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Sun Valley Title

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

Byington Acres Subdivision

This Declaration, is made by the original property owners Vernile Byington and Mary Byington in the following part of this writing referred to as "Declarants".

The Declarants are the owners of property in Blaine County known as and referred to in further writing as Byington Acres Subdivision.

It is the Declarants' intention, in agreement with all ordinances and regulations of Blaine County and any other government agency that also has jurisdiction in this area, to subdivide and develop the above mentioned property into 4-20 acres lots, and 1-26 acre lot.

DEFINITIONS

"Declarants" means and refers to Vernile Byington and Mary Byington.

"Owner" means and refers to the recorded owner (or owners) that hold title to any lot within the project.

"Lot" means and refers to Lots # 1-2-3-4- and 5, as depicted on the Preliminary Plat West of Pumpkin Center Road.

MEMBERSHIP IN OWNERS ASSOCIATION

MEMBERSHIP

Every owner is entitled and required to be a member of the Byington Acres Association. If title to a Lot is held by more than one person, the "membership" related to that Lot will be shared by all persons in the same proportionate interests in which the title is held. A member is entitled to one membership for each Lot he owns.

RULES AND REGULATIONS

The Association can make reasonable rules and regulations governing the use, operation and improvements of the Water System and Byington Lane.

407004

CC & R's

BLAINE CO. REQUEST

OF *V. Byington*

'97 OCT 15 PM 2 54

MARY GREEN, CLERK

FEES \$ 9⁰⁰

ympp

IRRIGATION WATER MANAGEMENT SYSTEM



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WATER SYSTEM

The Declarants, prior to the sale of any lots, will construct to the boundry of each Lot, a water system capable of delivering Ground Water Right. They are considered part of these lots at the time of sale. Lot Owners reserve the right to file for a New Point of Diversion for water share and water transfer.

MAINTENCE OF WATER SYSTEM

The Owners Association, whose membership is comprised of all Lot Owners, is responsible for the management of the Water System. These responsibilities include the following:

- 1) Maintain the Water System in good and clean condition;
- 2) To officially regulate and maintain the Water System in a manner that will provide reliable water service to all users
- 3) To charge fees to equally divide the costs of all maintenance, repair, ownership and improvements of the Water System.
- 4) To pay any property taxes, assessments and charges when due to prevent a lien.

PRIVATE ROADS

OPERATION AND MAINTENCE OF BYINGTON LANE

The Association will have the duties of owning, maintaing and operating as follows;

- 1) To maintain Byington Lane in good condition and keep the road surface in good repair and operating condition;
- 2) To officially operate, regulate, and maintain Byington Lane and provide reliable access to all lots, which include snow removal;
- 3) To charge fees to equally divide the costs of operation maintenances, repair, and ownership of Byington Lane.
- 4) To pay any property taxes, assesments and charge when due to Prevent a lien.



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In witness whereof, the Declarants executed this Declaration
of Covenants, Conditions and Restrictions for Byington Acres
Subdivision on this 15 day of October, 1997.

DECLARANTS:

Vernile J. Byington
Vernile J. Byington

Mary E. Byington
Mary E. Byington

STATE OF IDAHO)

ss.

County of Blaine)

On this 15 day of OCT, 1997, before me, the
undersigned, a notary public in and for said State, personally
appeared Vernile J. and Mary E. Byington, known to me to be the
persons whose names are subscribed to this instrument, and
acknowledged to me that they executed the same.

In witness whereof, I have hereunto set my hand and seal the
day and year written in this certificate above.



Dwayne M. Freeman
Notary Public for Idaho
Residing at: FAIRFIELD ID
Comm. Exp. 11-18-2000



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Sun Valley Title

Declaration of Covenants Conditions and Restrictions

Instrument # 443909

REVISION # 407004

BLAINE, IDAHO

10-06 11:00:00 No. of Pages: 3

Byington Acres Subdivision

Filed for: VERNILE BYINGTON

SHA RIEMANN Fee: 9.00

Deputy Recorder

AMENDED COVENANTS & RESTRICTIONS

This Declaration, is made by the original property owners Vernile Byington and Mary Byington in the following part of this writing referred to as "Declarants".

The Delarants are the owners of property in Blaine County known as and referred to in further writing as Byington Acres Subdivision.

It is the Declarants' intention, in agreement with all ordinances and regulations of Blaine County and any other government agency that also has jurisdiction in this area, to subdivide and develop the above mentioned property into 4-20 acres lots, and 1-26 acres lot.

Definitions

"Declarants" means and refers to Vernile Byington and Mary Byington.

"Owner" means and refers to the recorded owner (or owners) that hold title to any lot within the project.

"Lot" means and refers to Lots # 1-2-3-4- and 5, as depicted on the preliminary plat west of Pumpkin Center Road.

Membership in Owners Assoication

Member

Every owners is entitled and required to be a member of the Byington Acres Association. If title to a Lot is held by more than one person, the "membership" related to that Lot will be shared by all persons in the same proportionate interests in which the title is held. A Member is entitled to one membership for each Lot he owns.



Rules and Regulations

The Association can make reasonable rules and regulations governing the use, operation and improvements of Byington Lane.

Private Roads

Operation and Maintenance of Byington Lane

The Association will have the duties of owning, Maintaining and operating as follows:

- 1) To Maintain Byington Lane in good condition and keep the road surface in good repair and operation condition:
- 2) To officially operate, regulated, and Maintain Byington Lane and provide reliable access to all lots, which includes snow.
- 3) To charge fees to equally divide the cost of operation maintenances, repairs, and ownership of Byington Lane.
- 4) To pay any property taxes, Assessments and change when due to prevent a lien.

In Witness where of, the Declarants excuted this Declaration of Conveants, Conditions and Restrictions for Byington Acres Subdivision on this 6 day of October, 2000.

Declarants:

Vernile J Byington
Vernile J Byington

Mary E Byington
Mary E Byington



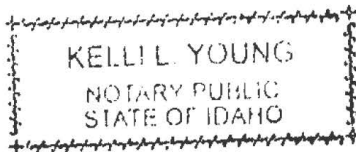
State of Idaho)

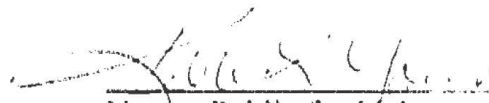
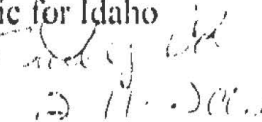
ss.

(County of Blaine)

On this _____ day of October 2000, before me, the appeared
Vernile J. Mary E byington, known to me to be the persons whose
name are subscribed to this instrument, and acknowledge to me that
they executed the same.

In witness whereof, I have hereunto set my hand and seal the day
and year written in this certificate above.




Notary Public for Idaho
Residing at: 
2011-2000



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provided courtesy of
Sun Valley Title

Plat Showing BYINGTON ACRES SUBDIVISION

Located in Sections 10 & 11, T.1S., R.19E.,
Blaine County, Idaho
September 1997

Scale in Feet
300 150 0 300 600



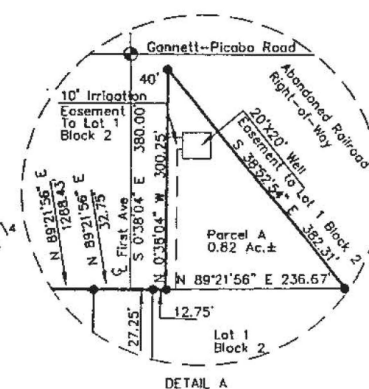
NOTES

- All new utilities shall be underground.
- A 10' public utility easement is centered on all interior and adjacent to all exterior lot lines except as otherwise indicated on the northern boundary of lots 3-5.
- Individual lot owners are responsible for control of noxious weeds as per state regulations. Mowing and manual removal are recommended.
- The purchaser or owner of each lot or parcel understands and agrees that private road construction, maintenance, and snow removal shall be the obligation of the owner, his successors in interest, or homeowners association, and that Blaine County is in no way obligated to accept, maintain or improve these roads until the roads are brought up to county standards, dedicated, and accepted by the county, and that each owner shall notify in writing any successor in interest of these facts.
- The Blaine County Fire Protection Ordinance (No. 93-5) limits "Group R-3" structures, i.e. habitable building, to a total floor area of 1200 square feet. Unless auxiliary water supplies are added by individual owners or become available in the Carey Rural Fire District or Ordinance No. 93-5 is amended, this limitation and all other fire protection requirements of the Carey Rural Fire District, the Uniform Fire Code and the Blaine County Fire Protection Ordinance including but not limited to water supply, access and clear zones shall be complied with prior to the issuance of any building permits within this subdivision.
- All construction except for minor and incidental agricultural buildings shall take place within the designated building envelope.
- State law (42-111) limits domestic irrigation to one-half acre of land. If the total domestic use is not in excess of 13,000 gallons per day. All new domestic wells in this subdivision shall be metered.
- A minimum of fifty percent (50%) of the fencing on each lot shall meet the standards of the Idaho Fish and Game to allow for unrestricted movement of wildlife. Post and pole design is recommended. Maximum top rail height shall be 42 inches and minimum bottom-rail height shall be 16 inches.
- The agricultural ground water west of Punkin Center Road, (i.e. Permit A37-02624 for 2.22 cubic feet per second) shall be apportioned equally between each of the five lots in block 1.
- This property includes and is adjacent to active agricultural uses. Residents and purchasers should be aware that agricultural practices, livestock, grazing and operations, occurring day and night, are allowed and may result in dust, odors and application of agricultural chemicals, spraying, ground preparation, harvesting, etc. In addition, the roads accessing this property are used by agricultural vehicles. Such practices and uses are normal functions on agricultural lands and are not considered nuisances.
- Blaine County School District bus routes may not include Byington Lane. School children may need to be transported to the nearest school bus stop on Punkin Center Road.
- The area south of the line designating "hydric" soils may include wetlands. No disturbances to the natural drainage channels or topography of these areas may take place without a site specific wetlands determination. If wetlands do exist, federal, state or county permits will be required.
- The lot owners, and subsequent purchasers as appropriate, agree to participate proportionately with other property owners in future local improvement districts that may be formed to upgrade off-site public facilities such as Picabo-Gannett Road.
- The well and irrigation easements granted on Parcel A are for the benefit of Lot 1, Block 2. On the date of the first deed transfer on Lot 1 Block 2 from Vernie and Mary Byington, these easements shall terminate and the irrigation well shall be properly abandoned and removed by the holder of that water right.
- All lots in Block 1 shall use Byington Lane for access.
- The location of all septic tanks, drainfields and wells shall be approved by the South Central Health District.
- Variance granted for residence on Lot 1, Block 2.

THIS MAP IS A PHOTOGRAPHIC REPRODUCTION OF THAT ON FILE IN EITHER THE RECORDER'S OR SURVEYOR'S OFFICE. THE COMPANY ASSUMES NO LIABILITY FOR MISTAKES, IF ANY, WITH ANOTHER OR RE-SURVEY

LEGEND

- property boundary
- found brass cap
- set aluminum cap
- found 5/8" iron pin
- set 5/8" iron pin
- found 1/2" iron pin
- set 1/2" iron pin
- record data
- designates the approximate north limits of hydric soils per Soil Survey of Blaine County Area, Idaho



HEALTH CERTIFICATE

Sanitary restrictions as required by Idaho Code Title 50, Chapter 13, have been satisfied. Sanitary restrictions may be reimposed, in accordance with Idaho Code Title 50, Chapter 13, Section 50-1326, by the issuance of a certificate of disapproval.

Date: 9-5-97

Robert W. Eichen
South Central District Health Dept., EHS



SAWTOOTH ENGINEERING
Civil Engineers and Land Surveyors

Hailey

(208) 788-9060

Idaho

SHEETS 1 OF 2

F:\PROJECTS\95011\195011-1P

9/1/97

CERTIFICATE OF OWNERSHIP

This is to certify that VERNILE J. BYINGTON and MARY BYINGTON are the owners of the real property described as follows:

A parcel of land located in Sections 10 and 11, T. 1 S., R. 19 E., B.M., Blaine County, Idaho, more particularly described as follows:
Beginning at the northeast corner of the SE1/4 of said Section 10, said point also being the REAL POINT OF BEGINNING;
thence S 0°38'29" E 1330.95 feet to the southeast corner of the NE1/4 SE1/4 of said Section 10;
thence S 89°33'49" W 1323.90 feet to the southwest corner of said NE1/4 SE1/4 Section 10;
thence N 0°31'16" W 1329.62 feet to the northwest corner of said NE1/4 SE1/4 Section 10;
thence N 0°28'05" W 2281.28 feet to the southwest corner of the GANNETT TOWNSITE;
thence N 89°21'05" E 1361.18 feet to the southeast corner of said GANNETT TOWNSITE;
thence along the east boundary of said GANNETT TOWNSITE N 0°38'04" W 300.25 feet to a point on the westerly right of way boundary of the abandoned OREGON SHORTLINE RAILROAD;
thence S 38°52'54" E 1600.71 feet along said westerly right of way boundary of OREGON SHORTLINE RAILROAD to the southerly boundary of the NW 1/4 NW 1/4 said section 11;
thence S 89°34'24" W 1035.37 feet to the east boundary of said Section 10;
thence S 0°32'00" E 1331.37 feet to the REAL POINT OF BEGINNING, containing 124.77 acres, more or less.
Punkin Center Road as shown on this plot is hereby dedicated to the public, and the easements indicated hereon are not dedicated to the public, but the right to use said easements is hereby reserved for public utilities or as designated hereon and no permanent structures are to be erected within the line of said easements.

IN WITNESS WHEREOF, we hereunto set our hands this 11 day of SEPT, 1997.

Vernile J. Byington
VERNILE J. BYINGTON

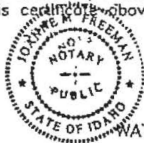
Mary E. Byington
MARY BYINGTON

ACKNOWLEDGEMENT

STATE OF IDAHO } ss
COUNTY OF BLAINE }

On this 4 day of SEPT, 1997, before me, a Notary Public in and for said state personally appeared the above named person(s) 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 above written.



James M. Sorenson
Notary Public in and for the State of Idaho

WATER DELIVERY CERTIFICATE

Pursuant to Idaho code 31-3805. We, Vernile and Mary Byington, as owners, do hereby state that the irrigation water appurtenant and assessment obligation of the land in this plot have been transferred from said lands and that an irrigation water delivery system is provided

Vernile J. Byington
VERNILE J. BYINGTON

Mary E. Byington
MARY BYINGTON

IRRIGATION WATER CERTIFICATE

Pursuant to Idaho code 31-3805. We, Vernile and Mary Byington, as owners, do hereby state that the irrigation water appurtenant and assessment obligation of the land in this subdivision have been transferred from said lands by the owners. Lots within the subdivision will be entitled to water rights from existing wells.

Vernile J. Byington
VERNILE J. BYINGTON

Mary E. Byington
MARY BYINGTON

SURVEYOR'S CERTIFICATE

I, BRUCE T. BUTLER, a registered land surveyor in the State of Idaho do hereby certify that this plat is a true and accurate map of the land surveyed under my direct supervision and that it is in accordance with the Idaho State Code relating to Plats and Surveys.

Bruce T. Butler
Date 09-13-97

COUNTY ENGINEER'S APPROVAL

I, Jim W. Koonce, County Engineer for Blaine County, Idaho, have checked the foregoing plat and computations for making the same and have determined that they comply with the laws of the State of Idaho relating thereto.

Jim W. Koonce
County Engineer
Date 9/15/97

APPROVAL OF COUNTY PLANNING AND ZONING COMMISSION

The foregoing plat was approved by the Blaine County Planning and Zoning Commission on this 1st day of October, 1997.

Paula Stearns

APPROVAL OF COUNTY COMMISSIONERS

The foregoing plat was approved by the county board of commissioners on this 3rd day of October, 1997.

Lenard Harshig
Chairman

COUNTY TREASURER'S APPROVAL

The taxes on the foregoing parcel of land have been paid to this date and this plat is hereby approved this 15 day of October, 1997.

Wickie L. Dick
Blaine County Treasurer

COUNTY RECORDER'S CERTIFICATE

STATE OF IDAHO } ss 407003
COUNTY OF BLAINE }

This is to certify that the foregoing plat was filed in the office of the Recorder of Blaine County, Idaho on this 15 day of Oct, 1997 at 2:51 P.M., and duly recorded in Plat Book _____, at page _____.

Mary Green by D.J. Sorenson
Ex-officio Recorder