



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

April 14, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Ray Stoltey
HC 75 Box 3556
New Meadow, ID 83654

RE: Little Elk Creek Diversion Complaint

Dear Mr. Stoltey:

Recently, the Department of Water Resources (IDWR) received a complaint alleging you are diverting water for beneficial use from Little Elk Creek without a proper water right. Although the complaint is unconfirmed by IDWR, our water right records do not show a water right related to your property.

Please be advised that diversion of water from a natural watercourse/stream without a valid water right is considered an illegal diversion pursuant to Idaho Code (IC) §42-201 & 42-351. The IDWR Director at his discretion can issue a Notice of Violation and commence administrative enforcement actions. The actions may include fines and civil penalties not to exceed \$10,000 per violation or \$150 per day for continuing violations whichever is greater, ref. IC 42-1701B.

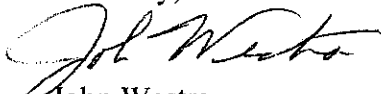
IDWR requires one of the following actions by **May 15, 2005**:

1. **Cease and desist** all diversions and beneficial use of water from Little Elk Creek. Provide documentation to IDWR that this has been done.
2. Provide documentation to IDWR that you have a valid water right to divert water for beneficial use from Little Elk Creek.
3. Submit to IDWR a completed Application for Permit to divert water for beneficial use (forms enclosed).

If our office does not receive a response from you by the May 15th deadline, a field inspection will be scheduled to confirm the allegations. IDWR will consider enforcement actions if the allegations are proven valid.

Should you have any questions, please contact me at the Western Regional Office 33-2190.

Sincerely,


John Westra
Manager Western Region

Enclosure

*Complaint file
Stoltey/Chamberlain noted
e Appl. filed
-JL*