Form 42-248/42-1409(6) Rev. 6/22

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

√DE
RECEIVED
JUN 05 2023
WATER RESOURCES
WESTERN REGION

# NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "*Yes*" in the "*Split?*" column. If the water right is leased to the Water Supply Bank, check "*Yes*". If you are not sure if the water right is leased to the Water Supply Bank, see #7 of the instructions.

| Water Right/Claim No. | Split? | Leased to Water Supply Bank? | Water Right/Claim No. | Split? | Leased to Water Supply Bank? |
|---|---|---|---|---|---|
| 79-14008 | Yes ☒ | Yes ☐ | | Yes ☐ | Yes ☐ |
| ~~79-14299~~ | Yes ☐ | Yes ☐ | | Yes ☐ | Yes ☐ |
| 79-14311 | Yes ☐ | Yes ☐ | | Yes ☐ | Yes ☐ |
| | Yes ☐ | Yes ☐ | | Yes ☐ | Yes ☐ |
| | Yes ☐ | Yes ☐ | | Yes ☐ | Yes ☐ |

2. Previous Owner's Name: GAY LIVSEY (79-14008) ~~Rainy (79-14299)~~
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): JOHN T. WARREN
New owner(s) as listed on the conveyance document  Name connector ☐ and ☐ or

PO 374
Mailing address

LUCILE
City

ID
State

83542
Zip

208-628-3875
Telephone

Email

4. If the water rights and/or adjudication claims were split, how did the division occur?
☒ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☒ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

5. Date you acquired the water rights and/or claims listed above: _____.

6. Do you own the land identified as the water right place of use? Yes ☑ No ☐
   - If no, attach evidence that written notice of the change of water right ownership has been delivered to the landowner of record.

7. This form must be signed and submitted with the following **REQUIRED** items:
   - ☐ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
   - ☐ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
   - ☐ Filing fee (see instructions for further explanation):
     - $25 per *undivided* water right.
     - $100 per *split* water right.
     - No fee is required for pending adjudication claims.
   - ☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
   - ☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

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JUL 06 2023
SUPPORT DATA
IN FILE # 79-14008

8. Signature: John T. Warren
Signature of new owner/claimant

Title, if applicable

5/26/23
Date

JOHN T. WARREN
Print name

Signature: _____
Signature of new owner/claimant

Title, if applicable

Date

Print name

***For IDWR Office Use Only:***

Receipted by DM  Date 6-5-23  Receipt No. W051289 (ITS)  Receipt Amt. $100

Active in the Water Supply Bank? Yes ☐ No ☒  If yes, forward to the State Office for processing  W-9 received? Yes ☐ No ☐

Name on W-9 _____  Approved by _____  Processed by _____  Date 6/29/23

Instrument # 512016
IDAHO COUNTY, IDAHO,
12-26-2017 10:10:46 AM No. of Pages: 3
Recorded for : KAREN WARREN
KATHY M. ACKERMAN Fee: 15.00
Ex-Officio Recorder Deputy

**Prepared By**

Karen Warren
5570 S. Marshwood Lane 3B
Murray, Utah
84107

**After Recording Return To**

John Warren
5570 S. Marshwood Lane 3B
Murray, Utah
84107

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Space Above This Line for Recorder's Use

**IDAHO QUIT CLAIM DEED**

State of Idaho

Idaho County

KNOW ALL MEN BY THESE PRESENTS, that for and in consideration of the sum of Ten Dollars ($10.00) and/or other valuable consideration to the below in hand paid to the Grantor(s) known as:

John Warren and Karen Warren, a married couple, residing at PO Box 374, 130 Lucile Road, Lucile, Idaho, 83542.

The receipt whereof is hereby acknowledged, the undersigned hereby quitclaims to John Warren, a single individual, residing at PO Box 374, 130 Lucile Road, Lucile, Idaho, 83542 (hereinafter called the "Grantee(s)") all the rights, title, interest, and claim in or to the following described real estate, situated in Idaho County, Idaho, to-wit:

see exhibit a RP Parcel 25N01E02585/A T25NR1E Sec 2 1.485 Acre Tax #88 See S-2473 Parcel 2

**To have and to hold**, the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever for the said first party, either in law or equity, to the only proper use, benefit and behoof of the said second party forever.



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JUL 06 2023

John Warren Date December 12th 2017
**Grantor's Signature**
John Warren
PO Box 374, 130 Lucile Road, Lucile, Idaho, 83542

Karen Warren Date December 12th 2017
**Grantor's Signature**
Karen Warren
PO Box 374, 130 Lucile Road, Lucile, Idaho, 83542

State of Utah)

County of Summit)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that John Warren & Karen Warren whose names are signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they, executed the same voluntarily on the day the same bears date.

Given under my hand this 12 day of December, 2017.

(SEAL)
Notary Public Scott Shurtleff

My Commission Expires: 08/06/2020

SCOTT SHURTLEFF
Notary Public - State of Utah
Comm. No. 690026
My Commission Expires on
Aug 6, 2020



SCANNED
JUL 06 2023

Exhibit a

88

A parcel of land situate in a portion of Government Lots 5 and 7, Section 2, Township 25 North, Range 1 East, Boise Meridian, Idaho County, Idaho;

Commencing at a brass cap being the corner of Government Lots 4 and 5 of Section 2, Township 25 North, Range 1 East, Boise Meridian, also being on the township line between Townships 25 North and 26 North, also being on the section line of Section 34, Township 26 North, Range 1 East, Boise Meridian, all being in Idaho County, Idaho;

Thence, S. 00° 22' 29" E., on the subdivisional line of said Section 2, T. 25 N., R. 1 E., a distance of 1,916.13 feet to a brass cap monument being the C-SNW; Thence, S. 00° 21' 31" E., on said subdivisional line a distance of 655.67 feet to the 1/16 Corner, a 3 ½ inch aluminum monument; thence, S. 00° 25' 17" E., on aid subdivisional line a distance of 687.47 feet to a 3 ½ inch aluminum monument on the northerly meander line of the Salmon River; thence, N. 83° 56' 34" W., on said meander line a distance of 420.42 feet; thence, N. 48° 05' 58" W., on said meander line a distance of 64.74 feet to the TRUE POINT OF BEGINNING:

Thence, continuing N. 48° 05' 58" W., along said meander line a distance of 144.26,
Thence, N. 24° 12' 10" E., a distance of 211.01 feet to a 5/8 inch rebar,
Thence, N. 32° 10' 32" E., a distance of 170.91 feet to a 5/8 inch rebar on the southerly boundary of the right-of-way being 33.0 feet on each side of the center line of Main Street,
Thence, 32.99 feet along a non-tangent curve to the left whose long chord bears S. 53° 14' 36" E., 32.99 feet, whose radius is 1,465.10 feet and delta angle is 1° 17' 25" to a 5/8 inch rebar on the southerly boundary of the right-of-way for Main Street,
Thence, S. 53° 54' 11" E., along said southerly right-of-way boundary a distance of 99.28 feet to a 5/8 inch rebar,
Thence, 69.75 feet along a curve to the left whose long chord bears S. 68° 55' 36" E., 68.95 feet, whose radius is 133.00 feet and delta angle is 30° 02' 49" to a 5/8 inch rebar on the southerly boundary of the right-of-way for Main Street,
Thence, S. 40° 49' 44" W., a distance of 221.60 feet to a 5/8 inch rebar,
Thence, S. 30° 36' 04" W., a distance of 189.09 feet to the Point of Beginning, containing 64,677.9 square feet, or 1.485 acres.

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Instrument # 484957
IDAHO COUNTY, IDAHO,
7-27-2012 08:59:20 No. of Pages: 4
Recorded for : STEVEN MILLEMANN
KATHY M. ACKERMAN Fee: 19.00
Ex-Officio Recorder Deputy

484957

When recorded please return to:
Millemann, Pittenger, McMahan & Pemberton, LLP
PO Box 1066
McCall, Idaho 83638

# SECOND CORRECTED QUITCLAIM DEED

This Second Corrected Quitclaim Deed is being executed and recorded to correct an error in the legal description for Parcel 2 as contained in Exhibit A and Parcel 1 as contained in Exhibit B which are attached to that certain Quitclaim Deed recorded in the Office of the Idaho County Recorded as Instrument Number 451783. A corrected legal description for Parcel 2, as described in Exhibit A and a corrected legal description for Parcel 1, as described in Exhibit B is attached hereto.

Further, All other terms and provisions of the Quitclaim Deed recorded as Instrument Number 452258 are confirmed and ratified.

FOR VALUE RECEIVED, Easy River Living LLC, Grantor, hereby conveys, releases, remises, and forever quitclaims unto John Warren and Karen Warren, husband and wife, Grantee, whose current address is c/o Kat James, 900 Bitner Rd, Unit D-17, Park City, Utah 84098, all its right, title, and interest in the following premises located in Idaho County, Idaho, to-wit:

**See Exhibit A and Exhibit B which is attached hereto**

DATED this 25th day of July, 2012.

EASY RIVER LIVING LLC

By: _____
**JOHN BORKOSKI,**
It's: Managing Member



SCANNED
JUL 06 2023

STATE OF IDAHO, )
(ss.
County of Valley. )

On this 25th day of July, 2012, before me, a Notary Public in and for said State, personally appeared **JOHN BORKOSKI**, known or identified to me to be the Managing Member of the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company, and acknowledged to me that such limited liability company executed the same.

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




Maria McConnell
NOTARY PUBLIC FOR IDAHO
My Commission Expires: 10/30/2017



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JUL 06 2023

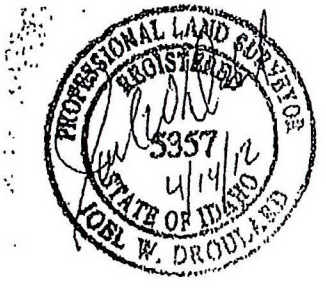
Corrected Legal Description-Parcel 2, April 11, 2012

A parcel of land situate in a portion of Government Lots 5 and 7, Section 2, Township 25 North, Range 1 East, Boise Meridian, Idaho County, Idaho;

Commencing at a brass cap being the corner of Government Lots 4 and 5 of Section 2, Township 25 North, Range 1 East, Boise Meridian, also being on the township line between Townships 25 North and 26 North, also being on the section line of Section 34, Township 26 North, Range 1 East, Boise Meridian, all being in Idaho County, Idaho;

Thence, S. 00° 22' 29" E., on the subdivisional line of said Section 2, T. 25 N., R. 1 E., a distance of 1,916.13 feet to a brass cap monument being the C-SNW; Thence, S. 00° 21' 31" E., on said subdivisional line a distance of 655.67 feet to the 1/16 Corner, a 3 ½ inch aluminum monument; thence, S. 00° 25' 17" E., on aid subdivisional line a distance of 687.47 feet to a 3 ½ inch aluminum monument on the northerly meander line of the Salmon River; thence, N. 83° 56' 34" W., on said meander line a distance of 420.42 feet; thence, N. 48° 05' 58" W., on said meander line a distance of 64.74 feet to the TRUE POINT OF BEGINNING:

Thence, continuing N. 48° 05' 58" W., along said meander line a distance of 144.26,
Thence, N. 24° 12' 10" E., a distance of 211.01 feet to a 5/8 inch rebar,
Thence, N. 32° 10' 32" E., a distance of 170.91 feet to a 5/8 inch rebar on the southerly boundary of the right-of-way being 33.0 feet on each side of the center line of Main Street,
Thence, 32.99 feet along a non-tangent curve to the left whose long chord bears S. 53° 14' 36" E., 32.99 feet, whose radius is 1,465.10 feet and delta angle is 1° 17' 25" to a 5/8 inch rebar on the southerly boundary of the right-of-way for Main Street,
Thence, S. 53° 54' 11" E., along said southerly right-of-way boundary a distance of 99.28 feet to a 5/8 inch rebar,
Thence, 69.75 feet along a curve to the left whose long chord bears S. 68° 55' 36" E., 68.95 feet, whose radius is 133.00 feet and delta angle is 30° 02' 49" to a 5/8 inch rebar on the southerly boundary of the right-of-way for Main Street,
Thence, S. 40° 49' 44" W., a distance of 221.60 feet to a 5/8 inch rebar,
Thence, S. 30° 36' 04" W., a distance of 189.09 feet to the Point of Beginning, containing 64,677.9 square feet, or 1.485 acres.




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JUL 06 2023

EXHIBIT A

CORRECTED EXHIBIT B, April 11, 2012

A parcel of land situate in a portion of Government Lots 5 and 7, Section 2, Township 25 North, Range 1 East, Boise Meridian, Idaho County, Idaho;

Commencing at a brass cap being the corner of Government Lots 4 and 5 of Section 2, Township 25 North, Range 1 East, Boise Meridian, also being on the township line between Townships 25 North and 26 North, also being on the section line of Section 34, Township 26 North, Range 1 East, Boise Meridian, all being in Idaho County, Idaho;

Thence, S. 00° 22' 29" E., on the subdivisional line of said Section 2, T. 25 N., R. 1 E., a distance of 1,916.13 feet to a brass cap monument being the C-SNW; Thence, S. 00° 21' 31" E., on said subdivisional line a distance of 655.67 feet to the 1/16 Corner, a 3 ½ inch aluminum monument; thence, S. 00° 25' 17" E., on aid subdivisional line a distance of 687.47 feet to a 3 ½ inch aluminum monument on the northerly meander line of the Salmon River; thence, N. 83° 56' 34" W., on said meander line a distance of 420.42 feet; thence, N. 48° 05' 58" W., on said meander line a distance of 304.52 feet to a existing 5/8 inch rebar, being the TRUE POINT OF BEGINNING:

Thence, N. 00° 01' 48" E., a distance of 465.99 feet to a 5/8 inch rebar being on the southerly boundary of the right-of-way being 25.0 feet each side of the center line for Cow Creek Road,

Thence, S. 54° 44' 36" E., along said southerly right-of-way boundary a distance of 159.58 feet to a 5/8 inch rebar,

Thence, 155.14 feet along a non-tangent curve to the left whose long chord bears S. 49° 34' 56" E., 155.07 feet, whose radius is 1,465.10 feet and delta angle is 6° 04' 02" to a 5/8 inch rebar on the southerly boundary of the right-of-way for Main Street,

Thence, S. 32° 10' 32" W., a distance of 170.91 feet to a 5/8 inch rebar,

Thence, S. 24° 12' 10" W., a distance of 211.01 feet to the northerly meander line of the Salmon River,

Thence, N. 48° 05' 58" W., along said meander line a distance of 95.52 to the Point of Beginning, containing 73,939 square feet, or 1.697 acres.




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JUL 06 2023

EXHIBIT B

454655

Instrument # 454655
IDAHO COUNTY, IDAHO,
2007-04-24 02:11:02 No. of Pages: 2
Recorded for : STEVEN MILLMANN
ROSE E. GEHRING Fee: 6.00
Ex-Officio Recorder Deputy

When recorded, please return to:
Millemann, Pittenger, McMahan & Pemberton, LLP
PO Box 1066
McCall, Idaho 83638

# CORRECTED QUITCLAIM DEED

This Corrected Quitclaim Deed is being executed and recorded to correct an error in the legal description contained in Exhibit A which is attached to that certain Quitclaim Deed recorded in the Office of the Idaho County Recorded as Instrument Number 452258. A new Exhibit A is attached hereto. All other terms and provisions of the Quitclaim Deed recorded as Instrument Number 452258 are confirmed and ratified.

FOR VALUE RECEIVED, Easy River Living LLC, Grantor, hereby conveys, releases, remises, and forever quitclaims unto John Warren and Karen Warren, husband and wife, Grantee, whose current address is 8664 North Gorgoza Dr., Park City, Utah 84098, all its right, title, and interest in the following premises located in Idaho County, Idaho, to-wit:

**See Exhibit A which is attached hereto**

DATED this 21st day of February, 2007.

EASY RIVER LIVING LLC

By: _____
JOHN BORKOSKI,
It's: Managing Member

STATE OF IDAHO, )
(ss.
County of Valley. )

On this 21st day of February, 2007, before me, a Notary Public in and for said State, personally appeared **JOHN BORKOSKI**, known or identified to me to be the Managing Member of the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company, and acknowledged to me that such limited liability company executed the same.

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

MARIA McCONNELL NOTARY PUBLIC STATE OF IDAHO

Maria McConnell
NOTARY PUBLIC FOR IDAHO
My Commission Expires: 6/30/2011



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JUL 06 2023

# EXHIBIT "A"

## Legal Description – Parcel 2 and Common Area

A parcel of land being a portion of Government Lots 5 and 7, Section 2, Township 25 North, Range 1 East, Boise Meridian, Idaho County, Idaho;

Commencing at a brass cap monument being the corner of Government Lots 4 and 5 of Section 2, T. 25 N., R. 1 E., B.M., also being on the township line between Townships 25 North and 26 North, also being on the section line of Section 34, T. 26 N. R. 1 E., B.M., all being in Idaho County, Idaho;
Thence S. 0° 23' 00" E. on the subdivisional line of said Section 2, T. 25 N., R. 1 E., a distance of 1260.45 feet to a brass cap monument being the C-SNW;
Thence S. 0° 21' 31" E. on said subdivisional line a distance of 655.67 feet to the 1/16Corner, being a 3 ½-inch aluminum monument;
Thence S. 0° 25' 17" E. on said subdivisional line a distance of 687.47 feet to a 3 ½-inch aluminum monument being on the northerly meander line of the Salmon River ;
Thence N. 83° 56' 34" W. on said meander line a distance of 420.42 feet to an angle point of said meander line;
Thence N. 48° 05' 58" W. on said meander line a distance of 64.74 feet to a point and the True Point of Beginning;

Thence N. 48° 05' 58" W. on said meander line a distance of 144.26 feet to a point;
Thence N. 24° 12' 10" E. a distance of 211.01 feet to a 5/8-inch rebar;
Thence N. 32° 10' 32" E. a distance of 170.91 feet to a 5/8-inch rebar being on the southerly right of way, said right of way being 66.00 feet wide, 33.00 feet each side of centerline of Main Street;
Thence on a curve to the left, which curve has a delta angle of 1° 17' 25", a length of 32.99 feet, a radius of 1465.10 feet, and a long chord which bears S. 53° 15' 03" E. a distance of 32.99 feet to a 5/8-inch rebar;
Thence S. 53° 54' 11" E. on said right of way a distance of 99.28 feet to a 5/8-inch rebar;
Thence on a curve to the left, which curve has a delta angle of 30° 02' 49", a length of 69.75 feet, a radius of 133.00 feet, and a long chord which bears S. 68° 55' 36" E. a distance of 68.95 feet to a 5/8-inch rebar;
Thence S. 40° 49' 44" W. a distance of 221.60 feet to a 5/8-inch rebar
Thence S. 30° 36' 04" W. a distance of 189.09 feet to the Point of Beginning.

Said described parcel contains 64,680.14 square feet, or 1.485 acres.

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STATE of IDAHO
County of Idaho
Recorded at request of
Steven Millemann
at 10:00 AM on 11-1-06
ROSE E. GEHRING
By Kathe G Gehring Recorder
Fees $ 8.00 Deputy

451783

384

# QUITCLAIM DEED

FOR VALUE RECEIVED, Easy River Living LLC, Grantor, hereby conveys, releases, remises, and forever quitclaims unto John Warren and Karen Warren, husband and wife, Grantee, whose current address is 8664 North Gorgoza Dr., Park City, Utah 84098, all its right, title, and interest in the following premises located in Idaho County, Idaho, to-wit:

**See Exhibit A which is attached hereto**

**Together** with a permanent, irrevocable, non-exclusive easement for ingress and egress, over and across Parcel 1 (as described on Exhibit B) on the upper fork of the existing traveled way of the road that passes through Parcel 1 and provides access from the property of Grantee to State Highway 95. This easement shall become available to use by Grantee at any such time as the existing access to State Highway 95 from the property of Grantee is restricted or denied. This easement shall be binding upon the heirs, successors and assigns of the Grantor and Grantee and shall run with and benefit the property of Grantee. The easement granted herein shall benefit all those who may acquire an interest in the property of Grantee, including subdivisions thereof.

**Together** with a permanent, irrevocable, non-exclusive easement for use of the existing trail that crosses Parcel 1 (as described on Exhibit B) and provides access to the beach on the Salmon River; which said beach is located behind the residence located upon Parcel 1. This easement shall be binding upon the heirs, successors and assigns of the Grantor and Grantee and shall run with and benefit the property of Grantee. The easement granted herein shall benefit all those who may acquire an interest in the property of Grantee, including subdivisions thereof.

**Together** with a permanent, irrevocable, non-exclusive easement for existing power, water and septic utilities located upon Parcel 3 and 4 (as described on Exhibits C and E respectively) and which may service Grantees property. This easement shall be binding upon the heirs, successors and assigns of the Grantor and Grantee and shall run with and benefit the property of Grantee.

**Together** with a permanent, irrevocable, non-exclusive easement for ingress and egress across Parcel 3 and 4, to access State Highway 95 and to access the boat ramp which is located on the Salmon River.

**Subject** to a permanent, irrevocable, non-exclusive easement for existing power, water and septic utilities located upon the property of Grantee and which are servicing the residence located upon Parcel 1(as described on Exhibit B) or which may service Parcel 3 and 4. This easement shall be binding upon the heirs, successors and assigns of the Grantee and shall run with and benefit Parcel 1, 3 and 4.

**Subject** to a permanent, irrevocable, non-exclusive easement for ingress and egress across and over the property of Grantee, to access the boat ramp which is located on the Salmon River. This easement is limited to the use by Parcel 1's present owner (Thomas J. Lindsey) and



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JUL 06 2023

his immediate family. This easement shall terminate when Parcel 1's present owner no longer occupies the residence located upon Parcel 1.

DATED this 16th day of October, 2006.

EASY RIVER LIVING LLC

By: _____
**JOHN BORKOSKI,**
It's Managing Member

STATE OF IDAHO, )
(ss.
County of Valley. )

On this 16th day of October, 2006, before me, a Notary Public in and for said State, personally appeared **JOHN BORKOSKI**, known or identified to me to be the Managing Member of the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company, and acknowledged to me that such limited liability company executed the same.

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

Maria McConnell
NOTARY PUBLIC FOR IDAHO
My Commission Expires: 6/30/2011

MARIA McCONNELL NOTARY PUBLIC STATE OF IDAHO

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JUL 06 2023

## Legal Description – Parcel 2

A parcel of land being a portion of Government Lots 5 and 7, Section 2, Township 25 North, Range 1 East, Boise Meridian, Idaho County, Idaho;

Commencing at a brass cap monument being the corner of Government Lots 4 and 5 of Section 2, T. 25 N., R. 1 E., B.M., also being on the township line between Townships 25 North and 26 North, also being on the section line of Section 34, T. 26 N. R. 1 E., B.M., all being in Idaho County, Idaho;
Thence S. 0° 22' 29" E. on the subdivisional line of said Section 2, T. 25 N., R. 1 E., a distance of 1916.13 feet to a brass cap monument being the C-SNW;
Thence S. 0° 21' 31" E. on said subdivisional line a distance of 655.67 feet to the 1/16Corner, being a 3 ½-inch aluminum monument;
Thence S. 0° 25' 17" E. on said subdivisional line a distance of 687.47 feet to a 3 ½-inch aluminum monument being on the northerly meander line of the Salmon River ;
Thence N. 83° 56' 34" W. on said meander line a distance of 420.42 feet to an angle point of said meander line;
Thence N. 48° 05' 58" W. on said meander line a distance of 64.74 feet to a point and the True Point of Beginning;

Thence N. 48° 05' 58" W. on said meander line a distance of 144.26 feet to a point;
Thence N. 24° 12' 10" E. a distance of 211.01 feet to a 5/8-inch rebar;

Thence N. 32° 10' 32" E. a distance of 170.91 feet to a 5/8-inch rebar being on the southerly right of way, said right of way being 66.00 feet wide, 33.00 feet each side of centerline of Main Street;
Thence on a curve to the left, which curve has a delta angle of 2° 12' 03", a length of 56.28 feet, a radius of 1465.10 feet, and a long chord which bears S. 52° 48' 10" E. a distance of 56.27 feet to a 5/8-inch rebar;

Thence S. 53° 54' 11" E. on said right of way a distance of 99.28 feet to a 5/8-inch rebar;
Thence on a curve to the left, which curve has a delta angle of 30° 02' 49", a length of 69.75 feet, a radius of 133.00 feet, and a long chord which bears S. 68° 55' 36" E. a distance of 68.95 feet to a 5/8-inch rebar;
Thence S. 40° 49' 44" W. a distance of 221.60 feet to a 5/8-inch rebar;
Thence S. 30° 36' 04" W. a distance of 189.09 feet to the Point of Beginning.

**EXHIBIT "A"**

Parcel 2

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JUL 06 2023

EXHIBIT B

A parcel of land being a portion of Government Lots 5 and 7, Section 2, Township 25 North, Range 1 East, Boise Meridian, Idaho County, Idaho;

Commencing at a brass cap monument being the corner of Government Lots 4 and 5 of Section 2, T. 25 N., R. 1 E., B.M., also being on the township line between Townships 25 North and 26 North, also being on the section line of Section 34, T. 26 N. R. 1 E., B.M., all being in Idaho County, Idaho;
Thence S. 0° 22' 29" E. on the subdivisional line of said Section 2, T. 25 N., R. 1 E., a distance of 1916.13 feet to a brass cap monument being the C-SNW;
Thence S. 0° 21' 31" E. on said subdivisional line a distance of 655.67 feet to the 1/16Corner, being a 3 ½-inch aluminum monument;
Thence S. 0° 25' 17" E. on said subdivisional line a distance of 687.47 feet to a 3 ½-inch aluminum monument being on the northerly meander line of the Salmon River ;
Thence N. 83° 56' 34" W. on said meander line a distance of 420.42 feet to an angle point of said meander line;
Thence N. 48° 05' 58" W. on said meander line a distance of 304.52 feet to an existing 5/8-inch rebar and the True Point of Beginning;
Thence N. 0° 01' 48" E. a distance of 465.99 feet to a 5/8-inch rebar being on the southerly right of way, said right of way being 25.0 feet each side of centerline, of Cow Creek Road;
Thence S. 54° 44' 36" E. on said southerly right of way of Cow Creek Road a distance of 159.58 feet to a 5/8-inch rebar;
Thence on a curve to the left, which curve has a delta angle of 5° 09' 23", a radius of 1465.10 feet, a length of 155.14 feet, and a long chord which bears S. 49° 07' 24" E. a distance of 131.81 feet to a 5/8-inch rebar being on the southerly right of way of Main Street;
Thence S. 32° 10' 32" W. a distance of 170.91 feet to a 5/8-inch rebar ;
Thence S. 24° 12' 10" W. a distance of 211.01 feet to a point being on the northerly meander line of said Salmon River;
Thence N. 48° 05' 58" W. on said meander line a distance of 95.51 feet to the Point of Beginning.
Said described parcel of land contains 73,936.78 square feet, or 1.697 acres.

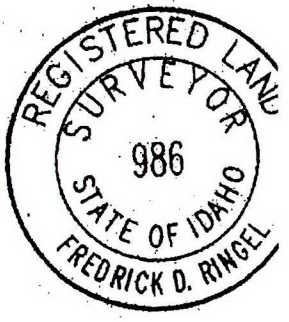



**EXHIBIT "B"**

SCANNED
JUL 06 2023

## Legal Description – Parcel 3

A parcel of land being a portion of Government Lots 5 and 7, Section 2, Township 25 North, Range 1 East, Boise Meridian, Idaho County, Idaho;

Commencing at a brass cap monument being the corner of Government Lots 4 and 5 of Section 2, T. 25 N., R. 1 E., B.M., also being on the township line between Townships 25 North and 26 North, also being on the section line of Section 34, T. 26 N. R. 1 E., B.M., all being in Idaho County, Idaho;
Thence S. 0° 22' 29" E. on the subdivisional line of said Section 2, T. 25 N., R. 1 E., a distance of 1916.13 feet to a brass cap monument being the C-SNW;
Thence S. 0° 21' 31" E. on said subdivisional line a distance of 655.67 feet to the 1/16Corner, being a 3 ½-inch aluminum monument;
Thence S. 0° 25' 17" E. on said subdivisional line a distance of 687.47 feet to a 3 ½-inch aluminum monument being on the northerly meander line of the Salmon River;
Thence N. 83° 56' 34" W. on said meander line a distance of 420.42 feet to an angle point of said meander line and the True Point of Beginning;

Thence N. 48° 05' 58" W. on said meander line a distance of 64.74 feet a point;
Thence N. 30° 36' 04" E. a distance of 189.09 feet to a 5/8-inch rebar;
Thence N. 40° 49' 44" E. a distance of 221.60 feet to a 5/8-inch rebar being on the southerly right of way, said right of way being 66.0 feet wide, 33.0 feet each side of centerline of Main Street;
Thence on a curve to the left, which curve has a delta angle of 9° 25' 19", a length of 21.87 feet, a radius of 133.00 feet, and a long chord which bears S. 88° 39' 40" E. a distance of 21.85 feet to a 5/8-inch rebar;
Thence N. 86° 37' 41" E. on said southerly right of way a distance of 49.09 feet to a 5/8-inch rebar being an intersection of the southerly right of way of Main Street and the westerly right of way of State Highway 95, said right of way being 60.00 feet from centerline;
Thence on a spiral curve to the left, which curve has a spiral chord which bears S. 34° 38' 34" E., a chord length of 27.60 feet to a 5/8-inch rebar being the PS right of way station 384+50.61 of said State Highway 95;
Thence S. 34° 39' 00" E. on said westerly right of way a distance of 109.18 feet to a 5/8-inch rebar;
Thence S. 54° 26' 15" W. a distance of 221.09 feet to a 5/8-inch rebar;
Thence S. 25° 11' 35" W. a distance of 160.05 feet to a 5/8-inch rebar being on the northerly meander line;
Thence N. 83° 56' 34" W. on said meander line a distance of 94.06 feet to the Point of Beginning.

Said described parcel of land contains 64,679.12 square feet, or 1.485 acres

Parcel 3

**EXHIBIT "C"**

SCANNED
JUL 06 2023

## Legal Description- Parcel 4

A parcel of land being a portion of Government Lots 5 and 7, Section 2, Township 25 North, Range 1 East, Boise Meridian, Idaho County, Idaho;

Commencing at a brass cap monument being the corner of Government Lots 4 and 5 of Section 2, T. 25 N., R. 1 E., B.M., also being on the township line between Townships 25 North and 26 North, also being on the section line of Section 34, T. 26 N. R. 1 E., B.M., all being in Idaho County, Idaho;
Thence S. 0° 22' 29" E. on the subdivisional line of said Section 2, T. 25 N., R. 1 E., a distance of 1916.13 feet to a brass cap monument being the C-SNW;
Thence S. 0° 21' 31" E. on said subdivisional line a distance of 655.67 feet to the 1/16Corner, being a 3 ½-inch aluminum monument;
Thence S. 0° 25' 17" E. on said subdivisional line a distance of 687.47 feet to a 3 ½-inch aluminum monument being on the northerly meander line of the Salmon River;
Thence N. 83° 56' 34" W. on said meander line a distance of 60.39 feet to the True Point of Beginning;
Thence N. 83° 56' 34" W. on said meander line a distance of 265.97 feet to a 5/8-inch rebar;
Thence N. 25° 11' 35" E. a distance of 160.05 feet to a 5/8-inch rebar;
Thence N. 54° 26' 15" E. a distance of 221.09 feet to a 5/8-inch rebar being on the westerly right of way, said right of way being 60.00 feet from centerline, of State Highway 95;
Thence S. 34° 39' 00" E. on said right of way a distance of 132.04 feet to a 5/8-inch rebar being on the subdivisional line and the right of way of said Highway 95;
Thence S. 0° 25' 16" E. on said subdivisional line a distance of 199.24 feet to a 3 ½-inch aluminum monument being on the northerly meander line;
Thence N. 83° 56' 34" W. on said meander line a distance of 60.39 feet to the Point of Beginning.

Said described parcel of land contains 64,678.80 square feet, or 1.485 acres.

Parcel 4

**EXHIBIT "D"**

SCANNED

JUL 06 2023

450025

# WARRANTY DEED

**FOR VALUE RECEIVED, The Lindsey 1994 Revocable Living Trust** as Grantor, does hereby grant, bargain, sell, and convey unto **Easy River Living LLC** as Grantee, whose current address is 1110 Elo Road, McCall, Idaho 83638 certain real property situated in Idaho County, Idaho, more particularly described on **Exhibit A** which is attached hereto. Such real property being hereinafter referred to as the "property of Grantee".

**Together** with a permanent, irrevocable, non-exclusive easement for ingress and egress, over and across Parcel 1 (as described on Exhibit B ) on the upper fork of the existing traveled way of the road that passes through Parcel 1 and provides access from the property of Grantee to State Highway 95. This easement shall become available to use by Grantee at any such time as the existing access to State Highway 95 from the property of Grantee is restricted or denied. This easement shall be binding upon the heirs, successors and assigns of the Grantor and Grantee and shall run with and benefit the property of Grantee. The easement granted herein shall benefit all those who may acquire an interest in the property of Grantee, including subdivisions thereof.

**Together** with a permanent, irrevocable, non-exclusive easement for use of the existing trail that crosses Parcel 1 (as described on Exhibit B ) and provides access to the beach on the Salmon River; which said beach is located behind Grantor's residence. This easement shall be binding upon the heirs, successors and assigns of the Grantor and Grantee and shall run with and benefit the property of Grantee. The easement granted herein shall benefit all those who may acquire an interest in the property of Grantee, including subdivisions thereof.

**Subject** to a permanent, irrevocable, non-exclusive easement for existing power, water and septic utilities located upon the property of Grantee and which are servicing Grantor's residence located upon Parcel 1( as described on Exhibit B ). This easement shall be binding upon the heirs, successors and assigns of the Grantor and Grantee and shall run with and benefit the property of Grantor. This easement shall be limited to use by one single family residence on the property of Grantor.

**Subject** to a permanent, irrevocable, non-exclusive easement for ingress and egress across and over the property of Grantee, to access the boat ramp which is located on the Salmon River. This easement is limited to the use by Grantor's present Trustee (Thomas J. Lindsey) and his immediate family. This easement shall terminate when Grantor's present Trustee no longer occupies the residence located upon Parcel 1 (as described on Exhibit B )

**Further subject** to easements, liens, encumbrances or matters of record.

STATE of IDAHO
County of Idaho
Recorded at request of
INLAND TITLE CO.
at 4:25 P.M. on 8-2-06
ROSE E. GEHRING Recorder
By Bobbie J. Brown Deputy
Fees $ 15.00
m/pd



SCANNED
JUL 06 2023

To have and to hold the said premises, together with improvements and appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantor does hereby covenant to and with said Grantee, that it is the owner in fee simple of said premises; that the said premises are free from all encumbrances except as noted above; and, that it will warrant and defend the same from all lawful claims whatsoever.

DATED this 28 day of July, 2006

**Lindsey 1994 Revocable Living Trust**

By _____ Gay D. Lindsey
**Trustee, Thomas J. Lindsey**

STATE OF IDAHO, )
(ss.
County of Valley. )

On this 28 day of July, 2006, before me, Karen L. Thurston a Notary Public in and for said State, personally appeared Thomas J. Lindsey, known or identified to me to be the Trustee of The Lindsey 1994 Revocable Living Trust whose name is subscribed to the within instrument, and acknowledged to me that he executed the same on behalf of such Trust. also appeared Gay D. Lindsey, known or identified to me to be the Trustee of The Lindsey 1994 Revocable Living Trust

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

KAREN L. THURSTON NOTARY PUBLIC STATE OF IDAHO

_____
NOTARY PUBLIC FOR IDAHO
Residing at: Hailey
My Commission Expires: 2009



SCANNED
JUL 06 2023

**EXHIBIT A**

A parcel of land being a portion of Government Lots 5 and 7, Section 2, Township 25 North, Range 1 East, Boise Meridian, Idaho County, Idaho;

Commencing at a brass cap monument being the corner of Government Lots 4 and 5 of Section 2, T. 25 N., R. 1 E., B.M., also being on the township line between Townships 25 North and 26 North, also being on the section line of Section 34, T. 26 N. R. 1 E., B.M., all being in Idaho County, Idaho;
Thence S. 0° 22' 29" E. on the subdivisional line of said Section 2, T. 25 N., R. 1 E., a distance of 1916.13 feet to a brass cap monument being the C-SNW;
Thence S. 0° 21' 31" E. on said subdivisional line a distance of 655.67 feet to the 1/16Corner, being a 3 ½-inch aluminum monument;
Thence S. 0° 25' 17" E. on said subdivisional line a distance of 687.47 feet to a 3 ½-inch aluminum monument being on the northerly meander line of the Salmon River and the True Point of Beginning;
Thence N. 83° 56' 34" W. on said meander line a distance of 420.42 feet to an angle point of said meander line;
Thence N. 48° 05' 58" W. on said meander line a distance of 304.52 feet to an existing 5/8-inch rebar;
Thence N. 0° 01' 48" E. a distance of 465.99 feet to a 5/8-inch rebar being on the southerly right of way, said right of way being 25.0 feet each side of centerline, of Cow Creek Road;
Thence S. 54° 44' 36" E. on said southerly right of way of Cow Creek Road a distance of 159.58 feet to a 5/8-inch rebar being at the intersection of Cow Creek Road and the southerly right of way of Main Street, said right of way being 66.0 feet wide, 33.0 feet each side of centerline;
Thence on a curve to the left, which curve has a delta angle of 7° 21' 26", a radius of 1465.10, a length of 188.13 feet and a long chord which bears S. 50° 13' 27" E. a distance of 188.00 feet to a 5/8-inch rebar being the PT right of way station 1185+84.25 of Main Street;
Thence S. 53° 54' 11" E. on said southerly right of way a distance of 99.28 feet to a 5/8-inch rebar being the PC right of way station 1186+83.53;
Thence on a curve to the left, which curve has a delta angle of 39° 28' 08", a radius of 133.00 feet, a length of 91.62 feet and a long chord which bears S. 73 ° 38' 15" E. a distance of 89.82 feet to a 5/8-inch rebar being the PT right of way station 1182+52.42;
Thence N. 86° 37' 41" E. on said southerly right of way a distance of 49.09 feet to a 5/8-inch rebar being an intersection of the southerly right of way of Main Street and the westerly right of way of State Highway 95, said right of way being 60.00 feet from centerline;
Thence on a spiral curve to the left, which curve has a spiral chord which bears S. 34° 38' 34" E., a chord length of 27.60 feet to a 5/8-inch rebar being the PS right of way station 384+50.61 of said State Highway 95;

SCANNED
JUL 06 2023

Thence S. 34° 39' 00" E. on said westerly right of way a distance of 241.22 feet to a 5/8-inch rebar being on the subdivisional line and the right of way station 382+09.39;
Thence S. 0° 25' 16" E. on said subdivisional line a distance of 199.24 feet to the Point of Beginning.
Said described parcel of land contain 6.152 acres.

**SAVE AND EXCEPTING THEREFROM,** A parcel of land being a portion of Government Lots 5 and 7, Section 2, Township 25 North, Range 1 East, Boise Meridian, Idaho County, Idaho;

Commencing at a brass cap monument being the corner of Government Lots 4 and 5 of Section 2, T. 25 N., R. 1 E., B.M., also being on the township line between Townships 25 North and 26 North, also being on the section line of Section 34, T. 26 N. R. 1 E., B.M., all being in Idaho County, Idaho;
Thence S. 0° 22' 29" E. on the subdivisional line of said Section 2, T. 25 N., R. 1 E., a distance of 1916.13 feet to a brass cap monument being the C-SNW;
Thence S. 0° 21' 31" E. on said subdivisional line a distance of 655.67 feet to the 1/16Corner, being a 3 ½-inch aluminum monument;
Thence S. 0° 25' 17" E. on said subdivisional line a distance of 687.47 feet to a 3 ½-inch aluminum monument being on the northerly meander line of the Salmon River ;
Thence N. 83° 56' 34" W. on said meander line a distance of 420.42 feet to an angle point of said meander line;
Thence N. 48° 05' 58" W. on said meander line a distance of 304.52 feet to an existing 5/8-inch rebar and the True Point of Beginning;
Thence N. 0° 01' 48" E. a distance of 465.99 feet to a 5/8-inch rebar being on the southerly right of way, said right of way being 25.0 feet each side of centerline, of Cow Creek Road;
Thence S. 54° 44' 36" E. on said southerly right of way of Cow Creek Road a distance of 159.58 feet to a 5/8-inch rebar being at the intersection of Cow Creek Road and the southerly right of way of Main Street, said right of way being 66.0 feet wide, 33.0 feet each side of centerline;
Thence on a curve to the left, which curve has a delta angle of 6° 04' 02", a radius of 1465.10 feet, a length of 155.14 feet, and a long chord which bears S. 49° 34' 49" E. a distance of 155.06 feet to a 5/8-inch rebar being on the southerly right of way of Main Street;
Thence S. 32° 10' 32" W. a distance of 170.91 feet to a 5/8-inch rebar ;
Thence S. 24° 12' 10" W. a distance of 211.01 feet to a point being on the northerly meander line of said Salmon River;
Thence N. 48° 05' 58" W. on said meander line a distance of 95.51 feet to the Point of Beginning.

INITIAL

Said described parcel of land contains 73,936.78 square feet, or 1.697 acres.

REGISTERED LAND SURVEYOR 986 STATE OF IDAHO FREDRICK D. RINGEL

SCANNED

JUL 06 2023

EXHIBIT B
(PARCEL 1)

A parcel of land being a portion of Government Lots 5 and 7, Section 2, Township 25 North, Range 1 East, Boise Meridian, Idaho County, Idaho;

Commencing at a brass cap monument being the corner of Government Lots 4 and 5 of Section 2, T. 25 N., R. 1 E., B.M., also being on the township line between Townships 25 North and 26 North, also being on the section line of Section 34, T. 26 N. R. 1 E., B.M., all being in Idaho County, Idaho;
Thence S. 0° 22' 29" E. on the subdivisional line of said Section 2, T. 25 N., R. 1 E., a distance of 1916.13 feet to a brass cap monument being the C-SNW;
Thence S. 0° 21' 31" E. on said subdivisional line a distance of 655.67 feet to the 1/16Corner, being a 3 ½-inch aluminum monument;
Thence S. 0° 25' 17" E. on said subdivisional line a distance of 687.47 feet to a 3 ½-inch aluminum monument being on the northerly meander line of the Salmon River ;
Thence N. 83° 56' 34" W. on said meander line a distance of 420.42 feet to an angle point of said meander line;
Thence N. 48° 05' 58" W. on said meander line a distance of 304.52 feet to an existing 5/8-inch rebar and the True Point of Beginning;
Thence N. 0° 01' 48" E. a distance of 465.99 feet to a 5/8-inch rebar being on the southerly right of way, said right of way being 25.0 feet each side of centerline, of Cow Creek Road;
Thence S. 54° 44' 36" E. on said southerly right of way of Cow Creek Road a distance of 159.58 feet to a 5/8-inch rebar being at the intersection of Cow Creek Road and the southerly right of way of Main Street, said right of way being 66.0 feet wide, 33.0 feet each side of centerline;
Thence on a curve to the left, which curve has a delta angle of 6° 04' 02", a radius of 1465.10 feet, a length of 155.14 feet, and a long chord which bears S. 49° 34' 49" E. a distance of 155.06 feet to a 5/8-inch rebar being on the southerly right of way of Main Street;
Thence S. 32° 10' 32" W. a distance of 170.91 feet to a 5/8-inch rebar ;
Thence S. 24° 12' 10" W. a distance of 211.01 feet to a point being on the northerly meander line of said Salmon River;
Thence N. 48° 05' 58" W. on said meander line a distance of 95.51 feet to the Point of Beginning.

INITIAL

Said described parcel of land contains 73,936.78 square feet, or 1.697 acres.

#20404

REGISTERED LAND SURVEYOR 986 STATE OF IDAHO FREDRICK D. RINGEL

SCANNED
JUL 06 2023

After Split

**IDAHO DEPARTMENT OF WATER RESOURCES** **6/29/2023**
**Proof Report**

**Water Right 79-14008**

| **Owner Type** | **Name and Address** |
|---|---|
| Current Owner | GAY LINDSEY<br>PO BOX 313<br>LUCILE, ID 83542<br>(208) 628-3773 |

**Priority Date:** 3/22/2002
**Basis:** License
**Status:** Active

| **Source** | **Tributary** |
|---|---|
| GROUND WATER | |

| **Beneficial Use** | **From** | **To** | **Diversion Rate** | **Volume** |
|---|---|---|---|---|
| IRRIGATION | 02/15 | 11/30 | 0.060 CFS | 10.0 AF |
| COMMERCIAL | 03/01 | 11/30 | 0.030 CFS | 0.8 AF |
| | **Total Diversion** | | 0.090 CFS | 10.8 AF |

**Source and Point(s) of Diversion:**

| | | |
|---|---|---|
| GROUND WATER | L7(NWSW) | Sec. 2, Twp 25N, Rge 01E, IDAHO County |
| GROUND WATER | L7(NWSW) | Sec. 2, Twp 25N, Rge 01E, IDAHO County |

**Place Of Use:**

COMMERCIAL within IDAHO County

| | | | NE | | | | NW | | | | SW | | | | SE | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 25N | 01E | 2 | | | | | | | | | | X<br>L7 | | | | | | | |

IRRIGATION within IDAHO County

| | | | NE | | | | NW | | | | SW | | | | SE | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 25N | 01E | 2 | | | | | | | | | | 2.5<br>L7 | | | | | | | 2.5 |

POU Total Acres: 2.5

**Conditions of Approval:**

| | | |
|---|---|---|
| 1. | 01M | After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department. |
| 2. | R68 | This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above. |
| 3. | | Commercial use is for 12 RV hook-ups. |

SCANNED
JUL 06 2023

4. X60 Place of use is known as Prospectors Gold RV Park. Parcel # RP25N01E024060A.

**Comments:**

1 slester 11/1/2004 Field Report Narrative
2 wells serve Prospectors Gold RV Park between Salmon River and Hwy 95 at Lucile. Wells aka Well # 2 and Well #3 (see original application - well #1 deleted). Cannot locate well logs. Should be in name of Gay and/or Tom (son) Lindsey per 10/29/04 telecon with owner. Said driller took care of well drilling permits and fees; did not recall receiving any information about well drilling fee upgrades. Cannot locate any receipt information per 10/20/04 database research that well drilling fees were upgraded. Appears S.O. might know more about this issue (see 7/18/02 reference note on proof of beneficial use analysis sheet). More details provided with well inspection forms. Per owner: Well #2 - 6 inch, 70 ft with static level at 40 ft, 3 inch main to 1½ - 2½ inch laterals. Serves buried popup sprinklers, 25 RV hook-ups, the Pavilion, and misc. risers for hose/sprinkler use. Well #3 - 6 inch, 50 ft and 25 ft static level, 2 inch main integrates with above network. Open approx. 7 months/year, typically April thru October. No psi gauges or measuring equipment. No way to measure water with mixed use distribution system. Assume dynamic pumping level at ½ of static - total depth: Well #2 -- 70 - 40 = 30/2 = 15 ... static + 15 = 55 ft dynamic level Well #3 -- 50 - 25 = 25/2 = 12 ... static + 12 = 37 ft dynamic level Assume about 50 to 60 psi ... use 50 to give benefit of doubt to owner

2 DBetts 1/18/2022 POU
Updated Shape

3 DBetts 1/18/2022 POU - Update
Updated the COMMERCIAL place of use shape to only include the tax parcels in Government Lot 7 which overlap with the irrigation place of use. The updated POU boundaries correspond to the maps recorded in the Water Rights Back File and the Beneficial Use Field Report.

4 djudd 7/7/2022 Split Right
Split into 79-14008 & 79-14299 due to change in ownership.

5 djudd 7/7/2022 POU
Updated Shape

6 nmiller 6/29/2023 Split Right
Split into 79-14311.

7 nmiller 6/29/2023 POU
Updated Shape

**Dates and Other Information:**

Licensed Date: 11/19/2004
Water District Number: NWD
Generic Max Rate Per Acre: 0.030
Generic Max Volume Per Acre: 4.0
Mitigation Plan: False

SCANNED
JUL 06 2023

**Combined Use Limits:**
N/A

**SubCase:**
N/A

**Water Supply Bank:**

N/A

SCANNED
JUL 06 2023

State of Idaho
Department of Water Resources

# Attachment to Water Right

79-14008

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.




0 0.035 0.07 0.14 Miles

Place Of Use Boundary
Townships
PLS Sections
Quarter Quarters
Point of Diversion

N

SCANNED
JUL 06 2023

State of Idaho
Department of Water Resources

# Attachment to Water Right

79-14008

This map depicts the COMMERCIAL place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.




0 0.035 0.07 0.14 Miles

Place Of Use Boundary
Townships
PLS Sections
Quarter Quarters
Point of Diversion

SCANNED
JUL 06 2023

N

**Water Right 79-14311**

| **Owner Type** | **Name and Address** |
|---|---|
| Current Owner | JOHN T WARREN<br>PO BOX 374<br>LUCILE, ID 83542-0374<br>(208) 628-3875 |
| Previous Owner | GAY LINDSEY<br>PO BOX 313<br>LUCILE, ID 83542<br>(208) 628-3773 |

**Priority Date:** 3/22/2002
**Basis:** License
**Status:** Active

| **Source** | **Tributary** |
|---|---|
| GROUND WATER | |

| **Beneficial Use** | **From** | **To** | **Diversion Rate** | **Volume** |
|---|---|---|---|---|
| IRRIGATION | 02/15 | 11/30 | 0.040 CFS | 6.0 AF |
| COMMERCIAL | 03/01 | 11/30 | 0.020 CFS | 0.5 AF |
| | **Total Diversion** | | 0.060 CFS | 6.5 AF |

**Source and Point(s) of Diversion:**

| | | |
|---|---|---|
| GROUND WATER | L7(NWSW) | Sec. 2, Twp 25N, Rge 01E, IDAHO County |
| GROUND WATER | L7(NWSW) | Sec. 2, Twp 25N, Rge 01E, IDAHO County |

**Place Of Use:**

COMMERCIAL within IDAHO County

| | | | NE | | | | NW | | | | SW | | | | SE | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 25N | 01E | 2 | | | | | | | | | | X<br>L7 | | | | | | | |

IRRIGATION within IDAHO County

| | | | NE | | | | NW | | | | SW | | | | SE | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 25N | 01E | 2 | | | | | | | | | | 1.5<br>L7 | | | | | | | 1.5 |

POU Total Acres: 1.5

**Conditions of Approval:**

1. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and



SCANNED
79-14311
JUL 06 2023

| | | |
|---|---|---|
| | | shall annually report the information to the Department. |
| 2. | R68 | This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above. |
| 3. | | Commercial use is for 8 RV hook-ups. |
| 4. | X60 | Place of use is known as Prospectors Gold RV Park. Parcel # RP25N01E024060A. |

**Comments:**

1 nmiller 6/29/2023 Split Right
This right is the result of split from 79-14008.

2 nmiller 6/29/2023 POU
Updated Shape

**Dates and Other Information:**

Water District Number: NWD
Generic Max Rate Per Acre: 0.030
Generic Max Volume Per Acre: 4.0
Mitigation Plan: False

**Combined Use Limits:**

N/A

**SubCase:**

N/A

**Water Supply Bank:**

N/A

SCANNED
JUL 06 2023

State of Idaho
Department of Water Resources

# Attachment to Water Right

79-14311

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.




0 0.035 0.07 0.14 Miles

Place Of Use Boundary
Townships
PLS Sections
Quarter Quarters
Point of Diversion

N

SCANNED
JUL 06 2023

State of Idaho
Department of Water Resources

# Attachment to Water Right

79-14311

This map depicts the COMMERCIAL place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.




0 0.035 0.07 0.14 Miles

Place Of Use Boundary
Townships
PLS Sections
Quarter Quarters
Point of Diversion

N

SCANNED
JUL 06 2023

Form 42-248/42-1409(6) Rev. 6/22

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED DEV
JUN 05 2023
WATER RESOURCES
WESTERN REGION

# NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "*Yes*" in the "*Split?*" column. If the water right is leased to the Water Supply Bank, check "*Yes*". If you are not sure if the water right is leased to the Water Supply Bank, see #7 of the instructions.

| Water Right/Claim No. | Split? | Leased to Water Supply Bank? | Water Right/Claim No. | Split? | Leased to Water Supply Bank? |
|---|---|---|---|---|---|
| (79/14008) | Yes ☒ | Yes ☐ | | Yes ☐ | Yes ☐ |
| ~~(79-14299)~~ | Yes ☐ | Yes ☐ | | Yes ☐ | Yes ☐ |
| New 79-14312 | Yes ☐ | Yes ☐ | | Yes ☐ | Yes ☐ |
| | Yes ☐ | Yes ☐ | | Yes ☐ | Yes ☐ |
| | Yes ☐ | Yes ☐ | | Yes ☐ | Yes ☐ |

2. Previous Owner's Name: Lay Lindsey (79-14008) ~~Baines (79-14299)~~
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Pyle / McClure Trust
New owner(s) as listed on the conveyance document  Name connector ☐ and ☐ or

P.O. Box 469 | Biggins | Id. | 83549
Mailing address | City | State | Zip

(208)-634-9863 | dirtpylexc@gmail.com
Telephone | Email

4. If the water rights and/or adjudication claims were split, how did the division occur?
☑ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

5. Date you acquired the water rights and/or claims listed above: 10/25/2018.

6. Do you own the land identified as the water right place of use? Yes ☑ No ☐
- If no, attach evidence that written notice of the change of water right ownership has been delivered to the landowner of record.

7. This form must be signed and submitted with the following **REQUIRED** items:
☐ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
☐ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
☐ Filing fee (see instructions for further explanation):
- $25 per *undivided* water right.
- $100 per *split* water right.
- No fee is required for pending adjudication claims.

SCANNED
JUL 19 2023
SUPPORT DATA
IN FILE # 79-14008

☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: _____ | owner | 5/28/2023
Signature of new owner/claimant | Title, if applicable | Date
John Pyle
Print name

Signature: Hannah Pyle | owner | 5/28/2023
Signature of new owner/claimant | Title, if applicable | Date
Hannah Pyle
Print name

#125.00

***For IDWR Office Use Only:***

Receipted by DM Date 6-5-2023, 5-1-23 Receipt No. W051289(#175), W051199 Receipt Amt. $75.00, $50.00

Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐

Name on W-9 _____ Approved by _____ Processed by NM Date 7-11-23

**Instrument # 527259**
IDAHO COUNTY, IDAHO
12-01-2020 12:46:14 PM No. of Pages: 1
Recorded for: AMERITITLE - CASCADE
Kathy M Ackerman Fee: $15.00
Ex-Officio Recorder Deputy: DST

Reference No. 423168AM

# DEED OF RECONVEYANCE

Pursuant to a written request made by the beneficiary, the undersigned, as trustee in the deed of trust executed by John Kevin Pyle, an unmarried man, Grantor, to John Borkoski and Kathleen Borkoski, Beneficiary recorded October 25, 2018 as Instrument No. 516199 Records of Idaho County, ID, does hereby GRANT and RECONVEY unto the parties LEGALLY ENTITLED THERETO, without warranty, all the estate and interest derived to the trustee under said deed of trust, in the lands therein described.

Dated: November 16, 2020

**AmeriTitle, LLC**

By _____
**Jonathan M. Edwards, Assistant Secretary**

State of Idaho }
}ss.
County of Washington }

On this November 16, 2020, before me, a Notary Public in and for said state, personally appeared Jonathan M. Edwards known to me to be the Assistant Secretary of the Corporation, and acknowledged to me that pursuant to a Resolution of the Board of Directors, executed the foregoing in said Corporation name.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

_____
Notary Public for the State of Idaho
Residing at: Weiser, Idaho
Commission Expires: 11-15-2024

LYNN K. WINEGAR
COMMISSION #20182359
NOTARY PUBLIC
STATE OF IDAHO

SCANNED
JUL 19 2023

This document has been recorded electronically. Please see the attached copy to view the County Recorder's stamp as it now appears in the public record.

Submitted by: AmeriTitle

Reference No. 423168AM

# DEED OF RECONVEYANCE

Pursuant to a written request made by the beneficiary, the undersigned, as trustee in the deed of trust executed by John Kevin Pyle, an unmarried man, Grantor, to John Borkoski and Kathleen Borkoski, Beneficiary recorded October 25, 2018 as Instrument No. 516199 Records of Idaho County, ID, does hereby GRANT and RECONVEY unto the parties LEGALLY ENTITLED THERETO, without warranty, all the estate and interest derived to the trustee under said deed of trust, in the lands therein described.

Dated: November 16, 2020

**AmeriTitle, LLC**

By _____

**Jonathan M. Edwards, Assistant Secretary**

State of Idaho }
}ss.
County of Washington }

On this November 16, 2020, before me, a Notary Public in and for said state, personally appeared Jonathan M. Edwards known to me to be the Assistant Secretary of the Corporation, and acknowledged to me that pursuant to a Resolution of the Board of Directors, executed the foregoing in said Corporation name.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

_____

Notary Public for the State of Idaho
Residing at: Weiser, Idaho
Commission Expires: 11-15-2024

LYNN K. WINEGAR
COMMISSION #20182359
NOTARY PUBLIC
STATE OF IDAHO

SCANNED

JUL 19 2023

RECEIVED
JUL 1 1 2023
WATER RESOURCES
WESTERN REGION

WATER RESOURCES
WESTERN REGION
JUL 1 1 2023
RECEIVED

Instrument # 523245
IDAHO COUNTY, IDAHO,
4-13-2020 03:12:52 PM No. of Pages: 3
Recorded for : SENIOR EDGE LEGAL
KATHY M. ACKERMAN Fee: 15.00
Ex-Officio Recorder Deputy

# WARRANTY DEED

FOR NO VALUE RECEIVED, John Kevin Pyle, a single person, as the Grantor, does hereby grant, transfer, and convey unto John K. Pyle, Trustee of the Pyle-McClure Trust, dated April 7, 2020, the Grantee, whose current address is 1308 N. Salmon Dr., Riggins, Idaho 83549, the following described premises, in **IDAHO** County, Idaho, to-wit:

See Exhibit "A" which is attached hereto and made a part hereof by reference as if set forth in full.

Subject to taxes and assessment for this year and all subsequent years, together with any and all existing easements, right-of-way, reservations, restrictions and encumbrances of record, to any existing tenancies, to all zoning laws and ordinances, and to any state of facts an accurate survey or inspection of the premises would show.

This conveyance shall include any and all appurtenances, tenements, hereditaments, reversions, remainders, easements, right-of-way and water rights in anywise appertaining to the property herein described.

The Grantor covenant to the Grantee that Grantor are the owner in fee simple of said premises, that the premises are free from all encumbrances, excepting those as may be herein set forth, and excepting those of record, and that Grantor will warrant and defend the same from all lawful claims.

Note: THIS DEED WAS PREPARED WITHOUT BENEFIT OF TITLE SEARCH.

Dated April 7, 2020.

John Kevin Pyle



SCANNED
JUL 19 2023

STATE OF IDAHO )
: ss.
County of Ada )

On April 7, 2020, before me personally appeared John Kevin Pyle, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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

Notary Public in and for Idaho
Residing at Boise, Idaho.
My commission expires: 10-4-2025.




SCANNED
JUL 19 2023

Exhibit "A"

Township 25 North, Range 1 East, Boise Meridian, Idaho County, Idaho
Section 2:

A parcel of land being a portion of Government Lots 5 and 7 of said Section 2, being more particularly described as follows:

Commencing at a brass cap monument being the corner of Government Lots 4 and 5, also being on the township line between Township 25 North and Township 26 North, also being on the section line of Section 34, Township 26 North, Range 1 East, Boise Meridian, all being in Idaho County Idaho;
thence S 00°22'29" E, on the subdivision line of said Section 2, a distance of 1916.13 feet to a brass cap monument being the C-SNW;
thence S 00°21'31" E, on said subdivision line a distance of 655.67 feet to the 1/16 Corner, being a 3½" aluminum monument;
thence S 00°25'17" E, on said subdivision line a distance of 687.47 feet to a 3½" aluminum monument being on the northerly meander line of the Salmon River;
thence N 83°56'34" W, on said meander line a distance of 420.42 feet to an angle point of said meander line and the True Point of Beginning;
thence N 48°05'58" W, on said meander line a distance of 64.74 feet to a point;
thence N 30°36'04" E, a distance of 189.09 feet to a 5/8" rebar;
thence N 40°49'44" E, a distance of 221.60 feet to a 5/8" rebar being on the southerly right of way being 66.0 feet wide, 33.0 feet each side of centerline of Main Street;
thence on a curve to the left, which curve has a delta angle of 09°25'19", a length of 21.87 feet, a radius of 133.00 feet, and a long chord which bears S 88°39'40" E, a distance of 21.85 feet to a 5/8" rebar;
thence N 86°37'41" E, on said southerly right of way distance of 49.09 feet to a 5/8" rebar being an intersection of the southerly right of way of Main Street and the westerly right of way of State Highway 95, said right of way being 60.00 feet from centerline;
thence on a spiral curve to the left, which has a spiral chord which bears S 34°38'34" E, a chord length of 27.60 feet to a 5/8" rebar being the PS right of way station 384+50.61 of said State Highway 95;
thence S 34°39'00" E, on said westerly right of way a distance of 109.18 feet to a 5/8" rebar;
thence S 54°26'15" W, a distance of 221.09 feet to a 5/8" rebar;
thence S 25°11'35" W, a distance of 160.05 feet to a 5/8" rebar being on the northerly meander line;
thence N 83°56'34" W, on said meander line a distance of 94.06 feet to the Point of Beginning.

SCANNED
JUL 19 2023

AmeriTitle

Instrument # 516198
IDAHO COUNTY, IDAHO,
10-25-2018 01:44:45 PM No. of Pages: 2
Recorded for : IDAHO COUNTY TITLE
KATHY M. ACKERMAN Fee: 15.00
Ex-Officio Recorder Deputy

# WARRANTY DEED

RECEIVED
JUL 11 2023
WATER RESOURCES
WESTERN REGION

Order No.: 262583AM

**FOR VALUE RECEIVED**

John Borkoski and Kathleen Borkoski, husband and wife

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

**John Kevin Pyle, an unmarried man**

whose current address is:
PO Box 469
Riggins, ID 83549

the grantee(s), the following described premises, in Idaho County, Idaho, TO WIT:

**See Attached Exhibit 'A'**

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record. And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: October 15, 2018

John Borkoski

Kathleen Borkoski

State of Idaho } ss
County of Valley }

On this 15 day of October, 2018, before me, Robin Richardson a Notary Public in and for said state, personally appeared John Borkoski and Kathleen Borkoski, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument and acknowledged to me that he/she/they executed same.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Robin Richardson

Notary Public for the State of ID
Residing at: New Meadows
Commission Expires: 7/18/2024

ROBIN RICHARDSON
NOTARY PUBLIC
MY COMMISSION EXPIRES 7-18-2024
STATE OF IDAHO
COMMISSION NUMBER 59586

SCANNED
JUL 19 2023

File No.: 29191

READ AND APPROVED (initials)
X
X

RECEIVED
JUL 11 2023
WATER RESOURCES
WESTERN REGION

## Exhibit A

Township 25 North, Range 1 East, Boise Meridian, Idaho County, Idaho
Section 2:

A parcel of land being a portion of Government Lots 5 and 7 of said Section 2, being more particularly described as follows:

Commencing at a brass cap monument being the corner of Government Lots 4 and 5, also being on the township line between Township 25 North and Township 26 North, also being on the section line of Section 34, Township 26 North, Range 1 East, Boise Meridian, all being in Idaho County Idaho;
thence S 00°22'29" E, on the subdivision line of said Section 2, a distance of 1916.13 feet to a brass cap monument being the C-SNW;
thence S 00°21'31" E, on said subdivision line a distance of 655.67 feet to the 1/16 Corner, being a 3½" aluminum monument;
thence S 00°25'17" E, on said subdivision line a distance of 687.47 feet to a 3½" aluminum monument being on the northerly meander line of the Salmon River;
thence N 83°56'34" W, on said meander line a distance of 420.42 feet to an angle point of said meander line and the True Point of Beginning;
thence N 48°05'58" W, on said meander line a distance of 64.74 feet to a point;
thence N 30°36'04" E, a distance of 189.09 feet to a 5/8" rebar;
thence N 40°49'44" E, a distance of 221.60 feet to a 5/8" rebar being on the southerly right of way being 66.0 feet wide, 33.0 feet each side of centerline of Main Street;
thence on a curve to the left, which curve has a delta angle of 09°25'19", a length of 21.87 feet, a radius of 133.00 feet, and a long chord which bears S 88°39'40" E, a distance of 21.85 feet to a 5/8" rebar;
thence N 86°37'41" E, on said southerly right of way distance of 49.09 feet to a 5/8" rebar being an intersection of the southerly right of way of Main Street and the westerly right of way of State Highway 95, said right of way being 60.00 feet from centerline;
thence on a spiral curve to the left, which has a spiral chord which bears S 34°38'34" E, a chord length of 27.60 feet to a 5/8" rebar being the PS right of way station 384+50.61 of said State Highway 95;
thence S 34°39'00" E, on said westerly right of way a distance of 109.18 feet to a 5/8" rebar;
thence S 54°26'15" W, a distance of 221.09 feet to a 5/8" rebar;
thence S 25°11'35" W, a distance of 160.05 feet to a 5/8" rebar being on the northerly meander line;
thence N 83°56'34" W, on said meander line a distance of 94.06 feet to the Point of Beginning.

(end)

SCANNED
JUL 19 2023

Instrument # 484958
IDAHO COUNTY, IDAHO,
7-27-2012 08:59:20 No. of Pages: 4
Recorded for : STEVEN MILLEMANN
KATHY M. ACKERMAN Fee: 19.00
Ex-Officio Recorder Deputy

484958

When recorded please return to:
Millemann, Pittenger, McMahan & Pemberton, LLP
PO Box 1066
McCall, Idaho 83638

# SECOND CORRECTED QUITCLAIM DEED

This Second Corrected Quitclaim Deed is being executed and recorded to correct an error in the legal description for Parcel 2 as contained in Exhibit C and Parcel 1 as contained in Exhibit B which are attached to that certain Quitclaim Deed recorded in the Office of the Idaho County Recorded as Instrument Number 451784. A corrected legal description for Parcel 2, as described in Exhibit C and a corrected legal description for Parcel 1, as described in Exhibit B is attached hereto.

Further, All other terms and provisions of the Quitclaim Deed recorded as Instrument Number 451784 are confirmed and ratified.

FOR VALUE RECEIVED, Easy River Living LLC, Grantor, hereby conveys, releases, remises, and forever quitclaims unto John Borkoski and Kathleen Borkoski, husband and wife, Grantee, whose current address is 1110 Elo Road, McCall, Idaho 83638, all its right, title, and interest in the following premises located in Idaho County, Idaho, to-wit:

**See Exhibit B and C which are attached hereto**

DATED this 25th day of July, 2012.

EASY RIVER LIVING LLC

By: _____
**JOHN BORKOSKI,**
It's: Managing Member

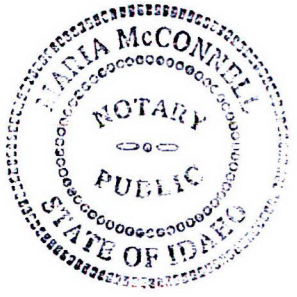


SCANNED
JUL 19 2023

STATE OF IDAHO, )
(ss.
County of Valley. )

On this 25th day of July, 2012, before me, a Notary Public in and for said State, personally appeared **JOHN BORKOSKI**, known or identified to me to be the Managing Member of the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company, and acknowledged to me that such limited liability company executed the same.

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




Maria McConnell
NOTARY PUBLIC FOR IDAHO
My Commission Expires: 6/30/2017



SCANNED
JUL 19 2023

CORRECTED EXHIBIT B, April 11, 2012

A parcel of land situate in a portion of Government Lots 5 and 7, Section 2, Township 25 North, Range 1 East, Boise Meridian, Idaho County, Idaho;

Commencing at a brass cap being the corner of Government Lots 4 and 5 of Section 2, Township 25 North, Range 1 East, Boise Meridian, also being on the township line between Townships 25 North and 26 North, also being on the section line of Section 34, Township 26 North, Range 1 East, Boise Meridian, all being in Idaho County, Idaho;

Thence, S. 00° 22' 29" E., on the subdivisional line of said Section 2, T. 25 N., R. 1 E., a distance of 1,916.13 feet to a brass cap monument being the C-SNW; Thence, S. 00° 21' 31" E., on said subdivisional line a distance of 655.67 feet to the 1/16 Corner, a 3 ½ inch aluminum monument; thence, S. 00° 25' 17" E., on aid subdivisional line a distance of 687.47 feet to a 3 ½ inch aluminum monument on the northerly meander line of the Salmon River; thence, N. 83° 56' 34" W., on said meander line a distance of 420.42 feet; thence, N. 48° 05' 58" W., on said meander line a distance of 304.52 feet to a existing 5/8 inch rebar, being the TRUE POINT OF BEGINNING:

Thence, N. 00° 01' 48" E., a distance of 465.99 feet to a 5/8 inch rebar being on the southerly boundary of the right-of-way being 25.0 feet each side of the center line for Cow Creek Road,

Thence, S. 54° 44' 36" E., along said southerly right-of-way boundary a distance of 159.58 feet to a 5/8 inch rebar,

Thence, 155.14 feet along a non-tangent curve to the left whose long chord bears S. 49° 34' 56" E., 155.07 feet, whose radius is 1,465.10 feet and delta angle is 6° 04' 02" to a 5/8 inch rebar on the southerly boundary of the right-of-way for Main Street,

Thence, S. 32° 10' 32" W., a distance of 170.91 feet to a 5/8 inch rebar,

Thence, S. 24° 12' 10" W., a distance of 211.01 feet to the northerly meander line of the Salmon River,

Thence, N. 48° 05' 58" W., along said meander line a distance of 95.52 to the Point of Beginning, containing 73,939 square feet, or 1.697 acres.




**EXHIBIT B**

SCANNED
JUL 19 2023

Corrected Legal Description-Parcel 2, April 11, 2012

A parcel of land situate in a portion of Government Lots 5 and 7, Section 2, Township 25 North, Range 1 East, Boise Meridian, Idaho County, Idaho;

Commencing at a brass cap being the corner of Government Lots 4 and 5 of Section 2, Township 25 North, Range 1 East, Boise Meridian, also being on the township line between Townships 25 North and 26 North, also being on the section line of Section 34, Township 26 North, Range 1 East, Boise Meridian, all being in Idaho County, Idaho;

Thence, S. 00° 22' 29" E., on the subdivisional line of said Section 2, T. 25 N., R. 1 E., a distance of 1,916.13 feet to a brass cap monument being the C-SNW; Thence, S. 00° 21' 31" E., on said subdivisional line a distance of 655.67 feet to the 1/16 Corner, a 3 ½ inch aluminum monument; thence, S. 00° 25' 17" E., on aid subdivisional line a distance of 687.47 feet to a 3 ½ inch aluminum monument on the northerly meander line of the Salmon River; thence, N. 83° 56' 34" W., on said meander line a distance of 420.42 feet; thence, N. 48° 05' 58" W., on said meander line a distance of 64.74 feet to the TRUE POINT OF BEGINNING:

Thence, continuing N. 48° 05' 58" W., along said meander line a distance of 144.26,
Thence, N. 24° 12' 10" E., a distance of 211.01 feet to a 5/8 inch rebar,
Thence, N. 32° 10' 32" E., a distance of 170.91 feet to a 5/8 inch rebar on the southerly boundary of the right-of-way being 33.0 feet on each side of the center line of Main Street,
Thence, 32.99 feet along a non-tangent curve to the left whose long chord bears S. 53° 14' 36" E., 32.99 feet, whose radius is 1,465.10 feet and delta angle is 1° 17' 25" to a 5/8 inch rebar on the southerly boundary of the right-of-way for Main Street,
Thence, S. 53° 54' 11" E., along said southerly right-of-way boundary a distance of 99.28 feet to a 5/8 inch rebar,
Thence, 69.75 feet along a curve to the left whose long chord bears S. 68° 55' 36" E., 68.95 feet, whose radius is 133.00 feet and delta angle is 30° 02' 49" to a 5/8 inch rebar on the southerly boundary of the right-of-way for Main Street,
Thence, S. 40° 49' 44" W., a distance of 221.60 feet to a 5/8 inch rebar,
Thence, S. 30° 36' 04" W., a distance of 189.09 feet to the Point of Beginning, containing 64,677.9 square feet, or 1.485 acres.

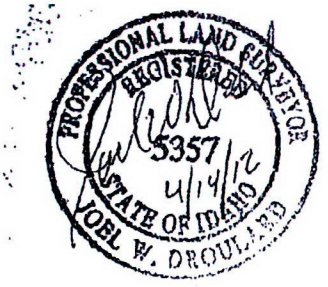



**EXHIBIT C**

SCANNED
JUL 19 2023

479845

Instrument # 479845
IDAHO COUNTY, IDAHO,
7-8-2011 09:17:24 No. of Pages: 3
Recorded for : MILLEMANN PETTENGER MCMAHAN
KATHY M. ACKERMAN Fee: 16.00
Ex-Officio Recorder Deputy

# NOTICE OF OPTION TO PURCHASE

**NOTICE IS HEREBY GIVEN** that **EASY RIVER LIVING LLC**, whose address is 1110 Elo Road, McCall, Idaho 83638 has an exclusive, irrevocable option to purchase certain real property located in Idaho County, Idaho, more particularly described at the attached Exhibit "A".

If said Option to Purchase is not exercised by Easy River Living LLC on or before August 31, 2077, the option shall expire, and this notice shall be of no further effect.

**DATED** this 5th day of July, 2011.

Greg Pittenger,
Attorney for Easy River Living LLC

STATE OF IDAHO, )
(ss.
County of Valley. )

On this 5th day of July, 2011 before me, Debra Martens, a Notary Public in and for said State, personally appeared Greg Pittenger known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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

DEBRA MARTENS NOTARY PUBLIC STATE OF IDAHO

NOTARY PUBLIC FOR IDAHO
Residing at: McCall, Idaho
My Commission Expires: 12/1/2014

SCANNED
JUL 19 2023

IDAHO Thank you

PURCHASE RECEIPT

**Idaho County Clerk**

320 West Main Street, Room 5
Grangeville ID 83530
(208)983-2751
OTC Local Ref ID: 82467514
5/17/2023 08:58 AM

Your credit card or bank statement will show a charge from IDAHO.GOV.

| | |
|---|---|
| Status: | **APPROVED** |
| Customer Name: | Hannah Pyle |
| Type: | MasterCard |
| Credit Card Number: | **** **** **** 2941 |

| Items | Quantity | TPE Order ID | | Total Amount |
|---|---|---|---|---|
| Copies | 1 | 57693720 | $3.00 | |
| Total remitted to the Idaho County Clerk | | | | $3.00 |
| Access Idaho Fee | 1 | 57693720 | $1.09 | |
| Total Amount Charged | | | | $4.09 |

By Phone

Signature

To offer the convenience of using your bank card, a service fee of 3% plus $1.00 has been added to your transaction. This fee goes to our third-party provider, Idaho.gov. The County does not keep any portion of this fee.

EXHIBIT "A"


# RINGEL & ASSOCIATES, P.A.

LAND SURVEYING - DEVELOPMENT – CONSTRUCTION

CORPORATE OPERATIONS
PO BOX 742
CASCADE, IDAHO 83611
PHONE: (208) 382-4230
FAX: (208) 382-6667
EMAIL: ringelsur@frontiernet.net


July 27, 2006
JB06019

Legal Description – Parcel 3 Common Area

A parcel of land being a portion of Government Lots 5 and 7, Section 2, Township 25 North, Range 1 East, Boise Meridian, Idaho County, Idaho;

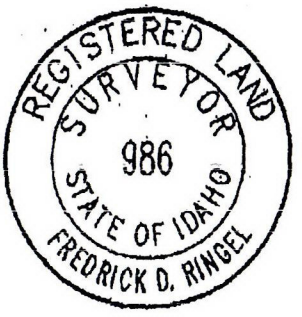
Commencing at a brass cap monument being the corner of Government Lots 4 and 5 of Section 2, T. 25 N., R. 1 E., B.M., also being on the township line between Townships 25 North and 26 North, also being on the section line of Section 34, T. 26 N. R. 1 E., B.M., all being in Idaho County, Idaho;
Thence S. 0° 22' 29" E. on the subdivisional line of said Section 2, T. 25 N., R. 1 E., a distance of 1916.13 feet to a brass cap monument being the C-SNW;
Thence S. 0° 21' 31" E. on said subdivisional line a distance of 655.67 feet to the 1/16Corner, being a 3 ½-inch aluminum monument;
Thence S. 0° 25' 17" E. on said subdivisional line a distance of 687.47 feet to a 3 ½-inch aluminum monument being on the northerly meander line of the Salmon River;
Thence N. 83° 56' 34" W. on said meander line a distance of 420.42 feet to an angle point of said meander line;
Thence N. 48° 05' 58" W. on said meander line a distance of 64.74 feet a point;
Thence N. 30° 36' 04" E. a distance of 189.09 feet to a 5/8-inch rebar and the True Point of Beginning;
Thence N. 40° 49' 44" E. a distance of 221.60 feet to a 5/8-inch rebar being on the southerly right of way, said right of way being 66.0 feet wide, 33.0 feet each side of centerline of Main Street;
Thence on a curve to the left, which curve has a delta angle of 9° 25' 19", a length of 21.87 feet, a radius of 133.00 feet, and a long chord which bears S. 88° 39' 40" E. a distance of 21.85 feet to a 5/8-inch rebar;
Thence N. 86° 37' 41" E. on said southerly right of way a distance of 49.09 feet to a 5/8-inch rebar being an intersection of the southerly right of way of Main Street and the westerly right of way of State Highway 95, said right of way being 60.00 feet from centerline;
Thence on a spiral curve to the left, which curve has a spiral chord which bears S. 34° 38' 34" E., a chord length of 27.60 feet to a 5/8-inch rebar being the PS right of way station 384+50.61 of said State Highway 95;
Thence S. 34° 39' 00" E. on said westerly right of way a distance of 109.18 feet to a 5/8-inch rebar;
Thence S. 54° 26' 15" W. a distance of 221.09 feet to a 5/8-inch rebar;
Thence N. 57° 57' 35" W. a distance of 134.00 feet to the Point of Beginning.


SCANNED
JUL 19 2023

RINGEL & ASSOCIATES, P.A.
LAND SURVEYING - DEVELOPMENT – CONSTRUCTION

CORPORATE OPERATIONS
PO BOX 742
CASCADE, IDAHO 83611
PHONE: (208) 382-4230
FAX: (208) 382-6667
EMAIL: ringelsur@frontiernet.net

Said described parcel of land contains 38,156.93 square feet, or 0.876 acres.



452257

# CORRECTED QUITCLAIM DEED

STATE of IDAHO
County of Idaho
Recorded at request of
Steven Millemann
at 9:32 Am on 12-4-06
ROSE E. GEHRING
By Beth Gilbert Recorder
Fees $ 18.00 Deputy

192

This Corrected Quitclaim Deed is being executed and recorded to correct an error in the name of one of the Grantees (Kathleen Borkkoski)) as is contained in that certain Quitclaim Deed recorded in the Office of the Idaho County Recorder as Instrument Number 451784.

M/P0 Box 104
McCall, Id
83638

FOR VALUE RECEIVED, Easy River Living LLC, Grantor, hereby conveys, releases, remises, and forever quitclaims unto John Borkoski and Kathleen Borkoski, husband and wife, Grantee, whose current address is 1110 Elo Road, McCall, Idaho 83638, all its right, title, and interest in the following premises located in Idaho County, Idaho, to-wit:

**See Exhibit A which is attached hereto**

**Together** with a permanent, irrevocable, non-exclusive easement for ingress and egress, over and across Parcel 1 (as described on Exhibit B) on the upper fork of the existing traveled way of the road that passes through Parcel 1 and provides access from the property of Grantee to State Highway 95. This easement shall become available to use by Grantee at any such time as the existing access to State Highway 95 from the property of Grantee is restricted or denied. This easement shall be binding upon the heirs, successors and assigns of the Grantor and Grantee and shall run with and benefit the property of Grantee. The easement granted herein shall benefit all those who may acquire an interest in the property of Grantee, including subdivisions thereof.

**Together** with a permanent, irrevocable, non-exclusive easement for use of the existing trail that crosses Parcel 1 (as described on Exhibit B) and provides access to the beach on the Salmon River; which said beach is located behind the residence located upon Parcel 1. This easement shall be binding upon the heirs, successors and assigns of the Grantor and Grantee and shall run with and benefit the property of Grantee. The easement granted herein shall benefit all those who may acquire an interest in the property of Grantee, including subdivisions thereof.

**Together** with a permanent, irrevocable, non-exclusive easement for existing power, water and septic utilities located upon Parcel 2 and 4 (as described on Exhibits C and D respectively) and which may service Grantees property. This easement shall be binding upon the heirs, successors and assigns of the Grantor and Grantee and shall run with and benefit the property of Grantee.

**Together** with a permanent, irrevocable, non-exclusive easement for ingress and egress across Parcel 2 and 4, to access State Highway 95 and to access the boat ramp which is located on the Salmon River.

**Subject** to a permanent, irrevocable, non-exclusive easement for existing power, water and septic utilities located upon the property of Grantee and which are servicing the residence located upon Parcel 1(as described on Exhibit B) or which may service Parcel 2 and 4. This easement shall be binding upon the heirs, successors and assigns of the Grantee and shall run with and benefit Parcel 1, 2 and 4.



SCANNED
JUL 19 2023

**Subject** to a permanent, irrevocable, non-exclusive easement for ingress and egress across and over the property of Grantee, to access the boat ramp which is located on the Salmon River. This easement is limited to the use by Parcel 1's present owner (Thomas J. Lindsey) and his immediate family. This easement shall terminate when Parcel 1's present owner no longer occupies the residence located upon Parcel 1.

DATED this 30 day of November, 2006.

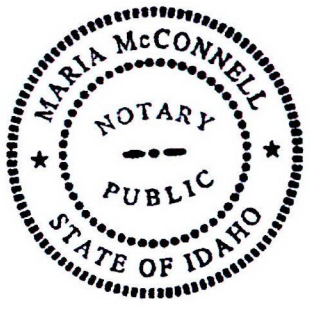
EASY RIVER LIVING LLC

By: _____
**JOHN BORKOSKI,**
It's: Managing Member

STATE OF IDAHO, )
(ss.
County of Valley. )

On this 30th day of November, 2006, before me, a Notary Public in and for said State, personally appeared **JOHN BORKOSKI**, known or identified to me to be the Managing Member of the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company, and acknowledged to me that such limited liability company executed the same.

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




Maria McConnell
NOTARY PUBLIC FOR IDAHO
My Commission Expires: 6/30/2011

SCANNED
JUL 19 2023

## Legal Description – Parcel 3

A parcel of land being a portion of Government Lots 5 and 7, Section 2, Township 25 North, Range 1 East, Boise Meridian, Idaho County, Idaho;

Commencing at a brass cap monument being the corner of Government Lots 4 and 5 of Section 2, T. 25 N., R. 1 E., B.M., also being on the township line between Townships 25 North and 26 North, also being on the section line of Section 34, T. 26 N. R. 1 E., B.M., all being in Idaho County, Idaho;
Thence S. 0° 22' 29" E. on the subdivisional line of said Section 2, T. 25 N., R. 1 E., a distance of 1916.13 feet to a brass cap monument being the C-SNW;
Thence S. 0° 21' 31" E. on said subdivisional line a distance of 655.67 feet to the 1/16Corner, being a 3 ½-inch aluminum monument;
Thence S. 0° 25' 17" E. on said subdivisional line a distance of 687.47 feet to a 3 ½-inch aluminum monument being on the northerly meander line of the Salmon River;
Thence N. 83° 56' 34" W. on said meander line a distance of 420.42 feet to an angle point of said meander line and the True Point of Beginning;

Thence N. 48° 05' 58" W. on said meander line a distance of 64.74 feet a point;
Thence N. 30° 36' 04" E. a distance of 189.09 feet to a 5/8-inch rebar;
Thence N. 40° 49' 44" E. a distance of 221.60 feet to a 5/8-inch rebar being on the southerly right of way, said right of way being 66.0 feet wide, 33.0 feet each side of centerline of Main Street;
Thence on a curve to the left, which curve has a delta angle of 9° 25' 19", a length of 21.87 feet, a radius of 133.00 feet, and a long chord which bears S. 88° 39' 40" E. a distance of 21.85 feet to a 5/8-inch rebar;
Thence N. 86° 37' 41" E. on said southerly right of way a distance of 49.09 feet to a 5/8-inch rebar being an intersection of the southerly right of way of Main Street and the westerly right of way of State Highway 95, said right of way being 60.00 feet from centerline;
Thence on a spiral curve to the left, which curve has a spiral chord which bears S. 34° 38' 34" E., a chord length of 27.60 feet to a 5/8-inch rebar being the PS right of way station 384+50.61 of said State Highway 95;
Thence S. 34° 39' 00" E. on said westerly right of way a distance of 109.18 feet to a 5/8-inch rebar;
Thence S. 54° 26' 15" W. a distance of 221.09 feet to a 5/8-inch rebar;
Thence S. 25° 11' 35" W. a distance of 160.05 feet to a 5/8-inch rebar being on the northerly meander line;
Thence N. 83° 56' 34" W. on said meander line a distance of 94.06 feet to the Point of Beginning.

Said described parcel of land contains 64,679.12 square feet, or 1.485 acres



**EXHIBIT "A"**

SCANNED

JUL 19 2023

EXHIBIT B

A parcel of land being a portion of Government Lots 5 and 7, Section 2, Township 25 North, Range 1 East, Boise Meridian, Idaho County, Idaho;

Commencing at a brass cap monument being the corner of Government Lots 4 and 5 of Section 2, T. 25 N., R. 1 E., B.M., also being on the township line between Townships 25 North and 26 North, also being on the section line of Section 34, T. 26 N. R. 1 E., B.M., all being in Idaho County, Idaho;
Thence S. 0° 22' 29" E. on the subdivisional line of said Section 2, T. 25 N., R. 1 E., a distance of 1916.13 feet to a brass cap monument being the C-SNW;
Thence S. 0° 21' 31" E. on said subdivisional line a distance of 655.67 feet to the 1/16Corner, being a 3 ½-inch aluminum monument;
Thence S. 0° 25' 17" E. on said subdivisional line a distance of 687.47 feet to a 3 ½-inch aluminum monument being on the northerly meander line of the Salmon River ;
Thence N. 83° 56' 34" W. on said meander line a distance of 420.42 feet to an angle point of said meander line;
Thence N. 48° 05' 58" W. on said meander line a distance of 304.52 feet to an existing 5/8-inch rebar and the True Point of Beginning;
Thence N. 0° 01' 48" E. a distance of 465.99 feet to a 5/8-inch rebar being on the southerly right of way, said right of way being 25.0 feet each side of centerline, of Cow Creek Road;
Thence S. 54° 44' 36" E. on said southerly right of way of Cow Creek Road a distance of 159.58 feet to a 5/8-inch rebar;
Thence on a curve to the left, which curve has a delta angle of 5° 09' 23", a radius of 1465.10 feet, a length of 155.14 feet, and a long chord which bears S. 49° 07' 24" E. a distance of 131.81 feet to a 5/8-inch rebar being on the southerly right of way of Main Street;
Thence S. 32° 10' 32" W. a distance of 170.91 feet to a 5/8-inch rebar ;
Thence S. 24° 12' 10" W. a distance of 211.01 feet to a point being on the northerly meander line of said Salmon River;
Thence N. 48° 05' 58" W. on said meander line a distance of 95.51 feet to the Point of Beginning.
Said described parcel of land contains 73,936.78 square feet, or 1.697 acres.

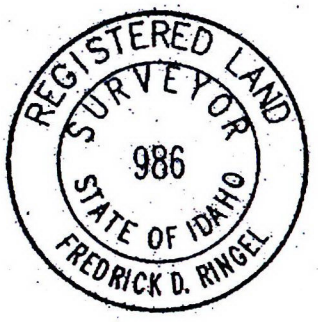



**EXHIBIT "B"**

SCANNED
JUL 19 2023

## Legal Description – Parcel 2

A parcel of land being a portion of Government Lots 5 and 7, Section 2, Township 25 North, Range 1 East, Boise Meridian, Idaho County, Idaho;

Commencing at a brass cap monument being the corner of Government Lots 4 and 5 of Section 2, T. 25 N., R. 1 E., B.M., also being on the township line between Townships 25 North and 26 North, also being on the section line of Section 34, T. 26 N. R. 1 E., B.M., all being in Idaho County, Idaho;
Thence S. 0° 22' 29" E. on the subdivisional line of said Section 2, T. 25 N., R. 1 E., a distance of 1916.13 feet to a brass cap monument being the C-SNW;
Thence S. 0° 21' 31" E. on said subdivisional line a distance of 655.67 feet to the 1/16Corner, being a 3 ½-inch aluminum monument;
Thence S. 0° 25' 17" E. on said subdivisional line a distance of 687.47 feet to a 3 ½-inch aluminum monument being on the northerly meander line of the Salmon River ;
Thence N. 83° 56' 34" W. on said meander line a distance of 420.42 feet to an angle point of said meander line;
Thence N. 48° 05' 58" W. on said meander line a distance of 64.74 feet to a point and the True Point of Beginning;

Thence N. 48° 05' 58" W. on said meander line a distance of 144.26 feet to a point;
Thence N. 24° 12' 10" E. a distance of 211.01 feet to a 5/8-inch rebar;

Thence N. 32° 10' 32" E. a distance of 170.91 feet to a 5/8-inch rebar being on the southerly right of way, said right of way being 66.00 feet wide, 33.00 feet each side of centerline of Main Street;
Thence on a curve to the left, which curve has a delta angle of 2° 12' 03", a length of 56.28 feet, a radius of 1465.10 feet, and a long chord which bears S. 52° 48' 10" E. a distance of 56.27 feet to a 5/8-inch rebar;

Thence S. 53° 54' 11" E. on said right of way a distance of 99.28 feet to a 5/8-inch rebar;
Thence on a curve to the left, which curve has a delta angle of 30° 02' 49", a length of 69.75 feet, a radius of 133.00 feet, and a long chord which bears S. 68° 55' 36" E. a distance of 68.95 feet to a 5/8-inch rebar;
Thence S. 40° 49' 44" W. a distance of 221.60 feet to a 5/8-inch rebar;
Thence S. 30° 36' 04" W. a distance of 189.09 feet to the Point of Beginning.

**EXHIBIT "C"**

Parcel 2

SCANNED

JUL 19 2023

Legal Description- Parcel 4

A parcel of land being a portion of Government Lots 5 and 7, Section 2, Township 25 North, Range 1 East, Boise Meridian, Idaho County, Idaho;

Commencing at a brass cap monument being the corner of Government Lots 4 and 5 of Section 2, T. 25 N., R. 1 E., B.M., also being on the township line between Townships 25 North and 26 North, also being on the section line of Section 34, T. 26 N. R. 1 E., B.M., all being in Idaho County, Idaho;
Thence S. 0° 22' 29" E. on the subdivisional line of said Section 2, T. 25 N., R. 1 E., a distance of 1916.13 feet to a brass cap monument being the C-SNW;
Thence S. 0° 21' 31" E. on said subdivisional line a distance of 655.67 feet to the 1/16Corner, being a 3 ½-inch aluminum monument;
Thence S. 0° 25' 17" E. on said subdivisional line a distance of 687.47 feet to a 3 ½-inch aluminum monument being on the northerly meander line of the Salmon River;
Thence N. 83° 56' 34" W. on said meander line a distance of 60.39 feet to the True Point of Beginning;
Thence N. 83° 56' 34" W. on said meander line a distance of 265.97 feet to a 5/8-inch rebar;
Thence N. 25° 11' 35" E. a distance of 160.05 feet to a 5/8-inch rebar;
Thence N. 54° 26' 15" E. a distance of 221.09 feet to a 5/8-inch rebar being on the westerly right of way, said right of way being 60.00 feet from centerline, of State Highway 95;
Thence S. 34° 39' 00" E. on said right of way a distance of 132.04 feet to a 5/8-inch rebar being on the subdivisional line and the right of way of said Highway 95;
Thence S. 0° 25' 16" E. on said subdivisional line a distance of 199.24 feet to a 3 ½-inch aluminum monument being on the northerly meander line;
Thence N. 83° 56' 34" W. on said meander line a distance of 60.39 feet to the Point of Beginning.

Said described parcel of land contains 64,678.80 square feet, or 1.485 acres.

Parcel 4

**EXHIBIT "D"**

SCANNED

JUL 19 2023

451784

STATE of IDAHO
County of Idaho
Recorded at request of Steven Millerman
at 10:00 Am on 11-1-06
ROSE E. GEHRING
By Beth J. Gehring Recorder
Fees $ 18.00 Deputy

494

# QUITCLAIM DEED

FOR VALUE RECEIVED, Easy River Living LLC, Grantor, hereby conveys, releases, remises, and forever quitclaims unto John Borkoski and Kathleen Borkkoski, husband and wife, Grantee, whose current address is 1110 Elo Road, McCall, Idaho 83638, all its right, title, and interest in the following premises located in Idaho County, Idaho, to-wit:

**See Exhibit A which is attached hereto**

**Together** with a permanent, irrevocable, non-exclusive easement for ingress and egress, over and across Parcel 1 (as described on Exhibit B) on the upper fork of the existing traveled way of the road that passes through Parcel 1 and provides access from the property of Grantee to State Highway 95. This easement shall become available to use by Grantee at any such time as the existing access to State Highway 95 from the property of Grantee is restricted or denied. This easement shall be binding upon the heirs, successors and assigns of the Grantor and Grantee and shall run with and benefit the property of Grantee. The easement granted herein shall benefit all those who may acquire an interest in the property of Grantee, including subdivisions thereof.

**Together** with a permanent, irrevocable, non-exclusive easement for use of the existing trail that crosses Parcel 1 (as described on Exhibit B) and provides access to the beach on the Salmon River; which said beach is located behind the residence located upon Parcel 1. This easement shall be binding upon the heirs, successors and assigns of the Grantor and Grantee and shall run with and benefit the property of Grantee. The easement granted herein shall benefit all those who may acquire an interest in the property of Grantee, including subdivisions thereof.

**Together** with a permanent, irrevocable, non-exclusive easement for existing power, water and septic utilities located upon Parcel 2 and 4 (as described on Exhibits C and D respectively) and which may service Grantees property. This easement shall be binding upon the heirs, successors and assigns of the Grantor and Grantee and shall run with and benefit the property of Grantee.

**Together** with a permanent, irrevocable, non-exclusive easement for ingress and egress across Parcel 2 and 4, to access State Highway 95 and to access the boat ramp which is located on the Salmon River.

**Subject** to a permanent, irrevocable, non-exclusive easement for existing power, water and septic utilities located upon the property of Grantee and which are servicing the residence located upon Parcel 1(as described on Exhibit B) or which may service Parcel 2 and 4. This easement shall be binding upon the heirs, successors and assigns of the Grantee and shall run with and benefit Parcel 1, 2 and 4.

**Subject** to a permanent, irrevocable, non-exclusive easement for ingress and egress across and over the property of Grantee, to access the boat ramp which is located on the Salmon River. This easement is limited to the use by Parcel 1's present owner (Thomas J. Lindsey) and



SCANNED
JUL 19 2023

his immediate family. This easement shall terminate when Parcel 1's present owner no longer occupies the residence located upon Parcel 1.

DATED this 16th day of October, 2006.

EASY RIVER LIVING LLC

By: _____
**JOHN BORKOSKI,**
It's: Managing Member

STATE OF IDAHO, )
(ss.
County of Valley. )

On this 16th day of October, 2006, before me, a Notary Public in and for said State, personally appeared **JOHN BORKOSKI**, known or identified to me to be the Managing Member of the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company, and acknowledged to me that such limited liability company executed the same.

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

MARIA McCONNELL NOTARY PUBLIC STATE OF IDAHO

Maria McConnell
NOTARY PUBLIC FOR IDAHO
My Commission Expires: 6/30/2011



SCANNED
JUL 19 2023

## Legal Description – Parcel 3

A parcel of land being a portion of Government Lots 5 and 7, Section 2, Township 25 North, Range 1 East, Boise Meridian, Idaho County, Idaho;

Commencing at a brass cap monument being the corner of Government Lots 4 and 5 of Section 2, T. 25 N., R. 1 E., B.M., also being on the township line between Townships 25 North and 26 North, also being on the section line of Section 34, T. 26 N. R. 1 E., B.M., all being in Idaho County, Idaho;
Thence S. 0° 22' 29" E. on the subdivisional line of said Section 2, T. 25 N., R. 1 E., a distance of 1916.13 feet to a brass cap monument being the C-SNW;
Thence S. 0° 21' 31" E. on said subdivisional line a distance of 655.67 feet to the 1/16Corner, being a 3 ½-inch aluminum monument;
Thence S. 0° 25' 17" E. on said subdivisional line a distance of 687.47 feet to a 3 ½-inch aluminum monument being on the northerly meander line of the Salmon River;
Thence N. 83° 56' 34" W. on said meander line a distance of 420.42 feet to an angle point of said meander line and the True Point of Beginning;

Thence N. 48° 05' 58" W. on said meander line a distance of 64.74 feet a point;
Thence N. 30° 36' 04" E. a distance of 189.09 feet to a 5/8-inch rebar;
Thence N. 40° 49' 44" E. a distance of 221.60 feet to a 5/8-inch rebar being on the southerly right of way, said right of way being 66.0 feet wide, 33.0 feet each side of centerline of Main Street;
Thence on a curve to the left, which curve has a delta angle of 9° 25' 19", a length of 21.87 feet, a radius of 133.00 feet, and a long chord which bears S. 88° 39' 40" E. a distance of 21.85 feet to a 5/8-inch rebar;
Thence N. 86° 37' 41" E. on said southerly right of way a distance of 49.09 feet to a 5/8-inch rebar being an intersection of the southerly right of way of Main Street and the westerly right of way of State Highway 95, said right of way being 60.00 feet from centerline;
Thence on a spiral curve to the left, which curve has a spiral chord which bears S. 34° 38' 34" E., a chord length of 27.60 feet to a 5/8-inch rebar being the PS right of way station 384+50.61 of said State Highway 95;
Thence S. 34° 39' 00" E. on said westerly right of way a distance of 109.18 feet to a 5/8-inch rebar;
Thence S. 54° 26' 15" W. a distance of 221.09 feet to a 5/8-inch rebar;
Thence S. 25° 11' 35" W. a distance of 160.05 feet to a 5/8-inch rebar being on the northerly meander line;
Thence N. 83° 56' 34" W. on said meander line a distance of 94.06 feet to the Point of Beginning.

Said described parcel of land contains 64,679.12 square feet, or 1.485 acres

Parcel 3

**EXHIBIT "A"**

SCANNED

JUL 19 2023

EXHIBIT B

A parcel of land being a portion of Government Lots 5 and 7, Section 2, Township 25 North, Range 1 East, Boise Meridian, Idaho County, Idaho;

Commencing at a brass cap monument being the corner of Government Lots 4 and 5 of Section 2, T. 25 N., R. 1 E., B.M., also being on the township line between Townships 25 North and 26 North, also being on the section line of Section 34, T. 26 N. R. 1 E., B.M., all being in Idaho County, Idaho;
Thence S. 0° 22' 29" E. on the subdivisional line of said Section 2, T. 25 N., R. 1 E., a distance of 1916.13 feet to a brass cap monument being the C-SNW;
Thence S. 0° 21' 31" E. on said subdivisional line a distance of 655.67 feet to the 1/16Corner, being a 3 ½-inch aluminum monument;
Thence S. 0° 25' 17" E. on said subdivisional line a distance of 687.47 feet to a 3 ½-inch aluminum monument being on the northerly meander line of the Salmon River ;
Thence N. 83° 56' 34" W. on said meander line a distance of 420.42 feet to an angle point of said meander line;
Thence N. 48° 05' 58" W. on said meander line a distance of 304.52 feet to an existing 5/8-inch rebar and the True Point of Beginning;
Thence N. 0° 01' 48" E. a distance of 465.99 feet to a 5/8-inch rebar being on the southerly right of way, said right of way being 25.0 feet each side of centerline, of Cow Creek Road;
Thence S. 54° 44' 36" E. on said southerly right of way of Cow Creek Road a distance of 159.58 feet to a 5/8-inch rebar;
Thence on a curve to the left, which curve has a delta angle of 5° 09' 23", a radius of 1465.10 feet, a length of 155.14 feet, and a long chord which bears S. 49° 07' 24" E. a distance of 131.81 feet to a 5/8-inch rebar being on the southerly right of way of Main Street;
Thence S. 32° 10' 32" W. a distance of 170.91 feet to a 5/8-inch rebar ;
Thence S. 24° 12' 10" W. a distance of 211.01 feet to a point being on the northerly meander line of said Salmon River;
Thence N. 48° 05' 58" W. on said meander line a distance of 95.51 feet to the Point of Beginning.
Said described parcel of land contains 73,936.78 square feet, or 1.697 acres.

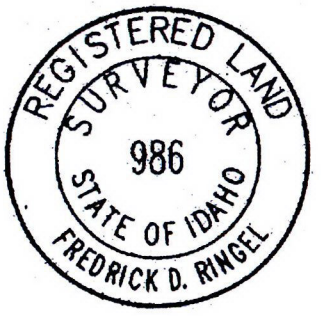



**EXHIBIT "B"**

SCANNED
JUL 19 2023

## Legal Description -- Parcel 2

A parcel of land being a portion of Government Lots 5 and 7, Section 2, Township 25 North, Range 1 East, Boise Meridian, Idaho County, Idaho;

Commencing at a brass cap monument being the corner of Government Lots 4 and 5 of Section 2, T. 25 N., R. 1 E., B.M., also being on the township line between Townships 25 North and 26 North, also being on the section line of Section 34, T. 26 N. R. 1 E., B.M., all being in Idaho County, Idaho;
Thence S. 0° 22' 29" E. on the subdivisional line of said Section 2, T. 25 N., R. 1 E., a distance of 1916.13 feet to a brass cap monument being the C-SNW;
Thence S. 0° 21' 31" E. on said subdivisional line a distance of 655.67 feet to the 1/16Corner, being a 3 ½-inch aluminum monument;
Thence S. 0° 25' 17" E. on said subdivisional line a distance of 687.47 feet to a 3 ½-inch aluminum monument being on the northerly meander line of the Salmon River ;
Thence N. 83° 56' 34" W. on said meander line a distance of 420.42 feet to an angle point of said meander line;
Thence N. 48° 05' 58" W. on said meander line a distance of 64.74 feet to a point and the True Point of Beginning;

Thence N. 48° 05' 58" W. on said meander line a distance of 144.26 feet to a point;
Thence N. 24° 12' 10" E. a distance of 211.01 feet to a 5/8-inch rebar;

Thence N. 32° 10' 32" E. a distance of 170.91 feet to a 5/8-inch rebar being on the southerly right of way, said right of way being 66.00 feet wide, 33.00 feet each side of centerline of Main Street;
Thence on a curve to the left, which curve has a delta angle of 2° 12' 03", a length of 56.28 feet, a radius of 1465.10 feet, and a long chord which bears S. 52° 48' 10" E. a distance of 56.27 feet to a 5/8-inch rebar;

Thence S. 53° 54' 11" E. on said right of way a distance of 99.28 feet to a 5/8-inch rebar;
Thence on a curve to the left, which curve has a delta angle of 30° 02' 49", a length of 69.75 feet, a radius of 133.00 feet, and a long chord which bears S. 68° 55' 36" E. a distance of 68.95 feet to a 5/8-inch rebar;
Thence S. 40° 49' 44" W. a distance of 221.60 feet to a 5/8-inch rebar;
Thence S. 30° 36' 04" W. a distance of 189.09 feet to the Point of Beginning.

**EXHIBIT "C"**

Parcel 2

SCANNED
JUL 19 2023

## Legal Description- Parcel 4

A parcel of land being a portion of Government Lots 5 and 7, Section 2, Township 25 North, Range 1 East, Boise Meridian, Idaho County, Idaho;

Commencing at a brass cap monument being the corner of Government Lots 4 and 5 of Section 2, T. 25 N., R. 1 E., B.M., also being on the township line between Townships 25 North and 26 North, also being on the section line of Section 34, T. 26 N. R. 1 E., B.M., all being in Idaho County, Idaho;
Thence S. 0° 22' 29" E. on the subdivisional line of said Section 2, T. 25 N., R. 1 E., a distance of 1916.13 feet to a brass cap monument being the C-SNW;
Thence S. 0° 21' 31" E. on said subdivisional line a distance of 655.67 feet to the 1/16Corner, being a 3 ½-inch aluminum monument;
Thence S. 0° 25' 17" E. on said subdivisional line a distance of 687.47 feet to a 3 ½-inch aluminum monument being on the northerly meander line of the Salmon River;
Thence N. 83° 56' 34" W. on said meander line a distance of 60.39 feet to the True Point of Beginning;
Thence N. 83° 56' 34" W. on said meander line a distance of 265.97 feet to a 5/8-inch rebar;
Thence N. 25° 11' 35" E. a distance of 160.05 feet to a 5/8-inch rebar;
Thence N. 54° 26' 15" E. a distance of 221.09 feet to a 5/8-inch rebar being on the westerly right of way, said right of way being 60.00 feet from centerline, of State Highway 95;
Thence S. 34° 39' 00" E. on said right of way a distance of 132.04 feet to a 5/8-inch rebar being on the subdivisional line and the right of way of said Highway 95;
Thence S. 0° 25' 16" E. on said subdivisional line a distance of 199.24 feet to a 3 ½-inch aluminum monument being on the northerly meander line;
Thence N. 83° 56' 34" W. on said meander line a distance of 60.39 feet to the Point of Beginning.

Said described parcel of land contains 64,678.80 square feet, or 1.485 acres.

Parcel 4

**EXHIBIT "D"**

SCANNED

JUL 19 2023

450025

# WARRANTY DEED

**FOR VALUE RECEIVED, The Lindsey 1994 Revocable Living Trust** as Grantor, does hereby grant, bargain, sell, and convey unto **Easy River Living LLC** as Grantee, whose current address is 1110 Elo Road, McCall, Idaho 83638 certain real property situated in Idaho County, Idaho, more particularly described on **Exhibit A** which is attached hereto. Such real property being hereinafter referred to as the "property of Grantee".

**Together** with a permanent, irrevocable, non-exclusive easement for ingress and egress, over and across Parcel 1 (as described on Exhibit B ) on the upper fork of the existing traveled way of the road that passes through Parcel 1 and provides access from the property of Grantee to State Highway 95. This easement shall become available to use by Grantee at any such time as the existing access to State Highway 95 from the property of Grantee is restricted or denied. This easement shall be binding upon the heirs, successors and assigns of the Grantor and Grantee and shall run with and benefit the property of Grantee. The easement granted herein shall benefit all those who may acquire an interest in the property of Grantee, including subdivisions thereof.

**Together** with a permanent, irrevocable, non-exclusive easement for use of the existing trail that crosses Parcel 1 (as described on Exhibit B ) and provides access to the beach on the Salmon River; which said beach is located behind Grantor's residence. This easement shall be binding upon the heirs, successors and assigns of the Grantor and Grantee and shall run with and benefit the property of Grantee. The easement granted herein shall benefit all those who may acquire an interest in the property of Grantee, including subdivisions thereof.

**Subject** to a permanent, irrevocable, non-exclusive easement for existing power, water and septic utilities located upon the property of Grantee and which are servicing Grantor's residence located upon Parcel 1( as described on Exhibit B ). This easement shall be binding upon the heirs, successors and assigns of the Grantor and Grantee and shall run with and benefit the property of Grantor. This easement shall be limited to use by one single family residence on the property of Grantor.

**Subject** to a permanent, irrevocable, non-exclusive easement for ingress and egress across and over the property of Grantee, to access the boat ramp which is located on the Salmon River. This easement is limited to the use by Grantor's present Trustee (Thomas J. Lindsey) and his immediate family. This easement shall terminate when Grantor's present Trustee no longer occupies the residence located upon Parcel 1 (as described on Exhibit B )

**Further subject** to easements, liens, encumbrances or matters of record.

STATE of IDAHO
County of Idaho
Recorded at request of
INLAND TITLE CO.
at 4:25 P.M. on 8-2-06
ROSE E. GEHRING Recorder
By Bette J. Boyer Deputy
Fees $ 15.00
m/pd



SCANNED
JUL 19 2023

To have and to hold the said premises, together with improvements and appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantor does hereby covenant to and with said Grantee, that it is the owner in fee simple of said premises; that the said premises are free from all encumbrances except as noted above; and, that it will warrant and defend the same from all lawful claims whatsoever.

DATED this 28 day of July, 2006

**Lindsey 1994 Revocable Living Trust**

By _____ Gay D. Lindsey
**Trustee, Thomas J. Lindsey**

STATE OF IDAHO, )
(ss.
County of Valley. )

On this 28 day of July, 2006, before me, Karen L. Thurston a Notary Public in and for said State, personally appeared Thomas J. Lindsey, known or identified to me to be the Trustee of The Lindsey 1994 Revocable Living Trust whose name is subscribed to the within instrument, and acknowledged to me that he executed the same on behalf of such Trust. also appeared Gay D. Lindsey, known or identified to me to be the Trustee of The Lindsey 1994 Revocable Living Trust

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

KAREN L. THURSTON NOTARY PUBLIC STATE OF IDAHO

_____
NOTARY PUBLIC FOR IDAHO
Residing at: Cascade
My Commission Expires: 7-2009



SCANNED
JUL 19 2023

**EXHIBIT A**

A parcel of land being a portion of Government Lots 5 and 7, Section 2, Township 25 North, Range 1 East, Boise Meridian, Idaho County, Idaho;

Commencing at a brass cap monument being the corner of Government Lots 4 and 5 of Section 2, T. 25 N., R. 1 E., B.M., also being on the township line between Townships 25 North and 26 North, also being on the section line of Section 34, T. 26 N. R. 1 E., B.M., all being in Idaho County, Idaho;
Thence S. 0° 22' 29" E. on the subdivisional line of said Section 2, T. 25 N., R. 1 E., a distance of 1916.13 feet to a brass cap monument being the C-SNW;
Thence S. 0° 21' 31" E. on said subdivisional line a distance of 655.67 feet to the 1/16Corner, being a 3 ½-inch aluminum monument;
Thence S. 0° 25' 17" E. on said subdivisional line a distance of 687.47 feet to a 3 ½-inch aluminum monument being on the northerly meander line of the Salmon River and the True Point of Beginning;
Thence N. 83° 56' 34" W. on said meander line a distance of 420.42 feet to an angle point of said meander line;
Thence N. 48° 05' 58" W. on said meander line a distance of 304.52 feet to an existing 5/8-inch rebar;
Thence N. 0° 01' 48" E. a distance of 465.99 feet to a 5/8-inch rebar being on the southerly right of way, said right of way being 25.0 feet each side of centerline, of Cow Creek Road;
Thence S. 54° 44' 36" E. on said southerly right of way of Cow Creek Road a distance of 159.58 feet to a 5/8-inch rebar being at the intersection of Cow Creek Road and the southerly right of way of Main Street, said right of way being 66.0 feet wide, 33.0 feet each side of centerline;
Thence on a curve to the left, which curve has a delta angle of 7° 21' 26", a radius of 1465.10, a length of 188.13 feet and a long chord which bears S. 50° 13' 27" E. a distance of 188.00 feet to a 5/8-inch rebar being the PT right of way station 1185+84.25 of Main Street;
Thence S. 53° 54' 11" E. on said southerly right of way a distance of 99.28 feet to a 5/8-inch rebar being the PC right of way station 1186+83.53;
Thence on a curve to the left, which curve has a delta angle of 39° 28' 08", a radius of 133.00 feet, a length of 91.62 feet and a long chord which bears S. 73 ° 38' 15" E. a distance of 89.82 feet to a 5/8-inch rebar being the PT right of way station 1182+52.42;
Thence N. 86° 37' 41" E. on said southerly right of way a distance of 49.09 feet to a 5/8-inch rebar being an intersection of the southerly right of way of Main Street and the westerly right of way of State Highway 95, said right of way being 60.00 feet from centerline;
Thence on a spiral curve to the left, which curve has a spiral chord which bears S. 34° 38' 34" E., a chord length of 27.60 feet to a 5/8-inch rebar being the PS right of way station 384+50.61 of said State Highway 95;

SCANNED
JUL 19 2023

Thence S. 34° 39' 00" E. on said westerly right of way a distance of 241.22 feet to a 5/8-inch rebar being on the subdivisional line and the right of way station 382+09.39;
Thence S. 0° 25' 16" E. on said subdivisional line a distance of 199.24 feet to the Point of Beginning.
Said described parcel of land contain 6.152 acres.

**SAVE AND EXCEPTING THEREFROM,** A parcel of land being a portion of Government Lots 5 and 7, Section 2, Township 25 North, Range 1 East, Boise Meridian, Idaho County, Idaho;

Commencing at a brass cap monument being the corner of Government Lots 4 and 5 of Section 2, T. 25 N., R. 1 E., B.M., also being on the township line between Townships 25 North and 26 North, also being on the section line of Section 34, T. 26 N. R. 1 E., B.M., all being in Idaho County, Idaho;
Thence S. 0° 22' 29" E. on the subdivisional line of said Section 2, T. 25 N., R. 1 E., a distance of 1916.13 feet to a brass cap monument being the C-SNW;
Thence S. 0° 21' 31" E. on said subdivisional line a distance of 655.67 feet to the 1/16Corner, being a 3 ½-inch aluminum monument;
Thence S. 0° 25' 17" E. on said subdivisional line a distance of 687.47 feet to a 3 ½-inch aluminum monument being on the northerly meander line of the Salmon River ;
Thence N. 83° 56' 34" W. on said meander line a distance of 420.42 feet to an angle point of said meander line;
Thence N. 48° 05' 58" W. on said meander line a distance of 304.52 feet to an existing 5/8-inch rebar and the True Point of Beginning;
Thence N. 0° 01' 48" E. a distance of 465.99 feet to a 5/8-inch rebar being on the southerly right of way, said right of way being 25.0 feet each side of centerline, of Cow Creek Road;
Thence S. 54° 44' 36" E. on said southerly right of way of Cow Creek Road a distance of 159.58 feet to a 5/8-inch rebar being at the intersection of Cow Creek Road and the southerly right of way of Main Street, said right of way being 66.0 feet wide, 33.0 feet each side of centerline;
Thence on a curve to the left, which curve has a delta angle of 6° 04' 02", a radius of 1465.10 feet, a length of 155.14 feet, and a long chord which bears S. 49° 34' 49" E. a distance of 155.06 feet to a 5/8-inch rebar being on the southerly right of way of Main Street;
Thence S. 32° 10' 32" W. a distance of 170.91 feet to a 5/8-inch rebar ;
Thence S. 24° 12' 10" W. a distance of 211.01 feet to a point being on the northerly meander line of said Salmon River;
Thence N. 48° 05' 58" W. on said meander line a distance of 95.51 feet to the Point of Beginning.

Said described parcel of land contains 73,936.78 square feet, or 1.697 acres.

INITIAL

REGISTERED LAND SURVEYOR 986 STATE OF IDAHO FREDRICK D. RINGEL

SCANNED

JUL 19 2023

EXHIBIT B
(PARCEL 1)

A parcel of land being a portion of Government Lots 5 and 7, Section 2, Township 25 North, Range 1 East, Boise Meridian, Idaho County, Idaho;

Commencing at a brass cap monument being the corner of Government Lots 4 and 5 of Section 2, T. 25 N., R. 1 E., B.M., also being on the township line between Townships 25 North and 26 North, also being on the section line of Section 34, T. 26 N. R. 1 E., B.M., all being in Idaho County, Idaho;
Thence S. 0° 22' 29" E. on the subdivisional line of said Section 2, T. 25 N., R. 1 E., a distance of 1916.13 feet to a brass cap monument being the C-SNW;
Thence S. 0° 21' 31" E. on said subdivisional line a distance of 655.67 feet to the 1/16Corner, being a 3 ½-inch aluminum monument;
Thence S. 0° 25' 17" E. on said subdivisional line a distance of 687.47 feet to a 3 ½-inch aluminum monument being on the northerly meander line of the Salmon River ;
Thence N. 83° 56' 34" W. on said meander line a distance of 420.42 feet to an angle point of said meander line;
Thence N. 48° 05' 58" W. on said meander line a distance of 304.52 feet to an existing 5/8-inch rebar and the True Point of Beginning;
Thence N. 0° 01' 48" E. a distance of 465.99 feet to a 5/8-inch rebar being on the southerly right of way, said right of way being 25.0 feet each side of centerline, of Cow Creek Road;
Thence S. 54° 44' 36" E. on said southerly right of way of Cow Creek Road a distance of 159.58 feet to a 5/8-inch rebar being at the intersection of Cow Creek Road and the southerly right of way of Main Street, said right of way being 66.0 feet wide, 33.0 feet each side of centerline;
Thence on a curve to the left, which curve has a delta angle of 6° 04' 02", a radius of 1465.10 feet, a length of 155.14 feet, and a long chord which bears S. 49° 34' 49" E. a distance of 155.06 feet to a 5/8-inch rebar being on the southerly right of way of Main Street;
Thence S. 32° 10' 32" W. a distance of 170.91 feet to a 5/8-inch rebar ;
Thence S. 24° 12' 10" W. a distance of 211.01 feet to a point being on the northerly meander line of said Salmon River;
Thence N. 48° 05' 58" W. on said meander line a distance of 95.51 feet to the Point of Beginning.

INITIAL

Said described parcel of land contains 73,936.78 square feet, or 1.697 acres.

#20404

REGISTERED LAND SURVEYOR 986 STATE OF IDAHO FREDRICK D. RINGEL

SCANNED

JUL 19 2023

After Split

**IDAHO DEPARTMENT OF WATER RESOURCES** **7/11/2023**
**Proof Report**

**Water Right 79-14008**

| **Owner Type** | **Name and Address** |
|---|---|
| Current Owner | GAY LINDSEY<br>PO BOX 313<br>LUCILE, ID 83542<br>(208) 628-3773 |

**Priority Date:** 3/22/2002
**Basis:** License
**Status:** Active

**Source**
GROUND WATER

**Tributary**

| **Beneficial Use** | **From** | **To** | **Diversion Rate** | **Volume** |
|---|---|---|---|---|
| IRRIGATION | 02/15 | 11/30 | 0.030 CFS | 4.4 AF |
| COMMERCIAL | 03/01 | 11/30 | 0.010 CFS | 0.4 AF |
| | **Total Diversion** | | 0.040 CFS | 4.8 AF |

**Source and Point(s) of Diversion:**

| | | |
|---|---|---|
| GROUND WATER | L7(NWSW) | Sec. 2, Twp 25N, Rge 01E, IDAHO County |
| GROUND WATER | L7(NWSW) | Sec. 2, Twp 25N, Rge 01E, IDAHO County |

**Place Of Use:**
COMMERCIAL within IDAHO County

| | | | NE | | | | NW | | | | SW | | | | SE | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 25N | 01E | 2 | | | | | | | | | | X<br>L7 | | | | | | | |

IRRIGATION within IDAHO County

| | | | NE | | | | NW | | | | SW | | | | SE | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 25N | 01E | 2 | | | | | | | | | | 1.1<br>L7 | | | | | | | 1.1 |

POU Total Acres: 1.1

**Conditions of Approval:**

| | | |
|---|---|---|
| 1. | 01M | After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department. |
| 2. | R68 | This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above. |
| 3. | | Commercial use is for 5 RV hook-ups. |

SCANNED
JUL 19 2023

4. X60 Place of use is known as Prospectors Gold RV Park. Parcel # RP25N01E024060A.

**Comments:**

1 slester 11/1/2004 Field Report Narrative
2 wells serve Prospectors Gold RV Park between Salmon River and Hwy 95 at Lucile. Wells aka Well # 2 and Well #3 (see original application - well #1 deleted). Cannot locate well logs. Should be in name of Gay and/or Tom (son) Lindsey per 10/29/04 telecon with owner. Said driller took care of well drilling permits and fees; did not recall receiving any information about well drilling fee upgrades. Cannot locate any receipt information per 10/20/04 database research that well drilling fees were upgraded. Appears S.O. might know more about this issue (see 7/18/02 reference note on proof of beneficial use analysis sheet). More details provided with well inspection forms. Per owner: Well #2 - 6 inch, 70 ft with static level at 40 ft, 3 inch main to 1½ - 2½ inch laterals. Serves buried popup sprinklers, 25 RV hook-ups, the Pavilion, and misc. risers for hose/sprinkler use. Well #3 - 6 inch, 50 ft and 25 ft static level, 2 inch main integrates with above network. Open approx. 7 months/year, typically April thru October. No psi gauges or measuring equipment. No way to measure water with mixed use distribution system. Assume dynamic pumping level at ½ of static - total depth: Well #2 -- 70 - 40 = 30/2 = 15 ... static + 15 = 55 ft dynamic level Well #3 -- 50 - 25 = 25/2 = 12 ... static + 12 = 37 ft dynamic level Assume about 50 to 60 psi ... use 50 to give benefit of doubt to owner

2 DBetts 1/18/2022 POU
Updated Shape

3 DBetts 1/18/2022 POU - Update
Updated the COMMERCIAL place of use shape to only include the tax parcels in Government Lot 7 which overlap with the irrigation place of use. The updated POU boundaries correspond to the maps recorded in the Water Rights Back File and the Beneficial Use Field Report.

4 djudd 7/7/2022 Split Right
Split into 79-14008 & 79-14299 due to change in ownership.

5 djudd 7/7/2022 POU
Updated Shape

6 nmiller 6/29/2023 Split Right
Split into 79-14311.

7 nmiller 6/29/2023 POU
Updated Shape

8 nmiller 7/11/2023 Split Right
Split into 79-14312.

9 nmiller 7/11/2023 POU
Updated Shape

**Dates and Other Information:**

Licensed Date: 11/19/2004
Water District Number: NWD

SCANNED


JUL 19 2023

Generic Max Rate Per Acre: 0.030
Generic Max Volume Per Acre: 4.0
Mitigation Plan: False

**Combined Use Limits:**
N/A

**SubCase:**
N/A

**Water Supply Bank:**

N/A



SCANNED
79-14008
JUL 19 2023

State of Idaho
Department of Water Resources

# Attachment to Water Right

79-14008

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.




0 0.035 0.07 0.14 Miles

Place Of Use Boundary
Townships
PLS Sections
Quarter Quarters
Point of Diversion

N

SCANNED
JUL 19 2023

State of Idaho
Department of Water Resources

# Attachment to Water Right

79-14008

This map depicts the COMMERCIAL place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

01E

25N




0 0.035 0.07 0.14 Miles

Place Of Use Boundary
Townships
PLS Sections
Quarter Quarters
Point of Diversion

N

SCANNED
JUL 19 2023

**IDAHO DEPARTMENT OF WATER RESOURCES** **7/11/2023**
**Proof Report**

**Water Right 79-14312**

| **Owner Type** | **Name and Address** |
|---|---|
| Current Owner | PYLE-MCCLURE TRUST<br>JOHN K PYLE, TRUSTEE PO BOX 469<br>RIGGINS, ID 83549-0469<br>(208) 634-9863 |
| Original Owner | GAY LINDSEY<br>PO BOX 313<br>LUCILE, ID 83542<br>(208) 628-3773 |

**Priority Date:** 3/22/2002
**Basis:** License
**Status:** Active

| **Source** | **Tributary** |
|---|---|
| GROUND WATER | |

| **Beneficial Use** | **From** | **To** | **Diversion Rate** | **Volume** |
|---|---|---|---|---|
| IRRIGATION | 02/15 | 11/30 | 0.040 CFS | 5.6 AF |
| COMMERCIAL | 03/01 | 11/30 | 0.020 CFS | 0.4 AF |
| | **Total Diversion** | | 0.060 CFS | 6.0 AF |

**Source and Point(s) of Diversion:**

| | | |
|---|---|---|
| GROUND WATER | L7(NWSW) | Sec. 2, Twp 25N, Rge 01E, IDAHO County |
| GROUND WATER | L7(NWSW) | Sec. 2, Twp 25N, Rge 01E, IDAHO County |

**Place Of Use:**

COMMERCIAL within IDAHO County

| | | | NE | | | | NW | | | | SW | | | | SE | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 25N | 01E | 2 | | | | | | | | | | X<br>L7 | | | | | | | |

IRRIGATION within IDAHO County

| | | | NE | | | | NW | | | | SW | | | | SE | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 25N | 01E | 2 | | | | | | | | | | 1.4<br>L7 | | | | | | | 1.4 |

POU Total Acres: 1.4

**Conditions of Approval:**

1. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and



SCANNED
79-14312
JUL 19 2023

| | | |
|---|---|---|
| | | shall annually report the information to the Department. |
| 2. | R68 | This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above. |
| 3. | | Commercial use is for 7 RV hook-ups. |
| 4. | X60 | Place of use is known as Prospectors Gold RV Park. Parcel # RP25N01E024060A. |

**Comments:**

1 nmiller 7/11/2023 Split Right
This right is the result of split from 79-14008.

2 nmiller 7/11/2023 POU
Updated Shape

**Dates and Other Information:**

Water District Number: NWD
Generic Max Rate Per Acre: 0.030
Generic Max Volume Per Acre: 4.0
Mitigation Plan: False

**Combined Use Limits:**

N/A

**SubCase:**

N/A

**Water Supply Bank:**

N/A

SCANNED
JUL 19 2023

State of Idaho
Department of Water Resources

# Attachment to Water Right

79-14312

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.




0 0.035 0.07 0.14 Miles

Place Of Use Boundary
Townships
PLS Sections
Quarter Quarters
Point of Diversion

N

SCANNED
JUL 19 2023

State of Idaho
Department of Water Resources

# Attachment to Water Right

79-14312

This map depicts the COMMERCIAL place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.




0 0.035 0.07 0.14 Miles

Place Of Use Boundary
Townships
PLS Sections
Quarter Quarters
Point of Diversion

N

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JUL 19 2023

To have and to hold the said premises, together with improvements and appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantor does hereby covenant to and with said Grantee, that it is the owner in fee simple of said premises; that the said premises are free from all encumbrances except as noted above; and, that it will warrant and defend the same from all lawful claims whatsoever.

DATED this 28 day of July, 2006

**Lindsey 1994 Revocable Living Trust**

By _____ Gay D. Lindsey
**Trustee, Thomas J. Lindsey**

STATE OF IDAHO, )
(ss.
County of Valley. )

On this 28 day of July, 2006, before me, Karen L. Thurston, a Notary Public in and for said State, personally appeared Thomas J. Lindsey, known or identified to me to be the Trustee of The Lindsey 1994 Revocable Living Trust whose name is subscribed to the within instrument, and acknowledged to me that he executed the same on behalf of such Trust. also appeared Gay D. Lindsey, known or identified to me to be the Trustee of The Lindsey 1994 Revocable Living Trust

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

KAREN L. THURSTON NOTARY PUBLIC STATE OF IDAHO

_____
NOTARY PUBLIC FOR IDAHO
Residing at: _____
My Commission Expires: 2009



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JUL 19 2023

State of Idaho
Department of Water Resources

# Water Right License

79-14008

Before Split

Irrigation




0 0.035 0.07 0.14 Miles

- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters
- Point of Diversion
- State Outline

N

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JUL 19 2023

State of Idaho
Department of Water Resources

# Water Right License

79-14008
Commercial

Before Split




Place Of Use Boundary
Townships
PLS Sections
Quarter Quarters
Point of Diversion
State Outline

0 0.035 0.07 0.14 Miles

N

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JUL 19 2023

State of Idaho
Department of Water Resources

# Water Right License

79-14008

Commercial After Split

Residential




Place Of Use Boundary
Townships
PLS Sections
Quarter Quarters
Point of Diversion
State Outline

0 0.035 0.07 0.14 Miles

N

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JUL 19 2023

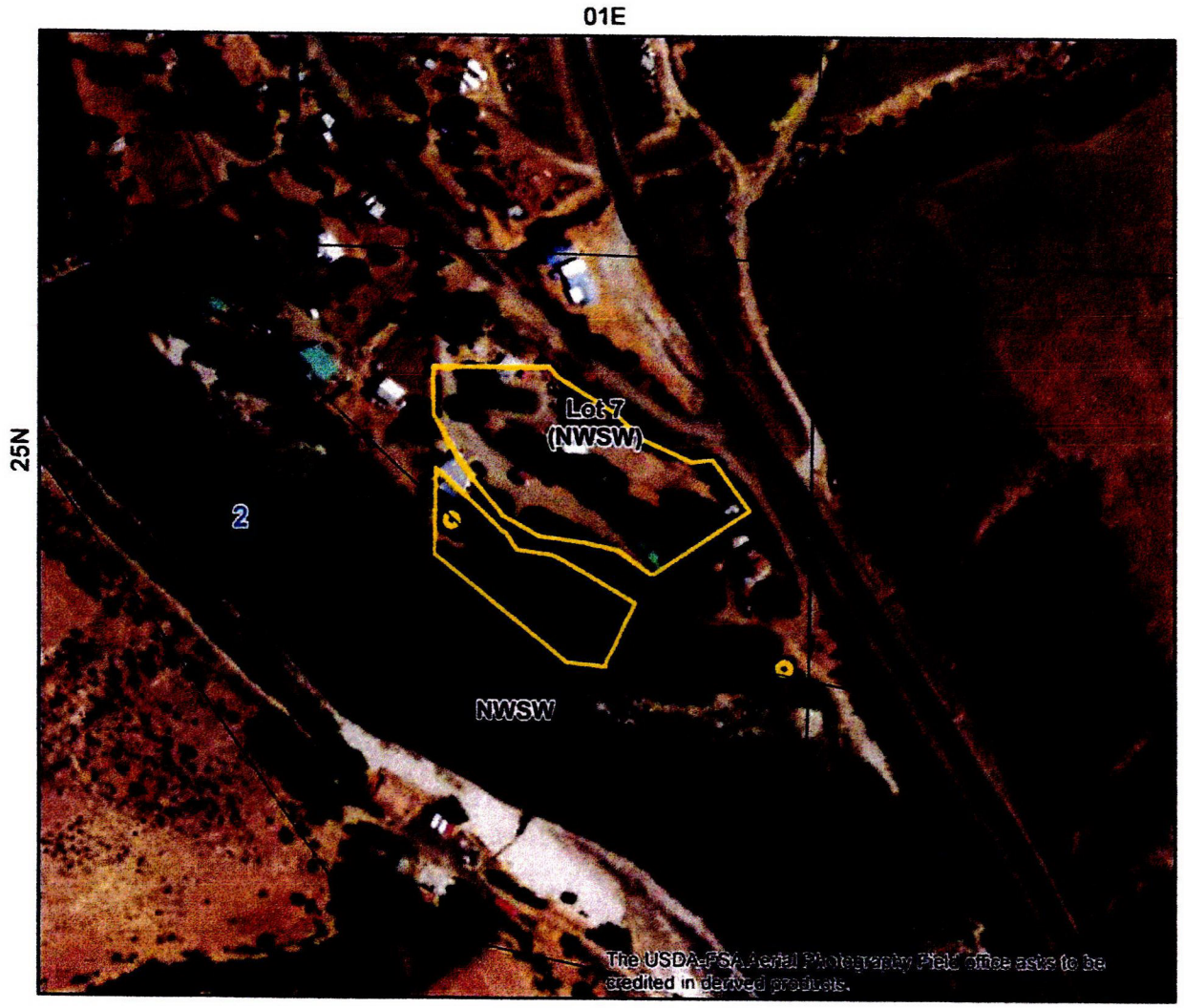
State of Idaho
Department of Water Resources

# Water Right License

79-14008

Irrigation

After Split



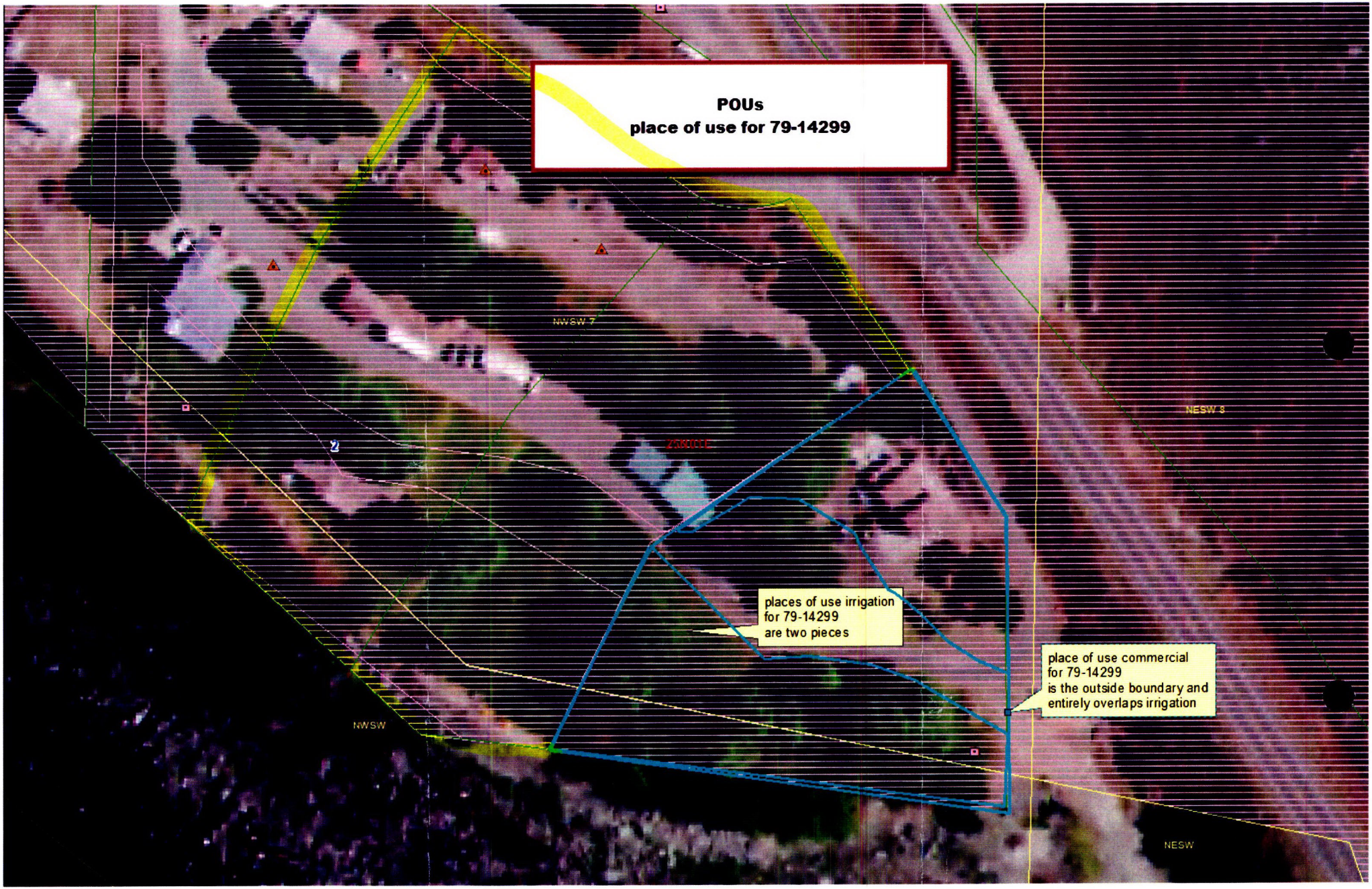

Place Of Use Boundary
Townships
PLS Sections
Quarter Quarters
Point of Diversion
State Outline

0 0.035 0.07 0.14 Miles

Ralney's

N

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JUL 19 2023




Place of use irrigation & Commercial needs to be changed
Rainey; Pyle; Warren's Prop. from 79-14299
well Head.

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State of Idaho
Department of Water Resources

# Water Right License

79-14008
Commercial

Before Split




Place Of Use Boundary
Townships
PLS Sections
Quarter Quarters
Point of Diversion
State Outline

0 0.035 0.07 0.14 Miles

N

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JUL 19 2023

State of Idaho
Department of Water Resources

# Water Right License

79-14008

Before Split

Irrigation




0 0.035 0.07 0.14 Miles

- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters
- Point of Diversion
- State Outline

N

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JUL 19 2023

State of Idaho
Department of Water Resources

# Water Right License

79-14008

Irrigation

After Split




Place Of Use Boundary
Townships
PLS Sections
Quarter Quarters
Point of Diversion
State Outline

0 0.035 0.07 0.14 Miles

Rainey's

N

SCANNED

JUL 19 2023

**MEMORANDUM**

TO: Water Right Files: 79-14299, 79-14008

FROM: Debra Mansfield

DATE: July 19, 2023

RE: Incomplete Change In Water Right Ownership – Easy River Living Property Owners Assn. Inc.

This Notice of Change in Water Right Ownership was not completed. This application was cancelled, and the applicant resubmitted a new form and supporting paperwork. The corresponding attachments and form were not returned to the Applicant as there was open communication between Nick Miller, Scott Storms and the Applicant representative, John Pyle.

There is no refund in this file. The Receipt No. W051199 has been applied to the Notice of Change in Water Right Ownership that was received by the Department on June 05, 2023. That Notice of Change in Water right Ownership is filed under WR NOS. 79-14008 & 79-14312.

SCANNED

JUL 19 2023

IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

February 6, 2023

PYLE-MCCLURE TRUST
PO BOX 469
RIGGINS ID 83549

RE: Water Right information

Dear Mr. Pyle:

You will find enclosed with this letter a copy of the license for right #79-14008. With a priority date of March 22, 2002, the right was too young to be put through the Snake River Basin Adjudication. The licensing made the water right an appurtenance to the land. That land apparently was the Prospectors Gold RV Park and may have been a single parcel at the time of the field inspection.

I understand from our phone conversations that three adjacent properties along the Salmon River formed a small homeowners association a few years ago. But the HOA did not take action to change the ownership of the water right to reflect that action.

In the summer of 2022, IDWR received and processed an ownership change submitted by David G Rainey and Laurie A Rainey for the portion of water right #79-14008. Two deeds with metes and bounds descriptions were submitted with their ownership change and documented the sale of their lot and supported a split of the original right. One deed was from the Lindsey Trust to Easy River Living. The second deed was from Easy River Living to the Raineys. Their split is water right #79-14299. It authorizes 1 acre of commercial use and 1 acre of irrigation use at a reduced but proportional diversion rate of 0.04 cubic feet per second (cfs) from two different wells.

The remaining portion of water right #79-14008 has been reduced from 5 acres of irrigation and 5 acres of commercial use to 4 acres of irrigation and 4 acres commercial use. Reduced right #79-14008 is still in the name of Gay Lindsey. It authorizes the reduced commercial and irrigation use on parcels owned by your neighbors Brown, Warren and on your property. The reduced diversion rate for #79-14008 is 0.15 cfs; down from 0.19 cfs. Water right #79-14008 is authorized to divert water from the same two wells as the Rainey's right.

I have enclosed a copy of the original license #79-14008 and several screenshots from the work I did on my computer. One screen shot shows the pedigree for #79-14008 and how the split right #79-14299 compares with the remnant of right #79-14008. Three other screen shots show: the PODs (points of diversion) and the places of use (POUs) for the two rights.

Both rights have the same two wells as their PODs. Shared wells are often problematic for their water users, and I recommend that you and the others who share these wells, draft a formal shared well agreement and record that agreement with the county.

style of living

we have records Downs

What Dis rainy get by getting water right

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JUL 19 2023

Form 42-248/42-1409(6) Rev. 6/22

SCOT STORM

RECEIVED
MAY 01 2023
WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

# NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "*Yes*" in the "*Split?*" column. If the water right is leased to the Water Supply Bank, check "*Yes*". If you are not sure if the water right is leased to the Water Supply Bank, see #7 of the instructions.

| Water Right/Claim No. | Split? | Leased to Water Supply Bank? | Water Right/Claim No. | Split? | Leased to Water Supply Bank? |
|---|---|---|---|---|---|
| 79-14299 | Yes ☐ | Yes ☐ | | Yes ☐ | Yes ☐ |
| 79-14008 | Yes ☐ | Yes ☐ | | Yes ☐ | Yes ☐ |
| | Yes ☐ | Yes ☐ | | Yes ☐ | Yes ☐ |
| | Yes ☐ | Yes ☐ | | Yes ☐ | Yes ☐ |
| | Yes ☐ | Yes ☐ | | Yes ☐ | Yes ☐ |

2. Previous Owner's Name: David & Laurie Rainey (79-14299) GAY Livosey (79-14008)
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Easy River Living Property Owners Ass., Inc.
New owner(s) as listed on the conveyance document  Name connector ☐ and ☐ or

P.O Box 469 Riggins Id. 83549
Mailing address  City  State  Zip

208-634-9863  JimTyle ex@gmail.com
Telephone  Email

4. If the water rights and/or adjudication claims were split, how did the division occur?
   - ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
   - ☒ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

5. Date you acquired the water rights and/or claims listed above: 2006.

6. Do you own the land identified as the water right place of use? Yes ☒ No ☐
   - o If no, attach evidence that written notice of the change of water right ownership has been delivered to the landowner of record.

7. This form must be signed and submitted with the following **REQUIRED** items:
   - ☒ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
   - ☒ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
   - ☒ Filing fee (see instructions for further explanation):
     - ☒ $25 per *undivided* water right.
     - o $100 per *split* water right.
     - o No fee is required for pending adjudication claims.
   - ☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
   - ☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

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JUL 19 2023

8. Signature: John Pyle — Signature of new owner/claimant — PRESIDENT — Title, if applicable — 4/28/2023 — Date
John Tyle — Print name

Signature: Laurie Rainey — Signature of new owner/claimant — Treasurer — Title, if applicable — 4/28/2023 — Date
Laurie Rainey — Print name

***For IDWR Office Use Only:***

Receipted by DM Date 5-1-23 Receipt No. W051199 Receipt Amt. $50.00

Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐

Name on W-9 _____ Approved by _____ Processed by _____ Date _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

# INSTRUCTIONS FOR FILING A NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

This form has been prepared to assist all claimants and owners of water rights to comply with the requirements of Idaho Code §§ 42-248 and 42-1409(6). All persons owning or claiming ownership of a water right or claim are required to provide notice to the Department of Water Resources (IDWR) of any change in ownership of any part of the water right or claim or of any change in the owner's mailing address within 120 days of the change. Forms to report ownership changes and/or to update an address are available on IDWR's website at www.idwr.idaho.gov/forms/water-rights.html. In addition, all new owners of water rights within a pending general adjudication area must inquire whether a notice of claim has been filed and, if not, shall file a notice of claim if necessary.

A notice is required for changes in ownership from one individual to another, from an individual to a business entity (even if the business is owned by the individual), or from one business entity to another (even if both businesses are owned by the same individual). Adding or removing a name is considered an ownership change which requires the submission of evidence to support the change and the filing fee.

Separate brochures describing the adjudication of water rights and the ownership change notice requirement are available from IDWR. Please contact your nearest IDWR office if you would like more information or need help completing this form. A list of IDWR offices is on page 2 of these instructions, or you can call 1-800-451-4129. Water right information can be found on the IDWR's website using the Water Right and Adjudication Search.

**Please note:**

- Unlike licensed or decreed water rights and water right permits, which are real property, applications for new water right permits, applications to transfer existing water rights, and other applications are considered the personal property of the applicants. Applicants must assign their interest in an application to the new applicant. Assignment forms are available on the IDWR's website at www.idwr.idaho.gov/forms/water-rights.html, or from any IDWR office. There is no charge for assignments of applications.
- If you want to change or add a point of diversion, place of use, season of use, or purpose of use of a water right, you must file an Application for Transfer. The ownership of a water right can also be updated through the transfer process.
- The combined portions of a divided ("split") water right cannot exceed the total flow rate, volume, or period of use of the original right.
- IDWR has no jurisdiction concerning easements, rights-of-way, and zoning matters. The buyer and seller must make these provisions where necessary.
- Any action by IDWR updating the ownership of a water right in IDWR's records is not a determination of water right ownership. Water right ownership disputes arising from a notice of change in water right ownership must be resolved in a water rights adjudication or in an action to quiet title.

**LINE INSTRUCTIONS:**

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). You may have purchased only a portion of the water right(s) held by the seller. If so, the water right(s) held by the seller may need to be divided ("split") to provide you your share of each right. Mark the box "Yes" if a division of the water right is required.

   If you receive water from a municipal provider, an irrigation district or other water delivery organization, and the water rights are held by the organization, please do not use this form to record a change. Please contact the water delivery organization to determine if any action is necessary.

   If you or the seller believes there are water rights for the property but you do not know the numbers, you may contact IDWR for assistance in identifying the water rights for the property in question. If adjudication claims for the rights are required and have not been filed, IDWR will so advise you.

2. Fill in the name of the current water right holder/claimant.

3. Fill in each name as listed on the conveyance document and complete the current contact information. For water rights, IDWR will update the ownership to the individual(s)/entities listed on the conveyance document. For active adjudication claims, IDWR will update the claimant information to match the conveyance document unless the new claimant provides good cause for the variance.

4. You may have acquired only a portion of the water right(s) held by the seller. If you did not acquire the entire water right/property, please check the appropriate box. Water rights are often conveyed as an appurtenance to the land where they are used, and the conveyance document for the land often does not have specific language regarding the water right. Please read your deed or other conveyance document carefully to be sure. When the conveyance document does not specifically address water rights, it will be assumed that the water rights are to be split proportionate to the amount of land acquired.

SCANNED
JUL 19 2023

0004768574

# STATE OF IDAHO

*Office of the secretary of state, Lawerence Denney*

## ANNUAL REPORT

Idaho Secretary of State
PO Box 83720
Boise, ID 83720-0080
(208) 334-2301
Filing Fee: $0.00

*For Office Use Only*

**-FILED-**

File #: 0004768574

Date Filed: 6/4/2022 5:43:19 AM

Entity Name and Mailing Address:

| | |
|---|---|
| Entity Name: | EASY RIVER LIVING PROPERTY OWNERS' ASSOCIATION, INC. |
| The file number of this entity on the records of the Idaho Secretary of State is: | 0000589823 |
| Address | PO BOX 469<br>RIGGINS, ID 83549-0469 |

Entity Details:

| | |
|---|---|
| Entity Status | Active-Good Standing |
| This entity is organized under the laws of: | IDAHO |
| If applicable, the old file number of this entity on the records of the Idaho Secretary of State was: | C195448 |

The registered agent on record is:

| | |
|---|---|
| Registered Agent | MILLEMANN PITTENGER MCMAHAN & PEMBERTON LLP<br>Registered Agent<br>Physical Address<br>706 N FIRST ST<br>MCCALL, ID 83638<br>Mailing Address |

Agent or Address Change

☐ Select if you are appointing a new agent.

Corporate Officers and Directors:

| Name | Title | Business Address |
|---|---|---|
| John Pyle | President | PO BOX 469<br>RIGGINS, ID 83549 |
| John Warren | Secretary | 130 LUCILE RD PO BOX 378<br>LUCILE, ID 83542 |
| Laurie Rainey | Treasurer | PO BOX 390<br>LUCILE, ID 83542 |

The annual report must be signed by an authorized signer of the entity.

Job Title: President

*John Pyle* — Sign Here

*06/04/2022* — Date

IDWR Western Region
2735 Airport Way
Boise ID. 83705-5082

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JUL 19 2023



Page 1 of 1

B0712-7067 06/04/2022 5:43 AM Received by ID Secretary of State Lawerence Denney

483751

Instrument # 483751
IDAHO COUNTY, IDAHO,
5-2-2012 10:07:41 No. of Pages: 39
Recorded for : MILLEMANN PETTENGER MCMAHAN
KATHY M. ACKERMAN Fee: 124.00
Ex-Officio Recorder Deputy

# AMENDED DECLARATION OF EASEMENTS, PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS

SCANNED
JUL 19 2023

and perform any and all acts which may be necessary to, proper for, or incidental to the proper management and operation of the Association's affairs and the performance of the other responsibilities herein assigned, including, without limitation:

A. **Assessments:** The power to levy Assessments on any Owner or any portion of the Property and to force payment of such Assessments, all in accordance with the provisions of this Amended Declaration.

B. **Right of Enforcement:** The power and authority from time to time in its own name, on its own behalf, or on behalf of any Owner who consents thereto, to commence and maintain actions and suits to restrain and enjoin any breach or threatened breach of this Amended Declaration or the Articles or the By-Laws, including the Association Rules adopted pursuant to this Amended Declaration, and to enforce by injunction or otherwise, all provisions hereof.

C. **Association Rules:** The power to adopt, amend and repeal by majority vote of the Board such rules and regulations as the Association deems reasonable, (except during such period as none of the Existing Lots have been subdivided, in which case decisions of the Association shall require unanimous consent of the members) Provided, however, that any Association Rules shall apply equally to all Owners and shall not be inconsistent with this Amended Declaration, the Articles or By-Laws. A copy of the Association Rules as they may from time to time be adopted, amended or repealed, shall be mailed or otherwise delivered to each Owner. Upon such mailing or delivery, the Association Rules shall have the same force and effect as if they were set forth in and were a part of this Amended Declaration. In the event of any conflict between such Association Rules and any provisions of this Amended Declaration, or the Articles or By-Laws, the provisions of the Association Rules shall be deemed to be superseded by the provisions of this Amended Declaration, the Articles or the By-Laws to the extent of any such inconsistency.

D. **Emergency Powers:** The power, exercised by the Association or by any person authorized by it, to enter upon any property (but not inside any building constructed thereon) in the event of any emergency involving illness or potential danger to life or property or when necessary in connection with any maintenance of construction for which the Association is responsible. Such entry shall be made with as little inconvenience to the Owner as practicable, and any damage caused thereby shall be repaired by the Association.

E. **Power to Engage Employees, Agents and Consultants:** The Association shall have the power to hire and discharge employees and agents (except as otherwise provided in management contracts) and to retain such legal and accounting services as may be necessary or desirable in connection with the performance of any duties or the exercise of any powers of the Association under the Association documents.

5.3 **Duties of the Association:** In addition to duties necessary and proper to carry out the powers delegated to the Association by this Amended Declaration, and the Articles and By-



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JUL 19 2023

Laws without limiting the generality thereof, the Association or its agent, if any, shall have the authority and the obligation to conduct all business affairs of the Association and to perform, without limitation, each of the following duties:

A. **Insurance:** Obtain insurance from reputable insurance companies authorized to do business in the State of Idaho, and maintain in effect any insurance policy the Board deems necessary or advisable, including, without limitation, directors and officers liability insurance.

B. **Rule Making:** Make, establish, promulgate, amend and repeal such Association Rules as the Board shall deem advisable.

C. **Architectural Control Committee:** Appoint and remove members of the Architectural Committee, subject to the provisions of this Amended Declaration. The Board shall also have discretion to itself serve as the Architectural Control Committee, in lieu of appointing an independent Committee.

D. **Duty to Manage and Care for Roads:** The Association shall manage, operate, care for, and maintain and repair all non-public, common easement and access roads within the Property and which are necessary to provide access to the Lots within the Property.

E. **Duty to Manage and Care for Water and Septic System:** As of the date of this Amended Declaration, the Property is served by a domestic water well, irrigation water well, water delivery system and a septic system. The Association shall make such rules and regulations governing the use, maintenance, repair, upkeep and replacement of all such systems. This authority shall include but not be limited to i) setting rates for usage, ii) establishing means to allocate the cost of power consumption and water usage between Owners, iii) making assessments for maintenances, repair, replacement and upkeep iv) require Owners to enter into well sharing agreements, septic system agreements, reciprocal easements and any other agreements deemed necessary to the orderly usage of the systems, all as a condition of an Owners usage of any of the systems.

## ARTICLE 6 - ARCHITECTURAL CONTROL

**6.1: Purpose and Theme of Controls:** It is the desire of Successor Declarant that design controls be implemented for all building improvements to insure that the overall excellence of the Property shall be maintained throughout its development. To this end, an Architectural Control Committee (hereinafter referred to as the "Committee") will be established pursuant to Section 6.2 of this Article 6 to guide the site development and design of all structures and to aid the residential home builders to discover the opportunities and limitations of their building sites. All of the residential improvements will be encouraged to offer a diversity of types, sizes and styles of architecture and yet will be required to conform to a total visual homogeneity.



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JUL 19 2023

**9.12: Captions for Content:** The titles, headings and captions used in the Association documents are intended solely for convenience of reference and are not intended to affect the meaning of any provisions of this Amended Declaration.

**9.13: Enforcement:** The provisions of this Amended Declaration may be enforced by Declarant, by a Successor Declarant, by the Board, or by any Lot Owner. The prevailing party in such enforcement action shall be entitled to recover his/her fees under Section 9.5.

**IN WITNESS WHEREOF,** Successor Declarant has executed this Amended Declaration the day and year first above written.

JOHN BORKOSKI

KATHLEEN BORKOSKI

JOHN WARREN

KAREN WARREN

DAVID RAINEY

LAURIE RAINEY

STATE OF IDAHO, )
(ss.
County of Valley. )

On this 25th day of April, 2012, before me, a Notary Public in and for said State, personally appeared **John Borkoski** and **Kathleen Borkoski**, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

NOTARY PUBLIC FOR IDAHO
My Commission Expires: 6/30/2017



SCANNED
JUL 19 2023

**9.12: Captions for Content:** The titles, headings and captions used in the Association documents are intended solely for convenience of reference and are not intended to affect the meaning of any provisions of this Amended Declaration.

**9.13: Enforcement:** The provisions of this Amended Declaration may be enforced by Declarant, by a Successor Declarant, by the Board, or by any Lot Owner. The prevailing party in such enforcement action shall be entitled to recover his/her fees under Section 9.5.

**IN WITNESS WHEREOF,** Successor Declarant has executed this Amended Declaration the day and year first above written.

JOHN BORKOSKI

KATHLEEN BORKOSKI

JOHN WARREN

KAREN WARREN

DAVID RAINEY

LAURIE RAINEY

STATE OF IDAHO, )
(ss.
County of Valley. )

On this _____ day of _____, 2012, before me, a Notary Public in and for said State, personally appeared **John Borkoski** and **Kathleen Borkoski**, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

NOTARY PUBLIC FOR IDAHO
My Commission Expires: _____



SCANNED
JUL 19 2023

STATE OF UTAH, )
(ss.
County of _____. )

On this _____ day of _____, 2012, before me, a Notary Public in and for said State, personally appeared **John Warren** and **Karen Warren**, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

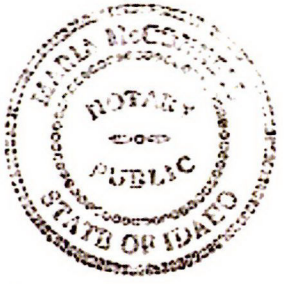
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

_____
NOTARY PUBLIC FOR IDAHO
My Commission Expires: _____

STATE OF IDAHO, )
(ss.
County of Valley. )

On this 25th day of April, 2012, before me, a Notary Public in and for said State, personally appeared **David Rainey** and **Laurie Rainey**, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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




Maria McConnell
NOTARY PUBLIC FOR IDAHO
My Commission Expires: 10/30/2017



SCANNED
JUL 19 2023

STATE OF UTAH, )
(ss.
County of Summit. )

On this 25TH day of April, 2012, before me, a Notary Public in and for said State, personally appeared **John Warren** and **Karen Warren**, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

STONEY BECK
Notary Public
State of Utah
Comm. No. 611943
My Comm. Expires Aug 22, 2015

NOTARY PUBLIC FOR ~~IDAHO~~ UTAH
My Commission Expires: 8/22/2015

STATE OF IDAHO, )
(ss.
County of Valley. )

On this _____ day of _____, 2012, before me, a Notary Public in and for said State, personally appeared **David Rainey** and **Laurie Rainey**, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

_____
NOTARY PUBLIC FOR IDAHO
My Commission Expires: _____



SCANNED
JUL 19 2023

450025

# WARRANTY DEED

**FOR VALUE RECEIVED, The Lindsey 1994 Revocable Living Trust** as Grantor, does hereby grant, bargain, sell, and convey unto **Easy River Living LLC** as Grantee, whose current address is 1110 Elo Road, McCall, Idaho 83638 certain real property situated in Idaho County, Idaho, more particularly described on **Exhibit A** which is attached hereto. Such real property being hereinafter referred to as the "property of Grantee".

**Together** with a permanent, irrevocable, non-exclusive easement for ingress and egress, over and across Parcel 1 (as described on Exhibit B ) on the upper fork of the existing traveled way of the road that passes through Parcel 1 and provides access from the property of Grantee to State Highway 95. This easement shall become available to use by Grantee at any such time as the existing access to State Highway 95 from the property of Grantee is restricted or denied. This easement shall be binding upon the heirs, successors and assigns of the Grantor and Grantee and shall run with and benefit the property of Grantee. The easement granted herein shall benefit all those who may acquire an interest in the property of Grantee, including subdivisions thereof.

**Together** with a permanent, irrevocable, non-exclusive easement for use of the existing trail that crosses Parcel 1 (as described on Exhibit B ) and provides access to the beach on the Salmon River; which said beach is located behind Grantor's residence. This easement shall be binding upon the heirs, successors and assigns of the Grantor and Grantee and shall run with and benefit the property of Grantee. The easement granted herein shall benefit all those who may acquire an interest in the property of Grantee, including subdivisions thereof.

**Subject** to a permanent, irrevocable, non-exclusive easement for existing power, water and septic utilities located upon the property of Grantee and which are servicing Grantor's residence located upon Parcel 1( as described on Exhibit B ). This easement shall be binding upon the heirs, successors and assigns of the Grantor and Grantee and shall run with and benefit the property of Grantor. This easement shall be limited to use by one single family residence on the property of Grantor.

**Subject** to a permanent, irrevocable, non-exclusive easement for ingress and egress across and over the property of Grantee, to access the boat ramp which is located on the Salmon River. This easement is limited to the use by Grantor's present Trustee (Thomas J. Lindsey) and his immediate family. This easement shall terminate when Grantor's present Trustee no longer occupies the residence located upon Parcel 1 (as described on Exhibit B )

**Further subject** to easements, liens, encumbrances or matters of record.

STATE of IDAHO
County of Idaho
Recorded at request of
INLAND TITLE CO.
at 4:25 P.M. on 8-2-06
ROSE E. GEHRING
By Debbie Gilbert Recorder
Deputy
Fees $ 15.00
m/pd



SCANNED
JUL 19 2023

IDAHO DEPARTMENT OF
WATER RESOURCES

Western Region • 2735 W Airport Way • Boise, ID 83705-5082
Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

**Governor Brad Little** **Director Gary Spackman**

July 06, 2023

JOHN T WARREN
PO BOX 374
LUCILE ID 83542-0374

Re: Change in Water Right Ownership: 79-14008 (Split into 79-14008 and ***79-14311***)

Dear Water Right Holder(s):

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of a portion of the above referenced water right(s) to you. The Department has modified its records based on the information received and has enclosed a computer-generated report for you.

**Your portion of each water right(s) has a specified point of diversion, nature of use and place of use. If you plan to change the authorized point of diversion, nature of use, or place of use, including adding a new point of diversion, you must file an Application for Transfer of Water Right.** If you do not plan to change any elements of your water right, then no further action is required at this time.

The portion of the water right retained by the original right holder retains the original water right number. The Department is sending the original right holder a copy of this letter and a computer-generated report showing the changes to the original water right.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing a Notice of Change in Water Right Ownership, the Department does not review the history of water use to determine if the right has been forfeited or deliberately abandoned through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Idaho Code §§ 42-222 and 42-223.

Please note, water right owners are required to report any change of water right ownership and any change of mailing address to the Department within 120 days of the change. Reporting forms are available from any office of the Department, or from the Department's website.

If you have any questions concerning the enclosed information, please contact me at (208)605-4620.

Sincerely,

Debra Mansfield

SCANNED
JUL 06 2023

Office Specialist II

Enclosure(s)

c: GAY LINDSEY

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JUL 06 2023

IDAHO DEPARTMENT OF
WATER RESOURCES

Western Region • 2735 W Airport Way • Boise, ID 83705-5082
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**Governor Brad Little** **Director Gary Spackman**

July 11, 2023

PYLE-MCCLURE TRUST
JOHN K PYLE, TRUSTEE
PO BOX 469
RIGGINS ID 83549-0469
**VIA Email to:** dirtpyleex@gmail.com

Re: Change in Water Right Ownership: 79-14008 (Split into 79-14008 and ***79-14312***),

Dear Water Right Holder(s):

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of a portion of the above referenced water right(s) to you. The Department has modified its records based on the information received and has enclosed a computer-generated report for you.

**Your portion of each water right(s) has a specified point of diversion, nature of use and place of use. If you plan to change the authorized point of diversion, nature of use, or place of use, including adding a new point of diversion, you must file an Application for Transfer of Water Right.** If you do not plan to change any elements of your water right, then no further action is required at this time.

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Please note, water right owners are required to report any change of water right ownership and any change of mailing address to the Department within 120 days of the change. Reporting forms are available from any office of the Department, or from the Department's website.

If you have any questions concerning the enclosed information, please contact me at (208) 605-4621.

Sincerely,

Nick Miller
Western Regional Manager

Enclosure(s)

c: GAY LINDSEY

SCANNED
JUL 19 2023

## Mansfield, Debra

**From:** Mansfield, Debra
**Sent:** Tuesday, July 18, 2023 4:26 PM
**To:** IdwrPayable
**Subject:** REFUND - JOHN PYLE

TO: Sascha Marston, Susan Steed

FROM: Debra Mansfield

DATE: July 18, 2023

***RE: Refund: Notice Of Change In Water Right Ownership***

PYLE MCCLURE TRUST submitted a Notice of Change In Water Right Ownership for two Water Right Nos. but we only ended up changing one of the Water Rights.

**Please issue a refund of $25.00 to**:

JOHN PYLE
PO BOX 469
RIGGIND ID 83549-0469

RECEIPT #

W051199

Thank You,

**Debra Mansfield |** Office Specialist II
IDWR - Western Region
2735 W Airport Way, Boise ID 83705
(208) 334-2190 | Debra.Mansfield@idwr.idaho.gov

SCANNED
JUL 19 2023

## Miller, Nick

**From:** Miller, Nick
**Sent:** Thursday, May 25, 2023 1:16 PM
**To:** John Pyle
**Cc:** Storms, Scott
**Subject:** RE: Easy River HOA and the Rainey/Lindsay water rights 79-14008, 79-14299

Hi John,

Sorry for my delay in responding. I think the only thing you would need to send us to get this moving again would be some kind of document conveying any ownership of water rights 79-14008 and 79-14299 from Rainey, Pyle, and Warren to the HOA. I think just a quitclaim would work. With that, we can put the HOA's portion all onto 79-14299 using the $25 fee you already submitted. This would result in the HOA holding a water right to irrigate the Rainey, Pyle, and Warren properties and would leave the balance on 79-14008 for which Brown could submit a change of ownership at his leisure. We might also have to request Warren's deed, so if he has that handy it would be good to send in also.

Nick.

**From:** John Pyle <dirtpyleex@gmail.com>
**Sent:** Tuesday, May 16, 2023 9:32 AM
**To:** Miller, Nick <Nick.Miller@idwr.idaho.gov>
**Cc:** Storms, Scott <Scott.Storms@idwr.idaho.gov>; Edl, Michele <Michele.Edl@idwr.idaho.gov>
**Subject:** Re: Easy River HOA and the Rainey/Lindsay water rights 79-14008, 79-14299

**CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.**

Good morning Nick,

It sounds like option 2 is what we are going to go with. What do we need for that? I want to make sure we have everything correct before we send things out.

Thanks

On Wed, May 10, 2023 at 6:38 PM Miller, Nick <Nick.Miller@idwr.idaho.gov> wrote:

Hi John,

As we discussed on the phone today, you asked me to provide a couple of options for recording ownership of water right 79-14008. First, some background.

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JUL 19 2023

Water Right 79-14008 was developed by Gay Lindsay and licensed in 2004. That water right authorized two wells to be used to provide commercial and irrigation water for land that has since been subdivided into four parcels. Three of those parcels are owned by members of Easy Living HOA, and the other parcel is owned by Ken Brown. The wells described on the water right are an existing well on Brown's parcel, and another well on Rainey's parcel. The well on Rainey's parcel supplies a distribution system that serves water to Rainey, Pyle, and Warren's parcels (all members of Easy River Living HOA). The well on Brown's property only supplies water to Brown's land. The two wells are not interconnected. My understanding is the distribution system and well on Rainey's parcel are owned and/or controlled by the HOA or at least the use and upkeep is managed by the HOA. The specifics of the ownership and operation of that system are not within the scope of IDWR's authority and are not material to what I am able to help you with. I am able to help discuss the current ownership of the water right developed by Mr. Lindsay as that is distinct and independent of ownership of the distribution system.

When Mr. Lindsay sold the three parcels to Easy Living LLC, in 2006, the portion of 79-14008 appurtenant to those parcels was also conveyed to Easy Living LLC. Likewise, the portion of that right on the parcel he kept (now Mr. Brown's property) stayed with that property and stayed in Mr. Lindsay's ownership. Note, however, that Easy Living LLC did not file a notice of change in water right ownership with IDWR, so the IDWR records were not updated and the entire water right was still in Mr. Lindsay's name (even though Easy Living actually owned a portion). This situation continued when Lindsay sold his parcel to Brown, and when Easy Living LLC sold each of the three parcels to their current owners. So, at this point in time, each of the four owners owns a proportionate share of the water right, but that ownership is not recorded with IDWR. Only Rainey's share is recorded with IDWR because they filed a notice with IDWR in 2022. That notice caused IDWR to split Rainey's portion off of 79-14008 as a new water right number 79-14299.

Now, the options we discussed on the phone:

1. Each of the remaining owners can file a notice with IDWR, along with documentation demonstrating they own a portion of 79-14008 and IDWR will record that ownership and assign each owner a different water right number, and an appropriate proportion of the original right.
2. The second option would be for the three owners within the HOA to convey ownership of their portion of 79-14008 to the HOA and file a notice with that conveyance document with IDWR. Also, Brown could file a notice of ownership (but he wouldn't convey anything to the HOA). The result would be two water rights – one owned by the HOA and one owned by Brown.

In either case, the total water rights would "add up" to the original Lindsay right – "nothing is created or destroyed". I am not an attorney, so do not take this as advice, but I don't see that there is any difference between the two options for Brown as far as I can see. Likewise, the only benefit of the second option would be that the HOA would own the water right separately from the land so it can retain control over use of the right as land ownership within the HOA changes in the future. For instance, if some change needs to be made that affects all of the land (like needing a well in a different location than described on the rights) only the HOA needs to change the water right. If the right is split into three or more individual lot owners each owner would have to have their water rights changed in order to use the new well. Again, I am not an attorney, so there could be other considerations so take this with a gain of salt.

SCANNED

JUL 19 2023

I hope this helps.

Nick.

SCANNED
JUL 19 2023

**Storms, Scott**

G28-2333

**From:** John Pyle <dirtpyleex@gmail.com>
**Sent:** Wednesday, May 10, 2023 6:18 AM
**To:** Storms, Scott
**Subject:** Re: Water Rights and Water System Agreement
**Attachments:** 2006 Deed.pdf; Place of Use.pdf; Water Right Information Letter.pdf

**CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.**

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This doesn't clear anything up. The deed was signed over (from the Lindseys) to Easy River Living LLC, not to the Raineys. I attached the deed from 2006 that the Raineys sent to the department of water resources.

I also attached the place of use map that was sent to us. It shows that the well, #7914299, is only to be used on Raineys land. That's the well that all 3 in the Easy River Living Association use for irrigation. I also attached the letter that was sent to us that states in the 3rd paragraph that water right #7914299 authorizes 1 acre of commercial use and 1 acre of irrigation use at a REDUCED but proportional diversion rate. As it looks to us, it's not to be used by the other 2 home owners in Easy River Living Association.

Could we have a meeting at the Lucile location? I want to resolve this ASAP because it's about time to turn on the irrigation and as it's looking like we no longer have irrigation.

On May 9, 2023, at 9:47 AM, Storms, Scott <Scott.Storms@idwr.idaho.gov> wrote:

John,

I wanted to elaborate a little further on the voice message I left you earlier this morning. In reviewing the HOA documents you submitted, the section regarding the water system and management thereof does not specifically address water rights and therefore does not provide any authority for the HOA to claim ownership of the water rights. Furthermore, I see this document was originally signed in 2012, and after reviewing the Rainey's warranty deed, their property was conveyed to them from Gay Lindsey in 2006 with all appurtenances. Since Gay Lindsey was the property owner and water right owner at the time of the sale, the portion of the water right appurtenant to that piece of property was conveyed to the Rainey's though this deed. This would also apply to any and all other portions of the property conveyed from Mr. Lindsey, with all appurtenances, to anyone else. At this time, it would seem that the water right originally established by Gay Lindsey has been conveyed and subsequently split amongst the landowners within the HOA.

Although the water right has likely been split and appurtenant pieces owned by those landowners, this still does not change the agreement everyone came to and signed within the HOA regarding management of the water system. The portion of the agreement you sent regarding the water system appears to set up and provide control of the system to the HOA, essentially setting up easement for the system regardless of water right ownership. Although water rights do not specifically establish any form



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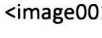
of easement or delivery system ownership, this HOA document is exactly the type of agreement we often recommend people develop when a delivery system serves multiple rights and the system is spread amongst multiple properties.

At this juncture, from what I see, you and the other property owners are in good shape to continue operating in the same manner as you have. By all legal standards, the water right has already been split, through the deeding of the properties and appurtenant water rights to the various owners, its just that the records at the Department of Water Resources do not reflect as much at this time because the notice in change of water right ownership has not been submitted by the property owners. In order to keep records in order, those should be submitted in a timely manner. Once split in the records, all the rights will still record the same well or wells as the point of diversion, regardless of the property they are located on, and the HOA agreement is what establishes the legal authority for the HOA to maintain control of the well and the water delivery system.

I hope this clears things up more. Feel free to call if you want to discuss this further. Also, please let me know what you would like to do with the current notice in change of water right ownership you submitted for the HOA, as I do not believe it can be processed. If you would like me to return it to you now, I can do that. If I forward it on for processing, I am certain the staff who review it will also end up returning it at this point for insufficient evidence of ownership.

Thanks again,

Scott



Scott Storms
**Water Rights Supervisor**
IDWR Western Region
 208-334-2190
 Scott.storms@idwr.idaho.gov
2735 W Airport Way Boise, ID 83705

Hannah Pyle
Dirt Pyle Excavation LLC
208-628-2333
dirtpyleex@gmail.com
PO Box 469
Riggins, ID
83549

SCANNED
JUL 19 2023

## Mansfield, Debra

**From:** Miller, Nick
**Sent:** Wednesday, May 31, 2023 9:14 PM
**To:** John Pyle
**Cc:** Mansfield, Debra
**Subject:** RE: Easy River HOA and the Rainey/Lindsay water rights 79-14008, 79-14299

Hi John,

With the situation you described, you are splitting off a portion of the right to put in the name of a trust, so the fee would be $100. We can apply the $25 you already paid, and you can submit $75 with your new notice, along with a note to make sure we apply the payment from receipt W051199.

To be clear, the intent of what you are about to submit is to split off the portion of 79-14008 that covers your ground and John's ground (it will be in either both of your names, or in the name of some common trust). This will wind up with three rights:

79-14299 – Rainey's portion (already created, no action needed)
79-XXX – the new portion you will create through the split.
79-14008 – The remainder that will still be in Lindsay's name, and will cover Brown's property (he can submit a $25 change in ownership to put that remainder in his name)

Hope that helps,

Nick.

**From:** John Pyle <dirtpyleex@gmail.com>
**Sent:** Wednesday, May 31, 2023 3:27 PM
**To:** Miller, Nick <Nick.Miller@idwr.idaho.gov>
**Subject:** Re: Easy River HOA and the Rainey/Lindsay water rights 79-14008, 79-14299

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We haven't gotten a quitclaim yet, so in the meantime, we are sending in paperwork from us and John Warren to get it put into our name/trust. Hopefully this fall we will have some more time and get it changed into the HOA. Do we need to send $175 ($200-$25 that we already submitted) since it's a split water right? Or is it considered an undivided water right, and the $25 you have is sufficient?

Thanks Nick!

On Thu, May 25, 2023 at 1:15 PM Miller, Nick <Nick.Miller@idwr.idaho.gov> wrote:

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JUL 19 2023

Hi John,

Sorry for my delay in responding. I think the only thing you would need to send us to get this moving again would be some kind of document conveying any ownership of water rights 79-14008 and 79-14299 from Rainey, Pyle, and Warren to the HOA. I think just a quitclaim would work. With that, we can put the HOA's portion all onto 79-14299 using the $25 fee you already submitted. This would result in the HOA holding a water right to irrigate the Rainey, Pyle, and Warren properties and would leave the balance on 79-14008 for which Brown could submit a change of ownership at his leisure. We might also have to request Warren's deed, so if he has that handy it would be good to send in also.

Nick.

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**Sent:** Tuesday, May 16, 2023 9:32 AM
**To:** Miller, Nick <Nick.Miller@idwr.idaho.gov>
**Cc:** Storms, Scott <Scott.Storms@idwr.idaho.gov>; Edl, Michele <Michele.Edl@idwr.idaho.gov>
**Subject:** Re: Easy River HOA and the Rainey/Lindsay water rights 79-14008, 79-14299

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Thanks

On Wed, May 10, 2023 at 6:38 PM Miller, Nick <Nick.Miller@idwr.idaho.gov> wrote:

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JUL 19 2023

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for Brown as far as I can see. Likewise, the only benefit of the second option would be that the HOA would own the water right separately from the land so it can retain control over use of the right as land ownership within the HOA changes in the future. For instance, if some change needs to be made that affects all of the land (like needing a well in a different location than described on the rights) only the HOA needs to change the water right. If the right is split into three or more individual lot owners each owner would have to have their water rights changed in order to use the new well. Again, I am not an attorney, so there could be other considerations so take this with a gain of salt.

I hope this helps.

Nick.