

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A37-02001
Date Received: 12/04/1989
Receipt No: 5010579
Received By: AD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STROM RANCHES, INC. 208-764-2596
Address: P.O. BOX 137
HILL CITY, ID 83337

2. Date of Priority: SEP 20, 1919

3. Source: WILD HORSE CREEK Trib. to: CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01S	11E	27	SW	SW	NW		ELMORE

5. Description of diverting works:
CHECK DAM TO EARTHEN DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.000		

7. Total Quantity Appropriated is:
2.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 250.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01S	11E	27	SW	NW		IRR	3.0
			NW	SW		IRR	8.0
Section Acres							11.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	11E	28	NE	SE		IRR	37.0
			SE	SE		IRR	37.0
						Section Acres	74.0
		33	NE	NE		IRR	15.0
						Section Acres	15.0
						Total Acres	100.0

11. Place of use in counties: ELMORE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 90

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1 Map

For Organizations:

I do solemnly swear or affirm that I am President of
Strom Ranch Inc. Organization, that I have signed the foregoing
document in the space below as President of
Strom Ranch Inc. Organization and that the statements contained in the
foregoing document are true and correct.

Wm. A. Strom
Signature of Authorized Agent

Pres. Strom Ranch Inc.
Title and Organization

12-4-89
Date

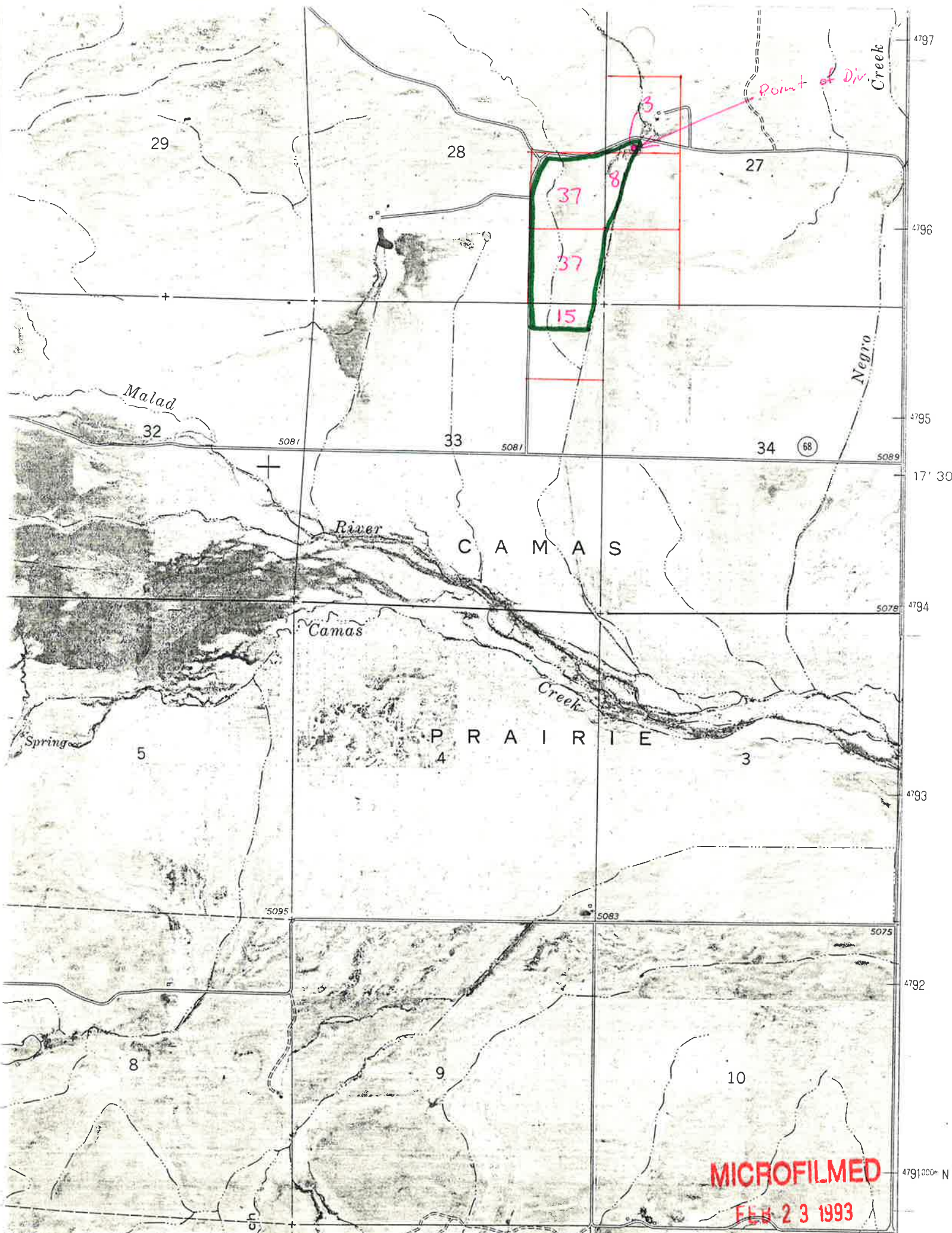
State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 9th day
of Dec. 19 89

Wm. A. Strom
Notary Public

Seal

Residing at Kimberly, ID
My Commission Expires 6/30/92



MICROFILMED
FEB 23 1993



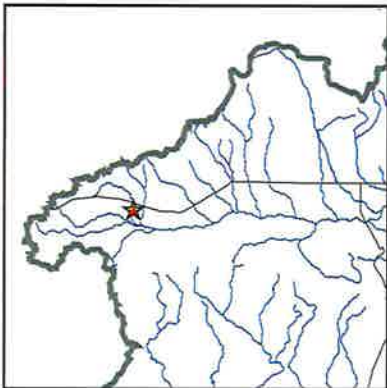
Idaho Department of Water Resources

SRBA Recommendation:

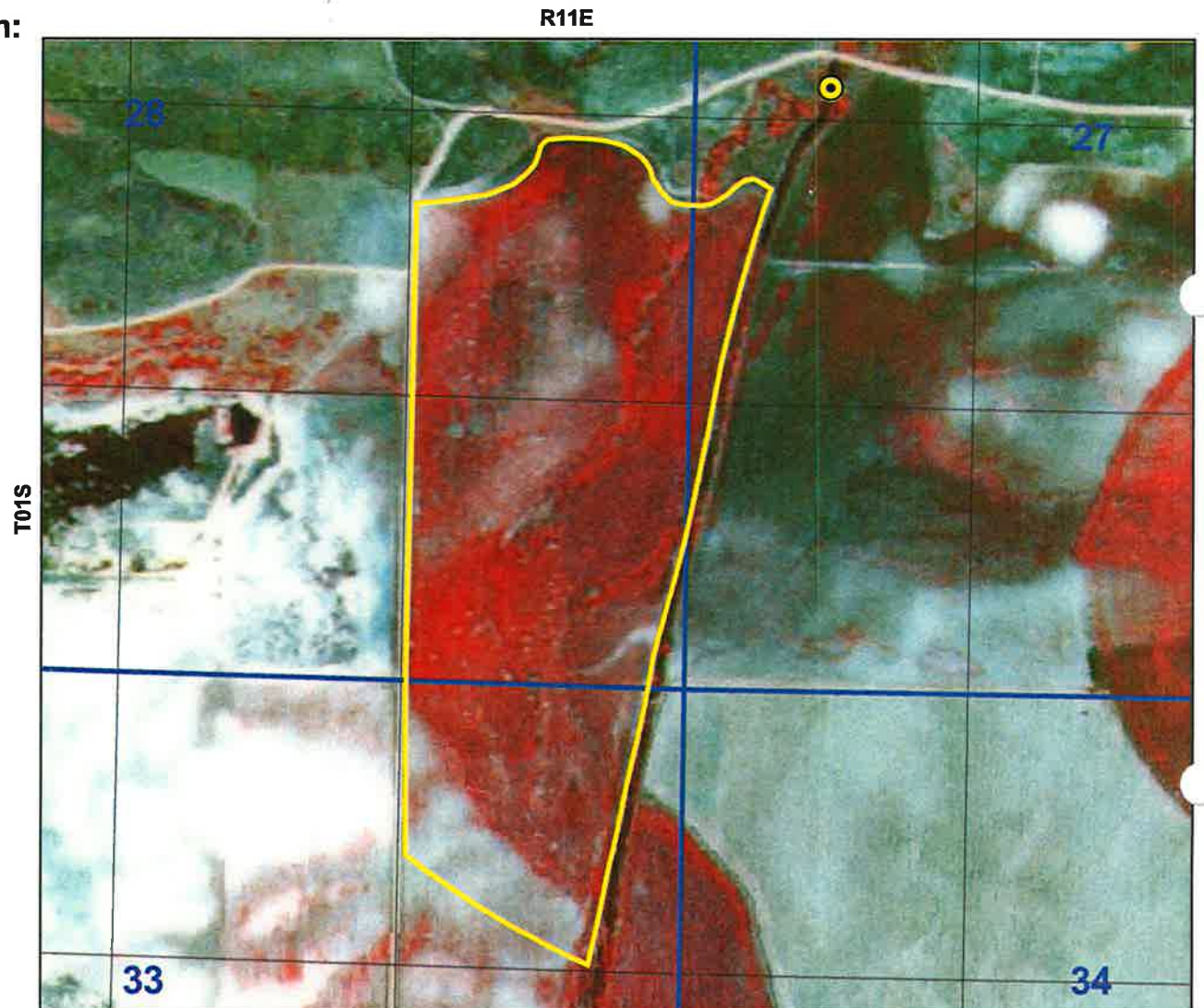
37-2001

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Elmore County
IDWR Basin 37



0 0.25 0.5 Miles

Prepared by M. Anders
On Thursday, July 20, 2006
1987/88 Aerial Photography

07/20/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-2001

NAME AND ADDRESS: STROM RANCHES INC
PO BOX 137
HILL CITY ID 83337-0137

SOURCE: WILD HORSE CREEK

TRIBUTARY: CAMAS CREEK

QUANTITY: 2.000 CFS

PRIORITY DATE: 09/20/1919

POINT OF DIVERSION:

T01S R11E S27 SWSWNW Within ELMORE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

2.000 CFS

PLACE OF USE:

IRRIGATION Within ELMORE County

T01S R11E S27	NWSW	5.00	T01S R11E S27	SWSW	1.00
T01S R11E S28	NESE	31.00	T01S R11E S28	SESE	38.00
T01S R11E S33	NENE	25.00			

100 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER 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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Adjudication Claim Notes

Claim(s): 37-2001

Background Data

- Source is Wild Horse Creek tributary to Camas Creek
- Licensed for 2.0 cfs for Irrigation of 100 acres
- Claimed 0 cfs for Irrigation of 100 acres

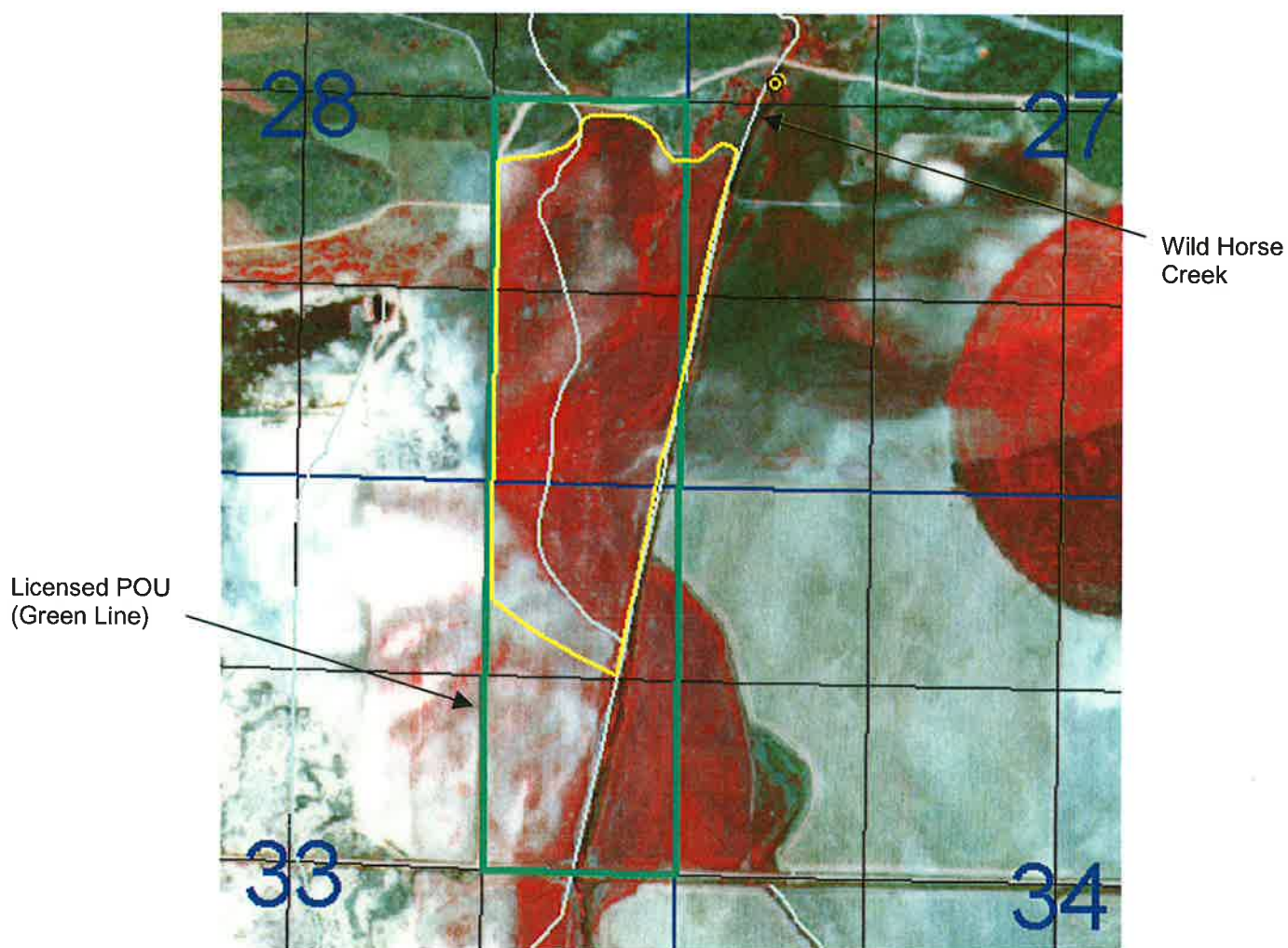
Place Of Use Data

Yellow line is the draft Place of Use created by IDWR based on historical data and records.

Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.

Green line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

1987 Aerial Photo



Notes

T1S R11E Sections 27, 28, & 33

- Found 100 acres for Irrigation.
- This water right to be abandoned as mitigation for permit 37-8057.

- Data used for review: 1987, 1992, & 2004 aerial photos, Camas Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo

2001

State of Idaho

License and Certificate of Water Right

Water License No. 90
Water District No. 6

Amount 2.0 sec. ft.
Priority 9-20-1919

THIS IS TO CERTIFY that AMOS L. MOUSER, PAUL MOUSER, CHAS. L. MOUSER & H. CLINTON ECKERT, of Corral, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated June 3, 1903; that Permit No. 90 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 3.2 second feet, was issued thereunder on September 8, 1924, showing that said works were completed on the 13th day of July, 1906; and that on the 30th day of October, 1924,

MRS. LUCINA E. MOUSER, Administratrix of the Estate of Amos L. Mouser, deceased, of Parma, State of Idaho, made proof to the satisfaction of the of Idaho, of the right to use the waters of Wild Horse Creek, a tributary of , for the purpose of irrigation and domestic use, under Use Permit No. 90 of the State Engineer

and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 6 of Licenses, at page 3337, on the 21st day of January, 1926;

The right hereby confirmed dates from September 20, 1919;

The Point of Diversion ^{are} located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 27, Tp. 1 S., R. 11 E., B.M. Elmore County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 2.0 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
1 S.	11 E.	28	NE $\frac{1}{4}$ SE $\frac{1}{4}$	40	10
			SE $\frac{1}{4}$ SE $\frac{1}{4}$	40	40
		33	NE $\frac{1}{4}$ NE $\frac{1}{4}$	40	40
			SE $\frac{1}{4}$ NE $\frac{1}{4}$	40	10
		Total			100

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho, this 21st day of January, 1926.

SWENDESEN
Commissioner of Reclamation

September 12, 1994

Attached is a copy of the Final Order issued in connection with the Application for Permit No. 37-08057 in the name of Strom Ranches Inc.

Copies forwarded to:

IDWR - Northern Regional Manager

IDWR - Southern Regional Manager

IDWR - Eastern Regional Manager

IDWR - Western Regional Manager

Legal Division - Phil Rassier

✓ Adjudication Bureau - Dave Shaw

Information Officer - Dick Larsen

SEP 14 1994
Department of Water Resources
Southern Region Office

Water Allocation Bureau - Glen Saxton

Julie Yarbrough

Tim Luke

Pam Skaggs

Erv Ballou

Darla Block

Brenda Chapman

Cindy Zimmerman

Jim Johnson

Donna Corless

Scott King

Sharla Curtis

Kris Rhodes

Burke Sc

Gary Spa

Shelley

POOR ORIGIN

9-12-94

Allen -

Please ensure this
gets into claim
file A37-02001

Per Dave Shaw
Thinks
Darri

MICROFILMED
AUG 24 1994

September 12, 1994

Attached is a copy of the **Final Order** issued in connection with the Application for Permit No. 37-08057 in the name of Strom Ranches Inc.

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Darla Block

Burke Scholer

Brenda Chapman

Gary Spackman

Cindy Zimmerman

Shelley Keen

Jim Johnson

POOR ORIGINAL

MICROFILMED

AUG 24 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

September 12, 1994

RE: In the Matter of Application for Permit No. 37-08057 in the
Name of Strom Ranches Inc.

Dear Interested Party:

The accompanying order is a "final order" issued by the department pursuant to section 67-5246 or 67-5247, Idaho Code.

Section 67-5246 provides as follows:

(1) If the presiding officer is the agency head, the presiding officer shall issue a final order.

(2) If the presiding officer issued a recommended order, the agency head shall issue a final order following review of that recommended order.

(3) If the presiding officer issued a preliminary order, that order becomes a final order unless it is reviewed as required in section 67-5245, Idaho Code. If the preliminary order is reviewed, the agency head shall issue a final order.

(4) Unless otherwise provided by statute or rule, any party may file a petition for reconsideration of any order issued by the agency head within fourteen (14) days of the issuance of that order. The agency head shall issue a written order disposing of the petition. The petition is deemed denied if the agency head does not dispose of it within twenty-one (21) days after the filing of the petition.

(5) Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

(6) A party may not be required to comply with a final order unless the party has been served with or has actual knowledge of

the order. If the order is mailed to the last known address of a party, the service is deemed to be sufficient.

(7) A nonparty shall not be required to comply with a final order unless the agency has made the order available for public inspection or the nonparty has actual knowledge of the order.

(8) The provisions of this section do not preclude an agency from taking immediate action to protect the public interest in accordance with the provisions of section 67-5247, Idaho Code.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a final order within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5246(4) Idaho Code.

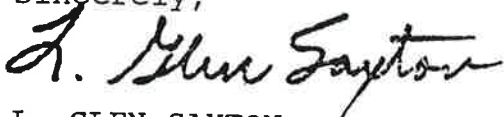
APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by a final order or orders previously issued in a matter before the department may appeal the final order and all previously issued orders in the matter to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days a) of the service date of the final order, b) of an order denying petition for reconsideration, or c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See section 67-5273, Idaho Code. The filing of an appeal to district court does not in itself stay the effectiveness or enforcement of the order under appeal.

Sincerely,



L. GLEN SAXTON
Chief, Water Allocation Bureau

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 37-08057

Proposed Priority: November 3, 1982 Maximum Diversion Rate: 2.00 CFS

This is to certify, that **STROM RANCHES INC**

PO BOX 137

HILL CITY ID 83337-0137

has applied for a permit to appropriate water from: **GROUNDWATER**

and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/15 to 11/15	2.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

SWNE , Sec. 31, Township 01S, Range 12E
CAMAS County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01S	12E	31	NWNE 11	SWNE 37	SENE 2	
			NENW 7	SENE 27	NESW 6	
			NWSE 10			100

Total number of acres irrigated: 100

CONDITIONS/REMARKS:

1. See Final Order for conditions of approval.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

9th day of September, 1994.

R. Keith Higginson
for R. Keith Higginson, Director

MICROFILMED
AUG 24 1994

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 37-08057 IN THE)
NAME OF STROM RANCHES, INC.)
_____)

FINAL ORDER

On May 13, 1994, the Idaho Department of Water Resources (department) issued a Recommended Order in the above captioned matter. On June 13, 1994, Strom Ranches, Inc. (applicant) filed a Petition for Reconsideration and Petition for Oral Argument (petition) with the department. On June 23, 1994, the applicant filed an Amended petition with the department.

As a part of the oral argument presented on July 26, 1994, the applicant proposed not to divert water from Wild Horse Creek as authorized by License No. 37-02001 as mitigation for the right to divert water from the well described in application for Permit No. 37-08057.

On July 6, 1994, the department granted oral argument to the applicant but limited the argument to the issue of mitigation which the applicant proposed in its petition. The parties agreed that it was not necessary for the department to hold an evidentiary hearing in order for the department to consider the offer to not divert water under License No. 37-02001 as mitigation.

Based on his understanding of the law and the facts in the above captioned matter, the Director of the department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On November 3, 1982, the applicant, Strom Ranches Inc., submitted Application for Permit No. 37-08057 (application) to the department proposing the diversion of 14.4 cubic feet per second of ground water from wells to be located within the SE1/4NE1/4 and SW1/4NE1/4 Section 31, T1S, R12E, B.M., Camas County for the irrigation of 720 acres within parts of Sections 31 and 32, T1S, R12E, B.M.

2. The department published notice of the application in the Gooding County Leader newspaper as required by law. On December 2, 1982, Pat Bennett protested approval of the application.

3. During November and December 1982, the applicant constructed a well in the SW1/4NE1/4 Section 31, T1S, R2E, B.M. even though the department had not approved the application for permit.

4. The department conducted a conference in the matter on February 8, 1983 in Fairfield, Idaho. Before the department issued a decision in the protested matter, however, the well was damaged by explosives.

5. The pending application for permit was not further pursued by either the applicant or the department due to the Swan Falls water right litigation which stopped all new consumptive use water right development including irrigation until about January 1990 when the department started reprocessing existing permits for the use of trust water.

6. On June 1991, the Director of the department designated the Big Wood River Ground Water Management Area (GWMA) which includes the Camas Creek drainage and the general area associated with Application for Permit No. 37-08057.

7. On March 19, 1992, the department contacted the applicant to determine continuing interest in the pending application for permit and to advise the applicant that the GWMA order made provision for continued processing of applications for permit for potential approval if an applicant could demonstrate that the proposed use would not injure prior water rights or if an applicant could provide acceptable mitigation to prior water rights which would be injured.

8. Since the applicant indicated an interest in pursuing the application, the department scheduled hearings on August 24, 1993 and November 16, 1993 which were cancelled at the request of the applicant. On April 19, 1994, the department conducted a hearing in Fairfield, Idaho. The applicant was present and was represented by Gary D. Babbitt, attorney-at-law. The protestant was present and represented himself.

9. The issue identified by the protestant was that approval of the application would adversely affect his prior use of water diverted from springs in the general area.

10. Exhibits offered and accepted for the record include the following:

- a) Applicant's Exhibit No. 1 - Resume of Sherl L. Chapman.
- b) Applicant's Exhibit No. 2 - Water Quality Analyses - Camas Prairie.
- c) Applicant's Exhibit No. 3 - Water Quality Pattern Diagrams - Dennis Strom Area, Camas Prairie, Idaho.
- d) Applicant's Exhibit No. 4 - A report titled Ground Water Assessment, Dennis Strom Property, Hill City Idaho by Sherl L. Chapman, dated April 18, 1994.
- e) Applicant's Exhibit No. 5 - A computer generated listing of

certain water rights in the vicinity of the applicant's property.

- f) Applicant's Exhibit No. 6 - Figure 5 entitled Chemical Character of Water. This figure is from U.S. Geological Survey Open-File Report 78-82 titled Water Resources of Camas Prairie, South-Central Idaho and is also included within the text of Exhibit No. 4. The study was conducted in 1978.
- g) Applicant's Exhibit No. 7 - Figure 1 entitled Estimate of Mean Annual Runoff and Boundary of flowing wells. This figure is included within the text of Exhibit No. 4.

11. At the hearing, the hearing officer officially noticed the following:

- a) Application for Permit file 37-08057.
- b) Past decisions of the department.
- c) Water right records including the rights of the protestant.
- d) Reports, measurements and flow records in department files such as U.S. Geological Survey reports. This includes U.S. Geological Survey Open-File Report 78-82 titled Water Resources of Camas Prairie, South-Central Idaho.
- e) Order of the Director dated June 28, 1991 which designated the Big Wood River Ground Water Management Area.
- e) Well Drillers Report filed with the department by Pete ~~Q~~ Drilling Co, Inc. on January 24, 1993.

12. At the hearing the applicant reduced the proposed rate of diversion on the application from 14.4 cubic feet per second (cfs) to 3.0 cfs and reduced the acreage to be irrigated from 720 acres to 150 acres located as follows:

T1S, R12E, BM., Section 31

NE1/4NE1/4	-	1 acre
NW1/4NE1/4	-	17
SW1/4NE1/4	-	39
SE1/4NE1/4	-	9
NE1/4NW1/4	-	15
SE1/4NW1/4	-	37
NE1/4SW1/4	-	12
NE1/4SE1/4	-	1
NW1/4SE1/4	-	19

13. During the applicant's oral argument before the department on July 26, 1994, the applicant offered to further reduce the acreage to be irrigated to 100 acres, since License No. 37-02001 which was offered for mitigation authorized the irrigation of 100 acres. The 100 acres to be irrigated under the application is located as follows:

T1S, R12E, BM., Section 31

NW1/4NE1/4 - 11 acres
SW1/4NE1/4 - 37
SE1/4NE1/4 - 2
NE1/4NW1/4 - 7
SE1/4NW1/4 - 27
NE1/4SW1/4 - 6
NW1/4SE1/4 - 10

14. The well was originally constructed in November of 1982 to a total depth of about 433 feet. The well bore was gravel packed from 18 feet to 433 feet. Vertical flow through the gravel packing was estimated to be a maximum of about 30 gallons per minute. The discharge of the original well was never tested, however, since the well was damaged in the spring of 1983 by explosives. Later in 1983, the applicant subsequently repaired the well and deepened it to 650 feet. The reconstructed well included a 12 inch liner inside the original 16 inch diameter casing. The well was constructed so that water entered the well bore through the original perforations at the approximate 225 foot level. Vertical flow was estimated at several gallons per minute for the reconstructed well. Discharge from the repaired well was tested to be approximately 650 gallons per minute. Static water level in the well is about 16 feet below land surface.

15. The applicant has installed a center pivot which would operate using low pressure nozzles. The system needs a pump and motor to be operational.

16. The applicant conducted chemical analyses of a water sample taken from the Strom well and compared it with samples taken from two surface water sources in the vicinity of the Strom well. The constituents in the surface water samples were different than in the water in the Strom well.

17. The protestant's property is located about five miles west of the applicant's well within parts of Sections 28 and 33, T1S, R11E, B.M.

18. Water License No. 37-02001 owned by the applicant provides the following:

Source:	Wild Horse Creek tributary to Camas Creek
Priority:	September 20, 1919
Rate of div:	2.0 cfs
Use:	Irrigation of 100 acres in parts of Sections 28 and 33, T1S, R11E, BM.

Basis of right: License

19. Among the protestant's water rights are water right identification numbers 37-04343 and 37-04359 which are further described as follows:

37-04343

Claimant: Emma Malcomson Bennett
Source: Spring
Priority: July 1, 1903
Rate of div: 2.4 cfs
Use: Irrigation of 120 acres in Sections 28 and 33 in T1S, R11E, BM.
Basis of right: Statutory claim

37-04359

Claimant: Emma Malcomson Bennett
Source: Spring
Priority: July 1, 1915
Rate of div: 4.2 cfs
Use: Irrigation of 210 acres in Sections 28 and 33, T1S, R11E, BM.
Basis of right: Statutory claim

20. The Big Wood Canal Company owns prior water rights 37-00867Z0 and 37-00870Z0 which were decreed in the case of Chapman et al., vs. Big Wood Canal Company. These rights have priorities of November 16, 1905 and June 1, 1920 respectively and provide for storage of water in Magic Reservoir which is located downgradient from the applicant's proposed project.

21. U.S. Geological Survey Open-File Report No. 78-82 shows that ground water in the Camas Prairie basin moves toward Camas Creek. This water would discharge to Magic Reservoir if not diverted and used upgradient of the reservoir.

22. Under present conditions of irrigation use and storage management, Magic Reservoir fails to fill in about 37% of all years of record. On April 1, 1994, the storage runoff was projected to be 100,000 Acre Feet which is approximately 50% of reservoir capacity.

23. The flow in Wild Horse Creek varies in the amount of discharge but does reach Camas Creek.

24. Although diversion of water under License No. 37-02001 apparently has been intermittent, the department has no evidence in its records to show that the water right is not valid.

CONCLUSIONS OF LAW

1. Section 42-203A, Idaho Code, provides in pertinent part as follows:

In all applications whether protested or not protested where the proposed use is such (a) that it will reduce the quantity of water under existing water rights, or (b) that the water supply is insufficient for the purpose for which it is sought to be appropriated, or (c) where it appears to the satisfaction of the director that such application is not made in good faith, is made for delay or speculative purposes, or (d) that the applicant has not sufficient financial resources with which to complete the work involved therein, or (e) that it will conflict with the local public interest, where the local public interest is defined as the affairs of the people in the area directly affected by the proposed use, or (f) that it is contrary to conservation of water resources within the state of Idaho; the director of the department of water resources may reject such application and refuse issuance of a permit therefor, ...

2. Section 42-233b, Idaho Code, provides in pertinent part as follows:

Applications for permits made within a ground water management area shall be approved by the director only after he has determined on an individual basis that sufficient water is available and that other prior water rights will not be injured.

3. Diversion of water from the applicant's well will have minimal impact on the discharge of springs used by the protestant.

4. Diversion of water from the applicant's well will, however, intercept water which would accumulate in Magic Reservoir. Such diversion will reduce the quantity of water available to supply rights with an earlier priority than that of Application for Permit No. 37-08057.

5. Diversion of water from the Strom well will not reduce the amount of water available to existing water rights if the approval is properly conditioned.

6. The ground water supply available from the Strom well itself is sufficient for the irrigation of 100 acres.

7. The application is made in good faith and not for delay or speculative purposes.

8. The applicant has sufficient financial resources with which to complete the project.

9. The application does not conflict with the local public interest.

10. The application is not contrary to the conservation of water within Idaho.

11. The department should approve Application for Permit No. 37-08057 with certain conditions and limitations. One such condition

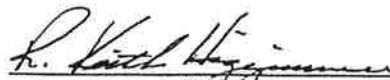
should assure that the well is not operated at any time when there is no water in Wild Horse Creek available for diversion under License No. 37-02001.

ORDER

IT IS THEREFORE, hereby ORDERED that Application for Permit No. 37-08057 in the name of Strom Ranches, Inc. is APPROVED subject to the following conditions and limitations.

1. Use of water under the permit is subject to all prior water rights.
2. Proof of construction of works and application of water to beneficial use shall be submitted to the department on or before September 1, 1995.
3. Permit holder is not authorized to divert at a rate greater than 2.0 cfs for the irrigation of not more than 100 acres in Section 31, T1S, R12E, BM.
4. Permit holder shall not divert water under water right License No. 37-02001 and shall leave the water in Wild Horse Creek and allow it to flow undiminished to Camas Creek as mitigation which authorizes the approval of Permit No. 37-08057.
5. Permit holder is not authorized to divert ground water at a rate greater than the rate of flow in Wildhorse Creek available for diversion under License No. 37-02001. Since this well location is not within an organized water district, the applicant shall notify the Department each year prior to commencing pumping and shall maintain records of periods of pump operation and water divertable from Wild Horse Creek under License No. 37-02001.
6. The rate of diversion of water for irrigation under this right and all other rights for the same land shall not exceed 0.02 cfs for each acre of land.
7. Prior to the diversion of water under this right, a flow measurement port or other device as specified by the department shall be installed to provide for the determination of the rate of diversion by the department. The right holder shall also install measuring devices in Wildhorse Creek as determined necessary by the Director of the department to properly administer use of water under this approval.

Signed this 8TH day of SEPTEMBER, 1994.


R. KEITH HUGGINSON
Director

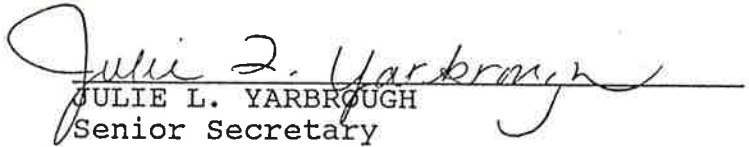
CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 12th day of September, 1994,
I mailed a true and correct copy, postage prepaid, of the foregoing
FINAL ORDER to the following:

Gary D. Babbitt
HAWLEY TROXELL ENNIS
& HAWLEY
P.O. Box 1617
Boise, ID 83701

Pat Bennett
P.O. Box 113
Hill City, ID 83337

Strom Ranches Inc.
P.O. Box 137
Hill city, ID 83701


JULIE L. YARBROUGH
Senior Secretary

6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Georgia Satterlee

DATE
May 13, 1997 2:41pm

CUSTOMER
FARM CREDIT (ALICE)

SUBJECT: A37-02089[✓], -12959[✓], -02058, -02129, -02244[✓], -02001[✓], -08057[✓],
-13330[✓], 08520

phone call (X) walk-in (.)

Researched and printed the above profile reports; although STROM RANCHES was the primary focus, the request included all rights in the designated property descriptions. These rights included not only different claimants but different uses...