

Adjudication Recommendation Report 37-22035 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

Status: Active

MALAD RIVER
BIG WOOD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
MITIGATION	04/15 to 10/31	0.120 CFS	
IRRIGATION	04/15 to 10/31	0.120 CFS	
	<u>Total Diversion:</u>	0.120 CFS	

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.

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
1	1	1																	
1	1	2																	
1	1	3																	
1	1	4																	
1	1	5																	
1	1	6																	
1	1	7																	
1	1	8																	
1	1	9																	
1	1	10																	
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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. 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.
2. 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.
3. 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.
4. This right is a split from former right 37-20890.
5. 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.
6. 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.
7. 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.
8. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
9. Water is diverted from the Big Wood River into the Bypass Canal where it is reddiverted 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.
10. 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.
11. 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.
12. This right is measured and administered at the point of rediversion.

Remarks:Comments:

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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: S
Owner Name Connector: AND
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>
0.56	98	

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: