

200153786

REQUEST Laura Peterson
TYPE BdA FEE 9.00

RECORDED

NOV 20 PM 4 18

CANYON COUNTY RECORDER
C. McLaughlin

WATER USER AGREEMENT

CANYON COUNTY RECORDER
C. McLaughlin

2001 NOV 21 PM 1 5

RECORDED

200148509

REQUEST John Cook
TYPE BdA FEE 3.00

On this 10th day of November, 2001, the below signed individuals, and/or their agents acting on their behalf, did enter into a water use, repair, and maintenance agreement for the well and distribution system located on the 60-acre residential development commonly referred to as Grandview Heights. This agreement is amenable and is binding upon all heirs and assigns to the undersigned.

Said development is located in Canyon County, in the State of Idaho. The use of the water from this system is made available to any owner of one of the eight parcels in the said development who buys a share in the water system and agrees to the terms of this agreement. The well utilizes combined water rights granted to the development.

An owner of any of the eight parcels in the said development may purchase a share in the water system. Each shareholder in said water system, and their heirs or assigns, agrees to, and is responsible for paying a monthly assessment and supplemental assessments as outlined herein. A share in the water system does not become effective until the purchaser signs a copy of this agreement along with the signature of John Cook, current manager for the water system. The monthly assessment shall cover the costs of use, repair and maintenance of the water system. If additional funds are required, a letter to all shareholders shall be sent, fully describing all costs and work to be done with an equally divided assessment being levied.

On the first Monday of the month, following the acquisition of a share in the water system, and on the same day of each month thereafter, a monthly assessment of \$30.00 shall be due and payable to the water system's manager, currently John Cook. Assessments shall be mailed to the manager, currently: John Cook, 5977 Cougar Lane, Santa Rosa, CA 95409. Assessments postmarked after the tenth of the month shall be subject to a \$15 late fee. If there are amounts assessed to a shareholder which remain unpaid after a period of sixty (60) days from the monthly assessment date or from the delivery of a written request for payment of an assessed amount, which outlines the nature of the repair, the total cost of the repair, and the shareholders assessed amount, then the water system's manager may file a real estate lien against the real property in the development for the payment of the assessment. Any expenses incurred to file the lien or otherwise collect said assessment will also be charged to the non-paying shareholder, and included in the lien amount.

Shareholders shall abide by all other terms which may be determined necessary to comply with the laws of the State of Idaho and the interests of the development as determined by future majority consent. No shareholder shall use more water than is legally allowed by the State of Idaho.

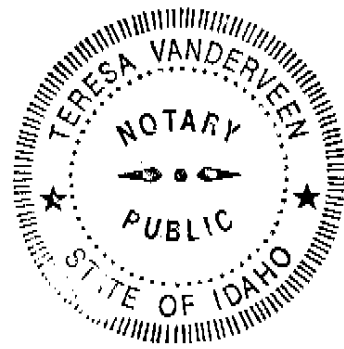
Dated this 10th day of Nov, 2001

John Cook
John Cook Date

Kathy Cook
Kathy Cook Date

Laura B. Peterson
Laura Peterson Date

Notary Public [Signature] 11/10/01
commission Expires 06-27-06



PN64486

Exhibit "A"

PARCEL I:

A part of the Northwest Quarter of the Northwest Quarter, Section 21, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho, being the South Half of the Southwest Quarter of the Northwest Quarter of the Northwest Quarter.

PARCEL II:

Easement Description No. 1

An easement situated in a part of the Northwest Quarter, Section 21, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

A 60.00 foot wide ingress and egress easement lying 30.00 feet on each side of the following described centerline:

COMMENCING at the Northwest corner of the Northwest Quarter of the Northwest Quarter (section corner common to Sections 16, 17, 20 and 21) thence

South $89^{\circ} 51' 19''$ East a distance of 475.00 feet along the Northerly boundary of said Northwest Quarter of the Northwest Quarter to the BEGINNING POINT of said easement; thence along the centerline of said easement the following courses and distances:

South $0^{\circ} 00' 00''$ West 35.00 feet; 174.53 feet along the arc of a 125.00 foot radius, tangent curve left with a central angle of $80^{\circ} 00' 00''$, and tangents of 104.89 feet, the long chord of which bears

South $40^{\circ} 00' 00''$ East 160.70 feet;

South $80^{\circ} 00' 00''$ East 160.00 feet; 58.91 feet along the arc of a 125.00 foot radius, tangent curve right with a central angle of $27^{\circ} 00' 00''$, and tangents of 30.00 feet, the long chord of which bears

South $66^{\circ} 30' 00''$ East 58.36 feet;

South $53^{\circ} 00' 00''$ East 380.00 feet; 329.42 feet along the arc of a 125.00 foot radius, tangent curve right with a central angle of $151^{\circ} 00' 00''$ and tangents of 483.34 feet, the long chord of which bears

South $22^{\circ} 30' 00''$ West 242.04 feet;

North $82^{\circ} 00' 00''$ West 260.00 feet; 5126 feet along the arc of a 125.00 foot radius, tangent curve left with a central angle of $23^{\circ} 30' 00''$, and tangents of 26.00 feet, the long chord of which bears

South $89^{\circ} 05' 00''$ West 51.91 feet;

South $74^{\circ} 30' 00''$ West 450.00 feet; 321.80 feet along the arc of a 125.00 foot radius, tangent curve left with a central angle of $147^{\circ} 30' 00''$, and tangents of 428.86, the long chord of which bears

South $0^{\circ} 45' 00''$ West 240.01 feet;

South 73° 00'00" East 247.00 feet; 305.43 feet along the arc of a 500.00 foot radius, tangent curve left with a central angle of 35° 00'00", and tangents of 157.65, the long chord of which bears

South 38° 00'00" East 255.01 feet;

South 47° 00'00" East 35.00 feet;

South 56° 00'00" East, 93.29 feet, the terminus point, and the radius point of a 60 foot radius cul-de-sac of this easement.

AND

Easement Description No. 2

An easement situated in a part of the Northwest Quarter, Section 21, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

A 60.00 foot wide ingress and egress easement lying 30.00 feet on each side of the following described centerline:

COMMENCING at the Northwest corner of the Southwest Quarter of the Northwest Quarter (North Sixteenth corner) thence

South 89° 53'22" East a distance of 810.65 feet along the Northerly boundary of said Southwest Quarter of the Northwest Quarter to the BEGINNING POINT of said Road Easement No. 2; thence along the centerline of said Road Easement No. 2 the following courses and distances:

South 72° 00'00" West 60.00 feet; 39.27 feet along the arc of a 125.00 foot radius, tangent curve left with a central angle of 18° 00'00", and tangents of 19.80 feet, the long chord of which bears

South 81° 00'00" West 39.11 feet;

South 90° 00'00" West 150.00 feet;

South 81° 00'00" West 100.00 feet;

South 72° 00'00" West 140.23 feet to the terminus point and radius point of a 60.00 foot radius cul-de-sac.

200131390

RECORDED

2001 AUG 3 PM 4 06

G NOEL MALES

CANYON COUNTY RECORDER

BY *[Signature]*

REQUEST PIONEER-NAMPA
TYPE/DATE *[Signature]* 4/20