

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 85686**

This is to certify that: HENRY LYNN SCHODDE
139 LOST TRAIL PL
IDAHO FALLS, ID 83404-8431
AND
JON T SCHODDE AND
MICHAEL H SCHODDE AND
SHEILA K CATMULL
C/O HENRY LYNN SCHODDE
139 LOST TRAIL PL
IDAHO FALLS, ID 83404-8431

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
1-229	WR/DECREED	4/1/1895	2.000 cfs	N/A	N/A	92.4	SNAKE RIVER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
1-229	NO	NO	YES	YES	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
1-229	1-229	2.000 cfs	N/A	N/A	92.4	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		2.000 cfs	N/A	N/A	92.4		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 3rd day of June, 2022.



Southern Region Manager

Transfer No. 85686

WATER RIGHT NO. 1-229**As Modified by Transfer No. 85686**

In accordance with the approval of Transfer No. 85686, Water Right No. 1-229 is now described as follows:

Right Holder: HENRY LYNN SCHODDE
139 LOST TRAIL PL
IDAHO FALLS, ID 83404-8431
AND
SHEILA K CATMULL AND
MICHAEL H SCHODDE AND
JON T SCHODDE
C/O HENRY LYNN SCHODDE
139 LOST TRAIL PL
IDAHO FALLS, ID 83404-8431

Priority Date: 4/1/1895

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

BENEFICIAL USE

IRRIGATION

From

3/15

To

to 11/15

Diversion Rate

2.000 cfs

2.000 cfs

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER
SNAKE RIVER

L3 (NWSW)
L2 (NWSE)

Sec 15 Twp 10S Rge 22E MINIDOKA County
Sec 16 Twp 10S Rge 22E MINIDOKA County

PLACE OF USE: IRRIGATION

Twp	Rng	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										5.0							5.0
												L 3							
10S	22E	16									3.8	0.2	0.3	2.4		0.3	0.8		7.8
10S	22E	16									8.7	35.0	0.9		7.1	1.3	1.1		54.1
											L 3	L 4	L 4		L 1	L 2	L 2		
10S	22E	17													1.7		10.3	13.0	25.0
10S	22E	20		0.5															0.5

POU Total Acres: 92.4

CONDITIONS OF APPROVAL

1. Use of water under this right may 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. 01.

Transfer No. 85686

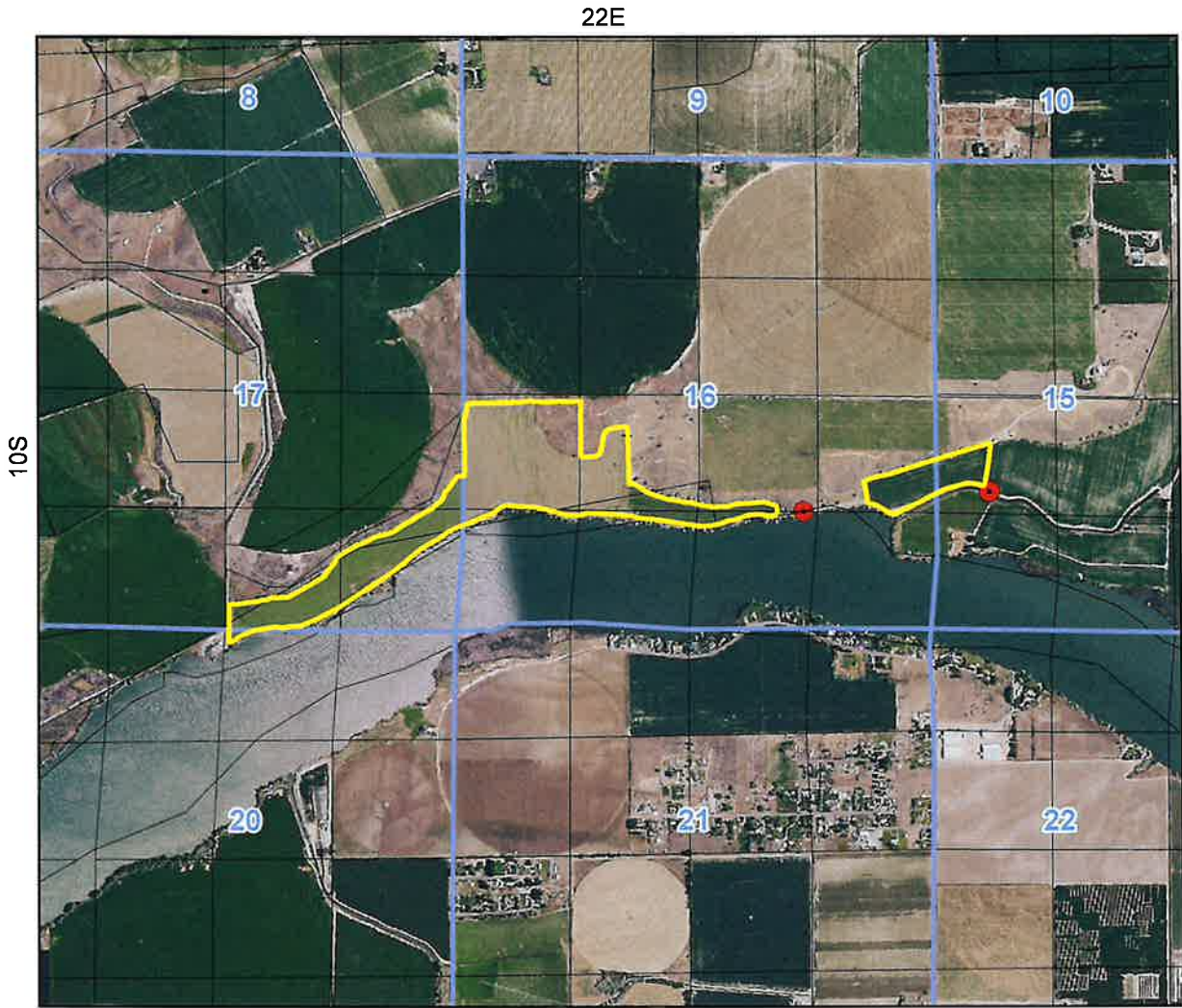
WATER RIGHT NO. 1-229
As Modified by Transfer No. 85686

CONDITIONS OF APPROVAL

2. 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).
3. Diversion of water from the point of diversion located in T10S, R22E, Section 15, NWSW (Lot 3) may only occur at times when the wastewater channel is hydrologically connected to the Snake River.
4. Place of use does not include federal public lands
5. Water is delivered through Schodde Pump located in the NWSE (Lot 2) of Section 16, T10S, R22E. Water is also delivered through a second point of diversion located in the NWSW (Lot 3), Section 15, T10S, R22E.
6. A portion of the place of use lies within Tract L, located in Section 17, T10S, R22E.
7. 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.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

State of Idaho
Department of Water Resources
Attachment to Transfer # 85686
01-229

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters
-  Point of Diversion

0 0.25 0.5 1 Miles





IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

June 6, 2022

HENRY LYNN SCHODDE
139 LOST TRAIL PL
IDAHO FALLS ID 83404-8431

MICHAEL H SCHODDE
JON T SCHODDE
SHEILA K CATMULL
C/O HENRY LYNN SCHODDE
139 LOST TRAIL PL
IDAHO FALLS ID 83404-8431

Re: Transfer No: 85686
Water Right No(s): 1-229

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 736-3033.

Sincerely,



Corey Skinner
Southern Regional Manager

Enclosure

c:

ROBERT L HARRIS
HOLDEN KIDWELL HAHN & CRAPO PLLC
PO BOX 50130
IDAHO FALLS ID 83405-0130

WATER DISTRICT 01
900 N SKYLINE DR STE A
IDAHO FALLS ID 83402-1718

CERTIFICATE OF SERVICE

I hereby certify that on June 6, 2022 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 85686
Water Right No(s): 1-229

HENRY LYNN SCHODDE
139 LOST TRAIL PL
IDAHO FALLS ID 83404-8431

MICHAEL H SCHODDE
JON T SCHODDE
SHEILA K CATMULL
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PO BOX 50130
IDAHO FALLS ID 83405-0130

WATER DISTRICT 01
900 N SKYLINE DR STE A
IDAHO FALLS ID 83402-1718



Denise Maline
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

Date: May 3, 2022

To: Henry Lynn Schodde, Sheila K. Catmull, Michael H. Schodde, and Jon T. Schodde, Transfer #85686 File

From: Jim Bitzenburg

Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes to change the place of use (POU) and add a point of diversion (POD) to a Snake River irrigation water right, with a flow rate of 2.00 cfs. The additional POD will be an existing pump station on the Snake River located approximately 3.9 miles west and 1.0 mile north of the intersection of Main Street and Overland Avenue in Burley. The transfer also proposes to modify the POU, located adjacent to the proposed additional POD, to reflect changes to the irrigation system.

The water right in the transfer is 1-229 (2.00 cfs, 92.4 acres, Snake River).

The transfer was advertised because it adds a POD on a surface water source. No protests were received.

The proposed transfer is in Water District 01 and Watermaster comments were solicited. The Watermaster did not provide comment on the transfer.

- **Authority to File:**
The Department's database indicates that water right 1-229 is owned by the applicants. The application was signed by Robert L. Harris, who is the attorney representing the applicants.
- **Water Right Validity:**
The water right was decreed in the SRBA, and the farm ground appears to have been fully irrigated in recent aerial imagery.
- **Injury to Other Water Rights:**
None anticipated or foreseen. The additional POD is only about 0.4 mile upstream and will not by-pass any other points of diversion.
- **Enlargement of Use:**
None anticipated. Volumes and rates will not increase.
- **Local Public Interest:**
No issues anticipated. The transfer was advertised. No protests were received.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water.
- **Effect on the Economy of the Local Area:**
None Anticipated
- **Effect of the Agricultural Base of the Area:**
None Anticipated

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

*** Proof of Publication ***

Twin Falls Times-News
132 Fairfield St W, Twin Falls, Idaho 83301

SHERRI DAVIS, being duly sworn, deposes and says: That she is the Principal Clerk of the Times-News, a daily newspaper printed and published at Twin Falls, Twin Falls County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterrupted published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in the Times-News, in conformity with Section 60-108, Idaho Code, as amended, for:

2 Insertions

ID DEPARTMENT OF WATER RESOURCES

650 ADDISON AVE W, STE 500
TWIN FALLS ID 83301

ORDER NUMBER 126199

Sherri Davis

(Legals Clerk)

STATE OF IDAHO)

.SS

COUNTY OF TWIN FALLS)

On this 15th day of April in the year of 2022 before me, a Notary Public, personally appeared before me Sherri Davis known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Reba M. Davis
Notary Public FOR Idaho
Residing at: Twin Falls, Idaho
My Commission expires: 5/4/2024



Section: Legals

Category: 50 Legal

PUBLISHED ON: 04/07/2022, 04/14/2022

✓ DM 4-26-2022

TOTAL AD COST: 281.08

FILED ON: 4/14/2022

RECEIVED

APR 20 2022

DEPT OF WATER RESOURCES
SOUTHERN REGION

RECEIVED

APR 20 2022

DEPT OF WATER RESOURCES
SOUTHERN REGION

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

✓ 36-17206

JEROME SCHOOL DISTRICT #261
125 4TH AVE W
JEROME, ID 83338

Point of Diversion NESENE S19 T08S R17E JEROME County Source
GROUND WATER Tributary

Use: COOLING 01/01 to 12/31 0.37 CFS

Use: HEATING 01/01 to 12/31 0.37 CFS

Total Diversion: 0.37 CFS

Date Filed: 02-23-2022

Place Of Use: COOLING, HEATING

T08S R17E S19 SENE

Application proposes diversion of up to 0.37 cfs for year-round non-consumptive heating and cooling uses associated with a new elementary school located approximately 0.8 mile east and 0.3 mile south of the intersection of Main Street and Lincoln Avenue in Jerome. A new well is proposed and water will be diverted, used, and re-injected into a separate well at the site. This application proposes to appropriate trust water and will be evaluated in compliance with Section 42-203C, Idaho Code, and IDWR's Water Appropriation Rules, IDAPA 37.03.08.

✓ 47-17751

BRIAN TUBBS
MICHELLE TUBBS
3469 E 3100 N

KIMBERLY, ID 83341-5251

Point of Diversion NWNWNE S29 T11S R18E TWIN FALLS County
Source SPRING Tributary COTTONWOOD CREEK

Point of Diversion NWNWNE S29 T11S R18E TWIN FALLS County
Source SPRING Tributary COTTONWOOD CREEK

Use: DOMESTIC 01/01 to 12/31 0.02 CFS

Use: DOMESTIC STORAGE 01/01 to 12/31 0.1 AF

Total Diversion: 0.02 CFS

Date Filed: 12-28-2021

Place Of Use: DOMESTIC, DOMESTIC STORAGE

T11S R18E S29 NWNE

Application proposes to appropriate water from a spring for domestic uses, including a small pond, on property located approximately 6.0 miles south and 0.5 miles west of the center of Kimberly. This application proposes to appropriate trust water and will be evaluated in compliance with Section 42-203C, Idaho Code, and IDWR's Water Appropriation Rules, IDAPA 37.03.08.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 85686

✓ HENRY LYNN SCHODDE, 139 LOST TRAIL PL, IDAHO FALLS, ID 83404-8431; SHEILA K CATMULL and MICHAEL H SCHODDE and JON T SCHODDE, C/O HENRY LYNN SCHODDE, 139 LOST TRAIL PL, IDAHO FALLS, ID 83404-8431 has filed Application No. 85686 for changes to the following water rights within MINIDOKA County(s): Right No(s). 1-229. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the place of use (POU) and add a point of diversion (POD) to a Snake River irrigation water right, with a flow rate of 2.00 cfs. The additional POD will be an existing pump station on the Snake River located approximately 3.9 miles west and 1.0 mile north of the intersection of Main Street and Overland Avenue in Burley. The transfer also proposes to modify the POU, located adjacent to the proposed additional POD, to reflect changes to the irrigation system.

TRANSFER NO. 85921

✓ CRESTVIEW CALVES LLC, 756 S 2800 E, HAZELTON, ID 83335-5280 has filed Application No. 85921 for changes to the following water rights within JEROME County(s): Right No(s). 36-17180. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing the points of diversion and place of use for a 0.12 cfs, 20 acre-foot portion of a commercial & stockwater groundwater right that is currently diverted from 4 wells at a calf rearing facility located approximately 8.8 to 9.6 miles west and 0.2 to 0.8 miles north of Paul. The application proposes moving the right to a new place of use and diverting it from two existing wells at a CAFO facility located approximately 9.6 to 9.8 miles west and 4.4 to 4.6 miles south of Paul.

TRANSFER NO. 85949

✓ CITY OF OAKLEY, 200 W MAIN, PO BOX 266, OAKLEY, ID 83346 has filed Application No. 85949 for changes to the following water rights within CASSIA County(s): Right No(s). 45-10802, 45-10803, 45-10804, 45-2659. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes adding points of diversion to four municipal ground water rights (2.12 cfs total). A new well to be drilled will be added to the four rights and an existing well will be added to one of the rights so that there will be a total of three wells on all four municipal water rights. The two existing wells are located approximately 1.6 miles south and 0.1 mile east of the intersection of Center St. and Main St. in Oakley. The proposed well will be located approximately 0.6 miles south of the intersection of Center St. and Main St. in Oakley.

Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see <https://research.idwr.idaho.gov>. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of \$25.00 for each application on or before April 25, 2022. The protestant must also send a copy of the protest to the applicant.

✓ Sm 4-26-2022

GARY SPACKMAN, Director

Published on April 7th & 14th, 2022