

Hidden Lake Update



July 31, 2013

Purpose



- ∞ Background
- ∞ Update regarding important progress / new options
- ∞ Discuss Board decisions needed for favorable outcome - minimize costs
 - ∞ High costs and complexity of consolidation could result in removal of FHs
- ∞ Suggestions regarding next steps & process
- ∞ A cost effective solution is available that works for all concerned

Background



- ❧ Very complex project, many agencies, rules, etc.
- ❧ Appreciate the IDPR Board support to date - critical going forward
- ❧ Appreciate the Park staff recommendation to retain the FH's
- ❧ New sewer funding options available through DEQ
- ❧ Given the FHs long standing history in Hidden Lake, FH's are currently grandfathered under the Lake Protection Act, exempting FHs from newer Department of Lands regulations
- ❧ FHs grandfathered from new expensive building & electrical codes
- ❧ Any FH move will impact this grandfathered status adding costs
- ❧ The IDL regulations could add substantial costs and create issues that the FHs cannot overcome
- ❧ We believe IDL compliance is required based upon our careful review and legal consultation
- ❧ There are several viable alternatives that we believe meet the Park staffs goal to increase access into Hidden Lake that do not require wholesale consolidation
- ❧ Primary issue - significant cost variation based upon path selected by the Board - some options are not economically feasible

Progress



- ☞ In May, 2012 Hidden Lake for the first time was asked by the IDPR Board to develop solutions; tremendous progress has been made
- ☞ FH's are committing and investing significant time, resources & money
 - ☞ DEQ Grant application submitted and approved for \$35,000
 - ☞ Involved substantial resources and effort
 - ☞ DEQ Grant ranked #1 in the state out of 27 applicants
 - ☞ #1 ranking is a clear message - this is an important project and a compelling case has been presented and recognized
 - ☞ Funds 50%; FH's pay 50% or \$17,500
 - ☞ Welch Comer engaged to lead project
 - ☞ Initial project timeline developed and included in your Board packet
- ☞ Request for DEQ loan submitted; pending for an Environmental Study
 - ☞ Extending FH leases will be important to securing DEQ funding
- ☞ FH's have made many expensive upgrades to position for a long term lease
- ☞ If cabins are moved many of recent upgrades will be wasted

Background



- ☞ Central sewage system was designed to include FH's at a cost of >\$5 million
- ☞ The State paid all costs to connect 144 land cabins to a central sewage system
- ☞ FH's are being asked to underwrite the full \$1.0M - \$1.5M sewer connection and are willing to fund ... > \$50,000 per FH owner which is significant
- ☞ Completed system will be turned over at no cost (Public/Private partnership)
- ☞ Park committed in the SMA to seek funds annually to connect FH's to sewer
- ☞ To date, not aware that the Park has made this effort
- ☞ Given the significant private monies required to complete the sewer connection we would ask you to minimize costs (reconfiguration)
- ☞ Removing the grandfathered status, adding reconfiguration, marina, electrical and other expenses on top of the sewer unnecessarily increases FHs burden
- ☞ Decreasing the possibility that FHs remain and lease revenue continues
- ☞ Important financial decisions are being made now without the FHs having a long term lease making it more difficult (DEQ, FH support, etc.)

The Historical Value of Hidden Lake Float Home Community Is Underestimated



- Summary of FH history provided to the IDPR Board
- FH's predate the park, some are over 100 years old
- Last FH community in the US where the current configuration is maintained as it was at the turn of the century
- The FH's are being looked at by a number of national and regional historical societies
- This is because of their connection to pre-turn of the century logging, railroad and recreational history
- The Park and FH's could create plaques, exhibits, access to share with the public
- We would hope the Park Board would share this perspective of preserving Idaho history

Important History



Schnurr Float Home

Today over 100 years old



Important History



As part of Old Park Hotel
1950



Williams FH today



Legislative Policy



“The legislature funds and declares that because of current governmental policy limiting the availability of moorage sites both with in and outside of a floating home marina, the historic value of existing float homes moored on the waters of the state, the investment in these floating homes and floating home marinas, and the cost to of relocating a floating home, it is necessary that the owners of floating homes be provided with unique protections from actual or constructive eviction and the other protections afforded by the provisions of this chapter.” ^{1/}

^{1/} 1998 Float Home Residency Act, Idaho Code 55-272

FHs are an Asset to the Park and Community

- ☞ Key component of interesting history
- ☞ Favorable state policy intended to preserve FH's
- ☞ Broad community support to retain and preserve FH's in current or near current configuration
- ☞ FH's by nature are family oriented, invite many people into the Park, create recreational use; all consistent with the Parks mission
- ☞ Are nesting/ hiding spots for natives fishes and birds
- ☞ Are public friendly and invite use of the lake

Other Key Support



- ❧ Parks own consultant in their prior Master Facility Plan recommended retaining FH's
- ❧ Other Stakeholders involved in the most recent Master Plan recommended retaining FH's
- ❧ Study completed by Dr. Steven Campbell, U of I Professor recommended no change
- ❧ Benewah County and other key legislative leaders are strong supporters of FH's for both economic and historical reasons

Economics – FHs are Cost Effective



- ❧ FH's are an important contributor to creating the only self sustaining Park in Idaho; helps fund other Idaho Parks
- ❧ Supports directive by Governor for self sustaining Parks
- ❧ FH's contribute nearly \$50,000 in leases + \$20,000 - \$30,000 in other services or > \$750,000 + per 10 year lease and nearly \$2 million regionally
- ❧ Consume little or no park resources, minimal park cost
- ❧ Contribute to Benewah county tax base plus near by towns
- ❧ Float Homes are paying for sewer connection (\$1.0 - \$1.5 million) and will turn this asset over to the Park at no cost
- ❧ Ideal example of a public / private partnership
- ❧ Very positive economic contribution on all fronts

Highest & Best Use of Hidden Lake

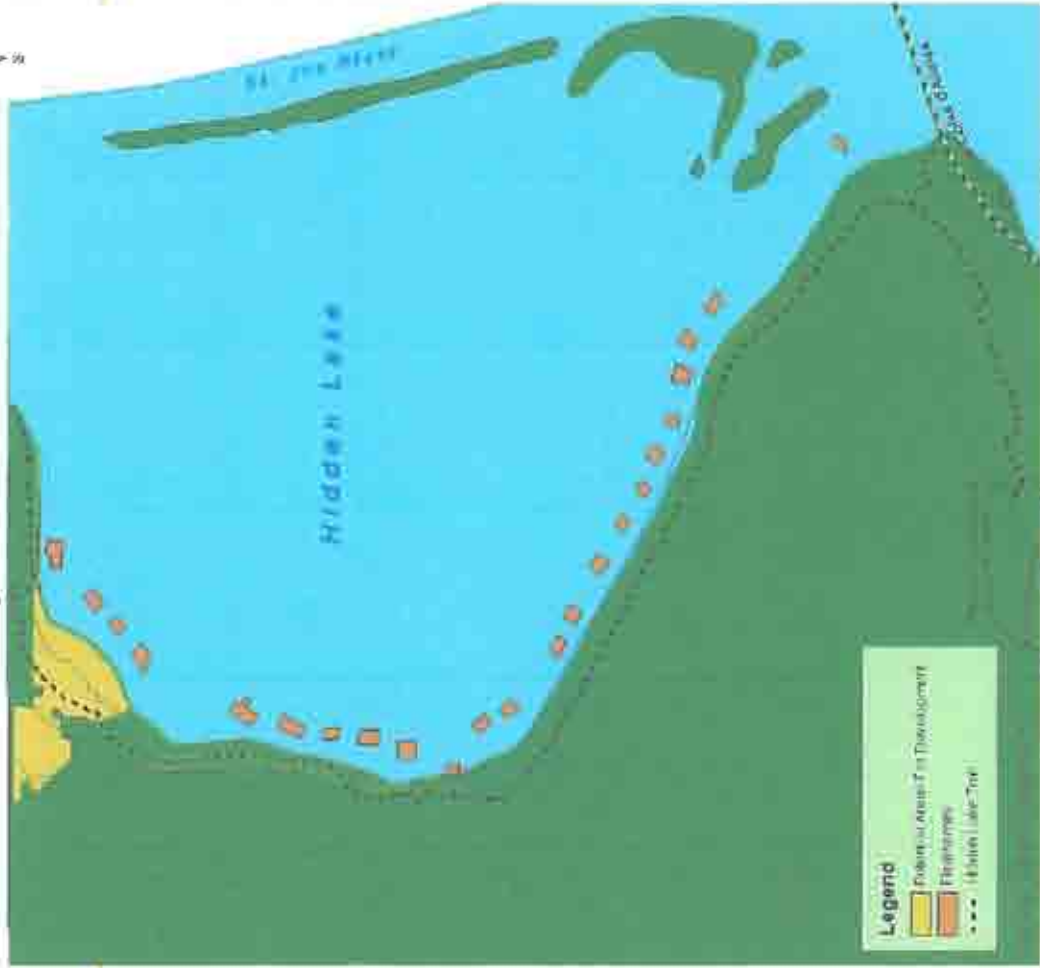


- ❧ There is a reason that the FHs have been the only development in Hidden Lake for nearly 100 years
- ❧ Multiple studies indicate that FH's are highest and best use
 - ❧ Very steep, limited usable area
 - ❧ Small area for development, possibly a few acres which could be developed today without moving FH's
- ❧ No documented studies indicating significant public demand or imperative to develop Hidden Lake – current low campsite use
 - ❧ No specific IDPR plans developed, approved or funded
 - ❧ Boat in camping options / possibilities exist in Heyburn today
- ❧ Many development alternatives exist in the 8,000 acre park that would be less expensive and not require removal of FHs
- ❧ Are a small number of campsites preferred to retaining the FH's, preserving their history, aligning with legislative policy and maintaining their substantial lease revenue

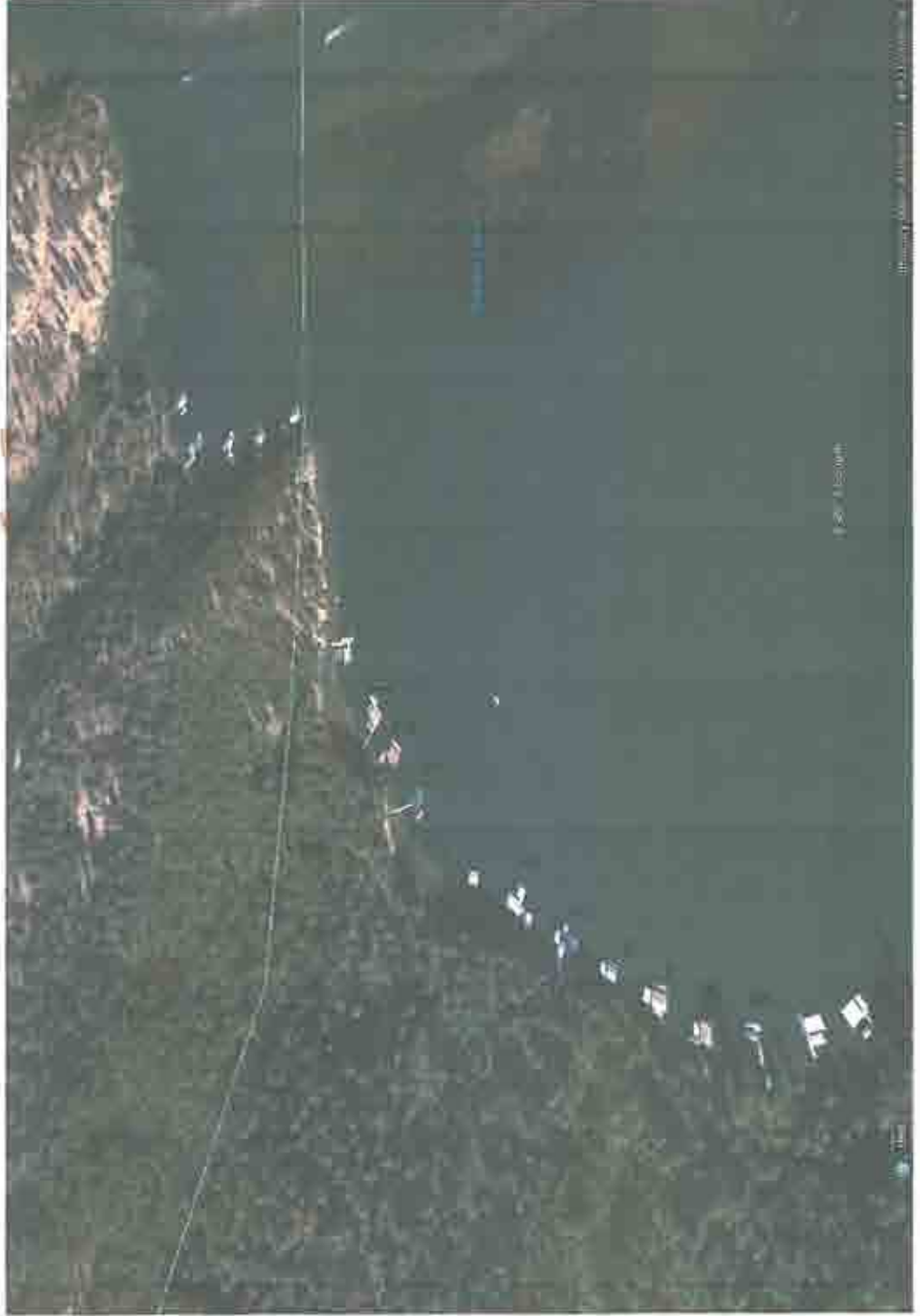
View from the Bridge



HIDDEN LAKE Heyburn State Park



Steep Hillside



FH #	Slope %	Feet to trail
1	17%	
2	15%	
3	15%	
open	24%	
4	22%	14
5	26%	12
6	30%	13
7	29%	22
8	29%	15
9		Land Cabin



Concerns with Proposed 75' FH Spacing

- ❧ Current FH layout was designed / configured intentionally with > 75' spaces to assure:
 - ❧ Adequate separation required to minimize fire hazard – no fire hydrants, water pumps or fire service in the Bay
 - ❧ Access behind cabins for repairs, boat parking, etc.
 - ❧ Space necessary for larger cabin footprint
 - ❧ A number of cabins simply will not fit
- ❧ This small lot size will not provide necessary access behind cabins for services or spacing for fire safety
- ❧ Requires every cabin to move – very expensive & difficult

Incremental Costs to Consolidate



- Estimate \$375,000-\$425,000 for removal of pilings, new pilings, moving cabins, new docks, & disposal costs
- Electrical \$120,000 - \$345,000 (5k-15k/cabin) redo
- Total \$495,000 - \$770,000
- \$21,500 - \$33,500 per cabin in reconfiguration costs
- Reasonably consistent with previous Park estimate 2006 \$234,900; 2009 - \$328,860; estimated 2015 - \$649,111
- Additional IDL compliance costs (marina / boat slips)
- Plus sewer connection cost of ~ \$50,000 / FH
 - \$1.0M = \$2,200 annually/FH
 - \$1.5M = \$3,300 annually / FH
- Current FH lease payment ~ \$2,000 / FH
- Expensive and complex solution

Concerns with Staff Recommendation



- ❧ Most costly & complex recommendation - creates the greatest risk to FHs
- ❧ Is not consistent with:
 - ❧ The Governors policy of creating self sustaining parks and increasing revenue (Park Board Goal # 8 for 2013)
 - ❧ Legislative actions and policy, Float Home Residency Act (Park Board goal #9 - partner with the legislature)
 - ❧ Preserving Idaho's rich history (Historical societies are evaluating FHs now)
 - ❧ Public opinion, communities and numerous studies recommend retaining FHs
 - ❧ DEQ's #1 ranking, listing FHs as the most compelling project in Idaho
- ❧ Places undue economic and regulatory burden on (23) FHs
- ❧ Is unnecessary, a number of viable alternatives have been recommended
- ❧ A number of board decisions are embedded in the milestone document that should be addressed separately

30,000 Foot Summary



- ❧ New sewer funding solution is available to IDPR / FHs
- ❧ Numerous costly and complex IDL and other issues should be avoided by not moving FHs and eliminating their grandfathering status from the Lake Protection Act and building / electrical codes
- ❧ Adding reconfiguration expenses on top of significant sewer costs make the project unaffordable for 23 FH's
- ❧ Less expensive options exist including:
 - ❧ 1. Develop camping in Hidden Lake on the land that is available or alternative areas in Heyburn Park
 - ❧ 2. Add dock or docks in current open space
 - ❧ 3. Boat in camping – Hawley's Landing, Chat tent, Benewah

Process Suggestions



- Seeking a deliberative process, no rush to judgment
- Let Welch Comer complete their study; use their timeline to measure progress
- Benefit from better information / important decision
- Grant multiple year FH lease extension providing adequate time to complete the next phase of work
 - Supports securing DEQ grant
 - No downside to the park if leases are extended
 - Provides important lease revenue
 - Allows time to gather additional information
 - Does not impede Heyburn Park development plans
 - Move towards little or no reconfiguration

Closing Comments



- ∞ Role / Duty of Board
- ∞ Best use of Hidden Lake assets
 - ∞ Historical
 - ∞ Financial
 - ∞ Staff proposal
- ∞ Alternate scenarios

JOHN F. MAGNUSON
ATTORNEY AT LAW

ADMITTED IN IDAHO AND WASHINGTON

TELEPHONE
208•667•0100

FAX
208•667•0500

P.O. Box 2350
1250 NORTHWOOD CENTER COURT
SUITE A
COEUR D'ALENE
IDAHO 83816



COPY

July 18, 2013

The Honorable C. L. "Butch" Otter
Governor
Office of the Governor
State Capitol
700 W. Jefferson, Suite 223
P.O. Box 83720
Boise, ID 83720

VIA FEDERAL EXPRESS

Re: July 31, 2013 IDPR Board Meeting - Time Sensitive Issues

Dear Governor Otter:

This letter is written on behalf of the Float Home Owners and Lessees at Heyburn State Park (also known as the Hidden Lake Float Homes Association). We are asking for your office's help in assisting the Lessees in their efforts to preserve their investments and, more importantly, a part of Idaho's history. This letter addresses matters set before the Board of the Idaho Department of Parks and Recreation at its July 31, 2013 meeting in Coeur d'Alene. The process leading to this meeting has been long, uncertain, and at times frustrating. It sometimes seems that for every step forward, there are two steps taken in reverse. There is a sense of immediacy as the proposal made by staff, for the Board's, for consideration on July 31, could effectively end the presence of the historic float home community at Heyburn State Park.

Some background information may prove helpful. My family and I personally have a track record of promoting North Idaho's history and all that makes our State unique. This includes efforts to restore and to maintain the Cataldo Mission, and my Father's efforts to preserve Historic Wallace from certain destruction by planned road "improvements." Those who now call Idaho home, and those who have called it home, value those attributes that make our State unique. The Hidden Lake Float Homes are about as unique as they come.

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While I could regale you with stories of the history of nearly every one of the twenty-three (23) current homes, I will defer to the owners themselves. The owners of those homes have prepared materials summarizing some of the history of the same. Enclosed is a simple one-page summary, prepared on behalf of the Lessees, captioned "Hidden Lake and Historic Float Homes." I hope you find this of interest. I also enclose a fascinating photographic history of the float homes prepared by the current owners.

The historic importance of float homes in general has in fact been legislatively acknowledged in Idaho. In 1998, the Legislature adopted the "Floating Homes Residency Act." The Act provides:

The Legislature finds and declares that because of current governmental policy limiting the availability of moorage sites both within and outside a floating home marina, the historic value of existing floating homes moored on the waters of the State, the investment in these floating homes and floating home marinas, and the cost of relocating a floating home, it is necessary that the owners of floating homes within a floating home marina be provided with the unique protection from actual or constructive eviction and the other protections afforded by the provisions of this Chapter.

See Idaho Code § 55-2702.

Ironically, the Hidden Lake Float Homes, perhaps the most historically significantly float homes in Idaho, are not currently protected by the Act notwithstanding the Legislature's acknowledgment of the values they possess. Only those float homes that are connected to an onshore sewage system are protected by the Act. This raises particularly unique considerations for the Hidden Lakes group. I enclose an aerial photograph of the float homes, to give you some perspective.

Heyburn Park includes, in addition to the float home Lessees, approximately 144 land-based cabins. In recent years, a land-based sewer system was developed at a cost believed to be in excess of \$5 million. This system was designed with enough capacity to serve the 144 land-based cabins and the existing float homes. Let me repeat: a land-based sewer system was already designed and funded and constructed with the capacity to serve existing land-based cabins and the existing float homes. The State paid for all sewer system costs including the final section (the sewer line extending to each cabin) as opposed to a more traditional approach where the end user pays the cost of the final hook-up. However, connections were not extended or provided to the existing float homes. Consequently, the existing float homes all have self-contained tanks that require pumping and removal of waste water under standards implemented and overseen by Panhandle Health District.

This should not imply that the float home owners somehow are environmentally unfriendly. Far from it. Consider what each of these float home owners has accomplished, over the past few years, at their own expense (given the unavailability of land-based sewer connections):

- (1) Each of the twenty-three units was brought into compliance with PHD regulations;
- (2) Each of the units is subject to an annual plumbing inspection at the unit owner's cost;
- (3) Each unit now pays a considerable amount of money to transport grey water from holding tanks approved by Panhandle Health. Those sums have at times approached as much as \$1.00 per gallon.
- (4) Each of the float home owners has purchased (at their cost) high quality equipment for sanitary purposes which meets Panhandle Health requirements; and
- (5) Each of the float home owners paid several thousand dollars to upgrade the electrical systems in their float homes to current standards (at the State's request).

These improvements were made with knowledge that capacity had been constructed to the Park sewer, at State expense, sufficient for the float home owners. These improvements were made with the reasonable expectation that the Leases that had been in effect for decades would remain in effect going forward.

Despite accomplishing these improvements at their own cost, the Lessees continue to be treated like a poor neighbor. IDPR staff have now developed "recommendations" to "move" the float homes or to potentially cause their exodus altogether by recommending that the Lessees' Leases not be renewed. The terms of the Leases have, in recent years, become problematic. Oftentimes, the Lease terms are dangled over the float home owners as an implied threat of termination yet with uncertain and unclear motivations or means of correction. Consider some of the present problems.

The float home owners, with the assistance and encouragement of certain of the Legislative Representatives, met with DEQ to determine the possibility of obtaining a loan to fund the land-based improvements necessary to connect the float home owners to the system already built with capacity for them. Unlike the 144 land-based cabins in the Park, where the State footed the entire cost of hooking those cabins into the central sewer system, the float home owners were required to

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find their own financing for their connections to the central system, having been told by IDPR that no Park funds would be made available to them.

After numerous meetings with DEQ and professional staff, and after submitting applications and substantiating data, the Association obtained DEQ's preliminary approval to participate in a below-market loan to fund the improvements necessary to connect the homes to the capacity that exists for them. Of course, a process of this nature can't be done overnight. It literally takes years. It is expected that the Association will qualify for the next funding cycle. The Association will qualify for a partial grant to pay for the preliminary study that will be a requirement of the ultimate DEQ approval. Perhaps most significantly, the float home owners will rank number one in priority on a statewide basis for a DEQ loan. That doesn't mean they pose a great danger. It means they have presented the most compelling of cases. At least DEQ recognizes that. I enclose a proposed schedule moving forward, prepared by Welch Comer Engineers (engaged by the Association), to complete the DEQ loan and construction process. As you can see, under a good scenario, we are still looking for completion in the spring of 2017.

In the meantime, no commitments of a firm nature will be made by IDPR for a long-term lease. I am sure you can appreciate the difficulty encountered by the Lessees in trying to finance, design, and construct a \$1.5 million sewer system (that will ultimately inure to the benefit of the State), under circumstances that evidence no intention on the part of the State to even have a Lease in effect beyond the end of 2014. Simple reasonableness and practical considerations dictate that the State should be working hand-in-hand with these people, who are funding a system that benefits the State and promotes a Legislatively-acknowledged benefit to its citizenry. This is the type of no taxpayer cost creative solution that should be applauded. Nonetheless, not only is the Association presented with uncertain prospects for Leases moving forward, it is currently being suggested that the float homes be relocated (a renewed proposal advanced by IDPR staff), notwithstanding the legal, practical, and equitable concerns raised by such a suggestion. Consider the following:

- (1) The float homes are currently grandfathered as pre-dating the Lake Protection Act. Any relocation of the same will bring these historic float homes under administrative rules, which may make relocation impossible. A portion of the waterfront utilized by these float homes is by and large near a steep area of shoreline that can't be utilized for any recreational purpose anyway. Of the twenty-three (23) float homes, only three (3) are located in an area that is flat or level and that could be utilized for some water access camp for the benefit of the State. This area is labeled "potential boater park" on the enclosed aerial photograph.
- (2) The float home owners have presented plans that would allow for the relocation of the three (3) float homes that utilize the flat area described

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above, leaving that area for the State's use. Moreover, the system improvements under consideration would provide currently-missing sewer capacity (which also currently exists as having been built into the system) to this potential park site.

- (3) During this entire process, the float home owners continue to pay annual revenues to the State that, current values, exceed over \$500,000 every ten (10) years. And this is from twenty-three (23) people.

What could be wrong with this picture? What is wrong with allowing these float homes to remain, under a stable Lease system, benefitting from improvements created for the State in a manner that will open additional State resources for the public?

Unfortunately, on Monday, July 15, two weeks before the upcoming IDPR Board meeting of July 31, we formally learned what was "wrong with this picture." And the answers we have been given are perhaps more distressing and troubling than we originally feared. I enclose a copy of IDPR's letter to the float home owners including, for the first time, a copy of what he will be proposing to the Board at its July 31 meeting. IDPR staff recommends a "consolidation" of the float homes and the establishment of certain "milestones" for purposes of completing the land-based sewer improvements currently being pursued by the float home owners with preliminary success. I enclose a copy for your reference. In response to the question as to "what is wrong" with this picture, I offer the following on behalf of the float home owners:

- The staff has selected the most costly and complex alternative possible. The alternative is not well-considered. IDPR staff is offering to keep float homes on Hidden Lake under terms that the float home owners simply cannot meet and IDPR staff has to know this.
- The proposal clearly demonstrates that there is little to no desire to retain the float homes in Hidden Lake despite their historical importance and acknowledged Legislative support.
- It is not clear why IDPR is willing to walk away from an ongoing revenue stream of a half million dollars in lease revenue every ten (10) years. This is inconsistent with the ideals promoted by your office.
- The staff's proposal will require a wholesale relocation of all cabins, all new pilings, all new electrical, and all new docks. At a considerable expense.

- The proposal will cause the float home owners to incur unnecessary costs and will establish obstacles and complexities that they may not be able to overcome. For example, having been in place for nearly as long as Idaho has been a State, the float homes enjoy “grandfathered status” as pre-dating the adoption of the Lake Protection Act. IDPR staff now suggests wholesale re-permitting, as part of an unnecessary relocation, which will require a commensurate number of new boat slips (to satisfy IDL guidelines), at an estimated cost to the float home owners that could exceed the \$1.5 million cost of the sewer improvements by an additional sum of between \$500,000 and \$1 million. The costs of complying with the staff’s recommendations are staggering.
- The float home owners are being asked to pay up to \$1.5 million in private monies for a sewer connection that will create sewer improvements that benefit IDPR and the staff at no expense. Please remember that the capacity has already been built into the system, at taxpayer expense, for the float home owners. Isn’t it somewhat of a planning waste that the capacity that was designed and funded now can’t be used unless the dangling carrot of relocation is accepted?
- There is a point in time when the float home owners can’t financially fund additional compliance requests which add \$1 million over and above the \$1.5 million sewer system cost. Please recall that there are only twenty-three (23) owners in total.
- And what does the State get out of this? A few new campsites for yurts, with vault toilets that aren’t even as environmentally sound as the toilets that the float home owners will be paying for on their own dime and then gifting to the State.
- There has never been any imperative or urgency to develop any area in Hidden Lake. In fact, study after study suggests that the float homes are the highest and best use.
- IDPR staff’s study of “desirable” development property in Hidden Lakes is premised upon flawed assumptions as to minimum slope requirements for developability. In other words, much of the area that IDPR proposes to use for land-based camping, in lieu of the float homes, isn’t conducive to the same. There is a reason the float homes have existed next to a steep area of land for a hundred years: It isn’t much good for anything else.

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- Notwithstanding the foregoing, if IDPR wants camping in Hidden Lake, they could proceed today without even moving any of the float homes. IDPR owns the land and the float home owners lease space on the water.

There are, I am sure, additional considerations that merit rejection of the staff's desire to essentially reject an offer of a \$1.5 million privately-financed system, and to foregoing \$500,000 in current revenues every ten (10) years. But this plan has all the hallmarks and indicia of a forced exodus under the guise of imposing simply unworkable and financially-impossible conditions of approval for extended leases. This is a case of IDPR staff withholding state-funded sewer capacity from the float homes until the float home owners accede to a costly and unworkable proposal. There are better ways to accomplish these goals. Ironically, this de facto forced exodus is occurring at the very same time that a number of historical societies undertaking reviews of the status of the float homes to determine what protections might be warranted.

We respectfully request the support of your office at IDPR's July 31 Board meeting in Coeur d'Alene. We would be happy to answer any questions you or your staff might have. The Association is doing what all good Idahoans should: Asking for no favors, paying their own way, and being a good neighbor. Thank you for your time and consideration.

Sincerely,



John F. Magnuson

JFM/js

Encls.

cc: Director Nancy Merrill, Idaho Parks and Recreation (via Federal Express)
Senator Robert Nonini (via e-mail)
Ms. Katie Brodin (via e-mail)
Hidden Lake Float Home Association
Wynn Moorman (via e-mail)
Tim Greene (via e-mail)
Mr. David Kimbetling (via e-mail)

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Chesnut Float Homes, Sewer System & Property

Presented To The Idaho Park and Recreation Board Meeting
July 31, 2013



Introduction

My name is Bradley Chesnut, the son to Gary and Lois Chesnut who are the lease holders and the owners of the 14.75 acres of property above our float home that are adjacent to the states property known as Heyburn State Park.

There are three things in the agenda we received for today's meeting Mr. White would like the board to make a decision on that are either specifically directed at the Chesnut's float homes or affects our float homes. Those three things are...

- First, on page 3, the first bullet, *one living quarters per lease*,
- Second, on page 10 under Step 7 of the milestones, "Removal of Chesnut overland sewer line" which has been in place protecting the water and environment for 23 years.
- And third, the Relocation of float homes. We'd like to request the board to allow us to stay where we're at for the reasons I'll be sharing throughout this document.

Because the 3 topics are major topics, we know there's no possible way to cover all of the significant points in the allotted 5 minutes. Therefore we are providing you with this document to give you more details to our position regarding the 3 topics.

History (Summary)

In 1961 my grandfather purchased 44.25 acres of property that went from the border of Heyburn Park to the road up above (Conklin Rd). In later years Grandpa sold off the upper farm land and retained the lower 14.75 acres for the lake property which runs adjacent to the Parks property line.

In 1962-63 a majestic land cabin was built as my grandparent's summer home and for their 5 son's families, my father being one of those son's. We have a big family. (My grandparents were retired and had sold their home and wintered in their RV). The cabin contained a fully operational bathroom and kitchen draining into an approved septic system. Where our float homes are now we had docks and an enclosed boat house during those years (see picture to right).



In 1976 a fire burned our land cabin up on hill on our property to the ground.

- Since my grandparents had retired and sold their home, their legal documents had been relocated to the cabin and thus burned with the cabin, along with all of the family pictures, report cards and other personal items. This includes all legal documents we had up to this point in regards to the lake cabin and agreements between us and the park/state.
- One of those agreements we believe was an easement to our property from the state. Harvey met with the previous owner who we purchased the property from, the Pendleton's who owned the land for over 50 years, and she also remembers an easement agreement. However, this agreement that could be well over 60 years old has not been located at this time.

After the land cabin burned down we had the option of rebuilding the land cabin or going with the float homes.

In 1976 after discussions with the park and being approved for 2 float homes we decided to go the float home route. I'll cover the float homes more further down.

In 1986 Wayne Chesnut (my Grandpa) passed away. His ashes were the first to be spread on our property in front of the last building standing after the fire which we converted into a memorial. Since then we've also spread my grandmother's ashes and my Uncle Wayne's ashes in front of the memorial, which is Figures 1 & 2.

Memorial On Our Property With Family Members Remains

The memorial was one of the original buildings on the property when Grandpa purchased the land in 1961. This building, we believe, was built around 1910. We do know it was used as the living quarters for the owners of the property who cared for one of the other float home owners in the bay. (Harvey got the details of this during his research.)

Fig 1. Uncle Wayne, my grandparent's oldest son, ashes being spread on our property 10/2005.



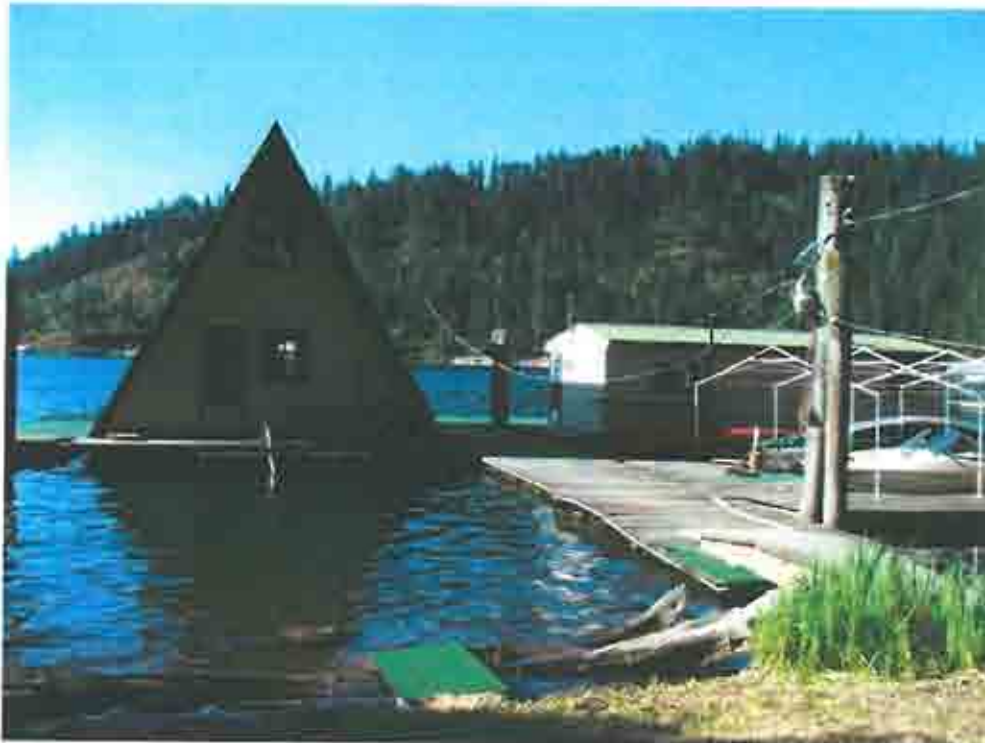
Fig 2. Then in July of 2008 we spread my grandmother's ashes in front of the memorial.



Two Float Homes

We were approved for 2 float homes after the land cabin on our property burned in July of 1976 and we have had 2 float homes since then which has been reflected in our lease over the years. Figure 3 shows our two float homes. If we hadn't been approved for the 2 float homes we would've done things a lot differently like rebuild our land cabin or building a much bigger float home to accommodate our large family.

Fig. 3. Picture of the two float homes. Front view followed by back view ...



- Each cabin serves a specific purpose.
 - The A-Frame was the old convenience store at Chatcolet. It's a pretty small cabin. The A-Frame was completely remodeled and is where our kitchen is, the bathroom is, where we have our dining room and our living room.
 - There are also 2 beds in the loft with a steep spiral stairway up to them that my parents at 73 would have problems going up. Figure 4 shows the steep spiral stairs. I can't remember the last time my parents went up those stairs.
 - It gets really hot in the loft so none of us older adults sleep up there. That's because there is virtually no insulation in the A-Frame and it can get quite hot inside, especially up in the loft.

Fig. 4. The steep staircase going up to the loft.



- The 2nd cabin is the sleeping cabin, as we call it, which is used primarily for sleeping. Every room has beds in it. Even with the beds we do have in the sleeping cabin, we still have people sleeping on the floor because of the big family we have.
 - There is no kitchen area at all in the sleeping cabin.
 - The sleeping cabin is far cooler. It's better insulated and we can run air conditioning to cool it down. This is very important because of my father's respiratory problems and

how the heat affects him, and how the heat affects my mother. Without this ability my parents wouldn't be able to come up to the cabin when the temperatures rise to 86 and above.

- Until this agenda no one from the park or the state has made an issue of our having 2 cabins. If we were forced to only keep one cabin after having been approved for 2 back in 1976 which is why we chose to do the float homes the way we did, we'd have to keep the A-Frame since it has the kitchen and bathroom.
 - However, this would dramatically hinder my parents from coming up because of the heat and inability to run A/C in the A-Frame with Dad's COPD and mom's inability to be in the heat for very long.
 - This heat would also be a problem for my young grandchildren ranging from 2 to 6 not giving them a cool place to take naps or going to bed at their normal bed time due to the heat in the A-Frame.
 - In addition this would force other family members to sleep on the dock since there would not be enough room inside the A-frame for all of us to sleep without our sleeping cabin.

Respectfully, on the topic of *one living quarters per lease*, we would ask the board to allow us to continue having the two cabins which was approved back in 1976 by the park which set in motion the choices we made for floating cabins after our land cabin burned down.

The Sewer System

The next topic is our sewer system. My grandparents cared about the environment and the lake. Not only that, dumping sewage and grey water into the lake where their 5 son's and their wives and 11 grandchildren swam wasn't an option. Our land cabin had a septic system all grey water and sewage went into.

In 1990 John Wheelright, the retired head of the sewage treatment plant for the city of Sandy, UT purchased permits and received permission from the Park to put in a formal septic tank up on our property and run septic lines from our float home to our septic tank. Sewer systems were John's expertise. This was 23 years ago! And to clarify, our line is buried and not "overland".

- We've been a good steward of the lake and environment since 1962 starting with our land cabin and a septic system, and then for 23 years having a septic system for our float home that pumps our grey water and sewage up to our septic tank.
- Everything has been inspected by a licensed plumber and is in perfect working order.
- We've had the most advanced septic system in the bay because we have been fortunate enough to have property with a septic tank.
- When the septic tank was last inspected they said it had hardly been used.
- We've had our septic system at the cabin inspected by a licensed plumber the past 4 years and it has passed with flying colors. You can see the septic system in Fig 5 and Fig 6 (next page).
- The sewer line is only visible over the water where it leaves the dock, then it is underwater (Fig. 5 and 6). Once it reaches the shore (Fig.7) it goes under ground all the way up to our septic tank. You cannot see any sign of the septic line going under the sliver of state property before reaching our property.
- The park has allowed us to have sewer and a sewer line from our float homes to our septic tank for 23 years. I'm certain the Park has been appreciative of our concern for the lake and the environment, and our having a septic system in place.

Fig 5. Back of A-Frame showing Sewer line going across water from the sewer pump



Fig 6. Side view of septic system on back of A-Frame.



Fig 7. Sewer line going under ground at shoreline. This is the last you see of it.



Even in the lease under 16.G.3 we've had authorization to run our sewer line on state property. It states ...

- (3) The lakeshore area adjacent to each of the recreational residence sites in Hidden Lake (float home sites) is considered part of the recreational residence site. This portion of the upland site may be used for approved sanitation facilities and other uses necessary to the function of a float home site.

We feel we are being singled out to remove our sewer system by 12/31/2016 when we're doing exactly what the state is requiring every float home to do in the near future, *which will also include running a sewer line over state property*, yet we've been doing it for 23 years.

Therefore, we respectfully request that you not punish us for doing what Mr. White wants everyone else to do which has been his main argument regarding float homes, and allow us to continue using our approved sewer system with the septic tank on our property that we've had in place to protect the lake and the environment for 23 years. We respectfully request that you deny the removal of our septic system that Mr. White is requesting on page 10 under Step 7 of the milestones.

Our Property

Finally, I would like to share with you our property line in relationship to the states property. With Fig. 8 you can see an aerial view with our cabin clearly marked.

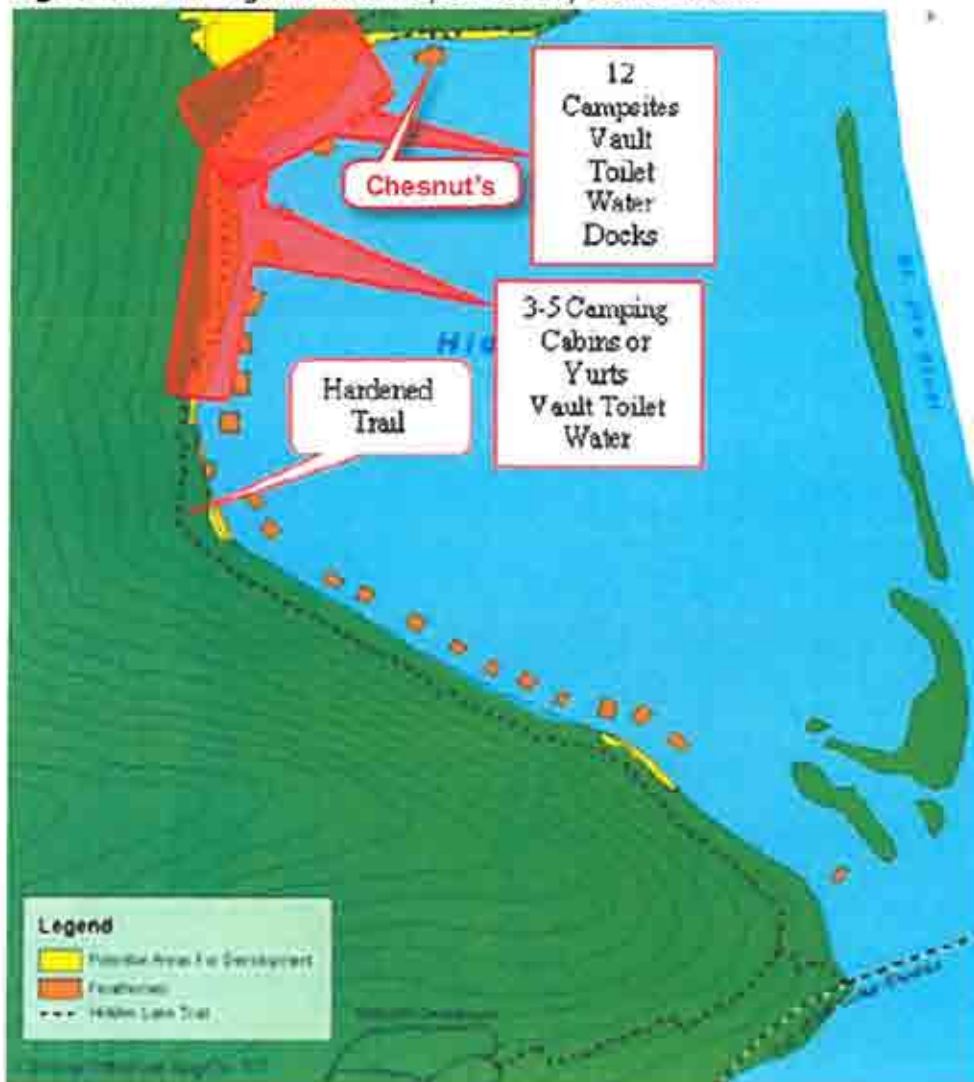
Following this image, Fig. 9 shows the development plans of the state. As you can see, there are no plans to do any development behind our cabins at all. Then with Figure 9B you can see our shoreline

behind our cabins. As you can see, there is very little usable area due to the steep hillside.

Fig. 8. Aerial view from Google Maps of our float home.



Fig 9. From the Agenda outline provided by David White.



Areas In Hidden Lake State Would Like To Develop. Notice ...

- No plans for the area behind Chesnut cabin
- Chesnut cabin already hooked up to sewer

Fig. 9B. Picture of land behind our cabin. Minimal amount of area before heading up a steep hill.



Fig. 10. Aerial image of our property from Alliance Title & Escrow Corp.



With Fig 10A we blew up the aerial view of our property line and from this you can see our property in association to our float homes.

- The yellow box is a fixture on our property (2).
- The red diagonal line (1) is our line of site from the NW corner of our front dock in front of the A-Frame to the fixture.
- The red vertical line (3) shows our property line in association to the back of the boat slip dock.
- The white line (4) with the arrow has been our path to our property since 1961 and for the previous owners to the property as well.

Fig. 10A – Enlarged Fig 10 image.



Fig. 11 to 13 is from a resurvey in 1984 by Empire Surveying and Forestry, Inc that was done for the State of Idaho Parks and Recreation Dept., Heyburn Park. This resurvey is very hard to decipher since it doesn't show any defined landmarks like where our float home is or distance from the waterline, but I wanted you to see it.

Where it talks about "Encroachment Details", they are referring to our memorial and an old shed up above where our land cabin use to be.

Resurvey in 1984 by Empire Surveying and Forestry, Inc for the State of Idaho Parks and Recreation Dept., Heyburn Park

Fig. 11. Main picture

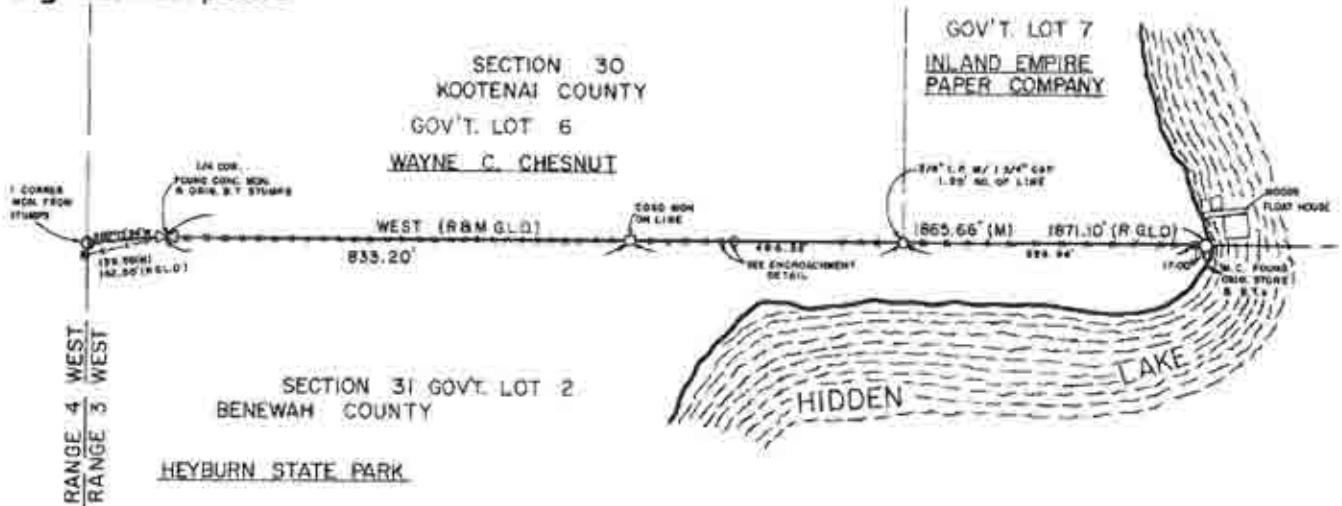


Fig 12. Enlarged picture

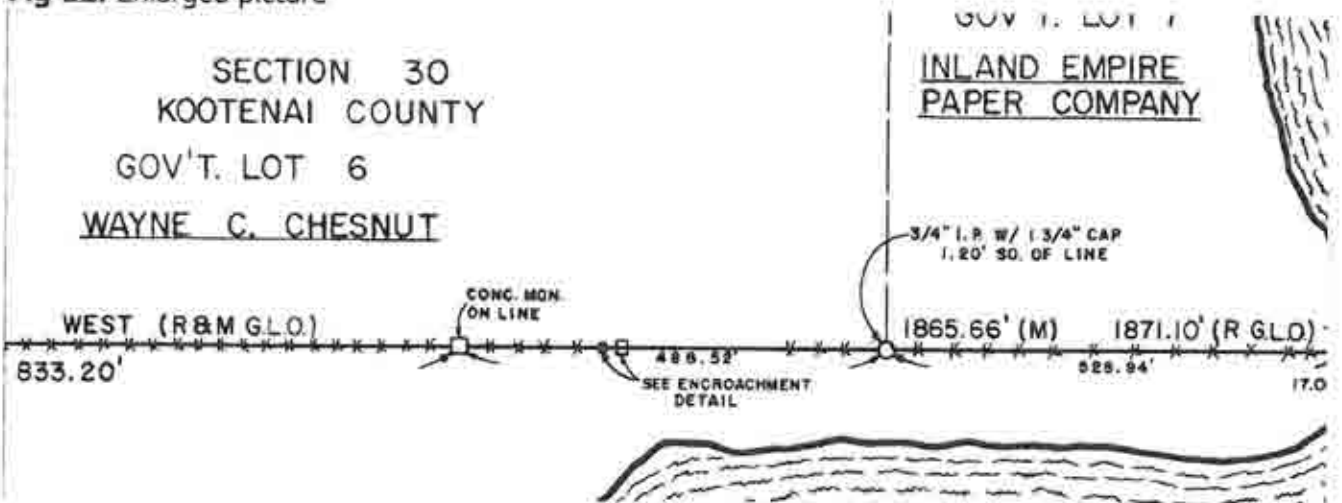


Fig. 13. Certification

CERTIFICATE OF SURVEY

I, JON P. MONACO, REGISTERED LAND SURVEYOR
 4194, STATE OF IDAHO, DO HEREBY CERTIFY
 THAT THIS PLAT REPRESENTS A SURVEY
 MADE BY ME IN ACCORDANCE WITH THE
 LAWS OF THE STATE OF IDAHO.



BASIS OF BEARING
 WEST BETWEEN THE NORTH 1/4
 CORNER OF SECTION 31 AND THE
 MEANDER CORNER ON THE NORTH
 LINE OF SECTION 31 AT THE WEST
 SHORE OF HIDDEN LAKE

P.O. BOX 12
 HAYDEN LAKE, IDAHO 83835
 (208) 772-7976
EMPIRE SURVEYING & FORESTRY, INC.
 FOR: STATE OF IDAHO PARKS AND RECREATION DEPT
 HEYBURN STATE PARK

210-8401 DEPENDENT RESURVEY OF A PORTION OF THE NORTH LINE OF S.31, T47N, R32W 12-5-84

Our property is only accessible two ways.

- The first is by walking around the whole bay since we're on the very northern section.
 - The problem with this is it would be impossible to carry all of our stuff in for a weekend at the lake. Getting our grandchildren in is a whole other story.
 - My parents at 73 couldn't possibly walk the whole trail. My father is on oxygen and just simply couldn't walk it. Laura in a permanent knee brace has a difficult time walking the trail. The youngest grandchildren would need to be carried in.
 - Walking in is not a feasible solution.
- This leaves the other option which is by boat which is the only workable, reasonable solution.
 - Requiring us to remove our cabins from this location would alienate us from our property that has our memorial and the land that has been an important part of our family for over 50 years. We now have the 5th generation, my grandchildren, coming to the lake cabin.

We respectfully request that the board allows us to stay where we're currently located ...

- We're already setup and have an approved sewer system in place which is exactly what Mr. White wants all cabins to have.
- We have our 14.75 acres of property that's adjacent to the states property we need access to where we have a memorial on our property where the ashes of 3 Chesnut family members have been spread. More family members plan to have their ashes spread here also.
- By boat is the only feasible way of accessing our property.
- In Figure 9 above, where we are located there are no plans from the state to use the land so our being there doesn't hinder the states development goals. As you can see from Fig. 9B there's very little usable land behind our cabin because of the steep hill.

There's really no logical reason to move us. The location of our cabins would not interfere with the Parks intended plans for our bay. For these reasons we would respectfully request that the board allows us to stay at our current location which will not interfere with the states development goals and so we have access to our property. Being forced to move would remove our ability to have reasonable access to our property.

In addition, we would like the state to allow us to continue running our sewer line under the sliver of state property which is unnoticeable to any foot traffic, that the Park or state has never made an issue of before and that has allowed us to keep our water clean from grey water and sewage to protect the environment for 23 years.

Finally, if it's not asking too much, we would also like to request a special lease that acknowledges our unique circumstances.

Thank you for your considerations to our requests.

Sincerely,

Bradley Chesnut, spokesman for the Chesnut Family

Go to next page to see a special thing my father put in place with his grandchildren and how this has kept our bay a safer place for all ...

Hidden Bay Snag Club (HBSC)

Fifteen or so years ago when my children (left 2 children) were young kids, my father started the Hidden Bay Snag Club (see picture that follows).

The purpose of this club was to teach his grand children responsibilities and to keep the bay clean of floating debris. Throughout the summer you will see Chesnut kids rowing the canoe, paddling the Pelican, or driving the little silver boat out into the bay putting the floating



items into the boat to bring back to our cabin or towing larger snags out of the bay to our shoreline.

My father started doing this because a floating limb, wood, logs, etc. could be dangerous to water activities like skiers, wake boarders and inner tubing, not to mention the damage it can do to a boat and its motor.



This year Laura and I cleared the large log that went across the truss bridge blocking 2 key slots to drive a boat through. Just about every year at the beginning of the summer season you'll see Laura and I pulling logs away from the bridge that block boaters from coming through the truss's into and out of the bay.

We've mentioned these logs to the park rangers in the years past, but they're under staffed and just don't have the man power to do everything. We take pride in our bay, and this is a way of giving back to the park while keeping our waters clear and safe for all.

Keeping the bay safe and clear of debris has been a tradition of the Chesnut family, a tradition my father started many years ago. Now his great grandchildren, my grandchildren, are following the tradition as members of the Hidden Bay Snag Club (HBSC).