Maya Johnson

From: Chris Norton [redacted]
Sent: Friday, September 18, 2026 11:23 AM
To: Planning
Cc: David Frohnen; Tuddenham Read
Subject: Complaint—File S0006-22, Twelfth Addition of The Idaho Club; Related Appeal and Common Exhibits
Attachments: File S0006-22 Complaint-Violation Form.pdf; File S0006-22 Complaint.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Planning Director:

Please accept for filing the enclosed Bonner County Complaint/Violation form, our Complaint and accompanying brief concerning File S0006-22, the Twelfth Addition of The Idaho Club.

This Complaint is related to the Notice of Appeal we are filing today in File S0002-26, concerning the Hearing Examiner's written decision dated September 1, 2026, approving the Eleventh Addition of The Idaho Club. Both matters concern the same water and sewer systems serving The Idaho Club and raise related issues regarding infrastructure capacity and compliance with applicable conditions of approval.

We are filing a common set of supporting exhibits for both the Complaint in File S0006-22 and the Appeal in File S0002-26. Because of the volume of those materials, the common exhibits will be submitted in separate emails. Please ensure that they are included in the record for both matters.

We respectfully request your careful review of the Complaint, accompanying brief, and supporting exhibits. Please confirm receipt and filing of the enclosed materials, and notify me promptly if any attachment cannot be opened or any submission is not received.

Thank you for your attention and assistance.

Sincerely,

Christopher Norton

Christopher Norton

[redacted]

David Frohnen

[redacted]



Read Tuddenham



Maya Johnson

From: Chris Norton [redacted]
Sent: Friday, September 18, 2026 11:18 AM
To: Planning
Cc: David Frohnen; Tuddenham Read
Subject: Notice of Appeal—File S0002-26; Related Complaint—File S0006-22; Common Exhibits
Attachments: File S0002-26 Notice of Appeal.pdf

Dear Bonner County Planning Department:

Please accept for filing the attached Notice of Appeal of the Hearing Examiner's written decision dated September 1, 2026, in File S0002-26, concerning the Eleventh Addition of The Idaho Club. We will submit the required filing fee later today.

We are filing this Notice of Appeal today together with a separate complaint concerning File S0006-22, the Twelfth Addition of The Idaho Club. Both filings concern the same water and sewer systems serving The Idaho Club and raise related issues regarding infrastructure capacity and compliance with applicable conditions of approval.

A common set of supporting exhibits for both the Appeal and the Complaint will be submitted in separate emails because of the volume of those materials. Please ensure that these common exhibits are included in the record for both File S0002-26 and File S0006-22.

Please confirm receipt and filing of the attached Notice of Appeal, as well as receipt of the common exhibits as they arrive. If any attachment cannot be opened or any submission is not received, please notify me promptly so that I can address the issue.

Thank you for your assistance.

Sincerely,

Christopher Norton

Christopher Norton
[redacted]
David Frohnen
[redacted]
Read Tuddenham

Maya Johnson

From: Chris Norton [redacted]
Sent: Friday, September 18, 2026 11:30 AM
To: Planning
Cc: David Frohnen; Tuddenham Read
Subject: Common Exhibits—S0002-26 and S0006-22—Email 1 of 6
Attachments: FILES S0002-26 AND S0006-22_EXHIBITS 01-02(A).pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Planning Director:

Because the common exhibits are too large to transmit in a single email, I am submitting them in six separate emails, identified as **1 of 6 through 6 of 6**. This is **Email 1 of 6**.

The attached exhibits support both the Appeal in File S0002-26 concerning the Eleventh Addition of The Idaho Club and the Complaint in File S0006-22 concerning the Twelfth Addition of The Idaho Club. Please include the exhibits transmitted in all six emails in the record for both matters.

Please confirm receipt of all six emails and their attachments once the complete set has arrived. If any email or attachment is missing or cannot be opened, please notify me promptly.

Thank you for your assistance.

Sincerely,

Christopher Norton

Christopher Norton
[redacted]

David Frohnen
[redacted]

Read Tuddenham
[redacted]

Maya Johnson

From: Chris Norton [redacted]
Sent: Friday, September 18, 2026 11:32 AM
To: Planning
Cc: David Frohnen; Tuddenham Read
Subject: Common Exhibits—S0002-26 and S0006-22—Email 2 of 6
Attachments: FILES S0002-26 AND S0006-22_EXHIBITS 02(B)-06(A).pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Planning Director:

This is **Email 2 of 6** transmitting the common exhibits supporting both the Appeal in File S0002-26 (Eleventh Addition of The Idaho Club) and the Complaint in File S0006-22 (Twelfth Addition of The Idaho Club).

Please include the attached exhibits in the record for both matters. Please notify me if any attachment cannot be opened.

Thank you.

Christopher Norton
346 North Star Ln.
Sandpoint, Idaho 83864
Phone: (713) 301-1492
Email: chrisnortoniphone@gmail.com

David Frohnen
545 Green Monarch Lane
Sandpoint, ID 83864
Email: davidfrohnen@gmail.com
Phone: (702) 348-8375

Read Tuddenham
512 S. Idaho Club Dr.
Sandpoint, ID 83864
Email: rstuddenham@icloud.com
Phone: (208) 265-8077

Maya Johnson

From: Chris Norton <chrisnortoniphone@gmail.com>
Sent: Friday, September 18, 2026 11:35 AM
To: Planning
Cc: David Frohnen; Tuddenham Read
Subject: Common Exhibits—S0002-26 and S0006-22—Email 3 of 6
Attachments: FILES S0002-26 AND S0006-22_EXHIBITS 06(b)-14.pdf

Dear Planning Director:

This is **Email 3 of 6** transmitting the common exhibits supporting both the Appeal in File S0002-26 (Eleventh Addition of The Idaho Club) and the Complaint in File S0006-22 (Twelfth Addition of The Idaho Club).

Please include the attached exhibits in the record for both matters. Please notify me if any attachment cannot be opened.

Thank you.

Christopher Norton

Christopher Norton

[redacted]

David Frohnen

[redacted]

Read Tuddenham

[redacted]

Maya Johnson

From: Chris Norton [redacted]
Sent: Friday, September 18, 2026 11:37 AM
To: Planning
Cc: David Frohnen; Tuddenham Read
Subject: Common Exhibits—S0002-26 and S0006-22—Email 4 of 6
Attachments: FILES S0002-26 AND S0006-22_EXHIBITS 15-21.pdf

Dear Planning Director:

This is **Email 4 of 6** transmitting the common exhibits supporting both the Appeal in File S0002-26 (Eleventh Addition of The Idaho Club) and the Complaint in File S0006-22 (Twelfth Addition of The Idaho Club).

Please include the attached exhibits in the record for both matters. Please notify me if any attachment cannot be opened.

Thank you.

Christopher Norton

Christopher Norton
[redacted]
David Frohnen
[redacted]
Read Tuddenham
[redacted]

Maya Johnson

From: Chris Norton [redacted]
Sent: Friday, September 18, 2026 11:40 AM
To: Planning
Cc: David Frohnen; Tuddenham Read
Subject: Common Exhibits—S0002-26 and S0006-22—Email 5 of 6
Attachments: FILES S0002-26 AND S0006-22_EXHIBITS 22-26.pdf

Dear Planning Director:

This is **Email 5 of 6** transmitting the common exhibits supporting both the Appeal in File S0002-26 (Eleventh Addition of The Idaho Club) and the Complaint in File S0006-22 (Twelfth Addition of The Idaho Club).

Please include the attached exhibits in the record for both matters. Please notify me if any attachment cannot be opened.

Thank you.

Christopher Norton

Christopher Norton
[redacted]

David Frohnen
[redacted]

Read Tuddenham
[redacted]

Maya Johnson

From: Chris Norton [redacted]
Sent: Friday, September 18, 2026 11:42 AM
To: Planning
Cc: David Frohnen; Tuddenham Read
Subject: Common Exhibits—S0002-26 and S0006-22—Email 6 of 6
Attachments: FILES S0002-26 AND S0006-22_EXHIBITS 27-30.pdf

Dear Planning Director:

This is **Email 6 of 6**, completing the transmission of the common exhibits supporting both the Appeal in File S0002-26 (Eleventh Addition of The Idaho Club) and the Complaint in File S0006-22 (Twelfth Addition of The Idaho Club).

Please include the attached exhibits, together with those submitted in the preceding five emails, in the record for both matters.

Please confirm receipt of all six emails and their attachments. If any email or attachment is missing or cannot be opened, please notify me promptly so that I can resubmit the affected materials.

Thank you for your assistance.

Sincerely,

Christopher Norton

Christopher Norton
[redacted]

David Frohnen
[redacted]

Read Tuddenham
[redacted]

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF BONNER COUNTY, IDAHO

In the Matter of: **File S0002-26** **Golden Tee Estates Eleventh Addition** Preliminary Plat Application	**LIMITED APPEAL OF ORDER OF HEARING EXAMINER** *Submitted by Christopher Norton, David Frohnen and Read Tuddenham*

Executive Summary

What we ask the Board to do. Keep the preliminary approval in place but make its Condition C-9 water and sewer compliance specific and enforceable. Before final plat approval, require verifiable proof that the as-built completed systems will serve all existing platted lots, including all connected and not-connected lots, as well as the 22 new residential lots. Require that proof before recording the final plat and before allowing Applicant to begin selling the newly created lots.

Why the present condition is insufficient. Condition C-9 of the CUP requires that for each phase/addition, the water and wastewater systems must have sufficient capacity to accommodate the additional lots. Unfortunately, Bonner County has not enforced this Condition for many years, leaving the residents who own lots within the PUD and who have been paying water and sewer rates for many years with water and wastewater systems that do not have the reserve capacity to handle all the lots within the PUD. The Hearing Examiner requires compliance with Condition C-9, but leaves unresolved which existing lots must be counted. Counting only homes already connected can make capacity needed for platted but not-connected lots appear available for new development. Repeating that approach with each addition increases the gap between service commitments and dependable capacity. This gap currently exists and has been increasing with each phase/addition added. Existing owners face further restrictions, uncertainty about connecting their lots, and the risk of additional infrastructure costs.

Why development must account for the whole system. Each new phase uses the same water and wastewater facilities as earlier phases/additions. Infrastructure must be ready when the permit requires it, and capacity must be measured against the combined commitments to those facilities. An owner's delay in building does not eliminate the lot's demand from established commitments. Those are the practical meanings of concurrency and cumulative review. The historical records surrounding the creation of CUP C832-05 and Condition C-9 demonstrate that system capacity calculations were intended to include all platted lots, including connected and not-connected lots. Condition C-9 sets the deadline before final plat approval. County standards require reserve water capacity, adequate services, and protection against health and safety hazards. We contend that leaving the accounting method unresolved fails those requirements and Idaho's Local Land Use Planning Act (LLUPA) requirement for a reasoned decision addressing the material dispute.

The proposed test. For water and wastewater separately, use one verified calculation:

Dependable Approved System Capacity
- Less: demand from Active Connections
- Less: demand from platted but not-connected lots
- Less: other established commitments not already counted
- Less: demand from the proposed addition

Equals: Remaining Capacity

The remaining capacity balance must be zero or greater after required operating and safety reserves are protected.

Who verifies compliance. We propose that Applicant retain an Idaho-licensed engineer prepare to prepare and stamp the calculation, the County Engineer review and approve the submittal, and the Planning Director administer the review. The Idaho Department of Environmental Quality (DEQ) would provide the technical approvals and capacity confirmation outlined above. The County would determine compliance with Condition C-9 in writing before final plat approval, with an updated check before recording. This gives the Board a measurable way to protect existing owners while allowing development when adequate capacity has been proven.

NOTICE OF APPEAL AND SUPPORTING MEMORANDUM

Appellants: Christopher Norton, Trustee under the Chris and Meleah Norton Living Trust; David Frohnen, Trustee of the Frohnen Family Trust; and Read Tuddenham

1. Why Are We Here and How Did We Get Here

Appellants are before the Board because the land governed by the CUP C832-05, known as The Idaho Club, does not have sufficient water and wastewater capacity to provide service to all the currently connected lots and the platted but not-connected lots. This problem has been years in the making and has been created because Bonner County has not enforced Condition C-9 of CUP C832-05 for several years.

The problem arises due to how subdivisions finance the construction of water and wastewater facilities. Unlike a municipality that utilize bonds and new user fees to finance the construction of facilities for homes to be built in the future, (see Bonner County Bee Article dated August 23, 2025 outlining the City of Sandpoint's efforts to pursue $130,000,000 bond project to fully renovate Sandpoint's wastewater treatment plant), developers of private systems are not expected to build out the water and wastewater systems for the entire development before any lots are sold. Instead, developers build out the systems as they build additional phases/additions. Developers are required to make significant capital contributions to the core system capacities, and then prove that capacity exists and that they have the financial resources to finish the project, prior to obtaining final map and permission to sell vacant lots. That is precisely how the CUP covering The Idaho Club was designed.

The original application for C832-05 showed the project was to include twelve (12) phases. See, Exhibit 22 at page 23. Those phases are now known as Additions. This appeal deals with the last two phases or additions (Addition 11 and Addition 12). C832-05 has water and wastewater provided by public water and wastewater systems thus necessitating a conditional use permit. See, Exhibit 22 at page 19. Bonner County determined that both the water and wastewater systems were suitable for expansion and that sales from the new developments were to be used to offset the costs of expanding the utility services into each phase/addition. See, Exhibit 22 at Page 19.

Bonner County questioned the original developer's engineer about the timing of the future phases/additions and when expansion of the water and wastewater systems would be necessary. The engineer responded to the question and described how the reserve capacity should be calculated. The engineer's response distinguished 45 actual connected ERUs from 131 committed ERUs attributable to existing platted/developed lots and nonresidential uses. *See*, Exhibit 23, pp. 4–5. His calculation of reserve capacity necessity included **ALL** existing platted lots, including connected platted lots **AND** not-connected platted lots to determine capacity available for new lots. That methodology was subsequently adopted into condition C-9 which makes clear that construction of sewer and water improvements, "as-

built" improvements for sewer and water, and written confirmation of the capacity of the water and wastewater systems has to be completed "for each phase".

Initially, the water and wastewater systems had sufficient capacity for the original and additional phases/additions. However, the original developer ran into financial difficulties and Valiant acquired the property and development rights and took over as the developer of The Idaho Club in 2016. Over the next decade, Valiant obtained approval for additional phases/additions, and sold over 100 lots earning tens of millions of dollars. See, Exhibit 24. However, Valiant did NOT comply with Condition C-9, did NOT expand the water or wastewater system for each phase/addition, and did NOT confirm that the water and wastewater systems had sufficient capacity to accommodate the additional lots, much less the existing platted connected and not-connected lots.

Instead, as an expert for Gem State stated in November of 2025, "there appears to have been little or no maintenance or repair of wastewater system components since the system was completed in 2010…leaving the system underfunded and neglected". This resulted in a moratorium being placed on construction within The Idaho Club for many months. See, Exhibit 25 Haberman's June 20, 2025, email to the Idaho DEQ complaining about moratorium. The water system has similarly been underfunded and neglected. Valiant's expert has stated that "if no modifications are made, once buildout is reached, there will likely be a source capacity deficit of 463 gpm, meaning the system will not be in compliance with IDAPA rules" and "when looking at future demands, *the system is not expected to be capable of sustaining more than 96 EDU[1]s* —less than the system currently has." See Exhibit 8 at pages 26 and 27.

Valiant's defense to these ongoing problems, as expressed in an August 10, 2026 email to lot owners in The Idaho Club, is that "Valiant is NOT the "developer" of The Idaho Club" and that it is "patently false and legally unsupportable to claim that Valiant has any legal obligation to complete infrastructure." See Exhibit 26. Valiant has made similar assertions to this Board and even suggested to this Board that the true "developer" of The Idaho Club was Bonner County itself. Valiant made these assertions even in the face of the facts that:

(1) Valiant acquired The Idaho Club property through a foreclosure sheriff's sale in November of 2016. See, Bonner County Public Records filing Instrument # 897613. As such, Valiant acquired all right, title and interest in the property, including the right to develop the property. *PHH Mortgage v. Nicherson*, 164 Idaho 33, 423 P.3d 454 (2018).
(2) Valiant then began its marketing efforts and told the world through its website that The Idaho Club "will be redeveloped by Valiant Idaho, LLC for which William Haberman is Managing Member and President." See Exhibit 06(a).
(3) Valiant obtained a deed from the prior developer that gave Valiant the property "for purposes of developing The Idaho Club". See Exhibit 06(c).
(4) Valiant over the years borrowed money for the purpose of developing The Idaho Club and had to pledge as collateral the development rights in The Idaho Club. See, Exhibits 06(d) and 06(e).
(5) When Valiant began to market The Idaho Club to the public for sale, it was subject to the Federal Statute known as The Interstate Land Sales Act. (15 U.S.C. Section 1701 et. Seq.) The Interstate Land Sales Act requires a developer to make a variety of disclosures to potential buyers. Those disclosures must be truthful, and any developer who willfully "makes any untrue statement of material fact… shall upon conviction be fined not more than $10,000 or imprisoned not more than five years." 15 U.S. Code Section 1717. When faced with the potential of five years

[1] EDUs and ERUs are essentially the same thing but applied to different systems.

imprisonment if it made an untruthful statement, Valiant in its disclosures subject to the Interstate Land Sales Act stated the "Name of Subdivision: The Idaho Club" and the "Name of Developer: VALIANT IDAHO, LLC" See, Exhibit 6B. and

(6) Valiant cannot avoid Condition C-9 by asserting that Valiant is not the "developer" because it acquired the property through foreclosure or a sheriff's sale. BCRC sections 12-221(B) and (C) provide that an approved conditional use permit becomes the controlling plan for the property, runs with the land, and is not modified or terminated by a change in ownership. A sheriff's sale changes ownership; it does not modify C832-05 under BCRC section 12-266. The property therefore remains subject to Condition C-9 regardless of the identity or label of the present owner or applicant.

> BCRS 12-221Conditional Use Permits, General Provisions
> B. Once a conditional use permit is approved, the terms and conditions of the *conditional use permit become the controlling plan for the use of the property* and may only be changed in accord with section 12-266 of this chapter.
> C. Conditional use permits issued under this title are *valid for the life of the use at the location for which the permit was issued*, unless an expiration date is specified in the conditional use permit or unless a permit has been revoked under this title. *Conditional use permits shall be deemed to run with the land to which they are attached, and the terms of the permits shall not be modified or terminated by a change in ownership of the lands*. (Ord. 501, 11-18-2008)

Valiant's position effectively is that the lot owners and Bonner County should trust it to make certain the water and wastewater systems have sufficient capacity for all lots, both connected and not-connected. The problem is that we are at the end of the 12 phases. We are dealing with the last two phases. If the water and wastewater systems are not corrected before the 11th and 12th Additions are completed, we will simply have to trust that Valiant will expand the systems with no future lot sales to pay for the expansion. Valiant did not expand the systems when it was selling over 100 lots earning tens of millions of dollars. Why should anyone expect it to expand the system if it has no more lots to sell, and it specifically stated it has no obligation to complete the infrastructure?

Valiant's history of representations to government agencies raises concern about any promises it may make for future action. Valiant was under investigation by the Idaho PUC as to whether it should be regulated as a private for profit water company. Valiant, while attempting to avoid regulation, sent an email to the PUC stating that Valiant was selling the water company to the HOA of The Idaho Club-thus, taking it outside the jurisdiction of the PUC. Thirteen (13) minutes later, Valiant sent an email to the Board of Directors of the HOA (Chris Norton and Read Tuddenham were board members at that time) revoking the offer to sell the water system. In their July 18, 2024 comments in GNR-W-24-01, the Deputy Attorney General, Adam Triplett representing the Commission Staff, stated that the timing "cast doubt on any promises the Company may make for future action" and opposed delaying regulation. See, Exhibit 27, excerpt from Deputy Attorney General Comments, at page 3.

This history supports a determination that Bonner County should not rely upon self-serving will serve letters or declining balances utilizing methodology promulgated by Valiant. Bonner County should adopt objective verification as an additional practical safeguard that includes ALL platted lots, both connected and not-connected, and should be independently verified.

2. Decision appealed and limited relief requested

Christopher Norton, David Frohnen, and Read Tuddenham appeal under BCRC 12-262 from Hearing Examiner Allan Songstad's written decision dated September 1, 2026, following the August 27, 2026 hearing on S0002-26. The application concerns 22 residential lots and one open-space lot within the Golden Tee Estates / Idaho Club PUD. NICD Development, LLC is the applicant.

Appellants seek relief via modification of Conditions 2 and 18 and clarification of the corresponding utility adequacy determination. Before final plat approval, the applicant should demonstrate sufficient water and wastewater reserve capacity for the additional lots after accounting for established existing commitments to the shared systems, including commitments to platted but not-connected lots. The improvements necessary to comply with Condition C-9 must be complete, and the written approvals required by Condition C-9 for the as-built improvements must be obtained from the DEQ. Appellants ask the Board to preserve the Examiner's conditional preliminary approval and Condition 12's express exclusion of C-9 from the surety alternative.

Appellants challenge the scope of the final-plat capacity showing. They preserve the Examiner's factual findings and do not request immediate construction for all future PUD phases. They do not concede that every application capacity representation accounts for all existing obligations.

A. Affected property interests

Each appellant has an affected real-property interest within the CUP/PUD and depends on the same water and wastewater systems that would serve the Eleventh and Twelfth Additions. The affected parcels are:

Appellant	Parcel identification
Christopher Norton/Chris and Meleah Norton Living Trust	RP033830050020A
David Frohnen/Frohnen Family Trust, as Trustee	RP031790000040A
Read Tuddenham	RP033810020070A; RP033820100080A; RP033820040130A

Norton's interest was initially as the owner of the property, but since the August 27, 2026 hearing, his and his wife's wills and trust agreements have been finalized and he now holds the property as Trustee, for the benefit of the Chris and Meleah Norton Living Trust. Frohnen's interest is as Trustee of the Frohnen Family Trust.

3. Standing and Ground for Appeal

A. Concrete effects and timely filing

Appellants had to curtail water use during the summer of 2026 because of system limitations. See, Exhibit 09. Frohnen and Norton's hearing testimony addresses the relationship between available capacity and existing obligations. The threatened impairment is particular to their properties and shared utility service, even though other customers may experience similar effects.

Tuddenham also sought a wastewater will-serve letter from Gem State to facilitate the sale of lots and reports that the request remained unanswered. The affected parcels are RP033820040130A and

RP033820100080A. The request to Tim Smith, Northwest Natural GM for Gem State, was made on November 2, 2025. Without the requested will-serve letter, Tuddenham is unable to provide assurance to any potential buyer that the property will be entitled to receive water or sewer utilities, thus rendering the property virtually worthless. See Tuddenham hearing testimony, approximately 1:43:59–1:50:00 during the hearing before the Hearing Examiner, "the Hearing".

Approving new commitments without a reconciled showing impairs the dependable service and connection availability on which these properties rely. The impact of extending water supply unchecked to new subdivisions is a real threat to life and property as water storage for firefighting purposes is compromised. Additionally, such unchecked approvals expose current property owners to undue future costs to correct supply and capacity issues for both water and wastewater systems. Appellants request an enforceable final-plat safeguard directed to that risk and supported by their documented service experience. They do not request consumer-protection damages in this appeal.

This appeal is tendered on September 21, 2026, within 28 days after issuance of the written decision on September 1, 2026. The required appeal fee is tendered by check. Appellants request written acknowledgment of filing and payment. This notice and memorandum supply the detailed grounds required by BCRC 12-262(C).

B. Specific Assignments of Error

First, under BCRC 12-262(C)(4), the decision leaves a material capacity question unresolved: whether sufficient capacity for the additional lots must be demonstrated after commitments to existing platted but not-connected lots are included. The filed objections, competing accounting approaches, and hearing discussion placed that question before the Examiner. A condition allowing inconsistent answers to that question does not adequately resolve it.

Second, under BCRC 12-262(C)(5), to the extent Conditions 2 and 18 permit compliance based on current active demand and selected commitments alone, the record does not establish that excluded existing platted but not-connected lots can be disregarded. Appellants challenge that limited interpretation and its evidentiary basis, not the Examiner's decision to require compliance before final plat.

Third, under BCRC 12-262(C)(1), to the extent the decision fails to explain how the contested commitment categories affect compliance, it does not satisfy the reasoned-decision requirement of Idaho Code 67-6535(1)–(2). Appellants request a written explanation connecting the evidence to the applicable standards and clarified conditions. The uncertainty affects appellants' service interests and their ability to identify whether final-plat compliance protects those interests.

Fourth, the preliminary plat approval for the 12th Addition of The Idaho Club (File: S0006-22), does not contain a specific requirement that final approval is conditioned upon satisfaction of Condition C-9. This would result in inconsistent treatment of the Conditional Use Permit C832-05 ("CUP") for The Idaho Club planned unit development for the 11th and 12th Additions, even though both are subject to the CUP. Accordingly, we are also requesting Bonner County to examine the preliminary plat for the 12th Addition and modify and enforce the CUP for both the 11th and 12th Additions in the identical manner.

BCRC 12-262(D) permits the Board to hear the application under original-jurisdiction standards and modify the decision. A focused modification supplies the requested remedy without disturbing conditional preliminary approval.

4. Controlling Permit Condition, County and LLUPA Standards

A. The Final Decision Expressly Requires Completed C-9 Compliance

The Hearing Examiner's final decision in Conclusion 4 determines services will be adequate after the final-plat conditions are satisfied. Condition 2 requires C-9 to be satisfied in full before final plat approval. Condition 12 excludes C-9 completion and compliance from the surety alternative. Condition 18 expressly incorporates C832-05 and DEQ-approved as-built improvements sufficient for this subdivision. Appellants support these provisions and seek a precise explanation of their capacity component.

C-9 provides:

> "Prior to construction of sewer and water improvements for each phase of the subdivision, the applicant shall obtain approval from Idaho Department of Environmental Quality (DEQ) for the utility plans and specifications, and shall install the systems in accord with the approved plans. Prior to final plat approval for each phase, the applicant shall provide written approval of the 'as-built' improvements for sewer and water services from DEQ. Prior to final plat for each phase, the applicant shall provide written confirmation from DEQ that the capacity of the water and wastewater systems is sufficient to accommodate the additional lots."

See, Staff Report Appendix C

The reference to additional lots requires a determination of what reserve capacity remains available to undertake those additional commitments pursuant to BCRC 12-623(B)(4). Appellants contend that a commitment to platted but not-connected lots does not become nonexistent merely because the owner has not yet built. Appellants proposed conditions require treatment of existing obligations that can be quantified and auditable, including an explanation of any disputed exclusions.

B. The capacity requirement is a land use obligation

BCRC 12-623(B)(4) calls for the existing water-system owner's statement of sufficient reserve production capacity for the proposed lots. BCRC 12-645(D) addresses adequacy of services for future residents or users; subsection (E) addresses hazards to future residents or the public. These standards support examining dependable capacity of the shared systems, rather than only the new pipes within the plat. The Hearing Examiner acknowledges this distinction at timestamp 2:20-05 - 2:21:33 of the hearing.

Under BCRC 12-221(B)–(C), conditional use permit conditions control use of the property and continue despite a change of ownership. Applicant's arguments concerning unassumed predecessor liabilities do not eliminate C-9 from this approval. Appellants seek compliance by the applicant as a prerequisite to its final plat, not adjudication of all historical private liabilities.

The condition remains phased. It requires improvements needed to support existing established commitments to platted but not-connected lots plus the proposed phase; it does not require the applicant to construct capacity for all possible future development phases at once. This is both the concurrency and cumulative nature requirements found universally in United States land development and infrastructure.

C. Applicant, Valiant, TIC and the Other Companies are all Affiliated Companies

Applicant attempts to shift responsibility for the water and wastewater systems to others. Valiant and TIC Utilities, LLC ("TIC") are responsible for the water system and the treated wastewater storage and

disposal, which must be upgraded to increase the capacity of the sewer system. Gem State owns the collection, untreated waste storage, and treatment part of the sewage system. With the exception of Gem State, all of the companies involved in the water system, wastewater system and development of The Idaho Club are affiliated and under the common ownership/management of William Haberman. Governmental agencies and the companies themselves intertwine their relationships. Examples of these statements are contained in Exhibit 1, and briefly described below:

- William Haberman is the Manager of Valiant Idaho, LLC;
- William Haberman is the Manager of Valiant Idaho II, LLC;
- William Haberman is the Manager of TIC Utilities, LLC;
- William Haberman is the Manager of WEH Holding, LLC;
- William Haberman is the Manager of NICD Development LLC;
- WEH Holding, LLC is the Manager of NICD Development LLC;
- TIC is an affiliate of Valiant;
- NICD is an affiliate of Valiant;
- TIC is Valiant;
- The Idaho PUC's CPCN was issued to Valiant; and
- The Idaho PUC's CPCN was issued to TIC.

D. LLUPA

Idaho Code § 67-6513, governing subdivision ordinances provides "Each such ordinance may provide for mitigation of the effects of subdivision development on the ability of political subdivisions of the state … to deliver services **without compromising quality of service delivery to current residents or imposing substantial additional costs upon current residents to accommodate the proposed subdivision.**" In making that determination, § 67-6508 further provides "**The plan shall consider previous and existing conditions**". These provisions support the principle that approval of new subdivision lots should not degrade services received by existing lot owners, force existing lot owners to bear the cost of infrastructure needed for the new development, or ignore the historical and current conditions in the CUP.

A closely related provision is Idaho Code § 67-6512(d). It authorizes conditions on a special-use permit for purposes including:

- minimizing adverse impact on other development;
- controlling the sequence and timing of development; and
- requiring public facilities and services; and

Section 67-6513 provides the explicit protection for service quality to current lot owners, while § 67-6512(d) establishes the County's authority to impose a precise, enforceable condition—including a phased capacity condition—to prevent harm to existing development. These protections were incorporated into BCRC 12-645(D)–(E), CUP C832-05, and Condition C-9 itself.

E. <u>The Original Phasing Evidence Demonstrates that platted but not-connected Lots should be included in the Calculations</u>

The correspondence between the developer and Bonner County prepared at the time the CUP was created and approved shows that capacity of the water and wastewater systems should be calculated by taking the system capacity and subtracting **BOTH** the "*actual connections and platted lots*". See, Exhibit 23, page 4.

That is precisely what we are asking the current Bonner County Board of Commissioners to do. Use the process, agreed to over 20 years ago and incorporated into Condition C-9 to calculate the reserve

capacity. Using this methodology and the numbers from TIC and Gem State one gets the following deficiencies in the reserve capacities.

Calculations using TIC's Numbers from TIC's Will Serve letter dated February 12, 2026 Exhibit 04		**Calculations using Gem State's Wastewater Treatment Facility Plan dated November 2025 Exhibit 02(a) page 11 and Assuming Upgrade to 320 ERUs**	
Current Water System Capacity (ERUs)	144* See Note Below	Current Wastewater System Capacity (ERUs)	320
Current Platted and Active Connections (ERUs)	310	Current Platted and Active Connections (ERUs)	428
Current Deficit (ERUs)	-(166)	Current Deficit (ERUs)	-(108)
11th Addition Lots (ERUs)	22	11th Addition Lots (ERUs)	22
12th Addition Lots (ERUs)	24	12th Addition Lots (ERUs)	24
Deficit with 11th and 12th Additions (ERUs)	-(212)	Deficit with 11th and 12th Additions (ERUs)	-(154)

NOTE: Appellants do not stipulate 144 ERU's is the official capacity of the water system. The official Water System Facility Report dated May 2025 and prepared by Welch-Comer on behalf of TIC states "when looking at future demands, the system is not expected to be capable of sustaining more than 96 EDUs--less than the system currently has." See Exhibit 8 at pages 26 and 27.

In Exhibit 04, TIC identifies 310 Currently Platted Lots, and 144 ERUs of capacity, with 105 active connections. However, when conducting its reserve capacity calculation, TIC entirely ignores the platted but not-connected lots. In short, the current Water System Capacity can only handle less than half (50%) of the currently platted lots.

Similar to TIC, Gem State when calculating its sewer system reserve capacity, also ignores the platted but not-connected lots. Together, these materials support a current reconciliation of capacity, operating reserves, and currently platted lots that demonstrates the water system and wastewater systems are unable to produce sufficient water and wastewater for all lots within The Idaho Club, much less with the addition of the proposed lots in Addition 11 and 12.

F. The issue was raised before the Examiner

The filed objection expressly requested, as alternative relief, capacity verification that accounts for connected demand, platted but not-connected lots, existing service obligations, and pending connections. It also requested identification and support for any exclusions. Filed Objection, pp. 1 and 13. This limited appeal develops that alternative in light of the protections the Examiner added.

Norton raised the unresolved distinction between the new lots and platted but not-connected lots at the close of the hearing, approximately 2:41:49–2:42:56. Frohnen's testimony addressed omitted commitments; Tuddenham described existing service interests and his will-serve request. The Board can resolve this preserved issue through a focused clarification.

G. Applicant Agreed to the Approach Requested by Appellants

The Hearing Examiners specifically found that with respect to BCRC Code Section 12-623.A (Urban Services) that "At the hearing on August 27 applicant agreed that it must comply with condition C-9 of file C 832-05 and *provide as built plans of all improvements for each phase of development necessary to service all lots in each phase*." We are presently addressing phases 11 and 12 (the 11th and 12th Additions). Appellants simply seek this Board to quantify the requirements of Condition C-9 as agreed to by Applicant.

H. Technical approval and commitment allocation are distinct questions

Idaho's drinking-water rules require an existing public water system undergoing a material modification to have a current Facility Plan addressing the entire potential service area. For certain water-main extensions, the purveyor must document that it can serve the extension while continuing to meet applicable quantity, quality, pressure, and storage requirements; one permitted form of documentation is a declining-balance report demonstrating capacity for the service area affected by the extension. [*See* IDAPA 58.01.08.502.01.] Facility Plans must address system-wide growth, deficiencies, design population and EDUs, maximum-day and peak-hour demand, storage, fire flow, standby power, and redundancy. [*See* IDAPA 58.01.08.502.04.]

The wastewater rules are more explicit. "Buildout" means estimated future wastewater capacity needs at full development based on land-use plans, zoning, or Facility Planning, and design capacity must account for those conditions unless expansion is readily achievable. [*See* IDAPA 58.01.16.010.05.] Sewer capacity generally must be designed for estimated buildout flow. [*See* IDAPA 58.01.16.430.01.] A private wastewater treatment plant serving a planned-development footprint must address contiguous areas, future phases, and anticipated growth in its Facility Plan and preliminary engineering report. [*See* Exhibit 19: IDAPA 58.01.16.455.01.c (effective July 1, 2026)].

The Applicant has suggested that DEQ or Idaho Public Utilities Commission ("IPUC") approval of regulatory filings should be treated as establishing water and sewer adequacy. That confuses distinct governmental functions. Idaho Code section 39-118 authorizes DEQ to review and approve engineering plans and specifications before construction. The DEQ has made this distinction abundantly clear when it stated the "DEQ doesn't approve subdivisions" and "[i]t is not DEQ's role to approve or allocate individual service connections or to manage a system's policy for reserved connections. DEQ does not regulate property rights to connect, billing practices, or the prioritization of future connections for wastewater systems." See Exhibit 03(a) and Exhibit 03(b). DEQ approval may establish that a submitted design satisfies requirements within DEQ's jurisdiction; it does not make the County's findings of fact under BCRC sections 12-623 and 12-645.

DEQ's response to public comments explains that its role includes review of wastewater facilities and system capacity, while individual connection allocation, reserved-connection policy, property connection rights, billing, and priority are outside the role it describes. *See*, Exhibit 03(b), p. 6. Appellants therefore request complementary showings: the DEQ technical approvals required by C-9, and a documented system-wide utility accounting from which the County can determine and verify compliance with the clarified commitment scope of C-9.

The extension approval, facility-plan, reuse, and engineering materials distinguish approved plans from operating facilities and completed improvements. See, Exhibits 11–12 and 15–18. Review must address the limiting components across collection, treatment, storage, and disposal. An approved future expansion schedule is not itself evidence that an improvement required for this final plat has been completed.

The Gem State December 15, 2025 will serve letters impose conditions before active connections, while C-9 and the final decision impose requirements before final plat approval. The applicant must explain satisfaction of the earlier land-use prerequisite, even if individual activation occurs later. This appeal does not ask DEQ to adjudicate private connection rights or the County to replace DEQ's engineering review.

At the hearing before the Hearing Examiner, Applicant's engineering expert explained that Facility-Plan Documents and DEQ requirements are triggered based upon active connections, rather than on development for platted but not-connected lots contained within each phase of the development. The expert further described the timing question of when to physically expand the systems were potentially a "policy decision". The Hearing Examiner responded that C-9 already established the policy and the issue now is compliance. See Applicant's expert testimony at approximately 2:13:00–2:14:00 during the Hearing. We agree. The issue we ask the Board to address is to provide quantifiable and verifiable guidance on what is included in the reserve capacity calculation and a precise method of its calculation.

5. Proposed Clarification of Conditions 2 and 18

Appellants request the following language in Condition 2, incorporated into Condition 18. It specifies the accounting and review needed to implement C-9; Condition 12's exclusion of C-9 from the surety alternative remains in effect.

A Preparation and administration

Before final plat approval, the applicant shall submit a dated reconciliation for each water and wastewater system serving the proposed lots. An appropriately qualified Idaho-licensed professional engineer shall prepare, certify, and stamp the engineering analysis using utility records, DEQ report approvals, applicable permits, operating data, and as-built information. Minimum standards are required to be the Water and Wastewater Rules under IDAPA 58 and the project specific Fire Code standards and all required special provisions in the CUP or equivalent document. Each utility shall authenticate its connection and commitment records.

B Capacity and demand commitment reconciliation

The reconciliation shall identify the service area, data date, units, demand assumptions, and dependable capacity of completed facilities authorized for operation. Capacity shall reflect the limiting system components and applicable seasonal, operational, storage, pressure, fire-flow storage, and other required reserves. Equivalent units shall use consistent, documented assumptions within each system; water and wastewater shall be evaluated separately. Capacity analysis for wastewater shall consider the combined affects of limiting factors for collection, treatment and final disposal via reuse irrigation.

The demand inventory shall include active connections, every existing platted but not-connected lot within the service area, other established service commitments, nonresidential demands, and the proposed addition. Established service commitments include obligations documented by approvals, approved or pending preliminary plats, service agreements, will-serve letters, tariffs, or other applicable instruments. Merged lots may be subtracted from the demand inventory only if a lot line adjustment survey has been recorded. **All** existing platted but not-connected lots shall remain in the accounting.

C Calculation and protection against double counting

For each system, the applicant shall demonstrate the following calculation in equivalent units and supporting engineering quantities:

Golden Tee Estates __ Addition	
Calculation	**Required Accounting**
Dependable, approved system capacity	DEQ approved completed, authorized facilities after required reserves
Less Active Connections	Connected residential and nonresidential uses
Less Platted but Not-Connected Lots	Existing Platted but Not-Connected Lots included under paragraph B
Less Other Established Service Commitments	Only obligations not counted above per paragraph B
Less Proposed Phase/Addition Demand	Only demand not already counted above
Equals Remaining Capacity	Must be zero or greater

Each lot and obligation shall be counted once. The inventory shall reconcile overlapping commitments involving the Eleventh and Twelfth Additions, pending Short Plat projects, and other phases or projects. The same capacity shall not be allocated to both additions.

D Completion and DEQ approval

The applicant shall ensure all improvements necessary to demonstrate the required "dependable, approved system capacity" required by C-9 and paragraph C above are completed before final plat approval. The showing shall cover all relevant water and wastewater components. The applicant shall provide the DEQ plan approvals, written approval of as-built improvements, and written capacity confirmation required by C-9 and Paragraph C above, identifying the facilities and assumptions addressed. Applicant shall follow paragraphs A, B and C above and make submittal to DEQ to gain approval of the "Dependable, approved system capacity". DEQ approval shall be in writing, unconditional, unequivocal, and dated within 60 days of the request for final map approval.

E County review and final determination

As provided in Condition 11, Applicant shall provide reports for the County Engineer's review with the analysis, assumptions, facility limitations, and reconciliation. The Planning Department shall adopt a Final Map review – and approval process that ensures compliance in full for Condition C-9 and the provisions of Conditions A through F of this Section 5. In practice, the Applicant makes a submittal to the County at time of Final Map approval that contains the Capacity and Demand reconciliation reports, with all backup materials and DEQ approval of the "Dependable, approved system capacity". This package is then subject to review and approval by County Engineer (and supporting professionals in planning and surveying). We anticipate at least one more line item to be added to the Final Map approval checklist for the full review and approval of both parts of condition C-9 (the pipeline as-builts and the excess capacity proof).

Before final plat approval, the County shall file the supporting materials and its written compliance determination in S0002-26. The determination shall identify approved capacity, active connections,

platted but not-connected lots, other established service commitments, proposed phase/addition demand, and remaining capacity. The compliance record shall resolve material disagreements and exclusions. The County retains responsibility for determining land-use compliance.

F Final plat approval, recording and lot sales

Before recording, the Applicant shall confirm that that there have been no material changes in capacity of demand commitments impacting the calculation of sufficient "remaining capacity", and the Planning Director shall document continued compliance. Material changes require renewed review by the County's final-plat approval authority.

Once the County determines compliance in full for both parts of C-9, and other checklist items, the file will be scheduled for BOCC review and approval. This process shall follow existing County Code regarding scheduling, notices, hearings, and/or appeal rights. No newly created lot shall be conveyed pursuant to this approval until lawful recording following verified compliance. Neither surety nor promised improvements may substitute for C-9 compliance. Nothing in this requested method and process in this Section 5 is intended or will modify existing County Code.

6. Record and Coordinated Consideration

Appellants request consideration of the S0002-26 application and binder, staff materials, filed objection and exhibits, hearing testimony and official recording, written decision and amended analysis, and properly submitted appeal evidence.

Appellants intend to submit a related complaint concerning the Twelfth Addition, S0006-22. Because both additions use the same facilities, the capacity review must reconcile their overlapping commitments. Appellants request concurrent consideration where authorized by BCRC 12-268(H), or coordinated scheduling where feasible, with proper notice and an opportunity to respond. The filings will use common exhibit numbers. Appellants request that the Board expressly receive the relevant common exhibits and testimony in each proceeding. The Board should identify the evidence received and the ruling made in each proceeding. Relief concerning the Twelfth Addition will be requested through that proceeding.

7. Requested Disposition

Under BCRC 12-262(D), the Board may modify the Examiner's decision. Appellants respectfully request that the Board:

- Accept this appeal upon timely filing and fee payment and conduct the required hearing.
- Preserve conditional preliminary approval and adopt the proposed clarification of Conditions 2 and 18, or materially equivalent language requiring cumulative accounting, completed improvements, and verified compliance before final plat approval.
- Retain Condition 12's exclusion of C-9 from the surety alternative, and require continued compliance before recording and conveyance of the newly created lots.
- Coordinate consideration of the related Twelfth Addition matter where procedurally available. If a material capacity or commitment question requires further evidence, allow a focused submission and response before resolving it.

Respectfully submitted on [date].

Christopher Norton

Christopher Norton

[redacted]

David Frohnen

David Frohnen

[redacted]

Read Tuddenham

Read Tuddenham

[redacted]

COMBINED EXHIBIT LIST FOR APPEAL OF FILE S0002-26 AND COMPLAINT ON FILE S0006-22

Exhibit	Description
01	Documents showing all entities affiliated and managed by William Haberman
02(a)	Ardurra, Idaho Club Wastewater Facility Plan, Table 3-1 (rev. Nov. 2025).
02(b)	Email exchange between Dan McCracken and William Haberman (June 20, 2025).
03(a)	Email from Dan McCracken to William Haberman (June 17, 2025).
03(b)	DEQ Response to Public Comments (Jan. 14, 2026).
04	TIC Utilities letter to Premier Quality Development, LLC (Feb. 12, 2026).
05	Department of Environmental Quality Reuse Permit M-281-01 (Jan. 21, 2026).
06(a)	Valiant Equity Website — The Idaho Club page (2016).
06(b)	Interstate Land Sales (ILS) report for The Idaho Club (Sept. 21, 2020).
06(c)	Instrument No. 903014 (Mar. 21, 2017).
06(d)	Instrument No. 917402 (Jan. 29, 2018).
06(e)	Instrument No. 1021498 (June 16, 2023).
07	Conditional Use Permit C832-05 for File S1246-05 (Apr. 13, 2006).
08	Welch Comer, Water System Facility Plan for the Idaho Club Water System (May 2025).
09	Tom Curtiss email to Idaho Club members (Aug. 5, 2026).
10	Final Order No. 36818 in Case No. VID-W-25-02 (Nov. 3, 2025).
11	Email from Dan McCracken to Tim Smith and William Haberman (July 25, 2025).
12	DEQ Conditional Facility Approval — Golden Tee Estates 11th Addition (Jan. 21, 2026).
13	Completed Bonner County Sewer Sign-Off — Trupiano, BLP-2025-0543 (Jan. 16, 2026).
14	Idaho DEQ Reuse Permit M-280-01_Final, CA-280-03 (Jan. 21, 2026).
15	Ardurra, Preliminary Engineering Report, revised Feb. 25, 2026.
16	Welch Comer, Irrigation Wastewater Facility Plan, §§ 3.1.6–3.1.7 (Dec. 2025).
17	DEQ letter to William Haberman approving the Irrigation Wastewater Facility Plan (Mar. 3, 2026).
18	Idaho DEQ Reuse Permit M-281-01_Final (Jan. 16, 2026).
19	IDAPA 58.01.16.455.01.c (effective July 1, 2026).
20	Email from Dan McCracken to William Haberman (Nov. 14, 2025).
21	Valiant Schedules, Rules, and Regulations (Dec. 3, 2025).

Exhibit	Description
22	Original Application for C832-05
23	Nov. 22, 2005 Communication between Bonner County and James Sewell & Associates.
24	Printout of Bonner County Real Estate Records showing Warranty Deed Sales by Valiant and Valiant's description of property sales.
25	June 20, 2025 from Haberman to IDEQ complaining about moratorium.
26	August 10, 2026 letter from Valiant to lot owners in The Idaho Club
27	July 18, 2024 Comments by Deputy Attorney General of IPUC Staff
28	November 27, 2024 Notification from IDEQ to Gem State that Reuse Permit LA-000123-02 expired on July 28, 2015
29(a)	Plat given preliminary approval by Bonner County for the 12th Addition in File S0006-22.
29(b)	Plat given approval by the Idaho DEQ for the 12th Addition.
30	Service Area Boundary of Valiant/TIC Utilities under their Certificate of Public Convenience and Necessity issued by the Idaho PUC.

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE INVESTIGATION INTO VALIANT IDAHO, INC. AND TIC UTILITIES, LLC, OWNERS OF A NORTHERN IDAHO WATER SUPPLY AND DISTRIBUTION SYSTEM	))))))	**CASE NO. GNR-W-24-01** **CERTIFICATE NO. 554**

IT IS HEREBY CERTIFIED that the Public Convenience and Necessity requires Valiant Idaho, Inc. and its successors and assigns to hold, construct or otherwise acquire, to maintain and to operate a water system and provide a potable water supply to customers in a development and golf club called the Idaho Club in or near Bonner County, Idaho, more specifically:

See attached as Attachment 1 - Service Territory Legal Descriptions
See attached as Attachment 2 - Service Territory Map

This Certificate is for such purpose to own, hold, construct or otherwise acquire and to maintain and operate within said territory water wells, reservoirs, tanks, towers, stand pipes collectors, settling basins, galleries and other works and structures, and also to lay, take up, repair, renew, extend, alter, maintain, and operate water mains, pipes, conduits, aqueducts hydrants and other appliances, equipment and facilities, in, upon, over, under, along, through and across all streets, avenues, alleys, streams, highways, roads, and other public places in said territory as the same now exists or may hereafter be extended, laid out or established, and to exercise the rights and privileges granted, or to which hereafter may be granted to Valiant Idaho, Inc., its successors or assigns, by any franchise conferred by the State of Idaho or any political subdivision thereof.

This Certificate is predicated upon and issued pursuant to the findings and conclusions of Order No. 36312 in Case No. GNR-W-24-01 to which reference is hereby made.

EXHIBIT 01

DATED at Boise, Idaho this 20th day of December 2024.

ERIC ANDERSON, PRESIDENT

JOHN R. HAMMOND JR., COMMISSIONER

EDWARD LODGE, COMMISSIONER

ATTEST:

Monica Barrios-Sanchez
Commission Secretary

I:\Legal\WATER\GNR-W-24-01\orders\GNRW2401_Cert.docx

RECEIVED
November 24, 2025
IDAHO PUBLIC
UTILITIES COMMISSION

VALIANT IDAHO, LLC
TIC UTILITIES, LLC
151 CLUBHOUSE WAY
SANDPOINT, ID 83864
(208) 265-0400
wh@theidahoclub.com

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION OF TIC UTILITIES, LLC FOR AUTHORITY TO INCREASE ITS RATES AND CHARGES FOR WATER SERVICE IN THE STATE OF IDAHO	**CASE NO. VID-W-25-02** **ORDER NO. 36818** **REQUEST FOR RECONSIDERATION**

COMES NOW TIC Utilities, LLC, an affiliate of Valiant Idaho, LLC, ("Company") and holder of Certificate of Public Convenience and Necessity No. 554 from the Idaho Public Utilities Commission ("IPUC"), hereby is responding to the Final Order No. 36818 dated November 3, 2025 ("Final Order").

REQUEST FOR RECONSIDERATION

Company hereby acknowledges and accepts most of the conclusions of IPUC in its Final Order. However, Company hereby requests that IPUC reconsider the following Commission Discussion and Findings in the Final Order for the reasons stated below.

REVENUE REQUIREMENT: Company acknowledges and agrees that the calendar year 2024 is an appropriate test year for the establishment of Company's revenue requirement. However, Company disputes that certain pro forma adjustments to Company's *actual* 2024 revenue and expenses should be made, as such adjustments will unfairly, unjustly and unreasonably limit Company's allowable revenue to an amount that will not cover

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF VALIANT IDAHO INC./TIC UTILITIES, LLC'S APPLICATION TO INCREASE ITS RATES AND CHARGES FOR WATER SERVICE IN THE STATE OF IDAHO	)	**CASE NO. VID-W-25-02**
	)	
	)	**ORDER NO. 36879**

On March 4, 2025, TIC Utilities, LLC, an entity affiliated with Valiant Idaho, Inc. ("Company"), applied to increase the rates and charges for the Company's water service ("Application"). The Company requests a July 1, 2025, effective date for the proposed rate increase.

On November 3, 2025, the Commission issued Order No. 36818, authorizing the Company to increase its rates in an amount less than that requested in the Application.

On November 24, 2025, the Company filed a Petition for Reconsideration ("Petition") of Order No. 36818 ("Order"). The Company argues that certain revenue and expense adjustments in the Order unfairly, unjustly, and unreasonably understate its operating costs, depriving it of the opportunity to obtain a return on its investments in the water system. No responses to the Petition were filed.

With this Order, we grant the Company's Petition as described below.

ORDER NO. 36818

In Order No. 36818, the Commission authorized the Company to increase its rates for water service. In doing so, however, the Commission adjusted the Company's revenue and certain proposed expenses. Order No. 36818 provides, in pertinent part:

> After reviewing the Application, supporting documents, discovery responses, the Company's financial records, procedures, and internal controls, Staff recommended a total annual revenue requirement of $201,869, an increase of $36,623 or 22.1%. This recommended revenue requirement results from a capital structure made up entirely of equity, with an 11.0% return on equity applied to a net rate base of $434,673.

* * *

RECEIVED
March 4, 2025
Idaho Public
Utilities Commission

TIC UTILITIES, LLC
151 CLUBHOUSE WAY
SANDPOINT, ID 83864
(208) 265-0400
wh@theidahoclub.com

Case No.: VID-W-25-02

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION OF TIC UTILITIES, LLC FOR AUTHORITY TO INCREASE ITS RATES AND CHARGES FOR WATER SERVICE IN THE STATE OF IDAHO	**CASE NO. GNR-W-24-01**

COMES NOW TIC Utilities, LLC, hereinafter referred to as "Applicant" and holder of Certificate of Public Convenience and Necessity No. 554 from the Idaho Public Utilities Commission, hereby applies to the Commission for authorization to increase its rates and charges for water service.

Applicant is an Idaho Limited Liability Company and provides water service to 317 residential customers in or about the city of Sandpoint in Bonner County, Idaho. Attached to this Application is a current map of the service area showing the location of wells, reservoirs, transmission mains and distribution lines. Also attached is a written legal description defining the boundaries of the service area.

Application is made to the Commission to authorize a general increase in water rates as follows:

Increase flat rate unmetered residential rates from $45.00 per month for individual residences and improved residential lots, to $150.00 per month for individual residences and $45.00 per month for improved residential lots. Increase metered residential rates from $0.00 per month to $0.01 per gallon for all consumption in excess of 7,500 gallons per month.

Applicant requests that such changes in rates and charges be effective on July 1, 2025.

Applicant hereby certifies that it shall notify its customers of the Application by regular mail sent on March 4, 2025. A similar notice has been published in Bonner County Bee newspaper beginning on March 4, 2025. Copies of these notices are included with this Application.

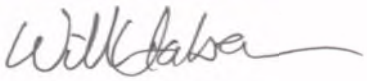
Applicant further states that it stands ready for immediate consideration of this Application. TIC Utilities, LLC respectfully requests favorable consideration of this Application.

Please direct any questions or correspondence related to the Application to the Applicant at the following address:

WILLIAM HABERMAN
MANAGER
TIC UTILITIES, LLC
151 CLUBHOUSE WAY
SANDPOINT, ID 83864
(208) 265-0400
wh@theidahoclub.com

Respectfully submitted,

TIC UTILITIES, LLC



William Haberman
Manager

CAUTION: This email originated outside the State of Idaho network. Verify links a attachments BEFORE you click or open, even if you recognize and/or trust the se Contact your agency service desk with any concerns.

Dan — It is our understanding that the Gem State reuse permit has been out for public its facility plan has now been approved.

Further, the Valiant reuse permit has been out for public comment and its facility plan is review.

As you can see below, updated will-serve letters for two of the remaining subdivisions w to DEQ on December 17, 2025.

Can you please provide an update on the final steps for each of these, and authorize th our engineering plans for the two subdivisions, based on the substantial work complete

I look forward to your response so that we can restart our development efforts and mini further financial damages.

Thanks. Bill

William Haberman
Managing Member
Valiant Idaho, LLC
TIC Utilities, LLC

Gem State Water
P.O. Box 665
Coeur D' Alene, ID 83816
1.877.755.9287
www.gemstate-water.com

December 15, 2025

NICD Development, LLC
Attn: William Haberman, Managing Member
151 Clubhouse Way
Sandpoint, ID 83864
VIA EMAIL: william.haberman@me.com

Will Serve Wastewater Service for The Idaho Club

Golden Tee Estates 11th Addition

With this letter (this "Letter"), Gem State Infrastructure, LLC ("Gem State") confirms it operates a community wastewater treatment system with sufficient total capacity for the twenty-two (22) lot residential subdivision, described as Golden Tee Estates, 11th Addition, located in Bonner County, Idaho, as shown in the attached Master Site Plan (the "11th Addition"), proposed by NICD Development, LLC (together with its successor and assigns, "NICD"), an affiliate of Valiant Idaho, LLC ("Valiant"). Capitalized terms used herein that are not otherwise defined herein shall have the meaning ascribed thereto in the Agreement for the Delivery and Use of Recycled Water, dated April 9, 2025, by and between Gem State and Valiant (the "Reuse Agreement").

Gem State agrees to provide wastewater services to the above-referenced lots in the 11th Addition subject to the following conditions:

(1) No more than twenty-two (22) wastewater system connections shall be provided, and all such connections are within the area shown in the attached Master Site Plan.

(2) No active connections shall be allowed until such time as Gem State and Valiant are issued reuse permits by Idaho Department of Environmental Quality ("IDEQ"), and Gem State has satisfied certain IDEQ conditions to service expansion.

(3) No active connections shall be allowed until such time as Valiant completes the necessary improvements to its irrigation storage ponds required under the terms of the Reuse Agreement; and Valiant's Holding Pond storage capacity is consistently and reliably at

AGREEMENT FOR THE DELIVERY AND USE OF RECYCLED WATER

This Agreement is made and entered into as of this 9th day of April, 2025, between Gem State Infrastructure, LLC, an Idaho limited liability company, ("**Utility**") and Valiant Idaho, LLC, an Idaho limited liability company ("**TIC**").

RECITALS:

A. Utility owns and operates a (i) wastewater collection system, wastewater lagoon, water treatment facilities and meter station at Golden Tee Estates First Edition, Block 17, Lot 2 (the "**Treatment Facility**", and the property on which it is situated, the "**GS Property**"), (ii) a pipeline that extends from the Treatment Facility to the three valves located on TIC's property (the "**TIC Valves**") that direct water from the pipeline to the Holding Ponds (as defined below), and all pumps and appurtenances required for the delivery of water on the pipeline (collectively, excluding the TIC Valves and everything after the TIC Valves, the "**Utility Recycled Water System**").

B. TIC owns (i) a golf course located at 151 Clubhouse Way, Sandpoint, ID 83864, as more fully described in Exhibit A (the "**TIC Property**"), and (ii) the TIC Valves, all holding ponds for water to be used for golf course irrigation (the "**Holding Ponds**"), the pipelines extending from the TIC Valves to the Holding Ponds, and all piping, pumps, appurtenances and other components of the irrigation system (collectively with the TIC Valves and Holding Ponds, the "**Irrigation System**").

C. Utility collects and treats domestic wastewater generated within Utility's service area, holds wastewater temporarily in the lagoon on the GS Property, and then, by means of treatment primarily through filtration and chlorination at the Treatment Facility and chlorination in the pipeline from the Treatment Facility, delivers Recycled Water to the TIC Valves for TIC to direct to the appropriate Holding Pond for its irrigation purposes.

D. Utility is authorized to discharge Recycled Water to authorized recycled water use sites pursuant to the Utility Permit (as defined below), a true and correct copy of which, as of the Effective Date, is attached hereto as Exhibit B, and is incorporated herein.

E. TIC anticipates authorization to use Recycled Water for irrigation purposes on the TIC Property upon submission of, and pursuant to, the Land Application Permit (as defined below), a true and correct copy of which, as of the Effective Date, is attached hereto as Exhibit C, and is incorporated herein.

F. TIC agrees to accept the delivery of Recycled Water from Utility to be used for irrigation purposes and applied only in such ways as are specifically permitted pursuant to the Utility Permit and TIC's Land Application Permit issued by the Idaho Department of Environmental Quality (the "**DEQ**"), subject to the terms and conditions hereinafter set forth.

and future owners of such property. Contemporaneously with the execution of this Agreement, the Parties will record a memorandum of this Agreement to put third-parties on notice of the covenants and obligations that run with the land.

22. Exhibits to this Agreement.

Exhibits A, B, C, D and E are incorporated into this Agreement by this reference in their entirety.

23. Third-Party Beneficiaries.

This Agreement shall not create any right or interest in any non-party or in any member of the public as a third-party beneficiary.

In Witness Thereof, this Agreement is entered into as of the date first above written.

Utility: **Gem State Infrastructure, LLC**

By:_____

Leslie Abrams-Rayner, WDM I certification # WWT215338
General Manager
Phone: 877 755 9287
Email: leslie@gemstate-water.com

TIC: **Valiant Idaho, LLC**

By:_____

William Haberman
Managing Partner
151 Clubhouse Way
Sandpoint, ID 83864
Phone: 407-973-7875
Email: william.haberman@me.com

0006437166

STATE OF IDAHO

Office of the secretary of state, Phil McGrane

ANNUAL REPORT

Idaho Secretary of State
PO Box 83720
Boise, ID 83720-0080
(208) 334-2301
Filing Fee: $0.00

For Office Use Only

-FILED-

File #: 0006437166

Date Filed: 9/14/2025 5:57:46 PM

Entity Name and Mailing Address:

Entity Name:	NICD Development, LLC
The file number of this entity on the records of the Idaho Secretary of State is:	0005436156
Address	WILLIAM HABERMAN 151 INDEPENDENCE WAY SANDPOINT, ID 83864-1012

Entity Details:

Entity Status	Active-Existing
This entity is organized under the laws of:	IDAHO
If applicable, the old file number of this entity on the records of the Idaho Secretary of State was:	

The registered agent on record is:

Registered Agent	William E Haberman Registered Agent Physical Address 151 INDEPENDENCE WAY SANDPOINT, ID 83864 Mailing Address 151 INDEPENDENCE WAY WILLIAM HABERMAN SANDPOINT, ID 83864-1012

Limited Liability Company Managers and Members

Name	TItle	Business Address
WEH Holdings, LLC	Managing Member	WILLIAM HABERMAN 151 INDEPENDENCE WAY SANDPOINT, ID 83864

The annual report must be signed by an authorized signer of the entity.

Job Title: Manager

William Haberman
Sign Here

09/14/2025
Date

B1049-2306 09/14/2025 5:57 PM Received by Office of the Idaho Secretary of State

Page 1 of 1

0006337334

STATE OF IDAHO

Office of the secretary of state, Phil McGrane

ANNUAL REPORT

Idaho Secretary of State
PO Box 83720
Boise, ID 83720-0080
(208) 334-2301
Filing Fee: $0.00

For Office Use Only

-FILED-

File #: 0006337334

Date Filed: 7/3/2025 9:14:10 AM

Entity Name and Mailing Address:

Entity Name:	VALIANT IDAHO, LLC
The file number of this entity on the records of the Idaho Secretary of State is:	0000425916
Address	William Haberman 151 CLUBHOUSE WAY SANDPOINT, ID 83864-9194

Entity Details:

Entity Status	Active-Existing
This entity is organized under the laws of:	IDAHO
If applicable, the old file number of this entity on the records of the Idaho Secretary of State was:	W139651

The registered agent on record is:

Registered Agent	RICHARD L STACEY Registered Agent Physical Address 827 E PARK BLVD STE 201 BOISE, ID 83712 Mailing Address

Agent or Address Change

☐ Select if you are appointing a new agent.

Limited Liability Company Managers and Members

Name	TItle	Business Address
■ William Haberman	Manager	151 CLUBHOUSE WAY SANDPOINT, ID 83864

The annual report must be signed by an authorized signer of the entity.

Job Title: Manager

William Haberman
Sign Here

07/03/2025
Date

B1028-2092 07/03/2025 9:14 AM Received by Office of the Idaho Secretary of State

Page 1 of 1

0006683699

STATE OF IDAHO

Office of the secretary of state, Phil McGrane

ANNUAL REPORT

Idaho Secretary of State
PO Box 83720
Boise, ID 83720-0080
(208) 334-2301
Filing Fee: $0.00

For Office Use Only

-FILED-

File #: 0006683699

Date Filed: 3/3/2026 10:49:36 AM

Entity Name and Mailing Address:

Entity Name:	Valiant Idaho II, LLC
The file number of this entity on the records of the Idaho Secretary of State is:	0003458420
Address	William Haberman 151 CLUBHOUSE WAY STE 201 SANDPOINT, ID 83864-9194

Entity Details:

Entity Status	Active-Existing
This entity is organized under the laws of:	IDAHO
If applicable, the old file number of this entity on the records of the Idaho Secretary of State was:	

The registered agent on record is:

Registered Agent	RICHARD L STACEY Registered Agent Physical Address 827 E PARK BLVD STE 201 BOISE, ID 83712 Mailing Address

Agent or Address Change

☐ Select if you are appointing a new agent.

Limited Liability Company Managers and Members

Name	TItle	Business Address
■ William Haberman	Manager	SANDPOINT, IDAHO 151 CLUBHOUSE WAY SUITE 201 SANDPOINT, ID 83864

The annual report must be signed by an authorized signer of the entity.

Job Title: Manager

William Haberman
Sign Here

03/03/2026
Date

B1095-6605 03/03/2026 10:49 AM Received by Office of the Idaho Secretary of State

Page 1 of 1

0006683758

STATE OF IDAHO

Office of the secretary of state, Phil McGrane

ANNUAL REPORT

Idaho Secretary of State
PO Box 83720
Boise, ID 83720-0080
(208) 334-2301
Filing Fee: $0.00

For Office Use Only

-FILED-

File #: 0006683758

Date Filed: 3/3/2026 10:53:25 AM

Entity Name and Mailing Address:

Entity Name:	TIC UTILITIES, LLC
The file number of this entity on the records of the Idaho Secretary of State is:	0000544835
Address	151 CLUBHOUSE WAY SANDPOINT, ID 83864-9194

Entity Details:

Entity Status	Active-Existing
This entity is organized under the laws of:	IDAHO
If applicable, the old file number of this entity on the records of the Idaho Secretary of State was:	W180129

The registered agent on record is:

Registered Agent	RICK L STACEY Registered Agent Physical Address 827 EAST PARK BLVD STE 201 BOISE, ID 83712 Mailing Address

Agent or Address Change

☐ Select if you are appointing a new agent.

Limited Liability Company Managers and Members

Name	TItle	Business Address
■ Valiant Idaho, LLC	Member	151 CLUBHOUSE WAY SUITE 201 SANDPOINT, ID 83864

The annual report must be signed by an authorized signer of the entity.

Job Title: Member

William Haberman — Sign Here

03/03/2026 — Date

B1095-6677 03/03/2026 10:53 AM Received by Office of the Idaho Secretary of State

Page 1 of 1

0006437168

STATE OF IDAHO

Office of the secretary of state, Phil McGrane

ANNUAL REPORT

Idaho Secretary of State
PO Box 83720
Boise, ID 83720-0080
(208) 334-2301
Filing Fee: $0.00

For Office Use Only

-FILED-

File #: 0006437168

Date Filed: 9/14/2025 5:59:44 PM

Entity Name and Mailing Address:

Entity Name:	WEH Holdings, LLC
The file number of this entity on the records of the Idaho Secretary of State is:	0005444831
Address	WILLIAM HABERMAN 151 INDEPENDENCE WAY SANDPOINT, ID 83864-1012

Entity Details:

Entity Status	Active-Existing
This entity is organized under the laws of:	IDAHO
If applicable, the old file number of this entity on the records of the Idaho Secretary of State was:	

The registered agent on record is:

Registered Agent	William E Haberman Registered Agent Physical Address 151 INDEPENDENCE WAY SANDPOINT, ID 83864 Mailing Address 151 INDEPENDENCE WAY WILLIAM HABERMAN SANDPOINT, ID 83864-1012

Limited Liability Company Managers and Members

Name	TItle	Business Address
William E Haberman	Managing Member	WILLIAM HABERMAN 151 INDEPENDENCE WAY SANDPOINT, ID 83864

The annual report must be signed by an authorized signer of the entity.

Job Title: Managing Member

William Haberman — Sign Here

09/14/2025 — Date

B1049-2307 09/14/2025 5:59 PM Received by Office of the Idaho Secretary of State

Page 1 of 1

0004028115

STATE OF IDAHO

Office of the secretary of state, Lawerence Denney

AMENDMENT TO CERTIFICATE OF ASSUMED BUSINESS NAME

Idaho Secretary of State
PO Box 83720
Boise, ID 83720-0080
(208) 334-2301
Filing Fee: $10.00

For Office Use Only

-FILED-

File #: 0004028115

Date Filed: 10/8/2020 10:33:42 AM

The assumed business name currently on record is:

Select one: Standard, Expedited or Same Day Service (see descriptions below)	Standard (filing fee $10)
Assumed Business Name	The Idaho Club ID
Date Filed	07/15/2020
The file number of this assumed business name on the records of the Idaho Secretary of State is:	0003940647

The Assumed Business Name is amended to:

Change Assumed Business Name?	I do not want to change the name

The type of business is amended to:

The general type of business transacted under the assumed business name is:	Services

The mailing address for future correspondence is amended to:

WILLIAM HABERMAN
151 CLUBHOUSE WAY
SANDPOINT, ID 83864-9194

The individual or entity names and business address(es) of those doing business under the ABN:

Name	Address
– ~~Master Hospitality Management, INC.~~ ~~Foreign Business Corporation~~	~~TOM JAMES~~ ~~7430 E BUTHERUS DR~~ ~~SUITE B~~ ~~SCOTTSDALE, AZ 85260~~
+ VALIANT IDAHO, LLC Limited Liability Company (D)	WILLIAM HABERMAN 151 CLUBHOUSE WAY THE IDAHO CLUB SANDPOINT, ID 83864

Signature:

Willliam Haberman — Sign Here

10/08/2020 — Date

Job Title: Managing Partner

B0544-0312 10/08/2020 10:33 AM Received by ID Secretary of State Lawerence Denney

The Idaho Club
Wastewater Treatment Facility
Bonner County, ID
for
Gem State Infrastructure, LLC



Wastewater Facility Plan
Revised November 2025

Prepared By:

ARDURRA

7950 N. Meadowlark Way, Suite A
Coeur d'Alene, ID 83815
Office: (208) 762-3644

EXHIBIT 02(a)

©2025 Ardurra Group, Inc. All rights reserved.

1. Introduction

1.1. Overview and Plan of Study

Gem State Infrastructure, LLC (GSI) owns and operates a wastewater collection, storage, and treatment system which serves the Idaho Club and Hidden Lakes developments in Bonner County, Idaho. This facility plan provides an overview and investigation of the existing system and identifies the necessary improvements to ensure service to existing and projected connections and compliance with Idaho Department of Environmental Quality (IDEQ) rules.

This report is prepared in accordance with the facility plan contents as outlined in IDEQ's Wastewater Rules (IDAPA 58.01.16) and covers the following items:

- Existing Facility Conditions
- Projected Future Conditions
- Recommendations for Improvements

The Idaho Club golf course property, irrigation storage ponds, and irrigation system, utilized for reuse of Class B recycled water, are owned by Valiant Idaho, LLC (TIC). A separate wastewater facility plan for the TIC owned portions of the system will be prepared by others and submitted to IDEQ.

1.2. Background

The Idaho Club wastewater treatment and reuse system is located on the north and south sides of State Highway 200 near the intersection with Lower Pack River Road, eight (8) miles east of Sandpoint in Bonner County, Idaho. The system serves several different subdivisions, located on the north, and south sides of SH-200. These subdivisions currently include numerous additions of the Hidden Lakes and Golden Tee Estates subdivision plats. The golf course land application site lies within the Idaho Club development both north and south of SH-200, within the Golden Tee Estates subdivision. The wastewater storage lagoon, treatment, and pumping facilities, owned and operated by GSI, are located to the south of the intersection of SH-200, S. Idaho Club Drive, and Lower Pack River Road.

The existing wastewater system (formerly permitted under the name Hidden Lakes Golf Course) underwent a major expansion in 2007 to serve up to 600 equivalent residential units (ERUs) in the Idaho Club development and neighboring Hidden Lakes subdivisions. There are currently an estimated 209 ERUs actively connected to the wastewater system. This includes 12 ERUs assigned to the golf clubhouse, 2 ERUs assigned to the golf maintenance building, 16 ERUs assigned to the filter backwash from the potable water filtration system, and 179 ERUs in residential dwelling units.

The current wastewater treatment and reuse system is operated under existing Wastewater Reuse Permit No. LA-000123-02. The current permit was issued on July 28, 2010, and expired on July 28, 2015. The permit allows for irrigation of Class B effluent on 81 acres of golf course. The system has gone through several ownership changes, with VP Incorporated as the original owner, followed by Valiant Idaho, LLC (TIC) who took ownership in 2017. GSI purchased the wastewater collection and treatment system in 2022, however TIC retains ownership of the golf course wastewater reuse site, irrigation storage ponds, and irrigation system. The current permit and permit modifications can be found in **Appendix A.**

GSI and TIC have faced similar lagoon capacity challenges in prior years, which is attributed to the lagoon not being drawn down enough at the end of the irrigation season. During the period of 2019 through 2023, effluent made up a very small percentage of the total irrigation, ranging from about 4% to 20% of total irrigation volume, with supplemental irrigation from the Pack River making up 80% to 96%. Addressing the deficiencies noted in the following sections will help alleviate this problem along with better coordination and communication between the wastewater operators and golf maintenance personnel to maximize the transfer and utilization of effluent for irrigation.

2.2.10.4. Filtration and Pumping System

The existing sand filtration, recycled water pumping, and chlorine contact system have a design capacity of 200 gpm which equates to an average of about 288,000 gpd, which over 31 days amounts to 8.9 MG, if filtration and pumping were occurring 24 hours per day, 7 days per week. As shown in the water balance for current connections (**Appendix H**), the estimated peak monthly volume treated and pumped to irrigation Pond B is up to 3.0 MG during the month of July. This requires the system to be running approximately 34% of the time, or approximately 12 hours per day, 5 days per week.

There are however currently limitations with the sand filter, which only allow about 100 gpm to be pumped through the filter. This equates to about 144,000 gpd, which over 31 days amounts to 4.5 MG if filtration and pumping were occurring 24 hours per day, 7 days per week. This requires the system to be running approximately 67% of the time, or approximately 16 hours per day, 7 days per week to produce 3.0 MG during the month of July.

2.2.11. Existing System Deficiencies

There appears to have been little or no maintenance or repair of wastewater system components since the system was completed in 2010, due to bankruptcy and several changes in ownership leaving the system underfunded and neglected. Since taking ownership in November of 2022, GSI has begun addressing these issues, making numerous repairs and replacements of equipment. Current deficiencies identified with the wastewater collection and treatment system include the following:

- The turbidity monitoring and recording system is not functioning properly and needs to be repaired or replaced.
- The recycled water flow meter is not functional and needs to be repaired or replaced.
- The sand filter has deteriorated and is not operating efficiently at its rated capacity and is not useable during the colder buffer months. The filtration system should be replaced and should also be housed inside a heated building to allow for operation and transfer to the irrigation ponds during the colder buffer months.
- Backwashing the sand filter causes an excessive amount of sand to be flushed into the lagoon. Also, the filter must be shut down during the backwash process.
- The HVAC system in the recycled water building has several problems including the unit heater, motorized louver and fan thermostat not working.
- The Aeromix surface aerators are in poor condition and experience frequent breakdowns and need for repairs. Replacement with an alternative aeration system should be considered.

- The pressure sewer cleanouts on the Hidden Lakes portion of the collection system are inaccessible and difficult to locate and use.
- See the Idaho Club Wastewater Electrical and Control System Technical Memorandum prepared by Century West Engineering and included in **Appendix I** for evaluation and recommendations related to the electrical and control system.

There are additional deficiencies that have been identified with TIC owned portions of the system which directly impact the capacity of the overall system and GSI's ability to adequately transfer and store recycled water. These deficiencies are identified as follows and should be addressed by TIC as part of their facility and capital improvement planning:

- The irrigation storage Pond A liner needs to be repaired, and the pond seepage tested so this pond may be utilized for supplemental storage.
- There is currently surface runoff flowing into irrigation storage Ponds A and B, which takes away from needed storage capacity. Grading around the ponds needs to take place to divert surface water away from the ponds.
- With the current configuration, irrigation Pond B is unable to be drawn fully empty to utilize its full storage capacity.
- Irrigation storage pond C will need to be expanded, lined and seepage tested to meet projected capacity requirements.
- Backwash volumes discharging from Idaho Club iron and manganese filtration system, particularly during the winter months, needs to be better tracked and evaluated as the loading to the sewer system is excessive during the winter months.

2.2.12. Drinking Water Systems

There are currently two (2) public drinking water systems within the GSI wastewater service area as follows:

- Idaho Club Public Water System (PWS #ID1090297), owned and operated by Valiant Idaho, LLC
- Hidden Lakes Public Water System (PWS #ID1090195), owned and operated by VP Inc.

These water systems are not owned by or affiliated with GSI.

3. Future Conditions

3.1. Projected Growth

As noted previously, the original system was designed for a build-out capacity of 600 ERUs. An updated accounting of the projected connections at build-out was completed as part of this facility plan and is summarized in the following **Table 3-1**. The new total for projected build-out at the Idaho Club is 524 ERUs. This considers existing platted lots and facilities as well as anticipated future plats. There is an adjustment included for lots that have been combined or where a single-family dwelling is occupying two lots. Existing and projected volumes from the potable water treatment system backwash are also

included. These backwash volumes are discussed in more detail and projected in the Technical Report for Permit Renewal found in **Appendix C.**

Table 3-1 - Projected ERU Build-out Summary

Plat/Description	ERUs
Hidden Lakes Subdivision	29
Hidden Lakes First Addition	18
Hidden Lakes Second Addition	21
Golden Tee Estates (GTE) Phase One	19
GTE 1st Addition Phase Two	25
GTE and GTE 1st Addition Replat	46
GTE 2nd Addition	26
GTE 3rd Addition	85
GTE 4th Addition	31
GTE 5th Addition	17
GTE 6th Addition	17
GTE 7th Addition	16
GTE 8th Addition	20
GTE 9th Addition	5
GTE 10th Addition	17
Deduction for Lot Combos	-14
ADUs	3
Independence Way Lots	2
Mary's Pack River Lots	3
Hadler Lots	3
Jim Brown Way	6
Amstutz Parcels	2
Clubhouse	12
Maintenance Building	2
Two Gate Houses	1
Water Treatment System Backwash	16
Subtotal Existing Lots/Facilities	**428**
GTE 11th Addition	22
GTE 12th Addition	24
GTE 13th Addition	11
Water Treatment System Backwash	39
Subtotal Future Lots/Facilities	**96**
TOTAL	**524**

From: Dan McCracken
To: William Haberman
Subject: RE: May 14th Meeting
Date: Thursday, June 26, 2025 2:58:00 PM
Attachments: image001.png

Hi Bill,
I'd like to work through these issues with Bonner County, Gem State, Valiant, and DEQ all together to get us on the same page. I think we are close to being able to approve the facility plan documents. I agree with the concept of approving up to 320 ERU on the current system, and additional connections up to 524 ERU contingent upon completing the items identified in the facility plan.
-Dan

Dan McCracken, P.E. | Regional Administrator
Idaho Department of Environmental Quality
2110 Ironwood Parkway | Coeur d'Alene, ID 83814
Regional Office: (208) 769-1422 | Cell: (208) 512-9741
http://www.deq.idaho.gov/
Our mission is to protect human health and the quality of Idaho's air, land, and water.

From: William Haberman <william.haberman@me.com>
Sent: Friday, June 20, 2025 5:29 PM
To: Dan McCracken <Dan.McCracken@deq.idaho.gov>
Subject: Re: May 14th Meeting

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Dan — Thank you again for your detailed response.

My questions / comments are:

1). I disagree that DEQ has not issued a moratorium. Individual property owners with finished, or nearly finished homes, are not allowed to hook-up to the system, and we are not allowed to put infrastructure in the ground that will not result in active connections for 18 months or more even though the engineering plans are otherwise compliant with DEQ regulations. That is a moratorium.

2). Regarding your discussion with staff, those numbers support my request for a short term solution while your reviews of the reuse permit applications and facilities plans are completed. Per your numbers, there is Existing Capacity of 320 ERUs and Current ERUs Served of 209, leaving a current surplus of 111 ERUs. This total is sufficient to accommodate all 45 of the connections pending (even though I suspect many of those will not require active connections for 9 to 12 months which should be well beyond the time required to review the reuse permit applications and facility plans). This leaves an additional 56 ERUs of current

surplus of Existing Capacity, sufficient to accommodate the 46 Future Lots in GTE 11th and GTE 12th - even though, again, these will result in no active connections for 18 months.

3). The Existing Lots that are vacant and have no current plans for construction can obviously be addressed after the reuse permits are issued and facility plans are reviewed and approved. These owners only need to know that sewer service will be available in the future if/when they decide to build.

4). It is my understanding that Gem State's facility plan concludes that the Existing Capacity will be increased significantly with Valiant Idaho's improvement of one of the two inactive irrigation ponds (Pond A). In our agreement with Gem State, a copy of which was provided to DEQ and which DEQ required of us, Valiant Idaho agreed to make those necessary improvements as part of the development of GTE 11th and GTE 12th. For that reason alone, our request to start construction on those two subdivisions need not be held up. DEQ could simply require our completion of those improvement concurrently with those subdivisions, because those improvements will increase the Existing Capacity by more ERUs than are planned between those two subdivisions.

5). As a side note, the assumed ERUs in Gem State's facility plan will be significantly lower due to the following reasons: (a) Clubhouse — We have installed a meter to measure effluent and the readings for the first month, one of our busiest seasonal months, are well below the assumed 12 ERUs. We are expecting the real volumes to be the equivalent of 3 or 4 ERUs at the most; and, (b) Backwash — Our engineers are working on an alternative that would direct the water filter backwash directly the irrigation ponds, circumventing the wastewater system, eliminating those from the capacity concerns.

Any assistance that Bonner County can be through the use of sanitary restrictions would be great, as would any cooperation with Gem State. However, I simply do not understand the need to maintain the moratorium on actual hook-ups for the homes under construction and/or near completion, and do not understand why our subdivisions could not be released for the construction of connections that will not be active for 18 months or more.

Regards, Bill

> On Jun 20, 2025, at 4:28 PM, Dan McCracken <Dan.McCracken@deq.idaho.gov> wrote:

Hi Bill,
The code references I sent in response to your questions are the appropriate authority for this situation – namely, for DEQ's authority to review plans and specifications. DEQ also has authority to require a facility plan, per the Idaho Rules for Public Drinking Water Systems, IDAPA 58.01.08.502. DEQ has not issued a moratorium. We are working through our responsibility to approve plans and specs and facility plans for public wastewater systems prior to construction. DEQ is actively reviewing the facility plan. As soon as that is approved, DEQ will be ready to approve the plans and specs, as we have discussed. There is no ambiguous statute or rule at issue – we are simply working through the process.

Here is a summary of what I learned in the discussion Tuesday with my engineering staff:

Gem State has indicated that there are 45 connections pending for homes with current building permits. This has made the allocation of the 12 connections difficult. I did not realize there were that many current building permits. That also makes it a little less straightforward to approve your two new subdivisions ahead of the facility plan approval. Based on the numbers we reviewed, it appears there are already more than 100 excess ERUs when you compare existing lots (428 ERU) and current capacity of 320 ERU. With the improvements identified in the Facility Plan, the system will be capable of serving 524 ERU. Here are the numbers we reviewed:

Current ERUs Served: 209
Existing Lots ERUs: 428
Existing Capacity (ERUs): 320
Future Lots: 96 ERU
- GTE 11th Addition – 22
- GTE 12th Addition – 24
- GTE 13th Addition – 11
- Water Backwash – 39

Total Buildout Capacity – 524 ERU

With the Facility Plans submitted, my preference is to allow Gem State and Valiant to work together and manage the active connections and path forward on the necessary improvements. As you have pointed out, there are typically multiple years between when the parcels are platted, homes are built, and when active connections hook up to the sewer. I think this can be done in a way that satisfies DEQ rules by using sanitary restrictions, but that would need to be coordinated with Bonner County. I've reached out to their planning department to discuss further. I've also asked my engineering staff to schedule a meeting with the design engineers for both Gem State and TIC to discuss review questions and comments in advance of finalizing our review so that we can make sure all the engineers are on the same page and hopefully expedite the approval.
-Dan


Dan McCracken, P.E. | Regional Administrator
Idaho Department of Environmental Quality
2110 Ironwood Parkway | Coeur d'Alene, ID 83814
Regional Office: (208) 769-1422 | Cell: (208) 512-9741

State is also not clear how to allocate the 12 hook-ups you authorized to the most urgent cases. Without a practical solution for the owners who are under construction or have recently completed homes without approved septic tanks or hook-ups, we will all likely be in depositions for the next few years.

Please let me know what progress you make with Gem State and what your final decision is regarding our request for a conditional approval of our engineering plans so that I can proceed accordingly.

Thanks. Bill

On Jun 17, 2025, at 9:02 AM, Dan McCracken <Dan.McCracken@deq.idaho.gov> wrote:

Hi Bill,
DEQ authority to review and approve public wastewater systems prior to construction comes from Idaho Code 39-118. DEQ doesn't approve subdivisions, but new plats are required to bear a sanitary restriction until DEQ approval for water and wastewater infrastructure has been obtained. This process is described in Idaho Code 50-1326. Some cities and counties may include a condition on approval of a new subdivision that DEQ approval be obtained prior to finalizing the plat. I have no objection if you would like to work with Bonner County to revisit the approval conditions for these plats. Regarding your right to appeal a DEQ decision, the disapproval letters you received for your Plans and Specifications submittals could be appealed by initiating a contest case. More information on that process is available here: https://www.deq.idaho.gov/public-information/laws-guidance-and-orders/petitions-for-review-and-precedential-orders/ I'm meeting with my engineering staff this morning to review some submittals we received from Gem State last week. I'm hopeful this will give us some clarity to move forward. I'll let you know what we find out.
-Dan



Dan McCracken, P.E. | Regional Administrator
Idaho Department of Environmental Quality
2110 Ironwood Parkway | Coeur d'Alene, ID 83814
Regional Office: (208) 769-1422 | Cell: (208) 512-9741
http://www.deq.idaho.gov/

Our mission is to protect human health and the quality of Idaho's air, land, and water.

EXHIBIT 03(a)

Idaho Department of Environmental Quality

Recycled Water Reuse Program

Coeur d'Alene Regional Office

Response to Public Comments

Draft Reuse Permit No. M-280-01 Gem State
and
M-281-01 Valiant Idaho

Date Completed: January 14, 2026

Completed by: Todd Higgins
Senior Soil Scientist
State Office

EXHIBIT 03(b)

DEQ reportedly now requires Gem State to reserve connections for the developer's final new subdivisions, when they are approved, increasing demand to 524 ERUs. This effectively moves the new lots to the head of the line for wastewater connections. Once the final subdivisions are approved, what incentive does the developer have to ever build out the effluent pond storage.

The slow approach that only looks at 320 ERUs in the near term forces the utility to put an artificial and unfair allocation system into place pitting current property owners who continue to pay standby fees against a developer who wants to add more lots (ERUs) for the foreseeable future.

Recommend that the Valiant Idaho add the wastewater storage pond capacity needed to serve at least the current 428 ERUs, and ideally the full buildout of 524 ERUs, in parallel with Gem State's upgrades to the treatment system. They are separate companies and thus adding the pond capacity should not impact Gem State's finances or system improvements.

Response: DEQ received several public comments regarding the number of approved and reserved connections, phasing of infrastructure, and the ability of the residents to connect to Gem State's collection system. DEQ has chosen to address these comments as a whole rather than individually due to their similarities.

The requirements in draft Reuse Permit M-281-01 are governed by the Idaho Recycled Water Rules (IDAPA 58.01.17) and address the application of recycled water for beneficial reuse to ensure it is protective of public health and the environment. The draft permit and associated Staff Analysis evaluate whether the proposed infrastructure, as designed and phased, can be operated in compliance with permit limits. The Rules do not address individual connections to the wastewater system and are outside the purview of the draft reuse permit. Under Idaho's Wastewater Rules (IDAPA 58.01.16), DEQ's role is to review wastewater facilities and system capacity. It is not DEQ's role to approve or allocate individual service connections or to manage a system's policy for reserved connections. DEQ does not regulate property rights to connect, billing practices, or the prioritization of future connections for wastewater systems.

Compliance activity CA-281-04 specifically addresses the system's capacity to store recycled water during the non-growing season to ensure permit conditions are met. The comments noted the staff analysis's acknowledgement that Valiant Idaho would need to bring on two additional storage ponds, but the draft reuse permit only requires one storage pond to be brought online. It was requested that this compliance activity be changed to require adequate storage to be developed immediately to accommodate storage for all 428 sold ERUs or the entire full buildout of 524 ERUs.

The current 320 ERUs used in compliance activity CA-281-04 is based on a water balance analysis that determined the current storage lagoons have storage capacity to accommodate recycled water from 320 ERUs. Valiant Idaho provided options available for bringing additional storage online in the permit application but did not state which option they will proceed with or how many additional ERUs could be brought online with each option. Therefore, a second trigger point for the final storage lagoon has not been established.

Compliance activity CA-281-04 does require Valiant Idaho to submit a preliminary engineering report which will discuss the available capacity the second storage pond will provide. A permit modification may be issued to address the construction of additional storage capacity. No changes will be made to compliance activity CA-281-04.

(11)

EX-7

THE IDAHO CLUB

February 12, 2026

Judy Werre
Premier Quality Development, LLC
7736 N. Government Way
Dalton Gardens, ID 83815
VIA EMAIL: judy@judywerre.com

Will Serve Water Service for The Idaho Club Timber Grove Subdivision

With this letter, TIC Utilities, LLC, an affiliate of Valiant Idaho, LLC, confirms it will provide water services for The Idaho Club Timber Grove Subdivision, legally described as Golden Tee Estates 3rd Addition, Block 1, Lots 8, 9, 10, 11, 12, 13 and 14, recorded on Document 714753 in Bonner County, Idaho Records (collectively, "Lots"). TIC Utilities, LLC hereby states that it will serve these Lots under the following conditions:

No more than one (1) single family domestic water connection per Lots may be constructed on any of the seven (7) Lots.

The sum of five hundred dollars ($500), for each of the Lots, will be paid to TIC Utilities, LLC, for a water meter upon connection to the water service.

Monthly service fees in the amount of forty-five dollars ($45) per month, for each of the Lots, shall be paid beginning when each of the Lots are connected to the water system, and sixty-seven dollars ($67) per month, for each of the Lots on which the construction of single family residence is completed. These rates are regulated by Idaho Public Utilities Commission and are subject to change, and such fees will be based on the rates applicable at the time of connection.

In the event that active connections equal the current water system capacity, no active additional active connections shall be allowed until such time as TIC Utilities, LLC completes any necessary improvements to the water system to support the additional connections and those improvements are approved by Idaho Department of Environmental Quality ("IDEQ").

EXHIBIT 04

Current Declining Balance (in ERUs):

Current Platted Lots:	310
Current Active Connection:	105
Current Water System Capacity:	144
Current Available Capacity:	39
Promised / Outstanding Will Serves:	46
Current Remaining Capacity:	(7)**
Proposed Connections Per Letter:	7

** TIC Utilities, LLC has initiated the process to upgrade the capacity of the water system by increasing the size of one of two pumps at its source wells. This will provide more than adequate capacity to serve the proposed new connections. No new active connections beyond the Current Water System Capacity of 144 ERUs will be permitted until those improvements are completed and approved by IDEQ.

The applicable requirements of TIC Utilities, LLC for the improvements necessary on each of the Lots for the connection to its water system shall be completed prior to the provision of service.

If you have any questions, please contact us at the email or telephone number provided below.

Regards,

TIC UTILITIES, LLC

William Haberman
Manager
(407) 973-7875
william.haberman@me.com

Idaho Department of Environmental Quality
Reuse Permit
M-281-01

Valiant Idaho, LLC. (hereafter "permittee") is hereby authorized to construct, install, and operate a reuse facility in accordance with (1) this permit; (2) IDAPA 58.01.17 "Recycled Water Rules"; (3) an approved plan of operation; and (4) all other applicable federal, state, and local laws, statutes, and rules. This permit is effective from the date of signature and expires on January 16, 2032

Signature

01/21/2026

Date

Dan McCracken

Regional Administrator
Coeur d'Alene Regional Office
Idaho Department of Environmental Quality

Idaho Department of Environmental Quality
Coeur d'Alene Regional Office
2110 Ironwood Parkway
Coeur d'Alene, Idaho 83814
(208) 769-1422

Accessibility Services: The Idaho Department of Environmental Quality will provide reasonable language access services and/or disability services for documents at no charge. To request an accommodation under Title VI of the Civil Rights Act of 1964 or Americans with Disabilities Act, contact DEQ's nondiscrimination coordinator at (208) 373-0271 or *accessibility@deq.idaho.gov*. Para obtener información en español, visite *https://www.deq.idaho.gov/about-us/accessibility/*.

EXHIBIT 05

4.4 Management Unit Buffer Zones

Serial Number	Buffer Distances (feet) from Management Units[a]					
	Public Water Supplies	Private Water Supplies	Inhabited Dwellings[b]	Permanent and Intermittent Surface Water	Irrigation Ditches and Canals	Areas Accessible to the Public
MU-281-01 MU-281-02	100	100	100	10	10	0

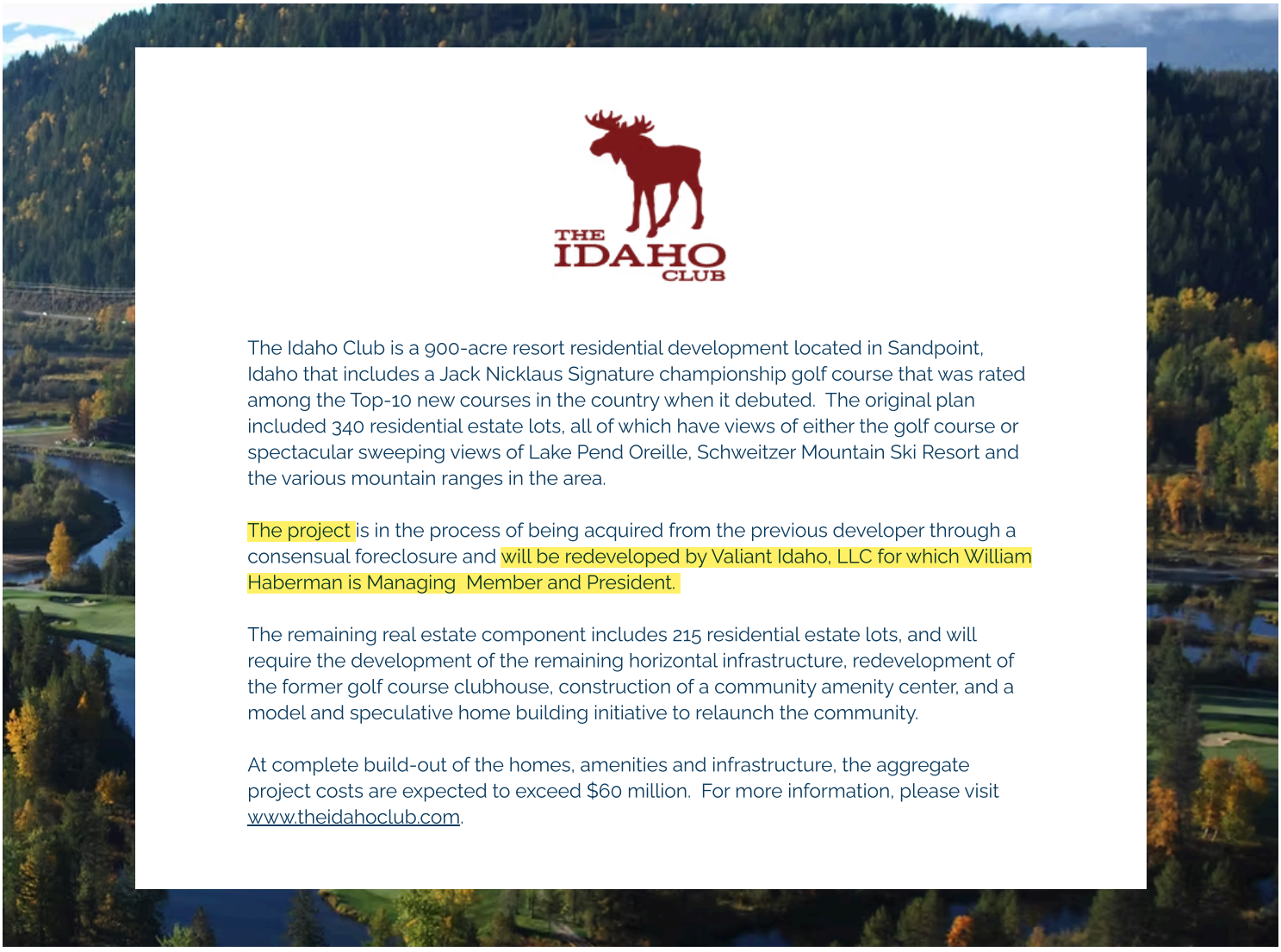
a. These buffer zone distances must be maintained unless a Department approved well location acceptability analysis indicates an alternative buffer zone is acceptable and documented in the Buffer Zone Management Plan.

b. Inhabited Dwellings: Buffer zone distances apply unless a DEQ-approved Buffer Zone Plan indicates that reduced buffer zones are acceptable due to DEQ-approved mitigation measures.

4.5 Other Permit Limits and Conditions

Category	Permit Limits and Conditions
Growing season	May 1 through October 31 (184 days)
Nongrowing season	November 1 through April 30 (181 days)
Reporting year for annual loading rates	November 1 through October 31
Depth to groundwater	Application of recycled water is only allowed when the depth to groundwater is greater than 36 inches below ground surface.
Operator certification and endorsement	The reuse system must be operated by personnel certified and licensed in the State of Idaho wastewater operator training program at the reuse operator class level specified in IDAPA 58.01.16.203.07 and properly trained to operate and maintain the system.
Crop or vegetation allowed	Golf course turf grass
Grazing	Prior to grazing, the permittee must submit a grazing management plan and receive written approval from DEQ.
Posting	Post signs around the perimeter of the irrigation site stating “Recycled Water - Do Not Drink” or equivalent signage in English and a secondary language as applicable.
Fencing	Not required
Construction plans	Pursuant to Idaho Code §39-118, IDAPA 58.01.16, and IDAPA 58.01.17, detailed plans and specifications must be submitted to DEQ for review and approval before construction, modification, or expansion of any wastewater treatment, storage, conveyance structures, groundwater monitoring wells, or reuse facility. Inspection requirements must be satisfied, and within 30 days of completion of construction, the permittee must submit as-built plans or a letter from an Idaho professional engineer certifying the facilities or structures were constructed in substantial accordance with the approved plans and specifications.
Records retention requirements	Keep records generated to meet the requirements of this permit for the duration of the permit, including administrative extensions, plus two years.

VALIANT
EQUITY



THE IDAHO CLUB

The Idaho Club is a 900-acre resort residential development located in Sandpoint, Idaho that includes a Jack Nicklaus Signature championship golf course that was rated among the Top-10 new courses in the country when it debuted. The original plan included 340 residential estate lots, all of which have views of either the golf course or spectacular sweeping views of Lake Pend Oreille, Schweitzer Mountain Ski Resort and the various mountain ranges in the area.

The project is in the process of being acquired from the previous developer through a consensual foreclosure and will be redeveloped by Valiant Idaho, LLC for which William Haberman is Managing Member and President.

The remaining real estate component includes 215 residential estate lots, and will require the development of the remaining horizontal infrastructure, redevelopment of the former golf course clubhouse, construction of a community amenity center, and a model and speculative home building initiative to relaunch the community.

At complete build-out of the homes, amenities and infrastructure, the aggregate project costs are expected to exceed $60 million. For more information, please visit www.theidahoclub.com.

© 2016 VALIANT EQUITY, LLC

EXHIBIT 06(a)

READ THIS PROPERTY REPORT BEFORE SIGNING ANYTHING

This Report is prepared and issued by the developer of this subdivision. It is **not** prepared or issued by the Federal Government.

Federal law requires that you receive this Report prior to your signing a contract or agreement to buy or lease a lot in this subdivision. However, NO FEDERAL AGENCY HAS JUDGED THE MERITS OR VALUE, IF ANY, OF THIS PROPERTY.

If you received this Report prior to signing a contract or agreement, you may cancel your contract or agreement by giving notice to the Developer at any time before midnight of the seventh day following the signing of the contract or agreement (if you are a resident of California, you have until midnight of the 14th day following the signing of the contract or agreement to cancel).

If you did not receive this Report before you signed a contract or agreement, you may cancel the contract or agreement any time within two years from the date of signing.

Name of Subdivision	The Idaho Club
Name of Developer	VALIANT IDAHO, LLC
Date of This Report	September 21, 2020

EXHIBIT 06(b)

Recording requested by
and when recorded return to:

Valiant Idaho, LLC
c/o Rick L. Stacey, Esq.
McConnell Wagner Sykes & Stacey PLLC
827 East Park Boulevard, Suite 2011
Boise, Idaho 83712

QUITCLAIM DEED

FOR VALUE RECEIVED, Pend Oreille Bonner Development, LLC ("POBD"), a Nevada limited liability company, does hereby convey, release, remise and forever quitclaim unto **Valiant Idaho, LLC ("Valiant"),** an Idaho limited liability company, whose mailing address is 310 Charleston Place, Celebration, Florida 34747, the following described property, together with title thereto and together with all associated property rights appurtenant to, located on, under or existing in conjunction with the same, including any and all water rights, *to wit:*

To the extent POBD possesses any interest in and to that certain real property, or any portion thereof, located in the County of Bonner, State of Idaho and described on Exhibit A, POBD hereby quitclaims its interests in and to said real property to Valiant.

This conveyance necessarily includes, but is not limited to:

1. Any interest that POBD may have in and to any easements, whether express or implied by law, equitable servitudes, rights-of-way , water rights (including, but not limited to, claims, decrees, applications, permits, licenses, storage rights, ditches and ditch rights, and riparian and littoral rights), rights to timber to be cut, minerals and mineral rights, rights of occupancy or use, privileges, franchises, tenements, appendages, hereditaments and appurtenances and all other rights thereunto belonging or in any way appertaining, and all of the estate, right, title, interest, claim and demand whatsoever of POBD therein or thereto, either at law or in equity, in possession or in expectancy;

Unofficial Document

EXHIBIT 06(c)

2. Any interest that POBD may have in and to any fixtures, structures, buildings and improvements of every kind and description located on, about or under any portion of the above-described real property, including all utilities (specifically including, but not limited to, those associated with the sanitary sewer and water systems), fences, sheds, barns, out-buildings, corrals and animal chutes, fixed irrigation equipment, and pumps and wells;

3. All right, title and interest of POBD in and to all streets, railways, roads, public places, and all easements and rights-of-way (including, but not limited to, easements and rights-of-way for utilities);

4. All right, title and interest of POBD as "Declarant" under the Declaration of Covenants, Conditions, Restrictions, and Easements For The Idaho Club recorded October 6, 2006, as Instrument No. 714739, Records of Bonner County, Idaho; and

5. All right, title and interest of POBD as "Owner" pursuant to the following plats recorded in the real property records of Bonner County, Idaho, for purposes of developing *The Idaho Club* or any of its subdivisions:

HIDDEN LAKES SUBDIVISION as recorded in Book 4 of Plats, Page 64, Records of Bonner County, Idaho;

FIRST ADDITION TO HIDDEN LAKES, according to the plat thereof recorded in Book 4 of Plats, Page 161, Records of Bonner County, Idaho;

SECOND ADDITION TO HIDDEN LAKES SUBDIVISION, according to the plat thereof recorded in Book 5 of Plats, Page 58, Records of Bonner County, Idaho;

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;

GOLDEN TEE ESTATES 1ST ADDITION PLANNED UNIT DEVELOPMENT (PHASE TWO), according to the plat thereof recorded in Book 6 of Plats, Page 114, Records of Bonner County, Idaho;

MARY PACK RIVER LOTS, according to the plat thereof recorded in Book 7 of Plats, Page 282, Records of Bonner County, Idaho;

GOLDEN TEE ESTATES 2nd ADDITION, according to the plat thereof recorded in Book 8 of Plats, Page 79, Records of Bonner County, Idaho;

Unofficial Document

MORTGAGE AND SECURITY AGREEMENT

VALIANT IDAHO, LLC

("Mortgagor")

and

WESTERN ADVENTIST FOUNDATION

("Lender")

Dated:	As of January 25, 2018
Loan:	4-1117-36
Premises:	Idaho Club County: Bonner State: Idaho

RECORD AND RETURN TO:

Flack Law, PC
703 2nd Street, Suite 323
Santa Rosa, CA 95404
Attn: R. Irene Flack, Esq.

Unofficial Document

EXHIBIT 06(d)

Debt is paid (the Real Property together with the following property being hereinafter collectively called the "**Mortgaged Property**"):

(a) all buildings and other improvements now or hereafter located on the Real Property ("**Improvements**");

(b) all streets, lanes, alleys, passages, ways, water courses, easements, rights, liberties, privileges, tenements, hereditaments and appurtenances whatsoever thereunto belonging to or in any way made appurtenant hereafter, and the reversions and remainder, with respect thereto ("**Appurtenances**");

(c) all machinery, apparatus, equipment, furniture, furnishings, fixtures, inventory, goods, appliances, and other property of every kind and nature whatsoever, together with replacements thereof and accessories, parts or accessions thereto, owned by Mortgagor or in which Mortgagor has or shall have an interest, and whether or not now or hereafter located on the Real Property, and any and all proceeds of any of the foregoing ("**Equipment**");

(d) all building materials, building machinery and building equipment delivered on site to the Real Property during the course of, or in connection with, the construction of, or reconstruction of, or remodeling of any building and improvements from time to time during the term of this Mortgage ("**Building Equipment**");

(e) all general intangibles relating to the development or use of the Real Property, including, but not limited to, all licenses, permits and agreements from or with all boards, agencies, departments, public utilities, governmental or otherwise, all names under which or by which the Real Property or Improvements may at any time be operated or known and all rights to carry on business under any such names or any variations thereof, all trademarks and goodwill in any way relating to the Real Property, all shares of stock or other evidence of ownership of any part of the Real Property owned by Mortgagor in common with others, and all documents of membership in any owners or members association or similar group having responsibility for managing or operating any portion or all of the Real Property but specifically excluding any transferrable development rights that may be appurtenant to the Real Property ("**Intangibles**");

(f) all awards or payments, including interest thereon, which may be made with respect to the Real Property and Improvements, whether from the exercise of the right of eminent domain (including any transfer made in lieu of the exercise of said right), or for any other injury to or decrease in the value of the Real Property or Improvements including, without limitation, all awards or payments of estimated compensation, all damages to the Real Property or Improvements resulting from any taking, all machinery and equipment dislocation expenses, all settlement amounts, all apportionments of taxes, reimbursement of attorneys and engineers fees, all moving expenses and all business dislocation expenses ("**Awards**");

(g) all insurance policies covering the Real Property or Improvements and all proceeds of any unearned premiums on any such insurance policies including, without limitation, the right to receive and apply the proceeds of any insurance, judgments, or settlements made in lieu thereof, for damage to the Real Property or Improvements ("**Insurance Policies**");

Unofficial Document

Instrument # 1021498
Bonner County, Sandpoint, Idaho
06/16/2023 01:02:10 PM No. of Pages: 14
Recorded for: FINNEY FINNEY & FINNEY, P.A.
Michael W. Rosedale Fee: $45.00
Ex-Officio Recorder Deputy cbrannon
Index to: REAL ESTATE MORTGAGE

When Recorded Return to:

JOHN A. FINNEY
FINNEY FINNEY & FINNEY, P.A.
Attorneys at Law
Old Power House Building
120 East Lake Street, Suite 317
Sandpoint, Idaho 83864
(208) 263-7712

Space Above for Recorder's Use:

REAL ESTATE MORTGAGE

MORTGAGOR:

VALIANT IDAHO, LLC
An Idaho limited liability company
151 Clubhouse Road
Sandpoint, Idaho 83864

MORTGAGEES:

CHARLES E. HULBERT, a married man as his sole and separate property, as to an undivided 7/30th interest
1084 Glengary Bay Road
Sagle, Idaho 83860

DAVID W. SCOTT, an unmarried man as his sole and separate property, as to an undivided 7/30th interest
10 Pronghorn Pl
Spring, Texas 77389

CHRISTOPHER A. FLANIGAN and JACKIE R. A. FLANIGAN, husband and wife, as to an undivided 6/30th interest
P.O. Box 1970
Ketchum, Idaho 83340

Unofficial Document

EXHIBIT 06(e)

MEHRA PINTO ASSOCIATES AN IDAHO LIMITED LIABILITY COMPANY, as to an undivided 5/30th interest
P.O. Box 6134
Sun Valley, Idaho 83354

RICHARD A. RAINS and LAURA L. RAINS, husband and wife, as to an undivided 3/30th interest
P.O. Box 546
Kootenai, Idaho 83840

LAM River, LLC, an Idaho limited liability company, as to an undivided 2/30th interest
P.O. Box 1982
Sandpoint, Idaho 83864

THIS INDENTURE, is made this 16 day of June, 2023, by and between Mortgagor and Mortgagees;

WITNESSETH: That the said Mortgagor, for and in consideration of the sum of THREE MILLION AND NO/100 DOLLARS ($3,000,000.00) in lawful money of the United States of America, does by these presents GRANT, BARGAIN, SELL, CONVEY and MORTGAGE unto the said Mortgagees, all that certain real property situated in the County of Bonner, State of Idaho, described as follows:

Parcel 0:

That portion of the North Half of Section 2, Township 57 North, Range 1 West, Boise Meridian, Bonner County, Idaho, being that property described in Instrument No. 1005900 and more particularly described as follows:

Commencing at an angle point on the North line of Block 18 of the Replat of Golden Tee Estates and Golden Tee Estates 1st Addition and Unplatted Land, recorded in Book 8 of Plats, Page 77, records of Bonner County;

Thence along the boundary of said Block (record = Tract) 18, each monumented by a found 5/8" rebar with cap marked "JRS PLS 3628", the following 8 courses:

1) South 17° 17' 48" East 284.76 feet:

2) South 18° 41' 57" East 284.94 feet:

3) South 11° 22' 46" East 936.84 feet:

4) South 46° 59' 58" West 150.90 feet:

Unofficial Document

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.

TOGETHER WITH all right, title, claim, and interest of Mortgagor in and to the following, which Mortgagor assigns to Mortgagees as collateral: The Development rights and plans in and to "THE IDAHO CLUB", buildings and other improvements located upon or in the real property, the rights of way, easements, water rights, water system, sewer system, golf course, open spaces, common areas, common facilities, all reserved interests (including but not limited to oil, gas, and minerals), insurance policies and proceeds (with Mortgagees to be named as additional insureds), leasehold interests, equipment and machinery, contract rights, subsidiaries or owned entity operators, and all intangibles and rights, related thereto.

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

THIS GRANT is a first priority mortgage to secure the payment of that certain Credit Line Agreement of even date herewith, which is made a part hereof, executed and delivered by the Mortgagor to Mortgagees. The indebtedness and the aforesaid Credit Line Agreement, that is secured by this Real Estate Mortgage has a date of maturity of June 16, 2026. Said Credit Line Agreement includes release provisions and a due on sale clause.

Unofficial Document

BONNER COUNTY
PLANNING DEPARTMENT
Clare Marley, AICP
Planning Director

April 13, 2006

Villelli Enterprises, Inc.
151 Clubhouse Way
Sandpoint, Idaho 83864

Subject: Conditional Use Permit for a Large-Scale Planned Unit Development – File C832-05 and Replat of Golden Tee and Golden Tee 1st Addition and Golden Tee 2nd through 11th Additions – File S1246-05

Dear Villelli Enterprises, Inc. Representative:

The referenced applications were approved with conditions by the Bonner County Commissioners at the April 12, 2006, public hearing. The ordinance and standards used in evaluating the applications and the reasons for approving the applications are as follows:

MOTION: It was moved by Commissioner Dye, seconded by Commissioner Phillips, to approve this project File C832-05 for a large-scale planned unit development consisting of a redesigned golf course, commercial and recreational uses and facilities, 498 dwellings, public utility complex facilities for water and wastewater, solid waste collection site and public water access and the stormwater plan, finding that it is in accord with the Bonner County Comprehensive Plan and Bonner County Revised Code as enumerated in the foregoing conclusions of law, and based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. It was further moved by Commissioner Dye, seconded by Commissioner Phillips, to adopt the foregoing findings of fact, conclusions of law and conditions of approval, with the amendment to Conditions A-8 and A-9. The action that could be taken to obtain the conditional use permit is to complete the Conditions of Approval as adopted. This action does not result in a taking of private property

VOTED upon and the Chair declared the motion carried, unanimously.

MOTION: It was moved by Commissioner Phillips, seconded by Commissioner Dye, to approve this project File S1246-05 for lot line adjustments and reconfigurations of existing platted lots in Golden Tee and Golden Tee 1st Addition and preliminary plats for Golden Tee 2nd through 11th Additions and the stormwater plan, finding that it is in accord with the Bonner County Comprehensive Plan and Bonner County Revised Code as enumerated in the foregoing conclusions of law, and based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. It was

EXHIBIT 07

applicant shall provide a highway right-turn lane for eastbound traffic at the intersection of the subdivision road and the highway, to the satisfaction of Idaho Transportation Department (ITD). Approved lighting shall also be installed at these intersections, to the satisfaction of ITD. All necessary encroachment permits shall be obtained prior to construction, and the improvement plans and stormwater/erosion management carried out to the satisfaction of ITD.

2). Prior to final plat approval of any phase north of the highway, the applicant shall provide a highway right-turn lane for westbound traffic at the main north entrance, to the satisfaction of Idaho Transportation Department (ITD). All necessary encroachment permits shall be obtained prior to construction, and the improvement plans and stormwater/erosion management carried out to the satisfaction of ITD.

3). Prior to final plat approval for any phases, the applicant shall widen the approach at the intersection of Lower Pack River Road and U.S. Highway 200, to the satisfaction of ITD and shall modify pavement markings to create a left-turn, westbound lane on U.S. Highway 200 at the main south entrance at Lower Pack River Road to the satisfaction of ITD. Prior to final plat approval for any phase, the applicant shall also provide improvements to the access tunnel under the state highway, to the satisfaction of ITD.

4) Prior to final plat approval for any phases connecting to the Amstutz access (Mile Post 38.476) to Highway 200 East, the applicant shall regrade the approach and provide a right-turn lane to the satisfaction of ITD.

C-7 Prior to final plat recording for each phase, all roads within the subdivision shall meet the latest International Fire Code standard for fire apparatus access roads and shall be paved. The road improvements shall be constructed and certified in writing by a professional engineer as complete, in accordance with the International Fire Code, and shall be constructed to the satisfaction of the Northside Fire District prior to recording the final plat.

C-8 Prior to final plat approval for each phase, the applicant shall provide a letter from the Northside Fire District approving the fire access roads, the location and installation of fire hydrants and fire flow supplies and other requirements as specified herein for the subject subdivision phase:

1). The roads shall not exceed 8%, except as otherwise authorized by Northside Fire District, but no in excess of 10%.

2). For the 12 lots which do not have direct access onto the main road system, travelways shall be constructed of not less than 12 feet of paved surface width and 2 feet of shoulder width.

3). Turn-arounds shall be provided for all access roads greater than 150 feet in length.

4). Each homesite shall be provided with a suitable area for fire apparatus to turn around.

5). All residences on the mountainside south of U.S. Highway 200 shall be provided with a fire flow sprinkler system. The final plat for these lots shall note: "The installation of a residential sprinkler system is required in all newly constructed residences. The landowner shall obtain written approval of the sprinkler system from Northside Fire District and shall install the system consistent with the fire district approval."

6). Covenants shall be recorded outlining fire protection strategies, to the satisfaction of Northside Fire District. The covenants shall include requirements for homeowners to develop and implement an urban/wildland fire protection plan.

7). Entry gates shall be equipped with Knox boxes or other devices to allow access of emergency vehicles at any time.

C-9. Prior to construction of sewer and water improvements for each phase of the subdivision, the applicant shall obtain approval from Idaho Department of Environmental Quality (DEQ) for the utility

plans and specifications, and shall install the systems in accord with the approved plans. Prior to final plat approval for each phase, the applicant shall provide written approval of the "as-built" improvements for sewer and water services from DEQ. Prior to final plat for each phase, the applicant shall provide written confirmation from DEQ that the capacity of the water and wastewater systems is sufficient to accommodate the additional lots.

C-10 The applicant shall provide a copy of the Environmental Protection Agency's General Construction stormwater permit (National Pollutant Discharge Elimination System) prior to final plat approval for each phase where site disturbance is greater than 1 acre.

C-11. The final plat names shall be in accord with Idaho Code §50-1307, including the use of the name Golden Tee by landowners other than the original developer. A copy of the recoded consent shall be provided to the Planning Department if the original name is used, but the landowner filing the plat is different than the original developer.

NOTE: Following any final decision concerning a site-specific land use request, the applicant has a right to request a regulatory taking analysis pursuant to Section 67-8003, Idaho Code *(Idaho Code §67-6535(c))*.

Please contact this department if you have any questions.

Sincerely,

Clare Marley

Clare Marley, ACIP
Planning Director

c: Martin E. Taylor, AICP, Project Representative
James A. Sewell & Associates
1205 Highway 2, Suite 101
Sandpoint, Idaho 83864

Pend Oreille Bonner Investments, LLC, Applicant
6900 South McCarran Boulevard, Suite 1010
Reno, Nevada 89509

Bonner County Road Department

www.welchcomer.com

WELCH-COMER

208-664-9382
208-664-5946 (fax)

330 E. Lakeside Avenue, Suite 101
Coeur d'Alene, ID 83814

WATER SYSTEM FACILITY PLAN

FOR

IDAHO CLUB WATER SYSTEM

SUBMITTED TO THE

IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY

MAY 2025

EXHIBIT 08

© 2025 Welch, Comer and Associates, Inc.

WELCH-COMER ENGINEERS | SURVEYORS

3. Future Connections

3.1. Growth Projections

According to U.S. Census data, Bonner County's population has grown from approximately 42,000 in 2015 to 53,000 in 2024, reflecting an annual growth rate of about 2.3%. Given the ongoing influx of residents to the North Idaho region, it is reasonable to project that the Idaho Club will continue to expand at a rate of 3.7% annually until all parcels are connected, reaching a total of 372 EDUs. As outlined in Section 2.8.1, the current number of EDUs is 105, based on the number of existing buildings in the Association.

3.2. Demand Forecast

Table 3-1 below compares the current demands with the estimated future demands at Buildout. These demands have been used for the purposes of this report. It should be noted that growth and demand have been estimated and will not likely occur exactly as shown.

Table 3-1: Comparison of Current and Projected Future Demands

	EDUs	ADD (gpm)	MDD (gpm)	PHD (gpm)
Current	105	38	177	498
Buildout	372	136	627	1,398

3.3. Future System Analysis

3.3.1. Source

The future source analysis is based on the projected MDD with the largest source offline for the entire system. This is the same criteria that was used in the analysis of the existing source capacity in Section 2.9.2. Table 3-2 summarizes the results anticipated at buildout of 372 EDUs.

Table 3-2: Buildout Source Capacity Analysis – MDD plus Equalization Storage

Source Capacity (gpm)	Buildout EDUs	Buildout MDD + Equalization Storage (gpd)	Buildout Source Capacity with Largest Source Offline (gpd)	Buildout Source Capacity Surplus (+) or Deficit (-) (gpd)	Buildout Source Capacity Surplus (+) or Deficit (-) (gpm)
Well 1 (378 gpm) Well 2 (279 gpm)	372	1,067,792	401,760 (279 gpm)	-666,032	-463

If no modifications are made, once buildout is reached there will likely be a source capacity deficit of 463 gpm, meaning the system will not be in compliance with IDAPA rules. Improvements for this deficit are discussed in a later section.

As previously established, the system can adequately support the current number of EDUs under current demands. However, when looking at future demands,

the system is not expected to be capable of sustaining more than 96 EDUs--less than the system currently has. To address this issue, upgrading the existing Well 2 pump to match the current Well 3 pump at 378 gpm would allow the system to reach approximately 155 connections before another upgrade is necessary.

Proceeding under the assumption that the described upgrade of Well 2 was completed, Idaho Club will likely need to install a third well before buildout is able to be reached. Table 3-3 below shows the calculations for sizing.

Table 3-3: Buildout Source Capacity Improvement Analysis – MDD plus Equalization Storage

Source Capacity (gpm)	Buildout EDUs	Buildout MDD + Equalization Storage (gpd)	Buildout Source Capacity with Largest Source Offline (gpd)	Buildout Source Capacity Surplus (+) or Deficit (-) (gpd)	Buildout Source Capacity Surplus (+) or Deficit (-) (gpm)
Well 1 (378 gpm) Well 2 (378 gpm) Well 3 (365 gpm)	372	1,067,792	1,069,920 (743 gpm)	2,128	1

In order to provide adequate source capacity to the 372 EDUs at buildout, the new well will likely have to have a minimum capacity of 365 gpm. This would result in a minimum surplus of 1 gpm. Please note this includes the upgrade of Well 2 to 378 gpm.

3.3.2. BOOSTER STATION

Buildout conditions consist of 372 EDUs. The estimated future capacity of each is summarized below in Tables 3-4 and 3-5. As discussed in Section 2.9.3, Moose Mountain Booster was not included in Table 3-4, and Boosters 1 and 2 were not included in Table 3-5.

Table 3-4: Buildout Booster Station Capacity Analysis – MDD + Equalization with Largest Pump Offline

Booster Station Name	Booster Pump Capacity	Zone Served by Booster (No. of EDUs)	Current MDD + Equalization (gpm)	Available Booster Capacity with Largest Pump Offline (gpm)	Buildout Booster Capacity Surplus (+) or Deficit (-) (gpm)
Booster Station 1	(3) at 175 gpm each	254	544	350	-194
Booster Station 2	(3) at 175 gpm each	254	544	350	-194

Booster Stations 1 and 2 are both anticipated to have deficits of 194 gpm for the MDD and Equalization Storage scenario once 372 EDUs are reached.

In order to address these deficits, both Booster Stations will likely need to install two (2) additional booster pumps with minimum capacities of 303 gpm. The results these suggested booster station upgrades are summarized in Table 3-6.

Begin forwarded m [redacted]
From: Tom Curtiss
Date: August 5, 2026 at 2:14:07 PM PDT
To: tom curtiss <[redacted]
Subject: Water conservation - irrigation
Idaho Club Members,

I've been asked by the water company to communicate the need for your help in conserving water — predominately linked to irrigation. The usage in July alone was 2.67 million gallons.

Please use caution and check sprinkler systems so the system can maintain its reservoir levels.

Thanks,

Tom

EXHIBIT 09

Office of the Secretary
Service Date
November 3, 2025

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF VALIANT IDAHO INC./TIC UTILITIES, LLC'S APPLICATION TO INCREASE ITS RATES AND CHARGES FOR WATER SERVICE IN THE STATE OF IDAHO	))))))	**CASE NO. VID-W-25-02** **ORDER NO. 36818**

On March 4, 2025, TIC Utilities, LLC, an entity affiliated with Valiant Idaho, Inc. ("Company"), applied to increase the rates and charges for the Company's water service ("Application"). The Company requests a July 1, 2025, effective date for the proposed rate increase.

On March 20, 2025, the Idaho Public Utilities Commission ("Commission") issued a Notice of Application and Notice of Intervention Deadline, setting a deadline for interested persons to intervene. Order No. 36520. The Commission also suspended the Company's proposed July 1, 2025, effective date for the proposed rate increase for 30 days and 5 months under *Idaho Code* § 61-622(4).

On June 9, 2025, the Commission issued a Notice of Modified Procedure, setting public comment and company reply deadlines. The Commission also set an in-person customer hearing and scheduled a virtual public workshop. Order No. 36632.

On August 6, 2025, Staff of the Idaho Public Utilities Commission ("Staff") filed comments to which the Company replied.

On August 14, 2025, the Commission held an in-person customer hearing in Sandpoint, Idaho. Various customers of the Company testified all in opposition to the proposed rate increase.

Having reviewed the record in this case, we issue this Final Order authorizing the Company to raise its rates as described below.

BACKGROUND

The Company is a Commission-regulated water corporation serving 317 residential and commercial customers near Sandpoint in Bonner County, Idaho. The Company serves customers with two wells and three storage reservoirs under Certificate of Public Convenience and Necessity No. 554. According to the Company, it initially acquired this water system through foreclosure.

EXHIBIT 10

IV. Rate Design

The Company currently charges all customers a $45 monthly fixed fee for unmetered water service. There are 110 "flowing" customers (with homes) and 207 "non-flowing" customers, all billed the same charge.

The Company proposed adding a $0.01 per gallon commodity rate for usage above 7,500 gallons and increasing the monthly customer charge. Despite supporting metered rates, Staff did not recommend a commodity rate now because 50 of the Company's 110 flowing customers do not have meters. Charging some customers based on usage while others pay a flat rate could be unfair.

For fixed charges, the Company proposed $150 per month for flowing customers and keeping $45 for non-flowing customers. Currently, 65% of revenue comes from non-flowing customers, but prior Commission Orders (*e.g.*, Order No. 36313) state only customers actually receiving service should pay, meaning non-flowing customers should not be charged. Staff considered this and evaluated options to collect revenue solely from flowing customers or with reduced charges for non-flowing customers. The following Table 3 outlines these alternatives:

Table No. 3: Bill Impacts of Rate Designs Using Staff's Revenue Requirement

Option	Customer	Current Bill	Proposed Bill	$ Change	% Change
A.	Flowing, ¾"and 1"	$45	$149	$104	231%
	Non-Flowing	$45	$0	-$45	-100%
B.	Flowing, ¾"and 1"	$45	$67	$22	49%
	Non-Flowing	$45	$45	$0	0%
C.	Flowing, ¾"and 1"	$45	$94	$49	109%
	Non-Flowing	$45	$30	-$15	-33%
D.	Flowing, ¾"and 1"	$45	$121.50	$76.50	170%
	Non-Flowing	$45	$15	-$30	-67%

Staff recommended Rate Option C, which sets a $30 monthly charge for non-flowing customers, believing it balances rate shock and gradualism. Eliminating the non-flowing charge entirely, as in (Option A, would cause flowing customers' bills to jump 231%. Option C limits the increase to 109%. The Company must also maintain water rights to meet fire flow requirements for non-flowing lots, so it will incur costs to serve them. Staff also learned that the Company serves Idaho Club's golf course clubhouse via a 2-inch connection. Staff recommended a $302 monthly charge for this connection.

the cost was capitalized and reported on the balance sheet for tax purposes. Therefore, reducing O&M expenses by $35,889 would understate actual operating costs.

X. Rate Design

The Company accepted Staff's proposed rate design but urged consideration of its own revenue requirement adjustments. The Company argued that a non-flowing rate is justified, as it must maintain fire suppression and system capacity for all parcels, including those not yet connected. According to the Company, these efforts require significant investment to support future service. Without standby fees, flowing customers would unfairly bear the full cost of maintaining a system designed to serve all lots, leading to higher rates for those active users.

XI. Meter Reading

The Company expressed concern that Staff's comments do not reflect the full cost of meters. Such will not be recoverable from current customers for at least a year, if at all. Therefore, the Company proposed that the final tariff allow for reimbursement of the actual cost to install meters for all connections, including existing active ones.

XII. Hook-up Fee

The Company asserted that Staff's comments overlook the initial and ongoing costs of meter installation, especially since these expenses do not appear to be recoverable from current customers. Because the Company did not install the legacy infrastructure, there have been issues where distribution lines or meter setters are missing or not located as shown on engineering drawings. Therefore, the Company proposed that the tariff allow reimbursement for all actual costs to locate and connect to existing distribution lines and install meters and meter setters. Additionally, the Company requested that property owners be responsible for fixing any unauthorized or non-compliant hookups made before the Company assumed ownership.

XIII. Late Fees

The Company agreed with Staff's recommendation on late payment charges. However, due to significant historic accounts receivable, the Company requested permission to apply the approved charges to all outstanding balances, including those from before the rate case.

XIV. Fire Hydrant Installation Charge

The Company opposed Staff's recommendations regarding Fire Hydrant Installation Charges, arguing that the "Uniform Main Extension Rule for Small Water Companies" should not apply because the Company does not meet the definition of a "small water company." The

case prevented the Company from recovering infrastructure investment through their sale. Likewise, even if the Company chooses not to recover its water system capital investments through the sale of certain lots, that decision does not justify excluding those lots from the rate base calculation.

Applying Staff's proposed methodology, we find it reasonable to reduce the Company's PIS proposed in the Application by $477,657 and Accumulated Amortization by $130,956. This approach will simplify future regulatory filings and accounting. It also reduces the Company's Depreciation Expense by $27,708, since assets classified as CIAC in the previous calculation are not subject to depreciation.

2. Proforma PIS

We find it fair, just, and reasonable to exclude two amounts from the Company's pro forma PIS. First, the Company requested $40,000 for its IDEQ Facilities Plan but had only incurred $35,889 in costs as of June 2025. Because future costs are not known and measurable, the additional $4,111 will be excluded from the rate base.

Second, the Company's $43,615.55 request for meters and installation included an incorrect sales tax calculation. The Company used an 8.9% rate instead of the applicable 6.0% rate, resulting in an overstatement of $1,057. We find it fair, just, and reasonable to exclude this amount from the rate base.

E. Rate Design

Based on our review of the record, we find it fair, just, and reasonable to approve Staff's proposed Option B rate design. Specifically, the Company is authorized to charge a flat $67 monthly rate to 3/4-inch and 1-inch customers who are consuming water. Because not all current customers have water meters, we deny the Company's request to charge a commodity rate for usage exceeding 7,500 gallons per month.

Additionally, the Company may continue charging a flat $45 monthly rate to customers who are not consuming water. In prior cases, we have been reluctant to authorize non-flowing or standby rates, reasoning that customers should not pay utility rates if they are not benefiting from the water system. *See* Order No. 36313. However, all lots within the Company's service territory do benefit from the fire protection the Company's water system provides. Additionally, all lot owners within the Company's service territory have historically been charged for water service even if they were not currently consuming water. Immediately relieving non-flowing customers of

any obligation to pay rates for water service would not only provide them the benefit of fire protection at no cost but would also inflict significant rate shock on the Company's flowing customers. Accordingly, we find it reasonable to continue allowing the Company to charge customers who are not consuming water the same rates they were accustomed to when the Company was unregulated.

F. Meter Reading

The Company currently has 50 metered connections. We find it reasonable to require the Company to begin reading these meters to gather consumption data. This data will be valuable in future rate cases for developing commodity rates, improving cost recovery, reducing subsidies, managing water use, and detecting leaks. If monthly meter readings are not practical year-round due to weather conditions, the Company should read meters monthly from June through September and at least once between October and May.

G. Non-Recurring Charges

The Company proposed various additional non-recurring charges. We find it fair, just, and reasonable to allow the Company to charge for reconnection, late payment, returned checks, and hook-up fees as described below. We decline to authorize the Company to charge for account initiation, IDEQ assessments, meter-testing, franchise fees, and fire hydrant installation.

1. Reconnection Charge

As the Company provided no information to support the $2,500 reconnection charge requested in the Application, we decline to approve it. Instead, we find it reasonable to authorize the Company to impose a $20 charge for reconnections performed during business hours (*i.e.*, 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays) and a $40 charge for work performed outside normal business hours (*i.e.*, 5:01 p.m. the 7:59 a.m., Monday through Friday, weekends, and during holidays).

2. Late Payment Charge

Consistent with *Idaho Code* § 28-22-104, we find it reasonable to revise the Company's proposed 3% per quarter late payment charge to a 1% monthly charge. The Company must update its tariff to reflect this charge. This fee shall be effective October 1, 2025, and will appear on customers' next bill.

From: Dan McCracken
To: tsmith@sunriverutilities.com; William Haberman
Cc: Katy Baker-Casile; CFinch@gemstate-water.com
Subject: Gem State Idaho Club ERU Capacity
Date: Friday, July 25, 2025 2:46:00 PM
Attachments: image001.png

Tim and Bill,

Thanks for the discussion today. Pursuant to our conversation, DEQ is comfortable with Gem State approving and managing additional connections at the Idaho Club consistent with the system capacity identified in the current draft Facility Plan documents. The table below summarizes the ERU capacity and associated capital improvements needed to support the capacity. We expect the facility plans to be revised and resubmitted for DEQ approval soon. In the meantime, please consider this email as authorization for Gem State to approve or deny individual connection requests at their discretion based on their capability to continue meeting Class B recycled water.

ERU*	System Needs
209	**Existing connections**
up to 320	**Upgrades Identified in Facility Plans to be implemented at discretion of facility owner/operator as needed to maintain treatment for Class B permit requirements. Upgrades include:** **-Sand Filter Replacement** **-Aeration System Replacement** **-Collection System Cleanouts** **-Chlorination System Upgrades** **-Recycled Water Pump Station Improvements** **-Compliance Activities As Listed in New Permit (pending)**
up to 400	**Pond B Drawdown Pumping/Piping Improvements**
up to 524	**All Upgrades Listed above, plus** **-Pond A and C Lining and Testing** **-630,000 gal Pond Expansion**

**Note that ERU values presented in the facility plan assume average daily flow of 110 gpd which reflect historic flows based on seasonal use. Low occupancy during winter non-irrigation season Is an important limitation on the system capacity. Gem State and TIC must continue to monitor wastewater flow rate trends and provide For additional long term storage capacity if seasonal use trends change over time.*

Dan McCracken, P.E. | Regional Administrator
Idaho Department of Environmental Quality
2110 Ironwood Parkway | Coeur d'Alene, ID 83814
Regional Office: (208) 769-1422 | Cell: (208) 512-9741

EXHIBIT 11



http://www.deq.idaho.gov/

Our mission is to protect human health and the quality of Idaho's air, land, and water.

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

Brad Little, Governor
Jess Byrne, Director

January 21, 2026

Bill Haberman
TIC Utilities
151 Clubhouse Way
Sandpoint, ID 83864
[redacted]

Subject: Conditional Approval – Golden Tee Estates 11th Addition – The Idaho Club

Dear Mr. Haberman:

The Idaho Department of Environmental Quality (DEQ) received plans and specifications entitled Replat of Lot 2, Idaho Club Golden Tee Estates 11th Addition Water and Sanitary Sewer Plans (Addition) submitted by your engineer to DEQ on 1/15/2026. These are supplemented with a finalized Will Serve letter and a declining balance statement from Gem State Water on 12/15/2025. The plans and specifications were sealed and signed by Scott Brown, PE on 12/19/2025. The project generally includes 875-feet of 8-inch water main and 3-inch sewer pressure main for twenty-two lots. DEQ has reviewed the plans and specifications for general conformance with DEQ Rules[1] and determined it to be conditionally approved for construction subject to the following conditions:

I. Standard Conditions:

A. All conditions of this letter must be met. The standard conditions on the DEQ approval stamp are part of this approval. Supporting reports or documents received during review are considered to be a part of the approved document.

B. DEQ's construction approval expires after one calendar year from the date of this letter. For construction to proceed beyond this date, an extension request or new plans and specifications must be submitted to DEQ for review and approval before construction may proceed.

C. Any material deviations from the approved plans and specifications must be reviewed and approved by DEQ before construction.

D. The owner is required to maintain one copy of the approved plans and specifications and this DEQ approval letter on-site during construction at all times. As project owner, you must ensure that the contractor, construction inspector, and certifying engineer are aware of the approval conditions.

E. Construction must be inspected by an Idaho-licensed Professional Engineer, or designee, to the extent required to confirm material compliance with approved plans. An Idaho-licensed Professional Engineer representing the system must submit record drawings, or a statement of material compliance, to DEQ within 30 days after construction completion.

F. New water mains are required to be pressure tested and disinfected in accordance with AWWA Standards (IDAPA 58.01.08.542 and Section 548). Please have the pressure test and microbiological results submitted to this office prior to or concurrent with the record drawing submittal.

G. This approval pertains only to water and sewer infrastructure and does not relieve the owner, engineer, or the contractor of the responsibility to comply with all current applicable federal, state, and local laws, rules, regulations, or ordinances.

EXHIBIT 12

[1] IDAPA 58.01.08 – Idaho Rules for Public Drinking Water Systems, IDAPA 58.01.16 – Wastewater Rules

II. Project-Specific Conditions:

A. All conditions of the Reuse Permit M-280-01 must be met prior to construction of residential dwellings. It appears there may be areas of the Addition that will be impacted by the reuse irrigation buffer zones required by the permit. The buffer zone management plan required by M-280-01 must be approved and implemented prior to the construction of residential dwellings.

B. All conditions of the Will Serve letter from Gem State Water dated 12-15-2025 must be met prior to connection of services.

C. If the project is anticipated to disturb at least one acre of land, or is part of a larger project that disturbs one acre or more of land, the project must obtain coverage under the Idaho Pollution Discharge Elimination System (IPDES) Construction General Permit. Stormwater events that occur during construction should be managed according to the site-specific Stormwater Pollution Prevention Plan, and other requirements of the General Permit. To submit a Notice of Intent for permit coverage under the Construction General Permit, apply online at *http://www2.deq.idaho.gov/water/IPDES/*.

D. DEQ has not waived any design engineering standards for this project.

If you have any questions or comments, contact me at (208) 666-4622 or email.

Regards,



Steve Burns, PE
Senior Water Quality Engineer

Encl: DEQ Stamped Approved Plans and Specifications
Will Serve letter from Gem State Water date 12-15-2025

c: Scott Brown, PE, sbrown@jasewell.com
Katy Baker-Casile, PE, DEQ, katy.baker-casile@deq.idaho.gov
Chris Westerman, EI, DEQ, chris.westerman@deq.idaho.gov
Jeremy Kirk, Idaho Division of Building Safety, jeremy.kirk@dopl.idaho.gov
Jason Peppin, PHD, ehapplications@phd1.idaho.gov
EDMS: ID1090267 : 2026AGD358 (P&S 58303)

Bonner County Planning Department

"Protecting property rights and enhancing property value"

1500 Highway 2, Suite 208, Sandpoint, Idaho 83864

Phone (208) 265-1458 - Fax (866) 537-4935
Email: planning@bonnercountyid.gov - Web site: www.bonnercountyid.gov

Sewer District Sign Off

The following information is required before your Building Location Permit can be issued.

Building Location Permit #: BLP-2025-0543

Landowner Name: Frank and Danna Trupiano

Site Address: 161 Brightwater Lane, Sandpoint, ID

Parcel Number (RP#): RP033830040020A

Sewer District Name: Gem State Infrastructure - Idaho Club

Sewer District Comments:

1 ERU is reserved for (BLP-2025-0543). All STEP/STEG infrastructure must be approved by IDEQ and Gem State, and connection to mainline is subject to Gem State inspection/approval. Sewer connections will not be made prior to (i) completion of IDEQ required system upgrades, and (ii) IDEQ approval of relevant Gem State and Valiant/Idaho Club submittals, regardless of construction status for residence.

Approved: S/O 88036

☒ Yes

☐ No

Sewer District Signature: _____ Date: Jan, 16, 2026

Marshall Thompson, Regional Manager
NW Natural Water

EXHIBIT 13

Revised: March 2024

Idaho Department of Environmental Quality
Reuse Permit
M-280-01

Gem State Infrastructure, LLC. (hereafter "permittee") is hereby authorized to construct, install, and operate a reuse facility in accordance with (1) this permit; (2) IDAPA 58.01.17 "Recycled Water Rules"; (3) an approved plan of operation; and (4) all other applicable federal, state, and local laws, statutes, and rules. This permit is effective from the date of signature and expires on January 16, 2032.

Daniel J. McCracken

Signature

01/21/2026

Date

Dan McCracken
Regional Administrator
Coeur d'Alene Regional Office
Idaho Department of Environmental Quality

Idaho Department of Environmental Quality
Coeur d'Alene Regional Office
2110 Ironwood Parkway
Coeur d'Alene, Idaho 83814
(208) 769-1422

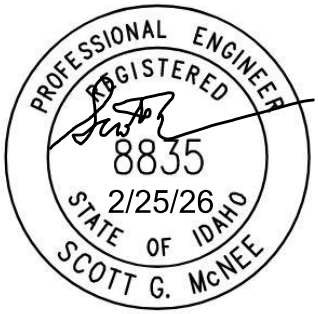
Accessibility Services: The Idaho Department of Environmental Quality will provide reasonable language access services and/or disability services for documents at no charge. To request an accommodation under Title VI of the Civil Rights Act of 1964 or Americans with Disabilities Act, contact DEQ's nondiscrimination coordinator at (208) 373-0271 or *accessibility@deq.idaho.gov*. Para obtener información en español, visite *https://www.deq.idaho.gov/about-us/accessibility/*.

EXHIBIT 14

Compliance Activity (CA) Number and Completion Due Date	Compliance Activity Description
CA-280-02 Six (6) months after permit issuance	**Quality Assurance Project Plan (QAPP)**: The permittee must prepare and implement a QAPP that incorporates all monitoring and reporting required by this permit. A copy of the QAPP along with written notice that the permittee has implemented the QAPP must be provided to DEQ. The Permittee must follow the QAPP when collecting, analyzing, and reporting monitoring data submitted to DEQ. The QAPP must be designed to assist in planning for collecting, analyzing, and reporting all monitoring in support of this permit and in explaining data anomalies when they occur. At a minimum, the QAPP must include the following: 1. Details on the number of measurements, number of samples, type of sample containers, preservation of samples, holding times, analytical methods, analytical detection and quantitation limits for each target compound, type and number of quality assurance field samples, precision and accuracy requirements, sample preparation requirements, sample shipping methods, and laboratory data delivery requirements 2. Maps indicating the location of each monitoring and sampling point 3. Qualification and training of personnel 4. Names, addresses, and telephone numbers of the laboratories used by or proposed to be used by the permittee 5. Example formats and tables that will be used by the permittee to summarize and present all data in the annual report The format and content of the QAPP should adhere to the recommendations and references in the Quality Assurance and Data Processing sections of the reuse guidance. The permittee must amend the QAPP whenever there is a modification in sample collection, sample analysis, or other procedure addressed by the QAPP. The permittee must notify DEQ of material changes to the QAPP and copies must be kept on site and made available to DEQ upon request.
CA-280-03 As specified	**Treatment Filter:** A preliminary engineering (PER) report must be submitted to DEQ for review and approval detailing the proposed upgrades to the treatment system within six (6) months of completion of the treatment filter system pilot study. Plans and specifications (P&S) for the upgrades must be submitted to DEQ for review and approval within three months of DEQ approval of the PER. Completion of construction must be achieved within 18 months following DEQ approval of the P&S. or within three years of permit issuance, whichever is sooner. The PER and P&S must be stamped and signed by a professional engineer licensed in the State of Idaho.

ARDURRA

Preliminary Engineering Report
Revised February 25, 2026



PROJECT: Idaho Club Recycled Water System
Emergency Pilot-Scale Filtration System

OWNER: Gem State Infrastructure

ENGINEER: Ardurra, Inc.
7950 N. Meadowlark Way
Coeur d'Alene, Idaho 83815
(208) 762-3644
Attn: Scott McNee, P.E. and Murthy Kasi, PhD, P.E.

1. Executive Summary

Gem State Infrastructure, LLC (GSI) owns and operates a wastewater collection, storage, treatment, and beneficial reuse system which serves the Idaho Club and Hidden Lakes developments in Bonner County, Idaho. The treatment system receives septic tank effluent and consists of a 7.41-million-gallon (MG) lagoon equipped with surface aerators to provide aerobic stabilization, mixing, and odor control. Lagoon effluent is pumped to a continuous down-flow sand filter, then pumped to a beneficial reuse irrigation system after being disinfected by chlorination. The system generates a Class B reuse effluent in accordance with Reuse Permit #M-280-01 (Appendix A) utilized at the Idaho Club private golf course.

A wastewater facility plan, dated November 2025, was prepared by Ardurra, and was approved by Idaho Department of Environmental Quality (IDEQ) in a letter dated December 16, 2025 (Appendix B). The approved facility plan evaluates existing infrastructure for their capacities and deficiencies and identifies the necessary upgrades for future projected flows and loads. The facility plan recommends replacement of the existing sand filter since it is currently unable to meet existing operational demands.

This preliminary engineering report proposes emergency action to install a pilot-scale cloth filter system in parallel with the existing sand filter system. The pilot system will allow GSI to meet the existing operational demands while also evaluating the appropriate filter technology for permanent installation. Proposals were requested from multiple manufacturers for tertiary filtration systems, of which three (3) systems were identified for detailed assessment for comparison including cost, performance data from past studies, and operational flexibility. Through further screening based on project-specific criteria, two (2) systems were selected for field pilot testing.

The selected two systems will operate in parallel with the existing sand filter receiving treated wastewater from the aerated lagoon and convey filtered effluent to the irrigation wet well. Operational and performance data will be collected for each filter operation in accordance with IDEQ's requirements. A Pilot Study Report will be completed for DEQ

EXHIBIT 15

3. Pilot Study

The two selected cloth disc filtration systems will operate in parallel with the existing sand filter, receiving secondary effluent from the aerated lagoon and conveying the filtered effluent to the irrigation wet well. The filtration systems will be between the aerated lagoon and irrigation pump wet well. **Figure 1** illustrates the approximate location of the selected pilot systems. **Figure 2** is a Plan View detailing the proposed installation of the selected filters. Both filtration systems are generally comprised of a flocculation tank followed by cloth disc filtration unit. The flocculation tank shall be online throughout pilot testing, and functions to rapidly mix influent with chemical flocculant prior to filtration, however, chemical flocculant injection is not proposed at this time. If chemical injection is deemed necessary, this will be communicated to DEQ with an addendum to this PER prior to use. Influent flow, influent turbidity, and effluent turbidity for each filtration system will be continuously monitored to verify individual system performance. Additional data collection requirements specified by IDEQ are included in "Sampling and Testing Procedures" section of this report.

Periodic filter backwash cycles will discharge waste flows back to the lagoons, as shown in **Figures 1** and **2**. The backwash will discharge at least 100 feet away from the filter influent intake location. The effluent line from each filter system will have a valve to bypass in case the filter effluent does not meet the IDEQ requirements. The bypass line will bring the filter effluent back to the lagoon.

Operators will continue collecting coliform samples at the current monitoring location in accordance with the reuse permit requirements.

3.2. Timeline

The following summarizes the proposed timeline for pilot system operation, regulatory review of the pilot study results with selected filtration system for full-scale installation, and final design and bidding.

Date	Description
2/27/2026	Submit pilot system PER to DEQ
	Pilot system procurement
3/27/2026	DEQ approval of pilot system PER
4/15/2026	Pilot system startup
May 2026 – Oct. 2026	2026 irrigation season pilot-scale system operation
11/15/2026	Pilot study results report and PER for full-scale system
Dec. 2026 – Mar. 2027	Final design and bidding for full-scale system

www.welchcomer.com

WELCH-COMER

208-664-9382
208-664-5946 (fax)

330 E. Lakeside Avenue, Suite 101
Coeur d'Alene, ID 83814

IRRIGATION WASTEWATER FACILITY PLAN

THE IDAHO CLUB
WASTEWATER TREATMENT FACILITY

SUBMITTED TO THE
IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY

REVISED DECEMBER 2025

EXHIBIT 16

© 2025 Welch, Comer and Associates, Inc.

WELCH-COMER ENGINEERS | SURVEYORS

These improvements will allow the system operators to accurately track and record flows entering and leaving the treatment lagoon. Operators of the reuse irrigation system will continue to be responsible for accurately tracking and recording raw water and treated reuse water applied to the golf course.

3.1.6. WASTEWATER POND STORAGE AND SERVICE

The original system designer established an average day unit flow rate of 110 gallons per day per ERU, which respresents the facility's design flow and assumes seasonal occupancy trends at the Idaho Club. At buildout, this rate corresponds to an annual flow of approximately 24,047,000 gallons. Under this design flow scenario, if only 0.5 million gallons of storage were reliably available in Pond B, the system could support up to 320 ERUS. Modifying the piping to utilize one-hundred percent of Pond B's capacity (2.12 MG) would increase this to roughly four hundred ERUs, and fully maximizing the combined storatge of Ponds A and B (3.21 MG) would support approximately 450 ERUs.

Following guidance from the Idaho Department of Environmental Quality (IDEQ) during a comment meeting in August 2025, a more conservative worst-case scenario using a unit flow of 250 gpd per ERU was also evaluated. This higher rate, which aligns with IDEQ's standard planning assumptions, disregards seasonal fluctuations. At buildout, this rate corresponds to an annual flow of approximately 54,750,000 gallons. Under this IDEQ worst-case scenario, 0.5 MG of available storage in Pond B would support about 133 ERUs. Utilizing the full 2.12 MG capacity of Pond B would increase this to approximately 188 ERUs, while maximizing the combined storage of Ponds A and B would support roughly 197 ERUs.

To accommodate buildout conditions of 524 ERUs under this scenario, Idaho Club would need to expand its irrigation pond capacity by eight million gallons and its treatment lagoon storage volume by twelve million gallons. This would result in a total additional storage requirement of twenty million gallons for the system to adequately serve the projected number of connections at full buildout. Please note Ponds A and C would require lining and testing before serving at buildout. Refer to Appendix D for Ardurra's water balance information.

An analysis was also conducted to establish a procedure should storage capacity become an issue. One potential solution would be for the Club to divert the iron filter backwash away from the sanitary sewer system, which could free up approximately fifty ERUs.

3.1.7. CAPITAL IMPROVEMENTS

Assuming the flows remain consistent, Pond B will provide adequate treated water storage for up to 320 ERU. Beyond that, piping improvements to Pond B will be necessary to allow its full 2.12 MG of storage to be utilized. This improvement will allow storage for up to approximately 400 ERU's. After that, piping improvements and liner testing of Pond A would allow it to come on line. With both Pond A and Pond B on line, the system could

support 450 ERU's. Additional, unspecified treated water storage would be necessary to achieve full buildout of 524 ERU's. By that time, significantly more wastewater flow data will be available, and storage needs can reevaluated.

No capital improvements are anticipated to be needed for the golf irrigation system other than standard maintenance and replacement of components as needed.

3.1.8. EMERGENCY PROCEDURES

In the event of a power outage, the Idaho Club will experience a reduction in flow, as the well pumps, residential systems, and septic tank pumps will all be without power. Consequently, the flow into the lagoon will be minimal, with only the gravity flow pipes transferring effluent into the wastewater lagoon. While the lagoon has been designed to accommodate a significantly larger buildout than what is currently developed, it is still capable of managing a short-term power outage. This is achievable through temporary storage in the wastewater lagoon and individual septic tanks.

If some portion of the treatment system were to fail and need repair, it is anticipated that the 7.41-million-gallon wastewater storage lagoon would be able to store wastewater long enough for the repair to occur.

3.1.9. WINTER OPERATION

The Idaho Club does not irrigate wastewater during the winter. Systems are shut down and the lagoon drawn down to allow for storage through winter. In recent years, irrigation Pond B has been filling up with snowmelt runoff. Action must be taken to ensure surface water does not end up in the Pack River during non-irrigation seasons.

3.2. LAND APPLICATION SITE

Class B effluent is used for irrigation at the Idaho Club's golf course, spanning an area of approximately eighty-one acres. The effluent is supplemented with irrigation water from the Pack River and is distributed through sprinkler systems to the turfgrass.

3.2.1. LAND APPLICATION ACRES AND IRRIGATION SYSTEM

Class B wastewater is applied to the approximately eighty-one-acre golf course, which is divided into two zones: the fifty-three-acre area north of Highway 200 and the 28-acre area south of the highway. Following DEQ's inspection on August 30, 2016, two holes in the northern section of the course—Hole #1 and Hole #15—were found to be noncompliant with buffer distance requirements. To accommodate these issues and have the holes eligible for irrigation, Idaho Club will be making the necessary adjustments regarding sprinkler placement and angle of spray.

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

Brad Little, Governor
Jess Byrne, Director

March 3, 2026

William Haberman
Valiant/TIC Utilities Companies
151 Clubhouse Way
Sandpoint, ID 83864
[redacted]

Subject: DEQ Approval – Facility Plan – Irrigation Wastewater System – The Idaho Club

Dear Mr. Haberman:

The Department of Environmental Quality (DEQ) has reviewed the Irrigation Wastewater Facility Plan for The Idaho Club. The facility plan was stamped and signed by Steve Cordes, P.E. on 12/30/2025 and submitted to DEQ on the same day. This document was reviewed for its conformance with the Idaho Wastewater Rules, IDAPA 58.01.16, 58.01.17 and applicable subsections. It appears to meet the minimum design standards therein. The facility is hereby approved in accordance with the Idaho Wastewater Rules.

Prior to the construction of any facilities that would require a major permit modification in accordance with IDAPA 58.01.17.700.03, Valiant/TIC must contact DEQ to schedule a pre-application workshop.

Preliminary engineering reports for any project relating to this facility plan may now be submitted to DEQ for review and approval prior to submitting any construction plans and specifications. The preliminary engineering report shall be in conformance with the approved facility plan or shall describe any modifications to the facility plan. Preliminary engineering reports must be completed for all major projects. Items adequately addressed in the facility plan under which the project is being designed may be addressed by reference for purposes of the preliminary engineering report.

Should you have any questions or require additional information, please do not hesitate to contact me at (208) 666-4622 or via e-mail at steve.burns@deq.idaho.gov.

Sincerely,

Steve Burns, PE
Senior Water Quality Engineer

Ec: Steve Cordes, PE, steve@prcnw.com
Chris Westerman, EI, DEQ, chris.westerman@deq.idaho.gov
Katy Baker-Casile, PE, katy.baker-casile@deq.idaho.gov
EDMS: 2026AGD1126 (P&S 59255)

EXHIBIT 17

Idaho Department of Environmental Quality
Reuse Permit
M-281-01

Valiant Idaho, LLC. (hereafter "permittee") is hereby authorized to construct, install, and operate a reuse facility in accordance with (1) this permit; (2) IDAPA 58.01.17 "Recycled Water Rules"; (3) an approved plan of operation; and (4) all other applicable federal, state, and local laws, statutes, and rules. This permit is effective from the date of signature and expires on January 16, 2032

Signature

01/21/2026

Date

Dan McCracken

Regional Administrator
Coeur d'Alene Regional Office
Idaho Department of Environmental Quality

Idaho Department of Environmental Quality
Coeur d'Alene Regional Office
2110 Ironwood Parkway
Coeur d'Alene, Idaho 83814
(208) 769-1422

Accessibility Services: The Idaho Department of Environmental Quality will provide reasonable language access services and/or disability services for documents at no charge. To request an accommodation under Title VI of the Civil Rights Act of 1964 or Americans with Disabilities Act, contact DEQ's nondiscrimination coordinator at (208) 373-0271 or *accessibility@deq.idaho.gov*. Para obtener información en español, visite *https://www.deq.idaho.gov/about-us/accessibility/*.

EXHIBIT 18

3. Compliance Schedule for Required Activities

Compliance Activity (CA) Number and Completion Due Date	Compliance Activity Description
CA-281-01 Six (6) months after permit issuance	**Updated Plan of Operation (PO)**: The permittee must submit to DEQ for review and approval an updated PO that reflects current operations and incorporates the requirements of this permit. The PO must comply with the applicable requirements stated in IDAPA 58.01.17.300.05 and must address applicable items in the most current Plan of Operations Checklist available. The PO must include the following site management plans or the permittee may submit the site management plans individually: 1. Buffer zone management plan 2. Lagoon storage management plan 3. Emergency operating plan 4. Irrigation management plan 5. Nuisance and odor management plan 6. Runoff management plan 7. Waste solids management plan (as needed) 8. Fertilizer loading rate methodology The PO must be updated as needed to reflect current operations. The permittee must notify DEQ of material changes to the PO and copies must be kept on site and made available to DEQ upon request.

Compliance Activity (CA) Number and Completion Due Date	Compliance Activity Description
CA-281-02 Six (6) months after permit issuance	**Quality Assurance Project Plan (QAPP)**: The permittee must prepare and implement a QAPP that incorporates all monitoring and reporting required by this permit. A copy of the QAPP along with written notice that the permittee has implemented the QAPP must be provided to DEQ. The Permittee must follow the QAPP when collecting, analyzing, and reporting monitoring data submitted to DEQ. The QAPP must be designed to assist in planning for collecting, analyzing, and reporting all monitoring in support of this permit and in explaining data anomalies when they occur. At a minimum, the QAPP must include the following: 1. Details on the number of measurements, number of samples, type of sample containers, preservation of samples, holding times, analytical methods, analytical detection and quantitation limits for each target compound, type and number of quality assurance field samples, precision and accuracy requirements, sample preparation requirements, sample shipping methods, and laboratory data delivery requirements 2. Maps indicating the location of each monitoring and sampling point 3. Qualification and training of personnel 4. Names, addresses, and telephone numbers of the laboratories used by or proposed to be used by the permittee 5. Example formats and tables that will be used by the permittee to summarize and present all data in the annual report The format and content of the QAPP should adhere to the recommendations and references in the Quality Assurance and Data Processing sections of the reuse guidance. The permittee must amend the QAPP whenever there is a modification in sample collection, sample analysis, or other procedure addressed by the QAPP. The permittee must notify DEQ of material changes to the QAPP and copies must be kept on site and made available to DEQ upon request.
CA-281-03 As specified	**Well Location Acceptability Analysis (WLAA):** The permittee must submit to DEQ for review and approval a WLAA of the public drinking water supply well located at 48.3293 -116.3963. If the drinking water supply well location is determined not acceptable, appropriate buffer zones identified in Section 4.4 of the permit or DEQ-approved mitigation measures must be implemented.
CA-281-04 As specified	**Irrigation Storage Pond:** The permittee must submit to DEQ for review and approval a preliminary engineering report and plans and specifications for bringing a second irrigation storage pond online no later than six months after the development reaches 288 ERU's. The second irrigation storage pond must be brought online before the development exceeds 320 ERU's.

<table>
<tr><th>Compliance Activity (CA) Number and Completion Due Date</th><th>Compliance Activity Description</th></tr>
<tr><td>CA-281-05
As specified</td><td>Seepage Testing: The following table shows the date by which the permittee must complete seepage testing on the specified lagoons:<table><tr><td>Lagoon:</td><td>Seepage Test Due Date:</td></tr><tr><td>LG-281-01</td><td>Prior to being put into service</td></tr><tr><td>LG-281-02</td><td>April 2030</td></tr></table>Submit to DEQ for review and approval a proposed schedule and procedure for performing the required seepage tests at least 45 days before to the planned seepage test. The seepage test procedures must be sealed by the Idaho licensed professional engineer or professional geologist in responsible charge for the test.

Seepage tests must be completed according to the procedures approved by DEQ. The seepage test report must be sealed by the person in responsible charge and submitted within 90 days after completion of the seepage test.

Allowable seepage rates can be found in IDAPA 58.01.16.493.03. Requirements for lagoons leaking above the allowable amount are outlined in IDAPA 58.01.16.493.04.</td></tr>
<tr><td>CA-281-06
As specified</td><td>Total Coliform Treatment Study: The permittee must collect a total coliform sample every two weeks from LG-281-01 from July through September for the first two years of the permit. The permittee must report to DEQ as soon as the permittee becomes aware of the results of any sample that exceeds 230 total coliform organisms/100mL. The permittee must submit a report no later than six months after September of the second year to DEQ for review. The report must discuss the results of the monitoring, total coliform regrowth in the irrigation storage ponds, and if additional treatment is needed before the recycled water is land applied to comply with Class B recycled water standards.</td></tr>
<tr><td>CA-281-07
One (1) year prior to the expiration date of this permit</td><td>Pre-application Conference: If the permittee intends to continue operating the reuse facility beyond the expiration date of this permit, the permittee must contact DEQ and schedule a pre-application conference to discuss the compliance status of the facility and the content required for the reuse permit application package.</td></tr>
<tr><td>CA-281-08
180 days prior to the expiration date of this permit</td><td>Permit Renewal Application: The permittee must submit to DEQ a complete permit renewal application package that fulfills the requirements specified in CA-281-07 and identified at the pre-application conference.</td></tr>
</table>

5.3 Soil Monitoring

5.3.1 Soil Monitoring Unit Descriptions

Monitoring Point Serial Number	Description	Associated Management Unit
SU-281-01	Golf course south of State Highway 200.	MU-281-01
SU-281-02	Golf course north of State Highway 200.	MU-281-02

5.3.2 Soil Monitoring, Sampling, and Analyses

Monitoring Point Serial Number	Sample Type	Sample Frequency	Constituents (Units in mg/kg Soil Unless Otherwise Specified)
SU-281-01 SU-281-02	Composite samples[a]	April of 2031	Electrical conductivity (µmhos/cm in saturated paste extract) Nitrate, as N Ammonium, as N Exchangeable sodium percentage (%) Plant available phosphorus DTPA-Fe DTPA-Mn CEC pH (standard units)

a. The number of sample locations PO or QAPP for each SU must be specified in the PO or QAPP. At each location, samples must be obtained from three depths: 0–12 inches, 12–24 inches, and 24–36 inches or refusal. The samples obtained from each depth must be composited by depth to yield three composite samples for each soil monitoring unit (one composite sample for each depth).

5.4 Crop Monitoring

Reserved

5.5 Lagoon Information

Serial number	Description	Surface Area, acres	Maximum Operating Volume, MG	Liner Type
LG-281-01[a]	Pond A irrigation storage lagoon	0.3	1.09	Unlined
LG-281-02	Pond B irrigation storage lagoon	0.6	1.78	60 mil geomembrane liner

a. LG-281-01 is not authorized to receive recycled water until the lagoon has been lined and passed seepage testing requirements in compliance activity CA-281-05.

ii. Indicating, totalizing, and recording flow measurement devices for all influent or effluent flows must be provided for all plants. Any other flow measurement device may be indicating and totalizing only. All flow measurement equipment must be sized to function to a satisfactory level of accuracy over the full range of flows expected and must be protected against freezing. (7-1-26)

iii. Flow measurement equipment including approach and discharge conduit configuration and critical control elevations must be designed to ensure the required hydraulic conditions necessary for the measurement accuracy needed for the specific application. (7-1-26)

iv. The flow measurement devices must be calibrated and certified at manufacturer-specified frequencies. (7-1-26)

d. Effluent composite sampling equipment must be provided at all mechanical plants and at other facilities where necessary to meet discharge permit monitoring requirements. Composite sampling equipment must also be provided as needed for influent sampling and for monitoring plant operations. The influent sampling point must be located prior to any process return flows. (7-1-26)

07. Safety. (3-31-22)

a. Provisions must be made to consider the protection of maintenance personnel and visitors from typical and foreseeable hazards in accordance with the engineering standards of care. Enclosure of the plant site with a fence and signs designed to discourage the entrance of unauthorized persons and animals is required. (7-1-26)

b. The materials utilized for storage, piping, valves, pumping, metering, splash guards, etc., must be specially selected considering the physical and chemical characteristics of each hazardous or corrosive chemical. (7-1-26)

08. Laboratory. (3-31-22)

a. All treatment plants must include a laboratory for making the necessary analytical determinations and operating control tests, except for those plants utilizing only processes not requiring laboratory testing for plant control and where satisfactory off-site laboratory provisions are made to meet the permit monitoring requirements. The laboratory must have sufficient size, bench space, equipment, and supplies to perform all self-monitoring analytical work required by disposal permits, and to perform the process control tests necessary for good management of each treatment process included in the design. (7-1-26)

b. Expected minimum laboratory needs must be addressed in the PER pursuant to Section 411. Treatment plant laboratory needs are divided into the following three (3) general categories: (7-1-26)

i. Plants performing only basic operational testing; this typically includes pH, temperature, dissolved oxygen, and chlorine residual. (3-31-22)

ii. Plants performing more complex operational and permit laboratory tests including biochemical oxygen demand, suspended solids, and fecal coliform analysis. (3-31-22)

iii. Plants performing more complex operational, permit, industrial pretreatment, and multiple plant laboratory testing. (3-31-22)

09. Operation and Maintenance. An operation and maintenance manual must be submitted to and approved by the Department as required by Section 425. Adherence to the terms of this approved manual is required. The owner is responsible for maintaining the wastewater treatment facility in a manner that ensures its designed operation. (7-1-26)

451. -- 454. (RESERVED)

455. PRIVATE WASTEWATER TREATMENT PLANTS.

EXHIBIT 19

01. Scope. Section 455 includes requirements in addition to Section 450 requirements for approval of private wastewater treatment plants. Individual extended treatment package systems for on-site systems are regulated by IDAPA 58.01.03, "Individual/Subsurface Sewage Disposal Rules and Rules for Cleaning of Septic Tanks." (7-1-26)

a. If the Department determines that a proposed private wastewater treatment plant is reasonably accessible to a wastewater system, the use of the private wastewater treatment plant may be denied. (7-1-26)

b. A compliance agreement schedule authorized by Section 39-116A, Idaho Code, is required for each private wastewater treatment plant approved unless specifically waived by the Department in writing. If a private wastewater treatment plant installation is only a temporary or interim measure in a long-term plan, a compliance agreement schedule will include a sunset clause with a date for the private wastewater treatment plant to cease operation and will require the plant owner to fund and construct the eventual hookup to the municipal wastewater collection system when the system becomes reasonably accessible. The compliance agreement schedule will address such things as operation and maintenance requirements and monitoring, reporting requirements, and other project-specific items as applicable. The owner is responsible for complying with the requirements of the compliance agreement schedule. The compliance agreement schedule will be renewed every five (5) years; when ownership of the treatment plant changes; or at the request of the owners or Department, so long as the system is in operation. (7-1-26)

c. Private wastewater treatment plants must be designed to provide service within the contiguous area including all adjacent and connected parcels or subdivisions that are part of the same overall planned development footprint and provide service to future phases of the planned development. The design capacity must account for buildout conditions or provide for means to readily expand capacity to accommodate future growth. Anticipated phases of development and future growth must be accounted for within the facility plan and PER. (7-1-26)

d. The minimum size of a private wastewater treatment plant allowed under these rules is twenty-five thousand (25,000) gallons per day design capacity based on average day flows. (7-1-26)

i. The minimum size requirements do not apply to proposed systems with suitably configured passive wastewater treatment technologies including, but not limited to, facultative lagoons, free water surface wetlands, and vegetated submerged beds. (7-1-26)

ii. The Department may approve private wastewater treatment plants smaller than twenty-five thousand (25,000) gallons per day design capacity, based on average day flows, provided the treatment plant will be maintained under original ownership. (7-1-26)

e. Prior to transfer of ownership of a private wastewater treatment plant to another entity, the proposed new owner must submit adequate documentation demonstrating sufficient technical, financial, and managerial capacity, as described in Section 409. (7-1-26)

02. Facility Plan and PER. The facility plan and PER for private wastewater treatment plants must include project-specific estimated permit effluent limits and requirements based on discussion with the applicable permitting agency, the information listed in this subsection, and information specified in Sections 410 and 411. (7-1-26)

a. The private wastewater treatment plant will have at least two (2) full years of operating data on five (5) separate installations in the United States. The data submittal will include the name, address, and telephone number for a regulatory agency contact person or an owner or operator familiar with the performance of each reported installation. (7-1-26)

b. The private wastewater treatment plant will be a dual train type (or equivalent/greater) with redundant pumps and blowers from influent works to the disposal site and provide sufficient redundancy to continue processing incoming wastewater at peak flows while any one (1) component or process is out of service. Standby or emergency power will be provided to fully operate the wastewater treatment plant during a power outage unless the water system would also be out during a power outage. (7-1-26)

Dan - Thanks for that explanation. Under the circumstances, that seems like the bes
forward for determining the declining balances and allocating current capacity to the
of owners looking to build.

Can I expect to receive official correspondence from DEQ on my subdivision plans r
soon? We were just denied approval for one of them by the Bonner County Commis
to what they described as a "DEQ and Gem State issue" and the local paper ran a fr
article on it. We could possibly get that reversed on reconsideration if we had some
from both DEQ and Gem State.

Finally, is there anything DEQ can do to get Gem State comfortable enough to issue
serve letters so owners can back to building homes at what previously a good pace

Please advise. Thanks. Bill

On Nov 14, 2025, at 4:25 PM, Dan McCracken <Dan.McCracken@deq.idaho.gov

Hi Bill – Typically the Sanitary Restriction remains in place until the infrastructure
provide adequate water and sewer service is constructed, often tied to DEQ's ap
record drawings. I think in this case we were expecting sanitary restrictions to rer
for each of the plats in the Idaho Club and lifted sort of one by one as Gem State
individual connections, until all the upgrades in the facility plan were complete an
broad sweep for all remaining lots could be done.
-Dan

<image001.png>

Dan McCracken, P.E. I Regional Administrator
Idaho Department of Environmental Quality
2110 Ironwood Parkway I Coeur d'Alene, ID 83814
Regional Office: (208) 769-1422 I Cell: (208) 512-9741
http://www.deq.idaho.gov/
Our mission is to protect human health and the quality of Idaho's air, land, and water.

From: William Haberman <[redacted]>
Sent: Friday, November 14, 2025 3:44 PM

EXHIBIT 20

RECEIVED
December 3, 2025
IDAHO PUBLIC
UTILITIES COMMISSION

Valiant Idaho, LLC

SCHEDULES, RULES, AND REGULATIONS

SCHEDULE 1 FLAT RATE WATER SERVICES

SCHEDULE 2 NON-RECURRING CHARGES

GENERAL RULES & REGULATIONS FOR SMALL WATER UTILITIES

1. *GENERAL*
2. *DEFINITIONS*
3. *SERVICE FOR NEW CUSTOMERS*
4. *DEPOSITS*
5. *RATES*
6. *BILLING AND PAYMENT*
7. *METERING (If Applicable)*
8. *CUSTOMER PLUMBING AND APPLIANCES*
9. *CROSS CONNECTION CONTROL*
10. *INSTALLATION OF SERVICE CONNECTIONS*
11. *REPLACEMENT OR ENLARGEMENT OF SERVICE CONNECTION*
12. *DISCONNECTION AND RECONNECTION OF SERVICE*
13. *EXTENSION OF WATER MAINS*
14. *FIRE PROTECTION SERVICES*
15. *MISCELLANEOUS*
16. *SPECIAL PROVISIONS*

APPENDIX UNIFORM MAIN EXTENSION RULE FOR WATER UTILITIES

EXHIBIT 21

2.30. Tariff – the rate schedules and the rules and regulations, which govern the Company's service.

2.31. Tiered Rate – an inclining block rate structure. The rate or price of water increases with each consecutive block.

2.32. Uniform Main Extension Rule of Water Utilities – all extensions of distribution mains from the Company's existing distribution system, to serve new Customers, except for those specifically excluded in the rule shall be made under the provisions of this Rule unless specific authority is first obtained from the Commission. (Order No. 7830, Case No. U-1500-22)

2.33. Usage Charge – a recurring charge based only on the quantity of water used. (aka – Commodity Charge, Volume Charge)

2.34. Utility Customer Relations Rules (UCRR) - Customer Relations Rules for Gas, Electric, and Water Public Utilities Regulated by the Idaho Public Utilities Commission (The Utility Customer Relations Rules) - IDAPA 31.21.01.000 et seq.

3. SERVICE FOR NEW CUSTOMERS

3.1. The Company shall furnish service to applicants within its certificated service area in accordance with rates and the rules and regulations approved by the Commission.

3.2. Applicants for water service may be required to sign a standard form of service application.

3.3. The Company shall not be obligated to provide service at a service location until any required deposit has been received by the Company in accordance with the UCRR.

3.4. No rate contract or application is assignable from one user to another, except upon agreement of all parties concerned.

3.5. Special contracts may be required where large investments in special facilities are necessary to provide the requested service. The Company may require contribution toward such investment and establish such minimum charges as are deemed necessary. All such contracts shall be subject to the approval of the Commission.

3.6. The Company reserves the right to place limitations on the amount and character of water service it will supply and to refuse service if, in its opinion:

a. the Company is required to refuse or limit service by regulatory authorities having jurisdiction over the Company;

b. the requested service installation is of larger size than is necessary to properly serve the premises;

c. the permanency of the building, structure, or institution requesting to be served is such that the Company's investment in such service is jeopardized;

d. the depth of the applicant's service line is less than the minimum depth required for frost protection;

e. the applicants' proposed service, main or other appurtenance does not conform to good engineering design or meet the standard specifications of the Company; or

f. if the applicant refuses to agree to abide by the rules and regulations of the Company.

If the Company denies service to an applicant for any reason, it shall immediately provide the applicant with a written explanation of its decision in accordance with the UCRR.

4. DEPOSITS

4.1. Rules and Regulations regarding deposits can be found in the UCRR.

5. RATES

5.1. Rates charged for water service and supply shall be those published in the Company's tariff and approved by the Commission.

6. BILLING AND PAYMENT

6.1. All Customers shall be billed on a regular basis as identified on the applicable rate schedule.

BONNER COUNTY PLANNING DEPARTMENT
REPLAT OF PORTIONS OF GOLDEN TEE AND GOLDEN TEE 1ST ADDITION
and
GOLDEN TEE 2ND through 11th ADDITIONS
COMMERCIAL RESORT, PRIVATE COMMUNITY FACILITY,
4-PLEX, PUBLIC UTILITY COMPLEX FACILITY
and
LARGE SCALE PLANNED UNIT DEVELOPMENT APPLICATION

RECEIVED
REVISED
NOV 23 2005
BONNER COUNTY
PLANNING DEPARTMENT

FILE# C882-05 **FILED:**

Applicant's Name: Pend Oreille Bonner Investments, LLC
Phone #: (775) 324-6900 (contact: Chuck Reeves)
Address: 6900 South McCarran Blvd. Suite 1010
Reno, NV 89509

Landowners' Name: Villelli Enterprises, Inc.
Phone #: (208) 255-4500
Address: 151 Clubhouse Way
Sandpoint, Idaho 83860

Monteheno Investments, LLC, et al
151 Clubhouse Way
Sandpoint, Idaho 83864

Bart and Laura Hill
[redacted]

Peter and Joan Brittain
[redacted]

Steven and Ann Seaborne
[redacted]

MDG Nevada, Inc.
6900 Reno S. McCarran Blvd., Ste. 1010
Reno, NV 89509

EXHIBIT 22

shoulders, similarly flanked by road side utility and drainage swales, all located within variable width easements, depending on grade. No roadway nor driveway grades will exceed 10%, or as otherwise approved by the Northside Fire District fire chief.

The new development will have only 498 residential units total on 879 acres, or one unit per 1.8 acres, while Recreation zoning conservatively provides for over 2,000 single family residential units with "urban services," as defined. It is estimated that only 20% of the residential units will be occupied year round and out of that number, only 25% of those year round residents will have school aged children, thus there will be little impact on schools. Because the roads are private and access will be limited by gatehouse, the impact and calls to the police department should also be less than typically found in a community of this size.

Bonner County intends to consider the quality of existing utilities (sewer, water) in the location and density of new development.

Sewage disposal will be provided by a public sewer system. The as-built system consists of a lagoon and land application system approved by Bonner County and the Idaho Department of Environmental Quality (Bonner County Conditional Use Permits 583-95 and 603-96, and DEQ Land Application Permit 000123-01). This system is suitable for expansion (see 7/21/05 Toothman-Orton *Hidden Lakes Wastewater Treatment System Conceptual Master Plan*, attached). This system is defined as an "urban service" and "public utility complex facility," necessitating a conditional use permit (see BCRC, §12-202, "public utility complex facility" and "urban services"). This component of the plat is included in this planned unit development application.

Water will be supplied by a public water system. The as-built system consists of municipal wells approved by Bonner County and the Idaho Department of Water Resources (Bonner County Conditional Use Permits 583-95 and 603-96, and IDWR Well Permits 96-08625 and 96-09060). This system is suitable for expansion (see 6/6/05 Toothman-Orton *Hidden Lakes Public Water System Conceptual Master Plan*, attached).

This system is defined as an "urban service" and "public utility complex facility," necessitating a conditional use permit (see BCRC, §12-202, "public utility complex facility" and "urban services"). This component of the plat is included in this planned unit development application.

Bonner County intends for new development to offset the capital costs of expanding services to their area.

Available public services needed to serve the project are limited to Northern Lights and Avista utilities and Verizon phone, all of either currently serve a portion of this property

also proposes open space totaling about 196 acres, which will enhance the natural character and forest setting of the site. In total, when the golf course area is included, nearly 390 acres, or about 44%, of the total site will remain "open."

Therefore, this project does maintain a variety of lifestyles and a rural character for the future development of Bonner County.

Therefore, this plat is in accordance with the general and specific objectives of the Comprehensive Plan (BCRC, §12-2315[a]).
The proposed planned unit development or the first phase of it can be substantially completed within two (2) years from the date of approval (BCRC, §12-2250[b]).

The project includes twelve phases. Proposed Phase One can be substantially completed within two years and the concurrent preliminary plat and accompanying improvements are anticipated to be completed within the 6 years allocated for large scale PUDs (BCRC, §12-2270, paragraphs [c] and [d]).

Each individual development phase can exist as an independent unit capable of creating an environment of sustained desirability and stability, and the uses proposed will not be detrimental to present and potential surrounding uses but instead will have a beneficial effect which could not be achieved without a planned unit development (BCRC, §12-2250[c]).

Each phase of this planned unit development consists of platting single family residential lots and one 4-plex lot, the road system, attendant infrastructure and the common "open space" amenities, and thus can operate as an independent unit capable of creating an environment of sustained desirability and stability. This project as proposed creates a desirable and stable residential development consistent with the surrounding land uses, zoning and the Bonner County Comprehensive Plan. In order to maintain the consistency with the rural character of, the area, the proposed necessary lot design and road width variations are consistent with planned unit development standards (BCRC, §12-2220[c]).

The streets and thoroughfares proposed are suitable and adequate to gather anticipated traffic and will not generate traffic in such amounts as to overload the street network outside the planned unit development (BCRC, §12-2250[d]).

Highway 200 is a state highway, Bonner County classified "arterial," and as such is designed as a "main transportation route serving a system of collector and local access roads, which connect to the state highway system or serve as an important travel corridor" (Bonner County Road Standards Manual, Page 4).

JAMES A. SEWELL & ASSOCIATES

Consulting Engineers, Land Surveyors & Land Use Planners

Newport
600 4th Street West
Newport, Washington 99156
(509) 447-3626 (208)437-2641
(509) 447-2112 Fax

Sandpoint
1205 West Highway 2, Suite 101
Sandpoint, Idaho 83864
(208)263-4160
(208)263-5229 Fax

Spokane
9 South Washington, Suite 708
Spokane, Washington 99201
(509) 747-5794
Fax (509) 747-5798

*Civil Engineering *Electrical Engineering *Land Surveying *Building Inspection * Land Use Planning

November 22, 2005

Clare Marley, AICP, Director
Bonner County Planning Department
127 South 1st Avenue
Sandpoint, Idaho 83864

SUBJECT: Golden Tee Replat and Additions
Zone Change, PUD and Preliminary Plat (ZC317-05, C832-05 and S1246-05)
Response to Request for Additional Information

Dear Clare:

I offer the following clarification in response to your November 14, 2005, request for additional information. For purposes of continuity, your numbered comments are include in *italics*. My responses are lettered.

Zone Change

1.) *The application indicates the property's comprehensive plan designation is "Recreation." According to the comprehensive plan map section overlay enclosed, this property is designated "Rural" on the comprehensive plan map adopted in 1978. Please confirm and correct the application to reflect the Rural designation.*

a.) Attached is an amended Page 2 identifying the rezone area as comp planned both Rural and Recreation, according to the comp plan map, and consistent with our November 14, 2005, meeting and review of the adopted map.

Also, please address how the proposed zone change is consistent with Idaho Code §67-6511(c), which provides: If the request is found by the governing board to be in conflict with the adopted plan, or would result in demonstrable adverse impacts upon the delivery of services by any political subdivision providing public services, including school districts, within the planning jurisdiction, the governing board may require the request to be submitted to the planning or planning and zoning commission or, in absence of a commission, the governing board may consider an amendment to the comprehensive plan pursuant to the notice and

EXHIBIT 23

RECEIVED
NOV 23 2005
BONNER COUNTY PLANNING DEPARTMENT

recorded

Association confirming that Richard A. Villelli as president of that association is authorized to sign on behalf of that organization for applications and future plats for properties owned or controlled by that association to and including alterations to all common areas. Also attached is authorization confirming that Richard A. Villelli as president of Villelli Enterprises in authorized to sign any and all applications and future plats regarding and property owned by Villelli Enterprises, Inc. located in the new submittal referenced above including common areas, recreation areas and streets, stormwater areas, open spaces and any alterations thereto.

3.) *The solid waste facility is a public utility complex facility rather than a private community facility, as listed on page 2 of the application, pursuant to Section 12-202, Bonner County Revised Code (BCRC).*

revised rec'd

Attached is an amended page 2 referencing the proposed private solid waste facility as a private "PUCF" versus a private community facility.

4.) *Section 12-2250(c), BCRC, requires each phase be able to exist independently. Lot calculations within each phase have been provided. Please provide a summary per phase of total acreage, density and total open space dedication or indicate where in the file record this has been provided.*

Included on the plat cover sheet is a table providing a per phase total acreage, density, open space acreage and percentage of open space.

Preliminary plat

1.) *To assist in addressing the conditions relative to timing of sewer and water improvements, please advise at which phase of the platting will the third well (386 ERUs) and the additional lagoon capacity (450 ERUs) be required. Also, will phasing be interchangeable or as proposed in the phasing schedule?*

Currently use of the water and sewer systems are as follows (actual connections and platted lots): As of the January 2005 annual report there were 45 ERUs actually connected to the system. These included 12 ERUs for the clubhouse, 2 for the maintenance shop, 8 in the Golden Tee Development and 23 in the old Hidden Lakes Subdivisions. The number of currently platted and/or developed lots (committed ERUs) on the system break down as follows:
Original Hidden Lakes Subdivision = 29 ERUs
Hidden Lakes First Addition = 18 ERUs
Hidden Lakes Second Addition = 21 ERUs
Golden Tee Estates Phase I = 19 ERUs
Golden Tee Estates Phase II = 30 ERUs
Existing Clubhouse = 12 ERUs
Maintenance Building = 2 ERUs
TOTAL = 131 ERUs

With the system already committed to serve the 131 existing ERUs, this leaves water source (well) capacity for an additional 255 ERUs, and lagoon capacity for an additional 319 ERUs.

Estimate ERUs for the clubhouse expansion and new recreational facilities are estimated at 16 total. Subtracting these non-residential ERUs from the remaining capacity results in well capacity for an additional 239 ERUs (as residential lots) and lagoon capacity for an additional 303 ERUs (as residential lots). In summary, 239 lots or water ERUs can be added before new well development is required, and 303 lots or sewer ERUs can be added before lagoon expansion.

In the interest of assuring that each lot in each phase be connected to municipal water and sewer services, prior to final plat recording for each phase, the applicants will submit written verification from the Idaho Department of Environmental Quality to the Bonner County Planning Department confirming water and sewer system connections.

Phasing is not intended to be interchangeable. Each phase has been planned and is scheduled for final platting based on the logical extensions of infrastructure (roads, water, sewer, etc.) Further, each phase has been planned to exist as an independent unit regarding open space prerequisites (see table on sheet 1, preliminary plat).

2.) *Section 12-2312(b)(4) and 12-2305(a), BCRC, require tentative road names be shown on the plat. Are the current road numbers to be retained as future road names?*

The current road numbers will be changed to road names on the "blueline." The applicants are still developing unique road names.

3.) *Section 12-2312(b)(3), BCRC, requires the lot numbering be in systematic order. At least two phases (GT10 and GT 11) are discontiguous and may need to be named and numbered as separate additions. This can be dealt with at final plat stages, as various phases are platted.*

Lot, Block and Phase numbering will be rectified on subsequent "bluelines."

4.) *GT12, identified on page 2 of the plat index, could not be located on the successive sheets of plat detail. Please check the plat numbers and assist me in identifying where the addition is located or correct the index sheet where necessary.*

The plat has been revised eliminating the erroneous reference to the Golden Tee 12th Addition. GT11 is the last block, and is included in Phase 12, the last phase.

5.) *Correct the typographical error on page 13 on the transportation goal ("unconfessed" rather than "uncongested" was inserted.)*

I confess that this was a spell check typo, and that the transportation system will remain "uncongested." Attached is an amended page 13.

6.) *Clarify whether the floodplain boundaries are extrapolated from FIRM/FEMA information or located on the ground based on surveyed elevation detail. At the time of final plat, the actual base flood elevation will need to be depicted, and will be a condition of plat approval.*

Official Records Search and Copies - Web
Grantor: (VALIANT IDAHO LLC) and Document Types: (WARRANTY DEED)

Instrument Number	# of Lots	Description	Recording Date	Grantor	Grantee	Legal Description
882141	1	WARRANTY DEED	11/13/2015 14:38	VALIANT IDAHO, LLC	HOLMBERG HOLDINGS, LLC	PARCELS 1 AND 2: 6-57N-1E
906538	4	WARRANTY DEED	6/13/2017 12:43	VALIANT IDAHO LLC	BISBEE CHARLES B	HIDDEN LAKES SECOND ADDITON Lot: 2 Block/Bldg: 2 Plat Book: 5 Plat Pages(s): 58 , HIDDEN LAKES SECOND ADDITON Lot: 3 Block/Bldg: 2 Plat Book: 5 Plat Pages(s): 58 , HIDDEN LAKES SECOND ADDITON Lot: 4 Block/Bldg: 2 Plat Book: 5 Plat Pages(s): 58 , HIDDEN LAKES SECOND ADDITON Lot: 5 Block/Bldg: 2 Plat Book: 5 Plat Pages(s): 58
906539	1	WARRANTY DEED	6/13/2017 12:46	VALIANT IDAHO LLC	ROUTT DAVID M JR, ROUTT TRACY L	GOLDEN TEE ESTATES 3RD ADDN REPLAT Lot: 2A Block/Bldg: 1 Plat Book: 8 Plat Pages(s): 78
906938	1	WARRANTY DEED	6/20/2017 15:52	VALIANT IDAHO LLC	ROUTT DAVID M JR, ROUTT TRACY L	GOLDEN TEE ESTATES 8TH ADDITION Lot: 2A Block/Bldg: 1 Plat Book: 9 Plat Pages(s): 82
908521	4	WARRANTY DEED	7/21/2017 12:38	VALIANT IDAHO LLC	HADNIC LLC	GOLDEN TEE ESTATES 8TH ADDITION Lot: 1A Block/Bldg: 1 Plat Book: 9 Plat Pages(s): 82 8TH ADDITION , GOLDEN TEE AND FIRST ADDITION REPLAT Lot: 4 Block/Bldg: 22 Plat Book: 8 Plat Pages(s): 77 , GOLDEN TEE AND FIRST ADDITION REPLAT Lot: 5A Block/Bldg: 22 Plat Book: 9 Plat Pages(s): 6 , GOLDEN TEE AND FIRST ADDITION REPLAT Lot: 6A Block/Bldg: 22 Plat Book: 9 Plat Pages(s): 6
909941	1	WARRANTY DEED	8/17/2017 11:54	VALIANT IDAHO LLC	WYATT LARRY D, HICBER DRUSILLA A	GOLDEN TEE ESTATES 8TH ADDITION Lot: 2 Block/Bldg: 2 Plat Book: 9 Plat Pages(s): 7
909971	1	WARRANTY DEED	8/17/2017 14:51	VALIANT IDAHO LLC	WYATT LARRY D, HIEBER DRUSILLA A	GOLDEN TEE ESTATES 8TH ADDITION Lot: 2 Block/Bldg: 2 Plat Book: 9 Plat Pages(s): 7
912198	1	WARRANTY DEED	9/29/2017 10:39	VALIANT IDAHO LLC	MCKAY DANIEL, MCKAY LAURA	GOLDEN TEE ESTATES 8TH ADDITION Lot: 1 Block/Bldg: 2 Plat Book: 9 Plat Pages(s): 7
916144	2	WARRANTY DEED	12/26/2017 8:42	VALIANT IDAHO LLC	INLAND NORTHWEST LAND TRUST	36 58 1W , PARCELS 1 2 3 & 4
919253	1	WARRANTY DEED	3/21/2018 10:08	VALIANT IDAHO LLC	BRIAN G BIELA REVOCABLE TRUST, BIELA TRUST	GOLDEN TEE ESTATES 7TH ADDITION Lot: 7 Block/Bldg: 1 Plat Book: 9 Plat Pages(s): 13
919947	1	WARRANTY DEED	4/6/2018 15:13	VALIANT IDAHO LLC	BRIAN G BIELA REVOCABLE TRUST, BIELA BRIAN G, BIELA TRUST	GOLDEN TEE ESTATES 7TH ADDITION Lot: 7 Block/Bldg: 1 Plat Book: 9 Plat Pages(s): 13
928873	1	WARRANTY DEED	10/3/2018 13:46	VALIANT IDAHO LLC	LEDREW RICHARD WAYNE, LEDREW NICOLE ELEANOR FITCH, RICHARD AND NICHOLE LEDREW FAMILY TRUST	GOLDEN TEE ESTATES 4TH ADDITION Lot: 1 Block/Bldg: 3 Plat Book: 8 Plat Pages(s): 80
929075	1	WARRANTY DEED	10/5/2018 14:08	VALIANT IDAHO LLC	HAIGHT JAMES G, HAIGHT HILLARY M	GOLDEN TEE ESTATES 6TH ADDITION Lot: 4 Block/Bldg: 4 Plat Book: 8 Plat Pages(s): 82
929990	1	WARRANTY DEED	10/24/2018 13:58	VALIANT IDAHO LLC	HILLS JAMIE A	GOLDEN TEE ESTATES 4TH ADDITION Lot: 9 Block/Bldg: 4 Plat Book: 8 Plat Pages(s): 80
933990	1	WARRANTY DEED	1/31/2019 12:20	VALIANT IDAHO LLC	HEALY CHRISTOPHER J, HEALY SHELLEY M	GOLDEN TEE ESTATES 2ND ADDITION Lot: 5 Block/Bldg: 2 Plat Book: 8 Plat Pages(s): 79
936456	1	WARRANTY DEED	3/29/2019 10:48	VALIANT IDAHO, LLC	OWENSBY JEFFERY, LORENZI ANNETTE E	GOLDEN TEE ESTATES 5TH ADDITION Lot: 1 Block/Bldg: 1 Plat Book: 8 Plat Pages(s): 81
941449	1	WARRANTY DEED	7/11/2019 15:03	VALIANT IDAHO LLC	KIENE WHEELER DION J, WHEELER LARRY	GOLDEN TEE ESTATES 4TH ADDITION Lot: 8 Block/Bldg: 4 Plat Book: 8 Plat Pages(s): 80
944740	1	WARRANTY DEED	9/6/2019 16:26	VALIANT IDAHO LLC	HULBERT CHARLES E, HULBERT PAM, SCOTT DAVID W, PRICE LYDGIA A	GOLDEN TEE ESTATES REPLAT Lot: 4A Block/Bldg: 1 Plat Book: 9 Plat Pages(s): 82
944741	1	WARRANTY DEED	9/6/2019 16:28	VALIANT IDAHO LLC	FLANIGAN CHRISTOPHER A, FLANIGAN JACKIE R A	GOLDEN TEE ESTATES 8TH ADDITION Lot: 6 Block/Bldg: 1 Plat Book: 9 Plat Pages(s): 7
944742	1	WARRANTY DEED	9/6/2019 16:29	VALIANT IDAHO LLC	RAINS RICHARD A, RAINS LAURA	GOLDEN TEE ESTATES 8TH ADDITION Lot: 7 Block/Bldg: 1 Plat Book: 9 Plat Pages(s): 7
952440	1	WARRANTY DEED	1/31/2020 8:24	VALIANT IDAHO LLC	HOUSE DAVID C, HOUSE EVA H	GOLDEN TEE ESTATES 7TH ADDITION Lot: 5 Block/Bldg: 1 Plat Book: 9 Plat Pages(s): 13
952470	3	WARRANTY DEED	1/31/2020 11:09	VALIANT IDAHO LLC	PDC LLC	GOLDEN TEE ESTATES FIRST ADDITION Lot: 11 Block/Bldg: 20 Plat Book: 8 Plat Pages(s): 77 , GOLDEN TEE ESTATES FIRST ADDITION Lot: 12 Block/Bldg: 20 Plat Book: 8 Plat Pages(s): 77 , PARCELS 1 AND 2
952557	1	WARRANTY DEED	2/3/2020 13:39	VALIANT IDAHO LLC	HOUSE DAVID C, HOUSE EVA L	GOLDEN TEE ESTATES 7TH ADDITION Lot: 5 Block/Bldg: 1 Plat Book: 9 Plat Pages(s): 13
960046	2	WARRANTY DEED	6/30/2020 14:16	VALIANT IDAHO LLC	FAIRWAY HOMES NORTHWEST LLC	GOLDEN TEE AND FIRST ADDITION REPLAT Lot: 13 Block/Bldg: 20 Plat Book: 8 Plat Pages(s): 77 , GOLDEN TEE AND FIRST ADDITION REPLAT Lot: 14 Block/Bldg: 20 Plat Book: 8 Plat Pages(s): 77
961714	2	WARRANTY DEED	7/27/2020 15:33	VALIANT IDAHO LLC	HORN BRADLEY P, PARNACOTT MELISA K	GOLDEN TEE ESTATES 6TH ADDITION Lot: 2 Block/Bldg: 2 Plat Book: 8 Plat Pages(s): 82 , GOLDEN TEE ESTATES 6TH ADDITION Lot: 3 Block/Bldg: 2 Plat Book: 8 Plat Pages(s): 82
964586	1	WARRANTY DEED	9/2/2020 13:22	VALIANT IDAHO LLC	PEVOW GERALD, PEVOW ROBIN	GOLDEN TEE ESTATES 7TH ADDITION Lot: 4 Block/Bldg: 2 Plat Book: 9 Plat Pages(s): 13
966013	1	WARRANTY DEED	9/22/2020 15:55	VALIANT IDAHO LLC	HAYNES MICHAEL J, HAYNES MARY ANN	GOLDEN TEE ESTATES 3RD ADDITION Lot: 4 Block/Bldg: 8 Plat Book: 8 Plat Pages(s): 78
966456	1	WARRANTY DEED	9/28/2020 12:54	VALIANT IDAHO LLC	WILLIAMS RON, WILLIAMS DOREEN	GOLDEN TEE ESTATES 3RD ADDITION Lot: 3 Block/Bldg: 6 Plat Book: 8 Plat Pages(s): 78
966708	1	WARRANTY DEED	9/30/2020 13:47	VALIANT IDAHO LLC	BUFFO GARY L, MINO JULIE C	GOLDEN TEE ESTATES REPLAT Lot: 16 Block/Bldg: 20 Plat Book: 8 Plat Pages(s): 77
967166	3	WARRANTY DEED	10/6/2020 14:35	VALIANT IDAHO LLC	RIEF DUSTIN, RIEF MARIAH	GOLDEN TEE ESTATES 5TH ADDITION Lot: 11 Block/Bldg: 2 Plat Book: 8 Plat Pages(s): 81 , GOLDEN TEE ESTATES 7TH ADDITION Lot: 1 Block/Bldg: 1 Plat Book: 9 Plat Pages(s): 13 , GOLDEN TEE ESTATES 7TH ADDITION Lot: 2 Block/Bldg: 1 Plat Book: 9 Plat Pages(s): 13
968281	1	WARRANTY DEED	10/22/2020 13:01	VALIANT IDAHO LLC	GDF LLC	GOLDEN TEE AND FIRST ADDITION REPLAT Lot: 20A Block/Bldg: 20 Plat Book: 9 Plat Pages(s): 6
970122	1	WARRANTY DEED	11/16/2020 12:29	VALIANT IDAHO LLC	KYME JOHN, KYME NANCY	GOLDEN TEE ESTATES 3RD ADDITION Lot: 1 Block/Bldg: 2 Plat Book: 8 Plat Pages(s): 78
970144	1	WARRANTY DEED	11/16/2020 13:58	VALIANT IDAHO LLC	MURRAY FAMILY HOLDINGS LLC	GOLDEN TEE ESTATES - 9TH ADDITION Lot: 2 Block/Bldg: 1 Plat Book: 14 Plat Pages(s): 36
970861	1	WARRANTY DEED	11/24/2020 15:54	VALIANT IDAHO LLC	BELDING JENNIFER A, BELDING RYAN C	GOLDEN TEE ESTATES 7TH ADDITION Lot: 9 Block/Bldg: 2 Plat Book: 9 Plat Pages(s): 13
971964	1	WARRANTY DEED	12/10/2020 14:20	VALIANT IDAHO LLC	PACE RICHARD, PACE KIMBERLY	GOLDEN TEE ESTATES 2ND ADDITION Lot: 5 Block/Bldg: 1 Plat Book: 8 Plat Pages(s): 79
971970	1	WARRANTY DEED	12/10/2020 14:40	VALIANT IDAHO LLC	PACE RICHARD, PACE KIMBERLY	GOLDEN TEE ESTATES 2ND ADDITION Lot: 6 Block/Bldg: 1 Plat Book: 8 Plat Pages(s): 79
971979	1	WARRANTY DEED	12/10/2020 15:21	VALIANT IDAHO LLC	PACE RICHARD, PACE KIMBERLY	GOLDEN TEE ESTATES 2ND ADDITION Lot: 4 Block/Bldg: 1 Plat Book: 8 Plat Pages(s): 79
973413	1	WARRANTY DEED	12/31/2020 12:46	VALIANT IDAHO LLC	JOHNSON DONALD, JOHNSON CHRISTIE	GOLDEN TEE ESTATES 5TH ADDITION Lot: 1 Block/Bldg: 2 Plat Book: 8 Plat Pages(s): 81
973561	1	WARRANTY DEED	1/5/2021 13:06	VALIANT IDAHO LLC	COOPER JEFF, BLACKMORE AILEEN	GOLDEN TEE ESTATES 7TH ADDITION Lot: 2 Block/Bldg: 2 Plat Book: 9 Plat Pages(s): 13
973818	2	WARRANTY DEED	1/8/2021 12:06	VALIANT IDAHO LLC	FAIRWAY HOMES NORTHWEST LLC	GOLDEN TEE ESTATES 8TH ADDITION Lot: 5 Block/Bldg: 1 Plat Book: 9 Plat Pages(s): 7 , GOLDEN TEE ESTATES 8TH ADDITION Lot: 8 Block/Bldg: 1 Plat Book: 9 Plat Pages(s): 7
974371	2	WARRANTY DEED	1/15/2021 14:05	VALIANT IDAHO LLC	CREAGLE GARY	GOLDEN TEE ESTATES 3RD ADDITION Lot: 2 Block/Bldg: 8 Plat Book: 8 Plat Pages(s): 78 , GOLDEN TEE ESTATES 3RD ADDITION Lot: 4 Block/Bldg: 6 Plat Book: 8 Plat Pages(s): 78
975456	1	WARRANTY DEED	2/1/2021 13:59	VALIANT IDAHO LLC	MORT CONSTRUCTION INC, MONOGRAM HOMES DBA	GOLDEN TEE ESTATES REPLAT Lot: 21A Block/Bldg: 2 Plat Book: 9 Plat Pages(s): 81

EXHIBIT 24

Official Records Search and Copies - Web

Grantor: (VALIANT IDAHO LLC) and Document Types: (WARRANTY DEED)

Instrument Number	# of Lots	Description	Recording Date	Grantor	Grantee	Legal Description
977309	2	WARRANTY DEED	3/1/2021 8:29	VALIANT IDAHO LLC	HINKENS MICHAEL	GOLDEN TEE ESTATES 7TH ADDITION Lot: 6 Block/Bldg: 2 Plat Book: 9 Plat Pages(s): 13 , GOLDEN TEE ESTATES 6TH ADDITION Lot: 1 Block/Bldg: 3 Plat Book: 8 Plat Pages(s): 82
977317	1	WARRANTY DEED	3/1/2021 9:11	VALIANT IDAHO LLC	FISHER REVOCABLE TRUST	GOLDEN TEE ESTATES 4TH ADDITION Lot: 6 Block/Bldg: 1 Plat Book: 8 Plat Pages(s): 80
977637	1	WARRANTY DEED	3/3/2021 12:23	VALIANT IDAHO LLC	STEELE SCOTT T, STEELE HEIDI M, STEELE FAMILY TRUST	GOLDEN TEE ESTATES 5TH ADDITION Lot: 8 Block/Bldg: 2 Plat Book: 8 Plat Pages(s): 81
978511	1	WARRANTY DEED	3/15/2021 14:57	VALIANT IDAHO LLC	K6TRUST	GOLDEN TEE ESTATES 2ND ADDITION Lot: 7 Block/Bldg: 1 Plat Book: 8 Plat Pages(s): 79
978960	1	WARRANTY DEED	3/22/2021 13:24	VALIANT IDAHO LLC	MOON NIELSEN LEIF, OWEN MELISSA	GOLDEN TEE ESTATES 3RD ADDITION Lot: 10 Block/Bldg: 7 Plat Book: 8 Plat Pages(s): 78
979682	1	WARRANTY DEED	3/31/2021 11:11	VALIANT IDAHO LLC	IRONWOOD BUILDERS LLC	GOLDEN TEE ESTATES 7TH ADDITION Lot: 1 Block/Bldg: 2 Plat Book: 9 Plat Pages(s): 13
979683	1	WARRANTY DEED	3/31/2021 11:11	VALIANT IDAHO LLC	IRONWOOD BUILDERS LLC	GOLDEN TEE ESTATES 3RD ADDITION Lot: 7 Block/Bldg: 3 Plat Book: 8 Plat Pages(s): 78
979984	1	WARRANTY DEED	4/5/2021 13:35	VALIANT IDAHO LLC	LAZARENKO ENT, LAZARENKO MARIE	GOLDEN TEE ESTATES 5TH ADDITION Lot: 5 Block/Bldg: 2 Plat Book: 8 Plat Pages(s): 81
980103	1	WARRANTY DEED	4/6/2021 13:16	VALIANT IDAHO LLC	DIAS MICHELE MICHELE A	GOLDEN TEE ESTATES 3RD ADDITION Lot: 1 Block/Bldg: 3 Plat Book: 8 Plat Pages(s): 78
981830	1	WARRANTY DEED	4/30/2021 14:41	VALIANT IDAHO LLC	HUNTER CECELIA	GOLDEN TEE ESTATES 5TH ADDITION Lot: 9 Block/Bldg: 2 Plat Book: 8 Plat Pages(s): 81
982639	1	WARRANTY DEED	5/12/2021 13:21	VALIANT IDAHO LLC	SWAIN ASHLEY E	GOLDEN TEE ESTATES 2ND ADDITION Lot: 8 Block/Bldg: 1 Plat Book: 8 Plat Pages(s): 79
982655	1	WARRANTY DEED	5/12/2021 14:51	VALIANT IDAHO LLC	BENSON JAMES LEE, BENSON LEZLI GAMBLE	GOLDEN TEE ESTATES 3RD ADDN REPLAT Lot: 6 Block/Bldg: 8 Plat Book: 8 Plat Pages(s): 78
982843	1	WARRANTY DEED	5/14/2021 13:10	VALIANT IDAHO LLC	NOVAK RYAN	GOLDEN TEE ESTATES 3RD ADDITION Lot: 8 Block/Bldg: 3 Plat Book: 8 Plat Pages(s): 78
982863	3	WARRANTY DEED	5/14/2021 14:18	VALIANT IDAHO LLC	DIAS MICHELE A	GOLDEN TEE ESTATES 5TH ADDITION Lot: 7 Block/Bldg: 1 Plat Book: 8 Plat Pages(s): 81 , GOLDEN TEE ESTATES 5TH ADDITION Lot: 9 Block/Bldg: 1 Plat Book: 8 Plat Pages(s): 81 , PARCELS 1 AND 2
983057	1	WARRANTY DEED	5/18/2021 13:05	VALIANT IDAHO LLC	SMITH CORI, SMITH JASON RICHARD, JC DELTA 2010 LIVING TRUST	GOLDEN TEE ESTATES 3RD ADDITION Lot: 5 Block/Bldg: 8 Plat Book: 8 Plat Pages(s): 78
983427	1	WARRANTY DEED	5/24/2021 14:44	VALIANT IDAHO LLC	CODER DARIN A, CODER BECKY A	GOLDEN TEE ESTATES - 9TH ADDITION Lot: 3 Block/Bldg: 1 Plat Book: 14 Plat Pages(s): 36
983563	2	WARRANTY DEED	5/26/2021 9:21	VALIANT IDAHO LLC	DIAS MICHELE A	GOLDEN TEE ESTATES 5TH ADDITION Lot: 7 Block/Bldg: 1 Plat Book: 8 Plat Pages(s): 81 , GOLDEN TEE ESTATES 5TH ADDITION Lot: 9 Block/Bldg: 1 Plat Book: 8 Plat Pages(s): 81
984483	1	WARRANTY DEED	6/4/2021 13:34	VALIANT IDAHO LLC	STRIEGEL DAVID A, GIFFORD BROOKE A	GOLDEN TEE ESTATES 7TH ADDITION Lot: 3 Block/Bldg: 1 Plat Book: 9 Plat Pages(s): 13
984663	2	WARRANTY DEED	6/8/2021 8:36	VALIANT IDAHO LLC	WEST JASON, PAGE BONNIE, PAGE WAYNE, PAGE SUSAN G	GOLDEN TEE ESTATES 3RD ADDITION Lot: 1 Block/Bldg: 5 Plat Book: 8 Plat Pages(s): 78 , GOLDEN TEE ESTATES 3RD ADDITION Lot: 2 Block/Bldg: 5 Plat Book: 8 Plat Pages(s): 78
984921	1	WARRANTY DEED	6/10/2021 11:29	VALIANT IDAHO LLC	LYNAGH ROBERT M, LYNAGH KIRSTEN L	GOLDEN TEE ESTATES 3RD ADDITION Lot: 6 Block/Bldg: 7 Plat Book: 8 Plat Pages(s): 78
985797	1	WARRANTY DEED	6/22/2021 13:21	VALIANT IDAHO LLC	HARDIN LEE, RUEN ROCHELLE	GOLDEN TEE ESTATES 7TH ADDITION Lot: 8 Block/Bldg: 2 Plat Book: 9 Plat Pages(s): 13
985873	1	WARRANTY DEED	6/23/2021 12:48	VALIANT IDAHO LLC	FAIRWAY HOMES NORTHWEST LLC	36 58N 1W
986047	1	WARRANTY DEED	6/25/2021 12:27	VALIANT IDAHO LLC	HANNON MICHAEL JAMES, KITTRELL JERRY LYNN	GOLDEN TEE ESTATES 3RD ADDITION Lot: 1 Block/Bldg: 8 Plat Book: 8 Plat Pages(s): 78
987524	1	WARRANTY DEED	7/16/2021 12:16	VALIANT IDAHO LLC	JNAN INC	GOLDEN TEE ESTATES 4TH ADDITION Lot: 2 Block/Bldg: 4 Plat Book: 8 Plat Pages(s): 80
987747	1	WARRANTY DEED	7/20/2021 14:38	VALIANT IDAHO LLC	THE FROHNEN FAMILY TRUST	GOLDEN TEE ESTATES - 9TH ADDITION Lot: 4 Block/Bldg: 1 Plat Book: 14 Plat Pages(s): 36
988392	1	WARRANTY DEED	7/29/2021 15:31	VALIANT IDAHO LLC	STADUM KENT E	GOLDEN TEE AND FIRST ADDITION REPLAT Lot: 3 Block/Bldg: 20 Plat Book: 8 Plat Pages(s): 77
990143	1	WARRANTY DEED	8/23/2021 12:22	VALIANT IDAHO LLC	BOLTON J LAWRENCE, BOLTON JANE L	GOLDEN TEE ESTATES 6TH ADDITION Lot: 8 Block/Bldg: 1 Plat Book: 8 Plat Pages(s): 82
990790	1	WARRANTY DEED	8/31/2021 11:56	VALIANT IDAHO LLC	STILLWATER GROUP LLC	GOLDEN TEE ESTATES ELEVENTH ADDITION Lot: 2 Plat Book: 17 Plat Pages(s): 34
990827	1	WARRANTY DEED	8/31/2021 13:46	VALIANT IDAHO LLC	WARNER MARGARET E	GOLDEN TEE ESTATES 3RD ADDITION Lot: 6 Block/Bldg: 3 Plat Book: 8 Plat Pages(s): 78
990965	1	WARRANTY DEED	9/2/2021 10:28	VALIANT IDAHO LLC	WALTZ FAMILY TRUST	GOLDEN TEE ESTATES 2ND ADDITION Lot: 2 Block/Bldg: 1 Plat Book: 8 Plat Pages(s): 79
991254	1	WARRANTY DEED	9/8/2021 9:23	VALIANT IDAHO LLC	MASTERPIECE REAL ESTATE INVESTMENTS LLP	GOLDEN TEE ESTATES 7TH ADDITION Lot: 5 Block/Bldg: 2 Plat Book: 9 Plat Pages(s): 13
991428	1	WARRANTY DEED	9/10/2021 10:55	VALIANT IDAHO LLC	MCLAUGHLIN DENNIS, MCLAUGHLIN DENISE	GOLDEN TEE ESTATES 4TH ADDITION Lot: 1 Block/Bldg: 4 Plat Book: 8 Plat Pages(s): 80
991606	12	WARRANTY DEED	9/13/2021 13:36	VALIANT IDAHO LLC	673 PIONEER EXCHANGE ACCOMMODATOR TITLEHOLDER LLC, #673 PIONEER EXCHANGE ACCOMMODATOR TITLEHOLDER LLC	GOLDEN TEE ESTATES 3RD ADDITION Lot: 1 Block/Bldg: 4 Plat Book: 8 Plat Pages(s): 78 , GOLDEN TEE ESTATES 3RD ADDITION Lot: 2 Block/Bldg: 4 Plat Book: 8 Plat Pages(s): 78 , GOLDEN TEE ESTATES 3RD ADDITION Lot: 3 Block/Bldg: 4 Plat Book: 8 Plat Pages(s): 78 , GOLDEN TEE ESTATES 3RD ADDITION Lot: 4 Block/Bldg: 4 Plat Book: 8 Plat Pages(s): 78 , GOLDEN TEE ESTATES 3RD ADDITION Lot: 5 Block/Bldg: 4 Plat Book: 8 Plat Pages(s): 78
992342	1	WARRANTY DEED	9/24/2021 15:54	VALIANT IDAHO LLC	JAMES HEAVERLO II TRUST	GOLDEN TEE ESTATES 4TH ADDITION Lot: 3 Block/Bldg: 4 Plat Book: 8 Plat Pages(s): 80
993907	1	WARRANTY DEED	10/19/2021 13:26	VALIANT IDAHO LLC	TYNAN LAURIE, IDAHO REALTY 2020 TRUST	GOLDEN TEE AND FIRST ADDITION REPLAT Lot: 2 Block/Bldg: 20 Plat Book: 8 Plat Pages(s): 77
994141	1	WARRANTY DEED	10/22/2021 10:33	VALIANT IDAHO LLC	SLAUGHTER RUSSELL, SLAUGHTER PATRICIA	GOLDEN TEE ESTATES 6TH ADDITION Lot: 4 Block/Bldg: 2 Plat Book: 8 Plat Pages(s): 82
994561	1	WARRANTY DEED	10/29/2021 8:15	VALIANT IDAHO LLC	BROWN RICK R, BROWN ROXANNE D	GOLDEN TEE ESTATES 6TH ADDITION Lot: 2 Block/Bldg: 4 Plat Book: 8 Plat Pages(s): 82
997087	1	WARRANTY DEED	12/8/2021 9:46	VALIANT IDAHO LLC	GRAEFF RYAN, MOY TIFFANY	GOLDEN TEE ESTATES 6TH ADDITION Lot: 3 Block/Bldg: 4 Plat Book: 8 Plat Pages(s): 82
998132	1	WARRANTY DEED	12/27/2021 15:07	VALIANT IDAHO LLC	KALISPEL INDIAN COMMUNITY OF THE KALISPEL INDIAN RESERVATION	6 57N 1E
999329	2	WARRANTY DEED	1/20/2022 10:52	VALIANT IDAHO LLC	DIAS MICHELE A	GOLDEN TEE ESTATES 5TH ADDITION Lot: 7 Block/Bldg: 1 Plat Book: 8 Plat Pages(s): 81 , GOLDEN TEE ESTATES 5TH ADDITION Lot: 9 Block/Bldg: 1 Plat Book: 8 Plat Pages(s): 81
999793	1	WARRANTY DEED	1/28/2022 15:33	VALIANT IDAHO LLC	LOFTUS JEFF, LOFTUS STACIE	GOLDEN TEE ESTATES AND GOLDEN TEE ESTATES 1ST ADDITION REPLAT Lot: 1 Block/Bldg: 20 Plat Book: 8 Plat Pages(s): 77
999966	1	WARRANTY DEED	2/2/2022 8:09	VALIANT IDAHO LLC	TUDDENHAM MARGARET, TUDDENHAM READ	GOLDEN TEE ESTATES 2ND ADDITION Lot: 8 Block/Bldg: 2 Plat Book: 8 Plat Pages(s): 79
1004257	1	WARRANTY DEED	4/21/2022 14:10	VALIANT IDAHO LLC	TORONTO RHONDA LYNN, TORONTO ROBERT JR	GOLDEN TEE ESTATES 9TH ADDITION REPLAT LOT 1 Lot: 1B Block/Bldg: 1 Plat Book: 18 Plat Pages(s): 58
1004277	1	WARRANTY DEED	4/22/2022 8:25	VALIANT IDAHO LLC	SCOTT HILL TRUST, HEIDI HILL TRUST, HILL SCOTT, HILL HEIDI	GOLDEN TEE ESTATES 9TH ADDITION REPLAT LOT 1 Lot: 1A Block/Bldg: 1 Plat Book: 18 Plat Pages(s): 58

EXHIBIT 24

Official Records Search and Copies - Web

Grantor: (VALIANT IDAHO LLC) and Document Types: (WARRANTY DEED)

Instrument Number	# of Lots	Description	Recording Date	Grantor	Grantee	Legal Description
1008128	8	WARRANTY DEED	7/8/2022 12:53	VALIANT IDAHO LLC	PREMIER QUALITY DEVELOPMENT LLC	GOLDEN TEE ESTATES 3RD ADDITION Lot: 7 Block/Bldg: 1 Plat Book: 8 Plat Pages(s): 78 , GOLDEN TEE ESTATES 3RD ADDITION Lot: 8 Block/Bldg: 1 Plat Book: 8 Plat Pages(s): 78 , GOLDEN TEE ESTATES 3RD ADDITION Lot: 9 Block/Bldg: 1 Plat Book: 8 Plat Pages(s): 78 , GOLDEN TEE ESTATES 3RD ADDITION Lot: 10 Block/Bldg: 1 Plat Book: 8 Plat Pages(s): 78 , GOLDEN TEE ESTATES 3RD ADDITION Lot: 11 Block/Bldg: 1 Plat Book: 8 Plat Pages(s): 78
1036155	4	WARRANTY DEED	7/26/2024 0:00	VALIANT IDAHO LLC	COZY COTTAGE OF IDAHO LLC	GOLDEN TEE ESTATES 3RD ADDITION Lot: 2 Block/Bldg: 3 Plat Book: 8 Plat Pages(s): 78,GOLDEN TEE ESTATES 3RD ADDITION Lot: 3 Block/Bldg: 3 Plat Book: 8 Plat Pages(s): 78; GOLDEN TEE ESTATES 3RD ADDITION Lot: 4 Block/Bldg: 3 Plat Book: 8 Plat Pages(s): 78; GOLDEN TEE ESTATES 3RD ADDITION Lot: 5 Block/Bldg: 3 Plat Book: 8 Plat Pages(s): 78

130 Total Lots Sold by Valiant Idaho LLC

EXHIBIT 24

July 30, 2026

Kerri Klipstein
Investigator
Consumer Protection Division
Office of the Attorney General
State of Idaho
VIA EMAIL: kerri.klipstein@ag.idaho.gov

RE: Valiant Idaho, LLC - Response to Consumer Protection Complaint
Idaho Attorney General Matter No. 26-105545

Regarding the above-captioned Consumer Protection Complaint from David Frohnen ("Complainant"), filed against our company, Valiant Idaho, LLC, and its subsidiary, TIC Utilities, LLC (together, "Valiant"), below is our response.

Background Summary

Valiant acquired the assets of the wastewater system and certain component parts of the water system within The Idaho Club PUD as part of a larger foreclosure sale in November 2017.

Valiant operated the wastewater system per the terms of an Idaho District Court Order Granting Injunction dated April 28, 2017, which also governed the continued operation of the water system by VP, Inc., the previous owner and operator of both the water and wastewater systems. This Court Order expressly prohibited Valiant or VP, Inc. from charging "connection or reconnection" fees that exceeded the actual costs of connections to the systems.

Upon the completion of certain water system infrastructure, notably the completion of two new source wells and a related pump house, Valiant was granted the right to also operate the water system for the properties located within The Idaho Club PUD per the terms of an Idaho District Court Order Modifying Injunction dated September 10, 2021 and made effective October 1, 2021.

In November 2022, Valiant sold the assets of the collection and treatment components of the wastewater system to Gem State Water Infrastructure ("Gem State"), a subsidiary of NW Natural, Inc., a public company listed on the NYSE. This sale was consummated in an arms length transaction between two commercial entities for a negotiated price. The disposal

Below are Valiant's responses to Complainant's specific "Impacts to Consumers":

(1) "*Consumers paying standby fees cannot get water and sewer connections or go to the back of the line behind the Valiant favored new subdivisions*." FALSE. No water or sewer connections have been denied to property owners in connection with the submission of a building location permit for a pending home build and no priority has been given to Valiant lots.

(2) "*Consumers' property values are negatively impacted, or they are unable to sell at all."* FALSE. From 2020 to present, 104 vacant lots for a total of over $27,000,000 and 54 finished homes for a total of over $60,000,000 have sold within The Idaho Club PUD. Complainant provides zero evidence of property values or marketability being negatively impacted. The only negative feedback that Valiant has received has been in response to the unsubstantiated claims and misinformation in Complainant's "Newsletters".

(3) "*Due to lack of accounting or assessment of any capital contributions to expand water and sewer services to new subdivisions, consumers are forced to finance the cost of growth and Valiants expansion via rate increases."* FALSE. IPUC, during its recent audit and final rate determination in the IPUC Rate Case, specifically excluded from Valiant's approved rate base any capital improvements for past subdivisions, and will most certainly deny the inclusion of such capital improvements for future subdivisions.

(4) "*Valiant's lots that have gained the capacity reservation (from long standing consumers) are in first position to get service at an affordable rate and be sold in the real estate market."* FALSE. Valiant has not gained "capacity reservations" in priority to past consumers or lot owners. Priority for current capacity is given to owners who are actively applying to Bonner County for building location permits to commence construction on current builds.

(5) "*Continued risk from wildfires due to inadequate fire protection and fire hydrants despite the service promise of fire hydrants and fire code compliance."* FALSE. This topic is covered as part of the Facilities Plan for the water system recently revised and approved by IDEQ and no determination was made that the fire suppression system is inadequate or out of compliance.

(6) *"Ongoing risk of catastrophic system failures due to operating at or above rated capacities. This includes crisis conditions as experienced before such as total loss of water and no water pressure or sewage overflowing from the wastewater lagoon."* FALSE. There has been no determination that the systems are operating "at or above rated capacities". To the contrary, the recently approved Facilities Plans and Reuse Permits conclude that there is sufficient current capacity for the water and wastewater needs of The Idaho Club PUD.

The responses above are specifically applicable to Valiant's periods of ownership — for the water system from November 2021 to present and the wastewater system from November 2017 to November 2022. To the best of our knowledge, these responses would also be accurate for Gem State's period of ownership of the wastewater system from November 2022 to present.

From: Dan McCracken
To: William Haberman
Subject: RE: May 14th Meeting
Date: Thursday, June 26, 2025 2:58:00 PM
Attachments: image001.png

Hi Bill,
I'd like to work through these issues with Bonner County, Gem State, Valiant, and DEQ all together to get us on the same page. I think we are close to being able to approve the facility plan documents. I agree with the concept of approving up to 320 ERU on the current system, and additional connections up to 524 ERU contingent upon completing the items identified in the facility plan.
-Dan

Dan McCracken, P.E. | Regional Administrator
Idaho Department of Environmental Quality
2110 Ironwood Parkway | Coeur d'Alene, ID 83814
Regional Office: (208) 769-1422 | Cell: (208) 512-9741
http://www.deq.idaho.gov/
Our mission is to protect human health and the quality of Idaho's air, land, and water.

From: William Haberman <william.haberman@me.com>
Sent: Friday, June 20, 2025 5:29 PM
To: Dan McCracken <Dan.McCracken@deq.idaho.gov>
Subject: Re: May 14th Meeting

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Dan — Thank you again for your detailed response.

My questions / comments are:

1). I disagree that DEQ has not issued a moratorium. Individual property owners with finished, or nearly finished homes, are not allowed to hook-up to the system, and we are not allowed to put infrastructure in the ground that will not result in active connections for 18 months or more even though the engineering plans are otherwise compliant with DEQ regulations. That is a moratorium.

2). Regarding your discussion with staff, those numbers support my request for a short term solution while your reviews of the reuse permit applications and facilities plans are completed. Per your numbers, there is Existing Capacity of 320 ERUs and Current ERUs Served of 209, leaving a current surplus of 111 ERUs. This total is sufficient to accommodate all 45 of the connections pending (even though I suspect many of those will not require active connections for 9 to 12 months which should be well beyond the time required to review the reuse permit applications and facility plans). This leaves an additional 56 ERUs of current

surplus of Existing Capacity, sufficient to accommodate the 46 Future Lots in GTE 11th and GTE 12th - even though, again, these will result in no active connections for 18 months.

3). The Existing Lots that are vacant and have no current plans for construction can obviously be addressed after the reuse permits are issued and facility plans are reviewed and approved. These owners only need to know that sewer service will be available in the future if/when they decide to build.

4). It is my understanding that Gem State's facility plan concludes that the Existing Capacity will be increased significantly with Valiant Idaho's improvement of one of the two inactive irrigation ponds (Pond A). In our agreement with Gem State, a copy of which was provided to DEQ and which DEQ required of us, Valiant Idaho agreed to make those necessary improvements as part of the development of GTE 11th and GTE 12th. For that reason alone, our request to start construction on those two subdivisions need not be held up. DEQ could simply require our completion of those improvement concurrently with those subdivisions, because those improvements will increase the Existing Capacity by more ERUs than are planned between those two subdivisions.

5). As a side note, the assumed ERUs in Gem State's facility plan will be significantly lower due to the following reasons: (a) Clubhouse — We have installed a meter to measure effluent and the readings for the first month, one of our busiest seasonal months, are well below the assumed 12 ERUs. We are expecting the real volumes to be the equivalent of 3 or 4 ERUs at the most; and, (b) Backwash — Our engineers are working on an alternative that would direct the water filter backwash directly the irrigation ponds, circumventing the wastewater system, eliminating those from the capacity concerns.

Any assistance that Bonner County can be through the use of sanitary restrictions would be great, as would any cooperation with Gem State. However, I simply do not understand the need to maintain the moratorium on actual hook-ups for the homes under construction and/or near completion, and do not understand why our subdivisions could not be released for the construction of connections that will not be active for 18 months or more.

Regards, Bill

> On Jun 20, 2025, at 4:28 PM, Dan McCracken <Dan.McCracken@deq.idaho.gov> wrote:

Valiant Idaho, LLC - Response to the "Idaho Club Water Users" Correspondence

August 10, 2026

Newsletter Dated June 30, 2026 and Consumer Protection Complaint

In light of the recent "Idaho Club Water Users Newsletter" dated June 30, 2026 ("Newsletter"), related memorandums and previous communications circulated by its three authors and signatories, David Frohnen, Chris Norton and Read Tuddenham (together, "Authors"), as well as an Idaho Consumer Protection Act claim against our company, Valiant Idaho, LLC and its subsidiary, TIC Utilities, LLC (together, "Valiant") also filed by the Authors, below is our official response:

Valiant Ownership Summary

Valiant initially acquired all of the assets of the sewer system and certain component parts, but not all, of the water system that service The Idaho Club PUD via a foreclosure sale and other successful legal actions in November 2017 ("Foreclosure Sale").

Valiant operated the sewer system per the terms of an Idaho District Court Order Granting Injunction dated April 28, 2017 ("Court Order"). The Court Order also governed the operation of the water system by VP, Inc. ("VP"), the previous owner and operator of the water and sewer systems. This Court Order expressly prohibited Valiant or VP from charging "connection or reconnection" fees that exceeded the actual costs of connections to the systems.

Valiant was later granted the right to also operate the water system for properties located within The Idaho Club PUD, per the terms of an Idaho District Court Order Modifying Injunction dated September 10, 2021 and effective October 1, 2021 ("Amended Court Order").

In November 2022, Valiant sold the assets of the sewer system to Gem State Water Infrastructure ("Gem State"), a wholly owned subsidiary of NW Natural Holdings, Inc. ("NW Natural"), a publicly traded utility company listed on the NYSE with a current market capitalization in excess of $2 Billion. The sale was completed as an arms-length commercial transaction with an obviously sophisticated and experienced buyer.

Valiant As "Developer"

To clear up a common misperception, Valiant is NOT the "developer" of The Idaho Club PUD. Pursuant to the Foreclosure Sale in November 2017, Valiant acquired (but did not develop) 149 platted homesites, or approximately 50% of the platted homesites originally

developed by Pend Oreille Bonner Development, LLC ("POBD"), along with the golf course, open space and road parcels. As is always the legal result of such a foreclosure sale, Valiant acquired the *assets* of POBD, but NOT the *liabilities or obligations*. For business purposes, this was intentional on Valiant's part and carefully documented by Valiant's counsel. To date, Valiant has only actually "developed" a total of eleven homesites, and has two subdivisions and two lot splits pending. Thus, it is patently false and legally unsupportable to claim that Valiant has any legal obligations to complete infrastructure, or satisfy any other past legal or contractual obligations of POBD, that were not expressly assumed by or assigned to Valiant. A retired attorney and/or hired legal expert should understand this legal distinction.

Of those eleven homesites developed by Valiant, only one purchaser, David Frohnen, one of the Authors, has raised claims about the water and sewer systems. This, despite the fact that he did not directly contribute to the cost of the infrastructure for that subdivision; did not pay connection fees for either water or sewer; and, did not pay monthly fees for water or sewer prior to the completion of his home. Since completion of his home, he has had fixed rates for sewer of $90 per month for his entire period of ownership, and he has had fixed rates for unmetered water of $45 per month, until the conclusion of Valiant's recent Idaho Public Utilities Commission ("IPUC") rate case ("Rate Case"). IPUC regulation and the Rate Case were the direct result of public opposition by him, and the other Authors at the 2024 HOA Annual Meeting, to the creation of a non-profit utility district or sale of the systems to the HOA. In effect, his efforts, and the efforts of the other Authors, greatly contributed to water rates that are now nearly twice what Valiant was previously charging.

Valiant as "Declarant"

Valiant is the Declarant of The Idaho Club PUD, as defined by The Idaho Club Declaration of Covenants, Conditions and Restrictions ("The Idaho Club DCCRs"). This is an asset and property right, acquired pursuant to a quit claim deed from POBD, the original Declarant, which transferred certain real and personal assets, but expressly excluded the assumption of any of POBD's past liabilities. As with the properties foreclosed upon, Valiant acquired the assets of POBD, but not the liabilities or obligations. A careful read of The Idaho Club DCCRs will reveal that the DCCRs establish certain rights of the Declarant, but do not impose any liabilities or obligations. Thus, it is again patently false and legally unsupportable to claim that Valiant has any legal obligations as the Declarant under the DCCRs to complete infrastructure or satisfy past legal or contractual obligations of POBD that were not expressly assumed by Valiant.

Valiant as Water System Operator

Valiant has been the operator of the water system from October 2021 to present, after initially acquiring some, but not all, of the water system components pursuant to the Foreclosure Sale. The remaining assets required to operate the current water system, notably two source wells, the main well house, the ATEC filter system at the source wells, one booster station (that directly benefits and serves two of three Authors) and two reservoirs, were funded by Valiant at a total cost in excess of $1,000,000.

RECEIVED
Thursday, July 18, 2024 4:04:03 PM
IDAHO PUBLIC
UTILITIES COMMISSION

ADAM TRIPLETT
DEPUTY ATTORNEY GENERAL
IDAHO PUBLIC UTILITIES COMMISSION
PO BOX 83720
BOISE, IDAHO 83720-0074
(208) 334-0318
IDAHO BAR NO. 10221

Street Address for Express Mail:
11331 W CHINDEN BLVD, BLDG 8, SUITE 201-A
BOISE, ID 83714

Attorney for the Commission Staff

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE INVESTIGATION INTO VALIANT IDAHO, INC. AND TIC UTILITIES, LLC, OWNERS OF A NORTHERN IDAHO WATER SUPPLY AND DISTRIBUTION SYSTEM	)	**CASE NO. GNR-W-24-01**
	)	**COMMENTS OF THE COMMISSION STAFF**

COMMISSION STAFF ("STAFF") OF the Idaho Public Utilities Commission, by and through its Attorney of record, Adam Triplett, Deputy Attorney General, submits the following comments.

BACKGROUND

In Order No. 36149, the Idaho Public Utilities Commission ("Commission") directed Commission Staff ("Staff") to investigate whether Valiant Idaho, LLC. ("Valiant" or "Company") and TIC Utilities, LLC ("TIC Utilities") (collectively the "Companies") are operating as a public utility and if any steps should be taken by the Companies to comply with Idaho law.

The Commission also directed the Companies to respond to discovery questions and inquiries made by Staff, and notified the Companies that Staff would make a recommendation to

EXHIBIT 27

Being unable to offer dividends or distributions to the owner is the primary indicator that the Company is operating at cost and not for profit. Currently, the rate payers do not own the Company, have no input into the operations of the Company, or the rates it charges for water services. Given that the water users do not have input in the operations of the Company, or the rates charged by the Company, water users have no other means of protection from excessive billing other than regulation as provided for in Title 61 of the Idaho Code.

The Company has stated that they are intending to sell the water system to the HOA and therefore would not be regulated. In the past, the Company has requested that the Commission delay determining if the Company should be a regulated utility until it can confirm that the HOA is willing to purchase the system. The Company stated its intention to sell in Confidential Attachment A. However, in response to Production Request No. 3, the Company provided an email sent to the HOA Board revoking the offer to sell the water system. *See* Confidential Attachment B. The date and time of the email revoking the offer to sell is only thirteen minutes later than the email sent to Staff assuring the Company was looking to sell and transfer the water system to the HOA. The timing of the emails cast doubt on any promises the Company may make for future action, whether to transfer the system to the HOA or file for regulation. Staff does not believe this is a good reason to delay issuing a CPCN.

Issuing a CPCN does not prevent the water system from being transferred or sold. The Commission has cancelled the CPCN of water companies in the past when they had been transferred to an HOA, converted to a water district, or became a non-profit entity. See Case Nos. EVG-W-12-01, MUR-W-14-01, CCH-W-15-01, and PKS-W-15-01.

STAFF RECOMMENDATION

Staff recommends the Commission issue Valiant a CPCN. Staff further recommends the Commission order the Company to file a compliance filing and to work with Staff to submit the following: tariffs; a notice to customers regarding regulation; full description of the location, i.e. metes and bounds legal description; and a map in suitable scale showing the location of the utility service. Lastly, Staff recommends the Commission open a separate docket to evaluate whether its rates are fair, just, and reasonable.

1410 N Hilton Street
Boise, ID 83706 • (208) 373-0502

Brad Little, Governor
Jess Byrne, Director

November 27, 2024

Leslie Abrams-Rayner, General Manager
Gem State Infrastructure, LLC
PO Box 3388
Coeur d'Alene, ID 83816
leslie@gemstate-water.com

Subject: WW Idaho Club – Pending Reuse Permit M-123-03 (currently LA-000123-02) – Permit Application Completeness – Determination (Incomplete)

Dear Ms. Abrams-Rayner:

The Idaho Department of Environmental Quality (DEQ) reviewed the reuse permit renewal application for Gem State Infrastructure, LLC submitted by Scott McNee, PE on July 2, 2024. Revised application forms were submitted on July 24, 2024. It has been determined that the application is incomplete. The item listed below was required for a complete application:

- A contract between Gem State Infrastructure (GSI) and Valiant Idaho (VI) that outlines responsibilities, ownership, and requirements between both entities to ensure reuse facilities are managed in compliance with a reuse permit.

Additionally, GSI has stated that it would like a separate reuse permit solely for the production of Class B recycled water. GSI has stated it is the current owner of the wastewater collection and treatment systems. VI is listed as the current landowner of the Idaho Club golf course and the irrigation ponds. During the July 9th, 2024 meeting where both entities were present, it was acknowledged that VI operates the Class B recycled water irrigation system and is responsible for managing irrigation. GSI, as a permit applicant, must be able to provide evidence that it has capacity for the reuse of the Class B recycled water that it produces. GSI must proceed with the following to obtain a reuse permit:

- Submit a revised permit application and technical report that address separate reuse permits for the production of Class B recycled water and irrigation of Class B recycled water. GSI and VI may submit one combined application or may submit separate applications. A statement must be provided from both entities in the combined application demonstrating each party has reviewed the document and approves it. If submitted separately, both applications must be in agreeance with each other, be submitted to DEQ within the same working week, and include statements from the responsible officials indicating they have reviewed the contents and approve it for submittal.
- Additional meetings to discuss application requirements for separate permits are necessary. Please request a meeting with DEQ before February 1st, 2025.
- Reuse Permit LA-000123-02 expired on July 28, 2015. **A submittal is due on or before February 1st, 2025**.

EXHIBIT 28

DEQ's latest reuse guidance can be found on DEQ's website at: https://www.deq.idaho.gov/public-information/laws-guidance-and-orders/guidance/. The DEQ Reuse Permit Writer's Manual contains current guidance for permit applications as well as permitting and operations of recycled water land application sites. The reuse permit application forms and checklist are attached to this letter. Please refer to the application checklist when developing the application package.

If you have any questions or comments, please contact me at (208) 666-4604 or emma.wooldridge@deq.idaho.gov.

Sincerely,



Emma Wooldridge, EI
State Reuse Program Coordinator

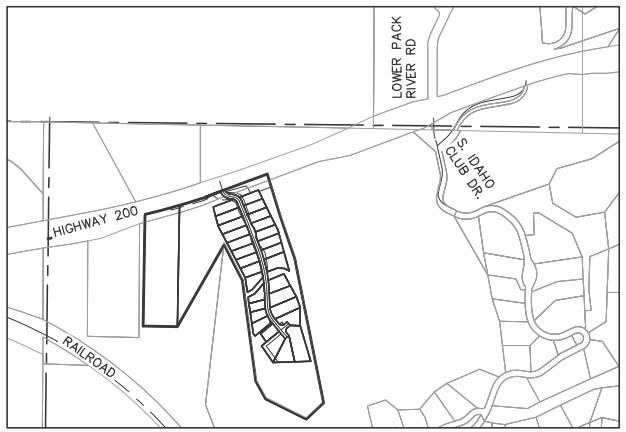
Attachment: Reuse Permit Application Form and Checklist

c: Scott McNee, PE, Ardurra, smcnee@ardurra.com
William Haberman, Valiant Idaho, LLC, William.haberman@me.com
Dan McCracken, PE, Regional Administrator, dan.mccracken@deq.idaho.gov
Katy Baker-Casile, PE, Regional Engineering Manager, katy.baker-casile@deq.idaho.gov
Tressa Nicholas, MSCE, Wastewater and Reuse Analyst, tressa.nicholas@deq.idaho.gov
2024AGH1184

PRELIMINARY PLAT – GOLDEN TEE ESTATES 12TH ADDITION

LOCATED IN THE GOV'T LOTS 3 AND 4 OF
SECTION 2, TOWNSHIP 57 NORTH, RANGE 1 WEST,
BOISE MERIDIAN, BONNER COUNTY, IDAHO

INSTRUMENT NO. _____
BK._____ PG._____



VICINITY MAP

BASIS OF BEARING

N 89°01'22" W ALONG THE NORTH LINE OF SECTION 2, TOWNSHIP 57 NORTH, RANGE 1 WEST, BOISE MERIDIAN, BONNER COUNTY, IDAHO. BEARINGS ARE BASED ON THE IDAHO COORDINATE SYSTEM, WEST ZONE, NAD83 (2011)(EPOCH 2010.000).

NOTES:

1. TOTAL SITE AREA IS 20.01 ACRES.
2. WETLAND INFORMATION WAS TAKEN DIRECTLY FROM THE NATIONAL WETLAND INVENTORY MAP.
3. ELEVATION DATA IS BASED ON NAVD 88 AND WAS DERIVED FROM AN OPUS BASED GPS OBSERVATION, UNLESS OTHERWISE NOTED.
4. THERE ARE NUMEROUS MONUMENT AND MEASUREMENT CONFLICTS ALONG THE STATE RIGHT OF WAY. THIS SOLUTION WAS DONE WITH THE INTENT TO HOLD THE EXISTING MONUMENTS AS MUCH AS POSSIBLE.

GRAPHIC SCALE
0 50 100 200
(IN FEET)
1 inch = 100 ft.

LEGEND

- FOUND SURVEY MONUMENT, 5/8" REBAR WITH RPC MARKED "JRS PLS 3628", UNLESS OTHERWISE NOTED
- SET 5/8" x 30" REBAR WITH CAP MARKED "WELCH COMER PLS 12318"
- FOUND 3.5" BRASS CAP NGS MON L385
- FOUND 3.5" BRASS CAP, HIGHWAY RIGHT OF WAY MONUMENT, IN CONCRETE.

PROFESSIONAL LAND SURVEYOR LICENSED 12318 STATE OF IDAHO MICHAEL LYNN HATHAWAY

Digitally signed by Michael L Hathaway
Date: 2022.09.09 12:45:40-07'00'

WELCH-COMER ENGINEERS | SURVEYORS
www.welchcomer.com
330 E. Lakeside Ave, Suite 101
Coeur d'Alene, ID 83814
208-664-9382
(toll free) 877-815-5672
(fax) 208-664-5946

GOLDEN TEE ESTATES 12TH ADDN OVERVIEW AND TOPO

GOVT LOT 3 AND 4 OF SEC. 2, T.57N., R.1W., B.M., BONNER COUNTY, IDAHO

PROJECT NO.:	44026.07.0
DESIGNED BY:	MLH
DRAWN BY:	GJG
CHECKED BY:	MLH
NAME:	44026.070PLT2.DWG
DATE:	JUNE, 2022
SCALE:	1" = 100'
SHEET NO:	1 OF 4

EXHIBIT 29(a)

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

Brad Little, Governor
Jess Byrne, Director

January 21, 2026

Bill Haberman
Valiant Idaho LLC
151 Clubhouse Way
Sandpoint, ID 83864
william.haberman@me.com

Subject: DEQ Approval – ID109095 Idaho Club, WW Idaho Club: Golden Tee Estates 12th Addition Water and Sewer Main Extension Plans and Specifications

Dear Mr. Haberman:

The Idaho Department of Environmental Quality (DEQ) received plans and specifications (Revision 3) entitled *Idaho Club Golden Tee Estates 12th Addition, Water and Sewer Plans* submitted to DEQ on January 15, 2026. Scott Brown, PE sealed the plans and specifications on December 19, 2025. The project will construct about 500 feet of 8-inch water main and about 500 feet of 3-inch pressure sewer.

DEQ has reviewed the plans and specifications for general conformance with DEQ Rules[1] and determined it to be approved for construction subject to the following conditions:

I. Standard Conditions:

A. All conditions of this letter must be met. The standard conditions on the DEQ approval stamp are part of this approval. Supporting reports or documents received during review are a part of the approved document.

B. DEQ's construction approval expires after one calendar year from the date of this letter. For construction to proceed beyond this date, an extension request or new plans and specifications must be submitted to DEQ for review and approval before construction may proceed.

C. Any material deviations from the approved plans and specifications must be reviewed and approved by DEQ before construction.

D. The owner is required to always maintain one copy of the approved plans and specifications and this DEQ approval letter on-site during construction. As project owner, you must ensure that the contractor, construction inspector, and certifying engineer are aware of the approval conditions.

E. Construction must be inspected by an Idaho-licensed Professional Engineer, or designee, to the extent required to confirm material compliance with approved plans. An Idaho-licensed Professional Engineer representing the system must submit record drawings, or a statement of material compliance, to DEQ within 30 days after construction completion.

F. This approval pertains only to water and sewer infrastructure and does not relieve the owner, engineer, or

EXHIBIT 29(B)

[1] IDAPA 58.01.08 – Idaho Rules for Public Drinking Water Systems, IDAPA 58.01.16 – Wastewater Rules

the contractor of the responsibility to comply with all current applicable federal, state, and local laws, rules, regulations, or ordinances.

II. Project-Specific Conditions:

A. All conditions of the Reuse Permit M-280-01 must be met prior to construction of residential dwellings. It appears there may be areas of the Addition that will be impacted by the reuse irrigation buffer zones required by the permit. The buffer zone management plan required by M-280-01 must be approved and implemented prior to the construction of residential dwellings.

B. All conditions of the Will Serve letter from Gem State Water dated December 15, 2025 must be met prior to connection of services.

C. New water mains are required to be pressure tested and disinfected in accordance with AWWA Standards (IDAPA 58.01.08.542 and Section 548). Please have the pressure test and microbiological results submitted to this office prior to or concurrent with the record drawing submittal.

D. If the project is anticipated to disturb at least one acre of land, or is part of a larger project that disturbs one acre or more of land, the project must obtain coverage under the Idaho Pollution Discharge Elimination System (IPDES) Construction General Permit. Stormwater events that occur during construction should be managed according to the site specific Stormwater Pollution Prevention Plan, and other requirements of the General Permit. To submit a Notice of Intent for permit coverage under the Construction General Permit, apply online at *http://www2.deq.idaho.gov/water/IPDES/*.

E. DEQ has not waived any engineering design standards for this project.

If you have any questions or comments, contact me at (208) 666-4611 or e-mail chris.westerman@deq.idaho.gov.

Regards,

Chris Westerman
Water Quality Engineer

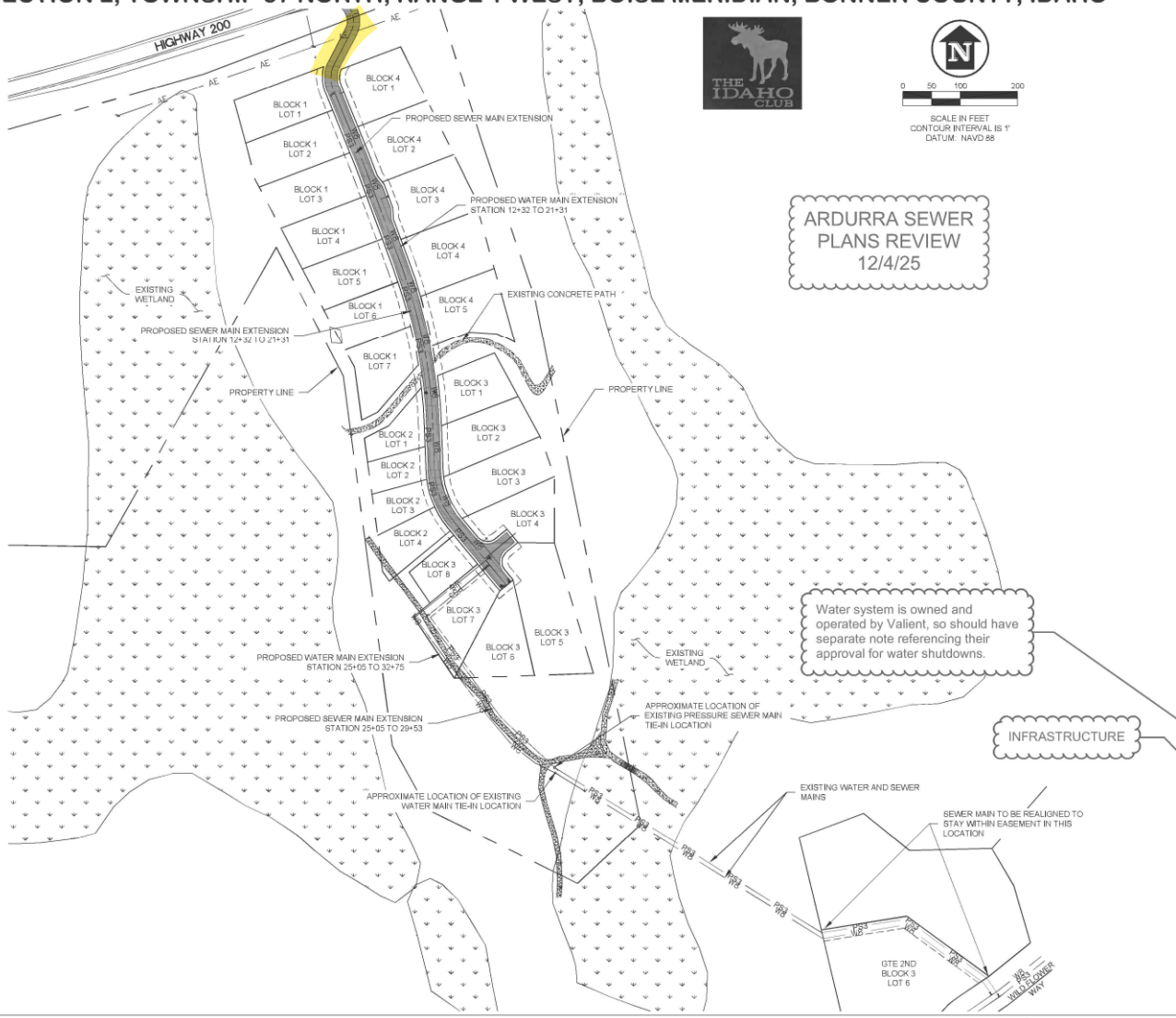
Encl: DEQ stamped approved plans and specifications

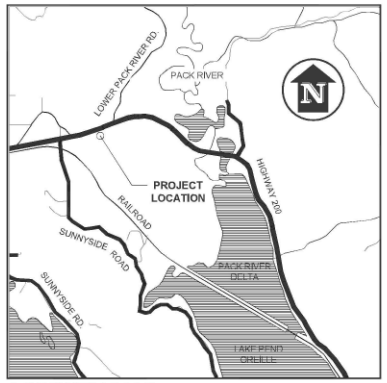
c: Scott Brown, PE, Sewell, sbrown@jasewell.com
Katy Baker-Casile, PE, DEQ, katy.baker-casile@deq.idaho.gov
Jeremy Kirk, DOPL, jeremy.kirk@dopl.idaho.gov
Kris Keating, PHD, ehapplications@phd1.idaho.gov
EDMS: ID1090195: 2026AGD173 (P&S 58300)

IDAHO CLUB GOLDEN TEE ESTATES 12TH ADDN.
WATER AND SEWER PLANS

(PARCEL RP57N01W023450A / "GTE 12TH ADDITION")

SECTION 2, TOWNSHIP 57 NORTH, RANGE 1 WEST, BOISE MERIDIAN, BONNER COUNTY, IDAHO





VICINITY MAP

NOT TO SCALE

DRAWING INDEX

SHEET #	TITLE
1	COVER SHEET AND OVERALL SITE PLAN
2	LEGEND AND SPECIFICATIONS
3	WATER AND SEWER PLAN AND WATER MAIN PROFILE STA 12+32 TO 17+00
4	WATER AND SEWER PLAN AND WATER MAIN PROFILE STA 17+00 TO 21+31
5	SEWER MAIN PROFILES STA 12+32 TO 21+31
6	WATER AND SEWER PLAN STA 25+00 TO 30+50
7	WATER AND SEWER MAIN REALIGNMENT PLAN
8	WATER MAIN PROFILE STA 25+05 TO 30+45
9	SEWER MAIN PROFILE STA 25+05 TO 29+87
10	DETAILS
11	DETAILS

GENERAL NOTES

1. ALL WORK SHALL CONFORM TO THE IDAHO STANDARDS FOR PUBLIC WORKS CONSTRUCTION (2020), BONNER COUNTY CODE, AND THE PROJECT SPECIFICATIONS SHOWN ON THESE PLANS.
2. EXISTING UTILITY LOCATIONS SHOWN ARE APPROXIMATE. IT IS THE CONTRACTOR'S RESPONSIBILITY TO LOCATE ALL UTILITIES PRIOR TO CONSTRUCTION. PIPE CROSSING ELEVATIONS SHALL BE VERIFIED PRIOR TO INSTALLATION OF MAIN LINES.
3. ALL WORK SHALL BE GUARANTEED BY THE CONTRACTOR FOR A MINIMUM OF 2-YEARS AFTER THE GOVERNING AGENCY HAS DECLARED THE WORK SATISFACTORY AND HAS ACCEPTED THE SYSTEM.
4. THE WATER AND SEWER SYSTEM SHALL BE INSPECTED 1-YEAR FOLLOWING COMPLETION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPAIRING ALL DEFICIENCIES FOLLOWING THE INSPECTION.
5. ANY DISCREPANCIES IN THE DRAWINGS SHALL BE BROUGHT TO THE ENGINEER'S ATTENTION.
6. IN THE EVENT A CHANGE ORDER IS NECESSARY, ALL CHANGES MUST BE APPROVED IN WRITING PRIOR TO PERFORMING THE WORK.
7. ALL WORK SHALL BE PERFORMED BY AN IDAHO LICENSED PUBLIC WORKS CONTRACTOR. THE CONTRACTOR SHALL BE BONDED AND INSURED.
8. STANDARD SPECIFICATIONS FOR THIS PROJECT ARE THE IDAHO STANDARDS FOR PUBLIC WORKS CONSTRUCTION (ISPWC). THE CONTRACTOR SHALL HAVE A COPY OF THE ISPWC ONSITE DURING CONSTRUCTION. WORKMANSHIP AND ALL QUALITY CONTROL PROCEDURES SHALL BE PERFORMED AS OUTLINED IN THE ISPWC.
9. THE CONTRACTOR SHALL FOLLOW ALL OSHA REQUIREMENTS AND FEDERAL, STATE, AND LOCAL LAWS.
10. GEOTECHNICAL SERVICES MAY BE NECESSARY WHERE UNSUITABLE SOIL CONDITIONS ARE FOUND AS DEEMED NECESSARY BY THE ENGINEER.
11. IT IS THE CONTRACTOR'S RESPONSIBILITY TO COORDINATE AND SCHEDULE COMPACTION TESTING AND CONSTRUCTION STAKING.
12. IT IS THE CONTRACTOR'S RESPONSIBILITY TO RESTORE ALL ROADWAYS, LANDSCAPED AREAS, DITCH GRADES, DRIVEWAY APPROACHES AND OTHER AREAS DISTURBED DURING CONSTRUCTION.
13. THE CONTRACTOR SHALL HAVE A MAX. 21-CALENDAR DAYS TO COMPLETE ALL RESTORATION AFTER THE SYSTEM HAS BEEN INSTALL AND DEEMED SATISFACTORY.
14. DISRUPTION AND/OR SHUTDOWN OF THE EXISTING SEWER OR WATER SYSTEM IS NOT ALLOWED WITHOUT QEM STATE UNDER APPROVAL.
15. THE CONTRACTOR IS RESPONSIBLE FOR ALL TRAFFIC CONTROL WHEN WORKING IN OR ADJACENT TO THE PUBLIC RIGHT OF WAY.
16. CONTRACTOR SHALL PRESERVE AND PROTECT ALL EXISTING UTILITIES AND SURFACE FEATURES. DAMAGE TO EXISTING UTILITIES AND FEATURES SHALL BE RESTORED AND REPAIRED AT THE CONTRACTORS EXPENSE.
17. CONTRACTOR SHALL PRESERVE AND PROTECT ALL EXISTING SURVEY MONUMENTS. DAMAGED MONUMENTS SHALL BE RESTORED BY A LICENSED SURVEYOR AT THE CONTRACTORS EXPENSE.

PROFESSIONAL ENGINEER REGISTERED 20001 10/8/2025 STATE OF IDAHO B. SCOTT BROWN

No.	DATE:	REVISION	DRN/CHK
1	5/15/2024	LOT REVISIONS	NCF/BSB
2	4/16/2025	AMENDED PER 3/29/25 GEM STATE COMMENTS	NCF/BSB
3	9/8/2025	AMENDED PER 9/5/25 DEQ REVIEW COMMENTS	NCF/BSB

James A. Sewell and Associates, LLC
1319 NORTH DIVISION AVENUE
SANDPOINT, IDAHO 83864
(208) 263-4160

SHEET TITLE: COVER SHEET AND OVERALL SITE PLAN

PROJECT: IDAHO CLUB GOLDEN TEE ESTATES, 12TH ADDN. BONNER COUNTY, IDAHO

DATE:	09-08-2025
SCALE:	AS SHOWN
DESIGNED:	BSB
DRAWN:	NCF
CHECKED:	BSB
PROJ NO.:	22043-23-001
CAD FILE:	E-GTE12 W/S

SHEET 1 OF 11

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE INVESTIGATION INTO VALIANT IDAHO, INC. AND TIC UTILITIES, LLC, OWNERS OF A NORTHERN IDAHO WATER SUPPLY AND DISTRIBUTION SYSTEM	))))))	**CASE NO. GNR-W-24-01** **CERTIFICATE NO. 554**

IT IS HEREBY CERTIFIED that the Public Convenience and Necessity requires Valiant Idaho, Inc. and its successors and assigns to hold, construct or otherwise acquire, to maintain and to operate a water system and provide a potable water supply to customers in a development and golf club called the Idaho Club in or near Bonner County, Idaho, more specifically:

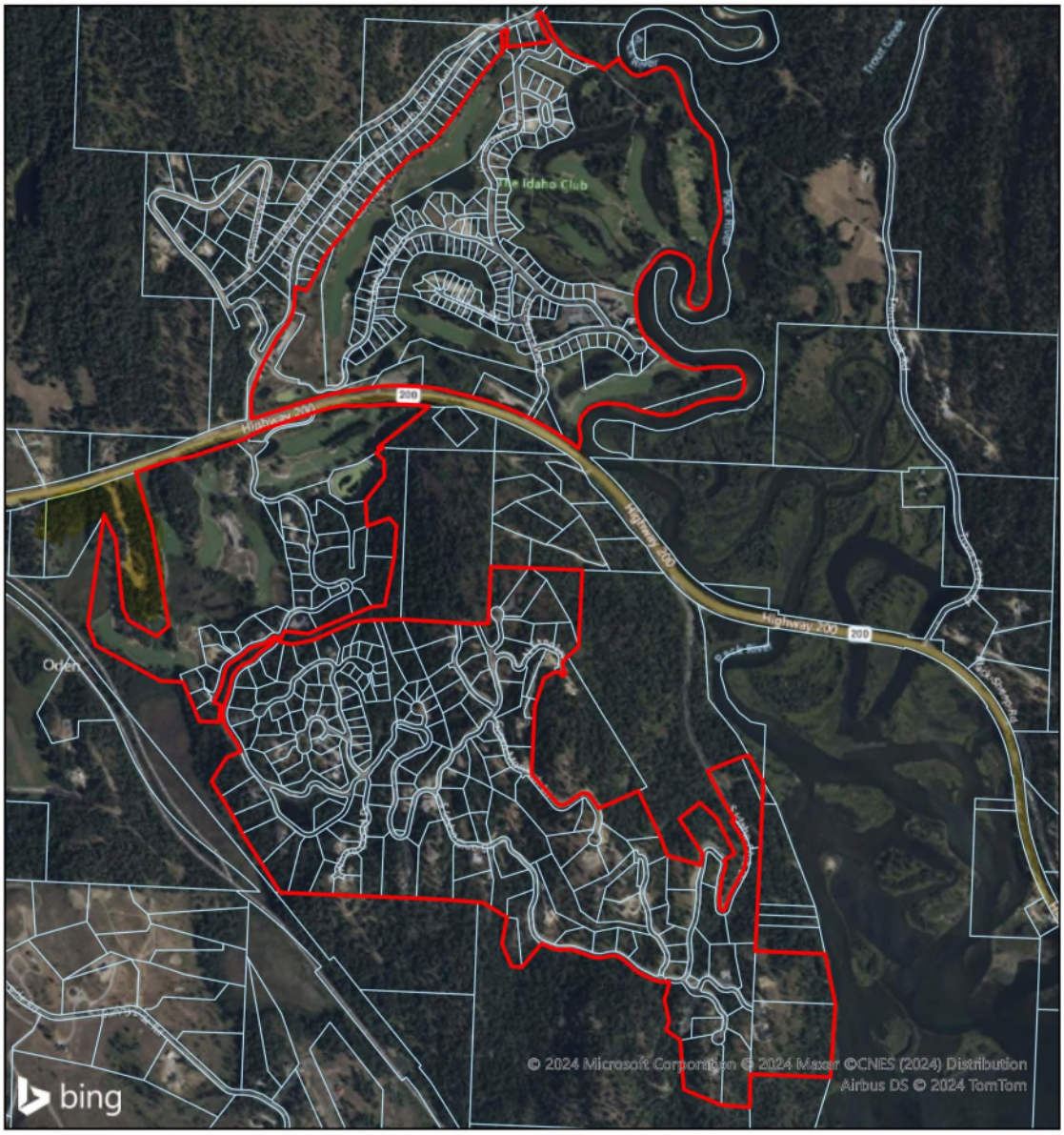
See attached as Attachment 1 - Service Territory Legal Descriptions
See attached as Attachment 2 - Service Territory Map

This Certificate is for such purpose to own, hold, construct or otherwise acquire and to maintain and operate within said territory water wells, reservoirs, tanks, towers, stand pipes collectors, settling basins, galleries and other works and structures, and also to lay, take up, repair, renew, extend, alter, maintain, and operate water mains, pipes, conduits, aqueducts hydrants and other appliances, equipment and facilities, in, upon, over, under, along, through and across all streets, avenues, alleys, streams, highways, roads, and other public places in said territory as the same now exists or may hereafter be extended, laid out or established, and to exercise the rights and privileges granted, or to which hereafter may be granted to Valiant Idaho, Inc., its successors or assigns, by any franchise conferred by the State of Idaho or any political subdivision thereof.

This Certificate is predicated upon and issued pursuant to the findings and conclusions of Order No. 36312 in Case No. GNR-W-24-01 to which reference is hereby made.

EXHIBIT 30

Valiant CPCN
Case No. GNR-W-24-01



Legend

- Valiant Service Area
- Bonner County Parcels

0 0.13 0.25 0.5 Miles

N
W E
S

TO THE BONNER COUNTY PLANNING DIRECTOR

In re: Golden Tee Estates Twelfth Addition, File S0006-22
Related Conditional Use Permit: C832-05
Related Appeal: Golden Tee Estates Eleventh Addition, File S0002-26

Executive Summary

Golden Tee Estates Twelfth Addition • File S0006-22

We ask the Planning Director to investigate compliance with CUP C832-05 and initiate the appropriate proceedings to make Condition C-9 explicit and enforceable with the Twelfth Addition approval. We seek to preserve preliminary approval while requiring completed water and wastewater improvements, the required DEQ approvals, and verified capacity before final plat approval. The same substantive safeguards and capacity-verification method should govern both the Twelfth Addition and the Eleventh Addition in File S0002-26.

Why action is needed. Both additions depend on the same utility systems. We are property owners within the PUD who depend on those systems as well. The complaint identifies water-use restrictions, wastewater limitations, and engineering evidence disputing the capacity assurances relied upon for approval. Counting only connected customers can overstate available capacity by excluding existing platted lots and other service commitments.

Five grounds warrant investigation. The complaint seeks consistency with the County's related Eleventh Addition decisions; raises questions about lawful wastewater reuse authority following the permit's stated 2015 expiration; disputes the utility affiliate's sufficient-capacity representation; alleges inadequate demonstration of phase-specific C-9 compliance; and requests review of alleged changes to the approved 30-lot configuration and any required County authorization.

What the conditions should require. Before final plat approval, a qualified engineer should document dependable capacity in completed, authorized facilities and account for active connections, every existing platted but not-connected lot, other established commitments, and the proposed addition. Each obligation must be counted once, and the same capacity must not be allocated to both additions. Necessary improvements and C-9 approvals must be complete; surety or promised future improvements cannot substitute. County engineering review and a written compliance determination should precede approval, with continued compliance documented before recording. Attachment A provides the proposed method.

How the County should proceed. We request the applicable CUP enforcement and preliminary-plat procedures, with a recommendation to the Board wherever it has jurisdiction. We also request concurrent consideration with the S0002-26 appeal under BCRC §12-268(H), where authorized, or coordinated proceedings if separate initial review is required. Common evidence should be received in both records, and each decision should state the same substantive C-9 requirements and verification method.

COMPLAINT AND REQUEST FOR C-9 COMPLIANCE CONDITIONS AND CONCURRENT CONSIDERATION

Submitted under BCRC §§12-131 and 12-226 by Christopher Norton, Trustee under the Chris and Meleah Norton Living Trust; David Frohnen, Trustee of the Frohnen Family Trust; and Read Tuddenham, concerning Valiant Idaho, LLC and development authorized in File S0006-22.

1. Requested action

Complainants request an investigation and corrective conditions requiring the Twelfth Addition to satisfy Condition C-9 of CUP C832-05 before final plat approval. The County should expressly impose the same C-9 safeguards applicable to the Eleventh Addition in S0002-26, including completed improvements, DEQ approvals and capacity confirmation, and exclusion of C-9 from any surety alternative. It should apply the same capacity-accounting methodology ultimately adopted in the related Eleventh Addition appeal (File S0006-22). Complainants also request review of Valiant's changed lot count and boundaries and any required County authorization for the revised plat.

Complainants ask the Planning Director to recommend this relief to the Board wherever the Board has jurisdiction, initiate the referral and hearing process required by BCRC §12-226(D), and request concurrent consideration with the S0002-26 appeal under BCRC §12-268(H), where authorized. The preferred remedy preserves preliminary approval while making the existing CUP requirements explicit and enforceable.

2. Complainants and affected properties

All three complainants hold affected real-property interests within The Idaho Club PUD and rely on the water and wastewater facilities that would serve both additions. Their interests are: Norton, as Trustee, parcel RP033830050020A; Frohnen, as Trustee, parcel RP031790000040A; and Tuddenham, parcels RP033810020070A, RP033820100080A, and RP033820040130A.

Complainants allege adverse effects from water-use restrictions, uncertain wastewater connection availability, competition for limited capacity, and the potential costs of infrastructure needed to meet additional commitments. Appellants had to curtail water use during the summer of 2026 because of system limitations. *See* Common Exhibit 09. Tuddenham reports that his November 2, 2025 wastewater will-serve request for existing lots remains unanswered.

3. Procedure and scope of the complaint

This narrative accompanies the Department's complaint form under BCRC §12-131. It alleges continuing noncompliance with the governing CUP and seeks investigation and prospective compliance measures before additional final plat approval. It does not purport to reopen the original preliminary approval through an untimely appeal.

BCRC §12-226(D) provides a CUP enforcement process through the Zoning Commission, including additional conditions or restrictions upon the required finding of substantial evidence of violated permit terms. Complainants request corrective conditions through that process. Because S0006-22 is a subdivision approval within the CUP, the County should identify and use the appropriate procedural authority for any corresponding amendment of its preliminary-plat conditions. Under BCRC §12-221(B)–(C), the CUP controls the property and continues despite

changes in ownership. The requested action enforces C-9 against development proceeding under that CUP.

4. <u>Relevant approval and utility history</u>

S0006-22 concerns the Twelfth Addition within the area governed by CUP C832-05. The available January 23, 2023 approval copy reports conditional approval following the January 18, 2023 hearing. Its Finding 9 relies on TIC Utilities' water and sewer will-serve letter, and Conclusion 4 addresses service adequacy. The Board's January 14, 2025 minutes, page 3, document an extension to January 23, 2027. Complainants request inclusion of the operative executed approval, approved plat, extension, and any subsequent modifications in this complaint record.

On June 8, 2022, TIC Utilities, LLC ("TIC"), expressly identified as an affiliate of Valiant Idaho, LLC, issued a letter signed by William Haberman as Managing Member representing sufficient water and wastewater capacity for the Twelfth Addition. The letter limits the proposal to no more than 30 single-family residences, establishes service fees, and requires connection improvements before service. Those conditions do not supply the engineering or permit basis for the separate representation of sufficient capacity. The County should reconcile the letter's 30-residence limit with the operative Idaho DEQ approved plat containing only 24 lots in the 12th Addition.

The available approval copy does not state the express Condition C-9 final-plat safeguard described in S0002-26. Its Condition 15 broadly permits a surety agreement in lieu of completing improvements before recording. Complainants request verification against the operative approval and an express Condition C-9 exception to any such provision.

5. <u>Five grounds for investigation and corrective conditions</u>

Ground One — The related decisions support consistent C-9 safeguards

Complainants allege that the Board's denial in S0004-24 addressed the inability of the developer to establish unconditional sewer availability for the proposed 11th Addition. They request receipt of that written decision and its supporting utility record, with findings addressing its relevance to the same facilities serving S0006-22.

The September 1, 2026, S0002-26 decision by the hearing examiner regarding the preliminary plat of the 11th Addition, and identified in the related appeal, requires full C-9 compliance before final plat approval in Condition 2; excludes C-9 from the surety alternative in Condition 12; and incorporates the CUP and DEQ-approved as-built improvements in Condition 18. The appeal seeks a defined method for verifying compliance, while preserving conditional preliminary approval.

Including a condition requiring DEQ approval prior to finalizing a plat is not unique. As the DEQ has stated in an email to Mr. Haberman, "some cities and counties may include a condition on approval of a new subdivision that DEQ approval be obtained prior to finalizing the plat". See Exhibit 03(a). Full C-9 compliance before final plat embodies what the DEQ was discussing. In the case of Conditional Use Permit C832-05, Condition C-9 specifically addresses DEQ approval of plans, 'as built' improvements and system capacity requirements *for each phase* of the subdivision. The hearing examiner ordered this as a condition of Final Platting for the 11th Addition. Complainants seek the Board to impose the same condition on the 12th Addition to avoid inconsistent rulings within the same development utilizing the same water and same wastewater systems. Complainants request identical substantive C-9 safeguards and the same verification

method in both files, adjusted only for the relevant file, condition numbers, and actual subdivision demand. Silence in the 12th Addition conditions should not function as an exemption from C-9 or permit capacity needed for one addition to be counted again for the other.

Ground Two — Unresolved lawful reuse authority undermines the capacity assurance

At the time TIC issued its Will Serve letter, the reuse permit LA-000123-02 under which the wastewater system operated had already expired on July 28, 2015. See Exhibit 28 showing reuse permit expired on July 28, 2015. TIC's 2022 capacity assurance did not establish the continuing legal authority for the wastewater disposal on which that assurance depended. Complainants contend that Valiant and its utility affiliate could not properly ensure available sewer service without a lawful, adequate disposal component. At the time TIC made the assurance of capacity, it did not have a valid reuse permit. The failure to disclose it was operating without a valid reuse permit was material and should have been disclosed to Bonner County.

Ground Three — The capacity representation is materially disputed by engineering and operating evidence

Complainants allege that the sufficient-capacity representation made by TIC was materially inaccurate or unsupported when made and cannot establish present C-9 compliance. The engineering and operating evidence cited in the S0002-26 appeal identifies water and wastewater limitations and disputes the practice of subtracting only active connections while excluding platted but not-connected lots.

Common Exhibits 04 and 08 address water capacity and commitments; Exhibit 02(a) addresses wastewater capacity and demand; Exhibit 09 documents the water-use notice; and Exhibits 11–12 and 15–18 address the approval, engineering, reuse, and improvement record. Complainants' appeal identifies 144 water equivalent units against 310 platted lots, and a wastewater comparison of 320 equivalent units against 428 existing-lot units. These numbers are taken directly from engineering reports prepared for Valiant and Gem State. The 320-unit wastewater figure used by Gem State is conditionally approved by DEQ if and only if treated effluent complies with Class B specifications. Gem State is pursuing a system upgrade (estimated completion summer 2027) to assure the 320 unit capacity and treatment system performance. Unsupported original assurance and demonstrated present noncompliance warrants an appropriate corrective response, subject to the applicable findings.

Haberman's June 20, 2025 communication, identified as common Exhibit 25, describes a construction moratorium that was placed upon The Idaho Club for an extended period in 2025. The water-use restrictions in Exhibit 9 from TIC independently support investigation of actual operating limitations.

Ground Four — C-9 requires a completed, verifiable showing for this phase

Condition C-9 requires DEQ approval of utility plans before construction, installation in accordance with approved plans, written DEQ approval of as-built water and sewer improvements before final plat approval for each phase, and written DEQ confirmation of sufficient capacity for the additional lots. Its text is quoted in the related appeal, under "Controlling Permit Condition, County and LLUPA Standards."

Complainants allege that prior phases advanced without the required complete showing and that the shared systems presently lack demonstrated capacity for existing commitments plus the 12th Addition. The Hearing Examiner in File S0002-26 specifically found in Conclusion 4 that the 11th Addition was subject to Condition C-9 and that the water and sewer services will be adequate only after Condition C-9 is satisfied.

The requested remedy prevents an additional violation with the 12th Addition and addresses any established continuing CUP noncompliance. The applicant must demonstrate residual capacity after active connections, every existing platted but not-connected lot, other established commitments, and the proposed addition are counted once. Common Exhibits 22–23 supply the historical phasing evidence supporting this interpretation. Ownership changes or reliance on separate utility entities do not eliminate the applicant's obligation to satisfy the governing land-use condition.

Ground Five — Changed lot count and boundaries require County review and consistency with the approved plat

Complainants allege that the approved preliminary plat for the Twelfth Addition contained 30 lots, and that Valiant has since changed the number of lots and their boundaries. Complainants further allege that Valiant has obtained DEQ approval for utility plans serving that different configuration. The exact revised lot count, drawing dates, DEQ action, and any County authorization should be established from the underlying records.

The map approved by Bonner County in the preliminary plat is attached as Exhibit 29(a). The Idaho DEQ issued approval of construction plans and specifications for Golden Tees Estate 12th Addition on January 21, 2026. The approval letter and map approved by the DEQ are attached as Exhibit 29(b). The two maps deviate significantly from one another. Those deviations include:

- The Preliminary Plat shows 30 lots for single family residential use while DEQ approved plans show only 24;
- Preliminary Plat Lot 1 of Block 5 (1.5 acres) is not included in the DEQ approved plans;
- All the remaining lots in the DEQ approved plans have numerous variations in lot sizes and lot lines compared to the approved Preliminary Plat;
- The road servicing the proposed lots in the DEQ approved plan is in a different location from the road in the approved Preliminary Plat.
- The Final Plat will have to deviate to an extreme measure from the approved Preliminary Plat.
- The Preliminary Plat lists TIC Utilities as the Water Utility provider and TIC Utilities as the Sewer Utility Provider.
    - TIC Utilities sold the sewer system to Gem State Infrastructure since the Preliminary Plat was approved. No information on this update is shown.
    - Valiant/TIC Utilities holds a Certificate of Public Convenience and Necessity from the Idaho PUC. However, the 12th Addition is outside the service area boundaries for Valiant/TIC Utilities. See Exhibit 30. Bonner County should consider conditioning approval based on extending the official authorized service area.

BCRC §12-266(A)–(E) expressly covers preliminary-plat modifications and prescribes an application, applicable notice and hearing, review under the original permit requirements confined to the proposed modification, and a written decision. Complainants request a determination whether the changed lot count and boundaries modify the approved plat and require that process, or qualify

for another specifically identified County procedure. A reduction in lot count alone does not establish that changes to boundaries, roads, easements, utility alignments, or development impacts are authorized.

DEQ technical review of utility plans does not itself amend the County's preliminary plat or establish compliance with its land-use conditions. Submitting revised plans to DEQ is not, standing alone, alleged to be unlawful. The alleged violation is implementing or relying upon a materially revised subdivision without the necessary County authorization, if the investigation establishes that authorization is absent. The County should determine whether any construction or final-plat processing has proceeded on that basis.

If a required modification has not been approved, the County should require the appropriate application and decision before allowing the revised configuration to proceed as authorized development. Before final plat approval, require a written determination that the final plat, County-authorized layout, DEQ-reviewed utility plans, and C-9 demand inventory describe the same project. The revised lot configuration supplies an additional reason to review the Twelfth Addition and apply the same substantive C-9 safeguards and verification method sought for the Eleventh Addition; it does not eliminate existing service commitments or the need to satisfy C-9.

6. <u>Requested condition and capacity-verification method</u>

Complainants request adoption of the following condition in S0006-22, together with the detailed method in Attachment A:

"Before final plat approval, the applicant shall demonstrate full compliance with Condition C-9 of CUP C832-05. The applicant shall complete the necessary water and wastewater improvements, obtain the written DEQ approvals and capacity confirmation required by C-9, and demonstrate sufficient dependable, authorized capacity for the proposed addition after all existing platted lots and other established commitments are accounted for. Compliance shall be determined in writing by the County using the same substantive capacity-accounting and verification requirements adopted for S0002-26, expressly set out in this decision. No surety agreement or promise of future improvements may substitute for C-9 compliance. Continued compliance shall be documented before recording."

The decision should expressly amend or qualify the operative surety provision, including Condition 15 if retained in the current S0006-22 approval. Attachment A carries forward the methodology proposed in the finalized Eleventh Addition appeal; it requests new clarification and is not represented as language already adopted by the Board. The County should state the final adopted text in both decisions so each approval remains independently enforceable.

7. <u>Concurrent hearing and common record</u>

Under BCRC §12-268(H), complainants request concurrent consideration of the related permits at a single public hearing where both matters are lawfully before the same governing body. The shared issues include available capacity, existing commitments, necessary improvements, and the proper C-9 verification method. A common hearing would reduce duplication and the risk of allocating the same capacity twice. Any required Twelfth Addition modification proceeding should be coordinated with those matters where authorized.

If the CUP enforcement referral must first proceed before the Zoning Commission, complainants request prompt coordinated scheduling, followed by Board consideration through the applicable lawful route. This request does not dispense with jurisdiction, notice, separate findings, or appeal requirements, and does not seek delay of the timely S0002-26 appeal.

Complainants request express receipt of the relevant common exhibits and testimony into each record, retaining the exhibit numbers used in the Eleventh Addition appeal. Additional Twelfth Addition documents should receive supplemental numbers after the final appeal exhibit sequence.

8. Relief requested

Accept and docket the complaint, acknowledge receipt, and investigate the five grounds and present compliance with CUP C832-05.

Obtain and review the operative S0006-22 approval, plat, and June 8, 2022, will-serve letter. Initiate the BCRC §12-226(D) process and recommend additional compliance conditions; recommend corresponding S0006-22 action to the Board where it has jurisdiction, identifying the lawful amendment procedure.

Determine whether changes from the approved 30-lot plat require modification under BCRC §12-266 or another identified County procedure.

Impose the same substantive Condition C-9 protections applicable to S0002-26, including the surety exclusion, and adopt the same final capacity-verification methodology in both files.

Require documented Condition C-9 compliance before approving a final plat and continued compliance before recording.

Arrange a concurrent hearing under BCRC 12-268(H) where authorized, or coordinated proceedings where separate initial jurisdiction requires them, with common evidence expressly received in each record.

Issue written findings and a disposition identifying the action taken on each ground and the applicable review or appeal procedure.

Respectfully submitted on September 21, 2026.

Christopher Norton

Christopher Norton

[redacted]

Read Tuddenham

Read Tuddenham

[redacted]

David Frohnen

David Frohnen

[redacted]

Attachment A
Proposed C-9 Verification Requirements for S0006-22

Adapted from the proposed clarification in Appeal of the Findings of the Hearing Examiner in File S0002-26. These requirements are requested for the Twelfth Addition and are to be conformed to the Board's final substantive ruling in S0002-26.

A Preparation and administration

Before final plat approval, the applicant shall submit a dated reconciliation for each water and wastewater system serving the proposed lots. An appropriately qualified Idaho-licensed professional engineer shall prepare, certify, and stamp the engineering analysis using utility records, DEQ report approvals, applicable permits, operating data, and as-built information. Minimum standards are required to be the Water and Wastewater Rules under IDAPA 58 and the project specific Fire Code standards and all required special provisions in the CUP or equivalent document. Each utility shall authenticate its connection and commitment records.

B Capacity and demand commitment reconciliation

The reconciliation shall identify the service area, data date, units, demand assumptions, and dependable capacity of completed facilities authorized for operation. Capacity shall reflect the limiting system components and applicable seasonal, operational, storage, pressure, fire-flow storage, and other required reserves. Equivalent units shall use consistent, documented assumptions within each system; water and wastewater shall be evaluated separately. Capacity analysis for wastewater shall consider the combined effects of limiting factors for collection, treatment and final disposal via reuse irrigation.

The demand inventory shall include active connections, every existing platted but not-connected lot within the service area, other established service commitments, nonresidential demands, and the proposed addition. Established service commitments include obligations documented by approvals, approved or pending preliminary plats, service agreements, will-serve letters, tariffs, or other applicable instruments. Merged lots may be subtracted from the demand inventory only if a lot line adjustment survey has been recorded. All existing platted but not-connected lots shall remain in the accounting.

C Calculation and protection against double counting

For each system, the applicant shall demonstrate the following calculation in equivalent units and supporting engineering quantities:

Golden Tee Estates __ Addition	
Calculation	**Required Accounting**
Dependable, approved system capacity	DEQ approved completed, authorized facilities after required reserves
Less Active Connections	Connected residential and nonresidential uses
Less Platted but Not-Connected Lots	Existing Platted but Not-Connected Lots included under paragraph B
Less Other Established Service Commitments	Only obligations not counted above per paragraph B
Less Proposed Phase/Addition Demand	Only demand not already counted above
Equals Remaining Capacity	Must be zero or greater

Each lot and obligation shall be counted once. The inventory shall reconcile overlapping commitments involving the Eleventh and Twelfth Additions, pending Short Plat projects, and other phases or projects. The same capacity shall not be allocated to both additions.

D Completion and DEQ approval

The applicant shall ensure all improvements necessary to demonstrate the required "dependable, approved system capacity" required by C-9 and paragraph C above are completed before final plat approval. The showing shall cover all relevant water and wastewater components. The applicant shall provide the DEQ plan approvals, written approval of as-built improvements, and written capacity confirmation required by C-9 and Paragraph C above, identifying the facilities and assumptions addressed. Applicant shall follow paragraphs A, B and C above and make submittal to DEQ to gain approval of the "Dependable, approved system capacity". DEQ approval shall be in writing, unconditional, unequivocal, and dated within 60 days of the request for final map approval.

E County review and final determination

Applicant shall provide reports for the County Engineer's review with the analysis, assumptions, facility limitations, and reconciliation. The Planning Department shall adopt a Final Map review – and approval process that ensures compliance in full for Condition C-9 and the provisions of paragraphs A through F of this attachment. In practice, the Applicant makes a submittal to the County at time of Final Map approval that contains the Capacity and Demand reconciliation reports, with all backup materials and DEQ approval of the "Dependable, approved system capacity". This package is then subject to review and approval by County Engineer (and supporting professionals in planning and surveying). We anticipate at least one more line item to be added to the Final Map approval checklist for the full review and approval of both parts of condition C-9 (the pipeline as-builts and the excess capacity proof).

Before final plat approval, the County shall file the supporting materials and its written compliance determination in S0006-22. The determination shall identify approved capacity, active connections, platted but not-connected lots, other established service commitments, proposed phase/addition

demand, and remaining capacity. The compliance record shall resolve material disagreements and exclusions. The County retains responsibility for determining land-use compliance.

F Final plat approval, recording and lot sales

Before recording, the Applicant shall confirm that there have been no material changes in capacity or demand commitments impacting the calculation of sufficient "remaining capacity", and the Planning Director shall document continued compliance. Material changes require renewed review by the County's final-plat approval authority.

Once the County determines compliance in full for both parts of C-9, and other checklist items, the file will be scheduled for BOCC review and approval. This process shall follow existing County Code regarding scheduling, notices, hearings, and/or appeal rights. No newly created lot shall be conveyed pursuant to this approval until lawful recording following verified compliance. Neither surety nor promised improvements may substitute for C-9 compliance. Nothing in this requested method and process is intended or will modify existing County Code.

BONNER COUNTY PLANNING DEPARTMENT
1500 Hwy 2, Suite 208, Sandpoint, Idaho 83864
Phone: (208) 265-1458 – Email: planning@bonnercountyid.gov

COMPLAINT/VIOLATION FORM

VIOLATION NUMBER:	**Please supply evidence of the violation occurring onsite at the time the complaint is submitted to the Bonner County Planning Department (*photographs, newspaper ads, etc.)***
	COMPLAINT: Joint complaint by Christopher Norton, Trustee under the Chris and Meleah
	Living Trust; David Frohnen, Trustee of the Frohnen Family Trust; and Read Tuddenham.
	See the attached "Complaint and Request for C-9 Compliance Conditions and Concurrent
	Consideration," concerning Golden Tee Estates Twelfth Addition, File S0006-22, and
	CUP C832-05. The written complaint and Attachment A are incorporated herein by reference,
	together with the supporting exhibits submitted with this filing. Complainants request
	investigation of the five grounds stated in the written complaint and the relief specified in Section
	8, including C-9 compliance conditions before final plat approval and coordinate with S0002-26.

Assessor's Parcel Number: RP57N01W023450A

Subject Property Owner Name: Valiant Idaho LLC

Site Address: Golden Tee Estates Twelfth Addition, The Idaho Club, Bonner County—File S0006-22

Directions to Site: Approximately 1,300 Feet West of Lower Pack River Road on S. side of 200

Description of Site: ***(Identifying structure or landmark)***

Proposed Twelfth Addition within The Idaho Club PUD, governed by CUP C832-05

OFFICE USE ONLY

Type of violation, BCRC section citation, zoning district:

Stop work order placed:	**Stop work order lifted:**
Letter 1 mailed on:	**Letter 2 mailed on:**
Complaint summary to PA:	**PA letter mailed:**

ACTION TAKEN (Check One): ☐ **Abated By:** ☐ **Unfounded**	**Date Submitted:**
☐ **Notice To Title Recorded Instrument #**	
☐ **Notice to Title lifted on** **at Instrument #**	
BY:	

While investigating an alleged violation it may be necessary for Bonner County Planning Department staff to contact you in order to obtain additional information. Staff may also seek your permission to access your adjacent property in order to view the violation if it cannot be seen from the public right-of-way. In order to facilitate the quickest possible response to your complaint, please provide us with your contact information. This information will be confidential during the investigation. Thank you for your assistance.

Name: Christopher Norton, Trustee under the Chris and Meleah Norton Living Trust

Home Number:

Cell Phone Number [redacted]

Best Time of Day to Call *(circle one):* ☐ *Morning* ☐ *Afternoon* ☑ *Anytime*

Email Address: [redacted]

Mailing Address: [redacted]

Physical Address: [redacted]

Can you see the alleged violation from your property? ☐ *Yes* ☑ *No*

Would you allow a member of the Bonner County Planning Staff to access your site in order to investigate the alleged violation? ☑ *Yes* ☐ *No*

By signing I/we grant permission to Bonner County employees or officials to enter upon my/our property to make examinations and investigate the alleged violation occurring on adjacent properties.

Signature: Christopher Norton Date: Sept. 18, 2024

While investigating an alleged violation it may be necessary for Bonner County Planning Department staff to contact you in order to obtain additional information. Staff may also seek your permission to access your adjacent property in order to view the violation if it cannot be seen from the public right-of-way. In order to facilitate the quickest possible response to your complaint, please provide us with your contact information. This information will be confidential during the investigation. Thank you for your assistance.

Name: Read Tuddenham

Home Number: [redacted]

Cell Phone Number [redacted]

Best Time of Day to Call *(circle one):* ☐ *Morning* ☐ *Afternoon* ☑ *Anytime*

Email Address: [redacted]

Mailing Address [redacted]

Physical Address: [redacted]

Can you see the alleged violation from your property? ☐ *Yes* ☑ *No*

Would you allow a member of the Bonner County Planning Staff to access your site in order to investigate the alleged violation? ☑ *Yes* ☐ *No*

By signing I/we grant permission to Bonner County employees or officials to enter upon my/our property to make examinations and investigate the alleged violation occurring on adjacent properties.

Signature: Read D. Tuddenham Date: 17 September 2026

While investigating an alleged violation it may be necessary for Bonner County Planning Department staff to contact you in order to obtain additional information. Staff may also seek your permission to access your adjacent property in order to view the violation if it cannot be seen from the public right-of-way. In order to facilitate the quickest possible response to your complaint, please provide us with your contact information. This information will be confidential during the investigation. Thank you for your assistance.

Name: David Frohnen, Trusted of the Frohnen Family Trust

Home Number:

Cell Phone Number [redacted]

Best Time of Day to Call *(circle one):* ☐ *Morning* ☐ *Afternoon* ☑ *Anytime*

Email Address [redacted]

Mailing Address [redacted]

Physical Address: [redacted]

Can you see the alleged violation from your property? ☐ *Yes* ☑ *No*

Would you allow a member of the Bonner County Planning Staff to access your site in order to investigate the alleged violation? ☑ *Yes* ☐ *No*

By signing I/we grant permission to Bonner County employees or officials to enter upon my/our property to make examinations and investigate the alleged violation occurring on adjacent properties.

Signature: David J. Frohnen Date: 09-17-2026