

August 1, 2007

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AUG 02 2007
IDWR/North

Department of Water Resources
Northern Region
7600 Mineral Drive, Ste 100
Couer d' Alene, ID 83815

To Whom It May Concern:

Please find enclosed a protest against permit application 98-7859, applicants Richard Anthony Villelli and Marie Victoria Villelli Revocable Trust, concerning Round Prairie Creek in Boundary County, Idaho. This protest is being submitted based on the criteria of Section 42-203A, Idaho Code.

If there are any questions or concerns please call.

Sincerely,


Timothy B. Wilson
Attorney at Law

TBW:lm
Enclosures
cc: Robert and Janet Orndorf

November 26, 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

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This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested (98-7859) Round Prairie Creek T65NR02ES34 (point of diversion)
2. Name of protestant Janet Orndorf
3. Protestant's Representative for service (If different than protestant)
Timothy B. Wilson, Attorney at Law
4. Service mailing address PO Box 3009, Bonners Ferry, Idaho 83805
5. Service telephone no. 208-267-1777 (fax 208-267-1760)
6. Basis of protest (including statement of facts and law upon which the protest is based)

The diversion will be against the local public interests where the proposed diversion will be harmful to the local fish and wildlife habitat; the planned diversion will be harmful to others downstream on Round Prairie Creek (to include but not limited to economic values and recreation). This protest is being filed in accordance with Idaho Code § 42-203A.

(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? A satisfactory answer to the above issues in the project's design plan and/or a denial of the permit.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 30 day of July, ~~2000~~ 2007

Protestant

Protestant's Representative

Timothy B. Wilson, Attorney at Law

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
6. Specifically describe the nature of the protest.
7. Describe the relief being sought by the protestant.

FOR DEPARTMENT USE ONLY

Received by db Date 8/2/07 Time 11:30a
\$25.00 fee Received by db # N018591 Date 8/2/07



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 02, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

JANET ORNDORF
C/O TIMOTNY B WILSON ATTORNEY
PO BOX 3009
BONNERS FERRY ID 83805

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: Protestant – Vilelli Revocable Trust