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### Valiant Idaho, LLC v. North Idaho Resorts, LLC Clerk's Record v. 77 Dckt. 44583

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Vol. **77** of **85**  
IN THE

**SUPREME COURT  
OF THE  
STATE OF IDAHO**

ISC #44583, 44584, 44585  
Bonner #CV2009-1810

**Valiant Idaho, LLC**  
*Cross-Claimant/Respondent*

vs.

**North Idaho Resorts  
JV, LLC  
VP Incorporated**  
*Cross-Defendants/Appellants*

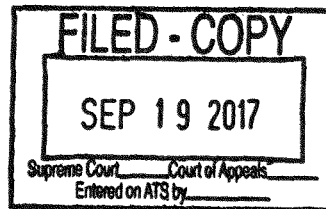
**CLERK'S RECORD ON APPEAL**

*Appealed from the District Court of the First Judicial District  
of the State of Idaho, in and for the County of Bonner*

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**VOLUME LXXVII**

**44583**

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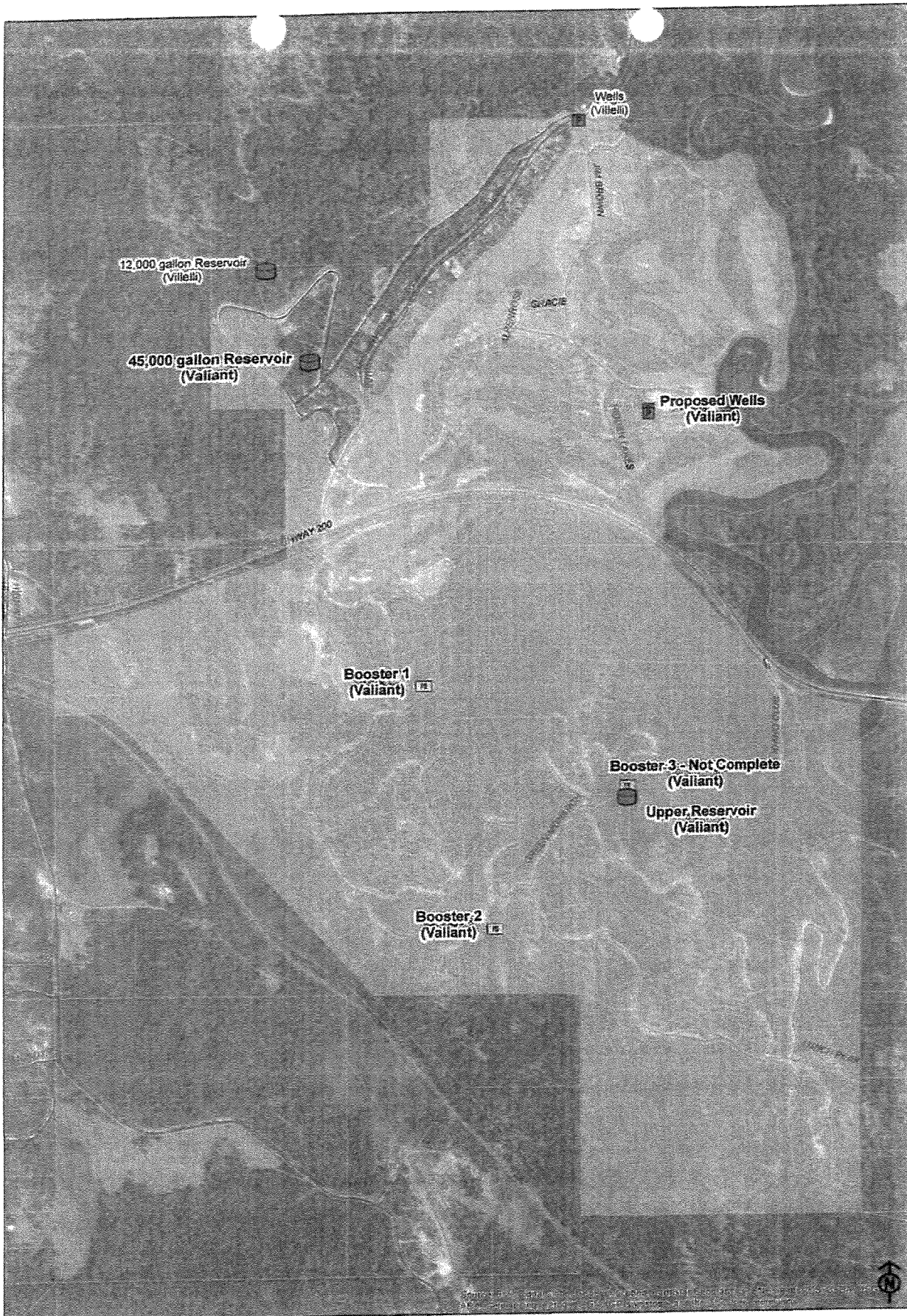
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**FIGURE 1:  
IDAHO CLUB SERVICE AREA**



**WELCH-COMER**  
ENGINEERS | SURVEYORS

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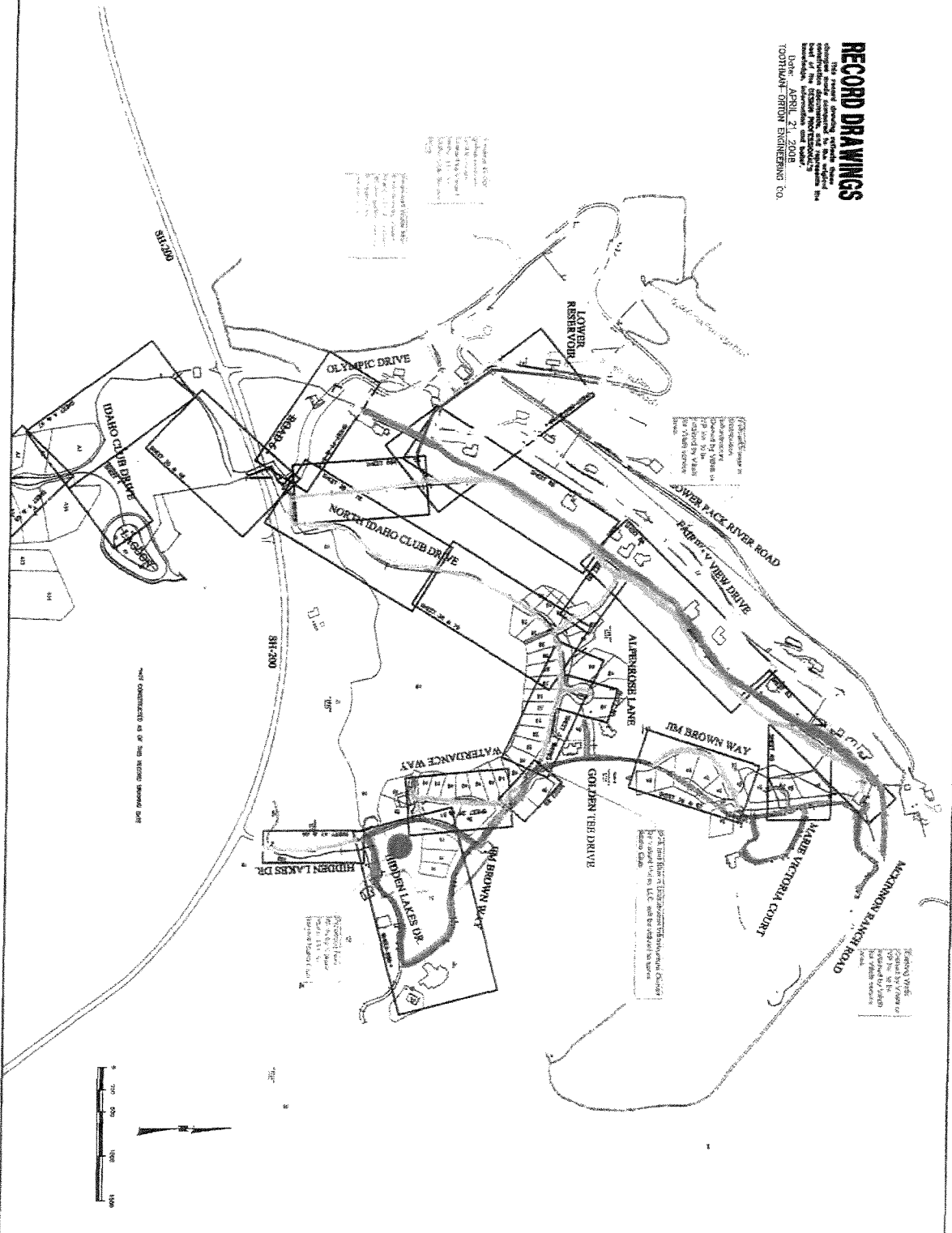
## Valiant Idaho, LLC Water System Overview

Source:  
Bonner County GIS  
Valiant Mapping  
Aerial (see above)

PROJECT NO. **9574**  
DRAWN BY: [Name]  
FILENAME: [Name]  
DATE: 2/28/17

**FIGURE 2:  
VALIANT IDAHO, LLC WATER SYSTEM  
FACILITIES SERVING IDAHO CLUB  
SERVICE AREA**

**RECORD DRAWINGS**  
 This project drawing, including all sheets, is the property of Toothman-Orton Engineering Co. and is not to be used for any other project without the written permission of the company.  
 Date: APRIL 21, 2008  
 TOOTHMAN-ORTON ENGINEERING CO.



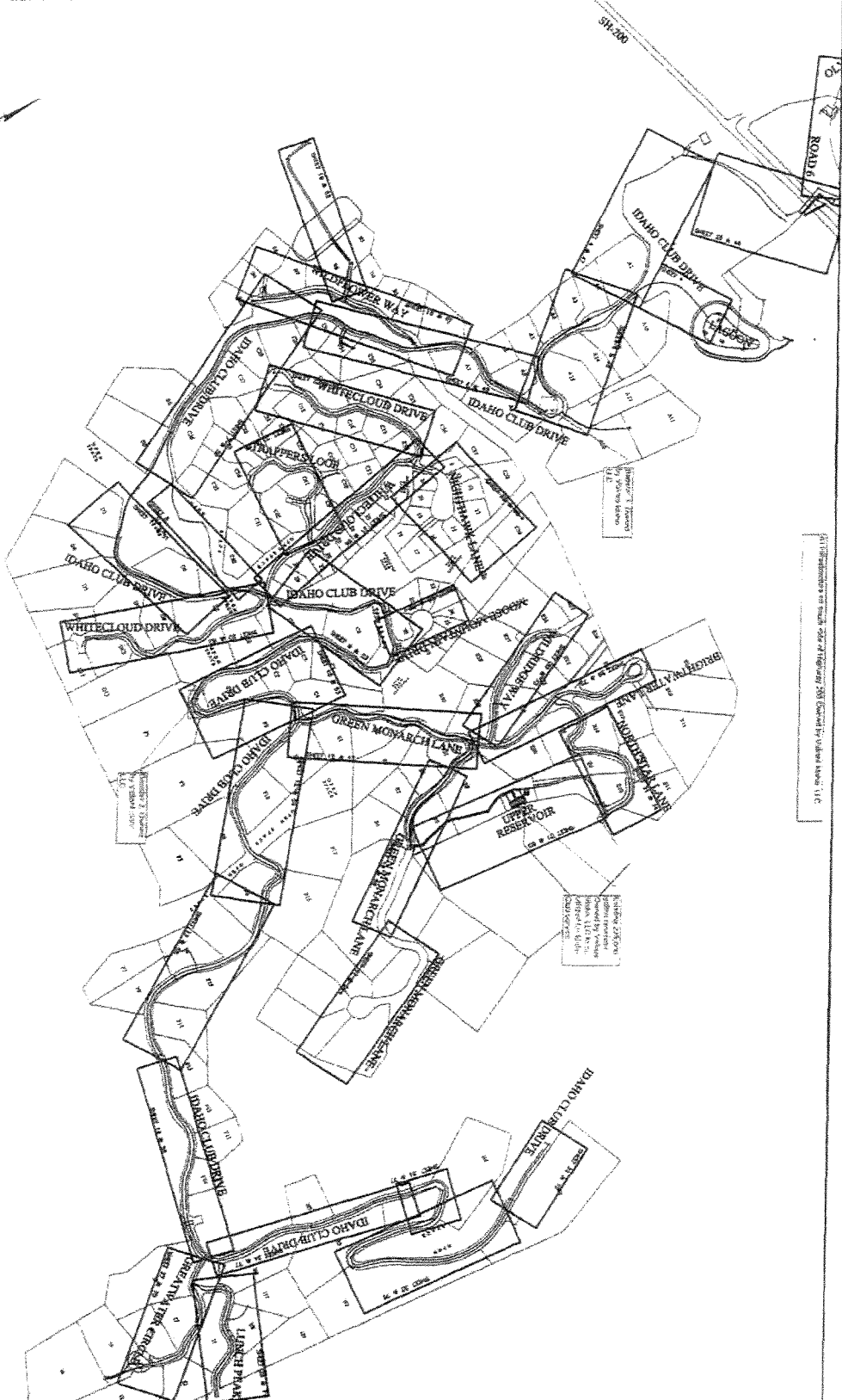
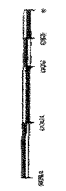
**IDAHO CLUB  
 WATER AND SEWER PHASE I**  
**WATER AND SEWER  
 SHEET OVERVIEW**

**TOOTHMAN-ORTON ENGINEERING COMPANY**  
 CONSULTING ENGINEERS, SURVEYORS AND PLANNERS  
 2802 PRAIRIE AVENUE  
 BOZEMAN, MONTANA 59715-7710  
 PHONE (406) 762-3644  
 FAX (406) 762-3708  
 OFFICES IN  
 BOZEMAN, IDAHO  
 CALDWELL, IDAHO

NO.	DESCRIPTION	DATE	DATE MADE
1	Initial Survey	7/20/06	7/20/06
2	Final Survey	8/21/06	8/21/06
3	Final Survey	11/20/06	11/20/06
4	Record Drawing	04/21/08	04/21/08







**RECORD DRAWINGS**  
 This record drawing reflects those improvements shown on the approved subdivision map and is the final design of the project.  
 DATED: APRIL 21, 2000  
 TOOTHMAN-ORTON ENGINEERING CO.

SHEET 3 OF 91

**IDAHO CLUB  
 WATER AND SEWER PHASE I  
 WATER AND SEWER  
 SHEET OVERVIEW**

**TOOTHMAN-ORTON ENGINEERING COMPANY**  
 CONSULTING ENGINEERS, SURVEYORS AND PLANNERS  
 WEST 200 PRINCE AVENUE  
 SODAS PALM, IDAHO 83415-7710  
 PHONE: (208) 742-3044  
 FAX: (208) 742-3708

NO.	REVISIONS	DATE	BY
1	Final Design	05/07/00	TOOTHMAN
2	Final Design Change	11/20/00	TOOTHMAN
3	Record Drawings	01/21/01	TOOTHMAN



**ATTACHMENT 1:  
2006 TO ENGINEERING REPORT**

**PEND OREILLE BONNER  
DEVELOPMENT, LLC**

RECEIVED  
JUL 12 2006  
DPO Coeur d'Alene  
Regional Office

9343

**Water System Engineering Report  
PWS 1090195 Expansion**

**For**

**THE IDAHO CLUB PUBLIC WATER SYSTEM**

**JULY 5, 2006**

**Prepared By:**

**TOOTHMAN-ORTON ENGINEERING COMPANY  
W. 280 PRAIRIE AVE.  
COEUR D'ALENE, IDAHO 83815  
and  
524 CLEVELAND BOULEVARD, SUITE 227  
CALDWELL, IDAHO 83605**

*Comments 10/24/6 - gjs*

**PEND OREILLE BONNER  
DEVELOPMENT, LLC**

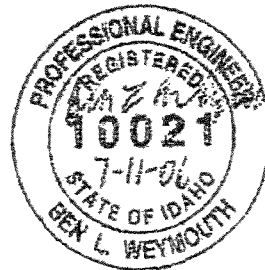
**Water System Engineering Report  
PWS 1090195 Expansion**

**For**

**THE IDAHO CLUB PUBLIC WATER SYSTEM**



**JULY 5, 2006**



**Prepared By:**

**TOOTHMAN-ORTON ENGINEERING COMPANY  
W. 280 PRAIRIE AVE.  
COEUR D'ALENE, IDAHO 83815  
and  
524 CLEVELAND BOULEVARD, SUITE 227  
CALDWELL, IDAHO 83605**

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- Appendix F: System Schematic and Pump Control Logic
- Appendix G: System Model Drawing (WaterCAD skeleton)
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## BACKGROUND

X  
The purpose of this report is to provide details for the proposed expansion of the Hidden Lakes Public Water System (PWS 1090195) to serve The Idaho Club Planned Unit Development (P.U.D.). The existing P.U.D. has been amended to increase proposed build-out to approximately 600 Equivalent Residential Units (ERU) and expand the development to the south side of SH-200. The north side will increase from the existing 45 ERUs to a proposed build-out of 317 ERUs, while the south side will be built out to approximately 283 ERUs.

Exist.  
The existing system is owned by V.P. Incorporated and the proposed system expansion will also be owned by V.P. Incorporated. The system is and will continue to be operated by Water Systems Management Inc. The current system consists of a 6-inch groundwater well, an 8-inch groundwater well, a 14'x14' wellhouse, a 45,000 gallon reservoir, and a 12,000 gallon reservoir. Water distribution lines are currently in place to serve the Hidden Lakes Golf Course Clubhouse, Hidden Lakes Subdivision and Golden Tee Estates Phases I and II.

Geology  
The U.S. Geological Survey on the "Geologic Map of the Sandpoint Quadrangle, Washington, Idaho, Montana" by Miller et al, 1999, has mapped the geology in the development area. The mapping indicates that the lower development areas are Quaternary glacial and alluvial deposits. These deposits consist of heterogeneous deposits of clay, silt, sand and gravel. The two (2) existing groundwater wells draw from a sand/gravel alluvial aquifer beneath several layers of clays and silts. The upper development areas consist of bedrock geology that is granodiorite of the Rapid Lightning Creek and Prichard formations. The granodiorite is medium- to coarse-grained material in a fine-grained mass. The Prichard formation is described as siltite, quartzite and argillite that are typically thinly bedded and discontinuous in part. Typically both types of bedrock are moderately hard, moderately highly fractured and slightly to highly weathered.

Model  
A hydraulic model was used to design the new system and verify compliance with *Idaho Rules for Public Drinking Water Systems* (IDAPA58.01.08 section 552), Idaho Department of Environmental Quality (DEQ) Checklists and Design File Notes, 10-State Standards, and the requirements of the North Side Fire District. The model results and the resulting system design are summarized in this report.

## SYSTEM OWNERSHIP

OK  
The system is owned by:  
V.P. Incorporated  
151 Clubhouse Way  
Sandpoint, Idaho 83864  
(208) 255-4500  
Contact: Richard Vilelli

OK  
The system is operated by:  
Water Systems Management Inc.  
67 Wild Horse Trail  
Sandpoint, Idaho 83864  
(208) 265-4270  
Contact: Bob Hansen, Licensed Operator

PROPOSED SYSTEM IMPROVEMENTS

North

The existing system will be expanded on the north side of Highway 200, and extended to serve the south side of the Highway. A connection beneath the Highway will serve as the supply source for the south side, and a new reservoir on the south side will provide operational storage and fire protection for the entire system. The north side water system will be expanded with 6" and 8" mains to serve the additional units. The smaller 6" well will be replaced with another 8" well and the existing 45,000-gallon reservoir (Tank 2) will remain as is. At a minimum, the proposed 8" replacement well will have a capacity of 330 gpm @ 281 feet of head. The two wells will provide a combined supply capacity of at least 645 gpm. The two well pumps will be controlled by the water level in Tank 2. Fire hydrants will be placed at 500' intervals where new water mains are installed on the north side. In addition, hydrants near the clubhouse that are currently connected to the irrigation system will be reconnected to the public water system.

South

The south side water system will consist of a 197,000-gallon reservoir (Tank 1), located 700-ft in elevation above the north side and served by two booster pump stations in series. The pumps are controlled by the water surface elevation in Tank 1 and will be supplied by the wells and Tank 2 on the north side of the water system. Each booster pump station will need to provide a flow rate of 330 gpm. The dwelling units on the south side will be served from the 197,000-gallon tank by new 8" and 12" mains. Fire hydrants will be placed at 500' intervals throughout the south side system. Due to the substantial elevation difference between the top and bottom of the system, sixteen PRV assemblies will need to be installed at approximately every 100' of elevation drop. There are approximately 22 dwelling units above the proposed reservoir location that will need to be served by a small booster pump system for their domestic demands. Fire hydrants are located within approximately 1000 road-feet of these 22 upper lots, which according to the North Side Fire District is acceptable and eliminates the need for fire booster pumps to serve this upper zone.

SOURCE CAPACITY

Source  
OK

Well #1 is currently a 6-inch well with a 5 HP pump capable of discharging 45 gpm. Well #2 is an 8-inch well with a 30 HP pump capable of discharging 315 gpm. Well Driller's Reports for these wells are included in Appendix A. Test pumping of Well #2 indicated that this well is capable of a sustained yield of 370+ gpm. Well #1 was test pumped at 100+ gpm. Well #1 will be replaced with an 8" well to provide a minimum of 330 gpm, which will result in a combined source capacity of at least 645 gpm. It should be noted that both of these wells currently meet water quality requirements based on periodic testing in compliance with DEQ standards, and are part of the existing public water system (PWS 1090195).

?

Idaho Rules for Public Drinking Water Systems require that a second groundwater source be capable of producing at least 800 gallons per day per service connection. This amounts to 480,000 gpd at build-out, or about 330 gpm. Well #1 will be upgraded prior to reaching 81 ERUs on the system, which is the projected number of ERUs that can be served by the 45 gpm pump with the 800 gpd restriction.

plus irrigation

81  
-45  
26

Will the  
PWS  
provide  
irrigation  
supply?

Hidden Lakes currently has two (2) groundwater rights filed with the Idaho Department of Water Resources. One of them is a Municipal beneficial use (0.35 cfs diversion rate) and the other is a Domestic plus Irrigation beneficial use (0.50 cfs diversion rate). The total beneficial use for these water rights is 0.85 cfs or about 382 gpm. These existing water rights should be adequate until replacement of Well #1 at Hidden Lakes, at which time additional water rights will need to be secured. A total of 1.44 cfs (0.59 cfs additional) will be needed for system build-out. Water right information is included in Appendix A.

Need 4  
Secure  
WRTs for  
Incl  
design-Q

0.35 cfs  
x 445.8 gpm/cfs  
157 gpm

THE IDAHO CLUB PUBLIC WATER SYSTEM  
ENGINEERING REPORT

EXISTING  
29 TMS  
18  
21  
19  
30  
-----  
LOTS 117  
Other 14

45 lots  
built on

WATER DEMAND

A tally of existing and proposed Equivalent Residential Units (ERUs) for the existing subdivisions and for projected build-out of the amended Hidden Lakes P.U.D. follows.

• Original Hidden Lakes Subdivision (existing)	29 ERUs
• Hidden Lakes 1 <sup>st</sup> Addition (existing)	18 ERUs
• Hidden Lakes 2 <sup>nd</sup> Addition (existing)	21 ERUs
• Golden Tee Estates Phase I (existing)	19 ERUs
• Golden Tee Estates Phase II (existing)	30 ERUs
• Clubhouse (existing)	12 ERUs
• Maintenance Building (existing)	2 ERUs
<hr/>	
• Clubhouse Expansion	2 ERUs
• Additional Small Lots and Cabins (north side)	125 ERUs
• New Recreational Facilities (north side)	12 ERUs
• Sales Office/Deli (north side)	2 ERUs
• Additional Lots and Cabins (south side)	283 ERUs
• Additional Lots (East of Lower Pack River Rd.)	45 ERUs
<b>TOTAL</b>	<b>600 ERUs</b>

131 ERUs

469 ERUs

All lots in the system, both existing and proposed, will be metered. Where used, calculations assume 0.25 acres of lawn and landscaping irrigation per ERU. These calculated demands are conservative since the formula assumes 100% occupancy, and the second home nature of the development will lead to seasonal occupancy. Golf course irrigation will be provided from the Pack River and proposed wastewater reuse system and is not a part of the domestic water system.

The average day demand for the model and system design is based on historical records from the existing system. This system consists of 31 single-family residential units, the golf course clubhouse (12 ERUs), and the golf course maintenance building (2 ERUs). Records for the total daily use from November 2003 to December 2005 were reviewed, and a summary of these records is provided in Appendix B. The observed average daily use is 429 gallons per day per ERU (gpd/ERU). This is used for the average day demand in the hydraulic model.

Is demand based on occupancy

Low - 800 gpd/ERU minimum in Rule

The maximum day demand was determined by reviewing observed and calculated data. The observed data for Hidden Lakes shows a maximum day of 1,531 gpd/ERU. Observed data from Sunnyside Subdivision, a nearby residential subdivision with seasonal occupancy, was also reviewed. Sunnyside is a good representation of the planned residential development at Hidden Lakes because it is an all-residential seasonal home development with similar lot sizes and no commercial use. This observed data shows a maximum day of 710 gpd/ERU (see Appendix B), which is half that observed for Hidden Lakes during the same time period. The extremely high use at Hidden Lakes occurred during the summer when the golf course is in use, and the clubhouse is at its busiest. It is suspected that un-accounted for water use from golf cart washing, irrigation of flowerbeds and practice greens around the clubhouse, and the decorative fountain at the clubhouse are major contributors to the high maximum day demand. The maximum day demand was also calculated using DEQ's design file note "Design Flows - Public Water Systems". The maximum day calculated demand is 1,255 gpd/ERU (see Appendix B). For this model, the maximum day demand calculated from the DEQ design file equation was selected because it is conservative (1.77 times larger) when compared to the Sunnyside data and because of the uncertainty in assigning ERUs to the golf course clubhouse.



THE IDAHO CLUB PUBLIC WATER SYSTEM  
ENGINEERING REPORT

The peak hour demand was also determined by using the DEQ equation, and is 2,808 gpd/ERU (see Appendix B). This is 2.24 times the maximum day use and 6.55 times the average day use. It should be noted that the observed peak hour demand is not available from Hidden Lakes or Sunnyside flow records.

*2 gpm/ERU*

The North Side Fire District has indicated that a minimum fire flow of 1,500 gpm for two (2) hour duration will be required for the overall development.

In summary, the demands used for modeling purposes are:

Table 1. System Demand Summary.

Scenario	gpd/ERU	gpm/ERU	System gpm
Average Day	429	0.2979	177.5
Maximum Day	1,255	0.8715	522.8
Peak Hour	2,807	1.95	1,169.7
Fire Flow	1,500 gpm for two hours		

*Existing wells produce 360 gpm with 645 gpm as ultimate Q from 2 wells*

*letter?*

*1500 gpm x 120 minutes = 180,000 gallons when upgraded not now*

**FIRE PROTECTION**

As stated above, the North Side Fire District has indicated that a minimum flow of 1,500 gpm for a two (2) hour duration is required for the overall development. The system meets this requirement. Fire hydrants will be installed in all new development areas and will be located within approximately 250-ft of all buildable lots. Multiple existing fire hydrants on the north side of the development are connected to either the pressure irrigation system or to surface water sources via dry lines. These connections will all be abandoned and replaced with connections to the upgraded domestic water system. All new homes constructed on the south side of the highway will have internal fire suppression sprinklers. The supply line for the sprinkler systems will branch off of the system on the customer side of the meter, with service lines and residential fire meters rated for fire sprinklers. Backflow prevention devices will be installed within each house as part of the fire suppression system.

*automatic*

*what? Dcknlvs*

**WATER STORAGE**

The two (2) existing below ground water storage reservoirs at Hidden Lakes provide a combined storage volume of approximately 57,000 gallons (total tank volume). These include a 45,000 gallon reservoir (Tank 2) at an elevation of 2275 feet, which floats on the system and regulates system pressures. A small 12,000 gallon reservoir sits at a higher elevation and takes water pumped from the lower reservoir to serve the upper portions of the existing Hidden Lakes Subdivision. The 12,000 gallon tank and the system it serves are not included in the hydraulic model or this report.

*Why?*

A new reservoir (Tank 1) will be constructed near the top of the system on the south side of Highway 200. Two booster pumps in series that draw from the lower distribution system will supply the reservoir. The reservoir satisfies the domestic and fire flow requirements of the system.

The required reservoir storage was determined by running time-dependant simulations with the hydraulic model. The following tables provide a summary of provided and required reservoir storage:

*In line series boosters are difficult to operate w/o storage at the upper pump*

Table 2. Reservoir Storage Provided

Tank Level Setting	Tank 1 (proposed) (gallons)	Tank 2 (existing) (gallons)	Total (gallons)
Pump On to Off	25,926	29,097	55,023
Floor to Pump Off	196,724	40,736	237,460

*new tank*  
*exist- 45,000 gallons*

Table 3. Required Reservoir Storage (per hydraulic model)

Scenario	Tank 1 (proposed) (gallons)	Tank 2 (existing) (gallons)	Total (gallons)
North Side fire	152,515	32,606	185,121
South Side fire	174,060	23,865	197,925

*need 1500 gpm for 2 hrs. plus ~~day~~ max hour demand 720 gpm.*

The total storage provided is 120% of the total storage required by the hydraulic model simulations. It should be noted that the fire flow simulations were run on the maximum day, and represent the worst-case requirement for tank storage. Fire simulations were run on both the north and south sides of the system and corresponding storage requirements were obtained for each tank to ensure adequate fire protection for the overall system.

The following table provides a summary of the tank control settings in the model:

Table 4. Tank Levels

Level	Tank 1	Tank 2
Maximum (Overflow)	2812.50	2275.50
Pump Off	2812.00	2275.00
Pump On	2810.00	2270.00
Minimum	2797.50	2268.50
Base (Tank Floor)	2797.00	2268.00
Cross-Section Area	1,753.33 sf	778 sf

*Does Tank #2 provide gravity Q? Yes*

**PRESSURE ZONES**

The system consists of seven pressure zones isolated by 16 pressure reducing valve (PRV) assemblies, with the lowest zone being the existing system. The total elevation change is just under 900-ft. The design zone pressures are 40 to 95 psi under average day conditions. PRV settings are included in Appendix D. Under static conditions, the pressures in the water mains vary from 40 psi to 127 psi throughout the system. An upper boosted zone serves 22 lots from the upper reservoir down to elevation 2715, where system pressures reach 40 psi. Pressures over 100 psi exist in the system, and are necessary to maintain a minimum pressure of 40 psi at the planned home site locations. Individual pressure reducing valves may be required at thirteen lots and individual booster pumps are anticipated for six lots, subject to the elevation selected for the home site. Table 5 below lists the lots where individual pressure reducing valves or individual booster stations are anticipated, with those dependent upon the selected home site elevation labeled as "Potential".

*OK*

*OK - on meter setting per de Paul DWJ*

Table 5. Individual Lots Outside Design Pressures.

Individual PRV		Individual Booster Pump	
Potential	Required	Potential	Required
F-29	C-8	K-5	F-2
C-7	F-6		A-18
F-10	F-7		G-24
F-11	F-8		G-25
L-8	H-2		H-11
E-3	E-17		
E-7			

*Need to be owned & operated by VP Inc. Can be installed at lot owners expense only if Per DEO approved Ind. Booster Pump design*

Individual service connections must be at the locations provided by the design engineer on the construction plans. The hydraulic model will be used to verify that pressures between 40 and 100 psi serve each house in accordance with IRPDW requirement. Should pressures exceed 100 psi, then service from a different main line in another pressure zone or individual PRV's will be required. If pressures are under 40 psi, then service from a main line in a higher zone or an individual pressure boosting station will be required. A spreadsheet with individual lot pressures is included in Appendix C.

**BOOSTER PUMPING**

Booster pumping from the existing system to the new reservoir is required. To meet the source capacity requirements of the upper zones, two booster stations in series, capable of supplying 330 gpm, are required. Estimated total dynamic head (TDH) calculations for the booster stations are included in Appendix E. Additional booster pumping (domestic only) from the new reservoir to 22 lots above elevation 2715 will also be required because pressures from the upper reservoir do not reach 40 psi until an elevation of 2715 or lower.

*Upper zone fire flow?*

The booster stations will each have two pumps with a capacity of 330 gpm each for redundancy. The pumps will alternate starts, with either pump capable of satisfying the required flow. The lower booster pump station (Pump 3) is at elevation 2215, and the intake line connects to the existing distribution system below the lowest PRV assembly. The static head on the pump is 24 psi, and the operating head is 18-26 psi on the suction side. The design point for this pump is 330 gpm @ 295-ft. The system pressure where the pump intake line connects is 40 psi or greater for all model scenarios. The upper booster pump station (Pump 4) is at elevation 2510, and has a pumping rate equal to the lower booster. The design point for this pump is 330 gpm @ 296-ft. Estimated total dynamic head curves are in Appendix E.

*Check new policy*

Backup power is not proposed for the booster stations because storage is adequate to meet flow demands during power outage events. Power outage records were obtained from Northern Lights, Inc. (north side of Highway 200) and Avista Utilities (south side of Highway 200) for 2002-2005. Northern Lights power outages averaged 1 hour 18 minutes, with a maximum of 6 hours 8 minutes. Avista Utilities averaged 24 minutes during the same period, with a maximum of 1 hour 31 minutes. (See Appendix H) The total peak hour demand is 69,732 gallons in one hour. The total system storage is 235,216 gallons, which is equivalent to 3 hours and 22 minutes of storage at peak hour demand. This storage can also provide service for 7 hours and 33 minutes on the maximum day, and 22 hours and 5 minutes on the average day.

#1

**SYSTEM ANALYSIS AND HYDRAULIC MODEL**

The proposed system was analyzed using WaterCAD v6.5 by Haestad Methods to verify compliance with Idaho Rules for Public Drinking Water Systems (IDAPA58.01.08 section 552), 10-State Standards, and the requirements of the North Side Fire District. Unit demands were distributed across the nodes in the

*What happens to  
13,000 gal in  
Tank 1?*

model to accurately reflect dynamic system operation. Pump controls, based on tank levels, were used in the model and will be included in the system design. The model consists of 135 junctions, 197 pipes, two wells with pumps, two booster pumps, and two tanks. A system schematic and control logic diagram is included in Appendix F, and the WaterCAD system map is in Appendix G. The following scenarios were analyzed in WaterCAD:

Table 6. Hydraulic Model Simulation Summary.

Demand Scenario	Required Pressure (psi)	
	Minimum	Maximum
Average Day (0.29 gpm/ERU or 177.5 gpm)	40	100
Peak Hour (1.95 gpm/ERU or 522.8 gpm)	40	100
Max Day (0.87 gpm/ERU or 1,169.7 gpm)	40	100
Max Day + 1500 gpm Fire Flow on North Development	20	100
Max Day + 1500 gpm Fire Flow on South Development	20	100

### SYSTEM HYDRAULIC MODEL RESULTS

The hydraulic model was used to conduct time dependent simulations under domestic and fire demands to investigate pump cycle times and tank levels in addition to system pressures. All simulations were completed with constant domestic demands, tanks starting full, and all pumps initially off. The simulations were conducted for a 24-hr period for the average day and maximum day, one-hour for the peak hour period, and two hours on the maximum day plus fire flow. Fire flow simulations were completed for individual fire events on both the north side and south side of the system, with a 1,500 gpm fire demand placed on critical nodes within the model. Simulation results for each scenario are included in Appendix I. The minimum and maximum required pressures noted above are maintained for each scenario.

#### Average Day

The system is able to meet the average day demands. On the average day, Well Pump 1, which feeds Tank 2 (north reservoir), cycles 4 times with an average run time of 1.81 hours per cycle. Well Pump 2 cycles 3 times with an average run time of 1.66 hours to feed Tank 2 and Booster Pumps 3 and 4, which in turn feed the water storage tank on the South side (Tank 1). Booster Pump 3 and Booster Pump 4 cycle 3 times with an average run time of 1.73 hours per cycle. Tank 1 maintains 83% full or greater, while Tank 2 varies from 36% to 93% full.

#### Maximum Day

The system is able to meet maximum day demands. On the maximum day, Pump 1 cycles 5 times with an average run time of 3.44 hours per cycle. Pumps 2, 3, and 4 turn on at 1.79 hours into the maximum day and run for the remainder of the day. Tank 1 varies from 81% to 97% full and Tank 2 varies from 36% to 93% full.

#### Peak Hour

The system is able to meet peak hour demands. Pump 1 turns on after 0.64 hours into the peak hour, and does not turn off during the remainder of the peak hour. Pump 2 and Booster Pumps 3 and 4 turn on after 0.77 hours into the peak hour and do not turn off during the remainder of the peak hour. Tank 1 is 79% full and Tank 2 is 32% full at the end of the Peak Hour simulation.

*HIDDEN LAKES PUBLIC WATER SYSTEM  
ENGINEERING REPORT*

**APPENDIXES**

- Appendix A: Existing Water Rights and Well Drillers Report
- Appendix B: Water Demand (Observed and Calculated)
- Appendix C: Lot Service Pressures
- Appendix D: PRV Settings
- Appendix E: Booster Pumps (TDH Calculations and Head Curves)
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- Appendix H: Power Outage Records
- Appendix I: Hydraulic Model Simulation Results

**VP, INC.**

OFFICES IN IDAHO & CALIFORNIA

March 30, 2017

Dear Customers:

On March 6, 2017 First District Court of Idaho under the direction of District Judge Barbara Buchanan ordered VP Inc. the operator of your services to vacate properties Purchased by Valiant Idaho LLC. Unfortunately this order was granted even though there are sever ramifications to all the residences of The Idaho Club and the Hidden Lakes development. Those properties include the sewer lagoon and two pumping stations and a reservoir. As a result of this order many of you may be without water service immediately.

Those of you living on the south side of Highway 200 and those of you living in lodge homes developed by POBD and other homes located on North Idaho Club Dr., Waterdance Way, and some homes on Jim Brown Way, may be without water and thus without sewer service. In addition all properties located in the Hidden Lakes or Idaho Club Development will be without adequate fire protection. Please do not bring in water to flush toilets or drains as that might cause a backup of sewage into your homes.

We believe this is an unjustified and dangerous court order placed on VP, Inc. and are sorry for any inconvenience this order may cause you. We have requested that Judge Buchanan place a stay on this order in an effort to protect your property and your property values and allow us to continue to provide you the necessary services for your safety and security and comfort.

This letter was scheduled to go out with your monthly billing but today I was informed by some customers that you received a letter from TIC LLC stating that they are now providing you with sewer service and you are to pay them \$90 per month.

Without water it is not possible to operate the sewer system and our lines and pumping system are used for transporting affluent. Our service agreement with you provides that we are to be paid for accepting affluent from your property. Until we have a resolution we will continue to accept and transport your affluent.

In order to not put you in a difficult position, until this is resolved in the courts, we will discontinue charging you for sewer service so you will only be billed for water at this time.

If you have questions regarding this please contact any of the following:

The First District Court of Idaho – 208-446-1225

Department of Environmental Quality – 208-769-1422 or contact Daniel Redline at

[daniel.redline@deq.idaho.gov](mailto:daniel.redline@deq.idaho.gov)

Idaho Department of Water Resources 208-762-2800 or Morgan Case at [Morgan.Case@idwr.idaho.gov](mailto:Morgan.Case@idwr.idaho.gov)

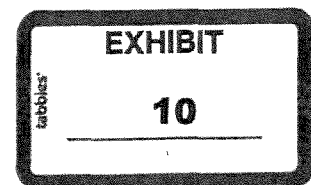
Valiant Idaho, LLC attention William Haberman at [william.haberman@me.com](mailto:william.haberman@me.com)

Northside Fire District 208-265-4114

You can of course contact me at 208-660-8474 or [dick@villellipnw.com](mailto:dick@villellipnw.com).

Sincerely,  
VP, Inc.

Richard A. Villelli, President



**VP Inc**

1001 W. Whittier Blvd  
La Habra, CA 90631

**Statement**

Account: 960 - 336 - 9601454

Date: 03/31/17

Payment: \_\_\_\_\_

**Hieber, Wyatt LD & DA, Husband & Wife**  
**RE:GTE8, BLK2-LOT3**  
**1613 W. Pinehill Rd.**  
**Spokane, WA 99218**

QUESTIONS? PLEASE CALL STEVIE-951-966-5264  
OR EMAIL STEVIEB@VILLELLI.COM INCLUDE ACCT#

Date	Description	Charges	Payments	Balance
	Balance Forward			0.00
03/01/17	VP-Sewer (03/2017)	96.00		96.00
03/01/17	VP-Water (03/2017)	40.00		136.00
04/01/17	VP-Water (04/2017)	40.00		176.00

Current	30 Days	60 Days	90 Days	Amount Due
136.00	0.00	0.00	0.00	176.00

**9591**



Dear Property Owner:

It is our understanding that you received a letter from VP, Inc. which has raised certain questions about the current status of the water and sewer services at The Idaho Club.

As stated in our recent letter with the April sanitary sewer invoices, ownership and exclusive legal possession of the sanitary sewer facilities located at The Idaho Club have been transferred to TIC Utilities, LLC ("TIC Utilities"), an affiliate of Valiant Idaho, LLC ("Valiant"). As a result, TIC Utilities is the sole provider of wastewater collection and treatment, and all future payments for such service should be made to TIC Utilities. Panhandle Management, Inc., led by Tom Curtiss, is managing the billing and collection of such payments, just as they do for the HOA, and operation of the system is being provided by E3 Consulting, led by Jason Wereley.

Regarding the water service, Valiant has foreclosed on and acquired all of the component parts of the public water system, with the exception of the source wells which are owned by VP, Inc. Valiant has since been granted its own water right by the Idaho Department of Water Resources with sufficient capacity to provide water service to all of the property owners within The Idaho Club in the future. We are obtaining the necessary approvals from the Idaho Department of Environmental Quality to design and drill new wells and construct the necessary improvements, to act as a public water system for The Idaho Club. We expect to have this process completed and the new wells ready by mid-Summer 2017. At that time, we will also offer water service to The Idaho Club property owners.

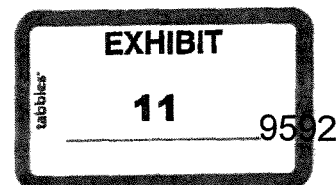
In the interim, while Valiant has legal ownership of certain parts of the existing public water system, neither Valiant nor TIC Utilities have exercised its rights to take legal possession of this infrastructure. Thus, in short, neither Valiant nor TIC Utilities have taken action, nor plan to, that would prevent or prohibit VP, Inc. from providing water service to The Idaho Club and/or honoring its service contracts to provide such services. Further, neither Valiant nor TIC Utilities is preventing or hindering VP, Inc. from providing the necessary water to continue to serve the fire hydrants throughout The Idaho Club.

Until further notice, VP, Inc. remains the water service provider at The Idaho Club, and all payments for water service should continue to be made to VP, Inc.

Regards,

TIC Utilities, LLC

William Haberman  
Manager






STATE OF IDAHO  
COUNTY OF BONNER  
FIRST JUDICIAL DISTRICT

2017 APR 11 AM 11:08

CLERK DISTRICT COURT

  
CLERK

Richard L. Stacey, ISB #6800  
Jeff R. Sykes, ISB #5058  
Chad M. Nicholson, ISB #7506  
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[nicholson@mwsslawyers.com](mailto:nicholson@mwsslawyers.com)

Attorneys For Valiant Idaho, LLC

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER**

**GENESIS GOLF BUILDERS, INC.,**  
formerly known as  
**NATIONAL GOLF BUILDERS, INC.,**  
a Nevada corporation,

Plaintiff,

vs.

**PEND OREILLE BONNER  
DEVELOPMENT, LLC,**  
a Nevada limited liability company; *et al.*,

Defendants.

Case No. CV-09-1810

**DECLARATION OF  
STEVEN B. CORDES, P.E., IN SUPPORT  
OF VALIANT IDAHO, LLC'S  
MEMORANDUM IN OPPOSITION TO  
VP, INCORPORATED'S MOTION FOR  
ORDER ALLOWING USE AND ACCESS  
OF PARCELS 1 AND 2, AND  
APPLICATION FOR STAY OF  
ENFORCEMENT OF ORDER  
GRANTING MOTION  
TO ENFORCE JUDGMENT**

Honorable Barbara A. Buchanan

**AND RELATED COUNTER, CROSS  
AND THIRD PARTY ACTIONS  
PREVIOUSLY FILED HEREIN.**

**DECLARATION OF STEVEN B. CORDES, P.E., IN SUPPORT OF  
VALIANT IDAHO, LLC'S MEMORANDUM IN OPPOSITION  
TO VP, INCORPORATED'S MOTION FOR ORDER ALLOWING  
USE AND ACCESS OF PARCELS 1 AND 2, AND APPLICATION  
FOR STAY OF ENFORCEMENT OF ORDER GRANTING  
MOTION TO ENFORCE JUDGMENT | Page 1**

I:\1547.201\PLD\Post-Trial\VP Mtn to Allow-Cordes Dec 170410.docx

**ORIGINAL**

9593

**I, Steven B. Cordes**, hereby state and declare:

1. I am a Principal Engineer and Vice President of Welch Comer Engineers (“Welch Comer”) in Coeur d’Alene, Idaho, and I make this declaration based on my own personal knowledge.

2. I have been with Welch Comer since 1995 and have designed multiple water and wastewater systems, including treatment plants, groundwater wells, pump stations and reservoirs. I am personally familiar with the development located in or around Sandpoint, Idaho, commonly known as *The Idaho Club*. I am also familiar with the location of the water system infrastructure identified on the applications identified in this declaration, which I have submitted to the Idaho Department of Environmental Quality (“IDEQ”) on behalf of Valiant Idaho, LLC (“Valiant”).

3. Welch Comer was retained by Valiant and/or its wholly-owned affiliates, including TIC Utilities, LLC (“TIC Utilities”), to perform various engineering services on Valiant’s behalf, including the preparation and submission of permit applications with the Idaho Department of Water Resources (“IDWR”) and IDEQ. I am very familiar with the permitting process and regularly advise clients and help them with this application process.


4. On February 24, 2017, Welch Comer submitted to IDEQ a formal application for transfer of the Reuse Permit from POBD to TIC Utilities. Attached hereto as Exhibit A is a true and correct copy of the application for transfer submitted on February 24, 2017 to IDEQ (“Transfer Application”).

5. In addition to the Transfer Application, TIC Utilities has also retained Welch Comer to submit an application to IDEQ for a new wastewater reuse permit. To that end, Welch Comer is currently preparing the required "Preliminary Technical Report" and has met with IDEQ concerning various technical issues.

6. Welch Comer is also assisting Valiant with its application to IDEQ to become a municipal water provider. On February 8, 2017, Welch Comer submitted a *Facility Plan Overview* to IDEQ. A true and correct copy of the Facility Plan Overview is attached hereto as Exhibit B. Upon completing its review, IDEQ should issue Valiant a new "Public Water System" number.

I DECLARE, under penalty of perjury, that the foregoing is true and correct.

DATED this 10<sup>th</sup> day of April 2017.

  
\_\_\_\_\_  
STEVEN B. CORDES, P.E.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 10<sup>th</sup> day of April 2017, a true and correct copy of the foregoing document was served by the method indicated below upon the following party(ies):

Gary A. Finney, Esq. Finney Finney & Finney, P.A. 120 East Lake Street, Suite 317 Sandpoint, Idaho 83864 Telephone: 208.263.7712 Facsimile: 208.263.8211 <i>Counsel For J.V., LLC</i>	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail <a href="mailto:garyfinney@finneylaw.net">garyfinney@finneylaw.net</a>
Susan P. Weeks, Esq. James, Vernon & Weeks, PA 1626 Lincoln Way Coeur d'Alene, Idaho 83814 Telephone: 208.667.0683 Facsimile: 208.664.1684 <i>Counsel For VP Incorporated/North Idaho Resorts</i>	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail <a href="mailto:sweeks@jvwlaw.net">sweeks@jvwlaw.net</a>

With two copies via Federal Express to:

Honorable Barbara A. Buchanan  
Judge of the First Judicial District  
Bonner County Courthouse  
215 South First Avenue  
Sandpoint, Idaho 83864



Richard L. Stacey

For DEQ Use Only

Log # \_\_\_\_\_

File: \_\_\_\_\_

Date Stamp:

**Transmittal Form for Engineering Review**

*Consultant/Engineer: DEQ has implemented a statewide program for tracking engineering submittals. Please fill out all sections (required) and return a completed form with each submittal to DEQ. Failure to include this completed form will result in administrative rejection of the project. Only one set of plans/specs/reports/etc is necessary per submittal.*

Date: 02/24/17     Standard Review     Grant/Loan     Consent Order/Compliance     QLPE Review

Project Title: Idaho Club Reuse Permit Transfer

New project name?     Old name: \_\_\_\_\_

Summary of Project: Idaho Reuse Permit #LA-00123-02 Transfer Request

City and County: \_\_\_\_\_

Water Purveyor: Valiant Idaho, LLC    Sewer Purveyor: \_\_\_\_\_

Included in this submittal:

<input type="checkbox"/> Checklists	<input type="checkbox"/> Plans	<input type="checkbox"/> Specs	<input type="checkbox"/> Record Drawings	<input type="checkbox"/> Facility Plan
<input type="checkbox"/> Prelim Engineering Report	<input type="checkbox"/> O&M Manual	<input type="checkbox"/> NP Study	<input type="checkbox"/> TFM	
<input type="checkbox"/> Will Serve Letter(s)	<input type="checkbox"/> Data/Calculations	<input type="checkbox"/> Well Site Eval	<input type="checkbox"/> P&Z App	

Owner Contact Name: William Haberman

Owner / Developer Company: Valiant Idaho, LLC

Address: 916 Greenlawn Street

City / State / Zip: Celebration, FL 34747

Phone: (407) 973-7875    Email: william.haberman@me.com

Water     Sewer     Water Treatment  
 Wastewater Treatment     Biosolids/Sludge  
 Other \_\_\_\_\_

# of Connections: \_\_\_\_\_

Welch Comer Engineers

Consultant/Engineers - Company Name

Steve Cordes, P.E.

Engineer / Contact

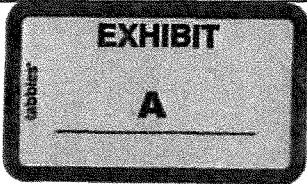
scordes@welchcomer.com

Engineer / Contact – Email Address

(208) 664-9382

Engineer / Contact – Phone Number

Please Leave Blank. For Official DEQ Use Only.



Date Modified = October 4, 2010

# Transfer Request

## Idaho Reuse Permit #LA-00123-02

February 24, 2017

### **BACKGROUND**

Valiant Idaho has acquired the wastewater collection, treatment, and reuse system located within what is commonly known as the Idaho Club. They wish to take over operations of the system and are requesting that the existing reuse permit be transferred to them. They are also currently preparing an application for a new reuse permit. This request follows IDAPA 58.01.17 section 800.

- A. Legal name and address of permittee: See Haberman letter dated February 24<sup>th</sup>
- B. Legal name and address of transferee: See Haberman letter dated February 24<sup>th</sup>
- C. Location and common name of facility: See Haberman letter dated February 24<sup>th</sup>  
A tax map showing the properties acquired by Valiant Idaho is also attached.
- D. Date of Proposed transfer: As soon as possible, no later than 30 days from this request
- E. Technical, Financial, and Managerial capacity. See Haberman letter dated February 24<sup>th</sup>, additional information is attached.
- F. Signed Declaration by transferee that the transferee has reviewed the permit and understands the terms of the permit. See Haberman letter dated February 24<sup>th</sup>
- G. Permittee Sworn statement: Attached.
- H. See Haberman letter dated February 24<sup>th</sup>.

### **Technical, Financial, Managerial Capacity**

This section provides information regarding the technical, financial, and managerial capacity of the Transferee for the Idaho Club reuse system.

#### **TECHNICAL CAPACITY**

See Haberman letter February 24<sup>th</sup>.

Copies of E3's licenses are attached.

## **FINANCIAL CAPACITY**

See Haberman letter February 24<sup>th</sup>.

## **MANAGERIAL CAPACITY**

See Haberman letter February 24<sup>th</sup>.

Recommendation of staff qualifications: Our understanding is that the current operator requirement for the system is class II treatment with a land application certification. E3 exceeds these qualifications. We are currently preparing a Technical Report as part of an application for a new reuse permit. A new operator classification worksheet will be completed as part of this report.

Communications: TIC Utilities has engaged Welch Comer for professional services and E3 for operations. Welch Comer and E3 are very experienced in the design, construction, and operations of municipal wastewater systems. They also have good working relationships with IDEQ and understand the communication and reporting requirements.

Planning: Welch Comer and E3 will provide ongoing support to TIC for the long term operation, maintenance, and planning of the wastewater system.

**ATTACHMENT 1:  
HABERMAN LETTER  
DATED  
FEBRUARY 24, 2017**



February 24, 2017

Matt Plaisted, P.E.  
Engineering Manager  
Idaho Department of Environmental Quality  
2110 Ironwood Parkway  
Coeur d'Alene, ID 83814

Re: Proposed Transfer of The Idaho Club Reuse Permit #LA-000123-02

Dear Matt:

This memorandum is in support of the proposed transfer of the above-referenced Reuse Permit #LA-000123-02. Specifically, see the below responses to Idaho Administrative Code Secs. 800 and 409:

IDAPA 58.01.17 - Section 800:

- 800.02(a) Pend Oreille Bonner Development, LLC ("Permittee")  
Attn: Charles Reeves  
484 Washington Blvd, B511  
Monterey, CA 93940
- 800.02(b) TIC Utilities, LLC ("Transferee")  
Its: Managing Member, Valiant Idaho, LLC  
Attn: William Haberman, Manager  
310 Charleston Place  
Celebration, FL 34747  
(407) 973-7875  
william.haberman@me.com
- 800.02(c) The Idaho Club  
216 Clubhouse Way  
Sandpoint, ID 83864
- 800.02(d) As soon as possible but not later than 30 days from the date of this transfer request.
- 800.02(e) See below.
- 800.02(f) This memorandum shall serve as Transferee's signed declaration that Transferee has reviewed Reuse Permit #LA-000123-02, and fully understands the terms of said Permit.
- 800.02(g) Permittee sworn statement of full knowledge and consent included in transfer request.
- 800.02(h) Transferee is not aware of any judicial decree, compliance agreement, enforcement order or other outstanding obligating instrument, the terms of which have not been met.

IDAPA 58.01.16 - Section 409:

409.01 - Technical Capacity

- 409.01(a) It is the understanding of the Transferee that the Reuse Permit is for an existing system that adequately services all of the developed homes and homesites within the service area. Transferee may, but is not required to, further develop property within the service area. In the event that such development occurs and it requires additions or modifications to the existing system, Transferee acknowledges and agrees that it will design, construct and operate such future improvements within full compliance with the relevant Idaho State rules, regulations and laws.
- 409.01(b) Transferee will engage E3 Consulting, Attn: Jason Wereley, 900 E Street, Plummer, ID 83851 as the licensed operator of the system. E3 Consulting will have a plan in place to deal with any and all emergencies related to the operation of the system.
- 409.01(c) Transferee, as a single member LLC wholly owned by Valiant Idaho, LLC, the owner of the majority of the real property within the service area, is fully prepared to replace and improve all necessary infrastructure, as needed, to support the development efforts of Valiant Idaho, LLC. At the present time, Transferee is not aware of any infrastructure that is in need of immediate repair or replacement to fully service the service area covered by the Permit.
- 409.01(d) Trained personnel with an understanding of the technical and operational characteristics of the system will be provided under a contract with E3 Consulting, Attn: Jason Wereley, as mentioned in our response to 409.01(b).

409.02 - Financial Capacity

- 409.02(a) It is the understanding of Transferee that the Reuse Permit is for an existing system that adequately services all of the developed homes and homesites within the service area. Transferee may, but is not required to, further develop property within the service area, but there are no immediate needs for which Transferee will incur construction costs. For the costs of operation and maintenance, there are currently 108 homesites, billed \$96 per month, for an annual total of \$124,416. In the event of a deficit, the sole member of Transferee, Valiant Idaho, LLC, has sufficient current assets and access to private capital to cover any such deficit.
- 409.02(b) As stated above, for the costs of operation and maintenance, there are currently 108 homesites, billed \$96 per month, for an annual total of \$124,416. In the event of a deficit, the sole member of Transferee, Valiant Idaho, LLC, has sufficient current assets and access to private capital to cover any such deficit. As also previously stated, Transferee will engage E3 Consulting, Attn: Jason Wereley, as the licensed operator of the system. For accounting and billing, Transferee will engage Panhandle Management, Inc., Attn: Tom Curtiss, 30336 Highway 200, Suite D, Ponderay, ID 83852. Panhandle Management, Inc. currently handles all of the accounting and billing for The Idaho Club Homeowners Association, Inc., and thus has an existing business relationship with the current property owners within the service area.
- 409.02(c) Transferee believes that the professional combination of E3 Consulting for operations and Panhandle Management for accounting and billing, with oversight from the management team of Transferee and Valiant Idaho, LLC, will provide more than adequate fiscal control of the operation and maintenance of the system.

409.02(d) To the extent necessary or required, Transferee and/or its sole member, Valiant Idaho, LLC shall maintain a cash reserve in the amount determined by DEQ to be sufficient to cover one (1) year of operation and maintenance.

409.03 - Managerial Capacity

409.03(a) Transferee acquired the property via foreclosure as documented by the Sheriff's Certificate of Sale recorded November 8, 2016 as Instrument #897573 in the Bonner County records, a copy of which is provided.

409.03(b) Responsible Party - Wastewater System Compliance:  
TIC Utilities, LLC ("Transferee")  
Its: Managing Member, Valiant Idaho, LLC  
Attn: William Haberman, Manager  
310 Charleston Place  
Celebration, FL 34747  
(407) 973-7875  
[william.haberman@me.com](mailto:william.haberman@me.com)

409.03(c) Responsible Charge Operator:  
E3 Consulting  
Attn: Jason Wereley  
900 E Street  
Plummer, ID 83851  
(208) 659-5471  
[jasondwereley@gmail.com](mailto:jasondwereley@gmail.com)

409.03(d) The system will be owned by a single purpose entity, the proposed Transferee, and managed under the terms and conditions of a management contract with the Responsible Charge Operator, E3 Consulting. Transferee will be responsible for all major decisions and financial need while the Responsible Charge Operator will be responsible for the day-to-day management and compliance of the system.

All other requirements for the transfer of Reuse Permit #LA-000123-02 are included herewith.

Transferee hereby acknowledges, accepts and certifies to the information provided with this request.

TRANSFEEE:

TIC UTILITIES, LLC


By: VALIANT IDAHO, LLC  
Its: Managing Member / Sole Member

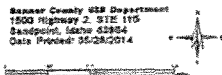





By: William Haberman  
Its: Managing Member

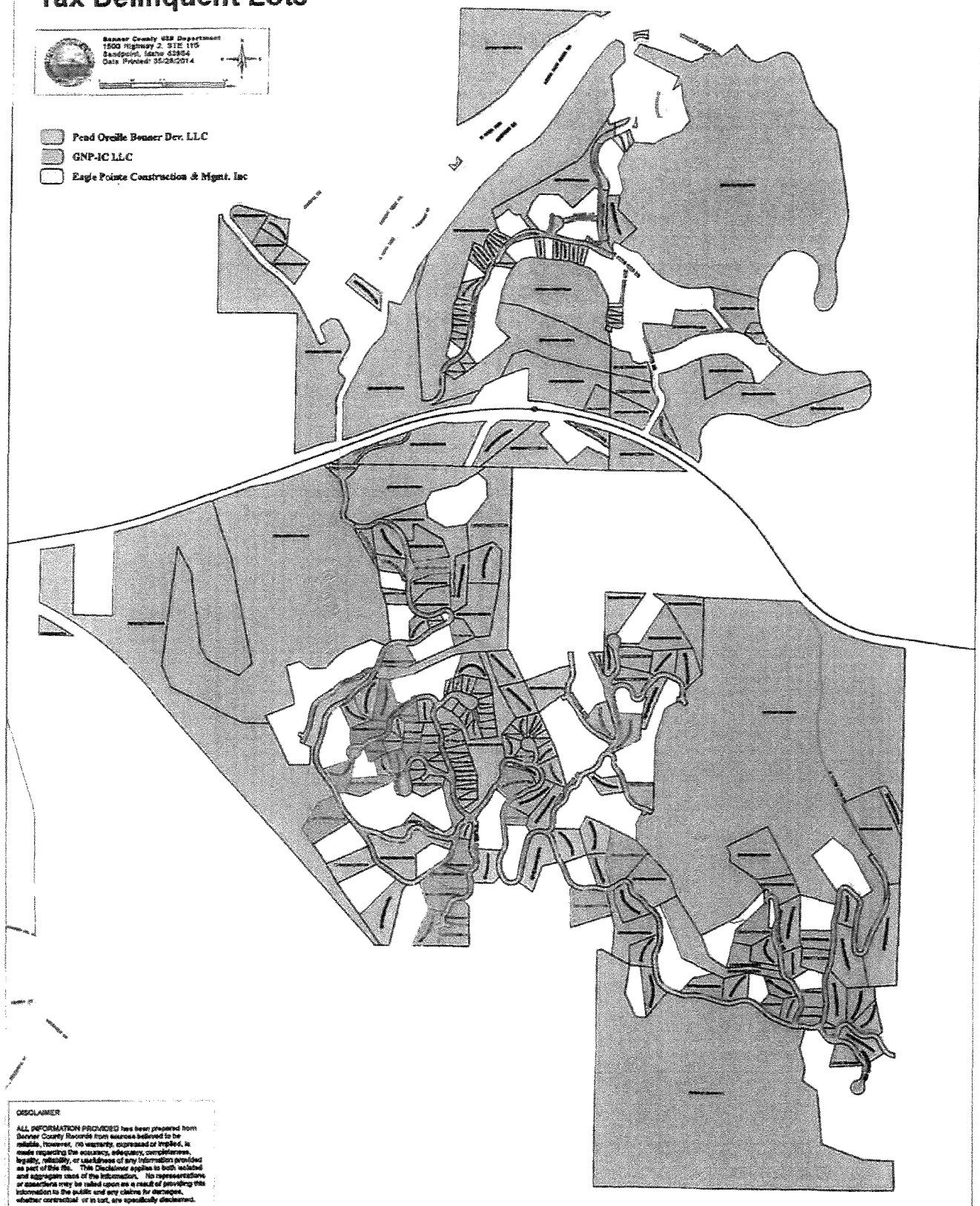
# ATTACHMENT 2: OWNERSHIP MAP

# Tax Delinquent Lots

 **Banner County GIS Department**  
1500 Highway 2, STE 115  
Sandpoint, Idaho 83854  
Date Printed: 05-28-2014



-  Pond Oreille Beach Dev. LLC
-  GNP-JC LLC
-  Eagle Pointe Construction & Mgmt. Inc



**DISCLAIMER**  
ALL INFORMATION PROVIDED has been prepared from Banner County Records from sources believed to be reliable. However, no warranty, expressed or implied, is made regarding the accuracy, adequacy, completeness, legality, reliability, or usefulness of any information provided as part of this file. This Disclaimer applies to both isolated and aggregate uses of the information. No representatives or assurances may be relied upon as a result of providing this information to the public and any claims for damages, whether contractual or in tort, are specifically disclaimed.

# **ATTACHMENT 3: PERMITTEE STATEMENT**

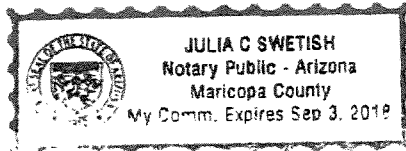
State of Arizona )  
County of Maricopa ) :ss

Pend Oreille Bonner Development, LLC is the current permittee ("Permittee") for the Municipal Wastewater Reuse Permit #LA-000123-02 for The Idaho Club, originally issued on July 28, 2010. This shall serve as the sworn knowledge and consent of Permittee to the proposed permit transfer request by and to Valiant Idaho, LLC from Permittee.

PEND OREILLE BONNER DEVELOPMENT, LLC

Signed: *Charles Reeves*  
Charles Reeves  
~~Managing Member~~ *President*

Subscribed and sworn to before me this 1<sup>st</sup> day of February, 2017.



*Julia C. Swetish*  
Notary Public in and for the State  
of Arizona

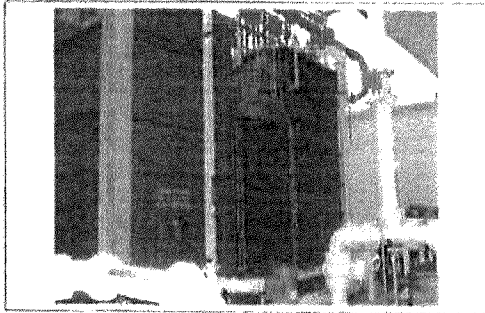
Residing at: \_\_\_\_\_

My Commission expires: Sept. 3, 2018

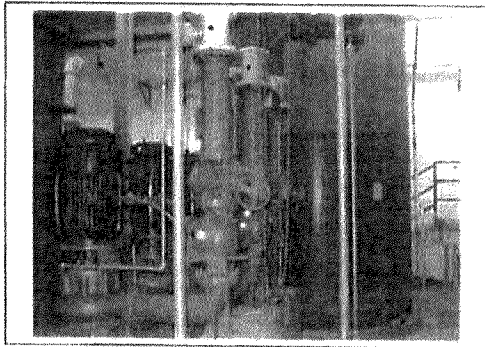
# **ATTACHMENT 4: OPERATOR QUALIFICATIONS**



**E-3 Consulting, LLC**  
*Professional & Reliable*



**Zenon Ultra-Filtration Membranes**



**Membrane Recirculation Pumps**

**Jason D. Wereley** has been working in the water and wastewater field since 1998. He began his career with the Hayden Area Regional Sewer Board Wastewater Treatment Plant as an Operator, before joining a local engineering firm coordinating and implementing the start-up of the first two membrane filtration plants in North Idaho for Gozzer Ranch and the City of Dover.

Working to keep the environment clean through knowledge and experience.

*"Let's work together to get the job done!"*

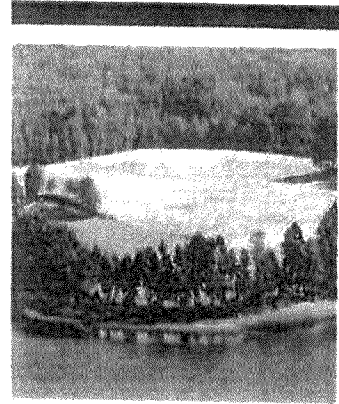
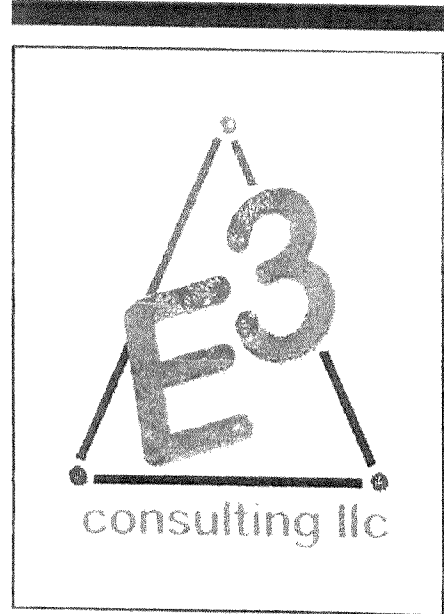


ENVIRONMENTAL  
SERVICES

[jasondwereley@gmail.com](mailto:jasondwereley@gmail.com)

Phone: 208-659-5471

Coeur d'Alene, Idaho



◊ Consulting  
 ◊ Water/Wastewater  
 ◊ Services

ENVIRONMENTAL  
SERVICES

## E-3 Consulting, LLC

Consulting  
Water / Wastewater  
Services

E-3 Consulting offers a wide range of services specifically geared to address the environmental challenges that come with water and wastewater systems.

We are licensed in water treatment, wastewater, collection systems and land application of wastewater.

We can offer solutions to issues that often arise with the implementation or on-going operation of a water or wastewater system whether you are a small or large municipality, or privately owned.

### Certifications

- ♦ Wastewater Operator, Treatment - Class III
- ♦ Wastewater Operator, Collection - Class II
- ♦ Drinking Water Operator, Treatment - Class I
- ♦ Wastewater Operator, Treatment – Land Application

### 1 Consulting

- System Evaluation
- Water & Wastewater Operations
- Collection System Evaluation
- Land Application
- Operational System Design
- Operator's Perspective of the System
- Project Management / Supervision
- Will work with Engineering Firms, Private Owners and Elected Officials for Improved Operations

### 2 Water/Wastewater

- Operator Training
- Crisis Facility Management and Operations
- Trouble shooting
- Contract Operations
- Collection System Operations
- Record Keeping & Process Control
- Compliance with EPA & DEQ Requirements
- Specializing in Start-Up of Membrane Filtration Plants

### 3 Services

- Septic Tank Sealant
- Pump & Motor Repair
- Electrical Design, Installation, Maintenance and Trouble Shooting
- Process / Integration & Controls

### Skills and Knowledge

- Construction Inspection & Observation
- Water/Wastewater System Coordination
- Environmental Compliance
- Site Disturbance Inspection
- Water & Wastewater System Design, Planning and Operation
- Wastewater Main Inspection
- Water/Wastewater Laboratory Testing
- System Efficiency Monitoring
- System Chlorination & Maintenance
- Plan Review & Approval
- Equipment Operation
- Electrical Trouble-Shooting

### Numerous classes in:

Emergency Response Planning  
Chlorine Disinfection  
Safety  
Pumps  
Confined Space Entry  
Basic Electricity  
Basic Laboratory  
Disinfection of Wastewater and Water Systems

PROFESSIONAL  
AND RELIABLE

Bureau of Occupational Licenses  
Department of Self Governing Agencies  
The person named has met the requirements for licensure and is entitled under the laws and rules of the State of Idaho to operate as a(n)

**WASTEWATER TREATMENT OPERATOR  
CLASS III**

JASON D WERELEY  
E3 CONSULTING LLC  
P.O. BOX 487  
PLUMMER ID 83851

*Tana Cory*  
Tana Cory  
Chief, B.O.L.

WWT3-13344  
Number

01/14/2018  
Expires

JASON D WERELEY  
P.O. BOX 487  
PLUMMER ID 83851

Your license must  
be shown on  
demand.



carry this copy

display this copy



01/13/2017

Bureau of Occupational Licenses  
Department of Self Governing Agencies  
The person named has met the requirements for licensure and is entitled under the laws and rules of the State of Idaho to operate as a(n)

**WASTEWATER TREATMENT OPERATOR  
CLASS III**

JASON D WERELEY  
E3 CONSULTING LLC  
P.O. BOX 487  
PLUMMER ID 83851

*Tana Cory*  
Tana Cory  
Chief, B.O.L.

WWT3-13344  
Number

01/14/2018  
Expires

livengood  
186

Bureau of Occupational Licenses  
Department of Self Governing Agencies  
The person named has met the requirements for licensure and is entitled under the laws and rules of the State of Idaho to operate as a(n)

**WASTEWATER COLLECTION OPERATOR  
CLASS II**

JASON D WERELEY  
E3 CONSULTING LLC  
P.O. BOX 487  
PLUMMER ID 83851

*Tana Cory*  
Tana Cory  
Chief, B.O.L.

WWC2-11758  
Number

01/14/2018  
Expires

JASON D WERELEY  
P.O. BOX 487  
PLUMMER ID 83851

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01/13/2017

Bureau of Occupational Licenses  
Department of Self Governing Agencies  
The person named has met the requirements for licensure and is entitled under the laws and rules of the State of Idaho to operate as a(n)

**WASTEWATER COLLECTION OPERATOR  
CLASS II**

JASON D WERELEY  
E3 CONSULTING LLC  
P.O. BOX 487  
PLUMMER ID 83851

*Tana Cory*  
Tana Cory  
Chief, B.O.L.

WWC2-11758  
Number

01/14/2018  
Expires

livengood  
182

Bureau of Occupational Licenses  
Department of Self Governing Agencies  
The person named has met the requirements for licensure and is entitled under the laws and rules of the State of Idaho to operate as a(n)

**WASTEWATER TREATMENT OPERATOR  
LAND APPLICATION**

JASON D WERELEY  
E3 CONSULTING LLC  
P.O. BOX 487  
PLUMMER ID 83851

*Tana Cory*  
Tana Cory  
Chief, B.O.L.

WWTLA-13932  
Number

01/14/2018  
Expires

JASON D WERELEY  
P.O. BOX 487  
PLUMMER ID 83851

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be shown on  
demand.



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display this copy



01/13/2017

Bureau of Occupational Licenses  
Department of Self Governing Agencies  
The person named has met the requirements for licensure and is entitled under the laws and rules of the State of Idaho to operate as a(n)

**WASTEWATER TREATMENT OPERATOR  
LAND APPLICATION**

JASON D WERELEY  
E3 CONSULTING LLC  
P.O. BOX 487  
PLUMMER ID 83851

*Tana Cory*  
Tana Cory  
Chief, B.O.L.

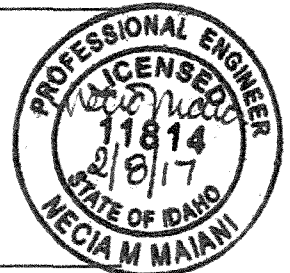
WWTLA-13932  
Number

01/14/2018  
Expires

livengood  
190

**Memorandum**

TO: MATT PLAISTED, P.E.; IDEQ  
FROM: NECIA MAIANI, P.E.  
PRJ. #: 44026  
SUBJECT: VALIANT IDAHO, LLC; PUBLIC WATER SYSTEM FOR IDAHO CLUB  
DATE: FEBRUARY 8, 2017  
CC: WILLAM HABERMAN (VALIANT IDAHO, LLC)



**Background**

Valiant Idaho, LLC has acquired ownership of the subdivision/development known as Idaho Club as well as key water system appurtenances that serve the Idaho Club. An overview of the service area and appurtenances owned by Valiant Idaho, LLC is shown in Figure 1.

The public water system serving Idaho Club was previously operated by VP, Inc. However, VP, Inc. does not have a current contract to continue to supply water to the Idaho Club.

Valiant Idaho, LLC, intends to become the sole municipal provider of this service area and will comply with the requirements to become a public water supply.

This memo provides an overview of the existing water system and Valiant Idaho, LLC's plan to serve it.

**General Description of Existing Water System**

The existing system is served by two groundwater wells. The initial well (Well #1) was drilled in 1985 and has a capacity of 45 gpm. This well is located on Golden Tee Block 3, Lot 3. The second well (Well #2) was drilled in 2000 and has a capacity of 315 gpm. Well #2 is located on Golden Tee Block 3, Lot 1. (These wells will likely be retained by VP Inc.)

The wells pump to the 45,000 gallon tank (refer to the attached map). The tank maintains system pressure in the service area north of Highway 200 when the wells are not pumping.

There are 2 booster stations on the south side of the highway that operate in series to convey water from the north Highway 200 pressure datum to a tank which appears to be 225,000 gallons on the south side of the highway. A third booster station is located at the 225,000 gallon reservoir to directly pressurize the highest water services on the system.

Valiant Idaho, LLC will have obtained ownership of existing 45,000 gallon and 225,000 gallon storage and all booster facilities. It will be necessary for Valiant Idaho, LLC to replace the existing well capacity.

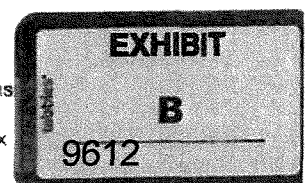
An overview of the existing and proposed facilities which will serve the Idaho Club service area is shown in Figure 2.

**Original System Design**

We do not have access to actual demand data for the existing system. After reviewing the 2006 design engineering report<sup>1</sup> for the system, which was prepared by TO Engineers, it appears that the system was originally designed to support a total of 600 equivalent dwelling units (EDU's) or single family dwellings, based on the following:

<sup>1</sup> The information presented in the 2008 Report is the best available information. The report (minus Appendices) is provided in Attachment 1.

\\wc2014\Projects\B44\44026 Valiant Id Idaho Club\To DEQ\20170208 DEQ Memo Re Public Water System.docx



1. Demand:
  - a. Average Day Demand (ADD): 429 gpd/EDU
  - b. Maximum Day Demand (MDD): 1,255 gpd/EDU
  - c. Peak Hour Demand (PHD): 2,807 gpd/EDU (1.95 gpm/EDU)
2. Source:
  - a. Well #1 and #2 have current combined capacity of 360 gpm.
  - b. In order to serve 600 EDU's, the original plan required replacement of Well #1 with an 8" well capable of supplying an additional 330 gpm.
3. Storage:
  - a. 1500 gpm for 2 hours = 180,000 gallons of fire suppression storage
  - b. 55,000 gallons of operating storage
  - c. Equalization storage of 69,732 gallons
  - d. Standby Storage = 3 hours of average day demand (based on 600 EDU's)
    - i. Total Required: 237,000 gallons

**Modified Service and Capacity Requirements**

The Idaho Club service area (Figure 1) includes just over 50 active connections. The entire Idaho Club water service area currently includes an estimated 350 lots with water service stubs. (Thus, Valiant Idaho, LLC intends to develop source capacity for approximately 350 lots.) The service area includes some large parcels which may be subdivided in the future by Valiant Idaho, LLC. Valiant Idaho, LLC may choose to further subdivide the large parcels; it is unlikely that they will ultimately serve up to 600 as originally planned. Thus, for the purposes of this analysis, it is assumed that the ultimate buildout with future subdivisions will be 510 gpm (85% of the original design). It is noted that the majority of these parcels are single family dwelling units. Thus, for purposes of establishing demand, it is assumed that each subdivided parcel represents 1 equivalent dwelling unit (EDU).

Following is an analysis provided to reflect current Idaho Rules for Public Drinking Water Systems and the anticipated growth within the service area.

1. Demand (same as above):
  - a. ADD: 429 gpd/EDU
  - b. MDD: 1,255 gpd/EDU
  - c. PHD: 2,807 gpd/EDU (1.95 gpm/EDU)

Based on the above demand, the following table provides the estimated current active, buildout of all existing "stubbed in" parcels and ultimate buildout with subdivision of large parcels for the water service area:

Table 1: Demand Summary

	Current Active Parcels	Buildout of all Existing ("Stubbed In") Parcels	Ultimate buildout with Subdivision of Large Parcels
Total EDU's	54	350	510
ADD (gpm)	16	104	152
MDD (gpm)	47	305	444
PHD (gpm)	105	683	995

2. Source:
  - a. Current standards require sufficient source capacity to provide maximum day demand with largest well out of service.

Table 1 shows that current MDD is estimated at less than 50 gpm, at buildout of the existing parcels, the estimated MDD is 305 gpm. At buildout of the future parcels, total MDD is estimated at 444 gpm.

Considering the above, Valiant Idaho, LLC intends to initially construct two wells: 1 sized for approximately 300 gpm and the second sized for approximately 150 gpm. Thus, total diversion capacity will be approximately 450 gpm. This planned source development provides for the following scenarios:

The total diversion capacity of 450 gpm matches closely with the ultimate buildout of the water service area. Development of one well with a large pump and one well with a pump half its size allows for the most efficient pumping scenarios. Current demands can largely be served off of the single well. The larger pump allows the system to grow to approximately 175 EDU's without adding pump capacity as necessary to meet Idaho Rules for Public Drinking Water Systems. Once the system has 175 active EDU's, the small pump will be replaced with a 300 gpm pump. Additional subdivision beyond the existing 350 EDU's will require a third well equipped with a 150 gpm pump. The following table provides the anticipated phasing of well capacity for the water system:

Table 2: Anticipated Source Development Phasing

Total EDU's	Year Anticipated	Well 1 (gpm)	Well 2 (gpm)	Well 3 (gpm)
54	This EDU's are currently "stubbed in".	300	150	N/A
175		300	300 ON VFD <sup>1</sup>	N/A
350		300	300 ON VFD	N/A
510	2021	300	300 ON VFD	150

Valiant Idaho, LLC will replace the 150 gpm well pump with a 300 gpm well pump on a variable frequency drive (VFD) which will be used to slow the motor in order to reduce the flow from the pump. This allows Valiant Idaho, LLC to utilize a portion of the pump capacity in combination with Well 1 (within the limit of the water right) during peak hour demand.

Once Valiant Idaho, LLC assumes ownership of the system, they will monitor production and demand closely and adjust the ultimate pump capacity as required.

3. Storage:

- a. Current standard requires system to supply Operating Storage, Equalization Storage, Standby Storage and Fire Suppression Storage. Following is a summary of assumptions for determination of the
  - i. Operating Storage = 2 feet (storage between pump on and off)
  - ii. Equalization Storage = (150 mins X (Source Capacity – Peak hour Demand)) = 0 gallons (See Note 1 below.)
  - iii. Standby Storage = (8 hours X Average Day Demand)
  - iv. Fire Suppression Storage = 180,000 gallons

The following table provides an analysis of the anticipated storage needs for the water system based on current rules, anticipated growth and the planned source capacity.

Table 3: Storage Capacity

	Current Active Parcels	Buildout of all Existing ("stubbed in") Parcels	Ultimate buildout with Subdivision of Large Parcels
Operating Storage (gallons)	31,117	31,117	31,117
Equalization Storage (gallons)	-	34,875	81,675
Standby Storage (gallons)	7,007	50,050	72,930
Fire Suppression (gallons)	180,000	180,000	180,000
<b>Total Storage Required (gallons)</b>	<b>218,124</b>	<b>296,042</b>	<b>365,722</b>
<b>Total Storage Available (gallons)</b>	<b>270,000</b>	<b>270,000</b>	<b>270,000</b>
<b>Total Storage Deficit (gallons)</b>	<b>51,876</b>	<b>(26,042)</b>	<b>(95,722)</b>

1. Assumes well pumping capacity of 450 gpm is developed.
2. Assumes use of both the existing 225,000 gallon reservoir and the 45,000 gallon reservoir. If 45,000 gallon reservoir is unavailable, it will likely be necessary to add storage to replace this and construct it to a capacity of up to 150,000 gallons for future buildout.
3. The standby storage requirement may be eliminated by adding standby power to the well sources and booster pump facilities.

Table 3 indicates that it will be necessary to utilize the 450 gpm source capacity during peak hour demand at buildout of the existing "stubbed in" parcels based on current available storage. Even with the available source capacity, it is likely that additional storage will have to be developed for the system.

As previously mentioned, once Valiant Idaho, LLC acquires the system, they will closely monitor demands to determine the necessity and financial feasibility of developing additional storage.

**Summary**

In summary, Valiant Idaho, LLC is seeking to replace the current physical source and water right capacity (1 cfs) that has been licensed to serve the existing public water system. This is due to the fact that Valiant Idaho, LLC is acquiring key components of the public water system and ownership of lands within service area.

As reflected in the above analysis the instantaneous diversion rate of 1 cfs is what Valiant Idaho, LLC needs (based on current Idaho Rules for Public Drinking Water Systems and available storage capacity) to serve the existing "stubbed in" lots (approximately 350).

Valiant Idaho, LLC plans to initially develop two wells (1) with a capacity of 300 gpm and (1) with a capacity of 150 gpm. Once there are 175 active EDU's on the water system, the 150 gpm pump will be replaced with a 300 gpm pump on a VFD to control pump flow within the total anticipated water right diversion limit.

Considering that we do not have actual demand data, the requested volume limit on the permit is based on utilizing full diversion capacity. We propose that the annual volume limit be refined for licensing at the time of the submittal of beneficial use, once better data is available.

**Attachments:**

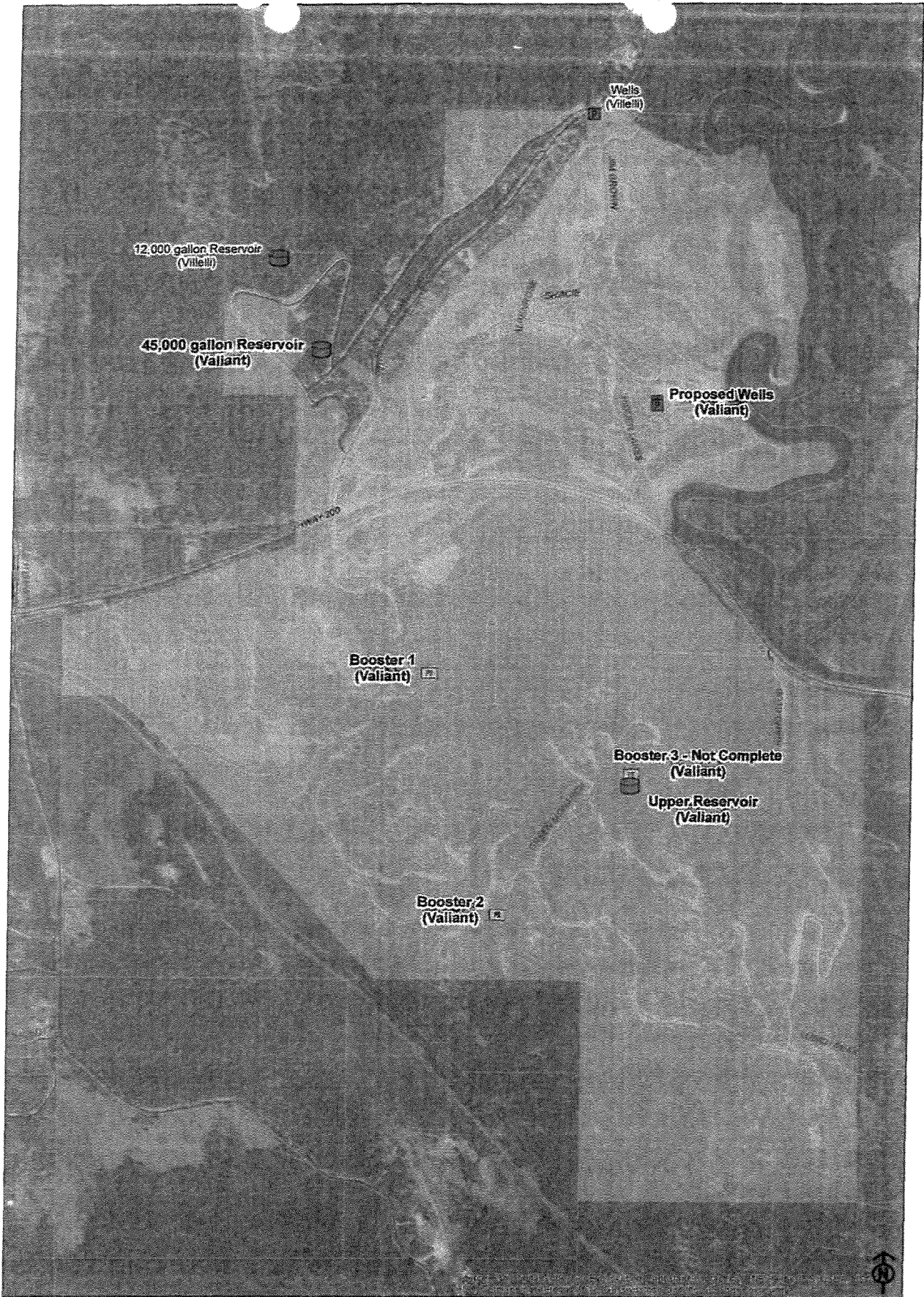
Figure 1: Idaho Club Service Area

Figure 2: Valiant Idaho, LLC Water System Facilities Serving Idaho Club Service Area

Attachment 1: 2006 TO Engineering Report



**FIGURE 1:  
IDAHO CLUB SERVICE AREA**



# Valiant Idaho, LLC

## Water System Overview

Source:  
Bonner County GIS  
Valiant Mapping  
Aerial (see above)

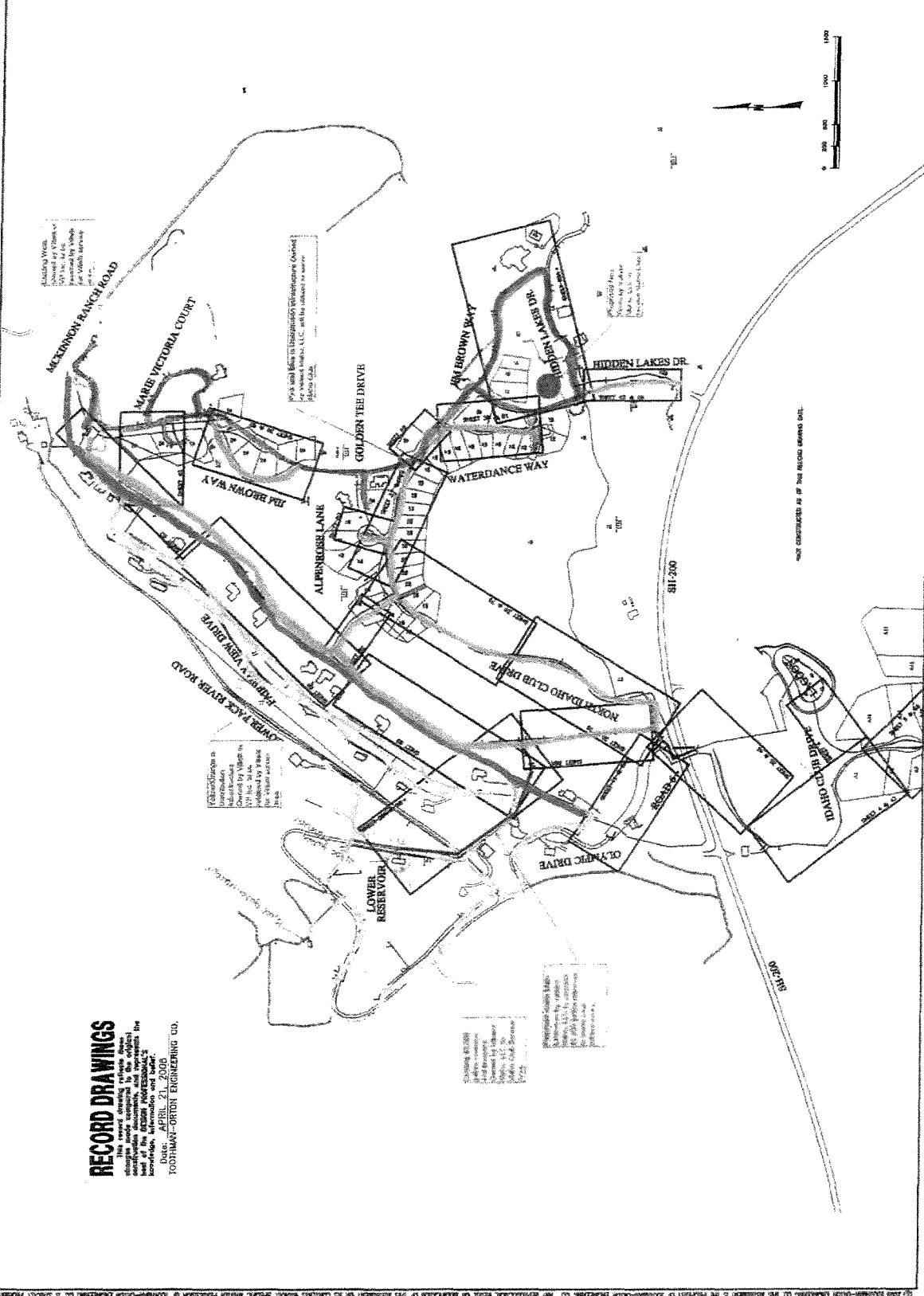
PROJECT NO ..... 44026  
DRAWN BY ..... **9618**  
FILENAME ..... ValiantSystemOv  
DATE ..... 2/28/17

**FIGURE 2:  
VALIANT IDAHO, LLC WATER SYSTEM  
FACILITIES SERVING IDAHO CLUB  
SERVICE AREA**

**IDAHO CLUB  
WATER AND SEWER  
SHEET OVERLAP**

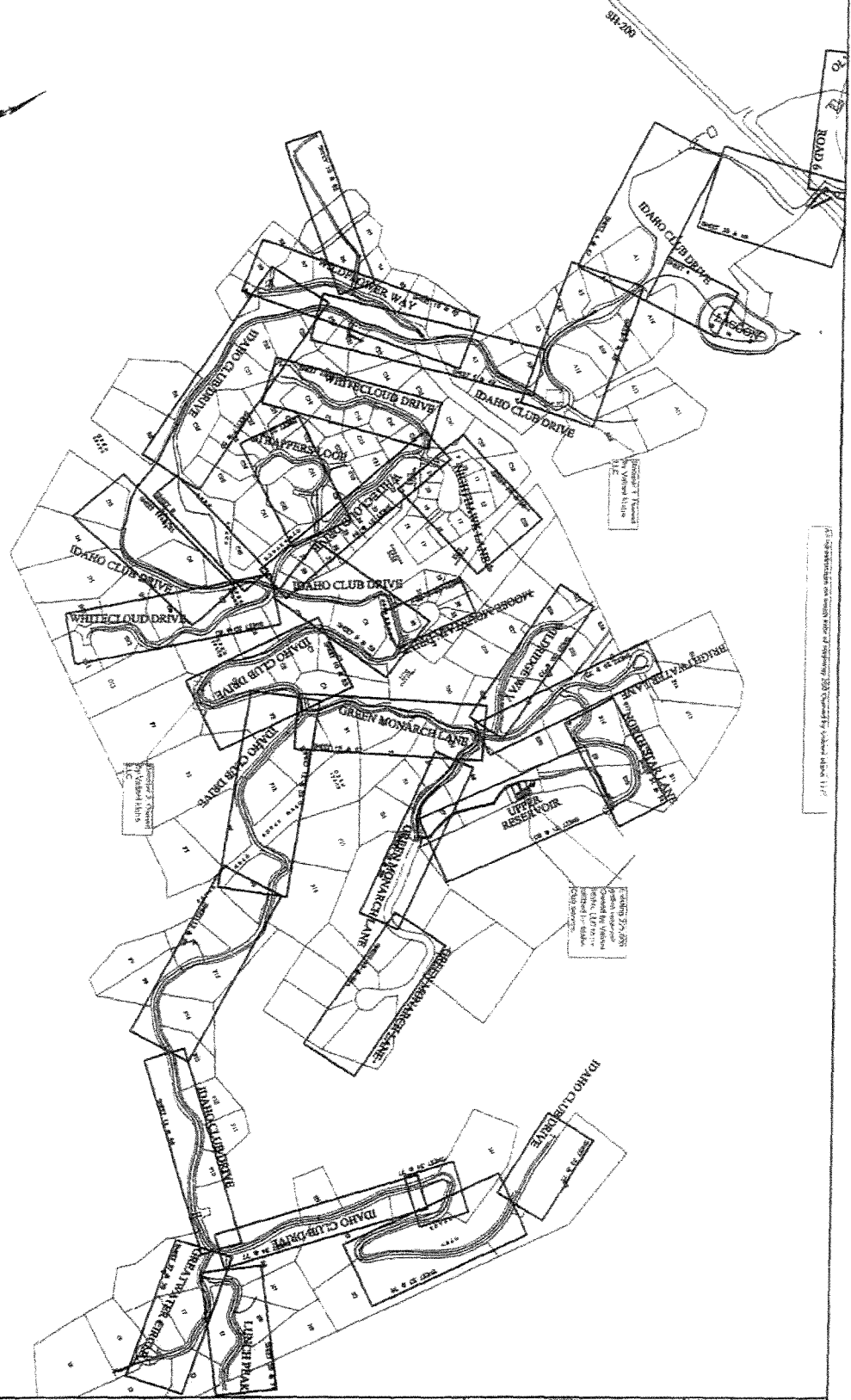
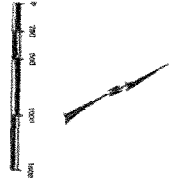
**TOOTHMAN-ORTON ENGINEERING COMPANY**  
CONSULTING ENGINEERS, SURVEYORS AND PLANNERS  
OFFICE: 200 PARK AVENUE  
BOISE, IDAHO 83725  
PHONE: (208) 782-2000  
FAX: (208) 782-2005

NO.	DATE	DESCRIPTION
1	04/21/08	Final Design
2	04/21/08	Final Design
3	04/21/08	Final Design
4	04/21/08	Final Design
5	04/21/08	Final Design
6	04/21/08	Final Design
7	04/21/08	Final Design
8	04/21/08	Final Design
9	04/21/08	Final Design
10	04/21/08	Final Design



**RECORD DRAWINGS**  
This record drawing is prepared from the approved design documents and represents the final design information and shall be used for construction purposes only.  
Date: APRIL 21, 2008  
TOOTHMAN-ORTON ENGINEERING CO.

STANDARD NOTES:  
1. All dimensions are in feet and inches.  
2. All dimensions are to the centerline unless otherwise noted.  
3. All dimensions are to the centerline unless otherwise noted.  
4. All dimensions are to the centerline unless otherwise noted.  
5. All dimensions are to the centerline unless otherwise noted.



NOT CONSIDERED AS PART OF THE RECORD DRAWING.

**RECORD DRAWINGS**  
 Design work completed by the engineer and approved by the state engineer and the local health department. The engineer is not responsible for the accuracy of the information and data furnished by the client.  
 DATE: APRIL 21, 2009  
 TOOTHMAN-ORTON ENGINEERING CO.

**IDAHO CLUB WATER AND SEWER PHASE I**  
**WATER AND SEWER SHEET OVERVIEW**

**TOOTHMAN-ORTON ENGINEERING COMPANY**  
 CONSULTING ENGINEERS, SURVEYORS AND PLANNERS  
 WEST 200 PINE AVE. SUITE 100  
 COEUR D'ALENE, IDAHO 83815-7710  
 PHONE: (208) 762-5444  
 FAX: (208) 762-3708

NO.	DESCRIPTION	DATE	BY	CHECKED
1	Final Design	11/20/08	J. ORTON	J. ORTON
2	Final Approval	11/20/08	J. ORTON	J. ORTON
3	Record Change	04/21/09	J. ORTON	J. ORTON



**ATTACHMENT 1:  
2006 TO ENGINEERING REPORT**



RECEIVED  
JUL 12 2006  
DCC Coeur d'Alene  
Regional Office

**PEND OREILLE BONNER  
DEVELOPMENT, LLC**

9343

**Water System Engineering Report  
PWS 1090195 Expansion**

**For**

**THE IDAHO CLUB PUBLIC WATER SYSTEM**

**JULY 5, 2006**

**Prepared By:**

**TOOTHMAN-ORTON ENGINEERING COMPANY  
W. 280 PRAIRIE AVE.  
COEUR D'ALENE, IDAHO 83815  
and  
524 CLEVELAND BOULEVARD, SUITE 227  
CALDWELL, IDAHO 83605**

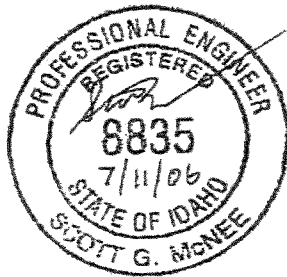
*Comments 10/24/6 - gjs*

**PEND OREILLE BONNER  
DEVELOPMENT, LLC**

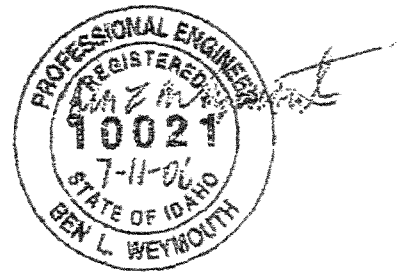
**Water System Engineering Report  
PWS 1090195 Expansion**

**For**

**THE IDAHO CLUB PUBLIC WATER SYSTEM**



**JULY 5, 2006**



**Prepared By:**

**TOOTHMAN-ORTON ENGINEERING COMPANY  
W. 280 PRAIRIE AVE.  
COEUR D'ALENE, IDAHO 83815  
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524 CLEVELAND BOULEVARD, SUITE 227  
CALDWELL, IDAHO 83605**



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- Appendix A: Existing Water Rights and Well Drillers Report
- Appendix B: Water Demand (Observed and Calculated)
- Appendix C: Lot Service Pressures
- Appendix D: PRV Settings
- Appendix E: Booster Pumps (TDH Calculations and Head Curves)
- Appendix F: System Schematic and Pump Control Logic
- Appendix G: System Model Drawing (WaterCAD skeleton)
- Appendix H: Power Outage Records
- Appendix I: Hydraulic Model Simulation Results

## BACKGROUND

\* The purpose of this report is to provide details for the proposed expansion of the Hidden Lakes Public Water System (PWS 1090195) to serve The Idaho Club Planned Unit Development (P.U.D.). The existing P.U.D. has been amended to increase proposed build-out to approximately 600 Equivalent Residential Units (ERU) and expand the development to the south side of SH-200. The north side will increase from the existing 45 ERUs to a proposed build-out of 317 ERUs, while the south side will be built out to approximately 283 ERUs.

Exist. The existing system is owned by V.P. Incorporated and the proposed system expansion will also be owned by V.P. Incorporated. The system is and will continue to be operated by Water Systems Management Inc. The current system consists of a 6-inch groundwater well, an 8-inch groundwater well, a 14'x14' wellhouse, a 45,000 gallon reservoir, and a 12,000 gallon reservoir. Water distribution lines are currently in place to serve the Hidden Lakes Golf Course Clubhouse, Hidden Lakes Subdivision and Golden Tee Estates Phases I and II.

Geology The U.S. Geological Survey on the "Geologic Map of the Sandpoint Quadrangle, Washington, Idaho, Montana" by Miller et al, 1999, has mapped the geology in the development area. The mapping indicates that the lower development areas are Quaternary glacial and alluvial deposits. These deposits consist of heterogeneous deposits of clay, silt, sand and gravel. The two (2) existing groundwater wells draw from a sand/gravel alluvial aquifer beneath several layers of clays and silts. The upper development areas consist of bedrock geology that is granodiorite of the Rapid Lightning Creek and Prichard formations. The granodiorite is medium- to coarse-grained material in a fine-grained mass. The Prichard formation is described as siltite, quartzite and argillite that are typically thinly bedded and discontinuous in part. Typically both types of bedrock are moderately hard, moderately highly fractured and slightly to highly weathered.

Model A hydraulic model was used to design the new system and verify compliance with *Idaho Rules for Public Drinking Water Systems* (IDAPA58.01.08 section 552), Idaho Department of Environmental Quality (DEQ) Checklists and Design File Notes, 10-State Standards, and the requirements of the North Side Fire District. The model results and the resulting system design are summarized in this report.

## SYSTEM OWNERSHIP

OK The system is owned by:  
V.P. Incorporated  
151 Clubhouse Way  
Sandpoint, Idaho 83864  
(208) 255-4500  
Contact: Richard Villelli

OK The system is operated by:  
Water Systems Management Inc.  
67 Wild Horse Trail  
Sandpoint, Idaho 83864  
(208) 265-4270  
Contact: Bob Hansen, Licensed Operator

PROPOSED SYSTEM IMPROVEMENTS

North

The existing system will be expanded on the north side of Highway 200, and extended to serve the south side of the Highway. A connection beneath the Highway will serve as the supply source for the south side, and a new reservoir on the south side will provide operational storage and fire protection for the entire system. The north side water system will be expanded with 6" and 8" mains to serve the additional units. The smaller 6" well will be replaced with another 8" well and the existing 45,000-gallon reservoir (Tank 2) will remain as is. At a minimum, the proposed 8" replacement well will have a capacity of 330 gpm @ 281 feet of head. The two wells will provide a combined supply capacity of at least 645 gpm. The two well pumps will be controlled by the water level in Tank 2. Fire hydrants will be placed at 500' intervals where new water mains are installed on the north side. In addition, hydrants near the clubhouse that are currently connected to the irrigation system will be reconnected to the public water system.

South

The south side water system will consist of a 197,000-gallon reservoir (Tank 1), located 700-ft in elevation above the north side and served by two booster pump stations in series. The pumps are controlled by the water surface elevation in Tank 1 and will be supplied by the wells and Tank 2 on the north side of the water system. Each booster pump station will need to provide a flow rate of 330 gpm. The dwelling units on the south side will be served from the 197,000-gallon tank by new 8" and 12" mains. Fire hydrants will be placed at 500' intervals throughout the south side system. Due to the substantial elevation difference between the top and bottom of the system, sixteen PRV assemblies will need to be installed at approximately every 100' of elevation drop. There are approximately 22 dwelling units above the proposed reservoir location that will need to be served by a small booster pump system for their domestic demands. Fire hydrants are located within approximately 1000 road-feet of these 22 upper lots, which according to the North Side Fire District is acceptable and eliminates the need for fire booster pumps to serve this upper zone.

SOURCE CAPACITY

Source OK

Well #1 is currently a 6-inch well with a 5 HP pump capable of discharging 45 gpm. Well #2 is an 8-inch well with a 30 HP pump capable of discharging 315 gpm. Well Driller's Reports for these wells are included in Appendix A. Test pumping of Well #2 indicated that this well is capable of a sustained yield of 370+ gpm. Well #1 was test pumped at 100+ gpm. Well #1 will be replaced with an 8" well to provide a minimum of 330 gpm, which will result in a combined source capacity of at least 645 gpm. It should be noted that both of these wells currently meet water quality requirements based on periodic testing in compliance with DEQ standards, and are part of the existing public water system (PWS 1090195).

?

Idaho Rules for Public Drinking Water Systems require that a second groundwater source be capable of producing at least 800 gallons per day per service connection. This amounts to 480,000 gpd at build-out, or about 330 gpm. Well #1 will be upgraded prior to reaching 81 ERUs on the system, which is the projected number of ERUs that can be served by the 45 gpm pump with the 800 gpd restriction.

plus irrigation

81  
-45  
26

Will the PWS provide irrigation supply?

Hidden Lakes currently has two (2) groundwater rights filed with the Idaho Department of Water Resources. One of them is a Municipal beneficial use (0.35 cfs diversion rate) and the other is a Domestic plus Irrigation beneficial use (0.50 cfs diversion rate). The total beneficial use for these water rights is 0.85 cfs or about 382 gpm. These existing water rights should be adequate until replacement of Well #1 at Hidden Lakes, at which time additional water rights will need to be secured. A total of 1.44 cfs (0.59 cfs additional) will be needed for system build-out. Water right information is included in Appendix A.

Need 4 source WRTs for final design Q

0.35 cfs  
x 445.5 gpm/cfs  
157 gpm

THE IDAHO CLUB PUBLIC WATER SYSTEM  
ENGINEERING REPORT

EXISTING  
 29 lots  
 18  
 21  
 19  
 30  
 -----  
 Lots 117  
 Other 14

45 lots  
 built on

WATER DEMAND

A tally of existing and proposed Equivalent Residential Units (ERUs) for the existing subdivisions and for projected build-out of the amended Hidden Lakes P.U.D. follows.

• Original Hidden Lakes Subdivision (existing)	29 ERUs
• Hidden Lakes 1 <sup>st</sup> Addition (existing)	18 ERUs
• Hidden Lakes 2 <sup>nd</sup> Addition (existing)	21 ERUs
• Golden Tee Estates Phase I (existing)	19 ERUs
• Golden Tee Estates Phase II (existing)	30 ERUs
• Clubhouse (existing)	12 ERUs
• Maintenance Building (existing)	2 ERUs
<hr/>	
• Clubhouse Expansion	2 ERUs
• Additional Small Lots and Cabins (north side)	125 ERUs
• New Recreational Facilities (north side)	12 ERUs
• Sales Office/Deli (north side)	2 ERUs
• Additional Lots and Cabins (south side)	283 ERUs
• Additional Lots (East of Lower Pack River Rd.)	45 ERUs
<b>TOTAL</b>	<b>600 ERUs</b>

131 ERUs

469 ERUs

All lots in the system, both existing and proposed, will be metered. Where used, calculations assume 0.25 acres of lawn and landscaping irrigation per ERU. These calculated demands are conservative since the formula assumes 100% occupancy, and the second home nature of the development will lead to seasonal occupancy. Golf course irrigation will be provided from the Pack River and proposed wastewater reuse system and is not a part of the domestic water system.

The average day demand for the model and system design is based on historical records from the existing system. This system consists of 31 single-family residential units, the golf course clubhouse (12 ERUs), and the golf course maintenance building (2 ERUs). Records for the total daily use from November 2003 to December 2005 were reviewed, and a summary of these records is provided in Appendix B. The observed average daily use is 429 gallons per day per ERU (gpd/ERU). This is used for the average day demand in the hydraulic model.

Is demand based on occupancy

Low - 800 gpd/ERU minimum in Rule

The maximum day demand was determined by reviewing observed and calculated data. The observed data for Hidden Lakes shows a maximum day of 1,531 gpd/ERU. Observed data from Sunnyside Subdivision, a nearby residential subdivision with seasonal occupancy, was also reviewed. Sunnyside is a good representation of the planned residential development at Hidden Lakes because it is an all-residential seasonal home development with similar lot sizes and no commercial use. This observed data shows a maximum day of 710 gpd/ERU (see Appendix B), which is half that observed for Hidden Lakes during the same time period. The extremely high use at Hidden Lakes occurred during the summer when the golf course is in use, and the clubhouse is at its busiest. It is suspected that un-accounted for water use from golf cart washing, irrigation of flowerbeds and practice greens around the clubhouse, and the decorative fountain at the clubhouse are major contributors to the high maximum day demand. The maximum day demand was also calculated using DEQ's design file note "Design Flows - Public Water Systems". The maximum day calculated demand is 1,255 gpd/ERU (see Appendix B). For this model, the maximum day demand calculated from the DEQ design file equation was selected because it is conservative (1.77 times larger) when compared to the Sunnyside data and because of the uncertainty in assigning ERUs to the golf course clubhouse.

THE IDAHO CLUB PUBLIC WATER SYSTEM  
ENGINEERING REPORT

The peak hour demand was also determined by using the DEQ equation, and is 2,808 gpd/ERU (see Appendix B). This is 2.24 times the maximum day use and 6.55 times the average day use. It should be noted that the observed peak hour demand is not available from Hidden Lakes or Sunnyside flow records.

*2 gpm/ERU*

The North Side Fire District has indicated that a minimum fire flow of 1,500 gpm for two (2) hour duration will be required for the overall development.

In summary, the demands used for modeling purposes are:

Table 1. System Demand Summary.

Scenario	gpd/ERU	gpm/ERU	System gpm
Average Day	429	0.2979	177.5
Maximum Day	1,255	0.8715	522.8
Peak Hour	2,807	1.95	1,169.7
Fire Flow	1,500 gpm for two hours		

*Existing wells produce 360 gpm with 645 gpm as ultimate Q from 2 wells*

*1500 gpm x 120 minutes = 180,000 gallons when upgraded not now*

**FIRE PROTECTION**

As stated above, the North Side Fire District has indicated that a minimum flow of 1,500 gpm for a two (2) hour duration is required for the overall development. The system meets this requirement. Fire hydrants will be installed in all new development areas and will be located within approximately 250-ft of all buildable lots. Multiple existing fire hydrants on the north side of the development are connected to either the pressure irrigation system or to surface water sources via dry lines. These connections will all be abandoned and replaced with connections to the upgraded domestic water system. All new homes constructed on the south side of the highway will have internal fire suppression sprinklers. The supply line for the sprinkler systems will branch off of the system on the customer side of the meter, with service lines and residential fire meters rated for fire sprinklers. Backflow prevention devices will be installed within each house as part of the fire suppression system.

*letter?*

*automatic*

*what? DCK valves*

**WATER STORAGE**

The two (2) existing below ground water storage reservoirs at Hidden Lakes provide a combined storage volume of approximately 57,000 gallons (total tank volume). These include a 45,000 gallon reservoir (Tank 2) at an elevation of 2275 feet, which floats on the system and regulates system pressures. A small 12,000 gallon reservoir sits at a higher elevation and takes water pumped from the lower reservoir to serve the upper portions of the existing Hidden Lakes Subdivision. The 12,000 gallon tank and the system it serves are not included in the hydraulic model or this report.

*Why?*

A new reservoir (Tank 1) will be constructed near the top of the system on the south side of Highway 200. Two booster pumps in series that draw from the lower distribution system will supply the reservoir. The reservoir satisfies the domestic and fire flow requirements of the system.

The required reservoir storage was determined by running time-dependant simulations with the hydraulic model. The following tables provide a summary of provided and required reservoir storage:

*in line series boosters are difficult to operate w/o storage at the upper pumps*

*max tank*  
*exist- 45,000 gallons*

Table 2. Reservoir Storage Provided

Tank Level Setting	Tank 1 (proposed) (gallons)	Tank 2 (existing) (gallons)	Total (gallons)
Pump On to Off	25,926	29,097	55,023
Floor to Pump Off	196,724	40,736	237,460

Table 3. Required Reservoir Storage (per hydraulic model)

Scenario	Tank 1 (proposed) (gallons)	Tank 2 (existing) (gallons)	Total (gallons)
North Side fire	152,515	32,606	185,121
South Side fire	174,060	23,865	197,925

*need 1500 gpm for 2 hrs. plus ~~another~~ hour demand > 20 psi.*

The total storage provided is 120% of the total storage required by the hydraulic model simulations. It should be noted that the fire flow simulations were run on the maximum day, and represent the worst-case requirement for tank storage. Fire simulations were run on both the north and south sides of the system and corresponding storage requirements were obtained for each tank to ensure adequate fire protection for the overall system.

The following table provides a summary of the tank control settings in the model:

Table 4. Tank Levels

Level	Tank 1	Tank 2
Maximum (Overflow)	2812.50	2275.50
Pump Off	2812.00	2275.00
Pump On	2810.00	2270.00
Minimum	2797.50	2268.50
Base (Tank Floor)	2797.00	2268.00
Cross-Section Area	1,753.33 sf	778 sf

*Does Tank #2 provide gravity Q? Yes*

**PRESSURE ZONES**

The system consists of seven pressure zones isolated by 16 pressure reducing valve (PRV) assemblies, with the lowest zone being the existing system. The total elevation change is just under 900-ft. The design zone pressures are 40 to 95 psi under average day conditions. PRV settings are included in Appendix D. Under static conditions, the pressures in the water mains vary from 40 psi to 127 psi throughout the system. An upper boosted zone serves 22 lots from the upper reservoir down to elevation 2715, where system pressures reach 40 psi. Pressures over 100 psi exist in the system, and are necessary to maintain a minimum pressure of 40 psi at the planned home site locations. Individual pressure reducing valves may be required at thirteen lots and individual booster pumps are anticipated for six lots, subject to the elevation selected for the home site. Table 5 below lists the lots where individual pressure reducing valves or individual booster stations are anticipated, with those dependent upon the selected home site elevation labeled as "Potential".

*OK*

*OK - on metering per de tail or dwip.*

Table 5. Individual Lots Outside Design Pressures

Individual PRV		Individual Booster Pump	
Potential	Required	Potential	Required
F-29	C-8	K-5	F-2
C-7	F-6		A-18
F-10	F-7		G-24
F-11	F-8		G-25
L-8	H-2		H-11
E-3	E-17		
E-7			

*Need to be owned & operated by VP Inc. Can be installed at lot owners expense only if Per DEO approved Ind. Booster Pump design*

Individual service connections must be at the locations provided by the design engineer on the construction plans. The hydraulic model will be used to verify that pressures between 40 and 100 psi serve each house in accordance with IRPDW/requirement. Should pressures exceed 100 psi, then service from a different main line in another pressure zone or individual PRV's will be required. If pressures are under 40 psi, then service from a main line in a higher zone or an individual pressure boosting station will be required. A spreadsheet with individual lot pressures is included in Appendix C.

**BOOSTER PUMPING**

Booster pumping from the existing system to the new reservoir is required. To meet the source capacity requirements of the upper zones, two booster stations in series, capable of supplying 330 gpm, are required. Estimated total dynamic head (TDH) calculations for the booster stations are included in Appendix E. Additional booster pumping (domestic only) from the new reservoir to 22 lots above elevation 2715 will also be required because pressures from the upper reservoir do not reach 40 psi until an elevation of 2715 or lower.

*Upper zone fire flow?*

The booster stations will each have two pumps with a capacity of 330 gpm each for redundancy. The pumps will alternate starts, with either pump capable of satisfying the required flow. The lower booster pump station (Pump 3) is at elevation 2215, and the intake line connects to the existing distribution system below the lowest PRV assembly. The static head on the pump is 24 psi, and the operating head is 18-26 psi on the suction side. The design point for this pump is 330 gpm @ 295-ft. The system pressure where the pump intake line connects is 40 psi or greater for all model scenarios. The upper booster pump station (Pump 4) is at elevation 2510, and has a pumping rate equal to the lower booster. The design point for this pump is 330 gpm @ 296-ft. Estimated total dynamic head curves are in Appendix E.

*- Check new policy*

Backup power is not proposed for the booster stations because storage is adequate to meet flow demands during power outage events. Power outage records were obtained from Northern Lights, Inc. (north side of Highway 200) and Avista Utilities (south side of Highway 200) for 2002-2005. Northern Lights power outages averaged 1 hour 18 minutes, with a maximum of 6 hours 8 minutes. Avista Utilities averaged 24 minutes during the same period, with a maximum of 1 hour 31 minutes. (See Appendix H) The total peak hour demand is 69,732 gallons in one hour. The total system storage is 235,216 gallons, which is equivalent to 3 hours and 22 minutes of storage at peak hour demand. This storage can also provide service for 7 hours and 33 minutes on the maximum day, and 22 hours and 5 minutes on the average day.

#1

**SYSTEM ANALYSIS AND HYDRAULIC MODEL**

The proposed system was analyzed using WaterCAD v6.5 by Haestad Methods to verify compliance with Idaho Rules for Public Drinking Water Systems (IDAPA58.01.08 section 552), 10-State Standards, and the requirements of the North Side Fire District. Unit demands were distributed across the nodes in the

*What happens to  
13,000 gallon  
Tank 1*

model to accurately reflect dynamic system operation. Pump controls, based on tank levels, were used in the model and will be included in the system design. The model consists of 135 junctions, 197 pipes, two wells with pumps, two booster pumps, and two tanks. A system schematic and control logic diagram is included in Appendix F, and the WaterCAD system map is in Appendix G. The following scenarios were analyzed in WaterCAD:

Table 6. Hydraulic Model Simulation Summary.

Demand Scenario	Required Pressure (psi)	
	Minimum	Maximum
Average Day (0.29 gpm/ERU or 177.5 gpm)	40	100
Peak Hour (1.95 gpm/ERU or 522.8 gpm)	40	100
Max Day (0.87 gpm/ERU or 1,169.7 gpm)	40	100
Max Day + 1500 gpm Fire Flow on North Development	20	100
Max Day + 1500 gpm Fire Flow on South Development	20	100

## SYSTEM HYDRAULIC MODEL RESULTS

The hydraulic model was used to conduct time dependent simulations under domestic and fire demands to investigate pump cycle times and tank levels in addition to system pressures. All simulations were completed with constant domestic demands, tanks starting full, and all pumps initially off. The simulations were conducted for a 24-hr period for the average day and maximum day, one-hour for the peak hour period, and two hours on the maximum day plus fire flow. Fire flow simulations were completed for individual fire events on both the north side and south side of the system, with a 1,500 gpm fire demand placed on critical nodes within the model. Simulation results for each scenario are included in Appendix I. The minimum and maximum required pressures noted above are maintained for each scenario.

### Average Day

The system is able to meet the average day demands. On the average day, Well Pump 1, which feeds Tank 2 (north reservoir), cycles 4 times with an average run time of 1.81 hours per cycle. Well Pump 2 cycles 3 times with an average run time of 1.66 hours to feed Tank 2 and Booster Pumps 3 and 4, which in turn feed the water storage tank on the South side (Tank 1). Booster Pump 3 and Booster Pump 4 cycle 3 times with an average run time of 1.73 hours per cycle. Tank 1 maintains 83% full or greater, while Tank 2 varies from 36% to 93% full.

### Maximum Day

The system is able to meet maximum day demands. On the maximum day, Pump 1 cycles 5 times with an average run time of 3.44 hours per cycle. Pumps 2, 3, and 4 turn on at 1.79 hours into the maximum day and run for the remainder of the day. Tank 1 varies from 81% to 97% full and Tank 2 varies from 36% to 93% full.

### Peak Hour

The system is able to meet peak hour demands. Pump 1 turns on after 0.64 hours into the peak hour, and does not turn off during the remainder of the peak hour. Pump 2 and Booster Pumps 3 and 4 turn on after 0.77 hours into the peak hour and do not turn off during the remainder of the peak hour. Tank 1 is 79% full and Tank 2 is 32% full at the end of the Peak Hour simulation.



*HIDDEN LAKES PUBLIC WATER SYSTEM  
ENGINEERING REPORT*

**APPENDIXES**

- Appendix A: Existing Water Rights and Well Drillers Report
- Appendix B: Water Demand (Observed and Calculated)
- Appendix C: Lot Service Pressures
- Appendix D: PRV Settings
- Appendix E: Booster Pumps (TDH Calculations and Head Curves)
- Appendix F: System Schematic and Pump Control Logic
- Appendix G: System Model Drawing (WaterCAD skeleton)
- Appendix H: Power Outage Records
- Appendix I: Hydraulic Model Simulation Results

Bonner County Sheriff's Office  
4001 N. Boyer Ave.  
Sandpoint, ID 83864

NOTARY PUBLIC  
STATE OF IDAHO  
JUDICIAL DIST.

Process Number: C17-00330

Court Number: CV09-1810

I, Daryl D Wheeler, Sheriff of Bonner County Sheriff's Office do hereby certify that I received the within and foregoing Writ of Assistance on 16th day of March, 2017, and that I served the same on:

VP, Incorporated

(Other )

Served on: 17th day of March, 2017 at 11:35:00 by Davis, J B  
Other Disposition: SRS Served, Returned Satisfied  
By Serving: Posted Gate ( )  
Log Building/Gate off S Idaho Club RD  
Sandpoint, ID 83864

Returned on the 6th day of April, 2017

Dated the 10th day of April, 2017

Fees:

Service: 25.00  
Mileage: 0.00  
Other : 25.00  
Total : 50.00

Daryl D Wheeler, Sheriff  
Bonner County Sheriff's Office, IDAHO

BY: [Signature]  
Authorized Representative  
Civil Division

My commission expires:

12/05/17


[Signature]  
Notary Public  
Bonner Co



Gate, Door and Keyboard posted w/ notices / Gate by facility doors were unlocked / writ returned to court.

ORIGINAL

MAR 17 2017 09:48  
CLERK OF DISTRICT COURT  
DISTRICT OF IDAHO

FILED  
  
CLERK OF DISTRICT COURT  
DISTRICT OF IDAHO

Richard L. Stacey, ISB #6800  
Jeff R. Sykes, ISB #5058  
Chad M. Nicholson, ISB #7506  
**McCONNELL WAGNER SYKES & STACEY PLLC**  
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Attorneys For Valiant Idaho, LLC

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER**

**GENESIS GOLF BUILDERS, INC.,**  
formerly known as  
**NATIONAL GOLF BUILDERS, INC.,**  
a Nevada corporation,

Plaintiff,

vs.

**PEND OREILLE BONNER  
DEVELOPMENT, LLC,**  
a Nevada limited liability company; *et al.*,

Defendants.

Case No. CV-09-1810

**WRIT OF ASSISTANCE**

**Honorable Barbara A. Buchanan**

**AND RELATED COUNTER, CROSS  
AND THIRD PARTY ACTIONS  
PREVIOUSLY FILED HEREIN.**

**TO: THE SHERIFF OF BONNER COUNTY, STATE OF IDAHO**

**WHEREAS**, on July 20, 2016, Valiant Idaho, LLC (“Valiant”) recovered a Judgment (“Judgment”) and a Decree of Foreclosure (“Decree”) in the First Judicial District of the State of Idaho, in and for the County of Bonner.

**WHEREAS**, VP, Incorporated (“VP”) did not post a cash deposit, supersedeas bond or otherwise seek to stay execution or enforcement of the Judgment and Decree.

**WHEREAS**, on November 7, 2016, the Sheriff of Bonner County conducted a sale (“Sheriff’s Sale”) of 155 parcels of real property located in the County of Bonner, State of Idaho, which property included the following 154 parcels legally described as follows:

***See Exhibit A attached hereto.***

The 154 parcels described on Exhibit A shall be referred to as the “Valiant Parcels.”

**WHEREAS**, Valiant purchased the Valiant Parcels at the Sheriff’s Sale.

**WHEREAS**, pursuant to the Decree, the Valiant Parcels include all property and property rights appurtenant to, located on or under, existing in conjunction with, affixed to, or used in any way in connection with the use, enjoyment, occupancy or operation of the Valiant Parcels, including, but not limited to, the sanitary sewer and water systems and associated infrastructure, utilities and improvements (“Sewer/Water Systems”).

**WHEREAS**, the Bonner County Sheriff issued Certificates of Sale for each of the Valiant Parcels to Valiant (collectively, “Certificates of Sale”) and subsequently recorded said Certificates of Sale in the Records of Bonner County, Idaho before filing them with this Court on December 22, 2016.

**WHEREAS**, the Decree provides that Valiant, as the purchaser of the Valiant Parcels, shall be let into possession of the Valiant Parcels upon presentment of the Certificates of Sale to the party in possession of any portion of said Valiant Parcels.

**WHEREAS**, VP is the party in possession and occupant of those certain Valiant Parcels identified on Exhibit A hereto as "Parcel 1" and "Parcel 2," each of which having component parts of the Sewer/Water System constructed thereon and affixed thereto.

**WHEREAS**, VP continues to use other component parts of the Sewer/Water System purchased by Valiant without permission.

**WHEREAS**, on December 9, 2016, Valiant, as the fee owner of Parcel 1 and Parcel 2 presented the Certificates of Sale for said parcels to VP.

**WHEREAS**, on February 23, 2017, Valiant, as fee owner of the Valiant Parcels, served the Certificates of Sale for the other 152 Valiant Parcels upon VP and sought an order directing VP to immediately deliver possession of all other component parts of the Sewer/Water System.

**WHEREAS**, VP has failed and refused, and continues to fail and refuse to deliver possession of Parcel 1, Parcel 2, and the other component parts of the Sewer/Water System to Valiant.

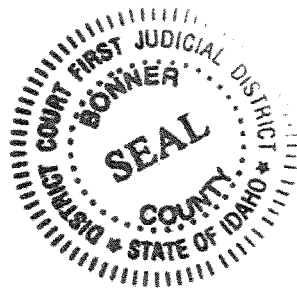
**NOW, THEREFORE**, you, the Sheriff of Bonner County, are hereby directed as follows:

1. Eject and remove each and every person or entity, including, but not limited to VP, from using, holding or detaining the Valiant Parcels and all fixtures, appurtenances and improvements associated therewith, without delay, including Parcel 1, Parcel 2 and the Sewer/Water System, or any part thereof;

2. Deliver to Valiant possession of the Valiant Parcels and all fixtures, appurtenances and improvements associated therewith, without delay, including Parcel 1, Parcel 2 and the Sewer/Water System, or any part thereof; and

3. Maintain, keep and defend Valiant or its successor's possession of said premises according to the tenor and intent of the Decree, this Writ of Assistance, and any other orders of this Court.

WITNESS, by hand and official seal, this 6<sup>th</sup> day of March, 2017.



Michael W. Rosedale  
Clerk of the District Court

  
By: Deputy Clerk

Approved by:

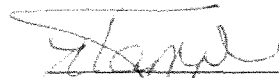


**Barbara Buchanan**  
District Judge

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 6<sup>th</sup> day of March 2017, a true and correct copy of the foregoing document was served by the method indicated below upon the following party(ies):

Richard L. Stacey, Esq. McConnell Wagner Sykes & Stacey PLLC 827 East Park Boulevard, Suite 201 Boise, Idaho 83712 Telephone: 208.489.0100 Facsimile: 208.489.0110 <i>Counsel For Valiant Idaho, LLC</i>	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail <a href="mailto:stacey@mwsslawyers.com">stacey@mwsslawyers.com</a>
Gary A. Finney, Esq. Finney Finney & Finney, P.A. 120 East Lake Street, Suite 317 Sandpoint, Idaho 83864 Telephone: 208.263.7712 Facsimile: 208.263.8211 <i>Counsel For J.V., LLC</i>	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail <a href="mailto:garyfinney@finneylaw.net">garyfinney@finneylaw.net</a>
Susan P. Weeks, Esq. James, Vernon & Weeks, PA 1626 Lincoln Way Coeur d'Alene, Idaho 83814 Telephone: 208.667.0683 Facsimile: 208.664.1684 <i>Counsel For VP Incorporated/North Idaho Resorts</i>	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail <a href="mailto:sweeks@jvwlaw.net">sweeks@jvwlaw.net</a>

  
Clerk of the Court

## EXHIBIT A

### LEGAL DESCRIPTION OF REAL PROPERTY COMPRISING THE 154 "VALIANT PARCELS" SUBJECT TO THE WRIT OF ASSISTANCE

#### Parcel 1

Lot 2, Block 17 of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1<sup>ST</sup> ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

#### Parcel 2

##### Tract 1

Lot 10, Block 2 of GOLDEN TEE ESTATES 2nd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 79, records of Bonner County, Idaho.

##### Tract 2

Lot 1, Block 1 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

##### Tract 3

Lot 7, Block 5 of GOLDEN TEE ESTATES 4TH ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 80, records of Bonner County, Idaho.

#### Parcel 5

##### Tract 1

A tract of land in the East half of the Northeast quarter of the Southwest quarter and the Northwest quarter of the Southeast quarter of Section 36, Township 58 North, Range 1 West of the Boise Meridian, Bonner County, Idaho, more particularly described as follows:

Beginning at the Southeast corner of the East half of the Northeast quarter of the Southwest quarter of said Section 36:

Thence along the South line of the East half of the Northeast quarter of the Southwest quarter, North 89° 36' 27" West, 661.51 feet (record = North 89° 37' 10" West, 661.57 feet to the Southwest corner of the East half of the Northeast quarter of the Southwest quarter;

Thence along the West line of the East half of the Northeast quarter of the Southwest quarter, North 00° 10' 22" East 856.45 feet (record = North 00° 09' 25" East, 856.45 feet); Thence North 89° 10' 53" East, 30.21 feet (record = East, 29.58 feet) to the Westerly right of way of Berry Drive (shown as Olympic Drive on the Second Addition Plat to Hidden Lakes);

Thence Southeasterly along said right of way the following six (6) courses:

1. On a non-tangential curve to the left (radial bearing = North 87° 39' 13" East) having a central angle of 36° 44' 06" and a radius of 131.00 feet for an arc distance of 83.99 feet (record = 84.54 feet) (chord = South 20° 42' 50" East, 82.56 feet - record = South 20° 37' 27" East, 83.08 feet);
2. Thence South 39° 04' 53" East, 419.67 feet (record = South 39° 06' 45" East, 419.68 feet);
3. Thence on a curve to the left having a central angle of 11° 42' 45" and a radius of 530.00 feet for an arc distance of 108.34 feet (chord = South 44° 56' 16" East, 108.15 feet - record = South 44° 58' 08" East, 108.16 feet);
4. Thence South 50° 47' 39" East, 69.68 feet (record = South 50° 49' 31" East, 69.68 feet);
5. Thence on a curve to the right having a central angle of 23° 42' 51" and a radius of 970.00 feet, for an arc distance of 401.47 feet (chord = South 38° 56' 14" East, 398.61 feet - record = South 38° 58' 05" East 398.61 feet);



6. Thence South  $27^{\circ} 04' 48''$  East, 31.65 feet to the South line of the Northwest quarter of the Southeast quarter (record = South  $27^{\circ} 06' 40''$  East, 30.77 feet);

Thence leaving said right of way North  $89^{\circ} 36' 03''$  West, 60.37 feet (record = North  $89^{\circ} 37' 09''$  West, 59.55 feet) to the point of beginning.

#### Tract 2

That part of the Southeast quarter of the Northeast quarter lying North and West of Fairway View Drive of Section 36, Township 58 North, Range 1 West of the Boise Meridian, Bonner County, Idaho.

#### Tract 3

A tract of land located in a portion of the Southwest quarter of the Southeast quarter of Section 36, Township 58 North, Range 1 West, Boise Meridian, Bonner County, Idaho, more particularly described as follows:

Beginning at the Northwest corner of said Southwest quarter of the Southeast quarter of Section 36; Thence South  $89^{\circ} 36' 03''$  East 60.37 feet (record = South  $89^{\circ} 37' 09''$  East,

59.55 feet) to the Westerly right of way of Berry Drive (shown as Olympic Drive on the Plat of the Second Addition to Hidden Lakes); thence along said right of way for the following four (4) courses;

1. South  $27^{\circ} 04' 48''$  East, 299.95 feet (record = South  $27^{\circ} 06' 40''$  East, 300.83 feet);

2. North  $62^{\circ} 55' 12''$  East, 60.00 feet (record = North  $62^{\circ} 53' 20''$  East, 60.00 feet);

3. North  $27^{\circ} 04' 48''$  West, 125.34 feet (record = North  $27^{\circ} 06' 40''$  West, 125.34 feet);

4. Thence on a curve to the right having a central angle of  $79^{\circ} 01' 27''$  and a radius of 25.00 feet, for an arc distance of 34.48 feet (chord = North  $12^{\circ} 25' 55''$  East, 31.81 feet - record = North  $12^{\circ} 24' 03''$  East, 31.81 feet) to a point on the Southerly right of way of Fairway View Drive, as shown on the Plat of First Addition to Hidden Lakes;

Thence along said right of way for the following eight (8) courses:

1. North  $51^{\circ} 56' 39''$  East, 74.67 feet (record = North  $51^{\circ} 54' 47''$  East, 74.67 feet);

2. Thence on a curve to the right having a central angle of  $99^{\circ} 26' 33''$  and a radius of 70.00 feet, for an arc distance of 121.49 feet (chord = South  $78^{\circ} 20' 05''$  East, 106.81 feet - record = South  $78^{\circ} 21' 57''$  East, 106.81 feet);

3. Thence South  $28^{\circ} 36' 48''$  East, 154.03 feet (record = South  $28^{\circ} 38' 40''$  East, 154.03 feet);

4. Thence on a curve to the right having a central angle of  $55^{\circ} 41' 27''$  and a radius of 90.00 feet for an arc distance of 87.48 feet (chord = South  $00^{\circ} 46' 05''$  East, 84.08 feet - record = South  $00^{\circ} 47' 56''$  East, 84.08 feet);

5. Thence South  $27^{\circ} 04' 39''$  West, 170.14 feet;

6. Thence on a curve to the right having a central angle of  $71^{\circ} 37' 11''$  and a radius of 60.0 feet, for an arc distance of 75.00 feet (chord = South  $08^{\circ} 43' 57''$  East, 70.21 feet);

7. Thence South  $44^{\circ} 32' 32''$  East, 50.94 feet;

8. Thence on a curve to the right having a central angle of  $69^{\circ} 10' 16''$  and a radius of 25.00 feet, for an arc distance of 30.18 feet (chord = South  $09^{\circ} 57' 24''$  East, 28.38 feet - record = South  $11^{\circ} 23' 51''$  East, 30.18 feet) to a point on the West right of way of Lower Pack River Road;

Thence Southerly along said right of way for the following four (4) courses:

1. on a non-tangential curve to the right having a central angle of  $04^{\circ} 15' 19''$  and a radius of 1180.00 feet for an arc distance of 87.69 feet (chord = South  $22^{\circ} 30' 38''$  West, 87.67 feet);

2. Thence South  $20^{\circ} 22' 44''$  West, 114.57 feet;

3. Thence on a curve to the left having a central angle of  $22^{\circ} 29' 50''$  and a radius of 502.65 feet, for an arc distance of 197.36 feet (chord = South  $09^{\circ} 07' 49''$  West, 196.10 feet);

4. Thence South  $02^{\circ} 07' 06''$  East, 157.81 feet to the Northerly right of way of State Highway No. 200;

Thence along the highway right of way, South  $77^{\circ} 42' 28''$  West, 72.14 feet (record = South  $78^{\circ} 15' 06''$  West, 71.11 feet);

Thence continuing along the Highway right of way, South  $69^{\circ} 44' 57''$  West, 262.22 feet (record = South  $69^{\circ} 43' 16''$  West, 261.65 feet) to the West line of the Southwest quarter of the Southeast quarter of said Section 36;

Thence along the West line of the Southwest quarter of the Southeast quarter, North  $00^{\circ} 08' 19''$  East, 1223.36 feet (record = North  $00^{\circ} 07' 13''$  East, 1223.17 feet) to the point of beginning.

#### Tract 4

A tract of land located in Section 36, Township 58 North, Range 1 West of the Boise Meridian, Bonner County, Idaho, more particularly described as follows:

That portion of said Section 36 lying East of Pack River Road, a county road, Idaho, North of State Highway No. 200, East of Hidden Lakes Subdivision as recorded in Book 4 of Plats, page 64, records of Bonner County, Idaho, West and South of Replat of Blocks 15 and 16 of the Replat of Golden Tee Estates and Golden Tee Estates 1<sup>st</sup> Addition and unplatted land, according to the plat thereof, recorded in Book 9 of Plats, page 5, records of Bonner County, Idaho, Southwest of Golden Tee Estates 8th Addition, recorded in Book 9 of Plats, page 7, records of Bonner County, and West of the land described as a tract of land in the Southeast Quarter of the Southeast quarter (SE1/4 SE1/4) of Section 36, Township 58 North, Range 1 West of the Boise Meridian, Bonner County, Idaho, more particularly described as follows:

Commencing at a point on the East line of said Section 36, which is N 00° 08' 06" E, 563.94 feet from the Southeast corner of the Section; thence, perpendicular to the East line of the Section, N 89° 51' 54" W, 1103.43 feet to the Southwest corner of Instrument Number 457973 on the Northerly right of way of Highway 200 and the True Point of Beginning; thence, along the Western boundary of Instrument No. 457973, N 01° 25' 02" E, 99.41 feet, to a 5/8 inch rebar and plastic cap stamped PLS 3628; thence S 32° 20' 51" W, 132.00 feet, to a 5/8 inch rebar and plastic cap stamped PLS 3628 on the Northerly right of way of Highway 200; thence, along said right of way, N 79° 54' 11" E, 69.24 feet, to the True Point of Beginning.

Parcel 8

Lot 2, Block 3 in GOLDEN TEE ESTATES PLANNED UNIT DEVELOPMENT (PHASE ONE), according to the plat thereof, recorded in Book 6 of Plats, page 108, records of Bonner County, Idaho.

Parcel 9

Lot 1, Block 1 of the FIRST ADDITION TO HIDDEN LAKES, according to the plat thereof, recorded in Book 4 of Plats, page 161, records of Bonner County, Idaho.

Parcel 10

Lot 2, Block 2 of the SECOND ADDITION TO HIDDEN LAKES SUBDIVISION, according to the plat thereof, recorded in Book 5 of Plats, page 58, records of Bonner County, Idaho.

Parcel 11

Lot 3, Block 2 of the SECOND ADDITION TO HIDDEN LAKES SUBDIVISION, according to the plat thereof, recorded in Book 5 of Plats, page 58, records of Bonner County, Idaho.

Parcel 12

Lot 4, Block 2 of the SECOND ADDITION TO HIDDEN LAKES SUBDIVISION, according to the plat thereof, recorded in Book 5 of Plats, page 58, records of Bonner County, Idaho.

Parcel 13

Lot 5, Block 2 of the SECOND ADDITION TO HIDDEN LAKES SUBDIVISION, according to the plat thereof, recorded in Book 5 of Plats, page 58, records of Bonner County, Idaho.

Parcel 14

Lot 14, Block 2 of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Parcel 15

Lot 15, Block 2 of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Parcel 16

Lot 4, Block 7 of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1<sup>ST</sup> ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Parcel 17

Lot 5, Block 4 of GOLDEN TEE ESTATES 4<sup>TH</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 80, records of Bonner County, Idaho.

Parcel 19

A tract of land located in Section 36, Township 58 North, Range 1 West of the Boise Meridian, Bonner County, Idaho, more particularly described as follows:  
That portion of said Section 36 lying East of Golden Tee Estates 8th Addition, recorded in Book 9 of Plats, page 7, records of Bonner County, North of Lot 1A, Block 15, Replat of Blocks 15 and 16 of the Replat of Golden Tee Estates and Golden Tee Estates 1<sup>st</sup> Addition and unplatted land, according to the plat thereof, recorded in Book 9 of Plats, page 5, records of Bonner County, Idaho, and South and West of Lot 1A, Block 10, all of Block 20 and the road between said Lot 1A, Block 10 and Lot 1, Block 20, REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Parcel 20

Lot 1, Block 20; of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Parcel 21

Lot 2, Block 20; of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Parcel 22

Lot 3, Block 20; of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Parcel 23

Lot 11, Block 20; of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Parcel 24

Lot 12, Block 20; of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Parcel 25

Lot 13, Block 20; of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Parcel 26

Lot 14, Block 20; of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Parcel 27

Lot 16, Block 20; of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Parcel 28

Lot 20 A, Block 20, A REPLAT OF LOTS 5 & 6, BLOCK 22 AND LOT 20, BLOCK 20, REPLAT OF GOLDEN TEE ESTATES & GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 9 of Plats, page 6, records of Bonner County, Idaho.

Parcel 29

Lot 6A, Block 22, A REPLAT OF LOTS 5 & 6, BLOCK 22 AND LOT 20, BLOCK 20, REPLAT OF GOLDEN TEE ESTATES & GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 9 of Plats, page 6, records of Bonner County, Idaho.

Parcel 30

Lots 5A, Block 22, A REPLAT OF LOTS 5 & 6, BLOCK 22 AND LOT 20, BLOCK 20, REPLAT OF GOLDEN TEE ESTATES & GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 9 of Plats, page 6, records of Bonner County, Idaho.

Parcel 31

Lot 4, Block 22; of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Parcel 32

Lot 1, Block 2, GOLDEN TEE ESTATES 8TH ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 7, records of Bonner County, Idaho.

Parcel 33

Lot 2, Block 2, GOLDEN TEE ESTATES 8TH ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 7, records of Bonner County, Idaho.

Parcel 34

Lots 1A, Block 1, REPLAT OF LOTS 1 THROUGH 4, BLOCK 1 AND BLOCK 16A, REPLAT OF BLOCKS 15 & 16 OF THE REPLAT OF GOLDEN TEE ESTATES & GOLDEN TEE ESTATES 1ST ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 82, records of Bonner County, Idaho.

Parcel 35

Lots 2A, Block 1, REPLAT OF LOTS 1 THROUGH 4, BLOCK 1 AND BLOCK 16A, REPLAT OF BLOCKS 15 & 16 OF THE REPLAT OF GOLDEN TEE ESTATES & GOLDEN TEE ESTATES 1ST ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 82, records of Bonner County, Idaho.

Parcel 36

Lots 4A, Block 1, REPLAT OF LOTS 1 THROUGH 4, BLOCK 1 AND BLOCK 16A, REPLAT OF BLOCKS 15 & 16 OF THE REPLAT OF GOLDEN TEE ESTATES & GOLDEN TEE ESTATES 1ST ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 82, records of Bonner County, Idaho.

Parcel 37

Lot 5, Block 1, GOLDEN TEE ESTATES 8TH ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 7, records of Bonner County, Idaho.

Parcel 38

Lot 6, Block 1, GOLDEN TEE ESTATES 8TH ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 7, records of Bonner County, Idaho.

Parcel 39

Lot 7, Block 1, GOLDEN TEE ESTATES 8TH ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 7, records of Bonner County, Idaho.

Parcel 40

Lot 8, Block 1, GOLDEN TEE ESTATES 8TH ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 7, records of Bonner County, Idaho.

Parcel 41

Lot 12, Block 4 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 42

Lot 11, Block 4 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 43

Lot 9, Block 4 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 44

Lot 8, Block 4 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 45

Lot 7, Block 4 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 46

Lot 6, Block 4 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 47

Lot 5, Block 4 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 48

Lot 4, Block 4 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 49

Lot 3, Block 4 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 50

Lot 2, Block 4 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 51

Lot 1, Block 4 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 52

Lot 14, Block 1 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 53

Lot 13, Block 1 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 54

Lot 12, Block 1 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 55

Lot 11, Block 1 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 56

Lot 10, Block 1 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

**Parcel 57**

Lot 9, Block 1 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

**Parcel 58**

Lot 8, Block 1 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

**Parcel 59**

Lot 7, Block 1 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

**Parcel 60**

Lot 8, Block 3 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

**Parcel 61**

Lot 7, Block 3 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

**Parcel 62**

Lot 6, Block 3 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

**Parcel 63**

Lot 5, Block 3 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

**Parcel 64**

Lot 4, Block 3 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

**Parcel 65**

Lot 3, Block 3 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

**Parcel 66**

Lot 2, Block 3 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

**Parcel 67**

Lot 1, Block 3 of GOLDEN TEE ESTATES 3rd ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

**Parcel 68**

All that portion of Government Lots 2, 3, 4, 5, 6, 7, 8 and 9; the Southwest Quarter of the Northeast Quarter; and the South half of the Northwest quarter of Section 2, Township 57 North, Range 1 West of the Boise Meridian, Bonner County, Idaho, lying South of State Highway No. 200 and lying North and East of the Northern Pacific Railroad (now Montana Rail Link) right of way.

LESS that portion of Section 2, Township 57 North, Range 1 West of the Boise Meridian, Bonner County, Idaho, being that property described in Instrument No. 592059 and more particularly described as follows:

Beginning at a right of way monument on the South right of way of State Highway No. 200, from which the Northwest corner of said Section 2 bears North 25° 54' 43" West, 798.00 feet (record = North 26° 28' 08" West, 798.11 feet; Thence along the South right of way of the Highway, North 68° 35' 39" East, 266.10 feet; Thence continuing along the Highway right of way, on a curve to the left (radial bearing = North 14° 03' 28" West) having a central angle of 00° 08' 55" and a radius of 5799.58 feet for an arc distance of 15.03 feet (chord = North 75° 52' 05" East, 15.03 feet - total distance along right of way from point of beginning 281.13 feet - record = 281.13 feet); Thence leaving said right of way South 00° 04' 10" West, 725.53 feet; Thence North 89° 14' 40" West, 330.00 feet; Thence North 00° 03' 26" West 607.20 feet, to the Southerly right of way of State Highway No. 200; Thence along said right of way North 79° 11' 55" East, 70.38 feet to the true point of beginning.

EXCEPTING therefrom all of the above described properties, any portion lying within the bounds of the following plats:

Replat of Golden Tee Estates and Golden Tee Estates 1st Addition and Unplatted land, recorded in Book 8 of Plats, Page 77,

Golden Tee Estates 2nd Addition, recorded in Book 8 of Plats, Page 79,

Golden Tee Estates 3rd Addition, recorded in Book 8 of Plats, Page 78,

Golden Tee Estates 4th Addition, recorded in Book 8 of Plats, Page 80,

Golden Tee Estates 5th Addition, recorded in Book 8 of Plats, Page 81, and

Golden Tee Estates 7th Addition, recorded in Book 9 of Plats, Page 13, all in the records of Bonner County, Idaho.

**Parcel 69**

All that portion of Government Lot 4 in Section 31, Township 58 North, Range 1 East, Boise Meridian, Bonner County, Idaho, lying South of State Highway 200.

**Parcel 70**

That portion of Government Lots 5, 6, 9, and 10; the Southeast quarter of the Northwest quarter; and the East half of the Southwest quarter; all in Section 6, Township 57 North, Range 1 East of the Boise Meridian, Bonner County, Idaho lying East GOLDEN TEE ESTATES 4<sup>TH</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 80, records of Bonner County, Idaho, East of GOLDEN TEE ESTATES 5<sup>TH</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 81, records of Bonner County, Idaho, North of GOLDEN TEE ESTATES 7<sup>TH</sup> ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 13, records of Bonner County, Idaho and North of GOLDEN TEE ESTATES 6<sup>TH</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 82, records of Bonner County, Idaho.

LESS that property described in Instrument No. 22533, records of Bonner County, Idaho, and described as follows: Beginning at the North quarter corner of said Section 6, Township 57 North, Range 1 East of the Boise Meridian, Bonner County, Idaho; Thence South 1669.70 feet to Pack River and the True Point of Beginning; Thence South 66° 47' West, 203 feet; Thence South 69° 54' West 165.3 feet; Thence South 79° 56' West, 242.5 feet; Thence South 01° 11' East, 146 feet; Thence South 25° 18' East, 118.20 feet; Thence South 54° 29' East, 137.2 feet; Thence South 68° 10' East, 267.1 feet; Thence North 535.6 feet to a point 1669.7 feet South of the North quarter corner of Section 6.



LESS a tract of land in Government Lot 6 and the Southeast quarter of the Northwest quarter of Section 6, Township 57 North, Range 1 East of the Boise Meridian, Bonner County, Idaho, being that property identified as Tract No. Q-1755-2 in Instrument No. 42975 and more particularly described as follows:

Beginning at a point on the Southerly right of way of State Highway No. 200 which is South 55° 03' 21" East, 2460.29 feet from the Northwest corner of said Section 6 (record South 55° 14' East, 2451.3); Thence South 14° 53' 00" East, 223.22 feet (record); Thence South 04° 43' 00" East, 640.00 feet (record); Thence South 39° 48' 00" East, 430.00 feet (record); Thence South 30° 28' 00" East, 387.49 feet (record = 500 feet plus or minus) to the East line of the Southeast quarter of the Northwest quarter of said Section 6.

TOGETHER WITH any portion of the Old Highway right of way abandonment described in that certain Quitclaim Deed, executed by the State of Idaho, As Instrument No.696025 and recorded on January 11, 2006, lying within the bounds of the above described property.

#### Parcel 71

That portion of Government Lots 10 and 11; and the East half of the Southwest quarter; all in Section 6, Township 57 North, Range 1 East of the Boise Meridian, Bonner County, Idaho lying South of GOLDEN TEE ESTATES 5<sup>TH</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 81, records of Bonner County, Idaho, South of GOLDEN TEE ESTATES 7<sup>TH</sup> ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 13, records of Bonner County, Idaho and South of GOLDEN TEE ESTATES 6<sup>TH</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 82, records of Bonner County, Idaho.

#### Parcel 72

Lot 2, Block 2 of GOLDEN TEE ESTATES 2<sup>ND</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 79, records of Bonner County, Idaho.

#### Parcel 73

Lot 3, Block 2 of GOLDEN TEE ESTATES 2<sup>ND</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 79, records of Bonner County, Idaho.

#### Parcel 74

Lot 5, Block 2 of GOLDEN TEE ESTATES 2<sup>ND</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 79, records of Bonner County, Idaho.

#### Parcel 75

Lot 8, Block 2 of GOLDEN TEE ESTATES 2<sup>ND</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 79, records of Bonner County, Idaho.

#### Parcel 76

Lot 8, Block 1 of GOLDEN TEE ESTATES 2<sup>ND</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 79, records of Bonner County, Idaho.

#### Parcel 77

Lot 7, Block 1 of GOLDEN TEE ESTATES 2<sup>ND</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 79, records of Bonner County, Idaho.

#### Parcel 78

Lot 6, Block 1 of GOLDEN TEE ESTATES 2<sup>ND</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 79, records of Bonner County, Idaho.

**Parcel 79**

Lot 5, Block 1 of GOLDEN TEE ESTATES 2<sup>nd</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 79, records of Bonner County, Idaho.

**Parcel 80**

Lot 4, Block 1 of GOLDEN TEE ESTATES 2<sup>nd</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 79, records of Bonner County, Idaho.

**Parcel 81**

Lot 2, Block 1 of GOLDEN TEE ESTATES 2<sup>nd</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 79, records of Bonner County, Idaho.

**Parcel 82**

Lot 1, Block 1 of GOLDEN TEE ESTATES 2<sup>nd</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 79, records of Bonner County, Idaho.

**Parcel 83**

Lot 9, Block 1 of GOLDEN TEE ESTATES 2<sup>nd</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 79, records of Bonner County, Idaho.

**Parcel 84**

Lot 9, Block 2 of GOLDEN TEE ESTATES 2<sup>nd</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 79, records of Bonner County, Idaho.

**Parcel 85**

Lot 1, Block 2 of GOLDEN TEE ESTATES 3<sup>rd</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

**Parcel 86**

Lot 5, Block 1 of GOLDEN TEE ESTATES 3<sup>rd</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

**Parcel 87**

Lot 10, Block 7 of GOLDEN TEE ESTATES 3<sup>rd</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

**Parcel 88**

Lot 1, Block 8 of GOLDEN TEE ESTATES 3<sup>rd</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

**Parcel 89**

Lot 4, Block 8 of GOLDEN TEE ESTATES 3<sup>rd</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 90

Lot 2, Block 8 of GOLDEN TEE ESTATES 3<sup>rd</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 91

Lot 5, Block 8 of GOLDEN TEE ESTATES 3<sup>rd</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 92

Lot 6, Block 8 of GOLDEN TEE ESTATES 3<sup>rd</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 93

Lot 6, Block 7 of GOLDEN TEE ESTATES 3<sup>rd</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 94

Lot 2, Block 5 of GOLDEN TEE ESTATES 3<sup>rd</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 95

Lot 1, Block 5 of GOLDEN TEE ESTATES 3<sup>rd</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 96

Lot 10, Block 4 of GOLDEN TEE ESTATES 3<sup>rd</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 97

Lot 17, Block 1 of GOLDEN TEE ESTATES 3<sup>rd</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 98

Lot 16, Block 1 of GOLDEN TEE ESTATES 3<sup>rd</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 99

Lot 4, Block 6 of GOLDEN TEE ESTATES 3<sup>rd</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 100

Lot 3, Block 6 of GOLDEN TEE ESTATES 3<sup>rd</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 101

Lot 15, Block 1 of GOLDEN TEE ESTATES 3<sup>rd</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 102

Lot 6, Block 10 of GOLDEN TEE ESTATES 3<sup>rd</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 103

Lot 10, Block 10 of GOLDEN TEE ESTATES 3<sup>rd</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 104

Lot 2, Block 11 of GOLDEN TEE ESTATES 3<sup>rd</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 105

Lot 3, Block 9 of GOLDEN TEE ESTATES 3<sup>rd</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 106

Lot 8, Block 5 of GOLDEN TEE ESTATES 3<sup>rd</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 107

Lot 6, Block 1 of GOLDEN TEE ESTATES 3<sup>rd</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 108

Lot 5, Block 9 of GOLDEN TEE ESTATES 3<sup>rd</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 109

Lot 10, Block 9 of GOLDEN TEE ESTATES 3<sup>rd</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

Parcel 110

Lot 6, Block 1 of GOLDEN TEE ESTATES 4<sup>TH</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 80, records of Bonner County, Idaho.

Parcel 111

Lot 1, Block 5 of GOLDEN TEE ESTATES 4<sup>TH</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 80, records of Bonner County, Idaho.

Parcel 112

Lot 5, Block 5 of GOLDEN TEE ESTATES 4<sup>TH</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 80, records of Bonner County, Idaho.

Parcel 113

Lot 4, Block 4 of GOLDEN TEE ESTATES 4<sup>TH</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 80, records of Bonner County, Idaho.

Parcel 114

Lot 3, Block 4 of GOLDEN TEE ESTATES 4<sup>TH</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 80, records of Bonner County, Idaho.

Parcel 115

Lot 6, Block 4 of GOLDEN TEE ESTATES 4<sup>TH</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 80, records of Bonner County, Idaho.

Parcel 116

Lot 8, Block 4 of GOLDEN TEE ESTATES 4<sup>TH</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 80, records of Bonner County, Idaho.

Parcel 117

Lot 9, Block 4 of GOLDEN TEE ESTATES 4<sup>TH</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 80, records of Bonner County, Idaho.

Parcel 118

Lot 2, Block 4 of GOLDEN TEE ESTATES 4<sup>TH</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 80, records of Bonner County, Idaho.

Parcel 119

Lot 1, Block 4 of GOLDEN TEE ESTATES 4<sup>TH</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 80, records of Bonner County, Idaho.

Parcel 120

Lot 1, Block 3 of GOLDEN TEE ESTATES 4<sup>TH</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 80, records of Bonner County, Idaho.

Parcel 122

Lot 1, Block 1 of GOLDEN TEE ESTATES 4<sup>TH</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 80, records of Bonner County, Idaho.

Parcel 123

Lot 1, Block 1, GOLDEN TEE ESTATES 5<sup>TH</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 81, records of Bonner County, Idaho.

Parcel 124

Lot 5, Block 1, GOLDEN TEE ESTATES 5<sup>TH</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 81, records of Bonner County, Idaho.

Parcel 125

Lot 7, Block 1, GOLDEN TEE ESTATES 5<sup>TH</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 81, records of Bonner County, Idaho.

Parcel 126

Lot 9, Block 1, GOLDEN TEE ESTATES 5<sup>TH</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 81, records of Bonner County, Idaho.

Parcel 127

Lot 11, Block 2, GOLDEN TEE ESTATES 5<sup>TH</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 81, records of Bonner County, Idaho.

Parcel 128

Lot 9, Block 2, GOLDEN TEE ESTATES 5<sup>TH</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 81, records of Bonner County, Idaho.

Parcel 129

Lot 8, Block 2, GOLDEN TEE ESTATES 5<sup>TH</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 81, records of Bonner County, Idaho.

Parcel 130

Lot 5, Block 2, GOLDEN TEE ESTATES 5<sup>TH</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 81, records of Bonner County, Idaho.

Parcel 131

Lot 1, Block 2, GOLDEN TEE ESTATES 5<sup>TH</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 81, records of Bonner County, Idaho.

Parcel 132

Lot 6, Block 1, GOLDEN TEE ESTATES 5<sup>TH</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 81, records of Bonner County, Idaho.

Parcel 133

Lot 3, Block 2, GOLDEN TEE ESTATES 5<sup>TH</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 81, records of Bonner County, Idaho.

Parcel 134

Lot 4, Block 4 of GOLDEN TEE ESTATES 6<sup>TH</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 82, records of Bonner County, Idaho.

Parcel 135

Lot 3, Block 4 of GOLDEN TEE ESTATES 6<sup>TH</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 82, records of Bonner County, Idaho.

Parcel 136

Lot 2, Block 4 of GOLDEN TEE ESTATES 6<sup>TH</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 82, records of Bonner County, Idaho.

Parcel 137

Lot 1, Block 3 of GOLDEN TEE ESTATES 6<sup>TH</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 82, records of Bonner County, Idaho.

Parcel 138

Lot 4, Block 2 of GOLDEN TEE ESTATES 6<sup>TH</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 82, records of Bonner County, Idaho.

Parcel 139

Lot 3, Block 2 of GOLDEN TEE ESTATES 6<sup>TH</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 82, records of Bonner County, Idaho.

Parcel 140

Lot 2, Block 2 of GOLDEN TEE ESTATES 6<sup>TH</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 82, records of Bonner County, Idaho.

Parcel 141

Lot 5, Block 4 of GOLDEN TEE ESTATES 6<sup>TH</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 82, records of Bonner County, Idaho.

Parcel 142

Lot 1, Block 4 of GOLDEN TEE ESTATES 6<sup>TH</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 82, records of Bonner County, Idaho.

Parcel 143

Lot 5, Block 2 of GOLDEN TEE ESTATES 6<sup>TH</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 82, records of Bonner County, Idaho.

Parcel 144

Lot 8, Block 1 of GOLDEN TEE ESTATES 6<sup>TH</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 82, records of Bonner County, Idaho.

Parcel 146

Lot 1, Block 1 of GOLDEN TEE ESTATES 7<sup>TH</sup> ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 13, records of Bonner County, Idaho.

Parcel 147

Lot 2, Block 1 of GOLDEN TEE ESTATES 7<sup>TH</sup> ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 13, records of Bonner County, Idaho.

Parcel 148

Lot 1, Block 2 of GOLDEN TEE ESTATES 7<sup>TH</sup> ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 13, records of Bonner County, Idaho.

Parcel 149

Lot 2, Block 2 of GOLDEN TEE ESTATES 7<sup>TH</sup> ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 13, records of Bonner County, Idaho.

Parcel 150

Lot 4, Block 2 of GOLDEN TEE ESTATES 7<sup>TH</sup> ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 13, records of Bonner County, Idaho.

Parcel 151

Lot 6, Block 2 of GOLDEN TEE ESTATES 7<sup>TH</sup> ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 13, records of Bonner County, Idaho.

Parcel 152

Lot 5, Block 2 of GOLDEN TEE ESTATES 7<sup>TH</sup> ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 13, records of Bonner County, Idaho.

Parcel 153

Lot 8, Block 2 of GOLDEN TEE ESTATES 7<sup>TH</sup> ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 13, records of Bonner County, Idaho.

Parcel 154

Lot 9, Block 2 of GOLDEN TEE ESTATES 7<sup>TH</sup> ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 13, records of Bonner County, Idaho.

Parcel 155

Lot 7, Block 1 of GOLDEN TEE ESTATES 7<sup>TH</sup> ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 13, records of Bonner County, Idaho.

Parcel 156

Lot 5, Block 1 of GOLDEN TEE ESTATES 7<sup>TH</sup> ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 13, records of Bonner County, Idaho.

Parcel 157

Lot 6, Block 1 of GOLDEN TEE ESTATES 7<sup>TH</sup> ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 13, records of Bonner County, Idaho.

Parcel 158

Lot 3, Block 1 of GOLDEN TEE ESTATES 7<sup>TH</sup> ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 13, records of Bonner County, Idaho.



Parcel 159

Tract 1

Block 5A of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1<sup>ST</sup> ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Tract 2

Lot 3A, Block 12 of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1<sup>ST</sup> ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Tract 3

Lot 1A, Block 15 of A REPLAT OF BLOCKS 15 AND 16 OF THE REPLAT OF GOLDEN TEE ESTATES & GOLDEN TEE ESTATES 1<sup>ST</sup> ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 9 of Plats, page 5, records of Bonner County, Idaho.

Tract 4

Block 16A of A REPLAT OF BLOCKS 15 AND 16 OF THE REPLAT OF GOLDEN TEE ESTATES & GOLDEN TEE ESTATES 1<sup>ST</sup> ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 9 of Plats, page 5, records of Bonner County, Idaho.

Tract 5

Lot 1A, Block 12 of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1<sup>ST</sup> ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Tract 6

Lot 1A, Block 11 of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1<sup>ST</sup> ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Tract 7

Lot 2A, Block 12 of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1<sup>ST</sup> ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Tract 8

Lot 2A, Block 15 of A REPLAT OF BLOCKS 15 AND 16 OF THE REPLAT OF GOLDEN TEE ESTATES & GOLDEN TEE ESTATES 1<sup>ST</sup> ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 9 of Plats, page 5, records of Bonner County, Idaho.

Tract 9

Lot 1, Block 14A of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1<sup>ST</sup> ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Tract 10

Lot 1, Block 17 of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1<sup>ST</sup> ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Tract 11

Block 18 of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1<sup>ST</sup> ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Tract 12

All that portion of the Southeast Quarter in Section 36, Township 58 North, Range 1 West, Boise Meridian, Bonner County, Idaho, lying South of State Highway 200 and lying Easterly of Lot 1, Block 17 of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1<sup>ST</sup> ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

LESS the following described property:

A tract of land in the Southeast quarter of Section 36, Township 58 North, Range 1 West of the Boise Meridian, Bonner County, Idaho, being that property described in Instrument No. 92981, records of Bonner County, Idaho and more particularly described as follows:

Commencing at the Southeast corner of said Section 36; Thence along the East line of Section 36, North 00° 08' 06" East, 460.00 feet; Thence perpendicular to the East line of the Section, North 89° 51' 54" West, 568.00 feet to the true point of beginning; Thence South 47° 08' 06" West, 250.00 feet; Thence South 42° 51' 54" East, 348.50 feet; Thence North 47° 48' 06" East, 250.00 feet; Thence North 42° 51' 54" West, 348.50 feet to the true point of beginning.

Parcel 163

Tract 1

Lot 21A, Block 2, of REPLAT OF LOTS 20 AND 21, BLOCK 2 REPLAT OF GOLDEN TEE ESTATES & GOLDEN TEE ESTATES 1ST ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 81, records of Bonner County, Idaho.

Tract 2

Lot 5A, Block 4 of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1<sup>ST</sup> ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Tract 3

Lot 1, Block 19 of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1<sup>ST</sup> ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Tract 4

Lot 13A, Block 13 of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1<sup>ST</sup> ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Tract 5

Lot 2, Block 19 of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1<sup>ST</sup> ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

Tract 6

Lot 1, Block 2 of GOLDEN TEE ESTATES 2<sup>ND</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 79, records of Bonner County, Idaho.

Parcel 177

Tract 1

Alpenrose Lane and that portion of North Idaho Club Drive as shown on the plat of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1<sup>ST</sup> ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho, lying within Section 36, Township 58 North Range 1 West of the Boise Meridian, Bonner County, Idaho and said North Idaho Club Drive as shown on GOLDEN TEE ESTATES 8TH ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 7, records of Bonner County, Idaho.

Tract 2

Golden Tee Drive, now Gracie Lane, as shown on the plat of GOLDEN TEE ESTATES 1<sup>ST</sup> ADDITION PLANNED UNIT DEVELOPMENT (PHASE TWO), according to the plat thereof, recorded in Book 6 of Plats, Page 114, records of Bonner County, Idaho.

**Tract 3**

That portion of Jim Brown Way as shown on the plat of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1<sup>ST</sup> ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho, lying within Section 36, Township 58 North Range 1 West of the Boise Meridian, Bonner County, Idaho.

**Tract 4**

That portion of Jim Brown Way as shown on the plat of GOLDEN TEE ESTATES 1<sup>ST</sup> ADDITION PLANNED UNIT DEVELOPMENT (PHASE TWO), according to the plat thereof, recorded in Book 6 of Plats, Page 114, records of Bonner County, Idaho, excepting any portion lying with REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1<sup>ST</sup> ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho, being between the Easterly extensions of the North boundary of Lot 2, Block 6 and the South boundary of Lot 3, Block 7 of said GOLDEN TEE ESTATES 1<sup>ST</sup> ADDITION PLANNED UNIT DEVELOPMENT (PHASE TWO).

**Tract 5**

The parcel labelled Road Lot named South Idaho Club Drive lying between Lot 1, Block 17 and Block 18 of REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1<sup>ST</sup> ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho, lying South of State Highway 200.

**Tract 6**

The private roads named South Idaho Club Drive and Wildflower Way shown on GOLDEN TEE ESTATES 2<sup>ND</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 79, records of Bonner County, Idaho.

**Tract 7**

The private roads named South Idaho Club Drive, Whitecloud Drive, Nighthawk Lane, Trappers Loop, Pickeroon Lane, Timber Grove Lane and Green Monarch Lane as shown on GOLDEN TEE ESTATES 3<sup>RD</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 78, records of Bonner County, Idaho.

**Tract 8**

The private roads named Green Monarch Lane, Wildridge Way, Brightwater Lane and North Star Lane as shown on GOLDEN TEE ESTATES 4<sup>TH</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 80, records of Bonner County, Idaho and Forest Highland Drive as shown on GOLDEN TEE ESTATES 7<sup>TH</sup> ADDITION, according to the plat thereof, recorded in Book 9 of Plats, page 13, records of Bonner County, Idaho.

**Tract 9**

The private roads named South Idaho Club Drive as shown on GOLDEN TEE ESTATES 5<sup>TH</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 81, records of Bonner County, Idaho.

**Tract 10**

The private roads named South Idaho Club Drive, Greatwater Circle and Lunch Peak Lane as shown on GOLDEN TEE ESTATES 6<sup>TH</sup> ADDITION, according to the plat thereof, recorded in Book 8 of Plats, page 82, records of Bonner County, Idaho.

**Tract 11**

The private roads named Hidden Lakes Drive, Waterdance Way, Oxbow Road and Clubhouse Way as shown and described on REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1<sup>ST</sup> ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho, and including those portions of Clubhouse Way, which is named Hidden Lakes Drive, above, and Clubhouse Lane, which is named Clubhouse Way, first above, on GOLDEN TEE ESTATES 1<sup>ST</sup> ADDITION PLANNED UNIT DEVELOPMENT (PHASE TWO), according to the plat thereof, recorded in Book 6 of Plats, Page 114, records of Bonner County, Idaho, which may be or may not be described and included on REPLAT OF GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1<sup>ST</sup> ADDITION AND UNPLATTED LAND, according to the plat thereof, recorded in Book 8 of Plats, page 77, records of Bonner County, Idaho.

POST

**NOTICE**

**TO: VP, INCORPORATED, and its employees, agents and/or representatives  
(collectively, "VP")**

Attached to this Notice is a Writ of Assistance issued by the District Court of the State of Idaho, in and for the County of Bonner, in favor of Valiant Idaho, LLC ("Valiant"). In conjunction with the Writ of Assistance:

**NOTICE IS HEREBY GIVEN THAT:**

1. VP has been ejected and removed from using, holding or detaining the Valiant Parcels and any portion thereof comprising or associated with the sanitary sewer system infrastructure and improvements constructed on, under or appurtenant to the Valiant Parcels, specifically including Parcel 1 and Parcel 2; and

2. Possession of the Valiant Parcels and any portion thereof comprising or associated with the sanitary sewer system infrastructure and improvements constructed on, under or appurtenant to the Valiant Parcels, specifically including Parcel 1 and Parcel 2, has been delivered to Valiant.

**NOTICE IS FURTHER GIVEN** that Valiant specifically reserves its right, *at a later date to be determined by Valiant*, to eject VP, its employees, agents and/or representatives, from all fixtures, appurtenances and improvements associated with the water systems on, under and appurtenant to the Valiant Parcels.

GIVEN UNDER MY HAND this 17 day of March 2017.

**DARYL WHEELER  
SHERIFF OF BONNER COUNTY, IDAHO**

By:  Sally Mitchell, Operations Manager

serve

**NOTICE REGARDING TERMS OF EJECTMENT**  
**["NOTICE"]**

**TO: VP, INCORPORATED, and its employees, agents and/or representatives  
(collectively, "VP")**

Accompanying this Notice is a Writ of Assistance issued by the District Court of the State of Idaho, in and for the County of Bonner, in favor of Valiant Idaho, LLC ("Valiant"). In conjunction with the Writ of Assistance:

**NOTICE IS HEREBY GIVEN THAT:**

1. VP is hereby ejected and removed from using, holding or detaining the Valiant Parcels and any portion thereof comprising or associated with the sanitary sewer system infrastructure and improvements constructed on, under or appurtenant to the Valiant Parcels, specifically including Parcel 1 and Parcel 2; and

2. Possession of the Valiant Parcels and any portion thereof comprising or associated with the sanitary sewer system infrastructure and improvements constructed on, under or appurtenant to the Valiant Parcels, specifically including Parcel 1 and Parcel 2, is hereby delivered to Valiant.

**NOTICE IS FURTHER GIVEN** that Valiant specifically reserves its right, *at a later date to be determined by Valiant*, to eject VP, its employees, agents and/or representatives, from all fixtures, appurtenances and improvements associated with the water systems on, under and appurtenant to the Valiant Parcels.

**GIVEN UNDER MY HAND** this 17 day of March 2017.

**DARYL WHEELER  
SHERIFF OF BONNER COUNTY, IDAHO**

By:   
Sally Mitchell, Operations Manager

STATE OF IDAHO  
COUNTY OF BONNER  
FIRST JUDICIAL DISTRICT

2017 APR 11 AM 11:08

CLERK DISTRICT COURT

  
DEPUTY

Richard L. Stacey, ISB #6800  
Jeff R. Sykes, ISB #5058  
Chad M. Nicholson, ISB #7506  
**McCONNELL WAGNER SYKES & STACEY PLLC**  
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Attorneys For Valiant Idaho, LLC

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER**

**GENESIS GOLF BUILDERS, INC.,**  
formerly known as  
**NATIONAL GOLF BUILDERS, INC.,**  
a Nevada corporation,

Plaintiff,

vs.

**PEND OREILLE BONNER  
DEVELOPMENT, LLC,**  
a Nevada limited liability company; *et al.*,

Defendants.

**AND RELATED COUNTER, CROSS  
AND THIRD PARTY ACTIONS  
PREVIOUSLY FILED HEREIN.**

Case No. CV-09-1810

**DECLARATION OF JASON DAVIS,  
BONNER COUNTY DEPUTY SHERIFF**

Honorable Barbara A. Buchanan

**ORIGINAL**

9662

**I, Jason Davis**, hereby state and declare:

1. I am a Deputy of the Bonner County Sheriff, and I make this declaration in that capacity and based upon my personal knowledge.

2. On March 17, 2017, Sally Mitchell, the Operations Manager of the Bonner County Sheriff's Office, instructed me and Deputy Chris Bonner to undertake the ejection of VP, Incorporated ("VP") from certain property within the development commonly known as *The Idaho Club*.

3. In accordance with Ms. Mitchell's instructions and those provided to her by counsel for Valiant Idaho, LLC ("Valiant"), and pursuant to a Writ of Assistance entered by the Court, we were authorized to take whatever steps necessary to access the sewer facilities located within *The Idaho Club* and, upon gaining access, we were to provide a written notice of ejection to any persons currently operating the sewer facility, escort said persons from the property, and post a written notice of ejection at the gate of the facility.

4. Upon arriving at the sewer facilities, we found the padlock to the security gate unlocked and open, the facilities building was unlocked, and there were no agents or employees of VP on-site.

5. Representatives of Valiant were given access to the sewer facilities and a notice concerning the ejection was posted at the facilities entrance. A true and correct copy of the notice is attached hereto as Exhibit A.

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POST

**NOTICE**

**TO: VP, INCORPORATED, and its employees, agents and/or representatives (collectively, "VP")**

Attached to this Notice is a Writ of Assistance issued by the District Court of the State of Idaho, in and for the County of Bonner, in favor of Valiant Idaho, LLC ("Valiant"). In conjunction with the Writ of Assistance:

**NOTICE IS HEREBY GIVEN THAT:**

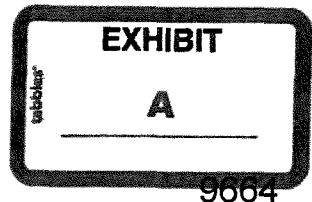
1. VP has been ejected and removed from using, holding or detaining the Valiant Parcels and any portion thereof comprising or associated with the sanitary sewer system infrastructure and improvements constructed on, under or appurtenant to the Valiant Parcels, specifically including Parcel 1 and Parcel 2; and
2. Possession of the Valiant Parcels and any portion thereof comprising or associated with the sanitary sewer system infrastructure and improvements constructed on, under or appurtenant to the Valiant Parcels, specifically including Parcel 1 and Parcel 2, has been delivered to Valiant.

**NOTICE IS FURTHER GIVEN** that Valiant specifically reserves its right, *at a later date to be determined by Valiant*, to eject VP, its employees, agents and/or representatives, from all fixtures, appurtenances and improvements associated with the water systems on, under and appurtenant to the Valiant Parcels.

GIVEN UNDER MY HAND this 17 day of March 2017.

**DARYL WHEELER  
SHERIFF OF BONNER COUNTY, IDAHO**

*Sally Mitchell*  
By: Sally Mitchell, Operations Manager





STATE OF IDAHO  
COUNTY OF BONNER  
FIRST JUDICIAL DISTRICT

2017 APR 12 PM 2:26

CLERK DISTRICT COURT

  
DEPUTY

Richard L. Stacey, ISB #6800  
Jeff R. Sykes, ISB #5058  
Chad M. Nicholson, ISB #7506  
**McCONNELL WAGNER SYKES & STACEY PLLC**  
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Attorneys For Valiant Idaho, LLC

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER**

**GENESIS GOLF BUILDERS, INC.**,  
formerly known as  
**NATIONAL GOLF BUILDERS, INC.**,  
a Nevada corporation,

Plaintiff,

vs.

**PEND OREILLE BONNER  
DEVELOPMENT, LLC**,  
a Nevada limited liability company; *et al.*,

Defendants.

**AND RELATED COUNTER, CROSS  
AND THIRD PARTY ACTIONS  
PREVIOUSLY FILED HEREIN.**

Case No. CV-09-1810

**VALIANT IDAHO, LLC'S  
MEMORANDUM IN OPPOSITION TO  
VP, INCORPORATED'S MOTION FOR  
ORDER ALLOWING USE AND ACCESS  
OF PARCELS 1 AND 2, AND  
APPLICATION FOR STAY OF  
ENFORCEMENT OF ORDER  
GRANTING MOTION  
TO ENFORCE JUDGMENT**

Honorable Barbara A. Buchanan

VALIANT IDAHO, LLC'S MEMORANDUM IN OPPOSITION  
TO VP, INCORPORATED'S MOTION FOR ORDER ALLOWING  
USE AND ACCESS OF PARCELS 1 AND 2, AND APPLICATION  
FOR STAY OF ENFORCEMENT OF ORDER GRANTING  
MOTION TO ENFORCE JUDGMENT | Page 1

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**ORIGINAL**

9665

**COMES NOW**, Valiant Idaho, LLC (“Valiant”), by and through its attorneys of record, McConnell Wagner Sykes & Stacey PLLC files its Memorandum in Opposition to VP, Incorporated’s [“VP”] Motion For Order Allowing Use and Access of Parcels 1 and 2 and Application For Stay of Enforcement of Order Granting Motion to Enforce Judgment [“Stay Motion”].

VP’s Stay Motion seeks an order from this Court allowing it to continue accessing and using properties and infrastructure now owned by Valiant, and staying enforcement of the Writ of Assistance entered by this Court on March 6, 2017 (“Writ of Assistance”) until after its appeal to the Idaho Supreme Court has concluded. The Stay Motion is without any basis in fact or law, and it attempts to circumvent the codified means of staying enforcement of judgments and obtaining preliminary injunctions. As such, the Stay Motion should be denied.

**I.**  
**FACTS**

As this Court is aware, Valiant obtained a Judgment awarding it \$21,740,165.42 in damages against Pend Oreille Bonner Development, LLC (“POBD”). Valiant subsequently executed on the Judgment and foreclosed on the real property secured by it. The real property secured by the Judgment was sold at a Sheriff’s Sale on November 7, 2016. The Sheriff’s Sale was properly posted and noticed in accordance with Idaho law. As a party in interest, VP was formally given advance notice of the Sheriff’s Sale. Declaration of Sally Mitchell in Support of Supplemental Memorandum Supporting Valiant Idaho, LLC’s Motion Contesting JV L.L.C.’s Third Party Claim; and Opposition to JV L.L.C.’s Motion For Stay of Execution filed on or about November 4, 2016 (“Mitchell Dec.”), Exs. B-C. Despite receiving said notice, VP did not post a

bond to stay enforcement of the Judgment or participate at the Sheriff's Sale. Valiant credit bid and purchased 154 parcels of real property at the Sheriff's Sale. These properties are all located within *The Idaho Club* development project, as defined by the master plan approved by the County of Bonner, State of Idaho. Declaration of William Haberman in Support of Memorandum in Opposition to VP, Incorporated's Motion For Order Allowing Use and Access of Parcels 1 and 2 and Application For Stay of Enforcement of Order Granting Motion to Enforce Judgment filed concurrently ("Haberman Dec."), ¶ 2. The real property Valiant purchased includes two parcels formerly owned by VP ("VP Parcels"), which have been identified and referred to as Parcel 1 and Parcel 2 during this litigation. Parcel 1 includes a sewage lagoon and other physical improvements and key infrastructure necessary for the operation of *The Idaho Club's* sewer system ("Sewer System"). Haberman Dec., ¶ 4. Parcel 2 includes two water pumping stations, the primary storage reservoir, and other physical improvements and infrastructure necessary for the operation of *The Idaho Club's* water system ("Water System"). *Id.*, ¶ 25. Most of the remaining Sewer System and Water System infrastructure is affixed to or constructed on or under the remaining 152 parcels Valiant purchased at the Sheriff's Sale. *Id.*, ¶¶ 25-27. On December 9, December 22, and December 30, 2016, Valiant sent letters demanding that VP turn-over possession of the VP Parcels and associated Sewer and Water System infrastructure to Valiant in accordance with the Decree of Foreclosure entered by this Court. Declaration of Richard L. Stacey in Support of Valiant Idaho, LLC's Motion to Enforce Judgment Under I.A.R. 13(b)(1) and 13(b)(13) filed on or about February 6, 2017 ("Stacey Enforce Dec."), Exs. 5, 7-8. After VP refused to vacate the premises and deliver

possession of the property to Valiant, Valiant sought a writ of assistance from this Court. Valiant's motion was granted and the Writ of Assistance was entered on March 6, 2017.

On March 7, 2017, VP filed its Stay Motion to stay enforcement of the Writ of Assistance which would prohibit Valiant from further executing on its Judgment by ejecting VP from the Water System infrastructure purchased by Valiant at the Sheriff's Sale. VP did not seek to enjoin Valiant from further enforcing its Writ of Assistance during the pendency of the Stay Motion prior to this Court entering its decision. As such, on March 17, 2017, Valiant ejected VP from Parcel 1 and all Sewer System infrastructure pursuant to the Writ of Assistance. Declaration of Jason Davis, Bonner County Deputy Sheriff filed concurrently ("Davis Dec."), ¶¶ 2-5.

Valiant has retained E-3 Consulting, LLC ("E3 Consulting"), a licensed wastewater treatment facility operator, to monitor and operate the Sewer System since VP was ejected. Haberman Dec., ¶ 22. The Idaho Department of Environmental Quality ("IDEQ") has not raised any objection or concern with VP's ejection or E3 Consulting's operation of the Sewer System. *Id.*, ¶ 23.

Valiant has not ejected VP from Parcel 2 or the associated Water System infrastructure. *Id.*, ¶¶ 20-21, 39. However, Valiant has reserved its rights to eject VP from the Water System infrastructure at a later date. *Id.*, ¶ 21, Ex. 6. William Haberman, the managing member of Valiant, submitted affiant testimony that Valiant has no intention of ejecting VP from the Water System infrastructure until such time as Valiant has drilled its own source wells and constructed the infrastructure necessary to connect these wells to the existing Water System. *Id.*, ¶¶ 1-2, 43-44.

VP has not posted a bond or taken any other steps necessary to stay execution of Valiant's Judgment. Moreover, VP cannot meet any of the statutory requirements necessary to obtain an injunction. As such, the Stay Motion should be denied.

## **II.** **ARGUMENT**

### **A. The Idaho Club Property Owners Have Already Benefitted By VP's Ejection From The Sewer System.**

VP alleges that irreparable injury will occur to *The Idaho Club* property owners if Valiant ejects VP from the Sewer System and the Water System prior to the conclusion of its appeal. However, Valiant has already ejected VP from the Sewer System and absolutely no harm has resulted. To the contrary, the Sewer System and the property owners serviced thereby are better served now than they ever were during VP's operation. According to the Annual Report that VP submitted to IDEQ, the permit for the operation of the facility actually expired on July 28, 2015, but VP did nothing to have it renewed. Haberman Dec., ¶ 9, Ex. 2, p. 1. The Annual Report further advises that VP was unable to properly operate the Sewer System because it is not the owner of *The Idaho Club* golf course. *Id.*, p. 6. **This has caused the wastewater reuse system to be shut down and could have caused existing sewer service connections to be terminated!** *Id.* p. 8.

Under Valiant's operation, the Sewer System can operate in compliance with permit conditions since Valiant owns the golf course. Moreover, Valiant is in the process of obtaining a renewed permit. Haberman Dec., ¶ 22. Valiant's operator is properly monitoring and operating the sewer facilities. *Id.* IDEQ has no objections or concerns to Valiant's operation. *Id.*, ¶ 23.

There is no threat that the wastewater reuse system will be shut down or that any existing sewer service connections will be terminated.

An issue is moot if it presents no justiciable controversy and a judicial determination will have no practical effect upon the outcome. *Idaho Schools For Equal Educational Opportunity v. Idaho State Bd. of Ed.*, 128 Idaho 276, 281 (1996). As Valiant has already ejected VP from the Sewer System and taken over all operations, and as no harm has resulted to *The Idaho Club* or any of its residents, VP's arguments respecting the Sewer System are moot. The Stay Motion should be denied and its arguments rejected with respect to the Sewer System.

**B. VP Cannot Stay Enforcement Of The Writ Of Assistance Unless It Redeems The Property Purchased By Valiant At The Sheriff's Sale.**

A defendant may only stay execution of a judgment pending appeal by complying with Rule 13(a)(14) and Rule 13(a)(15) of the Idaho Appellate Rules. Rule 13(a)(14) authorizes a court to stay execution of non-monetary judgments "upon the posting of such security and upon such conditions as the district court shall determine." Whereas, Rule 13(a)(15) authorizes a court to stay execution of a money judgement only "upon the posting of a cash deposit or supersedeas bond . . . in the amount of the judgment or order, plus 36%." The Idaho Supreme Court has held that "a district court does not have the power to stay enforcement of a monetary judgment unless the party against whom the judgment is entered posts a cash deposit or supersedeas bond equal to 135% of the judgment." *Bagley v. Thomason*, 155 Idaho 193, 198 (2013).

In this case, Valiant obtained a monetary judgment in the amount of \$21,740,165.42. As such, VP was required to post a supersedeas bond in the amount of \$29,566,624.90 prior to the Sheriff's Sale in order to stay execution. VP did not post the bond required to stay execution and

it cannot now seek to stay further enforcement of the Judgment after the Sheriff's Sale has taken place. The Idaho Supreme Court's decision in *Eagle Rock Corp. v. Idamont Hotel Co.* is dispositive of this issue:

Respondents' right to a writ of assistance to gain possession of the property or, conversely, appellants' right to defeat respondents' right to possession, appears to be mainly dependent upon the effect of a sale on execution and delivery of the sheriff's certificate of sale under a valid and final judgment, in the absence of a stay of execution in the manner provided by statute. ***If appellants desired to stay the execution of the judgment of foreclosure, it was their duty to give an undertaking for that purpose in conformity with . . . [I.A.R. Rule 13(a)]. The statute . . . contemplates a full and complete stay of all proceedings on a real estate foreclosure where the supersedeas required by order of the court is given.*** No such undertaking having been given by appellants, respondents were entitled to and received all the right and title incident to sale on foreclosure and issuance of a sheriff's certificate of sale under a valid and final judgment and appellants' right and title in the property was . . . the right to redeem by compliance with the statutory procedure . . .

*Id.*, 60 Idaho 639, 650-651 (1939) (citations omitted) (emphasis added). As VP failed to post a supersedeas bond prior to the Sheriff's Sale, it has missed its opportunity to stay further execution via the Writ of Assistance. At this point, VP's sole remedy to prevent Valiant from further enforcing its Writ of Assistance is to redeem the property purchased by Valiant in accordance with the statutory procedures. *Id.*

As VP failed to comply with the statutory procedure to stay execution set forth in Rule 13(a) of the Idaho Appellate Rules, the Stay Motion should be denied.

C. **VP Cannot Stay Enforcement Of The Writ Of Assistance Absent A Showing That It Was Improperly Granted.**

There is only one only question to be answered upon an application for a writ of assistance: “In the absence of any claim of an independent paramount title, the only question on such application is whether the decree has been complied with . . . [such that] the applicant has a right, as against the party in possession to use the writ to obtain possession.” *Federal Land Bank v. Parsons*, 118 Idaho 324, 329 (Ct. App. 1990). No question determined by the original decree can be litigated nor can the original case be reviewed or the decree therein modified. *Id.* Valiant is entitled to possession as the purchaser of the VP Parcels at the Sheriff’s Sale. The Haberman Dec. in support hereof establishes that there is not a legitimate threat of any injury to persons or property should the Stay Motion be denied. Nonetheless, even if there were a reasonable possibility of harm, which Valiant adamantly disputes, the alleged harm cannot alter the fact that Valiant is now the owner of these parcels/infrastructure and that Valiant is thereby entitled to possession regardless of whether harm to third persons results. Absent a showing that the Writ of Assistance was improperly granted, there is no basis to allow VP to retain possession of Valiant’s property.

As VP has failed to raise any facts that call into question the propriety of this Court’s determination that Valiant has a right to possession of the subject properties pursuant to the Sheriff’s certificates of sale, the Stay Motion Should be denied.

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**D. VP Cannot Obtain A Preliminary Injunction.**

VP alleges that *The Idaho Club* property owners will be damaged if Valiant is allowed to eject VP from the Water System and that Valiant should be stayed from further enforcing its Writ of Assistance until VP has concluded its appeal. In reality the Stay Motion is simply a veiled attempt to circumvent the stringent standards necessary to obtain a preliminary injunction. As VP lacks standing and cannot meet its burden of proof to obtain a preliminary injunction, the Stay Motion should be dismissed.

As a preliminary matter, Valiant was unable to find any Idaho caselaw that would entitle a defendant to obtain a preliminary injunction during the pendency of an appeal. As such, it appears that the sole means to stay enforcement of a judgment is by posting a security or supersedeas bond in accordance with Rule 13(a) of the Idaho Appellate Rules. Nonetheless, in the unlikely event this Court somehow concludes that Rule 65(e) of the Idaho Rules of Civil Procedure grants an alternative means of staying enforcement of a judgment, VP lacks standing and cannot meet its burden of proving that it is entitled to a preliminary injunction.

**1. VP Lacks Standing to Obtain a Preliminary Injunction.**

VP will not suffer any injury if Valiant enforces its Writ of Assistance. As such, VP lacks standing to obtain a preliminary injunction.

“Where a plaintiff does not have standing it cannot be said that the ‘case or controversy’ requirement has been satisfied; therefore the judiciary lacks jurisdiction to hear the case.” *Martin v. Camas County*, 150 Idaho 508, 512 (2011). Standing is jurisdictional and may be raised at any time. *Koch v. Canyon County*, 145 Idaho 158, 162, (2008). “Jurisdictional issues,

such as standing, are questions of law therefore, not adjudicative facts of which a court may properly take judicial notice.” *Martin*, 150 Idaho at 512.

To satisfy the case or controversy requirement of standing, ***a litigant must allege or demonstrate an injury in fact and a substantial likelihood the relief requested will prevent or redress the claimed injury.*** This requires a showing of a distinct palpable injury and fairly traceable causal connection between the claimed injury and the challenged conduct. But even if a showing can be made of an injury in fact, standing may be denied when the asserted harm is a generalized grievance shared by all or a large class of citizens.

*Id.* at 513 (citations omitted) (emphasis added).

VP has not alleged an injury in fact that may result to VP should Valiant be allowed to proceed with the enforcement of its Writ of Assistance. While VP alleges that an unsubstantiated host of horrible things may happen to the residents within *The Idaho Club*, these allegations are nothing more than assertions of a generalized grievance purportedly shared by a large class of citizens. VP is not even a member of this class of citizens and cannot suffer any injury even if its allegations could be substantiated, which Valiant adamantly denies.

VP further lacks standing because there is not a substantial likelihood that the relief VP has requested would redress the alleged injury. VP only seeks to stay Valiant from enforcing its Writ of Assistance until VP’s appeal has been completed. It is exceedingly unlikely that VP will prevail on its appeal. As such, a stay of the Writ of Assistance can at most postpone the inevitable.

As VP will not be injured if Valiant is allowed to proceed with the Writ of Assistance and as there is not a substantial likelihood that any alleged injury would be redressed if an injunction were granted, VP does not have standing to obtain an injunction in this case.

2. **VP Cannot Meet Its Burden of Proof to Obtain a Preliminary Injunction.**

Even if VP had standing to obtain a preliminary injunction, it bears the burden of proving that it is entitled to injunction under the facts of this case. VP cannot meet its burden of proof.

The party seeking a preliminary injunction bears the burden of proving entitlement thereto. *Harris v. Cassia County*, 106 Idaho 513, 518 (1984). Moreover, preliminary injunctions are only granted in extreme cases where the right is very clear and it appears that irreparable injury will flow from its refusal. *Id.* The court may issue a preliminary injunction “only if the movant gives security in an amount that the court considers proper to pay the costs and damages, including reasonable attorneys’ fees, sustained by any party found to have been wrongfully enjoined or restrained.” I.R.C.P. 65(c). Rule 65(e) of the Idaho Rules of Civil Procedure sets forth the grounds for issuance of a preliminary injunction. A preliminary injunction may only be granted in the following cases:

- (1) When it appears by the complaint that the plaintiff is entitled to the relief demanded, and such relief, or any part thereof, consists in restraining the commission or continuance of the acts complained of, either for a limited period or perpetually.
- (2) When it appears by the complaint or affidavit that the commission or continuance of some act during the litigation would produce waste, or great or irreparable injury to the plaintiff.

- (3) When it appears during the litigation that the defendant is doing, or threatens, or is about to do, or is procuring or suffering to be done, some act in violation of the plaintiff's rights, respecting the subject of the action, and tending to render the judgment ineffectual.
- (4) When it appears, by affidavit, that the defendant during the pendency of the action, threatens, or is about to remove, or to dispose of his property with intent to defraud the plaintiff, an injunction order may be granted to restrain the removal or disposition.
- (5) A preliminary injunction may also be granted on the motion of the defendant upon filing a counterclaim, praying for affirmative relief upon any of the grounds mentioned above in this section, subject to the same rules and provisions provided for the issuance of injunctions on behalf of the plaintiff.

*Id.* None of the above fact patterns are even arguably applicable to this case.

With respect to Rule 65(e)(1), VP must establish that it appears VP is entitled to the relief affirmatively demanded in the Complaint. As Valiant has already prevailed and obtained the Judgment, VP cannot possibly establish that this subsection entitles it to injunctive relief.

With respect to Rule 65(e)(2), VP must establish that allowing Valiant to enforce the Writ of Assistance during the course of the litigation would result in waste or great or irreparable injury to VP. Notwithstanding the fact that the litigation is over, VP has not alleged that any injury will occur to it or its property whatsoever. VP alleges only that injuries may occur to unnamed third parties should Valiant be allowed to proceed with its Writ of Assistance. As VP has not identified any waste or injury that will incur to VP, it cannot possibly establish that this subsection entitles it to injunctive relief.

With respect to Rule 65(e)(3), VP must establish that allowing Valiant to enforce the Writ of Assistance during the course of the litigation is an act in violation of VP's rights respecting the subject of the action, and tending to render the Judgment ineffectual. Again, notwithstanding the fact that the litigation is over and Valiant has already obtained the Judgment, enforcing the Writ of Assistance is not an act in violation of VP's rights. To the contrary, VP's rights were terminated upon the Sheriff issuing the certificates of sale for the VP Parcels. Moreover, the purpose of the Writ of Assistance is to effectuate the Judgment by allowing Valiant to take possession of the property it purchased at the Sheriff's Sale. As such, VP cannot establish that this subsection entitles it to an injunction.

With respect to Rule 65(e)(4), VP must establish that allowing Valiant to proceed with the Writ of Assistance threatens the removal or disposal of VP's property with intent to defraud it. Again, this Court has already determined that Valiant is entitled to possession of the property in question. As such, Valiant cannot possibly dispose of said property with the intent to defraud VP. If VP wanted to prevent the disposal of its property during the pendency of its appeal, it could have done so by posting a supersedeas bond. As such, VP cannot establish that this subsection possibly entitles it to injunctive relief.

Rule 65(e)(5) is merely an alternative basis to obtain the injunctive relief set forth in Rules 65(e)(1)-(4) such that it cannot entitle VP to an injunction.

Finally, even if VP were entitled to a preliminary injunction, it still must post security in an amount the Court considers proper to pay the costs and damages, including reasonable attorneys' fees, Valiant shall sustain by being wrongfully restrained. Valiant purchased Parcel 2 by credit bidding \$2,500,000.00 of its Judgment amounts.

Moreover, Valiant has invested thousands of dollars applying for water rights and permits to serve as the municipal water and sewer providing for *The Idaho Club* and Valiant must invest thousands of dollars more to drill its own source wells and construct infrastructure to connect these wells to *The Idaho Club's* Water System. The longer that Valiant waits to perform this work the more expensive it becomes. VP would be required to post a bond of at least \$3,500,000.00 to enjoin Valiant from enforcing its Writ of Assistance.

**E. There Is No Risk Of Injury To The Idaho Club Homeowners If Valiant Is Allowed to Enforce The Writ of Assistance.**

VP has filed the Declaration of Richard Vilelli in Support of Motion For Order Allowing Use and Access of Parcels 1 and 2 and Application For Stay of Enforcement of Order Granting Motion to Enforce Judgment (“Vilelli Dec.”) with this Court; and, on March 30, 2017, Mr. Vilelli sent a letter to all property owners within *The Idaho Club* (“Vilelli Letter”). Haberman Dec., Ex. 10. The Vilelli Letter and Vilelli Dec. (collectively, “Vilelli Allegations”) misrepresent Valiant’s intentions and the alleged risks associated with allowing Valiant to enforce the Writ of Assistance. The Vilelli Allegations are nothing more than a last ditch attempt to enrage *The Idaho Club* homeowners and scare this Court into granting the Stay Motion. As there is no risk that Valiant will seek to enforce the Writ of Assistance in a manner that causes any interruption in water or sewer services to *The Idaho Club* homeowners, the Stay Motion should be denied.

As set forth in great detail within the Haberman Dec., Valiant and its wholly-owned subsidiary have obtained or are in the process of obtaining all water permits and agency approvals to act as the approved municipal water and sewer service provider for *The Idaho Club*. Haberman Dec., ¶¶ 1-44. Valiant has obtained a permit to appropriate water for

the benefit of *The Idaho Club*. *Id.*, ¶¶ 28-29. IDEQ has conditionally approved the location of two new wells Valiant intends to drill to service The Idaho Club. *Id.*, ¶ 30. Final approval is impending. *Id.*, ¶ 31. The well sites will be approved as soon as IDEQ can complete its inspection of the natural surface of the well sites free from snow and verify that there are not any features which would prevent Valiant from utilizing these locations as well sites. *Id.* By mid-summer, Valiant intends to have its wells drilled, the water tested and additional infrastructure constructed. *Id.*, ¶ 32. Valiant expects that it will also have been approved by IDEQ to act as a municipal water provider for *The Idaho Club*. *Id.*

Valiant has retained experienced engineers from Welch Comer to, *inter alia*, identify existing infrastructure, appropriate well sites, engineer any additional infrastructure that is needed, and to help expedite the application processes with IDEQ and IDWR. *Id.*, ¶¶ 33-37. The Facility Plan Overview that Welch Comer submitted to IDEQ on behalf of Valiant identifies the existing water system infrastructure owned by Valiant and VP. *Id.*, Ex. 9, Figure 2, pp. 1-2; Declaration of Steven B. Cordes, P.E., in Support of Memorandum in Opposition to VP, Incorporated's Motion For Order Allowing Use and Access of Parcels 1 and 2 and Application For Stay of Enforcement of Order Granting Motion to Enforce Judgment filed concurrently ("Cordes Dec."), Ex. B, Figure 2, pp. 1-2. Once Valiant has drilled its wells and obtained a PWS number, Valiant will provide water services to all of the lots served by Valiant's infrastructure. Haberman Dec., ¶¶ 36-37. If VP has constructed whatever infrastructure is necessary to isolate and service those lots served by VP's infrastructure, it may do so. *Id.* Should VP fail to construct this infrastructure, Valiant is prepared to provide water services to all of the lots within *The Idaho Club* to ensure that there is no interruption in services. *Id.*

Once Valiant has drilled its wells and connected them to its existing infrastructure, Valiant owns all of the infrastructure necessary to provide water services to *The Idaho Club* in its entirety.

Most importantly, Valiant does not intend to enforce its Writ of Assistance and eject VP from Parcel 2 and its Water System infrastructure until Valiant, or its wholly-owned subsidiary, is prepared to provide water services to *The Idaho Club* homeowners without interruption in said services. *Id.*, ¶¶ 43-44, Ex. 11. Accordingly, there is no impending threat that a single resident of *The Idaho Club* will have their water or sewer services shut down by Valiant. *Id.* There is no impending threat that enforcement of the Writ of Assistance will cause these properties to lose fire protection services. *Id.* There is no impending threat that the wastewater lagoon will overflow and cause environmental contamination to beautiful Lake Pend Oreille unless the Stay Motion is granted. *Id.* To the contrary, the only existing threat to the residents' water services and the consequent environmental contamination and fire danger that could result if they were turned-off is VP.

VP is the current provider of all water services within *The Idaho Club*. VP owns the existing source wells and utilizes Valiant's infrastructure to provide water service. *Id.*, ¶¶ 35-36. The only way that water services can be discontinued is if VP unilaterally decides to turn-off its source wells.

As there is no risk that Valiant will enforce its Writ of Assistance in a manner that will shut-down water services to the homeowners within *The Idaho Club*, the Stay Motion should be denied.



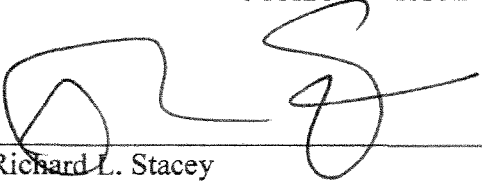
**III.**  
**CONCLUSION**

Based upon the foregoing points and authorities, the affiant testimony and evidence presented herewith, and any argument that may be presented at the time of hearing, Valiant respectfully requests this Court to *deny*, in its entirety, the Stay Motion.

**DATED** this 11<sup>th</sup> day of April 2017.

McCONNELL WAGNER SYKES & STACEY <sup>PLLC</sup>

BY:

  
\_\_\_\_\_  
Richard L. Stacey  
Attorneys For Valiant Idaho, LLC

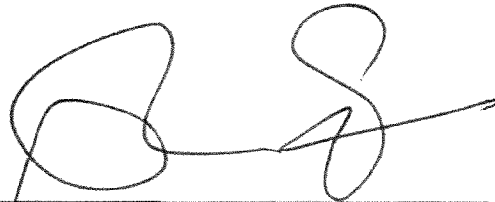
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 11<sup>th</sup> day of April 2017, a true and correct copy of the foregoing document was served by the method indicated below upon the following party(ies):

Gary A. Finney, Esq. Finney Finney & Finney, P.A. 120 East Lake Street, Suite 317 Sandpoint, Idaho 83864 Telephone: 208.263.7712 Facsimile: 208.263.8211 <i>Counsel For J.V., LLC</i>	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail <a href="mailto:garyfinney@finneylaw.net">garyfinney@finneylaw.net</a>
Susan P. Weeks, Esq. James, Vernon & Weeks, PA 1626 Lincoln Way Coeur d'Alene, Idaho 83814 Telephone: 208.667.0683 Facsimile: 208.664.1684 <i>Counsel For VP Incorporated/North Idaho Resorts</i>	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail <a href="mailto:sweeks@jvwlaw.net">sweeks@jvwlaw.net</a>

With two copies via Federal Express to:

Honorable Barbara A. Buchanan  
Judge of the First Judicial District  
Bonner County Courthouse  
215 South First Avenue  
Sandpoint, Idaho 83864



Richard L. Stacey

STATE OF IDAHO  
COUNTY OF BONNER  
FIRST JUDICIAL DISTRICT

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Attorneys For Valiant Idaho, LLC

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER**

**GENESIS GOLF BUILDERS, INC.,**  
formerly known as  
**NATIONAL GOLF BUILDERS, INC.,**  
a Nevada corporation,

Plaintiff,

vs.

**PEND OREILLE BONNER  
DEVELOPMENT, LLC,**  
a Nevada limited liability company; *et al.*,

Defendants.

Case No. CV-09-1810

**VALIANT IDAHO, LLC'S  
MOTION FOR A TEMPORARY  
RESTRAINING ORDER AND  
PRELIMINARY INJUNCTION  
AGAINST VP, INCORPORATED**

**Honorable Barbara A. Buchanan**

**AND RELATED COUNTER, CROSS  
AND THIRD PARTY ACTIONS  
PREVIOUSLY FILED HEREIN.**

**VALIANT IDAHO, LLC'S MOTION FOR A TEMPORARY  
RESTRAINING ORDER AND PRELIMINARY INJUNCTION  
AGAINST VP, INCORPORATED | Page 1**  
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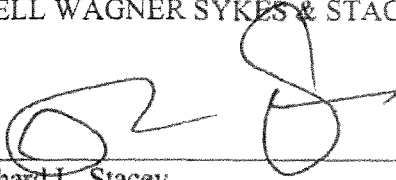
COMES NOW, Valiant Idaho, LLC (“Valiant”), by and through its attorneys of record, McConnell Wagner Sykes & Stacey PLLC, and, pursuant to Rule 13(b)(10) of the Idaho Appellate Rules, moves this Court for a temporary restraining order and preliminary injunction against VP, Incorporated (“VP”), an Idaho corporation, and its agents, servants and employees, requiring VP to restore water services and prohibiting VP from thereafter interfering with or terminating water service to the owners and residents of the properties located within *The Idaho Club* development project, including Valiant, until such time as Valiant begins providing water service for *The Idaho Club*. Should VP continue to terminate water service to the owners and residents within *The Idaho Club*, Valiant will suffer irreparable harm in that its real property will no longer have any protection against a fire hazard; raw sewage may back-up into any structures constructed on Valiant’s property; without water to maintain the real property, the value of the property and the common real property will likely be diminished; and, Valiant will be unable to further develop, market or sell its real property.

This motion is made and based upon the records and files herein; and the Memorandum in Support of [Valiant’s] Motion For a Temporary Restraining Order and Preliminary Injunction Against VP, Incorporated, the Declaration of Richard L. Stacey in Support of [Valiant’s] Motion For a Temporary Restraining Order and Preliminary Injunction Against VP, Incorporated, and the Declaration of William Haberman in Support of [Valiant’s] Motion For a Temporary Restraining Order and Preliminary Injunction Against VP, Incorporated filed concurrently.

DATED this 13<sup>th</sup> day of April 2017.

McCONNELL WAGNER SYKES & STACEY<sup>PLLC</sup>

BY:

  
Richard L. Stacey  
Attorneys For Valiant Idaho, LLC

**CERTIFICATE OF SERVICE**


I HEREBY CERTIFY that on the 13<sup>th</sup> day of April 2017, a true and correct copy of the foregoing document was served by the method indicated below upon the following party(ies):

Gary A. Finney, Esq. Finney Finney & Finney, P.A. 120 East Lake Street, Suite 317 Sandpoint, Idaho 83864 Telephone: 208.263.7712 Facsimile: 208.263.8211 <i>Counsel For J.V., LLC</i>	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input checked="" type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail <a href="mailto:garyfinney@finneylaw.net">garyfinney@finneylaw.net</a>
Susan P. Weeks, Esq. James, Vernon & Weeks, PA 1626 Lincoln Way Coeur d'Alene, Idaho 83814 Telephone: 208.667.0683 Facsimile: 208.664.1684 <i>Counsel For VP Incorporated/North Idaho Resorts</i>	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input checked="" type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail <a href="mailto:sweeks@jvwlaw.net">sweeks@jvwlaw.net</a>

With a copy via Electronic Mail to:

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Judge of the First Judicial District  
Bonner County Courthouse  
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Sandpoint, Idaho 83864  
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Richard L. Stacey

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Attorneys For Valiant Idaho, LLC

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER**

**GENESIS GOLF BUILDERS, INC.,**  
formerly known as  
**NATIONAL GOLF BUILDERS, INC.,**  
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Plaintiff,

vs.

**PEND OREILLE BONNER  
DEVELOPMENT, LLC,**  
a Nevada limited liability company; *et al.*,

Defendants.

Case No. CV-09-1810

**VALIANT IDAHO, LLC'S  
MEMORANDUM IN  
SUPPORT OF MOTION FOR A  
TEMPORARY RESTRAINING ORDER  
AND PRELIMINARY INJUNCTION  
AGAINST VP, INCORPORATED**

**Honorable Barbara A. Buchanan**

**AND RELATED COUNTER, CROSS  
AND THIRD PARTY ACTIONS  
PREVIOUSLY FILED HEREIN.**

**COMES NOW**, Valiant Idaho, LLC (“Valiant”), by and through its attorneys of record, McConnell Wagner Sykes & Stacey PLLC files its Memorandum in Support of Motion For a Temporary Restraining Order and Preliminary Injunction Against VP, Incorporated [“TRO Motion”]. By this reference, Valiant incorporates its (1) Memorandum in Opposition to VP, Incorporated’s Motion For Order Allowing Use and Access of Parcels 1 and 2 and Application For Stay of Enforcement of Order Granting Motion to Enforce Judgment filed on or about April 12, 2017 (“Opposition Memo”); (2) the Declaration of William Haberman in Support of Memorandum in Opposition to VP, Incorporated’s Motion For Order Allowing Use and Access of Parcels 1 and 2 and Application For Stay of Enforcement of Order Granting Motion to Enforce Judgment filed on or about April 11, 2017 (“Haberman Dec.”); and (3) the Declaration of Steven B. Cordes, P.E., in Support of Memorandum in Opposition to VP, Incorporated’s Motion for Order Allowing Use and Access of Parcels 1 and 2 (“Cordes Dec.”). The facts and evidence presented in the Opposition Memo, Haberman Dec., and Cordes Dec. will likewise establish the facts and present evidence upon which Valiant will rely in support of this TRO Motion. Valiant’s TRO Motion is made pursuant to Rule 13(b)(10) of the Idaho Appellate Rules and Rule 65 of the Idaho Rules of Civil Procedure.

## **I.** **FACTS**

Valiant is the owner of 154 lots (“Valiant Lots”) located within *The Idaho Club*, as defined by the master plan approved by the County of Bonner, State of Idaho, that it purchased at a Sheriff’s Sale pursuant to a Judgment and Foreclosure Decree entered by this Court. The Valiant Lots include all infrastructure necessary to operate the municipal sewer system for

*The Idaho Club*. Haberman Dec., ¶¶ 3-23, 27. The Valiant Lots also include all infrastructure, except for source wells, necessary to provide municipal water services to certain portions of *The Idaho Club*. *Id.*, ¶¶ 25-27, 33-37. Valiant understands and believes that VP, Incorporated (“VP”) owns or may possess an interest in and to certain other infrastructure necessary to provide municipal water services to certain other portions of *The Idaho Club*. The infrastructure owned by Valiant and the infrastructure Valiant believes VP may own is identified on Figure 2 to the *Facility Plan Overview* attached to the Haberman Dec. as Exhibit 9 and the Cordes Dec. as Exhibit B. VP owns the source wells that provide domestic water and fire protection services to all lots and homes within *The Idaho Club*. Declaration of Richard Vilelli in Support of the Motion For Order Allowing Use and Access of Parcels 1 and 2 and Application For Stay of Enforcement of Order Granting Motion to Enforce Judgment filed on or about March 7, 2017 (“Vilelli Dec.”), ¶ 4. These wells are the sole source of water for *The Idaho Club* at this time. Haberman Dec., ¶ 36.

On or about March 7, 2017 VP filed a Motion For Order Allowing Use and Access of Parcels 1 and 2 and Application For Stay of Enforcement of Order Granting Motion to Enforce Judgment (“Stay Motion”) asking this Court to stay enforcement of the Writ of Assistance entitling Valiant to eject VP from the Valiant Lots and all water and sewer system infrastructure located on, under or appurtenant to the Valiant Lots. The Stay Motion included a supporting memorandum and the Vilelli Dec., both of which set forth a host of catastrophic consequences that will immediately and irreparably result should VP be ejected from the water system infrastructure and thereby prohibited from providing municipal water services to *The Idaho Club*. The hearing on the Stay Motion is set to be heard by this Court on April 19, 2017.



Despite the pending Stay Motion, Richard Villelli sent a letter dated March 30, 2017 to residents of *The Idaho Club*, erroneously advising that it had been ordered to stop providing domestic water services and criticizing this Court's "unjustified and dangerous" decisions. Haberman Dec., Ex. 10.

On April 11, 2017, Valiant filed the Haberman Dec. and served it upon opposing counsel *via* Federal Express delivery. On April 12, 2017, Valiant filed its Opposition Memo and served it upon opposing counsel *via* Federal Express delivery. The Haberman Dec. and the Opposition Memo each clearly state in no uncertain terms that "until Valiant has drilled its own source wells and constructed the additional infrastructure necessary to connect these wells to its existing Water System Infrastructure, **Valiant has no intention of ejecting VP from the Water System** or otherwise prohibiting VP from utilizing Valiant's Water System Infrastructure to provide water services to *The Idaho Club* homeowners."

On the afternoon of Wednesday, April 12, 2017, after receiving the Haberman Dec. and Opposition Memo, and while the Stay Motion was still pending, VP unilaterally, and without notice to Valiant or any other affected property owner, shut-off water services to much of the real property located within *The Idaho Club*, including the Valiant Lots. Valiant does not know how many other homes and properties have also lost their water and sewer services. Valiant understands and believes there are no less than forty 40 residences which currently do not have water services. Declaration of Richard L. Stacey in Support of [Valiant's] Motion For a Temporary Restraining Order and Preliminary Injunction filed concurrently ("Stacey Dec."), Ex. 1.

As a result of VP's unnecessary, irresponsible and illegal action, there are no longer water services to any of the Valiant Lots. Declaration of William Haberman in Support of [Valiant's] Motion For a Temporary Restraining Order and Preliminary Injunction filed concurrently ("Haberman TRO Dec."), ¶ 4. Up to 82 homes (with approximately 188 residents) no longer have water services. Vilelli Dec., ¶¶ 8-9. These residents cannot cook, shower or use their bathrooms until water services are restored. *Id.*, ¶¶ 8-9, 14. *The Idaho Club* golf facilities, public restrooms and security buildings no longer have water services. *Id.* Up to 291 properties within *The Idaho Club*, including the aforementioned homes, properties and facilities, are without any water for fire protection. *Id.* Turning-off the water to these residents is likely to "cause raw sewage" to back into their homes and creates a risk that the "sewer lagoon will overflow and contaminate its surroundings," and may even contaminate tributaries of Lake Pend Oreille. *Id.*, ¶¶ 8-9, 12, 14. "Without water it is not possible to operate the sewer system and our lines and pumping system are [sic] used for transporting affluent." Haberman Dec., Ex. 10.

VP's illegal conduct is causing immediate and irreparable harm to Valiant and *The Idaho Club's* other residents and property owners. Valiant seeks a temporary restraining order ("TRO") ordering VP to immediately take whatever steps are necessary to restore the water system throughout the entirety of *The Idaho Club*, including fire protection services and potable water services to all residents, until such time as Valiant is prepared to provide water services *via* its own source wells.

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**II.**  
**ARGUMENT**

**A. This Court Is Authorized To Grant The Relief Requested By Valiant.**

Pursuant to Rule 13(a)(10) of the Idaho Appellate Rules, this Court is authorized and thereby retains jurisdiction to “make any order regarding the use, preservation or possession of any property which is the subject of the action on appeal.” This includes authority to enter restraining orders and temporary injunctions for the preservation of property on appeal. *Alumet v. Bear Lake Grazing Co.*, 119 Idaho 979, 982 (1991).

Valiant and the Valiant Lots are being immediately and irreparably injured by virtue of VP turning-off the water system. There is no longer any water to provide fire protection services for these properties. The golf facilities, public restrooms, and security and maintenance buildings no longer have domestic water or sewer. *Villelli Dec.*, ¶¶ 8-9, 12, 14; *Haberman Dec.*, Ex. 10. There is significant risk that raw sewage could back up into the structures constructed on the Valiant Lots or that the sewer lagoon Valiant now owns could overflow and contaminate Lake Pend Oreille. *Id.* VP has also made it impossible for Valiant to take further steps to develop, market and sell the Valiant Lots. *Haberman TRO Dec.*, ¶ 5. No one will purchase a lot that cannot obtain water services.

Valiant seeks a TRO and preliminary injunction to preserve and protect the Valiant Lots, which are the subject of this litigation, from immediate and irreparable injury.

**B. VP's Conduct Constitutes A Criminal Act Punishable Under Idaho Law.**

Idaho Criminal Code Section 18-4310 prohibits any person having control of a water system from willfully neglecting or refusing to deliver water to persons having a right thereto. *Id.* The statute further makes it a criminal misdemeanor to do so and creates a statutory basis to recover damages resulting from said conduct. *Id.*

VP has cut-off water services to the Valiant Lots and numerous other property owners within *The Idaho Club*. VP's actions are not only brazen and unnecessary, they are illegal and should be enjoined.

**C. This Court Should Grant A TRO Pursuant To Rule 65 Of The Idaho Rules Of Civil Procedure.**

A temporary restraining order may be entered until such time as the propriety of granting an injunction on a temporary or permanent basis can be determined by the court. *Scholtz v. American Surety Co.*, 35 Idaho 207, 206 (1922). Restraining orders and injunctions may be granted for the purposes compelling or proscribing certain acts. I.R.C.P., Rule 65(d). Immediate and irreparable injury will occur to the Valiant Lots unless and until a TRO is entered ordering VP to restore the water system and prohibiting it from turning it off until such time as Valiant can provide these services. VP has unilaterally and needlessly shut-off the water services to the Valiant Lots and other properties within *The Idaho Club* knowing full well the devastating consequences that will likely result. VP did so while the Stay Motion was still pending and after receiving the Haberman Dec. expressly stating that Valiant will not eject VP from the water system infrastructure until such time as Valiant is able to provide water services. Haberman Dec., ¶¶ 43-44. As set forth hereinabove, the current lack of fire protection services and the risks

associated with raw sewage backups and contamination of Lake Pend Oreille is an emergency requiring immediate action by this Court.

**D. A Preliminary Injunction Should Be Granted Pursuant To Rule 65(e) Of The Idaho Rules Of Civil Procedure.**

Rule 65(e) of the Idaho Rules of Civil Procedure sets forth the grounds for issuance of a temporary injunction. A temporary injunction may be granted in the following cases:

- (1) When it appears by the complaint that the plaintiff is entitled to the relief demanded, and such relief, or any part thereof, consists in restraining the commission or continuance of the acts complained of, either for a limited period or perpetually.
- (2) When it appears by the complaint or affidavit that the commission or continuance of some act during the litigation would produce waste, or great or irreparable injury to the plaintiff.
- (3) When it appears during the litigation that the defendant is doing, or threatens, or is about to do, or is procuring or suffering to be done, some act in violation of the plaintiff's rights, respecting the subject of the action, and tending to render the judgment ineffectual.
- (4) When it appears, by affidavit, that the defendant during the pendency of the action, threatens, or is about to remove, or to dispose of his property with intent to defraud the plaintiff, an injunction order may be granted to restrain the removal or disposition.
- (5) A preliminary injunction may also be granted on the motion of the defendant upon filing a counterclaim, praying for affirmative relief upon any of the grounds mentioned above in this section, subject to the same rules and provisions provided for the issuance of injunctions on behalf of the plaintiff.

*Id.*

Although Valiant is entitled to a temporary injunction pursuant to Rules 65(e)(1) – (4), it is most obviously entitled to said relief pursuant to Rule 65(e)(2). As set forth hereinabove, VP has taken action that will result in great and irreparable injury to Valiant and the Valiant Lots. A TRO

must be put into effect requiring VP to restore the water system to the entirety of *The Idaho Club* property to ensure that adequate water for fire protection services is in place, to prevent raw sewage from backing up into existing residences and other structures, and to ensure that no contamination of Lake Pend Oreille occurs.

Valiant moves this Court for a preliminary injunction against VP, and its agents, servants, and employees, prohibiting VP from interfering with or terminating water service to the entirety of *The Idaho Club* property, including the Valiant Lots, until such time as Valiant has drilled its own source wells and is able to provide water service on its own.

### **III. CONCLUSION**

Based upon the foregoing points and authorities, the affiant testimony and evidence presented herewith, and any argument that may be presented at the time of hearing, Valiant respectfully requests this Court to *grant* its TRO Motion and immediately enter a TRO against VP.

**DATED** this 13<sup>th</sup> day of April 2017.

McCONNELL WAGNER SYKES & STACEY<sup>PLLC</sup>

BY:

  
\_\_\_\_\_  
Richard L. Stacey  
Attorneys For Valiant Idaho, LLC

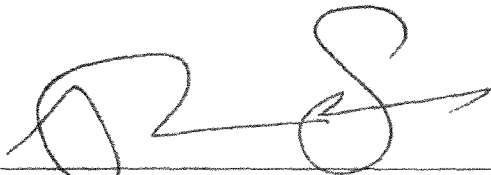
**CERTIFICATE OF SERVICE**

I **HEREBY CERTIFY** that on the 13<sup>th</sup> day of April 2017, a true and correct copy of the foregoing document was served by the method indicated below upon the following party(ies):

Gary A. Finney, Esq. Finney Finney & Finney, P.A. 120 East Lake Street, Suite 317 Sandpoint, Idaho 83864 Telephone: 208.263.7712 Facsimile: 208.263.8211 <i>Counsel For J.V., LLC</i>	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input checked="" type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail <a href="mailto:garyfinney@finneylaw.net">garyfinney@finneylaw.net</a>
Susan P. Weeks, Esq. James, Vernon & Weeks, PA 1626 Lincoln Way Coeur d'Alene, Idaho 83814 Telephone: 208.667.0683 Facsimile: 208.664.1684 <i>Counsel For VP Incorporated/North Idaho Resorts</i>	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input checked="" type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail <a href="mailto:sweeks@jvwlaw.net">sweeks@jvwlaw.net</a>

With a copy via Electronic Mail to:

Honorable Barbara A. Buchanan  
Judge of the First Judicial District  
Bonner County Courthouse  
215 South First Avenue  
Sandpoint, Idaho 83864  
[bbuchanan@co.bonner.id.us](mailto:bbuchanan@co.bonner.id.us)  
[sezenwa@bonnercountyid.gov](mailto:sezenwa@bonnercountyid.gov)

  
\_\_\_\_\_  
Richard L. Stacey

STATE OF IDAHO  
COUNTY OF BONNER  
FIRST JUDICIAL DISTRICT  
2017 APR 13 PM 2:19  
JUDGE STACEY  
JR

Richard L. Stacey, ISB #6800  
Jeff R. Sykes, ISB #5058  
Chad M. Nicholson, ISB #7506  
**McCONNELL WAGNER SYKES & STACEY PLLC**  
827 East Park Boulevard, Suite 201  
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[sykes@mwsslawyers.com](mailto:sykes@mwsslawyers.com)  
[nicholson@mwsslawyers.com](mailto:nicholson@mwsslawyers.com)

Attorneys For Valiant Idaho, LLC

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER**

**GENESIS GOLF BUILDERS, INC.,**  
formerly known as  
**NATIONAL GOLF BUILDERS, INC.,**  
a Nevada corporation,

Plaintiff,

vs.

**PEND OREILLE BONNER  
DEVELOPMENT, LLC,**  
a Nevada limited liability company; *et al.*,

Defendants.

Case No. CV-09-1810

**DECLARATION OF  
RICHARD L. STACEY IN SUPPORT OF  
VALIANT IDAHO, LLC'S  
MOTION FOR A TEMPORARY  
RESTRAINING ORDER AND  
PRELIMINARY INJUNCTION  
AGAINST VP, INCORPORATED**

**Honorable Barbara A. Buchanan**

**AND RELATED COUNTER, CROSS  
AND THIRD PARTY ACTIONS  
PREVIOUSLY FILED HEREIN.**



Pursuant to Rule 11.1 of the Idaho Rules of Civil Procedure and Idaho Code § 9-1406,

**Richard L. Stacey** declares as follows:

1. I am an attorney at law duly licensed to practice before this Court, and all Courts in the State of Idaho. I am a member in the law firm of McConnell Wagner Sykes & Stacey PLLC, attorneys for Valiant Idaho, LLC (“Valiant”). I make this Declaration in support of Valiant’s Motion For a Temporary Restraining Order and Preliminary Injunction Against VP, Incorporated filed concurrently and upon my personal knowledge.

2. Attached hereto as Exhibit 1 is a true and correct copy of the Affidavit of Rick Orchard in Support of Motion For Temporary Restraining Order that has been or will be filed in the District Court For the First Judicial District of the State of Idaho, in and For the County of Bonner in an action styled as *The Idaho Club Homeowner’s Association, Inc. v. VP, Incorporated*.

**I HEREBY CERTIFY AND DECLARE**, under penalty of perjury pursuant to the laws of the State of Idaho, that the foregoing is true and correct.

**DATED** this 13<sup>th</sup> day of April 2017.

  
\_\_\_\_\_  
RICHARD L. STACEY

**DECLARATION OF RICHARD L. STACEY IN SUPPORT  
OF VALIANT IDAHO, LLC’S MOTION FOR A TEMPORARY  
RESTRAINING ORDER AND PRELIMINARY INJUNCTION  
AGAINST VP, INCORPORATED | Page 2**

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 13<sup>th</sup> day of April 2017, a true and correct copy of the foregoing document was served by the method indicated below upon the following party(ies):

Gary A. Finney, Esq. Finney Finney & Finney, P.A. 120 East Lake Street, Suite 317 Sandpoint, Idaho 83864 Telephone: 208.263.7712 Facsimile: 208.263.8211 <i>Counsel For J.V., LLC</i>	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input checked="" type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail <a href="mailto:garyfinney@finneylaw.net">garyfinney@finneylaw.net</a>
Susan P. Weeks, Esq. James, Vernon & Weeks, PA 1626 Lincoln Way Coeur d'Alene, Idaho 83814 Telephone: 208.667.0683 Facsimile: 208.664.1684 <i>Counsel For VP Incorporated/North Idaho Resorts</i>	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input checked="" type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail <a href="mailto:sweeks@jvwlaw.net">sweeks@jvwlaw.net</a>

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[bbuchanan@co.bonner.id.us](mailto:bbuchanan@co.bonner.id.us)  
[sezenwa@bonnercountyid.gov](mailto:sezenwa@bonnercountyid.gov)

  
\_\_\_\_\_  
Richard L. Stacey

**DECLARATION OF RICHARD L. STACEY IN SUPPORT  
OF VALIANT IDAHO, LLC'S MOTION FOR A TEMPORARY  
RESTRAINING ORDER AND PRELIMINARY INJUNCTION  
AGAINST VP, INCORPORATED | Page 3**

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1 BERG, McLAUGHLIN & NELSON, CHTD.  
2 Toby McLaughlin, ISB No. 7405  
3 414 Church St., Ste. 203  
4 Sandpoint, ID 83864  
5 Tel: (208) 263-4748  
6 Fax: (208) 263-7557  
7 toby@sandpointlaw.com

8 *Attorneys For Plaintiff*

9 **IN THE DISTRICT COURT FOR THE FIRST JUDICIAL DISTRICT OF THE**  
10 **STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER**

11 THE IDAHO CLUB HOMEOWNER'S  
12 ASSOCIATION, INC. an Idaho corporation,

13 Plaintiff

14 vs.

15 VP INCORPORATED, an Idaho corporation;

16 Defendant

NO. CV-17-\_\_\_\_\_

**AFFIDAVIT OF RICK ORCHARD IN  
SUPPORT OF MOTION FOR  
TEMPORARY RESTRAINING  
ORDER**

17 STATE OF IDAHO )  
18 ) ss  
19 COUNTY OF BONNER )

20 RICK ORCHARD, being first duly sworn and upon oath deposes and says:

21 1. I am the president and a director of Plaintiff THE IDAHO CLUB  
22 HOMEOWNER'S ASSOCIATION, INC., (hereinafter "the Association") which is an Idaho non-  
23 profit corporation with its principal place of business in Bonner County, Idaho.

24 2. Defendant VP INCORPORATED ("VP"), is an Idaho corporation doing business  
25 in Bonner County, Idaho, and is the owner and/or operator of the water system, or a portion of it,  
which provides water service to the owners of the properties within the Idaho Club real property

AFFIDAVIT OF RICK ORCHARD - 1



1 development, located in Bonner County, Idaho, the owners of which are the members of the  
2 Plaintiff Association.

3 3. I am one of the owners of a property within the Idaho Club, and receive my water  
4 service via a contract with VP, Inc.

5 4. On April 12, 2017, VP terminated my water service, as well as service to the other  
6 residents within the Idaho Club, which includes at least 40 properties.


7 5. Without water service my property is uninhabitable.

8 6. Without water service, there is a substantial threat of significant damage from fire,  
9 as fire engines will not be able to obtain water from the hydrants located within the Idaho Club.

10 7. There is, therefore, a substantial risk of irreparable harm should water service not  
11 immediately be restored.

12 8. Attached hereto at *Exhibit A* is a true and correct copy of a letter that I received  
13 from VP with regard to these issues. In my view, this does not provide notice that VP was about  
14 to shut off the water to all of the Idaho Club owners.


15  
16 DATED this 13 day of April, 2017.

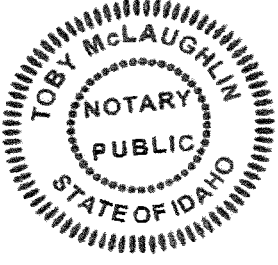
17  
18   
19 By: Rick Orchard, individually and as Director and President  
20 of The Idaho Club Homeowner's Association, Inc.  
21  
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On this 5<sup>th</sup> day of April, 2017, before me, the undersigned Notary Public for the State of Idaho, personally appeared Rick Orchard, known or identified to me to be the person that executed the foregoing instrument and acknowledged to me that he executed the same.

SUBSCRIBED and SWORN to before me as of the day and year in this certificate first above written.

  
\_\_\_\_\_  
Notary Public for Idaho  
Residing at Sandpoint  
Commission expires: 3/20/19



**VP, INC.**

OFFICES IN IDAHO & CALIFORNIA

March 30, 2017

Dear Customers:

On March 6, 2017 First District Court of Idaho under the direction of District Judge Barbara Buchanan ordered VP Inc. the operator of your services to vacate properties Purchased by Valiant Idaho LLC. Unfortunately this order was granted even though there are sever ramifications to all the residences of The Idaho Club and the Hidden Lakes development. Those properties include the sewer lagoon and two pumping stations and a reservoir. As a result of this order many of you may be without water service immediately.

Those of you living on the south side of Highway 200 and those of you living in lodge homes developed by POBD and other homes located on North Idaho Club Dr., Waterdance Way, and some homes on Jim Brown Way, may be without water and thus without sewer service. In addition all properties located in the Hidden Lakes or Idaho Club Development will be without adequate fire protection. Please do not bring in water to flush toilets or drains as that might cause a backup of sewage into your homes.

We believe this is an unjustified and dangerous court order placed on VP, Inc. and are sorry for any inconvenience this order may cause you. We have requested that Judge Buchanan place a stay on this order in an effort to protect your property and your property values and allow us to continue to provide you the necessary services for your safety and security and comfort.

This letter was scheduled to go out with your monthly billing but today I was informed by some customers that you received a letter from TIC LLC stating that they are now providing you with sewer service and you are to pay them \$90 per month.

Without water it is not possible to operate the sewer system and our lines and pumping system are used for transporting affluent. Our service agreement with you provides that we are to be paid for accepting affluent from your property. Until we have a resolution we will continue to accept and transport your affluent.

In order to not put you in a difficult position, until this is resolved in the courts, we will discontinue charging you for sewer service so you will only be billed for water at this time.

If you have questions regarding this please contact any of the following:

The First District Court of Idaho – 208-446-1225  
Department of Environmental Quality – 208-769-1422 or contact Daniel Redline at [daniel.redline@deq.idaho.gov](mailto:daniel.redline@deq.idaho.gov)  
Idaho Department of Water Resources 208-762-2800 or Morgan Case at [Morgan.Case@idwr.idaho.gov](mailto:Morgan.Case@idwr.idaho.gov)  
Valiant Idaho, LLC attention William Haberman at [william.haberman@me.com](mailto:william.haberman@me.com)  
Northside Fire District 208-265-4114

You can of course contact me at 208-660-8474 or [dick@villipnw.com](mailto:dick@villipnw.com).

Sincerely,  
VP, Inc.

Richard A. Villelli, President

1001 W. Whittier Blvd., La Habra, CA 90631 • (562) 691-3237 / Fax



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STATE OF IDAHO  
COUNTY OF BONNER  
FIRST JUDICIAL DISTRICT

2017 APR 13 PM 2:19

CLERK DISTRICT COURT

*LR*

Richard L. Stacey, ISB #6800  
Jeff R. Sykes, ISB #5058  
Chad M. Nicholson, ISB #7506  
**McCONNELL WAGNER SYKES & STACEY PLLC**  
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[sykes@mwsslawyers.com](mailto:sykes@mwsslawyers.com)  
[nicholson@mwsslawyers.com](mailto:nicholson@mwsslawyers.com)

Attorneys For Valiant Idaho, LLC

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER**

**GENESIS GOLF BUILDERS, INC.,**  
formerly known as  
**NATIONAL GOLF BUILDERS, INC.,**  
a Nevada corporation,

Plaintiff,

vs.

**PEND OREILLE BONNER  
DEVELOPMENT, LLC,**  
a Nevada limited liability company; *et al.*,

Defendants.

Case No. CV-09-1810

**DECLARATION OF  
WILLIAM HABERMAN IN SUPPORT  
OF VALIANT IDAHO, LLC'S  
MOTION FOR A  
TEMPORARY RESTRAINING ORDER  
AND PRELIMINARY INJUNCTION  
AGAINST VP, INCORPORATED**

**Honorable Barbara A. Buchanan**

**AND RELATED COUNTER, CROSS  
AND THIRD PARTY ACTIONS  
PREVIOUSLY FILED HEREIN.**

**DECLARATION OF WILLIAM HABERMAN IN SUPPORT  
OF VALIANT IDAHO, LLC'S MOTION FOR A  
TEMPORARY RESTRAINING ORDER AND  
PRELIMINARY INJUNCTION AGAINST VP, INCORPORATED | Page 1**

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**I, William Haberman**, hereby state and declare:

1. I am the Manager of Valiant Idaho, LLC (“Valiant”) and I make this declaration based on my own personal knowledge.

2. As the managing member of Valiant, I am responsible for overseeing and supervising all further development of *The Idaho Club*, as defined by the master plan approved by the County of Bonner, State of Idaho and, as such, I am familiar with the water and sewer system infrastructure located on, under and appurtenant to *The Idaho Club*, and have knowledge and understanding as to how these systems operate and deliver sewer/water services to lots within *The Idaho Club*. I am also familiar with the property Valiant owns in and around *The Idaho Club*, including the properties Valiant purchased at the Sheriff’s Sale held on November 7, 2016 (“Sheriff’s Sale”), the properties Valiant’s affiliate purchased from Glacier Bank, N.A. (“Glacier Bank”) in January of 2017, and the properties and assets Valiant purchased from Pend Oreille Bonner Development, LLC (“POBD”) in February of 2017.

3. Valiant is the owner of 154 lots (“Valiant Lots”) located within *The Idaho Club* that it purchased at a Sheriff’s Sale pursuant to a Judgment and Foreclosure Decree entered by this Court.

4. On the afternoon of Wednesday, April 12, 2017, VP unilaterally, and without notice to Valiant, shut-off water services to much of the real property located within *The Idaho Club*, including water services to the Valiant Lots. As a result, there are no longer water services to any of the Valiant Lots.

5. By shutting-off water to the Valiant Lots, Valiant is unable to take further steps to develop, market and sell any of the Valiant Lots.



**I DECLARE**, under penalty of perjury, that the foregoing is true and correct.

**DATED** this 13<sup>th</sup> day of April 2017.

  
\_\_\_\_\_  
WILLIAM HABERMAN

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 13<sup>th</sup> day of April 2017, a true and correct copy of the foregoing document was served by the method indicated below upon the following party(ies):

Gary A. Finney, Esq. Finney Finney & Finney, P.A. 120 East Lake Street, Suite 317 Sandpoint, Idaho 83864 Telephone: 208.263.7712 Facsimile: 208.263.8211 <i>Counsel For J.V., LLC</i>	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input checked="" type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail <a href="mailto:garyfinney@finneylaw.net">garyfinney@finneylaw.net</a>
Susan P. Weeks, Esq. James, Vernon & Weeks, PA 1626 Lincoln Way Coeur d'Alene, Idaho 83814 Telephone: 208.667.0683 Facsimile: 208.664.1684 <i>Counsel For VP Incorporated/North Idaho Resorts</i>	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input checked="" type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail <a href="mailto:sweeks@jvwlaw.net">sweeks@jvwlaw.net</a>

With a copy via Electronic Mail to:

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215 South First Avenue  
Sandpoint, Idaho 83864  
[bbuchanan@co.bonner.id.us](mailto:bbuchanan@co.bonner.id.us)  
[sezenwa@bonnercountyid.gov](mailto:sezenwa@bonnercountyid.gov)



Richard L. Stacey

STATE OF IDAHO  
COUNTY OF BONNER  
FIRST JUDICIAL DISTRICT

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Attorneys For Valiant Idaho, LLC

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER**

**GENESIS GOLF BUILDERS, INC.,**  
formerly known as  
**NATIONAL GOLF BUILDERS, INC.,**  
a Nevada corporation,

Plaintiff,

vs.

**PEND OREILLE BONNER  
DEVELOPMENT, LLC,**  
a Nevada limited liability company; *et al.*,

Defendants.

**AND RELATED COUNTER, CROSS  
AND THIRD PARTY ACTIONS  
PREVIOUSLY FILED HEREIN.**

Case No. CV-09-1810

**ORDER ON VALIANT IDAHO, LLC'S  
MOTION FOR A  
TEMPORARY RESTRAINING ORDER  
AGAINST VP, INCORPORATED**

**Honorable Barbara A. Buchanan**

**ORDER ON VALIANT IDAHO, LLC'S MOTION FOR  
TEMPORARY RESTRAINING ORDER AGAINST  
VP, INCORPORATED | Page 1**

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Valiant Idaho, LLC's ("Valiant") Motion For A Temporary Restraining Order and Preliminary Injunction Against VP, Incorporated ("Motion") came regularly before the Court on April 13, 2017. The Court, having considered the (1) Motion, (2) Memorandum in Support of [Valiant's] Motion For A Temporary Restraining Order and Preliminary Injunction Against VP, Incorporated, (3) Declaration of Richard L. Stacey in Support of [Valiant's] Motion For A Temporary Restraining Order and Preliminary Injunction Against VP, Incorporated, (4) Declaration of William Haberman in Support of [Valiant's] Motion For A Temporary Restraining Order and Preliminary Injunction Against VP, Incorporated, and (5) all other pleadings and declarations on file herein; and, finding there is a threat that Valiant, its real property which is the subject of this litigation, as well as other residents within *The Idaho Club*, as defined by the master plan approved by the County of Bonner, State of Idaho, will suffer great and irreparable harm if water service is not immediately restored to *The Idaho Club* before Valiant's Motion For Preliminary Injunction can be heard on notice, and for other good cause,

**IT IS HEREBY ORDERED** as follows:

1. Pending the Court's determination of Valiant's Motion For Preliminary Injunction, VP, Incorporated ("VP"), and its agents, servants and employees, are hereby ordered:
  - a. To immediately restore all water services (within 24 hours from the entry of this Temporary Restraining Order) that were being provided to the real properties and/or property owners within *The Idaho Club* before being shut-off on April 12, 2017 by VP, or its employees, servants or agents; and

b. VP, and its agents, servants, and employees, is prohibited from further interfering with or terminating such water service until the Court enters its decision on Valiant's Motion For Preliminary Injunction.

2. This Temporary Restraining Order shall take effect immediately upon Valiant's posting cash or bond in the amount of \$ 5000- and shall remain in effect until the Court enters its decision on Valiant's Motion For Preliminary Injunction, unless the parties stipulate to its extension.

3. Valiant's Motion For Preliminary Injunction shall be heard on April 19, 2017 at 2:00 p.m. PDST.

DATED this 13 day of April 2017, at 2:25 p.m.



**Honorable Barbara A. Buchanan**  
**Judge of the First Judicial District**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 13 day of April 2017, a true and correct copy of the foregoing document was served by the method indicated below upon the following party(ies):

Gary A. Finney, Esq. Finney Finney & Finney, P.A. 120 East Lake Street, Suite 317 Sandpoint, Idaho 83864 Telephone: 208.263.7712 Facsimile: 208.263.8211 <i>Counsel For J.V., LLC</i>	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input checked="" type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail  <a href="mailto:garyfinney@finneylaw.net">garyfinney@finneylaw.net</a>
Richard L. Stacey, Esq. Jeff R. Sykes, Esq. Chad M. Nicholson, Esq. McConnell Wagner Sykes & Stacey PLLC 827 East Park Boulevard, Suite 201 Boise, Idaho 83712 Telephone: 208.489.0100 Facsimile: 208.489.0110 <i>Counsel For Valiant Idaho, LLC</i>	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input checked="" type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail  <a href="mailto:stacey@mwsslawyers.com">stacey@mwsslawyers.com</a> <a href="mailto:sykes@mwsslawyers.com">sykes@mwsslawyers.com</a> <a href="mailto:nicholson@mwsslawyers.com">nicholson@mwsslawyers.com</a>
Susan P. Weeks, Esq. James, Vernon & Weeks, PA 1626 Lincoln Way Coeur d'Alene, Idaho 83814 Telephone: 208.667.0683 Facsimile: 208.664.1684 <i>Counsel For VP Incorporated/North Idaho Resorts</i>	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input checked="" type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail  <a href="mailto:sweeks@jvwlaw.net">sweeks@jvwlaw.net</a>

  
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 Clerk of the Court