

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 85-15733

Priority: November 17, 2010

Maximum Diversion Rate: 0.26 CFS

This is to certify, that FLYING B FAMILY FARMS I LLC
2900 LAWYER CREEK RD
KAMIAH ID 83536
(208) 935-0755

has applied for a permit to appropriate water from:

Source: GROUND WATER

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>
DOMESTIC	01/01 to 12/31	0.04 CFS
STOCKWATER	01/01 to 12/31	0.02 CFS
IRRIGATION	03/15 to 11/15	0.20 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER, SE1/4NE1/4NW1/4, Sec. 31, Twp 35N, Rge 04W, B.M., NEZ PERCE County

PLACE OF USE: IRRIGATION, DOMESTIC, STOCKWATER

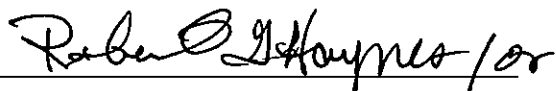
Twp Rge Sec	NE	NW	SW	SE	Totals
35N 04W 31	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	10.0

Total Acres: 10

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **February 01, 2013**.
2. Subject to all prior water rights.
3. This right does not grant any right-of-way or easement across the land of another.
4. 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 the permit holder had no control.
5. Domestic use is for 1 home. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.
7. Stockwater use is for 50 head of mixed stock.
8. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Coeur d'Alene, this 7th day of February, 2011.


GARY SPACKMAN, Interim Director



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 7, 2011

FLYING B FAMILY FARMS I LLC
2900 LAWYER CREEK RD
KAMIAH ID 83536

RE: Permit No.85-15733

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources 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 the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date 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.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

Also, please note that water right owners are required to report any change of water right ownership and/or 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 forms and instructions.

If you have any questions, please contact me at 208-762-2800.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith E. Franklin". The signature is fluid and cursive, with the first name "Keith" being more prominent.

Keith E. Franklin

Sr. Water Resource Agent

Enclosure(s)

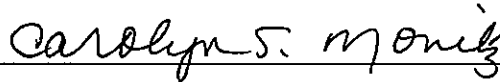
CERTIFICATE OF SERVICE

I hereby certify that on February 8, 2011 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

85-15733

**FLYING B FAMILY FARMS I LLC
2900 LAWYER CREEK RD
KAMIAH ID 83536**

A handwritten signature in cursive script, reading "Carolyn S. Monitz", is written over a horizontal line.

**Carolyn S. Monitz
Technical Records Specialist**

Statement of Available Procedures and Applicable Time Limits

RESPONDING TO PRELIMINARY ORDERS ISSUED BY THE IDAHO DEPARTMENT OF WATER RESOURCES (To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

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. **Note: the petition must be received by the department within this fourteen (14) day period.** 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 Water Resource 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).

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.

**IDAHO DEPARTMENT OF WATER RESOURCES
API APPROPRIATION APPLICATION ANALYSIS SHEET**

W.R. # 85-15733

APPLICATION ID # 76950

ENT. 12/16

BCA 12/29

OK to Publish 12/29/10

APPLICANT: Flying B Family Farms I, LLC

BY: KJ

DATE: 12/16/2010

INITIAL REVIEW

ITEM REQUIRED INFORMATION

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

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

ADDITIONAL INFORMATION

- (Yes)(No)
- ☒ Shape File Created Date 12/16 By: KJ
- ☐ Field check: by _____
- ☐ Field report attached
- ☐ Analysis Supp. attached(>5cfs/500af)
- ☐ Water delivered by water master? Water District # _____

PROCESSING

(Yes)(No) PRIORITY DATE: 11/17/2010

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

ADVERTISE IN: Netz Perce County

Newspaper: Lincoln Press

Dates scheduled for publication 1/6 + 13/11

Affidavit of Publication received: 1/18/11

Dates actually published: 1/6 + 13/11

Application published correctly. Yes ☒ No ☐

If not, action taken: _____

Final Date for Protest: 1/24

Protests Received: Yes ☐ No ☒

LETTERS SENT REQUESTING:

- ☐ Dam Information ☐ Fish Information
☐ Power Information ☐ Other: _____

INFORMATION RECEIVED:

- ☐ Dam Information ☐ Fish Information
☐ Power Information ☐ Other: _____

GROUNDWATER SECTION

WD Permit No.'s:	Tag #	Type:	Fees	Receipt No.	Upgrade Needed?
_____	_____	Dom. _____ Non-Dom. _____	Paid \$ <u>200</u>	<u>N026269</u>	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 J. Anderson Date: 2/3/2011 Sr. Agent initial KJ

TRIBUNE PUBLISHING COMPANY, INC
The Lewiston Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

LEGAL ADVERTISING
INVOICE

Date: 01/13/2011
Account No. 964750
Description 31946 The follo
Times 2 Lines 30
Tab. lines
\$ 92.25

Sold To: ID DEPT. OF WATER RESOURCES
7600 MINERAL DR #100
COEUR D ALENE ID 83814

PO#

NOTICE: This is a invoice of Purchase made by you. Statement will be rendered the first of the month
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

Karen J. Lewis, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho and under and by virtue of the laws of the State of Washington, publishers of the Lewiston Tribune, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 105 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 31946 The follo attached hereto and which is made a part of this affidavit was published in the said Lewiston Tribune, 2 time(s). Publication being on 01/06, or once a WEEK, for 2 consecutive WEEK, the first publication thereof being on the 01/06/2011, and the last publication thereof being on the 01/13/2011, and said 31946 The follo was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

Karen J. Lewis

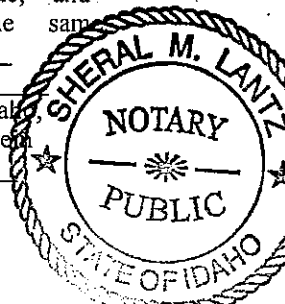
State of Idaho

S.S.

County of Nez Perce

On this 14th day of Jan in the year of 2011, before me, a Notary Public, personally appeared Karen J. Lewis, 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.

Sheral M. Lantz
Notary Public in and for the State of Idaho,
residing at Lewiston, therea
Commission Expires 6/04/15



31946
The following application(s) have been filed to appropriate the public waters of the State of Idaho:
85-15733
FLYING B FAMILY FARMS LLC
2900 LAWYER CREEK RD
KAMIAH, ID 83536
Point of Diversion SENENW S31 T35N R04W NEZ PERCE CO
Source GROUND WATER Tributary
Use: IRRIGATION 03/15 to 11/15 0.2 CFS
Use: STOCKWATER 01/01 to 12/31 0.02 CFS
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Total Diversion: 0.26 CFS
Date Filed: 11/17/2010
Place Of Use: DOMESTIC T35N, R04W S31 NENW
Place Of Use: ALL OTHER USES same DOMESTIC
Total Acres: 10
Domestic use is for 1 home.
Stockwater use is for 50 head of mixed stock.
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 1/24/2011. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Interim Director
Published on 1/6/2011 and 1/13/2011

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

85-15733

FLYING B FAMILY FARMS I LLC

2900 LAWYER CREEK RD

KAMIAH, ID 83536

Point of Diversion SENENW S31 T35N R04W NEZ PERCE CO

Source GROUND WATER Tributary

Use: IRRIGATION 03/15 to 11/15 0.2 CFS

Use: STOCKWATER 01/01 to 12/31 0.02 CFS

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Total Diversion: 0.26 CFS

Date Filed: 11/17/2010

Place Of Use: DOMESTIC T35N R04W S31 NENW

Place Of Use: ALL OTHER USES same DOMESTIC

Total Acres: 10

Domestic use is for 1 home.

Stockwater use is for 50 head of mixed stock.

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 1/24/2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Legal #

Published on 1/6/2011 and 1/13/2011

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, December 29, 2010 2:19 PM
To: Legal Notices-Lewiston Tribune - Karen Lewis
Subject: Application for Permit No. 85-15733

Good afternoon, Karen,

Please publish the enclosed legal notice on the dates indicated, January 6 and 13, 2011, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

Please submit a proof/preview copy for my review before this goes to press.

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 1/24/2011. Your cooperation is greatly appreciated, as always.



LegalNotice
2-29-10 LT 85-157..

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

Have a great day and rest of the year! ☺

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: Case, Morgan
Sent: Thursday, January 06, 2011 2:28 PM
To: Ball, Dianne; Franklin, Keith
Subject: RE: Application for Permit No. 85-15733 - Flying B Family Farms I, LLC

Planning does not have any comments or recommendations regarding application 85-15733. Thank you for providing an opportunity to review the application.

Morgan Case

*Morgan Case
Staff Biologist
Idaho Department of Water Resources
322 East Front St.
P.O. Box 83720
Boise, ID 83720-0098
Phone 208.287.4838
Fax 208.287.6700*

From: Ball, Dianne
Sent: Thursday, January 06, 2011 1:25 PM
To: Case, Morgan
Cc: Franklin, Keith
Subject: Application for Permit No. 85-15733 - Flying B Family Farms I, LLC

Dear Morgan:

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

This is out for publication in the Lewiston Tribune beginning today and publishing again January 13, 2011. Final date for protests to be received is January 24, 2011.

<< File: 85-15733 Flying B.pdf >>

Your prompt response to this request is appreciated. If your agency has specific conditions, please notify us as soon as possible. If you desire 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 of this office if you have any questions regarding the application.

Sincerely,

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Thursday, January 06, 2011 12:25 PM
To: Case, Morgan
Cc: Franklin, Keith
Subject: Application for Permit No. 85-15733 - Flying B Family Farms I, LLC

Dear Morgan:

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

This is out for publication in the Lewiston Tribune beginning today and publishing again January 13, 2011. Final date for protests to be received is January 24, 2011.



85-15733 Flying
B.pdf

Your prompt response to this request is appreciated. If your agency has specific conditions, please notify us as soon as possible. If you desire 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 of 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



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

December 29, 2010

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

FLYING B FAMILY FARMS I LLC
2900 LAWYER CREEK RD
KAMIAH, ID 83536

Application For Permit No. 85-15733

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 LEWISTON TRIBUNE on 1/6/2011 and 1/13/2011. 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

MEMORANDUM

To: Water Right Application # 85-15733
From: Keith E. Franklin
Date: December 6, 2010
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 Fish & Game as well as the Department of Environmental Quality have no adverse comments towards the applicant diverting ground water on their property to be used for domestic, irrigation and stockwater.

Good Faith, Delay, or Speculative Information.

The applicants plans to construct a well and pump water for their own use on property that they own and there are no known issues with any other party.

Financial Resources Information.

The applicant plans to finance the project by out of pocket means.

Local Public Interest.

The Idaho Department of Fish & Game and the Department of Environmental Quality have been ask to comment, by the applicant. The agencies are not apposed to the applicant's proposal.

Injury to Other Water Rights.

There isn't any foreseen potential impact to area water right holders or adverse long term impact to the Clearwater River/Snake River drainage. The departments data base shows 5 domestic wells and 1 irrigation well within a mile radius of the application. The well depths range from 200 to 500 feet respectively and are good producers, ranging from 22 to 70 gallons per minute with an estimated output for the irrigation well at 150 gallons per minute.

Recommendation.

Northern Region recommends proceeding with the processing of this water right application.



IDAHO DEPARTMENT OF FISH AND GAME
CLEARWATER REGION
3316 16th Street
Lewiston, Idaho 83501

85-15733
RECEIVED

DEC - 6 2010

IDWR/NORTHERN

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

December 2, 2010

ROBERT BURLINGAME
FLYING B FAMILY FARMS, LLC
2900 LAWYER CREEK ROAD
KAMIAH ID 83536

Dear Mr. Burlingame:

RE: Application for Approval of Water Appropriations for Groundwater

Idaho Fish and Game has reviewed your draft application and pertinent attachments for a water right to withdraw 0.26 cfs of groundwater from a well near Lewiston for irrigation, stockwater and domestic use.

IDFG can not predict the potential effects of your proposed action on surface water, fish, wildlife or habitat. Assuming that all federal, state and local permits have been obtained, regulations met and assessments completed to ensure that beneficial uses of ground water and interconnected surface waters are protected, we have no objection to the proposed withdrawal.

Thank you for the opportunity to comment. Please contact Ray Hennekey at this office if you have any further questions.

Sincerely,

Dave Cadwallader
Clearwater Regional Supervisor

c: Cindy Barrett, DEQ Lewiston
Keith Franklin, IDWR CdA
Sharon Kieffer, IDFG



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

85-15733

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

C.L. "Butch" Otter, Governor
Toni Hardesty, Director

November 19, 2010

Flying B Family Farms, LLC
2900 Lawyer Creek Road
Kamiah, Idaho 83536

RE: Water Rights Application for Permit

RECEIVED
NOV 22 2010
IDWR/NORTHERN

Dear Mr. Burlingame,

DEQ has received a request for comment on the approval of an application to construct a well and draw 0.26 cfs of ground water for domestic and livestock use from January 1 to December 31, and irrigation from May 1 to November 15. 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 comment.

This activity will comply with all aspects of the Well Construction Standards Rules, IDAPA 37, Title 03, Chapter 09. In addition, 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.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Cindy Barrett".

Cindy Barrett
Water Quality Analyst

CC: Keith Franklin, IDWR, Coeur d'Alene
Ray Hennekey, IDFG
John Cardwell, IDEQ
Marti Bridges, DEQ

FILED EFFECTIVE



CERTIFICATE OF ORGANIZATION LIMITED LIABILITY COMPANY

(Instructions on back of application)

10 AUG 12 AM 8:48

SECRETARY OF STATE
STATE OF IDAHO

1. The name of the limited liability company is:

FLYING B FAMILY FARMS I, LLC.

2. The complete street and mailing addresses of the initial designated/principal office:

3546 N. Riverside Avenue, Rialto, CA 92377

(Street Address)

(Mailing Address, if different than street address)

3. The name and complete street address of the registered agent:

Gregory FitzMaurice, P. A.

(Name)

200 South College, Grangeville, ID 83530

(Street Address)

4. The name and address of at least one member or manager of the limited liability company:

Name

Address

Robert C. Burlingame

3546 N. Riverside Avenue, Rialto, CA 92377

Elizabeth Renee Burlingame

3546 N. Riverside Avenue, Rialto, CA 92377

5. Mailing address for future correspondence (annual report notices):

3546 N. Riverside Avenue, Rialto, CA 92377

6. Future effective date of filing (optional):

Signature of a manager, member or authorized person.

Signature

Typed Name: Robert C. Burlingame

Signature

Typed Name: Elizabeth Renee Burlingame

Secretary of State use only

W 95539

can_org_sc Rev. 07/2010

IDAHO SECRETARY OF STATE
08/12/2010 05:00
CK: 3607 CT: 70789 BH: 1234486
1 @ 100.00 = 100.00 ORGAN LLC # 2

**NAIL AND SONS WELL DRILLING LLC
MARK NAIL**

73 Happy Hollow Road
GRANGEVILLE, IDAHO 83530
(208)983-2129 - PHONE
(208) 983-2211 - FAX

TO: Dept of Water Resources

FROM: NAIL AND SONS WELL DRILLING LLC

DATE: 11-8-10

RE: Long form Application

FAX NO: 208-762-2819

NO. OF PAGES: 5

ATTN:

Thank you for time and consideration.

Please check over forms to see if
everything is in order. Let me know so I
can send originals in ASAP with a check.

Receipt Details for ID N026269

Status	Adjustment Type	Version
		1

General Information:

Date Received 11/17/2010 3:06:48 PM	Date Deposited 11/17/2010 4:20:41 PM	Region NORTHERN	Total Amount \$450.00	Payment Type Check
Payee: NAIL AND SONS				

Account Information

Check Number 2412

Comment APPLICATION FOR DRILLING PERMIT \$200.00
APPLICATION TO APPROPRIATE WATER \$250.00

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$200.00	DRILLING PERMITS	65134	0229	21		1205
\$250.00	PERMITS	65103	0229	21		1155