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\$50 Fee Received by amb
Date 8-17-07
Receipt No. 2084773

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 17 2007

REQUEST FOR EXTENSION OF TIME

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

DEPARTMENT OF
WATER RESOURCES

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
Name(s) of Permit Holder: FirstFruits Foundation
Address: PO Box 510 City Challis State ID Zip 83226
Telephone No. 208-879-4560 / cell 8334560 Date Proof is Due: Sept 1, 2007

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".)

Our application with the BLM for a permit for water transmission line was originally filed 12/17/2002. We updated the project description in July 2006. Hammond Engineering designed the water transmission line and diversion.

See letter sent to BLM 7/27/2006 and revised Project Description

Costing \$ 2000+

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

The BLM has been understaffed and/or overburdened with a great amount of work to do. We are still waiting for approval of our application. See letter from BLM dated July 30, 2007

Permit holder(s) request an extension to Sept 1, 2009

Chamber W James, trustee of FirstFruits Foundation
(Signature)* (Date)

*If other than permit holder, Power of Attorney must be supplied.

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, 2009.

Signed this 21st day of August, 20 07. Deborah J. Gibson
for JEFF PEPPERSACK Bureau Chief
Water Allocation Bureau

Firstfruits Foundation / Living Waters Ranch

Christopher W. James, Trustee / President

P O Box 510, Challis, ID 83226; 208-879-4560

lwatersr@custertel.net , www.livingwatersranch.org.

July 27, 2006

David Rosenkrance, Supervisor
Bureau of Land Management
801 Blue Mountain Rd.
Challis, ID 83226

Regarding: Application for Waterline for Living Waters Ranch #2800 IDI- 33653.

Dear David,

In our recent conversation you asked whether I wanted to fast track the 0.69 acre purchase or the water transmission line project. I said the parcel purchase. You then told me if I was interested in completing the water transmission line project more quickly, I should employ an environmental specialist to do the EIS. Thank you, I have.

In recent days I have spoken to Mark Fetzner while he was in the Midwest on assignment. Mark said that he knew you and has worked well with you. Mark said he looked forward to representing Firstfruits Foundation / Living Waters Ranch in this project and working with you and your staff.

Just yesterday, I sent Mark a copy of our application with the newly revised **Project Description** and the new map. For your file both are enclosed. Please accept these as amendments to our application. The project has been modified to exclude another previously mentioned "phase 2", the length of the waterline was shortened to be precise, and the direction of the waterline was corrected from the former submittals. These changes and employing a professional will better insure the success of this needed project. We do need to secure a quality water source for Living Waters Ranch.

Mark will be back at his office in Idaho Falls after the first week of August. Sometime thereafter he will commence work on the project.

Yours Truly,

Christopher W. James, President of Living Waters Ranch

Enclosures: Revised Project Description 7/26/06 and detailed map with elevations.

Cc: Mark Fetzner, Portage Environmental

Application for Transportation and Utility Systems
and Facilities on Federal Lands

**for Firstfruits Foundation (dba) Living Waters Ranch
and Christopher James**

7. Project Description

Revised 7/26/06

- a. Water Pipeline** – Approximately 125 feet upstream from Artesian Well, we will build a diversion for Daugherty Springs irrigation water right. This new diversion will capture water into a 4” pipe from the drainage canal and travel east to the well house of the Artesian Well. At the well house in the trench of the 4” pipeline, a 3” pipeline coming from the Artesian Well will also be put into the trench. Both pipes will be put into the same 44” trench. The trenching will be done by a mini-excavator with a 12” bucket to minimize the effects of the excavation. The pipeline will travel east approximately 500 feet until it crosses into private land. Therefore, the request is for 625 feet of water transmission line. (See the attached map)
- b. Physical Specifications of Pipeline** – The 4” pipeline carrying the irrigation water is approximately 4225 feet long from the diversion to LWR property. That is 125 feet from the diversion to the well house, 500 feet from the well house to crossing private land, then approximately 3600 feet to LWR. Pipeline constructed with high-quality 3 and 4 inch poly pipe. Pipe placed 44 inches below the surface.
- c. Construction** – will take approximately 2 months to complete. It will commence after permits issued and good weather which is likely May 2007.



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Challis Field Office
801 Blue Mountain Road
Challis, Idaho 83226
<http://www.id.blm.gov/offices/challis>



In Reply Refer To:
2850 (330)
IDI-33653

July 30, 2007

Christopher James
P.O. Box 1190
Challis, Idaho 83226

Dear Mr. James:

Thank you for your recent inquiry regarding your application for a pipeline right-of-way (ROW) across public land managed by the Challis Field Office, casefile number: IDI-33653.

As I stated in our phone conversation, Bureau of Land Management (BLM) would not object to an extension of your water right (#72-16624) from the Idaho Department of Water Resources (IDWR). As you know, BLM has had higher priority work, and was unable to complete the required environmental analysis. BLM is looking forward to working with your contractor in the preparation of a suitable environmental assessment for the project.

I hope this answers your questions; if you need further information please contact myself or Timothy Vanek, Realty Specialist at (208) 879-6218. Thank you for your interest in public lands managed by the BLM.

Sincerely,

David Rosenkrance
Field Manager

RECEIVED

AUG 21 2007

Department of Water Resources



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Challis Field Office
801 Blue Mountain Road
Challis, Idaho 83226

*Mar 12, 03**5175*

In Reply Refer To:
2800 (084)
IDI-33653

March 10, 2003

CERTIFIED MAIL # 7000 1530 0001 8501 3651
Return Receipt Requested

Christopher James
P.O. Box 510
Challis, ID 83226

Dear Mr. James:

Your application for a right-of-way for a pipeline across public land located in T. 13 N., R. 18 E., section 3, NESW, NWSE, SWNE, Custer County, Idaho, was received in this office on December 20, 2002. The additional information from the Custer County Road and Bridge and Custer Telephone Cooperative has also been received in this office.

I have determined the proper level of processing activities for your application to be a Category II for both cost recovery and monitoring fees (43 CFR §2808.3-1 and §2808.4). The non-recurrent processing fee for the category is \$300.00 and the monitoring fee is \$75.00. Please remit the total amount due of \$375.00 to this office within 30 days so we may continue processing your right-of-way application. A remittance envelope is enclosed for your convenience.

Prior to the issuance of your right-of-way grant, you will be sent a copy of the grant for your review and signature.

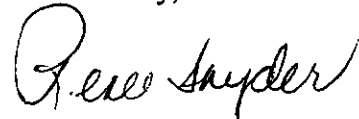
This decision is final for purposes of appeal. Within 30 days from receipt of this decision, you have the right of appeal to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations at 43 CFR Part 4.400. If an appeal is taken, you must follow the procedures outlined in the enclosed Form 1842-1, Information on Taking Appeals to the Interior Board of Land Appeals. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted, based upon the following standards:

1. The relative harm to you or other parties if the stay is granted or denied.
2. The likelihood of the success of your appeal.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether the public interest favors granting the stay.

If you have any questions, please contact Gloria Jakovac at (208) 756-5421.

Sincerely,



Renee Snyder
Field Manager

Enclosure (1pp)

cc:
Collections

To: Deborah Gibson, Water Allocation Bureau.
208-287-6700

From: Christopher James, Firstfruits Foundation
208-879-4902

RE: 72-16624 Proof of Beneficial Use Extension

Aug 21

Dear Deborah,

This attached letter is the only letter from the BLM other than the one supplied to you. This letter confirms that an application was in process.

If you would like I could send you a 1/65 copy of all the documentation that I was required to submit almost 5 years ago.

Yours Truly

Christopher James