

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 98-07859

Priority: June 19, 2007

Maximum Diversion Rate: 4.30 CFS

This is to certify, that RICHARD ANTHONY VILLELLI AND MARIE VICTORIA VILLELLI
REVOCABLE TRUST
533739 HWY 95
BONNERS FERRY ID 83805

has applied for a permit to appropriate water from:

Source: ROUND PRAIRIE CREEK Tributary: MOYIE RIVER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DIVERSION TO STORAGE	01/01 to 12/31	4.30 CFS	
WILDLIFE	01/01 to 12/31	4.30 CFS	
WILDLIFE STORAGE	01/01 to 12/31		100.6 AF
RECREATION	01/01 to 12/31	4.30 CFS	
RECREATION STORAGE	01/01 to 12/31		100.6 AF
FIRE PROTECTION	01/01 to 12/31	4.30 CFS	
FIRE PROTECTION STORAGE	01/01 to 12/31		100.6 AF

LOCATION OF POINT(S) OF DIVERSION:ROUND PRAIRIE CREEK NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 34, Twp 65N, Rge 02E, B.M. BOUNDARY County

PLACE OF USE: WILDLIFE, RECREATION, FIRE PROTECTION, WILDLIFE STORAGE,
RECREATION STORAGE, AND FIRE PROTECTION STORAGE

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
65N 02E 34		X	X														

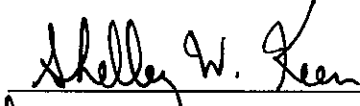
State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 98-07859

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **December 01, 2009**.
2. Subject to all prior water rights.
3. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. Use of water under this right shall be non-consumptive.
6. Recreation use is for swimming, fishing and boating.
7. Wildlife, recreation, and fire protection storage is for added capacity in an existing pond and the addition of a separate pond that shall not exceed a storage volume of 100.6 acre feet.
8. This right shall be junior and subordinate to future water rights authorizing the diversion and use of water from Round Prairie Creek and its tributaries, including ground water for consumptive uses and water rights for minimum instream flow, except that this right shall not be subordinate to future water rights for private use authorizing similar wildlife, recreation and/or aesthetic uses.
9. Water shall not be diverted under this right when flows in Round Prairie Creek fall below 2.0 cfs, as measured below the point of diversion of this water right.
10. The use of water under this water right shall in no way affect the rights or use of water of senior water users, including, but not limited to, minimum stream flow right no. 98-7704.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 26th day of January, 2009.


for DAVID B. TUTHILL, JR., Director