

Thiel, Sandra

From: Melissa Luna <melissa@landeckandforseth.com>
Sent: Thursday, May 27, 2021 6:18 PM
To: Thiel, Sandra
Subject: Re: Colberg Claim 86-12081
Attachments: Joint Use Agreement.pdf; Warranty Deed to Gernerts 342829.pdf

Sandra,

Here's a timeline based on the documentation I have:

March 6, 1985 - date of application for water right permit. Application document paragraph 10 included a narrative of placement of the well and that the land would soon be sold to Glenn Gernert.

March 13, 1985 - date parcel is conveyed to Glenn and Clare Gernert (see attached deeds for parcel from Latah County).

August 30, 1985 - Joint Use Agreement for well (attached hereto) describes the location of the well on the Gernert's property (see page 2):

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Thank you.

Sincerely,

Melissa Luna
Attorney

Landeck | Forseth | Luna
Attorneys at Law
220 E 5th Street, Suite 212
P.O. Box 9344
Moscow, ID 83843
Telephone: (208) 883-1505 ext. 3#
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Email: melissa@landeckandforseth.com
Website: www.landeckandforseth.com

On Thu, May 27, 2021 at 3:26 PM Thiel, Sandra <Sandra.Thiel@idwr.idaho.gov> wrote:

Hello Melissa, I have two questions I'm hoping you can answer. Is the point of diversion well on the Colberg's property? And, do they share the well with another house?

Sandra Beer Thiel

JOINT USE AGREEMENT

THIS AGREEMENT is made and entered into this 30th day of August, 1985, by and between ARLIN COLBORG and LEE ANN COLBORG, husband and wife, of 3347 Teare Road, Moscow, Idaho 83843, and GLENN GERNERT and CLARE GERNERT, husband and wife, of 2325 Wallen Road, Moscow, Idaho 83843:

W I T N E S S E T H:

WHEREAS, Arlin Colborg and Lee Ann Colborg are the owners of a tract of land located in the Southeast Quarter of the Southeast Quarter of Section 6, Township 39 North, Range 4 West, Boise Meridian, Latah County, Idaho, lying south of the centerline of Wallen Road and east of Larson Road, being described as follows:

BEGINNING at the Southeast Corner of said Section 6; thence North 89° 30' West along the south boundary of said Section 6 a distance of 291.1 feet to the True Point of Beginning;

Thence continue North 89° 30' West along said south boundary of Section 6 a distance of 283.6 feet to the centerline of existing Larson Road;

Thence North 33° 03' West along said centerline 386.3 feet to the intersection with the centerline of Wallen Road;

Thence North 65° 57' East along the centerline of Wallen Road 336.3 feet;

Thence North 75° 39' East along said centerline 193.1 feet;

Thence South 511.1 feet to the True Point of Beginning.

Said tract contains 4.1 Acres.

RESERVING therefrom, the westerly 25 feet of above described tract for County Road right-of-way.

RESERVING therefrom, the northerly 25 feet of above described tract for County Road right-of-way.

WHEREAS, Glenn Gernert and Clare Gernert are the owners of a tract of land located in the Southeast Quarter of the Southeast Quarter of Section 6, Township 39 North, Range 4 West, Boise

Meridian, Latah County, Idaho, lying south of the centerline of Wallen Road, being described as follows:

BEGINNING at the Southeast Corner of said Section 6, said point being the True Point of Beginning;

Thence North 89° 30' West along the south boundary of said Section 6 a distance of 291.1 feet;

Thence North 511.1 feet to the centerline of existing Wallen Road;

Thence North 58° 50' East along said centerline 78.0 feet;

Thence North 35° 58' East along said centerline 186.7 feet;

Thence North 60° 17' East along said centerline 102.5 feet to the east boundary of said Section 6;

Thence South 1° 57' East along said east boundary of Section 6 a distance of 756.2 feet to the True Point of Beginning.

Said tract contains 4.1 Acres.

RESERVING therefrom, the northerly 25 feet of above described tract for County Road right-of-way.

WHEREAS, the tract of land owned by Colborgs (tract 2) and the tract of land owned by Gernerts (tract 1) was purchased as one parcel by Colborgs, divided by survey and Gernerts tract was purchased from Colborgs; and

WHEREAS, the parties hereto have developed a single well water system on the Gernert tract to service a single family residence for domestic purposes on each of the above described tracts; and

WHEREAS, Colborgs have applied for water permit No. 87-7120 and have assigned an interest therein to Gernerts; and

WHEREAS, it is necessary for the parties hereto to reduce their joint use agreement to writing;

NOW, THEREFORE, the parties hereto agree as follows:

1. That they have equally shared the cost of having a well drilled and developed, including installation of a pump, well house, electrical wiring, and pipe.

2. That the location of said well and the residences to be served by said well is shown on Exhibit "A" which is attached hereto and by this reference incorporated herein.

3. That both residences designated on Exhibit "A" shall have equal access to and equal use of the water from the well located on tract 1.

4. The right to equal access and equal use shall run with the land for perpetuity unless sooner terminated as provided herein.

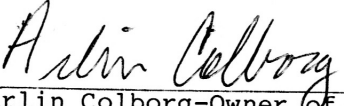
5. The right to access expressed herein includes an easement which is hereby granted by the Gernerts to the Colborgs across that portion of tract 1 wherein the water pipes are now located from the well to the dividing line between tract 1 and tract 2.

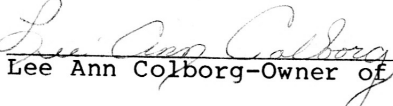
6. The parties hereto shall equally share the cost of future maintenance, repair and improvements of the well system to the point of diversion from the well system to each tract.

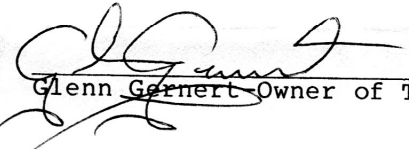
7. This agreement is binding upon the parties, their heirs and assigns.

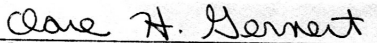
8. This agreement can be terminated by the development of a separate well on the Colborg parcel (tract 2) wherein the owners of tract 1 and tract 2 shall equally share all costs for the development of the water well on tract 2.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands.


Arlin Colborg-Owner of Tract 2


Lee Ann Colborg-Owner of Tract 2


Glenn Gernert-Owner of Tract 1


Clare H. Gernert-Owner of Tract 1

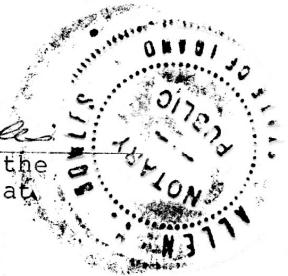
402786

STATE OF IDAHO)
 : SS.
County of Latah)

On this 30th day of August, 1985, before me, the undersigned, a Notary Public in and for said State, personally appeared ARLIN COLBORG and LEE ANN COLBORG, husband and wife, known or identified to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal on the date last above written.

Allen V. Bowles
NOTARY PUBLIC in and for the
State of Idaho, residing at
Moscow, therein.



STATE OF IDAHO)
 : SS.
County of Latah)

On this 30th day of August, 1985, before me, the undersigned, a Notary Public in and for said State, personally appeared CLARE GERNERT, wife of GLENN GERNERT, known or identified to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal on the date last above written.

Allen V. Bowles
NOTARY PUBLIC in and for the
State of Idaho, residing at
Moscow, therein.



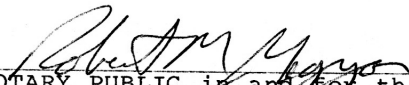
402786

STATE OF IDAHO)
 : ss.
County of Latah)

On this 3RD day of September, 1985, before me, the under-
signed, a Notary Public in and for said State, personally appeared
GLENN GERNERT, husband of CLARE GERNERT, known or identified to me
to be the person whose name is subscribed to the foregoing instru-
ment and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial
seal on the date last above written.





NOTARY PUBLIC in and for the
State of Idaho, residing at
Moscow, therein.

WARRANTY DEED

ARLIN E. COLBORG and MABEL LEE'ANN COLBORG, husband and wife of Moscow, Idaho hereby convey or grant and warrant to GLENN L. GERNERT and CLARE GERNERT, husband and wife of Moscow, Idaho, for the sum of ten dollars (\$10.00) and other valuable consideration, the following described tract in Latah County, State of Idaho, to wit:

A tract of land known as TRACT 1 located in the Southeast Quarter of the Southeast Quarter of Section 6, Township 39 North, Range 4 W.B.M., lying south of the centerline of Wallen Road, being described as follows:

BEGINNING at the Southeast Corner of said Section 6, said point being the True Point of Beginning;

Thence North $89^{\circ} 30'$ West along the south boundary of said Section 6, a distance of 291.1 feet;

Thence North 511.1 feet to the centerline of existing Wallen Road;

Thence North $58^{\circ} 50'$ East along said centerline 78.0 feet;

Thence North $35^{\circ} 58'$ East along said centerline 186.7 feet;

Thence North $60^{\circ} 17'$ East along said centerline 102.5 feet to the east boundary of said Section 6;

Thence South $1^{\circ} 57'$ East along said east boundary of Section 6 a distance of 756.2 feet to the True Point of Beginning.

Said tract contains 4.1 acres.

RESERVING therefrom, the northerly 25 feet of above described tract for County Road right-of-way.

WITNESS the hand of said grantors this 13 day of March, 1985.

Arlin E. Colborg
Arlin E. Colborg

Mable Lee'Ann Colborg
Mable Lee'Ann Colborg

STATE OF IDAHO)
 : ss.
County of Latah)

On this 13 day of March, 1985, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared ARLIN E. COLBORG and MABEL LEE'ANN COLBORG, known or identified to me to be the persons whose names are subscribed to the above and foregoing instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and notorial seal the date last above written.

Paul Hager
Notary Public for the State of
Idaho, residing at Moscow

No. 342829

At the request of

Arline Colbary

Date & Hour:

3-13-85 11:51 A.M.

Joan Bauer,
Latah County Recorder

Fee \$ 2.00 By J. Werscheck
ck. Deputy

m/ Arline Colbary

Box 275

3347 Highway 8 E

Moscow, Id. 83843

322 E Front Street PO Box 83720

Boise ID 83720-0098

208.287.4881