

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST**

RECEIVED

AUG 28 2002

Department of Water Resources
Southern Region

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Water Right Application #37-20743
2. Name of protestant Blaine County Commissioners
3. Protestant's representative for service (If different than protestant)
206 1st Ave So. Suite 300, Hailey, Ida 83333
4. Service mailing address same as above
5. Service telephone no. 208-788-5500
6. Basis of protest (including statement of facts and law upon which the protest is based)
See Attached Letter

(additional pages may be attached to describe the nature of the protest)

7. What would resolve your protest? not building the pond.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 26th day of August, 18 2002.

Blaine County Board of Commissioners

PROTESTANT

Mary Anne Mix

PROTESTANT'S REPRESENTATIVE

8/28/02
MB

5025182

THE BOARD OF BLAINE COUNTY COMMISSIONERS
206 FIRST AVENUE SOUTH, SUITE 300
HAILEY, IDAHO 83333
PHONE: (208) 788-5500 * FAX: (208) 788-5576
www.co.blaine.id.us

Mary Ann Mix, Chairman

*

Dennis Wright, Commissioner

*

Sarah Michael, Commissioner

August 26, 2002

RECEIVED
AUG 28 2002
Department of Water Resources
Southern Region

Mr. Allen Merritt
Department of Water Resources, Southern Region
1341 Fillmore St. Suite 200
Twin Falls, ID 83301

RE: Blaine County Protest of Application #37-20743

Dear Mr. Merritt:

We are protesting the above referenced application by Mr. John Tanner. A check for \$25.00 and a "Notice of Protest" is included with this letter.

Under the Department's "policy memorandum" of 1980 and the Big Wood River Ground Water Management Area (BWRGWMA) June 28, 1991, water in the Blaine County area has been declared over-allocated.

The applicant carries the burden of providing evidence that the proposed use will not injure other water rights holders, will not constitute an enlargement of use, and will be consistent with principles of conservation of the water of the State of Idaho. None of these requirements are found in this application.

There is also no showing by the applicant that this application "is in the public, as opposed to private, interest" {I.C. § 42-1503 (b)}. Furthermore, the applicant states that the pond is needed for "fire protection."

Enclosed please find a copy of Blaine County Ordinance 2002-01, the "Fire Protection Ordinance," which specifically precludes construction of ponds for the purpose of fire protection. This practice of constructing ponds for purported fire protection is now eliminated. The Fire Chiefs and Fire Marshall all agree that fire protection can be accomplished much more efficiently by other means, such as sprinklers, cisterns, etc. Thus, we should not expect to see ponds constructed for this purpose.

The practice of creating ponds for aesthetic purposes is more likely in Blaine County than in most Idaho counties because of the extraordinary land values in Blaine County. The potential for abuse of the Department's stated goal of water conservation and preservation is more likely here than in most Idaho counties. One of the reasons the Board of Commissioners established a "Local Public Interest Water Policy (Policy)" [*Shokal v. Dunn* and *Hardy v. Higginson* and I. C. 42-203 A (5)] was because of the unique nature of this community and the measurable impact of increased, expanded use of a scarce water resource, always to the detriment of other water rights holders.

No matter how "minimum" the amount of impounded water in each new pond is said to be, by an applicant, the cumulative impact of a succession of huge ponds in our community will in fact have a very measurable

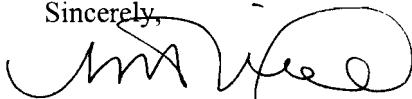
8/28/02
MB
5025182

affect on the availability of water for other water rights holders, minimum stream flows, and all the other water interests noted in the 1998 Blaine County "Local Public Interest Policy".

There are many hundreds of lots in Blaine County large enough to hold ponds. It wouldn't take much imagination to compute how much water even as few as fifty such ponds would take out of the system and how this cumulative impact would shift the use of water in our community, from agricultural and public purposes, to private marketing and aesthetic interests. Neither the interests of the State of Idaho nor the welfare of residents of Blaine County will be served if aesthetic ponds are used to divert water from other water rights holders and from the aquifer system.

We ask that you deny this application for the above stated reasons. Further, we ask again that future applications for aesthetic ponds in our County be evaluated under a re-defined terminology that recognizes that such ponds aren't "really" non-consumptive", but are actually "consumptive", **and that the cumulative impacts of multiple ponds must be considered before approving such applications for enlargements of water use.** With less than normal snow pack for 2002, we seriously question the wisdom of allowing any new water impoundments.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary Ann Mix", with a large, looping flourish extending from the end of the signature.

Mary Ann Mix
Chairman

cc: Mr. John Tanner
Jim Thomas, BCPA

Water Right Report

Blaine Co. Attachment "A"

Close

07/19/2002

IDAHO DEPARTMENT OF WATER RESOURCES
Water Application Report

WATER RIGHT NO. 37-20743

Owner Type	Name and Address
Current Owner	JOHN TANNER P.O. BX 6667 KETCHUM, ID 83340 (208)726-5688
Current Owner	billie tanner PO BOX 6667 KETCHUM, ID 83340

Priority Date: 07/17/2002

Status: Active

Source	Tributary
BIG WOOD RIVER	MALAD RIVER

Beneficial Use	From	To	Diversion Rate	Volume
FIRE PROTECTION STORAGE	01/01	12/31		1.2 AFA
AESTHETIC STORAGE	01/01	12/31		1.2 AFA
DIVERSION TO STORAGE	05/15	09/15	0.2 CFS	
Total Diversion			0.2 CFS	

Location of Point(s) of Diversion:

BIG WOOD RIVER	NESWNW	Sec. 36	Township 02N	Range 18E	BLAINE County
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Place(s) of use:

Place of Use Legal Description: FIRE PROTECTION STORAGE BLAINE County

Place of Use Legal Description: AESTHETIC STORAGE BLAINE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01N	19E	7		SWSE										

Place of Use Legal Description: DIVERSION TO STORAGE BLAINE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01N	19E	7		SWSE										

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01N	19E	7		SWSE										

Dates:

Date Application Received: 07/17/2002

Date Application Denied:

Last Date of Beneficial Use:

Extension End Date:

Protest Deadline Date:

Number of Protests: 0

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: 37

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Application Type: New Appropriation

Applicant Remarks: The same ditch that will serve this pond also serves the Greg Bloomfield pond under Permit 37-8915. We have agreed to share this ditch. This water is delivered to Bellevue Farms Subdivision under existing irrigation rights - owner of pod on the Big Wood River is unknown. The pond is located on Lot 2 of Lookout Circle Subdivision.

Other Water Rights:

Time to Complete Works: 1

Transfer Affected Description:

Transfer Affected Contracts:

Old Transfer Number:

Transfer Reason:

Transfer Return Flows:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close



RECEIVED
JUL 05 2001
BLAINE COUNTY
PLANNING & ZONING/BUILDING

Blaine Co. Attachment "B"

4/806-57

117 East Walnut Street
Hailey, Idaho 83333
(208) 788-5577
FAX (208) 788-5579

June 29, 2001

Tanner Development & Construction
P.O. Box 6667
Ketchum, Idaho 83340

RECEIVED

AUG 28 2002

Department of Water Resources
Southern Region

REFERENCE: Proposed Single Family Home and Detached Garage, 20 Cheval Circle, Lookout Subdivision

Dear Mr. Tanner:

The above project shall meet the requirements of Blaine County Fire Protection Ordinance 93-5 and the Uniform Fire and Building Code:

- ♦ An approved access road shall be installed prior to construction. The road shall be an all weather driving surface maintained free, clear and unobstructed at all times. The roadway shall be 20 feet in width and capable of supporting 20,000 lbs. per axle weight.
- ♦ Approved address numbers shall be placed in such a position to be plainly visible and legible from the road fronting the property. Numbers shall contrast with their backgrounds.
- ♦ A 30-foot clear zone, as defined by Blaine County Ordinance 93-5, shall be maintained at all times around structures.
- ♦ Automatic smoke detection shall be provided to comply with the Uniform Fire and Building Code.
- ♦ Spark arrester(s) shall be provided on chimney(s) to comply with the Uniform Fire and Mechanical Code.
- ♦ A minimum of 1-hour fire resistive separation is required between occupancies in garage.

Please feel free to contact me at my office if you have questions regarding any of these requirements.

Sincerely,

Bart Lassman
Fire Chief

cc: Bill Dyer, Building Official

COPY

Blaine Co. Attachment "C"

RECEIVED

AUG 28 2002

Department of Water Resources
Southern Region

BLAINE COUNTY ORDINANCE NO. 02- 01

AN ORDINANCE OF THE COUNTY OF BLAINE, STATE OF IDAHO, PROVIDING FOR A SHORT TITLE, PROVIDING FOR DEFINITIONS; PROVIDING FOR FINDINGS; PROVIDING FOR DUTIES OF BUILDING OFFICIAL; PROVIDING FOR MODIFICATIONS TO THE UNIFORM FIRE CODE; PROVIDING FOR REVIEW, APPROVAL, INSPECTIONS AND FEES; PROVIDING FOR APPEALS; PROVIDING FOR PENALTIES; PROVIDING FOR WARNING AND DISCLAIMER OF LIABILITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BLAINE COUNTY, IDAHO, AS FOLLOWS:

Section 1: SHORT TITLE

This Chapter shall be known as the Fire Protection Ordinance.

Section 2: DEFINITIONS

a. Agricultural Building: A structure, located in A-20 or A-10 zoning districts, as set forth in Title 9 of this Code, and designed and constructed to house farm implements, hay, grain, poultry livestock or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged; nor shall it be a place used by the public.

b. Applicable Fire Chief: The duly designated and appointed chief of one of the Districts, who is also referred to as "Chief or Chief of the Fire Department" under the Uniform Fire Code.

c. Board: The Blaine County Board of County Commissioners.

d. Building Official: The Blaine County Building Official.

e. Clear Zone: An area consisting of low-combustible vegetation that is determined by the applicable Fire Chief or Building Official to reduce the risk of ignition of either the adjacent occupancy or vegetation, should the other burn. Structures or buildings are permitted within a clear zone.

f. Commission: The Blaine County Planning and Zoning Commission.

g. County: The unincorporated portion of the County of Blaine, a political subdivision of the State of Idaho.

h. District: The Ketchum Rural Fire Protection District, the Wood River Rural Fire Protection, the Carey Fire Protection District, or the portion of the West

Instrument # 469438

HAILEY, BLAINE, IDAHO

2002-08-19

04:30:00

No. of Pages: 9

Recorded for : BLAINE COUNTY COMMISSIONERS

MARSHA RIEMANN

Fee: 0.00

Ex-Officio Recorder Deputy

Index to: ORDINANCES

Magic Fire Protection District located within Blaine County, political subdivisions of the State of Idaho, which are also referred to as "Fire Departments" under the Uniform Fire Code.

i. Floor Area: The area included within the surrounding exterior walls of a building or portion thereof, including all basements and garages, but excluding exterior decks.

j. Group R-3: The occupancy designated as Group R-3, as set forth in the Uniform Building Code, and more specifically known as: a) dwellings; b) lodging houses and; c) congregate residences (each accommodating 10 persons or less). For the purposes of this Chapter only, Group R-3 occupancies include private garages, carports and sheds.

k. Standards 13, 13D and 13R: Those standards set forth in the National Fire Protection Association National Code, know as Standard 13, Standard 13 D (Installation of Sprinkler Systems in One and Two Family Dwellings and Mobile Homes), Standard 13R (Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height), 1999 Editions, prepared by the Technical Committee on Automatic Sprinklers, released by the Correlating Committee on Water Extinguishing Systems, and acted on by the National Fire Protection Association, Inc, at its annual meeting held May 17-20, 1999 in Baltimore, Maryland.

l. NFPA 1142: The National Fire Protection Association Standard No. 1142 (Standard on Water Supplies for Suburban and Rural Fire Fighting), prepared by the Technical Committee on Forest and Rural Fire Protection and acted on by the National Fire Protection Association, Inc, at its annual meeting held May 13-17, 2001 in Anaheim, CA.

m. Occupancy: The classification of every building, whether existing or hereinafter erected, as set forth in the Uniform Building Code.

n. Uniform Building Code: The latest edition of that code, known as the Uniform Building Code published by the International Conference of Building Officials, as adopted by the Idaho Code Section 39-4109 and Building Advisory Board, and the appendices thereto, excepting those appendices designated in Idaho Code Section 39-4109.

o. Uniform Fire Code: The latest edition of the Uniform Fire Code with appendices thereto, published by the Western Fire Chiefs Association and the International Conference of Building Officials, and adopted by the Idaho State Fire Marshal, setting forth the minimum standards for the protection of life and property from fire and explosions in the State of Idaho, as adopted by the Idaho Code Section 41-253(1).

Section 3: FINDINGS

The Board makes the following findings:

a. The latest editions of the Uniform Fire Code and the Uniform Building Code have been adopted by State law. The Uniform Fire Code and Uniform Building Code promote the public health, safety and general welfare.

b. The unincorporated area of Blaine County is generally rural in character and the water supplies within the unincorporated areas of Blaine County are often limited.

c. The Districts provide sufficient fire protection personnel and equipment to their constituents to enable a modification of the requirements of Appendix III-A of the Uniform Fire Code, based on the present level of service (i.e., water supply carrying capacity and personnel) of each District.

d. The Ketchum Rural Fire Protection District and the Wood River Rural Fire Protection District presently provides a sufficient level of service to protect Group R-3 occupancies up to a total floor area of 4000 square feet, without requiring a greater water supply on site. The Carey Fire Protection District presently provides a sufficient level of service to protect Group R-3 occupancies in accordance with Exhibit A attached to Ordinance 96-4 on file in the office of the County Clerk and as follows:

1. Zone 1 = 3,800 gallons of water divided by (10 divided by 7) = 2,700 square feet.
2. Zone 2 = 3,000 gallons of water divided by (10 divided by 7) = 2,100 square feet.
3. Zone 3 = 1,700 gallons of water required for protection of 1,200 square feet.

e. Because the Districts can provide a sufficient level of service and because the Districts are generally rural in character, the full fire-flow requirements of an urban community are not normally required within the Districts. If the level of service of the Districts increases or decreases in the future, total floor area may be increased or decreased by amendment of this Chapter without requiring greater water supply on site.

f. Additional requirements, review and inspection promote the purposes of the Uniform Fire Code and the Uniform Building Code and promote compliance with the requirements therein and with the Fire Protection Ordinance.

g. The proliferation of ponds that secure both decorative and fire protection purposes is contrary to the Board's current water policy discouraging such uses.

Section 4: DUTIES OF BUILDING OFFICIAL

In addition to his other duties, the Building Official is charged and empowered with the administration and enforcement of the Uniform Fire Code within the County but outside of the Districts.

Section 5: MODIFICATION TO THE UNIFORM FIRE CODE

A. Exemption from Appendix III-A. Except as otherwise provided herein, the fire-flow requirements as stated in Appendix III-A of the Uniform Fire Code for all occupancies within the Districts are not applicable because the development of full fire-flow requirements is not practical and because the occupancies within the Districts are sufficiently serviced by personnel and equipment. For those occupancies within the County but outside of the Districts, the requirements of the Uniform Fire Code, including Appendix III-A, apply.

B. Water Supply or Sprinkler System for a Group R-3 Occupancy.

1. Floor Area Requirements. Any construction, for a Group R-3 occupancy within the Ketchum Rural Fire Protection District, Wood River Rural Fire Protection District, on a new or existing building, including a remodel, which creates a total floor area of 4000 square feet or greater, shall install a sprinkler system as set forth in Standards 13, 13D and 13R, or a suitable water supply. Any construction, for a Group R-3 occupancy within the Carey Rural Fire Protection District, on a new or existing building, including a remodel, which creates a total floor area of 1200 square feet or greater, shall install a sprinkler system as set forth in Standards 13, 13D and 13R, or a suitable water supply. For the purpose of calculating square footage for any Group R-3 occupancy on the same lot or parcel, each building or portion of a building separated by one or more area separation walls, which comply with the provisions of Section 504.6 of the 1997 Uniform Building Code, may be considered a separate building and will be considered independently from the total square footage of one or more Group R-3 occupancies.

2. Water Supply and Sprinkler System Requirements. The building permittee is granted the option of selecting a minimum 10,000 gallon water supply, which can consist of a cistern, well, or other suitable water supply that has been approved by the applicable Fire Chief and Building Official. The construction of ponds after the effective date of this Chapter is not an approved water supply for fire suppression. The water supply and related requirements shall be (a) capable of delivering 500 gallons of water per minute for twenty minutes with an approved fire apparatus connection; (b) located within 1000 feet of the nearest point of the structure; and (c) approved by the applicable Fire Chief or Building Official. Sprinkler Systems shall a) comply with Standards 13, 13D or 13R, b) be connected to a water flow alarm, c) be provided with a fire department connection, and d) be approved by the applicable Fire Chief or Building Official. Any approved water flow alarm shall be supervised by a remote signaling station, approved by the applicable Fire Chief or Building Official.

3. Modification of Fire-Flow Requirements. For any Group R-3 occupancy located in a District, the applicable Fire Chief or Building Official may decrease the fire-flow requirements for isolated buildings or a group of buildings in rural areas or small communities where the development of full fire-flow requirements is impractical, or increase the fire-flow requirements where considerations indicate an unusual susceptibility to group fires or conflagrations.

C. Sprinkler System for an Occupancy other than a Group R-3 Occupancy or Agricultural Building. Any construction for an occupancy other than a Group R-3 occupancy or an agricultural building within the County on a new or existing building, including a remodel, shall be subject to NFPA 1142.

D. Clear Zone. Construction for any occupancy on a new or existing buildings, including remodels within the County, shall provide a minimum clear zone of thirty feet (30') surrounding any occupancy.

E. Application of Appendix III-A for Occupancies on Separate Lots or Parcels. Except for those buildable lots or parcels existing on the date of the adoption of the 1993 Fire Protection Ordinance, Appendix III-A of the Uniform Fire Code shall apply to those occupancies within the County where the separation between any occupancy on separate lots or parcels is less than fifty feet (50').

F. Application of Alternative Sprinkler System or Fire Flows for the Same or Different Occupancies on the Same Lot or Parcel. If there is construction, for a Group R-3 occupancy within the County, on a new or existing building, including a remodel located within fifty feet (50') of another Group R-3 occupancy on the same lot or parcel, the square footage of all the Group R-3 occupancies, located within fifty feet (50') of the proposed construction, shall be calculated as though there was only one building, unless each building or portion of a building is separated by one or more area separation walls, as set forth in Section 5 (B)(1) of the Fire Protection Ordinance. If the total square footage of the Group R-3 occupancies exceeds 4000 square feet, then the new construction shall comply with the requirements in Section 5(B) of the Fire Protection Ordinance. If there is construction, for an occupancy other than a Group R-3 occupancy within the County, on a new or existing building, including a remodel, located within fifty feet (50') of another occupancy on the same lot or parcel they shall be subject to NFPA 1142.

G. Roof Assembly. An approved Class-A roof assembly shall be installed over the entire building if the total square footage of the building exceeds 3000 square feet.

H. Address Numbers. All residences shall exhibit approved legible address numbers in locations that are plainly visible from the highway, road or street fronting the property. Address numbers shall contrast with their background and be approved by the applicable Fire Chief or Building Official.

Section 6: REVIEW, APPROVAL, INSPECTION AND FEES

A. Review of Building Permits. Before any building permit is issued within the Districts, the applicable Fire Chief shall review the building permit application, along with copies of all building plans and specifications for any occupancy group to determine whether the building is designed to comply with the Uniform Fire Code and the Fire Protection Ordinance. Before any building permit is issued within the County but outside of the Districts, the Building Official shall review the building permit application, along with copies of all building plans and specifications for any occupancy group to determine whether the building is designed to comply with the Uniform Fire Code and the Fire Protection Ordinance. Before any building permit is issued, the applicable Fire Chief or Building Official shall certify on the building permit that the application is designed to comply with the Uniform Fire Code and the Fire Protection Ordinance.

B. Review of Subdivision Applications. Before any preliminary or short plat for property within the Districts is considered pursuant to Title 10 of this Code, the applicable Fire Chief shall review the subdivision application, along with copies of all plans and specifications, to determine whether the proposed subdivision will comply with the Uniform Fire Code and the Fire Protection Ordinance. Before any preliminary or short plat for property within the County but outside of the Districts is considered pursuant to Title 10 of this Code, the Building Official shall review the subdivision application, along with copies of all plans and specifications, to determine whether the proposed subdivision will comply with the Uniform Fire Code and the Fire Protection Ordinance. Before any preliminary or short plat is approved pursuant to Title 10 of this Code, the applicable Fire Chief or building Official shall forward to the Commission, for a preliminary plat, or to the Board, for a short plat, his recommendations, including suggested conditions for their consideration. If there are considerations indicating an unusual susceptibility to group fires or conflagrations, the applicable Fire Chief or Building Official may recommend a fire-flow greater than that required by the Uniform Fire Code and the Fire Protection Ordinance.

C. Approval of Building Permits and Subdivision Applications. Compliance with the Uniform Fire Code and the Fire Protection Ordinance shall be established to the satisfaction of the applicable Fire Chief or the Building Official before the Building Official will issue a building permit, or before a preliminary or short plat is approved.

D. Inspection.

1. Fire Safety Equipment. The applicable Fire Chief or the Building Official is empowered to inspect fire safety equipment or materials as part of the approval of a building permit issued for the construction of any building. Any such fire safety equipment or materials shall not be concealed or covered during the course of the construction, repair or remodeling authorized by the building permit until the same has been inspected and approved by the applicable Fire Chief or Building Official. Any

fire safety equipment shall be inspected and approved by the applicable Fire Chief or Building Official before a framing inspection is approved by the Building Official. As a condition of a building permit, such fire safety equipment shall be inspected and approved by the applicable Fire Chief or building Official before a final building inspection is approved by the Building Official.

2. Water Supply or Sprinkler System. As a condition of a building permit, a water supply shall be inspected and approved by the applicable Fire Chief or Building Official before combustible construction is initiated. The permittee has the burden and obligation to submit written proof to the Building Official that the water supply has been inspected and approved. As a condition of a building permit, sprinkler system plans shall be inspected and approved by the applicable Fire Chief or Building Official before a framing inspection is approved by the Building Official. As a condition of a building permit, a sprinkler system shall be inspected and approved by the applicable Fire Chief or Building Official before a final building inspection is approved by the Building Official. The permittee has the burden and obligation to submit written proof to the Building Official that the sprinkler system has been inspected and approved.

E. Fees. Each Fire District may, by resolution, adopt a fee schedule for reviewing subdivision or replat applications. The fee for a building permit plan check shall be 40% of the Building Department Plan Check Fee. The fees remitted to the District are in addition to any fee collected by the Planning and Zoning or Building Departments.

Section: 7: APPEALS

A. Appealable or Reviewable Issues. When the applicable Fire Chief or Building Official disapproves of an application or refuses to grant a permit, or when there is a question as to the suitability of alternate materials and types of construction, or when there is a question of interpretation of the Uniform Fire Code or the Fire Protection Ordinance, the applicant or aggrieved party may appeal the decision of the applicable Fire Chief or Building Official to a Board of Appeals, as required by the Uniform Fire Code.

B. Board of Appeals. The Board of Appeals consists of five members who are qualified by experience and training to pass upon pertinent matters. The five members shall be appointed by the Board and shall hold office at the Board's pleasure. The applicable Fire Chief or Building Official shall be an ex officio member and shall act as secretary of the Board of Appeals or shall have the power to appoint a secretary.

C. Conduct of Hearings. The Board of Appeals shall adopt reasonable rules and regulations for conducting its investigations and shall render decisions and findings in writing to the applicable Fire Chief or Building Official, with a duplicate copy to the appellant.

Section 8: PENALTIES

A violation of any provision of the Fire Protection Ordinance or the Uniform Fire Code shall be a misdemeanor, punishable by a fine not to exceed \$300, or imprisonment for a period not to exceed six (6) months in the county jail, or both for each offense. Each day that such a violation occurs or continues shall constitute a separate criminal offense.

Any violation of any provision of the Fire Protection Ordinance may also result in the filing of a civil complaint for civil damages, if applicable, imposed upon any person violating the Uniform Fire Code or the Fire Protection Ordinance. Whenever it appears that any person has engaged in any act or practice constituting a violation of the Uniform Fire Code or the Fire Protection Ordinance, the Building Official may issue a stop work order and the Board may bring an action to enjoin any such acts or practices and to enforce compliance the Uniform Fire Code or the Fire Protection Ordinance. Any civil action for injunctive relief or civil damages shall be in addition to the criminal penalties set forth in this Chapter.

Section 9: WARNING AND DISCLAIMER OF LIABILITY

The degree of fire protection required by the Fire Protection Ordinance is considered reasonable for regulatory purposes and is based on accepted fire protection standards. The Fire Protection Ordinance does not imply that persona or property will be fully or even partially protected from fire or damage. The Fire Protection Ordinance shall not create liability on the part of the Board, Blaine County, or its employees, officers or agents, or the Districts or their employees, officers or agents for any damage to persons or property following the adoption of this Chapter, including but not limited to reliance on this Chapter or any administrative decision made hereunder.

Section 10: SEVERABILITY

The provisions of the Fire Protection Ordinance are severable and the invalidity of any part of the Fire Protection Ordinance shall not affect the validity of the remainder of the ordinance.

Section 11: REPEALER

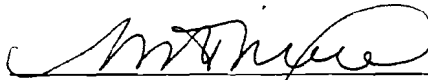
Blaine County Ordinance No. 80-2 and all ordinances or parts thereof in conflict herewith are repealed.

Section 12: EFFECTIVE DATE

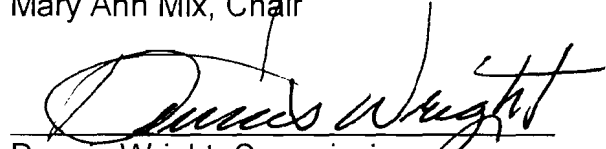
The Fire Code Ordinance shall be in full force and effect from and after its passage, approval and publication.

REGULARLY PASSED, APPROVED AND ADOPTED this 12th day of August, 2002.

BLAINE COUNTY BOARD OF
COUNTY COMMISSIONERS



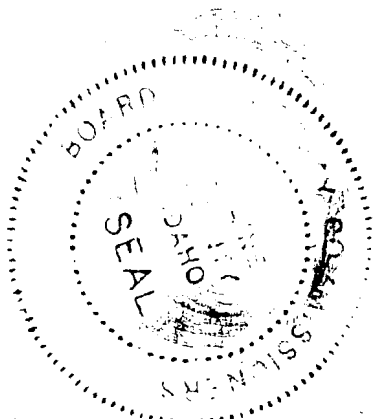
Mary Ann Mix, Chair



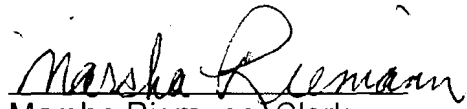
Dennis Wright, Commissioner



Sarah Michael, Commissioner



ATTEST:



Marsha Riemann, Clerk

NOTICE OF PUBLIC HEARING
PROPOSED BUDGET FOR FISCAL YEAR 2002-2003
CITY OF SUN VALLEY, IDAHO

A public hearing pursuant to Idaho Code 50-1002, will be held for consideration of the proposed budget for the fiscal year October 1, 2002 to September 30, 2003. The hearing will be held at City Hall, 81 Elkhorn Road, Sun Valley, Idaho at 4:00 p.m. on August 29, 2002. At said hearing, any interested person may appear and show cause, if any, why said proposed budget should or should not be adopted. Copies of the proposed City Budget in detail are available at City Hall during regular office hours (8:00 a.m. to 5:00 p.m. weekdays). The proposed budget is shown below as FY 2003 proposed budget expenditures and revenues.

Expenditures

	FY 2001 ACTUAL EXPENDITURES	FY 2002 BUDGET EXPENDITURES	FY 2003 BUDGET EXPENDITURES
GENERAL FUND			
Legislative	898,359.00	1,013,790.00	1,078,467.00
Administration	394,966.00	400,407.00	465,093.00
Community Development	206,871.00	220,500.00	223,442.00
Other General Government	136,326.00	14,421.00	40,000.00
Police Department	584,611.00	719,043.00	720,068.00
Fire Department	341,469.00	339,361.00	354,388.00
Building Division	53,438.00	61,051.00	59,651.00
General Fund Total	2,616,040.00	2,768,573.00	2,939,109.00
Fixed Asset Replacement Fund	0.00	150,823.00	157,323.00
Debt Service Fund	663,578.00	665,718.00	661,338.00
Land Acquisition Fund	0.00	100,000.00	0.00
Capital Improvement Fund	53,973.00	581,677.00	640,500.00
Street Fund	380,426.00	842,930.00	872,171.00
Grand Total All Funds - Expenditures	3,714,017.00	5,109,721.00	5,270,441.00

Revenues

	FY 2001 ACTUAL REVENUE	FY 2002 BUDGET REVENUE	FY 2003 BUDGET REVENUE
Property Tax Levy			
General Fund	621,306.00	726,727.00	836,260.00
Fixed Asset Replacement Fund	200,000.00	150,823.00	142,323.00
Debt Service Fund	672,214.00	662,718.00	658,338.00
Land Acquisition Fund	0.00	100,000.00	0.00
Capital Improvement Fund	212,000.00	41,677.00	100,500.00
Street Fund	704,293.00	781,409.00	815,268.00
Total Property Tax Levy	2,409,813.00	2,463,354.00	2,562,689.00
Other Revenue Sources			
Local Option Tax	1,318,013.00	1,120,500.00	1,120,500.00
Business & Franchise Taxes	79,596.00	94,800.00	102,000.00
Business Licenses & Permits	2,795.00	2,700.00	2,700.00
Non-Business Licenses & Permits	99,424.00	100,000.00	110,000.00
State of Idaho Shared Revenues	519,102.00	483,225.00	539,449.00
General Government	29,237.00	29,600.00	29,600.00
Fines	26,929.00	25,000.00	25,000.00
Interest Earnings	171,207.00	100,000.00	100,000.00
Miscellaneous	88,348.00	73,600.00	73,600.00
Vehicle Sales	0.00	0.00	15,000.00
Debt Service Fund	0.00	3,000.00	3,000.00
Land Acquisition Fund	41,807.00	4,807.00	0.00
Capital Improvement Fund	83,215.00	549,614.00	540,000.00
Street Fund	516,502.00	61,521.00	56,903.00
Grand Total All Funds - Revenues	5,385,788.00	5,111,721.00	5,270,441.00

The proposed expenditures and revenues for fiscal year 2002-2003 have been tentatively approved by the City Council. Publication dates for the notice of the public hearing are August 21, 2002 and August 28, 2002 in the Wood River Journal and the Mountain Express.

Sherry Nelson, Finance Manager

PUBLISH: IDAHO MOUNTAIN EXPRESS
Aug. 21 and 28, 2002

**NOTICE OF PUBLIC HEARING
BEFORE THE KETCHUM PLANNING
AND ZONING COMMISSION
UPON AN APPLICATION FOR A
WIRELESS COMMUNICATION
FACILITY MASTER
DEVELOPMENT PLAN**

NOTICE IS HEREBY GIVEN that on September 9, 2002, at 5:35 p.m., in City Hall at 480 East Avenue North, Ketchum, Idaho, the Ketchum Planning and Zoning Commission will hold a Public Hearing upon the application of NEXTEL PARTNERS for a Wireless Communication Facility Master Development Plan with regard to the following described property:

Greyhawk Alpine Center Condominiums (215 Picabo Street)

The applicant is proposing to construct a wireless communication facility, located in the Tourist (T) and Floodplain (FP) Zone.

THE COMMISSION WILL ALSO CONSIDER A PREAPPLICATION WIRELESS COMMUNICATION DESIGN REVIEW AT THIS MEETING.

NOTICE IS FURTHER GIVEN that at the aforementioned time and place, all interested persons may appear and shall be given an opportunity to com-

ment on the matter stated above. Comments and questions prior to the hearing should be directed to the Ketchum Planning Department. Written comments received prior to the hearing shall be made part of the public record at the hearing.

BY ORDER OF THE KETCHUM PLANNING AND ZONING COMMISSION.

DATED this 16th day of August, 2002.

/s/ Harold Moniz
Acting Planning and Zoning Administrator

PUBLISH:
IDAHO MOUNTAIN EXPRESS
Aug. 21, 2002

**PUBLIC NOTICE AND
PUBLIC HEARING NOTIFICATION**

The Ketchum/Sun Valley Transit Authority (KART), a municipal organization, is seeking Federal Transit Administration operating, and administrative assistance for 2003 from the Idaho Transportation Department, under the Nonurbanized Area Formula Grant program Section 5311 in compliance with the regulations and policies established

by the Idaho Transportation Department, Division of Public Transportation. The Ketchum/Sun Valley Transit Authority, in accord with federal guidelines, is evaluating its fixed route services for public transportation in the Ketchum/Sun Valley area. Notice is hereby given that public comment regarding the accessibility, routes and other pertinent information is solicited from the general public, persons with disabilities, elderly individuals and their respective organizations, and particularly from private or competing transportation providers. KART will hold a Public Hearing on August 21 at 12:30 p.m. at the City of Ketchum, 480 East Avenue N. A discussion will be held on the 2003 grant application, ADA Service and the Blaine County OTAC Study. KART will be looking at the possible implementation of the short and long term goals as recommended for down valley transit service between Ketchum, Hailey and Bellevue. A District Meeting will be held on September 6th from 4:00 - 6:00 P.M. to provide a final opportunity for comment at which time an additional public hearing may be held if requested. The meeting will be held at the SHILO Inn, 1586 Blue Lakes Blvd., Twin Falls, Idaho.

A copy of the grant proposal is now available for inspection at the Sun Valley City Hall. Only sections of the application which are considered essential for public disclosure by the Division of Public Transportation will be provided by mail unless the entire application is specifically requested. For documentation purposes all request and comments from the public must be in writing and should be sent by certified mail to Ketchum / Sun Valley Transit Authority P.O. Box 416, Sun Valley, Idaho, 83353. Informal questions may be directed to Terry Crawford at 208-726-7576.

PUBLISH:
IDAHO MOUNTAIN EXPRESS
Aug. 21 & 28, and Sept. 4

CALL FOR BIDS

Sealed bids will be received by Blaine County School District No. 61 for the Carey School Multipurpose Facility Re-Roof located at 20 Panther Lane, Carey, Blaine County, Idaho.

Work will be awarded on a lump sum basis; segregated bids will not be accepted.

Sealed bids will be received by Blaine County School District No. 61, 118 West Bullion Street, Hailey, Idaho 83333 until 1:00 o'clock p.m., prevailing time, on Wednesday, 04 Sept 2002. Bids will be opened and publicly read aloud at the Blaine County School District Office located at 118 West Bullion Street, Hailey, Idaho. Bids received after 1:00 o'clock p.m., 04 Sept 2002, will not be considered.

Drawings and Project Manuals will be available 21 Aug 2002 and may be obtained from:

Dave Davies, Architect
Medical Design Group
2716 Westland Place
Boise ID 83707
208-378-0817
FAX:208-378-1405
boisearchitect@aol.com

Bid security in the amount of five (5%) percent of the bid must accompany each bid, made payable to the Board of Trustees, Blaine County School District No. 61. Performance Bond in an amount equal to one hundred (100%) percent of the contract amount will be required within five (5) days after receipt of properly prepared Agreement between Owner and Contractor. Material suppliers will be subject to retainage and supply lien releases with each payment request.

No bidder may withdraw his bid after the hour set for opening thereof, or before award of Contract, unless award is delayed for a period exceeding thirty (30) days.

This Public Works project is not financed in whole or in part by federal aid funds. Bid proposals will be accepted from those contractors only who, prior to bid opening, hold current licenses as Public Works Contractors in the State of Idaho. All work shall be performed under Title 54, Chapter 19 of the Idaho Code governing Public Works Contracts. Each bidder shall identify his Public Works Contractor's State License Number in the space provided on the Bid Proposal form.

AIA Document A701, Instruction to Bidders, 1987 Edition, is hereby included by reference and shall be a part of the Contract Documents. Copies of AIA Document A701 are available for review at the office of the Architect. Copies of the document may be purchased from the American Institute of Architects or its local distributor.

Bidders wishing to review the existing site and building conditions in Carey are encouraged to call:

John Peck, Principal
Carey School
20 Panther Lane
Carey ID 83320
208-823-4391
FAX:208-823-4310
jpeck@carey.bcsd.k12.id.us

The Board reserves the right to reject any or all bids or to accept the ones deemed best for the School District and may waive any technicality.

BLAINE COUNTY SCHOOL DISTRICT
NO. 61

By: /s/ Cathy Zaccardi
Clerk of the Board

PUBLISH:
IDAHO MOUNTAIN EXPRESS
Aug. 21 and 28, 2002

**LEGAL NOTICE
BLAINE COUNTY
BOARD OF COMMISSIONERS
AUGUST 26, 2002**

On Monday, August 26, 2002, the Blaine County Board of Commissioners will hold a regular meeting beginning at 9:00 a.m. upstairs in the old County Courthouse located at 206 First Avenue South, in Hailey, Idaho. The public is invited to review, prior to the meeting, materials on file with regard to any application to be heard. Public comment will be taken and entered into the record of the hearing. Items on the agenda include the following:

3:00 p.m. PUBLIC HEARING TO CONSIDER AN ORDINANCE OF BLAINE COUNTY, IDAHO, REPEALING CHAPTER 3, TITLE 4, BLAINE COUNTY CODE AND ADDING A NEW CHAPTER 3, TITLE 4, TO THE BLAINE COUNTY CODE ENTITLED MINORS; PROVIDING THE PURPOSES THEREFORE; PROVIDING FOR DEFINITIONS OF PERTINENT TERMS; PROVIDING FOR RUNAWAY AND BEYOND PARENTAL CONTROL PROHIBITIONS AND PENALTIES; PROVIDING PROHIBITIONS FOR AIDING AND ENCOURAGING VIOLATIONS AND PENALTIES THEREFORE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

PUBLISH:
IDAHO MOUNTAIN EXPRESS
Aug. 21, 2002

**LEGALS
BLAINE COUNTY
HEARING EXAMINER
September 5, 2002**

On Thursday, September 5, 2002, the Blaine County Hearing Examiner will hold a regular meeting beginning at 6:30 p.m. upstairs in the old County Courthouse located at 206 First Avenue South in Hailey. The public is invited to review, prior to the meeting, materials on file with regard to any application or item to be heard. Public comment will be taken and entered into the record of the public hearing item(s). Item(s) on the agenda include the following:

Williams Accessory Dwelling Unit Conditional Use Permit Application: Public hearing and consideration of a conditional use permit for an accessory dwelling unit by Terry and Theresa Williams, affecting property described as Lot 122 Indian Creek Ranch Subdivision #2. The accessory dwelling unit will be located over a detached garage approximately 29 feet north of the existing residence. Pursuant to Section 9-3-11, Title 9, Blaine County Code, on lots between two and five acres in size, a conditional use permit is required when the accessory dwelling unit is located more than twenty five feet (25') from the primary residence. The property address is 202 Apache Drive. The property is zoned R-5 (Residential/Agricultural District).

Welch Accessory Dwelling Unit Conditional Use Permit Application: Public hearing and consideration of a conditional use permit for an accessory dwelling unit by Mr. and Mrs. James Welch, affecting property described as Lot 3 North Country Subdivision. The proposed accessory dwelling unit is a detached office/gym containing a bathroom and kitchenette. The proposed building is 1,191.59 square feet and is located approximately 72 feet from the principal residence. Pursuant to Section 9-3-11, Title 9, Blaine County Code, on lots between two and five acres in size, a conditional use permit is required when the accessory dwelling unit is located more than twenty five feet (25') from the primary residence. The property address is 109 Fox Creek Road. The property is zoned R-2 1/2 (Rural Residential District).

PUBLISH:
IDAHO MOUNTAIN EXPRESS
Aug. 21, 2002

**SUMMARY OF BLAINE COUNTY
ORDINANCE NO. 2002 - 01**

Blaine County Ordinance 2002-01 was passed and approved by the Blaine County Board of Commissioners (hereinafter "Board") on August 12, 2002. The ordinance is published herein by summary pursuant to Idaho Code Section 31-715A. A copy of the full text of the ordinance is available from

Marsha Riemann, County Clerk, at the old Blaine County Courthouse, Second Floor, Hailey, Idaho, between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday.

DESCRIPTIVE TITLE: AN ORDINANCE OF THE COUNTY OF BLAINE, STATE OF IDAHO, PROVIDING FOR A SHORT TITLE, PROVIDING FOR DEFINITIONS, PROVIDING FOR FINDINGS, PROVIDING FOR DUTIES OF BUILDING OFFICIAL, PROVIDING FOR MODIFICATIONS TO THE UNIFORM FIRE CODE, PROVIDING FOR REVIEW, APPROVAL, INSPECTIONS

AND FEES; PROVIDING FOR APPEALS; PROVIDING FOR PENALTIES; PROVIDING FOR WARNING AND DISCLAIMER OF LIABILITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; AND PROVIDING FOR AN EFFECTIVE DATE.

SUMMARY OF PRINCIPAL PROVISIONS: This Ordinance makes revisions to Title 7, Chapter 7 of the Blaine County Code pertaining to Fire Codes. Specifically, the Ordinance seeks to prevent the use of ponds for fire protection purposes serving new construction in certain areas located within Blaine

County. The Ordinance also:

(A) Provides for definitions of terms used in the Ordinance;

(B) Provides for Board findings;

(C) Provides for duties of the Building Official;

(D) Provides for modification to the Uniform Fire Code by including: (1) an exemption to the Appendix III-A of the Uniform Fire Code; (2) requirements for water supplies and sprinkler systems for Group R-3 occupancies; (3) requirements for sprinkler systems for an occupancy other than Group R-3 occupancies; (4) clear zone requirements;

(5) application of Appendix III-A of the Uniform Fire Code to occupancies on separate lots or parcels; (6) application of alternative sprinkler system or fire flows for the same or different occupancies on the same lot or parcel; (7) roof assembly requirements; and (8) address number requirements;

(E) Provides for the manner in which fire suppression measures are reviewed, approved, inspected, and the fees set;

(F) Provides for an appeal process for certain decisions made by the applicable Fire Chief or Building Official;

(G) Provides for criminal and civil penalties in the event the Fire Protection Ordinance is not complied with;

(H) Provides a severability clause;

(I) Provides a repealer clause; and

(J) Provides that Ordinance 2002-01 shall be in full force and effect from and after its passage, approval and publication.

PUBLISH:
IDAHO MOUNTAIN EXPRESS
Aug. 21, 2002

BUILDING PERMITS

Compiled by the Mountain Express

BELLEVUE

PRMT NUM	DATE ISSUED	TYPE	SQ. FT.	VALUE	ADDRESS LEGAL DESCRIPTION	OWNER ADDRESS & PHONE	BUILDER ADDRESS & PHONE	ARCHITECT PHONE
45	31-Jul	Add	336	\$22,552	200 S. 6th	Nate Norris 200 S. 6th 788-2371	Same	
48	1-Aug	New	2,250	\$115,838	27 Lower Broadford Rd.	Tom Wynn Box 1382 Hailey 788-2121	Wynn Co. Bldg. Corp. 788-2121	
49	9-Aug	New	2,408	\$131,169	150 Sunrise Ranch Rd.	Dick Fairfield 920 Riverside Dr.--Bellevue 788-2110	Same	

BLAINE COUNTY

110	2-Aug	New	3,916	\$441,000	241 East Ford Rd.	Thos. & Katherine Rixon Box 3462 Ketchum 726-2709	Rixon Constr. Box 462 Sun Valley 726-3933	Thos. A. Rixon 726-5608
115	6-Aug	New	3,717	\$396,000	105 S. Love Lane	John & Alice Levenger Box 4w315 Hailey 788-6361	Dick Fairfield 788-2110	Michael Credle 788-8472
118	12-Aug	New	4,636	\$500,000	170 Labrador Lane	Jas. & Candy Bradley Box 2722 Hailey 788-3008	Bradley Constr. Same	Vantage Point - Buhl 208-543-4188
125	16-Aug	Add	600	\$56,000	218 Meadows Loop Cold Springs	G. Giroux & L. Anderson Box 7077 Ketchum 727-6676	Same	Linda Bergerson 726-4846
127	16-Aug	Add	1,915	\$20,000	748 Paintbrush	Bruce & Paula Collier Box 1588 Ketchum 726-8819	Same	Mark Klingerman 726-5264

HAILEY

209	5-Aug	New	1,658	\$108,457	3410 Berry Creek Dr.	Homestead Investments, Inc. - Filer, ID 208-326-4037	Same	
215	12-Aug	New	2,830	\$252,859	671 Kintail Dr.	Daryl & Dana Price Box 7141 Ketchum 788-1132	Boylston & Haworth Constr. Box 7027 Ketchum 726-9079	
219	13-Aug	New	5,600	\$284,022	511 River St. N.	SFP-B Ltd. Partnership Prineville, OR 541-447-4136	L S Constr. Box 667 Prineville, OR 541-416-5162	
221	15-Aug	Add	700	\$85,000	640 Deer Trail Dr.	Bryan & Hilary Furlong 640 Deer Trail Dr. 788-6011	Boylston & Haworth Constr. Box 7027 Ketchum 726-9079	
223	15-Aug	Garage Add	672	\$14,206	416 2nd Ave. N.	Par Properties Box 6066 Sun Valley 622-3144	Doug Carpenter 120 Woodside Dr. Hailey 788-22965	

KETCHUM

102	9-Aug	New		\$250,000	220 Four Seasons Way	Nick Marich 220 Four Seasons Way 726-1112	John Campbell Box 3290 Hailey 578-7671	
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SUN VALLEY

66	30-Jul	Add & Remedel		\$68,740	409 Fairway	M/M Wm. Boeger	Allan Patzer Box 715 Ketchum 720-2915	Ruscitto/Latham/Blanton 726-5608
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Legals

DEADLINE: FRIDAY 5 P.M.

August 21, 2002

Public Notices

- City of Hailey Ordinance No. 812. (8-21)
- City of Hailey Ordinance No. 814. (8-21)
- City of Hailey Ordinance No. 819. (8-21)
- Bellevue P&Z public hearing Sept. 5. (8-21)
- Carey Cemetery District budget hearing. (8-21)
- County hearing Sept. 3 to consider FY budget. (8-21)
- Proposed Change to Water Rights (Cenarrusa). (8-21)
- Summary of Blaine County Ordinance 2002-01. (8-21)
- West Magic FD public hearing/proposed budget. (8-21)
- County Board of Commissioners to meet Aug. 26. (8-21)
- Blaine County Rec District Notice of Filing Deadline. (8-21)
- BCRD Notice of Filing Deadline. (8-21)
- BCRD public hearing on proposed FY budget. (8-21)
- School District seeks bids on Carey School re-roof. (8-28)
- Soil Conservation District Notice of Filing Deadline. (8-28)
- Sun Valley hearing on proposed FY 2002-2003 budget. (8-28)
- Creditors notified in Rose estate. (9-4)
- Public auction of Vorse/Whitney property. (9-11)
- Notice of Hearing in name change for Esparza. (9-11)

**West Magic FD
proposed budget****LEGAL NOTICE
OF PUBLIC HEARING
PROPOSED BUDGET FOR
WEST MAGIC FIRE DISTRICT
FOR FISCAL YEAR 2002-2003**

NOTICE IS HEREBY GIVEN that there will be a public hearing at 10 a.m. on Saturday, August 24, 2002, in the Fire Building on Pioneer Drive, West Shore Estates, West Magic. All interested persons are invited to attend. If unable to attend, you may contact Don Grubb at 208-487-2238 or Kathy Wortman at 208-487-2004. A copy of the proposed budget is available for inspection at West Shore Lodge and Burden West during business hours.

**West Magic Fire District
Proposed Budget 2002-2003**

Revenues	\$9495
Estimated Expenditures	
Major Equipment & Replacement Repairs	\$3410
Fire Building Maintenance	\$500
Office Supply	\$150
Election Publication	\$100
Utilities	\$50
Fuel	\$100
Propane	\$50
Fire Hydrant Maintenance	\$410
Insurance	\$1600
Miscellaneous	\$650
Building Fund	\$2275
TOTAL	\$9495

Publish: Wood River Journal—August 21, 2002.

**Proposed change
to water rights****NOTICE OF PROPOSED
CHANGE TO WATER RIGHTS**

Notice is hereby given that an Application for Transfer has been filed with the Idaho Department of Water Resources for changes to water rights within Blaine County.

JERRY &/OR JANICE CENARRUSA, PO BOX 164; CAREY ID 83320 filed Application No. 70077 on 8/1/02 for diversion of 2.04 cfs from ground water. Transfer proposes changing the place of use of water right 37-7517 diverted from a well located approximately 1/8 mile East of the Highway 20 and Highway 93 intersection at Carey, ID. The new proposed place of use for irrigation of 102 acres will be located approximately 5/8 mile to 1 and 1/8 mile East and 0 miles to 1/2 mile South of the existing well location.

For specific details regarding the application(s), please contact IDWR Southern Regional Office at 208-736-3033 or visit www.idwr.state.id.us with detail provided under "New Water Right Applications". Protests may be submitted based on the criteria of Sec 42-222, Idaho Code. Protests against approval must be filed with IDWR, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 with a protest fee of \$25.00 for each application on or before September 2, 2002. The protest

must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Publish: Wood River Journal—August 14 & 21, 2002.

**City of Hailey
Ordinance No. 814****City of Hailey
ORDINANCE NO. 814**

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, ANNEXING CERTAIN ADJACENT AND CONTIGUOUS REAL PROPERTY TO THE CITY OF HAILEY; PROVIDING FOR THE ZONING OF SAID ANNEXED REAL PROPERTY; PROVIDING THAT SUCH REAL PROPERTY AND ALL PERSONS WITHIN THE LIMITS OF SUCH ANNEXED REAL PROPERTY SHALL BE SUBJECT TO ALL PROVISIONS OF ALL ORDINANCES OF THE CITY OF HAILEY; PROVIDING FOR THE FILING OF THE COPIES OF THE ORDINANCE; PROVIDING FOR COMPLIANCE WITH IDAHO CODE SECTION 63-2215; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the City Council has heard an application by Friedman Memorial Airport for the annexation of certain real property adjacent and contiguous to the City of Hailey; and

WHEREAS, the City Council has determined that the annexation of certain real property adjacent and contiguous to the City of Hailey will further the City's interest and protect the health, safety and welfare of the citizens of Hailey; and

WHEREAS, the City Council has determined that the proposed annexation represents an orderly extension of the City's boundaries; and

WHEREAS, the City Council has determined that City services can be extended to accommodate the proposal; and

WHEREAS, the City Council has determined that the proposed annexation is a suitable proposal for the relocation of the Fixed Base Operator (FBO), and that the relocation is in keeping with the Airport Master Plan; and

WHEREAS, the City has determined that the value and benefit of the Fixed Base Operator offsets the fiscal impact of the development on the necessary public services provided by the City.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HAILEY, IDAHO, AS FOLLOWS:

SECTION 1. The real property depicted in attached Exhibit A (Parcel B of Flying Hat Ranch, Tax Lot 7553) attached hereto and as proposed by Friedman Memorial Airport, is hereby declared to be a part of the City of Hailey and annexed thereto. In addition, the real property described as Lot 1, Block 1, Broadford Highlands Subdivision No. 1, and Lot 1, Broadford Highlands Subdivision No. 2, is hereby declared to be a part of the City of Hailey and annexed thereto.

SECTION 2. All property within the above described parcels of land shall be, and is hereby, classified and zoned as part of the Airport (A) Zoning District.

SECTION 3. From and after the effective date of this Ordinance, all property and persons within the

above-described parcels of land shall be subject to the provisions of all by-laws and ordinances of the City of Hailey.

SECTION 4. Pursuant to Idaho Code Section 50-223, the Clerk of the City of Hailey shall, within ten (10) days following the effective date of this Ordinance, file a certified copy of this Ordinance with the Blaine County Auditor, the Blaine County Treasurer, the Blaine County Assessor and the Idaho State Tax Commission.

SECTION 5. The Clerk of the City of Hailey shall, within ten (10) days following the effective date of this Ordinance, cause one copy of a legal description and map prepared in a draftsman like manner which shall plainly and clearly designate the boundaries of the altered portion of the City of Hailey to be filed with the Blaine County Recorder, the Blaine County Assessor and the Idaho State Tax Commission.

SECTION 6. This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR, This 12th day of August, 2002.

Al Lindley, Mayor,
City of Hailey

ATTEST:
Heather Dawson,
Hailey City Clerk

Publish: Wood River Journal—August 21, 2002.

**City of Hailey
Ordinance No. 819****City of Hailey
ORDINANCE NO. 819**

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, ENTITLED THE ANNUAL APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2002 AND ENDING SEPTEMBER 30, 2003, APPROPRIATING THE SUM OF \$8,228,970.00 TO DEFRAY THE EXPENSES AND LIABILITIES OF THE CITY OF HAILEY FOR SAID FISCAL YEAR; AUTHORIZING A LEVY OF A SUFFICIENT TAX UPON THE TAXABLE PROPERTY WITHIN THE CITY OF HAILEY; SPECIFYING THE OBJECTS AND PURPOSES FOR WHICH SAID APPROPRIATION IS MADE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HAILEY, IDAHO AS FOLLOWS:

SECTION 1. The sum of \$8,228,970.00 shall be, and the same is hereby, appropriated to defray the necessary expenses and liabilities of the City of Hailey, Idaho, for the fiscal year beginning October 1, 2002 and ending September 30, 2003.

SECTION 2. The objects and purposes for which such appropriation is made, and the amount of each object and purpose, are as follows:

GENERAL FUND EXPENDITURES

Legislative	\$20,849.00
Executive	
(Finance/Legal/Engineer)	
191,808.00	
Planning Dept.	177,118.00
Building Dept.	117,054.00
Fire Dept.	341,092.00
Police Dept.	887,205.00
Animal Control	83,258.00
Library	292,848.00
Public Works	265,140.00
Street Dept.	631,642.00
Parks & Recreation Dept.	103,595.00
Capital Improvement Projects	430,971.00
G.O. & L.I.D. Bonds	277,000.00
Total Expenditures	\$4,019,580.00

WATER & SEWER EXPENDITURES

Water Fund Expenditures	\$1,678,686.00
Sewer Fund Expenditures	1,192,797.00
Water Replacement Expenditures	918,281.00
Sewer Replacement Expenditures	419,626.00
Total Expenditures	\$4,209,390.00

TOTAL EXPENDITURES ALL FUNDS
\$8,228,970.00

SECTION 3. A general tax levy on all taxable property within the City of Hailey shall be levied in an amount allowed by law for the general purposes of said City for the fiscal year beginning October 1, 2002 and ending September 30, 2003.

SECTION 4. All ordinances and/or portions or parts of ordinances in any way inconsistent with or in conflict with this Ordinance are hereby repealed.

SECTION 5. This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR, This 12th day of August, 2002.

Al Lindley, Mayor,
City of Hailey

ATTEST:
Heather Dawson,
City Clerk

Publish: Wood River Journal—August 21, 2002.

**Blaine County
Ordinance 2002-01****SUMMARY
Blaine County Ordinance 2002-01**

Blaine County Ordinance 2002-01 was passed and approved by the Blaine County Board of Commissioners (hereinafter "Board") on August 12, 2002. The ordinance is published herein by summary pursuant to Idaho Code Section 31-715A. A copy of the full text of the ordinance is available from Marsha Riemann, County Clerk, at the old Blaine County Courthouse, Second Floor, Hailey, Idaho, between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday.

DESCRIPTIVE TITLE: AN ORDINANCE OF THE COUNTY OF BLAINE, STATE OF IDAHO, PROVIDING FOR A SHORT TITLE; PROVIDING FOR DEFINITIONS; PROVIDING FOR FINDINGS; PROVIDING FOR DUTIES OF BUILDING OFFICIALS; PROVIDING FOR MODIFICATIONS TO THE UNIFORM FIRE CODE; PROVIDING FOR REVIEW, APPROVAL, INSPECTIONS AND FEES; PROVIDING FOR APPEALS; PROVIDING FOR PENALTIES; PROVIDING FOR WARNING AND DISCLAIMER OF LIABILITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; AND, PROVIDING FOR AN EFFECTIVE DATE.

SUMMARY OF PRINCIPAL PROVISIONS: This Ordinance makes revisions to Title 7, Chapter 7 of the Blaine County Code pertaining to Fire Codes. Specifically, the Ordinance seeks to prevent the use of ponds for fire protection purposes serving new construction in certain areas located within Blaine County. The Ordinance also:

- (A) Provides for definitions of terms used in the ordinance;
- (B) Provides for Board findings;
- (C) Provides for modification to the Uniform Fire Code by including: (1) an exemption to the Appendix III-A of the Uniform Fire Code; (2) requirements for water supplies and sprinkler systems for Group R-3 occupancies; (3) requirements for sprinkler systems for an occupancy other than Group R-3 occupancies; (4) clear zone requirements; (5) application of Appendix III-A of the Uniform Fire Code to occupancies on separate lots or parcels; (6) application of alternative sprinkler system or fire flows for the same or different occupancies on the same lot or parcel; (7) roof assembly requirements; and (8) address number requirements;

(E) Provides for the manner in which fire suppression measures are reviewed, approved, inspected, and the fees set;

(F) Provides for an appeal process for certain decisions made by the applicable Fire Chief or Building Official;

- (G) Provides for criminal and civil penalties in the event the Fire Protection Ordinance is not complied with;
- (H) Provides a severability clause;
- (I) Provides a repealer clause; and
- (J) Provides that Ordinance 2002-01 shall be in full force and effect from and after its passage, approval and publication.

Publish: Wood River Journal—August 21, 2002.

**Creditors notified in
Rose estate**

Case No. SP02-02836

NOTICE TO CREDITORS

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE

In the matter of the estate of
PEGGY JOYCE ROSE,
Deceased.

NOTICE IS HEREBY GIVEN that the undersigned have been appointed Co-Personal Representatives of the above-named estate. All persons having claims against the said deceased are required to present their claims within four (4) months after the date of the first publication of this Notice, or said claims will be forever barred. Claims must be presented to Robert M. Harwood, attorney for Co-Personal Representatives of the estate, at Benoit, Alexander, Harwood, High & Butler, P.O. Box 2246, Ketchum, Idaho 83340, and filed with the Court.

DATED this 5th day of August, 2002.

s/ Peter V. Stephenson
Co-Personal Representative
P.O. Box 75
Ketchum, Idaho 83340

s/ Mary Sue Duffield
Co-Personal Representative
1487 Coolidge
Pasadena, California 91104

Publish: Wood River Journal—August 14, 21 & 28 and September 4, 2002.

**Esparza seeks
change of name**

Case No. SP-02-2870

NOTICE OF HEARING

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE

In the matter of change of name for:
KASSANDRA ESPARZA,

Petitioner,

A Petition by KASSANDRA ESPARZA, born May 1, 1997, at Sylmar, California, now residing at Ketchum, Blaine County, Idaho, proposing a change in name to KASSANDRA EUDAVE, has been filed in the above-entitled Court.

The name and address of Petitioner's father is Antonio Eudave, P.O. Box 9146, Hailey, Idaho 83333. The names and addresses of Petitioner's near relatives are: Antonio Eudave Esparza and Maria Alonso Gonzales, The Meadows #96, P.O. Box 4196, Hailey, Idaho 83333.

Such Petition will be heard at such time as the Court may appoint, and objections may be filed by any person who can, in such objections, show to the Court a good reason against such a change of name.

Witness my hand and the seal of said District Court, this 14th day of August, 2002.

Marsha Riemann, Clerk
By: Renee Bozuto, Deputy

Publish: Wood River Journal—August 21 & 28 and September 4 & 11, 2002.

**Hailey Council to
meet Sept. 9****NOTICE
HAILEY CITY COUNCIL
PUBLIC HEARING
September 9, 2002**

PUBLIC NOTICE IS HEREBY GIVEN that the Hailey City Council will hold a Public Hearing at 6:00 p.m. on Monday, September 9, 2002. The meeting will be held in the meeting room within Hailey Town Center, 115 South Main Street, Hailey, Idaho.

The Council will hear the following:

Proposed amendments to Hailey Zoning Ordinance No. 532, including: Article III, Administration, adding a provi-

F A C S I M I L E

To: Idaho Mountain Express & Wood River Journal

Fax: (208) 726-2329 & (208) 788-0083

Pages: 3, including this cover sheet.

Date: August 16, 2002

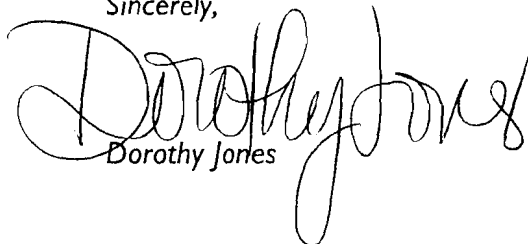
Legal Notice - August 21st 2002, Newspaper

Dear Express & Journal:

Enclosed is a copy of the Legal Notice for the Summary of Blaine County Ordinance 2002-1 for legal publication in your August 21st newspapers in its entirety.

If you have any questions, please give me a call. Thank you for your courtesy and assistance with this matter.

Sincerely,



Dorothy Jones

From the desk of...
Dorothy Jones
Blaine County Recorder's Office
201 1st Avenue South, Suite 200
Hailey, Idaho 83333
(208) 788-5505
Fax: (208) 788-5501

SUMMARY OF BLAINE COUNTY ORDINANCE NO. 2002-01

Blaine County Ordinance 2002-01 was passed and approved by the Blaine County Board of Commissioners (hereinafter "Board") on August 12, 2002. The ordinance is published herein by summary pursuant to Idaho Code Section 31-715A. A copy of the full text of the ordinance is available from Marsha Riemann, County Clerk, at the Old Blaine County Courthouse, Second Floor, Hailey, Idaho, between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday.

DESCRIPTIVE TITLE: AN ORDINANCE OF THE COUNTY OF BLAINE, STATE OF IDAHO, PROVIDING FOR A SHORT TITLE, PROVIDING FOR DEFINITIONS; PROVIDING FOR FINDINGS; PROVIDING FOR DUTIES OF BUILDING OFFICIAL; PROVIDING FOR MODIFICATIONS TO THE UNIFORM FIRE CODE; PROVIDING FOR REVIEW, APPROVAL, INSPECTIONS AND FEES; PROVIDING FOR APPEALS; PROVIDING FOR PENALTIES; PROVIDING FOR WARNING AND DISCLAIMER OF LIABILITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; AND PROVIDING FOR AN EFFECTIVE DATE.

SUMMARY OF PRINCIPAL PROVISIONS: This Ordinance makes revisions to Title 7, Chapter 7 of the Blaine County Code pertaining to Fire Codes. Specifically, the Ordinance seeks to prevent the use of ponds for fire protection purposes serving new construction in certain areas located within Blaine County. The Ordinance also:

- (A) Provides for definitions of terms used in the Ordinance;
- (B) Provides for Board findings;
- (C) Provides for duties of the Building Official;
- (D) Provides for modification to the Uniform Fire Code by including: (1) an exemption to the Appendix III-A of the Uniform Fire Code; (2) requirements for water supplies and sprinkler systems for Group R-3 occupancies; (3) requirements for sprinkler systems for an occupancy other than Group R-3 occupancies; (4) clear zone requirements; (5) application of Appendix III-A of the Uniform Fire Code to occupancies on separate lots or parcels; (6) application of alternative sprinkler system or fire flows for the same or different occupancies on the same lot or parcel; (7) roof assembly requirements; and (8) address number requirements;
- (E) Provides for the manner in which fire suppression measures are reviewed, approved, inspected, and the fees set;

(F) Provides for an appeal process for certain decisions made by the applicable Fire Chief or Building Official;

(G) Provides for criminal and civil penalties in the event the Fire Protection Ordinance is not Complied with;

(H) Provides a severability clause;

(I) Provides a repealer clause; and

(J) Provides that Ordinance 2002-01 shall be in full force and effect from and after its passage, approval and publication.