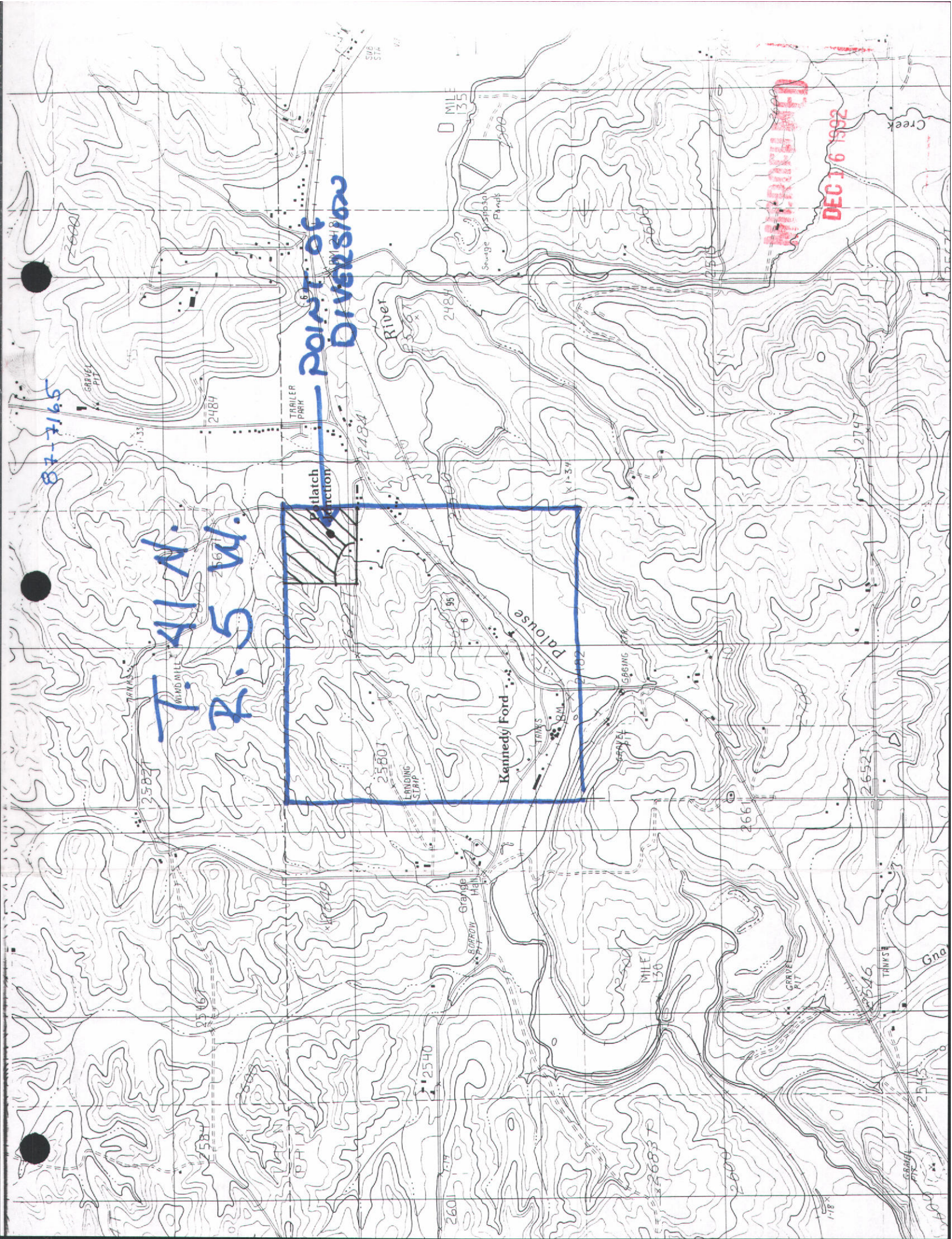


A topographic map of the Windmill area. The map features several contour lines indicating elevation. A path is marked with a dashed line, starting from the bottom left and moving towards the top right. The text 'WINDMILL' is written vertically along the path. The map is labeled with 'WINDMILL' and '26'.

David Diveson

DEC 16 1992



87-7165

B

T41N

Kennedy Ford Rd

Meeker Rd

1198 Gottschalk
 T335 Bachman
 34.9
 HEL

84 D+D Comstock

1314 D+D Comstock
 T1009 NW
 15.1
 HEL

14.5
 NW
 HEL

21.3
 NW
 HEL

125 A. M. Ward
 T292
 10.0
 NW
 HEL

NW
 HEL
 15.4
 L

T1735
 NW
 HEL
 89.2

NW
 HEL
 19.3
 3

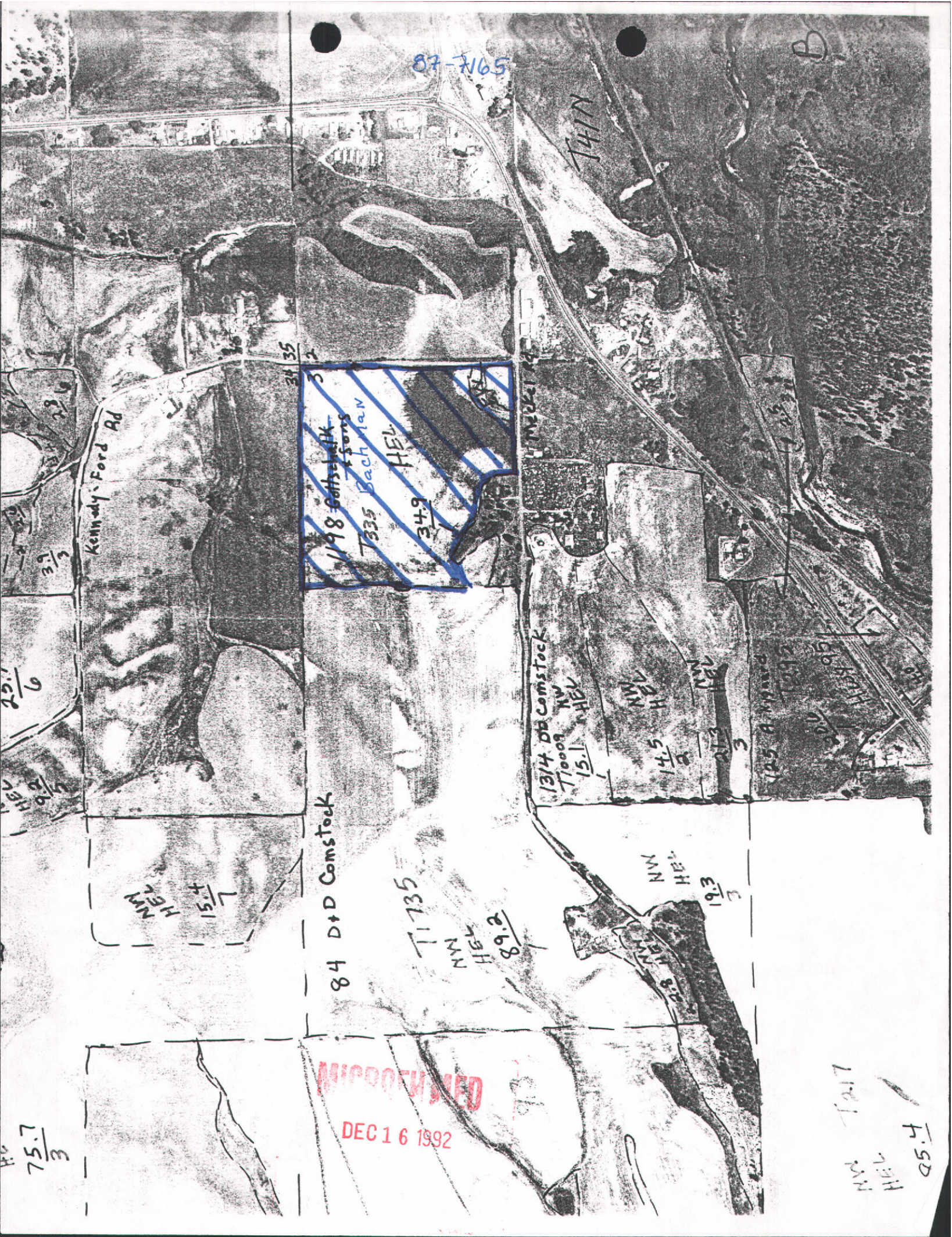
UNRECORDED

DEC 16 1992

T217

NW
 HEL
 25.4

75.7
 3



Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Permit	87 7165	MERLE K BACHMAN,	GROUND WATER	41N05W3	34																34
Right	87 4159	M IRENE BAIN, MARVIN R BAIN,	GROUND WATER	41N05W3												0					0
Right	87 7072	PALOUSE PRODUCERS CO,	GROUND WATER	41N05W3												0					0
Right	87 7165	MERLE K BACHMAN,	GROUND WATER	41N05W3	34																34
Right	87 7165	MERLE K BACHMAN,	GROUND WATER	41N05W3 X																	0
Right	87 2011	ERNEST NYGAARD,	PALOUSE RIVER	41N05W3												6					6
Right	87 4151	SHERRY NYGAARD, JACK NYGAARD,	PALOUSE RIVER	41N05W3													15				15

2. Measurements:

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

D. FLOW MEASUREMENTS

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

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	Franklin	7.5	226119000	Scb	2"

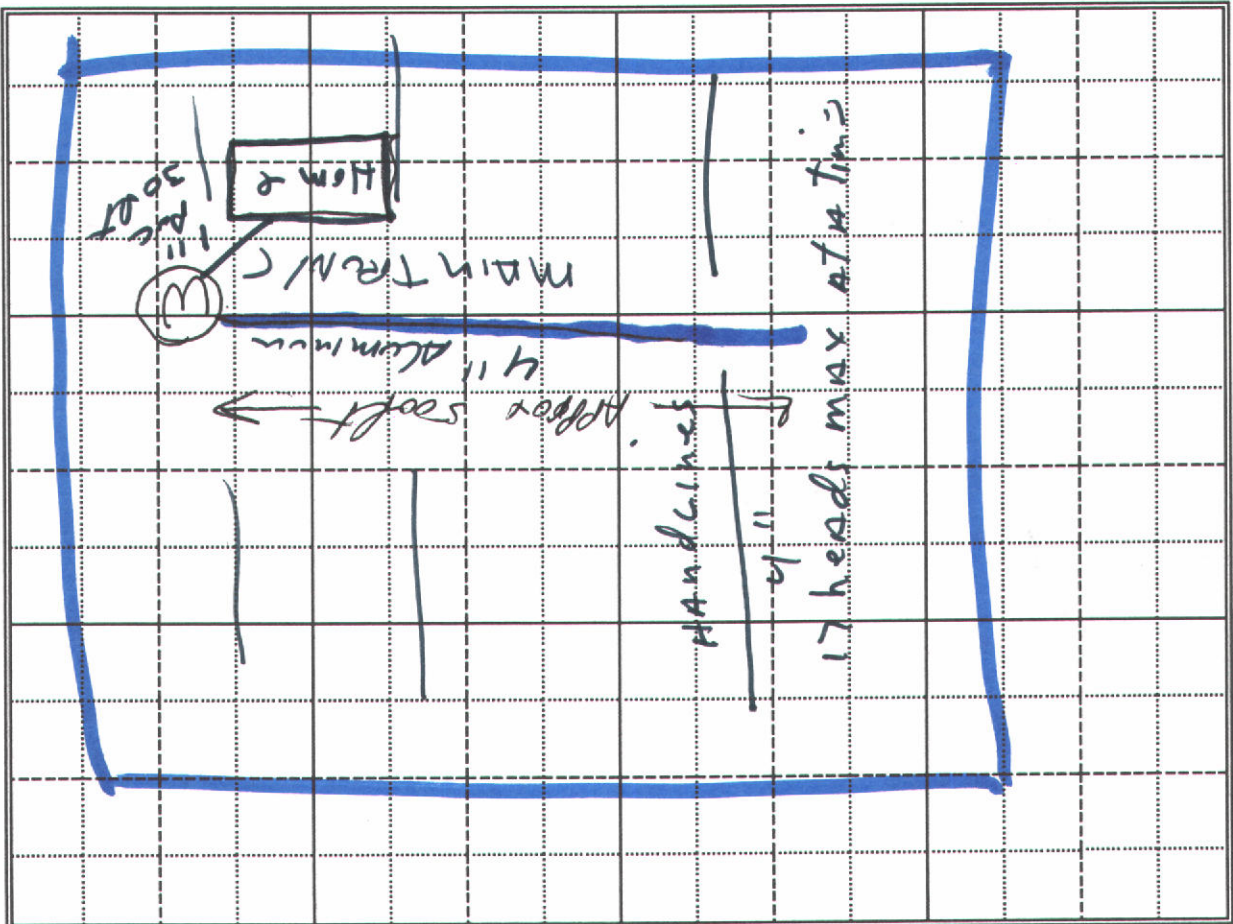
4.

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)

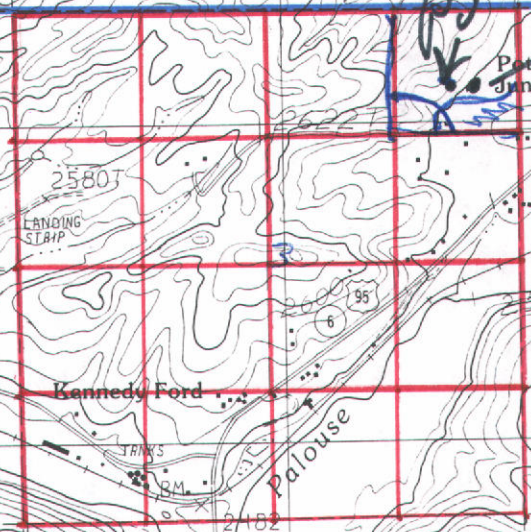
Photo of Diversion and System Attached



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

T.42N.
T.41N.

Donahoe
PD



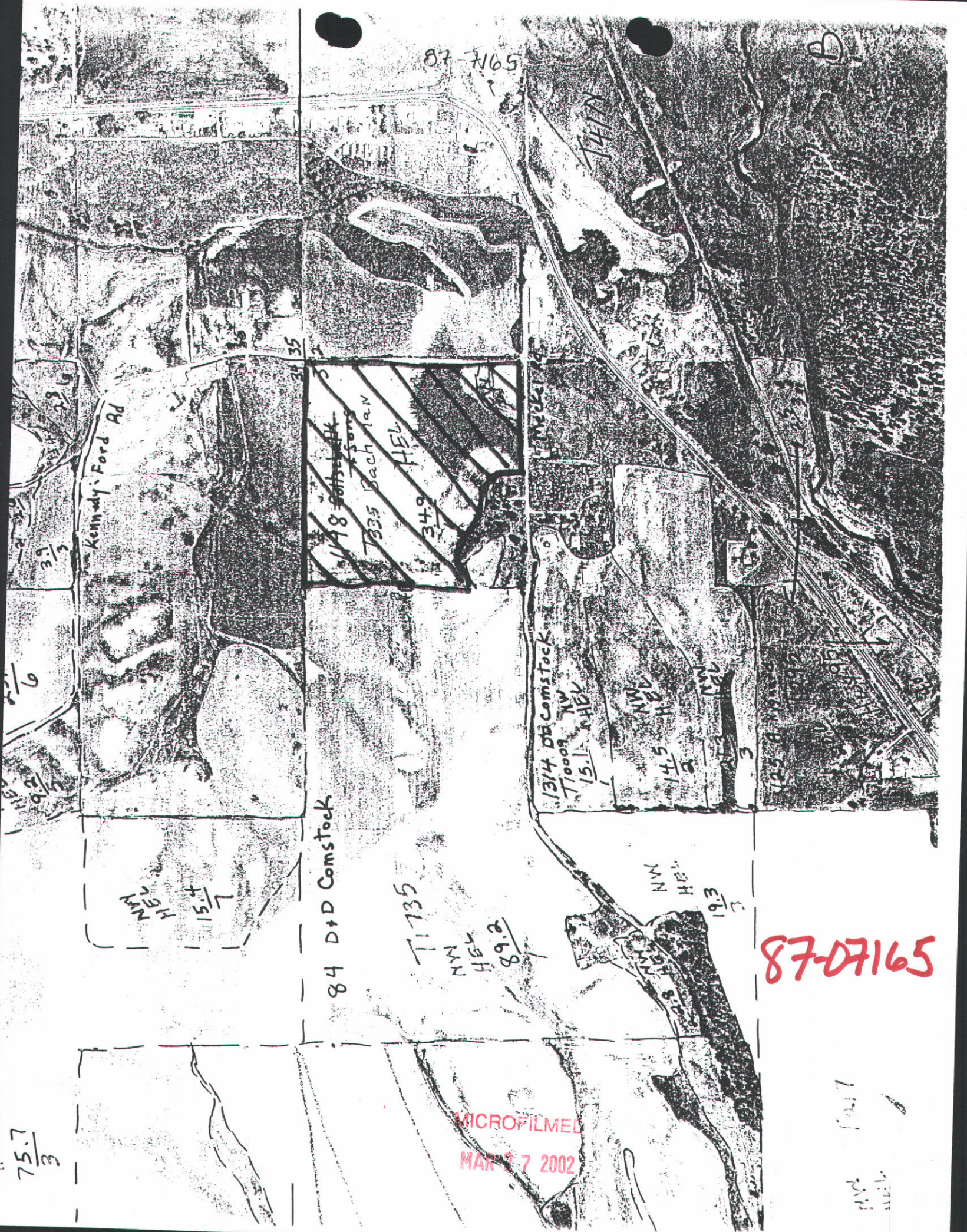
87-07165

T. 41N., R. 05W., Sec. 3
BACHMAN, MERLE. K.

RECORDED
MAR 27 2002

87-7165

B



75.7
3

MICROFILMED
MAR 27 2002

87-07165

100
100



T41N

3

2

3003

0743

0013

+

1213

2213

2253

2103

4193

4843

8123

6613

6663

7803

7343

73

7103

7053

87-7165

T. 41N., R. 05W., Sec. 3

BACHMAN, MERLE K.

MICROFILMED
MAR 27 2002

1190

858-2113

87-7165

FARM TRACT MAP

1198/T335

Year

Latah County, Idaho

Photo No. C-8 Township 41 N Range 5 W Section 3OPERATOR Dale Gottschalk & Sons OWNER Joseph Clyde Est. & Mabel ClydeID No. 858-2113 ID NFarmland 40 Other 349 Shares _____ Shares _____ Other Farms _____
Cropland _____ Farms _____660
Scale

Approx.

wnt Base = 14.8

Bry Base = 5.5

OAT Base 6.8

+ Payment
+ Yields +

68

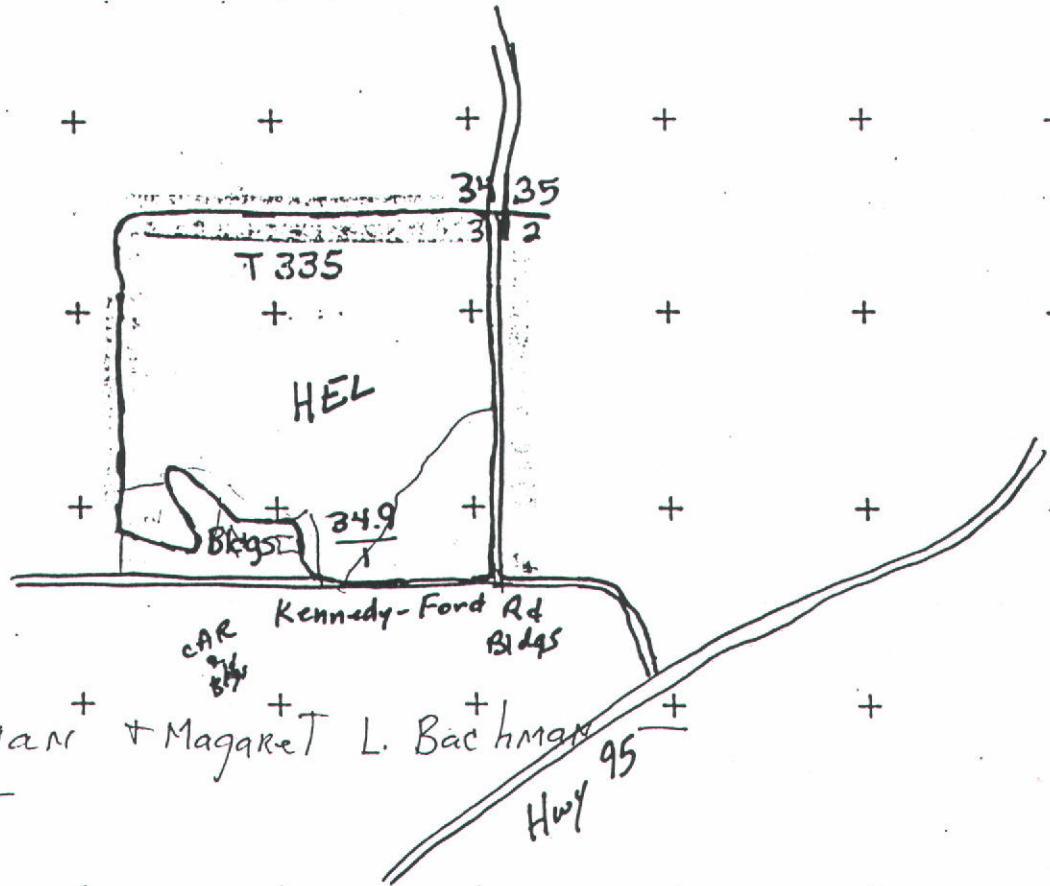
47

57

C-8

C-8-89

Grid = 20



Merkle K. Bachman + Margaret L. Bachman

-519-44-7971-

P.O. Box 446

Potlatch, Idaho

83855

MICROFILMED

MAR 27 2002

87-07165

82-07165



P.D.



P.O.
Domestic



MICROFILMED
MAR 27 2002

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 87-07165

Priority: June 10, 1992

Maximum Diversion Rate: 0.15 CFS
Maximum Diversion Volume: 64.3 AF

It is hereby certified that MERLE K BACHMAN
1094 MECKEL LN
POTLATCH ID 83855 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated June 10, 1992; and has
submitted Proof of Beneficial Use on October 09, 1996. An examination indicates that the works have a
diversion capacity of 0.15 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
DOMESTIC	01/01 to 12/31	0.04 CFS	0.6 AF
IRRIGATION	03/15 to 11/15	0.15 CFS	63.7 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L1 NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 3, Twp 41N, Rge 05W, B.M., LATAH County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
41N 05W 3	X																
	L1																

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
41N 05W 3	34.0																34.0
	L1																

Total Acres: 34

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for irrigation of the lands above.

MICROFILMED

MAR 27 2002

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 87-07165

2. Domestic use is for 1 home and does not include lawn, garden, landscape, or other types of irrigation.

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

Signed and sealed this 6TH day of April, 2001.

Acting for


KARL J. DREHER
Director

MICROFILMED

MAR 27 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 11 1996

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. 87-07165 Telephone No. 875-1408 875-0414 WORK MESSAGE
2. Name(s) of Permit Holder(s): MERLE K. BACHMAN
3. Mailing Address: PO Box 446 POTUATCHA ID 83855
4. Source of Water: GROUNDWATER If GROUNDWATER (well), Date Drilled: mo. / yr.
- a. Well Driller: MCPAERSON Drilling Permit Number: 87-92-N-0040-01
- b. OPTIONAL:
Pump Horsepower: 7.5 Pressure (psi): 45 Dynamic pumping level (ft): ?
5. Use(s) (as authorized by the water right permit):
- Domestic (No. of households): 1 Stockwater (No. and type of stock): Ø
- Irrigation (No. of acres): 34 Other:
6. Total rate of diversion and/or volume for which proof is submitted: 0.72 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 <u>X</u> or No <u> </u> |
| | Has the measuring device been installed? | Yes <u>X</u> or No <u> </u> |
| Flow Measurement Port: | Is a flow measurement port required? | Yes <u> </u> or No <u> </u> |
| | Has the measurement port been installed? | Yes <u> </u> or No <u> </u> |
8. Fee Enclosed: \$ 100 (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: SAME AS ABOVE Telephone Number:
- Address:
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: X Merle K. Bachman Date: 10/9/96
(include your title, if on behalf of company or organization)

State of Idaho
Department of Water Resources

Proposed Priority: June 10, 1992 Maximum Diversion Rate: 0.81 CFS
This is to certify, that **MERLE K BACHMAN**
PO BOX 446
POTLATCH ID 83855
has applied for a permit to appropriate water from: **GROUNDWATER**
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>
IRRIGATION	03/15 to 11/15	0.68 CFS
STOCKWATER	01/01 to 12/31	0.02 CFS
DOMESTIC	01/01 to 12/31	0.11 CFS
	Totals	0.81 CFS

LOCATION OF POINT(S) OF DIVERSION: NENE , Sec. 3, Township 41N, Range 05W
LATAH County

<u>PLACE OF USE:</u>		IRRIGATION			
<u>TWN</u>	<u>RGE</u>	<u>SEC</u>		<u>ACRES</u>	<u>ACRES</u>
41N	05W	3	NENE	34	
Total number of acres irrigated:					34

CONDITIONS/REMARKS:

- DEC 16 1992

State of Idaho
Department of Water Resources

PAGE 2

Permit To Appropriate Water

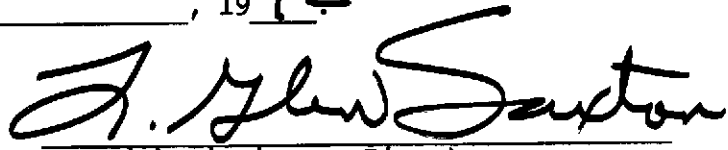
NO. 87-07165

CONDITIONS/REMARKS:

7. The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
8. Domestic use is for 5 mobile homes.
9. Stockwater use is for 2 horses and 50 range cattle.

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

30th day of October, 1992



for
R. Keith Higginson, Director

DEC 16 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 Merle K. Bachman Phone 208-875-1408
Post office address P.O. Box 446 Potatch, Idaho
2. Source of water supply ground water which is a tributary of _____
3. Location of point of diversion is _____ $\frac{1}{4}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$, Govt. Lot _____
Sec. 3 Township 41N Range 5W B.M. LaTab County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount .11 for Domestic purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .02 for Livestock purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .68 for irrigation purposes from Mar. 15 to Nov. 15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount ~~.02~~ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) ~~.02~~ .81 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. $\frac{1}{4}$ mile 6" + 8" mainline -
2 hand lines - 20 to 30 H.P. Diesel pump according to lift of
water. Sub Electric pump for Livestock + domestic
 - b. Height of storage dam NA feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
 - c. Proposed well diameter is 10" inches; proposed depth of well is 400 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
5 years (minimum 1 year).

MICROFILMED

DEC 16 1982

DEC 16 1992

12. Remarks:

11. a. Who owns the property at the point of diversion? Maria Bachman
b. Who owns the land to be irrigated or place of use? Maria Bachman
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing.

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

Total number of acres to be irrigated 34

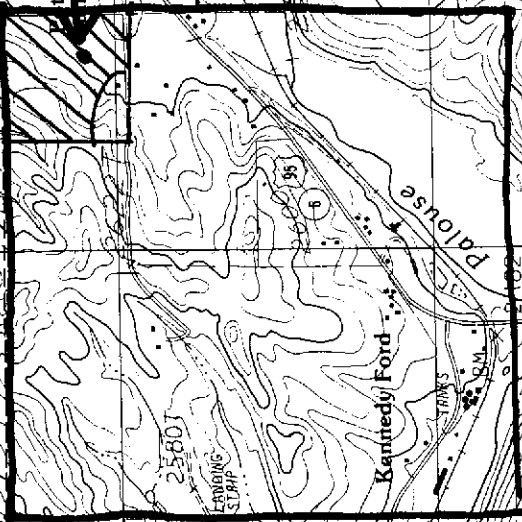
TWP	RANGE	SEC.	NE 1/4				NW 1/4				SE 1/4				SW 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
41	5	3	34																34
41	5	3	D																D
41	5	3	5																5

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.

8. Description of proposed uses (if irrigation only, go to item 9):
a. Hydropower, show total feet of head and proposed capacity in KW.
b. Stockwatering, list number and kind of livestock. 50 - Range Cows - 2 Hens
c. Municipal, show name of municipality.
d. Domestic, show number of households. 3-5 (proposed Trailer Court in future)
e. Other, describe fully.

POINT of
DIVERSION

T. 41 N.
R. 5 W.



87-7145

DEC 16

Gna

75.7
3

DEC 16 1992

84 D+D Comstock

T1735

NW
HE
89.2

NW
HE
19.3
3

NW
HE
15.7
7

1314 D+D Comstock
T1000 NW
15.1 HE

Kennedy Ford Rd

1198 Comstock
T1000 NW
1335 Bachman
34.9 HE

87-7165

75.7
3
NW
HE
19.3
3

858-2113

87-7165

FARM TRACT MAP

1198/T335

Year

Latah County, Idaho

Photo No. C-8

Township

41 N

Range

5 W

Section

3

OPERATOR ^{Dale} Gottschalk & Sons

OWNER Joseph Clyde Est. & Mabel Clyde

ID No.

858-2113

ID N

Farmland
Cropland

40

Other
Farms

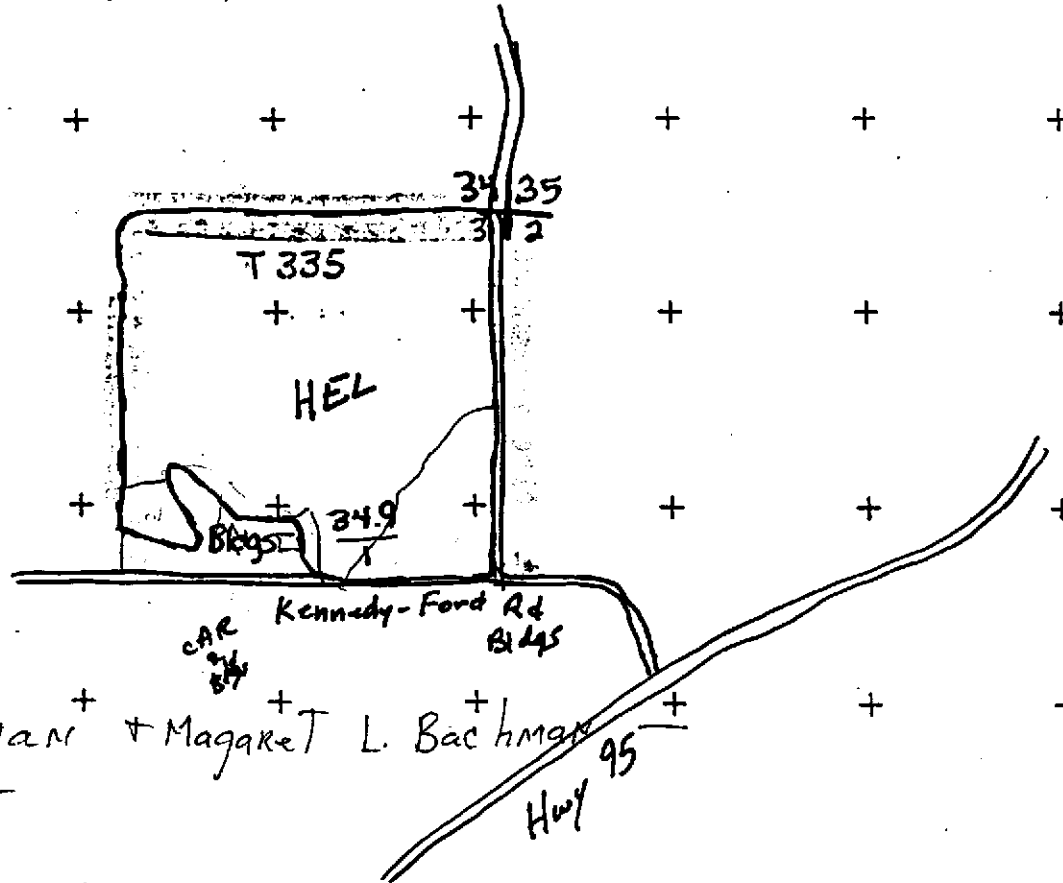
Shares

Shares

Other Farms

349

+	+	+	+	+	+	+	+	+
660				Payment				C-8
Scale				Yields				
	Approx.			68				C-8-89
	wht Base = 14.8							Grid = 28
+	+	+	+	47	+	+	+	+
	Bry Base = 5.5							
	OAT Base 6.8			57				



Merkle K. Bachman & Margaret L. Bachman

-519-44-7971-

P.O. Box 446

Pottlatch, Idaho

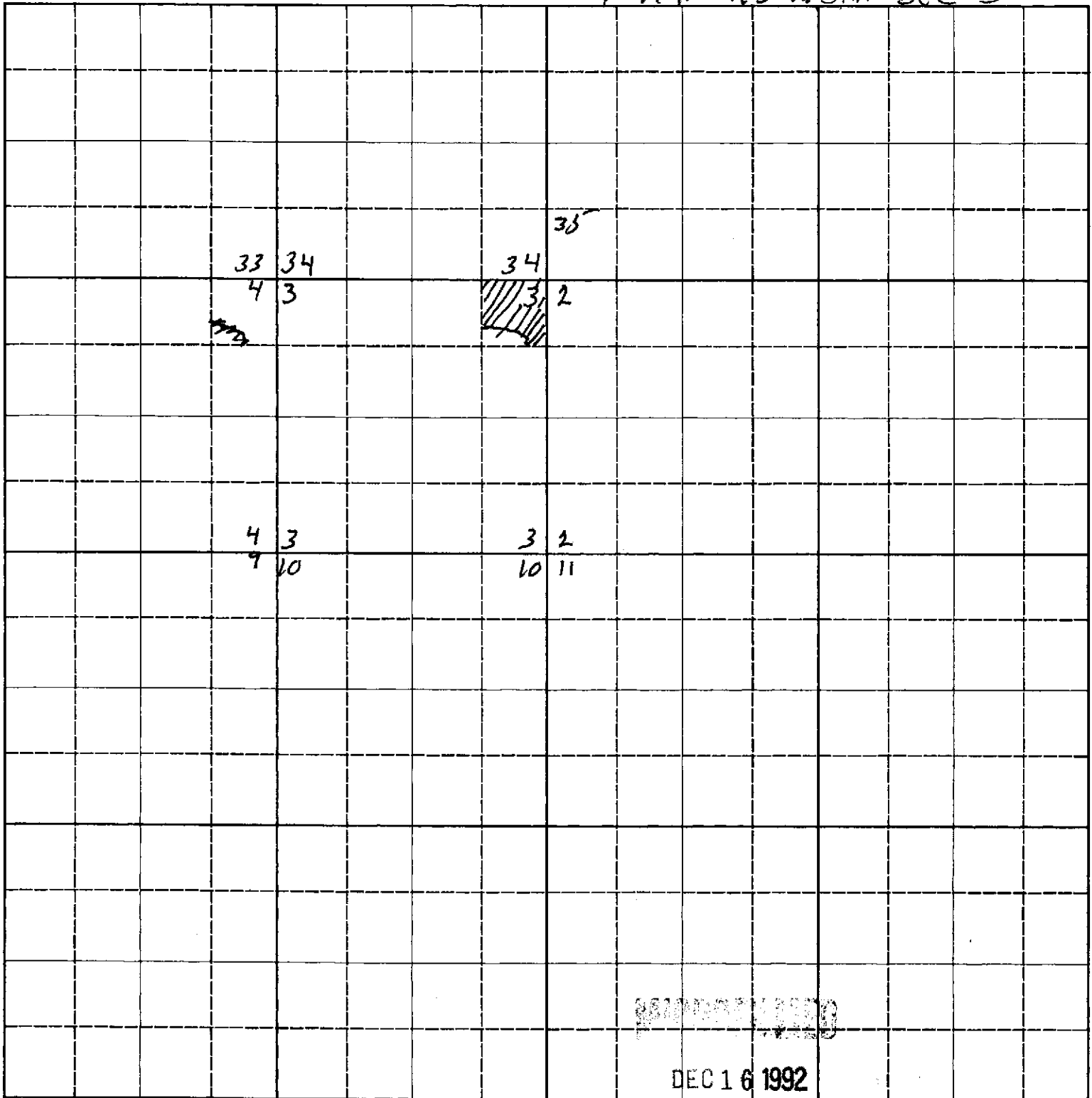
83853

DEC 16 1992

87-7165

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

T 41 N R 5 W B.M. Sec 3



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.

Michael K. Bachman
(Applicant)

DEC 16 1992

117-117-117

e. Other:

permit.

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.

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.

_____, 19____.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

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

Idaho No. _____, and said application is hereby _____.

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

Publication approved _____

Publication prepared by _____

Date _____

Published in _____

Date _____

N5551

Received by _____

Preliminary check by _____

Time 1:00 PM

Date 6/12/92

Fee \$ 45.00

113

8/62/3/52
Hickman/Dick Jones

Schedule C

The land referred to in this policy is situated in the State of Idaho, County of Latah and is described as follows:

A tract of land located in the NE1/4 of Section 3, Township 41 North, Range 5, W.B.M. described as follows:

THE TRUE POINT OF BEGINNING from the North 1/16 corner common to Section 2 and 3 is N. 00 degrees 00' 30" W. 31.67 feet; thence S. 89 degrees 47' 47" W. 24.32 feet to the West right of way of the county road and the TRUE POINT OF BEGINNING; thence S. 89 degrees 47' 47" W. 642.42 feet along the North right of way of the county road; thence N. 6 degrees 04' 57" E. 123.07 feet; thence N. 40 degrees 54' 21" W. 49.23 feet; thence N. 39 degrees 40' 56" W. 36.94 feet; thence N. 81 degrees 34' 32" W. 201.53 feet; thence N. 42 degrees 09' 36" W. 135.10 feet; thence N. 60 degrees 12' 40" E. 149.12 feet; thence N. 86 degrees 26' 01" E. 184.37 feet; thence N. 00 degrees 08' 54" E. 912.02 feet; thence S. 89 degrees 51' 46" E. 1300.13 feet to the West right of way of the county road; thence S. 00 degrees 36' 52" W. 1286.98 feet along the West right of way of the county road to the TRUE POINT OF BEGINNING.

SUBJECT TO the county road right of way, TV, Telephone and electrical power easements.

DEC 16 1992

Affidavit of Publication

STATE OF IDAHO
County of Latah

ss.

Lorraine Hudson
Legal Clerk

being first duly sworn, on oath,
deposes and says:

That she is the printer of
Moscow-Pullman Daily News, a
newspaper of general circulation,
printed and published daily except
Sunday at Moscow, Latah County,
Idaho, in compliance with Sections
60-106, 60-107, and 60-108 of the
Idaho Code and the amendments
thereto; that the notice of which the
annexed is a full, true and correct
printed copy was published in the
regular and entire issues of said
newspaper and not in a supplement
thereto, upon the following dates:

Aug 6, 13, 1992

the same being the dates designated
for the publication of said notice.

Lorraine Hudson

Subscribed and sworn to before

me this 14 day of August

1992

Ann Marie Gale

Notary Public,
residing at Moscow, Idaho

My commission expires: 5/1/98

NOTICE OF APPLICATION FOR WATER RIGHTS

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

87-07165

BACHMAN, MERLE K, PO BOX
446, POTLATCH, ID 83855

Source: Groundwater

Diversion Pt: NENE Sec 3 T 41N
R 05W in LATAH County

Use:

IRRIGATION (.680 CFS)
STOCKWATER (.020 CFS)
DOMESTIC (.110 CFS)

Total Diversion: (.810 CFS)

Date Filed: 6/10/1992; In: LATAH
County T41N R05W S03 NENE
34.0 ACRES TOTAL

87-07167

STRONGONI, RICHARD M., 605 N
ALMON SP 23, MOSCOW, ID 83843

Source: SPRING, Tributary:

SINKS

Diversion Pt: LOT 1 (NENE) Sec 4
T 40N R 05W in LATAH County.

Use:

IRRIGATION (.200 CFS)
DOMESTIC (.040 CFS)

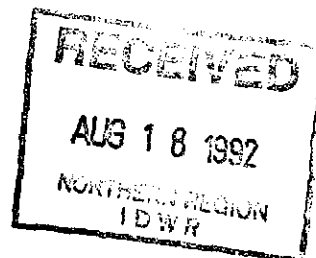
Total Diversion: (.200 CFS)

Date Filed: 7/17/1992; In: LATAH
County T40N R05W S04 NENE
1.0 ACRES TOTAL

For additional information con-
cerning 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, Co-
eur d'Alene, Idaho 83814 on or be-
fore AUGUST 24, 1992.

R. KEITH HIGGINSON, Director
August 6, 13, 1992



DEC 16 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 9, 2001

MERLE K BACHMAN
1094 MECKEL LN
POTLATCH ID 83855

RE: License No. 87-7165 - Issuance of License

Dear Water Right Holder(s):

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

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

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

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Shelley Keen', is written over a printed name.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

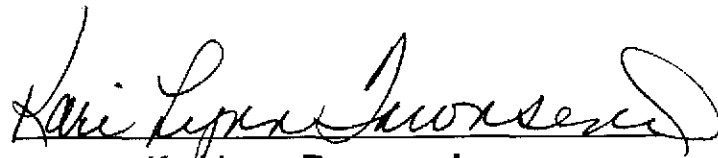
MICROFILMED

CERTIFICATE OF MAILING

I hereby certify that on April 9, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 87-7165

**MERLE K BACHMAN
1094 MECKEL LN
POTLATCH ID 83855**

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

**Karl Lynn Townsend
Secretary**

MICROFILMED

MAR 27 2002

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

MICROFILMED

MAR 27 2002

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

RECEIVED

APR 2 2001

Department of Water Resources

Merle K Bachman
1094 Meckel Lane
Pottlatch, Id
83855

To Whom it may concern, I
would like to change the address
of permit No. 87-0T165 from
P.O. Box 446 Pottlatch Id. to
1094 Meckel Lane, Pottlatch, Id.
83855

Sincerely

Merle K. Bachman

MICROFILMED

MAR 27 2002

LICENSE REVIEW CHECKLIST

Permit No. 87-07165 Date: 4-2-2001 Reviewer: Kay Walker

Change/OK

Name/Address OK

Source OK

Point of Diversion: OK

Does change clarify original intended source? If no, void permit.
Change (P39/P49) Add (P45/P44) Feds (P40)

W32 (multiple in 1/4/1/4)
W36 (overlap)
W59 (subdivision description)

Place of Use OK

Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)
W27 (ppu acre limit)

Overlaps: Right(s): none
File reviewed _____ Profile reports printed _____

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion:

Permitted rate 0.81 cfs
Fee Limit 1.0 cfs
Measured _____ cfs
Theoretical 0.15 cfs

Recommended Total Diversion Rate 0.15

Water Uses OK

Change (P46)

Season of Use per new Standards
4-1 10-31

Irrigation 0.15 cfs 63.7 af
Stockwater _____ cfs _____ af
Domestic 0.04 cfs 0.6 af WB5
_____ cfs _____ af
Total 0.15 cfs 64.3 af

Irrigation - overlap (R58-R61, R62-R65, R66-R69)
supp. Gw (WB7/065/104)
overlap spec combined rts (W35)
<1 acre (W31)
Domestic (W01/wb5/070/071/075)
Power (W42 or W43/025/027/R22 or R23)
Fish (042)
Fire (077)
Water Quality (081/R07)
Payette - (W22/047/27A)
Stockwater for US (R37)

Volume Determination

0.15 cfs x 1.9835 x 214 days = 63.7 af (vs) 34 acres x 3.0 (FHR) = 102.0 af
2.0 (con)

Remarks: _____

Additional Conditions

☒ Watermaster Control
☒ GW Measurement/Measuring Device
☒ Other
☒ Trust R55 - remove 051)
☒ Non-trust (048/049)

GW Dist? _____

Water Msmt. Dist? _____

Crit. GWMA? _____

GWMA? _____

Government Lots? yes - per ArcView

Advance Priority? yes

If yes, explain why below.

no

SRBA Claim? N/A

Adjust memo _____

Amend Letters

P87, S06

Second Amendment Notice

S06

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	WENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Permit	87 7165	MERLE K BACHMAN,	GROUND WATER	41N05W3	34																34
Right	87 4159	M IRENE BAIN, MARVIN R BAIN,	GROUND WATER	41N05W3												0					0
Right	87 7072	PALOUSE PRODUCERS CO,	GROUND WATER	41N05W3												0					0
Right	87 7165	MERLE K BACHMAN,	GROUND WATER	41N05W3	34																34
Right	87 7165	MERLE K BACHMAN,	GROUND WATER	41N05W3 X																	0
Right	87 2011	ERNEST NYGAARD,	PALOUSE RIVER	41N05W3												8					8
Right	87 4151	SHERRY NYGAARD, JACK NYGAARD,	PALOUSE RIVER	41N05W3													15				15

RECEIVED

NOV 06 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

Department of Water Resources

A. GENERAL INFORMATION

Permit No.

87-07165

1. Owner: Merte K & Achman

Phone No. (208) 875-1408

Current Address: P.O. Box 446 Pottsville PA

83855

2. Accompanied by: Merle Dackman

EXAM DATE : 5-21-98

Address: Same as above

Phone No. _____

Relationship to Permit Holder:

3. Source: Groundwater

tributary to _____

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:

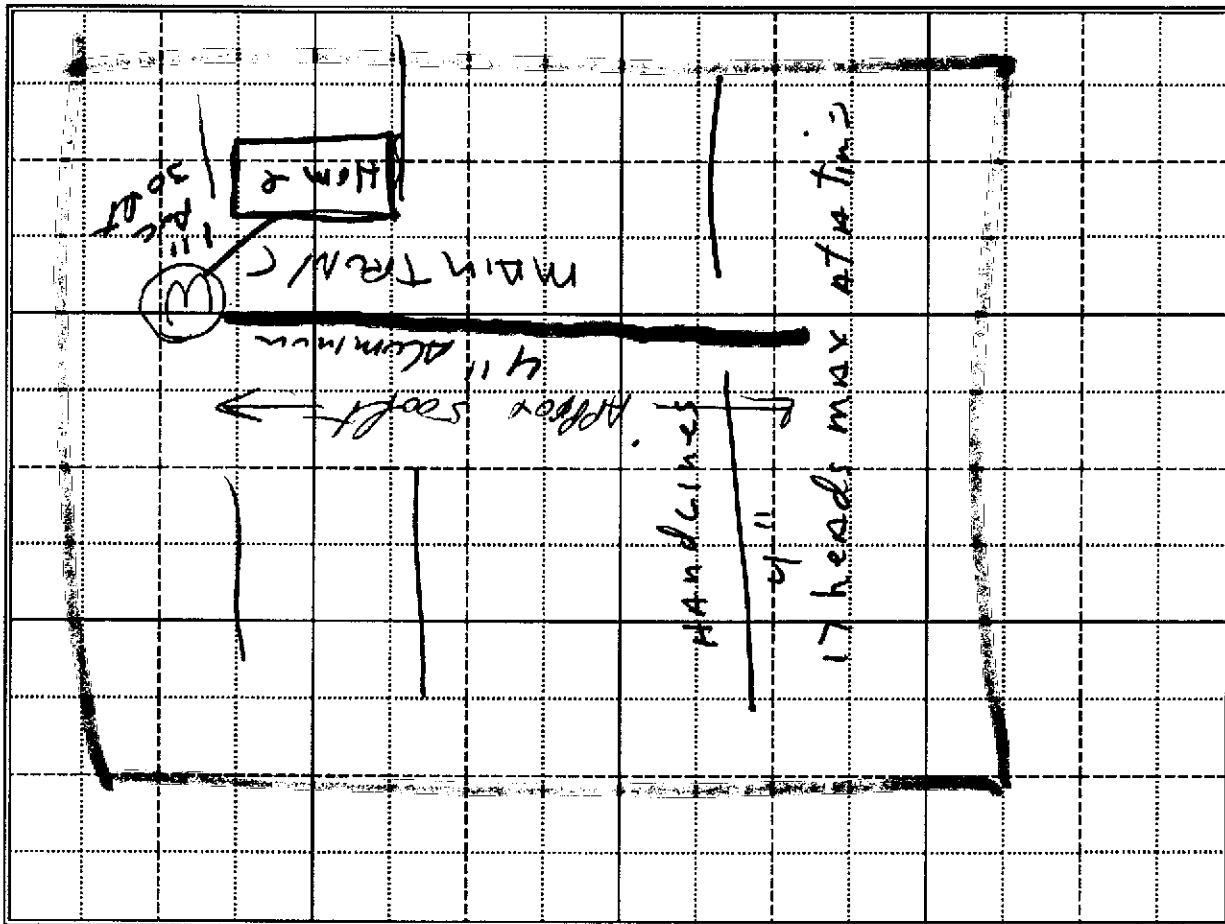
[illegible]

2. Place(s) of Use:

Indicate Method of Determination

[illegible]

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



Scale: 1" = 475'

____ 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
	Franklin	7.5	226119020	S&B	2"

*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:

E. NARRATIVE/REMARKS/COMMENTS

Irrigated acreage includes domestic lawn

This exam done early in spring, system
not yet in field

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

F. FLOW CALCULATIONS

Measured Method:

Domest. Sgar bucket
Sgar at 1900 = 16.91
16 x 1.33681 = 21.635609
60

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 34 \times 3 = 102$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = .15 \times 245 \times 1.9835 = 72.9$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{D.R.} = 72.9$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use

Domestic
Domestic

Period of Use
From To

03-15 11-15
01-01 12-31

Rate of Diversion
Q (cfs)

.15
.04

Annual Volume
V (ata)

72.9
.6

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

Reviewer

Date

Field Examiner's Name

Date

Wayne S. ...
11-4-98

SEAL

Additional Computation Sheets Attached

IFR. $8.8 \times 7.5 \times .7 = 46.2$
 $170 + (2.31 \times 60) = 306.6$
 $46.2 / 306.6 = .15 \text{ cfs}$

T.42N.

T.41N.

Domestic P.D.

Palatch Junction

Kennedy Ford

Palouse

River

87-07165

T.41N., R.05W., Sec. 3

BACHMAN, MELLE. K.

87-1165

10

1411

3.9

Kennedy Ford Rd

34.35

1198 ~~1198~~ 1198
1335 Jackson
HEL
34.9

1314 D+D Comstock
11000 NV
15.1 HEL

14.5
2
12.3
3

125.8

15.4
7

84 D+D Comstock

11735

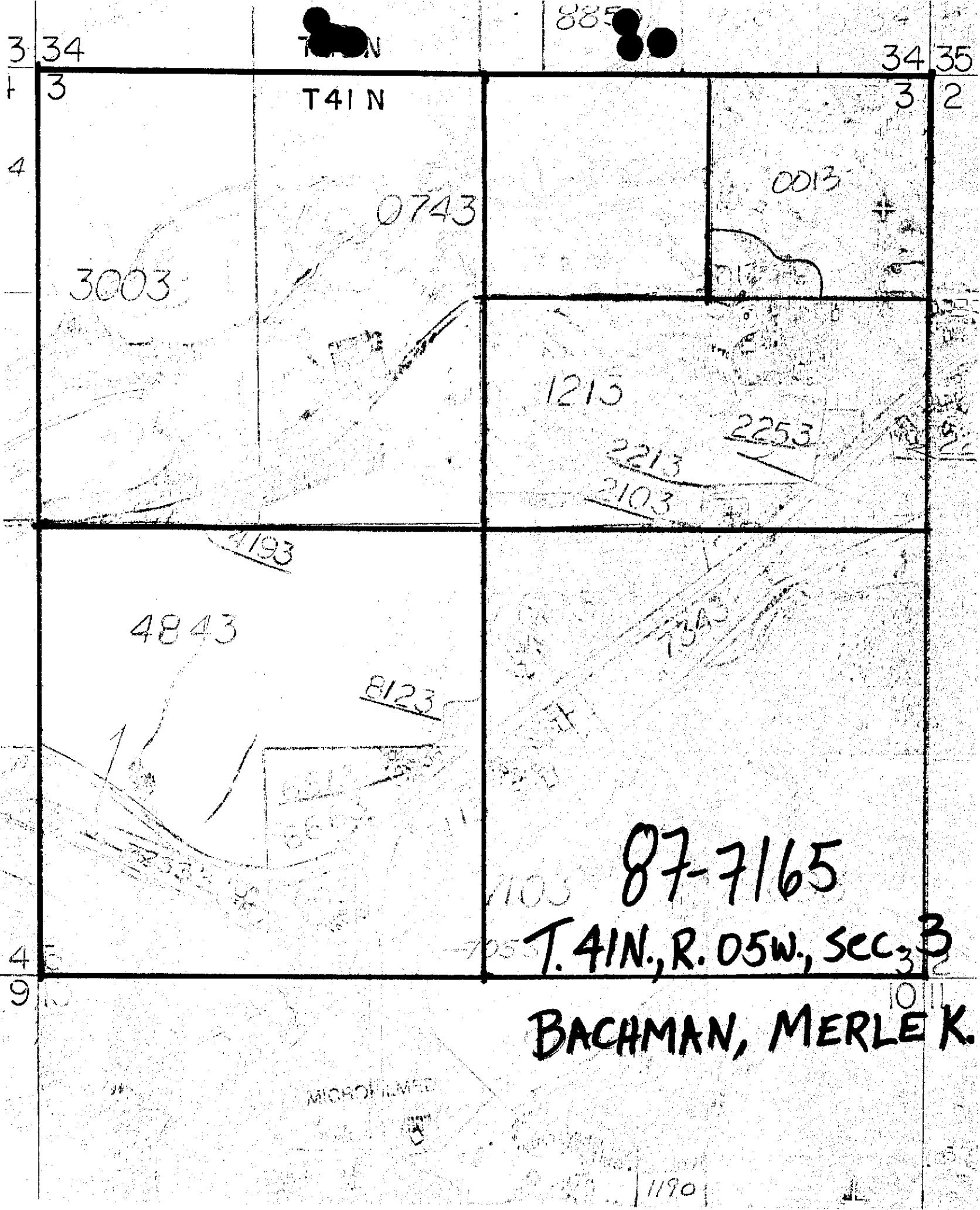
11735
11735
11735

19.3
7

87-071165

75.7
3

11735
11735
11735



T41N

885

34

3

34 35

3 2

T41N

0743

0013

3003

1215

2253

2213

2103

4193

4843

8123

7343

87-7165

T. 41N., R. 05W., Sec. 3

BACHMAN, MERLE K.

MICROFILMED

1190

Latah County, Idaho

87-7165
FARM TRACT MAP

1198/T335

Year

Photo No. C-8

Township 41 N

Range 5 W

Section 3

OPERATOR Gottschalk & Sons

OWNER Joseph Clyde Est. & Mabel Clyde

D No. 858-2113

ID N

Farmland

40

Other

Shares

Shares

Other Farms

Propland

349

Farms

660
Scale

Approx.

wnt Base = 14.8

Bry Base = 5.5

OA+ Base 6.8

Payment
Yields

68

47

57

C-8

C-8-89

Grid = 28

C-8

T 335

HEL

CAR
24
87

Kennedy-Ford Rd
Bldg

Mertle K. Bachman + Margaret L. Bachman

-519-44-7971-

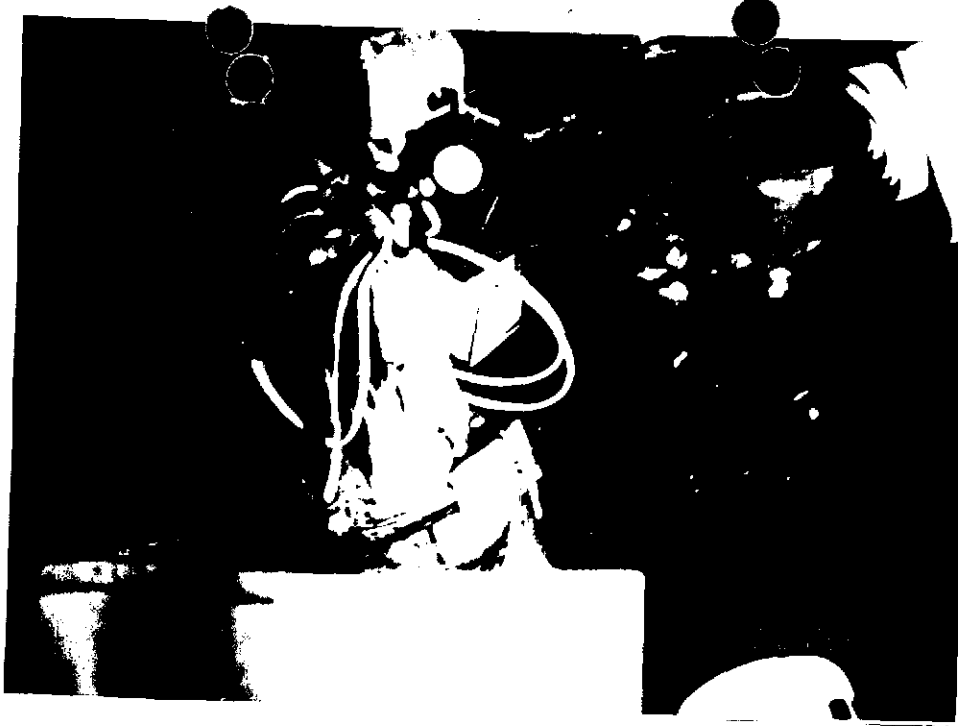
P.O. Box 446

Potlatch, Idaho

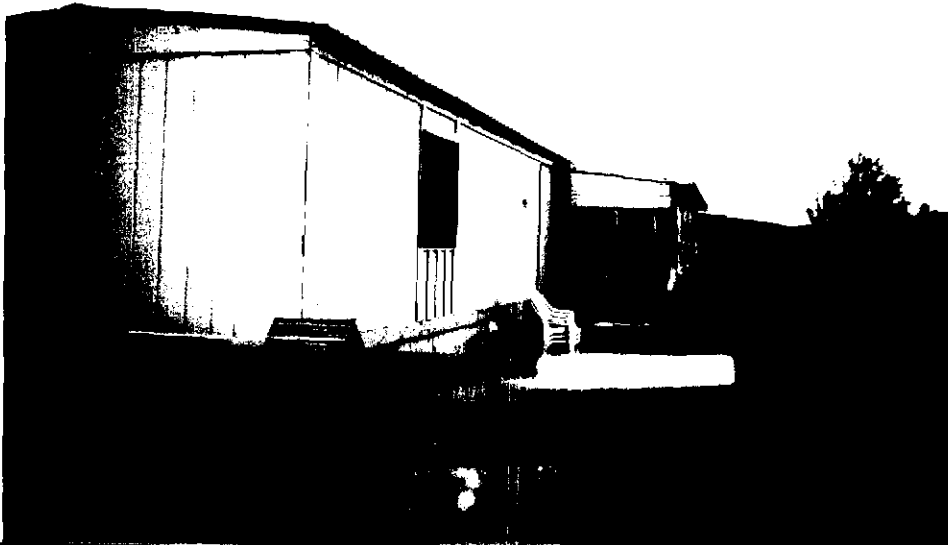
83853-

87-07165

87-07165



PD



PD
Domestic



100-100000

November 12, 1996

MERLE K BACHMAN
PO BOX 446
POTLATCH ID 83855

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 87-07165

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
NOV 14 1996

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 87-07165 Reviewed by Jy Date 11-8-96

GENERAL CONSIDERATIONS

TYPES OF USE

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

SOURCE OF WATER

 Surface water source
✓ Ground water source
yes Drilling permit required?
no Copy in the file? Drilling Permit No. 87-92-N-0040-001
200- Amount paid for permit yes Correct?
no Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required?
100- Amount Submitted
yes Correct?
yes Required?
yes Installed?
 Waiver requested?

PRIORITY CALCULATION

Date proof received	<u> </u>	<u> </u>
Date proof due	<u> </u>	<u> </u>
No. of days late	<u> </u>	<u> </u>
Priority Date	<u> </u>	<u> </u>
New Priority Date	<u> </u>	<u> </u>

DEFICIENCIES OR ACTION ITEMS

Proof Acceptable

DATA ENTRY

New Address X Proof Made 10-9-96

September 30, 1996

MERLE K BACHMAN
PO BOX 446
POTLATCH ID 83855

PROOF DUE NOTICE

RE: PERMIT NO. 87-07165

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, 1996. (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.

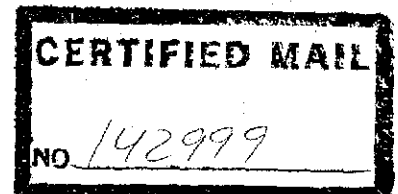
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

RECEIVED
MAY 11 1997





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 3, 1992

MERLE K BACHMAN
PO BOX 446
POTLATCH ID 83855-0446

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 87-07165

Dear Permit Holder(s):

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.

Be sure to note the special condition requiring you to install a measuring device. Enclosed, for your reference, is a list of measuring device options.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

Sincerely,

Brenda L. Miller

BRENDA L. MILLER
Water Resource Agent

BLM:cz

Enclosure



DEC 16 1992

APPLICATION FOR PERMIT REVIEW

Application #: 87-7165

Reviewer:

Brenda Miller *BM*

Date: 10-24-92

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)
 - No measurement required <flow chart>
 LT. 0.2 cfs - No measurement required <flow chart>

Drilling Permit:

Approved w/permit - P99 *46B*
 Not included - 046-P23 (All GW, even existing wells)

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

LOCATION:

Water Districts - WD No. _____
 Surface water - 005, 005-01H-P01 (LT.2 w/pump)
 005-01J-P08 (GT.2)
 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(restricted areas)

OWNERSHIP:

Non land owner - 004

PROTESTED:

Agreement - 020

Beneficial Use Due Date: - 12-02-1996
 Other Conditions Recommended

No. a
4/87-06/92n

DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

APPLICATION # 82 7165

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

APPLICANT: BACHMAN, MERLE BY: AB DATE: 7/21/92

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: 6/10/92

☒ (Include Moratorium Remark)

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

8/6/92 Advertised in: IDAHO

County of: LATAH

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: TPK Date: 8/3/92

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 | Sr. Agent initial _____
- ☒ 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: _____

RECEIVED
AUG 31 1992

Approval Recommended by: AB RYK

Department of Water Resources

87-07165

BACHMAN, MERLE K
PO BOX 446
POTLATCH, ID 83855

Source: GROUNDWATER

Diversion Pt: NENE Sec 3 T 41N R 05W in LATAH County.

Use: IRRIGATION	(.680 CFS)
STOCKWATER	(.020 CFS)
DOMESTIC	(.110 CFS)
Total Diversion:	(.810 CFS)

Date Filed: 6/10/1992

In: LATAH County
T41N R05W S03 NENE

34.0 ACRES TOTAL

RECORDED

DEC 16 1992

August 5, 1992

Mr Merle K Bachman
PO Box 446
Potlatch Id 83855

Re: 87-7165

Dear Mr. Bachman:

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 16 1992

mic

27-7165

July 16, 1992

Mr. Merle Bachman
P.O. Box 446
Potlatch, ID 83855

Subject: Application for Permit.

Dear Sir:

We are returning your Application for Permit along with Receipt Number N005551 for the amount of \$45.00.

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

ITEM NUMBER 3. & 9. (POINT OF DIVERSION AND PLACE OF USE).

The legal descriptions listed on the Application must be located to the nearest 40 acre tract 1/4 1/4.

I have enclosed a USGS topographical map. Please mark where your point of diversion and place of use are going to be. We can assist you with determining the 40 acre tract, if needed.

If you are planning to serve 3-5 homes with domestic water, you may consider raising the diversion rate for these uses. A typical diversion rate for 5 homes is 0.11 CFS, depending on the number of acres of lawns and gardens, the rate may be higher.

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

Thank you,

ALLEN BEARDSLEE
SR. WATER RESOURCE AGENT

DEC 10 1992