

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION ANALYSIS SHEET

3/24/11

W.R. # 85 - 15683

APPLICATION ID # 72859

ENT. 3/11/11

BCA 3/14/11

OK to Publish

3/14/11

INITIAL REVIEW

APPLICANT: Camas Prairie Properties

BY: KJ

DATE: 3/11/2011

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)

PROCESSING

(Yes)(No)

PRIORITY DATE: 6/02/2006

(Include Moratorium Remark)

Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).

ADVERTISE IN:

Lewis County

County

Newspaper: CP (Kamiah)

Dates scheduled for publication

4/7 & 14/11

Affidavit of Publication received:

3/21/11

Dates actually published:

4/7 & 14/11

Application published correctly. Yes

No

If not, action taken:

Final Date for Protest:

4/25/11

Protests Received: Yes

No

LETTERS SENT REQUESTING:

() Dam Information () Fish Information

() Power Information () Other:

INFORMATION RECEIVED:

() Dam Information () Fish Information

() Power Information () Other:

ADDITIONAL INFORMATION

(Yes)(No)

- Shape File Created Date 6/30/06 By: KJ
- Field check: by
- Field report attached
- Analysis Supp. attached(>5cfs/500af)
- Water delivered by water master? Water District #

GROUNDWATER SECTION

WD Permit No.'s:

Tag #

Type:

Fees

Receipt No.

Upgrade Needed?

00041142

Dom. Non-Dom.

Paid \$ 125.00

N017633

Y () N ()

Dom. Non-Dom.

Paid \$

Y () N ()

Dom. Non-Dom.

Paid \$

Y () N ()

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

Remarks:

FINAL REGIONAL PROCESSING/REVIEW

(Yes)(No)

- Notice of pending void order issued.
- Further information required from applicant

Final order response date: / /

- Measuring device required
- Measuring port required
- Special conditions:
- Special conditions of approval supplement and/or cover letter attached:

Approval Recommended by:

Keith S. Smith

Date: 11 / 8 / 11

Sr. Agent initial

KJ

RECEIVED
MAY 02 2011
IDWR / NORTH

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

85-15683

CAMAS PRAIRIE PROPERTIES LLC

3546 N RIVERSIDE AVE

RIALTO, CA 92377

Point of Diversion SESE S7 T33N R03E LEWIS CO

Source GROUND WATER

Use: IRRIGATION	03/15 to 11/15	2 CFS
Use: IRRIGATION STORAGE	03/15 to 11/15	486.7 AF
Use: IRRIGATION from STORAGE	03/15 to 11/15	450 AF
Use: COMMERCIAL	01/01 to 12/31	0.08 CFS
Use: DOMESTIC	01/01 to 12/31	0.08 CFS
Use: RECREATION	01/01 to 12/31	2 CFS
Use: RECREATION STORAGE	01/01 to 12/31	36.7 AF
Use: DIVERSION TO STORAGE	01/01 to 12/31	2 CFS
Total Diversion:		2 CFS

Date Filed: 6/2/2006

Place Of Use: RECREATION & RECREATION STORAGE

T33N R03E S7 SESE

T33N R03E S8 SWSW

Place Of Use: RECREATION

Place Of Use: IRRIGATION STORAGE same as RECREATION

Place Of Use: DOMESTIC and COMMERCIAL

T33N R03E S8 NESW NWSW

Place Of Use: IRRIGATION & IRRIGATION from STORAGE

T33N R02E S12 NESE SESE

T33N R03E S7 NESW L3(NWSW) NWSE

T33N R03E S8 NESW NWSW SWSW SESW NWSE
SWSE SESE

Total Acres: 150

Domestic use is for 2 homes.

Commercial use is for hunting lodge.

Recreation use is for boating and swimming.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Northern Region, 7600 Mineral Drive, Suite 100, Coeur d'Alene ID 83815 together with a protest fee of \$25.00 for each application on or before 4/25/2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

2TC

4/7-4/14

RECEIVED
MAY 02 2011
IDWR / NORTH

AFFIDAVIT OF PUBLICATION

Ben Jorgensen Being first duly sworn (affirmed), says
he is the Manager of *The Clearwater Progress*, a weekly
newspaper at Kamiah, Lewis County, State of Idaho, and which is
of general circulation in said county and state; that the said notice, of
which the one hereto attached is a true copy, was published in said paper
for 2 week(s), being published 2 time(s), the first
publication being on the 7 day of April, 2011;
and the last publication on the 14 day of April, 2011;
and that the said notice was published in the newspaper proper and not in a
supplement; that said newspaper has been continuously and
uninterruptedly published in said county during a period of more than
seventy-eight consecutive weeks prior to the first publication of said
notice or advertisement.

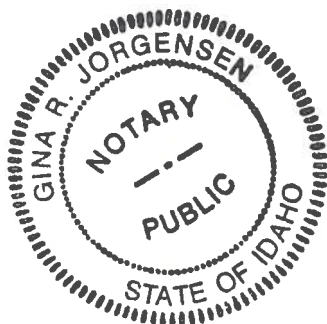
Ben Jorgensen

Subscribed and sworn (affirmed) to before me this 28 day of

April, 2011.

Gina R Jorgensen
Notary Public for the State of Idaho,
residing at Kamiah, Idaho

My commission
expires on 8/6/13





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

April 5, 2011

CAMAS PRAIRIE PROPERTIES LLC
3546 N RIVERSIDE AVE
RIALTO, CA 92377

Application For Permit No. 85-15683 – Newspaper publication change

Dear Applicant(s):

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and **was originally scheduled for publication in the LEWIS COUNTY HERALD** on 4/7/2011 and 4/14/2011. There has been a change and the legal will not publish in the Lewis County Herald, but will be published in the **CLEARWATER PROGRESS** in Kamiah, still publishing on 4/7/2011 and 4/14/2011.

Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

Keith Franklin
Sr. Water Resource Agent

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

85-15683

CAMAS PRAIRIE PROPERTIES LLC

3546 N RIVERSIDE AVE

RIALTO, CA 92377

Point of Diversion SESE S7 T33N R03E LEWIS CO

Source GROUND WATER

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Use: IRRIGATION STORAGE 03/15 to 11/15 486.7 AF

Use: IRRIGATION from STORAGE 03/15 to 11/15 450 AF

Use: COMMERCIAL 01/01 to 12/31 0.08 CFS

Use: DOMESTIC 01/01 to 12/31 0.08 CFS

Use: RECREATION 01/01 to 12/31 2 CFS

Use: RECREATION STORAGE 01/01 to 12/31 36.7 AF

Use: DIVERSION TO STORAGE 01/01 to 12/31 2 CFS

Total Diversion: 2 CFS

Date Filed: 6/2/2006

Place Of Use: RECREATION & RECREATION STORAGE

T33N R03E S7 SESE

T33N R03E S8 SWSW

Place Of Use: RECREATION

Place Of Use: IRRIGATION STORAGE same as RECREATION

Place Of Use: DOMESTIC and COMMERCIAL

T33N R03E S8 NESW NWSW

Place Of Use: IRRIGATION & IRRIGATION FROM STORAGE

T33N R02E S12 NESE SESE

T33N R03E S7 NESW L3(NWSW) NWSE

T33N R03E S8 NESW NWSW SWSW SESW NWSE

SWSE SESE

Total Acres: 150

Domestic use is for 2 homes.

Commercial use is for hunting lodge.

Recreation use is for boating and swimming.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Northern Region, 7600 Mineral Drive, Suite 100, Coeur D'Alene ID 83815 together with a protest fee of \$25.00 for each application on or before 4/25/2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Legal #

Published on 4/7/2011 and 4/14/2011

Ball, Dianne

From: Ball, Dianne
Sent: Monday, April 04, 2011 11:38 AM
To: Legal Notices-Clearwater Progress-LewisCo
Subject: Application for Permit No. 85-15683 for publication in the Clearwater Progress in Kamiah.
Importance: High

A good day to you,

I'm hoping that I am still going to be able to request publication starting this coming Thursday. Please get back to me as soon as possible.

Please publish the enclosed legal notice on the dates indicated, April 7 and 14, 2011, (once a week for two consecutive weekly issues), in the ~~Lewis County Herald~~, If you cannot publish the notice on the proposed dates, please contact us immediately. *Clearwater Progress*

It's been a while since we've requested publication of anything in the Lewis County, and I don't know the deadline for getting things to you. .

Hopefully you will be able to simply copy and paste this, making it relatively easy for you. I don't know what font you use, but if necessary change to whatever font you generally use. This is prepared in 8pt and is in CenturyOldStyle. At the bottom the line Legal# is for your legal number, unless you prefer to put it some other location. If so, then you can remove that line..



LegalNotice
13-15-11 LC e-mail..

Please send a proof/preview copy of this notice for my review before it actually goes to press. Sometimes if you have to change fonts, things change alignment. We need to keep things as close to the alignment in the attachment as possible. That's why I need the proof in case we need to make some minor adjustments.

If you have any questions or problems, please call me or reply to this e-mail. Especially, I need to know if I'm too late for publication to start this Thursday, April 7th. If so I will have to redo all the dates to start publication on the 21st and the 28th.

If this can publish as requested, an affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 4/25/2011. Your assistance is greatly appreciated.

Dianne Ball

Administrative Assistant
Idaho Department of Water Resources
7600 N Mineral Dr., Ste. 100
Coeur d'Alene, ID 83815
208-762-2800 Fax 208-762-2819

Ball, Dianne

From: Ball, Dianne
Sent: Monday, April 04, 2011 4:32 PM
To: 'Hennekey,Ray'; Case, Morgan
Cc: Franklin, Keith; Haynes, Bob
Subject: 85-15683 - Final correction to paper in which this will publish.

Well, we have made a change again ~ due to the location of the place of use in this matter, and the legal notice is going to be scheduled for publication in the Clearwater Progress in Kamiah, as originally planned. It still should publish April 7 and 14, 2011 with final date for protests to be received in our office ~ April 25, 2011.

Don't count the days, let the days count.

Dianne

From: Ball, Dianne
Sent: Tuesday, March 15, 2011 12:09 PM
To: rhennekey@idfg.idaho.gov
Cc: Franklin, Keith
Subject: 85-15683 - correction to paper in which this will publish.

This is to notify you that the legal notice for this application will not publish in the Clearwater Progress as stated in my earlier e-mail, but rather will publish in the Lewis County Herald, in Nez Perce, ID.

This is still being scheduled for publication on April 7 and 14, 2011, and if you plan to protest this application, final date for protests to be received in our office is April 25, 2011.

Please contact Keith Franklin in this office for any comments.



85-15683 Camas
Prairie Prop.pd...

Dianne Ball

Administrative Assistant
Idaho Department of Water Resources
7600 N Mineral Dr., Ste. 100
Coeur d'Alene, ID 83815
208-762-2800 Fax 208-762-2819



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

March 15, 2011

CAMAS PRAIRIE PROPERTIES LLC
3546 N RIVERSIDE AVE
RIALTO, CA 92377

Application For Permit No. 85-15683

Dear Applicant(s):

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the LEWIS COUNTY HERALD on 4/7/2011 and 4/14/2011. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

Keith Franklin
Sr. Water Resource Agent

Enc. Receipt No. N017633 for your file.

Ball, Dianne

From: Ball, Dianne
Sent: Tuesday, March 15, 2011 11:56 AM
To: Legal Notices-CotChron-LewisCo
Subject: Application for Permit No. 85-15683 for publication in the Lewis County Herald.

A good day to you,

Please publish the enclosed legal notice on the dates indicated, April 7 and 14, 2011, (once a week for two consecutive weekly issues), in the Lewis County Herald, If you cannot publish the notice on the proposed dates, please contact us immediately.

It's been a while since we've requested publication of anything in the Lewis County Herald, and I assume I still request publication through you.

Hopefully you will be able to simply copy and paste this, making it relatively easy for you. I don't know what font you use, but if necessary change to whatever font you generally use. This is prepared in 8pt.



LegalNotice
13-15-11 LC e-mail..

Please send a proof/preview copy of this notice for my review before it actually goes to press.

If you have any questions or problems, please call me or reply to this e-mail.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 4/25/2011. Your assistance is greatly appreciated.

Dianne Ball

Administrative Assistant
Idaho Department of Water Resources
7600 N Mineral Dr., Ste. 100
Coeur d'Alene, ID 83815
208-762-2800 Fax 208-762-2819

*Filed from
Lewis County Herald*

Ball, Dianne

From: Ball, Dianne
Sent: Tuesday, March 15, 2011 12:09 PM
To: rhennekey@idfg.idaho.gov
Cc: Franklin, Keith
Subject: 85-15683 - correction to paper in which this will publish.

This is to notify you that the legal notice for this application will not publish in the Clearwater Progress as stated in my earlier e-mail, but rather will publish in the Lewis County Herald, in Nez Perce, ID.

This is still being scheduled for publication on April 7 and 14, 2011, and if you plan to protest this application, final date for protests to be received in our office is April 25, 2011.

Please contact Keith Franklin in this office for any comments.



85-15683 Camas
Prairie Prop.pd...

Dianne Ball

Administrative Assistant
Idaho Department of Water Resources
7600 N Mineral Dr., Ste. 100
Coeur d'Alene, ID 83815
208-762-2800 Fax 208-762-2819

MEMORANDUM

DATE: March 15, 2011
TO: Keith Franklin
FROM: Morgan Case
RE: Application for Permit No. 85-15683

The IDWR Planning Section wishes to raise several public interest concerns over Application No. 85-15683, which proposes the use of 2.0 cfs of groundwater in the Lawyer Creek drainage.

The Idaho Water Resource Board holds minimum stream flow water right 85-15616 in the same reach or downstream of the applicant's point of diversion. While the proposed application is for groundwater from a 225 ft well, the Board would like assurances that if information and data are collected that show a close connection between surface and groundwater, that the proposed water right be administered according to its junior priority date.

Lawyer Creek is on the Idaho 303 (d) impaired waters list. It is listed for ammonia, fecal coliform, nutrient/biological indicators, oil and grease, flow regime alterations, dissolved oxygen, physical substrate habitat alterations, sedimentation /siltation, and water temperature. To protect the local public interest, any discharges into Lawyer Creek from the proposed recreation pond should not contribute to degradation of water quality in Lawyer Creek.

Ball, Dianne

From: Ball, Dianne
Sent: Monday, March 14, 2011 3:02 PM
To: Case, Morgan
Subject: Re: Application for Permit 85-15683 Camas Prairie Properties - source ground water

Dear Morgan:

The Department of Water Resources is seeking written comment from your department regarding the above referenced water right application. A copy of the application is enclosed for your reference.

This is being prepared for publication on April 7 & 14, 2011 with final date for protests to be received in our office – April 25, 2011.



85-15683 Camas
Prairie Prop.pd...

This office can publish notice of the application as soon as the initial review is completed; therefore, your prompt response to this request is appreciated.

If for any reason your department desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

Please contact Keith Franklin at this office if you have any questions regarding the application.

Sincerely,

Dianne Ball

Administrative Assistant
Idaho Department of Water Resources
7600 N Mineral Dr., Ste. 100
Coeur d'Alene, ID 83815
208-762-2800 Fax 208-762-2819

Ball, Dianne

From: Ball, Dianne
Sent: Friday, March 11, 2011 4:28 PM
To: rhennekey@idfg.idaho.gov
Cc: Franklin, Keith
Subject: Application for Permit No. 85-15683 Camas Prairie Properties

Dear Ray:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application is enclosed for your reference.



85-15683 Camas
Prairie Prop.pd...

This is the Camas Prairie Properties file – diversion from a well – but Keith Franklin specifically asked that I notify you when we were going to publish this. It is being scheduled for publication in the Clearwater Progress in Kamiah – and it should publish on April 7 and 14, 2011, with the final date for protests to be received in our office being April 25, 2011.

This office can publish notice of the application as soon as the initial review is completed; therefore, your prompt response to this request is appreciated.

If your agency desires to formally protest the approval of this application, you may do so *after the notice is published* by filing a written protest along with a \$25.00 filing fee within 10 days after final publication. If you will be protesting and requesting interagency billing, I will need all pertinent contact and PCA information for that purpose.

Please contact Keith Franklin at this office if you have any questions regarding the application.

Sincerely,

Dianne Ball

Administrative Assistant
Idaho Department of Water Resources
7600 N Mineral Dr., Ste. 100
Coeur d'Alene, ID 83815
208-762-2800 Fax 208-762-2819

MEMORANDUM

To: Water Right Application # 85-15683

From: Keith E. Franklin

Date: March 11, 2011

Re: Application for a Permit to Appropriate Water within the Salmon and Clearwater River Basins.

Re: Regional Analysis and Recommendation in accordance with Water Appropriation Rules (IDAPA 37.03.08.040.05).

Water Supply Information.

The Idaho Department of Environmental Quality has stated in their comments that “wildlife habitat improvements in the Lawyer Creek watershed and subsequent benefits to water quality are encouraged”. They are also interested in how the withdrawals from the wells and the estimated rates affect the water table in the surrounding area.

The Idaho Department of Fish & Game’s comments was basically in two parts. They are concerned about the effect the ground water pumping will have on Lawyer Creek. They go on to say, that if the applicant can demonstrate that the well has been utilized for many years, at an annual rate of 221.2 acre-feet or above, without an adverse effect on Lawyer Creek, Fish & Game would have no objection to the proposal. If the well has not been utilized at that rate or higher, the applicant should be required to further demonstrate that the proposed ground water withdrawals will not impact Lawyer Creek.

The second part of Fish & Games comments pertain to the applicants desire not to use surface water from Lawyer Creek that has already been permitted under water right permit 85-7444. Fish & Games sees a benefit by substituting ground water for surface water especially during low flow periods. Fish & Game suggests a mitigation measure for approving the project is to formally convert the 3.2 cfs surface use from Lawyer Creek to maintenance of in stream flows for fish.

Good Faith, Delay, or Speculative Information.

The applicant plans to divert water for his own use on property that he owns. No delays, breach of good faith or speculation of water rights are foreseen with this application.

Financial Resources Information.

The applicant states that the well is already constructed, the pipes are in place, the sprinkler system is in and the wheel lines have been in for 15 years. The irrigation infrastructure is already in place as per water right permit #85-7444, which is a surface right from Lawyer Creek. With this application the applicant plans to utilize well water rather than surface water from the creek.

Local Public Interest.

The Idaho Department of Fish & Game and the Department of Environmental Quality have been asked to comment, by the applicant. The Department of Fish & Game and the applicant do not agree, at this time, on every aspect of the proposal. The Department of Environmental Quality listed two compliance requirements that have to do with Well Construction Standards, IDAPA 37, Title 03, Chapter 09 and all work would have to be completed following the guidelines, best management practices, rules and regulations found in "Idaho Well-Driller's Regulatory Compliance Guidebook". The Department of Water Resources should point out these requirements in a cover letter to the applicant and suggest he/she contact the agency on how to best comply.

Injury to Other Water Rights.

IDWR cannot foresee any potential to impact area water right holders or an impact to the Clearwater River below the point of diversion. It is noted that the Nez Perce Tribe is apposed to the proposal for they claim it has the potential to reduce the quantity of water available for existing rights, is not consistent with the local public fishing, recreation, clean water interests and is contrary to conservation of water resources with the State.

Recommendation.

The applicant and the Department of Fish & Game are not in agreement on several issues. Therefore the applicant has requested IDWR to proceed with the advertising of the application which would then create a mechanism for due process if the application is formally protested.



Keith Franklin
Id Dept of Water Resources
7600 N Mineral Dr Suite 100
Coeur d' Alene, ID 83815

RECEIVED
MAR - 7 2011
IDWR/NORTHERN

Mr. Franklin,

March 2, 2011

I added the information on the recreation/storage reservoir that was missing and signed to application. I do have the first permit application filed waiting for input from the Idaho Department of Fish and Game that never came; again. I have contacted them four times- three calls and one in person visit looking for resolution with no follow-up by them when it was said it would occur.

Thank you for proceeding with the process.

Joseph N. Peterson
Manager, Flying B Ranch
Designated Agent, Flying B Ranch



RECEIVED
JAN 26 2011
IDWR/NORTHERN

Mr. Keith Franklin
Department of Water Resources
7600 N. Mineral Drive, Suite 100
Coeur d'Alene, ID 83815

Mr. Franklin,

January 20, 2011

Thank you for your letter of December 30th concerning permit application No. 85-15683.

I would like you to proceed with advertising the application the Flying B Ranch has pending. I have spoken three times to the person in our region who reviews these applications for the Idaho Department of Fish and Game and have been assured he would make an official response but have not ever heard back. I appreciate your help in this matter.

Joseph N. Peterson



RECEIVED

APR 02 2007

IDWR/North

IDAHO DEPARTMENT OF FISH AND GAME

CLEARWATER REGION

3316 16th Street

Lewiston, Idaho 83501

C.L. "Butch" Otter / Governor
Cal Groen / Director

March 29, 2007

Mr. Joseph N. Peterson
Flying B Ranch
2900 Lawyer Creek Road
Kamiah, Idaho 83536

Dear Mr. Peterson:

RE: Water Right Application, Lawyer Creek

IDFG has reviewed materials you submitted preliminary to a request for a water right to Idaho Department of Water Resources. We have also discussed the development with you on the telephone. You have requested our comments regarding a potential water right for an existing well in the Lawyer Creek drainage near Kamiah. You plan to use the water to supplement water from two other existing wells that currently supply water for domestic use and for irrigation of landscaped areas. You also intend to use water from the proposed appropriation to supplement irrigation for 99 acres of wildlife habitat that are currently irrigated using a 3.1 cfs permitted diversion from Lawyer Creek. You anticipate a demand of 221.2 acre feet per year from the "new" well. We offer the following comments:

- The well you propose to use is located near Lawyer Creek and could have adverse impacts on surface water quantity and quality in the creek; in addition, you propose to withdraw water during the most flow-critical portion of the year. Since withdrawals from the new well have the potential to affect surface water volume/flows in Lawyer Creek, we believe it is incumbent upon you to determine the potential for and extent of impact of the proposed allocation on Lawyer Creek and to construct your requests to ensure that Lawyer Creek flows are not adversely effected.

The well for which you plan to request an appropriation already exists. In fact, based on the information you provided us, it appears that water has been withdrawn from this well for various purposes for many years without apparent adverse impacts to Lawyer Creek flows. We were not provided information regarding volume of prior use of this well, which may have been considerably more or less than the requested 221.2 acre feet/year (AFA). However, if you can demonstrate that you have been utilizing the well at or above the requested rate of 221.2 AFA for many years without adverse impact to Lawyer Creek, we believe you will have demonstrated that your

request can be granted without further adverse impact. We would have no objections to your request on that basis. On the other hand, if you have not been using the well or if withdrawals have been less than the 221.2 AFA requested, we believe that you should be required to further demonstrate that the proposed ground water withdrawals will not impact Lawyer Creek.

- The materials you provided to us, as well as information provided during our telephone conversation, indicate that you intend to use withdrawals from the "new" well to substitute for your existing water right in Lawyer Creek (#85-07444), currently used for irrigation of wildlife habitat. You stated that you wish to retain the water right for the Lawyer Creek diversion even though you did not plan to continue to use the Lawyer Creek withdrawal when the ground water withdrawal is permitted.

There are benefits to be derived from eliminating the 3.2 cfs withdrawal from Lawyer Creek during low flow periods and we support that change. However, if you retain that right for irrigation from Lawyer Creek, you will be entitled to continue to legally divert from the stream, thereby negating any benefits. As a mitigation for permitting the well, we recommend that you formally convert the designated use for your 3.2 cfs right in Lawyer Creek from irrigation to maintenance of in-stream flows for fish.

- Materials provided indicate that you plan to irrigate lawn at 3" per week from June through September and to irrigate wildlife habitat 2" per week from June through August. We recommend that you limit irrigation strictly to an "as needed" basis to conserve water. Use of native species wildlife habitat plantings would eliminate the need for supplemental irrigation altogether.

Thank you for the opportunity to comment on your proposed water right development. Please contact Ray Hennekey at the Lewiston Fish and Game office (208) 799-5010 if you have any questions or for further assistance.

Sincerely,



Jerome Hansen

Acting Clearwater Regional Supervisor

JH/rh/ss

c: Kerby Cole
Keith Franklin
Cindy Robertson
Tracey Trent



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

1118 F Street • Lewiston, Idaho 83501 • (208) 799-4370

June 28, 2006

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

RECEIVED
JUN 29 2006
IDWR/North

Dirk Kempthorne, Governor
Toni Hardesty, Director

Dear Mr. Peterson,

DEQ has received a copy of your correspondence to the Idaho Department of Water Resources requesting approval of your application to appropriate ground water on the Flying B Ranch property. Based on the information that has been provided, DEQ cannot estimate nor predict impairments to surface or ground water beneficial uses resulting from the requested withdrawal. However, assuming all federal, state, and local permits have been obtained, regulations met, and reviews completed, we can offer the following comments.

This activity will comply with all aspects of the Well Construction Standards Rules, IDAPA 37, Title 03, Chapter 09. All work will be completed following the guidelines, best management practices, rules and regulations found in "Idaho Well-Driller's Regulatory Compliance Guidebook", Marc McGregor, UI, distributed by the Idaho Department of Water Resources.

It is the policy of the State of Idaho, Ground Water Management Plan that existing and projected beneficial uses of ground water and interconnected surface water be maintained and protected and degradation that would impair beneficial uses of ground water and interconnected surface water not be allowed. Wildlife habitat improvements in the Lawyer Creek watershed and subsequent benefits to water quality are encouraged. DEQ is very interested in how the withdrawals from the wells at the estimated rates affect the water table in the surrounding area.

Thank you for requesting our review and comment of your activity.

Sincerely,

A handwritten signature in black ink that reads "Kerby M. Cole". The signature is written in a cursive style.

Kerby M. Cole, P.E.
Regional Administrator

CC: Ray Hennekey, IF&G
Keith Franklin, IDWR
Marti Bridges, IDEQ