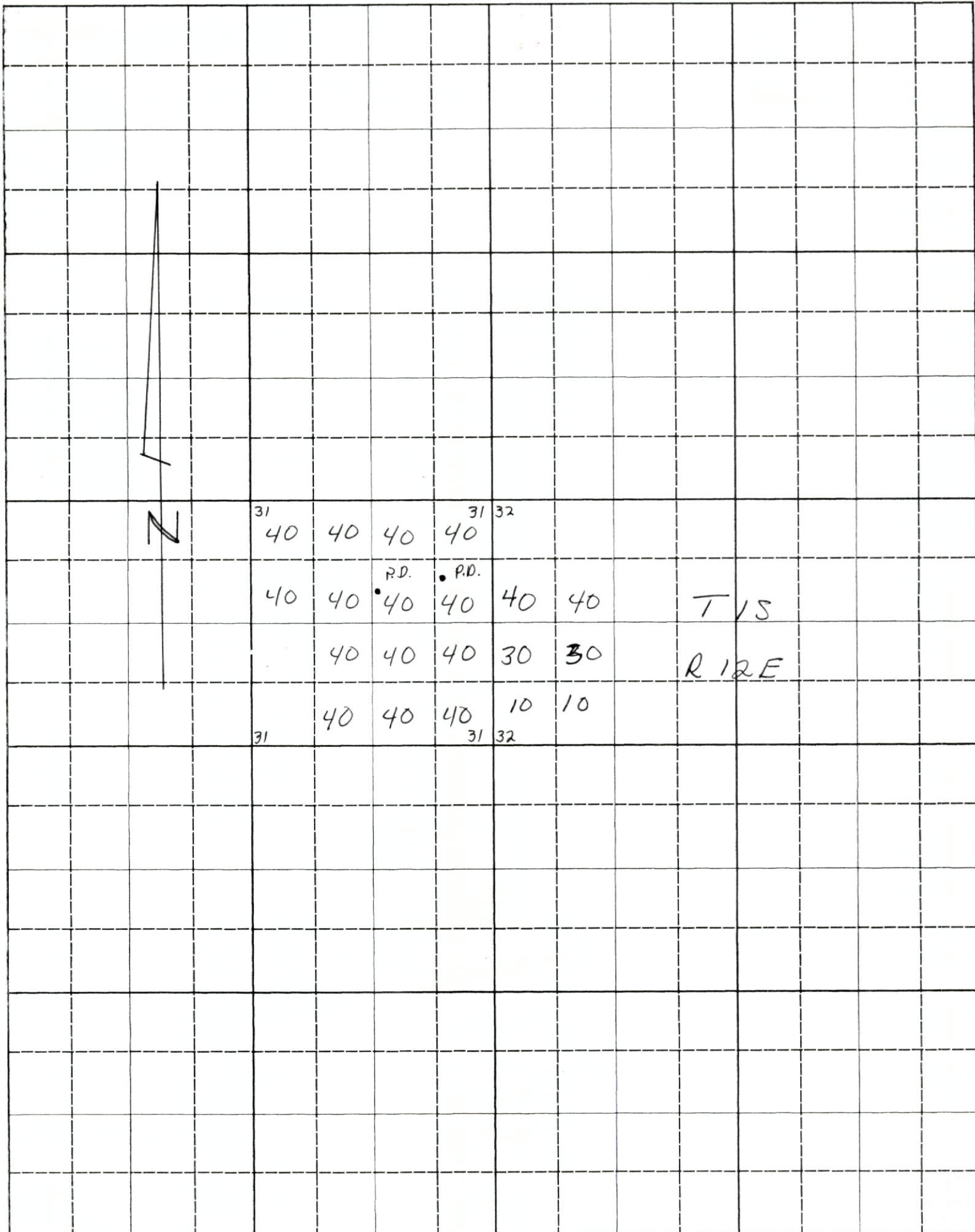


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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.

x Strom Ranches Inc.
(Applicant)
By Keith B. Strom
(pres)

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

Source: GROUNDWATER

The permit(s) will be

subject to all prior water

rights. Protests must be

filed with the Director, Dept.

of Water Resources, 1041

Blue Lakes Blvd. North,
Teton, Wyo. 83429

Twin Falls, Idaho 83301 and
received on 10/1/89 from DFG.

received on or before DEC-
EMBER 2, 1999.

EMBER 6, 1982.

KEN DUNN, Director

Pub: 11-17, 24, 1982

ok
mmya
1/16/82

Minority

APR 29 1996

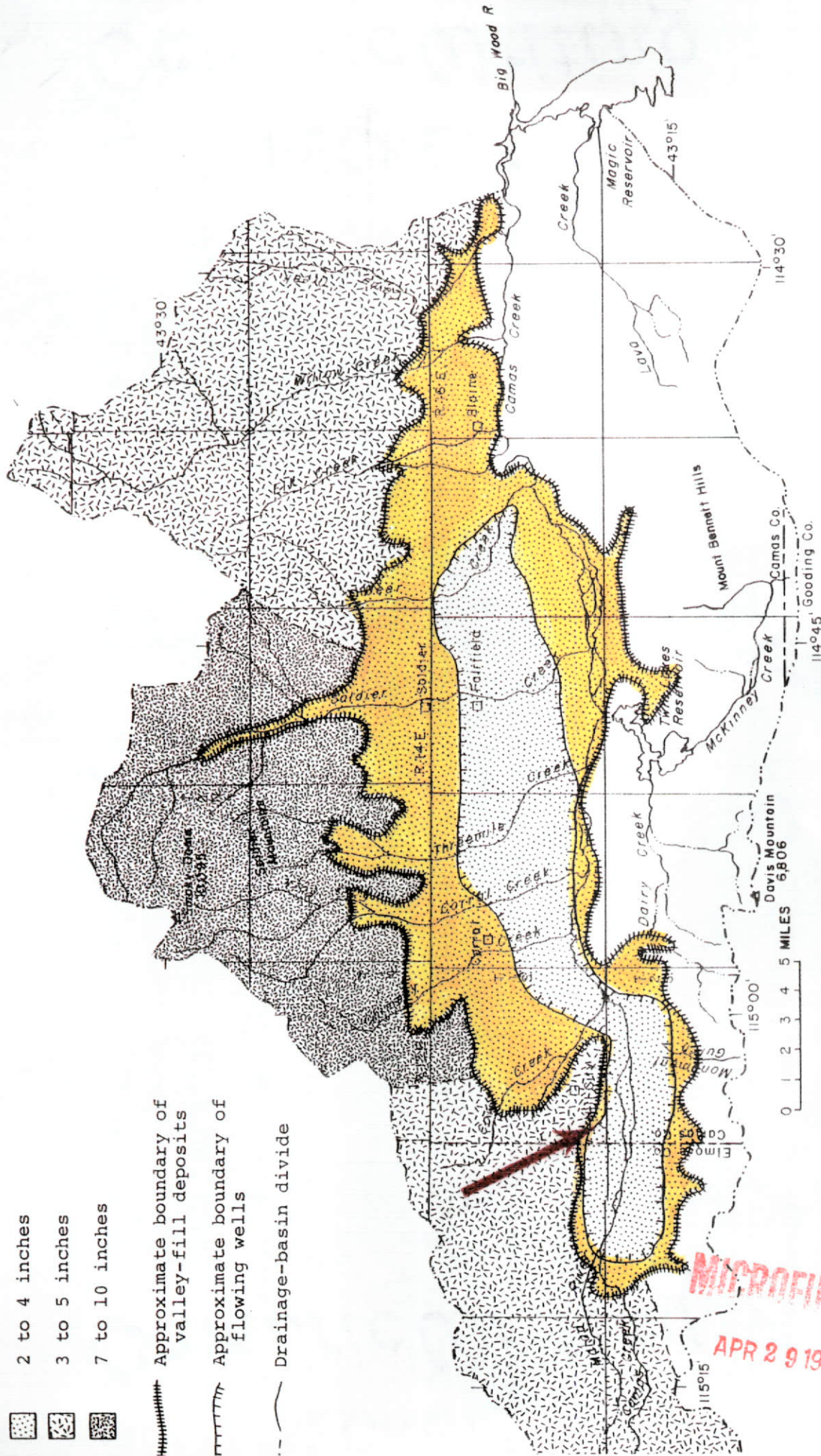
Annual Runoff

- 1 to 3 inches
- 2 to 4 inches
- 3 to 5 inches
- 7 to 10 inches

Approximate boundary of valley-fill deposits

Approximate boundary of flowing wells

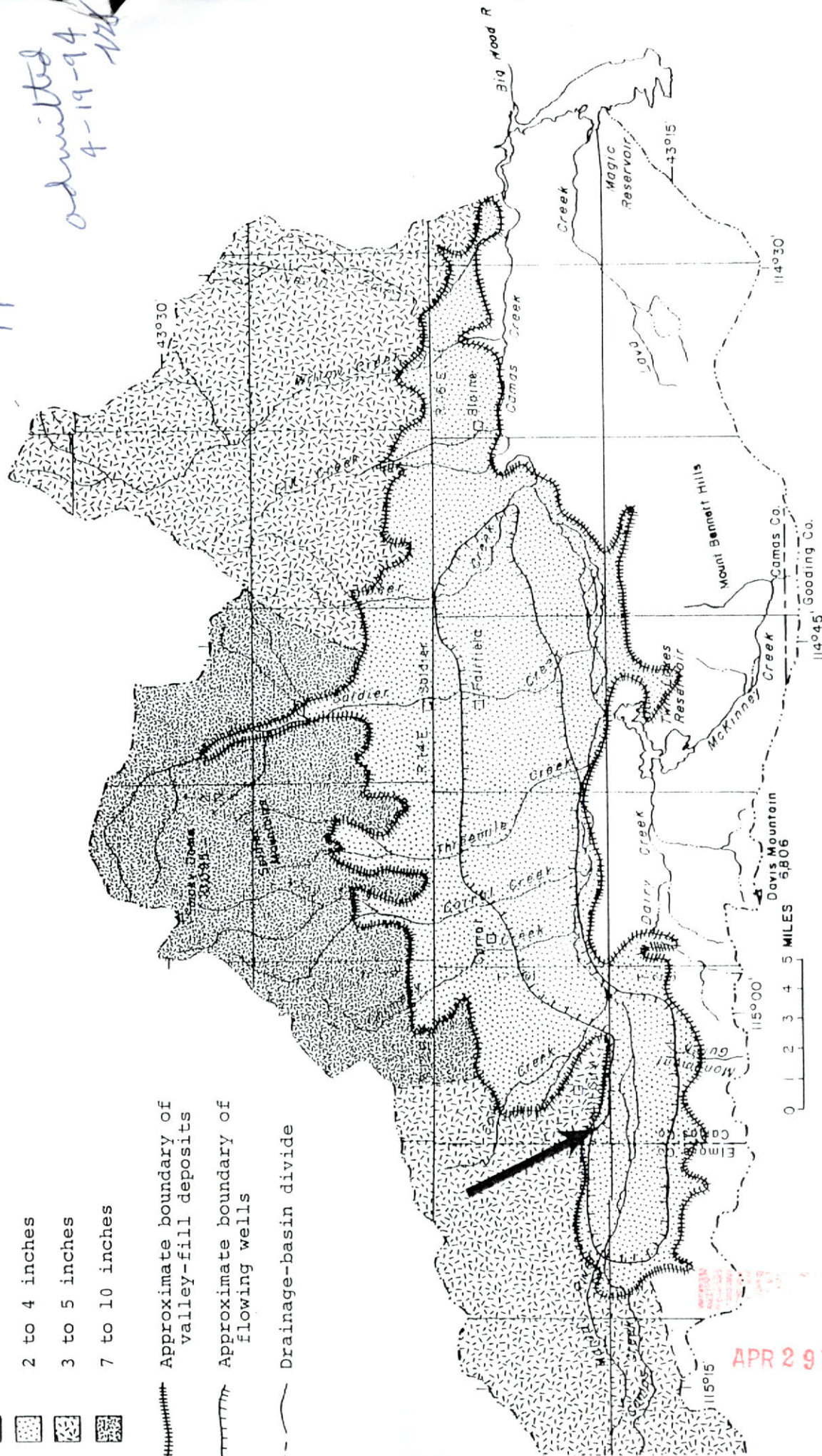
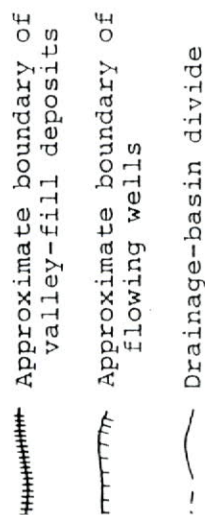
Drainage-basin divide



ESTIMATE OF MEAN ANNUAL RUNOFF AND BOUNDARY OF FLOWING WELLS

FIGURE 1

applicant's Exhibit
#7



ESTIMATE OF MEAN ANNUAL RUNOFF AND BOUNDARY OF FLOWING WELLS

FIGURE 1

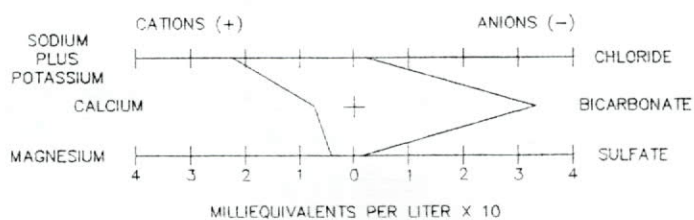
APR 29 1996

FIGURE 4

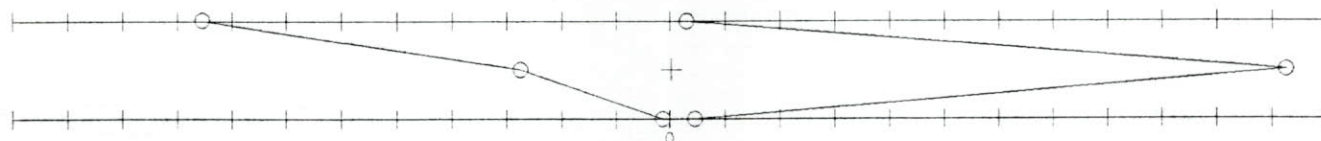
PATTERN DIAGRAMS

DENNIS STROM AREA
CAMAS PRAIRIE, IDAHO

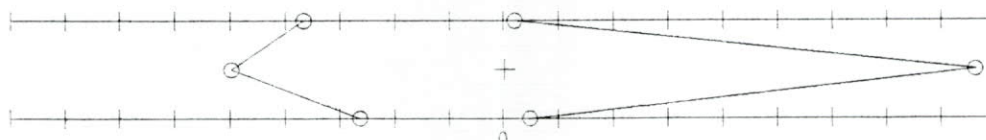
EXPLANATION PATTERN DIAGRAM



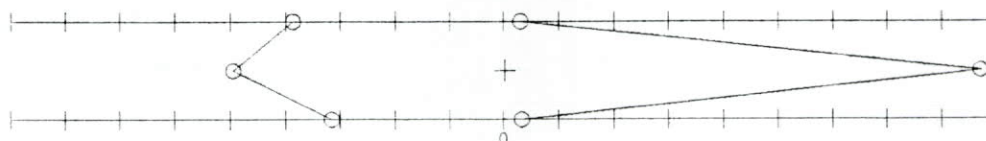
STROM IRRIGATION WELL
SW NE 31 15 12 E



WILLIAMS POND
SE SE 31 15 11 E



JOHNNY SPRING
SW NW 5 25 11 E



UNRECORDED

APR 29 1996

EXPLANATION

Pattern diagram

232 dissolved solids, in milligrams per liter

CATIONS (+) ANIONS (-)



Surface-water sample stippled
 Water-table sample hatchured

Surface-water site

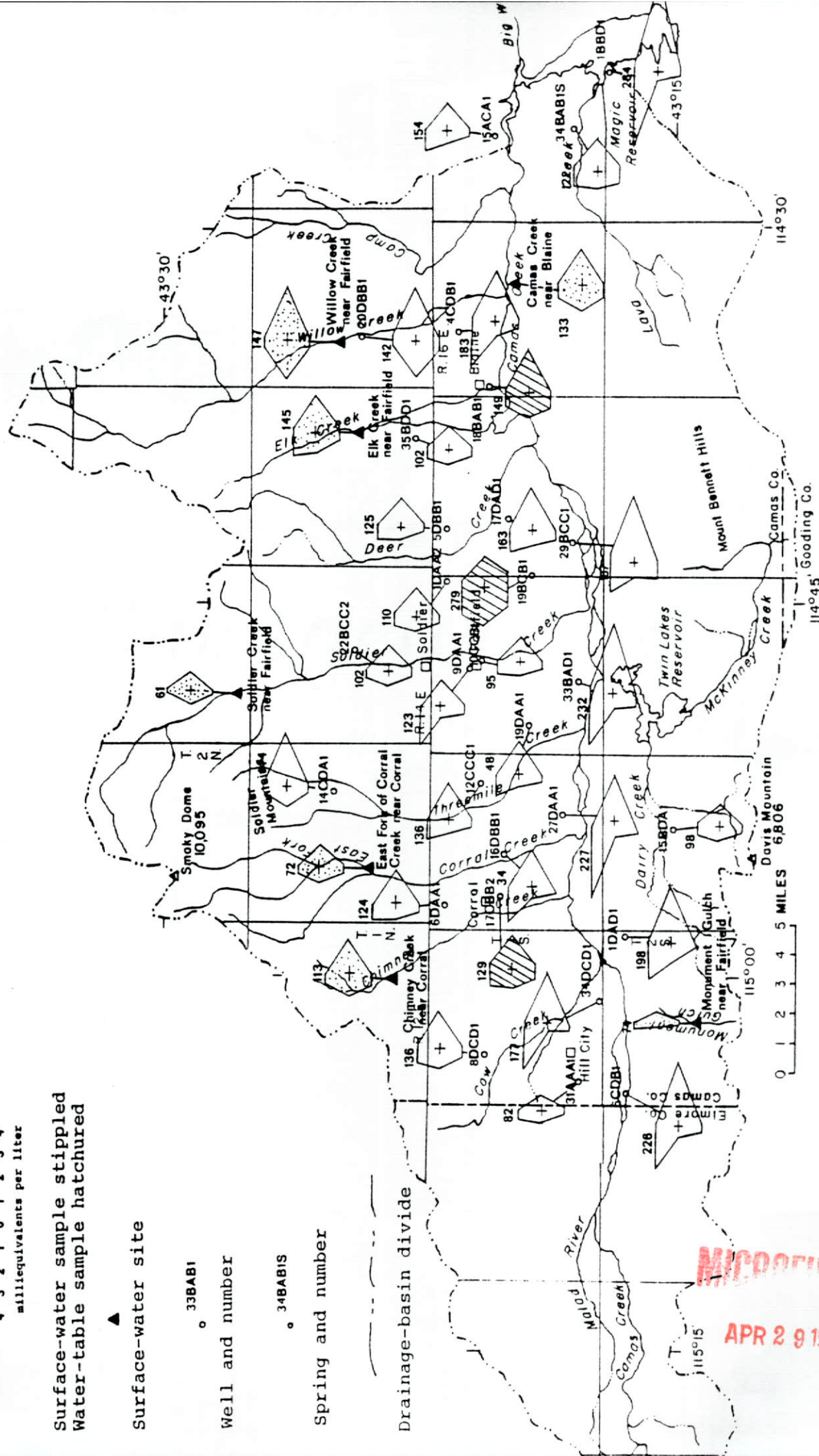
338AB1

Well and number

348AB1S

Spring and number

Drainage-basin divide



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APR 29 1996

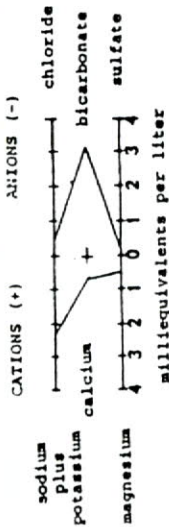
FIGURE 5

CHEMICAL CHARACTER OF WATER

EXPLANATION

Pattern diagram

232 dissolved solids, in milligrams per liter



Surface-water sample stippled
Water-table sample hatched

Surface-water site

338AB1

Well and number

348AB1S

Spring and number

Drainage-basin divide

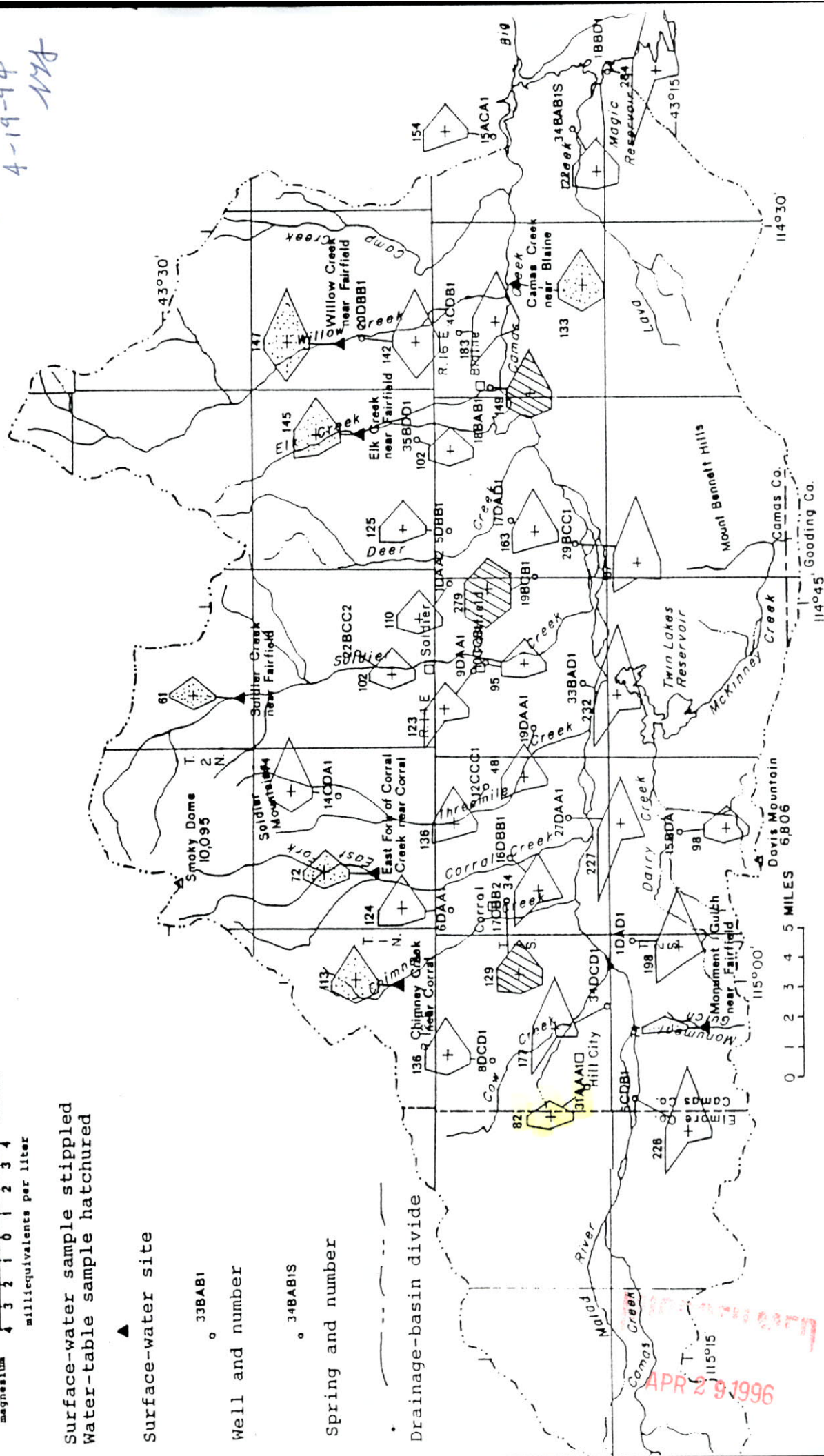


FIGURE 5

CHEMICAL CHARACTER OF WATER

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APR 16 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

1. Permit No. 37-08057 Telephone No. 208 764-2596

2. Name(s) of Permit Holder(s): Strom Ranch Inc

3. Mailing Address: Box 137 Hill City Idaho 83337

4. Source of Water: Well If **GROUNDWATER** (well), Date Drilled: mo. 11 / yr. 1982

a. Well Driller: Pete Cope Drilling Co Inc Drilling Permit Number: Dec 17, 1982

b. **OPTIONAL:**
Pump Horsepower: 100 Pressure (psi): 30 Dynamic pumping level (ft): 300

5. Use(s) (as authorized by the water right permit):

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

Irrigation (No. of acres): 100 Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: .6 cfs OR _____ 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 ☐
Has the measuring device been installed?	Yes ☐ or No ☒ <u>Not Complete</u>
Flow Measurement Port: Is a flow measurement port required?	Yes ☒ or No ☐
Has the measurement port been installed?	Yes ☒ or No ☐

8. Fee Enclosed: \$ 100 (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: Dennis Strom Telephone Number: 208-764-2596

Address: Box 137 Hill City Idaho 83337

10. The information given on this form 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.

Signature of permit holder: Dennis Strom Pres Date: 4/14/97
(include your title, if on behalf of company or organization)

APR 22 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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APR 2 - 1996

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 under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 37-08057

Name(s) of Permit Holder: Strom Ranches INC

Mailing Address: Box 137 Hill City ID 83337

Date Proof is Due: MAY 1 1996 Telephone No. 208 764-2596

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".)

Everything is ready except Pump & Power
Power is out to well but not connected

Costing \$ 100,000

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

Weather AND crop year doesn't start until
JUNE Power & Pump ~~can't~~ CAN'T be installed
until weather permits

Permit holder(s) request an extension to Aug 1, 19 96

FEE: \$50.00

Henry B Strom Pres.
(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 May 1, 1996

Signed this 23rd day of April, 19 96

Z. Glen Saylor
Chief, Water Allocation Bureau

IN THE MATTER OF PERMIT NO. 37-08057) ORDER EXTENDING
) PROOF OF
IN THE NAME OF STROM RANCHES, INC.) BENEFICIAL USE
)

APR 29 1996

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

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

FINAL ORDER

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

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

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

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

FINDINGS OF FACT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

T1S, R12E, BM., Section 31

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

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

T1S, R12E, BM., Section 31

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

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

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

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

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

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

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

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Basis of right: License

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

37-04343

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

37-04359

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

20. The Big Wood Canal Company owns prior water rights 37-0086720 and 37-0087020 which were decreed in the case of Chapman et al., vs. Big Wood Canal Company. These rights have priorities of November 16, 1905 and June 1, 1920 respectively and provide for storage of water in Magic Reservoir which is located downgradient from the applicant's proposed project.

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

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

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

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

CONCLUSIONS OF LAW

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ORDER

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

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

Signed this 8TH day of SEPTEMBER, 1994.


R. KEITH HIGGINSON
Director

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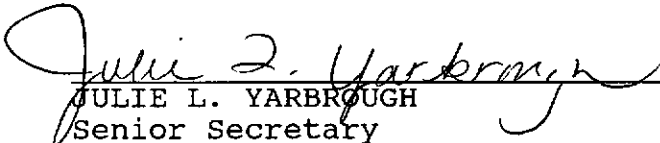
CERTIFICATE OF MAILING

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

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

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

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


JULIE L. YARBROUGH
Senior Secretary

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APR 29 1996

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 37-08057

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

This is to certify, that STROM RANCHES INC
PO BOX 137
HILL CITY ID 83337-0137

has applied for a permit to appropriate water from: GROUNDWATER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
-----------------------	----------------------	--------------------------

IRRIGATION	03/15 to 11/15	2.00 CFS
------------	----------------	----------

LOCATION OF POINT(S) OF DIVERSION: SWNE , Sec. 31, Township 01S, Range 12E
CAMAS County

PLACE OF USE: IRRIGATION

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

Total number of acres irrigated: 100

CONDITIONS/REMARKS:

1. See Final Order for conditions of approval.

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

9th day of September, 1994.

R. Keith Higginson
for R. Keith Higginson, Director

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APR 29 1996

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

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

ORDER

On May 13, 1994, the Idaho Department of Water Resources (department) issued a Recommended Order in connection with Application for Permit No. 37-08057 in the name of Strom Ranches, Inc. (Strom Ranches).

On June 13, 1994, Strom Ranches filed a Petition for Reconsideration and a request for oral argument on the petition before the hearing officer.

Paragraph No. 14. of the petition included the following provision:

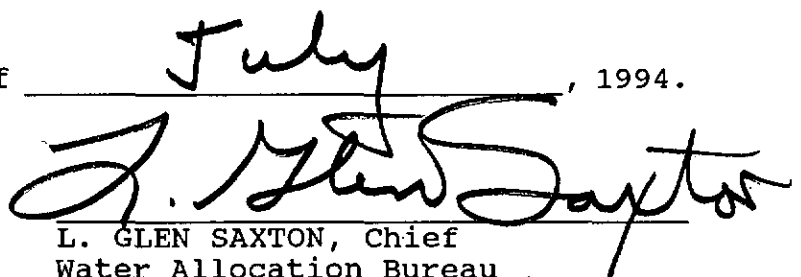
14. Petitioner (Strom Ranches) offers as mitigation its water rights on Wild Horse Creek, a tributary of Camas Creek, which is sufficient to irrigate 100 acres during years which the Magic Reservoir water rights (37-0086720 and 37-0087020) are short of water.

The Order of the Director dated June 28, 1991 designating the Big Wood River Ground Water Management Area provided that the department could consider approval of an application for permit if an applicant could provide acceptable mitigation to compensate prior water rights.

IT IS THEREFORE, HEREBY ORDERED that oral argument relative only to the issue of mitigation is **GRANTED** to Strom Ranches.

IT IS FURTHER ORDERED that oral argument is scheduled for 10:00 a.m., on July 26, 1994 at the Department of Water Resources State Office, 1301 N. Orchard St., Boise, Idaho.

Dated this 6th day of July, 1994.


L. GLEN SAXTON, Chief
Water Allocation Bureau

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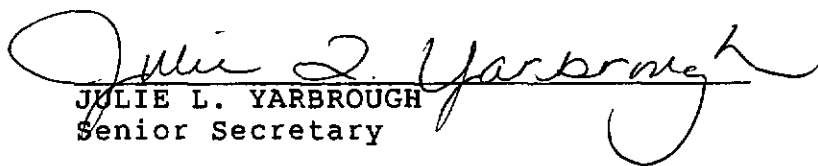
CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 6th day of July, 1994, I mailed a true and correct copy, postage prepaid, of the foregoing ORDER to the following:

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

Strom Ranches, Inc.
P.O. Box 137
Hill City, ID 83337

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


JULIE L. YARBROUGH
Senior Secretary

MICROFILMED

APR 29 1996

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

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

RECOMMENDED ORDER

This matter having come before the Idaho Department of Water Resources (department) in the form of a protested application for permit, the department having held a conference and a hearing in the matter, the Director of the department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

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

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

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

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

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

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

7. On March 19, 1992, the department contacted the applicant

APR 29 1996

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

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

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

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

- a) Applicant's Exhibit No. 1 - Resume of Sherl L. Chapman.
- b) Applicant's Exhibit No. 2 - Water Quality Analyses - Camas Prairie.
- c) Applicant's Exhibit No. 3 - Pattern Diagrams - Dennis Strom Area, Camas Prairie, Idaho.
- d) Applicant's Exhibit No. 4 - A report titled Ground Water Assessment, Dennis Strom Property, Hill City, Idaho by Sherl L. Chapman, dated April 18, 1994.
- e) Applicant's Exhibit No. 5 - A computer generated listing of certain water rights in the vicinity of the applicant's property.
- f) Applicant's Exhibit No. 6 - Figure 5 entitled Chemical Character of Water. This figure is from U.S. Geological Survey Open-File Report 78-82 titled Water Resources of Camas Prairie, South-Central Idaho and is also included within the text of Exhibit No. 4. The study was conducted in 1978.
- g) Applicant's Exhibit No. 7 - Figure 1 entitled Estimate of Mean Annual Runoff and Boundary of flowing wells. This figure is included within the text of Exhibit No. 4.

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

APR 29 1996

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

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

T1S, R12E, BM., Section 31

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

TOTAL 150 acres

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

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APR 29 1996

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

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

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

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

37-04343

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

37-04359

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

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

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

20. Under present conditions of irrigation use and storage management, Magic Reservoir fails to fill in about 37% of all years of record. On April 1, 1994, the storage runoff was projected to

APR 29 1996

be 100,000 Acre Feet which is approximately 50% of reservoir capacity.

CONCLUSIONS OF LAW

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

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

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

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

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

4. Diversion of water from the applicant's well will, however, intercept water which would accumulate in Magic Reservoir during those years Magic Reservoir does not fill. Such diversion will reduce the quantity of water available to supply rights with an earlier priority than that of Application for Permit No. 37-08057.

5. The ground water supply available from the Strom well itself is sufficient for the irrigation of 150 acres.

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

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

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APR 29 1996

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

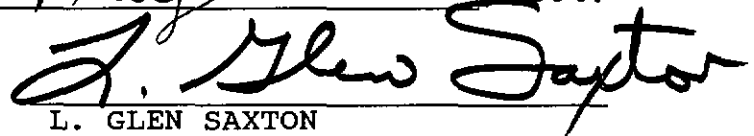
9. The application is not contrary to the conservation of water within Idaho.

10. The department should reject Application for Permit No. 37-08057, since it will reduce the amount of water available to existing water rights and since the applicant has not submitted a mitigation plan.

ORDER

IT IS THEREFORE, hereby ORDERED that Application for Permit No. 37-08057 in the name of Strom Ranches, Inc. is **REJECTED**.

Signed this 13TH day of May 1994.



L. GLEN SAXTON
Hearing Officer

RECEIVED

APR 29 1996

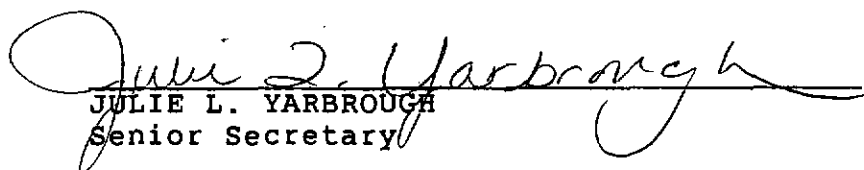
CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 13TH day of May, 1994, I mailed a true and correct copy, postage prepaid, of the foregoing RECOMMENDED ORDER to the following:

Pat Bennett
Box 113
Hill City, ID 83337

Gary D. Babbitt
P.O. Box 1617
Boise, ID 83701

Strom Ranches, Inc.
P.O. Box 137
Hill City, ID 83337


JULIE L. YARBROUGH
Senior Secretary

RECEIVED

APR 29 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Strom Ranches, Inc. Phone 764-2592

Post office address Box 124 Hill City, Idaho 83337

2. Source of water supply groundwater which is a tributary of _____

3. Location of point of diversion is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 31 Township 1S

Range 12E B.M. Camas County, additional points of diversion if any: _____

SWNE, Sec. 31 T1S, R12E

4. Water will be used for the following purposes:

3.0
Amount 14.40 for irrig purposes from Apr 15 to Oct 15 (both dates inclusive)
(cfs or acre-feet per annum)

4/19/94 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:

3.0
14.40 a. _____ cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. 2 wells, motors & pumps

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is 18 inches; proposed depth of well is 1400 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____

Range _____ B.M. _____

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____

(5) If water is to be used for other purposes describe: _____

APR 29 1996

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

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	12E	31	40	40	40	40	40	40	40	40	40			40	40	40	40	40	560
		32							40	40	30	30	10	10					160

Total number of acres to be irrigated 720

c. Describe any other water rights used for the same purposes as described above. none

9. a. Who owns the property at the point of diversion applicant

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

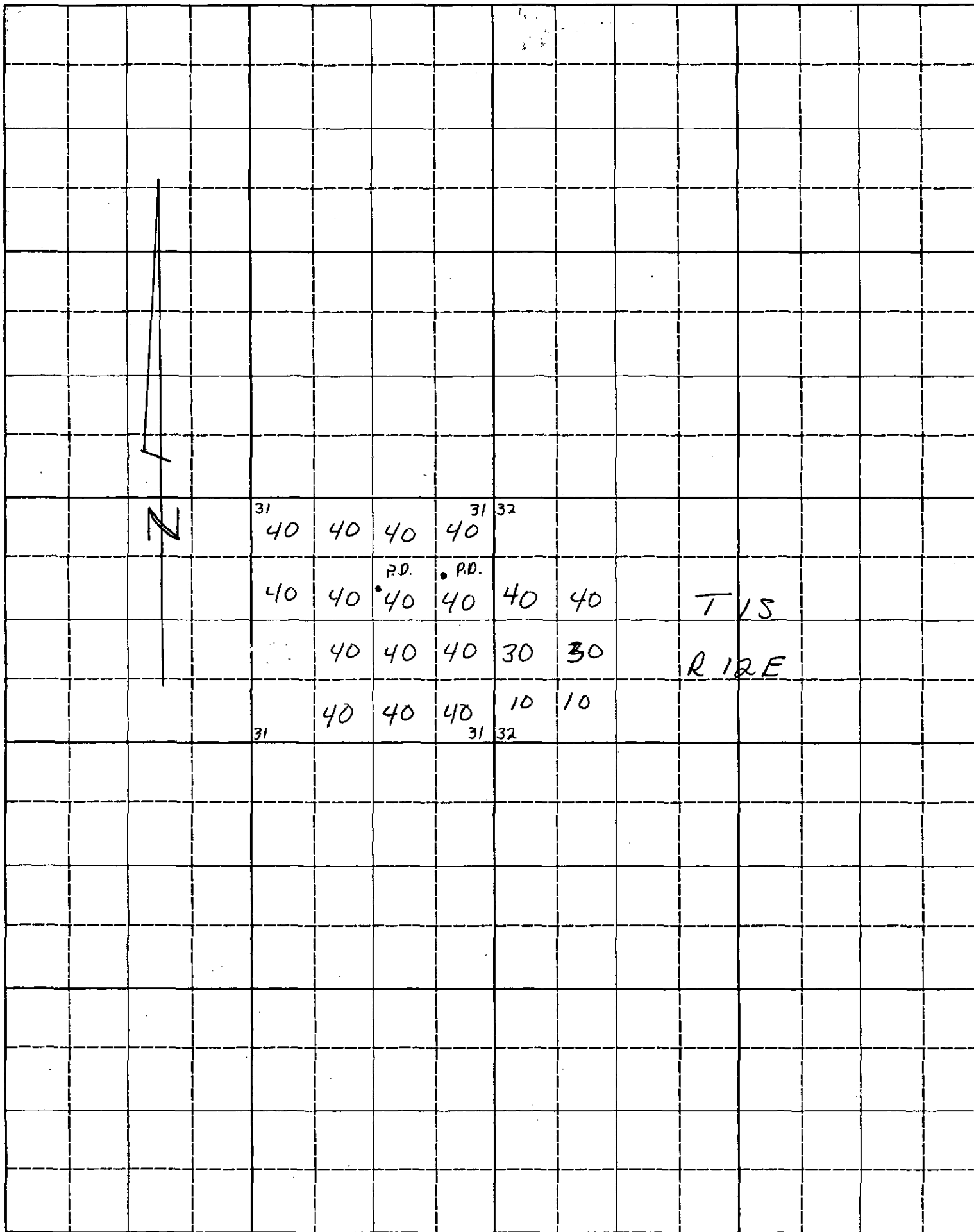
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

10. Remarks

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APR 29 1996

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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.

APR 29 1996

Strom Ranches Inc.
(Applicant)
By Keith B. Strom
(pres)

Received by Ray Judley Date Nov. 3, 1982 Time 3:15 P.M.
Preliminary check by JP Fee \$ 325⁰⁰ # 23828
Receipted by marpa Date 11/3/82
Publication prepared by marpa Date 11/10/82
Published in Gooding Co. Leader
Publication dates 11/17 + 11/24/82
Publication approved marpa Date 11/16/82
Protests filed by: Pat Bennett -

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by _____

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. Other:

MISFOUNDED

APR 29 1996

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 37-08057 Reviewed by Jy Date 4-21-97

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?
yes Address same as permit?
yes Proof timely received?
If not, complete calculation below.

Irr.
yes Correct Uses?

SOURCE OF WATER

 Surface water source

✓ Ground water source

no Drilling permit required?

1 Copy in the file? Drilling Permit No.

 Amount paid for permit Correct?

yes Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required?
100- Amount Submitted
yes Correct?

yes Required?
yes Installed?
 Waiver requested?

PRIORITY CALCULATION

Date proof received	<u> </u>	<u> </u>
Date proof due	<u> </u>	<u> </u>
No. of days late	<u> </u>	<u> </u>
Priority Date	<u> </u>	<u> </u>
New Priority Date	<u> </u>	<u> </u>

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address X Proof Made 4-16-97



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR
April 22, 1997

STROM RANCHES INC
PO BOX 137
HILL CITY ID 83337

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 37-08057

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.

Please be advised that Section 42-248, Idaho Code, which became affective on July 1, 1996, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact any office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner. Failure to maintain current records with the department could result in the assessment of a monetary penalty.

If you have questions concerning the field examination, contact the **SOUTHERN** Regional Office in Twin Falls, at (208)736-3033.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

C: IDWR - Region

MICROFILMED

APR 22 1997

February 28, 1997

STROM RANCHES INC
PO BOX 137
HILL CITY ID 833370137

PROOF DUE NOTICE

RE: PERMIT NO. 37-08057

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 May 1, 1997.

(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.

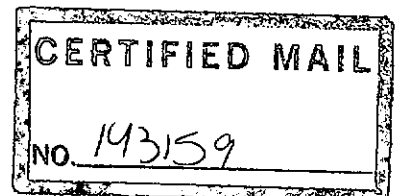
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED
APR 22 1997





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

May 31, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Strom Ranches, Inc.
c/o Dennis Strom
P.O. Box 137
Hill City, ID 83337

RE: PERMIT NO. 37-08057 - STROM RANCHES INC.

Dear Mr. Strom:

I have reviewed your letter dated May 26, 1996 in which you propose a means to comply with Conditions of Approval Nos. 5 and 7 for the above referenced permit.

In general, the proposals in your letter are acceptable to the department qualified as follows:

1. If there are other consumptive use rights on Wildhorse Creek downstream from the point where you used to divert water from the Creek, you need to take those rights into account when determining whether you are authorized to pump ground water from the well.
2. Even though you propose to gather data to rate the discharge from the eleven (11) foot oval culvert under U.S. Highway 20 during the 1996 and 1997 seasons, you are still obligated during these years to assure that you are diverting water within the terms and conditions of approval of the permit.
3. The flow meter on the well must be operational for the 1996 irrigation season.

The department appreciates your efforts to comply with the conditions of approval authorizing the diversion of ground water for the above referenced permit.

If you have questions or if the department can provide technical assistance to you, please feel free to contact the department.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - S. Region

MICROFILMED

APR 22 1997

May 26, 1996

L. Glenn Saxton, Chief, Water Allocation Bureau
Department of Water Resources
1301 North Orchard Street, Statehouse Mail
Boise, ID 83720-9000

RECEIVED
MAY 30 1996
Department of Water Resources

RE: Letter dated 4/23/96 (permit # 37-08057)

This letter is an acknowledgement and response to the final order 37-08057 dated 9/12/94. A method of monitoring Wild Horse Creek is included as well as an alternate plan for questionable use periods. The monitoring period of both Wild Horse Creek and the Strom well starts May 1 and ends when there is no flow in the creek or August 1 which ever comes first.

In response to the conditions set forth within the permit order and owing to the demands of the well pump, an accumulative monitoring method will be used. This system is needed for that period when flow in Wild Horse Creek is less than the continuous flow required by the pump. Your further clarification of permit conditions may also be needed.

The pumping system installed in the well delivers water at a single flow rate through the irrigation pivot nozzles. Nozzles were chosen so that lower flow rates and pressure would be needed. The order states that when the pump flow rate exceeds that of Wild Horse Creek's flow rate, pumping must be terminated. Yet, under the conditions of the permit order a certain amount of water is still available for use. It is questionable whether or not a significant amount of water would be available for use during low flow periods. However, beneficial use of this water is desired.

It is desirable to account for low flow water in an accumulative manner. When low flow water passing into Camas Creek from Wild Horse Creek has achieved an accumulative amount equal to that used by the Strom well in a single 24 hour period, then the well could be operated for a single 24 hour period.

The Strom well shall be flow tested to determine its flow rate under normal operating conditions. This flow rate will be used as a means of establishing low flow periods. An flow meter will be attached to the pump controller box so that cumulative activity will be monitored.

Wild Horse Creek passes under US-20 by use of an eleven foot oval shaped culvert. Because this culvert has a well defined shape, water flow rates can be monitored by observing water depth flowing through it. The 1996

MICROFILMED
APR 22 1997

and 1997 run off season will be used to gather data that in turn will provide a calibrated means of observing flow rate. Velocity soundings as well as flow depth will be collected for various flow conditions and used to establish a calibration. Data collected for this calibration may be at times other than operational observation sample times. If the uncertainty of this measurement system is un-acceptable to the department, a conventional weir system may be needed and installed in the fall of 96 or 97. High spring time run off makes a conventional weir system prohibitive economically due to extensively damaged that may be encountered annually.

The operational record will consist of observations that contain height of water flow in Wild Horse Creek and the estimated flow rate as well as the accumulated seasonal run off to date. The record will also show the accumulated time and estimated water pumped from the Strom well to date. Entries will be made indicating when the pump is energized and de-energized for time and date. A minimum of two flow observations per week will be entered into the operations record.

The following will be utilized and maintained as components of this system for approved operating conditions of this permit order by Strom Ranches Inc.

- Use of US-20 Wild Horse Creek roadway culvert as a flow rate weir. have a qualified engineer, such as Sheryl Chapman-Boise, Charles Brockman- Twin Falls, Lee Peterson-Shoshone, Reed Newby Shoshone, or who ever the Dept. desires to establish water flow rates on Wild Horse Creek.
- Bi-Weekly Monitoring
- Strom well pump will be equiped with a cummulative flow meter.
- Low flow water must accumulate prior to an equivelent well usage period.
- Well pump halted for the season when Wild Horse Creek stops flowing.
- No water rights below affected
- Records maintained by Strom Ranches Inc. available to the department upon demand.

Your continued help and direction in this matter has been appreciated.

Sincerely,



Dennis Strom, President
Strom Ranches, Inc.

MICROFILMED
APR 22 1997

ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No. 37-08057 Reviewed by [Signature] Date 4-19-96

BASIC INFORMATION

4-7-96 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 *Recommend extend to May 1, 1997, on basis of due diligence.*

PRIORITY CALCULATION

Date extension received	_____	=	_____
Proof due date	_____	=	_____
Number of days late	_____	=	_____
Priority date	_____	=	_____
New Priority Date	_____	=	_____

DATA ENTRY

New Address X _____
Change Proof Due Date 5-1-97
Change Priority Date X _____



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 23, 1996

Strom Ranches, Inc.
Box 137
Hill City, ID 83337

RE: Permit No. 37-08057

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 **May 1, 1997**. 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 since the department **will not** be able to grant additional extensions based on due diligence.

Additionally, the department would like to specifically call your attention to the conditions of approval for Permit No. 37-08057 as set forth in the Final Order dated September 8, 1994. More specifically, Condition of Approval No. 5 and 7 read as follows:

5. Permit holder is not authorized to divert groundwater at a rate greater than the rate of flow in Wildhorse Creek available for diversion under License No. 37-02001. Since this well location is not within an organized water district, the applicant shall notify the Department each year prior to commencing pumping and shall maintain records of periods of pump operation and water divertable from Wildhorse Creek under License No. 37-02001.

7. Prior to the diversion of water under this right, a flow measurement port or other device as specified by the department shall be installed to provide for the determination of the rate of diversion by the department. The right holder shall also install measuring devices in Wildhorse Creek as determined necessary by the Director of the Department to properly administer use of water under this approval.

For the 1996 irrigation season, the department will consider that your request for extension of time is notification that you intend to pump the well during 1996. If you in fact divert water from the well during 1996, you must install measuring devices which are sufficient to measure both water diverted from the well and water which is available in Wildhorse Creek unless you can propose a different plan which is acceptable to the department. You must maintain the records described in the condition and must submit the records to the department at the end of the season.

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APR 29 1996

Strom Ranches, Inc.

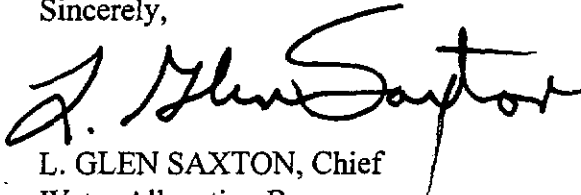
Page 2

April 23, 1996

You should specifically take note of Condition No. 5 in your planning process, since when there is only 0.6 cubic feet per second flowing in Wildhorse Creek, you are entitled to only divert 0.6 cfs from your well. When there is no water in Wildhorse Creek, you are not authorized to divert water from your well.

Please contact me at (208)327-7900 or the Southern Regional Office at (208)736-3033 if you have any questions regarding this matter.

Sincerely,



L. GLEN SAXTON, Chief
Water Allocation Bureau

Enclosure

C: Allen Merritt
IDWR - S. Region

APR 29 1996

February 28, 1996

STROM RANCHES INC
PO BOX 137
HILL CITY ID 833370137

PROOF DUE NOTICE

RE: PERMIT NO. 37-08057

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 May 1, 1996.

(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.

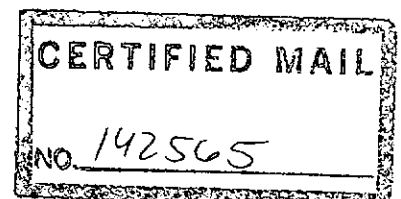
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

RECORDED

APR 29 1996





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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

February 21, 1996

Strom Ranches, Inc.
P.O. Box 137
Hill City, ID 83337-0137

RE: Permit No. 37-08057

Dear Permit Holder:

I have enclosed a copy of the **ORDER EXTENDING PROOF OF BENEFICIAL USE** in connection with the above referenced permit. A Proof Due Notice and forms to file proof will be mailed February 29, 1996.

If you have any questions regarding the enclosed order, please feel free to contact me at (208)327-7900.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

cc: IDWR - Region

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APR 29 1996

OCT 24 1995

J. DAVID NAVARRO, Clerk
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

RECEIVED

OCT 25 1995

Department of Water Resources

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

Case No. 98264

MEMORANDUM DECISION

STROM RANCHES, INC.,

Appellant,

vs.

IDAHO DEPARTMENT OF WATER
RESOURCES,

Respondent.

This is an appeal from a final order issued by the Department of Water Resources (the Department). Pursuant to I.C. § 42-1701A(4), judicial review of a decision of the Department shall be had in accordance with the Idaho Administrative Procedure Act, Chapter 52, Title 67, Idaho Code. Strom Ranches, Inc. (Strom Ranches) appeals the Department's granting of Strom Ranches' Application for Permit subject to certain conditions.

Background

Strom Ranches originally filed application for permit no. 37-08057 (the Strom application) with the Department on November 3, 1982. The application sought to divert 14.4 cubic feet per second (cfs) from a well located within the SE1/4 of the NE1/4

APR 29 1996

1 and SW1/4 of the NE1/4, Section 31, T 1S, R12E, B.M., Camas
2 County for the irrigation of 720 acres within parts of Section 31
3 and 32, T1S, R12E, B.M.

4 Strom Ranches originally constructed the well (well or Strom
5 well) during the fall of 1982. The well was constructed to a
6 total depth of about 433 feet. The well bore was gravel packed
7 from 18 feet to 433 feet. Vertical flow through the gravel
8 packing was estimated to be a maximum of about 30 gallons per
9 minute. The discharge of the original well was never tested
10 because the well was damaged in the spring of 1983 by explosives.
11 Later in 1983, Strom Ranches repaired the well and deepened it to
12 650 feet. The reconstructed well included a 12 inch liner inside
13 the original 16 inch diameter casing. The well was constructed
14 so that water entered the well bore through the original
15 perforations at approximately the 225 foot level. Vertical flow
16 was estimated at several gallons per minute for the reconstructed
17 well. Discharge from the repaired well was tested to be
18 approximately 560 gallons per minute. Static water level in the
19 well is about 16 feet below land surface.

20 Notice of the application was published in the Gooding
21 County Leader. On December 2, 1982, the Department received a
22 letter from Pat Bennett of Hill City, Idaho protesting the
23 application. On February 8, 1983, the Department held a hearing
24 in Fairfield Idaho to address the protest. Before the Department
25 could issue a decision on the application, all processing of new
26 water permits in the Snake River Drainage was stayed until such

APR 29 1996

1 time as the effect of the Swan Falls litigation could be
2 determined.

3 On June 28, 1991, the Director of the Department of Water
4 Resources designated the Big Wood River Ground Water Management
5 Area which includes the Camas Creek drainage. The Order creating
6 the Big Wood River Ground Water Management Area contained
7 Findings of Fact which stated that surface and ground waters of
8 the Big Wood Drainage are interconnected. The Big Wood River
9 Ground Water Management Area contains the Camas Creek drainage in
10 which the Strom well is located.

11 In 1990, the Department resumed processing new water permits
12 in the Snake River Drainage. On April 19, 1994, the Department
13 conducted a hearing on the Strom application. On May 13, 1994,
14 the hearing officer issued a recommended order rejecting the
15 application. Agency Record at 68. In response, Strom Ranches
16 filed a Petition for Reconsideration and Petition for Oral
17 Argument on June 13, 1994. Agency Record at 82. In the
18 Petition, Strom Ranches offered its water rights on Wild Horse
19 Creek as mitigation. Agency Record at 85. A hearing on the
20 Petition for Reconsideration was held on July 26, 1994. At the
21 hearing, Strom Ranches offered to reduce the acreage to be
22 irrigated on the application to 100 acres to match the acreage
23 offered as mitigation.

24 On September 8, 1994, the Director issued a Final Order
25 approving the Strom application subject to certain conditions and
26 limitations. Agency Record at 103.

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Standard of Review

"A court which is reviewing an agency decision may not substitute its judgment for that of the administrative hearing officer on questions of fact." Boise Group Homes v. Dept. of Health, 123 Idaho 908, 909 (1993). An agency's findings of fact will be upheld if such findings are supported by substantial evidence in the record. Id.

Discussion

On appeal, Strom Ranches argues that there is not substantial evidence in the agency record to support the conclusion that the aquifer tapped by the Strom well in the western end of the Camas Creek basin is connected to the surface water. Thus, Strom Ranches contends that the Department's finding that the Strom well will intercept water which would accumulate in the Magic Reservoir is not supported by substantial evidence in the record. The key findings made by the Department are:

20. The Big Wood Canal Company owns prior water rights 37-0086720 and 37-0087020 which were decreed in the case of Chapman et. al. vs. Big Wood Canal Company. Their rights have priorities of November 16, 1905 and June 1, 1920 respectively and provide for storage of water in Magic Reservoir which is located downgradient from the applicant's proposed project.

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

22. Under present conditions of irrigation use and storage management, Magic Reservoir fails to fill in about 37% of all years of record. On April 1, 1994 the storage

1 runoff was projected to by 100,000 Acre Feet which is
2 approximately 50% of reservoir capacity.

3 Agency Record at 121.

4 The Director further concluded:

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

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

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

16 Agency Record at 122.

17 The Department's decision relies heavily on the U.S.
18 Geological Survey, Open File Report 78-82, on Water Resources of
19 Camas Prairie, South-Central Idaho (USGS Report). Thus, the
20 issue becomes whether the USGS Report constitutes substantial
21 evidence, when considering the record as a whole, that ground
22 waters, including those tapped by the Strom well, and surface
23 waters are interconnected such that the diversion of water from
24 the Strom well will intercept water which would otherwise
25 accumulate in the Magic Reservoir.

26 The Order creating the Big Wood River Ground Water
Management Area stated in Finding of Fact #2:

The surface and ground waters of the Big Wood River drainage
are interconnected. Diversion of ground water from wells
can deplete the surface water flow in streams and rivers.
New ground water uses can also deplete available supplies
for other users and affect basin underflow which presently
accumulates in the Magic Reservoir.

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1 The Strom well is in the artisan system. The USGS Report
2 states that ground water from the deeper artisan basalt aquifer
3 discharges into Camas Creek which eventually empties into Magic
4 Reservoir. In Section 4.5 the USGS Report states:

5 Discharge measurements along Camas Creek between sites 1 and
6 11 (see opposite page) generally show a small loss to the
7 water-table aquifer in the valley-fill deposits. However,
between sites 11 and 14, Camas Creek cuts deeply into basalt
and drains the basalt aquifer.

8 USGS Report at 20.

9 The USGS Report estimates the annual ground water discharge
10 to streams in the Camas Prairie to be 7,500 acre-feet. USGS
11 Report at 20. Further the USGS Report establishes that pumping
12 water from the artisan system results in a decline in the artisan
13 head which, in turn, results in a decline in versicle recharge to
14 the water-table aquifer. USGS Report at 3, 16. Thus, the
15 interconnection between surface water, the water table aquifer,
16 and the deeper artisan system is recognized by the USGS Report
17 and the Order creating the Big Wood River Ground Water Management
18 Area.

19 Strom Ranches relies on the testimony of Sherl Chapman and
20 quotes extensively from his testimony in its brief. Strom
21 Ranches argues that there is no connection between the artisan
22 aquifer tapped by the Strom well and the surface waters of the
23 Camas Prairie because the chemical character of the surface
24 waters in the western end of the basin is different from the
25 ground water tapped by the Strom well. However, the Respondent
26 points out, the chemical composition tests occur at the well and

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1 the spring sites that are locations upgradient from the point in
2 the drainage where the ground water and the surface water
3 interconnect. Thus, the chemical test results do not disprove
4 that the deeper artisan system and surface waters interconnect as
5 the waters move east toward Camas Creek and Magic Reservoir.

6 In addition, it appears upon review of the testimony of
7 Sherl Chapman and his report that his testimony was directed
8 toward any affects the Strom well would have on the immediate
9 area of the Strom well. He opined that there would be no
10 significant effects. Transcript at 26, 27. The findings of the
11 Department are consistent with Mr. Chapman's opinion in that the
12 Department found that diversion from the Strom well would have
13 minimal impact on the discharge of the springs in the area used
14 by protestant Pat Bennett.

15 At most, Mr. Chapman's testimony creates a conflict in the
16 evidence. The Department was entitled to resolve that conflict.
17 Therefore, I find that, when looking at the record as a whole,
18 there is substantial evidence in the record that the artisan
19 system tapped by the Strom well is interconnected with the
20 surface waters in Camas Prairie. Thus, the Department's finding
21 that the Strom well would intercept water that would otherwise
22 accumulate in Magic Reservoir is supported by substantial
23 evidence in the record. Because Magic Reservoir fails to fill in
24 about 37% of all years of record, the diversion of water that
25 would otherwise accumulate in Magic Reservoir would affect prior
26 water rights no. 37-00867Z0 and 37-00870Z0. Thus, I find that

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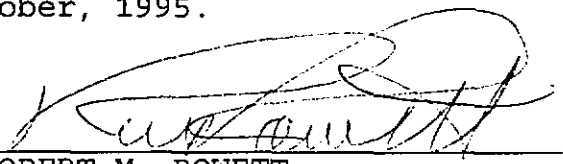
1 the Department's decision to grant the Strom application only
2 subject to the conditions set forth in the Final Order was proper
3 and supported by substantial evidence in the record.

4 Conclusion

5 For the reasons stated above, the decision of the Department
6 must be affirmed.

7 AND IT IS SO ORDERED.

8 Dated this 23rd day of October, 1995.

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10 
11 ROBERT M. ROWETT
12 District Judge
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APR 29 1996

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

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

TO: ALL PARTIES OR THEIR COUNSEL OF RECORD

YOU ARE HEREBY NOTIFIED, pursuant to I.R.C.P. 83(o), that the transcript of the testimony and proceedings of the hearing before the Department of Water Resources in this matter has been lodged with the Department in accordance with I.R.C.P. 83(k)(2).

YOU ARE FURTHER NOTIFIED, that the Department is enclosing with this notice to counsel for the parties one copy of the transcript;

THAT appellant pay \$34.00, the balance of the fees due for the preparation of the transcript;

THAT the parties have 21 days from the date of this notice in which to file any objection to the transcription;

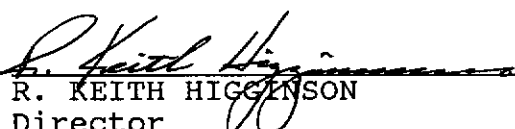
THAT any objections to the transcript shall be made in writing to the Department and shall be determined thereby;

THAT upon failure of the parties to file any objection within such 21-day period, the transcript shall be deemed settled; and,

THAT within seven (7) days of the settlement of the transcript, the Department shall file with the district court to which appeal has been made the original of the transcript together with a copy of the agency record and all exhibits offered or admitted in the proceeding.

APR 29 1996

DATED this 3rd day of January, 1995.

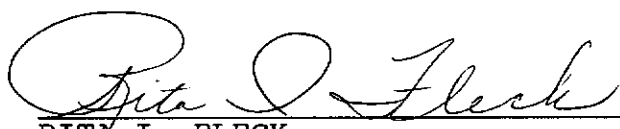

R. KEITH HIGGINSON
Director

CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the following described documents on the person listed below by mailing in the United States mail, first class, with the correct postage affixed thereto on the 2nd day of January, 1995.

Document served: NOTICE OF LODGING OF TRANSCRIPT
and TRANSCRIPT

Person served: GARY D. BABBITT
HAWLEY, TROXELL, ENNIS & HAWLEY
P.O. Box 1617
Boise, Idaho 83701-1617


RITA I. FLECK
Secretary
Idaho Department of Water Resources

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APR 29 1996

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No: E031609

Date: 11/ 4/1994
Time: 11:19:35

Received
From: HAWLEY, TROXELL, ENNIS

Type of Payment	Program A cct	Amount
TRANSCRIPT FEES	12100 229 21 1205	100.00

Total

CHECK 21036

\$100.00

Region: STATE

Signature: *Lucy*

RECEIVED

APR 29 1995



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

November 8, 1994

Jodi Schultz
1387 Storey
Meridian, ID 83642

Re: *Strom Ranches, Inc. v. IDWR*

Dear Jodi:

Enclosed for transcribing are two audio tapes. Also, I have enclosed a copy of the roster of attendance, sample pages from the *Anthony* case, and a caption sheet for your reference.

This particular case is odd, since one of the tapes is for an oral argument. Phil suggests that you complete the hearing tape first, then place an indexed sheet separating the events, prepare the tape of the oral argument and the final page will be your certificate.

If you have any questions or if I can help in any way, please let me know.

Thanks, Jodi.

Sincerely,

RITA-I. FLECK
Legal Secretary

Enclosures

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APR 29 1996

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No: 0031609

Date: 11/ 4/1994
Time: 11:19:35

Received
From: HAWLEY, TROXELL, ENNIS

Type of Payment	Program Acct	Amount
TRANSCRIPT FEES	12100	229 21 1205
		100.00
		Total
CHECK	21036	\$100.00

Region: STATE

Signature: *Luby*

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Filed: 10/7/94
Judge:
Case #: 98264

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OCT 11 1994

Department of Water Resources

Gary D. Babbitt
HAWLEY TROXELL ENNIS & HAWLEY
P.O. Box 1617
Boise, Idaho 83701
Telephone: (208) 344-6000
Fax: (208) 342-3829

Attorneys for Strom Ranches, Inc.

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

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

1. This appeal is taken from a decision of the Idaho Department of Water Resources;
2. This appeal is taken to the District Court of the Fourth Judicial District Court;
3. Appeal is taken from the Final Order, dated September 8, 1994, entitled:

IN THE MATTER OF APPLICATION
FOR PERMIT NO. 37-08057 IN THE
NAME OF STROM RANCHES, INC.
4. The appeal is taken from both matters of law and facts.

MICROFILMED

APR 29 1996

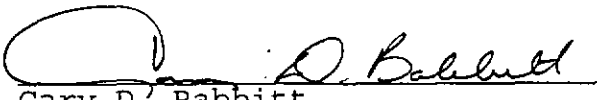
5. A true and correct copy of the Final Order is attached hereto as Exhibit A.

6. The testimony was recorded and, along with the files, in the possession of the Department of Water Resources Licensing Board relating to this matter.

7. A statement of issues on appeal will be subsequently filed pursuant to I.R.C.P. 83(f).

DATED this 7th day of October, 1994.

HAWLEY TROXELL ENNIS & HAWLEY

By 
Gary D. Babbitt
Attorneys for Strom Ranches, Inc.

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APR 29 1995

CERTIFICATE OF SERVICE

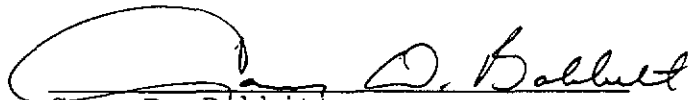
I HEREBY CERTIFY that on this 7th day of October, 1994, I caused to be served a true copy of the foregoing NOTICE OF APPEAL, by the method indicated below, and addressed to each of the following:

Department of Water Resources
1301 North Orchard
Boise, Idaho 83720-9000

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy

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

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy


Gary D. Babbitt

APR 29 1996

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

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

FINAL ORDER

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

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

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

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

FINDINGS OF FACT

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

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

3. During November and December 1982, the applicant constructed a well in the SW1/4NE1/4 Section 31, T1S, R12E, B.M. even though the department had not approved the application for permit.

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Exhibit A

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

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

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

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

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

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

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

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

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

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

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

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

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

T1S, R12E, BM., Section 31

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

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

T1S, R12E, BM., Section 31

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

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

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

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

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

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

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

APR 29 1996

Basis of right: License

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

37-04343

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

37-04359

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

20. The Big Wood Canal Company owns prior water rights 37-0086720 and 37-0087020 which were decreed in the case of Chapman et al., vs. Big Wood Canal Company. These rights have priorities of November 16, 1905 and June 1, 1920 respectively and provide for storage of water in Magic Reservoir which is located downgradient from the applicant's proposed project.

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

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

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

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

CONCLUSIONS OF LAW

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

APR 29 1996

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

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

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

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

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

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

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

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

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

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

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

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

APR 29 1936

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

ORDER

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

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

Signed this 8TH day of SEPTEMBER, 1994.


R. KEITH HUGGINSON
Director

APR 29 1996

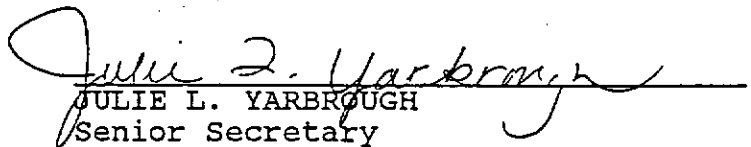
CERTIFICATE OF MAILING

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

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

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

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


JULIE L. YARBROUGH
Senior Secretary

RECEIVED

APR 29 1996



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

September 12, 1994

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

Dear Interested Party:

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

Section 67-5246 provides as follows:

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

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

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

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

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

(a) the petition for reconsideration is disposed of; or

(b) the petition is deemed denied because the agency head did
not dispose of the petition within twenty-one (21) days.

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

Final Order - Page 1

APR 29 1996

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

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

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

PETITION FOR RECONSIDERATION

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

Sincerely,



L. GLEN SAXTON
Chief, Water Allocation Bureau

RECEIVED
APR 29 1996

WR0749NP
No. 37-08057

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 09/01/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	STROM RANCHES INC PO BOX 137 HILL CITY ID 83337-0137 (208) 764-2592	11/03/1982	IRRIGATION	03-15-11-15	2.00 CFS	
TOTAL DIVERSION:					2.00 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: PERMIT

Point(s) of Diversion: T01S R12E S31 SWNE

CAMAS County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				
T	R	S		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	SUM
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
01S	12E	31	:	11	37	02	:	07		27	:	06			10	100.0
TOTAL ACRES																100.0

Pou County: CAMAS

Other Water Rights with Same Point(s) of Diversion and Source:
37-08057

Other Water Rights Listing Overlapping Place(s) of use:
37-08057

Conditions of Approval:

- 03A - The rate of diversion of water for irrigation under this right
- and all other water rights on the same land shall not exceed 0.02
- cubic feet per second for each acre of land.

Remarks: Right holder is not authorized to divert at a rate larger than 2.0 cfs of water for the irrigation of not more than 100 acres in Section 31, T01S, R12E, B.M.
Permit holder shall leave water right License No. 37-02001 undiverted in Wild Horse Creek and allow it to flow undiminished to Camas Creek as mitigation which authorizes the approval of Permit No. 37-08057.
Prior to the diversion of water under this right, a flow measurement port or other device as specified by the department shall be installed to provide for the determination of the rate of diversion by the department.
See Final Order for additional conditions of approval.

Dates: App. Received: 11/03/1982 Priority Date: 11/03/1982
Proof Due Date: 09/01/1995 Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 37 Field Exam Fee:

WR0750NP
(00-138)

IDAHO DEPARTMENT OF WATER RESOURCES
PLACE OF USE 1/4 1/4 COMPARISON REPORT

DATE: 09/01/94
PAGE: 1

(WATER RIGHT NUMBERS THAT BEGIN WITH AN * ARE ADJUDICATION CLAIMS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM					
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac						
P3708057	T01S R12E S31 GROUNDWATER																						
	:	01		17		39		40	:	15				37	:	12							
																	:	01	19	:	181		
	NO MATCHES FOR THIS POU IN AJ-POU																						
3708057	GROUNDWATER :	40		40		40		40	:	40		40		40	:	40		40	:	40	40	:	560
	C25Q-Y 68 :	35		40		39		40	:	39		39		39	:	38		40	:	39	39	:	466
NO QTRS	MAPPING	Lot01-25 Lot02-27 Lot03-33 Lot04-33																					

No Overlaps.

Dennis Strom
by
Gary Babbitt

Pat Bennett

— License 37-2001

100 ac in Sec 27.

2.0 cfs

Sept 20, 1919

— Flood irrigated on west side
of Wild Horse Cr.

— Water used in Section 28

— 100 ac v.s. 100 ac match.
1:1 basis.

1. — Hasn't been used since 1980
2. — There is water in it ~~now~~
up to June or July
3. — SCS meas. in 79 or 80
— Doesn't know exact amount
4. — Sp. Runoff all year reaches
Canas Creek.
5. No watermaster
6. Unknown as far as other
water rights.

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APR 29 1996

J. table

HAWLEY TROXELL ENNIS & HAWLEY

ATTORNEYS AND COUNSELORS

FIRST INTERSTATE CENTER
877 MAIN STREET, SUITE 1000
POST OFFICE BOX 1617
BOISE, IDAHO 83701-1617

TELEPHONE
(208) 344-6000

FAX
(208) 342-3829

KETCHUM OFFICE

319 WALNUT AVENUE
POST OFFICE BOX 297
KETCHUM, IDAHO 83340-0297

POCATELLO OFFICE

125 NORTH GARFIELD
POST OFFICE BOX 4167
POCATELLO, IDAHO 83205-4167

GARY D. BABBITT

August 30, 1994

RECEIVED

AUG 31 1994

Department of Water Resources

L. Glen Saxton
Hearing Officer
State of Idaho
Department of Water Resources
1301 N. Orchard Street
Statehouse Mail
Boise, ID 83720-9000

37-8057

Re: Strom Ranches, Inc.

Dear Mr. Saxton:

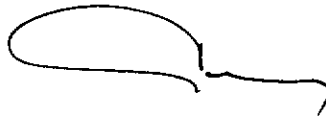
The revised legal description for the Strom Ranches property description in its water right application is as follows:

15.
Township 15, Range 12E, Section 31: NWNE-11
acres; SWNE-37 acres; SENE-2 acres; NENW-7
acres; SENW-27 acres; NESW-6 acres; NWSE-10
acres.

Also, the new pivot radius is 1178 feet.

Very truly yours,

HAWLEY TROXELL ENNIS & HAWLEY



Gary D. Babbitt

GDB/bn

MAILED
10/1/94

APR 29 1996



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 29, 1994

Gary D. Babbitt
Hawley, Troxell et al.
877 Main St, Suite 1000
P.O. Box 1617
Boise, Idaho 83701-1617

RE: APPLICATION FOR PERMIT NO. 37-08057 IN THE NAME OF STROM
RANCHES, INC.

Dear Mr. Babbitt:

In the oral argument you presented to the department on July 26, 1994, you advised that the applicant was willing to reduce the acreage to be irrigated to 100 acres on the above referenced application since the right offered for mitigation was for 100 acres. You did not, however, specifically describe the location of the 100 acres by quarter-quarter tract. Please provide this information.

The last described place of use was as follows:

T1S, R12E, BM., Section 31

NE1/4NE1/4	-	1	acre
NW1/4NE1/4	-	17	
SW1/4NE1/4	-	39	
SE1/4NE1/4	-	9	
NE1/4NW1/4	-	15	
SE1/4NW1/4	-	37	
NE1/4SW1/4	-	12	
NE1/4SE1/4	-	1	
NW1/4SE1/4	-	<u>19</u>	
TOTAL			150 acres

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: Pat Bennett

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APR 29 1996

RECEIVED
JUN 23 1994
Department of Water Resources

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION	)	AMENDED PETITION FOR
FOR PERMIT NO. 37-08057 IN THE	)	RECONSIDERATION AND
NAME OF STROM RANCHES, INC.	)	PETITION FOR ORAL
	)	ARGUMENT

Strom Ranches, Inc. hereby files its Petition for Oral Argument and Reconsideration of the Recommended Order dated May 13, 1994 for the following reasons:

1. There are three water sources which are separate and apart in the area west of Hill City, Idaho. There is first, the surface water evident in Camas Creek and its tributaries, the shallow ground water aquifer which is 30 to 40 feet below land surface. Finally, there is the artesian aquifer which is generally below 100 feet in depth.

2. In the case of the Petitioner's well, it is 650 feet deep and there are a significant series of confining clay layers beginning at about 36 feet below land surface to over 180 feet below land surface. These are alternating layers of blue, brown and black clay. Next, there is a basalt layer at between 211 and 224 feet. Consequently, the Strom well draws from a distinct and separate source not involved with the surface or shallow ground water.

PETITION FOR RECONSIDERATION AND
PETITION FOR ORAL ARGUMENT - 1

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APR 29 1996

PETITION FOR RECONSIDERATION AND
PETITION FOR ORAL ARGUMENT - 2

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APR 29 1996

PETITION FOR RECONSIDERATION AND
PETITION FOR ORAL ARGUMENT - 3

APR 29 1996

11. There is no evidence in the record that a mitigation plan is necessary because, the development of Petitioner's well will have no measurable affect on existing water rights, existing water sources, the application does not conflict with local public interest, and the application is not contrary to the conservation of water within the State of Idaho.

12. The Department has issued water permits to other applicants out of sequence to the detriment and prejudice of this applicant.

13. Petitioner has been prejudiced by the Department's failure to act on the application pursuant to the decision of the Hearing Officer at the first hearing.

14. Petitioner as mitigation would use its water right issued under that certain License and Certificate of Water Right, License No. 90, issued September 8, 1924 with a priority date of September 20, 1919 in the amount 2.0 cubic feet per second from Wild Horse Creek a tributary of Camas Creek. A true and correct copy of the License is attached as Exhibit A. This is sufficient to irrigate 100 acres during years which the Magic Reservoir water rights (37-0086720 and 37-0087020) are short of water.

15. In summary, Petitioner respectfully requests oral argument on this Petition.

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APR 29 1996

DATED this 21 day of June, 1994.

HAWLEY TROXELL ENNIS & HAWLEY

By Gary D. Babbitt
Gary D. Babbitt
Attorneys for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of June, 1994, I caused to be served a true copy of the foregoing by the method indicated below, and addressed to each of the following:

R. Keith Higginson
State of Idaho
Department of Water Resources
1301 N. Orchard St.
Statehouse Mail
Boise, ID 83720-9000

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy

Pat Bennett
Box 113
Hill City, ID 83337

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy

Gary D. Babbitt
Gary D. Babbitt

MICROFILMED

APR 29 1996

2001

State of Idaho

License and Certificate of Water Right

Water License No. 20
Water District No. 6

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

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

MRS. LUCINA E. MOUSER, Administratrix of the Estate of Amos L. Mouser, deceased,
of Parma, State of Idaho, made proof to the satisfaction of the
of Idaho, of the right to use the waters of Wild Horse Creek
a tributary of , for the purpose of irrigation and domestic
use, under Use Permit No. 90 of the State Engineer
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is
hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 6
of Licenses, at page 3337, on the 21st day of January, 1926;

The right hereby confirmed dates from September 20, 1919;

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

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

Description and location of use:

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

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

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

W. O. SWENDSEN
Commissioner of Reclamation

(SEAL)

Exhibit

HAWLEY TROXELL ENNIS & HAWLEY

ATTORNEYS AND COUNSELORS
FIRST INTERSTATE CENTER
877 MAIN STREET, SUITE 1000
POST OFFICE BOX 1617
BOISE, IDAHO 83701-617

TELEPHONE
(208) 344-6000
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KETCHUM OFFICE
319 WALNUT AVENUE
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KETCHUM, IDAHO 83340-0297

POCATELLO OFFICE
125 NORTH GARFIELD
POST OFFICE BOX 4167
POCATELLO, IDAHO 83205-4167

GARY D. BABBITT

June 13, 1994

RECEIVED
JUN 13 1994
Department of Water Resources

Via Hand Delivery

L. Glen Saxton
State of Idaho
Department of Water Resources
1301 N. Orchard Street
Statehouse Mail
Boise, ID 83720-9000

Re: Strom Ranches, Inc.

Dear Mr. Saxton:

In regard to your letter of June 8, 1994, enclosed is the Petition for Reconsideration and Petition for Oral Argument with the amended Certificate of Service. We intend to supplement the Petition and have served the protestant properly now.

Very truly yours,

HAWLEY TROXELL ENNIS & HAWLEY


Gary D. Babbitt

GDB/bn
Enclosure

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APR 29 1996

RECEIVED
JUN 13 1994
Department of Water Resources

RECEIVED
MAY 26 1994
Department of Water Resources

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION	)	PETITION FOR
FOR PERMIT NO. 37-08057 IN THE	)	RECONSIDERATION AND
NAME OF STROM RANCHES, INC.	)	PETITION FOR ORAL
		ARGUMENT

Strom Ranches, Inc. hereby files its Petition for Oral Argument and Reconsideration of the Recommended Order dated May 13, 1994 for the following reasons:

1. There are three water sources which are separate and apart in the area west of Hill City, Idaho. There is first, the surface water evident in Camas Creek and its tributaries, the shallow ground water aquifer which is 30 to 40 feet below land surface. Finally, there is the artesian aquifer which is generally below 100 feet in depth.

2. In the case of the Petitioner's well, it is 650 feet deep and there are a significant series of confining clay layers beginning at about 36 feet below land surface to over 180 feet below land surface. These are alternating layers of blue, brown and black clay. Next, there is a basalt layer at between 211 and 224 feet. Consequently, the Strom well draws from a distinct and separate source not involved with the surface or shallow ground water.

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APR 29 1996

9. In respect to "Water Resources of Camas Prairie, South-Central Idaho, U.S. Geological Survey, open file report 78-82":

a. The Petitioner's well is outside of potentiometric surface water measurements taken by the U. S. Geological Survey;

b. There is no scientific evidence of pressure head decline near Petitioner's well;

c. There is no scientific evidence that there is surface water gain from the artesian or basalt aquifer near Petitioner's well. The U. S. Geological Survey measuring stations start approximately six miles east from Petitioner's well;

d. There is no evidence that development of Petitioner's well could have any impact on water rights in the Magic Reservoir which is approximately 36 miles to the east;

In summary, the U. S. Geological Survey report does not support the findings or conclusions of the recommended order.

10. There is no evidence in the record that development of Petitioner's well will reduce the amount of water available to existing water rights.

RECEIVED

APR 29 1996

11. There is no evidence in the record that a mitigation plan is necessary because, the development of Petitioner's well will have no measurable affect on existing water rights, existing water sources, the application does not conflict with local public interest, and the application is not contrary to the conservation of water within the State of Idaho.

12. The Department has issued water permits to other applicants out of sequence to the detriment and prejudice of this applicant.

13. Petitioner has been prejudiced by the Department's failure to act on the application pursuant to the decision of the Hearing Officer at the first hearing.

14. Petitioner offers as mitigation its water rights on Wild Horse Creek, a tributary of Camas Creek, which is sufficient to irrigate 100 acres during years which the Magic Reservoir water rights (37-0086720 and 37-0087020) are short of water.

15. In summary, Petitioner respectfully requests oral argument on this Petition.

DATED this 25 day of May, 1994.

HAWLEY TROXELL ENNIS & HAWLEY

By

Gary D. Babbitt

Attorneys for Petitioner

APR 29 1996

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of June, 1994, I caused to be served a true copy of the foregoing by the method indicated below, and addressed to each of the following:

R. Keith Higginson
State of Idaho
Department of Water Resources
1301 N. Orchard St.
Statehouse Mail
Boise, ID 83720-9000

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy

Pat Bennett
Box 113
Hill City, ID 83337

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy


Gary D. Babbitt

MICROFILMED

APR 29 1996



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

June 8, 1994

Gary D. Babbitt
Hawley, Troxell, Ennis & Hawley
P.O. Box 1617
Boise, Idaho 83701-1617

RE: APPLICATION FOR PERMIT NO. 37-08057 IN THE NAME OF STROM
RANCHES, INC.

Dear Mr. Babbitt:

On May 26, 1994, I received the Petition for Reconsideration and Petition for Oral Argument (petition) which you submitted in connection with the above referenced matter. The certificate of service which accompanied the petition, however, does not show that you served the protestant with a copy of the petition as required in IDAPA Rule 37.01.01203.

Please review this matter and serve the protestant as provided in applicable law or provide evidence to show that you have served the protestant. Time periods for any response of the department or of the protestant as provided in the rules will have to start over if the protestant was not served.

As a suggestion, you may wish to file an amended petition which addresses in more detail the proposed mitigation described in paragraph 14 of the petition. Depending on the additional information provided and upon any response from the protestant, the department may be able to consider the proposed mitigation without the need for additional hearing in the contested matter.

If you have questions, please feel free to contact me.

Sincerely,

L. GLEN SAXTON
Hearing Officer

c: Strom Ranches, Inc.
Pat Bennett

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APR 29 1996

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MAY 26 1994
Department of Water Resources

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION	)	PETITION FOR
FOR PERMIT NO. 37-08057 IN THE	)	RECONSIDERATION AND
NAME OF STROM RANCHES, INC.	)	PETITION FOR ORAL
	)	ARGUMENT

Strom Ranches, Inc. hereby files its Petition for Oral Argument and Reconsideration of the Recommended Order dated May 13, 1994 for the following reasons:

1. There are three water sources which are separate and apart in the area west of Hill City, Idaho. There is first, the surface water evident in Camas Creek and its tributaries, the shallow ground water aquifer which is 30 to 40 feet below land surface. Finally, there is the artesian aquifer which is generally below 100 feet in depth.

2. In the case of the Petitioner's well, it is 650 feet deep and there are a significant series of confining clay layers beginning at about 36 feet below land surface to over 180 feet below land surface. These are alternating layers of blue, brown and black clay. Next, there is a basalt layer at between 211 and 224 feet. Consequently, the Strom well draws from a distinct and separate source not involved with the surface or shallow ground water.

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3. There is uncontroverted evidence in the record that the water source from which the Petitioner's well draws is chemically different than either the shallow ground water aquifer or surface water proving its separateness.

4. There is no evidence in the record that the water source for Petitioner's well is physically connected in any way to protestant's water rights, Nos. 37-04343 and 37-04359.

5. There is uncontroverted evidence in the record that development of the Petitioner's well in the artesian system will not have any measurable affect on the flow of Camas Creek or its tributaries.

6. There is uncontroverted evidence in the record that the development of the Strom well from the artesian system will not have any measurable effect on the spring flow in the area.

7. There is sufficient recharge to both the deep artesian aquifer and the shallow water table aquifer which exceeds withdrawal by several times and, therefore, water is available for appropriation in the basin.

8. There is no evidence in the file indicating that development of the Petitioner's well would have any measurable effect on the water rights claimed by Big Wood Canal Company in Magic Reservoir.

9. In respect to "Water Resources of Camas Prairie, South-Central Idaho, U.S. Geological Survey, open file report 78-82":

a. The Petitioner's well is outside of potentiometric surface water measurements taken by the U. S. Geological Survey;

b. There is no scientific evidence of pressure head decline near Petitioner's well;

c. There is no scientific evidence that there is surface water gain from the artesian or basalt aquifer near Petitioner's well. The U. S. Geological Survey measuring stations start approximately six miles east from Petitioner's well;

d. There is no evidence that development of Petitioner's well could have any impact on water rights in the Magic Reservoir which is approximately 36 miles to the east;

In summary, the U. S. Geological Survey report does not support the findings or conclusions of the recommended order.

10. There is no evidence in the record that development of Petitioner's well will reduce the amount of water available to existing water rights.

MINUTES

APR 29 1996

11. There is no evidence in the record that a mitigation plan is necessary because, the development of Petitioner's well will have no measurable affect on existing water rights, existing water sources, the application does not conflict with local public interest, and the application is not contrary to the conservation of water within the State of Idaho.

12. The Department has issued water permits to other applicants out of sequence to the detriment and prejudice of this applicant.

13. Petitioner has been prejudiced by the Department's failure to act on the application pursuant to the decision of the Hearing Officer at the first hearing.

14. Petitioner offers as mitigation its water rights on Wild Horse Creek, a tributary of Camas Creek, which is sufficient to irrigate 100 acres during years which the Magic Reservoir water rights (37-00867~~2~~⁷0 and 37-00870~~2~~⁷0) are short of water.

15. In summary, Petitioner respectfully requests oral argument on this Petition.

DATED this 25 day of May, 1994.

HAWLEY TROXELL ENNIS & HAWLEY

By

Gary D. Babbitt

Attorneys for Petitioner

APR 29 1996

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of May, 1994, I caused to be served a true copy of the foregoing by the method indicated below, and addressed to each of the following:

R. Keith Higginson
State of Idaho
Department of Water Resources
1301 N. Orchard St.
Statehouse Mail
Boise, ID 83720-9000

☐ U.S. Mail, Postage Prepaid
☒ Hand Delivered
☐ Overnight Mail
☐ Telecopy



Gary D. Babbitt

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APR 29 1996



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 13, 1994

RE: In the matter of Application for Permit No. 37-08057 in the name of Strom Ranches, Inc.

Dear Interested Party:

The accompanying order is a "recommended order" issued by the department pursuant to Section 67-5243, Idaho Code. The provisions of this order will not become effective until the Director issues a final order in this matter.

Each party to these proceedings who appeared at the hearing may file a petition for reconsideration, briefs and exceptions to the recommended order and may request oral argument before the Director of the department as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a recommended order with the hearing officer issuing the order within fourteen (14) days of the service date of the order. The hearing officer 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 this recommended order, (b) the service date of a denial of a petition for reconsideration from this recommended order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this recommended order, any party may in writing support or take exceptions to any part of a recommended order and may file briefs in support of the party's position on any issue in the proceeding. Written briefs in support of or taking exceptions to the recommended order shall be filed with the Director. Opposing parties shall have twenty-one (21) days to respond.

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APR 29 1996

ORAL ARGUMENT

The Director may schedule oral argument in the matter before issuing a final order. Oral argument on exceptions to a recommended order shall be heard at the discretion of the Director. If oral arguments are to be heard, the Director will, within a reasonable time, 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 recommended order shall be served on all other parties to these proceedings in accordance with Rules of Procedure 302 and 303.

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 agency 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.

APPEAL OF FINAL ORDER TO DISTRICT COURT

A party aggrieved by a final order of the Director is entitled to judicial review in compliance with sections 67-5271 through 67-5279, Idaho Code.

Sincerely,



L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

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APR 29 1996

Sherl L. Chapman Consulting, Inc.

410 S. Orchard / Suite 144 / Boise, Idaho 83705 / Phone (208) 344-6690 / Fax (208) 344-2744

May 4, 1994

RECEIVED
MAY 05 1994
Department of Water Resources

Mr. Glen Saxton
Idaho Department of Water Resources
1301 N. Orchard
Boise, Idaho 83706

Dear Glen:

As discussed at the recent hearing on Application For Permit #37-8057, I am providing you with a reduced place of use description in behalf of Mr. Dennis Strom. Mr. Strom has asked me to submit this directly to you for your inclusion in your decision in his behalf. As indicated, Mr. Strom wishes to reduce his total number of acres to be irrigated from 720 acres to 150 acres and his diversion rate for irrigation from 14.4 cubic feet per second to 3.0 cubic feet per second. The revised land list for the place of use of water is as follows:

T1S, R12E, Section 31

NENE - 1 acre
NWNE - 17 acres
SWNE - 39 acres
SENE - 9 acres
NENW - 15 acres
SENW - 37 acres
NESW - 12 acres
NESE - 1 acre
NWSE - 19 acres

TOTAL - 150 acres

If you have any questions or need additional information, please don't hesitate to contact me.

Sincerely yours,



Sherl L. Chapman
President

SLC:kje
CC: Mr. Gary Babbitt
Mr. Dennis Strom

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APR 29 1994

Specialist In

Ground-Water Hydrology / Water Rights / Water Well Design / Geothermal Resources

April 26, 1994

TO: Glen Saxton

FROM: Alan Robertson *R*

SUBJECT: Effect of ground water depletion in Camas Creek basin
on Magic Reservoir and Big Wood River

Under present conditions of irrigation use and storage management Magic fails to fill in about 37% of all years. Any additional depletion of inflows would adversely affect storage accrual in those years. In all years depletion of inflows during the period when Magic is being drafted would also reduce flows available to downstream uses.

UNRECORDED

APR 29 1996

- ROSTER OF ATTENDANCE -

RE: Application for Permit No. 37-08057 in the name of Strom Ranches, Inc.

Date: April 19, 1994, 1:00 p.m.

Place: U.S. Forest Service Ranger District office, 517 Soldier Road, Fairfield, Id.

	Name	Address	Representing
1.	Pat Bennett	Box 113	Hill City
2.	Wesley Str	Box 137	Hill City
3.	Don D. Balluff	P.O. 1617	Boise Idaho
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			

film
exhibit
envelope
here

MICROFILMED

APR 29 1996



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

MEMORANDUM

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

To: L. Glen Saxton
From: R. Keith Higginson *RKH*
RE: **APPOINTMENT AS HEARING OFFICER - PROCEDURE RULE 410**
Date: April 13, 1994

I, R. Keith Higginson, Director of the Idaho Department of Water Resources (department) hereby appoint L. GLEN SAXTON in compliance with department Procedure Rule 410 to act as Hearing Officer on behalf of the department in the following contested matter:

In the Matter of Application for Permit No. 37-08057 in the name of Strom Ranches, Inc.

The department has scheduled a hearing in the matter as follows:

Date: April 19, 1994
Time: 1:00 p.m.
Place: U.S. Forest Service Ranger District office, 517 Soldier Road, Fairfield, ID.

PHOTOCOPIED

APR 29 1996

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

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

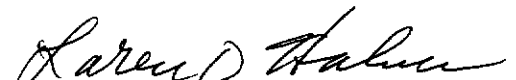
On November 3, 1982, Strom Ranches, Inc. (applicant) filed with the Department of Water Resources (department) application for permit no. 37-08057. The application was protested by Pat Bennett. The conference held by the department on February 8, 1983 resulted in a stipulation among the parties to a decision based on available public information but did not resolve the matter of protest. The application is now subject to burdens imposed by the director's order dated June 28, 1991 creating the Big Wood River Groundwater Management Area. A hearing has been requested by the applicant

The Department has scheduled the matter for hearing on Tuesday, April 19, 1994, at 1:00 PM in the Forest Service Fairfield Ranger District Office, 517 Soldier Road, Fairfield. The hearing will be held in accordance with provisions of chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code, the adopted Rules of Procedure of the department and Water Appropriation Rules 40 and 45. A copy of the rules may be obtained from the department upon request. The presiding officer at the hearing will be L. Glen Saxton.

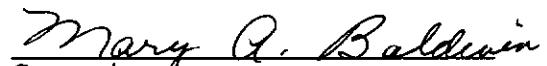
The hearing will be conducted in a facility which meets the accessibility requirements of the Americans With Disabilities Act.

If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within ten (10) days prior to the hearing.

Dated this 1 day of April, 1994.


Loren O. Holmes
Southern Region Manager

I hereby certify that on the 18th of April, 1994, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed below:


Secretary

Certified Mail

Pat Bennett
Box 113
Hill City, ID 83337

Gary D. Babbitt Strom Ranches, Inc.
P.O. Box 1617 P.O. Box 137
Boise, ID 83701 Hill City, ID 83337

APR 29 1996

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.

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 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.

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.

APR 29 1996

SENDER:

- Complete items 1 or 2 for additional services.
- Complete items 3, 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece next to the article number.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: 37-08057

STROM RANCHES INC
PO BOX 137
HILL CITY ID 83337

4a. Article Number
1481

4b. Service Type

- ☒ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

Date of Delivery

04/04/94

5. Signature (Addressee)

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

United States Postal Service

Official Business

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APR 06 1994

APR 29 1994



Department of Water Resources
Southern Region Office

PENALTY FOR PRIVATE
USE, \$300

Print your name, address and ZIP Code here

IDAHO DEPT. OF WATER RESOURCES
SOUTHERN REGION
222 Shoshone Street East
Twin Falls, ID 83301

SENDER:

- Complete items 1 or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece next to the article number.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

37-08057

PAT BENNETT

BOX 113

HILL CITY ID 83337 PR 2 9 1996

Pat Bennett

5. Signature (Addressee)

6. Signature (Agent)

4a. Article Number

1483

4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

04/02/94

8. Addressee's Address (Only if requested and fee is paid)

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Official Business

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Department of Water Resources
Southern Region Office



APR 29 1996



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USE, \$300

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IDAHO DEPT. OF WATER RESOURCES,
SOUTHERN REGION
222 Shoshone Street East
Twin Falls, ID 83301

SENDER:

- Complete items 1 and 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece next to the article number.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address

*2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: 37-08057

GARY D BABBITT
PO BOX 1617
BOISE ID 83701

4a. Article Number

1482

4b. Service Type

☐ Registered

☐ Insured

☒ Certified

☐ COD

☐ Express Mail

☐ Return Receipt for Merchandise

7. Date of Delivery

5 1994

5. Signature (Addressee)

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

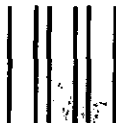
United States Postal Service

Official Business

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APR 07 1994

Department of Water Resources
Southern Region Office



901336



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USE, \$300

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IDAHO DEPT. OF WATER RESOURCES
SOUTHERN REGION
222 Shoshone Street East
Twin Falls, ID 83301

Line	Number of Article	Name of Addressee, Street, and Post-Office Address	Indicate type of mail			Check appropriate block for			Affix stamp here if issued as certificate of mailing or for additional copies of this bill.			
			☐ Registered	☐ Insured	☐ COD	☐ Certified	☐ Express Mail	☐ Registered Mail	☐ With Postal Insurance	☐ Without Postal Insurance	POSTMARK AND DATE OF	
1	1474	Brace / & Taylor Locks										
2	1475	Margie O'Kelley Carl Miller, Region Super.										
3	1476	Ol. Jack & Home Steve Goodard										
4	1477 (13)	Ol. Jack & Home Kodak Building Co. 531-1-5-94-3										
5	1478	Shawnee Winston 65/2/2/94										
6	1479	Bruce Lium U.P.C. # 37-5-736 TA 03-17-94										
7	1480	BETRAM Drilling 41/9/94 SE 03-21-94										
8	1481	Strom Roush Ave. 37-08057/4										
9	1482	Clay D. Boblett										
10	1483	Pat Bennett										
11												
12												
13												
14												
15												
Total Number of Pieces Listed by Sender		Total Number of Pieces Received at Post Office	POSTMASTER, PER (Name of receiving employee)			The full declaration of value is required on all domestic and international reconstruction insurance is \$50,000 per piece subject to a limit occurrence. The maximum indemnity payable on Express Mail is \$500. The maximum indemnity payable is \$25,000 for Registered Mail \$400 for Insured Mail. Special handling charges apply only to thin parcels. Special delivery service also includes special handling service.			APR 29 1996			

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

HAWLEY TROXELL ENNIS & HAWLEY

ATTORNEYS AND COUNSELORS
FIRST INTERSTATE CENTER
877 MAIN STREET, SUITE 1000
POST OFFICE BOX 1617
BOISE, IDAHO 83701-1617

TELEPHONE
(208) 344-6000

FAX
(208) 342-3829

KETCHUM OFFICE
319 WALNUT AVENUE
POST OFFICE BOX 297
KETCHUM, IDAHO 83340-0297

POCATELLO OFFICE
125 NORTH GARFIELD
POST OFFICE BOX 4167
POCATELLO, IDAHO 83205-4167

GARY D. BABBITT

March 28, 1994

RECEIVED

MAR 29 1994

Department of Water Resources
Southern Region Office

Loren O. Holmes
State of Idaho
Department of Water Resources
Southern Regional Office
222 Shoshone Street East
Twin Falls, Idaho 83301-6105

Re: Strom Ranches, Inc. 37-8057

Dear Loren:

I would like to request the above matter be set for hearing sometime in April. The available dates for myself and our witnesses are as follows:

April 12, 19, 20, 25, 26.

If you have any questions, please call me.

Very truly yours,

HAWLEY TROXELL ENNIS & HAWLEY



Gary D. Babbitt

GDB/bn

RECEIVED

APR 29 1996



State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

09-Nov-1993

R. KEITH HIGGINSON
Director

GARY D BABBITT
PO BOX 1617
BOISE ID 83701

RE: APPLICATION FOR PERMIT NO. 37-08057 (Strom Ranches Inc)

Dear Mr. Babbitt:

Pursuant to your telephone call on this date as legal counsel for the applicant, the hearing scheduled for November 16, 1993 has been **cancelled**. Correspondence has been sent to all parties of the change.

When a new hearing date is set, we will notify you. If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

MB for

L. Glen Saxton
Chief, Water Allocation Bureau

MB

cc: Strom Ranches, Inc.
Pat Bennett

APR 29 1996

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:

STROM RANCHES INC

P.O. BOX 137

HILL CITY ID

83337291996

4. Article Number

1446

Type of Service:

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Addressee

X *Strom Ranches Inc*

6. Signature — Agent

X *Wanna Strom*

7. Date of Delivery

11/02/93

8. Addressee's Address (ONLY if requested and fee paid)

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RETURN

TO



RECEIVED
NOV 04 1993



PENALTY FOR PRIVATE
USE, \$300

Department of Water Resources
Southern Region Office

Print Sender's name, address, and ZIP Code in the space below.

IDAHO DEPT. OF WATER RESOURCES

SOUTHERN REGION

222 Shoshone Street East

Twin Falls, ID 83301

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:

PAT BENNETT
P.O. BOX 113
HILL CITY ID 83337
APR 29 1989

4. Article Number

1445

Type of Service:

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Addressee

X Pat Bennett

6. Signature — Agent

X

7. Date of Delivery

11-3-93

8. Addressee's Address (ONLY if requested and fee paid)

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RETURN
TO



Print Sender's name, address, and ZIP Code in the space below.

IDAHO DEPT. OF WATER RESOURCES
SOUTHERN REGION
222 Shoshone Street East
Twin Falls, ID 83301



RECEIVED

NOV 04 1993

APR 29 1999

Department of Water Resources

Southern Region Office



PENALTY FOR PRIVATE
USE, \$300

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:

GARY D. BABBITT
P.O. Box 1617
BOISE ID 83701

4. Article Number

1444

Type of Service:

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Addressee

X

6. Signature — Agent

X

7. Date of Delivery

11-4-9

8. Addressee's Address (ONLY if requested and fee paid)

11-04-93 2154

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RETURN

TO



RECEIVED

NOV 04 1993

Department of Water Resources

Southern Region Office

Print Sender's name, address, and ZIP Code in the space below.

IDAHO DEPT. OF WATER RESOURCES

SOUTHERN REGION

222 Shoshone Street East

Twin Falls, ID 83301



PENALTY FOR PRIVATE
USE, \$300

NAME AND ADDRESS OF SENDER

Indicate type of mail
☐ Registered
☐ Insured
☐ COD
☐ Certified

Check appropriate block for Registered Mail:
☐ With Postal Insurance
☐ Without Postal Insurance

Affix stamp here if issued as certificate of mailing or for additional copies of this bill.

POSTMARK AND DATE OF RECEIPT

Line	Number of Article	Name of Addressee, Street, and Post-Office Address	Postage	Fee	Handling Charge (If Regis.)	Insured Value	Due Sender If C.O.D.	R. R. Fee	S. D. Fee	S. H. Fee	Rest. Fee
1	1444 ✓	DET 11-1-93 37-08057 GARY A. Babbitt	.29	1.00	1.00	2.29					
2	1445 ✓	DET 11-1-93 37-08057 PAT BENNETT	.29	1.00	1.00	2.29					
3	1446 ✓	DET 11-1-93 37-08057 STROM RANCHES INC.	.29	1.00	1.00	2.29					
4											
5											
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13											
14											
15											

POSTMASTER, PER (Name of receiving employee)

Total Number of Pieces Received at Post Office

Total Number of Pieces Listed by Sender

The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for nonnegotiable documents under Express Mail is \$50,000 per piece subject to a limit of \$500. The maximum indemnity payable on Express Mail merchandise insured under Registered Mail is \$25,000 for Registered Mail, \$400 for parcels. Special delivery service also includes special handling service.

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

U.S. GOVERNMENT PRINTING OFFICE: 1984-47

FOR REGISTERED, INSURED, C.O.D., CERTIFIED, AND EXPRESS MAIL

APR 29 1996

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

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

On November 3, 1982, Strom Ranches, Inc. (applicant) filed with the Department of Water Resources (department) application for permit no. 37-08057. The application was protested by Pat Bennett. The conference held by the department on February 8, 1983 resulted in a stipulation among the parties to a decision based on available public information but did not resolve the matter of protest. The application is now subject to burdens imposed by the directors order dated June 28, 1991 creating the Big Wood River Groundwater Management Area. Hearing has been requested by the applicant.

The Department has scheduled the matter for hearing on Tuesday, November 16, 1993, at 10:30 AM in the Forest Service Fairfield Ranger District Office, 517 Soldier Road, Fairfield. The hearing will be held in accordance with provisions of chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code, the adopted Rules of Procedure of the department and Water Appropriation Rules 40 and 45. A copy of the rules may be obtained from the department upon request. The presiding officer at the hearing will be L. Glen Saxton.

The hearing 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 ten (10) prior to the hearing.

Dated this 1 day of November, 1993.

Loren O. Holmes
Loren O. Holmes
Southern Region Manager

I hereby certify that on the 1st of NOVEMBER, 1993, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed below:

RR Saxton
Secretary

Certified Mail

Pat Bennett
Box 113
Hill City, ID 83337

Gary D. Babbitt
P.O. Box 1617
Boise, ID 83701

Strom Ranches, Inc.
P.O. Box 137
Hill City, ID 83337

APR 29 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

05-Oct-1993

R. KEITH HIGGINSON
Director

DENNIS STROM
STROM RANCHES INC
PO BOX 137
HILL CITY ID 83337

RE: 37-08057 (STROM RANCHES, INC.)

Dear Mr. Strom:

Due to a scheduling conflict, the hearing being planning for October 26, 1993 is being re-scheduled for November 16, 1993.

Formal hearing notices will be mailed November 1, 1993.

If there are conflicts with the November 16 hearing date, please let me know.

Very truly yours,

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

LH:MB

RECEIVED
OCT 14 1993

APR 29 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

05-Oct-1993

R. KEITH HIGGINSON
Director

PAT BENNETT
BOX 113
HILL CITY ID 83337

RE: 37-08057 (STROM RANCHES, INC.)

Dear Mr. Bennett:

Due to a scheduling conflict, the hearing being planning for October 26, 1993 is being re-scheduled for November 16, 1993.

Formal hearing notices will be mailed November 1, 1993.

If there are conflicts with the November 16 hearing date, please let me know.

Very truly yours,

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

LH:MB

APR 29 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

05-Oct-1993

R. KEITH HIGGINSON
Director

GARY D BABBITT
PO BOX 1617
BOISE ID 83701

RE: 37-08057 (STROM RANCHES, INC.)

Dear Mr. Babbitt:

Due to a scheduling conflict, the hearing being planning for October 26, 1993 is being re-scheduled for November 16, 1993.

Formal hearing notices will be mailed November 1, 1993.

If there are conflicts with the November 16 hearing date, please let me know.

Very truly yours,

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

LH:MB

RECEIVED

APR 29 1996

HAWLEY TROXELL ENNIS & HAWLEY

Attorneys and Counselors

First Interstate Center
877 Main Street, Suite 1000
Boise, Idaho 83702

Telephone: (208) 344-6000
FAX: (208) 342-3829
Electronic Data Transfer: (208) 344-6290

RECEIVED

OCT 04 1993

Department of Water Resources
Southern Region Office

FAX COVER SHEET

October 4, 1993

Confidentiality Notice: This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the above address via the US Postal Service. Thank you.

TO: Loren Holmes
Department of Water Resources
222 Shoshone Street
Twin Falls, Idaho 83301
FAX number: (208) 736-3037
Voice number: (208) 736-3033

FROM: Gary D. Babbitt
HAWLEY TROXELL ENNIS & HAWLEY
HTEH File No. 3470-1

RE: Dennis Strom/Strom Ranches

PAGES: Number of pages, including this cover sheet: 2

CALL BACK: If the transmission to you was incomplete or not legible, please call the individual above listed at (208) 344-6000 or call the FAX operator at (208) 344-6000, ext. 640.

ADDITIONAL MESSAGE:

MICROFILMED

APR 29 1996

HAWLEY TROXELL ENNIS & HAWLEY

ATTORNEYS AND COUNSELORS
FIRST INTERSTATE CENTER
877 MAIN STREET, SUITE 1000
POST OFFICE BOX 1617
BOISE, IDAHO 83701-1617

TELEPHONE
(208) 344-6000

FAX
(208) 342-3629

KETCHUM OFFICE
319 WALNUT AVENUE
POST OFFICE BOX 297
KETCHUM, IDAHO 83340-0297

POCATELLO OFFICE
126 NORTH GARFIELD
POST OFFICE BOX 4167
POCATELLO, IDAHO 83205-4167

GARY D. BABBITT

October 4, 1993

RECEIVED

OCT 04 1993

Department of Water Resources
Southern Region Office

Loren O. Holmes
State of Idaho
Department of Water Resources
Southern Regional Office
222 Shoshone Street East
Twin Falls, Idaho 83301-6105

VIA FAX

Re: Strom Ranches, Inc. Application for Water Permit

Dear Loren:

I would like to request the above matter be set for hearing sometime after November 15. The unavailable dates for myself and our witnesses are as follows:

November 18, 19, 26, 29, 30

If you have any questions, please call me.

Very truly yours,

HAWLEY TROXELL ENNIS & HAWLEY



Gary D. Babbitt

GDB/gmt

cc: Dennis Strom
Sheri L. Chapman

APR 29 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

30-Sep-1993

R. KEITH HIGGINSON
Director

PAT BENNETT
BOX 113
HILL CITY ID 83337

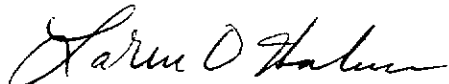
Re: Proposed October 26 hearing date for application 37-08057

Dear Mr. Bennett:

I am planning to schedule the hearing in this matter for Tuesday, October 26, 1993 in Fairfield.

I plan to serve notice officially setting the hearing on October 12. If there are conflicts, please let me know prior to that date.

Sincerely,


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

RECORDED

APR 29 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

30-Sep-1993

R. KEITH HIGGINSON
Director

STROM RANCHES INC.
P.O. BOX 137
HILL CITY ID 83337

Re: Proposed October 26 hearing date for application 37-08057

Gentlemen:

I am planning to schedule the hearing in this matter for Tuesday, October 26, 1993 in Fairfield.

I plan to serve notice officially setting the hearing on October 12. If there are conflicts, please let me know prior to that date.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Loren O. Holmes'.

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

RECEIVED

APR 29 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

30-Sep-1993

R. KEITH HIGGINSON
Director

GARY D BABBITT
P O BOX 1617
BOISE ID 83701

Re: Proposed October 26 hearing date for application 37-08057

Dear Mr. Babbitt:

I am planning to schedule the hearing in this matter for Tuesday, October 26, 1993 in Fairfield.

I plan to serve notice officially setting the hearing on October 12. If there are conflicts, please let me know prior to that date.

Sincerely,

A handwritten signature in cursive script, reading 'Loren O. Holmes'.

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

RECEIVED

APR 29 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

10-Aug-1993

R. KEITH HIGGINSON
Director

GARY D BABBITT ESQ
PO BOX 1617
BOISE ID 83701-1617

Re: Application for Permit No. 37-08057 (Strom Ranches,
Inc.)

Dear Mr. Babbitt:

This office acknowledges your letter asking for cancellation of the hearing scheduled for 8/24/93 regarding the above referenced water right.

This matter has been placed for call-up in October per your request and correspondence has been sent to all parties of the change.

When a new hearing date is set, we will notify you. 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, P.E.
Southern Region Manager

LH:MB

cc: Strom Ranches, Inc.

RECEIVED

APR 29 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

10-Aug-1993

R. KEITH HIGGINSON
Director

PAT BENNETT
BOX 113
HILL CITY ID 83337

Re: Application for Permit No. 37-08057 (Strom Ranches,
Inc.)

Dear Mr. Bennett:

This office has received correspondence from the applicant's legal counsel asking for cancellation of the hearing scheduled for 8/24/93 regarding the above referenced water right.

This matter has been placed for call-up in October. When a new hearing date is set, we will notify you.

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, P.E.
Southern Region Manager

LH:MB

RECEIVED

APR 29 1996

HAWLEY TROXELL ENNIS & HAWLEY
Attorneys and Counselors

First Interstate Center
877 Main Street, Suite 1000
Boise, Idaho 83702

Telephone: (208) 344-6000
FAX: (208) 342-3828
Electronic Data Transfer: (208) 344-6290

RECEIVED

AUG 10 1993

Department of Water Resources
Southern Region Office

FAX COVER SHEET

August 10, 1993

Confidentiality Notice: This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the above address via the US Postal Service. Thank you.

TO: Loren Holmes
Department of Water Resources
222 Shoshone Street
Twin Falls, Idaho 83301
FAX number: (208) 736-3037
Voice number: (208) 736-3033

FROM: Gary D. Babbitt
HAWLEY TROXELL ENNIS & HAWLEY
HTEH File No. 3470-1

RE: Dennis Strom/Strom Ranches

PAGES: Number of pages, including this cover sheet: 2

CALL BACK: If the transmission to you was incomplete or not legible, please call the individual above listed at (208) 344-6000 or call the FAX operator at (208) 344-6000, ext. 640.

ADDITIONAL MESSAGE:

APR 29 1996

HAWLEY TROXELL ENNIS & HAWLEY

ATTORNEYS AND COUNSELORS

FIRST INTERSTATE CENTER
877 MAIN STREET, SUITE 1000
POST OFFICE BOX 1817
BOISE, IDAHO 83704-6167TELEPHONE
(208) 344-6000FAX
(208) 342-3829KETCHUM OFFICE
319 WALNUT AVENUE
POST OFFICE BOX 209
KETCHUM, IDAHO 83340-0287POCATELLO OFFICE
125 NORTH GARFIELD
POST OFFICE BOX 4167
POCATELLO, IDAHO 83206-4167**GARY D. BABBITT**

August 10, 1993

RECEIVEDLoren O. Holmes
State of Idaho
Department of Water Resources
Southern Regional Office
222 Shoshone Street East
Twin Falls, Idaho 83301-6105VIA FAX

AUG 10 1993

Department of Water Resources
Southern Region Office

Re: Strom Ranches, Inc. Application for Water Permit

Dear Loren:

I must apologize and ask you to reschedule the Strom Ranches' hearing. It has become quite apparent the August 24 hearing date will not work either because of mine and Dennis Strom's schedule. Therefore, I would like to reschedule the hearing into October. This will give Dennis plenty of time to finish the fall harvest and give me time to clear my schedule.

If you have any questions, please call me.

Very truly yours,

HAWLEY TROXELL ENNIS & HAWLEY



Gary D. Babbitt

GDB/gmt
cc: Dennis Strom

APR 29 1996

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

APR 29 1996

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.

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 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.

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.

RECEIVED

APR 29 1996

SENDER:

- Complete item 1 and/or 2 for additional services.
- Complete item 3 and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece next to the article number.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

PAT BENNETT

BOX 113

HILL CITY ID 83337

37-8057

APR 29 1993

4a. Article Number

1420

4b. Service Type

☐ Registered

☐ Insured

☒ Certified

☐ COD

☐ Express Mail

☐ Return Receipt for Merchandise

7. Date of Delivery

08/10/93 RECEIVED

5. Signature (Addressee)

Pat Bennett

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

AUG 12 1993

United States Postal Service

Mill City, ID

Official Business

83337-9999



APR 29 1996

PENALTY FOR PRIVATE
USE, \$300

Print your name, address and ZIP Code here

IDAHO DEPT. OF NATURAL RESOURCES

SOUTHERN REGION

222 Shoshone Street East

Twin Falls, ID 83301

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3 and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece next to the article number.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

37-8057

GARY D BABBITT
PO BOX 1617
BOISE ID 83701

APR 29 1996

4a. Article Number

1419

4b. Service Type

☐ Registered

☐ Insured

☒ Certified

☐ COD

☐ Express Mail

☐ Return Receipt for Merchandise

7. Date of Delivery

8-12-93

5. Signature (Addressee)

6. Signature (Agent)

[Signature]

8. Addressee's Address (Only if requested and fee is paid)

United States Postal Service

Official Business

RECEIVED

AUG 13 1993

Department of Water Resources
Southern Region Office

APR 29 1996



PENALTY FOR PRIVATE
USE, \$300

Print your name, address and ZIP Code here

IDAHO DEPT. OF WATER RESOURCES
SOUTHERN REGION
222 Shoshone Street East
Twin Falls, ID 83301

SENDER:

- Complete item 1 and/or 2 for additional services.
- Complete items 3 and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece next to the article number.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: 37-8057

STROM RANCHES INC
PO BOX 137
HILL CITY ID 83337

APR 29 1993

4a. Article Number

1418

4b. Service Type

☐ Registered

☐ Insured

☐ Certified

☐ COD

☐ Express Mail

☐ Return Receipt for Merchandise

7. Date of Delivery

08/11/93

5. Signature (Addressee)

Deanna Strom

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

United States Postal Service

Hill City, ID

83337-9999

Official Business



PENALTY FOR PRIVATE
USE, \$300

RECEIVED

AUG 13 1993

Department of Water Resources
Southern Region Office

APR 20 1996

Print your name, address and ZIP Code here

IDaho DEPT. OF WATER RESOURCES
SOUTHERN REGION

222 Shoshone Street East
Twin Falls, ID 83301

NAME AND ADDRESS OF SENDER

Indicate type of mail
☐ Registered
☐ Insured
☐ COD
☐ Certified
☐ Express MailCheck appropriate block for
Registered Mail:
☐ With Postal Insurance
☐ Without Postal InsuranceAffix stamp here if issued as
certificate of mailing or for
additional copies of this bill.

POSTMARK AND DATE OF RECEIPT

PS Form 3877, Feb. 1982

FOR REGISTERED, INSURED, C.O.D., CERTIFIED, AND EXPRESS MAIL

Line	Number of Article	Name of Addressee, Street, and Post Office Address	Postage	Fee	Handling Charge (if Regs.)	Act. Value (if Regs.)	Insured Value	Due Sender If C.O.D.	R. Fee	S. D. Fee	S. H. Fee	Reg. Fee
1	1416	J. Evan Robertson 6/16/93/44 TR 37-008182	29	1.00	1.00	29						
2	1417	Friends of Big Wood River 8/9/93/24 37-08057	29	1.00	1.00	29						
3	1418	Stream Renovation 37-08057	29	1.00	1.00	29						
4	1419	Lang & Barrett (3)	29	1.00	1.00	29						
5	1420	Pat Bennett	29	1.00	1.00	29						
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14												
15												
Total Number of Pieces Listed by Sender		Total Number of Pieces Received at Post Office	POSTMASTER, PER (Name of receiving employee)									

The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for nonnegotiable documents under Express Mail is \$50,000. The maximum indemnity payable for merchandise under Registered Mail is \$500. The maximum indemnity payable for Registered Mail, \$400 for insured parcels. Special delivery service also includes special handling service.

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

* U.S. GOVERNMENT PRINTING OFFICE: 1984

RECEIVED

APR 29 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

28-Jul-1993

R. KEITH HIGGINSON
Director

PAT BENNETT
BOX 113
HILL CITY ID 83337

Re: Application for permit 37-8057, Strom Ranches, Inc.

Dear Mr. Bennett:

This application was originally filed in November, 1982 and protested by you.

In February, 1983, a conference was held in Fairfield at which you agreed to allow the department to reach a decision based on available information without a formal hearing.

Later in 1983, the Swan Falls litigation caused the department to suspend processing on all pending applications in the area.

The matter remains unresolved and the application is now subject to the requirements of a groundwater management area established for the Big Wood River drainage above Magic Reservoir.

The applicant has requested that the department hold a hearing and issue a decision based on the hearing record.

The hearing is tentatively scheduled for Tuesday, August 24, 1993 in Fairfield, at 10:30 AM. Formal notice of the hearing will be mailed to all parties on or before August 9, 1993.

If you have questions about this matter or have a conflict with the hearing date, please call me at 736-3033.

Sincerely,

A handwritten signature in cursive script, reading 'Loren O. Holmes'.

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

RECEIVED

APR 29 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

28-Jul-1993

R. KEITH HIGGINSON
Director

Gary D. Babbitt
P.O. Box 1617
Boise, ID 83701

Re: application 37-8057, Strom Ranches, Inc.

Dear Mr. Babbitt:

Due to a hearing officer conflict, I have tentatively scheduled this hearing for Tuesday, August 24, 1993, at 10:30 AM in Fairfield, instead of August 25 as originally planned.

Enclosed are copies of all material currently in the application file, as requested.

Formal notice of the hearing as required by statute and the Rules of Procedure will be mailed on or before August 9, 1993.

If conflicts arise or if there are further questions, please let me know.

Sincerely,

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

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

RECEIVED

APR 29 1996

HAWLEY TROXELL ENNIS & HAWLEY

ATTORNEYS AND COUNSELORS
FIRST INTERSTATE CENTER
877 MAIN STREET, SUITE 1000
POST OFFICE BOX 1617
BOISE, IDAHO 83704-617

TELEPHONE
(208) 344-6000
FAX
(208) 342-3829

July 20, 1993

GARY D. BABBITT

Loren O. Holmes
State of Idaho
Department of Water Resources
Southern Regional Office
222 Shoshone Street East
Twin Falls, Idaho 83301-6105

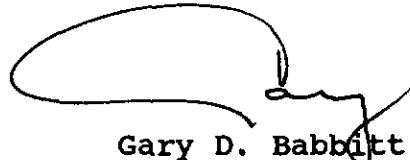
Re: Strom Ranches, Inc. Application for Water Permit

Dear Loren:

This letter will confirm that we have scheduled August 25 for the hearing of the Strom Ranches, Inc. matter and that you have agreed to provide me with a complete copy of your file. If there are any copying charges, please advise me in your cover letter accompanying the file copy. Thank you for your cooperation.

Very truly yours,

HAWLEY TROXELL ENNIS & HAWLEY


Gary D. Babbitt

GDB/gmt
cc: Dennis Strom

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JUL 21 1993

KETCHUM OFFICE
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGIONAL OFFICE
KETCHUM, IDAHO 83840-0297

POCATELLO OFFICE
125 NORTH GARFIELD
POST OFFICE BOX 4167
POCATELLO, IDAHO 83205-4167

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JUL 2 1993

DEPARTMENT OF WATER RESOURCES
SOUTHERN REGIONAL OFFICE

RECEIVED

APR 29 1996

HAWLEY TROXELL ENNIS & HAWLEY

ATTORNEYS AND COUNSELORS

FIRST INTERSTATE CENTER

SUITE 1000

POST OFFICE BOX 1617

BOISE, IDAHO 83701

TELEPHONE

(208) 344-6000

FAX

(208) 342-3829

POCATELLO OFFICE

125 NORTH GARFIELD

POST OFFICE BOX 4167

POCATELLO, IDAHO 83205

TELEPHONE

(208) 233-0845

GARY D. BABBITT

February 2, 1993

RECEIVED

FEB 12 1993

Department of Water Resources
Southern Region Office

Loren O. Holmes
State of Idaho
Department of Water Resources
1041 Blue Lakes Boulevard North
Twin Falls, Idaho 83301

Re: Strom Ranches, Inc. Application for Water Permit

Dear Loren:

This letter is in response to Application No. 37-08057 by Strom Ranches, Inc. As a result of the last hearing, it was clearly understood that a decision would issue a permit as soon as the Swan Falls decision was announced. The Department failed to take any action after the Swan Falls decision. Strom Ranches, Inc. takes the position that the failure of the Department of Water Resources to issue a decision on the permit at that time rests solely with the Department. Consequently, any claim now that the well is in a critical water resource management area, should not prejudice Strom Ranches, Inc. Strom Ranches, Inc., therefore, believes that the Department should issue the decision based on the information at the time of the Swan Falls decision.

Strom Ranches, Inc. would be willing to meet with the Department to discuss this issue at any time. As the growing season is drawing near, this issue must be resolved quickly.

If you have any questions, please contact me.

Very truly yours,

HAWLEY TROXELL ENNIS & HAWLEY



Gary D. Babbitt

GDB/gmt

APR 29 1993

FROM: Jim Stanton

DATE: 12-3-92

TO: File

SUBJECT: Copies of Application File 37-08057, Strom Ranches

Today Dennis Strom came into the office to obtain a copy of this file for his attorney. I gave him a copy of all important documents in the file.

APR 29 1996

APR 29 1996

JS



Department of Water Resources
Southern Region
2148 4th Ave. E.
Twin Falls, Idaho 83301

Date _____

Name _____

Address

No. of
Copies

Material

Cost

[illegible]

Please find enclosed the form(s) and/or information you requested. The charge, if any, is indicated above.

If we may be of further assistance, please contact us.

Sincerely,

RECEIVED

DEC 15 1992

Department of Water Resources
Southern Region Office

MEMORANDUM

To: Loren Holmes

From: L. Glen Saxton *LS*

RE: STROM RANCH APPLICATION FOR PERMIT NO 37-8057

Date: December 15, 1992

As a follow-up to your phone call yesterday, I have reviewed the State Office water right file of the above referenced application.. Attached is my correspondence dated April 3, 1992 to the applicant. Also attached is a log of my telephone conversation with Senator Craig's office in October 1992.

Action the department can take is to schedule a water right hearing in this matter. As described in my letter of April 3, 1992, however, the department can not approve the application unless the applicant can demonstrate that there will be no injury to other water rights or can provide acceptable mitigation. I have essentially not pushed this matter to allow the applicant some time to prepare for the required demonstration.

If the applicant wants a hearing, however, we should schedule and hold it. We may want to schedule a hearing anyway to finish the matter of this pending application.

MICROFILMED

APR 29 1996

MEMORANDUM

To: File 37-8057
From: L. Glen Saxton *LS*
RE: PHONE INQUIRY FROM SENATOR CRAIG'S OFFICE
Date: October 1, 1992

On September 30, 1992, I received a phone inquiry from Senator Craig's office inquiring what sort of mitigation was acceptable so that application for permit 37-8057 could be considered for approval.

I advised Craig's office that the exchange of an existing surface water right (to be left undiverted in the river) for the use of a well has been approved by the department in the past. I also advised that the purchase of an existing ground water right together with an associated transfer might provide the needed water source.

Craig's office was not sure the options I presented would apply, but advised the options would be passed on to Dennis Strom.

RECEIVED

APR 29 1996



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

April 3, 1992

Strom Ranches, Inc.
c/o Dennis Strom
P.O. Box 137
Hill City, ID 83337

RE: APPLICATION FOR PERMIT NO. 37-8057

Dear Mr. Strom:

The department has received your letter dated March 25, 1992 in which you indicate your interest in continued pursuit of the above referenced application.

As I described to you in my March 19, 1992 letter, on June 28, 1991, the Director designated the Big Wood River Ground Water Management Area which includes wells in the Camas Creek drainage. Enclosed for your information is a copy of that order and the Management Policy issued by the Director in connection with the designation.

Please note on page 3 of the Management Policy that the department will continue to process pending and new applications. The department will deny applications which propose consumptive uses, such as irrigation, unless the applicants can demonstrate there will be no injury to other water rights or can provide acceptable mitigation for injury to other water rights.

The department is willing to schedule a hearing in this matter but in order for the department to be able to approve the application you will have to make the showing described in the preceeding paragraph.

Please feel free to contact the department if you have questions.

Sincerely,

A handwritten signature in dark ink, appearing to read 'L. Glen Saxton', is written over the typed name.

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - S. Region

Encl: 2

Microfilm

APR 29 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

RECEIVED

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

April 3, 1992

APR 07 1992

Strom Ranches, Inc.
c/o Dennis Strom
P.O. Box 137
Hill City, ID 83337

Department of Water Resources
Southern Region Office

RE: APPLICATION FOR PERMIT NO. 37-8057

Dear Mr. Strom:

The department has received your letter dated March 25, 1992 in which you indicate your interest in continued pursuit of the above referenced application.

As I described to you in my March 19, 1992 letter, on June 28, 1991, the Director designated the Big Wood River Ground Water Management Area which includes wells in the Camas Creek drainage. Enclosed for your information is a copy of that order and the Management Policy issued by the Director in connection with the designation.

Please note on page 3 of the Management Policy that the department will continue to process pending and new applications. The department will deny applications which propose consumptive uses, such as irrigation, unless the applicants can demonstrate there will be no injury to other water rights or can provide acceptable mitigation for injury to other water rights.

The department is willing to schedule a hearing in this matter but in order for the department to be able to approve the application you will have to make the showing described in the preceeding paragraph.

Please feel free to contact the department if you have questions.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - S. Region

Encl: 2

RECORDED

APR 29 1992

37-8057

MEMORANDUM

RECEIVED

MAR 27 1992

Department of Water Resources
Southern Region Office

To: File 37-8057
From: L. Glen Saxton *LS*
RE: RESPONSE TO MARCH 19, 1992 LETTER
Date: March 25, 1992

Dennis Strom contacted me today in connection with my March 19, 1992 letter to Strom Ranches, Inc. He is interested in pursuing the permit if possible.

Strom stated that he had the well redrilled after it was dynamited, but that the well did not produce much water. Hiddleston apparently redrilled the well.

I advised Strom of the existing Groundwater Management Area designated by the Director on June 28, 1991, and that the designation could prevent new approvals.

Strom said he would send a letter indicating his continuing interest for our file.

✓ c: IDWR - S. Region

RECEIVED

APR 29 1996

37-08057



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

March 15, 1983

Keith Strom
Strom Ranches, Inc.
Box 124
Hill City, Idaho 83337

Re: Application for Permit No. 37-8057

Dear Mr. Strom:

As you are aware, the Supreme Court decision in the Idaho Power Company vs Idaho case has put into question whether or not there is sufficient water to fill any new water permits in drainage basing tributary to the Snake River above Swan Falls.

Because your application proposes to divert groundwater within the area affected by the Swan Falls decision, the Department will take no further action following the February 8, 1983 conference held in the matter until the nature and extent of the Idaho Power rights at Swan Falls are determined.

You may proceed with construction of diverting works under the application but, unless a permit is issued, you may not divert any water under this filing.

If you have any questions, please contact this office.

Very truly yours,

Loren O. Holmes
Southern Region Supervisor

LOH:marya

RECORDED

APR 29 1983



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

RECEIVED

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

March 19, 1992

MAR 23 1992

Department of Water Resources
Southern Region Office

Strom Ranches, Inc.
P.O. Box 137
Hill City, ID 83337

RE: PROTESTED APPLICATION FOR PERMIT NO. 37-08057

Gentlemen:

The department of Water Resources (DWR) is currently reviewing protested applications for permit which are pending before the department. Our files show that the above referenced application was filed on November 3, 1982 proposing the diversion of 14.4 cubic feet per second (cfs) of water from groundwater to be used from April 15 to October 15 for irrigation purposes.

Since the application was protested the department held a hearing in the matter. Prior to the department's issuance of a decision, the well was apparently destroyed by dynamite. The last correspondence in the water right file is March 1983.

On June 28, 1991, the Director of the department designated the Big Wood River Ground Water Management Area which includes the Camas Creek Drainage. The designation was made due to the effect of ground water depletions on surface water flows. The effect of the designation is that most applications proposing consumptive uses of water will be denied unless the applicants can demonstrate there will be no injury to prior water rights or that the applicant will provide acceptable mitigation to prior rights.

Since substantial time has passed subsequent to the filing of the application, the department requests certain information in order to resolve the matter of the pending protested application. It appears that one of two potential actions needs to occur in connection with the application as follows:

1. If you are no longer interested in pursuing the development proposed in the application, please complete and return the enclosed relinquishment form. The application will then be removed from DWR records.
2. If you are interested in pursuing the proposed development you need to specifically advise the department in writing of your continued interest within thirty (30)

APR 29 1996

37-8057

days of the date of this letter. In addition, you must provide information to the department within sixty (60) days of the date of this letter to show that you have been pursuing the project and you need to make the showing provided above before the department can approve the application.

If you do not timely respond to this letter, the department will reject the application pursuant to provisions of Section 42-203A(5), Idaho Code. If you do timely respond and provide the required information, the department will review the information submitted and will take appropriate action.

Feel free to contact this office or our Southern Regional Office in Twin Falls if you have questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "L. Glen Saxton".

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - S. Region

Encl: 1

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APR 29 1996

APR 29 1996



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

February 27, 1985

James B. Donart
P. O. Box 2330
Ketchum, ID 83340

Dear Mr Donart:

Enclosed per your request, is a copy of application for permit 37-8057 and associated correspondence.

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

Very truly yours,

Loren O. Holmes
Southern Region Supervisor

LOH:marya

RECEIVED
APR 29 1985

APR 29 1985

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well.

JAN 24 1983

USE TYPEWRITER
- BALLPOINT PEN

I. WELL OWNER

Name Keith Strom
Address Hill City, Idaho 83337
Owner's Permit No. _____

7. WATER LEVEL

Static water level 8' feet below land surface.
Flowing? ☐ Yes ☐ No G.P.M. flow _____
Artesian closed-in pressure _____ p.s.i.
Controlled by: ☐ Valve ☐ Cap ☐ Plug
Temperature _____ °F. Quality _____

II. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe method of abandoning) _____

8. WELL TEST DATA

☐ Pump ☐ Bailer ☐ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped

III. PROPOSED USE

☐ Domestic ☒ Irrigation ☐ Test ☐ Municipal
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other _____ (specify type)

9. LITHOLOGIC LOG

Hole Diam.	Depth		Material	Wat Yes
	From	To		
28"	0	1	Organic Top Soil	
	1	10	Clay & Sandstone	
	10	14	Clay & Sandstone	
	14	19	Fine-Crse. Sand + Brn. Clay Mixed	
	19	21	Brn. Clay	
	21	26	Fine to Crse. Sand	
	26	36	"-Crse. Sand + Blu Clay Mixed	
	36	64	Blue Clay	
	64	74	Brown Clay	
	74	84	Brn. Clay w/Stks. of Black Clay	
	84	101	Brn. Clay	
	101	104	Blue Clay	
	104	114	Stks. of Lt. & Drk Brn. Clay	
	114	124	Blue & Brown Clay	
	124	134	Brown Clay	
	134	144	Blue & Brown Clay	
	144	154	Brown Clay	
	154	164	Blue Clay	
	164	184	Brown Clay	
	184	186	Fine to Coarse Sand	
	186	189	" " " " + Blu Clay Mix	
	189	198	Fine to Coarse Sand	
	198	204	Cinders + Black Clay	
	204	205	Red and Black Cinders	
	205	211	Broken Basalt	
	211	224	Basalt	
	224	226	Cinders, Clay Mixed	
	226	235	Med. to Coarse Sand	
	235	253	Decomposed Granite w/Rock	
	253	324	Med. To Coarse Sand (Mxd. Color & G	
	324	330	Med. to Coarse Sand	
	330	332	Med. to Coarse Brn. Sand w/ Clay	
	332	334	Brown Clay w/sma. amt. of sand	
	334	404	Med. to Coarse Sand (Gray & Brn.	
	404	428	Med. To Crse. Sand (Rusty w/Clay-	
	428	433	Med. to Crse Sand (Rusty "	

IV. METHOD DRILLED

☐ Rotary ☐ Air ☐ Hydraulic ☒ Reverse rotary
☐ Cable ☐ Dug ☐ Other _____

V. WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____

Thickness	Diameter	From	To
.250 inches	16"	1	225 feet
.250 inches	16"	425	433 feet

Was casing drive shoe used? ☐ Yes ☒ No
Was a packer or seal used? ☐ Yes ☒ No
Perforated? ☐ Yes ☒ No
How perforated? ☐ Factory ☐ Knife ☐ Torch
Size of perforation _____ inches by _____ inches

Number	From	To

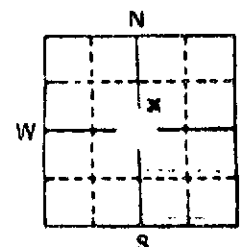
Well screen installed? ☒ Yes ☐ No
Manufacturer's name Roseco Moss
Type 40' Pul-Flt Model No. _____
Diameter 16" Slot size .80 Set from 225 feet to 385 feet
Diameter 16" Slot size .80 Set from 385 feet to 425 feet
Gravel packed? ☒ Yes ☐ No ☐ Size of gravel 3/8 minus
Placed from 18' feet to 433 feet
Surface seal depth 18" Material used in seal: ☐ Cement grout
☒ Puddling clay ☐ Well cuttings
Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing
☒ Overbore to seal depth
Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent
Weld
☐ Cemented between strata
Describe access port 2"

10.

Work started 11/13/82 finished 12/15/82

VI. LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name APR 29 1996

Lot No. _____ Block No. _____

County Cassia
S.W. 1/4 N.E. 1/4 Sec. 31 T. 18 R. 12E

11. DRILLERS CERTIFICATION

I/We certify that all minimum well construction standards were
complied with at the time the rig was removed.

PETE COPE DRILLING CO., INC.

Firm Name _____ Firm No. 213

6505 W. Chinden Blvd.

Address Meridian, ID 83642 Date Dec. 17, 1

Signed by (Firm Official) Pete Cope

and

(Operator) Frank Chastain

USE ADDITIONAL SHEETS (IF NECESSARY)

FORWARD THE WHITE COPY TO THE DEPARTMENT

RECEIVED

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Administration within 30 days after the completion or abandonment of the well.

[illegible]

USE ADDITIONAL SLEETS IF NECESSARY. Estimate in parentheses only. To this total add 10% for contingencies.

[illegible]

In the matter of Application
for Permit No 37-8057

We The undersigned agree to allow the
Department of Water Resources to make
a decision in the above referenced matter
based on the Informal Conference held
on February 8, 1983 & upon Published documents
& files of the Department.

We understand that this agreement
does not affect our rights of appeal
from the decision issued.

Pet Bennett

Keith L Strem
Strom Ranches Inc.

APR 29 1986

RECEIVED

FEB 28 1983

Department of Water Resources
Southern District Office

February 8, 1983

State of Idaho
Department of Water Resources
1041 Blue Lakes Boulevard North
Twin Falls, ID 83301

ATTENTION: Mr. Loren O. Holmes, Southern Region Supervisor

Dear Mr. Holmes:

Although we have been advised that it will be approximately six weeks before a final decision is made on the hearing on our application for Permit No. 37-8057, we are proceeding with running in the power, testing the well and preparing to connect to our sprinkler system.

In doing this we are aware that there is some measure of risk, because there has not yet been a final determination. We want you to know that because we are taking the final steps to get the system in place and operational that our actions are not caused by any lack of respect for your department and that we are not taking anything for granted.

If our permit is approved, we want to be able to use this system in the coming irrigating season. Unless we get the irrigating system ready to operate in the near future, we would be unable to use it this year, assuming that our application is granted. There are two reasons for doing this work now: First of all, in another six weeks we will be busy getting ready for the 1983 crop year. The second reason is that in the spring we have a very high water table, and the excavation that is necessary would be very difficult.

We thought that we should tell you what we were doing and why we were doing it so that you wouldn't think that we were taking anything for granted or that we planned to do everything outside of the law. We will, of course, abide by your decision.

Yours truly,

STROM RANCHES, INC.

MICROFILMED

APR 29 1986

By:

Keith S. Strom



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION

John V. Evans
Governor

A. KENNETH DUNN
~~Executive Director~~
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

January 10, 1983

Rollie Bennett
Fairfield County Courthouse
Fairfield, Idaho 83327

Dear Mr. Bennett:

This is to confirm the use of a room for conference and/or hearing to be held by this office on Tuesday, February 8, 1983 at 9:30 a.m.

Thank you for your cooperation in this matter.

Very truly yours,

Mary A. Hill
Sec/Office Corr

MICROFILMED

APR 29 1996

BEFORE THE DEPARTMENT OF WATER RESOURCES

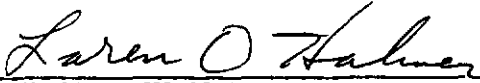
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST APPROVAL	)	
	)	
OF APPLICATION FOR PERMIT NO. 37-8057	)	NOTICE OF HEARING
	)	
IN THE NAME OF STROM RANCHES, INC.	)	AND/OR CONFERENCE

On November 3, 1982, Strom Ranches, Inc., of Hill City, Idaho filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On December 2, 1982, the Department received a protest against approval of said application from Pat Bennett.

The Department has set the matter of protest for hearing for Tuesday, February 8, 1983, at 9:30 a.m. in the Fairfield County Courthouse, Fairfield, Idaho. The hearing will be held in accordance with Chapter 2, Title 42 of the IDAHO CODE and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

DATED This 10th day of January, 1983.


LOREN O. HOLMES
Southern Region Supervisor

MAILED 1983

APR 29 1996

PS Form 3811, Dec. 1980

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

STROM RANCHES, INC. 37-8057

- **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).

☒ Show to whom and date delivered —¢
☐ Show to whom, date, and address of delivery .. —¢

- 2.
- ☐
- RESTRICTED DELIVERY**
- ¢

(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL \$

3. **ARTICLE ADDRESSED TO:**

Pat Bennett
Box 113
Hill City, Idaho 83337

4. **TYPE OF SERVICE:**

☐ REGISTERED ☐ INSURED
☒ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER

95

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☒ Addressee ☐ Authorized agent

Pat Bennett

5. **DATE OF DELIVERY**

01/11/83

6. **ADDRESSEE'S ADDRESS (Only if requested)**

Box 113
Hill City, ID. 83337

POSTMARK

JAN 11 1983

7. **UNABLE TO DELIVER BECAUSE:**7a. **EMPLOYEE'S INITIALS**

37-8057 - STROM RANCHES, INC.

● **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space
on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).

- ☒ Show to whom and date delivered
☐ Show to whom, date, and address of delivery

2. ☐ **RESTRICTED DELIVERY**

(The restricted delivery fee is charged in addition to
the return receipt fee.)

TOTAL \$ _____

3. **ARTICLE ADDRESSED TO:**

Strom Ranches, Inc.
Box 124
Hill City, Idaho 83337

4. **TYPE OF SERVICE:**

- ☐ REGISTERED ☐ INSURED
☒ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER

94

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☒ Authorized agent

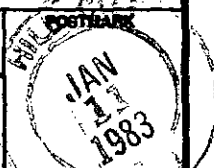
Keith B. Strom

5. **DATE OF DELIVERY**

01-11-83

6. **ADDRESSEE'S ADDRESS** (Only if requested)

Box 124
Hill City, ID. 83337



7. **UNABLE TO DELIVER BECAUSE:**

7b. **EMPLOYEE'S INITIALS**

PS Form 3811, Dec. 1980

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

**PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300**



RECEIVED

JAN 13 1983

RETURN
Department of Water Resources
Southern District Office



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT OFFICE
1041 BLUE LAKES BLVD. NORTH
TWIN FALLS, IDAHO 83301

(Name of Sender)

APR 29 1996

(Street or P.O. Box)

(City, State, and ZIP Code)

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



APR 29 1996

RECEIVED

JAN 19 1983

RETURN
TO
Department of Water Resources
Southern District Office



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT OFFICE
1041 BLUE LAKES BLVD. NORTH
TWIN FALLS, IDAHO 83301
(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

37-8057

Stone ranches, inc

NAME AND ADDRESS OF SENDER

Indicate type of mail
☐ Registered
☐ Insured
☐ COD
☐ Certified

I certify that we have
☐ Commercial Insurance
☐ A deductible clause of \$

Affix stamp here if issued as certificate of mailing or for additional copies of this bill.

POSTMARK AND DATE OF RECEIPT

NO	NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	Handling Charge	Actual Value (If Registered)	DUE SENDER IF C.O.D.	R. R. FEE	S. D. FEE	S. H. FEE	REST. DEL. FEE	REMARKS
1	94	Stone ranches, inc	20	60	75							
2	95	Pat Bennett	1	1	1							
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		2										

The full declaration of value is required on all domestic and international registered mail. Commercial Insurance—Payment of the full registry fee is required on articles valued up to \$1,000 or the full amount of the deductible if the deductible exceeds \$1,000. The maximum indemnity payable is \$25,000 for registered mail, \$400 for COD and \$400 for insured mail. Special handling charges apply only to third- and fourth-class parcels. Special delivery service also includes special handling service.

JAMES B. DONART

ATTORNEY AT LAW
101 WESTSIDE BUILDING
FIRST AVE. & FIFTH ST.
P. O. BOX 2330
KETCHUM, IDAHO 83340

TELEPHONE: (208) 726-4472

RECEIVED

JAN 10 1983

January 7, 1983

Department of Water Resources
Southern District Office

State of Idaho
Department of Water Resources
1041 Blue Lakes Boulevard North
Twin Falls, ID 83301

ATTENTION: Mr. Loren O. Holmes, Southern Region Supervisor

Dear Mr. Holmes:

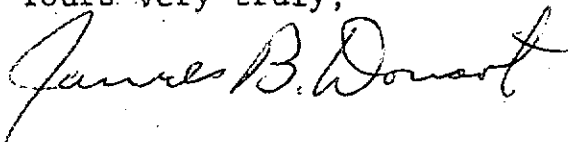
SUBJECT: Applicant for Permit No. 37-8057, Strom Ranches, Inc.

Your letter of December 17, 1982 directed to Strom Ranches, Inc. has been referred to me by Mr. Keith Strom. The protest that was filed by Mr. Pat Bennett of Hill City has not been resolved between the parties, and it is Mr. Strom's desire that a hearing be had as soon as possible.

Strom Ranches is prepared to give what we are sure will be satisfactory answers and meet the criteria required by Section 42-203, Idaho Code, which you enumerated in your letter in a way that I am sure will be satisfactory to your department.

The applicant is indeed anxious to get this procedure consummated and have a hearing at an early date. Although, it is only January now, the irrigation season will nevertheless be with us in a few short months and Strom Ranches, Inc. does, of course, want to be in a position to use the facility for the coming crop season.

Yours very truly,



James B. Donart

JBD:LW

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APR 29 1986



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

December 17, 1982

Strom Ranches, Inc.
Box 124
Hill City, Idaho 83337

Re: Application for Permit No. 37-8057

Gentlemen:

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 water 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
Southern Region Supervisor

LOH:marya

Encl:

APR 29 1996



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3576

December 17, 1982

Herman W. Pitrick
Corral,
Idaho 83322

Re: Application for Permit No. 37-8057

Dear Mr. Pitrick:

Returned herewith is your letter of protest against the granting of Application for Permit No. 37-8057.

Because the protest was received after December 6, 1982, final date for receiving protests which was set in the notice of application, your protest cannot be accepted.

However, you may request permission to intervene in the matter as provided for in Rule 6 of the Department of Water Resources Rules of Practice and Procedure, a copy of which is attached. The applicant will be given opportunity to respond to any such request before a ruling is made on whether to allow intervention.

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 water 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?

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APR 29 1996

Herman W. Pitrick
Page 2
Dec. 16, 1982

If you have any questions regarding this matter, please feel free to contact me.

Very truly yours,

Loren O. Holmes
Southern Region Supervisor

LOH:marya

Encl:

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APR 29 1996



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

December 7, 1982

Pat Bennett
Box 113
Hill City, Idaho 83337

Re: Application for Permit No. 37-8057

Dear Mr. Bennett:

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 water rights?
2. Is the proposed water supply insufficient for the purpose 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
Southern Region Supervisor

APR 29 1996

LOH:marya

December 2, 1982

I, Pat Bennett, hereby protest Application for Permit No.37-8057.

I have decreed water rights from two springs and from a spring that we have water rights on.

Pat Bennett
Pat Bennett
Box 113
Hill City, Idaho 83337

RECEIVED

DEC 2 1982

Department of Water Resources
Southern District Office

MICROFILMED

APR 29 1996

NOTICE OF APPLICATION FOR WATER RIGHT

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

32-8052

STROM RANCHES, INC.

BOX 124, HILL CITY, ID 83337

Source: GROUNDWATER

Date Filed: 11/03/1982

Amount: 14.40 CFS

Diversion Point: SENE SWNE Sec 31 T 01S R 12E, CAMAS Co.

Use: IRRIGATION (14.40 CFS) from 04/15 to 10/15

Place of Use: NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW SESW NESE NWSE SWSE
SESE Sec 31 T 01S R 12E SWNW SENW NESW NWSW SWSW SESW
Sec 32 T 01S R 12E FOR 720 ACRES
XXXXXXXXXX 720 ACRES

Diversion Means: 2 WELLS, MOTORS, PUMPS

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 and received on or before DECEMBER 6, 1982.

KEN DUNN, Dir.

Published 11/17 & 11/24/82.

APPROVED
APR 29 1996

NOTICE OF APPLICATION
FOR WATER RIGHT

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

STROM RANCHES, INC.
BOX 124, HILL CITY, ID

83337

Source: GROUNDWATER

Date Filed: 11/03/1982

Amount: 14.40 CFS

Diversion Point: SENE SW
NE Sec 31 T 01S R 12E,
CAMAS Co.

Use: IRRIGATION (14.40
CFS) from 04/15 to 10/15

Place of Use: NENE NWNE
SWNE SENE NENE NW
NW SWNW SENW NESW
SESW NESE NWSE SWSE
SESE Sec 31 T 01S R 12E
SWNW SENW NESW NWSW
SWSW SESW Sec 32 T 01S R
12E FOR 720 ACRES

Diversion Means: 2 WELLS,
MOTORS, PUMPS

The permit(s) will be
subject to all prior water
rights. Protests must be
filed with the Director, Dept.
of Water Resources, 1041
Blue Lakes Blvd. North,
Twin Falls, Idaho 83301 and
received on or before DEC-
EMBER 6, 1982.

KEN DUNN, Director

Pub: 11-17, 24, 1982

*de
may
11/16/82*

RECORDED

APR 29 1986

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd N.
Twin Falls, Idaho 83301
(208) 734-3578

NOVEMBER 10, 1982

Gooding County Leader
P.O. Box 56
Gooding, Idaho 83330

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 DECEMBER 6, 1982.

Yours truly,

Mary A. Hill
Secretary

Encl.

RECEIVED

APR 29 1996

State of Idaho
Department of Water Resources

8051

APPLICATION FOR PERMIT ANALYSIS SHEET

STROM RANCHES, INC.

INITIAL REVIEW BY: JF Stanton

APPLICATION NUMBER: 37-8057

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.
☐ Fee.

Field check by: _____

Date: _____

Comments: _____

- ☐ 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: _____

PROCESSING:

- ☐ Yes ☒ No Platted by: JF Map No. Y-68
☐ Yes ☐ No Other rights on same place of use.
See 37-2038 part (surface water)
☐ Yes ☐ No* In form for advertising.
Final date for protests: 12/6/82
☐ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☐ Affidavit of publication received. Date: _____
☒ 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? _____
Date of priority recommended. _____

Special conditions of approval or cover letter. _____

By: _____ Date: _____

STATE OFFICE REVIEW:

- ☐ See attached sheet for more information.

By: _____ Date: _____

Hearing Info.
~~Topic~~ & Exhibits
37-08057

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RESUME

SHERL L. CHAPMAN

Applicant's Exhibit #1
Exhibit

Admitted 4-19-94
LY

PRESENT POSITION:

Owner and Operator of Sherl L. Chapman Consulting, Inc.

PERSONAL HISTORY:

Born June 22, 1939, in Boise, Idaho

Married 1959, three children

Health - Excellent

Height - 5' 10"

Weight - 195 lbs.

Residence - Nampa, Idaho -- 1940 to 1959
Tacoma, Washington -- 1959 to 1967
Boise, Idaho -- 1967 to 1974
Meridian, Idaho -- 1974 to present

Exhibits

EDUCATION:

Nampa High School - Nampa, Idaho - Graduated 1957

University of Puget Sound - Tacoma, Washington - Bachelor of Science,
Geology - 1966

HONORS - AWARDS:

Colonel Thomas Moore Award - outstanding geology graduate, University of
Puget Sound, 1966

PROFESSIONAL AFFILIATION:

Society of Economic Paleontologists and Mineralogists

Association of Engineering Geologists

National Water Well Association

Idaho Association of Professional Geologists

Registered Idaho Professional Geologist #21

Professional Advisor, Idaho Water Well Association

Executive Director, Idaho Water Users Association

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PROFESSIONAL POSITIONS HELD:

Metropolitan Engineers Inc. - 410 W. Harrison, Seattle, Washington

Held the position of Engineering Geologist - 1966-1967

Responsible for the layout and test drilling of alignments for a multi-million dollar sewer project. The job consisted of organization of the test drilling program, supervising the drilling crews, liaison with state, county, and local officials and property owners. Additionally, lithologic analysis of samples from test borings and engineering stress analyses were a portion of the work. Such data collection resulted in an engineering geology report upon which design for the interceptor lines were based.

Terminated employment to join the Idaho Department of Water Resources.

Idaho Department of Water Resources - Boise, Idaho

Have held the positions of Geologist, Ground-Water Geologist, Water Resource Administrator I and II and Assistant Director - 1967-1974

The first several positions were those of an investigator of ground and surface water resources. These studies had as their objectives the occurrence and extent of ground and surface water, its availability for uses such as industrial, irrigated agriculture and municipal and the suitability of water quality for such purposes. Analysis of the geology, hydrology, consumptive use of plants and water balance were included in such duties. These investigations resulted in several publications which are listed in a following section. In 1972 I was promoted to Assistant Director of the Department. At that time, I was responsible for all investigational programs of the Department, the well driller licensing and regulation program and administration of the U. S. Geological Survey - Department of Water Administration Cooperative Program. During 1973, Department reorganization consolidated the engineering and investigation programs into one division under my direction. The programs I directed are as follows:

- (1) Water Resource Investigations
- (2) Well Driller Licensing and Regulation
- (3) Waste Disposal and Injection Well Research
- (4) Stream Channel Alteration Administration
- (5) Geothermal Resource Evaluation and Regulation
- (6) Dam Safety Program
- (7) U.S. Geological Survey - Department of Water Administration Cooperative Program

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(8) Special Research Programs

(9) Chaired two statewide Water Resource Study Coordination Committees

In order to accomplish these programs, I directed nine professional staff, one full-time technician, two secretaries, and a number of part-time staff.

Chapman Consulting - Boise, Idaho - 1974 to Present

I left the Idaho Department of Water Resources and organized my own consulting firm on March 1, 1984. Taking advantage of my educational background and experience, I specialize in ground water hydrology, water well construction, exploration and development of ground and surface water resources, geothermal exploration and development, and water rights. Studies conducted have included development of irrigation and domestic wells, design of pump and irrigation systems, extensive work as one of two prime consultants for the Raft River Rural Electric Co-Operative Association on the Raft River Geothermal Project, development of water for mining and milling projects in the Owyhee Mountains, and extensive work in Idaho water rights. Other projects have included complete hydrologic and water budget studies for ground and surface water development in water short areas, geologic foundation analyses for dam construction and analyses of impacts of stream channel alteration on the hydrology and stability of stream channels.

Project work for Amoco Oil Company has included analysis of alternative irrigation systems for the Boise Parks Department, liaison with state and local government agencies relating to waste discharge permits, sampling of monitoring wells and well inventory.

Additionally, the Idaho Water Users Association, a non-profit statewide agricultural organization, has continuously retained me as their Executive Director, lobbyist and information officer since 1974. The Idaho Water Well Association, a statewide organization of well drillers and pump installers, have retained my services as professional advisor to the Idaho Water Well Association on technical matters. I was one of three consultants, nationwide, to be invited to participate in the National Science Foundations Conference on "Environmental Aspects of Geothermal Energy Development" in Monterey, California, 1974.

I have also been involved in numerous administrative and court proceedings as expert witness in the field of ground and surface water hydrology and well construction. A listing of these actions is included under the heading "legal experience."

COMMUNITY AND PROFESSIONAL SERVICE:

President, Southside Elementary School PTA

Southwest Idaho Area Committeeman, Idaho Association of Professional Geologists

APR 29 1986

OUTSIDE INTERESTS:

Hunting, fishing, boating, golfing, carpentry, and light construction.

EDUCATIONAL CONTRIBUTIONS:

Taught: Historical Geology and Fundamentals of Geology at Boise State University, Extended Day and Evening Program.

Composed and taught for four years: Well Drilling and Related Hydrology at Boise State University in the Extended Day and Evening Program.

Taught: Twenty-five percent of the "Hydrology Short Course: sponsored by the University of Idaho, 1973.

Taught: Well Construction and Well Drilling Practices Section of the Federal Land Bank Annual Short Course, 1976.

Taught: Well Drilling Construction and Ground Water Hydrology Section of the Idaho Environmental Health Association Annual Short Course in March, 1977.

LEGAL EXPERIENCE:

I have testified in numerous judicial proceedings including formal courtroom trials, administrative actions and hearings as an expert witness. Most of these issues have been in the field of water rights, water right protests and hydrology. There are well over three dozen of these cases or hearings and a listing of the actions and their resolution can be provided if requested.

PROFESSIONAL PAPERS:

Geology of the Bruneau Sand Dunes State Park, published by the Idaho Parks Department.

The Foreman Story, Water Well Journal, October 1972; Ground Water, October 1972; and the Cross Section, November 1972.

PROFESSIONAL PUBLICATIONS:

Chapman S.L. and Castelin P.M., Water Resources of the Big Wood River-Silver Creek Area, Blaine County, Idaho, Idaho Department of Water Administration, Bulletin No. 28.

Chapman S.L. and Ralston D.R., Water Resources of the Blue Gulch Area-Eastern Owyhee and Western Twin Falls Counties, Idaho, Idaho Department of Water Administration, Bulletin No. 20.

Chapman S.L. and Young N.C., Water Resources of Western Oneida and Southern Power Counties, Idaho, Idaho Department of Water Administration, Bulletin No. 25.

APR 29 1996

Chapman S.L. and Sisco G.L., Ground-Water Development in Idaho, 1970-71, Idaho Department of Water Administration, Bulletin No. 29.

Ralston D.R. and Chapman S.L., Ground-Water Resource of the Mountain Home Area, Elmore County, Idaho, Idaho Department of Water Administration, Bulletin No. 4.

Ralston D.R. and Chapman S.L., Water Level Changes in the Mud Lake Area, Idaho, 1958-68, Idaho Department of Water Administration, Bulletin No. 7.

Ralston D.R. and Chapman S.L., Ground-Water Resource of Northern Owyhee County, Idaho, Idaho Department of Water Administration, Bulletin No. 14.

Ralston D.R. and Chapman S.L., Ground-Water Resource of Southern Ada and Western Elmore Counties, Idaho, Idaho Department of Water Administration, Bulletin No. 15.

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APR 29 1996

GEOHERMAL RESOURCE ADDENDUM

Professional qualifications relating to geothermal resource development include administrative and regulatory responsibilities for the State of Idaho, Department of Water Resources, 1972 to 1974. Responsibilities during that portion of time included development and evaluation of geothermal resource regulations and law, supervision and administration of the well driller enforcement licensing and regulatory program and evaluation of geothermal resource potential in the State of Idaho.

Since 1974, activities in the ground water and geothermal resource field have included extensive exploration and development of domestic, irrigation and geothermal wells throughout the State of Idaho. Activities have included extensive work as one of two prime consultants for the Raft River Rural Electric Co-Operative on the Raft River Geothermal Project; reconnaissance exploration and development of geothermal resources in the Weiser, Crane Creek, Raft River and Payette River drainage areas of Idaho and evaluation of thermal resource potential in portions of eastern Oregon.

Recent geothermal projects include development of a geothermal heat source for production of ethyl alcohol near Emmett, Idaho; development of a geothermal heat source for residential space heating, Cascade, Idaho; evaluation of flow potential and heat availability near Magic Hot Springs, Idaho; evaluation of flow characteristics of thermal springs near Crouch, Idaho; and evaluation of geothermal potential for residential space heating near Boise, Idaho.

Other past projects have also included evaluation of subsidence and uplift potential from injection of geothermal fluids, water quality impacts from reinjection of spent geothermal fluids and participation as one of three consultants selected nationwide to participate in the National Science Foundation Conference on "Environmental Aspects of Geothermal Energy Development" in Monterey, California.

RECEIVED

APR 29 1996

Applicants Exhibit #2
admitted
4-19-94
WJ

TABLE 1

WATER QUALITY ANALYSES - CAMAS PRAIRIE

CONSTITUENT mg/l	STROM WELL SWNE, 31, 1S, 12E	WILLIAMS POND SESE, 31, 1S, 11E	JOHNNY SPRING SWNW, 5, 2S, 11E	VARIANCE %
Bicarbonate	68	54	53	21
Calcium	6	11	10	43
Carbonate	<1	<1	<1	--
Chloride	1.5	1.5	1.1	--
Fluoride	.37	.47	.53	26
Iron	.09	.07	<.01	--
Magnesium	.14	3.35	4.05	96
Nitrate as N	<.1	1.06	1.65	--
Potassium	.47	1.09	1.08	43
Silicon	22.9	31.0	27.2	21
Sodium	28.5	7.55	8.30	226
Sulfate	3.2	2.5	2.5	22
Total Dissolved Solids	118.0	100	103	14
pH (SU)	9.50	7.40	7.45	23

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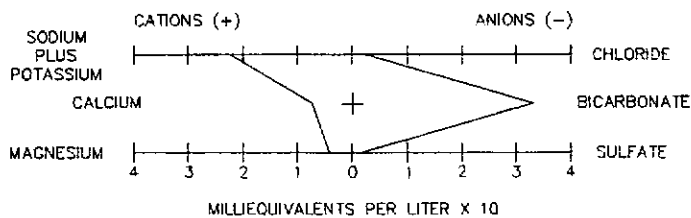
APR 29 1996

FIGURE 4

Applicants Exhibit #2
admitted
4-19-94
WJH

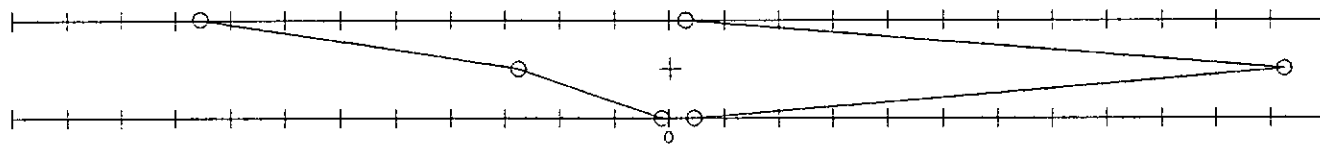
PATTERN DIAGRAMS DENNIS STROM AREA CAMAS PRAIRIE, IDAHO

EXPLANATION PATTERN DIAGRAM



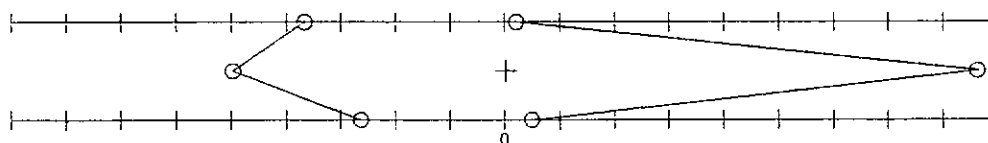
STROM IRRIGATION WELL

SW NE 31 15 12 E



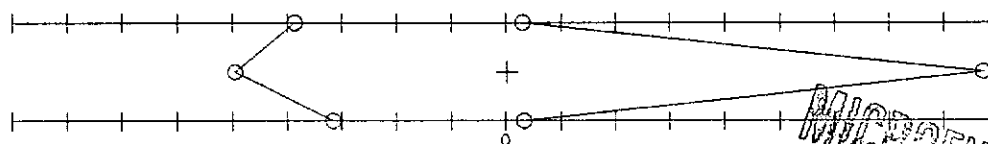
WILLIAMS POND

SE SE 31 15 11 E



JOHNNY SPRING

SW NW 5 25 11 E



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Applicants Exhibit No. 4.
Sherl L. Chapman Consulting, Inc.

410 S. Orchard / Suite 144 / Boise, Idaho 83705 / Phone (208) 344-6690 / Fax (208) 344-2744

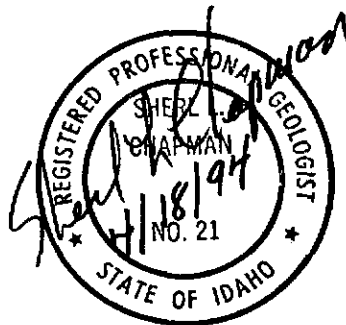
*admitted
4-19-94
VLS*

GROUND WATER ASSESSMENT

DENNIS STROM PROPERTY

HILL CITY, IDAHO

APRIL 18, 1994



SHERL L. CHAPMAN

PRESIDENT

RECEIVED

APR 29 1996

This office was requested to evaluate the aquifer systems in the western Camas Prairie, Camas County, Idaho. The objectives were to determine whether or not completion of development of an irrigation well located in Section 31, Township 1 South, Range 12 East, under application for permit #37-08057 would impact surface water resources in the area as well as water rights, both surface and ground water, within the Camas Prairie. The original application for permit was for 14.4 cubic feet per second but, prior to the investigation, the applicant, Mr. Dennis Strom, indicated that the application would be reduced to three (3) cubic feet per second or less. This investigation was predicated on the assumption the quantity would be reduced.

The general framework of the area is that of a basin receiving recharge from surrounding uplands and surface streams to both a shallow water table and deep artesian ground water system. Several studies have been published on the area, the most comprehensive being open file reports published by the U.S. Geological Survey in cooperation with the Idaho Department of Water Resources. The first is titled "Selected Hydrologic Data, Camas Prairie, South-Central Idaho, U.S.G.S. Open File Report 78-500". The second is titled "Water Resources of Camas Prairie, South-Central Idaho, U.S.G.S. Open File Report 78-82". Both of these reports were extensively used in the analysis of the area.

MICROFILMED

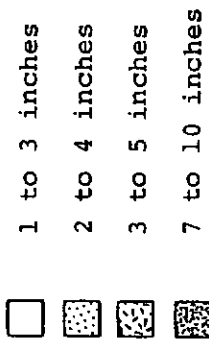
APR 29 1996

The Camas Prairie is an intermontane basin of approximately 730 square miles and recharge to the aquifers in the area and water supplied to the surface streams all comes from precipitation within the basin. Figure 1 is taken from U.S.G.S. Open File Report 78-82 and modified for purposes of this report. The Strom irrigation well location is shown by the red arrow on Figure 1. This recharge area is defined by the report as being the area between the point where streams begin to lose water to alluvial fans and the piezometric surface of the artesian ground water system and is shaded in yellow on Figure 1. As can be seen from the figure, the recharge area near the Strom well is very narrow and without nearby surface drainage. Water enters the recharge zone and percolates vertically to the artesian aquifer which generally lies below 100 feet in depth. The bottom of the shallow water table aquifer generally lies above 30 or 40 feet below land surface and is principally recharged by vertical, upward leakage from the artesian aquifer. It should be noted that the Strom irrigation well that would be utilized under this permit is over 400 feet in depth and encounters a significant series of confining layers beginning at about 36 feet below land surface to over 180 feet below land surface (Figure 2). As a comparison, the Strom domestic well, drilled in 1974, derives it's water from shallow, sand and gravel zones above 81 feet, thus obtaining it's water from the shallow water table system (Figure 3).

RECEIVED

APR 29 1996

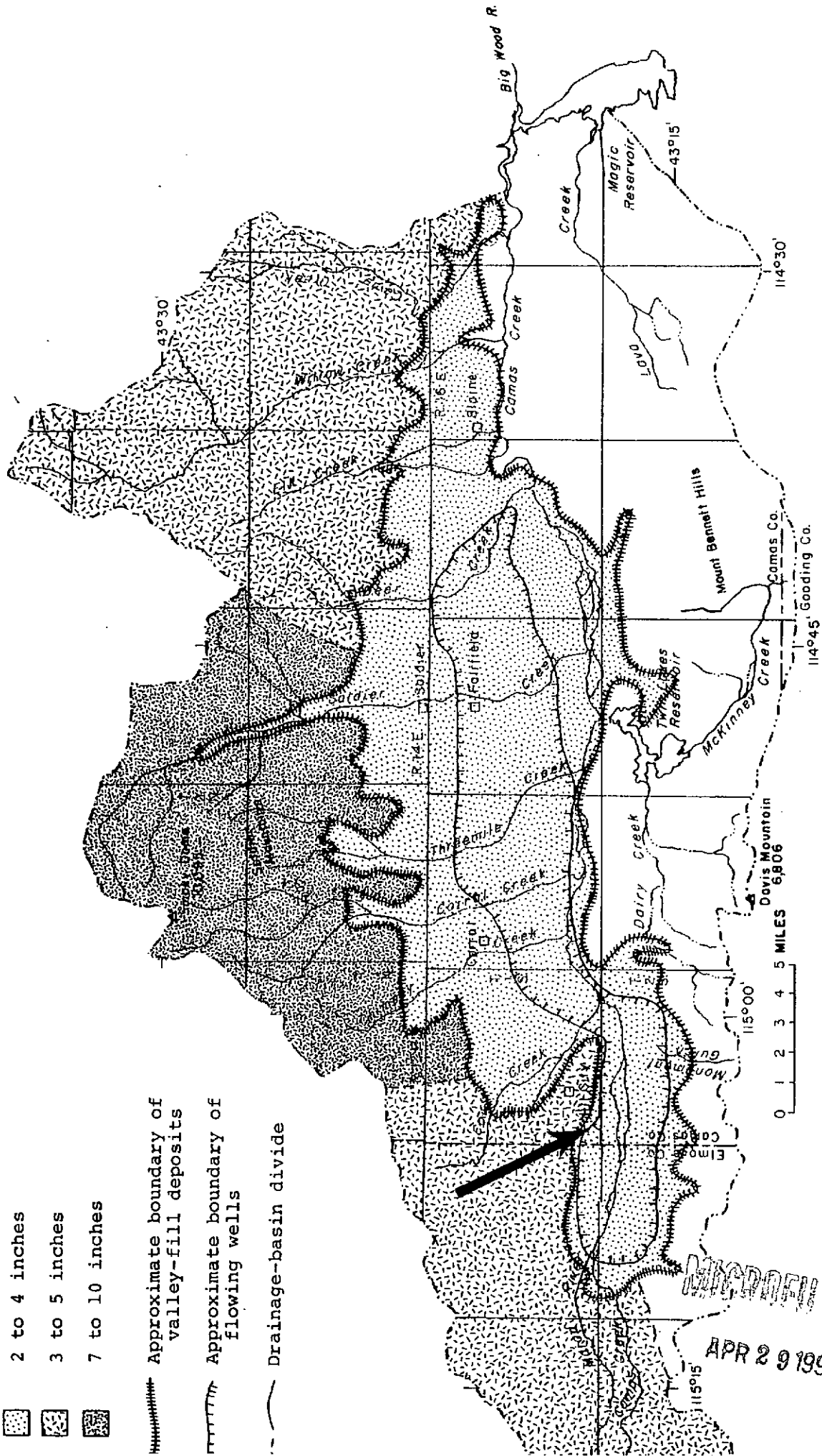
Annual Runoff



Approximate boundary of valley-fill deposits

Approximate boundary of flowing wells

Drainage-basin divide

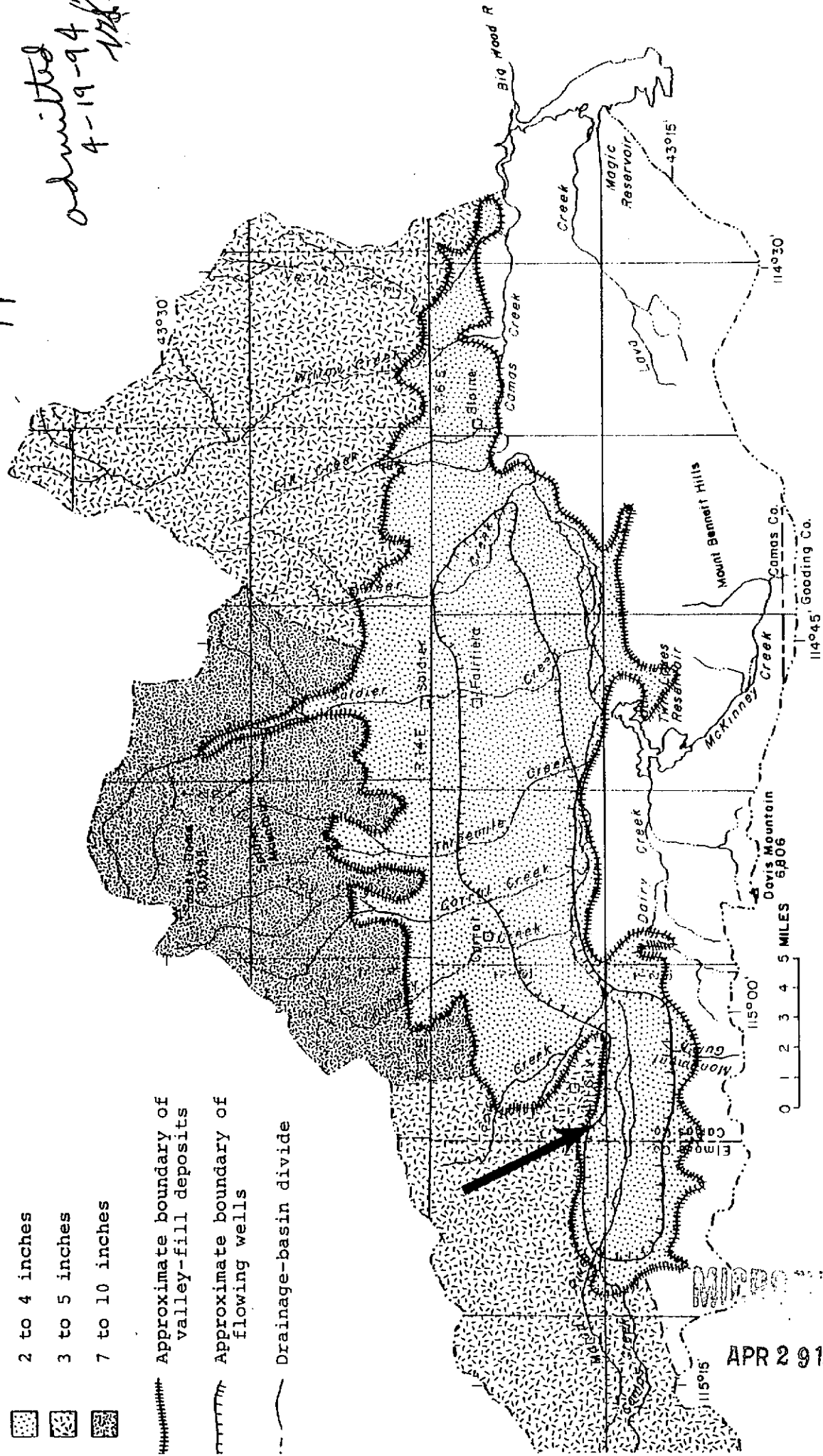


ESTIMATE OF MEAN ANNUAL RUNOFF AND BOUNDARY OF FLOWING WELLS

Annual Runoff

- 1 to 3 inches
- 2 to 4 inches
- 3 to 5 inches
- 7 to 10 inches

- Approximate boundary of valley-fill deposits
- Approximate boundary of flowing wells
- Drainage-basin divide



Applicant's Exhibit
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ESTIMATE OF MEAN ANNUAL RUNOFF AND BOUNDARY OF FLOWING WELLS

FIGURE 1

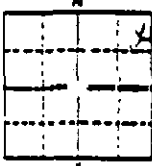
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DO THE WHITE COPY TO THE DEPARTMENT

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Administration within 30 days after the completion or abandonment of the well.

FIGURE 3

1. WELL OWNER Name <u>DENNIS STROM</u> Address <u>Hill, City, Idaho</u> Owner's Permit No. _____		7. WATER LEVEL Static water level <u>17</u> feet below land surface Flowing? ☐ Yes ☒ No G.P.M. flow _____ Temperature _____ ° F. Quality _____ Artesian closed-in pressure _____ p.s.i. Controlled by ☐ Valve ☐ Cap ☐ Plug																																														
2. NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement ☐ Abandoned (describe method of abandoning) _____		8. WELL TEST DATA ☒ Pump ☐ Bailer ☐ Other Discharge GPM _____ Draw Down _____ Hours Pumped _____ <u>Approx 3000 GPM</u> <u>None</u> <u>2</u>																																														
3. PROPOSED USE ☒ Domestic ☐ Irrigation ☐ Test ☐ Other (specify type) _____ ☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection		9. LITHOLOGIC LOG Hole Diam. _____ Depth _____ Material _____ Water _____ Yes/No																																														
4. METHOD DRILLED ☐ Cable ☒ Rotary ☐ Dug ☐ Other _____		<table border="1"><thead><tr><th>Hole Diam.</th><th>From</th><th>To</th><th>Material</th><th>Water</th></tr></thead><tbody><tr><td>8</td><td>0</td><td>12</td><td>Top Soil & Clay</td><td>Y</td></tr><tr><td></td><td>12</td><td>32</td><td>Sand & Clay & surface run</td><td>Y</td></tr><tr><td></td><td>32</td><td>43</td><td>Coarse Sand & Gravel & clay</td><td>Y</td></tr><tr><td></td><td>43</td><td>48</td><td>Sand & Gravel</td><td>Y</td></tr><tr><td></td><td>48</td><td>53</td><td>Broken Granite &</td><td>Y</td></tr><tr><td>4</td><td>53</td><td>62</td><td>Broken Granite</td><td>Y</td></tr><tr><td></td><td>62</td><td>68</td><td>Coarse Sand</td><td>Y</td></tr><tr><td></td><td>68</td><td>81</td><td>Broken Granite</td><td>Y</td></tr></tbody></table>		Hole Diam.	From	To	Material	Water	8	0	12	Top Soil & Clay	Y		12	32	Sand & Clay & surface run	Y		32	43	Coarse Sand & Gravel & clay	Y		43	48	Sand & Gravel	Y		48	53	Broken Granite &	Y	4	53	62	Broken Granite	Y		62	68	Coarse Sand	Y		68	81	Broken Granite	Y
Hole Diam.	From	To	Material	Water																																												
8	0	12	Top Soil & Clay	Y																																												
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	48	53	Broken Granite &	Y																																												
4	53	62	Broken Granite	Y																																												
	62	68	Coarse Sand	Y																																												
	68	81	Broken Granite	Y																																												
5. WELL CONSTRUCTION Diameter of hole <u>6</u> inches Total depth <u>81</u> feet Casing schedule: ☒ Steel ☐ Concrete Thickness _____ Diameter _____ From _____ To _____ <u>.250</u> inches <u>6 5/8</u> inches <u>+1</u> feet <u>57 1/2</u> feet _____ inches _____ inches _____ feet _____ feet _____ inches _____ inches _____ feet _____ feet _____ inches _____ inches _____ feet _____ feet _____ inches _____ inches _____ feet _____ feet Was a packer or seal used? ☐ Yes ☒ No Perforated? ☐ Yes ☒ No How perforated? ☐ Factory ☐ Knife ☐ Torch Size of perforation _____ inches by _____ inches Number _____ From _____ To _____ _____ perforations _____ feet _____ feet _____ perforations _____ feet _____ feet _____ perforations _____ feet _____ feet Well screen installed? ☐ Yes ☒ No Manufacturer's name _____ Type _____ Model No. _____ Diameter _____ Slot size _____ Set from _____ feet to _____ feet Diameter _____ Slot size _____ Set from _____ feet to _____ feet Gravel packed? ☐ Yes ☒ No Size of gravel _____ Placed from _____ feet to _____ feet Surface seal depth <u>12</u> Material used in seal ☐ Cement grout ☒ Pudding clay ☐ Well cuttings Sealing procedure used ☐ Slurry pit ☐ Temporary surface casing ☒ Overbore to seal depth		10. Work started <u>5/13/71</u> finished <u>5/17/71</u>																																														
6. LOCATION OF WELL Sketch map location must agree with written location.  Subdivision Name _____ Lot No. _____ Block No. _____ County _____ Census _____ NE 1/4 SE 1/4 Sec. 31 T. 15 N/S. R. 12E PM EW		11. DRILLERS CERTIFICATION SMITH DRILLING & PUMP CO., INC Firm Name _____ Firm No. <u>11</u> Address <u>128 West Avenue A Jerome</u> Signed by (Firm Official) _____ and _____ (Operator) <u>William R. Williams</u> 1996																																														

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nearly six (6) feet below land surface between 1958 and 1977 recovered in the period from 1977 to 1983 to slightly over four (4) feet below land surface. It is believed that these data are reflective of a combination of development, drought and changes in irrigation practices from flooding and subirrigation techniques to a dominantly sprinkler irrigation system.

A concern was expressed over whether or not streams and springs in the area would be impacted if this application were to be approved. In order to determine the interconnection, if any, between the ground water system and the springs and streams in this area, three water samples were collected for analysis and comparison with data developed by Young (1978). Table 1 is a table of constituents which were analyzed from the three samples collected for this study along with the locations of the sample points. Both Johnny Spring and Williams Pond are spring issuances near the Strom property and the sample noted as Strom Well is the deep irrigation well which was pumped for over 8 hours before sampling. This well, as noted earlier, is in the artesian ground water system. As can be seen from the table, the chemical constituents between Williams Pond and Johnny Spring are comparable. The constituents found in the Strom well, however, differ in many cases significantly and the variance between the average constituent value of the surface water and the Strom well is shown as a variance. As can be seen from Table 1, most of the constituents differ greater than 20% and as much as 226%. In order to provide a better visual

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TABLE 1

WATER QUALITY ANALYSES - CAMAS PRAIRIE

CONSTITUENT mg/l	STROM WELL SWNE, 31, 1S, 12E	WILLIAMS POND SESE, 31, 1S, 11E	JOHNNY SPRING SWNW, 5, 2S, 11E	VARIANCE %
Bicarbonate	68	54	53	21
Calcium	6	11	10	43
Carbonate	<1	<1	<1	--
Chloride	1.5	1.5	1.1	--
Fluoride	.37	.47	.53	26
Iron	.09	.07	<.01	--
Magnesium	.14	3.35	4.05	96
Nitrate as N	<.1	1.06	1.65	--
Potassium	.47	1.09	1.08	43
Silicon	22.9	31.0	27.2	21
Sodium	28.5	7.55	8.30	226
Sulfate	3.2	2.5	2.5	22
Total Dissolved Solids	118.0	100	103	14
pH (SU)	9.50	7.40	7.45	23

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comparison, Figure 4 was developed which is a set of pattern diagrams for the Strom irrigation well, the Williams Pond and Johnny Spring. The explanation of pattern diagrams on Figure 4 is self explanatory but they are merely graphical depictions of four cations and three anions which are common to almost all water. As can be seen from the figure, the pattern of chemical constituents from the Strom irrigation well is significantly different than either the Williams Pond or Johnny Spring. However, the diagrams for Williams Pond and Johnny Spring are almost identical. As an additional comparison, the pattern diagram figure was taken from Open File Report 78-82 which shows pattern diagrams for the entire basin (Figure 5). As can be noted from Figure 5, surface water diagrams in the western end of the basin are somewhat similar to each other but different from the two samples from springs collected by this author and the ground water sample noted at well 1S, 12E, 31aaa, which is the Strom domestic well in the shallow water table aquifer. The significance of Table 1 and Figures 4 and 5 is to show that there is a significant chemical difference between the waters in the springs and streams in the western end of the basin and both the water table and artesian aquifers. Additionally, there is a significant chemical difference between the water in the artesian aquifer and the water table aquifer as can be seen by comparing pattern diagrams between the Strom artesian well and the Strom domestic well. It is this author's opinion that these data demonstrate that, at least in the western portion of the basin

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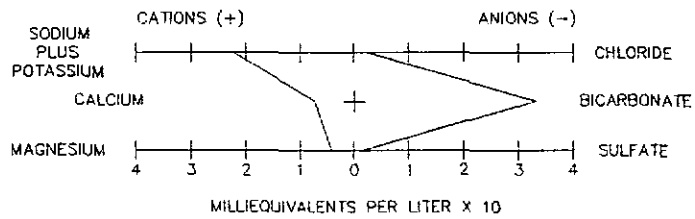
APR 29 1996

FIGURE 4

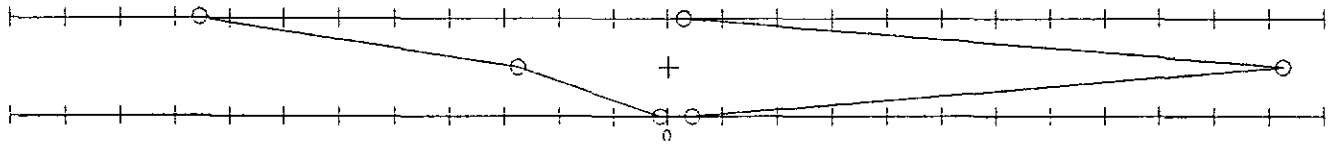
PATTERN DIAGRAMS

DENNIS STROM AREA
CAMAS PRAIRIE, IDAHO

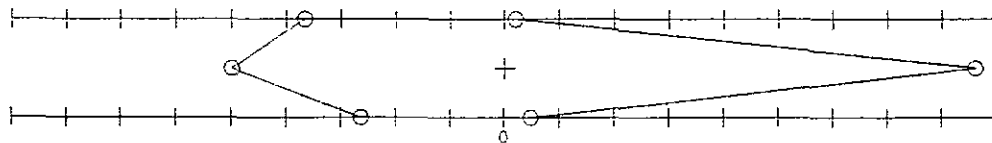
EXPLANATION PATTERN DIAGRAM



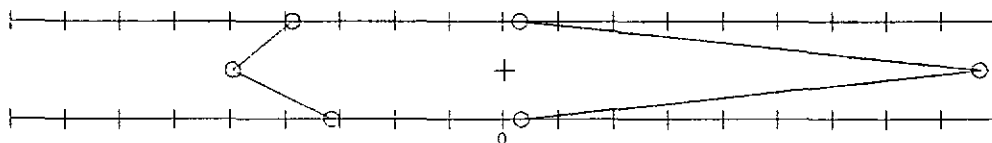
STROM IRRIGATION WELL
SW NE 31 15 12 E



WILLIAMS POND
SE SE 31 15 11 E



JOHNNY SPRING
SW NW 5 25 11 E



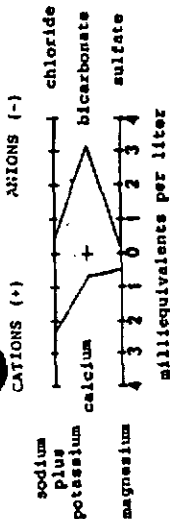
DIAGRAM

29 1996

EXPLANATION

Pattern diagram

232 dissolved solids, in milligrams per liter



Surface-water sample stippled
Water-table sample hatched

Surface-water site

33BABI

Well and number

34BABS

Spring and number

Drainage-basin divide

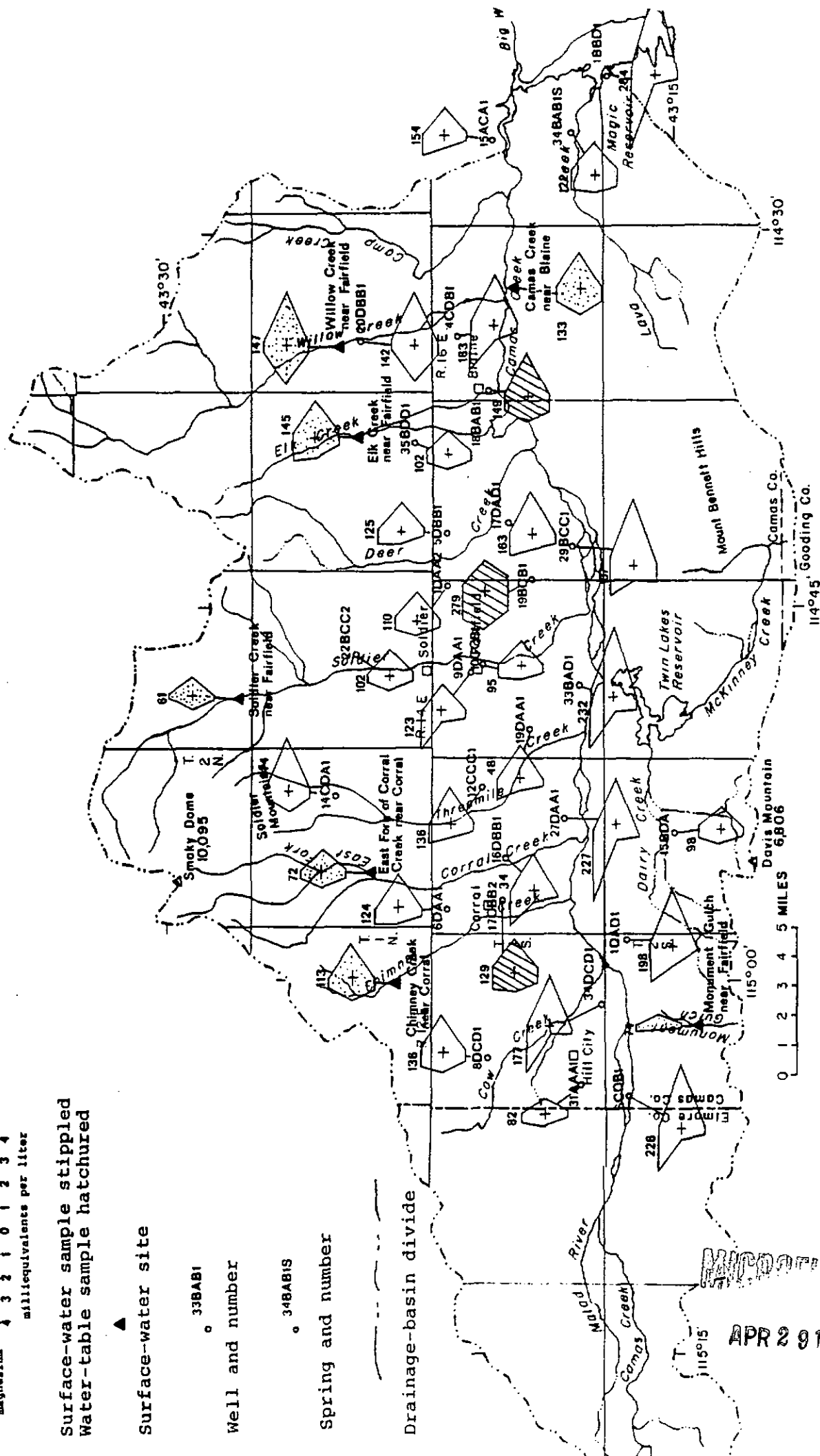


FIGURE 5

CHEMICAL CHARACTER OF WATER

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surrounding the Strom property, the surface water and ground water systems are either not connected or very poorly connected and that development of the Strom well in the artesian system will not have any measurable effect on the flow of Camas Creek, it's tributaries or springflow in the area.

After reviewing the data obtained for this report and the data developed in the earlier U.S. Geological Survey reports, this author concludes the following:

1. The artesian head or piezometric surface has declined slightly in the western end of the basin over the last 20 to 30 years. These declines are believed to be the result of development, drought and changing irrigation practices.
2. While artesian heads have declined in this portion of the basin, pumping levels are still well above any reasonable pumping level and such declines should not be considered a barrier to development.
3. Recharge to both the deep artesian aquifer and the shallow water table aquifer exceeds withdrawal by several times and therefore water is available for appropriation in the basin.
4. Water quality data indicate a significant difference in chemical constituents between surface water and ground water and the artesian and shallow water table aquifers and there is minimal

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connection, if any, between surface water and ground water in the western portion of the basin, at least west of the boundary line between Ranges 12 and 13 East.

5. Approval of application for permit 37-08057 will not affect springflow, streamflow, other water rights or measurably affect outflow from the basin.

SELECTED REFERENCES

Young, H. W., 1978, Water Resources of Camas Prairie, South-Central Idaho: U. S. Geological Survey Open File Report 78-82.

Young, H. W., Backsen, R. L., and Kenyon, K. S., 1978, Selected Hydrologic Data, Camas Prairie, South-Central Idaho: U. S. Geological Survey Open File Report 78-500.

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applicants Exhibit No. 5.
admitted
4-19-94
177

DATE: 04/12/94
TIME: 09:35:37
PAGE: 1

IDAHO DEPARTMENT OF WATER RESOURCES
WATER MASTER REPORT
BY WATER SOURCE/WATER RIGHT NUMBER

00-5813
WRS5813NP
SELECTION FILE: JIMSHERLO11977

WATER RIGHT NUMBER	CURRENT OWNER NAME	PRIORITY DATE	STG	POINT OF DIVERSION	POD FLAG	TOTAL ACRES	WATER USES
=====							
WATER SOURCE: CAMAS CREEK							

37-08568	BROWN, LEONARD	10/23/1989	A	01S 13E 29	SWSWSW	2.000 CFS	102.0 01
WATER SOURCE: CHIMNEY CREEK							

37-08568	BROWN, LEONARD	10/23/1989	A	01S 13E 29	SWSWSW	2.000 CFS	102.0 01
WATER SOURCE: GROUNDWATER							

37-07680	GWINN RICE RANCH INC.	10/03/1977	L	02S 12E 8	NNNW	7.000 CFS	862.0 01, 04
37-07697	GWINN RICE RANCH INC.	01/30/1978	L	01S 12E 22	SWSW	2.840 CFS	404.0 01
37-07796	GWINN RICE RANCH INC.	09/13/1979	L	02S 12E 7	SWE	1.960 CFS	640.0 01
37-08057	STROM RANCHES INC	11/03/1982	A	01S 12E 31	SENE	14.400 CFS	720.0 01
37-08106	JONES, RONALD E.	05/23/1983	P	01S 13E 10	NNNW	0.180 CFS	6.0 01, 04, 43
37-08111	BENNETT, EMMA MALCOMSON	05/23/1983	P	01S 12E 29	SESE	0.080 CFS	1.0 01, 10, 43
37-08609	HIDDEN PARADISE PROPERTY OWNERS ASS	02/15/1990	P	01N 13E 14	SESESE	0.800 CFS	40.0 01
37-08662	BACKSTROM, KENNETH A.	08/13/1990	P	01S 13E 15	NENE	0.170 CFS	3.0 01, 43, 04
37-08761	BASABE, SUSAN A	09/24/1991	A	01S 11E 35	SESESW	4.760 CFS	238.0 01
WATER SOURCE: UNNAMED STREAM							

37-07938	LAURITZEN, ARDEN	09/03/1981	L	01N 12E 33	NESE	1.680 CFS	87.0 01
37-08356	SLAUGHTER, JR., WAYNE B.	07/05/1988	A	02S 11E 3	SWESE	100.000 AFA	100.0 01

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pattern diagram

232 dissolved solids, in milligrams per liter

CATIONS (+) ANIONS (-)

Days since last rain	sodium plus potassium	calcium	bicarbonate	sulfate
0	3.5	1.5	1.0	0.5
1	3.8	2.0	1.5	0.8
2	4.0	2.5	2.0	1.0
3	4.2	3.0	2.5	1.2
4	4.5	3.5	3.0	1.5

Surface-water sample stippled
Water-table sample hatched

Surface-water site

33B A B1

Well and number

34BAB1S

Spring and number

Drainage-basin divide

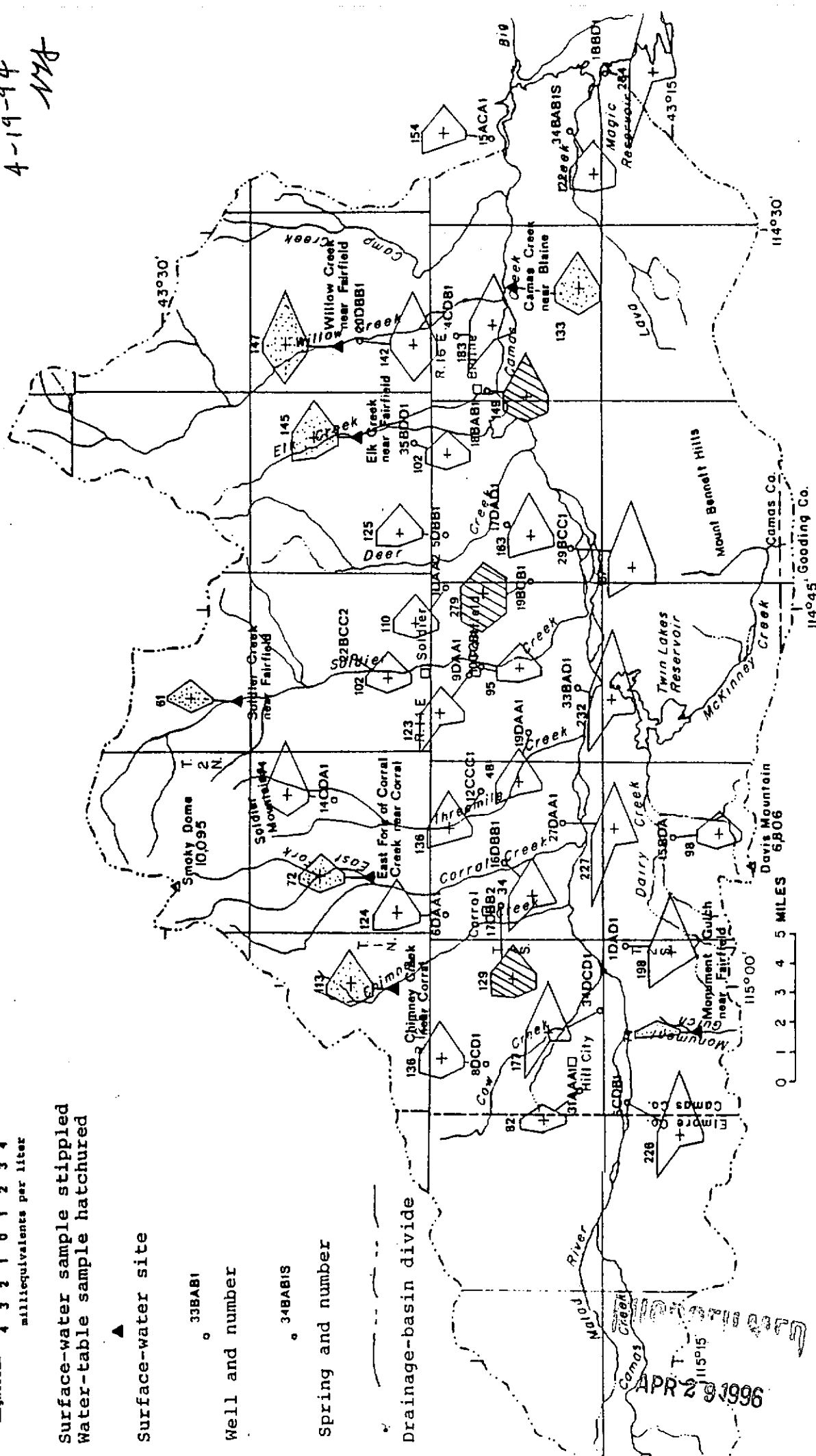


FIGURE 5

CHARACTER OF WATER

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IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

WR5809NP
No. 37-04359

OWNER CODE: C EMMA M. BENNETT
NAME & ADDRESS: 07/01/1915 IRRIGATION
PRIORITY DATE: 07/01/1915 IRRIGATION
WATER USE: 04-15 10-15
USE PERIOD FROM TO: 04-15 10-15
DIVERSION RATE: 4.20 CFS
DIVERSION VOLUME: 4.20 CFS
TOTAL DIVERSION: 4.20 CFS

Water Source: SPRING
Point(s) of Diversion: T01S R11E S28 SESW
Tributary to: MALAD RIVER
Stage: STATUTORY CLAIM
ELMORE County

Place of use Legal Description for: IRRIGATION									
NE									
NW									
SW									
SE									
T	R	S	NE	ENE	NENE	SENE	SENE	SENE	SUM
			Lt	Ac	Lt	Ac	Lt	Ac	
01S 11E 28			15	20					50.0
01S 11E 33					40	30	15	40	160.0
TOTAL ACRES									210.0

Pou County: ELMORE

Dates: App. Received: 07/01/1915
Proof Due Date:
Exam Made Date:
Licensed Date:

Misc: Water District Number: 37
Audit: 04/11/86 05/28/88 CONVERT

APPROVED

APR 29 1996