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**ORDER GRANTING PETITION FOR ANNEXATION
TO NORTH KOOTENAI WATER DISTRICT**

Kootenai County, Idaho

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MAY 12 2009

LOVLYN ANNEXATION

TECHNICAL SUPPORT

THE BOARD OF DIRECTORS (the "Board") OF NORTH KOOTENAI WATER DISTRICT (the "District") makes the following findings relative to a Petition for Annexation presented to the Board:

(1) The District is a validly formed water district under and by virtues of the laws of the State of Idaho.

(2) The owner(s) of certain real property located in Kootenai County, Idaho, generally adjacent to the boundaries of the District, filed a Petition for Annexation with the District which complied with the requirements of Idaho Code §42-3218(a) (a copy of the Petition and attachments thereto are attached hereto as Exhibit "A" as though fully set forth herein).

(3) After a thorough examination and review by the Board and its consultants, it was established that the Petitions were executed by more than 60% of the property owners in the area covered by the annexation. (The area covered by the annexation is set forth in the map attached hereto and incorporated herein by this reference as Exhibit "B".)

(4) The Board set a public hearing on the Petition for Annexation.

(5) The public hearing was set for May 7, 2009, with notice of this hearing ("Notice") given by both publication and mailing. Notice was published in the *Coeur d'Alene Press* on April 23, 2009, and April 30, 2009. (A copy of the Notice and Affidavit of Publication are attached hereto and incorporated herein by this reference as Exhibit "C".) At this public hearing the Board and its consultants were prepared to respond to any questions or issues raised.

(6) The Board has assumed, pursuant to the provisions of Idaho Code Section 42-3218(b) that the failure of any other individuals to show cause in writing as to the annexation of the property described in Exhibit "B", is deemed as their assent.

(7) The Board, after consideration of the records and files herein and the public health and safety of the current and future residents and businesses in the District and the area proposed for annexation, find it in the best interests of the District its residents and those who are in the area to be annexed into the District, to annex the area covered by the Petition.

(8) Subject to the conditions placed on the annexation by the District, the real property described in the map attached hereto as Exhibit "B" and legally described in Exhibit

DANIEL J. ENGLISH 14P I 2210569000
KOOTENAI CO. RECORDER Page 1 of 14
BBB Date 05/08/2009 Time 15:44:54
REC-REQ OF NORTH KOOTENAI WATER DIS
RECORDING FEE: 42.00
2210569000 XK

"D" attached hereto is hereby incorporated into the District as of the date this Order is recorded with the County Recorder.

(9) The Secretary of the District is hereby directed to file this Order in the records of the District and transmit this Order and all the attachments thereto to the appropriate Kootenai County offices for filing pursuant to Idaho Code §42-3218(b).

(10) Petitioner(s) agree to pay for their share of a New Facility Plan or Facility Plan Amendment and Preliminary Engineering Report as required by the Idaho Department of Environmental Quality.

(11) Conditions: This annexation is conditioned upon completion of the following:

That the petitioners property owners will complete and pay for certain improvements to the specifications and requirements of the District (at their sole discretion) in order to provide service to the property included in this annexation.

Should it be later determined that one or more of the above conditions has not been satisfactorily achieved, the Board shall have the right to remove or deannex this property from the boundaries of the District.

This Order is adopted by a majority vote of the Board of Directors at a meeting on May 7, 2009.

NORTH KOOTENAI WATER DISTRICT

By: Thomas Cr
Chairman, Board of Directors

ATTEST:

Bainhurst
Secretary



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LIST OF EXHIBITS

- A. Petition requesting annexation
- B. Map of the area to be annexed
- C. Notice and Affidavit of Publication of Public Hearing
- D. Legal Description of real property annexed into District

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**NORTH KOOTENAI WATER DISTRICT
PETITION FOR ANNEXATION**

COMES NOW Petitioner, Timothy M. Lovlyn and petitions the Board of Directors of North Kootenai Water District ("District") as follows:

1. Petitioners are the owners of the real property situated within the County of Kootenai, State of Idaho, located at the physical address of:

3792 E. UPPER HAYDEN LAKE ROAD, HAYDEN LAKE, ID 83835
(Street Address)

2. Petitioners are desirous that the above-described property be included in, made a part of, and be served with water system improvements in North Kootenai Water District, Kootenai County, Idaho, in conjunction with the area-wide annexation of certain other real property collectively known as:

Lovlyn & Davis

3. Petitioners request that, in accordance with the provisions of Section 42-3218, Idaho Code, notice of the filing of this petition be given and published in the official newspaper of the District in Kootenai County, Idaho, said notice to give all persons interested an opportunity to appear and show cause in writing, if any they have, why this petition should not be granted at the hearing, time and place to be set by this Board; that further, assuming that no valid objections are made to the inclusion of the above-described property within the boundaries of the District, the Board enter its order that the above-described property be included within the boundaries of the District, and that such order be recorder and filed with Kootenai County, Idaho and filed with the State of Idaho Tax Commission.

4. In the event that less than sixty percent (60%) of the owners of the property in the area to be annexed authorize an area-wide annexation by petition, Petitioners pray for an election to determine if the property within the area shall be annexed into the District.

_____ If an election becomes necessary, the undersigned verifies that they are a registered voter living within the area proposed to be annexed by initialing this paragraph.

DATED: MARCH 26, 2009

Petitioner: Timothy M. Lovlyn
(Print Name)

Signature: 

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Petitioner: Timothy M. Lovlyn
(Print Name)

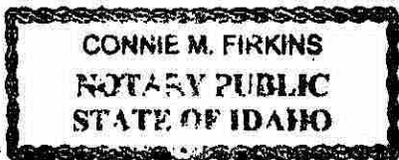
Signature: [Handwritten Signature]

Parcel Identification:

Parcel ID: 0-3465-002-017-B
Legal Description: HAYDEN HILLS LAKEVIEW EST, TAX#22213 IN LT 17 BLK 2 [20-51-3W]
Annexation Area: Lovlyn & Davis
Service Area: Hillside

STATE OF IDAHO)
COUNTY OF KOOTENAI) ss.

On this 27th day of March 2009 before me, the undersigned, a Notary Public in and for the State of Idaho, duly commissioned and sworn, personally appeared Timothy M. Lovlyn and _____ (*strike out if not needed*), known or identified to me to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledge to me that they executed the same.



[Handwritten Signature]
Notary Public Connie M. Firkins
(Print Name)

My appointment expires: 7-27-12

[Seal or Stamp]

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NORTH KOOTENAI WATER DISTRICT
PETITION FOR ANNEXATION

TECHNICAL SUPPORT

COMES NOW Petitioner, Timothy M. Lovlyn and petitions the Board of Directors of North Kootenai Water District ("District") as follows:

1. Petitioners are the owners of the real property situated within the County of Kootenai, State of Idaho, located at the physical address of:

3788 E Upper Hayden Lake Rd. (0-3465-002-017-A)
(Street Address)

2. Petitioners are desirous that the above-described property be included in, made a part of, and be served with water system improvements in North Kootenai Water District, Kootenai County, Idaho, in conjunction with the area-wide annexation of certain other real property collectively known as:

Lovlyn & Davis

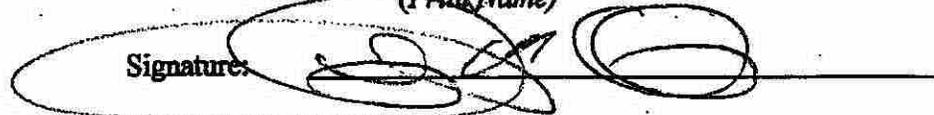
3. Petitioners request that, in accordance with the provisions of Section 42-3218, Idaho Code, notice of the filing of this petition be given and published in the official newspaper of the District in Kootenai County, Idaho, said notice to give all persons interested an opportunity to appear and show cause in writing, if any they have, why this petition should not be granted at the hearing, time and place to be set by this Board; that further, assuming that no valid objections are made to the inclusion of the above-described property within the boundaries of the District, the Board enter its order that the above-described property be included within the boundaries of the District, and that such order be recorder and filed with Kootenai County, Idaho and filed with the State of Idaho Tax Commission.

4. In the event that less than sixty percent (60%) of the owners of the property in the area to be annexed authorize an area-wide annexation by petition, Petitioners pray for an election to determine if the property within the area shall be annexed into the District.

TML If an election becomes necessary, the undersigned verifies that they are a registered voter living within the area proposed to be annexed by initialing this paragraph.

DATED: 5/9/09

Petitioner: Timothy M. Lovlyn
(Print Name)

Signature: 

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Petitioner: _____
(Print Name)

Signature: _____

STATE OF IDAHO)
)ss.
COUNTY OF KOOTENAI)

On this 9 day of April, 2009, before me, the undersigned, a Notary Public in and for the State of Idaho, duly commissioned and sworn, personally appeared Timothy A. Leeper and _____ (strike out if not needed), known or identified to me to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledge to me that they executed the same.

Deborah A. Wilson
Notary Public
Deborah A. Wilson
(Print Name)

My appointment expires: 03-13-15



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NOTICE OF PUBLIC HEARING
OF ANNEXATION OF PROPERTY
INTO NORTH KOOTENAI WATER DISTRICT

NORTH KOOTENAI WATER DISTRICT
Kootenai County, Idaho

Lovlyn Annexation

The Board of Directors (the "Board") of the North Kootenai Water District (the "District") will be holding a public hearing on the annexation of property into the District. The public hearing will be held as follows:

Day: Thursday

Date: May 7, 2009

Time: 12:30 p.m.

Location: 1841 W. Hayden Ave., Hayden, ID 83835

The annexation hearing is based upon petitions filed by signed by Timothy M Lovlyn, property owner, dated March 26, 2009 (Lovlyn Annexation). A copy of the Petitions and a description of the area covered by the Petition can be obtained from the District by sending a request to:

North Kootenai Water District
P.O. Box 2290
Hayden, ID 83835

All persons interested in appearing at the time and place of the hearing may show cause in writing why the Petition for Annexation should not be granted. The Board shall consider, at the hearing, any objection presented in writing. The failure of any person to show cause in writing shall be deemed as an assent to include their property within the boundaries of the District.

Anyone wishing to provide written comments, who is unable to attend the hearing, may provide them in advance of the hearing by sending them, first class mail, postage pre-paid, to:

North Kootenai Water District
Attn: Secretary
P.O. Box 2290
Hayden, ID 83835

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Failure to have your written comments to the Board in advance of the public hearing means they will not be considered by the Board at the public hearing.

DATED this 16th day of April, 2009.

NORTH KOOTENAI WATER DISTRICT,
Kootenai County, Idaho

By: 151 Baird
Its: Secretary

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AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Kootenai, } ss.

Kattie Hay

being first duly sworn upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The Legal Notice

of which the annexed is a printed copy, was published in the regular Thursday issue of said newspaper for one consecutive day commencing on the 23 day of April 2009, and ending on the 30 day of April 2009, and such publication was made as often during said period as said Daily newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice Kattie Hay on this 30 day of April in the year of 2009, before me, a Notary Public, personally appeared Kattie Hay, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Regina Mason

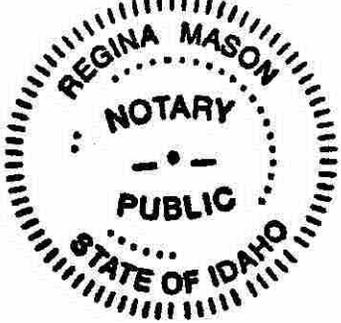
Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.

MY COMMISSION EXPIRES 6/18/09

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NOTICE OF PUBLIC HEARING
BY APPLICATION
FILED INTO NORTH
KOOTENAI WATER DISTRICT

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NORTH KOOTENAI WATER
DISTRICT
Kootenai County, Idaho
Irrigation Association

The Board of Directors (the Board) of the North Kootenai Water District (the District) will be holding a public hearing on the application for the District to issue bonds to be held in trust for the benefit of the District. The public hearing will be held on:

Date: Thursday
Time: May 7, 2009
Time: 12:30pm
Location: 1841 W. Hayden Ave., Hayden, ID 83435

The application hearing is based upon petitions filed by signed by Timothy M. Long property owner, dated March 23, 2009 (Long's Petition). A copy of the Petitions and a description of the area covered by the petition can be obtained from the District by sending a request to:

North Kootenai Water District
1841 W. Hayden Ave.
Hayden, ID 83435

All persons interested in appearing at the hearing and those of the hearing may show cause in writing why the hearing or application should not be granted. The Board shall consider all such hearing and other data presented in writing. The failure of any person to show cause in writing shall be deemed as an assent to proceed. Their assent will not constitute a waiver of the District's obligations.

Anyone wishing to provide written comments, who are unable to attend the hearing, may provide them in advance of the hearing by sending them first class mail postage pre-paid.

North Kootenai Water District
Attn: Secretary
1841 W. Hayden Ave.
Hayden, ID 83435

Failure to give your written comments to the Board in advance of the public hearing means they will not be considered by the Board at the public hearing.

DATED this 16th day of April, 2009.

NORTH KOOTENAI WATER
DISTRICT, Kootenai County, Idaho
Legal 677
April 23, 30, 2009

TAX # 22213
DOCUMENT TYPE
INSTRUMENT #
RECORDING DATE

PAGE 1 OF 1
UNRECORDED
NONE
01/23/09

78

Property Description - Lot 17B

A portion of Lot 17 Block 2, Hayden Hills Lakeview Estates, according to the Plat recorded in Book F, Page 287, records of Kootenai County, Idaho, in Section 20, Township 51 North Range 3 West, Boise Meridian, State of Idaho, more particularly described as follows:

Beginning at the Northernmost corner of Lot 17 Block 2 of the plat of Hayden Hills Lakeview Estates (F/287);

Thence South 00°39'15" East, a distance of 594.09 feet along the West line of Lot 17 Block 2 to the Northwest corner of Lot 16 Block 2 said plat;

Thence South 71°20'42" East, along the Northern boundary of Lots 16 and 15 Block 2 of said plat, 260.00 feet to the Northeasterly corner of Lot 15 Block 2;

Thence North 29°36'32" East, a distance of 290.61 feet;

Thence North 50°10'08" East, a distance of 69.64 feet to the Southernmost corner of Lot 80A, Block 1 as shown on the Plat of Hayden Lake Honeysuckle Hills Building Sites in Book C of Plats at Page 199, records of Kootenai County;

Thence North 47°54'22" West, a distance of 74.88 feet along the South boundary of said Lot 80A Block 1 of said Plat;

Thence North 73°25'00" West, a distance of 149.64 feet along the Southerly boundary of Lot 81A and 82A Block 1 of said Plat;

Thence North 41°02'00" West, a distance of 74.82 feet along the Southerly boundary of Lot 83A Block 1 of said Plat;

Thence North 15°52'00" West, a distance of 74.82 feet along the Southerly boundary of Lot 84A Block 1 of said Plat;

Thence North 43°03'09" West, a distance of 149.93 feet along the Southerly boundary of Lot 85A and 86A, Block 1 of said Plat;

Thence North 58°14'14" West, a distance of 93.24 feet along the Southerly boundary of Lot 87A and Lot 88A, Block 1 of said Plat to the Northernmost corner of Lot 17 Block 2, Plat of Hayden Hills Lakeview Estates (F/287) and the True Point of Beginning.

THIS TAX # REPLACES

DEPUTY INITIALS VMW DATE 01/28/09

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TECHNICAL SUPPORT

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TAX # 22212
DOCUMENT TYPE
INSTRUMENT #
RECORDING DATE

PAGE 1 OF 1

UNRECORDED
NONE
01/23/09

78

Property Description - Lot 17A

A portion of Lot 17 Block 2, Hayden Hills Lakeview Estates, according to the Plat recorded in Book F, Page 287, records of Kootenai County, Idaho, in Section 20, Township 51 North, Range 3 West, Boise Meridian, State of Idaho, more particularly described as follows:

Beginning at the Easternmost corner of Lot 17 Block 2, as shown on the Plat of Hayden Hills Lakeview Estates;

Thence along the Southwesterly right-of-way boundary of Upper Hayden Lake Road following a non-tangent circular curve to the right, said curve having a length of 96.14 feet, a radius of 180.00 feet, a central angle of 30°36'07", a chord bearing of North 30°56'36" West and a chord length of 95.00 feet (R1) to the Easternmost corner of adjusted Lot 79A, Block 1 of the Plat of Hayden Lake Honeysuckle Hills Building Sites (Book C of Plats at Page 199) as shown on the Amended Record of Survey in Book 16 of Surveys at Page 79 (R1);

Thence South 43°18'41" West, a distance of 137.2 feet;

Thence North 31°21'45" West, a distance of 148.91 feet;

Thence North 42°45'22" West, a distance of 131.09 feet;

Thence South 29°36'32" West, a distance of 290.61 feet to the Northwestern corner of Lot 14, Block 2 of the Plat of Hayden Hills Lakeview Estates (F/287);

Thence South 71°20'42" East, a distance of 280.00 feet, along the boundary of said Lot 14 and Lot 13 Block 2 of said plat to the Easternmost corner of Lot 13 Block 2;

Thence North 53°48'35" East, a distance of 111.49 feet (R1);

Thence North 53°50'18" East, a distance of 120.90 feet to the True Point of Beginning.

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TECHNICAL SUPPORT

THIS TAX # REPLACES TX#16505

DEPUTY INITIALS VMW DATE 01/28/09