

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

18 37N  
 4/E

**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.

Kenneth M. Ili  
(Applicant)

RECEIVED

For NOV 24 1989  
6/86

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**BENEFICIAL USE FIELD REPORT**

Department of Water Resources

**A. GENERAL INFORMATION**

Permit No. 84-07076

1. Owner: KENNETH MILLER (DEC)

Phone No. 476-3546

Current Address: 2735 GRANGEMONT RD. OR

2. Accompanied by: NONE

EXAM. DATE: 6/6/89

Address: -

Phone No. -

Relationship to Permit Holder: -

3. Source: SPRING tributary to SINKS

**B. OVERLAP REVIEW**

1. Other water rights with same place of use: NONE

☐ Copies Attached

2. Other water rights with same point of diversion: NONE

☐ Copies Attached

☐ Copies of Field Exam's Attached

**C. SYSTEM DESCRIPTION**

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



**MICROFILMED**

**MAR 19 1990**

Scale: 1" = NTS

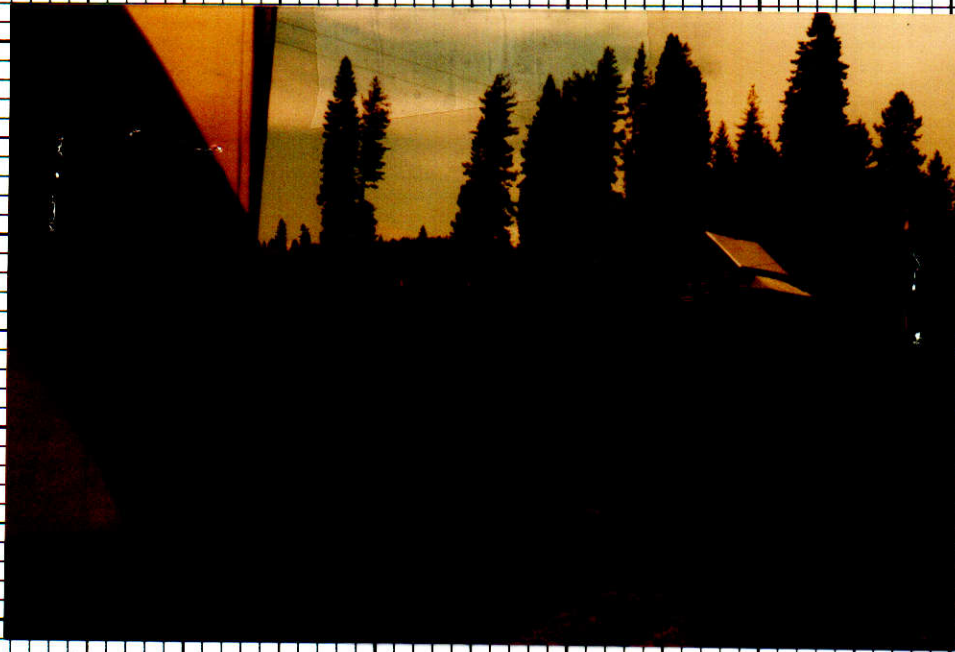
2. ☒ Copy of U.S.G.S. Quadrangle Attached  
Showing location(s) of point(s) of diversion and  
place(s) of use (required).

☐ Aerial Photo Attached  
(required for irrigation of 10 acres or more).

- ☒ Photo of Diversion and System Attached  
(required for all but single household domestic groundwater, and stockwater).



10. Other water rights on these lands none } JK
11. Other water right diverted from same p.d. none }
12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.



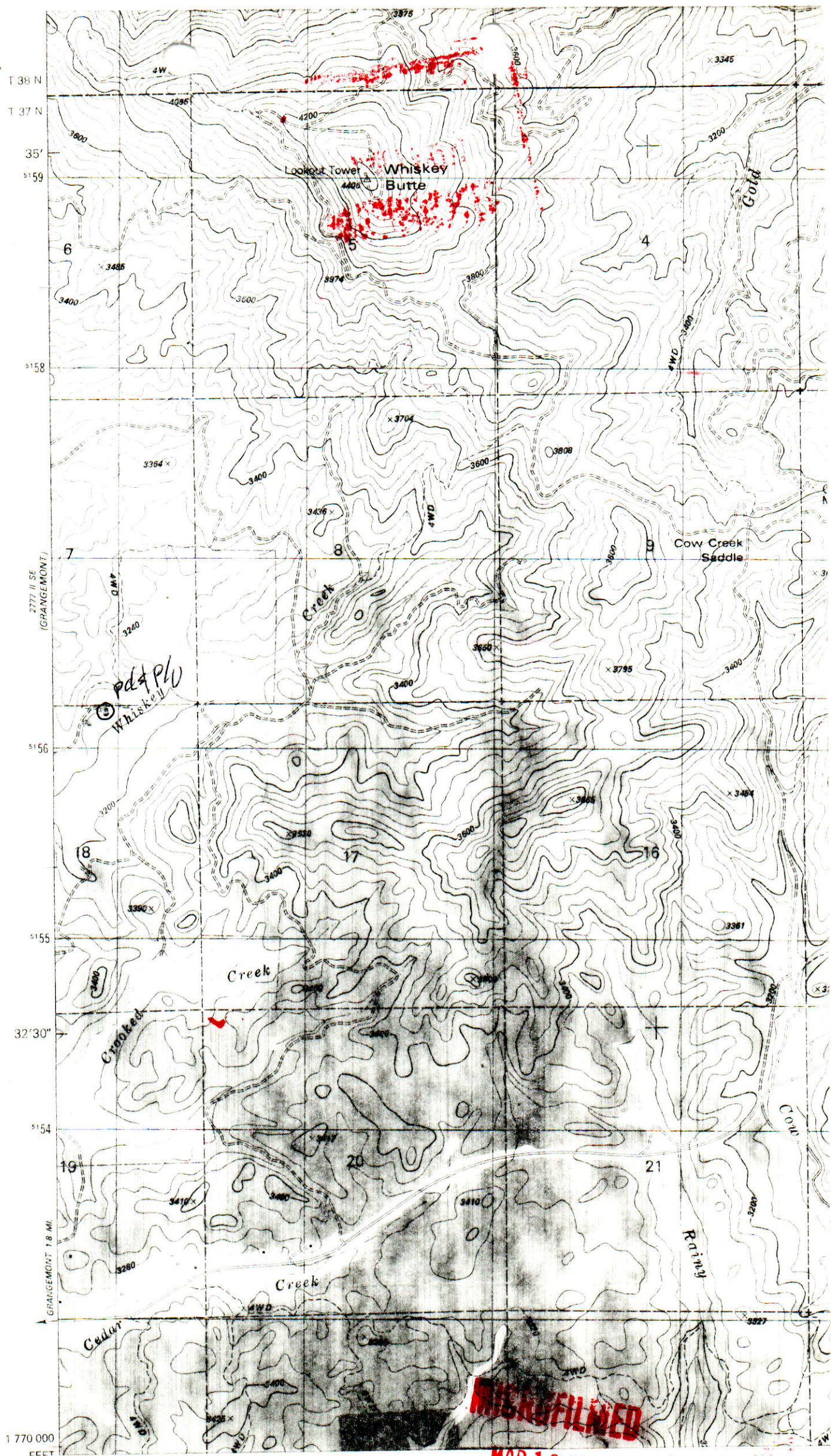
13. ☐ Photo of Diversion & System Attached ☐ Aerial Photo of Place of Use Attached or Map of Irrigated Acreage Attached

14. Remarks Actual use is groundwater while filing was for surface water (spring). Applicant decided not to file on the groundwater - CANCEL

SEE MEMO 6/12/89 - JK

15. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None



TWP. 37 N RGE. 4 E SEC. 18 MAP # K-61 MAP SCALE 1 1/2"  
DATE OF FIELD EXAM \_\_\_\_\_ FIELD REPORT MAP PERMIT # 84-7076

State of Idaho  
Department of Water Resources

# WATER RIGHT LICENSE

WATER RIGHT NO. 84-07076

Priority: August 31, 1979

Maximum Diversion Rate:  
Maximum Diversion Volume:<sup>1</sup>

0.04 CFS  
0.6 AF

This is to certify, that KENNETH MILLER  
2735 GRANGEMONT RD.  
OROFINO, ID 83544

has complied with the terms and conditions  
of the permit, issued pursuant to Application for Permit dated August 31, 1979; and  
has submitted Proof of Beneficial Use on August 23, 1984. An examination indicates  
that the works have a diversion capacity of .040 cfs of water from:

SPRING tributary to SINKS

source, and a water right has been established as follows:

| <u>BENEFICIAL USE</u>                     | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u>                                    | <u>ANNUAL VOLUME</u> |
|-------------------------------------------|----------------------|-------------------------------------------------------------|----------------------|
| DOMESTIC                                  | 01/01 to 12/31       | 0.04 CFS                                                    | 0.6 AF               |
| <u>LOCATION OF POINT(S) OF DIVERSION:</u> |                      | NWNE, Sec. 18, Township 37N, Range 04E<br>CLEARWATER County |                      |

PLACE OF USE: DOMESTIC

TWN RGE SEC

37N 04E 18 NWNE

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Domestic use is for 1 home.

**MICROFILMED**

MAR 19 1990

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.  
Witness the seal and signature of the Director, affixed at Boise, this 23<sup>rd</sup>  
day of JANUARY, 1990.

Acting for R. Keith Higginson, Director

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Kenneth Miller Phone 476-3546

Post office address Rt. 2, Box 104A Orofino, Idaho

2. Source of water supply Unnamed Spring which is a tributary of \_\_\_\_\_

3. Location of point of diversion is NW  $\frac{1}{4}$  of NE  $\frac{1}{4}$  of Section 18 Township 37N

Range 4E B.M. Clearwater County, additional points of diversion if any: \_\_\_\_\_

4. Water will be used for the following purposes:

Amount 0.04 for Domestic purposes from 1/1 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)

5. Total quantity to be appropriated:

a. 0.04 cubic feet per second and/or b. \_\_\_\_\_ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. \_\_\_\_\_

Pipeline

b. Height of storage dam \_\_\_\_\_ feet, active reservoir capacity \_\_\_\_\_ acre-feet; total reservoir capacity \_\_\_\_\_ acre-feet, materials used in storage dam: \_\_\_\_\_

Period of year when water will be diverted to storage \_\_\_\_\_ to \_\_\_\_\_ inclusive.  
(Month/Day) (Month/Day)

c. Proposed well diameter is \_\_\_\_\_ inches; proposed depth of well is \_\_\_\_\_ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year – maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: NW  $\frac{1}{4}$  of NE  $\frac{1}{4}$  of Section 18 Township 37N

Range 4E B.M.

(2) Amount of power to be generated: \_\_\_\_\_ horsepower 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 one.

(5) If water is to be used for other purposes describe: \_\_\_\_\_

RECEIVED



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

⊙ P.D. 4  
PLACE OF SEE

18 37N

4/E

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.

Kenneth M. Iltis  
(Applicant)

Proposed Priority 8/31/79

Received by pm Date 8/31/79 Time 11:45

Preliminary check by JK Fee \$ 90.00

Receipted by pm Date 8/31/79 (14071)

RAH Publication prepared by pm Date 9/6/79

Published in Clearwater Tribune

Publication dates 9-13 - 9-20

Publication approved JB Date 10-1-79

Protests filed by: None

Copies of protests forwarded by \_\_\_\_\_

Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

Recommended for approval denial by RAH Jim

#### ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 84-7076, 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 October 1, 19 84.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: (1) the issuance of this permit in no way grants any right-of-way or  
easement across the land of another.

Witness my hand this 9<sup>th</sup> day of October, 19 79.

J. Glen Saxton  
Chief, Operations Bureau

# AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, } ss.  
County of Clearwater }

Nancy Noble

being first duly sworn, on oath, deposes and says:

That I am and at all times herein mentioned have been a citizen of the United States and of the State of Idaho, over 21 years of age, and that I am not a party to nor interested in the above entitled proceeding; that I am and at all times herein mentioned have been the Editor, Foreman, of THE CLEARWATER TRIBUNE: That said Clearwater Tribune is a newspaper of general circulation, printed and published weekly at Orofino, in the County of Clearwater and State of Idaho; that the Clearwater Tribune has been continuously and uninterruptedly published in Clearwater County, Idaho during the period of seventy-eight consecutive weeks prior to the first publication of attached copy of

Notice of Application for Water

Rights - Douglas Johnson &  
Kenneth Miller

That said Notice

of which the annexed is a full, true and correct printed copy, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for full period of two consecutive issues commencing on the 13th day of September, 1979, and ending on the 20th day of September, 1979

Subscribed and sworn to before me this 26th day of September, 1979

NOTARY PUBLIC IN AND FOR THE STATE OF IDAHO  
RESIDING AT OROFINO THEREIN

RECEIVED

OCT 1 1979

Department of V.  
Northern District

Miller, Kenneth  
Rt. 2 Box 104A, Orofino, ID  
83544

Source: Unnamed Spring  
Date Filed: 08/31/1979  
Amount: 0.04 CFS  
Diversion Point: NENE Sec  
11 T 37N R 02E, Clearwater  
Co.

Use: Stockwater (0.02  
CFS) from 01/01 to 12/31  
Domestic (0.04 CFS) from  
01/01 to 12/31  
Place of use: NENE Sec 11  
T 37N R 02E  
Diversion Means: Reservoir  
83-7038

Miller, Kenneth  
Rt. 2, Box 104A, Orofino, ID  
83544

Source: Unnamed Spring  
Date Filed: 08/31/1979  
Amount: 0.04 CFS  
Diversion Point: SENW Sec  
14 T 37N R 02E, Clearwater  
Co.

Use: Domestic (0.04 CFS)  
from 01/01 to 12/31  
Place of Use: SENW Sec 14  
T 37N R 02E  
Diversion Means: Pipe  
84-7074

Miller, Kenneth  
Rt. 2 Box 104A, Orofino, ID  
83544

Source: Unnamed Spring  
Date Filed: 08/31/1979  
Amount: 0.04 CFS  
Diversion Point: SWSE Sec  
22 T 37N R 02E, Clearwater  
Co.

Use: Stockwater (0.02 CFS)  
from 01/01 to 12/31; Domestic  
(0.04 CFS) from 01/01 to 12/31  
Place of Use: SWSSE Sec 22 T  
37N R 02E  
Diversion Means: Reservoir  
84-7075

Miller, Kenneth  
Rt. 2 Box 104A, Orofino, ID  
83544

Source: Unnamed Spring  
Date Filed: 08/31/1979  
Amount: 0.04 CFS  
Diversion Point: SESE Sec  
22 T 37N R 02E, Clearwater  
Co.

Use: Domestic (0.04 CFS)  
from 01/01 to 12/31  
Place of Use: SESE Sec 22 T  
37N R 02E  
Diversion Means: Pipe  
84-7076

Miller, Kenneth  
Rt. 2 Box 104A, Orofino, ID  
83544

Source: Unnamed Spring  
Date Filed: 08/31/1979  
Amount: 0.04 CFS  
Diversion Point: NWNE Sec  
18 T 37N R 04E, Clearwater  
Co.

Use: Domestic (0.04 CFS)  
from 01/01 to 12/31  
Place of Use: NWNE Sec 18  
T 37N R 04E  
Diversion Means: Pipe  
84-7077

Miller, Kenneth  
Rt. 2 Box 104A, Orofino, ID  
83544

Source: Unnamed Spring  
Date Filed: 08/31/1979  
Amount: 0.04 CFS

MICROFILMED

January 24, 1990

KENNETH MILLER  
2735 GRANGEMONT RD.  
OROFINO, ID 83544

RE: PERMIT NO. 84-07076

Dear Permit Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit.

Sincerely,

JIM JOHNSON  
Water Rights Supervisor

JJ:sc

Enclosure

**MICROFILMED**  
MAR 19 1990

RECEIVED

For NOV 24 1989  
6/86

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**BENEFICIAL USE FIELD REPORT**

Department of Water Resources

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Phone No. 476-3546

Current Address: 2735 GRANGEMONT RD. OR

2. Accompanied by: NONE

EXAM. DATE: 6/6/89

Address: -

Phone No. -

Relationship to Permit Holder: -

3. Source: SPRING tributary to SINKS

**B. OVERLAP REVIEW**

1. Other water rights with same place of use: NONE

☐ Copies Attached

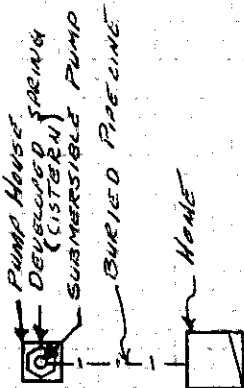
2. Other water rights with same point of diversion: NONE

☐ Copies Attached

☐ Copies of Field Exam's Attached

**C. SYSTEM DESCRIPTION**

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



**MICROFILMED**

**MAR 19 1990**

Scale: 1" = NTS

2. ☒ Copy of U.S.G.S. Quadrangle Attached  
Showing location(s) of point(s) of diversion and  
place(s) of use (required).

☒ Photo of Diversion and System Attached

(required for all but single household domestic groundwater, and stockwater.

☐ Aerial Photo Attached  
(required for irrigation of 10 acres or more).

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

LISTER DEVELOPED SPRING WITH 5/8 INCHES 1865 PUMP & PIPING TO HANG

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<☐ See Remarks on page 4 for continuation

|                                       |            |    |                  |           |                                   |
|---------------------------------------|------------|----|------------------|-----------|-----------------------------------|
| Well or Diversion Identification No.* | Motor Make | Hp | Motor Serial No. | Pump Make | Pump Serial No. or Discharge Size |
|                                       |            |    |                  |           |                                   |
|                                       |            |    |                  |           |                                   |
|                                       |            |    |                  |           |                                   |
|                                       |            |    |                  |           |                                   |

*\*Code to correspond with No. on map and aerial photo*

**5. Point(s) of Diversion:**

[illegible]

6. Place(s) of Use: \_\_\_\_\_  
Indicate Method of Determination: \_\_\_\_\_

[illegible]

***Do not use this space***

MAR 1 9 1990

**MICROFILMED**

Do not use this space

**D. FLOW MEASUREMENTS**

*none*

☐ Additional Data Sheets Attached

1.

| Measurement Equipment | Type | Make | Model No. | Serial No. | Size | Calib. Date |
|-----------------------|------|------|-----------|------------|------|-------------|
|                       |      |      |           |            |      |             |
|                       |      |      |           |            |      |             |
|                       |      |      |           |            |      |             |
|                       |      |      |           |            |      |             |

2. Measurements:

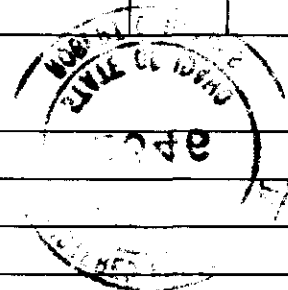
\_\_\_\_\_

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\_\_\_\_\_



**E. FLOW CALCULATIONS**

☐ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

*ONE HOME*

**F. PUMP EFFICIENCY DATA (Optional)**

Discharge Pressure: \_\_\_\_\_ psi x 2.31 = \_\_\_\_\_ ft (1); Dynamic pumping level: \_\_\_\_\_ ft (2)

Total Head: (1) + (2) = \_\_\_\_\_ (3); Flow rate: \_\_\_\_\_ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = \_\_\_\_\_ (5)

Meter Input KW: 3.6 x \_\_\_\_\_ KH x \_\_\_\_\_ CTR or \_\_\_\_\_ MULT x \_\_\_\_\_ PTR x \_\_\_\_\_ N/ \_\_\_\_\_ T = \_\_\_\_\_ (6)

Meter Input HP: (6) x 1.34 = \_\_\_\_\_ (7)

Panel Input KW: \_\_\_\_\_ Ave PF x \_\_\_\_\_ Ave Volts x \_\_\_\_\_ Ave Amps x .001732 = \_\_\_\_\_ (6)

Panel Input HP: (6) x 1.34 = \_\_\_\_\_ (7) Efficiency: (5)/(7) x 100 = \_\_\_\_\_ %

**G. VOLUME CALCULATIONS**

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$  \_\_\_\_\_

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$  \_\_\_\_\_

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$  \_\_\_\_\_

2. Volume Calculations for Other Uses:

*ONE HOME*

**MICROFILMED**

MAR 19 1990

H. REMARKS AND OVERLAP REVIEW ANALYSIS

I. RECOMMENDATIONS

1. Recommended Amounts

| Beneficial Use | Period of Use |       | Rate of Diversion<br>Q (cfs) | Annual Volume<br>V (afy) |
|----------------|---------------|-------|------------------------------|--------------------------|
|                | From          | To    |                              |                          |
| Domestic (1)   | 1/1           | 12/31 | 0.04                         | 16                       |

Totals:

2. Recommended Amendments

- ☐ Change P.D. as reflected above
- ☐ Add P.D. as reflected above
- ☐ Change P.U. as reflected above
- ☐ Add P.U. as reflected above

- ☒ None
- ☐ Other

J. AUTHENTICATION

Field Examiner's Name Tom W. King

Signature Tom W. King

Certification Date 8/17/89

Field Report Preparation Date 8/29/89

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.



MICROFILMED  
MAR 19 1990



JUN 26 1989

Department of Water Resources

MEMORANDUM

TO: FILE

FM: Tom King, Sr. Agent - Northern Region *JK*

Date: June 15, 1989

SUBJECT: # 84-07076

On June 6, 1989, this agent conducted a re-examination of the above referenced permit and determined that the source of water is a spring.

*EXAMINATION FIELD REPORT ATTACHED*

**MICROFILMED**

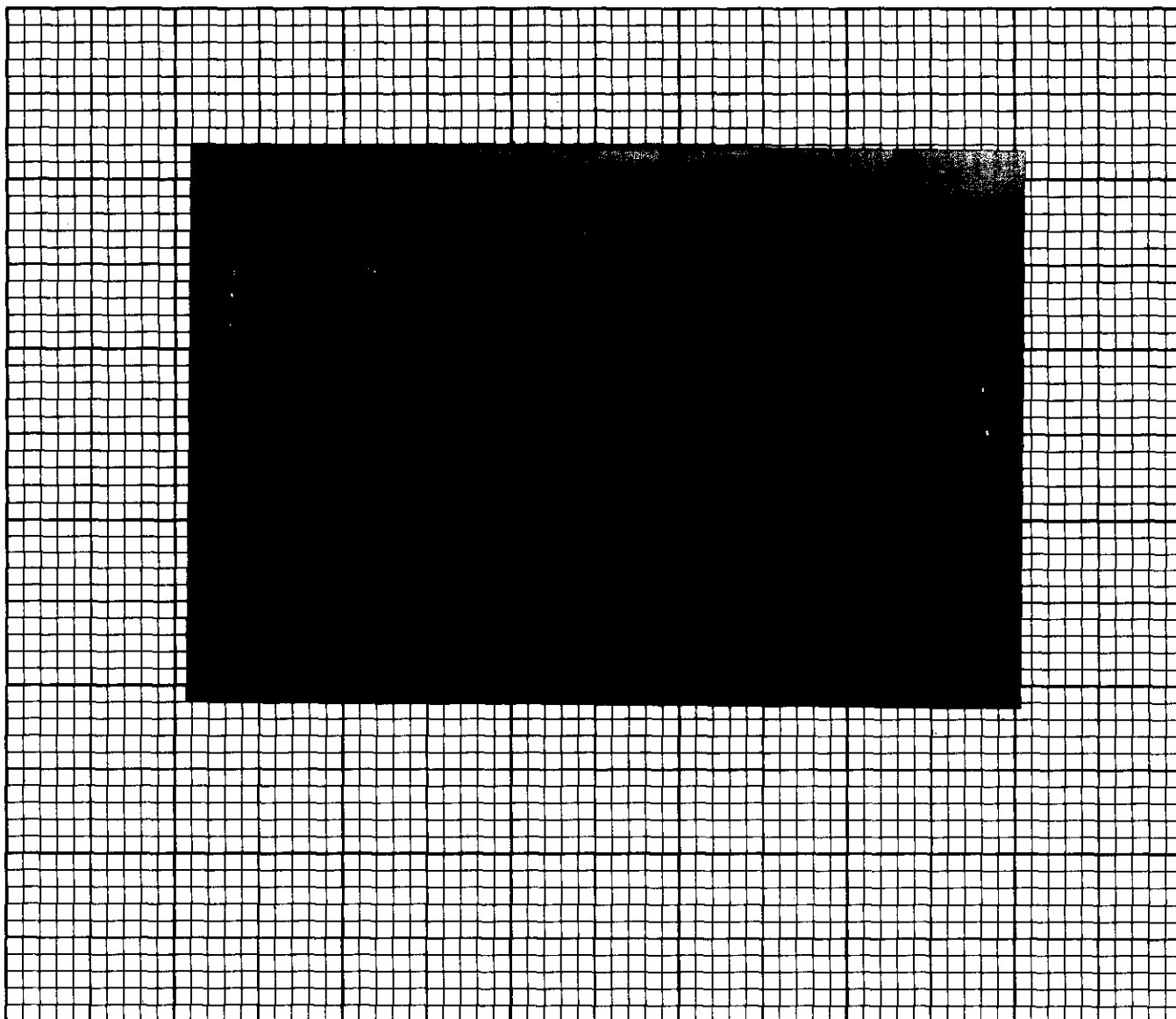
MAR 19 1990

Department of Water Resources

Phone No. 476-3546

- [illegible]

10. Other water rights on these lands None } JK
11. Other water right diverted from same p.d. None }
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SEE MEMO 6/12/89 - JK

15. Recommended Amendments

- ☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None
- ☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

16. Examiner's/Consultant's Signature LBear Date 5/24/85

Consultant's License Number Tom King 6-12-89

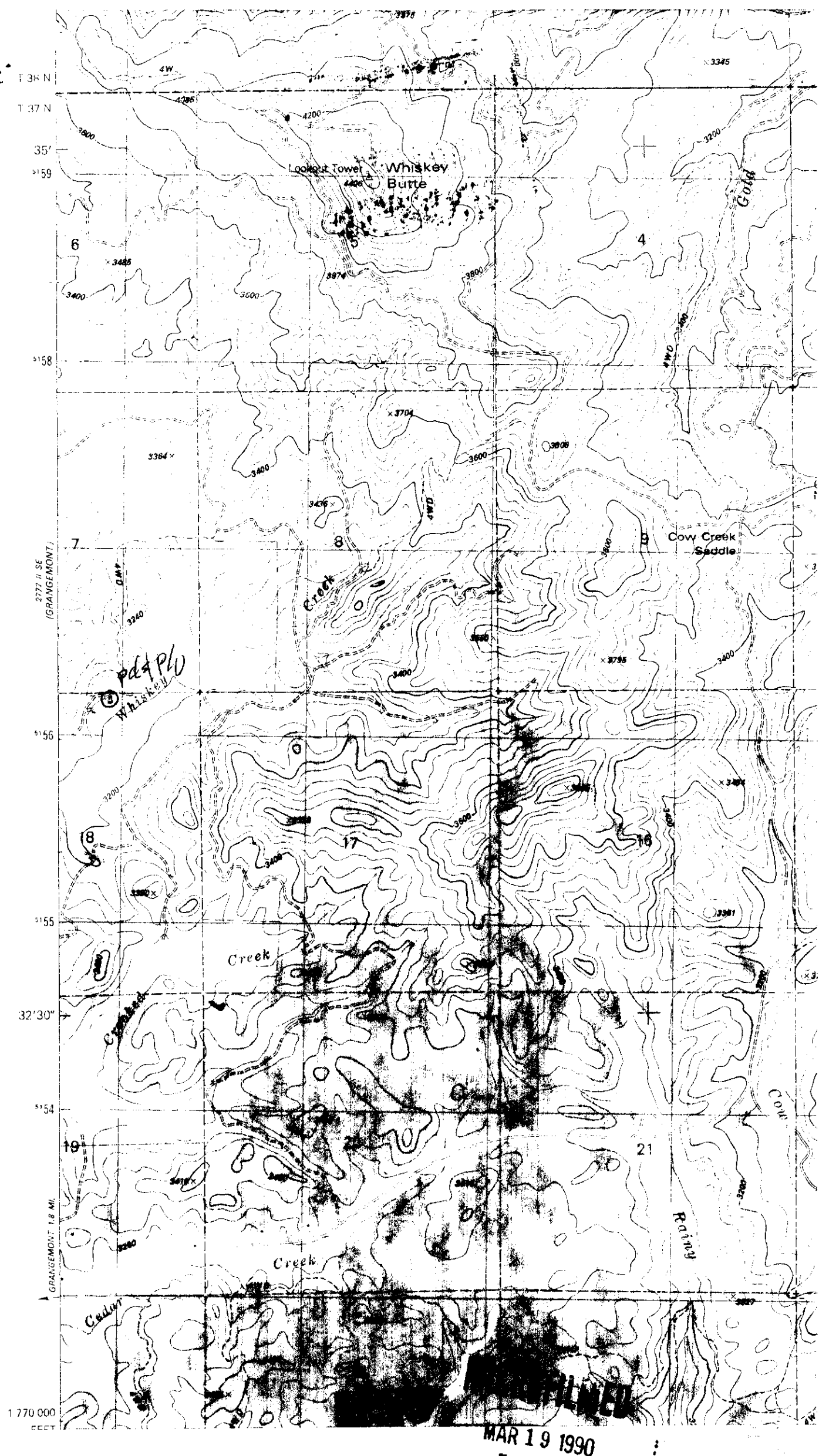
IDWR Director's Authorization to Conduct Beneficial Use Examination \_\_\_\_\_

Date

**MICROFILMED**

MAR 19 1990

CONSULTANT SEAL



TWP. 37 N RGE. 4 E SEC. 18 MAP # K-24 MAP SCALE 1 1/2  
DATE OF FIELD EXAM \_\_\_\_\_ FIELD REPORT MAP PERMIT # 84-7076

**MEMORANDUM**

**TO:**TOM KING, NORTHERN REGION

**FROM:**JOHN MCLEOD

**RE:** MISSING PORTION OF FIELD EXAM, # 84-7076

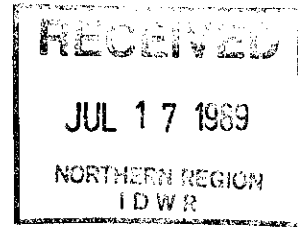
**DATE:** 19-JUL-1989

-----  
Per our telephone conversation today, attached is the examination for the above right which requires a completed second page. Your cooperation is appreciated.

**MICROFILMED**

**MAR 19 1990**

MEMORANDUM



TO:BOB HAYNES, NORTHERN REGION

FROM:JOHN MCLEOD<sup>JA</sup> ALLOCATIONS SECTION, STATE OFFICE

RE: FIELD EXAMINATION FOR RIGHT # 84-7076

DATE: 12-JUL-1989

*g*

=====

We recently recieved a field examination for the above right from your office which is missing the second sheet (Licensing Report). The right was examined by L. Beard on 5/24/85, and was re-examined by Tom King on 6/6/89. Please check your files and return the sheet to me. You assistance in this matter is appreciated.

**MICROFILMED**

MAR 19 1990

FROM: DWR50::KING 22-MAR-1989 15:31:42.18  
To: DWR01::WRWALKER,DWR50::KING  
CC:  
Subj: PERMITS #84-07076 AND #84-07077

PLEASE RETURN ABOVE REFERENCED EXAMS, OR COPIES OF THEM FOR RE-EXAMINATION  
PER REQUEST OF GARY S. MEMO 3/16/1989

THANK YOU VERY MUCH,

TOM

*Returned original  
exam to region  
3/27/89 - kw*

**MICROFILMED**

MAR 19 1990

MEMORANDUM

TO: Bob Haynes, Northern Region  
FROM: Gary Spackman *Gary*  
DATE: March 16, 1989  
RE: Permits to appropriate water nos. 84-7076 and 84-7077

I have corresponded with you in the past about the above permits. I understood that the question of whether the water was diverted from springs or groundwater source would be resolved by reviewing the adjudication claims. Apparently Mr. Miller did not file adjudication claims for this property.

I request that these permits be re-examined at the convenience of a field examiner this summer. Please determine whether the water is diverted from groundwater or a spring.

**MICROFILMED**

MAR 19 1990

MEMORANDUM

TO: Bob Haynes, Northern Region  
FROM: Gary Spackman *Gary*  
DATE: March 1, 1989  
RE: Application for permit nos. 84-7076 and 84-7077 in the name  
Kenneth Miller

I sent a memorandum to you a month or so ago about permit no. 84-7076 and 84-7077. I thought you stated that Miller filed adjudication claims for the permits and that you were planning to compare the adjudication filings to the water right filings to determine if the state office should void the permits. I have not heard back from you. Is my recollection correct?

**MICROFILMED**

MAR 19 1990

MEMORANDUM

TO: Bob Haynes, Northern Region  
FROM: Gary Spackman *Gary*  
DATE: January 13, 1989  
RE: Application for permits nos. 84-7076 and 84-7077 in the name  
Kenneth Miller

I spoke to you about these files a couple of weeks ago. My recollection is a little fuzzy, but it seems that Mr. Miller had filed some adjudication claims and that you were planning to compare the adjudication filings to the water right filings, and determine whether the state office should void the permits. If my recollection is correct, would you please let me know what you decide.

**MICROFILMED**

MAR 19 1990



te of Idaho  
**DEPARTMENT OF WATER RESOURCES**  
STATE OFFICE, 450 W. State Street, Boise, Idaho

CECIL D. ANDRUS

Governor

R. KEITH HIGGINSON

Director

Mailing address:

Statehouse  
Boise, Idaho 83720  
(208) 334-4440

October 23, 1987

Kenneth Miller  
2735 Grangemont Road  
Orofino, ID 83544

Re: Permits Nos. 84-7076 and 84-7077

Dear Mr. Miller:

I have received your letter responding to the notice of pending order voiding permit. I have reviewed the examinations of the field examiner. He states expressly that springs were not developed, but that wells were drilled. The exams also state that you decided not to refile on the water.

Please describe for me any features of your diversion on the above permits which would lead an examiner to believe that the water was spring water as opposed to water being extracted from an underground aquifer. The Department will defer action on this matter for thirty (30) days pending your reply.

Sincerely,

GARY SPACKMAN, Supervisor  
Water Allocation Section

GS:jf

CC: Northern Region

**MICROFILMED**

MAR 19 1990

RECEIVED

OCT 13 1987

Department of Water Resources

Kenneth Miller  
2735 Grangemont Road  
Crofton, Id 83544

October 7, 1987

Department of Water Resources  
Statehouse  
Boise, Id 83720

Re: Permit Nos. 84-7076 and 84-7077

Attn: Gary Spackman

Dear Mr. Spackman:

In reply to your recent notices, regarding the above listed permits, I am assuming the representative had the locations in error as these springs are for the houses, in their respective settings. At one location, a pump is in the spring ready for use, though the home is presently vacant. The other, the occupied home is serviced by the spring water.

I trust this letter will clarify why I feel your department should not void these permits.

Thanking you, I am

Sincerely,

*Kenneth Miller*  
Kenneth Miller

ET/ab

MICROFILMED

MAR 19 1990



State of Idaho

## DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

CECIL D. ANDRUS

Governor

R. KEITH HIGGINSON

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

September 30, 1987

Kenneth Miller  
2735 Grangemont Rd.  
Orofino, ID 83544

RE: Permit to Appropriate Water No. 84-7076

Dear Permit Holders:

### NOTICE OF PENDING ORDER VOIDING PERMIT

On October 9, 1979 the Department of Water Resources approved an application to appropriate water, numbered 84-7076, from an unnamed spring, for domestic purposes located in the NWNE, Sec. 18, T37N, R4E, Clearwater County, B.M.

Based on a field inspection conducted by a representative of our Department it has come to our attention that you have not developed the system you intended under this permit.

The purpose of this letter is to request that you relinquish your permit or explain why the Department should not void the permit. Enclosed is a relinquishment form that should be signed and returned to this office, unless you have some explanation that would prevent the Department from voiding your permit.

If you fail to respond to this notice within thirty (30) days of the date of this letter, the Department will act to void your permit. The permit will be voided on the grounds that you failed to divert and beneficially use the water that you were permitted to develop.

If you have any questions in regard to this matter, please feel free to contact our office.

**MICROFILMED**

MAR 19 1990

Respectfully,

GARY SPACKMAN

Supervisor, Water Allocation Section

I hereby certify that on this 30<sup>th</sup> day of September, 1987, I sent the original copy of this letter, postage prepaid, to the person and address listed above.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Northern Region

---

JOHN V. EVANS  
Governor  
A. KENNETH DUNN  
Director

4055 Government Way  
Coeur d'Alene, ID 83814  
(208) 667-6484

OCTOBER 2, 1984

KENNETH MILLER  
2735 GRANGEMONT ROAD  
OROFINO ID 83544

RE: Permit No. 84-7076

Dear Permit Holder:

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

Before a Water Right License can be issued, a field examination must be made by a representative of this department.

A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office by phone at 765-4639 or in person at our office.

Sincerely,

/s/  
TOM D. KING  
Senior Water Resource Agent

cc: IDWR - State Office

**MICROFILMED**

MAR 19 1989

## DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has conducted development to the extent shown below of Permit No. 84-7076.

Name(s) of Permit Holder: Kenneth Miller

Post Office Address: 2735 Grangemont Road

Orofino, Idaho 83544 Tel. No. 476-3546

Source of Water: Unnamed Spring

Extent of Use: ☒ Domestic One (number of households)  
☐ Stockwater (number and type of stock)  
☐ Irrigation (acres)  
☐ Other

Measuring Device: Required? ☐ Yes ☒ No Installed? ☐ Yes ☐ No  
Access Port: Required? ☐ Yes ☒ No Installed? ☐ Yes ☐ No

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

8/20/84  
Date

**MICROFILMED**

Kenneth Miller  
Signature of Permit Holder

RECEIVED

BOISE, IDAHO 83720

IDAHO DEPARTMENT OF WATER RESOURCES  
STATEHOUSE

AUG 23 1984



RECEIVED

PLACE  
13 CENT  
STAMP  
HERE





State of Idaho  
**DEPARTMENT OF WATER RESOURCES**  
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS  
Governor

C. STEPHEN ALLRED  
Director

Mailing address:  
Statehouse  
Boise, Idaho 83720  
(208) 384-2215

October 10, 1979

Kenneth Miller  
Route 2 Box 104 A  
Orofino, Idaho 83544

Dear Mr. Miller,

RE: Permit No's. 83-7036/7037/7038/7039/ & 84-7074/7075/7076/7077/7078/7079/7080

Enclosed is a copy of your approved Application for Permit. We direct your attention to the conditions of approval as listed on the fourth page.

Sincerely,

DAVID R. TUTHILL, JR.  
Supervisor, Water Allocations Section

DRT:lr

Enclosure

10/10/79

State of Idaho  
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: RyH APPLICATION NUMBER: 84-7076

CHECK:

- ☒ Source.  
☒ Point of diversion.  
☒ County.  
☒ Description of diverting works.  
☒ Time required for beneficial use of water.  
☒ Place of use or acres irrigated.  
☒ Map.  
☒ Signature.  
☒ Fee.  
☐ Yes ☒ No Field check required.  
☐ Yes ☒ No Critical groundwater area.  
☐ Yes ☒ No Request dam safety information. Sent by: \_\_\_\_\_ Date: \_\_\_\_\_  
☐ Yes ☐ No\* In form to receipt.

Field check by: \_\_\_\_\_

Date: \_\_\_\_\_

Comments: \_\_\_\_\_

\*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: \_\_\_\_\_

SEND COPIES TO:

- ☒ Idaho State Health Department. Copies sent by: \_\_\_\_\_ Date: \_\_\_\_\_  
☐ Idaho Fish and Game Department. \_\_\_\_\_  
☐ Idaho Department of Lands. \_\_\_\_\_  
☐ U.S. Bureau of Land Management. \_\_\_\_\_  
☐ U.S. Forest Service. \_\_\_\_\_  
☐ Other \_\_\_\_\_

PROCESSING:

- ☐ Yes ☐ No Platted by: \_\_\_\_\_ Map No. \_\_\_\_\_  
☐ Yes ☒ No Other rights on same place of use. NA  
☒ Yes ☐ No\* In form for advertising.  
Final date for protests: 10-1-79  
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 10-1-79  
☒ Application published correctly. If not, record action taken: \_\_\_\_\_  
☒ Fee amount, receipt date & number, recorded on application.  
☒ Publication dates and paper, recorded on application.  
☒ Protests, dates, withdrawal, etc., recorded on application.  
☒ Recommendation & initial, recorded on application.  
☐ Yes ☒ No Measuring device required.  
☐ Yes ☒ No Access port required.  
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what district? \_\_\_\_\_  
8-31-79 Date of priority recommended.  
Special conditions of approval or cover letter. \_\_\_\_\_

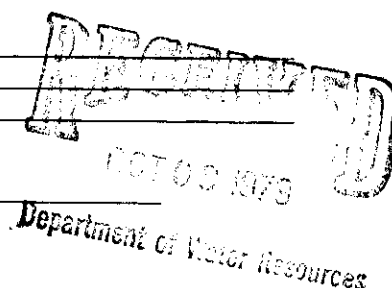
By: RyH Date: 10-4-79

STATE OFFICE REVIEW:

04  
short letter w/ conditions

- ☐ See attached sheet for more information.

By: Jen Date: 10/9/79



MICROFILMED

84-7076\_

MILLER, KENNETH

RT. 2 BOX 104A. OROFINO, ID 83544

Source: UNNAMED SPRING

Date Filed: 08/31/1979

Amount: 0.04 CFS

Diversion Point: NWNE Sec 18 T 37N R 04E, CLEARWATER Co.

Use: DOMESTIC (0.04 CFS) from 01/01 to 12/31

Place of Use: NWNE Sec 18 T 37N R 04E

Diversion Means: PIPE

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

STATEHOUSE  
BOISE, IDAHO 83720  
(208) 334-4440  
CERTIFIED MAIL

MILLER, KENNETH  
RT. 2 BOX 104A  
OROFINO, ID 83544

138105

PROOF DUE NOTICE

JULY 31, 1984

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 84-7076 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE OCTOBER 01, 1984. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). ENCLOSED IS A POSTCARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU OR A PREVIOUS OWNER OF THIS PERMIT HAVE NOT RECEIVED A PRIOR EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME IF THE DELAY IS FOR REASONABLE CAUSE AS PROVIDED IN SECTION 42-204, IDAHO CODE. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

EITHER THE BENEFICIAL USE POSTCARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE DESCRIBED PROOF DUE DATE. IF NEITHER IS RECEIVED, THE DEPARTMENT WILL SEND YOU A LAPSE NOTICE. WITHIN SIXTY (60) DAYS OF THE MAILING OF THE LAPSE NOTICE, THE PERMIT WILL NO LONGER BE OF ANY FORCE NOR EFFECT.

SINCERELY,

RITA FLECK  
SECRETARY/RECORDS MANAGER

ENCLOSURES

MICROFILMED

(7) If you are claiming water as a member of an organization, list name of organization: \_\_\_\_\_

#35 Spring Daniels p/see

[illegible]

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 5<sup>th</sup> day of June, 19 79.

My commission expires 12-1-82

Received by AA Date 6/18/79 Exception filed by: \_\_\_\_\_ Forwarded to \_\_\_\_\_ Date \_\_\_\_\_  
Prelim. check by \_\_\_\_\_ Date \_\_\_\_\_ claimant by: \_\_\_\_\_  
\$10.00 fee received by \_\_\_\_\_ Date \_\_\_\_\_  
Approved for publication by \_\_\_\_\_  
Published in \_\_\_\_\_  
Dates \_\_\_\_\_