

02/09/2018

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 95-9814

NAME AND ADDRESS: DANA MERKELEY
16301 E BUNCO RD
ATHOL ID 83801-5048

WARD MERKELEY
16301 E BUNCO RD
ATHOL ID 83801-5048

JEFF MERKELEY
16301 E BUNCO RD
ATHOL ID 83801-5048

TYLER MERKELEY
16301 E BUNCO RD
ATHOL ID 83801

SOURCE: LEWELLEN CREEK
TRAPPER CREEK
UNNAMED STREAM

TRIBUTARY: SINKS
TRIBUTARY: LEWELLEN CREEK
TRIBUTARY: LEWELLEN CREEK

QUANTITY: 0.280 CFS
90.70 AFY

PRIORITY DATE: 04/16/1977

POINT OF DIVERSION:
T53N R02W S28 NWNW Within KOOTENAI County
T53N R02W S28 SENW Within KOOTENAI County
T53N R02W S29 NENE Within KOOTENAI County

see Attached
Letter

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
RECREATION STORAGE	01/01 12/31	0.70 AFY
FIRE PROTECTION STORAGE	01/01 12/31	0.70 AFY
DIVERSION TO STORAGE	01/01 12/31	0.080 CFS
IRRIGATION	03/15 11/15	0.200 CFS
WILDLIFE STORAGE	01/01 12/31	90.00 AFY
Recreation storage is for a private pond.		

PLACE OF USE: IRRIGATION in KOOTENAI County

~~T53N R02W S28 NWNW 4.50~~ ~~T53N R02W S28 SENW 3.50~~
~~T53N R02W S28 SENW 16.50~~ T53N R02W S29 NENE 5.50

WILDLIFE STORAGE in KOOTENAI County

T53N R02W S20 SESE T53N R02W S29 NENE

RECREATION STORAGE in KOOTENAI County

T53N R02W S20 SESE T53N R02W S29 NENE

FIRE PROTECTION STORAGE in KOOTENAI County

T53N R02W S20 SESE T53N R02W S29 NENE

30 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Parcel Nos. ~~53N02W284000~~ & 53N02W290200, 53N02W207300

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 96-07530

original

Priority: April 16, 1977

Maximum Diversion Rate:
Maximum Diversion Volume:

0.28 CFS
90.7 AF

This is to certify, that JEFF MERKELEY
WARD MERKELEY
DANA MERKELEY
LOIS MERKELEY

14550 E BUNCO RD
ATHOL ID 83801

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 15, 1977; and has submitted Proof of Beneficial Use on July 2, 1987. An examination indicates that the works have a diversion capacity of 0.280 cfs of water from:

LEWELLEN CREEK tributary to SINKS
UNNAMED STREAM tributary to LEWELLEN CREEK

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>
IRRIGATION	03/15 to 11/15	0.20 CFS	90.0 AF
WILDLIFE STORAGE	01/01 to 12/31		0.7 AF
RECREATION STORAGE	01/01 to 12/31		0.7 AF
FIRE PROTECTION STORAGE	01/01 to 12/31		0.7 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.08 CFS	
	Totals	0.28 CFS	90.7 AF

LOCATION OF POINT(S) OF DIVERSION:

SWSW , Sec. 21, Township 53N, Range 02W
NENE , Sec. 29, Township 53N, Range 02W
KOOTENAI County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
53N	02W	20	SESE 3			3
		29	NENE 15	SENE 12		27

Total number of acres irrigated: 30

PLACE OF USE: WILDLIFE STORAGE

TWN RGE SEC
53N 02W 21 SWSW

MICROFILMED

JUN 12 1988

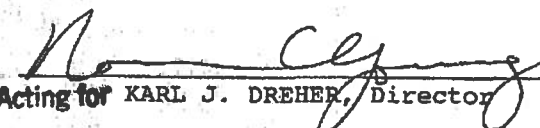
State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 96-07530

CONDITIONS OF APPROVAL AND REMARKS

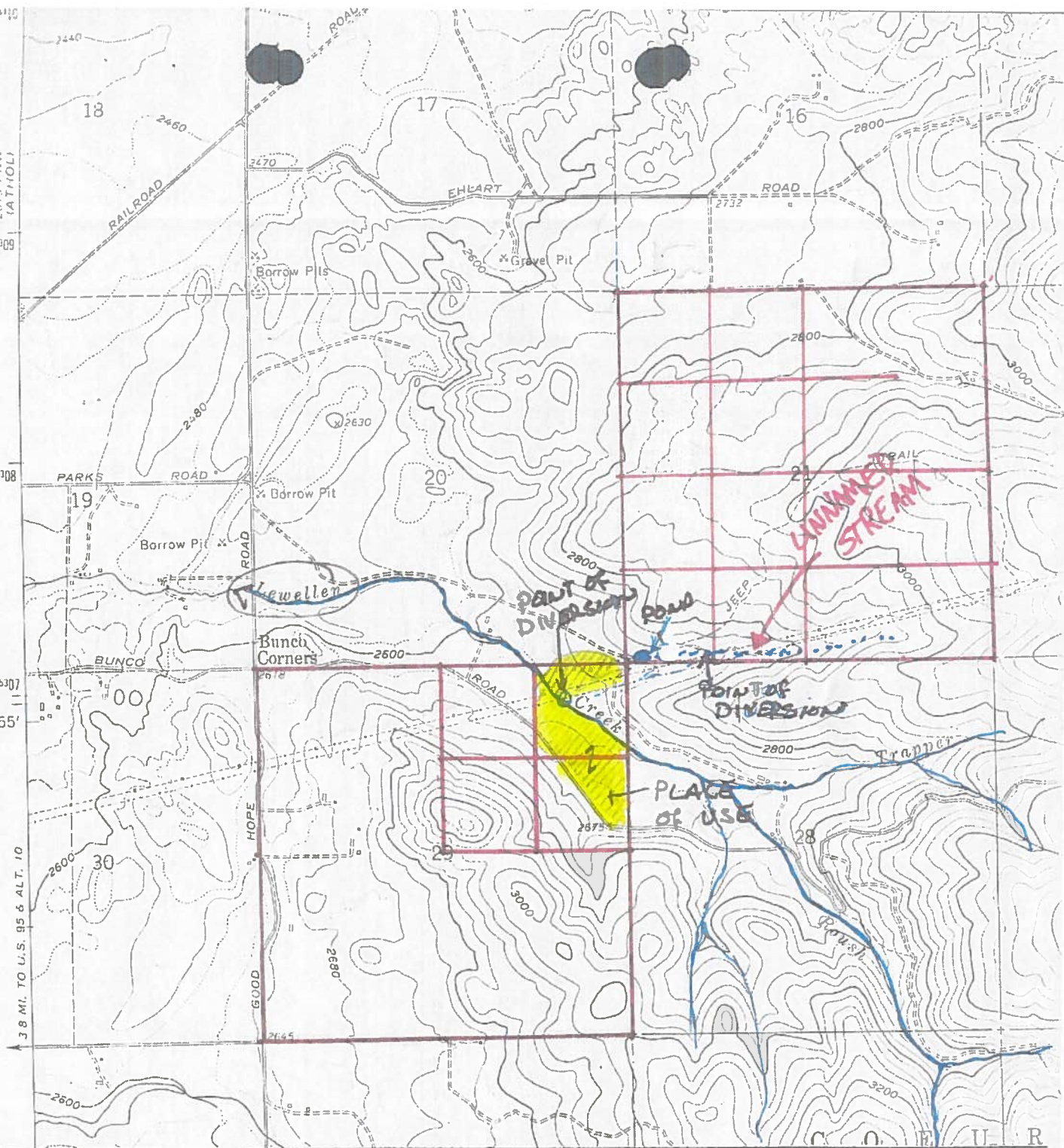
1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to 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 shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 96A.
6. The right holder shall maintain a measuring device of a type approved by the Department.
7. Water shall not be diverted from storage for fire protection use under this right except to fight or repel an existing fire.
8. Wildlife storage and recreation storage are for a private pond.

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 8th
day of JUNE, 1998.


Acting for KARL J. DREHER, Director

MICROFILMED
JUN 12 1998

original - revert diversion Point(s)
and place(s) of use to those originals



PERMIT HOLDER MERKELEY PERMIT # 96-7530

P D TWP 53N RGE 24E SEC 29 NE/4

P/U TWP _____ RGE _____ SEC SAME

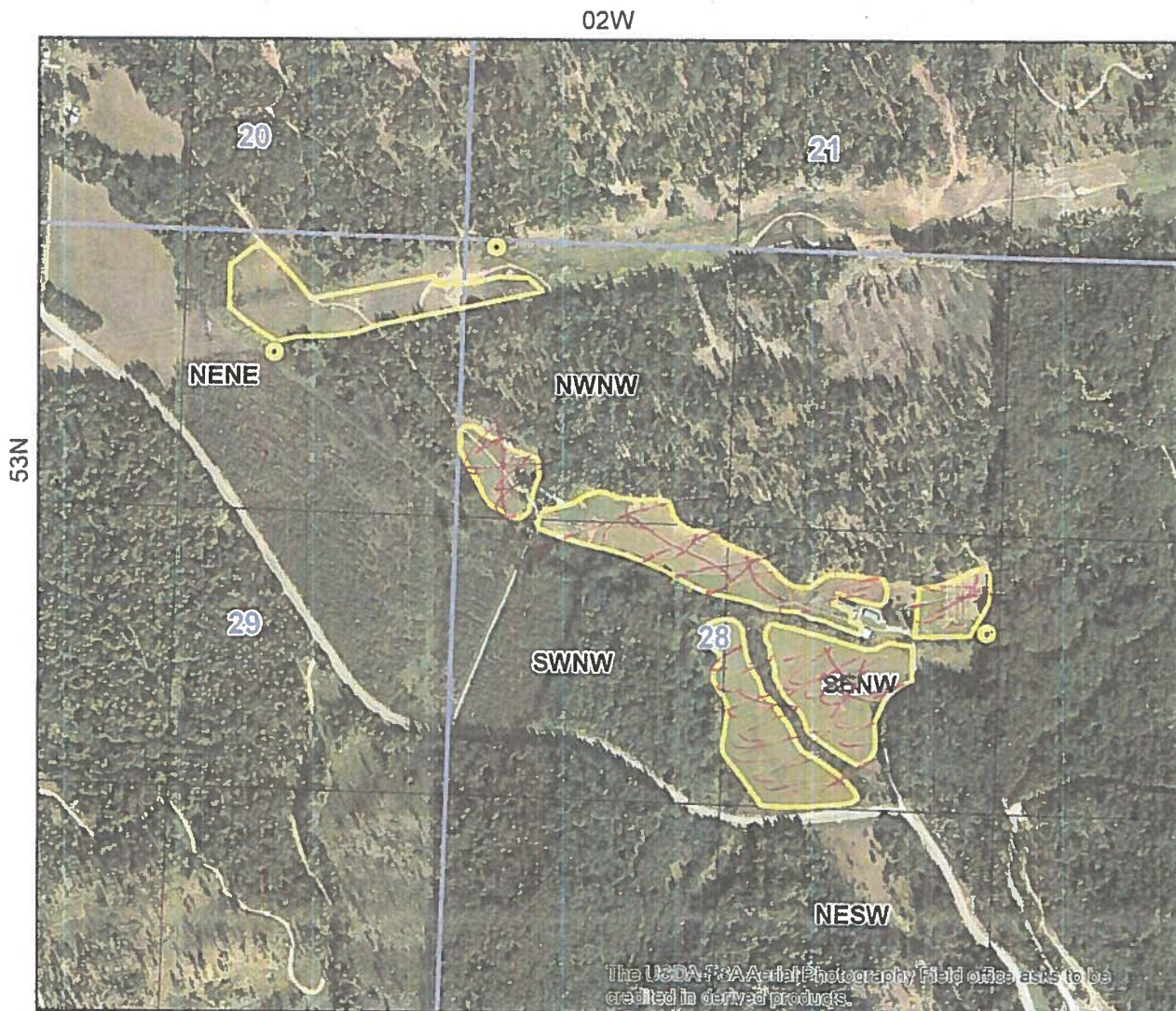
MICROFILMED
JUN 12 1998

SOURCE LEWELLEN CR TRIBUTARY TO SINKS

MAP PLOT 27 IRR. ACRES 30? USGS QUAD E-56 SCALE 7 1/2 MIN

State of Idaho
Department of Water Resources

Adjudication Recommendation 95-9814 Irrigation



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections

0 0.1 0.2 0.4 Miles

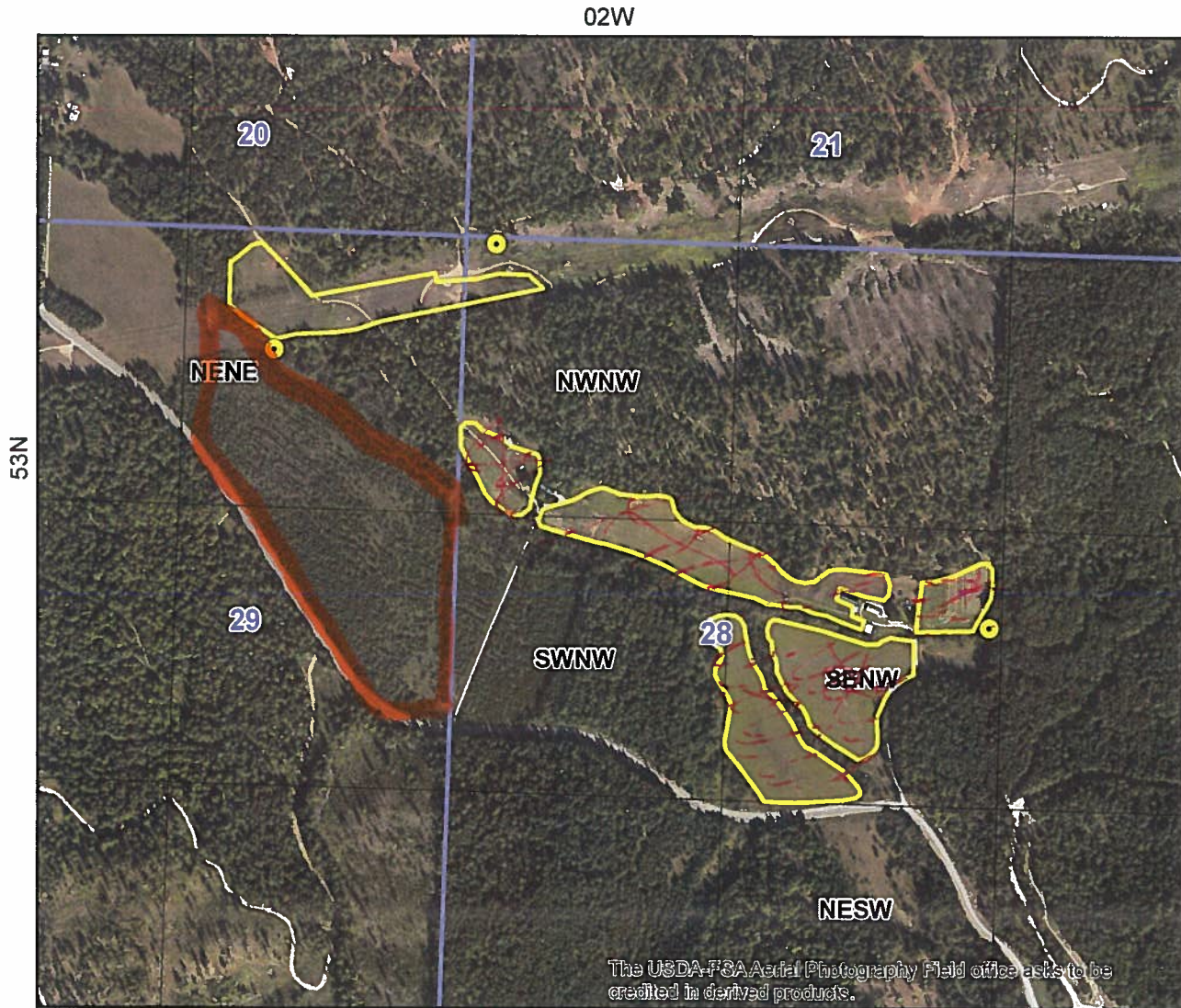
no diversion on 28
no place of use on 28

Prepared By: Steve Clelland
December 14, 2016
Aerial photo: ESRI 2013



PROPOSED BENEFICIAL USE

State of Idaho
Department of Water Resources
Adjudication Recommendation
95-9814
Irrigation



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections

0 0.1 0.2 0.4 Miles

no diversion on 28
no place of use on 28



Prepared By: Steve Clelland
December 14, 2016
Aerial photo: ESRI 2013