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October 26, 2004

Lone Mountain Water Association
C/O Fred Evans Sec/Treas.
689 W Rocky Road
Rathdrum, ID 83858

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DEPARTMENT OF
WATER RESOURCES

Dear Mr. Evans,

I am in receipt of your letter dated October 20, 2004 and I'm pleased that the long existing problems of water distribution for this neighborhood may be resolved.

In respect to your demand that I remove certain boulders/rocks, from my property, I must point out that those boulders/rocks were conveniently piled on my property by activities of the Lone Mountain Water Association many years ago during their excavation for the water pipeline. Therefore, these boulders/rocks in question indiscriminately deposited along Rocky Road should have been properly removed and discarded after excavation. I have simply removed most of those boulders/rocks and evenly distributed them along the frontage of my property to improve the appearance of said property.

I would like very much for Lone Mountain Water Association to remove those boulders/rocks from the frontage of my property. Something the "association" should have completed at the time of the water line installation.

In addition, although I have received rumors of the Lone Mountain Water Association's plans to drill a new well, install new pipelines, and increase service to new users, I have yet to receive formal notification from officials of Lone Mountain Water Association of the proposed plans. These plans should include: procedures, techniques, safeguards to damage of private property, proof of permits, environmental impact report, contractor/subcontractors identities, costs, proof of licensing of contractors/subcontractors, proof of insurance of the Lone Mountain Water Association and their contractors.

I must remind you that an "easement" does not remove ownership from the owner of record of a property, therefore, your plans to cross my property for waterline construction, excavation, or repairs should be presented to me in writing prior to any construction.

I am further concerned that once construction occurs additional boulders/rocks again will be deposited and forgotten on my property. I have also within the last few months re-seeded my pastures and lawn and will require assurances from both the Lone Mountain Water Association and their contractors that no resulting damage will occur during this construction. This would include the removal of boulders/rocks, leveling of the ground (frontage) affected and proper re-seeding and re-growth of the lawns and pastures.

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Relating to the possibility of the Lone Mountain Water Association's drilling a new well in close proximity to my private well, I must tell you that this is a concern that your association should consider. Any direct or indirect affect on my water well relating to water quality or quantity, because of associations actions to drill in close proximity to my well, could lead to future litigation.

In respect to the copy of the "sketch" that you enclosed with your letter. I must point out that this document does not denote a surveyors certification, name, address of surveyor - or any date. I have researched this matter and found that these surveys of properties were never "recorded" by Kootenai County and not required to be recorded at the time of subdivision. This requirement has since changed and must be recorded.

I have spoken with Mr. Gary Sprunkel, subdivider of these properties, and he has stated to me that all of these properties were surveyed and Re bar rods were used to designate property lines. I have located these Re bar rods on all four corners of my property. The southeast corner and southwest corner are positioned on a section line, and relating to surveying terminology never move - (section lines can not be moved).

It is my contention that Rocky Road is not in proper alignment and as a result of many years of non professional and unregulated grading --has in effect altered true property lines. Even allowing for the 30 foot right away for road purposes my retained property line (northeast corner) extends to almost the edge of this roadway. (The corner marker is still in place).

Since this matter appears to be of monumental importance to you or others, I would welcome you, your surveyor, or attorney to personally examine these areas of contention.

In closing, I would like to inform you that I am fully supportive of the Lone Mountain Water Association and its users obtaining adequate water sources. But I must also inform you and the association that I am fully prepared to protect my right to ownership of land, protection of injury or damages, and I will not be intimidated.

I am looking forward to your presentation of the information requested.

Sincerely,


Paul L. Morton