

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 78-12245

Priority: June 1, 2006

Maximum Diversion Rate: 0.02 CFS

This is to certify, that RAYMOND K STOLTEY
HC 75 BOX 3556
NEW MEADOWS ID 83654

has applied for a permit to appropriate water from:

Source: LITTLE ELK CREEK**Tributary:** ELK CREEK

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>	<u>ANNUAL VOLUME</u>
DIVERSION TO STORAGE	01/01 to 12/31	0.02 CFS	
DOMESTIC STORAGE	01/01 to 12/31		4.0 AF
DOMESTIC FROM STORAGE	04/01 to 12/31		4.0 AF

LOCATION OF POINT(S) OF DIVERSION:LITTLE ELK CREEK SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 23, Twp 22N, Rge 01E, B.M. IDAHO County**PLACE OF USE:** DOMESTIC STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
22N 01E 23												X					

PLACE OF USE: DOMESTIC FROM STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
22N 01E 23												X					

CONDITIONS OF APPROVAL

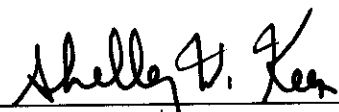
1. Proof of application of water to beneficial use shall be submitted on or before **August 1, 2007**.
2. Subject to all prior water rights.
3. Domestic storage use is for an off-stream impoundment.
4. Domestic from storage use is for one home, including irrigation of up to 1/2 acre. When combined with all other domestic water rights for the home, the total use shall not exceed 13,000 gallons per day and irrigation of 1/2 acre.

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CONDITIONS OF APPROVAL CONTINUED

5. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
6. Prior to the diversion and use of water under this right, the right holder shall install and maintain a main control valve and a faucet valve suitable for a bucket and stopwatch measurement on the pipeline conveying water from the point of diversion to the storage facility. The valves shall be close to the point of diversion from the creek to allow convenient access and inspection by parties to the protest settlement agreement and to their successors in interest.
7. The right holder shall not divert water from July 1 through October 31 during any period when a watermaster is not regulating diversions of water from Little Elk Creek. Diversion of water under this right shall be subject to watermaster regulation at any time that a watermaster is actively regulating diversions from Little Elk Creek, regardless of the date.
8. This right does not grant any right-of-way or easement across the land of another.
9. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
10. The diversion and use of water described in this right may be subject to additional conditions and limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 27th day of July, 2006.



FOR KARL DREHER, Director