



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

PHONE: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER, Governor
DAVID R. TUTHILL, JR., Director

July 17, 2008

RAY STOLTEY
HC 75 BOX 3556
NEW MEADOWS ID 83654

Re: Permit No. 78-12245

Dear Mr. Stoltey:

Recently you requested limited diversion of water from Little Elk Creek during this July through October in an effort to complete development authorized by the above referenced permit. As you know, this would not be consistent with conditions of approval for your permit. However, the Idaho Department of Water Resources (IDWR) would like to work with you and the protestants against your original application to see if something can be worked out for this year.

IDWR would approve your request if the enclosed consent form was completed and returned to this office. Please note the two options for signatures from the protesting parties.

This temporary waiver to the condition of approval will not be effective until IDWR provides a written follow-up notice to you and the protestants.

Please contact me at 208-334-2190 if you need more information. Thank you for your attention to these matters.

Sincerely,

Steve Lester
Water Rights Supervisor

Enclosure: Consent Form

*NO Reply to this proposal
temp. solution
JL*

PERMIT 78-12245 CONSENT FORM

Permit 78-12245 was approved with conditions of approval including a prohibition against diverting water from July 1 through October 31 under present circumstances (no Water District and Watermaster at this time).

Permit holder requested a waiver to this condition for limited diversion from Little Elk Creek during July through October 2008. Permit holder included some restrictions to limit impacts to others under this request. See attached request.

Prior to approval of the permit, the original application was protested by the following parties:

Joel & Margaret Chambliss, Alan Knight, Debra Nevill, Milton & Emma Payne, Lowell & Selanejo Sheline.
Joel Chambliss was the central contact person for the group protest.

By signature(s) below, the former Protestants consent to the permit holder's request subject to the following limitations:

1. Valid July 21 through October 31, 2008.
2. Stoltey diversion pipeline shall not exceed 1.5 inches in diameter.
3. Stoltey diverted water shall not leave Stoltey property.
4. Stoltey shall cease diverting water if one or more of the former Protestants provide written notice to IDWR that water supply is inadequate to continue this temporary waiver to the prohibition against diverting from July 1 through October 31.
5. All other conditions of approval for Permit 78-12245 shall be met.

Signatures – Option 1: spokesman Joel Chambliss, by this signature confirms all other Protestants agree:

Joel Chambliss _____ date _____

-- OR --

Signatures – Option 2: all Protestants, by these signatures agree:

Joel & Margaret Chambliss _____ date _____

Alan Knight _____ date _____

Debra Nevill _____ date _____

Milton & Emma Payne _____ date _____

Lowell & Selanejo Sheline _____ date _____