

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

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-22041

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

MAY - 7 2009

By _____ Clerk
_____ Deputy Clerk

NAME AND ADDRESS: KATHRYN SCHMID
STEPHEN SCHMID
205 9TH AVE N
TWIN FALLS, ID 83301

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

Diversion of ground water is limited to those times water is available for diversion under this right and priority from the Big Wood River and is actually diverted into the bypass Canal for mitigation purposes.
Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

QUANTITY: 0.24 CFS

The use of ground water under rights 37-22027, 37-22029, 37-22031, 37-22033, 37-22035, 37-22037, 37-22039 and 37-22041 when combined shall not exceed a total diversion rate of 0.48 cfs and a total annual maximum diversion volume of 84.4 af at the well head.
The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

PRIORITY DATE: 03/24/1883

POINT OF DIVERSION: T01N R18E S12 SESW Within Blaine County
S25 NWSNW (Rediversion)
NESWSW (Rediversion)
T01S R18E S01 LOT 3 (SESENW)
LOT 3 (SESENW)

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

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.24 CFS
	Mitigation	04-15 TO 10-31	0.24 CFS

PLACE OF USE: Irrigation Within Blaine County
T01S R18E S01 LOT 3 (SENW) 12.1 NESW 14.5
SESW 1.3
27.9 Acres Total

Mitigation Within Blaine County
Same as Irrigation

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

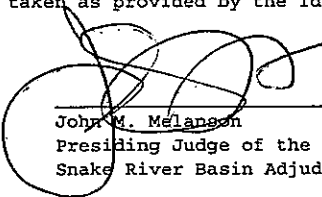
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

MAY - 7 2009

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

In Re SRBA

Case No. 39576

)
) Water Right Nos.: See Attached Exhibit A
) (Schmid)
)

) ORDER OF PARTIAL DECREES
)
)

On February 21, 2007, the Idaho Department of Water Resources filed its *Director's Report for Basin 37, Part III, Reporting Area 16, for Irrigation and Other Water Rights*, which included recommendations for the above named water rights. No objections were filed and the time period for filing objections has expired.

On February 23, 2009, the Idaho Department of Water Resources filed an *Amended Notice of Completed Administrative Proceeding* and *Amended Director's Reports* notifying the Court of a transfer with conditions of approval in each of the above named water rights. No objections were filed to the *Amended Director's Reports* and the time period for filing objections has expired.

Therefore, IT IS ORDERED that the above-captioned water rights be decreed as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED

May 7, 2009


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

ORDER OF PARTIAL DECREE

EXHIBIT A (STEPHEN SCHMID)

Subcase Nos:

37-22027
37-22029
37-22031
37-22033
37-22035
37-22037
37-22039
37-22041

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREES was mailed on May 07, 2009, with sufficient first-class postage to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

KATHRYN SCHMID
STEPHEN SCHMID
205 9TH AVE N
TWIN FALLS, ID 83301
Phone: 208-734-8277

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line.