

IDAHO  
PUBLIC UTILITIES  
COMMISSION

✓ Gen. Ack sent 8/9/07

✓ To AV.

✓ To Commis  
: H

Public Workshop

Case No. DIA-W-07-01

June 20, 2007

2007 AUG -8 AM 8:17

IDAHO PUBLIC UTILITIES COMMISSION

WHAT DO YOU THINK?

If you want your opinion noted in the record, please use the space below to write your comments. Add extra sheets as needed. You may either hand this sheet to a commission staff member or mail it to:

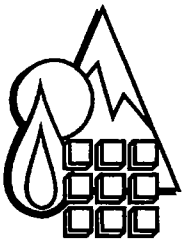
IPUC, PO Box 83720, Boise, ID 83720-0074.  
You may also post comments on our Web site.  
[www.puc.idaho.gov](http://www.puc.idaho.gov)  
Click on "comments & questions."

I realize that the smaller the district, the higher the cost but this raise is prohibitive!  
When I moved here in 1998 the water bill was \$15 mo + the irrigation was \$250 per year.  
Roughly 4 yrs ago the public utilities commission granted an increase of \$23 mo + 42¢ per/gal over 10,000 gal which equates to \$200 + bills per month in some areas only during the summer months.  
Now he wants \$50 mo + 52¢ per gal/over 10,000 citing expenses as the factor. Mr Turnipseed has a family run business - husband, wife, son, wife: these expenses can be "padded" as they choose. He states "approximately" 43 customers? What's exact!  
The winter months don't come close to 10,000 gal!

Print Name \_\_\_\_\_ Sign Name \_\_\_\_\_

Mailing Address \_\_\_\_\_ Phone Number \_\_\_\_\_

City and State \_\_\_\_\_ Zip Code \_\_\_\_\_



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most of us are retired two party homes. \$600 per yr for water is awful steep and probably will rate as one of the top billings for household use in the state!!!

Print Name Dwight Wilson Sign Name Dwight Wilson  
Mailing Address 2069 W Diamond Bar Rd Phone Number 208-772-1597  
City and State Rathdrum, ID Zip Code 83858

✓ Gen Ack  
sent 8/9/07

✓ To A.V.

✓ To Commrs.  
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2007 AUG -6 AM 9:07

1708 W. Diamond Bar  
Rd.  
Rathdrum, Id. 83858

Attention: **IDAHO PUBLIC UTILITIES COMMISSION** Diamond Bar Estates water rates Increase  
Commission Secretary:  
Id. Public Utilities Commission  
P.O. Box 83720  
Boise, Id. 83.720.0074

Dear Public Utilities Commission:  
This letter is written to protest the modified procedure on the Diamond Bar Estates Water Co. application to raise monthly charges.  
I demand a hearing on the request for increased water fees. by Robert N. Turnipseed for the following reasons:  
1. at the time I purchased my home in 2001 I paid \$1,500<sup>00</sup> for water hookup. There are 45 lots in the subdivision.  $45 \times \$1,500^{00}$  equals \$67,500<sup>00</sup> paid to the developer. I live alone. In 2001 the monthly bill was \$16.00 approximately two years ago water rates were raised to \$21.00 a month + over charges  $(45 \times \$21^{00} = \$945^{00})$  a month. I have used my minimum designated water during the spring, fall, + winter.

2. I believe the developer, Turnipseed, made his profit on each lot (45) as it was sold.

3. We have a corporation called "The Diamond Homeowners Association". Article III states "This Corporation is not organized for profit". (Enclosed) I believe the raising of water rates does not comply + needs to be reviewed and go through proper channels because:

- A. Is the water company a monopoly controlling all the water for 45 lots?
- B. Do we as individual owners have the right to drill our own wells?
- C. Who has ownership of the water on our 4.876 acres?

I request a public hearing

Sincerely,  
Miana Gantzen  
208-762-9755

<b>A.</b> <b>U.S. DEPARTMENT OF HOUSING &amp; URBAN DEVELOPMENT</b> <b>SETTLEMENT STATEMENT</b>		<b>B. TYPE OF LOAN:</b> 1. <input type="checkbox"/> FHA    2. <input type="checkbox"/> FmHA    3. <input checked="" type="checkbox"/> CONV. UNINS.    4. <input type="checkbox"/> VA    5. <input type="checkbox"/> CONV. INS.				
		6. FILE NUMBER: C44691			7. LOAN NUMBER: 041-297098-0	
		8. MORTGAGE INS CASE NUMBER:				
C. NOTE: This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "POC" were paid outside the closing; they are shown here for informational purposes and are not included in the totals. <span style="float: right; font-size: small;">1.0 3/98 (C44691.PFD/C44691/26)</span>						
D. NAME AND ADDRESS OF ACCOMMODATOR:  First American Exchange Corporation 211 West State Street Boise, ID 83702		E. NAME AND ADDRESS OF SELLER:  Robert C. Turnipseed Cristy L. Turnipseed		F. NAME AND ADDRESS OF LENDER:  Homecomings Financial Network 1425 N. McDowell Blvd., Ste #250 Petaluma, CA 94954		
G. PROPERTY LOCATION: <del>1425 Diamond Bar</del> Rathdrum, ID 83858 Kootenai County, Idaho <del>Lot 2, Block 2, Diamond Bar Estates</del>		H. SETTLEMENT AGENT:    82-0388128 First American Title Company of North Idaho, Inc.  PLACE OF SETTLEMENT 1044 Northwest Boulevard Coeur d' Alene, Idaho 83814			I. SETTLEMENT DATE:  August 29, 2001  Disburse:08/31/01	
<b>J. SUMMARY OF ACCOMMODATOR'S TRANSACTION</b>				<b>K. SUMMARY OF SELLER'S TRANSACTION</b>		
<b>100. GROSS AMOUNT DUE FROM ACCOMMODATOR:</b>				<b>400. GROSS AMOUNT DUE TO SELLER:</b>		
101. Contract Sales Price		239,500.00		401. Contract Sales Price		
102. Personal Property				402. Personal Property		
103. Settlement Charges to Accommodator (Line 1400)		2,478.54		403.		
104. <del>Service Fee to Diamond Bar Estates Water</del>				404.		
105.				405.		
<i>Adjustments For Items Paid By Seller in advance</i>			<i>Adjustments For Items Paid By Seller in advance</i>			
106. City/Town Taxes	to			406. City/Town Taxes	to	
107. County Taxes	to			407. County Taxes	to	
108. Assessments	to			408. Assessments	to	
109.				409.		
110.				410.		
111.				411.		
112.				412.		
<b>120. GROSS AMOUNT DUE FROM ACCOMMODATOR</b>		<b>243,478.54</b>		<b>420. GROSS AMOUNT DUE TO SELLER</b>		
<b>200. AMOUNTS PAID BY OR IN BEHALF OF ACCOMMODATOR:</b>				<b>500. REDUCTIONS IN AMOUNT DUE TO SELLER:</b>		
201. Deposit or earnest money		1,000.00		501. Excess Deposit (See Instructions)		
202. Principal Amount of New Loan(s)		159,500.00		502. Settlement Charges to Seller (Line 1400)		
203. Existing loan(s) taken subject to				503. Existing loan(s) taken subject to		
204. Funds- First American Exchange		61,225.48		504.		
205.				505.		
206.				506.		
207.				507.		
208.				508.		
209.				509.		
<i>Adjustments For Items Unpaid By Seller</i>			<i>Adjustments For Items Unpaid By Seller</i>			
210. City/Town Taxes	to			510. City/Town Taxes	to	
211. County Taxes	01/01/01 to 08/31/01	398.05		511. County Taxes	to	
212. Assessments	to			512. Assessments	to	
213.				513.		
214.				514.		
215.				515.		
216.				516.		
217.				517.		
218.				518.		
219.				519.		
<b>220. TOTAL PAID BY/FOR ACCOMMODATOR</b>		<b>222,123.53</b>		<b>520. TOTAL REDUCTION AMOUNT DUE SELLER</b>		
<b>300. CASH AT SETTLEMENT FROM/TO ACCOMMODATOR:</b>				<b>600. CASH AT SETTLEMENT TO/FROM SELLER:</b>		
301. Gross Amount Due From Accommodator (Line 120)		243,478.54		601. Gross Amount Due To Seller (Line 420)		
302. Less Amount Paid By/For Accommodator (Line 220)	(	222,123.53)		602. Less Reductions Due Seller (Line 520)	(	
<b>303. CASH ( X FROM ) ( TO ) ACCOMMODATOR</b>		<b>21,355.01</b>		<b>603. CASH ( X TO ) ( FROM ) SELLER</b>		

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ARTICLES OF INCORPORATION

OF

'94 MAY 27 AM 8:58 DIAMOND BAR ESTATES HOME OWNER'S ASSOCIATION, Inc.

KNOW ALL MEN BY THESE PRESENTS that Robert N. Turnpseed and Dana L. Rayborn Wetzel, being over the age of eighteen years, and for the purposes of forming a corporation under the Idaho Nonprofit Corporation Act, hereby certify and adopt, in duplicate, the following Articles of Incorporation.

ARTICLE I.  
NAME

The name of the corporation (hereinafter called "corporation") is Diamond Bar Estates Home Owner's Association, Inc.

ARTICLE II.  
DURATION

The duration of this corporation shall be perpetual.

ARTICLE III.  
PURPOSES AND POWERS

~~This corporation is not organized for profit and no part of gains or earnings shall inure to its members.~~  
The specific primary purposes for which it is formed are to provide for the acquisition, construction, management, operations, administration, maintenance, repair, improvement, preservation, and architectural control of Diamond Bar Estates Home Owner's Association situated in Kootenai County, Idaho, and to promote the health, safety and welfare of all property owners within the above-described property and any additions thereto as may hereafter be brought within the jurisdiction of this corporation for such purposes, according to that certain Declaration of Covenants, Conditions and Restrictions (the "Declaration") recorded or to be recorded with respect to said property in the office of the County Recorder of Kootenai County, Idaho.

In furtherance of said purposes, and subject to the approval of members as required by law, the Declaration, or the Bylaws, this corporation shall have power to:

- (a) Perform all of the duties and obligations of the corporation as set forth in the Declaration;
- (b) Fix, levy, collect, and enforce assessments and fines as set forth in the Declaration or Bylaws, in a fair and equitable fashion and secure the payment of assessments through liens upon real property as allowed under Idaho law;
- (c) Pay all expenses and obligations incurred by the corporation in the conduct of its business, including, without limitation, all licenses, taxes or governmental charges levied or imposed against the corporation's property;

IDAHO SECRETARY OF STATE  
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ARTICLES OF INCORPORATION OF DIAMOND  
BAR ESTATES HOME OWNER'S ASSOCIATION - 1

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- (d) Acquire (by gift, purchase, or otherwise), own, hold, improve, hold over, operate, maintain, convey, sell, lease, exchange, transfer, dedicate for public use or otherwise dispose of real or personal property in connection with the affairs of the corporation;
- (e) Make contracts and incur liabilities, borrow money and mortgages, pledge, lease in trust, or hypothecate any or all of its real or personal property as security for money borrowed or debt incurred;
- (f) Dedicate, sell, transfer, or grant easements over all or part of any of the corporation's property to any public agency, authority or utility for such purposes and subject to such conditions as may be agreed to by the members;
- (g) Participate in mergers and consolidations with other nonprofit corporations and limited liability company organized for the same purposes, or annex additional property or the property managed by the corporation;
- (h) Litigate, mediate, arbitrate any and/or all corporate rights and obligations specified in law and/or by the Articles and Bylaws of the corporation and/or Declaration of Diamond Bar Estates Home Owner's Association. This corporation in addition to other provisions, may provide for the qualification of members, the terms and conditions of admission, the time, mode, conditions and effect of expulsion or withdraw from the restoration of membership, admission fees, charges and assessments; and for reimbursement for services rendered to and expenses incurred on behalf of the corporation by any member or officer of the corporation, and such other rules and regulations as are not repugnant to the laws of the State of Idaho; and
- (i) Have and exercise any and all powers, rights, and privileges which a corporation organized under the Idaho Nonprofit Corporation Act law, which exists now or hereafter.

#### ARTICLE IV. MEMBERS AND MEMBERSHIP

1. **Non-Stock Corporation.** Participation in management and ownership of the corporation shall be by membership only. The corporation shall issue no stock and shall have no shareholders.
2. **Membership.** The Owner of a lot in Diamond Bar Estates shall automatically upon becoming an owner of real property located in Diamond Bar Estates Subdivision of Kootenai County ("the project"), be a member of the corporation, and shall remain a member thereof until such time as his/her ownership ceases for any reason, at which time his/her membership in the corporation shall automatically cease as if the membership is suspended or terminated. Membership shall be in accordance with these Articles of Incorporation and the Bylaws of the corporation.
3. **Transferred Membership.** Membership in the corporation shall not be transferred, pledged, or alienated in any way, except upon the transfer of ownership of the lot in Diamond Bar Estates to which it is appurtenant, and then only to the new owner. Any attempt to make a prohibited transfer is void. In the event the owner of any lot should fail or refuse to transfer the membership registered in his/her name to the purchaser of his/her lot, the corporation shall have the right and authority to transfer to purchaser and to record the transfer upon the books; thereupon the old membership outstanding in the name of the seller shall be null and void.
4. **Classes of Membership.** The corporation shall have multiple classes of voting membership established according to the following provisions:

ARTICLES OF INCORPORATION OF DIAMOND  
BAR ESTATES HOME OWNER'S ASSOCIATION - 2

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(a) **Class "A" Membership.** Class "A" membership shall be that held by each owner of a lot in Diamond Bar Estates other than the Declarant, or its successors in interest with respect to the project (the "Declarant"). Each Class "A" member shall be entitled to one (1) vote for each lot owned. If a lot is owned by more than one person, each such person shall be a member of the corporation, but there shall be no more than one (1) vote for each lot, multiple owners have joint rights and obligations.

(b) **Class "B" Membership.** Class "B" membership shall be that held by the Declarant, or its successor in interest. Each Class "B" member shall be entitled to four (4) votes for each lot owned (lot shall mean each approved lot according to the Subdivision, most recently approved by Kootenai County which would be or is located on real property owned by the Declarant); provided that Class "B" membership shall be converted to Class "A" membership and shall forever cease to exist on the occurrence of whichever of the following is first in time:

(1) When the total outstanding voting power held by Class "A" members equals the total outstanding voting power (quadrupled as above) held by the Class "B" member; or

(2) On the thirtieth (30th) anniversary of the recordation of the Declaration of Covenants, Conditions and Restrictions of Diamond Bar Estates Home Owner's Association ("Declaration").

(c) **Additional Classes of Membership.** If this corporation desires to add additional classes of membership, it may do so through the corporate Bylaws. Nothing in these Articles shall prohibit the institution of additional classes.

5. **Voting Requirements.** Except where otherwise expressly provided in the Declaration, these Articles of Incorporation or the Bylaws, any action by the corporation which must have the approval of the corporation membership before being undertaken, shall require the vote or written assent of the prescribed percentage of the total power (all classes combined) of the corporation.

6. **Limitation of Payment to Dissenting Member.** Membership in the corporation is appurtenant to and cannot be segregated from ownership of a lot within the jurisdiction of the corporation. Except upon dissolution of the corporation, a dissenting member shall not be entitled to any return of any contribution or other interest in the corporation.

#### ARTICLE V. INITIAL REGISTERED OFFICE AND AGENT

The initial registered office of the corporation shall be 8191 Loch Haven Drive, Hayden Lake, Idaho, 83835, and the name of its initial registered agent is: Robert N. Turnipseed.

#### ARTICLE VI. BOARD OF DIRECTORS; INCORPORATORS

The affairs of this corporation shall initially be managed by a Board of two (2) Directors, but may be converted to a larger number in accordance with the Bylaws. From the date of conversion from a two (2) director board, the election of Directors shall be divided into three (3) classes, of nearly equal number, with each class of directors elected for three years. Until the expanded board exists there is no requirement that the directors be members. After expansion of the board all must be members of the corporation. The number of directors may be