



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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

February 25, 2011

Joseph N Peterson
C/o 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
No. 85-15683.

Dear Mr. Peterson:

In reviewing the file in preparation for advertising, I came across a letter dated October 10, 2008, copy of which is enclosed, requesting submittal of an amended application stemming from a meeting we had on October 9, 2008. Evidently the amended application was not returned since I didn't find it in the file. If you don't have the original I have enclosed another copy of the amended application that needs to be signed by a designated representative for Camas Prairie Properties, LLC and returned to me before we can have the application advertised.

Since some time has elapsed, I suggest you thoroughly review and check the application for correctness before returning it to me. If you have any questions, feel free to contact me at this office.

Thank you.

Sincerely,

Keith E Franklin
Senior Water Resources Agent

Enclosure(s)

COPY



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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

December 30, 2010

Joseph Peterson
Flying B Ranch
2900 Lawyer Creek Rd.
Kamiah, ID 83536

Re: Application For Permit to Appropriate the Public Waters of the State of Idaho
No. 85-15683

Dear Mr. Peterson:

January 27, 2010 was our last communication regarding the above mentioned application. At that time, the Department of Fish & Game was to get their comments to you within a couple of days. Since then, our department has not heard from you or Fish & Game. Therefore, to get things moving again, if you haven't received favorable comments from Fish & Game I suggest you instruct me in writing to proceed with the advertising of Flying B Ranch's application. When the application is advertised Fish & Game will have the opportunity to file a formal protest. If a protest is filed, then the application will be in a forum of due process where it can move forward instead of being stagnate which has been the case the last number of years.

Please let me know of your decision within the next 30 days and if you have any questions, feel free to contact me at this office.

Thank you.

Sincerely,

Keith E Franklin
Senior Water Resources Agent

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C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

October 10, 2008

Joseph N. Peterson
C/o 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

Dear Mr. Peterson:

Please find enclosed an electronic version of Flying B Ranch's application that includes all of the changes discussed on October 9, 2008. If the application meets with your approval, please go over the changes with Fish & Game and have them resubmit comments regarding the new corrected application. The comments should include a statement about voiding Permit #85-7444, for mitigation purposes, when a permit is issued for this application. When new comments are received by Fish & Game, please have a designated signee for Camas Prairie Properties LLC sign the application and return it to me, along with the comments, as soon as possible.

If you have any questions, feel free to contact me at this office.

Sincerely,

Keith E. Franklin
Senior Water Resources Agent
Enclosure(s)

COPY



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NORTHERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

March 1, 2007

Joseph N. Peterson
C/o Flying B Ranch
2900 Lawyer Creek Rd.
Kamiah, Idaho 83536-9553

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

Dear Mr. Peterson:

It has been a while since our last communication, so I thought it appropriate to drop you a note in regards to Flying B Ranch's pending application for a permit. I have briefly scanned the file and it appears most everything has been submitted for the sensitive basin additional information, except for comments from Fish & Game regarding the proposal.

Please review your files and get in touch with me, so we can continue with the processing of the application. If you have any questions, don't hesitate to contact me at this office.

Sincerely,

Keith E. Franklin
Senior Water Resources Agent

COPY



Nez Perce

TRIBAL EXECUTIVE COMMITTEE

P.O. BOX 305 • LAPWAI, IDAHO 83540 • (208) 843-2253

October 10, 2006

Joseph N. Peterson
2900 Lawyer Creek Road
Kamiah, Idaho 83536-9553

Re: Ground Water Permit Application
Flying B Ranch

Dear Mr. Peterson,

Thank you for providing the Nez Perce Tribe the opportunity to comment on your ground water permit application. Unfortunately, for the reasons discussed below, we cannot support your application.

The well log found on the IDWR Web Site dated February 2, 2006 cites a groundwater temperature of 56°F. Because the deeper aquifers in the Columbia River Basalts have temperatures approaching 70°F, this relatively cool water is interpreted to be hydrologically connected to Lawyer Creek. Water removed from this well will almost certainly decrease the flow of Lawyer Creek, a stream that historically has provided critical spawning habitat for steelhead trout which currently are listed as threatened under the Endangered Species Act.

The Idaho Legislature established minimum stream flows for Lawyer Creek in 2005. The Nez Perce Tribe has measured stream flow for Lawyer Creek and several of its tributaries for the year 2004. During that year, measured stream flows taken near the mouth of Lawyer Creek would not have met the minimum flow rates during the months of June, July, and August. Your proposed water withdrawal would very likely reduce the flow of Lawyer Creek to an even lower level. While we do not have more recent stream flow data, current visual observations of very low water conditions on August 16, 2006, suggest that the State's minimum stream flow is not being satisfied this year.

As you may know, Lawyer Creek has been listed on the 303d list for failure to meet minimum water quality standards under the Clean Water Act. Lawyer Creek has been listed for nutrients, temperature, oil and grease, ammonia, pathogens, oxygen depletion, sediment, flow alteration, and habitat alteration. These section 303 watersheds are

designated to support coldwater biota (salmonid spawning) and primary contact recreation uses.

In terms of Idaho Code Section 42-203A(5), we believe that your ground water permit application: has the potential to reduce the quantity of water available for existing water rights; is not consistent with the local public fishing, recreation, and clean water interests; and is contrary to conservation of water resources with the State. While we cannot support your current application for these reasons, Kevin Brackney of our staff would be happy to meet with you to discuss possible alternatives that might address both your water needs and our concerns about further reductions in the quantity and quality of the water in Lawyer Creek. You can reach Mr. Brackney at 208-843-7368.

Sincerely,

A handwritten signature in dark ink, appearing to read "Rebecca Miles", is written over the typed name. The signature is fluid and cursive.

Rebecca Miles, Chairman

Cc:

NPT Greg Haller

NPT Kevin Brackney

NPT Heidi Gudgell

NPT Ira Jones

IDWR Keith Franklin in Coeur d' Alene



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 23, 2006

Camas Prairie Properties LLC
3546 N. Riverside Ave.
Rialto, CA 92377

Re: Application for Permit to Appropriate the Public Water of the State of Idaho.

Gentlemen:

On March 9, 2006, the Idaho Department of Water Resources sent you a letter requesting additional information on your Application For Permit to Appropriate the Public Waters of the State of Idaho and submittal of the required fees. Since you have not responded, the Department assumes you are no longer interested in acquiring a water right and therefore is removing your request from its active file. If at some point in the future you wish to reapply, a new application along with supporting documentation must be resubmitted.

If you have any questions feel free to contact me at this office.

Sincerely,

Keith E. Franklin
Water Resources Agent

Cc Joseph Peters

C O P Y



State of Idaho

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DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 16, 2006

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

Re: Application For Permit to Appropriate Pubic Waters of Idaho.

Gentlemen:

Recently you had submitted a map showing the location of the well that will be the point of diversion for the above said application and the approximate location where the water will be used. On the submitted map, you show the location of well #D0041142, which lies within the SE1/4SE1/4 of Section 7, Township 33 North, Range 3 East. The well permit application, for well #D0041142, shows it's located within the NW1/4SE1/4 of Section 8, Township 33 North, Range 3 East. Please refer to the attached maps and copy of the well permit application. Will you confirm the true location of the well, at your earliest convenience?

Thank you.

Sincerely,

Keith E. Franklin
Water Resources Agent

RECEIVED

MAR 21 2006

IDWR/North

Mr. Franklin,

The well is located as it is marked on my map and where you have it as new well location SE 1/4 SE 1/4 Sec 7. I regret the confusion, I should have double checked it. Thank you for doing so. A copy of the deeds are here and there is \$ coming from CA.

March 9, 2006

Camas Prairie Properties LLC
3546 N. Riverside Ave.
Rialto, CA 92377

Re: Application for Permit to appropriate the public water of the State of Idaho.

Gentlemen:

The Water Resources Department is in receipt of your application however, before processing can begin or a proposed priority date issued, the following additional information must be submitted.

FEES

The original well permit, tag #D41142, was issued for a test well that must be upgraded if it is to be used for irrigation. The well permit fee for an irrigation well is \$200.00, \$75.00 has already been paid leaving a balance owing of \$125.00.

In addition to the well permit upgrade; an Application For Permit fee of \$370.00 must also accompany the application for the irrigation use of 4.0 cfs, making a grand total of \$495.00 required for filing.

OWNERSHIP

Please submit a copy of your deed or real estate contract showing current ownership.

LOCATION MAPS

Please submit a map, generally a USGS map with a scale of 2 inches equaling 1 mile, that shows the exact location of the well within the NWSE Section 8, Township 33 North, Range 3 East and the exact boundary of the area to be irrigated within each quarter listed on the application.

For your convenience and reference, I have enclosed the original application to be resubmitted along with the additional information requested.

C O P Y

I apologize for any inconvenience and if you have any questions, don't hesitate to contact me at this office.

Sincerely

Keith E. Franklin
Water Resources Agent

Encl/kf