

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN 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 95-14214Date Received: 4-23-10Receipt No: N024163Received By: mr

NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day

RECEIVED

APR 23 2010

IDWR/North

1. Name of Claimant(s) CHARLEY BARTLETT DBA Aspen Meadows L.L.C. Phone (509) 953-8229 CELL
509 624-1659 Hm

Mailing Address 7006 W. GREENWOOD RD SPOKANE WA. Zip 99224
Street or Box City State

2. Date of Priority: (Only one per claim) OCT. 20TH 1906
Month/Day/Year (YYYY)

3. Source of water supply (Check one) Ground Water () or Other (☒) Spring
which is tributary to (b) SINKS

4. Location of Point of Diversion is: Township 49, Range 4, Section 1,
NE 1/4 of SW 1/4, or Govt. Lot 6 BM. County of KOOTENAI;

Parcel (PIN) no. 49N 04W - 01 - 4800 & 8000

Additional points of diversion if any: N/A

If available, GPS coordinates: N/A

5. Description of diverting works (Wells, Pumps, Spring boxes, Pipelines, 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.

Developed Spring w/ pipeline to STEEL Holding TANK
w/ 2" GALVANIZED PIPE TO HOME

6. Water is claimed for the following: (limited to Domestic and/or Stockwater uses. See page 1 of the instructions.)

For Domestic purposes from JAN 1 to DEC 31 amount .04 cfs (☒) or AFY ()

For _____ purposes from _____ to _____ amount _____

7. Total Quantity claimed .04 cfs (☒) or AFY ()

8. Non-irrigation uses. Describe fully. (eg. Domestic: give number of households served if single ownership;

Stockwater and Number of livestock) 1 HOME

SCANNED

APR 23 2010

9. Location of Place of Use is: Township 49, Range 4, Section 1,
NE 1/4 of SW 1/4, Govt. Lot 6 BM. Parcel (PIN) no. 49N 04W -01-8000
If different than shown in Item 4

for (Check One) Domestic (☒) Stock () Domestic and Stock ()

Additional places of use, if any N/A

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 the 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.

_____ or None (☒)

13. Remarks:

CHARLES BARRETT IS OWNER DBA ASPEN MEADOWS. ADDITIONAL
HONES USED SYSTEM IN PAST

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 _____

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: 6

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) [Signature] Date: 4/1/2010

CHARLES BARRETT DBA ASPEN MEADOWS Date: 4/1/2010

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

_____ of _____,
Title Organization

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

_____ of _____,
Title Organization

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

Signature of Authorized Agent _____ Date _____

Title and Organization _____

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 _____

Address _____

Date _____

Last Name CHARLES BARRETT Identification No. _____

DBA ASPEN MEADOWS LLC **SCANNED**

APR 23 2010

**SCHEDULE B - SECTION II
SPECIAL EXCEPTIONS**

At the date hereof exceptions to coverage in addition to the printed Exceptions and Exclusions in said policy form would be as follows:

1. TAXES, SPECIAL AND GENERAL, ASSESSMENT DISTRICTS AND SERVICE AREAS FOR THE YEAR 2009:
1ST INSTALLMENT: \$4,490.48 PAID
2ND INSTALLMENT: \$4,490.48 OPEN
EXEMPTION(S): HOMEOWNER'S EXEMPTION OF -\$104,471.00
PARCEL NO.: 49N04W-01-8000
AIN NO.: 139091

NOTE: FIRST INSTALLMENT IS DELINQUENT DECEMBER 20. SECOND INSTALLMENT IS DELINQUENT JUNE 20.

2. GENERAL TAXES FOR THE YEAR 2010, A LIEN IN THE PROCESS OF ASSESSMENT, NOT YET DUE OR PAYABLE.
3. RIGHTS AND EASEMENTS, INCLUDING BUT NOT LIMITED TO, RECREATION, NAVIGATION AND FISHERIES, WHICH MAY EXIST OVER THAT PORTION OF SAID LAND LYING BENEATH THE WATERS OF LAKE COEUR D'ALENE.
4. RIGHT OF THE UNITED STATES OF AMERICA, THE STATE OF IDAHO, THE COEUR D'ALENE TRIBE AND THE GENERAL PUBLIC IN AND TO THAT PORTION, IF ANY, OF THE PROPERTY HEREIN DESCRIBED WHICH LIES BELOW THE LINE OF ORDINARY HIGH WATER OF LAKE COEUR D'ALENE.
5. ANY CLAIMS ARISING OUT OF THE DIFFERENCE BETWEEN THE MEAN HIGH WATER LINE AND THE MEANDER LINE OF LAKE COEUR D'ALENE.
6. RIGHT TO DIVERT AND USE ALL WATER FROM A SPRING LOCATED ON THE SOUTH HALF OF THE NORTHWEST QUARTER, THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER AND LOT 6, SECTION 1, TOGETHER WITH THE RIGHT TO CONDUCT OR CARRY THE WATER BY PIPELINE GRANTED BY GEORGE R. DODSON, ETAL, BY DEED RECORDED OCTOBER 27, 1906 IN BOOK 20 OF DEEDS AT PAGE 228, OFFICIAL RECORDS.
7. AN EASEMENT UPON THE TERMS, CONDITIONS AND PROVISIONS CONTAINED THEREIN FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS IN FAVOR OF WASHINGTON WATER POWER COMPANY IN A DOCUMENT RECORDED OCTOBER 11, 1909, BOOK 34 OF DEEDS, PAGE 607, OFFICIAL RECORDS:
PURPOSE: TO HOLD BACK WATER AND FLOOD
8. AN EASEMENT UPON THE TERMS, CONDITIONS AND PROVISIONS CONTAINED THEREIN FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS RESERVED BY ALBIN

SEE ATTACHED
BOOK 20 OF
DEEDS AT PG
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ASSESSOR
EXEMPT
RECORD OF
USE

NORTH IDAHO TITLE INSURANCE, INC.
Policy Issuing Agent for Stewart Title Guaranty Company

COMBII. SPECIAL

Instrument Number

Read and Approved:

X

X

Escrow No.: 6001-26070-BG

WARRANTY DEED

GOOD AND VALUABLE CONSIDERATION PAID BY A QUALIFIED INTERMEDIARY PURSUANT TO AN IRC
1031 TAX DEFERRED EXCHANGE

FOR VALUE RECEIVED, **JOHN ANTHONY HERN, III AND TAMI HERN, HUSBAND AND WIFE,**
Hereinafter called Grantor, does hereby grant, bargain, sell and convey unto **ASPEN MEADOWS
PROPERTIES, LLC, A WASHINGTON LIMITED LIABILITY COMPANY,** Grantee, whose address
is: 7006 W. GREENWOOD ROAD, , SPOKANE, WA 99224, the following described premises, County of
KOOTENAI, State of Idaho to-wit:

~PARCEL 1:~

A TRACT OF LAND IN GOVERNMENT LOT 6, SECTION 1, TOWNSHIP 49 NORTH, RANGE 4 WEST,
BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

BEGINNING AT THE "SUPPOSED" SOUTHWEST CORNER OF SAID GOVERNMENT LOT 6, WHICH IS
MARKED BY AN IRON PIPE; THENCE

NORTH 700 FEET; THENCE

EAST 275 FEET TO AN IRON PIPE; THENCE

EAST 84.85 FEET TO AN IRON PIPE AND BEING THE TRUE POINT OF BEGINNING; THENCE

SOUTH 50 DEGREES 40' EAST 135.77 FEET TO AN IRON PIPE; THENCE

SOUTH 63 DEGREES 42' EAST, 121.54 FEET TO AN IRON PIPE; THENCE

SOUTH 63 DEGREES 42' EAST, 22 FEET MORE OR LESS TO THE MEAN WATER LINE OF LAKE COEUR
D'ALENE; THENCE

IN A NORTHEASTERLY DIRECTION 180 FEET MORE OR LESS ALONG THE MEAN WATER LINE OF SAID
LAKE; THENCE

NORTH 40 FEET MORE OR LESS TO AN IRON PIPE; THENCE

NORTH 29.26 FEET TO AN IRON PIPE; THENCE

WEST 390.95 FEET TO THE TRUE POINT OF BEGINNING.

~PARCEL 2:~

A TRACT OF LAND IN GOVERNMENT LOT 6, SECTION 1, TOWNSHIP 49 NORTH, RANGE 4 WEST,
BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

BEGINNING AT THE "SUPPOSED" SOUTHWEST CORNER OF SAID GOVERNMENT LOT 6, WHICH IS
MARKED BY AN IRON PIPE; THENCE

NORTH 700 FEET; THENCE

EAST 444.31 FEET TO AN IRON PIPE AND BEING THE TRUE POINT OF BEGINNING; THENCE

EAST 306.49 FEET; THENCE

SOUTH 40.56 FEET; THENCE

SOUTH 30 FEET MORE OR LESS TO THE MEAN WATER LINE OF LAKE COEUR D'ALENE; THENCE

IN A SOUTHEASTERLY DIRECTION 100 FEET MORE OR LESS ALONG THE MEAN WATER LINE OF SAID
LAKE; THENCE

NORTHWEST 35 FEET MORE OR LESS TO AN IRON PIPE; THENCE

NORTH 28 DEGREES 58 1/2' WEST, 62.10 FEET; THENCE

NORTH 108.01 FEET; THENCE

SOUTH 89 DEGREES 29 1/2' WEST, 232.35 FEET; THENCE

SOUTH 55 DEGREES 14 1/2' WEST, 170.72 FEET TO THE TRUE POINT OF BEGINNING.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), their heirs and assigns forever, and the said Grantor(s) do(es) hereby covenant to and with the said Grantee(s), that he/she/they is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances EXCEPT CURRENT TAXES AND EASEMENTS OF RECORD OR IN VIEW.

And that he/she/they will warrant and defend the same from all lawful claims whatsoever.

DATED. February 23, 2010

By: _____
JOHN ANTHONY HERN, III

By: _____
TAMI HERN

KNOW ALL MEN BY THESE PRESENTS, that we, Albin, Anderson and Mary A. Anderson, husband and wife, of Kootenai county, state of Idaho, parties of the first part; for and in consideration of the sum of fifty (50) dollars to us in hand paid by GEORGE R. DODSON, C. H. JONES AND E. L. GEER, all of the city and county of Spokane, state of Washington, parties of the second part do hereby sell, grant, convey and confirm unto said second parties, their heirs and assigns, the right and privilege of diverting and using from that certain spring (and being the same spring that said second parties have diverted and used the waters therefrom during the summer season of 1906) located and being upon the following described property of said first parties situate in Kootenai county state of Idaho to wit; The south half of the northwest quarter and the north-east quarter of the southwest quarter and lot six (6) all in section one (1) township forty nine (49) north of range four (4) W.B.M. ; all the water that will flow from said spring together ^{with} the further right to conduct and carry the same through a pipe line over and across any part of said above described premises to the lands of second parties on which their summer cottages are now located on the shores of Lake Coeur d'Alene, and being situate near the lands and premises

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above described, hereby giving and granting unto said second parties any and all easements that may be necessary to make the above grant and right effective with the right of ingress and egress to and from said spring, with the right and liberty from time to time with workmen to enter upon said lands as above described and to repair, cleanse and maintain the said spring and the pipe line leading therefrom to the grantees' said premises. And the said parties of the first part do covenant and agree for themselves, their heirs and assigns to and with said second parties, their heirs and assigns that no spring, well, trench, ditch or other opening in the ground or earth shall be enlarged, dug, constructed or maintained upon the above described land and premises in the vicinity of the said spring from which second parties divert such waters as aforesaid, for their use, that shall or may in any manner reduce or limit the flow of the waters of said spring. The grants, easements, privileges and rights herein conveyed are perpetual and shall run with the land hereinbefore described. TO have and to hold said foregoing grants, easements privileges and rights unto the said parties of the second part their heirs, executors, administrators and assigns forever. IN witness whereof the parties of the first part have hereunto set their hands and seals this 20th day of October A. D. 1906.

Albin Anderson (SEAL)
Mary Anderson (SEAL)

IN presence of
James H. Harte
A.B. Case.

State of Idaho county of Kootenai (ss. On this 20 day of October A. D. 1906 before me James H. Harte, a notary public in and for the said county and state personally appeared Albin Anderson and Mary A. Anderson his wife, who are personally known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same freely and voluntarily for the uses and purposes therein mentioned. And the said Mary A. Anderson, wife of the said Albin Anderson, upon an examination without the hearing of her husband was by me made acquainted with the contents of the within instrument and thereupon she acknowledged to me that she executed the same freely and voluntarily without any fear or undue influence of her said husband and that she does not wish to retract such execution. IN testimony whereof I have hereunto set my hand and affixed my official seal the day and year first above written.

James H. Harte, notary public in and for
the state of Idaho residing at Coeur d'Alene.

(Notarial seal)

State of Idaho county of Kootenai (ss. Filed for record at the request of Geo. R. Dodson on the 27 day of Oct. 1906 at 9:10 o'clock A. M. and recorded in book 20 of deeds on page 228.

Fee \$1.50

T.L. Quarles, county recorder.

ASPEN MEADOWS PIN (POD) 49N04W-01-4800

