

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 95-10936

Priority: July 31, 2009

Maximum Diversion Rate: 0.09 CFS

This is to certify, that RAY MILKS And/Or
LAURA MILKS
6249 STURGEON RD
RATHDRUM ID 83858
(208) 687-2443

has applied for a permit to appropriate water from:

Source: RATHDRUM CREEK **Tributary:** SINKS

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>
IRRIGATION	03/15 to 11/15	0.09 CFS

LOCATION OF POINT(S) OF DIVERSION:

RATHDRUM CREEK, SW1/4SW1/4, Sec. 17, Twp 52N, Rge 04W, B.M., KOOTENAI County

PLACE OF USE: IRRIGATION

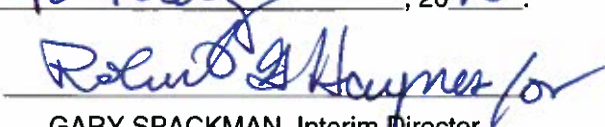
Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
52N 04W 17											3.0						3.0

Total Acres: 3

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. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
6. A fish screen of 0.25 inch or smaller mesh shall be installed and maintained at the point of diversion.
7. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 95 C.

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 11th day of February, 2010.


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 12, 2010

RAY MILKS
6249 STURGEON RD
RATHDRUM ID 83858

LAURA MILKS
6249 STURGEON RD
RATHDRUM ID 83858

RE: Permit No.95-10936

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.

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

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 blue ink, appearing to read "Keith E. Franklin". The signature is stylized with a large initial "K" and a long, sweeping underline.

Keith E. Franklin

Sr. Water Resources Agent

Enclosure(s)

CERTIFICATE OF SERVICE

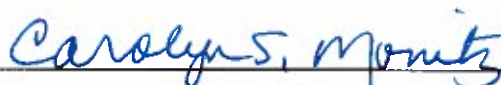
I hereby certify that on February 12, 2010 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

95-10936

**LAURA MILKS
6249 STURGEON RD
RATHDRUM ID 83858**

**RAY MILKS
6249 STURGEON RD
RATHDRUM ID 83858**



**Carolyn S. Monitz
Technical Records Clerk**

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

W.R. # 95-10936

APPLICATION ID # 75805

ENT. 8/4

BCA 10/13

OK to Publish 10/13/09

APPLICANT: Ray and/or Laura Milks

INITIAL REVIEW

BY: KJ

DATE: 8/4/2009

ITEM REQUIRED INFORMATION

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

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

ADDITIONAL INFORMATION

(Yes)(No)

- ☒ **Shape File Created** Date 8/4 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: 7/31/2009

(Include Moratorium Remark)

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

ADVERTISE IN:

Newspaper: Kootenai County

Dates scheduled for publication 11/5 & 12/09

Affidavit of Publication received: 4/10

Dates actually published: 11/5 & 12/09

Application published correctly. Yes ☒ No ☐

If not, action taken: _____

Final Date for Protest: 11/23

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 \$ _____	_____	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: Water District 95C
- ☒ Special conditions of approval supplement and/or cover letter attached:

Approval Recommended by:

Kerith Jankin

Date: 12/3/09

Sr. Agent initial

KJ

RECEIVED
AFFIDAVIT OF PUBLICATION

NOV 16 2009

STATE OF IDAHO,
County of Kootenai,

} ss.

IDWR / NORTH

Kelli Bulley being first duly sworn
upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The

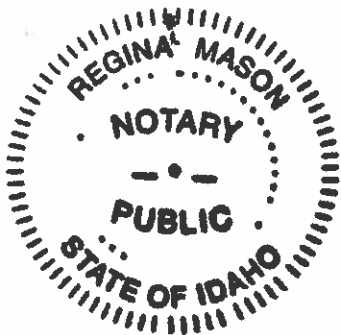
Legal Notice

of which the annexed is a printed copy, was published in the regular Thursday issue of said newspaper for 2 consecutive weeks commencing on the 5 day of November 20 09 and ending on the 12 day of November 20 09 and such publication was made as often during said period as said Daily newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice. Kelli Bulley
On this 12 day of November in the year of 2009, before me, a Notary Public, personally appeared Kelli Bulley, 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.

Regina Mason

Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.



MY COMMISSION EXPIRES 6/18/15

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

95-10896

GERALD J WELLER

1421 S MAPLE ST

SPOKANE, WA 99203

Point of Diversion NESE S6 T52N R04W KOOTENAI County

Source TWIN LAKES tributary to RATHDRUM CREEK

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

Total Diversion: 0.02 CFS

Date Filed: 7/23/2009

Place Of Use: DOMESTIC T52N R04W S6 NESE

Domestic use is for 1 home.

95-10897

ANDREW & LUCILLE BARLAY LIVING TRUST

15184 N SHENANDOAH DR

HAYDEN LAKE, ID 83839

Point of Diversion L3(SWSW) S34 T52N R03W KOOTENAI CO

Source HAYDEN LAKE tributary to SINKS

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

Total Diversion: 0.04 CFS

Date Filed: 7/28/2009

Place Of Use: DOMESTIC T52N R03W S34 L3(SWSW)

Domestic use is for 1 home.

95-10904

JAMES E MAXFIELD

EVA MAXFIELD

10286 W LAKE FORREST LOOP

RATHDRUM, ID 83858

Point of Diversion L1(SWSE) S35 T53N R05W KOOTENAI CO

Source TWIN LAKES tributary to Rathdrum Creek

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

Total Diversion: 0.04 CFS

Date Filed: 7/28/2009

Place Of Use: DOMESTIC T53N R05W S35 L1(SWSE)

DOMESTIC USE IS FOR 1 HOME.

95-10907

THE TEETS FAMILY TRUST

4468 E DEEPWATER CT

HAYDEN, ID 83835

Point of Diversion L2(NWNE) S17 T51N R03W KOOTENAI CO

Source HAYDEN LAKE tributary to SINKS

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

Total Diversion: 0.04 CFS

Date Filed: 7/28/2009

Place Of Use: DOMESTIC T51N R03W S17 L2(NWNE)

Domestic use is for 1 home.

95-10917

JIM AND ONA O CONNELL FAMILY LLC

10126 E FERRET DR

SPOKANE VALLEY, WA 99206

Point of Diversion L3(NWNW) S4 T49N R03W KOOTENAI County

Source COEUR D ALENE LAKE tributary to SPOKANE RIVER

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

Total Diversion: 0.04 CFS

Date Filed: 7/29/2009

Place Of Use: DOMESTIC T49N R03W S4 L3(NWNW)

Domestic use is for 1 home

95-10920

PETER PUGLISI

11966 BOB WORST LN

HAYDEN LAKE, ID 83835

Point of Diversion L3(NESE) S9 T51N R03W KOOTENAI CO

Source HAYDEN LAKE tributary to SINKS

Use: DOMESTIC 01/01 to 12/31 0.06 CFS

Total Diversion: 0.06 CFS

Date Filed: 7/30/2009

Place Of Use: DOMESTIC T51N R03W S9 L3(NESE)

Domestic use is for 2 homes.

95-10922

BYRON HATLEY

TAMMY HATLEY

PO BOX 88

SPIRIT LAKE, ID 83869

Point of Diversion NENE S20 T53N R04W KOOTENAI County

Source GROUND WATER

Use: IRRIGATION 04/01 to 10/31 0.09 CFS

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

Use: DOMESTIC 01/01 to 12/31 0.06 CFS

Total Diversion: 0.1 CFS

Date Filed: 7/28/2009

Place Of Use: IRRIGATION T53N R04W S20 NENE

T53N R04W S21 NWNW

Place Of Use: DOMESTIC same as IRRIGATION

Place Of Use: COMMERCIAL T53N R04W S20 NENE

Total Acres: 3

Domestic use is for 2 homes.

Commercial use is for sheet metal shop with bathrooms and break room.

95-10936

RAY MILKS

LAURA MILKS

6249 STURGEON RD

RATHDRUM, ID 83858

Point of Diversion SWSW S17 T52N R04W KOOTENAI County

Source RATHDRUM CREEK tributary to SINKS

Use: IRRIGATION 03/15 to 11/15 0.09 CFS

Total Diversion: 0.09 CFS

Date Filed: 7/31/2009

Place Of Use: IRRIGATION T52N R04W S17 SWSW

Total Acres: 3

95-10937

GREGORY L PARKER

CAROLYN PARKER

15005 N JACKPINE TRL

HAYDEN, ID 83835

Point of Diversion L3(SENWSW) S31 T52N R03W KOOTENAI CO

Source UNNAMED STREAM tributary to SINKS

Point of Diversion L3(SENWSW) S31 T52N R03W KOOTENAI CO

Source SPRING tributary to UNNAMED STREAM

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

Use: STOCKWATER STORAGE 01/01 to 12/31 3.4 AF

Use: STOCKWATER FROM STORAGE 01/01 to 12/31 0.3 AF

Use: RECREATION STORAGE 01/01 to 12/31 3.1 AF

Use: FIRE PROTECTION 01/01 to 12/31 0.2 CFS

Use: FIRE PROTECTION STORAGE 01/01 to 12/31 3.1 AF

Use: DIVERSION TO STORAGE 01/01 to 12/31 0.2 CFS

Total Diversion: 0.2 CFS 3.4 AF

Date Filed: 7/30/2009

Place Of Use: DIVERSION TO STORAGE

T52N R03W S31 L3(NWSW)

Place Of Use: STOCKWATER T52N R03W S31 L3(NWSW)

Place Of Use: All other uses same as STOCKWATER

Stockwater use is for 20 head of mixed stock.

Recreation use is for fishing and boating.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Idaho Code § 42-211. 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 11/23/2009. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Legal #

Published on 11/5/2009 and 11/12/2009



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 FAX: (208) 762-2819 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

*Please Fax or e-mail proof/preview copy to me before this goes to press.
Fax (208) 762-2819 ~ e-mail dianne.ball@idwr.idaho.gov
Thanks, Dianne*

October 14, 2009

KELLI BULEY
LEGAL NOTICE DEPARTMENT
COEUR D ALENE PRESS
201 N 2ND
COEUR D ALENE, ID 83814

RE: Application For Permit No(s): 95-10896, 897, 904, 907, 917, 920, 922, 936, 937

Dear Kelli :

Please publish the enclosed legal notice on the dates indicated, November 5 and 12, 2009, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

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 11/23/2009. Your cooperation truly greatly is appreciated.

Sincerely,

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, October 14, 2009 4:30 PM
To: Legal Notices-CdA Press; Legal Notices-CdAPress - Kelli Buley
Subject: Application for Permit No. 95-10896,897,904,907,917,920,922,936 and 937

Attachments: CoverLetter 10-14-09 CDA e-mail 95-10896,897,904,907,917,920,922,936,937.doc;
LegalNotice 10-14-09 CDA e-mail 95-10897,97,904,907,917,920,922,936,937.doc

Hi, Kelli,

Attached is our cover letter requesting publication of a legal notice, also attached.

Please publish the attached legal notice on the dates indicated, November 5 and 12, 2009, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

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 11/23/2009. Your cooperation is appreciated.

Please send a proof/preview copy for my review before this goes to press, so I might double check layout.

Thanks, and have a great day.



CoverLetter
0-14-09 CDA e-mail.



LegalNotice
0-14-09 CDA e-mail.

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

October 14, 2009

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

RAY MILKS
LAURA MILKS
6249 STURGEON RD
RATHDRUM, ID 83858

Application For Permit No. 95-10936

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 COEUR D ALENE PRESS on 11/5/2009 and 11/12/2009. 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

Ball, Dianne

From: Ball, Dianne
Sent: Tuesday, October 13, 2009 3:21 PM
To: cwashburn@idl.idaho.gov
Subject: RE: Application for Permit No. 95-10896. 10897, 10904, 10907, 10917, 10920, 10936 and 10937

Attachments: 95-10896 Weller.pdf; 95-10897 Barlay Living Trust.pdf; 95-10904 Maxfield.pdf; 95-10907 Teets Family Trust.pdf; 95-10917 OConnell Family LLC.pdf; 95-10920 Puglisi.pdf; 95-10936 Milks.pdf; 95-10937 Parker.pdf

Dear Interested Party:

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

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.

It is being prepared for publication on November 5 and 12, with final date for protest of November 23, 2009.

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

Please respond to **Eric Davis on Weller, Barlay Living Trust, Maxfield, Teets Family Trust**, and please respond to **Keith Franklin on O'Connell Family LLC, Puglisi, Milks, and Parker**.



95-10896
Weller.pdf (526 KB)



95-10897 Barlay
Living Trust.p...



95-10904
axfield.pdf (435 KB)



95-10907 Teets
Family Trust.pd...



95-10917 OConnell
Family LLC.p...



95-10920
Puglisi.pdf (312 KB)



95-10936 Milks.pdf
(180 KB)



95-10937
Parker.pdf (538 KB)

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: Saturday, October 10, 2009 12:54 PM
To: mary.terra-berns@idfg.idaho.gov
Subject: RE: Application for Permit No. 95-10517, 95-10896, 10897, 10904, 10907, 10920, 10938 AND 10937

Attachments: 95-10517 OConnell Family LLC.pdf; 95-10896 Weller.pdf; 95-10897 Barlay Living Trust.pdf; 95-10904 Maxfield.pdf; 95-10907 Teets Family Trust.pdf; 95-10920 Puglisi.pdf; 95-10936 Milks.pdf; 95-10937 Parker.pdf

Dear Mary,

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right applications. A copy of the applications is enclosed for your reference, and is available on our website under Search Tools by entering the WR Application number.



95-10517 OConnell
Family LLC.p...



95-10896

Weller.pdf (526 KB)



95-10897 Barlay
Living Trust.p...



95-10904

axfield.pdf (435 KB)



95-10907 Teets

Family Trust.pd...



95-10920

Puglisi.pdf (312 KB)



95-10936 Milks.pdf
(180 KB)



95-10937
Parker.pdf (538 KB)

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.

Please contact 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