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FILED BY  
*Southside Water & Sewer District*  
2000 JUL 18 A 9:03  
1800  
NAME SCOTT  
BONNER COUNTY RECORDER

566902

PS DEPUTY

## WATER LINE EASEMENT

This easement is made this \_\_\_\_ day of January, 2000, between JUNE M. McCRACKEN, an unmarried woman, and STEVEN McCRACKEN, an unmarried man, of P. O. Box 0134, Laclede, Idaho 83841, Grantors; and SOUTHSIDE WATER & SEWER DISTRICT, a municipal subdivision of the State of Idaho, Grantee.

### RECITALS

A. Grantee, as part of its operation of a sewer and water district maintains a water tank on a parcel of property owned by Grantee which real property is identified as follows:

LESS a tract of land 100' x 100' located in the Southeast corner of the East Half of the West Half of the Southeast Quarter of the Southwest Quarter of said Section 3, Township 56 North; Range 2 West, Boise Meridian, being the East 100 feet of the South 100 feet of the East Half of the West Half of the Southeast Quarter of the Southwest Quarter in said Section, said tract of land being owned by Southside Water and Sewer District.

B. "Grantor" (the singular includes the plural), is the owner of the following described real property in Bonner County, Idaho, to-wit:

The East Half of the West Half of the Southeast Quarter of the Southwest Quarter and that part of the East Half of the West Half of the Northeast Quarter of the Southwest Quarter Southeast of the hereinafter described private road and Southwest of the County Road which joins Lakeshore Drive with Highway No. 95, all in Section 3, Township 56 North, Range 2 West of the Boise Meridian, Bonner County, Idaho.

Said private road being described as follows:

In Section 3, Township 56 North, Range 2 West of the Boise Meridian, 40 feet wide

along the following described center line: Beginning at a point on the West line of the County Road through Section 3 which connects Lakeshore Drive with Highway No. 95, said point of beginning being South 54°56' East, 2161.07 feet from the West Quarter corner of Section 3 and North 52°54' East 2363.21 feet from the Southwest Section corner; thence South 47°7' West, 330.93 feet; thence South 38°21' West, 393.60 feet; thence South 33°29' West, 505.26 feet; thence South 71°48' West, 441.83 feet; thence South 73°39' West, 432.54 feet; thence South 69°57' East, 274.70 feet to the line between Sections 3 and 4 at a point which is North 2°29'24" East, 108.57 feet from the Southwest Section corner.

LESS a tract of land 100' x 100' located in the Southeast corner of the East Half of the West Half of the Southeast Quarter of the Southwest Quarter of said Section 3, Township 56 North; Range 2 West, Boise Meridian, being the East 100 feet of the South 100 feet of the East Half of the West Half of the Southeast Quarter of the Southwest Quarter in said Section, said tract of land being owned by Southside Water and Sewer District.

C. On or about 1976, SOUTHSIDE WATER & SEWER DISTRICT installed a water line on Grantor's property which follows along the side of the existing private road described in recital B above.

D. Grantors' predecessor in interest (Ernie Bartelson) in consideration for property given to Grantee was provided a water hookup for the benefit of the property described in Recital B above.

E. The parties hereto wish to formalize the grant of easement for the purpose of maintaining the existing water line alongside the private road, and to further document the grant of the water hookup.

**WHEREFORE, BASED UPON THE FOREGOING RECITALS, AND THE TERMS AND CONDITIONS CONTAINED HEREIN THE UNDERSIGNED DOES HEREBY GRANT TO SOUTHSIDE WATER & SEWER DISTRICT A PERPETUAL EASEMENT, RIGHT AND PRIVILEGE FOR THE FOLLOWING PURPOSES:**

1. To maintain on Grantors' property the existing water line which follows the private road referenced above, all as shown on the engineer's map of the water and sewer pipeline system of said water and sewer district set forth on Exhibit "A" which is incorporated herein by this reference.

2. Grantee shall have the right to enter upon said property from time to time for the purpose of maintaining, replacing, and repairing said pipeline or pipelines.

3. Grantor warrants that he/she is the owner of the above described premises and has a good right to grant this easement. Grantor's title to the premises is free and clear of liens and encumbrances, except for the following:

- (a) An easement for ingress, egress and utilities, over, under and across the existing roadway granted by June M. McCracken unto Terrance W. Murphy and Dorothy S. Murphy, husband and wife, recorded on the 20th day of July, 1999, as Instrument No. 548781.

4. Grantor reserves the right to use the surface of the ground above such pipelines, except that Grantor shall erect no permanent improvements over said pipeline or pipelines, nor within a strip of land being ten (10') feet on either side of said pipeline or pipelines.

5. In the event of any repair or replacement of the water line, Grantee shall restore Grantor's property to the condition it was in prior to the repairs and shall take reasonable steps to minimize any erosion or disturbance to the property of Grantor.

6. Grantee, by execution of this agreement, reconfirms an agreement dated February 8, 1999, between Southside Water & Sewer District and Ernie Bartelson (Grantor's predecessor in interest) wherein Bartelson was given a water hookup to benefit the property set forth in Recital B above, said hookup to be provided at no cost, including installation, regardless of the market price of hookup and installation, with no monthly fees or charges to be assessed until the hookup is activated.

GRANTOR:

June M. McCracken  
JUNE M. McCRACKEN

Steven D. McCracken  
STEVEN McCRACKEN

GRANTEE:

SOUTHSIDE SEWER &amp; WATER DISTRICT

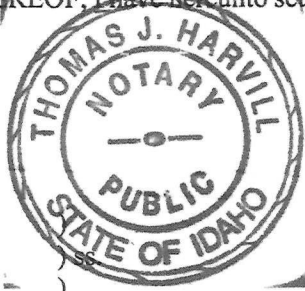
By: Richard M. Heffner  
RICHARD M. HEFFNER (printed name)  
Chairman (title)

By: M. N. Kirkling  
M. N. KIRKLING (printed name)  
V. Chairman (title)

STATE OF IDAHO )  
 ) ss.  
 County of Bonner )

On this 1 day of June, 2000, before me, a Notary Public in and for said State, personally appeared JUNE M. McCracken, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year last above written.



Thomas J. Harvill  
 NOTARY PUBLIC--State of Idaho

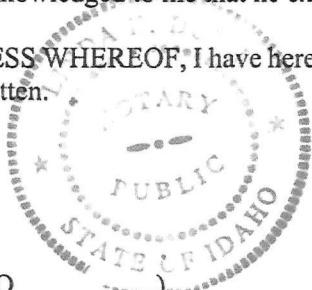
Residing at: Sandpoint Sagle

My Commission Expires: Apr 4, 2003

STATE OF IDAHO )  
 ) ss.  
 County of Bonner )

On this 6TH day of JUNE, 2000, before me, a Notary Public in and for said State, personally appeared STEVEN McCracken, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year last above written.



Linda K. Dunn  
 NOTARY PUBLIC--State of Idaho

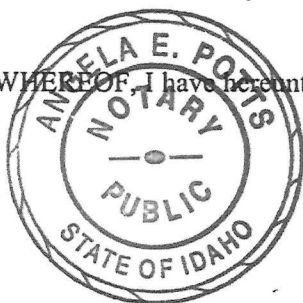
Residing at: Sandpoint

My Commission Expires: 12-7-2000

STATE OF IDAHO )  
 ) ss.  
 County of Bonner )

On this 13th day of July, 2000, before me, a Notary Public in and for said state, personally appeared Richard & Mary L. Lohr known or identified to me to be the Board Member of SOUTHSIDE WATER & SEWER DISTRICT, the entity that executed the instrument or the person who executed the instrument on behalf of said entity, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on the day and year last above written.

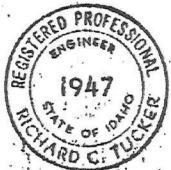
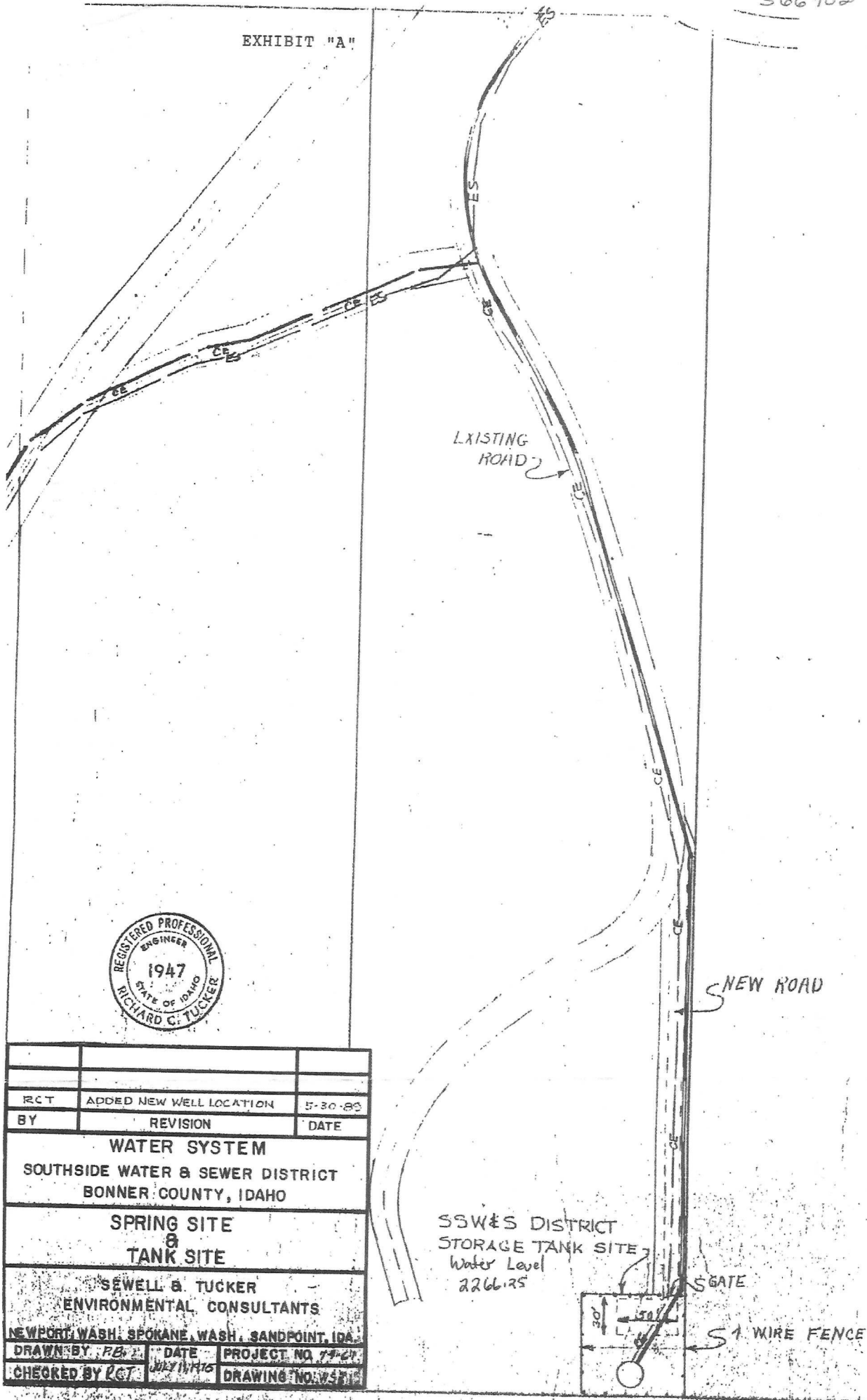


Angela E. Potts  
 NOTARY PUBLIC--State of Idaho

Residing at: Sandpoint

Commission Expires: 5/2003

EXHIBIT "A"



RCT	ADDED NEW WELL LOCATION	5-30-80
BY	REVISION	DATE
WATER SYSTEM		
SOUTHSIDE WATER & SEWER DISTRICT		
BONNER COUNTY, IDAHO		
SPRING SITE		
TANK SITE		
SEWELL & TUCKER		
ENVIRONMENTAL CONSULTANTS		
NEWPORT, WASH.; SPOKANE, WASH.; SANDPOINT, IDA.		
DRAWN BY RCT	DATE JULY 1975	PROJECT NO. 77-27
CHECKED BY RCT		DRAWING NO. 457

SSW&S DISTRICT  
STORAGE TANK SITE  
Water Level  
2266.25

HARDY C. LYONS  
LAWYER  
102 SUPERIOR  
P. O. BOX "C"  
SANDPOINT, IDAHO 83864  
(208) 263-3115

OPTION

GRANTORS: ERNEST BARTLESON and OPAL BARTLESON, husband and wife, Rt. 1, Sagle, Idaho 83860

GRANTEE: SOUTHSIDE WATER AND SEWER DISTRICT, c/o Allen Cochran, Rt. 1, Sagle, Idaho 83860

PROPERTY: A piece of land 100 feet by 100 feet located in the Southeast corner of the East Half of the West Half of the Southeast Quarter of the Southwest Quarter, Section 3, Township 56 North, Range 2 West Boise Meridian, Bonner County, Idaho.

DATE: *March 9*, 1975.

FOR VALUABLE CONSIDERATION, the above named Grantors do grant to the above named Grantee the right, privilege and option to purchase said property within one (1) year from the date hereof for cash in the amount of \$ 500.00.

Upon exercise of this Option by Grantee and payment of said purchase monies the Grantors shall within ten (10) days from the date of delivery of notice of such exercise of this Option by Grantee furnish Grantee with a preliminary report disclosing that Grantors' title to said property is merchantable and Grantors shall convey the same to Grantee contemporaneously with payment of the purchase price by Grantee. Taxes and

assessments shall be prorated between the parties as of the date of closing. *Grantors reserve the privilege of hook-up to the water system without charge, but shall be charged to pay monthly fee.*

Grantors shall also furnish and grant to Grantee reasonable easements for right of way for a road and pipelines from a public road to the above property. Said right of way to be along the East boundary of Grantors' property.