

Gibson, Deborah

From: Ball, Dianne
Sent: Monday, August 18, 2008 12:40 PM
To: Spackman, Gary
Cc: Gibson, Deborah; Haynes, Bob
Subject: Letters from F&G re Villelli
Attachments: 98-7859 Villelli IDFG ltrs-2.pdf

Good morning, (at least it's still morning up here)

Attached are copies of 2 letters from F&G regarding a conditional withdrawal of their protest.

We will retain the originals of these in our office to include with the file when you arrive at Northern for the hearing.

Dianne Ball

Administrative Assistant
Idaho Department of Water Resources
7600 N Mineral Dr., Ste. 100
Coeur d'Alene, ID 83815
208-762-2800 Fax 208-762-2819

8/18/2008



IDAHO DEPARTMENT OF FISH AND GAME

PANHANDLE REGION

2885 West Kathleen Avenue
Coeur d'Alene, Idaho 83815

RECEIVED

AUG 18 2008

IDWR/North

C.L. "Butch" Otter/Governor
Cal Groen/Director
August 13, 2008

Mr. Robert G. Haynes
Idaho Department of Water Resources
7600 Mineral Drive, Suite 100
Coeur d'Alene, ID 83815

Dear Bob:

RE: Villelli 98-7859

As per discussion by phone today, you asked for clarification on IDFG's position regarding Mr. Villelli's requested water right from Round Prairie Creek. In our letter of April 25, 2008, we stated "We will agree to withdraw our protest if the applicant is willing to agree to: 1) a minimum stream flow of 2.0 cfs for Round Prairie Creek and 2) that under no circumstances should the minimum flow of the Moyie River be violated as a result of this withdrawal."

For clarification sake, our intention with part 1) of that statement was to ensure that no more water would be diverted to fill Mr. Villelli's water right than could be diverted without the stream flow falling below 2.0 cfs. For example, if the stream were flowing at 5.0 cfs, the maximum amount that could be diverted would be 3.0 cfs.

We believe it is also clear from the USGS records for the Moyie that in most years, Mr. Villelli should not be allowed to divert any water for consumptive use, or a use that results in a loss to evaporation, seepage, or other "sink" such that pond outflow back into Round Prairie Creek does not equal pond inflow at any time that the Moyie is below, or would be caused to fall below, established State of Idaho minimum stream flows. Based on the gage data, those circumstances can be expected to occur in approximately 9 of 10 years during the August through October timeframe, and for about half the years during the month of July.

We hope this clarifies any questions about the IDFG position regarding this proposed water right.

Sincerely,

Charles E. Corsi
Regional Supervisor

CEC:njk

C: Sharon Kiefer, IDFG HQ
Dave Barber, AG's office
Mary Terra-Berns, IDFG CDA

COF 7

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IDAHO DEPARTMENT OF FISH AND GAME
PANHANDLE REGION
2885 West Kathleen Avenue
Coeur d'Alene, Idaho 83815

C.L. "Butch" Otter/Governor
Cal Groen/Director

April 25, 2008

Mr. Keith Franklin
Idaho Department of Water Resources
Northern Region
7600 Mineral Drive, Ste 100
Coeur d'Alene, ID 83815

Dear Keith:

REFERENCE: VILLELLI: 98-7859

We have met with Mr. Villelli to review and discuss our concerns for his request to extract 4.3 cfs from Round Prairie Creek for wildlife, wildlife storage, recreation, recreation storage, fire protection, and fire protection storage.

As we mentioned in our previous letter (July 30, 2007) Round Prairie Creek is a tributary to the Moyie River, which is managed by IDFG as a wild trout fishery and it is becoming increasingly popular with sport fishing anglers. This waterway provides important spawning areas for native rainbow (redband) trout and provides year-round holding and foraging habitat for salmonids.

A document (*Stipulated Agreement Towards Water Permit Application Number 98-7859*) that Mr. Villelli sent to us indicates that he is willing to agree to a minimum stream flow established by the Department of Water Resources. The State of Idaho holds a water right (98-7704) for Minimum Flow (354.0 cfs from 4/1 - 7/31 and 149.0 cfs from 8/1 - 3/31) on the Moyie River. U.S.G.S. stream flow data (see attached) indicates that in at least five of the last ten years the minimum flow has not been met in July. In the August through October timeframe (low water months) only one year (different for each month) out of the last ten years has been above the minimum of 149.0 cfs.

We will agree to withdraw our Protest if the applicant is willing to agree to: 1) a minimum stream flow of 2.0 cfs for Round Prairie Creek and 2) that under no circumstances should the minimum flow of the Moyie River be violated as a result of this withdrawal.

Thank you for your attention to this matter.

Agreed to this 14th day of August by
Rick Allen, Trustee

Charles E. "Chip" Corsi
Regional Supervisor

COPY

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