

06/23/2005

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

RIGHT NUMBER: 1-229
NAME AND ADDRESS: HELEN MILTON
C/O HENRY SCHODDE
334A S 450 W
HEYBURN ID 83336

HENRY T SCHODDE
334A S 450 W
HEYBURN ID 83336

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER
QUANTITY: 2.000 CFS
PRIORITY DATE: 04/01/1895
POINT OF DIVERSION:

T10S R22E S16 NWSE Lot 2 Within MINIDOKA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	2.000 CFS

PLACE OF USE: IRRIGATION Within MINIDOKA County

T10S R22E S15 Lot 3 NWSW	5.6	T10S R22E S16	9.1
T10S R22E S16 Lot 3 NESW	7.1	T10S R22E S16 Lot 4 NWSW	28.0
T10S R22E S16 Lot 1 NESE	11.0	T10S R22E S16 Lot 2 NWSE	4.4
T10S R22E S17	5.7	T10S R22E S17	14.0
T10S R22E S17 NESE	0.5	T10S R22E S17 SWSE	1.5
T10S R22E S17 SESE	4.7	T10S R22E S20	0.8

92.4 ACRES TOTAL

A portion of the place of use lies within lot number 1286, known as the Howard, Lee, and Ernest placer mining claims and embracing a portion of sections sixteen, seventeen, and twenty in township ten (10) south of range twenty-two (22) east of the Boise meridian.

Place of use does not include federal public lands.

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Water is delivered through Schodde Pump.

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 1-229
Date Received: 8/24/1989
Receipt No: S008942 + E030993
Received By: MWH

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

1. Name of Claimant(s)

HELEN MILTON Phone: (208)678-7072
C/O HENRY SCHODDE
334A S 450 W
HEYBURN ID USA 83336

HENRY T SCHODDE Phone: (208)678-7072
334A S 450 W
HEYBURN ID USA 83336

2. Date of Priority: 04/01/1895

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
10S	22E	16	SW SE 2	MINIDOKA	

5. Description of diverting works:

10 HP ELECTRIC PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	2	

7. Total Quantity Appropriated is:
2 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
----------	-------	---------	----------------	-----	-------

10S	22E	15	NW	SW	3	IRRIGATION	5.6	
						Section Acres	5.6	
10S	22E	16				IRRIGATION		17
			NE	SW	3	IRRIGATION	7.1	
			NW	SW	4	IRRIGATION	29	
			NE	SE	1	IRRIGATION	14	
			NW	SE	2	IRRIGATION	5.2	
						Section Acres	72.3	
10S	22E	17				IRRIGATION		8
						IRRIGATION		16
			NE	SE		IRRIGATION	0.5	
			SW	SE		IRRIGATION	1.5	
			SE	SE		IRRIGATION	4.7	
						Section Acres	30.7	
10S	22E	20				IRRIGATION		6
						Section Acres	6	
						Total Acres	114.6	

11. Place of use in counties: MINIDOKA

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

13. Other Water Rights Used:

14. Remarks:

P/U INCOMPLETE. AC. IRR. = 161.3.
P/U HOWARD, LEE & ERNEST PLACER MINING CLAIM, LOT #1286.
P/U PLACER MINING CLAIM LOT #1286. AC. = 102.66.
SEE DECREE FOR DESCRIPTION OF PLACER CLAIMS.
| P/U CHANGED BY UNRECORDED TRANSFERS; RIVER HAS ERODED AWAY PART OF THE P/U.

Place of use does not include federal public lands

A portion of the place of use lies within lot number 1286, known as the Howard, Lee, and Ernest placer mining claims and embracing a portion of sections sixteen, seventeen, and twenty in township ten (10) south of range twenty-two (22) east of the Boise meridian.

Amended claim on 6/23/2005 to add 39.6 acres to place of use. Some of pou claimed is land that was lost due to the construction of Milner Dam.

15. Basis of Claim: Decreed

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): *Jim Adcock* Date: *6/23/05*
_____ Date: _____

State of Idaho)
County of *Boonneville*) SS.

Subscribed and sworn (or affirmed) before me this *23RD*

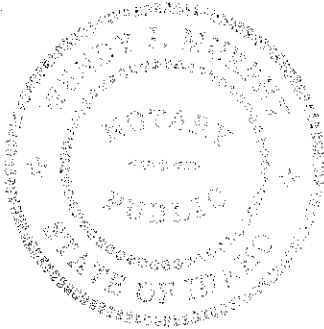
of *June* 2005

Wendy J. Murphy

Notary Public

Residing at *Idaho Falls*

My commission Expires *6/23/06*



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: A01-00229
Date Received: 8/24/1989
Receipt No: S008942
Received By: SC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HENRY SCHODDE 208-678-7072
Address: RT. 2
HEYBURN, ID 83336
OR
Name: HELEN MILTON
Address: C/O HENRY SCHODDE
RT. 2
HEYBURN, ID 83336
2. Date of Priority: APR 01, 1895
3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|----------|
| 10S | 22E | 16 | SW | SE | | 2 | MINIDOKA |
5. Description of diverting works:
10 HP ELECTRIC PUMP
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 2.000 | | |
7. Total Quantity Appropriated is:
2.000 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 483.0 Acre Feet Per Annum.
9. Non-irrigation uses:

A01-00229

Page 1

Date: 08/24/89

MICROFILMED
MAR 19 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	22E	15	SW	SW	3	IRR	6.0
						Section Acres	6.0
		16	NE	SE	1	IRR	7.0
			NE	SE	3	IRR	23.0
			NW	SE	2	IRR	5.0
			NW	SE	4	IRR	9.0
						Section Acres	44.0
		17	SW	SE	2	IRR	5.0
			SE	SE	1	IRR	20.0
						Section Acres	25.0
						Total Acres	75.0

11. Place of use in counties: MINIDOKA

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

13. Other Water Rights Used:
NONE

14. Remarks:

P/U INCOMPLETE. AC. IRR. = 161.3.
P/U HOWARD, LEE & ERNEST PLACER MINING CLAIM, LOT #1286.
P/U PLACER MINING CLAIM LOT #1286. AC. = 102.66.
SEE DECREE FOR DESCRIPTION OF PLACER CLAIMS.
|
P/U CHANGED BY UNRECORDED TRANSFERS; RIVER HAS ERODED AWAY PART OF THE P/U.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/28/1925

MINNIE SCHODDE ET. AL.
Decree Plaintiff

vs

W. G. SWENDSEN.
Decree 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 _____ 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): Henry Schodde Date: Aug 24 1989

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 24th day

of August 19 89

Steve Cull
Notary Public

Seal

Residing at Twin Falls, Idaho

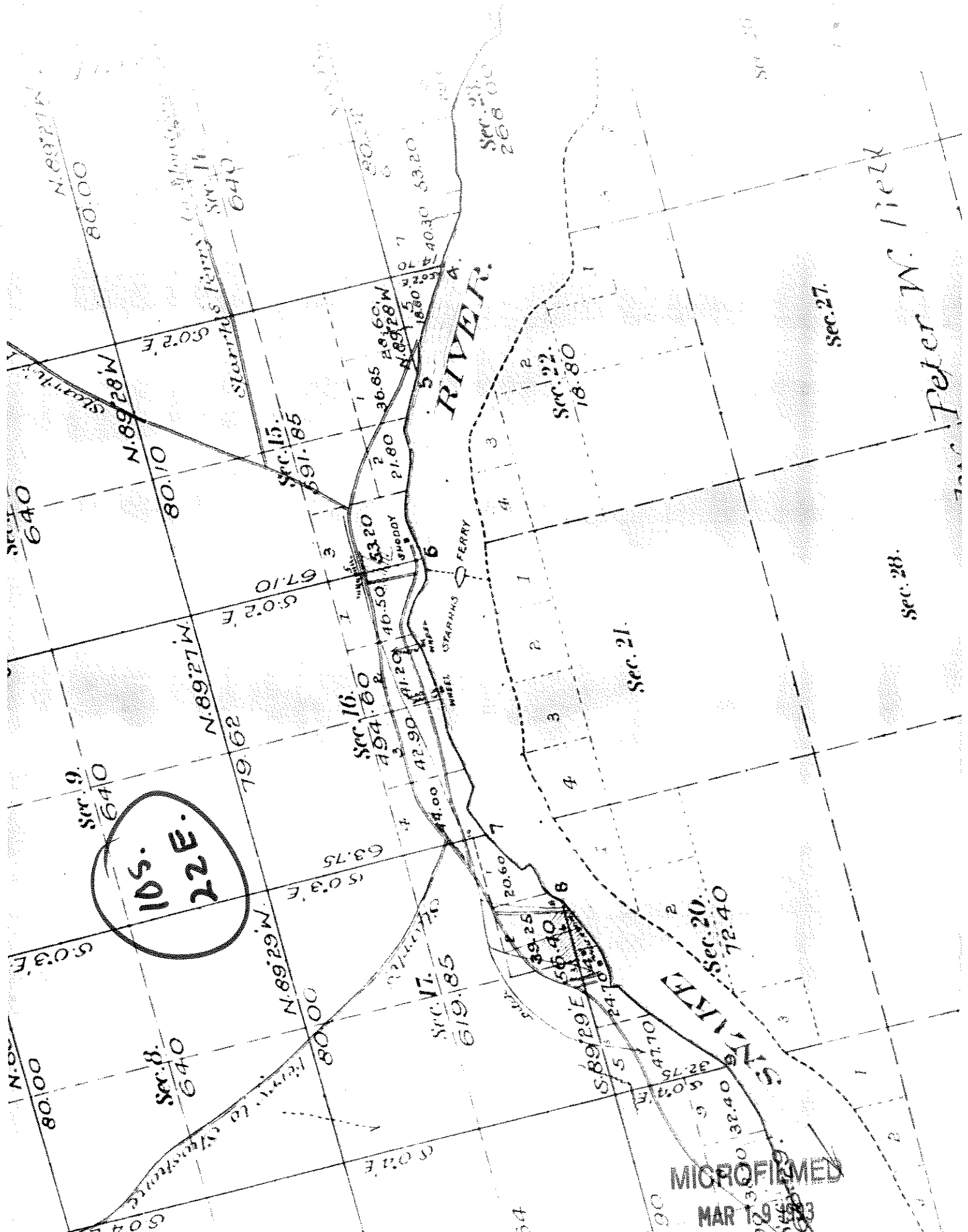
My Commission Expires December 7, 1994

10S.
22 E.



MICROFILMED

MAR 19 1993



10 S.
22 E.

MICROFILMED
MAR 19 1983

Peter W. Field

IN THE DISTRICT COURT OF THE ELEVENTH JUDICIAL
DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE
COUNTY OF TWIN FALLS.

* * * * *

MINNIE SCHODDE, In her individual right,
and MINNIE SCHODDE; THOMAS SCHODDE;
GEORGE SCHODDE; LOTTIE SCHODDE; FRED
SCHODDE; JOE SCHODDE; FRANK SCHODDE;
and CIARA ADAMS, as heirs at law of
HENRY SCHODDE, deceased,

Plaintiffs,

VS.

W.G. SWENDSEN, Commissioner of Reclamation
of the State of Idaho, and G. CLYDE BALDWIN,
Water Master in charge of the distribution
of the water of the Snake River,

Defendants.

JUDGMENT.

* * * * *

The above entitled Cause came on regularly to be heard at Twin Falls, Twin Falls County, Idaho, on the 21st day of January, 1925, before the Court sitting without a jury, a trial by jury having been expressly waived. The plaintiffs appearing in person and by and through their attorneys Messrs. Walters and Parry, and the Twin Falls Canal Company, a party interested, appeared by and through its attorneys Messrs. Bothwell and Chapman, WHEREUPON the default of the defendants W.G. SWENDSEN, and G. CLYDE BALDWIN, was entered for failure to answer or appear within the time fixed by the Court, and the default of any and all parties interested was, by the Court, entered for failure to appear in any manner at all; It appearing to the Court that plaintiffs herein duly caused to be published once a week for not less than three weeks, a notice of the pendency and purpose of said action in the weekly Twin Falls News, which the Judge of the above entitled Court had theretofore designated as the paper in which said notice should be published in accordance with the provisions of Section 7036 of the Idaho Compiled Statutes, and which said last notice was published in the said newspaper on the 27th day of November 1924;

WHEREUPON, witnesses on the part of the plaintiffs were sworn and examined and documentary evidence was introduced and the said Cause having been submitted for decision and the Court being fully advised, having rendered and filed its Findings of Fact and Conclusions of Law herein, wherein judgment is Ordered to be entered in favor of the plaintiffs as prayed for in their complaint;

NOW, THEREFORE, by reason of the Law and Findings aforesaid

IT IS HEREBY ORDERED, ADJUDGED, and DECREED, as follows:

I.

That plaintiffs herein, and their successors in interest, shall have the right to the use of and the right to divert one hundred (100) inches of the natural flow of the water of the Snake River dating in priority from April 1st, 1895 for agricultural and other use-

MICROFILMED

MAR 1 9 1993

ful and beneficial purposes and to be so diverted to and upon, and to be appurtenant to the following described lands: situated in Lincoln County (now Minidoka County), State of Idaho, to-wit:

lots numbered two and three (2 and 3) of Section fifteen (15), and lots numbered one and two (1 and 2) of Section Sixteen (16), in Township Ten (10) South, of Range Twenty-two (22), East Boise Meridian, containing 161.30 acres, and,

Those certain placer mining claims designated by the Surveyor General of the United States of America, in and for the State of Idaho, as Lot number 1286, known as the Howard, Lee and Ernest placer mining claims and embracing a portion of sections sixteen, seventeen, nineteen and twenty in township ten (10) south of Range Twenty-two (22) East of the Boise Meridian, in the Mining District, in the County of Lincoln, and State of Idaho, in the District of lands subject to sale at Hailey, and bounded, described, and platted as follows, with magnetic variation eighteen degrees and thirty minutes east.

Beginning for the description of the Howard placer claim at corner No. 1, a pine post four inches square marked 1/1286 with mound of earth and stone, from which the meander corner of fractional sections sixteen and seventeen in township ten (10) south of range twenty two east, Boise Meridian, situate on the north bank of Snake River, bears north eighty-two degrees and fifty-five minutes east one thousand one hundred and fifty-one feet distant, and the quarter section corner between said sections sixteen and seventeen, bears north thirty three degrees and twenty two minutes east two thousand and seventy three feet distant.- Thence, first course south sixteen degrees and fifteen minutes east six hundred and twenty two feet to witness corner to corner No. 2, a pine post four inches square marked W.C. 2/1286, with mound of earth and stone; six hundred and sixty feet to corner No. 2 in river and not established;- Thence second course, north sixty one degrees and nineteen minutes east ninety feet to corner No. 3. Thence third course, north sixty nine degrees and thirty minutes east one hundred and thirty two feet to corner No. 4. Thence fourth course, north eight degrees, and thirty minutes west two hundred and thirty one feet to corner No. 5. Thence fifth course, north ~~se~~ fifty nine degrees and fifty minutes east nine hundred and thirteen feet to corner No. 6. Thence sixth course, south eighty seven degrees and fifty four minutes east eight hundred and eighty one and three tenths feet to corner No. 7. Thence, seventh course, north eighty-three degrees east six hundred and twenty seven feet to corner No. 8. Thence eighth course, north eighty degrees and fifteen minutes, east five hundred and one and six tenths feet to corner No. 9. Thence ninth course south eighty five degrees and thirty minutes east four hundred and sixty two feet to corner No. 10. Thence tenth course south eighty degrees and thirty six minutes east three hundred and seventy six and sixty four hundredths feet to corner No. 11, in river, and not established. Thence, eleventh course, north nine degrees and eight minutes west fortyfour feet to witness corner to said corner No. 11, a pine post four inches square marked W.C. 11/1286; five hundred and forty-seven feet to corner No. 12. Thence, twelfth course, south seventy nine degrees and thirty-six minutes west ~~three hundred and~~ nine hundred and fifty, and five tenths feet to corner No. 1, the place of beginning.-

MAR 19 1993

claim at corner No. 1, a pine post four inches square marked 1/1286 with mound of earth and stone, from which the corner common sections seventeen, eight, nine, nineteen and twenty, said township and range, bears north thirteen degrees east one thousand six hundred and ninety-three feet distant.- Thence, first course, south thirty-two degrees and thirty minutes east six hundred and thirty one feet to witness corner to corner No. 2, a pine post four inches square marked W.C. 2/1286; Six hundred and sixty feet to corner No. 2, in river and not established.- Thence, second course, north thirty-three degrees and forty-one minutes east fifty-one and thirty-nine hundredths feet to corner No. 3. Thence third course, north fifty-one degrees east four hundred and ten and five tenths feet to corner No. 4. Thence fourth course, along right bank of said Snake river north fifty degrees east one thousand and six hundred and fifty feet to corner No. 5. Thence, fifth course, north sixty-four degrees and fifteen minutes east three hundred and ninety six feet to corner No. 6. Thence sixth course north one hundred and fifty one and eight tenths feet to corner No. 7. Thence seventh course north eighty one degrees and forty five minutes east ninety-nine feet to corner No. 8. Thence eighth course, south seventy five degrees and fifteen minutes east two hundred and sixty-four feet to corner No. 9. Thence, ninth course, north seventy-seven degrees east two hundred and sixty four feet to corner No. 10. Thence tenth course north seventy three degrees and thirty minutes east one hundred and sixty five feet to corner No. 11. Thence eleventh course, north sixty nine degrees and thirty minutes east seven hundred and six and two tenths feet to corner No. 12. Thence, twelfth course, north sixty-four degrees and fifteen minutes east three hundred and ninety-six feet to corner No. 13. Thence, thirteenth course, north thirty one degrees and thirty minutes east one hundred and thirty and seven tenths feet to corner No. 14. Thence fourteenth course, north sixty two degrees and fifteen minutes east three hundred and thirty feet to corner No. 15. Thence fifteenth course, north eighty three degrees and four minutes east two hundred and twenty-four and forty seven hundredths feet to corner No. 16, identical with corner No. 2 of said Howard placer claim. Thence, sixteenth course, north sixteen degrees and fifteen minutes west thirty eight feet to witness corner to said corner No. 16, identical with witness corner to corner No. 2, of said Howard placer claim also marked W.C. 16/1286, six hundred and sixty feet to corner No. 17, identical with corner No. 1 of said Howard Placer claim. Thence, seventeenth course, south sixty degrees and forty three minutes west five thousand one hundred and sixty eight and two tenths feet to corner No. 1, the place of beginning.

Beginning for the description of the Ernest placer claim at corner No. 1, a pine post four inches square marked 1/1286 with mound of earth and stone, identical with corner No. 1 of said Lee placer claim. Thence, first course, south seventy three degrees and two minutes west one thousand four hundred and ninety five and five tenths feet to corner No. 2.- Thence second course, south eighteen degrees and fifty-seven minutes east four hundred and ninety-five feet to corner No. 3. Thence, third course, north eighty nine degree and six minutes east four hundred and seventy three feet to corner No. 4. Thence, fourth course north eighty five degrees and thirty minutes east seven hundred and eighty two feet to corner No. 5. Thence, fifth course, north sixty nine degrees and forty nine minutes east four hundred

and twenty one and two tenths feet to corner No. 3 identical with corner No. 2 of said Lee placer claim in river and not established. Thence, sixth course, north thirty two degrees and thirty minutes west twenty nine feet to witness corner to said corner No. 6, a pine post four inches square marked I.C. 6/1286; six hundred and sixty feet to corner 1, the place of beginning. -

Said lot No. 1286 containing one hundred and two acres and ~~sixty-six~~ hundredths of an acre of land more or less.

II.

That said water shall be so diverted from Snake River by means of a pump or pumps operated by electricity or other power, located at the water's edge on the North bank of Snake River at or near the southeast corner of lot No. 2 Section Sixteen (16) Township Ten (10) South, of Range Twenty-two (22) East of the Boise Meridian, or such other device as plaintiffs, or their successors in interest, shall find proper for said purpose.

III.

That this decree shall be supplemental to and a part and portion of, and subject to the terms of that certain decree of the District Court of the Fourth (now the Eleventh) Judicial District of the State of Idaho, in and for Twin Falls County, entitled "Twin Falls Canal Company, a corporation, plaintiff, vs. Charles N. Foster, et al, defendants," which said decree was signed on June 20th, 1915, and recorded on June 20th, 1913, in Book 2 of Judgments at Page 614, and amended by judgment entered September 21st, 1916, and recorded in Book 4 of Judgments at page 205, of the records of Twin Falls County, Idaho.

IV.

That said waters herein decreed to plaintiffs, or their successors in interest, shall be distributed to them, and their successors in interest, by the Commissioner of Reclamation of the State of Idaho, or the Water Master in charge of the distribution of the waters of said stream in accordance with the terms and conditions of this judgment and subject to the terms of said decree mentioned in paragraph III hereof, in the same manner as though said plaintiffs and their predecessor in interest had had their rights included in said decree, all in conformity with the provisions of Section 7036 of the Idaho Compiled Statutes.

V.

That plaintiffs shall pay the costs of this action.

DATED, this 28th day of
January, 1925.

Wm A. Babcock
District Judge.

Filed 1/28/25

MICROFILMED

MAR 19 1993