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FEB 28 2013

IDWR / NORTH

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
STATEMENT OF COMPLETION
FOR SUBMITTING PROOF OF BENEFICIAL USE

FOR OFFICE USE ONLY
Amt. of Fee \$: 50.00
Receipt No. N929665
Receipt By: AB
Date Received: 2/28/13

The Idaho Department of Water Resources considers this form a statement by the permit holder(s) that development of a water right has been **completed** and that water has been applied to beneficial use to the extent described below. **This form must be accompanied by an examination fee, when necessary, or by a completed Beneficial Use Field Report prepared by a certified water right examiner.** Please refer to the instructions and fee schedule for this form. If ownership of the permit has changed, please contact any Department office or visit the Department's website at: www.idwr.idaho.gov for an Assignment of Permit form. If you wish to relinquish your permit because you have not established the authorized use of the water and are not applying for an extension, please notify the Department in writing.

- Permit No.: 95-09323 Telephone No.: 661-304-2500
- Name of Permit Holder(s): FERNAN Estates Corporation
- Mailing Address: P.O. Box 692 City: Coeur d'Alene
State: ID Zip: 83816 Email: ckimball@roadrunner.com
- Source of Water: Ground Water If GROUND WATER (well), Date Drilled: mo. 03 / yr. 2006
Well Driller: Aqua Drilling Drilling Permit Number: 0041236
0045051
- Extent of use(s) completed (as authorized by the water right permit):
Domestic (No. of households): _____ Stockwater (No. and type of stock): _____
Irrigation (No. of acres): _____ Other: Municipal - 28
- Total rate of diversion or storage volume for which proof is submitted: 0.19 cfs OR 44-8⁸ acre-feet.
- Compliance with a measuring device requirement, lockable controlling device requirement, and/or other conditions of permit: **Refer to the approval conditions on your permit and respond accordingly. The Department will not issue a license if permit conditions are not met.**

Measuring Device: Is a measuring device required?

Yes ☒ No ☐
If yes, has the measuring device been installed? Yes ☒ No ☐

Lockable Controlling Device: Is a lockable device required to control the diversion?

If yes, has the lockable device been installed?

Yes ☐ No ☒
Yes ☐ No ☐

Other Conditions of Permit: Do the approval conditions on your permit require you to submit additional information in connection with your proof of beneficial use? If yes, list the conditions below and attach documents with the required information.

Condition # 11 of Permit - Information attached

Completed?

Yes ☒ No ☐

- Fee Enclosed: \$ 50.00 See fee schedule on back of the instructions for filing proof of beneficial use. Proofs filed without an appropriate fee, will be considered incomplete.

- Person to contact to accompany the Department representative during field examination of the water system.

Name: Claude Kimball Telephone Number: 661-304-2500
Mailing Address: P.O. Box 692 City: Coeur d'Alene
State: ID Zip: 83816 Email: ckimball@roadrunner.com

The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted and applied to a beneficial use. I understand that any undeveloped portion of the permit is relinquished to the State of Idaho.

Signature of permit holder: By: Claude Kimball / Secretary Date: 2/28/13
(Include your title, if on behalf of company or organization)

Mail to: Idaho Department of Water Resources, PO Box 83720, Boise, ID 83720-0098



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

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MAR 15 2013

DEPT OF WATER RESOURCES

2110 Ironwood Parkway, Coeur d'Alene, ID 83814 (208) 769-1422

C. L. "Butch" Otter, Governor
Curt A. Fransen, Director

March 15, 2013

Claude Kimball, Secretary
Fernan Estates Corporation
PO Box 692
Coeur d'Alene, ID 83816
ckimball@roadrunner.com

Subject: ID1280338, Fernan Estates Corporation
Public Drinking Water System Regulatory Status

Fernan Lake Estates, 1st Addition is a 16 lot subdivision in S16 T50N R3W, Kootenai County, Idaho. The final plat was recorded 6/3/2009. Fernan Estates Corporation maintains an independent drinking water system that serves this subdivision.

The drinking water system was designed to provide 16 service connections to the subdivision lots in the 1st Addition and up to 24 service connections in future subdivisions. This drinking water system was reviewed and approved by the Department on 5/9/2008, and the assigned public water supply (PWS) identification number is ID1280338. The water system's regulatory classification is Non-Public.

At this time, it is understood that construction of the water system is complete and 3 of 16 services are in use by developed residences. Additional development of existing lots served by the water system or a population increase that meets criteria specified in the Idaho Rules for Public Drinking Water Systems will trigger requirements for monitoring, reporting, and operation. The water system must contact the Panhandle Health District 1 when the system has 15 service connections in use or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. However, due to the per capita household size in Kootenai County, subdivisions frequently have a population of 25 when 10 service connections are in use, and it is recommended the water system contact the Panhandle Health District 1 for a review of regulatory classification at that time.

Sincerely,

Jim Williamson
Drinking Water Analyst
Jim.Williamson@deq.idaho.gov

c: Suzanne Scheidt, DEQ Drinking Water Program Supervisor, Suzanne.Scheidt@deq.idaho.gov
Jamie Barton, Panhandle Health District 1, JBarton@phd1.idaho.gov
Darla Block, IDWR Technical Records Specialist, darla.block@idwr.idaho.gov
File in TRIM: ID1280338, Fernan Estates Corporation

Approved for Release by the District

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FERNAN ESTATES CORPORATION
PO. BOX 692
COEUR D'ALENE, ID 83816

February 28, 2013

Department of Water Resources
322 East Front Street
Boise, ID 83720

Re: Permit to Appropriate Water dated 12/27/2005
No. 95-09323

Gentleman:

Fernan Estates Corporation (hereinafter the "HOA") respectfully requests that the Idaho Department of Water Resources ("IDWR") accept this letter as the report required by Condition # 11 of the Permit to Appropriate Water No. 95-09323.

While this report is not timely for reasons set forth later in this letter, we request the IDWA to find that the reasons set forth herein for this delay are reasonable; that the annual water usage is well below the limits set forth in Condition # 4 of the Permit to Appropriate Water and that circumstances are such that going forward, the reports will be timely.

The Permit to Appropriate Water was requested primarily to provide water to a development called "Fernan Lake Estates, First Addition" (hereinafter the "Development"). This Development contained 16 lots (hereinafter the "Lots" collectively and the "Lot" individually) as set forth in the map attached to this letter.

It is the understanding of the undersigned that the permit also contemplated the development of a Phase 2 located immediately south of the Development. Phase 2 was comprised of three parcels totaling approximately 66 acres. It is the understanding of the undersigned that Phase 2 has not been undertaken.

The initial permit was issued on December 27, 2005 and a five year extension was granted by IDWR on March 18, 2008. As of March 18, 2008, no Lots in the Development had been sold.

As to the Lots in the Development, there are two homes which have been constructed and which are occupied (Lot 14 and Lot 11). There are two homes (Lot 2 and Lot 16) being constructed but not yet occupied. Water has been hooked up to Lot 2. Water has not been hooked up to Lot 16. While water lines have been stubbed to each Lot in the Development, only Lots 14, 11 and 2 are currently receiving water.

There is also a water hook up inside the pump house. The pump house is located immediately east of the Water Tank.

Compliance with Condition 11.11 of the Permit.

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As of the date of this letter, to the best of the undersigned knowledge, there are no other hookups within the Development receiving water.

There is one hookup to Scott McKahan's home, located in Phase 2. See footnote 1 for more information on this hookup.

Lot 14 was hooked up to the water system on November 8, 2011. Lot 2 was hooked up to the water system on November 15, 2011. Lot 11 was hooked up to the water system on July 3, 2012.

Reports were due the IDWR on October 15, 2006 through October 15, 2012. No reports were filed. However, until November of 2011, there were no hookups to the Lots in the Development.

The following water usage is reported for each Lot to which a hookup has been provided:

<u>Lot</u>	<u>Date of Hookup</u>	<u>Total Usage from hookup to February 22, 2013</u>
14	11/8/11	90,630 gals (house occupied 1/15/2012)
11	7/2/12	25,760 gals (house occupied 9/6/2012)
2	11/15/11	5,899 gals (house still under construction)

*¹

Based on the above, the average daily usage for each Lot is as follows:

Lot 14 - $90,630/472\text{days} = 192.01 \text{ gals/day}$

Lot 11 - $25,760/222 \text{ days} = 116.04 \text{ gals/day}$

¹ * There was one additional hookup to a home occupied by Scott McKahan. This home is located directly south of the Development in what has been referred to as Phase 2. This home was built by Scott McKahan's father in 1974. This hookup occurred on or about November 1, 2011. Until recently, no meter was attached to this hookup so we do not have exact information regarding water usage for this hookup. However, Scott McKahan has told us that he is the only person living in the home and he does not use water from Wells 4 or 6 to irrigate but only for his in house personal use. He irrigates with water pumped from Lake Fernan.

Fernan Estates Corporation only found out about the lack of a meter for this hookup on February 20, 2013 and a meter has now been installed.

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Lot 2 - 5,899/465 days = 12.69 gals/day

With respect to the Scott McKahan hookup, we will have to guess as to the amount of water usage. Since he does not irrigate with water from the system governed by the Permit, we estimate that the normal household usage for one person would not exceed 500 gals/day.

Mitigating Circumstances

We request that the failures of reporting be judged keeping in mind the following facts. Prior to November of 2011, there were no hookups to any homes in the Development or to Scott McKahans house. The McKahans mistakenly thought that since there were no hookups prior to 11/8/2011, there was no water usage to report and no report required.

After November of 2011, when hookups had occurred, the McKahans were facing severe economic problems. Due to the lack of lot sales to service their debt to Idaho Independent Bank (the "Bank"), the McKahans energies were devoted entirely to negotiations with the Bank in an attempt to avoid foreclosure and the loss of the entire Development. Unfortunately, their negotiations with the Bank were unsuccessful and in July of 2012, the Bank foreclosed on the remaining Lots owned by the McKahans.

As a result of the foreclosure in July of 2012, there was a vacuum created in the management of the HOA

In September of 2012, a meeting of the members of the HOA i.e. the lot owners was held to elect a new Board but legal issues arose at that meeting which prevented the election of a new Board. Hence as of the October 15, 2012 reporting date, Fernan Estates Corporation had no officers or board members to complete the reporting requirements.

The HOA was leaderless until January 15, 2013, when the new Board for the HOA was installed and the business of the HOA could be conducted.

Now that there is an HOA board, we can assure IDWR that there will be full compliance with the conditions of the Permit.

Based on these extenuating circumstances, we respectfully request IDWR to process this Statement of Completion.

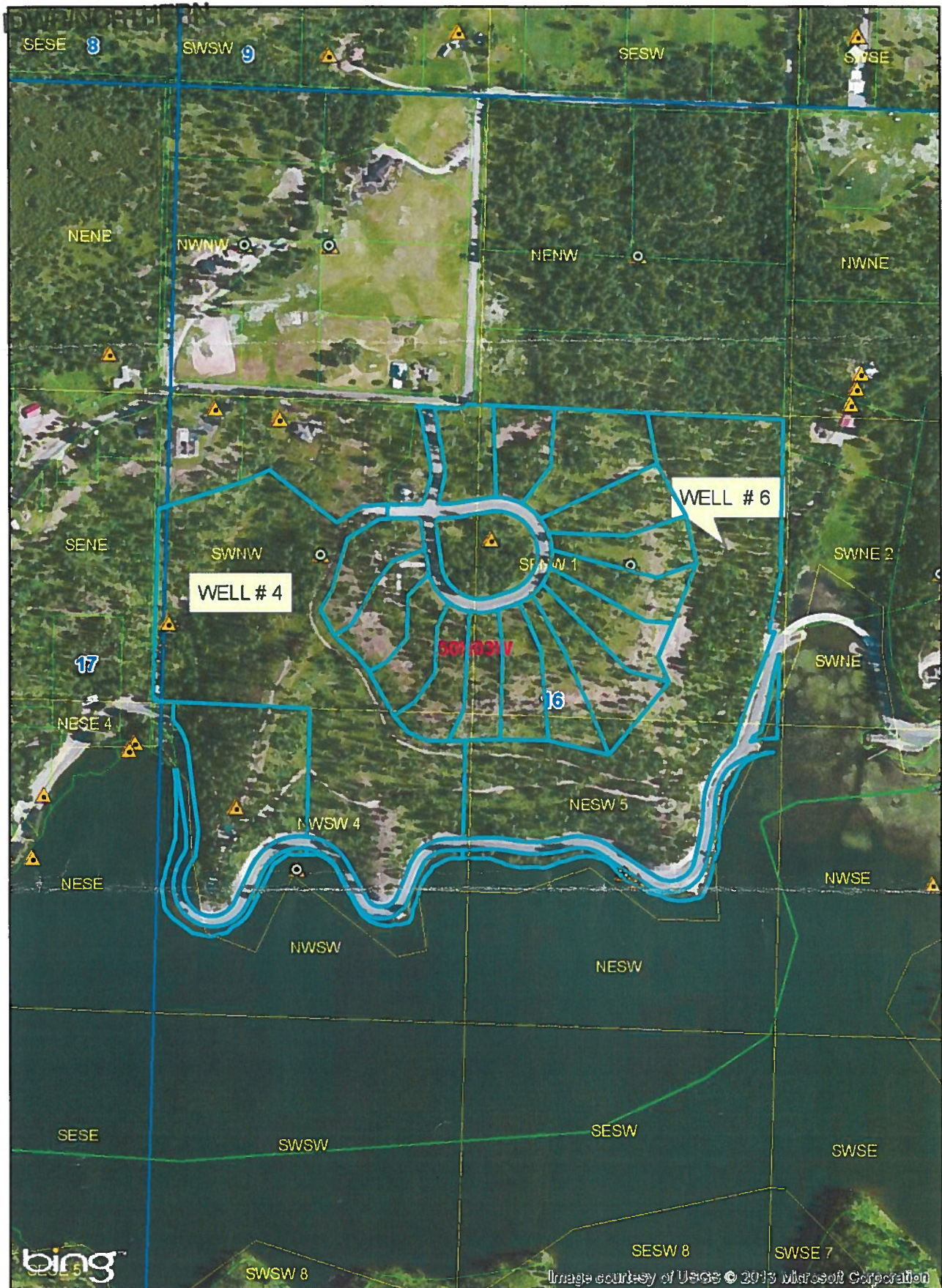
Thank you for your consideration.

Fernan Estates Corporation

By: 
Claude Kimball, its Secretary

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FERNAN LAKE ESTATES FIRST ADDITION

A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER AND PORTIONS OF GOV'T LOT 1, GOV'T LOT 4 AND GOV'T LOT 5 IN SECTION 16, TOWNSHIP 50 NORTH, RANGE 3 WEST, B.M., KOOTENAI COUNTY, IDAHO

Book: _____ Page: _____
No. _____



0 50 100 200
1"=100'

BASIS OF BEARING

BASE OF BEARING IS THE MONUMENTED WEST LINE OF THE NORTHWEST 1/4 OF SECTION 16, TOWNSHIP 50 NORTH, RANGE 3 WEST, BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO, ACCORDING TO RECORD OF SURVEY RECORDED IN BOOK 25, AT PAGE 392, BEARING NORTH 00°12'22" EAST.

LEGEND

- SECTION CORNER - FOUND MONUMENT AS DESCRIBED
- QUARTER SECTION CORNER - FOUND MONUMENT AS DESCRIBED
- FOUND ZINC CAP, 2 1/2" DIAMETER, AS DESCRIBED
- FOUND 5/8" REBAR, 30" IN LENGTH, WITH PLASTIC CAP MARKED "J-U-B ENGINEERS PLS 11280"
- FOUND 5/8" REBAR WITH PLASTIC CAP MARKED "3814"
- SET 5/8" REBAR, 30" IN LENGTH, WITH PLASTIC CAP MARKED "J-U-B ENGINEERS PLS 13418"
- 10' DRAINAGE, UTILITY AND ROADWAY EASEMENT ADJOINING RIGHT-OF-WAY AS SHOWN HEREON, UNLESS OTHERWISE INDICATED

CURVE	DELTA	RADIUS	LENGTH	CHORD	CHORD BRG.
C1	39°48'01"	98.14	66.08	66.75	N72°11'10"E
C2	104°02'08"	20.00	38.32	31.25	S42°02'13"W
C3	71°31'02"	30.00	78.98	34.61	N45°07'47"W
C4	28°43'38"	200.00	107.59	108.32	N01°22'38"E
C5	28°43'38"	200.00	63.36	62.48	N01°22'38"E
C6	28°43'38"	170.00	78.30	78.50	N01°22'38"E
C7	22°24'22"	20.00	23.62	23.91	N01°29'41"E
C8	88°54'13"	20.00	30.04	27.30	N48°48'58"W
C9	317°43'	200.00	13.23	13.23	N7°20'41"W
C10	87°13'28"	20.00	33.84	30.61	S39°26'12"W
C11	107°09'16"	20.00	37.38	32.12	S39°01'14"E
C12	7°07'57"	200.00	24.90	24.88	S11°07'08"W
C13	18°41'00"	200.00	68.24	68.03	S09°44'02"E
C14	7°07'03"	200.00	31.40	31.48	S12°30'26"E
C15	37°52'52"	200.00	151.40	148.88	S38°06'01"E
C16	88°37'23"	200.00	347.76	308.67	S84°53'14"E
C17	88°37'23"	170.00	284.58	268.74	S84°53'14"E
C18	24°37'32"	200.00	88.88	98.09	S84°08'14"E
C19	28°48'48"	200.00	118.22	118.92	N88°01'32"E
C20	7°21'01"	200.00	30.43	30.41	N87°21'26"E
C21	15°43'24"	200.00	68.04	64.83	N86°09'01"E
C22	177°08'28"	200.00	631.32	412.89	N14°01'10"W
C23	177°08'28"	170.00	631.32	383.13	N14°01'10"W
C24	15°24'05"	200.00	65.78	63.97	N46°20'04"E
C25	18°01'03"	200.00	77.87	77.82	N43°22'53"E
C26	17°48'37"	200.00	73.87	73.37	N08°03'03"E
C27	18°48'44"	200.00	77.88	77.83	N07°18'04"E
C28	18°20'01"	200.00	68.18	67.89	N05°09'28"W
C29	24°11'06"	200.00	100.04	98.30	N01°18'32"W
C30	27°43'02"	200.00	114.83	113.54	N77°12'36"W
C31	8°28'17"	200.00	38.73	38.68	S83°07'24"W
C32	11°18'24"	470.00	94.30	88.24	N83°22'42"E
C33	8°49'21"	500.00	78.90	78.91	N83°44'18"E
C34	8°49'21"	500.00	81.81	81.83	N83°44'18"E

FERNAN LAKE ESTATES BK "J" PLATS PG 268

DETAIL A

DETAIL B

HARDROCK RIDGE DRIVE

TRACT B BLOCK 2

GOV'T LOT 4

GOV'T LOT 5

SURVEYOR'S NOTE

ALL EXISTING PLAT BEARING AND DISTANCES MATCH RECORD OF SURVEY BY BRADLEY ANDERSON, RECORDED IN BOOK 25 OF SURVEYS, PAGE 392.

LINE	BEARING	LENGTH
L1	S87°01'12"E	5.44
L2	S84°28'20"W	4.39
L3	S80°02'20"W	36.10
L4	N00°00'00"E	30.10
L5	N00°00'00"E	2.42
L6	S87°02'31"E	32.03
L7	S80°01'07"E	61.84
L8	N00°00'00"E	13.30
L9	S07°49'48"E	48.87

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J-U-B ENGINEERS, INC.
7825 MERIDIAN WAY SUITE A
COEUR D'ALENE, IDAHO 83815
PHONE: 208-762-5787

DWG FILE: 20-08-040 FP.dwg
DES: DR. SWK CH. GAR SHEET 2 OF 4
DATE: JANUARY 2008 PROJ. NO. 20-08-040
SCALE: 1"=100'

