



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

May 4, 2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

WILLIAM M FANNING
41 W RIVERSIDE #110
SPOKANE WA 99201

RE: Change of Ownership for Water Right Nos. 95-4332 & 95-4333

Dear Water Right Holder:

The department acknowledges receipt of correspondence changing ownership of the above referenced water right to you. The department has modified its records to reflect the change in ownership and has enclosed computer-generated reports for your records.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing an ownership change notice, the department does not review the history of water use to determine if the right has been deliberately abandoned or forfeited through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Sections 42-222 and 42-223, Idaho Code.

In addition, please note that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.idaho.gov.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,



Emalee Rushing
Office Services Supervisor

Enclosures

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form. Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
95-4332					
95 4333					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

Richard C. Johnson
 Roger W. & Sally A. Schmitz
 PEMA Corporation

4. New Owner/Claimant(s)

William M. Fanning
 Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

41 W. RIVERSIDE #110

City, State and ZIP Code

Spokane, WA. 99201

New Telephone Number

(509) 999 5444 Email: Fanning@21waterfront.

5. Date you acquired the property

FEB. 10, 1994

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (you may copy this page, if necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number <u>95 4333</u>		
Irrigation <u>.02</u>	<u>.02 CFS</u>	<u>1 Acre 1/2 HP Pump</u>
Stock	<u>.04 CFS</u>	<u>04/1 TO 10/1</u>
Domestic <u>.04</u>	<u>.04 CFS</u>	<u>1 1/4" Pipe same Pump</u>
Other		<u>1/1 TO 12/31</u>
Totals	<u>.06 CFS</u>	
Water Right and/or Adjudication Claim Number _____		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number _____		
Irrigation		
Stock		
Domestic		
Other		
Totals		

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

7. Signature(s) of New Owner(s) or Claimant(s)

[Signature]

(title if applicable)

(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by _____

Date _____

Receipt Amt. _____

Received by _____

Date _____

Receipt No. _____

Processed by _____ AJ

Date _____

WR _____

Date _____

1126372

WARRANTY DEED

For Value Received RICHARD C. JOHNSON, and JEANETTE K. JOHNSON,
husband and wife,

the grantor do hereby grant, bargain, sell and convey unto ROGER W. SCHMITZ
and SALLY A. SCHMITZ, husband and wife, S 2801 Garfield
Spokane, WA 99203

the grantee s, the following described premises, in Kootenai County Idaho, to wit:

A tract of land in Government Lot 2, Section 17, Township
48 North, Range 4 West, Boise Meridian, Kootenai County,
Idaho, more particularly described as follows:

Beginning at the Northeastly Corner of Lot 1, Block 3,
Plat of Lenz Lakewood Park, Kootenai County, Idaho, and being
a point on the North-South Line between Sections 17 and 18,
from which the Northwest corner of said Section 17 bears
North 0°02' East and 1099.33 feet distant; thence South 69°50'
East along the South Right-Of-Way line of the existing County
Road, 200 feet; thence South 85°02' East, 112.18 feet; thence
South 86°17' East, 116.53 feet to the True Point of Beginning
for this Description; thence South 5°03' West, 337.43 feet
to the Shore of Lake Coeur d'Alene; thence North 81°33' 10"
East along said Shoreline, 110 feet; thence North 69°29' 50"
East along said Shoreline, 40 feet; thence leaving the Shoreline
North 5°03' East, 336.85 feet to a point that is 10 feet
South of the centerline of the Rockford Bay Road; thence
South 78°33' West, 149.19 feet to the True Point of Beginning
for this Description.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees,
their heirs and assigns forever. And the said Grantor, does hereby covenant to and
with the said Grantees, that they are the owners in fee simple of said premises; that they are free
from all incumbrances except (a) easements and rights-of way in view
and of record,

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated OCT. 6, 1980.

Richard C. Johnson
Richard C. Johnson

Jeanette K. Johnson
Jeanette K. Johnson

STATE OF IDAHO, COUNTY OF Kootenai
On this 6 day of OCT. 19 80
before me, a notary public in and for said State, personally
appeared **RICHARD C. JOHNSON** and
JEANETTE K. JOHNSON, husband
and wife,

known to me to be the person whose names are
subscribed to the within instrument, and acknowledged to
me that they executed the same.

[Signature]
Notary Public

Residing at OP, Idaho
Comm. Expires 11-8-82

STATE OF IDAHO, COUNTY OF Kootenai
I hereby certify that this instrument was filed for record at
the request of Roger Schmitz
at 35 minutes past 12 o'clock p.m.,
this AUG 23 1980 day of
19 1980, in my office, and duly recorded in Book
of Deeds at page

SHIRLEY DEITZ

Ex-Officio Recorder

By *[Signature]* Deputy.

Fees \$ 3.00
Mail to: Ju. Hand

INSTRUMENT NO.

1744166

FIRST AMERICAN TITLE

WHEN RECORDED RETURN TO:
Lukins & Annis, P.S.
1600 Washington Trust Fin. Cen.
Spokane, Washington 99204
ATTN: James S. Black, Jr.

FEB 7 4 11 PM '84

Beatty
FEB 7 1984

21345

STATUTORY WARRANTY DEED

21346

The Grantors, ROGER W. SCHMITZ and SALLY A. SCHMITZ, husband and wife, convey and warrant to PEMA CORPORATION, a Washington corporation acting as facilitator under I.R.C. 1031 for WILLIAM M. FANNING, a single person, the real estate described on the attached Exhibit "A", situate in the County of Kootenai, State of Idaho. C/o Lukins & Annis, P.S.

SUBJECT TO 1994 real estate taxes, a lien not yet payable.

SUBJECT TO any claims arising out of the difference between the mean high water line and the meander line of Coeur d'Alene Lake.

SUBJECT TO right of the State of Idaho in and to that portion of said premises, if any, lying below the high water mark in the bed or the floor bed of Coeur d'Alene Lake.

SUBJECT TO any rights of the United States of America, the State of Idaho, and the public generally in and to that portion of the property which is or may be filled in land or which is on has been under water, or which lies below the mean highwater mark of Coeur d'Alene Lake.

SUBJECT TO an easement for right and authority to contain water for domestic use in favor of Arlie Young, Fred Fleckenstein and Walter S. Hurd, as recorded August 29, 1956 in Book 165 at Page 101, records of Kootenai County, Idaho.

SUBJECT TO Road Easement and Agreement in favor of George Cooper and Charlotte Cooper and Robert S. Enmann and Mary G. Enmann, as recorded April 10, 1964 in Book 196 at Page 310, records of Kootenai County, Idaho.

SUBJECT TO record of survey as recorded November 20, 1980 at Instrument No. 860252.

SUBJECT TO Affidavit recorded January 27, 1975, as Instrument No. 665820, records of Kootenai County, Idaho, by the Idaho Panhandle Health District No. 1 relating to regulation of sewage facilities.

SUBJECT TO any law, ordinance or regulation of an Indian tribe or nation, including but not limited to rights of eminent domain or rights of police power exercised by an Indian tribe or nation.

SUBJECT TO a twenty foot roadway easement in favor of Timothy V. Swartout and Jonquill P. Swartout disclosed by Warranty Deed recorded July 6, 1993 at Instrument No. 1310914.

DATED February 7, 1994.

Roger W. Schmitz
ROGER W. SCHMITZ

Sally A. Schmitz
SALLY A. SCHMITZ

STATE OF WASHINGTON)
County of Spokane : ss.

On this 7th day of February, 1994, personally appeared before me ROBERT W. SCHMITZ and SALLY A. SCHMITZ, husband and wife, to me known to be the individuals described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN UNDER my hand and official seal the day and year in this certificate first above written.

E. N. Olson
Notary Public in and for the State
of Washington, residing at Spokane, Washington
My Commission Expires: 12/31/95

1344166

EXHIBIT "A"

A parcel of land being a portion of Tax Number 12147 located in Government Lot 2, Section 17, Township 48 North, Range 4 West, Boise Meridian, Bontena County, Idaho and being described by angles and bounds as follows:

COMMENCING at a found iron rod marking the Northeastly corner of Lot 1, Block 3, Plat of Lone Linwood Park; thence

Along the South right of way line of the existing county road, North 89°42'00" East (South 89°58' East-Dead), a distance of 200.37 feet (200.00 feet-Dead) to a found iron pipe; thence

Continuing along said South right of way line, South 85°01'37" East (South 85°02' East-Dead), a distance of 112.16 feet (112.18 feet-Dead) to a found iron rod; thence

Continuing along said South right of way line, South 86°17'48" East (South 86°17' East-Dead), a distance of 136.60 feet (136.53 feet-Dead) to a found iron rod marking the Northwest corner of Tax Number 12147; thence

Continuing along said South right of way line, North 78°33'30" East, a distance of 53.27 feet to a set iron rod and cap marking the POINT OF BEGINNING; thence

Continuing along said South right of way, North 78°33'30" East, a distance of 95.90 feet to a found iron rod marking the Northeast corner of Tax Number 12147; thence

Leaving said South right of way line, South 05°06'08" West (South 05°03' West-Dead) a distance of 336.29 feet (336.88 feet-Dead) to a found iron rod marking the Southeast corner of Tax Number 12147 and the shore of Lake Coeur d'Alene; thence

Along the shoreline of Lake Coeur d'Alene, South 69°11' West (South 69°29'50" West-Dead), a distance of 39.83 feet (40.00 feet -) to a found iron rod; thence

Continuing along the shoreline of Lake Coeur d'Alene, South 81°31'27" West (South 81°32'10" West-Dead), a distance of 49.96 feet to a set iron rod and cap; thence

North 04°25'47" East, a distance of 215.90 feet to a set iron rod and cap; thence

North 02°24'52" West, a distance of 37.29 feet to a set iron rod and cap; thence

North 05°03'59" East a distance of 85.00 feet to the POINT OF BEGINNING.

1344166

A parcel of land being a portion of Tax Number 12147 located in Government Lot 2, Section 17, Township 48 North, Range 4 West, Boise Meridian, Kootenai County, Idaho and being described by metes and bounds as follows:

COMMENCING at a found iron rod marking the Northeastern corner of Lot 1, Block 3, Plat of Lenz Lakewood Park; thence

Along the South right of way line of the existing County Road, North 89°42'30" East (South 89°58'15" West-Dead), a distance of 200.37 feet (200.00 feet-Dead) to a found iron pipe; thence

Continuing along said South right of way line, South 85°01'37" East (South 85°02' East-Dead) a distance of 112.16 feet (112.18 feet-Dead) to a found iron rod; thence

Continuing along said South right of way line, South 86°17'48" East (South 86°17' East-Dead) a distance of 136.60 feet (136.53 feet-Dead) to a found iron rod marking the Northeast corner of Tax Number 12147; thence

Continuing along said South right of way line, North 78°33'30" East, a distance of 53.27 feet to a set iron rod and cap; thence

Leaving said South right of way line, South 05°03'59" West, a distance of 65.00 feet to a set iron rod and cap; thence

South 02°24'52" East, a distance of 37.29 feet to a set iron rod and cap marking the POINT OF BEGINNING; thence

South 04°25'47" West, a distance of 215.99 feet to the shore of Lake Coeur d'Alene; thence

Along the shoreline of Lake Coeur d'Alene, South 81°31'27" West (South 81°32'10" West-Dead), a distance of 60.00 feet to a found iron rod marking the common division line between Tax Numbers 8130 and 12147; thence

Along said common division line, North 05°03'59" East, a distance of 215.31 feet to a set iron rod and cap; thence

North 52°52'21" East, a distance of 11.16 feet to a set iron rod and cap; thence

North 87°37'32" East, a distance of 48.07 feet to the POINT OF BEGINNING.

WHEN RECORDED RETURN TO:
Lukins & Annis, P.S.
1600 Washington Trust Fin. Cen.
Spokane, Washington 99204
ATTN: James S. Black, Jr.

CERTIFICATE OF RECORDING
COUNTY OF Kootenai, Idaho
Aug 22 3:53 PM '94
Deputy

1367270

STATUTORY WARRANTY DEED

The Grantor, PERA CORPORATION, a Washington corporation acting as facilitator under T.R.C. 1031 for WILLIAM M. FANNING, a single person, for and in consideration of fulfillment of an L.R.C. 1031 tax-deferred exchange transaction, conveys and warrants to WILLIAM M. FANNING, a single person, the real estate described on the attached Exhibit "A", situate in the County of Kootenai, State of Idaho.

* 107 South Howard, Suite 200, Spokane, WA 99204

SUBJECT TO 1994 real estate taxes, a lien not yet payable.

SUBJECT TO any claims arising out of the difference between the mean high water line and the meander line of Coeur d'Alene Lake.

SUBJECT TO any right of the State of Idaho in and to that portion of said premises, if any, lying below the high water mark in the bed or the former bed of Coeur d'Alene Lake.

SUBJECT TO any rights of the United States of America, the State of Idaho, and the public generally in and to that portion of the property which is or may be filled in land or which is or has been under water, or which lies below the mean high water mark of Coeur d'Alene Lake.

SUBJECT TO and easement for right and authority to contain water for domestic use in favor of Arlie Young, Fred Flockenstein and Walter S. Ward, as recorded August 29, 1956 in Book 165 at Page 101, records of Kootenai County, Idaho.

SUBJECT TO Road Easement and Agreement in favor of George Cooper and Charlotte Cooper and Robert S. Ennam and Mary C. Ennam, as recorded April 10, 1964 in Book 196 at Page 310, records of Kootenai County, Idaho.

SUBJECT TO record of survey as recorded November 20, 1980 at Instrument No. 864282.

SUBJECT TO Affidavit recorded January 27, 1975, as Instrument No. 618810, records of Kootenai County, Idaho, by the Idaho Penitentiary Health District No. 1 relating to regulation of sewage facilities.

SUBJECT TO any law, ordinance or regulation of an Indian tribe or nation, including but not limited to rights of eminent domain or rights of police power exercised by an Indian tribe or nation.

DATED AUGUST 15, 1994.

PERA CORPORATION

By Peter V. Hawkins
PETER V. HAWKINS, Secretary

136727U

STATE OF WASHINGTON }
County of Spokane } ss.

On this 15 day of August, 1994, before me personally appeared PETER V. HAWKINS, to me known to be the Secretary of PRMA CORPORATION, the corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act of said corporation, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute the said instrument on behalf of said corporation.

WITNESSED BY HAND AND OFFICIAL SEAL the day and year in this certificate of notary public above written.



Lewis M. Sackman
Notary Public in and for the State of
Washington, residing at Spokane

My Commission Expires: 5/25/97

EXHIBIT "A"

A parcel of land being a portion of Tax Number 12147 located in Government Lot 2, Section 17, Township 48 North, Range 4 West, Boise Meridian, Kootenai County, Idaho and being described by metes and bounds as follows:

COMMENCING at a found iron rod marking the Northeast corner of Lot 1, Block 3, Plat of Lone Lakewood Park; thence

Along the South right of way line of the existing County Road, North 89°42'30" East (South 89°58' East-Deed), a distance of 200.37 feet (200.00 feet-Deed) to a found iron pipe; thence

Continuing along said South right of way line, South 85°01'37" East (South 85°02' East-Deed) a distance of 112.16 feet (112.18 feet-Deed) to a found iron rod; thence

Continuing along said South right of way line, South 86°17'48" East (South 86°17' East-Deed), a distance of 136.60 feet (136.53 feet-Deed) to a found iron rod marking the Northwest corner of Tax Number 12147; thence

Continuing along said South right of way line, North 78°33'30" East, a distance of 53.27 feet to a set iron rod and cap marking the POINT OF BEGINNING; thence

Continuing along said South right of way, North 78°33'30" East, a distance of 95.90 feet to a found iron rod marking the Northeast corner of Tax Number 12147; thence

Leaving said South right of way line, South 05°06'08" West (South 05°03' West-Deed) a distance of 336.29 feet (336.85 feet-Deed) to a found iron rod marking the Southeast corner of Tax Number 12147 and the shore of Lake Coeur d'Alene; thence

Along the shoreline of Lake Coeur d'Alene, South 69°27'16" West (South 69°29'50" West-Deed), a distance of 39.83 feet (40.00 feet-Deed) to a found iron rod; thence

Continuing along the shoreline of Lake Coeur d'Alene, South 81°31'27" West (South 81°32'10" West-Deed), a distance of 49.96 feet to a set iron rod and cap; thence

North 04°25'47" East, a distance of 215.99 feet to a set iron rod and cap; thence

North 02°24'52" West, a distance of 37.29 feet to a set iron rod and cap; thence

North 05°03'59" East a distance of 85.00 feet to the POINT OF BEGINNING.

1367270

05/04/2009

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 95-4333

WATER RIGHT NUMBER: 95-4333

Owner Type Name and Address
Current Owner **WILLIAM M FANNING**
 41 W RIVERSIDE 110
 SPOKANE, WA 99201

Priority Date: 10/01/1947
Basis: Statutory Claim
Status: Active

Source Tributary
COEUR D ALENE LAKE SPOKANE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.040 CFS	
IRRIGATION	4/01 to 10/01	0.020 CFS	
	<u>Total Diversion:</u>	0.060 CFS	

Location of Point(s) of Diversion
COEUR D ALENE LAKE L2 (NW1/4NW1/4) Sec. 17, Twp 48N, Rge 04W, B.M.
 KOOTENAI County

Place of Use
IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
48N 04W 17						1.0											1.0
						L 2											

Total Acres: 1

DOMESTIC same as IRRIGATION

Conditions of Approval:

Remarks:

Dates and Other Information:

Idaho Department of Water Resources Receipt

Receipt ID: C088537

Payment Amount \$50.00 Date Received 4/24/09 9:55 Region STATE
Payment Type Check Check Number 3265
Payer WILLIAM M FANNING

Comments Change in Ownership for Water Right #'s 95-4332 & 95-4333

Fee Details

Amount	Description	Fund	Fund Detail	PCA	Subobject
\$50.00	OWNERSHIP CHANGES/SECURITY INTERESTS	0229	21	56140	1155

SRT

Signature Line (Department Representative)

Idaho Department of Water Resources Receipt

Receipt ID: N020227

Payment Amount	\$25.00	Date Received	4/6/09 9:14	Region	NORTHERN
Payment Type	Check	Check Number	10291		
Payer	FANNING, BILL M				

Comments 95-4332-4333
CHANGE OWNERSHIP

Fee Details

Amount	Description	Fund	Fund Detail	PCA	Subobject
\$25.00	OWNERSHIP CHANGES/SECURITY INTERESTS	0229	21	65140	1155

cm

Signature Line (Department Representative)

WHEN RECORDED RETURN TO:
Lukins & Annis, P.S.
1600 Washington Trust Fin. Cen.
Spokane, Washington 99204
ATTN: James S. Black, Jr.

FIRST AMERICAN TITLE

MAR 7 4 15 PM '94

FEES

1344168

Q1345

STATUTORY WARRANTY DEED

The Grantor, PEMA CORPORATION, a Washington corporation acting as facilitator under I.R.C. 1031 for WILLIAM M. FANNING, a single person, for and in consideration of fulfillment of an I.R.C. 1031 tax-deferred exchange transaction, conveys and warrants to WILLIAM M. FANNING, a single person, the real estate described on the attached Exhibit "A", situate in the County of Kootenai, State of Idaho.

SUBJECT TO 1994 real estate taxes, a lien not yet payable.

SUBJECT TO any claim arising out of the difference between the mean high water line and the meander line of Coeur d'Alene Lake.

SUBJECT TO right of the State of Idaho in and to that portion of said premises, if any, lying below the high water mark in the bed or the former bed of Coeur d'Alene Lake.

SUBJECT TO any rights of the United States of America, the state of Idaho, and the public generally in and to that portion of the property which or may be filled in land or which is or has been under water, or which lies below the mean highwater mark of Coeur d'Alene Lake.

SUBJECT TO an easement for right and authority to contain water for domestic use in favor of Arlie Yo7ung, Fre. Fleckenstein and Walter S. Hurd, as recorded August 29, 1956 in Book 165 at Page 141, records of Kootenai County, Idaho.

SUBJECT TO Road Easement and Agreement in favor of George Cooper and Charlotte Cooper and Robert S. Enmann and Mary C. Enmann, as recorded April 10, 1964 in Book 196 at Page 310, records of Kootenai County, Idaho.

SUBJECT TO record of survey as recorded November 20, 1980 at Instrument No. 860252.

SUBJECT TO Affidavit recorded January 27, 1975, as Instrument No. 665820, records of Kootenai County, Idaho, by the Idaho Panhandle Health District No. 1 relating to regulation of sewage facilities.

SUBJECT TO any law, ordinance or regulation of an Indian tribe or nation, including but not limited to rights of eminent domain or rights of police power exercised by an Indian tribe or nation.

DATED Feb. 10, 1994.

PEMA CORPORATION

By Peter V. Hawkins
PETER V. HAWKINS, President

Secretary

STATE OF WASHINGTON)

County of Spokane)

On this 10th day of February, 1992, before me personally appeared PETER V. HAWKINS, to me known to be the President of PEMA CORPORATION, the corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act of said corporation, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute the said instrument on behalf of said corporation.

GIVEN UNDER MY HAND AND OFFICIAL SEAL the day and year in this certificate above written.



[Signature]
Notary Public in and for the State
of Washington, residing at Spokane

My Commission Expires: 5/23/96

1344168

EXHIBIT "A"

ORDER NO. 21345

A parcel of land being a portion of Tax Number 12147 located in Government Lot 2, Section 17, Township 48 North, Range 1 West, Boise Meridian, Bannock County, Idaho and being described by metes and bounds as follows:

COMMENCING at a found iron rod marking the Northeastly corner of Lot 1, Block 3, Plat of Lake Lathwood Park; thence

Along the South right of way line of the existing County Road, North 89°42'00" East (South 89°58' East-Deed), a distance of 200.37 feet (200.00 feet-Deed) to a found iron pipe; thence

Continuing along said South right of way line, South 85°01'37" East (South 85°02' East-Deed), a distance of 112.16 feet (112.18 feet-Deed) to a found iron rod; thence

Continuing along said South right of way line, South 86°17'48" East (South 86°17' East-Deed), a distance of 136.60 feet (136.33 feet-Deed) to a found iron rod marking the Northwest corner of Tax Number 12147; thence

Continuing along said South right of way line, North 78°33'30" East, a distance of 83.27 feet to a set iron rod and cap marking the POINT OF BEGINNING; thence

Continuing along said South right of way, North 78°33'30" East, a distance of 35.90 feet to a found iron rod marking the Northeast corner of Tax Number 12147; thence

Leaving said South right of way line, South 05°06'08" West (South 05°03' West-Deed), a distance of 336.29 feet (336.85 feet-Deed) to a found iron rod marking the Southeast corner of Tax Number 12147 and the shore of Lake Coeur d'Alene; thence

Along the shoreline of Lake Coeur d'Alene, South 69°27'15" West (South 69°29'50" West-Deed), a distance of 39.83 feet (40.00 feet-Deed) to a found iron rod; thence

Continuing along the shoreline of Lake Coeur d'Alene, South 81°31'27" West (South 81°32'10" West-Deed), a distance of 49.96 feet to a set iron rod and cap; thence

North 04°25'47" East, a distance of 215.99 feet to a set iron rod and cap; thence

North 02°24'52" West, a distance of 37.29 feet to a set iron rod and cap; thence

North 05°03'59" East a distance of 85.00 feet to the POINT OF BEGINNING.

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State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

April 15, 2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

WILLIAM M FANNING
41 W RIVERSIDE #110
SPOKANE WA 99201

Copy

RE: Water Right Nos. 95-4332 & 95-4333 Change in Ownership

RECEIVED
MAR 11 2010
IDWR/North

Dear water right holder:

The Department of Water Resources acknowledges receipt of your Notice of Change in Water Right Ownership. Our review of your notice indicates that additional information is required before we can process the change. The information required is indicated below:

 X **Filing Fee** of \$25 per water right

Effective July 1, 2000, the legislature enacted House Bill No. 545 requiring a filing fee for a change in water right ownership. The fee is \$25 per water right, except for ownership changes resulting in the division of a water right, which is \$100 per water right. All ownership change notices received after June 30, 2000 must include the appropriate filing fees in order to be processed. We have determined that the filing fee for your notice will be **\$25**.

The Department cannot process the ownership change without proper documentation. We will hold your application for **30 days** pending receipt of the necessary information. If we do not receive the documentation within that time, we will return your notice and all attachments unprocessed.

Please feel free to contact the Department if you have any questions.

Sincerely,

Emalee Rushing
Office Services Supervisor

Enclosures