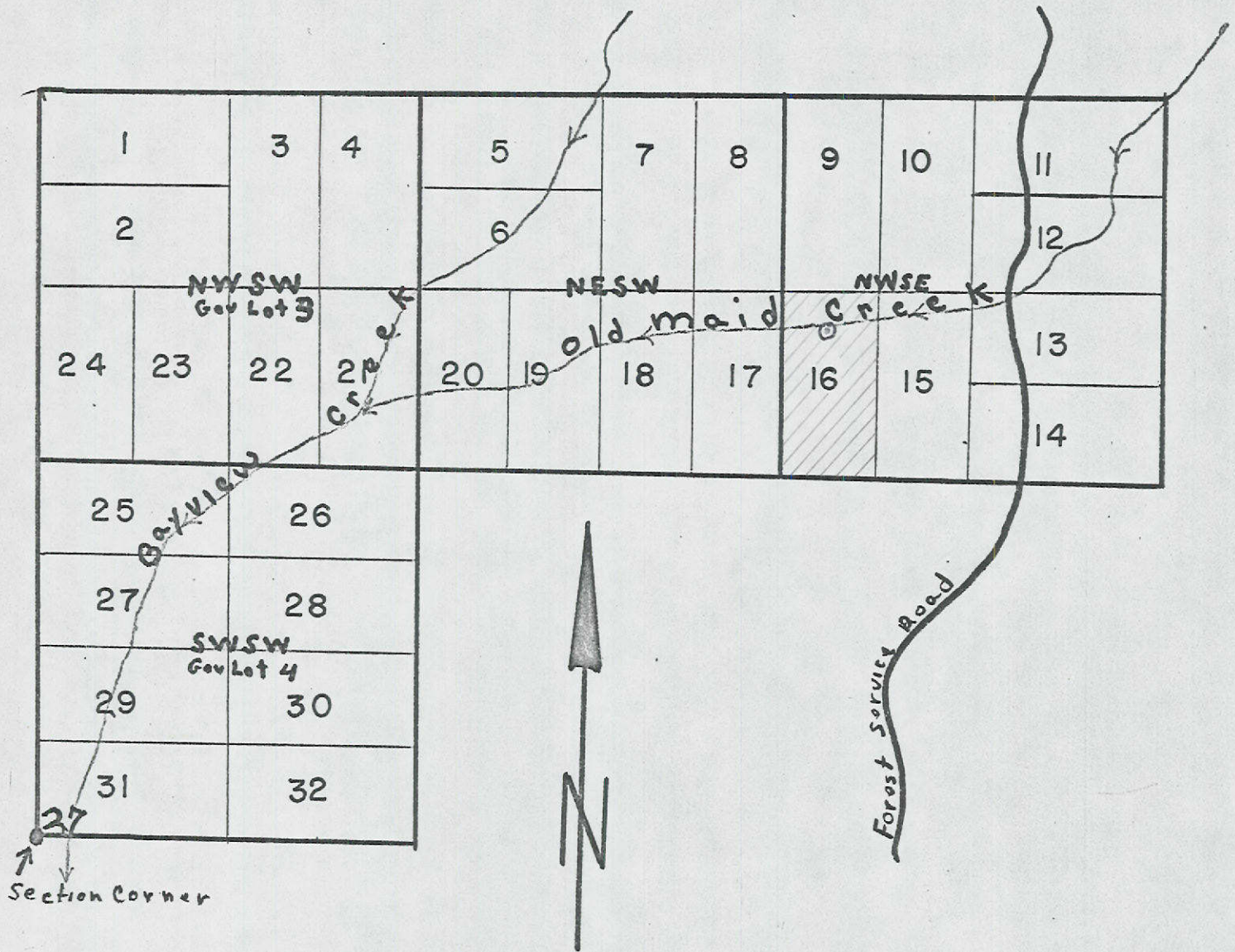
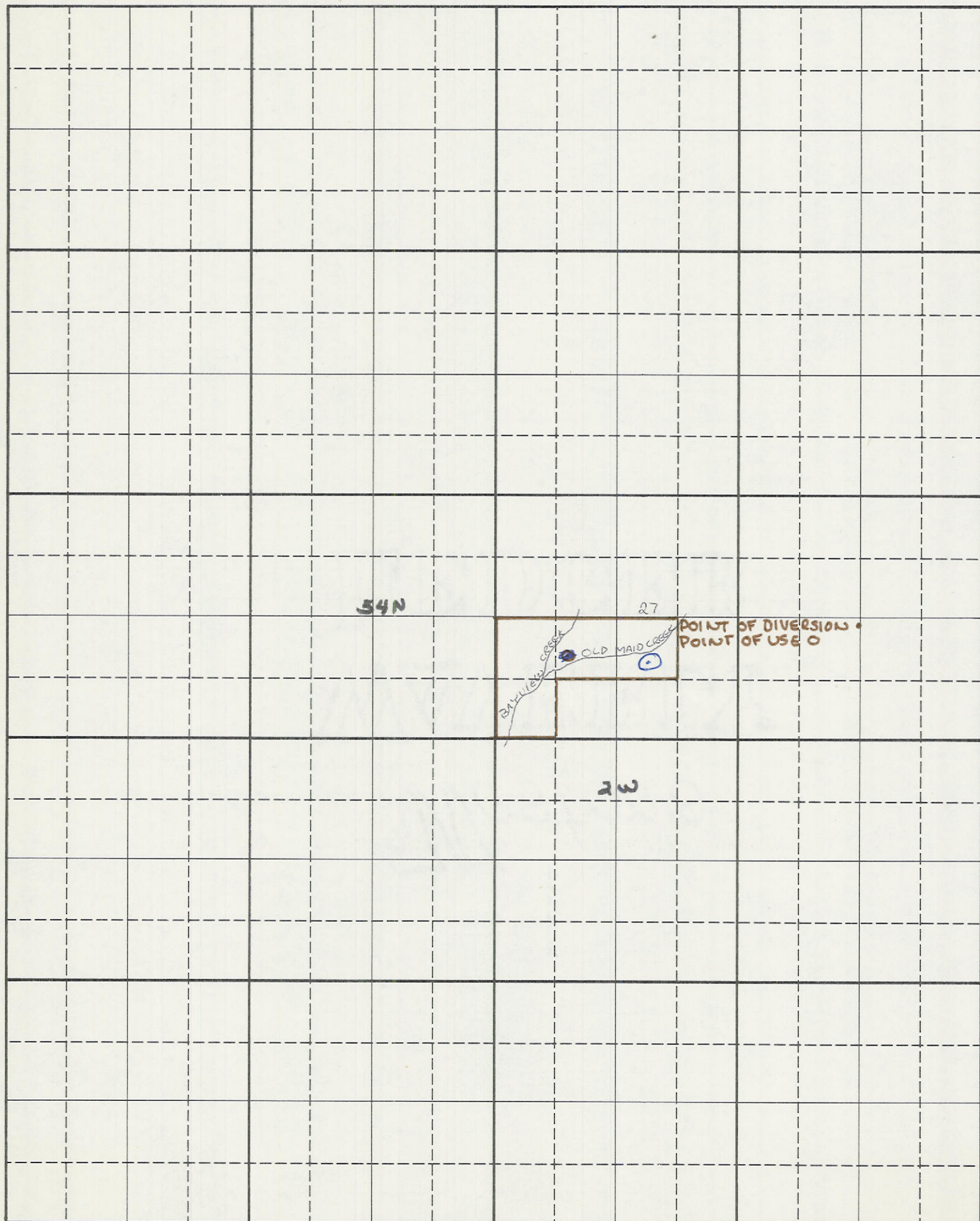


Sec. 27 TWP 54N RGE 2W
Bonner County Idaho



11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

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

Leihu Hansen
(Applicant)

96 7148

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 96-7148 Priority April 7, 1973 Amount 0.04 cfs
(late proof)

THIS IS TO CERTIFY, that KIT L. MASSENGALE
of Spokane, Washington, has complied with the terms and conditions of Permit
No. 96-7148 issued pursuant to Application for Permit dated March 30, 1973,
and has submitted proof to the Department of Water Resources on May 9, 1978,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.04 cfs of water from Old Maid Creek,
tributary to Pend Oreille Lake, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Domestic	from <u>January 1</u> to <u>December 31</u>	at <u>0.04</u> cfs and	<u>1.2</u> acre feet
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 0.04 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
1.2 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 27,
Twp. 54N, Rge. 2W, B.M., in the County of Bonner

Description and location of place of use:

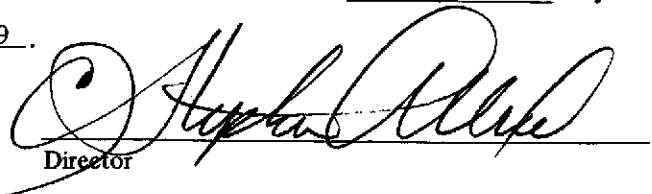
Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				Totals			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$
54N	2W	27																

Total number of acres irrigated _____

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this _____ day of
July, 19 79.


Director

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 96-7148
IN THE NAME OF KIT L. MASSENGALE

ORDER OF REINSTATEMENT

WHEREAS, on March 30, 1973, Richard Hansen filed with the Department of Water Resources an application for permit to appropriate 0.04 cubic feet per second of water from Old Maid Creek, tributary to the Pend Oreille Lake, to be diverted within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 27, Twp. 54N, Rge. 2W, B.M., Bonner County, to be used for domestic purposes; and,

WHEREAS, on May 4, 1973, the Department approved said application and issued Permit No. 96-7148 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before May 1, 1978; and,

WHEREAS, on February 28, 1978, the Department notified the permit holder by certified mail that proof of beneficial use of water was due and instructed the permit holder as to the steps to be taken to make said proof; and,

WHEREAS, on August 4, 1976, this permit was assigned to Kit L. Massengale; and,

WHEREAS, on May 1, 1978, this permit automatically lapsed for failure to submit the required proof of beneficial use of water; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within 60 days from the date of the lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing as to why said permit should be reinstated by submitting proof of beneficial use of water on May 9, 1978;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 96-7148 be REINSTATED and the priority advanced to April 7, 1973.

Dated this 24th day of May, 1978.

L. Glen Saxton

L. GLEN SAXTON
Chief, Operations Bureau

RECEIVED
MAY 10 1978

RECEIVED

State of Idaho

Department of Water Administration

AUG 9 1976

ASSIGNMENT OF PERMIT

Department of Water Resources

RECEIVED
AUG 4 1976
Department of Water Resources
Northern District Office

I, Richard Hansen, hereby assign to Kit L. Massengale
of 3328 E. 28th Ave., Spokane, Wa. 99203
Address

☒ All my right, title, and interest, in and to Permit No. 96-7348
to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and
to Permit No. _____ to appropriate the public waters of the State
of Idaho. (Describe that portion of the permit being assigned by list-
ing the acreage within each 40-acre subdivision, the point of diversion
and the amount of water in cubic feet per second for direct diversion,
or acre feet for storage.)

Made this 22nd day of July, 19 76.

Richard Hansen
Permit Holder

Shirley A. Hansen
Spouse of Permit Holder

State of Idaho)
County of Kootenai) ss.

On this 22nd day of July, 1976, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that they ~~(she)~~ (they) executed the same.

R. D. Satter
Notary Public residing at
Bayview, Idaho

My commission expires: (Lifetime)

Identification No. 96-7148

Tract No. 16

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Richard Hansen
post office address Bayview, Idaho 83803
2. Source of water supply Old Maid Creek which is a tributary of Pend Oreille Lake
3. a. Location of point of diversion is NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 27 Township 54N
Range 2W B.M. Bonner County; additional points of diversion if any: _____

- b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount .04 cfs for Domestic purpose from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. .04 cfs cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Pump and motor with pipeline to
place of use.

- b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ 1000.00.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 27 Township 54N
Range 2W B.M. (Tract 16)
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water 1.
(5) If water is to be used for other purposes describe: _____

96 7148

Total number of acres to be irrigated.

c. Describe any other water rights used for the same purposes as described above. None.

9. a. Who owns the property at the point of diversion

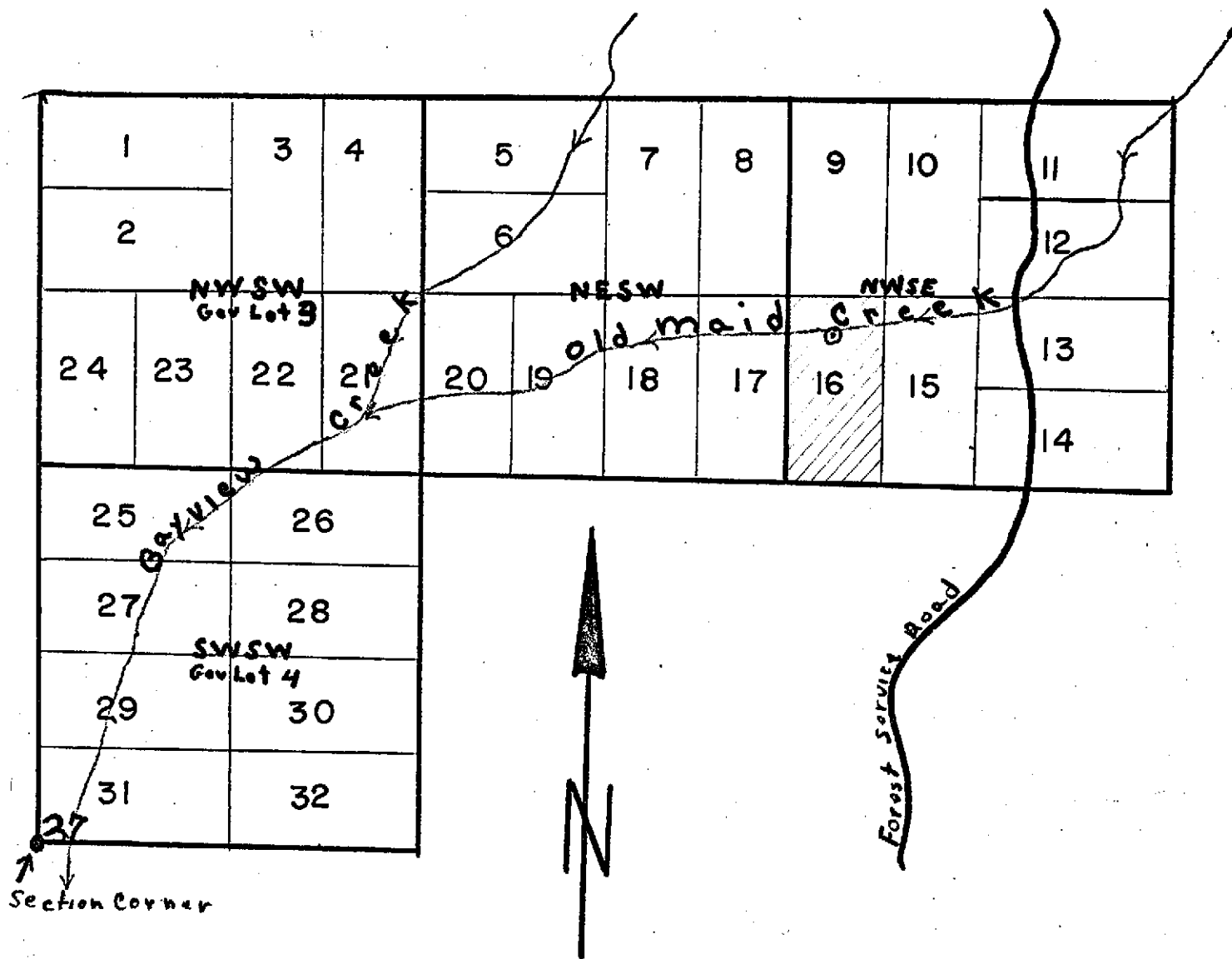
b. Who owns the land to be irrigated or place of use

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the

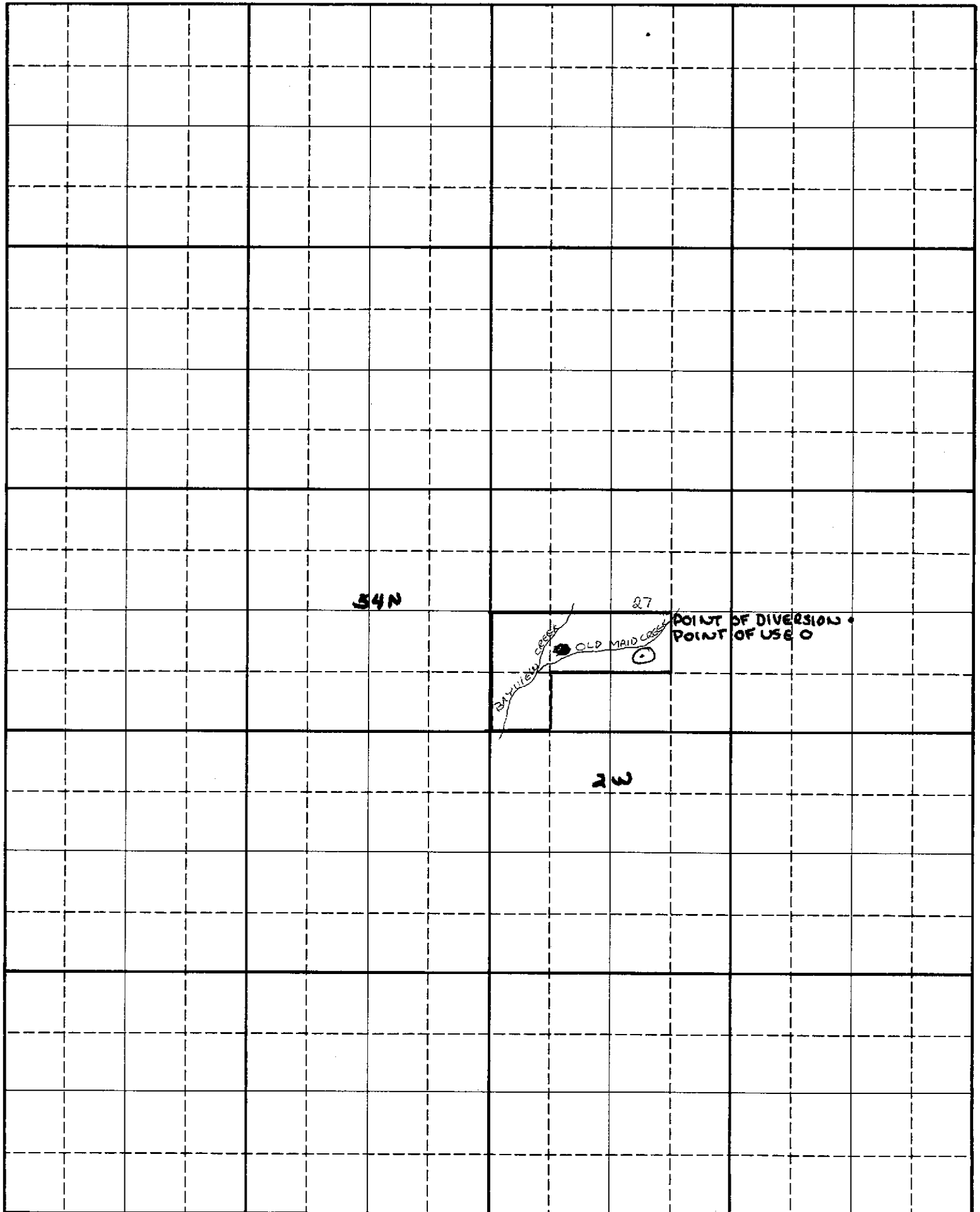
applicant to make this filing-

10. Remarks

Sec. 27 TWP 54N RGE 2W
Bonner County Idaho



11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

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

Robert Hansen
(Applicant)

96 7148

Received by EB Date 30 May 73 Time 11:00
 Preliminary check by EB Fee \$ 10.00
 Receipted by EB Date 30 May 73 # 8599 zsh
 Publication prepared by CR Date 4-6-73
 Published in SANDPOINT NEWS-BULLETIN
 Publication dates 4-12 & 4-19-73
 Publication approved CR Date 4-30-73
 Priority ~~reduced to~~ 3-30-73 Reason _____

 Protests filed by: _____

 Copies of protests forwarded by _____
 Hearing held by _____ Date _____
 Recommended for approval denial by dr BDF

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 96-7148, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before May 1, 19 78.
- c. Other: _____

2. Denial of said application is for the following reasons: _____

Witness my hand this 4 day of May 1973.

P. Keith Higgins
 Director

Affidavit of Publication

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

L. E. Pietsch being first duly sworn on

oath deposes and says that he is Publisher
of The Sandpoint News-Bulletin, a weekly
newspaper printed and published at Sandpoint,
Bonner County, Idaho; that the said Sandpoint
News-Bulletin has been continuously and unin-
terruptedly published in said Bonner County
during a period of 18 months or 78 weeks
prior to the first publication of the hereto
attached notice for publication in the case of
Notice of Applications For Permit, sub-
mitted by Richard Hansen, Bayview, Ida-
ho.

as it was published in the regular and entire issue
of the said paper for a period of two
consecutive weeks, commencing on the 12th
day of April, 1973, and end-
ing on the 19th day of April,
1973, and that said notice was published in said
newspaper, and not in supplemental form.

L. E. Pietsch
Subscribed and sworn to before me this

20th day of April, 1973.

Olyvia Powell

Notary Public for Idaho,
Residing at Sandpoint, Idaho.

NOTICE OF APPLICATIONS FOR PERMIT

Notice is hereby given that
Richard Hansen, Bayview, Ida-
ho, has on March 30, 1973,
submitted applications to ap-
propriate water to be used
from Jan. 1 to Dec. 31 for
domestic purposes, diverting
0.04 c.f.s. of water per appli-
cation as follows:

No. 96-7137 and 96-7138—
from Bayview Creek within
the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 27, T. 54N,
R. 2W, B.M., Bonner County, to
be used within the NE $\frac{1}{4}$ SW $\frac{1}{4}$,
Sec. 27, T. 54N, R. 2W, B.M.

No. 96-7139 and 96-7140—
from Old Maid Creek within
the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 27, T. 54N,
R. 2W, B.M., Bonner County, to
be used within the NE $\frac{1}{4}$ SW $\frac{1}{4}$,
Sec. 27, T. 54N, R. 2W, B.M.

No. 96-7141, 96-7142, 96-
7143, 96-7144, 96-7145, 96-
7146, 96-7147 and 96-7148—
from Old Maid Creek within
the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 27, T. 54N,
R. 2W, B.M., Bonner County,
to be used within the NW $\frac{1}{4}$ -
SE $\frac{1}{4}$, Sec. 27, T. 54N, R. 2W,
B.M.

No. 96-7149, 96-7150, 96-
7151, and 96-7152— from Old
Maid Creek within the NE $\frac{1}{4}$ -
SW $\frac{1}{4}$, Sec. 27, T. 54N, R. 2W,
B.M., Bonner County, to be
used within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec.
27, T. 54N, R. 2W, B.M.

No. 96-7153 and 96-7154—
from Bayview Creek within the
NW $\frac{1}{4}$ SW $\frac{1}{4}$ (Gov't. Lot 3),
Sec. 27, T. 54N, R. 2W, B.M.,
Bonner County, to be used with-
in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ (Gov't. Lot
3), Sec. 27, T. 54N, R. 2W,
B.M.

No. 96-7155 and 96-7156—
from Bayview Creek within the
SW $\frac{1}{4}$ SW $\frac{1}{4}$ (Gov't. Lot 4), Sec.
27, T. 54N, R. 2W, B.M., Bon-
ner County, to be used within
the NW $\frac{1}{4}$ SW $\frac{1}{4}$ (Gov't. Lot 3),
Sec. 27, T. 54N, R. 2W, B.M.

No. 96-7157, 96-7158, 96-
7159, 96-7160, 96-7161, 96-
7162, 96-7163, and 96-
7164— from Bayview Creek
within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ (Gov't.
Lot 4), Sec. 27, T. 54N, R.
2W, B.M., Bonner County, to be
used within the SW $\frac{1}{4}$ SW $\frac{1}{4}$
(Gov't. Lot 4), Sec. 27, T. 54N,
R. 2W, B.M.

If issued, these permits will
be subject to all prior water
rights. Protests against the
granting of the permits must be
filed with the Idaho Department
of Water Administration, 401
Front Avenue, Room 209,
Coeur d'Alene, Idaho 83814, on
or before April 30, 1973.

R. KEITH HIGGINSON
DIRECTOR

Published in the Sandpoint
News-Bulletin, Sandpoint, ID
on April 12 and April 19, 1973.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

January 16, 1997

SHERYL L LAURA
BOB E YOUNG
PO BOX 1281
RATHDRUM ID 83858

RE: Water Right License No. 96071482

Dear Ms. Laura and Mr. Young:

We acknowledge receipt of the correspondence changing ownership of the above referenced water right to you. We have modified our computer records to reflect this change in ownership. We have also enclosed a report regarding this water right.

If you have any questions regarding this matter, please feel free to contact us.

Sincerely,

A handwritten signature in cursive script that reads "Patti Harrell".

Patti Harrell, Secretary
Water Right Permits Section

Enclosure

MICROFILMED

JAN 24 1997

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP JAN 0 1997

Department of Water Resources

Please print or type. Attach pages with additional information. Instructions are on the back of this page.

Incomplete forms will be returned.

1. Water Right Number(s) 96-07148
Adjudication Claim Number(s) _____
2. The following **REQUIRED** information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) KIT MASSENGALE
3328 E 28TH AVE., SPOKANE WA 99203
4. New Owner/Claimant(s) Sheryl L. Laura and Bob E. Young
Name connector (Check one): ☒ AND, ☐ OR, ☐ AND/OR
New Mailing Address P.O. Box 1281
City, State and ZIP Code RATHDRUM, ID 83858
New Telephone Number (208) 687-0242
5. Date you acquired the property 12-12-96
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres actually irrigated _____ Number and type of stock _____
Diversion rate in CFS 0.04 Number of homes 1 Other uses NONE
cubic feet per second
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s) Sheryl L. Laura Date 12/30/96
Bob E. Young Date 12/30/96
8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

JAN 24 1997

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. Section 42-248 requires certain property holders to notify the Department of Water Resources (IDWR) of any change in mailing address or ownership of all or part of a water right record on file with IDWR. Section 42-1409(6) provides that new property owners must notify IDWR of any change in ownership of a water right during an adjudication of water rights, and, if a required claim for the water right has not been filed, to file the needed claim.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. If you would like any of these brochures, or if you have questions about completing this form, please contact your nearest IDWR office or call 1-800-451-4129.

If you need additional space to describe or explain any of the items on the form, please attach additional sheets to the form as you may require.

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter these number(s) at Item 1. If you or the seller believe there are water rights for the property but the numbers are unknown, you may wish to call IDWR or come into an office of IDWR for assistance in identifying the water rights for the property in question. If claims for the rights are required, and have not been filed, IDWR will so advise you.
2. The information described at Item 2 is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner of the water right and/or adjudication claim at Item 3.
4. The name, mailing address, and telephone number of the new owner(s) is entered at Item 4. Please indicate the relationship between multiple owners by using the connector "and", "or" or "and/or". If an "and" is used, all parties must sign this form. If an "and/or" or "or" is used, all parties may sign, however only one of the named parties is required to sign.
5. At Item 5, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.
6. If the property you have purchased is only a portion of the property owned by the former owner/seller, you may be purchasing only a portion of the total water right held by the seller. This means the water right held by the seller may be "split" to provide your share of the right in question. Be sure to include a description of the portion of the water right you have purchased at Item 6.

Please provide as much detail as possible concerning your water right: include the number of homes, irrigated acreage if more than 1/2 acre is irrigated, type and number of stock if your right is for stockwater, etc. In the absence of information to the contrary, IDWR will assume the intent is to split the rights *proportionately*.

7. The new owner(s) must sign the form in the space(s) provided at Item 7. Corporations and other organizations must submit a list of directors or officers demonstrating the authority of the director or officer to sign the form.
8. There is no filing fee. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

IDWR Western Region, 2735 Airport Way, Boise, ID 83705-5082 (208) 334-2190

IDWR Southern Region, 222 Shoshone St. E., Twin Falls, ID 83301-6105 (208) 736-3033

IDWR Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, ID 83814-2615 (208) 769-1450

IDWR Eastern Region, 900 N Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 (208) 525-7161

After Recording Mail to:

Easyway Escrow
101 Ironwood Dr. #226
Coeur D'Alene, ID 83814

WARRANTY DEED

FOR VALUE RECEIVED KIT L. MASSENGALE and CYNTHIA MASSENGALE, HUSBAND AND WIFE, the Grantors, do hereby grant, bargain, sell and convey unto BOB E. YOUNG, A SINGLE MAN, and SHERYL L. LAURA, A SINGLE WOMAN, the Grantees, whose address is P O BOX 1281, RATHDRUM, ID 83858, the following described premises, to-wit:

THE WEST HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER IN SECTION 27, TOWNSHIP 54 NORTH, RANGE 2 WEST, BOISE MERIDIAN, BONNER COUNTY, IDAHO

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees that they are the owners in fee simple of said premises; that said premises are free from all encumbrances except current and future taxes not yet due or payable, covenants, conditions, restrictions, easements and rights of way of record, and that they will warrant and defend the same from all lawful claims whatsoever.

Dated October ²⁵~~30~~, 1996

Kit L. Massengale
KIT L. MASSENGALE

Cynthia Massengale
CYNTHIA MASSENGALE

STATE OF WASHINGTON

COUNTY OF SPOKANE

On this ²⁵~~30~~ day of OCTOBER, 1996, before me, the undersigned notary public, personally appeared KIT L. MASSENGALE and CYNTHIA MASSENGALE, known or identified to me to be the person whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

[Signature]
Notary in and for the State of Washington
Residing at: Spokane
Commission Exp: 8/19/00

MICROFILMED
JAN 24 1997

After Recording Mail to:

Easyway Escrow
101 Ironwood Dr. #226
Coeur d'Alene, ID 83814

DEED OF TRUST

This Deed of Trust made this 23RD day of OCTOBER, 1996, between **BOB E. YOUNG, A SINGLE MAN**, and **SHERYL L. LAURA, A SINGLE WOMAN**, herein called GRANTORS, whose address is P O BOX 1281, RATHDRUM, ID 83858, **ALLIANCE TITLE AND ESCROW CORP.**, herein called TRUSTEE, whose address is 105 PINE ST., SANDPOINT, ID 83864, and **KIT L. MASSENGALE and CYNTHIA MASSENGALE, HUSBAND AND WIFE**, herein called BENEFICIARY.

WITNESSETH that Grantor does hereby irrevocably grant, bargain, sell and convey to Trustee in trust with power of sale, that property in BONNER County, Idaho, described as follows, and not containing more than twenty acres:

THE WEST HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER IN SECTION 27, TOWNSHIP 54 NORTH, RANGE 2 WEST, BOISE MERIDIAN, BONNER COUNTY, IDAHO

NO MERCHANTABLE TIMBER MAY BE CUT OR HARVESTED WITHOUT WRITTEN CONSENT OF THE SELLER EXCEPT THAT WHICH IS DEAD OR DYING OR THAT WHICH IS TO BE USED FOR PERSONAL HOUSEHOLD USES SUCH AS FENCEPOSTS, FIREWOOD, DRIVEWAY, BUILDING, ETC.

Together with the rents, issues and profits thereof, Subject however to, to the right, power and authority hereinafter given to and conferred upon Beneficiary to collect and apply such rents, issues and profits.

For the purpose of securing payment of the indebtedness evidenced by a promissory note, of even date herewith, executed by Grantor in the sum of **Nineteen Thousand Five Hundred and 00/100 Dollars, (\$19,500.00)**, final payment due **OCTOBER 30, 2006** and to secure payment of all such further sums as may hereafter be loaned or advanced by the Beneficiary herein to the Grantor herein, or any or either of them while record owner of present interest, for any purpose, and of any notes, drafts or other instruments representing such further loans, advances or expenditures together with interest on all such sums at the rate therein provided. Provided, however, that the making of such further loans, advances or expenditures shall be optional with the Beneficiary, and provided, further, that it is the express intention of the parties to this Deed of Trust that it shall stand as continuing security until paid for all such advances together with interest thereon.

A. To protect the security of this Deed of Trust, Grantor agrees:

1. To keep said property in good condition and repair; not to remove or demolish any building thereon, to complete or restore promptly and in good and workmanlike manner any building which may be constructed, damaged or destroyed thereon and to pay when due all claims for labor performed and materials furnished thereof; to comply with all laws affecting said property or requiring any alterations or improvements to be made thereon; not to commit or permit waste thereof; not to commit, suffer or permit any act upon said property in violation of law; to cultivate, irrigate, fertilize, fumigate, prune and do all other acts which from the character or use of said property may be reasonably necessary, the specific enumerations herein not excluding the general.
2. To provide, maintain and deliver to Beneficiary fire insurance satisfactory to and with loss payable to Beneficiary. The amount collected under any fire or other insurance policy may be applied by Beneficiary upon any indebtedness secured hereby and in such order as Beneficiary may determine, or at option of Beneficiary the entire amount so collected or any part thereof may be released to Grantor. Such application or release shall not cure or waive any default or notice of default hereunder or invalidate any act done pursuant to such notice.
3. To appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of Beneficiary or Trustee; and to pay all costs and expenses, including cost of evidence of title and attorney's fees in a reasonable sum, in any such action or proceeding in which Beneficiary or Trustee may appear.
4. To pay; at least ten days before delinquency all taxes and assessments affecting said property, when due, all encumbrances, charges and liens, with interest, on said property or any part thereof, which appear to be prior or superior hereto; all costs, fees and expenses of this Trust. In addition to the payments due in accordance with the terms of the note hereby secured, the Grantor shall, at the option and on demand of the Beneficiary, pay each month 1/12 of the estimated annual taxes, assessments, insurance premiums, maintenance and other charges upon the property, nevertheless in trust for Grantor's use and benefit and for the payment by Beneficiary of any such items when due. Grantor's failure so to pay shall constitute a default under this trust.
5. To pay immediately and without demand all sums expended by Beneficiary or Trustee pursuant to the provisions hereof, with interest from date of expenditure at legal interest rate.
6. Should Grantor fail to make any payment or to do any act as herein provided, then Beneficiary or Trustee, but without obligation so



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

January 6, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

SHERYL LAURA
23355 N CONCREST
RATHDRUM ID 83858

RE: Application for Permit No. 96-08949 and License No 96-07148

Dear Ms. Laura;

Thank you for your prompt response to my letter of December 17, 1996. I have received your withdraw of application 96-08949 and change of ownership of license 96-07148. Both documents are now being processed.

This letter confirms your withdrawal of your application. That application is now null and void.

You should receive a separate confirmation of the change of ownership of the license.

If you have any questions or require further water right assistance, you may contact me directly at (208) 327-7944.

Respectfully,

Cindy Zimmerman
Water Resource Agent

MICROFILMED
JAN 24 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

December 17, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

SHERYL LAURA
23355 N CONCREST
RATHDRUM ID 83858

RE: Application for Permit No. 96-08949 and License 96-07148

Dear Ms. Laura;

In follow-up to our telephone conversation today, I talked with Bob Young, your co-owner in the Massengale property. Mr. Young stated that Mr. Massengale had used water from Old Maid Creek every year each summer for domestic use with his camper. As I explained to you and to Mr. Young, a water right license is real property and goes with the land unless specifically excluded or has been abandoned through five years of non-use. I understand that neither scenerio fits this case.

Mr. Young asked that the license, 96-07148 be put in your name. I have enclosed a change of ownership form for you to complete and return along with a copy of your deed to the department.

I explained to Mr. Young, the license, 96-07148, is for 0.04 cfs and 1.2 acre-feet, the maximum allowable for a single domestic use. Your application for permit is an unnecessary duplication on the license. Mr. Young asked that I also send to you a form to withdraw the application. If you agree with withdrawing the application, please sign the form and return it with the change of ownership from in the envelope provided.

If you have any questions, you can contact me directly at (208) 327-7944.

Respectfully,

A handwritten signature in cursive script that reads 'Cindy Zimmerman'.

Cindy Zimmerman
Water Resource Agent

Enclosures

MICROFILMED

JAN 24 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 384-2215

July 31, 1979

Kit L. Massengale
3328 E. 28th Ave.
Spokane, WA 99201

Dear Mr. Massengale:

RE: Water Right No. 96-7148

Enclosed is a copy of the Water Right License issued on the above referenced permit.

Sincerely,

Jan Grover
JAN GROVER
Water Rights Supervisor

JG:lr

Enclosure

MICROFILMED

RECEIVED

FIELD REPORT

1. Name of permit holder Rit L. Massengale
Post office address 3328 E. 28th Ave., Spokane, WA 99203 Phone 509-535-1193

Department of Person to contact
Northern District Office
Water Resources

2. Source of water supply: Groundwater ☐ Surface water ☒ Old Maid Cr.
(name spring, stream, etc.)
Tributary to Pond Oreille Lake

3. Water will be used for the following purposes:

Amount 0.04 c.f.s. for Dom ()
 _____ AF/Annum (nature of use)

Period of Use: from 1/01 to 12/31
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
 _____ AF/Annum _____ (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
 _____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Other uses: _____

4. Total amount to be appropriated:

Max Rate of Diversion 2.07 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 547 N/S, Range 2W E/W, B.M., Section 27, Subdivision Nw 1/4 Se 1/4, Bonner
County

Township_____N/S, Range_____E/W, B.M., Section_____, Subdivision_____1/4_____1/4_____

County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4 _____
County _____

Other Points of Diversions: _____

Description of diverting works: portable pump, used 3-4 days/wk

Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

[illegible]**TOTAL ACREAGE**

MICROFILMED

Diagram of System

Diagram of System

[illegible]

DATE OF EXAM 5/30/79

ACREAGE

Found

Recommended

Irrigation Requirement Ac Ft/Ac

USE

Irrigation Q= c.f.s. V= AF/Ann. from to

Domestic Q= 0.04 c.f.s. V= 1.2 AF/Ann. from 1-1 to 12-31

Livestock Q= c.f.s. V= AF/Ann. from to

Is water co-mingled? yes no ✓

Name source:

twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4

County

Exchange? yes no ✓

Name source exchanged with:

twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4

County

Point of injection:

twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4

County

Point of exchange:

twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4

County

Total Q measured Method of measurement Est

Total Q recommended 0.04 Meter No. Type Condition

Total V recommended 1.2

Recommended Amendments:

P.D.

Place of Use

Other

None ✓

MEASUREMENT CALCULATION:

SYSTEM DESCRIPTION:

3 hp Briggs & Stratton Engine #1CCG/79/22307 placed beside
stream in pool with hose to place of use

REMARKS:

Mr. Masengale Ave. at present a camper is the dwelling

Examiner's Signature J. W. Key Date 5-30-79

Checked by Bob Haynes Date 6/12/79

Approved by Date

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN V. EVANS
Governor
C. STEPHEN ALLRED
Director

4055 Government Way
Coeur d'Alene, ID 83814
(208) 667-6484

March 8, 1979

M. Kit L. Massensale
3328 E. 28th Avenue
Spokane, Washington 99203

RE: 96-7148

Dear M. Massensale:

The final stage of obtaining a water right through the permit process requires that an examination of the water system be conducted by a representative of this Department. I would, therefore, like to conduct the required exam in the near future.

Please inform me what person I can contact for assistance in gaining access to the system and determine which homes are a part of the system.

Thank you for your cooperation.

Sincerely,

TOM D. KING
Senior Water Resource Agent

TDK/pms

96-7148

MAILED
MAR 11 1979

May 25, 1978

Re: Permit No. 96-7148

Mr. Kit L. Massengale
3328 E. 28th Avenue
Spokane, WA 99203

Dear Mr. Massengale:

Enclosed is an order of reinstatement. Please note that the priority has been advanced to April 7, 1973.

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

If you have any questions regarding the field examination, please contact our Regional Office in Coeur d'Alene.

Sincerely,

JANICE RENK
Water Rights

MICROFILMED

RECEIVED

MAY 9 1978

Department of Water Resources
Northern District Office

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Identification No. _____

Permit No. 96-7148

RECEIVED

MAY 11 1978

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Department of Water Resources

1. a) Name of Permit Holder Kit L Massengale
b) Post Office Address 3328 E 28th Ave, Spokane, Wa 99203 509-535-1193
2. Permit Number 96-7148
3. Date of Priority that you are prepared to establish March 30, 1973
4. a) Source from which water was appropriated Old Maid Creek
b) Location of the point of diversion: NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 27
Township 54N, Range 2W Boise Meridian, Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied:
Amount 0.04 for domestic purposes from Jan 1 to Dec 31 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 0.04 cfs and/or acre-feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: _____
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: _____
b) Describe the agreement or understanding by which you take water from the works: _____
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) permit holder parks camper on recreational sight and puts portable pump into stream and pumps to camper. He uses the site year around for as much as 3-4 days per week. *(Case discussed with Glen Saxon by Alea Beito by telephone on May 9, 1978. He interpreted it as diverted and beneficially used.)
b) Describe the type and size of measuring device which you have installed at your point of diversion: _____
c) Give well driller's name and address and the date the well was completed: _____
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use:
Domestic use for one recreational household

Exam typed

5/16/78
By [Signature]



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

February 28, 1978

CERTIFIED MAIL

138386

Re: Permit No. 96-7148

Kit L. Messengale
3328 E. 26th Ave.
Spokane, Washington 99203

Dear Mr. Messengale:

One of the conditions of approval of your water Permit No. 96-7148 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before May 1, 1978. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.

Norman C. Young
NORMAN C. YOUNG
Administrator,
Resources Administration Division

NCY:jfr

Encl: Proof affidavit

August 24, 1976

Re: Permit No. 96-7148

Kit L. Massengale
3329 E. 28th Ave.
Spokane, WA 99203

Dear Mr. Massengale:

We acknowledge receipt of the assignment conveying the above referenced permit to you. The assignment has been recorded and the Department's records have been changed.

Sincerely,

JANICE RENK
Secretary, Water Rights

jfr

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2

Boise, Idaho 83707

(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

May 8, 1973

Re: Permit Nos. 96-7137, 96-7138, 96-7139,
96-7140, 96-7141, 96-7142, 96-7143, 96-7144,
96-7145, 96-7146, 96-7147, 96-7148, 96-7149,
96-7150, 96-7151, 96-7152, 96-7153, 96-7154,
96-7155, 96-7156, 96-7157, 96-7158, 96-7159,
96-7160, 96-7161, 96-7162, 96-7163, & 96-7164

Mr. Richard Hansen
Bayview,
Idaho 83803

Dear Mr. Hansen:

Enclosed are copies of the above referenced approved Application for Permits.

We direct your attention to the conditions of approval as listed on the fourth page.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:cd

Enclosures

96 7148

April 6, 1973

Re: Application Nos. 96-7137 through 96-7164 - Richard Hansen
" " 96-7166 - Mark L. &/or Donna Cowdrey
Claim No. 96-4051 - Mr. & Mrs. Jacob C. Stappler
" " 96-4052 - Frank Hubbard
" " 96-4053 - John M. &/or Irene E. Dunn
" " 96-4054 - John M. &/or Irene E. Dunn

Sandpoint News-Bulletin
P.O. Box 218
Sandpoint, ID 83864

Gentlemen:

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

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

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

Fred Eisenbarth
Northern District Manager

Bill submitted 4-30-73 by CR

FE:CR

Enc: Legal Notices (6)

96 7148

NOTICE OF APPLICATIONS FOR PERMIT

Notice is hereby given that Richard Hansen, Bayview, Idaho, has on March 30, 1973, submitted applications to appropriate water to be used from Jan. 1 to Dec. 31 for domestic purposes, diverting 0.04 c.f.s. of water per application as follows:

No. 96-7137 and 96-7138 - from Bayview Creek within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 27, T. 54N, R. 2W, B.M., Bonner County, to be used within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 27, T. 54N, R. 2W, B.M.

No. 96-7139 and 96-7140 - from Old Maid Creek within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 27, T. 54N, R. 2W, B.M., Bonner County, to be used within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 27, T. 54N, R. 2W, B.M.

No. 96-7141, 96-7142, 96-7143, 96-7144, 96-7145, 96-7146, 96-7147 and 96-7148 - from Old Maid Creek within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 27, T. 54N, R. 2W, B.M., Bonner County, to be used within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 27, T. 54N, R. 2W, B.M.

No. 96-7149, 96-7150, 96-7151, and 96-7152 - from Old Maid Creek within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 27, T. 54N, R. 2W, B.M., Bonner County, to be used within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 27, T. 54N, R. 2W, B.M.

No. 96-7153 and 96-7154 - from Bayview Creek within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ (Gov't. Lot 3), Sec. 27, T. 54N, R. 2W, B.M., Bonner County, to be used within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ (Gov't. Lot 3), Sec. 27, T. 54N, R. 2W, B.M.

No. 96-7155 and 96-7156 - from Bayview Creek within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ (Gov't. Lot 4), Sec. 27, T. 54N, R. 2W, B.M., Bonner County, to be used within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ (Gov't. Lot 3), Sec. 27, T. 54N, R. 2W, B.M.

No. 96-7157, 96-7158, 96-7159, 96-7160, 96-7161, 96-7162, 96-7163, and 96-7164 - from Bayview Creek within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ (Gov't. Lot 4), Sec. 27, T. 54N, R. 2W, B.M., Bonner County, to be used within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ (Gov't. Lot 4), Sec. 27, T. 54N, R. 2W, B.M.

If issued, these permits will be subject to all prior water rights. Protests against the granting of the permits must be filed with the Idaho Department of Water Administration, 401 Front Avenue, Room 209, Coeur d'Alene, Idaho 83814, on or before April 30, 1973.

R. KEITH HIGGINSON
DIRECTOR

Published in the Sandpoint News-Bulletin, Sandpoint, ID on April 12 and April 19, 1973.