

MEMORANDUM

TO: WATER PERMIT NO. 95-9277

From: Steven Visosky

Date: April 29, 2015

Re: Review of lot sizes and phases at Lost Creek Estates Development

Purpose: The purpose of this review is to determine the actual size of the land that will be “developed” at the Lost Creek Estates, the place of use for water permit 95-9277. Northern Water LLC received a four year extension of time for submitting proof of beneficial use on April 5, 2011. A “request for extension of time” for one additional year to submit proof of beneficial use by Norm Waldo of Northern Water LLC was received on March 23, 2015.

According to Statute 42-204 (4)

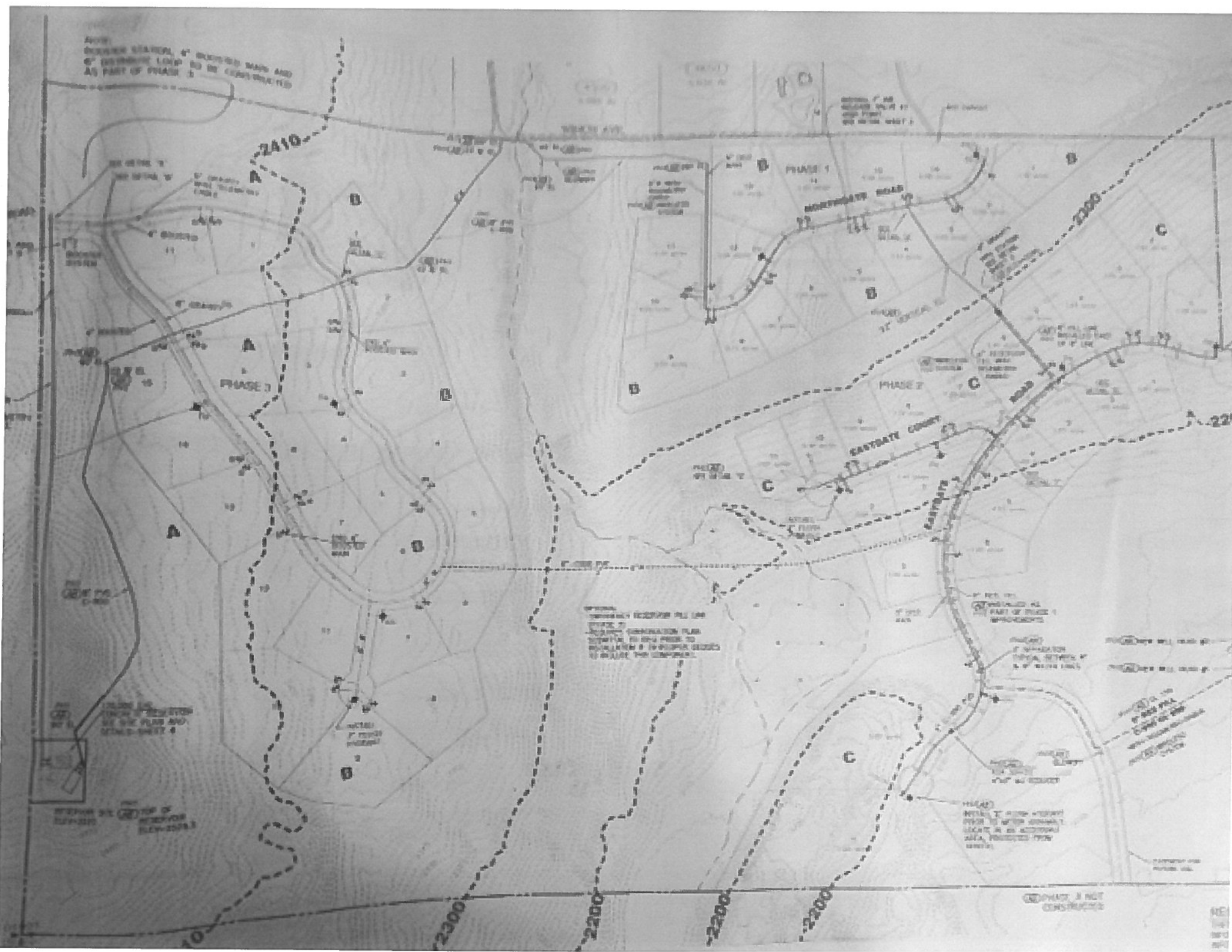
“The time for completion of works and application of the water to full beneficial use under any permit involving the diversion of two (2) or more cubic feet per second or the development or cultivation of one hundred (100) or more acres of land may be extended by the director of the department of water resources upon application by the permittee for an additional period up to ten (10) years beyond the initial development deadline contained in the permit, or beyond a grant of extension pursuant to the provisions of subsection (1) of this section, provided the permittee establishes that the permittee has exercised reasonable diligence and that good cause exists for the requested extension.”

In an attempt to calculate the total acres of the development, the following information was utilized; the preliminary plat originally submitted to the Department on April 13, 2006, the Kootenai County taxlot information that was updated on 5/19/14, and the web site of Lost Creek Estates “<http://lostcreekidaho.com/>”. The department contacted Norm Waldo requesting more information regarding parcel sizes and a Lost Creek Master Water Plan was submitted.

It has been determined at this time that the Lost Creek Estates does appear to be “developing” more than 100 acres of land that includes 64 parcels, landscaped entrances, and a 3.5 mile trail system at the property. It also appears at this time that Lost Creek Estates is exercising reasonable diligence with a current up to date web site that is actively marketing lot sales. Distribution piping was stated to have been installed in Phase 1 and 2.

Conclusion: The department has concluded to grant Norm Waldo the request for a 1 year extension of time to submit proof of beneficial use at Lost Creek Estates as it appears to be a “development” of over 100 acres that is exercising reasonable diligence.

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6" DRAINAGE LOOP TO BE CONSTRUCTED
AS PART OF PHASE 3



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PHASE 3 NOT
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