

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 79-14245

Priority: June 16, 2011

Maximum Diversion Rate: 0.19 CFS

This is to certify, that RIVER FRONT GARDENS HOMEOWNERS ASSOCIATION
72 RIVER FRONT RD
LUCILE ID 83542

has applied for a permit to appropriate water from:

Source: GROUND WATER

Tributary: SALMON RIVER

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

BENEFICIAL USE

DOMESTIC

PERIOD OF USE

01/01 to 12/31

RATE OF DIVERSION

0.19 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER

L7 (NW1/4SE1/4)

Sec. 12, Twp 26N, Rge 01E, B.M., IDAHO County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE	NW	SW	SE	Totals
26N 01E 12	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	X L 7

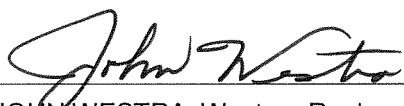
CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **August 01, 2012**.
2. Subject to all prior water rights.
3. This right does not grant any right-of-way or easement across the land of another.
4. 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.
5. Place of use is located within Lots 3-8, Block A of Riverfront Gardens Subdivision.
6. The irrigation occurring under this domestic use shall not exceed 1/2 acre within each platted subdivision lot upon which a home has been constructed. This right does not provide for irrigation of common areas or for irrigation of lots upon which homes have not been constructed.

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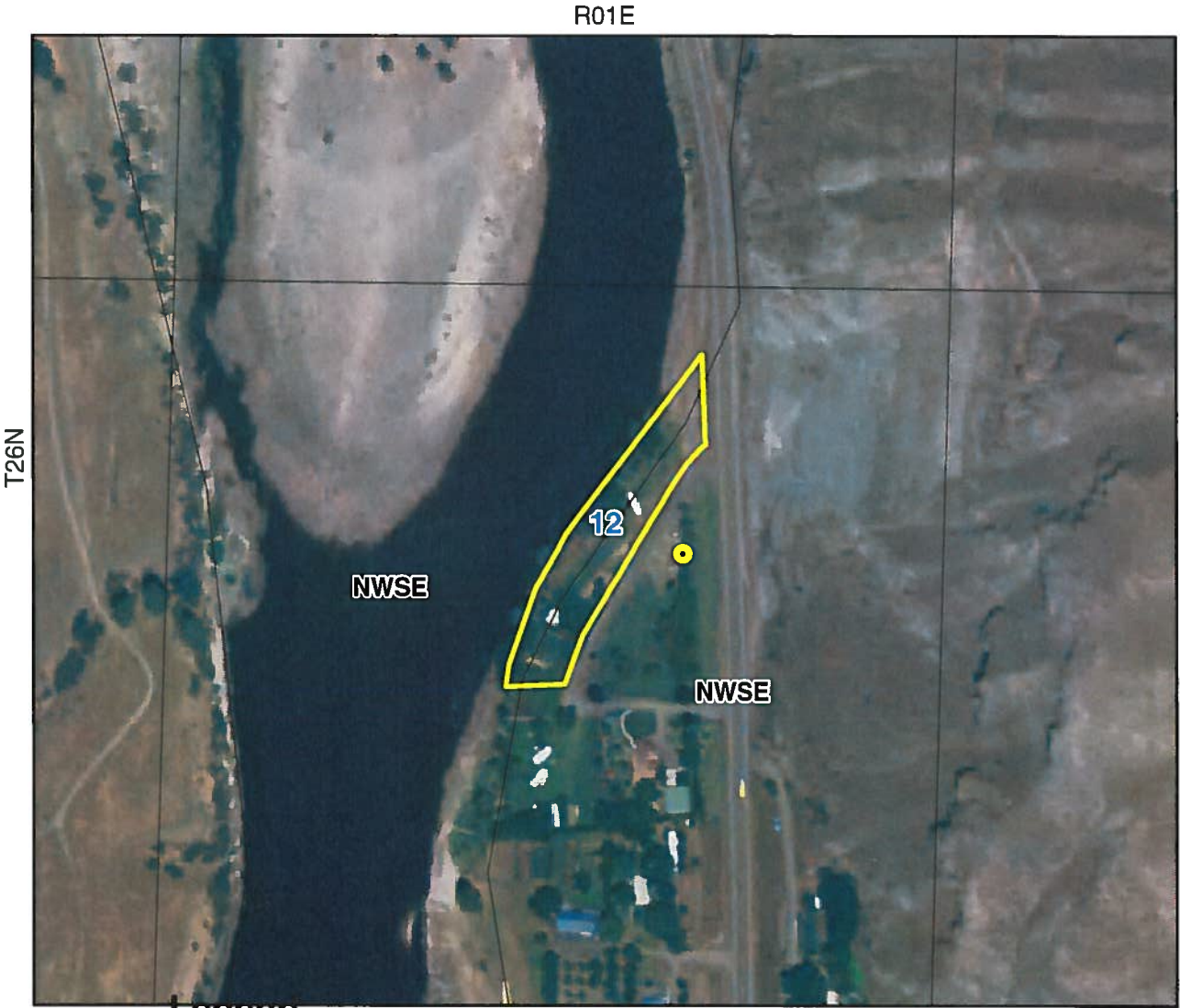
7. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
8. Domestic use is for 6 homes.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 1st day of August, 20 11.


JOHN WESTRA, Western Regional Manager

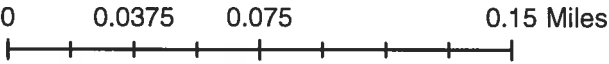


State of Idaho
Department of Water Resources
Water Permit
79-14245
Water Service Area Boundary for



Legend

-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

August 2, 2011

RIVER FRONT GARDENS HOMEOWNERS ASSOCIATION
72 RIVER FRONT RD
LUCILE ID 83542

RE: Permit No.79-14245

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.

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 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 208-334-2190.

Sincerely,


for John Westra
Western Regional Manager

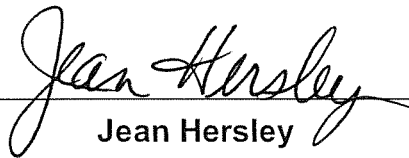
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on August 2, 2011 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. 79-14245

**RIVER FRONT GARDENS HOMEOWNERS ASSOCIATION
72 RIVER FRONT RD
LUCILE ID 83542**

A handwritten signature in cursive script, reading "Jean Hersley", is written over a horizontal line.

**Jean Hersley
Office Specialist II**

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.

RECEIVED

JUL 18 2011

WATER RESOURCES
WESTERN REGION

AFFIDAVIT OF PUBLICATION

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

77-14331

✓ BEAR LAKE MINING COMPANY, LLC

2828 W PARKER RD, STE 205
PLANO, TX 75024

Point of Diversion SWNE S09

T24N R05E IDAHO County

Source BEAR LAKE Tributary

BEAR CREEK

Use: MINING 06/01 to 11/30

0.2 CFS

Total Diversion: 0.2 CFS

Date Filed: 1/15/2010

Place Of use: MINING

T24N R05E S9 SWNE SENE

NWSE

79-14245

✓ RIVERFRONT GARDENS
HOMEOWNERS ASSOCIATION

72 RIVERFRONT RD

LUCILE, ID 83542

Point of Diversion L7(NWSE)

S12 T26N R01E IDAHO County

Source GROUNDWATER

Use: DOMESTIC 01/01 to

12/31 0.19 CFS

Total Diversion: 0.19 CFS

Date Filed: 6/16/2011

Place Of Use: DOMESTIC

T26N R01E S12 L7(NWSE)

Domestic use is for 6 residences.

For a full description of the right(s), please see

www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. Permits will

be subject to all prior water rights.

Protests may be submitted based

on the criteria of Idaho Code § 42-

203A. Any protest against the ap-

proval of this application must be

filed with the Director, Dept of

Water Resources, Western Region,

2735 Airport Way, Boise, ID

83705, together with a protest fee

of \$25 for each application on or

before July 25, 2011. The protes-

tant must also send a copy of the

protest to the applicant.

GARY SPACKMAN, Interim Di-

rector

Published on 7/6 & 7/13/2011

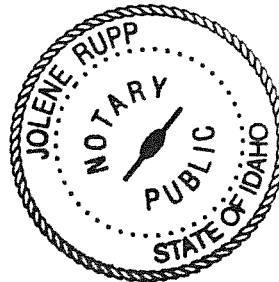
Jy6-13

STATE OF IDAHO
County of Idaho - ss.

Andrew J. McNab, being first duly sworn, says he is the Publisher of the IDAHO COUNTY FREE PRESS, a weekly newspaper published and issued weekly at Grangeville, Idaho County, State of Idaho, and is of general circulation in said county and state, that the said legal notice, of which the one hereto attached is a true copy, was published in said paper for two weeks, being published two times, the first publication being on the 6th day of July, 2011; and the last publication on the 13th day of July, 2011; and that the said legal notice was published in the newspaper proper and not a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight consecutive weeks prior to the publication of said legal notice of advertisement.

STATE OF IDAHO)
COUNTY OF IDAHO)

On this 13th day of July in the year of 2011, before me a Notary Public personally appeared Andrew J. McNab, 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.



Jolene Rupp
Notary Public for Idaho
Residing at Grangeville, ID
My commission expires: 1-29-13

✓ or DB 7/28/2011

IMPORTANT MESSAGEFOR JohnDATE 7-7-11TIME 12:13A.M.
P.M.**WHILE YOU WERE OUT**M. Shelley Leadin

OF

PHONE NO. 208-628-3400TELEPHONED ☐PLEASE CALL ☒CAME TO SEE YOU ☐WILL CALL AGAIN ☐WANTS TO SEE YOU ☐RUSH ☐RETURNED YOUR CALL ☐MESSAGE Riverview Garden HOApermit. how much longer?FW Discussed 7/25 last day to
protest application WR.Can issue drilling permit thenSIGNED John

OfficeMax

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