



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 25, 2007

RAYMOND STOLTEY
HC 75 BOX 3556
NEW MEADOWS ID 83654

Re: Diverting Water from Little Elk Creek, Water Permit No. 78-12245

Dear Mr. Stoltey:

I telephoned and left you a voicemail message earlier today. As I mentioned, someone reported to the Idaho Department of Water Resources (IDWR) that you are still diverting water from Little Elk Creek under your water permit no. 78-12245. I do not know if that is correct or not.

If that is not correct, please disregard this letter.

If, however, that is correct, please be advised of the following. Your permit includes a condition of approval prohibiting diversion from the source from July 1 through October 31 each year. This condition was included to protect senior water rights on the creek. This type of limitation is becoming increasingly common for new water right approvals, reflecting the increasing demands being put on the supply of water.

IDWR considers it a serious matter if a water user violates his or her water right. Those violations constitute an illegal diversion subject to enforcement by the IDWR Director under Sections 42-351 and 42-1701B, *Idaho Code*. Enforcement procedures can include a cease and desist order, a notice of violation, substantial civil penalties and even civil proceedings through the Idaho Attorney General in district court.

I hope such steps will not be necessary in this case. Please contact me at 208-334-2190 if you have any questions or concerns in this regard. Thank you for your attention to this matter. Again, please disregard this letter if you have not diverted from the creek since July 1.

Sincerely,

Steve Lester
Water Rights Supervisor