

RECEIVED

APR - 6 2009

02✓

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

IDWR/North

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.com

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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>954333</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>11/1 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)



(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 _____
 Received by _____ Date 4-6-09
 Processed by _____ AJ Date _____

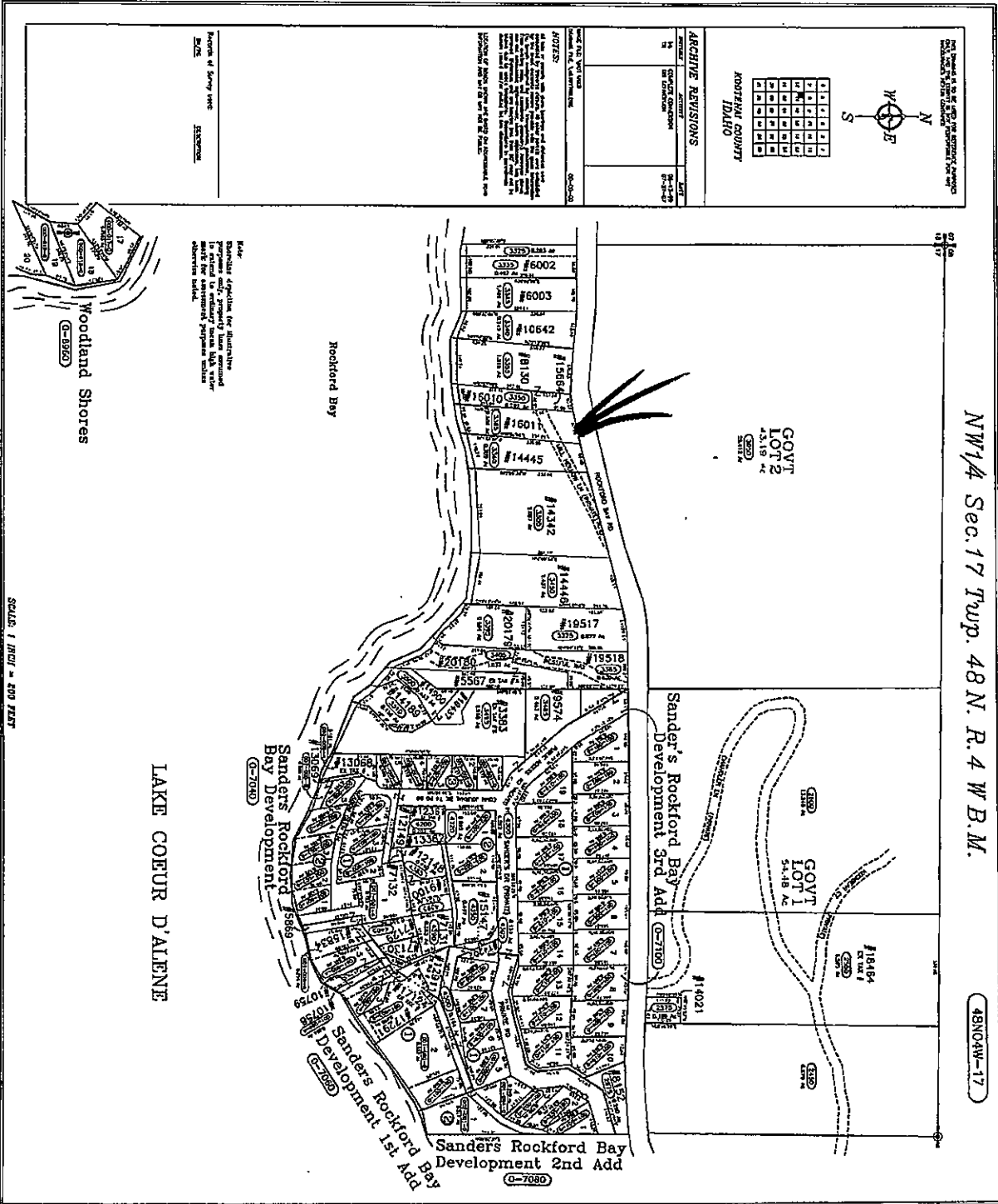
Receipt Amt. 25.00
 Receipt No. N020227
 WR _____ Date _____

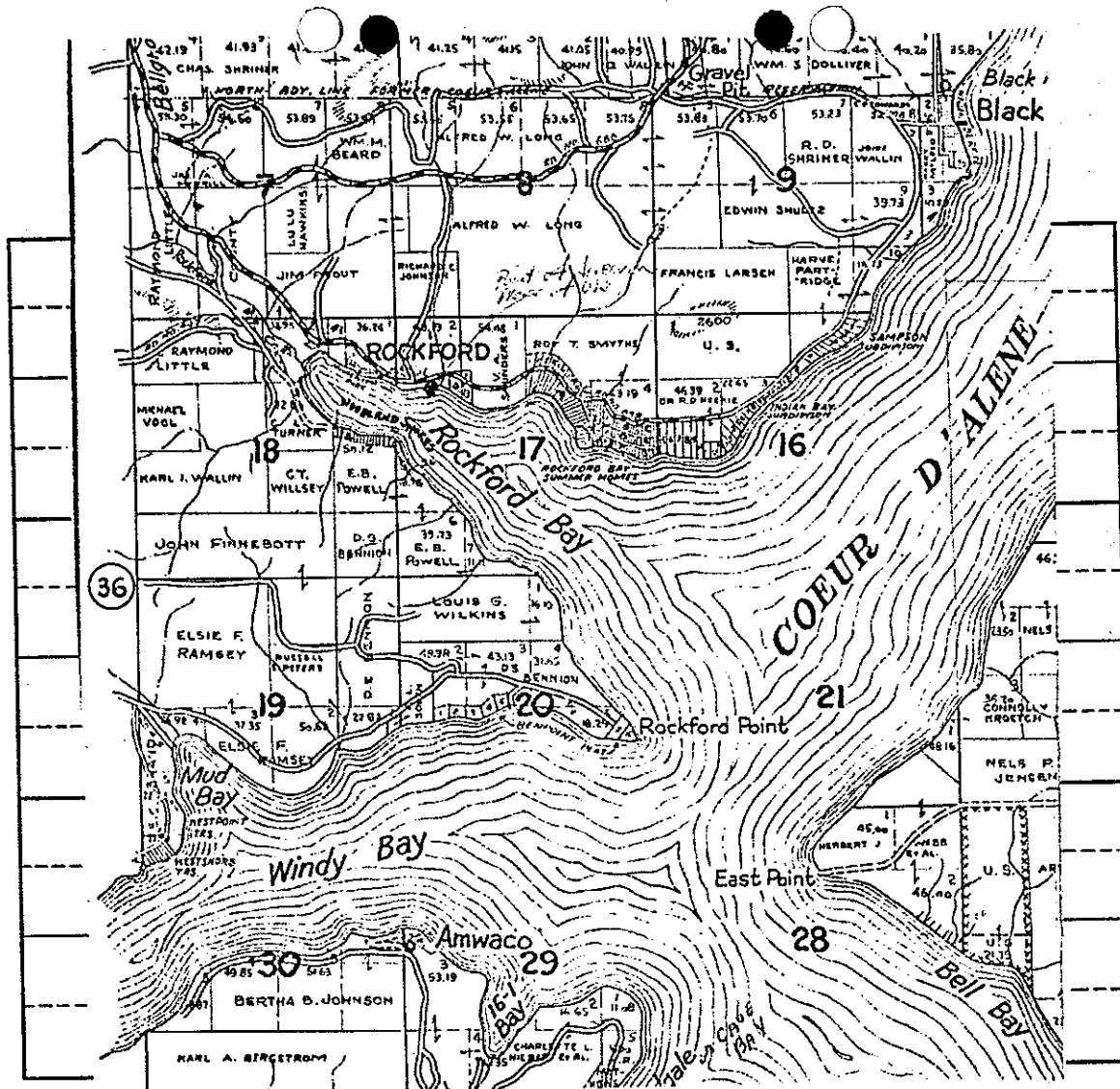
SEGREGATION REVISIONS

The revision dates below represent the date each addition to the plat was made. The plat is subject to the provisions of the plat and the provisions of the plat are subject to the provisions of the plat.

12/27/98 - SLW
4804W-17-3500 new described on the 1st Add (720)
07/19/00 - SLW
0-780-001-001-A except 6 & 7 amended (61)
09/19/02 - VAC
Plat of 4804W-17-3493 combined w/ 3500 (103)
09/11/02 - VAC
Plat of 4804W-17-3493 (new - 4) combined w/
Plat of 4804W-17-3493 (103)
12/19/02 - TH
Plat of 4804W-17-3493 and 3500 reduced on new for 1* (103)
08/21/04 - SLW
Plat of 4804W-17-3493 combined w/ 3404 (103)

FILED: 4804W-17-3493





Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
) ss.
 County of Kootenai)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

x Richard C. Johnson
 (Claimant)

Sworn to before me this 15TH day of April, 19 75.

Carla M. Roberts
 Notary Public
 Residing at CdA

My commission expires SEPT. 11, 1976

For Department Use Only

Received by SP Date 4/15/75 Exception filed by: _____ Date _____
 Prelim. check by SP Date 4/15/75 Forwarded to claimant by: _____ Date _____
 \$10.00 fee received by SP Date 4/15/75 _____
 Approved for publication by SP _____
 Published in COEUR D'ALENE PRESS _____
 Dates 4-24 & 5-1-75 _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
 Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that Richard C. Johnson
 (name of claimant)

of Star Route Rockford Bay Coeur d'Alene, Id., claims a right to the diversion and beneficial use of
 (mailing address)

the public water of the State of Idaho

The extent and nature of said claim is as follows:

(1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Coeur d'Alene Lake
 , tributary to ,

(2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount	<u>.02</u>	Use	<u>Irrigation</u>	Period of Use: From	<u>4/1</u>	To	<u>10/1</u>
Amount	<u>.04</u>	Use	<u>Domestic</u>	Period of Use: From	<u>1/1</u>	To	<u>12/31</u>
Amount		Use		Period of Use: From		To	
	(cfs, gpm or a/f)		(dom., irri., stock, etc.)				(both dates inclusive)

(3) Total quantity of water claimed: .06 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

(4) Priority claimed: (the date water was first applied to beneficial use) October 1947

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

(5) A) Point of diversion: (give location of point where water is diverted from its source)
Gov't Lot #2 1/4, Sec. 17 Twp. 48N Rge. 4W B.M. County of Kootenai
 Additional points of diversion: _____

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. 1 h.p. pump and motor with 1 1/2" pipe
 to place of use. _____

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

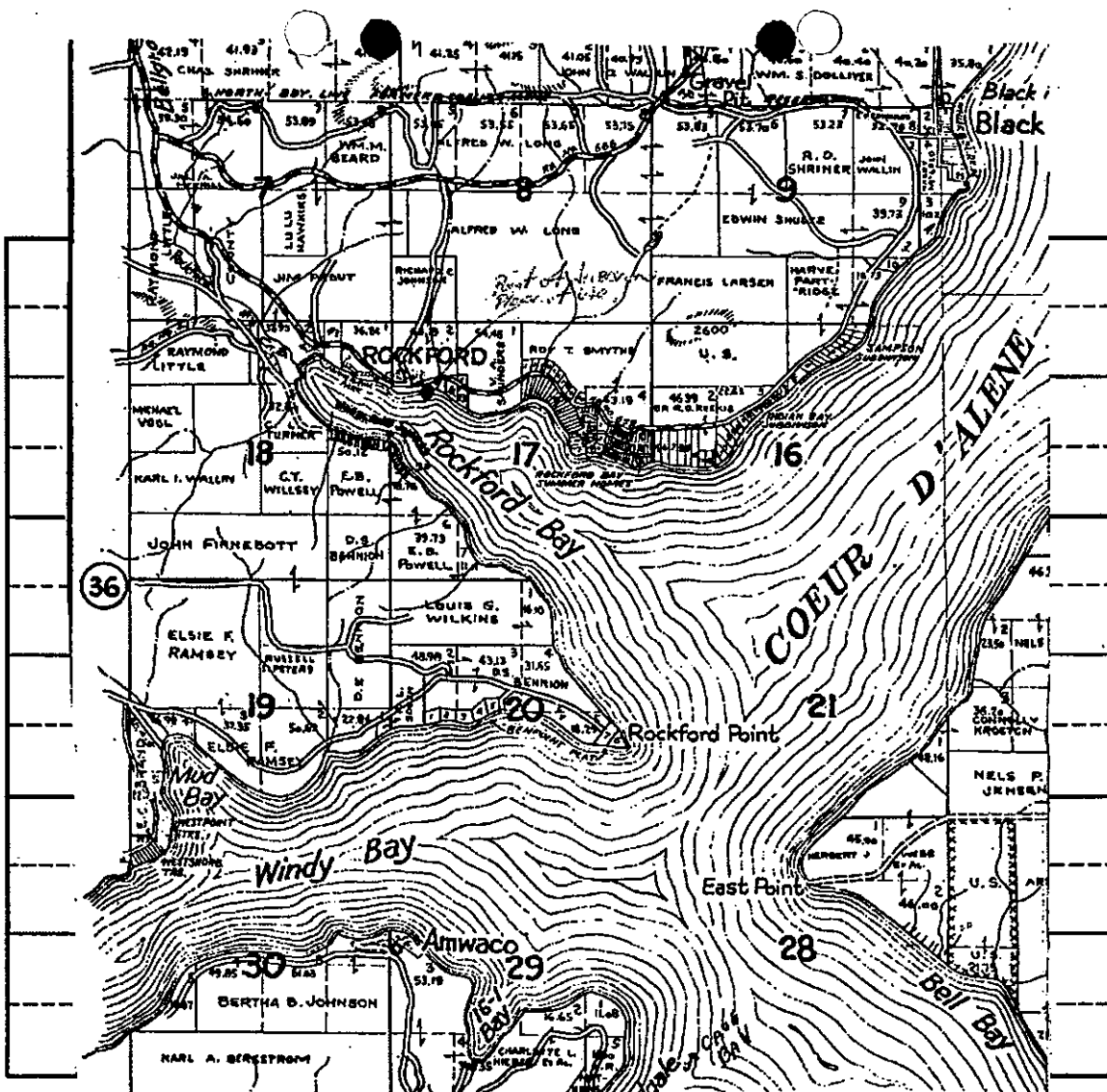
T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NEW	NW 1/4	SW 1/4	SE 1/4	NEW	NW 1/4	SW 1/4	SE 1/4	NEW	NW 1/4	SW 1/4	SE 1/4	NEW	NW 1/4	SW 1/4	SE 1/4	
48N	4W	17					1	(Gov't Lot 2)											1

Total No. of acres 1

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible:

Domestic purposes for one household and irrigation of approx. 1 acre.

(7) If you are claiming water as a member of an organization, list name of organization: _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Kootenai) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Richard C. Johnson
(Claimant)

Sworn to before me this 15TH day of April, 19 75.

Corde M. Roberts
Notary Public
Residing at CdA

My commission expires SEPT. 11, 1976

For Department Use Only

Received by APD Date 4/15/75 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by APD Date 4/15/75 claimant by: _____
\$10.00 fee received by APD Date 4/15/75
Approved for publication by APD
Published in COEUR D'ALENE PRESS
Dates 4-24 & 5-1-75

AFFIDAVIT OF PUBLICATION

NOTICE OF CLAIM TO A WATER RIGHT

NO. 95-4383

Notice is hereby given that Richard C. Johnson, Star Route, Rockford Bay, Coeur d'Alene, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.06 cubic feet per second of water from Coeur d'Alene Lake with point of diversion in Gov't. Lot 2, Sec. 17, T. 48N, R. 4W, B.M., Kootenai County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes (0.04 cfs); and from April 1 to Oct. 1 for the irrigation of one acre (0.02 cfs) with a priority of October, 1947; the place of use is within Gov't. Lot 2, Sec. 17, T. 48N, R. 4W, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 401 Front Ave., Coeur d'Alene, Idaho, 83814.

R. KEITH HIGGINSON
Director

Legal No. 928
April 24, May 1, 1975

STATE OF IDAHO, }
County of Kootenai, } ss.

Carol Wedge being first duly sworn upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The *Notice*

of which the annexed is a printed copy, was published in the regular *Wednesday* issue of said newspaper for *24* consecutive *Wednesday* commencing on the *24* day of *April*, 19*75*, and ending on the *27* day of *May*, 19*75*, and such publication was made as often during said period as said newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice.

Carol Wedge

Subscribed and sworn to before me this *1st* day of *May*, 19*75*.

Robert M. Smith
Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.

LEADER

STATE OF IDAHO

RESOURCES

DEPARTMENT OF WATER ADMINISTRATION

NORTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

401 Front Ave., Rm. 209
Coeur D'Alene, Idaho 83814
(208) 667-6484

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

May 13, 1975

Re: Claim to a Water Right No. 95-4332
" " " " " 95-4333

Mr. Richard C. Johnson
Star Route, Rockford Bay
Coeur d'Alene, ID 83814

Dear Mr. Johnson:

The Department of Water Administration has completed the processing of your claims to a water right, and no further action is authorized under Section 42-225a and 42-225b, Idaho Code. Your claims will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of a claim does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your claim files, you may have that information or evidence added at any time. Please refer to your claim numbers when corresponding with this office.

We are enclosing, for your records, copies of your claims. If you have any questions, or if we may be of any further assistance, feel free to contact us.

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:cp

Enclosures

RECEIVED
MAY 14 1975



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Room 209
401 Front Avenue
Coeur d'Alene, Idaho 83814
(208) 687-6484

April 18, 1975

Re: Application No. 95-7528 - Stephen M. Cooper
Claim No. 95-4332 - Richard C. Johnson
" " 95-4333 - " " "

Coeur d'Alene Press
Second & Lakeside
Coeur d'Alene, ID 83814

Gentlemen:

Enclosed is a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to our office along with the publication bill. Your cooperation in this matter is appreciated.

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:CP

Enc: Legal Notice(s)

Bill: 5-5-75. 4

NOTICE OF CLAIM TO A WATER RIGHT

NO. 95-4333

Notice is hereby given that Richard C. Johnson,

Star Route, Rockford Bay, Coeur d'Alene, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 0.06 cubic feet per second ~~XXXXXXXXXXXXXXXXXXXX~~
of water from Coeur d'Alene Lake

with point of diversion in ~~the~~ Gov't. Lot 2, Sec. 17, T. 48N, R. 4W, B.M.,
Kootenai County

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic
purposes (0.04 cfs); and from April 1 to Oct. 1 for the irrigation of one
acre (0.02 cfs)

with a priority of October, 1947;
the place of use is within ~~the~~ Gov't. Lot 2, Sec. 17, T. 48N, R. 4W, B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Resources, 401 Front Ave., Coeur d'Alene, Idaho, 83814.

R. KEITH HIGGINSON

Director

Published in the Coeur d'Alene Press, Coeur d'Alene, Idaho

on April 24 and May 1, 1975

RECORDED

**NOTICE OF CLAIM
TO A WATER RIGHT**

NO. 95-4333

Notice is hereby given that Richard C. Johnson, Star Route, Rockford Bay, Coeur d'Alene, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.06 cubic feet per second of water from Coeur d'Alene Lake with point of diversion in Gov't. Lot 2, Sec. 17, T. 48N, R. 4W, B.M., Kootenai County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes (0.04 cfs); and from April 1 to Oct. 1 for the irrigation of one acre (0.02 cfs) with a priority of October, 1947; the place of use is within Gov't. Lot 2, Sec. 17, T. 48N, R. 4W, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 401 Front Ave., Coeur d'Alene, Idaho, 83814.

R. KEITH HIGGINSON
Director

Legal No. 926

April 24, May 1, 1975

OK-
4-28-75
8

RECORDED

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 89°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 136.53 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°32'10"
East along said Shoreline, 119 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 30 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 OR, Idaho
Com. expires 11-5-87

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 80, 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.

WHEN RECORDED RETURN TO:
Lukins & Annis, P.S.
1606 Washington Trust Fin. Cen.
Spokane, Washington 99204
ATTN: James S. Black, Jr.

FIRST AMERICAN TITLE

Mar 7 4 15 PM '94

FEES 9.75

1344168

21345

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 is 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 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 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. Hawk
PETER V. HAWKINS, President

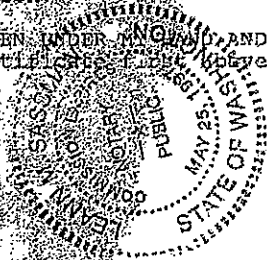
Secretary

STATE OF WASHINGTON

County of Spokane

On this 10 day of October, 1994, before me personally appeared PHILIP V. HAWKINS, to me known to be the President of PPM 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 first above written.



William D. Bannister
Notary Public in and for the State
of Washington, residing at Spokane
My Commission Expires 5/25/00

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EXHIBIT "A"

DEED NO. 21341

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 Northeastly corner of Lot 1, Block 3, Plat of Lone Willow 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 136.62 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 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 09° 06' 08" West (South 09° 01' 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.

1344166

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 8 1994

James S. Black, Jr.
Feb 7 1994

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 Real Estate*

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 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 an easement for right and authority to contain water for domestic use in favor of Arlie Young, Fred Frackenstein 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 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. 665320, 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 Jonquil 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)

ss.

County of Spokane

On this 7th day of February, 1994, personally appeared before me ROBERT V. 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.

C. N. Wilson
Notary Public in and for the State
of Washington, residing at Spokane, WA
My Commission Expires 12/15/95

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, Blaine County, Idaho and being described by waves and bounds as follows:

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

Along the South right of way line of the existing county road, North 89° 42' 130" 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 (112.10 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 line, 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' 04" 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° 29' 50" West (South 69° 29' 50" West-Deed), 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 61° 31' 27" West (South 61° 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.

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 Northeasterly 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°42'00" East (South 89°58'00" 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 Northeasterly 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 85.00 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 216.31 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.

CITY OF SPOKANE, IDAHO
COUNTY OF SPOKANE, IDAHO

Aug 22 3 53 PM '94

James S. Black, Jr.
DEPUTY

STATUTORY WARRANTY DEED

1367270

The Grantor, FEMA CORPORATION, a Washington corporation acting as facilitator under I.R.C. 1031 for WILLIAM H. 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 H. 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 500, 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 boundary 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 Fleckenstein and Walter S. Ward, as recorded August 29, 1985 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 D. Emann and Mary C. Emann, as recorded April 10, 1964 in Book 126 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 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 August 15, 1994.

FEMA CORPORATION

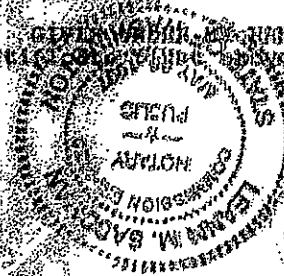
By Peter V. Hawkins
PETER V. HAWKINS, Secretary

1367270

STATE OF WASHINGTON)
County of Spokane) ss.

On this 15 day of August, 1994, before me personally appeared PETER V. HANKINS, to me known to be the Secretary 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 written.



William M. Sullivan
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 Lenz 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