

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: A37-20324

Date Received: 6/14/2000

Receipt No: S023165

Received By: 

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JEFF SHROEDER 208-764-2642
Address: PO BOX 54
BELLEVUE ID 83313

AND/OR

Name: SHELLI SHROEDER 208-764-2642
Address: PO BOX 54
BELLEVUE ID 83313

2. Date of Priority: JAN 1, 1910

3. Source: UNNAMED STREAM Trib. to: FRICKE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	16E	31	NW	NE	SW		CAMAS

5. Description of diverting works:
INSTREAM USE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.020		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
N/A

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	16E	31	NE	SW		STOCK	

11. Place of use in counties: CAMAS

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

13. Other Water Rights Used:
N/A

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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 _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 20 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No: S023165

Date: 6/14/2000
Time: 10:43:43

Received
From: HAEMMERLE, FRITZ X

Type of Payment		Program A cct		Amount
DJUDICATION FEE	41503	337	1155	50.00
CHECK	01093		Total \$	50.00

Water Right Numbers
A37-20323 A37-20324 - - -

Region: SOUTHERN

Signature: *Jane Robertson*

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 1137-20324Date Received 6-13-2000Receipt Number 5023165NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Jeff and/or Shelli Shroeder Phone (208) 764-2642
Mailing Address P.O. Box 54 Bellevue, Idaho Zip 83313
2. Date of Priority (Only one (1) per claim) January 1, 1910
3. Source of water supply (a) Unnamed Stream
which is tributary to (b) Fricke Creek
4. a. Location of existing point of diversion is: Township _____ Range _____ Section _____,
_____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of _____
Additional points of diversion if any: _____
- b. If instream flow, beginning point of claimed instream flow is:
Township 1N Range 16E Section 31, NW 1/4 of NE 1/4 of SW 1/4,
Govt. Lot _____ B.M., County of Camas
ending point is: Township 1N Range 16E Section 31, SW 1/4 of NE 1/4 of
SW 1/4, Govt. Lot _____ B.M., County of Camas
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. _____

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Stock purposes from 1/1 to 12/31 amount 0.02 or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .02 cfs (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is N/A acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) N/A

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
1N	16E	31									S								

Total number of acres irrigated _____

11. In which county (ies) are lands listed above as place of use located? Camas

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
N/A or None ()

14. Remarks: N/A

Last Name Shroeder Ident No. A37-20324

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ Lice _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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 _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Shelli Schroeder Date 6/7/00

Date _____

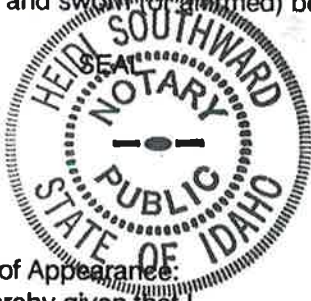
For Organizations: I do solemnly swear or affirm that I am _____

Title
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____
Title and Organization _____ Date _____

State of Idaho/or Idaho)
County of Blaine) SS.

Subscribed and sworn to (or affirmed) before me this 7th day of June 19 2000



Notary Public Heidi Southward
Residing at Hailey
My Commission Expires 12-8-2004

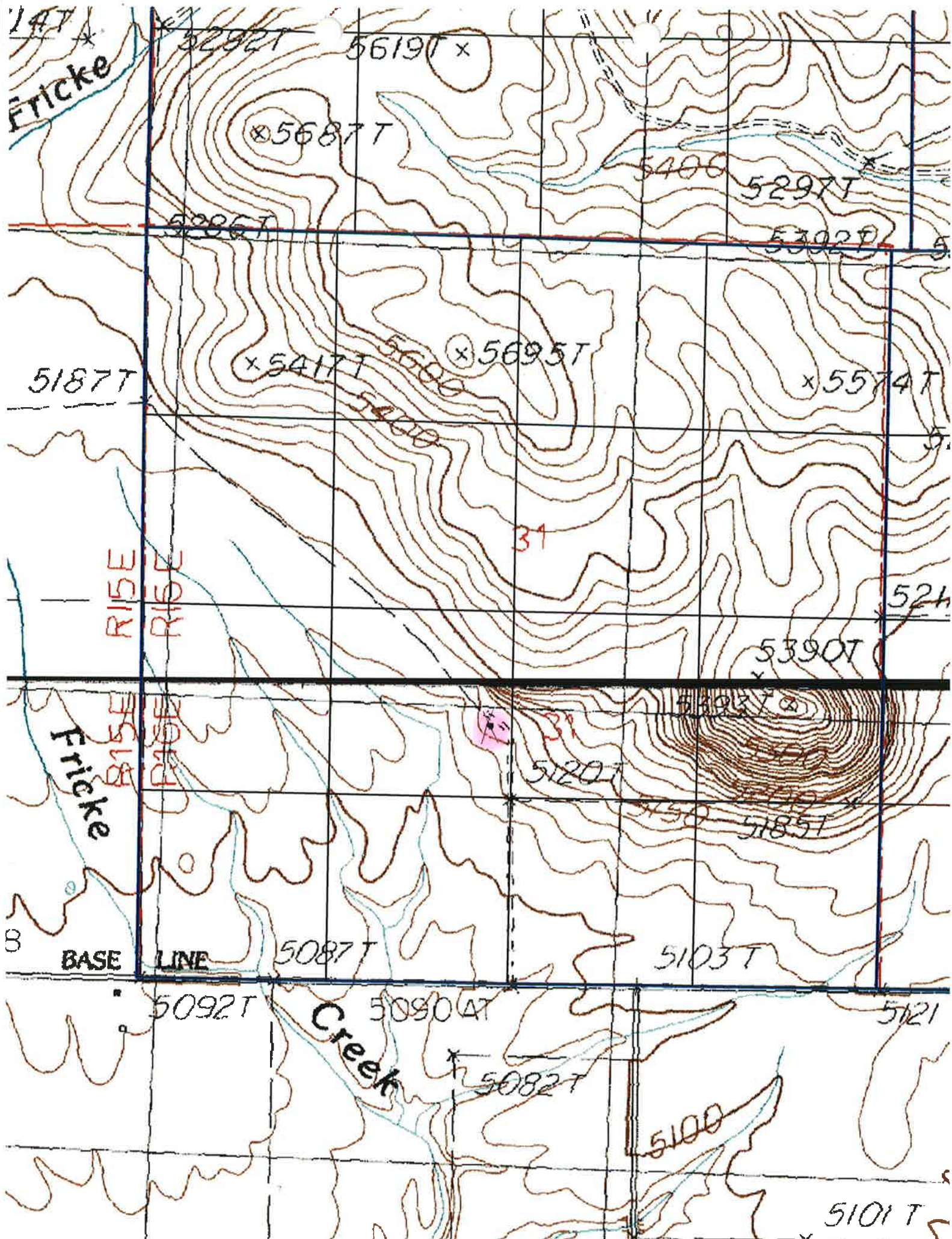
Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature [Signature]
Address _____
Date _____

Last Name Shroeder Ident. Number A37-20324



02/07/2006

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

RIGHT NUMBER: 37-20324

NAME AND ADDRESS: SHELLI SHROEDER
PO BOX 54
BELLEVUE ID 83313

JEFF SHROEDER
PO BOX 54
BELLEVUE ID 83313

SOURCE: UNNAMED STREAM

TRIBUTARY: FRICKE CREEK

QUANTITY: 0.020 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 01/01/1910

POINT OF DIVERSION:

T01N R16E S31 NWNESW Begin of Stream Flow Within CAMAS County

T01N R16E S31 SENESW End of Stream Flow Within CAMAS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

1/01 12/31

0.020 CFS

PLACE OF USE: STOCKWATER Within CAMAS County

T01N R16E S31 NESW

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

The quantity of water decreed for this water right is not a determination of historical beneficial use.

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 - Beneficial Use

Adjudication Claim Notes

Claim(s): 37-20324

Background Data

- Beneficial Use Claim
- Source is Groundwater
- Claimed 0.02 cfs for Stockwater

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)

2004 Aerial Photo



Unnamed Stream

Notes

T1N R16E Section 31

- POU digitized based on NHD.
- POD digitized based on 2004 aerial photo
- Data used for review: 2004 aerial photo, Camas Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

**DIRK KEMPTHORNE
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

June 14, 2000

FRITZ HAEMMERLE
THE ROARK LAW FIRM
409 N MAIN ST
HAILEY, ID 83333

RE: ADJUDICATION CLAIM NOS. A37-20323 and A37-20324 - SHROEDER

Dear Mr. Haemmerle,

Pursuant to the notification that you are representing the claimants on the above referenced Adjudication Claims, please find enclosed the receipt and copies of the computer generated claims based on the information from the original claims which has been entered in our computer records.

Please review the records and if you have any corrections or questions, feel free to contact this office.

Sincerely,


Jeanie Robertson
Sr. Water Rights Agent

cc: Jeff and Shelli Shroeder
/jr



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 7, 2001

DAVE KONRAD
PO BOX 4464
KETCHUM ID 83340

RE: SRBA CLAIMS 37-20323 & 37-20324 – Shroeder
PERMIT 37-08907 - Konrad

Dear Mr. Konrad,

You asked if there was some way for the Department to notify you when we have made our recommendations for these two claims filed by the Shroeders. Aside from the docket sheet issued by the SRBA Court, which I understand you already subscribe to, there really is no way for us to notify you. We don't anticipate mailing our preliminary recommendations or the Director's Report for several years in that area. We generally schedule public meetings in an area when we begin claims investigation and again soon after our preliminary recommendations have been mailed. These are usually well advertised, along with letters being mailed to the individual claimants. My best advice would be to keep up with the docket sheet and watch the papers for news on the Department's activities in the area in the future. (37-20324 claims a 1910 priority date for instream use of 0.02 cfs. Be aware that for a de minimus amount such as that, we wouldn't ask for proof for that priority date.)

I noticed in your permit file 37-08907, that the proof of beneficial use is due by Nov. 1, 2001. Once this proof has been submitted, a field exam can be scheduled and eventually the license can be issued.

Please call if you have any questions.

Sincerely,

Jeanie Robertson
Sr. Water Resource Agent

Date Sent to S.O. OCT 12 2000

MEMO

FROM: Allen Merritt 

DATE: October 12, 2000

TO: Permit No: 37-08907

In the Name of Dave Konrad

SUBJECT: **Review and Recommendation**

This application proposes to construct a small ($< \frac{1}{2}$ acre pond) on a small stream for stockwater purposes. The application was protested by Jeff & Shelli Schroeder who live upstream from the site. A conference was held on 6/27/00 and the parties were both represented by attorneys. An agreement was partially initiated at that time. On 09/11/00 our office received a faxed copy of a settlement agreement. To date we have not received the original but today on inquiry by the applicant I have contacted one of the attorneys to have it sent. The file is being sent to State office without the original signed withdrawal; if it comes in it will be forwarded as well.

Recommendation

During the conference it was indicated that the applicant currently grazes cattle/horses on the site and they currently drink from the stream. All along the stream the stock access the stream to drink and have turned the area into a boggy mess. In an effort to stabilize the stream the applicant wishes to build the dam to provide a watering point and then restrict access to the stream on other areas on his property to enhance the stream riparian area. The site of the proposed dam is boggy. The stream is reported to sink below the site on the applicant's property.

The application appears to propose a situation that would be no more consumptive than what already exists on the site. The application is de minimus.

I recommend that the application be approved subject to the following conditions:

- Subject to private agreement between parties.
- Use limited to watering no more than 30 head of horses/cows.
- Constructed pond shall be less than $\frac{1}{2}$ acre in surface area and shall empound no more than 2 acre feet.

SPECK & AANESTAD
A PROFESSIONAL CORPORATION
ATTORNEYS
P. O. Box 987
Ketchum, ID 83340
1-208-726-4421
Fax: 1-208-726-0752

RECEIVED

SEP 11 2000

Department of Water Resources
Southern Region

FAX COVER SHEET/MEMO

To: Mr. Allen Merritt	Date: September 11, 2000
Fax #: (208) 736-3037	Pages: , including this cover sheet.
From: James P. Speck	
Subject: Application for Permit 37-08907	Our File No. 122/000096

COMMENTS:

208
788-
2027

THE INFORMATION CONTAINED IN THIS FAX TRANSMISSION IS CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE ABOVE-NAMED RECIPIENT AND MAY BE THE SUBJECT OF ATTORNEY/CLIENT PRIVILEGE. IF THE READER OF THIS MESSAGE IS NOT THE ABOVE-NAMED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISTRIBUTION, DISSEMINATION, COPYING OR OTHER USE OF THIS COMMUNICATION IS STRICTLY PROHIBITED AND NO PRIVILEGE IS WAIVED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE. THANK YOU.

RECEIVED

SEP 11 2000

Department of Water Resources
Southern Region

TELEPHONE
(208)726-4421
FACSIMILE
(208)726-0752

SPECK & AANESTAD
A PROFESSIONAL CORPORATION
ATTORNEYS

JAMES P. SPECK
DOUGLAS J. AANESTAD
BENJAMIN W. WORST

120 EAST AVENUE
P. O. BOX 987
KETCHUM, IDAHO 83340

September 11, 2000

VIA FACSIMILE - (208) 736-3037
ORIGINAL WILL NOT FOLLOW

Mr. Allen Merritt
IDAHO DEPARTMENT OF WATER RESOURCES
1341 Fillmore, Suite 200
Twin Falls, ID 83301

Re: Application for Permit 37-08907
Our File No. 122/000096

Dear Alan:

Enclosed are copies of the Agreement settling the protest filed in this matter and the Withdrawal of Protest signed by Jeff and Shelli Schroeder. Please file these and proceed to complete the processing of the Application. I will forward the original Withdrawal of Protest as soon as I receive it from Mr. Haemmerle. Kindly call me right away if you have any questions.

Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation



James P. Speck

JPS/j

(enclosures)

cc: client (w/ enclosures)

Fritz Haemmerle (w/ enclosures)

SEP-11-2000 MON 12:59 PM SPECK & AANESTAD
SEP-11-2000 11:55 FROM:

FAX NO. 12007260752

P. 03/08

TO: J87260752

P.002/007

RECEIVED

SEP 11 2000

Department of Water Resources
Southern Region

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 37-08907:)

David A. Konrad, Applicant)

Jeff and Shelli Schroeder,)

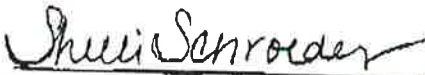
Protestants.)

WITHDRAWAL OF PROTEST

Jeff and Shelli Schroeder ("Protestants") hereby withdraw their Protest dated April 20, 2000 to Application for Permit 37-08907, subject to and conditioned upon the terms and conditions of that certain Agreement of this same date by and between Applicant and Protestants.

Dated this 8th day of September, 2000.


JEFF SCHROEDER


SHELLI SCHROEDER

AGREEMENT

THIS AGREEMENT is made and entered into this 7th day of September, 2000, by and among: Jeff and Shelli Schroeder, husband and wife, ("Protestors"), and David A. Konrad, a married man ("Applicant").

WITNESSETH

WHEREAS, the Applicant filed for a water right, designated number 37-08907 ("water right"), with the Idaho Department of Water Resources;

WHEREAS, the water right's designated diversion point is listed as the SE¹/₄ of Section 31, T 01, R 16E, Camas County;

WHEREAS, the water right's designated purpose is stock water storage of 2.00 acre feet per year;

WHEREAS, the Protestors filed a protest to the application for the water right;

WHEREAS, on June 26, 2000, at 1:00 p.m., a settlement conference was held wherein the Protestors were able to discover several facts about the use of the water right including an assertion by the Applicant that he was not intending to use the water right for speculative purposes, such as using the water right for irrigation purposes; and

WHEREAS, based on facts discovered at the settlement conference, the parties reached a settlement;

NOW, THEREFORE, IN CONSIDERATION OF THE PREMISES AND THE COVENANTS AND CONDITIONS CONTAINED HEREIN, the parties hereto covenant and agree as follows:

1. WITHDRAWAL OF PROTEST: Upon the execution of this Agreement by Applicant and Protestants, the Protestants agree to execute and file with IDWR a Withdrawal of Protest to the

Application in the form of Exhibit A attached hereto and incorporated herein by this reference. This Withdrawal of Protest shall be subject to and conditioned upon all of the remaining terms and conditions of this Agreement.

2. USE OF THE WATER RIGHT. The water right shall be used for no more than thirty (30) head of stock. The only surface water source on the Applicant's property which may be used for stock water purposes shall be the stock water storage pond, designated in the application for the water right. Other than watering from the pond, the stock may not water from any other surface water source on the land that the water right is appurtenant. Any natural stream(s) that is tributary to the stock water storage pond shall be fenced as reasonably necessary to keep the stock from watering in any other place other than the stock water storage pond. If any part of the Applicant's property is not being used for the grazing of stock, then it will not be necessary to fence that portion of the stream that is tributary to the storage pond

2. EXECUTION OF ADDITIONAL DOCUMENTS. Each of the parties hereto agrees to promptly execute such other and further documents as may be reasonably required by the other to carry out the purpose and intent of this Agreement.

3. ENTIRE AGREEMENT. This Agreement constitutes the entire agreement and understanding concerning the subject matter between the parties and supercedes and replaces all prior discussions or written instruments that are inconsistent with the terms and conditions contained in this agreement.

4. AMENDMENT TO AGREEMENT. This Agreement may be amended only in writing signed by the parties, and no provision of this Agreement may be waived or modified, except by an instrument in writing signed by all parties.

5. BINDING ON SUCCESSORS, HEIRS, AND ASSIGNS. This agreement shall be binding on, and shall accrue to the benefit of, the successors, heirs and assigns of the parties hereto.

6. GOVERNING LAW. This Agreement shall be construed according to the laws of the State of Idaho.

7. ATTORNEY FEES AND COSTS. If any party is required to file suit to enforce any provision of this agreement, the prevailing party shall be entitled to reasonable attorney fees and costs.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on the day and year first above written.

APPLICANT, David A Konrad

PROTESTORS, Jeff and Shelli Schroeder

By: David A Konrad
David A. Konrad

By: Jeff Schroeder
Jeff Schroeder

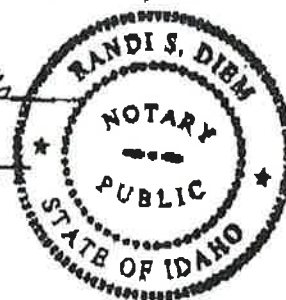
By: Shelli Schroeder
Shelli Schroeder

STATE OF IDAHO)
County of Blaine) ss.

On this 7th day of September, 2000, before me, a Notary Public in and for the State of Idaho, personally appeared David A. Konrad, known to me to be the person whose name is subscribed to the foregoing document, and acknowledged that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this Acknowledgment first above written.

Randi S. Diem
NOTARY PUBLIC FOR IDAHO
Residing at: Harley, ID
Commission expires: 8-29-02

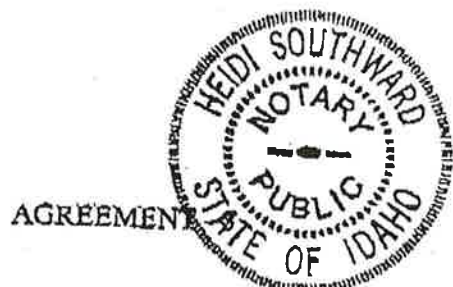


STATE OF IDAHO)
County of Blaine) ss.

On this 8th day of September, 2000, before me, a Notary Public in and for the State of Idaho, personally appeared Jeff Schroeder, known to me to be the person whose name is subscribed to the foregoing document, and acknowledged that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this Acknowledgment first above written.

Heidi Southward
NOTARY PUBLIC FOR IDAHO
Residing at: Harley
Commission expires: 12-8-2004



AGREEMENT

STATE OF IDAHO)
) ss.
County of Blaine)

On this 8th day of September, 2000, before me, a Notary Public in and for the State of Idaho, personally appeared Shelli Schroeder, known to me to be the person whose name is subscribed to the foregoing document, and acknowledged that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this Acknowledgment first above written.



Heidi Southward
NOTARY PUBLIC FOR IDAHO
Residing at: Hailey
Commission expires: 12-8-2004

SEP-11-2000 MON 01:00 PM SPFOCK & AANESTAD
SEP-11-2000 11:56 FROM:

FAX NO. 12027260752

P. 08/08

TO: 12027260752

P. 007/007

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

**IN THE MATTER OF APPLICATION
FOR PERMIT NO. 37-08907:**

David A. Konrad, Applicant

Jeff and Shelli Schroeder,

Protestants.

WITHDRAWAL OF PROTEST

Jeff and Shelli Schroeder ("Protestants") hereby withdraw their Protest dated April 20, 2000 to Application for Permit 37-08907, subject to and conditioned upon the terms and conditions of that certain Agreement of this same date by and between Applicant and Protestants.

Dated this ____ day of September, 2000.

JEFF SCHROEDER

SHELLI SCHROEDER

WITHDRAWAL OF PROTEST - 1

EXHIBIT A

MEMO

FROM: Allen Merritt

DATE: June 27, 2000

TO: Application for Permit 37-08907

In the Name of: Dave Konrad

TO: Glen Saxton

SUBJECT: Pre-hearing Conference

On 6/26 I held a conference for this protested matter in Hailey. The application was protested by Jeff & Shelli Schroeder. They were not present but their attorney, Fritz Hammerle, was present. The applicant, Dave Konrad, and his partner, Chad Blincoe, were present with their attorney, James Speck.

It was indicated at the conference that the applicant wished to build a small stock pond on his property so as to prevent the stock from turning a boggy area into a wallow. He indicated that the stream was then going to be fenced. He indicated that historically stock have watered from the stream as cattle have grazed through this area for years.

We discussed issues and the protestant seemed to be objecting to environmental issues since the protestant was upstream of the development and the water normally sinks on the applicant's property.

After discussion the parties agreed to resolve the matter with a stipulated agreement that Hammerle was going to draft and circulate. One portion of the agreement was for the applicant to limit the number of stock on the property to 30 head of cows or horses. Hammerle requested that the number of stock be a condition of the permit. I told him that those have been conditions of similar permits but noted that the 30 head agreed on was slightly more than what the application indicated (12 cows and 6 horses). I had the applicant amend the application by changing the number and initialing the change. I told them that we would advance the priority of the application which they didn't mind. I told them it would no be re-advertised since we do not advertise that element.

I will hold the application until I receive the agreement resolving the protest.