

**Resolution 2009-106**  
**Cancel 2009 Aquifer Protection Fees**  
**Idaho Department of Lands**

**WHEREAS**, the Kootenai County Board of Commissioners has received a request for cancellation of the 2009 Aquifer Protection District fees, penalty, interest and all future fees for fees for all properties owned by the Idaho Department of Lands; and,

**WHEREAS**, Idaho Code § 39-508(2) states that “[f]ees reasonably related to the actual cost of services rendered by an aquifer protection district may be charged to owners of land benefitted by the availability of water from the aquifer to be protected by the District.” Furthermore, Idaho case law also states that fees charged must bear a reasonable relationship to the cost of enforcing regulations. Because the Idaho Department of Lands property does not use water from the Rathdrum Prairie Aquifer, the Aquifer Protection District fees charged to the Department do not bear a reasonable relationship to the regulation of their water usage.

**NOW THEREFORE BE IT HEREBY RESOLVED** that all past and future Aquifer Protection Fees and any associated penalty and/or interest for property located in Kootenai County and owned by the Idaho Department of Lands be cancelled. See attached "Exhibit A" for a list of parcel numbers.

**IT IS FURTHER RESOLVED** that the Treasurer and Auditor be directed to take appropriate action to effectuate said resolution.

Upon motion to adopt the text of the foregoing Resolution made by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, the following vote was recorded.

Commissioner Tondee:  
Commissioner Piazza:  
Chairman Currie:

Upon said role call, the text of the foregoing was duly enacted as a Resolution of the Kootenai County Board of Commissioners on the \_\_\_\_\_ day of \_\_\_\_\_.

KOOTENAI COUNTY  
BOARD OF COMMISSIONERS

ATTEST:  
DANIEL J. ENGLISH, CLERK

\_\_\_\_\_  
Elmer R. Currie, Chairman

By: \_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_  
Richard A. Piazza, Commissioner

\_\_\_\_\_  
W. Todd Tondee, Commissioner

C: Auditor; Assessor; Treasurer; Appellant