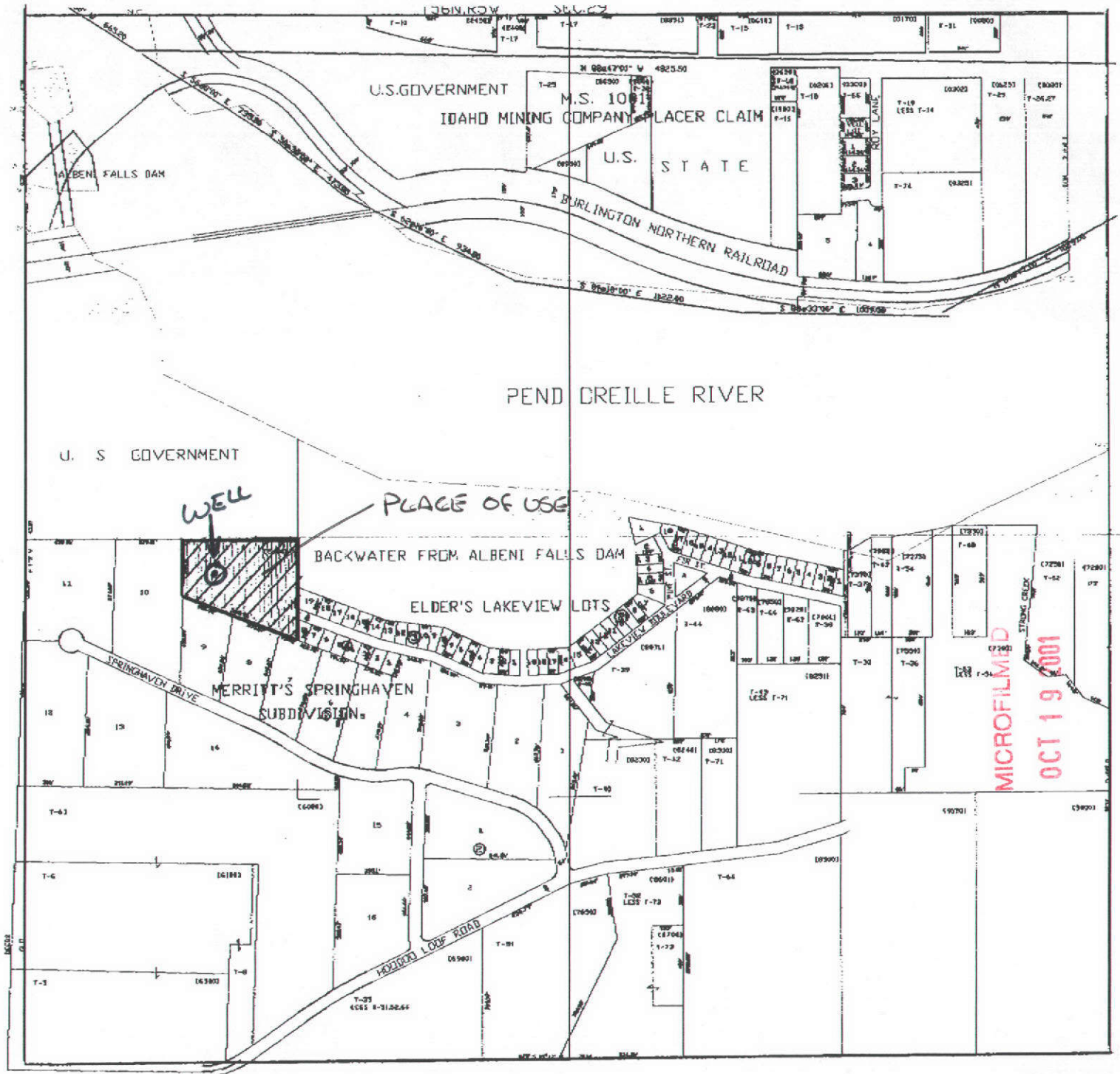


Attn: Al
From: CarrieAnn



Previous Survey by Robinson and Dyke 1893.

PEND D'OREILLE

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GREAT NORTHERN R.R.

RIVER

Sec. 30
0.31

Sec. 29
2.51

N. 0° 5' W.
63.25

SW NW
NW SW

Previous Survey by

Oscar Sonnenkalb

1892.

MICROFILMED
JUL 19 2007

**APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS**
Reviewed by Cindy Zimmerman on 6/25/00

No. 96-9044 Name: Cove Group Corp. Officers on file Ad ok ☒ NEED TO CHECK
Govt Lots 7

AREA OF CONCERN: No/Yes Moratorium GWMA TRUST/NON-TRUST

GROUNDWATER: (√Flow Chart)

DRILLING PERMIT

All wells

- 046(P23)

Irr. w/in WD - **P05**
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067

WMD

Supp irr (irr = only use) - 065-104
Supp irr (+ other uses) - 100-105
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - - 01M

LOCATION:

Boise Front LoGeo - 058 (<85 GW)
Mitigation - 121
42-248 Area - **P84** (20s-70s, 81-86)
Swan Falls Flag -
Trust - 051(**P74**) (consumptive uses)
Non-Trust - 048-049 (consumptive uses or non-cons. > 1.0 cfs)

USES:

STORAGE - 18A-01H(**P01**), 01P-18B(**P09**)-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - **R62/R63/R64/R65** (0.02 cfs/ac)
STOCKWATER - R37 (BLM/USFS)
MINING - 054-081(**P10**)
FISH PROP - 029(70'S only)-007-042-081(**P10**)
HEAT/COOL - R07(injection well)
FIRE PROT. - 077

BENEFICIAL USE DUE: 07/01/01

MISC CONDITIONS/REMARKS:

Protested - 020-W19
Development Period
≤ 1 yr - - P16
> 1 yr - 26A(**P17**)
Ownership - 004
Non-consumptive - 027
Water Quality - 081-R07

IRRIGATION SEASON 4/1 - 10/31 (Per updated map)

OTHER CONDITIONS/REMARKS

COMMENTS NO PLAT IN FILE

SURFACE WATER: (√Flow Chart)

F&G contacted - Yes/No Response
In/Above MSF - WB9

PLANNING REVIEW/RESPONSE

In-stream development - **P52**
WD - R04 (WD#)
≤ 0.20 cfs/others - 01H(**P01**), 01P or No MD
> 0.20 cfs - 01J(**P08**)

SPRINGS/SINK, INACTIVE WD & REST OF STATE

≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or No MD

RIVER BASINS: (SW special considerations)

SNAKE R (01) - W22(**P04**), N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - 047(**P04**) (Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

USES:

POWER - 17H-17K (+uses)-08A-025(**P18**)-01N-081(**P10**)
MUNICIPAL
Restricted area - 022,075
Irr., GW supp to SW - 102
DOMESTIC
Surface water - WB5 (Big Wood or Boise above Star Bridge)
27A (Payette R)
> 1 in restricted area - 070-071-075(no parks/common areas, etc)
Irr use listed separate - WB5 4
Moratorium approvable - W03 (2500 gpd - meets domestic definition
i.e. D/convenience store)

Multiple pd's per ¼¼ - W32
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Use definitions - W02 example - S/50 range
Pre-1987 development - 068-074 (allow 120 days for proof due)
Single p/d intended - 076

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

FEB 23 2001

Department of Water Resources

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 96-09044 Telephone No. 509-444-8548

2. Name of Permit Holder(s): Cove Group L.L.C. c/o Tom Newbury, General Manager

3. Mailing Address: 3509 N. Audubon

City Spokane State WA Zip 99205

4. Source of Water: Groundwater (well) If GROUNDWATER (well), Date Drilled: mo June / yr 2000

Well Driller: Carl Pitts & Sons Drilling Drilling Permit Number: - - - - -

Well Tag No. - D0013241

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): 5 Stockwater (No. and type of stock): - - - - -

Irrigation (No. of acres): 2 Other: - - - - -

6. Total rate of diversion and/or volume for which proof is submitted: .16 cfs OR - - - - - acre-feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required?

Yes X or No - - -

Has the measuring device been installed?

Yes X or No - - -

8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: Tom Newbury Telephone Number: (509) 444-8548

Address: 3509 N. Audubon Spokane, WA

10. 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. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Tom Newbury - General Manager Date: 2/15/01
(include your title, if on behalf of company or organization)

MICROFILMED

OCT 18 2001

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 96-09044

Priority: March 8, 2000

Maximum Diversion Rate:

0.16 CFS

This is to certify, that COVE GROUP LLC
C/O TOM NEWBURY GEN MGR
3509 N AUDUBON
SPOKANE WA 99205

has applied for a permit to appropriate water from: GROUNDWATER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/01 to 10/31	0.06 CFS
DOMESTIC	01/01 to 12/31	0.10 CFS
	Totals	0.16 CFS

LOCATION OF POINT(S) OF DIVERSION:

NWSW , Sec. 29, Township 56N, Range 05W
BONNER County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
56N 05W 29	NWSW 2.0			2.0

Total number of acres irrigated: 2.0

PLACE OF USE: DOMESTIC, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before July 1, 2001.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
5. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
6. The issuance of this right does not grant any right-of-way or easement across the land of another.
7. Domestic use is for 4 homes and does not include lawn, garden, landscape, or other types of irrigation.

MICROFILMED

OCT 19 2001

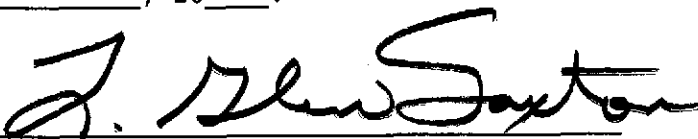
State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 96-09044

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

29 th day of June, 2000.


Karl J. Dreher, Director
for



MICROFILMED

OCT 19 2001

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

RECEIVED

APPLICATION FOR PERMIT

MAY 22 2000

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of Applicant ^{of} Tom Newbury ^{GENL} - ~~MR~~ - CONG GROUP L.L.C. Phone 509-444-8548
Mailing address 3509 N. Audubon Spokane, WA. 99205
2. Source of water supply Groundwater which is a tributary of N/A
3. Location of point of diversion is Township 56N Range 5W Sec. 29 in the NW 1/4, SW 1/4, 1/4, Govt. Lot , B.M., Bonner County; additional points of diversion if any:
4. Water will be used for the following purposes:
- Amount .1 for Domestic purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount .06 for Irrigation purposes from Mar 15 to Nov 15 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
- Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
- Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
- Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) ~~0.06~~ 0.16 and/or (b)
cubic feet per second acre feet per annum
6. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source 2" Water Line
- b. Height of storage dam N/A feet; active reservoir capacity acre-feet; total reservoir capacity acre-feet
- c. Proposed well diameter is 6" inches; proposed depth of well is 200 feet
- d. Is ground water with a temperature of greater than 85°F being sought? No
- e. If well is already drilled, when? N/A; Drilling firm ;
Well was drilled for (well owner) ; Drilling Permit No.
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
- a. Hydropower; show total feet of head and proposed capacity in KW. N/A
- b. Stockwatering; list number and kind of livestock. N/A
- c. Municipal; show name of municipality. N/A
- d. Domestic; show number of households. 4 Single Family Dwellings
- e. Other; describe fully.

MICROFILMED

OCT 19 2001

8. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
56N	5W	29									2								2
		29									D								

Total number of acres to be irrigated 2.0

10. Describe any other water rights used for the same purposes as described above. N/A

11. a. Who owns the property at the point of diversion? Cove Group, L.L.C.

b. Who owns the land to be irrigated or place of use? Cove Group, L.L.C.

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Tom Newbury is the General Mgr. of Cove Group, L.L.C.

12. Remarks: The preliminary plat has been approved by Bonner County for development into a 4-lot residential subdivision. There will be an easement for the point of diversion with a minimum 50 ft. radius around the wellhead. The well will be owned by the Cove Group Subdivision Homeowner's Association, AFTER IT'S FORMED.

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Tom Newbury, General Mgr.
Signature of Applicant (and title, if applicable)

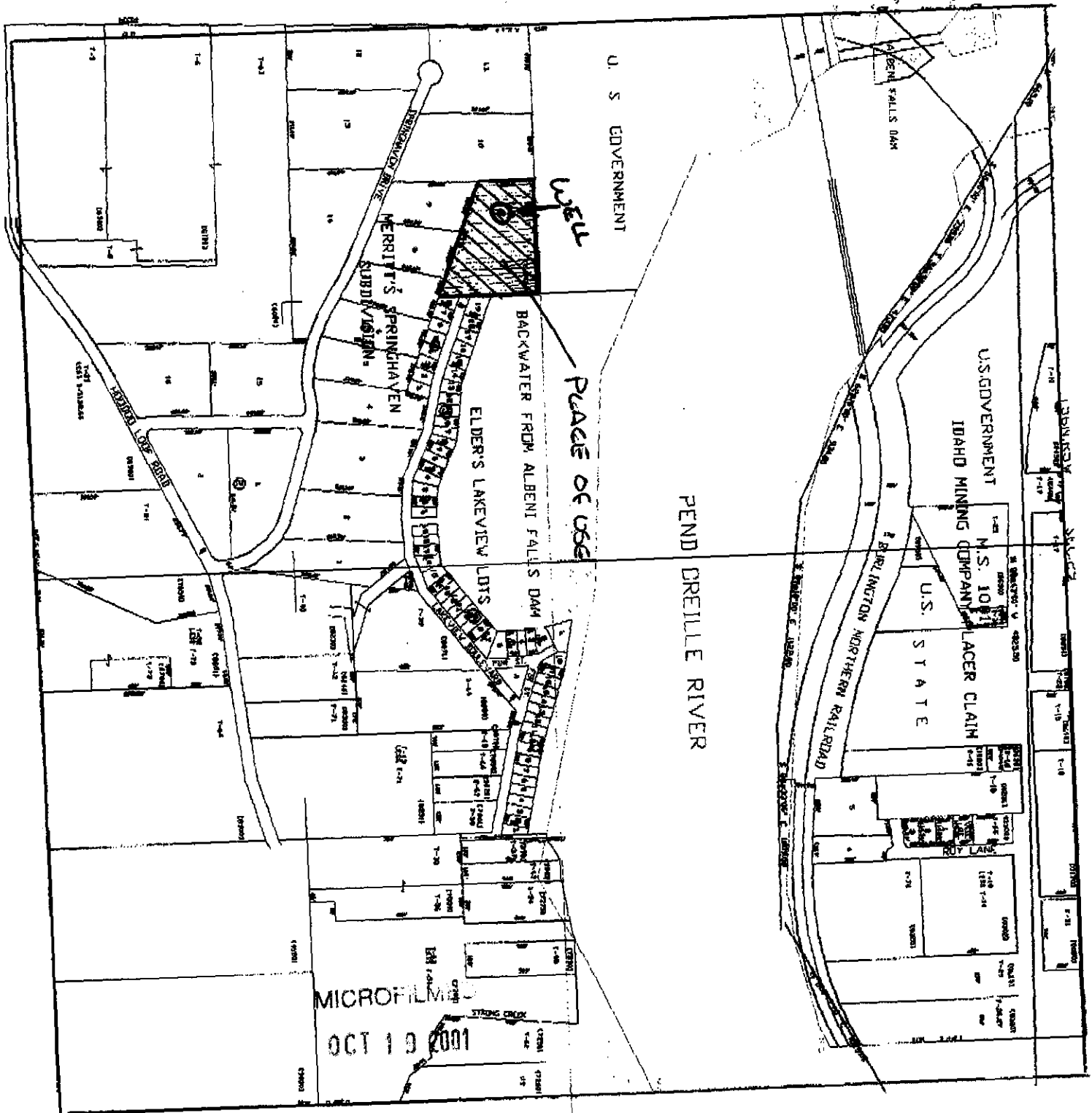
Received by db Date 3/8/00 Time 11:50 Preliminary check by TS
Fee \$ 120.00 Received by db # N013497 Date 3/8/00
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

MICROFILMED

OCT 19 2001

Attn: Al

From: CarrieAnn



U. S. GOVERNMENT
ALBENI COVE RECREATION AREA

PEND OREILLE RIVER

300' ADJACENT OWNERS LINE

PROJECT LOCATION

[5400]

T-31

PROPOSED WELL LOCATION

BACKWATER FROM ALBENI FALLS DAM

11

10

SUBURBAN 1/3 ZONE



ELDER'S LAKEVIEW LOTS

LAKEVIEW BOULEVARD

SPRINGHAVEN DRIVE

SUBURBAN 1/3 ZONE

MERRITT'S SPRINGHAVEN
SUBDIVISION

NW 1/4 SW 1/4 OF SECTION 29, T56N,R5W,B.M.

SHEET TITLE:

VICINITY MAP

PROJECT:

COVE GROUP SUBDIVISION
APPLICATION FOR PERMIT

DRAWN:
DPH/DEH

CHECKED:
CAW

DATE:
2-25-00

SHT. 1 OF 1

James A. Sewell and Associates
CONSULTING ENGINEERS
NEWPORT, WASHINGTON. (509)447-3626

MICROFILMED

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Wicks

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MICROFILM

19 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 8, 2001

COVE GROUP LLC
C/O TOM NEWBURY GEN. MGR.
3509 N AUDUBON
SPOKANE WA 99205

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 96-09044

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. 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, and that it meets the permitted beneficial use.

During my review of your proof I note that you listed 5 homes using water allocated under this water right permit, however, your permit only authorizes 4. You should clarify this statement since any additions to this permit may not be authorized. Please contact the regional office regarding the extent of use of this water right.

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. I have updated your current information to reflect the above address, however, if there are any corrections or changes, please contact the department.

Please contact the **Northern** Regional Office of the department in Coeur d'Alene at (208) 769-1450, or you may contact me at (208)327-7953.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office

RECEIVED
03/13/2001

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 96-9044

Reviewed By: dgibson

Date: March 8, 2001

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?	X	
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:		N013497, C052405	Well driller's report filed?		X
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		
Are the water uses correct?		X	Measure device waiver requested?		

Priority Calculation

Date proof received	02/23/2001
Date proof due	- 07/01/2001
Lapse notice sent	-
No. of days late	= 0
Holiday allowance	+
Priority date	+ 03/08/2000
New priority date	= 03/08/2000

Deficiencies of Actions Items

Acknowledge proof. Notify that the permit limits 4 homes on this water right, not 5 as reported on the proof.

APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS

Reviewed by Cindy Zimmerman on 6/25/00

No. 76-9044 Name: Cove Group Corp. Officers in file Ad ok ✓ NEED TO CHECK
Govt Lots 7

AREA OF CONCERN: No/Yes — Moratorium — GWMA TRUST/NON-TRUST

GROUNDWATER: (√Flow Chart)

DRILLING PERMIT

All wells - 046(P23)

Irr. w/in WD - P05
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067
~~WMD~~
Supp irr (irr = only use) - 065-104
Supp irr (+ other uses) - 100-105
~~≤ 0.24 cfs/5 acres~~ - No MD
~~> 0.24 cfs/5 acres~~ - 01M

LOCATION:

Boise Front LoGeo - 058 (<85 GW)
Mitigation - 121
42-248 Arca - P84 (20s-70s, 81-86)
Swan Falls Flag - —
Trust - 051(P74) (consumptive uses)
Non-Trust - 048-049 (consumptive uses or non-cons. > 1.0 cfs)

USES:

STORAGE - 18A-01H(P01), 01P-18B(P09)-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/USFS)
MINING - 054-081(P10)
FISH PROP - 029(70'S only)-007-042-081(P10)
HEAT/COOL - R07(injection well)
FIRE PROT. - 077

BENEFICIAL USE DUE: 07/01/01

MISC CONDITIONS/REMARKS:

Protested - 020-W19
Development Period
≤ 1 yr - P16
> 1 yr - 26A(P17)
Ownership - 004
Non-consumptive - 027
Water Quality - 081-R07

SURFACE WATER: (√Flow Chart)

F&G contacted - Yes/No Response —
In/Above MSF - WB9
PLANNING REVIEW/RESPONSE —
In-stream development - P52
WD - R04 (WD# —)
≤ 0.20 cfs/others - 01H(P01), 01P or No MD
> 0.20 cfs - 01J(P08)

SPRINGS/SINK, INACTIVE WD & REST OF STATE

≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or No MD

RIVER BASINS: (SW special considerations)

Snake R (01) - W22(P04), N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - 047(P04) (Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

USES:

POWER - 17H-17K (+uses)-08A-025(P18)-01N-081(P10)
MUNICIPAL
Restricted area - 022,075
Irr., GW supp to SW - 102
DOMESTIC
Surface water - WB5 (Big Wood or Boise above Star Bridge)
27A (Payette R)
> 1 in restricted area - 070-071-075(no parks/common areas, etc)
Irr use listed separate - WB5/4
Moratorium approvable - W03 (2500 gpd - meets domestic definition
i.e. D/convenience store)

IRRIGATION SEASON 4/1 - 10/31 (Per updated map)

OTHER CONDITIONS/REMARKS

COMMENTS NO PLAT IN FILE



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 30, 2000

COVE GROUP LLC
C/O TOM NEWBURY GEN MGR
3509 N AUDUBON
SPOKANE WA 99205

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 96-09044

Dear Permit Holder:

The Department of Water Resources (IDWR) has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed, you should complete and submit this form immediately.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this right were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this

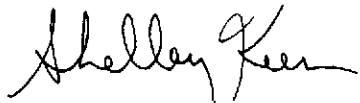
MICROFILMED

SEP 19 2001

Department. Please contact the Groundwater Protection Section located here at this office or our regional office nearest you.

If you have any questions, please call me at 208-327-7946.

Sincerely,

A handwritten signature in cursive script, appearing to read "Shelley Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

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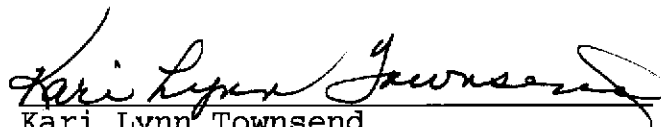
OCT 10 2001

CERTIFICATE OF MAILING

I hereby certify that on the 30th day of June, 2000, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 96-09044

COVE GROUP LLC
C/O TOM NEWBURY GEN MGR
3509 N AUDUBON
SPOKANE WA 99205


Kari Lynn Townsend
Secretary

MICROFILMED

803 1 8 1971

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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. 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 Idaho Water Resource Board (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).

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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 issuance 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.

WR5809NP
No. P96-09044

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 06/28/00
PAGE: 9

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	COVE GROUP LLC C/O TOM NEWBURY GEN MGR 3509 N AUDUBON SPOKANE WA 99205 (509) 444-8548	03/08/2000	IRRIGATION DOMESTIC	04/01 10/31 01/01 12/31	0.060 CFS 0.100 CFS	
TOTAL DIVERSION:					0.160 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: PERMIT

Point(s) of Diversion: T56N R05W S29 NWSW BONNER County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE							
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
56N	05W	29	:									02						:	2.0
TOTAL ACRES																		2.0	

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

Pou County: BONNER

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
96-09044

Other Water Rights Listing Overlapping Place(s) of use:
96-09044

Conditions of Approval:

- 046 - Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
- 01M - After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
- R66 - This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
- 004 - The issuance of this right does not grant any right-of-way or easement across the land of another.

Remarks: GEN Domestic use is for 4 homes and does not include lawn, garden, landscape, or other types of irrigation.

Dates: App. Received: 03/08/2000 Priority Date: 03/08/2000
Proof Due Date: 07/01/2001 Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

P16, P23

Misc: Water District Number: Field Exam Fee:

Comments: Date: 04/04/2000 User-ID: DBALL Subject: Examiner's notes.
Tom Newbury is General Mgr. of Cove Group, LLC.
Well pump and 2" water line.
There will be an easement for POD with minimum 50' radius around
wellhead. Well will be owned by Cove Group Subdivision Homeowners
Association, after it is formed.

Date: 06/28/2000 User-ID: CZIMMERM Subject: APPLICATION REVIEW
No plat in file.

✓ NEED TO CHECK GOV LOT PRIOR TO ISSUING PERMIT.
PARAGRAPH CODES: P23, P16.

Audit: 06/28/00 CZIMMERM

P16, P2

RECEIVED

MAY 22 2000

IDAHO DEPARTMENT OF WATER RESOURCES
APPROVAL APPLICATION ANALYSIS SHEET

WRI
BCA
WRA

Department of Water Resources

APPLICATION # 96-09044
INITIAL REVIEW

APPLICANT: Cove Group LLC
c/o NEWBURY

BY: [Signature] DATE: 3/18/00

ITEM REQUIRED INFORMATION

1. (X) Name and Address
2. (X) Source
3. (X) Point of Diversion & County
4. (X) Quantity
 - (X) Nature of Proposed Use
 - (X) Period of Use
5. (X) Total Quantity
6. (X) Description of diverting works
7. (X) Time required for b/u
8. (X) Proposed use
9. (X) Place of use or acres irrigated
10. (X) Other water Rights
11. (X) Ownership
12. (X) Map
 - (X) Signature
 - (X) Fee (Amt, receipt, acknowledgement)

*** Send info sheet Y() N()

ADDITIONAL INFORMATION

(Yes)(No)

- X Field check: by _____
- Field report attached _____
- Analysis Supp. attached(>5cfs/500af) _____
- Water delivered by water master? _____
- Water District # _____

PROCESSING

(Yes)(No) PRIORITY DATE: 3/18/00
 (X) (Include Moratorium Remark)
 (X) Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).
PT/Wed/ok

ADVERTISE IN: BOASER County

LETTERS SENT REQUESTING:

- () Dam Information () Fish Information
- () Power Information () Other: N/A

INFORMATION RECEIVED:

- () Dam Information () Fish Information
- () Power Information () Other: N/A

GROUNDWATER SECTION

WD Permit No.'s:	Type:	Fees	PARTIAL	Receipt No.	Upgrade Needed?
_____	Dom. Non-Dom. <u>X</u>	Paid \$ <u>70</u>		<u>NO13497</u>	Y () N ()
_____	Dom. Non-Dom. _____	Paid \$ _____		_____	Y () N ()
_____	Dom. Non-Dom. _____	Paid \$ _____		_____	Y () N ()

- Groundwater management area _____
- Critical ground water area _____
- Well Drilling Permit required _____
- Well Drilling Application and Fees received _____
- Well Drilling Application approved? _____

Remarks: Applicant with permit
\$130 for Well Drilling Permit
fee. Rcvd 5/4/00

FINAL REGIONAL PROCESSING/REVIEW

(Yes)(No)

- Notice of pending void order issued. Final order response date: _____/_____/_____
- Further information required from applicant _____
- Affidavit of publication received _____
- Application published correctly. If not, record action taken: _____

- 5/3 5/3 Publication dates and paper recorded on application | Sr. Agent initial [Signature]
- Protests received, Final protest date: 5/8/00
- Measuring device required _____
- Measuring port required _____
- Special conditions: _____

Special conditions of approval supplement and/or cover letter attached: _____

Approval Recommended by: [Signature]

Date: 5/16/00

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner,

Jeannie Shendan

_____ being first duly sworn on oath
deposes and says that he/she is Bookkeeper
of the Priest River Times, a newspaper printed and
published at Priest River, Bonner County, Idaho; that the
said newspaper has been continuously and uninterruptedly
published in said Bonner County during a period of 12
months prior to the first publication of the hereto attached

notice of publication in the case of:

Application

as it was published in the regular and entire issue of the
said paper for a period of 2 consecutive weeks,

commencing on 19 day of April, 19 2000

and ending on the 26 day of April, 19 2000

and that said notice was published in said newspaper.

On this 26 day of April in the year
of 2000, before me, a Notary Public, personally
appeared Jeannie Shendan

known or identified to me to be the person whose name
subscribed to the within instrument, and being by me
first duly sworn, declared that the statements therein are
true, and acknowledged to me that he executed the same.

Carolyn L. Inge
Notary Public for Idaho

Residing at Sandpoint

My Commission expires: 7/00

RECEIVED
MAY - 3 2000
IDWR/North

NOTICE OF APPLICATION FOR
WATER RIGHT

The Following application(s) have
been filed to appropriate the public
waters of the State of Idaho:

96-09044

COVE GROUP LLC
C/O TOM NEWBURY GEN MGR
3509 N AUDUBON
SPOKANE, WA 99205
Source: GROUNDWATER

Diversion Pt:

NWSW Sec 29 T 56N R 05W in BON-
NER County.

Use: IRRIGATION (0.060 CFS)

DOMESTIC (0.100 CFS)

Total Diversion: (0.160 CFS)

Date Filed: 3/18/2000

In: BONNER County

T56N R05W S29 NWSW
2.0 ACRES TOTAL

For additional information concerning
the property location, call the Northern
Regional Office at (208)769-1450.

The permit(s) will be subject to all
prior water rights. Protests must be filed
with the applicant and with the Director,
Dept. of Water Resources, Northern
Region, 1910 Northwest Blvd., Suite 210,
Coeur d'Alene, Idaho 83814, together
with a protest fee of \$25.00 on or before
MAY 8, 2000.

KARL J. DREHER, Director
PRT Legal 600206
April 19, 26, 2000

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MAY 19 2000

96-09044

COVE GROUP LLC
C/O TOM NEWBURY GEN MGR
3509 N AUDUBON
SPOKANE, WA 99205

Source: GROUNDWATER

Diversion Pt: NWSW Sec 29 T 56N R 05W in BONNER County.

Use: IRRIGATION	(	0.060 CFS)
DOMESTIC	(	0.100 CFS)
Total Diversion:	(	0.160 CFS)

Date Filed: 3/18/2000

In: BONNER County
T56N R05W S29 NWSW

2.0 ACRES TOTAL

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OCT 13 2001

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No:

N013636

Date:
Time:

5 / 4 / 2000
13:49:20

Received
From:

COVE GROUP LLC
Type of Payment

Program A cct

Amount

BALANCE WD PERMIT FEE

65134

229 21 1205

130.00

Total

\$ 130.00

CHECK

1076

Region: NORTHERN

Signature: _____



MICROFILMED
OCT 13 2001

April 12, 2000

Tom Newbury, General Manager
Cove Group LLC
3509 N Audubon
Spokane WA 99205

Re: Water Appropriation Application No. 96-09044

Dear Mr. Newbury:

The Idaho Department of Water Resources hereby acknowledges receipt of the above referenced Application for Permit to appropriate the Public Waters of the State of Idaho. To assist us in providing you with prompt, accurate service, please refer to the above referenced number in all future matters concerning this water right application. Enclosed for your file is Receipt Number N013497 with notation concerning additional \$130.00 to be submitted.

Your appropriation application is currently being prepared for advertising in the local county newspaper. This advertisement will be published for two consecutive weeks followed by a waiting period of ten days to allow for the submittal of protests. Normal processing time is approximately 3 to 4 months, if the application is not protested.

If the application is not protested, it will be forwarded to Boise to be considered for approval by the Director. State office personnel will then conduct a complete review, and you will be notified by mail of the outcome. However, if the application is protested during this waiting period, you will be sent a copy of the protest and instructions to aid you in resolving the protest without a hearing. All protests must be resolved before approval of the application can be made, so if the protestant does not voluntarily withdraw the protest, this department will conduct a conference and/or hearing on the matter.

You will receive your approved Application for Permit and instructions on filing the Proof of Beneficial Use from our State office in Boise.

If your source is groundwater, a Well Drilling Permit is required for all wells constructed after July 1, 1987.

A "Domestic" well drilling permit should be obtained for a rate of diversion of up to 18 gallons per minute (0.04 CFS) and a daily volume of up to 2,500 gallons per day. The cost for this permit is \$75.00. For any other use, including multiple homes, or municipal, etc., the Drilling Permit fee is \$200. These Permits can be obtained by your driller, also. It is sometimes possible to upgrade an existing Domestic Drilling Permit by submitting a fee for the difference. This, however, depends on the individual well.

If you have any questions or if I can be of any assistance please feel free to contact me at this office.

Sincerely,

ALLEN BEARDSLEE
Senior Water Resources Agent

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OCT 13 2001

AB:db

Carrie Ann Wolf

From: tnewbury@nextlink.com
Sent: Tuesday, April 11, 2000 12:00 PM
To: cwolf@jasewell.com
Subject: Cove Group, LLC

Here is the information you requested on the Cove Group, LLC:

The Cove Group is a limited liability company legally established in the State of Idaho. David Ackley, PS, located in Priest River, Idaho prepared and filed the original documentation with the state. Each year, the LLC is required to file annual reports with the State of Idaho regarding the names and addresses of it's members.

The Cove Group, LLC owns and operates the community drainfield which supplies "Drainfield Connections" to the riverfront lots also owned by the Cove Group, LLC and other neighboring riverfront lots that are owned by non-affiliated private parties. The community Drainfield has been in operation for 3 years.

Currently the Cove Group also owns the 5 acre riverfront parcel which has been approved for subdivision. Upon completion of the subdivision, the individual riverfront lots will be "distributed" out to the individual LLC members, including a "Drainfield Connection" and "Water Connection". Easements for the proposed community water system and septic system will be recorded on the final plat of the subdivision.

The Cove Group, LLC, will retain responsibility for maintaining the water system per the terms of a "Water Connection" agreement yet to be established. Once the water system is approved and operational, we will submit a copy of the maintenance agreement for the Idaho Department of Water Resources.

The Cove Group, LLC owns and operates the community drainfield, providing maintenance per the terms of the "Drainfield Connection" Agreement.

Active Members	Ownership %
Thomas R. & Teresa M. Newbury 3509 N. Audubon Spokane, Washington 99205	50
Mark & Jenny Schuetzle 3102 N. Belt Spokane, Washington 99205	25
Michael & Debra Evenoff 2020 W. Euclid Spokane, Washington 99205	25

Tom Newbury is the General Manager, and is responsible for the overall operations of the LLC.

Please let me know if you need any additional information , we are anxious to get the necessary approvals in place!

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OCT 13 2001

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No:

N013497

Date:

Time:

3/ 8/2000

12:40:52

Received

From:

THE COVE GROUP LLC

Type of Payment

Program A cct

Amount

WR APP FEE FOR TOM NEWBURY

65103

229 21 1155

120.00

Total

\$

120.00

CHECK

1074

Region: NORTHERN

Signature: _____

* NOTE - APPLICATION FOR PERMIT FEE SHOULD
HAVE BEEN \$50.00, \$70.00 WILL BE
APPLIED TO WELL DRILLING PERMIT -
APPLICANT AGREED TO SEND AN ADDITIONAL
\$130.00 FOR BALANCE OF WELL DRILLING PERMIT
FEE.

MICROFILM
OCT 13 2001

WR0749NP
No. 96-09044

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 04/04/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
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	C/O TOM NEWBURY, GENERAL MGR		DOMESTIC	01/01 12/31	0.100 CFS	
	3509 N AUDUBON					
	SPOKANE WA 99205					
	(509) 444-8548					
				TOTAL DIVERSION:	0.160 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: APPLICATION

Point(s) of Diversion: T56N R05W S29 NWSW BONNER County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE															
T	R	S		NENE	NUNE	SUNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM			
---	---	---	---	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	---	
56N	05W	29	:					:					:		02			:							:	2.0	
																										TOTAL ACRES	2.0

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

Pou County: BONNER

Remarks: GEN Domestic use is for 4 homes.

Dates: App. Received: 03/18/2000 Priority Date: 03/18/2000
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 04/04/2000 User-ID: DBALL Subject: Examiner's notes.
Tom Newbury is General Mgr. of Cove Group, LLC.
Well pump and 2" water line.
There will be an easement for POD with minimum 50' radius around
wellhead. Well will be owned by Cove Group Subdivision Homeowners
Association, after it is formed.
Time required 1 year.

Audit: 04/04/00 DBALL