

RECEIVED
FEB 24 2014
DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

\$50 fee

Received by CJRecpt No. C098368Date 2/24/14

REQUEST FOR EXTENSION OF TIME

To provide additional time in which to submit proof of beneficial use for a water right permit

The Idaho Department of Water Resources will consider this form a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code, in which to complete development of a water right and file proof of beneficial use of water. There is a **FILING FEE** of \$50.00 to be included with this form when filed with IDWR.

Permit no. 95* 9560 Date proof is due MARCH 01, 2014
 Name(s) of permit holder(s) Danely Beach & Wendy Robertson
 Mailing address 8797 N. Cloverleaf Rd. City Hauser State Id Zip 83854
 Telephone no. 208-818-1823 Email None

Describe what work has been completed toward the development of this water right:

If no work has been completed, show "none".

The well has been drilled and is Ready for
Next Stage. This was completed on 10-17-11.
see documents A-1 & A-2

Costing \$ 11,273.00

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

Delay for the City of Hauser Lake to approve
subdivision where Well is Located see doc's B-1, 2, 3
Time for Bank of America to grant Partial Reconveyance
to Clear Deed of Trust for New subdivision See doc's C-1, 2, 3

Permit holder(s) request an extension for 3 year(s).

Danely W. Beach Wendy Robertson
 Signature (If other than permit holder, Power of Attorney must be supplied)

Date 2-20-14

ACTION OF THE DEPARTMENT OF WATER RESOURCES

The Department has reviewed the explanation for delay and concludes the reason(s) for delay meets the requirements for approval of the Request for Extension of Time as provided by Section(s) 42-204 and/or 42-218, Idaho Code.

☐ IT IS HEREBY ORDERED that the permit is **REINSTATED** with the priority date advanced to _____, 20____.

☒ IT IS HEREBY ORDERED that the above request for extension of time is **APPROVED**, and the time within which to submit proof of beneficial use is extended to March 01, 2017.

Signed this 26th day of March, 2014

Jeff Peppersack, Chief
 Water Allocation Bureau



INVOICE

BRONSON WATER WELLSBOX 1, SPIRIT LAKE, IDAHO 83869
208/437-4132

A-2

SOLD
TOMarilyn & Daney Beach
8793 N. Cloverleaf Rd
Hauser, Idaho 83854

208-773-5622

DATE: October 17, 2011

TERMS: due on receipt

CUSTOMER'S ORDER NO. D0060819

JOB LOCATION: Hauser
Cloverleaf Rd

ITEM NO.	QUAN.	DESCRIPTION	UNIT PRICE	AMOUNT
	204ft	6" Drilling@	28.00	\$ 5,712.00
	199ft	6" Casing@	14.00	2,786.00
	1	6" Drive shoe		100.00
	1	5" Stainless steel well screen/devl &k-packer		2,000.00
	20ft	10" Surface seal		600.00
		Idaho drilling permit		75.00
				\$11,273.00
			dwn py	- 2,500.00
			total due	\$ 8,773.00

paid 11-6-11

THANK YOU

Unpaid Bills are subject to 1½% Interest and Attorney fees,
if not paid when due

B-1

BEFORE THE CITY COUNCIL
HAUSER, IDAHO
SUBDIVISION FINAL PLAT
BEACH ESTATES

IN THE MATTER OF APPLICATION OF MARILYN
BEACH AND GARY KINGSLEY 8793 N.
CLOVERLEAF ROAD FOR FINAL PLAT
APPROVAL TO SUBDIVIDE APPROXIMATELY 15
ACRES INTO 3 LOTS

STAFF REPORT, FINDINGS OF
FACT, CONCLUSIONS OF LAW,
ORDER OF DECISION

I. COURSE OF PROCEEDINGS

- 1.01 Preliminary approval for the subdivision was granted on November 24, 2009. The Applicant has one year from the order of decision to final the plat.
- 1.02 The final plat application was submitted on July 20, 2010. The Coeur d'Alene Press posted a legal notice for a hearing to be held on August 23, 2010.
- 1.03 The City Council approved the plat on September 8, 2010.

II. FINDINGS OF FACT

- 2.01 **Applicant:** Marilyn Beach 8793 N. Cloverleaf Road. The surveyor for the subdivision is Durtschi Associates, Storhaug Engineering.
- 2.02 **Owner:** Gary Kingsley, 13574 Adair Creek Way NE Redmond, WA 98053
- 2.03 **Request:**
To subdivide approximately 15 acres into 3 residential lots. There is an existing manufactured home park on one parcel of 21 acres and 3 residential dwellings on two parcels of approximately 15 acres.
- 2.04 **Location.** The site is located north of Highway 53 on both sides of Cloverleaf Road in the SW ¼ of Section 19, Township 51 North, Range 5 West. The parcel numbers are 51N05W-19-5180, 51N05W-19-4870 and 51N-05W-19-5020.
- 2.05 **Proposed Lot Sizes.** The lots for the subdivision are approximately five acres.
- 2.06 **Development Rights.** The Development Code grants (1) development right per 5 acres in the Hauser Hills Zoning district, for a total of 3 development rights. This entitles the Applicant to a total of 3 development rights, without the award of density bonuses.
- 2.07 **Surrounding Land Use.** Large tracks of residential and commercial uses.
- 2.08 **Geography of the Site:** The land is a relatively flat meadow for a large portion of the site.
- 2.09 **Designation.** The Hauser designation for this area is Highway Corridor.

Beach Estates
City Council

September 8, 2010

B-2

2.10 **Access and Transportation.** Access will be from Cloverleaf Rd.

2.11 **APPLICANT SUBMITTALS** – The Applicant has provided a copy of the plat, a narrative, the fees, a will serve letter to furnish water, a letter from KEC to provide electricity. The mylar plat has been signed by the Health District.

III. APPLICABLE LEGAL STANDARDS

1. Hauser Comprehensive Plan Policy Statements pages 7-24
2. Hauser Development Code, as amended

IV. CONCLUSIONS OF LAW

The application request **is** complete.

The procedural aspects of the request **have** been met.

The final plat **meets** the Comprehensive Plan.

The final plat **meets** the Hauser Development Code Title 8.

The final plat application indicates that all of the conditions of approval **have/have not been** met. At the August 23, 2010 review, the Planning Commission removed Condition Number 7 and 8 of the original preliminary approval.

The City Council, based upon the findings of fact, conclusions of law and the recommendation of the Planning Commission **APPROVES** the final plat of Beach Estates.

B-3

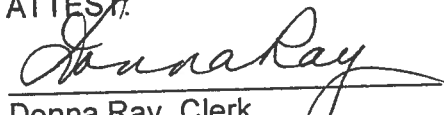
V. FINAL CONDITIONS OF APPROVAL

1. The Applicants shall not offer lots for sale or sell lots until the final plat has been recorded or the City has approved an acceptable financial guarantee for completion of the subdivision.
2. The preliminary approval shall be effective for 12 months from the date of the Commission's preliminary approval.
3. The Conditions of approval shall apply to all future owners, assigns and heirs.
4. The burden of proof for providing all and any documentation that ensures compliance to the Hauser Development Code as it relates to Final Plat approval and compliance to the Hauser Area of City Impact Agreement rests upon the Applicant, as specified in the Hauser Development Code.
5. All new structures shall meet the setbacks of the Hauser Development Code. If the structures do not meet the current setbacks of the Code, the lot owner shall be required to acquire variances prior to any building permit approval.


Olita Johnston, Mayor

9-8-2010
Date

ATTEST:


Donna Ray, Clerk

RECORDING REQUESTED BY:
FINAL DOCUMENT SERVICES

AND WHEN RECORDED, MAIL TO:

Charles Salanga
Bank of America, N.A.
1800 Tapo Canyon Road CA6-914-01-59
Simi Valley, California 93063

SPACE ABOVE THIS LINE FOR RECORDING USE
Doc ID No.: 96987511774232325

7058999

PARTIAL RECONVEYANCE

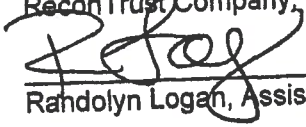
ReconTrust Company, N.A., as Trustee ("Trustee"), Bank of America, N.A, as Beneficiary, Bank of America, N.A. as Lender, under that certain Deed of Trust executed by Gary R Kingsley and Patricia L Kingsley, Husband and Wife, dated October 26, 2009, and recorded on November 10, 2009, in Book N/A, Page N/A, as Document No./Instrument No. 2240323000, in the Official Records in the Office of the County Recorder of Kootenai County, State of Idaho, ("Deed of Trust"), having been requested to reconvey a portion of the estate granted to Trustee under said Deed of Trust, does hereby reconvey unto the person or persons legally entitled thereto, without warranty, all the estate, title and interest to that portion of the property legally described as follows:

See Exhibit "A" attached Hereto and Made a part hereof.

The remaining property described in the Deed of Trust shall continue to be held by Trustee under the terms thereof. As provided in the Deed of Trust, this Partial Reconveyance is made without affecting the personal liability of any person or the corporate liability of any corporation for the payment of the indebtedness mentioned as secured thereby or the unpaid portion thereof, nor shall it affect any rights or obligations of any of the parties to the Deed of Trust.

IN WITNESS WHEREOF, the undersigned, has executed this Partial Reconveyance on February 4, 2011

ReconTrust Company, N.A.


Randolyn Logan, Assistant Vice President

(SIGNATURE MUST BE ACKNOWLEDGED)

Q-2

On this 4th day of February, 2011, before me, Charles Salanga, Notary Public, personally appeared Randolyn Logan, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS ~~my~~ hand and official seal.

CHARLES SALANGA
COMM. # 1800649
NOTARY PUBLIC - CALIFORNIA
VENTURA COUNTY
My Commission Expires
May 23, 2014

**Partial Reconveyance
February 4, 2011**

0-3

Exhibit "A"

Parcel 2:

The Northeast Quarter of the Southwest Quarter of Section 19, Township 51 North, Range 5 West, Boise Meridian, Kootenai County, Idaho, LESS the South 797.34 feet and also excepting the following described parcel of land:

BEGINNING at the Northeast corner of the Northeast Quarter of the Southwest Quarter of said Section 19, Township 51 North, Range 5 West, Boise Meridian, Kootenai County, Idaho; thence

West along the North line of said Northeast Quarter a distance of 660 feet to the **TRUE POINT OF BEGINNING**; thence

South on a line parallel with the East line of said Southeast Quarter a distance of 416 feet; thence

West on a line parallel with the North line of said Northeast Quarter a distance of 520 feet; thence

North on a line parallel with the East line of said Northeast Quarter a distance of 416 feet to the North line of said Northeast Quarter; thence

East along said North line a distance of 520 feet to the **TRUE POINT OF BEGINNING**

EXCEPT ANY PORTION LYING WITHIN CLOVER LEAF ROAD