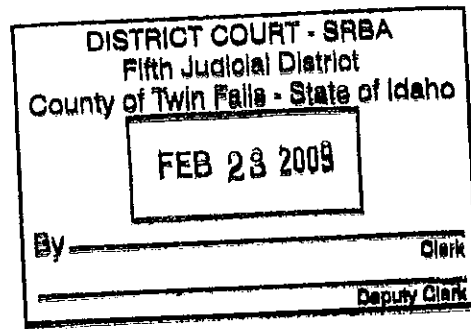


COPY



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

In Re SRBA

Case No. 39576

) Subcase No: 37-2658, 37-4421B, 37-7651
) 37-11430, 37-20570, 37-20571, 37-20574,
) 37-20577, 37-20578, 37-20581, 37-20584,
) 37-20593, 37-22027, 37-22029, 37-22031,
) 37-22033, 37-22035, 37-22037, 37-22039
) 37-22041

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING

IDWR has completed the following Administrative proceeding: I.C. § 42-222 TRANSFER 74959

An Administrative Proceeding pursuant to I.C. § 42-222 has been completed. The following changes have been made to the *associated* water right(s):

☒ Conditions of Approval

☐ Point of Diversion

☐ Period of Use

☐ Split of Water Right

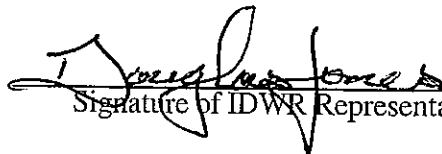
☐ Place of Use

☐ Nature of Use

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

Dated: 2/20/09


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 2/23, 2009, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707

2. Copies to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

United States Dept of Justice
Environment & Natural Resource Div
550 W Fort St MSC 033
Boise ID 83724

A W Molyneux
Maxine Molyneux
1174 Gannett-Picabo Rd
Bellevue ID 83313

John Molyneux
Kristy Molyneux
10407 Hwy 75
Bellevue ID 83313

Stephen Schmid
Kathryn Schmid
205 9th Ave N
Twin Falls ID 83301



Signature of person or attorney mailing the form

02/17/2009

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

RIGHT NUMBER: 37-22039
NAME AND ADDRESS: STEPHEN SCHMID
205 9TH AVE N
TWIN FALLS ID 83301
KATHRYN SCHMID
205 9TH AVE N
TWIN FALLS ID 83301

SOURCE: BIG WOOD RIVER
GROUND WATER
TRIBUTARY: MALAD RIVER
TRIBUTARY: BIG WOOD RIVER

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

Diversion of ground water is limited to those times water is available for diversion under this right and priority from the Big Wood River and is actually diverted into the Bypass Canal for mitigation purposes.

QUANTITY: 0.040 CFS

The use of ground water under rights 37-22027, 37-22029, 37-22031, 37-22033, 37-22035, 37-22037, 37-22039, and 37-22041 when combined shall not exceed a total diversion rate of 0.48 cfs and a total annual maximum diversion volume of 84.4 af at the well head..

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

~~The use of ground water under rights 37-22026, 37-22027, 37-22028, 37-22029, 37-22030, 37-22031, 37-22032, 37-22033, 37-22034, 37-22035, 37-22036, 37-22037, 37-22038, 37-22039, 37-22040 and 37-22041 when combined shall not exceed a total diversion rate of 0.56 cfs and a total annual maximum diversion volume of 98.0 af at the well head.~~

PRIORITY DATE: 03/24/1883

POINT OF
DIVERSION:

T01N R18E S12 SESW Within BLAINE County
T01N R18E S25 NWSNW Rediversion Within BLAINE County
T01N R18E S25 NESWSW Rediversion Within BLAINE County
T01S R18E S1 SESESW Lot 3 Within BLAINE County
T01S R18E S1 SESESW Lot 3 Within BLAINE County

This right is measured and administered at the points of rediversion.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
MITIGATION	04/15 10/31	0.040 CFS
IRRIGATION	04/15 10/31	0.040 CFS

PLACE OF USE:

IRRIGATION in BLAINE County
T01S R18E S01 Lot 3 SENW 12.10 T01S R18E S01 NESW 14.50
T01S R18E S01 SESW 1.30
MITIGATION same as IRRIGATION

27.9 ACRES TOTAL

The use of ground water under rights 37-22027, 37-22029, 37-22031, 37-22033, 37-22035, 37-22037, 37-22039, and 37-22041 when combined shall not exceed the irrigation of 24.1 acres in a single irrigation season.

~~The use of ground water under rights 37-22026, 37-22027, 37-22028, 37-22029, 37-22030, 37-22031, 37-22032, 37-22033, 37-22034, 37-22035, 37-22036, 37-22037, 37-22038, 37-22039, 37-22040 and 37-22041 when combined shall not exceed the irrigation of 28 acres in a single irrigation season.~~

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

Water is diverted from the Big Wood River into the Bypass Canal where it is rediverted into either the Baseline Canal in the SENW Sec. 25 or into the Dittoe Ditch in the SWSW Sec. 25, T1N, R18E, where it shall remain undelivered and allowed to sink to mitigate for the use of ground water under this right.

Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

This right is a split from former right 37-20892.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.