

FORM 202 11/13

Ident. No. 11-7822

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

1. Name of applicant(s) Austin Nielson, Janessa Nielson Phone (208)540-2364
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address 510 Old Mill Rd City Ovid
 State ID _____ Zip 83254 Email janessa90@live.com
2. Source of water supply Spring which is a tributary of Sinks

3. Location of point(s) of diversion:

TWP	RGE	SEC	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
12S	43E	31		SW	SE	NW	Bear Lake	Spring	

4. Water will be used for the following purposes:

Amount .04 for Domestic purposes from 01/01 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)

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

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

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

5. Total quantity to be appropriated is (a) .04 cubic feet per second (cfs) and/or (b) _____ acre feet per year (af).

6. Proposed diverting works:

- a. Describe type and size of devices used to divert water from the source. Pipe overflow water from existing tank to new tank
The new tank will be approximately 1000 gallons.
- b. Height of storage dam NA feet; active reservoir capacity NA acre-feet; total reservoir capacity NA acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 11. For dams 10 feet or more in height OR reservoirs with a total storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☐ No
- c. Proposed well diameter is NA inches; proposed depth of well is NA feet.
- d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☐ No
- e. If well is already drilled, when? NA; drilling firm NA;
 well was drilled for (well owner) NA; Drilling Permit No. NA.

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

- a. Hydropower; show total feet of head and proposed capacity in kW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; complete and attach the Municipal Water Right Application Checklist.
- d. Domestic; show number of households 1 household and .5 acres
- e. Other; describe fully. _____

AMENDED

11-7822

8. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	43E	31								D									

Total number of acres to be irrigated: _____

9. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping?

10. a. Who owns the property at the point of diversion? Richard Small
- b. Who owns the land to be irrigated or place of use? Austin and Janessa Nielson
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Richard Small has given an easement to Austin and Janessa Nielson to use the spring water for domestic use.

11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary.

We are going to use overflow water from Richard Small's existing tank to a new tank which will be used for domestic purposes in the home Austin and Janessa Nielson are building.

12. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year).
13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Signature of Applicant

Austin Nielson

Print Name (and title, if applicable)

Signature of Applicant

Janessa Nielson

Print Name (and title, if applicable)

Received by SC Date 6/13/16 Time _____ Preliminary check by _____
 Fee \$ 100 Receipted by SC Receipt No. E042162 Date 6/13/16

FAX

To: water rights

Company:

Fax: 2085257177

Phone:

From: Leslie.Nate@zionsbank.com

Fax:

Phone: Leslie Nate

E-mail:

NOTES:

Nielson

Date and time of transmission: Monday, June 27, 2016 1:58:06 PM
Number of pages including this cover sheet: 03

11-7822

RECEIVED

JUN 13 2016

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No. _____

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SUPERCEDED

11-7822

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			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	43E	31														.5			
																D			

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Austin Nielson
Signature of Applicant

Janessa Nielson
Signature of Applicant

Austin Nielson
Print Name (and title, if applicable)

Janessa Nielson
Print Name (and title, if applicable)

Received by SC Date 6/13/16 Time Preliminary check by
Fee \$ 100 Received by SC Receipt No. E042162 Date 6/13/16

Untitled Map

Write a description for your map.

Legend

New Home

Spring



Google earth

200 ft



11-7896

EASEMENT AGREEMENT

THIS AGREEMENT made and entered into this June 9, 2016, by and between RICHARD T. SMALL, as Grantor; and AUSTIN NIELSON and JANESEA NIELSON, husband and wife, as Grantee.

GRANT OF EASEMENT. Grantor, for and in consideration of the sum of TEN DOLLARS and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt and sufficiency whereof is hereby confessed and acknowledged, has granted bargained, sold, and conveyed, and by these presents does hereby grant, bargain, sell, convey and confirm to the Grantee, his heirs and assigns forever, an Easement described as follows, to-wit:

An Easement to use a spring and install and maintain a holding tank and install and maintain a pipeline from said spring to the property of the Grantee.

Easement is further described as follows: Part of the Northwest quarter of Section 31, Township 12 South, Range 43 East, Boise Meridian, Bear Lake County, Idaho, described as:

Beginning at the West quarter corner of said Section 31, from which the Southwest corner of Section 31 bears South 00° 18' 07" West 2646.12 feet; Thence South 89° 58' 35" East 2608.79 feet along the latitudinal centerline of said Section 31; Thence North 00° 01' 25" East 17.80 feet to a 5/8" rebar with cap labeled, "A.A. Hudson, PLS 13173" set on the northeasterly right of way line of Old Mill Road, thence North 01°03'34" West 170 feet to the Northwest corner of Instrument No. 207812, being the point of beginning of said easement and running thence North 01°03'34" West 40; thence East 192.2 feet; thence South 01°03'34" East 40 feet; thence West 192.2 feet to the Point of Beginning.

Grantees further understand that RALPH P. NIELSON and RHEA A. NIELSON, also use said spring.

TO HAVE AND TO HOLD the said Easement to the said Grantee, his heirs and assigns, to their use forever.

EASEMENT APPURTENANT. The Easement granted herein shall forever be an affirmative easement appurtenant to the Grantee's Property and any part thereof, described as:

A parcel of land located in the Northwest quarter of Section 31, Township 12 South, Range 43 East, Boise Meridian, Bear Lake County, Idaho and further described as follows:

Beginning at the West quarter corner of said Section 31, from which the Southwest corner of Section 31 bears South 00° 18' 07" West 2646.12 feet; Thence South 89° 58' 35" East 2608.79 feet along the latitudinal centerline of said Section 31; Thence North 00° 01' 25" East 17.80 feet to a 5/8" rebar with cap labeled, "A.A. Hudson, PLS 13173" set on the northeasterly right of way line of Old Mill Road, the True Point of Beginning, said point being on a 460.00 foot radius non-tangent curve concave to the northeast whose center bears North 06° 11' 21" East;

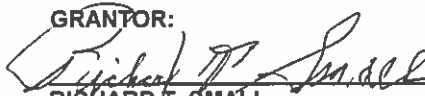
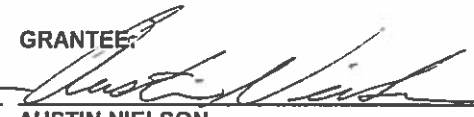
continued

Easement Agreement - continued

Thence northwesterly along said curve through a central angle of 13° 30' 45" a distance of 108.48 feet (chord = North 77° 03' 17" West 108.23 feet) along said northeasterly right of way line to a 5/8" rebar with cap set on the intersection of said northeasterly right of way line and a fence line;
Thence North 50° 43' 21" West 44.09 feet along said fence line to a 5/8" rebar with cap;
Thence North 45° 56' 07" West 409.14 feet along said fence line to a 5/8" rebar with cap;
Thence North 88° 56' 26" East 427.30 feet to a 5/8" rebar with cap set at a point at the extension of a fence line;
Thence South 01° 03' 34" East 344.66 feet along said extension to the True Point of Beginning.

BINDING EFFECT. All rights and obligations provided for herein shall inure to the benefit of and be binding upon the heirs, successors, grantees, and assigns of the Grantor and Grantee and all rights, covenants, and obligations shall be construed as covenants running with the land.

EXECUTION. The Parties to this agreement have executed this Easement Agreement the day and year first above written.

GRANTOR:  RICHARD T. SMALL	GRANTEE:  AUSTIN NIELSON  JANESSA NIELSON
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STATE OF IDAHO, COUNTY OF BEAR LAKE

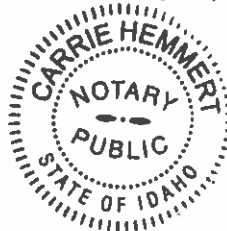
On this 9th day of June, 2016, before me a Notary Public in and for the State, personally appeared

RICHARD T. SMALL

known to me to be the person(s) whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I hereunto set my hand and seal the day and year in the certificate first above written.


Notary Public
Residing at: St. Charles, ID
My Commission Expires: 11.3.2018



STATE OF IDAHO, COUNTY OF BEAR LAKE

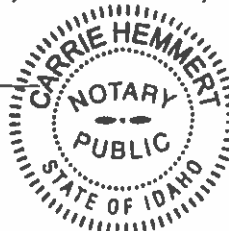
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Notary Public
Residing at: St. Charles, ID
My Commission Expires: 11.3.2018





State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

July 6, 2016

AUSTIN NIELSON
JANESSA NIELSON
510 OLD MILL RD
OVID, ID 83254

Application For Permit No. 11-7822

Dear Applicant(s):

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the NEWS EXAMINER on July 13 and 20, 2016. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**at 5:00 pm on August 1, 2016**).

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

A handwritten signature in blue ink that reads "Sharla Cox". The signature is fluid and cursive, with the first name "Sharla" and last name "Cox" clearly distinguishable.

Sharla Cox
Administrative Assistant

Cox, Sharla

From: Cox, Sharla
Sent: Wednesday, July 06, 2016 3:32 PM
To: 'News Examiner (copy@news-examiner.net)'
Subject: Legal Notice for your paper
Attachments: News Examiner.RTF

Contacts: News Examiner

Sharla

*Sharla Cox
Administrative Assistant
Idaho Dept of Water Resources
900 N Skyline Dr. Ste A.
Idaho Falls ID 83402
sharla.cox@idwr.idaho.gov
208-525-7161 phone
208-525-7177 fax*

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

11-7822

AUSTIN NIELSON
JANESSA NIELSON
510 OLD MILL RD
OVID, ID 83254

Point of Diversion

SWSNW S31 T12S R43E

BEAR LAKE County

Source SPRING Tributary SINKS

Use: DOMESTIC

01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 6/13/2016

Place Of Use: DOMESTIC

T12S R43E S31 SENW

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Eastern Region office at (208) 525-7161. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before August 1, 2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on July 13 and 20, 2016