

U.S.G.S.

TOPO.

MAP

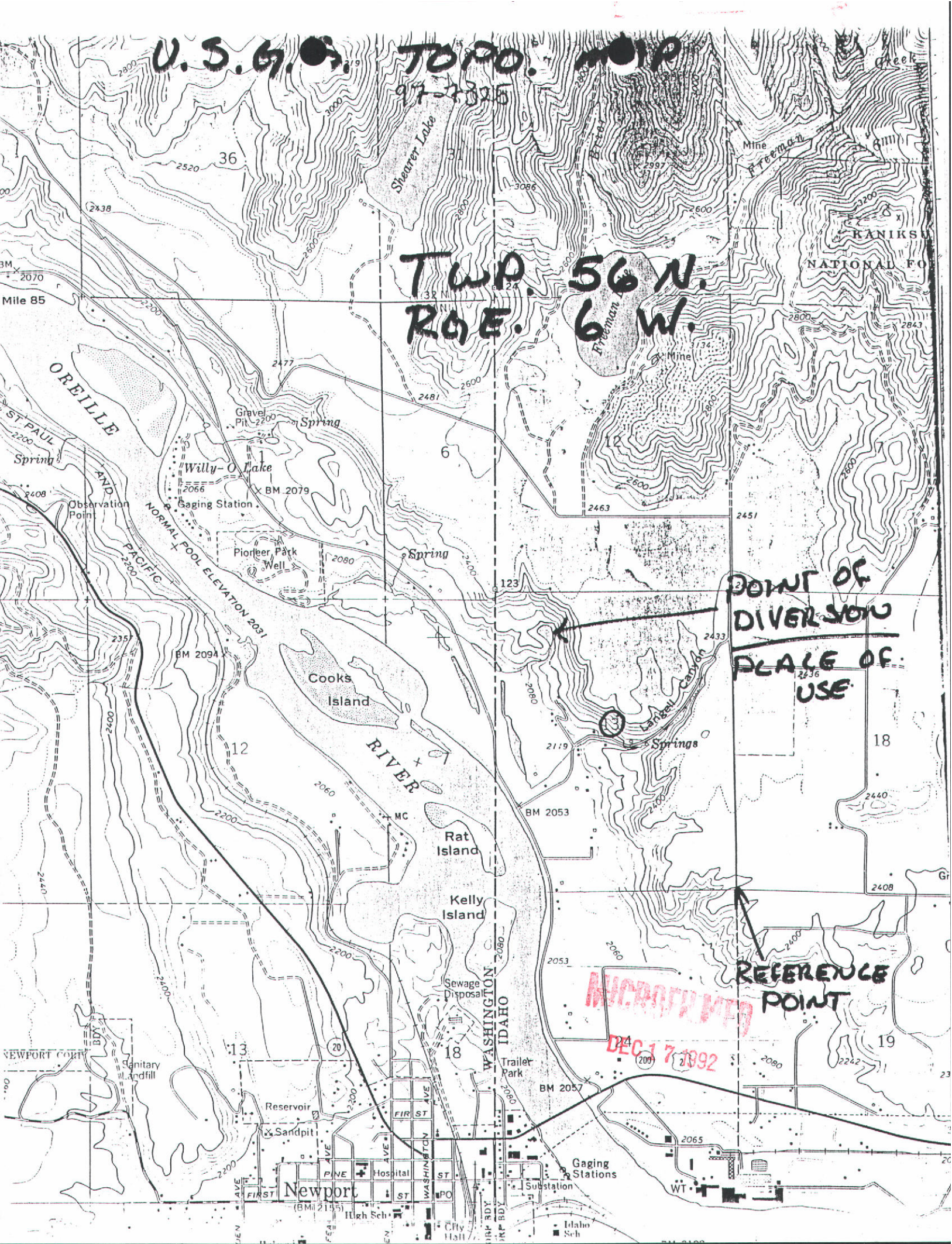
97-2825

TWP. 56 N.
R. 6 E.

POINT OF
DIVERSION
PLACE OF
USE

REFERENCE
POINT

MICROFILMED
DEC 17 1992



Affidavit of Publication

STATE OF IDAHO
County of Bonner,

ss.

Lin D. Ramsey
being duly sworn, says that he is the General Manager

of the PRIEST RIVER TIMES, a weekly newspaper printed and published at Priest River, Bonner County, Idaho, and has been continuously and uninterruptedly published in said County during a period of 78 consecutive weeks prior to the first publication of the annexed notice for publication, is a newspaper of general circulation made up of at least eight pages of at least six columns each, printed from typewritten or stereotyped forms of at least nineteen and three-fourths inches depth, has at least 1250 bona fide subscribers living within said Bonner County, and is published at regular weekly intervals. That the annexed is a true copy of the notice for publication in the case of

#1324 Oakes water rights

It was published in the regular and entire issue of said paper for a period of two consecutive weeks, commencing on 5th day of August, 19 92, and

ending on the 12 day of August, 19 92, and that said notice was published in said newspaper proper, and not in supplement form.

STATE OF IDAHO
COUNTY OF

On this 28th day of Aug in the year of 92, before me, Notary Public, personally appeared Lin D. Ramsey, 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.

Ann Johnson
Notary Public for Idaho

Residing at San Francisco

Commission expires: 10/22/93

OFFICE OF APPLICATION
FOR WATER RIGHT
The Following application(s) have been filed to appropriate the public waters of the State of Idaho:
97-07325

OAKES, MERRELL M
NE 1755 LOWER DR

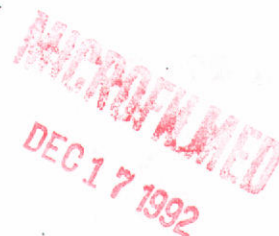
PULLMAN, WA 99163

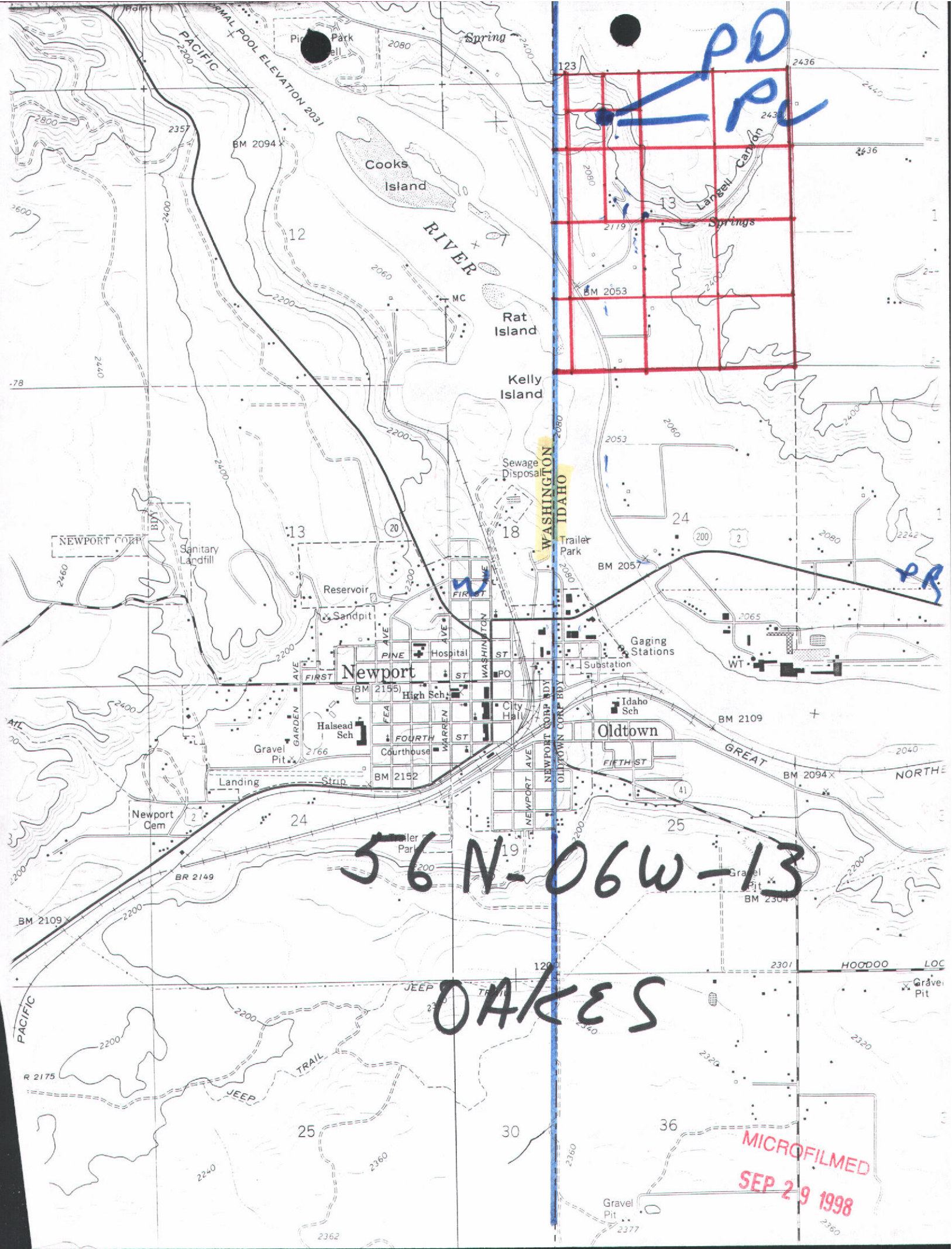
Source: SPRING Tributary: SINKS
Diversion Pt: SWNENW Sec 13 T
56N R 06W in BONNER County.
Use: WILDLIFE STORAGE (3.00
AF); DIVERSION TO STORAGE
(.670 CFS); Total Diversion: (.670
CFS)

Date Filed: 7/22/1992
In: BONNER County

T56N R06W S13 NENW
For additional information concerning the property location, call the Northern Regional Office at 765-4639.

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, Idaho 83814 on or before AUGUST 24, 1992.
R. KEITH HIGGINSON, Director
#1324 PRT Aug. 5, 12, 1992





PD
PC

56N-06W-13

OAKES

MICROFILMED
SEP 29 1998

U.S.G.S. TOPO. MAP

TWP. 56 N.
R. 6 E. 6 W.

RECORDED
DEC 17 1992

Newport, IDAHO

Snake River

Shearer Lake

Willy-O Lake

Cooks Island

Rat Island

Kelly Island

Sanitary Landfill

Reservoir

Hospital

High Sch.

City Hall

Idaho Sch.

Substation

Gaging Stations

Trailer Park

Sewage Disposal

Observation Point

Pioneer Park

Gravel Pit

Spring

Freeman Mine

Freeman Canyon

Langell Canyon

Langell Springs

St. Paul Spring

OREILLE AND PACIFIC

NORMAL POOL ELEVATION 2031

BM 2079

BM 2094

BM 2053

BM 2057

BM 2065

BM 2109

BM 2155

BM 2066

BM 2070

BM 2048

BM 2040

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State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 97-07325

Priority: July 22, 1992

Maximum Diversion Rate:

0.67 CFS

Maximum Diversion Volume:

3.0 AF

This is to certify, that MERRILL M OAKES
NE 1755 LOWER DR
PULLMAN WA 99163

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated July 22, 1992; and
has submitted Proof of Beneficial Use on October 27, 1995. An examination indicates
that the works have a diversion capacity of 0.750 cfs of water from:

SPRINGS

tributary to SINKS

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>
WILDLIFE STORAGE	01/01 to 12/31		3.0 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.67 CFS	
	Totals	0.67 CFS	3.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SWNENW , Sec. 13, Township 56N, Range 06W
SENENW , Sec. 13, Township 56N, Range 06W
BONNER County

PLACE OF USE: WILDLIFE STORAGE

TWN RGE SEC

56N 06W 13

NENW

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 which 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. Wildlife storage is a pond for wildlife habitat.

MICROFILMED

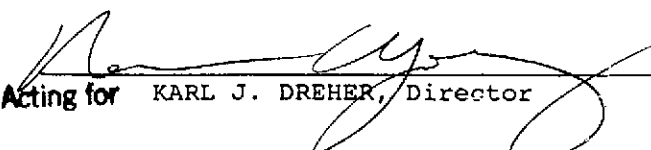
SEP 29 1998

State of Idaho
Department of Water Resources

Water Right License

WATER RIGHT NO. 97-07325

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 9TH
day of June, 1998.


Acting for KARL J. DREHER, Director

RECORDED

SEP 29 1998

State of Idaho
Department of Water Resources

RECEIVED
JUL 01 1998
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 97-07325

Date of Priority: July 22, 1992

Maximum Diversion Rate: 0.67 CFS
Maximum Diversion Volume: 3.0 AF

Comes now MERRILL M OAKES
NE 1755 LOWER DR
PULLMAN WA 99163

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. 97-07325, and requests that the permit be changed as follows:

Source: **SPRINGS** tributary to **SINKS**

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
WILDLIFE STORAGE	01/01 to 12/31		3.0 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.67 CFS	
	Totals	0.67 CFS	3.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SWNENW , Sec. 13, Township 56N, Range 06W
SENENW , Sec. 13, Township 56N, Range 06W
BONNER County

PLACE OF USE: WILDLIFE STORAGE

TWN RGE SEC

56N 06W 13 NENW

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 OLDTOWN, Id., this 28TH day of JUNE, 1998.

MICROFILMED

SEP 29 1998

Merrill M Oakes
(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 97-07325

FOR DEPARTMENT USE ONLY

Preliminary check by SWK Fee = 50.00 Received by VS # 0010222 Date 7/1/98

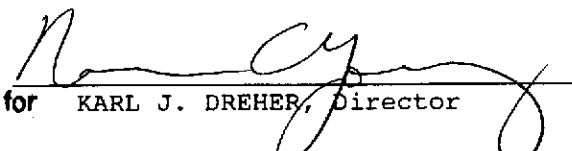
ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 97-07325 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 which 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. Wildlife storage is a pond for wildlife habitat.

Witness my hand this 9th day of July, 1998.


Acting for KARL J. DREHER, Director

MICROFILMED

SEP 29 1998

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT	)	
	)	
NO. 97-07325 IN THE NAME	)	ORDER RESCINDING
	)	CONDITION OF APPROVAL
OF MERRILL M. OAKES	)	
_____	)	

WHEREAS, on July 22, 1992, Merrill M. Oakes filed an application for permit to appropriate a spring source for diversion to storage and wildlife storage purposes; and,

WHEREAS, on November 5, 1992, the department approved the Permit No. 97-07325 with the following condition:

Use of water under this right shall be non-consumptive.

and,

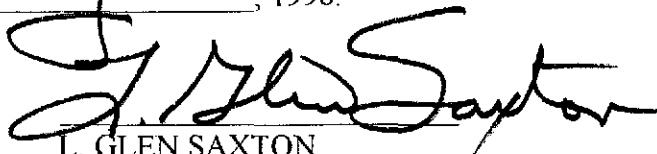
WHEREAS, requiring the water use to be non-consumptive is not possible due to evaporation of water from the surface of a pond; and,

WHEREAS, diversion and water use, including the pond, was developed as described by the applicant at the time of filing the application for permit; and,

WHEREAS, there appears to be reasonable cause to rescind the condition,

IT IS, THEREFORE, HEREBY ORDERED That the condition of approval limiting the permit to non-consumptive use is RESCINDED.

Dated this 6th day of July, 1998.


L. GLEN SAXTON
Chief, Water Allocation Bureau

MICROFILMED
SEP 29 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
OCT 27 1995

PROOF OF BENEFICIAL USE

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 who has been appointed by the department.

1. Permit No. 97-07325 Telephone No. 509-332-6986
2. Name(s) of Permit Holder(s): MERRILL M. OAKS (INCORRECT ON MY LETTER)
3. Mailing Address: NE 1755 LOWER DR PULLMAN, WA 99163
4. Source of Water: SPRING If GROUNDWATER (well), Date Drilled: mo. ____ / yr. ____
- a. Well Driller: NA Drilling Permit Number: NA
- b. OPTIONAL:
Pump Horsepower: NA Pressure (psi): ____ Dynamic pumping level (ft): ____
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): ____ Stockwater (No. and type of stock): ____
Irrigation (No. of acres): ____ Other: POND WILDLIFE-FISH
6. Total rate of diversion and/or volume for which proof is submitted: 251.00 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 <u>✓</u> |
| | Has the measuring device been installed? | Yes ____ or No <u>✓</u> |
| Flow Measurement Port: | Is a flow measurement port required? | Yes ____ or No <u>✓</u> |
| | Has the measurement port been installed? | Yes ____ or No ____ |
8. Fee Enclosed: \$ 100.00 (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: MERRILL OAKS Telephone Number: 509-332-6986
Address: NE 1755 LOWER DR PULLMAN, WA 99163
10. The information given on this form 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.

Signature of permit holder: Merrill M. Oaks Date: 10 09 95
(include your title, if on behalf of company or organization)

FEB 2 1996

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 97-07325

Proposed Priority: July 22, 1992 Maximum Diversion Rate: 0.67 CFS
This is to certify, that **MERRELL M OAKES**
NE 1755 LOWER DR
PULLMAN WA 99163
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>	<u>ANNUAL VOLUME</u>
WILDLIFE STORAGE	01/01 to 12/31		3.0 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.67 CFS	
	Totals	0.67 CFS	

LOCATION OF POINT(S) OF DIVERSION: SWNENW , Sec. 13, Township 56N, Range 06W
BONNER County

PLACE OF USE: WILDLIFE STORAGE
TWN RGE SEC

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **December 1, 1995.**
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. Use of water under this right shall be non-consumptive.

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

5th day of November, 1992

[Signature]
for R. Keith Higginson, Director

RECORDED

DEC 17 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Merrill M. Oaks Phone 509/332-6986
Post office address NE 1755 Lower Dr, Pullman WA 99163
2. Source of water supply SPRING which is a tributary of NA
3. Location of point of diversion is SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of NW $\frac{1}{4}$, Govt. Lot 13
Sec. 4B Township 6 Range 6W B.M. Bonner County; additional
points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 3 A.F. for WILD LICG STORAGE purposes from JAN. 1 to DEC. 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.67 for DIVERSION TO STORAGE purposes from JAN. 1 to DEC. 31 (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) 0.67 cubic feet per second and/or (b) 3.0 * acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Construction of earthen dam.

b. Height of storage dam < 10 feet; active reservoir capacity 3 acre-feet; total
reservoir capacity 3 acre-feet; period of year when water will be diverted to storage:
Jan to Dec inclusive.

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

d. Is ground water with a temperature of greater than 90°F being sought? NO

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

* groundwater flow rate is estimated at 2-300 gal/min. water will initially be used to fill pond - thereafter will spill over at same rate into slough contiguous with Pendoreille River, DEC 17 1992

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

9. Description of place of use:
- a. Hydropower: show total feet of head and proposed capacity in KW. 100 F.H. 5 KW
- b. Stockwatering: list number and kind of livestock.
- c. Municipal: show name of municipality.
- d. Domestic: show number of households. 1-2.
- e. Other: describe fully. Use approval of pond to support wildlife habitat. Fish propagation would be for private use, as would fire protection.
- 7/28/92

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 column.

ponding place of use below. See instructions for standard symbols.

[illegible]

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? Marshall Oaks
b. Who owns the land to be irrigated or place of use? "
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: * Local descriptions, aerial photo and hand-drawn

Remarks: * Legal descriptions, aerial photo and boundary map attached. Pond location is indicated. Total pond is approximately 3 acre-ft, to be used for wildlife habitat.

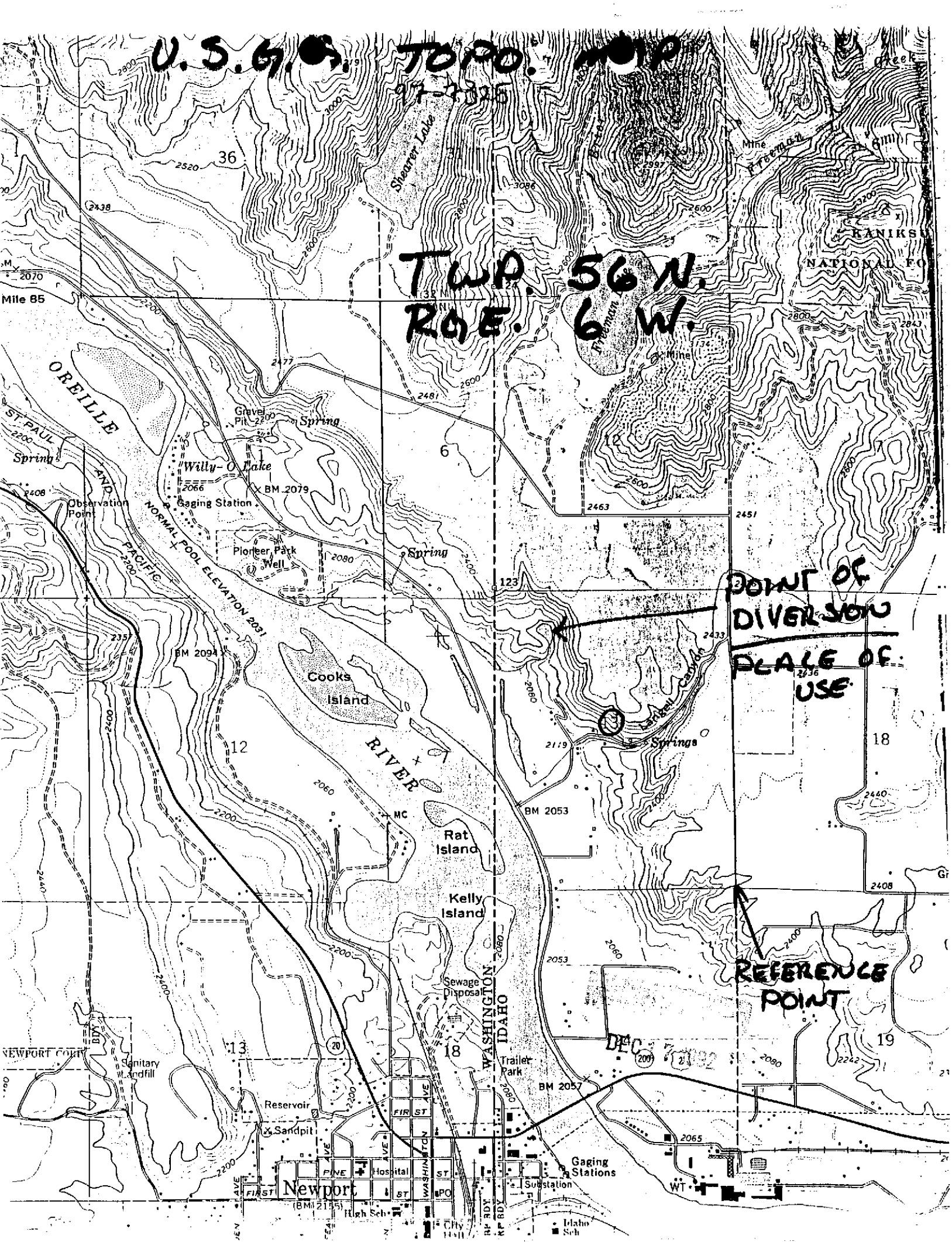
U.S.G.S. TOPO. MAP

97-2325

TWP. 56 N.
R. 6 E.

POINT OF
DIVERSION
PLACE OF
USE

REFERENCE
POINT



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

SEE ATTACHED MAP(S)

1

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.

William Oak
(Applicant)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

Received by LD Date 7-22-92 Time 1:00pm
Fee \$ 30.00 Received by LD # N 396 Date 7/14/92
Publication prepared by LD Date 7/29/92 Published in LD Date 7/14/92
Publication approved LD Date 9/4/92

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

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 _____, 19____.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other: _____

EC 17 100

Affidavit of Publication

STATE OF IDAHO
County of Bonner,

ss.

L. D. Ramsey
relng duly sworn, says that he is the *General Manager*

of the PRIEST RIVER TIMES, a weekly newspaper printed and published at Priest River, Bonner County, Idaho, and has been continuously and uninterruptedly published in said County during a period of 78 consecutive weeks prior to the first publication of the annexed notice for publication, is a newspaper of general circulation made up of at least eight pages of at least six columns each, printed from typeset or stereotyped forms of at least nineteen and three-fourths inches depth, has at least 1250 bona fide subscribers living within said Bonner County, and is published at regular weekly intervals. That the annexed is a true copy of the notice for publication in the case of

#1324 Oakes water rights

It was published in the regular and entire issue of said paper for a period of *two* consecutive weeks, commencing on *5th* day of *August*, 19*92*.

ending on the *12* day of *August*, 19*92*, and that said notice was published in said newspaper proper, and not in supplement form.

STATE OF IDAHO
COUNTY OF

on this *28th* day of *Aug* in the year of *92* before me,

Notary Public, personally appeared *L. D. Ramsey* 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.

L. D. Ramsey
Notary Public for Idaho

Residing at *Idaho*

Commission expires: *10/22/93*

OFFICE OF APPLICATION
FOR WATER RIGHT
The Following application(s) have been filed to appropriate the public waters of the State of Idaho:

97-07325

OAKES, MERRELL M
NE 1755 LOWER DR

PULLMAN, WA 99163

Source: SPRING Tributary: SINKS
Diversion Pt: SWNENW Sec 13 T
56N R06W in BONNER County.

Use: WILDLIFE STORAGE (3.00
AF); DIVERSION TO STORAGE
(.670 CFS); Total Diversion: (.670
CFS)

Date Filed: 7/22/1992

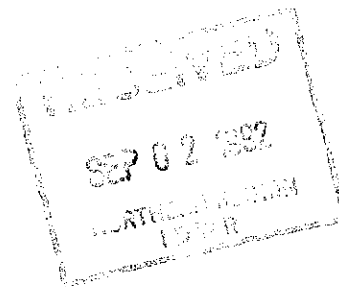
In: BONNER County

T56N R06W S13 NENW

For additional information concerning the property location, call the Northern Regional Office at 765-4639.

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, Idaho 83814 on or before AUGUST 24, 1992.

R. KEITH HIGGINSON, Director
#1324 PRT Aug. 5, 12, 1992





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

July 10, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MERRILL M OAKES
NE 1755 LOWER DR
PULLMAN WA 99163

RE: WATER RIGHT NO. 97-07325

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.

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.

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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.

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.

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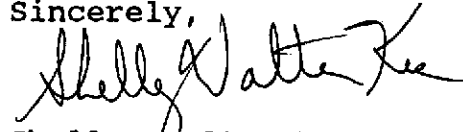
SEP 29 1988

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. Also enclosed is a copy of Order Rescinding Condition of Approval.

If you have any questions, please call me at 208-327-7046.

Sincerely,



Shelley Walter Keen
Water Rights Supervisor

SWK:klt

Enclosures

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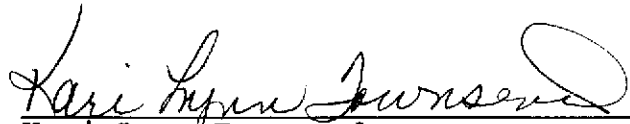
SEP 29 1998

CERTIFICATE OF MAILING

I hereby certify that on the 10th day of July, 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. 97-07325

MERRILL M OAKES
NE 1755 LOWER DR
PULLMAN WA 99163


Kari Lynn Townsend
Secretary

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SEP 29 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

June 15, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MERRILL M OAKES
NE 1755 LOWER DR
PULLMAN WA 99163

RE: WATER RIGHT NO. 97-07325

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms that a water right has been established in compliance with the terms of the permit. The examiner who verified your water use reported that you developed more points of diversion than were described on your permit. Therefore, before a license can be issued, your permit must be amended to include the additional point(s) of diversion.

The enclosed Application for Amendment form describes the additional point(s) of diversion and other information that will be included on the license when it is issued. In some cases, the reference to multiple points of diversion is contained in the list of conditions of approval and remarks on the last page of the amendment form. Please review the amendment carefully. If you concur with the information presented, please sign the form and return it with the \$50.00 filing fee within 14 days.

Also, please note that some of the proposed conditions of approval and remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208)327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

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SEP 29 1998

MEMORANDUM

TO: File 97-07325

FROM: Sharla

DATE: June 10, 1998

RE: Recommendation Adjustment(s)

The adjustments to licensing recommendations for Permit No. 97-07325 are as follows:

A. GENERAL INFORMATION

3. Source: springs tributary to sinks

H. RECOMMENDATIONS

Wildlife Storage	1/1 - 12/31	3.0 afa
Diversion to Storage	1/1 - 12/31	0.67 cfs

The examiner states the source is springs tributary to unnamed stream. Data entry standards require that the tributary be the first "named" source or in the case of springs the tributary may also be "sinks". Application stated "sinks" as tributary; the license will retain this tributary.

Examiner: Wayne Baldwin
Exam Date: May 3, 1998

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SEP 29 1998

LICENSE REVIEW CHECKLIST

PERMIT NO. 97-07325 DATE 6/10/98 REVIEWER: SHARLA

NAME Change/OK
 Address OK
 SOURCE OK *trib - sinks to be next named source or sinks*
 Does change clarify orig. intended source? If no, Void permit
 POINT OF DIV chg Change (P39 /P47) Add (P45/P42) Feds - P40
 W32 (multiple in 1/4)
 W36 (overlap)
 W59 (subd. desc)

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

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

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

PD & PU amend (P37) Feds - P48

RATE OF DIV
 Permitted Rate .67 cfs
 Fee limit 1.00 cfs \$100.00
 Measured _____ cfs .75 full time calc
 Theoretical _____ cfs
 Recommended Total Div Rate .67 cfs

WATER USES	<u>OK</u>	Change (P46)	
<u>Wild. Stor</u>	<u>-</u> cfs	<u>3.0</u> af	Irrig - overlap (R58-R61, R62-R65, R66-R69)
<u>Div to Stor</u>	<u>.67</u> cfs	<u>N/A</u> af	supp. gw (WB7/065/079)
_____	_____ cfs	_____ af	overlap spec. combined rts (W35)
_____	_____ cfs	_____ af	<1acre (W31)
_____	_____ cfs	_____ af	Domestic (W01/WB5/070/071/075)
TOTALS	_____ cfs	<u>3.0</u> af	Power (W42 or W43/025/027/R22 or R23)
			Fish (042) Fire (077) Wtr Quality (081/R07)

Flow rate .67 cfs X 365 days X 1.98 = _____ af

REMARKS _____

ADD'L CONDITIONS _____ Watermaster Control WD# _____
 _____ GW Measurement/Measuring Device
 _____ Others Trust (052/R55 - remove 051) Non-trust (048/049)
 Advance Priority _____ yes ✓ no SRBA Claim NA Adjust Memo trib
 Amend letters P45 P38
P42

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

MAY 28 1998

Department of Water Resources

97-07325

A. GENERAL INFORMATION

Permit No.

1. Owner: Merrill M. Oakes Phone No. (509) 332-6986

Current Address: NE 1755 Lower Drive Pullman Wa 99163

2. Accompanied by: Merrill Oakes EXAM DATE: 5-3-98

Address: Same as above Phone No. _____

Relationship to Permit Holder: _____

3. Source: Springs tributary to unnamed stream

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
	NA	SW	NE	NW	13	56N	06W	Bonner	U.S.G.S. 7.5 min Quad
		SE	NE	NW	11	11	11	11	

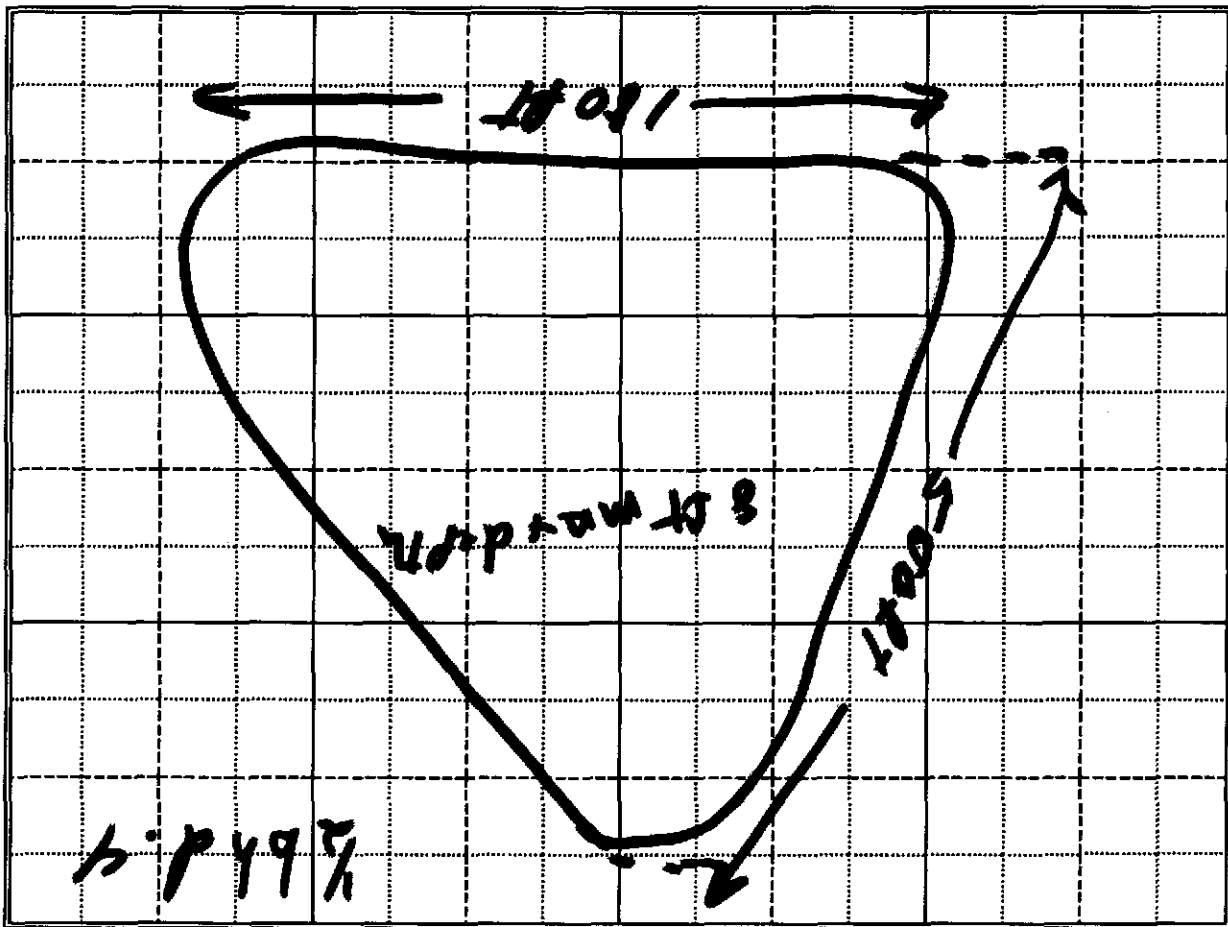
2. Place(s) of Use:

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	
56N	06W	13					W												

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



Scale: 1" = 40 ft

Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).
Aerial Photo Attached of 10 + acres (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

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

D. FLOW MEASUREMENTS

1.

2. Measurements:

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

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SEP 29 1998

E. NARRATIVE/REMARKS/COMMENTS

This pond is fed by springs entering in pond. No way to measure overflow because it exits out over rocks

This is an in-stream storage so no diversion rate should be needed. The rate that I came up with in measurement section of this form was derized by Deriding volume by 48 hrs. Mr. Cakes informed me that 48 hrs was the time it takes to fill in early spring, more in summer.

Permit Read Source - Springs Tub to sink
Should read Springs Tub to unnamed stream

Photos for this exam were lost in camera malfunction.

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

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SEP 29 1998

F. FLOW CALCULATIONS

Measured Method:

Additional Computation Sheets Attached

$$20365.6 \text{ gph} = 339 \text{ gpm} (1.33681) \cdot 45.3 = 0.76 \text{ cfs}$$

$$20365.6 \text{ gph} = 339 \text{ gpm} (1.33681) \cdot 45.3 = 0.76 \text{ cfs}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} =$$

2. Volume Calculations for Other Uses:

$$\frac{43560}{1.9835} = 21960 \text{ cfs}$$

$$0.5(110)(500)(8)(.4) = 17600 \text{ cfs}$$

$$17600 + 21960 = 39560 \text{ cfs}$$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use

Wildlife Storage
Domestic Livestock

Period of Use
From 01-01 To 12-31

Rate of Diversion
Q (cfs)

Annual Volume
V (ata)

2. Recommended Amendments

Change P.D. as reflected above
Change P.U. as reflected above

Add P.D. as reflected above
Add P.U. as reflected above
None
Other

I. AUTHENTICATION

Field Examiner's Name

Walter S. Baker

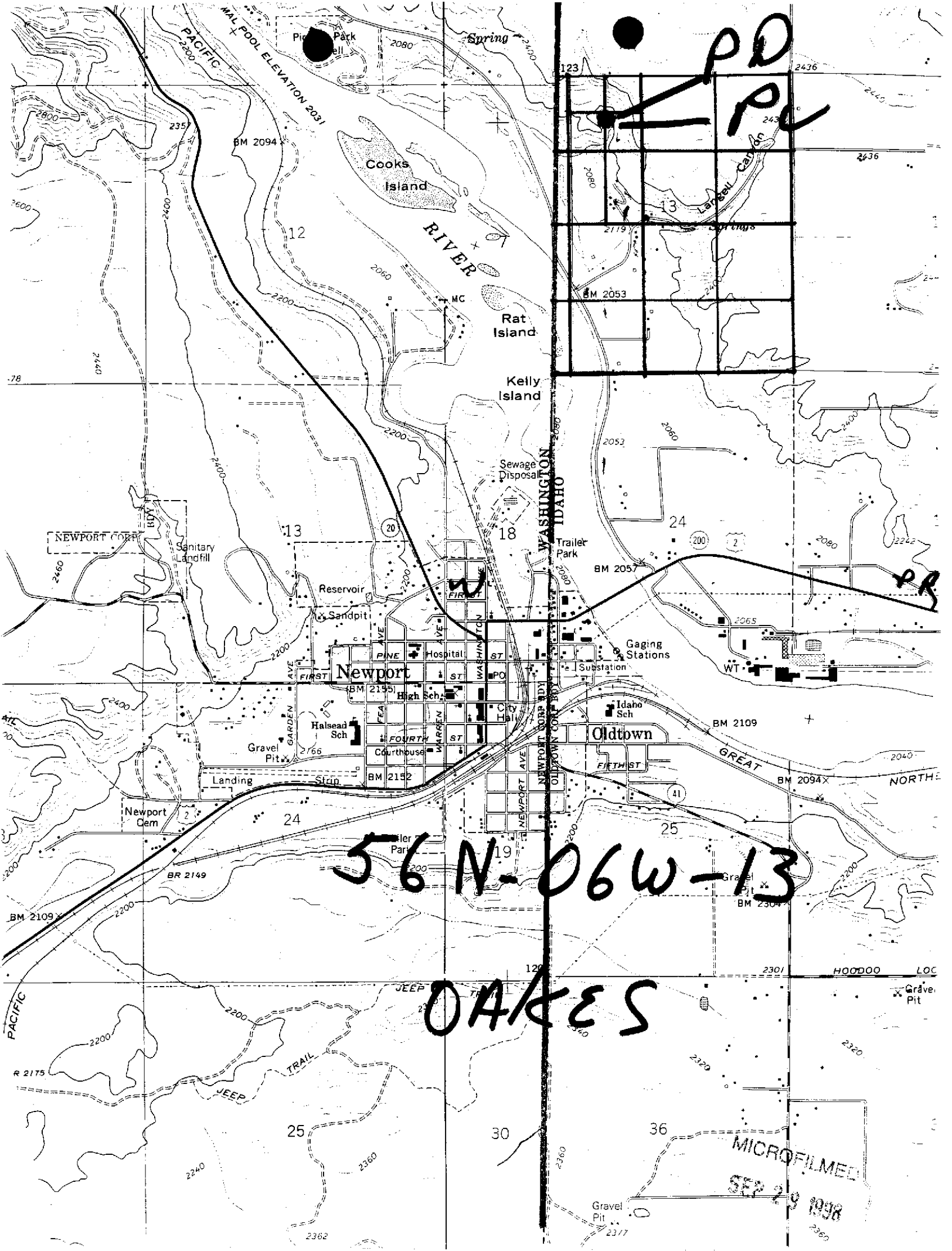
Date

Date

MICROFILMED

SEP 29 1998

SEAL



**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 97-07325 Reviewed by [Signature] Date 11-3-95

GENERAL CONSIDERATIONS

yes Name same as permit?
yes Address same as permit?
yes Proof timely received?
If not, complete calculation below.

TYPES OF USE

storage

Correct Uses? yes

SOURCE OF WATER

☒ Surface water source

☐ Ground water source

☐ Drilling permit required?

☐ Copy in the file? Drilling Permit No. _____

☐ Amount paid for permit

☐ Well log in the file?

Correct? _____

LICENSE EXAMINATION FEE

yes Required?

100.00 Amount Submitted

yes Correct?

MEASURING DEVICE

no Required?

/ Installed?

/ Waiver requested?

PRIORITY CALCULATION

Date proof received	_____	_____
Date proof due	_____	_____
No. of days late	_____	_____
Priority Date	_____	_____
New Priority Date	_____	_____

DEFICIENCIES OR ACTION ITEMS

*advise WA of name correction
Proof acceptable*

DATA ENTRY

New Address _____ Proof Made 10-27-95

November 6, 1995

MERRELL M OAKES
NE 1755 LOWER DR
PULLMAN WA 99163

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 97-07325

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 conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the NORTHERN Regional Office in Coeur D' Alene at (208)769-1450.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

RECEIVED
FEB 2 6 1996

FEB 2 6 1996

September 30, 1995

MERRELL M OAKES
NE 1755 LOWER DR
PULLMAN WA 99163

PROOF DUE NOTICE

RE: PERMIT NO. 97-07325

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 December 1, 1995.

(See 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 complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

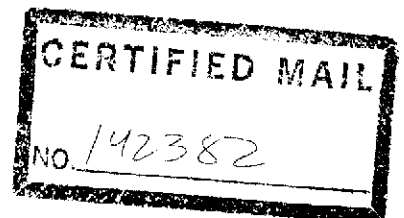
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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,

JULIE L. YARBROUGH
Senior Secretary

Enclosures





State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 6, 1992

MERRELL M OAKES
NE 1755 LOWER DR
PULLMAN WA 99163

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 97-07325

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

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. You will receive a "Proof Due Notice" from this Department approximately 60 days prior to the completion date requiring you to file either a Proof of Beneficial Use form stating that the project has been completed or file a Request for an Extension of Time in which to file the proof statement.

Sincerely,

A handwritten signature in cursive script that reads "Brenda L. Miller".

BRENDA L. MILLER
Water Resource Agent

BLM:cz

Enclosures



DEC 17 1992

APPLICATION FOR PERMIT REVIEW

Application #: 97-7325 Date: 11-04-92 Reviewer: Brenda Miller

SYSTEM COMPLETED:

No - 26A-P17
 Complete in 1 year - P16
 Yes
 Proof not submitted - P16
 Proof submitted - N/A

GROUNDWATER:

GT. 0.2 cfs <flo-ch> - 01G-P03, 01C-P03 (existing well)
 - NMR <fl ch>, A of C
 LT. 0.2 cfs - No measurement required <flow chart>
 Drilling Permit:
 Approved w/permit - P99
 Not included - 046-46A-46B-P23 (after 7/1/87), N/A

SURFACE WATER: not in w/d - 01C-P03 (=GT.2 w/pump), NMR <flow chart>

LOCATION:

Water Districts - WD No. _____
 Surface water - R04, R04-01H-P01(LT.2 w/pump)
 R04-01J-P08(GT.2), NMR <flow chart>
 Groundwater - P05
 Irrigation Districts - 023
 Canal Co. Areas - 023
 Drainage Districts - 024
 Boise Front (63) - 058 (Groundwater)
 Swan Falls Flag - (1, Blank or Other)
 Trust - 051-052-053-P74(Consumptive Uses)
 Non Trust <1> - 048-049

RIVER BASINS:

(Surface Water) Water District Control Condition &....
 Boise (63) - 05A & 11E
 Payette (65) - 047-P04, 059-P71
 Snake (01, 02 & 03) - 11A-P04(01), 061-P07(02/03 No W.D.Cond.)

USE:

Fish Propagation - 06A, 09E-P10 & 010 (WQ/Choose One),
 042(req.), 002-P06(MD), 07A(Spec.),
 044(Policy 5G)
 Power - Use Power Review
 Mining - 06A, 010, or 09E-P10 & 054(req.)
 Storage - 18A-for multiple measuring devices(In WD),
 18B-P09(Size)
 Rec/Wildlf/Aes - 027(Non-Consumptive)
 Domestic - 021 (Boise River - upstream from L Peak)
 (restricted areas) 27A (Payette River & main tributaries)

OWNERSHIP:

Non land owner - 004

PROTESTED:

Agreement - 020

Beneficial Use Due Date: - 12-01-1995

Other Conditions/Remarks: -

No. a
4/87-06/92n

INDIAN DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

APPLICATION # 97 - 1325

***** INITIAL REVIEW *****

APPLICANT: 64KS, MERRILL BY: AB DATE: 7/22/92

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
☒ Dam information requested or not requested
7. ☒ Time required for b/u
8. ☒ Proposed use
9. ☒ Place of use or acres irrigated
10. ☒ Other Water Rights
11. ☒ Ownership
13. ☒ Map
☒ Signature
☒ Fee (Amt, recpt, acknowlegment)

ADDITIONAL INFORMATION

Yes No

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

PROCESSING

Yes No

PRIORITY DATE: 7/22/92

☒ (Include Moratorium Remark)

☒ Statewide Avertising: (Diversion rate greater than 10 cfs or 1,000 af).

8/15/92 Advertised in: Great River Times

County of: BONNER

SEND COPIES TO:

☐ USFS CdA	☐ USFS Oro	☒ USFS Grangeville
☐ BLM	☐ W/W Corps	☐ Albeni Corps
☐ F&G CdA	☐ F&G Lew	☐ IDL
☐ H&W CdA	☐ H&W Lew	☐ Adj Div
☐ (Other) _____		

LETTERS SENT REQUESTING:

☐ Dam information ☒ Fish Information
☐ Power information ☐ Other

INFORMATION RECEIVED

☐ Power information ☒ Dam information
☐ Fish Information ☐ Other

***** GROUNDWATER SECTION *****

(Yes) (No)

Checked by: _____ Date: ____/____/____

Remarks: _____

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

***** 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
- ☒ Protests received. Final protest date: 8/24/92
- ☐ Measuring device required
- ☐ Measuring port required
- ☐ Special conditions: _____
- ☐ Special conditions of approval supplement and/or cover letter attached: _____

Sr. Agent initial

RECEIVED

SEP 14 1992

Approval Recommended by: B DWA

Department of Water Resources

Date: 9/5/92

97-07325

OAKES, MERRELL M
NE 1755 LOWER DR
PULLMAN, WA 99163

Source: SPRING

Tributary: SINKS

Diversion Pt: SWNENW Sec 13 T 56N R 06W in BONNER County.

Use: WILDLIFE STORAGE (3.00 AF)
DIVERSION TO STORAGE (.670 CFS)
Total Diversion: (.670 CFS)

Date Filed: 7/22/1992

In: BONNER County
T56N R06W S13 NENW

RECORDED
INDEXED

DEC 17 1992

August 5, 1992

Mr Merrill M Oaks
NE 1755 Lower Dr
Pullman Wa 99163

Re: Application No. 97-7325

Dear Mr. Oaks:

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.

Your appropriation application is currently being prepared for advertising in the 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.

If the application is not protested it will be forwarded to Boise to be considered for approval by the Director. 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. However, 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.

If your application is for groundwater and unless you are using a well that was constructed prior to July 1, 1987, it will be necessary for you to apply for a well drilling permit upon approval of the appropriation application. Well drilling permits can be issued by this office only to holders of approved appropriation permits.

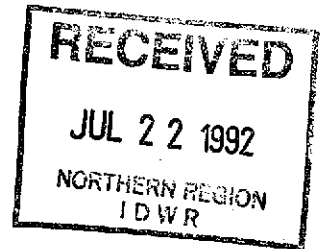
If you have any questions or if I can be of any assistance please feel free to contact me at this office.

Sincerely,

Allen Beardslee
Sr. Water Resource Agent

DEC 17 1992

DEAR MR. BEARDSLEE,



WE WOULD LIKE TO THANK
YOU FOR YOUR PROMPT ATTENTION
TO OUR WATER PERMIT APPLICATION.
WE HAVE MADE THE NECESSARY
CORRECTIONS (SUGGESTIONS) AND HAVE
IDENTIFIED THE POND ON THE
TOPO MAP YOU INCLUDED. I
WILL CALL YOU AFTER YOU ARE
IN RECAP OF THIS CORRESPONDANCE
TO ANSWER ANY ADDITIONAL
QUESTIONS YOU MAY HAVE.



DEC 17 1992

Sincerely

Emill Oaks



State of Idaho
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 765-4639 • Fax (208) 765-2088

CECIL D. ANDRUS
Governor

July 15, 1992

R. KEITH HIGGINSON
Director

MERRILL

Mr. ~~Merrill~~ Oakes
NE 1755 Lower Dr.
Pullman, WA. 99163

RE: Application for Permit.

Dear Sir:

We are returning your application for Permit along with Receipt Number N005696 for the amount of \$30.00.

Your Application is not acceptable. Please complete the following items:

Item Number 2. (SOURCE)

The source listed on the Application is groundwater, which is generally associated with a well. If you had to dig or drill a well to develop water for your pond, groundwater would be an appropriate source. If the source of water is a spring, or if you developed a surface water source, the correct source would be a spring. If you are diverting water from a stream, the correct source would be an unnamed stream.

Item Numbers 3. & 9. (POINT OF DIVERSION & PLACE OF USE)

The location of Point of Diversion and Place of use must be listed to the nearest 40 acre tract (1/4 1/4). I was unable to determine the 40-acre tract from the maps that you submitted. Please mark where the pond is located on the enclosed U.S.G.S. map. If needed, we can assist you in determining the 40-acre tracts.

Item Number 4. (PURPOSES)

I have added wildlife use and storage amount for the pond. Please double check the volume amount listed to make sure that it is correct. The acre feet volume amount is determined by surface area of 1 acre (43,560 square feet, or 210 ft. X 210 ft.) X average depth(ft.).

Item Number 12. (REMARKS)

If the uses other than wildlife listed in remarks will be developed within the time applied to develop the pond, you may also list them on Item Number 4. However, there are special regulations for power generation and fish propagation. Please refer to this office for requirements.

If I can be of further assistance, please feel free to contact me at this office.

Thank you,


ALLEN BEARDSLEE
SR. WATER RESOURCE AGENT

RECEIVED

DEC 17 1992

Enclosures: Application & Maps.

July 15, 1992

Mr. Muriel Oakes
NE 1755 Lower Dr.
Pullman, WA. 99163

RE: Application for Permit.

Dear Sir:

We are returning your application for Permit along with Receipt Number N005696 for the amount of \$30.00.

Your Application is not acceptable. Please complete the following items:

Item Number 2.(SOURCE)

The source listed on the Application is groundwater, which is generally associated with a well. If you had to dig or drill a well to develop water for your pond, groundwater would be an appropriate source. If the source of water is a spring, or if you developed a surface water source, the correct source would be a spring. If you are diverting water from a stream, the correct source would be an unnamed stream.

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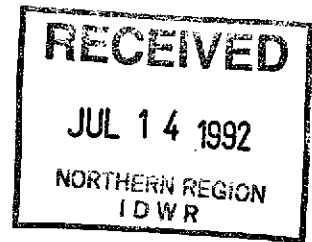
Thank you,

ALLEN BEARDSLEE
SR. WATER RESOURCE AGENT

Enclosures: Application & Maps.

DEC 17 1992

Dept of water Resources
Coeur d'Alene, ID



Greetings

Attached is an application for water rights permit for our land in Odtown, Idaho. We were unable to interpret the subdivision designations in Section 9 from the descriptions we have. We have included copies of legal descriptions & maps and hope you will be able to help us with a translation.

If you have questions, please call Merrill Oaks at 509/335-0184 (days) or 509/332-6986 (evenings or message).

Thank you very much

Merrill Oaks

RECEIVED

DEC 17 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. _____

To appropriate the public waters of the State of Idaho

1. Name of applicant Merrill M. Oaks Phone 509/332-6986

Post office address NE 1755 Lower Dr, Pullman WA 99163

2. Source of water supply Apple River which is a tributary of 1

3. Location of point of diversion is _____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot 13

Sec. 510 Township 5 Range W. B.M. Banner County; additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 3 A.F. for WILD LICG STORAGE purposes from JAN. 1 to DEC. 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.67 for DIVERSION TO STORAGE purposes from JAN. 1 to DEC. 31 (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) 0.67 cubic feet per second and/or (b) 3.0 acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. at entrance of pond

b. Height of storage dam 510 feet; active reservoir capacity 3 acre-feet; total reservoir capacity 3 acre-feet; period of year when water will be diverted to storage: Jan to Dec inclusive.

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

d. Is ground water with a temperature of greater than 90°F being sought? No

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 3 years (minimum 1 year).

* Groundwater flow rate is estimated at 2-300 gpm. Water will be used to fill pond and water will spill over at same rate to slough. Continues with Oroville River.

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

- a. Hydropower; show total feet of head and proposed capacity in KW. 100 F.H. 5 KW
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. 1-2
- e. Other; describe fully. Land to support multiple fish propagation would be for private use as would the protection.

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	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
			SEE ATTACHED MAP(S)																

Total number of acres to be irrigated _____

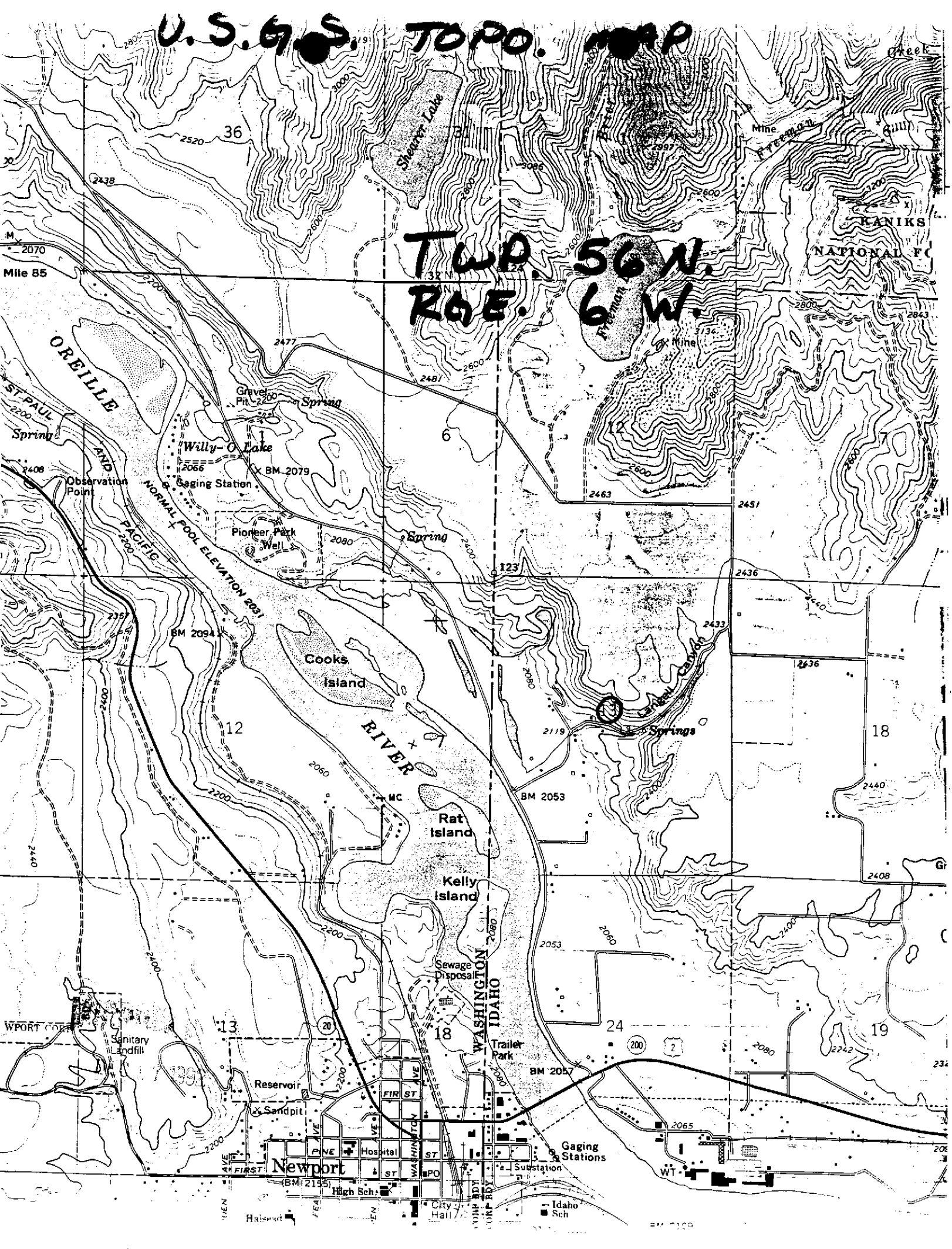
10. Describe any other water rights used for the same purposes as described above. NA

11. a. Who owns the property at the point of diversion? Merrill Carr
- b. Who owns the land to be irrigated or place of use? "
- 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: DEC 17 1990
if land is not used, a 640' photo and have it use
in the future. Total pond is
1000' - 3' around. to be used for wildlife habit-
ation. Future uses may include domestic, power generation and/or
for irrigation.

U.S.G.S. TOPO. MAP

TWP. 56 N.
RGE. 6 W.



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

SEE ATTACHED MAP(S)

1

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DEC 17 1992

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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DEC 17 1992

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.

William M. Oak
(Applicant)

Received by CDF Date 7-14-92 Time 12:20 pm Preliminary check by _____
Fee \$ 30.00 Receipted by [signature] # N-296 Date 7/14/92
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

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. _____, and said application is hereby _____.

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 _____, 19____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

RECORDED

11 7 1992