

LAW OFFICES

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Admitted to Practice in
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August 23, 2010

RECEIVED

AUG 24 2010

WATER RESOURCES
WESTERN REGION

Department of Water Resources
Attn: John Westra
2735 Airport Way
Boise, Idaho 83705

Re: Contested Application for Permit #63-33321 - Elk Creek Corp

Dear Mr. Westra:

I am writing at the request of Grant Hawk of Elk Creek Corporation concerning your letter of June 15, 2010, about the protest of Idaho City in response to the above referenced application of Elk Creek. A copy of your letter is enclosed for ease of reference.

Mr. Hawk has talked with Jackie Bridwell, Mayor of Idaho City, on several occasions about this issue. The mayor indicated she would schedule a meeting to discuss this but nothing has happened at this point in time. Mr. Hawk is concerned about the deadline of September 1, 2010, stated in your letter. Based upon that, Mr. Hawk, on behalf of Elk Creek, is requesting an extension of time and is also requesting a hearing be scheduled on this issue. Mr. Hawk does not believe the objection of Idaho City is a legitimate objection to the application of Elk Creek.

Thank you for your attention to this matter and please feel free to contact me if you have questions or concerns. We look forward to hearing back from you on this issue.

Sincerely,



Robert C. Montgomery

RCM:dfj



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082
Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

June 15, 2010

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

Elk Creek Corp
PO Box 401
Idaho City ID 83631

RE: Contested Application for Permit #63-33321—Elk Creek Corp.

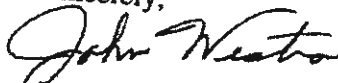
Dear Applicant:

As you are aware, our office has begun processing the above described application. The application was advertised for public notice on May 19 & 26, 2010. The notice drew a protest from Idaho City, see attached protest.

The protest alleges your proposed ground water use (application) is in violation of the City Code 9-1-36 regarding private wells. In order for your application to be further processed and designated complete, the protest will need to be withdrawn/settled with the city. The withdrawal needs to be submitted to this office by **September 1, 2010**. If more time is needed, you will need to submit a written request for a time extension prior to the deadline. An untimely/no response will result in the application ordered rejected/void. A protest withdrawal form is enclosed for your convenience.

Should you have questions, please contact me at the Western Regional Office, phone 334-2190.

Sincerely,


John Westra, Manager

Enclosure: withdrawal form, protest,
Cc: R. Linville, Idaho City

(copy)
Rec'd. 8/24/10 w/
letter from Robert C.
Montgomery.