

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-09295

Priority: August 23, 2005

Maximum Diversion Rate: 0.03 CFS

This is to certify, that RANDALL G SWICK And/Or
SANDRA K LARSON-SWICK
PO BOX 3185
COEUR D ALENE ID 83816

has applied for a permit to appropriate water from:

Source: COEUR D ALENE LAKE **Tributary:** SPOKANE RIVER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
DOMESTIC	01/01 to 12/31	0.03 CFS

LOCATION OF POINT OF DIVERSION:

COEUR D ALENE LAKE L1 (NW¼ NW¼) Sec. 12, Twp 49N, Rge 04W, B.M. KOOTENAI County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
49N 04W 1											X						

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **April 01, 2012**.
2. Subject to all prior water rights.
3. This right does not grant any right-of-way or easement across the land of another.
4. Domestic use is for 1 home.
5. The domestic use authorized under this right shall not exceed 13,000 gallons per day.
6. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
7. Water shall not be diverted under this right when flows in the Spokane River are below established minimum flow amounts.
8. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 6th day of April, 20 07.


for DAVID R. TUTHILL, JR., Interim Director

72218
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

1. Name of Applicant Randall M. & Sandra K Larson-Swick Phone 208-765-4292
Mailing address PO Box 3185 Coeur d'Alene ID 83816
2. Source of water supply Lake Coeur d'Alene which is a tributary of Spokane River
3. Location of point of diversion is Township 49 N Range 4 W Sec. 12, in the NW $\frac{1}{4}$,
NW $\frac{1}{4}$, Govt. Lot 1, B.M., Kootenai County;
additional points of diversion if any:
4. Water will be used for the following purposes:
Amount 0.03 for domestic purposes from 7/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.03 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works: Lake intake pump & pipeline
 - a. Describe type and size of devices used to divert water from the source _____
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
 - d. Is ground water with a temperature of greater than 85°F being sought? _____
 - e. If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
 - a. Hydropower; show total feet of head and proposed capacity in kW. _____
 - b. Stockwatering; list number and kind of livestock. _____
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. 1 home
 - e. Other; describe fully. _____

9. Description of place of use:

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

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
49N	4W	1											D						

Total number of acres to be irrigated 0

10. Describe any other water rights used for the same purposes as described above. _____

11. a. Who owns the property at the point of diversion? Karen & James Buddhisten
b. Who owns the land to be irrigated or place of use? Sandra K. Larson-Swick Randall G Swick
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: easement attached
12. Remarks: RC Worst Co. Installer

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Sandra K Larson-Swick
Signature of Applicant (and title, if applicable)

Received by cm Date 8-23-05 Time 1:17 pm Preliminary check by _____
Fee \$ 100.00 Receipted by cm # 11017133 Date 8-23-05
Publication prepared by cm Date 9/1/05 Published in CAA Reg 9/15 + 22/05
Publication approved cm Date 9/27/05

95-9295

T49N R4W Sections 1 & 12



Place of Use



Point of Diversion



Sandra Larson Swick



NO. 181
ANNO 1818 D.M.C.
& Z.M.

MECKEL

MECKEL ENGINEERING
& SURVEYING
2000 N. SHERBORN BLVD. SUITE 100, COOKE, ALBERTA T1S 0A7
(403) 241-1147

RECORD OF SURVEY
GOVT. LOT 1, SEC. 12 & 13
T. 48N
R. 10W

Underpass
8.5' x 14'

TRACT 1

2.485 Ac.

Inst. No. 1901084

Karen Duddleston

TRACT 4

1.721 Ac.

Inst. No. 1901087

Nancy Lyn Carlson
Jon Carlson
Eric Carlson

Nancy Lyn Carlson
Jon Carlson
Eric Carlson

OLD WOOD ROAD

As-built Private
Access Road

M. MECKEL

Sec. Cor.
1" Iron Pipe
CP&F Inst.
No. 1253385
& 1891703

Van Larson
T.N. 1769

Van Larson
T.N. 1907

~BASIS OF BEARING~

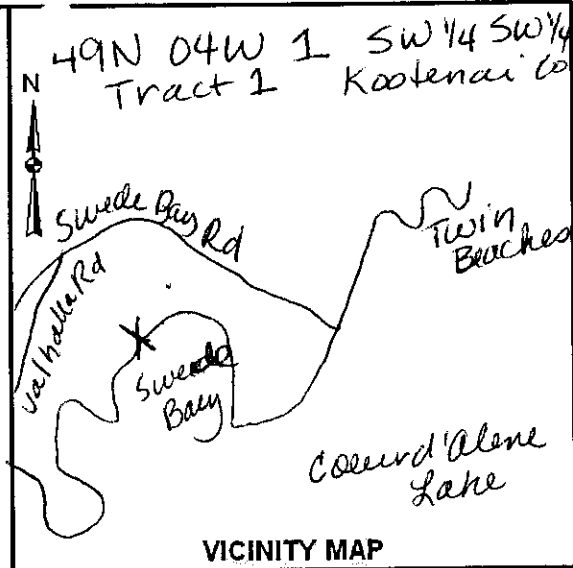
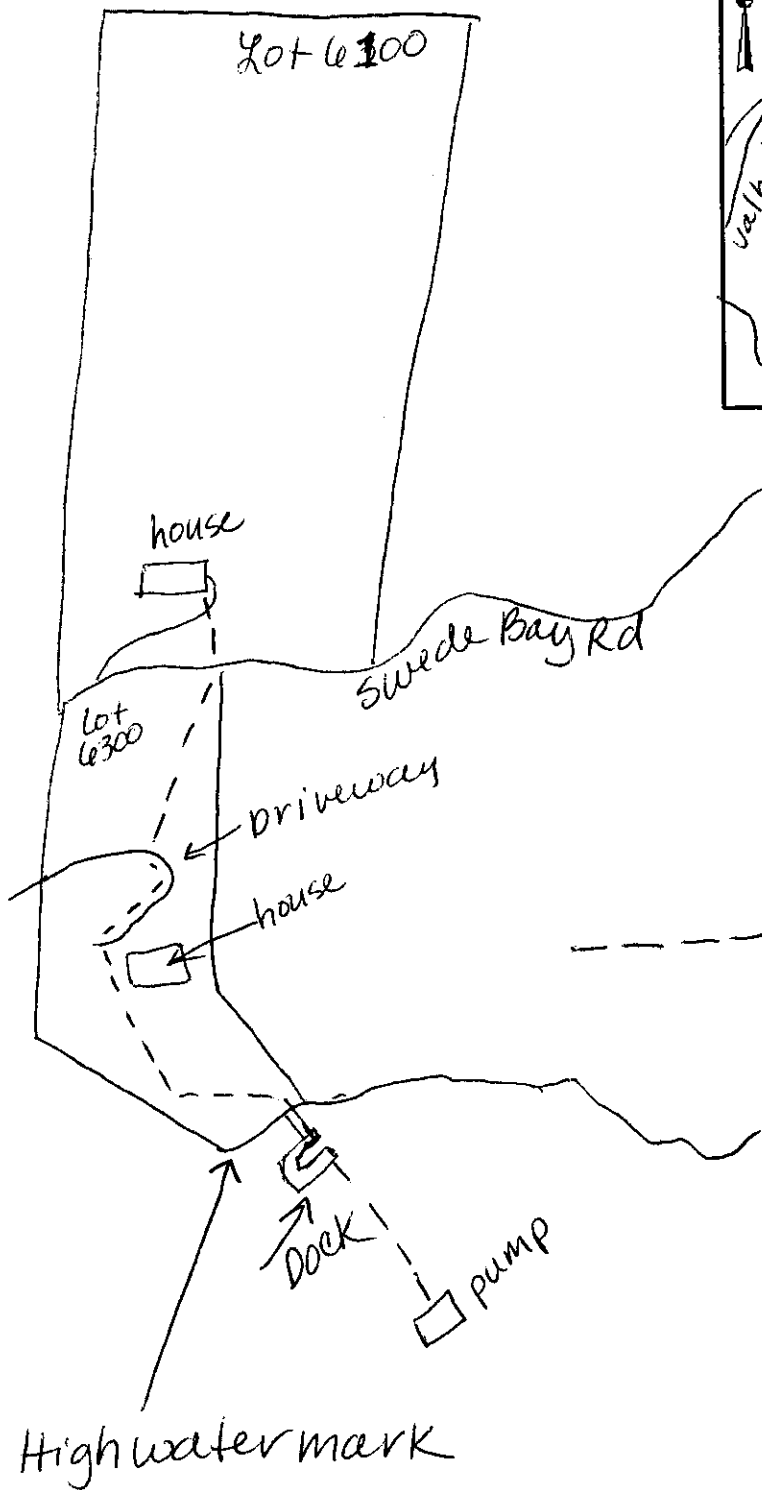
501°08'13"E 387.32'
(501°08'13"E 387.32' Rec.)
(507°05'W 386.76' R2)

Meander Cor.
Fd. on Aluminum
cap, 2 in. diam.,
CP&F Inst.
No. 1073324
& 1900569

MEANDERS OF THE APPROXIMATE
NORMAL POOL ELEVATION AND
LINE OF THE ADMINISTRATIVE
JURISDICTION OF THE DEPARTMENT
OF LANDS.
SUMMER POOL ELEVATION:
2128' (AVISTA)
2125' (NOVO 1929 DATUM)

TOTAL

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IN Colvard's Lake, ID
IN/NEAR Swede Bay
Kootenai COUNTY,
DATE: 8-8-05 SHEET 1 OF 2
APPLICATION BY: SK Larson Swick

WATERLINE/UTILITY EASEMENT AGREEMENT

Karen E. and James A. Duddleston, husband and wife, (the "Grantors"), the owners of that certain property described on Exhibit "B" attached hereto, known as the H.E. Larson Tract 1 (Parcel 6300) according to the survey recorded in the office of the County Recorder Book 22, Page 498, Instrument No. 1901524, located in the SW ¼ of the SW ¼ of Section 1 and the NW ¼ of the NW ¼ of Section 12, Township 49 North, Range 4 West B.M. Kootenai County, Idaho, do hereby grant and convey a perpetual non-exclusive use easement 10 feet in width to Sandra Katherine Swick (the "Grantee"), the owner of that certain property described on Exhibit "A" attached hereto, known as the H.E. Larson Tract 2 (Parcel 6100) according to the survey recorded in the office of the County Recorder Book 22, Page 498, Instrument No. 1901524, located in the SW ¼ of the SW ¼ of Section 1, Township 49 North, Range 4 West B.M. Kootenai County, Idaho, and her heirs and assigns, for the purpose of constructing, operating and maintaining a sub-surface water line and associated appurtenances including a sub-surface power supply line and sub-surface telephone line as part of a lake water system (the "system").

The system is to serve and benefit a single-family residential structures and associated landscaping located on H.E. Larson Tract 2 as above described. The linear easement traverses Grantor's property generally running upslope from the point of encroachment into Lake Couer d'Alene to Grantee's property, including access to Grantor's electrical service box. Grantor and Grantee will agree upon the final alignment of the linear easement prior to system installation. A more specific description of the area to be conveyed by easement shall be based on the as-built plan and alignment, and a survey to be provided upon completion of the system and subsequently attached to this easement as Exhibits C and D at that time.

The Grantor covenants to not use the easement area in any way that would have an adverse effect on the system functioning properly or access to the system. The Grantor further covenants to provide the Grantee access to install and maintain the system, including that portion extending into the lake, make needed repairs, and replace the system when needed.

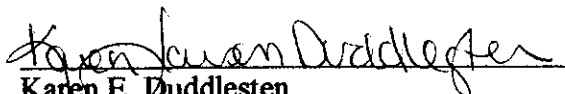
JAD 8/11/05
KAO 8/11/05

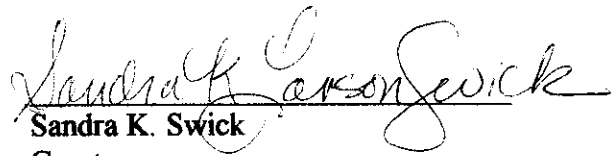
1974227

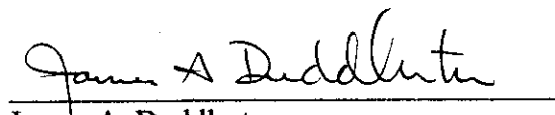
The Grantee covenants to obtain an encroachment permit for a water intake line from the Idaho State Department of Lands and to install, operate and maintain the system in compliance with the permit terms and conditions and in a manner that avoids any adverse effects to Grantor's property. The Grantee further covenants to survey the system upon completion of installation. The Grantee further covenants to restore any surface disturbance associated with construction, operation, maintenance, or replacement of the system to conditions agreed to by Grantor.

This easement shall run with the land and be binding upon the heirs and assigns of the owners of the properties described herein until abandoned by the Grantee or their heirs or assigns.

DATED this 11th day of August, 2005


Karen E. Duddleston
Grantor


Sandra K. Swick
Grantee


James A. Duddleston
Grantor

STATE OF NEVADA)

ss.

County of Clark)

On this 11th day of August, 2005, before me, the undersigned Notary Public, personally appeared, James A. Duddleston, known or identified to me to be the persons whose name is subscribed to the foregoing instrument, and acknowledged that she executed the same.

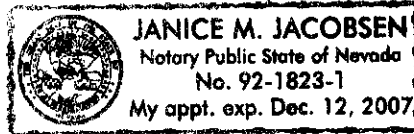
KED 8/11/05
JAD 8/11/05

1974227

In Witness Whereof, I have hereunto set my hand and affixed my official seal the day and year first above written.

James A. Duddleston
James A. Duddleston
Grantor

Janice M. Jacobsen
Notary Public for State of Nevada
Commission expires December 12, 2007



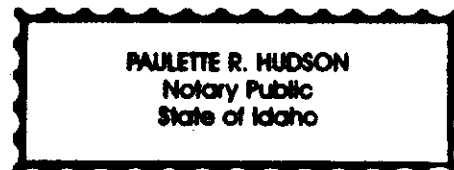
STATE OF IDAHO)
 ss.
)

On this 22nd day of August, 2005, before me, the undersigned Notary Public, personally appeared, Sandra K. Swick, known or identified to me to be the persons whose name is subscribed to the foregoing instrument, and acknowledged that she executed the same.

In Witness Whereof, I have hereunto set my hand and affixed my official seal the day and year first above written.

Paulette R. Hudson
Notary Public for State of Idaho
Commission expires 6/24/2010

Sandra K. Swick
Sandra K. Swick
Grantee



KED 8/11/05
JAD 8/11/05

1974227

Karen E. Duddlesten

Karen E. Duddlesten

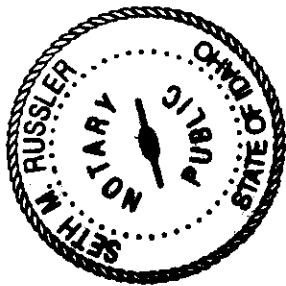
STATE OF IDAHO)

ss.

)

On this 11 day of August, 2005, before me, the undersigned Notary Public, personally appeared, Karen E. Duddlesten, known or identified to me to be the persons whose name is subscribed to the foregoing instrument, and acknowledged that she executed the same.

In Witness Whereof, I have hereunto set my hand and affixed my official seal the day and year first above written.



Seth M. Russler
Notary Public for

Commission expires

6/28/2010 Idaho
6/28/2010

JAD 8/11/05

KED 8/11/05

1892427

1901084

STATE OF IDAHO
COUNTY OF KOOTENAI
AT THE REQUEST OFAFTER RECORDING RETURN TO: **Kootenai County Title Co.**

Frederic G. Emry, II
Paine, Hamblen, Coffin, Brooke & Miller LLP
1200 Washington Trust Financial Center
717 West Sprague Avenue
Spokane, WA 99201-3505

2004 SEP 16 P 2:48

DANIEL J. ENGLISH

DEPUTY *36.00*

FEES

STATE OF IDAHO
COUNTY OF KOOTENAI

AT THE REQUEST OF

Brown, Justin + Romero

2004 AUG -4 A 11:14

DANIEL J. ENGLISH

DEPUTY *30.00*

FEES

Being Re-recorded to correct Grantee name and legal description.**Special Warranty Deed**

VAN BARKER LARSON, individually; VAN BARKER LARSON, Personal Representative of the Estate of Henry Edward Larson, Deceased, under Case No. 88415, District Court of the First Judicial District of the State of Idaho, in and for the County of Kootenai; VAN BARKER LARSON, Personal Representative of the Estate of Nancy Mae Larson, Deceased, under Case No. CV-04-2250, District Court of the First Judicial District of the State of Idaho, in and for the County of Kootenai; VAN BARKER LARSON, GAIL LINNEA LARSON and NANCY LYN LARSON CARLSON, as the sole remaining Co-Trustees of the Henry Edward Larson Residuary Trust created under the Last Will and Testament of Henry Edward Larson dated September 30, 1973; together herein the GRANTORS, for and in consideration of the distribution of trust and estate assets, and pursuant to that certain Settlement Agreement in the Estate of Henry Edward Larson, Deceased, under Case No. 88415, District Court of the First Judicial District of the State of Idaho, in and for the County of Kootenai, hereby grant, bargain, convey, and transfer to **KAREN ELIZABETH DUDDELESTON**, as her sole and separate property, herein the GRANTEE, whose address is 1912 Glenview Drive, Las Vegas, NV 89134, the following-described real property situated in the County of Kootenai, State of Idaho:

*DUDDELESTEN

See Exhibit "A" attached hereto and made a part hereof.

TOGETHER WITH an easement for ingress, egress and utilities over, under and across Swede Bay Road as it now exists; RESERVING UNTO the Grantors herein, their successors and assigns the right and power to convey rights-of-way for ingress, egress and utility purposes over said right-of-way to other persons.

~~TOGETHER WITH a license for the use of Old Wood Road for a period of two years from the date of the recording of this Deed for construction purposes so long as such usage does not damage the road nor impair the use of Old Wood Road.~~

SUBJECT TO: Easements, encumbrances, reservations, covenants, conditions and restrictions of record.

STATE OF IDAHO
COUNTY OF KOOTENAI

SEP 27 2004

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE COPY OF
THE ORIGINAL NOW ON FILE OR RECORD IN THIS OFFICE IN

1901084
DANIEL J. ENGLISH

Notary

12 Dec

Deputy

1974227

1892427

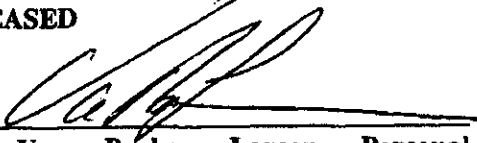
1901084

The Grantors, for themselves, and for their successors in interest, do by these presents limit the covenants of the Deed to those herein expressed, and exclude all covenants arising or to arise by statutory or other implication, and do hereby covenant that against all persons whomsoever lawfully claiming or to claim by, through or under said Grantors, and not otherwise, they will forever warrant and defend the said described real estate.

DATED this 4 day of August, 2004.


Van Barker Larson, Individually

ESTATE OF HENRY EDWARD LARSON,
DECEASED

By 
Van Barker Larson, Personal
Representative

ESTATE OF NANCY MAE LARSON,
DECEASED

By 
Van Barker Larson, Personal
Representative

1901084

CORRECTED
EXHIBIT A



ENGINEERING & SURVEYING

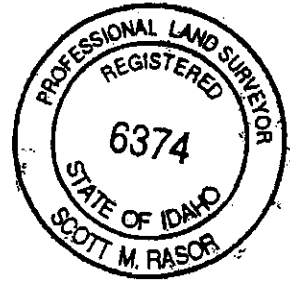
MECKEL ENGINEERING & SURVEYING

3906 N. Schreiber Way

Coeur d'Alene, ID 83815

Office 208-667-4638 • Fax 208-664-3347

www.meckel.com



August 5, 2004

Sec.1 and Sec.12, T49N, R4W

Scott M. Rasor
8/5/04

LARSON TRUST TRACT 1
LEGAL DESCRIPTION

A tract of land being a portion of Tax Number 9502, as described in Deed on file under Instrument Number 119414, situated in the Southwest Quarter of the Southwest Quarter of Section 1, Township 49 North, Range 4 West and a portion of Government Lot 1, Section 12, Township 49 North, Range 4 West, Boise Meridian, Kootenai County, Idaho, more particularly described as follows:

Commencing at the Southwest corner of said Section 1, monumented according to Corner Perpetuation and Filing Record form on file under Instrument Number 1891703 from which the Meander Corner between Sections 11 and 12, monumented according to the Corner Perpetuation and Filing Record form on file under Instrument Number 1073324, bears South 01°08'13" East, a distance of 387.32 feet;

thence along the West line of said Section 1, North 02°22'31" East, a distance of 56.02 feet to an iron rod, 5/8 inch diameter, with a plastic cap marked PLS 6374, the Point of Beginning;

thence continuing along said West line, North 02°22'31" East, a distance of 418.83 feet to an iron rod, 5/8 inch diameter, with a plastic cap marked PLS 6374 on the centerline of Swede Bay Road (formerly known as Lindsay Road);

thence along the centerline of said Swede Bay Road the following four (4) courses:

1. along the arc of a non-tangent curve right which is concave to the Southeast, the radius point bearing South 41°42'39" East a distance of 60.24 feet, with a central angle of 33°21'15" an arc distance of 35.07 feet and having a chord bearing and distance of North 64°57'50" East, 34.57 feet;
2. thence North 75°25'42" East, a distance of 79.72 feet to a point of curvature;
3. thence along the arc of a curve right which is concave to the South having a radius of 170.00 feet, through a central angle of 25°19'44" an arc distance of 75.15 feet and having a chord bearing and distance of North 88°05'36" East, 74.54 feet to a point of tangency;
4. thence South 79°14'24" East, a distance of 2.43 feet to an iron rod, 5/8 inch diameter, with a plastic cap marked PLS 6374;

thence leaving said road centerline, South 00°41'37" West, a distance of 332.43 feet to an iron rod,

1901084

Larson Trust
Tract 1
August 5, 2004
Page 2 of 2

5/8 inch diameter, with a plastic cap marked PLS 6374 on the centerline of the Old Wood Road;

thence South 17°23'01" East, a distance of 139.41 feet to an iron rod, 5/8 inch diameter, 30 inches long with a plastic cap marked PLS 6374;

thence South 51°18'38" East, a distance of 17.41 feet to an iron rod, 5/8 inch diameter, with a plastic cap marked PLS 6374;

thence South 43°08'10" East, a distance of 77.73 feet to an iron rod, 5/8 inch diameter with a plastic cap marked PLS 6374 on the shore of Lake Coeur d' Alene at approximate Summer Pool, 2128 Avista Elevation;

thence along said shore line at approximate Summer Pool the following six (6) courses:

1. South 27°59'39" West, a distance of 4.25 feet;
2. thence South 38°28'48" West, a distance of 15.30 feet;
3. thence South 75°07'37" West, a distance of 15.30 feet;
4. thence South 77°09'44" West, a distance of 14.40 feet;
5. thence South 59°34'24" West, a distance of 35.38 feet;
6. thence South 41°42'24" West, a distance of 11.92 feet to an iron rod, 5/8 inch diameter with a plastic cap marked PLS 6374;

thence leaving said shore line, North 60°48'41" West, a distance of 261.53 feet, along the common Northeasterly line of the 50 foot strip referred to in Quitclaim Deed 1635752, to the Point of Beginning, containing 2.465 acres of land more or less;

Subject to:

Any existing Easements, covenants, conditions, rights, reservations, restrictions or encumbrances of record or in view including right-of-way for existing Swede Bay Road and the Old Wood Road.

1974227

1892427 1901684



ENGINEERING & SURVEYING

EXHIBIT A

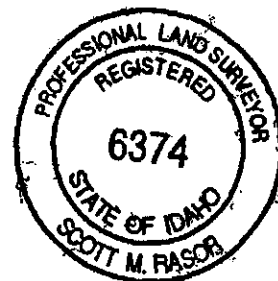
MECKEL ENGINEERING & SURVEYING

3906 N. Schreiber Way

Coeur d'Alene, ID 83815

Office 208-667-4638 • Fax 208-664-3347

www.meckel.com



Scott M. Rasob
8/4/04

August 4, 2004

Sec.1, T49N, R4W

**LARSON TRUST
EXISTING SWEDE BAY ROAD
LEGAL DESCRIPTION**

A strip of land 20.00 feet in width for private ingress, egress, access and utility easement purposes, over, under and across a portion of Tax Number 9502, as described in the deed on file under Instrument Number 119414, situated in the Southwest Quarter of the Southwest Quarter of Section 1, Township 49 North, Range 4 West, Boise Meridian, Kootenai County, Idaho, lying 10.00 feet on each side of the following described centerline, to wit:

Commencing at the Southwest corner of said Section 1, monumented according to Corner Perpetuation and Filing Record form on file under Instrument Number 1891703, from which the Meander Corner between Sections 11 and 12, monumented according to the Corner Perpetuation and Filing Record form on file under Instrument Number 1073324, bears South 01°08'13" East, a distance of 387.32 feet;

thence along the West line of said Section 1, North 02°22'31" East, a distance of 474.85 feet to an iron rod, 5/8 inch diameter, with a plastic cap marked PLS 6374 in the centerline of Swede Bay Road (formerly known as Lindsay Road), the Point of Beginning;

thence along the centerline of said Swede Bay Road the following twenty (20) courses:

1. along the arc of a curve right, which is concave to the southeast having a radius of 60.24 feet through a central angle of 33°21'15", an arc distance of 35.07 feet and having a chord bearing and distance of North 64°57'50" East, 34.57 feet to a point of tangency;
2. thence North 75°25'42" East, a distance of 79.72 feet to a point of curvature;
3. thence along the arc of a curve right, which is concave to the South having a radius of 170.00 feet through a central angle of 25°19'44", an arc distance of 75.15 feet and having a chord bearing and distance of North 88°05'36" East, 74.54 feet to a point of tangency;
4. thence South 79°14'24" East, a distance of 64.25 feet to a point of curvature;
5. thence along the arc of a curve left, which is concave to the North having a radius of 90.00 feet through a central angle of 28°43'49", an arc distance of 45.13 feet and having a chord bearing and distance of North 86°23'42" East, 44.66 feet to a point of tangency;
6. thence North 72°01'47" East, a distance of 74.78 feet to a point of curvature;

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Legal Description
 Swede Bay Road
 August 4, 2004
 Page 2 of 2

7. thence along the arc of a curve left, which is concave to the northwest having a radius of 90.00 feet through a central angle of $23^{\circ}20'35''$ an arc distance of 36.67 feet and having a chord bearing and distance of North $60^{\circ}21'52''$ East, 36.41 feet to a point of tangency;
8. thence North $48^{\circ}41'17''$ East, a distance of 51.89 feet to a point of curvature;
9. thence along the arc of a curve right, which is concave to the South having a radius of 85.00 feet through a central angle of $66^{\circ}44'52''$, an arc distance of 99.02 feet and having a chord bearing and distance of North $82^{\circ}03'43''$ East, 93.52 feet to a point of tangency;
10. thence South $64^{\circ}33'51''$ East, a distance of 18.26 feet to a point of curvature;
11. thence along the arc of a curve left, which is concave to the Northeast having a radius of 150.00 feet through a central angle of $20^{\circ}01'55''$, an arc distance of 52.44 feet and having a chord bearing and distance of South $74^{\circ}34'48''$ East, 52.18 feet to a point of tangency;
12. thence South $84^{\circ}35'46''$ East, a distance of 64.67 feet;
13. thence South $85^{\circ}46'48''$ East, a distance of 33.86 feet;
14. thence South $80^{\circ}27'21''$ East, a distance of 38.03 feet to a point of curvature;
15. thence along the arc of a curve right, which is concave to the southwest having a radius of 185.00 feet through a central angle of $49^{\circ}16'12''$ an arc distance of 159.09 feet and having a chord bearing and distance of South $55^{\circ}49'15''$ East, 154.23 feet to a point of tangency;
16. thence South $31^{\circ}11'10''$ East, a distance of 28.24 feet to a point of curvature;
17. thence along the arc of a curve left which is concave to the northeast having a radius of 150.00 feet through a central angle of $33^{\circ}43'43''$, an arc distance of 88.30 feet and having a chord bearing and distance of South $48^{\circ}03'01''$ East, 87.03 feet to a point of tangency;
18. thence South $64^{\circ}54'53''$ East, a distance of 25.92 feet;
19. thence South $58^{\circ}40'25''$ East, a distance of 48.22 feet;
20. thence South $61^{\circ}12'24''$ East, a distance of 41.69 feet to the boundary line common to said Tax Number 9502 and Tax Number 4903 as described in Deed on file in Book 117 at Page 120, the Terminus Point;

Note:

The side lines of said easement are to be shortened or lengthened to meet at angle points and property lines.

Subject to:

Any existing easements, covenants, conditions, rights, reservations, restrictions or encumbrances of record or in view.

STATE OF IDAHO
 COUNTY OF KOOTENAI
 AT THE REQUEST OF Sandra Swick

2005 AUG 22 P 1:07

DANIEL J. ENGLISH

DEPUTY
 FEES

DB

48.00

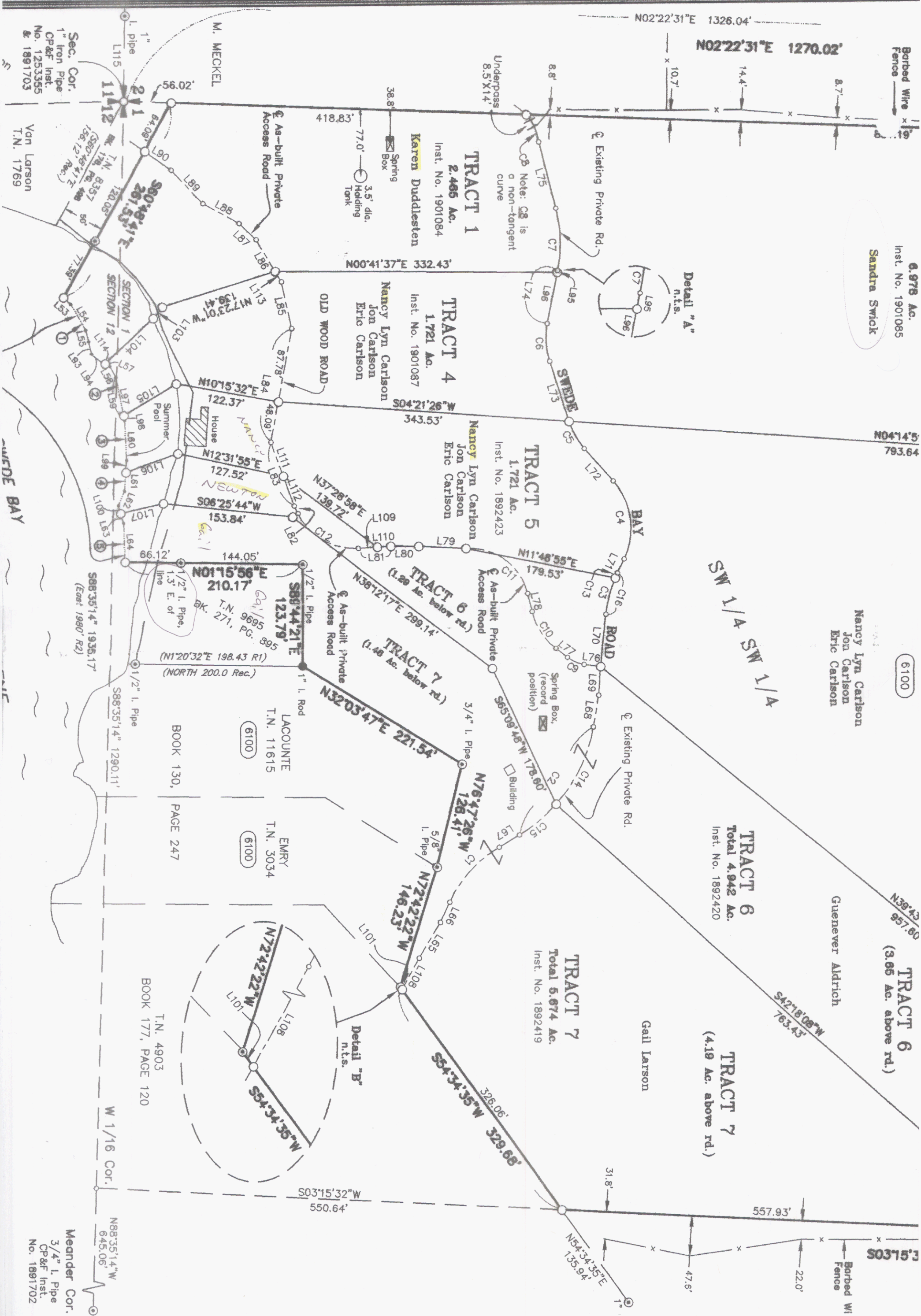
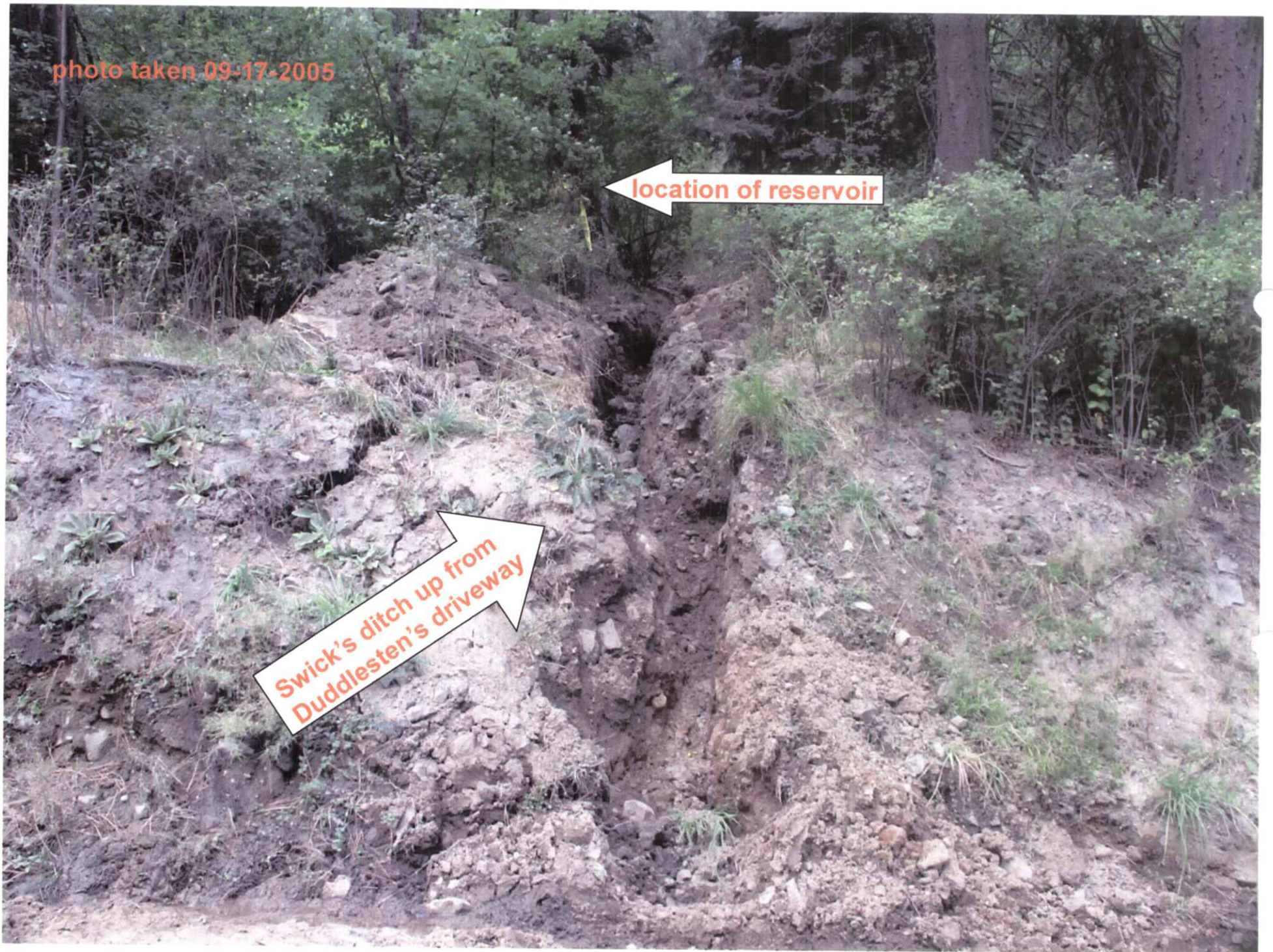


photo taken 09-17-2005

location of reservoir

Swick's ditch up from
Duddleston's driveway





reservoir

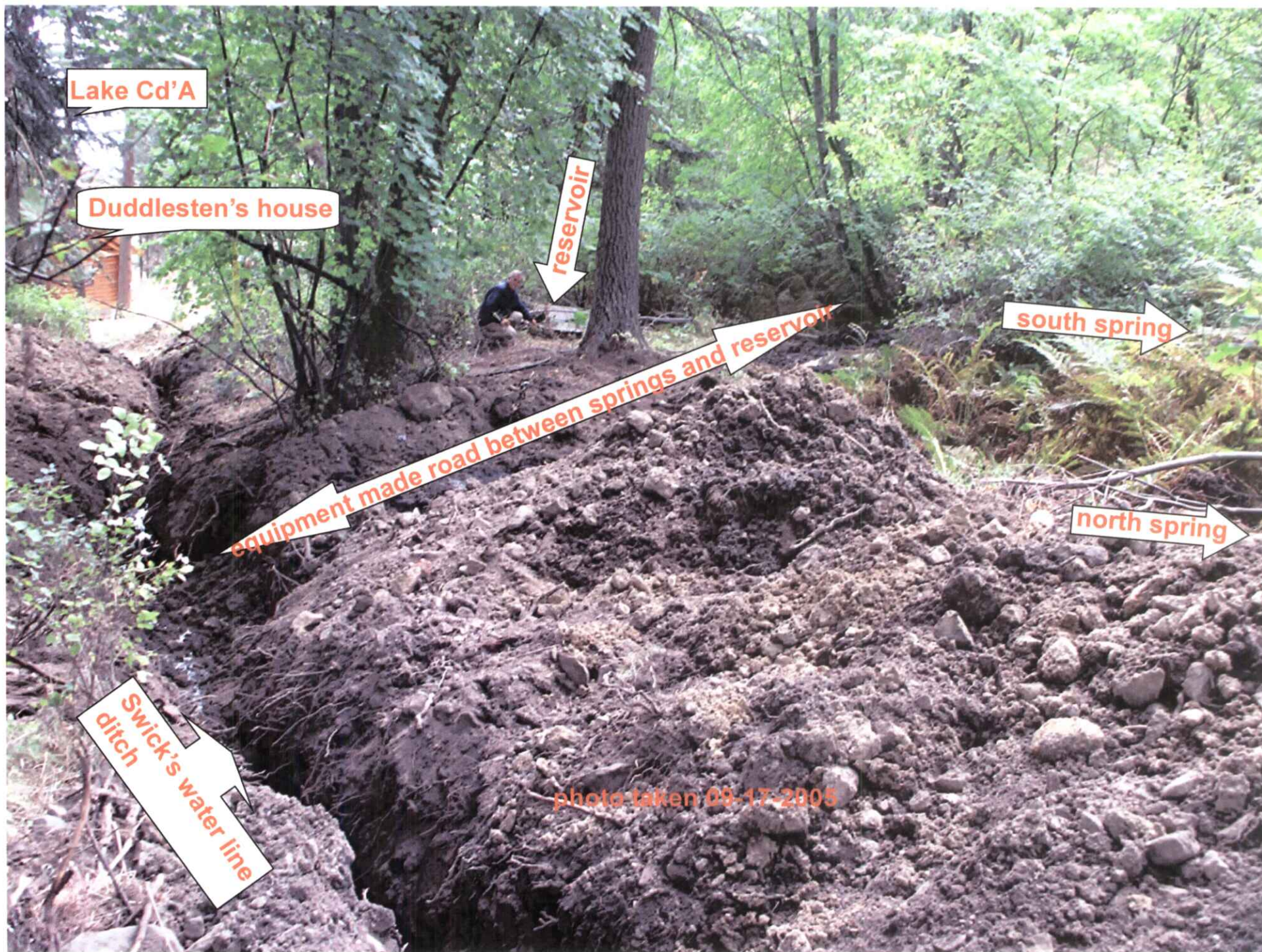
south spring

water line from north spring to reservoir

swicks water line ditch

north spring covered
with dirt from ditch

picture taken 9-17-2005



Lake Cd'A

Duddleston's house

reservoir

equipment made road between springs and reservoir

south spring

north spring

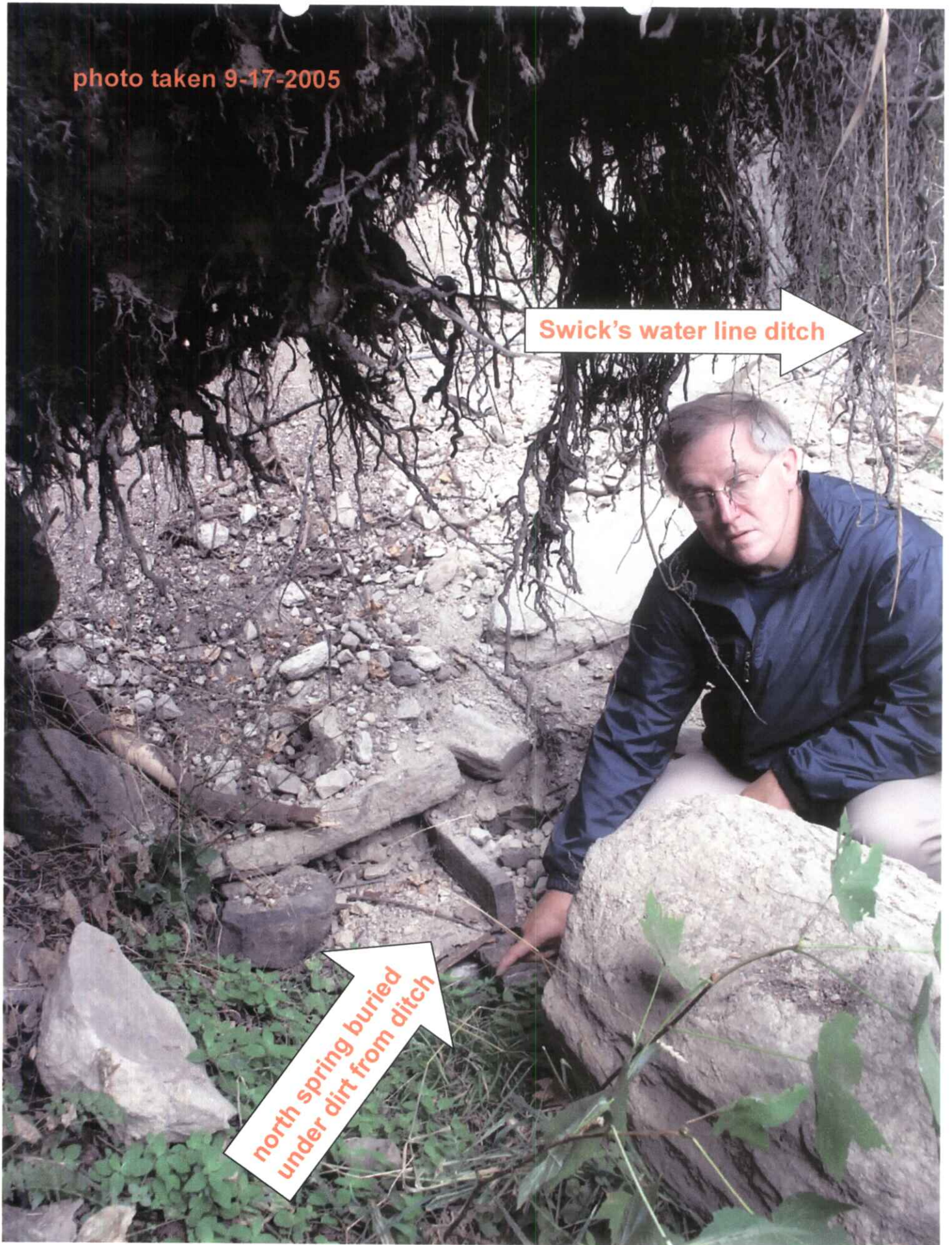
Swick's water line ditch

photo taken 09-17-2005

photo taken 9-17-2005

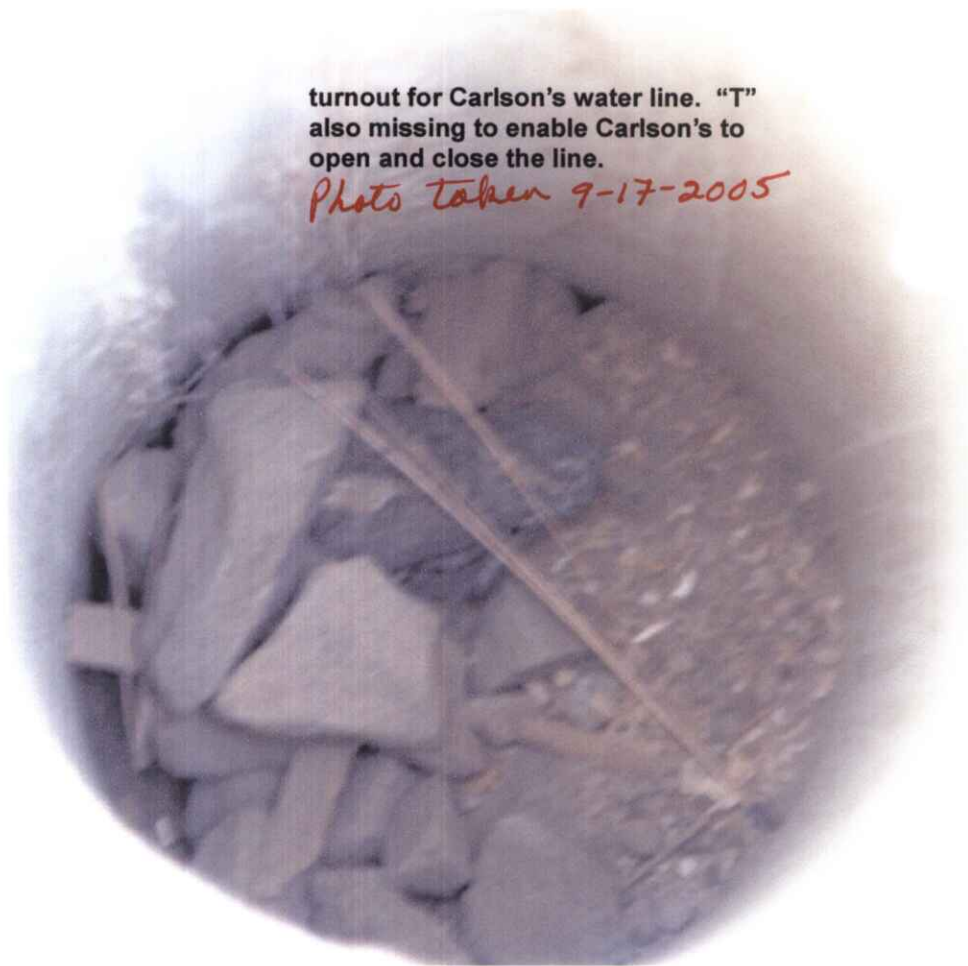
Swick's water line ditch

north spring buried
under dirt from ditch



turnout for Carlson's water line. "T"
also missing to enable Carlson's to
open and close the line.

Photo taken 9-17-2005



**MICA SUPERVISORY
AREA**

3706 Industrial Ave South
Coeur d'Alene ID 83815
Phone (208) 769-1577
Fax (208) 769-1597



WINSTON A WIGGINS, DIRECTOR
EQUAL OPPORTUNITY EMPLOYER

STATE BOARD OF LAND COMMISSIONERS

Dirk Kempthorne, Governor
Ben Ysursa, Secretary of State
Lawrence G. Wasden, Attorney General
Keith L. Johnson, State Controller
Marilyn Howard, Sup't of Public Instruction

MEMORANDUM

TO: Idaho Department of Fish and Game & Department of Environmental Quality
Idaho Department of Water Resources & US Army Corps of Engineers-CDA
Panhandle Health District 1 & Kootenai County Parks, Recreation/Waterways
Kootenai County Marine Division & Kootenai County Building & Planning & Zoning
Kootenai Environmental Alliance

RECEIVED
SEP 22 2005
IDWR/North

ADJACENT PROPERTYOWNERS

Kenneth Meckel
5 Fairway Dr.
Whitefish, MT 59937

Eric, Nancy, & Jon Carlson
203 Springview Dr.
Lynden, WA 98254

FROM: Carl Washburn, Specialist
Navigable Waters/Submerged Lands Leasing

DATE: September 20, 2005

SUBJECT: NOTICE OF APPLICATION L-95-S-5048 Randall & Sandra Swick

Enclosed is an application and plats requesting permission to place a waterline 300' waterward of the OHWM in Lake Coeur d'Alene, with a 13 gpm, 1HP pump placed under water at the waterward end.

Please submit your comments, recommendations, or objections to IDL by **October 19, 2005**, regarding the likely effect of the proposed encroachments upon adjacent property, lake, and streambed value factors of navigation, fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, or water quality. If you have concerns or are opposed to the project as proposed, please list your specific reasons for concern or opposition and any facts or documentation to support your position.

You should recommend alternate plan if they are economically feasible to accomplish the purpose of the proposed encroachment. You should also recommend any mitigation measures or special restrictions/provisions you would like included as part of the permit if one is issued.

If you do not submit a comment, I will assume you have no objections to the application. If you have questions concerning the application, I suggest you contact the applicant. If the applicant cannot answer your questions, please contact us.

Enclosures

JOINT APPLICATION FOR PERMIT
U.S. ARMY CORPS OF ENGINEERS
IDAHO DEPARTMENT OF WATER RESOURCES
IDAHO DEPARTMENT OF LANDS

**DO NOT START WORK UNTIL YOU
RECEIVE PERMITS FROM BOTH THE
CORPS AND THE STATE**

This application may be used to apply for both a Department of the Army permit from the U.S. Army Corps of Engineers (Corps) and for State of Idaho permits. Department of the Army permits are required by Section 10 of the Rivers and Harbors Act of 1899 for any structures or work in or affecting navigable waters of the United States and by Section 404 of the Clean Water Act for discharges of dredged or fill material into waters of the United States, including their adjacent wetlands. State permits are required under the State of Idaho, Stream Channel Protection Act (Title 42, Chapter 38, Idaho Code) and the Idaho Lake Protection Act, Section 58-142 et. seq., Idaho Code. **Route Uses: Information provided on this form will be used in evaluating the application. Disclosure of requested information is voluntary. If information is not provided, however, the permit application cannot be processed nor can permits be issued.** Applicants should send this completed application, along with one set of good reproducible drawings showing the location and character of the proposed project, to both the Corps of Engineers and the State of Idaho. **NOTE: DRAWINGS NO LARGER THAN 8-1/2 X 11 INCHES IN SIZE.** The Applicant Information pamphlet provides instructions and a checklist for completing the drawings.

1. Corps of Engineers # _____ Date Received _____	2a. Department of Water Resources # _____ Date Received <u>9/22/05</u> Fee Rec'd By: _____ Receipt # _____	2b. Department of Lands # <u>L-95-S-5048</u> Date Received _____ Fee Rec'd By: _____ Receipt # _____
--	--	--

PLEASE TYPE OR PRINT

3. a. Applicant <u>Randall G. & Sandra Swick</u>	4. a. Authorized Agent _____
b. Mailing Address <u>PO 3185</u>	b. Mailing Address _____
<u>Coeur d'Alene ID 83816</u>	
c. Work Phone (208) <u>769-3001</u> Home (208) <u>765-4292</u>	c. Work Phone () _____ Home () _____
d. Fax Number <u>765-4292 call first</u>	d. Fax Number _____
e. Email Address <u>sanswick@icehouse.net</u>	e. Email Address _____

5. Location where proposed activity exists or will occur.	5. e. Tax Assessor's Description <u>49N - 04W - 01 - 16300</u>
a. Waterway <u>Coeur d'Alene Lake</u>	Distance/Direction from nearest city/town <u>8 miles S.</u>
Tributary of <u>Spokane River</u>	<u>SW SW</u> <u>1</u> <u>49N</u> <u>4W</u>
b. Distance/Direction from nearest city or town County/State	f. 1/4 1/4 Section Township Range
<u>8 mi SO. on 95 of Cd'A ID</u>	
c. Zip Code _____ Local jurisdiction (city or county) <u>Kootenai Co.</u>	g. UTM Coordinate Grid _____
d. Directions to the site <u>SO. on 95 (8 miles) left on Kidd Island Rd Rt on Valhalla left Swede B</u>	Zone _____ Northing _____ Easting _____

6. a. Describe Project (Work below the ordinary high water mark or in wetlands).
Water system from lake for domestic use. The pump and motor will be set into the lake by an experienced diver. The pump will be set on 300 feet of 1 1/4" poly pipe weighted to prevent floatation. pump will be set in a pvc intake structure

b. Construction methods and equipment Small backhoe will be used to excavate across the beach.

c. Length of project along the stream or extension into lake or reservoir: 300 feet waterward of OHWM

d. Size and flow capacity of proposed bridge or culvert and area of drainage served (sq. miles): (Idaho Department of Water Resources requirement.)

COMPLETE THE FOLLOWING FOR DISCHARGES OF DREDGED OR FILL MATERIAL

7. a. Volume dredged or fill material to be placed waterward of the ordinary high water mark (BOTH TEMPORARY AND PERMANENT)? N/A (cubic yards)

b. ~~Will~~ fill be placed in wetlands? NO If yes, area: _____ (acres) Type of fill material: _____ (i.e. sand, rock, clay, concrete, etc.)

c. Will dredging be required waterward of the ordinary high water mark or in wetlands? NO If yes, volume _____ (cubic yards)

d. Type of dredged material N/A

e. Disposal site for dredged material: N/A Method of dredging: _____

f. Method to control turbidity and sedimentation: N/A

g. Is project located in a mapped floodway? NO If yes, complete the Engineering "No-Rise" certification form.

8. a. Purpose and intended use: Commercial _____ Public _____ Private X Other _____ Describe Domestic 1 home
b. Reason for project to provide domestic water for drinking
9. Proposed Starting Date Aug 2005 Estimated Duration 1 yr
10. List portions of the project that are complete with month and year of completion _____
Label this work on your drawings.

11. Names, addresses, and telephone numbers of all adjoining property owners, lessees, etc.

Kenneth Meckel Eric Carlson Jon Carlson Nancy Carlson
5 Fairway Dr c/o 2017 S. Bowditch 203 Springview Dr
Whitefish, MT 59937 Spokane, WA 99206 Lynden, WA 98254

☐ Check here if the alteration is located on endowment lands administered by the Idaho Department of Lands

12. LEGAL OWNER IF OTHER THAN APPLICANT

a. Name James & Karen Duddleston d. Phone Work () _____
b. Mailing Address 1912 Glenview Dr Home 1702 256-5445
c. City, State, Zip Code Las Vegas, NV 89134

13. List applications, approvals, or certifications from other Federal, state, or local agencies for work described in this application.

Issuing Agency	Type of Approval	Identification No.	Date of Application	Date of Approval
<u>State of ID Dept of Water Res.</u>	<u>permit</u>		<u>Aug 8, 2005</u>	

14. Has any agency denied approval for the proposed activity? Yes _____ No X (If "Yes" explain)

15. Other comments/information:

easement from Karen and James Duddleston is attached.

16. Application is hereby made for a permit or permits to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief, such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I hereby grant to the agencies to which this application is made, the right to come upon the above-described location to inspect the proposed and completed work.

Sandra K. Larson Swick Sandra K. Larson Swick Aug 8, 2005
Signature of Applicant (ORIGINAL SIGNATURE REQUIRED) Printed Name Date

17. If you wish to designate an authorized agent, complete item 4, item 16 and the following information.

I hereby designate _____ to act as my agent in matters related to this permit application. I understand that if a Federal permit is issued, I must sign the permit.

Original Signature of Authorized Agent	Date	Original Signature of Applicant	Date
18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years or both.			

DO NOT SEND CORPS PROCESSING FEE WITH APPLICATION

SEND IDAHO DEPARTMENT OF WATER RESOURCES OR IDAHO DEPARTMENT OF LANDS FILING FEE WITH APPLICATION

N



Lot 6100

house

Lot 6300

driveway

house

Swede Bay Rd

----- proposed water line

57'6"

from
property line

Dock 18

30'9"

from property line

pump

13 gpm 1 horse

High water mark

49N 04W 1 SW 1/4 SW 1/4
Tract 1 Kootenai Co



Swede Bay Rd
Vol Hall Rd

Swede Bay

Twin
Beaches

Coeur d'Alene
Lake

VICINITY MAP

IN Coeur d'Alene, ID
IN/NEAR Swede Bay
Kootenai COUNTY,

DATE: 8-8-05 SHEET 1 OF 2

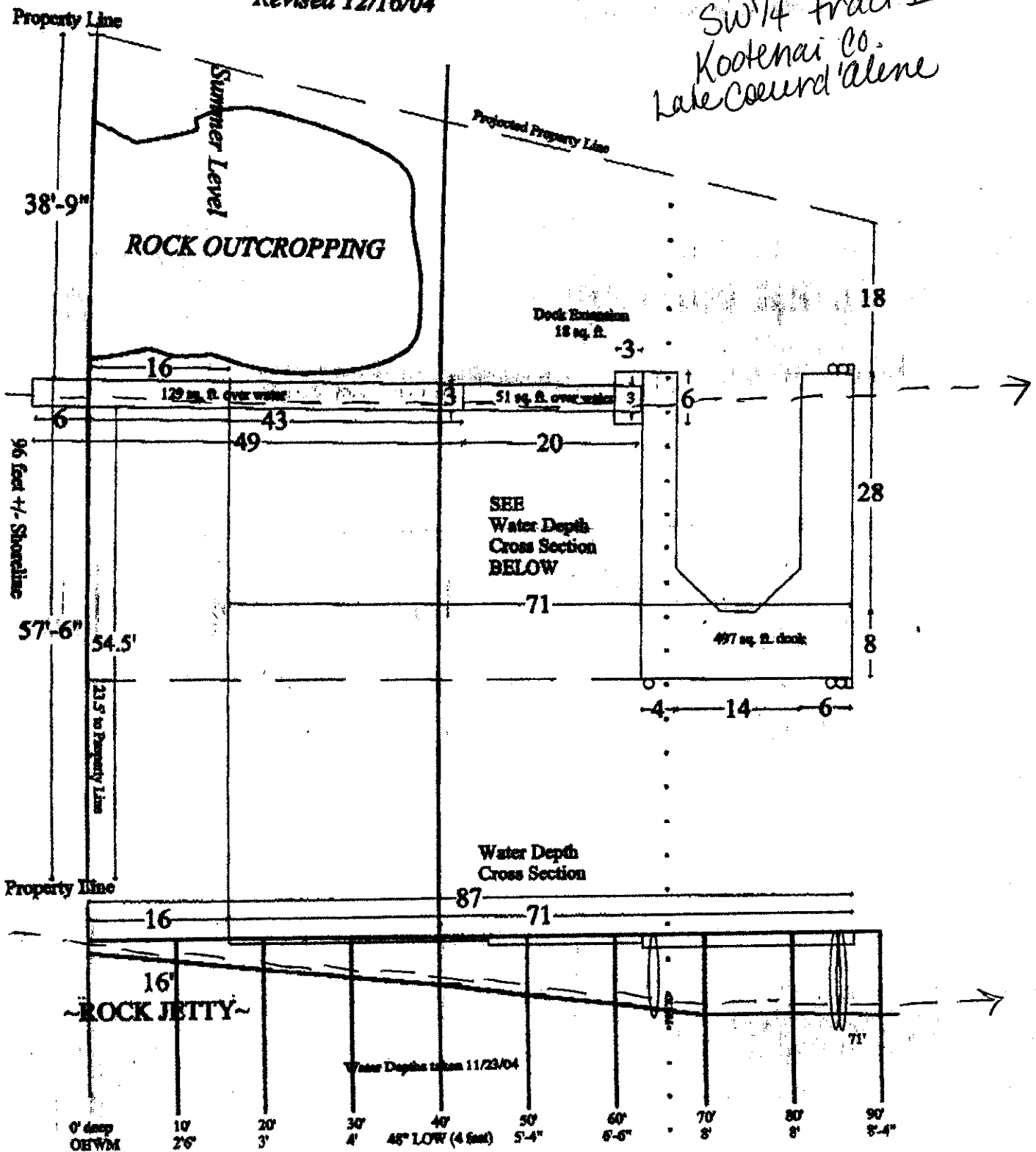
APPLICATION BY: SK Larson Swick

Shondra Larson Swick
208 768 4292

8-8-05

James & Karen Duddleston
Swede Bay, #1172
Revised 12/16/04

49 N 04 W 1 SW 1/4
SW 1/4 tract 1
Kootenai Co.
Lake Coeur d'Alene



A Division of Marine Co., Inc.

48401 S. Highway 97 • P.O. Box 8 • Harrison, Idaho 83833 • (208) 689-3248 • Fax (208) 689-3636

--- water line

Mica Area Office
3706 Industrial Avenue South
Coeur d'Alene ID. 83815

ENCROACHMENT NO. _____
APPLICANT _____

**STATE OF IDAHO
DEPARTMENT OF LANDS
ATTACHMENT FOR ENCROACHMENT**

Required When Applying for an Idaho Dept. of Lands Lake Encroachment Permit

"Joint COE-IDL Applications" for encroachment must be signed by the riparian or littoral property owner or his lessee. A riparian or littoral owner is the person whose upland property interfaces the ordinary high water mark or artificial high water mark of a given waterway. A complete application must include the legal description of the upland property; a vicinity map showing the location of the proposal; design plans showing the adjacent boundary lines, encroachment dimensions, water depth, and a lakebed profile, all relative to the ordinary or artificial high water mark; and name and address of the adjacent property owner(s).

DOCK REQUIREMENTS AND SET BACKS

General requirements are as follows:

- 1) Encroachment installed perpendicular to the general shoreline.
- 2) Encroachment not to extend beyond a depth necessary for customary navigation nor beyond the established line of navigation.
- 3) Dock encroachment is not to exceed 700 square feet in size nor 10 feet in width, excluding a slip cutout.
- 4) Ramp is not to exceed 6 feet in width. ONLY 4 PILINGS ALLOWED.
- 5) Structure may not be closer than 10 feet to adjacent property and/or riparian boundary lines without written consent from the adjacent property owner, riparian lines extend into the water perpendicular from the general shoreline.
- 6) Commercial encroachments are required to maintain 25 feet from adjacent property and/or riparian boundary lines.

CONSENT OF ADJACENT RIPARIAN OR LITTORAL PROPERTY OWNERS

Navigational and nonnavigational encroachments located adjacent to an upland property may infringe upon the adjacent property owner. Signature of the owner(s) will automatically rebut this presumption. The owner's signature below and initials per applicant's drawing will complete the permit requirement process.

Karen E. Duddleston
I, _____, am the owner of riparian or littoral property adjacent to the riparian or littoral area listed in this application. I am familiar with the scope and location of the proposed encroachment as evidenced by accompanying plans which I have initialed. I offer no objection to the encroachment.

8-22-05

Date

Karen E. Duddleston
Name

1728 W. Swede Bay Rd
Coeur d'Alene, Idaho 83814
Address

I, _____, am the owner of riparian or littoral property adjacent to the riparian or littoral area listed in this application. I am familiar with the scope and location of the proposed encroachment as evidenced by accompanying plans which I have initialed. I offer no objection to the encroachment..

Date

Name

Address

1974227

WATERLINE/UTILITY EASEMENT AGREEMENT

Karen E. and James A. Duddleston, husband and wife, (the "Grantors"), the owners of that certain property described on Exhibit "B" attached hereto, known as the H.E. Larson Tract 1 (Parcel 6300) according to the survey recorded in the office of the County Recorder Book 22, Page 498, Instrument No. 1901524, located in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 1 and the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 12, Township 49 North, Range 4 West B.M. Kootenai County, Idaho, do hereby grant and convey a perpetual non-exclusive use easement 10 feet in width to Sandra Katherine Swick (the "Grantee"), the owner of that certain property described on Exhibit "A" attached hereto, known as the H.E. Larson Tract 2 (Parcel 6100) according to the survey recorded in the office of the County Recorder Book 22, Page 498, Instrument No. 1901524, located in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 1, Township 49 North, Range 4 West B.M. Kootenai County, Idaho, and her heirs and assigns, for the purpose of constructing, operating and maintaining a sub-surface water line and associated appurtenances including a sub-surface power supply line and sub-surface telephone line as part of a lake water system (the "system").

The system is to serve and benefit a single-family residential structures and associated landscaping located on H.E. Larson Tract 2 as above described. The linear easement traverses Grantor's property generally running upslope from the point of encroachment into Lake Couer d'Alene to Grantee's property, including access to Grantor's electrical service box. Grantor and Grantee will agree upon the final alignment of the linear easement prior to system installation. A more specific description of the area to be conveyed by easement shall be based on the as-built plan and alignment, and a survey to be provided upon completion of the system and subsequently attached to this easement as Exhibits C and D at that time.

The Grantor covenants to not use the easement area in any way that would have an adverse effect on the system functioning properly or access to the system. The Grantor further covenants to provide the Grantee access to install and maintain the system, including that portion extending into the lake, make needed repairs, and replace the system when needed.

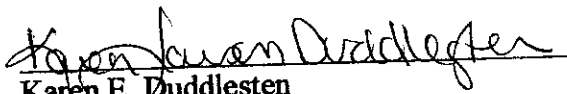
JAD 8/11/05
KAD 8/11/05

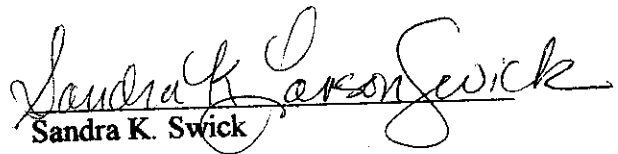
1974227

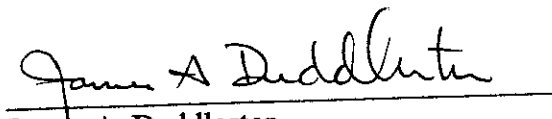
The Grantee covenants to obtain an encroachment permit for a water intake line from the Idaho State Department of Lands and to install, operate and maintain the system in compliance with the permit terms and conditions and in a manner that avoids any adverse effects to Grantor's property. The Grantee further covenants to survey the system upon completion of installation. The Grantee further covenants to restore any surface disturbance associated with construction, operation, maintenance, or replacement of the system to conditions agreed to by Grantor.

This easement shall run with the land and be binding upon the heirs and assigns of the owners of the properties described herein until abandoned by the Grantee or their heirs or assigns.

DATED this 11th day of August, 2005


Karen E. Duddleston
Grantor


Sandra K. Swick
Grantee


James A. Duddleston
Grantor

STATE OF NEVADA)

ss.

County of Clark)

On this 11th day of August, 2005, before me, the undersigned Notary Public, personally appeared, James A. Duddleston, known or identified to me to be the persons whose name is subscribed to the foregoing instrument, and acknowledged that she executed the same.

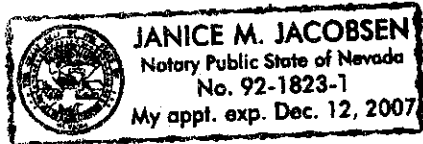
KED 8/11/05
JAD 8/11/05

1974227

In Witness Whereof, I have hereunto set my hand and affixed my official seal the day and year first above written.

James A. Duddleston
James A. Duddleston
Grantor

Janice M. Jacobsen
Notary Public for State of Nevada
Commission expires December 12, 2007



STATE OF IDAHO)

ss.

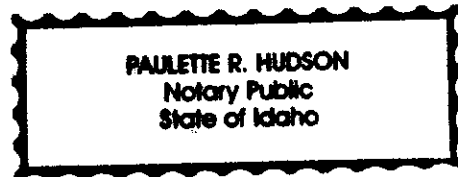
)

On this 22nd day of August, 2005, before me, the undersigned Notary Public, personally appeared, Sandra K. Swick, known or identified to me to be the persons whose name is subscribed to the foregoing instrument, and acknowledged that she executed the same.

In Witness Whereof, I have hereunto set my hand and affixed my official seal the day and year first above written.

Paulette R. Hudson
Notary Public for State of Idaho
Commission expires 6/24/2010

Sandra K. Swick
Sandra K. Swick
Grantee



KED 8/11/05
JAD 8/11/05

Ball, Dianne

From: Carl Washburn [cwashburn@idl.state.id.us]
Sent: Friday, September 02, 2005 6:53 AM
To: dianne.ball@idwr.idaho.gov.
Subject: Applications

Go on computer


Dianne,

Applications 95-9296 and 95-9295 will require an encroachment permit from IDL, please condition your permits as such.

Thanks
Carl

9/2/2005