

**DECLARATION OF INSTALLATION OF UTILITIES
FOR HAWKS BAY SUBDIVISION
VALLEY COUNTY, IDAHO**

This DECLARATION is made this 28th day of March, 2005 by W & S INVESTMENTS, INC., which is the owner of certain lands located in Valley County, Idaho, which are platted as the Hawks Bay Subdivision.

WHEREAS, W & S Investments, Inc., did, on the 29 day of March, 2005, file of record with the Office of Recorder of Valley County, Idaho, as Instrument No. 293884 in Plat Book 10, on Page 4, the Final Plat for Hawks Bay Subdivision.

WHEREAS, W & S Investments, Inc. is the Owner of the real property contained in the said Final Plat.

WHEREAS, the purpose of this Declaration is to describe the utilities constructed and, the schedule for completion of such utilities, and the entity with responsibility for construction of such utilities.

NOW, THEREFORE, W & S Investments, Inc. hereby states and declares as follows:

1. **Sewage Disposal:** The Hawks Bay Subdivision sewer system is a collection system serving all lots to collect sewage and discharging to the North Lake Recreational Sewer & Water District System for treatment. Plans for the sewer system were approved by Idaho Department of Environmental Quality on 2/15/05. The sewer system has not been constructed. Construction should commence by May 1st.

2. **Potable Water:** The Hawks Bay Subdivision water system is a central water system consisting of a supply well and distribution system. The plans for the water distribution system were approved by Idaho Department of Environmental Quality on 2/15/05. The well site and well construction were approved by Idaho Department of Environmental Quality on 12/27/04. The water distribution system should be substantially completed by July 31st, 2005.

3. **Power:** Electrical power is being supplied to Hawks Bay Subdivision by Idaho Power Company, which is responsible for the design and construction of the power distribution system. Electrical power should be completed by 8/31/05.

4. **Financial Assurance:** All utilities described above shall be completed or financially assured as provided below, by no later than the date of recordation of the Hawks Bay Subdivision.

(a) **Water & Sewer.** The water and sewer systems for Hawks Bay Subdivision should be completed, in compliance with the plans as approved by the Idaho

Instrument # 293885
VALLEY COUNTY, CASCADE, IDAHO
2005-03-29 11:46:14 No. of Pages: 3
Recorded for : HAWKS BAY SUBDIVISION
LELAND G. HEINRICH . Fee: 9.00
Ex-Officio Recorder Deputy *A. Nielsen*
Index to: MISCELLANEOUS RECORD

Department of Environmental Quality, by July 31st, 2005. The cost of full completion of said utilities has been financially assured by W & S Investments, Inc. by means of a letter of credit equal to one hundred thirty percent of the amount specified in the Project Engineers Estimate of the cost to complete the water and sewer systems.

(b) Power. Electrical power is not fully completed. Power for Hawks Bay Subdivision, will be completed by Idaho Power. The cost of full completion of power shall be financially assured by a Letter of Credit.

5. Responsibility for Construction: Responsibility for the costs of construction of the aforesaid utilities rests with the W & S Investment, Inc. VALLEY COUNTY HAS NO RESPONSIBILITY FOR THE DESIGN, CONSTRUCTION, MAINTENANCE, REPAIR, REPLACEMENT, OR OPERATION OF ANY OF THE AFORESAID UTILITIES.

IN WITNESS WHEREOF, the undersigned Owner of the said Hawks Bay Subdivision, has executed this Declaration the day and year first above noted.

W & S INVESTMENTS, INC.

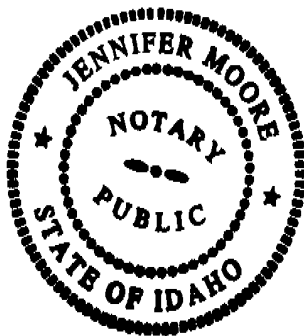
By: *Walt Wanner*
Walt Wanner, President

STATE OF IDAHO,

County of Valley

On this 5th day of MARCH, 2005, before me, JENNIFER MOORE Notary Public in and for said State, personally appeared Walt Wanner of W & S Investments, Inc. known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same for and on behalf of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



Jennifer Moore
NOTARY PUBLIC FOR IDAHO
Residing at: BOLTE
My Commission Expires: 7.23.05

HAWKS BAY SUBDIVISION (Preliminary cost estimate)					
Project: 31103		Date:	07-Mar-05	Prepared By:	Stan McHutchison
Developer:Walt Wanner			Engineer: Briggs Engineering, Inc.		
ITEM #	Description	Quantity	Unit	Unit Price	Estimated Total Cost
PRELIMINARY PROJECT COSTS					
1	Sewer Services	1	L.S.	\$171,396.00	\$171,396.00
2	Water System, including fire hydrants	1	L.S.	\$103,737.00	\$103,737.00
3	Wells, Pumps, Controls, and Pump House	1	L.S.	\$272,000.00	\$272,000.00
4	Storm Drainage	1	L.S.	\$18,000.00	\$18,000.00
5	Street Construction	1	L.S.	\$101,250.00	\$101,250.00
6	Street Contribution	1	L.S.	\$88,444.00	\$88,444.00
7	Power	1	L.S.	\$111,208.00	\$111,208.00
8	Phone	1	L.S.	\$12,688.00	\$12,688.00
9	Subtotal				\$878,723.00
10	30% Cost Guarantee				\$263,616.90
11	Total				\$1,142,339.90

