

TAPSCOTT, Jack (continued)

Place of use: Lot 8, Hayden Lake Park, Govt. Lot 7, Sec. 34, T. 52 N.,
R. 3 W.B.M.

TAYLOR, Arthur F., West 2118 Dean, Spokane, Washington

File No.: 95-0376

Priority: 7/1/38

Source: Hayden Lake

Purpose: Domestic (3 houses)

Period of use: From 4/1 to 10/31

Quantity per year: 1.20 acre feet

Maximum rate of diversion: 0.06 c.f.s.

Type and point of diversion: Pump, Lot 5, Blk. D, Taylor Terrace, Govt.
Lot 4, Sec. 3, T. 51 N., R. 3 W.B.M.

Place of use: Lot 5, Blk. D, Taylor Terrace, Govt. Lot 4, Sec. 3,
T. 51 N., R. 3 W.B.M.

TAYLOR, Mr. & Mrs. Colin C. Sr., So. 1114 Center Dr., Spokane, Washington

→ File No.: 95-0377

Priority: 6/1/55

Source: Hayden Lake

Purpose: Domestic (1 house)

Period of use: From 4/1 to 10/31

Quantity per year: 0.40 acre foot

Maximum rate of diversion: 0.02 c.f.s.

Type and point of diversion: Pump, Govt. Lot 1, Sec. 22, T. 51 N.,
R. 3 W.B.M.

Place of use: Govt. Lot 1, Sec. 22, T. 51 N. R. 3 W.B.M.

TETERS, June or Mrs. J. C., 121 East Boone, Spokane, Washington

File No.: 95-0378

Priority: 4/1/38

Source: Hayden Lake

Purpose: Domestic (1 house)

Period of use: From 1/1 to 12/31

Quantity per year: 0.57 acre foot

Maximum rate of diversion: 0.02 c.f.s.

Type and point of diversion: Pump, Lot 4, Blk. D, Taylor Terrace, Govt.
Lot 4, Sec. 3, T. 51 N., R. 3 W.B.M.

Place of use: Lot 4, Blk. D, Taylor Terrace, Govt. Lot 4, Sec. 3,
T. 51 N., R. 3 W.B.M.

THOEN, Noel A., West 2205 First, Spokane, Washington

File No.: 95-0379

Priority: 7/1/56

Source: Hayden Lake

Purpose: Domestic (1 house)

Period of use: From 3/1 to 10/31

Quantity per year: 0.44 acre foot

Maximum rate of diversion: 0.02 c.f.s.

Type and point of diversion: Pump, Lot 13, Blk. B, English Pt. Bldg.
Sites, Govt. Lots 1 & 3, Sec. 16, T. 51 N.,
R. 3 W.B.M.

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MAR 29 2004

JUL 31 1996

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FEB 28 2003

#25

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

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

RECEIVED
 FEB 28 2003
 IDWR/North

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
95-0377					

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 MAR 10 2004
 Department of Water Resources

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts. **RECEIVED - THANK YOU!**
- B. A copy of the most recent ^{WARRANTY} **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
 PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former
 Owner/Claimant(s)

C. Taylor - Deceased Owner

4. New Owner/Claimant(s)

Bony LLC

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

3249 S. High Drive

City, State and ZIP Code

Spokane, WA 99203

New Telephone Number

(509) 455 8966

5. Date you acquired the property

6/19/01

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 MAR 9 8 2004

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT		
(If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT		
(If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Jim [Signature] for Bouya LLC
(include title if applicable)

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by DB Date 2-28-03 Fee \$25.00
 Received by DB Date 2-28-03 Receipt No. N015483
 Processed by _____ AJ Date _____ WR _____ Date _____

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MAR 29 2004

1647353



A Pioneer Company

Order No. 80378TGW

PIONEER TITLE COMPANY
OF KOOTENAI COUNTY

100 Wallace Ave. / Coeur d'Alene, Idaho 83814 / Telephone (208) 664-8254

WARRANTY DEED

For Value Received

SHIRLEY MAY TAPSCOTT, an unmarried person and DOUGLAS ALAN TAPSCOTT and YVONNE M. TAPSCOTT, husband and wife, and ROBERT P. KINGSLEY and JANELLE KINGLEY, husband and wife

hereinafter referred to as Grantor, does hereby grant, bargain, sell, and convey unto

BRUYA, LLC, an Idaho Limited Liability Company

hereinafter referred to as Grantee, whose current address is

*S. 3249 High Drive
Spokane, WA 99203*

the following described premises, to-wit:

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

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: August 24, 2000.

Shirley May Tapscott
SHIRLEY MAY TAPSCOTT

Douglas Alan Tapscott
DOUGLAS ALAN TAPSCOTT

Yvonne M. Tapscott
YVONNE M. TAPSCOTT

ROBERT P. KINGSLEY

JANELLE KINGLEY

STATE OF IDAHO } ss
COUNTY OF KOOTENAI }
AT THE REQUEST OF
PIONEER TITLE CO.

AUG 31 12 52 PM '00

DANIEL J. ENGLISH

DEPUTY *[Signature]*
FEES *3.00* 12.00

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MAR 29 2004

PAGE 2

File Number: 80378

A tract of land in Government Lot 1, Section 22, Township 51 North, Range 3 W.B.M., Kootenai County, State of Idaho, described as follows:

Beginning at the Government meander corner between Sections 22 and 23; thence,

South along the East line of Section 22, a distance of 89.64 feet to a point in the County Road; thence,

Along the County Road South $77^{\circ} 03\frac{1}{2}'$ West, 99.2 feet; thence,

Along the County Road South $36^{\circ} 28\frac{1}{2}'$ West, 270.1 feet; thence,

Along the County Road South $2^{\circ} 55\frac{1}{2}'$ West, (record South $3^{\circ} 24\frac{1}{2}'$ West) 236.52 feet to a $\frac{1}{2}$ inch pipe in the County Road, the True Point of Beginning for this description; thence,

North $87^{\circ} 57'$ West, 171.38 feet; thence,

North $43^{\circ} 02'$ West, 138.83 feet; thence,

North $2^{\circ} 48'$ West, 100.0 feet to a point on the shore of Hayden Lake; thence,

Along the shore of Hayden Lake North $51^{\circ} 35\frac{1}{2}'$ East, 165.61 feet; thence,

Leaving the shore of Hayden Lake South $37^{\circ} 10\frac{1}{2}'$ East, 51.93 feet; thence,

South $22^{\circ} 09\frac{1}{2}'$ East, 290.73 feet to a point in the County Road, the True Point of Beginning.

Less County Road right of way.

EXCEPT that part, if any, lying below the mean highwater line of Hayden Lake.

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MAR 29 2004

1647353



A Pioneer Company

Order No. 80378TGW

PIONEER TITLE COMPANY
OF KOOTENAI COUNTY

100 Wallace Ave. / Coeur d'Alene, Idaho 83814 / Telephone (208) 664-8254

WARRANTY DEED

For Value Received

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To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: August 24, 2000.

SHIRLEY MAY TAPSCOTT

DOUGLAS ALAN TAPSCOTT

YVONNE M. TAPSCOTT

Robert P. Kingsley

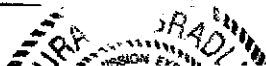
ROBERT P. KINGSLEY

Janelle Kingsley

JANELLE KINGSLEY

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MAR 29 2004



1647353

EXHIBIT "A"

PAGE 2

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Less County Road right of way.

EXCEPT that part, if any, lying below the mean highwater line of Hayden Lake.

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MAR 29 2004

AVONDALE IRRIGATION DISTRICT,
DALTON GARDENS IRRIGATION DISTRICT,

and

HAYDEN LAKE IRRIGATION DISTRICT,
Quasi municipal corporations,

Plaintiffs,

vs

NORTH IDAHO PROPERTIES, INC., an Idaho Corporation

Acuff, Joe R.
Adams, Mrs. Lexie R.
Aitchison, Harold
Alexander, Harold S.
Allen, Charles J.
Allen, Milo
Ames, F. H, Jr.
Amex, Inc.
Anderson, Edward
Anderson, George H.
Anderson, Harold T.
Anderson, Harry G.
Anderson, Henry J.
Anderson, M. B.
Anderson, Richard
Anderson, Roy V.
Annott, Pat J.
Ardey, William P.
Armitage, L. R.
Arneson, W. J.
Aronson, Walter
Arthur, John E.
Aspray, James M.
Atlas Tie Company
Atwood, David A.
Austin, Robert B.
Avondale on Hayden, Inc.
 c/o Don H. Klages
Babcock, Ona A.
 c/o Walter Pool
Baden, Robert E.
Baier, James V.
Baker, Donald C.
Baker, Ezra M.
Baker, George R.
Baker, Leverette A.
Baker, Ralph C.

Baldwin, Jack A.
Baldwin, Joseph P.
Baldwin, Sedgefield H.
Ball, Eldon E.
Ballard, Allen F.
Barber, James
Barcklay, Elfreda E.
Barker, Robert N.
Barkley, Oran E.
Barnard, Geri
Barrick, Clinton D.
Barschaw, Mrs. Antoinette
Barschaw, Earl C.
Bartal, Lawrence J.
Bartle, Gilbert J.
Bartlestone, F. M.
 c/o Lincoln 1st Federal
Bartlett, Herbert W.
Barton, Lee
Barton, Lottie L.
Barton, Ray L.
Bash, John E.
Bauer, Harvey L.
Beaudry, George O.
Beck, Jack W.
Becker, Madge
Beckwell, Frances
Beebe, John D., Jr.
Beebe, Stewart
Behrens, Alfred
Bellos, George F., Jr.
Bennett, Allen C.
Bennett, Allen W.
Berg, Duane W. &
 Donna Dee
Berg, Marilyn V.
Bergh, Mrs. Charles F.

Berglund, John A. &
 Gladys H.
Bergquist, Mary E.
Berkenkamp, H. F.
Berry, Thomas B.
Bertilson, George B.
Bertram, Leonard
Berven, Alberta
Best, Charles A.
Best, Ruth
Bethune, Angus Y.
Bias, Eugene W.
Binfield, Francis
Bingham, W. S.
Bircumshaw, W. J.
Black, Mrs. Chester
Black, Merlin
Blankenship, Harold D.
Blankenship, James M.
Blaskowsky, Ralph
Blethen, Mrs. William
Bley, Robert
Boekel, Fred O.
Boller, Leon C.
Bollinger, W. F.
Bolster, Keith G.
Bond, Floyd
Booth, Milton
Booth, Terry E.
Boothe, Melvin
Boothe, Norris H.
Boren, V. Todd
Bower, Harold W.
Bowles, William S.
Bradbury, Charlotte
Brainard, Olga Frazier
Branner, Grant

MICROFILMED JUL 31 1996

MAR 29 2004

TAPSCOTT, Jack (continued)

Place of use: Lot 8, Hayden Lake Park, Govt. Lot 7, Sec. 34, T. 52 N.,
R. 3 W.B.M.

TAYLOR, Arthur F., West 2118 Dean, Spokane, Washington

File No.: 95-0376

Priority: 7/1/38

Source: Hayden Lake

Purpose: Domestic (3 houses)

Period of use: From 4/1 to 10/31

Quantity per year: 1.20 acre feet

Maximum rate of diversion: 0.06 c.f.s.

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Lot 4, Sec. 3, T. 51 N., R. 3 W.B.M.

Place of use: Lot 5, Blk. D, Taylor Terrace, Govt. Lot 4, Sec. 3,
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TAYLOR, Mr. & Mrs. Colin C. Sr., So. 1114 Center Dr., Spokane, Washington

File No.: 95-0377

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Quantity per year: 0.40 acre foot

Maximum rate of diversion: 0.02 c.f.s.

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TETERS, June or Mrs. J. C., 121 East Boone, Spokane, Washington

File No.: 95-0378

Priority: 4/1/38

Source: Hayden Lake

Purpose: Domestic (1 house)

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THOEN, Noel A., West 2205 First, Spokane, Washington

File No.: 95-0379

Priority: 7/1/56

Source: Hayden Lake

Purpose: Domestic (1 house)

Period of use: From 3/1 to 10/31

Quantity per year: 0.44 acre foot

Maximum rate of diversion: 0.02 c.f.s.

Type and point of diversion: Pump, Lot 13, Blk. B, English Pt. Bldg.
Sites, Govt. Lots 1 & 3, Sec. 16, T. 51 N.,
R. 3 W.B.M.

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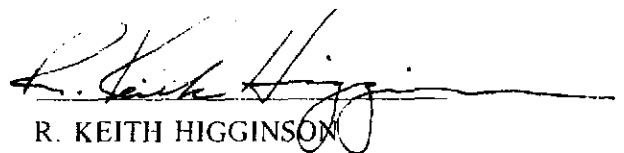
MAR 23 2004

JUL 31 1996

The Special Master makes the following general recommendations to the court:

- (1) That the court make no finding as to those parties claiming rights to use water from ground-water sources, except to disallow those claims as they apply to Hayden Lake and its tributaries, without prejudice.
- (2) That the court confirm elevation 2,239.0 feet above mean sea level as the maximum water level for operation of Hayden Lake based upon its prior decree in the case of Hayden Lake Protective Association, Inc., vs. Dalton Gardens Irrigation District, et al, dated September 7, 1961.
- (3) That no minimum lake elevation be set but that the court require the Department of Water Administration to establish a water district encompassing Hayden Lake and its tributaries as provided in Chapter 6, Title 42, Idaho Code, for the purpose of proper distribution of the lake's waters in accordance with its decree. The rights of the plaintiffs are entitled to protection against a lowering of the lake elevation below 2,230.0 feet above mean sea level. The Department of Water Administration should be directed to devise a system of projecting the maximum water surface elevation on a yearly basis based upon information concerning precipitation and streamflow and the low water elevation for the previous year.
- (4) The Department and its Water Master appointed as provided in Chapter 6, Title 42, Idaho Code, should be authorized to deny water to the holders of water rights (including plaintiffs) in the inverse order of their respective priorities if withdrawal of such water is reasonably expected to lower the lake surface elevation below 2,230.0 feet above mean sea level at any time during the irrigation season.
- (5) The court should retain jurisdiction of this matter pending receipt of further information from the Department concerning its experience with the system for operation of the lake, at which time consideration should be given to incorporating such system into the court's decree.

DATED this 15th day of April, 1971.


R. KEITH HIGGINSON
Special Master

MICROFILMED
MAR 29 2004
JUL 31 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 19, 2004

BRUYA LLC
C/O TIM BRUYA
3249 S HIGH DR
SPOKANE WA 99203

RE: Change of Ownership for Water Right 95-377

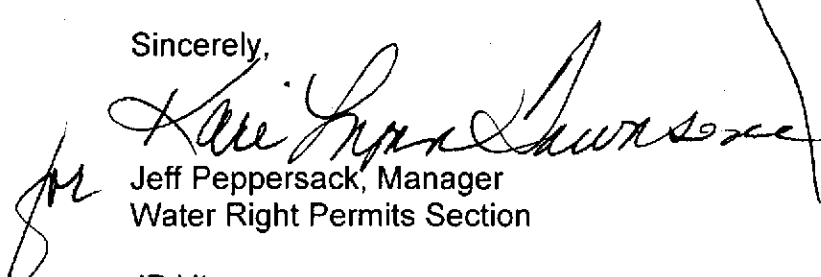
Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records. Also enclosed is the extra support data (tax info) that we do not require.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

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

Sincerely,


Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

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MAR 29 2004



A Pioneer Company

PIONEER TITLE COMPANY
OF KOOTENAI COUNTY

100 Wallace Ave. / Coeur d'Alene, Idaho 83814 / Telephone (208) 664-8254

RECEIVED
MAR 10 2004
Department of Water Resources

BRUYA, LLC
S. 3249 HIGH DRIVE
SPOKANE, WASHINGTON 99203

Re: Escrow No. 80378TGW
Seller: SHIRLEY MAY TAPSCOTT, DOUGLAS ALAN TAPSCOTT, YVONNE M. TAPSCOTT,
ROBERT P. KINGSLEY, JANELLE KINGSLEY
Buyer: BRUYA, LLC
Property: 9465 HAYDEN LAKE RD, HAYDEN LAKE, ID 83835

Enclosed for your records are your original Warranty Deed and Title Insurance Policy. **These are original documents, please keep them in a safe place.**

We appreciate having had this opportunity to be of service to you. If you have questions or if we can help you again, please feel free to contact us.

Very Truly Yours,

Pioneer Title Company of Kootenai County

TWILA G. WILLCUT
Escrow Officer

MICROFILMED

MAR 29 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 3, 2004

TIMOTHY BRUYA
BRUYA LLC
3249 S HIGH DR
SPOKANE WA 99203

RE: Change in Ownership of Decreed Water Right 95-377

Dear Mr. Bruya:

Your Notice of Change in Water Right Ownership was received from our Northern Region office and has been pending final review. At the request of Debbie Gibson, I have pulled the request forward and will complete the processing upon receipt of the following information.

☒ **Signature** (Please sign on line 7 on back of enclosed form)

☒ **Evidence of Water Right Ownership:** copy of Warranty Deed, Title Policy, Contract of Sale, or other legal document indicating your ownership of the property and/or water rights in question

☒ **Legal Description of Property**

Because the Department cannot process the ownership change without proper documentation, we will hold any action on your notice pending receipt of the necessary information. If we do not receive the necessary information within **30 days** we will return your notice and all attachments and your notice will not be processed. The tax notice information you furnished is insufficient to provide evidence of ownership and is being returned with this letter.

Please note that water right owners are required to report any change in 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 (<http://www.idwr.state.id.us>) on the Internet to obtain the proper forms and instructions.

If you have any questions regarding this matter, please call me at 208-327-7941.

Sincerely,

Kari Lynn Townsend
Secretary

KLT:k

Enclosures

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MAR 29 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

To Kari Lynn

RECEIVED

MAR - 4 2003

Department of Water Resources

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

February 28, 2003

TIMOTHY BRUYA
BRUYA LLC
3249 S HIGH DR
SPOKANE WA 99203

Re: Water Right No. 95-0377

Dear Mr. Bruya:

This acknowledges receipt of the Notice of Change in Water Right Ownership papers for the above referenced water right, changing the ownership to you. Enclosed is receipt No. N015483, for your records.

We are forwarding the paperwork to the State Office for processing.

If you have any questions, please contact KariLynn Townsend in our State Office, at 208-327-7941.

Sincerely,

Dianne Ball

Dianne Ball
Administrative Assistant

Enc.

db

cc: IDWR State Office

MICROFILMED

MAR 20 2004