

September 14, 2005

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SEP 19 2005

Department of Water Resources

RECEIVED

SEP 14 2005

WATER RESOURCES
WESTERN REGION

To Whom It May Concern:

The Kitchells built our house in 1998 (date on electrical box). They then lost ownership to the bank, enabling us to purchase the house and move in February 13, 2005. Presumably, the Kitchells allowed permit 57-7593D to lapse due to foreclosure proceedings.

The water used for our house is from a well originally drilled in 1997 and replaced in 2000. Please see the attached drilling report information. We wish to reinstate permit 57-7593D for our domestic uses that have occurred since our house was built in 1998. Although the permit lists 5 acres irrigation, our subdivision covenants limit us to ½ acre irrigation, which we have not exceeded. We did not realize that lapsed permit 57-7593D existed until Lori Graves told us about it when she was conducting field exams for others in the subdivision on 8/16/2005.

Our house is aka Lot 9, Block 1, Eagle View Estates Subdivision. Others that share the well include water right 57-11660 for Association No. 3 (Lots 2 & 3, Block 3 and Lot 8, Block 1) and water right 57-7593B for the Fletchers (Lot 10, Block 1).

Evidence of beneficial use includes the attached well information, copies of our subdivision plat map & covenants and a photo of our home. Also, Debra Campbell, president of Association No. 3 and manager of the shared well, will confirm that our house has been using water from the well since it was built. Her phone number is 208-495-2912.

Thank you for your consideration.

Please note that if/once this permit is reinstated, Lori Graves will submit a licensing recommendation in the Kitchell's name and include a change in ownership form that we submitted so that the final license can then be listed in our name.

Sincerely,



Darin and/or Hannah Reinertson
15442 War Eagle Rd
Murphy ID 83650

57-7593D



P/U: T2S R2W S9 NESE
AKA Lot 9, Block1
Eagle View Estates Subdivision

57-7593D



Pump House System & Well
Located in the SESE S9 T2S R2W
AKA Lot 6, Block 2



Supervisor or Operator W. A. Kline Date 8-15-97

PROTECTIVE COVENANTS AND REGULATIONS
EAGLE VIEW ESTATES SUBDIVISION
DATED: OCTOBER 24, 1995
RECORDED: _____
DOCUMENT NO: _____

THE UNDERSIGNED, ALAN E. LINDNER & DEBRA S. LINDNER AND CHARLES S. HIGHTOWER & VICKY L. HIGHTOWER, BEING THE OWNERS IN FEE SIMPLE OF THAT CERTAIN REAL ESTATE SITUATE IN OWYHEE COUNTY, STATE OF IDAHO, AND PARTICULARLY DESCRIBED AS FOLLOWS:

SITUATED IN THE E1/2 OF THE SE1/4 OF SECTION 9 AND A PORTION OF THE S1/2 OF THE SW1/4 OF SECTION 10 WESTERLY OF HWY 78 T.2 S., R.2 W., B.M., OWYHEE COUNTY, IDAHO

1. GENERAL PROVISIONS: GRANTORS HEREBY CERTIFY AND DECLARE THAT THEY HAVE ESTABLISHED, AND DO HEREBY ESTABLISH, A GENERAL PLAN FOR THE DEVELOPMENT, IMPROVEMENT, MAINTENANCE AND PROTECTION OF THE REAL PROPERTY EMBRACED IN EAGLE VIEW ESTATES SUBDIVISION, THE SAME BEING PART OF THE COUNTY OF OWYHEE, STATE OF IDAHO, AND HAVE ESTABLISHED AND DO HEREBY ESTABLISH, THESE PROTECTIVE REGULATIONS FOR THE BENEFIT OF ALL PERSONS WHO MAY HEREAFTER BECOME THE OWNERS OF LOTS IN SAID EAGLE VIEW ESTATES SUBDIVISION, ALL OF WHICH LOTS ARE HEREBY DECLARED TO BE SUBJECT TO THESE PROTECTIVE COVENANTS AND REGULATIONS WHICH ALL ATTACH TO AND RUN WITH THE LAND, AND EVERY PART AND PARCEL THEREOF AND SHALL BIND ALL PERSONS WHO MAY AT ANY TIME AND FROM TIME TO TIME, OWN SAID PROPERTY, OR ANY PART THEREOF AND THEIR RESPECTIVE PERSONAL REPRESENTATIVES, HEIRS OR SUCCESSORS IN INTEREST.

THESE PROTECTIVE REGULATIONS SHALL BE DEEMED TO BE FULLY AND SUFFICIENTLY DESCRIBED OR INCORPORATED INTO ANY INSTRUMENT OF CONVEYANCE BY DESIGNATING AND REFERRING TO THE SAME AS THE PROTECTIVE COVENANTS AND REGULATIONS OF EAGLE VIEW ESTATES SUBDIVISION.

THE "GRANTOR" HEREINAFTER USED IN THE REGULATION SHALL REFER TO ALAN E. LINDNER & DEBRA S. LINDNER, HUSBAND AND WIFE, AND CHARLES S. HIGHTOWER & VICKY L. HIGHTOWER, HUSBAND AND WIFE. THE TERM "GRANTEE" HEREINAFTER USED SHALL REFER TO ANY PURCHASER OF A LOT IN EAGLE VIEW ESTATES SUBDIVISION, SAID PURCHASER'S SUCCESSORS IN INTEREST AND ASSIGNS.

2. TYPE OF STRUCTURE: A LOT SHALL CONSIST OF AN AREA OF FIVE (5) ACRES PLUS/MINUS 0.01 ACRES EXCEPT LOT #6 IN BLOCK 2 & LOT #9 IN BLOCK 3, WHICH ARE WELL LOTS AND ARE 2.05 ACRES AND 2.49 ACRES, RESPECTFULLY, CONTAINED ON THE OFFICIAL PLAT OF EAGLE VIEW ESTATES SUBDIVISION, AND SHALL NOT BE DIVIDED WITHOUT APPROVAL OF THE OWYHEE COUNTY COMMISSIONERS AND MEMBERS OF THE EAGLE VIEW ESTATES HOMEOWNERS ASSOCIATION. IT IS THE EXPRESS INTENTION IN THE CREATION OF EAGLE VIEW ESTATES SUBDIVISION FOR THE ACCOMMODATION OF RESIDENTIAL DWELLINGS OF A MINIMUM AREA OF 1000 SQUARE FEET. ALL BUILDINGS ERRECTED UPON ANY LOT SHALL BE FINISHED, PAINTED AND MAINTAINED IN GOOD REPAIR SO AS TO BE INOFFENSIVE TO ANY OTHER PROPERTY OWNERS AND SHALL BE ON A FOUNDATION OF CONCRETE OR CEMENT BLOCKS.

CONSTRUCTION OR PLACEMENT OF ANY BUILDINGS SHALL BE PROSECUTED DILIGENTLY AND CONTINUOUSLY FROM THE TIME OF COMMENCEMENT THEREOF, AND THE SAME SHALL BE COMPLETED, WITHIN EIGHTEEN (18) MONTHS AFTER THE DATE OF COMMENCEMENT OF CONSTRUCTION UNLESS SUCH COMPLETION IS PREVENTED BY CAUSES BEYOND THE CONTROL OF THE GRANTEE, OR WITH THE APPROVAL OF THE ARCHITECTURAL CONTROL COMMITTEE. NO BUILDING SHALL BE ERRECTED OR PLACED ON ANY LOT WITHOUT THE APPROVAL OF THE ARCHITECTURAL CONTROL COMMITTEE, WHICH CONSISTS OF THE

GRANTORS, AND ONE OTHER APPOINTED INDIVIDUAL FROM THE RESPECTIVE HOMEOWNER'S ASSOCIATIONS.

A TEMPORARY DWELLING MAY BE USED DURING THE EIGHTEEN (18) MONTH CONSTRUCTION PERIOD. TEMPORARY DWELLING MUST BE APPROVED BY THE ARCHITECTURAL CONTROL COMMITTEE.

3. BUILDING LOCATION: NO BUILDING SHALL BE LOCATED NEARER THAN TWENTY (20) FEET FROM THE FRONT LOT LINE, OR TEN (10) FEET FROM ANY SIDE LOT LINE. LOTS #6, #7 & #8 IN BLOCK 3 ARE RESTRICTED FROM CONSTRUCTION OF PERMANENT STRUCTURES WITHIN ONE HUNDRED (100) FEET OF THE CENTER OF THE DRAW ESTABLISHED BY NATURAL DRAINAGE, AND NO OBSTRUCTIONS MAY BE PLACED WITHIN SAID DRAINAGE WITHOUT APPROVAL FROM ARCHITECTURAL CONTROL COMMITTEE.

4. COMMERCIAL USE & HOME OCCUPATION: THE EAGLE VIEW ESTATES HOMEOWNER'S ASSOCIATION MUST APPROVE, IN ADVANCE OF SUCH USE, ANY COMMERCIAL USE OF A LOT LOCATED WITHIN THE SUBDIVISION.

5. EASEMENTS: ALL LOTS HAVE A TEN (10) FEET UTILITY EASEMENT AROUND PERIMETERS. LOTS #10 IN BLOCK 1, #1 IN BLOCK 2, & #1 IN BLOCK 3, ARE EFFECTED BY THE CULDESAC TO BE ESTABLISHED AT THE END OF EACH RESPECTIVE ROADWAY, AND THOSE CULDESACS WILL GRANT ACCESS TO BLM LAND.

6. ELECTRICAL SERVICES: ALL LOTS SHALL HAVE ELECTRICAL SERVICE TO THE PROPERTY LINE. IT WILL BE THE RESPONSIBILITY OF EACH GRANTEE TO INSTALL SERVICE TO THE REQUIRED LOCATION ON THE INDIVIDUAL LOT. GRANTOR SHALL BE RESPONSIBLE FOR THE COST OF INSTALLATION OF ELECTRICAL SERVICE TO THE PROPERTY LINE, AND GRANTEE SHALL BE RESPONSIBLE FOR THE COST OF FURTHER INSTALLATION ONTO THE LOT. ALL ELECTRICAL SERVICE SHALL BE INSTALLED UNDERGROUND.

7. WELLS AND WATER SYSTEMS: FOUR WELLS WILL BE ESTABLISHED FOR THE LOTS IN THE EAGLE VIEW ESTATES SUBDIVISION. EACH WELL WILL SERVE A MAXIMUM OF SIX LOTS FOR DOMESTIC USE, WHICH WILL INCLUDE IRRIGATION OF ONE HALF ACRE ONLY. A HOMEOWNER'S ASSOCIATION SHALL BE ESTABLISHED FOR EACH GROUP OF SIX LOTS. WELL LOTS SHALL BE DEDICATED TO EACH RESPECTIVE ASSOCIATION. WATER SYSTEM #1 WILL SERVE LOTS #1 THROUGH #6 IN BLOCK 1, WATER SYSTEM #2 SHALL SERVE LOTS #4 THROUGH #8 IN BLOCK 3, WATER SYSTEM #3 WILL SERVE LOTS #1 THROUGH #5 IN BLOCK 2 & LOT #1 IN BLOCK 3, AND WATER SYSTEM #4 WILL SERVE LOTS #7 THROUGH #10 IN BLOCK 1, LOTS #2 & #3 IN BLOCK 3. EACH WELL SYSTEM SHALL BE OWNED AND MAINTAINED BY THE MEMBERS OF THE HOMEOWNER'S ASSOCIATION THAT ARE USING THAT SYSTEM. A MONTHLY FEE SHALL BE PAID BY EACH MEMBER, AND THAT FEE SHALL BE USED TO PAY THE COST OF OPERATING THE PUMP, WITH THE REMAINDER OF THE FEES PUT INTO AN INTEREST BEARING CHECKING ACCOUNT TO BE USED FOR MAINTENANCE AND REPAIR OF EACH RESPECTIVE WATER SYSTEM. THE ASSOCIATION SHALL ELECT OFFICERS TO PERFORM THE NECESSARY DUTIES REQUIRED OF SUCH AN ASSOCIATION.

THE WELLS AND WATER SYSTEMS OF THE EAGLE VIEW ESTATES SUBDIVISION WILL MEET ALL REQUIREMENTS OF THE SOUTHWESTERN DISTRICT HEALTH DEPARTMENT.

THE COST OF WATER LINE INSTALLATION TO THE PROPERTY LINE WILL BE THE RESPONSIBILITY OF THE GRANTOR. GRANTEE SHALL BE RESPONSIBLE FOR THE COST OF FURTHER INSTALLATION ONTO THE INDIVIDUAL LOTS, AND THE COST OF MAINTENANCE AND REPAIR OF WATER LINES.

8. SEPTIC SYSTEMS: GRANTORS SHALL INSTALL, AT THEIR EXPENSE, A SEPTIC SYSTEM AT GRANTEE'S CHOICE OF LOCATION WITHIN COVENANTS GUIDELINES AND THE REGULATIONS AND LAWS OF THE STATE OF IDAHO. THE SEPTIC DISPOSAL SYSTEM SHALL BE INSTALLED BY A LICENSED PUBLIC CONTRACTOR ACCORDING TO SOUTHWESTERN DISTRICT HEALTH DEPARTMENT REQUIREMENTS. GRANTEE SHALL BE RESPONSIBLE FOR MAINTENANCE AND REPAIR OF THE SYSTEM AFTER INSTALLATION.

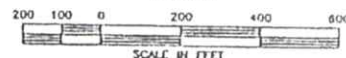
UNPLATTED

PLAT SHOWING

EAGLE VIEW ESTATES

SITUATED IN THE E 1/2 OF THE SE 1/4 OF
OF SECTION 9 AND THE S 1/2 OF
THE SW 1/4 OF SECTION 10 WESTERLY OF
HWY 78 T.2S., R.2W., B.M.,
OWYHEE CO., IDAHO

1995



NOTES

1. A PUBLIC UTILITY, DRAINAGE, AND IRRIGATION EASEMENT 10.00 FEET IN WIDTH IS HEREBY DEDICATED ADJACENT TO ALL STREETS.
2. A DRAINAGE AND UTILITY EASEMENT 10.00 FEET IN WIDTH IS HEREBY DEDICATED ALONG ALL SIDE LOT LINES UNLESS OTHERWISE NOTED. SHOULD THE LOT LINES BE ADJUSTED, THE EASEMENT SHALL MOVE WITH THE ADJUSTMENT LOT LINE PROVIDED NO UTILITIES HAVE BEEN INSTALLED WITHIN THE LIMITS OF THE EASEMENT.
3. A 30.00 FOOT ACCESS STRIP TO THE BUREAU OF LAND MANAGEMENT LAND WILL BE MADE AVAILABLE TO THE PROPERTY OWNERS WITHIN THE EAGLE VIEW ESTATES SUBDIVISION AT THE END OF BOTH ROADS.
4. LOT 6 BLOCK 2 AND LOT 8 BLOCK 3 ARE CELEBRITY WELL LOTS AND NOT FOR RESIDENTIAL BUILDINGS.

UNPLATTED

LEGEND

- FOUND BRASS CAP MONUMENT
- SET 5/8" IRON PIN WITH PLASTIC CAP
- SET 1/2" X 24" IRON PIN WITH PLASTIC CAP
- BOUNDARY LINE
- LOT LINE
- CENTER LINE
- BLOCK 1
- LOT 1



LANDMARK SURVEYING

4356 S. 200th Ave. SUITE 101, TOLSON, ID 83401 (208) 845-3801



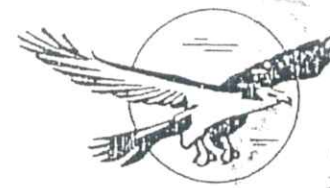
ART SCHULTZ ENGINEERING

CIVIL/STRUCTURAL CONSULTANT

1104 W. FRANK OAK

NAPERVILLE, ILLINOIS 60563

(708) 483-0305



CURVE DATA

CURVE	DELTA	RADIUS	ARC	CHORD	CHORD BEG.	CHORD END
1	20° 00' 00"	20	31.42	28.28	170.00	S 31° 31' 52" E
2	88° 52' 28"	20	31.02	28.01	19.61	N 31° 04' 02" E
3	91° 07' 31"	20	31.81	28.56	20.40	N 58° 55' 33" W
4	14° 11' 39"	250	41.93	41.78	31.13	N 82° 36' 10" E
5	14° 11' 39"	280	49.37	49.19	34.86	N 82° 36' 10" E
6	6° 30' 21"	310	37.00	35.96	18.52	N 78° 55' 31" E
7	7° 21' 18"	310	38.78	39.77	12.92	N 86° 01' 21" E
8	90° 12' 20"	20	31.52	28.36	20.10	S 45° 08' 20" E
9	89° 42' 40"	20	31.32	28.21	19.90	N 44° 50' 40" E
10	48° 11' 23"	20	18.82	18.33	8.94	S 65° 12' 19" E
11	48° 11' 23"	20	18.82	18.33	8.94	S 65° 12' 19" E
12	138° 29' 15"	55	132.94	102.84	145.12	S 82° 14' 45" E
13	132° 53' 31"	55	132.57	102.65	142.65	S 88° 56' 38" W
14	48° 11' 23"	20	18.82	18.33	8.94	S 24° 05' 01" W
15	48° 11' 23"	20	18.82	18.33	8.94	N 24° 06' 22" W
16	130° 40' 48"	55	133.12	102.93	145.86	S 21° 08' 21" W
17	137° 41' 58"	55	132.18	102.52	142.15	N 20° 40' 16" W

POINT OF BEGINNING

S 89° 42' 00" W 2638.63 (BASIS OF BEARING)

UNPLATTED

9. EXCAVATION: NO EXCAVATION FOR STONE, GRAVEL, EARTH OR MINERALS SHALL BE MADE UPON A BUILDING SITE, EXCEPT FOR EXCAVATION REQUIRED FOR THE CONSTRUCTION OF A BUILDING THEREON. NO OIL DRILLING, OR MINING OPERATIONS OF ANY KIND SHALL BE PERMITTED UPON OR IN ANY LOT.

10. ANIMALS: NO MORE THAN SIX HEAD OF LIVESTOCK PER LOT (INCLUDING CATTLE, HORSES, ETC.) AND ALL ANIMALS MUST BE PROPERLY CONTAINED ON EACH INDIVIDUAL LOT, AND CANNOT BE ALLOWED TO ANNOY OTHER PROPERTY OWNERS OR TRESPASS UPON THE PROPERTY OF OTHERS, INCLUDING SMALL DOMESTIC PETS, SUCH AS DOGS AND CATS.

11. ROADWAY MAINTENANCE: WAR EAGLE ROAD AND CINNABAR WAY WILL BE MAINTAINED BY THE HOMEOWNERS' ASSOCIATIONS.

ATTESTED:

ALAN E. LINDNER

DATED: _____

DEBRA S. LINDNER

DATED: _____

CHARLES S. HIGHTOWER

DATED: _____

VICKY L. HIGHTOWER

DATED: _____

ACKNOWLEDGEMENT

STATE OF IDAHO, COUNTY OF OWYHEE

On this day of OCTOBER 24, 1995, before me personally appeared;

ALAN E. LINDNER, DEBRA S. LINDNER, CHARLES S. HIGHTOWER & VICKY L. HIGHTOWER

known to me to be the persons whose names subscribed to the within instrument, and acknowledged to me that they executed the same.

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

Notary Public

Residence: _____

Comm. Expires: _____