

U.S. DEPARTMENT OF AGRICULTURE Forest Service SPECIAL USE PERMIT AUTHORITY FEDERAL LAND POLICY AND MNMT ACT OF OCTOBER 21, 1976	Holder No. 4212-02	Issue Date 01/ 13 /99	Term Date 12/31/14
	Type Site(s) 915	Authority 676	Auth. Type 20
	Region Forest 04/02	District 04	State County 16/085
	Cong. Dist. 01	Latitude	Longitude

FLUR
1-25-99

WARM LAKE RECREATIONAL WATER USERS of 5837 N. Oasis Drive
 DISTRICT c/o Fred Adolphsen (Holder Name) (Billing Address - 1)
 (Billing Address - 2) Boise (City) ID (State) 83714 (Zip Code)
 (hereinafter called the Holder) is hereby authorized to use or occupy National Forest System lands, to use subject to the
 conditions set out below, on the Boise National Forest (or) Cascade RD unit of
 the

National Forest System.

This permit covers 6.06 acres, and/or and is described as T15N,R7E, Sec 7, BM,
 Valley County
 as shown on the location map attached to and made a part of this permit, and is issued for the purpose of:

Maintain 2 wells, 12'x12' pumphouse, service road and 3000 gallon storage tank and pipe to connect the well(s) to the present
 distribution system in the Warm Lake area to service the 52 recreational residences and 2 lodges.

The above described or defined area shall be referred to herein as the "permit area".

TERMS AND CONDITIONS

1. AUTHORITY AND GENERAL TERMS OF THE PERMIT

1. Authority. This permit is issued pursuant to the authorities enumerated at Title 36, Code of Federal Regulations, Section 251 Subpart B, as amended. This permit, and the activities or use authorized, shall be subject to the terms and conditions of the Secretary's regulations and any subsequent amendment to them.
2. Authorized Officer. The authorized officer is the Forest Supervisor or a delegated subordinate officer.
3. License. This permit is a license for the use of federally owned land and does not grant any permanent, possessory interest in real property, nor shall this permit constitute a contract for purposes of the Contract Disputes Act of 1978 (41 U.S.C. 611). Loss of the privileges granted by this permit by revocation, termination, or suspension is not compensable to the holder.
4. Amendment. This permit may be amended in whole or in part by the Forest Service when, at the discretion of the authorized officer, such action is deemed necessary or desirable to incorporate new terms, conditions, and stipulations as may be required by law, regulation, land management plans, or other management decisions.
5. Existing Rights. This permit is subject to all valid rights and claims of third parties. The United States is not liable to the holder or the exercise of any such right or claim.

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F. Nonexclusive Use and Public Access. Unless expressly provided for in additional terms, use of the permit area is not exclusive. The Forest Service reserves the right to use or allow others to use any part of the permit area, including roads, for any purpose, provided, such use does not materially interfere with the holder's authorized use. A final determination of conflicting uses is reserved to the Forest Service.

G. Forest Service Right of Entry and Inspection. The Forest Service has the right of unrestricted access of the permitted area or facility to ensure compliance with laws, regulations, and ordinances and the terms and conditions of this permit.

H. Assignability. This permit is not assignable or transferable. If the holder through death, voluntary sale or transfer, enforcement of contract, foreclosure, or other valid legal proceeding ceases to be the owner of the improvements, this permit shall terminate.

I. Permit Limitations. Nothing in this permit allows or implies permission to build or maintain any structure or facility, or to conduct any activity unless specifically provided for in this permit. Any use not specifically identified in this permit must be approved by the authorized officer in the form of a new permit or permit amendment.

I. TENURE AND ISSUANCE OF A NEW PERMIT

A. Expiration at the End of the Authorized Period. This permit will expire at midnight on 12/31/2014. Expiration shall occur by operation of law and shall not require notice, any decision document, or any environmental analysis or other documentation.

B. Construction. Any construction authorized by this permit may commence by 11/98 and shall be completed by n/a. If construction is not completed within the prescribed time, this permit may be revoked or suspended.

C. Minimum Use or Occupancy of the Permit Area. Use or occupancy of the permit area shall be exercised at least 365 days each year, unless otherwise authorized in writing under additional terms of this permit.

D. Notification to Authorized Officer. If the holder desires issuance of a new permit after expiration, the holder shall notify the authorized officer in writing not less than six (6) months prior to the expiration date of this permit.

E. Conditions for Issuance of a New Permit. At the expiration or termination of an existing permit, a new permit may be issued to the holder of the previous permit or to a new holder subject to the following conditions:

1. The authorized use is compatible with the land use allocation in the Forest Land and Resource Management Plan.
2. The permit area is being used for the purposes previously authorized.
3. The permit area is being operated and maintained in accordance with the provisions of the permit.
4. The holder has shown previous good faith compliance with the terms and conditions of all prior or other existing permits, and has not engaged in any activity or transaction contrary to Federal contracts, permits, laws, or regulation.

F. Discretion of Forest Service. Notwithstanding any provisions of any prior or other permit, the authorized officer may prescribe new terms, conditions, and stipulations when a new permit is issued. The decision whether to issue a new permit to a holder or successor in interest is at the absolute discretion of the Forest Service.

III. RESPONSIBILITIES OF THE HOLDER

A. Compliance with Laws, Regulations, and other Legal Requirements. The holder shall comply with all applicable Federal, State, and local laws, regulations, and standards, including but not limited to, the Federal Water Pollution Control Act, 33 U.S.C. 1251 et seq., the Resource Conservation and Recovery Act, 42 U.S.C. 6901 et seq., the Comprehensive Environmental Response, Control, and Liability Act, 42 U.S.C. 9601 et seq., and other relevant environmental laws, as well as public health and safety laws and other laws relating to the siting, construction, operation, and maintenance of any facility, improvement, or equipment on the property.

B. Plans. Plans for development, layout, construction, reconstruction, or alteration of improvements on the permit area, as well as revisions of such plans, must be prepared by a qualified individual acceptable to the authorized officer and shall be approved in writing prior to commencement of work. The holder may be required to furnish as-built plans, maps, or surveys, or other similar information, upon completion of construction.

C. Maintenance. The holder shall maintain the improvements and permit area to standards of repair, orderliness, neatness, sanitation, and safety acceptable to the authorized officer and consistent with other provisions of this authorization. If requested, the holder shall comply with inspection requirements deemed appropriate by the authorized officer.

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D. Hazard Analysis. The holder has a continuing responsibility to identify all hazardous conditions on the permit area which would affect the improvements, resources, or pose a risk of injury to individuals. Any non-emergency actions to abate such hazards shall be performed after consultation with the authorized officer. In emergency situations, the holder shall notify the authorized officer of its actions as soon as possible, but not more than 48 hours, after such actions have been taken.

E. Change of Address. The holder shall immediately notify the authorized officer of a change in address.

F. Change in Ownership. This permit is not assignable and terminates upon change of ownership of the improvements or control of the business entity. The holder shall immediately notify the authorized officer when a change in ownership or control of business entity is pending. Notification by the present holder and potential owner shall be executed using Form FS-2700-3, Special Use Application and Report, or Form FS-2700-3a, Request for Termination of and Application for Special-Use Permit. Upon receipt of the proper documentation, the authorized officer may issue a permit to the party who acquires ownership of, or a controlling interest in, the improvements or business entity.

V. LIABILITY

For purposes of this section, "holder" includes the holder's heirs, assigns, agents, employees, and contractors.

A. The holder assumes all risk of loss to the authorized improvements.

B. The holder shall indemnify, defend, and hold the United States harmless for any violations incurred under any such laws and regulations or for judgments, claims, or demands assessed against the United States in connection with the holder's use or occupancy of the property. The holder's indemnification of the United States shall include any loss by personal injury, loss of life or damage to property in connection with the occupancy or use of the property during the term of this permit. Indemnification shall include, but is not limited to, the value of resources damaged or destroyed; the costs of restoration, cleanup, or other mitigation; fire suppression or other types of abatement costs; third party claims and judgments; and all administrative, interest, and other legal costs. This paragraph shall survive the termination or revocation of this authorization, regardless of cause.

C. The holder has an affirmative duty to protect from damage the land, property, and interests of the United States.

D. In the event of any breach of the conditions of this authorization by the holder, the Authorized Officer may, on reasonable notice, cure the breach for the account at the expense of the holder. If the Forest Service at any time pays any sum of money or does any act which will require payment of money, or incurs any expense, including reasonable attorney's fees, in instituting, prosecuting, and/or defending any action or proceeding to enforce the United States rights hereunder, the sum or sums so paid by the United States, with all interests, costs and damages shall, at the election of the Forest Service, be deemed to be additional fees hereunder and shall be due from the holder to the Forest Service on the first day of the month following such election.

E. With respect to roads, the holder shall be proportionally liable for damages to all roads and trails of the United States open to public use caused by the holder's use to the same extent as provided above, except that liability shall not include reasonable and ordinary wear and tear.

F. The Forest Service has no duty to inspect the permit area or to warn of hazards and, if the Forest Service does inspect the permit area, it shall incur no additional duty nor liability for identified or non-identified hazards. This covenant may be enforced by the United States in a court of competent jurisdiction.

VI. TERMINATION, REVOCATION, AND SUSPENSION

A. General. For purposes of this permit, "termination", "revocation", and "suspension" refer to the cessation of uses and privileges under the permit.

"Termination" refers to the cessation of the permit under its own terms without the necessity for any decision or action by the authorized officer. Termination occurs automatically when, by the terms of the permit, a fixed or agreed upon condition, event, or time occurs. For example, the permit terminates at expiration. Terminations are not appealable.

"Revocation" refers to an action by the authorized officer to end the permit because of noncompliance with any of the prescribed terms, or for reasons in the public interest. Revocations are appealable.

"Suspension" refers to a revocation which is temporary and the privileges may be restored upon the occurrence of prescribed actions or conditions. Suspensions are appealable.

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3. The holder shall pay annually in advance a sum determined by the Forest Service to be the fair market value of the use granted by this authorization. The initial payment is set at \$226.00 for the remainder of the calendar year. Subsequent payments shall be determined by the use of an annual fee schedule. The Forest Service may adjust the amount of payment annually by an appropriate indexing factor to reflect more nearly the fair market value of the use. At certain intervals the Forest Service shall review the fee and adjust the fee as necessary to assure that it is commensurate with the fair market value of the authorized rights and privileges, as determined by appraisal or other sound business management principles.

C. Payment Due Date. The payment due date shall be the close of business on **January 1** of each calendar year payment is due. Payments due the United States for this use shall be deposited at UNIT COLLECTION OFFICER, FOREST SERVICE INTERMOUNTAIN REGION, FILE 61657, P.O. BOX 60000, SAN FRANCISCO, CA 94160-1657 in the form of a check, draft, or money order payable to "Forest Service, USDA." Payments shall be credited on the date received by the designated Forest Service collection officer or deposit location. If the due date for the fee or fee calculation statement falls on a non workday, the charges shall not apply until the close of business on the next workday.

D. Late Payment Interest. Pursuant to 31 USC 3717, and regulations at 7 CFR Part 3, Subpart B, and 4 CFR Part 102, an interest charge shall be assessed on any payment or financial statement not received by the due date. Interest shall be assessed using the most current rate prescribed by the United States Department of Treasury's Financial Manual (TFM-6-8020). Interest shall accrue from the date the payment or financial statement was due. In the event that two or more billings are required for delinquent accounts, administrative costs to cover processing and handling of the delinquent debt will be assessed.

E. Additional Penalties. In the event of permit termination pursuant to provisions VI (A), and prior to the issuance of a new permit, a penalty of 6 percent per year shall be assessed on any fee amount overdue in excess of 90 days from the payment due date. This penalty shall accrue from the due date of the first billing or the date the fee calculation financial statement was due. The penalty is in addition to interest and any other charges specified in the above paragraph.

F. Disputed Fees. Disputed fees are due and payable by the due date. No appeal of fees will be considered by the Forest Service without full payment of the disputed amount. Adjustments, if necessary, will be made in accordance with settlement terms or appeal decision.

G. Delinquent Fees.

1. Delinquent fees and other charges shall be subject to all rights and remedies afforded the United States pursuant to Federal law and implementing regulations (31 U.S.C. 3711 et seq.).

2. The authorized officer shall require payment of fees owed the United States under any Forest Service authorization before issuance of a new permit.

VII. OTHER PROVISIONS

A. Members of Congress. No Member of or Delegate to Congress or Resident Commissioner shall benefit from this permit either directly or indirectly, except when the authorized use provides a general benefit to a corporation.

B. Appeals and Remedies. Any discretionary decisions or determinations by the authorized officer are subject to the appeal regulations at 36 CFR 251, Subpart C, or revisions thereto.

C. Superior Clauses. In the event of any conflict between any of the preceding printed clauses or any provision thereof and any of the following clauses or any provision thereof, the preceding printed clauses shall control.

(B-26) Health, Safety, and Environmental Protection.

Holder shall take all measures necessary to protect the health and safety of all persons affected by its activities performed in connection with the construction, operation, maintenance, or termination of the right-of-way, and shall promptly abate as completely as possible any physical or mechanical procedure, activity, event, or condition, existing or occurring at any time: (1) that is susceptible to abatement by the holder, (2) which arises out to, or could adversely affect the construction, operation, maintenance, or termination of all or any part of the water transmission line, and (3) that causes or threatens to cause: (a) a hazard to the safety of workers or to public health or safety, or (b) serious and irreparable harm or damage to the environment (including, but not limited to, areas of vegetation or timber, fish or other wildlife population or their habitats, or any other natural resource). Holder shall immediately notify the authorized officer of all serious accidents which occur in connection with such activities.

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D-4) Surveys, Land Corners.

The holder shall protect, in place, all public land survey monuments, private property corners, and Forest boundary markers. In the event that any such land markers or monuments are destroyed in the exercise of the privileges authorized by this permit, depending on the type of monument destroyed, the holder shall see that they are reestablished or referenced in accordance with (1) the procedures outlined in the "Manual of Instructions for the Survey of the Public Land of the United States," (2) the specifications of the county surveyor, or (3) the specifications of the Forest Service.

Further, the holder shall cause such official survey records as are affected to be amended as provided by law. Nothing in the clause shall relieve the holder's liability for the willful destruction or modification of any Government survey marker as provided at 18 U.S.C. 1858.

D-9) Revegetation, Surface Restoration of Ground Cover.

Holder shall be responsible for prevention and control of soil erosion and gullyng on lands covered by this permit and adjacent hereto, resulting from construction, operation, maintenance, and termination for the permitted use. Holder shall so construct permitted improvements to avoid the accumulation of excessive heads of water and to avoid encroachment on streams. Holder shall revegetate or otherwise stabilize all ground where the soil has been exposed and shall construct and maintain necessary preventive measures to supplement the vegetation.

X-18) Superseded Permit.

This permit supersedes a special use permit designated: Warm Lake Recreational Water District, 1-7-83

X-33) Improvement Relocation.

This permit is granted with the express understanding that should future location of United States Government-owned improvements or road rights-of-way require the relocation of the holder's improvements, such relocation will be done, and at the expense of, the holder within a reasonable time as specified by the authorized officer.

X-74) Water Rights.

This permit confers no right to the use of water by the holder.

E-12) Termination or Revision of Permit for Government Improvements

During the term of this permit, the Forest Service determines the public interest requires revision of the conditions of use or the termination of the use of Government-owned improvements, the use of which is authorized by this permit, said conditions of use may be revised or the use terminated or suspended at the discretion of the Regional Forester.

X-46) Corporation Status Notification

- 1. The holder shall notify the authorized officer within fifteen days of the following changes:
 - a. Names of officers appointed or terminated.
 - b. Names of stockholders who acquire stock shares causing their ownership to exceed 50 percent of shares issued or who otherwise acquire controlling interest in the corporation.
- 2. The holder shall furnish the authorized officer:
 - a. A copy of the articles of incorporation and bylaws.
 - b. An authenticated copy of a resolution of the board of directors specifically authorizing a certain individual or individuals to represent the holder in dealing with the Forest Service.
 - c. A list of officers and directors of the corporation and their addresses.
 - d. Upon request, a certified list of stockholders and amount of stock owned by each.
- 3. The authorized officer may, when necessary, require the holder to furnish additional information as set forth in 36 CFR 251.54 (e)(1)(iv).

R-4-A9) Administrative Offset and Credit Reporting

Pursuant to 31 U.S.C. 3716 and 7 CFR Part 3, Subpart B, and monies that are payable or may become payable from the United States under this special-use authorization to any person or legal entity not an agency or subdivision of a State or local government may be subject to administrative offset for the collection of a delinquent debt the person or legal entity owes to the United States. Information on the person's or legal entity's responsibility for a commercial debt or delinquent consumer debt owed to the United States may be disclosed to consumer or commercial credit reporting agencies.

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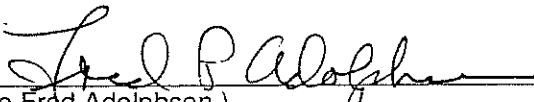
MAR 27 2006

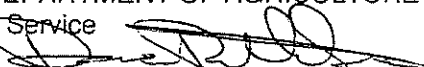
Public reporting burden for collection of information, if requested, is estimated to average 1 hour per response for annual financial information; average 1 hour per response to prepare or update operation and/or maintenance plan; average 1 hour per response for inspection reports; and an average of 1 hour for each request that may include such things as reports, logs, facility and user information, sublease information, and other similar miscellaneous information requests. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, AG Box 7630, Washington D.C. 20250; and to the Office of Management and Budget, Paperwork Reduction Project (OMB # 0596-0082), Washington, D.C. 20503.

This permit is accepted subject to the conditions set out above.

HOLDER NAME: Warm Lake Recreational Water Users
District

By:


(c/o Fred Adolphsen)

U.S. DEPARTMENT OF AGRICULTURE
Forest Service
By: 

(David D. Rittenhouse)

(Forest Supervisor)

Date:

1-4-99

Date:

7/13/97

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MAR 27 2006

MATTHEW MULLANEY, ESQ.
ATTORNEY AT LAW
The Hoff Building, Suite 308
802 West Bannock
Boise, ID 83702
(208) 344-2860

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

IN RE: ORGANIZATION OF WARM	)	
LAKE RECREATIONAL WATER	)	Case No. 2556
DISTRICT UNDER TITLE 42,	)	
CHAPTER 32, IDAHO CODE.	)	ORDER

Upon consideration of the Petition filed April 28, 1982 to organize the Warm Lake Recreational Water District, supporting documents and other matter contained within this case file, the proceedings in open court on June 4, 1982, and the certificate of election and official return filed by the designated election judges; it appearing to the Court that an election was conducted on July 10, 1982 in accordance with the Order of the Court entered on June 4, 1982; it appearing further that a majority of the qualified electors of the proposed district voting at the election have voted in favor of the organization of the district and for an initial board of directors;

IT IS HEREBY ORDERED, ADJUDGED AND DECLARED:

1. That the Warm Lake Recreational Water District, in Valley County, Idaho, be, and the same hereby is ordered and declared duly organized under the laws of the State of Idaho;
2. That the corporate name of said district is and it shall hereafter be known as the Warm Lake Recreational Water District.
3. That the Warm Lake Recreational Water District shall have and exercise, through its proper officers, all of the power and authority conferred upon water districts under and by virtue of Chapter 32, Title 42, Idaho Code, as amended, and all laws thereunto enabling, and all such power and authority as may hereafter be conferred by law;

MATTHEW MULLANEY, ESQUIRE
THE HOFF BUILDING / SUITE 308
802 WEST BANNOCK STREET
BOISE, IDAHO 83702
208-344-2860

4. That the following are pursuant to vote at the election of July 10, 1982, and by order of this Court, duly designated as the first board of directors of the Warm Lake Recreational Water District:

Mr. Leland Deal
Mr. Charles Gill
Mr. Ronald Harper
Mr. Donald McIntyre
Mr. Bill H. Shaw

5. That the district be, and the same hereby is declared created and established as a governmental subdivision of the State of Idaho and as a body corporate with all powers of a public or quasi-municipal corporation; that the board of directors named shall have and they are hereby vested with all powers, duties, and obligations of directors of the Warm Lake Recreational Water District, as conferred and provided by Chapter 32, Title 42, Idaho Code, and all amendatory laws thereof and supplemental thereto, and as may be law be hereafter provided;

6. That the property included within the Warm Lake Recreational Water District shall include Sections 12 and 13, T15N, R6E, and Section 7, T15N, R7E, B.M., all within Valley County, Idaho.

7. That the certification of election and official return of the election judges filed herein be, and the same hereby is in all respects approved and confirmed;

8. That the members of the board of directors of the district shall qualify for office as provided in Section 42-3208, Idaho Code, and shall thereafter proceed to organize and function as provided in Chapter 32, Title 42, Idaho Code.

9. That the Clerk of the Court is hereby ordered to return and exonerate the cash bond of \$100.00 filed by Petitioners in this matter, said bond to be returned to the Attorney for Petitioners upon the giving of proper receipt therefore.

DATED This 14th day of July, 1982.


District Judge

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MATTHEW MULLANEY, ESQUIRE
THE HOFF BUILDING / SUITE 308
802 WEST BANNOCK STREET
BOISE, IDAHO 83702
208-344-2860



United States
Department of
Agriculture

Forest
Service Zone Appraisal Team

Reply to: 5410 Appraisals
2720 Special Uses

Date: May 7, 1982

Subject: Proposed Special Use Water Transmission Permit

To: Forest Supervisor, Boise National Forest

Attached is an appraisal report on the Warm Lake water transmission line.

Travis V. Stark
Appraiser



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Report for Special Use Fee Determination
Warm Lake Water System

Introduction

Owner of Record: United States of America subject to such use as may be permitted under a special use.

Purpose of Report: The purpose of this report is to estimate the land value of certain lands for fee determination.

Estate Appraised: Fee title to those lands set forth in the permit.

Legal Description: The property is located in sections 7, 12 and 13, T. 15 N., R. 6 and 7 E., BM, Valley County, Idaho. The area under permit is 6.06 acres.

Analysis and Conclusions

The area under consideration is located in Valley County, Idaho. The county is one of the largest Idaho Counties in the area, however, it is sparsely populated. State of Idaho Statistics report that there are approximately 5100 permanent residents in Valley County including the county seat of Cascade, with about 1003 residents.

The county is mountainous with 87% federal land of which almost all in National Forest. Most of the private land and most of the population is concentrated along Highway 55 and along the North Fork of the Payette River which cross the county from north to south. Mountain streams and lakes are abundant in the county.

Two of the bodies of water are large including the natural Payette Lakes near McCall, and the man-made Casecade Reservoir which is an irrigation water supply serving the farmlands in the valleys.

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Logging and timber processing are some of the largest industries with a large sawmill at Cascade and several smaller ones in the County. The economy of the area is based on recreation and tourism. The total county population increases to more than 10,000 people during the summer tourist and recreation season. The area is a summer mecca for hunters, fisherman, boaters and water skiers.

Some shopping facilities, as well as other community facilities and schools are located in Cascade. Major shopping facilities are in Boise, which is 1 1/2 hour drive from Cascade.

The climate is cooler than in Boise and other Treasure Valley areas. The mean daily temperature varies from 29 degrees in January to approximately 83 degrees in July. During the winter months, the snow accumulates to depths of several feet in the valley creating a popular area for snowmobiling and cross-country skiing. The annual precipitation in Valley County is about 28 inches, most of which comes in the form of snow.

While the economy has considerable support from lumbering the future of this area is considered to lie in tourism and year-round recreation.

Property Data

This area of use is located in the Boise National Forest about 26 miles northeast of Cascade, Idaho. The area is 6.06 acres. The area is around the northwest shore of Warm Lake.

Access from Cascade is by 25 miles of paved highway. The one mile access road along the west side of the lake to the cabin areas is a narrow dirt road. Both of the roads are maintained by Valley County.

Most of the area is moderately steep to steep with the slope towards the lake. According to the Forest Service Management Plan, this area is generally covered with a loam soil ranging from 20 inches to 40 inches in depth and this is covered with a thin patchy organic layer. Almost all the area is heavily timbered with lodgepole pine and Douglas fir.

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Estimate of Value

The valuation will be based on a value of the land type under use. Four sales of grazing and timber lands were selected as the most comparable. Sales 1-4 with acreages of 157.25 to 487.08 acres indicate a land value of \$700 per acre. These land sales have similar vegetation and topography as the permit area. Based on the sales data available, I feel that the value of the use area is \$700 per acre. The estimate of the land value for the area of use involving 6.06 acres is \$4,242.00 as of May 6, 1982.

Travis V. Stark

Travis V. Stark
Appraiser

May 6, 1982

Date

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UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
Zone Appraisal Team

REPLY TO:

5410 Appraisal

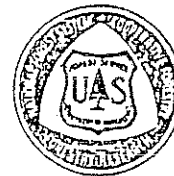
March 24, 1981

SUBJECT:

Warm Lake Water System

TO:

Team Leader, Zone Appraisal Team



As requested, I have completed an estimate of the Warm Lake Water System. The water system was constructed in 1935 and consists of the following components:

1. A wooden intake weir with infiltration gallery.
2. Wood shed and chlorination equipment.
3. Chlorinator.
4. A 2,500 gallon contact-storage steel tank.
5. Two 3,400 gallon concrete storage tanks.
6. A 24,225 foot galvanized water line in the following sizes: 850 ft. of 3 1/2", 2,350 ft. of 3", 5,350 ft. of 2 1/2", 5,850 ft. of 2", 6,945 ft. of 1 1/2", 850 ft. of 1 1/4", and 2,030 ft. of 3/4" pipe.

The shed, chlorination equipment and steel tank were installed in 1960.

The cost approach was used in the valuation estimate. The replacement cost less depreciation was used. It should be recognized that a purchaser would pay no more for an item than an item of equivalent utility would cost. Costs were obtained from a cost service, local companies and the Boise N.F. Supervisors office which also provided the useful life of the various components.

Since replacement costs were used, the materials may vary from what is on the site. The following grid presents value estimates of the water system.

<u>Item</u>	<u>Depreciated Cost</u>
Weir and infiltration gallery	\$550
Chlorination equipment	\$200
Chlorinator	\$100
Fiberglass storage tank (10,000 gal)	\$2,700
Distribution line (PVC pipe)	\$21,300
Total	\$25,000 (R)

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The estimated value of the water system in place is \$25,000.

The salvage value is also considered. The components are of an age or construction that removal or dismantling costs would exceed the value of the materials. The chlorinator and equipment are the only items that could be reasonably removed. The estimated salvage value of these items is \$100.

Travis V. Stark

TRAVIS V. STARK
Appraiser

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United States
Department of
Agriculture

Forest
Service

Cascade R.D.

BOISE NATIONAL FOREST			
Copies for:	LFN	Zone	
Other			Date
FS			ASFM
DFS			SWW
MAINT			
AO			10
PL			10
IN			
Date: June 23, 1981			
JUN 26 1981			
AS	PA	CS	
B&F	PS&D	CD	
PMO	Class.	CSH	
HR	LE	RS	
L	LA	ME	
ADDITIONAL ROUTING			
☐ = info ☒ = action			

Reply to: 6400 Property Management

Subject: Warm Lake Water System Disposal

To: Forest Supervisor, Boise N.F.

Enclosed is an AD 109 for the Warm Lake Water System. The Warm Lake water system was constructed in the 1930's by the C.C.C. No cost records are available. The purpose of the system was to furnish culinary water for summer homes, lodges, organization camps and Forest Service campgrounds and dwellings.

The system consists of the following:

1. Collection weir and infiltration system
2. Woodshed and chlorination equipment
3. Chlorinator
4. A 2,500 gallon contact storage tank
5. Two 3,400 gallon concrete storage tanks
6. 21,455 feet of galvanized water pipe in the following sizes:
800 ft. of 3½", 750 ft. of 3", 5,430 ft. of 2½", 5,915 ft. of 2",
7,850 of 1½", 700 ft. of 1¼".

The system is no longer needed for Forest Service campgrounds and facilities because wells have been drilled to serve the campgrounds and project camp. For the Forest Service to continue to operate the system for the benefit of the special use permittees would put us in the position of being in the utility business.

We are proposing that the system be sold for salvage or operation in place under a special use permit.

Attached is an appraisal statement by the Zone Appraisal Shop setting forth estimated current value of the material comprising the system and the cost of salvage and dismantling the system.

Also attached is a letter from the Zone Appraisal Shop evaluating the system for use as a unit by a water users association.



COPIES

MAY 27 2006

If the system was sold for salvage we would not want any of the pipe within special use permit lots salvaged because of the damage to the surface resource. Deduction for this would be as follows:

<u>Pipe Size</u>	<u>Total Length (Ft.)</u>	<u>Deduction (Ft.)</u>	<u>Salvage Length</u>
3½"	800	400	400
3"	750	250	500
2½"	5,430	1,235	4,195
2"	5,915	3,665	2,250
1½"	7,850	1,700	6,150
1¼"	<u>700</u>	<u>700</u>	<u>0</u>
	21,445 Ft.	7,950 Ft.	13,495 Ft.

Differences between these figures and the appraisal figures are due to inaccuracies in the maps.

If salvaged we would want the following stipulations included in the salvage agreement:

1. Remove entire designated system, including concrete, from National Forest land.
2. Complete removal within 365 days from purchase date.
3. Soil disturbance will be limited to within 5 ft. either side of the line or tanks.
4. No trees will be cut, dug up, pushed over or damaged on the summer home lots, lodge lots or in the campgrounds.
5. No trees over 3" d.b.h. will be cut or removed outside the above lots.
6. All excavations will be filled back in with material removed.
7. Disturbed areas will be leveled to the original shape of the surface and mulched, fertilized and seeded with a mixture of native grass and forbs.
8. Seeding will be repeated annually until a stand of vegetation comparable with adjacent undisturbed areas is established.

COPIED

MAR 27 2006

9. Any damage by the purchaser's operation to other improvements such as pipelines, powerlines, buildings, roads, sewer systems, campgrounds, etc. will be repaired immediately to the original condition before proceeding with salvage operations.

10. No roads will be constructed.

11. No equipment will be allowed in streams.

12. No work will be done on weekends or holidays within 100 yards of developed sites such as campgrounds, summer homes, camps or lodges.

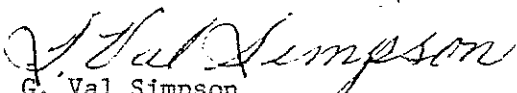
13. The Warm Lake-Landmark road will not be damaged by excavation or equipment.

14. A bond will be required to cover rehabilitation of the area likely to be disturbed in a salvage operation.

If operated as a water system:

1. A charge special use permit will be required.

2. System operation must comply with applicable State and Federal laws and regulations.


G. Val Simpson
District Forest Ranger

Enclosures

SCANNED

MAR 27 2006

FORM 109
(REV. 12-62)

UNITED STATES DEPARTMENT OF AGRICULTURE

REPORT NO.

☒ Report of:
☐ Request for:

EXCESS SERVICEABLE PROPERTY

DATE
6/29/8

1. FROM:

Cascade Ranger District
Boise National Forest

4. TO

Ed Steen
R4 PMO

2. PROPERTY LOCATION AND HOLDING ACTIVITY

Warm Lake, Cascade Ranger District
Boise National Forest

5. SHIP REQUESTED PROPERTY TO

(Request Salvage Sale)

3. SIGNATURE (AGENCY REPORTING OR REQUESTING OFFICIAL)

TITLE

Ellis M. Mowrey
BNF PMO

6. BILLING AND SHIPPING INSTRUCTIONS (GB/L'S, PACKING, ETC.)

7. PROPERTY ITEMS (COMPLETELY DESCRIBE EACH ITEM TO SHOW HOW USEABLE IT IS; REPAIRS NEEDED; AGE; ETC.)

QUANTITY	ITEM DESCRIPTION	COND. CODE*	ORIGINAL COST**	8. DISPOSITION INSTRUCTION
1	Culinary Water System consisting of: (1) Collection & infiltration system (1) Wood chlorinator building (1) Chlorinator (1) 2500 gallon steel tank (2) 3400 gallon concrete tanks (800ft) 3 1/2" galvanized pipe (750ft) 3" " " (5430ft) 2 1/2" " " (5915ft) 2" " " (7850ft) 1 1/2" " " (700ft) 1 1/4" " "	R4		
LEGAL DESCRIPTION SECTIONS 12, T15N, R6E & 7, T15N, R7E				

NOTE: Use separate form in requesting property held by one Activity at one location. Indicate Excess List and Line Item number.

*Enter in "CONDITION-CODE" column one "LETTER" and one "NUMBER" code symbol which will reflect the actual condition of each line item of property listed. (Example: 0-3)

**Insert original acquisition cost to the Government (estimated if known) when record value is less than original cost.

(LETTER CODES)

New - New
O - Used; Usable without repairs
E - Used; Reconditioned
R - Used; Repairs Required

1 - Excellent
2 - Good
3 - Fair
4 - Poor

(NUMBER CODES)

ABOVE DISPOSITION AUTHORIZED:
SIGNATURE

TITLE

DATE

AUTH. NO.

MAR 77 2006

MATTHEW MULLANEY, Attorney at Law

Suite 308 / The Hoff Building / 802 West Bannock Street / Boise, Idaho 83702 / 208-344-2860

Lane Cole
Can you give
me the info
regarding Permit
2 - ANN Smith
Lane gave me
copy 7/12/82 ANN Smith

June 25, 1982

Jack Griswold
Boise National Forest
U. S. Forest Service
1750 Front Street
Boise, ID 83702

Re: Warm Lake Water System

Dear Mr. Griswold:

We are in receipt of the draft special use permit proposed for issuance to the Warm Lake Recreational Water District. The amount of consideration for the permit is blank. We would like to know the annual charge for the permit and the basis for the charge.

We would also like to know whether the Forest Service holds a license or other evidence of water right from the Idaho Department of Water Resources for the system. If not, we would appreciate your best estimate of the maximum amount of water diverted to the system, expressed in either gallons per minute or cubic feet per second and a statement of the basis for your estimate.

For your information, there will be an election on July 10 at Warm Lake to determine whether or not the water district shall be organized. We expect a favorable result. There are some legal and organizational mechanics of some substance which must take place after the election. It appears presently that a transfer of the system to the District sometime within the month of August might be possible. We want to assure you that the residents of the Warm Lake area are working diligently to form and organize the District.

Very truly yours,

Matthew Mullaney
MATTHEW MULLANEY, Esq.

MM/mh

SCANNED

MAR 27 2006

MATTHEW MULLANEY, Attorney at Law

Suite 308 / The Hoff Building / 802 West Bannock Street / Boise, Idaho 83702 / 208-344-2860

September 2, 1982

Jack Lavin
U. S. Forest Service
1750 Front St.
Boise, ID 83702

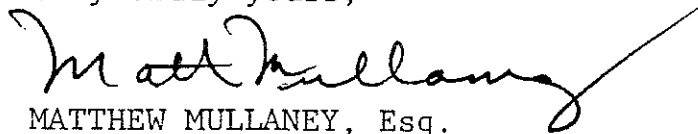
Re: Warm Lake Water System

Dear Mr. Lavin:

Enclosed for the information of the Boise National Forest is a copy of the final order of District Judge W. E. Smith organizing the Warm Lake Recreational Water District. We trust that the final formation of this District will put the Boise National Forest in a position to transfer the water system to the District on a non-profit basis.

Your attention is also directed to Title 42, Chapter 32, Idaho Code, under which the District is organized, this law specifically provides that the District is a non-profit, quasi municipal, special taxing district. I am certain that the District would qualify under any sort of non-profit property transfer law or regulations that you have. The District is in almost every respect no different than a city in Idaho in terms of its legal status.

Very truly yours,



MATTHEW MULLANEY, Esq.

MM/mh
encl.

COPIES OF THE FINAL ORDER OF DISTRICT JUDGE W. E. SMITH ORGANIZING THE WARM LAKE RECREATIONAL WATER DISTRICT

SEP 7 1982

COLE

info

X = 100%



United States
Department of
Agriculture

Forest
Service

Boise National Forest

Reply to: 6410 Personal Property

Date: October 14, 1982

Subject: Findings and Determination on Donation of Warm Lake Water System

To: File

FINDINGS

It has been determined by the duly authorized Forest Service official, Stanley Cunningham, that the Warm Lake Water System is in excess to the needs of the Government. The system has been replaced by wells that now serve the campgrounds and project camp. Continued maintenance and operation of the system by the Government would be of no benefit to the Forest Service and the cost of operation would greatly exceed its appraised salvage value.

The Zone Land Appraisal Shop has conducted a thorough appraisal of the system in place as well as the salvage value of its components. The estimated salvage value of these items is \$100.00 (A breakdown of the cost is attached.) The water system can be used in place by the Warm Lake Recreational Water District, which is a non-proof, quasi municipal, special taxing district. Under Title 42, Chapter 32, Idaho Code, the District is currently utilizing the water system under a special use agreement through the Forest Service.

The Warm Lake Recreational Water District requests the transfer of the water system to the District on a non-profit basis.

DETERMINATION

As a duly authorized official, of the Boise National Forest (per Federal Property Management Regulation 101-44, 701-1), I hereby donate the Warm Lake Water System to the Warm Lake Recreational Water District for the purpose of furnishing culinary water for summer homes and lodges, as of October 6, 1982.

Stanley L. Cunningham

STANLEY CUNNINGHAM
Property Management Officer

SLCUNNINGHAM:1b



SCANNED

MAR 27 2005

REPORT OF TRANSFER OR OTHER DISPOSITION OR CONSTRUCTION OF PROPERTY

1. TYPE OF TRANSACTION (REPORT EACH TYPE SEPARATELY)

☐ TRANSFER ☐ SALE ☐ TRADE IN ☒ DONATION
☐ CONSTRUCTION

2. AUTHORIZATION REFERENCE

FPMR 101-44-701-1

DATE

Oct. 15, 1982

3. PROCEEDS RECEIVED

\$ -0-

4. REPORTING AGENCY:

U.S.D.A. Forest

A. ORGANIZATIONAL UNIT

Boise National Forest

B. LOCATION

1750 Front St., Boise, ID 83702

C. SIGNATURE

Stanley L. Cunningham

D. TITLE

Property Management Officer

5. RECEIVING AGENCY (OR NAME OF PURCHASER OR DONEE):

Warm Lake Recreational Water District

A. ORGANIZATIONAL UNIT (OR ADDRESS OF PURCHASER)

4015 Whitehead, Boise, Idaho

B. LOCATION

Warm Lake, Cascade, Idaho

C. SIGNATURE

D. TITLE

E. DATE

6. PROPERTY ITEMS

QUANTITY FOR PROP. NO. 1	ITEM DESCRIPTION (GIVE FULL DETAILS INCLUDING SERIAL NUMBERS, IF ANY, AND CONDITION CODE)	INVENTORY VALUE
1	Culinary Water System consisting of:	Depreciated Cost
	(a) 1 - Wooden intake weir with infiltration gallery	\$550.00
	(b) 1 - Wood shed and chlorination equipment	200.00
	(c) 1 - Chlorinator	100.00
	(d) 1 - 2,500 gallon contact-storage Steel Tank	\$2700.00
	(e) 2 - 3,400 gallon concrete Storage Tanks	
	(f) 1 - 24,225 ft. galvanized Water Line ;	\$21300.00
	(1) 800 ft. 3-1/2" Galvanized Pipe	
	(2) 750 ft. 3" Galvanized Pipe	
	(3) 5430 ft. 2-1/2" Galvanized Pipe	
	(4) 5915 ft. 2" Galvanized Pipe	
	(5) 7850 ft. 1-1/2" Galvanized Pipe	
	(6) 700 ft. 1-1/4" Galvanized Pipe	
	CONDITION CODE: R4 (Used; Poor)	\$25,000.00

CERTIFICATIONS OF PROPERTY AND FISCAL OFFICERS

7. PROPERTY OFFICER: THIS TRANSACTION IS COMPLETED AND THE NECESSARY ENTRIES HAVE BEEN MADE TO ADJUST THE PROPERTY RECORDS. PROCEEDS, IF ANY, ARE TO BE DEPOSITED TO:

8. FISCAL OFFICER

A. ☐ THE SUM INDICATED BELOW HAS BEEN RECEIVED IN PAYMENT FOR THE PROPERTY DISPOSED OF.
B. ☒ THE NECESSARY ENTRIES HAVE BEEN MADE TO ADJUST THE ACCOUNTING RECORDS.

AMOUNT (\$)

-0-

SCHEDULE NO.

SIGNATURE

DATE

Stanley L. Cunningham 25 Oct 82

SIGNATURE

DATE

Patricia Gilmore

10/24/82

SCANNED

MAR 7 1983

REPLY TO: 5410 Appraisals
(6440)

SUBJECT: Warm Lake Water System

TO: Forest Supervisor Boise N.F.

March 23, 1981

RECEIVED—BOISE N.F.
Cascade R.D.
D-4
Promise Card for

ACTION	TO
RANGE	
HYD	
AC	
DC	
FE	

U.S. FOREST SERVICE

At Jerry Knaebel's request, we have looked at how to value the Warm Lake Water System. The attached value estimate should be considered the "Value in Use," which is defined by the American Institute of Real Estate Appraisers as "The Value of an economic good to its owner-user which is based on the productivity (utility or amenity form) of the economic good to a specific individual; subjective value; may not necessarily represent market value." This is important because in this case "Value in Use" is not fair market value. In this unique situation, there is only one potential buyer i.e. the Warm Lake Users Association. Should they not buy the water system, the only other recourse would be to salvage whatever parts or portions could be used elsewhere. In this case the salvage value is estimated at \$100.

The estimated value of \$25,000 by the value in use concept is the maximum that could be expected to be paid by the Users Association and the \$100 salvage value the minimum that the Forest Service would expect to receive.

Another value that might be considered is that which is carried on the Forest's General Ledger. Consideration of these values may help the Forest Property Management Officer determine whether the water system should be declared surplus or excess, and thus, whether or not GSA approval for disposal is necessary.

If you would like to discuss these value or if we can help in any way, please let me know.

Les Perison
LESTER C. PERISON
Supervisory Forester
Enclosures

SCANNED

MAR 27 2006

WARM LAKE USERS ASSOCIATION

Jack Lavin
Boise Forest Supervisor
Grove Park Center
1750 Front Street
Boise, ID 83702

Dear Mr. Lavin:

This is to confirm that the Warm Lake Users Association is an unincorporated association of individuals owning improvements in the Warm Lake Recreation Area in Valley County. This Association is organized for the mutual interest and advancement of these individual owners and not for profit. The federal permit holders at Warm Lake expect to organize themselves into a recreational water district under Title 42, Chapter 32, Idaho Code. That recreational water district would be a non-profit special taxing district and a political subdivision of the state of Idaho.

Depending upon the timing of the transfer, either the Association or the water district will take title to the domestic water system currently owned and operated by the United States. If the Association takes title in the first instance, it will only hold title until the recreational water district has been organized under Idaho law, at which time the Association will transfer title by gift to the water district.

It is the desire of the Association, and it will be undoubtedly the desire of the water district to negotiate a transfer of the domestic water system from the United States for the benefit of the federal permittees at Warm Lake.

Very truly yours,

Sherman A. Nelson

Sherman A. Nelson, President
Warm Lake Users Association

SAN/h

Please reply to: 4015 Whitehead, Boise, Idaho 83703

3/11
JACK GRISWOLD
Please file Code
Reply if necessary.
+ send CC to D-
THOMAS
copy to D.4
3/22/82 ABS

SCANNED

MAR 27 2006

MATTHEW MULLANEY, Attorney at Law

Suite 308 / The Hoff Building / 802 West Bannock Street / Boise, Idaho 83702 / 208-344-2860

January 28, 1982

John J. Lavin, Forest Supervisor
Boise National Forest
1075 Park Blvd.
Boise, ID 83702

Dear Mr. Lavin:

I have been retained by users of the Warm Lake Summer Home Recreation Area in Valley County, Idaho to recommend the appropriate entity to undertake operation and maintenance of the domestic water system at Warm Lake currently under the control of the United States Forest Service. One potential entity is a recreational water district under Title 42, Chapter 32, Idaho Code. This district would be a special taxing district and a political subdivision of the State of Idaho.

Earlier, when the users were considering formation as a private corporation, the Forest Service indicated that it would be necessary to dispose of the water system by bid. If the users organize themselves as a recreational water district will federal law governing disposition of this property allow a priority disposal without bid to a recreational water district?

A recreational water district enjoys the power of eminent domain under Idaho law to condemn private property for public use. While we do not contend at this point that a recreational water district would have the authority to condemn federal property, it is obvious that it would have the authority to condemn the property upon purchase by any other party. It is likely that this power of eminent domain is a key element in the Department's right to dispose of the water system by negotiation and without competitive bid.

We would ask the opportunity to discuss this matter with your staff. For our planning and timing, an early response to this inquiry is requested. I expect to call your office in a week or so. Thank you for your cooperation.

Very truly yours,

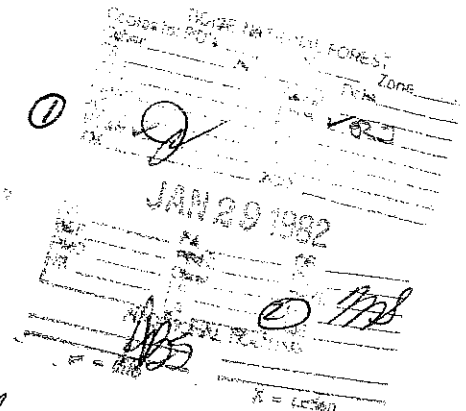
Matthew Mullaney
MATTHEW MULLANEY, Esq.

MM/mh

cc: Client

SCANNED

MAR 77 2006





United States
Department of
Agriculture

Forest
Service

R-4

Reply to: 6440 Real Property

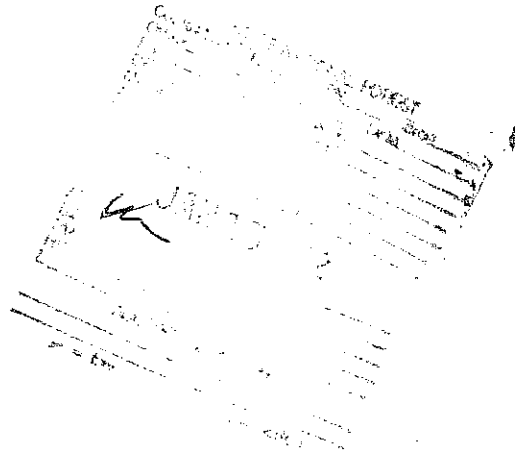
Date: January 6, 1982

Subject: Excess Real Property Sale, Warm Lake Water System

To: Forest Supervisor, Boise NF

We have reviewed the material you submitted for the above. Because the salvage value of the system is estimated to be less than \$1,000, you may proceed with the sale pursuant to your delegated authority contained in 1046-47.602(7).

R. J. KINYON
Director
Administrative Services



*Call
Herb Cunningham*



SCANNED

MAR 77 2006

SAMPLE LETTER TO WARM LAKE SUMMER HOMEONERS

Dear _____:

In our letter of _____ We informed you that the Forest Service would no longer continue to operate the Warm Lake Water System that serves your special use facilities. During the past few years, we have drilled several wells to serve our installation² in the area. This action was based upon the increasing Federal and State requirements on quality of potable water made available to the public. With these new systems operational¹, we no longer need to rely upon the old system.

It is recognized that our discontinued operation of the old system would leave you without a source of drinking water. To help resolve this problem, the Forest Service is offering to turn the old system over to the summer home owners for their use. Once turned over, it would then become the responsibility of the home owners to operate and maintain the system for their use. Transfer of ownership would ~~be accomplished by~~ *require the summer home owners to purchase the system from the Forest Service followed by* issuance of a special use permit subject to the following stipulations:

1. The special use permit would need to be issued to an association rather than to individual homeowners. To assume ownership of the system, the association would need to purchase from the Forest Service all facilities, equipment, etc. The cost of the purchase ~~would be a~~ *is not yet known, but is expected* ~~to be~~ nominal, amount of \$ ~~_____~~.

2. The association would need to designate a responsible person as their operator. This individual would then be responsible for operation and maintenance of the system including all sampling for water quality.

3. An operation and maintenance plan will need to be prepared. This document provides guidance to maintenance personnel in keeping the system operational to State water quality standards. Items like chlorinator maintenance, spring startup and fall shutdown procedures, storage tank cleaning, sampling points and frequencies, etc., are all covered. The plan should be prepared by the responsible operator. Our personnel, the county sanitarian, and personnel from the Central District Health Department will be available for assistance.

SCANNED

MAR 27 2009

4. Water quality sampling and testing to be conducted in accordance with state standards include:

a. Bacteriological Quality: At least one sample per month is required. This sample is submitted to a State approved laboratory for testing. If bad tests are received, additional followup samples are required. The cost per test currently averages ~~\$6.00~~ ^{to \$8.00}.

b. Chemical Quality: The Forest Service has tested the system for chemical quality; no further tests are required at this time.

c. Chlorine Residual: This test is taken daily by the operator using a field test kit.

d. Turbidity Testing: The State water quality standards place limits on permissible turbidity; however, no testing frequencies are specified for noncommunity systems.

If the summer home owners as a group agree to accept the present water system, the Forest Service will agree to perform certain initial maintenance work to assure meeting State standards and to open the system for use this spring. Transfer of ownership could then be consummated during the summer. This would give your designated operator an opportunity ^{to} ~~work~~ work with our people in running the system.

This subject will be a topic for discussion at the upcoming summer home owners' meeting on April ____.

If you have any questions prior to the meeting, please call me.

Sincerely,

VAL SIMPSON
District Ranger

Val
Note: Permit would be a pay permit. Don't know what the annual fee might be.
JSK

SCANNED

MAR 27 2006