

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-09253

Priority: December 09, 2004

Maximum Diversion Rate: 0.44 CFS

This is to certify, that ROCKFORD BAY INVESTMENTS LLC
PO BOX 3070
COEUR D ALENE ID 83816

has applied for a permit to appropriate water from:

Source: GROUND WATER

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>
DOMESTIC	01/01 to 12/31	0.22 CFS
FIRE PROTECTION	01/01 to 12/31	0.22 CFS
IRRIGATION	03/15 to 11/15	0.44 CFS

LOCATION OF POINTS OF DIVERSION:

GROUND WATER L2 (NW¼SE¼) Sec. 19, Twp 48N, Rge 04W, B.M., KOOTENAI County
GROUND WATER L2 (NW¼SE¼) Sec. 19, Twp 48N, Rge 04W, B.M., KOOTENAI County
GROUND WATER L2 (NW¼SE¼) Sec. 19, Twp 48N, Rge 04W, B.M., KOOTENAI County
GROUND WATER L2 (NW¼SE¼) Sec. 19, Twp 48N, Rge 04W, B.M., KOOTENAI County

PLACE OF USE: DOMESTIC & FIRE PROTECTION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
48N 04W 19			X	X	X	X	X	X	X	X		X		X	X		
								L 3				L 3		L 2	L 2		

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
48N 04W 19			3.0	3.0	5.0	5.0	4.5	5.0	5.0	.5		3.0		5.0	3.0		42.0
								L 3				L 3		L 2	L 2		

Total Acres: 42

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **March 01, 2010**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 95-09253

4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. Domestic use is for 45 homes. Irrigation of lawn, garden and landscaping associated with the homes is authorized under the irrigation component of this right.
6. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
7. 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.
8. 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.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 21st day of March, 2005.



FOR KARL J DREHER, Director

FORM 202
12/99Ident. No. 95-9253

71759

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant ROCKFORD BAY INVESTMENTS, LLC Phone 416-0300
Mailing address PO BOX 3070 COEUR D'ALENE, ID 83816
2. Source of water supply GROUNDWATER which is a tributary of _____
3. Location of point of diversion is Township 48N Range 04W Sec. 19, in the SE 1/4,
NW 1/4, SE 1/4, Govt. Lot 2, B.M., KOOTENAI County;
additional points of diversion if any: (4 WELL, PTS. OF DIV.)

4. Water will be used for the following purposes:

Amount 0.22 CFS for DOMESTIC/FIRE/IR purposes from JAN 1 to DEC 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.22 CFS for DOMESTIC/FIRE/IR purposes from JAN 1 to DEC 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.44 for IRRIGATION purposes from 3/15 to 11/15 (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)

5. Total quantity to be appropriated is (a) 0.44 CFS and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works: 4 WELLS PUMPS PIPELINE TO RESERVOIR + DEZILERY SYSTEM

a. Describe type and size of devices used to divert water from the source 4-8" NOMINAL DIAMETER
WELLS W/ REQUIRED PUMPS AND MOTORS

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet

c. Proposed well diameter is 8" NOMINAL inches; proposed depth of well is TBD feet

d. Is ground water with a temperature of greater than 85°F being sought? NO

e. If well is already drilled, when? NO; Drilling firm UNITED

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 5 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. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. 45

e. Other; describe fully. FIRE SUPPRESSION, IRRIGATION

9. 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.

below. See instructions for standard by

600' LOT
600' LOT 3
600' LOT 2

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
48N	04W	19			D	D	D	D	D	D	D		D		D	D			
		19			3	3	.5	5	.5	5	5	.5	3		5	3		41	

Total number of acres to be irrigated 4210. Describe any other water rights used for the same purposes as described above. FIRE SUPPRESSION11. a. Who owns the property at the point of diversion? ROCKFORD BAY INVESTMENTSb. Who owns the land to be irrigated or place of use? ROCKFORD BAY INVESTMENTS

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:

12. Remarks: IRRIGATION USE IS FOR LAWNS, GARDENS, AND COMMON AREAS.

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.


 George W. Schi / Signature of Applicant (and title, if applicable)
 Attorney-in-fact for Marshall L. Chesrown, Managing Member
 Rockford Bay Investments, LLC

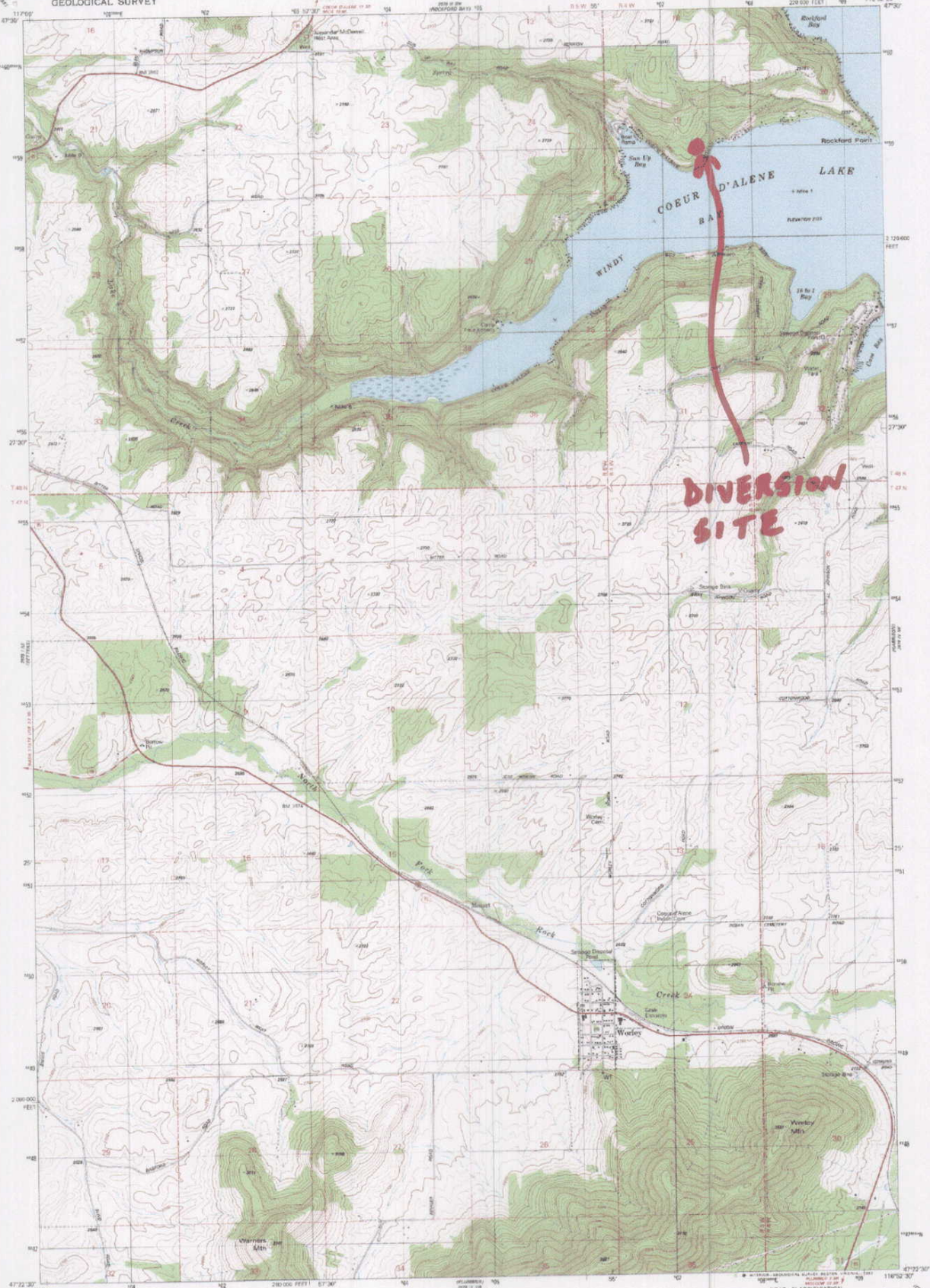
Received by AS Date 12-01-04 Time 2:50 Preliminary check by AS Date 12-08-04
 Fee \$ 250 Received by AS # 1016023
 Publication prepared by AS Date 2/9/05 Published in CDA Plus 2/17-24/05
 Publication approved AS Date 2/28/05

TO: STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

Rockford Bay Investments, LLC, limited liability company
Marshall R. Chesrown the Managing Member
George W. Schillinger is Attorney-In-Fact



UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



Mapped, edited, and published by the Geological Survey

Compiled by USGS and NGS/NOAA

Topography by photogrammetric methods from aerial photographs taken 1975. Field checked 1976. Map edited 1981.

Projection and 100,000-foot grid ticks: Idaho coordinate system, west zone (NAD83) Meridian 116°00'00" W.

1000-meter Universal Transverse Mercator grid, zone 11.

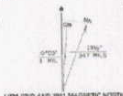
1983 North American Datum.

To place on the projected North American Datum 1983 move the projection lines 15 meters north and 20 meters east as shown by dashed corner ticks.

Five red dashed lines indicate subdivided fence and field lines values generally visible on aerial photographs.

This information is unclassified.

There may be private landholdings within the boundaries of the National or State reservations shown on this map.



SCALE 1:24,000

CONTOUR INTERVAL 30 FEET

NATIONAL GEODETIC VERTICAL DATUM OF 1989

THIS MAP COMPLETES WITH NATIONAL MAP ACCURACY STANDARDS

FOR SALE BY U.S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225, OR RESTON, VIRGINIA 22092

A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST.

ROAD CLASSIFICATION

Primary highway: Light-colored road, hard or improved surface

Secondary highway: Unimproved road

Interstate Route: U.S. Route: State Route

WORLEY, IDAHO

NOVA PLUMMER 19 QUADRANGLE

NAD22-5-W11862.5/7.5

1981

DMA 2476 IV NW-SERIES 5880

PLACE
OF USE



**DIVERSION
SITE**

**COEUR
BAY**

WINDY

Amwaco

**Sewage Disposal
Pond**

**Water
Tank**

Well

RECEIVED
 DEC - 8 2004
 IDWR/North



TARGET DRILLING ZONE
 OR POINTS OF DIVERSIONS
 (>500' FROM LAKE)

1" = 1000'

THE RIDGE AT
 SUN-UP BAY
 INC - 12-9-04
 ENGINEER:
 STEVE SYRACLE

PRELIMINARY PLAT OF

LOCATED IN A PORTION OF
SECTION 19, T.48N., R.4W., B.M.,
KOOTENAI COUNTY, IDAHO
JUNE 2004



LINE	LENGTH	BEARING
L1	16.36	S82°37'55"W
L2	124.39	S31°41'06"W
L3	184.16	S26°16'47"W
L4	147.39	S24°14'35"W
L5	174.55	S22°36'35"W
L6	27.81	S38°18'47"W
L7	18.18	S38°31'44"W
L8	55.69	S20°00'15"W
L9	69.08	S20°00'15"W
L10	211.43	S20°00'15"W
L11	108.82	S32°37'26"W
L12	81.41	S31°32'31"W
L13	134.45	S88°56'46"W
L14	95.05	N88°56'14"W
L15	127.59	N81°26'01"W
L16	116.00	N70°46'28"W
L17	164.17	N57°23'57"W
L18	83.21	N52°22'45"W
L19	137.83	N41°12'12"W
L20	151.67	N46°49'48"W
L21	168.32	N47°15'14"W
L22	148.29	N45°59'08"W
L23	168.77	N46°31'44"W
L24	171.59	N46°15'17"W
L25	131.98	N47°37'10"W
L26	132.52	N48°08'10"W
L27	100.20	N47°28'32"W
L28	97.69	N48°28'32"W
L29	114.07	N47°28'16"W
L30	86.13	N47°28'16"W
L31	160.45	N47°28'16"W
L32	300.89	N00°32'12"E
L33	234.49	N00°16'16"E

SITE DATA

NOT TO SCALE

251.03 acres		TOTAL SITE AREA
169.37 acres		RESIDENTIAL LOT AREA
23.80 acres		OPEN SPACE AREA
57.86 acres		RIGHT-OF-WAY AREA (81.39) if
193.17 acres		NET SITE AREA (TOTAL-ROW)
33		# RESIDENTIAL LOTS
0.13		DWELLING UNITS / ACRE
5.13 acres		AVERAGE RESIDENTIAL LOT SIZE
13.45 acres		MAXIMUM RESIDENTIAL LOT SIZE
3.50 acres		MINIMUM RESIDENTIAL LOT SIZE

DENOTES ACCESS AND UTILITY
EASEMENT OR AS NOTED

CONTACT INFORMATION

OWNER/DEVELOPER:
ROCKFORD BAY INVESTMENTS
SUN UP BAY PROJECT
P.O. BOX 3070
COEUR D'ALENE, ID 83816

CIVIL ENGINEERS:
INLAND NORTHWEST CONSULTANTS, INC.
820 POST STREET
POST FALLS, ID 83854

UTILITY INFORMATION

WATER TO BE PROVIDED BY COMMUNITY SYSTEM
SEWER TO BE SEPTIC SYSTEM

Now
Starting
Right Side
of file.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 21, 2005

ROCKFORD BAY INVESTMENTS LLC
PO BOX 3070
COEUR D ALENE ID 83816

RE: Permit No. 95-9253

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources 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 the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

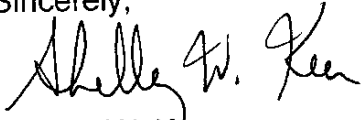
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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 water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-287-4947.

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name "Shelley" being the most prominent.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

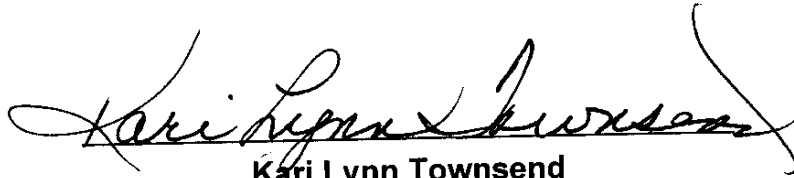
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on March 21, 2005 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 95-9253

**ROCKFORD BAY INVESTMENTS LLC
PO BOX 3070
COEUR D ALENE ID 83816**

A handwritten signature in black ink, appearing to read "Kari Lynn Townsend", written over a horizontal line.

**Kari Lynn Townsend
Secretary**

**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. 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 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.

Comment Report

95-9253

1. dball 2/3/2005 Legal Notice Remarks

Comment: Domestic use is for 45 homes.

2. eretelle 3/18/2005 permit review

Comment: No protests, overlap, WD or moratorium.

Recommend approval as suggested by IDWR Northern.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Kootenai,

} ss.

Kattie Hoy

being first duly sworn

upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The

Legal Notice

of which the annexed is a printed copy, was published in the regular Thursday issue of said newspaper for 2 consecutive weeks commencing on the 17 day of February 2005, and ending on the 24 day of February 2005, and such publication was made as often during said period as said Daily newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice Kattie Hoy. On this 24 day of February in the year of 2005, before me, a Notary Public, personally appeared Kattie Hoy, 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.

Regina Mason

Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.

MY COMMISSION EXPIRES 6/18/06

NOTICE OF APPLICATION FOR WATER RIGHT

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

95-9253

ROCKFORD BAY INVESTMENTS LLC

PO BOX 3070

COEUR D'ALENE ID 83816

Point(s) of Diversion: (4) L2 (NWSE) S19 T48N R04W KOOTENAI County

Source for all points of diversion is GROUND WATER

Use: IRRIGATION 03/15 To 11/15 0.44 CFS

Use: DOMESTIC 01/01 To 12/31 0.22 CFS

Use: FIRE PROTECTION 01/01 To 12/31 0.22 CFS

Total Diversion 0.44 CFS

Date Filed: 12/09/2004

Place Of Use: DOMESTIC

T48N R04W S19 SWNE SENE NENW NWNW SWNW SENW NESW

Lot 3 NWSW SESW Lot 3 NWSE Lot 2 SWSE Lot 2

Place Of Use: FIRE PROTECTION and IRRIGATION same as DOMESTIC

Number of Acres: 42

Remark: Domestic use is for 45 homes.

95-9254

DAVID A LE PAGE

5308 E PINEGROVE DR

COEUR D'ALENE ID 83815

Point(s) of Diversion: NWNE S28 T47N R04W KOOTENAI County

Source UNNAMED STREAM Tributary To SQUAW CREEK

Use: FIRE PROTECTION STORAGE 01/01 To 12/31 1 AFA

Total Diversion 1 AFA

Date Filed: 12/13/2004

Place Of Use: FIRE PROTECTION STORAGE T47N R04W S28 NWNE

94-7401

JOHN M MOORE

27706 SOUTH LATOUR CREEK RD

CATALDO ID 83810

Point(s) of Diversion: NWNE S27 T48N R01W KOOTENAI County

Source GROUND WATER

Use: DOMESTIC 01/01 To 12/31 0.04 CFS

Total Diversion 0.04 CFS

Date Filed: 12/23/2004

Place Of Use: DOMESTIC T48N R01W S27 NWNE

Remark: Domestic use is for 10 RV sites.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 1910 Northwest Blvd., Suite 210, Coeur D'Alene, ID 83814 together with a protest fee of \$25.00 for each application on or before 03/07/2005. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

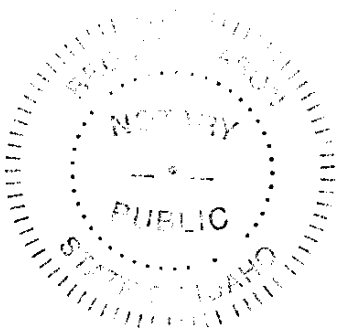
Legal 6701

February 17, 24, 2005

RECEIVED

FEB 28 2005

IDWR/North



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

95-9253

ROCKFORD BAY INVESTMENTS LLC

PO BOX 3070

COEUR D ALENE ID 83816

Point(s) of Diversion (4) L2 (NWSE) S19 T48N R04W KOOTENAI County

Source for all points of diversion is GROUND WATER

Use: IRRIGATION 03/15 To 11/15 0.44 CFS

Use: DOMESTIC 01/01 To 12/31 0.22 CFS

Use: FIRE PROTECTION 01/01 To 12/31 0.22 CFS

Total Diversion: 0.44 CFS

Date Filed: 12/09/2004

Place Of Use: DOMESTIC

T48N R04W S19 SWNE SENE NENW NWNW SWNW SENW NESW Lot 3 NWSW

SESW Lot 3 NWSE Lot 2 SWSE Lot 2

Place Of Use: FIRE PROTECTION and IRRIGATION same as DOMESTIC

Number of Acres 42

Remark: Domestic use is for 45 homes.

95-9254

DAVID A LE PAGE

5308 E PINEGROVE DR

COEUR D ALENE ID 83815

Point(s) of Diversion NWNE S28 T47N R04W KOOTENAI County

Source UNNAMED STREAM Tributary To SQUAW CREEK

Use: FIRE PROTECTION STORAGE 01/01 To 12/31 1 AFA

Total Diversion: 1 AFA

Date Filed: 12/13/2004

Place Of Use: FIRE PROTECTION STORAGE T47N R04W S28 NWNE

94-7401

JOHN M MOORE

27706 SOUTH LATOUR CREEK RD

CATALDO ID 83810

Point(s) of Diversion NWNE S27 T48N R01W KOOTENAI County

Source GROUND WATER

Use: DOMESTIC 01/01 To 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 12/23/2004

Place Of Use: DOMESTIC T48N R01W S27 NWNE

Remark: Domestic use is for 10 RV sites.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

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KARL J DREHER, Director

Published on February 17 and 24, 2005



State of Idaho

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

February 09, 2005

KATTIE HOY &/OR KRISTY PEAK
LEGAL NOTICE DEPARTMENT
COEUR D ALENE PRESS
201 N 2ND
COEUR D ALENE ID 83814

RE: Application for Permit No. 95-9253, 95-9254 and 94-7401

Dear Kattie and/or Kristy:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, February 17 and 24, 2005, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 03/07/2005. Your cooperation is, as always, GREATLY appreciated. It's always a pleasure to work with you.

Sincerely

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, February 09, 2005 2:43 PM
To: Legal Notices-CdA Press (E-mail); Kristy Peak (E-mail)
Subject: Legal Notice for WR Nos. 95-9253, 95-9254 and 94-7401 for publication on February 17 and 24, 2005

Good afternoon Kattie and Kristy,

Attached is our cover letter requesting publication on February 17 and 24, 2005 of the legal notice, also attached.

If you have ANY questions, please call me at 208-769-1450.

Also, **PLEASE FAX A PROOF COPY TO ME PRIOR TO PUBLICATION.**

Thank you very much. It is ALWAYS a pleasure to work with you.

Dianne

Dianne Ball, Administrative Assistant
Idaho Department of Water Resources
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814
Phone 208-769-1450 FAX 208-769-1454

2/9/2005



State of Idaho
DEPARTMENT OF WATER RESOURCES

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DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

February 09, 2005

ROCKFORD BAY INVESTMENTS LLC
PO BOX 3070
COEUR D ALENE ID 83816

RE: Application for Permit No 95-9253

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right application. Please refer to the above referenced number in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the Coeur d'Alene Press on February 17 and 24, 2005. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved. A typical processing time for an unprotested application is about eight to twelve weeks.

Please feel free to contact this office if you have any questions.

Sincerely,

A handwritten signature in cursive script, reading 'Allen Beardslee'.

Allen Beardslee
Senior Water Resource Agent

Enclosure(s) - Copy of Receipt No. N016663; original to Inland Northwest Consultants



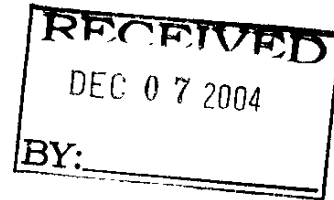
STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

3 COPY

2110 Ironwood Parkway • Coeur d'Alene, Idaho 83814-2648 • (208) 769-1422

Dirk Kempthorne, Governor
Toni Hardesty, Director

December 7, 2004



Mr. Ray Kimball
Inland Northwest Consultants
620 Post Street
Post Falls, ID 83854

Re: Well Site Approval, The Ridge At Sun-Up Bay, Bahia Del Sol Well (Well 1)

Dear Mr. Kimball:

This letter is to confirm that the Division of Environmental Quality has inspected and approved the proposed well site for The Ridge at Sun-Up Bay, Well 1. This well is located between Lots 31 and 32, Block 1 of the development.

Please observe the following setbacks and restrictions. The well must be located in excess of:

- . 50 feet from a sewer line,
- . 100 feet from all septic tanks,
- . 100 feet from all individual home septic tanks,
- . 100 feet from all individual home seepage pits,
- . 100 feet from all privies,
- . 50 feet from all livestock,
- . 50 feet from canals, streams, rivers, ditches, lakes, and ponds,
- . 50 feet from all tanks used to store non-potable substances.

The following tests need to be run prior to usage:

- . Phase II & V inorganic chemical analysis (also include nitrate and nitrite),
- . Corrosivity,
- . Phase II & V volatile organic compounds,
- . Phase II & V synthetic organic compounds,
- . Quarterly radiological contaminants for one year,
- . Total Coliform Bacteria,
- . Iron, Manganese, and Hardness

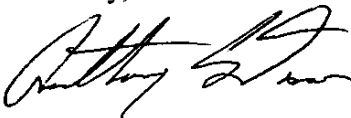
Mr. Ray Kimball
Well Site Approval Letter
Page 2

Prior to drilling, an engineering report and engineered plans for the wells and the drilling must be submitted to and approved by DEQ. The person who will be your contact with regard to engineering requirements will be Gary Gaffney, P.E.

As you are aware the well must be placed on a well lot that is owned by the water system or on a parcel that is controlled by a lease for the useful life of the well. An easement for the location of a well is not acceptable

If you have any questions or comments on this matter please feel free to contact me at the DEQ office in Coeur d'Alene. We are located at 2110 Ironwood Parkway, phone 208 769-1422.

Sincerely,

A handwritten signature in black ink, appearing to read 'Anthony P. Davis', written in a cursive style.

Anthony P. Davis
Analyst

c: Steve Tanner/Gary Gaffney, DEQ-Coeur d'Alene

1601850

POWER OF ATTORNEY

KNOWN ALL MEN BY THESE PRESENTS, that ROCKFORD BAY INVESTMENTS, L.L.C., an Idaho Limited Liability Company of 815 Kidd Island Bay Road, Coeur d'Alene, Idaho, by and through its Managing Member, MARSHALL R. CHESROWN, hereby makes, constitutes, and appoints GEORGE W. SCHILLINGER, of 7896 West 14th Avenue, Lakewood, Colorado, the true and lawful attorney-in-fact for ROCKFORD BAY INVESTMENTS, L.L.C., to act in its in place and stead, on its behalf, and for its use and benefit, including but not limited to:

1. To engage in and transact any and all lawful business of whatever nature or kind for ROCKFORD BAY INVESTMENTS, L.L.C. in its name, and to exercise or perform any act, power, duty, right, or obligation whatsoever, that it may now have or may hereafter acquire the legal right, power, or capacity to exercise or perform in connection with, arising from, or relating to any person, item, transaction, thing, business property, real or personal, tangible or intangible, or matter whatsoever;

2. To request, ask, demand, sue for, recover, collect, receive, hold, and possess all such sums of money, debts, dues, commercial paper, checks, drafts, accounts, deposits, legacies, bequests, devises, notes, interest, stock certificates, bonds, dividends, certificates of deposit, annuities, pension and retirement benefits, insurance benefits and proceeds, any and all documents of title, chooses in action, personal and real property, intangible and tangible property and property rights, and demands whatsoever, liquidated, as now are or shall hereafter become owned by, or due, owing, payable, or belonging to ROCKFORD BAY INVESTMENTS, L.L.C., or in which ROCKFORD BAY INVESTMENTS, L.L.C. have or may hereafter acquire an interest, to have, use, and take all lawful means and equitable and legal remedies, procedures, and writs in its name for the collection and recovery thereof, and to adjust, sell, compromise, and agree for the same, and to make, execute, and deliver for ROCKFORD BAY INVESTMENTS, L.L.C., on its behalf and in its name, all endorsements, acquittances, releases, receipts, or other sufficient discharges for the same;

3. To lease, purchase, exchange, and acquire, and to agree, bargain, and contract for the lease, purchase, exchange, and acquisition of, and to accept, take, receive, and possess any real or personal property whatsoever, tangible and intangible, or interest thereon, on such terms, conditions, and under such covenants as said attorney-in-fact shall deem proper;

STATE OF IDAHO } ss
COUNTY OF BOONVILLE }
AT THE COUNTY CLERK'S OFFICE
Wetzel & Wetzel

AUG 11 10 31 AM '99

POWER OF ATTORNEY ROCKFORD BAY INVESTMENTS, L.L.C. TO GEORGE SCHILLINGER: Page 1 of 3

DANIEL J. ENGLISH

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4. To maintain, repair, improve, manage, insure, rent, lease, sell, convey, subject to liens, mortgages, subject to deeds of trust, and hypothecate, and in any way or manner deal with all or any part of any real or personal property whatsoever, tangible or intangible, or any interest therein, that ROCKFORD BAY INVESTMENTS, L.L.C. now own or may hereafter acquire, under such terms, conditions, and under such covenants as said attorney-in-fact shall deem proper;

5. To conduct, engage in, and transact any and all lawful business of whatever nature or kind for ROCKFORD BAY INVESTMENTS, L.L.C., on its behalf, and in its name;

6. To make, receive, sign, endorse, execute, acknowledge, deliver, and possess such applications, contracts, agreements, options, covenants, conveyances, deeds, deeds of trust, security agreements, bills of sale, leases, mortgages, assignments, insurance policies, bills of lading, warehouse receipts, documents of title, bills, bonds, debentures, checks, drafts, bills of exchange, letters of credit, notes, stock certificates, proxies, warrants, commercial paper, receipts, withdrawal receipts and deposit instruments relating to accounts or deposits in or certificates of deposit of banks, savings and loan, or other institutions or associations, proofs of loss, evidences of debts, releases, and satisfaction of mortgages, liens, judgments, security agreements, and other debts and obligations, and such other instruments in writing of whatever kind and nature as may be necessary or proper in the exercise of the rights and powers herein granted;

ROCKFORD BAY INVESTMENTS, L.L.C. grants to said attorney-in-fact full power and authority to do, take, and perform all and every act and thing whatsoever requisite, proper, or necessary to be done, in the exercise of any of the rights and powers herein granted, as fully to all intents and purposes as it might or could do if personally present, hereby ratifying and confirming all that said attorney-in-fact shall lawfully do or cause to be done by virtue of this Power of Attorney and the rights and powers herein granted.

This instrument is to be construed and interpreted as a general Power of Attorney. The enumeration of specific items, rights, acts, or powers herein is not intended to, nor does it limit or restrict, and is not to be construed or interpreted as limiting or restricting the general powers herein granted to said attorney-in-fact.

The rights, powers, and authority of said attorney-in-fact herein granted may be exercised at the sole discretion of the attorney-in-fact, and shall commence to be in full force and effect on the date of execution hereof, and shall remain in full force and effect thereafter until revoked by me by written notice duly acknowledged and recorded.

DATED this 6 day of August, 1999.

ROCKFORD BAY INVESTMENTS, L.L.C.

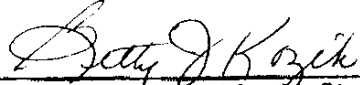

MARSHALL R. CHESROWN, Managing Member

STATE OF COLORADO)

County of Adams) ss

On this 6 day of August, 1999, before me, the undersigned, a Notary Public, in and for the State of Idaho, personally appeared MARSHALL R. CHESROWN, known or identified to me to be the Managing Member of ROCKFORD BAY INVESTMENTS, L.L.C., an Idaho Limited Liability Company, whose name is subscribed to the within instrument and acknowledged to me that he executed the same on behalf of said company and that said company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.


Notary Public in and for the State of Idaho Colo.
Residing at: Denver Co.
My Commission Expires: 5/26/01

I hereby accept the foregoing appointment as Attorney-in Fact for the above-named principal, ROCKFORD BAY INVESTMENTS, L.L.C., this 6 day of August, 1999.


GEORGE W. SCHILLINGER