

1584116

GRANT OF WATER RIGHT AND WATER LINE EASEMENT

BRIAN BENSON, a single man, Grantor, for and in consideration of \$10.00 and other valuable consideration in hand paid, hereby bargains, grants, sells and conveys unto GORDON A. MALM and DIANNA L. MALM, husband and wife, a one-half interest in all waters derived from that certain spring situated upon the hereinafter described property of Grantor, which spring is presently providing water to Grantees and upon which Grantor obtained a water rights permit, being Permit No. 94-07371, together with a perpetual easement over and upon the hereinafter described property of Grantor, for the purpose of laying, installing and maintaining a water line, which water line shall not exceed two inches in diameter from the said spring to the hereinafter described property of Grantees. The said spring is situated upon, and the easement granted herein shall be over and upon, the following described real property:

That portion of the East Half of the Northeast Quarter of the Northeast Quarter (E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$) lying North of State Highway #3 road right-of-way, Section Nineteen (19), Township Forty-seven (47) North, Range Two (2) West, Boise Meridian, Kootenai County, Idaho, and that portion of the East Half of the Southeast Quarter of the Southeast Quarter (E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) lying South of the centerline of Black Creek in Section 18, Township 47 North, Range 2 West, Boise Meridian, Kootenai County, Idaho.

STATE OF IDAHO } ss
COUNTY OF KOOTENAI }
AT THE REQUEST OF
Park and Rogers
APR 15 10 20 AM '99
DANIEL J. ENGLISH *DM*
DEPUTY *12.00*
"EE\$

The water line easement granted herein shall be ten feet in width and shall lie five feet on either side

of the water line as laid in the field. The property to which the rights to the water granted herein shall belong, and the property to be serviced by the water line easement granted herein, is described as follows:

That portion of the West Half of the Northeast Quarter of the Northeast Quarter (W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$) lying North of State Highway No. 3 road right-of-way, Section 19, Township Forty-seven (47) North, Range Two (2) West, Boise Meridian, Kootenai County, Idaho, and the South 200 feet of the West Half of the Southeast Quarter of the Southeast Quarter (W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Eighteen (18), Township Forty-seven (47) North, Range Two (2) West, Boise Meridian, Kootenai County, Idaho.

No permanent structures shall be built upon the easement granted herein, nor anything done to interfere with Grantee's ability to repair, maintain or replace the water line to be laid therein.

The reasonable and necessary cost of maintaining, repairing and replacing the well system, including, but not limited to, the pump, house, and reservoir, shall be divided equally between the Grantor and the Grantees. Each party shall pay its respective share of such costs prior to their coming due. The cost of repairing, replacing and maintaining the water line from the reservoir or pump, as the case may be, to the respective residences shall be the sole expense of the party served by the water line in question.

This Grant of Water Right and Water Line Easement shall be binding upon, and shall inure to the benefit of, the heirs, executors, administrators and assigns of the respective parties hereto.