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AUG 10 2009

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right and file proof of beneficial use of water. There is a **FILING FEE** of \$50.00 to be included with this form when filed with IDWR.

Permit No. 72-16624 Date Proof is Due: September 1, 2009
Name(s) of Permit Holder: Firstfruits Foundation, Christopher James, trustee
Address: PO Box 510 City Challis State ID Zip 83226
Telephone No. 208-879-4560 / 208-940-2293 Email: lwaters7@custerfel.net

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

Nelson Engineering was hired to design a water transmission line early last year. They prepared an Environmental Assessment for a permit from BLM. we went through the public review/comment process and on July 23, 2009 a permit for water transmission line was granted (Right of Way Grant Serial No 101-33653 attached) ± redesign a 1505 septic system
Costing \$ 26,400

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

Time Constraint is the problem. we were finally granted the Right of Way July 23, 2009. To be safe please give me 2 more years to complete the project

Permit holder(s) request an extension to

September 1, 2011

Christopher W. James

(Signature) If other than permit holder, Power of Attorney must be supplied

8/6/09

(Date)

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be

APPROVED and the time within which to submit proof of beneficial use is extended to September 1, 2011.

Signed this 1st day of September, 2009.

Jeff Peppersack
Jeff Peppersack, Water Allocation Bureau Chief

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
RIGHT-OF-WAY GRANT

SERIAL NUMBER IDI-33653

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1. A right-of-way (ROW) grant is hereby issued pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).

2. Nature of Interest:

By this instrument, the holder:

FIRST FRUITS FOUNDATION AND CHRISTOPHER W. JAMES
P.O. BOX 510
CHALLIS, ID 83226

Receives a right to operate, maintain, and terminate a pipeline ROW comprised of two pipelines, a potable water well head, and an irrigation water surface diversion. The potable water pipeline is approximately 500-feet long (L) by 30-feet wide (W), the irrigation water pipeline is approximately 200-feet (L) and is also 30-feet (W). The ROW involves approximately 1.30 acres of public land.

The project is located on the following described public lands:

B.M., T. 13 N., R. 18 E., sec. 3, NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, CUSTER
COUNTY, IDAHO.

3. The ROW area granted herein is 500.0 & 200.0 feet long, 30.0 feet wide, and contains 1.30 acres, more or less.
- a. This instrument shall terminate on December 31, 2038, 29-years, 5-months from its effective date unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.
- b. At the discretion of the Authorized Officer this instrument may be renewed. If renewed, the ROW shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.
- c. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the

extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

4. Rental:

- a. For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the Authorized Officer *unless specifically exempted from such payment by regulation*. Furthermore, the rental may be adjusted by the Authorized Officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.

5. Terms and Conditions:

- a. This grant is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part 2800 and to future regulations promulgated by the Secretary pursuant to the provisions of the Act of October 21, 1976, P.L. 94-579 (90 Stat. 2743).
- b. The Authorized Officer reserves the right to grant additional rights-of-way or permits for compatible uses on, over, under, or adjacent to the land involved in this grant.
- c. The ROW granted herein may be reviewed at any time deemed necessary by the Authorized Officer.
- d. All maps and construction drawings for the proposed action, found in Appendices A1&2 of Environmental Assessment ID-330-2008-EA-466 attached hereto, is incorporated into and made a part of this grant instrument as fully and effectively as if it were set forth herein in its entirety.
- e. Failure of the holder to comply with applicable law or any provision of this ROW grant shall constitute grounds for suspension or termination thereof.
- f. Holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.
- g. The holder(s) shall comply with all applicable Federal, State and local laws and regulations, existing or hereafter enacted or promulgated, with regard to any hazardous materials (HazMat), as defined in this paragraph, that will be used, produced, transported or stored on or within the ROW or any of the ROW facilities, or used in the operation, maintenance or termination of the ROW or any of its facilities. "HazMat" means any substance, pollutant or contaminant that is listed as hazardous under the Comprehensive Environmental Reclamation Compensation Liability Act (CERCLA) of 1980, 42 U.S.C. 9601, et seq. or the Resource Conservation and Recovery Act (RCRA) of 1976, 42 U.S.C. 6901 et seq. as amended. The definition of hazardous substances under CERCLA includes any "hazardous waste" as defined in the RCRA, and its regulations. The term HazMat

also includes any nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended, 42 U. S. C. 2011 et seq. The term does not include petroleum, including crude oil or any fraction thereof that is not otherwise specifically listed or designated as a hazardous substance under CERCLA section 101(14), 42 U.S.C. 9601(14), nor does the term include natural gas.

- h. The holder of ROW No. IDI-33653 agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in CERCLA on the ROW (unless the release or threatened release is wholly unrelated to the ROW holder's activity on the ROW.) This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.
- i. The limits of the ROW shall be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. 'Waste' means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.
- j. Use of pesticides shall comply with the applicable Federal and state laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the holder shall obtain from the Authorized Officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the Authorized Officer. Emergency use of pesticides shall be approved in writing by the Authorized Officer prior to such use.
- k. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the Authorized Officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the Authorized Officer. An evaluation of the discovery will be made by the Authorized Officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the Authorized Officer after consulting with the holder.
- l. The holder shall be responsible for weed control on an annual basis along the ROW. This may include contacting the Custer County Weed Control Agent, a contractor, or personally performing control measures. Control measures must be done in accordance with the Challis Field Office Integrated Weed Management Program. The holder shall seed all disturbed areas as specified in environmental analysis ID-330-2008-EA-466, or with a seed mix approved by the authorized officer. Seeding shall be repeated, if a satisfactory stand is not obtained as determined by the authorizing officer upon evaluation, after the second growing season.
- m. No construction/maintenance activities shall be performed during periods when the soil is too wet to adequately support maintenance equipment. If such equipment creates ruts in

excess of two-inches deep, the soil shall be deemed too wet to operate said equipment.

- n. Ninety days prior to termination of the ROW, the holder shall contact the Authorized Officer to arrange a joint inspection of the ROW. This inspection will be held to allow the holder to agree to an acceptable termination (and rehabilitation) plan. This plan shall include, but is not limited to, removal of facilities, drainage structures, or surface material, recontouring, topsoiling, or seeding. The Authorized Officer must approve the plan in writing prior to the holder's commencement of any termination activities.
- o. Upon grant termination by the Authorized Officer, all improvements shall be removed from the public lands within ninety days, or otherwise disposed of as provided in paragraph (5)(a) or as directed by the Authorized Officer.

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this ROW grant.

GRANTEES/HOLDERS

First Fruits Foundation

Christopher W. James, co H

Christopher W. James

7/22/09

(Date)

BUREAU OF LAND MANAGEMENT

David Rosenkrance

(Signature of Authorized Officer)

David Rosenkrance
Field Manager, Challis Field Office

23 July 2009

(Date)