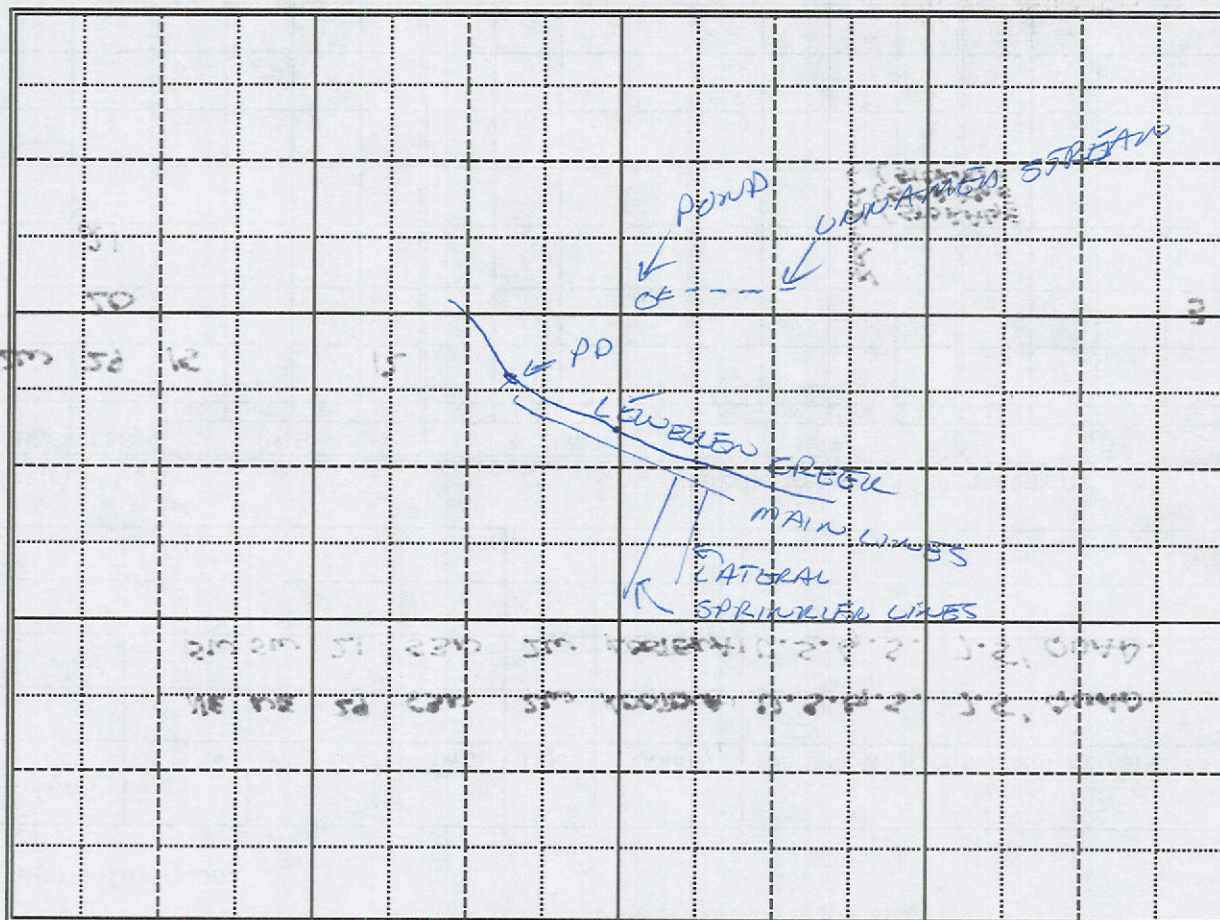


3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = 175

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

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

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
	BR/665 + STATION	14	294447	BARKLEY	31 1/2 TONS - 14

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

D. FLOW MEASUREMENTS

1.

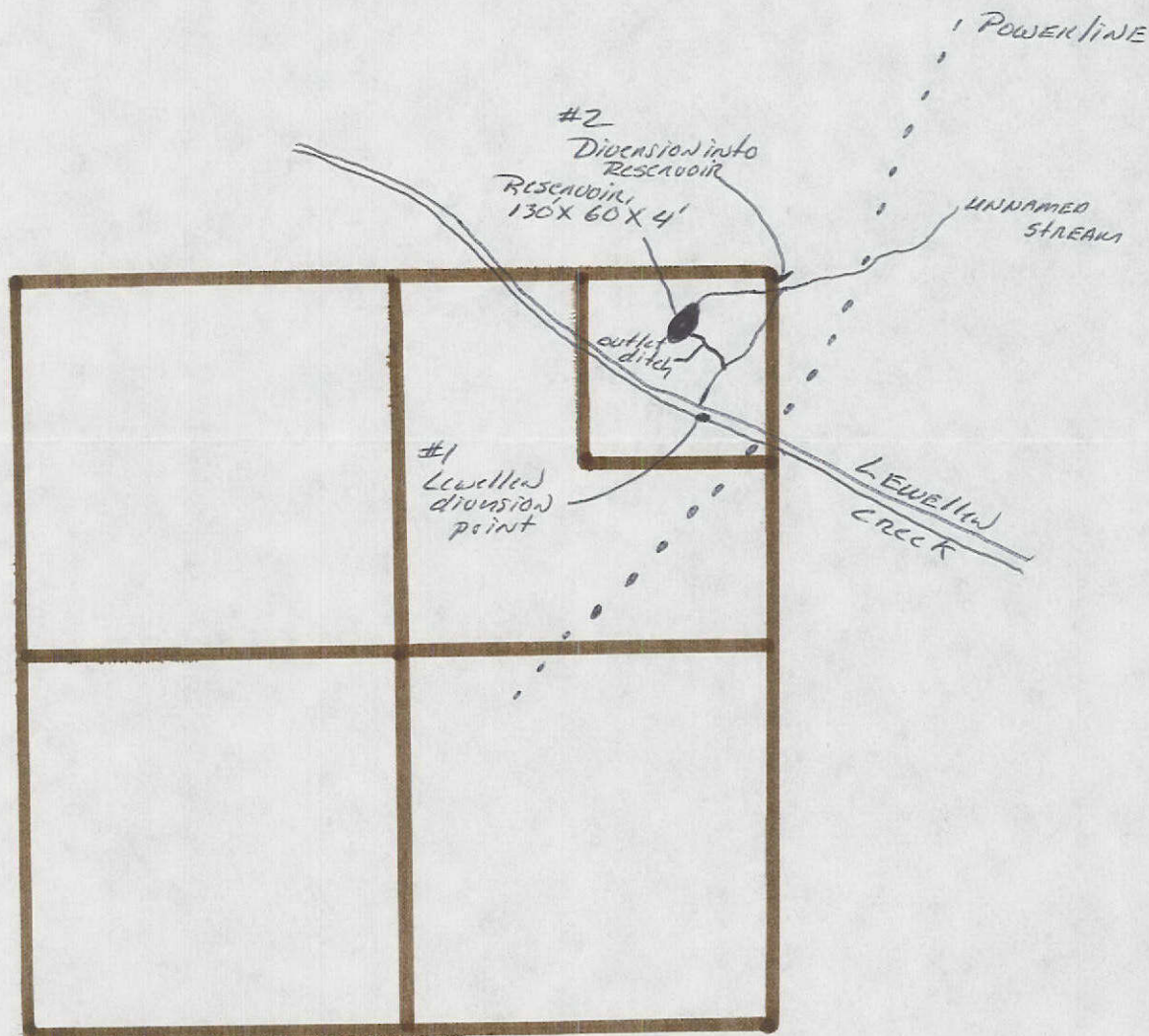
Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. **Measurements:** SPRINKLER HEADS PRODUCING 4.5 GPM. X 28 # OF SPRINKLERS
= 126.0 GPM, OR 0.28 CFS. NOT ALL HEADS WERE MEASURED. THE 15
SPRINKLERS AT END OF LATERAL WERE PRODUCING ABOUT 1/2 FLOW OF THE
FRONT HEADS.

MICROFILMED

To date

- ① We have constructed storage reservoir (130' x 60' x 4') - AS RECOMMENDED by Bob Haynes
- ② inlet diversion from unnamed stream
- ③ outlet ditch from storage reservoir to unnamed stream



Permit No
96-7530

Section 29
T 53N 2W

- . 08 CFS domestic
- . 2 CFS irrigation

We propose billing storage reservoir
from unnamed stream and
Lewellen creek (if needed) and
not exceed allocated amounts
from combined 2 points of
diversion. Each diversion point
will have measuring device

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JUN 12 1998

Wendy M. M. M.



PERMIT HOLDER MERKELEY PERMIT # 96-7530

P D TWP 53N RGE 24E SEC 29 NENE

P/U TWP _____ RGE _____ SEC SAME

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JUN 12 1998

SOURCE LEWELLEN CR TRIBUTARY TO SINKS

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

LEVELLEA

96-7663

96-7177
96-0103

96-7562

96-7420

96-7658

96-7561

96-7667
96-7560

96-7668

96-7577

96-7530

96-07530

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JUN 12 1998

1987 photo

pond

HAY
5 ACRES

PO
2"
125 HEADS

TREES

30 ACRES

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JUN 12 1998

PLACE
OF USE

MERRILEY

T. 53N., R. 26W

**FIELD EXAM
NOTES**

96-07530

MERKLEY

11/11/97

14 H.P. Pump



**IRRIGATION SYSTEM
MAIN LINES**

**MICROFILMED
JUN 12 1998**

FIELD EXAM NOTES

96-07530
MERKLEY
11/11/97



SPRINKLERS
RUNNING IN
FIELD



IRRIGATION
PIPE
"MAN LINES"



EVERGREEN
TREE

MICROFILMED

JUN 12 1998

FIELD EXAM NOTES

96-07530

MERLEY

11/11/97



IRRIGATION
SYSTEM

MAIN LINES



MICROFILMED

JUN 12 1998



STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

NORTHERN REGION

REMARKS / PHOTOS

PERMIT # 96-1530

DATE

INITIALS



6/16/82

NORTHERN OFFICE

TO

PHOTO DELIVERED

SA Flow

JUN 12 1998

MICROFILMED



STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

NORTHERN REGION

REMARKS / PHOTOS

PERMIT # 96-7530

DATE

INITIALS



PHOTO DELIVERED TO OFFICE
6/16/82

MICROFILMED
JUN 12 1998

96-07530

PERMIT # _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
REPORT SUPPLEMENT

PHOTOGRAPHS



STORAGE POND



STORAGE POND

MICROFILMED
JUN 12 1998

96-07530

PERMIT #

STATE OF IDAHO
DEPARTMENT OF WATER
REPORT SUPP
O T O G R A

WOODEN FLUME #1
POD



WOODEN FLUME / POD #1

Division
Ditch
Flowing TO
POND

MICROFILMED
JUN 12 1998

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 96-07530

Priority: April 16, 1977

Maximum Diversion Rate:

0.28 CFS

Maximum Diversion Volume:

90.7 AF

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

14550 E BUNCO RD

ATHOL ID 83801

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

LEWELLEN CREEK
UNNAMED STREAM

tributary to SINKS
tributary to LEWELLEN CREEK

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.20 CFS	90.0 AF
WILDLIFE STORAGE	01/01 to 12/31		0.7 AF
RECREATION STORAGE	01/01 to 12/31		0.7 AF
FIRE PROTECTION STORAGE	01/01 to 12/31		0.7 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.08 CFS	
	Totals	0.28 CFS	90.7 AF

LOCATION OF POINT(S) OF DIVERSION:

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

PLACE OF USE: IRRIGATION

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

Total number of acres irrigated: 30

PLACE OF USE: WILDLIFE STORAGE

TWN RGE SEC

53N 02W 21 SWSW

MICROFILMED

JUN 12 1998

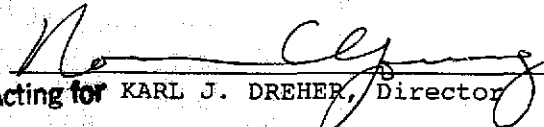
State of Idaho
Department of Water Resources**Water Right License**

WATER RIGHT NO. 96-07530

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 96A.
6. The right holder shall maintain a measuring device of a type approved by the Department.
7. Water shall not be diverted from storage for fire protection use under this right except to fight or repel an existing fire.
8. Wildlife storage and recreation storage are for a private pond.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 8TH
day of JUNE, 1998.


Acting for KARL J. DREHER, Director

MICROFILMED
JUN 12 1998

State of Idaho
Department of Water Resources

RECEIVED

JUN 05 1998

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 96-07530

Department of Water Resources

Date of Priority: April 16, 1977

Maximum Diversion Rate: 0.28 CFS

Maximum Diversion Volume: 90.7 AF

Comes now

JEFF MERKELEY
WARD MERKELEY
DANA MERKELEY
LOIS MERKELEY

14550 E BUNCO RD
ATHOL ID 83801

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 96-07530, and requests that the permit be changed as follows:

Source: LEWELLEN CREEK
Source: UNNAMED STREAM

tributary to SINKS
tributary to LEWELLEN CREEK

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.20 CFS	90.0 AF
WILDLIFE STORAGE	01/01 to 12/31		0.7 AF
RECREATION STORAGE	01/01 to 12/31		0.7 AF
FIRE PROTECTION STORAGE	01/01 to 12/31		0.7 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.08 CFS	
	Totals	0.28 CFS	90.7 AF

LOCATION OF POINT(S) OF DIVERSION:

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

PLACE OF USE: IRRIGATION

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

Total number of acres irrigated: 30

PLACE OF USE: WILDLIFE STORAGE

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>
53N	02W	21
		SWSW

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JUN 12 1998

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 96-07530

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Athol, ID, this 3 day of JUNE, 1998.

Ward Merkley
WARD MERKLEY
(Signature)

MICROFILMED

JUN 12 1998

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 96-07530

FOR DEPARTMENT USE ONLY

Preliminary check by SWK Fee = 50.00 Receipted by LB # 0212503 Date 6/5/98

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 96-07530 with the following;

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 96A.
6. The right holder shall maintain a measuring device of a type approved by the Department.
7. Water shall not be diverted from storage for fire protection use under this right except to fight or repel an existing fire.
8. Wildlife storage and recreation storage are for a private pond.

Witness my hand this 8TH day of June, 1998

Acting for Karl J. Dreher
KARL J. DREHER, Director

MICROFILMED
JUN 12 1998

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 96-7530 IN THE)
NAME OF LOIS, WARD, DANA, JEFF MERKELEY) ORDER OF REINSTATEMENT

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted on or before July 1, 1982; and,

WHEREAS, the Department extended the time within which to submit proof of beneficial use until July 1, 1987; and,

WHEREAS, the Department has notified the permit holders by certified mail that proof was due and instructed the permit holders as to the steps to be taken to make said proof; and,

WHEREAS, on July 1, 1987, the permit lapsed for failure of the permit holders to submit proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within sixty days of the date of lapsing; and,

WHEREAS, the permit holders have provided a reasonable showing as to why said permit should be reinstated by submitting proof of beneficial use on July 2, 1987;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 96-7530 be REINSTATED and the priority advanced to April 16, 1977.

Dated this 29th day of September, 1987.

MICROFILMED

APR 06 1988

L. Glen Saxton
L. GLEN SAXTON
Chief, Operations Bureau

RECEIVED

JUL 02 1987

STATE OF IDAHO
Department of Water Resources
DEPARTMENT OF WATER RESOURCES

For Office Use Only
Fee Received \$100.00
Date 7-6-87
Receipt # 42718
Receipt by 19
Reviewed by 19
Sent to region

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has 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 or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 96-7530

Name(s) of Permit Holder: WARD MERKELEY

Post Office Address: Route 1 Box 81, Athol, Id 83801

Telephone No. 208-683-2473

Source of Water: #1 LEWELLEN CREEK AND #2 UNNAMED STREAM

Extent of Use:

Domestic .08 (number of households) Stockwater (number and type of stock)

Irrigation .20 (acres) Other/Remark

Total rate and/or volume for which proof is submitted .28 cfs acre-feet

Show the date water was first diverted and beneficially used under this permit: 1979

Measuring Device: Required? Yes No
Installed? Yes No

Fee enclosed \$
(See License Examination Fee Schedule)

Flow Measurement Port: Required? Yes No
Installed? Yes No

Person to contact to accompany the Department representative during the field examination:

WARD D. MERKELEY
(Name)

208-683-2473
(Telephone Number)

Route 1 Box 81 Athol, Idaho 83801
(Address)

The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

APR 06 1988

6/30/87
Date

Ward D. Merkley
Signature of Permit Holder (and title, if appropriate)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
REQUEST FOR EXTENSION OF TIME

RECEIVED

For additional time in which to submit
proof of beneficial use on a water right permit

JUN 29 1982

Department of Water Resources

WARD DONALD MERKELEY of Route 1 Box 81 Athol, Idaho 83801
(Name) (Address)

State of Idaho, deposes and says:

That he is the holder, or the duly authorized agent of the holder*, of Permit to Appropriate the Public Waters of the State of Idaho No. 96-7530.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before July 1, 1982.

That I have performed the following work toward developing said permit: _____
(This information must be provided on all extension requests, if none, so state.)

1. construction of a storage reservoir (130' x 60' x 4')
2. construction of inlet and outlet diversions
3. construction of 6" irrigation pipe outlet Costing \$ 700
from under earth fill dam

That I have been unable to complete the remainder of the work within the required time for the following reasons: _____

1. NEED to construct standard water measurement weir and head gate
2. NEED to reinforce southwest wall of reservoir with more earth
3. NEED to seal reservoir with clay

I ask the Department of Water Resources to extend the time for the completion of obligations under said permit to July 1, 1987.
(1 to 5 years)

Ward D. Merkley, et al
(Signature)*

*IF OTHER THAN HOLDER, Power of Attorney must be supplied.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time within which to submit the statement of beneficial use is extended to July 1, 1987.

Signed this 8th day of July, 1982.

MICROFILMED

J. Glen Saxton
Chief, Operations Bureau

\$15.00 fee received by sg Date 7-7-82 Receipt # 24446

PLEASE NOTE

This water right is currently involved in an adjudication procedure. Insure that the regional office is notified of any changes or correspondence.

Identification No. 96-7530

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Lois, Ward, Dana, Jeff Merkeley Phone: (208) 683-2473
post office address Route 1 Box 81, Athol, Idaho 83801
2. Source of water supply Lewellen Creek which is a tributary of _____
3. a. Location of point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 29 Township 53N
Range 2 W B.M. Kootenai County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into Lewellen Creek at a point in NE $\frac{1}{4}$
of NE $\frac{1}{4}$ of Section 29 Township 53 N Range 2 W B.M. _____
4. Water will be used for the following purposes:
Amount .08 for domestic purpose from Jan. 1st to DEC. 31st (both dates inclusive)
(cfs or acre-feet per annum)
Amount .20 for irrigation purpose from April 1st to Oct. 31st (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. .28 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Concrete square box 3' x 3' x 3'
on creek bottom with screened top - 4" pipe on creek bottom inside
box - Pipe leads to 6' x 6' x 6' concrete cistern by gravity feed -
Return 4" pipe overflow to Lewellen Creek.
b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 3 years.
b. Estimated construction cost is \$300.00.
8. Description of proposed uses:
a. If water is **not** for irrigation: (Domestic use)
(1) Give the place of use of water: NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 29 Township 53 N
Range 2 W B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water 4.
(5) If water is to be used for other purposes describe: _____

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b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
53 N	2W	29	30																

Total number of acres to be irrigated 30

c. Describe any other water rights used for the same purposes as described above.

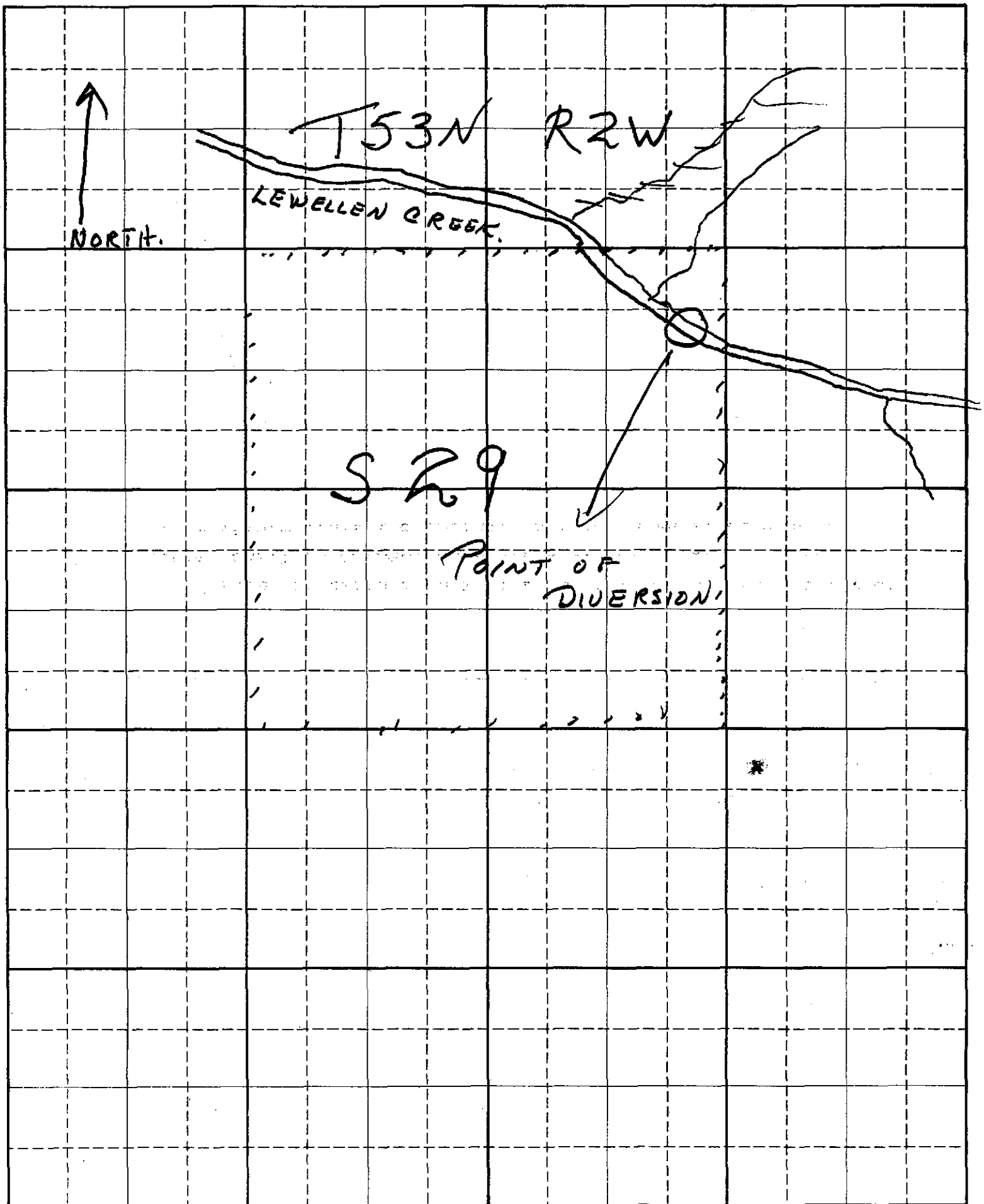
9. a. Who owns the property at the point of diversion Lois, Ward, Dana, Jeff Merkeley

b. Who owns the land to be irrigated or place of use Lois, Ward, Dana, Jeff Merkeley

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

10. Remarks 30 acres of pasture in NE 1/4 NE 1/4 S 29 T 53N R 2 W will be irrigated April to October pump draining out of cistern into main line with moveable lines and sprinklers from appropriate risers.

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



Scale: 2 inches equal 1 mile

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

David Markley

Anna E. Markley
(Applicant)

Lois Anne Markley

Jeffrey Gordon Markley

Proposed Priority 4-15-77

Received by CP Date 4-15-77 Time 1:00 p.m.

Preliminary check by _____ Fee \$ 25.00

Receipted by CP Date 4-15-77 (REC. #5435)

Publication prepared by B Date 4-15-77

Published in CNA P. 1122

Publication dates 4-21-78-1977

Publication approved B Date 5-9-77

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by SS.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 96-7530, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before July 1, 19 82.
- c. Other: (1) Use of water under this permit is subject to control by the water-master of the state water district. (2) An alternate supply of water adequate to meet the needs of the permit holder's domestic needs for a sixty (60) day period shall be obtained. (3) A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.

Witness my hand this 4th day of June, 19 79.

J. Glen Saxton

Chief, Operations Bureau

AFFIDAVIT OF PUBLICATION

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Lois, Ward, Dana & Jeff Merkeley Rt 1 Box 81, Athol, Id has on April 15, 1977 submitted Application No. 96-7530 for a permit to appropriate 0.28 cubic feet per second of water from Lewellen Creek by means of collection box, pipeline and cistern within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 29, T53N, R2W, B.M. Kootenai County to be used from Jan 1 to Dec 31 for domestic purposes (0.08 cfs) and from April 1 to Oct 31 for irrigation of 30 acres (.20 cfs) within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 29, T53N, R2W, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 4055 Government Way, Coeur d'Alene, Idaho 83814, on or before May 9, 1977.

C. STEPHEN ALLRED
Director

April 21, 28, 1977
Legal 82

STATE OF IDAHO,
County of Kootenai,

} ss.

Carol Hodge

being first duly sworn
upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The

Notice

of which the annexed is a printed copy, was published in the regular issue of said newspaper for 2 consecutive weeks commencing on the 21 day of April, 1977, and ending on the 28 day of April, 1977, and such publication was made as often during said period as said daily newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice.

Carol Hodge

Subscribed and sworn to before me this

28

day of

April

1977.

Roberta Stanley

Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.

LEADER

12.24

OK
5-9-77
\$



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

June 8, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JEFF MERKELEY
WARD MERKELEY
DANA MERKELEY
LOIS MERKELEY
14550 E BUNCO RD
ATHOL ID 83801

RE: WATER RIGHT NO. 96-07530

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. 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 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 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 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 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. Otherwise, this preliminary order will become a final order of the Department.

MICROFILMED

JUN 12 1998

If any party appeals or takes exceptions to this 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 the 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.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with the 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.

MICROFILMED

2 JUN 12 1998

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.

For your records I have also enclosed a copy of your Application for Amendment of Permit, which was approved.

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

Sincerely,



Shelley W. Keen
Water Rights Supervisor

SK:klt

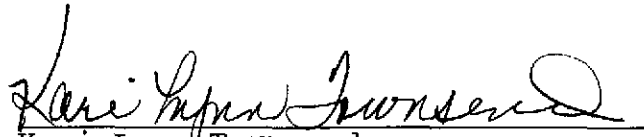
Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the 8th day of June, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 96-07530

JEFF MERKELEY
WARD MERKELEY
DANA MERKELEY
LOIS MERKELEY
14550 E BUNCO RD
ATHOL ID 83801


Kari Lynn Townsend
Secretary

MICROFILMED

JUN 12 1998



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

February 9, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JEFF MERKELY
WARD MERKELY
DANA MERKELY
LOIS MERKELY
14550 E BUNCO RD
ATHOL ID 83801

RE: Water Appropriation Permit 96-07530

Dear Permit Holders:

Water Right Permit 96-07530, which was issued to you in 1979, is being reviewed for licensing, which is the final step in the water appropriation process. Before a water right license can be issued, however, the permit must be amended to depict your water use as it has actually been developed. The enclosed Application for Amendment contains information that will be included on the license when it is issued. The amendment reflects a change in the nature of the water use. The last page of the Application for Amendment form contains a list of conditions and remarks that may be modified upon further administrative review. Please review the amendment form carefully. If you concur with the information presented, sign the form and return it with the \$50.00 filing fee within fourteen days.

Also, please note that the water right as described on the amendment form does not authorize a *continuous* diversion out of the unnamed stream, through your reservoir, and back into the stream. The Department cannot issue a license recognizing the diversion and use of more water than was originally permitted. As described on the amendment form, your license will recognize irrigation equal to your permitted amount and a storage amount that is roughly equivalent to the amount of water that you would have used had you developed the domestic use indicated on your permit. Licensing a continuous diversion for wildlife and/or recreation purposes would exceed the permitted amount. If you wish to obtain water right for a continuous flow for wildlife and/or recreational purposes, you need to file an application for permit with IDWR. I have enclosed an application form for you.

If you have any questions about this information, please contact me at (208) 327-7946 in Boise.

Sincerely,

Shelley Walter Keen
Water Rights Supervisor

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JUN 12 1998

From: DWR50::ABEARDSL 22-MAY-1998 12:22:22.76
To: ~~DWR03::SCURTIS~~ *File*
CC:
Subj: RE: 95-08707

Sharla,

Regarding the Change in Nature of Use (96-07530), we ask that you solicit the new application for the direct flows. I suppose that the applicant would have a choice of filing for this use, or not.

Bob asked me to ask you if there was any way we could license this right without seeking an additional filing.....We'll let you make the final call on this one.

Al

MICROFILMED
JUN 12 1998

MAY-18-98 MON 11:03 AM

~~DATE~~	START	RECEIVER
-----------------	-------	----------

TX TIME PAGES TYPE

NOTE

M#

MAY-18 11:03 AM NORTHERN

40" 2 SEND

OK

MICROFILMED

JUN 12 1998



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

**PHILIP E. BATT
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

MEMORANDUM

TO: Al Beardslee

FROM: Sharla

DATE: May 16, 1998

RE: Change in Nature of Use (96-07530)

Al, Shelley had me run through a change in nature of use analysis for Permit 96-07530. Attached is my analysis.

Shelley asked me to show the analysis to you and then let you decide if you want to solicit the new application or if you prefer to have us solicit the application.

Let me know what you prefer. Thanks for your help in the matter.

**MICROFILMED
JUN 12 1998**

CHANGE IN NATURE OF USE ANALYSIS
Permit 96-07530

Application for Permit:

USE(S)	CFS		VOLUME (implied)
Irrigation	0.20 cfs	90.0 af	(30 ac X 3.0 af/acre)
Domestic	0.08 cfs	4.8 af	(4 homes X 1.2 af)
TOTALS	0.28 cfs	94.8 af	

Examination Findings:

USE(S)	CFS		VOLUME (implied)
Irrigation	0.20 cfs	90.0 af	(30 ac X 3.0 af/acre)
Wildlife	0.08 cfs	57.8 af	(0.08 X 365 X 1.98)
Recreation	0.08 cfs	57.8 af	"
Fire Protection	0.08 cfs	57.8 af	"
Wildlife Storage		0.7 af	
Recreation Storage		0.7 af	
Fire Prot. Storage		0.7 af	
TOTALS	0.28 cfs	148.5 af	

Licensing Recommendations:

USE(S)	CFS		VOLUME (implied)
Irrigation	0.20 cfs	90.0 af	(30 ac X 3.0 af/acre)
Wildlife Storage		0.7 af	
Recreation Storage		0.7 af	
Fire Prot. Storage		0.7 af	
Diversion to Storage	0.08 cfs	n/a	
TOTALS	0.28 cfs	90.7 af	

***Inform right holder of need to file application for permit to pick up
wildlife, recreation and fire protection direct flows***

Database has no other rights with overlapping point(s) of diversion or place(s) of use

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JUN 12 1998

LICENSE REVIEW CHECKLIST

PERMIT NO. 96-07530 DATE 5/27/98 REVIEWER: SHARLA

NAME OK Change/OK
 Address street address
 SOURCE chg Does change clarify orig. intended source? If no, Void permit
 POINT OF DIV chg add unn. stream
 Change (P39 /P47) ☒ Add (P45/P42) Feds - P40
 W32 (multiple in 1/4)
 W36 (overlap)
 W59 (subd. desc)

NO OTHER RTS IN DATABASE

W/SOURCE UNN STREAM

Overlaps: Right(s):
 File reviewed _____ Profile reports printed _____

PLACE OF USE chg Change (P41/P47) ☒ Add (P41/P42) Feds - P43
 W60 (subd. desc)
 W27 (ppu acre limit)

TRIB TO LEWEMEN CREEK

NO INSURY TO ADD

Overlaps: Right(s):
 File reviewed _____ Profile reports printed _____

PD & PU amend (P37) Feds - P48

RATE OF DIV
 Permitted Rate .28 cfs
 Fee limit 1.00 cfs
 Measured .28 cfs
 Theoretical _____ cfs

Recommended Total Div Rate .28 cfs

WATER USES	Change (P46)		
<u>Irr.</u>	<u>.20</u> cfs	<u>90.0</u> af	Irrig - overlap (R58-R61, R62-R65, R66-R69)
<u>Wild Stes</u>	_____ cfs	<u>7</u> af	supp. gw (WB7/065/079)
<u>Rel "</u>	_____ cfs	<u>7</u> af	overlap spec. combined rts (W35)
<u>Fire "</u>	_____ cfs	<u>7</u> af	<1acre (W31)
<u>Dw to Stes</u>	<u>.08</u> cfs	<u>N/A</u> af	Domestic (W01/WB5/070/071/075)
TOTALS	<u>.28</u> cfs	<u>90.7</u> af	Power (W42 or W43/025/027/R22 or R23)
			Fish (042) Fire (077) Wtr Quality (081/R07)

Flow rate .20 cfs X 246 days X 1.98 = 97.4 af

REMARKS _____

ADD'L CONDITIONS R04 Watermaster Control WD# _____
Spec R13 GW Measurement/Measuring Device

Others Trust (052/R55 - remove 051) Non-trust (048/049)

Advance Priority yes ☒ no

SRBA Claim NA

Adjust Memo W425
 Amend letters P37 P38
P42

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

FEB 09 1998

Department of Water Resources

96-07530

A. GENERAL INFORMATION

Permit No.

1. Owner: WARD MERLEY Phone No. _____Current Address: E 14550 BUNKO RD ATHOL ID 838012. Accompanied by: WARD MERLEY EXAM DATE: 11/11/97Address: _____ Phone No. (509) 534-3060 (WK*)Relationship to Permit Holder: OWNER3. Source: UNNAMED STREAM tributary to LEWELLEN CREEK
LEWELLEN CREEK 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
			NE	NE	29	S3W	2W	KOOTENAI	U.S.G.S. 7.5' QUAD.
			SW	SW	21	S3W	2W	KOOTENAI	U.S.G.S. 7.5' QUAD.

2. Place(s) of Use:

Indicate Method of Determination

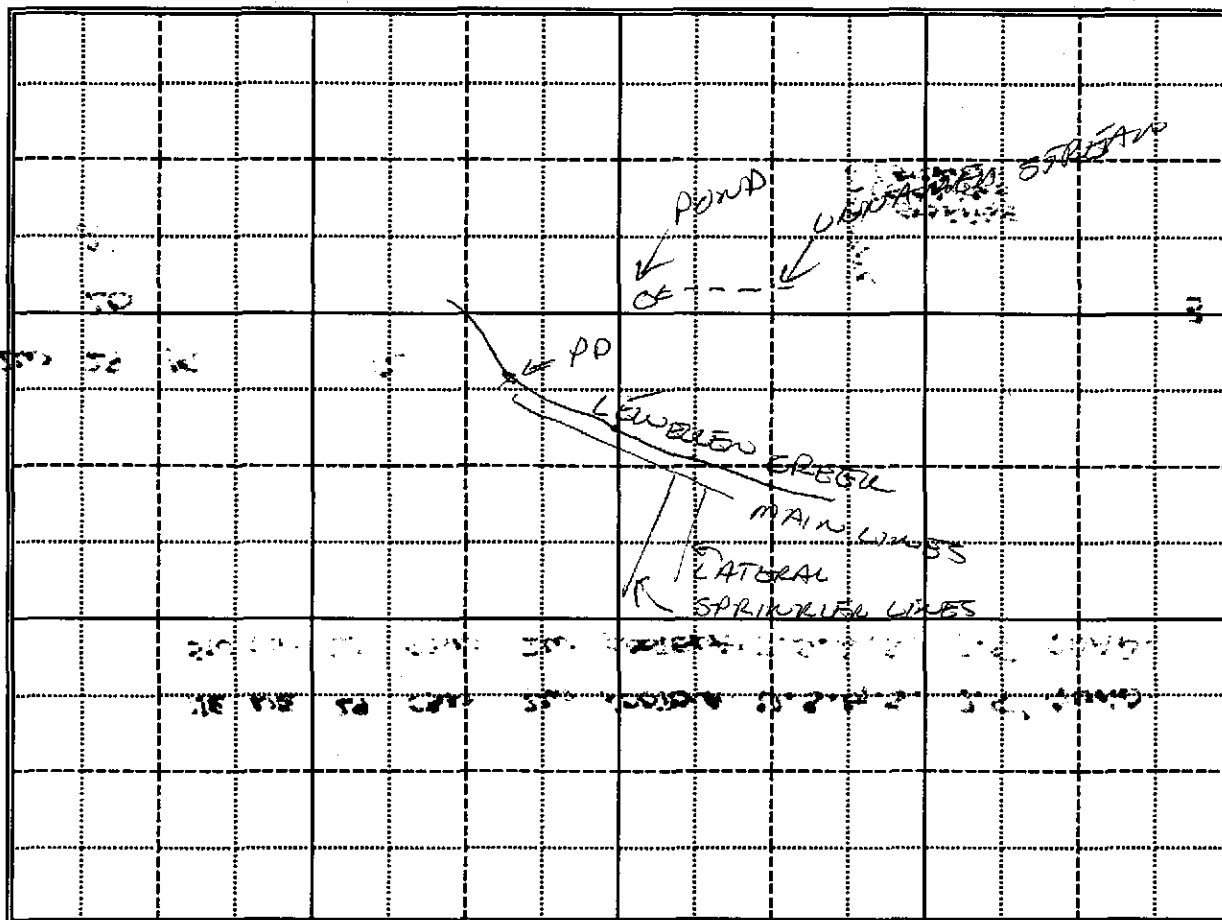
TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
S3W	2W	29	15			12													27
		20															3		3
		21																	

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JUN 12 1998

30 TOTAL

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



Scale: 1" = 175'

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

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

____ 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
21012	BERKLEY	14	294447	BERKLEY	21012 B1 1 1/2 TDMS-14

*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:** SPRINKLER HEADS PRODUCING 4.5 GPM. X 28 # OF SPRINKLERS = 126.0 GPM, OR 0.28 CFS. NOT ALL HEADS WERE MEASURED. THE 15 SPRINKLERS AT END OF LATERAL WERE PRODUCING ABOUT 1/2 FLOW OF THE FRONT HEADS.

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E. NARRATIVE/REMARKS/COMMENTS

MR. MERILEY STATED THAT THE UNNAMED STREAM WAS
FLOWING AT IT'S PEAK DURING INSPECTION ON 11/11/97.
MEASUREMENT - CHANNEL 1' WIDE X 0.30' DEEP X 0.30 FPS =
0.09 CFS.

POND DIMENSIONS = 80' WIDE X 120' LONG X 8' DEEP
X 0.60 (BANK SLOPE) VOLUME EQUALS - 1.06 AF. POND
IS USED FOR FIRE, WILDLIFE & RECREATION PURPOSES ONLY.

NO DOMESTIC USE WAS DEVELOPED.

IRRIGATION USE IS FOR 3,800 EVERGREEN TREES,
& PASTURE, HAY FIELDS

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

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JUN 12 1998

F. FLOW CALCULATIONS

Measured Method:

SEE REMARKS

~~3~~ Additional Computation Sheets Attached

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{LR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 30 \text{ ACRES} \times 3.0 = 90 \text{ AFA}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = (.20) (245) (1.9835) = 97.19 \text{ AFA}$$

$$V = \text{Smaller of } V_{LR} \text{ and } V_{D.R.} = 90 \text{ AF}$$

2. Volume Calculations for Other Uses:

SEE REMARKS FOR POND VOLUME (STORAGE) VOLUME CALCULATION.
THE POND IS AN "OFF STREAM POND".

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
IRRIGATION	3/15	11/15	0.20	90 AFA
WILDLIFE STORAGE	Y1	12/31		1.06 AF
RECREATION STORAGE	Y1	12/31		1.06 AF
FIRE PROTECTION	Y1	12/31		1.06 AF
WILDLIFE, RECREATION, FIRE PROTECTION	Y1	12/31	0.08	
Totals:			0.28	91.06 AF

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 - STORAGE USES

I. AUTHENTICATION

Field Examiner's Name AL BEARDSLEE Date 11/11/97

Reviewer _____ Date _____

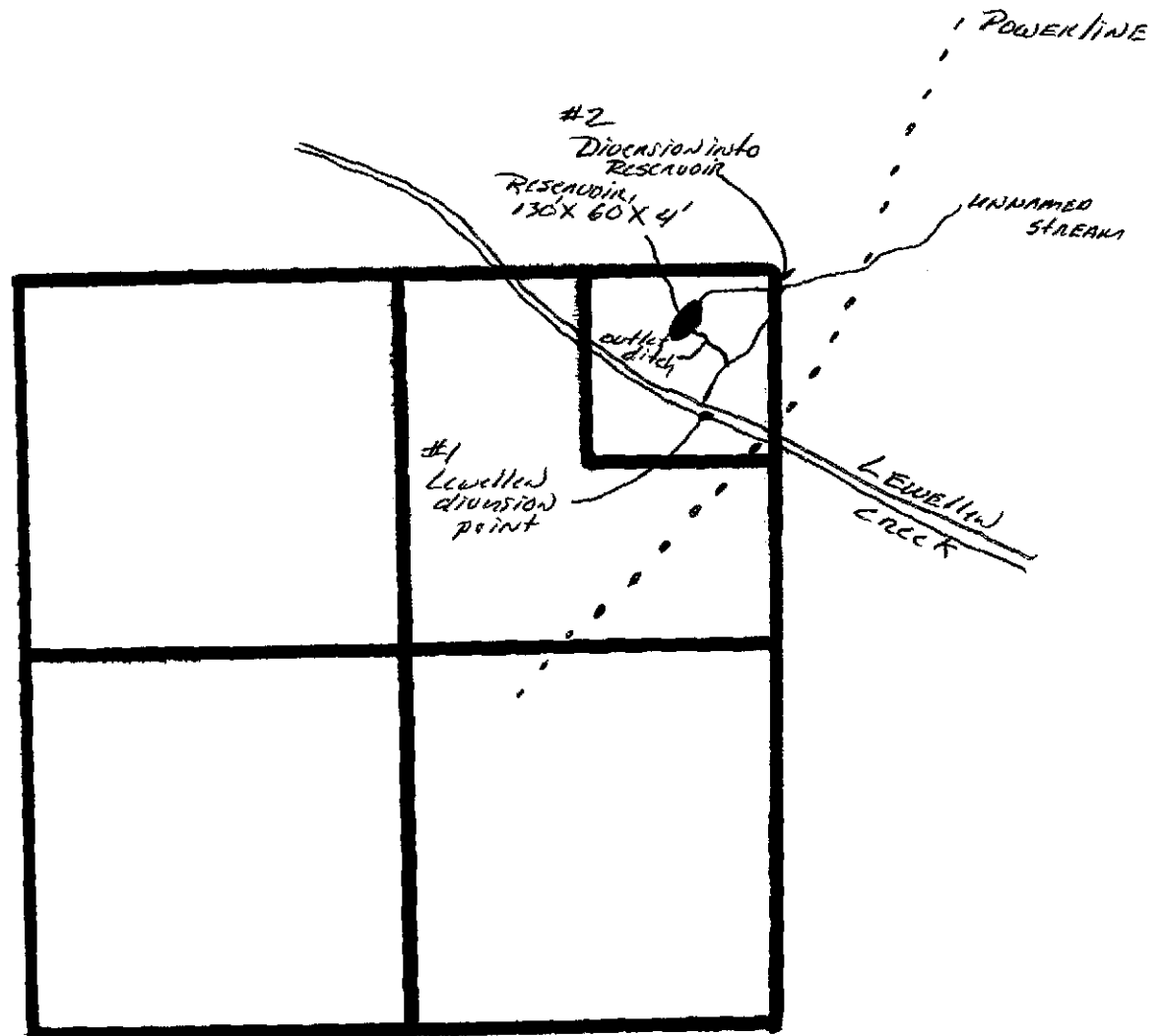
SEAL

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JUN 12 1998

To date

- ① We have constructed storage reservoir (170' x 60' x 4') - AS RECOMMENDED by Bob Haynes
- ② inlet diversion from unnamed stream
- ③ outlet ditch from storage reservoir to unnamed stream



Permit No
96-7530

Section 29
T 53N 2W

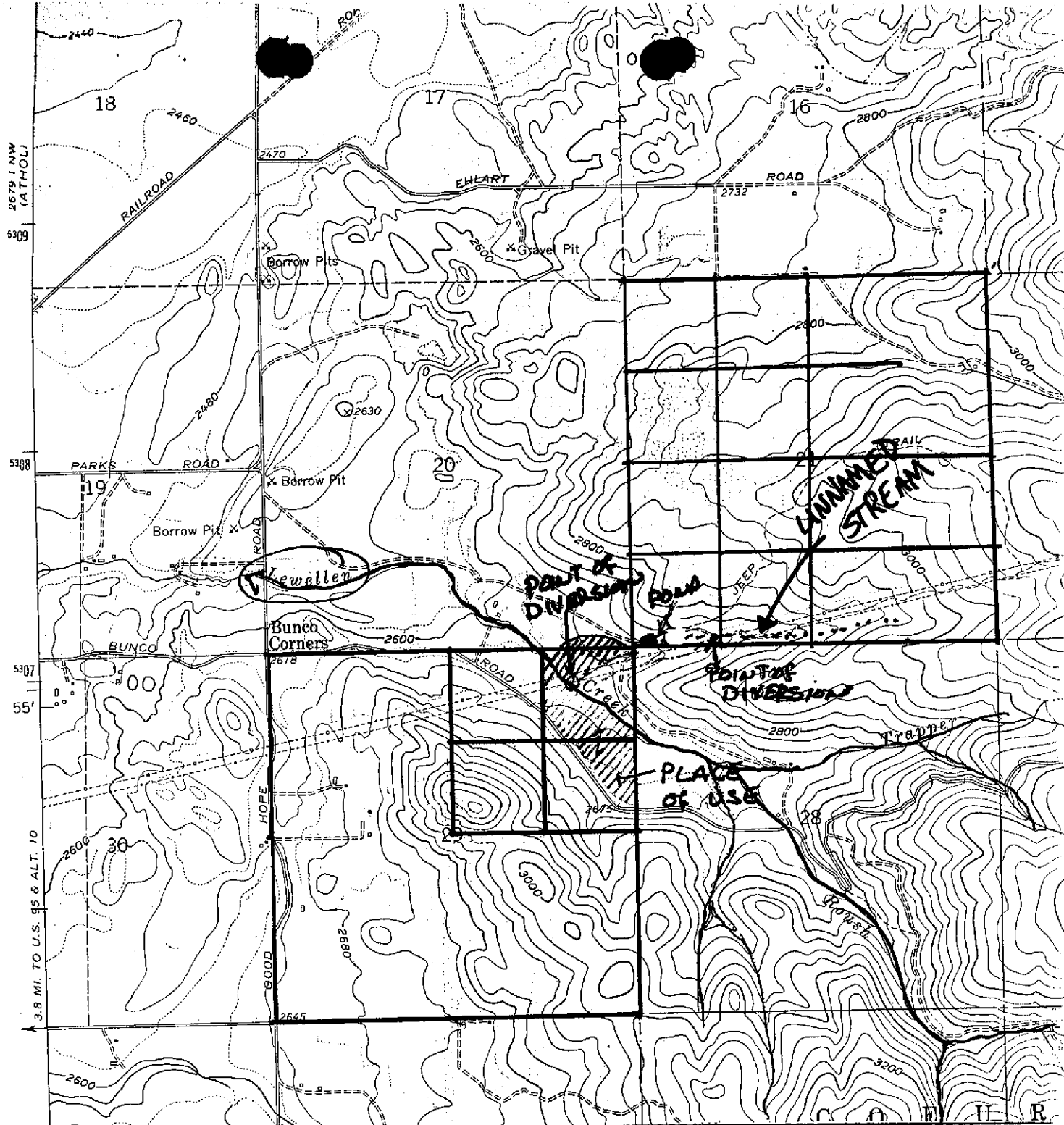
- .08 CFS domestic
- .2 CFS irrigation

We propose filling storage reservoir from unnamed stream and Lewellen creek (if needed) and not exceed allocated amounts from combined 2 points of diversion. Each diversion point will have measuring device

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JUN 12 1998

Walter Muehl



PERMIT HOLDER MERKELEY PERMIT # 96-7530

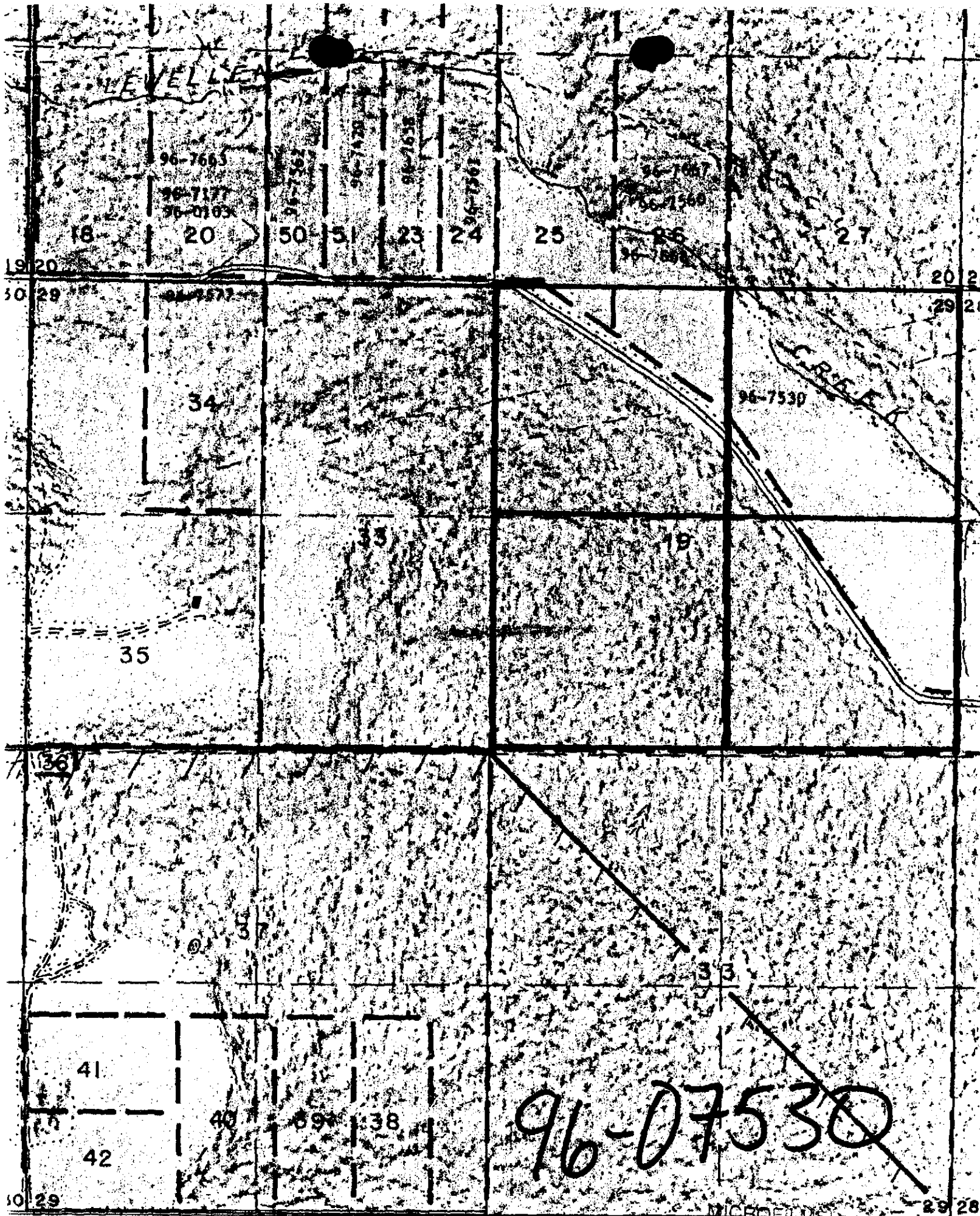
P D TWP 53N RGE 30W SEC 29 NESE

P/U TWP RGE SEC SAME

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JUN 12 1998

SOURCE LEWELLEN CR TRIBUTARY TO SINKS

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



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JUN 12 1998

1997 photo

POND

PO

FAIR

HEADS

REES

30 REES

MICROFILMED

1998

T. 53N., R. 20E



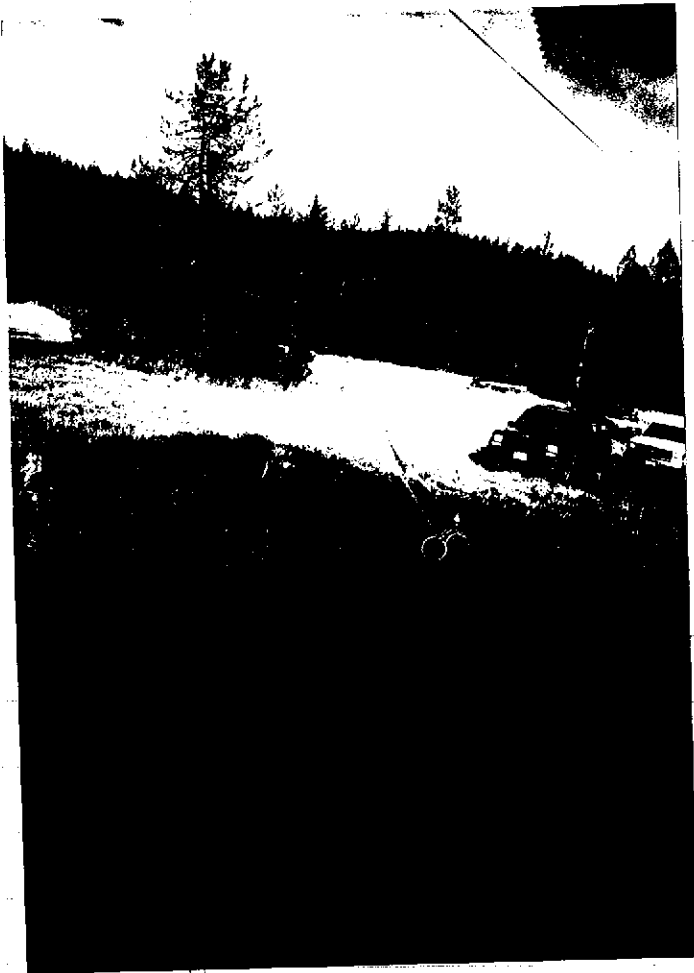
**FIELD EXAM
NOTES**

96-07530

MERKLEY

11/11/97

14 H.P. Pump



IRRIGATION SYSTEM

MAIN LINES

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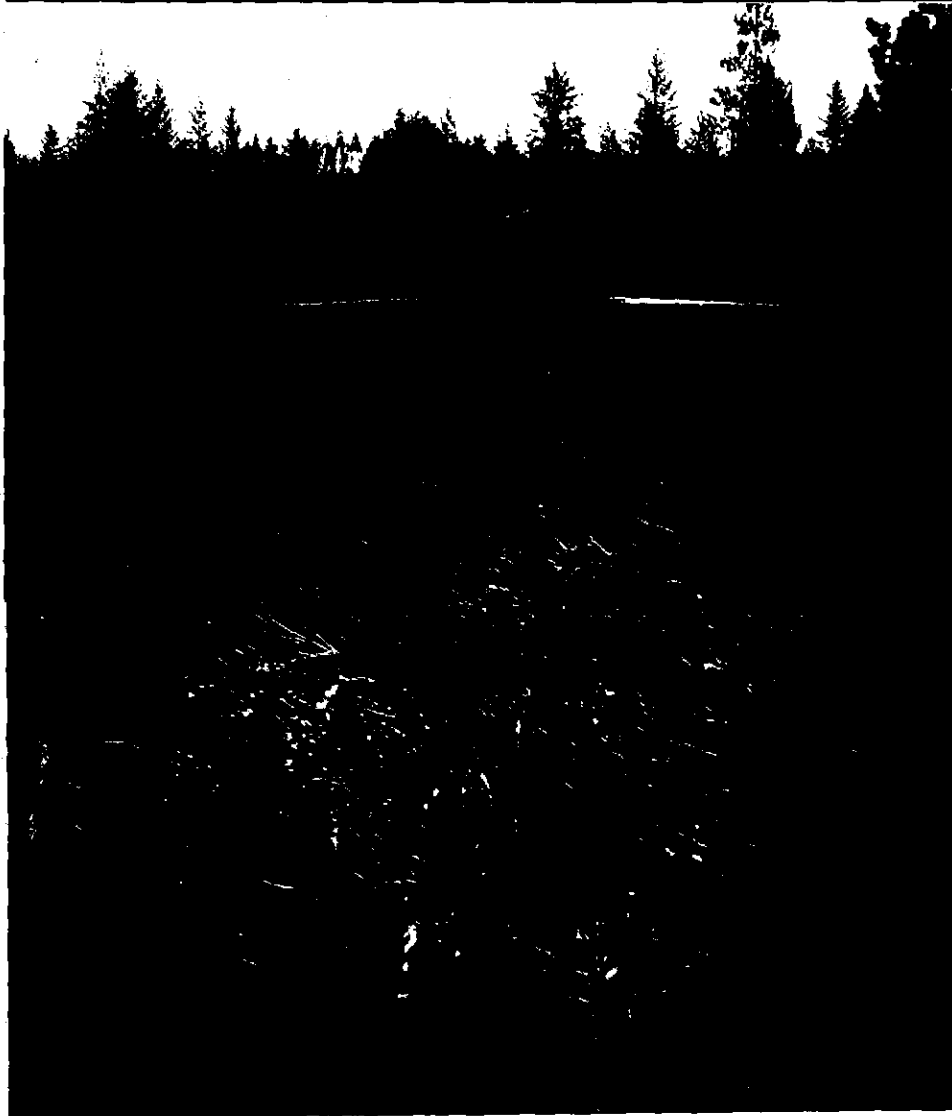
JUN 12 1998

FIELD EXAM NOTES

**96-07530
MERKLEY
11/11/97**



**SPRINKLERS
RUNNING IN
FIELD**



**IRRIGATION
PIPE
"MAN LINES"**

**EVERGREEN
TREE**

**MICROFILMED
JUN 12 1998**

FIELD EXAM NOTES

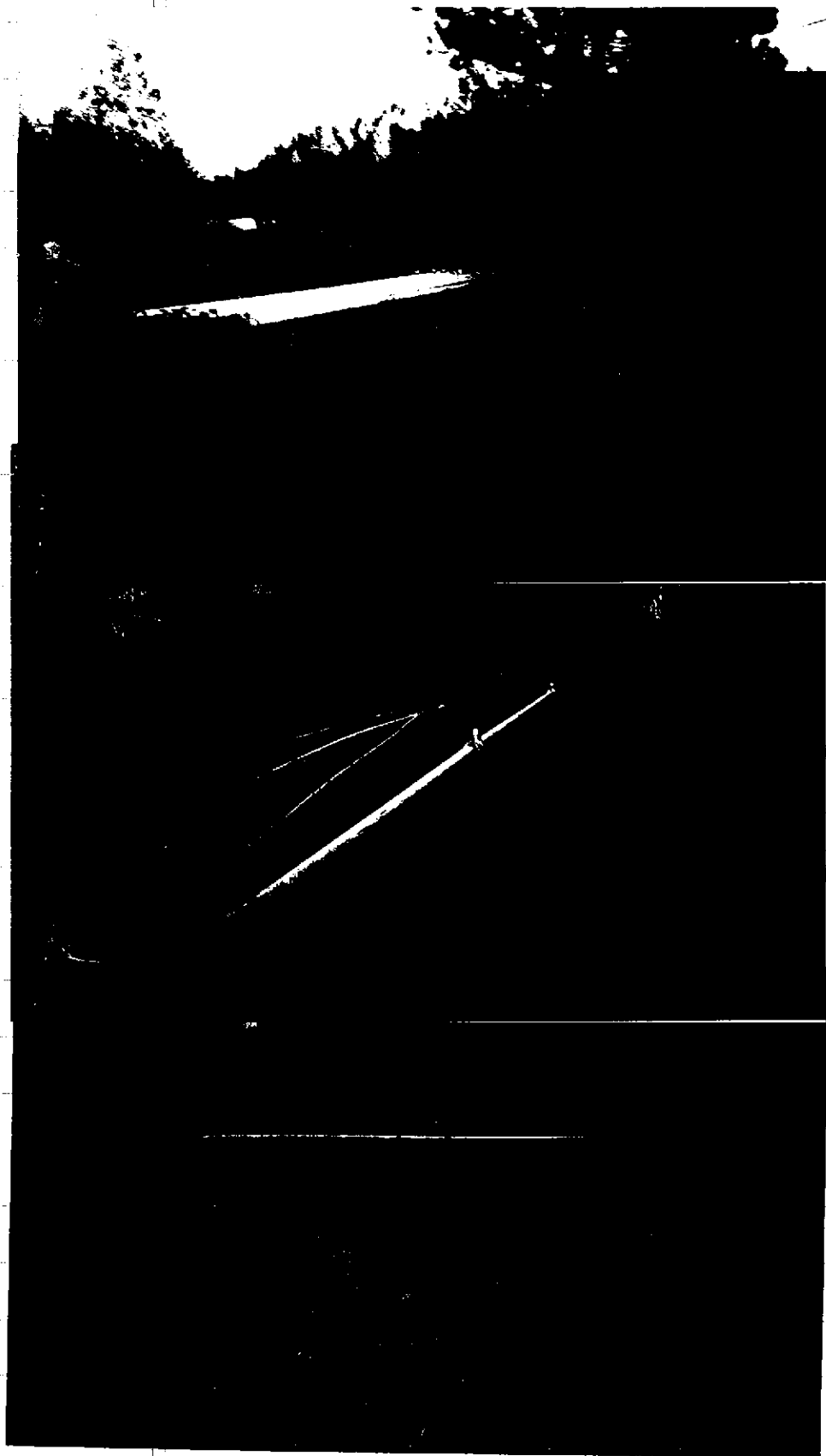
96-07530

MERLEY

11/11/97

IRRIGATION
SYSTEM

MAN LINES



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JUN 12 1998



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

REMARKS / PHOTOS

PERMIT # 96-7530

DATE

INITIALS



6/14/82

NORTHERN OFFICE

see photo

TO

PHOTO DELIVERED

in flow

JUN 12 1982

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STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

NORTHERN REGION

REMARKS / PHOTOS

PERMIT # 96-7530

DATE

INITIALS



PHOTO DELIVERED TO OFFICE
6/16/82

MICROFILMED

JUN 12 1998

96-07530

PERMIT # _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
REPORT SUPPLEMENT

PHOTOGRAPHS



STORAGE POND



STORAGE POND

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JUN 12 1998

96-07530

PERMIT #

STATE OF IDAHO
DEPARTMENT OF WATER
REPORT SUPP

OTOGRA

WOODEN FLUME #1
POD #1

WOODEN FLUME / POD #1

Division

Ditch

Flowing TO
POND

MICROFILMED
JUN 12 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN V. EVANS
Governor
R. KENNETH DUNN
Director

4055 Government Way
Coeur d'Alene, ID 83814
(208) 765-4539

OCTOBER 15, 1987

WARD MERKELEY
RT. 1 BOX 81
ATHOL, ID 83801

RE: Permit No. 96-7530

Dear Permit Holder:

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

Enclosed please find a copy of an order involving your permit.

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

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

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

Sincerely,

/s/
TOM D. KING
Senior Water Resource Asent

cc: IDWR - State Office

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APR 06 1988

CALCULATION OF NEW PRIORITY DATE

FROM: RITA FLECK

TO: FILE # 96-7530

DATE: 9-29-1987

Date proof received

183

July 2, 1987

Proof due

-182

July 1, 1987

Number of day proof late

1

Priority date

+105

April 15, 1987

New priority date

106

April 16, 1977

Remarks:

RECEIVED
APR 06 1988

April 30, 1987

Lois, Ward, Dana & Jeff Merkeley
Rt. 1 Box 81
Athol, ID 83801

CERTIFIED MAIL

138501

Dear Mr. and Mrs. Merkeley:

Re: Permit No. 96-7530

PROOF DUE NOTICE

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 July 1, 1987. (See the last page of your approved 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 provided the delay is for reasonable cause as described in Section 42-204, Idaho Code. If you have been prevented from proceeding by a government agency or by litigation, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either 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 the lapse notice, the permit will no longer be of any force nor effect.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosures

MICROFILMED

APR 06 1988

July 13, 1982

Ward Donald Meakeley
Route 1, Box 81
Athol, MA 01831

180001 ID 83801

Dear Mr. Meakeley:

Re: Permit No. 96-7500

Enclosed is a copy of the approved request for extension of time. The time within which to submit the statement of beneficial use is extended to July 1, 1987.

Also enclosed is Receipt No. 24446 in the amount of \$15.

Sincerely,

RITA I GLECK
Sr. Secretary

Enclosures

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

138923

MERKELEY, LOIS & WARD
RT. 1 BOX 81
ATHOL, ID 83801

APRIL 30, 1982

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 96-7530 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE JULY 01, 1982. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF OF BENEFICIAL USE.

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

EITHER THE BENEFICIAL USE POST CARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE MENTIONED DATE, OTHERWISE, THE PERMIT WILL LAPSE AND BE OF NO FURTHER FORCE OR EFFECT WITHIN 60 DAYS.

SINCERELY,

RITA FLECK
SR. SECRETARY

ENC: 1

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN V. EVANS
Governor
C. STEPHEN ALLRED
Director

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

June 5, 1979

Ms. Lois Merkeley, et al
Route 1, Box 81
Athol, Idaho 83801

RE: 96-7530

Dear Ms. Merkeley, et al:

Enclosed is a copy of your approved application for the above-referenced permit.

We direct your attention to the conditions of approval as listed on the fourth page, more specifically to the condition requiring you to make provision to obtain a 60-day supply of water without diverting it directly from the creek. This condition is necessary because there is not sufficient unappropriated water in Lewellen Creek to supply you with domestic water during the summer months.

Several possible alternatives are available to you. Among those alternatives are:

1. You may wish to have a well drilled.
2. You may haul water from another source.
3. You may install a storage tank which could hold enough water diverted from the creek at times when water was plentiful to carry you through the dry period.

If you elect to install a storage tank, we suggest that it be of approximately a 10,000-gallon capacity for each household that you intend to serve with your system.

This, of course, also means that the period of time when water will be available for your proposed irrigation use will be very limited. This information is provided so that you will not be misled into thinking that this permit will provide sufficient water through the entire season of use.

MICROFILMED

Ms. Lois Merkeley, et al
PAGE 2

If you have any questions or if we may be of any service, please do not hesitate to contact us.

Sincerely,

A handwritten signature in cursive script, appearing to read "Robert G. Haynes".

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH/pms

Enclosure

96-7530

STAFF REVIEW - STATE OFFICE

1. ✓ Name vs. Signature
2. 5.0 Source
3. ✓ Point of Diversion
4. 0.28 Amnt. & Period of Use
5. ✓ Descrip. of Diverting Wrks.
6. 3 Time req. for Proof of B/U
7. ✓ Place of Use for other than irrig.
8. 30 Place of Use for irrigation (add acres)
9. A Property Owner at Pt. of Div. & Pl. of Use
10. ✓ Map
11. 25 Fee & Rec't. No.

Copies Sent To:

<u>no</u> Idaho Health Department	<u>no</u> U.S.F.S.
<u>1</u> Idaho Fish & Game Dept.	<u>1</u> Dept. of Lands
<u>1</u> Bureau of Land Management	<u>1</u> Other

Dam Safety Information no (Goes to Permit Section)

Check:

Critical G.W. Area yes ✓ no

Other rights on same land None placed

Withdrawals of all protests received N/A yes no

Conditions:

ID Power Co. Letter - Snake R. NO

ID Power Co. Letter - G.W. & Tribs. NO

Snake River Condition NO

Payette River Letter NO

Priority Date 4/15/77

Water Quality #16 NO

Water Quality #10 NO
intrastate NO interstate NO

Meas. Dev. or Sc. Meas. NO

Totalizing meter NO

Supplemental NO

Right-of-Way Cond. NO

Watermaster Cond. yes #06
Wtr. Dist No. NO

Meas. Dev. Cond. for apps within a Water Dist. NO yes DRT

add attached condition on Regional staff review.

Jim
Reviewer

5/23/79
Date

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. Mark Riley

☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

(1) RAH 4-15-77

In form to receipt

(2) _____

Send Copies to:

_____ Idaho State Health Department
_____ Idaho Fish and Game Department
_____ Bureau of Land Management

(3) _____

_____ Request Special Use Permit from U.S.F.S.
_____ Request Easement from B.L.M.
_____ Request Information from Applicant
_____ Request Dam Safety Information

(4) RAH 4-15-77

In form for advertising

(5) _____

Platted on Map No. _____

(6) _____

Located within Water District No. _____

(7) _____

Critical groundwater area: yes _____ no _____

(8) _____

Groundwater levels:

_____ Declining, _____ Stable, _____ Increasing

(comment) _____

(9) _____

Other rights on the same place of use

(10) _____

Comments: _____

(11) B 5-9

Affidavit of Publication received (date) 5-6-77

(12) B _____

Final date for protests 5-9-77

Protests received: yes _____ no ☒

(13) _____

All requested information received from agencies or applicant: yes ☒ no _____

(14) _____

Action recommended:

☒ Approve _____ Deny

4-15-77 Proposed Priority

Reason for Reduction UNPROFITABLE

An alternate supply of water adequate to meet the needs of the permit holder's domestic needs for a sixty (60) day period shall be obtained.

_____ No special conditions for approval

(15) District Northern By Bob Haynes Date 3-8-79

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. Markley

☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

(1) RYA 4-15-77

In form to receipt

(2) _____

Send Copies to:

_____ Idaho State Health Department
_____ Idaho Fish and Game Department
_____ Bureau of Land Management

(3) _____

_____ Request Special Use Permit from U.S.F.S.
_____ Request Easement from B.L.M.
_____ Request Information from Applicant
_____ Request Dam Safety Information

(4) RYA 4-15-77

In form for advertising

(5) _____

Platted on Map No. _____

(6) _____

Located within Water District No. _____

(7) _____

Critical groundwater area: yes _____ no _____

(8) _____

Groundwater levels:

_____ Declining, _____ Stable, _____ Increasing

(comment) _____

(9) _____

Other rights on the same place of use

(10) _____

Comments: _____

(11) B 5-9

Affidavit of Publication received (date) 5-6-77

(12) B _____

Final date for protests 5-9-77

Protests received: yes _____ no ☒

(13) _____

All requested information received from agencies or applicant: yes ☒ no _____

(14) _____

Action recommended:

☒ Approve _____ Deny

_____ Measuring device required

☒ See attached sheet for other conditions of approval

_____ No special conditions for approval

(15) District Northern

By Bob Haynes

Date 3-8-79



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT

COEUR D' ALENE, IDAHO 83814

April 15, 1977

RE: Application for Permit No. 96-7530

Lois, Ward, Dana, & Jeff Merkeley
Rt 1 Box 81
Athol, Id 83801

Dear Mr's & Ms's Merkeley,

Attached is your receipt No. 5433 in the amount of \$ 25.00 for the
filing fee on the above referenced item which was received in this office.

Very truly yours,

Alea Beito
Secretary

AB

Attachment

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

April 15, 1977

RE: Application No. 95-7720; 96-7523; 95-7719; 96-7530
Claim No. 95-4375; 95-4376
Notice of Correction on Application No. 95-7708

Coeur d'Alene Press
Second & Lakeside
Coeur d'Alene, Id 83814

Gentlemen:

Enclosed is a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to our office along with the publication bill. Your cooperation in this matter is appreciated.

Very truly yours,

ROBERT G. HAYNES, P.E.
District Supervisor

RGH:cp

Enc: Legal Notice(s)

Bill reviewed
5-9-77
B

MICROFILMED

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Lois, Ward, Dana & Jeff Merkeley
Rt 1 Box 81, Athol Id

has on April 15, 1977 submitted Application No. 96-7530
for a permit to appropriate 0.28 cubic feet per second ~~across the creek~~
of water from Lewellen Creek
by means of collection box, pipeline and cistern
within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 29, T53N, R2W, B.M. Kootenia County

to be used from Jan 1 to Dec 31
for domestic purposes (0.08 cfs) and from April 1 to Oct 31 for irrigation of
30 acres (.20 cfs)
within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 29, T53N, R2W, B.M.

If issued, this permit will be subject to all prior water rights. Protests
against the granting of the permit must be filed with the Idaho Department of
Water Resources, 4055 Government Way, Coeur d'Alene, Idaho 83814, on or before
May 9, 1977.

C. STEPHEN ALLRED
Director

Published in the Coeur d'Alene Press, Coeur d'Alene, Id
on April 21, and April 28, 1977

UNRECORDED