

**Maximum Diversion Volume: 63.5 AF**

MERRILL OAKS 362 LANGILLE CANYON RD OLDTOWN ID 83822-9589 AND/OR  
MURIEL OAKS 362 LANGILLE CANYON RD OLDTOWN ID 83822-9589

**Tributary:** PEND OREILLE RIVER

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Annual Volume</u>
IRRIGATION STORAGE	04/01 to 10/31	57.0 AF
IRRIGATION FROM STORAGE	04/01 to 10/31	57.0 AF
STOCKWATER STORAGE	01/01 to 12/31	0.1 AF
STOCKWATER FROM STORAGE	01/01 to 12/31	0.1 AF
WILDLIFE STORAGE	01/01 to 12/31	6.4 AF
FIRE PROTECTION FROM STORAGE	01/01 to 12/31	6.4 AF

SPRING L1 (SW¼ NE¼ NW¼), Sec. 13, Twp 56N, Rge 06W, B.M. BONNER County  
 SPRING L1 (SE¼ NE¼ NW¼), Sec. 13, Twp 56N, Rge 06W, B.M. BONNER County

[illegible][illegible][illegible]

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**  
No. 97-7581

**Place of Use: FIRE PROTECTION FROM STORAGE**

Twp	Rng	Sec	NE				NW				SW				SE				No QQ	Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
56N	06W	12															X L4			
56N	06W	13					X L1			X L2	X L3									

**Conditions of Approval**

1. Proof of application of water to beneficial use shall be submitted on or before **November 01, 2025**.
2. Subject to all prior water rights.
3. The following rights are diverted through points of diversion described above: 97-7520 and 97-7581.
4. Water shall not be diverted from fire protection storage except to fight or repel an existing fire.
5. Right 97-7581 authorizes the storage of an annual total of 63.5 acre-feet, comprised of 5.1 acre-feet to be used for the initial filling or carryover storage of the pond, 1.3 acre-feet for the replacement of losses due to evaporation, and up to 57.1 acre-feet for additional refills for irrigation from storage and stockwater from storage uses.
6. The pond established by the storage of water under this right shall not exceed a total capacity of 5.1 acre-feet or a total surface area of 1.6 acres
7. 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 place of use.
8. Stockwater use is for 10 head of mixed stock.
9. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
10. This right does not grant any right-of-way or easement across the land of another.

This permit is issued pursuant to the provisions of Idaho Code § 42-204.

Signed this 28<sup>th</sup> day of October, 2020.



ADAM FREDERICK  
Water Rights Supervisor



State of Idaho  
Department of Water Resources

# Attachment to Permit to Appropriate Water

97-7581

This map depicts the IRRIGATION STORAGE, STOCKWATER STORAGE, and WILDLIFE STORAGE place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



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

0 0.035 0.07 0.14 Miles





State of Idaho  
Department of Water Resources

# Attachment to Permit to Appropriate Water

97-7581

This map depicts the IRRIGATION FROM STORAGE place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



46E

06W



Point of Diversion



Place Of Use Boundary



Townships



PLS Sections



Quarter Quarters

0 0.075 0.15 0.3 Miles










State of Idaho  
Department of Water Resources  
**Attachment to Permit to Appropriate Water**  
97-7581

This map depicts the STOCKWATER FROM STORAGE place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



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

0 0.075 0.15 0.3 Miles



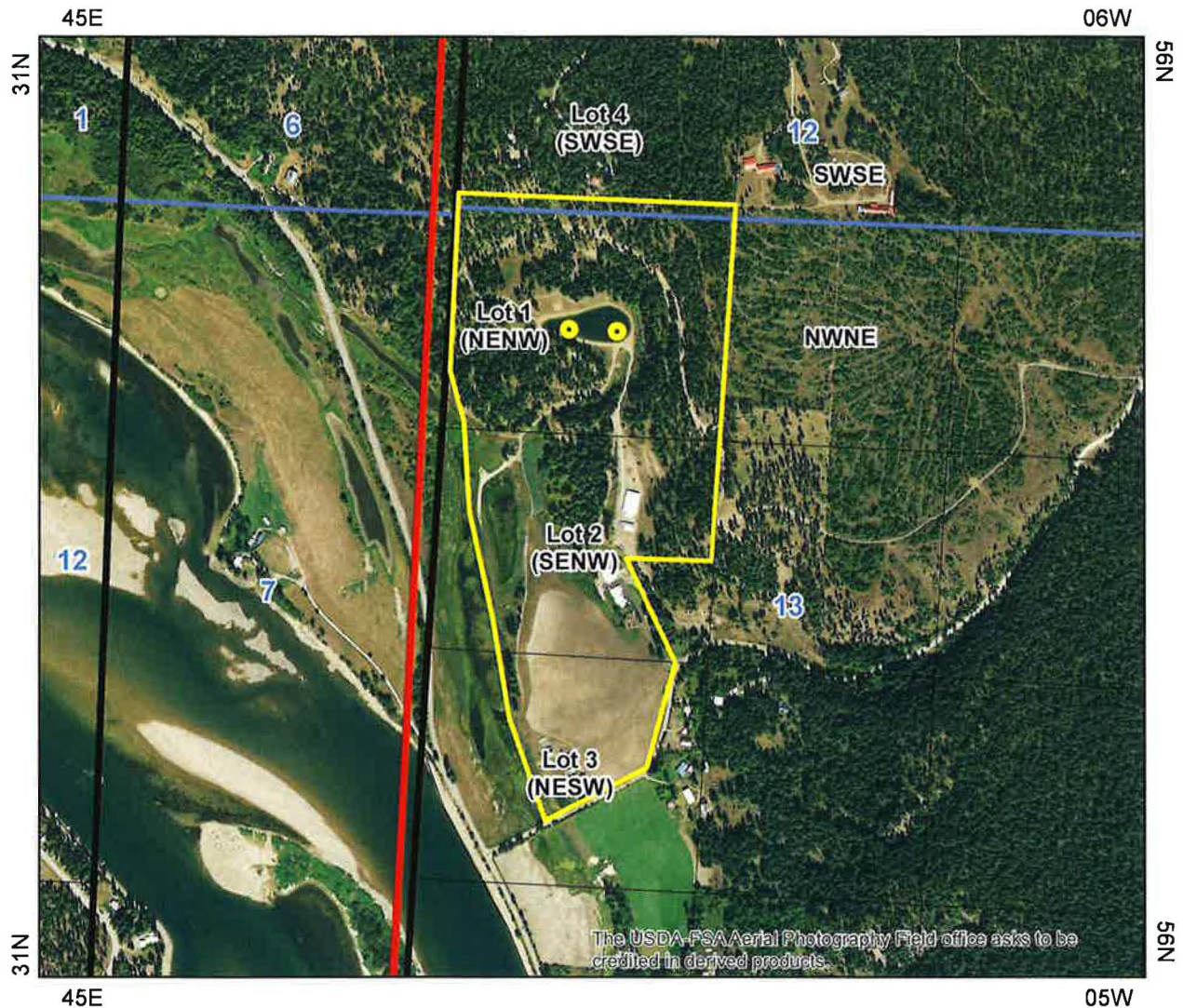


State of Idaho  
Department of Water Resources

# Attachment to Permit to Appropriate Water

97-7581

This map depicts the FIRE PROTECTION FROM STORAGE place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



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

0 0.125 0.25 0.5 Miles





State of Idaho

## DEPARTMENT OF WATER RESOURCES

Northern Region • 7600 N MINERAL DR STE 100 • COEUR D ALENE, ID 83815-7763  
Phone: (208)762-2800 • Fax: (208)769-2819 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

Brad Little  
Governor

Gary Spackman  
Director

October 29, 2020

MURIEL OAKS  
MERRILL OAKS  
362 LANGILLE CANYON RD  
OLDTOWN ID 83822-9589

RE: Permit No. 97-7581

### Permit Approval Notice

Dear Permit Holder(s):

The Department of Water Resources ("Department") has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review all the conditions of approval listed on your permit. The conditions include requirements that you must accomplish, such as timely submittal of proof of beneficial use or installation of a measuring device, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district. Failure to comply with the conditions of approval may result in your permit lapsing or being canceled.

The permit is a PRELIMINARY ORDER issued pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

The final step in the water right process is issuance of a water right license. To receive a water right license, you must divert and use water to the full extent intended and submit a *Statement of Completion for Submitting Proof of Beneficial Use* by the date shown in condition no. 1 of your permit. The Department will send you a *Proof Due Notice* approximately 60 days prior to the date listed in condition no. 1 of your permit.

You may also require approvals from other Department programs, such as Ground Water Protection, Safety of Dams, or Stream Channel Protection, to accomplish your proposed development. Please call or visit any Department office or see the Department's website at [idwr.idaho.gov](http://idwr.idaho.gov) for more information about these programs.



**Please be advised that Idaho Code § 42-248, requires you or the owner of this water permit to maintain current ownership and address records on file with the Department. Forms to file an assignment of permit and/or a change in the address of the permit owner are available from any Department office or at the Department's website at [www.idwr.idaho.gov](http://www.idwr.idaho.gov).**

If you have any questions concerning the enclosed information, please contact the Northern Region Office at (208) 762-2800.

Sincerely,



Adam Frederick  
Water Rights Supervisor

Enclosure(s)

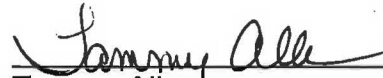


## CERTIFICATE OF SERVICE

I hereby certify that on October 29, 2020, I served a true and correct copy of Permit to Appropriate Water No. 97-7581 by U.S. Mail, postage prepaid, to the following:

MURIEL OAKS (Current Owner)  
362 LANGILLE CANYON RD  
OLDTOWN ID 83822-9589

MERRILL OAKS (Current Owner)  
362 LANGILLE CANYON RD  
OLDTOWN ID 83822-9589

A handwritten signature in cursive script, appearing to read "Tammy Alleman", is written over a horizontal line.

Tammy Alleman  
Administrative Assistant 1

## **EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

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. **Note: the petition must be received by the department within this fourteen (14) day period.** 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 Water Resource 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 service date 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.

## MEMORANDUM

**To: Water Right Application 97-7581**

**From: Luke Bates** 

**Date: 10/28/2020**

**Re: Application for a Permit to Appropriate Water within the State of Idaho.**

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An application for permit for multiple storage and from storage uses in the name(s) of Merrill and Muriel Oaks was received on 9/21/2020. The applicant had entered two SPRINGS as the source for two PODs. During processing for permit approval, the source for 2ea PODs was corrected to reflect SPRING in accordance with IDWR data entry standards, changing it from the plural form to singular form for each spring identified in the application for permit. The application will be recommended for approval with the source of water supply being "spring".



# AFFIDAVIT OF PUBLICATION

STATE OF IDAHO )  
 ) ss.  
County of Bonner )

Danielle Rukmshottel being first duly sworn on  
oath, deposes and states:

1. I am a citizen of the United States of America, over  
the age of 18 years, a resident of Bonner County, Idaho, and  
am not a party to the proceedings referred to in the attached

Public Notice  
My business address is P.O. Box 159, Sandpoint, Idaho.

2. I am the bookkeeper of the Bonner County  
Daily Bee, a newspaper of general publication in Bonner  
County, Idaho;

3. Said newspaper has been continuously and  
uninterruptedly published in Bonner County, Idaho during a  
period of 12 months prior to the first publication of said  
Notice, and thereafter.

4. The attached Notice was published in the regular and  
entire issue of the Bonner County Daily Bee for a period of  
2 consecutive weeks, commencing on the 7 day of  
October, 2020, and ending on the 14 day of  
October, 2020.

Danielle Rukmshottel

State of Idaho, county of Bonner ss.

On this 14 day of October, in the year of 2020,  
before me, Katrina George, Notary Public, personally  
appeared Danielle Rukmshottel known or  
identified to me to be the person whose name is subscribed  
to the within instrument, and acknowledged to me that he (or  
they) executed the same.

Katrina George  
Notary Public  
Residing at: Kootenai County

My Commission Expires 8/29/23



## PUBLIC NOTICE

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

**96-9825**  
PHILIP STANALAND  
1945 LINCOLN DR  
SARASOTA, FL 34236-9115  
Point of Diversion SWSW  
S14 T55N R04W  
BONNER County  
Source GROUND WATER  
Use: IRRIGATION  
04/01 to 10/31  
Total Diversion: 2.4 CFS  
Date Filed: 09-09-2020  
Place Of Use: IRRIGATION  
T55N R04W S14  
NESW, NWSW, SWSW, SESW  
Total Acres: 120

**97-7581**  
MERRILL OAKS  
MURIEL OAKS  
362 LANGILLE CANYON RD  
OLDTOWN, ID 83822-9589  
Point of Diversion  
L1(SWNNW)  
S13 T56N R06W  
BONNER County  
Source SPRINGS  
Tributary PEND OREILLE RIV-  
ER  
Point of Diversion  
L1(SENENW)  
S13 T56N R06W BONNER  
County  
Source SPRINGS  
Tributary PEND OREILLE  
RIVER  
Use: IRRIGATION STORAGE  
04/01 to 10/31 57 AF  
Use: IRRIGATION FROM  
STORAGE  
04/01 to 10/31 57 AF  
Use: STOCKWATER  
STORAGE  
01/01 to 12/31 0.1 AF  
Use: STOCKWATER FROM  
STORAGE  
01/01 to 12/31 0.1 AF  
Use: WILDLIFE STORAGE  
01/01 to 12/31 6.4 AF  
Use: FIRE PROTECTION  
FROM STORAGE  
01/01 to 12/31 6.4 AF  
Total Diversion: 63.5 AF  
Date Filed: 09-21-2020  
Place Of Use: FIRE PROTEC-  
TION FROM STORAGE  
T56N R06W S12 L4(SWSE)  
Place Of Use: FIRE PROTEC-  
TION FROM STORAGE  
T56N R06W S13  
L1(NENW), L3(NESW),  
L2(SENW)  
Place Of Use: IRRIGATION  
FROM STORAGE  
T56N R06W S13  
L3(NESW), L2(SENW)  
Place Of Use: IRRIGATION  
STORAGE, STOCKWATER  
STORAGE, WILDLIFE STOR-  
AGE  
T56N R06W S13 L1(NENW)

RECEIVED  
OCT 19 2020  
IDWR / NORTH

Place Of Use: STOCKWATER  
FROM STORAGE  
T56N R06W S13 L3(NENW)  
Total Acres: 19

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Northern office at (208)762-2800; or for a full description of the right(s), please see <https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/>. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Northern Region, 7600 N MINERAL DR STE 100, COEUR D ALENE ID 83815-7763 together with a protest fee of \$25.00 for each application on or before 10/26/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director  
SNP LEGAL 8117  
AD#410875

OCTOBER 7, 14, 2020