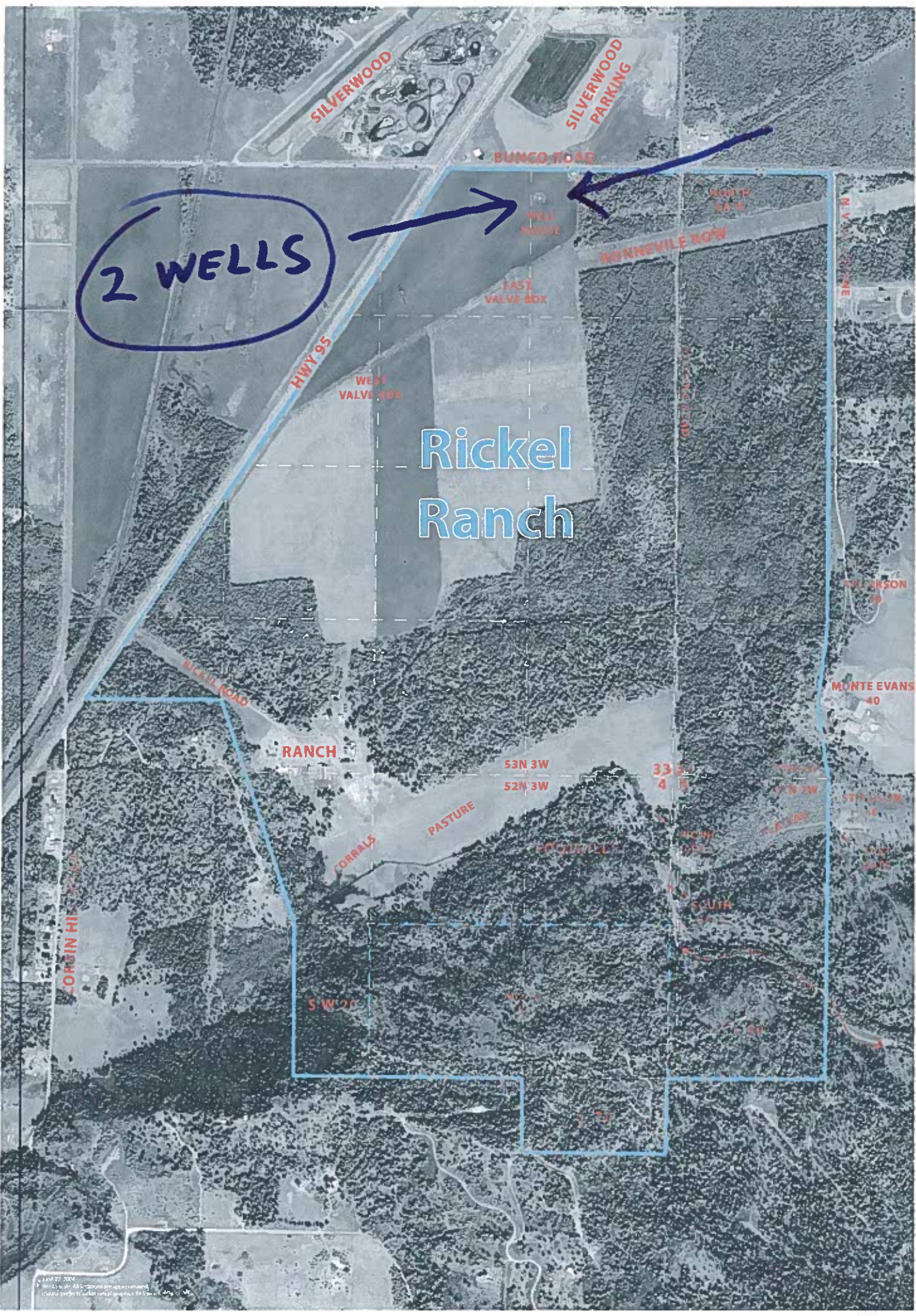


2 WELLS



# Rickel Ranch



## IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 95-9951

WATER RIGHT NUMBER: 95-9951

| <u>Owner Type</u> | <u>Name and Address</u>                                                          |
|-------------------|----------------------------------------------------------------------------------|
| Current Owner     | RIVERSIDE DEVELOPMENT CO.<br>PO BOX 30009<br>SPOKANE, WA 99223<br>(509) 448-5045 |
| Original Owner    | ROBERT H RICKEL<br>PO BOX 319<br>BAYVIEW, ID 83803-0319<br>(208)683-2385         |

Priority Date: 05/16/1994

Basis: License

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| GROUND WATER  |                  |

| <u>Beneficial Use</u> | <u>From To</u>          | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION            | 04/01 to 10/31          | 0.810 CFS             | 344.00 AF            |
| STOCKWATER            | 01/01 to 12/31          | 0.020 CFS             | 0.30 AF              |
| DOMESTIC              | 01/01 to 12/31          | 0.080 CFS             | 3.60 AF              |
|                       | <u>Total Diversion:</u> | 0.810 CFS             | 348.00 AF            |

Location of Point(s) of Diversion

|                 |            |                                 |
|-----------------|------------|---------------------------------|
| GROUND WATER    | NE1/4NE1/4 | Sec. 33, Twp 53N, Rge 03W, B.M. |
| KOOTENAI County |            |                                 |
| GROUND WATER    | NE1/4NE1/4 | Sec. 33, Twp 53N, Rge 03W, B.M. |
| KOOTENAI County |            |                                 |

Place of Use

IRRIGATION

| Twp | Rge | Sec | NE   |      |      |      | NW  |    |    |    | SW   |      |    |    | SE |     |      |    | Totals |
|-----|-----|-----|------|------|------|------|-----|----|----|----|------|------|----|----|----|-----|------|----|--------|
|     |     |     | NE   | NW   | SW   | SE   | NE  | NW | SW | SE | NE   | NW   | SW | SE | NE | NW  | SW   | SE |        |
| 53N | 03W | 33  | 12.0 | 35.0 | 40.0 | 16.0 | 2.0 |    |    |    | 23.0 | 32.0 |    |    |    | 4.0 | 32.0 |    | 196.0  |

Total Acres: 196

STOCKWATER

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 53N | 03W | 33  |    |    |    |    |    |    |    |    |    |    |    | X  |    |    |    |    |        |

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report 95-9951

## DOMESTIC

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| 53N | 03W | 33  | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    | X  |    |    |    |    |        |

Conditions of Approval:

1. 070 The irrigation occurring under this domestic use shall not exceed 1/2 acre for each home.
2. X35 Rights 96-02023C and 96-08836 when combined shall not exceed the irrigation of 196 acres.
3. R62 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
4. 065 The right holder shall use the full allotment of appurtenant surface water rights under 96-02023C in conjunction with ground water diverted under this right.
5. 071 The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
6. 105 If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used for irrigation purposes without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
7. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
8. X01 Domestic use is for 3 homes.

Remarks:

## IDAHO DEPARTMENT OF WATER RESOURCES

## Water Right Report 95-9951

Comments:

## 1. kwalker 10/10/2002 Commercial Use

Comment: The commercial use under this permit was not developed per Al Beardslee who has been out to this property.

## 2. kwalker 10/10/2002 Review of Exam

Comment: In review of this field exam, I found the irrigated place of use to be only 199 acres. This determination was made by ArcView. I also found the place of use to be in other 40 acre tracts than identified by examiner. The domestic use has been changed from examiners recommendation also. He recommended 0.04 cfs for the 3 homes found. I reviewed our domestic requirements chart and found we would normally allow 0.08 cfs for 3 homes. I have changed the recommendations to comply with the domestic requirements chart. The examiner did not note how many stock were actually found to be using water under this right. I found that the permit holder had indicated 20 head on his proof of beneficial use form so have used this number for the proposed license. This reduced the volume proposed to 0.3 af for the 20 head identified on proof form. The capacity of the system is determined to be 0.81 cfs rather than 0.80 as examiner found. This is based on the determination of the flow meters.

## 3. kwalker 11/19/2002 Points of Diversion

Comment: The permit holder contacted Al Beardslee and discussed the location of the wells under this permit. The wells are actually located in the NENE, S33 as shown on the field examination and permit. Al sent in a new map showing the actual location of the wells for licensing of this permit.

## 4. kwalker 11/19/2002 Place of Use

Comment: The permit holder is resistant to paying any amendment fees for this permit. Since Al found that the points of diversion did not need to be amended the only amendment required would be to add 2 acres in the SESW and 1 acre in the SWSE. Al stated the permit holder would not be willing to submit an amendment fee for these 3 acres so I have changed the recommendation to exclude them from this right.

## 5. Renumber 12/22/2008 7:54:24 AM Renumber WR 95-9951

Comment: This has been renumbered from 96-8836

Dates and Other Information:

Licensed Date: 11/25/2002

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre: 0.02

Generic Max Volume Per Acre: 3

Decree Defendant:

Decree Plaintiff:

Civil Case Number:

Judicial District:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report 95-9951

ACCOMMODATION RECORDING  
Pioneer Title Company has  
not examined this document  
and assumes no liability as to  
its validity and its effect  
upon the title

After Recording Mail To:  
Dennis B. Swartout  
PO Box 30009  
Spokane, WA 99223

DANIEL J. ENGLISH 4P I 2165056000  
KOOTENAI CO. RECORDER Page 1 of 4  
BBB Date 06/20/2008 Time 11:54:40  
REC-REQ OF PIONEER TITLE COMPANY  
RECORDING FEE: 12.00  
2165056000 DO 2

## Quit Claim Deed

The GRANTOR, Riverside Development Company, an Idaho corporation,

for a valuable consideration, does hereby convey, remise, release and forever QUITCLAIM,  
including water rights and any hereafter acquired title, to

The GRANTEE, Dennis B. Swartout, as Trustee of  
Dennis B. Swartout Family Trust, a revocable trust, whose address is  
P.O. Box 30009, Spokane, Washington 99223,

all interest in the real estate described in

Exhibit "A" which is attached hereto and made a part hereof.

*The officer who signs this deed hereby certifies that this deed and the transfer represented thereby was  
duly authorized under a resolution duly adopted by the board of directors of the Grantor at a lawful  
meeting duly held and attended by a quorum.*

IN WITNESS WHEREOF, the grantor has caused its corporate name and seal to be hereunto  
affixed by its duly authorized officer this June 19th, 2008

RIVERSIDE DEVELOPMENT COMPANY

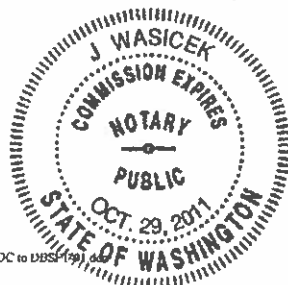
*Benjamin K. Swartout*

by Benjamin K. Swartout, President



State of Washington }  
County of Spokane } ss.

On this 19th day of June, 20 08, before me personally appeared Benjamin K. Swartout, to me  
known to be the President of the corporation that executed the within and foregoing instrument, and  
acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses  
and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument in  
behalf of the corporation and that the seal affixed is the corporate seal of said corporation. In Witness  
Whereof I have hereunto set my hand and affixed my official seal this day.



*J. Wasicek*  
J. Wasicek, Notary Public  
My residence is Spokane, WA  
My commission expires 10/29/11

## EXHIBIT "A"

### Rickel Ranch Legal Description – 11 Parcels

#### Parcel 1: (53N03W-33-5000)

All of Section 33, Township 53 North, Range 3 W.B.M., Kootenai County, Idaho, lying Easterly of U.S. Highway No. 95;

EXCEPTING therefrom that portion of the South 600 feet of the Southwest quarter of the Southwest quarter of Section 33 lying East of U.S. Highway 95 and that portion of the Southeast quarter of the Southwest quarter of said Section 33 described as follows:

BEGINNING at the Southwest corner of said Southeast quarter of the Southwest quarter; thence

East along the South line of said Section 33, 200 feet; thence

Northwesterly to a point on the West line of said Southeast quarter of the Southwest quarter, 600 feet North of the South line of said Section 33; thence

South along said West line to the POINT OF BEGINNING.

LESS AND EXCEPT any portion in road right of way.

AND EXCEPT:

A parcel of land situated in the Northeast quarter of Section 33, Township 53 North, Range 3 West, Boise Meridian, Kootenai County, Idaho, more particularly described as follows:

COMMENCING at a railroad spike in the asphalt of Bunco Road, taken to monument the Northeast corner of said Section 33 (see corner perpetuation and filing Instrument No. 1115426, Kootenai County records), said spike being situated North 89° 35' 29" East, 5282.23 feet, from a 2 inch aluminum cap on 5/8 inch rebar, taken to monument the Northwest corner of said Section 33 (see corner perpetuation and filing Instrument No. 1428953, Kootenai County records): thence

Along the line between the monuments taken for the Northeast and Northwest corners of said Section 33, South 89° 35' 29" West, 897.67 feet; thence

Leaving said line, perpendicularly, South 00° 24' 31" East, 23.02 feet, to the TRUE POINT OF BEGINNING; thence

Along a barbed wire fenceline, more or less, South 00° 59' 34" East, 125.00 feet; thence

Leaving said barbed wire fenceline, - South 89° 11' 42" West, 75.00 feet; thence

North 00° 59' 34" West, 125.00 feet; thence

North 89° 11' 42" East, 75.00 feet to the TRUE POINT OF BEGINNING.

**Parcels 2 and 3: (53N03W-34-4000 and 53N03W-34-3175)**

The West half of the West half of Section 34, Township 53 North, Range 3 West, B.M., Kootenai County, Idaho, except portion described as follows:

A part of the Southwest quarter of the Southwest quarter of Section 34, Township 53 North, Range 3 West, Boise Meridian, Kootenai County, Idaho, described as follows:

COMMENCING at a point 600 feet North and 82 feet West of the Southeast corner of the Southwest quarter of the Southwest quarter of said Section 34; thence

In a general Northeasterly direction, a distance of 605.57 feet, more or less, to a point of the East line of said Southwest quarter of the Southwest quarter of Section 34; thence

South 1200 feet, along the East line of the Southwest quarter of the Southwest quarter of said Section 34 to the Southeast corner of the Southwest quarter of the Southwest quarter of said Section; thence

In a generally Northwesterly direction 605.57 feet, more or less, to the POINT OF BEGINNING.

**Parcel 4: (52N03W-03-3200)**

Government Lot 4 and the Southwest quarter of the Northwest quarter of Section 3, Township 52 North, Range 3 W.B.M., Kootenai County, Idaho, except any portion lying within road right of way.

**Parcel 5: (52N03W-04-0200)**

Government Lots 1, 2 and 3 and the Southeast quarter of the Northwest quarter of Section 4, Township 52 North, Range 3 W.B.M., EXCEPT that portion described as follows:

All that portion of the East half of the Northwest quarter of Section 4, Township 52 North, Range 3 West, B.M., Kootenai County, Idaho, described as follows:

BEGINNING at the Northwest corner of said East half of the Northwest quarter; thence

East along the North line of said Section 4, 200 feet; thence

Southeasterly to a point on the South line of the Northeast quarter of the Northwest quarter of said Section 4, 660 feet East of the Southwest corner of said Northeast quarter of the Northwest quarter; thence

South parallel with the West line of said East half of the Northwest quarter to a point on the South line of said East half of the Northwest quarter; thence

West along said South line to the Southwest corner of said East half of the Northwest quarter; thence

North along the West line of said East half of the Northwest quarter to the POINT OF BEGINNING.

Parcel 6: (52N03W-04-1800)

The East half of the Southeast quarter of the Northeast quarter of Section 4, Township 52 North, Range 3 West, W.B.M. in Kootenai County, State of Idaho.

Parcel 7: (52N03W-04-2000)

The West half of the Southeast quarter of the Northeast quarter of Section 4, Township 52 North, Range 3 West, W.B.M. in Kootenai County, State of Idaho.

Parcel 8: (52N03W-04-1200)

The East half of the Southwest quarter of the Northeast quarter of Section 4, Township 52 North, Range 3 West, W.B.M. in Kootenai County, State of Idaho.

Parcel 9: (52N03W-04-1350)

The West half of the Southwest quarter of the Northeast quarter of Section 4, Township 52 North, Range 3 West, W.B.M. in Kootenai County, State of Idaho.

Parcel 10: (52N03W-04-7200)

The North half of the Northeast quarter of the Southeast quarter of Section 4, Township 52 North, Range 3 West, W.B.M. in Kootenai County, State of Idaho.

Parcel 11: (53N03W-27-5000)

The Southwest Quarter of Section 27, Township 53 North, Range 3 West Boise Meridian, Kootenai County, State of Idaho.

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