

AMENDED
CONVEYANCE

The undersigned, HERBERT NAGEL and SANDRA J. NAGEL, husband and wife, GRANTORS, do hereby grant, bargain, sell and convey and assign unto DOROTHY M. BENTZ, a widow, GRANTEE, a 2/5 interest in and to that certain easement dated June 26, 1986 and recorded July 23, 1986, as Instrument #1052854 and the well, pump, and related pumping equipment and pump house thereon located a like and similar interest in and to the pipeline and distribution system with the right to draw 2/8ths of the water from said well, ~~under water right~~ *under instrument #1052854. Mr Sn 03*

This right herein granted shall become appurtenant to and be a part of Parcels No. 2 and 3 as the same appears on that certain survey of Meckel Engineering, recorded in Book 4 of Surveys, Page 186, as Instrument #1015360 and shall pass with said land and may not be separated and sold separate and apart therefrom or used upon other properties.

It is understood and agreed there exists five (5) separate individual interest in said water system above described, one interest to attach to each of the four (4) numbered parcels in the above referred to survey and one interest to attach to the two-acre parcel which is located in the Northwest quarter, Section 1, Township 51 North, Range 5 W.B.M., all as shown on said Survey and 5/8ths interest in Water License #95-16387 transfers to the Grantee in Instrument No. 1052854. *ATTACHED EXHIBITS 1, 1A, 2 AND 3 Mr Sn 03*

Each parcel shall be entitled to one service line to connect to the main line. The service line from the main line shall be installed and maintained at the cost and expense of the individual parcel owner. A shut-off shall be maintained on the service line at that main line. Any service line hooked onto the main line shall be installed in a manner acceptable to and in accordance with the customary engineering standards and shall be leak proof.

All costs of operation and maintenance of the pump, pumping system, and main distribution line shall be paid by the parties actually using said system in direct proportion of their use. If the parties owning and using said system cannot agree on the proportionate amount and usage of each, then the usage must be metered with each unit owner to pay for installation of their own meter. The actual physical installation of the meter must be performed by a contractor agreed upon by the majority of the parcel owners. All operational and maintenance cost of the well, pump, pumping system and distribution main line shall then be paid in direct proportion to the metered usage. The meters must be so placed as to be available to a meter reader.

Each unit user for the period of actual usage shall, on the first day of the month, pay into a common fund a sufficient amount to pay their proportionate cost of the operation and

2-
maintenance of the system and a sum to be agreed upon by the majority parcel holders to be placed in a reserved account for major repairs and/or replacement of a system.

All parcel owners using said water shall use all reasonable means to prevent leakage from said system on their own service lines and to repair the same immediately.

Each parcel owner acknowledges receiving and reading a copy of the Easement above referred to and fully understands its terms and conditions. Each specifically acknowledges that the GRANTORS in said Easement reserve the right to draw water from said well by use of a separate pumping and distribution system. A master electrical meter measures the electrical use on both systems. Each system has their own individual electrical meter from which to determine the proportionate division of the electrical bill.

The GRANTORS and GRANTEE shall each sign this Conveyance which constitutes an agreement by all signatories to comply with the terms and conditions herein set forth. This Conveyance conveys ^{8/37/15 Sn B} ~~2~~ ^{ABOVE EASEMENT Sn B}ths interest in the ~~_____~~ to the GRANTEE.

DATED this 8th day of October, 2015.

Herbert Nagel
HERBERT NAGEL

Sandra J. Nagel
SANDRA J. NAGEL
GRANTORS

DATED this 8th day of October, 2015.

Dorothy M. Bentz
DORTHY M. BENTZ

GRANTEE

3925 W. Elfristport Wa
101, Coeur d'Alene Id
83814

3
STATE OF IDAHO)
) ss
County of Kootenai)

On this 8th day of October, 2015, before me, the undersigned Notary Public in and for Idaho, personally appeared Herbert Nagel & Sandra J Nagel, Husband & Wife, known or identified to me to the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

IT WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this day and year in this certificate herein written.



Debra R. Case
Notary Public for Idaho
Residing at: Coeur d'Alene, ID
Commission expires: 10.5.2021

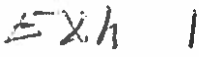
STATE OF IDAHO)
) ss
County of Kootenai)

On this 8th day of October, 2015, before me, the undersigned Notary Public in and for Idaho, personally appeared Dorothy M Bentz, a widow, known or identified to me to the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same.

IT WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this day and year in this certificate herein written.



Debra R. Case
Notary Public for Idaho
Residing at: Coeur d'Alene, ID
Commission expires: 10.5.2021

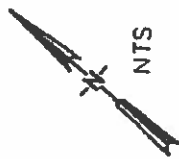


5

EXH. 19

EXHIBIT "A" SKETCH

SEC. 36, T. 51 N., R. 5 W., B.M., KOOTENAI COUNTY, RATHDRUM, IDAHO



NTS

STATES ADDITION
BLOCK G

STATES ADDITION
BLOCK H

NE 1/4 OF SW 1/4

HIGHWAY 53

GREENSFERRY ROAD
R/W DEDICATION
DIST. NO. 1711032

GREENSFERRY ROAD
R/W DIST NO. 1711033

TAX # 15541 DIST. NO. 1297428

S39°51'00"E
381.97'

TAX # 18518 DIST. NO. 1619728

345.48'

Parcel #3
ON MECKEL
MAP
PARCEL NO. 2
31.00 AC
7.20 AC

392.00'

N40°05'38"W

GREENSFERRY ROAD
R/W DIST NO. 1711033

S40°05'38"E
408.85'

Parcel #1
ON MECKEL
MAP
PARCEL NO. 1
22.00 AC
5.70 AC

174.55'

S39°51'00"E

N39°51'00"W

TAX # 20511 DIST. NO. 1829186

434.03'

S49°05'21"W

811.85'

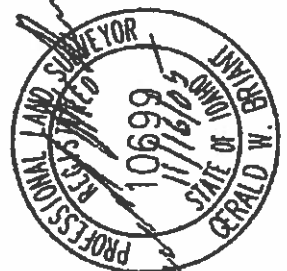
N49°05'21"E

475.85'

1125.88'

BURLINGTON NORTHERN SANTA 'FE (BNSF) RAIL ROAD

STATES ADDITION
BLOCK I



BASIS OF BEARING TAKEN
FROM RECORD OF SURVEY
RECORDED IN BK. 4, PG. 186

P:\P051144A_1\Ierb_Nagel\02_Survey\03_Boundary\LEGAL\Hart Nagel.dwg

RUEY-YEAGER & ASSOCIATES, INC.
CONSULTING ENGINEERS - LAND SURVEYORS
300 N. 10TH ST. STE. 200
COVINGTON, IDAHO 83410
210 PINE ST.
BOZEMAN, MONT. 59717
103 E. JACOBSON
MOSCOW, IDAHO 83403 (208) 881-2255



EXH. 2
QUITCLAIM DEED

FOR VALUE RECEIVED

Herbert Nagel and Sandra J. Nagel, Husband and Wife, Grantors

do hereby convey, release, and forever quit claim unto

Dorothy M. Bentz, a widow, Grantee, whose address is
11501 N. Steeldust Court, Rathdrum, Idaho 83858

the following described premises, to wit:

All that part of "Exhibit A" attached.

Including any and all after acquired Title.

This Deed is to replace that certain Deed between the parties hereto dated March 15, 2007 which
wrongfully described the property as being in Township 51 and should have read as being in
Township 52.

together with their appurtenances.

Dated: 2/19/11

Herbert Nagel

Sandra J. Nagel

ACKNOWLEDGMENT - Individual

STATE OF Idaho)
County of Kootenai) ss.

On this 19 day of February, 2011, before me,
Judith Cooper, a notary public in and for said
State, personally appeared
Herbert and Sandra Nagel, known or
identified to me to be the person(s) whose name(s) is/are
subscribed to the within instrument, and acknowledged
that he executed the same.

Judith Cooper
Notary Public for: Idaho
Residing at: Rathdrum, Id
Commission Exp. 5/9/2014



STATE OF IDAHO, COUNTY OF KOOTENAI

I hereby certify that this instrument was filed for
record at the request of Herbert Nagel, P.O. Box 65,
Rathdrum, Idaho 83858 at _____ minutes past
o'clock m., this _____ day of _____, 20____, in my
office, and duly recorded in Book _____ of Deeds at page

Ex-Officio Recorder

by _____ Deputy.

Fees: \$
Mail to: Herb Nagel
P.O. Box 65
Rathdrum, ID 83858



RUEN-YEAGER & ASSOCIATES, INC.
CONSULTING ENGINEERS, PLANNERS, AND LAND SURVEYORS

EXHIBIT "A"
LEGAL DESCRIPTION

for
HERB NAGEL, PARCEL NO. 2
NOVEMBER 16, 2005

That portion of Block H and I of States Addition recorded in Book C of Plats, Page 159, and that portion of the Northeast Quarter of the Southwest Quarter of Section 36, Township 52 North, Range 5 West, Boise Meridian, Kootenai County, Rathdrum, Idaho, lying Southeasterly and Northeasterly of Greensferry Road, per Quit Claim Deed recorded under Instrument Nos. 1711033 and 1711032 and lying Northwesterly of the Burlington Northern Santa Fe Railroad right-of-way and Southwesterly of the Northeasterly line of a parcel of land recorded under Instrument No. 1619728 and being more particularly described as follows:

Commencing at the Southwest Corner of said Section 36 being a two-inch aluminum cap;

thence South 89°19'12" East along the Southerly line of said Section 36, a distance of 463.65 feet to the intersection with the Northwesterly right-of-way of the Burlington Northern Santa Fe Railroad (BNSF);

thence North 49°05'21" East along said railroad right-of-way, a distance of 1125.68 feet to the intersection with the Northeasterly right-of-way of said Greensferry Road and the TRUE POINT OF BEGINNING;

thence along the Northeasterly and Southeasterly right-of-way of said road the following four (4) courses:

1. North 40°05'38" West, a distance of 392.00 feet to a point 30 feet distant from and perpendicular to the Southeasterly right-of-way of State Highway 53, as shown on the Right-of-Way Plans project No. F-FR-518(1), on Sheet 16 of 24, dated October 1986;
2. North 50°09'00" East parallel with and 30 feet distant from said Highway 53 right-of-way, a distance of 473.55 feet to a point on the South line of the Northeast Quarter of the Southwest Quarter of said Section 36;
3. North 89°07'59" West along said South line, a distance of 7.66 feet to a point 25 feet distant from and perpendicular to said Highway 53 right-of-way;

8/

4. North 50°09'00" East parallel with and 25 feet distant from and perpendicular to said Highway 53 right-of-way, a distance of 345.46 feet to a point on the Northeasterly line of said parcel of land recorded under Instrument No. 1619728;

thence South 39°51'00" East along said Northeasterly line, a distance of 381.97 feet to the Northwesterly right-of-way of said railroad;

Thence South 49°05'21" West along said railroad right-of-way, a distance of 811.68 feet to the TRUE POINT OF BEGINNING.

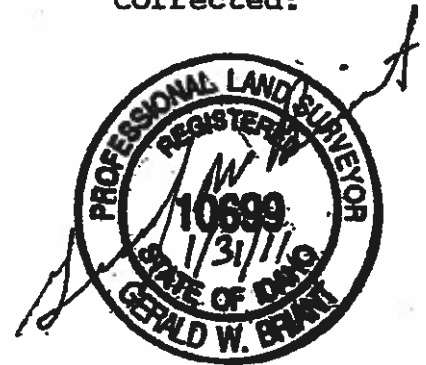
Containing 314,063 square feet or 7.210 acres, more or less.

November 16, 2005

P:\P051144A\Survey\Boundary\051115_Nagel Parcel 2



Corrected:



2

EXHIBIT "A" SKETCH

SEC. 36, T. 52 N., R. 5 W., B.M., KOOTENAI COUNTY, RATHDRUM, IDAHO



STATES ADDITION
BLOCK G

STATES ADDITION
BLOCK H

NE 1/4 OF SW 1/4

HIGHWAY 53

GREENSFERRY ROAD
R/W BENEVOLENT
INST. NO. 1711032

GREENSFERRY ROAD
R/W INST. NO. 1711033

TAX # 13541 INST. NO. 1287428

S39°51'00"E
381.97'

TAX # 18518 INST. NO. 1618728

S43.46'

NE 1/4 OF SW 1/4
BENEVOLENT ADDITION

*Meckel
Map 15
Parcel No. 2, 9*

PARCEL NO. 2, 9
34.00' x 7.20' area

473.50'

392.00'
N40°05'36"W

GREENSFERRY ROAD
R/W INST. NO. 1711033

S40°05'36"E
408.85'

373.45'

15.00'
S39°51'00"E

174.85'

N39°51'00"W 434.03'

TAX # 20311 INST. NO. 1825186

*Parcel # 2
on the
Meckel
Map*

PARCEL NO. 2
32.00' x 3.70' area

549°05'21"W 549.84'

SW CORNER
SECTION 36
2" ALUMINUM CAP

S89°19'12"E
463.65'

STATES ADDITION
BLOCK I

BURLINGTON NORTHERN SANTA FE (BNSF) RAIL ROAD

N49°05'21"E 1125.88'

N49°05'21"E 475.85'



BASIS OF BEARING TAKEN
FROM RECORD OF SURVEY

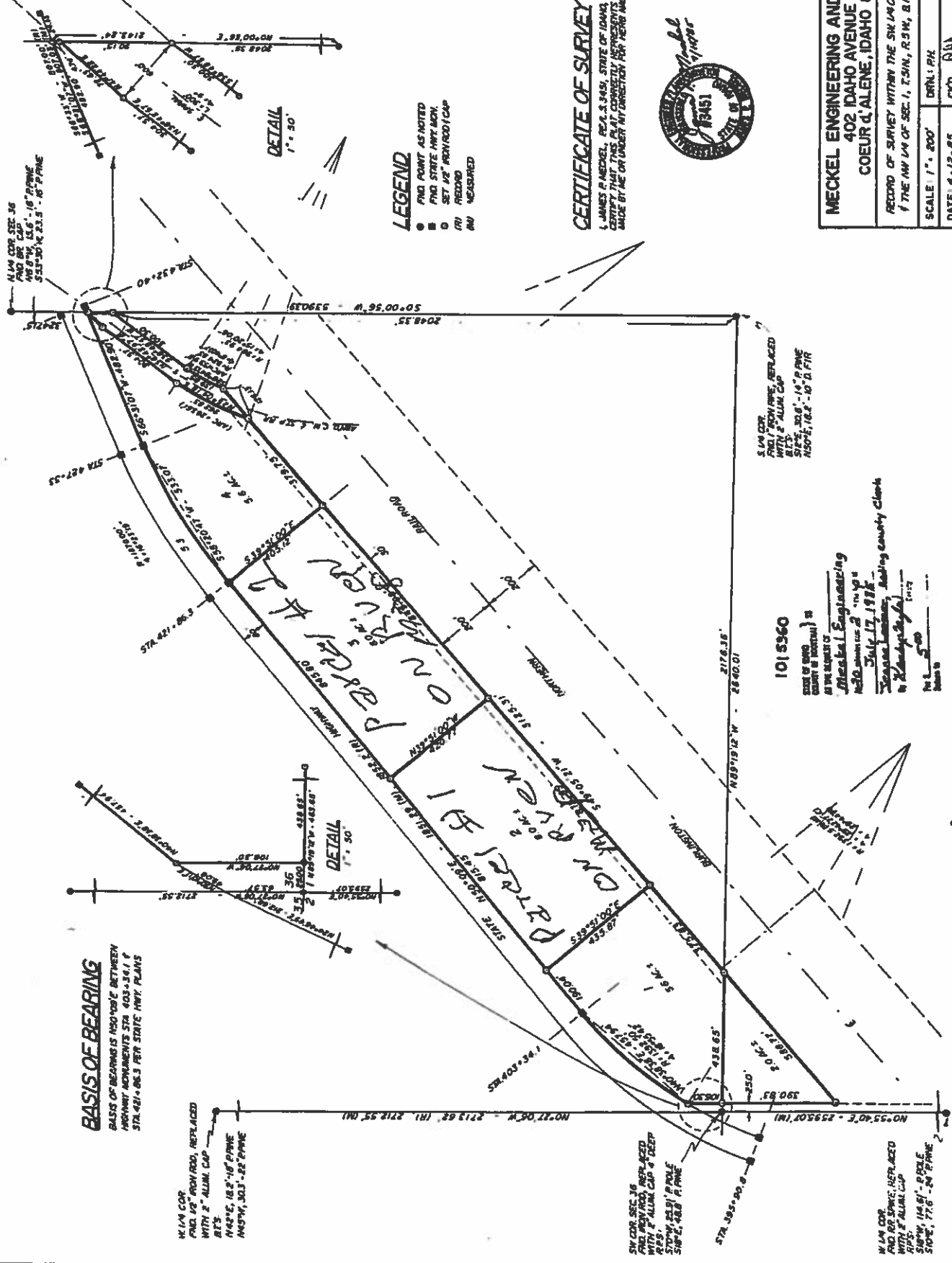
RECORD OF SURVEY

Book 4 Page 186

WITHIN THE SW 1/4 OF SEC. 36, T.52N, R.5W, & THE NW 1/4 OF SEC. 1, T.51N, R.5W, B.M., KOOTENAI CO., ID.

BASIS OF BEARING

BASES OF BEARINGS IS N50°00'00"E BETWEEN
HIGHWAY MONUMENTS STA. 403+34.1 &
STA. 421+86.3 PER STATE HWY PLANS



DETAIL
1" = 50'

LEGEND

- FIND POINT AS NOTED
- FIND STATE HWY MON.
- SET 1/2" NEW ROD/1 CAP
- OLD RECORD
- NEW MONUMENT

CERTIFICATE OF SURVEY

I, JAMES R. MECKEL, P.E., 33451, STATE OF IDAHO, HEREBY
CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY
MADE BY ME OR UNDER MY DIRECTION FOR THE ABOVE.



MECKEL ENGINEERING AND SURVEYING

402 IDAHO AVENUE
COEUR D'ALENE, IDAHO 83814

RECORD OF SURVEY WITHIN THE SW 1/4 OF SEC. 36, T.52N, R.5W,
& THE NW 1/4 OF SEC. 1, T.51N, R.5W, B.M., KOOTENAI CO., IDAHO

SCALE: 1" = 200' DATE: 4-12-85

DRN: PH CTD: BWA NO. 85-11

S.W. COR.
FIND 1" ROD/100, REPLACED
WITH 2" ALUM. CAP
BTS
S12°E, 30.8' - 14" P. PINE
N50°E, 18.2' - 10" D. FIR

1015360

STATE OF IDAHO
COUNTY OF BENCH

AS THE SURVEYOR OF
MECKEL ENGINEERING

DATE: 4-12-85

BY: JAMES R. MECKEL

NOTARY PUBLIC

NOTARY NO. 1117

NOTARY EXPIRATION DATE: 11-17-1997

S.W. COR.
FIND 1" ROD/100, REPLACED
WITH 2" ALUM. CAP
BTS
S12°E, 14.6' - 8" P. PINE
S10°E, 17.6' - 2" P. PINE

S.W. COR. SEC. 36
FIND 1" ROD/100, REPLACED
WITH 2" ALUM. CAP & DEEP
RPS.
S10°E, 25.9' - 1" P. PINE
S10°E, 48.8' - 1" P. PINE

N.W. COR.
FIND 1/2" NEW ROD, REPLACED
WITH 2" ALUM. CAP
BTS
N42°E, 18.5' - 1" P. PINE
N45°E, 30.3' - 2" P. PINE

EX 3
QUITCLAIM DEED

FOR VALUE RECEIVED

Herbert Nagel and Sandra J. Nagel, Husband and Wife, Grantors

do hereby convey, release, and forever quit claim unto

Dorothy M. Bentz, a widow, Grantee, whose address is
11501 N. Steeldust Court, Rathdrum, Idaho 83858

the following described premises, to wit:

All that part of "Exhibit A" attached.

together with their appurtenances.

Dated: October 11, 2013

Herbert Nagel
Herbert Nagel

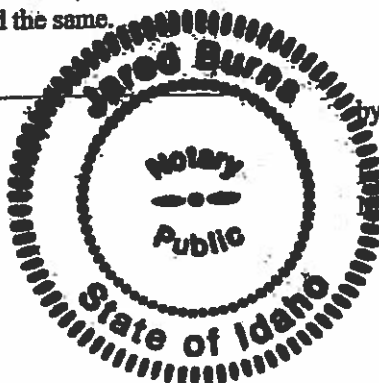
Sandra J. Nagel
Sandra J. Nagel

ACKNOWLEDGMENT - Individuals

STATE OF IDAHO)
County of Kootenai) ss.

On this 11th day of October, 2013, before
me, Jared Burns, a notary public in and
for said State, personally appeared Herbert Nagel and Sandra
J. Nagel, known or identified to me to be the persons whose
names are subscribed to the within instrument, and
acknowledged to me that they executed the same.

Jared Burns
Notary Public for: EO
Residing at: Rathdrum
Commission Exp. 9/10/2019



STATE OF IDAHO, COUNTY OF KOOTENAI

I hereby certify that this instrument was filed for
record at the request of

at _____ minutes past _____ o'clock m., this
day of _____, 20____, in my office, and duly recorded in
Book _____ of Deeds at page _____

Ex-Officio Recorder

Deputy.

Fees: \$ _____
Mail to: _____



RUEN-YEAGER & ASSOCIATES, INC.
CONSULTING ENGINEERS, PLANNERS, AND LAND SURVEYORS

EXHIBIT "A"
LEGAL DESCRIPTION

for
HERB NAGEL, PARCEL NO. 1
NOVEMBER 16, 2005

That portion of Block H of States Addition recorded in Book C of Plats, Page 159, lying Southeasterly of State Highway 53 right-of-way, as shown on the Right-of-Way Plans project No. F-FR-518(1), on Sheet 16 of 24, dated October 1986; Northwesternly of Burlington Northern Santa Fe Railroad right-of-way, Southeasterly and Southwesterly of Greensferry Road right-of-way, per Quit Claim Deed Instrument No. 1711033 and Northeasterly of a parcel of land recorded in a Quit Claim Deed under Instrument No. 1825166 in Section 36, Township 52 North, Range 5 West, Boise Meridian, Kootenai County, Rathdrum, Idaho and being more particularly described as follows:

Commencing at the Southwest Corner of said Section 36 being a two-inch aluminum cap;

thence South 89°19'12" East along the Southerly line of said Section 36, a distance of 463.65 feet to the intersection with the Northwesternly right-of-way of the Burlington Northern Santa Fe Railroad (BNSF);

thence North 49°05'21" East along said railroad right-of-way, a distance of 475.85 feet to the most Easterly Corner of a parcel of land recorded under Instrument No. 1825166 and being the TRUE POINT OF BEGINNING;

thence North 39°51'00" West along the Northeasterly line of said parcel of land, a distance of 434.03 feet to the Southeasterly right-of-way of said Highway 53;

thence North 50°09'00" East along said right-of-way a distance of 174.55 feet to the most Westerly right-of-way point of said Greensferry Road;

thence Southeasterly, Northeasterly, and Southeasterly along said right-of-way the following three (3) courses:

1. South 39°51'00" East, 15.00 feet to an angle point;
2. North 50°09'00" East parallel with and 15 feet distant from the Southeasterly right-of-way of said Highway 53, a distance of 373.45 feet to an angle point;
3. South 40°05'38" East, a distance of 408.85 feet to the Northwesternly right-of-way of the Burlington Northern Santa Fe Railroad;

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thence South 49°05'21" West along said railroad right-of-way, a distance of 549.84 feet to the TRUE POINT OF BEGINNING.

Containing 229,823 square feet or 5.276 acres, more or less.

November 16, 2005

P:\P051144A\Survey\Boundary\051115_Nagel Parcel 1



Note:

This document corrects
the Legal and Exhibit
referred to in instrument
No. 229782000

Corrected:

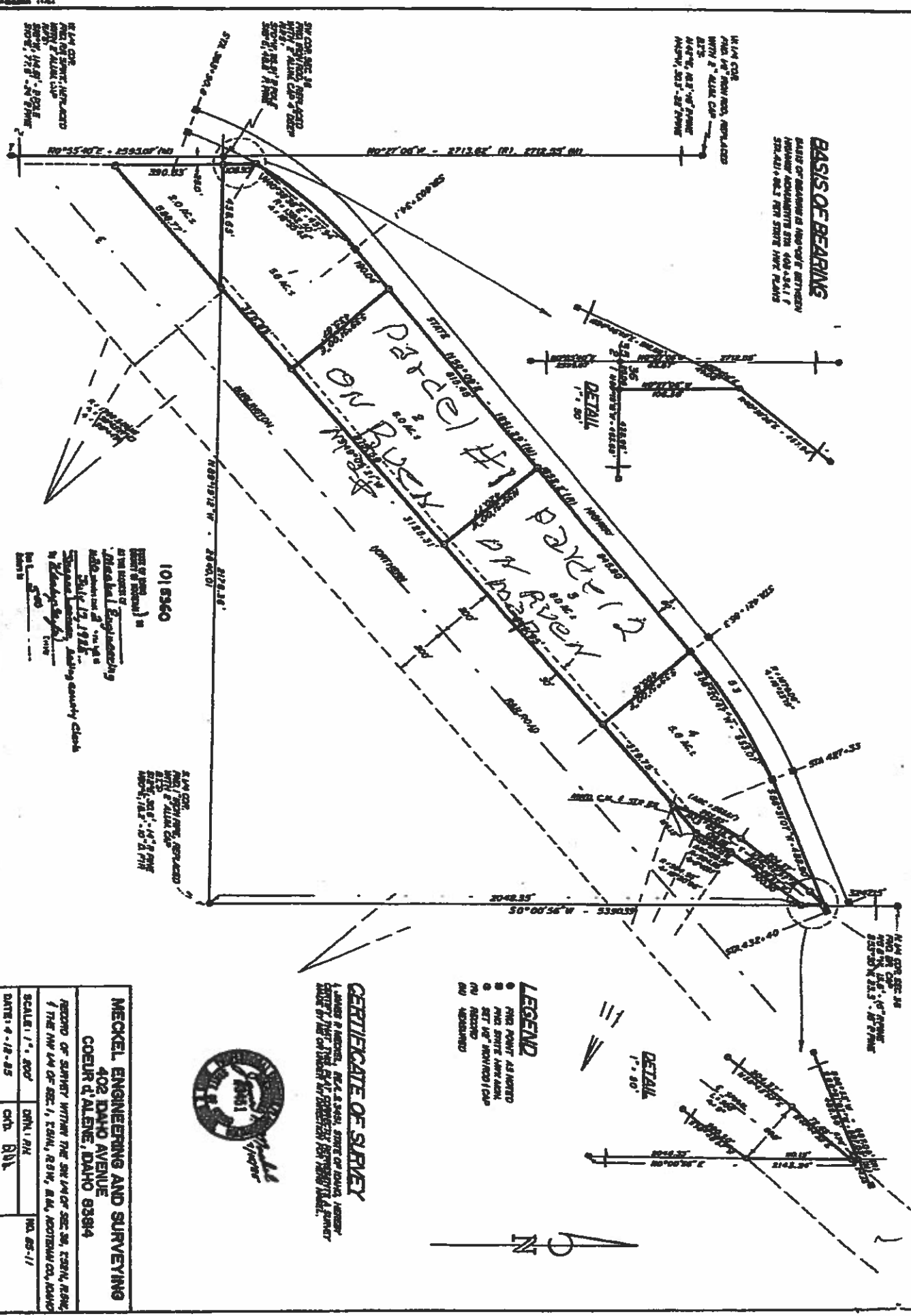


BASIS OF BEARING

BASE OF BEARING IS 190-00' SETTING
 HORIZONTAL ADJUSTMENT 575.468, 134.1, 1
 575.421 + 64.3 NEW STONE MARK PLAINS

1/4 SEC. 36
 190-00' NEW MARK, REPLACED
 WITH 2" ALUM. CAP
 190-00' 190-00' 190-00'
 190-00' 190-00' 190-00'

1/4 SEC. 36
 190-00' NEW MARK, REPLACED
 WITH 2" ALUM. CAP
 190-00' 190-00' 190-00'
 190-00' 190-00' 190-00'



DETAIL
 1" = 50'

DETAIL
 1" = 50'

LEGEND
 ● PIN POINT AS SHOWN
 ● PIN SETTING MARK
 ● SET 1/2" NEW MARK (CAP)
 ● NO RECORD
 ● NO ADJUSTMENT

CERTIFICATE OF SURVEY

I, JAMES P. MECKEL, B.S. & S.W., STATE OF IDAHO, HEREBY
 CERTIFY THAT THE PLAT HEREIN IS A TRUE AND CORRECT
 PLAT OF THE SURVEY BY ME OR UNDER MY SUPERVISION FOR THE REASON



MECKEL ENGINEERING AND SURVEYING
 402 DAVID AVENUE
 COEUR D'ALENE, IDAHO 83814

RECORD OF SURVEY WITHIN THE SW 1/4 OF SEC. 36, T.52N, R.5W,
 & THE NW 1/4 OF SEC. 1, T.51N, R.5W, B.M., KOOTENAI CO., IDAHO
 SCALE: 1" = 200'
 DATE: 4-18-85
 C.R.B. R.B.L.
 NO. 65-11

101 5360

DEED OF TRUST
 AS THE BASIS OF
 MECKEL ENGINEERING
 AND SURVEYING
 DATE: 12, 1975
 SURVEYOR: JAMES P. MECKEL
 BY: JAMES P. MECKEL
 FOR: L. 500

1/4 SEC. 36
 190-00' NEW MARK, REPLACED
 WITH 2" ALUM. CAP
 190-00' 190-00' 190-00'
 190-00' 190-00' 190-00'

16
Linda Warner 762-2800

To The Water Resources Personell

Firstly, everyone would like to thank all of you for your kindness in discussing this matter with me and giving so much of your time. It is greatly appreciated.

In regards to the enclosed, the owners of the 5 parcels in the Survey of Meckel Engineering or at least a portion of them, are of the opinion that proper consideration is not given to the terms and conditions set forth in the Easement and Conveyance dated June 16, 1986 wherein Carl and Violet Nagel conveyed the right to drill a well to me. The water therein was designated as being appurtenant to the properties in Meckel Survey. The ownership of the well and water therein contained and the rights to appropriate said water are clearly limited to said properties. Everyone is aware of the necessity to apply to the State to appropriate it. They are of the opinion that the right to do so is limited to said owners and the $\frac{3}{8}$ to CARL. That would give them $\frac{5}{8}$ of the water is their conclusion. They could then hook onto the pipe line. They believe, and apparently have been so advised by their counsel, that the properties not built upon when the permit was issued, being 3 in number, 1 owned by Kirsch and the

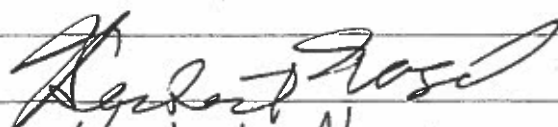
2 involved herein, would in the future have the right to request $\frac{1}{8}$ of the water per parcel and then apply it to use. That is the assumption CARL NAGEL and I had when working with the department representatives in 1986 and 1992.

The water license issued in 1992 was limited to 5 houses, because that is all that existed at that time. The other properties in the Meckel Survey were not yet improved.

They all have requested I file the enclosed to make their interpretations clear.

This is not intended to constitute a claim to the above water right or a part thereof. It is only to bring to Department's attention and emphasize there exists 3 additional properties on the Meckel Survey that each own $\frac{1}{5}$ interest in the well and distribution system and $\frac{1}{8}$ interest in water to the water therein with the right to appropriate it, (See Easement & Conveyance, Carl Nagel to Herbert Nagel - instrument #1052854 enclosed.)

That will in the future file for additional water permits/licenses.


Herbert Nagel

208-660-2796
832 Oakwood Dr.
Hayden, CO 83835

COPY

Form No. 42-1409-1 (Intermet 11/08)

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE COEUR D' ALENE-SPOKANE RIVER
BASIN WATER SYSTEM

CIVIL CASE NUMBER: 49578

Ident. Number 95-08508

Date Received: 4/26/19

Receipt No: ND2062962070

Received By: HA

AMENDED
NOTICE OF CLAIM
TO A WATER RIGHT

ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Herbert Nagel & The Estates 208-772-589
832 W. Oakwood Dr. OF CAROL VIOLAT NAGEL, Dec Phone (208) 687-0262

Mailing Address Box 65 Hayden Id. ZIP 83858
Street or Box City State 83835

2. Date of Priority (Only one (1) per claim) May 29 1986
Month Day Year (YYYY)

3. Source of water supply (Check one) Ground Water (✓) or Other () (a) _____
which is tributary to (b) _____

4. a. Location of Point of Diversion Is: Township 51N, Range 05W, Section 1
SE 1/4 of NW 1/4 Govt. Lot _____, BM., County of Kootenai

Parcel (PIN) no. 3520 (S1Twp 51, R 5W BM) 51N05W014260

Additional points of diversion if any: _____

If available, GPS Coordinates _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____, Range _____, Section _____, 1/4 of _____, 1/4

Govt. Lot _____, BM., County of _____

ending point is: Township _____, Range _____, Section _____, 1/4 of _____, 1/4

Govt. Lot _____, BM., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed
and as enlarged and the depth of each well.

12" well - 2 pumping systems - 1.5 HP
motor + 5 HP motor - Depth 197' -
6" Distribution Line

see Exp. C Attached

COPY

71

COPY

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For DOMESTIC purposes from 01 to 12/31 amount 0.11 or 6.0For Stockwater purposes from 01 to 12/31 amount 0.01 or 0.7For Irrigation purposes from 4/1 to 11/1 amount 0.20 or 30.0

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.12 0.32 (cfs) and/or (b) 6.7 36.7 (acre feet)8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) FIVE HOUSES - 1.5 ANIMALS (VARIOUS KIND

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 use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

Twn	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
51N	05W	1																	
51N	05W	1																	
51N	05W	1																	
51N	5W	36																	
52N	5W	36																	

Parcel (PIN) no(s). SEE ATTACHED EXH "A"

Total number of acres irrigated _____

10. In which county (ies) are lands listed above as place of use located? Kootenai11. Do you own the property listed above as place of use? Yes () No () see below
If your answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.

_____ or None (X)

13. Remarks: THE EST OF Carl & Violet Nagel
USE THE WATER ON THEIR PROPERTY AS SET
FORth IN THE ATTACHED MAP.OTHER PROPERTY OWNERS NAMED IN
ATTACHED EXH. "A" USE WATER FROM THE
SYSTEM WITH OUR CONSENT. THEIR PROPERTY
WAS LISTED AS A "PLACE OF USE" IN
THE WELL APPLICATION & PERMIT.Filed Herewith is ① EXH. "A" A LIST OF SAID US.
& THEIR PROPERTY ② EXH. B - MAP OF AREA & ③ WELL PERMIT
AS EXH. "C".Last Name NAGELIdentification No. 95-0850895-16387

COPY

3/

COPY

14. Basis of Claim (Check One) Beneficial Use () Posted Notice () License (X) Permit () Decree ()

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number 95-08508

15. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication." (b.) I/We do (X) do not () wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: - 4 -

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s)

Benny J Nagel

Date: 5-23-09

Herbert Nagel

Date: 5-23-09

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am

Personal Rep.

Title

of EST. OF Carl + Violet Nagel

Organization

that I have signed the foregoing document in the space below as

Pers. Rep.

Title

of ESTATES

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent

Benny J Nagel

Date 5-23-09

Title and Organization _____

16. Notice of Appearance:

Notice is hereby given that I, Fred Loats & Herbert Nagel, will be acting as attorney at law of behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Herbert Nagel individually and for Fred Loats

Address Box 65 - Rathdrum, ID 83858

Date 5-23-09

Last Name Nagel

Identification No. 95-08508

95-16387

COPY

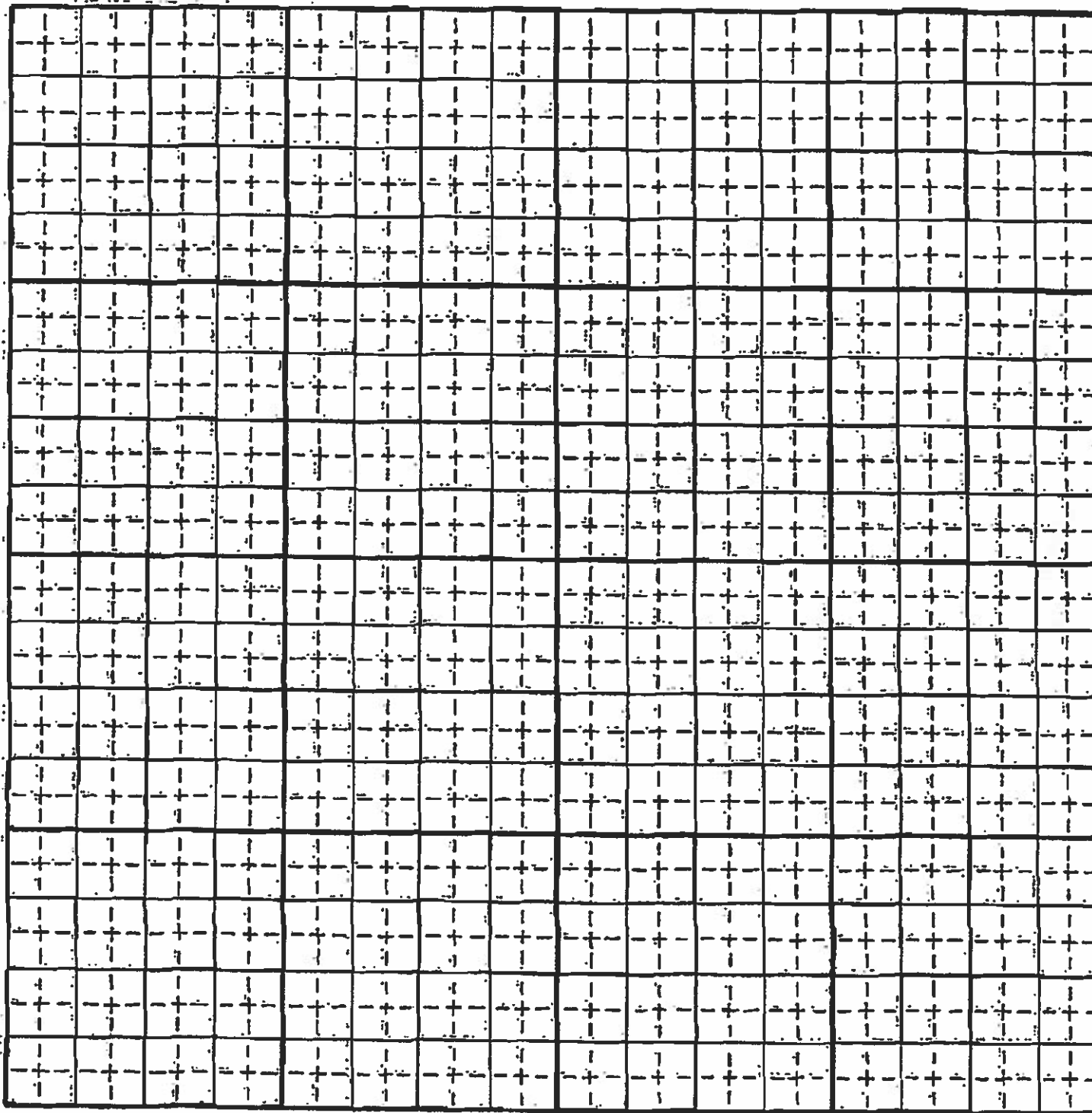
4

COPY

see Attached map Exh. "B"

Map of Project: Attach aerial photograph or topographic map showing clearly the point of diversion, place of use, section number, township, and range number, unless unavailable. Otherwise sketch the elements above on the grid below.

Scale: 2 inches equals 1 mile



Last Name N 290

Identification No. 95-08508

95-16387

COPY

5/

IDENT, #

אידישע זאכן.

Herbert N 7901

of
CURL + Violet N294
ESTATES

SECTION corner
Pipe Line

House

Well - PoFD

526 TWP. 52 N R5WBM

Exh. ~~B~~ E

Ptn
Raging Bull

States Add

GOVT
LOT 3
39.63 Ac

GOVT
LOT 4
38.44 Ac

15372
GND
21.781 A
GND

POINT
OF
#14805
DIVERS

House

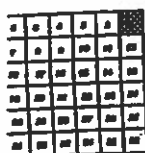
Bake

5. / Twp 51 or R 5 N BM

1 N2921 I.O.# 95-08508
101055

Nagel I.D.# 95-16387

COPY



**DOTENAI COUNTY
IDAHO**

REVISIONS

ACTIVITY	DATE
SEA. COMMISSION 3 COMMISSION	11-01-00 00-00-00
7 WEEK SAMPLING	00-00-00

[illegible]

* PLEASE PRINT AND WRITE ON SEPARATE SHEET

Amended Exhibit B

Amended Map of Project: Point of Diversion, Places of Use
Section 1 Township 51N Range 5WBM
Section 36 Township 52N Range 5WBM

95-16387



Nagel I.D.# 95-16387

1

COPY

EXHIBIT NO. 17

Water Right License No. 95-08508

OWNER/CLAIMANTS

Carl Nagel ** Violet Nagel Estates*
Herbert Nagel

See Attached Map *(Amended Exhibit B)*

List of property owners/household using water under said permit
(five houses-domestic/livestock) */irrigation)*

All within S1 TWP 51N R5WBM *(Parcels 1-4)*

1. John & Tanya Kirsch
14362 N. Honu Ct.
Rathdrum, ID 83858

Phone (208) 687-2505

~~PIN R-0000-001-3220~~

R 00000013220

AIN # 125642

1.968 Acres

2. Carl Nagel & Violet Nagel Estates

~~9415 W. Nagel Lane~~
~~Rathdrum, ID 83858~~

Henry J. Nagel Personal Representative
1135 Burma Road
Oak Harbor, WA 98277
Phone (360) 675-1501

AIN # 119203

~~PIN 51N05W01 3500~~

25,657 Acres Tax No. 25800

3. Carl Ernest Nagel

9311 W. Nagel Lane
Rathdrum, ID 83858

Phone (509) 981-6180

~~PIN 51N05W01-3540~~

51N05W013540

Tax No. 15707 10.103 Acres

AIN # 189388

4. ~~Peter & Paula Bauer~~

9318 W. Nagel Lane
Rathdrum, ID 83858

Phone (208) 651-7420

~~PIN 4100~~ Tax No. 13983

51N05W014100

10.534 Acres

AIN # 166871

S 36 TWP52NR5WBM *(Parcel A)*

~~1. Charles & Tamara Cramer~~

~~PO Box 568~~

~~Rathdrum ID 83858~~

A. Volk Investment Group L.L.C. AIN # 165124
166 S. Coeur d'Alene St. Bldg. D #204
Spokane, WA 99201

~~PIN R-0000-03605340~~

R 00000365340

~~Tax No. 13410~~ **15541*

6.522 Acres

COPY

N29C1

1. D. # 95-08508

95-16387

8
COPY

Exh. "A"

Ownership of Property

We as claimant(s) own the well and the land it is located on together with the pumping system and distribution line. We own other adjoining lands that will in the future be serviced by this system. The households described now using said water have been permitted to use the water. Carl Nagel and Violet Nagel are deceased and Henry J. Nagel is the representative of their Estates. *and Herbert Nagel*

The names, addresses and PIN No. of the users are listed on the attachment.

*Point of Diversion (See map - Amended Exhibit B)
Carl Nagel & Violet Nagel Estates AIN # 322503
Henry J. Nagel Personal Representative
1135 Burma Road
Oak Harbor, WA 98277
Phone (360) 675-1501
PIN 51N05W014260 Tax No. 14805 0.1377 Acres*

COPY

N 2941

I. D. # ~~95-08508~~
95-16387

142874

[Handwritten scribble]

CONVEYANCE

The undersigned, HERBERT NAGEL and SANDRA J. NAGEL, husband and wife, GRANTORS, do hereby grant, bargain, sell and convey and assign unto Dorothy M. Bantz & William Charles Cramer and Pamela J. Cramer, husband and wife, GRANTEES, a $\frac{1}{5}$ interest in and to that certain easement dated June 26, 1986 and recorded July 23, 1986, as Instrument #1052854 and the well, pump, and related pumping equipment and pumphouse thereon located a like and similar interest in and to the pipeline and distribution system with the right to draw $\frac{2}{8}$ of the water from said well. UNDER WATER RIGHT LICENSE

#950850

This right herein granted shall become appurtenant to and be a part of Parcel No. 203 (4) as the same appears on that certain survey of Meckel Engineering, recorded in Book 4 of Surveys, Page 186, as Instrument #1015360 and shall pass with said land and may not be separated and sold separate and apart therefrom or used upon other properties.

It is understood and agreed there exists five (5) separate individual interest in said water system above described, one interest to attach to each of the four (4) numbered parcels in the above referred to survey and one interest to attach to the two-acre parcel which is located in the Northwest quarter, Section 1, Township 51 North, Range 5 W.B.M., all as shown on said survey. 2nd INTEREST IN WATER LICENSE

5/8

#95-28508

Each parcel shall be entitled to one service line to connect to the main line. The service line from the main line shall be installed and maintained at the cost and expense of the individual parcel owner. A shut-off shall be maintained on the service line at the main line. Any service line hooked onto the main line shall be installed in a manner acceptable to and in accordance with customary engineering standards and shall be leak proof.

All costs of operation and maintenance of the pump, pumping system, and main distribution line shall be paid by the parties actually using said system in direct proportion to their use. If

2
1138771

the parties owning and using said system cannot agree on the proportionate amount and useage of each, then the useage must be metered with each unit owner to pay for the installation of their own meter. The actual physical installation of the meter must be performed by a contractor agreed upon by the majority of the parcel owners. All operational and maintenance cost of the well, pump, pumping system and distribution main line shall then be paid in direct proportion to the metered useage. The meters must be so placed as to be available to a meter reader.

Each unit user for the period of actual useage shall, on the first day of each month, pay into a common fund a sufficient amount to pay their proportionate cost of the operation and maintenance of the system and a sum to be agreed upon by the majority parcel holders to be placed in a reserve account for major repairs and/or replacement of a system.

All parcel owners using said water shall use all reasonable means to prevent leakage from said system on their own service lines and to repair the same immediately.

Each parcel owner acknowledges receiving and reading a copy of the Easement above referred to and fully understands its terms and conditions. Each specifically acknowledges that the GRANTORS in said easement reserve the right to draw water from said well by use of a separate pumping and distribution system. A master electrical meter measures the electrical use on both systems. Each system has their own individual electrical meter from which to determine the proportionate division of the electrical bill.

The GRANTORS and GRANTEES shall each sign this Conveyance which constitutes an agreement by all signatories to comply with the terms and conditions herein set forth.

*THIS CONVEYANCE
CONVEYS 2/8 INTEREST IN WATER RIGHT
LICENSE #9508508 TO THE GRANTEE*

CONVEYANCE 2

STATE OF IDAHO
COUNTY OF KOOTENAI

AT THE REQUEST OF

Kristi Nagel

40 minutes past 1 o'clock PM

Shirley Wertz

JAN 10 1989

Dorothy K. Kestner

Deputy

12 00

Return to

1138771

DATED This 7 day of July, 1988

HERRERT NAGEL
HERRERT NAGEL

SANDRA J. NAGEL
SANDRA J. NAGEL

GRANTORS

GRANTEES

STATE OF IDAHO)

ss:

County of Kootenai)

On this 7 day of July, 1988, before me, the undersigned Notary Public personally appeared HERRERT NAGEL and SANDRA J. NAGEL, husband and wife, known or identified to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate herein written.

Notary Public for Idaho

Residing at: Post Falls

Commission Expires: 11-08-94

STATE OF IDAHO)

ss:

County of Kootenai)

On this 7 day of June, 1988, before me, the undersigned Notary Public personally appeared Charles Cramer and Tamara J. Cramer husband and wife, known or identified to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate herein written.

Notary Public for Idaho

Residing at: Post Falls

Commission Expires: 11-08-94

CONVEYANCE 3

1052854

EASEMENT AND CONVEYANCE

COPY

The undersigned, CARL NAGEL and VIOLET F. NAGEL, husband and wife, GRANTORS, for and in consideration of the sum of \$1.00 and other good and valuable consideration, do hereby grant, bargain, and convey unto HERBERT NAGEL and SANDRA J. NAGEL, husband and wife, GRANTEES, whose address is P.O. Box 65, Rathdrum, Idaho, 83858, a perpetual easement for the installation, operation, and maintenance of a well and wellhouse and water line on the following described property in the Northwest Quarter of Section 1, Township 51 North, Range 5 West, Boise Meridian, Kootenai County, Idaho.

A parcel of ground in the above described property being the South 100 feet of the West 60 feet of Parcel E of that certain survey of F.W. Gentry Surveying dated December 30, 1984, recorded in Book 4 of Surveys, Page 126, as Instrument #997925, Kootenai County, State of Idaho together with an easement 15 feet in width along the North right of way line of the road easement as it appears upon said survey from said parcel westerly to a point approximately 600 feet East of the East right of way line of Greenferry Road.

TOGETHER further with a right of way 20 feet in width, the centerline of which is as follows:

Commencing at the above described point which is approximately 600 feet East of the East right of way line of Greenferry Road and on the North right of way line of the easement roadway.

Thence North 160 feet to an existing water shut-off; thence

2

North 3°15'37" East, 1385 feet to the Southeasterly right of way line of the Burlington Northern Railroad, said right of way being 200.0 feet in width and the point of terminus, from which the Northwest corner of Section 1 bears North 57°57'02" West, 740.27 feet;

GRANTEES shall have the right to drill and case a well at the point of beginning of the easement and build and construct a pumphouse and related utilities over the well.

The GRANTEES shall replace all grounds in the same condition they now are upon completion of the installation.

No sanitary sewage systems may be placed within 100 feet of said well.

This easement shall be for the use and benefit of and appurtenant to all that property lying within that certain survey of Meckel Engineering recorded in Book 4 of Surveys, Page 186, as Instrument #1015360, records of Kootenai County, State of Idaho.

The GRANTORS reserve the right to install a pump and pumping system in said well and to withdraw 3/8 of the water therefrom which system shall be independent of the GRANTEES' system, but may be installed in the same pumphouse. Each party shall be responsible for the maintenance and operation costs of their own system.

The GRANTEES shall have the perpetual right to maintain said well, pumphouse, and pipeline, and to enter upon said property as necessary.

The rights and obligations herein are appurtenant to the described properties, and shall be binding on the parties, their

3
heirs, assigns, and all subsequent owners of said property and the burdens and obligations and all rights and benefits shall be appurtenant to the respective properties.

IN WITNESS WHEREOF, the parties have hereunto set their hands at the times and palces set forth in the acknowledgments hereto.

Carl Nagel
CARL NAGEL

Violet F. Nagel
VIOLET F. NAGEL

STATE OF IDAHO)
County of Kootenai) ss:

On this 26 day of June, 1986, before me, the undersigned Notary Public, personally appeared CARL NAGEL and VIOLET F. NAGEL, husband and wife, known or identified to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first herien written.

Samuel Kurich
Notary Public for Idaho

EASEMENT AND CONVEYANCE 3

STATE OF IDAHO }
COUNTY OF KOOTENAI } ss
AT THE REQUEST OF Herb
Nagel
At 30 minutes past 1 o'clock PM

Leah Phelps

JUL 23 1986

By Neuson Phelps
Deputy

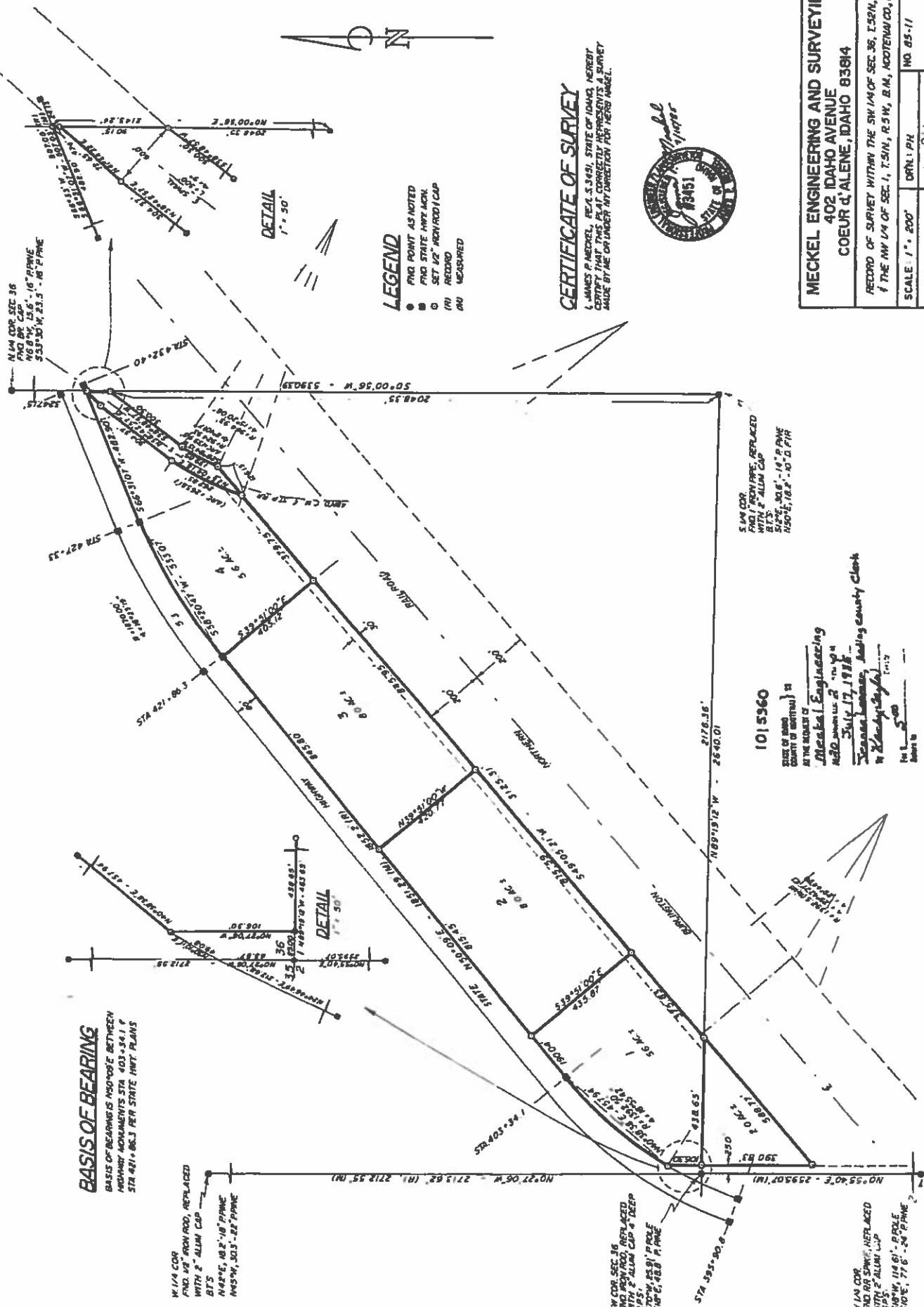
Fee \$ 6.00

Return to Qu Ford

RECORD OF SURVEY

WITHIN THE SW 1/4 OF SEC. 36, T.52N., R.5W. & THE NW 1/4 OF SEC. 1, T.51N., R.5W., B.M., KOOTENAI CO., ID.

Book 4 Page 186



LEGEND

- FIND POINT AS NOTED
- FIND STATE HWT MON.
- SET 1/2" IRON ROD / CAP
- (M) RECOVERED
- (M) MEASURED

CERTIFICATE OF SURVEY

I, JAMES P. MECKEL, BEC. 5.3.48, STATE OF IDAHO, HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS THE SURVEY MADE BY ME OR UNDER MY DIRECTION FOR HEREIN SHOWN.



MECKEL ENGINEERING AND SURVEYING
402 IDAHO AVENUE
COEUR D'ALENE, IDAHO 83814

RECORD OF SURVEY WITHIN THE SW 1/4 OF SEC. 36, T.52N., R.5W., & THE NW 1/4 OF SEC. 1, T.51N., R.5W., B.M., KOOTENAI CO., IDAHO

SCALE: 1" = 200' DRN: PH NO. 85-11

DATE: 4-12-85 CKD: RMB

1015360

STATE OF IDAHO
COUNTY OF BURNING

AT THE REQUEST OF
Meckel Engineering
2800 1st Ave. S.
Twin Falls, Idaho 83421
July 17, 1985
I, **James P. Meckel**, Being duly sworn, do hereby certify that the foregoing is a true and correct copy of the original survey plat on file in my office.

For **Meckel Engineering**
By **James P. Meckel**
Professional Engineer
No. 13451
State of Idaho