

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 PURPOSES 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. J. Carr
Signature of Applicant

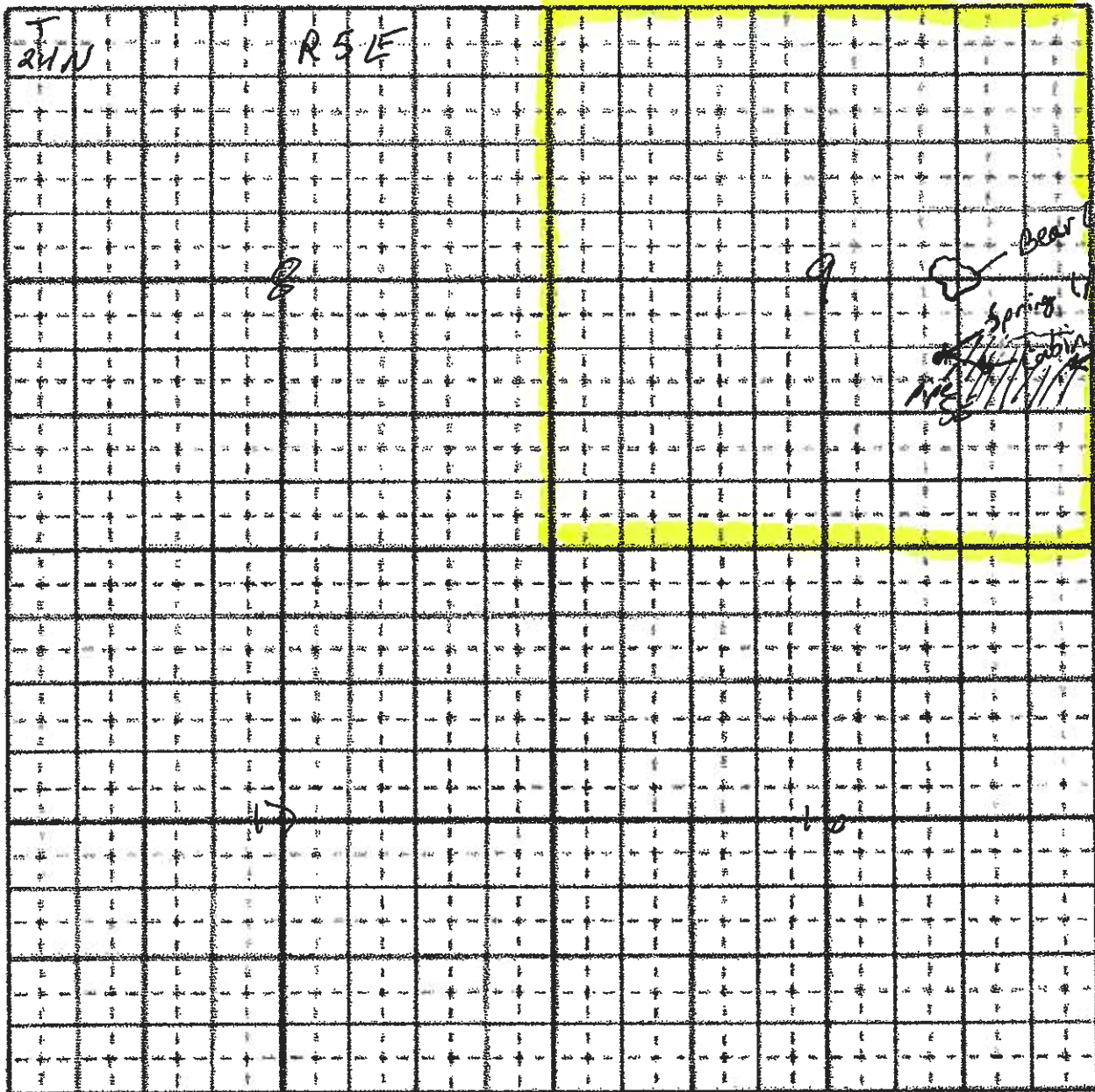
W. JEREMY CARR, ATTORNEY FOR BEAR LAKE MINING
Print Name (and title, if applicable) COMPANY, LLC

Received by JSC Date Jun 23, 09 Time 9:24 am 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

WorkCentre 7345 Transmission Report

G3 ID

Date/Time: 04/29/2009; 11:15AM
Page: 1 (Last Page)

Local Name
Logo

Document has been sent.
Document Size 8.5X11"SEF

FAX Transmittal Cover Sheet

State of Idaho
Department of Water Resources
Western Region
Boise, ID
PH. (208) 334-2190
FAX NO. (208) 334-2348
Number of total pages: 5

Date: April 29, 2009
To: Idaho County Free Press, Nona Donaldson
From: Denise Buffington *DB*
Fax: 208-983-1336

Attached please find (3) legal notices being submitted for publication. Please contact me if you have any questions about the attached information; or if you are not able to run the ads on the dates listed.

Thank you in advance,

Denise Buffington
Administrative Assistant

Total Pages Scanned: 5 Total Pages Sent : 5

No.	Doc.	Remote Station	Start Time	Duration	Pages	Mode	Contents	Status
1	5325	2089831336	4-29;11:14AM	41s	5/ 5	SG3		CP

Note:
RE: Resend MB: Send to Mailbox BC: Broadcast MP: Multi Polling RV: Remote Service
PG: Polling RB: Relay Broadcast RS: Relay Send BF: Box Fax Forward CP: Completed
SA: Send Again EN: Engaged AS: Auto Send TM: Terminated

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Thank you in advance,

Denise Buffington
Administrative Assistant

Buffington, Denise

From: Buffington, Denise
Sent: Wednesday, April 29, 2009 11:03 AM
To: ndonaldson@eaglenewspapers.com
Subject: LEGAL NOTICES
Attachments: Idaho County Ads Cover Letter.RTF; 77-14319 Ad.RTF; 79-14216 Ad.RTF; 78-12361 Ad.RTF

Attached please find (3) legal notices being submitted for publication. Please contact me if you have any questions about the attached information; or if you are not able to run the ads on the dates listed.

Thank You,

Denise Buffington
Administrative Assistant
Dept of Water Resources
Western Region

4/29/2009

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

Buffington, Denise

From: Buffington, Denise
Sent: Wednesday, April 29, 2009 2:01 PM
To: 'rward@idfg.idaho.gov'
Subject: COMMENT LETTERS
Attachments: Comment letter to IDFG.doc; 77-14319 App.pdf; 65-23294 App.pdf

Please review the attached information and comment as necessary. If you have any questions regarding the attached information, please contact our office at 334-2190.

Thank You,

Denise Buffington
Administrative Assistant
Dept of Water Resources
Western Region

4/29/2009

April 29, 2009

RICK WARD
ENVIRONMENTAL STAFF BIOLOGIST
ID DEPT FISH & GAME SOUTHWEST REGION
3101 S POWERLINE RD
NAMPA ID 83686

Re: Water Right Application(s) 65-23294 & 77-14319

Dear Mr. Ward:

Attached are copies of one or more applications that may be of interest to your agency. Please contact the applicant(s) if your agency has concerns about the application(s). It is not necessary to provide agency comments to the Idaho Department of Water Resources (IDWR), although your comments are welcome if you think IDWR would benefit from them.

If your agency desires to file a formal protest against approval of the application(s), a written protest along with the \$25.00 protest fee for each application protested must be received in this office by May 26, 2009.

Please contact this office at 334-2190 if you have any questions regarding the application(s).

Sincerely,

Denise Buffington
Administrative Assistant

Enclosure

Buffington, Denise

From: Buffington, Denise
Sent: Wednesday, April 29, 2009 3:11 PM
To: 'michael.truden@blm.gov'
Subject: COMMENT LETTER
Attachments: 77-14319 Comment letter to BLM.doc; 77-14319 App.pdf

Please review the attached information and comment as necessary. If you have any questions regarding the attached information, please contact our office at 334-2190.

Thank You,

Denise Buffington
Administrative Assistant
Dept of Water Resources
Western Region

4/29/2009

April 29, 2009

MICHAEL TRUDEN
US BUREAU OF LAND MANAGEMENT
3948 DEVELOPMENT AVE
BOISE ID 83705

Re: Water Right Application(s) 77-14319

Dear Mr. Truden:

Attached are copies of one or more applications that may be of interest to you. Please review the application(s) and submit any comments you may have. The Cottonwood BLM office contact person is Stephanie Connelly, according to the applicant.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of any of these applications, your written protest along with the \$25.00 protest fee for each application protested, must be received in this office by May 26 2009.

If you have any questions regarding these applications, please contact this office at 334-2190.

Sincerely,

Denise Buffington
Administrative Assistant

Enclosure



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

DAVID R. TUTHILL, JR.
Director

April 29, 2009

IDAHO COUNTY COURTHOUSE
COUNTY COMMISSIONER
320 W MAIN, ROOM 5
GRANGEVILLE ID 83530

Re: Application No(s). 77-14319 & 78-12361

Dear Interested Party:

Attached are copies of one or more applications that may be of interest to you. Please contact the applicant(s) if you have concerns about the application(s).

If you desire to file a formal protest against approval of the application(s), a written protest along with the \$25.00 protest fee for each application protested must be received in this office by May 26, 2009.

Please contact this office at 208-334-2190 if you have any questions regarding the application(s).

Sincerely,

A handwritten signature in black ink that reads "Denise Buffington". The signature is written in a cursive, flowing style.

Denise Buffington
Administrative Assistant

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

PHONE: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER, Governor
DAVID R. TUTHILL, JR., Director

April 15, 2009

BEAR LAKE MINING CO LLC
C/O JEREMY CARR
CLARK & FEENEY
PO DRAWER 285
LEWISTON ID 83501

Re: Application for Permit No. 77-14319

Dear Mr. Carr:

This letter confirms our telephone conversation yesterday in which you agreed that processing of the application should continue. Legal notices are anticipated in the Grangeville newspaper during the first half of next month.

You signed the application on behalf of the applicant. Please provide a power of attorney or similar document authorizing you to sign on behalf of the applicant. Alternately, an amended application could be submitted and signed by someone with such authority, such as an officer or director of the company.

If an amended application is submitted, please include the following revisions:

1. Application item 7, time required – list 5 years
2. Application item 10, other rights etc. – delete reference to SRBA claim since 77-4013 was disallowed in that process; state that lawn or garden irrigation is not intended.

You do not need to do anything with respect to those two items if an amended application is not submitted.

Your written reply within thirty (30) days will be helpful. More department information is available on the Internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Lester'.

Steve Lester
Water Rights Supervisor

MEMORANDUM

TO: File

FROM: Steve Lester 

DATE: April 14, 2009

RE: Application 77-14319

Attorney Jeremy Carr called to discuss this application. Applicant is working with BLM on a mining operation plan. The idea is to explore for further development as the economy (price of gold) and on-the-ground factors (availability and amount of gold) allow.

Applicant would like to proceed with processing. Carr said he is confident enough about progress with BLM to avoid the "public land letter" generally used to avoid protests by having the applicant provide written information from the public land agency prior to legal notices. The application can be advertised without that letter, but a comment letter will be sent to BLM. Local BLM contact for site is Stephanie Connelly at Cottonwood office, 208-962-3425.

A few application details are noted as follows:

- Item 7, time required – blank, attorney confirmed 5 years is requested, acceptable to process without amending application to add this information.
- Item 10, other rights and lawn/garden use – lists SRBA claim, attorney confirmed that is disallowed 77-4013 for same system, claim filed by Johnson but not successful, no overlap found; no lawn/garden use proposed per page 3 of application.
- Item 13, map and signature – map confirms P/D and P/U legals, application signed by attorney without power of attorney provided, will solicit that as processing continues.
- Legal notice – tributary to 77-11941 Salmon River Wild & Scenic right (Long Tom Bar), ad will include standard remark and tracking spreadsheet will be updated before advertising.

RECEIVED

JAN 23 2009

WATER RESOURCES
WESTERN REGION

(208) 743-9516
(800) 865-9516

FAX
(208) 746-9160

cflaw@lewiston.com

RON T. BLEWETT
WILLIAM JEREMY CARR
PAUL THOMAS CLARK
THOMAS W. FEENEY
SCOTT D. GALLINA **
JONATHAN D. HALLY
RUBE G. JONES *
TINA L. KERNAN **
JOHN C. MITCHELL
DOUGLAS L. MUSHLITZ
CHARLES M. STROSCHER **
CONNIE TAYLOR **

LAW OFFICES OF
CLARK AND FEENEY
THE TRAIN STATION, SUITE 106
1229 MAIN STREET
P.O. DRAWER 285
LEWISTON, IDAHO 83501

* LICENSED IN WASHINGTON & OREGON ONLY
** LICENSED IN IDAHO & WASHINGTON

January 22, 2009

Western Region
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Re: State of Idaho Department of Water Resources Application for Permit for Bear
Lake Mining Company, LLC

Dear Clerk:

Enclosed herein for filing please find the original *State of Idaho Department of Water Resources Application for Permit*. I have also enclosed a check in the amount of \$100.00 to cover the filing fee.

If you have any questions, please do not hesitate to contact me.

Sincerely,

CLARK & FEENEY



By: W. Jeremy Carr

WJC:kh
enc.

cc: William Riddle w/enc.