

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

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

Water is delivered through Schodde Pump.

Water Right 1-229

1

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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
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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.

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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): *[Signature]* 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

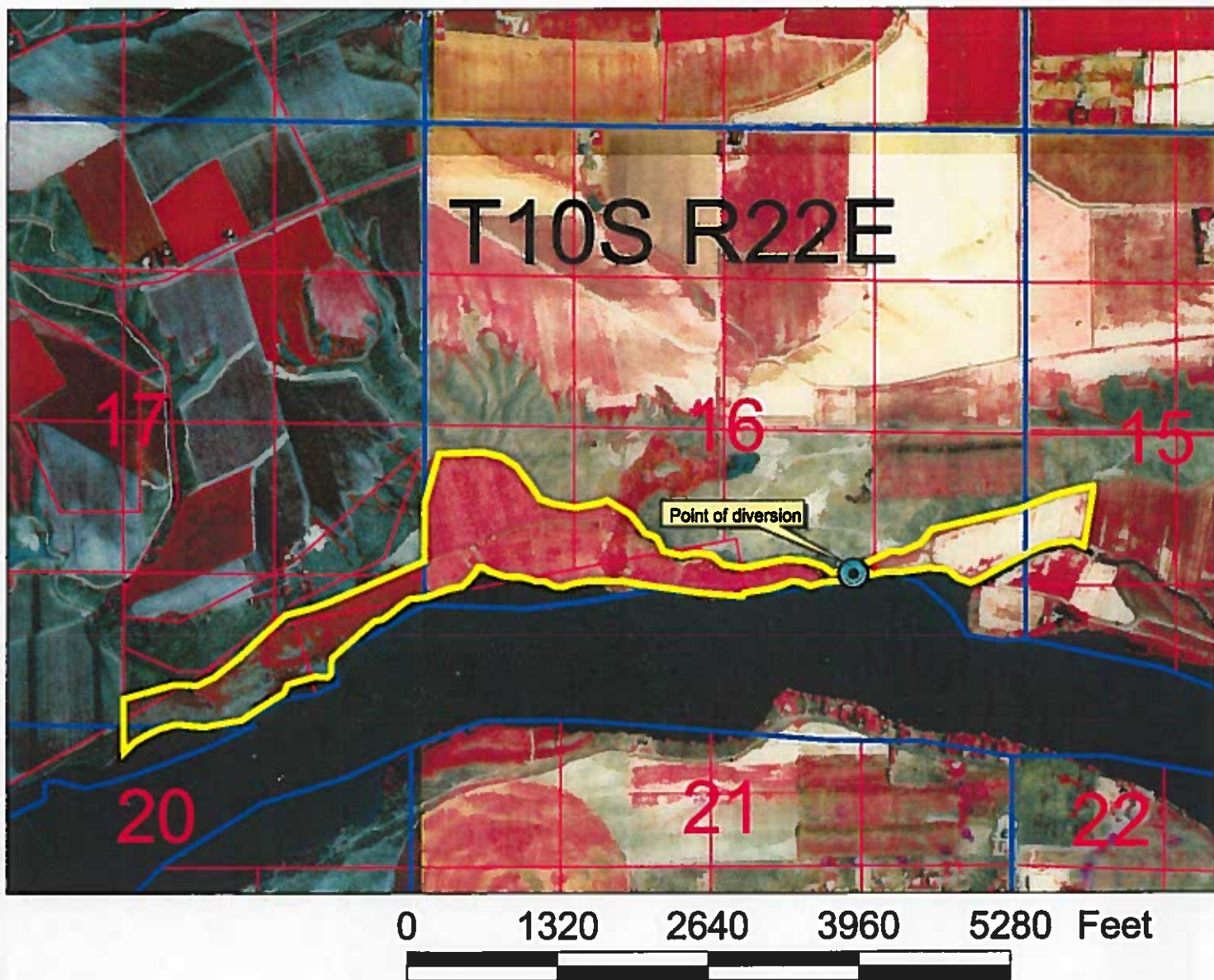


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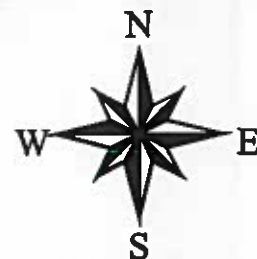
Department of Water Resources

Claim No.: 01-00229



-  Point of diversion
-  Place of use
-  Sections
-  QQ

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GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by M. Holliday
Date: June 2005

1-229

CLAIMANT CONTACT

Wednesday, November 23, 2005

I met with Lynn Schodde today regarding his notice of error reply. I explained that, based on the additional evidence that accompanied his reply, I would not be able to adjust my recommendation. The additional evidence submitted failed to justify changes to the recommended acreage or the point of diversion.

Lynn said that he did not know how long it had been since the land east of the recommended pou in lots 2 and 3 and the NESW of section 15 had been irrigated by the Schodde river pump. He said that that land has not been irrigated by the river pump since at least 1978 or 1979, the time when he operated the farm. The land described above has instead been irrigated by MID. We called Ruth Bailes at MID and confirmed that MID was assessing 26.5 acres in the NESW of section 15, and 49.7 acres in lots 2 & 3 of section 15 and lot 1 in section 16. Based on the plat map dated September 1924, which shows the pump and the ditch used to irrigate 105.6 acres, it appears that the decree lists all of the land owned by Schodde, not just the irrigated acreage.

I told Lynn that since Water District 1 has no record of delivery of right no. 1-229 through MID's system, I was not planning on adding a point of diversion in my recommendation to the court.

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06/23/2005

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 1-229

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

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

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Place of use and number of points of diversion

2. Describe the changes you wish to make in the proposed recommendation:

Add 51.8 acres in Lots 2 and 3 of Section 15, and
4.1 acres in Lot 1 of Section 16, as shown by the maps attached hereto.

3. Give a brief explanation as to why you disagree with these portions: The attached Memorandum provides a more detailed explanation. The primary reason for disagreement with the Preliminary Recommendation is that it failed to recognize that water under this water right is also diverted into the Minidoka Irrigation District system and delivered by it to the water right holders, and most of the lands being irrigated through the water delivered by Minidoka Irrigation District was not calculated as a place of use under this right.

☐ I AGREE with this proposed recommendation: no changes need to be made.

DATE: Nov. 4, 2005

SIGNATURE: Lynn Schodde

Please print your name: Lynn Schodde

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

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Department of Water Resources
Eastern Region

KMJ
11/09

**MEMORANDUM IN SUPPORT OF
SRBA CLAIM NO. A01-00229**

Claimants: Henry Schodde
Helen Milton

Prepared by: Roger D. Ling, Attorney at Law
P. O. Box 396, Rupert, Idaho 83350

On August, 1913, the Department of Interior, U.S. Reclamation Service, Minidoka Project, Idaho, prepared a survey of irrigable land in the Schodde estate, located in Sections 15, 16, 17 and 20, Township 10 South, Range 22 East of the Boise Meridian. (Map available upon request.) This survey by the Reclamation Service established the following irrigable acres by gravity:

Section 15:

Lot 2: 17.7 acres

Lot 3: 32.8 acres

Section 16:

Lot 1: 16.6 acres

Lot 2: 3.3 acres

Lot 3: 6.6 acres

Lot 4: 7.1 acres

Section 17:

Lot 1: 11.2 acres

Lot 2: 9.2 acres

Section 20:

Lot 4: 9.7 acres within Schodde's boundary and
7.7 acres North of Schodde's boundary

Lot 5: 13.2 acres

21.2 acres North of the Schodde boundary

A plat of the Schodde lands was again prepared by Thos. J. Stephenson C.E. of Burley, Idaho dated September, 1924. This plat established that the Schodde land was divided by a drain ditch constructed by the Reclamation Service in Sections 15 and 16. This plat

establishes the location of the pump from the river from which water was diverted under this water right, and the ditch located across the north portion of the property which was used to irrigate the lands east and west of the pump. A copy of said plat is attached to this Memorandum.

On January 28, 1925, a Decree was entered in the District Court of the Eleventh Judicial District of the State of Idaho, In and For the County of Twin Falls, in the case of Schodde, et al. v. Swendsen, Commissioner of Reclamation, State of Idaho, et al. This judgment decreed to the plaintiffs the water right under this claim for the diversion of 100 inches (2 cubic feet per second) of the natural flow of the waters of the Snake River with a priority of April 1, 1895, for agricultural and other uses. The lands to which said water right was appurtenant were described as Lots 2 and 3 of Section 15, Lots 1 and 2 of Section 16, both in Township 10 South, Range 22 East of the Boise Meridian, containing 161.3 acres, and those certain placer mining claims designated as Lot No. 1286, known as the Howard, Lee & Ernest Placer Mining Claims embracing a portion of Section 16, 17, 19 and 20 in Township 10 South, Range 22 East of the Boise Meridian. The court found that said Lot No. 1286 contained 102.66 acres of land, and the water under this right shall be diverted from the Snake River by means of a pump or pumps located at the water's edge on the north bank of the Snake River at or near the southeast corner of Lot 2 in Section 16, Township 10 South, Range 22 East of the Boise Meridian, or by such other device as plaintiffs, or their successors, shall find proper for said purpose. (Emphasis added.) Finally, the Decree provided that it would be supplemental to and part of the "Foster Decree" which was entered on June 20, 1913.

After the construction of a drain across a portion of the Schodde property by the Reclamation Service prior to 1924, those lands of the Schodde property to which this water right

was appurtenant lying south of the drain received water from the Snake River through the delivery system of Minidoka Irrigation District, as those lands south of the drain could not be irrigated by delivery of the Snake River water to the Schodde lands lying south of the drain through the delivery system of Schodde used to deliver water from the Schodde pump, by gravity. An aerial photo of the lands in question and the location of the Minidoka Irrigation District drain is attached hereto. This map establishes that there are presently 38.9 acres located in Lots 2 and 3 of Section 15 and Lot 1 of Section 16 lying south of that drain that are being irrigated with Snake River water diverted into the Minidoka Irrigation District system as part of the Gravity Division of the Minidoka Project constructed by what is now known as the Bureau of Reclamation. The 1913 survey established that there were at that time 50.5 acres of irrigable lands located south of the location of where the drain is now constructed. 38.9 of these acres are still being irrigated. These acres and other acres north of the drain are now being irrigated with Snake River water delivered by Minidoka Irrigation District under the Schodde right, and the lands receive water from a pump located in the Minidoka Irrigation District drain. The delivery of water from Minidoka Irrigation District under this right, diverted by the irrigation district from the Snake River, and the water pumped by Schoddes from the Snake River, do not violate and have not changed the water right held by Schoddes as decreed by the court. There are approximately 6 acres located north of the drain in Lot 2 in Section 15, approximately 20 in Lot 3 in Section 15 north of the drain, and approximately 7 north of the drain in Lot 1 of Section 16.

The primary discrepancy in the Preliminary Recommendation of June 23, 2005 is that the above acres located in Lots 2 and 3 of Section 15 were not recognized as being lands to which this water right is appurtenant. A review of the acres in Lots 2 and 3 in Section 15 and Lot 1 in Section 16, as above demonstrated, indicates that there are a total of 71.9 acres being

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irrigated north and south of the drain in these lots. Only 49.7 of these lands are included within Minidoka Irrigation District, although the entire 71.9 acres receive water under Minidoka Irrigation District water rights and water under this claim of the Schoddes.

Recognizing that the Minidoka Irrigation District water rights, held by the Bureau of Reclamation for irrigation of some of the Schodde lands, may overlap the lands to which this water right of the Schoddes is appurtenant, it is respectfully submitted that Schoddes should have an additional 51.8 acres of irrigable land to which this water is appurtenant in Lots 2 and 3 of Section 15 and an additional 4.1 acres in Lot 1 of Section 16, for a total place of use of 148.3 acres. The Amended Claim dated June 23, 2005, filed by Lynn Schodde on behalf of the Schoddes should be again amended to identify these additional acres.

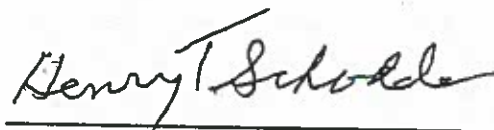
Although a portion of the Schodde lands to which this water right was originally appurtenant have been lost as the result of erosion by the Snake River, it is clear that an accomplished place of use has occurred, and this all occurred prior to 1987. Therefore, the fact that different lands may now be irrigated than were originally irrigated does not detract from the number of acres to which this water right is appurtenant. It is also necessary that the Claim be amended to add a point of diversion at Minidoka Dam, where water is delivered from the Snake River to Minidoka Irrigation District, even though most of the water received from Minidoka Irrigation District is now received from one of its drains, which of course is part of the Project water, including the water it delivers for Schoddes.

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that I, **Henry T. Schodde**, a/k/a Henry Schodde, of Heyburn, County of Minidoka, State of Idaho, do hereby constitute and appoint Henry Lynn Schodde, a/k/a H. Lynn Schodde, of 1597 Delmar Circle, City of Idaho Falls, County of Bonneville, State of Idaho 83404, my true and lawful attorney-in-fact for me and in my name, place and stead to act, demand, sue for, recover, and receive all sums of money, debts, dues, effects and things of whatsoever nature or description which now or hereafter shall become due, owing, payable or belonging to me, and upon receipt thereof of any part thereof to make, sign, execute and deliver such receipts as he shall think fit or be advised to settle any account or reckoning whatsoever which I am now or at any time hereafter shall be in anywise interested or concerned with any person whomsoever; to enter into and upon all and singular my real estate, and to let, manage, sell, and improve the same or any part thereof, and to repair or otherwise improve or alter, and to insure any buildings thereon; to deposit any monies which may come to his hands as such money or any other money to which I am entitled which now is or shall be so deposited to withdraw, and either employ as he shall think fit in the payment of any debts, or interest, payable by me, or taxes, assessments, insurance, and expenses due and payable or to become due and payable on account of my real and personal estate; and generally to do and perform all things necessary in or about the premises as fully and effectually in all respects as I could do if personally present.

And I, the said Henry T. Schodde, do hereby ratify and confirm all whatsoever my said attorney shall do, or cause to be done, in or about the premises by virtue of this Power of Attorney. This power of attorney shall not be affected by disability of the principal, it being the intent of the principal that the authority conferred shall be exercisable notwithstanding my disability.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 29 day of April, 2004.

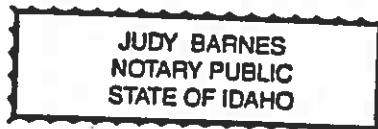


Henry T. Schodde

STATE OF IDAHO)
) ss.
County of Minidoka)

On this 29th day of April, 2004, before me, the undersigned Notary Public in and for said State, personally appeared Henry T. Schodde, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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



(SEAL)

Judy Barnes
Notary Public for Idaho
Residing at: Rupert, Idaho
My Commission expires: 02/12/2005



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

EASTERN REGION

October 13, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

LYNN SCHODDE
1597 DELMAR CIRCLE
IDAHO FALLS ID 83404

RE: POWER OF ATTORNEY FOR HENRY T. SCHODDE

Dear Ms. Schodde:

I understand you would like to be added as a representative on Mr. Schodde's water right. Before I can do this, I need a copy of the documents that give you power of attorney. They must specify power over real property and/or water rights. Once I receive these documents I will add you to water right **01-229**.

Respectfully,

Jennifer Crabtree
Technical Records Specialist

Enclosure

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SCANNED

OCT 15 2004

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 1-229

WATER RIGHT NUMBER: 1-229

Owner Type Name and Address
Current Owner HELEN MILTON
 C/O HENRY SCHODDE
 ~~RT 2~~
 HEYBURN, ID 83336
Current Owner HENRY T SCHODDE
 ~~335 S 410 W~~
 HEYBURN, ID 83336
 (208)678-7072

334 A S. 450 W
new address ✓

Priority Date: 04/01/1895
Basis: Decreed
Status: Active

Source Tributary
SNAKE RIVER COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	2.000 CFS	
	<u>Total Diversion:</u>	2.000 CFS	

Location of Point(s) of Diversion

SNAKE RIVER L2 (SW1/4SE1/4) Sec. 16, Twp 10S, Rge 22E, B.M.
MINIDOKA County

Place of Use
IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S 22E 15											6.0						6.0
											L 3						
10S 22E 16													7.0	5.0			12.0
													L 1	L 2			
10S 22E 17															5.0	20.0	25.0
															L 2	L 1	

Total Acres: 75

Conditions of Approval:Remarks:

Lynn Schodde
1597 Delmar Circle
IF 83404
Power of attorney

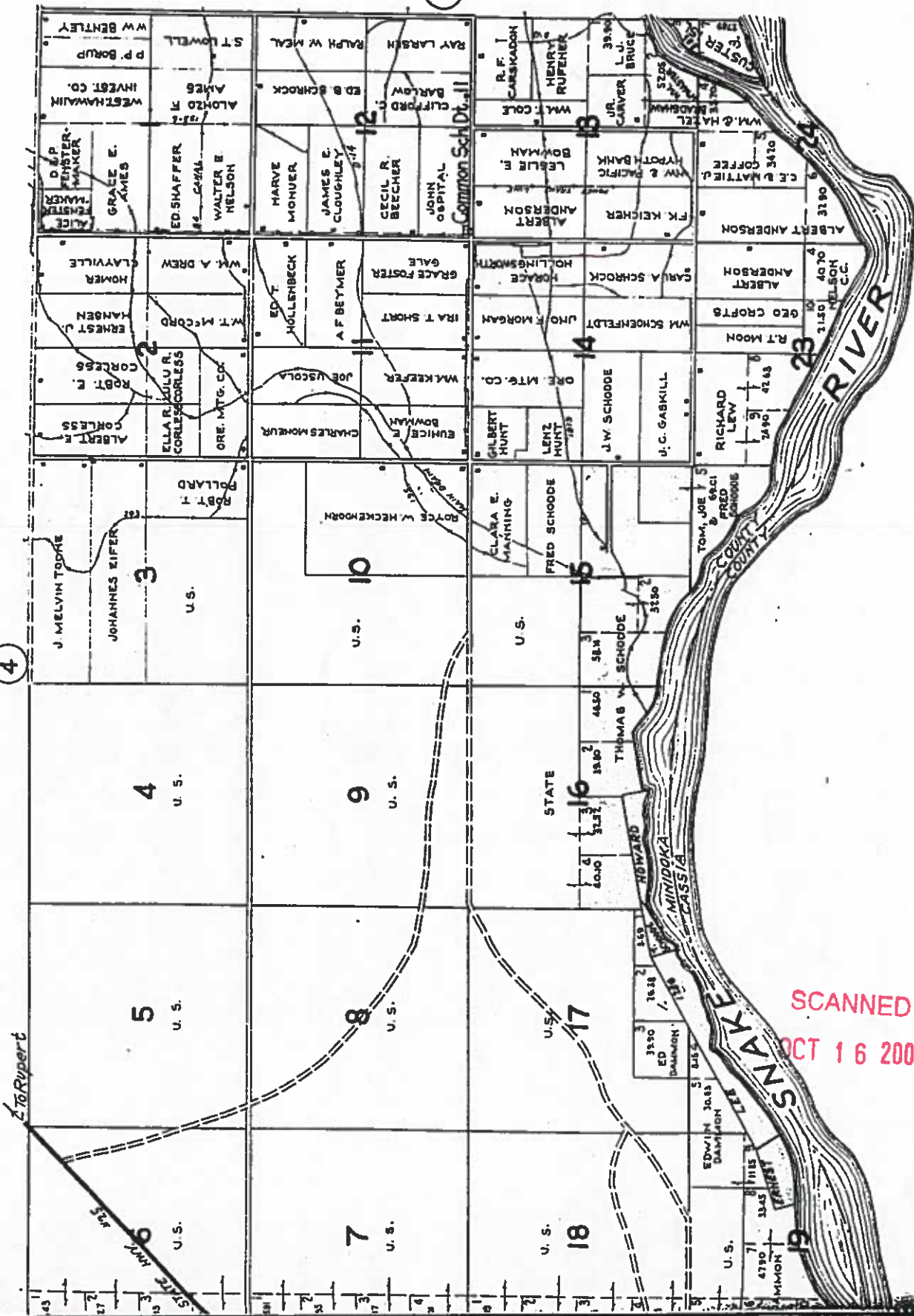
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OCT 15 2004

CHAS. F. METSKER
OAK STREET, PORTLAND, OREGON
110TH ST., TACOMA, WASHINGTON
3RD AVE., SEATTLE, WASHINGTON

10WN5HIP 10 3., KAINGE 22 E. D. M.
MINIDOKA COUNTY, IDAHO

SCHOOE U
STREET
J ALLEN STE



SCANNED
OCT 16 2006

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:

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

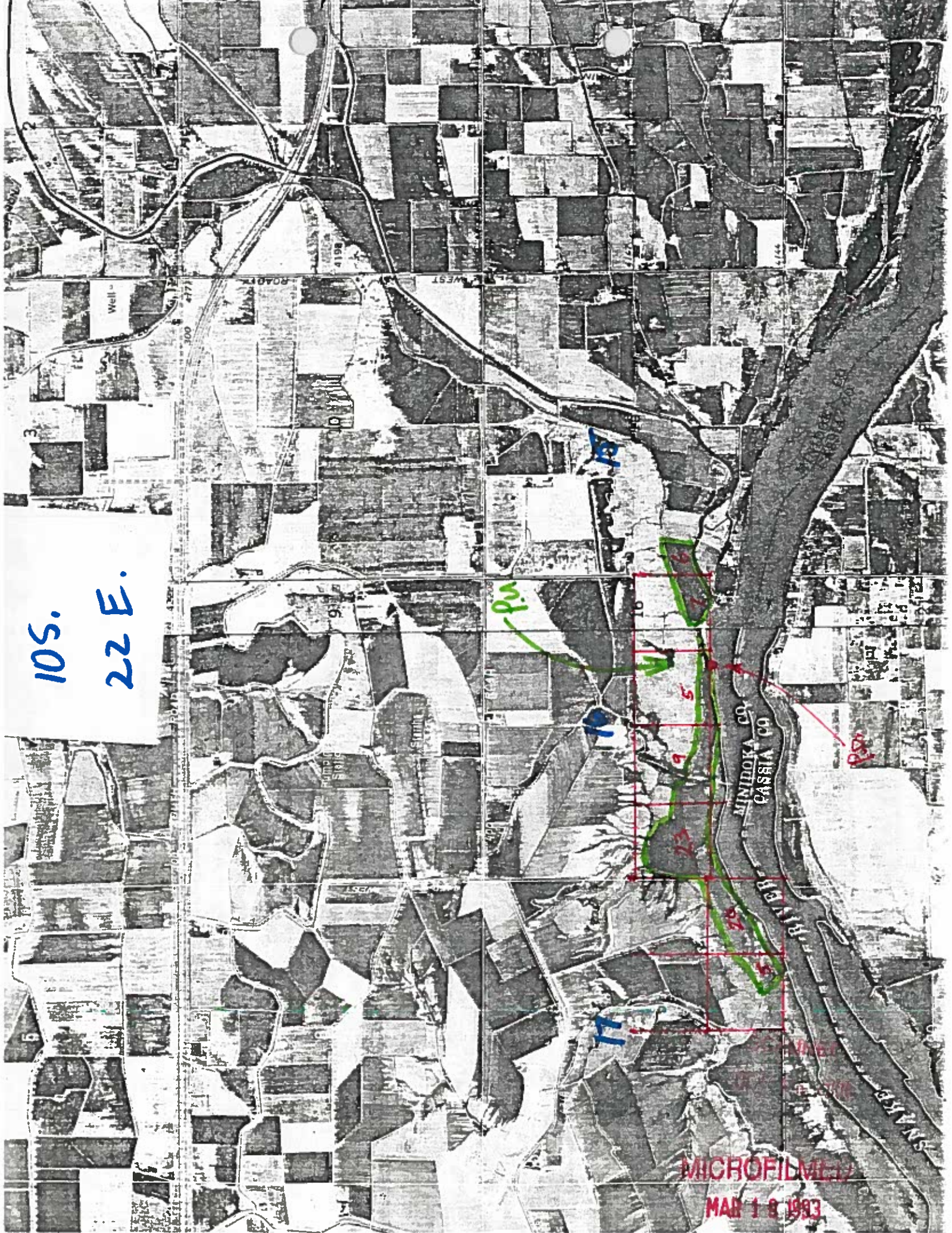
Steve Cull
Notary Public

Seal

Residing at Twin Falls, Idaho

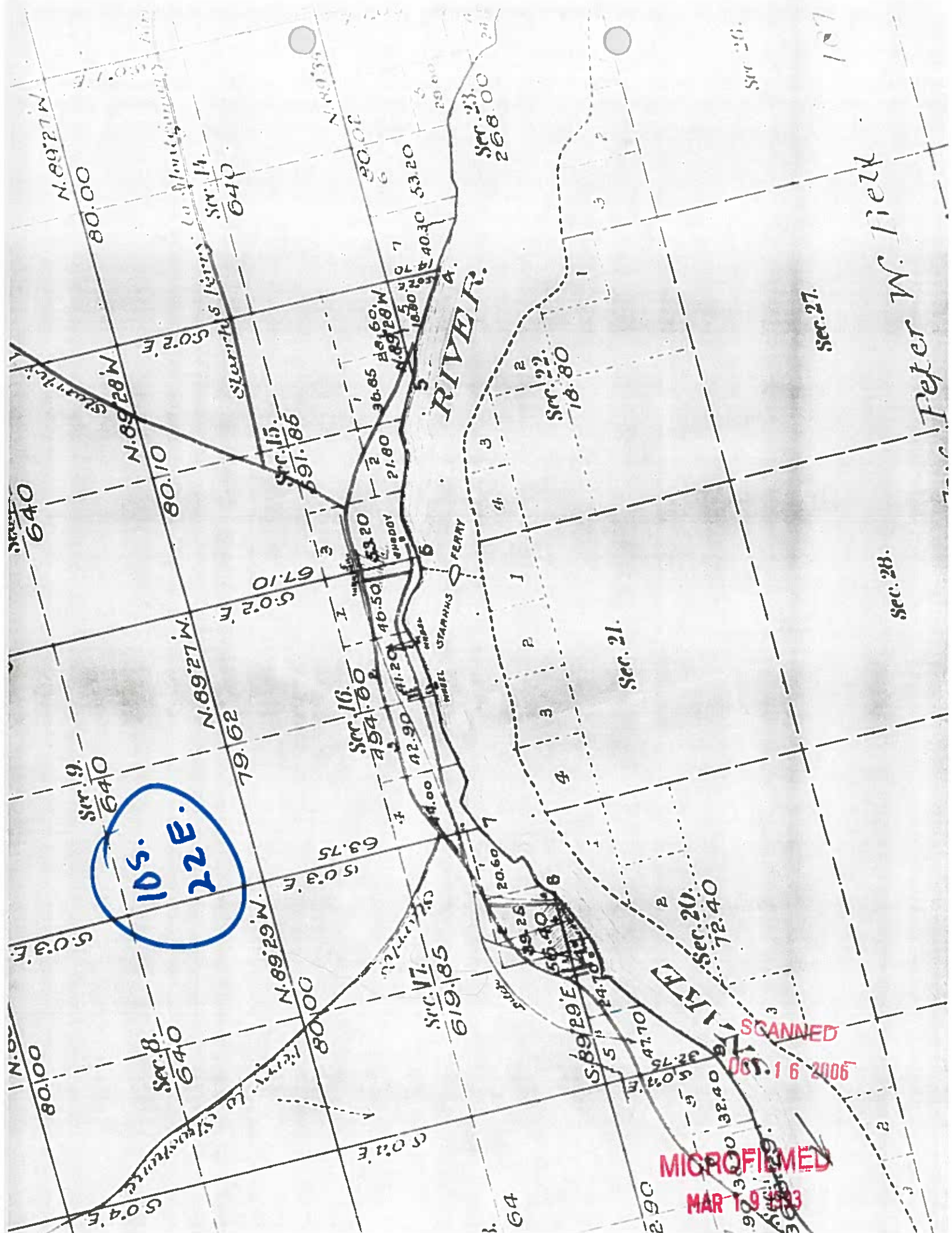
My Commission Expires December 7, 1994

105.
22 E.



MICROFILMED
MAR 18 1993

10S.
22E.



MICROFILMED
MAR 19 1983

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OCT 16 2006

Peter W. Nick

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 CLARA 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-

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 ~~22~~ 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 ~~104~~ four 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 ~~344~~ four hundred and ninety and five tenths feet to corner No. 1, the place of beginning.-

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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, eighteen, 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 degrees and six minutes east four hundred and seventy three feet to corner No. 4. Thence, fourth course north seventy-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

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and twenty one and two tenths feet to corner No. 6 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.

Filed 1/28/25

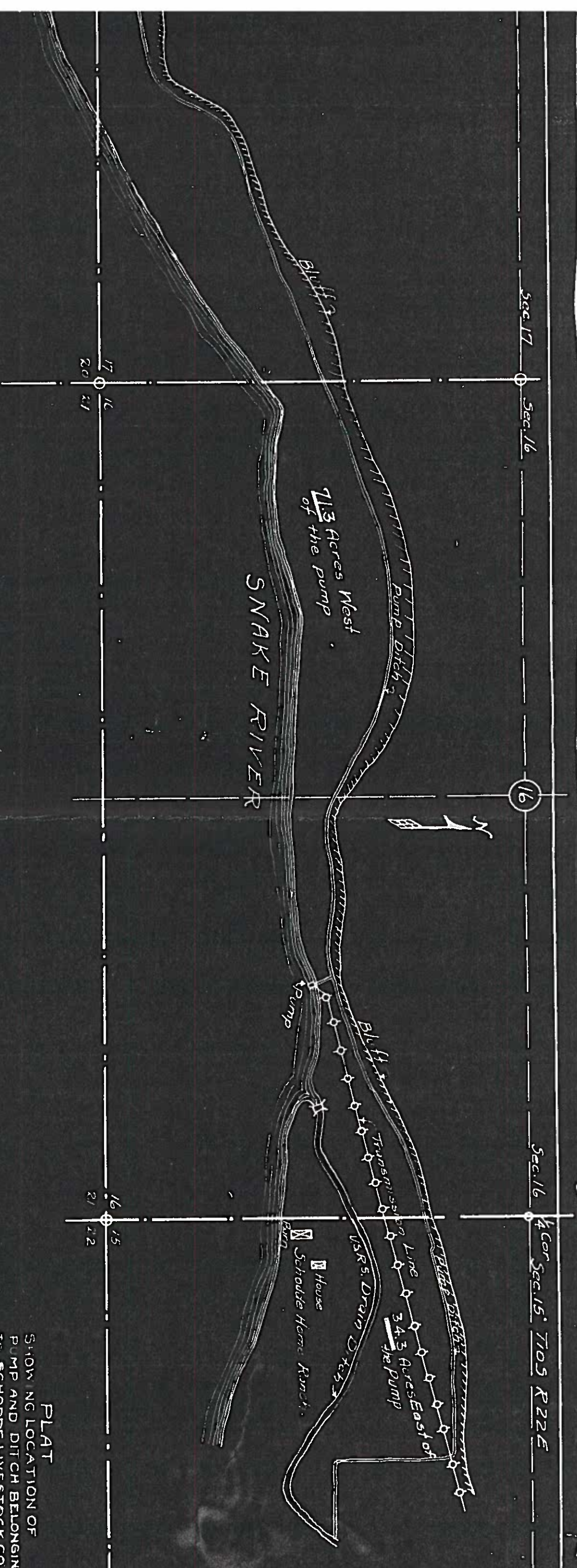
Wm A. Babcock
District Judge.

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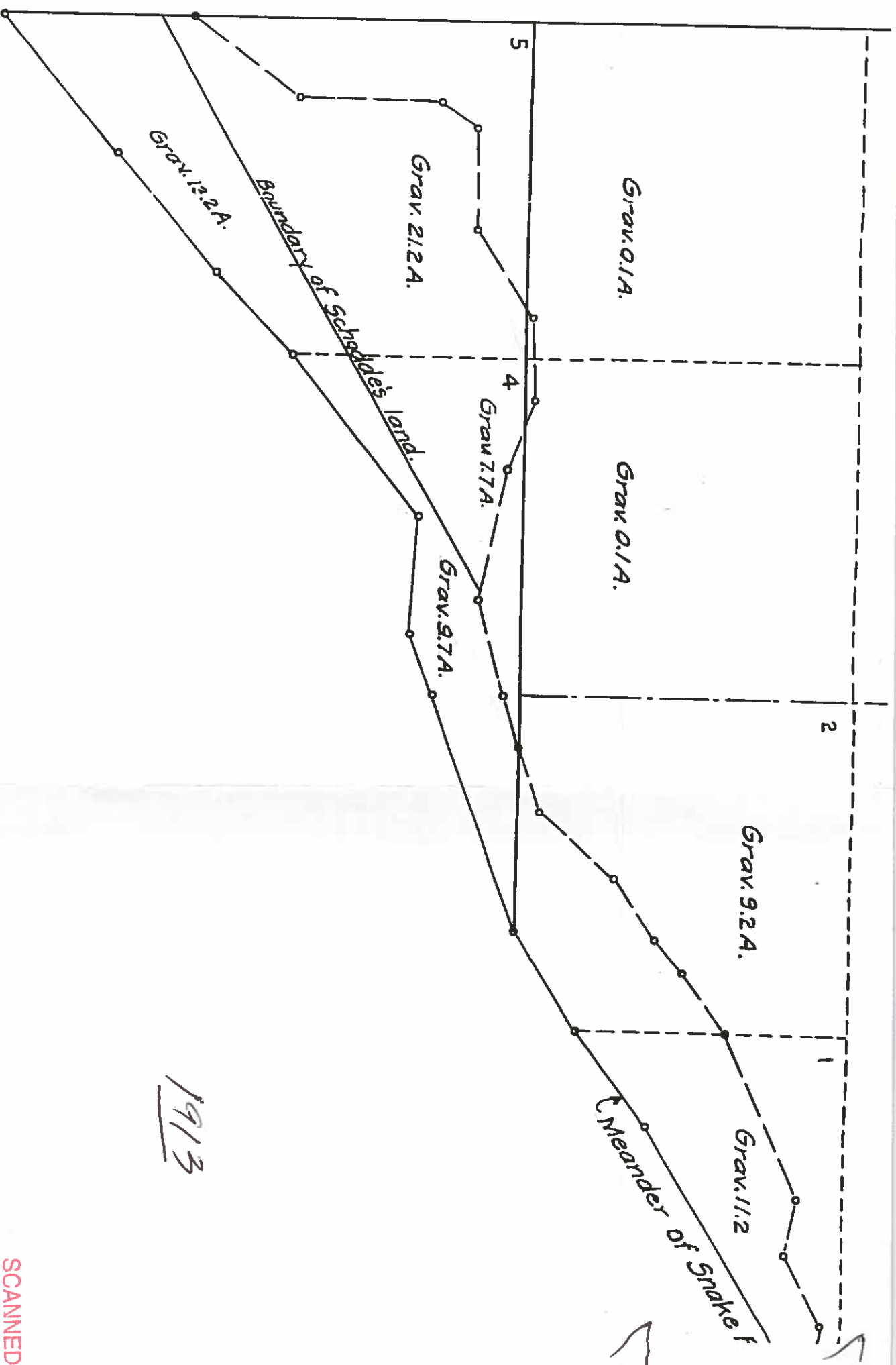
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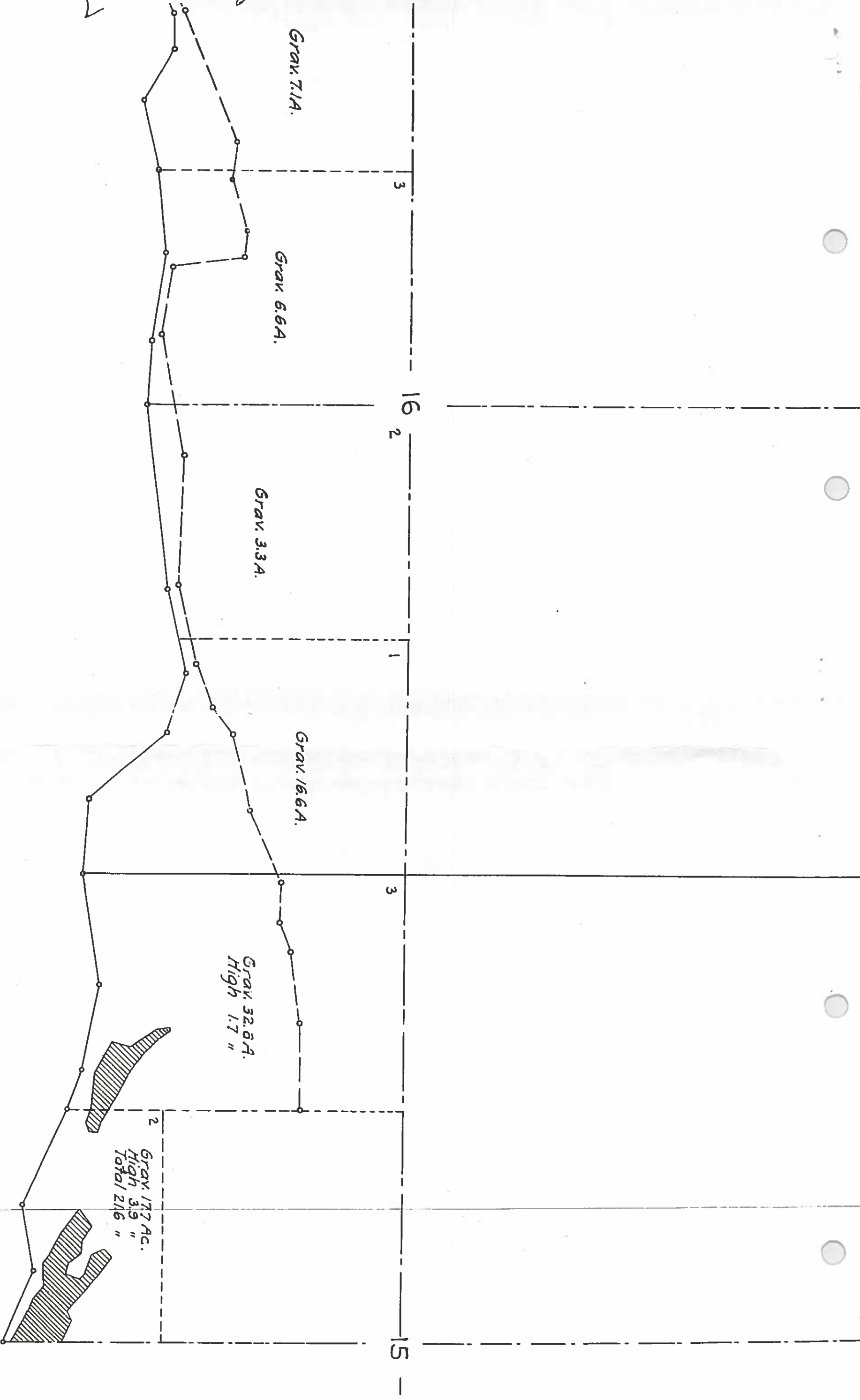
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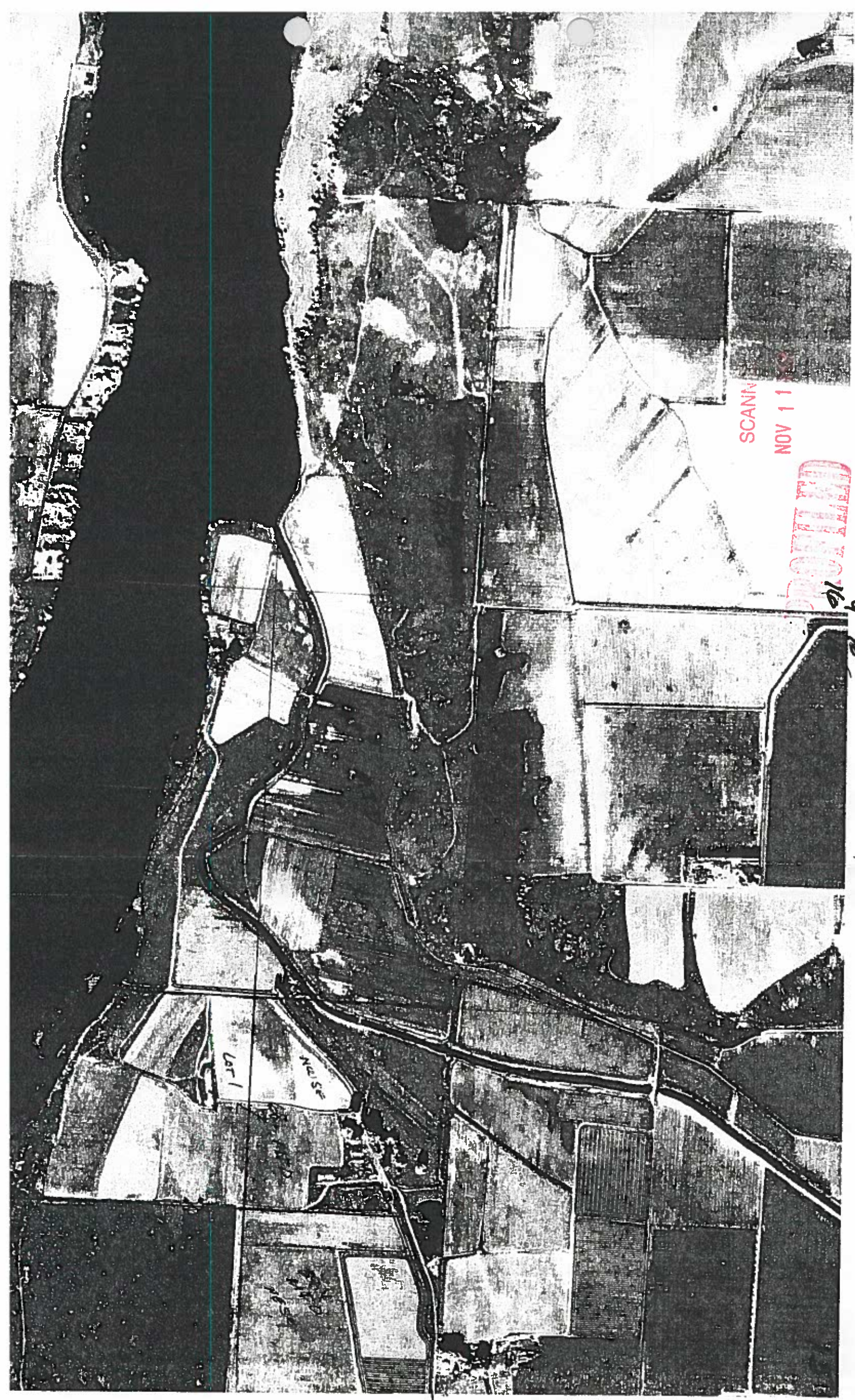


Schodde homestead is Lots 2 and 3, Sec. 15
and Lots 1 and 2, Sec. 16.

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