



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815
Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

August 01, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

STATE OF IDAHO
DEPT OF FISH & GAME
2885 KATHLEEN AVE
COEUR D ALENE, ID 83815

Application to Permit No. 98-7859

Dear Protestant(s):

The Department of Water Resources acknowledges receipt of your protest against the approval of the above referenced application. A copy of your protest has been sent to the applicant. The Department suggests that you contact the applicant directly for details regarding the application and, if possible, to resolve the matter without action by the Department. In our experience, informal discussion between the parties prior to initiation of formal proceedings often leads to resolution of the protest.

If the protest cannot be resolved informally, the matter will be scheduled for conference and/or hearing. The following are criteria the Department must consider in either approving or denying the application (Section 42-203A, Idaho Code).

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest in the public water resource?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?
7. For applications proposing to divert water from one watershed or local area into another, will the proposed use adversely affect the local economy of the watershed or local area where the source of water originates?

You will be notified at a later date of the time and place of the conference and/or hearing. Please contact this office if you have any questions regarding this procedure.

Sincerely,

Robert G. Haynes, P.E.
Regional Manager

cc: Applicant - Villelli Revocable Trust

Ball, Dianne

From: Marston, Sascha
Sent: Thursday, September 13, 2007 7:13 AM
To: Ball, Dianne
Subject: Interagency bills

Dianne,

Villelli

We have received payment from Fish and Game for WR98-7859. The receipt number for this one is BILL007101. I believe it was for a protest. We have also received payment from the Transportation Department for a water right for a tributary to the Lochsa River. The receipt number for this one is BILL009201. If you need more info let me know.

Sascha Marston

Financial Specialist

Idaho Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, ID 83720
Phone: (208)287-4819
Fax: (208)287-6700
sascha.marston@idwr.idaho.gov

9/13/2007



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C. L. "BUTCH" OTTER
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RICHARD ANTHONY VILLELLI
AND MARIE VICTORIA VILLELLI
REVOCABLE TRUST
HCR 61 BOX 169
BONNERS FERRY ID 83805

Application to Permit No. 98-7859

Dear Applicant(s):

Enclosed is a copy of a protest filed against approval of the above referenced application. The Department suggests that you contact the protestant(s) directly to determine the nature of the protest and, if possible, to resolve the matter without action by the Department. In our experience, informal discussion between the parties prior to initiation of formal proceedings often leads to resolution of the protest.

If the protest cannot be resolved informally, the matter will be scheduled for conference and/or hearing. The following are criteria the Department must consider in either approving or denying the application (Section 42-203A, Idaho Code).

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
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7. For applications proposing to divert water from one watershed or local area into another, will the proposed use adversely affect the local economy of the watershed or local area where the source of water originates?

You will be notified at a later date of the time and place of the conference and/or hearing. Please contact this office if you have any questions regarding this procedure.

Sincerely,

Robert G. Haynes, P.E.
Regional Manager

cc: Protestant – Idaho Dept of Fish & Game



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
July 30, 2007

RECEIVED
AUG 01 2007
IDWR/North

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 reviewed the above-named application by Richard Villelli to extract 4.3 cfs from the Moyie River for wildlife, wildlife storage, recreation, recreation storage, fire protection, and fire protection storage.

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.

The State of Idaho holds a Moyie River minimum stream flow water right (98-7704) that would take precedence.

It appears that the applicant currently has a very large pond, possibly two (water rights 98-7641, 98-7324, and 98-2137) and that there is abundant water currently being stored for the uses requested. The amount requested in this application is substantial (4.3 cfs) and we are concerned that if this current application is permitted, Round Prairie Creek may be dewatered in the critical low water months which would in turn decrease water flows to the Moyie River to a level that will be detrimental to fish, fish habitat, and harmful to this increasingly popular fishery.

The Department believes that this request is in conflict with the local public interest, and affects a recognized beneficial use (fish) and protests issuing this permit.

Please initiate the Interagency Billing process for the applicable fee for this protest. The PCA is 19110 and the ABC code is B7TX. Please send the billing documents to IDFG Headquarters Office, Attention: Cindy Robertson, P.O. Box 25, Boise, ID 83707.

Keeping Idaho's Wildlife Heritage

Equal Opportunity Employer • 208-769-1414 • Fax: 208-769-1418 • Idaho Relay (TDD) Service: 1-800-377-3529 • <http://fishandgame.idaho.gov>

Mr. Keith Franklin – Page 2
July 30, 2007

We are willing to meet with the applicant to discuss the project and potential solutions. If you have questions concerning our comments please call us at 769-1414.

Thank you for your attention to this matter.

Sincerely,



Charles E. "Chip" Corsi
Regional Supervisor

CEC:MTB:kh

C: Tracey Trent, IDFG Boise
Cindy Robertson, IDFG Boise
David Barber, AG, Boise

Ball, Dianne

From: Ball, Dianne
Sent: Thursday, August 02, 2007 1:57 PM
To: Allen, Debbie
Subject: Interagency Bill Request

Good afternoon, Debbie,

Fish & Game is protesting WR 98-7859 - Villelli Revocable Trust, and they have requested interagency billing/transfer of funds for the fee involved.

Attached is a copy of their letter requesting same, with information at bottom of first page regarding their billing information.

Please bill Fish and Game \$25.00, and when the funds are received, please notify me so I can enter information in the file, since I can't actually enter that into the data entry where receipt information is requested.

Thanks ever so much for your help, and have a wonderful evening.

Dianne



98-7859 F&G
protest-interagenc...