

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, Tr S. 8*

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, 3 & 4 Tr S. 8*

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 ^{95% Int. in B} ~~all~~ ^{ABOVE EASEMENT Int. in B} interest in the ~~land~~ 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. Ellisport 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 Nagai & Sandra J Nagai, 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.



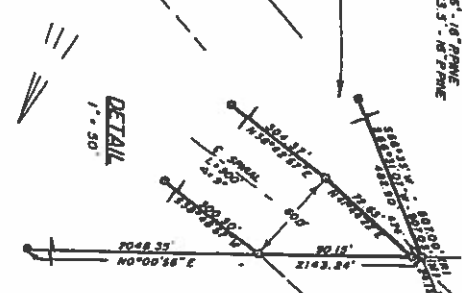
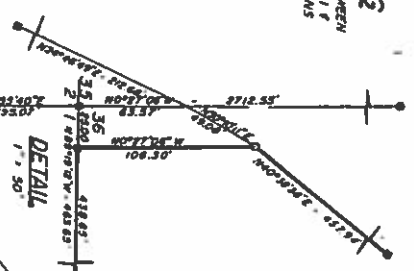
Debra R Case
Notary Public for Idaho
Residing at: Coeur d'Alene, ID
Commission expires: 10.5.2021

BASIS OF BEARING

BASIS OF BEARING IS MAGNETIC
 MAGNETIC ADJUSTMENTS STA 403+34.1 &
 STA 421+06.3 PER STATE HWY PLANS

W 1/4 COR.
 FND 1/2" IRON ROD, REPLACED
 WITH 2" ALUM CAP
 B.T.S.
 N 42° E, 18.2' 1/2" PINE
 HWSW, 30.3' 22" PINE

W 1/4 COR.
 FND 1/2" IRON ROD, REPLACED
 WITH 2" ALUM CAP
 B.T.S.
 S 87° W, 146.6' 1/2" PINE
 HWSW, 30.3' 22" PINE



Handwritten: Border #1 on average map

Handwritten: Border #2 on average map

- LEGEND**
- FND POINT AS NOTED
 - FND STATE HWY MON.
 - SET 1/2" IRON ROD / CAP
 - () RECDING
 - MEASURED

CERTIFICATE OF SURVEY

I, JAMES P. MECKEL, P.E., S. 3451, 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. KOTENAWA CO. IDAHO	DATE: 4-12-05	CRD: RLB	NO. 05-11
SCALE: 1" = 200'	ORN: PH		

1015360

5 1/4" COR.
 FND 1/2" IRON ROD, REPLACED
 WITH 2" ALUM CAP
 B.T.S.
 S 70° E, 18.2' 1/2" PINE
 HWSW, 30.3' 22" PINE

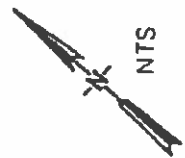
DATE OF SURVEY
 JUNE 17, 1985
 BY THE SURVEYOR
 JAMES P. MECKEL
 MECKEL ENGINEERING
 402 IDAHO AVENUE
 COEUR D'ALENE, IDAHO 83814
 FOR CLIENTS
 KOTENAWA CO. IDAHO

5

EXH. 18

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 INST NO. 1711033

TAX # 15541 INST. NO. 1297428

S39°51'00"E
381.97'

TAX # 18518 INST. NO. 1619728

S45.48'

*Parcel #3
ON MECKEL
MAP
PARCEL NO. 2*

314.83' 88.11'
7200' 88.11'

473.55'

392.00'

N40°05'38"W

473.55'

373.45'

15.00'

539°51'00"E

434.03'

N39°51'00"W

473.55'

473.55'

473.55'

473.55'

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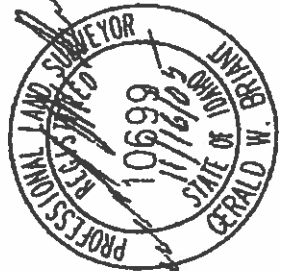
473.55'

473.55'

473.55'

STATES ADDITION
BLOCK 1

BURLINGTON NORTHERN SANTA FE (BNSF) RAIL ROAD



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

RUEN-YEAGER & ASSOCIATES, INC.
CONCRETE AND EROSION CONTROL - LAND SURVEYING
300 N. MAIN ST. SUITE 100
BOZEMAN, IDAHO 83725
(208) 353-1179
FAX (208) 353-1178



P:\P051144A_1\erb_Nagel\02_Survey\03_Boundary\LEGAL\Herb Nagel.dwg

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

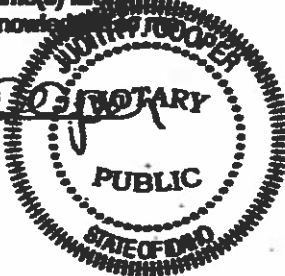
Sandra J. Nagel

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.

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.

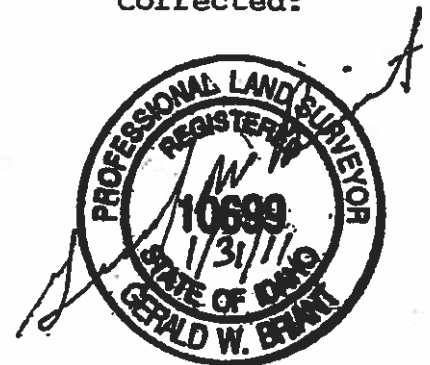
Containing 314,063 square feet or 7.210 acres, more or less.

November 16, 2005

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

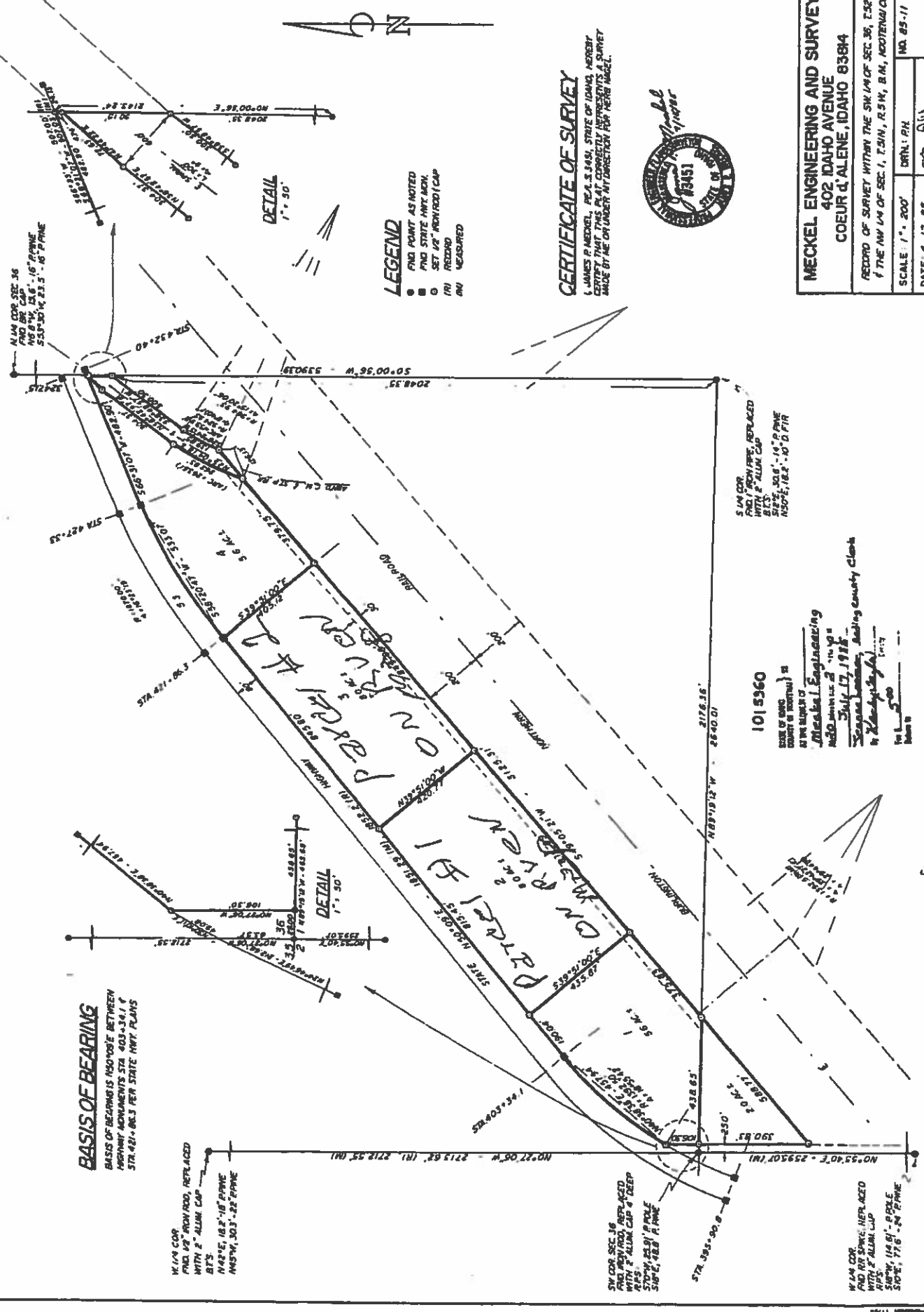


Corrected:



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
BASIS OF BEARING IS MONUMENT BETWEEN
MONUMENT MONUMENTS STA 403+34.1 &
STA 421+86.3 PER STATE HMT PLANS

W 1/4 COR
FIND 1/2" MON ROD, REPLACED
WITH 2" ALUM CAP
B.T.S.
N 42° 15' 18.2" P.P.M.E
N 45° 14' 30.3" P.P.M.E

N 0° 27' 05" W - 2715.62' (IN) 2712.35' (IN)

SW COR SEC 16
FIND 1/2" MON ROD, REPLACED
WITH 2" ALUM CAP & DEEP
H.T.S.
S 70° 14' 22.9" P.P.M.E
S 10° 14' 18.8" P.P.M.E

STA 385+00.0

W 1/4 COR
FIND 1/2" MON ROD, REPLACED
WITH 2" ALUM CAP
H.T.S.
S 10° 14' 18.8" P.P.M.E
S 10° 14' 18.8" P.P.M.E

- LEGEND**
- FIND POINT AS NOTED
 - FIND STATE HMT MON.
 - SET 1/2" MON ROD (CAP)
 - △ RECOVERED
 - MEASURED

CERTIFICATE OF SURVEY

I, JAMES R. MECKEL, P.E., S. 3451, STATE OF IDAHO, HEREBY
CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY
MADE BY ME OR UNDER MY DIRECTION FOR THESE PAGES.



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'	DRAWN: PH	NO. 25-11
DATE: 4-12-85	CHKD: GHA	

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

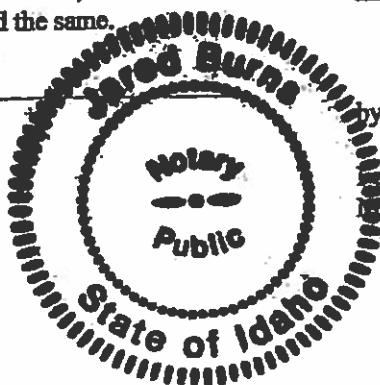
Sandra J. Nagel
Sandra J. Nagel

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: LO
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.

Witness:
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;

13
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



Corrected:

Note:

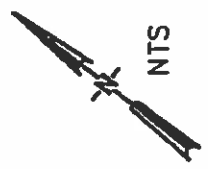
This document corrects
the Legal and Exhibit
referred to in instrument
No. 229782000



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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

TAX # 15541 INST. NO. 1287428

S38°51'00"E
381.97'

TAX # 18518 INST. NO. 1619728

345.45'
NE 1/4 OF SW 1/4
STATES ADDITION BLOCK I

*Parcel #13
on map*
PARCEL NO. 13
24853 S.W.
3276 S.W.

GREENSFERRY ROAD
R/W DEDICATION
INST. NO. 1711032

N88°07'59"W
200.00'

473.55'
392.00'
N40°05'38"W

GREENSFERRY ROAD
R/W INST. NO. 1711033

54°05'38"E
408.85'

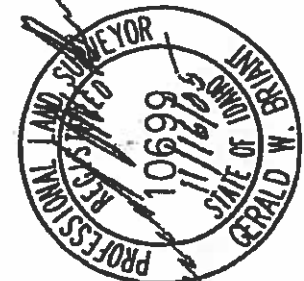
*Parcel No. 1
on map*
PARCEL NO. 1
24853 S.W.
3276 S.W.

174.55'
13.00'
S38°51'00"E
N38°51'00"W
434.03'

TAX # 20511 INST. NO. 1825185

STATES ADDITION
BLOCK I

BURLINGTON NORTHERN SANTA FE (BNSF) RAIL ROAD



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

RUEH-YEAGER & ASSOCIATES, INC.
CONSULTING ENGINEERS - LAND SURVEYORS
2301 N. MYRTLE BLVD., STE. 200
COOK COUNTY, ILLINOIS 60014 (708) 488-4888
210 PINE ST.
SPOKANE, IDAHO 83402 (208) 325-4429
103 N. JACOBSON



BASICS OF BEARING

BASIS OF DEBARMENT IS 480'00" BETWEEN
HIGHEST ADJACENTS STA 405+34.1 &
STA 421+00.3 PER STATE HIGH PLANS

N 1/4 COR.
 FROM 10" BROW ROAD, REPLACED
 WITH 2" ALLAS CAP
 B.T.S.
 N 45° E, 10 1/2" PLANT
 N 45° W, 10 1/2" PLANT

SW COR. SEC. 18
AND REVERED, NEAR
WITH E. ALUM. CAP & OIL
A.P.S.
570 W. 11th St. S.E.
500 E. 10th St. S.E.

NE 1/4 COR.
FEDERAL SURVEY, NE 1/4 ACED
BETWEEN & ALLAN CREEK
RIVER.

12/21/11
1:00 PM

100%

LEGEND

- Q THE COURT AS NOTED
AND STATE HAVE BEEN
Q SET BY NOVEMBER 19
THE RECORD
AND RECORDED

CERTIFICATE OF SURVEY

SENTINEL THAT THE AIR COMPANY'S REPRESENTATIVE WAS MADE BY THE COMPANY FOR THE MODEL.



MECKEL ENGINEERING AND SURVEYING
402 IDAHO AVENUE
COEUR D'ALENE, IDAHO 83844

RECORD OF SURVEY WITHIN THE SW 1/4 OF SEC. 36, T.32N, R.3E
1 THE NW 1/4 OF SEC. 1, T.31N, R.3W, BLM, MONTANA CO, MONT.

SCALE: 1" = 200'	DATE: 4-12-85	MD 85-11
DYN. PK		
EXT. DIA.		

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 pipeline. 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

17
(2)

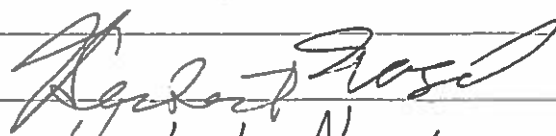
2 involved herein, would in the future have the right to request $\frac{1}{8}$ of the water per parcel and then apply it to use. That is the assumption CARL NAGEL and I had when working with the department representatives in 1986 and 1992.

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 Departments 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, Id 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: 49576

Ident. Number 95-07779

Date Received: 5/26/9

Receipt No: 10020697620701

Received By: JK

AMENDED

NOTICE OF CLAIM
TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) HENRY NAZEL, P.R. ESTATES OF CARL & VIOLET NAZEL Phone (360) 675-1501
1135 Burma Road Oak Harbor WA

Mailing Address Box 65 Rathdrum ID ZIP 83858
Street or Box City State

2. Date of Priority (Only one (1) per claim) Sept. 1, 1977
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 05W01M, Section 1
SW, 1/4 of NW, 1/4 Govt. Lot _____, BM., County of Kootenai

Parcel (PIN) no. 4020 51N05W014020

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. _____

8" Well - 200 FT Deep - 50 HP Pump -
Distribution Lines

Exh. # 3 attached

COPY

SCANNED

MAY 26 2009

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 0.08 or 1.8
 For Stock Water purposes from 01 to 12/31 amount 0.02 or 1.4
 For Irrigation purposes from 4/1 to 11/1 amount 0.42 or 50.0
 For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.10 0.52 (cfs) and/or (b) 3.2 53.2 (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) Three Households - 0-25 Horses

9. Description of place of use: SWNW 5.1 Twp 51 N. R 5 W. B.M.

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	
~~05W~~	~~51N~~	~~1~~							~~D~~										~~3~~
~~05W~~	~~51N~~	~~1~~							~~5~~										~~10~~
<u>51N</u>	<u>05W</u>	<u>1</u>							<u>13.9</u>										<u>13.9</u>
<u>51N</u>	<u>05W</u>	<u>1</u>							<u>D+5</u>										

Parcel (PIN) no(s). Attached Pch 2

Total number of acres irrigated 13.9

51N05W013800, 51N05W013995, 51N05W013990

10. In which county (ies) are lands listed above as place of use located? Kootenai

11. Do you own the property listed above as place of use? Yes () No (X)

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 ()

13. Remarks: We own The well & Distribution Lines
parcels located in the area of use on
the application & permit have been
transferred to third persons and
are furnished water.
Filed herewith is 2nd Exhibit setting
forth the names & addresses of the users
(2) color coded map of area showing well
& homes of users (3) copy of water
Right License

Last Name Nagel

Identification No. 95-07779

COPY

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

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number 95-07779.

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 (✓) do not () wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: Three

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) Henry 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 Henry J Nagel
Personal Rep EST. Carl + Violet Nagel
Title Organization

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

Per. Rep. of EST. OF Carl + Violet Nagel
Title Organization

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

6 Signature of Authorized Agent Henry J Nagel Date 5-23-09
Title and Organization Personal Representative

16. Notice of Appearance:

Notice is hereby given that I, Fred LOTS and 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 ind. + For Fred LOTS

Address Box 65 Rathdrum, Id 83858

Date 5-23-09

Last Name Nagel Identification No. 95-07779

COPY

SCANNED

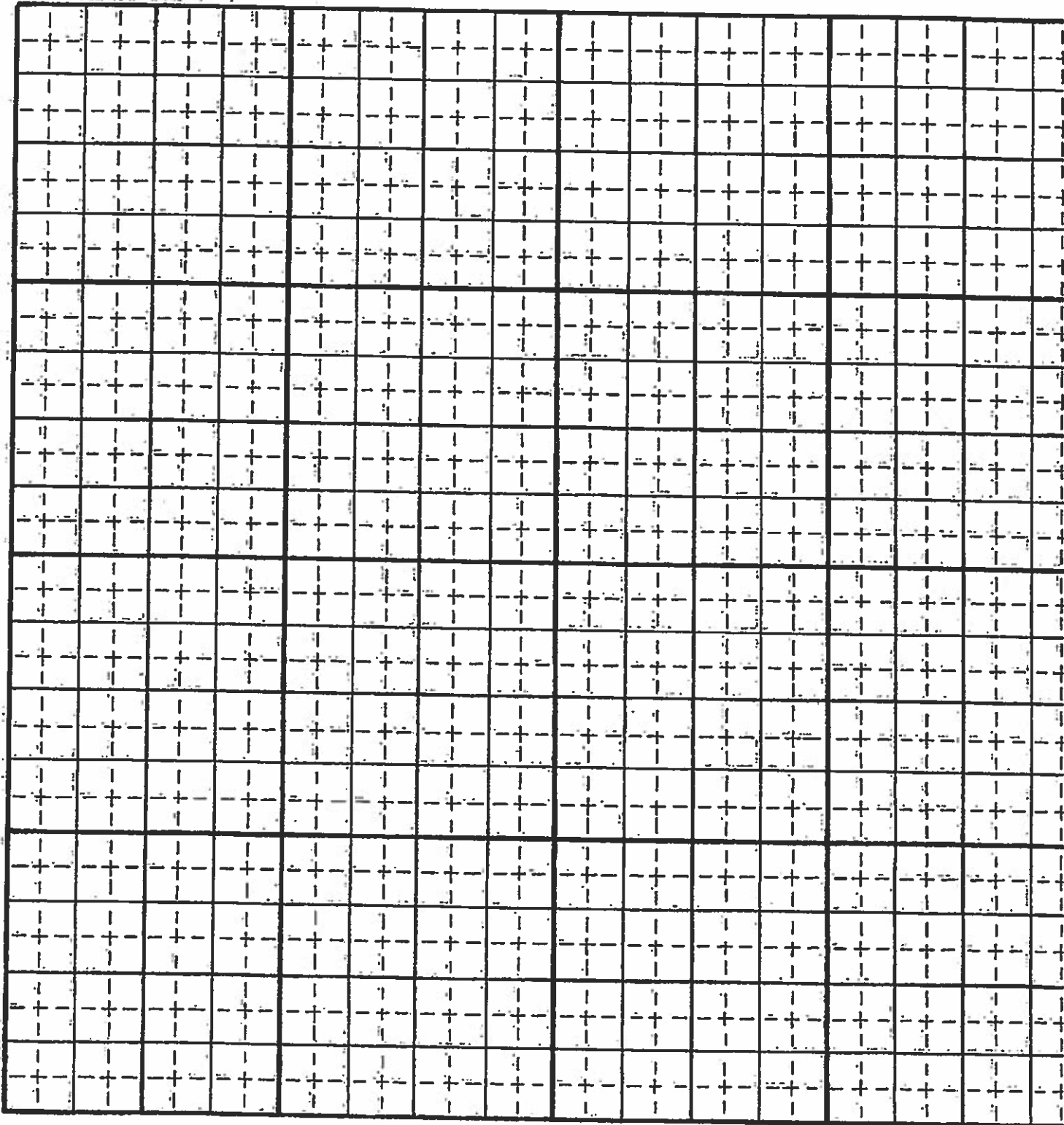
1111 7 2 0000

COPY

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

SEE MAP ATTACHED



Last Name N 2901

Identification No. 95-07779

COPY

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MAY 26 2009

COPY

EXHIBIT 1

I.D. NO. _____

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.

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

COPY

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MAY 26 2009

Nagel

I.D.# 95-07779

COPY

EXHIBIT NO. 1

Water Right License No. 95-07779

OWNER/CLAIMANT

Carl Nagel & Violet Nagel Estates

List of property owners/households using water under said permit
(3 houses-domestic/livestock) / irrigated pasture)

S.1 TWP.51 N. R.05 WBM

1. ~~LeRoy & Lois Free~~ Lois (Free) Evans
~~9499 W. Nagel Lane~~ 826 N. Compton St.
~~Rathdrum, ID 83858~~ Post Falls, ID 83854
Phone (208) 618-9919
PIN No. 3800 51N05W013800
Tax No. 15236
AIN # 182801 4.758 Acres
2. Brian Wallace
~~9474 Nagel Lane~~ 9474 W. Nagel Lane
~~Rathdrum, ID 83858~~
Phone (208) 687-0882
PIN No. 3995 51N05W013995
Tax No. 15229
AIN # 182788 4.177 Acres
3. ~~Don Fletschinger~~ Miles W. & Nichola L. Bosworth
13660 N. Greensferry Road
Rathdrum, ID 83858
Phone (509) 435-7134
PIN No. 3990 51N05W013990
Tax No. 7890 7809
AIN # 143900 5.002 Acres

Point of Diversion
Carl Nagel & Violet Nagel Estates
Henry J. Nagel Personal Representative
1135 Burma Road
Oak Harbor, WA 98277
Phone (360) 675-1501
PIN No. 51N05W014020 0.195 acres
AIN # 166872
Tax No. 13983 (part)

COPY

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MAY 26 2009

Nagel

L.D. #95-07779

Name: Negel I.D.# 95-07779

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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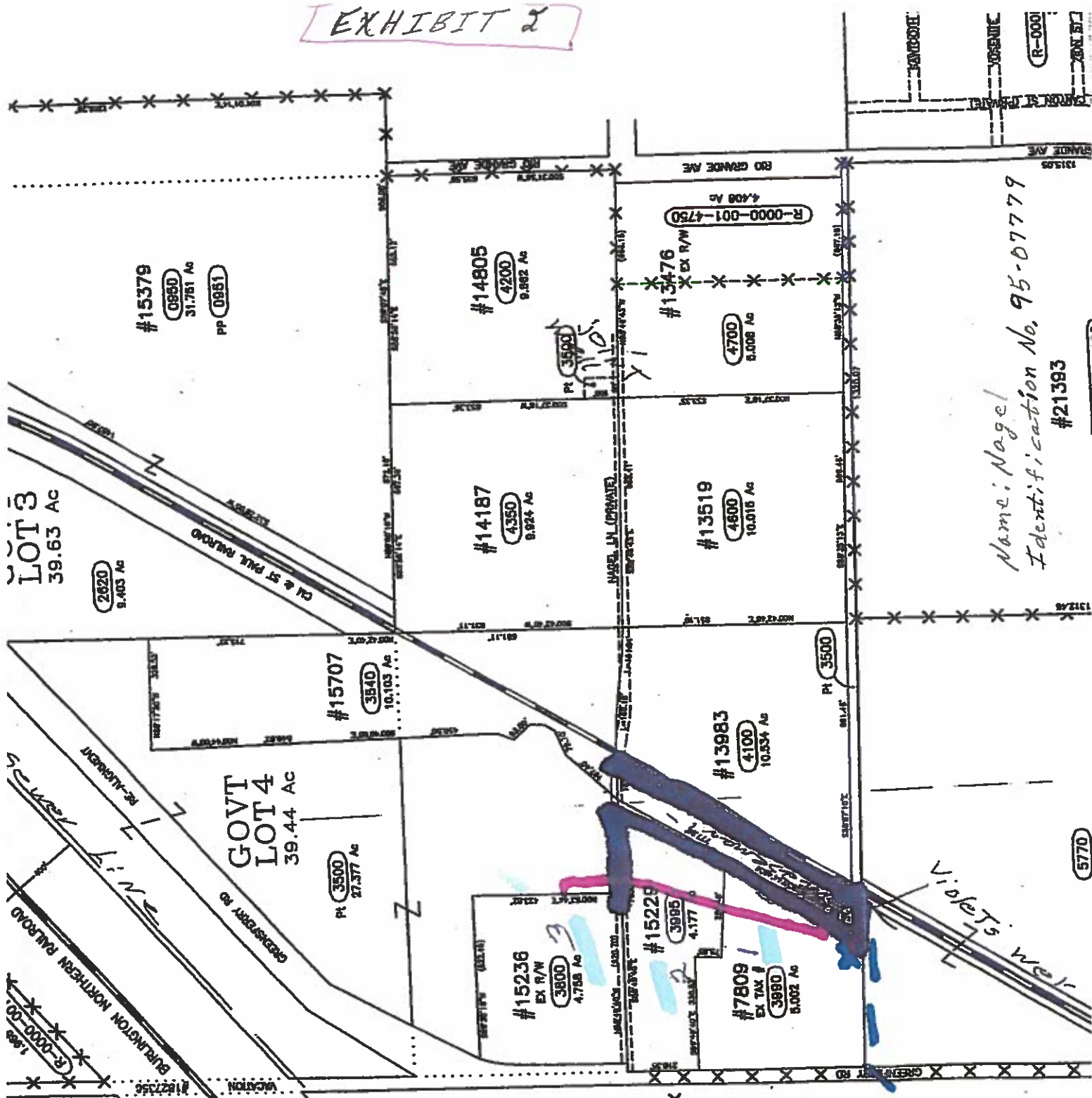
**BOYDEN COUNTY
IDAHO**

REVIEWS		DATE
ACTIVITY		
ANAL CONVERSION CONVERSION		11-01-86 08-20-86
		00-00-00

side with given bearings and distances were reverse closure. All other parcels were calculated with the given information and the given bearings and distances. The parcels were calculated by right-angle, perimeter, bearing and distance, and coordinate geometry. A survey shown on the right-of-way where applicable, has been used and all lengths less than 50' may not be shown. Dimensions in parentheses are approximate. Dimensions in line dimensions.

ROADS SHOWN ARE BASED ON ADDRESSABLE ROAD
AND MAY OR MAY NOT BE PUBLIC.

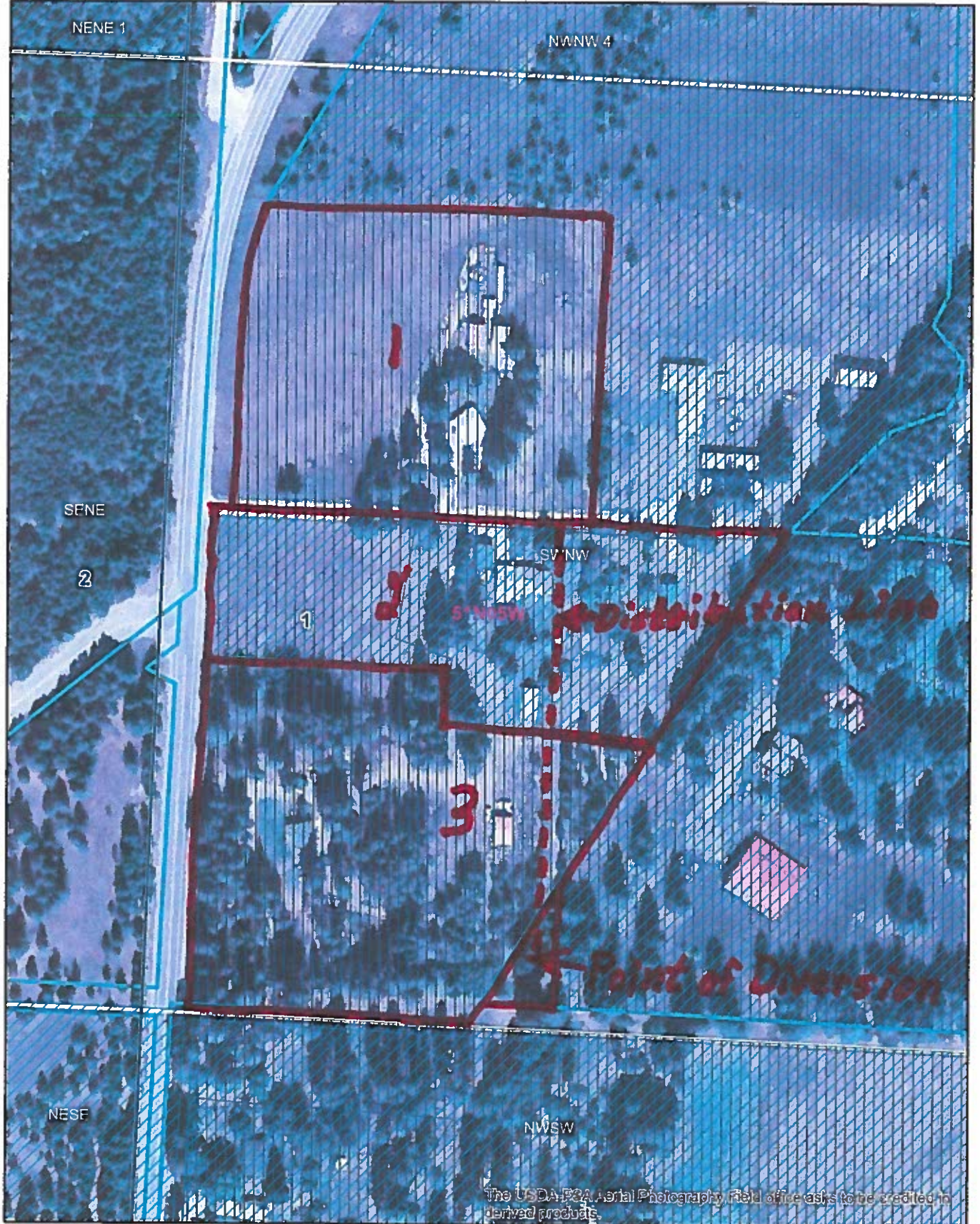
3 Horses

$$1 = n$$


Name: Nagel
Identification No. 95-07779
#21393

Amended Exhibit 2
Amended Map of Project: Point of Diversion
Section 1 T
Township 51 N
Range 05 W 8 M

95-77779



Nage I, D. # 95-67779

1428774

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. Bentley & William Charles Cramer and Tamara J. Cramer, husband and wife, GRANTEES, a $\frac{3}{5}$ 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 $\frac{1}{8}$ of the water from said well. UNDER WATER RIGHT LICENSE #950850 8

This right herein granted shall become appurtenant to and be a part of Parcel No. Lot (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

58
#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

CONVEYANCE 1

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 $\frac{2}{8}$ interest in water right
License #9508508 to the Grantee*

CONVEYANCE 2

STATE OF IDAHO
COUNTY OF KOOTENAI

AT THE REQUEST OF

Kurt Nagel

At 40 minutes past 1 o'clock PM

Starkley Dalt

JAN 10 1989

By *Dorothy Kaestlin* Deputy

Fee \$ *12.00*

Return to

1138771

DATED This 7 day of July, 1988

Herbert Nagel
HERBERT 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 HERBERT 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: 01-01-91

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: 01-01-91

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

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 Kirch
Notary Public for Idaho

EASEMENT AND CONVEYANCE 3

STATE OF IDAHO }
COUNTY OF KOOTENAI } SS
AT THE REQUEST OF Went
Nagel
At 30 minutes past 1 o'clock PM
Leah Phelps
JUL 23 1986
By Wenon Phelps
Deputy
Fee \$ 6.00
Return to De Hunt

