
Memorandum

Date: January 10, 2014

From: Craig L. Saxton

RE: 95-16518

I spoke with Eric Davis (Northern Region) and he said he would update the shapefile for 95-8735 to identify the POU as Lot A thru D. Then he will issue license 95-16518 for lot 32. He worked with the permit holder (Gloria LeKander) to prepare application for permit 95-16518 so he is familiar with the permit.

Saxton, Craig

From: Saxton, Craig
Sent: Wednesday, January 08, 2014 3:25 PM
To: Goodwin, Chad; Davis, Eric
Subject: Permit 95-16518 (License 95-8735 and NIA recommendation 95-7835)
Attachments: Letter From Gloria LeKander.pdf

Hey Guys,

I have a proposal that I wanted to discuss with you both. I don't think it is that complicated, but it will probably come out that way. Eric will probably recognize me bringing this up earlier.

Background:

On September 6, 2013, Eric issued license 95-8735 in the name of Eagle Crest Water Users Association Inc. The license was issued for domestic use for 4 homes. The shape file outlines 4 lots that can be identified on page 2 of the attachment: Lot A, Lot B, Lot C, and Lot 32.

The NIA recommendation for 95-7835 uses the same shape and reflects the elements of license 95-7835.

Conflict:

The Eagle Crest Water Users Association water system currently serves 5 homes/stubbed lots. Application 95-16518 was filed to cover the 5th home/domestic use and was identified as being for lot 32. The intent of 95-8735 was to cover Lot A, Lot B, Lot C, and Lot D.

The short story is that permit 95-8735 was filed originally to cover Lots A thru D, and 95-16518 was filed to cover Lot 32. However, since the shape file for 95-8735 covers lots A thru C, and Lot 32, we have two problems:

- 1) Permit 95-16518 provides no additional increment of beneficial use because the domestic use on lot 32 is already covered by 95-8735
- 2) Lot D is not covered with a domestic use

I suggested to Gloria LeKandar, secretary of Eagle Crest Water Users Association, that we just have 95-16518 cover lot D. But she doesn't go for that because lot D should have the old priority date.

Resolution:

Since license 95-8735 doesn't specifically identify the lots it is applicable to, I suggest we just change the shape for 95-8735 to cover Lots A-D and then issue license 95-16518 for lot 32. All 5 lots would be covered.

The trick is we would have to change both the Water Right shape and the Recommendation shape. In addition, the maps in Eric's field examination would be inconsistent with the newly changed POU shape. I think we can resolve this by me simply documenting the file and explaining what happened.

There would not be any injury as the owner of lot 32 is Gloria LeKander and she is the one telling me that the Sr. right is applicable to lot D (which she doesn't own) and that the Jr right (95-16518) is applicable to lot 32, which she does own.

I am not insinuating that Eric's field exam was wrong. The system does in fact provide water to Lots A thru C and lot 32 as identified by Eric's map. I is just that my understanding is the system is stubbed into lot D as well.

I can make all the changes and document that I did it and why I did it in the file as long as you are both in agreement.

Give me a call if it would help for me to explain it and let me know what you think.

c

RECEIVED

DEC 17 2013

DEPARTMENT OF
WATER RESOURCES

December 14, 2013

Gloria LeKander
720 W Saxon Drive
Spokane, WA 99203

RE: Water Permit 95-16518 – Place of Use

Dear Mr. Saxton,

Enclosed please find a map and information regarding properties currently associated with Eagle Crest Water Users Association.

In the following few pages, I have attempted to explain the make-up of Eagle Crest Water Users Association and how our home on lot 32 is different from the original 4 lot water-user memberships. Even according to the other members of the Eagle Crest group, we (my husband and I) are considered the fifth home on Eagle Crest Water Users' system. Thus, we applied for a separate permit for domestic use on lot 32.

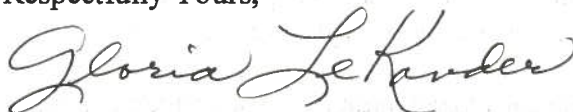
Also, I would be remiss if I did not mention that the lot numbers of the Lakeshore Addition to Sunnyside (where lot 32 is located) have been mixed up for years! Our home has been on lot 32—then later listed as lot 33. It has been going back and forth for years. Years ago there was a “mix-up” and a lot was missed by the county and not included in the numbering. The lot numbers experienced the “domino effect”—and it became a problem for everyone. The property stays the same—just the numbers move around!

Perhaps my interpretation of “how things work” is incorrect, but applying for a water permit to be a fifth member with Eagle Crest Water Users Association seemed to be the right thing to do.

Please call me if you have any questions.

I look forward to hearing from you about this matter.

Respectfully Yours,



Gloria LeKander

Home 509/624-9088
Cell 208/660-5368

This photocopy just shows an overview of the area.

Our Lot #32

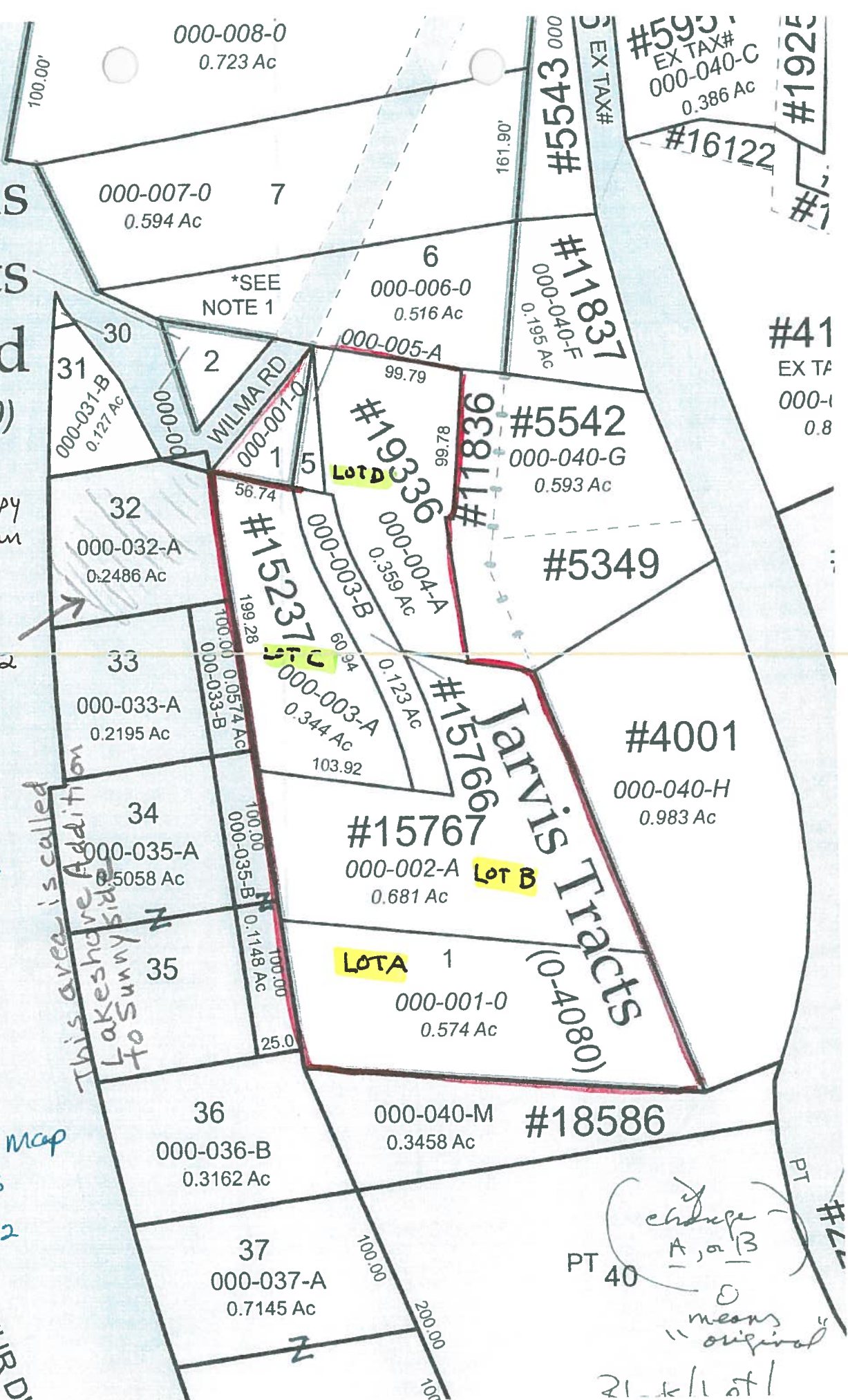
COPY

ASSESSOR map
in progress

10-30-2012

Ex

COEUR D'



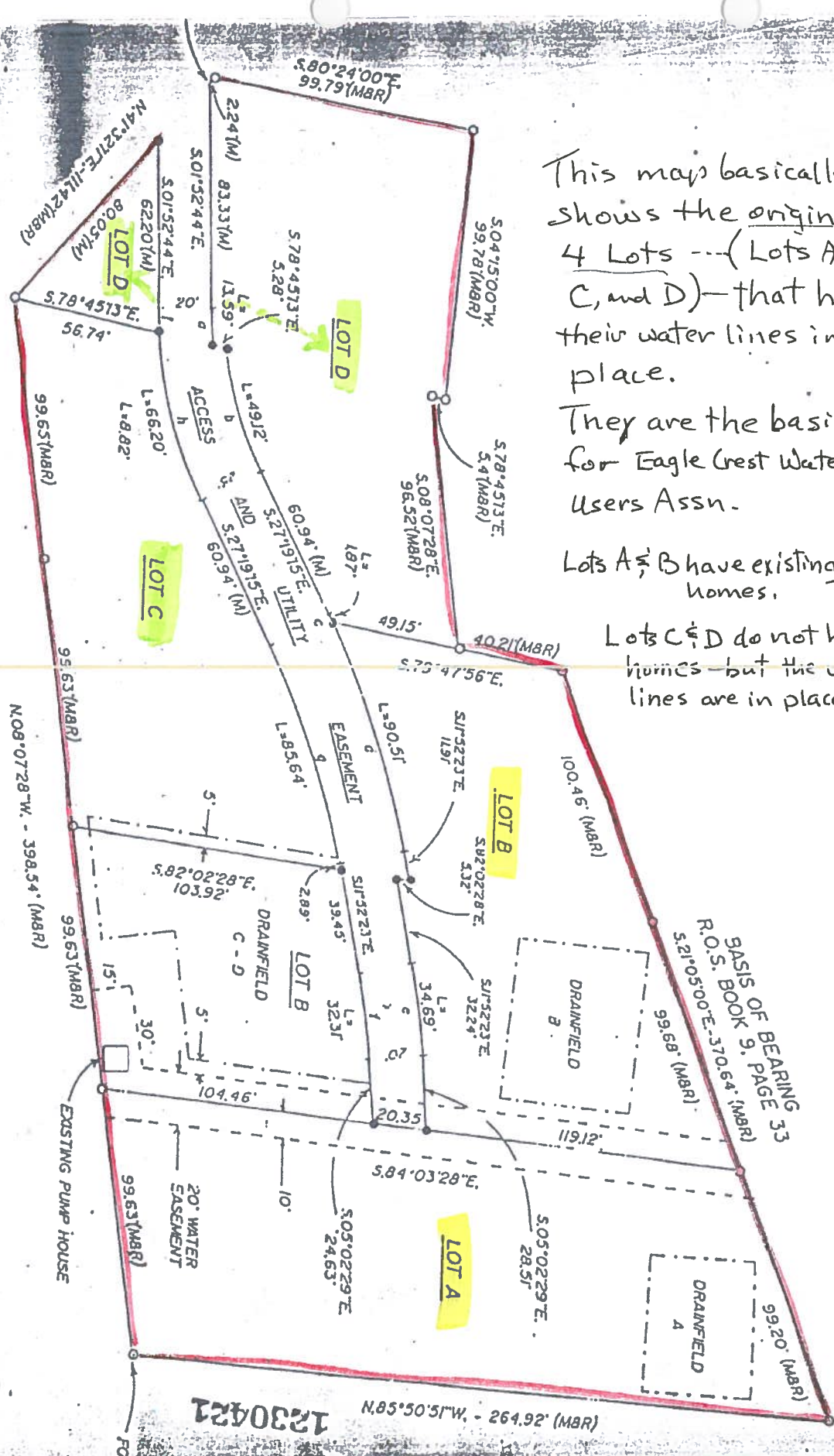
6	6'49.56"	270.94'	32.31'	34.61'	17.37'	S.08°27'26"E.
7	15'26.51"	317.66'	85.64'	32.29'	16.17'	S.08°27'26"E.
8	22'26.54"	168.96'	66.20'	65.39'	43.08'	S.19°35'49"E.
9	2'59.26"	168.96'	8.82'	63.78'	33.53'	S.16°05'48"E.
10				8.12'	4.41'	S.03°21'54"E.

This map basically shows the original 4 Lots --- (Lots A, B, C, and D) --- that have their water lines in place.

They are the basis for Eagle Crest Water Users Assn.

Lots A & B have existing homes.

Lots C & D do not have homes --- but the water lines are in place.



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The following map shows the four original lots (lots A, B, C, D) that are the basis for Eagle Crest Water Users Association, Inc.

Under the "Restrictive Covenants" for these property owners of this association—"each lot owner shall become a member of the Eagle Crest Water Users Association, Inc."

"Each lot is entitled to one domestic water hookup from a common water system drawing water from Lake Coeur d'Alene servicing the property."

Each of these four lots has a water line in place:

Lot A and Lot B have existing homes.

Lot C and Lot D are in a natural state—with no residential homes yet built.

Therefore Lot A owns one water right (Crenshaws)

Lot B owns one water right (Lybargers)

Lot C owns one water right (LeKanders)

Lot D owns one water right (Lunds)

Within the Articles of Incorporation of Eagle Crest Water Users Association, Inc. is a provision stating the following: "The aggregate number of shares/membership certificates which the corporation shall have authority to issue is **nine** shares/membership certificates."

We, the LeKanders, own four (4) of these *additional* shares.

Our personal water situation became so bad (like no water!) that we exercised one of our water rights with Eagle Crest Water Users Association and applied for a Permit with the State of Idaho Department of Water Resources. Needless to say, we are thrilled to have water again and are thankful to be a part of this group.

After complying with all the requirements and fees, we were issued permit 95-16518.

The Water Right License for Eagle Crest Water Users Assn Inc. is Water Right No.95-8735. Under "Conditions of Approval" for this water right, "domestic use is for 4 homes."

Through the years the individuals who have owned and currently own lots A, B, C and D have paid into a general fund that is for servicing the water system of their lots.

As stated in the Eagle Crest Water Users Assn's Restrictive Covenants: "All property owners/members utilizing the water system shall share and bear equally the costs associated with the maintenance, operation and any necessary upgrading of the system."

Within the Eagle Crest Water Users group, our home on lot 32 is considered the fifth residential home. The Water Right License (No. 95-8735) of Eagle Crest Water Users Assn Inc was originally given for domestic use for 4 homes and earlier this year our home joined that group as the fifth home. Consequently, we thought we had to apply for a permit from the Department of Water Resources of the State of Idaho.

Conversation Memo

Date: December 2, 2013

To: File 95-16518

From: Craig L. Saxton

Re: Lost mail?

Gloria LaKander called asking when I was going to send a map to help her located the parcel that permit 95-16518 was applicable to. I have a map and letter saved on my hard drive so I confirmed the address and it is correct. I just put another copy of the letter and map in the mail so I am sure it will be sent out.
