

07/2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

RECEIVED
MAY 26 2009
DEPARTMENT OF
WATER RESOURCES

1. Matter being protested:

Application for Permit No. 77-14319 in the name of Bear Lake Mining Company, LLC

2. Name of protestant:

United States Department of the Interior (USDOI)
Bureau of Land Management (BLM)
Idaho State Office (ISO)

RECEIVED
MAY 28 2009

3. Protestant's Representative for service (If different than protestant):

Fredric W. Price, Water Rights Specialist, ID933B

WATER RESOURCES
WESTERN REGION

4. Service mailing address:

United States Department of the Interior (USDOI)
Bureau of Land Management (BLM)
Idaho State Office (ISO)
1387 South Vinnell Way
Boise, Idaho 83709

5. Service telephone #: (208) 373-3831 Fred Price Email Address: Fredric_Price@blm.gov

6. Basis of protest (including statement of facts and law upon which the protest is based):

Claimant's Application for Permit #77-14319 includes federal public land (see below):

Point of Diversion: T24N, R05E, S09, SENWSE
Place of Use: T24N, R05E, S09, NESE

The entirety of this claim describes activities on federal public land which can only take place in accordance with an approved mining plan of operation. The claimant's use of Federal land is currently unauthorized. A water right cannot be established by aid of trespass.

The claimant is actively pursuing a land use agreement with the Bureau of Land Management, but the process has not been completed, and as with everything, there is no guarantee it will be approved for certain until the process is completed.

7. What would resolve your protest?

Either hold processing of the application until BLM authorizations are issued, or include certain "conditions of approval" that would allow BLM to withdraw its protest. There are no provisions for reasserting a protest once withdrawn, therefore any resolution must address the possibility that approvals from the United States could be denied. The following conditions would resolve BLM's protest if included in the permit and eventual license:

- a. "This right does not grant any right-of-way or easement across the land of another and does not constitute approval that may be required by the United States to access federal public land."
- b. "This right does not constitute United States approvals that are required for water using activities associated with mining of federal public land."
- c. "The right holder agrees to relinquish this application/permit/license should the United States deny authorization, or an issued authorization expires and is not renewed."
- d. "The right holder accepts all liability for water quality and is solely responsible for making water safe for domestic purposes."

I hereby, acknowledge that if I, or my designated representative, fail to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 26th day of May 2009.

Protestant

Fredric W. Price
Protestant's Representative

Enclosures:

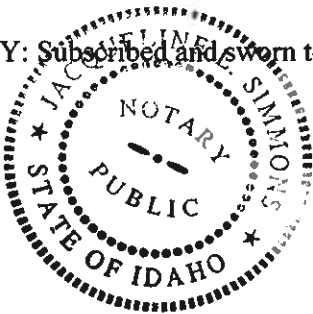
Copy of Application for Permit No. 77-14319 for Bear Lake Mining Company, LLC from IDWR weekly water Right report.

Copy of Application for Permit No. 77-14319 for Bear Lake Mining Company, LLC from IDWR website.

Copy of Application for Permit No. 77-14319 for Bear Lake Mining Company, LLC form #202 submitted by applicant Bear Lake Mining Company LLC.

Master Title Plats (MTPs)

NOTARY: Subscribed and sworn to before me on this 26th day of May 2009.



Jacqueline L. Simmons
Jacqueline L. Simmons
Notary Public in and for: State of Idaho
Residing at: Boise, Idaho
My Commission expires: April 7, 2011

FOR DEPARTMENT USE ONLY

Received by S.O. by DB Date: 5-26-09 Time: 4:30 AM/PM

\$25.00 fee Receipted by SRA # C088730 Date: 5-26-2009

2

NOTICE OF PROTEST
77-14319, Bear Lake Mining Company LLC
May 26, 2009

RECEIVED

MAY 26 2009

DEPARTMENT OF
WATER RESOURCES

CERTIFICATE OF MAILING

I certify that a true and correct copy of the "Notice of Protest" was mailed on **May 26, 2009**, with sufficient first-class postage to the following:

Original with check to:

State of Idaho
Idaho Department of Water Resources
State Office
322 East Front Street
Boise, Idaho 83720

Copies:

State of Idaho
Idaho Department of Water Resource
Northern Regional Office
7600 Mineral Drive, Suite 100
Coeur d'Alene, Idaho 83815-7763

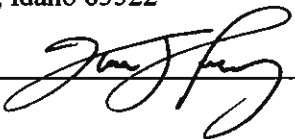
Bear Lake Mining Company, LLC
ATTENTION: WILLIAM W. RIDDLE, JR.
5700 Granite Parkway #350
Plano, Texas 75024

Registered Agent for Bear Lake Mining Company LLC:
Ron T. Blewett
1229 Main Street, Suite 105
Lewiston, Idaho 83501

Attorney on Record for Bear Lake Mining Company LLC
Clark and Feeney Law Firm
1229 Main Street, Suite # 106
Lewiston, Idaho 83501

United States Department of the Interior
Bureau of Land Management
Coeur d'Alene District (ID400)
Cottonwood Field Office (ID420)
ATTENTION: CRAIG JOHNSON
1 Butte Drive
Cottonwood, Idaho 83522

United States Department of the Interior
Bureau of Land Management
Coeur d'Alene District (ID400)
Cottonwood Field Office (ID420)
ATTENTION: ROBBIN BOYCE
1 Butte Drive
Cottonwood, Idaho 83522



Ident. No. 77-14319

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

JAN 23 2009

WATER RESOURCES
WESTERN REGION

1. Name of Applicant BEAR LAKE MINING COMPANY, LLC Phone (972) 702-9992
Mailing address 5700 GRANITE PARKWAY, STE 350, PLANO, TX 75024 Email _____
2. Source of water supply UNNAMED SPRING which is a tributary of BEAR LAKE
3. Location of point of diversion is Township 24N Range 5E Sec. 9, in the SE 1/4,
NW 1/4, SE 1/4, Govt. Lot _____, B.M., IDAHO County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount .04 CFS for DOMESTIC purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
5. Total quantity to be appropriated is (a) .04 CFS and/or (b) _____
cubic feet per second acre feet per year
6. Proposed diverting works:
 - a. Describe type and size of devices used to divert water from the source DIVERSION SYSTEM WILL BE A 3-INCH PLASTIC PIPE THAT DIVERTS WATER TO A 300 GALLON PLASTIC CISTERN. SYSTEM WILL BE GRAVITY FED.
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet;
total reservoir capacity _____ acre-feet
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
 - d. Is ground water with a temperature of greater than 85°F being sought? _____
 - e. If well is already drilled, when? _____; 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 _____ 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. ONE HOUSE (CABIN)
 - e. Other; describe fully. WATER BEING USED FOR DRINKING AND SANITARY PURPOSES BY WORKERS.
TOTAL USE OF WATER WILL NOT EXCEED 13,000 GALLONS PER DAY.

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.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
24N	5E	9													D				

Total number of acres to be irrigated: 0

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? CLAIMANT HAS FILED A NOTICE OF CLAIM TO A WATER RIGHT FOR DOMESTIC PURPOSES IN THE SRBA. NOTICE OF CLAIM IS FOR .01 CFS. OTHER CLAIM WILL BE USED FOR SAME PURPOSED BUT WAS ESTABLISHED DRAWING WATER FROM A SPRING WITH A PAIL

11. a. Who owns the property at the point of diversion? FEDERAL GOVERNMENT (BUREAU OF LAND MANAGEMENT)

b. Who owns the land to be irrigated or place of use? FEDERAL GOVERNMENT (BUREAU OF LAND MANAGEMENT)

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: CLAIMANT HAS AN UN-PATENTED MINING CLAIM ON FEDERAL LAND MANAGED BY THE FEDERAL BLM

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. CLAIMANT PLANS ON DIVERTING WATER FROM THE SPRING BY PLACING A 3-INCH PLASTIC PIPE IN THE SPRING AND RUNNING PIPE TO THE CLAIMANTS CABIN WHERE WATER WILL BE USED TO FILL A 300 GALLON BARREL. THE SYSTEM WILL BE GRAVITY FED AND THE PURPOSE OF ACQUIRING WATER RIGHT IS TO HAVE DRINKING, BATHING, AND CLEANING WATER OF WORKERS LIVING IN A CABIN ON AN UN-PATENTED MINING CLAIM..

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.

W. Jeremy Carr
Signature of Applicant

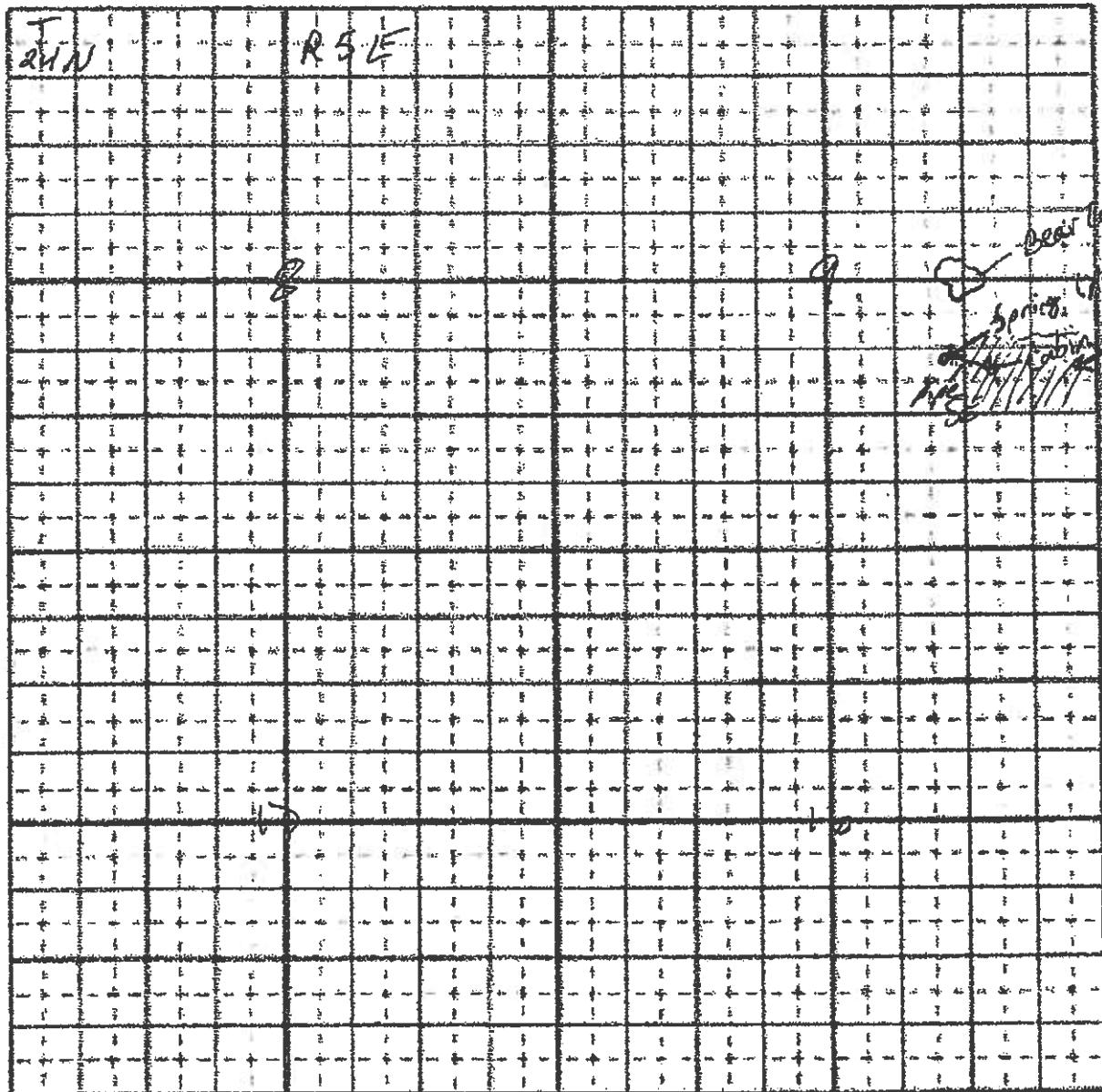
W. JEREMY CARR, ATTORNEY FOR BEAR LAKE MINING
Print Name (and title, if applicable) COMPANY, LLC

Received by JCL Date Jan 23, 09 Time 9:24am Preliminary check by JE
Fee \$ 100- Received by DB Receipt No. W037159 Date 1-23-09

10. NEITHER CLAIM WILL BE USED TO IRRIGATE A LAWN OR GARDEN

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 Inches equals 1 mile



Last Name Bear Lake Mining Company, LLC Ident No. _____

77-14319

April 29, 2009

Legal Notice Department
IDAHO COUNTY FREE PRESS
PO BOX 690
GRANGEVILLE ID 83530

RE: Application for Permit No. 77-14319, 78-12361 & 79-14216

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (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 05/26/2009. Your cooperation is appreciated.

Sincerely,

Denise Buffington
Administrative Assistant

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

77-14319

BEAR LAKE MINING CO LLC
5700 GRANITE PARKWAY STE 350
PLANO TX 75024

Point(s) of Diversion SENWSE S9 T24N R05E IDAHO County Source SPRING

Tributary To BEAR LAKE

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

Total Diversion: 0.04 CFS

Date Filed: 01/23/2009

Place Of Use: DOMESTIC

T24N R05E S9 NESE

Remark: This application proposes the diversion and use of water tributary to a federally designated Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because it is for domestic purposes. The diversion rate will be applied to the subordination amounts specified in the decree for the applicable Wild & Scenic River.

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, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 05/26/2009. The protestant must also send a copy of the protest to the applicant.

DAVID R. TUTHILL, JR., Director

Published on May 6th & 13th, 2009

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Application Report

5/22/2009

WATER RIGHT NO. 77-14319

Owner Type	Name and Address
Current Owner	BEAR LAKE MINING CO LLC 5700 GRANITE PARKWAY STE 350 PLANO, TX 75024 (972)702-9992
Attorney	CLARK & FEENEY ATTN JEREMY CARR 1229 MAIN ST PO DRAWER 285 LEWISTON, ID 83501 (208)743-9516

Priority Date: 01/23/2009
Status: Active

Source	Tributary
SPRING	BEAR LAKE

Beneficial Use	From	To	Diversion Rate	Volume
DOMESTIC	01/01	12/31	0.04 CFS	
Total Diversion			0.04 CFS	

Location of Point(s) of Diversion:

SPRING	SE	SW	SE	Sec. 09	Township 24N	Range 05E	IDAHO County
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DOMESTIC Use:
Number of homes: 1

Place(s) of use:

Place of Use Legal Description: DOMESTIC IDAHO County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
24N	05E	9		NESE										

Dates:

Date Application Received: 01/23/2009
 Date Application Denied:
 Last Date of Beneficial Use:
 Extension End Date:
 Protest Deadline Date: 5/26/2009
 Number of Protests: 0
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:

Other Information:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Application Type: New Appropriation

Applicant Remarks: Claimant plans on diverting water from the spring by placing a 3 inch plastic pipe in the spring and running pipe to the claimants cabin where water will be used to fill a 300 gallon barrel. The system will be gravity fed and the purpose of acquiring water right is to have drinking, bathing, and cleaning water of workers living in a cabin on an unpatented mining claim. Will not be used to irrigate lawn or garden.

Other Water Rights: none

Time to Complete Works: 5

Transfer Affected Description:

Transfer Affected Contracts:

Old Transfer Number:

Transfer Reason:

Transfer Return Flows:

Swan Falls Trust or Nontrust:

Water Right Report

Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Close

IDAHO DEPARTMENT OF WATER RESOURCES
NEW WATER RIGHT FILINGS

DATE: 05/4/09

Application for Permit No. 77-14319

Name: BEAR LAKE MINING CO LLC

Diversion Pt SENWSE Sec 9 T 24N R 05E IDAHO County Source SPRING
Use: DOMESTIC 01/01 To 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 01/23/2009

Place Of Use: DOMESTIC

T24N R05E S9 NESE

Remarks: This application proposes the diversion and use of water tributary to a federally designated Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because it is for domestic purposes. The diversion rate will be applied to the subordination amounts specified in the decree for the applicable Wild & Scenic River.

IDAHO COUNTY 049
COEUR D'ALENE DISTRICT

STATUS OF PUBLIC DOMAIN LAND AND MINERAL TITLES

MT PLAT

[illegible]

NDI 08167 Det PL 167 (Act of Cong 07/23/1955)
completed 12/27/1960. All NF surface Mgmt by USFS

DOI 09873 Del PL 167 (Act of Cong 07/23/1955)

Act of Cong (Soc 5) 10.02/1968

All public lands within 1/4 mile of Salmon River.
Action for potential addition to Wild & Scenic Rivers

NAME _____

1. $\frac{1}{2} \log \frac{1}{2}$

[illegible]

1. The first part of the document is a title page. It contains the title of the report, the author's name, and the date of the report. The title is "The Impact of Climate Change on the Environment". The author is "John Doe". The date is "10/10/2023".

[illegible]

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FOR ORDERS EFFECTING DISPOSAL OR USE OF

UNIDENTIFIED AND REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS

FILE REF: ID000240A00505EAM100000.dwg
CONVERTED TFF: 06/14/2005 09:19M

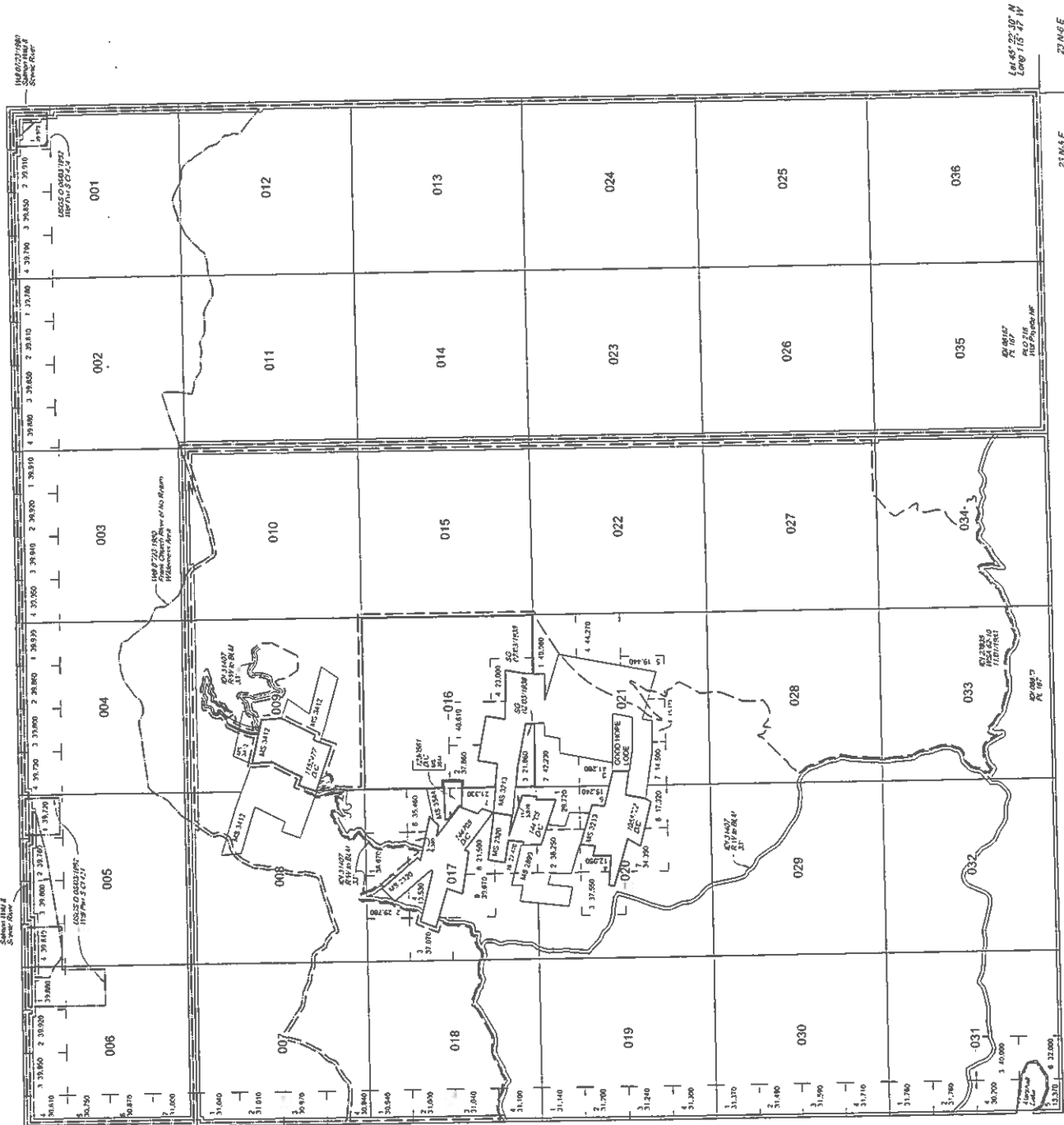
LAST UPDATED:	11/17/2008	BY:	JCB
QAQC #1:		QAQC #2:	

POSTED TO PUBLIC RECORDS: NOVEMBER 14, 2008
BY: _____
PUBLIC LAND SURVEY SYSTEM (PLSS)

BLM GDSB ACQUIRED:	04/26/2005
OTHER:	PVA

NOTES:

USE PLATE:



1000

This plot is only a graphic display of the Bureau of Land Management's (BLM) Record of Decision and townsite survey data. Records herein do not reflect BLM changes which may have been affected by lateral movements of these or other bedding of water. Refer to cadastral surveys for official information.

The notation shown on windmills represent the first action taken, but may not be the effective order. See the historical index for the time ordered windmill order.

No warranty is made by the Bureau of Land Management. The accuracy, reliability, or completeness of these data for individual use or other purposes are the user's responsibility. Data are not to be used for navigation.

1387 S. Virginia Way, Boston, MA 02109
(208) 373-4000

2501
2502
2503

