

80618

RECEIVED

Ident. No. 96-9601

JAN - 4 2015

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

IDWR/NORTHERN

1. Name of applicant(s) CAREN AND/OR JOSHUA SPENCER Phone 928-246-3569
Name connector (check one): ☐ and ☐ or ☐ and/or

Mailing address 29125 N OLD HWY 95 City ATHOL
State ID Zip 83801 Email CAREN.LAIRD@YAHOO.COM

2. Source of water supply UNNAMED STREAM which is a tributary of COCOLALLA CREEK

3. Location of point(s) of diversion:

TWP	RGE	SEC	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
54N	03W	2	1		NE	NE	BONNER	UNNAMED STREAM	

4. Water will be used for the following purposes:

Amount 0.04 CFS for DOMESTIC purposes from 1/1 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) 0.04 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. 1 HP JET PUMP

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ 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 _____ inches; proposed depth of well is _____ feet.

d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☐ No

e. If well is already drilled, when? _____; drilling firm _____;
well was drilled for (well owner) _____; Drilling Permit No. _____.

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

e. Other; describe fully. DOMESTIC FOR 1 HOME WITH IRRIGATION UP TO 1/2 ACRE

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	
54N	03W	2	D																
			GL1																

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? APPLICANT
- b. Who owns the land to be irrigated or place of use? APPLICANT
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:

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

WE WANT TO PUT IN A 1 HP JET PUMP DELIVERING APPROX 10 GPM TO THE HOME FOR DOMESTIC USE
AND IRRIGATION UP TO 1/2 ACRE

12. Time required for completion of works and application of water to proposed beneficial use is 5 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

Signature of Applicant

CAREN SPENCER

Print Name (and title, if applicable)

Print Name (and title, if applicable)

For Department Use:

Received by _____ Date 12/28/15 Time _____ Preliminary check by _____
 Fee \$ 100.00 Received by cb Receipt No. N031674 Date 12/28/15

SWSE 2

35

85N03W

SESE 1

NWNE 2

NENE 1

2

84N03W

Hand D
Driller Source

SWNE

SENE :

SW

State of Idaho
Department of Water Resources
Application For Permit
96-9601



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.0375 0.075 0.15 Miles



Instrument # 883379

BONNER COUNTY, SANDPOINT, IDAHO
12-15-2015 2:17:38 PM No. of Pages: 7
Recorded for: FIRST AMERICAN TITLE - SA
Michael W Rosedale Fee: \$28.00
Ex-Officio Recorder Deputy
Index to: WARRANTY DEED CB

After recording return to:

Caren and Joshua Spencer
29125N. Old Highway 95
Athol, ID. 83801

Until a Change is Requested,
All tax statements shall be sent to:

Caren and Joshua Spencer
29125N. Old Highway 95
Athol, ID. 83801

Folio # 5693785

RECEIVED
JAN - 4 2015
IDWR/NORTHERN

SPECIAL WARRANTY DEED

FOR VALUE RECEIVED, CHERRY TREE TIMBER, LLC, a Delaware limited liability Company, (the Grantor), does hereby grant, bargain, sell and convey unto JOSHUA SPENCER and CAREN SPENCER, husband and wife, as community property with Right of Survivorship (the Grantee), whose address is 29125N. Old Highway 95, Athol, Id. 83801, the real property situated in Bonner County, Idaho and described in Exhibit A attached hereto ("the Property")

(See EXHIBIT "A" attached.)

SUBJECT TO taxes and assessments for the year 2015 and all subsequent years, together with any and all existing easements, rights-of-way, reservations, restrictions and encumbrances of record, (including those set forth on EXHIBIT "B" attached), to any existing tenancies, to all zoning laws and ordinances, and to any state of facts an accurate survey or inspection would show.

EXCLUDING AND EXCEPTING THEREFROM ANY AND ALL PRIOR MINERAL RIGHTS CONVEYANCE OR RESERVATIONS.

This conveyance shall include any and all estate, right, title, interest, appurtenances, tenements, hereditaments, reversions, remainders, easements, rents, issues, profits, rights-of-way and water rights in anywise appertaining to the property here described as well in law as in equity.

E-RECORDED

simplifile

ID: 883379
County: Bonner
Date: 12-15-15 Time: 2:17PM

After recording return to:

Caren and Joshua Spencer
29125N. Old Highway 95
Athol, ID. 83801

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The Grantor covenants to the Grantee that Grantor is the owner in fee simple of said premises; that the premises are free from encumbrances created or suffered by the Grantor, excepting those as may be herein set forth, and excepting those of record or in view, and Grantor will warrant and defend the same from all lawful claims of or through Grantor, but none other.

IN WITNESS WHEREOF, the Grantor has hereunto subscribed its name to this instrument this 14 day of December, 2015.

GRANTOR:

Cherry Tree Timber, LLC

By: The Molpus Woodlands Group, LLC
Its authorized agent and property manager

By: [Signature]
Name: Von Sewell
Its: Chief Operating Officer

State of Mississippi
County of Forrest

On this 14 day of December, 2015 before me Megan Givens a Notary Public of said State, personally appeared Von Sewell, personal know to me (or proved to me on the basis of satisfactory evidence) to be the person who executed the within instrument as Chief Operating Officer of the Molpus Woodlands Group, LLC, the Manager of Cherry Tree Timber, LLC, a Delaware limited liability company, and that for and on behalf of the said company, in his/her capacity as Chief Operating Officer as and for the act and deed of said company, he/she signed, sealed and delivered the above and foregoing Special Warranty Deed.



[Signature]
Megan Givens, Notary Public
My Commission expires: 2-21-2018

Exhibit "A"

The following described tracts or parcels of land, lying and being in Bonner County,
State of Idaho:

Section 2, Township 54 North, Range 3 West, Boise Meridian

The south half of Government Lot 1 and that portion of the south half of Government Lot
2 lying east of Barnhart County Road

Ball, Dianne

From: Ball, Dianne
Sent: Thursday, January 14, 2016 12:08 PM
To: kiira.siitari@idfg.idaho.gov
Cc: Frederick, Adam
Subject: RE: Application for Permit No. 96-9601
Attachments: app-maps-warranty-deed-96-9601.pdf

Dear Kiira:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application is attached for your reference.

This office can publish notice of the application as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

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

Sincerely,

Dianne Ball

Administrative Assistant
Idaho Department of Water Resources
7600 N Mineral Dr., Ste. 100
Coeur d'Alene, ID 83815
208-762-2800 Fax 208-762-2819



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 FAX: (208) 762-2819 www.idwr.idaho.gov

January 14, 2016

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

CAREN SPENCER
JOSHUA SPENCER
29125 N OLD HWY 95
ATHOL, ID 83801

Application For Permit No. 96-9601

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 BONNER COUNTY DAILY BEE on 1/21/2016 and 1/28/2016. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

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,

Adam Frederick

Adam Frederick
Water Resource Agent

Ball, Dianne

From: Ball, Dianne
Sent: Thursday, January 14, 2016 4:18 PM
To: Legal Notices BCDB (bcdblegals@cdapress.com); Legal Notices BCDB and CDA - Melinda VanSickle (mvansickle@cdapress.com)
Cc: Legal Notices CDA Press Sheri Jones - Business Manager
Subject: Application for Permit No. 96-9601
Attachments: LegalNotice 01-14-16 BCDB 96-9601.doc

Good afternoon, Melinda, and welcome to legal notices ☺. I understand you moved into Holly's position, and I look forward to working with you.

I try to deliver our legal notices "press ready" to the best of my ability, hoping that will help in layout/setup at the Press.

Please publish the attached legal notice in the Bonner County Daily Bee on the dates indicated, January 21 and 28, 2016, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

This should be very close to press ready – for 2-column, 8pt, Century Old Style font. This might even be close enough for copy and paste.

Please note the area(s) under **Use:** containing dates and water amounts that are offset and lined up. Our legal should appear in this format.

Please also send a proof/preview copy for my review before this actually goes to press. That allows me to double check and make sure layout is as we requested.

If you have any questions, please contact me as early as possible.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 2/8/2016. Your cooperation is appreciated.

Have a great rest of the day.

Dianne Ball

Administrative Assistant
Idaho Department of Water Resources
7600 N Mineral Dr., Ste. 100
Coeur d'Alene, ID 83815
208-762-2800 Fax 208-762-2819

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

96-9601

CAREN SPENCER

JOSHUA SPENCER

29125 N OLD HWY 95

ATHOL, ID 83801

Point of Diversion L1(NENE) S2 T54N R03W BONNER County

Source UNAMED STREAM tributary COCOLALLA CREEK

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 1/4/2016

Place of Use: DOMESTIC T54N R03W S2 L1(NENE)

Domestic use is for 1 home with irrigation up to 1/2 acre.

Permits will be subject to all prior water rights. For additional

information concerning the property location, contact Northern

Region office at (208) 762-2800; or for a full description of the right(s), please see:

www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp.

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, Northern Region,

7600 Mineral Drive, Suite 100, Coeur D' Alene ID 83815 together

with a protest fee of \$25.00 for each application on or before

2/8/2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 1/21/2016 and 1/28/2016