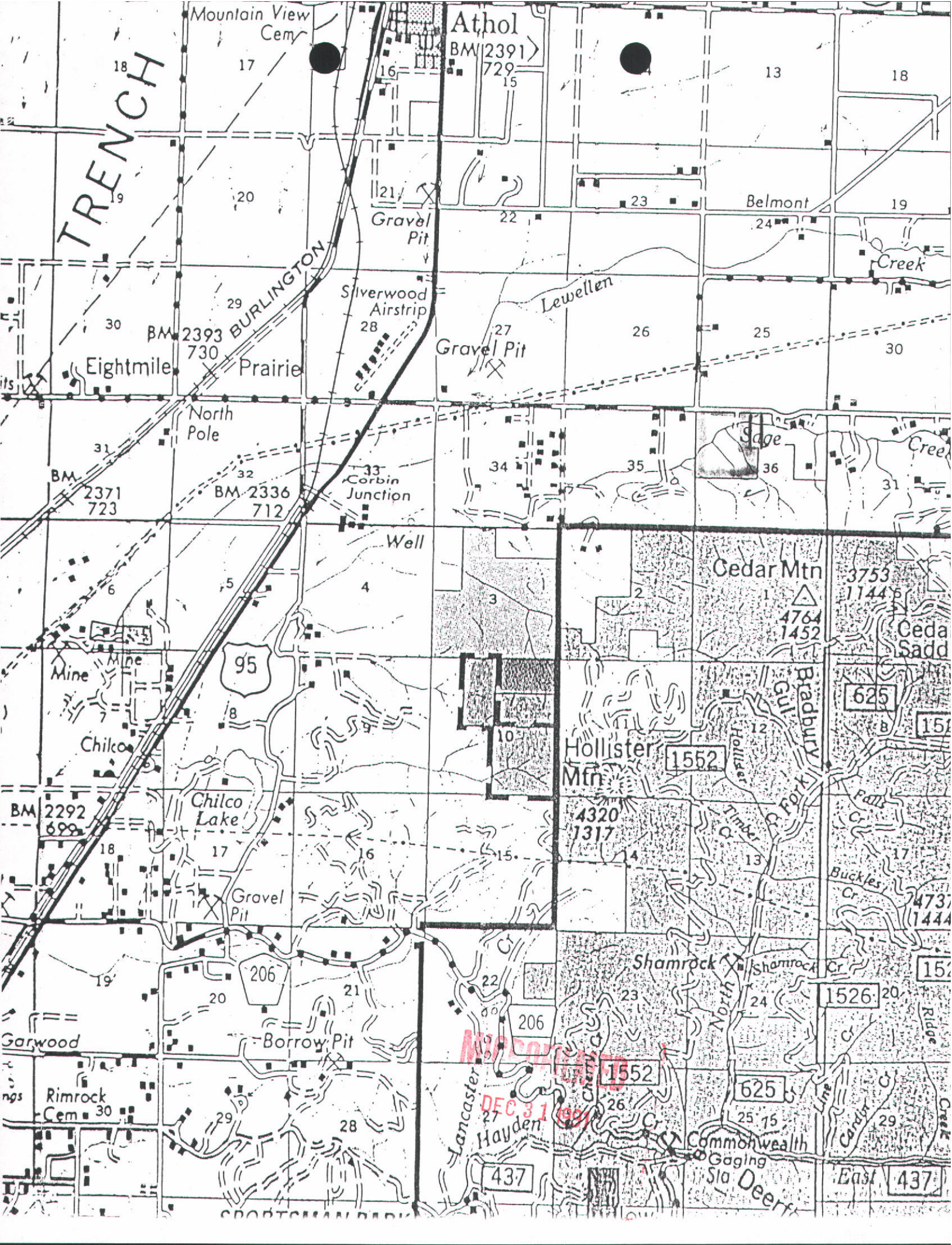




RECEIVED
DEC 06 1991

Department of Water Resources



December 3, 1991

Dept. of Water Resources
State House
Boise, Idaho 83720

Dear Sirs:

The Ueberroth Family Trust has purchased approximately 150 acres of land as described in the enclosed copy of the deed. Peter and Jenny Ueberroth (trustees) have requested that this name appear with the following water rights which we believe to be on the 150 acres - WR5809 No. 96-07948, WR5809 No. 96-04278, WR5809 No. 96-04277, WR5809 No. 96-04003. The first three rights now have the names Linnea and Rick Kuhnhausen and the last right has the name Milan and Maria Fiala.

Please contact me if there is a fee for this service or if there is a correction to be made or when the change of name with the water right has been made.

Sincerely,

Mick Blakely

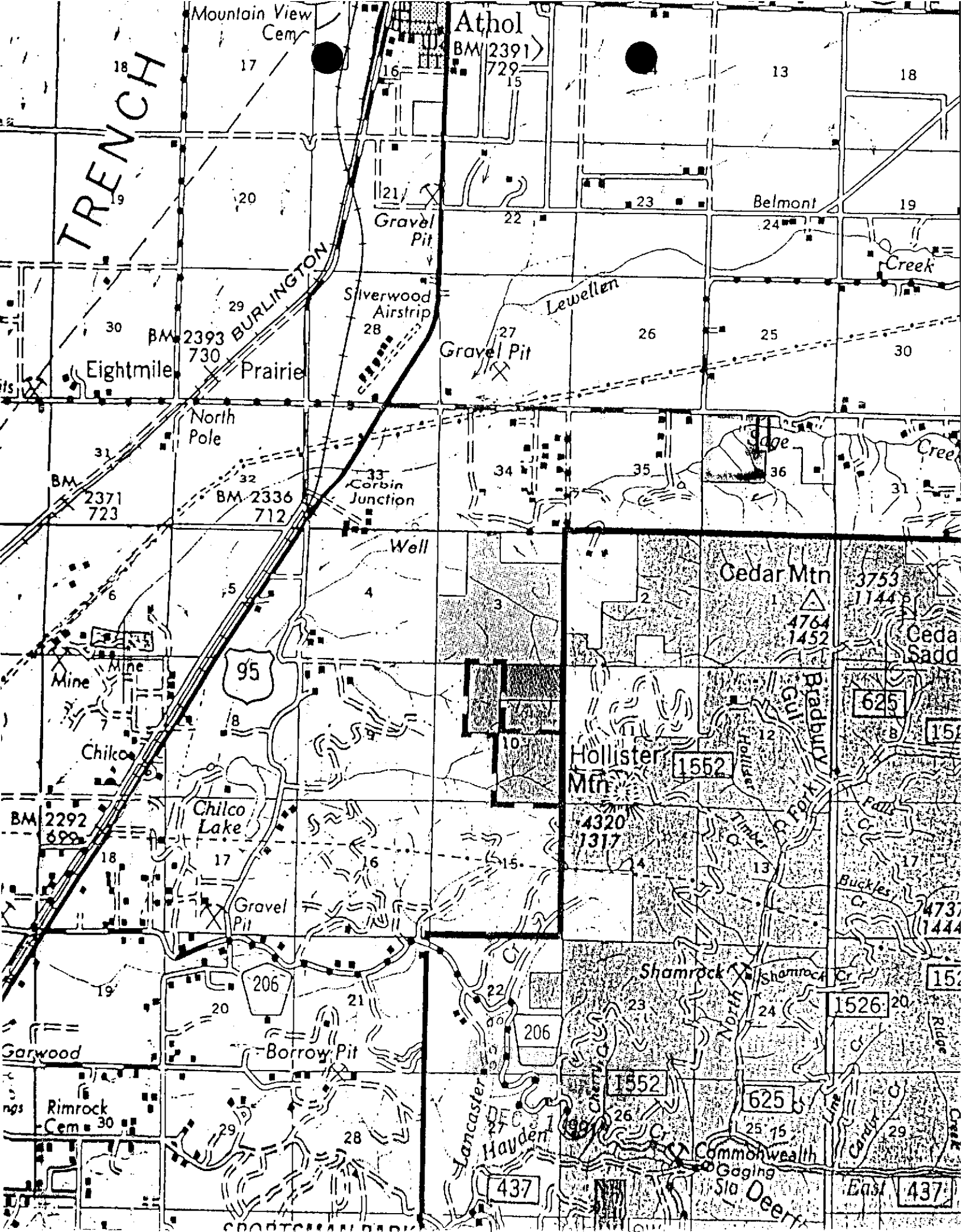
Mick Blakely
Associate Broker

MB/kd

RECEIVED
DEC 31 1991

HOPE REALTY

1410 Lincoln Way ■ Coeur d'Alene, Idaho 83814 ■ (208) 765-3641
Residential ■ Commercial ■ Investment ■ Acreage ■ Lake Property ■ Business ■ Farm & Ranch
FAX (208) 667-0842



WARRANTY DEED

1237681

For Value Received RICK J. KUHNHAUSEN and LINNEA A. KUHNHAUSEN, husband and wife, the grantor(s), do(es) hereby grant, bargain, sell, and convey unto PETER V. UEBERROTH and VIRGINIA M. UEBERROTH, as Trustees under the UEBERROTH FAMILY TRUST, dated June 27, 1986, the Grantee(s), whose current address is P.O. Box 100, Laguna Beach, CA 92652 the following described premises, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF FOR LEGAL DESCRIPTION

SUBJECT TO a Mortgage executed by WILLIAM P. FISHER, JR. and CANDACE FISHER, husband and wife (Mortgagor) for MILAN P. FIALA and MARIA A. FIALA, husband and wife (Mortgagee), recorded OCTOBER 15, 1979, as instrument number 822419, records of Kootenai County, Idaho.

The grantee(s) herein, hereby agree(s) to assume said Mortgage and any obligations thereunder, and further agree(s) to pay and satisfy the debt secured therein according to the terms and conditions thereof.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), their/heir/his/its heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the said Grantee(s), that he/she/it/they is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances except current taxes, restrictions and easements of record and that he/she/it/they will warrant and defend the same from all lawful claims whatsoever.

Dated: OCTOBER 7, 1991

Rick J. Kuhnhausen
RICK J. KUHNHAUSEN

Linnea A. Kuhnhausen
LINNEA A. KUHNHAUSEN

Peter V. Ueberroth
PETER V. UEBERROTH, Trustee
UEBERROTH FAMILY TRUST

Virginia M. Ueberroth
VIRGINIA M. UEBERROTH, Trustee
UEBERROTH FAMILY TRUST

DEC 31 1991



014751 H). 12802

EXHIBIT "A"

1237861

The Northwest Quarter of Section 36, Township 53 North, Range 3 West, B.M.,
Kootenai County, State of Idaho.

EXCEPT that portion described as follows:

A part of the Northeast Quarter of the Northwest Quarter of Section 36, Township
53 North, Range 3 West, B.M., as described as follows:

BEGINNING at the North Quarter corner of said Section 36; thence

South along the East line of said Northeast Quarter of the Northwest Quarter, a
distance of 1000 feet; thence

West, a distance of 250 feet; thence

North parallel with said West line, a distance of 500 feet; thence

West, a distance of 371.2 feet; thence

North, a distance of 500 feet to the North line of said Section 36; thence

East along said Section line, a distance of 621.2 feet to the POINT OF BEGINNING.

AND EXCEPT that portion conveyed to Lakes Highway District by Quitclaim Deed
recorded August 13, 1991.

FEB 11 1991

1237881

STATE OF Colorado)
) SS
 COUNTY OF Boulder)

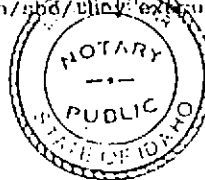
On This 6th day of November In the year
 before me, a Notary Public in and for said State, personally appeared
 LINNEA A. KUHNHAUSEN, known or identified to me to be the person
 whose name(s) is/are subscribed to the within instrument, and
 acknowledged to me that he/she/they executed the same.

[Signature]
 Notary Public of State of Colorado
 Residing at _____
 Commission Expires January 23, 1991

STATE OF IDAHO)
) SS
 COUNTY OF KOOTENAI

On this 7th day of October, 1991, before me, a
 Notary Public in and for said State, personally appeared PETER V.
 UEBERROTH and VIRGINIA M. UEBERROTH known or identified to me to be
 the person(s) whose name(s) is/are subscribed to the within instrument
 as Trustee, and acknowledged to me that he/she/they executed the same
 as such Trustee.

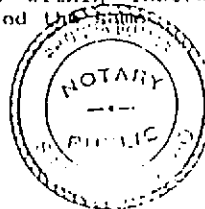
[Signature]
 Residing at: CDM
 Commission Expires: 6-20-94



STATE OF IDAHO)
) SS
 COUNTY OF KOOTENAI

On This 7th day of November In the year 1991
 before me, a Notary Public in and for said State, personally appeared
 RICK J. KUHNHAUSEN, known or identified to me to be the person(s)
 whose name(s) is/are subscribed to the within instrument, and
 acknowledged to me that he/she/they executed the same.

[Signature]
 Notary Public of IDAHO
 Residing at IDA
 Commission Expires 6-20-94



DEC 31 1991

RECEIVED

JUL 6 1987

Department of Water Resources
Northern District Office

ASSIGNMENT

Department of Water Resources

JUL 13 1987

WILLIAM P. FISHER and CANDACE C. FISHER, husband and wife, hereinafter referred to as "Fishers", do hereby assign all of their right, title and interest in and to any water rights they presently have, including any water rights they have by appropriation or by claims to water rights filed with the Idaho Department of Water Resources which is utilized by the Fishers appurtenant to the real property described below unto RICK J. KUHNHAUSEN and LINNEA A. KUHNHAUSEN, husband and wife, hereinafter referred to as "Kuhnhausens."

This Assignment shall include specifically, without limiting the foregoing, to any right, title and interest Fishers have in water rights located in the NW $\frac{1}{4}$ of Section 36, Township 53 North, Range 3 W.B.M.

This Assignment shall include specifically, without limiting the foregoing, to any right, title and interest Fishers have to: 1) Approved Water Permit No. 96-7946 the Extension thereof; 2) Approved Water Permit No. 96-7947 and Extension thereof; 3) Water Right License No. 96-7948 and its preceeding Approved Water Permit of the same number; 4) Water Right Claim No. 96-4277; and 5) Water Right Claim No. 96-4278.

By this document the right for continued use is formally acknowledge and/or assigned. Said use shall

MICROFILMED

AUG 25 1987

include the right or continued use and maintenance of said creek at the date of execution of this Assignment.

IN WITNESS WHEREOF, the Fishers have hereto set their hands this 23rd day of ~~July~~ ^{JUNE}, 1987.

WPF
CCF

William P. Fisher

WILLIAM P. FISHER

Candace C. Fisher

CANDACE C. FISHER

STATE OF IDAHO)
) ss.
County of Kootenai) June

On this 23rd day of ~~July~~, 1987, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared WILLIAM P. FISHER and CANDACE C. FISHER, husband and wife, known to me to be the persons whose names are subscribed to the within and foregoing instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Ros Hall

Notary Public for the State of Idaho
Residing at Post Falls
My commission expires 9/21/88

RECORDED

AUG 25 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES



CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Wm. & Candace Fisher
(Name of Claimant)
Rte 1, Box 92, Athol, ID 83801 Telephone No. 683-2746
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) 7/1965
A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) Spring tributary to Sage Creek **WE CF**

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

Quantity	(cfs, gpd, AFA)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
<u>.04</u>		<u>Domestic, supplement</u>		Period of Use From <u>Jan 1</u>	To <u>Dec. 31</u>
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

(4) .04 TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NE 1/4 NW 1/4, Sec. 36 Twp. 53N Rge. 3W B.M., County of Kootenai
Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Concrete collection box, one inch steel pipeline to house:

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

T	R	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTAL
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>53N</u>	<u>3W</u>	<u>36</u>					X												

No. of acres

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Supplemental domestic supply & farmstead use.

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AUG 25 1987

NOTE: Include here the type and number of stock watered: Two horses.

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

Spring

Home

SEC 36

T. 53 N

R. 3 W

B.M.

BUNCO RD

Page 2
February 26, 1981

PROJECT: WILLIAM AND CANDACE FISHER

SAGE CREEK:

NW/4, NE/4, NW/4 Section 36, T.53N., R.3W., B.M.

Drainage area 7.0 mi^2 (approximately)

Permit for irrigation of 40 acres, April 1 to October 15 = 0.8 cfs

Expected summer average flow (min.) = 1.5 cfs
(Assuming no diversion)

Calculations for comparison to gaged stream:

Hayden Creek station number 12 - 4160 (1979 Report)

Hydrologic Bench Mark

D.A. 220 mi^2

Minimum for period of record 1.7 cfs (August 1977)

Normal low 2.5 cfs (estimated from records) = $\frac{2.5}{22.0} = .11 \text{ cfs}$

Expected summer low:

Tributary to Sage Creek (Site 3) = $(.4)(.11)$ = .04 cfs

Measured 2.77 cfs on 2/20/81

Summer average = 0.1 cfs

Tributary to Sage Creek (Sink) (Site 4)

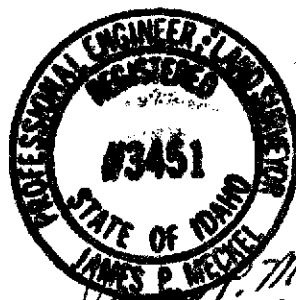
= $(.2)(.11)$ = 0.2 cfs

Summer average = .05 cfs

Measured 0.77 cfs on 2/20/81

MICROFILMED

AUG 25 1987



James P. Meachel
2-26-81

Professional Engineers
Registered Land Surveyors

MECKEL ENGINEERING & SURVEYING

402 Idaho Avenue
Coeur d'Alene, Idaho 83814
Phone (208) 667-4638

February 26, 1981

PROJECT: WILLIAM AND CANDACE FISHER

WELL: (Permit)

SW/4, NE/4, NW/4 Section 36, Township 53 North, Range 3 West, B.M.

Domestic use, one household (Jan. 1 to Dec. 31) = 0.04 cfs

SPRING: (Permit)

SW/4, NE/4, NW/4 Section 36, T.53N., R.3W., B.M.

Supplemental and auxiliary domestic use for one household
and livestock (Jan. 1 to Dec. 31) = .04 cfs

Unnamed Stream, Tributary to Sage Creek

Claim by prior use

SW/4, NE/4, NW/4 Section 36, T.53N., R.3W., B.M.

Drainage Area 0.4 mi²

Expected summer average flow (Min.) = 0.1 cfs

Claim for Jan. 1 to Dec. 31

For irrigation of 3.0 Acres, use will be = 0.06 cfs

Unnamed Stream, Tributary (Sink) to Sage Creek

SW/4, SW/4, NW/4, Section 36, T.53N., R.3W., B.M.

Permit for livestock (less than 100) = 0.02 cfs

Drainage area 0.2 mi²

Expected summer average flow (Min.) = 0.05 cfs

Permit for Jan. 1 to Dec. 31

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AUG 25 1987

Continued

AFFIDAVIT OF PUBLICATION

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

96-4277

FISHER, WILLIAM &/or CANDACE

RT. 1 BOX 92, ATHOL, ID 83801

Source: UNNAMED STREAM tributary to SAGE CREEK.

Priority Date: 06/01/1969

Amount: 0.06 CFS

Diversion Point: NENW Sec 36 T

53N R 03W, KOOTENAI Co.

Use: IRRIGATION (0.06 CFS)

from 04/01 to 10/15

Place of Use: NENW Sec 36 T 53N

R 03W FOR 3 ACRES

96-4278

FISHER, WILLIAM &/or CANDACE

RT. 1 BOX 92, ATHOL, ID 83801

Source: SPRING tributary to SINKS

Priority Date: 07/01/1965

Amount: 0.04 CFS

Diversion Point: NENW Sec 36 T

53N R 03W, KOOTENAI Co.

Use: DOMESTIC (0.04 CFS) from

01/01 to 12/31

Place of Use: NENW Sec 36 T 53N

R 03W

Any exception to any claim of water right may be filed with the

Director of the Idaho Department of Water Resources, 4055 Gov't

Way, Coeur d'Alene, Id. 83814

C. STEPHEN ALLRED

Director

Legal 882

March 12, 1981 13 44

STATE OF IDAHO,
County of Kootenai,

} ss.

Jane Alexander 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 Claim to Water Rights

of which the annexed is a printed copy, was published in the regular Thursday issue of said newspaper for 2 consecutive issues, commencing on the 12th day of March, 1981, and ending on the 19th day of March, 1981, and such publication was made as often during said period as said newspaper was regularly issued.

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

Subscribed and sworn to before me this 19th day of March, 1981.

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

LEADER

MICROFILMED

AUG 25 1987

December 30, 1991

RE: Water Right No. 96-07948
Claim Nos. 96-04003/04277/04278

Ueberroth Family Trust
c/o Mick Blakely
Hope Realty
1410 Lincoln Way
Coeur d'Alene, ID 83814

Dear Water Right Holder (s):

We are in receipt of the correspondence concerning ownership of the above referenced water right.

In Idaho, licensed water rights and water right claims are considered real property; therefore, proof of owning the land is proof of owning the water right unless specifically excluded in the sale. We have placed your correspondence in the files for future reference and have modified our computer records to reflect that you are the present owner.

If you have any questions, please let us know.

Sincerely,

PAMELA SKAGGS
Technical Records Specialist

PS:blm

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DEC 31 1991



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

July 21, 1987

RE: Water Right Nos. 96-4277/4278/7946/7947/7948

Rick J. & Linnea A. Kuhnhausen
2500 Harrison Ave.
Coeur d'Alene, ID 83814

Dear Mr. and Mrs. Kuhnhausen:

The Department acknowledges receipt of the document reflecting the change of ownership of the above referenced rights and have changed our records accordingly.

Enclosed for your records are copies of each of the water rights. You should note that Permits 96-7946 and 96-7947 are not complete according to our records. You will be receiving additional correspondence on these permits in the future.

If you have any questions concerning these rights, please contact us.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosures

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AUG 25 1987

Permit No. 96-7946

96-7947

96-7948

96-4277

96-4278

ASSIGNMENT REVIEW CHECK LIST

1. Signature of Permit Holder? Yes
2. Notary? Yes
3. a. Full Assignment? Yes
b. Partial Assignment?
4. "No assignment" condition on permit? NO
5. Commencement of Works received? Yes except for 96-7946 & 47
 - a. Commencement of works requested? NO
 - b. Show Cause Order drafted & sent?
 - c. Cancellation necessary? NO
6. Affidavit of residency required? NO
7. Extension granted due to litigation? - Yes
(If yes, commencement of works is not required.)
1. Type permit summary sheet.
2. Coding sheet.
3. Acknowledgement letter type.
4. Copy to region.

Sharla

Sharla

see attached

Sharla

Date 7-21-87

Employee Jim

WRD417

WATER RIGHTS PROOF READING REPORT

04/03/81

PAGE 1

WATER RIGHT NUMBER 96-4278

OWNER LAST NAME - FISHER

OWNER LAST NAME - FISHER

ADDRESS LINE 1 - R1.1 BOX 92

ADDRESS LINE 2 -

ADDRESS LINE 2 -

STATE - ID ZIP CODE - 83801

SOURCE - SPRING

CITY - ATHOL

PRIORITY - 07/01-1965

COUNTY - KOUTENAI

TOTAL DIV. RATE -

.0400 -CFS

STAGE - STAFF CLW

STATUS -

PRIORITY - 07/01-1965

COUNTY - KOUTENAI

TOTAL DIV. RATE -

.0400 -CFS

TOTAL DIV. VOLUME -

.00 AFA

TFR/AMEND -

WATER DIST. -

DLE/CAREY ACT -

RIGHT BASIS -

.00 AFA

DIVERSION POINT - NEW 36 53N 03W LOT

REDIV -

WATER DIST. -

DLE/CAREY ACT -

RIGHT BASIS -

.00 AFA

FROM - 01-01 TO - 12-31

USE - DOMESTIC

USE DIV. RATE -

.0400 CFS

USE DIV. VOLUME -

.00 AFA

USE - DOMESTIC

PLACE OF USE -

TWN 53N RNG 03W SEC 36

PRACT NEW LOT

AC

TOTAL ACRES

DEGREE NAME -

DATE -

TOTAL ACRES

0

REMARKS -

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PHEIL/DEVELO -

PROTESTED -

HEARING -

OLD NO. -

PROOF MADE -

TWO EXAM -

COND. OF APPROVAL -

PROTESTED -

HEARING -

OLD NO. -

DIVERSION MEANS -

COND. OF APPROVAL -

PROTESTED -

HEARING -

OLD NO. -

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: JK

Right Number 96-4278 Applicant Fisher

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☐ Exceptions processed.

By JK Date 3/24/81

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Maureen Date 4/2/81

3/79

IDENT. NO. 96-4278

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG

Initials

Date

Item

[Handwritten signature]

3/4/81

Original form entered

[Signature]

3/5/81

Edit Report Correct

Date Protested

Date of Hearing

Date Approved/Denied
(Proof due date, stage and/or status,
conditions of approval, water district)

Record Verified

Amendment Approved

Extension Approved

Partial Proof

Proof Complete

Field Exam Received

Field Exam Accepted
and changes entered

License Signed

Transfer Approved

Keypunched by State Office

96-4278

FISHER, WILLIAM &/or CANDACE

RT. 1 BOX 92, ATHOL, ID 83801

Source: SPRING tributary to SINKS

Priority Date: 07/01/1965

Amount: 0.04 CFS

Diversion Point: NENW Sec 36 T 53N R 03W, KOOTENAI Co.

Use: DOMESTIC (0.04 CFS) from 01/01 to 12/31

Place of Use: NENW Sec 36 T 53N R 03W

MICROFILMED

AUG 25 1987

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 30, 1981

WILLIAM FISHER
CANDACE FISHER
RT. 1 BOX 92
ATHOL

ID 83801

RE: Claim No. 96-4278

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

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

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

Robert G. Haynes, P.E.
Regional Supervisor

MICROFILMED

AUG 25 1987

Enclosure