

December 28, 2005

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DEC 30 2005

WATER RESOURCES
WESTERN REGION

Steve Lester, Water Rights Supervisor
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Re: Application for Permit No. 78-12245

Dear Mr. Lester:

I have flown into Boise just recently for only a week. Ray and I spend winters in Mexico. Our mail is forwarded to our daughter in Meridian. Therefore, I received your letter regarding the formal protest to our water application just this week along with a letter from Joe and Margaret Chambliss, their first communication directly with us..

I have written a letter to the Chamblisses addressing their concerns – a copy is enclosed. I hope this matter can be cleared up without involving a formal hearing.

The Chamblisses have never (previous to this letter) spoken directly with us regarding their concern with our use of Little Elk Creek water. I sincerely believe they have formed an idea in their heads which simply is not true – and have communicated that idea to other neighbors who have signed the petition. As I said in my letter to the Chamblisses, I cannot believe they would want to begrudge us a minimum amount of water. Indeed they told us as much in their letter to us dated November 30, 2005.

I have asked them to reconsider. However, if a prehearing conference is necessary, please reschedule for late April. Ray and I will return to Idaho about mid-April and would definitely like to be represented at the hearing.

If you need to communicate with us further, we can be reached by e-mail at hillctr@ctcweb.net or by phone at 011-52-322-223-3500. Thank you for your consideration of this matter.

Sincerely,



Karol Stoltey

December 28, 2005

Joel and Margaret Chambliss
HC 75 Box 3548
New Meadows, ID 83654

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WATER RESOURCES
WESTERN REGION

- copy -

Dear Joel and Margaret,

As you know, we spend the winter months in Mexico. I flew back for just a week to spend Christmas with our children and grandchildren in the Nampa area. Ray stayed in Mexico with Konrad. Our daughter takes care of our mail while we are gone.

In our mail collection, I found a letter from you regarding our application for water rights, as well as one from the Idaho Department of Water Resources regarding a planned prehearing conference set for January 26th.

It is hard for me to believe that the situation has come this far. Surely you misunderstand our intentions! We only applied for the minimum amount of water - .5 af, I believe- in order to be able to keep a green area around the house. As you know, the USFS strongly advises this. We just want to live and let live. We have lived in our home for 6 years and have struggled with trying to use our well. It just can't keep up with the outside watering during the hot months. We certainly have no intention of taking away your water supply!

The WRB would like us to resolve this matter without the necessity for a hearing. So would I. There are three things we really don't understand: (1) Why didn't you come to us in the first place and find out what we were doing and tell us your concerns? (2) Why did you decide to file a formal complaint with the WRB with no personal knowledge of our plan? (3) Why did you decide to file your formal complaint (and your protest this year) at a time when you knew we were out of the country?

I can only conclude that you must have been responding to neighborhood gossip and conjecture - or maybe it is simply a misunderstanding - because I cannot believe that you would deny us the use of a minimum amount of water.

Regarding the size of the pipe: The size of the pipe we ran has nothing to do with the amount of water we intend to use. We had to run the pipe 1000 ft. through rough terrain, as it is strictly gravity flow irrigation. Too small a pipe would just get plugged with debris. We only want to run an inch or 2 of water in the pipe - and not even all the time! We installed shut off valves. We even have pipe in place to deal with the runoff!

I am returning to Mexico tomorrow, the 29th. I hope that you will reconsider your protest and a hearing will not be necessary. However, if we have to formally involve the WRB further, we request the prehearing conference be moved to late April so that we can attend. We intend to return to the mountain by mid-April. In the meantime, we can be contacted by e-mail at hillctr@ctcweb.net.

Sincerely,
Karol Stoltey

copy: WRB