

RECEIVED

FORM 203 (Rev. 09/19)

SEP 21 2020

IDWR / NORTH

84375

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

## APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No. 97-7581

1. Name of applicant(s) MERRILL OAKS AND/OR MURIEL OAKS Phone 509-432-6986  
 Name connector (check one): ☐ and ☐ or ☒ and/or  
 Mailing address 362 LANGLEY CANYON RD City OLDTOWN  
 State ID ZIP 83822 Email MOAKS2@GMAIL.COM
2. Name of representative, if any \_\_\_\_\_ Phone \_\_\_\_\_  
 Mailing address \_\_\_\_\_ City \_\_\_\_\_  
 State \_\_\_\_\_ ZIP \_\_\_\_\_ Email \_\_\_\_\_
- a. ☐ Send all correspondence for this application to the representative and not to the applicant OR  
☐ Send original correspondence to the applicant and copies to the representative.
- b. ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant OR  
☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation.
3. Source of water supply SPRINGS which is a tributary of PEND OREILLE RIVER
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
56N	06W	13	1	SW	NE	NW	BONNER	SPRING	
56N	06W	13	1	SE	NE	NW	BONNER	SPRING	

5. Water will be used for the following purposes:
- Amount 57.0 AF for IRRIGATION STORAGE purposes from 4/1 to 10/31 (both dates inclusive)  
 (cfs or acre-feet per year)
- Amount 57.0 AF for IRRIGATION From STORAGE purposes from 4/1 to 10/31 (both dates inclusive)  
 (cfs or acre-feet per year)
- Amount 0.1 AF for STOCKWATER STORAGE purposes from 1/1 to 12/31 (both dates inclusive)  
 (cfs or acre-feet per year)
- Amount 0.1 AF for Stockwater From Storage purposes from 1/1 to 12/31 (both dates inclusive)  
 (cfs or acre-feet per year)
6. Total quantity to be appropriated is (a) \_\_\_\_\_ cubic feet per second (cfs) and/or (b) 63.5 AF acre-feet per year (af).
7. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source. DIVERSION BY GRAVITY FLOW FROM POND BY BURIED PIPELINE, 10-12 INCH PIPE FLOWING DOWN 120 FT TO FIELD BELOW; NO PUMP REQ'D.
- b. Height of storage dam 8 feet; active reservoir capacity 6.4 acre-feet; total reservoir capacity 6.4 acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☒ No
- c. Proposed well diameter is \_\_\_\_\_ inches; proposed depth of well is \_\_\_\_\_ feet.
- d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☐ No
- e. If well is already drilled, when? \_\_\_\_\_; drilling firm \_\_\_\_\_;  
 well was drilled for (well owner) \_\_\_\_\_; Drilling Permit No. \_\_\_\_\_

## For Department Use

Received by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_ Preliminary check by \_\_\_\_\_  
 Fee \$ 250.00 Received by TA Receipt No. N036423 Date 9-14-2020

8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in kW. \_\_\_\_\_
- b. Stockwatering; list number and kind of livestock. 10 HEAD MIXED STOCK
- c. Municipal; must complete and attach the Municipal Water Right Application Checklist.
- d. Domestic; show number of households \_\_\_\_\_
- e. Other; describe fully. FOR QUESTION 9, ir:S = Irrigation Storage POU sw:S = Stockwater Storage POU

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	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
56N	06W	13					ir:S			8.0	11.0								19.0
							GL1			GL2	GL3								
56N	06W	13					sw:S				S								
							GL1				GL3								

Total number of acres to be irrigated: 19.0

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? Water Right 97-7520 is for Fire Protection Storage for the same pond as this right's storage components.

11. 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: \_\_\_\_\_

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. WE PROPOSE TO DIVERT WATER FROM AN EXISTING POND ON OUR PROPERTY TO

IRRIGATE 19 ACRES OF ARID FARMLAND FOR AGRICULTURE USE. POND CAPACITY AND SEEPAGE/

EVAPORATION LOSS IS COVERED UNDER RIGHT 97-7520; IRRIGATION/STOCKWATER STORAGE &

IRRIGATION FROM STORAGE AND STOCKWATER FROM STORAGE VOLUMES ARE BEING APPLIED FOR

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

14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

**The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.**

Signature of Applicant

Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

84375  
STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Ident. No. 97-7581

**Season of Use/Purpose of Use Supplement**

Attachment to: ☒ Application for Permit to Appropriate Water    ☐ Adjudication Claim    ☐ Beneficial Use Field Report  
☐ Application for Amendment of Permit    ☐ Statutory Claim

**Water will be used for the following purposes:**

Amount <u>6.4 AF</u> (cfs or acre-feet per year)	for <u>WILDLIFE STORAGE</u>	purposes from <u>1/1</u> to <u>12/31</u> (both dates inclusive)
Amount <u>6.4 AF</u> (cfs or acre-feet per year)	for <u>Fire Protection From Storage</u>	purposes from <u>1/1</u> to <u>12/31</u> (both dates inclusive)
Amount _____ (cfs or acre-feet per year)	for _____	purposes from _____ to _____ (both dates inclusive)
Amount _____ (cfs or acre-feet per year)	for _____	purposes from _____ to _____ (both dates inclusive)
Amount _____ (cfs or acre-feet per year)	for _____	purposes from _____ to _____ (both dates inclusive)
Amount _____ (cfs or acre-feet per year)	for _____	purposes from _____ to _____ (both dates inclusive)
Amount _____ (cfs or acre-feet per year)	for _____	purposes from _____ to _____ (both dates inclusive)
Amount _____ (cfs or acre-feet per year)	for _____	purposes from _____ to _____ (both dates inclusive)
Amount _____ (cfs or acre-feet per year)	for _____	purposes from _____ to _____ (both dates inclusive)
Amount _____ (cfs or acre-feet per year)	for _____	purposes from _____ to _____ (both dates inclusive)
Amount _____ (cfs or acre-feet per year)	for _____	purposes from _____ to _____ (both dates inclusive)
Amount _____ (cfs or acre-feet per year)	for _____	purposes from _____ to _____ (both dates inclusive)
Amount _____ (cfs or acre-feet per year)	for _____	purposes from _____ to _____ (both dates inclusive)
Amount _____ (cfs or acre-feet per year)	for _____	purposes from _____ to _____ (both dates inclusive)
Amount _____ (cfs or acre-feet per year)	for _____	purposes from _____ to _____ (both dates inclusive)
Amount _____ (cfs or acre-feet per year)	for _____	purposes from _____ to _____ (both dates inclusive)
Amount _____ (cfs or acre-feet per year)	for _____	purposes from _____ to _____ (both dates inclusive)
Amount _____ (cfs or acre-feet per year)	for _____	purposes from _____ to _____ (both dates inclusive)
Amount _____ (cfs or acre-feet per year)	for _____	purposes from _____ to _____ (both dates inclusive)

84375

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Ident. No. 97-7581

### Point of Diversion/Place of Use Supplement

Attachment to: ☒ Application for Permit to Appropriate Water    ☐ Application for Transfer\*\*    ☐ Adjudication Claim  
☐ Application for Amendment of Permit    ☐ Beneficial Use Field Report    ☐ Statutory Claim

**Location of points of diversion (POD):**

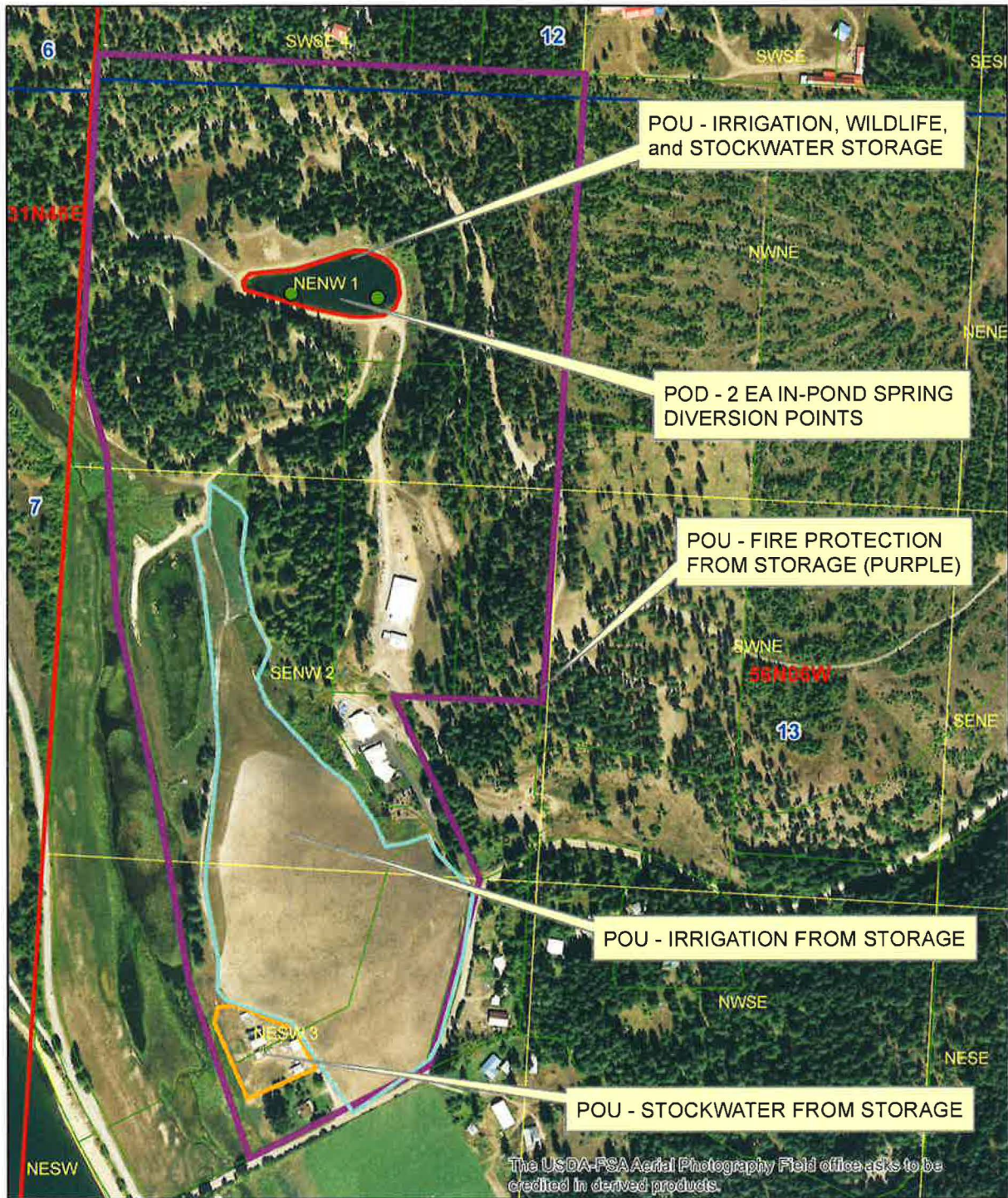
New POD?	Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or well/diversion tag #
<input type="checkbox"/> Yes										
<input type="checkbox"/> Yes										
<input type="checkbox"/> Yes										
<input type="checkbox"/> Yes										
<input type="checkbox"/> Yes										
<input type="checkbox"/> Yes										
<input type="checkbox"/> Yes										
<input type="checkbox"/> Yes										
<input type="checkbox"/> Yes										
<input type="checkbox"/> Yes										
<input type="checkbox"/> Yes										

**Description of place of use (POU):**

- 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.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
56N	06W	12															F		
																	GL4		
56N	06W	13					W/F			F	F								
							GL1			GL2	GL3								

# MERRILL OAKS APPLICATION FOR PERMIT



## Legend

- Parcels
- Township/Range
- Sections
- QQ

0 0.05 0.1 0.2 Miles



## Total Storage Calculations

FILE NUMBER	Merrill Oaks App
REVIEWER	Luke Bates
DATE	9/16/2020

This spreadsheet has been designed by Idaho Department of Water Resources to estimate the total seepage, evaporation and fill capacity required for a pond.

User Input
Calculated value
Formula Explanations

Surface Area (AC.)	1.6	"Surface Area" is automatically carried over from the "Seepage Loss" sheet.
Average Pond Depth (FT.)	3.2	"Average Pond Depth" depicts the actual depth of the pond either measured or estimated. Note: If you know the maximum depth and not the average depth, the Field Examiner's Handbook suggests multiplying the maximum depth by 0.4 to get the average depth, or you can use any method that seems reasonable to attain average depth.
Pond Capacity (AF)	5.1	Pond Capacity is calculated by multiplying the Pond Surface Area by the Average Pond Depth. If you know the capacity, divide the capacity by surface area and enter the average pond depth in the space above. <b>Note: If pond capacity is determined using a method shown on the "Pond Capacity" sheet, the user may need to modify the value of "Pond Capacity" (cell B9) manually. Note that if the value is modified manually, the formula will be altered for future use.</b>
Multiple Fill Volume Above Initial Fill to Fulfill From Storage Needs- "Multiple Fills" (AF)	57.1	The "Multiple Fill Volume Above Initial Fill" is the acre-feet of water required to meet a <i>from storage</i> component if the <i>from storage</i> component exceeds a one time fill. This section should not include the amount of water needed to fill the pond initially or the amount of water needed to maintain the pond level due to evaporation or seepage. For example: if a pond has a capacity of 5 acre feet and 2.5 acre feet of seepage and evaporation, but the pond is used for irrigation that requires 10 acre feet of from storage for the irrigation use, then you would insert 5 acre feet into this location (10 acre feet needed - 5 acre feet from the initial fill = 5 acre feet of additional storage needed). <b>Note: You must have a "From Storage" component exceeding the initial fill on the permit to include a volume in this space.</b>
Estimated Seepage Loss (AF)	0.0	The "Estimated Seepage Loss" is automatically carried over from the "Seepage Loss" sheet.
Estimated Evaporation Loss (AF)	1.3	The "Estimated Evaporation Loss" is automatically carried over from the "Evaporation Loss" sheet.
Total Volume Required (AF)	63.5	The "Total Volume Required" is calculated by adding the Pond Capacity, Multiple Fills, Seepage Loss, and Evaporation Loss amounts to determine the total amount of storage required.

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 well was drilled for (well owner) \_\_\_\_\_; Drilling Permit No. \_\_\_\_\_

## For Department Use

Received by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_ Preliminary check by \_\_\_\_\_  
 Fee \$ 2500 Receipted by Ja Receipt No. N036423 Date 9-14-2020

8. Description of proposed uses (if irrigation only, go to item 9):
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  - Stockwatering; list number and kind of livestock. 10 HEAD MIXED STOCK
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			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
56N	06W	13				8.0					11.0								19.0
						GL2					GL3								
56N	06W	13									S								
											GL3								

Total number of acres to be irrigated: 19.0

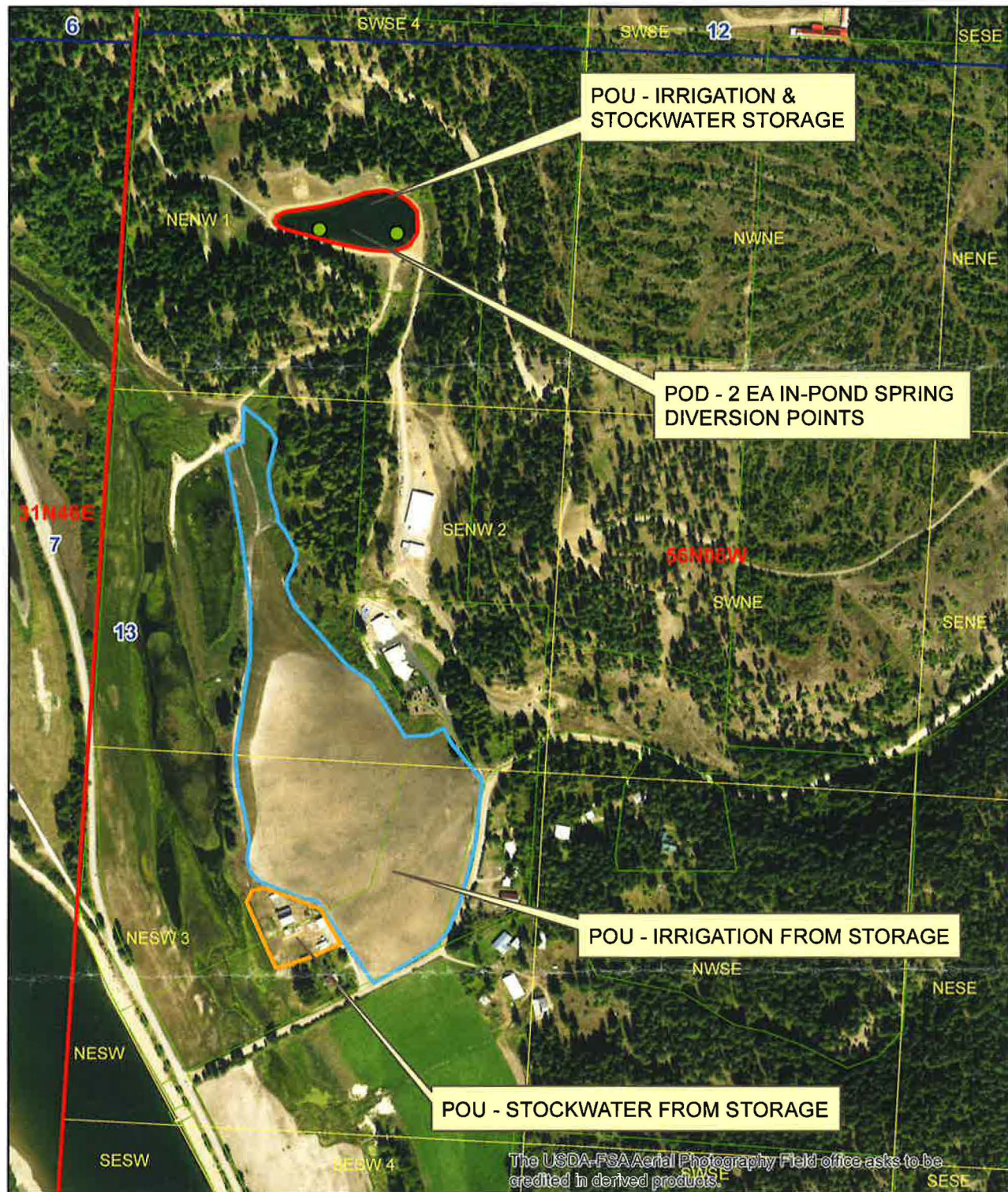
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11. a. Who owns the property at the point of diversion? APPLICANT
- b. Who owns the land to be irrigated or place of use? APPLICANT
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The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Merrill Oaks  
 Signature of Applicant  
Merrill Oaks, owner  
 Print Name (and title, if applicable)

Merrill Oaks  
 Signature of Applicant  
Merrill Oaks, owner  
 Print Name (and title, if applicable)

# MERRILL OAKS APPLICATION FOR PERMIT



## Legend

- Parcels
- Township/Range
- Sections
- QQ

0 0.05 0.1 0.2 Miles

# SUPERSEDED





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

September 30, 2020

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

RE: Application for Permit No. 97-7581

Dear Applicants:

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the BONNER COUNTY DAILY BEE, PRIEST RIVER VERSION on 10/7/2020 and 10/14/2020. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. 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, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

A handwritten signature in blue ink, reading 'Tammy Alleman'.

Tammy Alleman  
Administrative Assistant

## Alleman, Tammy

---

**From:** Alleman, Tammy  
**Sent:** Wednesday, September 30, 2020 11:38 AM  
**To:** 'Chantilly.Higbee@deq.idaho.gov'; 'Anna.Moody@deq.idaho.gov'; 'Horsmon,Merritt'  
**Subject:** Request for Comments WR#97-7581

Dear Interested Agencies:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced Water Right applications. You can find copies of the applications at: <http://www.idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>.

This office can publish notice of the application as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of the application(s), you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication. The deadline for comments on the applications is October 26<sup>th</sup>, 2020.

Please contact the Northern Region Office at (208) 762-2800 if you have any questions regarding the applications.

Thank you,

Tammy

*Tammy Alleman  
Administrative Assistant  
Idaho Department of Water Resources  
7600 N Mineral Drive, Suite 100  
Coeur d'Alene, ID 83815-7763  
Phone: (208) 762-2800  
Fax (208) 762-2819*

## Alleman, Tammy

---

**From:** Alleman, Tammy  
**Sent:** Wednesday, September 30, 2020 11:37 AM  
**To:** 'bcdblegals@cdapress.com'  
**Subject:** Legal Notice for Priest River Version of BCDB  
**Attachments:** Legal Notice for 96-9825 & 97-7581.docx

Please publish the enclosed legal notice in the **Bonner County Daily Bee, Priest River Version** on the dates indicated **October 7<sup>th</sup> & October 14<sup>th</sup>, 2020** (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately. Please send a proof once you have the article ready for print for our review.

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 **October 26<sup>th</sup>, 2020**. Your cooperation is appreciated.

Thank you,

Tammy

*Tammy Alleman  
Administrative Assistant  
Idaho Department of Water Resources  
7600 N Mineral Drive, Suite 100  
Coeur d'Alene, ID 83815-7763  
Phone: (208) 762-2800  
Fax (208) 762-2819*

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(SWNENW)  
S13 T56N R06W  
BONNER County  
Source SPRINGS  
Tributary PEND OREILLE RIVER  
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 PROTECTION FROM STORAGE  
T56N R06W S12 L4(SWSE)  
Place Of Use: FIRE PROTECTION 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 STORAGE  
T56N R06W S13 L1(NENW)  
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

Published on 10/7/2020 and 10/14/2020