

Irrigation system Portion of original covenant

Protective Covenants Covering COLUMBIA VIEW TERRACE, DOUGLAS COUNTY

Auditors's File No. 123559

IRRIGATION WATER SYSTEM

There is now installed an in operation condition, and underground irrigation system, consisting of steel pipeling running from Wenatchee Reclamation District canal to the said plat distrubtion lines to all parts of said plat, said irrigation system being owned by grantors.

EASEMENTS

Said irrigation system is hereby declared to be dominant to all lots of said plat, and adjacent owners shall have right to install and maintain the necessary pipelines over any lot, provided that said necessary pipeline does not inerfere with any existing pipeline, fence or structure, and provided further, that any said adjacent owner asserting such right shall be responsible for the replacement and proper order of any sod,shrub,plant, tree or other item displaced in any manner in installing said pipeline. It's the intent herein to create an easement over each and every said lot in said plat, in favor of each and every owner, being mindful of all times of rights of owners of said lots over which said easements are being asserted.

VESTED INTEREST

The deed to each and every lot in said plat shall convey with the land a proportionate share of irrigation water in Wenatchee Reclamation District, said proportionate share to be based upon one full share of irrigation water per acre. There is hereby vested in each lot in said plat title to an undivided 1/72nd interest in said irrigation system as defined herein, and not including any lines, installed by any owners of said lots singularly. Said interest shall not be severable from said lots, but shall pass only by deed to said lot, and being so vested shall not be reserved, but shall pass without reference. Having a vested interest in said irriagation system, each lot shall be entitled to use of said system for delivery of water to said lot.

MAINTENANCE & OPERATION

Owners of said system shall associate themselves for the purpose of maintaining and operating said system, each 1/72nd interest being entitled to one vote and shall maintain said system in proper working order at all times. Said maintenance to include, but shall not be limited to all necessary repairs, replacements and costs of operation.

ENFORCEMENT

There is hereby imposed upon the land and every parcel and lot thereof which interest in said system is vested, a right of lien for the payment of the proportionate share of cost incurred in the operation and or maintenance of said system, provided that no lein shall exist unless the administration herein after provided for shall file a notice of claim of lien in the office of the Auditor of Douglas County in manner in which labor and material liens are filed, and provided further that no liens shall attach prior to date of filing of such notice.

PAYMENT

Each owner of said system shall pay his proportionate share of said operation and/or maintenance withing 10 days after same is incurred. Non-payment of any bill shall give the administration herein after provided for the right to discontinue service to any non-paying property holder.

ADMINISTRATION

Owners of said system in their association shall meet from time to time, shall by majority vote to select one or more persons to adminster said system and shall have the right to make bylaws not in conflict with the terms thereof.