

80450

Ident. No. 94-9459

FORM 202 11/13

RECEIVED

OCT 05 2015

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

IDWR / NORTH

1. Name of applicant(s) LARRY AND/OR SANDRA HAMMER Phone 208-682-4653
Name connector (check one): ☐ and ☐ or ☒ and/or
Mailing address 6325 PRICHARD CREEK RD. City MURRAY
State ID Zip 83874 Email _____

2. Source of water supply GROUND WATER which is a tributary of _____

3. Location of point(s) of diversion:

TWP	RGE	SEC	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
49N	05E	(5)4			SW	NW	SHOSHONE	GROUND WATER	D0005976

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. PUMP IN WELL TO SUPPLY HOME

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 USE FOR 1 HOME WITH IRRIGATION UP TO 1/2 ACRE

8. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	
49N	05E	5						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? DAVE AND BETTY NIBARGER
- 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: WELL USE AGREEMENT WILL BE ATTACHED WITH APPLICATION

11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary.
- APPLICANT WANTS TO USE WATER FROM SHARED WELL FOR USE IN HOME WITH IRRIGATION UP TO 1/2 ACRE.

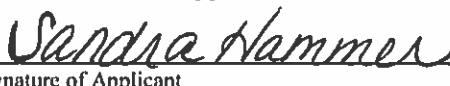
12. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year).

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

LARRY HAMMER
Print Name (and title, if applicable)


Signature of Applicant

SANDRA HAMMER
Print Name (and title, if applicable)

For Department Use:

Received by db Date 10/5/15 Time _____ Preliminary check by _____

Fee \$ 100.00 Receipted by db Receipt No. N031563 Date 10/5/15

HAMMER APPLICATION MAP



Legend

-  Taxlots
-  Sections
-  QQ

0 0.0075 0.015 0.03 Miles



ORIGINAL

427322

UTILITIES EASEMENT

THIS AGREEMENT is made this 10th day of November, 2005, between, FRED R. KREWSON, DOROTHY L. KREWSON, Husband and Wife, whose current address is P.O. Box 417, Murray, Idaho, 83874, as the owners of the real property described as Parcel (1) on Exhibit "A", attached hereto and made a part thereof; and THOMAS A. EDWARDS and CAROL M. EDWARDS, Husband and Wife, whose current address is P.O. Box 445, Murray, Idaho, 83874, as the owners of the real property described as Parcel (2) on Exhibit "A", attached hereto and made a part thereof; and RANDALL L. CHILDRESS, CLAUDIA J. CHILDRESS, Husband and Wife, whose current address is P.O. Box 441, Murray, Idaho, 83874, as the owners of the real property described as Parcel (3) on Exhibit "A", attached hereto and made a part thereof, herein referred to as the "PARTIES".

1. Representations. Said PARTIES represent that they are the fee simple owners of the real property more particularly described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED
HEREWITH AS IF FULLY SET FORTH HEREIN.

2. Purpose and Description. The PARTIES desire to create, and do hereby create, an easement for the purpose of installing, maintaining, operating, servicing and repairing a water distribution system, which consists of a water main, a submersible pump or pumps and pressure tanks, pipes and well house and such other equipment or facilities that may become necessary from time to time for the benefit of all parties to this agreement including but not limited to the expense for electricity, materials and labor for the maintenance, repair, replacement of said water distribution system. Said land use may consist of, but not be limited to, ingress and egress under and over the land, the use of the real property for the installation, maintenance, operation, servicing and repairing of equipment and/or facilities for the water distribution system; insuring however unto the PARTIES/GRANTEES that the installation, operation, maintenance, servicing and repairing of the water distribution system shall not interfere with the PARTIES' quiet and peaceful enjoyment of their property and shall be performed in a good, workman-like

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manner and shall return the real property to a like or similar condition as before such installation, maintenance, operation, servicing and repairs were performed.

3. Mutual Grant of Easement and Consideration. All parties agree that this easement is granted to preserve and maintain the health, safety and welfare of the PARTIES, their invitees and successors and assigns. This easement shall cover the ingress, egress and use of the PARTIES' real property to the extent necessary to cover the parties intended purposes, interests and use for the installation, maintenance, operation, servicing and repairs of and to the water distribution system and related equipment and facilities. Said easement shall include PARTIES' real property, reserving, however, to the owners, their successors and assigns, all such rights and privileges as may be used without interfering with or abridging the rights and easement hereby acquired; subject, however, to any existing easements.

4. Acknowledgement and Agreement of Mutual Duties and Responsibilities. Each party to this easement, their successors and/or assigns, agree and covenant that it is the responsibility of the PARTIES to this easement, while owners of the real property, to pay in equal portions the costs of installing, maintaining, operating, servicing and repairing the water distribution system, equipment, water line, and/or facilities during the existence of this easement, including but not limited to the costs of electricity associated therewith. It is further agreed upon by the parties, their successors and/or assigns, that it is their duty and responsibility of the parties that said costs incurred up to each of the party's house or resident shall be solely the duty and responsibility of the owner of said house or residence. It is further agreed that said duties and responsibilities including equal payment of costs, shall run with the land and be a part of the consideration given in creating said easement.

5. Application and Permit to Use Public Right-of-Way Utilities and Encroachments. This easement shall include and does include the Application and Permit to Use Public Right-of-Way Utilities and Encroachments issued on October 3, 2005, by the Local Highway Jurisdiction, and as is or may be amended from time to time. Said permit is marked as Exhibit "B" and is attached hereto and incorporated herewith as if fully set forth herein. Said permit shall include all conditions precedent included for the use of this permit.

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6. Term. The term of this easement shall be perpetual in nature and shall run with the land.

PARTIES:


FRED R. KREWSON, Husband


DOROTHY L. KREWSON, Wife


RANDALL L. CHILDRESS, Husband


CLAUDIA J. CHILDRESS, Wife


THOMAS A. EDWARDS, Husband


CAROL M. EDWARDS, Wife

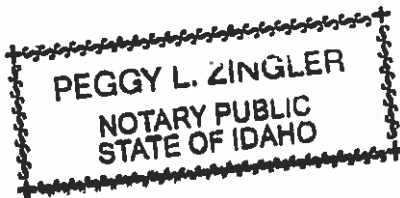
* * * * *

427322

STATE OF IDAHO)
) ss.
County of Shoshone)

On this 10th day of November, 2005, before me, a notary public in and for the State of Idaho, personally appeared, FRED R. KREWSON, known to me to be the person whose name appears on the foregoing instrument and acknowledged to me that he executed the same.

WITNESS MY HAND and official seal on the day and year first written above.



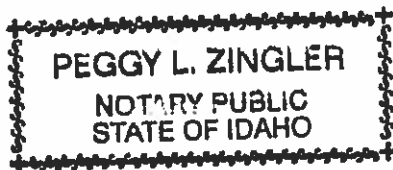

Notary Public for Idaho
Residing at: Mullan
My commission expires: 10-11-11

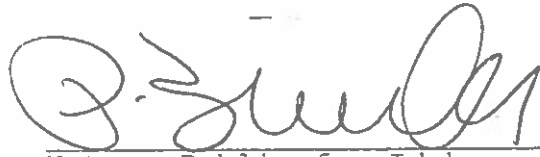
* * * * *

STATE OF IDAHO)
) ss.
County of Shoshone)

On this 10th day of November, 2005, before me, a notary public in and for the State of Idaho, personally appeared, DOROTHY L. KREWSON, known to me to be the person whose name appears on the foregoing instrument and acknowledged to me that she executed the same.

WITNESS MY HAND and official seal on the day and year first written above.




Notary Public for Idaho
Residing at: Mullan
My commission expires: 10-11-11

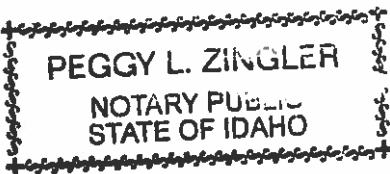
* * * * *

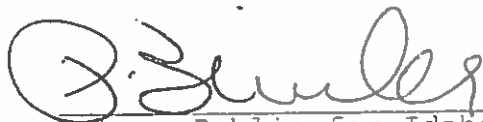
427322

STATE OF IDAHO)
) ss.
County of Shoshone)

On this 10th day of November, 2005, before me, a notary public in and for the State of Idaho, personally appeared, RANDALL L. CHILDRESS, known to me to be the person whose name appears on the foregoing instrument and acknowledged to me that he executed the same.

WITNESS MY HAND and official seal on the day and year first written above.



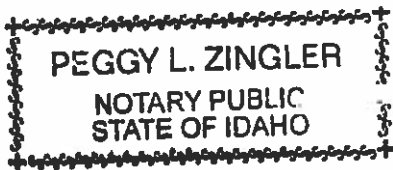

Notary Public for Idaho
Residing at: Mullan
My commission expires: 10-11-11

* * * * *

STATE OF IDAHO)
) ss.
County of Shoshone)

On this 10th day of November, 2005, before me, a notary public in and for the State of Idaho, personally appeared, CLAUDIA J. CHILDRESS, known to me to be the person whose name appears on the foregoing instrument and acknowledged to me that she executed the same.

WITNESS MY HAND and official seal on the day and year first written above.




Notary Public for Idaho
Residing at: Mullan
My commission expires: 10-11-11

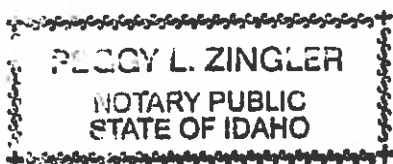
* * * * *

STATE OF IDAHO)
) ss.
County of Shoshone)

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On this 10th day of November, 2005, before me, a notary public in and for the State of Idaho, personally appeared, THOMAS A. EDWARDS, known to me to be the person whose name appears on the foregoing instrument and acknowledged to me that he executed the same.

WITNESS MY HAND and official seal on the day and year first written above.



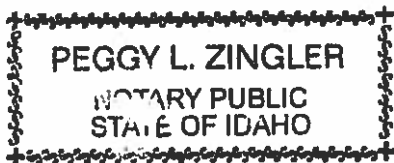
P. Zingler
Notary Public for Idaho
Residing at: Millar
My commission expires: 10-11-11

* * * * *

STATE OF IDAHO)
) ss.
County of Shoshone)

On this 10th day of November, 2005, before me, a notary public in and for the State of Idaho, personally appeared, CAROL M. EDWARDS, known to me to be the person whose name appears on the foregoing instrument and acknowledged to me that she executed the same.

WITNESS MY HAND and official seal on the day and year first written above.



P. Zingler
Notary Public for Idaho
Residing at: Millar
My commission expires: 10-11-11

* * * * *
* * * * *

427322

EXHIBIT "A"

LEGAL DESCRIPTION

For real property more particularly described
as follows:

Parcel 1

FRED & DOROTHY KREWSON

Lots eight (8), nine (9), ten (10), eleven (11), in Block Three (3) of the unincorporated town of Murray in Shoshone County, Idaho, according to the "Sun Map" thereof, on file and of record in the office of the County Recorder of said county and state.

Parcel 2

THOMAS & CAROL EDWARDS

A parcel of land situated in the Northwest $\frac{1}{4}$ of Section 5, Township 49 North, Range 5 East, B.M., Shoshone County, State of Idaho and more particularly described in the record of survey recorded as Instrument No. 302096 as follows:

Beginning at a point on the East right-of-way line of 2nd street from whence U.S. M.M. No. 1 bears North 54°50'03" West, 582.72 feet; thence

North 77°23'42" West, 60 feet to the true point of beginning; thence

North 77°23'42" West, 125 feet to a point; thence

South 12°36'18" West, 145 feet to a point; thence

South 77°23'42" East, 125 feet to a point; thence

North 12°36'18" East, 145 feet to the true point of beginning.

Said parcel of land is sometimes referred to as Lots 8,9,10,11 and 12, Block 4, Sun Map of Murray, an unofficial and unrecorded plat of Murray.

Parcel 3

RANDALL & CLAUDIA CHILDRESS

Lots 1, 2, 3, 4 Blk 6 Murray

Lot 12 Blk 3 Murray

AND;

Beginning at the north easterly corner of 2nd & Main street thence N77°33'W 60 feet to a point thence N12°27'E 110 feet thence S77°33'E 60 feet, thence, S12°27'W 110 feet to the point of beginning.

Boise Meridian, Idaho T. 49 N., R. 5 E., sec. 5: lots 21, 22. Containing 0.44 acres.

APPLICATION AND PERMIT TO USE PUBLIC RIGHT-OF-WAY 427322

UTILITIES AND ENCROACHMENTS

EXHIBIT

"B"

COPY OF PERMIT MUST BE PRESENT AT WORK SITE DURING CONSTRUCTION

PUBLIC ROAD SURFACE TYPE: (DIRT) (GRAVEL) (PAVEMENT)

START DATE: _____

EST. COMPLETION DATE: _____

ROAD NAME: THOMPSON PASS ROADLOCATION: MURRAY

NOTICE

This permit shall not be valid for excavation until, or unless, the provisions of Idaho Code Title 55, Chapter 22 have been complied with. PRIOR TO EXCAVATION, CALL ONE NUMBER

LOCATION SERVICE
Telephone No. _____

UTILITY OR OTHER USE	DISTANCE FROM: _____	CENTER LINE	RIGHT-OF-WAY LINE
OVERHEAD ☐	ANGLE OF CROSSING _____	UTILITY TYPE _____	
UNDERGROUND ☐	SIZE OF PIPE _____	PRESSURE _____	
	VERTICAL CLEARANCE _____	DEPTH _____	

A PLAN OF PROPOSED WORK AND APPLICABLE TRAFFIC CONTROL PLANS MUST BE ATTACHED:
SPECIAL PROVISIONS:

Permanent Permit for well house
See reverse side for General Provisions.

I CERTIFY THAT I AM THE AUTHORIZED UTILITY COMPANY REPRESENTATIVE AND REQUEST PERMISSION TO CONSTRUCT THE ABOVE FACILITIES WITHIN THE ROADWAY RIGHT-OF-WAY IN ACCORDANCE WITH THE GENERAL PROVISIONS PRINTED ON THE REVERSE SIDE OF THIS FORM. THE SPECIAL PROVISIONS AND THE PLANS MADE A PART OF THIS PERMIT.

COMPANY NAME	APPLICANT-PLEASE TYPE OR PRINT
<u>Various owners</u>	
ADDRESS	SIGNATURE AUTHORIZED REPRESENTATIVE
CITY	STATE
ZIP	DATE

SUBJECT TO ALL TERMS, CONDITIONS, AND PROVISIONS SHOWN ON THIS FORM OR ATTACHMENTS, PERMISSION IS HEREBY GRANTED TO THE ABOVE-NAMED APPLICANT TO PERFORM THE WORK DESCRIBED ABOVE.

FOR LOCAL HIGHWAY JURISDICTION USE

TEMPORARY PERMIT

Tentative approval subject to inspection of installation.

Date: _____

By: _____

LHJ Authorized Representative

FINAL PERMIT

Approved ☐ Date: _____ Rejected ☐ Date: _____

Corrections Required: _____

10-03-05Approved by: [Signature]

LHJ Authorized Representative

This form may be reproduced for use in making multiple applications.

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Instrument # 427322

WALLACE, SHOSHONE COUNTY, IDAHO

2005-11-14 02:10:00 No. of Pages: 9

Recorded for: HOLLIS ANDERSON

PEGGY DELANGE-WHITE

Fee: 24.00

Ex-Officio Recorder Deputy

Index to UTILITIES EASEMENT

NOV 14 PM 2:10

**HOLLIS ANDERSON
ATTORNEY AT LAW
416 6TH ST.
WALLACE, ID 83873**

(2)

SLIP
Shiner



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

November 16, 2015

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

LARRY HAMMER
SANDRA HAMMER
6325 PRICHARD CREEK RD
MURRAY, ID 83874

Application For Permit No. 94-9459

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 SHOSHONE NEWS PRESS on 11/19/2015 and 11/26/2015. 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,

A handwritten signature in cursive script that reads "Dianne Ball".

Dianne Ball
Administrative Assistant

Enc. Receipt No. N031563

Ball, Dianne

From: Ball, Dianne
Sent: Monday, November 16, 2015 2:56 PM
To: Legal Notices-Shoshone NP, Jamee Rowley,
Subject: Application for Permit No. 94-9458, 94-9459, 94-9460
Attachments: LegalNotice 11-16-15 NP e-mail 94-9458, 59, 60.doc

Hi Jamee,

I got it ready a little earlier than I thought. ☺

Please publish the enclosed legal notice on the dates indicated (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.

Please note the areas 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.

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 12/8/2015. Your cooperation is always appreciated.

It's a pleasure working with you, and I thank you for all you do to help our legals look so professional.

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:

94-9458

RONALD G JASA

PO BOX 371

MURRAY, ID 83874

Point of Diversion SWNW S5 T49N R05E SHOSHONE CO

Source GROUND WATER

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

Total Diversion: 0.04 CFS

Date Filed: 10/7/2015

Place of Use: DOMESTIC T49N R05E S5 NWNW

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

94-9459

LARRY HAMMER

SANDRA HAMMER

6325 PRICHARD CREEK RD

MURRAY, ID 83874

Point of Diversion SWNW S5 T49N R05E SHOSHONE CO

Source GROUND WATER

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

Total Diversion: 0.04 CFS

Date Filed: 10/5/2015

Place of Use: DOMESTIC T49N R05E S5 NWNW

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

94-9460

DAVID NIBARGER

BETTY NIBARGER

PO BOX 424

MURRAY, ID 83874

Point of Diversion SWNW S5 T49N R05E SHOSHONE CO

Source GROUND WATER

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

Total Diversion: 0.04 CFS

Date Filed: 10/5/2015

Place of Use: DOMESTIC T49N R05E S5 NWNW SWNW

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

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 12/8/2015. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 11/19/2015 and 11/26/2015