



State of Idaho

DEPARTMENT OF WATER RESOURCES

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May 16, 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

To: Applicant and Protestants

Re: Protest Agreement/Withdrawal

Dear Interested Parties:

Enclosed is the information resulting from the recent prehearing conference for protested Application 78-12245 for Mr. Stoltey. The following documents are provided:

- Protest Agreement/Withdrawal form – summarizes our meeting and the steps needed to resolve the situation. The applicant and Joel Chambliss need to sign the same copy and return it to this office. Mr. Chambliss is authorized to sign on behalf of the group protest.
- Draft of Amended Application – application needs to be amended as outlined. The applicant should complete the original amended version and return it with a \$50 amendment fee to this office. The department will not publish any additional legal notice for this step.
- Water Rights List for Little Elk Creek – the current list of authorized water rights from this source is summarized. Note that portions of three rights remain unclaimed in the Snake River Basin Adjudication. Unclaimed portions will eventually no longer be valid water rights. Roughly 300 gpm are needed to fill senior rights before Application 78-12245 can be diverted, assuming it is approved.
- Topographic map – displays Little Elk Creek and Elk Creek for the area in question.

Please provide your written replies within thirty (30) days. I would be glad to answer any questions you might have as you consider this information. IDWR forms and information are available on the Internet at www.idwr.idaho.gov.

Thank you for your efforts to find common ground in this protested situation.

Sincerely,

Steve Lester
Water Rights Supervisor

Enclosure

CURRENT IDWR RECORDS FOR LITTLE ELK CREEK, 5/2/2006						
Basin	Sequence	Suffix	Basis	Priority Date	Rate(cfs)	Water Use(s)
78	4000		Beneficial Use	4/1/1945	0.05	IRRIGATION
78	4003		Beneficial Use	6/15/1949	0.11	DOMESTIC, IRRIGATION
78	4005		Beneficial Use	4/1/1933	0.05	IRRIGATION
78	4007 A		Beneficial Use	4/1/1945	0.04	DOMESTIC
78	7067		License	2/10/1975	0.04	DOMESTIC
78	10893		Beneficial Use	1/1/1883	0.02	STOCKWATER
78	7348		License	8/6/1993	0.07	DOMESTIC, IRRIGATION
78	10430		Decreed	1/5/1895	0.02	STOCKWATER
78	12245		(Pending)	5/2/2005	0.02	DOMESTIC
portions of rights unclaimed in adjudication					0.24	(portions of Rights 78-4003, 78-4007, 78-7067 unclaimed)
TOTAL AMOUNT					0.66 CFS (about 300 gpm)	

* cubic feet per second 1.0 cfs = 448.8 gpm = 50 inches
0.02 cfs = 9 gpm = 1 inches

** STBA = Snake River Basin Adjudication

Need c 300 gpm (0.64 cfs) to totally fill service right
before June 78-12245 could get water

SEE 5/22/06 NOTES

SR 5/16/06