

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Transfer No. 85686  
**RECEIVED**

**MINIMUM REQUIREMENTS CHECKLIST**  
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

DEPT OF WATER RESOURCES  
SOUTHERN REGION

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at [idwr.idaho.gov](http://idwr.idaho.gov).

Name of Applicant(s) Henry Lynn Schodde, Sheila K. Catmull, Michael H. Schodde, and Jon T. Schodde

**Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.**

**Yes N/A** \* Means the item is always required and must be included with the application.

- ☒ \* Completed Application for Transfer of Water Right form, Part 1.
- ☒ \* Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ \* Application for Transfer Part 2A. Attach a [Part 2A](#) report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer [Part 2B](#) for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ \* Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ \* Correct fee submitted with transfer application form. ([Fee schedule](#) is on website and instructions for application for transfer.)

**Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.**

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☒ ☐ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. \*\*
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). \*\*  
\*\* Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☒ ☐ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <https://idwr.idaho.gov/water-rights/transfers/resources/>.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ \* #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System ([GIS](#)) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see [fee schedule](#).
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. ([Attachment WSB](#))
- ☒ ☐ #10 Other. Please describe: Tract 1286 Map

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

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**JAN 11 2022**  
DEPT OF WATER RESOURCES  
SOUTHERN REGION

## APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Henry Lynn Schodde, Sheila K. Catmull, Michael H. Schodde, and Jon T. Schodde Phone 208-850-4670  
Mailing address c/o Henry Lynn Schodde 139 Lost Trail Place, Idaho Falls, ID 83404 Email lschodde@yahoo.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Robert L. Harris Phone 208-523-0620  
Mailing address P.O. Box 50130, Idaho Falls, ID 83405 Email rharris@holdenlegal.com

- ☒ Send all correspondence for this application to the representative and not to the applicant.  
**OR**
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.  
**OR**
- ☒ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Robert L. Harris Robert L. Harris December 16, 2021  
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

\_\_\_\_\_  
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

### A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use  
☐ Change nature of use ☐ Change period of use ☐ Other \_\_\_\_\_

2. Is this a transfer for changes pursuant to Idaho Code §42-221.O.8?  
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part1A.2**.

3. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part1A.3**.

Transfer proposes to (1) update the POU to current irrigation of property under 1-229; and (2) to add a POD for an existing pump station where water is diverted to irrigate the POU under 1-229. 25 acres are irrigated in the Howard, Lee, and Ernest placer mining claims within lot number 1286 (in Sections 16, 17, and 20).

- AMENDE D -

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DEC 28 2021

DEPT OF WATER RESOURCES  
SOUTHERN REGIONSTATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

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DEC 20 2021

APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1Department of Water Resources  
Eastern Region

Name of Applicant(s) Henry Lynn Schodde, Sheila K. Catmull, Michael H. Schodde, and Jon T. Schodde Phone 208-850-4670  
 Mailing address c/o Henry Lynn Schodde 139 Lost Trail Place, Idaho Falls, ID 83404 Email lschodde@yahoo.com

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- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the ~~current~~ water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

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 Mailing address P.O. Box 50130, Idaho Falls, ID 83405 Email rharris@holdenlegal.com

- ☒ Send all correspondence for this application to the representative and not to the applicant.  
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☐ Send original correspondence to the applicant and copies to the representative.
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 OR  
☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Robert L. Harris Robert L. Harris December 16, 2021  
 Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

\_\_\_\_\_  
 Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

## A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use  
☐ Change nature of use ☐ Change period of use ☐ Other \_\_\_\_\_

2. Is this a transfer for changes pursuant to Idaho Code §42-221.O.8?  
 If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.

3. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.

Transfer proposes to (1) update the POU to current irrigation of property under 1-229; and (2) to add a POD for an existing pump station where water is diverted to irrigate the POU under 1-229. 25 acres are irrigated in the Howard, Lee, and Ernest placer mining claims within lot number 1286 (in Sections 16, 17, and 20).

85686

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## APPLICATION FOR TRANSFER OF WATER RIGHT

### PART 1 Continued

**B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.**

| 1.                                              | Right Number | Amount<br>(cfs/ac-ft) | Nature of Use | Period of Use | Source & Tributary         |
|-------------------------------------------------|--------------|-----------------------|---------------|---------------|----------------------------|
| <input checked="" type="checkbox"/> All or Part | 1-229        | 2 cfs                 | Irrigation    | 3/15 to 11/15 | Snake River/Columbia River |
| <input type="checkbox"/>                        |              |                       |               | to            |                            |
| <input type="checkbox"/>                        |              |                       |               | to            |                            |
| <input type="checkbox"/>                        |              |                       |               | to            |                            |
| <input type="checkbox"/>                        |              |                       |               | to            |                            |
| <input type="checkbox"/>                        |              |                       |               | to            |                            |
| <input type="checkbox"/>                        |              |                       |               | to            |                            |
| <input type="checkbox"/>                        |              |                       |               | to            |                            |
| <input type="checkbox"/>                        |              |                       |               | to            |                            |

Total authorized under rights 2 cfs and/or \_\_\_\_\_ acre-feet.

2. Total amount of water proposed to be transferred or changed 2 cubic feet per second and/or \_\_\_\_\_ acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

| New ? | Lot | ¼ | ¼  | ¼  | Sec | Twp | Rge | County   | Source      | Local name or tag # |
|-------|-----|---|----|----|-----|-----|-----|----------|-------------|---------------------|
| Y     | 3   |   | NW | SW | 15  | 10S | 22E | Minidoka | Snake River |                     |
| N     | 2   |   | NW | SE | 16  | 10S | 22E | Minidoka | Snake River | Schodde Pump        |
|       |     |   |    |    |     |     |     |          |             |                     |
|       |     |   |    |    |     |     |     |          |             |                     |
|       |     |   |    |    |     |     |     |          |             |                     |

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

| Twp                              | Rge | Sec  | NE ¼ |    |    |    | NW ¼ |    |    |    | SW ¼ |     |    |    | SE ¼ |     |     |     | Acre Totals |
|----------------------------------|-----|------|------|----|----|----|------|----|----|----|------|-----|----|----|------|-----|-----|-----|-------------|
|                                  |     |      | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW  | SW | SE | NE   | NW  | SW  | SE  |             |
| 10S                              | 22E | 15   |      |    |    |    |      |    |    |    |      | 5.1 |    |    |      |     |     |     | 5.1         |
| 10S                              | 22E | 16   |      |    |    |    |      |    |    |    |      | 36  |    |    | 7.1  | 2.3 |     |     | 54.2        |
| 10S                              | 22E | 17   |      |    |    |    |      |    |    |    |      |     |    |    | 2.1  |     | 1.3 | 4.7 | 8.1         |
|                                  |     | 1286 |      |    |    |    |      |    |    |    |      |     |    |    |      |     |     |     | 25          |
|                                  |     |      |      |    |    |    |      |    |    |    |      |     |    |    |      |     |     |     |             |
|                                  |     |      |      |    |    |    |      |    |    |    |      |     |    |    |      |     |     |     |             |
|                                  |     |      |      |    |    |    |      |    |    |    |      |     |    |    |      |     |     |     |             |
|                                  |     |      |      |    |    |    |      |    |    |    |      |     |    |    |      |     |     |     |             |
| Total Acres (for irrigation use) |     |      |      |    |    |    |      |    |    |    |      |     |    |    |      |     |     |     | 92.4        |

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Pump into mainlines. Diversion systems has measuring devices.

- b. Who owns the property at the point(s) of diversion? Applicant

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: \_\_\_\_\_

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete [Attachment WSB](#).

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

Place of use shapefile will be rearranged.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

None.

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use, .  
☐ ☒ currently leased to the Water Supply Bank,  
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or  
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:



**Transfer Place of Use table  
Water Right 1-229 Transfer #85686**

| 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<br>L3  |           |     |           |           |           |      | 5.0    |
| 10S | 22E | 16  |    |     |    |    |    |    |    |    | 8.7<br>L3 | 35.0<br>L4 | 0.9<br>L4 |     | 7.1<br>L1 | 1.3<br>L2 | 1.1<br>L2 |      | 54.1   |
| 10S | 22E | 16  |    |     |    |    |    |    |    |    | 3.8       | 0.2        | 0.3       | 2.4 |           | 0.3       | 0.8       |      | 7.8    |
| 10S | 22E | 17  |    |     |    |    |    |    |    |    |           |            |           |     | 1.7       |           | 10.3      | 13.0 | 25.0   |
| 10S | 22E | 20  |    | 0.5 |    |    |    |    |    |    |           |            |           |     |           |           |           |      | 0.5    |

92.4 acres

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DEPT OF WATER RESOURCES  
SOUTHERN REGION

AMENDED PLACE OF USE CHART

# IDAHO DEPARTMENT OF WATER RESOURCES

## WATER RIGHT REPORT

12/16/2021

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 1-229

| <u>Owner Type</u> | <u>Name and Address</u>                                                              |
|-------------------|--------------------------------------------------------------------------------------|
| Current Owner     | HENRY T SCHODDE<br>334A S 450 W<br>HEYBURN, ID 83336<br>2086787072                   |
| Current Owner     | HELEN MILTON<br>C/O HENRY SCHODDE<br>334A S 450 W<br>HEYBURN, ID 83336<br>2086787072 |

Priority Date: 04/01/1895

Basis: Decreed

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| SNAKE RIVER   | COLUMBIA RIVER   |

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 3/15        | 11/15     | 2 CFS                 |               |
| Total Diversion       |             |           | 2 CFS                 |               |

Location of Point(s) of Diversion:

SNAKE RIVER|NWSE Lt 2|Sec. 16|Township 10S|Range 22E|MINIDOKA County

Place(s) of use:

Place of Use Legal Description: IRRIGATION MINIDOKA County

| <u>Township</u> | <u>Range</u> | <u>Section</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> |
|-----------------|--------------|----------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|
| 10S             | 22E          | 15             | 3          | NWSW         | 5.6          |            |              |              |            |              |              |            |              |              |
|                 |              | 16             |            |              | 9.1          | 3          | NESW         | 7.1          | 4          | NWSW         | 28           | 1          | NESE         | 11           |

|    |   |      |     |    |      |     |      |     |
|----|---|------|-----|----|------|-----|------|-----|
|    | 2 | SE   | 4.4 |    |      |     |      |     |
| 17 |   |      | 5.7 | 14 | NESE | 0.5 | SWSE | 1.5 |
|    |   | SESE | 4.7 |    |      |     |      |     |
| 20 |   |      | 0.8 |    |      |     |      |     |

Total Acres: 92.4

Conditions of Approval:

1. C18 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.
2. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
3. 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.
4. U42 Place of use does not include federal public lands
5. F01 Water is delivered through Schodde Pump.

Dates:

Licensed Date:

Decreed Date: 10/05/2007

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: OR

Water District Number: EXC

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

**Attachment No. 4**  
**Power of Attorney**

[Search again](#)

## Results (as of 12/15/21)

### Robert Lynn Harris

**Status**

Active

**Admittance Date**

09/30/2004

**Firm**

Holden, Kidwell, Hahn &amp; Crapo, PLLC

**Mailing Address**

PO Box 50130

Idaho Falls, ID 83405

**Phone**

(208) 523-0620

**Phone Ext****Fax**

(208) 523-9518

**Bar Email Address**

rharris@holdenlegal.com

**Website Address**

www.holdenlegal.com

**Court eService Email**

efiling@holdenlegal.com

## Need a correction?

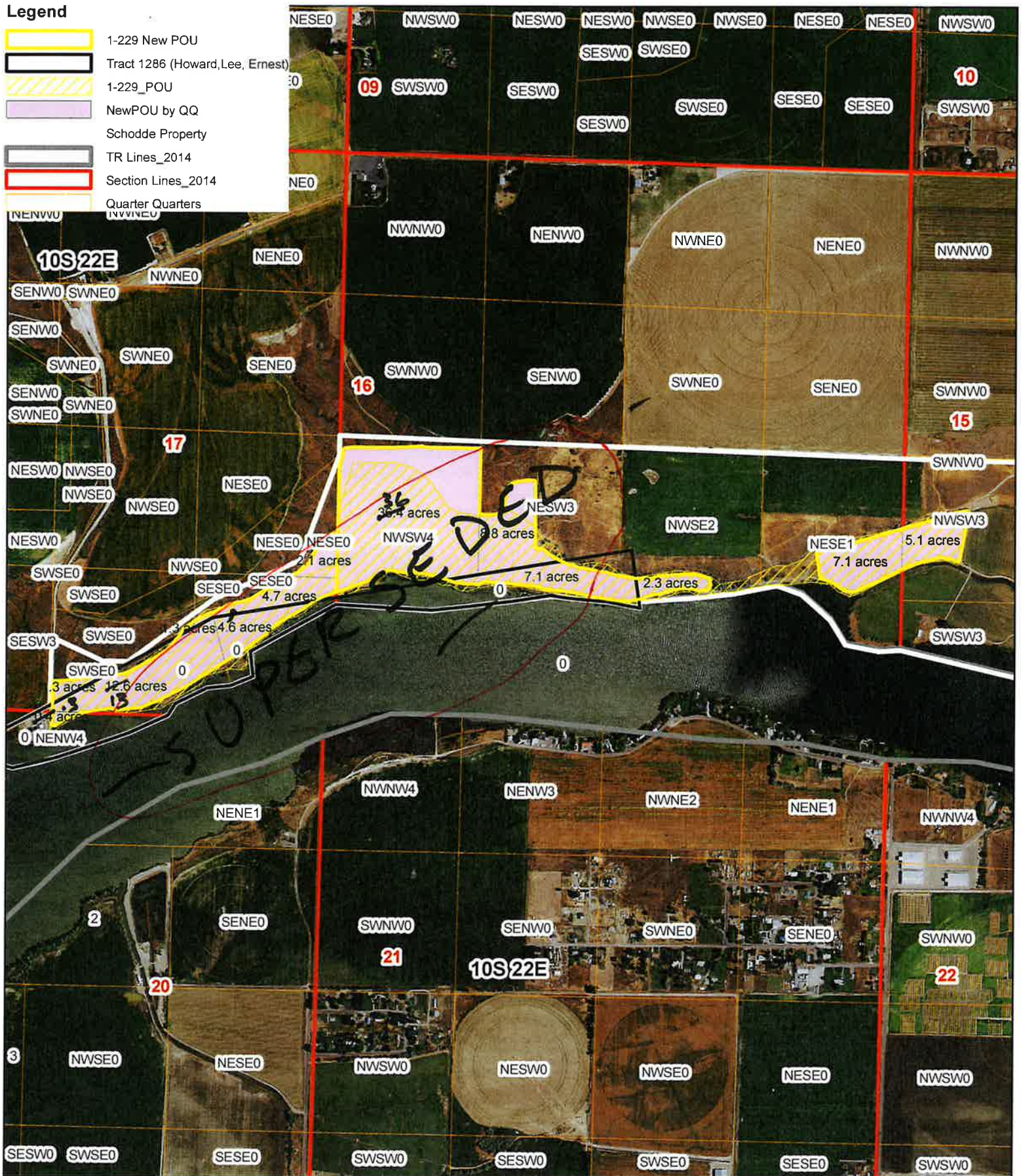
Is something not correct? Please use the [Address Change Form](#)

The information above is based on the Idaho State Bar records as of the date listed above. To send us an update on your own listing, please use the online [Address Change Form](#) or send an email to the Licensing Department. Please notify the Licensing Department if you find that another attorney's information is incorrect. Questions on attorney status and good standing should also be directed to the Licensing Department at (208) 334-4500.

**Attachment No. 7a**  
**Map**

AMENDED 85686

|  |                                  |
|--|----------------------------------|
|  | 1-229 New POU                    |
|  | Tract 1286 (Howard, Lee, Ernest) |
|  | 1-229_POU                        |
|  | NewPOU by QQ                     |
|  | Schodde Property                 |
|  | TR Lines_2014                    |
|  | Section Lines_2014               |
|  | Quarter Quarters                 |



**85686**

0 0.225 0.45 0.9 Miles

**Attachment No. 7b**  
**Map (GIS shapefile)**

|  |                                  |
|--|----------------------------------|
|  | 1-229 New POU                    |
|  | Tract 1286 (Howard, Lee, Ernest) |
|  | 1-229_POU                        |
|  | NewPOU by QQ                     |
|  | Schodde Property                 |
|  | TR Lines_2014                    |
|  | Section Lines_2014               |
|  | Quarter Quarters                 |



0 0.225 0.45 0.9 Miles

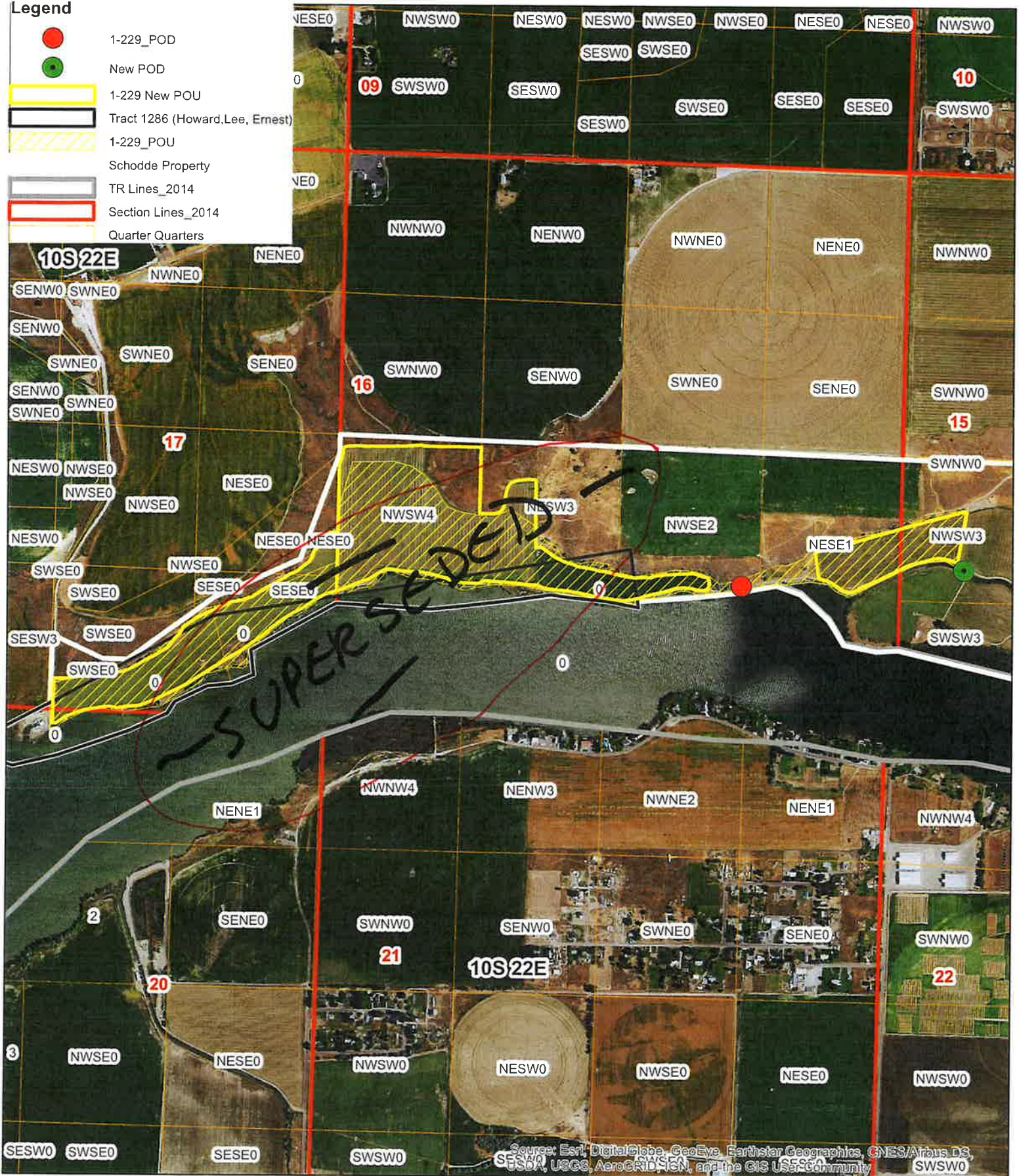
**85686**

# SCHODDE WATER RIGHTS



## Legend

- 1-229\_POD
- New POD
- 1-229 New POU
- Tract 1286 (Howard, Lee, Ernest)
- 1-229\_POU
- Schodde Property
- TR Lines\_2014
- Section Lines\_2014
- Quarter Quarters



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

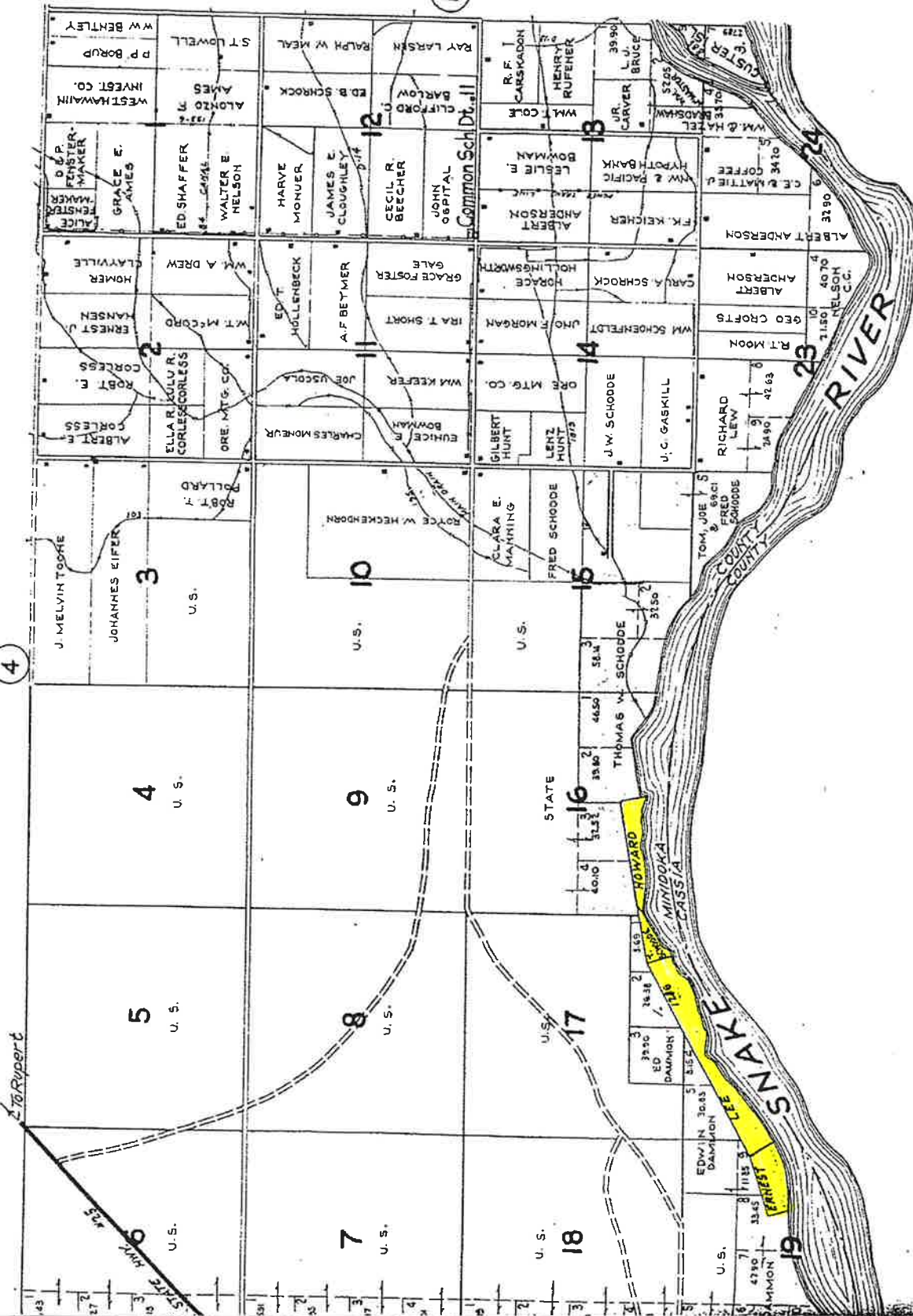
0 0.225 0.45 0.9 Miles

85686

**Attachment No. 10**  
**Other**

CHAS. F. METSKER  
OAK STREET, PORTLAND, OREGON  
1074 ST., TACOMA, WASHINGTON  
3RD AVE., SEATTLE, WASHINGTON

10 WINDSHIP 10 3., KAINGE 22 E. B. M.  
MINIDOKA COUNTY, IDAHO



85686

## **Maline, Denise**

---

**From:** Maline, Denise  
**Sent:** Friday, April 1, 2022 5:15 PM  
**To:** Olenichak, Tony  
**Subject:** Comment Letter for Transfer No. 85686  
**Attachments:** Transfer No. 85686 Henry Schodde.pdf; Comment letter to WD01 for 85686.docx

Hi Tony,

Attached is an application for transfer currently being processed by the department. Please review the application and provide any necessary comments within 21 days.

If you have any questions regarding these applications, please feel free to contact Jim Bitzenburg.

Thank you in advance,

Denise @ IDWR

**Denise Maline, Administrative Assistant**  
**Idaho Dept of Water Resources, Southern Region**  
**650 Addison Ave W Ste 500**  
**Twin Falls ID 83301-5858**  
**(208) 293-9908**  
[denise.maline@idwr.idaho.gov](mailto:denise.maline@idwr.idaho.gov)



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**

March 31, 2022

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

RE: Application for Transfer No(s): 85686 (Henry Lynn Schodde, et al)

Dear Tony:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the application at:

<https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

*Denise Maline*

Denise Maline  
Administrative Assistant 1

Enclosure(s)

## **Maline, Denise**

---

**From:** Maline, Denise  
**Sent:** Friday, April 1, 2022 5:11 PM  
**To:** Dawson,Bradley  
**Subject:** Comment Letters for Transfer No. 85686 (Schodde) and Application No. 47-17751 (Tubbs)  
**Attachments:** Comment letter to F&G for 85686 & 47-17751.docx; 47-17751 Brian & Michelle Tubbs.pdf; Transfer No. 85686 Henry Schodde.pdf

Hi Bradley,

Attached are 2 applications that are currently being processed by the department. Please review the application and provide any necessary comments within 21 days.

If you have any questions regarding these applications, please feel free to contact our office.

Thank you in advance,

Denise @ IDWR

**Denise Maline, Administrative Assistant**  
Idaho Dept of Water Resources, Southern Region  
650 Addison Ave W Ste 500  
Twin Falls ID 83301-5858  
(208) 293-9908  
[denise.maline@idwr.idaho.gov](mailto:denise.maline@idwr.idaho.gov)



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Governor Brad Little

Director Gary Spackman

March 31, 2022

IDAHO DEPT OF FISH & GAME  
BRADLEY DAWSON  
324 S 417 E STE 1  
JEROME ID 83338-6206

RE: Transfer No. 85686 (Henry Lynn Schodde, et al)  
RE: Application for Permit No.: 47-17751 (Brian & Michelle Tubbs)

Dear Mr. Dawson:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from your organization regarding the above referenced water right application. *You can find a complete copy of the application(s) at:* <https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, complete the enclosed recommendation form, and submit it to this office within 21 days of the date of this letter.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Therefore, your prompt response to this request is appreciated. If your organization desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication (**on or before April 25, 2022**).

Please contact this office if you have any questions regarding the application.

Sincerely,

*Denise Maline*

Denise Maline  
Administrative Assistant 1

Enclosure(s)

# Customer Ad Proof

60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 126199

|             |                                  |                 |                         |
|-------------|----------------------------------|-----------------|-------------------------|
| Publication | Times News                       |                 |                         |
| Contact     | ID DEPARTMENT OF WATER RESOURCES | PO Number       |                         |
| Address 1   | 650 ADDISON AVE W, STE 500       | Rate            | Legal Notice            |
| Address 2   |                                  | Order Price     | 281.08                  |
| City St Zip | TWIN FALLS ID 83301              | Amount Paid     | 0.00                    |
| Phone       | 2087363033                       | Amount Due      | 281.08                  |
| Fax         |                                  |                 |                         |
| Section     | Legals                           | Start/End Dates | 04/07/2022 - 04/14/2022 |
| SubSection  |                                  | Insertions      | 2                       |
| Category    | 50 Legal                         | Size            | 187                     |
| Ad Key      | 126199-1                         | Salesperson(s)  | Legal Notices           |
| Keywords    | NTC/TRANSFER REQUESTS            | Taken By        | Seana Chapman           |
| Notes       |                                  |                 |                         |

## Ad Proof

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

**Proof of legal notice received  
from Times News 4/1/2022**

( 2 pgs )



# Customer Ad Proof

60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 126199

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.

GARY SPACKMAN, Director

Published on April 7th & 14th, 2022





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](mailto:southerninfo@idwr.idaho.gov) • Web: [idwr.idaho.gov](http://idwr.idaho.gov)

Governor Brad Little

Director Gary Spackman

March 31, 2022

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

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

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

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the **TIMES NEWS on 4/7/2022 and 4/14/2022**. Protests to this application may be submitted for a period ending ten (10) days after the second publication. Any protest against this application must be filed with the Department of Water Resources, together with a protest fee of \$25.00 for each application, on or before **April 25, 2022**.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

*Denise Maline*

Denise Maline  
Administrative Assistant

c: Robert L Harris, attorney

## Maline, Denise

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**From:** Maline, Denise  
**Sent:** Thursday, March 31, 2022 2:15 PM  
**To:** Times News  
**Subject:** LEGAL NOTICE  
**Attachments:** Times News cover letter.docx; Times News ad.docx

Attached please find **(1)** legal notice being submitted for publication on April 7<sup>th</sup> & 14<sup>th</sup>, 2022. Please let me know if there are any questions or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise @ IDWR Twin Falls

**Denise Maline, Administrative Assistant**  
Idaho Dept of Water Resources, Southern Region  
650 Addison Ave W Ste 500  
Twin Falls ID 83301-5858  
(208) 293-9908  
[denise.maline@idwr.idaho.gov](mailto:denise.maline@idwr.idaho.gov)



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**Governor Brad Little**

**Director Gary Spackman**

March 31, 2022

**LEGAL NOTICE DEPARTMENT**

TIMES NEWS

PO BOX 548

TWIN FALLS, ID 83303-0548

RE: Application for Permit No. 36-17206, 47-17751

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

RE: Transfer No. 85921  
Water Right No(s). 36-17180

RE: Transfer No. 85949  
Water Right No(s). 45-10802, 45-10803, 45-10804, 45-2659

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before April 25, 2022. Your cooperation is appreciated.

Sincerely,

*Denise Maline*

Denise Maline  
Administrative Assistant

Enclosure(s)

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.

GARY SPACKMAN, Director  
Published on April 7<sup>th</sup> & 14<sup>th</sup>, 2022

## TRANSFER SYNOPSIS

**Date:** March 21, 2022

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

**From:** Jim Bitzenburg

**Re:** Summary of transfer

---

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 transfer will be advertised because it adds a POD on a surface water source.

The proposed transfer is in Water District 01 and Watermaster comments will be solicited.

## FEE MEMORANDUM

**Date:** March 21, 2022

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

**From:** Jim Bitzenburg

**Re:** Receipting/disposition of fees paid

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This transfer was filed on December 20, 2021 at the IDWR Eastern Region office, received on December 28, 2021 at the Southern Region office, amended on March 18, 2022, and its purpose is to add a point of diversion and change the place of use of right 1-229. The entire flow rate of the right (2.00 cfs) could be diverted from the new POD, so, from the transfer fee schedule, a \$580.00 fee is applicable. The fee was paid at the Eastern Region office with check #59849 from the law firm of Holden, Kidwell, Hahn, and Crapo at the time of filing. The IDWR receipt number is E047654.

## **Bitzenburg, James**

---

**From:** Bitzenburg, James  
**Sent:** Thursday, February 24, 2022 11:05 AM  
**To:** Rob Harris  
**Subject:** Schodde transfer place of use chart, map  
**Attachments:** Schodde Land List and Map.pdf

Rob-

Attached is the Place of Use chart that I worked up for the Schodde transfer (#85686) of right 1-229 near Burley. It was the result of running an intersect of the shape file you sent with the QQ layer in ArcMap. Our regional manager, Corey Skinner, and I debated how to designate the POU Quarter-Quarters that have an official designation other than the QQ. Those are shown on the water right report as being sort of 'homeless'; they don't have the QQ label, but are located within Tract L, so that was their designation at the time of the adjudication. Now the QQs have been projected in those areas, so we designated them with the projected QQs and will put a condition on the right coming out of the transfer approval similar to the condition identifying a portion of the place of use as being in lot number 1286. It will read something like: "A portion of the place of use lies within Tract L." We have designated the Government Lots and you can see those on the chart as L1, L2, L3, etc.

I'd like to only use the attached map, which you submitted with the transfer application, for the transfer, if that works for you. It has the proposed place of use shape and proposed points of diversion, but with no acres listed, it will make for less confusion for the public. I can mark the other maps you submitted with acres labeled as "Superseded."

Hopefully this all makes sense, but if you have questions or concerns, don't hesitate to shoot me an email or give me a call. Thanks for your patience and assistance.

Jim

**Jim Bitzenburg**  
**Senior Water Resource Agent**  
**Idaho Department of Water Resources**  
**Southern Regional Office**  
**Phone (208)-293-9909**  
[james.bitzenburg@idwr.idaho.gov](mailto:james.bitzenburg@idwr.idaho.gov)

## Bitzenburg, James

---

**From:** Rob Harris <[rharris@holdenlegal.com](mailto:rharris@holdenlegal.com)>  
**Sent:** Friday, March 18, 2022 3:23 PM  
**To:** Bitzenburg, James  
**Subject:** Schodde Transfer No. 85686--Amended Documents  
**Attachments:** Amended Schodde Land List.pdf; Amended Transfer Map.pdf

Jim:

Attached are two documents I would like to supercede sections of the original Transfer No. 85686 I submitted on behalf of the Schodde family. Please substitute the attached land list for the original land list (part 4) of the transfer application. Also attached is a map that shows the location of the new POU.

I appreciate your assistance on this transfer. Let me know if you need anything else from me.

Thanks,



Robert L. Harris  
HOLDEN, KIDWELL, HAHN & CRAPO, PLLC  
1000 Riverwalk Drive, Suite 200  
P.O. Box 50130  
Idaho Falls, ID 83405-0130  
Phone: (208) 523-0620  
Fax: (208) 523-9518  
E-Mail: [rharris@holdenlegal.com](mailto:rharris@holdenlegal.com)

**Confidentiality Notice:** The information contained in this electronic e-mail and any accompanying attachments, all of which may be confidential and/or privileged, is intended only for the intended recipient. If you are not the intended recipient, any unauthorized use, disclosure or copying of this e-mail and its contents is strictly prohibited and may be unlawful. If you are not the intended recipient, please delete the original message and all copies from your system. Thank you.

## **Bitzenburg, James**

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**From:** Rob Harris <rharris@holdenlegal.com>  
**Sent:** Friday, March 18, 2022 3:10 PM  
**To:** Bitzenburg, James  
**Subject:** RE: Schodde transfer Place of Use chart, map

Jim:

I apologize for not getting back to you on this. I am reviewing now and will get back to you.

Rob Harris

**From:** Bitzenburg, James <James.Bitzenburg@idwr.idaho.gov>  
**Sent:** Thursday, March 17, 2022 3:58 PM  
**To:** Rob Harris <rharris@holdenlegal.com>  
**Subject:** Schodde transfer Place of Use chart, map

Rob-

Back on February 24, I emailed a place of use chart to you that Southern Region manager Corey Skinner and I worked up for the Schodde transfer (#85686) west of Burley. We debated how to designate the POU Quarter-Quarters that have an official designation other than the QQ. Those are shown on the water right report as being sort of 'homeless'; they don't have the QQ label, but are located within Tract L, so that was their designation at the time of the adjudication. Now the QQs have been projected in those areas, so we designated them with the projected QQs and will put a condition on the right coming out of the transfer approval similar to the condition identifying a portion of the place of use as being in lot number 1286. It will read something like: "A portion of the place of use lies within Tract L." We have designated the Government Lots and you can see those on the chart as L1, L2, L3, etc. If that looks acceptable to you, you could either send an amended page 3 with the place of use chart matching the chart that I sent to you, or you could send that chart back to me labeled as an attachment, amending the original application, and I can insert it into the transfer file. I just need your instruction to supersede the original application with the new POU chart.

Additionally, the attached map is the only one of the three maps included with the transfer that didn't have any acres labeled on it, so that is the one we should use, as it doesn't conflict with the POU acreage chart. Once again, you could send the map back to me with instructions to use that map and supersede the other two maps.

Let me know if you have questions or concerns.

Jim

**Jim Bitzenburg**  
**Senior Water Resource Agent**  
**Idaho Department of Water Resources**  
**Southern Regional Office**  
**Phone (208)-293-9909**  
[james.bitzenburg@idwr.idaho.gov](mailto:james.bitzenburg@idwr.idaho.gov)

## Bitzenburg, James

---

**From:** Rob Harris <[rharris@holdenlegal.com](mailto:rharris@holdenlegal.com)>  
**Sent:** Tuesday, January 11, 2022 10:51 AM  
**To:** Bitzenburg, James  
**Subject:** RE: Application for Transfer of Water Right (Right 1-229)  
**Attachments:** 1-229 New POU.cpg; 1-229 New POU.sbn; 1-229 New POU.sbx; 1-229 New POU.shp; 1-229 New POU.shx; 1-229 New POU.prj; New POU by QQ.cpg; New POU by QQ.prj; New POU by QQ.sbn; New POU by QQ.sbx; New POU by QQ.shp; New POU by QQ.shp.xml; New POU by QQ.shx; NewPOU by QQ.cpg; Transfer App Revised 1st page.pdf

Jim:

Thanks for your email and your follow up voicemail. Attached is a corrected first page—you are correct that I checked the wrong box on that page.

Also attached are the shapefiles for the new POU for 1-229 and the intersect I performed with the New POU with the QQ shapefile I had. Once you determine the correct amount per QQ, email me the list, and I will send an amended page describing the POU.

Let me know if you need anything else. Because of the attachments, please confirm that you received this email.

Thanks,



Robert L. Harris  
HOLDEN, KIDWELL, HAHN & CRAPO, PLLC  
1000 Riverwalk Drive, Suite 200  
P.O. Box 50130  
Idaho Falls, ID 83405-0130  
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**From:** Bitzenburg, James <[James.Bitzenburg@idwr.idaho.gov](mailto:James.Bitzenburg@idwr.idaho.gov)>  
**Sent:** Monday, January 3, 2022 3:12 PM  
**To:** Rob Harris <[rharris@holdenlegal.com](mailto:rharris@holdenlegal.com)>  
**Subject:** Application for Transfer of Water Right (Right 1-229)

Robert-

The *Application for Transfer of Water Right* (Application), for right 1-229, in the name of Henry Lynn Schodde, Sheila K. Catmull, Michael H. Schodde, and Jon T. Schodde, was received in the Eastern Region office on December 20, 2021 and then sent down to the Southern Region office here in Twin Falls, where it was received on December 28, 2021. The Application has been staffed to me, and in my initial review of the application, there are a couple of issues that need to be addressed.

In reviewing the signature page (page 2), you are listed as the representative, and you signed the Application, but the box labeled 'The representative may submit information for the applicant but is not authorized to sign for the applicant.' was checked, and I'm wondering if the box labeled 'The representative is authorized sign for the applicant.' should have been checked. It might be good to send a new signature page with the proper box checked if you agree with that assessment.

As you mentioned in the transfer application cover letter, the Howard, Lee, and Ernest placer claim lot 1286 is the legal description for a portion of the place of use (POU), but because the proposed POU description will need to be data-entered by quarter-quarter into our system, I will need to have you send the shapefile of the proposed POU to me so that I can intersect the shape with the quarter-quarter layer, then I can email the QQ breakdown to you. You can then complete a new place of use chart (page 3 of the application) and send it back to me to amend the existing page 3, which will allow for completion of the data-entry.

As I work through the review and data-entry, I'll let you know if any other issues arise.

Jim

**Jim Bitzenburg**  
**Senior Water Resource Agent**  
**Idaho Department of Water Resources**  
**Southern Regional Office**  
**Phone (208)-293-9909**  
[james.bitzenburg@idwr.idaho.gov](mailto:james.bitzenburg@idwr.idaho.gov)



Holden Kidwell  
Hahn & Crapo P.L.L.C.  
LAW OFFICES

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DEC 28 2021

DEPT. OF WATER RESOURCES  
SOUTHERN REGION

Established in 1896

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December 16, 2021

REC'D

DEC 28 2021

Department of Water Resources  
Eastern Region

Idaho Department of Water Resources  
Eastern Region Office  
900 N. Skyline Dr., Ste A  
Idaho Falls, ID 83402

Re: *Application for Transfer of WR 1-229.*

Dear Reviewing Agent:

Enclosed for processing is an *Application for Transfer* for WR 1-229 submitted on behalf of Henry Lynn Schodde, Sheila K. Catmull, Michael H. Schodde, and Jon T. Schodde. The application proposes to add a point of diversion to this water right and to rearrange the place of use to be consistent with the current and planned irrigation practices on the property. Also enclosed is a filing fee in the amount of \$580.00.

There are a couple of things to note with this application. First, WR 1-229 is currently described on IDWR's records as being owned by Henry T. Schodde and Helen Milton. We have submitted a *Notice of Change in Water Right Ownership* previous to submission of this application to update ownership to the four (4) co-applicants described in the transfer. Second, the place of use for this water right is next to the Snake River, and is appurtenant to several government lots, but also to what has been historically described as Tract 1286. One of the conditions of WR 1-229 describes Lot 1286 also to be known as the Howard, Lee, and Ernest placer mining claims. Because of this unusual legal description, I simply included the total acres irrigated within Tract 1286 on page 3 of the transfer form. Based on a review of the current water right report, it appears that the Department has extended certain quarter-quarter lines to capture the acres that are irrigated within the noted government lots. Because it is unclear to me how this was done, I trust that the Department will review the information and maps we have provided and arrive at a conclusion as to how to best describe the revised place of use. If you have any questions regarding the place of use, or would like to coordinate with me on how that might be done, let me know.

Finally, please email me when you are ready for me to email you the shapefile for the updated place of use and the new point of diversion location.

Idaho Department of Water Resources  
December 16, 2021  
Page 2 of 2

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We appreciate your assistance in this matter. Please let me know if you have any questions or concerns.

Best regards,



Robert L. Harris  
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Enclosures

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