUS
ENCUMBRANCE REQUISITION

PAY
TO

SHOEMAKER PROPERTIES
PO BOX 2172
KETCHUM, ID 83340

PAYMENT: () PARTIAL () FINAL

Encumbrance Reference No.

LINE No.	PROGRAM	FUND	ACCT.		DESCRIPTION	LINE AMOUNT	AGENCY USE
			Maj	Min			
1	05 40 199	1238	8831		REFUNDS PER JIM STANTON RECEIPT #S013074 6/ 5/91 5.00	5.00	
RECEIVED JUN 20 1991 Department of Water Resources Southern Region Office							
TOTAL							5.00

NOTE: Final payment must be accompanied by a receiving copy

TO STATE AUDITOR

Request is hereby made that a warrant be authorized and drawn in payment of the item or items described above. I hereby certify that the items described were ordered by proper authority; that they are necessary in the public service, that the items have been received and accounted for, and that the account as stated is correct and just.

AUDITOR'S CERTIFICATE

I hereby certify that the above account is in proper form; that totals carried hereon are correct; that receipts when required by law or regulation of the State Board of Examiners covering items for which reimbursement is asked are submitted herewith; and that there are funds in the state treasury and balances in appropriation accounts out of which the same may be lawfully paid.

INTER-DEPARTMENT MEMO — 1

DATE 6-11-91

FROM Jim Stanton

TO File

SUBJECT Pre-Permit Exam, Shoemaker Properties App. On Seamans Creek

On 5-31-91, I visited the property accompanied by the manager of the Ee-Da-Ho Ranch. The main part of the ranch is watered via a buried pipeline extending from the upper existing reservoir. Two pumps in Seamans Creek sprinkle about 14 acres of pasture just east of the main ranch house. During low-flow periods, there is not enough water in the stream to serve the pumps, however. So the ranch plans to build a small on-stream reservoir at the east end of the irrigated part of the ranch. Stored water will augment natural flow as needed to maintain full flow to the pumps. Water that flows past the pumps goes into an existing (and apparently illegal) recreation pond. The proposed project should not affect anyone else, since the ranch apparently controls all the water flowing in Seamans Creek. No SRBA claims have been filed for use below the ranch (Bellevue has spring diversions above the proposed reservoir site; these would not be affected).

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SIGNATURE

INTER-DEPARTMENT MEMO — 1

FROM Jim, Southern

DATE 6-5-91

TO Fiscal Section

SUBJECT Partial Refund of Filing Fee, Shoemaker Properties

On 3-4-91, Shoemaker Properties filed a water transfer. \$50. was paid under Receipt #S013074. A further investigation showed that an application for permit should have been filed instead of a transfer. An application was prepared and is being processed (correct fee is \$45.) So we owe \$5. to Shoemaker Properties, P. O. Box 2172, Ketchum, ID, 83340. Please take care of this. Thanks.



SIGNATURE

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