



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

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EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 23, 2005

James or Paula Whittaker
P.O. Box 240
Leadore, ID 83464

Re: Application for Permit 74-15613

Dear Mr. and Mrs. Whittaker,

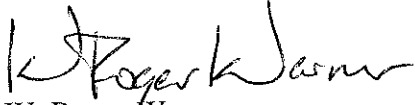
This letter serves the purpose of acknowledgement of the above referenced Application for Permit to appropriate waters of Big Timber Creek, tributary to the Lemhi River. Based upon the information you provided, it appears that additional information is needed. Specifically:

1. The right-of-way arrangement for the point of diversion that enables you to use the existing ditch that was abandoned in 1993 when the water from right nos. 74-39B and 74-63 were transferred off.
2. Your application was for 7.0 cfs for the irrigation of 200 acres. Idaho law allows up to 0.02 cfs/acre, which for 200 acres would be the equivalent of 4.0 cfs. If 7.0 cfs is sought at the point of diversion, an analysis is required by a qualified consultant that justifies a diversion rate that is higher than what is allowed by state law
3. If 7.0 cfs is continued to be sought for appropriation, there is a requirement for additional information that is promulgated by Idaho Administrative Code, IDAPA 37.03.08.05.c, a copy of which is included with this letter
4. If the application is revised to appropriate 4.0 cfs, Item 3 above may be ignored and will not be required and a conveyance study mentioned in item 2 will be unnecessary. I will enclose a copy of the Application for Permit so that you may revise off of it if desired. Please note that if you make revisions, it is required to initial your revisions.

This area continues to be governed on new water appropriations by institutional moratoriums. Recent developments, such as the Nez Perce Agreement, give hope that the Department will again begin to entertain applications for permit. It is important for you folks to know that at the time that new appropriations will be considered, they will be processed on a "first come first serve" basis. We currently have applications in the file and they will be processed prior to yours. However, until instructions to process applications are received from Boise, this application will placed in the Moratorium Hold file. The does not preclude you from providing the necessary information mentioned earlier so that it will be ready should that time arrive.

If you have any questions, please feel free to call.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Roger Warner". The signature is fluid and cursive, with the first name "W." being more prominent.

W. Roger Warner

Water Right Supervisor – Eastern Region

Enclosure: Copy of IDAPA 37.03.08.05.
 Copy of original Application for Permit 74-15613.