

IDAHO DEPARTMENT OF WATER RESOURCES  
Proof Report

11/18/2019

Water Permit 37-7402

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LOLA H SCHMIDT 225 CALIFORNIA GOODING, ID 83330 (208) 934-8231

Original Owner	GERHARD SCHMIDT , ZZ
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Status: Cancelled

Source

Tributary

Beneficial Use

From

To

Diversion Rate

Volume

Source and Point(s) of Diversion

Place Of Use

Conditions of Approval:

Comments:

Dates and Other Information

Water District Number: TBD  
Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES  
Proof Report

11/18/2019

Water Application 37-7402

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	GERHARD SCHMIDT , ZZ
Current Owner	LOLA H SCHMIDT 225 CALIFORNIA GOODING, ID 83330 (208) 934-8231

Status: Closed

<u>Source</u>	<u>Tributary</u>
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<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
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Source and Point(s) of Diversion

Place Of Use

Conditions of Approval:

Comments:

Dates and Other Information

Number of Protests: 0  
Water District Number: TBD  
Application Type: New Appropriation  
Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A

RECEIVED  
DEC 20 1985  
OCT 8 1985

For Office Use Only  
Fee Received \$15  
Date 2-14-85 rg  
Receipt # 36240

RECEIVED

SEP 30 1985

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Southern District Office

REQUEST FOR EXTENSION OF TIME

Department of Water Resources  
Southern District Office

To provide additional time in which to submit  
proof of beneficial use on a water right permit

MAR 19 1985

Gerhardt Schmidt

(Name)

of Rt. 1, Box 1115, Fairfield, ID 83327

(Address)

Department of Water Resources

State of \_\_\_\_\_, deposes and says:

That he is the holder, or the duly authorized agent of the holder\*, of Permit to Appropriate the Public Water of the State of Idaho No. 37-7402.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before January 1, 19 85.

That he has heretofore performed the following work described under said permit: \_\_\_\_\_

(This must be filled out! If no work has been completed put none.)

Drilled to 196 ft., set casing to 95 ft. to rock put in test pump to 160 ft. tested for 5 hours approximately 2,000 gallons a minute installed.

Costing \$ 3,500

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit:

The completion of the project has been held up due to Idaho Power putting a moratorium on power and the pending Swan Falls lawsuit.

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations under said permit to January, 19 90.  
( 1 yr. minimum, 5 yrs. maximum)

NOTE

AS OF JULY 1, 1980,  
THERE IS A \$15.00  
CHARGE FOR REQUESTS  
FOR EXTENSION OF  
TIME

Lola Schmidt

(Signature)\*

\*IF OTHER THAN HOLDER, Power of Attorney must be supplied.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to January 1, 1990.

IT IS FURTHER ORDERED that the permit be REINSTATED and the priority date advanced to December 20, 1974, pursuant to Section 42-218a, Idaho Code.

Signed this 17<sup>th</sup> day of December, 19 85.

H. Glen Gayton  
Chief, Operations Bureau

37-7402

State of Idaho  
Department of Water Resources

ASSIGNMENT OF PERMIT

OCT 8 1985

I, Gehard Schmidt, hereby assign to Lola Schmidt  
of RT # 150 x 115 - Fairfield Idaho 83327  
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 37-7402  
to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and to Permit  
No. \_\_\_\_\_ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within  
each 40 acre subdivision, the point of diversion and the amount of water in cubic  
feet per second for direct diversion, or acre feet for storage)

Made this 30<sup>th</sup> day of Sept, 19 85.

Gehard Schmidt  
By: Lola Schmidt  
Permit Holder

Lola Schmidt  
Spouse of Permit Holder

State of Idaho )  
County of GOODING ) ss.

On this 30<sup>th</sup> day of September, 19 85, personally  
appeared before me the signer(s) of the above instrument, who duly acknowledged to me  
that he (she) (they) executed the same.

seal

Victorina B. Chidmore  
Notary Public residing at  
Gooding, Idaho

My commission expires:

11/8/86

97354

Mary Schmitt  
Attorney for Petitioner  
Box 465, Gooding, Idaho 83330  
Telephone 934-5401

STATE OF IDAHO, COUNTY OF GOODING, ss.

Filed for record at the request of Mary Schmitt  
52 min. past 2 o'clock P.M. this 12 day

Oct, 1982

WILLIAM F. CLEMENTS Recorder

By Judy Raubner, Deputy  
8.00

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF GOODING  
MAGISTRATES DIVISION

No. 18665

In the Matter of the Estate of )  
Gerhard H. Schmidt, )  
Deceased. ) DECREE DETERMINING SURVIVING  
SPOUSE AS SOLE HEIR

The verified petition of Lola H. Schmidt coming on regularly  
to be heard by the court, the court makes the following findings:

Notice of the time and place of hearing has been given as  
required by the order of the court.

No objections to the petition have been filed and no persons  
appeared in opposition to the petition.

Gerhard H. Schmidt died July 27, 1982, while domiciled in  
Gooding, Gooding County, Idaho. The decedent died intestate.

Gerhard H. Schmidt and Lola H. Schmidt were married on the  
11th day of March, 1924, at Fairfield, Idaho, and continued to be  
husband and wife until decedent's death.

Lola H. Schmidt is the surviving spouse of decedent and by  
the laws of succession in the State of Idaho, is the decedent's  
sole heir.

The decedent at the time of his death owned or had an inter-  
est in certain property hereinafter described, all of which prop-  
erty was the community property of deceased and Lola H. Schmidt.

37-7402

IT IS THEREFORE DECREED;

Gerhard H. Schmidt and Lola H. Schmidt were married on the 11th day of March, 1924, and were husband and wife until July 27, 1982, the date of decedent's death.

Lola H. Schmidt is the sole heir of the decedent and is entitled to the distribution of the following property:

1975 Ford Courier pickup, identification No.  
SGTARJ-26,250

1975 Mercury, 4 door automobile, identification  
No. 5H04H-506,959

Savings account No. 013-08033-16, First Security  
Bank of Idaho, Gooding Branch

Checking account No. 013-11415-17, First Security  
Bank of Idaho, Gooding Branch

\* \* \*

The West 30 feet of Lot 2 and all of Lots 3 and 4 and the East 15 feet of Lot 5, Block 30, and Lot 24 in Block 19, all in the Village of Fairfield, Camas County, Idaho.

Subject to a contract of sale dated April 26, 1976, between Gerhard H. Schmidt and Lola Schmidt, husband and wife, sellers, and Donald R. Woodland and Alice M. Woodland, husband and wife, purchasers, escrowed at Camas County Abstract Company, Fairfield, Idaho.

\* \* \*

Money Market Certificate No. 959611, issued September 3, 1981, in the names of Gerhard Schmidt or Lola Schmidt, First Security Bank of Idaho, Gooding, Idaho, with interest at the rate of 15.896 to mature 3/4/82 \$10,000.00  
interest 792.62

Savings Certificate No. 959632, issued September 8, 1981, in the names of Gerhard Schmidt or Lola Schmidt, First Security Bank of Idaho, Gooding, Idaho, with interest at the rate of 13.500, to mature 3/8/84 \$4,000.00

Savings Certificate No. 704091, issued February 25, 1979, in the names of Gerhard Schmidt or Lola Schmidt, First Security Bank of Idaho, Gooding, Idaho, with interest at the rate of 7.25, to mature 2/25/83 \$1,000.00

Savings Certificate No. 77069, issued December 23, 1980, in the names of Gerhard Schmidt or Lola Schmidt, First Security Bank of Idaho, Gooding, Idaho, with interest at the rate of 11.750, to mature 6/23/83 \$5,000.00

Savings Certificate No. 704061, issued February 7, 1979, in the names of Gerhard Schmidt or Lola Schmidt, First Security Bank of Idaho, Gooding, Idaho, with interest at the rate of 7.25, to mature 2/7/83 \$2,500.00

Savings certificate No. 968453, issued May 6, 1982, in the name of Lola Schmidt, First Security Bank of Idaho, Gooding, Idaho, with interest at the rate of 13.500, to mature 11/6/84 \$11,000.00

Savings Certificate No. 703986, issued January 14, 1979, in the names of Gerhard Schmidt or Lola Schmidt, First Security Bank of Idaho, Gooding, Idaho, with interest at the rate of 7.25, to mature 1/14/83 \$3,000.00

\* \* \* \* \*

Lots 1 and 2, the South eight feet of Lot 3, and the North Twenty-five feet of Grove Street, adjacent to Lot 1, Block A, Gooding, according to the plat thereof on file in the office of the County Recorder of Gooding County, Idaho.

Together with the tenements, hereditaments and appurtenances thereunto belonging, including all water and ditch rights appurtenant thereto.

\* \* \*

Township 1 South, Range 15 East of the Boise Meridian, Camas County, Idaho:

Section 10: NE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , and that portion of the S $\frac{1}{2}$ SE $\frac{1}{4}$  lying North of the railroad right of way.

Section 11: NE $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$  Except railroad right of way and except highway right of way and except parcel of land in the SW $\frac{1}{4}$ SW $\frac{1}{4}$  described as follows:

Beginning at a point 25 feet east and 60 feet South of the intersection of the South line of the Oregon Short Line Railroad right of way with the section line between Sections 10 and 11 in said township and range, thence running East 395 feet, thence North 60 feet, thence East 440 feet, thence South 100 feet, thence West 835 feet, thence North 40 feet to the place of beginning.

Section 13: NW $\frac{1}{4}$ NW $\frac{1}{4}$

Section 14: N $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$

Except highway and rail road right of way

And any other property of the decedent not now known or discovered.

Lola H. Schmidt shall assume and be liable for any indebtedness that might be a claim against the estate of decedent.

Dated this 28th day of September, 1982.

/s/ Phillip M. Becker  
Magistrate

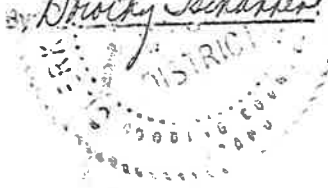
STATE OF IDAHO } ss  
COUNTY OF GOODING }

I hereby certify that the foregoing  
is a true copy of the original instrument  
on file in my office.

Date 9:29 19 82

MARGARET F. CLEMENTS

Dorothy Schaeffer District Court Clerk  
Deputy Clerk



Filed for Record at the Request of

Judge Charles Scaggin

STATE OF IDAHO }  
County of Camas, }

I hereby certify that this Instrument  
was filed for record in my office at  
4:25 PM o'clock

Oct 12, 1987 and

duly recorded in Book 5 of

Order & Deed Page 22

George B. Buel  
County Recorder

By \_\_\_\_\_ Deputy

Fees 800



JAN 30 1980

Identification No. 37-7402

Department of **STATE OF IDAHO**

**RECEIVED**

**DEPARTMENT OF WATER RESOURCES**

**REQUEST FOR EXTENSION OF TIME**

DEC 6 1979

Department of Water Resources

To provide additional time in which to submit  
proof of beneficial use on a water right permit

Gerhardt Schmidt  
(Name)

of Valfield/ 213 California St., Gooding  
(Address)

State of Idaho, deposes and says:

That he is the holder, or the duly authorized agent of the holder\*, of Permit to Appropriate the Public  
Waters of the State of Idaho No. 37-7402.

That under the terms and conditions of said permit, work thereunder was required to be completed on or  
before January 1, 19 80.

That he has heretofore performed the following work described under said permit: \_\_\_\_\_

Well has been dug and tested.

Costing \$ 8,350.00

That he is unable to complete the remainder of the work within the required time for the following  
reasons, to-wit: Lack of funds and high interest rates have delayed completion of the  
project.

Wherefore, he asks that the Department of Water Resources extend the time for the completion of  
obligations under said permit to January 1, 1985.

Gerhardt Schmidt  
(Signature)\*

**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time  
within which to submit proof of beneficial use of water is extended to January 1, 1985.

Signed this 3<sup>rd</sup> day of January, 19 80.

L. Glen Saxton  
Chief, Operations Bureau

37-7402

ok  
to  
file  
5 yrs  
jg

RECEIVED

Identification No. \_\_\_\_\_

Application No. 37-74028 1975

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR PERMIT**

Department of Water Resources  
Southern District Office

**To Appropriate the Public Waters of the State of Idaho**  
(TYPE OR PRINT IN INK)

APPROVED

1. Name of applicant Gerhard Schmidt Phone: \_\_\_\_\_  
post office address Fairfield, Idaho
2. Source of water supply groundwater which is a tributary of \_\_\_\_\_
3. a. Location of point of diversion is NE  $\frac{1}{4}$  of NW  $\frac{1}{4}$  of Section 14 Township 1S  
Range 15E B.M. Camas County; additional points of diversion if any: \_\_\_\_\_  
\_\_\_\_\_
- b. If water is not consumed, it will be discharged into \_\_\_\_\_ at a point in \_\_\_\_\_  $\frac{1}{4}$   
of \_\_\_\_\_  $\frac{1}{4}$  of Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_ B.M. \_\_\_\_\_
4. Water will be used for the following purposes:  
Amount 3.2 cfs for irrigation purpose from April 1 to Nov. 1 (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purpose from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purpose from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:  
a. \_\_\_\_\_ cubic feet per second and/or  
b. \_\_\_\_\_ acre feet per annum.
6. Proposed diverting works:  
a. Description of ditches, flumes, pumps, headgates, etc. well, pump, sprinkler  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
b. Height of storage dam \_\_\_\_\_ feet, active reservoir capacity \_\_\_\_\_ acre feet; total reservoir  
capacity \_\_\_\_\_ acre feet, materials used in storage dam: \_\_\_\_\_  
Period of year during which storage will occur \_\_\_\_\_ to \_\_\_\_\_ inclusive.  
(Mo. Day) (Mo. Day)  
c. Proposed well diameter is 18 inches; proposed depth of well is 170 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use  
is 5 years.  
b. Estimated construction cost is \$ \_\_\_\_\_.
8. Description of proposed uses:  
a. If water is **not** for irrigation:  
(1) Give the place of use of water: \_\_\_\_\_  $\frac{1}{4}$  of \_\_\_\_\_  $\frac{1}{4}$  of Section \_\_\_\_\_ Township \_\_\_\_\_  
Range \_\_\_\_\_ B.M. \_\_\_\_\_  
(2) Amount of power to be generated: \_\_\_\_\_ hp under \_\_\_\_\_ feet of head.  
(3) List number of each kind of livestock to be watered \_\_\_\_\_  
\_\_\_\_\_  
(4) Name of municipality to be served \_\_\_\_\_, or number of families to be  
supplied with domestic water \_\_\_\_\_.  
(5) If water is to be used for other purposes describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

37-7402

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
1S	15E	14		40			40	40	40										160

Total number of acres to be irrigated 160

c. Describe any other water rights used for the same purposes as described above. None

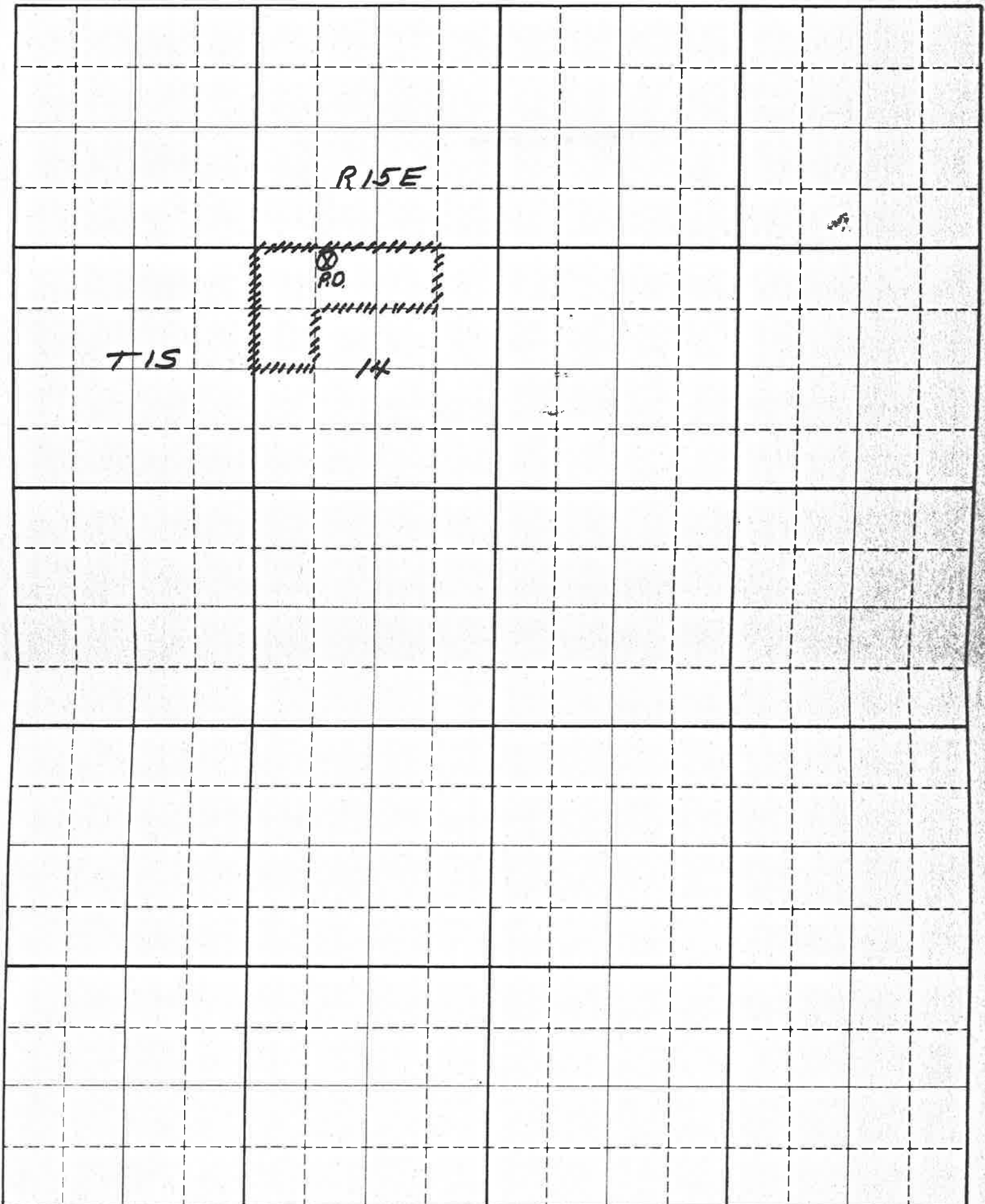
9. a. Who owns the property at the point of diversion Applicant

b. Who owns the land to be irrigated or place of use Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing \_\_\_\_\_

10. Remarks \_\_\_\_\_

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Herhard Schmidt  
(Applicant)



Proposed Priority 11-18-1974-

Received by mls Date 11-18-74 Time 4.40

Preliminary check by 104 Fee \$ 55.02

Receipted by mls Date 11-18-74

104 Publication prepared by CC Date 11-19-74

Published in Mountain Home News

Publication dates 11-27 & 12-5-74

Publication approved CC Date 12-10-74

Priority reduced to \_\_\_\_\_ Reason \_\_\_\_\_

Protests filed by: \_\_\_\_\_

Copies of protests forwarded by \_\_\_\_\_

Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

Recommended for approval denial by du 504

#### ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 37-7402, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before January 1, 1980.
- c. Other: A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

2. Denial of said application is for the following reasons: \_\_\_\_\_

Witness my hand this 2 day of January 19 75.

P. Karl Hjort  
Director