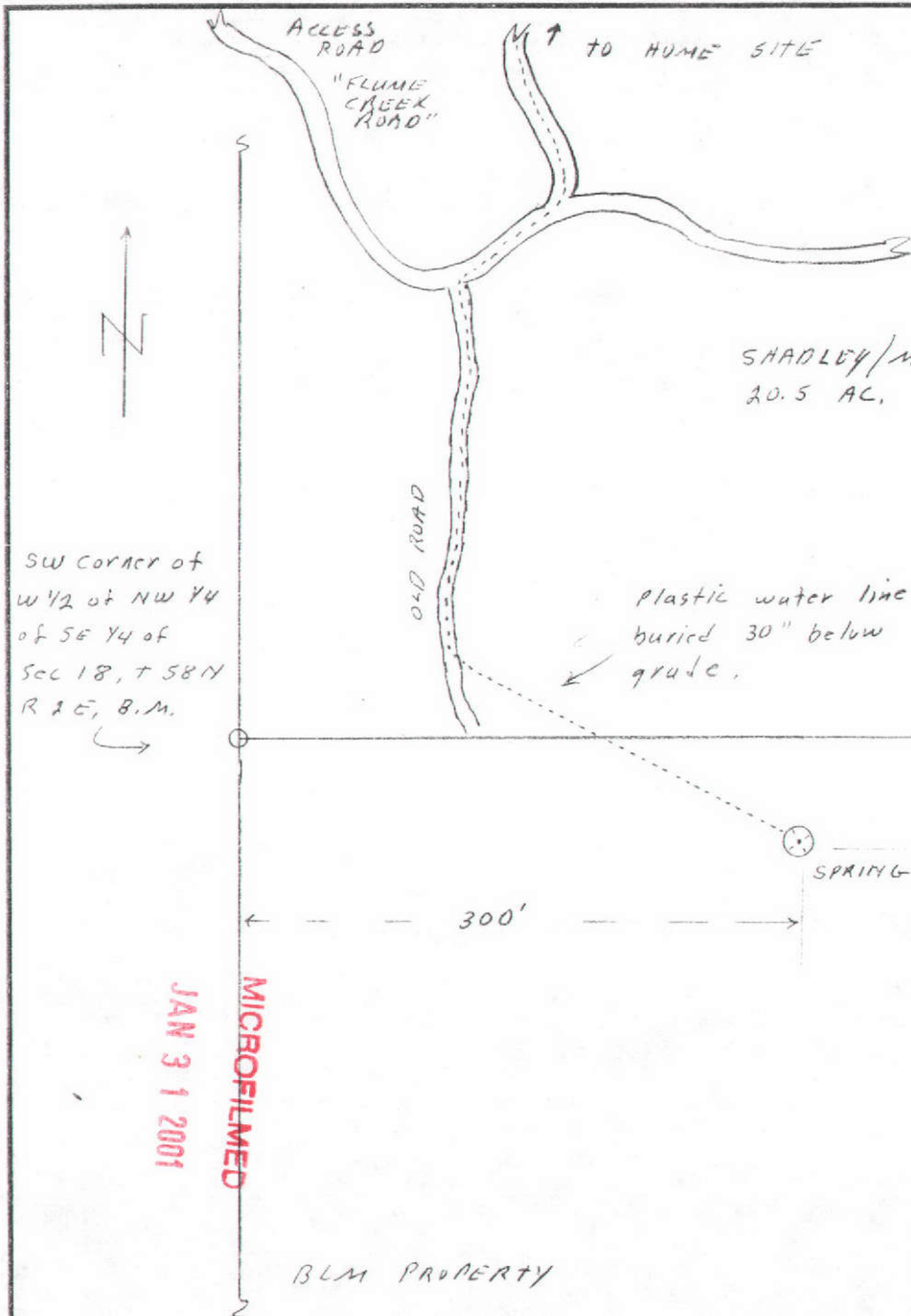




SHADLEY/MERRILL PROPERTY
20.5 AC.

SPRING RUNS APPROX 8 GPM
(IN DRY SEASON)
DOMESTIC USE ESTIMATED 4 GPM
OR 200 GALLON PER DAY TOTAL

2' x 2' x 2' CONCRETE SPRING
BOX BELOW GRADE
1" SUPPLY PIPE
1 1/2" OVERFLOW

RIGHT OF WAY REQUEST

SCALE: 1" = 100' N

APPROVED BY:

DRAWN BY LS

DATE: 9-11-99

REVISED

SHADLEY & MERRILL TO BLM FOR DOMESTIC
WATER LINE

DRAWING NUMBER



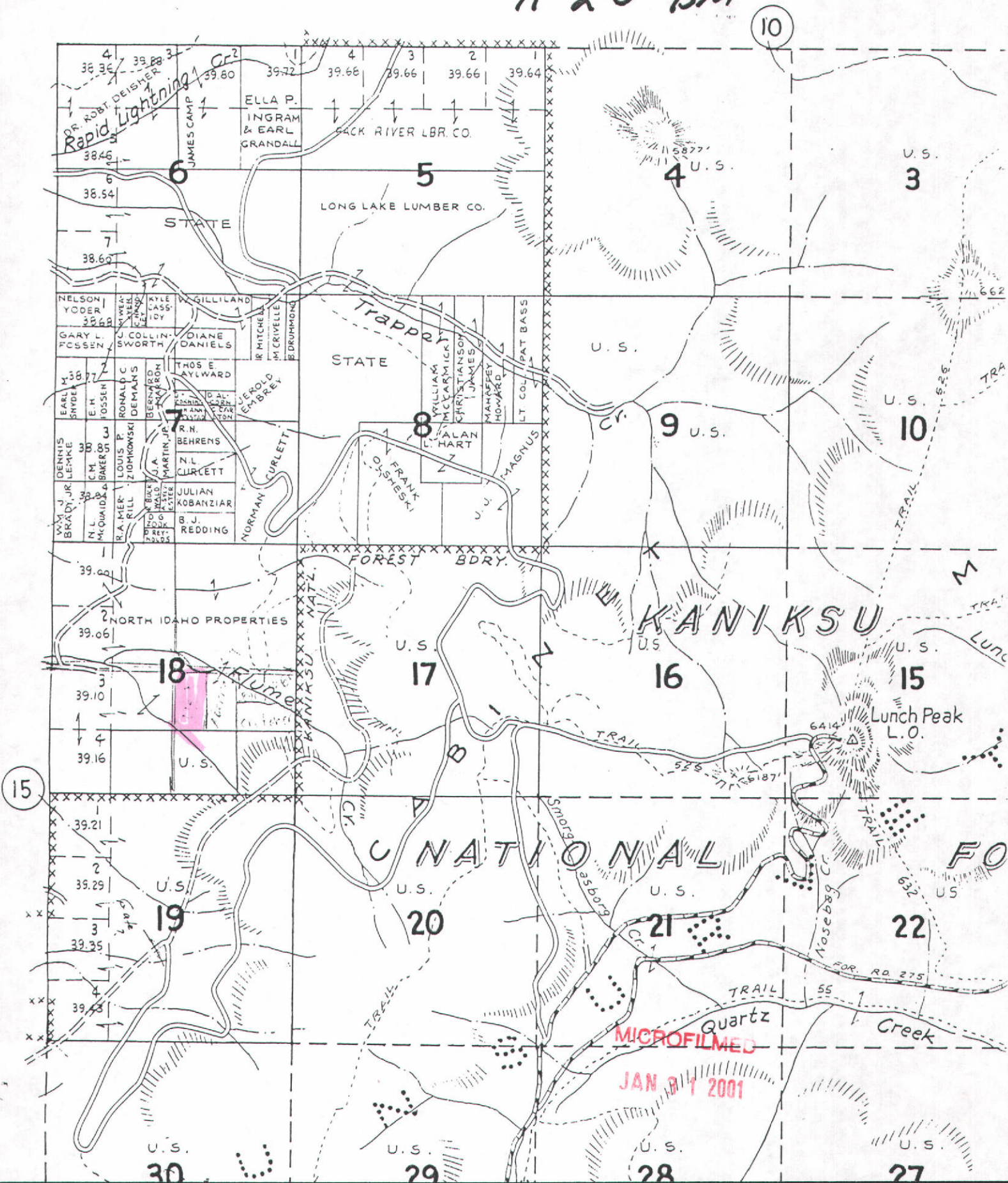
SCALE 2 IN. = 1 MILE

FOR SALE BY

METSKER MAPS

111 SOUTH 10TH ST., TACOMA, WASHINGTON
1222 THIRD AVE., SEATTLE, WASHINGTON

TOWNSHIP 58 N., R N 25 BM BONNER COUNTY



96-09037

PV

T58N

(12 meters north and 76 meters east)
There may be private inholdings within the boundaries of any
Federal and State Reservations shown on this map
No distinction made between houses, barns, and other buildings
Where omitted, land lines have not been established

UNITED STATES GEOLOGICAL SURVEY
TAKEN USGS, NOS/NOAA
P EDITED 1986
..... 1989
..... TRANSVERSE MERCATOR
E MERCATOR ZONE 11
..... IDAHO, WEST ZONE
..... 0°36' EAST
..... 19' EAST
BENNETT VERTICAL DATUM OF 1929
1927 NORTH AMERICAN DATUM
American Datum of 1983,
shown by dashed corner ticks

PROVISIONAL MAP
Produced from original
manuscript drawings. Infor-
mation shown as of date of
photography.

MICROFILMED
MAR 24 2003



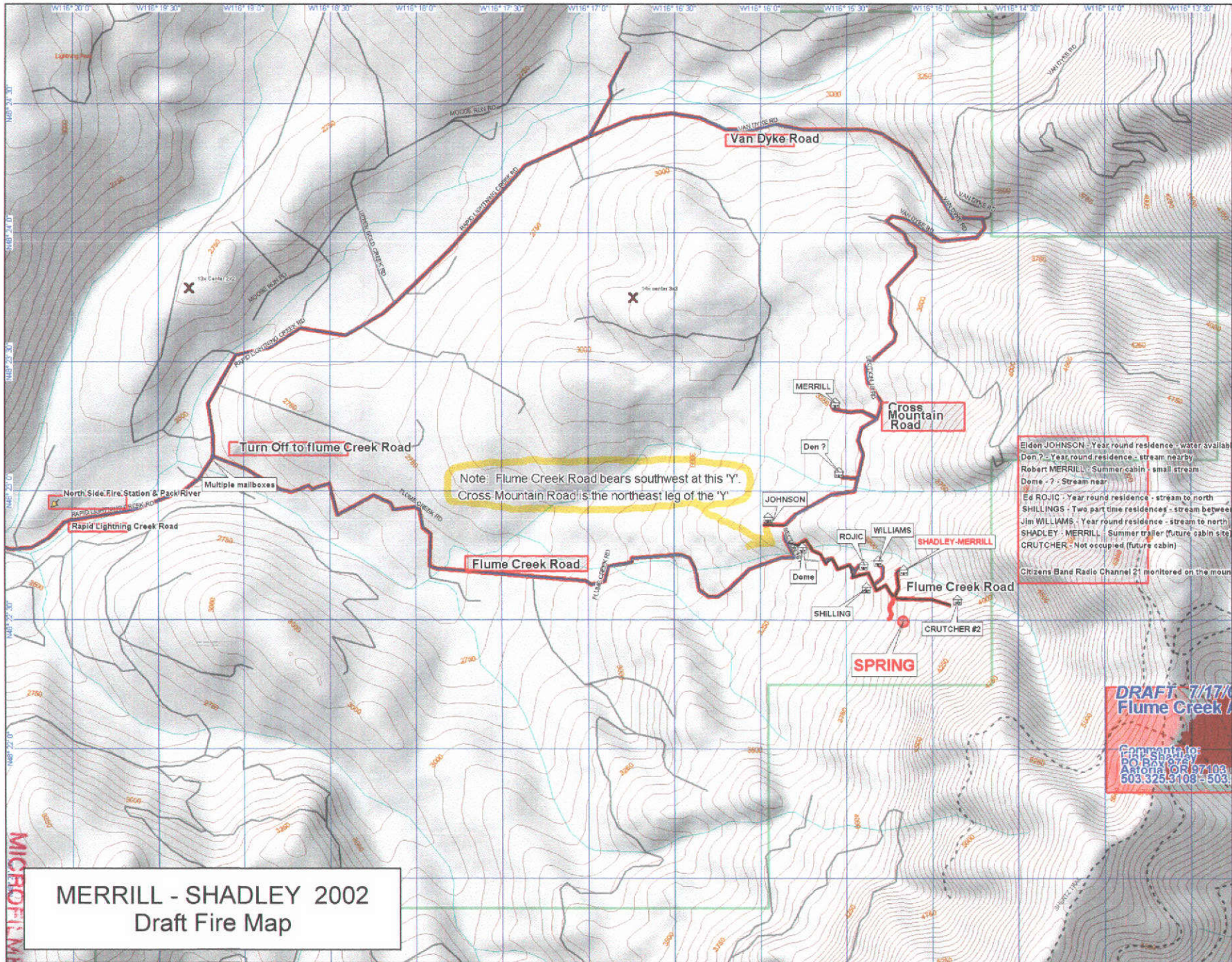
PV



PV

96-09037

MICROFILMED
MAR 24 2003



**MERRILL - SHADLEY 2002
 Draft Fire Map**

3,000 ft

© 2001 DeLorme. Topo USA® 3.0

Scale: 1 : 37,500 Zoom Level: 13-0 Datum: WGS84 Map Rotation: 0° Magnetic Declination: 17.3°E

MAR 27 2002

MICROFILMED

APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS

Reviewed by Sharla Curtis on 2/4/00

No. 96-09037 Name: Shadley Corp. Officers N/A Ad ok ☒ Govt Lots

AREA OF CONCERN: No/Yes Moratorium GWMA ~~TRUST/NON-TRUST~~

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells - 046(P23)
Basin 34 - 085
Irr. w/in WD - P05
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067

~~WMD~~

Supp irr (irr = only use) - 065-104
Supp irr (+ other uses) - 100-105
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M

LOCATION:

Boise Front LoGeo - 058 (<85 GW)
Mitigation - 121
42-248 Area - P84 (20s-70s, 81-86)
Swan Falls Flag -
Trust - 051(P74) (consumptive uses)
Non-Trust - 048-049 (consumptive uses or non-cons. > 1.0 cfs)

USES:

STORAGE - 18A-01H(P01), 01P-18B(P09)-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/USFS)
MINING - 054-081(P10)
FISH PROP - 029(70'S only)-007-042-081(P10)
HEAT/COOL - R07(injection well)
FIRE PROT. - 077

BENEFICIAL USE DUE: 2 / 01 / 2002

MISC CONDITIONS/REMARKS:

~~Protested~~ - 020-W19
Development Period
≤ 1 yr - P16
> 1 yr - 26A(P17)
Ownership - 004
~~Non-consumptive~~ - 027
~~Water Quality~~ - 081-R07

IRRIGATION SEASON N/A (Per updated map)

OTHER CONDITIONS/REMARKS

COMMENTS

P/D is NWSWSE for 10-ac desc per map

get 10ac pd desc ✓

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No Response No objection

In/Above MSP - WB9

PLANNING SECTION REVIEW/RESPONSE

In-stream development - P52

WD - R04 (WD#)

≤ 0.20 cfs/others - 01H(P01), 01P or No MD

> 0.20 cfs - 01J(P08)

SPRINGS/SINK, INACTIVE WD & REST OF STATE

≤ 0.24 cfs/5 acres - No MD

> 0.24 cfs/5 acres - 01M or No MD

RIVER BASINS: (SW special considerations)

Snake R (01) - W22(P04), N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - 047(P04) (Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

USES:

POWER - 17H-17K (+uses)-08A-025(P18)-01N-081(P10)

MUNICIPAL

Restricted area - 022,075

Irr., GW supp to SW - 102

DOMESTIC

Surface water - WB5 (Big Wood or Boise above Star Bridge)
27A (Payette R) N/A

>1 in restricted area - 070-071-075(no parks/common areas, etc)

Irr use listed separate - WB5

Moratorium approvable - W03 (2500 gpd - meets domestic definition
i.e. D/convenience store)

Multiple pd's per ¼¼ - W32

Subd lot desc (pd) - W59

Subd lot desc (pu) - W60

Use definitions - W02 example - S/50 range

Pre-1987 development - 068-074 (allow 120 days for proof due)

Single p/d intended - 076

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 96-09037

Priority: November 10, 1999

Maximum Diversion Rate: 0.01 CFS
Maximum Diversion Volume: 1.2 AF

It is hereby certified that LINK SHADLEY And MARY MERRILL
PO BOX 976
ASTORIA OR 97103 have complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated November 10, 1999; and have
submitted Proof of Beneficial Use on January 09, 2002. An examination indicates that the works have a
diversion capacity of 0.01 cfs of water from:

SOURCE

SPRING

Tributary: SINKS

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
DOMESTIC	01/01 to 12/31	0.01 CFS	1.2 AF

LOCATION OF POINT OF DIVERSION:

SPRING NW¼SW¼SE¼ Sec. 18, Twp 58N, Rge 02E, B.M., BONNER County

PLACE OF USE: DOMESTIC

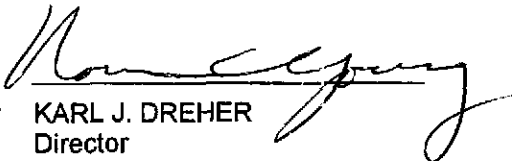
Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
58N 02E 18														X			

CONDITIONS OF APPROVAL

1. Domestic use is for 1 home.
2. The issuance of this right does not grant any right-of-way or easement across the land of another.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 27th day of NOVEMBER, 2002.

Acting for 
KARL J. DREHER
Director

MICROFILMED
MAR 24 2003

FOR OFFICE USE ONLY
Amt. of Fee \$: 50.00
Receipt No. 0059116
Receipt By: J. M. [unclear]
Date Received: 1-9-02

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN - 9 2002

PROOF OF BENEFICIAL USE

Department of Water Resources

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 96-09037 Telephone No. (503) 325-3108
2. Name of Permit Holder(s): MARY MERRILL & LINK SHADLEY
3. Mailing Address: PO BOX 976
City ASTORIA State OR Zip 97103
4. Source of Water: SPRING If GROUNDWATER (well), Date Drilled: mo. _____ / yr. _____
Well Driller: _____ Drilling Permit Number: _____
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): ONE Stockwater (No. and type of stock): _____
Irrigation (No. of acres): _____ Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: 0.01 cfs OR _____ acre-feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)
Measuring Device: Is a measuring device required? Yes _____ or No ✓
Has the measuring device been installed? Yes _____ or No ✓
8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
Name: LINK SHADLEY Telephone Number: (503) 325-3108
Address: PO BOX 976 ASTORIA, OR 97103
10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder:

Mary Merrill
(include your title, if on behalf of company or organization)

Date: JAN 7, 2002

MICROFILMED
MAR 27 2002

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 96-09037

Priority: November 10, 1999

Maximum Diversion Rate:

0.01 CFS

This is to certify, that **LINK SHADLEY**
MARY MERRILL
PO BOX 976
ASTORIA OR 97103

has applied for a permit to appropriate water from:
SPRING tributary of **SINKS**

and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
-----------------------	----------------------	--------------------------

DOMESTIC	01/01 to 12/31	0.01 CFS
----------	----------------	----------

LOCATION OF POINT(S) OF DIVERSION:

NWSWE , Sec. 18, Township 58N, Range 02E
BONNER County

PLACE OF USE: DOMESTIC

TWN RGE SEC

58N 02E 18

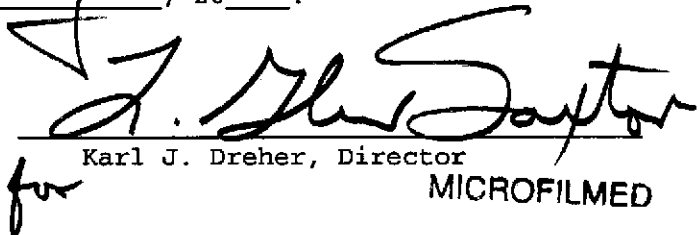
NWSE

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before **February 1, 2002**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. The issuance of this right does not grant any right-of-way or easement across the land of another.
5. Domestic use is for 1 home.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

10th day of February, 2000.


Karl J. Dreher, Director

MICROFILMED

JAN 31 2001

RECEIVED

JAN 31 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of Applicant LINK SHADLEY & MARY MERRILL Phone 503.325.3108
Mailing address PO Box 976 ASTORIA OR 97103
2. Source of water supply SPRING which is a tributary of SINKS
3. Location of point of diversion is Township 58N Range 2E Sec. 18 in the SE 1/4, SW 1/4, SE 1/4, Govt. Lot _____, B.M., BONNER County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:

Amount <u>0.003</u> for <u>DOMESTIC</u> purposes from <u>JAN 1</u> to <u>DEC 31</u> (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)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.003 cfs and/or (b) 2.00 acre feet per annum
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Describe type and size of devices used to divert water from the source Spring box 18"x18"x24" with 3/4" screened intake and 1 1/2" overflow
 - b. Height of storage dam NONE feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
 - c. Proposed well diameter is NONE inches; proposed depth of well is _____ feet
 - d. Is ground water with a temperature of greater than 85°F being sought? NO
 - e. If well is already drilled, when? N/A; Drilling firm _____
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 2 years (minimum 1 year)
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. _____
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. ONE
 - e. Other; describe fully. _____

MICROFILMED

JAN 31 2001

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	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
58N	2E	18													D				

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. NONE

11. a. Who owns the property at the point of diversion? BLM R/W Application Pending - Copy Enclosed
- b. Who owns the land to be irrigated or place of use? LINK SHADLEY & MARY MERRILL (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. Remarks: _____

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

MICROFILMED

JAN 31 2001

Mary J. Merrill
Signature of Applicant (and title, if applicable)

Received by db Date 11/10/99 Time 1201 Preliminary check by _____
 Fee \$ 50.00 Received by db # N013347 Date 11-12-99
 Publication prepared by db Date 11/29/99 Published in Brown Co. Daily Bee 12/29/99
 Publication approved db Date 12/30/99

BUILDING LOCATION PERMIT • BONNER COUNTY, IDAHO

BUILDING LOCATION PERMIT

LINK SHADLEY and MARY MERRILL (503)

MAILING ADDRESS: PO Box 976 Astoria, OR 97103 PHONE #: 325-3108

LEGAL DESCRIPTION: (ATTACH DEED) ACREAGE: 20.5 AC.
W 1/2 of NW 1/4 of SE 1/4

Section 18, Township 58 N, Range 2 E Subdivision _____ Block # _____ Lot # _____

DESCRIBE USE OF PROPOSED STRUCTURE (e.g., "single family residence," "garage," "mobile home," "storage building," "manufactured" or "modular" home")

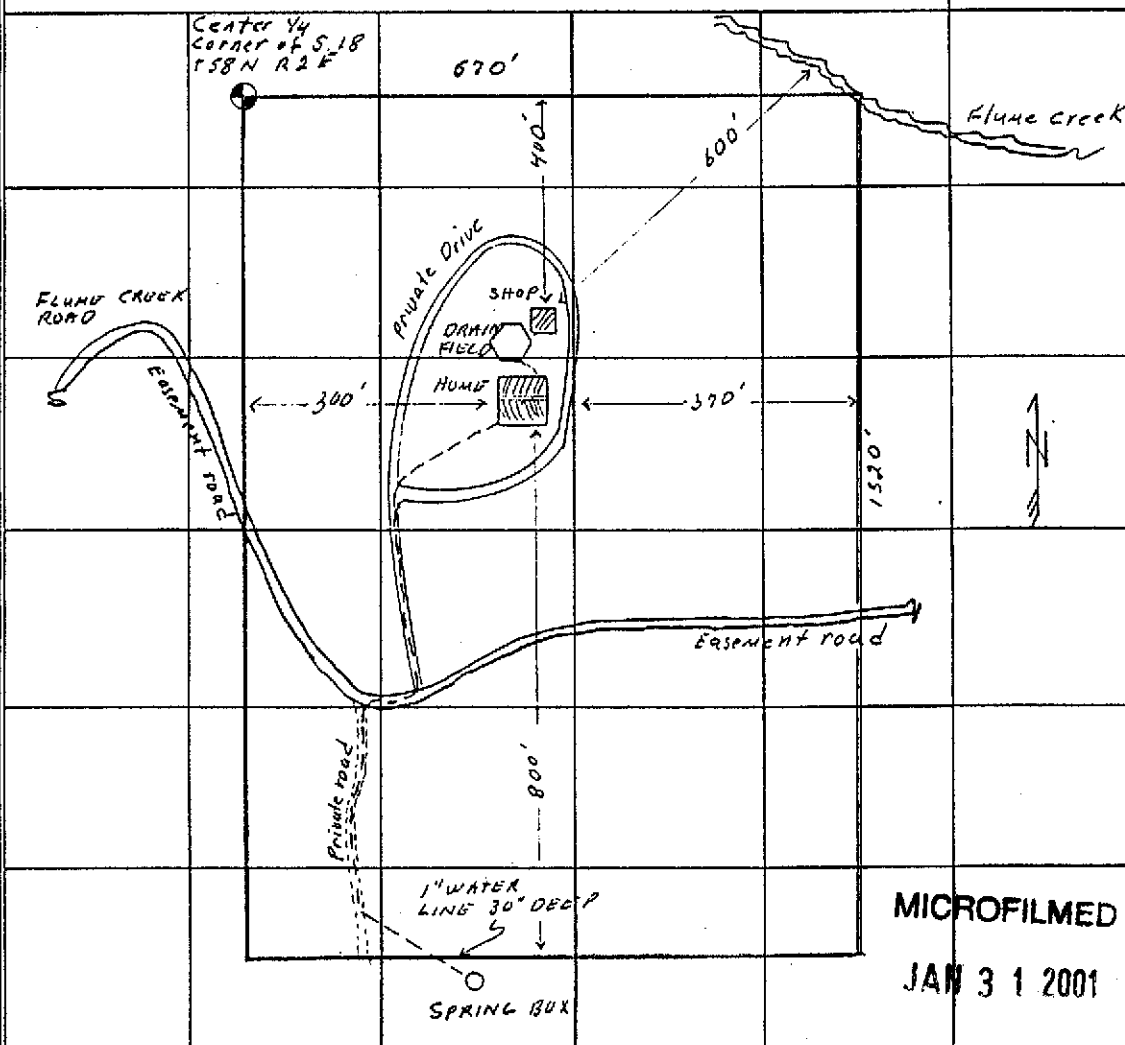
Single family residence, log construction, shop.

Complete the plot plan below, depicting the following:

- a. Boundary lines of the property to be developed;
- b. Locations and uses of all existing and proposed structures;
- c. Distance from property lines to architectural projections for all proposed structures;
- d. All public or private roads providing access to the site;
- e. All easements of record (utility, road, etc.);
- f. Septic tanks, leach fields and wells, if applicable;
- g. An arrow indicating direction north;
- h. A signature of the landowner(s) or authorized representative;
- i. All bodies of water within 300 feet of the proposed building site.

IS BUILDING SITE:

Within 300' of any surface water? ☐ YES ☒ NO
On a 15% or greater slope?* ☐ YES ☒ NO
Is use commercial or industrial? ☐ YES ☒ NO
If YES, a stormwater management and/or erosion control plan and fee are required. The Planning Department can assist in preparation of plans.
Within any area of special flood hazard?
☐ YES ☒ NO
(*Planning Department can assist in this determination.)



RECEIPT #:
AMOUNT:

PLANS: (Floodplain)
REC'D: APPRV'D:

PARCEL #

ZONE DISTRICT

FLOOD ZONE:

APPROVED:

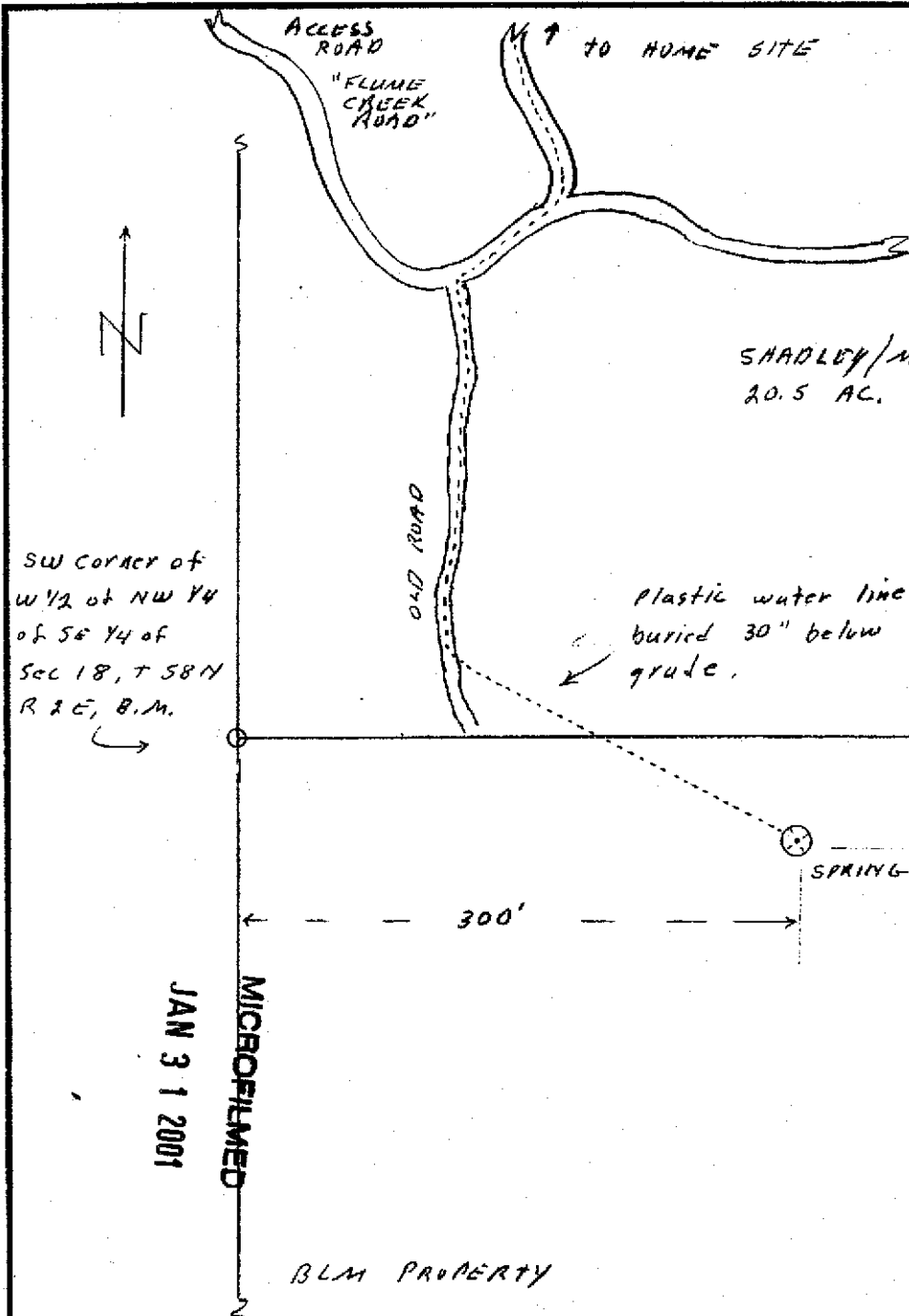
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JAN 31 2001

I/we certify that the proposed construction will conform to the dimensions and uses shown above and that no changes will be made without first obtaining approval.

SIGNATURE OF OWNER(S) OR AUTHORIZED REPRESENTATIVE

(DATE)



SPRING RUNS APPROX 8 GPM
(IN DRY SEASON)
DOMESTIC USE ESTIMATED 4 GPM
OR 200 GALLON PER DAY TOTAL

2' x 2' x 2' CONCRETE SPRING
BOX BELOW GRADE
1" SUPPLY PIPE
1 1/2" OVERFLOW

RIGHT OF WAY REQUEST

SCALE: 1" = 100' N

APPROVED BY:

DRAWN BY *LS*

DATE: 9-11-99

REVISED

SHADLEY & MERRILL TO BLM FOR DOMESTIC
WATER LINE

DRAWING NUMBER

VIA FAX: (503) 325-3108

Link and Mary-

This an informal response to your request of Sept. 12. I apologize for the delay in responding to you, but I was in Boise last week and Mondays after being gone a week are always murder.

In response to your three questions,

1. What will be the fees and rental charges associated with this project??

The fees BLM charges are based on the number of field trips required to process it. If we can do the job in one field trip, the cost is \$375 (\$325 for processing fees, \$50 for monitoring fees). If it takes two trips, the cost is \$550 (\$450/\$100). I anticipate the cost to be \$375, but I'll need to see your proposal before I can give you a solid figure.

The annual rental fees are determined by the amount of acreage involved in the project, at a charge of about \$22.00 per acre. Based on my guess of the area involved (less than 1/10 of an acre), I think the rent will be about \$2.00 per year. A ridiculously low rent, but that's what was established by regulation. The rent increases by the CPI every year. We'll have you pay in five year increments.

2. What's the maximum term?

Twenty years, renewable. At the end of the twenty years, it can be renewed at your option.

3. What about water rights?

You will have to obtain a State water right prior to issuance of the grant. The water right can be in your name, even though you are getting a right to federal water. We will control the use of the water through the R/W grant i.e., we may possibly require some reserve water or watering trough for wildlife near the diversion point if we feel that the spring is an important water source for wildlife. Again, I can't say for sure until I see your proposal on the ground.

We generally require a performance bond during the construction phase of a project to ensure that terms and conditions of the grant are followed. For this small project, I would guess the bond to be no more than \$1,000. We will return the bond to you after construction is complete.

Hope this helps. Call me with any questions- (208) 769-5044..


MICROFILMED

JAN 31 2001

APPLICATION FOR TRANSPORTATION AND
UTILITY SYSTEMS AND FACILITIES
ON FEDERAL LANDS

FORM APPROVED
OMB NO. 1004-0060
Expires: August 31, 1998

FOR AGENCY USE ONLY

Note: Before completing and filing the application, the applicant should completely review this package and schedule a preapplication meeting with representatives of the agency responsible for processing the application. Each agency may have specific and unique requirements to be met in preparing and processing the application. Many times, with the help of the agency representative, the application can be completed at the preapplication meeting.

Application Number

Date filed

1. Name and address of applicant (include zip code)
LINK SHADLEY & MARY MORRILL
PO BOX 976
ASTORIA, OR 97103

2. Name, title, and address of authorized agent if different from item 1 (include zip code)

3. TELEPHONE (area code)

Applicant
503.325.3108
Authorized Agent

4. As applicant are you? (check one)

- a. ☒ Individual
b. ☐ Corporation*
c. ☐ Partnership/Association*
d. ☐ State Government/State Agency
e. ☐ Local Government
f. ☐ Federal Agency

* If checked, complete supplemental page

5. Specify what application is for: (check one)

- a. ☒ New authorization
b. ☐ Renewing existing authorization No.
c. ☐ Amend existing authorization No.
d. ☐ Assign existing authorization No.
e. ☐ Existing use for which no authorization has been received*
f. ☐ Other*

* If checked, provide details under Item 7

6. If an individual, or partnership are you a citizen(s) of the United States? ☒ Yes ☐ No

7. Project description (describe in detail): (a) Type of system or facility, (e.g., canal, pipeline, road); (b) related structures and facilities; (c) physical specifications (length, width, grading, etc.); (d) term of years needed; (e) time of year of use or operation; (f) Volume or amount of product to be transported; (g) duration and timing of construction; and (h) temporary work areas needed for construction. (Attach additional sheets, if additional space is needed.)

- a.) Spring box and underground 1" pipeline for single domestic water supply buried 30" below grade.
b.) 2'x2'x2' Spring box
c.) 6'x150' to reach applicants property line
d.) 20 years
e.) Year round
f.) 4 gallons per minute water
g.) Installation planned for summer of 2000, one week construction time.
h.) No temporary work area needed

8. Attach a map covering area and show location of project proposal

9. State or Local government approval: ☐ Attached ☒ Applied for ☐ Not required

10. Nonreturnable application fee: ☐ Attached ☐ Not required

11. Does project cross international boundary or affect international waterways? ☐ Yes ☒ No (If "yes," indicate on map)

12. Give statement of your technical and financial capability to construct, operate, maintain, and terminate system for which authorization is being requested.

Applicant has experience in construction, trenching and installation of similar systems. Financial requirements are small.

MICROFILMED

JAN 31 2001

13.a Describe other reasonable alternative routes and considered.

NONE FOUND

b. Why were these alternative not selected?

c. Give explanation as to why it is necessary to cross Federal lands.

Spring is located 50' south of applicants property line.

14. List authorizations and pending applications filed for similar projects which may provide information to the authorizing agency. (Specify number, date, code, or xxx)

NONE

15. Provide statement of need for project including the economic feasibility and items such as: (a) cost of proposal (construction, operation, and maintenance); (b) estimated cost of next best alternative; and (c) expected public benefits.

this spring is accessible and provides pure water - cost is estimated at \$850. Next alternative is pumping surface water from Blume creek at \$3000 installation plus ongoing maintenance and filtering costs.

16. Describe probable effects on the population in the area, including the social and economic aspects, and the rural lifestyles.

NONE

17. Describe likely environmental effects that the proposed project will have on: (a) air quality; (b) visual impacts; (c) surface and ground water quality and quantity; (d) the control or structural change on any stream or other body of water; (e) existing noise levels; and (f) the surface of the land including vegetation, permafrost soil, and soil stability.

NONE - this small spring comes to the surface, drains across a marshy area, then soaks into the ground. this system will use only a small percentage of the flow

18. Describe the probable effects that the proposed project will have on (a) populations of fish, plant life, wildlife, and marine life, including threatened and endangered species; and (b) marine mammals, including hunting, capturing, collecting, or killing these animals.

NONE

19. State whether any hazardous material, as defined in this paragraph, will be used, produced, transported or stored on or within the right-of-way facilities, or used in the construction, operation, maintenance or termination of the right-of-way or any of its facilities. "Hazardous material" means any substance pollutant or contaminant that is listed as hazardous under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. 9601 et seq., and its regulations. The definition of hazardous substances under CERCLA includes any "hazardous waste" as defined in the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. 9601 et seq., and its regulations. The term hazardous materials also includes any nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011 et seq. The term does not include petroleum, including crude oil or any fraction thereof that is not otherwise specifically listed or designated as a hazardous substance under CERCLA Section 101(14), 42 U.S.C. 9601(14), nor does the term include natural gas.

NONE

20. Name all the Department(s)/Agency(ies) where this application is being filed.

BLM - Coeur d'Alene District Office

I HEREBY CERTIFY that I am of legal age and authorized to do business in the State and that I have personally examined the information contained in the application and believe that the information submitted is correct to the best of my knowledge.

Signature of Applicant

Mary J. Merrill

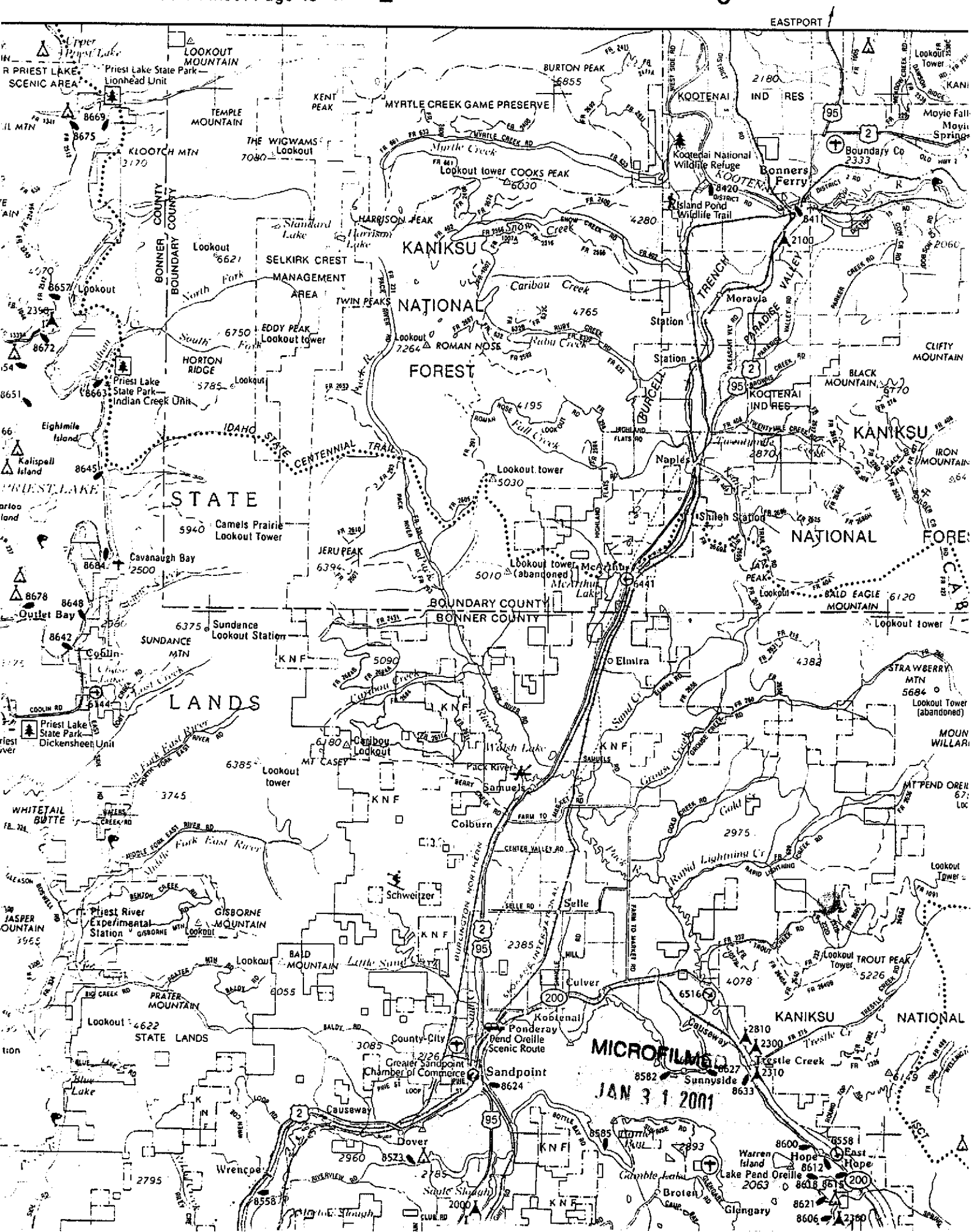
Date

11/9/99

Title 18 U.S.C. Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

MICROFILMED

JAN 31 2001



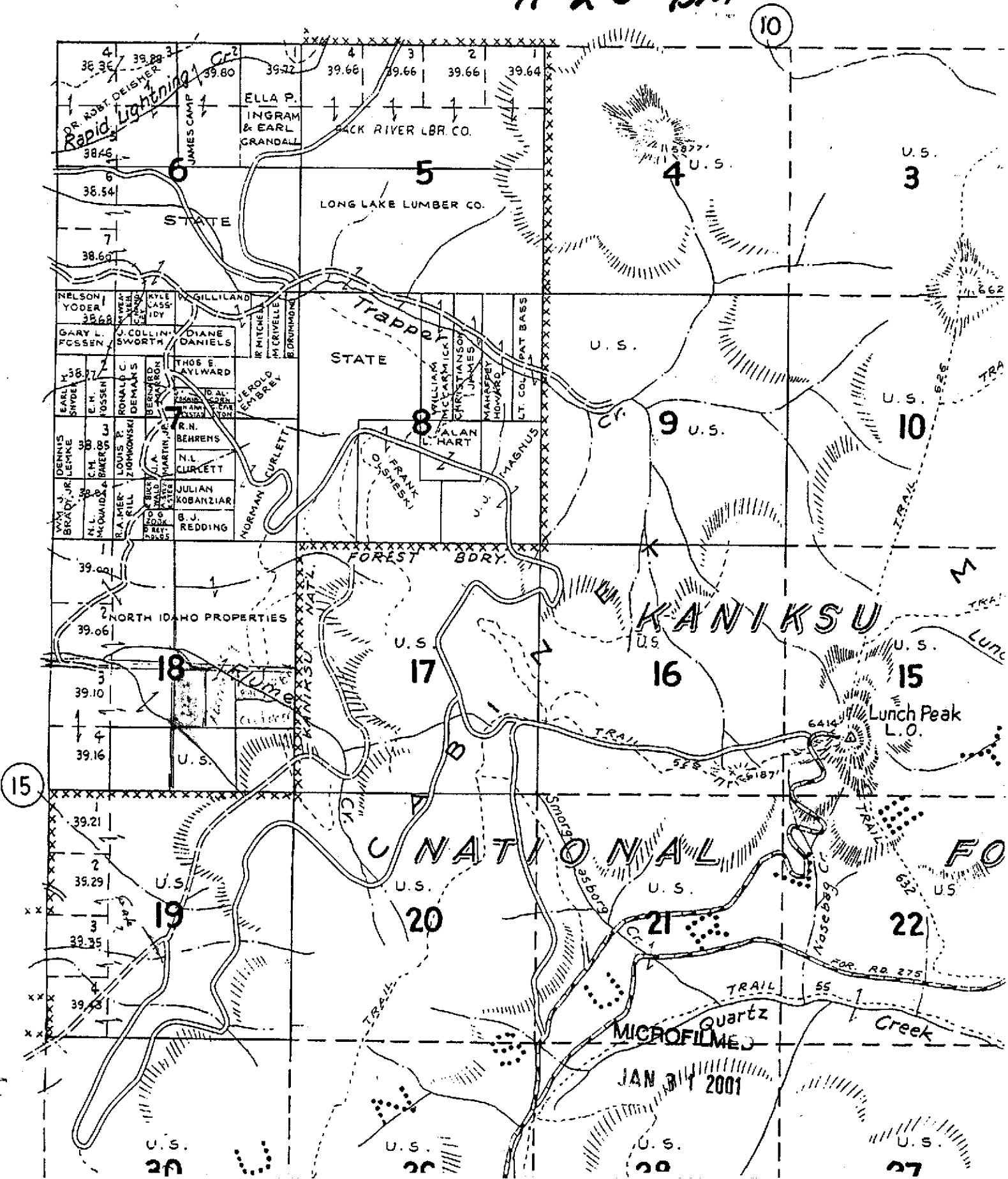
SCALE 2 IN. - 1 MILE

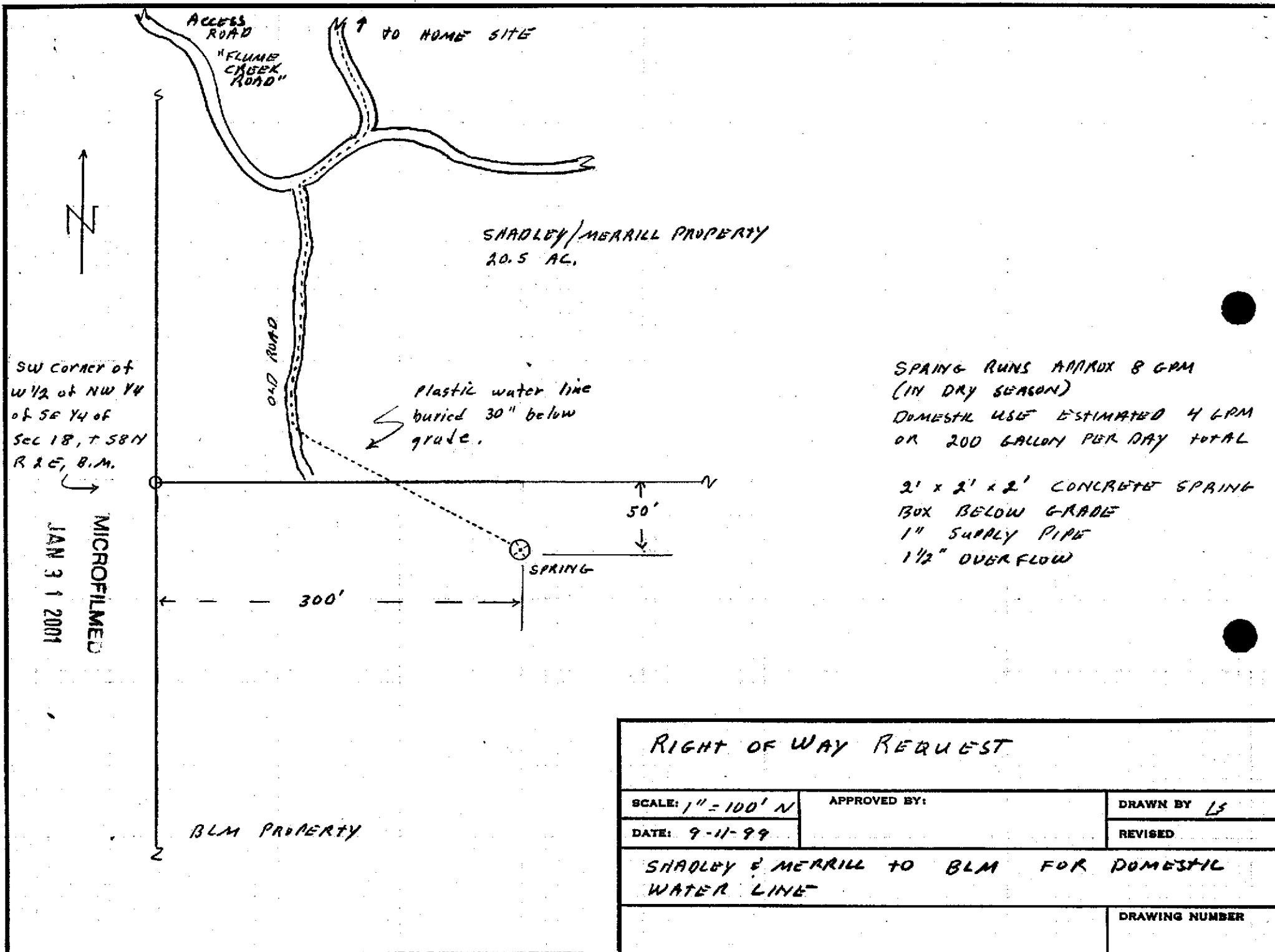
FOR SALE BY

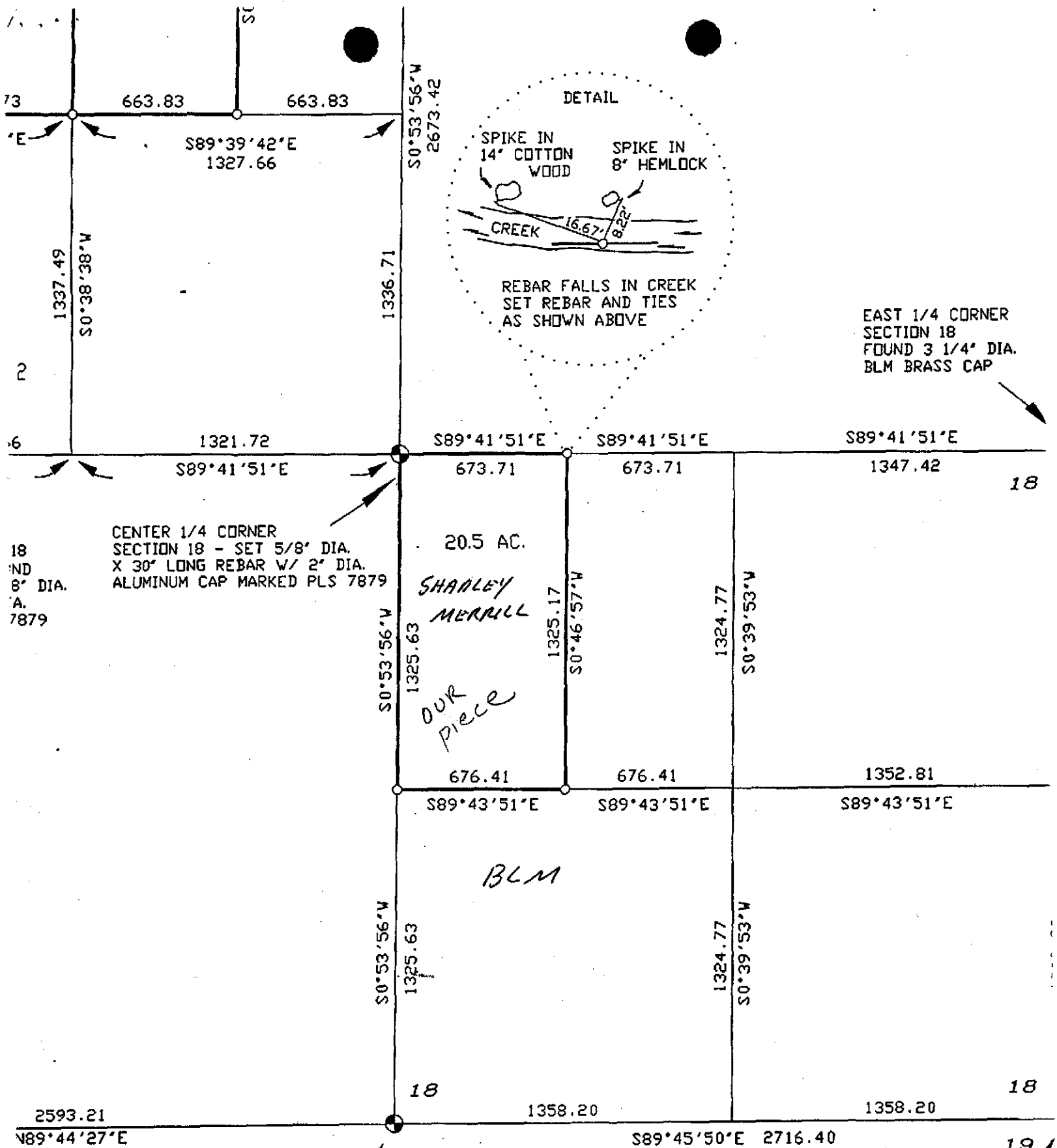
METSKER MAPS

111 SOUTH 10TH ST., TACOMA, WASHINGTON
1222 THIRD AVE., SEATTLE, WASHINGTON

TOWNSHIP 58 N., R
N 25 BM BONNER COUNT







EAST 1/4 CORNER
SECTION 18
FOUND 3 1/4" DIA.
BLM BRASS CAP

18
ND
8" DIA.
A.
7879

CENTER 1/4 CORNER
SECTION 18 - SET 5/8" DIA.
X 30" LONG REBAR W/ 2" DIA.
ALUMINUM CAP MARKED PLS 7879

SOUTH 1/4 CORNER
SECTION 18
FOUND ORIGINAL STONE
AND BTs - SET 5/8" DIA.
X 30" LONG REBAR WITH
A 2" DIA. ALUMINUM CAP
MARKED PLS 7879



MICROFILMED
JAN 31 2001

SECTION CORNER
FOUND 3 1/4" DIA.
BLM BRASS CAP

RECEIVED

JUL 16 2004 K

Department of Water Resources

Dear Shelley Keen:

Please note our change of
address from:
Mary Merrill
Link Shadley
PO Box 976
Astoria, OR 97103

TO:

Mary Merrill
Link Shadley
2437 East 10th
The Dalles, Oregon 97058
Phone: 541-296-9695

permit # 96-09037
~~_____~~

Thank you!

Mary G. Merrill

Database updated - Kari Lynn - 7.16.04



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 27, 2002

LINK SHADLEY
MARY MERRILL
PO BOX 976
ASTORIA OR 97103

RE: License No. 96-9037 - Issuance of License

Dear Water Right Holder(s):

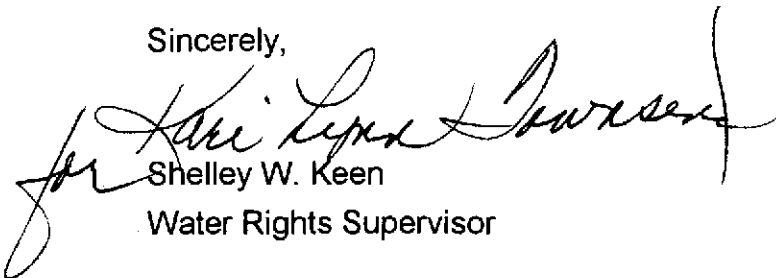
The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license 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 by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7946.

Sincerely,



Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED

MAR 24 2003

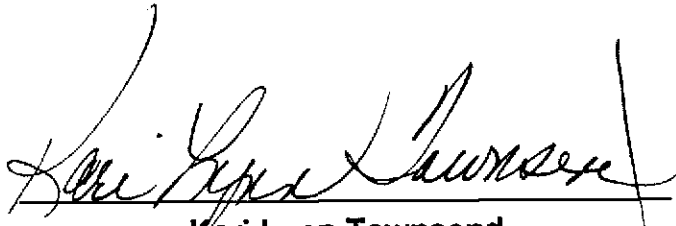
CERTIFICATE OF SERVICE

I hereby certify that on November 27, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO.

96-9037

**LINK SHADLEY
MARY MERRILL
PO BOX 976
ASTORIA OR 97103**

A handwritten signature in cursive script, reading "Kari Lynn Townsend", is written over a horizontal line.

**Kari Lynn Townsend
Secretary**

MICROFILMED

MAR 24 2003

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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. 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 Idaho Water Resource Board (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 issuance 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.

MICROFILMED
MAY 24 2003

Comment Report

96-9037

1. kwalker 11/26/2002 License Review

Comment: Recommend license as permitted.

2. DBALL 11/19/1999 Examiner's notes.

Comment: POD owned by BLM; right of way application pending, copy in file. Spring box 18"x18"x24" with 3/4" screened intake and 1-1/2" over- flow. Time required 2 years.

MICROFILMED

MAR 24 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

SEP 27 2002

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 96-09037

1. Owner: Link Shadley & Mary Merril Phone No. (503) 325-3108

Current Address: P.O. Box 976, Astoria Or. 97103

2. Accompanied by: Link Shadley EXAM DATE: 07-02-02

Address: Same as above Phone No. _____

Relationship to Permit Holder: _____

3. Source: Spring tributary to Sinks

B. OVERLAP REVIEW

1. Other water rights with the same place of use: _____

2. Other water rights with the same point of diversion: _____

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		NW	SW	SE	18	58N	02E	Bonner	USGS 7.5min Quad

2. Place(s) of Use:

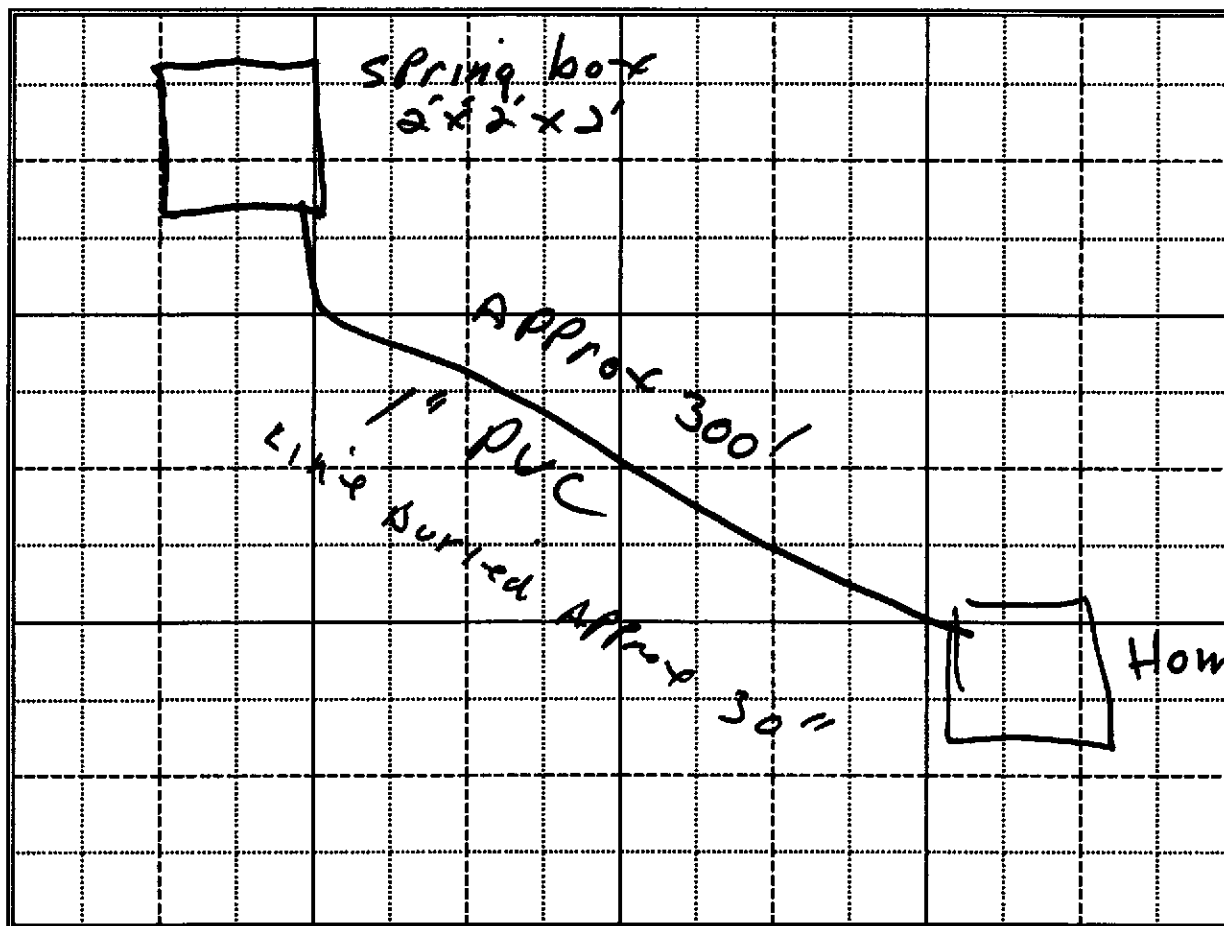
Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
58N	02E	18														D			

MICROFILMED

MAR 24 2003

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.d. as applicable.



Scale: 1" = _____

____ Copy of USGS Quadrange Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

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

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

D. FLOW MEASUREMENTS

1.

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

2. Measurements:

MICROFILMED

MAR 24 2003

E. NARRATIVE/REMARKS/COMMENTS

At present time home is still in planning stage. A trailer is being used now. Construction preparations are under way. Only water is being used for domestic purposes

Have conditions of permit approval been met? ☒ yes ☐ no

MICROFILMED

MAR 24 2003

F. FLOW CALCULATIONS

Measured Method:

Additional Computation Sheets Attached

$$\begin{array}{l} 5 \text{ gal bucket } 5 \text{ gal in } 60 \text{ sec} = 59 \text{ m} \\ 5 \times .133671 = .61 \text{ cfs} \\ \hline 60 \end{array}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{2cm}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{2cm}}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\hspace{2cm}}$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>Domestic</u>	<u>01-01</u>	<u>12-31</u>	<u>.01</u>	<u>1.2</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Totals:			<u>.01</u>	<u>1.2</u>

2. 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

I. AUTHENTICATION

Field Examiner's Name

Wayne Bolchuk

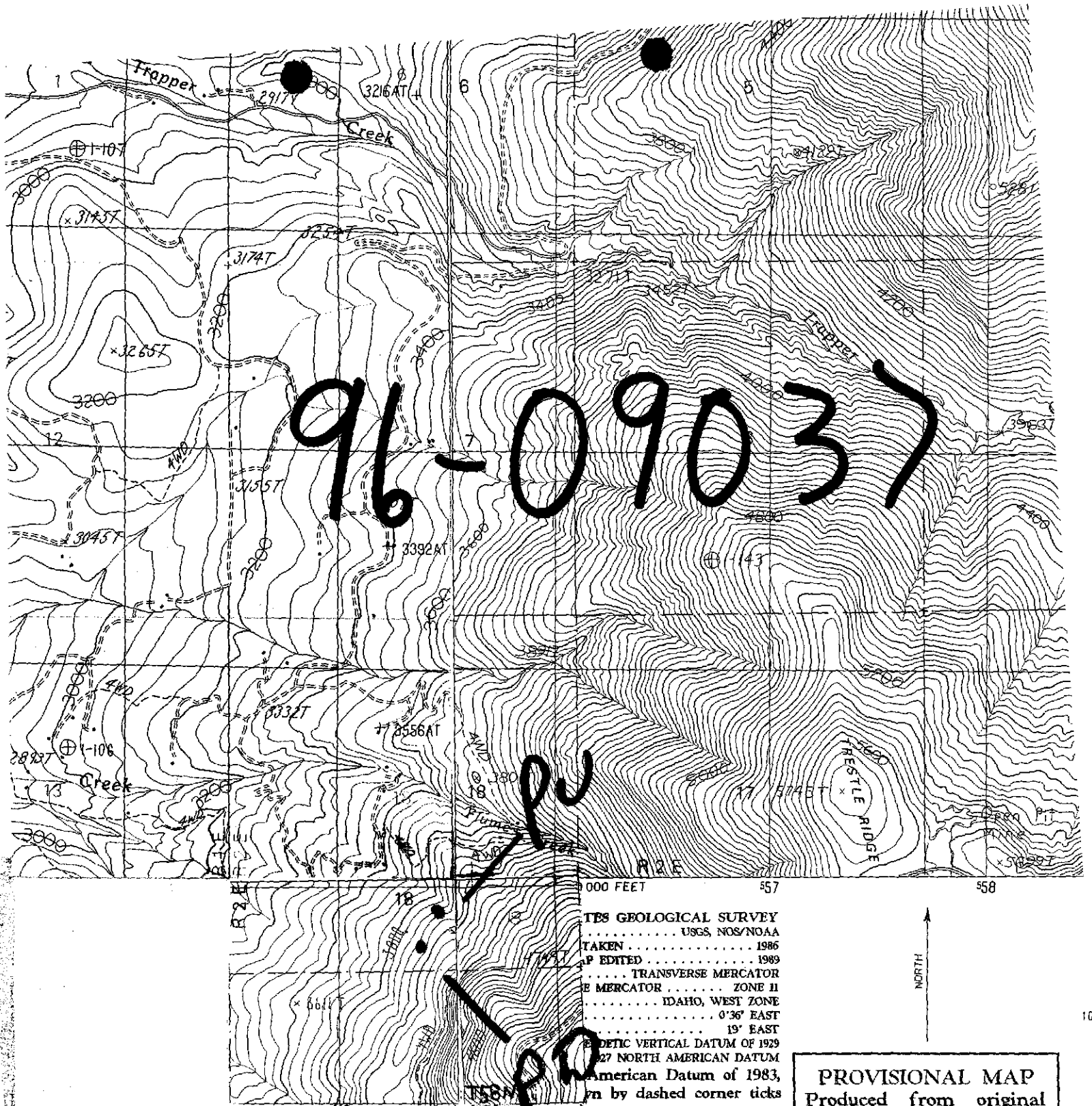
Date

07-25-02

Reviewer

Date

MICROFILMED
MAR 24 2003
SEAL



(12 meters north and 76 meters east)

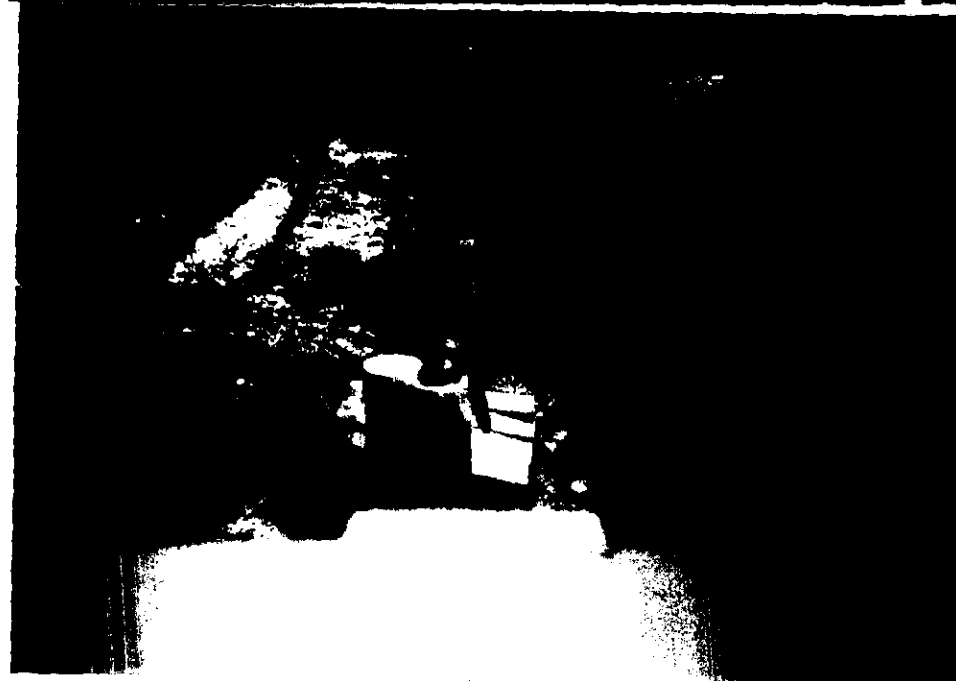
There may be private inholdings within the boundaries of any
Federal and State Reservations shown on this map
No distinction made between houses, barns, and other buildings
Where omitted, land lines have not been established

MICROFILMED

MAR 24 2003



PD



PV

96-09037

MICROFILMED

MAR 24 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 20, 2002

MARY MERRILL
LINK SHADLEY
PO BOX 976
ASTORIA OR 97103

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 96-09037

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

Be advised that Section 42-248, Idaho Code, requires you or the owner of these water rights to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions, please contact the Northern Regional Office of the department in Coeur d Alene at (208) 769-1450.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office (w/encl.)

MICROFILMED

MAR 27 2002

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 96-9037

Reviewed By: dgibson

Date: March 19, 2002

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?		X
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:		C059116	Well driller's report filed?		X
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received	01/09/2002
Date proof due	- 02/01/2002
Lapse notice sent	-
No. of days late	= 0
Holiday allowance	+
Priority date	+ 11/10/1999
New priority date	= 11/10/1999

Deficiencies of Actions Items

Acknowledge proof.

RECEIVED

JAN - 9 2002

Department of Water Resources



State of Idaho
Department of Water Resources
PO Box 83720
Boise, ID 83720

January 6, 2002

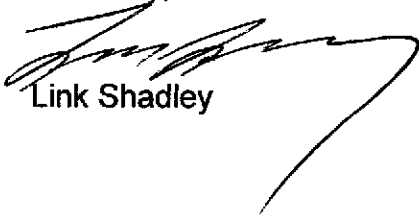
Dear Sir or Madam:

Thank you very much for your professional handling of our Water Rights Application. The spring box is installed, pipe laid, trench insulated and covered, excavation cleaned and reseeded, and we have water to one frost-proof faucet on our land.

We have enclosed a map to our property and spring site. We were up during Christmas and had to hike in and show shoe out. I suspect it will be May or June before you can get a vehicle up to the spring site. We will keep in contact with our neighbors so we know when the road bed has settled after the spring thaw.

We have some photographs of the installation if that would assist your inspection. Let us know and we can send prints.

Sincerely,



Link Shadley

MICROFILMED

MAR 27 2002

Link Shadley & Mary Merrill
PO Box 976 - Astoria, OR 97103

November 30, 2001

MARY MERRILL
LINK SHADLEY
PO BOX 976
ASTORIA, OR 97103

PROOF DUE NOTICE

RE: PERMIT NO. 96-9037

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before February 01, 2002. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner 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 which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

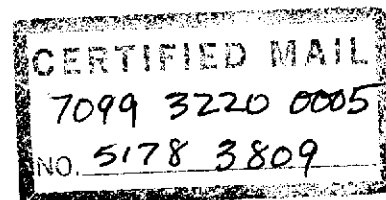
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

Sincerely,

Deborah J. Gibson, Admin. Assistant
Water Allocation Bureau

Enclosures

MICROFILMED
MAR 27 2002



RECEIVED

AUG 30 2000

Department of Water Resources



Memo

To: State of Idaho
Department of Water Resources

From: Mary Merrill
Link Shadley

CC:

Date: 8/27/00

Re: Permit No. 96-09037

Thank you for your assistance in obtaining the Water Rights Permit. Enclosed is a copy of the approval from the Department of the Interior, Bureau of Land Management, showing they have approved the right-of-way and plan. The right-of-way has been inspected by BLM and we are about to dig the trench, install the spring box and pipe. We will keep you apprised of progress toward Proof of Beneficial Use.

MICROFILMED

JAN 31 2001



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Upper Columbia - Salmon Clearwater District
Coeur d'Alene Field Office
1808 North Third Street
Coeur d'Alene, Idaho 83814-3407
<http://www.id.blm.gov>

RECEIVED

AUG 30 2000

Department of Water Resources

In Reply Refer To:

IDI-33035 (086)

AUG 16 2000

Link Shadley
Mary Merrill
PO Box 976
Astoria, OR 97103

Dear Mr. Shadley and Ms. Merrill:

Enclosed is a signed copy of right-of-way grant, IDI-33035. This water facility right-of-way is authorized through December 31, 2020.

Sincerely,

Victoria A. Roth
Land Law Examiner

Enclosure

MICROFILMED
JAN 31 2001

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
RIGHT-OF-WAY GRANT

SERIAL NUMBER IDI-33035

1. A right-of-way is hereby granted pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).
2. Nature of Interest:
 - a. By this instrument, the holder:

Link Shadley & Mary Merrill
P. O. Box 976
Astoria, OR 97103

receives a right to construct, operate and maintain, a right-of-way for a spring development, on public lands described as follows:

Boise Meridian,
T. 58 N., R. 2 E.,
sec. 18, SW $\frac{1}{4}$ SE $\frac{1}{4}$.
 - b. The concrete spring box is approximately 2 feet by 2 feet by 2 feet. The spring box is connected to a one-inch plastic pipe that is approximately 150 feet long. The disturbed area of public land is 6 feet by 150 feet and herein contains 0.20 acres, more or less.
 - c. This instrument shall terminate on December 31, 2020, unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.
 - d. At the discretion of the BLM authorized officer, this instrument may not be renewed.
 - e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

MICROFILMED
JAN 31 2001

3. Rental:

For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the authorized officer unless specifically exempted from such payment by regulations. Provided however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.

4. Terms and Conditions:

- a. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part 2800 and 2880.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 90 days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the authorized officer.
- c. Each grant issued pursuant to the authority of paragraph (1)(a) for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way granted herein may be reviewed at any time deemed necessary by the authorized officer.
- d. The plans and maps, set forth in Exhibits A through C, attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
- e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.
- f. The authorized officer may suspend or terminate in whole, or in part, any notice to proceed which has been issued when, in his judgement, unforeseen conditions arise which result in the approved terms and conditions being inadequate to protect the public health and safety or to protect the environment.
- g. Holder shall maintain the right-of-way in a safe, usable condition, as directed by the authorized officer.
- h. Holder shall contact the BLM authorized officer prior to any surface disturbance activity.
- i. The holder shall perform all operations in a good and workmanlike manner to ensure protection of the environment and the health and safety of the public.

JAN 31 2001

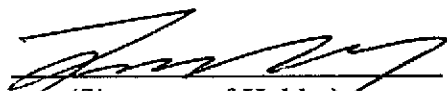
- j. Holder shall seed disturbed vegetation areas with seed and fertilizer mixtures as specified by the authorized officer. (See Exhibit C).
- k. Holder shall ensure free water remains available for wildlife to drink during summer and fall, which can be accommodated by excess overflow.
- l. Holder shall preserve as much vegetation as possible along the water pipeline.
- m. Holder agrees to pay \$100.00 to a BLM fund established for control of noxious weeds.
- n. Holder shall comply with all applicable Federal, State and local laws and regulations, existing or hereafter enacted or promulgated, with regard to any Hazardous Material, as defined in this paragraph, that will be used, produced, transported or stored on or within the right-of-way, or used in the operation, maintenance or termination of the right-of-way. "Hazardous material" means any substance, pollutant or contaminant that is listed as hazardous under the CERCLA of 1980, as amended, 42 U.S.C. 9601 et seq., and its regulations. The definition of hazardous substances under CERCLA includes any "hazardous waste" as defined in the RCRA of 1976, as amended, 42 U.S.C. 6901 et seq. and its regulations. The term hazardous materials also includes any nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011 et seq. The term does not include petroleum, including crude oil or any fraction thereof that is not otherwise specifically listed or designated as a hazardous substance under CERCLA section 101(14), 42 U.S.C. 9601(14), nor does the term include natural gas.
- o. Holder agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the CERCLA of 1980, 42 U.S.C. 9601, et seq. or the RCRA of 1985, 42 U.S.C. 6901 et seq.) on the right-of-way unless the release or threatened release is wholly unrelated to the right-of-way holder's activity on the right-of-way. This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.
- p. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

MICROFILMED

JAN 31 2001

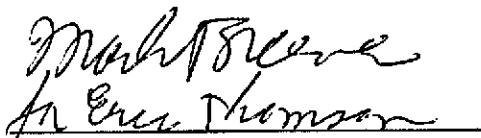
- q. Prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a pre-termination conference. This conference will be held to review the termination provisions of the grant.

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant or permit.


(Signature of Holder)

Mary G. Merrill, wife
husband
(Title)

8-15-00
(Date)


(Signature of Bureau of Land
Management's Authorized Officer)

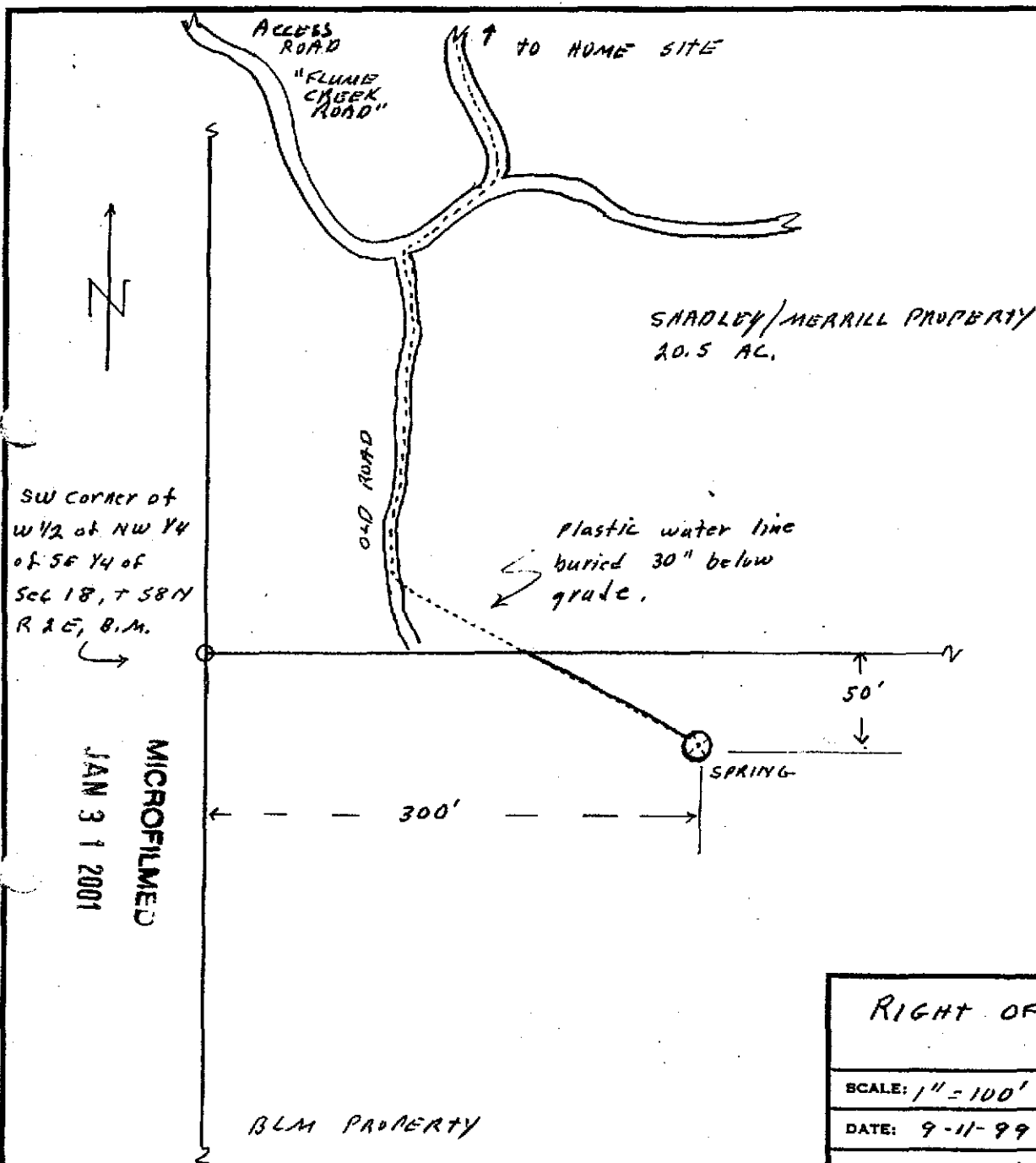
Field office Manager
(Title)

8-17-00
(Effective Date of Grant)

MICROFILMED

JAN 31 2001

Exhibit A



SPRING RUNS APPROX 8 GPM
(IN DRY SEASON)
DOMESTIC USE ESTIMATED 4 GPM
OR 200 GALLON PER DAY TOTAL

2' x 2' x 2' CONCRETE SPRING
BOX BELOW GRADE
1" SUPPLY PIPE
1 1/2" OVERFLOW

RIGHT OF WAY REQUEST

SCALE: 1" = 100' N

APPROVED BY:

DRAWN BY LS

DATE: 9-11-99

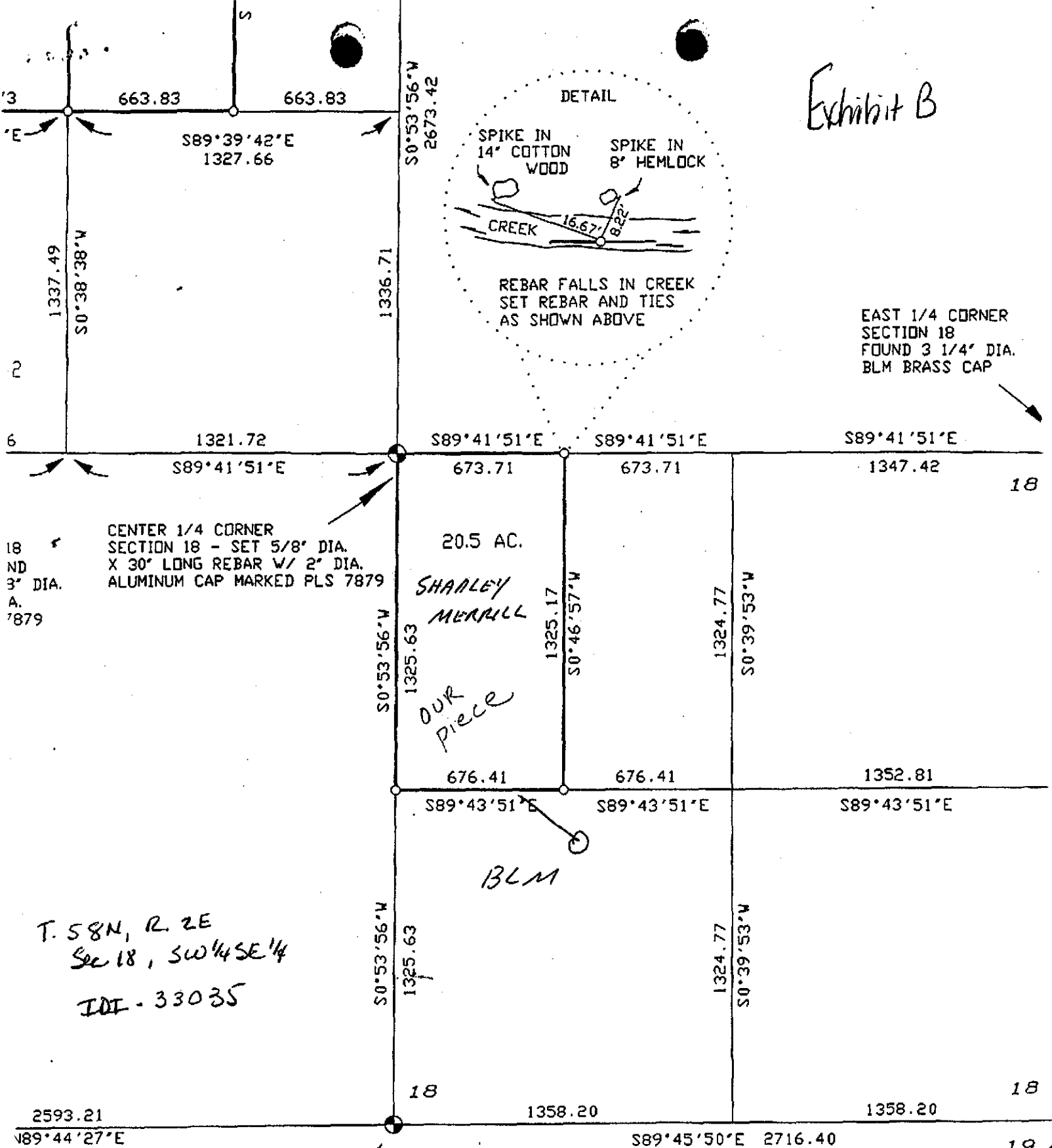
REVISED

SHADLEY & MERRILL TO BLM FOR DOMESTIC
WATER LINE

Right-of-way No. IDI-33035

DRAWING NUMBER

Exhibit B



SOUTH 1/4 CORNER SECTION 18 FOUND ORIGINAL STONE AND BTs - SET 5/8" DIA. X 30" LONG REBAR WITH A 2" DIA. ALUMINUM CAP MARKED PLS 7879



SECTION CORNER FOUND 3 1/4" DIA. BLM BRASS CAP

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EXHIBIT C

SEED MIXTURE

Ponderosa Pine Types and Dry* Douglas Fir Types

<u>Species to Seed</u>	<u>Recommended Variety</u>	<u>Lbs.Seed</u>	<u>PLS/Sq.Ft</u>
Sheep Fescue	Covar	3 lbs.	46.8
Streambank Wheatgrass	Sodar	5 lbs.	17.5
Annual Ryegrass		2 lbs.	10.0
Alfalfa**	Ladak, Ranger	4 lbs.	20.0
Yellow Sweetclover**	Madrid	3 lbs.	17.7
		17 lbs.	112.0

* Douglas fir/snowberry and drier habitat types

** Inoculate all legume seed prior to seeding

FERTILIZER MIXTURE

An ammonium phosphate, ammonium sulfate 16-20-0-14 fertilizer shall be used at the rate of 250 lbs./acre.

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JAN 31 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

February 11, 2000

MARY MERRILL
LINK SHADLEY
PO BOX 976
ASTORIA OR 97103

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 96-09037

Dear Permit Holder:

The Department of Water Resources (IDWR) has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a "Proof Due Notice" approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

If you have any questions, please call me at 208-327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

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JAN 31 2001

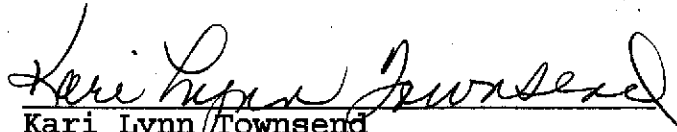
SK:klt

CERTIFICATE OF MAILING

I hereby certify that on the 11th day of February, 2000, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 96-09037

LINK SHADLEY
MARY MERRILL
PO BOX 976
ASTORIA OR 97103


Kari Lynn Townsend
Secretary

MICROFILMED

JAN 31 2001

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief 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 the order. 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 twenty-one (21) 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 a 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. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

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JAN 31 2001

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department 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 Department 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 issuance 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.

APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS

Reviewed by Sharla Curtis on 2/4/00

No. 96-09037 Name: Bradley Corp. Officers N/A Ad ok ✓ Govt Lots ---

AREA OF CONCERN: No/Yes --- Moratorium --- GWMA --- TRUST/NON-TRUST ---

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells - 046(P23)
Basin 34 - 085
Irr. w/in WD - P05
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067
~~WMD~~
Supp irr (irr = only use) - 065-104
Supp irr (+ other uses) - 100-105
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M

LOCATION:

Boise Front LoGeo - 058 (<85 GW)
Mitigation - 121
42-248 Area - P84 (20s-70s, 81-86)
Swan Falls Flag - ---
Trust - 051(P74) (consumptive uses)
Non-Trust - 048-049 (consumptive uses or non-cons. > 1.0 cfs)

USES:

STORAGE - 18A-01H(P01), 01P-18B(P09)-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/USFS)
MINING - 054-081(P10)
FISH PROP - 029(70'S only)-007-042-081(P10)
HEAT/COOL - R07(injection well)
FIRE PROT. - 077

BENEFICIAL USE DUE: 2 1 01 13002

MISC CONDITIONS/REMARKS:

~~Protested~~ - 020-W19
Development Period
≤ 1 yr - P16
> 1 yr - 26A(P17)
Ownership - 004
~~Non-consumptive~~ - 027
~~Water Quality~~ - 081-R07

IRRIGATION SEASON N/A (Per updated map)

OTHER CONDITIONS/REMARKS

COMMENTS

P/D is NW/SE for 10-ac desc per map

get 10ac pd desc. ✓

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No Response No objection
In/Above MSP - WB9
PLANNING SECTION REVIEW/RESPONSE ---
In-stream development - P52
WD - R04 (WD# ---)
≤ 0.20 cfs/others - 01H(P01), 01P or No MD
> 0.20 cfs - 01J(P08)

SPRINGS/SINK, INACTIVE WD & REST OF STATE

≤ 0.24 cfs/5 acres - No MD
→ 0.24 cfs/5 acres - 01M or No MD

RIVER BASINS: (SW special considerations)

Snake R (01) - W22(P04), N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - 047(P04) (Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

USES:

POWER - 17H-17K (+uses)-08A-025(P18)-01N-081(P10)
MUNICIPAL
Restricted area - 022,075
Irr., GW supp to SW - 102
DOMESTIC
Surface water - WB5 (Big Wood or Boise above Star Bridge)
27A (Payette R) N/A
> 1 in restricted area - 070-071-075(no parks/common areas, etc)
Irr use listed separate - WB5
Moratorium approvable - W03 (2500 gpd - meets domestic definition
i.e. D/convenience store)

Multiple pd's per ¼¼ - W32
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Use definitions - W02 example - S/50 range
Pre-1987 development - 068-074 (allow 120 days for proof due)
Single p/d intended - 076

RECEIVED

JAN 31 2000

**IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET**

WR/
WRA
BCA

Department of Water Resources

APPLICATION # 96-09037

INITIAL REVIEW

APPLICANT:

SHAOLEY / MERRILL

BY:

JB

DATE:

11 / 10 / 99**ITEM REQUIRED INFORMATION**

1. (☒) Name and Address
2. (☒) Source
3. (☒) Point of Diversion & County
4. (☒) Quantity
 - (☒) Nature of Proposed Use
 - (☒) Period of Use
5. (☒) Total Quantity
6. (☒) Description of diverting works
7. (☒) Time required for b/u
8. (☒) Proposed use
9. (☒) Place of use or acres irrigated
10. (☒) Other water Rights
11. (☒) Ownership
12. (☒) Map
 - (☒) Signature
 - (☒) Fee (Amt, receipt, acknowledgement)

*** Send info sheet Y() N()

ADDITIONAL INFORMATION

(Yes)(No)

- ☒ Field check: by _____
- ☒ Field report attached
- ☒ Analysis Supp. attached(>5cfs/500af)
- ☒ Water delivered by water master?
- Water District # _____

GROUNDWATER SECTION

WD Permit No.'s:	TAG #	Type:	Fees	Receipt No.	Upgrade Needed?
_____	_____	Dom. _____ Non-Dom. _____	Paid \$ _____	_____	Y () N ()
_____	_____	Dom. _____ Non-Dom. _____	Paid \$ _____	_____	Y () N ()
_____	_____	Dom. _____ Non-Dom. _____	Paid \$ _____	_____	Y () N ()

- ☒ Groundwater management area
- ☒ Critical ground water area
- ☒ Well Drilling Permit required
- ☒ Well Drilling Application and Fees received
- ☒ Well Drilling Application approved?

Remarks: _____

FINAL REGIONAL PROCESSING/REVIEW

(Yes)(No)

- ☒ Notice of pending void order issued. Final order response date: _____/_____/_____
- ☒ Further information required from applicant
- ☒ Affidavit of publication received
- ☒ Application published correctly. If not, record action taken: _____
- ☒ Publication dates and paper recorded on application | Sr. Agent initial _____
- ☒ Protests received, Final protest date: 12/20/99
- ☒ Measuring device required
- ☒ Measuring port required
- ☒ Special conditions:

Special conditions of approval supplement and/or cover letter attached:

Approval Recommended by:

ASDA

Date:

1 / 28 / 00**PROCESSING**

(Yes)(No)

PRIORITY DATE: 11 / 10 / 99☒ (Include Moratorium Remark)☒ Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).

ADVERTISE IN:

BONNER

County

LETTERS SENT REQUESTING:

() Dam Information () Fish Information

() Power Information () Other: N/A**INFORMATION RECEIVED:**

() Dam Information () Fish Information

() Power Information () Other: N/A

Memorandum

Date: January 28, 2000

To: File 96-09037

From: Al Beardslee

RE: Surface water approval from Idaho Fish and Game Dept.

~~~~~  
**Mr. Chip Corsi, of Idaho Department of Fish and Game, Coeur d'Alene office, was contacted prior to regional approval of this filing. After reviewing the Application for Permit with Mr. Corsi, he had no problem with it's approval.**

**MICROFILMED**

**JAN 31 2001**

# AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner,

Sherilyn Plunk being first duly sworn on oath  
deposes and says that he/she is BookKeeper  
of the Bonner County Daily Bee, a newspaper printed and  
published at Sandpoint, Bonner County, Idaho; that the  
said newspaper has been continuously and uninterruptedly  
published in said Bonner County during a period of 12  
months prior to the first publication of the hereto attached  
notice of publication in the case of:

App for water Right

as it was published in the regular and entire issue of the  
said paper for a period of 2 consecutive weeks,  
commencing on 2 day of Dec., 1999  
and ending on the 9 day of Dec., 1999  
and that said notice was published in said newspaper.

On this 9 day of Dec. in the year  
of 1999, before me, a Notary Public, personally  
appeared Sherilyn Plunk  
known or identified to me to be the person whose name  
subscribed to the within instrument, and being by me first  
duly sworn, declared that the statements therein are true,  
and acknowledged to me that he executed the same.

Cecily L. Inge  
Notary Public for Idaho

Residing at Sandpoint

My commission expires: 4/00

## NOTICE OF APPLICATION FOR WATER RIGHTS

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

**96-09037**

MERRILL, MARY  
SHADLEY, LINK  
PO BOX 976  
ASTORIA, OR 97103  
Source: SPRING  
Tributary: SINKS  
Diversion Pt: SWSE Sec 18 T 58N  
R 02E in BONNER County.  
Use: DOMESTIC (0.010 CFS)  
Total Diversion: (0.010 CFS)  
Date Filed: 11/10/1999  
In: BONNER COUNTY  
T58N R02E S18 NWSE  
**96-09038**

JOHN, WES  
PO BOX 111  
HERON, MT 59844  
Source: HUCKLEBERRY LAKE  
Tributary: SINKS  
Diversion Pt: NESE Sec 18 T 55N  
R 03E in BONNER County.  
Use: IRRIGATION (0.030 CFS)  
IRRIGATION STORAGE (2.00 AF)  
IRRIGATION FROM  
STORAGE (2.00 AF)  
STOCKWATER (0.030 CFS)  
STOCKWATER  
STORAGE (2.00 AF)  
STOCKWATER FROM  
STORAGE (2.00 AF)

Total Diversion (0.060 CFS)  
Date Filed: 11/12/1999  
In: BONNER County  
T55N R03E S18 NESE  
**1.0 ACRES TOTAL**

For additional information con-  
cerning the property location, call  
the Northern Regional Office at  
(208) 769-1450.

The permit(s) will be subject to  
all prior water rights. Protests must  
be filed with the applicant and with  
the Director, Dept. of Water  
Resources, Northern Region, 1910  
Northwest Blvd., Suite 210, Coeur

d'Alene, Idaho 83814, together with  
a protest fee of \$25.00 on or before  
DECEMBER 20, 1999.

## KARL J. DREHER, Director NOTICE OF CLAIMS TO WATER RIGHTS

The Following claim(s) have  
been filed on water rights created  
by diversion and beneficial use:

**96-04564**

STATE OF IDAHO  
DEPT OF FISH & GAME  
PO BOX 25  
BOISE, ID 83707  
Source: SPRING CREEK  
Tributary: LIGHTNING CREEK  
Diversion Pt: NESE Sec 27 T 56N  
R 02E in BONNER County.  
Use: FISH PROPAGATION (15,000 CFS)  
Total Diversion: (15,000 CFS)  
Claimed Priority: 1/1/1934  
In: BONNER COUNTY  
T56N R02E S27 NESE SESE

For additional information con-  
cerning the property location, call  
the Northern Regional Office at  
(208) 769-1450.

Exceptions to a claim may be  
filed with the Director, Dept. of  
Water Resources, Northern  
Regional, 1910 Northwest Blvd.,  
Suite 210, Coeur d'Alene, Idaho  
83814.

KARL J. DREHER, Director  
SNP# 1445  
December 2, 9, 1999

RECEIVED  
DEC 28 1999  
IDWR/North

MICROFILMED

JAN 3 1 2000

1445

96-09037

MERRILL, MARY  
SHADLEY, LINK  
PO BOX 976  
ASTORIA, OR 97103

Source: SPRING

Tributary: SINKS

Diversion Pt: SWSE Sec 18 T 58N R 02E in BONNER County.

Use: DOMESTIC ( 0.010 CFS)  
Total Diversion: ( 0.010 CFS)

Date Filed: 11/10/1999

In: BONNER County  
T58N R02E S18 NWSE

MICROFILMED

1998 3 1 2001

November 24, 1999

Link Shadley & Mary Merrill  
PO Box 976  
Astoria OR 97103

Re: Water Appropriation Application No. 96-09037

Dear Mr. Shadley and Ms. Merrill:

The Idaho Department of Water Resources hereby acknowledges receipt of the above referenced Application for Permit to appropriate the Public Waters of the State of Idaho. To assist us in providing you with prompt, accurate service, please refer to the above referenced number in all future matters concerning this water right application. Enclosed for your file is Receipt Number N013347.

Your appropriation application is currently being prepared for advertising in the local county newspaper. This advertisement will be published for two consecutive weeks followed by a waiting period of ten days to allow for the submittal of protests. Normal processing time is approximately 3 to 4 months, if the application is not protested.

If the application is not protested, it will be forwarded to Boise to be considered for approval by the Director. State office personnel will then conduct a complete review, and you will be notified by mail of the outcome. However, if the application is protested during this waiting period, you will be sent a copy of the protest and instructions to aid you in resolving the protest without a hearing. All protests must be resolved before approval of the application can be made, so if the protestant does not voluntarily withdraw the protest, this department will conduct a conference and/or hearing on the matter.

You will receive your approved Application for Permit and instructions on filing the Proof of Beneficial Use from our State office in Boise.

If you have any questions or if I can be of any assistance please feel free to contact me at this office.

Sincerely,

ALLEN BEARDSLEE  
Senior Water Resources Agent

AB:db

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JAN 24 2001