

(25)
32Ac.)

Sec Twp Rg
11-31 5W

NW
1/4

02

3250
24.77Ac.

2750_x
5.12Ac.

1000.0

3299_x 4.29Ac.

3301_x 5.19Ac.

3310_x 5.53Ac.

3325_x 4.87Ac.

2402_x 6.57Ac.

3740_x 10.92Ac.

3750_x 6.3Ac.

3760_x 5.1Ac.

3780_x 4.0Ac.

0225

111.32Ac.

(82.0Ac.)

03

STATE OF WASHINGTON

STATE OF IDAHO

10.

4201 5.5Ac.
4203 5.69Ac.
4205 5.9Ac.
4207 5.86Ac.
4209 5.7Ac.
4211 4.99Ac.

0001
8.0
Ac (c)

3000
40.0Ac.

3188
10.67Ac.

1125
21.33Ac.

SEE INSERT "C"
1" = 400'

SEE INSERT "A"
1" = 400'

SEE
INSERT "D"
1" = 400'

SNAKE

PERCE COUNTY

5400
10.7Ac.

4800
9.65Ac.

0201
160.0Ac.

0101
320.0Ac.

02

01

0275
160.0Ac.

0150
280.0Ac.

017
40.0

1101
20.0Ac.

12

1202
560.0Ac.

1102
145.7Ac.(c)

1401
120.0Ac.

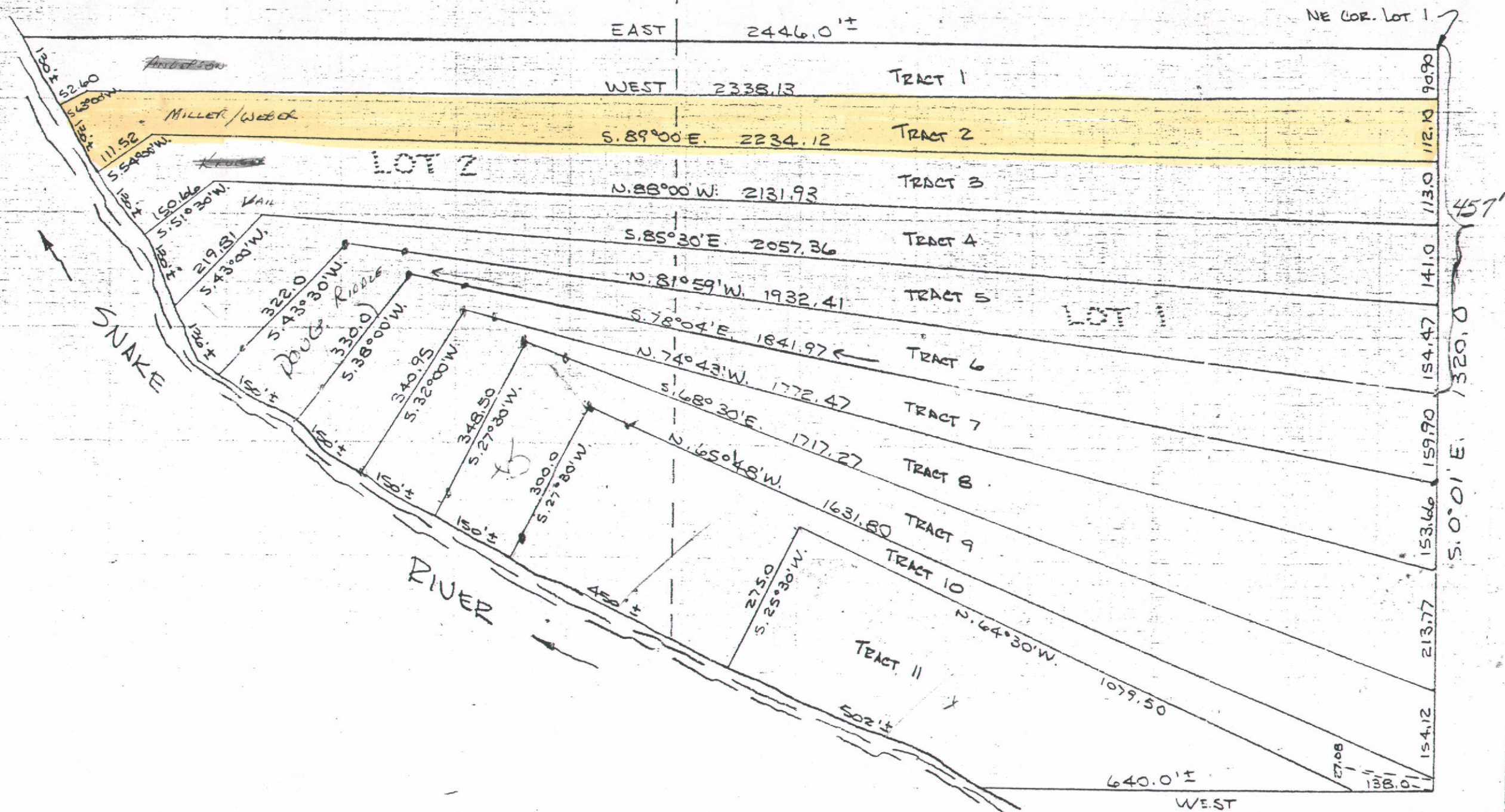
14

13

1301

PT. SECTION 11

T. 31 N., R. 5 W., B. M.



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

Date 02/10/2005 INVOICE NO. 381041
Account No. 964750
Description 381041The following ap
Times 2 Lines 42

LEGAL ADVERTISING
INVOICE

SOLD TO: ID DEPT. OF WATER RESOURCES
1910 NORTHWEST BLVD. STE 210
COEUR D'ALENE ID 83814

RECEIVED
FEB 16 2005
IDWR/North

Tab. Lines _____
\$ 125.58

NOTICE: This is an 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

The following application(s) have been filed to appropriate the public waters of the State of Idaho: 381041

3-10195
THE MILLER LIVING TRUST
PAUL H AND LEAH A MILLER TRUSTEES
585 DOGWOOD RD
PASCO WA 99301
WILLIAM M WEBER DIANE M WEBER
4416 W 14TH
KENNEWICK WA 99337
Point(s) of Diversion L2 (SWNW) S11 T31N R05W NEZ PERCE County
Source SNAKE RIVER
Tributary To COLUMBIA RIVER
Use: DOMESTIC 01/01 To 12/31 0.08 CFS
Total Diversion: 0.08 CFS
Date Filed: 10/05/2004
Place Of Use: DOMESTIC T31N R05W S11 SWNW Lot 1 SENW Lot 2
Remark: Domestic use is for 1 home.
85-15521

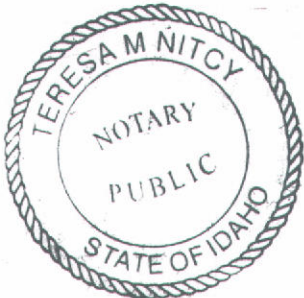
DOUGLAS H FLETCHER
1020 GRELLE AVE
LEWISTON ID 83501
Point(s) of Diversion SWSW S16 T35N R05W NEZ PERCE County
Source GROUND WATER
Use: IRRIGATION 02/15 To 11/30 0.09 CFS
Use: STOCKWATER 01/01 To 12/31 0.02 CFS
Use: DOMESTIC 01/01 To 12/31 0.04 CFS
Total Diversion: 0.15 CFS
Date Filed: 11/19/2004
Place Of Use: STOCKWATER T35N R05W S16 SWSW
Place Of Use: DOMESTIC and IRRIGATION same as STOCKWATER
Number of Acres 3
Remark: Domestic use is for 1 home. Stockwater use is for 3 head of mixed stock.
Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 1910 Northwest Blvd, Suite 210, Coeur D'Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 02/21/2005. The protestant must also send a copy of the protest to the applicant.
KARL J DREHER, Director Published on February 3 and 10, 2005

Yvette Crosby, 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, paper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning 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 381041The follo attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, 2 time(s). Publication being on 02/03, or once a WEEK for 2 consecutive WEEK, the first publication thereof being on the 02/03/2005, and the last publication thereof being on the 02/10/2005, and said 381041The 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.

Yvette Crosby

State of Idaho
County of Nez Perce

On this 15 day of Feb in the year of 2005, before me, a Notary Public, personally appeared Yvette Crosby, 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.



Teresa M Nitcy
Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires 1/23/2010

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 13 2005

PROOF OF BENEFICIAL USE

Department of Water Resources

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 03-10195 Telephone No. (509) 266-4220

2. Name of Permit Holder(s): THE MILLER LIVING TRUST AND WILLIAM M. WEBER
PAUL H. AND LETHA A. TRUSTEES AND DIANE M. WEBER

3. Mailing Address: 585 DOGWOOD RD.

City PASCO State WA. Zip 99301

4. Source of Water: SNAKE RIVER If **GROUNDWATER** (well), Date Drilled: mo. N/A / yr.

Well Driller: N/A Drilling Permit Number: N/A

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): ONE Stockwater (No. and type of stock): 0

Irrigation (No. of acres): 0 Other:

6. Total rate of diversion and/or volume for which proof is submitted: 0.04 cfs OR acre-feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required?

Yes or No ✓

Has the measuring device been installed?

Yes or No ✓

8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: PAUL H. MILLER Telephone Number: (509) 266-4220

Address: 585 DOGWOOD RD. PASCO, WA. 99301

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Paul H. Miller Date: 4-11-05

(include your title, if on behalf of company or organization)

PAUL H. MILLER
TRUSTEE: MILLER LIV. TRUST

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 03-10195

Priority: October 05, 2004

Maximum Diversion Rate: 0.04 CFS

This is to certify, that WILLIAM M WEBER And/Or DIANE M WEBER
4416 W 14TH
KENNEWICK WA 99337

And/Or

THE MILLER LIVING TRUST
PAUL H AND LEAH A MILLER TRUSTEES
585 DOGWOOD RD
PASCO WA 99301

have applied for a permit to appropriate water from:

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

and a permit is APPROVED for development of water as follows:

BENEFICIAL USE

DOMESTIC

PERIOD OF USE

01/01 to 12/31

RATE OF DIVERSION

0.04 CFS

LOCATION OF POINT OF DIVERSION:

SNAKE RIVER L2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$) Sec. 11, Twp 31N, Rge 05W, B.M., NEZ PERCE County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
31N 05W 11							X	X									
							L2	L1									

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **April 01, 2006**.
2. Subject to all prior water rights.
3. Domestic use is for 1 home.
4. The domestic use authorized under this right shall not exceed 13,000 gallons per day.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 31st day of March, 2005.


for KARL J DREHER, Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**AMENDED APPLICATION FOR PERMIT**

To appropriate the public water of the State of Idaho

RECEIVED

MAR 30 2005

Department of Water Resources

1. Name: WILLIAM M WEBER
4416 W 14TH
KENNEWICK WA 99337

AND/OR

DIANE M WEBER
4416 W 14TH
KENNEWICK WA 99337

AND/OR

THE MILLER LIVING TRUST
PAUL H AND LEAH A MILLER TRUSTEES
585 DOGWOOD RD
PASCO WA 99301
(509)266-4220

2. Source: SNAKE RIVER Tributary to: COLUMBIA RIVER
3. Location of Point of Diversion:
SNAKE RIVER L2 (SW¼NW¼) Sec. 11, Twp 31N, Rge 05W, B.M. NEZ PERCE County
4. Water will be used for the following purposes:

<u>Purpose</u>	<u>From</u> <u>To</u>	<u>RATE OF DIVERSION</u>
DOMESTIC	01/01 to 12/31	0.04 CFS

5. Total quantity to be appropriated is: 0.04 CFS

Proposed diverting works:

- a. Type and size of devices used to divert water from the source: 1.5 HP SUBMERSIBLE PUMP, 1-1/2 INCH POLY PIPE LINE GOING TO 500 GALLON STORAGE TANK.
- b. Height of storage dam _____ feet;
Active reservoir capacity _____ acre-feet;
Total reservoir capacity _____ acre-feet;.
- c. Proposed well diameter is _____ inches;
Proposed depth of well is _____ feet.
- d. Is ground water with a temperature of greater than 85F being sought?
- e. If well is already drilled, when? _____;
Drilling Firm _____; Drilling Permit No. _____.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 year(s).

8.

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
31N 05W 11	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
							X	X									
							L 2	L 1									

9a. Who owns the property at the point of diversion? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

9b. Who owns the land to be irrigated or place of use? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

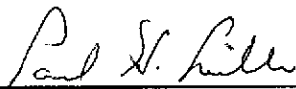
10. Remarks:

LAND OWNERS:

THE MILLER LIVING TRUST - Paul H Miller Trustee, Leah A Miller Trustee
585 Dogwood Rd., Pasco, WA 99301
and/or
William M. Weber, Diane M. Weber
4416 W 14th, Kennewick, WA 99337

11. Map of proposed point of diversion and place of use attached? ☒ [X]

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.



Applicant

Received by _____ Date _____ Time _____ Preliminary check by _____

Publication prepared by _____ Date _____ Published in _____

Publication approved _____ Date _____

Receipt No. N016581

Date: 10/5/2004

Receipted by: db

RECEIVED

FORM 200
12/99

MAR 03 2005

DEPARTMENT OF
WATER RESOURCES71733
STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No. 03-10195

RECEIVED

OCT 05 2004

IDWR/North

1. Name of Applicant MILLER, PAUL H., ETAL Phone (509) 266-4220
Mailing address 585 DOGWOOD RD. PASCO, WA 993012. Source of water supply SNAKE RIVER which is a tributary of COLUMBIA
SAINTRE RIVER3. Location of point of diversion is Township 31N Range 5W Sec. 11 in the NE 1/4 SEE MAPS
SW 1/4, NW 1/4 Govt. Lot 2 B.M., NE 2 PERCE County; NE 2 PERCE County

additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.080 cfs for DOMESTIC purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)5. Total quantity to be appropriated is (a) 0.080 and/or (b) 3.60
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source 1.5" H.P. SUBMERSIBLE PUMP
1 1/2" POLY PIPE LINE GOING TO 500 GALLON STORAGE TANK.b. Height of storage TANK 75' feet; active reservoir capacity 500 GAL. acre-feet; total
reservoir capacity _____ acre-feetc. Proposed well diameter is N/A inches; proposed depth of well is N/A feetd. Is ground water with a temperature of greater than 85°F being sought? NOe. If well is already drilled, when? N/A; Drilling firm N/A;
Well was drilled for (well owner) N/A; Drilling Permit No. N/A7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)

8. Description of proposed uses (if irrigation only, go to item 9):

a. Hydropower; show total feet of head and proposed capacity in kW. N/Ab. Stockwatering; list number and kind of livestock. N/Ac. Municipal; show name of municipality. N/Ad. Domestic; show number of households. ONE HOUSE: 880 SQ. FT. 3 BD. RMS.

e. Other; describe fully. _____

71733

03-10195

3. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
31N	5W	11							✓	✓									

Total number of acres to be irrigated 010. Describe any other water rights used for the same purposes as described above. 011. a. Who owns the property at the point of diversion? SEE #12 REMARKSb. Who owns the land to be irrigated or place of use? N/A

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Remarks: LAND OWNERS:

THE MILLER LIVING TRUST WILLIAM M. WEBER
PAUL H. MILLER, TRUSTEE AND/OR DIANE M. WEBER
LEAH A. MILLER, TRUSTEE 4416 W. 14TH
585 DOGWOOD RD. KENNEWICK, WA. 99337
ASCO, WA. 99301

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Paul H. Miller, OWNER
 Signature of Applicant (and title, if applicable)
PAUL H. MILLER

Received by db Date 10/5/04 Time 1:56 P Preliminary check by APR
 Fee \$ 100.00 Received by db # 116581 Date 10/5/04
 Publication prepared by db Date 1/26/05 Published in Kennewick Trib 2/24/05
 Publication approved db Date 2/16/05

EXHIBIT "A"

SITUATE IN NEZ PERCE COUNTY, STATE OF IDAHO TO WIT:

That part of Government Lots 1 and 2 of Section 11 of Township 31 North, Range 5 West of the Boise Meridian, Nez Perce County, Idaho, more particularly described as follows:

Commencing at the Northeast corner of said Lot 1; thence South 0°01' East along the East line of said Lot 1 a distance of 90.90 feet to the True Place of Beginning; thence continue South 0°01' East a distance of 112.10 feet; thence North 89°00' West a distance of 2234.12 feet; thence South 54°00' West a distance of 111.52 feet more or less to a point on the ordinary high water line on the right bank of the Snake River; thence Northwesterly along said high water line a distance of 130 feet more or less; thence North 63°00' East a distance of 52.6 feet more or less; thence East a distance of 2338.13 feet to the True Place of Beginning.

251
32Ac.)

Sec Twp Rg
11-31 5W

NW
1/4

02

3250
24.77Ac.

470.0
2750x
5.12Ac.

1000.0

3299x 4.29Ac.

3301 5.19Ac.

3310 5.53Ac.

3325v 4.87Ac.

2402x 6.57Ac.

3740x 10.92Ac.

3750x 6.3Ac.

3760t 5.1Ac.

3780 4.0Ac.

0225

111.32Ac.

(82.0Ac.)

03

STATE OF WASHINGTON

10.

4201 5.5Ac.
4203 5.69Ac.
4205 5.9Ac.
4207 5.86Ac.
4209 5.7Ac.
4211 4.99Ac.

0001
8.0
Ac.
(c)

3000
40.0Ac.

3188
10.67Ac.

1125
21.33Ac.

SNAKE

PERCE COUNTY

SEE
INSERT "D"
1" = 400'

4202 5.6Ac.
4204 5.8Ac.
4206 5.9Ac.
4208 6.6Ac.

4210 5.07Ac.

1102
145.7Ac.(c)

43.70
④

1401
120.0Ac.

14

02

4800
9.65Ac.

5400
10.7Ac.

SEE INSERT "A"
1" = 400'

0275
160.0Ac.

Middle Creek

0150
280.0Ac.

017
40.0

120
80.0

12

1202
560.0Ac.

13

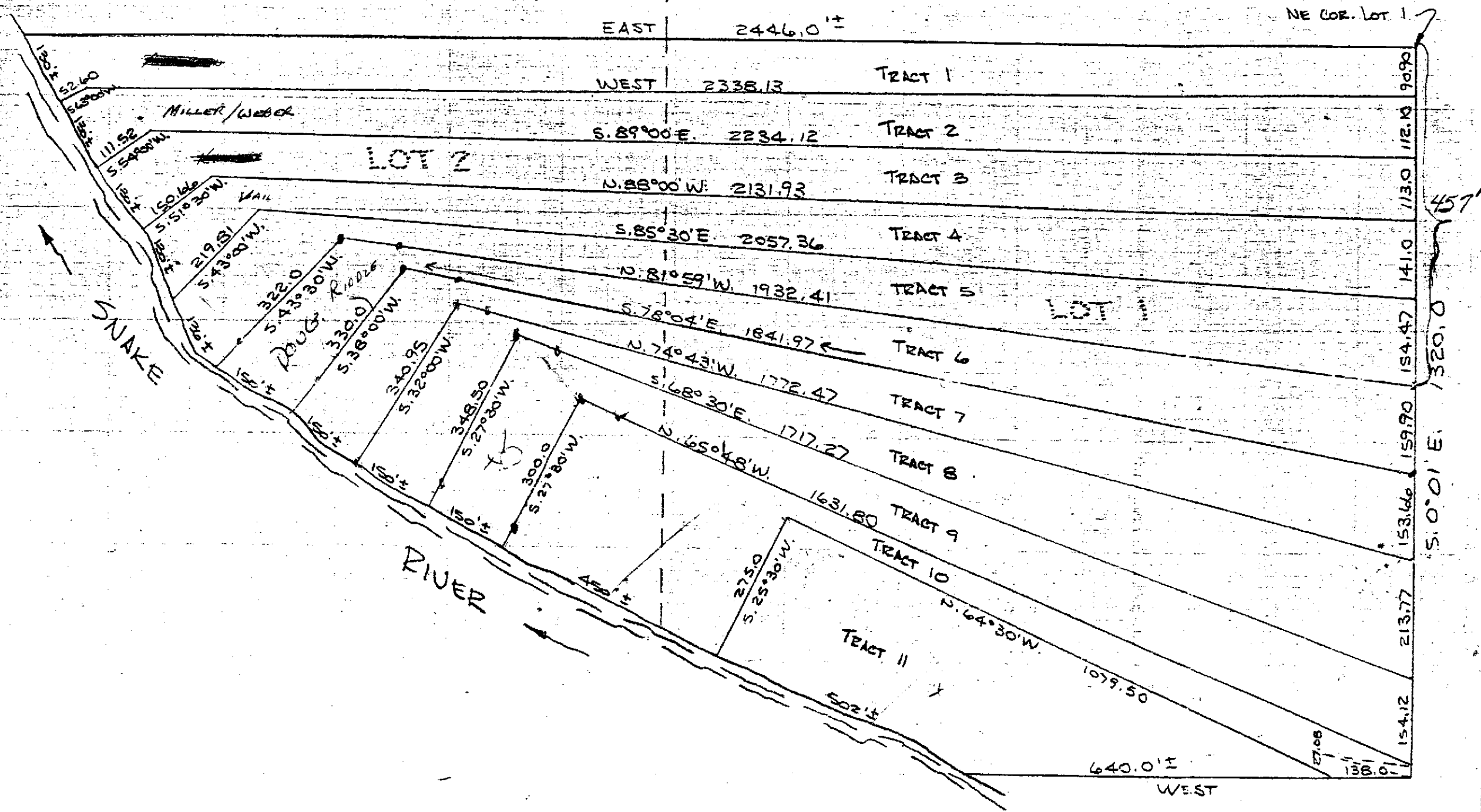
1301

0201
160.0Ac.

0101
320.0Ac.

Pt. SECTION 11

T. 31 N, R. 5 W, B. M.



DANIEL J ANDERSON
NEZ PERCE COUNTY ASSESSOR
P O BOX 896
LEWISTON, IDAHO 83501

2004

ASSESSMENT NOTICE

& ESTIMATE OF TAX

THIS IS NOT A BILL.
DO NOT PAY.

PARCEL DESCRIPTION:

985.0-000.00
#7662

11 31 5W

For any questions, please notify the Assessor's Office immediately.

Assessor's Telephone Number: (208) 799-3010

PARCEL ADDRESS:

17229 SNAKE RIVER RTE 83501

MILLER PAUL H ETAL

585 DOGWOOD RD
PASCO WA 99301

Appeals of your property value must be filed in writing, on a form provided by the County, by:

JUNE 28, 2004

Tax Code Area: -6001

Parcel Number: RP 31N05W114202 A

ASSESSED VALUE OF YOUR PROPERTY			
CURRENT CATEGORY AND DESCRIPTION	LOTS/ACRES	LAST YEAR'S VALUE	CURRENT YEAR'S VALUE
18 OTHER LAND 40 OTH RUR BLDG	5.670 AC	42,000 58,520	42,000 66,945
SUBTOTAL: LESS HOMEOWNERS EXEMPTION: NET TAXABLE PROPERTY VALUE:	5.670	100,520 100,520	108,945 108,945
These values may not include personal property values. Taxes are based on the values shown on this Notice and on the Budgets of the taxing districts.			

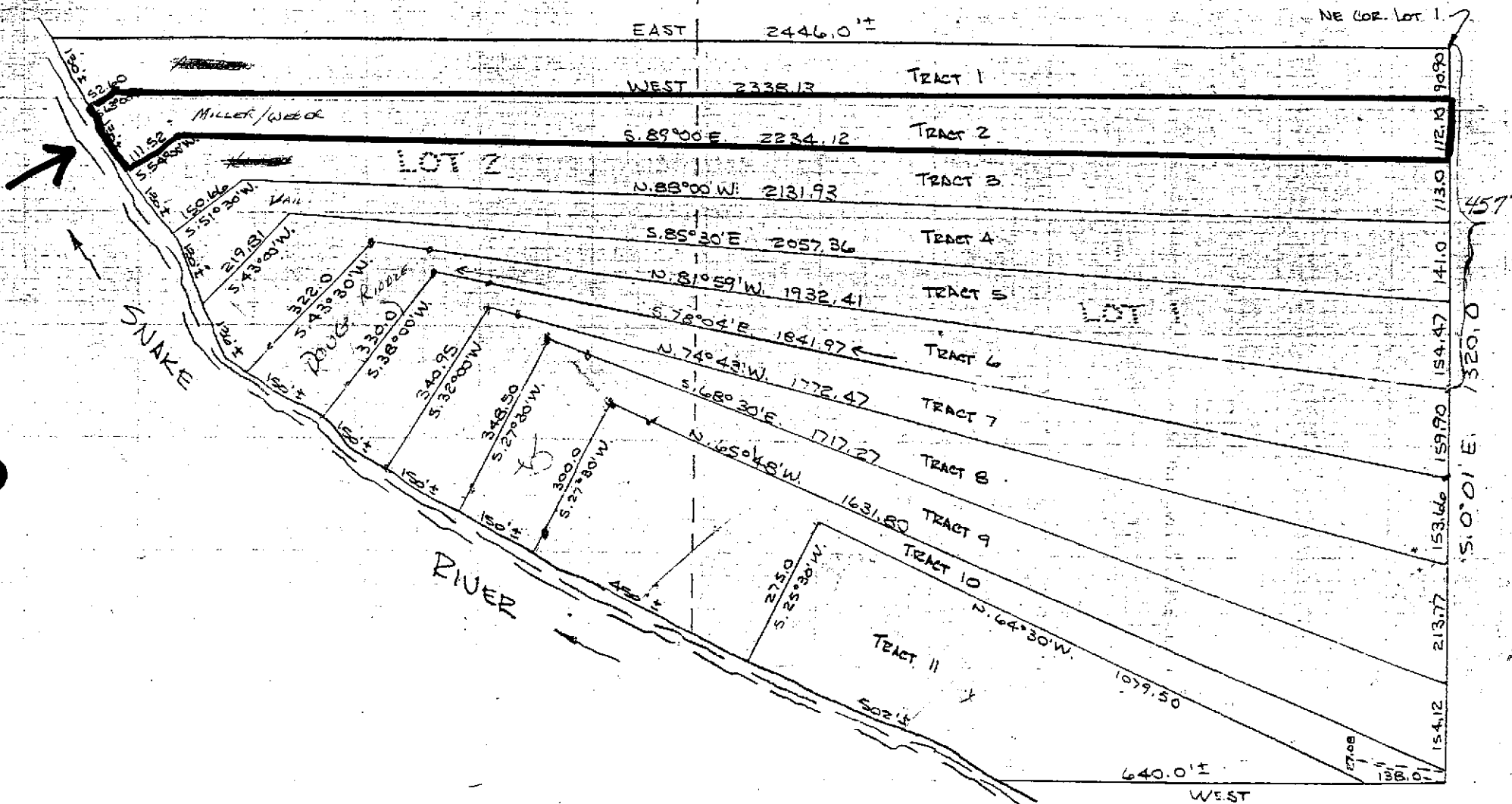
ESTIMATED PROPERTY TAXES				
TAXING DISTRICTS	LAST YEAR'S TAXES	CURRENT YEAR'S ESTIMATED TAXES	PHONE NUMBER	DATE OF PUBLIC BUDGET HEARING
COUNTY	405.20		208-799-3020	04/07/2004
SCH DIST 341	329.62		208-843-2622	06/21/2004
GENERAL ROAD	56.38		208-799-3020	04/07/2004
FED/ST BRIDGE	.10		208-799-3020	04/07/2004
PORT DISTRICT	23.48		208-743-5531	06/08/2004
PRAIRIE-RIV LIB	24.74		208-843-7254	08/30/2004
SUBTOTAL:	839.52			
FEE:				
TOTAL PROPERTY TAXES & FEES:	839.52			

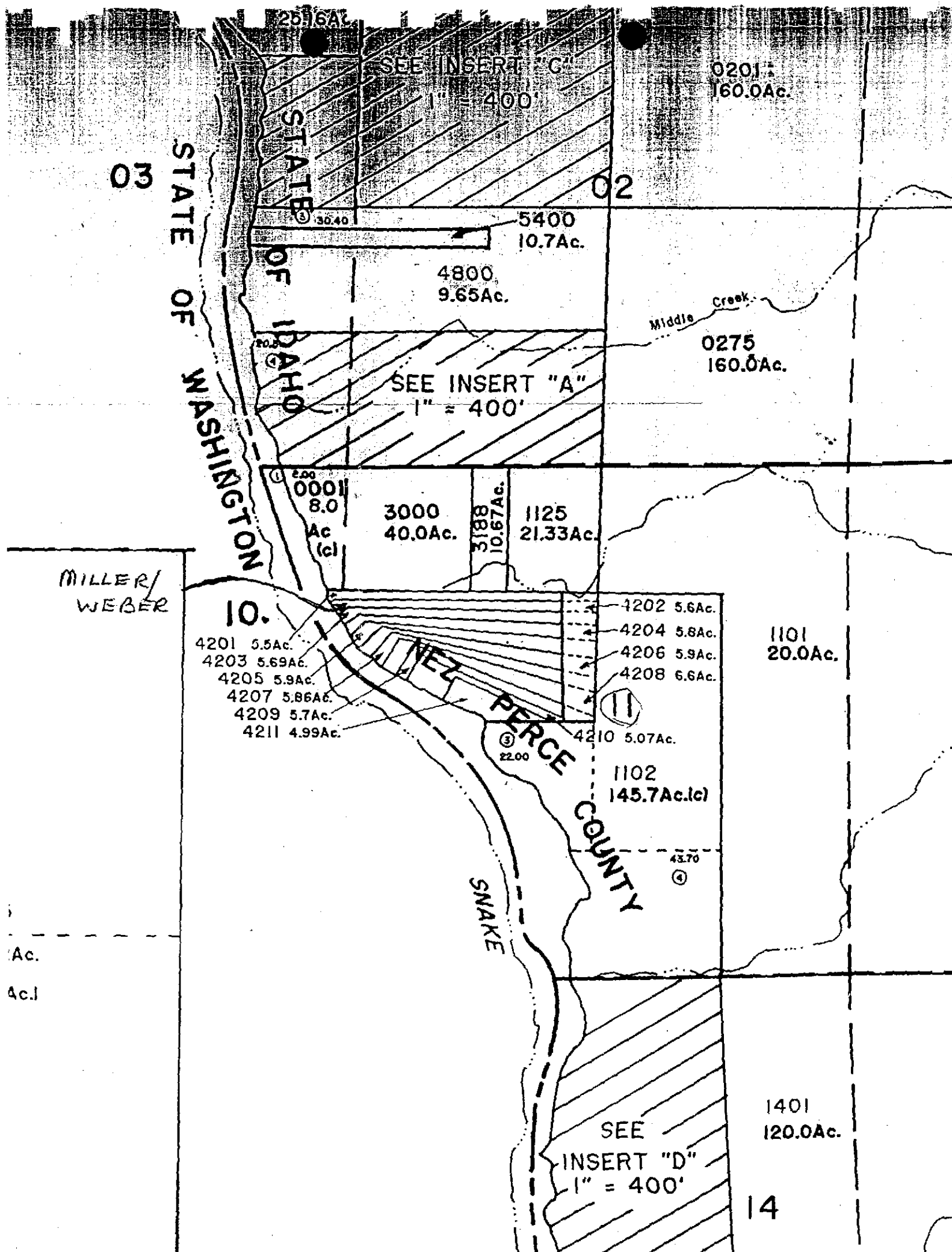
THIS IS NOT A BILL. DO NOT PAY.

See the back of this Notice for details.

PT. SECTION 11

T. 31 N, R. 5 W, B.M.







State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

March 28, 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

THE MILLER LIVING TRUST
PAUL H & LEAH A MILLER TRUSTEES
585 DOGWOOD RD
PASCO WA 99301

WILLIAM M WEBER
DIANE M WEBER
4416 W14TH
KENNEWICK WA 99337

PROOF ACKNOWLEDGMENT LETTER

Re: Permit No. 03-10195

Dear Permit Holders:

The department acknowledges receipt of the proof of beneficial use ("proof") form submitted for the above-referenced permit. The next step in the process of developing a water right is for the department to conduct the field examination to determine and confirm the use of the water, and that it meets the permitted beneficial use.

Be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.idaho.gov

If you have questions about the field examination, please contact the Western Regional Office of the department in Boise at (208) 334-2190.

Sincerely,

A handwritten signature in black ink that reads "Christine Roberts". The script is cursive and fluid.

Christine Roberts
Technical Records Specialist

Encl.

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 03-10195

Reviewed By: croberts

Date: March 28, 2006

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?		X
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:	N016581, C077466		Well driller's report filed?		
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received		04/13/2005
Date proof due	-	04/01/2006
Lapse notice sent	-	
No. of days late	=	0
Holiday allowance	+	
Priority date	+	10/05/2004
New priority date	=	10/05/2004

Deficiencies of Actions Items

ACKNOWLEDGE PROOF



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

March 31, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

WILLIAM M WEBER
DIANE M WEBER
4416 W14TH
KENNEWICK WA 99337

THE MILLER LIVING TRUST
PAUL H & LEAH A MILLER TRUSTEES
585 DOGWOOD RD
PASCO WA 99301

RE: Permit No. 3-10195

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.

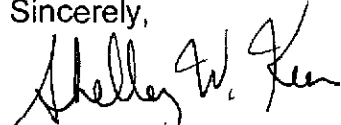
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

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 a 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 208-287-4947.

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name "Shelley" being the most prominent.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

CERTIFICATE OF SERVICE

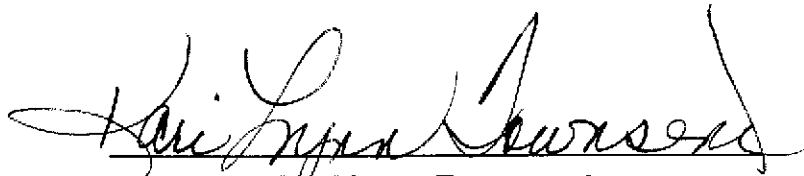
I hereby certify that on March 31, 2005 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

3-10195

**DIANE M WEBER
WILLIAM M WEBER
4416 W14TH
KENNEWICK WA 99337**

**THE MILLER LIVING TRUST
PAUL H & LEAH A MILLER TRUSTEES
585 DOGWOOD RD
PASCO WA 99301**

A handwritten signature in black ink, appearing to read "Kari Lynn Townsend", is written over a horizontal line.

**Kari Lynn Townsend
Secretary**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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. 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 Idaho Water Resource Board (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.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

March 23, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

PAUL H MILLER
585 DOGWOOD RD
PASCO WA 99301

RE: Water Right Application 03-10195

Dear Mr. Miller:

In response to our telephone conversation yesterday, I have enclosed an amended application form for you to sign and return to IDWR. As we discussed, the amended application form clarifies the names of the applicants and also changes the requested diversion rate from 0.08 cfs (36 gallons per minute) to 0.04 cfs (18 gallons per minute).

If you have any questions, please call me at 208-287-4947, or email me at shelley.keen@idwr.idaho.gov.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

Enclosure

*falls within
Salmon-
Clearwater
Mos. area*



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

March 17, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

PAUL H MILLER
585 DOGWOOD RD
PASCO WA 99301

RE: Water Right Application 03-10195

Dear Mr. Miller:

The Idaho Dept. of Water Resources (IDWR) is reviewing your application for a permit to divert 0.08 cfs of water from the Snake River for domestic use in one home. Before your application can be approved, however, IDWR need some additional information from you.

First, your application lists the applicants as "Miller, Paul H., et al." If "et al" means "and others", the other applicants must be listed as applicants, and their addresses must be provided.

Second, on your application you indicated that The Miller Living Trust and/or William M. Weber and/or Diane M. Weber are the owners of the land where your point of diversion and place of use will be established. If you (and the other applicants) are not the landowner(s), then you must explain the arrangement enabling you to make this filing.

Third, the amount of water you have requested, 0.08 cfs or 36 gallons per minute, is about twice as much as is typically requested and approved for one single-family home. Please explain your need for the requested diversion rate, or indicate a lesser amount that will meet your needs.

Please provide the requested information to IDWR in writing within 30 days. If IDWR does not receive the information within that time period, your application will be processed as if you are the sole applicant, as if your access to the property is through your role as a trustee of The Miller Living Trust, and as if 0.04 cfs will be sufficient to meet your domestic needs.

If you have any questions, please call me at 208-287-4947, or email me at shelley.keen@idwr.idaho.gov.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

**ID 00 DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET**

W.R. # 03-10195

APPLICATION ID # 71733
INITIAL REVIEW

ENT. 1/25/05 BCA 1/25 OK to Publish 1/26

APPLICANT: Miller

BY: RMH DATE: 12/22/04

RECEIVED
MAR 03 2005
DEPARTMENT OF
WATER RESOURCES

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)

PROCESSING

(Yes)(No) PRIORITY DATE: 10/5/04

____ (Include Moratorium Remark)

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

ADVERTISE IN: MayPace County

LETTERS SENT REQUESTING:

() Dam Information () Fish Information
() Power Information () Other: _____

INFORMATION RECEIVED:

() Dam Information () Fish Information
() Power Information () Other: _____

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

ADDITIONAL INFORMATION

(Yes)(No)
____ Shape File Created Date _____ By: _____
____ 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?
_____	_____	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. Final order response date: ____/____/____
____ Further information required from applicant
2/16 ____ Affidavit of publication received
____ Application published correctly. If not, record action taken: _____
4/26 ____ Publication dates and paper recorded on application
____ Protests received, Final protest date: 2/21/05 Sr. Agent initial _____
____ Measuring device required
____ Measuring port required
____ Special conditions: _____
____ Special conditions of approval supplement and/or cover letter attached: _____

Approval Recommended by: [Signature] Date: 02/25/05

TRIBUNE PUBLISHING COMPANY, INC.

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

Date 02/10/2005INVOICE NO. 381041Account No. 964750Description 381041 The following apTimes 2Lines 42**LEGAL ADVERTISING
INVOICE**

Tab. Lines _____

RECEIVED**FEB 16 2005****IDWR/North**\$ 125.58

SOLD TO: ID DEPT. OF WATER RESOURCES
1910 NORTHWEST BLVD. STE 210
COEUR D'ALENE ID 83814

NOTICE: This is an 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

The following application(s) have been filed to appropriate the public waters of the State of Idaho: ³⁸¹⁰⁴¹

3-10195
THE MILLER LIVING TRUST
PAUL H AND LEAH A MILLER TRUSTEES
585 DOGWOOD RD
PASCO WA 99301
WILLIAM M WEBER DIANE M WEBER
4416 W 14TH
KENNEWICK WA 99337
Point(s) of Diversion L2 (SWNW) S11 T31N R05W NEZ PERCE County
Source SNAKE RIVER
Tributary To COLUMBIA RIVER
Use: DOMESTIC 01/01 To 12/31 0.08 CFS
Total Diversion: 0.08 CFS
Date Filed: 10/05/2004
Place Of Use: DOMESTIC T31N R05W S11 SWNW Lot 1 SENW Lot 2
Remark: Domestic use is for 1 home.
85-15521

DOUGLAS H FLETCHER
1020 GRELLE AVE
LEWISTON ID 83501
Point(s) of Diversion SWSW S16 T35N R05W NEZ PERCE County
Source GROUND WATER
Use: IRRIGATION 02/15 To 11/30 0.09 CFS
Use: STOCKWATER 01/01 To 12/31 0.02 CFS
Use: DOMESTIC 01/01 To 12/31 0.04 CFS
Total Diversion: 0.15 CFS
Date Filed: 11/19/2004
Place Of Use: STOCKWATER T35N R05W S16 SWSW
Place Of Use: DOMESTIC and IRRIGATION same as STOCKWATER
Number of Acres 3
Remark: Domestic use is for 1 home. Stockwater use is for 3 head of mixed stock.
Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 1910 Northwest Blvd, Suite 210, Coeur D'Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 02/21/2005. The protestant must also send a copy of the protest to the applicant.
KARL J DREHER, Director Published on February 3 and 10, 2005

Yvette Crosby, 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, paper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning 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 381041 The follo attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, 2 time(s). Publication being on 02/03, or once a WEEK for 2 consecutive WEEKS, the first publication thereof being on the 02/03/2005, and the last publication thereof being on the 02/10/2005, and said 381041 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.

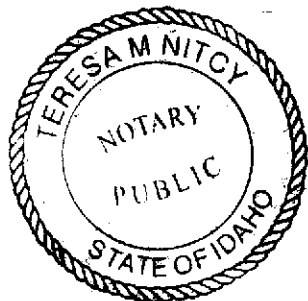
State of Idaho

S.S.

County of Nez Perce

On this 15 day of Feb in the year of 2005, before me, a Notary Public, personally appeared Yvette Crosby, 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.

Teresa M Nitoy
Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires 1/23/2010



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

3-10195

THE MILLER LIVING TRUST
PAUL H AND LEAH A MILLER TRUSTEES
585 DOGWOOD RD
PASCO WA 99301

WILLIAM M WEBER
DIANE M WEBER
4416 W 14TH
KENNEWICK WA 99337

Point(s) of Diversion L2 (SWNW) S11 T31N R05W NEZ PERCE County

Source SNAKE RIVER Tributary To COLUMBIA RIVER

Use: DOMESTIC	01/01 To 12/31	0.08 CFS
Total Diversion:		0.08 CFS

Date Filed: 10/05/2004

Place Of Use: DOMESTIC T31N R05W S11 SWNW Lot 1 SENW Lot 2

Remark: Domestic use is for 1 home.

85-15521

DOUGLAS H FLETCHER
1020 GRELLE AVE
LEWISTON ID 83501

Point(s) of Diversion SWSW S16 T35N R05W NEZ PERCE County

Source GROUND WATER

Use: IRRIGATION	02/15 To 11/30	0.09 CFS
Use: STOCKWATER	01/01 To 12/31	0.02 CFS
Use: DOMESTIC	01/01 To 12/31	0.04 CFS
Total Diversion:		0.15 CFS

Date Filed: 11/19/2004

Place Of Use: STOCKWATER T35N R05W S16 SWSW

Place Of Use: DOMESTIC and IRRIGATION same as STOCKWATER

Number of Acres 3

Remark: Domestic use is for 1 home.

Stockwater use is for 3 head of mixed stock.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 1910 Northwest Blvd, Suite 210, Coeur D' Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 02/21/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on February 3 and 10, 2005

A very good day to you Karen.

Following is our cover letter and legal notice. Please publish the legal on February 3 and 10, 2005. If you have ANY questions, please call me or e-mail me at Dianne.Ball@idwr.idaho.gov

**DEPARTMENT OF WATER RESOURCES
1910 NORTHWEST BLVD., SUITE 210
COEUR D'ALENE ID 83814
Phone 208-769-1450 - FAX - 208-769-1454**

PLEASE FAX A PROOF COPY PRIOR TO PUBLICATION
THANKS

January 26, 2005

**KAREN LEWIS
LEGAL NOTICE DEPARTMENT
LEWISTON MORNING TRIBUNE
505 C ST PO BOX 957
LEWISTON ID 83501**

RE: Application for Permit No. 3-10195 AND 85-15521

Dear Karen:

Following this letter you will find a legal notice which we wish to have published in your newspaper on the dates indicated, February 3 and 10, 2005, (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 02/21/2005. Your cooperation is GREATLY appreciated. It is always a pleasure working with you.

Sincerely

Dianne

Dianne Ball
Administrative Assistant



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

January 26, 2005

THE MILLER LIVING TRUST
PAUL H AND LEAH A MILLER TRUSTEES
585 DOGWOOD RD
PASCO WA 99301

WILLIAM M WEBER
DIANE M WEBER
4416 W 14TH
KENNEWICK WA 99337

RE: Application for Permit No 3-10195

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the Lewiston Morning Tribune on February 3 and 10, 2005. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). 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, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved. A typical processing time for an unprotested application is about eight to twelve weeks.

Please feel free to contact this office if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Robert G. Haynes".

Robert G. Haynes, P.E.
Regional Manager

Enclosure(s) - Receipt No. N016581



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

January 25, 2005

RAY HENNEKEY
STATE OF IDAHO
DEPT OF FISH & GAME
1540 WARNER AVE
LEWISTON, ID 83501

FAXED TO RAY 1/25/05
6 pages total

Application to Permit No. 3-10195

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 follows 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.

Unless you are going to protest this application, you may comment by e-mail to Dianne.Ball@idwr.idaho.gov if you would like to do so.

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

Sincerely,

A handwritten signature in cursive script that reads "Dianne".

Dianne Ball
Administrative Assistant

Enclosure(s)