

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION

FOR PERMIT NO. 98-7859

IN THE NAME OF RICHARD ANTHONY VILLELLI AND

MARIE VICTORIA VILLELLI REVOCABLE TRUST

NOTICE OF CONFERENCE

On May 4, 2007, RICHARD ANTHONY VILLELLI AND MARIE VICTORIA VILLELLI REVOCABLE TRUST filed with the Department of Water Resources (department) Application for Permit No. 98-7849. The application was protested by Don Schied; John Timothy Day; Doreen Williams; Janet Orndorf; State of Idaho Dept of Fish & Game; John Tesor; and Bill Sills..

The department has scheduled the matter for conference on October 24, 2007 at 10:00 AM, at the Federal Building in Bonners Ferry, Idaho. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code, the adopted Rules of Procedure of the department and Water Appropriation Rules 40 and 45. A copy of the rules may be obtained from the department upon request. The presiding officer at the conference will be Robert G. Haynes, P.E., Northern Regional Manager.

If you plan to offer exhibits for the record, note that IDAPA Rule of Procedure 37.01.01606 requires that you provide a copy of exhibits to each party and to the presiding officer.

The conference &/or hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference &/or hearing, please advise the department within ten (10) days prior to the conference &/or hearing.

All parties to the matter will have the opportunity to respond and present information and argument on all issues involved.

Dated this 1st day of October, 2007.



Regional Manager

I hereby certify that on the 2nd day of October, 2007 I mailed a true and correct copy, postage prepaid, of this document to the applicants(s) and protestant(s) listed below:



Administrative Assistant

Certified Mail

- ✓ Richard Anthony Vilelli and Marie Victoria Vilelli Revocable Trust, HCR61, Box 169, Bonners Ferry ID 83805
- ✓ Don Schied c/o Timothy B Wilson, Atty., PO Box 3009, Bonners Ferry ID 83805
- ✗ John Timothy Day, PO Box 216 Eastport ID 83826
- ✗ Doreen Williams c/o John Timothy Day, PO Box 216, Eastport ID 83826
- ✓ Janet Orndorf c/o Timothy Wilson, Atty., PO Box 3009, Bonners Ferry ID 83805
- ✓ Idaho Fish & Game, 2885 Kathleen Ave, Coeur d'Alene, ID 83815
- ✓ John Tesor, HCR 61, Box 161, Bonners Ferry, ID 83805
- ✓ Bill Sills c/o Timothy Wilson, Atty., PO Box 3009 Bonners Ferry ID 83805

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

ISSUES

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

1. Will the proposed appropriation injure other water rights?
2. Is the water supply sufficient for the purpose for which it is sought to be appropriated?
3. Was the application made in good faith or for delay or speculative purposes?
4. Does the applicant have sufficient financial resources with which to complete the proposed project?
5. Will the proposed use conflict with the local public interest, where local public interest is defined as interests that the people in the area directly affected by a proposed water use have in the effects of such use on the public water resource?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?
7. Will the proposed use adversely affect the local economy of the watershed or local area within which the source of water for the proposed use originates, in the case where the place of use is outside of the watershed or local area where the source of water originates?

BURDEN OF PROOF

The applicant has the initial burden of proof for issues 1, 2, 3, 4, 6 and 7 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors of which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement or make settlement offers, schedule hearings, establish procedure at hearing and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing are available upon request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than by the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the director.

Parties may by written stipulation waive the right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within ten (120) days prior to the hearing.

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. Article Addressed to: Villelli HCR 61 Box 169 Bonnors Ferry ID 83805	A. Signature X <i>[Signature]</i> ☐ Agent ☐ Addressee B. Received by (Printed Name) CLIFF FRANKER C. Date of Delivery 10-3-07 D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☒ No RECEIVED OCT 04 2007 IDWR/NORTH 3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D. 4. Restricted Delivery? (Extra Fee) ☐ Yes
Article Number (Transfer from service label) 7004 2510 0000 4999 0219 S Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540	

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. Article Addressed to: Idaho Fish & Game 2885 Kathleen Ave Coeur d'Alene ID 83815	A. Signature X <i>[Signature]</i> ☐ Agent ☐ Addressee B. Received by (Printed Name) Tony Imthurn C. Date of Delivery 10-3-07 D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No RECEIVED OCT 04 2007 IDWR/NORTH 3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D. 4. Restricted Delivery? (Extra Fee) ☐ Yes
Article Number (Transfer from service label) 7004 2510 0000 4999 0196 S Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540	

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

John Tesor
HCR 61 Box 161
Bonnors Ferry ID 83805

2. Article Number (Transfer from service label) **7004 2510 0000 4999 0202**

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Timothy B Wilson
PO Box 3009
Bonners Ferry ID -
83805

2. Article Number

(Transfer from service label)

7004 2510 0000 4999 0189

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Jerry Howell

☐ Agent☐ Addressee

B. Received by (Printed Name)

Jerry Howell

C. Date of Delivery

D. Is delivery address different from item 1?

If YES, enter delivery address below:

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OCT 05 2007

IDWR/North

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

John Timothy Day
PO Box 216
Eastport ID 83826

2. Article Number

(Transfer from service label)

7004 2510 0000 4999 0172

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X John T. Day

☐ Agent☐ Addressee

B. Received by (Printed Name)

John T. Day

C. Date of Delivery

10/4/07

D. Is delivery address different from item 1?

If YES, enter delivery address below:

RECEIVED

OCT 05 2007

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