

RECEIVED

MAY 04 2017

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
STATEMENT OF COMPLETION
FOR SUBMITTING PROOF OF BENEFICIAL USE

FOR OFFICE USE ONLY
Amt. of Fee \$ 50.00
Receipt No. N032552
Received By NS
Date Received 5-4-17

IDWR / NORTH

The Idaho Department of Water Resources considers this form a statement by the permit holder(s) that development of a water right has been **completed** and that water has been applied to beneficial use to the extent described below. **This form must be accompanied by an examination fee, when necessary, or by a completed Beneficial Use Field Report prepared by a certified water right examiner.** Please refer to the instructions and fee schedule for this form. If ownership of the permit has changed, contact any Department office or visit the Department's website at idwr.idaho.gov for an *Assignment of Permit* form. If you wish to relinquish your permit because you have not established the authorized use of the water and are not applying for an extension, please notify the Department in writing.

- Permit No. 95-09367 Telephone No. 208-667-5117 C 509-998-7138
- Name of Permit Holder(s) Cav OK LLC Rock Island LLC Nancy Newton
- Mailing Address 212 Ironwood Dr. #D214 City Coeur d Alene
State ID Zip 83814 Email roynewtons@msn.com
- Source of Water Lk CDA If **GROUND WATER** (well), Date Drilled mo. _____ / yr. _____
Well Driller _____ Drilling Permit Number RECEIVED
- Extent of use(s) completed **as authorized by the water right permit:**
Domestic (No. of households) 1 Stockwater (No. and type of stock) _____
Irrigation (No. of acres) 1 Other _____
DEPARTMENT OF WATER RESOURCES
- Total rate of diversion or storage volume for which proof is submitted .04 cfs **OR** _____ acre-feet.
- Compliance with a measuring device requirement, lockable controlling device requirement, and/or other conditions of permit:
Refer to the approval conditions on your permit and respond accordingly.
The Department will not issue a license if permit conditions are not met.

Measuring Device	Is a measuring device required?	Yes ☐	No ☒
	If yes, has the measuring device been installed?	Yes ☐	No ☐
Lockable Controlling Device	Is a lockable device required to control the diversion?	Yes ☐	No ☒
	If yes, has the lockable device been installed?	Yes ☐	No ☐
Fish Screen	Is a fish screen required?	Yes ☒	No ☐
	If yes, has the fish screen been installed?	Yes ☒	No ☐

Other Conditions of Permit

Do the approval conditions on your permit require you to submit additional information in connection with your proof of beneficial use? If yes, list the conditions below and attach documents with the required information.

Completed? Yes ☐ No ☒

- Fee Enclosed \$ 50.00 or not applicable ☐. See fee schedule on page 2 of the instructions.
Proof statements filed without an appropriate fee, will be considered incomplete.
- Person to contact to accompany the Department representative during field examination of the water system.
Name Roy Newton Telephone Number 509-998-7138
Mailing Address 212 Ironwood Dr. #214 City Coeur d Alene
State ID Zip 83814 Email roynewtons@msn.com

The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted and applied to a beneficial use. I understand that any undeveloped portion of the permit is relinquished to the State of Idaho.

Signature of Permit Holder [Signature] Date 5/4/2017
(Include your title, if on behalf of company or organization)

Mail to: Idaho Department of Water Resources, PO Box 83720, Boise, ID 83720-0098



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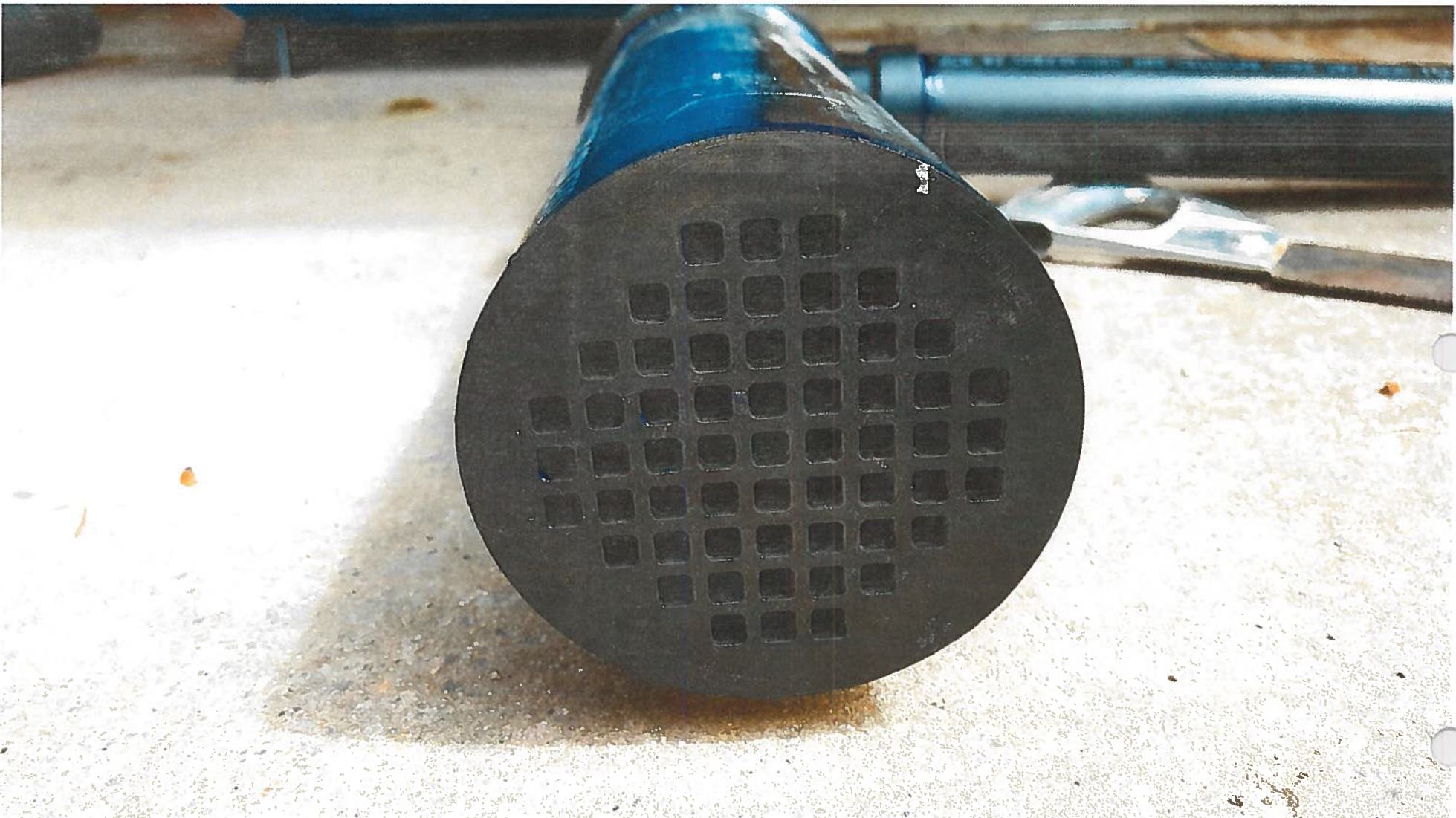
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MAY 11 2017



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MAY 11 2017

MICA SUPERVISORY OFFICE
3706 Industrial Avenue, South
Coeur d' Alene, ID 83815
Phone (208) 769-1577
Fax (208) 769-1597



STATE BOARD OF LAND COMMISSIONERS
C. L. "Butch" Otter, Governor
Ben Ysursa, Secretary of State
Lawrence G. Wasden, Attorney General
Donna M. Jones, State Controller
Tom Luna, Sup't of Public Instruction

ENCROACHMENT PERMIT L-95-S-5253

Permission is hereby granted to CAV OK, LLC (Agent: Nancy Newton) of 212 Ironwood Dr., #D214, Coeur d' Alene, ID 83814 to construct and maintain a 75' domestic water intake line/pump on lakebed located as follows, Lake Coeur d' Alene, adjacent to Parcel # 2435, Section 12, Township 49 N, Range 4 W, B.M., Kootenai County.

All applicable provisions of the Rules for Regulation of Beds, Waters and Airspace over Navigable Lakes and Streams in the State of Idaho, are incorporated herein by reference and made a part thereof.

1. Construction will follow details and specifications shown on the approved drawings and data provided by the applicant. Should such information and data prove to be materially false, incomplete and/or inaccurate, this authorization may be modified, suspended or revoked in accordance with the Administrative Procedures Act, Idaho Code title 67, chapter 52.
2. This permit does not convey the State's title to, or jurisdiction or management of lands lying below the natural or ordinary high water mark.
3. Acceptance of this permit constitutes permission by the Permittee for representatives of the Idaho Department of Lands to come upon Permittee's lands at all reasonable times to inspect the encroachment authorized by this permit.
4. The Permittee shall indemnify, defend and save harmless, the state, its officers, agents and employees from and against any liability, claims, damages, losses, debts, obligations, judgements, expenses or actions, including reasonable attorneys' fees from action taken related to this permit. If it becomes necessary for the State to defend any action seeking to impose any such liability. Permittee agrees to pay the State all costs of court attorney's fees incurred by the State in effecting such defense in addition to all other sums that the State may be called upon to pay by reason of entry of a judgement against it in the litigation in which such is asserted.
5. This permit is not valid until the number assigned is displayed in letters not less than 3 inches in size.

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MAY 11 2017

DANIEL J. ENGLISH 5P I 2155018000
KOOTENAI CO. RECORDER Page 1 of 5
AAA Date 04/21/2008 Time 10:27:00
REC-REQ OF CAV OK
RECORDING FEE: 12.00

2155018000 XX

*Recorded
Succowood Paint
695-S-5253*

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MAY 11 2017

MICA SUPERVISORY OFFICE
3706 Industrial Avenue, S.
Coeur d' Alene, ID 83815
Phone (208) 769-1577
Fax (208) 769-1597

IDAHO DEPARTMENT OF LANDS

GEORGE B. BACON, DIRECTOR
EQUAL OPPORTUNITY EMPLOYER

STATE BOARD OF LAND COMMISSIONERS
C. L. "Butch" Otter, Governor
Ben Ysursa, Secretary of State
Lawrence G. Wasden, Attorney General
Donna M. Jones, State Controller
Tom Luna, Sup't of Public Instruction

March 15, 2008

CAV OK, LLC.
Attn: Nancy Newton
212 Ironwood Dr. #D214
Coeur d' Alene, ID 83814

Re: Encroachment Permit L-95-S-5253

Dear Ms. Newton:

Enclosed is subject permit in accordance with the application CAV OK, LLC filed with this office. Review the permit for any errors as to what is requested and what is permitted. If you disagree with what is permitted, please notify me so that changes can be made prior to you recording the permit. Please comply with all special terms and conditions of the permit. The permit allows the water system to be installed and water can be drawn from Lake Coeur d' Alene as an approved Water Appropriation Permit has been issued by the Dept. of Water Resources. **The water line must be anchored to the lakebed with nontoxic type weights as stated in provision sixteen of the permit. All work is to take place during low water.**

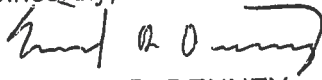
This permit is not valid until you provide the Idaho Department of Lands with proof of recordation from your county recorder's office. Please note that the original notarized permit must be presented to the recorder; a copy will not be accepted. **Provision six of the permit requires that you record the document with Kootenai County and submit proof of that recordation to this office within 30 days.** For additional information call (208) 769-4459. The encroachment permit number (**5253**) must be displayed upon the most waterward area of your encroachment with metal, plastic (vinyl) or wooden numerals at least three inches high.

WHAT NEXT?

1. Record the Encroachment Permit with the respective County in which the encroachment is located. The recordation number is recorded on the Yellow Work Completion report on line 4. Upon completion of the permitted encroachment, please record the completion date on report and return to this office.
2. The blue form-Request for Assignment of Encroachment Permit is used for future sale of property. The new owners will record their names and address along with the signature of the new owner and Previous owner then return to this office.

Thank you for your cooperation.

Sincerely,


MICHAEL R. DENNEY
Area Supervisor - Mica

cc

enclosures

c: Kootenai County Assessors Office

Records 4/21/08

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MAY 11 2017



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 11, 2017

CAV OK LLC
212 IRONWOOD DR STE D214
COEUR D ALENE ID 83814

PROOF ACKNOWLEDGEMENT LETTER

RE: Permit No. 95-9367

Dear Permit Holder(s):

The Department acknowledges receipt of the Proof of Beneficial Use form ("proof") and license examination fee for the above-referenced water right permit. Enclosed is an order that reinstates this permit since proof and the license examination fee were submitted after the proof deadline. Please note that the priority date for this permit has been advanced to **November 23, 2006**, as provided in section 42-218a(2), Idaho Code.

The next step in the process of developing a water right is for the Department to conduct a field examination to determine and confirm the use being made of the water according to the conditions of the permit.

Please be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the Department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any Department office or at the Department's website at www.idwr.idaho.gov.

If you have any questions concerning the field examination, please contact the Northern Region Office of the Department located in Coeur d'Alene at (208) 762-2800.

Sincerely,

Darla Block
Technical Records Specialist

Enclosure(s)

SCANNED
MAY 11 2017

CERTIFICATE OF SERVICE

I hereby certify that on **May 12, 2017** I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (**PRELIMINARY ORDER REINSTATING A PERMIT**) to the person(s) listed below:

RE: Preliminary Order in the Matter of Permit No. **95-9367**

**CAV OK LLC
212 IRONWOOD DR STE D214
COEUR D ALENE ID 83814**

A handwritten signature in black ink, reading "Darla Block", written over a horizontal line.

Darla Block
Technical Records Specialist

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.