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JAN 08 2010

Form No 42-1409-1 (Internet 12/08)

IDWR / NORTH

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE COEUR D' ALENE-SPOKANE RIVER
BASIN WATER SYSTEM

CIVIL CASE NUMBER: 49576

Ident. Number 95-15533Date Received: 1/8/10 1/8/10Receipt No: N023290Received By: dxNOTICE OF CLAIM
TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) ROSS POINT WATER DISTRICT Phone (208) 773-1120Mailing Address P. O. BOX 70 POST FALLS ID 838772. Date of Priority (Only one (1) per claim) FEBRUARY 8, 1955
Month Day Year (YYYY)3. Source of water supply (Check one) Ground Water (✓) or Other () (a) _____
which is tributary to (b) _____4. a. Location of Point of Diversion is: Township 51N, Range 05W, Section 25,
NE, 1/4 of SE, 1/4 Govt. Lot _____, BM., County of KOOTENAI

Parcel (PIN) no. _____

Additional points of diversion if any: SEE ATTACHED EXHIBIT "A"

If available, GPS Coordinates _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4

Govt. Lot _____, BM., County of _____

ending point is: Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4

Govt. Lot _____, BM., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed
and as enlarged and the depth of each well. _____DEEP WELL LINE SHAFT TURBINE PUMPING SYSTEM AND PIPINGCORRECTED
JAN 11 2010

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD) (cfs) (acre feet)

For MUNICIPAL purposes from JAN 1 to DEC 31 amount 2.90 or

For purposes from to amount or

For purposes from to amount or

For purposes from to amount or

7. Total quantity claimed (a) 2.90 (cfs) and/or (b) (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) MUNICIPAL USE

9. Description of place of use: SEE ATTACHED EXPANDED TABLE, EXHIBIT "B"

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 use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

Twn	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Parcel (PIN) no(s) Total number of acres irrigated

10. In which county (ies) are lands listed above as place of use located? KOOTENAI

11. Do you own the property listed above as place of use? Yes () No (✓)

If your answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.

95-(4088, 7258, 8477, 9009, 7698, 2099, 7009) or None ()

13. Remarks: 1) PORTION OF INITIAL OWNERSHIP OF WATER RIGHT NO. 95-2110 (3.58 CFS)

TRANSFERRED BY DEED TO RPWD PER INSTRUMENT #2106397000 = 81% OF 3.58 CFS

= 2.90 CFS. SEE ATTACHED DEED. REFER TO ATTACHED CLARIFICATION

ILLUSTRATION EXHIBIT "C".

2) MULTIPLE POINTS OF DIVERSION IN RPWD - SEE ATTACHED EXHIBIT "A".

3) PLACE OF USE: RPWD BOUNDARY, SEE ATTACHED EXHIBIT "A" AND EXHIBIT "B".

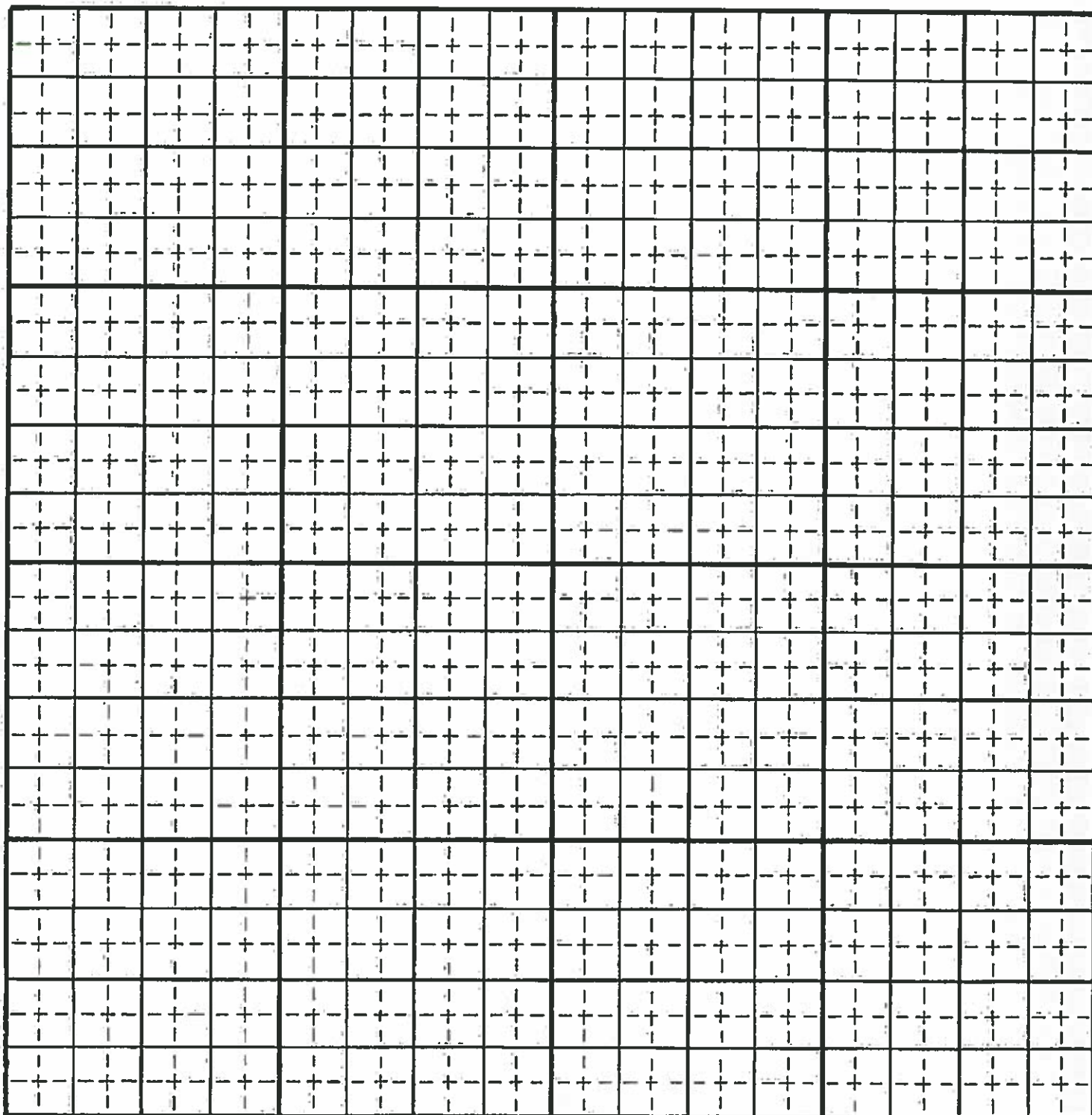
Last Name ROSS POINT WATER DIST Identification No.

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Map of Project: Attach aerial photograph or topographic map showing clearly the point of diversion, place of use, section number, township, and range number, unless unavailable. Otherwise sketch the elements above on the grid below.

SEE ATTACHED EXHIBIT "A"

Scale: 2 Inches equals 1 mile



Last Name ROSS POINT WATER DIST Identification No. _____

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14. Basis of Claim (Check One) Beneficial Use () Posted Notice () License (✓) Permit () Decree ()

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number 95-2110

15. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication." (b.) I/We do () do not (✓) wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 4

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date: _____

_____ Date: _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am

SUPERINTENDENT of ROSS POINT WATER DISTRICT,
Title Organization

that I have signed the foregoing document in the space below as

SUPERINTENDENT of ROSS POINT WATER DISTRICT,
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Don Selden Date 1-7-2010

Title and Organization SUPERINTENDENT, ROSS POINT WATER DISTRICT

16. Notice of Appearance:

Notice is hereby given that I, _____, will be acting as attorney at law of behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

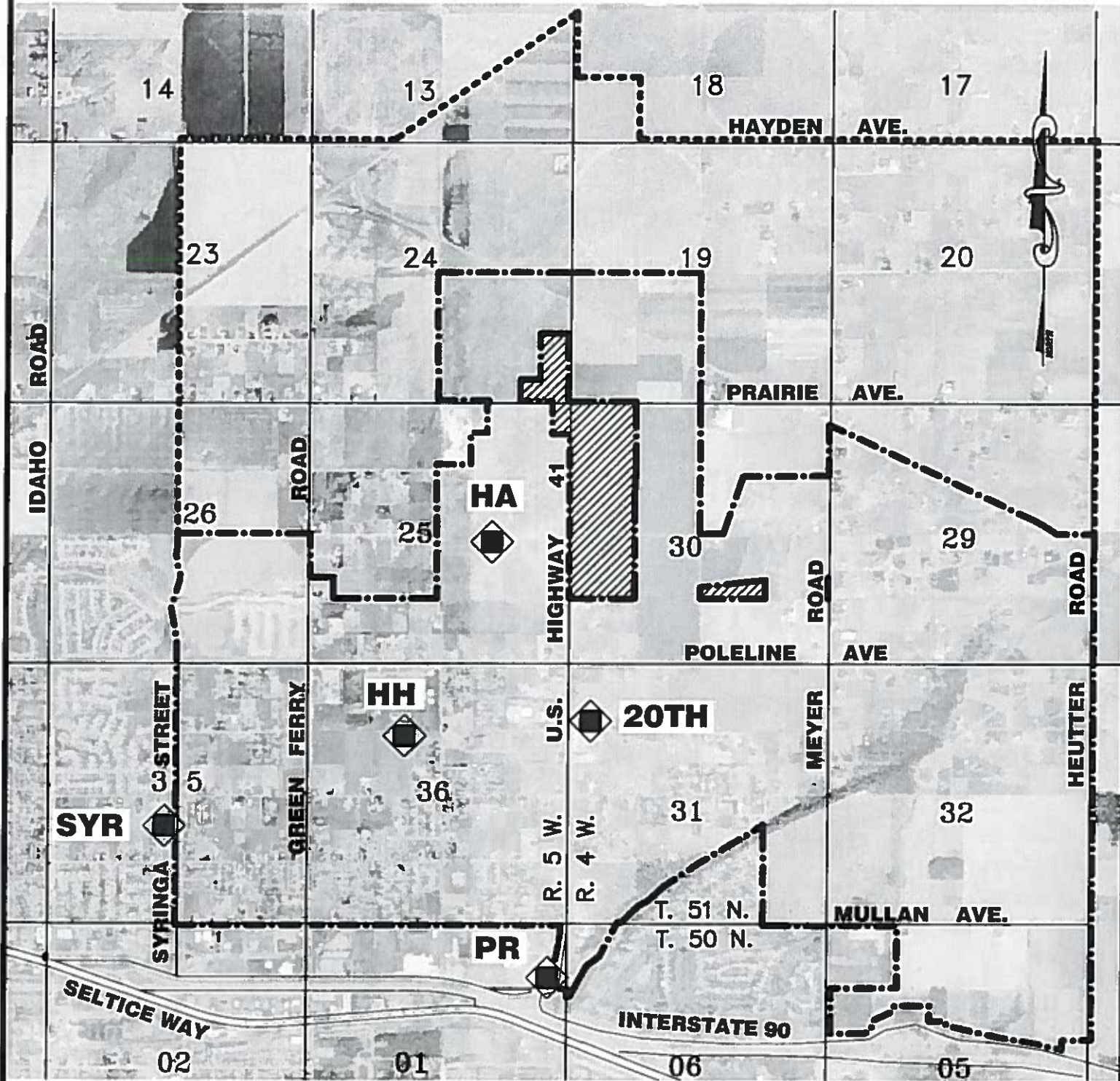
Signature _____ Date _____

Address _____

Last Name ROSS POINT WATER DIST Identification No. _____

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JAN 11 2010

EXHIBIT "A"



POINTS OF DIVERSION				
CODE	DESCRIPTION	¼	¼	S-T-R
PR	PRIMROSE WELL	NE	NE	01-50N-5W
SYR	SYRINGA WELL	NE	SW	35-51N-5W
20TH	20TH ST WELL	NW	NW	31-51N-4W
HH	HORSE HAVEN WELL	NE	NW	36-51N-5W
HA	HOPE AVE WELL	NE	SE	25-51N-5W

LEGEND

- WELL (POINT OF DIVERSION)
- ROSS POINT WATER DISTRICT BOUNDARY (DEC. 2009)
- ROSS POINT WATER DISTRICT 20 YEAR PLANNING HORIZON: POTENTIAL SERVICE AREA BOUNDARY (PER SECTION 42-202(2) IDAHO CODE)
- AREA NOT YET ANNEXED INTO ROSS POINT WATER DISTRICT BOUNDARY

TITLE: ROSS POINT WATER DISTRICT
ILLUSTRATION OF POINTS OF DIVERSION
AND PLACE OF USE

SCALE: NTS

DATE: 12/31/09

FILE: R129 PTS OF DIVERSION2.dwg

FRAME & SMETANA, PA
Consulting Engineers

603 North 4th Street, Coeur d'Alene, Idaho, 83814
Ph. (208)664-2121/Fax: 765-5502/ Email: smetana@adelphia.net

ES

SHEET
1 OF 1

EXHIBIT "B"

ATTACHMENT TO
NOTICE OF CLAIM TO A WATER RIGHT
IDWR Water Right Number 95-2110

ROSS POINT WATER DISTRICT

DESCRIPTION OF PLACE OF USE:

DECEMBER 2009

Twn	Rng	Sec	NE				NW				SW				SE				Totals (ac)
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
51N	5W	24													M	M	M	M	138
51N	4W	19									M	M	M	M					160
51N	5W	26													M	M	M	M	160
51N	5W	25	M	M	M	M						M	M	M	M	M	M	M	374
51N	4W	30			M	M	M			M	M		M	M	M	M	M	M	400
51N	4W	29			M	M	M	M	M	M	M	M	M	M	M	M	M	M	445
51N	5W	35	M	M	M	M					M				M	M	M	M	321
51N	5W	36	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	640
51N	4W	31	M	M	M	M	M	M	M	M	M	M	M	M	M	M		M	567
51N	4W	32	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	640
50N	5W	1	M																1
50N	4W	6						M											18
50N	4W	5	M	M	M	M	M		M	M									227

20 YEAR PLANNING HORIZON (PER SECTION 42-202(2) IDAHO CODE)

Twn	Rng	Sec	NE				NW				SW				SE				Totals (ac)
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
51N	5W	23	M	M	M	M									M	M	M	M	320
51N	5W	24	M	M	M	M	M	M	M	M	M	M	M	M			M		502
51N	4W	19	M	M	M	M	M	M	M	M					M	M	M	M	480
51N	4W	20	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	640
51N	5W	26	M	M	M	M													160
51N	5W	25	M	M			M	M	M	M	M	M							266
51N	4W	30	M	M	M	M		M	M			M				M			240
51N	4W	29	M	M	M	M	M	M		M									195

TOTAL (ac) 6,894 ±

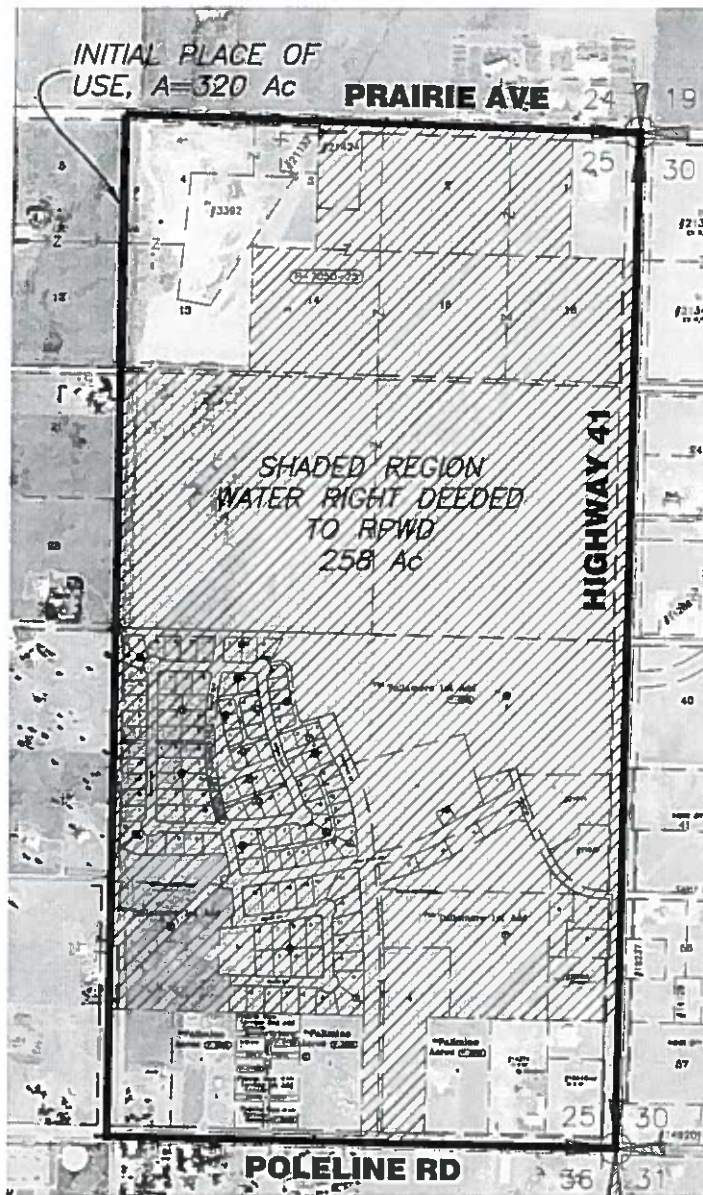
NOTE: The above expanded tables are provided to clarify the Ross Point Water District place of use per Question # 9 of IDWR Form No. 42-1409-1

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EXHIBIT "C"

ADJUDICATION ILLUSTRATION

IDAHO DEPARTMENT WATER RESOURCES WATER RIGHT #95-2110
PORTION OF Sec.25, Twp.51 N., R.5 W., B.M.



SHADED REGION:
PORTION OF WATER RIGHT DEEDED TO RPWD
BY TULLAMORE PROPERTIES, LLC,
PER INST #2106397000, A=258 Ac
258 Ac/320 Ac=81%,
INITIAL RATE OF DIVERSION = 3.58 CFS
81% OF 3.58 CFS= 2.90 CFS DEEDED TO RPWD

SCANNED
JAN 11 2010

TITLE: ROSS POINT WATER DISTRICT
EXHIBIT "C" ADJUDICATION ILLUSTRATION
#95-2110

SCALE: 1"=1000'

DATE: 12-15-09

FILE: R129WR.dwg

FRAME & SMETANA, PA
Consulting Engineers

603 North 4th Street, Coeur d'Alene, Idaho, 83814
Ph. (208)664-2121/Fax: 765-5502/ Email: smetana@adelphia.net

ES

SHEET
1 OF 1

AFTER RECORDING RETURN TO:
Ross Point Water District
ATTN: Dan Selden, Superintendent
P. O. Box 70
Post Falls, ID 83877

Grantor: Tullamore Properties, LLC, an Idaho limited liability company
Grantee: Ross Point Water District, an Idaho special District

WARRANTY DEED CONVEYING UNDERGROUND WATER RIGHT

FOR GOOD AND VALUABLE CONSIDERATION, the receipt and sufficiency of which is hereby acknowledged, on this 11 day of June, 2007, this **WARRANTY DEED CONVEYING UNDERGROUND WATER RIGHT** is entered into by and between **TULLAMORE PROPERTIES, LLC**, an Idaho limited liability company, whose current address is 661 South Rivershore Lane, Suite #120, Eagle, ID 83816 ("**Grantor**"), and **ROSS POINT WATER DISTRICT**, an Idaho municipal district, whose current address is P. O. Box 70, Post Falls, Idaho 83877 ("**Grantee**"), conveying the portion of ground water irrigation Water Right No. 95-2110, with a priority date of February 8, 1955 (the "**Tullamore Water Right**") appurtenant to that certain real property situated in the City of Post Falls, County of Kootenai, State of Idaho, comprising 192 acres, and more particularly described in **Exhibit "A"** attached hereto and made a part hereof (the "**Benefited Property**"), also depicted as **Tullamore Subdivision**, on the Preliminary PUD Plan, attached hereto as **Exhibit "B"** and made a part hereof ("**Tullamore**");

NOW THEREFORE, Grantor and Grantee hereby agree as follows:

(1) Grantor does hereby grant, bargain, warrant, and convey the Tullamore Water Right unto Grantee, its heirs, successors and assigns, **TO HAVE AND TO HOLD** forever; and to permit Grantee's beneficial use of the underground water right assigned to the Benefited Property.

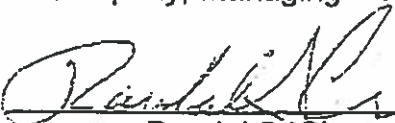
(2) Grantor does hereby covenant to and with Grantee, that Grantor is the owner in fee simple of the Benefited Property; that it is free from all encumbrances except those to which this conveyance is expressly made subject and any encumbrances made, suffered or done by Grantee; and subject to all existing patent reservations, easements (including irrigation and utility easements), right(s) of way, protective covenants established of record; zoning ordinances and applicable building codes; the restrictions and conditions placed upon the Benefited Property by the City of Post Falls, as set forth in the Subdivision and Preliminary PUD Approval orders dated February 7, 2006, File Nos. S-05-10 & P-05-07; the Master Development Agreement with the City of Post Falls dated May 9, 2006, a Memorandum of which was recorded August 22, 2006, as instrument No. 2050979000, Official Records of Kootenai County; and that Grantor will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, Grantor and grantee have hereunto set their hands on the day and year first above written.

TULLAMORE PROPERTIES, LLC
An Idaho limited liability company

By: **Vision First, LLC,**
a Washington limited liability
company, Managing Member

By:

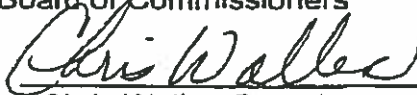

Randal S. Clarno,
Managing Member

ROSS POINT WATER DISTRICT,
An Idaho municipal district

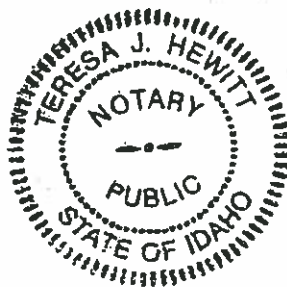
By:


Tom Taylor, President
of Board of Commissioners

Attest:


Chris Waller, Secretary

STATE OF IDAHO)
) ss.
County of Ada)



On this 11 day of June, 2007, before me, the undersigned, a Notary Public in and for the State of Idaho, duly commissioned and sworn, personally appeared **Randal S. Clarno**, known or identified to me to be the **Managing Member** of **Vision First LLC**, a Washington limited liability company, which is **Managing Member** of **Tullamore Properties, LLC**, the limited liability company that executed the foregoing instrument, and acknowledged said instrument to be the free and voluntary act of said limited liability company, for the uses and purposes therein mentioned, and on both stated that he is authorized to execute said instrument by the Operating Agreement of said limited liability company.

By: [Signature]
Notary Public for the State of Idaho
Residing at: [Address]
Commission Expires: 6/30/2011

STATE OF IDAHO)
) ss.
County of Kootenai)

On this 30th day of June, 2007, before me, the undersigned, a Notary Public in and for the State of Idaho, duly commissioned and sworn, personally appeared bold on **Tom Taylor**, known or identified to me to be the **President of the Board of Commissioners** and **Chris Waller**, known or identified to me to be the **Secretary of Ross Point Water District**, the Idaho municipal district that executed the foregoing instrument, and acknowledged said instrument to be the free and voluntary act of said municipal district, for the uses and purposes therein mentioned, and on both stated that they are authorized to execute said instrument by the governing documents of said municipal district.

By: [Signature: Christine Waller]
Notary Public for the State of Idaho
Residing at: Ross Point Water District
Commission Expires: 12-13-07

