

Instrument # 1038922
Bonner County, Sandpoint, Idaho
10/01/2024 12:01:59 PM No. of Pages: 18
Recorded for: DUDLEY I LLC/ JACOB
Michael W. Rosedale Fee: \$61.00
Ex-Officio Recorder Deputy
Index to: EASEMENT

BC



AFTER RECORDING RETURN TO:
Jacob Weimer
Dudley I, LLC
PO Box 55
Priest River, Idaho 83856

Space Above Reserved for Recorder

DECLARATION OF DRAINFIELD AND EFFLUENT LINE EASEMENT AGREEMENT

THIS DECLARATION OF DRAINFIELD AND EFFLUENT LINE EASEMENT AGREEMENT (this “**Declaration**”) is made on this 30th day of September, 2024 (“**Effective Date**”), by Dudley I, LLC, an Idaho limited liability company (“**Declarant**”), whose address is PO Box 55, Priest River, Idaho 83856.

RECITALS

A. Declarant is the owner of certain real property located in Bonner County, Idaho legally described on Exhibit C and shown in Exhibit B attached hereto and incorporated herein by this reference (collectively, “Subject Parcels”).

B. Declarant desires to establish a drainfield and effluent line easement for its benefit and for the benefit of its remaining lands.

DECLARATION OF EASEMENT

NOW, THEREFORE, Declarant hereby declares, for its benefit and the benefit of all subsequent owners of the Subject Parcels, that:

1. **Declaration of Easement.** Declarant hereby grants, transfers, establishes and declares a non-exclusive, perpetual easement for a septic drainfield and effluent line to reach the drainfield. This shall include installing, constructing, operating, maintaining, inspecting, removing, repairing, replacing, and using a residential soil absorption drainfield system TOGETHER WITH the non-exclusive right of ingress and egress to and from the drainfield area and effluent line area for the foregoing purposes for the benefit of the Subject Parcels.

2. **Reservation of Easement Rights.** Declarant reserves to itself and its successors and assigns, the easement and the easement rights set forth herein for the benefit of the Subject Parcels, including the right to use said easement and to subsequently convey said easement and easement rights with the Subject Parcels.

3. **Easement Runs with the Land.** The easement described herein shall run with shall run with the land and shall be appurtenant to the Subject Parcels.

4. **Location of Easement.** The drainfield easement created by this Declaration of Easement shall be located as described on Exhibit A and shown in Exhibit B attached hereto and incorporated by this reference. Effluent lines shall be located so as to minimize the impact to usable space on Parcel 4. This includes following roadways and natural features, avoiding trees, and avoiding dividing large areas of usable space. Effluent line locations shall be flagged and mutually agreeable to the parties involved prior to construction. The owner or owners of Parcel 4 shall not unduly withhold consent of effluent line construction authorization. Effluent line location shall be surveyed in and marked at completion of construction.

5. **Construction of Systems.** Construction shall be the responsibility of each parcel owner in each parcel's respective drainfield area. Construction shall follow industry best practices and all applicable laws. Any required permits from Panhandle Health, Bonner County or any other agency shall be acquired prior to construction. Construction shall be conducted in such a way so as to minimize disturbance to Parcel 4. This includes either not removing trees or minimizing the number of trees removed to the minimum necessary, avoiding excavation work in muddy or wet conditions to avoid rutting, revegetating disturbed areas with grass or other seed, generally operating a clean and workmanlike construction site, and leaving the site in good condition at construction completion. Work shall be completed in a workmanlike manner free of claims and liens.

6. **Maintenance of Easement.** The owner or owners of each parcel and respective drainfield easement area shall be responsible for maintenance of their own system and shall follow industry best practices and all applicable laws. Maintenance work shall be completed in a workmanlike manner free of claims and liens.

7. **Use of Easement.** The owners of any parcels using the drainfield easement shall not be restricted from maintaining and monitoring their system, but undue and unwarranted ingress

and egress such as dog walking or other casual use is not allowed. The disturbance to the owner or owners of Parcel 4 shall be minimized.

8. **Protection of Systems.** The owner or owners of Parcel 4 shall ensure that no encroachments shall made on the drainfield easement area, including but not limited to the following: placement of water, power or utility lines in the easement area, including underground sprinkler systems; driving, parking or paving over the easement area; planning or construction of buildings, utility lines or improvements except as permitted by applicable laws or regulations; or using the drainfield area in any fashion which hinders, disrupts or interferes with the use or proper functioning of the residential septic system. The owner or owners of Parcel 4 shall at all times have the right to occupy the easement area; provided, that use of the area by the owner or owners of Parcel 4 does not in any fashion hinder, disrupt or interfere with the use or proper functioning of the drainfield system. Effluent lines shall also be protected from such uses that may damage them or from uses that violate any applicable laws regarding setback distances or any other laws.

9. **Modification of Easement.** Any modifications to said easement shall be subject to all owners' express written consent.

10. **Agreement Runs with the Land.** This agreement runs with the land and is binding on all future owners, heirs, assigns, and successors in title.

11. **Successor and Assigns.** The common ownership by the Declarant of the dominant and servient or benefited and burdened parcels shall not void this Declaration under the doctrine of merger; and it is the intent of the Declaration to create an easement that shall bind and benefit the above described Subject Parcels upon the conveyance of any one or all of the Subject Parcels. Except as expressly provided otherwise in this Declaration, (i) the easement granted herein shall run with the land and shall be binding upon all parties having or acquiring any right, title, or interest in the Subject Parcels, or any part thereof, and (ii) the rights and obligations of the Declarant shall inure to the benefit of and be binding upon its successors and assigns. Any reference to "Declarant" or subsequent owners of the Property shall be deemed to refer to such party's successor in interest.

12. **Attorney Fees.** In the event that any party institutes any legal suit, action, or proceeding against the other party to enforce the covenants contained in this Declaration (or obtain any other remedy in respect to any breach of this Declaration), the prevailing party in the suit, action or proceeding shall be entitled to receive, in addition to all other damages to which it may be entitled, the costs incurred by such party in conducting the suit, action, or proceeding, including actual attorneys' fees and expenses and court costs.

13. **Governing Law; Venue.** This Declaration shall be governed by and construed in accordance with the laws of the state of Idaho. Venue for any dispute arising out of this Declaration shall be in Bonner County, Idaho.

14. **Entire Agreement.** The above recitals are true and correct and are incorporated herein by reference. This Declaration sets forth the entire agreement with respect to the subject matter hereof and supersedes any prior agreements or understanding.


Signature Page follows on Page 4

IN WITNESS WHEREOF, the Declarant has caused this Declaration to be entered into as of the Effective Date.

"Declarant"

Dudley I, LLC, an Idaho limited liability company

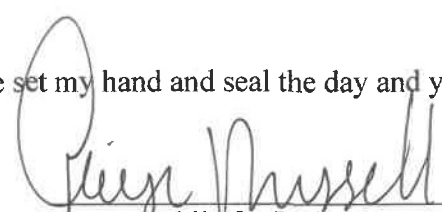
By: J.D. Lumber, an Idaho corporation
Its: Member

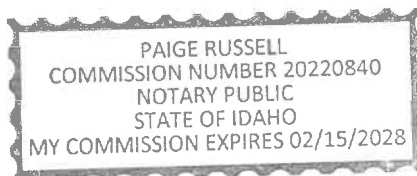
By: 
Name: Jacob D. Weimer
Its: President

STATE OF IDAHO)
: ss.
County of Bonner)

On the 1st day of October, 2024 before me, the undersigned Notary Public, personally appeared Jacob D. Weimer, known to me or proved to me on the basis of satisfactory evidence to be the President of J.D. Lumber, Inc., an Idaho corporation, the member of Dudley I, LLC, the limited liability company that executed the foregoing instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have set my hand and seal the day and year as above written.


Notary Public for Idaho



Residing at Sandpoint

Commission Expires: 2/15/2028

**Overall Drainfield Easement
Legal Description
Exhibit "A"**

A parcel of land located in Government Lot 9 of Section 31, Township 57 North, Range 4 West, Boise Meridian, Bonner County, Idaho, more particularly described as follows:

Commencing at the southeast corner of Section 31, Township 57 North, Range 4 West, Boise Meridian, from which the meander corner common to Section 31, Township 57 North, Range 4 West and Section 6, Township 56 North, Range 4 bears North 89°21'25" West, a distance of 1742.50 feet;

Thence North 89°21'25" West along the south line of said Section 31, a distance of 1309.54 feet to the southwest corner of said Government Lot 11;

Thence North 15°31'45" West leaving said south line of Section 31, a distance of 278.80 feet to the **Point of Beginning**;

Thence South 82°39'46" West, a distance of 120.00 feet;

Thence North 07°20'14" West, a distance of 92.00 feet;

Thence North 82°39'46" East, a distance of 120.00 feet;

Thence South 07°20'14" East, a distance of 92.00 feet to the **Point of Beginning**;

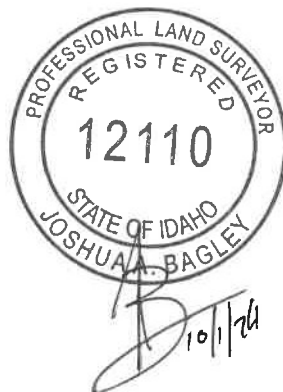
Containing 11,040 square feet or 0.253 acres, more or less.

SUBJECT TO:

Existing rights-of-way and easements of record and or appearing on said above described parcel.

END OF DESCRIPTION

Prepared by this office:
h2 Surveying, LLC



DATE

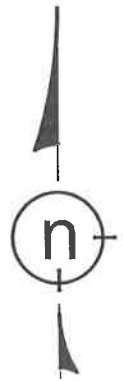
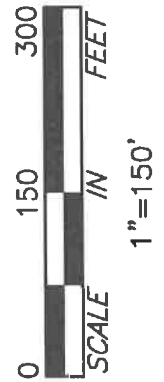
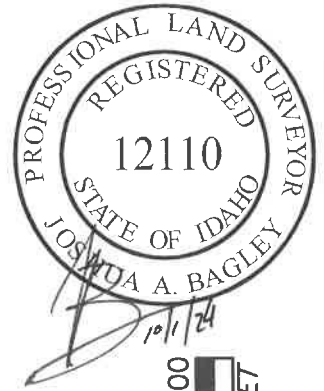
9/26/2024

JOB #

2024-114

SHEET

1 OF 2



TIMBERLANE
SUBDIVISION

PRIEST
RIVER

PARCEL
3

GOVERNMENT
LOT 9

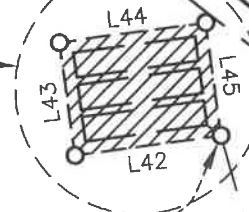
GOVERNMENT
LOT 11

PARCEL
2

ROBINSON
DRIVE
C1

50'
PRESCRIPTIVE
EASEMENT

SEE
DETAIL "A"
SHEET 2



POINT OF
BEGINNING
PARCEL
4

MEANDER
CORNER
COMMON TO
SECTIONS 31
AND 6

SOUTHWEST
CORNER OF
GOVERNMENT
LOT 11

PARCEL
1

89.75

178.15

165.06

165.06

165.06

31

32

5

N89°21'25"W 1742.50

1309.54
N89°21'25"W

POINT OF-
COMMENCEMENT

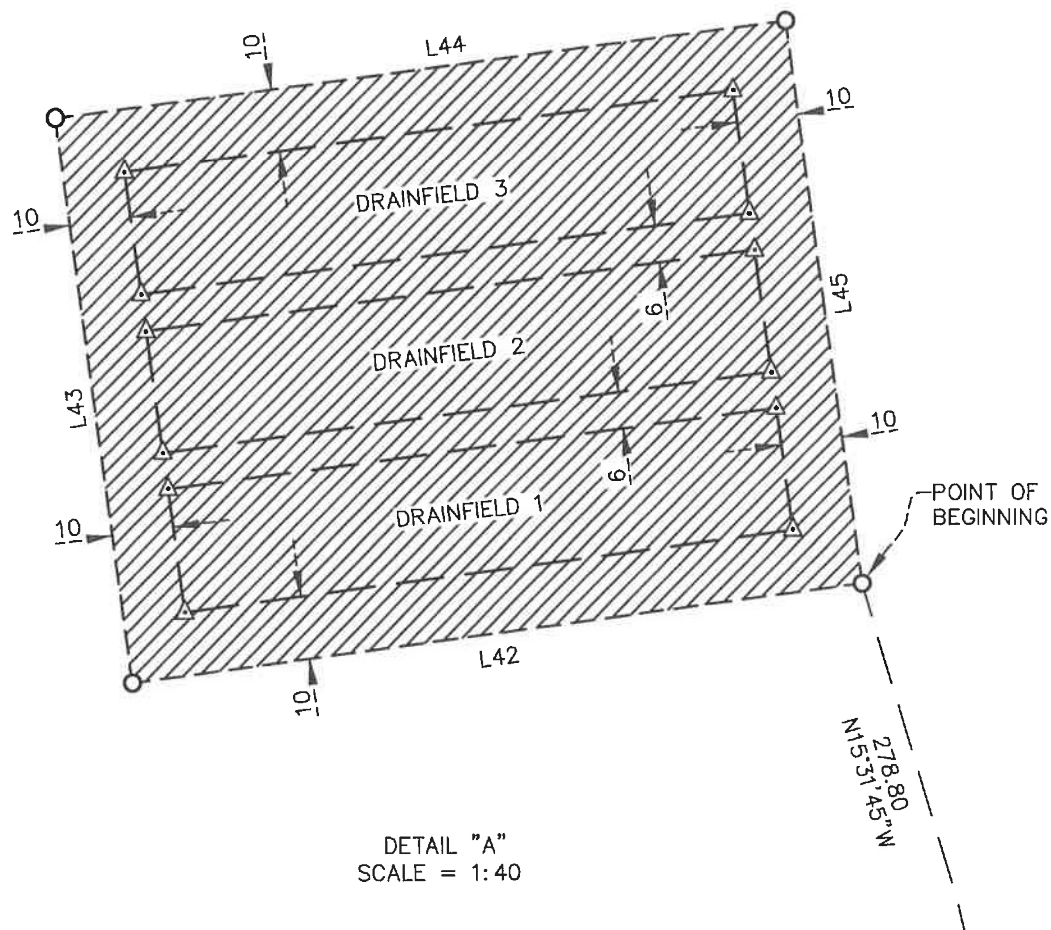
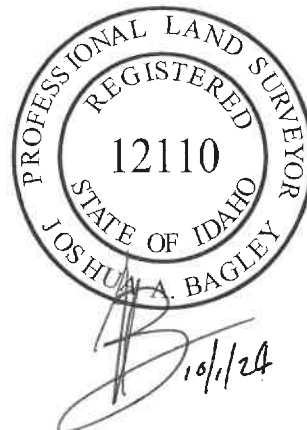
OVERALL DRAINFIELD EASEMENT EXHIBIT "B"

BONNER COUNTY, IDAHO

DATE
9/26/2024
JOB #
2024-114
SHEET
2 OF 2

LINE TABLE

LINE	BEARING	DISTANCE
L42	S82°39'46"W	120.00
L43	N07°20'14"W	92.00
L44	N82°39'46"E	120.00
L45	S07°20'14"E	92.00



OVERALL DRAINFIELD EASEMENT EXHIBIT "B"

BONNER COUNTY, IDAHO

Exhibit B

Drainfield to Parcel Matchup

Parcel 3 shall use Drainfield 3 (northernmost drainfield)

Parcel 1 shall use Drainfield 2 (middle drainfield)

Parcel 4 shall use Drainfield 1 (southernmost drainfield)

Exhibit C

Legal Descriptions of Subject Parcels

Parcel 4 (burdened), Parcel 3 (benefited) and Parcel 1 (benefited)

Parcel 1
Legal Description

A parcel of land located in Government Lot 11 of Section 31, Township 57 North, Range 4 West, Boise Meridian, Bonner County, Idaho, more particularly described as follows:

Commencing at the southeast corner of Government Lot 11 of Section 31, Township 57 North, Range 4 West, Boise Meridian, from which the meander corner common to Section 31, Township 57 North, Range 4 West and Section 6, Township 56 North, Range 4 bears North 89°21'25" West, a distance of 1742.50 feet;

Thence North 89°21'25" West along the south line of said Section 31, a distance of 979.42 feet to the **Point of Beginning**;

Thence North 89°21'25" West continuing along said south line of said Section 31, a distance of 330.12 feet;

Thence North 29°41'50" East leaving said south line of Section 31, a distance of 362.92 feet to centerline of Robinson Drive, and the beginning of a non-tangent curve to the left having a chord bearing of North 80°20'39" East, a chord distance of 20.64 feet;

Thence continuing along said centerline of Robinson Drive and said non-tangent curve to the left with a radius of 500.00 feet, through a central angle of 02°21'57", an arc distance of 20.65 feet;

Thence North 00°52'53" West leaving said centerline of Robinson Drive, a distance of 467.09 feet to the ordinary highwater line of Priest River;

Thence along the ordinary highwater line of Priest River, the following five courses:

South 56°04'31" East, 8.91 feet;

South 50°23'53" East, 40.08 feet;

South 39°08'47" East, 39.46 feet;

South 44°59'33" East, 48.86 feet;

South 60°04'24" East, 33.46 feet;

Thence South 00°52'51" East leaving said ordinary highwater line of Priest River, a distance of 677.17 feet to the south line of said Section 31, and the **Point of Beginning**;

Containing 127,060 square feet or 2.917 acres, more or less.

SUBJECT TO:

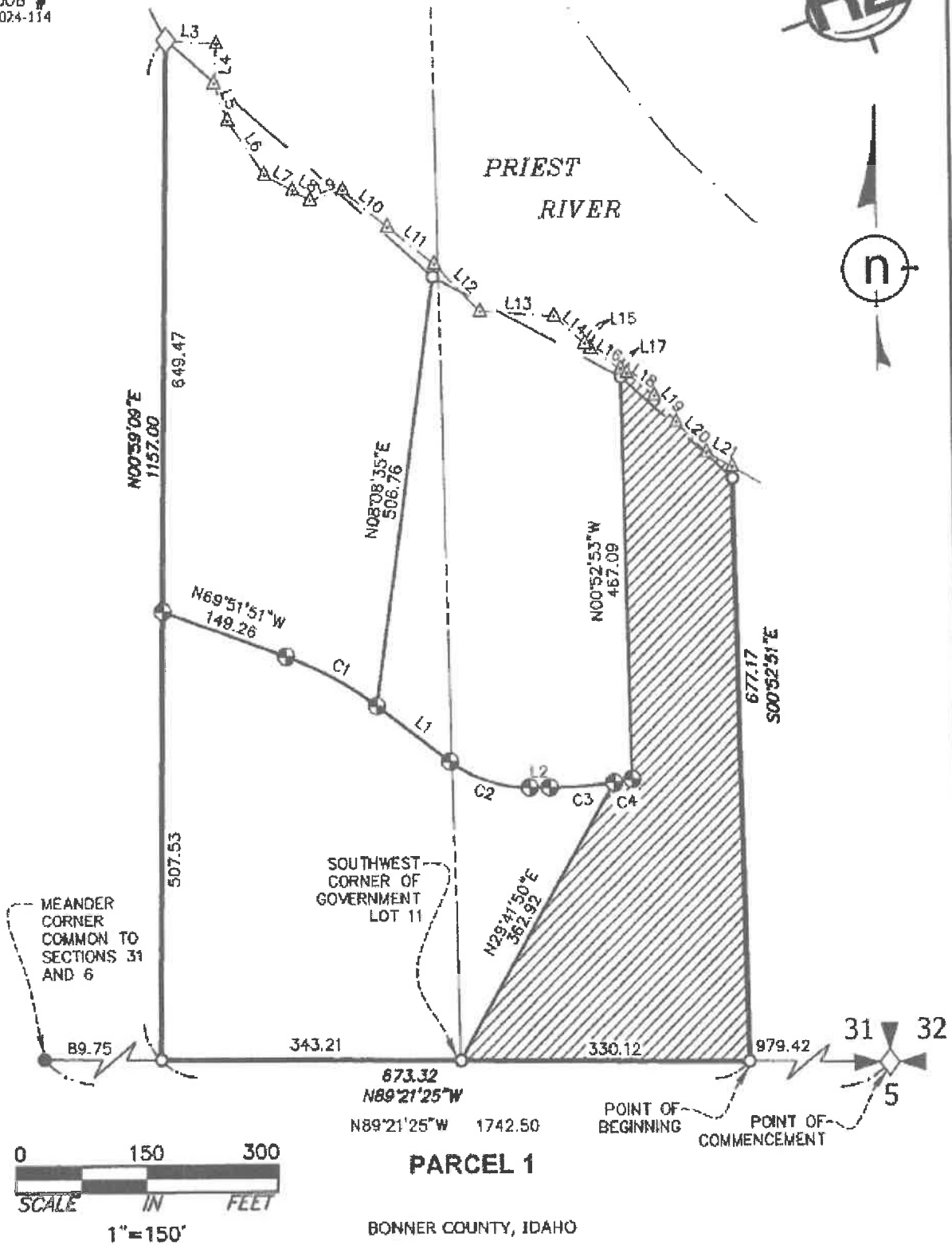
Existing rights-of-way and easements of record and or appearing on said above described parcel.

END OF DESCRIPTION

Prepared by this office:

h2 Surveying, LLC

DATE
9/25/2024
JOB #
2024-114



DATE
9/25/2024
JOB #
2024-114



LINE TABLE

LINE	BEARING	DISTANCE
L1	S 52°49'44" E	104.02
L2	S 89°59'08" W	23.04
L3	S 85°39'24" E	57.98
L4	S 04°20'36" W	45.87
L5	S 20°19'00" E	44.78
L6	S 33°38'07" E	74.35
L7	S 60°44'31" E	36.64
L8	S 60°44'31" E	23.11
L9	N 73°14'45" E	38.98
L10	S 50°27'24" E	65.88
L11	S 51°40'44" E	68.04
L12	S 44°04'26" E	74.82
L13	S 86°01'12" E	84.68
L14	S 48°15'33" E	46.30
L15	S 48°15'33" E	8.18
L16	S 56°04'31" E	41.41
L17	S 56°04'31" E	8.91
L18	S 50°23'53" E	40.08
L19	S 39°08'47" E	39.48
L20	S 44°59'33" E	48.86
L21	S 60°04'24" E	33.46

CURVE TABLE

CURVE	ARC DISTANCE	RADIUS	CENTRAL ANGLE	CHORD BEARING	CHORD DISTANCE
C1	118.93	400.00	17°02'07"	S 61°20'48" E	118.49
C2	97.35	150.00	37°11'07"	S 71°25'18" E	95.65
C3	73.81	500.00	08°27'30"	N 85°45'23" E	73.75
C4	20.65	500.00	02°21'57"	N 80°20'39" E	20.64

PARCEL 1

BONNER COUNTY, IDAHO

Parcel 3
Legal Description

A parcel of land located in Government Lot 9 of Section 31, Township 57 North, Range 4 West, Boise Meridian, Bonner County, Idaho, more particularly described as follows:

Commencing at the southeast corner of Government Lot 11 of Section 31, Township 57 North, Range 4 West, Boise Meridian, from which the meander corner common to Section 31, Township 57 North, Range 4 West and Section 6, Township 56 North, Range 4 bears North 89°21'25" West, a distance of 1742.50 feet;

Thence North 89°21'25" West along the south line of said Section 31, a distance of 979.42;

Thence North 89°21'25" West continuing along said south line of said Section 31, a distance of 330.12 feet;

Thence North 29°41'50" East leaving said south line of Section 31, a distance of 362.92 feet to feet to the centerline of Robinson Drive and the beginning of a non-tangent curve to the right having a chord bearing of South 85°45'23" West, a chord distance of 73.75 feet;

Thence continuing along said centerline of Robinson Drive and said non-tangent curve to the right with a radius of 500.00 feet, through a central angle of 08°27'30", an arc distance of 73.81 feet;

Thence South 89°59'08" West continuing along said centerline of Robinson Drive, a distance of 23.04 feet to the beginning of a tangent curve to the right having a chord bearing of North 71°25'18" West, a chord distance of 95.65 feet;

Thence continuing along said centerline of Robinson Drive and said tangent curve to the right with a radius of 150.00 feet, through a central angle of 37°11'07", an arc distance of 97.35 feet;

Thence North 52°49'44" West continuing along said centerline of Robinson Drive, a distance of 104.02 feet to the Point of Beginning, and the beginning of a tangent curve to the left with a chord bearing of North 61°20'48" West, a chord distance of 118.49 feet;

Thence continuing along said centerline of Robinson Drive and said tangent curve to the left with a radius of 400.00 feet, through a central angle of 17°02'07", an arc distance of 118.93 feet;

Thence North 69°51'51" West continuing along said centerline of Robinson Drive, a distance of 149.26 feet to the southeast corner of Lot 1, TIMBERLINE SUBDIVISION, as recorded in Book 2, at Page 136, records of Bonner County, Idaho;

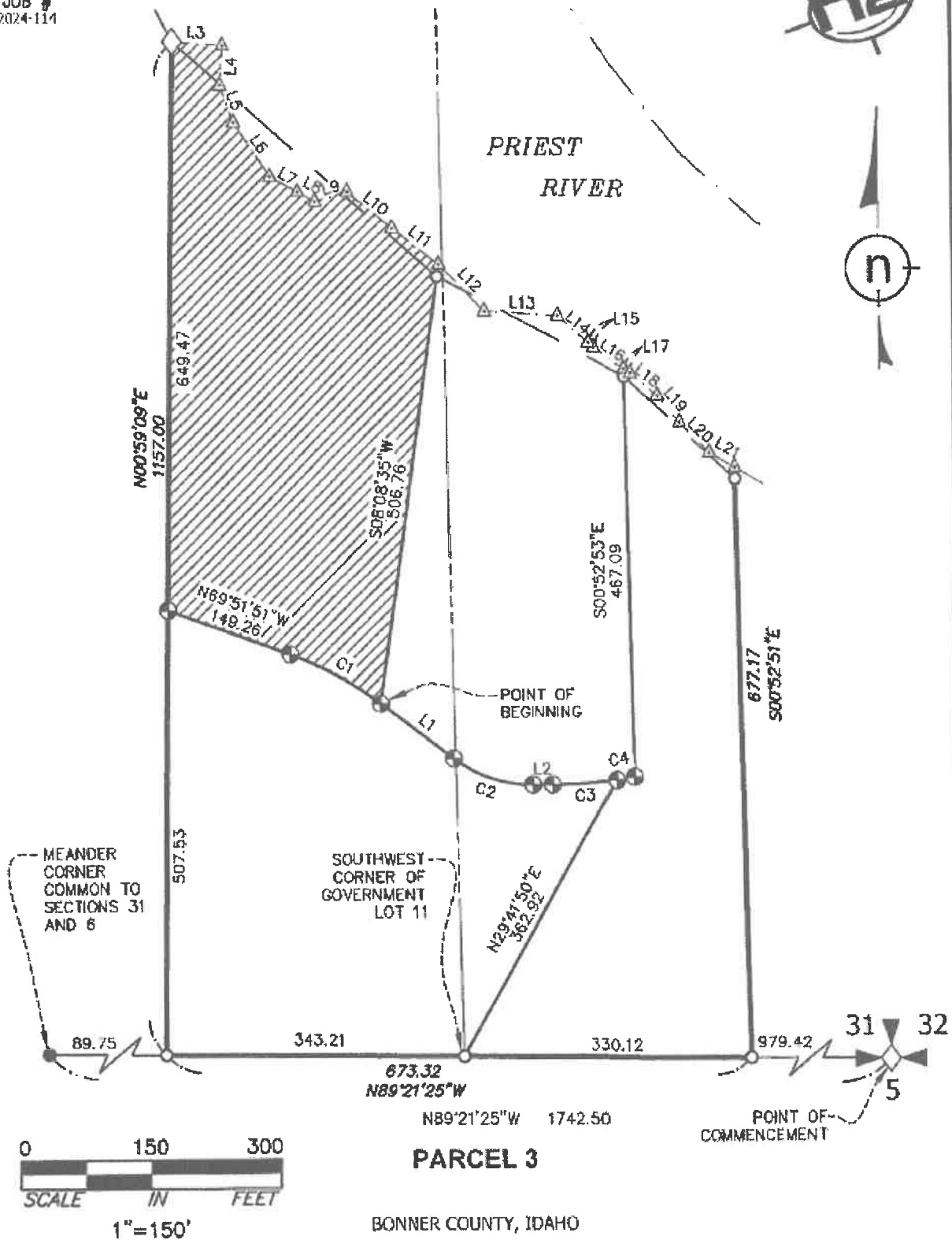
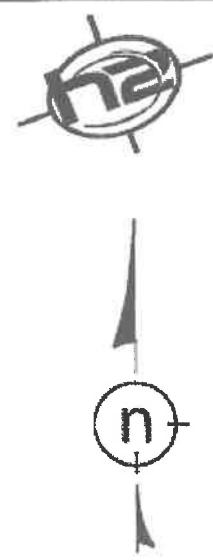
Thence North 00°59'09" East leaving along the east line of said Lot 1, a distance of 649.47 feet to the northeast corner of said Lot 1, and the ordinary highwater line of Priest River;

Thence along the ordinary highwater line of Priest River, the following nine courses:

South 85°39'24" East, 57.98 feet;

South 04°20'36" West, 45.67 feet;

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JOB #
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LINE TABLE

LINE	BEARING	DISTANCE
L1	S 52°49'44" E	104.02
L2	S 89°59'08" W	23.04
L3	S 85°39'24" E	57.98
L4	S 04°20'36" W	45.67
L5	S 20°19'00" E	44.78
L6	S 33°38'07" E	74.35
L7	S 60°44'31" E	36.64
L8	S 60°44'31" E	23.11
L9	N 73°14'45" E	38.98
L10	S 50°27'24" E	65.88
L11	S 51°40'44" E	68.04
L12	S 44°04'26" E	74.82
L13	S 86°01'12" E	84.68
L14	S 48°15'33" E	46.30
L15	S 48°15'33" E	8.18
L16	S 56°04'31" E	41.41
L17	S 56°04'31" E	8.91
L18	S 50°23'53" E	40.08
L19	S 39°08'47" E	39.46
L20	S 44°59'33" E	48.86
L21	S 60°04'24" E	33.46

CURVE TABLE

CURVE	ARC DISTANCE	RADIUS	CENTRAL ANGLE	CHORD BEARING	CHORD DISTANCE
C1	118.93	400.00	17°02'07"	N 61°20'48" W	118.49
C2	97.35	150.00	37°11'07"	N 71°25'18" W	95.65
C3	73.81	500.00	08°27'30"	S 85°45'23" W	73.75
C4	20.65	500.00	02°21'57"	N 80°20'39" E	20.64

PARCEL 3

BONNER COUNTY, IDAHO

Parcel 4
Legal Description

A parcel of land located in Government Lots 9 and 11 of Section 31, Township 57 North, Range 4 West, Boise Meridian, Bonner County, Idaho, more particularly described as follows:

Commencing at the southeast corner of Government Lot 11 of Section 31, Township 57 North, Range 4 West, Boise Meridian, from which the meander corner common to Section 31, Township 57 North, Range 4 West and Section 6, Township 56 North, Range 4 bears North 89°21'25" West, a distance of 1742.50 feet;

Thence North 89°21'25" West along the south line of said Section 31, a distance of 1309.54 feet to the Point of Beginning;

Thence North 89°21'25" West continuing along said south line of said Section 31, a distance of 343.21 feet;

Thence North 00°59'09" East leaving said south line of Section 31, a distance of 507.53 feet to the centerline of Robinson Drive;

Thence South 69°51'51" East along said centerline of Robinson Drive, a distance of 149.26 feet to the beginning of a tangent curve to the right having a chord bearing of South 61°20'48" East, a chord distance of 118.49 feet;

Thence continuing along said centerline of Robinson Drive and said tangent curve to the right with a radius of 400.00 feet, through a central angle of 17°02'07", an arc distance of 118.93 feet;

Thence South 52°49'44" East continuing along said centerline of Robinson Drive, a distance of 104.02 feet to the beginning of a tangent curve to the left having a chord bearing of South 71°25'18" East, a chord distance of 95.65 feet;

Thence continuing along said centerline of Robinson Drive, and said tangent curve to the left with a radius of 150.00 feet, through a central angle of 37°11'07", an arc distance of 97.35 feet;

Thence North 89°59'08" East continuing along said centerline of Robinson Drive, a distance of 23.04 feet to the beginning of a tangent curve to the left having a chord bearing of North 85°45'23" East, a chord distance of 73.75 feet;

Thence continuing along said centerline of Robinson Drive and said tangent curve to the left with a radius of 500.00 feet, through a central angle of 08°27'30", an arc distance of 73.81 feet;

Thence South 29°41'50" West leaving said centerline of Robinson Drive, a distance of 362.92 feet to the south line of said Section 31, and the Point of Beginning;

Containing 176,348 square feet or 4.048 acres, more or less.

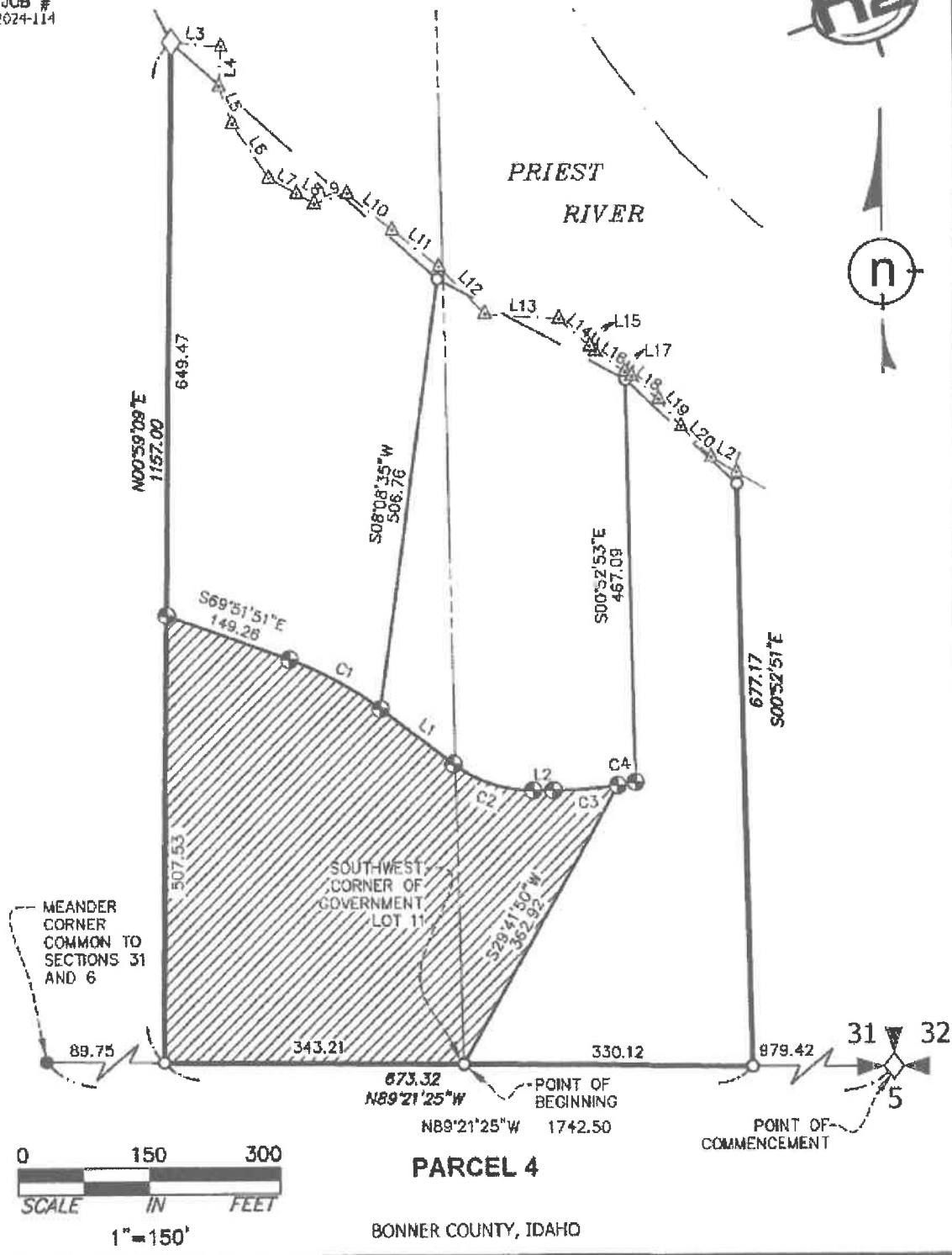
SUBJECT TO:

Existing rights-of-way and easements of record and or appearing on said above described parcel.

END OF DESCRIPTION

Prepared by this office:
h2 Surveying, LLC

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L14	S 48°15'33" E	46.30
L15	S 48°15'33" E	8.18
L16	S 56°04'31" E	41.41
L17	S 56°04'31" E	8.91
L18	S 50°23'53" E	40.08
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L20	S 44°59'33" E	48.86
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CURVE TABLE

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C3	73.81	500.00	08°27'30"	N 85°45'23" E	73.75
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PARCEL 4

BONNER COUNTY, IDAHO