

Adjudication Recommendation Report 37-22041 V1

WATER RIGHT NUMBER: 37-22041 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	STEPHEN SCHMID 205 9TH AVE N TWIN FALLS, ID 83301 (208)736-8735
Current Owner	KATHRYN SCHMID 205 9TH AVE N TWIN FALLS, ID 83301 (208)734-8277
Original Owner	A W MOLYNEUX 1174 GANNETT-PICABO RD BELLEVUE, ID 83313 (208)788-2552
Original Owner	MAXINE MOLYNEUX 1174 GANNETT-PICABO RD BELLEVUE, ID 83313 (208)788-2552

Priority Date: 03/24/1883

Basis: Decreed

Status: Active

Source

Tributary

BIG WOOD RIVER
GROUND WATER

MALAD RIVER
BIG WOOD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	0.240 CFS	
MITIGATION	04/15 to 10/31	0.240 CFS	
	Total Diversion:	0.240 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER BLAINE County	SE1/4SW1/4	Sec. 12, Twp 01N, Rge 18E, B.M.
GROUND WATER BLAINE County	L3 (SE1/4NW1/4)	Sec. 1, Twp 01S, Rge 18E, B.M.
BIG WOOD RIVER BLAINE County	NE1/4SW1/4SW1/4 (Rediversion)	Sec. 25, Twp 01N, Rge 18E, B.M.
BIG WOOD RIVER BLAINE County	NW1/4SE1/4NW1/4 (Rediversion)	Sec. 25, Twp 01N, Rge 18E, B.M.

Place of Use

IRRIGATION

[illegible]

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	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01S 18E 1								10.3	13.8								24.1
								L 3									

Total Acres: 24.1

MITIGATION same as IRRIGATIONConditions of Approval:

1. R43 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 of Big Wood River water for mitigation.
2. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
3. 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.
4. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. The use of ground water under rights 37-22026, 37-22027, 37-22028, 37-22029, 37-22030, 37-22031, 37-22032, 37-22033, 37-22034, 37-22035, 37-22036, 37-22037, 37-22038, 37-22039, 37-22040 and 37-22041 when combined shall not exceed the irrigation of 28 acres.
6. R05 Use of water under this right will 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. 37.
7. 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.
8. This right is measured and administered at the point of rediversion.
9. X35 The use of ground water under rights 37-22026, 37-22027, 37-22028, 37-22029, 37-22030, 37-22031, 37-22032, 37-22033, 37-22034, 37-22035, 37-22036, 37-22037, 37-22038, 37-22039, 37-22040 and 37-22041 when combined shall not exceed a total diversion rate of 0.56 cfs and a total annual maximum diversion volume of 98.0 af at the well head.
10. X53 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.
11. 01Q After specific notification by the Department, the right holder shall measure the ground water diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
12. This right is a split from former right 37-20893.

Remarks:Comments:

1. kchriste 2/14/2007 added mitigation use
 Comment: water to be diverted into ditch and used for mitigation for gw pumping. Mitigation use added to right

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Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal:
Owner Name Connector:
Water District Number: 37
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
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0.56	98	
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Combined Water Rights: 37-22026 , 37-22027 , 37-22028 , 37-22029 ,
37-22030 , 37-22031 , 37-22032 , 37-22033 , 37-22034 , 37-22035 ,
37-22036 , 37-22037 , 37-22038 , 37-22039 , 37-22040 , 37-22041

Water Supply Bank: