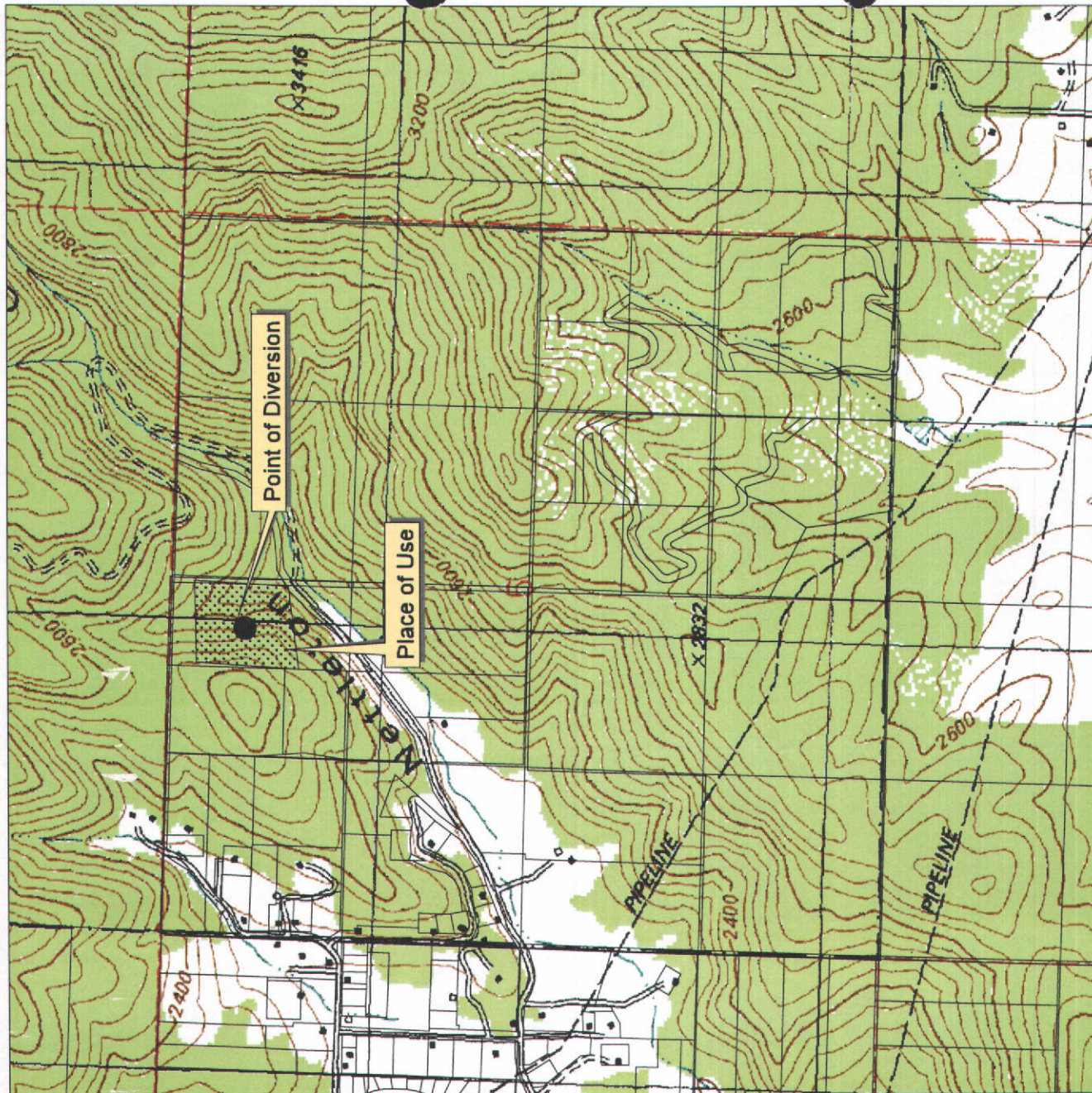
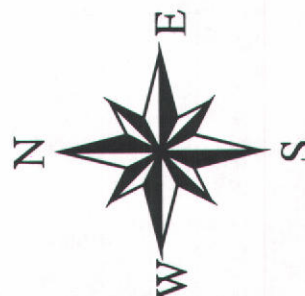




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☐ T50n03w.shp



MICROFILMED
 DEC 03 2003

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-09187

Priority: March 04, 2003

Maximum Diversion Rate: 0.20 CFS

This is to certify, that FRANK LEEROY MILLER
PO BOX 2994
COEUR D ALENE ID 83816

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	0.06 CFS
IRRIGATION	03/15 to 11/15	0.20 CFS

LOCATION OF POINT OF DIVERSION:

GROUND WATER NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 5, Twp 50N, Rge 03W, B.M., KOOTENAI County

PLACE OF USE: IRRIGATION and 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	
50N 03W 5					10.0												10.0

Total Acres: 10

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **August 01, 2008**.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
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 permit holder had no control.
5. Domestic use is for 2 homes. Irrigation of lawn, garden and landscaping associated with the homes 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 lands above.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 30th day of July, 2003.

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DEC 03 2003

Karl J. Dreher
for KARL J DREHER, Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

70611

RECEIVED

JUL 25 2003

Department of Water Resources

1. Name of Applicant Frank Leefoy Miller Phone (208) 716-0310
Mailing address P.O. Box 2974 COA ID 83816
2. Source of water supply ground water which is a tributary of n/a
3. Location of point of diversion is Township 50N Range 03W Sec. 05 in the SE 1/4, NE 1/4, NW 1/4, Govt. Lot N04E03TX#, B.M., partial # 2500 Isotemi County; additional points of diversion if any: n/a
4. Water will be used for the following purposes: 3000 gallons/day
 Amount 0.06 for DOMESTIC purposes from 8/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per annum)
 Amount 0.20 for IRRIGATION purposes from 3/15 to 11/30 (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) 0.20 and/or (b) _____
 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 10" well w/ electric pump
or windmill lift pump if possible.
 - b. Height of storage dam n/a feet; active reservoir capacity n/a acre-feet; total reservoir capacity n/a acre-feet
 - c. Proposed well diameter is 10 inches; proposed depth of well is 400 feet
 - d. Is ground water with a temperature of greater than 85°F being sought? no
 - e. If well is already drilled, when? n/a; Drilling firm n/a
 Well was drilled for (well owner) n/a; Drilling Permit No. n/a
7. Time required for completion of works and application of water to proposed beneficial use is 5 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/a
 - b. Stockwatering; list number and kind of livestock. n/a
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. one 2
 - e. Other; describe fully. for irrigation of orchard 3 large garden 3 yard area.

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DEC 03 2003

9. 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	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
		30N 3W 05	10																10

Total number of acres to be irrigated 10 ~~acres~~

10. Describe any other water rights used for the same purposes as described above. irrigation for domestic
fruits & vegetables

11. a. Who owns the property at the point of diversion? Frank Lee Roy Miller
b. Who owns the land to be irrigated or place of use? Frank Lee Roy Miller

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

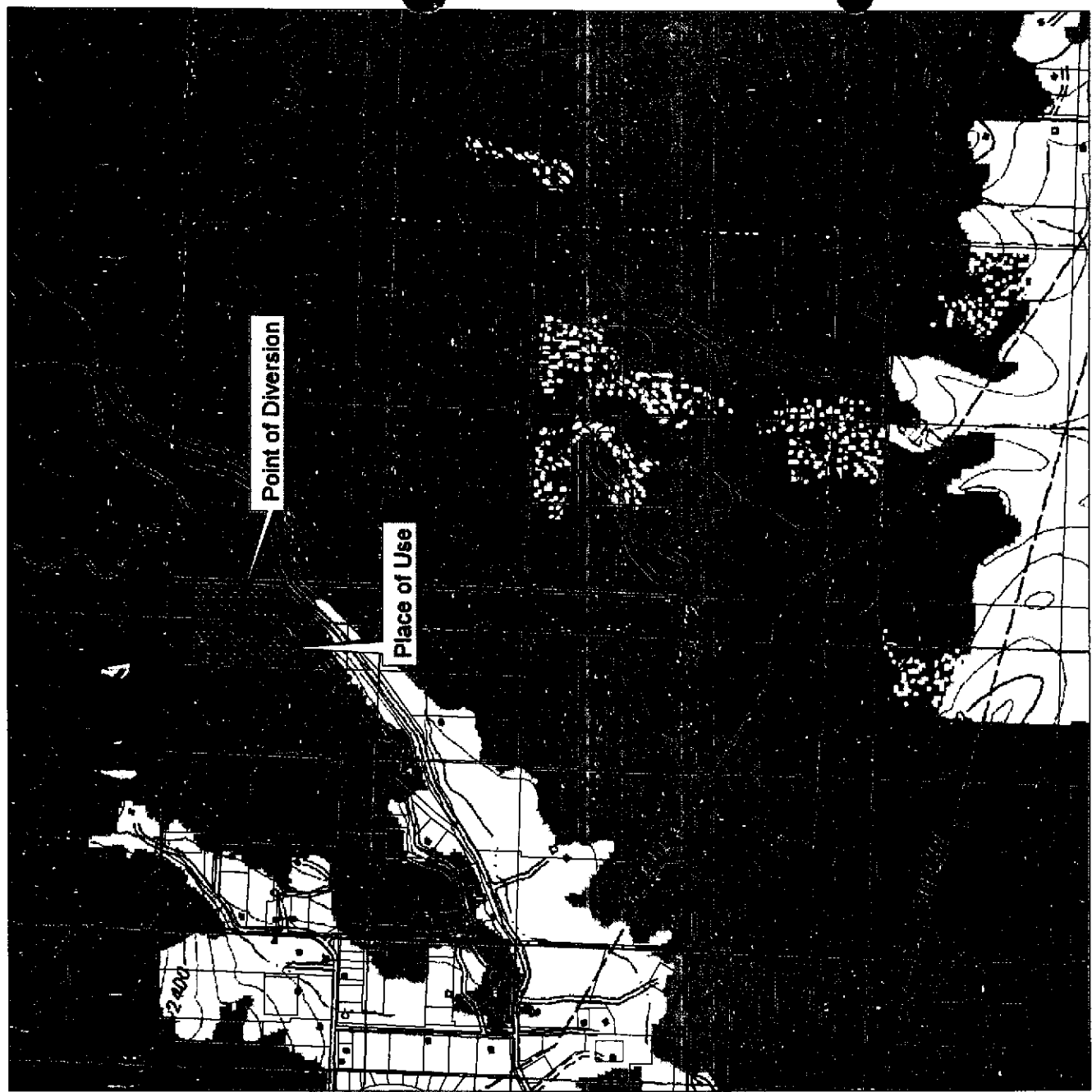
12. Remarks:

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"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.

Signature of Applicant (and title, if applicable)
Frank Lee Roy Miller

Received by 100-0 Date 3-4-03 Time 10:00 Preliminary check by ADJ 5486 Date 3-4-03
Fee \$ 100.00 Received by 6/12/03 Date 6/12/03 Publication prepared by 6/12/03 Date 6/12/03 Publication approved by 6/12/03



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State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 31, 2003

FRANK LEEROY MILLER
PO BOX 2994
COEUR D ALENE ID 83816

RE: Permit No. 95-9187

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.

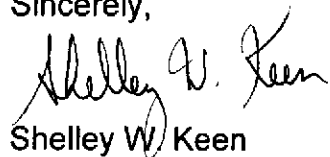
MICROFILMED

AUG 03 2003

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 208-327-7946.

Sincerely,



Shelley W. Keen

Water Rights Supervisor

SWK:klr

Enclosure(s)

MICROFILMED
DEC 03 2003

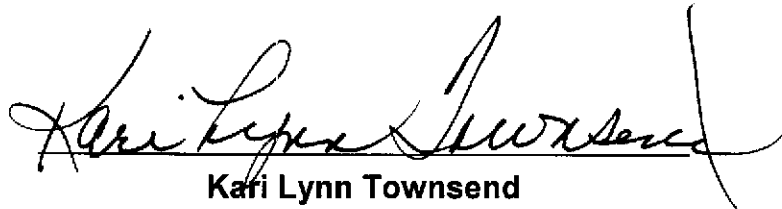
CERTIFICATE OF SERVICE

I hereby certify that on July 31, 2003 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.

95-9187

FRANK LEEROY MILLER
PO BOX 2994
COEUR D ALENE ID 83816



Kari Lynn Townsend
Secretary

MICROFILMED
DEC 9 3 2003

**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).

MICROFILMED
DEC 23 2003

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
APPROPRIATION APPLICATION ANALYSIS SHEET**

W.R. # 95-9187

APPLICATION ID # 70611
INITIAL REVIEW

ENT. 6/4 BCA 6/25 OK to Publish 6/4

APPLICANT: MILLER BY: AB DATE: 5/29/03

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 3/03 By: AB
 Field check: by _____
 Field report attached _____
 Analysis Supp. attached(>5cfs/500af) _____
 Water delivered by water master? Water District # _____

PROCESSING

(Yes)(No) PRIORITY DATE: 3/4/03

RECEIVED

JUL 25 2003

Department of Water Resources

(Include Moratorium Remark)

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

ADVERTISE IN: KOOTENAI County

LETTERS SENT REQUESTING:

() Dam Information () Fish Information
 () Power Information () Other: N/A

INFORMATION RECEIVED:

() Dam Information () Fish Information
 () Power Information () Other: N/A

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 - No, per alt view
☐ 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
6/21 Affidavit of publication received
6/21 Application published correctly. If not, record action taken: _____

6/12 Publication dates and paper recorded on application

Sr. Agent initial
 Final protest date: 7/7/03

- ☐ Protests received,
☐ Measuring device required
☐ Measuring port required
☐ Special conditions: _____
☐ Special conditions of approval supplement and/or cover letter attached: _____

Approval Recommended by: _____ Date: ____/____/____

RECEIVED AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, } ss.
County of Kootenai,

IDWR/North

Katie Hoy 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 19 day of June 20 03, and ending on the 26 day of June 20 03, and such publication was made as often during said period as said daily newspaper was regularly issued.

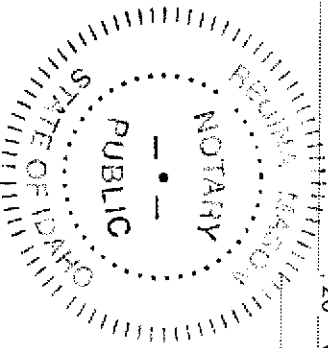
4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice.

Katie J. Hoy

Personally appeared before me this 26 day of June 20 03

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

MY COMMISSION EXPIRES 6/18/09



NOTICE OF APPLICATION FOR WATER RIGHT
The following application(s) have been filed to appropriate the public waters of the State of Idaho:

FRANK LEROY MILLER

95-9187

PO BOX 2994

COEUR D'ALENE ID 83816

Point(s) of Diversion: NENW

Source: GROUND WATER

Use: IRRIGATION

DOMESTIC

03/15 To 11/15 0.2 CFS

01/01 To 12/31 0.06 CFS

Date Filed: 03/04/2003

Total Diversion

0.2 CFS

Place Of Use: IRRIGATION

T50N R03W S5

NENW

Number of Acres: 10

Place Of Use: DOMESTIC - same as IRRIGATION

Remark: Domestic use is for 2 homes.

Remark: Domestic use is for 2 homes.

MICHAEL P STANSBURY

95-9188

PO BOX 2648

Point(s) of Diversion: SENW

S8

T50N R05W

Source: GROUND WATER

Use: IRRIGATION

DOMESTIC

03/15 To 11/15 0.2 CFS

01/01 To 12/31 0.04 CFS

Use: FIRE PROTECTION

01/01 To 12/31 0.2 CFS

Total Diversion

0.2 CFS

Date Filed: 05/28/2003

Place Of Use: IRRIGATION

T50N R05W S8

SENW

Number of Acres: 23

Place Of Use: DOMESTIC and FIRE PROTECTION same as IRRIGATION

Remark: Domestic use is for 1 home.

Permits will be subject to all prior water rights.

Protests must 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 07/07/2003. The protestant must also send a copy of the protest to the applicant.

Legal 3290
June 19, 26, 2003

KARL J. DREHER, Director

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

95-9187

FRANK LEEROY MILLER
PO BOX 2994
COEUR D ALENE ID 83816

Point(s) of Diversion NENW S5 T50N R03W KOOTENAI County

Source GROUND WATER

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

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

Total Diversion: 0.2 CFS

Date Filed: 03/04/2003

Place Of Use: IRRIGATION

T50N R03W S5 NENW

Number of Acres 10

Place Of Use: DOMESTIC - same as IRRIGATION

Remark: Domestic use is for 2 homes.

95-9188

MICHAEL P STANSBURY
PO BOX 2648
POST FALLS ID 83877

Point(s) of Diversion SENW S8 T50N R05W KOOTENAI County

Source GROUND WATER

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

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

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

Total Diversion: 0.2 CFS

Date Filed: 05/28/2003

Place Of Use: IRRIGATION

T50N R05W S8 SENW

Number of Acres 23

Place Of Use: DOMESTIC and FIRE PROTECTION same as IRRIGATION

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KARL J DREHER, Director Published in Coeur d'Alene Press on June 19 and 26, 2003.

MICROFILMED

DEC 03 2003



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

Fax (208) 769-1454

June 12, 2003

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

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

FAXED TO MISTI FLOOD 6/12/03



PLEASE FAX PROOF PRIOR TO PUBLICATION



RE: Applications for Permits No. 95-9187 and 95-9188

Dear Misti:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, **June 19 and 26, 2003** (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 07/07/2003.** Your cooperation is GREATLY appreciated, as always.

Sincerely

Dianne Ball
Administrative Assistant

MICHO ALMED

JUN 23 2003



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

Fax (208) 769-1454

June 12, 2003

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

FRANK LEEROY MILLER
PO BOX 2994
COEUR D ALENE ID 83816

RE: Application for Permit No 95-9187

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 Coeur d'Alene Press on June 19 and 26, 2003.. 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,

Allen Beardslee
Senior Water Resource Agent

REC 03 2003