

Instrument # 1005118
 Bonner County, Sandpoint, Idaho
 05/10/2022 10:24:55 AM No. of Pages: 5
 Recorded for: CHARLIE KRAMER
 Michael W. Rosedale Fee: \$22.00
 Ex-Officio Recorder Deputy
 Index to: ENCROACHMENT PERMIT

BC



This space is reserved for recording purposes only



ENCROACHMENT PERMIT NO. L96S2023E

Permission is hereby granted to Mill Harbor Dev. LLC of 601 South Division Street, Spokane, WA, 99202, United States (USA) to install and maintain the following encroachment(s) subject to the terms and conditions of this Permit and the approved application, plans and drawings incorporated herein:

Encroachment	Description	Effective Date	Construction to be completed by	
Encroachment: Community Dock	764' x 6' community dock	4584 Square Feet	05/03/2022	05/03/2025
Encroachment: Other Navigational	one-time dredging of up to 74 cubic yards in existing boat basin		10/19/2012	
Encroachment: Other Non-Navigational	two 5' wide x 4' tall rock groins, 40' in length		10/19/2012	
Encroachment: Rip Rap	existing riprap along 120' at entrance to boat basin and along 590' of shoreline for erosion control		10/19/2012	
Encroachment: Waterline	2" irrigation line and 6" fire stand pipe		10/19/2012	

Located on **Lake Pend Oreille** in BONNER COUNTY, adjacent to:

Parcel Number	RPE31720000CA0A
Section, Township, Range	T57N R01E, sec 35, Boise Meridian

**PEND OREILLE
SUPERVISORY AREA**
2550 Highway 2 West
Sandpoint ID 83864
Phone (208) 263-5104
Fax: Area (208) 263-0724
Fax: District (208) 265-7263



DUSTIN T. MILLER, DIRECTOR
EQUAL OPPORTUNITY EMPLOYER

STATE BOARD OF LAND COMMISSIONERS
*Brad Little, Governor
Lawrence E. Denney, Secretary of State
Lawrence G. Wasden, Attorney General
Brandon D Woolf, State Controller
Sherri Ybarra, Sup't of Public Instruction*

November 30, 2021

Mill Harbor Dev. LLC
John Layman
601 South Division Street
Spokane WA 99202

Re: Encroachment Permit L96S2023D

Dear Mr. Layman:

Enclosed is subject permit in accordance with the application you filed with this office. Please comply with all special terms and conditions. This permit does not preclude you from getting other permits such as one from the Corps of Engineers. You should contact them prior to construction.

This permit is not valid until you provide us with proof of recordation from your county recorder's office. The encroachment permit number (2023) must be displayed upon the most waterward area of your encroachment with metal, plastic (vinyl) or wooden numerals at least three inches in size.

All approved work must be completed before the sunset date indicated in the terms and conditions of the permit.

WHAT NEXT

1. **Record** the Encroachment Permit with Bonner County to **validate** it. Please note that the original notarized permit must be presented to the Records Office, a copy will not be accepted. Please submit a copy of the recorded Encroachment Permit to the Idaho Department of Lands Sandpoint office.
2. When construction on your encroachment is complete, please fill in the 'Work Completion Report' form and return to the address indicated.
3. The 'Request For Assignment of Encroachment Permit' is for when you sell your property. You sign in the appropriate location and give it to the new owner; they complete the form and return it to the Idaho Department of Lands.

Thank you for your cooperation.

Sincerely,

Justin Eshelman, Lands Resource Specialist, Sr.
Public Trust

Enclosures

cc: Bonner County Assessor's Office
U. S. Army Corps of Engineers / Coeur d'Alene
Maureen O'Shea / Idaho Department of Water Resources
Charlie Kramer / CE Kramer Crane and Contracting Inc

WORK COMPLETION REPORT

Name _____

Permit #L96S2023D

This work to be completed by: 11/30/2024

Permit issue date: 11/30/2021

Recordation Instrument No.: _____

Date work completed: _____

Is permitted property accessible by vehicle? _____ YES NO

If so, what is the local numbering system
number if any? _____

Signature: _____

Upon completion of work, please return this report to:

**Idaho Department of Lands
Pend Oreille Lake Supervisory Area
2550 Highway 2 West
Sandpoint, ID 83864**



Request for Assignment of Encroachment Permit

I/We, _____, am/are the current permittee(s) of the Idaho Department of Lands encroachment permit(s) listed below.
I/We, as Assignor(s), request that the identified permit(s) be assigned to

_____, identified below as "Assignee(s)."

Encroachment Number (s): _____

Body of Water: _____

County: _____

ASSIGNOR(S) -- CURRENT PERMITTEE(S)

We hereby swear and affirm that the information contained herein is true and correct to the best of our knowledge.

Assignor _____ Assignor _____

STATE OF _____)
: ss.

County of _____)

On this ___ day of _____, in the year 20___, before me, a notary public in and for said State, personally appeared _____, known to me to be the Assignor(s)/Permittee(s) that executed the within instrument, and acknowledged to me that _____ executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the day and year last above written.

Notary Public
Residing at: _____
My Commission Expires: _____

ASSIGNEE(S) -- NEW PERMITTEE(S)

I/We accept and agree to comply with the terms and conditions of the permit(s) as issued.

Name: _____ Phone: _____

Address: _____

Assignee _____ Date _____ Assignee _____ Date _____

✓ You must submit an assignment fee of \$300.00.

SUBMIT DOCUMENTATION TO THE APPROPRIATE IDL AREA OFFICE:

Pend Oreille Area - 2550 Highway 2 West - Sandpoint ID 83864 - (208) 263-5104

Coeur d'Alene Area - 3258 W Industrial Loop - Coeur d'Alene, ID 83815 - (208) 769-1577

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ENCROACHMENT PERMIT NO. L96S2023D

Permission is hereby granted to Mill Harbor Dev. LLC of 601 South Division Street, Spokane, WA, 99202, United States (USA) to install and maintain the following encroachment(s) subject to the terms and conditions of this Permit and the approved application, plans and drawings incorporated herein:

Encroachment	Description	Effective Date	Construction to be completed by	
Encroachment: Community Dock	764' x 6' boardwalk extending 4' beyond the Artificial High Water Mark	3056 Square Feet	11/30/2021	11/30/2024
Encroachment: Other Navigational	one-time dredging of up to 74 cubic yards in existing boat basin		10/19/2012	
Encroachment: Other Non-Navigational	two 5' wide x 4' tall rock groins, 40' in length		10/19/2012	
Encroachment: Rip Rap	existing riprap along 120' at entrance to boat basin and along 590' of shoreline for erosion control		10/19/2012	
Encroachment: Waterline	2" irrigation line and 6" fire stand pipe		10/19/2012	

Located on **Lake Pend Oreille** in BONNER COUNTY, adjacent to:

Parcel Number	RPE31720000CA0A
Section, Township, Range	T57N R01E, sec 35, Boise Meridian

1. General

- A. In order for this permit to be valid, Permittee must record this permit in the records of the county in which the encroachment is located and furnish proof of recordation to the Department pursuant to Idaho Code §§ 58-1305(h) and -1306(f).
- B. All applicable provisions of the Lake Protection Act (Idaho Code Title 58, Chapter 13) and Rules for Regulation of Beds, Waters, and Airspace over Navigable Lakes and Streams in the State of Idaho (IDAPA 20.03.04.000 *et seq.*) are incorporated herein by reference and made a part hereof.
- C. This permit does not convey the State's title to nor jurisdiction or management of lands lying below the natural or ordinary high water mark.
- D. Construction must follow details and specifications shown on the approved application, plans, and drawings provided by Permittee. Should such information prove to be materially false, incomplete and/or inaccurate, this authorization may be modified, suspended, or revoked in accordance with the Administrative Procedures Act, Idaho Code Title 67, Chapter 52 and IDAPA 20.03.04.080.07. At any time, and prior to any modification to the application, plans, drawings or encroachments Permittee must consult with the Idaho Department of Lands to determine if a new permit is required.
- E. Permittee shall maintain the structure or work authorized herein in a good and safe condition and in accordance with the approved application, plans and drawings. Permittee shall contact the Idaho Department of Lands 10 days prior to the planned start date of any maintenance or replacement activities.
- F. Acceptance of this permit constitutes permission by Permittee for representatives of the Idaho Department of Lands to come upon Permittee's Property at all reasonable times to inspect the encroachment authorized by this permit.
- G. Permittee shall indemnify, defend and save harmless the State, its officers, agents and employees from and against any and all liability, claims, damages, losses, expenses, actions, settlements, attorneys' fees, and suits whatsoever caused by, arising out of, or in connection with Permittee's acts or omissions under this permit or Permittee's failure to comply with any state or federal statute, law, regulation or rule.
- H. Authorization for any activity authorized herein that is not completed on or before the completion date identified above, shall automatically terminate unless an extension was granted in writing by IDL.
- I. This permit supersedes and voids any permit previously issued for this property. Unless specifically authorized in this permit, any pre-existing or abandoned portions of encroachments, whether previously permitted or not, shall be removed from below the ordinary or artificial high water mark.
- J. This permit does not relieve Permittee from obtaining additional approvals or otherwise complying with other local, state, or federal laws.
- K. Idaho State Water Quality Standards (IDAPA 58.01.02.000 *et seq.*) shall be maintained at all times during and after project start up.
- L. This permit is issued contingent upon Permittee's continuing status as an owner or lessee of the littoral right associated with the property described on page 1 of this permit.
- M. Permittee shall not assign this permit without first obtaining the written consent of IDL. Any request for approval of an assignment must be in writing, on forms provided by IDL, and accompanied by the applicable processing fee.
- N. Permittee assumes all liability for damages, which may result from the exercise of this permit.

2. Construction

- A. The Permittee or contractor shall have a copy of this permit available on site for inspection at all times during construction.
- B. Permittee is responsible for all work done by any contractor. Permittee shall provide contractor with a copy of this permit. Permittee shall ensure any contractor who performs the work is informed of and follows all the terms and conditions of this permit.
- C. Construction barges or other watercraft shall not be grounded on the lakebed for any reason.
- D. Permittee, contractor and anyone acting on their behalf are prohibited from allowing equipment, boats, barges or associated machinery to create petroleum product sheen on the water or otherwise create a release of petroleum or petroleum products due to petroleum products handling, use or storage. The contractor shall maintain an adequate supply of petroleum absorbent pads. The Emergency Response Team phone number, 1-800-632-8000, must be readily available at all times.

- E. Operation of excavation equipment will not be allowed below the ordinary or artificial high water mark without prior written authorization from IDL. Equipment may be operated only on dry land above the level of the lake at the time of operation.
- F. Demolition debris and construction waste shall be removed from the lake and disposed of at an approved upland location.
- G. Foam flotation shall be completely encased in a manner that will maintain the structural integrity of the foam. The encasement shall be resistant to the entry of rodents and shall be replaced if cracked, damaged, or similarly compromised.
- H. It is illegal to possess or transport Quagga or Zebra mussels into or through Idaho, and to launch infested watercraft. Used boat lifts shall be inspected for invasive species and determined to be free from such species prior to installation. Permittee shall provide IDL with proof of inspection by an authorized inspector prior to installing the boat lift and/or placing it in the water. Prior to installation call 877-336-8676 for decontamination.
- I. Piles and pylons shall be driven with noise reduction devices.
- J. Construction materials shall be natural or pressure treated utilizing only those preservative chemicals registered for the specific uses by the U.S. Environmental Protection Agency (EPA). All treated wood materials shall be produced in compliance with "Best Management Practices (BMPs) For the Use of Treated Wood in Aquatic and other Sensitive Environments" issued by the Western Wood Preservers Institute (WWPI) 2012. Treated materials not in contact with the water shall be completely dry before use near navigable waters. Use of Chromated Copper Arsenate (CCA) treated wood shall adhere to the EPA recommendations regarding use of arsenate treated wood. Contact Idaho Department of Environmental Quality for information on acceptable treatment methods and materials.
- K. All construction material including maintenance material must be stockpiled landward of the ordinary or artificial high water mark
- L. No trees or vegetation shall be removed below the ordinary high water mark without written approval of the Idaho Department of Lands.
- M. The disturbed portion of the lakebed shall be shaped to its original contour upon completion of the project.
- N. Any vegetation located below the ordinary high water mark disturbed by construction activity shall be replanted with native plants, unless otherwise agreed to in writing by IDL.
- O. All construction shall meet the standards of the Uniform Building and International Fire Codes. Permittee shall contact the appropriate body of jurisdiction concerning these codes prior to installation.
- P. A silt curtain, fence, or other appropriate Best Management Practice (BMP) shall be installed waterward of the project site. It must remain in place and functional until the turbidity level inside the curtain, fence or BMP equals the turbidity outside the curtain, or until all disturbed sediment has been removed from the BMP and stabilized in an upland location.
- Q. If any excavation or pile driving occurs the operator must comply with the provisions of the Underground Facilities Damage Prevention Law (Idaho Code Title 55, Chapter 22). The one-call locator service number is 811.

3. Riprap

- A. No riprap shall be placed in excess of the minimum needed for erosion control.
- B. Riprap shall be placed along the present contour of the shoreline.
- C. BMPs must be implemented to prevent sediment or sediment laden water from reentering the lake. BMPs must remain in place until the risk of sediment reentering the lake has been fully mitigated. Sediment mitigation BMPs must be removed prior to or designed to withstand any rise in lake water level which might cause an unplanned release of trapped sediment.
- D. Any excavated material shall be sidecast to only one side of the trench and shall either be replaced in the trench or removed to an area above the ordinary or artificial high water mark and in a position such that it will not reenter the lake.

4. Dredging

- A. Excavated material not replaced shall be removed to an area above the ordinary or artificial high water mark and in a position such that it will not reenter the lake.
- B. Mechanized excavation is authorized between the ordinary high water mark and Low Water Level per the approved application, plans, and drawings. During excavation, BMPs must be incorporated to prevent sediment or sediment laden water from reentering the lake. BMPs must remain in place until the risk of sediment reentering the lake has been fully

mitigated. Sediment mitigation BMPs must be removed prior to or designed to withstand any rise in lake water level which might cause an unplanned release of trapped sediment.

5. **Waterline**


- A. The water intake should be screened in a manner that would create approach velocities of not more than **0.5 feet per second** and a maximum screen mesh diameter of one-quarter inch.
- B. The waterline shall be anchored to the bed of the lake with a nontoxic type of weight.
- C. No water shall be diverted by the water intake system until a valid permit to appropriate water or water right is obtained from the Idaho Department of Water Resources.
- D. Any excavated material shall be sidecast to only one side of the trench and shall either be replaced in the trench or removed to an area above the ordinary or artificial high water mark and in a position such that it will not reenter the lake.

6. **Lake Specific Terms**

A. **Lake Pend Oreille**

Existing piling to be removed that are in a known spawning area or near the confluence of a bull trout stream shall be cut off. Other existing piling to be removed may be snapped off with a tug or barge, however, this method shall not cause turbidity from prop wash, and the remaining piling shall not become a hazard to navigation nor protrude more than two feet above the bed of the waterway.

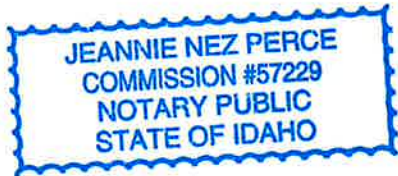
ON BEHALF OF THE DIRECTOR

By: 
Justin Eshelman, Lands Resource Specialist
Public Trust – Pend Oreille Office

11/30/2021 _____
Date

STATE OF IDAHO)
) ss
BONNER COUNTY)

On November 30, 2021 personally appeared before me Justin Eshelman, whose identity is personally known to me and who by me duly affirmed that he/she is the Lands Resource Specialist, Public Trust Pend Oreille Office of the Idaho Department of Lands, and acknowledged that the foregoing document was signed by him/her on behalf of said state agency by authority of a Resolution of the State Land Board.




Notary Public for Idaho Department of Lands
My commission expires on 1/6/2023



IDAHO DEPARTMENT OF FISH AND GAME

PANHANDLE REGION
2885 West Kathleen Avenue
Coeur d'Alene, Idaho 83815

Brad Little / Governor
Ed Schriever / Director

DEPT OF LANDS

NOV 4 2021

November 4, 2021

PEND OREILLE LAKE

Mr. Justin Eshelman
Resource Specialist Sr., Lands & Waterways
Idaho Department of Lands
Pend Oreille Supervisory Office
2550 Highway 2 West
Sandpoint ID 83864

REFERENCE: L-96-S-2023D – Mill Harbor Dev. LLC Community Dock

Dear Justin:

We have reviewed the above-named application to install a private, boardwalk style, community dock along the shoreline of Lake Pend Oreille. The purpose of these comments is to assist the decision-making authority by providing technical information addressing potential effects on wildlife and wildlife habitat and how any adverse effects might be mitigated.

The proposed community dock would be 4 feet wide by 764 lineal feet in the shape of the small basin (roughly U-shaped) it is proposed to be located. We appreciate and encourage efforts that minimize the footprint of private structures on public waters, but in this case the property in question belongs to the applicant as submerged land and is currently not available to anglers.

Docks, piers and pilings are an encroachment in lakes and rivers that also can be detrimental to fish and fish habitat. Lake Pend Oreille has been ESA designated as Critical Habitat for bull trout (threatened) by the U.S. Fish and Wildlife Service. A Critical Habitat designation identifies geographic areas that contain features essential for the conservation of a threatened or endangered species and that may require special management or protection. Additionally westslope cutthroat trout and Gerrard rainbow trout can be found throughout the system year round.

Shoreline modifications (e.g., docks, breakwaters) are used by species such as smallmouth bass, walleye, and northern pike, all of which have become increasingly common in the lake in recent years. Pike and walleye, based on diet analysis, pose a predation risk to the established fishery that includes native bull trout and westslope cutthroat trout, kokanee, and Gerrard rainbow trout.

Keeping Idaho's Wildlife Heritage

Equal Opportunity Employer • 208-769-1414 • Fax: 208-769-1418 • Idaho Relay (TDD) Service: 1-800-377-3529 • <https://idfg.idaho.gov>

Mr. Justin Eshelman – Page 2
November 4, 2021

We have concerns about any construction that may occur near the mouth of nearby Strong Creek. Strong Creek is a spawning tributary for cutthroat and bull trout, and modification to the outlet, or structures near the outlet, would have detrimental effects on these adfluvial fish populations by affecting their ability to migrate up and downstream to spawning areas. The current application seems to avoid this sensitive area.

We recommend that all construction be completed during low water, and all appropriate erosion/sediment control BMPs be employed during construction and until disturbed areas are fully stabilized to avoid any negative impacts.

Thank you for the opportunity to comment.

Sincerely,



Charles E. Corsi
Regional Supervisor

CEC:MH:lat
C: eFile M:\

October 8, 2021

Idaho Department of Lands
2550 Hwy 2
Sandpoint, Idaho 83864

DEPT OF LANDS

Attn: Justin Eshelman

OCT 11 2021

Re: Permit Application

Dear Mr. Eshelman;

We are writing in request to obtain a permit for the construction of a boardwalk to be installed around the community basin at our property at Mill Harbor in Hope, Idaho. The boardwalk would measure 4 feet wide by 764 lineal feet. This will be for the owner's us.

We have have enclosed a check in the amount of two thousand seventy five dollars (\$2,075.00) to cover the cost of permitting.

We have also forwarded this request to the Army Corps of Engineers in their Coeur d'Alene, Idaho office for their review and approval.

Thank you and if you have any questions, please feel free to contact us.

Sincerely,



John Layman
Mill Harbor LLL - HOA

Cc: Army Corps of Engineers

JOINT APPLICATION FOR PERMITS

U.S. ARMY CORPS OF ENGINEERS - IDAHO DEPARTMENT OF WATER RESOURCES - IDAHO DEPARTMENT OF LANDS

Authorities: The Department of Army Corps of Engineers (Corps), Idaho Department of Water Resources (IDWR), and Idaho Department of Lands (IDL) established a joint process for activities impacting jurisdictional waterways that require review and/or approval of both the Corps and State of Idaho. Department of Army permits are required by Section 10 of the Rivers & Harbors Act of 1899 for any structure(s) or work in or affecting navigable waters of the United States and by Section 404 of the Clean Water Act for the discharge of dredged or fill materials into waters of the United States, including adjacent wetlands. State permits are required under the State of Idaho, Stream Protection Act (Title 42, Chapter 3B, Idaho Code and Lake Protection Act (Section 58, Chapter 13 et seq., Idaho Code). In addition the information will be used to determine compliance with Section 401 of the Clean Water Act by the appropriate State, Tribal or Federal entity.

Joint Application: Information provided on this application will be used in evaluating the proposed activities. Disclosure of requested information is voluntary. Failure to supply the requested information may delay processing and issuance of the appropriate permit or authorization. **Applicant will need to send a completed application, along with one (1) set of legible, black and white (8 1/2"x11"), reproducible drawings that illustrate the location and character of the proposed project / activities to both the Corps and the State of Idaho.**

See Instruction Guide for assistance with Application. Accurate submission of requested information can prevent delays in reviewing and permitting your application. Drawings including vicinity maps, plan-view and section-view drawings must be submitted on 8-1/2 x 11 papers.

Do not start work until you have received all required permits from both the Corps and the State of Idaho

FOR AGENCY USE ONLY

USACE NWW-	Date Received:	<input type="checkbox"/> Incomplete Application Returned	Date Returned:
Idaho Department of Water Resources No.	Date Received:	<input type="checkbox"/> Fee Received DATE:	Receipt No.:
Idaho Department of Lands No. L9652023D	Date Received: 10/15/2021	<input checked="" type="checkbox"/> Fee Received \$2075.00 DATE: 10/15/2021	Receipt No.:

INCOMPLETE APPLICATIONS MAY NOT BE PROCESSED

1. CONTACT INFORMATION - APPLICANT Required:				2. CONTACT INFORMATION - AGENT:				
Name: JOHN LAYMAN				Name: CHARLIE KRAMER				
Company: MILL HARBOR DEV. L.L.C.				Company: C.E. KRAMER CRANE AND CONTRACTING, INC.				
Mailing Address: 601 SOUTH DIVISION STREET				Mailing Address: 46820 HWY 200				
City: SPOKANE		State: WA	Zip Code: 99202-1355	City: HOPE		State: ID	Zip Code: 83836	
Phone Number (include area code): 509-455-8883		E-mail: jrlayman@laymanlawfirm.com		Phone Number (include area code): 208-264-3021		E-mail: cekramer3@me.com		
3. PROJECT NAME or TITLE: MARINA CONSTRUCTION				4. PROJECT STREET ADDRESS: HWY 200 HOPE				
5. PROJECT COUNTY: BONNER		6. PROJECT CITY: HOPE		7. PROJECT ZIP CODE: 83836		8. NEAREST WATERWAY/WATERBODY: LAKE PEND OREILLE		
9. TAX PARCEL ID#: RPE00000356651A		10. LATITUDE: 48 14'28 31"N LONGITUDE: 116 18'06 67"W		11a. 1/4: 1-6	11b. 1/4:	11c. SECTION: 35	11d. TOWNSHIP: 57N	11e. RANGE: 1 EAST
12a. ESTIMATED START DATE: NOVEMBER 1, 2021		12b. ESTIMATED END DATE: MARCH 2022		13a. IS PROJECT LOCATED WITHIN ESTABLISHED TRIBAL RESERVATION BOUNDARIES? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES Tribe:				
13b. IS PROJECT LOCATED IN LISTED ESA AREA? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES				13c. IS PROJECT LOCATED ON/NEAR HISTORICAL SITE? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES				
14. DIRECTIONS TO PROJECT SITE: Include vicinity map with legible crossroads, street numbers, names, landmarks. FROM SANDPOINT, IDAHO TAKE HWY 200 EAST FOR APPROXIMATELY 15 MILES. IT IS THE FIRST DRIVEWAY ON THE RIGHT BEFORE STRONG CREEK.								
15. PURPOSE and NEED: <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Public <input checked="" type="checkbox"/> Private <input type="checkbox"/> Other Describe the reason or purpose of your project; include a brief description of the overall project. Continue to Block 16 to detail each work activity and overall project. WE WOULD PROPOSE CONSTRUCTING THIS MARINA TO ALLOW US SAFE AND PROTECTED BOAT MOORAGE FOR THE OWNERS. THIS WOULD BE A PRIVATE MARINA.								

16. DETAILED DESCRIPTION OF EACH ACTIVITY WITHIN OVERALL PROJECT. Specifically indicate portions that take place within waters of the United States, including wetlands: Include dimensions; equipment, construction, methods; erosion, sediment and turbidity controls; hydrological changes: general stream/surface water flows, estimated winter/summer flows; borrow sources, disposal locations etc.:

- 10 INCH DIAMETER STEEL PIPE PILES WILL BE DRIVEN DURING LOW WATER DRAW DOWN FROM LAND.
- STEEL HEADERS AND THE BOARDWALK ACCESS DOCKS WILL BE CONSTRUCTED BY CARPENTERS AND SMALL TOOLS.
- ALL WORK WILL BE DONE IN THE DRY DURING LAKE DRAW DOWN MONTHS.
- BOARDWALK: 6 FEET WIDE WITH 4 FEET OVER WATER AND 2 FEET OVER LAND.

4 FT. X 350 FT. =1400 SF
 4 FT. X 320 FT. =1280 SF
 4 FT. X 94 FT. = 376 SF

 =3056 SF

TOTAL SQUARE FEET COMMON AREA = 3056 SF

17. DESCRIBE ALTERNATIVES CONSIDERED to AVOID or MEASURES TAKEN to MINIMIZE and/ or COMPENSATE for IMPACTS to WATERS of the UNITED STATES, INCLUDING WETLANDS: See Instruction Guide for specific details.

18. PROPOSED MITIGATION STATEMENT or PLAN: If you believe a mitigation plan is not needed, provide a statement and your reasoning why a mitigation plan is NOT required. Or, attach a copy of your proposed mitigation plan.

N.A.

DEPT OF LANDS

19. TYPE and QUANTITY of MATERIAL(S) to be discharged below the ordinary high water mark and/or wetlands:

Dirt or Topsoil: _____ cubic yards
 Dredged Material: _____ cubic yards
 Clean Sand: _____ cubic yards
 Clay: _____ cubic yards
 Gravel, Rock, or Stone: _____ cubic yards
 Concrete: _____ cubic yards
 Other (describe): _____ : _____ cubic yards
 Other (describe: N/A : _____ cubic yards
 TOTAL: _____ cubic yards

20. TYPE and QUANTITY of impacts to waters of the United States, including wetlands:

Filling: _____ acres _____ sq ft. _____ cubic yards
 Backfill & Bedding: _____ acres _____ sq ft. _____ cubic yards
 Land Clearing: _____ acres _____ sq ft. _____ cubic yards
 Dredging: _____ acres _____ sq ft. _____ cubic yards
 Flooding: _____ acres _____ sq ft. _____ cubic yards
 Excavation: _____ acres _____ sq ft. _____ cubic yards
 Draining: _____ acres _____ sq ft. _____ cubic yards
 Other: N/A : _____ acres _____ sq ft. _____ cubic yards
 TOTALS: _____ acres _____ sq ft. _____ cubic yards

21. HAVE ANY WORK ACTIVITIES STARTED ON THIS PROJECT? NO YES If yes, describe ALL work that has occurred including dates.

22. LIST ALL PREVIOUSLY ISSUED PERMIT AUTHORIZATIONS:

L-96-S-2013B IDAHO DEPARTMENT OF LANDS
 NWW-2007-00429 ARMY CORPS OF ENGINEERS

23. YES, Alteration(s) are located on Public Trust Lands, Administered by Idaho Department of Lands

24. SIZE AND FLOW CAPACITY OF BRIDGE/CULVERT and DRAINAGE AREA SERVED: N/A Square Miles

25. IS PROJECT LOCATED IN A MAPPED FLOODWAY? NO YES If yes, contact the floodplain administrator in the local government jurisdiction in which the project is located. A Floodplain Development permit and a No-rise Certification may be required.

26a. WATER QUALITY CERTIFICATION: Pursuant to the Clean Water Act, anyone who wishes to discharge dredge or fill material into the waters of the United States, either on private or public property, must obtain a Section 401 Water Quality Certification (WQC) from the appropriate water quality certifying government entity. See Instruction Guide for further clarification and all contact information.

The following information is requested by IDEQ and/or EPA concerning the proposed impacts to water quality and anti-degradation:

- NO YES Is applicant willing to assume that the affected waterbody is high quality?
- NO YES Does applicant have water quality data relevant to determining whether the affected waterbody is high quality or not?
- NO YES Is the applicant willing to collect the data needed to determine whether the affected waterbody is high quality or not?

26b. BEST MANAGEMENT PRACTICES (BMP's): List the Best Management Practices and describe these practices that you will use to minimize impacts on water quality and anti-degradation of water quality. All feasible alternatives should be considered - treatment or otherwise. Select an alternative which will minimize degrading water quality

- INSTALLATION OF SILT FENCING
- ALL WORK COMPLETED DURING LOW WATER DRAW DOWN MONTHS

DEPT OF LANDS

Through the 401 Certification process, water quality certification will stipulate minimum management practices needed to prevent degradation.

27. LIST EACH IMPACT to stream, river, lake, reservoir, including shoreline: Attach site map with each impact location.

Activity	Name of Water Body	Intermittent Perennial	Description of Impact and Dimensions	Impact Length Linear Feet
BOARDWALK - MARINA	MILL HARBOR BOARDWALK	PERENNIAL	4 FEET BY 764 LINEAL FEET	764 LF

TOTAL STREAM IMPACTS (Linear Feet):

28. LIST EACH WETLAND IMPACT include mechanized clearing, fill, excavation, flood, drainage, etc. Attach site map with each impact location.

Activity	Wetland Type: Emergent, Forested, Scrub/Shrub	Distance to Water Body (linear ft)	Description of Impact Purpose: road crossing, compound, culvert, etc.	Impact Length (acres, square ft linear ft)
	N.A			

TOTAL WETLAND IMPACTS (Square Feet):

L96S2023D

29. ADJACENT PROPERTY OWNERS NOTIFICATION REQUIREMENT: Provide contact information of ALL adjacent property owners below.

Name: IDAHO DEPARTMENT TRANSPORTATION Mailing Address: City: COEUR D'ALENE State: IDAHO Zip Code: Phone Number (include area code): E-mail:	Name: SEAN BERNARD Mailing Address: P.O. BOX 360 City: HOPE State: ID Zip Code: 83836 Phone Number (include area code): E-mail: serpentus99@gmail.com
Name: Mailing Address: City: State: Zip Code: Phone Number (include area code): E-mail:	Name: Mailing Address: City: State: Zip Code: Phone Number (include area code): E-mail:
Name: Mailing Address: City: State: Zip Code: Phone Number (include area code): E-mail:	Name: DEPT OF LANDS Mailing Address: City: State: Zip Code: Phone Number (include area code): E-mail:
Name: Mailing Address: City: State: Zip Code: Phone Number (include area code): E-mail:	Name: Mailing Address: City: State: Zip Code: Phone Number (include area code): E-mail:

30. SIGNATURES: STATEMENT OF AUTHORIZATION / CERTIFICATION OF AGENT / ACCESS

Application is hereby made for permit, or permits, to authorize the work described in this application and all supporting documentation. I certify that the information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein; or am acting as the duly authorized agent of the applicant (Block 2). I hereby grant the agencies to which this application is made, the right to access/come upon the above-described location(s) to inspect the proposed and completed work/activities.

Signature of Applicant: _____ Date: _____

Signature of Agent: Chad Egan Date: 7-2-21

This application must be signed by the person who desires to undertake the proposed activity AND signed by a duly authorized agent (see Block 1, 2, 30). Further, 18 USC Section 1001 provides that "Whoever, in any manner within the jurisdiction of any department of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both".

L9652023D



Application Number L9652023D

COMMERCIAL/COMMUNITY/NON-NAVIGATIONAL ENCROACHMENT PERMIT APPLICATION

This information sheet and checklist must be completed when submitting an encroachment permit application. Incomplete applications will be returned without processing.

- ENCROACHMENT TYPE:** (Check all that apply)
- Community dock
 - Commercial marina
 - Bank stabilization
 - Other – describe: _____
 - Float home
 - Boat garage
 - Mooring buoy(s)

- Applicant's Littoral Rights Are:**
- Signature of littoral rights owner is obtained if applicant is not the owner of the riparian/littoral rights
 - Owned, fee simple title holder
 - Leased
 - Other – describe: _____

Provide a Black/White Copy of Each Required Document on 8 1/2"x14" or Smaller Paper:

- County plat map showing both neighboring littoral lots.
- Tax record identifying the owner of the upland parcel(s)
- Lakebed profile with encroachment and water levels of winter and summer
- General vicinity map that allows Department to find the encroachment
- Scaled air photo or map showing lengths of nearby encroachments, distances to adjacent encroachments, and location and orientation of the proposed encroachment.

DEPT OF LANDS

Are Existing Docks or Other Encroachment(s) Permitted On This Parcel(s)?

- No
- Yes Please attach a current photograph and a "to scale" drawing (see Document Requirements Above)

Permit # _____ Date of Construction: _____

What will happen to the existing dock or encroachment if this permit application is approved?

- Remain unchanged
- Complete removal
- Modification
- Other: _____

(Please note that old dock materials must be removed from the lake. Discarding these materials creates serious boating safety issues and offenders will be subject to prosecution and penalties.)

How Many Feet Does the Proposed Encroachment Extend Beyond the Ordinary (or Artificial) High Water Mark? 4' x 764 feet

The Proposed Dock Length Is:

- The same or shorter than the two adjacent docks
- Longer than the two adjacent docks
- Longer than the two adjacent docks, but within the line of navigability established by the majority of existing docks in the area.
- 4 FT - ALONG feet and not located near any other docks or other encroachments. SHORELINE

For Community Docks, Does the Proposed Dock Exceed the Maximum Square Footage of 7 ft² per Littoral Front Foot?

- No Total square footage: _____
- Yes _____ ft² = 4 sq ft / FRONT FT.

For Community Docks, Does the Property Have at Least 50 Feet of Littoral Frontage?

- Yes Total front footage: 819 feet
 - No
- INTERIOR Bay = 819

L9652023D

Will the Proposed Encroachment Exceed the Maximum Width of 10 Feet?

- No
- Yes

If yes, explain why: _____

Will the Proposed Encroachment Be Located Closer Than 25 Feet to the Riparian/Littoral Right Lines Established With Your Neighbors?

- No
- Yes

If yes, what are the proposed distances? _____ feet

- Consent of affected neighbor was obtained

Determining Riparian/Littoral Right Lines

Littoral right lines are not simple extensions of the upland property lines. Littoral right lines are generally perpendicular, or at right angles, to the shoreline. Curved shorelines or unusual circumstances may require Department Staff, or other professionals, to closely examine littoral right lines and assess the potential for infringement on adjacent littoral property owners.

CHARLES E. KRAMER _____ 10-18-21
Printed Name Date

Charles E. Kramer _____
Signature of Applicant or Agent

DEPT OF LANDS

01/21/21

REPLAT OF MILL HARBOR

A PORTION OF GOVERNMENT LOTS 1 & 4 OF SECTION 35, TOWNSHIP 57 NORTH, RANGE 1 EAST, BOISE MERIDIAN, EAST HOPE, BONNER COUNTY, IDAHO

LEGEND

- SECTIONAL CORNER, AS NOTED.
- SET 5/8" X 24" REBAR AND CAP, PLS 14878
- FOUND MONUMENTATION, PLS 5713
- FOUND HIGHWAY ROW MONUMENT, PLS 3097
- CALCULATED POINT, HOLDING SET
- [] BEARING & DISTANCE PER OLD/BLM SURVEY
- (R1) RECORD OF SURVEY BY PLS M DIST. NO. 4, DATE
- (P1) MILL HARBOR, B.C. 10 OF PLATS AT P.D. 86, INST. 810312, RECORDS OF BONNER CO, IDAHO.

GENERAL NOTES

- A) SOLID WASTE SHALL BE THE RESPONSIBILITY OF THE LOT OWNERS.
- B) AN APPROVED ENCROACHMENT PERMIT FOR ACCESS ROAD APPROACH IS ON FILE WITH IDAHO TRANSPORTATION DEPARTMENT (ITD)
- C) PORTIONS OF THIS PLAT ARE LOCATED IN THE FLOOD ZONE ACCORDING TO FEMA FLOOD MAPS. DEVELOPMENT, EFFECTIVE 1/18/2009, RESIDENTIAL DEVELOPMENT SHALL CONFORM TO THE CITY OF EAST HOPE FLOODPLAIN MANAGEMENT REGULATIONS.

DEPT OF LANDS



LINE	LENGTH	BEARING
L1	12.81	S64°12'21"W
L2	10.72	S67°48'50"W
L3	13.12	S72°22'28"W
L4	28.81	S72°22'28"W
L5	28.14	S53°31'10"W
L6	43.09	S42°00'27"W
L7	25.59	S33°15'00"W
L8	12.74	S00°00'00"W

CURVE	LENGTH	BEARING	CHORD	CHORD BEARING
C1	8.10	2.00	9.22	S10°00'00"W
C2	3.12	1.00	3.24	S10°00'00"W
C3	12.04	0.50	12.12	S10°00'00"W
C4	18.07	1.25	18.18	S10°00'00"W
C5	24.09	2.00	24.24	S10°00'00"W
C6	14.52	0.50	14.58	S10°00'00"W
C7	4.74	14.01	14.07	S10°00'00"W

DOCUMENTS AND EASEMENTS OF RECORD

AS SHOWN ON POWERED TITLE CO. TITLE INSURANCE COMMITMENT, DATED MAR. 10, 2021, FILE 742437.

- A. PERPETUAL RIGHT OF WAY AND EASEMENT TO OVERLICK, FLOOD AND DISTURB, A PORTION OF THE PROPERTY, AND RESIDENTIAL PURPOSES, UPON THE TERMS AND PROVISIONS THEREIN SET FORTH AS CONTAINED BY THE UNITED STATES OF AMERICA, BY DECLARATION OF LANDS RECORDED IN RECORDS OF BONNER COUNTY, IDAHO, RECORDED AUG. 9, 1932, IN BOOK 14 OF JUDGMENTS, PAGE 71, AND BY DOCUMENT RECORDED MAY 7, 1929 AS P.C.T. NO. 113441, RECORDS OF BONNER COUNTY, ID. NOT SHOWN ON PLAT.
- B. PROPERTY OWNERS THE HEREINBEFORE RAISED RIGHT OF WAY AND IS SUBJECT TO THE REGULATIONS HEREON AND ANY UNRECORDED SHOWS ON MAP. AGREEMENT TO LEASE AGREEMENT FOR LEASE NO. 201974, 201974 AND WEST RAILWAY CO. 2/18/2000. NOTICE OF LEASE (DEFINITE TERM LEASE FOR LAND) RECORDED MARCH 17, 2011 AS INST. NO. 007185, RECORDS OF BONNER COUNTY, ID.
- C. UTILITY EASEMENT IN FAVOR OF MOUNTAIN STATES POWER CO. RECORDED MAR. 16, 1945, AS INST. NO. 27078, BOOK 19 OF MISCELLANEOUS, PAGE 532, RECORDS OF BONNER COUNTY, ID.
- D. ROADWAY EASEMENT IN FAVOR OF PLATTED PARCEL OVER HIGHWAY LAND RECORDED DECEMBER 6, 2008 AS INST. NO. 71853, RECORDS OF BONNER COUNTY, IDAHO, AMENDED DEC. 6, 2009 AS INST. NO. 71854, RECORDS OF BONNER COUNTY, ID. NOT SHOWN, SUPERSEDED BY CURRENT EASEMENT.
- E. ENCROACHMENT PERMIT NO. L-56-S-2323 RECORDED APR. 12, 2009 AS INST. NO. 71852, AND ENCROACHMENT PERMIT NO. L-56-S-2323A RECORDED MAY 13, 2009 AS INST. NO. 71853, RECORDS OF BONNER COUNTY, ID. MAP DEPICTS APPROACH OFF OF HWY. 200.
- F. RECORDS OF SURVEYS NUMBERS 478740 AND 717625, RECORDS OF BONNER COUNTY, ID.
- G. COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS AS SET FORTH ON THE PLAT OF MILL HARBOR AS RECORDED IN BOOK 10 OF PLATS AT PAGE 83, RECORDS OF BONNER COUNTY, ID.

SURVEYORS NARRATIVE:

1. THIS PLAT IS INTENDED FOR RESIDENTIAL PURPOSES.
2. WATER SERVICE IS PROVIDED BY CITY OF EAST HOPE WATER.
3. SANITARY SERVICE IS PROVIDED BY ELLSWORTH BAY SEWER DISTRICT.
4. SOLID WASTE SHALL BE THE RESPONSIBILITY OF THE INDIVIDUAL LOT OWNERS.
5. PORTIONS OF THIS PLAT ARE LOCATED IN THE FLOOD ZONE ACCORDING TO FEMA FLOOD MAPS. DEVELOPMENT, EFFECTIVE 1/18/2009, RESIDENTIAL DEVELOPMENT SHALL CONFORM TO THE CITY OF EAST HOPE FLOODPLAIN MANAGEMENT REGULATIONS.
6. AN APPROVED ENCROACHMENT PERMIT FOR ACCESS ROAD APPROACH IS ON FILE WITH THE IDAHO TRANSPORTATION DEPARTMENT (ITD).
7. STRUCKS SHOWN AT TIME OF PLATTING AND SHOULD BE REMOVED WITH THE CITY OF EAST HOPE PRIOR TO CONSTRUCTION.
8. A BINDER, COVENANTS AND UTILITY EASEMENTS IS REFERRED TO THE ENCROACHMENT PERMIT AND ACCESS ROAD APPROACH PERMIT AND APPROVED STRUCKS - REMOVAL REGULATIONS TO 2009.



1/4	Section	35	Range	1
		57 N		E
PROJECT: MILL HARBOR SHEETS: MILL HARBOR REPLAT 2021-23				

REPLAT MILL HARBOR

GLENN & ASSOCIATES
PROFESSIONAL LAND SURVEYORS
309 Connor Street
Sandpoint, Idaho 83864
208-256-4478

Scale: 1"=80'
Drawn By: TSD/2120
Checked By: TSD
Date: 2/22/2021
Sheet: 1 of 2

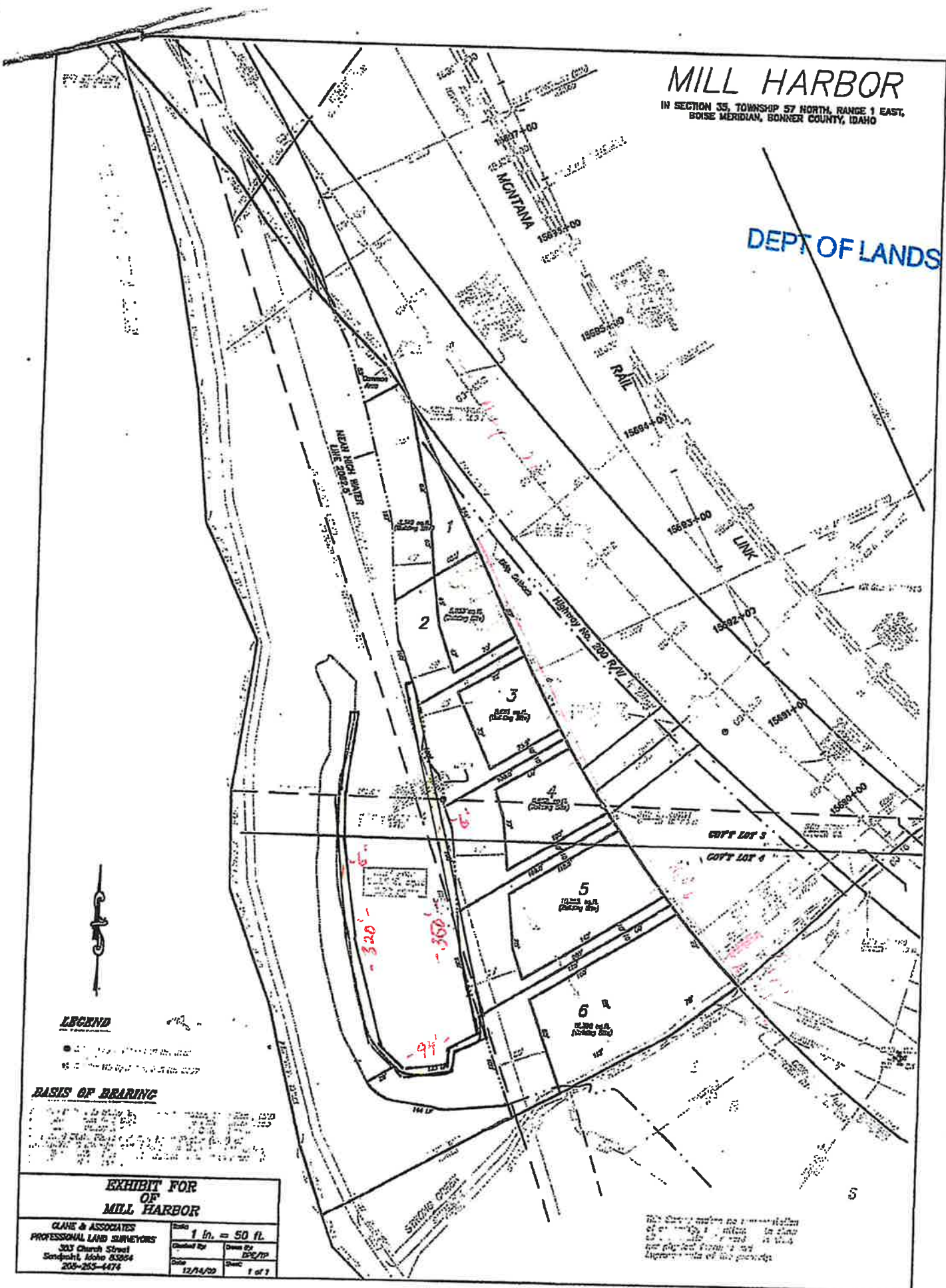
DEPT OF LANDS

The image displays a web-based GIS application interface. At the top left, there is a search bar with the text "Find structure or access" and a magnifying glass icon. Below the search bar are three zoom control buttons: a plus sign (+), a minus sign (-), and a double arrow (↔). The main map area shows an aerial view of a coastal region. A large parcel is highlighted with a red outline, and several other parcels are outlined in orange. Dimensions are labeled on the red-outlined parcel: "350'" on the top horizontal boundary, "350'" on the right vertical boundary, "340'" on the bottom horizontal boundary, and "340'" on the left vertical boundary. A white line labeled "North Lpo Shore" runs along the left side of the map. A road labeled "200" is visible in the upper right. At the bottom left, a scale bar shows "1:2256". To the right of the scale bar is a toolbar with icons for layers, home, search, zoom, and other map functions. In the bottom right corner, there is a circular logo for "BONNER COUNTY" with "1907" at the bottom, and the text "DEPT. OF LANDS" and "Powered by Esri" below it.

MILL HARBOR

IN SECTION 35, TOWNSHIP 57 NORTH, RANGE 1 EAST,
BOISE MERIDIAN, BONNER COUNTY, IDAHO

DEPT OF LANDS



LEGEND
 ● ...
 ○ ...

BASIS OF BEARING

...
 ...
 ...

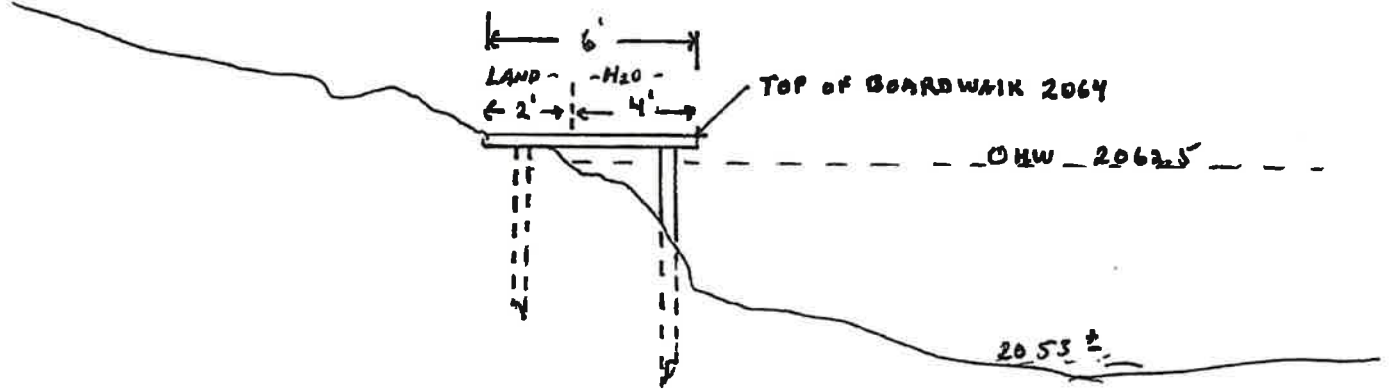
**EXHIBIT FOR
 OF
 MILL HARBOR**

CLARK & ASSOCIATES
 PROFESSIONAL LAND SURVEYORS
 303 Church Street
 Sandpoint, Idaho 83864
 209-255-4474

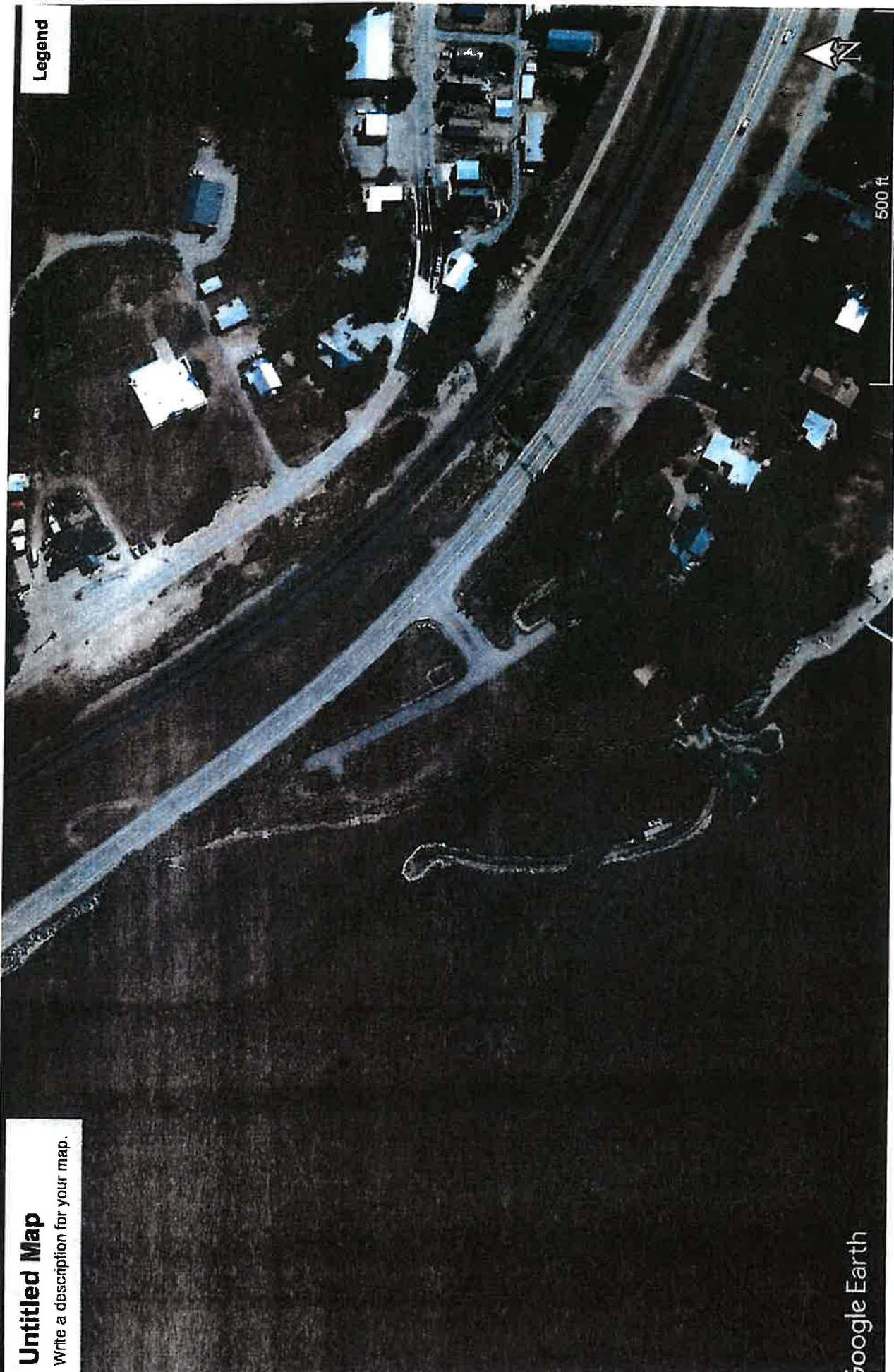
Scale	1 in. = 50 ft.
Checked By	Date By
Date	Sheet
12/14/00	1 of 1

This Survey makes no representation
 of accuracy or value in land
 or mineral rights and
 improvements of the property.

SECTION A



DEPT OF LANDS



Legend

Untitled Map
Write a description for your map.

Google Earth

500 ft

PROJECT
←

DEPT. OF LANDS

DEPT OF LANDS



REPLAT OF MILL HARBOR

A PORTION OF GOVERNMENT LOTS 3 & 4 OF SECTION 35,
TOWNSHIP 57 NORTH, RANGE 1 EAST, BOISE MERIDIAN,
EAST HOPE, BONNER COUNTY, IDAHO

LEGEND

- ✦ SECTIONAL CORNER, AS NOTED.
- ⊙ SET 3/8" X 24" REBAR AND CAP, PLS 14878
- ⊙ FOUND MONUMENTATION, PLS 5713
- ⊙ FOUND HIGHWAY ROW MONUMENT, PLS 5087
- CALCULATED POINT, NOTHING SET
- [] BEARING & DISTANCE PER CLO/BLM SURVEY
- (R1) RECORD OF SURVEY BY PLS X INST. NO. X, DATE
MILL HARBOR, BK. 10 OF PLATS AT PG. 85,
INST. 870512, RECORDS OF BONNER CO. IDAHO.
- (P1)

GENERAL NOTES

- A) SOLID WASTE SHALL BE THE RESPONSIBILITY OF THE LOT OWNERS.
- B) AN APPROVED ENCROACHMENT PERMIT FOR ACCESS ROAD APPROACH IS ON FILE WITH IDAHO TRANSPORTATION DEPARTMENT (ITD).
- C) PORTIONS OF THIS PLAT ARE LOCATED IN THE FLOOD ZONE ACCORDING TO FEMA PANEL 16017C0281E, EFFECTIVE 1/18/2009. RESIDENTIAL DEVELOPMENT SHALL CONFORM TO THE CITY OF EAST HOPE FLOODPLAIN MANAGEMENT REGULATIONS.

LINE TABLE	
LINE	BEARING
L1	12.01 S 06°12'27"E
L2	18.72 S 87°46'24"W
L3	12.12 S 07°32'28"W
L4	25.51 N 87°32'18"E
L5	22.14 S 08°31'16"W
L6	43.09 S 05°02'17"E
L7	46.52 S 05°22'27"E
L8	12.74 S 05°04'33"E

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	CHD BRG	CHD	CHD
C1	8.10	7.00	74°29'19"	N 62°32'16"E	8.47	
C2	3.15	3.00	60°14'28"	S 87°39'42"W	3.01	
C3	12.56	8.00	80°04'58"	N 47°24'32"E	11.58	
C4	18.97	25.00	43°20'27"	S 59°52'37"E	18.52	
C5	29.89	35.00	48°55'19"	S 56°22'28"E	28.99	
C6	14.57	60.00	13°54'41"	S 87°43'18"E	14.53	
C7	4.86	14.00	16°53'27"	N 78°18'12"E	4.84	

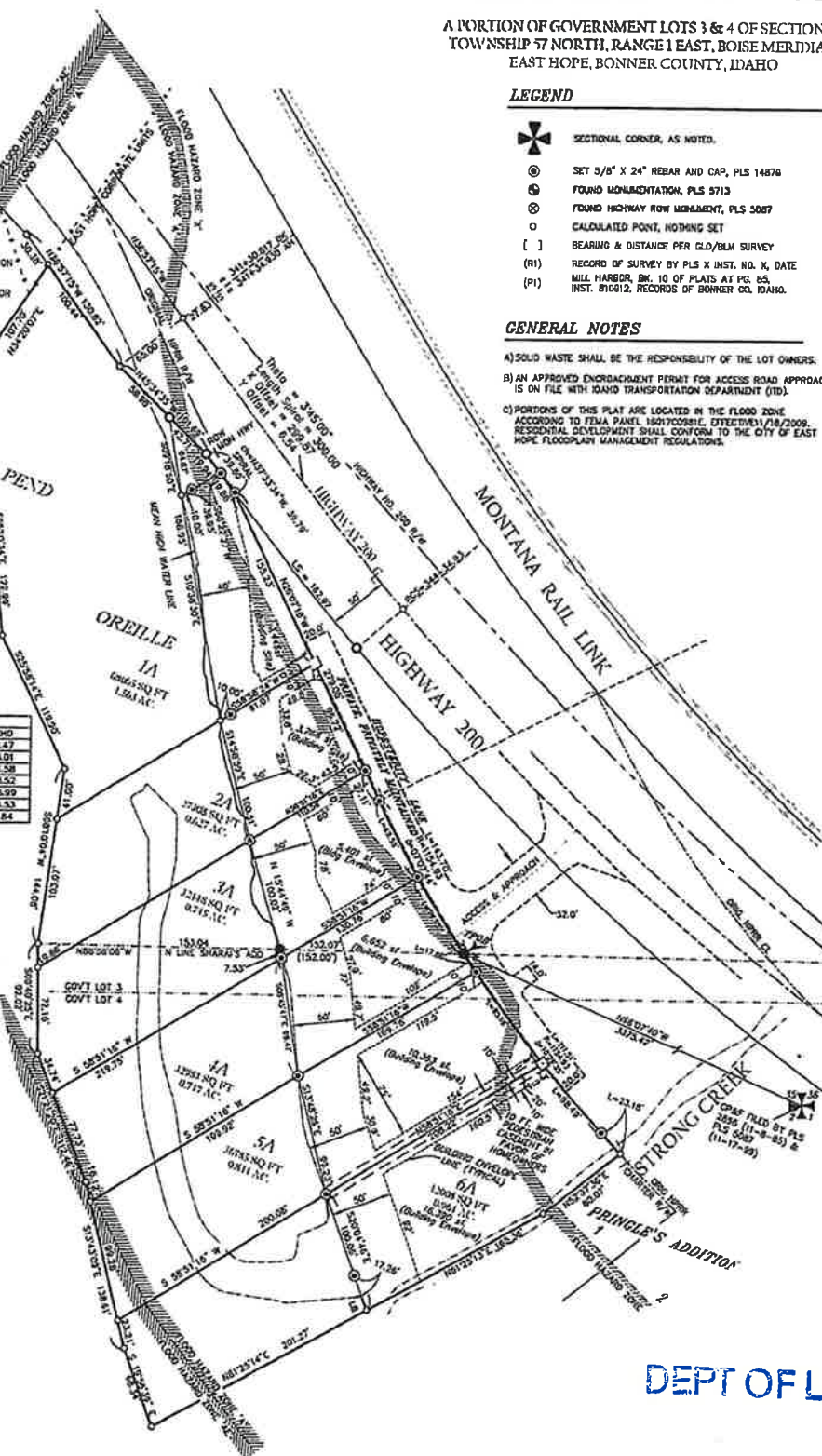
DOCUMENTS AND EASEMENTS OF RECORD

AS SHOWN ON PIONEER TITLE CO. TITLE INSURANCE COMMITMENT, DATED MAR. 10, 2021, FILE 764837.

- A. PERPETUAL RIGHT OF WAY AND EASEMENT TO OVERFLOW, FLOOD AND SUBSIDICE A PORTION OF THE PROPERTY, AND INCIDENTAL PURPOSES, UPON THE TERMS AND PROVISIONS THEREIN SET FORTH AS COMPREHENSIVE BY THE UNITED STATES OF AMERICA, BY DECLARATION OF TAKING RECORDED IN RECORDS OF BONNER COUNTY, IDAHO, RECORDED AUG. 9, 1932, IN BOOK 14 OF JUDGMENTS, PAGE 71, AND BY DOCUMENT RECORDED NOV. 7, 1982 AS INST. NO. 113841, RECORDS OF BONNER COUNTY, ID. NOT SHOWN ON PLAT.
- B. PROPERTY CROSSES THE NORTHERN PACIFIC RAILROAD RIGHT OF WAY AND IS SUBJECT TO THE REGULATIONS THEREON AND ANY UNRECORDED LICENSES OR AGREEMENTS FOR SAID ACCESS. RAILROAD ROW ADJACENT SHOWN ON MAP, AMENDMENT TO LEASE, AGREEMENT FOR LEASE NO. 501374 OHHOPE EXECUTED BY MONTANA RAIL LINK, INC., MILL HARBOR DEVELOPMENT, LLC AND BNSF RAILWAY CO. 5/16/2009, NOTICE OF LEASE (INDENTURE TERM LEASE FOR LAND) RECORDED MARCH 17, 2011 AS INST. NO. 807165, RECORDS OF BONNER COUNTY, ID.
- C. UTILITY EASEMENT IN FAVOR OF MOUNTAIN STATES POWER CO. RECORDED MAR. 16, 1948, AS INST. NO. 27078, BOOK 15 OF MISCELLANEOUS, PAGE 532, RECORDS OF BONNER COUNTY, ID.
- D. ROADWAY EASEMENT IN FAVOR OF PLATTED PARCEL OVER RAILROAD LAND RECORDED DECEMBER 6, 2006 AS INST. NO. 718587, RECORDS OF BONNER COUNTY, IDAHO, AMENDED DEC. 6, 2009 AS INST. NO. 718588, RECORDS OF BONNER COUNTY, ID. NOT SHOWN, SUPERSEDED BY CURRENT EASEMENT.
- E. ENCROACHMENT PERMIT NO. L-96-5-2023 RECORDED APR. 13, 2009 AS INST. NO. 770009, AND ENCROACHMENT PERMIT NO. L-96-5-2023A RECORDED MAY 19, 2009 AS INST. NO. 771992, RECORDS OF BONNER COUNTY, ID. MAP DEPICTS APPROACH C/TY OF HWY. 200.
- F. RECORDS OF SURVEYS NUMBERS 418740 AND 717625, RECORDS OF BONNER COUNTY, ID.
- G. COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS AS SET FORTH ON THE PLAT OF MILL HARBOR AS RECORDED IN BOOK 10 OF PLATS AT PAGE 83, RECORDS OF BONNER COUNTY, ID.

SURVEYORS NARRATIVE:

1. THIS PLAT IS INTENDED FOR RESIDENTIAL PURPOSES.
2. WATER SERVICE IS PROVIDED BY CITY OF EAST HOPE WATER.
3. SANITARY SERVICE IS PROVIDED BY ELLISPORT BAY SEWER DISTRICT.
4. SOLID WASTE SHALL BE THE RESPONSIBILITY OF THE INDIVIDUAL LOT OWNERS.
5. PORTIONS OF THIS PLAT ARE LOCATED IN THE FLOOD ZONE ACCORDING TO FIRM MAP PANEL 16017C0281E, RESIDENTIAL DEVELOPMENT SHALL CONFORM TO THE CITY OF EAST HOPE FLOODPLAIN MANAGEMENT REGULATIONS.
6. AN APPROVED ENCROACHMENT PERMIT TO ACCESS ROAD APPROACH IS ON FILE WITH THE IDAHO TRANSPORTATION DEPARTMENT (ITD).
7. SETBACKS SHOWN AT TIME OF PLATTING AND SHOULD BE VERIFIED WITH THE CITY OF EAST HOPE PRIOR TO CONSTRUCTION.
8. A MINORSEL CORNERS AND UTILITY EASEMENT IS HEREBY GRANTED TO THE HOMEOWNERS ASSOCIATION OVER AND ACROSS THE CENTRAL ACCESS ROAD AND APPROACH STRUCTURE INCLUDING TURNOUTS AS SHOWN.



DEPT OF LANDS



1/4	Section	Township	Range	Meridian	Zone
35	57 N	1 E			
PROJECT # MILL HARBOR LLC DRAWING NAME: MILL HARBOR REPLAT 2021080					

REPLAT MILL HARBOR

GLANE & ASSOCIATES
PROFESSIONAL LAND SURVEYORS
305 Church Street
Sandpoint, Idaho 83864
208-255-6474

Scale: 1"=60'
Drawn By: TAD
Checked By: TRP/SWO
Date: 9/22/2021
Page: 1 of 2



Parcel = PBE21200000000000
Owner = Mill House, Der. Llc
Area: 1.36
Tax Code Area: 020003
Last Assessed Value: \$0
Description: 55.5 Land parcel common area
Legal Description: 55.5 AC +/- MILL HOUSE PROP.
CONVEYANCE AREA

NIT
6201-
2098

721770

North Idaho June

Instrument Number

RETURN: GRANTEE

Escrow No.: 6201-2098-LM

FILED BY

2007 JAN 26 10:47

HELEN SCOTT
NEW COUNTY RECORDER

km DEPUTY

WARRANTY DEED

FOR VALUE RECEIVED, as part of an IRC Section 1031 Like-Kind Tax-Deferred exchange, KENNETH BUTLER, A SINGLE PERSON, AND SANDRA BUTLER MCNEEL, A MARRIED WOMAN WHO ACQUIRED TITLE AS SANDRA BUTLER, A MARRIED PERSON, AS HER SOLE AND SEPARATE PROPERTY, Hereinafter called Grantor, does hereby grant, bargain, sell and convey unto MILL HARBOR DEVELOPMENT, LLC, AN IDAHO LIMITED LIABILITY COMPANY, Grantee, whose address is: 5601 D. Avenue, Spokane, WA 99202, the following described premises, County of BONNER, to-wit:

SEE ATTACHED EXHIBIT "A" WHICH IS MADE A PART HEREOF.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), their heirs and assigns forever, and the said Grantor(s) do(es) hereby covenant to and with the said Grantee(s), that he/she/they is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances EXCEPT CURRENT TAXES AND EASEMENTS OF RECORD OR IN VIEW.

And that he/she/they will warrant and defend the same from all lawful claims whatsoever.

DATED. January 19, 2007

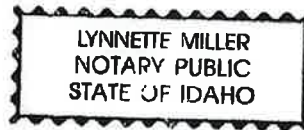
By: Kenneth R. Butler
KENNETH BUTLER

By: Sandra Butler McNeel
SANDRA BUTLER MCNEEL

State of IDAHO)
County of BONNER)

On this 24th day of January, 2007, before me, Lynnette Miller a Notary Public in and for said State, personally appeared KENNETH BUTLER, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

Lynnette Miller
Notary Public in and for County and State
Residing at Arho
My commission expires May 2, 2011



State of Washington)
County of King)

On this 23rd day of January, 2007, before me, Cynthia J. Streck a Notary Public in and for said State, personally appeared SANDRA BUTLER MCNEEL, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

Cynthia J. Streck
Notary Public in and for County and State
Residing at Mercer Island, WA
My commission expires Oct. 22, 2008



Casey S. Krivor
CASEY S. KRIVOR

March 29, 2006

STATE OF IDAHO)
) ss.
County of Bonner)

On this day personally appeared before me, the undersigned Notary Public, STEVEN G. LAZAR, known or identified to me to be the Trustee of TAHL KORENGUT IRREVOCABLE TRUST, the person that executed the within instrument on behalf of said trust, and acknowledged to me that such trust executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 29th day of March, 2006.

Stephanie R. Rief
Notary Public - State of Idaho
Residing at: Sandpoint, Idaho
My Commission Expires: 8/31/2006

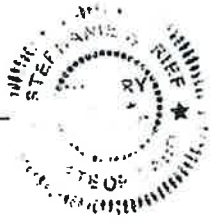


STATE OF IDAHO)
) ss.
County of Bonner)

On this day personally appeared before me, the undersigned Notary Public, TERRY ANDERSON BY CASEY S. KRIVOR, HIS ATTORNEY-IN-FACT, known or identified to me to be the person whose signature is subscribed to the within instrument on behalf of said individual, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 29th day of March, 2006.

Stephanie R. Rief
Notary Public - State of Idaho
Residing at: Sandpoint, Idaho
My Commission Expires: 8/31/2006



STATE OF IDAHO)
) ss.
County of Bonner)

On this day personally appeared before me, the undersigned Notary Public, CASEY S. KRIVOR, known or identified to me to be the person whose signature is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 29th day of March, 2006.

Stephanie R. Rief
Notary Public - State of Idaho
Residing at: Sandpoint, Idaho
My Commission Expires: 8/31/2006

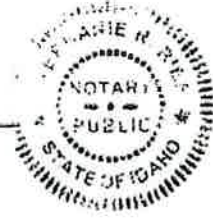


EXHIBIT "A"

GLAHE & ASSOCIATES

Professional Land Surveyors * Professional Engineers
303 Church St., Ste. A * P.O. Box 1863
Sandpoint, ID 83864
Phone: (208) 265-4474 * Fax: (208) 265-0675

Combined Legal Description ~ Mill Harbor Development, LLC
(Boundary REV1 8/28/06)

That portion of Government Lots 3 and 4 in Section 35, Township 57 North, Range 1 East, B.M. Bonner County, Idaho, described as follows:

Commencing at the Southeast Corner of said Section 35, Thence North 66°07'40" West, a distance of 3375.42 feet to a 5/8" Rebar & Cap, marked PLS No. 5713 which is at a point of intersection with the Westerly Right of Way of the Northern Pacific Railway (now Montana Rail Link) original 400 foot Charter Right of Way and the South line of said Government Lot 3 as defined by the existing Platted Subdivision of Sharai's Addition to East Hope, recorded in Book 1 of Plats at page 153, records of Bonner County, Idaho. Said point lies on a non-tangent curve to the right, the center of which bears North 56°44'58" East, 1154.93 feet distant, and is 155.64 feet to the right of and radial to Station 346+67.71 of U.S. Highway No. 10-A, Project No. F-5121(13). Said point is also the true Point of Beginning of this Legal Description;

Thence Northwesterly along said Montana Rail Link right of way, on said curve to the right, having a radius of 1154.93 feet, through a central angle of 7°07'44", an arc distance of 143.70 feet to a point of tangency;

Thence North 26°07'18" West, a distance of 279.06 feet to an intersection with the Westerly Right of Way of said U.S. Highway No. 10-A. Said point falls on a segment of spiral curve to the right, (the full spiral delta at centerline being 3°45'00", with a spiral length of 300'), (the chord of said spiral curve segment bears North 37°33'34" West, a distance of 39.79 feet); Thence along said westerly Right of Way, along said spiral curve segment to the right, a distance of 39.80 feet to an Idaho Transportation Department (ITD) Right of Way Monument which is a 2 1/2" zinc cap, marked PLS No. 5087 at an offset of 50 feet right of said Highway Station No. 342+35.1;

Thence North 45°34'35" West, a distance of 101.69 feet to a point of spiral tangency at an offset of 65.00 feet right of said Highway equation Station No. 341+30.82 Back = 341+34.93 Ahead.

Thence North 36°57'15" West, a distance of 130.82 feet to a point which is at an offset of 65 feet right of said Highway Station No. 340+04.11; Thence North 44°24'31" West, a distance of 157.12 feet to a point which is at an offset of 85.38 feet right of said Highway Station No. 338+48.32. Said point is at an intersection with the mean ordinary high water line of Pend Oreille Lake prior to the construction of Albeni Falls Dam, at an elevation of 2048.0 feet above sea level by NGVD "1929" specifications;

Thence southerly along said pre construction mean high water line the following courses and distances;
South 17°55'16" East, 196.18 feet; South 10°22'12" East, 131.05 feet;
South 05°10'34" East, 122.99 feet; South 25°58'14" East, 119.90 feet;
South 08°10'04" West, 144.08 feet; South 00°40'25" East, 92.02 feet;
South 21°21'20" East, 112.46 feet; South 13°43'09" East, 138.61 feet; South 19°58'39" East, 98.80 feet;

Thence leaving said pre-construction high water line, North 61°25'14" East, 261.55 feet to a point of intersection with the thread of Strong Creek and the Westerly line of the unplatted Lot 1 as shown on the Plat of Pringle's Addition to East Hope, as recorded in Book 1 of plats at Page 185, records of Bonner County, Idaho. The most westerly corner of Lot 2 of said Pringles Addition bears South 18°05'02" East, 16.08 feet distant from said point;

Thence continuing along said thread of Strong Creek, North 61°25'14" East, 105.07 feet; Thence North 52°37'36" East, 80.07 feet to a point of intersection with said Westerly Right of Way of said Northern Pacific Railway. Said point is on a non-tangent curve to the right, the center of which bears North 46°15'23" East, 1154.93 feet distant;

Thence northwesterly along said curve to the right, having a radius of 1154.93 feet, through a central angle of 10°29'35", an arc distance of 211.51 feet to the True Point of Beginning.

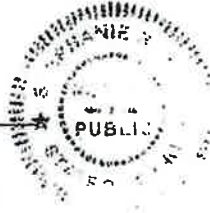
8/25/06 DPEvans

STATE OF IDAHO)
) ss.
County of Bonner)

On this day personally appeared before me, the undersigned Notary Public, STEVEN G. LAZAR, known or identified to me to be the Trustee of the TAHL KORENGUT IRREVOCABLE TRUST, the person whose signature is subscribed to the within instrument on behalf of said trust, and acknowledged to me that said trust executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 29th day of March, 2006.

Stephanie R. Rief
Notary Public - State of Idaho
Residing at: Sandpoint, Idaho
My Commission Expires: 8/31/2006



STATE OF IDAHO)
) ss.
County of Bonner)

On this day personally appeared before me, the undersigned Notary Public, TERRY ANDERSON BY CASEY S. KRIVOR, HIS ATTORNEY-IN-FACT, known or identified to me to be the person whose signature is subscribed to the within instrument on behalf of said individual, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 29th day of March, 2006.

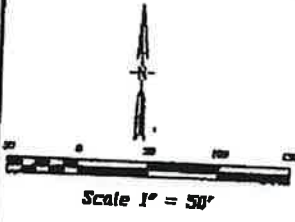
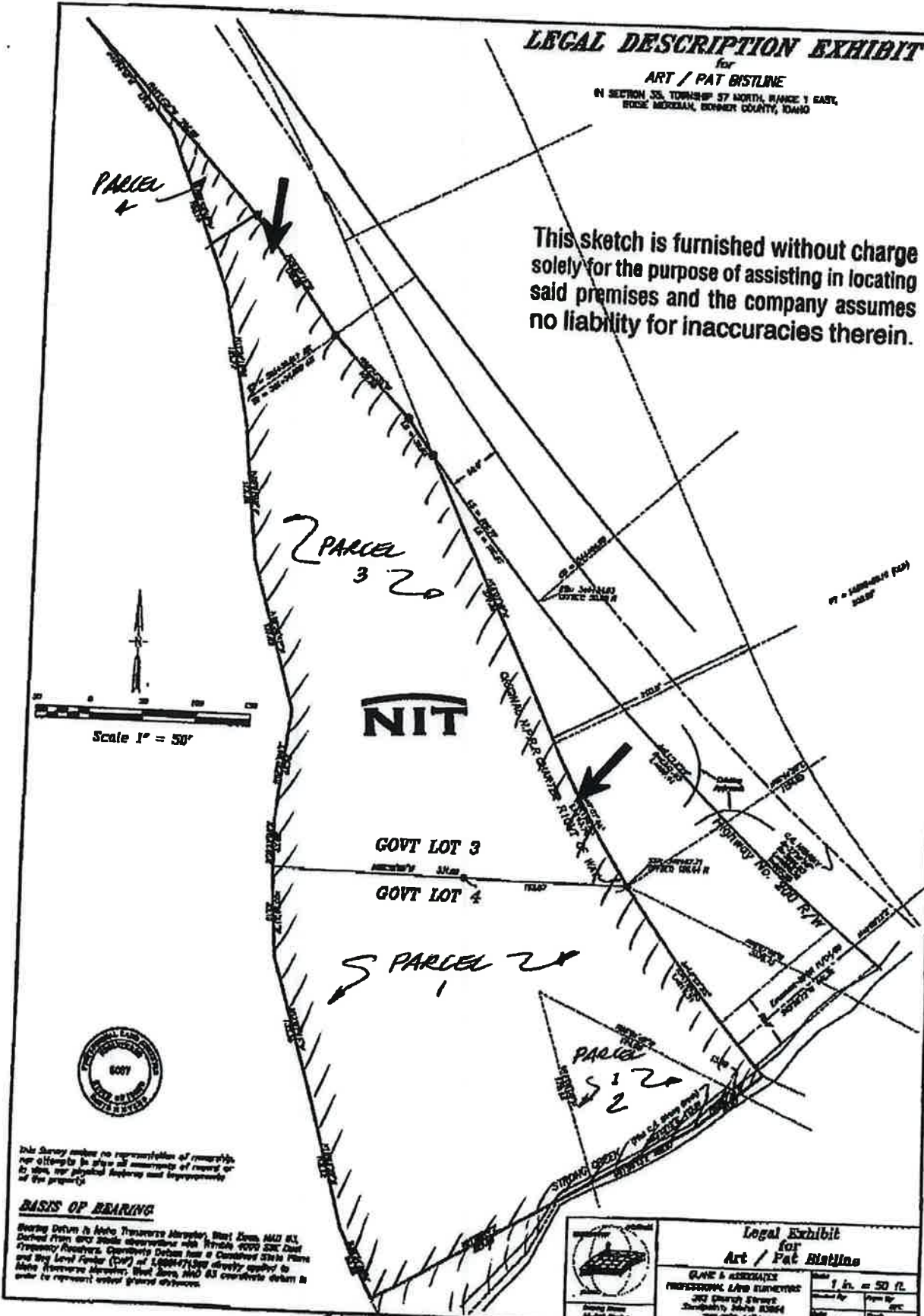
Stephanie R. Rief
Notary Public - State of Idaho
Residing at: Sandpoint, Idaho
My Commission Expires: 8/31/2006



LEGAL DESCRIPTION EXHIBIT

for
ART / PAT BISTLINE
IN SECTION 35, TOWNSHIP 37 NORTH, RANGE 1 EAST,
BOISE MERIDIAN, BOYER COUNTY, IDAHO

This sketch is furnished without charge solely for the purpose of assisting in locating said premises and the company assumes no liability for inaccuracies therein.



This Survey makes no representation of ownership nor attempts to show all easements of record or to show any planned highways and improvements of the property.

BASIS OF BEARING

Bearing Taken to North Transverse Meridian, West Zone, NAD 83, Derived from GPS 2004 observations with Trimble 4000 SBC Dual Frequency Receivers. Curvature Correction based on Cassini State Plane and the Level Factor (L.F.) of 1.000471309 equally applied to North Transverse Meridian, West Zone, NAD 83 coordinates obtain in order to represent actual ground distances.

	Legal Exhibit for Art / Pat Bistline	
	GLAVIN & ASSOCIATES PROFESSIONAL LAND SURVEYORS 302 Church Street Boise, Idaho 83724 208-259-4474	Scale: 1 in. = 50 ft. Date: 01/04/09 Sheet: 1 of 1

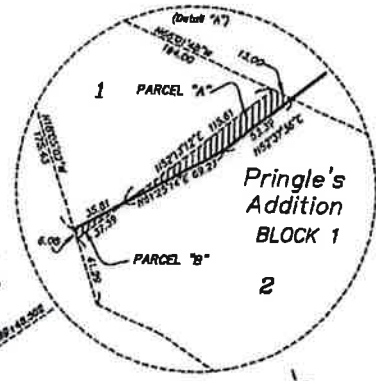
Exhibit B

16017-2198

RECORD OF SURVEY

for
ART BISTLINE

IN SECTION 35, TOWNSHIP 57 NORTH, RANGE 1 EAST,
BOISE MERIDIAN, BONNER COUNTY, IDAHO



LAKE PENDOREILLE

PURPOSE OF SURVEY

Government Lot 4 Northwest of the C/L of Strong Creek was conveyed prior to the Plat of Pringle's Addition, therefore nullifying "Lot 1" as it appears on the Plat. This Survey serves to solidify the "True Boundary" through Pringle's Addition as the Thread of Strong Creek by Parcel "A", Quit Claim Instrument No. _____ Parcel "B", Quit Claim Instrument No. _____

BASIS OF BEARING

Bearing Datum is Idaho Transverse Mercator, West Zone, NAD 83. Derived from GPS Static observations with Trimble 4000 SSE Dual Frequency Receivers. Coordinate Datum has a Combined State Plane and Sea Level Factor (CAF) of 1.0001471368 directly applied to Idaho Transverse Mercator, West Zone, NAD 83 coordinate datum in order to represent actual ground distances.

GOVT LOT 3

GOVT LOT 4

Total Area
249,243. sq.ft
5.72 acres

Building Env.
45,531. sq.ft.
1.04 acres



Scale 1" = 50'

SURVEYOR'S CERTIFICATE

I, David P. Evans, P.L.S. No. 5087, State of Idaho, do hereby certify that this Record of Survey has been prepared by me or under my direction in conformance with Chapter 19, Title 55 of the Idaho Code and that the map shown hereon is a true representation of a survey made by me during July, 2006.

Dated this _____ day of _____ 2006

RECORD OF SURVEY for Art Bistline

CLARK & ASSOCIATES PROFESSIONAL LAND SURVEYORS 303 Church Street Sandpoint, Idaho 83854 208-265-4474		Scale 1 in. = 50 ft.
Drawn By	Drawn By	Sheet
Date	Date	1 of 1

RECORDER'S CERTIFICATE 3

Filed this _____ day of _____ 2006 of _____
North Idaho Title 'ic, as
10017-2416
County Recorder

This Survey makes no representation of ownership, nor attempts to show all easements of record or in view, nor physical features and improvements of the property.