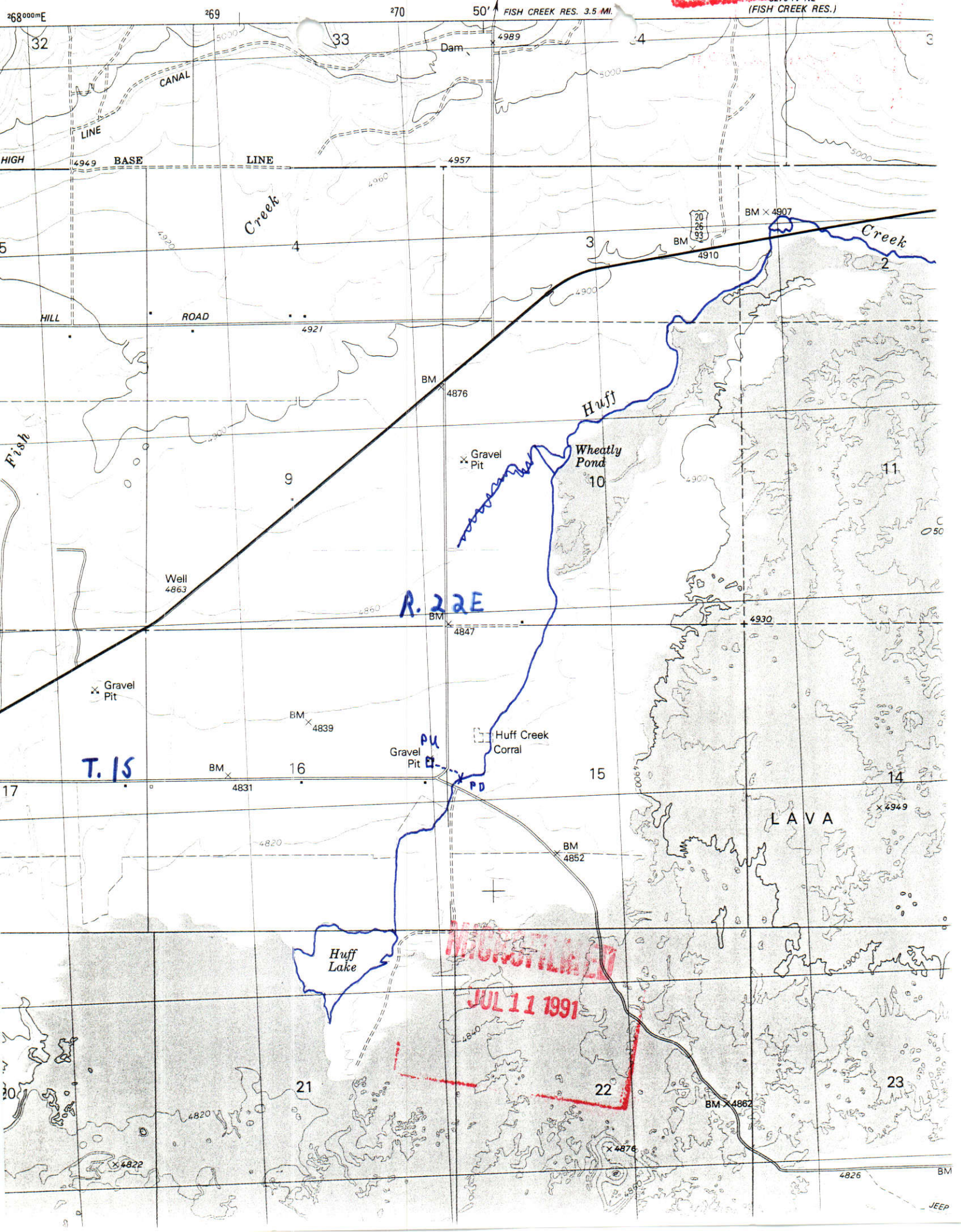




AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Blaine } SS.

_____, being first duly sworn,
deposes and says that he is the printer (publisher) of the Wood River Journal, a
newspaper published every week in Hailey, County of Blaine, 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 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 3rd day of Feb., 1988, and

the date of the last publication was on the 10th day of Feb., 1988.

Daniel J. Jarr

Subscribed and sworn to before me this 12th day of Feb., 1988.
(SEAL)

Robert McKee

NOTARY PUBLIC

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line 11
Number of Lines in Notice 34
Number of Insertions 2
____ Lines tabular at _____ 5¢/Pica
34 Lines straight at 14.96 4¢/Pica
34 Subsequent lines at 11.22 3¢/Pica
TOTAL COST 26.18

MICROFILMED
JUL 11 1991
OK MB
2/24/88

COPY OF NOTICE

(Paste Here)

Not. of Application # 37-8324
TITLE OF NOTICE Strode

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. of Water Res.
BILL TO

Strode applies for water right

NOTICE OF APPLICATION FOR WATER RIGHT

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

37-8324

STRODE, LOREN

P.O. BOX 337

CAREY, ID 83320

Source: HUFF CREEK trib. to
HUFF LAKE (SINKS)

Diversion Pt: SWNW NWSW Sec
15 T 01S R 22E, 1.5 miles N. and
5.5 miles E. of Carey.

Use: STOCKWATER (0.040 CFS)

Date Filed: 12/21/1987

In: SENE Sec 16 T 01S R 22E

The permit(s) will be subject to all
prior water rights. Protests must
be filed with the Director, Dept. of
Water Resources, Southern
Region, 2148 4th Avenue East,
Twin Falls, Idaho 83301, on or
before FEBRUARY 22, 1988.

R. Keith Higginson, Director

Publish: Wood River Journal-
February 3 & 10, 1988.

PUBLICATION RATES

(Idaho Code, Rev. Statutes 1984)

7-8 pt. per line straight 4¢/Pica
7-8 pt. per line tabular 5¢/Pica
7-8 pt. per line successive
insertions 3¢/Pica

No 5766

RECEIVED

FEB 16 1988

Department of Water Resources
Southern Region Office

9/10
161

15
41.4

16
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46

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17
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T276
531
Molynex Bros.

10
9.1

15
22.0

14
112.1

Huff
Cr.

11
235

16/15
21/22

Huff
L.

13
18.4

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MAR 24 2002



Strode P/D Looking Upstream



Same Looking Downstream

37-08324

MICROFILMED

11-11-1999

MAR 24 2000

JE Stanton



P/D Looking East Along Buried Pipeline



Looking NW Toward Stock Trough Along Buried Pipeline

MICROFILMED
MAR 24 2000

37-08324
11-11-99
JE Stanton



Stock Trough In SE Corner of Gravel Pit

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MAR 24 2000

37-08324
11-11-99
JE Stanton



Stock Trough Looking South



Closeup of Trough

MICROFILMED
MAR 24 2000

37-08324
11-11-99
JE Stanton

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MAR 24 2000

Strode, Loren 37-08324

photos taken
from location
marked on map
with an "X"

photos looking N'ly

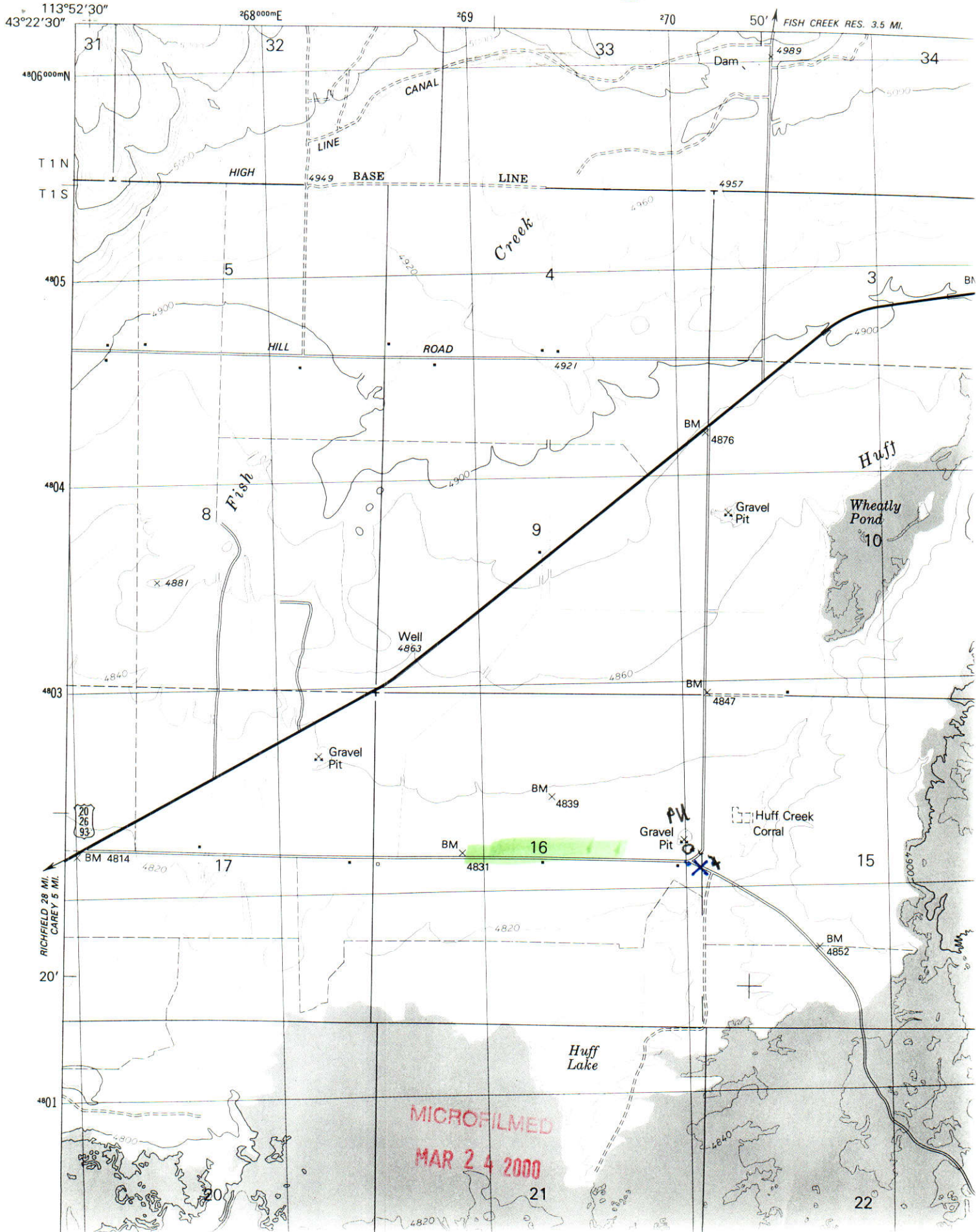
Huff Crk Corrals

Carey 7 miles



3270 IV NW
(LAKE HILLS)

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



Additional Computation Sheets Attached

$$14 \text{ gpm} = 0.03 \text{ cfs}$$

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$$

V = Smaller of $V_{I.R.}$ and $V_{D.R.}$ = _____

$$500 \text{ cows} \times 12 \text{ gpd/cow} \times 242 \text{ days/year} = 4.5 \text{ AFA}$$

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
~~See Remarks~~				
Stockwater	1-1	12-31	0.03	4.5
		Totals:	0.03	4.5

___ Change P.D. as reflected above ___ Add P.D. as reflected above ✓ None
 Change P.U. as reflected above Add P.U. as reflected above Other

Field Examiner's Name J. E. Linton Date 11-18-99

Reviewer	Date
----------	------

SEAL

MICROFILMED

MAR 24 2000

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 37-08324

Priority: December 21, 1987

Maximum Diversion Rate:

0.03 CFS

Maximum Diversion Volume:

1.8 AF

This is to certify, that LOREN STRODE

139 LLP RD

CAREY ID 83320

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated December 21, 1987; and has submitted Proof of Beneficial Use on June 8, 1993. An examination indicates that the works have a diversion capacity of 0.030 cfs of water from:

HUFF CREEK

tributary to HUFF LAKE

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.03 CFS	1.8 AF

LOCATION OF POINT(S) OF DIVERSION:

NWSW , Sec. 15, Township 01S, Range 22E
BLAINE County

PLACE OF USE: STOCKWATER

TWN RGE SEC

01S 22E 16

SENE

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 37U.
2. A float valve or other means of regulation must be maintained on the water system so that the amount of water diverted is limited to the quantity of water required by the livestock.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 9TH day of

MARCH, 2000.


Acting for KARL J. DREHER, Director

MICROFILMED

MAR 24 2000

E. NARRATIVE/REMARKS/COMMENTS

Earth dam across Huff Creek raises the water level a few inches, allowing water to flow into a 1'-diameter vertical standpipe with slits in the bottom. A buried pipeline runs northwesterly from the standpipe, across the county road to a stock trough located near the SE corner of a large gravel pit & down near the bottom of the pit (a good 10' lower in elevation than Huff Creek).

There is no controlling mechanism on this system (such as a float valve at the trough), so water flows into the trough all the time. Water in Huff Creek that doesn't go into this system spills over the check dam & continues on its way to Huff Lake.

There is no way to measure the diversion rate, but it appears that only about 0.02 cfs or less was running out of the trough. Certainly the permitted rate of 0.04 cfs is not being exceeded.

Condition of approval #5 has not been met. Permittee was contacted in writing over 2 weeks ago on this, but did not respond. Prior users of Huff Creek have complained about this uncontrolled diversion. ~~Recommend permit be cancelled, and a cease-and-desist order be issued requiring the removal of this diversion.~~

11-23-99: Permittee finally responded with a letter explaining why Condition #5 was not complied with. Allen said that we should consider this a request for removal of this condition. So I am now recommending licensing contingent upon approval of this request by S.O. Measurements supplied by Mr. Strode seem reasonable, so I am basing my recommendation on this data.

This source is unreliable during the summer, so water is trucked from other areas to serve these cattle. Huff Creek usually is dry from June thru September depending on snowpack & upstream diversion, but has run all year when upstream land was in CRP. Recommend volume for 8 months usage to better reflect reality than giving volume 12 months of annual usage.

Have conditions of permit approval been met? ☐ yes ☒ no

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MAR 24 2000

RECEIVED

JUN 08 1993

Department of Water Resources

OFFICE USE ONLY

Amt. of Fee \$ 50.00

Date 6-8-93

Receipt No. 0022271

Receipt by ju

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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 a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 37-08324 Telephone No. 823 4694
2. Name(s) of Permit Holder(s): LOREN STRODE
3. Mailing Address: 139 LLP RD Carey Id 83320
4. Source of Water: HUFF Creek

If GROUNDWATER, Well Driller's Name: _____ Date Drilled: _____

OPTIONAL:

Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use (as authorized by the permit):

Domestic _____ (No. of households) Stockwater 200 Cows (No. and type of stock)

Irrigation _____ (No. of acres) Other _____

6. Total rate and/or volume for which proof is submitted 0.04 cfs OR 0.04 acre/feet I cant find the permit to see how much this was
7. Refer to the approval conditions on your permit and respond accordingly: per tele 6/8/93 Klg

Measuring device: Required? ☐ Yes ☒ No Installed? ☐ Yes ☐ No

OR

Flow Measurement Port: Required? ☐ Yes ☒ No Installed? ☐ Yes ☐ No

8. Fee Enclosed: \$ 50.00 (See License Fee Schedule on back of Instruction Sheet)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name Same as above Telephone No. _____

Address _____

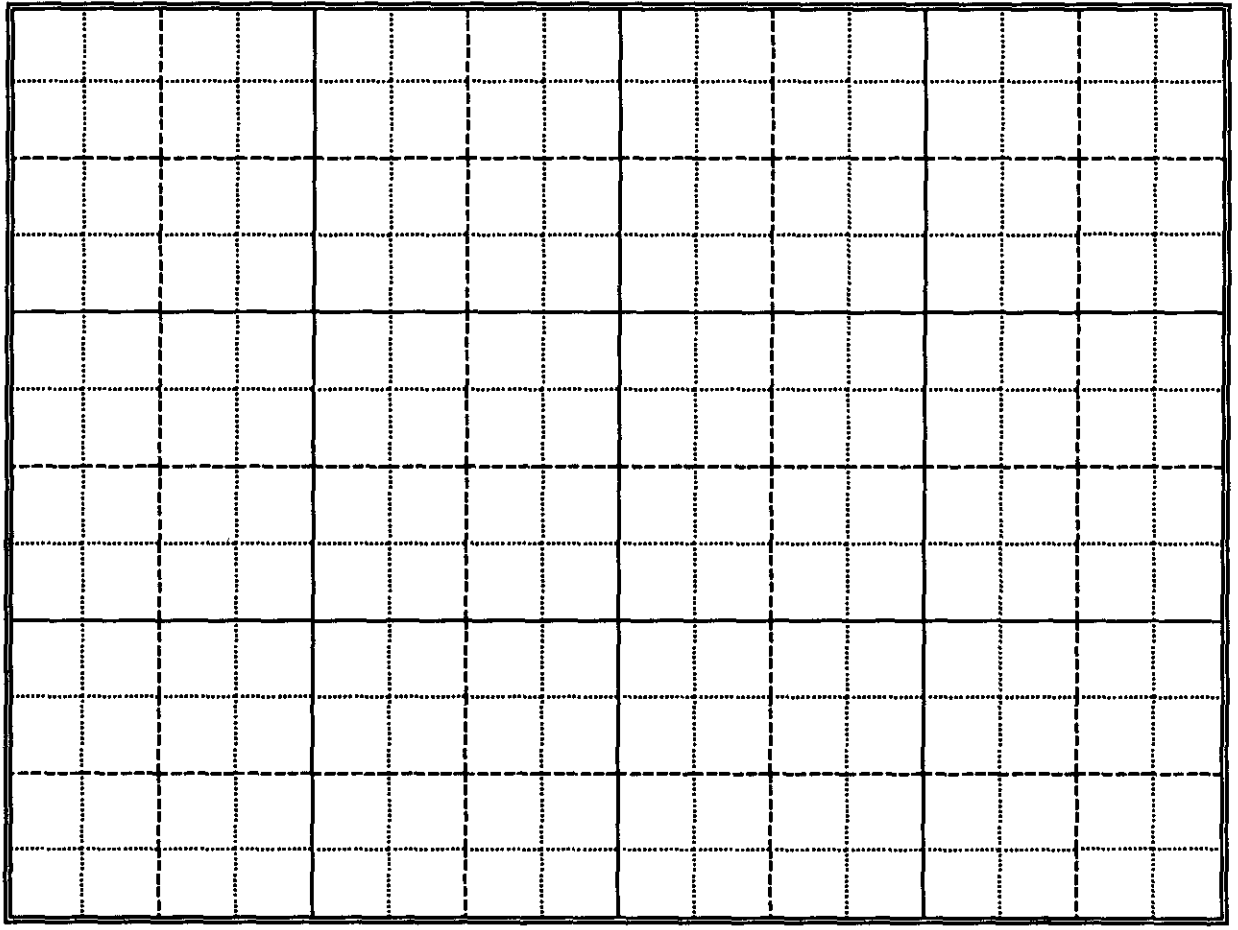
10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

5/14/93
Date

[Signature]
Signature (and title, if on behalf of a company or organization)

JUN 30 1993

3. Delivery System Diagram: Indicate all major components and distances between components. Indicate well size/ditch size/pipe l.d. as applicable.



Scale: 1" = _____

☒ Copy of USGS Quadrange Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☒ Aerial Photo Attached (required for irrigation of 10+ acres)

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Bucket, stopwatch						

2. Measurements: ~~Not measured.~~ Measured by owner at 8-9 gpm + 13-14 gpm.

RECEIVED

MAY 19 1992

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

For Office Use Only
\$15 Fee Received by 44
Date 5-19-92
Receipt No. 0024224

REQUEST FOR EXTENSION OF TIME

TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of water right under the provisions of Section 42-204, Idaho Code.

Permit No. 3708324 37-08324

Name(s) of Permit Holder: Loren Strick

Mailing Address: 139 LLP Rd Carey, Id 83320

Date Proof is Due July 1 92 Telephone No. 823 4691

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

TRANSIT WORK French is STAKED but not
clug

Costing \$

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

County is to Replace Bridge I did not want them digging
into my line so I haven't installed it I used this water
this year in a ditch that I have used for 20 years

Permit holder(s) request an extension to July, 19 93.

FEE: \$15.00

(Signature)*

*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED
and the time within which to submit proof of beneficial use is
extended to July 1, 1993.

Signed this 21st day May, 19 92

J. Blum Saylor
Chief, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
NOV 26 1999
DEPARTMENT OF WATER RESOURCES

A. GENERAL INFORMATION

Permit No. 37-08324

1. Owner: Loren Strobe

Phone No. 823-4694

Current Address: 139 LLP Rd, Carey, ID 83320

2. Accompanied by: owner per telecon only 11-24-99

EXAM DATE: 11-11-1999

Address: _____

Phone No. _____

Relationship to Permit Holder: _____

3. Source: Huff Creek tributary to (Sinks) Huff Lake

B. OVERLAP REVIEW

1. Other water rights with the same place of use: —

2. Other water rights with the same point of diversion: —

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		NW	NW	SW	15	15	22E	Blaine	Site inspection

2. Place(s) of Use:

Indicate Method of Determination USGS map

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15	22E	16				S													

MICROFILMED

MAR 24 2000

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 37-08324

Proposed Priority: December 21, 1987 Maximum Diversion Rate: 0.04 CFS
This is to certify, that **LOREN STRODE**
P.O. BOX 337
CAREY, ID 833200000
has applied for a permit to appropriate water from:

HUFF CREEK tributary of **HUFF LAKE**

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>
STOCKWATER	01/01 to 12/31	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

SWNW	Sec. 15, Township 01S, Range 22E
NWSW	Sec. 15, Township 01S, Range 22E
	BLAINE County

PLACE OF USE: STOCKWATER
TWN RGE SEC

01S 22E 16 SENE

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **July 1, 1992**.
2. Subject to all prior water rights.
3. Use of water under this permit is subject to control by the watermaster of State Water District No. 37U.
4. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
5. The water system must be equipped with a float valve or other means of regulation so that the amount of water diverted is limited to that required by the livestock.
6. Stockwater use is for 500 range cattle.
7. Single point of diversion located on or near line between NWSW and SWNW, S15, T01S, R22E.

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

28 th day of June, 1991.

R. Keith Higginson
for R. Keith Higginson, Director

MICROFILMED

JUL 11 1991

his stock when Huff Creek was low.

From my P.D. to the lake Huff Creek & Huff Lake provide no beneficial use except to water my cows & Chip Molyneux's cows and to recharge the aquifer. Huff Lake settles into the lava bed my gravel pit is dug to the lava I can't see any difference as to whether it settles in my pit or at Huff Lake.

I believe that the law states that water goes to the first person that can put it to beneficial use if I can remove from Huff Creek to benefit my cattle & the excess goes to the ground that is the same to me as letting it go down Huff Creek as all that happens then is that it either evaporates or goes into the ground.

If I stop the flow of water with a float it will freeze in one night, that will be the end of any beneficial use of Huff Creek that I may receive until it thaws out in the spring. When the water flow thru the line is stopped it freezes at both ends and if its cold enough where it rises over the rock ledge also. I was unsuccessful in thawing it out last year, I exhausted all my tricks trying I wouldn't expect that I could do better this year.

Louise

NOV 24 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Loren Strobe Phone 823-4694
Post office address P.O. Box 337, Carey, ID 83320
2. Source of water supply Huff Creek which is a tributary of Huff Lake (sinks)
3. Location of point of diversion is _____ ¼ of SW ¼ of NW ¼, Govt. Lot _____
Sec. 15 Township 1S Range 22E B.M. Blaine County; additional
points of diversion if any: NW¼SW¼ Sec. 15 T. 1S R. 22E (exact location unsure)
4. Water will be used for the following purposes:
Amount 0.04cfs for Livestock purposes from Jan 1 to Dec 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)
5. Total quantity to be appropriated is (a) 0.04 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. Gravel-packed perforated standpipe in stream bed, pipeline from standpipe to stock trough in bottom of gravel pit (gravity flow pipeline)
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet; period of year when water will be diverted to storage: _____ to _____ inclusive.
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
 - d. Is ground water with a temperature of greater than 90°F being sought? No
7. Time required for the completion of the works and application of the water to the proposed beneficial use is 2 years (minimum 1 year).

RECORDED
JUL 11 1991

creek started running again I could not get water thru my line I expect that it was frozen I have no other explanation. It did not start flowing again until sometime in April then it was only a seep maybe 1 to 2 g.p.m. Huff Creek stopped flowing again about the first of May due to upstream irrigators and turned into just a damp streambed with no real flow. This is an annual event it only flows when all three of the lakes above me are full and no one is pumping from it or thru the fall + winter when there is no upstream irrigation. The Department of W.R. told me when I applied for this permit that there was no downstream water right below my P.D.

On November 17 1999 the flow from my Pipe Line was approx 11 g.p.m. maybe as high as 12 but I doubt it, again I was using the same hose + two five gallon buckets and a wrist watch I will assist the D.W.R. if they wish to make a more accurate measurement or to verify my measurement I believe that I am entitled to 18 g.p.m. under my permit. Elwin Coates concern + desire for the float control was that he looked down in the culvert that is installed at my P.D. and saw a 4" ~~in~~ Plastic ^{Sewer} Pipe + thought that it went to the gravel pit the pipe to the gravel pit is 1 1/4" black Plastic he did not want me draining the stream so that he would have no water for

RECORDED
MAR 24 2000

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. 500 range cattle
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. _____

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	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
1S	22E	16				S													

S = P/U for livestock

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. _____

existing domestic well for stockwater

11. a. Who owns the property at the point of diversion? Laidlaw Park Cattle Assn.

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: Surface water will supplement my domestic well as needed.

RECEIVED

JUL 11 1991

James Stanton
Id. Dept of Water Resources
7. F. Id

RECEIVED
NOV 23 1999
Department of Water Resources
P.O. Box 37000

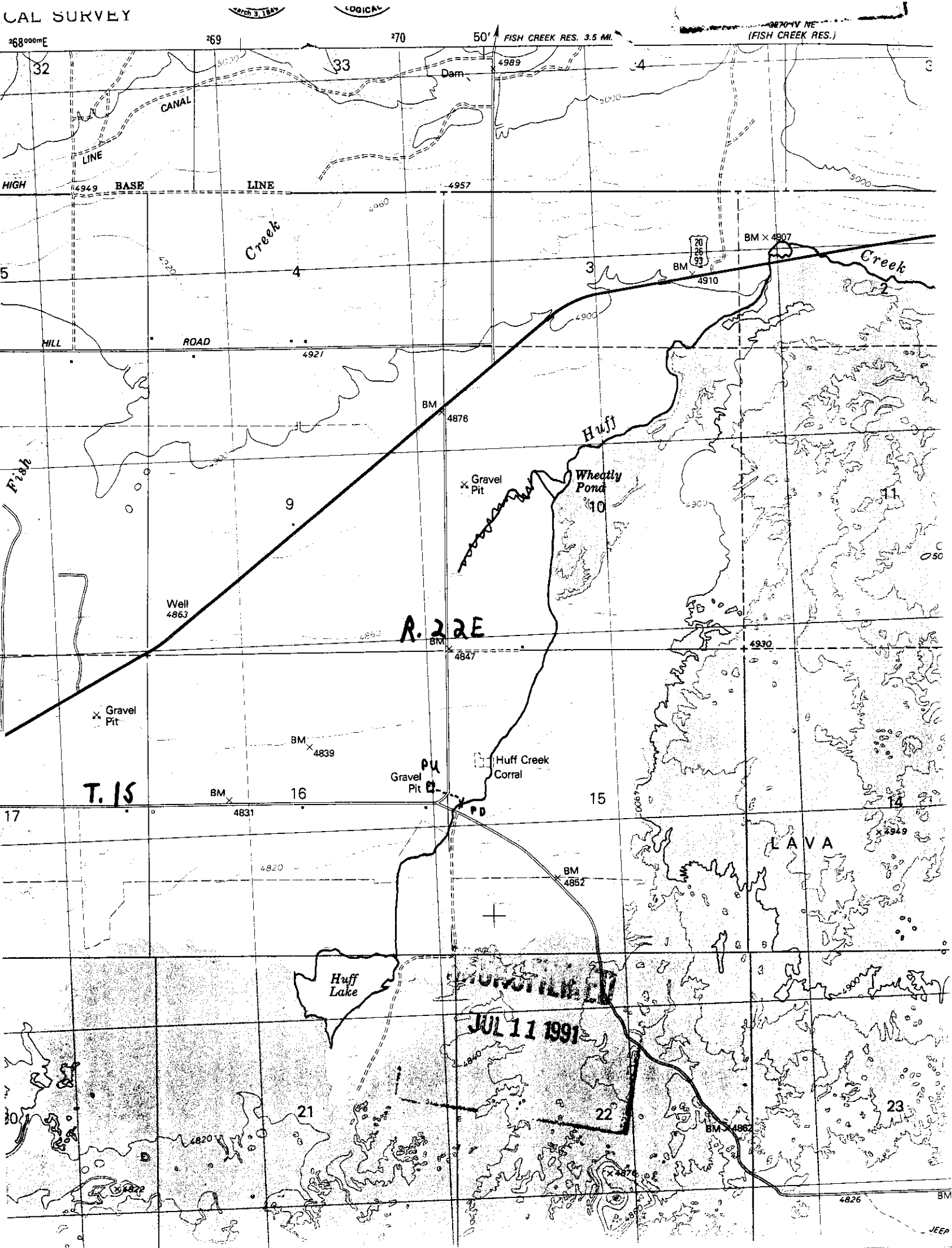
Dear Mr. Stanton

I n Reply to your letter dated Oct 25 99
which I received Tuesday Nov 16.

I installed the trough in my gravel
pit in Sept of 1998 and hooked up the
water line and buried the last 60 feet of
it & put rotten ton bales over it to
insulate it, when I hooked the line
up I could get no flow thru it
there is a rock outcropping between the
P.D. and the road that only allowed us
to bury the line to a depth of about 3 feet
for about 35 feet the rest of the line is
6 to 10 feet deep 6 feet at the P.D.
ten feet approx at the entrance of the
gravel pit it is almost level from where
it enters the gravel pit to the trough.

I hauled a load of water and put it in
the P.D. end of the line gravity flow from the
trough & got a flow started it was
approx 8 gal per minute a few ^{weeks} days
later I installed a float on Nov 7 98
it froze up & I removed the float a
few days later it was flowing again I
did not reinstall the float valve. myself &
a friend measured the water flow using a
large hose & two five gallon buckets it
was about 13 to 14 gal per minute. In
December Huff Creek stopped flowing for a
few days & the line froze, when Huff

INFORMED
AUG 14 1999



MEMORANDUM

TO: File 37-08324

FROM: Sharla

DATE: December 7, 1999

RE: Recommendation Adjustment(s)

When this right was filed, the application was protested by Elwin Coates who was concerned about impact to waterfowl habitat on Huff Lake which is totally contained on his property. A petition to intervene was also filed by Stratton Laggis, an attorney who hunts ducks on Mr. Coates property. The Department of Fish and Game also filed a letter stating that they felt this right would not have a significant effect on waterfowl habitat at Huff Lake, but requested that no future appropriations be granted. They further requested that the applicant install a water level regulating valve in the stock trough.

Before a hearing was held, the protestant withdrew his protest on the stipulation that a condition be placed on the permit requiring installation of a float valve or other means of regulation to limit the diversion amount to the amount required by the stock. Such a condition was placed on the permit.

A check of the AJ database and water rights database was made and there are NO water rights on file with a source of Huff Lake. The ONLY right ever filed by Elwin Coates was a groundwater irrigation right which lapsed years ago.

At the time of the field exam, it was confirmed that there is no type of regulating valve on the stock trough and information concerning the reason for this was solicited by the examiner. On November 23, the department received a letter from the right holder explaining that a valve was installed but froze up and was removed. He further goes on to list measurements he has taken and to explain his use and availability of water. Regional personnel have forwarded the exam and the right holder's correspondence to the State Office and ask that the right holder's letter be used as a request to remove the float valve condition.

Proof of beneficial use was filed nearly 6½ years ago. However, Mr. Strode's letter of November, 1999 says that the trough was installed in September of last year and the float valve was installed in November of the same year. If this is true, system development was not completed within the permit period. In the extension request approved in May of 1992, the right holder stated "I used this water this year in a ditch that I have used for 20 years". The "ditch" system was not examined and thus the development found by the examiner was not used prior to 1998, based on the right holder's own words. The right holder should be allowed a chance to dispute this position with evidence to the contrary. If no evidence is presented, the permit should be voided on the basis that development did not occur within the permit period.

MICROFILMED

MAR 24 2000

A grid of graph paper with a stamp in the bottom right corner. The stamp is tilted and contains the text "RECEIVED" and "JUL 11 1991".

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

Loren Stood
(Applicant)



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

February 22, 2000

LOREN STRODE
139 LLP RD
CAREY ID 83320

RE: Permit No. 37-08324

Dear Mr. Strode:

We are in the process of reviewing the above referenced permit for purposes of issuing a license. In a letter received in November from you, you stated that the stock trough used under this permit was installed in September of 1999 and the required float valve was installed in November. The development period for this permit ran from the permit approval in June of 1991 to the time proof of beneficial use was received in June of 1993. It appears from your letter that development occurred after proof was filed. The department cannot issue a water right license for development after the permitted development period.

If you have documentation clearly showing that development preceded your filing of the proof of beneficial use statement, please submit it for our review. If you can give us clear evidence of development prior to July, 1993, there is still one item that needs to be addressed. A condition of the permit required equipping the water system with a float valve or other means of regulation so that the amount of water diverted is limited to the amount actually required by the livestock. Your letter indicates you had complications with complying with this condition. To meet all conditions of the permit, the float must be installed or you need to offer some other means to accomplish the same purpose.

We will hold taking any action in regards to this permit for 30 days. If we do not receive this requested information within the 30 days, the department will proceed with action to void the permit on the basis of no beneficial use of water developed within the permit development period.

Sincerely,

SHARLA CURTIS
Sr. Water Resource Agent

MICROFILMED

MAR 24 2000

Received by J. P. Stanton Date 12-21-87 Time 2:07 pm Preliminary check by ADm ^{12/29/87}
Fee \$ 30.00 Receipted by JAS # 45409 Date 12-21-87
Publication prepared by LW Date 1/20/88 Published in Wood River Jr.
Publication approved M. Baldwin Date 2/24/88

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:

MICROFILMED
JUL 11 1991

Growth:

The Dist or W.R. came and measured the water flow in the fall of 1999 if the amount running had exceeded my permit I know I would have heard about it because of all the fuss my neighbor was making over it.

On the Night of Jan 13 2000 Someone removed the insulation that I had around my diversion pipe + the water line froze it has not thawed out yet Feb 28 2000.

Loren Stroh
Camp Id

MICROFILM

MAR 2 8 2000

AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Blaine } SS.

_____, being first duly sworn,
deposes and says that he is the printer (publisher) of the Wood River Journal, a
newspaper published every week in Hailey, County of Blaine, 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 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 3rd day of Feb. 1988, and
the date of the last publication was on the 10th day of Feb. 1988.

Daniel J. Jnr

Subscribed and sworn to before me this 12th day of Feb. 1988.
(SEAL)

Roberta McKee

NOTARY PUBLIC

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line _____ 11
Number of Lines in Notice _____ 34
Number of Insertions _____ 2

Lines tabular at _____ 5¢/Pica
34 Lines straight at 14.96 4¢/Pica
34 Subsequent lines at 11.22 3¢/Pica
TOTAL COST _____ 26.18

JUL 11 1988

OK MB
2/24/88

COPY OF NOTICE

(Paste Here)

Not. of Application # 37-8324
TITLE OF NOTICE Strode

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. of Water Res.
BILL TO

for water right

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have
been filed with the
public lands office of
Idaho

STRODE, LOREN
P.O. BOX 337
CAREY, ID 83320

Source: HUFF CREEK trib. to
HUFF LAKE (SINKS)

Diversion Pt: SWNW NWSW Sec
15 T 01S R 22E, 1.5 miles N. and
5.5 miles E. of Carey.

Use: STOCKWATER (0.040 CFS)
Date Filed: 12/21/1987

In: SENE Sec 16 T 01S R 22E

The permit(s) will be subject to all
prior water rights. Protests must
be filed with the Director, Dept. of
Water Resources, Southern
Region, 2148 4th Avenue East,
Twin Falls, Idaho 83301, on or
before FEBRUARY 22, 1988.

R. Keith Higginson, Director

Publish: Wood River Journal-
February 3 & 10, 1988.

PUBLICATION RATES

(Idaho Code, Rev. Statutes 1984)

7-8 pt. per line straight..... 4¢/Pica
7-8 pt. per line tabular..... 5¢/Pica
7-8 pt. per line successive
insertions..... 3¢/Pica

No 5766

RECEIVED

FEB 23 1988

Dept. of Water Resources
Twin Falls, Idaho

R.E. Permit # 37-08324

RECEIVED

MAR 3 2000

Dept of Water Resources
Sharla Curtis

Department of Water Resources

In Reply:

The Trough was installed in Sept of 1998

The Float Valve was installed at that time but Removed in October because it Froze up and the water wouldn't Run I Reinstalled it in November & tied it Open & let the water Run it Froze & broke in January of 99 I removed it when it thawed out the next Spring there was no water in Huff Creek when I removed it I Plugged the inflow pipe at that time. so no water could enter the System

He was no water ^{due to Drought} in Huff Creek for me to use From 1993 untill 1998 in 1997 Huff Creek Flooded & Filled my gravel pit with water in 1997 I used this to water my cattle in 98 I used the Pipeline I had installed in 1992 the Dept of W.R. has the documentation of the installed System less the water trough in Photographs Taken by a man named Loren From W.R. in twin he was accompanied by a female employee of W.R. and wrote a Report to the effect that the System was installed but that there was no water to run thru it ^{increased to}

?
probably
Loren
Holmes

MAR 3 2000



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

March 10, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

LOREN STRODE
139 LLP RD
CAREY ID 83320

RE: WATER RIGHT NO. 37-08324

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license 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 unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

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.

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED
MAR 24 2000

LICENSE REVIEW CHECKLIST

Reviewed by Sharla Curtis on 12/7/99

Permit No. 37-08324

BU Fee Pd \$ 50⁰⁰

Name/Address: OK CHANGE

Govt Lots n/a plat copy attached

AREA OF CONCERN: No/Yes ESPA stock only Moratorium N/A GWMA N/A TRUST/NON-TRUST

GROUNDWATER: (✓Flow Chart)

Supp irr (irr = only use) - 065-079
Supp irr (+ other uses) - 100-101
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M (if on permit)

LOCATION:

Trust - R55(consumptive uses) N/A
Non-Trust - 048-049 (consumptive uses
or non-cons. > 1.0 cfs)

PD Change - P39/P47 - feds(P40)
PD Add - P45/P42

PU Change - P41/P47 - feds(P43)
PU Add - P41/P42

~~PD & PU Change~~ - P37 - feds(P48)

USES:

STORAGE - 18A-R02-01P-18B-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) X
MINING - 081
FISH PROP - 029(70'S only)-042-081
HEAT/COOL - R07(injection well)
FIRE PROT. - 077

~~Use Change/Add~~ - P46

ADVANCE PRIORITY? Yes ✓ No

MISC CONDITIONS/REMARKS:

Multiple pd's per ¼¼ - W32
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Use definitions - W02 example - C/tire shop
Non-consumptive - 027
Water Quality - 081-R07
Mitigation - 121 (if on permit)
PPU acre limit - W27

CHECK NEW IRR SEASON MAP N/A

SURFACE WATER: (✓Flow Chart)

In/Above MSF - WB9
WD - R04 (WD# 31W)
≤ 0.20 cfs/others - R02- 01P or No MD
> 0.20 cfs - R43

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

USES:

POWER - R22-R23 (+uses)-025-081-W42-W43-027
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
Lawn/garden included - W01

OVERLAP ANALYSIS/RATES/VOLUMES:

PD overlap rights - W35-W36 Right # _____
PU overlap rights - WB7-W31(<1 ac)
GW replaced SW - 050

Permit Rate .04 cfs Fee Limit .20 cfs
Measured .03 cfs Theoretical ✓ cfs

Use	Rate	Volume
<u>stock</u>	<u>.03</u> cfs	<u>1.8</u> af
_____	_____ cfs	_____ af
_____	_____ cfs	_____ af
TOTALS	_____ cfs	_____ af

OTHER CONDITIONS/REMARKS/COMMENTS

SRBA Claim Filed Yes ✓ No

If no, is a claim required: Yes ✓ No

AMENDMENTS REQUIRED Yes ✓ No
Adjustment Memo Needed Yes ✓ No
volume

If yes, paragraph codes: _____

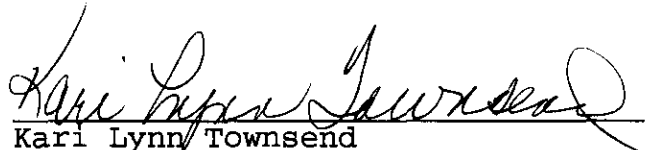
200 cattle per Hu *modified
*special div. cond.

CERTIFICATE OF MAILING

I hereby certify that on the 10th day of **March, 2000**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved License)** to the person(s) listed below:

Water Right No. 37-08324

LOREN STRODE
139 LLP RD
CAREY ID 83320


Karl Lynn Townsend
Secretary

MICROFILMED

MAR 24 2000

MEMORANDUM

TO: File 37-08324

FROM: Sharla

DATE: March 7, 2000

RE: Recommendation Adjustment(s)

The adjustments to licensing recommendations for Permit 37-08324 are as follows:

H. RECOMMENDATIONS

Stockwater	1/1 - 12/31	0.03 cfs	1.8 af
------------	-------------	----------	--------

The volume for 200 range cattle (as noted in b/u form) = 1.8 af.

MICROFILMED
MAR 24 2000

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief 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 the 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 twenty-one (21) 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 a 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. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

MICROFILMED

MAR 24 2000

CERTIFICATE OF SERVICE

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

FINAL ORDER

The Department 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 Department 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.

MICROFILMED

MAR 24 2000

R.E. Permit # 37-08324

RECEIVED

MAR 3 2000

Dept of Water Resources
Sharla Curtis

Department of Water Resources

In Reply:

The Trough was installed in Sept of 1998

The Float Valve was installed at that time but Removed in October because it Froze up and the water wouldn't Run I reinstalled it in November & tied it open & let the water Run it Froze & broke in January of 99 I removed it when it thawed out the next Spring there was no water in Huff Creek when I removed it I plugged the inflow pipe at that time. so no water could enter the System

There was no water ^{due to Drought} in Huff Creek for me to use From 1993 until 1998 in 1997 Huff Creek Flooded & Filled my gravel Pit with water in 1997 I used this to water my cattle in 98 I used the Pipeline I had installed in 1992 the Dept of W.R. has the documentation of the installed System less the water trough in Photographs Taken by a man named Loren from W.R. in town he was accompanied by a female employee of W.R. and wrote a Report to the effect that the System was installed but that there was no water to run there in ~~documented~~

?
probably
Loren
Holmes

MAR 3 2000

Growth:

The Dist or W.R. came and measured the water flow in the fall of 1999 if the amount running had exceeded my permit I know I would have heard about it because of all the fuss my neighbor was making over it.

On the Night of Jan 13 2000 someone removed the insalation that I had around my Diversion pipe + the water line Froze it has not thawed out yet Feb 28 2000.

Loren Strode
Camp Id

MICRO JUNE

MAR 28 2000



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

February 22, 2000

LOREN STRODE
139 LLP RD
CAREY ID 83320

RE: Permit No. 37-08324

Dear Mr. Strobe:

We are in the process of reviewing the above referenced permit for purposes of issuing a license. In a letter received in November from you, you stated that the stock trough used under this permit was installed in September of 1999 and the required float valve was installed in November. The development period for this permit ran from the permit approval in June of 1991 to the time proof of beneficial use was received in June of 1993. It appears from your letter that development occurred after proof was filed. The department cannot issue a water right license for development after the permitted development period.

If you have documentation clearly showing that development preceded your filing of the proof of beneficial use statement, please submit it for our review. If you can give us clear evidence of development prior to July, 1993, there is still one item that needs to be addressed. A condition of the permit required equipping the water system with a float valve or other means of regulation so that the amount of water diverted is limited to the amount actually required by the livestock. Your letter indicates you had complications with complying with this condition. To meet all conditions of the permit, the float must be installed or you need to offer some other means to accomplish the same purpose.

We will hold taking any action in regards to this permit for 30 days. If we do not receive this requested information within the 30 days, the department will proceed with action to void the permit on the basis of no beneficial use of water developed within the permit development period.

Sincerely,

SHARLA CURTIS
Sr. Water Resource Agent

MICROFILMED

MAR 24 2000

MEMORANDUM

TO: File 37-08324

FROM: Sharla

DATE: December 7, 1999

RE: Recommendation Adjustment(s)

When this right was filed, the application was protested by Elwin Coates who was concerned about impact to waterfowl habitat on Huff Lake which is totally contained on his property. A petition to intervene was also filed by Stratton Laggis, an attorney who hunts ducks on Mr. Coates property. The Department of Fish and Game also filed a letter stating that they felt this right would not have a significant effect on waterfowl habitat at Huff Lake, but requested that no future appropriations be granted. They further requested that the applicant install a water level regulating valve in the stock trough.

Before a hearing was held, the protestant withdrew his protest on the stipulation that a condition be placed on the permit requiring installation of a float valve or other means of regulation to limit the diversion amount to the amount required by the stock. Such a condition was placed on the permit.

A check of the AJ database and water rights database was made and there are NO water rights on file with a source of Huff Lake. The ONLY right ever filed by Elwin Coates was a groundwater irrigation right which lapsed years ago.

At the time of the field exam, it was confirmed that there is no type of regulating valve on the stock trough and information concerning the reason for this was solicited by the examiner. On November 23, the department received a letter from the right holder explaining that a valve was installed but froze up and was removed. He further goes on to list measurements he has taken and to explain his use and availability of water. Regional personnel have forwarded the exam and the right holder's correspondence to the State Office and ask that the right holder's letter be used as a request to remove the float valve condition.

Proof of beneficial use was filed nearly 6½ years ago. However, Mr. Strode's letter of November, 1999 says that the trough was installed in September of last year and the float valve was installed in November of the same year. If this is true, system development was not completed within the permit period. In the extension request approved in May of 1992, the right holder stated "I used this water this year in a ditch that I have used for 20 years". The "ditch" system was not examined and thus the development found by the examiner was not used prior to 1998, based on the right holder's own words. The right holder should be allowed a chance to dispute this position with evidence to the contrary. If no evidence is presented, the permit should be voided on the basis that development did not occur within the permit period.

MICROFILMED

MAR 24 2003

James Stantor
Id. Dept of Water Resources
7. F. Id

RECEIVED
NOV 23 1999
Department of Water Resources
P.O. Box 344440

Dear Mr. Stantor

I'm reply to your letter dated Oct 25 99 which I received Tuesday Nov 16.

I installed the trough in my gravel pit in Sept of 1998 and hooked up the water line and buried the last 60 feet of it & put rotten ton bales over it to insulate it, when I hooked the line up I could get no flow thru it there is a rock outcropping between the P.D. and the road that only allowed us to bury the line to a depth of about 3 feet for about 35 feet the rest of the line is 6 to 10 feet deep 6 feet at the P.D. ten feet approx at the entrance of the gravel pit it is almost level from where it enters the gravel pit to the trough.

I hauled a load of water and put it in the P.D. end of the line gravity flow from the trough & got a flow started it was approx 8 gal per minute a few ^{weeks} days later I installed a float on Nov 7 98 it froze up & I removed the float a few days later it was flowing again I did not reinstall the float valve. myself & a friend measured the water flow using a large hose & two five gallon buckets it was about 13 to 14 gal per minute. In December Huff Creek stopped flowing for a few days & the line froze, when Huff

MICROFILMED
MAR 2 1999

Creek started running again I could not get water thru my line I expect that it was frozen I have no other explanation. It did not start flowing again until sometime in April then it was only a seep maybe 1 to 2 g.p.m. Huff Creek stopped flowing again about the first of May due to upstream irrigators and turned into just a damp streambed with no real flow. This is an annual event it only flows when all three of the lakes above me are full and no one is pumping from it or thru the fall + winter when there is no upstream irrigation. The Department of W.R. told me when I applied for this permit that there was no downstream water right below my P.D.

On November 17 1999 the flow from my Pipe line was approx 11 g.p.m. maybe as high as 12 but I doubt it, again I was using the same hose + two five gallon buckets and a wrist watch I will assist the D.W.R. if they wish to make a more accurate measurement or to verify my measurement I believe that I am entitled to 18 g.p.m. under my permit. Elwin Coates concern + desire for the float control was that he looked down in the culvert that is installed at my P.D. and saw a 4" ~~in~~ Plastic ^{sewer} Pipe + thought that it went to the gravel pit the pipe to the gravel pit is 1 1/4" black Plastic he did not want me draining the stream so that he would have no water for

MICROFILMED
MAR 24 2003

his stock when Huff Creek was low.

From my P.D. to the Lake Huff Creek & Huff Lake provide no beneficial use except to water my cows & Chip Molyneux's cows and to recharge the aquifer. Huff Lake settles into the lava bed my gravel pit is dug to the lava I can't see any difference as to whether it settles in my pit or at Huff Lake.

I believe that the law states that water goes to the first person that can put it to beneficial use if I can remove from Huff Creek to benefit my cattle & the excess goes to the ground that is the same to me as letting it go down Huff Creek as all that happens then is that it either evaporates or goes into the ground.

If I stop the flow of water with a float it will freeze in one night, that will be the end of any beneficial use of Huff Creek that I may receive until it thaws out in the spring. When the water flow thru the line is stopped it freezes at both ends and if it's cold enough where it rises over the rock ledge also. I was unsuccessful in thawing it out last year, I exhausted all my tricks trying I wouldn't expect that I could do better this year.

Lowell Stine

DEC 24 1936

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
NOV 26 1999
DEPARTMENT OF WATER RESOURCES

A. GENERAL INFORMATION

Permit No. 37-08324

1. Owner: Loren Strobe

Phone No. 823-4694

Current Address: 139 LLP Rd., Carey, ID 83320

2. Accompanied by: Owner per telecon only 11-24-99

EXAM DATE: 11-11-1999

Address: _____

Phone No. _____

Relationship to Permit Holder: _____

3. Source: Huff Creek tributary to (Sinks) Huff Lake

B. OVERLAP REVIEW

1. Other water rights with the same place of use: —

2. Other water rights with the same point of diversion: —

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		NW	NW	SW	15	15	22E	Blaine	Site inspection

2. Place(s) of Use:

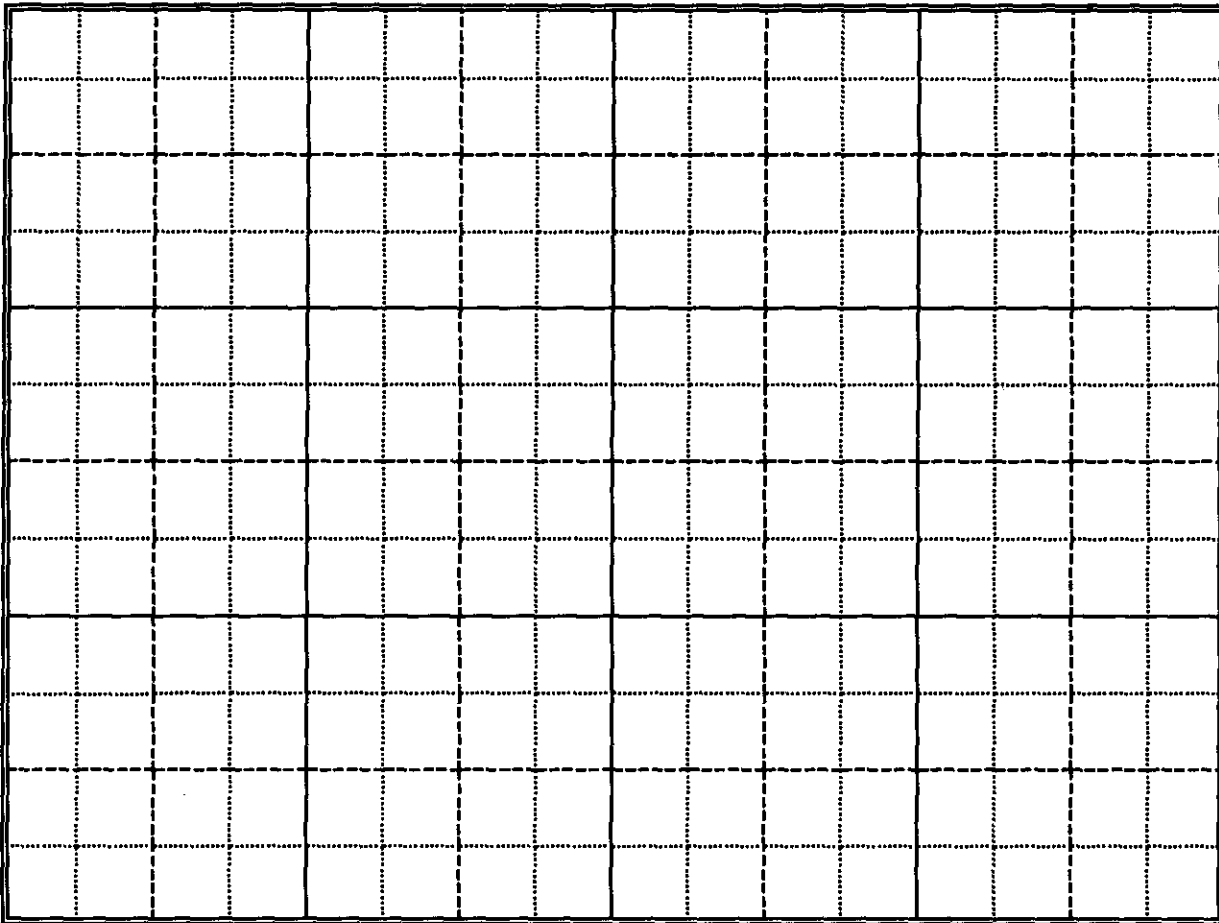
Indicate Method of Determination USGS map

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15	22E	16				S													

MICROFILMED

MAR 24 2000

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.d. as applicable.



Scale: 1" = _____

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☒ Aerial Photo Attached (required for irrigation of 10+ acres)

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Bucket, stopwatch						

2. Measurements: Not measured. Measured by owner at 8-9 gpm & 13-14 gpm.

MEGAL 2011

E. NARRATIVE/REMARKS/COMMENTS

Earth dam across Huff Creek raises the water level a few inches, allowing water to flow into a 1'-diameter vertical standpipe with slits in the bottom. A buried pipeline runs northwesterly from the standpipe, across the county road to a stock trough located near the SE corner of a large gravel pit & down near the bottom of the pit (a good 10' lower in elevation than Huff Creek).

There is no controlling mechanism on this system (such as a float valve at the trough), so water flows into the trough all the time. Water in Huff Creek that doesn't go into this system spills over the check dam & continues on its way to Huff Lake.

There is no way to measure the diversion rate, but it appears that only about 0.02 cfs or less was running out of the trough. Certainly the permitted rate of 0.04 cfs is not being exceeded.

Condition of approval #5 has not been met. Permittee was contacted in writing over 2 weeks ago on this, but did not respond. Prior users of Huff Creek have complained about this uncontrolled diversion. ~~Recommend permit be cancelled, and a cease-and-desist order be issued requiring the removal of this diversion.~~

11-23-99: Permittee finally responded with a letter explaining why Condition #5 was not complied with. Allen said that we should consider this a request for removal of this condition. So I am now recommending licensing contingent upon approval of this request by S.O. Measurements supplied by Mr. Strode seem reasonable, so I am basing my recommendation on this data.

This source is unreliable during the summer, so water is trucked from other areas to serve these cattle. Huff Creek usually is dry from June thru September depending on snowpack & upstream diversion, but has run all year when upstream land was in CRP. Recommend volume for 8 months usage to better reflect reality than giving volume 12 months of annual usage.

Have conditions of permit approval been met? ☐ yes ☒ no

MICROFILMED
MAR 24 2000

F. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

$$14 \text{ gpm} = 0.03 \text{ cfs}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{2cm}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{2cm}}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\hspace{2cm}}$$

2. Volume Calculations for Other Uses:

$$500 \text{ cows} \times 12 \text{ gpd/cow} \times 242 \text{ days/year} = 4.5 \text{ AFA}$$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
~~See Amendments~~ Stockwater	1-1	12-31	0.03	4.5
Totals:			0.03	4.5

2. Recommended Amendments

___ Change P.D. as reflected above ___ Add P.D. as reflected above ☒ None
___ Change P.U. as reflected above ___ Add P.U. as reflected above ___ Other

I. AUTHENTICATIONField Examiner's Name J. Felton Date 11-18-99

Reviewer _____ Date _____

SEAL

MICROFILM

MAR 24 2000

9/10
16

HEL

16
71.8

NW

HEL

17
99.6

NW

HEL

11
23.5

NHEL

16/15
21/22

NHEL

13
18.4

NHEL

HUFF
Cn.

pc

pc

10
9.1

N

15
22.0

14
112.1

11.9

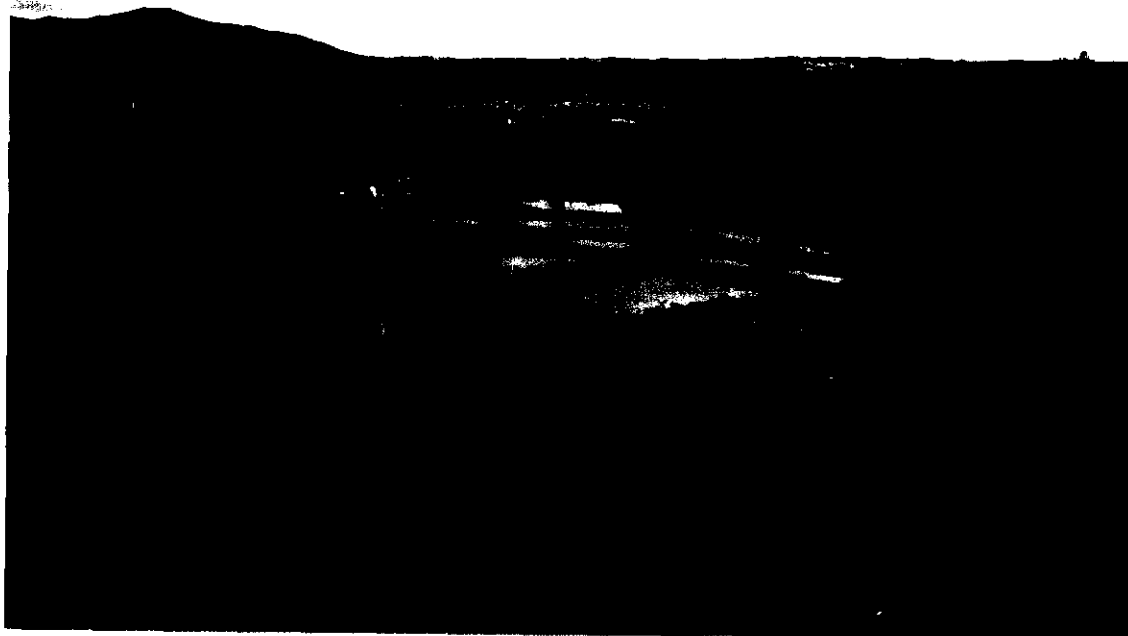
2.9

5.4

T2761
5311

MICROFILMED

440 2 4 2000



Strode P/D Looking Upstream



Same Looking Downstream

37-08324
MICROFILMED 11-11-1999
MAR 24 2000 JE Stanton



P/D Looking East Along Buried Pipeline



Looking NW Toward Stock Trough Along Buried Pipeline

MICROFILMED
MAR 24 2000

37-08324

11-11-99

JE Stanton



Stock Trough In SE Corner of Gravel Pit

MICROFILMED

MAR 24 2000

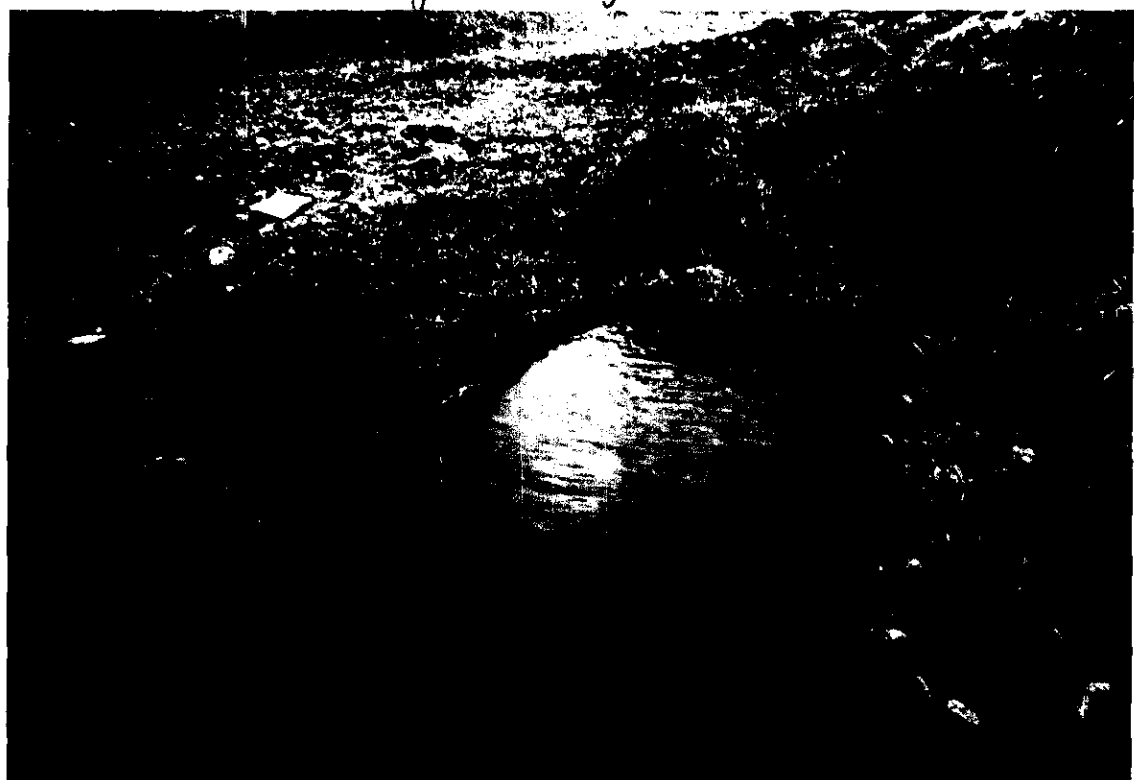
37-08324

11-11-99

JE Stanton



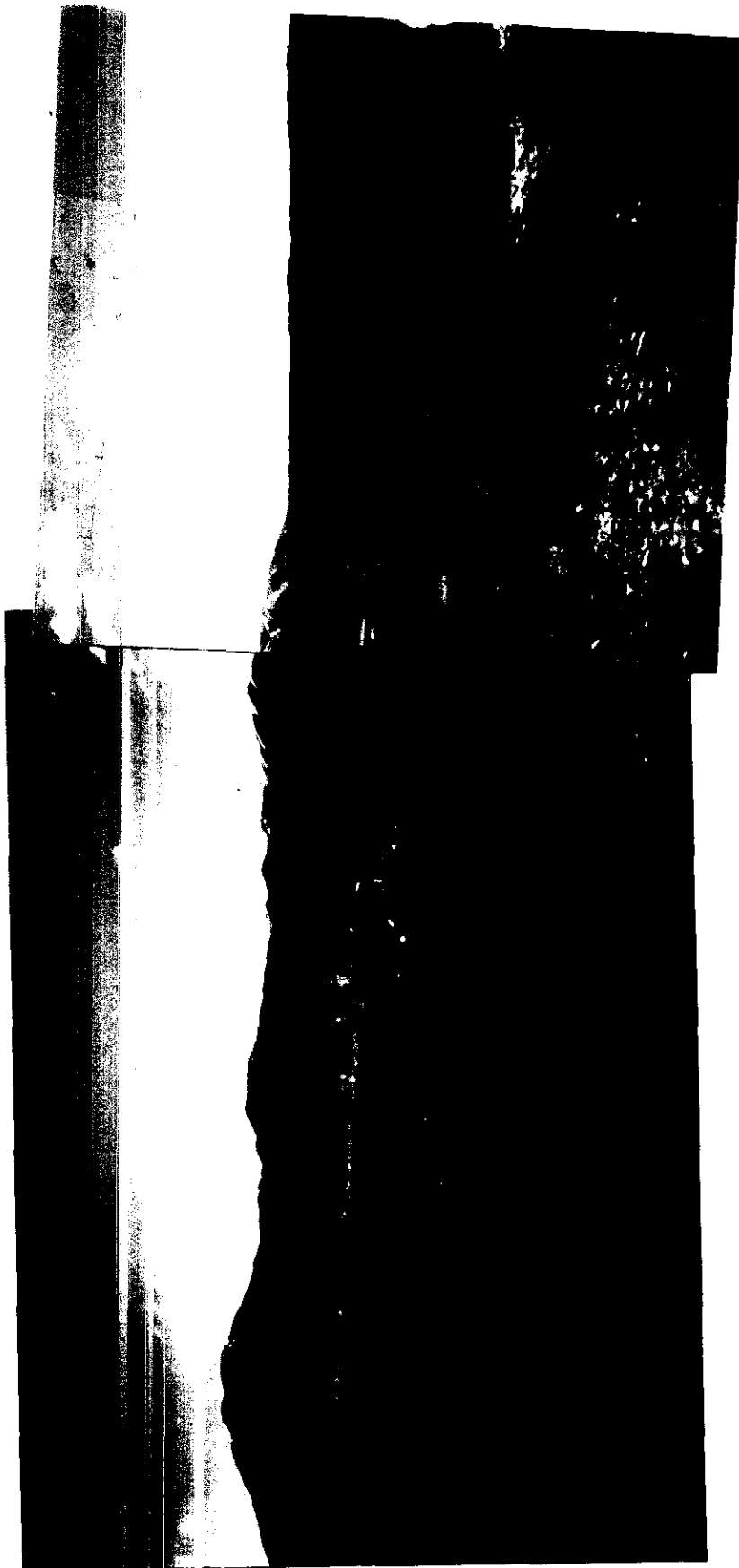
Stock Trough Looking South



Closeup of Trough

MICROFILM
MAR 24 2000

37-08324
11-11-99
JE Stanton



photos looking N'ly



4-Carey 7 miles

photos taken
from location
marked on map
with an "X"

Huff Crk Corrals

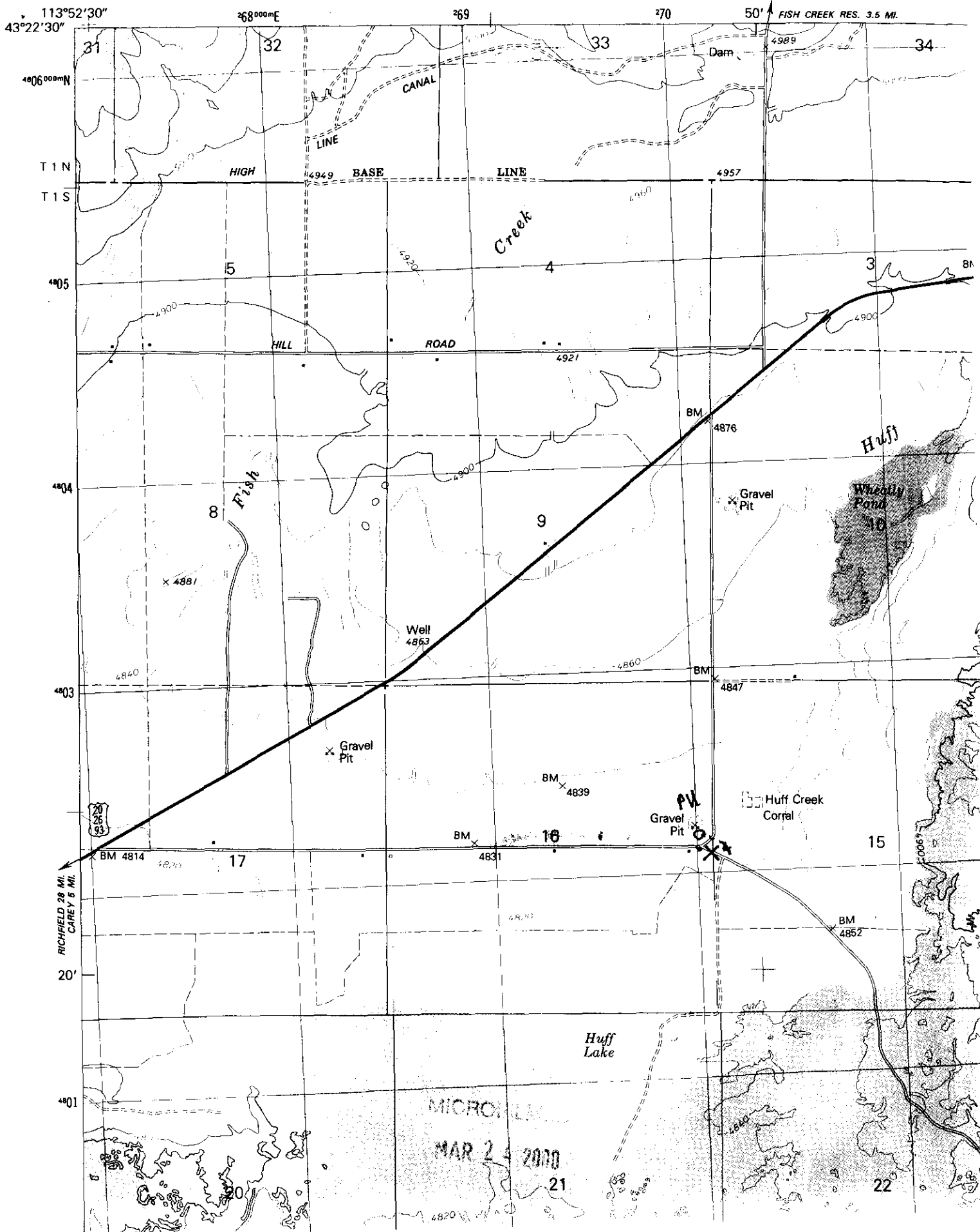
MICROFILM

1948 2 4 2000

Strode, Loren 37-08324

3270 N. NW
(LAKE HILLS)

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



June 11, 1993

LOREN STRODE
139 LLP RD
CAREY ID 833200000

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 37-08324

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 conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the SOUTHERN Regional Office in Twin Falls at (208)736-3033.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

RECEIVED

JUN 30 1993

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 37-08324 Reviewed by Klg Date 6/8/93

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit? stock-200
no Address same as permit?
yes Proof timely received? Correct Uses? yes
If not, complete calculation below.

SOURCE OF WATER

✓ Surface water source
Ground water source
NA Drilling permit required?
/ Copy in the file? Drilling Permit No. _____
/ Amount paid for permit _____ Correct?
/ Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required?
50 Amount Submitted
yes Correct?
NA Required?
/ Installed?
/ Waiver requested?

PRIORITY CALCULATION

Date proof received NA
Date proof due _____ - _____
No. of days late _____ = _____
Priority Date _____ + _____
New Priority Date _____

DEFICIENCIES OR ACTION ITEMS

proof acceptable

DATA ENTRY

New Address 139 LLP Rd 6/8/93 Klg Proof Made 6/8/93
6/11/93 Klg

April 30, 1993

LOREN STRODE
P.O. BOX 337
CAREY ID 833200000

PROOF DUE NOTICE

RE: PERMIT NO. 37-08324

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 July 1, 1993. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

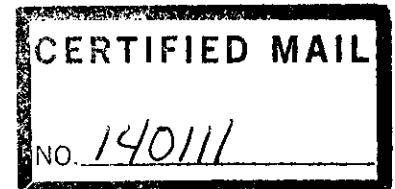
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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,

Karen L. Gustafson
Secretary/Records Manager

Enclosures



JUN 30 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 22, 1992

Loren Strode
P.O. Box 337
Carey, ID 83320

Re: Permit No. 37-08324

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to July 1, 1993. Please note that the department has granted this extension based on due diligence. It is important that you work diligently toward the completion of this project during the construction period allowed. The department may not be able to grant additional requests.

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

Sincerely,

Karen L. Gustafson
Karen L. Gustafson
Secretary/Records Manager

Enclosure

C: IDWR-Regional Office

JUN 30 1993

**ANALYSIS SHEET
FOR
EXTENSION OF TIME**

Permit No. 37-08324 Reviewed by Klg Date 5/20/92

BASIC INFORMATION

5/19/92 Date stamp received
yes Extension received timely
yes Fee received and receipted
yes Name and signature same as permit
no Address Change

BASIS FOR EXTENSION REQUEST

yes Has adequate work been completed to demonstrate due diligence?
Has the permit been involved in litigation?
Is supporting documentation needed to complete the file? _____ Requested? _____
Is delay by a government agency?
Is supporting documentation needed to complete the file? _____ Requested? _____
Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN

*Approve Based on due diligence
extend to 7/1/93*

PRIORITY CALCULATION

Date extension received	<u>NA</u>	=	_____
Proof due date	<u>/</u>	=	_____
Number of days late	<u>/</u>	=	_____
Priority date	<u>/</u>	=	_____
New Priority Date	<u>/</u>	=	_____

DATA ENTRY

New Address _____
Change Proof Due Date 5/22/92 Klg
Change Priority Date _____

April 30, 1992

LOREN STRODE
P.O. BOX 337
CAREY ID 833200000

PROOF DUE NOTICE

RE: PERMIT NO. 37-08324

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 July 1, 1992. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

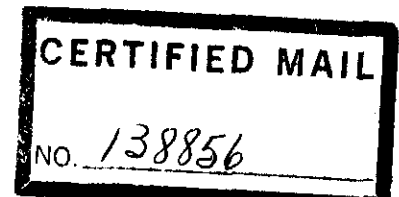
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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,

Karen L. Gustafson
Secretary/Records Manager

Enclosures



JUN 30 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

July 3, 1991

LOREN STRODE
P.O. BOX 337
CAREY, ID 833200000

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 37-08324

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

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. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed you should complete and submit this form immediately.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosures

MICROFILMED

JUL 11 1991

APPLICATION FOR PERMIT REVIEW

Application #: 37-8324
Date: 6-27-91

Reviewer: Pam Skaggs ^{CS}

Existing:

✓ No - 26A-P17

✓ Complete in 1 year - P16

Yes

Proof not submitted - P16

Proof submitted - N/A

Groundwater:

GT. 0.2 cfs - 01G-P03, 01C-P03(existing well)

LT. 0.2 cfs - N/A

Drilling Permit:

Approved w/permit - P99

Not included - 046-P23(All GW, even existing wells)

Location:

✓ Water Districts - WD No. 370

✓ Surface water - 005, 005-01H-P01(LT.2 w/pump)
005-01J-P08(GT.2)

Groundwater - P05

Irrigation Districts - 023

Canal Co. Areas - 023

Drainage Districts - 024

Boise Front (63) - 058 (Groundwater)

✓ Swan Falls Flag - 5 (1, Blank or Other)

✓ Trust - 051-052-053-P74(Cons.), 041(DCMI, w/Irr
or Irr & Dom)

Non Trust - 048-049

River Basins:

(Surface Water) Water District Control Condition &....

Boise (63) - 05A & 11E

Payette (65) - 047-P04, 059-P71

Snake (01, 02 & 03) - 11A-P04(01), 061-P07(02/03 No W.D.Cond.)

Use:

Fish Propagation - 06A, 09E-P10 & 010 (WQ/Choose One),
042(req.), 002-P06(MD), 07A(Spec.),
044(Policy 5G)

Power - Use Power Review

Mining - 06A or 010, 09E-P10 & 054(req.)

Storage - 18A-for multiple measuring devices(In WD),
18B-P09(Size)

Rec. & Aesthetic - 027(Non-Consumptive)

Domestic - 021(restricted areas)

Ownership:

✓ Non land owner - 004

✓ Protested: *Special Condition (See Withdrawal Condition)*
Agreement - 020

✓ Beneficial Use Due Date: - 07-01-1992
Other Conditions Recommended

MICROFILMED

JUL 11 1991

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: ADH

APPLICATION NUMBER: 37-8324

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.

Field check by: _____

Date: _____

Comments: _____

- ☒ Fee.
☒ Yes ☐ No Field check required.

- ☐ Yes ☒ No Critical groundwater area.

- ☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____

- ☒ Yes ☐ No* In form to receipt.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT:

SEND COPIES TO:

- ☐ Idaho State Health Department.
☒ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☐ Other _____

Copies sent by: _____

Date: _____

lw

1/20/88

PROCESSING:

- ☐ Yes ☒ No Platted by: _____ Map No. _____
☐ Yes ☐ No Other rights on same place of use. _____

- ☒ Yes ☐ No* In form for advertising.

Final date for protests: _____

- ☒ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 2/16/88
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.

- ☐ Yes ☒ No Measuring device required.

- ☐ Yes ☒ No Access port required.

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

12/21/87 Date of priority recommended.

Special conditions of approval or cover letter. 2LA, DS<37U - Fish Check>, OIH

* The water system must be equipped with a float valve or other means of regulation so that the amount of water diverted is limited to that required by the livestock.

By: Loren Othman Date: 6/10/91

STATE OFFICE REVIEW:

RECEIVED
JUN 11 1991

- ☐ See attached sheet for more information.

By: _____ Date: _____ Department of Water Resources



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

August 12, 1988

Carl H. Nellis, Supervisor
Idaho Dept. of Fish & Game Region 4
P.O. Box 428
Jerome, ID 83338

Re: Application for permit No. 37-8324, Loren Strode

Dear Mr. Nellis:

Enclosed is a copy of the withdrawal of the protest filed against the application by Mr. Elwin Coates. Because Mr. Coates is the only original party in the matter, it is now resolved, and the department cannot consider requests to intervene.

Please notice that the withdrawal is based on a condition requiring the system to be designed so that only the water actually required by the livestock will be diverted.

While the department does not normally spell out such a condition on permits, it is a general principle under Idaho law that a permit does not grant the right to divert more water than required for beneficial use.

This office is forwarding the application to the state office for final action with a recommendation that the condition stated in the withdrawal of protest be included on the permit.

If you have any questions regarding this procedure, please contact me.

Very Truly yours,

Loren O. Holmes, P. E.
Southern Region Manager

RECEIVED
JUL 11 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

August 12, 1988

Stratton P. Laggis,
Attorney at Law
P.O. Box 2195
Ketchum, ID 83340

Re: Application for permit No. 37-8324, Loren Strode

Dear Mr. Laggis:

Enclosed is a copy of the withdrawal of the protest filed against the application by Mr. Elwin Coates. Because Mr. Coates is the only original party in the matter, it is now resolved, and the department cannot consider requests to intervene.

Please notice that the withdrawal is based on a condition requiring the system to be designed so that only the water actually required by the livestock will be diverted.

While the department does not normally spell out such a condition on permits, it is a general principle under Idaho law that a permit does not grant the right to divert more water than required for beneficial use.

This office is forwarding the application to the state office for final action with a recommendation that the condition stated in the withdrawal of protest be included on the permit.

If you have any questions regarding this procedure, please contact me.

Very Truly yours,

Loren O. Holmes, P. E.
Southern Region Manager

MIC

ED

SEP 11 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

August 12, 1988

Loren Strode
P.O. Box 337
Carey, ID 83320

Re: Application for permit No 37-8324

Dear Mr. Strode:

Enclosed is a copy of the withdrawal of the protest filed against your application by Mr. Elwin Coates.

Please notice that the withdrawal is based on a condition requiring the system to be designed so that only the water actually required by the livestock will be diverted.

While the department does not normally spell out such a condition on permits, it is a general principle under Idaho law that a permit does not grant the right to divert more water than required for beneficial use.

This office is forwarding your application to the state office for final action with a recommendation that the condition stated in the withdrawal of protest be included on the permit.

If you have any questions regarding this procedure, please contact me.

Very Truly yours,

Loren O. Holmes, P. E.
Southern Region Manager

MICROFILMED

JUL 11 1991

In the matter of application for permit No. 37-8324, in the name of Loren Strode.

I, Elwin Coates, Hereby withdraw my protest against the application subject to the following stipulation:

That the water system be equipped with a float valve or other means of regulation so that the amount of water diverted is limited to that required by the livestock.

Signed July 6, 1988

Elwin Coates

RECEIVED

JUL 6 1988

Department of Water Resources
Southern Region Office

MICROFILMED

JUL 11 1991

CONVERSATION MEMORANDUM

Date 3/16/88 File # 37-8324

NAME OF PARTY Loren Strobe

EMPLOYEE LY

RE Protest

Mr. Strobe called. He
has met with Elwyn Coates
& Mr Coates has told him
the Protest will be withdrawn.

MICROFILMED

JUL 11 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

June 9, 1988

Loren Strobe
P.O. Box 337
Carey, ID 83320

Re: Application for permit No. 37-8324

Dear Mr. Strobe:

Enclosed is a copy of a motion to intervene in the matter of your application and a letter received from the Idaho Dept. of Fish and Game.

A determination whether to allow intervention by additional parties will be made by the hearing officer at a conference and/or hearing in the matter.

This office has tentatively scheduled the matter for conference/hearing on July 20, 1988. Notices giving the time and place for the hearing will be mailed about July 6.

If you have any questions or if this office can be of any assistance in this matter, please let us know.

Very Truly yours,

A handwritten signature in cursive script that reads "Loren O. Holmes".

Loren O. Holmes, P. E.
Southern Region Manager

LH
Encl

MICROFILMED

JUL 11 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

June 9, 1988

Stratton P. Laggis,
Attorney at Law
P.O. Box 2195
Ketchum, ID 83340

Re: Application for permit No. 37-8324, Loren Strobe

Dear Mr. Laggis:

This office is in receipt of your motion to intervene in the above referenced matter. A determination whether to allow intervention will be made by the hearing officer at a conference and/or hearing in the matter.

This office has tentatively scheduled the matter for conference/hearing on July 20, 1988. Notices giving the time and place for the hearing will be mailed about July 6.

If you have any questions or if this office can be of any assistance in this matter, please let us know.

Very Truly yours,

A handwritten signature in cursive script that reads "Loren O. Holmes".

Loren O. Holmes, P. E.
Southern Region Manager

LH

MICROFILMED

JUL 11 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

June 9, 1988

Idaho Dept. of Fish & Game Region 4
Carl H Nellis, Supervisor
P.O. Box 428
Jerome, ID 83338

Re: Application for permit No. 37-8324, Loren Strobe

Dear Mr. Nellis:

This office is in receipt of your letter regarding the above referenced project. If you wish to request leave to intervene as a party in the matter, the request must be received by this department five or more days prior to hearing.

A determination whether to allow intervention by other parties will be made by the hearing officer at the conference and/or hearing.

This office has tentatively scheduled the matter for conference/hearing on July 20, 1988. Notices giving the time and place for the hearing will be mailed about July 6.

If you have any questions or if this office can be of any assistance in this matter, please let us know.

Very Truly yours,

A handwritten signature in cursive script that reads "Loren O. Holmes".

Loren O. Holmes, P. E.
Southern Region Manager

LH

MAILED
JUL 11 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

June 9, 1988

Elwin Coates
Box 86
Carey, ID 83320

Re: Application for permit No. 37-8324, Loren Strode

Dear Mr. Coates:

Enclosed, for your information, is a copy of a motion to intervene in the matter of the above application and a letter received from the Idaho Dept. of Fish and Game.

A determination whether to allow intervention by additional parties will be made by the hearing officer at a conference and/or hearing in the matter.

This office has tentatively scheduled the matter for conference/hearing on July 20, 1988. Notices giving the time and place for the hearing will be mailed about July 6.

If you have any questions or if this office can be of any assistance in this matter, please let us know.

Very Truly yours,

A handwritten signature in cursive script that reads "Loren O. Holmes".

Loren O. Holmes, P. E.
Southern Region Manager

LH
Encl

MICROFILMED

JUL 11 1991



IDAHO FISH & GAME

REGION 4
868 East Main Street
Jerome, ID 83338
(208) 324-4350

RECEIVED

MAR 25 1988

Department of Water Resources
Southeast Region Office

March 25, 1988

State of Idaho
Department of Water Resources
Attention: Loren Holmes
2148 4th Ave. East
Twin Falls, ID 83301

Re: Your File No. 37-8324
Loren Strode Application for Permit to
Appropriate the Public Water

Dear Mr. Holmes:

In our opinion the appropriation of 0.04 cfs for a stock watering trough will not have a significant effect on waterfowl habitat at Huff Lake.

We are concerned, however, that any additional appropriations would negatively affect waterfowl habitat and request that no future appropriations be granted. We further request that the applicant in this case install and maintain a water level regulating valve in the trough so no more water is taken than can be contained in the trough.

Thank you for the opportunity to comment.

Sincerely,

Carl H. Nellis
Supervisor, Region 4

cc: Stratton Laggis

Cecil D. Andrus / Governor
Jerry M. Conley / Director



MICROFILMED
JUL 11 1991

STRATTON P. LAGGIS

Attorney at Law

Kneeland Professional Building

128 Saddle Road
Post Office Box 2195
Ketchum, Idaho 83340
(208) 726-8003

March 10, 1988

RECEIVED

MAR 11 1988

Department of Water Resources
Southern Region Office

State of Idaho
Department of Water Resources
Attention: Lauren Holmes
2148 4th Ave. East
Twin Falls, ID 83301

Re: Your File No. 37-8324
Lauren Strode Application for Permit to
Appropriate the Public Water

Dear Mr. Holmes:

Please let this letter serve as my motion to intervene in the above-captioned matter. The purpose of my request to intervene is based upon the fact that the protest period on the application in question ended on February 22, 1988. Therefore, I request that my request to intervene be joined with the protest on file already filed by Mr. Elwin Coates of Carey, Idaho.

I am requesting to intervene in this matter to protest the application for the water right in question because of my long standing interest in hunting ducks on the Elwin Coates property for many years. It is my belief that if the application filed by Mr. Strode is approved, the pond which has provided habitat for both ducks and geese for many years would be seriously jeopardized, if not eliminated altogether.

I trust that you will place this letter in your file, and that you will advise me of any hearing that is scheduled in this matter.

Thank you for your anticipated courtesy and assistance in this matter.

Yours very truly,

Stratton P. Laggis

STRATTON P. LAGGIS

MICROFILMED

JUL 11 1991

SPL:bf

cc: Mr. Elwin Coates
Idaho Fish and Game Department, Jerome, Idaho
Attention: Bob Bell



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

March 8, 1988

Elwin Coates
Box 86
Carey, ID 83320

Re: Application for Permit No. 37-8324

Dear Mr. Coates:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, IDAHO CODE):

- 1) Will the proposed use reduce the quantity of water under existing rights?
- 2) Is the proposed water supply insufficient for the purposes intended?
- 3) Is the application made in good faith or for delay or speculative purposes?
- 4) Has the applicant sufficient financial resources with which to complete the project?
- 5) Will the proposed use conflict with the local public interest?

If this office can be of further assistance, please contact us.

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Manager

MICROFILMED

JUL 11 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

March 8, 1988

Loren Strobe
P.O. Box 337
Carey, ID 83320

Re: Application for Permit No. 37-8324

Dear Mr. Strobe:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to your above referenced application. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, IDAHO CODE):

- 1) Will the proposed use reduce the quantity of water under existing rights?
- 2) Is the proposed water supply insufficient for the purposes intended?
- 3) Is the application made in good faith or for delay or speculative purposes?
- 4) Has the applicant sufficient financial resources with which to complete the project?
- 5) Will the proposed use conflict with the local public interest?

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

Very truly yours,

Loren O. Holmes, Regional Manager
Southern Region Manager

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JUL 11 1991

I Elwin Coates
herby protest the application
For diversion of stock water
From Huff Creek By
Loren Strode of Carey.

I have reservations as to
the effect of Water Fowl &
deer which depend on Huff Lake
which is Fed By Huff Creek.
also The watering of Livestock
in Huff Lake which is entirely
on my property.

Respectfully -
Elwin Coates

Box 86

Carey, Ida

\$3320

Application 37-8324

MICROFILMED

JUL 11 1991

RECEIVED

FEB 18 1988

Department of Water Resources
Southern Region Office

NOTICE OF APPLICATION FOR WATER RIGHT

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

37-8324

STRODE, LOREN

P. O. BOX 337, CAREY, ID 83320

Source: HUFF CREEK trib. to HUFF LAKE (SINKS)

Diversion Pt: SWNW NWSW Sec 15 T 01S R 22E, 1.5 miles N. and 5.5 miles E. of Carey

Use: STOCKWATER (0.040 CFS)

Date Filed: 12/21/1987

In: SENE Sec 16 T 01S R 22E

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 2148 4th Avenue East, Twin Falls, Idaho 83301 on or before FEBRUARY 22, 1988.

R. Keith Higginson

MICROFILMED

Published 2/3 & 2/10/88.

JUL 11 1991

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FOR WATER RIGHT**

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prior water rights. Protests must
be filed with the Director, Dept. of
Water Resources, Southern
Region, 2148 4th Avenue East,
Twin Falls, Idaho 83301, on or
before FEBRUARY 22, 1988.

R. Keith Higginson, Director

English: Wood River Journal-
February 10, 1988.

OK
WB
1/27/88

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JUL 11 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

2148 4th Avenue East
Twin Falls, Idaho 83301
(208) 734-3578

JANUARY 15, 1988

Wood River Journal
P.O.Box 988
Hailey, ID 83333

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. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. 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 FEBRUARY 22, 1988.

Yours truly,

Mary A. Baldwin
Secretary/Office Coordinator

Encl.

MICROFILMED

JUL 11 1991

STAFF ANALYSIS SUPPLEMENT

1) Water District _____ Basin # 37

2) Local Description: (of one P/D)

☐

At the above street address

☐1 1/2 miles N/S N and 5 1/2 miles E/W E
of Carey, Idaho (City or landmark).☐

Other (describe) _____



State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

January 20, 1988

Mailing Address:
Southern Region
2148 4th Ave. East
Twin Falls, Idaho 83301
(208) 734-3578

Loren Strode
P.O. Box 337
Carey, ID 83320

Re: Application for Permit No. 37-8324

Dear Mr. Strode:

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned identification No. 37-8324. Please refer to this number in all further correspondence.

This office is currently in the process of advertising the application in the Wood River Journal on 2/3/88 and 2/10/88. The advertisement will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

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

Very truly yours,

LW for LH

Loren O. Holmes, P. E.
Southern Region Supervisor

MICROFILMED

LH:lw

JUL 11 1991



State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Jenny Femling
Blaine County Planning & Zoning
P.O. Box 149
Hailey, ID 83333

Re: 37-8324

Dear Jenny:

Please find enclosed a copy of the above referenced
Application for Permit for your information and files.

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

Very truly yours,

LW for LH

Loren O. Holmes, P.E.
Southern Region Manager

LH:lw

Enclosure

Mailing Address:
Southern Region
2148 4th Ave. East
Twin Falls, Idaho 83301
(208) 734-3578

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JUL 11 1991



State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

January 20, 1988

Mailing Address:
Southern Region
2148 4th Ave. East
Twin Falls, Idaho 83301
(208) 734-3578

Bob Bell
Idaho Department of Fish and Game
P.O. Box 428
Jerome, ID 83338

Re: 37-8323, 37-8324

Gentlemen:

Please find enclosed a copy of the above referenced
Application for Permit for your information and files.

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

Very truly yours,

LW for LH

Loren O. Holmes, P.E.
Southern Region Manager

LH:lw

Enclosure

MAILED

JUL 11 1991