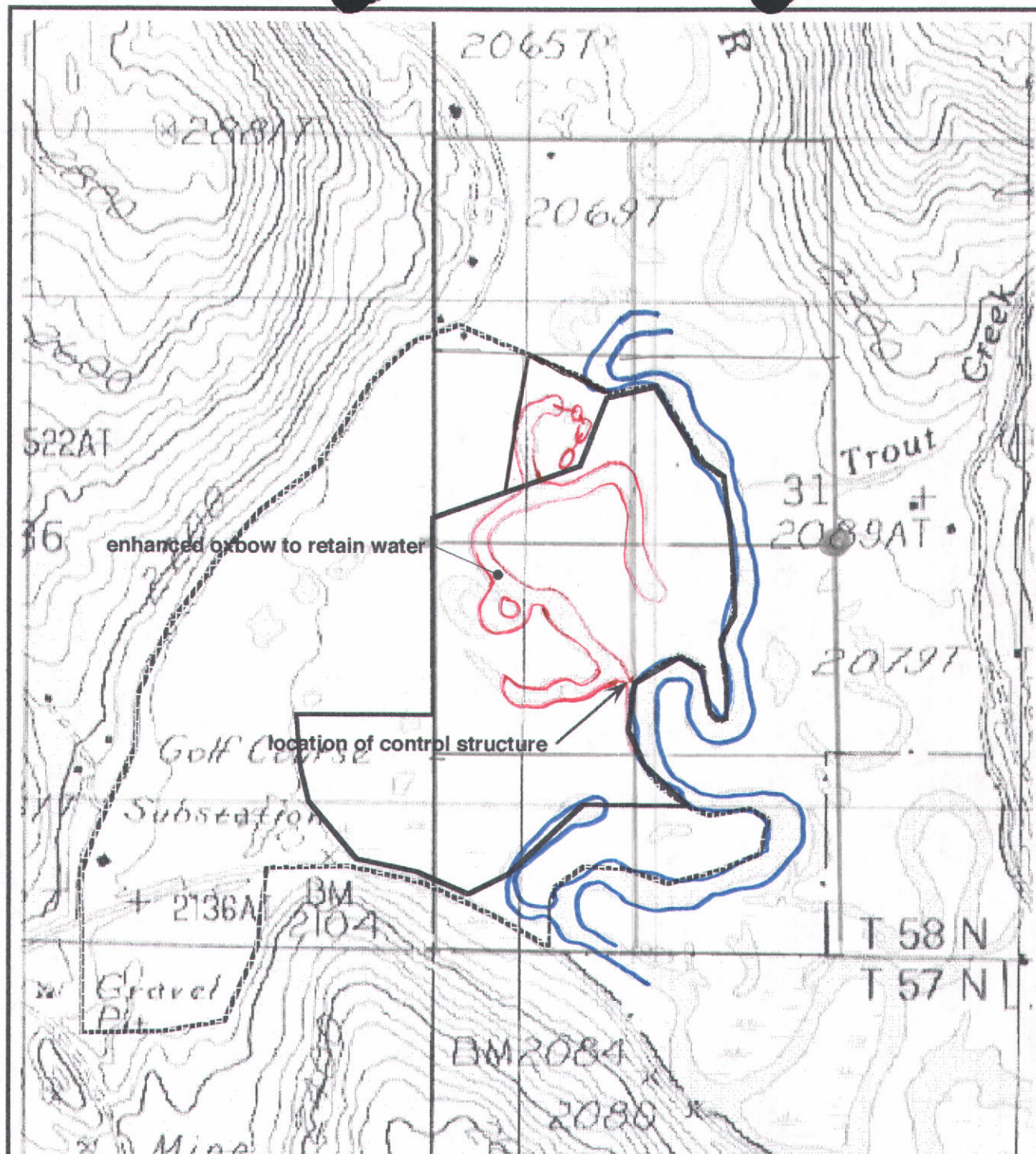


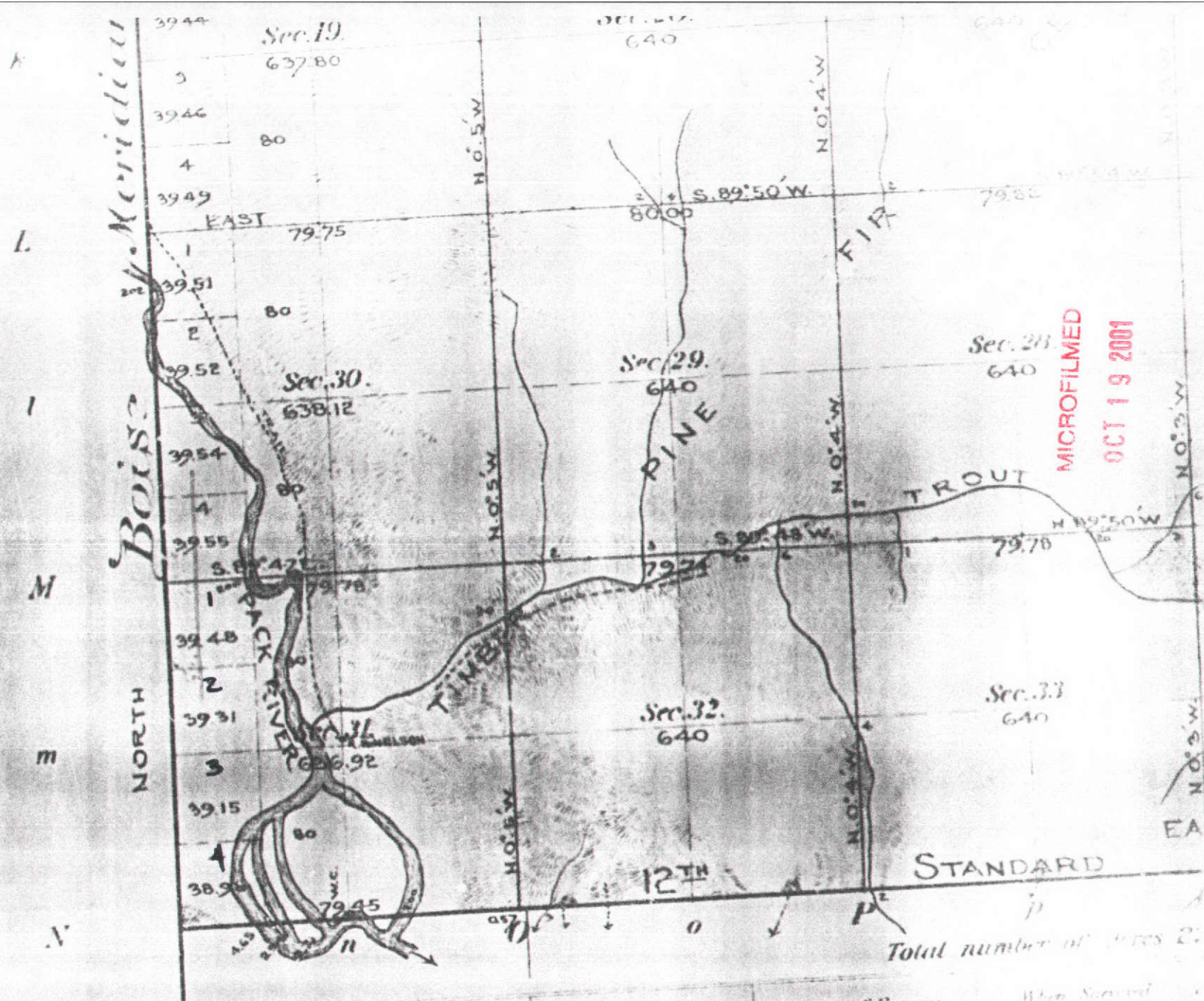


SCALE: 1 inch = 1000 feet

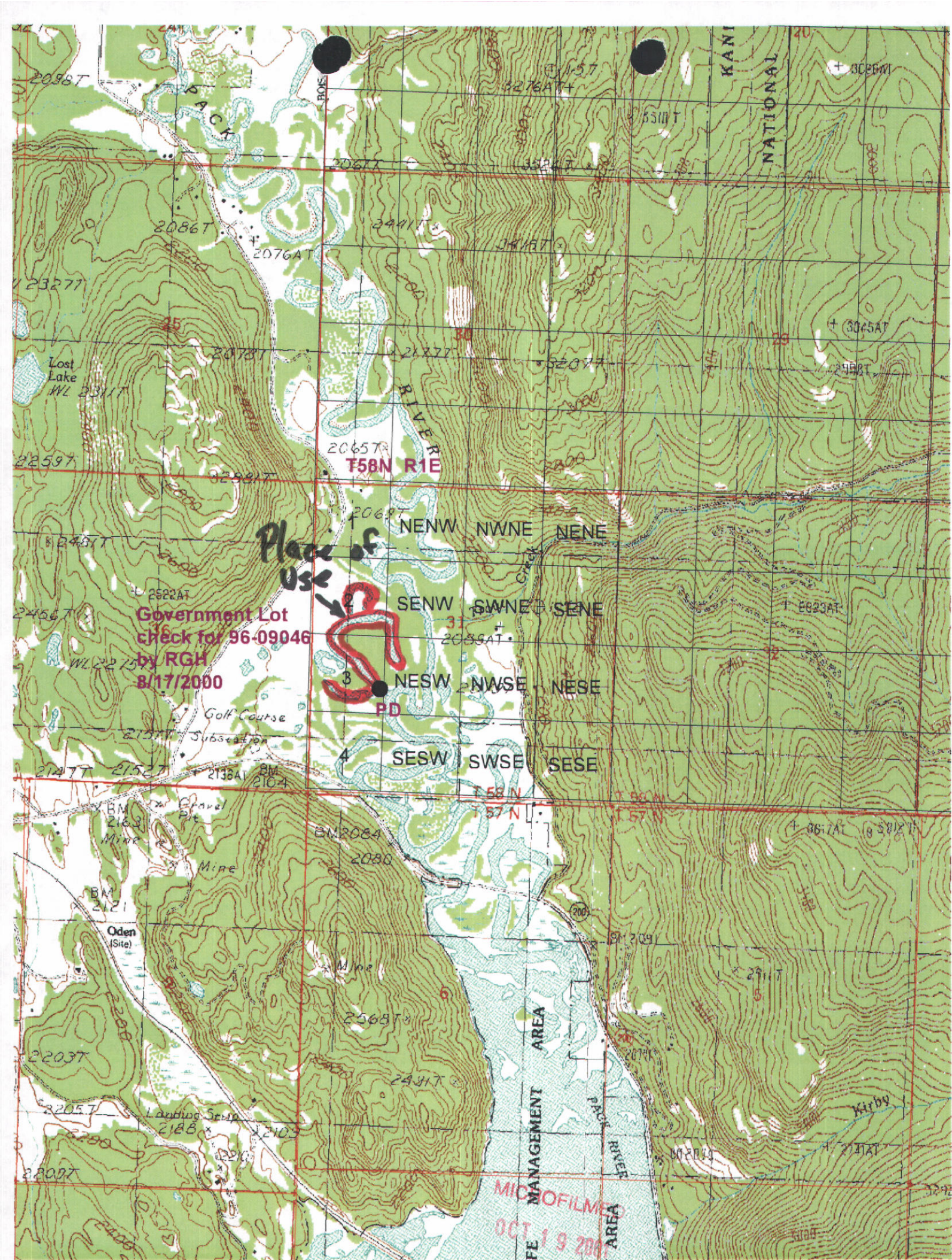
**FIGURE 1.2: PROJECT AREA
HIDDEN LAKES GOLF COURSE
PLANNED UNIT DEVELOPMENT**

From: USGS, Oden Bay Quadrangle, 1989

MICROFILMED
OCT 19 2001



Surveys Designated	By Whom Surveyed	Date of Construct	Amount of Surveys M. Ch. A.	When Surveyed
Township lines	Ernest P. Reands	22d. Jul. 26. 1901	12 00 21	Sept. 9. 18. 1901
Subdivisions	"	"	60 00 41	Sept. 27. Oct. 19. 1901
Division North (Ref.)	"	"	2 76 86	Sept. 12. 1901
			9 66	Sept. 12. 1901



96-9046



PJ



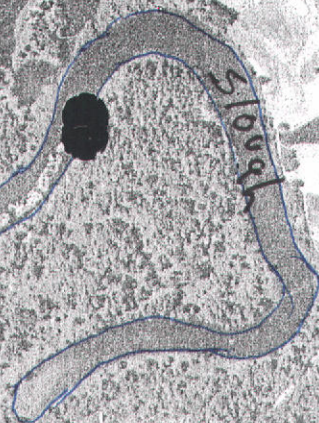
PJ



PJ

MICROFILMED
JUN 16 2004

RD



Pack River

96-09046

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

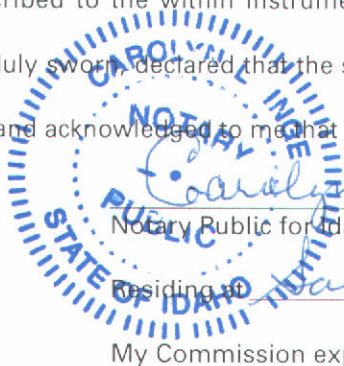
County of Bonner, Sherilyn Jones

_____ being first duly sworn on oath
deposes and says that he/she is BookKeeper
of the Bonner County Daily Bee, a newspaper printed and
published at Sandpoint, Bonner County, Idaho; that the
said newspaper has been continuously and uninterruptedly
published in said Bonner County during a period of 12
months prior to the first publication of the hereto attached
notice of publication in the case of:

Notice of Correction

as it was published in the regular and entire issue of the
said paper for a period of 2 consecutive weeks,
commencing on 7 day of Sept., 2000
and ending on the 14 day of Sept., 2000
and that said notice was published in said newspaper.

On this 14 day of Sept. in the year
of 2000, before me, a Notary Public, personally
appeared Sherilyn Jones,
known or identified to me to be the person whose name
subscribed to the within instrument, and being by me
first duly sworn, declared that the statements therein are
true, and acknowledged to me that he executed the same.


Notary Public for Idaho
Residing at Sandpoint
My Commission expires: 8/06

RECEIVED
OCT 03 2000
IDWR/North

NOTICE OF CORRECTION
NOTICE IS HEREBY GIVEN
THAT APPLICATION FOR PER-
MIT NO. 96-09046 in the name of
VILLELLI ENTERPRISES, ET AL,
C/O RICHARD VILLELLI, HCR61
BOX 169, BONNERS FERRY, ID
83805, was incorrectly advertised
on MAY 4 AND 11, 2000.

The PLACE OF USE was incor-
rectly advertised as the SWNW,
NESW, NWSW of T58N R01E S31
BONNER County, whereas cor-
rectly it should read LOT 2
(SWNW), SENW, NESW, LOT 3
(NWSW) OF T58N R01E S31
BONNER County.

(For additional information con-
cerning the property location, call
the Northern Regional Office at
769-1450.)

Any protests against the
approval of the above-referenced
correction must be filed with the
applicant and with the Director,
Dept. of Water Resources, 1910
Northwest Blvd., Suite 210, Coeur
d'Alene, Id. 83814, together with a
protest fee of \$25.00 on or before
SEPTEMBER 25, 2000.
KARL J. DREHER, Dir.
Legal SNP#2047
September 7, 14, 2000

MICROFILMED
OCT 19 2001

2047

FOR OFFICE USE ONLY
Amt. of Fee \$ 100.00
Receipt No. 065675
Receipt By: [Signature]
Date Received: 11-5-02

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

NOV - 5 2002

PROOF OF BENEFICIAL USE

Department of Water Resources

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 96-9046 Telephone No. (208) 267-7625

2. Name of Permit Holder(s): VILLELLI ENTERPRISES ET AL

3. Mailing Address: HCR 61, BOX 169

City BONNERS FERRY State ID Zip 83805

4. Source of Water: PACK RIVER If GROUNDWATER (well), Date Drilled: mo. _____ / yr. _____

Well Driller: _____ Drilling Permit Number: _____

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): _____ Stockwater (No. and type of stock): _____

Irrigation (No. of acres): _____ Other: WILDLIFE STORAGE

6. Total rate of diversion and/or volume for which proof is submitted: _____ cfs OR 52.0 acre-feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional Please check either yes or no Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required?

Yes _____ or No X

Has the measuring device been installed?

Yes _____ or No X

8. Fee Enclosed: \$ 100.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: Robert Hansen Telephone Number (208) 265-4270

Address: 67 Wild Horse Trail, Sandpoint, ID 83864

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Richard Villi Date: 10-30-02
(include your title, if on behalf of company or organization)

MICROFILMED

MAR 24 2003

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 96-09046

Priority: November 15, 1999 Maximum Storage Volume: 52.0 AF

This is to certify, that VILLELLI ENTERPRISES ET AL
C/O RICHARD VILLELLI
HCR 61 BOX 169
BONNERS FERRY ID 83805

has applied for a permit to appropriate water from:
UNNAMED SLOUGH tributary of PACK RIVER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
WILDLIFE STORAGE	01/01 to 12/31		52.0 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 3 (NWSW), Sec. 31, Township 58N, Range 01E
BONNER County

PLACE OF USE: WILDLIFE STORAGE

TWN RGE SEC

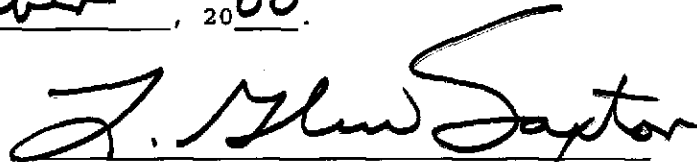
58N 01E 31	Lot 2 (SWNW)	SENW	NESW
	Lot 3 (NWSW)		

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before December 1, 2002.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. The storage of water under this right is contingent upon the certification of the dam and authorization of storage per the dam safety provisions of the Idaho Code.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

27th day of November, 2000.



Karl J. Dreher, Director

for

MICROFILMED

OCT 19 2001

RECEIVED

OCT 18 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of Applicant Villelli Enterprises, et. al.; Mr. Richard Villelli Phone 208 267 5595
Mailing address HCR61, Box 169, Bonners Ferry, Idaho [83805]
2. Source of water supply Backwater of Pack River which is a tributary of Lake Pend Oreille
3. Location of point of diversion is Township 58 North Range 1 East Sec. 31 in the SE 1/4,
NW 1/4, SW 1/4, Govt. Lot 3, B.M., Bonner County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 52 acre-feet for STORAGE FOR WILDLIFE purposes from 1 Oct. to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) _____ and/or (b) 52 acre-feet
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Describe type and size of devices used to divert water from the source concrete control structure placed at mouth of oxbow. approx. 20 feet long and 4 feet high with top set at elev. 2059'
 - b. Height of storage dam 4 feet feet; active reservoir capacity 110 acre-feet acre-feet; total reservoir capacity 110 acre-feet acre-feet
 - c. Proposed well diameter is n/a inches; proposed depth of well is n/a feet
 - d. Is ground water with a temperature of greater than 85°F being sought? n/a
 - e. If well is already drilled, when? n/a; Drilling firm n/a
Well was drilled for (well owner) n/a; Drilling Permit No. n/a
7. Time required for completion of works and application of water to proposed beneficial use is 2 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
 - a. Hydropower; show total feet of head and proposed capacity in KW. n/a
 - b. Stockwatering; list number and kind of livestock. n/a
 - c. Municipal; show name of municipality. n/a
 - d. Domestic; show number of households. n/a
 - e. Other; describe fully. Control structure will retain the bottom 52 acre-feet of storage on the oxbow when Lake Pend Oreille is below summer pool elev of 2062.5', providing year-round inundation and wetland enhancement,

MICROFILMED

OCT 18 2001

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
58N	1E	31							W (STORAGE)				W (STORAGE)						
													W (STORAGE)						
													W (STORAGE)						

Total number of acres to be irrigated none

10. Describe any other water rights used for the same purposes as described above.

n/a

11. a. Who owns the property at the point of diversion? Villelli Enterprises, et. al.; Mr. Richard Villelli

b. Who owns the land to be irrigated or place of use? n/a

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:

12. Remarks:

Pres. Richard Villelli

Sec. Lee Daierling

VP Tom Villelli

Dir. Richard Villelli, Lee Daierling, Thomas Villelli

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Villelli Enterprises, Inc.
by Richard Villelli, Pres.
Signature of Applicant (and title, if applicable)

Received by [Signature] Date 7/6/98 Time 2:30P Preliminary check by [Signature]
Fee \$ 100.00 Receipted by [Signature] # N012203 Date 7/6/98
Publication prepared by [Signature] Date 4/26/00/8/30 Published in Banner Co. Daily Date 5/4/00
Publication approved [Signature] Date 6/6/00/10/3/00 Date 9/14/00

MICROFILMED

907 5 6 2000

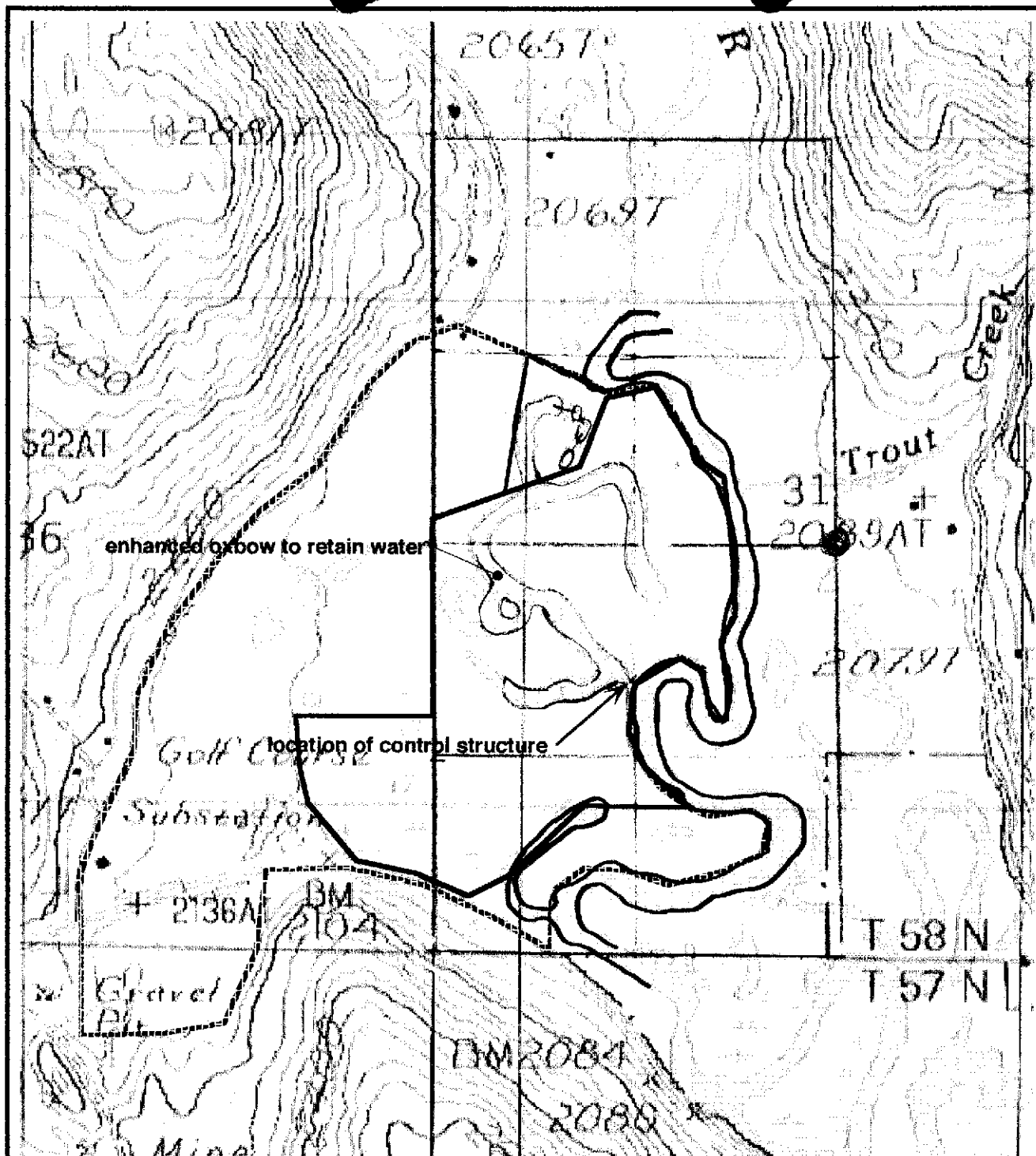


**FIGURE 1.2: PROJECT AREA
HIDDEN LAKES GOLF COURSE
PLANNED UNIT DEVELOPMENT**

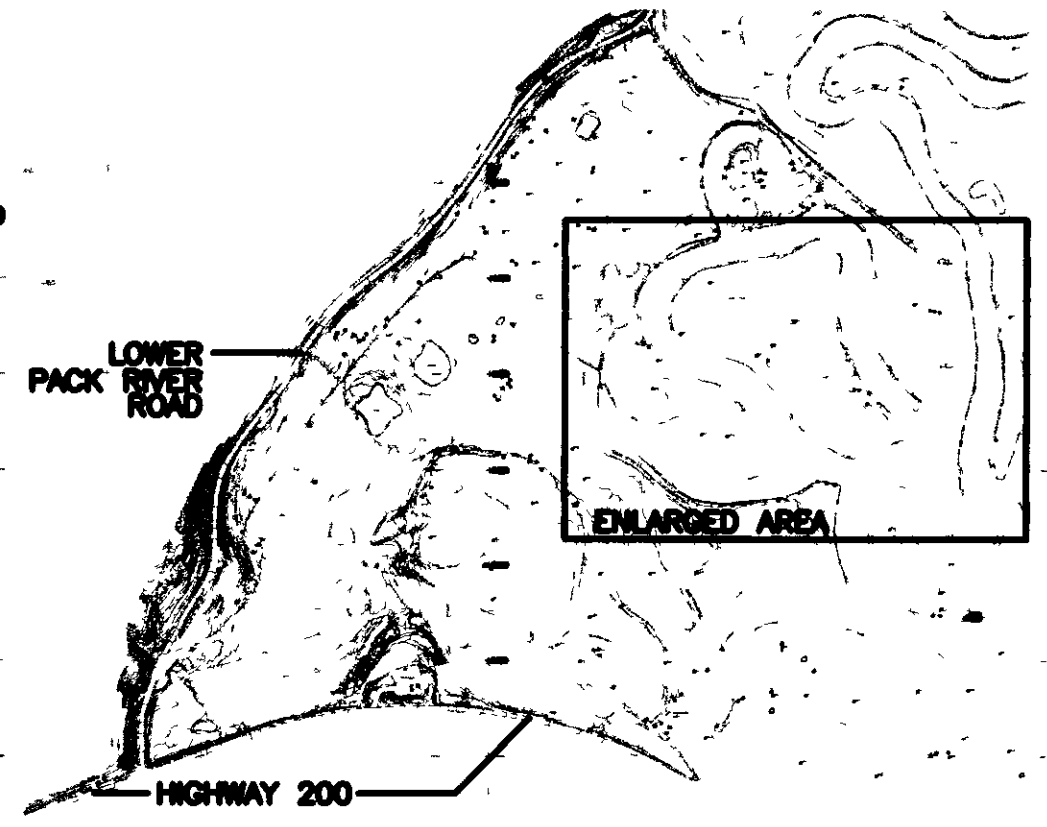
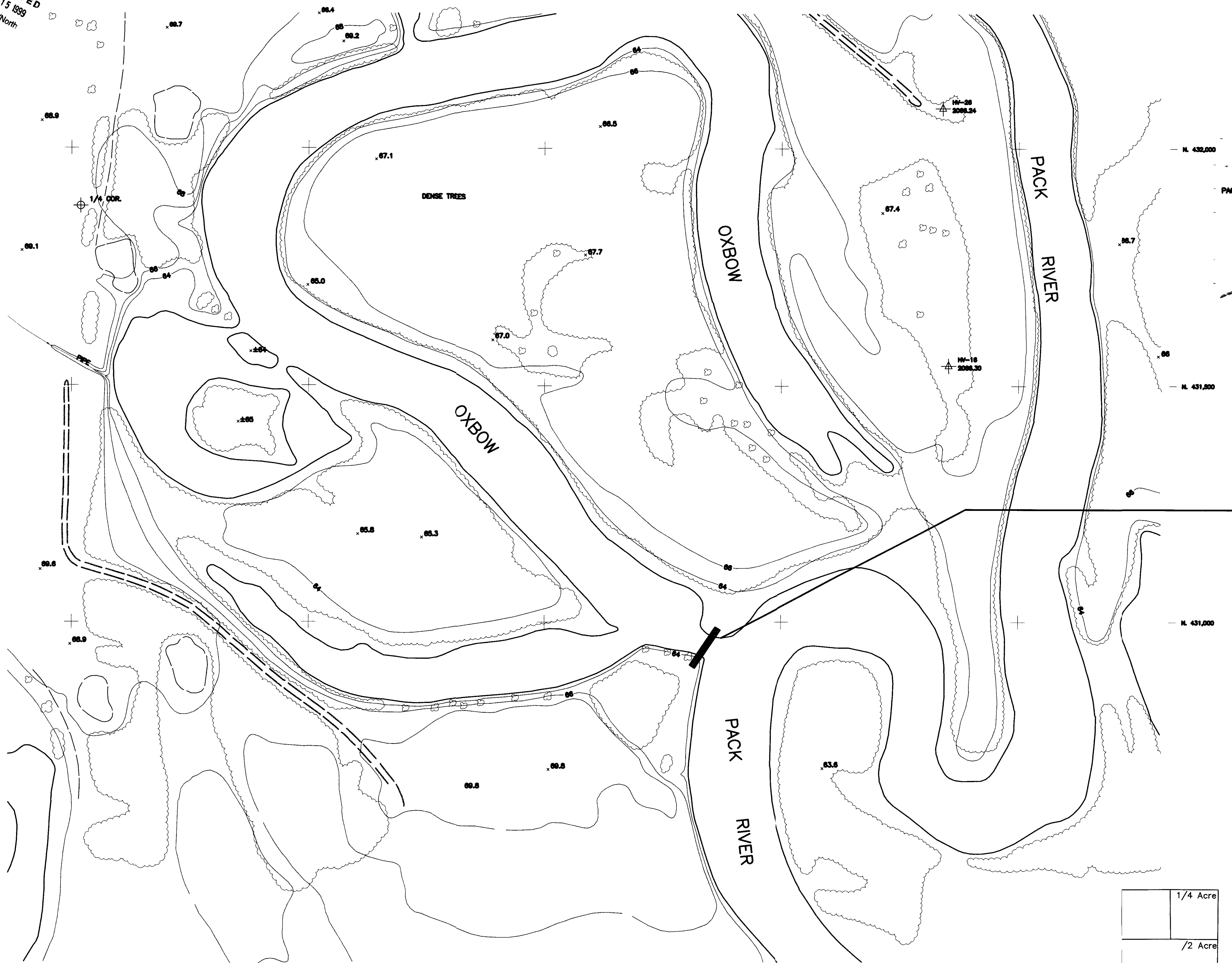
From: USGS, Oden Bay Quadrangle, 1989

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DEC 14 1989

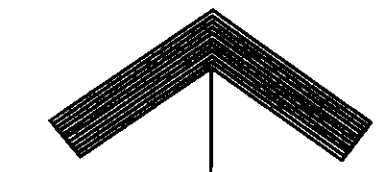
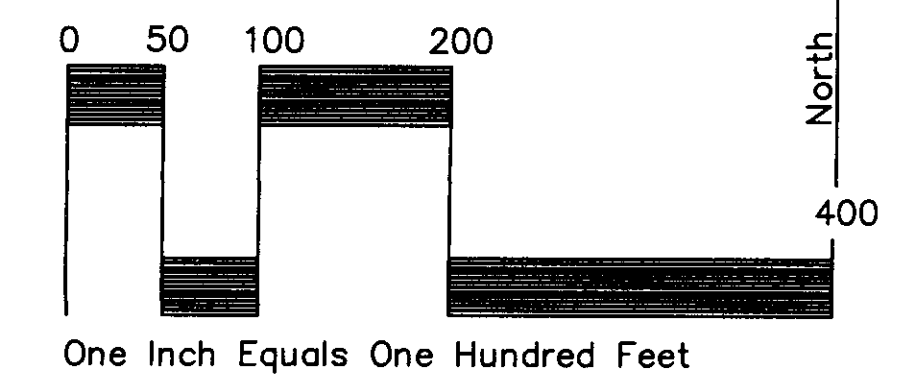
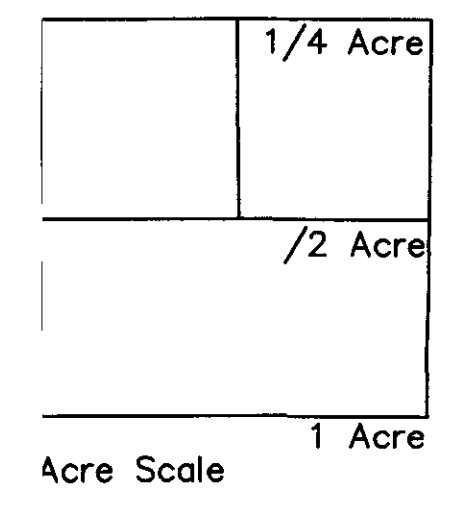


RECEIVED
NOV 15 1999
IDWR/North



VICINITY MAP

LOCATION OF
PROPOSED CONTROL
STRUCTURE



hatchmüller.p.c.
Planning & Design Consultants
206-476-8444
hatchmullerpc.com
SHEET 17 OF 17: Not A3 Drawn by: G. A. Aker 10/28/14

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PLANNING & DESIGN
CONSULTANTS
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is prohibited.

REGISTERED
LANDSCAPE
ARCHITECT
LA-112
Jonathan Mueller
JONATHAN MUELLER
STATE OF IDAHO
10.27.99

PROJECT TITLE
**Hidden Lakes
Golf Course**

CONSULTANTS

PROJECT NO.	DESIGNED BY	REVISIONS
L1.00	J.M.	BY NO DATE
		BY NO DATE
		BY NO DATE
		BY NO DATE

SHEET NO.
L1.00
OF

DATE
10/27/99

CHECKED BY

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

MAY 25 2004

DEPARTMENT OF
WATER RESOURCES

A. GENERAL INFORMATION

Permit No. 96-09046

1. Owner: Villelli Enterprises ET AL Phone No. (208) 267-7625

Current Address: % Richard Villelli HCR 61 Box 169 Bonner Ferry Id. 83805

2. Accompanied by: Robert Hansen EXAM DATE: 7-9-03

Address: 67 Wild Horse Trail, Sandpoint Id. 83864 Phone No. (208) 265-4270

Relationship to Permit Holder: Engineer

3. Source: Pack River tributary to Paul Gravelly Lake

B. OVERLAP REVIEW

1. Other water rights with the same place of use: _____

2. Other water rights with the same point of diversion: _____

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
	03		NW	SW	31	58N	01E	Bonner	0.565 7.5 min Qued

2. Place(s) of Use:

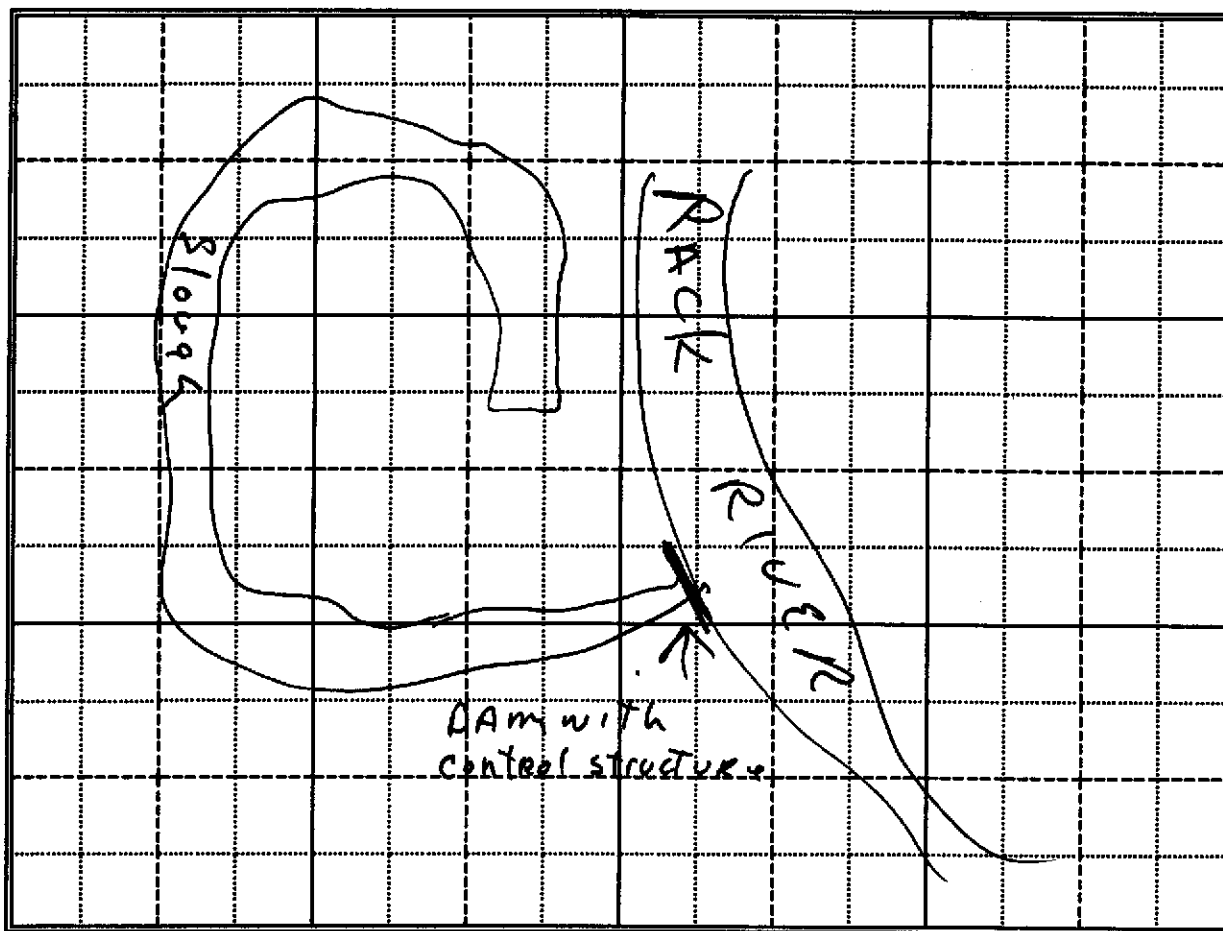
Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
58N	01E	31		Lot 2					W	W	W								
11	11	11		Lot 3							W								

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JUN 15 2004

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.d. as applicable.



Scale: 1" = _____

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: _____

MICROFILMED

JUN 16 2004

E NARRATIVE/REMARKS/COMMENTS

Permit names unnamed slough as source, should read Pack River as source

This flow from pack river into slough is naturally occurring. A dam was built at mouth of slough with control gate to maintain level in slough, after river level drops.

Several bridges cross this slough. I took depth measurements from bridges. I used these measurements plus made allowances to high water mark. I used these in figuring acre feet.

Have conditions of permit approval been met? ☒ yes ☐ no

MICROFILMED
JUN 16 2004

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

SURFACE AREA OF STOUGH APPROX 15 acres (Polimeter)
15 acres x 8.5 MAX Avg. depth x .4 slope
15 x 8.5 x .4 = 51 AF

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

 $V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____ $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____ $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Wildlife Storage	01-01	12-31		51
Totals:				51

2. Recommended Amendments

☒ See NARRATIVE
☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

Field Examiner's Name

Wayne Baldwin

Date

9-30-03

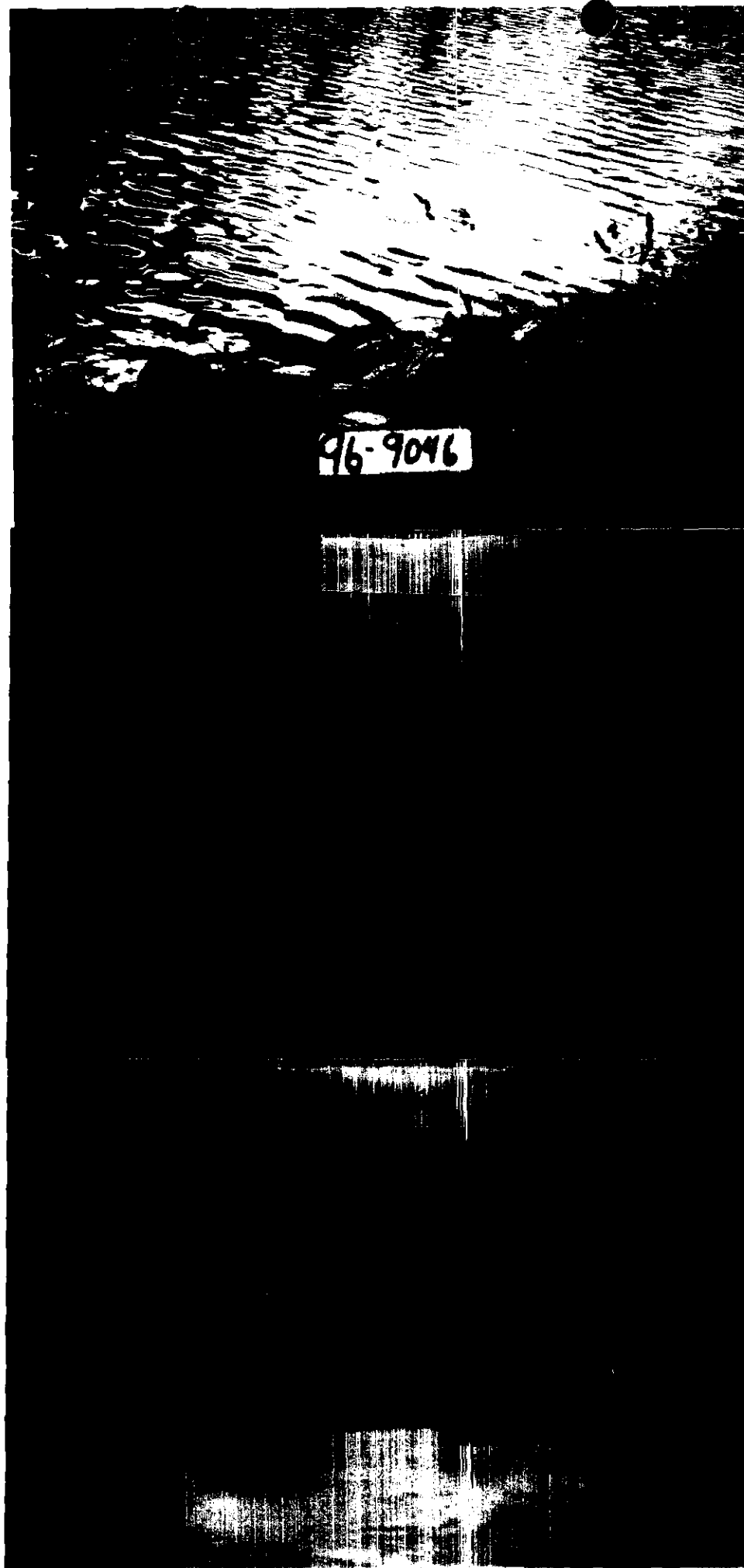
Reviewer _____

Date _____

SEAL

MICROFILMED
JUN 9 6 7 PM

96-9046



PJ

PJ

PJ

MICROFILM
JUN 9 5 1977



96-09046



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 6, 2002

VILLELLI ENTERPRISES ET AL
HCR 61 BOX 169
BONNERS FERRY ID 83805

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 96-9046

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

Be advised that Section 42-248, Idaho Code, requires you or the owner of these water rights to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions, please contact the **Northern** Regional Office of the department in Coeur d'Alene (208) 769-1450.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office (w/encl.)

MICROFILMED

MAR 24 2003

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 96-9046

Reviewed By: dgibson

Date: November 5, 2002

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?		X
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:		N012203, C065615	Well driller's report filed?		X
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received		11/05/2002
Date proof due	-	12/01/2002
Lapse notice sent	-	
No. of days late	=	0
Holiday allowance	+	
Priority date	+	11/15/1999
New priority date	=	11/15/1999

Deficiencies of Actions Items

Acknowledge proof.

September 30, 2002

VILLELLI ENTERPRISES ET AL
HCR 61 BOX 169
BONNERS FERRY, ID 83805

PROOF DUE NOTICE

RE: PERMIT NO. 96-9046

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before December 01, 2002. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

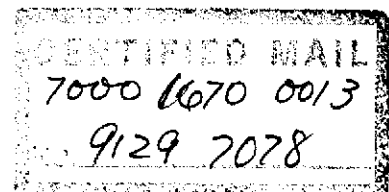
Sincerely,

Deborah J. Gibson, Admin. Assistant
Water Allocation Bureau

Enclosures

MICROFILMED

MAR 2 4 2003





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

November 27, 2000

VILLELLI ENTERPRISES ET AL
C/O RICHARD VILLELLI
HCR 61 BOX 169
BONNERS FERRY ID 83805

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 96-09046

Dear Permit Holder:

The Department of Water Resources (IDWR) has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a "Proof Due Notice" approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

If the diversion dam is 10 feet or more in height, or has an impounding capacity of 50 acre-feet or more, certain dam safety requirements must be met. Please contact the regional office nearest you for details.

Please note that a separate stream channel alteration permit must be obtained from the IDWR prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

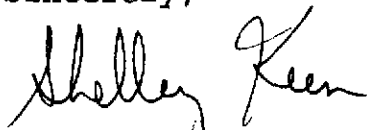
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NOV 29 2000

Also, please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department or visit the department's homepage on the Internet to obtain the proper reporting form.

If you have any questions, please call me at 208-327-7946.

Sincerely,

A handwritten signature in cursive script, reading "Shelley W. Keen". The signature is written in dark ink and is positioned above the printed name.

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

MICROFILMED

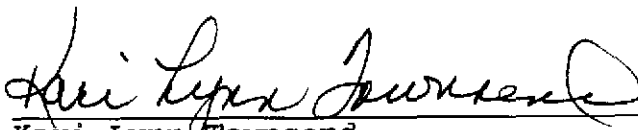
OCT 18 2001

CERTIFICATE OF MAILING

I hereby certify that on the 27th day of November, 2000, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 96-09046

VILLELLI ENTERPRISES ET AL
C/O RICHARD VILLELLI
HCR 61 BOX 169
BONNERS FERRY ID 83805


Kari Lynn Townsend
Secretary

MICROFILMED

OCT 13 2001

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

MICROFILMED
OCT 19 2001

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

DATE: November 24, 2000

TO: Water Right File 96-09046

FROM: Shelley W. Keen *SWK*

RE: Source name

Application 96-09046 was advertised with the source described as the Pack River. The source is actually an oxbow that has not completely sealed off from the river yet. I did not want this permit to give the impression that the right holder is permitted to dam the main channel of the Pack River. Therefore, I changed the source name to "Unnamed Slough," which is the closest thing in our standards to the actual source.

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OCT 19 2001

APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS

Reviewed by Cindy Zimmerman on 11/22/00

No. 96-9046 Name: Villelli Enterprises Corp. Officers ☒ Ad ok ☒ Govt Lots ☒

AREA OF CONCERN: ☒ No/Yes ☐ Moratorium ☐ GWMA ☒ TRUST/NON-TRUST

GROUNDWATER: (√Flow Chart)

DRILLING PERMIT

All wells - 046(P23)

Irr. w/in WD - P05

WMD - North/East/West

≤ 0.24 cfs/5 acres - No MD

> 0.24 cfs/5 acres - 067

WMD

Supp irr (irr = only use) - 065-104

Supp irr (+ other uses) - 100-105

≤ 0.24 cfs/5 acres - No MD

> 0.24 cfs/5 acres - 01M

LOCATION:

Boise Front LoGeo - 058 (<85 GW)

Mitigation - 121

42-248 Area - P84 (20s-70s, 81-86)

Swan Falls Flag

Trust - 051(P74) (consumptive uses)

Non-Trust - 048-049 (consumptive uses or non-cons. > 1.0 cfs)

USES:

STORAGE - 18A-01H(P01), 01P-18B(P09), N/A

IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)

> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)

STOCKWATER - R37 (BLM/USFS)

MINING - 054-081(P10)

FISH PROP - 029(70's only)-007-042-081(P10)

HEAT/COOL - R07(injection well)

FIRE PROT. - 077

SURFACE WATER: (√Flow Chart)

F&G contacted - Yes/No Response NONE

In/Above MSF - WB9 Below Pack R. MSF

PLANNING REVIEW/RESPONSE

In-stream development - P52

WD - R04 (WD#)

≤ 0.20 cfs/others - 01H(P01), 01P or No MD

> 0.20 cfs - 01J(P08)

SPRINGS/SINK, INACTIVE WD & REST OF STATE

≤ 0.24 cfs/5 acres - No MD

> 0.24 cfs/5 acres - 01M or No MD

RIVER BASINS: (SW special considerations)

Snake R (01) - W22(P04), N/A

(02,03) - 007 (w/ remark WB9 if above Weiser)

Payette R (65) - 047(P04) (Payette Lake)

Salmon R (70's) - 029 (fish screens)

Weiser R (67) - 086-087

USES:

POWER - 17H-17K (+uses)-08A-025(P18)-01N-081(P10)

MUNICIPAL

Restricted area - 022,075

Irr., GW supp to SW - 102

DOMESTIC

Surface water - WB5 (Big Wood or Boise above Star Bridge)
27A (Payette R)

>1 in restricted area - 070-071-075(no parks/common areas, etc)

Irr use listed separate - WB5

Moratorium approvable - W03 (2500 gpd - meets domestic definition
i.e. D/convenience store)

BENEFICIAL USE DUE: / 01 /

MISC CONDITIONS/REMARKS:

Protested - 020-W19

Development Period

≤ 1 yr - P16

> 1 yr - 26A(P17)

Ownership - 004

Non-consumptive - 027

Water Quality - 081-R07

Multiple pd's per 1/4 - W32

Subd lot desc (pd) - W59

Subd lot desc (pu) - W60

Use definitions - W02 example - S/50 range

Pre-1987 development - 068-074 (allow 120 days for proof due)

Single p/d intended - 076

IRRIGATION SEASON - (Per updated map)

OTHER CONDITIONS/REMARKS 26A, 01P, 18B

COMMENTS

PC: P17, P09, P52

Block, Darla

From: Block, Darla
Sent: Friday, October 27, 2000 11:56 AM
To: Jim & Cindy Zimmerman (E-mail)
Subject: water right #96-09046



96-09046.tif

RECEIVED

IDA DEPARTMENT OF WATER RESOURCES
APPROVAL APPLICATION ANALYST SHEET

WRI
WRA
BCA

OCT 18 2000

APPLICATION # 96-09046

Department of Water Resources

INITIAL REVIEW

APPLICANT: VILLELLI

BY: JB

DATE: 4/25/00

ITEM REQUIRED INFORMATION

1. (X) Name and Address
2. (X) Source
3. (X) Point of Diversion & County
4. (X) Quantity
(X) Nature of Proposed Use
(X) Period of Use
5. (X) Total Quantity
6. (X) Description of diverting works
7. (X) Time required for b/u
8. (X) Proposed use
9. (X) Place of use or acres irrigated
10. (X) Other water Rights
11. (X) Ownership
12. (X) Map
(X) Signature
(X) Fee (Amt, receipt, acknowledgement)

*** Send info sheet Y () N ()

ADDITIONAL INFORMATION

(Yes) (No)

- Field check: by
- Field report attached:
- Analysis Supp. attached (>5cfs/500af)
- Water delivered by water master?
- Water District #

PROCESSING

- (Yes) (No) PRIORITY DATE: 11/15/99
- X (Include Moratorium Remark)
- X Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).

ADVERTISE IN: Banner County

LETTERS SENT REQUESTING:

- () Dam Information () Fish Information
- () Power Information () Other: N/A

INFORMATION RECEIVED:

- () Dam Information () Fish Information
- () Power Information () Other: N/A

GROUNDWATER SECTION

WD Permit No.'s:	Type:	Fees	Receipt No.	Upgrade Needed?
<u> 1 </u>	Dom. <u> </u> Non-Dom. <u> </u>	Paid \$ <u> </u>	<u> </u>	Y () N ()
<u> 1 </u>	Dom. <u> </u> Non-Dom. <u> </u>	Paid \$ <u> </u>	<u> </u>	Y () N ()
<u> 1 </u>	Dom. <u> </u> Non-Dom. <u> </u>	Paid \$ <u> </u>	<u> </u>	Y () N ()

- 1 Groundwater management area
- 1 Critical ground water area
- 1 Well Drilling Permit required
- 1 Well Drilling Application and Fees received
- 1 Well Drilling Application approved?

Remarks:

FINAL REGIONAL PROCESSING/REVIEW

(Yes) (No)

- Notice of pending void order issued. Final order response date:
- Further information required from applicant
- Affidavit of publication received
- Application published correctly. If not, record action taken:
- add a POV (8/10 - mail 8/30 to run 9/7+14/00) Sr. Agent initial
- Publication dates and paper recorded on application
- Protests received, Final protest date: 5-22-00
- Measuring device required
- Measuring port required
- Special conditions:
- Special conditions of approval supplement and/or cover letter attached:

Approval Recommended by: JB

Date: 10/03/00

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner, Sharilyn Jones

_____ being first duly sworn on oath

deposes and says that he/she is Bookkeeper

of the Bonner County Daily Bee, a newspaper printed and published at Sandpoint, Bonner County, Idaho; that the said newspaper has been continuously and uninterruptedly published in said Bonner County during a period of 12 months prior to the first publication of the hereto attached notice of publication in the case of:

Notice of Correction

as it was published in the regular and entire issue of the

said paper for a period of 2 consecutive weeks,

commencing on 7 day of Sept., 2000

and ending on the 14 day of Sept., 2000

and that said notice was published in said newspaper.

On this 14 day of Sept. in the year of 2000, before me, a Notary Public, personally

appeared Sharilyn Jones,

known or identified to me to be the person whose name

subscribed to the within instrument, and being by me

first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Carolyn L. Inge
Notary Public for Idaho
Residing at Sandpoint
My Commission expires: 8/06

RECEIVED
OCT 03 2000
IDWR/North

NOTICE OF CORRECTION
NOTICE IS HEREBY GIVEN THAT APPLICATION FOR PERMIT NO. 96-09046 in the name of VILLELLI ENTERPRISES, ET AL, C/O RICHARD VILLELLI, HCR61 BOX 169, BONNERS FERRY, ID 83805, was incorrectly advertised on MAY 4 AND 11, 2000.

The PLACE OF USE was incorrectly advertised as the SWNW, NESW, NWSW of T58N R01E S31 BONNER County, whereas correctly it should read LOT 2 (SWNW), SENW, NESW, LOT 3 (NWSW) OF T58N R01E S31 BONNER County.

(For additional information concerning the property location, call the Northern Regional Office at 769-1450.)

Any protests against the approval of the above-referenced correction must be filed with the applicant and with the Director, Dept. of Water Resources, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, Id. 83814, together with a protest fee of \$25.00 on or before SEPTEMBER 25, 2000.
KARL J. DREHER, Dir.
Legal SNP#2047
September 7, 14, 2000

MICROFILMED
OCT 19 2001

2047

August 30, 2000

Legal Notices Department
Bonner County Daily Bee
PO Box 159
Sandpoint ID 83864

Re: Water Right No. 96-09046 - Villelli Enterprises

Gentlemen:

Enclosed you will find a legal Notice of Correction which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

Please send the Affidavit of Publication, and the bill, to this office before September 25, 2000.

Thank you.

Sincerely,

Dianne Ball
Administrative Assistant

Enclosure

MICROFILMED
OCT 19 2001

NOTICE OF CORRECTION

NOTICE IS HEREBY GIVEN THAT APPLICATION FOR PERMIT NO. 96-09046 in the name of VILLELLI ENTERPRISES, ET AL, C/O RICHARD VILLELLI, HCR61 BOX 169, BONNERS FERRY, ID 83805, was incorrectly advertised on MAY 4 AND 11, 2000.

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KARL J. DREHER, Dir.

Published in the BONNER COUNTY DAILY BEE on SEPTEMBER 7 & 14, 2000.

MICROFILMED

OCT 19 2001

WR0749NP
No. 96-09046

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 08/17/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	VILLELLI ENTERPRISES ET AL C/O RICHARD VILLELLI HCR 61 BOX 169 BONNERS FERRY ID 83805 (208) 267-5595	11/15/1999	WILDLIFE STORAGE	01/01 12/31		52.00 AFA
TOTAL DIVERSION:						52.00 AFA

Water Source: PACK RIVER

Tributary to: PEND OREILLE LAKE

Stage: APPLICATION

Point(s) of Diversion: T58N R01E S31 Lot 03(SENWSW)

BONNER County

Place of use Legal Description for: WILDLIFE STORAGE

NE				NW				SW				SE			
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
T	R	S	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac
58N 01E 31 :															
: 02-W W : W 03-W :															

Pou County: BONNER

Dates: App. Received: 11/15/1999 Priority Date: 11/15/1999
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 04/25/2000 User-ID: DBALL Subject: Examiner's notes.
Concrete control structure placed at mouth of oxbow approximately
20' long and 4' high with top set at elev 2059'. Control
structure will retain bottom 52 AF of storage on the oxbow when
Lake Pend Oreille is below summer pool elev of 2062.5' providing
year round inundation and wetland enhancement.
Height of storage dam 4'; active reservoir capacity 110 AF; total
reservoir capacity 110 AF.

Audit: 04/25/00 DBALL 05/02/00 SCURTIS 08/17/00 DBALL

MICROFILMED

OCT 19 2001

*added SENW
POU
8/17
to add
9/7+14/00*

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner,

Sherilyn Plunk being first duly sworn on oath
deposes and says that he/she is Bookkeeper
of the Bonner County Daily Bee, a newspaper printed and
published at Sandpoint, Bonner County, Idaho; that the
said newspaper has been continuously and uninterruptedly
published in said Bonner County during a period of 12
months prior to the first publication of the hereto attached
notice of publication in the case of:

App for Water Rights

as it was published in the regular and entire issue of the
said paper for a period of 2 consecutive weeks,
commencing on 4 day of May, 1900
and ending on the 11 day of May, 1900
and that said notice was published in said newspaper.

On this 11 day of May in the year
of 2000, before me, a Notary Public, personally
appeared Sherilyn Plunk
known or identified to me to be the person whose name
subscribed to the within instrument, and being by me first
duly sworn, declared that the statements therein are true,
and acknowledged to me that he executed the same.

Carolyn L. Inge
Notary Public for Idaho

Residing at Sandpoint

My commission expires: 7/00

RECEIVED
JUN 05 2000
DWR/North

NOTICE OF APPLICATION
FOR WATER RIGHT

The following application(s)
have been filed to appropriate the
public waters of the State of Idaho:

96-09045

GOTTSCALK, PATRICIA J
144 LUTEFISH LN
SAGLE, ID 83860
Source: PEND OREILLE LAKE
Tributary: PEND OREILLE
RIVER

Diversion Pt: LOT 4 (NWSW) Sec
25 T 57N R 02W in BONNER
County.

Use: DOMESTIC (0.040 CFS)

Total Diversion: (0.040 CFS)

Date Filed: 4/18/2000

In: BONNER County

T57N R02W S 25 Lot 4
(NWSW)

96-09046

VILLELLI ENTERPRISES ET AL
C/O RICHARD VILLELLI
HCR61 BOX 169
BONNERS FERRY, ID 83805
Source: PACK RIVER

Tributary: PEND OREILLE LAKE
Diversion Pt: SENWSW Sec 31 T
58N R 01E in BONNER County.

Use: WILDLIFE
STORAGE (52.00 AF)

Total Diversion: (52.00 AF)

Date Filed: 11/15/1999

In: BONNER County

T58N R01E S31

SWNW NESW NWSW

For additional information con-
cerning the property location, call
the Northern Regional office at
(208) 769-1450.

The permit(s) will be subject to
all prior water rights. Protests
must be filed with the applicant
and with the Director, Dept. of
Water Resources, Northern
Region, 1910 Northwest Blvd.,
Suite 210, Coeur d'Alene, Idaho
83814, together with a protest fee
of \$25.00 on or before MAY 22,
2000.

KARL J. DREHER,
Director

Legal SNP#1760
May 4, 11, 2000

MICROFILMED

JUN 13 2001

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, May 10, 2000 9:24 AM
To: 'Chip Corsi'
Subject: perweek2.txt

Greetings, Chip. At the end of the attachment you will find three water rights for your review:

Villelli - 96-09046 - final date for protest is 5/22/00
Clifty View - 98-07798 - final date for protest is 6/5/00
Lustig - 98-07800 - final date for protest is 6/5/00.

We will appreciate your comments either way before the final dates for protest.

Thanks ever so much.

Dianne - IDWR North



perweek2.txt.htm

RECEIVED

OCT 18 2000

Department of Water Resources

No response

MICROFILMED
OCT 18 2001

96-09046

VILLELLI ENTERPRISES ET AL
C/O RICHARD VILLELLI
HCR61 BOX 169
BONNERS FERRY, ID 83805

Source: PACK RIVER

Tributary: PEND OREILLE LAKE

Diversion Pt: SENWSW Sec 31 T 58N R 01E in BONNER County.

Use: WILDLIFE STORAGE	(	52.00 AF)
Total Diversion:	(	52.00 AF)

Date Filed: 11/15/1999

In: BONNER County			
T58N R01E S31	SWNW	NESW	NWSW

MICROFILMED
OCT 18 2001

April 26, 2000

Mr. Richard Villelli
Villelli Enterprises, et al
HCR61 Box 169
Bonners Ferry ID 83805

Re: Water Appropriation Application No. 96-09046

Dear Mr. Villelli:

The Idaho Department of Water Resources hereby acknowledges receipt of the above referenced Application for Permit to appropriate the Public Waters of the State of Idaho. To assist us in providing you with prompt, accurate service, please refer to the above referenced number in all future matters concerning this water right application.

Your appropriation application is currently being prepared for advertising in the local county newspaper. This advertisement will be published for two consecutive weeks followed by a waiting period of ten days to allow for the submittal of protests. Normal processing time is approximately 3 to 4 months, if the application is not protested.

If the application is not protested, it will be forwarded to Boise to be considered for approval by the Director. State office personnel will then conduct a complete review, and you will be notified by mail of the outcome. However, if the application is protested during this waiting period, you will be sent a copy of the protest and instructions to aid you in resolving the protest without a hearing. All protests must be resolved before approval of the application can be made, so if the protestant does not voluntarily withdraw the protest, this department will conduct a conference and/or hearing on the matter.

You will receive your approved Application for Permit and instructions on filing the Proof of Beneficial Use from our State office in Boise.

If you have any questions or if I can be of any assistance please feel free to contact me at this office.

Sincerely,

ALLEN BEARDSLEE
Senior Water Resources Agent

AB:db

MICROFILMED
OCT 19 2001

WR0749NP
No. 96-09046

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 04/25/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
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Water Source: PACK RIVER

Tributary to: PEND OREILLE LAKE

Stage: APPLICATION

Point(s) of Diversion: T58N R01E S31 SENWSW BONNER County

Place of use Legal Description for: WILDLIFE STORAGE

NE				NW				SW				SE																			
NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE	
T	R	S	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
---	---	---	:	---	---	---	---	---	:	---	---	---	---	---	:	---	---	---	---	:	---	---	---	---	:	---	---	---	---	:	
58N	01E	31	:						:						:					:											

Pou County: BONNER

Dates: App. Received: 11/15/1999 Priority Date: 11/15/1999
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

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Height of storage dam 4'; active reservoir capacity 110 AF; total
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Audit: 04/25/00 DBALL