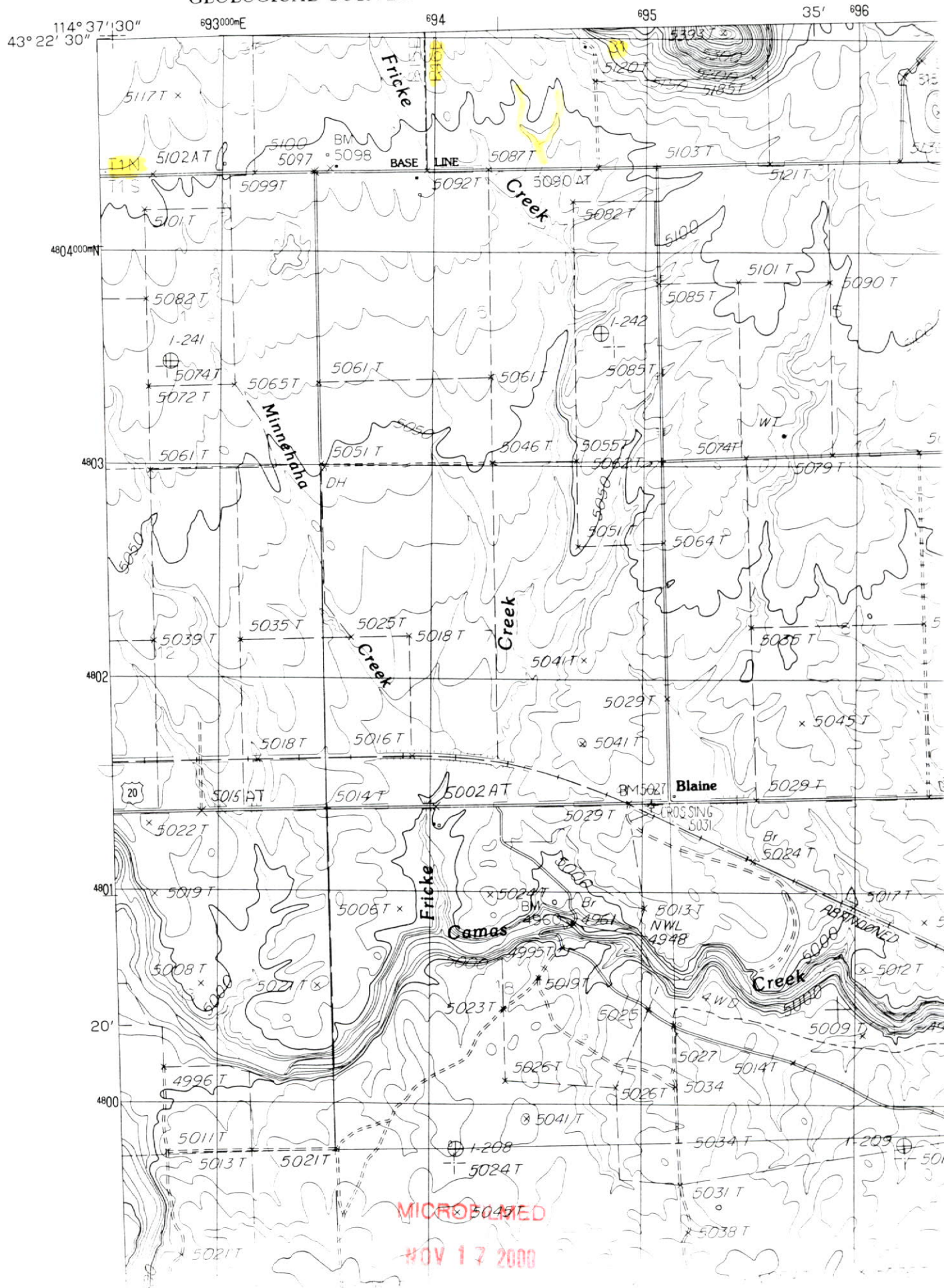


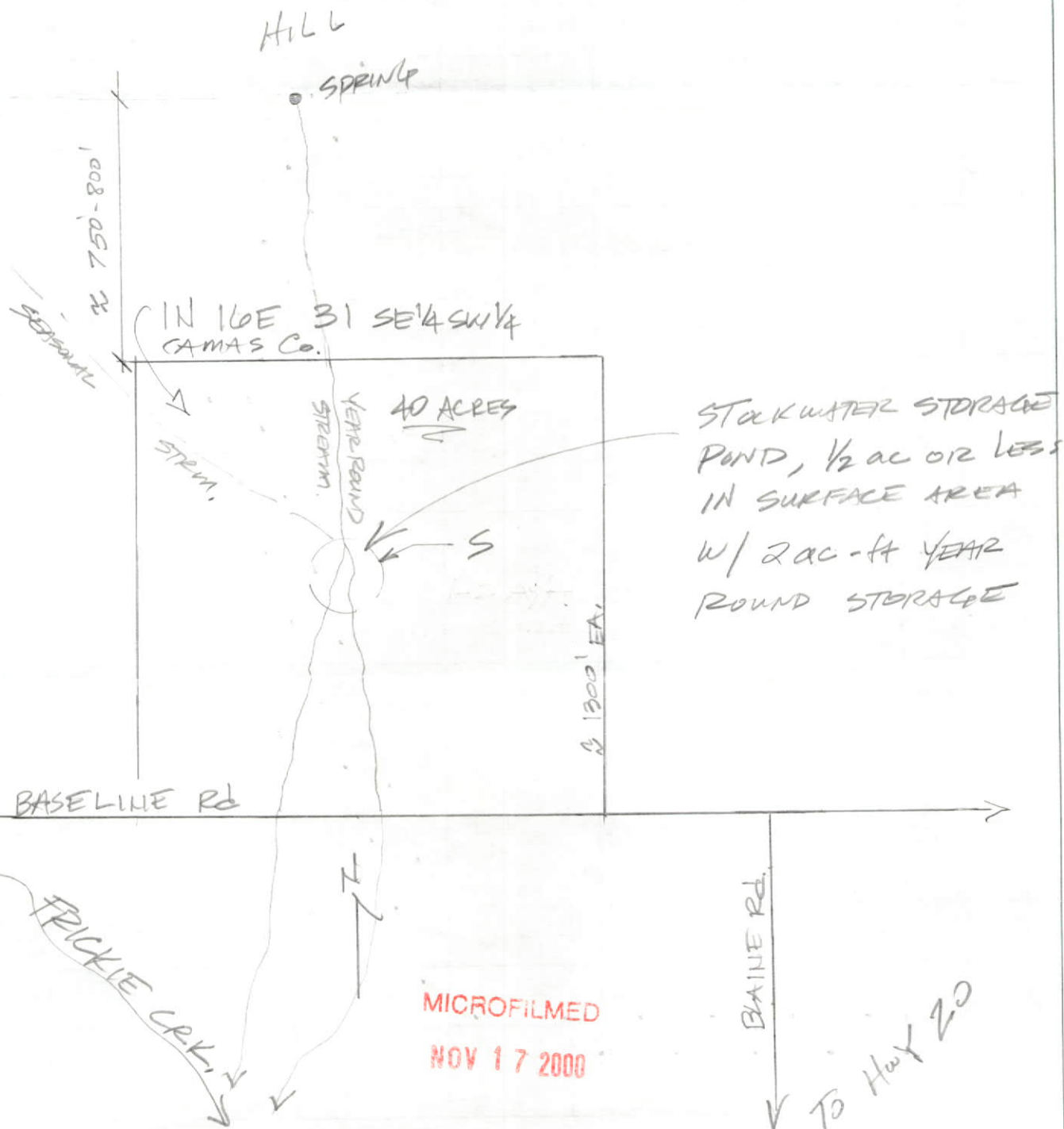
37-08907



37-08907

13-782	500 SHEETS, FILLER	5 SQUARE
12-381	50 SHEETS EYE-EASE®	5 SQUARE
12-382	100 SHEETS EYE-EASE®	5 SQUARE
12-383	200 SHEETS EYE-EASE®	5 SQUARE
12-392	100 RECYCLED WHITE	5 SQUARE
12-399	200 RECYCLED WHITE	5 SQUARE

Made in U. S. A.



Sec. 31 T. 1N R. 16E

MICROFILMED

NOV 17 2000

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NOV 17 2000

Application for Permit 37-08907 Pre-exam.
03/24/00 by John Freitag

Looking North at proposed location of 1/2 acre or less in surface area pond.



year
round
stream

Looking South



MICROFILMED
NOV 17 2000

Amt. of Fee \$: 50.00
Receipt No. 1256884
Receipt By: [Signature]
Date Received: 12-11-01

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 11 2001

PROOF OF BENEFICIAL USE

Department of Water Resources

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 37-8907 Telephone No. 208-764-2366
2. Name of Permit Holder(s): ELK SPRINGS WATER ASSOC.
3. Mailing Address: P.O.B. 4464
City KETCHUM State ID Zip 83340
4. Source of Water: SURFACE / SPRING If GROUNDWATER (well), Date Drilled: mo. _____ / yr. _____
Well Driller: _____ Drilling Permit Number: _____
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): _____ Stockwater (No. and type of stock) 30 HORSES OR CATTLE
Irrigation (No. of acres): _____ Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: _____ cfs OR 1 acre-feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)
Measuring Device: Is a measuring device required? Yes _____ or No X
Has the measuring device been installed? Yes _____ or No X
8. Fee Enclosed: \$ 50 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
Name: DAVE KONRAD Telephone Number 208-764-2366
Address: POB 4464 KETCHUM ID 83340
10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.
Signature of permit holder: Don A. Konrad Director Date: 10/7/01
(include your title, if on behalf of company or organization)

NOTE: DUE TO DROUGHT WE ARE WAITING FOR MICROFILMED
POST CONSTRUCTION MOISTURE FOR FILLING. OCT 19 2001

ARK

11/99

For Office Use Only
\$25 filing fee 25.00
Receipt # 0056883
Date 10-11-01

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

ASSIGNMENT OF PERMIT
To change the ownership of a permit

OCT 11 2001

Department of Water Resources

I, DAVID A. KONRAD, hereby assign to ELK SPRINGS WATER ASSOC.
of POB 4464 KETCHUM, ID. 83340 208 764-2366
(Full Address) (Phone)

All my right, title, and interest in and to Permit No. 37-8907 to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

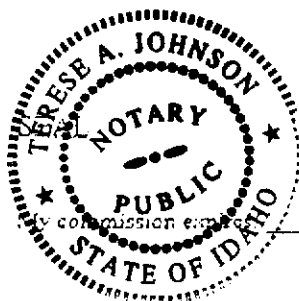
The following described portion of my right, title, and interest in and to for Permit No. N/A to appropriate the public waters of the State of Idaho.
(Describe portion of the application for permit assigned, listing the number of acres in each 40 acre subdivision, point of diversion location, and amount of the water in cubic feet per second.)

Made this 4th day of OCTOBER, 2001

David A. Konrad, Director
Permit Holder(s)

State of Idaho)
County of Blaine)ss

On this 4th day of October, 2001, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.



Blaine County, Idaho
Notary Public residing at
Terese A. Johnson

MICROFILMED

OCT 15 2001

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF CHANGING THE)
MEASURING DEVICE CONDITION OF)
APPROVAL FOR PERMIT NO. 37-8907) **ORDER**
IN THE NAME OF DAVID A KONRAD)
_____)

WHEREAS, the Department of Water Resources (department) has issued the above captioned water right permit with a condition of approval requiring the permit holder to install/maintain permanent measuring devices on a storage reservoir; and

WHEREAS, the department has determined that the measuring devices are not presently needed to measure the water in question; based on the December 19, 2000 letter from Lee R. Peterson, Watermaster for State Water District No. 37.

IT IS THEREFORE, HEREBY ORDERED that the condition of approval requiring the installation of measuring devices for the purpose of control of the diversion are WAIVED. The department retains jurisdiction to reinstate the condition in the future upon a finding of need by the department.

Dated this 12th day of January, 2001.


L. GLEN SAXTON, Chief
Water Allocation Bureau

MICROFILMED
OCT 19 2001

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 37-08907

Priority: March 13, 2000

Maximum Storage Volume:

2.0 AF

This is to certify, that **DAVID A KONRAD**
PO BOX 4464
KETCHUM ID 83340

has applied for a permit to appropriate water from:

UNNAMED STREAM

tributary of **FRICKE CREEK**

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>	<u>ANNUAL VOLUME</u>
STOCKWATER STORAGE	01/01 to 12/31		2.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SESW , Sec. 31, Township 01N, Range 16E
CAMAS County

PLACE OF USE: STOCKWATER STORAGE

TWN RGE SEC

01N 16E 31

SESW

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before **November 1, 2001**.
2. Subject to all prior water rights.
3. The right holder shall install/maintain permanent measuring devices in such a manner that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured.
4. Prior to diversion of water under this right, the right holder shall install a lockable device, subject to the approval of the Department, in a manner that will provide the watermaster suitable control of the diversion.
5. Use of water under this right may be affected by an agreement between the protestant and the right holder.
6. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
7. The constructed pond shall be 1/2 acre or less in surface area and shall empound no more than 2 acre feet.
8. Stockwater storage is for 30 range cattle and horses.

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

14th day of November, 2000

MICROFILMED

NOV 17 2000

Karl J. Dreher
for Karl J. Dreher, Director

RECEIVED

OCT 13 2000

FORM 202

2/96

Ident. No.

37-08907

RECEIVED

MAR 13 2000

Department of Water Resources
Southern Region

Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant DAVE A. KONRAD Phone 208 726-3606 DAY
 Mailing address POB 4464, KETCHUM, ID 83340
2. Source of water supply UNNAMED STREAM, TRIB. TO FRICKE CREEK which is a tributary of FRICKE CREEK
3. Location of point of diversion is Township 1 N Range 16 E Sec. 31 in the SE 1/4.
SW 1/4, Govt. Lot CAMAS County:

additional points of diversion if any: _____

4. Water will be used for the following purposes:

- Amount 2 ac-ft for STOCK WATER STORAGE purposes from 01/01 to 12/31 (both dates inclusive)
 (cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) _____ and/or (b) 2 ac-ft
 cubic feet per second acre feet per annum

6. Proposed diverting works:

- a. Describe type and size of devices used to divert water from the source NO DIVERT, POND OF
1/2 AC OR LESS IN SURFACE SIZE BUILT ON STREAM CHANNEL.
- b. Height of storage dam 4 feet; active reservoir capacity _____ acre-feet; total
 reservoir capacity 2 acre-feet
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
- d. Is ground water with a temperature of greater than 85°F being sought? _____
- e. If well is already drilled, when? _____; Drilling firm _____
 Well was drilled for (well owner) _____; Drilling Permit No. _____

7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)

8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock: APPROX. (12) HEAD CATTLE AND/OR (6) HORSES
- c. Municipal; show name of municipality: 6/26, (30) HEAD OF HORSES & OR COWS
- d. Domestic; show number of households: DAVE 6/26/00
- e. Other; describe fully. _____

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NOV 17 2000

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1N	16E	31												S					

Total number of acres to be irrigated 0

10. Describe any other water rights used for the same purposes as described above. NONE

11. a. Who owns the property at the point of diversion? Applicant

b. Who owns the land to be irrigated or place of use? Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:

12. Remarks: I PROPOSE A (1) SMALL STOCK WATER STORAGE POND AT THE APPROX. LOCATION ON THE ATTACHED MAP OF 1/2 AC OR LESS IN SURFACE AREA SIZE. MAXIMUM HT. OF DAM WOULD BE 4', IN REALITY THE MAJORITY AWAY FROM THE STREAM CHANNEL WOULD BE LESS.

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

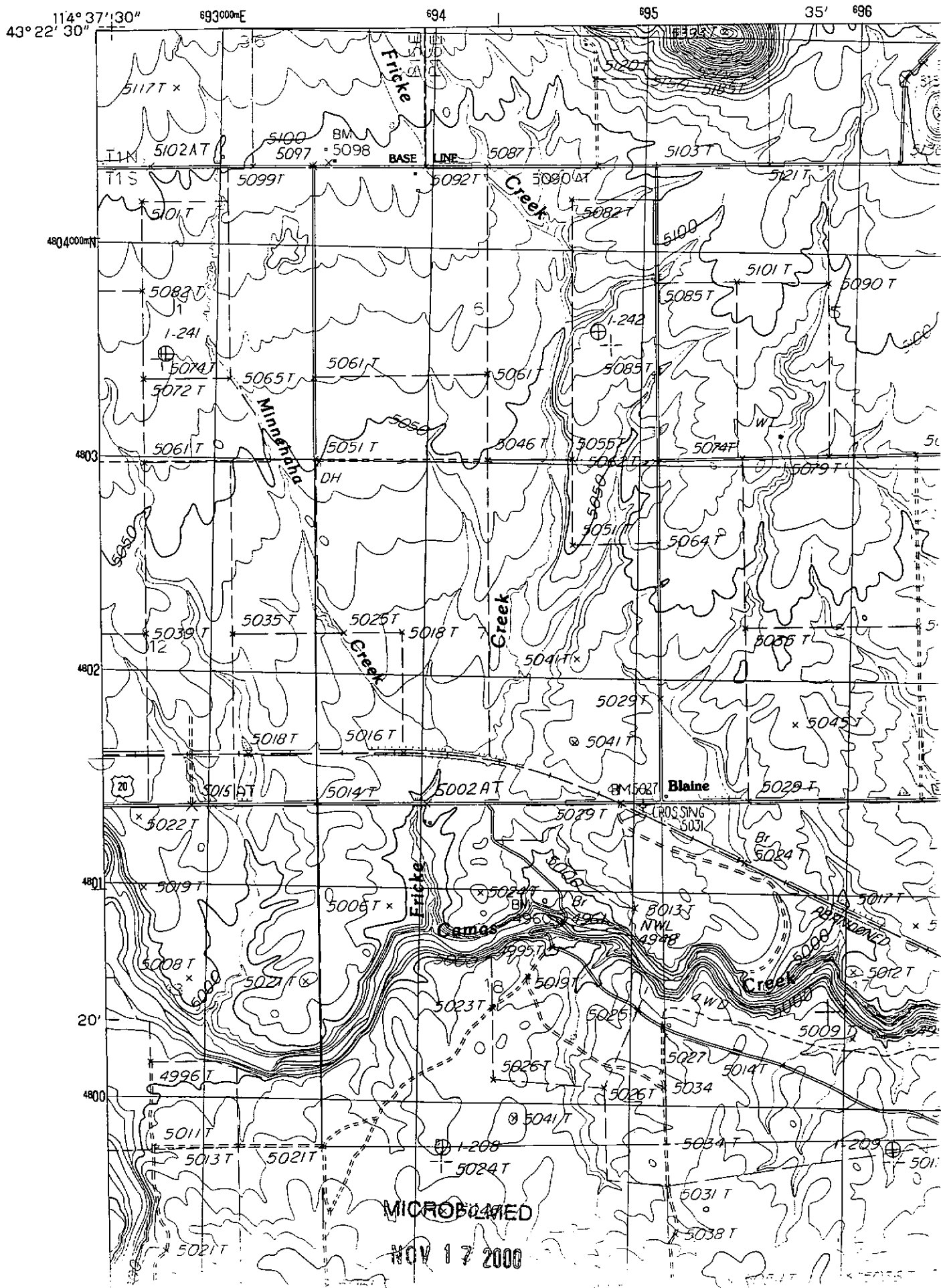
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

MICROFILMED
NOV 17 2000

Dana Krum 3/9/00
Signature of Applicant (and title, if applicable)

Received by JF Stanton Date 3-13-00 Time MOON Preliminary check by John Freitag
Fee \$ 50 Received by MB # 5022855 Date 3-13-00
Publication prepared by MB Date 3/28/00 Published in The Coeur d'Alene
Publication approved MB Date 5/4/00

37-08907



DAVE KONRAD

2/2/00

37-08907

MAP

13-782 500 SHEETS, FILLER 5 SQUARE
42-381 100 SHEETS, FILLER 5 SQUARE
42-382 100 SHEETS, FILLER 5 SQUARE
42-383 100 SHEETS, FILLER 5 SQUARE
42-384 100 SHEETS, FILLER 5 SQUARE
42-385 100 SHEETS, FILLER 5 SQUARE
42-386 100 SHEETS, FILLER 5 SQUARE
42-387 100 SHEETS, FILLER 5 SQUARE
42-388 100 SHEETS, FILLER 5 SQUARE
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42-395 100 SHEETS, FILLER 5 SQUARE
42-396 100 SHEETS, FILLER 5 SQUARE
42-397 100 SHEETS, FILLER 5 SQUARE
42-398 100 SHEETS, FILLER 5 SQUARE
42-399 100 SHEETS, FILLER 5 SQUARE
42-400 100 SHEETS, FILLER 5 SQUARE
Made in U.S.A.

HILL

SPRING

~ 750'-800'

IN 16E 31 SE 1/4 SW 1/4
GAMAS Co.

40 ACRES

YEAR ROUND
STORAGE

STOCK WATER STORAGE
POND, 1/2 AC OR LESS
IN SURFACE AREA
W/ 2 AC - 1/4 YEAR
ROUND STORAGE

~ 1300' EA.

BASELINE RD

TRUCKIE CRK.

MICROFILMED
NOV 17 2000

BLAINE RD

TO Hwy 20



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 12, 2001

DAVID A KONRAD
ELK SPRINGS WATER ASSOCIATION
PO BOX 4464
KETCHUM, ID 83340

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 37-08907

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

Be advised that Section 42-248, Idaho Code, requires you or the owner of these water rights to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions, please contact the **Southern** Regional Office of the department in Twin Falls at (208) 736-3033.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office

MICROFILMED

OCT 19 2001

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 37-8907

Reviewed By: dgibson

Date: October 12, 2001

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?		X
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:		S022855, C056884	Well driller's report filed?		X
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?		X	Measuring device installed?		X
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received		10/11/2001
Date proof due	-	11/01/2001
Lapse notice sent	-	
No. of days late	=	0
Holiday allowance	+	
Priority date	+	03/13/2000
New priority date	=	03/13/2000

Deficiencies of Actions Items

Acknowledge proof.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 11, 2001

ELK SPRINGS WATER ASSOC
PO BOX 4464
KETCHUM ID 83340

RE: Change of Ownership for Water Right Permit 37-8907

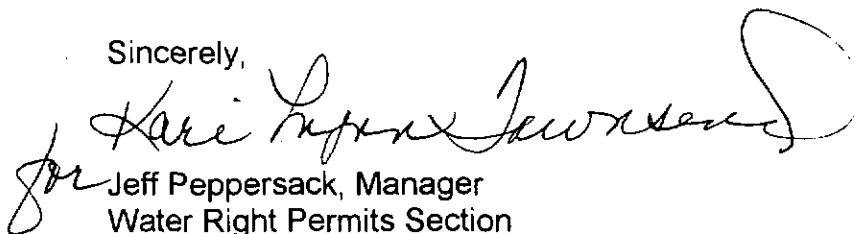
Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records. Also enclosed is a receipt for the \$25.00 filing fee. A separate receipt for the \$50.00 filing fee for the Proof of Beneficial Use will be sent at a later date.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,


Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

MICROFILMED

OCT 19 2001

August 31, 2001

DAVID A KONRAD
PO BOX 4464
KETCHUM, ID 83340

PROOF DUE NOTICE

RE: PERMIT NO. 37-8907

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before November 01, 2001. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

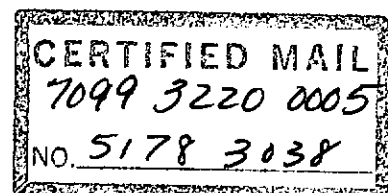
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

Sincerely,

Deborah J. Gibson, Administrative Assistant
Water Allocation Bureau

Enclosures

MICROFILMED
OCT 19 2001





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

January 12, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

DAVID A KONRAD
PO BOX 4464
KETCHUM ID 83340

Re: Permit No. 37-08907

Dear Mr. Konrad:

In response to Mr. Peterson's letter of December 19, 2000, the department has issued the enclosed Order waiving the requirement for measuring devices for your referenced permit at this time. You will be notified by the department if this condition must be reinstated, should there become a need to measure your storage water.

If you have any questions, please don't hesitate to contact me at (208)327-7953.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

Cc: Southern office

MICROFILMED

OCT 19 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER DISTRICT NO. 37 & 37 M

P.O. Box T
Shoshone, Idaho 83352
(208) 886-2451

RECEIVED

DEC 22 2000

Department of Water Resources



LEE R. PETERSON
Watermaster

December 19, 2000

Shelley W. Keen
Water Rights Supervisor
Idaho Dept. of Water Resources
1301 N Orchard St.
Boise, Idaho 83720-0098

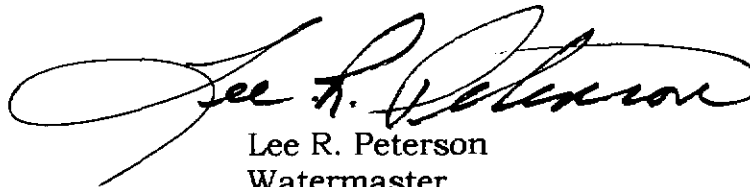
RE: Permit No. 37-08907

Shelley:

I visited with Mr. David A. Konrad about his stock water pond. We discussed the location, water volume, and other necessary information. Because the pond will be located in the creek channel, and there will be no diversion of water from the creek, I do not see a need for the construction of a control gate or measuring device.

If you have any further questions, feel free to give me a call.

Sincerely,



Lee R. Peterson
Watermaster

CC: David A. Konrad

MICROFILMED
OCT 19 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

November 15, 2000

DAVID A KONRAD
PO BOX 4464
KETCHUM ID 83340

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 37-08907

Dear Permit Holder:

The Department of Water Resources (IDWR) has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed, you should complete and submit this form immediately.

Be sure to note the special condition requiring you to install a lockable device that will provide the watermaster control on your diversion.

Please note that a separate stream channel alteration permit must be obtained from the IDWR prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

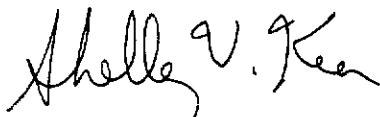
Also, please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department or visit the department's homepage on the Internet to obtain the proper reporting form.

MICROFILMED

NOV 17 2000

If you have any questions, please call me at 208-327-7946.

Sincerely,

A handwritten signature in cursive script, appearing to read "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

MICROFILMED

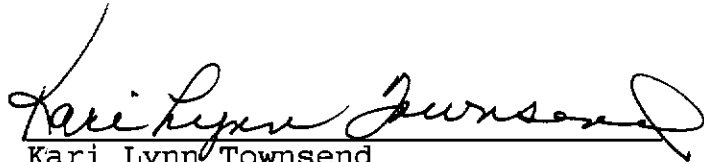
NOV 17 2000

CERTIFICATE OF MAILING

I hereby certify that on the 15th day of November, 2000, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 37-08907

DAVID A KONRAD
PO BOX 4464
KETCHUM ID 83340


Kari Lynn Townsend
Secretary

MICROFILMED

NOV 17 2000

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department 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 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

NOV 17 2000

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

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.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case 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 of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

**APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS**
Reviewed by Sharla Curtis on 11/13/00

No. 37-8907 Name: Konrad Corp. Officers _____ Ad ok ☒ Govt Lots _____

AREA OF CONCERN: No/Yes ESPA Moratorium brook GWMA sw ok TRUST/NON-TRUST
non-cons. ok

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells - 046(P23)
Basin 34 - 084 (if necessary)
Irr. w/in WD - P05
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067
~~WMD~~
Supp irr (irr = only use) - 065-104
Supp irr (+ other uses) - 100-105
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M

LOCATION:

Boise Front LoGeo - 058 (<85 GW)
Mitigation - 121
42-248 Area - P84
Swan Falls Flag
Trust - 051(P74) (consumptive uses) NA
Non-Trust - 048-049 (consumptive uses or non-cons. > 1.0 cfs)

USES:

STORAGE - 18A-01H(P01) 01P-18B(P09)-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/USFS)
MINING - 054-106(P10)
FISH PROP - 029(70'S only)-007-042-106 (P10)
HEAT/COOL - R07(injection well)
FIRE PROT. - 077

BENEFICIAL USE DUE: 11/01/2001

MISC CONDITIONS/REMARKS:

Protested - 020-W19
Development Period
≤ 1 yr - P16
> 1 yr - 26A(P17)
Ownership - 004
Non-consumptive - 027
Water Quality - 106-R07

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No Response _____
In/Above MSF - WB9
PLANNING REVIEW/RESPONSE _____
In-stream development - P52
WD - R04 (WD# 37)
≤ 0.20 cfs/others - 01H(P01), 01P or No MD
> 0.20 cfs - 01J(P08)

SPRINGS/SINK, INACTIVE WD & REST OF STATE

≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or No MD

RIVER BASINS: (SW special considerations)

Snake R (01) - W22(P04), N/A
(02/03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - 047(P04) (Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

USES:

POWER - 17H-17K (+uses)-08A-025(P18)-01N-106 (P10)
MUNICIPAL
Restricted area - 022,075
Irr., GW supp to SW - 102
DOMESTIC
Surface water - WB5 (Big Wood or Boise above Star Bridge)
27A (Payette R)
> 1 in restricted area - 070-071-075(no parks/common areas, etc)
Irr use listed separate - WB5
Moratorium approvable - W03 (2500 gpd - meets domestic definition
i.e. D/convenience store)

Multiple pd's per ¼¼ - W32
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Use definitions - W02 example - S/50 range SS/30 cows/horses
Pre-1987 development - 068-074 (allow 120 days for proof due)
Single p/d intended - 076

IRRIGATION SEASON _____ (Per updated map)

IRR VOLUME/ACRE _____

OTHER CONDITIONS/REMARKS The constr pond shall be less than 1/2 ac surface area
and impound no more than 2 af.

COMMENTS _____

SPECK & AANESTAD

A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

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

RECEIVED

OCT 18 2000

Department of Water Resources
TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

October 16, 2000

Mr. Allen Merritt
Idaho Department of Water Resources
1341 Fillmore, Suite 200
Twin Falls ID 83301

RECEIVED

OCT 17 2000

Department of Water Resources
Southern Region

**Re: Application for Permit No. 37-08907 -
David A. Konrad
Our File No.: 000096**

Dear Allen:

Enclosed you will find the original Withdrawal of Protest signed by Jeff and Shelli Schroeder. This original was just delivered to my office today. I trust you are proceeding with the final regional processing of this Application for Permit and it will soon be on its way to the State office for final processing.

Please call me right away if you have any questions.

Thank you for your continuing cooperation and assistance in these matters.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 

James P. Speck

JPS:jal
Enclosure
cc: Client (w/encl.)

726-3606

MICROFILMED

OCT 17 2000

RECEIVED
OCT 17 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)

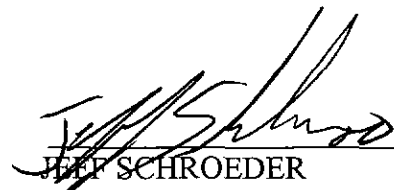
Jeff and Shelli Schroeder,)

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

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NOV 17 2000

STATE OF IDAHO
IDWR SOUTHERN REGION
APPLICATION FOR PERMIT ANALYSIS SHEET

RECEIVED

OCT 13 2000

DEPARTMENT OF WATER RESOURCES

INITIAL REVIEW BY John Freitag DATE 3-22-00

REQUIRED INFORMATION (Ck if OK)

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.
- ☒ Address
- ☒ Source (see USGS quad for names of water sources)
- ☒ Point of diversion (10 Acres for spring, lot & block descriptions for subdivisions, local name, flow &/or volume.
- ☒ County
- ☒ Quantity (flow &/or volume)
- ☒ Period of use
- ☒ Nature of proposed use (include description of use)
- ☒ Description of diverting works.
- ☒ Time required for beneficial use of water.
- ☒ Place of use or acres irrigated.
- ☒ Map
- ☒ Signature (If applicant is corp., partnership, or municipality, title of signator is required)
- ☒ Fee
- ☒ Yes ☐ No* In form to receipt?

++++PROPOSED PRIORITY DATE 03-13, 2000

ADDITIONAL INFORMATION

- ☒ Overlapping place of use(Describe source & relationship to present application on the back.
- ☒ Overlapping point of diversion.
- ☒ Yes ☐ No Is Source Surface Water?
If Yes Send Copy to F&G.
If Yes Field check/memo required.
Field check/memo by John Freitag
- ☐ Yes ☒ No Field report attached?
- ☐ Yes ☒ No Critical Ground water area?
- ☐ Yes ☒ No Groundwater management area?
- ☐ Yes ☒ No Measurement District or Groundwater District?
What District? _____
- ☐ Yes ☒ No Send Dam safety information?
- ☐ Yes ☒ No Send power requirement letter?
- ☐ Yes ☒ No Send fish farm requirement letter?
- ☐ Yes ☒ No Power residency affidavit attached?
- ☐ Yes ☒ No Power efficiency form?
- ☒ Yes ☐ No Within trustwater boundary?(If yes, attach trustwater supplementary analysis sheet.
- ☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft? (If yes, attach large diversion supplementary analysis sheet.
- ☐ Yes ☒ No Is Application made to record Pre Nov 1987 Development?
If Yes then request clear evidence of when use started.

* REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT:

Date Requested _____

Date Sent Comments Received

SEND COPIES TO:

☐ Idaho Dept of Health & Welfare	_____	_____
☐ USDI BLM	_____	_____
☒ Idaho Dept of Fish & Game	3/30/00	_____
☐ USFS	_____	_____
☐ Idaho Dept of Lands	_____	_____
☐ Water Dist. No. _____	_____	_____
☐ Adjudication Bureau Unit	_____	_____
_____	_____	_____
_____	_____	_____

PROCESSING ☒ Yes ☐ No In form for Advertising?
☐ Yes ☒ No Statewide Advertising?
☒ Yes ☐ No Fee amount, receipt date & No. recorded?

☐ Yes ☐ No Has all requested additional information been received?
If not, describe action taken: _____

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received?
☒ Yes ☐ No Application published correctly? If not, record action taken.

☒ Yes ☐ No Publication dates and paper recorded?

Final date for protest: _____

☒ Yes ☐ No Protests received?

☒ Yes ☐ No Protested?

Describe Resolution: (Withdrawn)

☒ Yes ☐ No Measuring device required?

☒ Yes ☐ No Access port required?

☒ Yes ☐ No Will water be delivered by watermaster? If yes, what dist? 37

☒ Yes ☐ No Special conditions codes:

☒ Yes ☐ No Is Evaluation Memo Attached?

If yes; date of Memo 10/12/00

Date of priority recommended: 3/13/2000

COMMENTS:

RECOMMEND

☒ Approval

☐ Denial

By

AO

Date

10/12/00

He generally
does not
deliver these
visits.

RECEIVED

OCT 13 2000

Department of Water Resources

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.

MICROFILMED

OCT 17 2000

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

Handwritten:
208
788-
2427

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.

MICROFILMED
NOV 17 2000

RECEIVED

SEP 11 2000

Department of Water Resources
Southern RegionTELEPHONE
(208)726-4421
FACSIMILE
(208)726-0752SPECK & AANESTAD
A PROFESSIONAL CORPORATION
ATTORNEYSJAMES P. SPECK
DOUGLAS J. AANESTAD
BENJAMIN W. WORST120 EAST AVENUE
P. O. BOX 987
KETCHUM, IDAHO 83340

September 11, 2000

VIA FACSIMILE - (208) 736-3037
ORIGINAL WILL NOT FOLLOWMr. 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)MICROFILMED
NOV 17 2000

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

WITHDRAWAL OF PROTEST . 1

MICROFILMED
NOV 17 2000

AGREEMENT

THIS AGREEMENT is made and entered into this 3rd 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 SESW 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 AGREEMENT - 1

MICROFILMED
NOV 17 2000

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.

AGREEMENT - 2

MICROFILMED
NOV 17 2000

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.

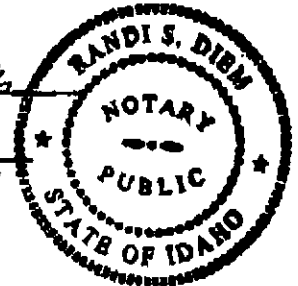
On this 7th day of September, 2000, before me, a Notary Public in and for the State of Idaho, personally appeared David A. Konrad, known to me to be the person whose name is subscribed to the foregoing document, and acknowledged that he executed the same.

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: Hailey, ID

Commission expires: 8-29-02



STATE OF IDAHO)

County of Blaine) ss.

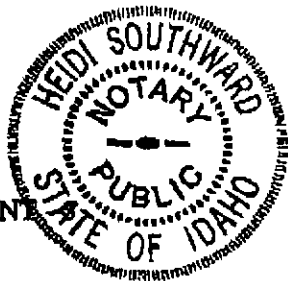
On this 8th day of September, 2000, before me, a Notary Public in and for the State of Idaho, personally appeared Jeff Schroeder, known to me to be the person whose name is subscribed to the foregoing document, and acknowledged that he executed the same.

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: Hailey

Commission expires: 12-31-2004



AGREEMENT

MICROFILMED

NOV 17 2000

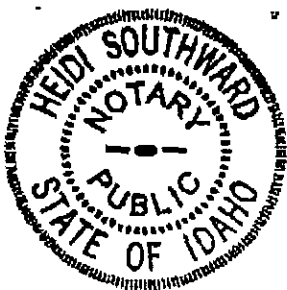
STATE OF IDAHO)

) 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: HaileyCommission expires: 12-8-2004

AGREEMENT - 4

MICROFILMED

NOV 17 2000

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

MICROFILMED

NOV 17 2000

Merritt, Allen

From: Merritt, Allen
Sent: Monday, August 28, 2000 1:01 PM
To: James Speck (E-mail)
Subject: Dave Konrad Application for Permit 37-08907

It has been 60 days since we had the conference for this matter. My notes indicate an agreement was to be circulated.

What is the status of any agreement?

MICROFILMED

NOV 17 2000

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 not be re-advertised since we do not advertise that element.

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

MICROFILMED
NOV 17 2000

ASSISTED BY:

ROSTER OF ATTENDANCE

[illegible]

MICROFILMED
NOV 17 2000

MAILING LIST
APP. FOR PERMIT NO. 37-08907

Applicant:

DAVE A KONRAD
PO BOX 4464
KETCHUM ID 83340

Tele# 726-3606 (Daytime)
Tele# 764-2366 (evening)

Attorney for Applicant:

JAMES P SPECK ESQ
SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340
Tele # 726-4421
Fax # 726-0752

Protestants:

JEFF & SHELLI SCHROEDER
409 NORTH MAIN STREET
HAILEY ID 83333

Tele# 788-2427

Attorney for Protestants:

FRITZ X HAEMMERLE
ROARK LAW FIRM
409 NORTH MAIN STREET
HAILEY ID 83333

MICROFILMED
NOV 17 2000

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

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

Dave A. Konrad,

Applicant

Jeff & Shelli Schroeder,

Protestants

NOTICE OF PRE-HEARING

CONFERENCE

SOURCE: Unnamed Stream tributary to Fricke Creek

County: Camas

On March 13, 2000 Dave A. Konrad (applicant), filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. The Department has received a protest against the approval of said application from the above captioned protestants.

The Department has set the matter of protest for conference on **Monday-June 26, 2000 at 1:00 p.m. in the City of Hailey Conference Room, 115 South Main; Hailey ID.**

The purpose of the conference is to formulate and simplify the issues, obtain admissions of fact and of documents which will avoid unnecessary proof, arrange for the exchange of proposed exhibits or prepared expert testimony prior to the hearing, limit the number of witnesses, consolidate the examination of witnesses, and advise the parties of the procedure which will be followed at any subsequent hearing.

The conference will be held in accordance with Chapter 2, Title 42, of the Idaho Code and the adopted Rules of Practice and Procedure of the Department of Water Resources.

The conference will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise the department within (10) days prior to the conference.

Dated this 7th day of June, 2000.


Allen D. Merritt, P.E.
Regional Manager



CERTIFICATE OF MAILING

I hereby certify that on the 7th day of June, 2000 a true and correct copy of the above and foregoing document was forwarded with all required charges prepared, by the method(s) indicated below, to the parties listed:

Mary Baldwin

Secretary

DAVE A KONRAD
PO BOX 4464
KETCHUM ID 83340

Hand delivered _____
U.S. Mail-Regular x
U.S. Mail-Certified _____
Fax _____

JAMES P SPECK ESQ
SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340

Hand delivered _____
U.S. Mail-Regular x
U.S. Mail-Certified _____
Fax _____

JEFF & SHELLI SCHROEDER
409 NORTH MAIN STREET
HAILEY ID 83333

Hand delivered _____
U.S. Mail-Regular x
U.S. Mail-Certified _____
Fax _____

FRITZ X HAEMMERLE
ROARK LAW FIRM
409 NORTH MAIN STREET
HAILEY ID 83333

Hand delivered _____
U.S. Mail-Regular x
U.S. Mail-Certified _____
Fax _____

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT ISSUES

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

1. Will the proposed appropriation injure other water rights?
2. Is the water supply sufficient for the purpose for which it is sought to be appropriated?
3. Was the application made in good faith or for delay or speculative purposes?
4. Does the applicant have sufficient financial resources with which to complete the proposed project?
5. Is the proposed appropriation in the local public interest, which is defined as the affairs of the people in the area directly affected by the proposed use?
6. Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof for issues 1, 2, 3, 4, and 6 above and must provide evidence for the department to evaluate these criteria. The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors of which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held the department will issue a written decision based on the hearing record.

CONFERENCE

The purpose of a pre-hearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement or make settlement offers, schedule hearings, establish procedure at hearing and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement. The department may issue a "pre-conference statement order" which requires response to the inquiries.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon request and the payment of the cost of reproducing the tape. The hearing likely will be conducted by a hearing officer appointed by the Director rather than by the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director. Parties may by written stipulation waive the right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer. As part of the conference a date may be set by which exchange of exhibits and witness lists must occur.

EFFECT OF FAILURE TO APPEAR AT A CONFERENCE OR HEARING

Failure to appear at the time and place set for a conference or hearing by the applicant or protestant(s) may allow the department to dismiss without prejudice the protest(s) or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing party.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within (10) days prior to the hearing.

MICROFILMED

NOV 17 2000



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 7, 2000

ATTN: TARA
CITY OF HAILEY
115 S MAIN
HAILEY ID 83333

The purpose of this letter is to confirm our reservation of the Conference Room for a meeting to be held by this office on Monday-June 26 2000 from 1:00-4:00 p.m.

If you have any questions please feel free to contact me or Allen Merritt, Southern Regional Office Manager.

Thank you very much for your assistance in this matter.

Very truly yours,

A handwritten signature in cursive script that reads "Mary Baldwin".

Mary Baldwin
Administrative Assistant

MICROFILMED

NOV 17 2000



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

May 4, 2000

Dave A. Konrad
PO Box 4464
Ketchum, ID
83340

RE: App. for Permit 37-08907

Dear Mr. Konrad;

Per your request, enclosed is a GIS map of Sec. 31. There is some vegetation showing in the NE/SW Sec. 31, but this may or may not indicate active water use. I have blown up the area, shown in various shades of red and pink, to give you a better view. I have also placed copies of these maps in your application file.

Regards,

James E. Stanton
Sr. Water Resource Agent

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NOV 17 2000



Sec. 31 T. 1N R. 16E

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NOV 17 2000

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NOV 17 2000

**Ladies Home Demonstration Spring Luncheon**

Where: At the home of Karen Simon
 When: Saturday, April 15th at 12:00 noon
 Speaker: Linda Frostenson, on "Time Capsules"

This is our Spring Potluck Luncheon and time to elect officers.
 Please bring a potluck dish and the recipe for your dish, so we can include these wonderful meals in the next Camas County Cook Book!
 Babysitting is available at the Community Church.

Public Meeting With Legislators

Boise, Idaho - House Minority Leader Wendy Jaquet announced that the District 21 delegation has scheduled a public meeting in Gooding on April 13, 2000 at 6:00 p.m. in the Round Building, 202 14th Avenue.

The purpose of the meeting is to allow Gooding elected officials and residents to ask questions and become educated about the role of state agencies in the siting and regulation of dairies. County and city elected officials, planning and zoning commissioners and the public are invited to participate.

Steve Allred, director of the Division of Environmental Quality, Pat Takasugi, director of the Department of Agriculture, and Karl Dreher, director of the Department of Water Resources, members of their staffs, and Jim Wenzel of the Environmental Protection Agency will be on hand to field questions about the siting and regulation of dairies.

"This is an opportunity to help develop a better understanding of how the regulations and agency staffs work together with local ordinances," Jaquet said. "I am pleased that these agency directors are available for meetings like this because they go a long way towards educating and opening dialogue between citizens and officials," Jaquet stated.

The meeting will be facilitated by Jaquet, Ridinger and Stennett and questions are to be submitted on 3x5 cards available at the meeting.

Legal Advertisements**NOTICE OF APPLICATION FOR WATER RIGHT**

The Following application(s) have been filed to appropriate the public waters of the State of Idaho:

37-08907

KONRAD, DAVID A
 PO BOX 4464
 KETCHUM, ID 83340

Source: UNNAMED STREAM
 Diversion Pt: SESW
 Use: STOCKWATER STORAGE
 Total Diversion:

Tributary: FRICKE CREEK
 Sec 31 T 01N R 16E in CAMAS County.
 (2.00 AF)
 (2.00 AF)

Date Filed: 3/13/2000

In: CAMAS County
 T01N R16E S31 SESW

The permit(s) will be subject to all prior water rights. Any protest must be filed with the Director, Dept. of Water Resources, Southern Region, 1341 Fillmore St., Suite 200, Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before APRIL 24, 2000. The Protester must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published: 4/05/2000 & 4/12/2000

LEGAL NOTICE OF PUBLIC HEARING

Pursuant to Idaho Code 67-6509, NOTICE IS HEREBY GIVEN that the Camas County Planning & Zoning Commission will hold a public hearing in the Commissioners Room of the Camas County Court House, on Monday the 10th day of April, 2000, at approx. 9:40 AM.

The purpose of this hearing is to hear a proposed amendment to Camas County's Zoning Ordinance. Specifically, the change is to incorporate a new "Official Schedule of District Regulations" (a list of land uses in specific zones) in the Zoning Ordinance. The proposed "Schedule" is the same one that is in the Zoning ordinance Draft completed by Camas County P&Z in May of 1998, with the addition of "PUD's" will be allowed in Agricultural Zone with a Conditional Use Permit. Also, a "Transmitter Site" has been added under "Commercial Use" with a Conditional Use Permit in "A" and "AT" Zone. The Zoning Ordinance Draft is available in the Courthouse to read or purchase.

Legal Advertisements**NOTICE OF SCHOOL TRUSTEE ELECTION DECLARATION OF CANDIDACY
CAMAS COUNTY SCHOOL DISTRICT #121 CAMAS COUNTY**

Public Notice is hereby given according to law, and the requisite action of the Board of Trustees of Camas County School District #121, Camas County Idaho, that the annual school trustee election will be held on May 16, 2000. Candidates interested in filing a declaration of candidacy must file not later than 4:00 p.m. on April 14, 2000.

Only those qualified electors residing in Trustee Zone #2 (Corral) and #3 (Manard) may declare candidacy for a Zone # 2 or #3 trustee position. The purpose of said election shall be to elect one trustee to serve for a period of three years from the date of the election one trustee who resides within trustee zone #2 and one trustee from trustee zone #3.

Trustee Zone #2 and #3 are more specifically described as follows:
 TRUSTEE ZONE # 2 (CORRAL)
 TRUSTEE ZONE #3 (MANARD)

Declaration of candidacy must be filed with the Clerk of the Board of Trustees not later than 4:00 on the fifth Friday prior to the day of election. Each declaration of candidacy must bear the name of the candidates, state the term for which declaration of candidacy is made, and bear the signature of not less than five (5) school district electors resident of the trustee zone of which the candidate is resident.

As provided by Idaho Code, Section 33-502A no write-in vote shall be counted unless a declaration of intent has been filed with the District Clerk indicating that the person desires the office and is legally qualified to assume the duties of school trustee if elected. The declaration of intent shall be filed not later than five (5) days before the day of election.

Under order of the Board of Trustees, Wendy Strickler, Clerk

LEGAL NOTICE OF PUBLIC HEARING

Pursuant to Idaho Code 67-6509, NOTICE IS HEREBY GIVEN that the Camas County Board of Commissioners will hold a public hearing in the Camas County Court House, on Monday the 10th day of April, 2000, at approximately 9:45 AM.

The purpose of this hearing is to hear a proposed amendment to Camas County's Zoning Ordinance. Specifically, to add the May 12, 1998 Camas County Zoning Ordinance Draft's Article XIII, Section A. 18. f. (p. 54) with addendum:

"Required snow loads for the prairie shall be a minimum 80 psf for single ridge line residential structures with 3 in 12 or greater roof pitch. If the structure has a perpendicular ridge line, and/or is less than 3 in 12 in roof pitch then the structure must be engineered using the available ground snow load data from the University of Idaho. The required snowload for structures over Couch Summit is 120 psf, and for structures in West Magic 60 psf is required."

Published on 3-22, 3-29, 4-5-2000

LEGAL NOTICE OF PUBLIC HEARING

Pursuant to Idaho Code 67-6509, NOTICE IS HEREBY GIVEN that the Camas County Board of Commissioners will hold a public hearing in the Commissioners Room of the Camas County Court House, on Monday the 10th day of April, 2000, at 9:30 AM.

The purpose of this hearing is to hear a proposed amendment to Camas County's Zoning Ordinance. Specifically, the change is to add a "Tourism Overlay Zone (TY)", with addendum, and "Map" to the Zoning Districts in Article IV of Camas County's Zoning Ordinance. The "Purpose" and "Uses" of the "Tourism-T Overlay" are on page 39, and the "Tourism Overlay Map" is on page 40a. of the Zoning Ordinance Draft completed by Camas County Planning and Zoning Commission in May 1998. The addendum, which is underlined in the following text, will be in Article X. Section C.1., of Camas County Zoning Ordinance Draft, and will read as follows:

"I. Purpose. The purpose of this overlay zone is to identify unique destination areas/facilities that provide special, organized recreational opportunities. Development in these areas must protect and enhance the wildlife, environment and aesthetic features of the area. All uses in this overlay zone, other than those allowed in the underlying zone must be approved through the conditional use process, with final approval by the County Board of Commissioners."

Publish the weeks of 3-22, 3-29, 4-5-00

LEGAL NOTICE OF PUBLIC HEARING

Pursuant to Idaho Code 67-6509, NOTICE IS HEREBY GIVEN that the Camas County Board of Commissioners will hold a public hearing in the Camas County Court House, on Monday the 10th day of April, 2000, at approximately 9:35 AM.

The purpose of this hearing is to hear a proposed amendment to Camas County's Zoning Ordinance. Specifically, the change is to incorporate a requirement in the Zoning Ordinance that all manufactured homes that are constructed before July 1976, must meet the State of Idaho's Department of Building Safety standards, and HUD standards, or not be allowed in Camas County.

Published on 3-22, 3-29, 4-5-2000

MICROFILMED
 NOV 17 2000

20 lines X 2 columns = 40 lines

1st Ln
40 X .40 = 16.002nd Ln
40 X .35 = 14.00

5/4/00 MB
 4/12/00
 Publication
 by copy
 of paper

RECEIVED
MAY 04 2000
Department of Water Resources
Southern Region

Edward Reagan, being first duly sworn, deposes and says that he/she is the designated agent for the publisher of The Camas Courier, a newspaper published every week in Fairfield, County of Camas, State of Idaho, that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145, that the annexed advertisement, a copy of which is hereto attached, was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 5th day of April, 2000, and the date of the last publication was on the 12th day of April, 2000.

Edward D. Reine

Notary Public for Idaho
Residing in Fairfield.
My commission expires: D

Deputy
Clerk

OK
mb
5/4/00

Number of lines in notice	<u>40</u>	
Number of insertions	<u>2</u>	
Cost for advertisement	First insertion	\$ <u>16.00</u>
	Second insertion(s)	\$ <u>14.00</u>
	Total cost	\$ <u>30.00</u>

3 MICROFILM APP.



Students Take Trip To Pacific Ocean

First and second graders took a little trip last Wednesday March 28, all the way from Soldier Mountain to the Pacific Ocean. They didn't leave the classroom and they didn't get wet despite the fact that many of them got slurped up by a cow, sucked into the air intake on a tractor or soaked into farm ground along their journey.

The trip was provided by the Camas Soil Conservation District who brought a large three-dimensional map of Camas Prairie to Mrs. Smith's classroom where her class was joined by Mrs. Wolf's students. The large topographical map helped the students visualize their trip as water molecules moving through the Water Cycle adding interest to the earth science curriculum.

The following day, David Skinner, Resource Conservationist for the Camas Soil Conservation District, gave a presentation to the classrooms on wildlife habitat, which included an up close look at one of David's live prairie falcons. That was a treat for everyone, students and teachers alike, as the average person hardly ever gets up close to a live bird of prey.

Both presentations were part of the Camas Soil Conservation District's continuing Public Outreach Program.

Legal Advertisements | Legal Advertisements

NOTICE OF SCHOOL TRUSTEE ELECTION DECLARATION OF CANDIDACY CAMAS COUNTY SCHOOL DISTRICT #121 CAMAS COUNTY, IDAHO

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TRUSTEE ZONE #3 (MANARD)

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As provided by Idaho Code, Section 33-502A no write-in vote shall be counted unless a declaration of intent has been filed with the District Clerk indicating that the person desires the office and is legally qualified to assume the duties of school trustee if elected. The declaration of intent shall be filed not later than five (5) days before the day of election.

Under order of the Board of Trustees, Wendy Strickler, Clerk

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed to appropriate the public waters of the State of Idaho:

37-08907

KONRAD, DAVID A.

PO BOX 4464

KETCHUM, ID 83340

Source: UNNAMED STREAM

Diversion Pt: SESW

Use: STOCKWATER STORAGE

Total Diversion:

Date Filed: 3/13/2000

Tributary: FRICKE CREEK

Sec 31 T. 01 N. R. 16 E in CAMAS County.

(2.00 AF)

(2.00 AF)

In: CAMAS County

T01N R16E S31 SESW

The permit(s) will be subject to all prior water rights. Any protest must be filed with the Director, Dept. of Water Resources, Southern Region, 1341 Fillmore St., Suite 200, Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before APRIL 24, 2000. The Protest must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published: 4/05/2000 & 4/12/2000

NOTICE OF PUBLIC HEARING

Pursuant to the Idaho Code 67-6509 NOTICE IS HEREBY GIVEN that the City of Fairfield's Planning and Zoning Commission will hold a Public Hearing on Thursday, April 27, at 7:00 PM. The meeting will be held in the City of Fairfield's City Hall. The purpose of this meeting is to hear a proposed "light industrial" and "commercial" designation to the City of Fairfield's Comprehensive Plan Draft's Land Use Map. The area to be designated as "industrial" lies within the "old mill" site. Specifically, described as:

A parcel of land situated in the Southwest corner of the SW1/4SE1/4 of Section 9 T1S, R14E, B.M. Camas County, Idaho.

The area to be designated as "commercial" is a parcel of land that extends north from the "mill" property to Camas Ave., and is the same width as the "mill" property. The other area to be designated as "commercial" extends East from the "mill" property to 1st St, with Poplar Ave. as the South boundary, to, and including, the railroad property as the North boundary.

There will be a "mapping" of the proposed designations in the City Hall one week before the meeting.

Published on April 12, 12, & 26/2000

Camas County Health Forum

Friday, April 21

12:00 to 2:00 PM

(Lunch at 12:00 Noon Forum at 1:00 PM.)

Join your friends and neighbors
for lunch!

Camas County Senior Center
127 East Willow
Fairfield, ID

Learn about:

- Health of Camas County Residents
- Health District strategies to promote and protect your health



Free Blood
Pressure Checks

South Central District Health Department
Partnership for Healthy Communities

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NOV 17 2000



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

April 26, 2000

DAVE A KONRAD
POB 4464
KETCHUM ID 83340

RE: APPLICATION FOR PERMIT NO. 37-08907

Dear Mr. Konrad:

Enclosed is a copy of a protest filed against the above referenced application.

The Department suggests you contact the protestant(s) directly to determine the exact nature of the protest(s) and, if possible, to resolve the matter without action by the Department.

Please note that your application is considered a contested case and subject to the Rules of Procedure adopted by the Department.

If you need a copy of these rules, please contact this office. The Rules of Procedure are also available on the Internet by using the IDWR Homepage at the following electronic address:

<http://www.idwr.state.id.us/apa/idapa37/0101.htm>

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you wish to proceed with a Pre-hearing Conference &/or formal Hearing, please notify this office or if you have any questions please feel free to contact us.

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:MB

Enclosure(s)

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NOV 17 2000



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

April 26, 2000

JEFF & SHELLI SCHROEDER
409 NORTH MAIN STREET,
HAILEY ID 83333

RE: APPLICATION FOR PERMIT No. 37-08907 (Konrad)

Dear Protestant(s):

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant with the suggestion that he contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

Please note that the application is considered a contested case and subject to the Rules of Procedure adopted by the Department.

If you need a copy of these rules, please contact this office. The Rules of Procedure are also available on the Internet by using the IDWR Homepage at the following electronic address:

<http://www.idwr.state.id.us/apa/idapa37/0101.htm>

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:MB
Enclosure(s)
CC:
ROARK LAW FIRM
409 NORTH MAIN STREET
HAILEY ID 83333

MICROFILMED

NOV 17 2000



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

April 25, 2000

Dave A. Konrad
PO Box 4464
Ketchum, ID
83340

Dear Mr. Konrad;

As we discussed, our computer records show no water rights and no SRBA claims filed in Sec. 31 T. 1N R. 16E other than yours. There are no SRBA claims in the name of Jeff Schroeder, who protested your Application for Permit 37-08907, and no new applications.

Water rights are required for all surface-water developmemts made on or after May 20, 1971; any such developments on the Schroeder property may therefore be illegal. Their protest does not state that they use this stream, so it is difficult to determine why they protested your application. I remember talking to Mrs. Schroeder about your application, but don't remember exactly what was said.

Regards,

James E. Stanton
Sr. Water Resource Agent

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NOV 17 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST

RECEIVED
APR 21 2000
Department of Water Resources
Southern Region

1. Matter being protested: The application for water right 37-08907 filed by David A. Konrad
2. Name of Protestant: Jeff and Shelli Schroeder.
3. Protestant's representative for service (if different than Protestant): Fritz X. Haemmerle, The Roark Law Firm.
4. Service Mailing Address: 409 N. Main Street, Hailey, ID 83333.
5. Service telephone no: (208) 788-2427
6. Basis of protest (including statement of facts and law upon which the Protestant is based):
The unnamed stream where appropriation is sought is continuous flowing stream. There is no necessity to store any water on the property. Furthermore, there is no assurance that the water claimed for this diminimus stockwater right will not exceed the 13,000 gallons per day limit.
7. What would resolve your protest: Elimination of the storage component of this claim would resolve our protest.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been noticed at the address above, the department may issue a notice of the proposed default against me in this matter for failure to appear. I also verity that I have served a copy of this pertest upon the applicant.

Signed this 20 day of April, 2000.

Shelli Schroeder

Protestant

Fritz X. Haemmerle

Protestant's Representative

MICROFILMED

NOV 17 2000

4/21/00
Receipt # 5023026
JF

CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of April, 2000, I served a true and correct copy of the within and foregoing document upon the attorney(s) named below in the manner noted:

Department of Water Resources
Southern Region
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

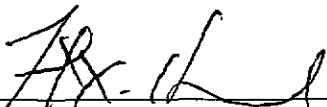
David Konrad
P.O. Box 4464
Ketchum, ID 83340

✓

By depositing copies of the same in the United States Mail, postage prepaid, at the post office at Hailey, Idaho.

By hand delivering copies of the same to the office of the attorney(s) at his offices in Hailey, Idaho.

By telecopying copies of same to said attorney(s) at the telecopier number _____, and by then mailing copies of the same in the United States Mail, postage prepaid, at the post office at Hailey, Idaho.


FRITZ X. HAEMMERLE

MICROFILMED
NOV 17 2000



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



THE
ROARK
LAW FIRM LLP
409 NORTH MAIN STREET
HAILEY, IDAHO 83333

RECEIVED

APR 21 2000

Department of Water Resources
Southern Region

Department of Water Resources
Southern Region
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

83301X3380 18

Michael Roark

175
7312
4597
PB8607099
00.330 APR 20 00
MAILED FROM HAILEY ID 83333

MICROFILMED

NOV 17 2000

ACTION REQUIRED

2/30/00

FROM:

MB

TO:

Terry Blue

SCA comment please

MICROFILMED

NOV 17 2000

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed to appropriate the public waters of the State of Idaho:

37-08907

KONRAD, DAVID A
PO BOX 4464
KETCHUM, ID 83340

Source: UNNAMED STREAM

Tributary: FRICKE CREEK

Diversion Pt: SESW Sec 31 T 01N R 16E in CAMAS County.

Use: STOCKWATER STORAGE	(	2.00 AF)
Total Diversion:	(	2.00 AF)

Date Filed: 3/13/2000

In: CAMAS County
 T01N R16E S31 SESW

The permit(s) will be subject to all prior water rights. Any protest must be filed with the Director, Dept. of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before APRIL 24, 2000. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published: 4/ 5/2000 & 4/12/2000

MICROFILMED

NOV 17 2000

MARCH 28, 2000

Legal Notices Department
THE CAMAS COURIER
PO BOX 339
FAIRFIELD, ID 83327

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before APRIL 24, 2000.

Yours truly,

Mary Baldwin
Administrative Assistant

Enclosure

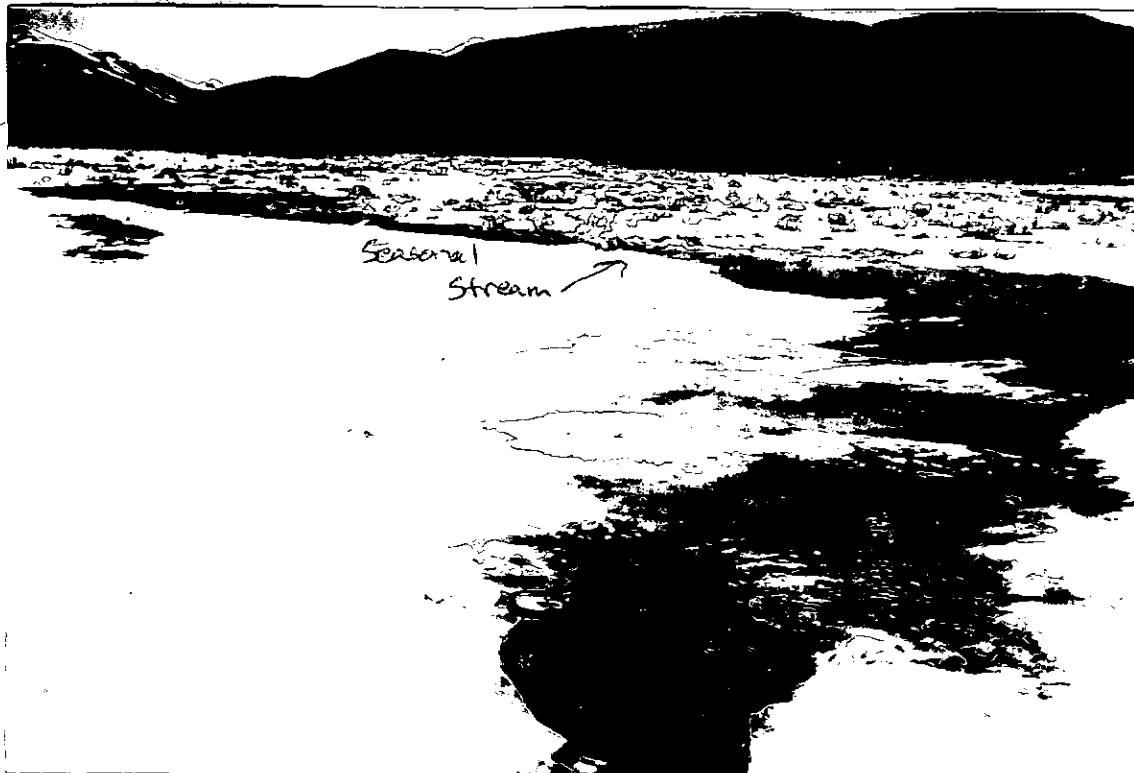
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NOV 17 2000

Application for Permit 37-08907 Pre-exam.

03/24/00 by John Freitag

Looking North at proposed location of 1/2 acre or less in surface area.pond.



year
round
stream

Looking South



year round
stream?

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State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 7, 2000

Dave Konrad
P.O. Box 4464
Ketchum, ID 83340

Dear Mr. Konrad:

Please find enclosed an Application for Permit, along with the \$50.00 filing fee (check #2520), that you recently filed with our office. The application appears to propose the construction of a stock water pond, or ponds. Please note that the Snake River Basin Moratorium prevents our office from processing an application for a new water right for a water storage facility, unless the total surface area of the facility is less than one-half acre in size. It is not clear on your application if the facility will have a maximum surface area of less than, or more than, one-half acre. There are also a few additional items that you need to address, before our office can process the application, assuming the surface area of the facility is less than one-half acre. .

The first item relates to the source of the water supply, item #2 on the application. You have identified the source as a "spring" tributary to Fricke Creek. However, it appears that the map with your application identifies the area where the proposed development is to occur as an area on, or along, a stream well below (south) of the actual spring. As soon as water flows across the ground, from a spring, the water is considered a "stream". Unless the pond is to be developed directly on top of the spring, it appears that the source of water for your proposed development would be an "unnamed stream" that is tributary to Fricke Creek.

The second item relates to the description of the water uses on item #4 on the application. I am assuming you want to build a pond, or ponds, directly on the stream channel. However, if you plan on building the ponds away from the channel, and diverting the water to the ponds, a diversion rate must be indicated on the application. Definite amounts and dates must be indicated on the application. You must indicate a definite

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volume of water you are planning on storing and a definite period of time you are planning on storing the water. Assuming your anticipated facility will be located on the stream, will store no more than 2 acre-feet, and you will try and store water year round, this item on the application should look like.....

Amount 2.0 ac-ft for stock water storage purposes from 01/01 to 12/31 .

Item # 5 on the application also needs to be addressed. This item must also have a definite diversion rate, or definite volume listed. Assuming that your storage facility(s) will be located on the stream, the volume amount listed on item #4 of the application should also be listed on item #5 of the application.

As previously mentioned, our office must know if the total surface area of your storage facility is less than or more than one-half acre in size. You should mention this somewhere on the application. Keep in mind, if the application proposes a surface area of more than one-half acre, then your application can not be processed.

I have included a blank application, along with instructions, for your use in resubmitting an application. If you have any questions, or if you need any further assistance, feel free to contact me at your convenience.

Sincerely,

A handwritten signature in cursive script, appearing to read "Corey Skinner".

Corey Skinner, P.E.
Water Resource Engineer

Enclosure

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