



Land Use & Building Services
 Blaine County Annex Building, Hailey, Idaho
 219 First Avenue South, Suite 208 Hailey, Idaho 83333
 Land Use Services Phone: 208-788-5570
 Land Use Services FAX: 208-788-5576
 Email: khilt@co.blaine.id.us

Board of County Commissioners Phone: 208-788-5500
 Board of County Commissioners FAX: 208-788-5569
 Weekends & After Business Hours Only: (Business Hours 8-6 M-Th)
 Blaine County Sheriff Dispatch Phone: 208-578-3831

**LAND USE & BUILDING SERVICES
 EMERGENCY STREAM BANK STABILIZATION PERMIT**

Please complete the form and 'Save As' a Word Document and send to pzcounter@co.blaine.id.us

AGREEMENT entered into between Blaine County, a political subdivision of the State of Idaho, ("COUNTY"), and **Applicant**, SV Family Properties LLC, ("APPLICANT"), whose **mailing address** is PO Box 6729 Ketchum ID 83340, whose **phone and email address** is 530-320-7359 robert@eoplaw.com and who resides on or has an interest in property along the Big Wood River (name of river), this 8 day of May, 2023.

WHEREAS, pursuant to Blaine County Code, Title 9, § 9-17-9(C)(4), the County has the authority to grant permission to Owner for emergency stream bank stabilization under circumstances where immediate action must be taken to prevent major flood loses; and

WHEREAS, as CONDITION PRECEDENT to the granting of any stabilization permit, APPLICANT acknowledges that he/she has obtained an "Emergency Permit to Alter A Stream Channel" from the State of Idaho Department of Water Resources as specified under Idaho Code § 42-3808;

THEREFORE, the parties mutually agree as follows:

1. PROPOSAL: The APPLICANT has attached hereto a copy of the completed application for a State of Idaho Department of Water Resources "Emergency Permit to Alter A Stream Channel" (Exhibit A) which describes certain specific information with regard to the emergency stream bank stabilization project. Additional information required:

Physical Street Address: 202 and 210 Meadow Circle, Ketchum, ID 83340
 Legal Description of the property, including Lot # & Name of Subdivision, where applicable (attach if necessary): RP04N18019721C and RP00347000002A
 Applicant and/or agent's Telephone numbers: 530-320-7359

DO YOU HAVE PERMISSION TO TRESSPASS AND/OR CONDUCT WORK?
 Yes No

Describe what mechanical equipment will be used: Trackhoe in dry from bank.

Equipment will be used in the water (in any manner): yes no

Contractor performing mechanical work: Canyon Excavation Phone: 208-731-1454

Access to the work is: existing road/path ; landscaped area new path required
 other , please explain:

2. **REGULAR PERMIT APPLICATION REQUIRED:** Upon the granting of an emergency stream bank stabilization permit, APPLICANT shall **apply for a regular stream alteration permit**, pursuant to Blaine County Code, § 9-17-9, **within three (3) months**, or other time period specified hereinafter by the Board, of any emergency stream bank stabilization;

3. **FINANCIAL SECURITY:** If an emergency stream bank stabilization permit is approved, the APPLICANT shall post sufficient financial security of One Thousand Dollars (\$1,000.00) to be held by the COUNTY. Said deposit shall be held by the COUNTY until such time as the APPLICANT has applied for and received final action on a regular stream alteration permit pursuant to Blaine County Code, Title 9, Chapter 17, and implemented the stream alteration as approved thereby. The APPLICANT shall complete restoration/stabilization of the affected property to County and State minimum standards and/or other standards and conditions imposed via the regular permitting process by either March 31 of the year following the stabilization or by another date so specified by the Board. If said application for a regular stream alteration permit is not received by Blaine County within the specified time period, the financial security being held by the County shall be forfeited and the Applicant shall be found in violation of Blaine County Code, Title 9, Chapter 17, Floodplain Management District and Riparian Setback District and will be subject to any and all civil or criminal penalties as outlined under Idaho Code § 42-3809 and Blaine County Code, Title 9, Chapter 17.

4. **EMERGENCY WORK LIMITED:** The APPLICANT agrees not to perform work beyond that allowed by the COUNTY or Idaho Department of Water Resources. Work allowed by the COUNTY shall be limited to that described in Exhibit A and as may be modified by conditions attached hereto. The granting of this permit does not grant any authority to work in any stream channel beyond the extent necessary to protect life and property during an emergency nor to do work in the stream channel after the emergency is passed;

5. **PENALTY FOR WORK BEYOND THAT APPROVED:** If the APPLICANT performs stabilization beyond that allowed, the APPLICANT will be subject to any and all civil or criminal penalties as outlined under Idaho Code § 42-3809 and Blaine County Code, Title 9, Chapter 17;

6. **PERMISSION TO ENTER PROPERTY FOR INSPECTION:** The APPLICANT grants permission for Blaine County Commissioners and/or staff and/or the County Engineer to visit the site. This permission allows for access onto the property without prior notification to APPLICANT. Please indicate on the back of the Exhibit A page of this application a convenient path to the site of the proposed project;

7. **PERMIT TO BE MAINTAINED ON-SITE:** The APPLICANT shall maintain a copy of this permit at the alteration site until the authorized emergency work has been completed;

8. LIABILITY: APPLICANT agrees to hold harmless any and all parties performing stabilization, and OWNER shall have and assume complete liability for all of the acts of personnel and the operation of equipment provided by another party as aid assistance under this Agreement. In addition, the APPLICANT agrees to hold the COUNTY harmless from any and all liability in issuing an emergency stream bank stabilization permit. If work performed under this permit causes damage to any third parties, the OWNER agrees to indemnify the COUNTY for any losses it may incur;

9. MERGER CLAUSE: This Agreement supersedes any and all prior oral or written agreements. This Agreement may be modified or amended only in writing duly executed by both parties;

10. ATTORNEY FEES: Reasonable attorney fees shall be awarded to the COUNTY in any action to enforce this Agreement or to declare termination of this Agreement.

11. PHOTOGRAPHS REQUIRED: Applicant shall **document the condition of the property for which the work is proposed *before* and *after* construction** of the stream bank stabilization project with dated photographs and **provide copies of same to the County** for use during evaluation of the regular stream alteration permit application required herein. Said photographs shall include documentation of vegetation of riparian and stream bank areas before back fill.

12. ADDITIONAL CONDITIONS ATTACHED BY COUNTY BOARD OF COMMISSIONERS:

- (a) **This permit expires on** .
- (b) Work approved includes (if no Exhibit A, IDWR permit application, is provided):
- (c)
- (d)

The **APPLICANT hereby agrees to the terms and conditions of this emergency stream bank stabilization permit** and will take reasonable precautions to minimize the impacts of any emergency actions on the stream channel(s) and adjacent riparian areas.

DISCLAIMERS

The granting of this permit does not grant the APPLICANT or any of its agents an easement or right-of-way to trespass across or work upon the property belonging to others. The APPLICANT shall obtain any and all permission necessary to enter, cross and/or work upon the property belonging to others prior to commencement of work associated with this permit. If you plan to do any emergency stream bank stabilization work on National Forest Lands, you must contact the Ketchum Ranger District at 622-5371 before proceeding.

The issuance of this permit shall not in any way constitute a promise, assurance, warranty, affirmation, or other statement by Blaine County, or any of its official, employees and agents, that the work or other action authorized by this permit will prevent or minimize the risk of damage or other loss to the real and personal property of applicant and other third persons as a result of flood, other act of Nature, or the negligence and other acts and omissions of persons.

All work and other action undertaken by applicant, and his/her employees, independent contractors and agents, pursuant to this permit is done at the sole and exclusive risk of applicant. Blaine County, its officials, employees and agents, shall have no liability to applicant or any third person as a result of granting of this permit, or the acts and omissions of applicant, and his/her employees, independent contractors or agents, arising out of or relating to this permit.

Signature of Applicant *SV Family Properties, LLC*
by: Robert J. Preston, Manager
Date signed *5/8/23*

Please complete the form and 'Save As' a Word Document and send to pzcounter@co.blaine.id.us

APPROVED by BLAINE COUNTY BOARD of COUNTY COMMISSIONERS on:

Commissioner
Date signed: _____

Commissioner
Date signed: _____

ATTEST:

Clerk

Exhibit A is the State of Idaho Department of Water Resources "Emergency Permit to Alter a Stream Channel" to be completed and attached hereto by the applicant.

ADMINISTRATIVE RECORD:

FINANCIAL SECURITY RECEIVED \$ _____ PERMIT NUMBER _____

RECEIPT NUMBER _____ DATE _____

STATE EMERGENCY PERMIT RECEIVED _____ (date) _____ (number)

REGULAR STREAM ALT. PERMIT SUBMITTED _____ (date) _____ (number)

FINANCIAL SECURITY *REFUNDED* or *FORFEITED* (circle one) as of _____ (date)

Said deposit of \$1000.00 shall be held by the COUNTY until such time as the APPLICANT has applied for and received final action on a regular stream alteration permit pursuant to Blaine County Code, Title 9, Chapter 17, and implemented the stream alteration as approved thereby. The APPLICANT shall complete restoration/stabilization of the affected property to County and State minimum standards and/or other standards and conditions imposed via the regular permitting process by either March 31 of the year following the stabilization or by another date so specified by the Board. If said application for a regular stream alteration permit is not received by Blaine County within the specified time period, the financial security being held by the County shall be forfeited and the Applicant shall be found in violation of Blaine County Code, Title 9, Chapter 17, Floodplain Management District and Riparian Setback District and will be subject to any and all civil or criminal penalties as outlined under Idaho Code § 42-3809 and Blaine County Code, Title 9, Chapter 17.