



IDAHO DEPARTMENT OF FISH AND GAME

PANHANDLE REGION
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SEP 08 2008

DEPARTMENT OF
WATER RESOURCES

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

September 3, 2008

Mr. Gary Spackman
Idaho Department of Water Resources
322 East Front Street
Boise, ID 83720

Dear Gary:

REFERENCE: VILLELLI: 98-7859

We received your letter dated August 28, 2008, in our office on September 2. Deborah Gibson, from your Boise office, phoned our office on August 28 and spoke with Mary Terra-Berns, from my staff, concerning the letter and requesting e-mail addresses so she could send an attachment of the same letter via e-mail, which she did when the phone conversation concluded.

Your letter that arrived at our office on September 2 states in the final paragraph:

If Fish & Game's withdrawal is dependent on an expectation that any water right approved for the Villelli application will be actively regulated with other water rights, including the Moyie River minimum stream flow, Fish & Game should appear at the hearing and advocate its position as a party. Non-appearance will be interpreted as acquiescence that immediate regulation is not expected.

On April 25, 2008, after meeting with Mr. Villelli, we sent a letter to your Northern Region office agreeing to a conditional withdrawal of our protest (copies to our headquarters in Boise and the AG office – David Barber). We received a Withdrawal of Protest letter (July 29) from your Boise office on August 1, 2008. Therefore, we assumed it was unnecessary for IDFG to participate in the hearing today (September 4).

We understand from your letter that ".....IDWR will condition any approval to prevent diversion that would cause the flow in Round Prairie Creek to diminish below 2.0 cfs." And, you recognize our concern for maintaining (first-in-time, first-in-right) the State of Idaho 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; although we do not expect "immediate regulation" (i.e., employing a water master). IDFG manages the Moyie River as a wild trout fishery, which is becoming increasingly popular with sport fishing anglers. In addition, this waterway provides important spawning areas

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for native rainbow (redband) trout and provides year-round holding and foraging habitat for salmonids.

Thank you for your attention to this matter.

Sincerely,



Charles E. "Chip" Corsi
Regional Supervisor

CEC:MTB

C: Bob Haynes, IDWR-CdA
Sharon Kiefer, Walt Poole; IDFG-Boise
David Barber, AG-Boise

File: IDWR Villelli – resp2idwr