

RECEIVED

FEB 26 1973

AFFIDAVIT OF PUBLICATION

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Don B. Miller, Route No. 2, Post Falls, Idaho, has on February 9, 1973, submitted Application No. 95-7252 for a permit to appropriate 0.2 cubic feet per second of water from a ground water source by means of well, pump, motor, and pipeline within the NE¼-

NW¼, Sec. 5, T. 50N, R. 5W, B. M., Kootenai County, to be used from Jan. 1 to Dec. 31, for domestic purposes for 35 families within the NE¼NW¼, Sec. 5, T. 50N, R. 5W, B. M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, 401 Front Ave., Coeur d'Alene, Idaho, 83814 on or before March 5, 1973.

R. KEITH HIGGINSON
Director

Published in the Post Falls Tribune, Post Falls, Idaho, on Feb. 15 and Feb. 22, 1973.

2-15 2tc

County of Kootenai }
STATE OF IDAHO } ss.

JEANNETTE S. ROSIN, being first duly sworn, deposes and says that she is the publisher of THE POST FALLS TRIBUNE, a newspaper published weekly at Post Falls, Kootenai County, Idaho, and of general circulation therein.

That the NOTICE OF APPLICATION FOR WATER PERMIT No. 95-7252 Don B. Miller

a true printed copy of which is attached to the margin hereof, has been and was correctly printed and published in the regular and entire issue of every number of said newspaper and not in any supplement thereof or thereto for two consecutive issues, commenc-

ing with the issue dated February 15, 1973

and ending with the issue dated February 22, 1973

Subscribed and sworn to before me, this 22nd

day of February, 1973

C. Agnes Luchini
Notary Public for the State of Idaho
Residing at Post Falls, Idaho

Publication Fee \$ 12.58
(34)

95 7252

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that Don B. Miller, Route No. 2, Post Falls, Idaho, has on February 9, 1973, submitted Application No. 95-7252 for a permit to appropriate 0.2 cubic feet per second of water from a ground water source by means of well, pump, motor, and pipeline within the NE $\frac{1}{4}$ -NW $\frac{1}{4}$, Sec. 5, T. 50N, R. 5W, B. M., Kootenai County, to be used from Jan. 1 to Dec. 31, for domestic purposes for 35 families within the NE $\frac{1}{4}$ -NW $\frac{1}{4}$, Sec. 5, T. 50N, R. 5W, B. M.

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R. KEITH HIGGINSON
Director

Published in the Post Falls Tribune, Post Falls, Idaho, on Feb. 15 and Feb. 22, 1973.

2-15 2tc

OK.
2-20-73
cl

95
7252

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 95-7252 Priority Feb. 9, 1973 Amount 0.20 cfs

THIS IS TO CERTIFY, that DON B. MILLER
of Post Falls, Idaho, has complied with the terms and conditions of Permit
No. 95-7252 issued pursuant to Application for Permit dated February 9, 1973,
and has submitted proof to the Department of Water Resources on March 5, 1975,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.20 cfs of water from a ground water source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Domestic</u>	from <u>Jan. 1</u> to <u>Dec. 31</u>	at <u>0.20</u> cfs and	<u>17.4</u> acre feet
_____	from _____ to _____	at _____ cfs and	_____
_____	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 0.20 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
17.4 acre feet per year, said waters to be diverted within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 5,
Twp. 50 N, Rge. 5 W, B. M. in the County of Kootenai

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
50 N	5 W	5					X												

Total number of acres irrigated _____

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 8 day of
September, 19 75.

Director

Identification No. 95-7252

Application No. _____

STATE OF IDAHO

LICENSE ISSUED FOR 20 SEC. FIDEPARTMENT OF WATER ADMINISTRATION
LICENSE PAGE NO. _____
APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Don B. Miller
post office address Route #2, Post Falls, Idaho
2. Source of water supply Ground water which is a tributary of _____
3. a. Location of point of diversion is NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 5 Township 50N
Range 5W B.M. Kootenai County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 0.2 for Domestic purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 0.2 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Well with pump, motor, and pipeline
to place of use.

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is 6 inches; proposed depth of well is 200 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 2 years.
b. Estimated construction cost is \$ 3,000.00.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 5 Township 50N
Range 5W B.M.
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water 35.
(5) If water is to be used for other purposes describe: _____

95 7252

95 7252

[illegible]

Total number of acres to be irrigated-

c. Describe any other water rights used for the same purposes as described above..

9. a. Who owns the property at the point of diversion _____ Applicant

b. Who owns the land to be irrigated or place of use _____ Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the

applicant to make this filing-

10. Remarks	The well was drilled in 1970 and has been used since that time for domestic purposes of 25 trailer spaces and 2 dwellings. There may be approximately 8 more trailer spaces added.
-------------	--

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

point of diversion
place of use

5N

5

5W

Scale: 2 inches equal 1 mile

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.

Dan B. Miller
(Applicant)

95 7252

Proposed Priority 2-9-1973

95-7252

Received by 28 Date 2/9/73 Time 4:00
Preliminary check by 28 Fee \$ 10.00
Received by 28 Date 2/9/73 # 8540
Publication prepared by CR Date 2-12-73
Published in Post Falls Tribune
Publication dates 2-15 & 2-22-73
Publication approved CR Date 2-26-73
Priority ~~added~~ to 2-9-73 Reason _____
Protests filed by: _____
Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by DF

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 95-7252, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 1975.
- c. Other: _____

2. Denial of said application is for the following reasons: _____

Witness my hand this 7th day of March, 1973.

Director

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item	Initial	Date	
(1)	<u>Z.E.</u>	<u>2/9/73</u>	Application No. <u>95-7252</u> Name <u>Don R. Miller</u>
(2)	<u>Z.E.</u>	<u>2/9/73</u>	Check: ☒ Signature ☒ Point of Diversion ☒ Quantity of Water and Period of Use ☒ Description of Diverting Works ☒ Time required for C/W and application of water to B/U ☒ Place of Use ☒ Map ☒ Fee
(3)	<u>Z.E.</u>	<u>2/9/73</u>	Send copies to: ☒ Idaho State Health Department ☐ Idaho Fish and Game Department ☐ Bureau of Land Management
(4)			☐ Request Special Use Permit from U.S.F.S. ☐ Request Easement from B.L.M.
(5)	<u>Z.E.</u>	<u>2/9/73</u>	In form for advertising <u>OK</u>
(6)	<u>CL</u>	<u>2-26-73</u>	Affidavit of Publication received <u>2-26-73</u>
(7)	<u>CL</u>	<u>2-12-73</u>	Final date for protests <u>MARCH 5, 1973</u> Protests received: yes _____ no <u>✓</u>
(8)			Date and Place of hearing _____ Decision reached at hearing _____
(9)			Located within Water District No. _____
(10)			Critical groundwater area: yes _____ no _____
(11)	<u>Z.E.</u>	<u>3/5/73</u>	Groundwater levels: ☐ Decline (comment) _____ ☒ Stable (comment) _____ ☐ Increasing (comment) _____
(12)			Comments: _____
(13)	<u>Z.E.</u>	<u>3/5/73</u>	Action recommended: ☒ Approve Priority <u>2/9/73</u> ☐ Deny Reason for Reduction _____ See attached sheet for conditions of approval
	<u>Z.E.</u>	<u>3/5/73</u>	No conditions for approval
(14)	<u>Z.E.</u>	<u>3/5/73</u>	District <u>Northern</u> By <u>[Signature]</u> Date <u>3/5/73</u> Title <u>Superintendent</u>

95 7252

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a true printed copy of which is attached to the margin hereof, has been and was correctly printed and published in the regular and entire issue of every number of said newspaper and not in any supplement thereof or thereto for two consecutive issues, commencing

with the issue dated February 15, 1973
and ending with the issue dated February 22, 1973

Subscribed and sworn to before me, this 22nd

day of February, 1973

Jeannette S. Rosin
Notary Public for the State of Idaho
Residing at Post Falls, Idaho

Publication Fee \$ 12.58
(34)

95 7252

September 9, 1975

Re: Permit No. 95-7252

Don B. Miller
Route 2, Box 252
Post Falls, ID 83854

Dear Mr. Miller:

Enclosed herewith is a copy of the water license issued on the above referenced permit.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:rb

Enc.

Diagram of System

DATE OF EXAM 8/24/75

ACREAGE
Found 0
Recommended 0

Irrigation Requirement _____ Ac Ft/Ac

USE
Irrigation Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____
Domestic Q= 0.20 c.f.s. V= 15.0 AF/Ann. from 1/1 to 12/31
Livestock Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no ☒

Name source: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Exchange? yes _____ no ☒

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Point of injection:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Point of exchange:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Total Q measured 0.20 cfs Method of measurement estimated

Total Q recommended 0.20 cfs Meter No. _____ Type _____ Condition _____

Total V recommended 15.0 af./year (25 x .6)

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None ☒

also 2 dwellings per tract 9/1/75

MEASUREMENT CALCULATION:

estimated by pump and motor capacity

SYSTEM DESCRIPTION:

Submersible Pump and Motor
Franklin Motor
3hp
Model 282 1022 100
450 gal pressure tank.
6" well 200' deep

REMARKS:
well furnishes water for a 25 unit trailer court.

Examiner's Signature L. E. Danforth Jr. Date 8/26/75
Checked by Bob Haynes Date 8/29/75
Approved by _____ Date _____

March 10, 1975

Re: Permit No. 95-7252

Don B. Miller
Route #2, Box 252
Post Falls, ID 83854

Dear Mr. Miller:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

If you have any questions regarding the field examination, please contact our District Office in **Coeur d'Alene.**

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG

Identification No. _____

Permit No. 95-2252

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

RECEIVED
MAR 5 1975
Department of Water Resources
Northern District Office

1. a) Name of Permit Holder Dan B. Miller
b) Post Office Address Route #2 Box 252 Post Falls, Id.
2. Permit Number 95-2252
3. Date of Priority that you are prepared to establish 2/9/73
4. a) Source from which water was appropriated Groundwater
b) Location of the point of diversion: NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 5
Township 50N, Range 5W Boise Meridian, Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied:
Amount .09 cfs for Domestic purposes from 1/1 to 12/31 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated .09 cfs cfs and/or acre-feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: #2 gpm was the capacity of the pump.
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: _____
b) Describe the agreement or understanding by which you take water from the works: _____
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) 3/4 h.p. Jacuzzi pump and motor into a 450 gal pressure tank. Piping to place of use. 200' well 140 static water level.
b) Describe the type and size of measuring device which you have installed at your point of diversion: None
c) Give well driller's name and address and the date the well was completed: Spatone Drilling Co - May 1970
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: 25 trailer gasses, 2 dwellings and 1 gas station

MICROFILMED

Exam typed 3/12/75 by ja

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres irrigated _____

10. Remarks: _____

The above information is a true statement of the extent to which the above numbered permit has been developed.

3/5/75
(Date)

* Don B. Miller
(Signature)

State of IDAHO)
County of KOOTENAI) ss.

On this 5TH day of MARCH, 19 75, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Corda M. Roberts
Notary Public residing at Adit.

My commission expires SEPT. 11, 1976

● **SENDER:** Complete items 1 and 2.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

- ☐ Show to whom and date delivered..... 15¢
☐ Show to whom, date, & address of delivery.. 35¢
☐ **DELIVER ONLY TO ADDRESSEE** and show to whom and date delivered..... 65¢
☐ **DELIVER ONLY TO ADDRESSEE** and show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:

REGISTERED MAIL

3. ARTICLE DESCRIPTION:

REGISTERED NO. | CERTIFIED NO. | INSURED NO.

26509

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE

4. DATE OF DELIVERY
FEB 1 1975

5. ADDRESS (Complete only if requested)

U.S. POSTAGE

FEB 1 1975

6. UNABLE TO DELIVER BECAUSE:

USPS
MAILS

29

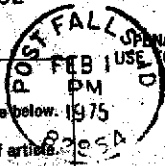
UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete Items 1 and 2 on reverse side.
- Moisten gummed ends and attach to back of article.



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



**RETURN
TO**

**DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720**

January 31, 1975

CERTIFIED MAIL

26509

Re: Permit No. 95-7252

Don B. Miller
Route #2
Post Falls, ID 83854

Dear Mr. Miller:

One of the conditions of approval of your water Permit No. 95-7252 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before April 1, 1975. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.



R. KEITH HIGGINSON
Director

RKH:jg
Enc: Proof affidavit

March 7, 1973

Re. Permit No.: 95-7252

Don B. Miller
Route 2,
Post Falls, Idaho

Dear Mr. Miller:

Enclosed is a copy of your approved Application for Permit No. 95-7252 . We
direct your attention to the conditions of approval as listed on the fourth page.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF: cd

Enclosures

95 7252



PANHANDLE HEALTH DISTRICT I

P. O. Box 608 412 Lakeside Avenue Coeur d'Alene, Idaho 83814

February 14, 1973

RECEIVED

FEB 15 1973

Department of Water Administration
Northern District Office

Fred Eisenbarth
Department of Water Administration
401 Front Avenue, Room 209
Coeur d'Alene, Idaho

Re: Application Nos. 95-7248
95-7249
95-7250
95-7251
95-7252

Dear Mr. Eisenbarth:

The Panhandle Health District has no objection to the above mentioned applications. The actual well sites should be approved by the Health Department prior to drilling to insure compliance with all State Codes.

Sincerely,

Ronald L. Donaly
Ronald L. Donaly
Environmentalist

95 7252

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
NORTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

401 Front Ave., Rm. 209
Coeur D'Alene, Idaho 83814
(208) 667-6484

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

February 12, 1973

Re: Application for Permit No. 95-7247 95-7250
95-7248 95-7251
95-7249 95-7252

Ronald L. Donaly
PANHANDLE DISTRICT HEALTH DEPARTMENT
P.O. Box 608
Coeur d'Alene, ID 83814

Dear Mr. Donaly:

We are enclosing copies of applications that may be of interest to your agency. Please review the applications and if you have any comments, please submit them to our office as soon as possible. We normally complete the processing of an application within a six-week period, and we are required to take final action shortly thereafter.

If we may be of further assistance, please contact us.

Very truly yours,

Fred Eisenbarth
Water Resource Supervisor
Northern District

FE:CR

Enc: copies

95 7252

February 12, 1973

Re: Application No. 95-7251 - Don B. Miller
" " 95-7252 " " "

Post Falls Tribune
Box 68
Post Falls, ID 83854

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. 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. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

Fred Eisenbarth
Water Resource Supervisor
Northern District

Bill submitted 2-26-73 by ck

FE:cr

Enc: Legal Notices (2)

95 7252

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for domestic purposes for 35 families

within the NE1/4NW1/4, Sec. 5, T. 50N, R. 5W, B.M.

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R. KEITH HIGGINSON

Director

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R. KEITH HIGGINSON
Director

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