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JUN 20 2006  
IDWR/North

State of Idaho  
Department of Water Resources  
Northern Region  
1910 Northwest Blvd. Suite 210  
Coeur d'Alene ID, 83814-2615

Mr Franklin,

I received your letter of June 14, 2006 and would like to go through the asked for information in the order it comes up on the Water Appropriation Rules supplement.

In IDAPA 37.03.08 part 05 section c paragraph ii: I have included a map of the ranch and a detail map of the irrigation well area. It shows two domestic wells within ½ mile of the irrigation well. The upper well is the original well for the old ranch house and produces 10 GPM and has a 2000 gal cistern for storage. The lower well is around 30-40 years old and produces about 35 GPM. These two are hooked together into one domestic water system. This system was used to irrigate, ineffectively, part (1 acre) of our lawn. This system would at times run dry because we tried to water too much ground.

In section c, paragraph iii: We plan to use the irrigation well to water the grounds around the lodge as well as supplement the irrigated areas(99 acres) in section 8 that are now taken care of using water from Lawyer Creek using water right 85-07444(3.1 CFS from Lawyer Cr for 175 acres of land).

In section d, paragraph i: We will water 5.8 acres of lawn 3" per week for the period from June through Sept. using 7,568,000 gal. or 23.2 acre feet per year. We will water 99 acres of wildlife habitat 2" per week for the time period of June through Aug. using 64,517,904 gal. or 198 acre feet per year. The lawn is watered with an underground sprinkler system and the habitat with wheel lines. Total water consumed for the time period of June 1 to Sept. 30 would be 221.2 acre feet.

In section d, paragraph ii: The well was tested at 900 gpm. I do not know nor have I found any flow rates for the aquifer the well is in or Lawyer Creek.

In section e, paragraph i: We have included the deed for the Lewis Co. portion of the ranch.

In section e, paragraph ii; I do not know of any other permits needed other than the drilling permit that has already been submitted.

In section f, paragraph i; The well is drilled, the pump is on the property, the pipes are in place, the sprinkler system is in, the wheel lines have been there for 15 years and when we get the go ahead we will be pumping water in a day or two. I prefer to take it from the well rather than use the surface water in the creek.

In section f, paragraph ii; The well is drilled already and was tested at 900 GPM. It has a depth of less than 150 ft and a casing size of eight inches.

In section g; I will send a copy of this letter and some of the supplemental information that will be submitted with the application to the groups listed; the Lewis County commission, the Idaho Department of Fish and Game, the Idaho Department of Environmental Quality and the Nezperce Tribe.

The total projected usage is less than half of the requirements set forth for this application; Part 05 section c. The water used from the well would be pumped into our two and a quarter acre pond for holding and then pumped out from there for the irrigation of a lawn and wildlife habitat. Everything is up and prepared for installation and use.

I would appreciate any comments being submitted within the 30 days set forth in the Water Appropriation Rules; Part 05 section b.

Respectfully submitted,

Joseph N. Peterson for Flying B Ranch

Cc;  
IDF&G- Cal Groen  
IDEQ- Kerby Cole  
IDWR- Shelly Keen  
Lewis County Commission  
Nezperce Tribe

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[Show Grid Lines](#)

[Change to Portrait](#)

**USGS 7 km W of Kamiah, Idaho, United States 22 Jun 1992**



0 1Km

0 0.5Mi

Image courtesy of the U.S. Geological Survey

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[Privacy Statement](#)

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117063  
116926

THIS DEED IS BEING RE-RECORDED TO CORRECT A SPELLING  
ERROR IN THE NAME "CAMAS".

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QUITCLAIM DEED

THIS INDENTURE, made and entered into this 27 day of December, 1994 by and between LAWYER CREEK RANCH, a California Limited Partnership, Party of the First Part, and CAMAS PRAIRIE PROPERTIES, L.L.C., of 3546 N. Riverside Avenue, Rialto, California 92376, Party of the Second Part;

W I T N E S S E T H:

That the Party of the First Part, for and in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States and other valuable considerations to it in hand paid by the Party of the Second Part, receipt whereof is hereby acknowledged, does by these presents remise, release and forever QUITCLAIM unto the said Party of the Second Part, its successors and assigns, the following described real property situate in the County of Lewis, State of Idaho, to wit:

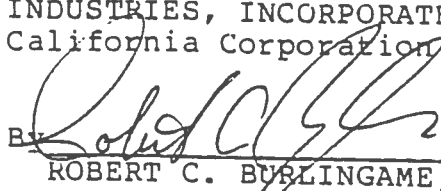
SEE ATTACHED EXHIBIT A

TOGETHER WITH all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, the remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD all and singular, the said premises with the appurtenances unto the said Party of the Second Part, and to its successors and assigns forever.

IN WITNESS WHEREOF, the said Party of the First Part has hereunto set its hand and seal the day and year in this indenture first above written.

LAWYER CREEK RANCH, a  
California Limited Partnership, by  
its general partner, BURLINGAME  
INDUSTRIES, INCORPORATED, a  
California Corporation

By   
ROBERT C. BURLINGAME, President

STATE OF CALIFORNIA )  
                  SAN : ss  
County of BERNARDINO )

On this 27<sup>th</sup> day of December, 1994, before me  
LYN HENDERSON, the undersigned, a Notary Public in and  
for said state, personally appeared ROBERT C. BURLINGAME, known or  
identified to me to be the President of Burlingame Industries,  
Incorporated, a California Corporation, the general partner of LAWYER  
CREEK RANCH, a California Limited Partnership, and the partner who  
subscribed said partnership name to the foregoing instrument and  
acknowledged to me that he executed the same in said partnership name.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed  
my official seal the day and year in this certificate first hereinabove  
written.

(SEAL)



Lyn Henderson  
Notary Public in and for the  
State of California, residing  
at 1141 E. ALEXANDER therein.  
My Commission Expires: MARCH 24, 1997

EXHIBIT A

The following described property situate in Lewis County, State of Idaho, to wit:

Township 33 North, Range 2 East of the Boise Meridian:

- Section 12: That part of the Southeast Quarter of the Southwest Quarter and the East Half in Lewis County Idaho.
- Section 13: That part of the Northwest Quarter, Northwest Quarter of the Southwest Quarter in Lewis County, Idaho EXCEPT 50% of mineral rights.
- Section 14: All the Northeast Quarter and that part of East Half of the Southwest Quarter, and that part of the Southeast Quarter lying in Lewis County, Idaho.
- Section 22: That part of East Half of the Southeast Quarter in Lewis County, Idaho.
- Section 23: That part of North Half of the Northeast Quarter, the West Half of the Southwest Quarter in Lewis County, Idaho.

Township 33 North, Range 3 East of the Boise Meridian

- Section 5: The Southwest Quarter of the Southwest Quarter.
- Section 6: The Southeast Quarter of the Southeast Quarter.
- Section 7: All North Half and that part of the South Half in Lewis County, Idaho.
- Section 8: The West Half of the Northwest Quarter, and that part of the Southwest Quarter, the South Half of the Southeast Quarter, and the South Half of the Northwest Quarter of the Southeast Quarter in Lewis County, Idaho.
- Section 9: The Southeast Quarter of the Southeast Quarter North of the County Road and that part of the Southwest Quarter of the Southeast Quarter in Lewis County, and that part of the South Half of the Southwest Quarter in Lewis County, EXCEPT: Tax #A-32 contained in a Deed dated June 13, 1914 from Anna Rose and husband to J.H. Bowles, described as follows: Beginning at the Southeast corner of Section 9, Township 33 North, Range 3 E.B.M.; thence North 4.36 chains; thence South 57°12' West, 3.67 chains; thence South 76°12' West, 2.48 chains; thence South 81°12' West, 3.39 chains; thence North 73°10' West, 1.19 chains; thence South 1.77 chains; thence East 10 chains to the place of beginning, recorded June 26, 1914, in Book 9 of Deeds, page 97, records of Lewis County, Idaho, AND EXCEPT Tax #A-34 contained in a deed dated October 6, 1916, from Fabaien Lazier to Village of Kamiah, as follows: Beginning at a point on the Section line between Section 9 and 16, Township 33 North, Range 3 E.B.M., 1861.2 feet West of the South Quarter corner of Section 9; thence North 49° West 198 feet to a stake in a

33N02E120100  
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33N02E132550  
33N02E140100  
33N02E146750  
33N02E237200  
33N02E230600  
33N03E056000  
33N03E069000  
33N03E070100  
33N03E085000  
33N03E094900  
33N03E091000

monument of stone from which an Alder tree 4" in diameter bears 80° East 60.3 feet; thence North 41° East 66 feet; thence South 53°30' East, 201.3 feet; thence South 41° North 82.5 feet; to the Point of Beginning; ALSO conveyed is the spring thereon known as Quinlan Spring, and Right of way for water line recorded October 10, 1916 in Book 11 of Deeds at page 142, records of Lewis County, Idaho.

Section 16: That part of the Northeast Quarter of the Northwest Quarter of the Northwest Quarter in Lewis County, Idaho.

SUBJECT TO easements, rights of ways, reservations and mortgages of record.

117063

STATE OF IDAHO  
COUNTY OF LEWIS  
FILED FOR RECORD **FEB 13 1905**  
A 11:30 O'CLOCK A M AT THE  
REQUEST OF \_\_\_\_\_

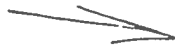
Suzanne M. Ventura

Cathy Larson  
COUNTY RECORDER

Pauline K. Robertson  
DEPUTY

FEES: 12.00

M 1



116926

STATE OF IDAHO  
COUNTY OF LEWIS  
FILED FOR RECORD **DEC 29 1904**  
A 10:05 O'CLOCK A M AT THE  
REQUEST OF \_\_\_\_\_

Suzanne M. Ventura

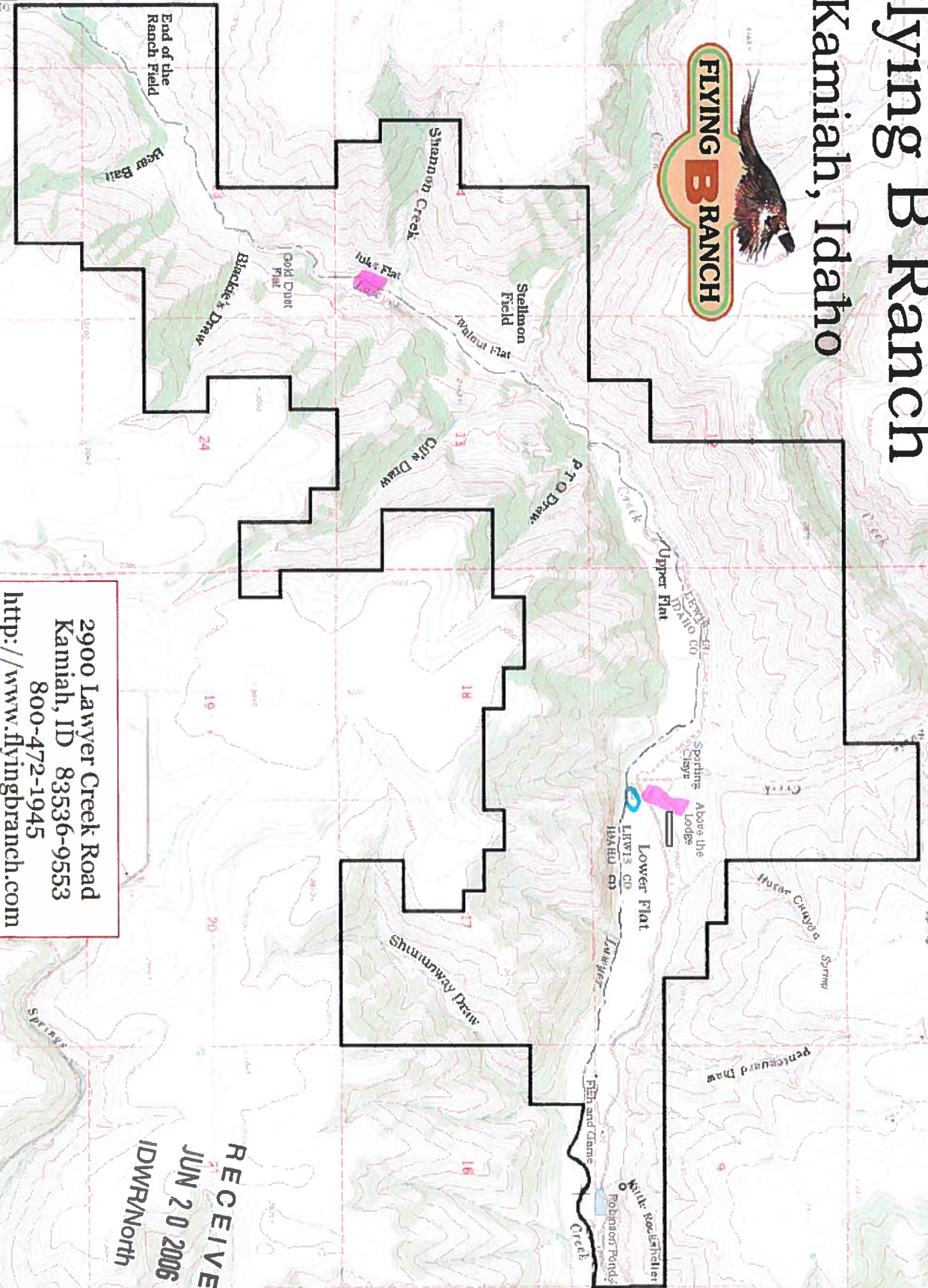
Cathy Larson  
COUNTY RECORDER

By Pauline K. Robertson  
DEPUTY

FEES: 12.00

M/Moffatt, Thomas, Barrett,  
Rock & Fields  
P.O. Box 829  
Boise, Id 83701

# Flying B Ranch Kamiah, Idaho



2900 Lawyer Creek Road  
Kamiah, ID 83536-9553  
800-472-1945  
<http://www.flyingbranch.com>

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Drawn by: Bruce A. Peterson 6/21/2007



Lower Fl  
Hunt Are

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LEWIS CO

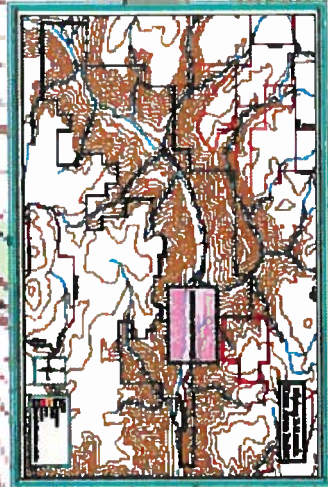
IDAHO CO

Pond

OK Irrigation Well

Domestic Wells

Liberty Creek



Legend

Flying t

0.25

0.5

1 Miles



# Walnut & Inlet Hunt Area

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19

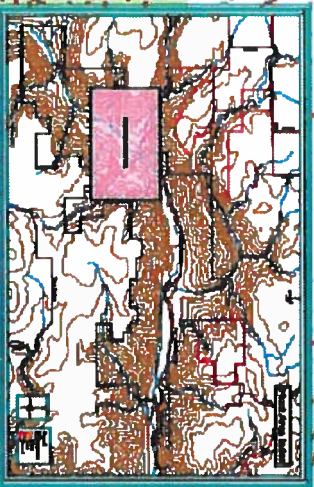
#85-07444  
Lauree CR  
Diversion  
3.1 CFS

Lauree CR

0.25

0.5

1 Miles



## Legend

-  Flying B
-  Johnson

COPY

June 14, 2006

Flying B Ranch  
2900 Lawyer Creek Rd.  
Kamiah, ID 83536-9553

Re: Application For Permit to Appropriate the Public Waters of the State of Idaho.

Gentlemen:

The Idaho Department of Water Resources has now received the appropriate fees for your application and can now proceed with processing. Since you originally submitted the incomplete application in March 2006, several new issues have transpired, that need to be addressed during the processing stage.

Your property happens to be in the Clearwater River drainage, which is considered a sensitive basin. Idaho Code 42-203A(5) requires IDWR to evaluate the following criteria for applications to appropriate water:

- The potential to reduce the quantity of water under existing water rights
- The sufficiency of the water supply for the proposed appropriation
- The good faith nature of the application
- The adequacy of the financial resources of the applicant
- The local public interest in the public water resources
- The conservation of water resources in Idaho
- Impacts to the economy of the local area or watershed

To ensure that IDWR has sufficient information to evaluate the statutorily mandated criteria, Rule 40.05 of the Water Appropriation Rules (IDAPA 37.03.08.040.05) requires water right applicants to submit additional information to IDWR in connection with their applications. I have enclosed a copy of Rule 40.05 for your reference.

In accordance with Rule 40.05.c, the additional informational requirement is usually waived for applications proposing the appropriation of 5.0 cfs or less or the storage of 500 acre feet or less. Because the waters of the Clearwater River drainage are habitat for fish species listed as endangered or threatened under the federal Endangered Species Act, IDWR believes that caution is necessary to ensure that new appropriations of water do not undermine efforts to protect and restore the ESA listed fish species and other public values in the rivers and streams of the Clearwater River basin. As part of this cautious approach, IDWR is requiring that applicants submit the additional information required

by Water Appropriation Rules 40.05.c through 40.04.g even when the applications are for less than the usual 5.0 cfs/500 acre feet threshold. Also, information about the local public interest must contain comments from the Idaho Department of Fish & Game, the Idaho Department of Environmental Quality and appropriate Forest Service if applicable.

Please submit the information required by Water Appropriation Rules 40.05.c through 40.05.g to IDWR within 30 days. For your convenience, I have highlighted the portions of the rules that apply to your application. If you need additional time to submit the required information, please submit a written request. IDWR can grant additional time "upon a showing of good cause". Water Appropriation Rule 40.05.d also allows an applicant to request that IDWR interrupt processing an application for up to six months. IDWR can approve the request if it will not injure others, it is consistent with the public interest, and it is not for speculative purposes.

Sincerely,

Keith E. Franklin  
Water Resources Agent

Enclosure/kf

Cc: Marti Bridges at IDEQ in Boise  
Cindy Robertson at IDFG in Boise  
Cal Goen at IDFG in Lewiston  
Kerby Cole at IDEQ in Lewiston  
Bill Graham at IDWR in Boise  
Shelley Keen at IDWR in Boise

(7-1-93)

iii. Information shall be submitted concerning any design, construction, or operation techniques which will be employed to eliminate or reduce the impact on other water rights. (7-1-93)

d. Information relative to sufficiency of water supply, Section 42-203A(5)(b), Idaho Code, shall be submitted as follows: (7-1-93)

i. Information shall be submitted on the water requirements of the proposed project, including, but not limited to, the required diversion rate during the peak use period and the average use period, the volume to be diverted per year, the period of year that water is required, and the volume of water that will be consumptively used per year. (7-1-93)

ii. Information shall be submitted on the quantity of water available from the source applied for, including, but not limited to, information concerning flow rates for surface water sources available during periods of peak and average project water demand, information concerning the properties of the aquifers that water is to be taken from for groundwater sources, and information on other sources of supply that may be used to supplement the applied for water source. (7-1-93)

e. Information relative to good faith, delay, or speculative purposes of the applicant, Section 42-203A(5)(c), Idaho Code, shall be submitted as follows: (7-1-93)

i. The applicant shall submit copies of deeds, leases, easements or applications for rights-of-way from federal or state agencies documenting a possessory interest in the lands necessary for all project facilities and the place of use or if such interest can be obtained by eminent domain proceedings the applicant must show that appropriate actions are being taken to obtain the interest. Applicants for hydropower uses shall also submit information required to demonstrate compliance with Sections 42-205 and 42-206, Idaho Code. (7-1-93)

ii. The applicant shall submit copies of applications for other needed permits, licenses and approvals, and must keep the department apprised of the status of the applications and any subsequent approvals or denials. (7-1-93)

f. Information Relative to Financial Resources, Section 42-203A(5)(d), Idaho Code, shall be submitted as follows: (7-1-93)

i. The applicant shall submit a current financial statement certified to show the accuracy of the information contained therein, or a financial commitment letter along with the financial statement of the lender or other evidence to show that it is reasonably probable that financing will be available to appropriate the water and apply it to the beneficial use proposed. (7-1-93)

ii. The applicant shall submit plans and specifications along with estimated construction costs for the project works. The plans shall be definite enough to allow for determination of project impacts and implications. (7-1-93)

g. Information Relative to Conflict with the Local Public Interest, Section 42-203A(5)(e), Idaho Code, shall be submitted as follows: The applicant shall seek comment and shall submit all letters of comment on the effects of the construction and operation of the proposed project from the governing body of the city and/or county and tribal reservation within which the point of diversion and place of use are located, the Idaho Department of Fish and Game, the Idaho Department of Environmental Quality, and any irrigation district or canal company within which the proposed project is located and from other entities as determined by the director. (7-1-93)

h. The following information Relative to the Public Interest Criteria of Section 42-203C(2), Idaho Code, shall be submitted by an applicant seeking reallocation of trust water for a project which the director determines will reduce the flow of the Snake River by more than two (2) acre-feet per day. For filings proposing irrigation as a purpose of use, the additional information is required if more than two hundred (200) acres will be irrigated. The director may request any or all of the following information for any filing seeking the reallocation of trust water. (7-1-93)