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79185

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

Ident. No.

85-15758

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FEB 25 2014

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1. Name of applicant(s) JAMES G EVANS, CAREY L EVANS Phone 208-836-5806
 Name connector (check one): ☐ and ☐ or ☒ and/or
 Mailing address 32299 AMOS BENCH RD City LENORE
 State ID Zip 83541 Email jimandcarey@cablone.net
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 #
37N	02W	32			NE	SE	NEZ PERCE	SPRING	

4. Water will be used for the following purposes:
- Amount 0.04 for DOMESTIC purposes from 1-1 to 12-31 (both dates inclusive)
 (cfs or acre-feet per year)
- Amount 0.03 for IRRIGATION purposes from 3-15 to 11-15 (both dates inclusive)
 (cfs or acre-feet per year)
- Amount 0.02 for Stockwater 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)
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. GRAVITY FLOW
- 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. 5 MIXED HEAD
- c. Municipal; complete and attach the Municipal Water Right Application Checklist.
- d. Domestic; show number of households ONE
- e. Other; describe fully. _____

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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	
37N	02W	32				D													
37N	02W	32				1													1
37N	02W	32				5													

Total number of acres to be irrigated: 1

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? ROBERT TRENCKMANN JR
- b. Who owns the land to be irrigated or place of use? JAMES EVANS
- 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.

ROBERT TRENCKMANN JR ,19580 QUARTER HORSE LN,LENORE ID 83541

DEED TO SPRING WATER

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.

James G. Evans
Signature of Applicant

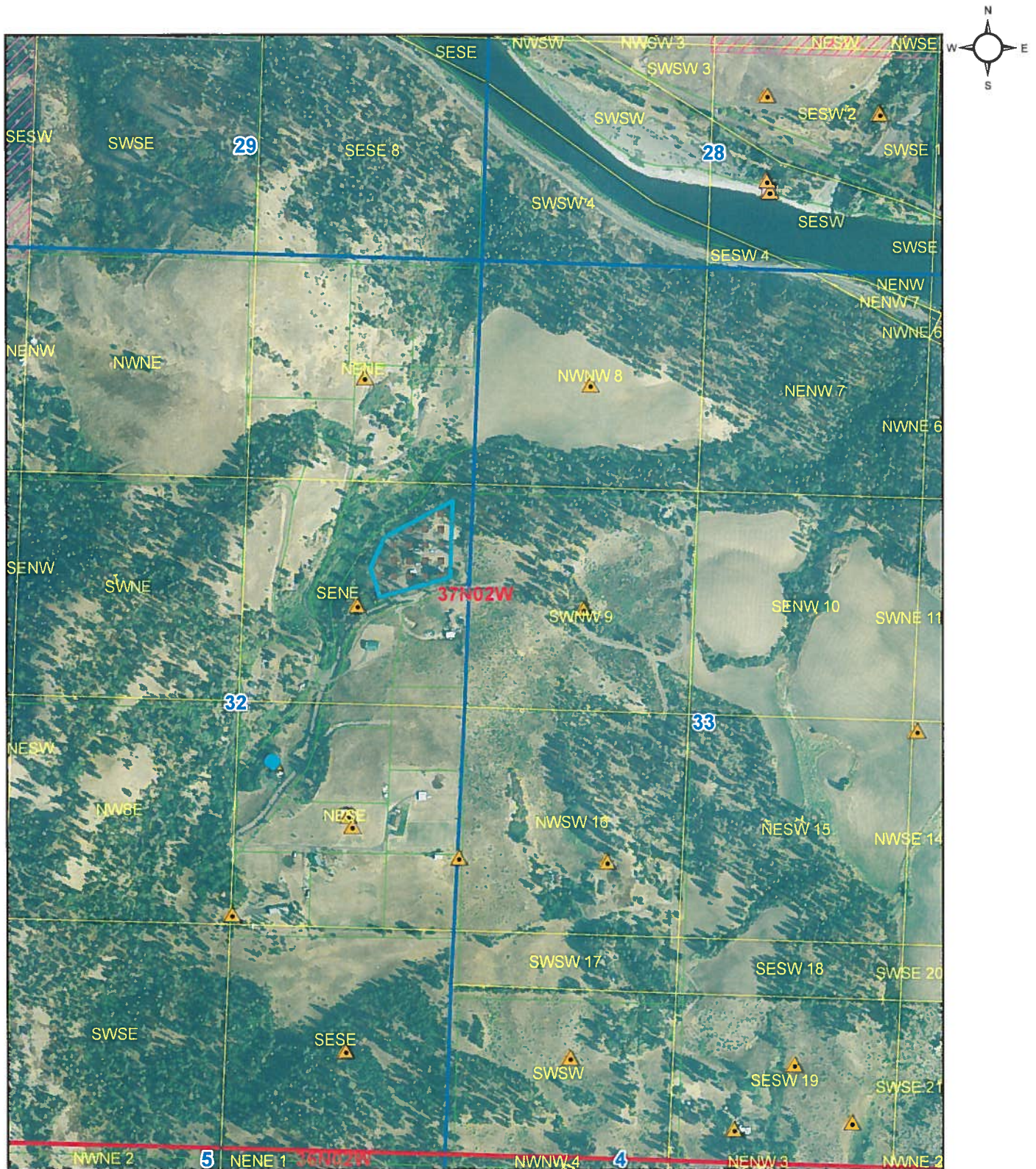
James G. Evans
Print Name (and title, if applicable)

Carey L. Evans
Signature of Applicant

Carey L. Evans
Print Name (and title, if applicable)

Received by db For Department Use: Date 2/25/14 Time _____ Preliminary check by _____
Fee \$ 100.00 Receipted by db Receipt No. N030305 Date 2/25/14

4



20100582

MICROFILM NO.

641978

WARRANTY DEED

INDEXED ☒
FILMED ☒
DELIVERED ()
MAILED A ()

212A
ex

THIS INDENTURE Made this 17th day of March, 1999, by and between, **ARTHUR BRANDT**, a single man, party of the first part, hereinafter referred to as "Grantor", and **MICHAEL AXTELL and ESTHER AXTELL**, husband and wife, parties of the second part, hereinafter referred to as "Grantees", who have stated their current address to be: 9942 NS
Hwy. #4, Lewiston, ID. 83501

WITNESSETH, That

The said Grantor, for and in consideration of the sum of ONE DOLLAR (\$1.00), and other good and valuable considerations, lawful money of the United States of America to him in hand paid by the said Grantees, the receipt of which is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto the said Grantees, and to their heirs and assigns forever, all of the following described real property, situate in the County of Nez Perce, State of Idaho, to-wit:

The East Half of the Northeast Quarter and the Northeast Quarter of the Southeast Quarter of Section 32;

AND, the South Half of the Southwest Quarter of the Southwest Quarter and the South Half of the North half of the Southwest Quarter of the Southwest Quarter of Section 33, all in Township 37 North, Range 2 West of the Boise Meridian, Nez Perce County, Idaho.

EXCEPT any portion lying within County Road No. 315.

ALSO EXCEPTING any portion lying within the following described property:

A parcel of land located in the East Half of the Northeast Quarter of Section 32, Township 37 North, Range 2 West of the Boise Meridian, Nez Perce County, Idaho, and more particularly described as follows:

Beginning at the East one-quarter corner for above said Section 32, an aluminum cap and pipe; thence North 0 degrees 22' East along the Section Line between Sections 32 and 33, 728.07 feet to the centerline for the existing County Road and the True Point of Beginning; thence South 84 degrees 58' West along said road centerline 163.14 feet to an 180.00 foot radius curve left; thence along said curve 73.46 feet (the chord bears South 73 degrees 16' 30" West, 72.95 feet); thence South 61 degrees 35' West, 39.85 feet to a 200.00 foot radius curve right; thence along said curve 59.63 feet the chord bears South 70 degrees 07' 30" West 59.41 feet); thence South 78 degrees 40' West 58.28 feet to a 380.00 foot radius curve left; thence along said curve 90.97 feet (the chord bears South 71 degrees 48' 30" West, 90.75 feet); thence South 64 degrees 57' West 105.09 feet to a 380.00 foot radius curve left; thence along said curve 139.17 feet (the chord bears South 54 degrees 27' 30" West, 138.39 feet); thence South 43 degrees 58' West, 0.66 feet to a 200.00 foot radius curve left; thence along said curve 133.11 feet (the chord bears South 24 degrees 54' 00" West 130.67 feet); thence South 05 degrees 50' West, 81.33 feet to a 150.00 foot radius curve right; thence along said curve 110.04 feet (the chord bears South 26 degrees 51' 00" West, 107.59 feet); thence South 47 degrees 52' West, 36.59 feet; thence leaving said road centerline North 02 degrees 12' 16" West, 44.92 feet to a creek; thence along said creek North 09 degrees 35" East 161.60 feet; thence North 05 degrees 00' West, 79.70 feet; thence North 08 degrees 15' West, 187.50 feet; thence North 29 degrees 13' East, 439.10 feet; thence North 51 degrees 54' East, 375.60 feet; thence North 33 degrees 22' East, 330.60 feet; thence North 65 degrees 43' East, 149.61 feet to the section line between Sections 32 and 33; thence South 00 degrees 22' West along said Section Line 862.31 feet to the County Road centerline and the Place of Beginning.

ALSO SUBJECT TO the reservation that no right of access is warranted or assured to and from the land within Section 33, described above; access is at Grantees' risk.

ALSO SUBJECT TO Right of Way Easement, including the terms and conditions thereof, granted by E.W. Lutz and Helene B. Lutz, husband and wife to Nez Perce County, a legal subdivision of the State of Idaho, recorded October 19, 1943, in Book 166 of Deeds, page 523, records of Nez Perce County, Idaho.

ALSO SUBJECT TO Right of Way Easement, including the terms and conditions thereof, granted by Leona M. English to Nez Perce County, a legal subdivision of the State of Idaho, recorded October 19, 1943 in Book 166 of Deeds, page 523, records of Nez Perce County, Idaho.

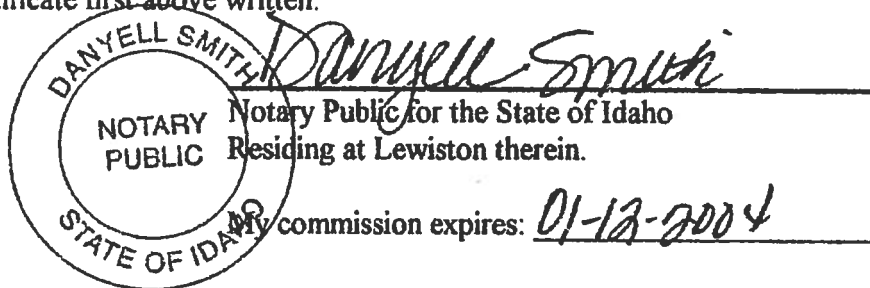
ALSO SUBJECT TO Easement, and the Terms and Conditions thereof:

In Favor of	Inland Telephone Company, an Idaho and Washington corporation
Purpose	easement
Recorded	April 17, 1981

STATE OF IDAHO)
) ss.
County of Nez Perce)

On this 17th day of March, 1999, before me, the undersigned, a Notary Public in and for said state, personally appeared **ARTHUR BRANDT**, a single man, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he 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 above written.



INST. NO. 641978
FILED FOR RECORD
FEE 12.00 REG. BY ALLIANCE TITLE

1999 MAR 17 P 4:43

PATTY O. WEEKS
RECORDED, NEZ PERCE CO ID
BY [Signature] DEPUTY

Instrument No.

445169 of Official Records

ALSO SUBJECT TO taxes and assessments for the current year and thereafter, and easements, restrictions and encroachments of use or of public record. This property is sold by legal description but is specifically subject to any potential fenceline encroachments of use.

RESERVING UNTO Grantor, his heirs and assigns, a right to the continued use to the spring and spring water located on the subject property for domestic and irrigation use purposes on 11 acres adjoining the subject property consistent with historical use of said spring by the undersigned. Grantor and Grantees have agreed to reduce the water rights and use issues to a written agreement to be entered into hereafter.

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to said property, as well in law as in equity of the said Grantor.

TO HAVE AND TO HOLD All and singular the above mentioned and described premises, together with the appurtenances, unto the said Grantees, and to their heirs and assigns forever.

The said Grantor WARRANTS to the Grantees that he is lawfully seized of the above described real property in fee simple, that the same is free and clear of any and all encumbrances of every kind and description, except as herein specified, and that the Grantor has lawful right to convey the said property.

IN WITNESS WHEREOF the said Grantor has hereunto set his hand the day and year hereinabove first written.


ARTHUR BRANDT

SUBJECT TO:

- All matters disclosed by that certain survey recorded January 8, 2001, as Instrument No. 659706, records of Nez Perce County, Idaho.
- Right-of-Way easement as disclosed by Instrument to E. W. Lutz and Helene B. Lutz, recorded March 12, 1943, in Book 166 of Deeds, at page 101, records of Nez Perce County, Idaho.
- Right-of-Way easement as disclosed by Instrument to Leona M. English, recorded October 19, 1943, in Book 166 of Deeds, at page 523, records of Nez Perce County, Idaho.
- Easement as disclosed by Instrument to Inland Telephone Company, recorded April 17, 1981, as Instrument No. 445169, records of Nez Perce County, Idaho.
- Reservations contained in Instrument recorded March 17, 1999, as Instrument No. 641978, records of Nez Perce County, Idaho.
- Easement as disclosed by Instrument to Clearwater Power Company recorded November 1, 2006, as Instrument No. 737163, records of Nez Perce County, Idaho.
- Rights of way for public utilities and public roads as the same now exist over and across the herein described property.

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, March 19, 2014 1:35 PM
To: rhennekey@idfg.idaho.gov
Subject: RE: Application for Permit No. 85-15758
Attachments: 85-15758_App_map_and_deed_to_spring.pdf

Dear Ray:

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 is being prepared for publication in the Lewiston Tribune on April 3 and 10, 2014, with April 21 being final date for protests to be received in our office.

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 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

March 19, 2014

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

JAMES G EVANS
CAREY L EVANS
32299 AMOS BENCH RD
LENORE, ID 83541

Application For Permit No. 85-15758

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 LEWISTON TRIBUNE on 4/3/2014 and 4/10/2014. 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 "Eric J Davis".

Eric J Davis
Sr. Water Resource Agent

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, March 19, 2014 1:55 PM
To: Legal Notices-Lewiston Tribune
Subject: Application for Permit No. 85-15758
Attachments: LegalNotice 03-19-14 LT e-mail 85-15758.doc

Hi, Karen,

Please publish the enclosed legal notice on the dates indicated, April 3 and 10, 2014 (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

Please send a proof/preview copy for my review before this actually goes to press. It should be pretty close to press ready – 2 column, 8 pt, in Dutch 811 font.

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 4/21/2014. Your cooperation is always appreciated.

Thanks for always making our legal notices look good. It's a pleasure to work with you.

Have a marvelous 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:

85-15758

JAMES G EVANS

CAREY L EVANS

32299 AMOS BENCH RD

LENORE, ID 83541

Point of Diversion NESE S32 T37N R02W NEZ PERCE CO

Source SPRING Tributary SINKS

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

Use: IRRIGATION 03/15 to 11/15 0.03 CFS

Use: STOCKWATER 01/01 to 12/31 0.02 CFS

Total Diversion: 0.04 CFS

Date Filed: 3/5/2014

Place of Use: DOMESTIC T37N R02W S32 NESE

Place of Use: IRRIGATION and STOCKWATER

Same as Domestic use.

Total Acres: 1

Domestic use is for 1 home.

Stockwater use is for 5 head of mixed stock..

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Northern Region office at (208) 762-2800. 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 4/14/2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 4/3/2014 and 4/10/2014