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Department of Water Resources

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BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 98-07859 IN THE NAME OF) STIPULATION
RICHARD ANTHONY VILLELLI AND MARIE)
VICTORIA VILLELLI REVOCABLE TRUST)

Applicant Richard Anthony Vilelli and Marie Victoria Vilelli Revocable Trust
("Applicant") and Protestant State of Idaho Department of Fish and Game (IDFG), by and through
the undersigned, hereby stipulate and agree as follows:

A. RECITALS AND PURPOSE OF AGREEMENT

1. Applicant filed an application for water right permit no. 98-07423, seeking to divert 4.3 cfs and 100.64 afa from Round Prairie Creek, tributary of Moyie River, for wildlife, recreation, fire protection, and storage purposes.
2. The State of Idaho, Water Resource Board, is the owner of state water right license no. 98-07704 for a minimum stream flow on Moyie River, which is below Round Prairie Creek.

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This minimum stream flow is for the protection of fish and wildlife habitat, aquatic life, and recreational values.

3. IDFG filed a protest to the application for water right permit no. 98-07423, seeking to protect the fish habitat that Round Prairie Creek and Moyie River provide.

4. The Parties hereto represent and affirm that the signatories to this Stipulation are legally authorized to bind the Parties in this matter.

5. The Parties recognize that their disagreement could lead to litigation and desire to resolve their disagreement as fairly, expeditiously and inexpensively as possible. The Parties recognize that the terms of this Agreement achieve these goals, and for this reason and the other consideration recited herein, the Parties make the following promises, covenants and warranties, and enter into an agreement to settle their dispute on the following terms:

B. CONDITIONS ON PERMIT NO. 98-07859

Applicant agrees that the following conditions shall be included in any permit, license, right, or decree for the water appropriated under water right permit no. 98-07859:

Owner shall not divert water under this water right when the flows in Round Prairie Creek fall below 2.0 cfs, as measured immediately below the point of diversion of this water right.

The use of water under this water right will in no way affect the rights or use of water of senior water users, including, but not limited to, minimum stream flow right no. 98-07784.

C. WITHDRAWAL OF PROTEST TO PERMIT NO. 98-07859

Upon the inclusion of the conditions set forth above in Part B of this Stipulation, IDFG agrees to withdraw its protest to water right permit no. 98-07859.

D. COSTS AND FEES

The Parties shall bear their own costs and fees, including attorney fees.

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DAVID L. STANISH
Deputy Attorney General
On behalf of the State of Idaho, Department
of Fish and Game

9-15-08

Date



RICHARD A. VILLELLI
Trustee on Behalf of the Applicant Richard
Anthony Villelli and Marie Victoria Villelli
Revocable Trust

9-12-08

Date

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CERTIFICATE OF SERVICE

I certify that on the 15th day of September 2008, I caused to be served the original and/or copy of this STIPULATION on each of the following persons by the method indicated:

1. Original to:

Gary Spackman
Idaho Department of Water Resources
322 E. Front Street
P.O. Box 83720
Boise, ID 83720-0098

- ☐ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☒ Statehouse Mail
☒ E-Mail:
gary.spackman@idwr.idaho.gov

2. Copies to

Villelli Revocable Trust
HCR 61
Box 216
Bonners Ferry, ID 83805

- ☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile: _____

John Timothy Day
P.O. Box 216
Eastport, ID 83826

- ☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile: _____

Doreen Williams
c/o John Timothy Day
P.O. Box 216
Eastport, ID 83826

- ☒ U.S. Mail, postage prepaid
☐ Statehouse Mail
☐ Hand Delivery
☐ Federal Express

Idaho Department of Fish and Game
Panhandle Region
Attn: Mary Terra-Berns
2885 West Kathleen Avenue
Coeur d'Alene, ID 838315

- ☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile: _____

Walt Poole
Idaho Department of Fish and Game
600 S. Walnut
Boise, ID 83712

- ☐ U.S. Mail, postage prepaid
☒ Statehouse Mail
☐ Hand Delivery
☐ Federal Express



DAVID I. STANISH
Deputy Attorney General