

Description of Existing Diversion Works

An existing irrigation intake along the south shore of the Spokane River exists in a diked containment pond housing a 3" screened pipe connected to a centrifugal pump housed on the shore about 75' from the intake. The intake portion of the system is below the mean high water line. The pump is energized by an Avista power line coming across from the north side of the river. River water is pumped several hundred feet in a 3" pvc line to a small man-made lake.

13. Remarks

Several years ago Mr. Carnegie irrigated his farmland (72.3 acres) and acquired a Water Right (No. 95-2092) for irrigating 1.060 cfs from the Spokane River. Since that time the property was fractionalized and Kinney's acquired 10 of the original acres. With the land purchase an Assignment of Water Right (attached) was granted by the sellers that was a part of Carnegie's permit. The permit has been continually active for several years serving as storage for a man-made lake on a portion of the original 72.3 acres. Kinneys plan to use a portion of the allocated river water to irrigate a small Christmas tree farm (approximately 4.5 acres). When Parcel No. 50N05W-07-3750 was purchased, an irrigation easement was granted by the sellers, that encumbers Parcel No. 50N05W-07-3700 with a 15' wide irrigation and utility easement from the river to the purchased property.

ASSIGNMENT OF WATER RIGHT

This Assignment of Water Right is dated this ____ day of _____, 1993, executed by David Richards and Joyce Richards, husband and wife.

The Richards are the owners of the following described real property located in Kootenai County, Idaho, to-wit:

Exhibit "A", attached hereto, and incorporated by reference as if fully set forth herein.

That the Richards have a Water Right on file with the State of Idaho, Department of Water Resources, Permit Number 95-02092, which water right allows for the drawing of water from the Spokane River for irrigation purposes for the above described real property and other properties now owned or formerly owned by the Richards.

The Water Right on file with the Department of Water Resources shows the above described property, consisting of ten acres, to have water rights associated with it, for the full ten acres.

The Richards assign said Water Right, to the extent of the ten (10) acres, to John H. Kinney and Delcey L. Kinney, purchasers of the above described property from the Richards, and their heirs, successors and assigns.

David G. Richards
David G. Richards

Joyce E. Richards
Joyce E. Richards

READ & APPROVED

JK DL

EXHIBIT "A"

A tract of land being a portion of Government Lot 9, Section 7, Township 50 North, Range 5 West, Boise Meridian, Kootenai County, Idaho and being more particularly described by metes and bounds as follows:

Commencing at the Southwest corner of said Section 7, which is marked by a 1 inch iron pipe as described in C.P. & F. filed under inst. no. 643677;

Thence, along the west line of Section 7, North $00^{\circ}10'19''$ West, a distance of 1317.96 feet to an existing $1/2$ inch iron rod with M.E.S. cap marking the South $1/16$ corner of section 7 as shown on Record-of-Survey recorded in book 7 at page 155, marking the POINT OF BEGINNING;

Thence, continuing along the west line of Section 7, North $00^{\circ}10'24''$ West, a distance of 922.36 feet to a set $5/8$ inch iron rod and cap;

Thence, North $90^{\circ}00'00''$ East, a distance of 726.17 feet to a set $5/8$ inch iron rod and cap;

Thence, South $01^{\circ}27'50''$ West, a distance of 457.03 feet to a set $5/8$ inch iron rod and cap on the centerline of a 60 foot wide private road easement as described in document recorded in book 342 of deeds at page 350;

Thence, along the centerline of said 60 foot wide private road easement the following five (5) centerline courses:

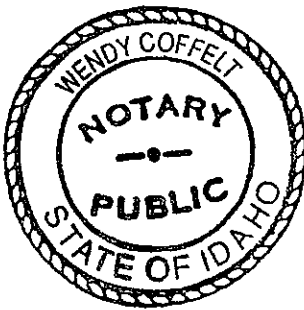
- 1) South $69^{\circ}23'07''$ West, a distance of 178.26 feet to a point;
thence,
- 2) South $67^{\circ}39'59''$ West, a distance of 454.55 feet to a point;
thence,
- 3) South $59^{\circ}13'27''$ West, a distance of 68.26 feet to a point;
thence,
- 4) South $26^{\circ}49'53''$ West, a distance of 67.57 feet to a point;
thence,
- 5) South $03^{\circ}07'26''$ West, a distance of 134.69 feet to a point on the south line of Government Lot 9;

Thence, South $89^{\circ}25'43''$ West, a distance of 27.91 feet to the POINT OF BEGINNING and containing 10.03 acres of land more or less.

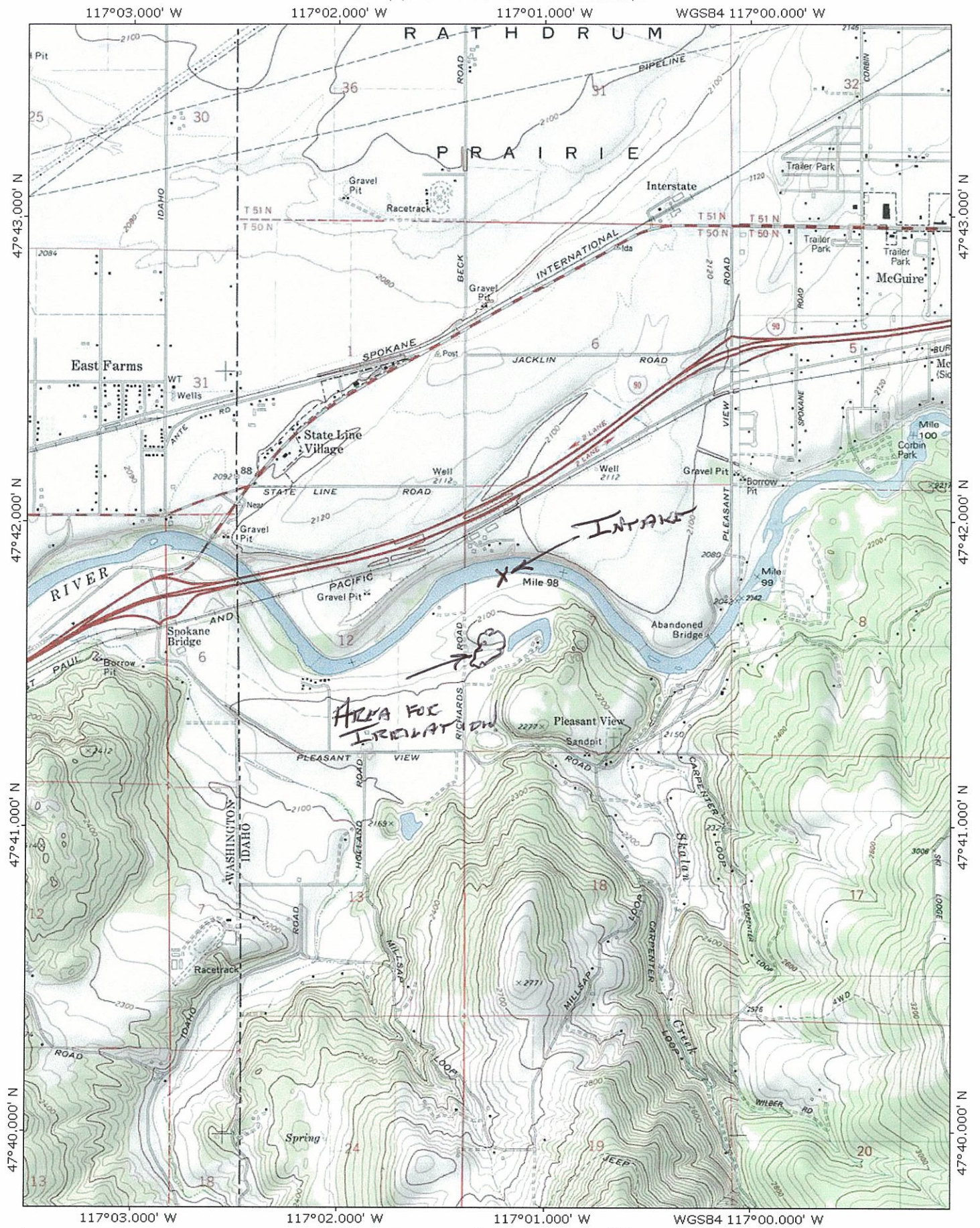
STATE OF IDAHO)
) ss.
County of Kootenai)

On this 18th day of March, 1993, before me,
WENDY COFFELT, the undersigned Notary Public,
personally appeared David G. Richards and Joyce E. Richards,
husband and wife, known to me 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 seal the
day and year first above written.



Wendy Coffelt
Notary Public for Idaho
Residing at: Hayden Lake
Commission expires: 8/11/98



TN
MN
164°

KINNNEY 95-2092 PIN 50N05W-07-4950

