

**STARTING
LEFT
SIDE OF
FILE**

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 K. SCHOENBERG HWY. CORNER 5th AVE. S.W. VANCOUVER, B.C. (PH) 682-3347

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

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

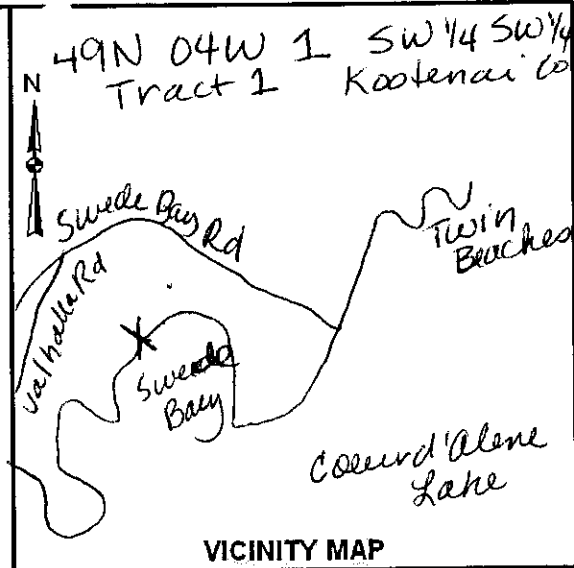
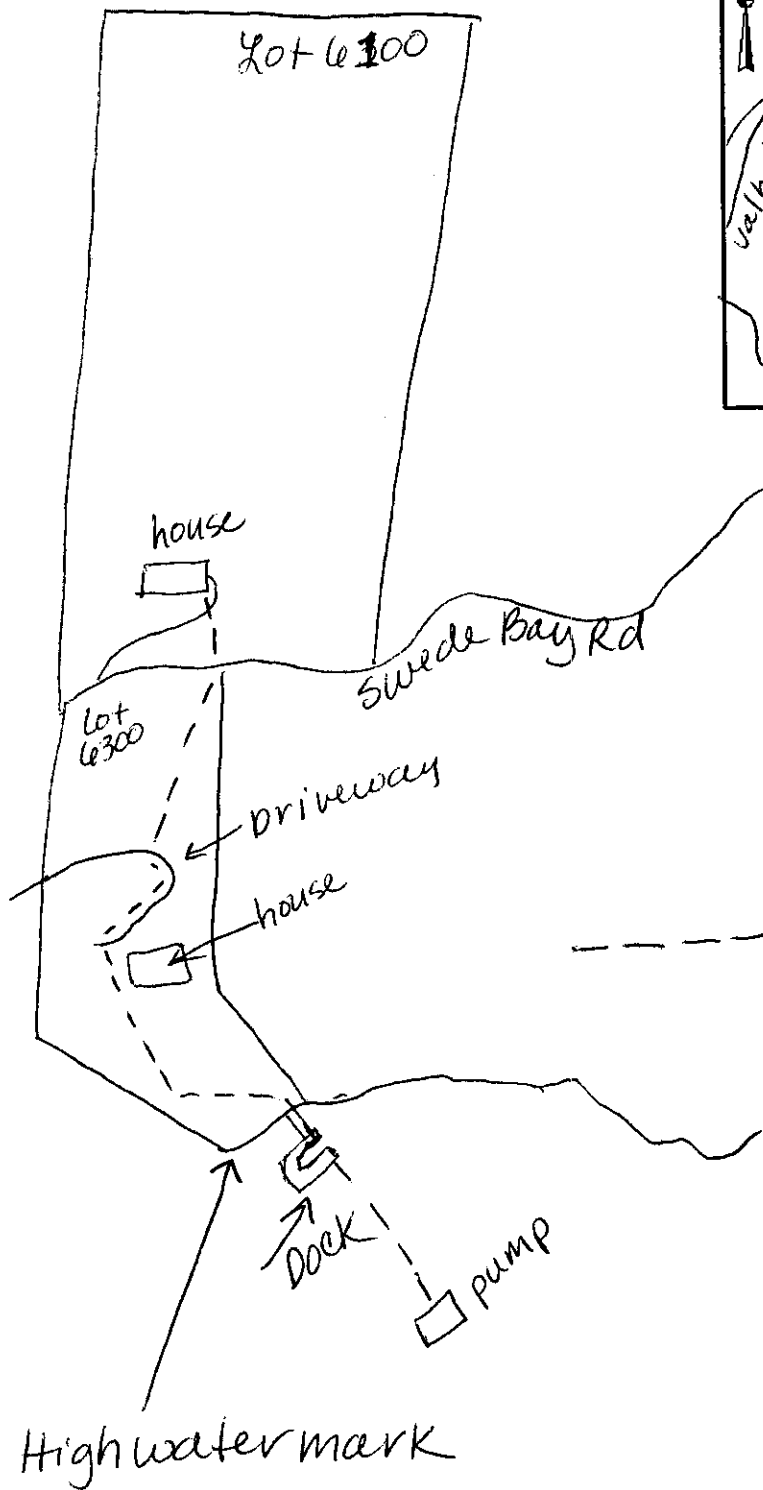
SECTION 1
SECTION 12

SWEDE BAY

LAKE COEU

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
①
②
③
④
⑤
⑥
⑦
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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.

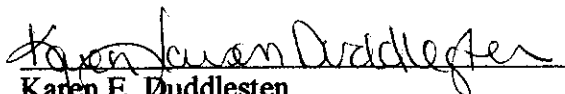
JAD 8/11/05
KAO 8/11/05

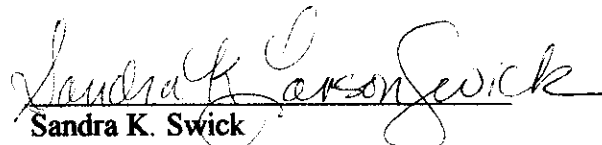
1974227

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.

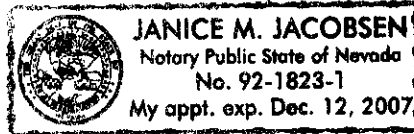
KED 8/11/05
JAD 8/11/05

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



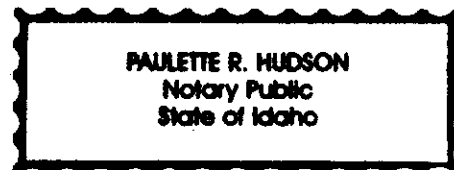
STATE OF IDAHO)
 ss.
)

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

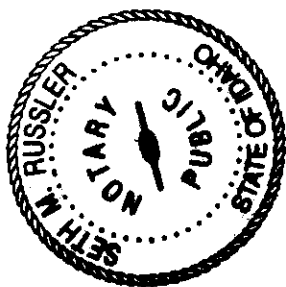
STATE OF IDAHO)

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

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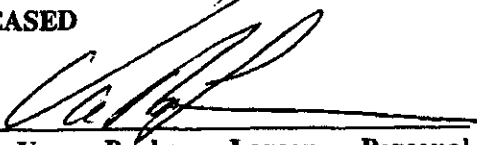
1901084

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

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THE HENRY EDWARD LARSON
RESIDUARY TRUST

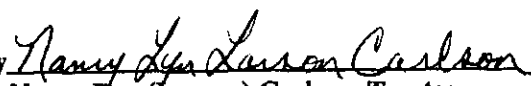
By


Van Barker Larson, Trustee

By


Gail Linnea Larson, Trustee

By


Nancy Lyn (Larson) Carlson, Trustee

1974227

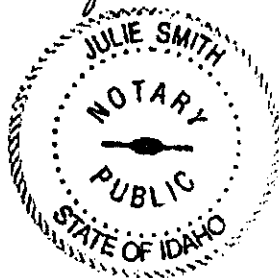
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STATE OF Idaho)
County of Kootenai) : ss.

I certify that I know or have satisfactory evidence that **Van Barker Larson** is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it as his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: August 4, 2004.

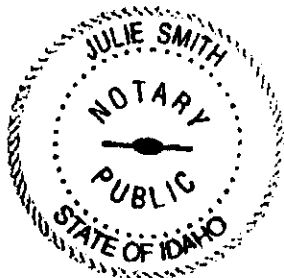


Julie Smith
Print Name: Julie Smith
Notary Public in and for the State of
Idaho
residing at Post Falls
My commission expires: 7/15/08

STATE OF Idaho)
County of Kootenai) : ss.

I certify that I know or have satisfactory evidence that **Van Barker Larson** is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as **Personal Representative of THE ESTATE OF HENRY EDWARD LARSON, DECEASED**, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument, and that Letters Testamentary authorizing him to act on behalf of said Estate are still in full force and effect.

Dated: August 4, 2004.



Julie Smith
Print Name: Julie Smith
Notary Public in and for the State of
Idaho
residing at Post Falls
My commission expires: 7/15/08

1974227

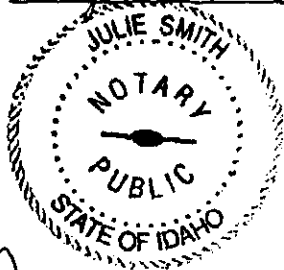
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STATE OF Idaho)
 County of Kootenai : ss.

I certify that I know or have satisfactory evidence that **Van Barker Larson** is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as **Personal Representative of THE ESTATE OF NANCY MAE LARSON, DECEASED**, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument, and that Letters Testamentary authorizing him to act on behalf of said Estate are still in full force and effect.

Dated: August 4, 2004.



Julie Smith
 Print Name: Julie Smith
 Notary Public in and for the State of Idaho
 residing at Post Falls
 My commission expires: 7/15/08

STATE OF Idaho)
 County of Kootenai : ss.

I certify that I know or have satisfactory evidence that **Van Barker Larson** is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as a **Trustee of THE HENRY EDWARD LARSON RESIDUARY TRUST, created under the Last Will and Testament of Henry Edward Larson dated September 30, 1973**, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: August 4, 2004.



Julie Smith
 Print Name: Julie Smith
 Notary Public in and for the State of Idaho
 residing at Post Falls
 My commission expires: 7/15/08

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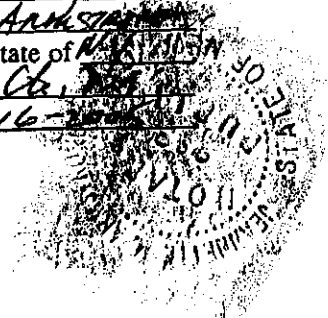
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STATE OF New York)
County of Albany) : ss.

I certify that I know or have satisfactory evidence that Gail Linnea Larson is the person who appeared before me, and said person acknowledged that she signed this instrument, on oath stated that she was authorized to execute the instrument and acknowledged it as a Trustee of THE HENRY EDWARD LARSON RESIDUARY TRUST, created under the Last Will and Testament of Henry Edward Larson dated September 30, 1973, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: July 23, 2004.

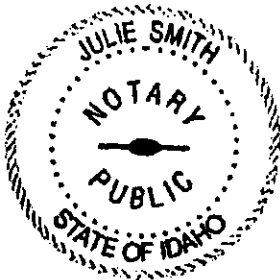
Jeannette M. Armstrong
Print Name: Jeannette M. Armstrong
Notary Public in and for the State of MASSACHUSETTS
residing at Springfield, MA
My commission expires: 11-16-2007



STATE OF Idaho)
County of Kootenai) : ss.

I certify that I know or have satisfactory evidence that Nancy Lyn (Larson) Carlson is the person who appeared before me, and said person acknowledged that she signed this instrument, on oath stated that she was authorized to execute the instrument and acknowledged it as a Trustee of THE HENRY EDWARD LARSON RESIDUARY TRUST, created under the Last Will and Testament of Henry Edward Larson dated September 30, 1973, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: August 4, 2004.

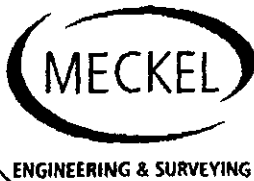


Julie Smith
Print Name: Julie Smith
Notary Public in and for the State of Idaho
residing at Post Falls
My commission expires: 7/15/08

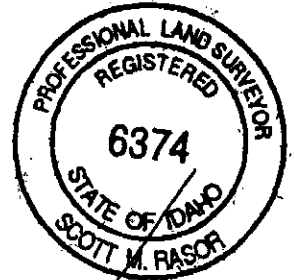
1892427

1901084

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



August 4, 2004

Sec.1, T49N, R4W

8/4/04

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, 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 $01^{\circ}08'13''$ East, a distance of 387.32 feet;

thence along the West line of said Section 1, North $02^{\circ}22'31''$ 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 $02^{\circ}22'31''$ 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 curve right which is concave to the Southeast having a radius of 60.24 feet through a central angle of $33^{\circ}21'15''$ an arc distance of 35.07 feet and having a chord bearing and distance of North $64^{\circ}57'50''$ East, 34.57 feet, to a point of tangency;
2. thence North $75^{\circ}25'42''$ 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 $25^{\circ}19'44''$ an arc distance of 75.15 feet and having a chord bearing and distance of North $88^{\circ}05'36''$ East, 74.54 feet to a point of tangency;
4. thence South $79^{\circ}14'24''$ 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 $00^{\circ}41'37''$ West, a distance of 332.43 feet to an iron rod, 5/8 inch diameter, with a plastic cap marked PLS 6374 on the centerline of the Old Wood Road;

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1901084

Larson Trust
Tract 1
August 4, 2004
Page 2 of 2

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 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.

1901084

CORRECTED
EXHIBIT A



ENGINEERING & SURVEYING

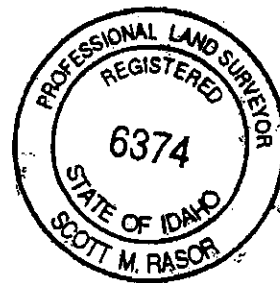
MECKEL ENGINEERING & SURVEYING

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

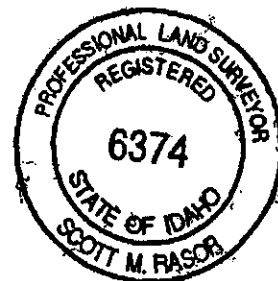
MECKEL ENGINEERING & SURVEYING

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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1901084

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

**NOW
STARTING
RIGHT
SIDE OF
FILE**



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

April 9, 2007

RANDALL G SWICK
SANDRA K LARSON-SWICK
PO BOX 3185
COEUR D ALENE ID 83816

RE: Permit No. 95-9295

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

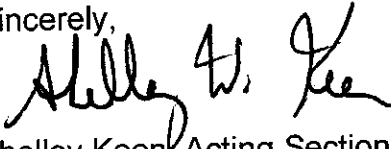
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-287-4947.

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name "Shelley" being the most prominent.

Shelley Keen, Acting Section Manager
Water Right Permits Section

Enclosure(s)

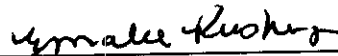
CERTIFICATE OF SERVICE

I hereby certify that on April 9, 2007 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

95-9295

**RANDALL G SWICK
SANDRA K LARSON-SWICK
PO BOX 3185
COEUR D ALENE ID 83816**



**Emalee Rushing
Technical Records Specialist**

Statement of Available Procedures and Applicable Time Limits

RESPONDING TO PRELIMINARY ORDERS ISSUED BY THE IDAHO DEPARTMENT OF WATER RESOURCES (To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

MEMORANDUM

Date: April 05, 2007
To: Water Right File 95-9295
From: eretelle
Re: permit review

No WD
No moratorium
Min Stream Flow Spokane River

No overlaps (many statutory claims in area)
Protest withdrawn. No specific conditions included
IDL permit in file

Recommend approval as suggested by IDWR Northern

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

April 26, 2006

Nancy Carlson
203 Springview Dr.
Lynden WA 98264

Re: Application for Permit No. 95-9295

Dear Ms. Carlson:

This is to acknowledge receipt of your letter of April 22 withdrawing your protest against the issuance of a permit to appropriate water to Randy and Sandra Larson-Swick. I will reiterate that department personnel will inspect the spring sites at a date later in the year. We will coordinate with you to make those inspections at time that will permit you to be present and provide you copies of any reports generated from those visits.

Sincerely,

Robert G. Haynes, P.E.
Regional Manager

DENNIS AND NANCY CARLSON
203 Springview Dr., Lynden, WA 98264
360 318-9761 or cell 509 429-1818

RECEIVED

APR 16 2006

DEPARTMENT OF
WATER RESOURCES

April 22, 2006

Mr. Robert G. Haynes, Regional Supervisor
Idaho Department of Water Resources
Northern Region Office
1910 Northwest Blvd. Suite 210
Coeur d'Alene ID 83814

RE: permit no. 95-9295

Dear Mr. Haynes:

As the only source of water right permits for the State of Idaho, it is unconscionable that the Idaho Department of Water Resources (IDWR) makes no effort, as you informed me personally, to protect previous or statutory water rights from harm due to current or more recent applications for permits. This statement of policy or procedure appears to be in direct conflict with Section 42-203A that requires that any new appropriations not injure other preexisting water rights. As the regulatory, permitting agency, IDWR should not place the holders of prior rights in the untenable situation of choosing between the loss of their statutory rights or being forced into a lawsuit situation to protect those rights.

Your personal interest, prior relationships, and obvious bias shown during our meeting in favor of the Swicks and Duddlestens are of concern to me. My concern is heightened in the way you purposely scheduled a viewing of the line in question at a time I could not attend.

Your inference that my objection to the above water right application was the proximate cause of the long delay in response by your office is highly objectionable. Informing me that the response to Swicks by your office was long overdue in the timeline allotted by law has nothing to do with my objection. My objection was filed in a timely manner following publication of the application notice. Rather, the delay was caused by your office's lack of effective management of the application, lack of timely communications, or with the Swicks themselves failing to actively pursue a resolution to the concerns stated. I was prepared to respond to any inquiries from your office at any time. I will remind you that "the department (IDWR) will re-evaluate both springs later on in the season, when the springs will be at their lowest production, to see if there is any new evidence". I would like to be present at such an inspection.

I will withdraw my objection without abrogating the belief that the construction of the Swick/Duddleston utility, water, and sewage system had an impact on our ability to withdraw water from our water system and doesn't preclude me or the owners of my water right from pursuing other forms of relief.

Sincerely,



Nancy Carlson

cc. Karl J. Dreher, Director, IDWR

SENDER: COMPLETE THIS SECTION

- Complete items 1 and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Nancy Carlson
203 Springview Dr
Lynden WA
98264

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Nancy Carlson* ☐ Agent ☐ Addressee

B. Received by (Printed Name)

Nancy Carlson

C. Date of Delivery

4-2-06

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7001 2510 0003 4440 2205

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

SENDER: COMPLETE THIS SECTION

- Complete items 1 and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ramona G. Swick &
Sandra K. Larson
Swick
P.O. Box 3185
Coeur d'Alene, ID
83816

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Ramona Swick* ☐ Agent ☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

4/11/06

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7001 2510 0003 4440 2212

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO**

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 95-9295)
IN THE NAME OF LARSON-SWICK)

NOTICE OF HEARING

On August 23, 2005, Randall G. Swick & Sandra K. Larson-Swick filed with the Department of Water Resources, (department), application for permit No. 95-9295. The application was protested on September 30, 2005 by Nancy Carlson.

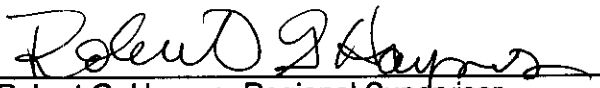
The department has scheduled the matter for hearing on April 28, 2006 at 10:00 a.m., in the Department of Water Resources office, 1910 Northwest Blvd., Suite 210, Coeur d' Alene, ID. The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code, the adopted Rules of Procedure of the department and Water Appropriation Rules 40 and 45. A copy of the rules may be obtained from the department upon request. The presiding officer at the hearing will be Dave Tuthill.

If you plan to offer exhibits for the record, note that IDAPA Rule of Procedure 37.01.01606 requires that you provide a copy of exhibits to each party and to the presiding officer.

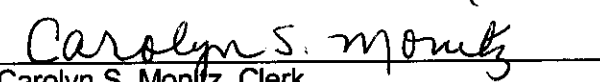
The hearing will be conducted in a facility that meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within ten (10) days prior to the hearing.

All parties to the matter will have the opportunity to respond and present information and argument on all issues involved.

Dated this 5th day of April, 2006.


Robert G. Haynes, Regional Supervisor

I hereby certify that on the 5th day of April, 2006, I mailed a true and correct copy of this document, postage prepaid, to the applicant(s) and protestant(s) listed below:


Carolyn S. Moniz, Clerk

Certified Mail

Randall G. Swick & Sandra K. Larson-Swick
Nancy Carlson

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

ISSUES

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

1. Will the proposed appropriation injure other water rights?
2. Is the water supply sufficient for the purpose for which it is sought to be appropriated?
3. Was the application made in good faith or for delay or speculative purposes?
4. Does the applicant have sufficient financial resources with which to complete the proposed project?
5. Will the proposed use conflict with the local public interest, where local public interest is defined as interests that the people in the area directly affected by a proposed water use have in the effects of such use on the public water resource?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?
7. Will the proposed use adversely affect the local economy of the watershed or local area within which the source of water for the proposed use originates, in the case where the place of use is outside of the watershed or local area where the source of water originates?

BURDEN OF PROOF

The applicant has the initial burden of proof for issues 1, 2, 3, 4, 6 and 7 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors of which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement or make settlement offers, schedule hearings, establish procedure at hearing and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing are available upon request and the payment of the cost of reproducing the tape.

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State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

MEMORANDUM

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

To: Nancy Carlson, Randy & Barbara Swick and File 95-9295
FROM: Keith Franklin, Greg Taylor & Bob Haynes
SUBJECT: Field Tour of Springs That Serve Nancy Carlson's Property (Pugh House).
Date: March 27, 2006

PERSONS PRESENT: Randy Swick Eric Carlson, son of Nancy Carlson, David Daniels Contractor for James & Karen Duddleston, Bob Haynes, Greg Taylor and Keith Franklin.

As per a verbal commitment, stemming from a Protest Conference which was held on March 20, 2006, between Nancy Carlson, Eric Carlson, Gail Larson and Randy and Sandra Swick, the IDWR agreed to meet and visually inspect two springs, on March 27, 2006, that serve Nancy Carlson's property, for possible damage as a result of the construction of a utility trench initiated by James and Karen Duddleston.

The parties met at approximately 10:00 am in front of a new home being constructed by James and Karen Duddleston. From there the group walked up hill, 50 to 75 yards to a round covered cistern, approximately 4 feet in diameter, which supplies water to the Nancy Carlson home (Pugh House). Since the Pugh House was not using water at the time of the tour, water was observed seeping from around the cistern and flowing down hill in a random southwesterly direction.

Directly up gradient and approximately 30 feet from the cistern, Spring #1 was observed. This spring had been developed with a round covered structure, similar to the cistern with a fair amount of water surfacing in and around the structure. Spring #1 was connected to the cistern by what appeared to be a 2-inch diameter white PVC pipe that was exposed for approximately 15 feet. This was the path an excavator took in order to access the area by which to dig the utility trench. In doing so, the pipe was damaged and subsequently repaired, as was observed. Dave Daniels indicated that this pipe would be covered up when ground conditions permitted doing so.

Spring #2 was observed to be about the same elevation as Spring #1 and located approximately 15 to 20 feet to the east of Spring #1. The spring had been developed some time ago by evidence of a deteriorating metal and wooden covering. How deep the excavations made to develop the two springs is unknown. Water was observed surfacing from the ground about 5 feet directly up hill and to the northwest of the structure. Water was also observed surfacing in and around the spring area and flowing overland south, toward the Duddleston house and Lake Coeur d'Alene.

A graded disturbed area, approximately 15 feet in width, was observed that contained the Duddleston/Swick's utility trench. The utility trench is down gradient and east of the two springs. At about the same elevation as Spring #2 the trench takes a sharp turn due east and goes under an unnamed stream. The trench then swings back to the north and continues to the Swick

property. At no time did it appear the utility trench got nearer than 10 feet from either spring. About 15 to 20 feet below Spring #2 water was surfacing from the utility trench.

CONCLUSION:

From the field observation, it was evident the utility trench was constructed down gradient and east of the two springs in question. It is the opinion of the IDWR personnel that neither spring was effected by the construction of the utility trench. However, the department will re-evaluate both springs later on in the season, when the springs will be at their lowest production, to see if there is any new evidence to be considered.

CONFERENCE

File: 95-9295
LARSON-SWICK

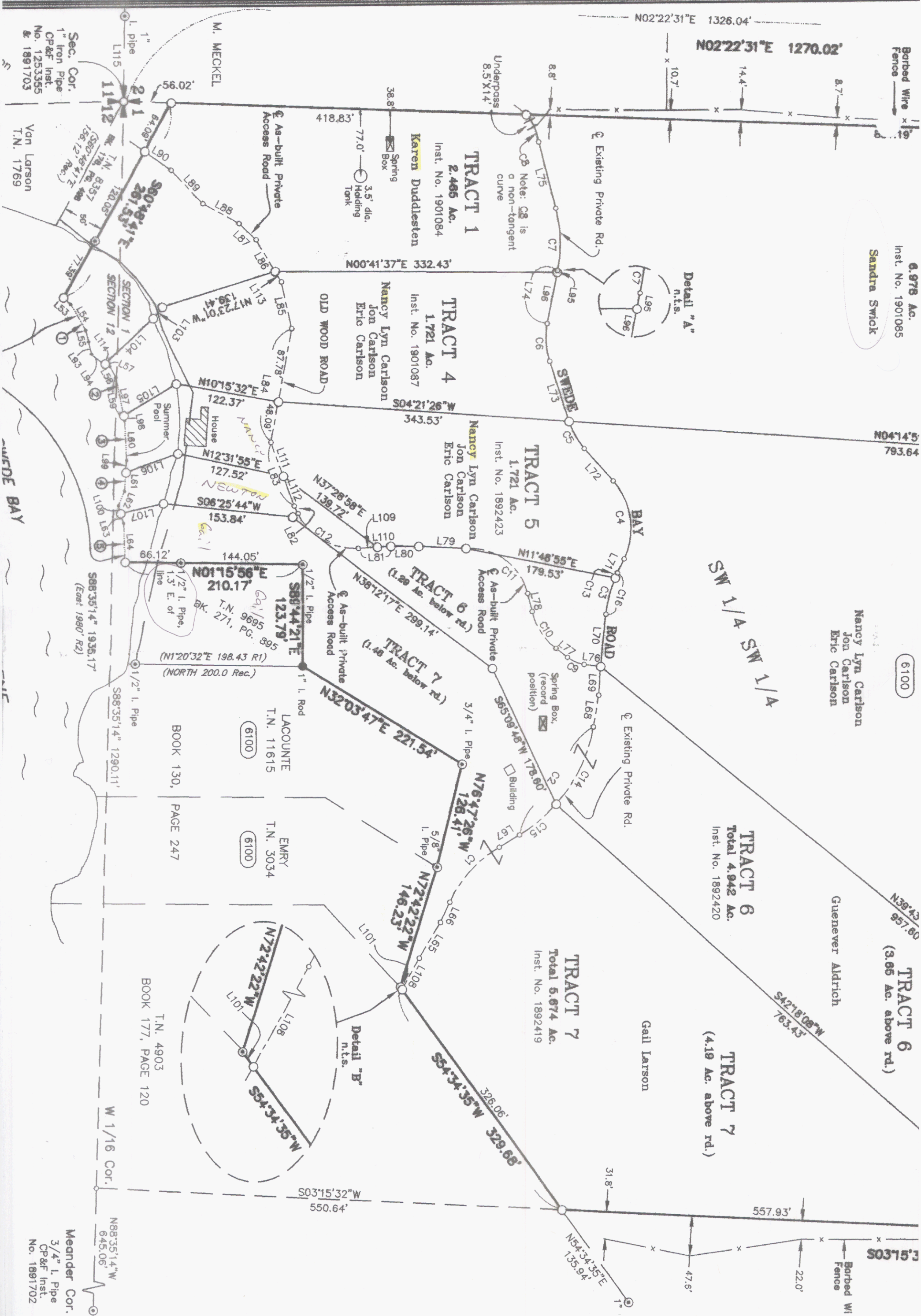
Date: MARCH ²²~~20~~, 2006

Time: 9:00 AM

Place: Department of Water Resources
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814

ROSTER OF ATTENDANCE

[illegible]

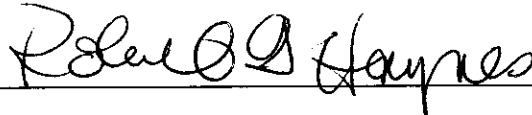


NOTICE OF CHANGE OF CONFERENCE DATE

YOU ARE HEREBY NOTIFIED that the conference date for Water Right Application 95-9295 in the name of Randall G. Swick & Sandra K. Larson-Swick has been changed to March 22, 2006 at 9:00 am, from March 20, 2006, at the request of some of the parties involved.

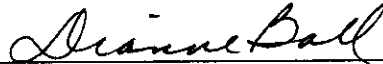
The location remains the same.

Dated this 2nd day of March, 2006.



Robert G. Haynes, Regional Manager

I hereby certify that on the 2nd day of March, 2006, I mailed a true and correct copy of this document postage prepaid, to the applicant(s) and protestant(s) listed below:



Dianne Ball, Administrative Assistant

CERTIFIED MAIL

Randall G. Swick & Sandra K. Larson-Swick

Nancy Carlson

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION
FOR PERMIT NO. 95-9295
IN THE NAME OF RANDALL G SWICK & SANDRA K. LARSON-SWICK

NOTICE OF CONFERENCE

On August 23, 2005, Randall G Swick & Sandra K Larson-Swick filed with the Department of Water Resources (department) Application for Permit No. 95-9295. The application was protested on September 30, 2005 by Nancy Carlson.

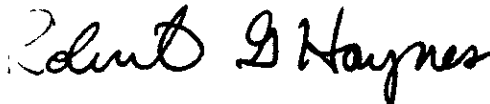
The department has scheduled the matter for conference &/or hearing at 9:00 a.m. on **March 22, 2006**, at Department of Water Resources, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, Idaho. The conference &/or hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code, the adopted Rules of Procedure of the department and Water Appropriation Rules 40 and 45. A copy of the rules may be obtained from the department upon request. The presiding officer at the conference &/or hearing will be Robert Haynes, P.E. Regional Manager

If you plan to offer exhibits for the record, note that IDAPA Rule of Procedure 37.01.01606 requires that you provide a copy of exhibits to each party and to the presiding officer.

The conference &/or hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference &/or hearing, please advise the department within ten (10) days prior to the conference &/or hearing.

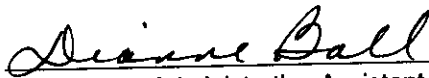
All parties to the matter will have the opportunity to respond and present information and argument on all issues involved.

Dated this 2nd day of March, 2006.



Robert G. Haynes, P.E., Regional Manager

I hereby certify that on the 2nd day of March, 2006, I mailed a true and correct copy, postage prepaid, of this document to the applicants(s) and protestant(s) listed below:



Dianne Ball, Administrative Assistant

Certified Mail

Randall G Swick & Sandra K. Larson-Swick
Nancy Carlson

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

ISSUES

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

1. Will the proposed appropriation injure other water rights?
2. Is the water supply sufficient for the purpose for which it is sought to be appropriated?
3. Was the application made in good faith or for delay or speculative purposes?
4. Does the applicant have sufficient financial resources with which to complete the proposed project?
5. Will the proposed use conflict with the local public interest, where local public interest is defined as interests that the people in the area directly affected by a proposed water use have in the effects of such use on the public water resource?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?
7. Will the proposed use adversely affect the local economy of the watershed or local area within which the source of water for the proposed use originates, in the case where the place of use is outside of the watershed or local area where the source of water originates?

BURDEN OF PROOF

The applicant has the initial burden of proof for issues 1, 2, 3, 4, 6 and 7 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors of which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement or make settlement offers, schedule hearings, establish procedure at hearing and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

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SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

RANDALL G SWICK &
SANDRA K LARSON-SWICK
PO BOX 3185
COEUR D ALENE ID 83816

RECEIVED

FEB 28 2006

IDWR/North

2. Article Number

(Transfer from service label)

7004 2510 0000 4999 0400

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☒ Addressee

B. Received by (Printed Name)

C. Date of Delivery

2/27/06

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

DAVID CARLSON
200 SPRINGVIEW DR
LYNN WA 98264

RECEIVED

FEB 27 2006

IDWR/North

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☒ Addressee

B. Received by (Printed Name)

C. Date of Delivery

2/25/06

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7004 2510 0000 4999 0363

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

IN THE MATTER OF APPLICATION
FOR PERMIT NO. 95-9295
IN THE NAME OF RANDALL G SWI

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Robert G. Haynes
Regional Manager

Marianne Ball
Administrative Assistant

Randall G Swick & Sandra K. Larson-Swick
Nancy Carlson

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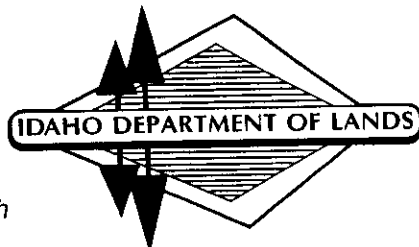
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1991377

**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

ENCROACHMENT PERMIT NUMBER L-95-S-5048

Permission is hereby granted to Randall G. and Sandra Swick of P.O. Box 3185, Coeur d'Alene, ID 83816 to install and maintain water intake line 1.25" extending 300' waterward of OHWM attached to a 1 hp submersible pump. Located: Coeur d'Alene Lake, Parcel 6300; Section 12, Township 49 North, Range 4 West; Boise Meridian; Kootenai County.

1. All applicable provisions of the Rules for Regulation of Beds, Waters, and Airspace over Navigable Lakes and Streams in the State of Idaho are incorporated herein by reference and made a part hereof.
2. Construction will follow details and specifications shown on the approved drawings and data provided by the applicant. Should such information and data prove to be materially false, incomplete and/or inaccurate, this authorization may be modified, suspended, or revoked in accordance with the Administrative Procedures Act, Idaho Code Title 67, Chapter 52.
3. This permit does not convey the State's title to nor jurisdiction or management of lands lying below the natural or ordinary high water mark.
4. Acceptance of this permit constitutes permission by the Permittee for representatives of the Department of Lands to come upon Permittee's lands at all reasonable times to inspect the encroachment authorized by this permit.
5. The Permittee shall indemnify, defend and save harmless, the state, its officers, agents and employees from and against any liability, claims, damages, losses, debts, obligations, judgments, expenses or actions, including reasonable attorneys' fees from action related to this permit. If it becomes necessary for the State to defend any action seeking to impose any such liability, Permittee agrees to pay the State all costs of court and attorneys' fees incurred by the State in effecting such defense in addition to all other sums that the State may be called upon to pay by reason of the entry of a judgment against it in the litigation in which such is asserted.
6. *Idaho Code* §58-1306(e) requires recordation of this permit in the records of respective county assessor's office as a condition of this permit.
7. This permit is not valid until the identification number is displayed on the outermost area of the encroachment.
8. If the activity authorized herein is not completed on or before the 24th day of October, 2008 (three years from the date of issuance), this permit shall automatically expire unless it was previously revoked or otherwise extended.

9. This permit does not relieve the Permittee from obtaining additional local or federal permits as required.
10. Construction materials shall be natural or pressure treated utilizing only those preservative chemicals registered for the specific uses by the U.S. Environmental Protection Agency (EPA). All treated wood materials shall be produced in compliance with "Best Management Practices (BMPs) For the Use of Treated Wood in Aquatic Environments" issued by the Western Wood Preservers Institute (WWPI), July 1996. Treated materials not in contact with the water shall be completely dry before use near navigable waters. **Contact Idaho Department of Environmental Quality at (208)769-1422** for information on acceptable treatment methods and materials.
11. All construction material including maintenance material must be stockpiled landward of the ordinary high water mark.
12. The Permittee shall maintain the structure or work authorized herein in a good and safe condition and in accordance with the plans and drawings attached hereto.
13. All construction will be done according to the specifications detailed in the attached design plan.
14. This permit is contingent upon keeping the associated easement current and in good standing.
15. The water intake shall be screened in a manner that would create approach velocities of not more than **0.10 feet per second** and a maximum screen diameter of one-quarter inch.
16. Waterline shall be anchored to the bed of the lake with a nontoxic type of weight.
17. The Permittee must be in compliance with all Water Resource laws.
18. No water shall be diverted by the system until a valid water or appropriation permit is obtained from the Department of Water Resources.
19. As current EPA requirements dictate that disinfecting and filtration systems are to be used for minimum treatment by surface water purveyors, the department recommends that small, domestic surface water users do likewise.
20. All construction shall be completed in accordance with descriptions and methods provided unless otherwise specified. Any changes shall be approved in writing by the department prior to construction.
21. All wood chips and other construction waste shall be removed from the lake upon completion of project.
22. If any excavation occurs the operator must comply with the provisions of the Underground Facilities Damage Prevention Law (title 55, chapters 2201-2210, Idaho Code). The one-call locator service number is 1-800-342-1585.
23. The Permittee or operator shall have a copy of this permit available on site for inspection at all times during construction.

1991377

ENCROACHMENT PERMIT NUMBER L-95-S-5048

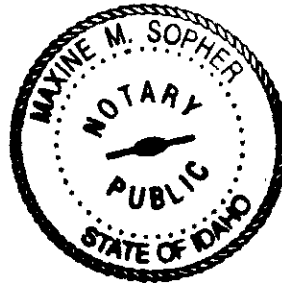
October 24, 2005

Page three

UPON TRANSFER OF THIS REAL PROPERTY, YOU ARE REQUIRED TO NOTIFY THIS
OFFICE OF THE SUBSEQUENT NAME CHANGE (SEE ENCLOSURE).

FOR THE DIRECTOR

By: *Michael R. Denney*
MICHAEL R. DENNEY
Area Supervisor-Mica



STATE OF IDAHO)
) ss
COUNTY OF KOOTENAI)

On October 24, 2005, personally appeared before me Michael R. Denney, whose identity is personally known to me and who by me duly affirmed that he is the Area Supervisor-Mica of the Idaho Department of Lands, and acknowledged that the foregoing document was signed by him in behalf of said state agency by authority of a Resolution of the State Land Board.

Maxine M. Sopher
Notary Public for Idaho Department of Lands
My commission expires on 5/8/2007

STATE OF IDAHO
COUNTY OF KOOTENAI
AT THE REQUEST OF
Sandra Swick
2005 OCT 27 P 12:27
DANIEL J. ENGLISH *DR*
DEPUTY
FEES 9.00

October 14, 2005

Mr. Robert G. Haynes, P.E.
Regional Manager,
Northern Region, Idaho Department of Water Resources
1910 Northwest Blvd., Suite 210
Coeur d'Alene, Idaho 83814-2615

RECEIVED
OCT 17 2005
IDWR/North

Re: Application for Permit No 95-9295

Dear Mr. Haynes:

Thank you for your letter, dated September 30, 2005, regarding my application, and a copy of the protest filed by Nancy L. Carlson. I offer the following responses to the questions posed in your letter, and will also respond to Ms. Carlson's protest.

1. Will the proposed use reduce the quantity of water under existing rights?
No. The source for our requested use is Lake Coeur d'Alene, with the specific point of diversion at Swede Bay. We are making a minimal domestic use request for a single family residence (0.03 cfs). We are unaware that such a request would adversely affect any other priority use, and recognize our standing relative to others with senior rights to the waters of Lake Coeur d'Alene.
2. Is the proposed water supply insufficient for the purpose intended?
No. Reference answer to question 1. Our lake water system plan was developed by RC Worst, Inc., and they have determined it to be feasible (copy of proposal attached). Their system design will place the intake pump approximately 300 feet off-shore at a lake depth of approximately 80 feet.
3. Is the application made in good faith or for the delay or speculative purposes?
Yes, it is made in good faith. We are preparing our lot for building a single family dwelling, with construction to commence as soon as all permits are acquired and weather permits. Our house plans and stormwater management plan should be submitted to the county building department shortly. We assessed the alternative of drilling a well, but well records in the area were not favorable.
4. Has the applicant sufficient financial resources with which to complete the project?
Yes. We own our lot outright, have secured the necessary easements for the lake water system, and have the financial resources from the sale of our previous home. We have placed a deposit with our builder.
5. Will the proposed use conflict with the local public interest?
No. The entire non-lake portion of the water system as proposed is on our property or that of James and Karen Duddleston, my sister and brother-in-law. They have granted us an easement for the water line and appurtenances. The line will be buried. The lake portion of the line will be buried or lay on the lake bottom. An

encroachment permit has been solicited from the Idaho Department of Lands. The Idaho Department of Environmental Quality has issued a waiver of certification and the Army Corps of Engineers has authorized the project under the Department of Army Nationwide Permit (copies attached). I am unaware of any other issue our minimal withdrawal of lake water would cause to other publics.

6. Will the proposed use be contrary to the conservation of water resources with the State of Idaho?

No. We are only requesting water sufficient to support a single family residence as noted above.

With respect to Ms. Carlson's letter, I do not understand the basis for her protest relative to my application for removing water from Lake Coeur d'Alene for domestic use. As stated in her letter, she is not objecting to my right to an application (Item #6. Notice of Protest), but instead taking issue with the utility trench across Duddleston's property, and its influence on the spring located on Duddleston's property. To clarify, the utility trench was opened in support of Duddleston's new home which is currently under construction; it was not opened solely for our water line. By an easement agreement previously provided to you, we are placing some of our infrastructure needs in the same trench (power, phone and water lines), in order to reduce site disturbance. Once the required utility lines are placed in the trench it will be closed.

We are unaware how the trench would adversely affect the spring, and quite sure Duddlestens considered this in locating the trench. Duddlestens and my father, Van B. Larson, have acquired first and second rights to the minimal flow from the two springs (#95-9285 and #95-9286) and still intend to use this source for irrigation purposes. I am unaware if Ms. Carlson has filed for such a right, but Duddlestens have continued to uphold terms of the settlement agreement she references relative to the spring. While the preceding statements qualify some of Ms. Carlson's statements, I remain unclear as to how they relate to my water right application. The source for our request is Lake Coeur d'Alene, and if granted, would have no adverse affect upon her or her property.

As you are already aware, Ms. Carlson also protested the water right applications submitted by Duddleston's and my father for the two springs. These rights were subsequently issued as referenced above. I am sorry we are revisiting that issue, particularly in light of the extra work this creates for you and your staff. Thank you for your time, and please do not hesitate to contact us with any further questions.

Sincerely,



Sandra Larson-Swick

Randall G. Swick

PO Box 3185

Coeur d'Alene, ID 83816

208-765-4292



Serving the Inland Northwest Since 1953

R.C. Worst & Company Inc.
625 Best Avenue
Coeur d'Alene, ID 83814-3740
Phone: (208)664-2133
Fax: (208)667-8775

May 4, 2005

Sandra Swick

Subject: Lake Pump System, Reservoir System and U.V. Filtration

We propose to install a lake pumping system, a reservoir and pump system and ultra-violet filtration system for your project under construction at Swede Bay for a total cost of \$11,945.00. The following major pieces of equipment along with accessories will be installed to provide a complete, functional system.

A.Y. McDonald Stainless Steel Lake Pumping System

The pumping unit will consist of an A.Y. McDonald model 23100L3, 13 gallon per minute, one horsepower pump end coupled to a one horsepower Franklin submersible motor. A.Y. McDonald 4-inch submersible pumps and Franklin motors feature corrosion-resistant stainless steel construction. Factory warranty on the pump and motor will be 2 years. 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-inch poly pipe, weighted to prevent flotation. This estimate also includes a PVC intake structure, submersible pump cable, waterproof splice kit, and associated fittings. This pump will be used to fill the reservoir located up from the lake on your property near your home.

Orenco Systems FRP Reservoir Tank and Pumping System

The pumping system will consist of a 10-gpm, 3/4 HP, 230 VAC, A.Y. McDonald pump model 23075K3 installed inside of an Orenco Systems 1,500-gallon, single compartment fiberglass reinforced polyester (FRP) reservoir tank. A.Y. McDonald pumps feature high head turbine style design, Franklin Electric submersible motors, and corrosion resistant construction. Orenco Systems reservoir tanks are injection molded of fiberglass reinforced polyester. The tanks are assembled and tested 100% water tight in our shop. This quote also includes pump structure in the tank, hose and fittings to receive and discharge the water, all electrical connections and a reservoir control panel designed to monitor the level of water in the tank and fill when necessary using the above mentioned lake system.

Well-X-Troll Pressure System

The pressure tank will be a Well-X-Troll model WX-255, 81 gallon pressure tank. Well-X-Troll tanks feature seamless heavy-duty butyl diaphragm, polypropylene liner, 100% non-metallic water reservoir, 100% corrosion resistant water reservoir, and enamel exterior finish. Factory warranty on tank will be 5 years. The pressure system will also include a Square D pressure switch, pressure gage, Wilkens pressure relief valve, drain valve, 1-1/4 and 1 inch galvanized piping and associated fittings. The pressure system and pump control box will be installed in the mechanical room. R.C. Worst' portion of the job will end at the 1" ball valve on the pressure tank discharge.

Pura Ultraviolet Purification System

The Pura Ultraviolet Purification System removes sediment (5 micron or larger) and kills viruses and bacteria (greater than 99.9% kill rate). Treatment is accomplished in three stages: 1.) Ametek polypropylene 50-5 cartridge filter removes sedimentary particles 5 micron and larger. 2.) Pura 1 micron cyst rated filter removes particles and cysts of 1 micron and larger. 3.) Pura ultraviolet disinfectant eliminates bacteria and viruses including E-Coli, Coli form, and Cholera. The Ultraviolet Purification System is pre-assembled and pressure tested to insure ease of installation.



Serving the Inland Northwest Since 1953

R.C. Worst & Company Inc.
625 Best Avenue
Coeur d'Alene, ID 83814-3740
Phone: (208)664-2133
Fax: (208)667-8775

Prerequisites

You are required to provide all of the following prior to installation:

- adequate floor space for equipment at desired location
- access to distribution piping within 5' of equipment location
- 1¼-inch 200 PSI poly pipe and 12/3 w/ground UF cable from pressure tank location to reservoir (pipe and cable are included)
- provide one 240-volt, 20-amp branch circuit to the control box location (next to the pressure tank)- for the reservoir
- provide one 240-volt 20-amp branch circuit at the beach for the control box and lake pump system
- open trench 5 feet deep and 2 feet wide (minimum) from reservoir location to pressure system location to allow for installation of underground pipe and wire
- telephone wire for controls from the house to the beach (we will run the wire if you get the wire from the phone company)
- reservoir tank picked up from our shop and set into the ground by your excavator, per manufactures recommended guidelines- we will do all necessary electrical and plumbing connections

Exclusions

Our proposal does not include any of the following:

- excavation and backfill
- encroachment permit
- electrical supply circuit to panel location
- electrical supply at the beach
- telephone wire- supplied by you

Installation Notes

- We will perform startup and pump testing provided that power is available at the pressure tank location at the time of installation.

Terms

50% - 100% down and progressive monthly payments based upon work completed or materials and equipment stored but not installed. All progressive and final billing will be due upon completion. 1-1/2% interest per month will be charged on any unpaid balance over billing date.

Warranty

On new installation all new equipment that is supplied and installed by us will be warranted against defects in material or workmanship for a period of one year from the date of installation. We will at no charge, repair or replace any materials should a defect arise. We will not assume responsibility for incidental damages resulting from the failure of the equipment to perform.

Larson-Swick

From: June.Bergquist@deq.idaho.gov
Sent: Friday, October 07, 2005 7:40 AM
To: Mary.E.Reinhart@nww01.usace.army.mil
Cc: sanswick@icehouse.net; June.Bergquist@deq.idaho.gov; Ed.Tulloch@deq.idaho.gov
Subject: waiver Swick, Randall

Hi Beth,
DEQ waives certification of NWW #051500175 to place a waterline in Coeur d'Alene Lake. The applicant will not receive a written notice of this approval. If there are any questions please give me a call at 769-1422.
June Bergquist
Regional Water Quality Compliance Officer
Idaho DEQ

10/15/2005



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
WALLA WALLA DISTRICT, CORPS OF ENGINEERS
COEUR D'ALENE REGULATORY OFFICE
IDAHO PANHANDLE NATIONAL FOREST BUILDING
3815 SCHREIBER WAY
COEUR D'ALENE ID 83815-8363

October 5, 2005

Regulatory Division

SUBJECT: NWW No. 051500175

Randall and Sandra Swick
PO Box 3185
Coeur d'Alene, Idaho 83816

Dear Mr. and Mrs. Swick:

This concerns your application for a Department of the Army permit to bury a water intake line in Coeur d'Alene Lake for your domestic use. Before we can authorize your project, you will need to obtain water quality certification or waiver of certification from the Idaho Department of Environmental Quality (IDEQ).

To help you through the certification process, we sent a letter to the IDEQ office in Coeur d'Alene, Idaho, asking them to consider water quality certification for your project. We also asked them to notify you of their decision. If you do not receive a response from IDEQ by November 27, 2005, you may assume that water quality certification has been waived. If IDEQ denies water quality certification, your application for permit will be denied and you may not construct the project.

If IDEQ issues water quality certification or waiver of certification, your project will be authorized under Department of the Army Nationwide Permit (NWP) 12 (33 CFR 330, Appendix A) and you may proceed with construction as shown on the enclosed drawings, subject to the conditions of the water quality certification, the terms and conditions of the enclosed nationwide permit, and the special conditions listed below. If you cannot meet these conditions, or if you change the project described in your permit application, this nationwide permit verification letter is not valid.

- a. Equipment operated below the ordinary high water mark must be free of fuel and lubricant leaks to reduce the potential for accidental release of fuels or lubricants.
- b. Equipment may not be stored below the ordinary high water mark overnight or for extended periods to reduce the potential for accidental release of fuels or lubricants.
- c. Excavation and backfilling of the trench must be done during low water to minimize in-water work. In-water work is limited to the reach of the excavation equipment sitting on dry ground.

- d. A silt fence must be installed around the construction zone to contain turbid water.
- e. The intake must be screened to prevent the entrance of young fish during pumping activities. Contact Department of Idaho Fish and Game for directions and screen mesh size.

This verification is valid until the NWP is modified, reissued, or revoked. All of the existing NWPs are scheduled to be modified, reissued, or revoked prior to March 18, 2007. It is incumbent upon you to remain informed of changes to the NWPs. We will issue a public notice when the NWPs are reissued. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant nationwide permit is modified or revoked, you will have 12 months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this nationwide permit.

This determination applies only to Department of the Army permits administered by the Corps of Engineers. Your project may also require permits from other Federal, state, and local agencies. If your work requires a permit from the Idaho Department of Lands, you will need to obtain their approval before starting work. You should also contact your local city or county zoning office for any permits they may require for your project.

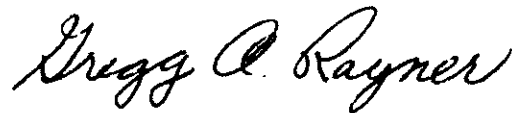
We have enclosed our approved jurisdictional determination for your project. This determination identifies waters of the United States on your project site that are subject to jurisdiction under Section 404 of the Clean Water Act. This jurisdictional determination is valid for a period of 5 years from the date of this letter unless new information warrants revision of the determination before the expiration date. We are enclosing an appeals form which explains the options you have if you do not agree with this approved jurisdictional determination. If you decide to appeal this determination, you need to send the appeals form to the Division Engineer, Northwestern Division, so he receives it within 60 days of this letter. If you have new information you want us to consider, you may send it to the Regulatory Division, Walla Walla District, at the letterhead address before you file the appeal.

We are interested in your thoughts and opinions concerning the quality of service you received from the Walla Walla District, Corps of Engineers Regulatory Division. If you have Internet access and are interested in letting us know how we are doing, you can complete an electronic version of our Customer Service Survey form on our web site at: <http://per2.nwp.usace.army.mil/survey.html> which will be automatically submitted to us. Alternatively, you may call and request a paper copy of the survey you may complete and return to us by mail or fax.

We have enclosed a Compliance Certification for you to sign and return when you have completed your project. Please contact Ms. Beth Reinhart at 208-765-7440 if you have any

questions. A copy of this letter is being sent to; Idaho Department of Lands, Mica Area Office, 3706 Industrial Avenue South, Coeur d'Alene, Idaho 83815 and Ms. Gwen Fransen, Regional Administrator, Idaho Department of Environmental Quality, 2110 Ironwood Parkway, Coeur d'Alene, Idaho 83815.

Sincerely,

A handwritten signature in cursive script that reads "Gregg A. Rayner".

Gregg A. Rayner
Regulatory Project Manager

Enclosures: Drawings, nationwide permit conditions, compliance certification, approved jurisdictional determination, appeals form



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

September 30, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

SANDRA K LARSON-SWICK
RANDALL G SWICK
PO BOX 3185
COEUR D ALENE ID 83816

Application to Permit No. 95-9295

Dear Applicant(s):

Enclosed is a copy of a protest filed against approval of the above referenced application. The Department suggests that you contact the protestant(s) directly to determine the nature of the protest and, if possible, to resolve the matter without action by the Department. In our experience, informal discussion between the parties prior to initiation of formal proceedings often leads to resolution of the protest.

If the protest cannot be resolved informally, the matter will be scheduled for conference and/or hearing. The following are criteria the Department must consider in either approving or denying the application (Section 42-203A, Idaho Code).

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

You will be notified at a later date of the time and place of the conference and/or hearing. Please contact this office if you have any questions regarding this procedure.

Sincerely,

Robert G. Haynes, P.E.
Regional Manager



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 30, 2005

NANCY L CARLSON
203 SPRINGVIEW DR
LYNDEN, WA 98264

Application to Permit No. 95-9295

Dear Protestant(s):

The Department of Water Resources acknowledges receipt of your protest against the approval of the above referenced application. A copy of your protest has been sent to the applicant. The Department suggests that you contact the applicant directly for details regarding the application and, if possible, to resolve the matter without action by the Department. In our experience, informal discussion between the parties prior to initiation of formal proceedings often leads to resolution of the protest.

If the protest cannot be resolved informally, the matter will be scheduled for conference and/or hearing. The following are criteria the Department must consider in either approving or denying the application (Section 42-203A, Idaho Code).

1. Will the proposed use reduce the quantity of water under existing water rights?
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4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

You will be notified at a later date of the time and place of the conference and/or hearing. Please contact this office if you have any questions regarding this procedure.

Sincerely,

Robert G. Haynes, P.E.
Regional Manager

CC: Randall G Swick & Sandra K. Larson-Swick

DENNIS AND NANCY CARLSON
203 Springview Dr., Lynden, WA 98264
360 318-9761 or cell 509 429-1818

September 28, 2005

RECEIVED

SEP 30 2005

Greg Taylor
Idaho Dept. of Water Resources, Northern Region
1910 Northwest Blvd., Suite 210
Coeur d'Alene, Id 83814

IDWR/North

Re: Information Re Water Rights #95-9285 and #95-9286

Dear Mr. Taylor:

The purpose of this letter is to provide information re acknowledgment of and agreement to our historical water right re water rights #95-9285 and #95-9286.

Van Larson and Judy Carey Larson and James and Karen Duddleston have signed, acknowledged, and agreed to the existence of historic water rights for myself and my two sons for this same two springs and reservoir referred to in their Water Rights listed above. These water rights are reserved in the Settlement Agreement for case #88415 dated May 30, 2004 on page 4 #2; page 5 #6, and Schedule C page 1 #4. A copy of the Settlement Agreement is enclosed. These same people signed, acknowledged, and agreed to a Two Springs Reservoir Agreement dated August 3, 2004 which further reserves our right and access to this water. In addition, it provides that should Duddleston move the lines she must replace them at her expense so long as it does not interfere, damage or change the rights of the owners of the property of Schedules B and C of the Agreement (which designate us as owners of the property).

Dad and Mom, Henry E. and Nancy Mae Anderson Larson, purchased this parcel of land in March of 1938 from John and Elizabeth Nelson and developed the spring at that time for domestic use and irrigation. The property was recently divided by court ordered partition among the beneficiaries of my father's estate - myself and my two sons (Eric and Jon Carlson), my sister (Gail Larson), her daughter (Guenever Aldrich), and my brother's daughters (Karen Duddleston and Sandra Swick). Van Larson received no portion of the Swede Bay Properties in the Trust. On page 4 #2 of the May 30, 2004 Settlement Agreement recorded as Case #88415, our water right is expressly reserved: "Mae's House and the Pugh's House (owned by Carlsons) will continue to have access, water lines to and from the two springs and reservoir, and water rights therefrom, on the Swede Bay Property that Karen (Duddleston) and Sandra (Swick) are receiving."

Dad built the house my sons and I now own in 1968-1969. (This is designated as "the Pugh's House" in our agreements because they have been the tenants.) I know it was that winter because it was a bad winter with lots of snow. The snow load was too heavy for the main beam in the roof and the beam broke. Dad jacked it up and repaired it but the upstairs loft was never square after that. Dad laid the water line himself from his spring line to this house. Dad's actions express his intent that our "Pugh" house utilize water

DENNIS AND NANCY CARLSON
203 Springview Dr., Lynden, WA 98264
360 318-9761 or cell 509 429-1818

from the spring he developed. The spring water alone has never been sufficient especially during high summer usage and has always been supplemented by water from the lake for domestic and irrigation uses.

My husband and I and our two sons lived in this house in 1973-1974. At that time we drew our domestic water from the spring and supplemented with lake water.

My concern is that you understand there are other historic water rights for these two springs and reservoir than the two applied for by Van Larson and Judy Carey Larson and subsequently deeded to James and Karen Duddleston.

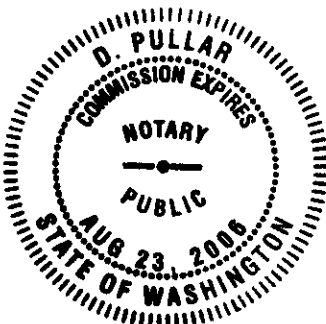
Dated and signed this 28th day of September, 2005.

Nancy L. Carlson
Nancy L. Carlson

STATE OF WASHINGTON)
County of Whatcom) ss.

I certify that I know or have satisfactory evidence that NANCY L. CARLSON is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: 9/28/05



DeeEtta Pullar
Print Name: DeeEtta Pullar
Notary Public in and for the State of
Washington, residing at Whatcom County
My commission expires: 8/23/06

November 26, 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

RECEIVED
SEP 30 2005
IDWR/North

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Application for water permit in name of Randall and Sandra Swick 95-9295
2. Name of protestant Nancy Carlson
3. Protestant's Representative for service (If different than protestant)

4. Service mailing address 203 Springview Dr., Lynden WA 98264
5. Service telephone no. 1-360-318-9741

6. Basis of protest (including statement of facts and law upon which the protest is based)

Please see attached (sent via separate envelope). We do not object to Swick's right to an application. We strongly protest the placing of the water line and whole "sub-surface system" as it does affect our existing water rights and may render the spring useless.

(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? Perhaps the Swicks and Duddletons would wish to purchase the water right or to reimburse us for the loss of this right. They agreed to our right in the Settlement Agreement and now they are trying to terminate that same right.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 23rd day of September, 2005.

Nancy Carlson
Protestant

Protestant's Representative

DENNIS AND NANCY CARLSON
203 Springview Dr., Lynden, WA 98264
360 318-9761 or cell 509 429-1818

September 23, 2005

Greg Taylor
Idaho Dept. of Water Resources, Northern Region
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814

RECEIVED
SEP 30 2005
IDWR/North

Re: Protest to Randal and Sandra Swick water right

Dear Mr. Taylor:

This letter is to outline the basis of my Notice of Protest to the application for water right by Randal and Sandra Swick.

Did the Swick application mention or illustrate that they would cut off our current water line or that their ditch and line would be dug and placed through the present springs and reservoir location? The easement from Duddlestens (Swick's sister) under which the Swicks will transport their water from the lake to their property runs within four to 10 feet from the existing two springs and reservoir. The ditch is already dug and I am enclosing pictures.

The springs and reservoir are the source for our grandfathered water line to our house, otherwise referred to as the Pugh's House (because they have been the tenants) or the Halfway House. My sons and I have historical water rights expressly reserved in the Settlement Agreement dated May 30, 2004 and recorded under case number 88415 for the Testamentary Trust of my father, Henry E. Larson. Page 4 #2 of this agreement states: "Mae's House and the Pugh's House will continue to have access, water lines to and from the two springs and reservoir, and water rights therefrom, on the Swede Bay Property that Karen and Sandra are receiving." Both Sandra Swick and her sister Karen Duddleston not only knew about but acknowledged and agreed to our grandfathered water right when they signed the May 30, 2004 Settlement Agreement expressly reserving that water right. A copy of this agreement is attached. Other references are on page 5 #6; and Schedule C page 1 #4. The Two Springs Reservoir Agreement dated August 3, 2004 further reserves our rights to access this water on page 2, bottom, and states on page 3 "The water lines to and from the two springs and reservoir may be moved by Karen Duddleston at her expense so long as it does not interfere, damage or change the rights of the owners of the property of Schedules B and C".

In October 2004, Duddleston tore out our water lines from the spring and didn't get them replaced and operating until July 2005 (See letter from me to you of May 16, 2005 and one from my attorney to Duddleston dated May 19, 2005). Once again as of 09-17-2005, when we discovered what had occurred, our water has been terminated by construction of the ditch for the Swicks water line apparently along an easement provided by Duddlestens. The location of this ditch makes it questionable whether the two springs

DENNIS AND NANCY CARLSON
203 Springview Dr., Lynden, WA 98264
360 318-9761 or cell 509 429-1818

and reservoir will actually remain in operation as the ditch runs within 4 feet of the northern most spring which currently lies under a pile of dirt from the ditch; the ditch runs about 10 feet from the reservoir, and seems to cut the water line carrying water from the spring. (Pictures taken on 9/17/05 are attached.) New turn-outs seem to have been installed which we cannot access and our regular turn out has been filled with rocks and debris and our turnout "T" has been taken. We currently can get no water from the springs and reservoir.

It appears the intent of the Swicks and Duddlestens is to destroy the two springs and reservoir along with our recognized and expressly reserved water right by and through this currently applied for permit. Was this application made under false pretenses by omitting certain pertinent information regarding the springs and the previously agreed to water right? Our water line must be restored immediately with the turn out "T" returned as well.

One possible solution to this continuing problem is for Swicks and/or Duddlestens to purchase our water right. This may be a simpler and cheaper solution than other possible outcomes. Should they not wish to purchase the water right, this harassment of us over our water right that these people have previously acknowledged and agreed to needs to stop.

Dated and signed this 28th day of September, 2005.

Nancy L. Carlson

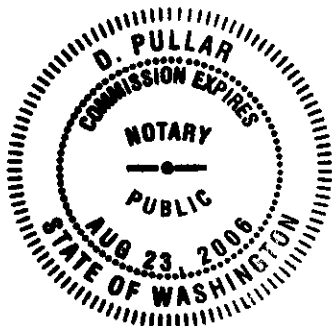
Nancy L. Carlson

STATE OF WASHINGTON)

) ss.
County of Whatcom)

I certify that I know or have satisfactory evidence that NANCY L. CARLSON is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: 9/28/05



Dee Etta Pullar
Print Name: Dee Etta Pullar
Notary Public in and for the State of
Washington, residing at Whatcom County
My commission expires: 8/23/06

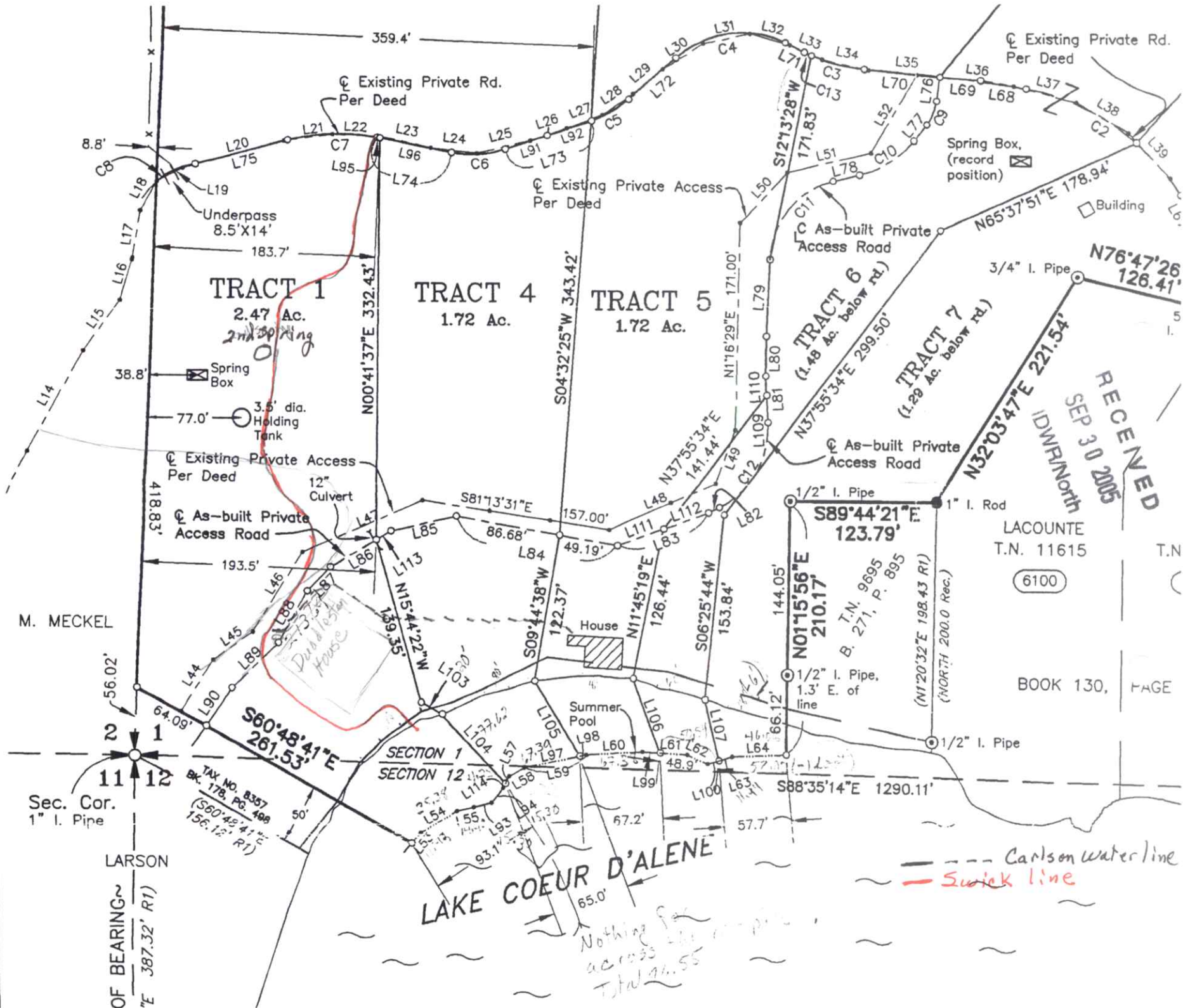
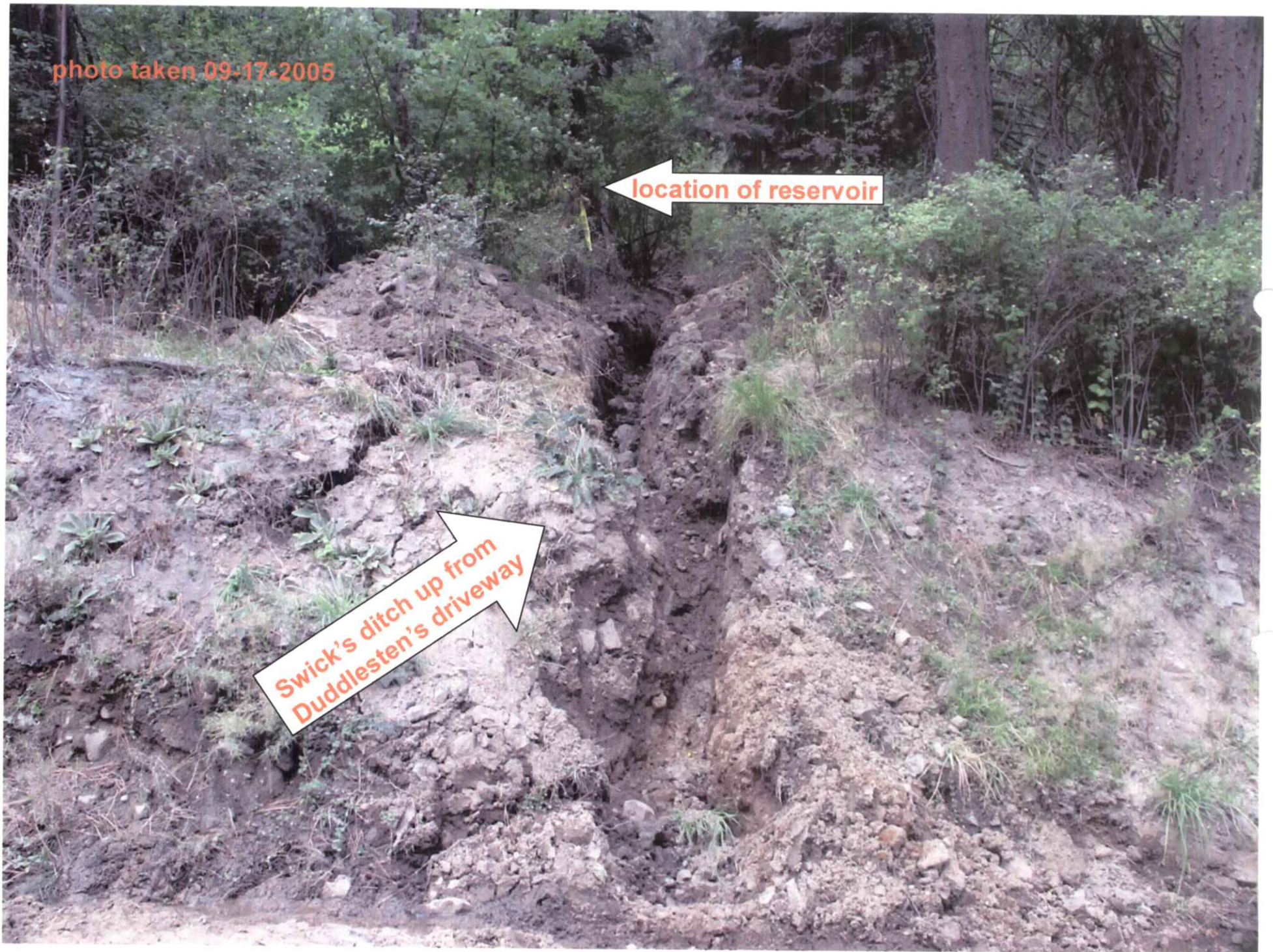


photo taken 09-17-2005

location of reservoir

Swick's ditch up from
Duddleston's driveway





picture taken 9-17-2005

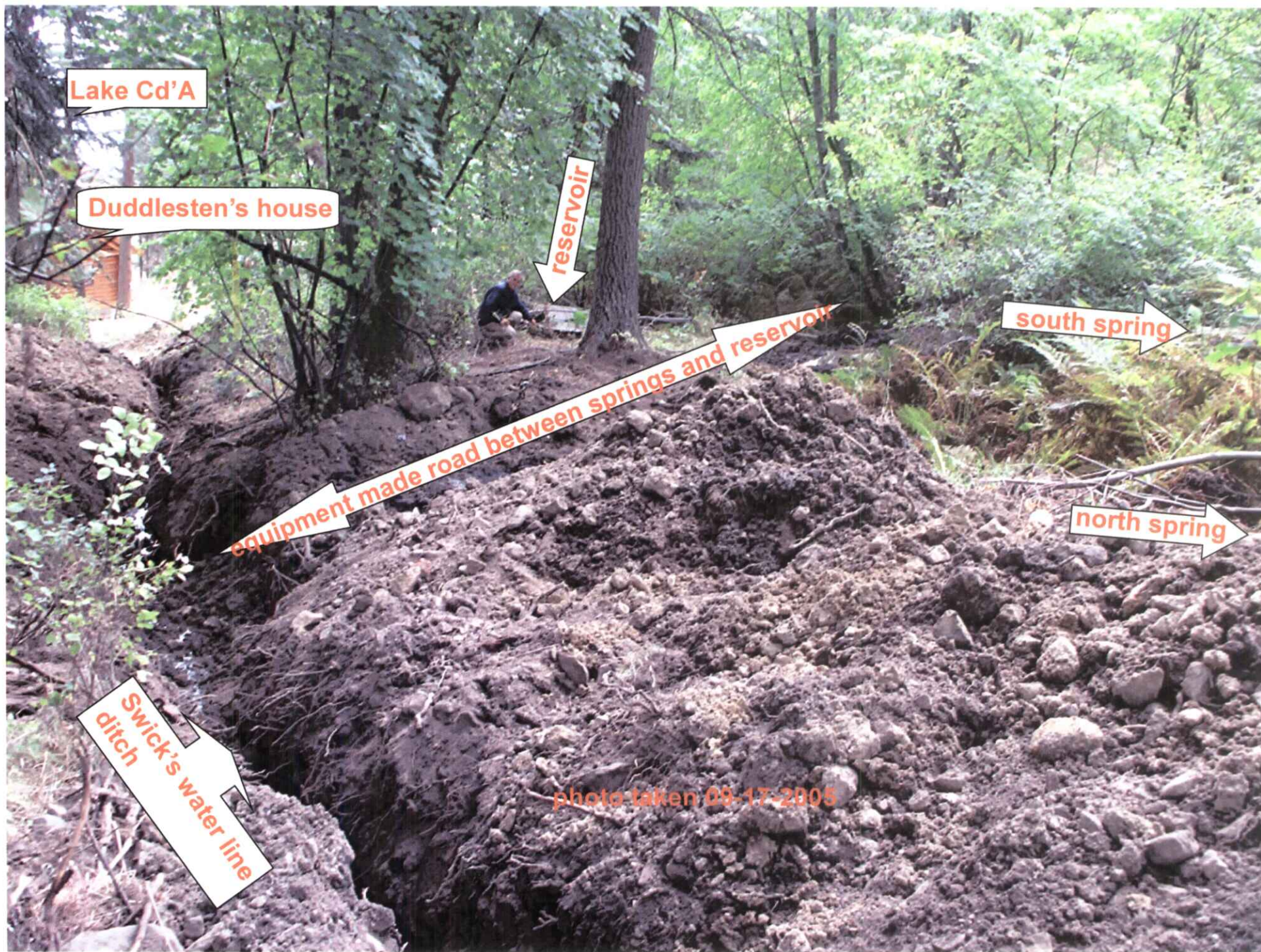
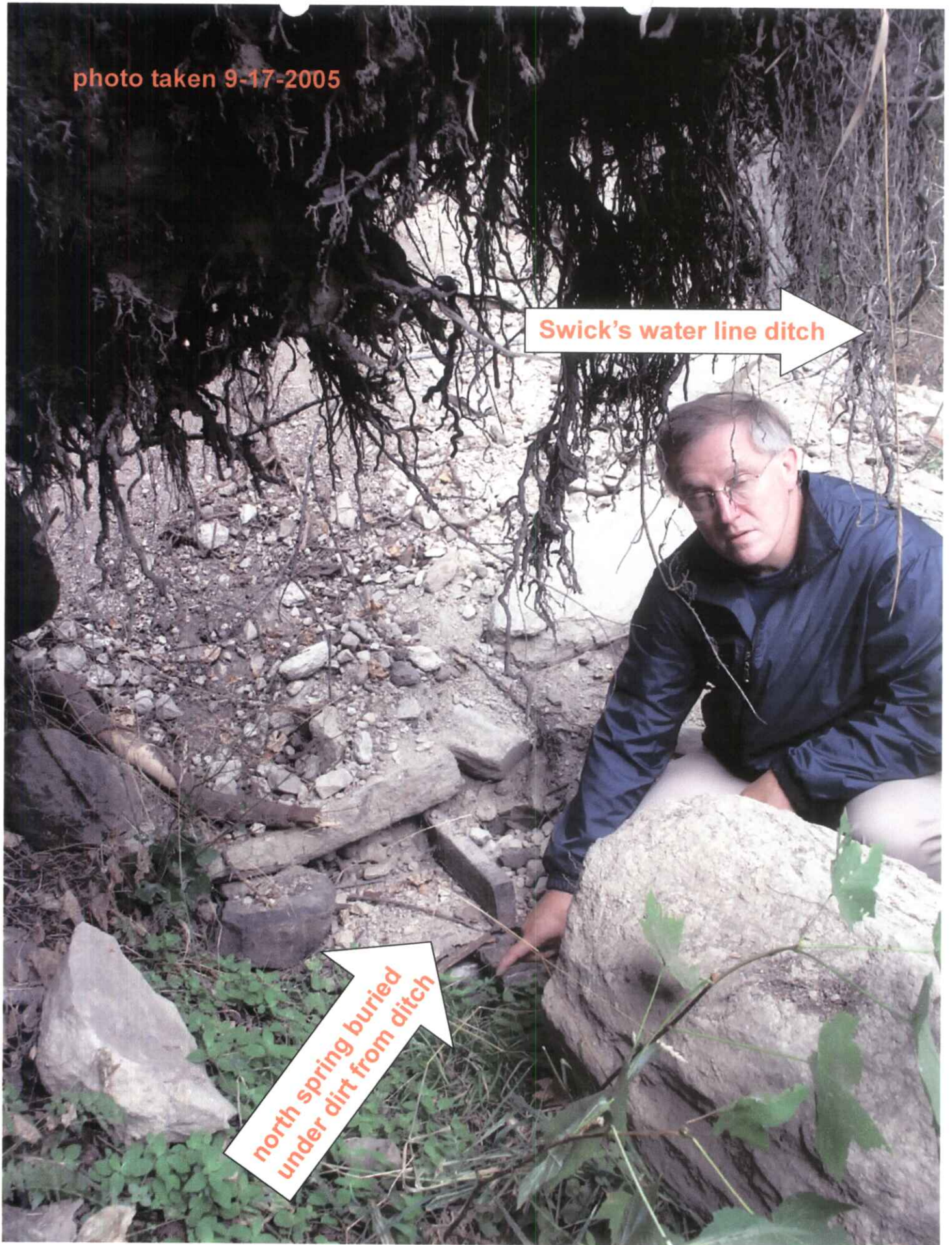


photo taken 9-17-2005

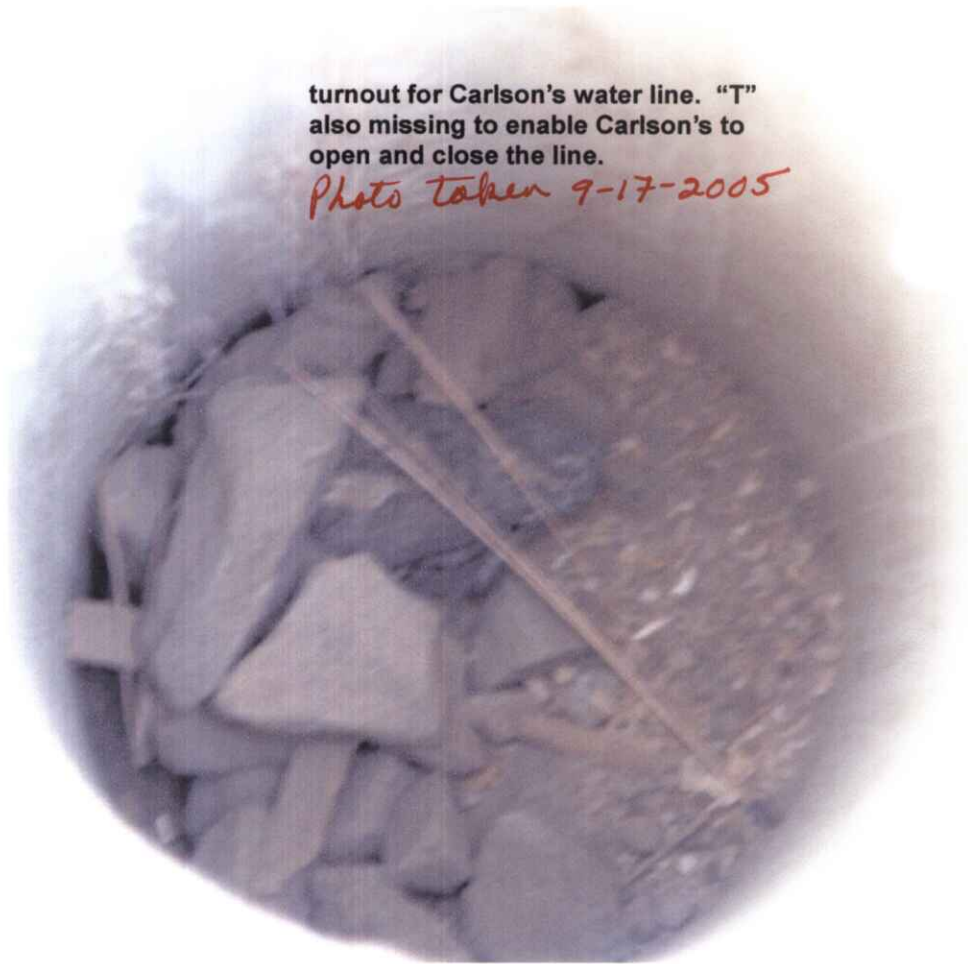
Swick's water line ditch

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 _____
<u>through gate 1st lot on left call first</u>	

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)?	<u>N/A</u> (cubic yards)
b. Will fill be placed in wetlands? <u>NO</u> 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? <u>NO</u> If yes, volume _____ (cubic yards)	
d. Type of dredged material <u>N/A</u>	
e. Disposal site for dredged material: <u>N/A</u> Method of dredging: _____	
f. Method to control turbidity and sedimentation: <u>N/A</u>	
g. Is project located in a mapped floodway? <u>NO</u> 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

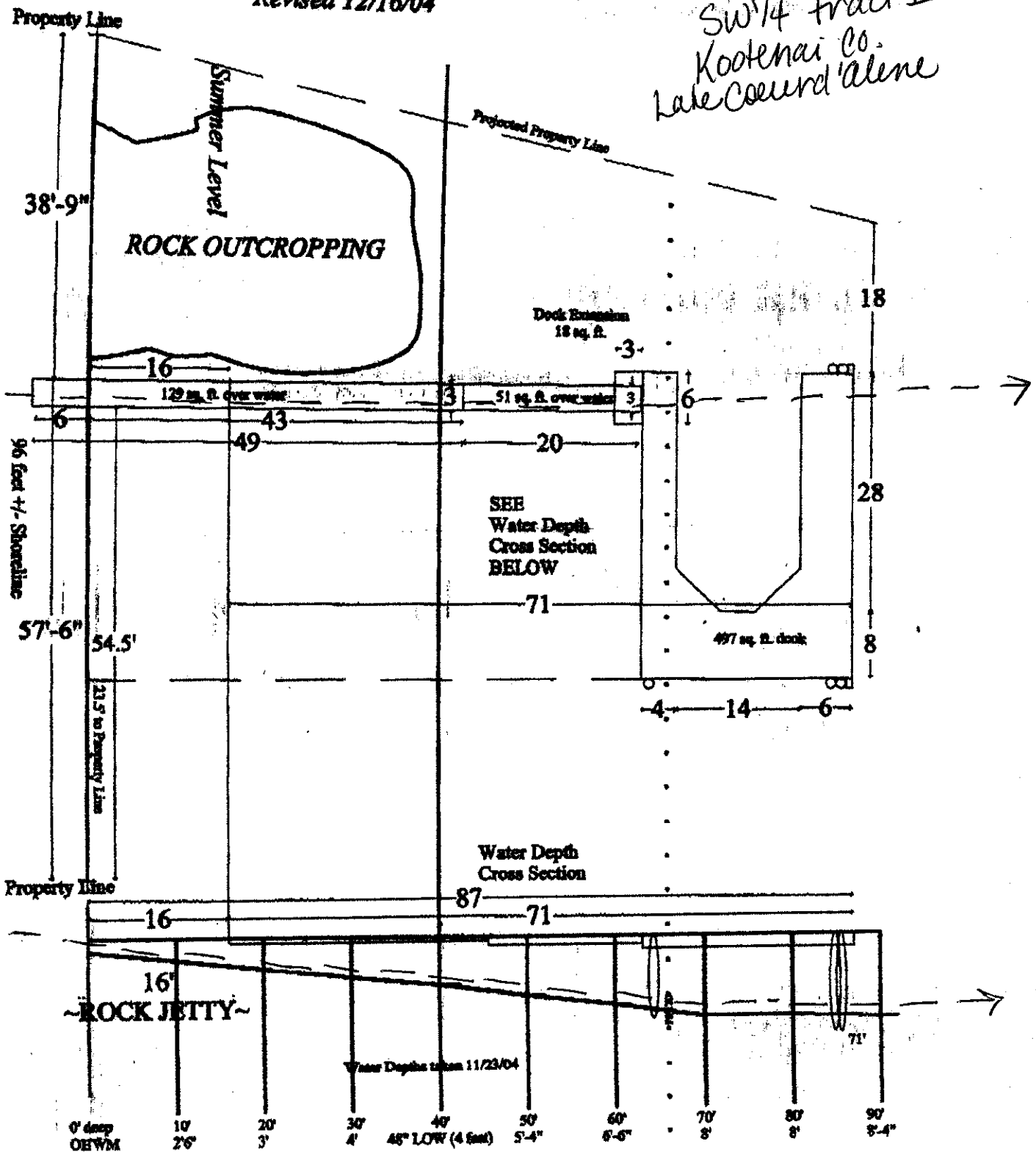
APPLICATION BY: SK Larson Swick

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.

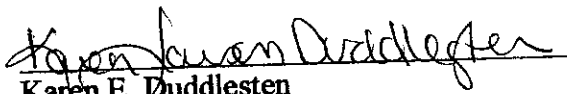
JAD 8/11/05
KAD 8/11/05

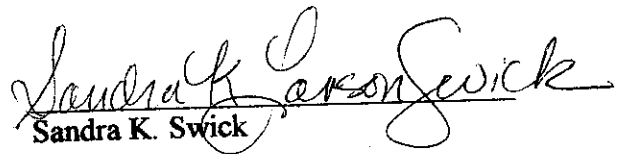
1974227

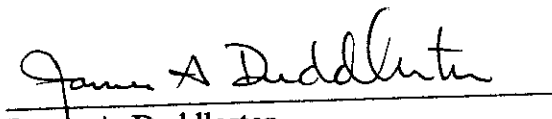
The Grantee covenants to obtain an encroachment permit for a water intake line from the Idaho State Department of Lands and to install, operate and maintain the system in compliance with the permit terms and conditions and in a manner that avoids any adverse effects to Grantor's property. The Grantee 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.

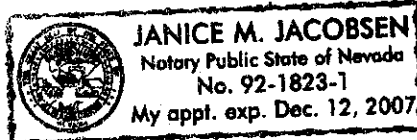
KED 8/11/05
JAD 8/11/05

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.

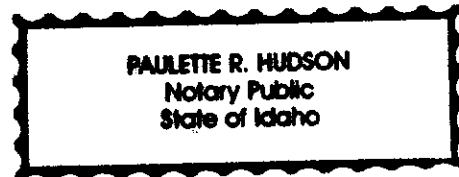
)

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

to our computer
(X)

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

NANCY CARLSON
203 Springview Drive, Lynden, WA 98264
360-318-9761

May 16, 2005

Director
Dept. of Water Resource, Northern Region
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814

Dear Mr. Dreher:

This letter is to outline the basis of my Notice of Protest to the application for permit #95-9268 by James and/or Karen Duddleston.

My Protest is based upon my historical water rights to the spring Duddlestens want water from. The spring is already over appropriated and we have always supplemented that water with lake water. Duddlestens have drilled a well which they said was more than sufficient for their needs. We do have historical water rights

Dad and Mom, Henry and Nancy Mae Larson, purchased this parcel of land in March of 1938 from John and Elizabeth Nelson and developed the spring at that time for domestic use and irrigation. The property was recently divided by court ordered partition among the beneficiaries of my father's estate - myself and my two sons (Eric and Jon Carlson), my sister (Gail Larson), her daughter (Guenever Aldrich), and my brother's daughters (Karen Duddleston and Sandra Swick). On page 4 #2 of the May 30, 2004 Settlement Agreement recorded as Case #88415, our water right is expressly reserved: "Mae's House and the Pugh's House (owned by Carlsons) will continue to have access, water lines to and from the two springs and reservoir, and water rights therefrom, on the Swede Bay Property that Karen (Duddleston) and Sandra (Swick) are receiving."

Dad built the house my sons and I now own in 1968-1969. (This is designated as "the Pugh's House" in our agreements because they have been the tenants.) I know it was that winter because it was a bad winter with lots of snow. The snow load was too heavy for the main beam in the roof and the beam broke. Dad jacked it up and repaired it but the upstairs loft was never square after that. Dad laid the water line himself from the spring line to this house. Dad's actions express his intent that our "Pugh" house utilize water from the spring he developed. The spring water alone has never been sufficient especially during high summer usage and has always been supplemented by water from the lake for domestic and irrigation uses.

My husband and I and our two sons lived in this house in 1973-1974 while building our home in the Post Falls area. At that time we drew our domestic water from the spring and supplemented with lake water.

My father's Testamentary Trust property was divided and deeds recorded September 2004. Duddleston's already had their house site located and began site preparation fall

1

water line and had not replaced it. AS OF THIS date, we do not have water available through our spring water line. I am including a two page letter from my attorney, Mrs. Carolyn Justh, to Karen Duddleston's attorney, Mr. Charlie Cox, regarding the removal of our water line by Duddlestens.

On Saturday, April 30, 2005, I was on our property and attempted to get water to our house and could not. On that day I found a flexible, black plastic line attached to the water turn out, the line ran down to the very bottom of the footings of the Duddleston house foundation, around the north corner of the house and along the east side - all in the backfill area of the foundation - then up out of the foundation area and attached to our iron water pipe by means of a suction coupler. Our metal pipe was pulled up out of the ground and bent around; it also had dirt in it which I could not remove. On Thursday, May 5, 2005, I visited the site with a contractor to bid the job and all the pipe had been covered and the sections along the foundation where it had been seen was partially back filled enough to cover any pipe. The contractor did not want to touch this job because of where the pipe was located. I still could not get water at our house perhaps due to one or more of the following: the black pipe/hose being crushed or not buried in a manner appropriate for a water line, our metal water line being bent, crimped, and full of dirt. As noted in the Two Springs Reservoir Agreement, Karen Duddleston could move and replace the water lines at her expense, so long as it did not interfere, damage, or change the rights of the Carlsons.

To assist in visualizing locations of houses, spring and water lines, I am attaching three maps. Map #1 is of the original property purchased by Dad and Mom from Nelsons. Map #2 represents how it was divided, and #3 is a portion of the survey map locating the springs and reservoir, our house on tract 5 and the approximate location of Duddleston's house with the approximate location of the spring lines.

I am also attaching 1) the ORDER APPROVING SETTLEMENT AGREEMENT; AND ORDERING DISTRIBUTION PURSUANT TO SETTLEMENT AGREEMENT AND SURVEY, 2) the SETTLEMENT AGREEMENT, and 3) the TWO SPRINGS RESERVOIR AGREEMENT

Since 1) I have a prior historical water right to this water, 2) the water from this spring source is already over appropriated, 3) Duddlestens have interfered, damaged, and changed my water rights while 4) applying for water rights knowing they had not appropriately restored our water rights to us, and 5) have drilled a very serviceable well; thus I feel it is appropriate and fair that you deny the Duddleston's application for Permit

to draw water from this spring. Does not Idaho law establish "first in time, first in right"? The scenario does exist that since the water supply from this spring is already over appropriated, if the Duddleston's are allowed any water rights, they will pull their water and deny us our legal share.

2

NANCY CARLSON
203 Springview Drive, Lynden, WA 98264
360-318-9761

Dated and signed this 16th day of May, 2005.

Nancy L. Carlson

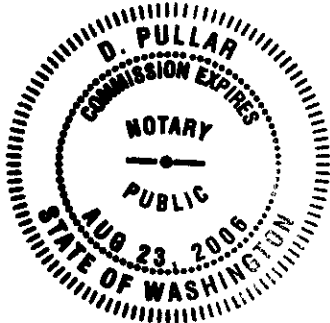
Nancy L. Carlson

STATE OF WASHINGTON)

) ss.
County of Whatcom)

I certify that I know or have satisfactory evidence that NANCY L. CARLSON is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: 5/16/05



Dee Eth Pullar

Print Name: Dee Eth Pullar

Notary Public in and for the State of

Washington, residing at Lynden

My commission expires: 8/23/06

Brown, Justh, & Romero, PLLC
Attorneys at Law
P.O. Box 1148
627 Government Way
Coeur d'Alene, ID 83816-1148

R. Romer Brown
Carolyn Justh
Robert R. Romero, Jr.
Phone (208)664-2191
Fax (208)664-2193

May 19, 2005

COPY

Karen Duddleston
1912 Glenview Drive
Las Vegas, NV 89134

Re: Water Line to Pugh House

Dear Ms. Duddleston:

Your memorandum of May 11, 2005, still leaves this entire matter unresolved.

Examination of the situation reveals that it was not simply an "alleged removal of the empty pipe", but a termination of the Carlsons' access to the water rights provided by the Two Springs agreement. This termination of access including the removal of the Carlsons' line, blocking it with dirt, and the installation on your property of a buried, black, non-functioning PVC hose has resolved nothing. The slope of that hose is variable, not in conformity with reasonable access, and does not function to permit conveyance of water to the Carlson property.

The Agreement clearly provides that if you moved the line, you, at your expense had the responsibility for replacing the line. The Agreement does provide the Carlsons with access necessary to obtain water from this source. Your termination of the water to the Carlson property is breach of the Agreement, not a license for you to impose conditions of your choosing in an effort to shift the cost to the Carlsons.

My client certainly is willing to work with your contractor, or otherwise cooperate as necessary to see that the project is completed in a manner which is mutually acceptable to both sides of this controversy, unlike the existing state of this project.

There is no requirement that the Two Springs agreement be notarized or that it be recorded in order to be effective and legally binding upon you. If you seriously maintain that there is such a legal requirement, please identify the specific source of such legal requirement. In fact, the agreement, as well as the road access agreement are recorded.

Karen Duddleston

May 19, 2005

Page 2

They were recorded prior to turning over the originals of these documents to Mike Branstetter. You may wish to obtain a copy of the document recorded in the county recorder's office as instrument number 1929157 on February 10, 2005. The execution of the Two Springs agreement by you and by the Carlsons was all that was necessary for it to be enforceable against you.

Your compliance with the agreement in replacing the waterline immediately, in a workmanlike manner, at your expense, is required.

Sincerely,

A handwritten signature in black ink, appearing to read 'Carolyn Justh', written in a cursive style.

Carolyn Justh
Attorney at Law

CJ/ta

cc: Nancy Carlson

FREDERIC G. EMRY II
PAINE, HAMBLIN, COFFIN,
BROOKE & MILLER LLP
717 West Sprague Avenue, Suite 1200
Spokane, Washington 99201-3505
Telephone: (509) 455-6000
Facsimile: (509) 838-0007

RECEIVED

SEP 30 2005

IDWR/North

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI
MAGISTRATE DIVISION

In the Matter of the Estate of)

HENRY EDWARD LARSON,)

) Case No. 88415

) SETTLEMENT AGREEMENT
)

This "Settlement Agreement" made this ^{rw}30 day of May, 2004, by and between the undersigned: VAN BARKER LARSON ("Van"), GAIL LARSON ("Bunny"), NANCY LYN CARLSON ("Nancy Lyn"), JON DAVID CARLSON ("Jon"), ERIC ALAN CARLSON ("Eric"), GUENEVER LINNEA ALDRICH ("Guenever"), SANDRA LARSON SWICK ("Sandra") and KAREN LARSON DUDDLESTEN ("Karen"), as follows:

RECITALS:

A. HENRY E. LARSON's Will established the HENRY E. LARSON Trust ("Trust") which terminated upon the death of NANCY MAE LARSON. HENRY E. LARSON ("Henry") died on July 31, 1991. NANCY MAE LARSON ("Mae") died on March 26, 2004. The undersigned are all the beneficiaries of the HENRY E. LARSON Trust with Van, Bunny and Nancy Lyn as the current Trustees.

B. The Trust contained interests in real property in Kootenai County, Idaho, set forth on Schedule A, attached hereto and made a part hereof, which are described as: "Tract #10" Valhalla Park Tracts, Parcel No. 0-8340-000-010-0 and one-half interest in #10 drain field described in Book 178 of Deeds of page 498; that portion of Government Lot No.1 Parcel No. 49NO4W-12-3175 that is NE of Tax No. 3185 (Meckel's 50' strip of property); the timber property identified as Tax No. 9502 which is Parcel No. 49NO4W-01-6100; and property identified as Tax #4479. All of the above-described properties are referred to as "Swede Bay Properties," except for Tract #10 Valhalla. The "Trust Properties" include both Tract #10 Valhalla and the Swede Bay Properties.

C. At the time the HENRY LARSON Trust was funded, the Trust owned 85.2773% of the Trust Properties and NANCY MAE LARSON owned 14.7227% of the Trust Properties. When NANCY MAE LARSON died, her estate owned 3.1727% interest in the Trust Properties. Pursuant to NANCY MAE LARSON's Will, one-half of the 3.1727% interest in the Trust Properties or 1.58635% passes to Van and 1.58635% passes to Bunny.

D. The undivided 85.2773% interest in the Trust Properties is split equally between eight undersigned beneficiaries so that each undersigned beneficiary gets 10.65966% of the Trust Properties. In addition, Van has 11.55% interest in the Trust Properties through gifts from NANCY MAE LARSON and Van receives an additional 1.58635% in the Trust Properties from the estate of NANCY MAE LARSON. Also, Bunny receives 1.58635% in the Trust Properties along with her 10.65966%.

E. As a result, Van receives 23.7979% of the Trust Properties; Bunny receives 12.24606% of the Trust properties and Nancy Lyn, Sandra, Karen, Eric, Jon and Guenever each receive 10.65966% of the Trust Properties.

F. Thus, Van and his daughters receive 45.1173% of the Trust Properties; Bunny and her daughter receive 22.9039% of the Trust Properties, and Nancy and her two children receive 31.9791% of the Trust Properties.

G. There is an existing private road ("Swede Bay Road") described on the survey of Meckel Engineering & Surveying which currently provides restricted access to La Counte's, Emry's, Corbin's, Slaughter's and Leithe's. Below Swede Bay Road is an old wood road ("Old Wood Road"). There are two springs and a reservoir on Tax Parcel #6100 which currently furnishes water to NANCY MAE LARSON's house ("Mae's House") and the renter's house on Tax Parcel #6100 which is known as the "Pugh's House."

H. Mae's residence, shop and guesthouse were specifically bequeathed to Van in Mae's Will and are not part of this division. However, that part of Tax No. 3175 SW of Meckel's 50' strip (which is known as Tax No. 8357) should have been distributed to NANCY MAE LARSON at the time of funding HENRY LARSON's Trust, as part of Mae's residence and shop. If this was not deeded to Mae, then it must be done now. Also there needs to be corrected any cloud on the title of Steve Goodell and Timme Goodell's property that was acquired by them from DONALD E. SCHELIN and CARLENE M. SCHELIN. Finally, the property owned by Bunny, Tax No. 9695, which is described as the "Greenhouse" is not part of this division.

I. There was a Personal Representative's Deed dated December 2, 1997, conveying all water rights to NANCY MAE LARSON to the spring on Tax Parcel #6100. There was also a

Personal Representative's timber deed dated December 2, 1997, to NANCY MAE LARSON to cut and remove timber on Tax Parcel #6100 and Tax Parcel No. 9502.

AGREEMENT

IN CONSIDERATION of the mutual covenants and promises herein contained, IT IS AGREED:

1. Schedule A describes the Trust Properties. Schedule B describes the formula to be used in dividing the Trust Properties. Schedule C are the line adjustments to be followed by Meckel Survey and Engineering Company. Each Schedule shall be initialed by all eight Trust Beneficiaries. The final distribution of the Trust Properties will be as described in Schedules B and C as part of this Settlement Agreement.

2. The timber deed and the spring deed both dated December 2, 1997, will be reconveyed to the real property from which it came. Mae's House and the Pugh's House will continue to have access, water lines to and from the two springs and reservoir, and water rights therefrom, on the Swede Bay Property that Karen and Sandra are receiving. Karen and Sandra have the right to hook up to the two springs and reservoir and draw water therefrom. These water rights described herein run with the land. Those parties who use the two springs and reservoir will enter into a Maintenance and Use Agreement.

3. Van will receive Tract #10, Valhalla, plus all of the drainfield and well rights to Tract #10 from NANCY MAE LARSON's estate.

4. Bunny and Guenever will receive 10.272 acres of Swede Bay Properties, including 134.98 linear feet of beach frontage as described on Schedule C in their names as joint tenants with right of survivorship, to include a build-able housing site below Swede Bay Road.

Included in the Swede Bay Properties Bunny and Guenever are receiving is the well/spring above the Greenhouse.

5. Nancy Lyn, Eric and Jon will receive 12.760 acres of Swede Bay Properties, including 167.68 linear feet of beach frontage as described in Schedule C in their names as tenants-in-common. The Swede Bay Properties that Nancy Lyn, Eric and Jon are receiving will include the Pugh's House and all improvements on their land, with the right to build on the Old Wood Road should Pugh's house become uninhabitable and a house not be allowed to be rebuilt on the existing site.

6. Karen and Sandra will receive 9.140 acres of Swede Bay Properties including 120.10 linear feet of beach frontage as described on Schedule C. Of the Swede Bay Properties Karen and Sandra are receiving, Karen and Sandra will take ^{joint} ~~individual~~ ⁽²⁾ title to their Swede Bay Properties, if this will not jeopardize the line adjustments to or future divisions of the Swede Bay Properties. Karen and Sandra shall receive their Swede Bay Properties subject to the water rights described in paragraph 2 of this Settlement Agreement. Karen and Sandra shall not be responsible or liable for the two springs and reservoir, the lines and water therefrom on their Swede Bay Properties if they do not hook up to the two springs and reservoir. DN

7. Without affecting their rights in the two springs and reservoir described in paragraph 2 of this Settlement Agreement, Nancy Lyn, Eric and Jon will make reasonable efforts to develop an alternative source of water such as from Coeur d'Alene Lake, a well or spring on their Swede Bay Property, or from the well/spring belonging to Bunny and Guenever above the Greenhouse. Bunny and Guenever grant Nancy Lyn, Eric and Jon a right personal to them, and, not running with the land, at the expense of Nancy Lyn, Eric and Jon, to hook up to the well/spring above the Greenhouse and draw water therefrom. Nancy Lyn, Eric, Jon, Bunny and Guenever will enter into a Maintenance and Use Agreement.

8. Each of the undersigned will sign reciprocal, written easements running with the land to all the undersigned for access to and from their individual properties across Swede Bay Road and Old Wood Road for the Swede Bay Properties. The reciprocal road easements will be similar to the existing road easements, except there will be no restrictions on buildings and will include access for drainfields, septic tanks, wells, springs, utilities, and lines to and from such

improvements across Swede Bay Road and Old Wood Road for their family group properties. No permission need be obtained by any of the undersigned from any of the Trust Beneficiaries regarding use of Swede Bay Road. Karen will receive an easement over Old Wood Road for a minimum period of two years after the transfer of possession of the Trust properties, which terminates after this period should the road be needed as a building site in the event that Pugh's house become uninhabitable and a house not be allowed to be rebuilt on the existing site.

9. Van will be granted a personal right, not running with the land, to use the old wood road once a year to take his boat in or out of Lake Coeur d'Alene.

10. Any cloud on the title of the property belonging to STEVE and TIMME GOODELL will be removed.

11. Each of the undersigned will forever hold all the other undersigned, in any capacity, including as trustee, beneficiary, personally, or as Personal Representative of HENRY LARSON's estate or NANCY MAE LARSON estate, harmless and will forever release each of the undersigned from any and all liability and damages arising out of or related to the Trust Properties, this Settlement Agreement or termination of the Trust.

12. Each of the undersigned will fully cooperate with all the undersigned to implement this Settlement Agreement, including signing all necessary documents pertaining to this Settlement Agreement.

13. The Meckel Survey and Engineering Firm will be hired to make the necessary survey according to this Settlement Agreement on the Swede Bay Properties. Any discrepancy found in acreage or footage calculations of those contained in Schedule B will be distributed proportionately based on the distribution formula of Schedule B for the Swede Bay Properties. A representative from each of the three families receiving Swede Bay Properties will be appointed at the time of signing to approve the survey and it shall become a part of this document.

14. Title insurance will be obtained for the Trust Properties.

15. The expenses of this Settlement Agreement and termination of the Trust, including costs of survey, title insurance, Paine Hamblen attorneys' fees, any unanticipated federal, state or local taxes for the year 2004 will be paid by the undersigned in the same

percentages set forth in paragraph E of the Recitals. Paine Hamblen shall establish a Trust account to pay all fees related to the survey and expenses of this settlement which shall be funded by the undersigned in the same percentages as set forth in paragraph E of the Recitals. No deeds shall be conveyed to the undersigned persons unless all fees associated with the Settlement Agreement have been paid by the individual undersigned. Each of the undersigned shall be solely responsible for the payment of his or her own attorney's fees and other costs incurred by the undersigned such as road site elevation and surface water site examination.

16. This Settlement Agreement shall be filed in the District Court of the First Judicial District of the State of Idaho, in and for the County of Kootenai, Magistrate's Division, Cause No. 88415 in the matter of the Estate of HENRY EDWARD LARSON, along with a petition seeking a court order signed by a judge in accordance with this Settlement Agreement. All the undersigned waive notice of hearing on the petition and order. The final distribution of Trust Properties will be described in Schedule B as part of this Settlement Agreement and a division of land ordered by the Court to fulfill the requirements of the survey of lots described in Schedule C.

17. This Settlement Agreement was drafted by attorney, Frederic G. Emry, of Paine, Hamblen, Coffin, Brooke & Miller LLP, representing the Trustees, Van and Bunny, and none of the undersigned. Each party to this Settlement Agreement acknowledges that he or she has been afforded an opportunity to be represented by his or her own legal counsel in connection with, and negotiation and execution of, this Settlement Agreement; has carefully read and fully understands all of the provisions of this Settlement Agreement; and is entering into it voluntarily.

18. The terms, provisions, and conditions of this Settlement Agreement shall be binding upon and inure to the benefit of each of the undersigned parties hereto, and his or her respective legal representatives, heirs, successors and assigns.

19. This Agreement shall be construed in accordance with, and governed by, the laws of the State of Idaho.

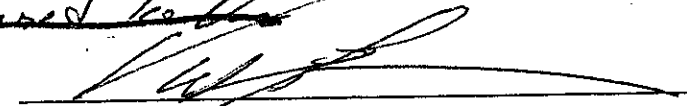
20. This Settlement Agreement may be executed in counterparts, each of which shall constitute an original for all purposes.

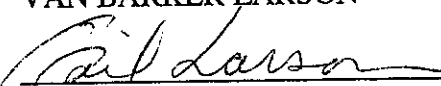
21. This Settlement Agreement is a final informal account of the Trust and terminates the trust relationship between the Trustees and the beneficiaries. No claim against the Trustees may be asserted by any of the undersigned once this Settlement Agreement is signed, except for failure to implement this Settlement Agreement. Each of the undersigned warrant that there are no outstanding bills, expenses, liens or encumbrances against the Trust Properties, except as noted herein.

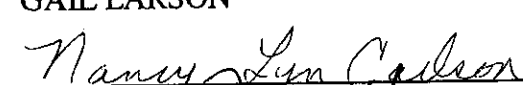
DATED AND SIGNED this 30 day of May, 2004, subject to each of the undersigned attorney's review and approval.

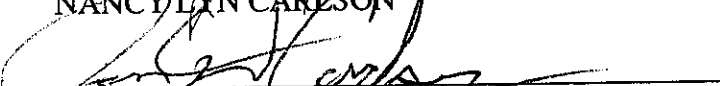
~~All Deeds will be signed at same time that # 10 is transferred to the~~

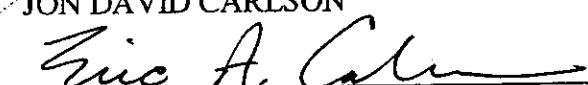
7/6/04


VAN BARKER LARSON


GAIL LARSON

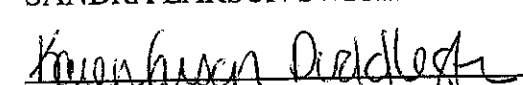

NANCY LYN CARLSON


JON DAVID CARLSON


ERIC ALAN CARLSON


GUENEVER LINNEA ALDRICH

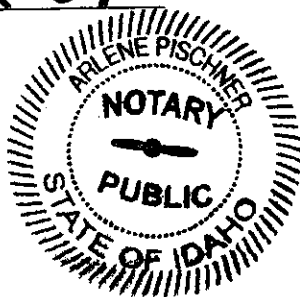

SANDRA LARSON SWICK


KAREN LARSON DUDDLESTEN

STATE OF Idaho)
County of Kootenai) ss.

I certify that I know or have satisfactory evidence that VAN BARKER LARSON is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: 7-2-04

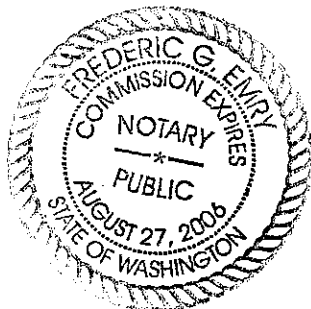


Arlene Pischner
Print Name: Arlene Pischner
Notary Public in and for the State of Idaho, residing at Coeur d'Alene
My commission expires: 12-12-2004

STATE OF Idaho)
County of Kootenai) ss.

I certify that I know or have satisfactory evidence that GAIL LARSON is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: May 30, 2004

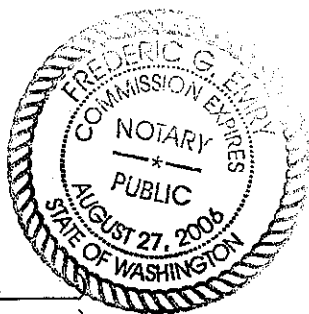


Frederic G. Emory
Print Name: Frederic G. Emory
Notary Public in and for the State of Wash., residing at Spokane
My commission expires: 8/27/2006

STATE OF Idaho)
) ss.
County of Kootenai)

I certify that I know or have satisfactory evidence that NANCY LYN CARLSON is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: May 30, 2004

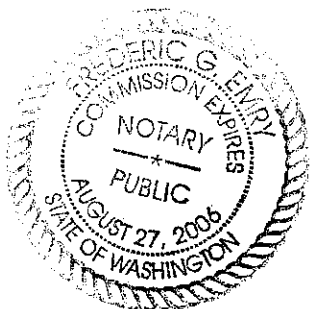


Frederic G. Emery
Print Name: Frederic G. Emery
Notary Public in and for the State of Washington
Idaho, residing at Spokane
My commission expires: 8/27/2006

STATE OF Idaho)
) ss.
County of Kootenai)

I certify that I know or have satisfactory evidence that JON DAVID CARLSON is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: May 30, 2004

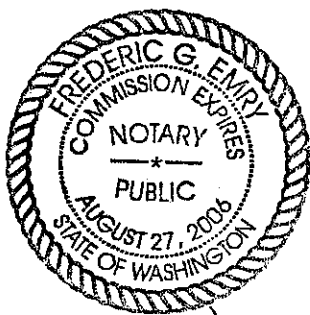


Frederic G. Emery
Print Name: Frederic G. Emery
Notary Public in and for the State of
Wash., residing at Spokane
My commission expires: 8/27/2006

STATE OF Washington
) ss.
County of Spokane

I certify that I know or have satisfactory evidence that ERIC ALAN CARLSON is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: July 12, 2004



Frederic G. Emory
Print Name: Frederic G. Emory
Notary Public in and for the State of
Wash., residing at Spokane
My commission expires: 8/27/2006

STATE OF _____
) ss.
County of _____

I certify that I know or have satisfactory evidence that GUENEVER LINNEA ALDRICH is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

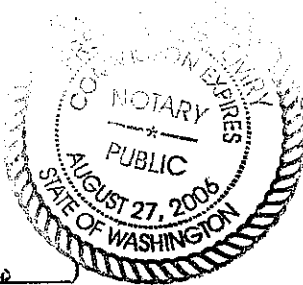
Dated: _____

Print Name: _____
Notary Public in and for the State of
_____, residing at _____
My commission expires: _____

STATE OF Idaho)
) ss.
County of Kootenai)

I certify that I know or have satisfactory evidence that SANDRA LARSON SWICK is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: May 30, 2004

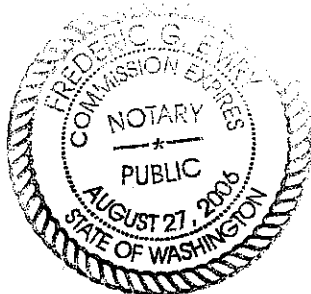


Frederic G. Emery
Print Name: Frederic G. Emery
Notary Public in and for the State of
Wash., residing at Spokane
My commission expires: 8/27/2006

STATE OF Idaho)
) ss.
County of Kootenai)

I certify that I know or have satisfactory evidence that KAREN LARSON DUDDLESTEN is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: May 30, 2004



Frederic G. Emery
Print Name: Frederic G. Emery
Notary Public in and for the State of
Wash., residing at Spokane
My commission expires: 8/27/2006

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SCHEDULE A

Real property situated in County of Kootenai, State of Idaho

Parcel A: (Valhalla Park and Drainfield)

Tract No. 10 of VALHALLA PARK TRACTS located in Government Lots 2 and 3, in Section 11, Township 49 North, Range 4 West, Boise Meridian, Kootenai County, Idaho; TOGETHER WITH all riparian rights on Coeur d'Alene Lake, according to plat on file in the Office of the County Recorder.

AND one-half (1/2) interest in the following-described property: A portion of Government Lot 2, Section 11, Township 49 North, Range 4 West, Boise Meridian, Kootenai County, Idaho, as surveyed and marked on the ground according to a Record of Survey by Meckel Engineering and Surveying dated June 26, 1989, described as follows:

COMMENCING at the Northwest corner of Lot 8, VALHALLA PARK TRACTS, according to the plat recorded in the Office of the County Recorder in Book C of Plats at Page 165, records of Kootenai County, Idaho, said corner being marked by a rectangular iron rod, 7/8-inch by 3/4-inch;

thence North 13°31'28" East, 20.05 feet to a point on the North line of an access road as shown on the plat of Valhalla Park Tracts, said point marked by an iron rod, 24 inches long, 5/8-inch diameter, with a plastic cap marked PLS/PE 3451, being the Southeast corner of that tract described in the Memorandum of Contract, Anderson to Feeley, recorded in Book 119 of Miscellaneous at Page 703, as Instrument No. 906165, records of Kootenai County, Idaho, and being the TRUE POINT OF BEGINNING for the herein described tract;

thence North 13°35'00" East, 229.47 feet along the Easterly line of that tract described in Memorandum of Contract in Book 119 at Page 703, to an iron rod, 24 inches long, 5/8-inch diameter, with a plastic cap marked PLS/PE 3451, on the Southerly right-of-way line of Everwell Bay Road as described in Warranty Deed recorded in Book 104 of Deeds at Page 424, records of Kootenai County, Idaho;

thence North 84°08'34" East, 69.95 feet along said right-of-way line to an iron rod, 24 inches long, 5/8-inch diameter, with a plastic cap marked PLS/PE 3451;

thence leaving the right-of-way line South 62°50'16" East, 199.84 feet to an iron rod, 24 inches long, 5/8-inch diameter, with a plastic cap marked PLS/PE 3451;

thence South 50°21'12" East, 65.04 feet to an iron rod, 24 inches long, 5/8-inch diameter, with a plastic cap marked PLS/PE 3451;

thence South 22°56'39" East, 73.97 feet to an iron rod, 24 inches long, 5/8-inch diameter, with a plastic cap marked PLS/PE 3451;

thence South 0°03'06" West, 69.43 feet to an iron rod, 24 inches long, 5/8-inch diameter, with a plastic cap marked PLS/PE 3451;

thence South 34°00'58" West, 102.13 feet to an iron rod, 24 inches long, 5/8-inch diameter, with a plastic cap marked PLS/PE 3451;

thence North 71°16'26" West, 77.61 feet to an iron rod, 24 inches long, 5/8-inch diameter, with a plastic cap marked PLS/PE 3451;

thence North 60°29'48" West, 92.91 feet to an iron rod, 24 inches long, 5/8-inch diameter, with a plastic cap marked PLS/PE 3451, on the Northerly line of the platted access road;

thence North 72°13'23" West, 177.09 feet along said Northerly line to the TRUE POINT OF BEGINNING.

Parcel C: (Timber Property and Remainder)

The Southwest Quarter of the Southwest Quarter of Section 1, Township 49 North, Range 4 West, Boise Meridian, Kootenai County, Idaho; EXCEPT parts heretofore deeded, and ALSO RESERVING a twenty-foot roadway in the Northeast corner. ALSO all that portion of Government Lot 1 in Section 12, Township 49 North, Range 4 West, Boise Meridian, lying North of that tract described in Book 178 of Deeds at Page 498.

AND all that part of the Southwest Quarter of the Southwest Quarter of Section 1, Township 49 North, Range 4 West, Boise Meridian, more particularly described as follows: BEGINNING at a point in the Southwest Quarter of the Southwest quarter,

Section 1, Township 49 North, Range 4 West, Boise Meridian, from which the corner of Sections 1, 2, 11 and 12, Township 49 North, Range 4 West, Boise Meridian, bears South 71°5' West 705.5 feet;

thence North 30°26' East, 222.2 feet to a point; thence North 78°15' West, 206.2 feet to a point; thence South 44°23' West, 250 feet to a point; thence due South 200 feet to a point; thence South 78°15' East, 269.8 feet to a point; thence North 200 feet, more or less, to the POINT OF BEGINNING, said tract of land so bounded and described comprising 2.36 acres, more or less;

EXCEPTING THEREFROM the following-described property conveyed to Gail Linnea Larson by Warranty Deed recorded June 20, 1975, in Book 271, Page 895, Document No. 675632, records of Kootenai County, Idaho:

All that part of the Southwest Quarter of the Southwest Quarter of Section 1, Township 49 North, Range 4 West, Boise Meridian, particularly described as follows: BEGINNING at a point in the Southwest Quarter of the Southwest Quarter of Section 1, Township 49 North, Range 4 West, Boise Meridian, from which the corners of Sections 1, 2, 11 and 12 in Township 49 North, Range 4 West, Boise Meridian, bears South 71°5' West 705.5 feet; thence West 125 feet, more or less, to a point; thence South 146 feet, more or less, to a point; thence East 125 feet, more or less, to a point; thence North 146 feet, more or less, to the TRUE POINT OF BEGINNING, said tract of land so bounded and described here and below comprising .5 acres, more or less.

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

Schedule B

1. The drainfield at Lot 10 is a part of the trust as shown on the Personal Representative's Deed signed by Van Barker Larson on Dec. 23, 1997 and recorded as instrument 1520092 with Kootenai County on Jan 8, 1998;
2. The well/spring that serves Lot 10 is valued at \$10,600 according to an email from Van and must be included in the value of Lot 10.

Now, to value the trust properties:

Lot 10 + improvements (house and dock)	343,250
Lot 10 Drainfield	12,318
Lot 10 well/spring	10,600
Tax # 4479 except #9695 (Green house)	333,040
SW-SW except tax #s & Tax #9502 (house & dock)	500,990
Lot 1 except Tax #s	<u>280,000</u>
Total	1,480,198

Now, to calculate everyone's share of the trust:

Van = 23.7979% times 1,480,198	352,256.04
Karen and Sandy = 21.3194% times 1,480,198	<u>315,569.33</u>
Family Unit Total	667,825.37
 Bunny & Guenever = 22.9039% times 1,480,198	 339,023.07
 Nancy, Eric & Jon = 31.9791% times 1,480,198	 <u>473,354.00</u>
Total (rounded)	1,480,202

OK, so the amounts are off by \$4 due to the approximation of the percentages but the error is small.

Let's start distributing the trust:

Van gets Lot # 10 for a total value of \$366,168 which is \$13,912 more than his share so this amount will be deducted from Karen's and Sandy's share in the remainder of the trust just as Karen suggested in her proposed distribution;



The remainder of the trust looks like this:

Karen and Sandy (315,569 – 13,912)	301,657
Bunny and Guenever	339,023
Nancy, Eric & Jon	<u>473,354</u>
Total Remaining	1,114,034

The percentage of the remaining trust properties to be distributed in each of the three divisions can be calculated as follows:

$$\text{Karen and Sandy: } 301,657 / 1,114,034 = 27.0779\%$$

$$\text{Bunny \& Guenever: } 339,023 / 1,114,034 = 30.4889\%$$

$$\text{Nancy, Eric \& Jon: } 473,354 / 1,114,034 = \underline{42.4901\%}$$

$$\text{(Just to check the math) Total} = 100.0569\%$$

Nancy, Eric & Jon will receive the Pugh house and dock that are valued at \$52,100. This reduces that family unit's remaining value to (473,354 – 52,200) \$421,154 and the remaining value of the undivided trust properties to (1,114,034 – 52,100) \$1,061,934.

Now, repeat the percentage calculations for the distribution of the shoreline and acreage. (Please note that Karen's & Sandy's and Bunny's & Guenever's percentages will increase while Nancy's, Eric's & Jon's will decrease due to the distribution of the Pugh house.)

$$\text{Karen and Sandy: } 301,657 / 1,061,934 = 28.406\%$$

$$\text{Bunny \& Guenever: } 339,023 / 1,061,934 = 31.925\%$$

$$\text{Nancy, Eric \& Jon: } 421,154 / 1,061,934 = \underline{39.659\%}$$

$$\text{(Just to check the math) Total} = 99.99\%$$

Now, to calculate each family unit's acreage:

$$\text{Total acres available to distribute: } 32.175 \text{ (plus or minus)}$$

$$\text{Karen \& Sandy: } 32.175 \times 28.406\% = 9.140 \text{ acres}$$

$$\text{Bunny \& Guenever: } 32.175 \times 31.925\% = 10.272 \text{ acres}$$

$$\text{Nancy, Eric \& Jon: } 32.175 \times 39.659\% = \underline{12.760 \text{ acres}}$$

$$\text{Total (check)} \quad 32.172 \text{ acres (There remains an extra .003 acres or 130.68 square feet)}$$

Next is the front footage (lakefront):

$$\text{Total lakefront to distribute: } 422.8 \text{ feet (subject to verification by survey.)}$$

$$\text{Karen \& Sandy: } 422.8 \times 28.406\% = 120.10 \text{ feet}$$

$$\text{Bunny \& Guenever: } 422.8 \times 31.925\% = 134.98 \text{ feet}$$

Nancy, Eric & Jon: $422.8 \text{ feet} \times 39.659\% = \underline{167.68 \text{ feet}}$
 Total (check) $\quad \quad \quad 422.76 \text{ feet}$

4/24 alternate plan

10
 Drainfield
 Well/spring

9.140 acres
 120.10 ff

10.272 acres
 134.98 ff

12.760 acres
 167.68 ff

The question of just how much lakefront exists has been in question for some time. For this reason, the lakefront distribution cannot take place by measuring from each side to the middle of the lakefront. The exact front footage needs to be determined by survey and the actual footage then distributed according to the above percentage breakdowns. This will in no way upset the balanced distribution that is presented herein.

OK, now for the hard part. The acres below the existing private road (access road to Slaughter's and LaCounte's, etc.) are differently valued than the acres above the road due to the contiguous lakefront. Therefore, the acres below the access road must be distributed using the same percentage as was used after the Pugh house was distributed to Nancy, Eric, and Jon. An existing survey commissioned by Nancy Mae shows a total of 8.041 acres below the access road. It is noted that the location of the access road was determined by Van Larson and provided to the surveyors for their information.

Acres below the access road allocation:

Karen and Sandy: $8.041 \times 28.406\% = 2.284 \text{ acres}$

Bunny & Guenever: $8.041 \times 31.925\% = 2.567 \text{ acres}$

Nancy, Eric & Jon: $8.041 \times 39.659\% = \underline{3.189 \text{ acres}}$
 Check Total $\quad \quad \quad 8.04$

SCHEDULE C

THIS SCHEDULE C includes MECKEL ENGINEERING SURVEY NO. _____, dated

Court Ordered

Partition Exh. by

July 30, 2004, and the following:

1. All the beneficiaries of the HENRY E. LARSON TRUST acknowledge receipt in full of their interest in the HENRY E. LARSON TRUST.
2. The beneficiaries still need to approve the accounting of the Trustees of the HENRY E. LARSON TRUST prior to closing the HENRY E. LARSON ESTATE.
3. The use of the Old Wood Road is by permission only given by NANCY LYN CARLSON, JON CARLSON and ERIC CARLSON, revocable at any time. ~~Permission by NANCY LYN CARLSON, JON CARLSON and ERIC CARLSON is hereby given to KAREN DUDDLESTEN to use the Old Wood Road for a maximum of two years for house construction purposes so long as this usage does not damage the road nor impair the owner's or their renter's use of the Old Wood Road.~~ NANCY LYN CARLSON, JON CARLSON and ERIC CARLSON hereby give permission to VAN LARSON to use the Old Wood Road once a year to take his boat in or out of Lake Coeur d'Alene. VAN LARSON's use of Old Wood Road shall not damage the road nor impair the owner's or their renter's use of the Old Wood Road. VAN LARSON shall make reasonable efforts to develop an alternative route.
4. VAN LARSON, JUDY L. CAREY, NANCY LYN CARLSON, JON CARLSON, ERIC CARLSON and KAREN DUDDLESTEN have entered into a Two Springs Reservoir Agreement. NANCY LYN CARLSON, ERIC CARLSON and JON CARLSON will make reasonable efforts to develop an alternative source of water from Coeur d'Alene Lake, a well or

*voided
8/3/200
NLC
DC
EAC
KD*

spring on their Swede Bay property, or from the well/spring belonging to GAIL LARSON and GUENEVER LINNEA ALDRICH above the greenhouse owned by GAIL LARSON.

5. The beneficiaries of the HENRY E. LARSON TRUST who have received Swede Bay property have entered into a Swede Bay Road Maintenance Agreement.

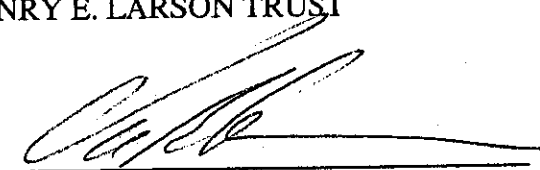
6. All real property received from the HENRY E. LARSON TRUST by GUENEVER LINNEA ALDRICH shall be solely in her name. All real property received from the HENRY E. LARSON TRUST by GAIL LARSON shall be solely in her name. Thus, there shall be no Trust distribution in names of GUENEVER LINNEA ALDRICH and GAIL LARSON as joint tenants with right of survivorship. This supercedes the distribution provision in the Settlement Agreement.

7. GUENEVER LINNEA ALDRICH shall have access to and draw water from the spring/well located at the Southeast corner of Swede Bay Road and Old Wood Road, subject to any applicable governmental regulations and permits. This right includes the right to enter on the real property where the spring/well is located for the purpose to place, bury, and maintain water pipes in reasonable location to and from the spring/well.

8. This Schedule C shall be recorded with the Settlement Agreement and become part of the Settlement Agreement along with Schedules A and B. Any part of the Settlement Agreement that is inconsistent with this Schedule C, then this Schedule C shall control.

9. This schedule C includes Addendum #1 and #2 attached.
DATED this 3rd day of August, 2004.

HENRY E. LARSON TRUST

By: 

VAN B. LARSON, Trustee

By: Gail Linnear Larson
GAIL LARSON, Trustee *by*
Nancy Lyn Carlson

By: Nancy Lyn Carlson
NANCY LYN CARLSON, Trustee

I:\Spodocs\32500\00001\agree\00193130.WPD:lg

Karen Larson Daddleston
Aug 3, 2004

Sandra K. Larson ~ Swick
8-3-2004

Eric A. Cahn Aug. 3, 2004

Jon Lockman 3rd Aug., 2004

Fred Emry - Re: 3 hours and some change to count down

From: "Charlie Cox" <ccox@usamedia.tv>
To: "Fred Emry" <fgemry@painehamblen.com>
Date: 7/28/2004 1:08 PM
Subject: Re: 3 hours and some change to count down
CC: <JDuddlesten@GCWallace.com>, <brnjusth@my180.net>

Fred:

I have spent a considerable amount of time urging my client to compromise with the parties to reach agreement on this matter. I am authorized by Karen Duddlesten to offer the following:

1. The lot configurations and boundaries for Lot1 would be as detailed on Concept B, dated July 26, 2004. It is my understanding that Nancy and Sandra have agreed on the configuration of Lot 2. The remainder of Concept C is acceptable to my client.
2. Karen would relinquish all access rights, present and future to Old Wood Road.
3. Karen would agree to pay \$2,000 of Paine, Hamblen's current accrued attorneys fees, plus her proportionate share of the fees that are greater than that amount.
4. Karen would agree to the Settlement Agreement dated May 30, 2004, including the Schedules A,B, and C with Mechel Engineering and Surveying Exhibit which will show the lot lines as described in one above
5. Finally, Karen agrees that Fred Emery and Carolyn Justh may appear at the Friday hearing at 10:00 a.m. before Judge Watson to sign the Settlement Agreement with attachments and to allow Fred Emery and Carolyn Justh to record the documents with the County Recorder's office use.

*Nancy Carlson
Aug. 3, 2004*

*Karen Duddlesten
Aug 3, 2004*

Charlie Cox

----- Original Message -----

From: "Fred Emry" <fgemry@painehamblen.com>
To: <erickris@aol.com>; <nancy.carlson@comcast.net>; <lvkaren@cox.net>; <valley@oip.net>; <cheermom@spro.net>; <tintagel@telenet.net>; <Jondcarlson@yahoo.com>
Cc: <lawfirm@a-law.com>; <brnjusth@my180.net>; <ccox@usamedia.tv>
Sent: Wednesday, July 28, 2004 11:36 AM
Subject: 3 hours and some change to count down

To one and all,

There are three concepts or Survey maps. The first one by James Duddlesten dated July 23, 2004. The second one by James Duddlesten dated July 26, 2004. The third one by Nancy Carlson dated July 27, 2004.

Van and Sandra have approved the first concept dated July 23, 2004.

Nancy and Eric have approved the third concept dated July 27, 2004.
Bunny has given her conditional approval to the third concept dated July 27, 2004.

Haven't heard from anyone else.

Have I missed someone? If so, please let me know.

Thanks.

Fred Emry

fgemry@painehamblen.com

From
Subject
Date
To

"Charlie Cox" <ccox@usamedia.tv>
Settlement
Fri, July 30, 2004 1:54 pm
brnjusth@my180.net

Addendum # 2
to Schedule C

Dear Carolyn:

Karen has authorized me to agree to the following on her behalf. Karen has agreed to a new modified C along the following lines.

1.. Lot 1 will be modified by Meckel Engineer to take into account the area on the attached map of Concept C. The distance between the High water mark and the intersection of the line to connect to the Old Wood Road will move up the angle as represented in the Concept C drawing 20 feet.

2.. The allocation of the Summer Pool Level will be allocated based on the percentages in Schedule B using the methodology determined by Jim Meckel in the conversation with Fred Emry, Eric Carlson and Karen. Both Eric and Karen have agreed to send their understanding of that methodology to Meckel Engineering by Fax.

3.. Karen, her heirs and assigns will agree to never directly or indirectly attempt to prevent, or prevent the owners of Lot 4 or 5 and their renters from access to and from Old Wood Road between Swede Bay Road and Lots 4, 5, & 6.

Thank you.

Charlie Cox

Nancy Carlson Aug 3, 2004

Kriegbaum Daddleston
Aug 3, 2004

RECEIVED

SEP 23 2005

AFFIDAVIT OF PUBLICATION

IDWR/North

STATE OF IDAHO
County of Kootenai.

SS.

Kattie Hay

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 *Legal Notice*

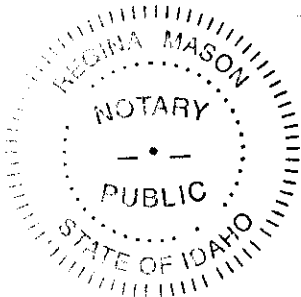
of which the annexed is a printed copy, was published in the regular *Thursdays* issue of said newspaper for *2* consecutive *weeks* commencing on the *15* day of *September*, 20*05*, and ending on the *22* day of *September*, 20*05*, and such publication was made as often during said period as said *Daily* 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 *Kattie Hay*. On this *22* day of *September* in the year of *2005*, before me, a Notary Public, personally appeared *Kattie Hay* known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Regina Mason

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

MY COMMISSION EXPIRES 6/18/09



The following application(s) have been filed to appropriate the public waters of the State of Idaho:

94-7407

LES D VAWTER
DANA VAWTER
PO BOX 226
OSBURN ID 83849
Point(s) of Diversion SENW S34 T49N R01W KOOTENAI County
Source GROUND WATER
Use: DOMESTIC 01/01 To 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 08/23/2005
Place Of Use: DOMESTIC
T49N R01W S34 SWNW SENW
Remark: Domestic use is for 1 home.

95-9295

SANDRA K LARSON-SWICK
RANDALL G SWICK
PO BOX 3185
COEUR D ALENE ID 83816
Point(s) of Diversion L1 (NWNW) S12 T49N R04W KOOTENAI County
Source COEUR D ALENE LAKE Tributary To SPOKANE RIVER
Use: DOMESTIC 01/01 To 12/31 0.03 CFS
Total Diversion: 0.03 CFS
Date Filed: 08/23/2005
Place Of Use: DOMESTIC
T49N R04W S1 SWSW
Remark: Domestic use is for 1 home.

95-9296

BART NELSON
PO BOX 1065
COEUR D ALENE ID 83814
Point(s) of Diversion L1 (NENW) S29 T50N R03W KOOTENAI County
Source COEUR D ALENE LAKE Tributary To SPOKANE RIVER
Use: DOMESTIC 01/01 To 12/31 0.2 CFS
Total Diversion: 0.2 CFS
Date Filed: 08/22/2005
Place Of Use: DOMESTIC
T50N R03W S29 NENW Lot 1
Remark: Domestic use will be for 5 homes

95-9297

PAUL ROBERGE
JOYCE ROBERGE
17222 N SMITH AVE
HAUSER ID 83854
Point(s) of Diversion NWSE S6 T51N R05W KOOTENAI County
Source GROUND WATER
Use: DOMESTIC 01/01 To 12/31 0.02 CFS
Total Diversion: 0.02 CFS
Date Filed: 08/12/2005
Place Of Use: DOMESTIC
T51N R05W S6 NESE NWSE
Remark: Domestic use is for 1 home.

95-9298

WOODLAND SHORES WATER & SEWER ASSOCIATION
4302 S TAMPA ST
SPOKANE WA 99223
Point(s) of Diversion (3) L3 (SWNE) S18 T48N R04W
Point(s) of Diversion L5 (NWSW) S17 T48N R04W
KOOTENAI County
Sources GROUND WATER
Use: MUNICIPAL 01/01 To 12/31 0.5 CFS
Total Diversion: 0.5 CFS
Date Filed: 09/06/2005
Place Of Use: MUNICIPAL
Remark: Municipal use is for applicants service area

96-9253

KOOTENAI LAND & TRUST LLC
PO BOX 1570
POST FALLS ID 83877
Point(s) of Diversion (2) L2 (NWNE) S1 T53N R03W KOOTENAI County
Source GROUND WATER
Use: MUNICIPAL 01/01 To 12/31 0.3 CFS
Total Diversion: 0.3 CFS
Date Filed: 07/29/2005
Place Of Use: MUNICIPAL
Remark: Municipal use is within service area of applicant.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.
Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 1910 Northwest Blvd, Suite 210, Coeur D' Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 10/03/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director
Legal 7888
September 15, 22 2005

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

94-7407

LES D VAWTER
DANA VAWTER
PO BOX 226
OSBURN ID 83849
Point(s) of Diversion SENW S34 T49N R01W
KOOTENAI County
Source GROUND WATER
Use: DOMESTIC 01/01 To 12/31 0.04 CFS
Total Diversion: 0.04 CFS

Date Filed: 08/23/2005
Place Of Use: DOMESTIC
T49N R01W S34 SWNW SENW
Remark: Domestic use is for 1 home.

95-9295

SANDRA K LARSON-SWICK
RANDALL G LARSON
PO BOX 3185
COEUR D ALENE ID 83816
Point(s) of Diversion L1 (NWNW) S12 T49N R04W
KOOTENAI County
Source COEUR D ALENE LAKE Tributary To SPOKANE RIVER
Use: DOMESTIC 01/01 To 12/31 0.03 CFS
Total Diversion: 0.03 CFS

Date Filed: 08/23/2005
Place Of Use: DOMESTIC
T49N R04W S1 SWSW
Remark: Domestic use is for 1 home.

95-9296

BART NELSON
PO BOX 1065
COEUR D ALENE ID 83814
Point(s) of Diversion L1 (NENW) S29 T50N R03W
KOOTENAI County
Source COEUR D ALENE LAKE Tributary To SPOKANE RIVER
Use: DOMESTIC 01/01 To 12/31 0.2 CFS
Total Diversion: 0.2 CFS

Date Filed: 08/22/2005
Place Of Use: DOMESTIC
T50N R03W S29 NENW Lot 1
Remark: Domestic use will be for 5 homes

95-9297

PAUL ROBERGE
JOYCE ROBERGE
17222 N SMITH AVE
HAUSER ID 83854
Point(s) of Diversion NWSE S6 T51N R05W
KOOTENAI County
Source GROUND WATER
Use: DOMESTIC 01/01 To 12/31 0.02 CFS
Total Diversion: 0.02 CFS

Date Filed: 08/12/2005
Place Of Use: DOMESTIC
T51N R05W S6 NESE NWSE
Remark: Domestic use is for 1 home.

95-9298

WOODLAND SHORES WATER & SEWER ASSOCIATION
4302 S TAMPA ST
SPOKANE WA 99223
Point(s) of Diversion(3) L3 (SWNE) S18 T48N R04W
Point(s) of Diversion L5 (NWSW) S17 T48N R04W
KOOTENAI County
Sources GROUND WATER
Use: MUNICIPAL 01/01 To 12/31 0.5 CFS
Total Diversion: 0.5 CFS

Date Filed: 09/06/2005
Place Of Use: MUNICIPAL
Remark: Municipal use is for applicants service area

CONTINUED ON NEXT PAGE

96-9253

KOOTENAI LAND & TRUST LLC

PO BOX 1570

POST FALLS ID 83877

Point(s) of Diversion(2) L2 (NWNE) S1 T53N R03W

KOOTENAI County

Source GROUND WATER

Use: MUNICIPAL 01/01 To 12/31 0.3 CFS

Total Diversion: 0.3 CFS

Date Filed: 07/29/2005

Place Of Use: MUNICIPAL

Remark: Municipal use is within service area of applicant.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 1910 Northwest Blvd, Suite 210, Coeur D' Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 10/03/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director Published 9/15 and 9/22, 2005



State of Idaho

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450

Fax (208) 769-1454

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

September 07, 2005

Please FAX proof copy before publication
Thanks, Dianne

KATHIE SHOEMAKER & KATTIE HOY
LEGAL NOTICE DEPARTMENT
COEUR D ALENE PRESS
201 N 2ND
COEUR D ALENE ID 83814

e-mailed 9/7/05

RE: Application for Permit No. 94-7407, 95-9295, 95-9296, 95-9297, 95-9298, 96-9253

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, September 15 and 22, 2005, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 10/03/2005. Your cooperation is GREATLY appreciated. Thank you.

Sincerely

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, September 07, 2005 11:51 AM
To: Legal Notices-CdA Press (E-mail); Legal Notices-CDAPress-Kathie Shoemaker (E-mail)
Subject: Legal Notice for publication on September 15 and 22, 2005 - multiple water rights

A very good day to you,

Attached is our cover letter requesting publication of a legal notice on September 15 and 22, 2005.
Also attached is the legal notice.

If you have ANY questions, PLEASE CALL ME at 769-1450.

PLEASE SEND ME A PROOF PRIOR TO PUBLICATION.

This is a LONG one - and I hope you can just copy and paste and then we can adjust tabs if they need be. That should simplify it somewhat.

I appreciate your help - and I know this one can cause problems if you have to type it out from scratch.

Thanks for your help on these legals. I know they are often a headache - especially when they are long like this one.

Dianne

*Dianne Ball
Administrative Assistant
Idaho Dept of Water Resources
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814
Phone (208)769-1450 FAX (208)769-1454*



CoverLetter
9-07-05 CdA e-mai.



LegalNotice
9-07-05 CdA e-mai.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 07, 2005

SANDRA K LARSON-SWICK
RANDALL G LARSON
PO BOX 3185
COEUR D ALENE ID 83816

RE: Application for Permit No 95-9295

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right application. Please refer to the above referenced number in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the Coeur d'Alene Press on September 15 and 22, 2005. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved. A typical processing time for an unprotested application is about eight to twelve weeks.

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

Sincerely,

Gregory J. Taylor
Senior Water Resource Agent



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 29, 2005

JIM BRADY
IDAHO DEPARTMENT LANDS
3706 INDUSTRIAL AVE S
COEUR D'ALENE, ID 83815

FAXED TO JIM 8/29/05
5 pages total

Re: Water Permit Application No. 95-9295

Dear Jim:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application follows for your reference.

This office can publish notice of the application as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

We are sending this to you for your comments, and would appreciate receiving your comments by no later than **September 29, 2005**. If we do not hear from you by that date, we will assume that no comment from you means you have no objection to, concerns about, or conditions pertaining to the issuance of this permit.

You may send comments by regular mail to the address above, by FAX to 769-1454, or by e-mail to Dianne.Ball@idwr.idaho.gov.

Please contact this office if you have any questions regarding the application.

Sincerely,

Dianne Ball
Administrative Assistant



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 29, 2005

MARY TERRA-BERNS
IDAHO DEPARTMENT OF FISH AND GAME
2750 KATHLEEN AVE.
COEUR D'ALENE, ID 83815

FAXED TO MARY 8/29/05
5 pages total

Re: Water Permit Application No. 95-9295

Dear Mary:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application follows for your reference.

This office can publish notice of the application as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

We are sending this to you for your comments, and would appreciate receiving your comments by no later than **September 29, 2005**. If we do not hear from you by that date, we will assume that no comment from you means you have no objection to, concerns about, or conditions pertaining to the issuance of this permit.

You may send comments by regular mail to the address above, by FAX to 769-1454, or by e-mail to Dianne.Ball@idwr.idaho.gov.

Please contact this office if you have any questions regarding the application.

Sincerely,

Dianne Ball
Administrative Assistant

MEMORANDUM

Date: August 23, 2005
To: Water Right File 95-9295
From: gtaylor
Re: Comment/Analysis

Applicant was on her way to file an encroachment permit with the IDL.