

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

JUN 16 2023

IDAHO / NORTH NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, [see #7](#) of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
97-4203	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: C L Craum
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Dennis Cunningham
New owner(s) as listed on the conveyance document Name connector ☐ and ☒ or
- P.O. Box 3398 Coeur d'Alene Idaho 83816
Mailing address City State Zip
208-755-6857 dennis@activewestdev.com
Telephone Email
4. If the water rights and/or adjudication claims were split, how did the division occur?
☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
5. Date you acquired the water rights and/or claims listed above: 09/22/2021
6. Do you own the land identified as the water right place of use? Yes ☒ No ☐
o If no, attach evidence that written notice of the change of water right ownership has been delivered to the landowner of record.
7. This form must be signed and submitted with the following **REQUIRED** items:
☒ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
☒ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
☒ Filing fee (see instructions for further explanation):
o \$25 per *undivided* water right.
o \$100 per *split* water right.
o No fee is required for pending adjudication claims.
☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9

8. Signature: Dennis Cunningham Dennis Cunningham 6/12/2023
Signature of new owner/claimant Title, if applicable Date
Dennis Cunningham
Print name

Signature: _____
Signature of new owner/claimant Title, if applicable Date
Print name

For IDWR Office Use Only:

Received by fla Date 6-16-23 Receipt No. N043632 Receipt Amt. 2500
Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐
Name on W-9 _____ Approved by _____ Processed by NS Date 2/19/24

Instrument # 992146

Bonner County, Sandpoint, Idaho

09/22/2021 01:05:16 PM No. of Pages: 6

Recorded for: NORTH IDAHO TITLE COMPANY- COEUR D' ALENE- RW

Michael W. Rosedale Fee: \$15.00

Ex-Officio Recorder Deputy cbrannon

Index to: WARRANTY DEED

Instrument # 989808

Bonner County, Sandpoint, Idaho

08/18/2021 12:55:01 PM No. of Pages: 4

Recorded for: NORTH IDAHO TITLE COMPANY- COEUR D' ALENE- RW

Michael W. Rosedale Fee: \$15.00

Ex-Officio Recorder Deputy cbrannon

Index to: WARRANTY DEED

WARRANTY DEED

*Re-Recorded to Correct
Legal Description*

The Grantor, **Pacific Resort Properties, LLC**, an Idaho limited liability company, for good and valuable consideration paid by a Qualified Intermediary pursuant to an IRC §1031 Tax-Deferred Exchange, the receipt and sufficiency of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto the Grantee, **Dennis E. Cunningham II**, an unmarried man, whose address is P.O. Box 3398, Coeur d'Alene, Idaho 83816, the following real property (the "Property"), to wit:

LEGAL DESCRIPTION: *- See attached Exhibit "A"*

That part of the Southwest quarter of Section 31, Township 60 North, Range 4 West, Boise Meridian, Bonner County, Idaho, lying West of Highway 57 and North of the following described line:

Beginning at a point on the East-West centerline of said Section 36, and said point being on the Westerly right of way of State Highway No. 57, and said point lies South 89°57'32" West, 155.66 feet from the East one-quarter corner of said Section 36;

thence along said highway right of way South 41°27'29" East, 550.60 feet to the Northerly right of way a private road whose width is 50 feet;

- 1) thence South 48°42'37" West, 202.51 feet;
- 2) 189.20 feet along a right hand curve having a radius of 261.48 feet and whose chord bears South 69°26'21" West, 185.10 feet;
- 3) North 89°49'54" West 564.87 feet to the end of said line.

The North half of the Northeast quarter of the Southeast quarter of Section 36, Township 60 North, Range 5 West, Boise Meridian, Bonner County, Idaho;

EXCEPT the following described tracts:

TRACT 1:

In Section 36, Township 60 North, Range 5 West, Boise Meridian, Bonner County, Idaho;

Beginning at the East quarter corner of Section 36;

thence South 89°59'04" West along the East-West centerline of Section 36, 727.6 feet;

thence South 25 feet to the true point of beginning;

thence South 89°59'04" West, 145 feet;

thence South approximately 140 feet to the thread of Lamb Creek;

thence following Lamb Creek, Northeasterly to a point due South of the true place of beginning;

thence North approximately 95 feet to the true place of beginning.

TRACT 2:

In Section 36, Township 60 North, Range 5 West, Boise Meridian, Bonner County, Idaho;

Beginning at the East quarter corner of Section 36;

thence South 89°59'04" West along the East-West centerline of Section 36, 872.6 feet;

Instrument # 989808

08/18/2021 12:55:01 PM Page 2 of 4

thence South $89^{\circ}59'4''$ West, 100 feet;
thence South approximately 240 feet to the thread of Lamb Creek;
thence following the thread of Lamb Creek, Northeasterly to a point due south of the true place of beginning;
thence North approximately 140 feet to the place of beginning.

TRACT 3:

In Section 36, Township 60 North, Range 5 West, Boise Meridian, Bonner County, Idaho;
Beginning at the East quarter corner of Section 36;
thence South $89^{\circ}59'4''$ West along the East-West centerline of Section 36, 972.6 feet, the true point of beginning of this description;
thence South $89^{\circ}59'4''$ West, 100 feet;
thence due South approximately 246 feet to the thread of Lamb Creek;
thence following the thread of Lamb Creek, Northeasterly to a point due South of the place of beginning;
thence North approximately 265 feet to the true place of beginning.

TRACT 4:

In Section 36, Township 60 North, Range 5 West, Boise Meridian, Bonner County, State of Idaho, to wit:
Beginning at the East quarter corner of Section 36;
thence South $0^{\circ}17'40''$ East, along the Section line, 660.79 feet;
thence North $89^{\circ}48'21''$ West, along the South line of the North Half of the Northeast Quarter of the Southeast Quarter, 685.70 feet to the true place of beginning;
thence North $89^{\circ}48'21''$ West, 617.10 feet to the 1/16th line;
thence North $0^{\circ}32'29''$ East, along the 1/16th line to the thread of Lamb Creek;
thence Easterly along the thread of Lamb Creek to a point which bears North $0^{\circ}11'39''$ East from the true place of beginning;
thence South $0^{\circ}11'39''$ West to the true point of beginning.

TRACT 5:

A tract of land located in Section 36, Township 60 North, Range 5 West, Boise Meridian, Bonner County, Idaho,
Beginning at the East quarter corner of Section 36;
thence South $89^{\circ}59'4''$ West along the East-West centerline of Section 36, a distance of 1072.6 feet, the true beginning of this description;
thence South $89^{\circ}59'4''$ West, a distance of 220.6 feet to the 1/16th line;
thence South $0^{\circ}32'29''$ West along the 1/16th line to the thread of Lamb Creek;
thence following the thread of Lamb Creek, Northeasterly to a point due South of the true point of beginning;
thence North approximately 240 feet to the true point of beginning.

Parcel Numbers: RP60N05W367200A, RP60N04W315615A
Property Address: 27148 Highway 57, Priest Lake (Priest River), Idaho 83856

TOGETHER WITH all right, title and interest of Grantor, if any, in and to all water and water rights and ditch or irrigation company shares associated therewith, streets, alleys and rights of way adjacent thereto, all mineral rights appurtenant thereto, and all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; and all estate, right, title, and interest in and to the Property, as well in law as in equity.

TO HAVE AND TO HOLD the Property with its appurtenances unto Grantee, his successors, heirs and assigns, forever.

Instrument # 989808

08/18/2021 12:55:01 PM Page 3 of 4

SUBJECT TO the "Approved Exceptions," which shall mean: (a) general taxes and assessments, for the year 2021 and thereafter, which are not yet due and payable, and (b) the easements, rights of way and other matters described in Exhibit A attached hereto and incorporated herein.

AND Grantor does hereby covenant with and warrant to Grantee that Grantor is the sole owner of the Property and that Grantor owns the Property, in its entirety, in fee simple; that the Property is free from all encumbrances except the Approved Exceptions described in Exhibit A hereto; and that Grantor shall and will warrant and defend the quiet and peaceful possession of said Property by Grantee, against all lawful claims whatsoever except as excluded or excepted herein.

Dated this 16th day of August, 2021.

Pacific Resort Properties, LLC, Grantor

Richard S. French, its Manager

STATE OF Washington)
)
COUNTY OF Pend Oreille)

SS

On the 16th day of August, 2021, before me, Laura J. Mahoney, a notary public, personally appeared **Richard S. French**, known or identified to me to be the manager of Pacific Resort Properties, LLC, an Idaho limited liability company, whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same on behalf, and in the name, of Pacific Resort Properties, LLC.

Notary Public

Residing in: Newport, WA

Commission Expires: 12-7-24

Notary Public
State of Washington
LAURA J. MAHONEY
COMM. # 143123
MY COMMISSION EXPIRES
DECEMBER 7, 2024

Prepared by:

Sean P. Smith, Esq.
Law Office of Sean P. Smith
37 Highway 57
Priest River, ID 83856

Return to:

Judson B. Montgomery, Esq.
Givens Pursley LLP
601 W. Bannock Street
Boise, ID 83702

Taxes to Grantee:

Dennis E. Cunningham II
P.O. Box 3398
Coeur d'Alene, ID 83816

EXHIBIT A
Approved Exceptions

1. Assessments for the Outlet Bay Water and Sewer District, if any, which are excluded from the coverage afforded hereby, a lien not yet due and payable.
2. Special Assessments for Local Improvement District No. 1999-1 Outlet Bay Water and Sewer, a lien not yet due and payable.
3. Right of the United States of America, the State of Idaho, and the general public in and to that portion, if any, of the property herein described which lies below the line of ordinary high water of Lamb Creek.
4. An easement upon the terms, conditions and provisions contained therein for the purpose shown below and rights incidental thereto as granted in a document recorded December 20, 1946, as (book) 67 (page) 960, Official Records:
Purpose: Highway Right of way

An easement for the relocation of all irrigation, drainage ditches and structures as shown in Right of Way Deed for a State Highway, also that no advertising or other signs will be erected on highway fence without the written consent of the Commissioners of Public Works.
5. Reservations as contained in deed from State of Idaho, to Beulah W Craun, recorded March 28, 1966, as (book) 118 (page) 457, Official Records, as follows: "No buildings or other structures will be permitted to be constructed closer than 20.0 feet from the right of way of the highway as herein conveyed to the State."
6. An easement over said land for a perpetual right of way and easement over, under, above and across together with the right to install, inspect and maintain all of the facilities necessary to provide communication service, power service and incidental purposes, as granted to General Telephone Company of the Northwest, Inc. a corporation, in deed recorded January 25, 1980, as (instrument) 224440, Official Records.
7. An easement upon the terms, conditions and provisions contained therein for the purpose shown below and rights incidental thereto as granted in a document recorded December 13, 1984, as (instrument) 286517, Official Records:
Purpose: Right of way for sewer line
8. An easement upon the terms, conditions and provisions contained therein for the purpose shown below and rights incidental thereto as granted in a document recorded March 17, 2005, as (instrument) 672443, Official Records:
Purpose: ingress, egress and utilities
9. Record of Survey recorded May 20, 2011, as (instrument) 809980, Official Records. As pertaining solely to the easterly most line of the survey.

Order Number: N-58378

EXHIBIT "A"
LEGAL DESCRIPTION**Parcel 1**

That part of the Southwest quarter of Section 31, Township 60 North, Range 4 West, Boise Meridian, Bonner County, Idaho, lying West of Highway 57 and North of the following described line:

Beginning at a point on the East-West centerline of said Section 36, and said point being on the Westerly right of way of State Highway No. 57, and said point lies South $89^{\circ}57'32''$ West, 155.66 feet from the East one-quarter corner of said Section 36;
thence along said highway right of way South $41^{\circ}27'29''$ East, 550.60 feet to the Northerly right of way of a private road whose width is 50 feet;

- 1) thence South $48^{\circ}42'37''$ West, 202.51 feet;
- 2) 189.20 feet along a right hand curve having a radius of 261.48 feet and whose chord bears South $69^{\circ}26'21''$ West, 185.10 feet;
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Parcel 2

The North half of the Northeast quarter of the Southeast quarter of Section 36, Township 60 North, Range 5 West, Boise Meridian, Bonner County, Idaho;

EXCEPT the following described tracts:

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Begin at the East quarter corner of Section 36;
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thence South 25 feet to the true point of beginning;
thence South $89^{\circ}59'04''$ West, 145 feet;
thence South approximately 140 feet to the thread of Lamb Creek;
thence following Lamb Creek, Northeasterly to a point due South of the true place of beginning;
thence North approximately 95 feet to the true place of beginning.

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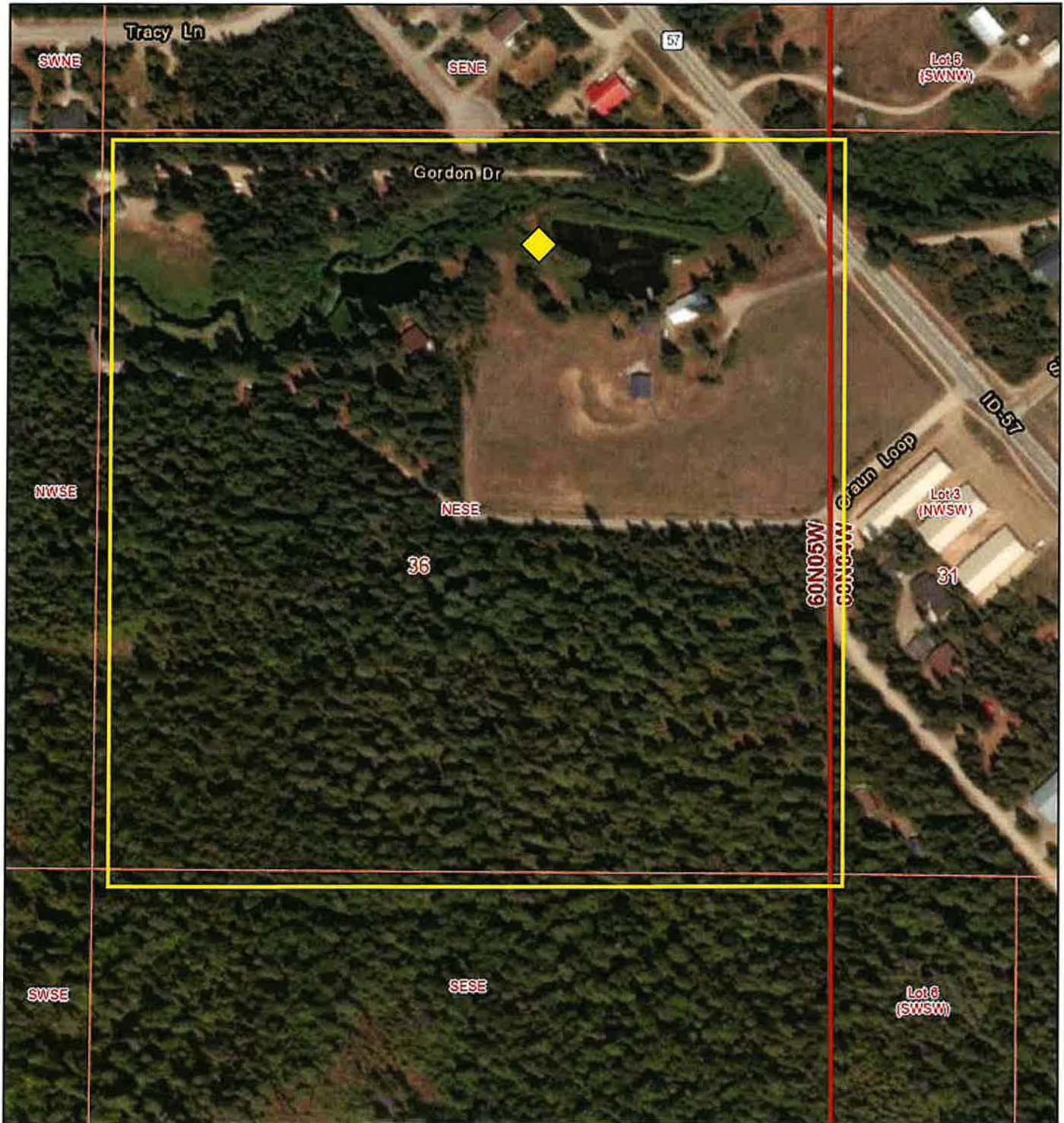
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TRACT 5:

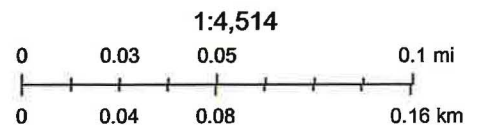
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thence North approximately 240 feet to the true point of beginning.

Water Right 97-4203



6/12/2023, 7:40:42 AM

- Quarter Quarters
- PLS Sections
- Townships
- Place of Use Boundary
- Point of Diversion



Esri, HERE, iPC, Esri, HERE, Garmin, iPC, Maxar



JAMES A. SEWELL & ASSOCIATES, LLC

600-4th Street West
Newport, Washington 99156
(509) 447-3626 (208) 437-2641

• Civil Engineering • Land Surveying • Building Inspection • Land Use Planning

June 13, 2023

Idaho Department of Water Resources
7600 N Mineral Dr, Suite 100
Coeur d' Alene, ID 83815

Attn: Natalie Steading
Subj: Water Right Ownership Change
Ref: 97-4203

Dear Natalie,

Enclosed; please find the application required to transfer ownership of the water right 97-4203 from C L Craum to Dennis Cunningham. The contents include a warranty deed, \$25 filing fee, and an aerial map clearly showing the place of use and point of diversion along Lamb Creek running through the property.

Please contact me at (509) 447-3626 or plikes@jasewell.com if you need anything else, or have questions.

Sincerely,

JAMES A. SEWELL & ASSOCIATES, LLC

By 
Parker Likes, E.I.T.

Cc: Dennis Cunningham, P.O. Box 3398 Coeur d'Alene ID, 83816

James A. Sewell & Associates, LLC
Newport Office - 600-4th Street West, Newport, WA 99156 (509)447-3626 (208)437-2641
Sandpoint Office - 1319 North Division Avenue, Sandpoint, ID 83864 (208)263-4160
Spokane Office - 400 South Jefferson Avenue, Suite 452, Spokane, WA 99204 (509)747-5794



IDAHO DEPARTMENT OF
WATER RESOURCES

Northern Region • 7600 N Mineral Drive, Suite 100 • Coeur D'Alene, ID 83815-7763

Phone: 208-762-2800 • Fax: 208-762-2819 • Email: northerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

February 09, 2024

DENNIS E CUNNINGHAM II
PO BOX 3398
COEUR D ALENE ID 83816-2527

Re: Change in Ownership for Water Right No(s): 97-4203

Dear Water Right Holder(s):

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of the above referenced water right(s) to you. The Department has modified its records and has enclosed a computer-generated report for you.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing a Notice of Change in Water Right Ownership, the Department does not review the history of water use to determine if the right has been forfeited or deliberately abandoned through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Idaho Code §§ 42-222 and 42-223.

This water right is still a statutory claim and will require an adjudication claim to be filed in the Clark For-Pend Oreille River Basin Adjudication (CFRPBA). Please contact an adjudication agent in the office to begin the process.

Please note, water right owners are required to report any change of water right ownership and any change of mailing address to the Department within 120 days of the change. Reporting forms are available from any office of the Department, or from the Department's website.

If you have any questions concerning the enclosed information, please contact me at (208) 762-2813.

Sincerely,

Natalie Steading
Tech Records Specialist 1

Enclosure(s)