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IDWR/North

**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  
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

*Keeping Idaho's Wildlife Heritage*