

ORDER GRANTING PETITION FOR ANNEXATION  
TO NORTH KOOTENAI WATER DISTRICT  
Kootenai County, Idaho

103

CHILCO ANNEXATION

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 owners 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 the property owner(s) 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 August 18, 2011, with notice of this hearing ("Notice") given by both publication and mailing. Notice was published in the *Coeur d'Alene Press* on August 6, 2011, and August 13, 2011. (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

RECEIVED

SEP 06 2011

-1-

TECHNICAL SUPPORT

CLIFFORD T. HAYES 12P I 2325926000  
KOOTENAI CO. RECORDER Page 1 of 12  
AAA Date 09/01/2011 Time 10:29:01  
REC-REQ OF NORTH KOOTENAI WATER DIS  
RECORDING FEE: 0.00  
2325926000 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 August 18, 2011.

NORTH KOOTENAI WATER DISTRICT

By: Thomas Cr  
Chairman, Board of Directors

ATTEST:

Anna Crum  
Secretary

## 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

PETITION FOR ANNEXATION  
NORTH KOOTENAI WATER DISTRICT  
KOOTENAI COUNTY, IDAHO

COMES NOW Petitioner, Randall L. Smith 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, particularly described in Exhibit "A", attached hereto, and incorporated herein by reference.

2. Petitioners are desirous that the above-described property be included in, made or part of, and be served with water system improvements in North Kootenai Water District, Kootenai County, Idaho.

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.

That Petitioners are aware that, as a condition of annexation, the District may require that the land described in this petition be subjected to the following requirements:

(a) The Petitioners shall pay for the actual costs incurred by the District for District administration, engineering, legal, inspection, and preparation of any necessary documents that are required by the District for annexation of the property. Such District costs shall include, but are not limited to, preparation of conditions of annexation, any needed water system master planning, design consultations, plan reviews, and final approval of the Petitioner's construction plans and specifications for water facilities.

(b) The Petitioner shall be responsible for all water facilities that will be necessary to serve the Petitioner's annexed property. These water facilities will include those required within the annexed property as well as all necessary water facilities needed to extend water service from the District's existing facilities to those proposed to serve the annexed property. The District shall have the right to dictate where and how the Petitioner's water facilities that serve his annexed area may be connected to the District's water facilities. Upon completion of installation and approval by the District of all water facilities the Petitioner shall dedicate such facilities to the District.

Exhibit 'A'

(c) The District shall not be obligated to serve any property annexed within the District where the District has determined there is not sufficient water system capacity to adequately serve such property. There shall arise no right to service or obligation by the District for service upon annexation and as among other properties annexed to the District, and there shall be no priority for service until each water connection permit has been obtained. If construction is not completed within two (2) years from the date the water connection permit was issued, any priority for service shall become null and void. The District may extend the time for completion upon a request by the property owner and a showing of good cause why such extension should be granted.

(d) At the time each water connection permit is issued and prior to connection of the water system to each private facility, a service availability fee of no less than Fifteen and 75/100 Dollars (\$ 15.75) per lot or equivalent dwelling unit shall be paid each month to repay the District for the cost of developing the District's core water collector lines, and treatment facilities including the debt retirement of such facilities committed to prior to inclusion of the annexed property into the District. Such service availability fees may increase at such time as the District determines such fees are not adequate to reimburse the District for the cost incurred in developing the water system. The service availability fee shall be in addition to actual costs required for connecting to the actual main water line.

(e) The District shall form a local improvement district pursuant to title 50, chapter 17 of the Idaho Code for the purpose of financing the acquisition, construction and installation of improvements to water system of the District to serve the real property described in Exhibit "A."  
"D"

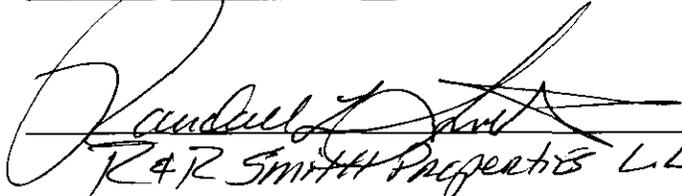
(f) And such other conditions as the District may prescribe.

WHEREFORE, Petitioners pray that this petition be set for hearing at the earliest practicable time, and that the Board grant the petition including the conditions as set forth in Paragraph 3 above.

DATED: 6-9-11

Petitioner: Randall L. Smith

Address: 22306 N. HWY 95 Athol ID 83801

Signature:   
R&R Smith Properties L.L.C.

Petitioner: \_\_\_\_\_

Address: \_\_\_\_\_

Signature: \_\_\_\_\_

Petitioner: \_\_\_\_\_

Address: \_\_\_\_\_

Signature: \_\_\_\_\_

Petitioner: \_\_\_\_\_

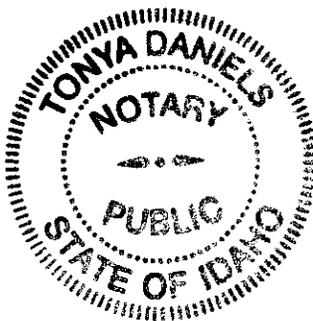
Address: \_\_\_\_\_

Signature: \_\_\_\_\_

STATE OF IDAHO            )  
  ) ss.  
County of Kootenai        )

On this 9 day of JUNE, 2011, before me, a Notary Public in and for the State of Idaho, personally appeared Randall L. Smith, known to be the person or persons whose names are subscribed to the foregoing instrument, and acknowledged to be that they executed the same.

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



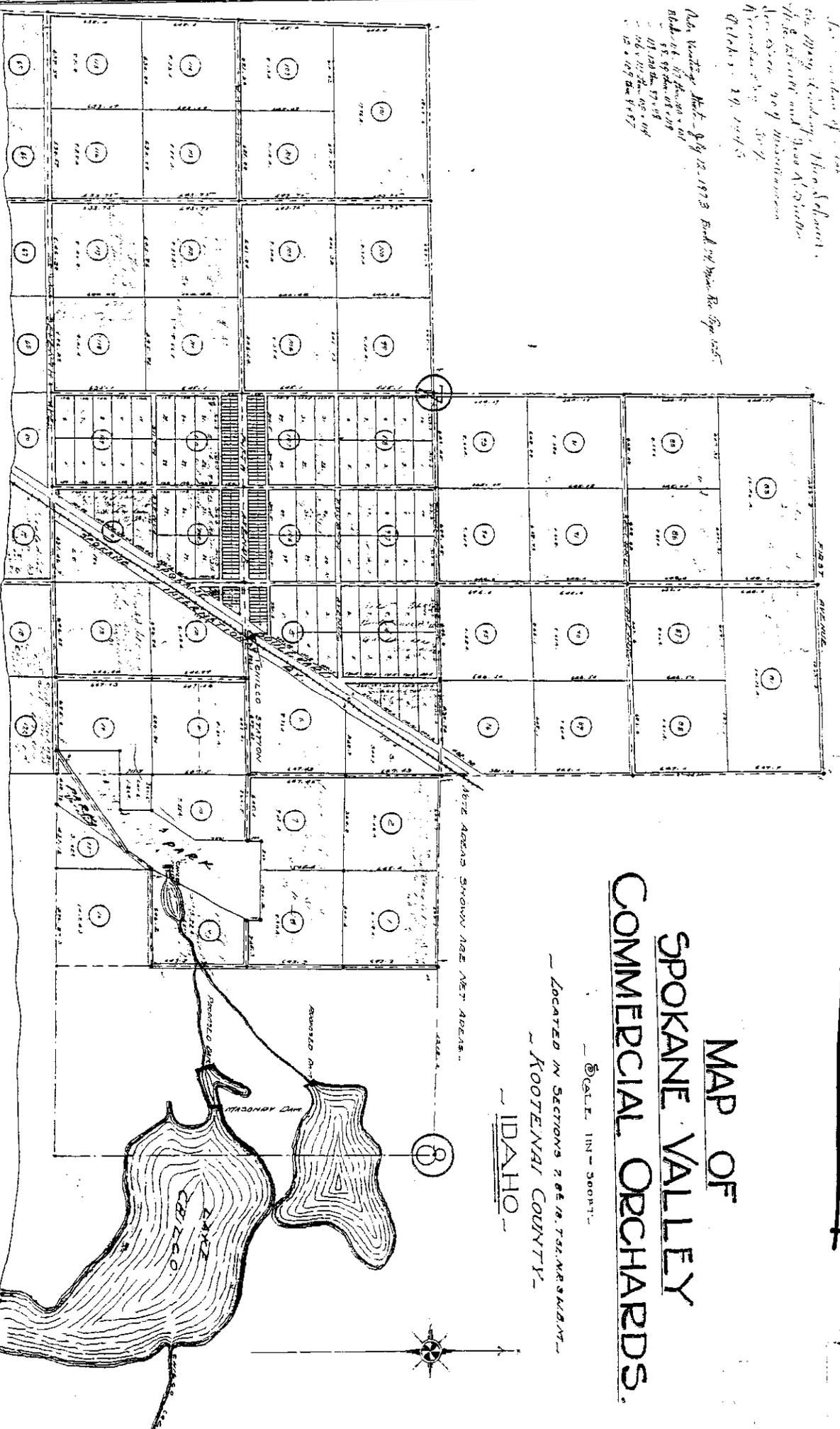
Tonya Daniels  
Notary Public for Idaho  
Print Name: Tonya Daniels  
My commission expires: 12-24-2015



Exhibit 'B' C-126

John W. ...  
 via Mary ...  
 of ...  
 ...  
 ...  
 ...

...  
 ...  
 ...  
 ...  
 ...  
 ...



MAP OF  
 SPOKANE VALLEY  
 COMMERCIAL ORCHARDS.

LOCATED IN SECTIONS 2 & 18, T41N, R54E, S1W,  
 KOOTENAI COUNTY,  
 IDAHO.

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NOTICE OF PUBLIC HEARING  
OF ANNEXATION OF PROPERTY INTO  
NORTH KOOTENAI WATER DISTRICT  
Kootenai County, Idaho

CHILCO 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: August 18, 2011

Time: 12:30 p.m.

Location: 1841 West Hayden Avenue, Hayden, Idaho

The annexation hearing is based upon petitions filed by the following parties for the properties identified in such petitions: Curt and Lana Carney (Parcel No. 52N03W-18-0100); Gary W. Creagle, Trustee (Parcel No. 0-7195-001-0; Parcel No. 0-7195-001-003-0; Parcel No. 0-7195-001-004-0); Ed D. Jameson, President of Jameson Mortgage Company (52N03W-07-9100); Pensco Trust Company, Custodian, FBO Ed. D. Jameson, IRA (52N03W-07-9200); Martin Unruh (Parcel No. 0-1300-000-003-0; 52N03W-07-9400); Randall L. Smith, on behalf of R&R Smith Properties L.L.C. (Parcel No. 0-7520-010-999-A); Randall L. Smith, on behalf of R&R Smith Family Trust (Parcel No. 0-7195-001-002-0); Judy and Walter Brooks (52N03W-18-3200); Tim Devine and Jon Cooke (52N03W-18-2800; 52N03W-18-2850); Idaho Forest Group, LLC (52N03W-07-6750; 52N03W-07-8600; 52N03W-07-7900; 52N03W-07-6500; 52N03W-07-5000; 52N03W-07-3600; 52N03W-07-7400). A copy of the petitions and additional description of the area covered by the petitions can be obtained from the District by sending a request to:

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

All persons interested in appearing at the time and place of the hearing may show cause in writing why any 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  
P.O. Box 2290  
Hayden, Idaho 83835

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 21<sup>st</sup> day of July, 2011.

NORTH KOOTENAI WATER DISTRICT,  
Kootenai County, Idaho

# AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }  
County of Kootenai, } ss.

Katrina George being first duly sworn upon oath deposes and says:

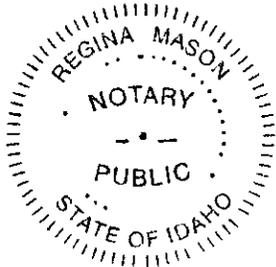
1 I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

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 Saturday issue of said newspaper for 2 consecutive weeks commencing on the 6 day of August, 20 11, and ending on the 13 day of August, 20 11, 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. Katrina George On this 13 day of August in the year of 2011, before me, a Notary Public, personally appeared Katrina George, 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 6/18/15

NOTICE OF PUBLIC HEARING  
OF ANNEXATION OF  
PROPERTY INTO  
NORTH KOOTENAI WATER  
DISTRICT  
Kootenai County, Idaho

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P.O. Box 2290  
Hayden, Idaho 83835

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DATED this 21st day of July, 2011.

NORTH KOOTENAI WATER  
Kootenai County,

EXHIBIT "D"

Legal Description of Annexed Property

RECORDING REQUESTED BY  
The Grupp Law Firm, PLLC

WHEN RECORDED MAIL TO  
The Grupp Law Firm, PLLC  
842 W. Kathleen Avenue  
Coeur d'Alene, ID 83815

DANIEL J. ENGLISH 2P I 2160663000  
KOOTENAI CO. RECORDER Page 1 of 2  
BSB Date 05/23/2008 Time 15:52:12  
REC-REQ OF GRUPP LAW FIRM  
RECORDING FEE: 6.00  
2160663000 DD 5

SPACE ABOVE FOR RECORDER'S USE

**Quitclaim Deed**

Randall L. Smith AND Renay D. Smith, husband and wife, grantors,

do hereby **RELEASE, REMISE, and QUITCLAIM** to

R & R Smith Properties, LLC, an Idaho Limited Liability Company, whose address is 22396 N.  
Hwy. 95, Athol, ID 83801, grantee,

**All their interest in that real property situated in the City of Athol, County of Kootenai,  
State of Idaho, described as follows:**

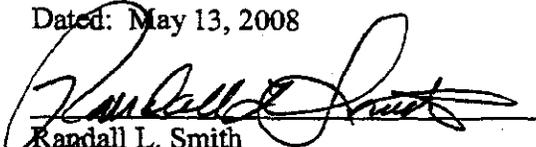
That part of the Southwest Quarter of the Southwest Quarter, formerly described as Block 10 and  
Lot A, Block 14 (also shown of record as Lot A, Block 15) Spokane Valley Commercial Orchard  
Tracts, now vacated within Section 8, Township 52 North, Range 3 W.B.M., Kootenai County,  
Idaho.

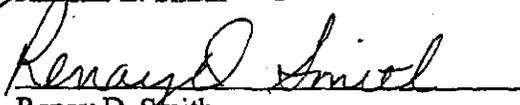
\*\*Grantee is aware that no mobile homes are allowed on this parcel, except double wide on  
foundation.

RESERVING THEREFROM an easement to install, use, and maintain a water line to obtain  
domestic water from spring located on said property, to be used by current owners, their heirs  
and assigns, of those parcels identified as #52N03W-07-7725, #52N03W-07-9100, and  
#52N03W-07-9200. Owners of those parcels, present and future, cannot grant, convey or extend  
their right to use the easement to this spring to any other party of parcel.

Subject to all covenants, conditions, restrictions, exceptions, reservations, easements, and other  
limitations of record.

Dated: May 13, 2008

  
Randall L. Smith

  
Renay D. Smith