

Split (no split claims 7/3/99)

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: SEP-19-1997

PAGE: A-40

RIGHT NUMBER: 37-11576

NAME & ADDRESS: VIRGINIA HAIRE  
KETCHUM ID 83340

BRIAN L BALLARD  
PO BOX 297  
KETCHUM ID 83340

SOURCE: GROUNDWATER

QUANTITY: 0.06 CFS

PRIORITY DATE: 07/01/1977

POINT OF DIVERSION: T03N R18E S18

SWNWSE ✓

Within BLAINE County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE  
DOMESTIC D/ 2 HOUSES

PERIOD OF USE  
01-01 12-31

QUANTITY  
0.06 CFS

PLACE OF USE:

DOMESTIC

T03N R18E S18

Within BLAINE County

NWSE ✓

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

P/U IS WILLOWOOD SUBD. LOTS 40 & 41. → <sup>Smith</sup> Singles

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

Verified by

*Duf*

Date: 11-2-98

Verification Source:

*Cyfael lot + map*



## State of Idaho

### DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 327-7900 FAX: (208) 327-7866

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March 3, 1999

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

37-11576  
VIRGINA HAIRE

KETCHUM ID 83340

RE: Domestic and/or Stockwater Rights in Reporting Area 16, Basin 37  
Snake River Basin Adjudication (SRBA)

Dear Water Right Claimant(s):

Please find enclosed the Idaho Department of Water Resources recommendations for your domestic and/or stockwater water right(s) in basin 37 (the Big Wood River drainage area). We have also enclosed instructions for reviewing (1) your recommended water right(s), and (2) other recommended domestic and stockwater right(s) in your area. Water rights for irrigation and other purposes in basin 37 will be recommended in a later process.

Note that you have 180 days in which to file any objection to our recommendation and to review the domestic and stockwater water rights of other claimants, including those of the United States. Information on the other water rights can be found at the county courthouses in Hailey, Fairfield, Gooding, Shoshone, Mountain Home, and all of the Idaho Department of Water Resources offices (see addresses in enclosure).

If the Court does not receive an objection from you about our recommendation, and no other party objects to your water right, your water right will be decreed as recommended after the 180-day objection period. You will receive your decree from the SRBA Court.

Completion of the SRBA is important for the future of water management in Idaho. We invite you to contact our regional offices with any questions that you have about your water right(s) or this adjudication process.

Sincerely,

Karl J. Dreher  
Director

Enclosures

AJ5855NP  
2996

IDAHO DEPARTMENT OF WATER RESOURCES  
INDIVIDUAL LISTING FROM DIRECTOR'S REPORT  
OF WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: March 3, 1999  
PAGE: 1

RIGHT NUMBER: 37-11576

NAME AND ADDRESS: VIRGINA HAIRE  
KETCHUM ID 83340

BRIAN L BALLARD  
PO BOX 297  
KETCHUM ID 83340

SOURCE: GROUNDWATER

QUANTITY: 0.06 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000  
GALLONS PER DAY.

PRIORITY-DATE: 07/01/1977

POINT OF DIVERSION T03N R18E S08 SWNWSE Within BLAINE County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE    | PERIOD OF USE | QUANTITY |
|-------------------------------|-------------------|---------------|----------|
|                               | DOMESTIC 2 HOUSES | 01-01 12-31   | 0.06 CFS |

PLACE OF USE: DOMESTIC Within BLAINE County  
T03N R18E S08 NWSE

OTHER MATTERS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A  
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE  
PROPERTY ALSO KNOWN AS WILLOWOOD SUB. LOTS 40 & 41.  
PARCEL NOS. RP00590020400 & RP005900050410

**NOTICE OF DIRECTOR'S REPORT  
REPORTING AREA 16, BASIN 37  
FOR SMALL DOMESTIC AND STOCK WATER RIGHTS**

**INTRODUCTION**

This is the Idaho Department of Water Resources' (IDWR) Director's Report for your small domestic and/or stock water right claimed in the Snake River Basin Adjudication (SRBA). The quantity allowed for each small domestic or stock water right is up to 13,000 gallons per day. An additional Director's Report for irrigation and all other state law based claims in your reporting area will be filed with the court at a later date.

IDWR is providing individual reports like this one to all claimants of small domestic and stock water rights in your area. A complete copy of the Director's Report, listing all of these small domestic and stock water rights claimed under both state and federal law, is available at the SRBA courthouse in Twin Falls and the locations listed on the third page of this notice. Copies of the report can be made, but you may be charged for copying and mailing.

The following instructions and definitions are designed to help you understand this report.

**INSTRUCTIONS FOR REVIEWING YOUR OWN WATER RIGHT**

The description of your right which is enclosed is only the Director's recommendation to the SRBA Court on your water right. The Court will decide how it will decree your water right. You are free to agree or disagree with the Director's recommendation. If you agree with the Director's recommendation you do not need to do anything, pending further notice as described below. If you disagree with the Director's recommendation, you need to file an objection as described below.

**INSTRUCTIONS FOR REVIEWING THE WATER RIGHTS OF OTHERS**

The complete Director's Report contains recommendations to the SRBA Court on your water right and all other small domestic and stock water rights in your area. The Court will decide how it will decree all water rights. The Director's recommendations in the full report are listed in two sections of the report:

- 1) **List of Recommended Water Rights** -- Water right recommendations are listed alphabetically by source and then chronologically by priority date within each source.
- 2) **List of Claims Recommended to Be Disallowed** -- Water rights recommended to be disallowed are listed numerically by water right number. A short statement of the reason for IDWR's recommendation for disallowance is provided.

Also included in the complete Director's Report are descriptions of the United States' claims for domestic and stockwater under federal law. The Director does not investigate these claims and

makes no recommendation whether they should be granted or not. Sometimes the United States claims one right under both federal and state law. These are called "dual based" claims.

If you want to review someone else's water right you need to look at the complete Director's Report, which is available at the SRBA courthouse in Twin Falls and the locations listed on the third page of this notice. Copies of the report can be made, but you may be charged for copying and mailing.

## **INSTRUCTIONS FOR TAKING A WATER RIGHT CLAIM TO COURT**

### ***What do I do if I disagree with a recommendation or a federal water right claim?***

If you disagree with any element of the recommendation for your water right or anyone else's water right and want to be heard in court, file an objection with the SRBA Court. Objections must be made on the standard objection form available from any IDWR office or from the SRBA Court.

Your objection must be received by the SRBA Court on or before **September 10, 1999**.

### ***What do I do if someone else objects to my water right recommendation?***

If someone files an objection to your water right, or anyone else's water right, you may file a response to that objection. Responses to objections must be made on the standard response form available from any IDWR office or from the SRBA Court.

Your response must be received by the SRBA Court on or before **January 10, 2000**.

### ***What do I do if I want to participate in the court case on someone else's water right?***

If you want to be involved in the court case on any water right in the Director's Report, you must file either an objection or a response by the dates listed above.

### ***What happens if there are no objections to a water right?***

After the deadline for filing objections, IDWR will file a list of all water right recommendations with no objections. The SRBA Court will hear the uncontested recommendations on **November 12, 1999**, at **10:00 A.M.** at the **SRBA Courthouse**. Partial decrees will be issued following this hearing.

### ***How will I know about the proceedings on water right recommendations to which objections were filed?***

A notice will be mailed to you for court dates on your water right or for those where you filed an objection or a response. You will not receive notice of court dates on any other water right recommendations. Additional information regarding domestic and stockwater claims in your area can be found on the SRBA Web Site at [www.srba.state.id.us](http://www.srba.state.id.us).

**Note:** The SRBA Court publishes a monthly Docket Sheet listing all objections and responses filed. It does not list court dates for individual water right cases, but provides general information helpful to all participants in the SRBA. The Docket Sheet is available at your county courthouse and all IDWR offices, or you may subscribe by contacting the SRBA Court or IDWR. The annual subscription fee is \$7.50. The Docket Sheet is also available on the SRBA Web Site at [www.srba.state.id.us](http://www.srba.state.id.us).

## **CHANGES OF ADDRESS OR OWNERSHIP DURING THE SRBA COURT CASE**

You must contact your regional IDWR office with your address change or if the ownership of your water right changes. Failure to notify IDWR may result in the loss of your water rights.

## **ADDITIONAL INFORMATION**

If you have questions about the SRBA, public information brochures are available at any IDWR office. Maps and aerial photography of this reporting area, as well as assistance in using the maps and the photography, are available at the IDWR southern region office in Twin Falls. You are also welcome to call IDWR at any of its offices or the SRBA Court. You may also want to consider contacting an attorney to assist you.

**Snake River Basin Adjudication  
District Court**  
253 Third Avenue North.  
P.O Box 2707  
Twin Falls, Idaho 83303-2707  
(208) 736-3011

**Idaho Department of Water Resources**  
1301 North Orchard  
Box 83720  
Boise, Idaho 83720-0098  
(208) 327-7906  
(800) 451-4129

**Idaho Department of Water Resources  
Western Region**  
2735 Airport Way  
Boise, Idaho 83705-5082  
(208) 334-2190

**Idaho Department of Water Resources  
Northern Region**  
1910 Northwest Blvd., Suite 210  
Coeur d'Alene, ID 83814-2615  
(208) 765-1450

**Idaho Department of Water Resources  
Southern Region**  
1341 Fillmore, Suite 200  
Twin Falls, Idaho 83301-3380  
(208) 736-3033

**Idaho Department of Water Resources  
Eastern Region**  
900 North Skyline, Suite A  
Idaho Falls, Idaho 83402-3653  
(208) 525-7161

**Blaine County Courthouse**  
1<sup>st</sup> & Croy St.  
Hailey, ID 83333  
(208) 788-5525

**Camas County Courthouse**  
501 Solider Rd.  
Fairfield, ID 83327  
(208) 764-2242

**Gooding County Courthouse**  
624 Main St.  
Gooding, ID 83330  
(208) 934-4221

**Lincoln County Courthouse**  
111 W. B St.  
Shoshone, ID 83352  
(208) 886-7641

**Elmore County Courthouse**  
150 S. 4<sup>th</sup> E.  
Mountain Home, ID 83647  
(208) 587-2131

## DEFINITIONS OF THE ELEMENTS OF YOUR WATER RIGHT

**RIGHT NUMBER:** Your water right is identified by a number assigned by IDWR. The first two digits identify IDWR's administrative basin number; for example, 37.

**NAME AND ADDRESS:** Your name and address should appear here. IDWR will use the most recent name and address in their records for the water right.

**SOURCE:** The name and/or type of the source where you divert your water. For example: "groundwater," "unnamed spring," "Common Creek."

**QUANTITY:** The amount of water recommended in either cubic feet per second (cfs) and/or the volume of water in acre feet per year (AFY). Each of these small domestic and/or stock water claims is not to exceed 13,000 gallons per day.

**PRIORITY DATE:** The date used to determine the priority of your right in relation to other rights using water from the same source.

**POINT OF DIVERSION:** The legal location where you divert water from its source; generally described as 1/4 1/4 sections down to a 40-acre tract, or smaller. Other legal descriptions that might be used are: government lots, block, subdivision, parcel numbers, townsite names, mining claim information, homestead entry surveys and other survey information.

Legal locations for instream flow claims are marked with a beginning point and an ending point.

**PURPOSE OF USE:** This report only deals with claims for small domestic and/or stock water uses, such as yours.

"Domestic right" means a right to the use of water for homes, organization camps, public campgrounds, livestock, and for any other purpose in connection with these uses, including irrigation of up to one-half acre of land.

"Stock water right" means a right to the use of water solely for livestock or wildlife.

**PERIOD OF USE:** The period of time during the year when you can use the water for your right.

**PLACE OF USE:** The legal location where you use your water right; generally described as 1/4 1/4 sections down to a 40-acre tract. Other legal descriptions that might be used are: government lots, block, subdivision, parcel numbers, townsite names, mining claim information, homestead entry surveys and other survey information.

**BASIS OF CLAIM:** The method that was used to establish your claim. Examples include prior decree, posted notice, beneficial use (historical) method, license, permit.

**DUAL BASED CLAIMS:** In some cases, the federal government has claimed one right under two theories: a state basis and a federal law basis. Both theories will be reported on one form for that single water right. In most cases, the priority dates are different and will be listed separately. The federal law basis is separately indicated in a box such as this:

```
*****
*                                     *
*                                     *
*                                     *
*****
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*IDWR does not investigate or make recommendations regarding federal law based claims.*

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,  
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A37-11576  
Date Received: 10/11/1988  
Receipt No: S002859  
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: BRIAN L. BALLARD 208-726-5657  
Address: P.O. BOX 297  
KETCHUM, ID 83340

OR  
Name: VIRGINA HAIRE  
Address: KETCHUM, ID 83340

2. Date of Priority: JUL 01, 1977

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 03N      | 18E   | 18      | SW     | NW     | SE     |     | BLAINE |

5. Description of diverting works:  
6"X 120' WELL, 1-1/2 HP PUMP

6. Water is used for the following purposes:

| Purpose  | From  | To    | C.F.S. | (or) | A.F.A. |
|----------|-------|-------|--------|------|--------|
| DOMESTIC | 01/01 | 12/31 | 0.060  |      |        |

7. Total Quantity Appropriated is:  
0.060 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
D/ 2 HOUSES

A37-11576

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Date: 10/11/88

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10. Place of Use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use    | Acres |
|----------|-------|---------|------------|-----|--------|-------|
| 03N      | 18E   | 18      | NW SE      |     | DOMEST |       |

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:  
NONE

14. Remarks:  
P/U IS WILLOWOOD SUBD. LOTS 40 & 41.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do \_\_\_\_\_ do not \_\_\_\_\_ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: \_\_\_\_\_

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_

State of Idaho )  
County of \_\_\_\_\_ ) SS.

Subscribed and sworn (or affirmed) before me this \_\_\_\_\_ day  
of \_\_\_\_\_ 19 \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Seal

Residing at \_\_\_\_\_

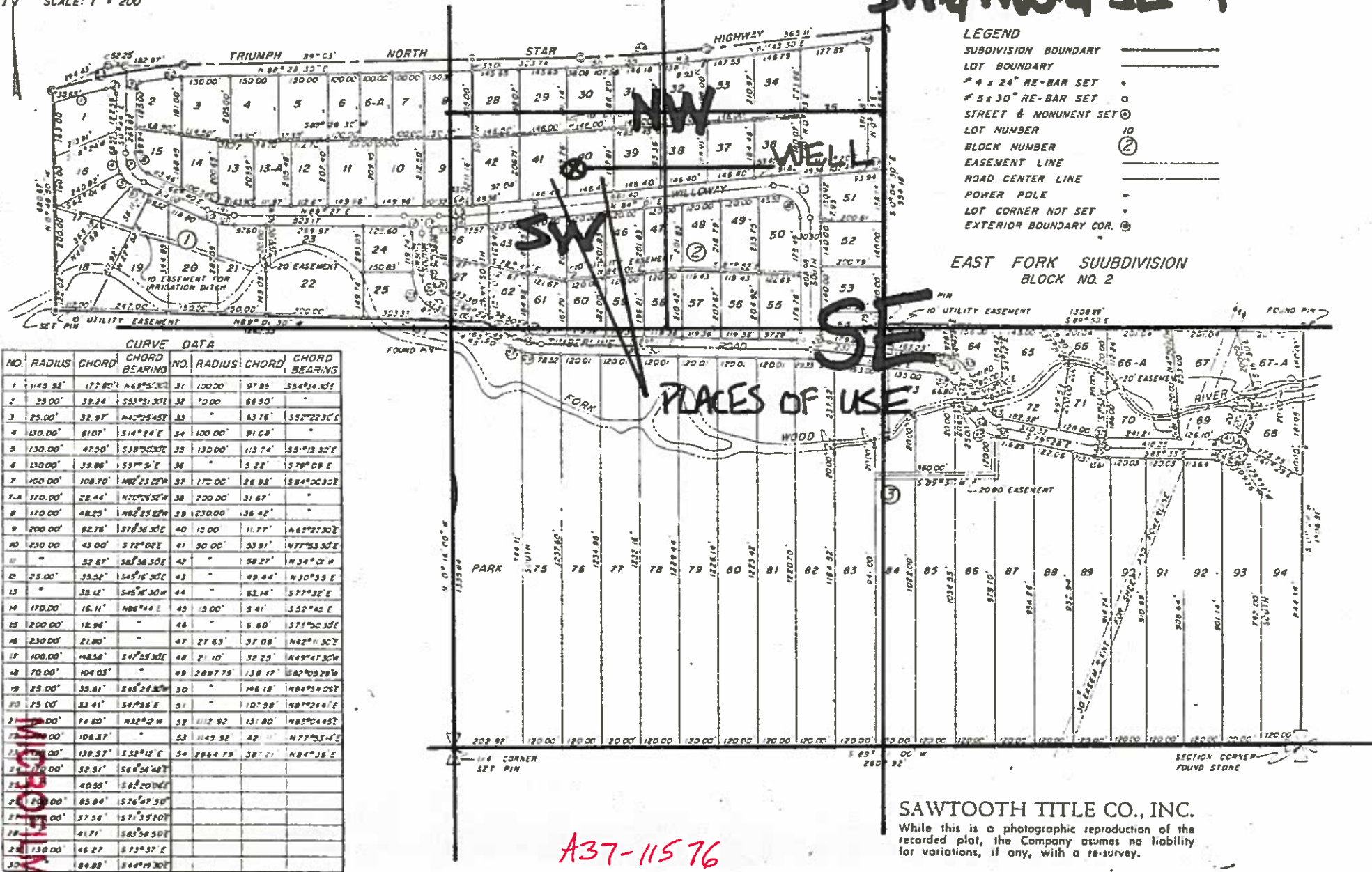
My Commission Expires \_\_\_\_\_

# WILLOWOOD SUBDIVISION

SE<sup>4</sup> SE<sup>4</sup>, SW<sup>4</sup> SE<sup>4</sup>, & PART OF  
NE<sup>4</sup> SW<sup>4</sup>, & NW<sup>4</sup> SE<sup>4</sup> -  
SECTION 8, T.3N., R.18E., B.M.  
BLAINE COUNTY, IDAHO

**SEC 8, T.3N., R.18E.**  
**SW<sup>4</sup> NW<sup>4</sup> SE<sup>4</sup>**

SCALE: 1" = 200'



FEB 25 1993

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A37-11576

**SAWTOOTH TITLE CO., INC.**

While this is a photographic reproduction of the recorded plat, the Company assumes no liability for variations, if any, with a re-survey.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 437-11576

Date Received \_\_\_\_\_

Receipt Number 5002859

SCC

NOTICE OF CLAIM  
TO A  
WATER RIGHT

## ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day. Filing fee \$25

Please type or print clearly

and/or VIRGINIA HAIRE  
1. Name of Claimant (s) BRIAN L. BALLARD Phone 208 726-5657

Mailing Address P.O. Box 297, KETCHUM, ID Zip 83340

2. Date of Priority (Only one (1) per claim) JULY 1, 1977

3. Source of water supply (a) GROUNDWATER  
which is tributary to (b) \_\_\_\_\_

4. Location of point of diversion is: Township 3N Range 18E

Section 18, SW 1/4 of NW 1/4 of SE 1/4, Govt. Lot \_\_\_\_\_, B.M.,

County of BLAINE

Additional points of diversion if any: \_\_\_\_\_

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc),  
including the dates of any changes or enlargements in use, the dimensions of the diversion works as  
constructed and as enlarged and the depth of each well. 6" X 120' WELL AND  
1 1/2 HP PUMP; 2" DISTRIBUTION PIPELINE

6. Water is claimed for the following: (Limited to Domestic and/or Stockwater only. See Instructions)

For DOMESTIC purposes from JAN 1 (Both dates are inclusive) to DEC 31 amount .06 (cfs)

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_

7. Total quantity claimed .06 (cfs)

8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served; Stockwater: Type and number of livestock) TWO (2) HOUSEHOLDS; COMMON WELL (SEE REMARKS)

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10. Place a "D" for domestic and "S" for stockwater use in the corresponding place of use below.

| TWP | RNG | SEC | NE 1/4 |       |       |       | NW 1/4 |       |       |       | SW 1/4 |       |       |       | SE 1/4 |       |       |       |
|-----|-----|-----|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|
|     |     |     | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 |
| 3N  | 18E | 18  |        |       |       |       |        |       |       |       |        |       |       |       |        | D     |       |       |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |

11. In which county (ies) are lands listed above as place of use located? BLAINE

12. Do you own the property listed above as place of use? Yes X No \_\_\_\_\_  
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.  
\_\_\_\_\_ or None X

14. Remarks: DE MINIMIS CONSUMPTIVE USE; COMMON WELL,  
LESS THAN 13,000 gals per day

15. Basis of Claim (check one) Beneficial Use X Posted Notice \_\_\_\_\_ License \_\_\_\_\_ Permit \_\_\_\_\_  
Decree \_\_\_\_\_

If applicable provide IDWR Water Right Number \_\_\_\_\_

Court \_\_\_\_\_ Case Number \_\_\_\_\_ Decree Date \_\_\_\_\_

Plaintiff vs Defendant \_\_\_\_\_

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled  
"How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do X do not  
wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 1

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true  
and correct.

Signature of Claimant (s) F. J. Ballard

Date 10/7/88

Date \_\_\_\_\_

For Organizations: I do solemnly swear or affirm that I am \_\_\_\_\_

Title

of \_\_\_\_\_, that I have signed the foregoing  
Organization

document in the space below as \_\_\_\_\_ of \_\_\_\_\_  
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent \_\_\_\_\_

Title and Organization \_\_\_\_\_

Date \_\_\_\_\_

State of Idaho/or \_\_\_\_\_ )  
County of Blaine ) SS.

Subscribed and sworn (or affirmed) before me this 7th

day of October 19 88

SEAL

Notary Public Babara Freund

Residing at Ketchum

My Commission Expires 2/23/93

Last Name BALLARD

Ident No. A37-11576

Copies White-State, Yellow-Claimant

FEB 25 1993



1. JOINT OWNERSHIP. The parties agree that the well is located on Lot 40 near the property line that separates Lots 40 and 41. The pump facility and other improvements that are connected with the well are located on Lot 41, also near the property line that separates Lots 40 and 41. The parties agree that they are the joint owners of the well, together with the pump and all improvements that have been made or may be made to the well in the future. Monahan owns an undivided one-half interest in the well and the improvements now existing or which may be made to the well in the future. Haire owns an undivided one-half interest in the well and the improvements now existing or which may be made to the well in the future.

2. JOINT USE. The parties agree that they will share in the use of the well by sharing equally in the water it produces. The parties agree that water from the well may not be used for any commercial purpose, and the parties agree that it is their desire to divide equally the water from the well.

3. JOINT RESPONSIBILITY FOR EXPENSES. The parties acknowledge that certain expenses will be connected with the ownership and operation of the well, its pump and other improvements to the well. Among those expenses are the cost of electricity, maintenance, insurance, taxes, and any other expenses that might be reasonably attributable to the well, the pump or the other improvements to the well. The parties agree that they shall share equally in the payment of those expenses. The parties agree that they shall promptly pay all expenses that are incurred.

4. MAJOR IMPROVEMENTS. The parties acknowledge that from time to time major improvements may be required in order to continue the utility and productivity of the well. Among those major improvements are the extension of the well, the replacement of the pump, and other major improvements. The parties agree that they will share on an equal basis the costs connected with those major improvements, but the prior consent in writing of both of the parties shall be required before any major improvements are undertaken. It is agreed between the parties that consent for the major improvements cannot be unreasonably withheld.

5. CONSERVATION. The parties agree that if the water level of the well shall reach a low point requiring conservation then the parties shall make rules to be followed to preserve the continuing quality and quantity of the well for the benefit of the parties.

6. AGREEMENT RUNS WITH THE LAND. The parties agree that the provisions of this agreement are for the benefit of Lot 40 and Lot 41 and the owners of those parcels. The parties agree that the provisions of this agreement shall inure to the benefit of and be binding upon the heirs, executors, administrators, assigns and successors of the parties to this agreement; and the provisions of this agreement shall run with the land comprising Lots 40 and 41, Willowood Subdivision.

7. ATTORNEY'S FEES. The parties agree that if either of the parties, or their heirs, executors, administrators, assignees or successors fail to comply with the provisions of this agreement, and if an action at law or in equity shall be brought to enforce or interpret any of the covenants, terms or conditions of this agreement, the prevailing party

JEELAND, LAGGIS  
KORB, COLLIER  
& BENJAMIN  
Attorneys At Law  
P.O. Box 258  
KETCHUM,  
IDAHO 83340  
TEL. (208) 728-9311

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FEB 25 1993

shall be entitled to recover from the other party as part of that prevailing party's cost a reasonable attorney's fee, the amount of which shall be fixed by the court and shall be made a part of any judgment rendered.

DATED this 5 day of Sept., 1979.

Paul Monahan  
PAUL MONAHAN

Frances Monahan  
FRANCES MONAHAN

Virginia Haire  
VIRGINIA HAIRE

STATE OF IDAHO )  
COUNTY OF BLAINE ) ss.

On this day personally appeared before me a Notary Public in and for the State of Idaho, PAUL MONAHAN and FRANCES MONAHAN, to me known to be the individuals who executed the within and foregoing instrument and acknowledged to me that they signed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.

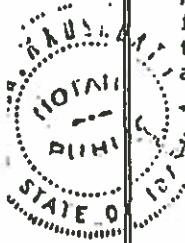
GIVEN UNDER my hand and official seal the 5 day of August, 1979.

Jean M. Ritten  
NOTARY PUBLIC for Idaho  
Residing at Ketchum  
Commission expires 9/27/80

STATE OF IDAHO )  
 ) ss.  
COUNTY OF BLAINE )

On this day personally appeared before me a Notary Public in and for the State of Idaho, VIRGINIA HAIRE to me known to be the individual who executed the within and foregoing instrument and acknowledged to me that She signed the same as her free and voluntary act and deed for the uses and purposes therein mentioned.

GIVEN UNDER my hand and official seal the 14<sup>th</sup> day of August, 1979.



R. J. Haire  
NOTARY PUBLIC for Idaho  
Residing at Ketchum  
Commission expires 12/1/81