

JOAN KATHLEEN CLELLAN
ATTORNEY AT LAW
P. O. Box 492
Galloway, Ohio 43119
419-905-2293
April 11, 2014

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APR 17 2014
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Mr. Chad Goodwin
Department of Water Resources
Northern Region
7600 N. Mineral Drive, Suite 100
Coeur d'Alene, ID 83815
Re: Amended Claim #94-8279

Dear Mr. Goodwin:

I am writing your office to provide information regarding a status change relating to property from which my husband, John's, and my claim number 94-8279 arises. On March 28, 2014, John and I bought the property where a hand-dug well and a drilled well are located, causing a merger of our former easement for unlimited/exclusive access and usage of both water wells with the new purchase, creating a fee simple. We now own the point of diversion as well as the benefitted property. I have enclosed a copy of the instruments evidencing transfer by Warranty/Quit Claim Deeds.

Please contact me at 419-905-2293 upon receipt of this letter to discuss this matter and acknowledge my contact with your office. Thank you in advance for your co-operation in this matter.

Sincerely,


JOAN KATHLEEN CLELLAN

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~~Exhibit "C"~~

Mutual Termination of Easement Rights

WHEREAS, MICHAEL CLAYTON POWERS, an unmarried man with a mailing address of 5235 Mission Oaks Blvd. #44, Camarillo, CA 93012, is the fee simple owner of certain real property located in Kootenai County, Idaho, and legally described in **Exhibit "A"** attached and incorporated herein, (hereafter referred to as the BURDENED property); and

WHEREAS, JOHN CLELLAN and JOAN CLELLAN, husband and wife, whose mailing address is PO Box 492, Galloway, Ohio 43119, are the fee simple owners of certain real property located in Kootenai County, Idaho, and legally described in **Exhibit "B"** attached and incorporated herein, (hereafter referred to as the BENEFITTED property); and

WHEREAS, certain easement rights and obligations for access, utilities and a water well were created over portions of the BURDENED property and for the benefit of the BENEFITTED property as described in a **Grant of Easement for Water Well** recorded on December 3, 2013 as Kootenai County Instrument Number 2438669000, and in a **Grant of Access and Utility Easement** recorded on December 3, 2013 as Kootenai County Instrument Number 2438670000; and

WHEREAS, JOHN CLELLAN and JOAN CLELLAN are purchasing the BURDENED property from MICHAEL CLAYTON POWERS and desire to terminate all existing easement rights and obligations created under the above-referenced instruments;

NOW THEREFORE, for good and valuable consideration received:

MICHAEL CLAYTON POWERS, for himself and for his heirs, successors and assigns, does hereby forever release, quitclaim, terminate and abandon to JOHN CLELLAN and JOAN CLELLAN, husband and wife, whose mailing address is PO Box 492, Galloway, Ohio 43119, and to their heirs, successors and assigns, any and all easement rights and obligations granted or reserved under the **Grant of Easement for Water Well** recorded on December 3, 2013 as Kootenai County Instrument Number 2438669000, and under the **Grant of Access and Utility Easement** recorded on December 3, 2013 as Kootenai County Instrument Number 2438670000; and

JOHN CLELLAN and JOAN CLELLAN, husband and wife, for themselves and for their heirs, successors and assigns, do hereby forever release, quitclaim, terminate and abandon to MICHAEL CLAYTON POWERS, an unmarried man with a mailing address of 5235 Mission Oaks Blvd. #44, Camarillo, CA 93012, and to his heirs, successors and assigns, any and all easement rights and obligations granted or reserved under the **Grant of Easement for Water Well** recorded on December 3, 2013 as Kootenai County Instrument Number 2438669000, and under the **Grant of Access and Utility Easement** recorded on December 3, 2013 as Kootenai County Instrument Number 2438670000.

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IN WITNESS WHEREOF, the parties have executed this instrument on the dates acknowledged below.

MICHAEL CLAYTON POWERS

STATE OF CALIFORNIA)
) ss.
County of Ventura)

On this ____ day of March, 2014, before me, _____, personally appeared **Michael Clayton Powers**, known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument, the person or the entity upon behalf of which the person acted, executed the instrument. WITNESS my hand and official seal.

Notary for the State of California
My Commission Expires:



JOHN CLELLAN

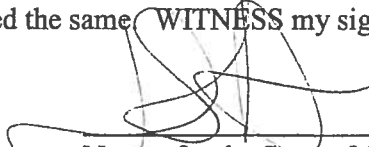


JOAN CLELLAN

STATE OF OHIO)
) ss.
County of Franklin)

On this 28th day of March, 2014, before me, the undersigned, a Notary in and for the State of Ohio, personally appeared **John Clellan and Joan Clellan**, husband and wife known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same. WITNESS my signature and official seal.





Notary for the State of Ohio
Commission Expires: June 14, 2016

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Exhibit "A"
Burdened property

Parcel #1

A parcel of land in the NE Quarter of the NW Quarter of Section 17, Township 47 North, Range 3 West, Boise Meridian, Kootenai County, Idaho; more particularly described as follows:

BEGINNING at the North Quarter corner of said Section 17, monumented with an iron rod with an aluminum cap, 1 ½ inch diameter, marked RLS 4194;

thence along the East line of said NW Quarter South 0°19'35" East, 75.00 feet to an iron rod, 5/8 inch diameter, with a plastic cap marked PLS 4342;

thence continuing along said East line South 0°19'35" East, 1271.92 feet to the Southeast corner of said NE Quarter of the NW Quarter monumented by an iron rod, 5/8 inch diameter, with a plastic cap marked PLS 4342;

thence North 89°49'19" West, 250.01 feet along the South line of said NE Quarter of the NW Quarter to an iron rod, 5/8 inch diameter, with a plastic cap marked PLS 4392;

thence North 0°19'35" West, 1346.14 feet to an iron rod, 5/8 inch diameter, with a plastic cap marked PLS 4342 on the North line of said Section 17;

thence North 89°59'55" East, 175.00 feet along said North line to an iron rod, 5/8 inch diameter, with a plastic cap marked PLS 4342;

thence North 89°59'55" East 75.00 feet to the POINT OF BEGINNING.

Parcel #2

That portion of the Southeast Quarter of the Southwest Quarter of Section 8, Township 47 North, Range 3 West, Boise Meridian, Kootenai County, Idaho, described as follows:

Beginning three rods west of the Southeast corner of said Southeast Quarter of the Southwest Quarter; thence running West along the South line of the SE Quarter of the SW Quarter a distance of four rods; thence North a distance of 23 rods; thence at right angles East a distance of four rods to a point three rods West of the East line of the SE Quarter of the SW Quarter; thence South to the point of beginning.

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Exhibit "B"
Benefitted property

Real property in the County of Kootenai, State of Idaho, described as follows:

A PARCEL OF LAND IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 47 NORTH, RANGE 3 WEST, BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF SAID SECTION 17, MONUMENTED BY AN IRON ROD, 5/8 INCH DIAMETER, WITH A PLASTIC CAP MARKED PLS 4342, FROM WHICH THE NORTH QUARTER CORNER OF SAID SECTION 17 BEARS NORTH 89°59'55" EAST, 250.00 FEET;

THENCE SOUTH 0°19'35" EAST, 1246.14 FEET TO AN IRON ROD, 5/8 INCH DIAMETER, WITH A PLASTIC CAP MARKED PLS 4342;

THENCE NORTH 33°45'23" WEST, 1498.78 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 17, MONUMENTED BY AN IRON ROD, 5/8 INCH DIAMETER, WITH A PLASTIC CAP MARKED PLS 4342;

THENCE NORTH 89°59'55" EAST ALONG SAID NORTH LINE, 825.72 FEET TO THE POINT OF BEGINNING.

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~~Exhibit "B"~~

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Exhibit "A"

Parcel #1

A parcel of land in the NE Quarter of the NW Quarter of Section 17, Township 47 North, Range 3 West, Boise Meridian, Kootenai County, Idaho; more particularly described as follows:

BEGINNING at the North Quarter corner of said Section 17, monumented with an iron rod with an aluminum cap, 1 ½ inch diameter, marked RLS 4194;

thence along the East line of said NW Quarter South 0°19'35" East, 75.00 feet to an iron rod, 5/8 inch diameter, with a plastic cap marked PLS 4342;

thence continuing along said East line South 0°19'35" East, 1271.92 feet to the Southeast corner of said NE Quarter of the NW Quarter monumented by an iron rod, 5/8 inch diameter, with a plastic cap marked PLS 4342;

thence North 89°49'19" West, 250.01 feet along the South line of said NE Quarter of the NW Quarter to an iron rod, 5/8 inch diameter, with a plastic cap marked PLS 4392;

thence North 0°19'35" West, 1346.14 feet to an iron rod, 5/8 inch diameter, with a plastic cap marked PLS 4342 on the North line of said Section 17;

thence North 89°59'55" East, 175.00 feet along said North line to an iron rod, 5/8 inch diameter, with a plastic cap marked PLS 4342;

thence North 89°59'55" East 75.00 feet to the POINT OF BEGINNING.

Parcel #2

That portion of the Southeast Quarter of the Southwest Quarter of Section 8, Township 47 North, Range 3 West, Boise Meridian, Kootenai County, Idaho, described as follows:

Beginning three rods west of the Southeast corner of said Southeast Quarter of the Southwest Quarter; thence running West along the South line of the SE Quarter of the SW Quarter a distance of four rods; thence North a distance of 23 rods; thence at right angles East a distance of four rods to a point three rods West of the East line of the SE Quarter of the SW Quarter; thence South to the point of beginning.

[Handwritten signature]