

12/12/2005

IDAHO DEPARTMENT OF WATER RESOURCES  
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-10287

NAME AND ADDRESS: COVINGTON BROS LTD  
C/O JOYCE COVINGTON  
221 SOUTH 3RD E  
REXBURG ID 83440

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.030 CFS  
5.000 AFY

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 04/01/1966

POINT OF DIVERSION:

T04N R40E S1 NWSWSE Within MADISON County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE  
DOMESTIC

PERIOD OF USE  
01/01 12/31

QUANTITY  
0.030 CFS  
5.00 AFY

PLACE OF USE: DOMESTIC Within MADISON County

T04N R40E S01 SWSE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Use: 2 Potato cellars, shop, trailer.



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: [www.idwr.state.id.us](http://www.idwr.state.id.us)

EASTERN REGION

DIRK KEMPTHORNE  
Governor

May 31, 2005

KARL J. DREHER  
Director

ROB HARRIS  
HOLDEN KIDWELL HAHN & CRAPO  
PO BOX 50130  
IDAHO FALLS ID 83405

RE: CORRECTED TYPOGRAPHICAL ERROR IN ADDRESS CHANGE

Dear Mr. Harris:

I corrected the Covington Brothers address from Idaho Falls to Rexburg per your request. The following water rights were changed: 01-7006, 01-7087, 01-10011, 22-10287, 25-7106, 25-10069.

Respectfully,

Jennifer Crabtree  
Technical Records Specialist

Enclosure

PROFILED

SCANNED  
JUN 15 2005

09/08/2006

**NOTICE OF ERROR  
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

**YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:**

Water right number: 22-10287

COVINGTON BROS LTD  
C/O JOYCE COVINGTON  
221 SOUTH 3RD E  
REXBURG ID 83440  
Telephone Number: (208)356-5790

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

*yes* I AGREE with this proposed recommendation: no changes need to be made.

DATE:

*10/11/06*

SIGNATURE:

*Joyce J. Covington*

Please print your name:

*Joyce J. Covington*

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

*KWJ  
10/06*

November 18, 2005

Re: SRBA WATERRIGHT CLAIM 22-10287

To whom it may concern:

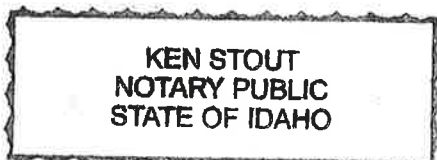
SRBA water right claim 22-10287 is a small well .03 cfs on the Covington Brothers LLC Farm. The farm is located 12 miles southeast of Rexburg, Idaho commonly known as *The Rexburg Bench*.

It was drilled by Ed Covington and Sons on April 1, 1966 at the shop located on the farm. Since that time, well water has been used to operate two potato cellars, a shop, one trailer, drinking water and for cleaning machinery.

After Ed Covington's death, his sons Brent E. Covington and E. Blair Covington changed the name to Covington Brothers LLC. Both sons are now deceased.

I am the widow of E. Blair Covington and a partnership owner of the farm.

Mr. Gordon Steiner, a neighbor to the Covington Brothers Farm, can verify that the well has been used since it was drilled.



  
Joyce J. Covington  
Covington Brothers LLC

*Notarized by K. Stout  
Comm Exp 4-22-10*

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Department of Water Resources  
Eastern Region

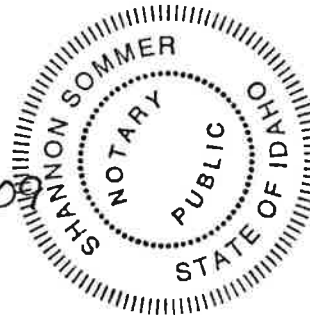
SRBA Water Right Claim  
22-10287

November 18, 2005

I, Mr. Gordon Steiner, can verify that the well located at the Covington Farm Shop has been used since it was drilled.

Gordon Steiner  
Gordon Steiner

Shannon Sommer  
Rexburg, Idaho  
Commission expires: 4-28-09



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Department of Water Resources  
Eastern Region

November 18, 2005

Re: SRBA WATERRIGHT CLAIM 22-10287

To whom it may concern:

SRBA water right claim 22-10287 is a small well .03 cfs on the Covington Brothers LLC farm. The farm is located 12 miles southeast of Rexburg, Idaho commonly known as *The Rexburg Bench*.

It was drilled by Ed Covington and Sons on April 1, 1966 at the shop located on the farm. Since that time it has been used for farm needs.

After Ed Covington's death, his sons Brent E. Covington and E. Blair Covington changed the name to Covington Brothers LLC. Both sons are now deceased.

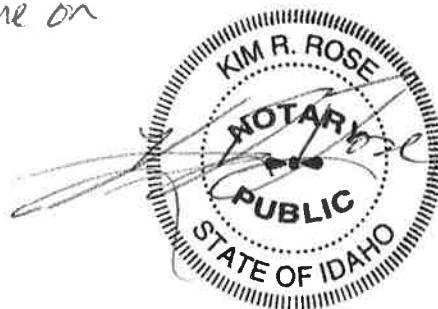
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Joyce J. Covington  
Covington Brothers LLC

*Joyce Covington appeared before me on  
November 18<sup>th</sup>, 2005*

*My Commis - Expires  
12/13/05*



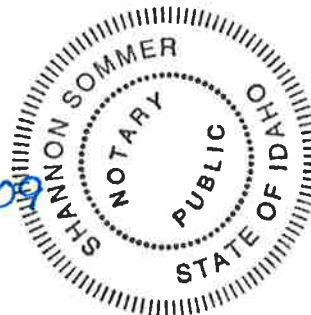
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November 18, 2005

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Gordon Steiner  
Gordon Steiner

Shannon Sommer  
Rexburg, Idaho  
Commission expires: 4-28-09



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### WATER RIGHTS CHART

| Water Right No. | Priority Date | Source                        | Type of water right | Total acres   | SRBA Claimed Amount    | SRBA Recommended Amounts                  | SRBA Recommended Conditions                                                                              |
|-----------------|---------------|-------------------------------|---------------------|---------------|------------------------|-------------------------------------------|----------------------------------------------------------------------------------------------------------|
| 1-7006          | 11/12/1974    | South Fork of the Snake River | License             | 960           | 7.38 cfs<br>3132.6 AFA | 7.38 cfs<br>3132.6 AFA                    | Use of this water right with Water Right No. 1-10011 is limited to 7.38 cfs, 3132.6 AFA, and 1334 acres. |
| 25-7106         | 04/15/1977    | Groundwater                   | License             | Recharge well | 5.31 cfs<br>2254 AFA   | 5.31 cfs<br>2254 AFA                      | Use of this water right with Water Right No. 25-10069 is limited to 5.31 cfs, 2254 AFA.                  |
| 1-10011         | 07/01/1985    | South Fork of the Snake River | Enlargement         | 374           | 4.84 cfs<br>484 AFA    | 2.07 cfs<br>(Ignore this amount)          | Use of this water right with Water Right No. 1-7006 is limited to 7.38 cfs, 3132.6 AFA, and 1334 acres.  |
| 25-10069        | 07/01/1985    | Groundwater                   | Enlargement         | 374           | 4.84 cfs               | 1 cfs<br>10 AFA<br>(Ignore these amounts) | Use of this water right with Water Right No. 25-7106 is limited to 5.31 cfs, 2254 AFA.                   |
| 22-10287        | 04/01/1966    | Groundwater                   | Enlargement         | Shop          | .03 cfs                | No recommendation yet (it is coming soon) | None                                                                                                     |

As you can see from the chart, IDWR recommended the claimed amounts for both of Covington Bros.' licensed water rights: 7.38 cfs (Water Right No. 1-7006) and 5.31 cfs (Water Right No. 25-7106 (the recharge well)). This is good news. Now, please refer to Map A enclosed with this letter. The amounts enclosed in the quarter-quarter sections (outlined in red) on this map are the amounts authorized to be irrigated under Water Right No. 1-7006 for a total of 960 acres. Sometime after this license was granted, Covington Bros. or one of its predecessors began using water from Water Right No. 1-7006 to irrigate more acres. Brent submitted a claim to the SRBA court to be able to irrigate these additional acres under Water Right No. 1-7006 and IDWR determined that Covington Bros. had irrigated 374 additional acres. As a result, IDWR recommended that Covington Bros. be issued an additional water right, Water Right No. 1-10011, to allow irrigation of these additional acres, for a total of 1334 acres. Don't let the 2.07 cfs number above associated with this right concern you. Simply ignore it. As mentioned above, this number is irrelevant and can be safely ignored. Also, as indicated in the water rights chart above, there are conditions on both Water Right No. 1-7006 and 1-10011 that limit the use of

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Lastly, Water Right No. 22-10287 has not had a recommendation yet because it is in Basin 22 and IDWR will make recommendations for that basin within the next couple of years.

Now that we have explained the current status of your water rights, there are some issues that need to be addressed. Map C is an ASCS map we obtained from you that outlines Covington Bros.' fields and the irrigated acreage in each of those fields. There are some discrepancies between the field designations on Map C and the tax notices (which are shown on Map D). At this point, please refer to Map D. This map needs some explanation. On this map, we first drew the land Covington Bros. owns based on the tax notices we obtained from you. The area encompassing this land is outlined in blue and is filled in with blue crosshatching. Next, we filled in the area farmed by Covington Bros. based on Map C that was not included in any of the tax notices we received from you. This additional area is outlined in blue, but it has black crosshatching and is highlighted yellow. Please note that this area has approximate boundaries based on Map C because I did not have any tax notices to go by. I am unsure why the tax notices did not include the area highlighted in yellow. This is something that you may want to check into. Perhaps you did not have all of the tax notices to give us, but it is also possible that you are currently not being taxed as you should. In any event, the areas filled with crosshatching (both black and blue) on Map D are approximately the areas that Covington Bros. owns based upon tax notices we received from you and from Map C (the ASCS map).

In addition, please look on Map D at the northwest quarter of the northwest quarter of 4N R40E Sec. 13. It is the area with both blue and orange crosshatching. This area is on one of the tax notices, but on Map C, the ASCS aerial photo, this quarter-quarter is not included as one of your fields. In other words, it appears that you are being taxed on this parcel, but the ASCS photo indicates that you do not own it. Please look into this and provide us with additional information.

Please look at Map E. This is the important one. This map is a combination of Map B and Map D. In other words, the acres recommended by IDWR to the SRBA to be irrigated with Water Right No. 1-7006 and Water Right No. 25-7106 are layered on top of your land ownership. The acres authorized to be irrigated within each quarter-quarter section is in blue highlighted by a yellow box. This layering raises a number of issues discussed below and each of these issues are labeled and circled on Map E.

Issue #1: First, you should see that to the left of the area authorized for irrigation are areas that are owned by Covington Bros., but that are not authorized to use water from your water rights for irrigation. Perhaps we need further explanation. Referring to Map C, it appears that the area not authorized for water use are Fields 10 and 13. It is possible that these fields are either irrigated by other water rights, are not irrigated at all, or are irrigated and farmed by someone else. Please inform us if this is the case.

# MEMORANDUM

**TO:** GLM  
**FROM:** Rob Harris  
**RE:** Covington Bros. Water Rights  
**DATE:** 9 May 2005

This memorandum addresses how the water rights owned by Covington Brothers LLC are affected by the Order of April 19, 2005 issued by Idaho Department of Water Resources Director Karl Dreher and the Amended Order issued on May 2, 2005. The Amended Order only clarified some findings of fact made by the Director, so practically speaking, both Orders do the same thing as it relates to water rights in the Eastern Snake Plain Aquifer. For simplicity sake, I'll simply refer to what the Director issued as his "Order."

The short answer to your question is that none of the Covington Brothers rights are affected by the Director's Order for a number of reasons. Those reasons are discussed below. It is important to note, however, that these rights could be affected next year. This will also be explained below.

## DISCUSSION

The Director's Order is sixty-three (63) pages and it is complex both legally and scientifically. However, the Order is fairly clear on which rights are affected by the Order. There are FOUR criteria for those rights that are subject to the Director's Order, and all four of these criteria must be met:

- (1) The water right must be a ground water right.
- (2) The water right must be located within the boundaries of State-created Water District 120 or Water District 130.
- (3) The water right must have a priority date later than February 27, 1979.
- (4) The water right must be for agricultural, commercial, industrial, and municipal uses (which excludes domestic in-house culinary water).

Each of the Covington Brothers water rights will be discussed in turn below.

### **Water Right No. 1-10011**

This water right is a surface water right for water from the Snake River. Therefore, the Order does not affect this right in any way.

### **Water Right No. 1-7006**

This water right is a surface water right for water from the Snake River. Therefore, the Order does not affect this right in any way.

### **Water Right No. 22-10287** *slip/cellar*

This ground water right is for .03 cfs, .01 cfs of which is for commercial purposes and .02 cfs of which is for domestic purposes. This means that only .01 cfs of this right could be subject to the Order because it is for

## OPERATING AGREEMENT

THIS OPERATING AGREEMENT of the COVINGTON BROTHERS LIMITED LIABILITY COMPANY is made by BRENT E. COVINGTON, as trustee of the Brent E. Covington Family Living Trust, JOYCE J. COVINGTON individually, and JOYCE J. COVINGTON as trustee of the E. Blair Covington Family Trust. Each shall hereinafter be referred to individually as "a Member" and collectively as "the Members."

The Members agree as follows:

### ARTICLE I FORMATION

Covington Brothers Limited Partnership is an Idaho Limited Partnership currently active and operating within the state of Idaho (the "Limited Partnership"). The partners of the Limited Partnership are as follows:

| <u>Name</u>                                                              | <u>Title</u>    | <u>Units Owned</u> |
|--------------------------------------------------------------------------|-----------------|--------------------|
| Brent E. Covington,<br>Trustee of the Brent E.<br>Covington Family Trust | General Partner | 902,130.00         |
| Joyce J. Covington,<br>Trustee of the E. Blair<br>Covington Family Trust | General Partner | 451,065.00         |
| Joyce J. Covington                                                       | General Partner | 451,065.00         |
| Brent E. Covington,<br>Trustee of the Brent E.<br>Covington Family Trust | Limited Partner | 356,870.00         |

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Joyce J. Covington,  
Trustee of the E. Blair  
Covington Family Trust

Limited Partner

312,316.66

Joyce J. Covington

Limited Partner

116,533.34

Total Units

2,590,000.00

The Partners of the Limited Partnership hereby agree that the Limited Partnership shall be converted to a Limited Liability Company to be known as the Covington Brothers Limited Liability Company and to be operated upon the following terms and conditions and pursuant to the laws of the State of Idaho.

## ARTICLE II NAME OF LIMITED LIABILITY COMPANY

The name of the Limited Liability Company is Covington Brothers Limited Liability Company.

## ARTICLE III PURPOSE

The purpose of the Limited Liability Company is to engage in the business of owning, operating and leasing farm real estate, and any other lawful purpose.

## ARTICLE IV PRINCIPAL OFFICE

The principal place of business of the Limited Liability Company shall be at Madison County, Idaho. The principal place of business may be changed from time to time and other places of business may be established by actions taken in accordance with the provisions of this Operating Agreement.

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Eastern Region

STATE OF IDAHO  
DEPARTMENT OF HEALTH AND WELFARE



BUREAU OF VITAL STATISTICS,  
STANDARDS AND LOCAL HEALTH  
SERVICES

450 W. STATE ST.  
BOISE, IDAHO 83720

CERTIFICATE OF DEATH

DATE FILED: MAY 09, 1986

STATE FILE NUMBER: 86-02300

DECEDENT: EDWARD STOKER COVINGTON

DATE OF DEATH: MAY 01, 1986

PLACE OF DEATH: REXBURG, IDAHO

DATE OF BIRTH: APRIL 13, 1909

PLACE OF BIRTH: UTAH

AGE: 77 YEARS

SEX: MALE

CITIZENSHIP: UNITED STATES

VETERAN? NO

MARITAL STATUS: MARRIED

SURVIVING SPOUSE: LETHA ZOLLINGER

SOCIAL SECURITY NUMBER: [REDACTED]

RESIDENCE: REXBURG, IDAHO

FATHER: WILLIAM HENRY COVINGTON

MOTHER: ROSABELLE STOKER

MORTUARY: FLAMM FUNERAL HOME, INC.

REXBURG, ID

CERTIFIER: C. JEFFERY ZOLLINGER, MD

AUTOPSY: NO

1. CAUSE OF DEATH, UNDERLYING CAUSE LAST:

INTERVAL

CARDIO PULMONARY ARREST

MINUTES

UPPER AIRWAY OBSTRUCTION

24 HOURS

PARKINSONISM

8 YEARS

2. OTHER CONDITIONS CONTRIBUTING TO DEATH BUT UNRELATED TO ABOVE CAUSES:

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Eastern Region

DATE ISSUED: MAY 09, 1986

This is to certify that this is a true and correct reproduction or abstract of the official record  
filed with the Idaho Department of Health & Welfare, Boise, Idaho.

*Bee Biggs, R.N.*

BEE BIGGS, R.N. State Registrar

DO NOT ACCEPT UNLESS ON SECURITY PAPER WITH EMBOSSED SEAL OF IDAHO

DEPT. OF HEALTH & WELFARE CLEARLY AFFIXED.

Section 39-273, Idaho Code

HWH0139

DEPARTMENT OF HEALTH AND WELFARE

61191

STATE OF IDAHO  
DEPARTMENT OF HEALTH AND WELFAREBUREAU OF VITAL STATISTICS,  
STANDARDS AND LOCAL HEALTH  
SERVICES450 W. STATE ST.  
BOISE, IDAHO 83720

## CERTIFICATE OF DEATH

DATE FILED: JANUARY 28, 1988 STATE FILE NUMBER: 88-00368  
DECEDENT: EDGAR BLAIR COVINGTON  
DATE OF DEATH: JAN. 08, 1988 PLACE OF DEATH: ISLAND PARK, IDAHO  
DATE OF BIRTH: JUNE 02, 1938 PLACE OF BIRTH: IDAHO  
AGE: 49 YEARS SEX: MALE CITIZENSHIP: UNITED STATES VETERAN? NO  
MARITAL STATUS: MARRIED SURVIVING SPOUSE: JOYCE JEPPESEN  
SOCIAL SECURITY NUMBER: [REDACTED] RESIDENCE:  
FATHER: EDWARD STAKER COVINGTON  
MOTHER: LETHA ZOLLINGER  
MORTUARY: FLAMM FUNERAL HOME, INC. REXBURG, ID  
CERTIFIER: PAUL ROMRELL, CORONER AUTOPSY: YES

1. CAUSE OF DEATH, UNDERLYING CAUSE LAST: INTERVAL  
MASSIVE BLUNT TRAUMA - BILATERAL INSTANTLY  
PNEUMOTHORAX - MULTIPLE RIB FRACTURES  
SNOW MOBILE TREE ACCIDENT  
2. OTHER CONDITIONS CONTRIBUTING TO DEATH BUT UNRELATED TO ABOVE CAUSES:  
FRACTURED 5-10 WITH SPINAL COLUMN DAMAGE  
TYPE OF INJURY: ACCIDENT DATE OF INJURY: JANUARY 08, 1988  
HOUR OF INJURY: 01:15 P.M. INJURY AT WORK? NO  
HOW INJURY OCCURRED: SNOW MOBILING AND STRUCK TREE (DRIVER)  
PLACE OF INJURY: 1/2 MI SO. IS. PARK  
LOCATION OF INJURY: ISLAND PARK IDAHO

DATE ISSUED: JANUARY 29, 1988

This is to certify that this is a true and correct reproduction or abstract of the official record  
filed with the Idaho Department of Health & Welfare, Boise, Idaho.

*Bee Biggs, R.N.*

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Section 39-273, Idaho Code

BOOK 1485 PAGE 525

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HW10139

Department of Water Resources  
Eastern Region

DEPARTMENT OF HEALTH AND WELFARE

# CERTIFICATE OF VITAL RECORD

## STATE OF IDAHO IDAHO DEPARTMENT OF HEALTH AND WELFARE BUREAU OF HEALTH POLICY AND VITAL STATISTICS

### CERTIFICATE OF DEATH

Date Filed **FEBRUARY 28, 2005**

State File No. **2005-01499**

|                                                                                                                                |                                             |                                                                         |                                                                |
|--------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|-------------------------------------------------------------------------|----------------------------------------------------------------|
| <b>DECEDENT - LEGAL NAME</b><br>BRENT EDWARD COVINGTON                                                                         |                                             |                                                                         |                                                                |
| <b>SEX</b><br>MALE                                                                                                             | <b>SOCIAL SECURITY NUMBER</b><br>[REDACTED] | <b>AGE</b><br>72 YEARS                                                  | <b>DATE OF BIRTH</b><br>SEPTEMBER 30, 1932                     |
| <b>BIRTHPLACE</b><br>REXBURG, IDAHO                                                                                            |                                             | <b>PLACE OF RESIDENCE</b><br>IDAHO FALLS, IDAHO                         |                                                                |
| <b>MARITAL STATUS AT TIME OF DEATH</b><br>MARRIED                                                                              |                                             | <b>NAME OF SURVIVING SPOUSE (If wife, maiden name)</b><br>JOANNA LAWLER | <b>WAS DECEDENT EVER IN U.S. ARMED FORCES?</b><br>NO           |
| <b>FATHER - NAME</b><br>EDWARD STOKER COVINGTON                                                                                |                                             |                                                                         | <b>BIRTHPLACE</b><br>UTAH                                      |
| <b>MOTHER - MAIDEN NAME</b><br>LETHA ZOLLINGER                                                                                 |                                             |                                                                         | <b>BIRTHPLACE</b><br>IDAHO                                     |
| <b>METHOD OF DISPOSITION</b><br>BURIAL                                                                                         |                                             | <b>FUNERAL SERVICE LICENSEE</b><br>BRUCE W. BAXTER                      |                                                                |
| <b>NAME AND ADDRESS OF FUNERAL FACILITY</b><br>FLAMM FUNERAL HOME, INC., REXBURG, IDAHO                                        |                                             |                                                                         |                                                                |
| <b>DATE OF DEATH</b><br>FEB. 15, 2005                                                                                          | <b>TIME OF DEATH</b><br>4:27 P.M.           | <b>CITY, TOWN OR LOCATION OF DEATH</b><br>REXBURG, IDAHO                | <b>COUNTY OF DEATH</b><br>MADISON                              |
| <b>CAUSE OF DEATH (underlying cause last)</b><br>a. HEAD INJURY<br>b. CAR WRECK<br>c.<br>d.                                    |                                             |                                                                         | <b>Approximate Interval Between Onset and Death</b><br>MINUTES |
| <b>OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH but not resulting in the underlying cause given above</b><br>NONE STATED |                                             |                                                                         | <b>WAS AN AUTOPSY PERFORMED?</b><br>NO                         |
| <b>MANNER OF DEATH</b><br>ACCIDENT                                                                                             |                                             | <b>NAME OF CERTIFIER</b><br>RICK DAVIS                                  | <b>TITLE</b><br>CORONER                                        |
| <b>CORONER SUBSEQUENT CERTIFICATION IF NECESSARY</b>                                                                           |                                             |                                                                         |                                                                |
| <b>EXTERNAL CAUSES ONLY</b>                                                                                                    |                                             |                                                                         |                                                                |
| <b>DATE OF INJURY</b><br>FEB. 15, 2005                                                                                         | <b>TIME OF INJURY</b><br>4:27 P.M.          | <b>PLACE OF INJURY</b><br>RURAL ROAD                                    | <b>INJURY AT WORK?</b><br>NO                                   |
| <b>LOCATION WHERE INJURY OCCURRED</b><br>3000 W 500 N, REXBURG, IDAHO                                                          |                                             |                                                                         |                                                                |
| <b>DESCRIPTION OF HOW INJURY OCCURRED</b><br>SEDAN HIT IN REAR/SIDE BY PASSING PICKUP AS SEDAN TURNED LEFT                     |                                             |                                                                         |                                                                |

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Department of Water Resources  
Eastern Region

This is a true and correct reproduction of the document officially registered and placed on file with the IDAHO BUREAU OF HEALTH POLICY AND VITAL STATISTICS.

DATE ISSUED: **MARCH 25, 2005**

This copy is not valid unless prepared on engraved border displaying state seal and signature of the Registrar.

*Jane S. Smith*

JANE S. SMITH  
STATE REGISTRAR





COVINGTON BROS  
SPUD CELLAR  
221 S 3RD E  
REXBURG ID 83440-2205

Questions about your bill: 1-888-221-7070  
24 hours a day, 7 days a week  
www.utahpower.net

PAGE 1 OF 2

BILLING DATE: Nov 15, 2005  
ACCOUNT NUMBER: 62821536-001 5

### Your Balance With Us

|                          |           |
|--------------------------|-----------|
| Previous Account Balance | 294.06    |
| Payments/Credits         | -294.06   |
| New Charges              | +530.03   |
| Current Account Balance  | \$ 530.03 |

### Payments Received

| DATE           | DESCRIPTION                             | AMOUNT    |
|----------------|-----------------------------------------|-----------|
| Oct 31, 2005   | Payment from ELECTRIC CHECK - Thank you | 294.06    |
| Total Payments |                                         | \$ 294.06 |

### Detailed Account Activity

#### ITEM 2 - ELECTRIC SERVICE

827 E N Heise Rd Rexburg ID  
Schedule 6A

| METER NUMBER            | SERVICE PERIOD<br>From To | ELAPSED DAYS | METER READINGS |         | METER MULTIPLIER | AMOUNT USED THIS MONTH |
|-------------------------|---------------------------|--------------|----------------|---------|------------------|------------------------|
|                         |                           |              | Previous       | Current |                  |                        |
| 28372316                | Oct 12, 2005 Nov 10, 2005 | 29           | 23             | 167     | 40.0             | 5,760 kwh              |
| 28372316                | Oct 12, 2005 Nov 10, 2005 | 29           | 5              | 125     | 40.0             | 4,800 kvarh            |
| 28372316                | Demand Nov 10, 2005       |              |                | 1.013   | 40.0             | 41 kw                  |
| Power Factor Adjustment |                           |              |                |         |                  | 3.0000 kw              |
| Power Factor            |                           |              |                |         |                  | 0.7682                 |

| NEW CHARGES - 11/05         | UNITS     | COST PER UNIT | CHARGE  |
|-----------------------------|-----------|---------------|---------|
| Basic Charge - 3P           |           |               | 29.17   |
| Demand Charge for 19 day(s) | 44 kw     |               | 307.88  |
| Demand Charge for 10 day(s) | 44 kw     |               | 133.37  |
| Energy Charge               | 5,760 kwh | 0.0295640     | 170.29  |
| B P A Energy Discount       | 5,760 kwh | -0.0192160    | -110.68 |
| Total New Charges           |           |               | 530.03  |

Write account number on check & mail to: Utah Power, 1033 NE 6th Ave, Portland, OR 97256-0001

RETAIN THIS PORTION FOR YOUR RECORDS  
RETURN THIS PORTION WITH YOUR PAYMENT.



PO BOX 25308  
SALT LAKE CITY UT 84125

To help those in your area who need assistance paying energy bills, add \$1, \$2, \$5, or \$10 to your payment. If you are paying toward next month's bill, please make sure overpayment is not in increments of the above amounts or it will be donated.

WRITE ACCOUNT NUMBER  
ON CHECK & MAIL TO:

UTAH POWER  
1033 NE 6TH AVE  
PORTLAND OR  
97256-0001

00010 01 AV 0.278 1-0

COVINGTON BROS  
SPUD CELLAR  
221 S 3RD E  
REXBURG ID 83440-2205

RECEIVED

NOV 21 2005

Department of Water Resources  
Eastern Region

Change of Mailing Address or Phone?  
Check here & provide information on back.

Account Number: 62821536-001 5

Date Due: Dec 2, 2005

AMOUNT DUE: \$530.03

Bank Payment - Do Not Pay

Please enter the amount enclosed.

Questions about your bill:  
1-888-221-7070

Automatic Withdrawal for Total Amount Due to occur on the payment date

October 31, 2005

COVINGTON BROS LTD  
C/O JOYCE COVINGTON  
221 SOUTH 3<sup>RD</sup> EAST  
REXBURG ID 83440

**FINAL NOTICE**  
**PLEASE READ**

**RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-10287**

Dear Claimant (s):

The Idaho Department of Water Resources is beginning water rights review in Basin 22, the Teton Valley area. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

***Your claim, as referenced above, claims a Priority Date of APRIL 01, 1966, from Groundwater.***

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence which are acceptable and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date**". **PLEASE READ THE ENCLOSED PAMPHLET.**



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: [www.idwr.state.id.us](http://www.idwr.state.id.us)

EASTERN REGION

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

February 25, 2005

*Shirley Pof*

COVINGTON BROS LTD  
C/O JOYCE COVINGTON  
221 SOUTH 3<sup>RD</sup> EAST  
REXBURG ID 83440

RE: Notice of Change of Address for 01-7006, 01-10011,  
22-10287, 01-7087 And Notice of Completed Administrative  
Proceeding (NCAP) For 25-7106 and 25-10069

Dear Claimant:

On February 23, 2005, the Idaho Department of Water Resources (IDWR) received a change of address for the above referenced water right(s). Based on this change, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of 25-7106 and 25-10069 to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

*Katy Jackson*

Katy Jackson  
Office Specialist 1

Enclosure

PROFILED

SCANNED  
FEB 25 2005

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**CHANGE IN ADDRESS**

This form can be used to notify the Department of a change in  
address of the owners of record for the listed water rights.  
(Please print or type)

[ ] Water Right Number(s): 01-7006, 01-10011, 22-10287,  
25-7106, 25-10069  
01-7087 (wr permit/draft/active)

[ ] Name(s): Covington Bros LTD  
c/o Brent Covington

[ ] Old Mailing Address: Brent Covington  
1890 Niagara St  
Idaho Falls, ID 83404

\* [ ] New Mailing Address: Joyce J. Covington  
221 So. 3<sup>rd</sup> E.  
Repuburg, Id. 83440

\* Telephone Number: 208, 356 - 5790

[ ] Signature(s) of Owner(s) Joyce J. Covington  
Manager  
(Include your title if on behalf of company or organization)

SCANNED

MAR 01 2005

Date: 2/23/05

PROFILED

Water Right No(s). A22-10287

See Attached photos

GPS DATA:

Tag # A0000293 Location: on power pole behind well  
GPS data - 2685745 GPS File 221028  
1391549

Diversion Data:

Source: Groundwater Trib to: \_\_\_\_\_

MOTOR \* Submersed motor + pump

Make: \_\_\_\_\_ Model: \_\_\_\_\_ Hp: \_\_\_\_\_  
SN: \_\_\_\_\_

PUMP

Make: \_\_\_\_\_ Model: \_\_\_\_\_ Disch: \_\_\_\_\_  
SN: \_\_\_\_\_

NOTES:

System is a 6" well going to a shop + 2 potato cellars.  
It appears that this system uses 2500 gpd or less as there is  
no domestic residence. Joyce Covington is now the representative.  
Lee Sutton runs Farm (home phone - 356-6392). Brent Covington  
phone disconnected.

Field Exam Date: 6-9-2005 Agent: H.W. Jones

Cowan 0101ct  
Dm

$(.01 \times 1.9835 \times 180 \text{ days} = 3.57 \text{ AF})$

1.20

4.77 = 5 AF

N11  
N13 Andy

A22-10287, Looking North

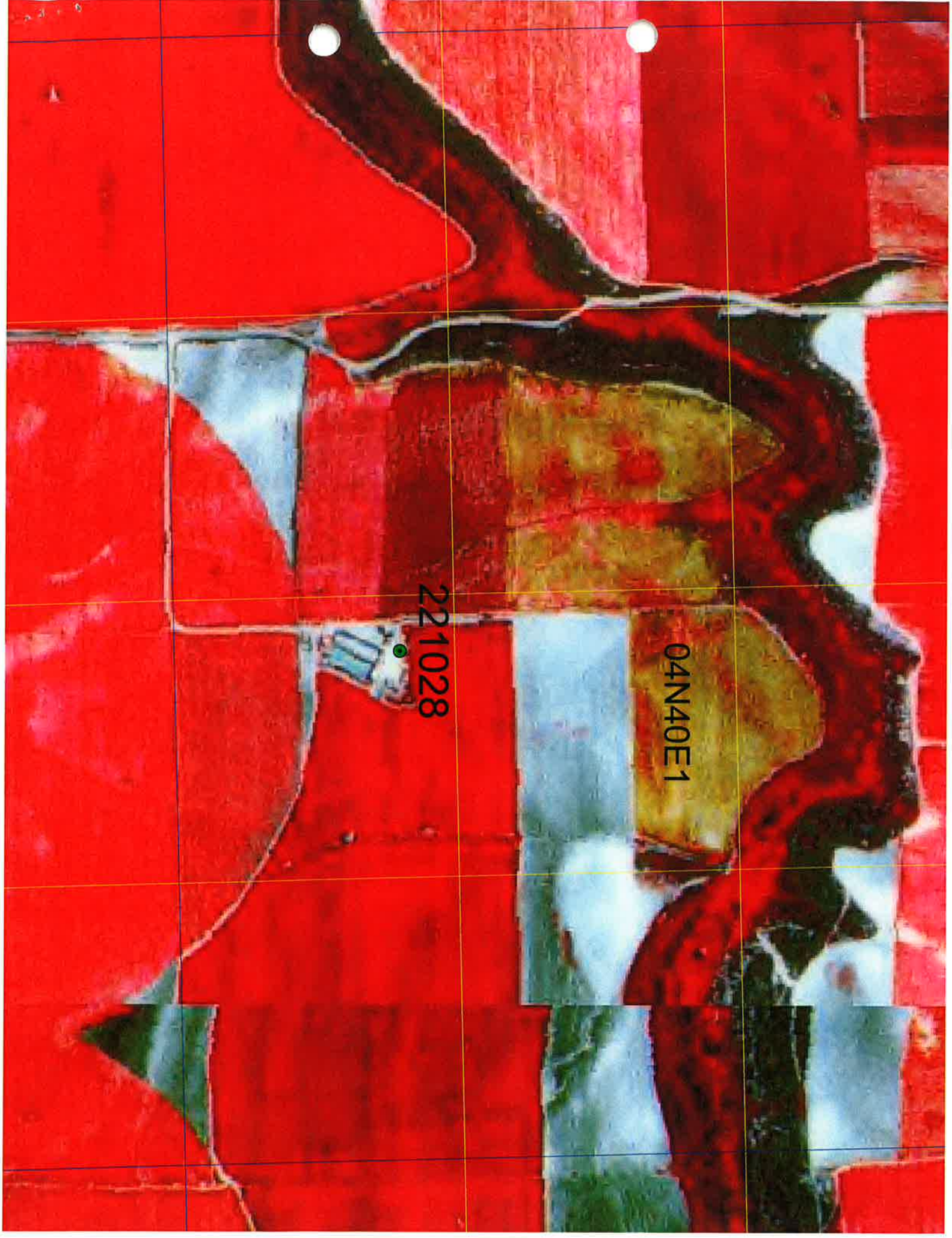




A22-10287, two cellars + a shop at P.O.U.

04N40E1

221028





State of Idaho

## DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: [www.idwr.state.id.us](http://www.idwr.state.id.us)

EASTERN REGION  
June 4, 2004

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

**COVINGTON BROS LTD  
CO BRENT COVINGTON  
1550 ALICE  
IDAHO FALLS ID 83401**

**RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-10287**

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 22, the Teton River drainage. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. As the claimant, you are responsible for submitting the necessary proof to support the priority date.

*Your claim, as referenced above, claims a Priority Date of APR 1 1966, from GROUNDWATER.*

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence which are acceptable and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date". **PLEASE READ THE ENCLOSED PAMPHLET.**

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or soon will be conducted by Department personnel.

.....  
The Department will not recommend the Notice of Claim be decreed by the court if  
evidence of a priority date is not submitted. The Notice of Claim will be disallowed.  
.....

Please submit documentation supporting the priority date within 30 days of the date of  
this letter, referencing all documents with the corresponding claim number. If you  
have any questions not covered by this letter or the enclosed pamphlet, please feel free to  
contact this office.

Respectfully submitted,



Allen B. Ruberry  
Sr. Water Resource Agent  
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"

22-10287



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,  
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A22-10287  
Date Received: 7/25/1988  
Receipt No: E000867  
Received By: HRM

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: COVINGTON BROS. LTD. 208-522-0406  
Address: C/O BRENT COVINGTON  
1550 ALICE  
IDAHO FALLS, ID 83401

2. Date of Priority: APR 01, 1966

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County  |
|----------|-------|---------|--------|--------|-----|-----|---------|
| 04N      | 40E   | 1       | NW     | SW     | SE  |     | MADISON |

5. Description of diverting works:  
WELL AND PUMP

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| COMMERCIAL | 01/01 | 12/31 | 0.010  |      |        |
| DOMESTIC   | 01/01 | 12/31 | 0.020  |      |        |

7. Total Quantity Appropriated is:  
0.030 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
C/2 POTATO CELLARS, SHOP, D/ONE TRAILER

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use    | Acres |
|----------|-------|---------|--------|-----|-----|--------|-------|
| 04N      | 40E   | 1       | SW     | SE  |     | COMMER |       |

A22-10287

Page 1

Date: 07/25/88

A2210287



MICROFILMED  
NOV 05 1992

10. Place of Use: Continued

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use    | Acres |
|----------|-------|---------|--------|-----|-----|--------|-------|
| 04N      | 40E   | 1       | SW     | SE  |     | DOMEST |       |

11. Place of use in counties: MADISON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:  
NONE

14. Remarks:  
PRIORITY DATE IS BEST ESTIMATE.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do \_\_\_\_\_ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

**For Organizations:**

I do solemnly swear or affirm that I am General Partner of Covington Bros. Ltd., that I have signed the foregoing document in the space below as General Partner of Covington Bros. Ltd. and that the statements contained in the foregoing document are true and correct.

[Signature]  
Signature of Authorized Agent  
General Partner, Covington Bros. Ltd.  
Title and Organization  
July 25, '88  
Date

State of Idaho )  
County of Bonnerville ) SS.

Subscribed and sworn (or affirmed) before me this 25<sup>th</sup> day  
of July 19 88  
[Signature]  
Notary Public

Residing at Rigby  
My Commission Expires 4-22-1994

A22-10287

THIN  
R40E

P/O

P/O

Herbert

Lyons

12

5586

5784

13

5547

19

NOT FILMED  
NOV 63 1962