

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 05 2013

Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant LAKEVIEW HOMEOWNERS ASSN Phone (208)529-3110
C/O GEORGE SPARR
Mailing Address 4760 S WACKERLI, IDAHO FALLS ID 83406 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative _____ Phone _____
Mailing Address _____ Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.
- OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
- OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

 George Sparr Vice Pres. 8-5-2013
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

A. PURPOSE OF TRANSFER

1.	Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
	23-7141	No	Yes	No	Yes	No	No
	23-7173	No	No	No	Yes	No	No

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**

Lakeview Homeowners Association is seeking to drill a new well to replace an existing well which pumps a high sulfur content. The Association also seeks to add all three wells as authorized points of diversion to both water rights 23-7173 and 23-7141. One new well will be drilled.

B. **DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT TO A SEPARATE SYSTEM, DESCRIBE PORTIONS TO BE CHANGED TO A SEPARATE SYSTEM AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.**

1. Detailed Water Right Description(s) Attached labeled Part 1.

Summary of Water Rights After the Approved Change

Transferred Right (All or Part)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	Original Right (Remaining Portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
23-7141	0.080 cfs	57.9 af	N/A	N/A		N/A	N/A	N/A	N/A
23-7173	0.180 cfs	83.4 af	N/A	N/A		N/A	N/A	N/A	N/A

**COMBINED
TOTALS**

0.260 cfs 83.4 af N/A N/A N/A N/A N/A N/A

2. Total amount of water proposed to be transferred or changed 0.26 cubic feet per second and/or _____ acre-feet per annum
3. Points(s) of Diversion:
- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
- ☒ As shown in Part 1.
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.
4. Place of Use:
- ☒ No changes to place of use are proposed. (Proceed to #5.)
- As shown in Part 1.
- ☐ See Attachment.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Transfer Right After Requested Changes**

Proposed Water Right No. 23-7141

Current Water Right Owner

LAKEVIEW
HOMEOWNERS ASSN
C/O GEORGE SPARR
4760 S WACKERLI
IDAHO FALLS, ID 83406

Priority Date: 11/23/1998

Origin: Water Right

Basis: License

Status Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
DOMESTIC	01/01	12/31	0.080 CFS	57.9 AFA	
Total Diversion			0.080 CFS	57.9 AFA	

Source and Point(s) of Diversion:

GROUND WATER	SESW	Sec. 24 Twp 01S Rge 45E BONNEVILLE County
GROUND WATER	SENW	Sec. 25 Twp 01S Rge 45E BONNEVILLE County
GROUND WATER	NENW	Sec. 25 Twp 01S Rge 45E BONNEVILLE County

Place of Use: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	45E	23													X				0.0
01S	45E	24									X	X	X	X					0.0
01S	45E	25					X	X		X	X								0.0

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Transfer Right After Requested Changes**

Proposed Water Right No. 23-7173

Current Water Right Owner

LAKEVIEW
HOMEOWNERS ASSN
C/O GEORGE SPARR
4760 S WACKERLI
IDAHO FALLS, ID 83406

Priority Date: 6/4/1998

Origin: Water Right

Basis: License

Status Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
DOMESTIC	01/01	12/31	0.180 CFS	83.4 AFA	
Total Diversion			0.180 CFS	83.4 AFA	

Source and Point(s) of Diversion:

GROUND WATER	SESW	Sec. 24 Twp 01S Rge 45E BONNEVILLE County
GROUND WATER	SENW	Sec. 25 Twp 01S Rge 45E BONNEVILLE County
GROUND WATER	NENW	Sec. 25 Twp 01S Rge 45E BONNEVILLE County

Place of Use: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	45E	23													X				0.0
01S	45E	24									X	X	X	X					0.0
01S	45E	25					X	X		X	X								0.0

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future
Three wells that are interconnected to three storage tanks.

- b. Who owns the property at the point(s) of diversion
Mark Miskin, Robert Butler, Alyson O'steen.
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Easements

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
No, ☒ If Yes, ☐
Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien:
It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
N/A

- e. Describe the use of any other water right(s) for the same purpose or land, or same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

- | Yes | No | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No. 23-7141

Current Water Right Owner

LAKEVIEW
HOMEOWNERS ASSN
C/O GEORGE SPARR
4760 S WACKERLI
IDAHO FALLS, ID 83406

Priority Date: 11/23/1998

Origin: Water Right

Basis: License

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
DOMESTIC	01/01	12/31	0.080 CFS	57.9 AFA	
Total Diversion			0.080 CFS	57.9 AFA	

Source and Point(s) of Diversion:

GROUND WATER

SENE

Sec. 25 Twp 01S Rge 45E BONNEVILLE County

Place of Use: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	45E	23													X				0.0
01S	45E	24									X	X	X	X					0.0
01S	45E	25					X	X		X	X								0.0

Conditions/Remarks:

1. Rights 23-7141 and 23-7173 when combined shall not exceed a total annual maximum diversion volume of 83.4 acre-feet and the domestic use for 139 homes.
2. Domestic use is for 139 homes and does not include lawn, garden, landscape, or other types of irrigation.
3. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
4. Point of diversion is located within Lot 49, Blk. 1, Rudd Subdivision.
5. Place of use is located within Lots 1-6, 8-9, & 12-32, Lakeview Estates, Division 1, Plat 1; Lots 3-7, 9-13, & 15-17, Lakeview Estates, Division 1, Plat 2; Lots 1-11, Blk. 1, & Lots 1-5, Blk. 2, Lakeview Estates, Division 3; Lots 1-42, 45, & 49-60, Blk. 1, Rudd Subdivision; Lots 1-2, Blk. 1, Ramey Keller Subdivision; Lots 1-11, Blk. 1, & Lots 1-4, Blk. 2, Quaker Haven Estates; Lots 1-4, Blk.1, Aspen Ridge Subdivision; and Lots 1-6, Blk. 1, Pixton Cove Subdivision.
6. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
7. The issuance of this right does not grant any right-of-way or easement across the land of another.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

☐ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**. If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**

1. Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.:

[illegible]

Transfer Contains 10 pages and attachments.
 Received By Date Prelim. Check By Date
 Fee Paid 1500.00 Date 5 Aug 2013 Received By Btak Receipt # E038974
 Add'l Fee Paid Date Received By Receipt #

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 78744

AUG 05 2013

Department of Water Resources
Eastern Region

MINIMUM REQUIREMENTS CHECKLIST

TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Name of Applicant(s) LAKEVIEW HOMEOWNERS ASSN

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.Yes N/A *Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

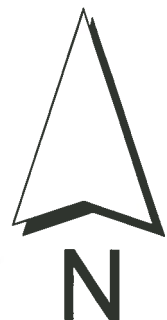
- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner.
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm>.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☒ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.)
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Other. Please describe: _____



0 250 500 1,000 Feet

1 inch = 436.4 feet

-  Proposed POD's
-  Township/Range
-  Sections
-  QQ



78744

WELL AGREEMENT

THIS AGREEMENT by and between Robert E. Butler, a resident of Bonneville County, herein referred to as "FIRST PARTY", and LAKEVIEW HOMEOWNERS ASSOCIATION (LHA) an Idaho Corporation, herein referred to as SECOND PARTY.

WITNESSETH:

Whereas, FIRST PARTY is the owner of certain real property situated in Bonneville County, Idaho, and more particularly described as follows, to wit:

Lot Fifty-Six (56), First Amended Ruud Subdivision, Division No. 1, Block 1, Bonneville County, Idaho, according to the recorded plat thereof,

SUBJECT TO an easement and right-of-way for maintenance of underground power and water lines under and along the centerline of existing roadway.

and

Whereas, SECOND PARTY is engaged in the business of supplying culinary water to the owners and/or purchasers of various recreational lots in the vicinity of Palisades Reservoir in Bonneville County, Idaho, including lots located in Ruud Subdivision including Amendments #1 and #2, Lakeview Estates Subdivision, Lakeview Estates Subdivision No. 2, Lakeview Estates Subdivision No. 3 and property adjacent thereto.

and

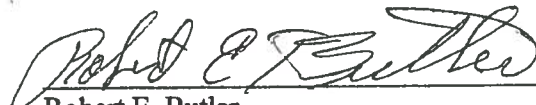
Whereas, SECOND PARTY intends to install a deep well water facility just inside the southeast corner of the tract of land above described owned by FIRST PARTY with the permission of FIRST PARTY consisting of a well pit, pressure tank, submersible pump, and accessories. The parties acknowledge that the water facility will be used to supplement other sources of culinary water now being or hereafter furnished by SECOND PARTY to the parties above-referred to.

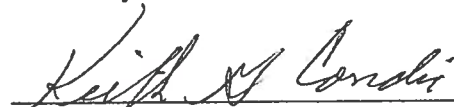
Now, therefore, in consideration of the mutual covenants and conditions herein contained, the parties agree as follows:

1. FIRST PARTY does hereby grant and confirm to SECOND PARTY an easement from the southeast corner of the above described property to said water facility for the limited purpose of maintenance and operation of said water facility. SECOND PARTY shall commit no waste or destruction while upon the property of FIRST PARTY.

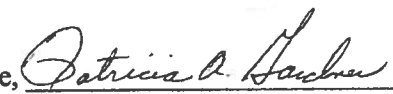
2. This agreement shall extend to and bind the heirs, executors, administrators, successors and assigns of the respective parties here.

In witness whereof, the parties have hereunto executed this agreement this 24th day of July, 2013.

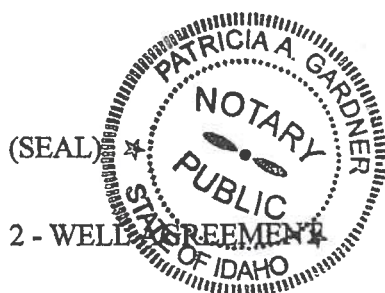

Robert E. Butler
First Party

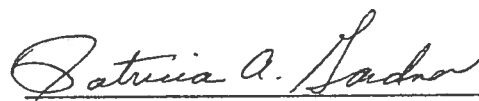

Keith G. Condie -- President LHA
Second Party

State of Idaho)
) ss.
County of Bonneville)

On this 24th day of July, in the year 2013, before me, , an Idaho notary public, personally appeared ROBERT E. BUTLER, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledge to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed by official seal the day and year in this certificate first above written.




Notary Public for Idaho
Residing at Idaho Falls, Idaho

My commission expires Oct, 09, 2015

State of Idaho

)
) ss.
)

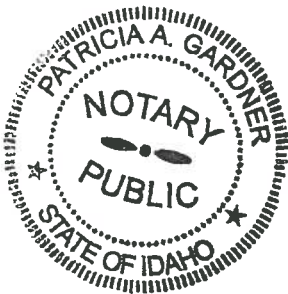
County of Bonneville

On this 24th day of July, in the year 2013, before me, Patricia A. Gardner,
an Idaho notary public, personally appeared KEITH G. CONDIE, known or identified to me to
be the person whose name is subscribed to the within instrument, and acknowledge to me that
they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed by official seal the
day and year in this certificate first above written.

(SEAL)

Patricia A. Gardner
Notary Public for Idaho
Residing at Idaho Falls, Idaho
My commission expires Oct, 09, 2015



WELL AGREEMENT

THIS AGREEMENT by and between MARK R. MISKIN, herein referred to as "FIRST PARTY", and LAKEVIEW HOMEOWNERS ASSOCIATION, herein referred to as "SECOND PARTY", all parties' residents of Bonneville County, Idaho.

W I T N E S S E T H :

WHEREAS, First Party is the contract purchaser of certain real property situated in Bonneville County, Idaho, and more particularly described as follows, to-wit:

Lake View Estates, Division No. 1, Lot Twenty-three (23), Township 1-S, Range 45, Southwest 1/4 Section 24, Bonneville County, Idaho, according to the recorded plat thereof.

SUBJECT TO an easement and right-of-way for maintenance of underground power and water lines under and along the centerline of that portion of Lot 23 consisting of an existing roadway from U.S. Highway 26 to and along the east side of said lot.

and

WHEREAS, Second Party is engaged in the business of supplying culinary water to the owners and/or purchasers of various recreational lots in the vicinity of Palisades Reservoir in Bonneville County, Idaho, including lots located in Lake View Estates Division No. 1, Plat 1 and 2, Ruud Subdivision, Division No. 1, and Lake View Estates Division No. 3, and property adjacent thereto, now or previously owned by First Party; and

WHEREAS, Second Party has recently installed a deep well water facility just inside the northeast corner of the tract of land above described being purchase by First Party with the permission of First Party and their predecessor in interest, consisting of a well pit, submersible pump, and accessories. The parties acknowledge that the water facility will be used to

supplement other sources of culinary water now being or hereafter furnished by Second Party to the parties above-referred to.

NOW, THEREFORE, in consideration of the mutual covenants therein contained, the parties agree as follows:

1. First Party does hereby grant and confirm to Second Party an easement from the northeast corner of the above described property to said water facility for the limited purpose of maintenance and operation of said water facility. Second Party shall commit no waste or destruction while upon the property of First Party.

2. This agreement shall extend to and bind their heirs, executors, administrators, successors and assigns of the respective parties hereto.

IN WITNESS WHEREOF, the parties have hereunto executed this agreement this 12th day of May, 2004.



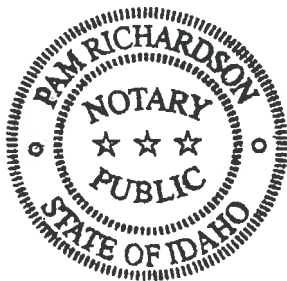
MARK R. MISKIN

First Party

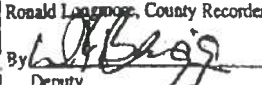
LAKEVIEW HOMEOWNERS ASSOCIATION

BY: 

Second Party



ATTEST: 
Secretary Notary Public
Commission Expires
on 4-27-07

INSTRUMENT NO.	1151776
DATE	5/12/04
INST. CODE	810
IMAGED PGS	6
FEE	6.00
STATE OF IDAHO) ss	
COUNTY OF BONNEVILLE)	
I hereby certify that the within	
instrument was recorded.	
Ronald Longmire, County Recorder	
By	
Deputy	
Request of	Mark Paulsen

WELL AGREEMENT

74440

RECEIVED

AUG 07 2013

Department of Water Resources
Eastern Region

WELL AGREEMENT

THIS AGREEMENT by and between RICHARD C. WIEMER and ELEANOR R. WIEMER, husband and wife, herein referred to as "FIRST PARTIES", and DOUGLAS RUUD, a married man, herein referred to as SECOND PARTY, all parties being residents of Bonneville County, Idaho.

W I T N E S S E T H:

Whereas, FIRST PARTIES are the contract purchasers of certain real property situated in Bonneville County, Idaho and more particularly described as follows, to wit:

~~Lot~~
Lot Forty-Nine (49), Ruud Subdivision,
Division No. 1, Bonneville County,
Idaho, according to the recorded plat
thereof,

SUBJECT TO an easement and right-of-way
for maintenance of underground power
and water lines under and along the
centerline of that portion of Lot 49
consisting of an existing roadway from
U.S. Highway 26 to and along the east
side of said lot.

and

Whereas, SECOND PARTY is engaged in the business of supplying culinary water to the owners and/or purchasers of various recreational lots in the vicinity of Palisades Reservoir in Bonneville County, Idaho, including lots located in Lake View Estates Division No. 1, Plat 1 and 2, Ruud Subdivision, Division No. 1, and Lake View Estates Division No. 3 (unplatted), and

794940

90 OCT 11 PM 4:38

BONNEVILLE COUNTY
CLERK

property adjacent thereto, now rn previously owned by FIRST PARTY.
and

Whereas, SECOND PARTY has recently installed a deep well water facility just inside the northeast corner of the tract of land above described being purchased by FIRST PARTIES with the permission of FIRST PARTIES and their predecessor in interest, consisting of a well pit, pressure tank, submersible pump, and accessories. The parties acknowledge that the water facility will be used to supplement other sources of culinary water now being or hereafter furnished by SECOND PARTY to the parties above-referred to.

Now, therefore, in consideration of the mutual covenants and condititions herein contained, the parties agree as follows:

1. FIRST PARTIES do hereby grant and confirm to SECOND PARTY an easement from the northeast corner of the above described property to said water facility for the limited purpose of maintenance and operation of said water factility. SECOND PARTY shall commit no waste or destruction while upon the property of FIRST PARTIES.

2. SECOND PARTY agrees at his expense to hook up to said water system the residence located on the above-described parcel and to thereafter furnish water to FIRST PARTIES, without charge for as long as SECOND PARTY shall operate said water facility. SECOND PARTY does not normally operate the water delivery system during the winter months, and should FIRST PARTIES desire to

receive water from said water facility during any winter months, FIRST PARTIES agree to pay or reimburse SECOND PARTY for the cost of power used during such period, however FIRST PARTIES shall have no further financial obligation whatsoever with respect to the operation and maintenance of said culinary water facility.

3. FIRST PARTIES shall not extend water lines to any other structure on the above-described parcel without the consent in writing of SECOND PARTY thereto, it being the intention that the benefits herein shall be for the purpose of accommodating the residence presently located on the tract being purchased by FIRST PARTIES.

4. This agreement shall extend to and bind the heirs, executors, administrators, successors and assigns of the respective parties hereto.

In witness whereof, the parties have hereunto executed this agreement this 13 day of August, 1990.

Richard C. Wiemer
Richard C. Wiemer

Eleanor R. Wiemer
Eleanor R. Wiemer

First Parties

Douglas Ruud
Douglas Ruud

Second Party

INSTRUMENT NO.	174740
DATE	10-11-90
FILE CODE	140
FILE NO.	6723-40
FILE	1200

FILE OF INSTRUMENT (COUNTY OF WILSON) AS
FILED IN THE PUBLIC RECORDS OF THE COUNTY OF WILSON, NORTH CAROLINA, ON 10-11-90.

Mark S. Gelling
Mark S. Gelling
Hansen, David
POB 31718