

J. ESHMAN

January 9, 2007

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Mr. Shelly Keen
Idaho Department of Water Resources
322 E. Front Street
PO Box 83720
Boise, Idaho 83720-0098

uA
RECEIVED

JAN 11 2007

DEPARTMENT OF
WATER RESOURCES

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ketchum, id 83340

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Re: Water Right No. 37-08870

Dear Mr. Keen:

Thank you for returning my phone call today concerning Water Right License No. 37-08870. As you are aware, I represent Chris and Jackie Flanigan, the holders of this license.

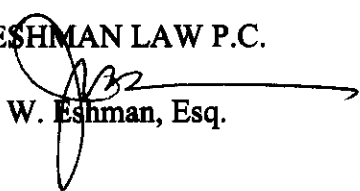
I am writing to notify the Department of Water Resources that the North Fork Subdivision, which is the place of use and point of diversion for Water Right No. 37-08870, has been replatted due to lot line shifts. The North Fork Subdivision is now the North Fork Subdivision First Addition, as is evidenced by the enclosed plat which was recorded in 2005 as Instrument No. 529595. The plat shows the new lot lines as well as the previous lot lines.

Under the "Conditions of Approval and Remarks" on the Water Right License in subparagraph 2 it is indicated that the *"place of use is located within Lots 2-3, Blk. 1, North Fork"*; in addition, under subparagraph 3 it is indicated that the *"point of diversion is located within Lot 3, Blk. 1 North Fork Subdivision."* All of former Lot 2 and Lot 3 of the North Fork Subdivision is now included in the new Lot 3 of the North Fork Subdivision First Addition; therefore, the place of use and the point of diversion are located within Lot 3 of the North Fork Subdivision First Addition.

Please add this information to the Department's records and confirm in writing your receipt of this letter. Also, please let me know if further action is necessary or additional information is needed so that the Department's records accurately reflect the circumstances. I appreciate your time and attention to this matter.

Sincerely,

J. ESHMAN LAW P.C.


Jill W. Eshman, Esq.

cc: Jackie & Chris Flanigan

LEGEND

- PROPERTY LINE
- LOT LINE ELIMINATED
- DITCH/POND
- 10' PUBLIC UTILITY EASEMENT PER ORIGINAL PLAT
- CL 20' PUBLIC UTILITY EASEMENT (SEE NOTE #13)
- 100' BUILDING SETBACK
- CL 10' WATERLINE EASEMENT (SEE NOTE #26)
- BUILDING ENVELOPE
- CL 10' DITCH MAINTENANCE EASEMENT (SEE NOTE #8)
- TOE OF SLOPE (SEE NOTES #9 & #10)
- FOUND 1/2" REBAR
- FOUND 5/8" REBAR
- SET 1/2" REBAR
- SET 5/8" REBAR
- BRASS CAP

NORTH FORK SUBDIVISION FIRST ADDITION

LOCATED WITHIN:
HES 123 & 124, TOWNSHIP 5 NORTH, RANGE 17 EAST, B.M., BLAINE COUNTY, IDAHO
A LOT LINE SHIFT OF TAX LOTS 7579 & 3508 & NORTH FORK SUBDIVISION, LOTS 2 & 3.

NOVEMBER 2005

0' 100' 200' 300'

NOTES:

1. BASIS OF BEARINGS IS PER THE ORIGINAL PLAT OF NORTH FORK SUBDIVISION (INST. NO. 229263). BOUNDARY LINES AND CERTAIN EASEMENTS SHOWN HEREON ARE PER SAID PLAT. REFER TO SAID PLAT FOR CONDITIONS AND RESTRICTIONS REGARDING THIS PROPERTY.
2. ALL PUBLIC UTILITY EASEMENTS AS DEPICTED WITHIN THE ORIGINAL PLAT OF NORTH FORK SUBDIVISION ARE PRESERVED UNTIL FORMALLY VACATED PER IDAHO CODE 50-1306A (5).
3. THE POWER LINE EASEMENT TO IDAHO POWER COMPANY IS HEREBY PRESERVED AS RECORDED UNDER INSTRUMENT NO. 117327, IN BOOK 176 OF DEEDS, PAGE 421, RECORDS OF BLAINE COUNTY, IDAHO.
4. ALL FIRE PROTECTION REQUIREMENTS OF THE KETCHUM RURAL FIRE DISTRICT, THE INTERNATIONAL FIRE CODE AND BLAINE COUNTY CODE TITLE 7, CHAPTER 7, INCLUDING, BUT NOT LIMITED TO, WATER SUPPLY, ACCESS AND CLEAR ZONES SHALL BE COMPLIED WITH PRIOR TO ANY COMBUSTIBLE CONSTRUCTION IN THIS SUBDIVISION. APPROVED FIRE DISTRICT INSPECTIONS OF ALL EMERGENCY ACCESS ROADS, TURNAROUNDS AND FLOW TESTING OF FIRE PROTECTION SYSTEMS SHALL TAKE PLACE PRIOR TO ISSUANCE OF A BUILDING PERMIT.
5. POWER SHALL BE CONSTRUCTED UNDERGROUND FOR SERVICE TO EACH LOT AND SUCH IMPROVEMENT SHALL BE THE RESPONSIBILITY OF THE OWNER OF EACH LOT.
6. A 40-FOOT WIDE BY 50-FOOT ACCESS EASEMENT IS GRANTED WITHIN LOT 2 TO BENEFIT ADJOINING TAX LOT 3509 AS SHOWN HEREON.
7. A 40-FOOT WIDE PRIVATE ACCESS AND PUBLIC UTILITY EASEMENT IS GRANTED WITHIN LOT 1 TO BENEFIT LOT 4 AS SHOWN HEREON. LOTS 1 AND 4 SHALL SHARE A JOINT ACCESS DRIVEWAY WITHIN SAID EASEMENT.
8. A 10-FOOT WIDE DITCH MAINTENANCE EASEMENT IS GRANTED WITHIN LOTS 1, 3 & 4 TO BENEFIT LOTS 1 THROUGH 4 AS SHOWN HEREON.
9. ANY STRUCTURE CONSTRUCTED WITHIN LOT 2 SHALL BE LOCATED WITHIN THE BUILDING ENVELOPE AS SHOWN HEREON. DISTURBANCE TO EXISTING VEGETATION SHALL BE LIMITED TO THE BUILDING ENVELOPE. A PORTION OF THE BUILDING ENVELOPE ON LOT 2 IS LOCATED IN THE MOUNTAIN OVERLAY DISTRICT; HOWEVER A SITE ALTERATION PERMIT IS NOT REQUIRED TO CONSTRUCT WITHIN SAID BUILDING ENVELOPE.
10. ANY STRUCTURE CONSTRUCTED WITHIN LOT 3 SHALL BE LOCATED BELOW THE TOE OF HILL AND DISTURBANCE TO EXISTING VEGETATION SHALL BE LIMITED TO THE AREA BELOW THE TOE OF SLOPE AS SHOWN HEREON. SAID SLOPE WAS SURVEYED BY BMA IN 2005 AND CONFIRMED BY BLAINE COUNTY.
11. THERE SHALL BE NO OBSTRUCTION OF DITCHES AND DRAINAGES SHOWN HEREON.
12. A 60-FOOT WIDE PUBLIC UTILITY AND PRIVATE DRIVEWAY EASEMENT EXISTS WITHIN LOT 1 NORTH FORK SUBDIVISION PER NORTH FORK SUBDIVISION INSTRUMENT NO. 229263.
13. A 20-FOOT WIDE PUBLIC UTILITY EASEMENT IS LOCATED WITHIN LOTS 1 AND 3 TO BENEFIT LOT 2 AS SHOWN HEREON.
14. PURSUANT TO STATE REGULATION, MAINTENANCE AND WEED CONTROL FOR ALL LOTS ARE THE RESPONSIBILITY OF THE DEVELOPER UNTIL THE LOT IS SOLD AND THEREAFTER THE RESPONSIBILITY OF THE OWNERS OF THE INDIVIDUAL LOTS.
15. THE PURCHASER AND/OR OWNER OF ANY LOT IN THIS SUBDIVISION UNDERSTANDS AND AGREES THAT PRIVATE ROAD CONSTRUCTION, MAINTENANCE, AND SNOW REMOVAL SHALL BE THE OBLIGATION OF THE OWNER, HIS SUCCESSORS IN INTEREST, OR THE HOMEOWNERS' ASSOCIATION, AND THAT BLAINE COUNTY IS IN NO WAY OBLIGATED TO ACCEPT, MAINTAIN OR IMPROVE THESE ROADS UNTIL THE ROADS ARE BROUGHT UP TO COUNTY STANDARDS, DEDICATED, AND ACCEPTED BY THE COUNTY, AND THAT EACH OWNER SHALL NOTIFY IN WRITING ANY SUCCESSORS IN INTEREST OF THESE FACTS.
16. SOUTH CENTRAL DISTRICT HEALTH (SCDH) SHALL ISSUE SEPTIC SYSTEM PERMITS AFTER REVIEW AND APPROVAL OF A SITE PLAN FOR EACH LOT AS REQUESTED BY THE LOT OWNER; SCDH SHALL REQUIRE A 50 FOOT SETBACK BETWEEN SEWAGE DRAIN FIELDS AND ANY IRRIGATION STORAGE POND AND ACCOMPANYING DITCHES.
17. CONSISTENT WITH IDAHO CODE §42-227, THE INDIVIDUAL WELLS SHALL BE USED FOR DOMESTIC PURPOSES, AS DEFINED IN IDAHO CODE §42-111. TO THE EXTENT SURFACE WATER IS REASONABLY AVAILABLE FOR IRRIGATION PURPOSES, SURFACE WATER SHALL BE THE PRIMARY SOURCE OF IRRIGATION WATER WITH REGARD TO LOTS 1 AND 3.
18. REMOVAL OF NATIVE VEGETATION SHOULD BE KEPT TO ONLY WHAT IS NECESSARY TO CONSTRUCT DRIVEWAYS AND RESIDENCES. ANY AND ALL LANDSCAPING ADDED TO THE LOTS SHOULD BE SUBSTANTIALLY OF NATIVE VEGETATION INDICATIVE OF THE RURAL ENVIRONMENT AND SHOULD BE HARMONIOUS WITH THE SURROUNDING AREA. VEGETATION AND SOIL DISTURBANCE BY CONTRACTORS AND UTILITY COMPANIES SHOULD BE LIMITED TO ROADS AND BUILDING ENVELOPES ONLY.
19. LIVESTOCK GRAZING OF ANY KIND IS PROHIBITED ON SLOPES IN EXCESS OF FIVE PERCENT (5%).
20. BIG GAME AND OTHER WILDLIFE DEPREDATIONS ON ORNAMENTAL PLANTS AND GARDEN ARE ANTICIPATED. ALL HAY AND OTHER LIVESTOCK FEED SHOULD BE STORED AND FED IN A MANNER THAT DOES NOT ATTRACT BIG GAME AND OTHER WILDLIFE SPECIES. IT SHALL BE THE RESPONSIBILITY OF EACH LOT OWNER TO CONTROL THE WILDLIFE DEPREDATION IN ACCORDANCE WITH ANY AND ALL ACTIONS OR INACTIONS PRESCRIBED BY IDAHO FISH AND GAME. FURTHER, THE FEEDING OF GAME SPECIES OR PREDATORY WILDLIFE IS PROHIBITED.
21. ALL PETS SHOULD BE KEPT IN-DOORS, KENNELED, OR LEASHED AT ALL TIMES. ALL PET FOOD SHOULD BE STORED AND FED IN A MANNER THAT DOES NOT ATTRACT NUISANCE WILDLIFE SUCH AS SKUNKS, RACCOONS, MAGPIES, AND RED FOX. IT SHALL BE THE RESPONSIBILITY OF EACH LOT OWNER TO CONTROL NUISANCE WILDLIFE IN ACCORDANCE WITH ANY AND ALL ACTIONS OR INACTIONS PRESCRIBED BY IDAHO FISH AND GAME.
22. FENCING SHOULD BE KEPT TO A MINIMUM FOR THE PURPOSE OF FACILITATING WILDLIFE PASSAGE THROUGH THE AREA. TO THE EXTENT FENCING IS ADDED IT SHOULD BE TO IDAHO FISH AND GAME STANDARDS, OF A POST AND RAIL DESIGN WITH A MAXIMUM TOP RAIL HEIGHT OF 42" AND A MINIMUM BOTTOM RAIL HEIGHT OF 18".
23. NONCONFORMING USES OF THE PROPERTY IMMEDIATELY TO THE NORTH OF THIS SUBDIVISION EXISTS AS OF THE DATE HEREOF, AND MAY CONTINUE TO EXIST.
24. IRRIGATION WATER RIGHTS SHALL REMAIN AND BE APPORTIONED WITH LOTS 1, 3 & 4 OR THE PROPERTY ADJACENT TO THE NORTH AND SHALL BE APPORTIONED AT THE SOLE DISCRETION OF THE OWNER OF SUCH RIGHTS.
25. TIES TO AND BETWEEN G.I.S. MONUMENTS ARE IN NAD' 83 IDAHO CENTRAL ZONE AT GRID USING PARAMETERS PUBLISHED FOR CONTROL POINT "HES124-1".
26. A 15-FOOT WIDE WATERLINE EASEMENT IS GRANTED WITHIN LOT 2 TO BENEFIT LOT 3 AS SHOWN HEREON.

HEALTH CERTIFICATE

Sanitary restrictions as required by Idaho Code Title 50, Chapter 13, have been satisfied. Sanitary restrictions may be reimposed, in accordance with Idaho Code Title 50, Chapter 13, Section 50-1326, by the issuance of a certificate of disapproval.

Date: 11-14-2005

Robert W. Fisher
South Central District Health Dept., EHS



NORTH FORK SUBDIVISION FIRST ADDITION

LOCATED WITHIN: TOWNSHIP 5 NORTH, RANGE 17 EAST, B.M., BLAINE COUNTY, IDAHO

PREPARED FOR: CHRIS & JACKIE FLANIGAN

PROJECT NO. 04116 DWG BY: JJD/JEL/CPL DATE: 11/04/05
FINAL PLAT FILE: 04116PG1.DWG SHEET: 1 OF 2

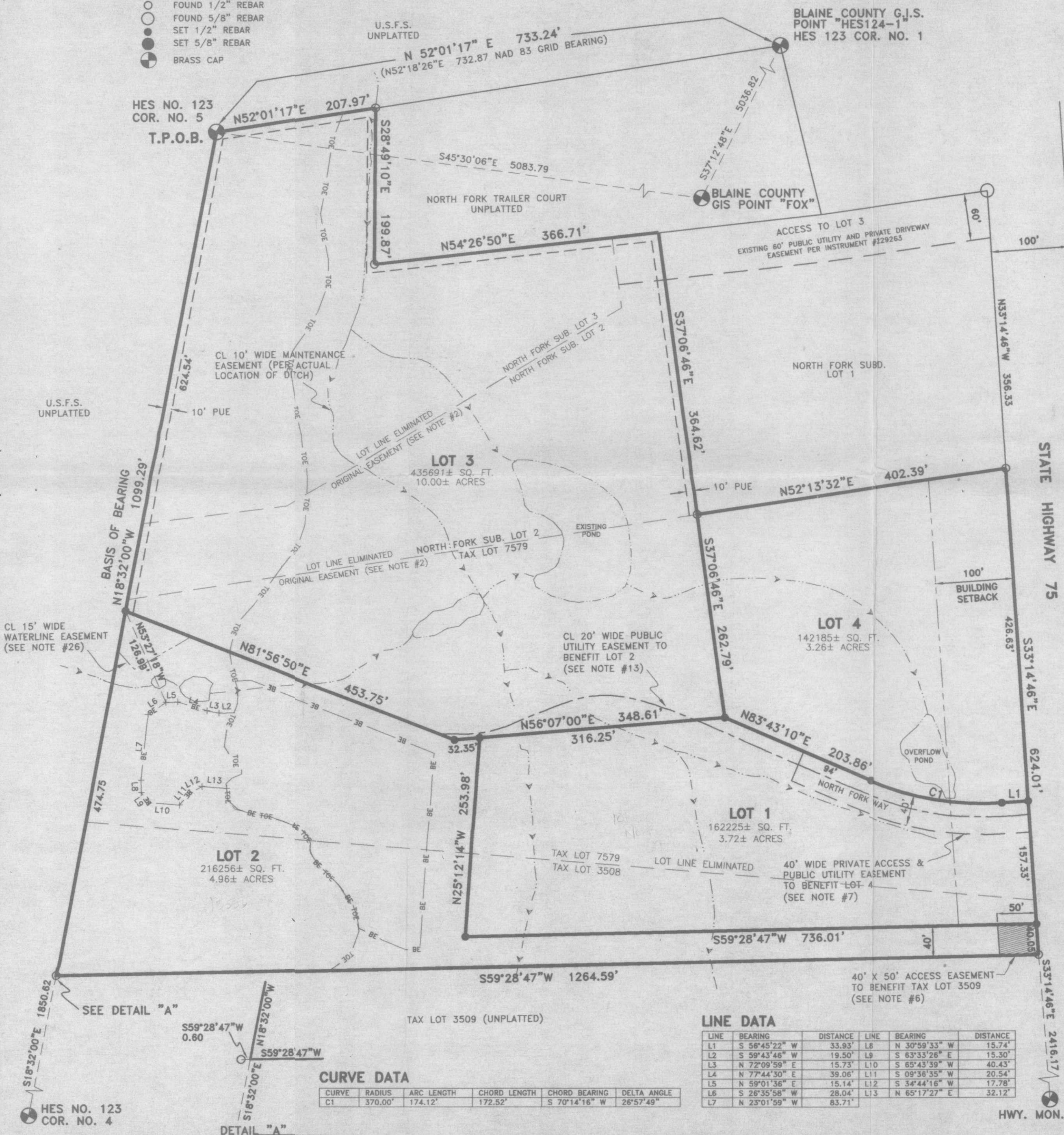
PREPARED BY: BENCHMARK ASSOCIATES P.A.
P.O. BOX 733 - 100 BELL DRIVE
KETCHUM, IDAHO, 83340
PHONE (208)726-9512 FAX (208)726-9514
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LINE DATA

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	S 56°45'22" W	33.93'	L8	N 30°59'33" W	15.74'
L2	S 59°43'46" W	19.50'	L9	S 63°33'26" E	15.30'
L3	N 72°09'59" E	15.73'	L10	S 65°43'39" W	40.43'
L4	N 77°44'30" E	39.06'	L11	S 09°36'35" W	20.54'
L5	N 59°01'36" E	15.14'	L12	S 34°44'16" W	17.78'
L6	S 26°35'58" W	28.04'	L13	N 65°17'27" E	32.12'
L7	N 23°01'59" W	83.71'			

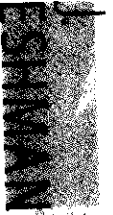
CURVE DATA

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	370.00'	174.12'	172.52'	S 70°14'16" W	26°57'49"

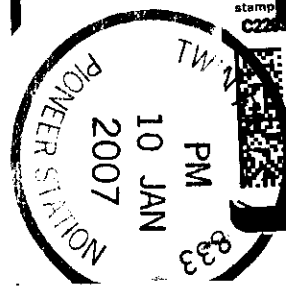
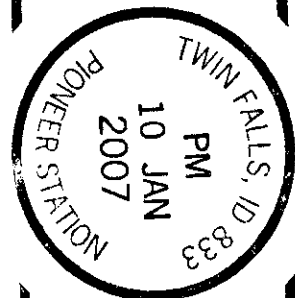


Plat submitted by
J. Eshman with his
1/9/2007 letter

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