

**JOHN TIMOTHY and SHARON L. DAY**

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December 18, 2007

Idaho Department of Water Resources  
Northern Region  
7600 N. Mineral Drive Suite 100  
Coeur d'Alene, Idaho 83815

RECEIVED  
DEC 20 2007  
IDWR/North

Attention: Mr. Robert G. Haynes, P.E.

Dear Mr. Haynes:

Thank you for providing the information reference file number **98-7859** contained on disc.

I note that there appears to be no date yet set for a hearing regarding this matter. If and when a date is set, please let me know.

Also, I note that measurements were taken at the point of diversion indicating water levels and that there was difficulty establishing flow because the area is a "swamp". While I am sure that this measurement is important, it only measures what water is available at that point. It does not in any way establish a measurement of water flow downstream.

It is my position that the water flow downstream from the swamp is the critical measurement to determine the effect the proposed diversion will have. I am prepared to present evidence that while the Vilelli's were diverting water this past summer (as well as in several of the past few years) the effect was to completely dry up the stream for a distance of approximately *one mile*.

Certainly this observation should be taken into account prior to your agency making a finding as to the effect of the diversion. I invite you to take a look at the situation downstream. I will be happy to take an IDWR employee to the spot where water is naturally impounded when the water level drops.

The Vilelli application for permit date stamped May 04 2007 indicates the applicant wishes to "...maintain existing pond at 4' above static level..." Since the existing pond is connected by culvert to the new and much larger pond, this would severely diminish the amount of water available to flow over the natural "dam" that creates the swamp.

I strongly urge you to visit the site and see for yourself why the amount of water at the point of diversion is not the critical criterion in deciding to grant this permit.

Sincerely,



John T. Day