



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

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DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 23, 2006

To: Applicant and Protestants

Re: Protest Agreement/Withdrawal

Dear Interested Parties:

Recently the protestants noted a concern about adequate controls over the use of water described by Application 78-12245, if approved. The protestants requested a way to reasonably determine when, and in what amounts, diversion of water occurs.

The applicant noted that removing the pipeline from the creek during periods of non-use would not be reasonably feasible. Instead, the applicant agreed to install an adjustable control valve on the pipeline. He also agreed to add a faucet valve to allow an easy 5-gallon bucket measurement. These steps would provide a simple and reasonable way for anyone to check the status of the proposed diversion without having to visit the proposed place of use on the applicant's property.

The protest agreement/withdrawal was revised to reflect the above information. Please note the additions at the bottom of page 1 and in item 2 near the top of page 2 in this regard. The enclosed agreement replaces the May 16 version.

Both parties should sign the same copy of the May 22 version if the revision is acceptable. The signed copy should be returned to this office. Likewise, the amended application form should be returned to this office as discussed in my prior letter to you. Written responses are still due by June 16, 2006 (30 days from the May 16 letter).

Again, thank you for your efforts to resolve Application 78-12245. Please contact me at 208-334-2190 if you need more information or have any questions.

Sincerely,

Steve Lester
Water Rights Supervisor

Enclosure: May 22, 2006 Amended Protest Agreement/Withdrawal