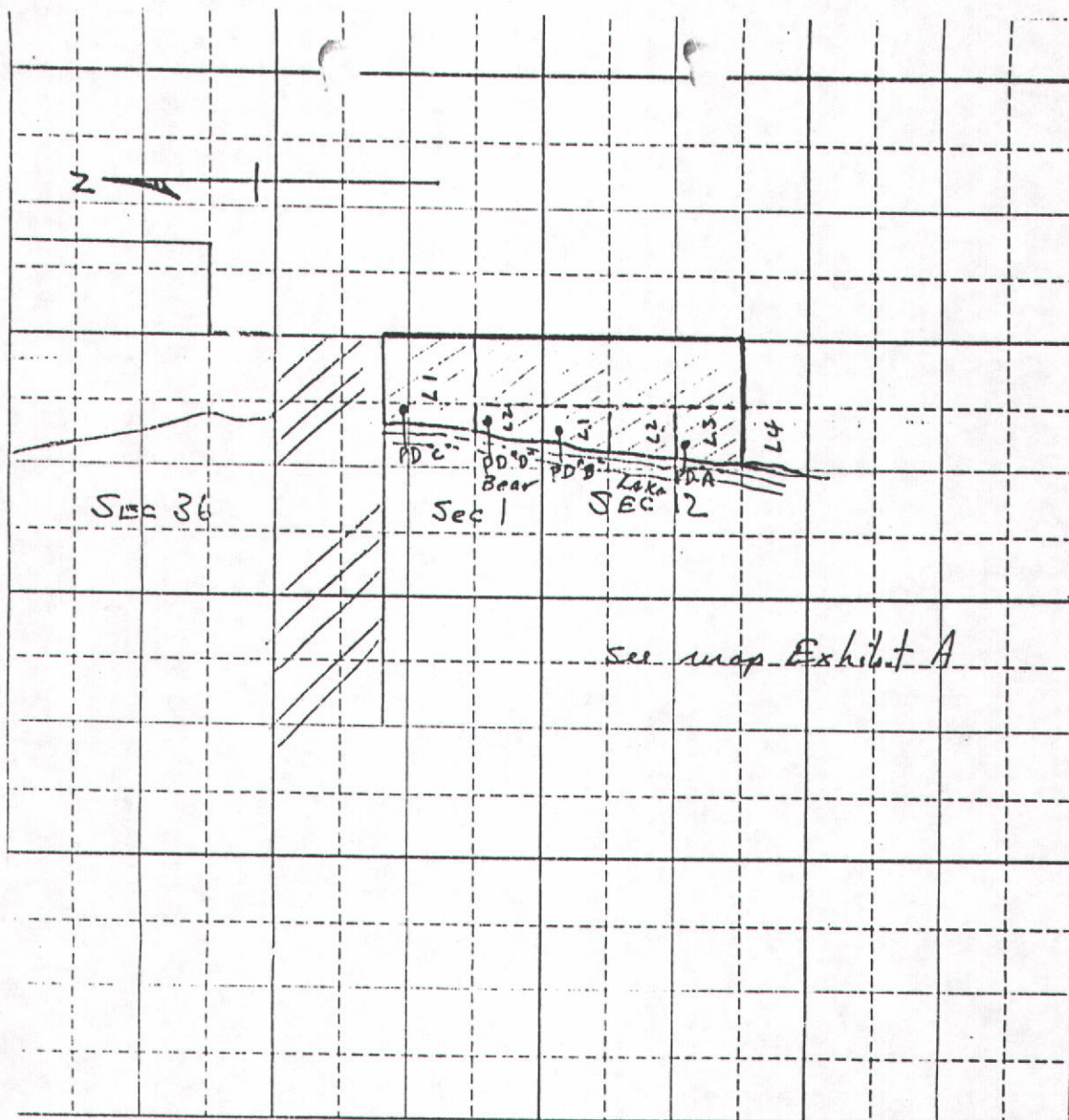




Scale 2 inches equal 1 mile

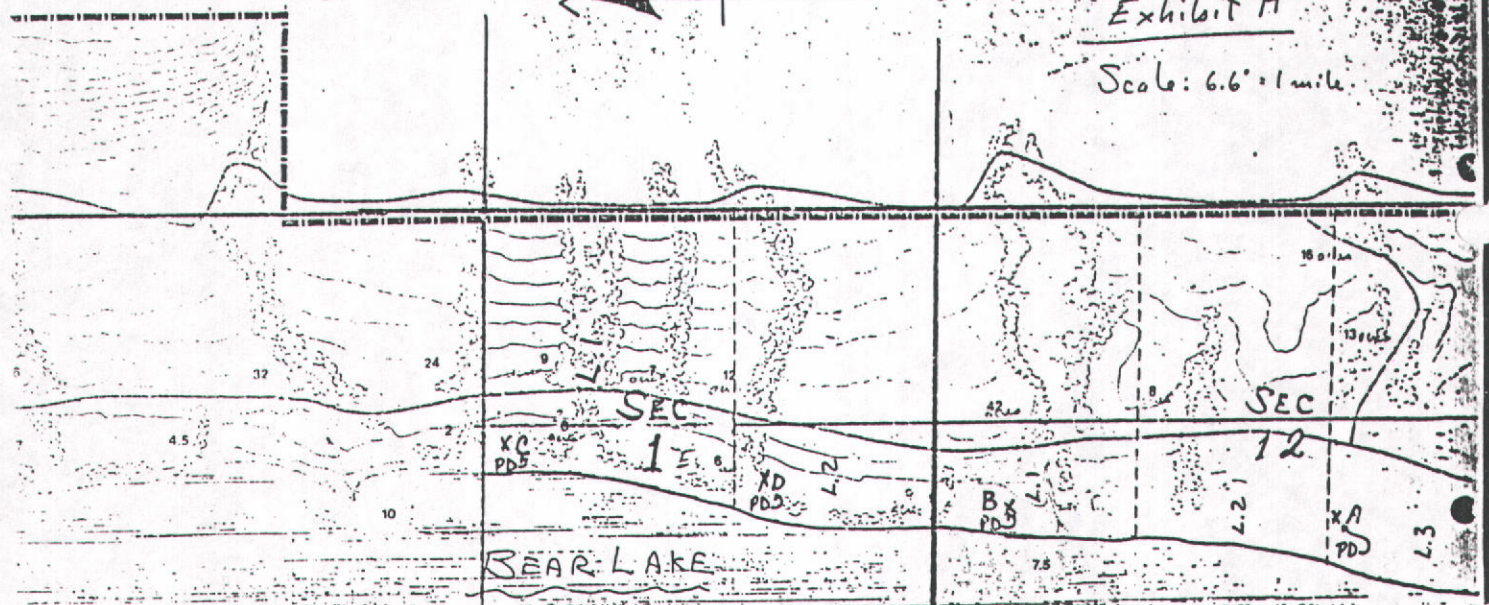
BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Bear Lake Sands Inc.
 by [Signature] Pres.
 (Applicant)
[Signature] Pres.



Exhibit A

Scale: 6.6' = 1 mile



TWP 15S TWP 16S
RA 44E RA 44E

Completed Summer 1973

COUNTY ENGINEER

I, _____ County Engineer of Bear Lake County, Idaho have checked the plat of Bear Lake Sands No. 2 and the computations for making to a plat and find they comply with the laws relating thereto.

BEAR LAKE COUNTY COMMISSION

I, _____ Chairman of the Board of County Commissioners of Bear Lake County, Idaho do hereby certify that the plat of Bear Lake Sands No. 2 was accepted and approved by resolution of said board the _____ day of _____ 1973.

In witness whereof I have hereunto set my hand and affixed the seal of Bear Lake County, Idaho this _____ day of _____ 1973.

Attest _____

ACKNOWLEDGEMENTS

I, _____ day of _____ 1972, before me a Notary Public in and for the State of _____, personally appeared _____ and acknowledged to me that he executed the certificate on this plat in witness whereof I have set my hand and affixed my official seal this _____ day of _____ 1972.

I, _____ day of _____ 1972, before me a Notary Public in and for the State of _____, personally appeared those named in the dedication on this plat and acknowledged to me that they executed the same in witness whereof I have hereunto set my hand and affixed my official seal this _____ day of _____ 1972.

BOUNDARY DESCRIPTION
Beginning at a point which is N 67° 31' 34" E, 3789.81 from the Extension of the SE 1/4 of Section 18, T 43 N R 44 E, Bear River and Meridian thence
N 67° 31' 34" E 186.40 feet thence
N 67° 31' 34" E 33.75 feet thence
N 87° 24' 35" E 33.75 feet thence
N 87° 24' 35" E 103.68 feet thence
N 87° 24' 35" E 33.67 feet thence
N 87° 24' 35" E 33.67 feet thence
N 87° 24' 35" E 246.00 feet thence
N 87° 24' 35" E 191.21 feet thence
N 87° 24' 35" E 400.86 feet thence
N 87° 24' 35" E 180.20 feet thence
N 87° 24' 35" E 380.00 feet thence
N 87° 24' 35" E 127.38 feet thence
N 87° 24' 35" E 13.00 feet thence
N 87° 24' 35" E 302.90 feet to point of Beginning

SCALE - 1" = 30'

BEAR LAKE SANDS NO. 2 A SUBDIVISION OF A PART OF THE NE 1/4 OF SECTION 12 T 43 N. R 44 E. BOISE BASE & MERIDIAN BEAR LAKE COUNTY, IDAHO

ENGINEERS CERTIFICATE

I, Sidney W. Smith, do hereby certify that I am a Registered Engineer, in the State of Idaho, holding Certificate No. 1043, and by the authority of the Commission, I have made a survey of the land shown on this plat and described hereon and have indicated said tract into lots and streets to hereafter be known as Bear Lake Sands No. 2 and that the same has been correctly surveyed and stated on the ground as shown on this plat.

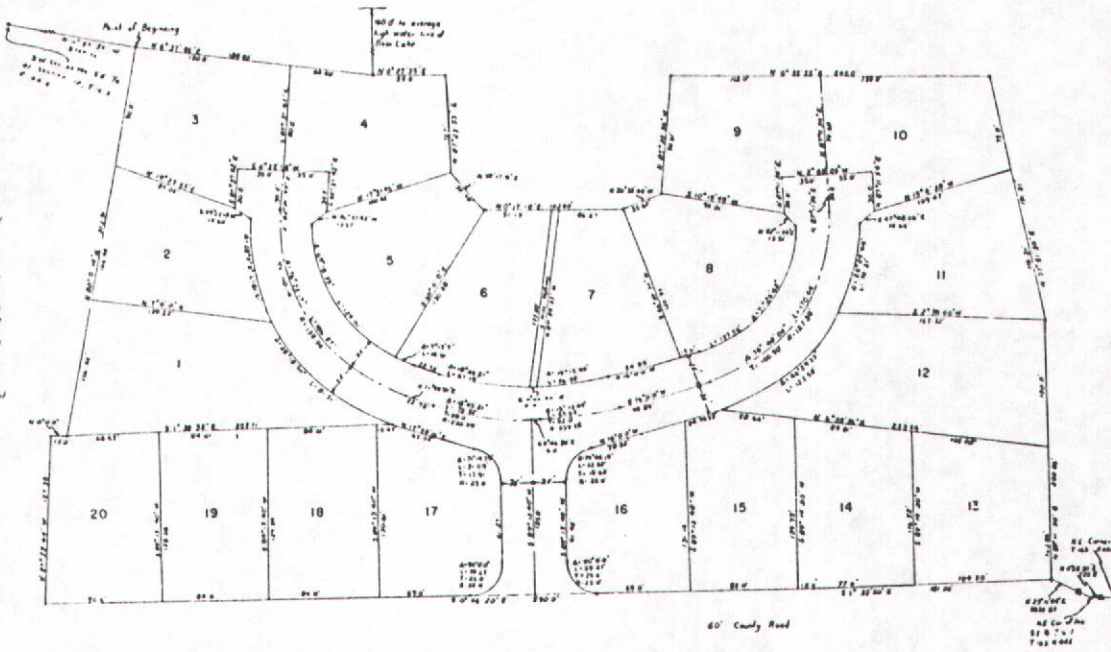
I further certify that this is a correct copy of said plat.



OWNERS DEDICATION

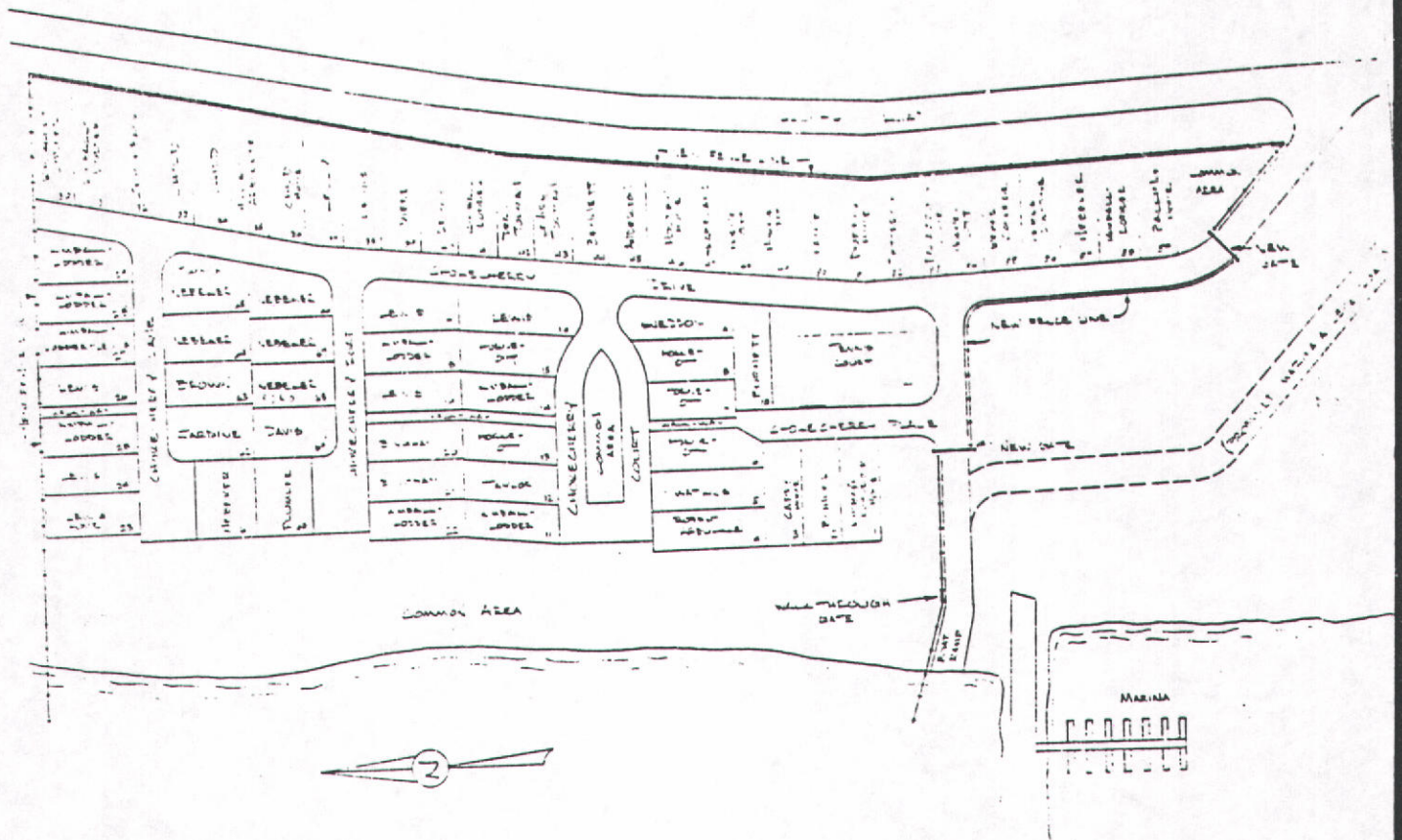
The undersigned owners of the herein described tract of land, does hereby set apart and subdivide the same into lots and streets (public streets private rights of way) as shown on the plat and names said tract "Bear Lake Sands No. 2" and here and reserve unto themselves, their heirs, their grantees, their successors and assigns, a right of way to be used in common with all others within said subdivision that adjoining subdivisions that may be subdivided by the undersigned owners, their successors and assigns on, over and across all these portions as parts of said tract of land designated on said plat as private streets private rights of way as access to the subdivided lots and under the lands designated on the plat as public utility and drainage easements, the same to be used for installation, maintenance and operation of public utility service lines as for the perpetual preservation of water drainage channels in their natural state, with no building or structure being erected thereon in such easements.

A 3 foot wide utility and drainage easement is hereby reserved along each side of every lot and boundary line.

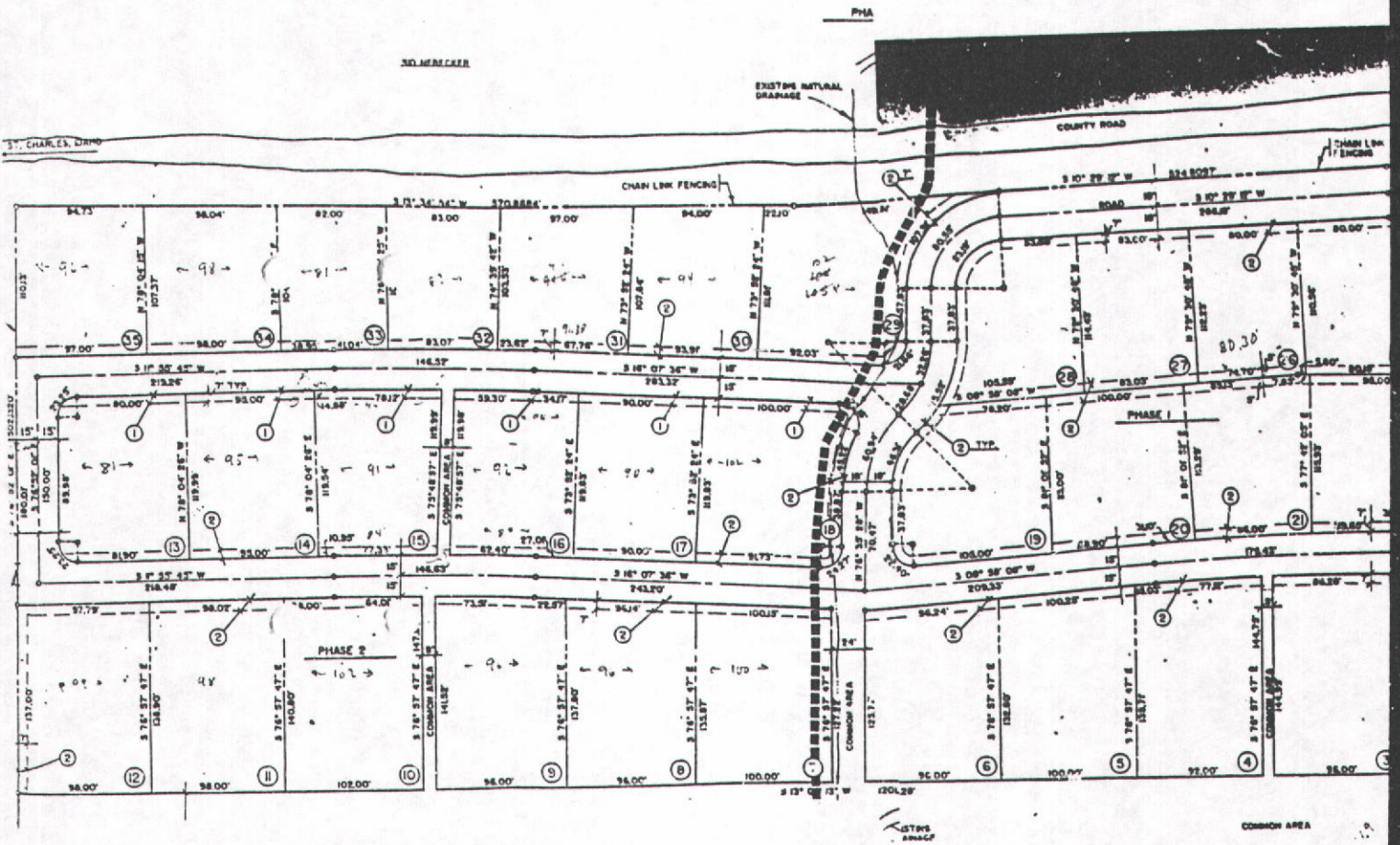


COMPLETED Summer 1976

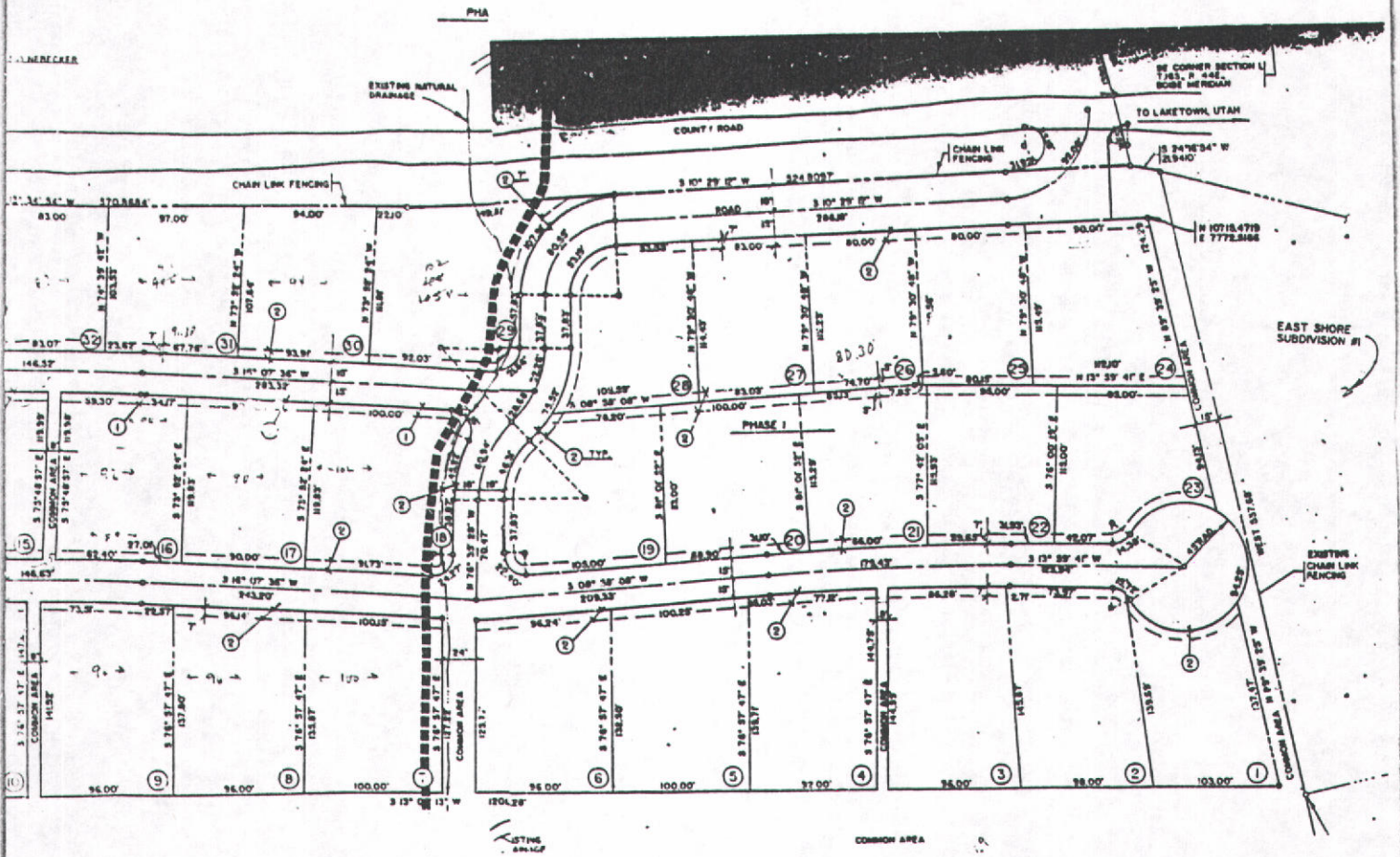
THE SHORE SUBDIVISION ONE SHORE SUBDIVISION



UNDER
EAST SIDE



UNDER CURRENT CONSTRUCTION
EAST SHORE #3



No 3652

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Bear Lake

ss.

Thurston Stamm
being duly sworn,

deposes and says:

That he is the Editor of THE NEWS-EXAMINER, a weekly newspaper published at Montpelier, in the County of Bear Lake and State of Idaho; and said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Montpelier; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for 2 consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

November 17, 1988, and ending
with the issue of November 24, 1988
Fees, \$34.60 Thurston Stamm

Subscribed and sworn to before me this 25 day
of November, 1988.

Russell O. Peterson

Notary Public, Residing at Montpelier, Idaho

My Commission Expires 8/23/91, 1991

RECEIVED

DEC 1 1988

Department of Water Resources
Eastern District Office

NOTICE OF APPLICATION
FOR WATER RIGHT

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

11-07372
BEAR LAKE SANDS INC.
2230 S. 3270 W.

SALT LAKE CITY, UT 84119

Source: GROUNDWATER

Diversion Pt: LOT 1 (SESWNE) Sec 1

T 16S R 44E; LOT 2 (NESWSE) Sec 1 T

16S R 44E; LOT 1 (NENWNE) Sec 12 T

16S R 44E; LOT 3 (NWSWSE) Sec 12 T

16S R 44E;

Use: DOMESTIC (2.610 CFS); IR-

RIGATION (2.990 CFS); COMMER-

CIAL (.060 CFS)

Date Filed: 5/23/1988

In: T16S R44E S01 SWNE SENE

NESE Lot 1 (NESE) Lot 1 (NESE) Lot

1 (NWSE) SWSE Lot 2 (SWSE) SESE

S12 NENE NWNE Lot 1 (NWNE) Lot 1

(NWNE) SWNE Lot 2 (SWNE) Lot 2

(SWNE) SENE NESE Lot 3 (NESE)

Lot 3 (NESE) NWSE

149.0 Acres Total

The premit(s) will be subject to all

prior water rights. Protests must be fil-

ed with the Director, Dept. of Water

Resources, Eastern Region, 150 Shoup

Avenue, Suite 15, Idaho Falls, Idaho

83402 on or before DECEMBER 5, 1988.

R. KEITH HIGGINSON,

Director

Legal No. 3652 — Publish Nov. 17, 24,

1988.

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 11-07372) **ORDER OF**
IN THE NAME OF BEAR LAKE SANDS, INC.) **REINSTATEMENT**
_____)

This matter having come before the Idaho Department of Water Resources (Department), the Department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On July 23, 1990, the Department issued Permit No. 11-07372 with a condition of approval that proof of construction of works and application of water to beneficial use be submitted to the Department on or before July 1, 1995.

2. On April 30, 1995, the Department sent a proof due notice to the permit holder.

3. On July 1, 1995, the permit lapsed and became of no further force nor effect.

4. On July 7, 1995, the Department sent a lapse notice to the permit holder.

5. On April 14, 1997, the permit holder filed proof of beneficial use with the Department. The permit holder also submitted evidence to show that water has been applied to beneficial use during the authorized development period and has shown sufficient cause why the beneficial use was not timely submitted.

CONCLUSIONS OF LAW

1. Section 42-218a.2, Idaho Code, authorizes the Department to reinstate a lapsed permit, with the priority date advanced to the date that proof of beneficial use was received, upon submittal of evidence clearly establishing the extent of beneficial use made

during the time authorized by the permit, a showing that beneficial use occurred during the authorized period and a showing of reasonable cause for filing a late proof of beneficial use.

2. The permit holder has made the submittal and adequate showings required by Section 42-218a.2, Idaho Code.

3. The Department should reinstate the permit with the date of priority advanced to the date proof of beneficial use was received.

ORDER

IT IS THEREFORE HEREBY ORDERED that Permit No. 11-07372 is **REINSTATED**.

IT IS FURTHER HEREBY ORDERED that the condition of approval requiring installation of a measurement port or other equipment to measure the rate of diversion from the well is **WAIVED**, provided there is an existing means suitable to measure the rate of diversion from the permit holder's well as determined by the Department's examiner who conducts the licensing examination.

IT IS FURTHER HEREBY ORDERED that the date of priority of this permit is advanced to **April 14, 1997**.

DATED this 30th day of July, 1997.


L. GLEN SAXTON, Chief
Water Allocation Bureau

RECEIVED

APR 14 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 11-07372 Telephone No. 801 972-5272
2. Name(s) of Permit Holder(s): Bear Lake Sands Inc.
3. Mailing Address: 2230 South 3270 West SLC, UT 84119
4. Source of Water: groundwater If **GROUNDWATER** (well), Date Drilled: mo. 1 yr. 1975
 - a. Well Driller: Burt Westlake Drilling Permit Number: - -
 - b. **OPTIONAL:**
Pump Horsepower: Pressure (psi): Dynamic pumping level (ft):
5. Use(s) (as authorized by the water right permit): * Permit shows more than amount for which proof is submitted
Domestic (No. of households): 957* Stockwater (No. and type of stock): - 0 -
Irrigation (No. of acres): 149* Other: Commercial for 0.06 CFS
6. Total rate of diversion and/or volume for which proof is submitted: 1.08 cfs OR acre feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is **not optional**. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete) Please waive the requirement of a flow measuring port.

Measuring Device:	Is a measuring device required?	Yes <u>✓</u>	or	No <u>✓</u>
	Has the measuring device been installed?	Yes <u> </u>	or	No <u>✓</u>
Flow Measurement Port:	Is a flow measurement port required?	Yes <u>✓</u>	or	No <u> </u>
	Has the measurement port been installed?	Yes <u> </u>	or	No <u>✓</u>
8. Fee Enclosed: \$ 125.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
Name: S. James Nebeker Telephone Number: 972-5272 w 582-75046
Address: 2230 So 3270 W SLC UT 84119
10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: S. James Nebeker Via President

(include your title, if on behalf of company or organization)

Date: 4/14/97

AUG 12 1997

NOTICE

This file has been REPRODUCED
from MICROFICHE [REDACTED]:

For a possible reinstatement

Darls Block
Person Recreating File

May 14, 1997
Date

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 11-07372

Proposed Priority: May 23, 1988 Maximum Diversion Rate: 5.65 CFS
This is to certify, that BEAR LAKE SANDS INC.
2230 S. 3270 W.
SALT LAKE CITY, UT 84119
has applied for a permit to appropriate water from: GROUNDWATER
and a permit is APPROVED for development of water as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION
IRRIGATION	04/15 to 10/15	2.98 CFS
COMMERCIAL	01/01 to 12/31	0.06 CFS
DOMESTIC	01/01 to 12/31	2.61 CFS
Totals		5.65 CFS

LOCATION OF POINT(S) OF DIVERSION: LOT 1(NENWNE), Sec. 12, Township 16S, Range 44E
LOT 3(NWSWSE), Sec. 12, Township 16S, Range 44E
LOT 1(SESWE), Sec. 1, Township 16S, Range 44E
LOT 2(NESWSE), Sec. 1, Township 16S, Range 44E
BEAR LAKE County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC	ACRES	ACRES	ACRES	TOTAL
16S	44E	1	LOT 1(NESE) 29	LOT 2(SWSE) 29		58
		12	LOT 1(NWNE) 31	LOT 2(SWNE) 31	LOT 3(NESE) 29	91

Total number of acres irrigated: 149

PLACE OF USE: DOMESTIC

TWN	RGE	SEC	SWNE	SENE	LOT 1(NESE)
16S	44E	1	LOT 1(NWSE)	LOT 2(SWSE)	SESE
		12	NENE	LOT 1(NWNE)	LOT 2(SWNE)
			SENE	LOT 3(NESE)	NWSE

PLACE OF USE: COMMERCIAL, same as IRRIGATION use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before July 1, 1995.
2. Subject to all prior water rights.
3. Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
4. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

Permit To Appropriate Water

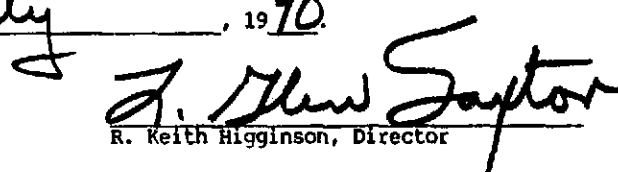
NO. 11-07372

CONDITIONS/REMARKS:

5. Prior to the diversion of water under this permit a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
6. Use of water under this permit is subject to control by the watermaster of State Water District No. 11.
7. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
8. Domestic use is for 957 homes.
9. Commercial use is for recreational development.
10. The maximum rate of diversion for irrigation purposes under this permit shall not exceed 2.98 cfs.
11. The maximum rate of diversion for domestic purposes under this permit shall not exceed 2.61 cfs.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

23rd day of July, 1990.


R. Keith Higginson, Director

Form 202
9/85

Ident. No. 11x7089

To appropriate the public waters of the State of Idaho

1. Name of applicant Bear Lake Sands Inc. Phone (801) 972-5272
- Post office address 2230 South 3270 West Salt Lake City, Utah 84119
2. Source of water supply ground water which is a tributary of _____
NE NW NE 1 *
3. Location of point of diversion is Lot 3 of SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Govt. Lot 3
- Sec. 12 Township 16 S Range 44 E B.M. Bear Lake County; additional
SE SW NE, NE SW SE *
- points of diversion if any: Lot 1 and Lot 2, Sec. 1 Twp. 16 S Ra 44 E B.M. Bear Lake County
4. Water will be used for the following purposes: **changes per telecon 5/25/88 ESU
- * Amount 19.0 for domestic purposes from 1 Jan. to 31 Dec. (both dates inclusive)
(cfs or acre feet per annum)
- * Amount 1.27 for domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre feet per annum)
- * Amount 2.98 for irrigation purposes from 4/15 to 10/15 (both dates inclusive)
(cfs or acre feet per annum)
- Amount 0.06 for Commercial purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre feet per annum)
5. Total quantity to be appropriated is (a) 19.0 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works: **changes per telecon 7/1/88 ESU
- a. Description of ditches, flumes, pumps, headgates, etc. Up to 3 or 4 wells 10 " to 16" in
diameter with buried pipe to an initial storage reservoir of at least 100,000 gal.,
underground distribution system to homes, yards, and fire hydrants. Other reservoirs
will be added as required.
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
full year to _____ inclusive.
- c. Proposed well diameter is 10 to 16 inches; proposed depth of well is 300 feet.
- d. Is ground water with a temperature of greater than 90°F being sought? no
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
5 years (minimum 1 year).

8. Description of proposed uses (if irrigation only, go to item 9): See attached description

- 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. Bear Lake Sands/ Bear Lake East Shore
- d. Domestic; show number of households. 957
- e. Other; describe fully. _____

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	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
16S	44E	1			D	D									D	D	D	D	552 homes
16S	44E	12	D	D	D	D									D	D			405 homes
				L1	L2										L3				
16S	44E	1													29		29		58 acres
															L1		L2		
16S	44E	12		31	31										29				91 acres
				L1	L2										L3				

Total number of acres to be irrigated 149 acres

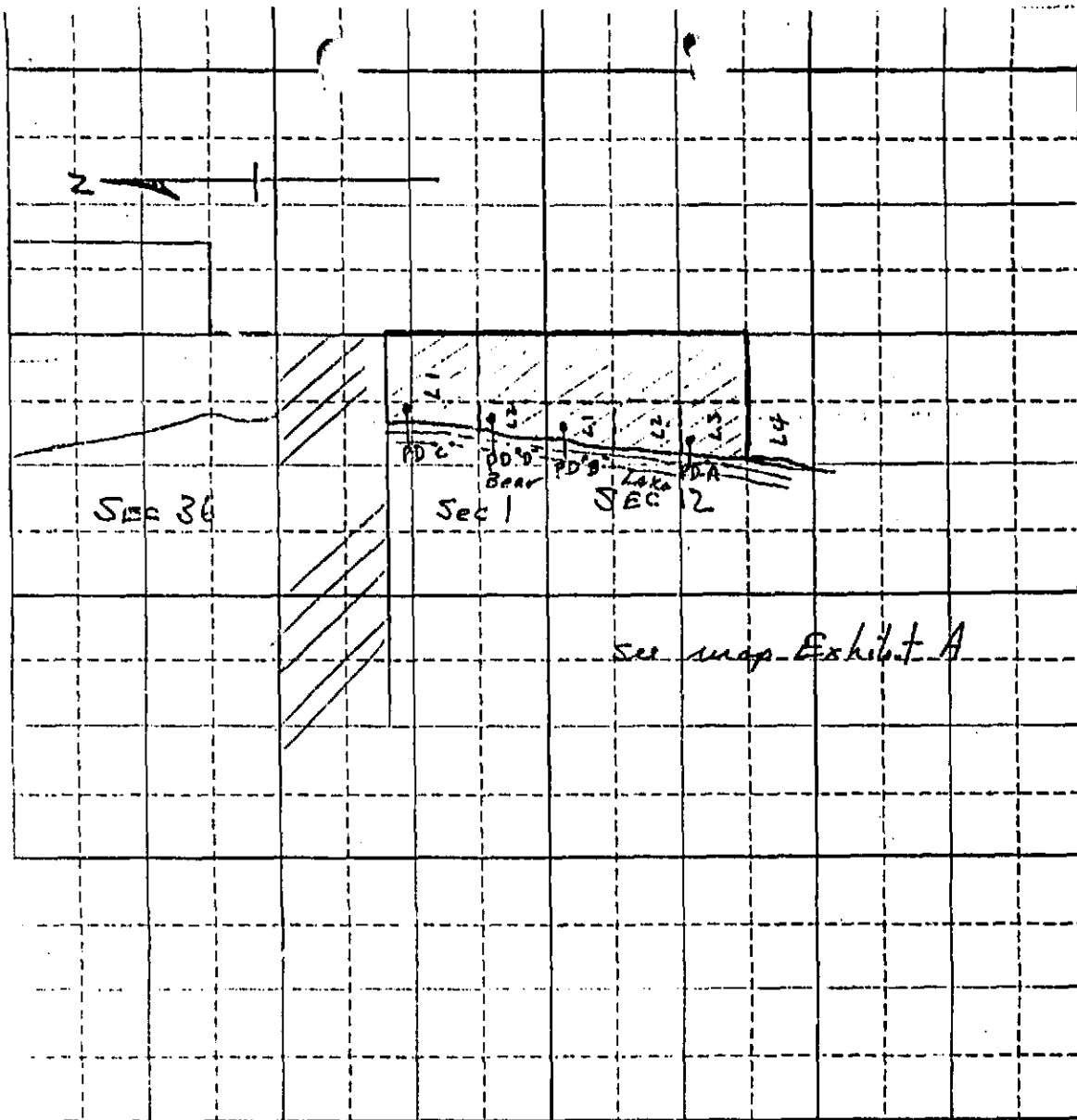
10. Describe any other water rights used for the same purposes as described above. none

11. a. Who owns the property at the point of diversion? Applicant
- b. Who owns the land to be irrigated or place of use? Applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: Water right requested will be for domestic water in a recreational and first home development on east shore of Bear Lake. 83 lots have been sold over last 15 years and development work is still underway. Water system will consist of underground mains and distribution lines to homes, landscaped areas and fire hydrants. Storage reservoirs will be excavated on hill side and be of concrete. Initial storage will be 100,000 gals.

18. Remarks continued:

In addition to the 83 homesites surveyed and sold at present, development is progressing in Sec 1 and Ne quarter of Sec. 12 for an additional 874 homesites. Exhibit A shows the acreage of developable areas by map and Exhibit B the density and the number of homesites planned in each area.



Scale 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Bear Lake Sands Inc.
 by [Signature] Pres.
 (Applicant)
[Signature] Pres.

Received by AW Date 2-25-88 Time 12:29 P. Preliminary check by ESV
Fee \$ 425⁰⁰ Received by dg # E000286 Date 5-26-88
Publication prepared by AB Date 11-9-88 Published in News-Examiner
Publication approved AW Date 12-1-88

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

[illegible]

applicant!

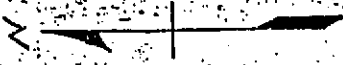
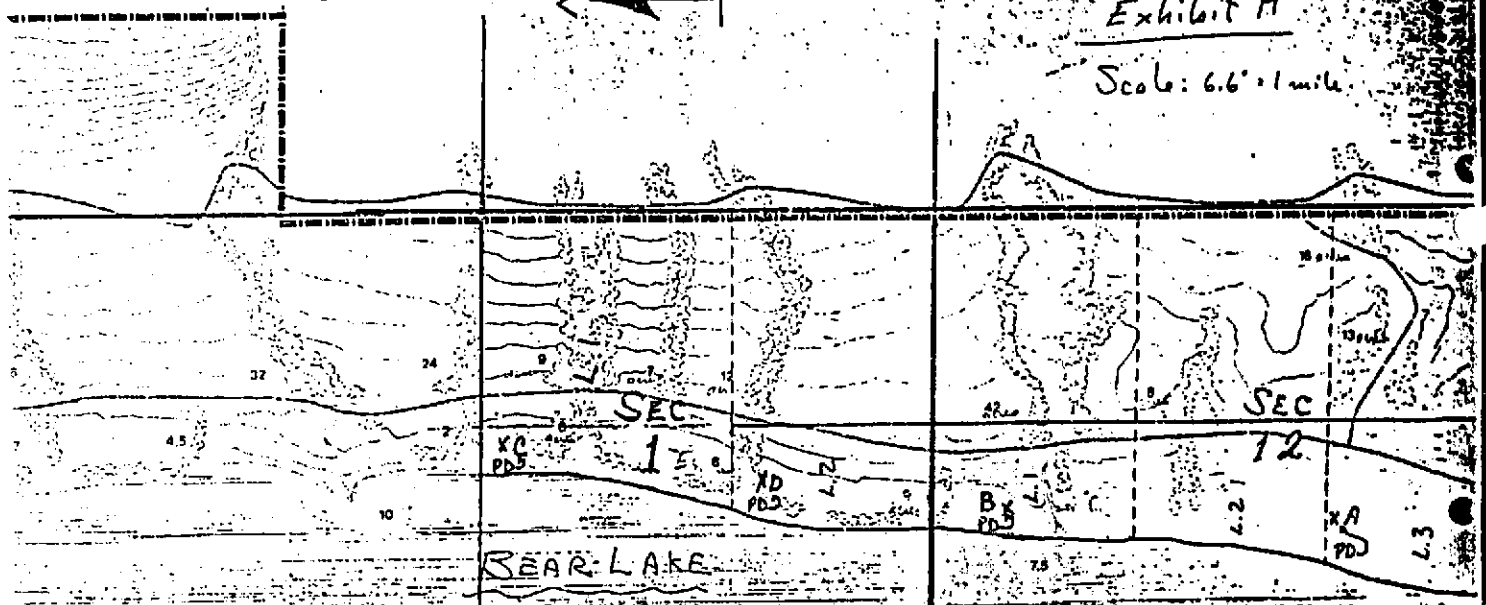


Exhibit A

Scale: 6.6" = 1 mile



TWP 15S TWP 16S
RA 44E RA 44E

6 Aug. 1975

EXHIBIT B

From Wells in Sec. 12

<u>Area</u>	<u>Density</u>	
22 acres	@ 5/acre	= 110 homes
13 acres	@ 4/acre	= 52 homes
18 acres	@ 4/acre	= 64 homes
8 acres	@ 12/acre	= 96 homes
<u>69</u>		<u>332 homes</u>
Presently platted and sold		<u>83 homes</u>
Total		405

$$405 \text{ homes} \times 0.02 \text{ cfs/home} = 8.1$$

From Wells in Sec. 1

<u>Area</u>	<u>Density</u>	
42 acres	@ 4/acre	= 168 homes
9 acres	@ 12/acre	= 108 homes
6 acres	@ 12/acre	= 72 homes
3 acres	@ 12/acre	= 36 homes
2 acres	@ 12/acre	= 24 homes
12 acres	@ 4/acre	= 48 homes
7 acres	@ 6/acre	= 42 homes
9 acres	@ 6/acre	= 54 homes
<u>90</u>		<u>552 homes</u>

$$552 \times 0.02 \text{ cfs/home} = 11.04 \text{ cfs}$$

Total 19.14 cfs

EXHIBIT C
 Bear Lake Sands, Inc.
 Projected 5 Year Water Use

Homes and lots using water 8/6/75	83
Additional homes and lots using water 8/1/88	<u>69</u>
Total homes and lots currently using water	154

12/31/88 Additional 43 Lots Platted for sale.
 Projected Sales and Water Use:

12/31/88	5 lots/homes
12/31/89	11 lots/homes
12/31/90	11 lots/homes
12/31/91	11 lots/homes
12/31/92	<u>11</u> lots/homes

Total Lots/Homes Additional 5 Years 43 lots/homes

Final Development 3 Pond Sewer Lagoon System completed this year:

East Shore Marina 175 slips with utilities

12/31/89	50 sites
12/31/90	50 sites
12/31/91	50 sites
12/31/92	<u>25</u> sites

Total Marina Sites 175

Commercial Use in Marina Area
 C-Store and Public Access 12/31/89

Restaurant and Entertainment
 Facilities Use 12/31/92



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Bear Lake Sands, Inc.
2230 South 3270 West
Salt Lake City, UT 84119

July 30, 1997

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 11-07372

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form and supporting information submitted for the above referenced permit.

Enclosed is an order reinstating the permit since proof was submitted after the proof due date of July 1, 1995. Note that the priority date has been advanced to April 14, 1997, the date the proof was received, as provided in Section 42-218a.2, Idaho Code. Additional development of water under terms of the permit is not authorized.

Please be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water. If you have questions concerning the field examination, you may contact the EASTERN Regional Office of the department in Idaho Falls at (208)525-7161.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

Enclosure

c: IDWR - Region

MICROFILMED

AUG 12 1997

Permit No. 11-07372 Reviewed by WJ Date 7-29-97

TYPES OF USE

TYPES OF USE
Swing, Dom & Comm,
ct Uses? Yes

Correct?

yes Required?
no Installed?
Waiver requested?

Date proof received 4-14-97 _____

Date proof due 7-1-95 _____

No. of days late _____ = _____

Priority Date _____ + _____

New Priority Date _____ 4-14-97 (if reinstated)

AGENCIES OR ACTION ITEMS

- needs order of Reinstatement (latl

New Address _____ Proof Made 4-14-97

RECEIVED

APR 14 1997

EAST SHORE DEVELOPMENT CO.
2230 South 3270 West Salt Lake City, Utah 84119-1194

Department of Water Resources

4/10/96

Ms. Julie L. Yarbrough, Senior Secretary
Idaho Department of Water Resources
1301 North Orchard St.
Statehouse Mail
Boise, ID 83720-9000

RE: Reinstatement of Permit #11-07372
Dear Julie;

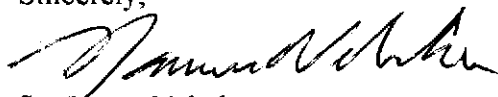
I have your letter of September 26, 1995. Thank you for the information you provided. Your instruction was very helpful. Enclosed is information I understand as necessary to review reinstatement of Permit #11-07372.

By way of brief background, Bear Lake Sands, Inc. had a Permit to Appropriate Water (under permit #11-07372 for 5.65 CFS) dated May 1988. In 1989, a 100,000 gallon water storage reservoir was completed with storage capacity rated at 150 residential equivalent units. There are 89 platted lots currently connected and served by this reservoir. In the late 1970s, water mains and distribution lines **were stubbed to all 89 lots before the completion of the reservoir.** As for future development, there are plans to initiate additional development. There are an additional 215 acres, held by Bear Lake Sands Inc., yet to be developed to which the permit applied.

Proof of beneficial use is filed late because I was not aware that construction of a delivery system was considered sufficient to prove beneficial use. It was my understanding that flow meters and expensive measuring equipment (not yet in place) was necessary to prove water use. Also, I was not aware of the option to file for extension. Consequently, the correspondence was delayed beyond the deadline, thinking it was necessary to go through considerable effort and expense to prove water use on the full 5.65 CFS. Additionally, this is a new responsibility and new procedure for me.

The Proof of Beneficial Use form is enclosed. As are power bills for pumping water during the permit period, and an affidavit from a water user.

Sincerely,



S. James Nebeker
Vice President / Bear Lake Sands, Inc.

MICROFILMED
AUG 12 1997

East Shore

AFFIDAVIT OF WATER USE

I, Dean Peterson, hereby attest that water from water has been pumped from an existing well and has been put to good use by the homeowners in areas developed by Bear Lake Sands, Inc. since the mid-1970's. Specific development areas include the East Shore Subdivisions #1, & #2 (with 69 lots) and Bear Lake Sands #2 Subdivision (with 20 lots).

Dean C Peterson 2-19-97
Dean Petersen Date

MICROFILMED
AUG 12 1997

EAST SHORE SEWER PUMP
EASTSHORE HOMEOWNERS
SCOTT FRECKLETON
4579 S TROJAN DR
WVLC UT 84120-5826

45

LOCAL OFFICE
AND PHONE

425 CLAY ST
MONTPELIER ID
847-1971

UTAH POWER

83254

ACCOUNT NUMBER			SERVICE ADDRESS				
4380-06265.001 7			EAST SHORE EAST SHR ID 83272				
RATE SCHEDULE	SERVICE		DAYS	METER READINGS		KILOWATT-HOURS USED	AMOUNT
23	FROM 12-22-93	TO 1-24-94	33	FROM 07388	TO 07403	135	24.76
MULTIPLIER 9.0000				21 KW POWER 2.2900			

You can "LEND A HAND" to someone in need.
If you add \$1, \$2, \$5, or \$10 to your payment, it will go
directly to Idaho agencies helping people with energy emergencies

THANK YOU We appreciate and thank you for paying your bill on time. Your prompt payments help the company hold down the costs of providing reliable service.	CURRENT BILL	24.76
	PREVIOUS BALANCE	118.13
	PAYMENTS RECEIVED	118.13~
	THANK YOU	
	ACCOUNT BALANCE	24.76
	STATEMENT DATE	1-24-94
	CURRENT CHARGES DUE	2-08-94
	AMOUNT NOW DUE	24.76

ENERGY USAGE PROFILE						
MONTHLY BILLING	DAYS	KWH USED		ELECTRIC SERVICE CHARGE		
		TOTAL	AVG/DAY	TOTAL	AVG/DAY	AVG¢/KWH
THIS YEAR	33	135	4	24.76		¢
LAST YEAR	35	81	2	21.71		¢

CUSTOMER PORTION--PLEASE RETAIN--FOR ADDITIONAL INFORMATION PLEASE SEE REVERSE SIDE

19270
45

1645762 7 438006265.001
EAST SHORE SEWER PUMP
EASTSHORE HOMEOWNERS
SCOTT FRECKLETON
4579 S TROJAN DR
WVLC UT 84120-5826

STATEMENT DATE	1-24-94
CURRENT CHARGES DUE	2-08-94
AMOUNT NOW DUE	24.76

UTAH POWER

P.O. Box 31898

SLC UT 84131-0898

AUG 12 1997

4380062650010000024764

7

\$
AMOUNT ENCLOSED

PLEASE RETURN THIS STUB IF PAYMENT IS BY MAIL.
BRING ENTIRE BILL IF PAYING IN PERSON

EAST SHORE SEWER PUMP
EASTSHORE HOMEOWNERS
SCOTT FRECKLETON
4579 S TROJAN DR
WVLC UT 84120-5826

45

LOCAL OFFICE 45
AND PHONE

TAH POWER

425 CLAY ST
MONTPELIER ID
847-1971

83254

ACCOUNT NUMBER		SERVICE ADDRESS					
4380-06265.001 7		EAST SHORE				EAST SHR ID 83272	
RATE SCHEDULE	SERVICE		DAYS	METER READINGS		KILOWATT-HOURS USED	AMOUNT
	FROM	TO		FROM	TO		
23	5-26-94	6-28-94	33	07583	07855	2448	217.52
MULTIPLIER				9.0000			
28 KW POWER				3.0900			

*pd
ck #164
7/19/94*

You can "LEND A HAND" to someone in need.
If you add \$1, \$2, \$5, or \$10 to your payment, it will go
directly to Idaho agencies helping people with energy emergencies

THANK YOU We appreciate and thank you for paying your bill on time. Your prompt payments help the company hold down the costs of providing reliable service.	CURRENT BILL	217.52
	PREVIOUS BALANCE	155.02
	PAYMENTS RECEIVED	155.02-
	THANK YOU	
	ACCOUNT BALANCE	217.52
	STATEMENT DATE	7-01-94
	CURRENT CHARGES DUE	7-19-94
	AMOUNT NOW DUE	217.52

ENERGY USAGE PROFILE						
MONTHLY BILLING	DAYS	KWH USED		ELECTRIC SERVICE CHARGE		
		TOTAL	AVG/DAY	TOTAL	AVG/DAY	AVG¢/KWH
THIS YEAR	33	2448	74	217.52		¢
LAST YEAR	32	2529	79	223.77		¢

CUSTOMER PORTION—PLEASE RETAIN—FOR ADDITIONAL INFORMATION PLEASE SEE REVERSE SIDE

MICROFILMED
AUG 12 1997

EAST SHORE SEWER PUMP
EASTSHORE HOMEOWNERS
SCOTT FRECKLETON
4579 S TROJAN DR
WVLC UT 84120-5826

45

LOCAL OFFICE 4
AND PHONE

425 CLAY ST
MONTPELIER ID
847-1971

UTAH POWER

83254

ACCOUNT NUMBER		SERVICE ADDRESS				
4380-06265.001 7		EAST SHORE			EAST SHR ID 83272	
RATE SCHEDULE	SERVICE		DAYS	METER READINGS		KILOWATT-HOURS USED
	FROM	TO		FROM	TO	
23	11-28-94	12-23-94	25	08900	08900	11.27
MULTIPLIER		9.0000				

You can "LEND A HAND" to someone in need.
If you add \$1, \$2, \$5, or \$10 to your payment, it will go
directly to Idaho agencies helping people with energy emergencies

THANK YOU We appreciate and thank you for paying your bill on time. Your prompt payments help the company hold down the costs of providing reliable service.	CURRENT BILL	11.27
	PREVIOUS BALANCE	71.70
	PAYMENTS RECEIVED	71.70-
	THANK YOU	
	ACCOUNT BALANCE	11.27
	STATEMENT DATE	12-27-94
	CURRENT CHARGES DUE	1-12-95
	AMOUNT NOW DUE	11.27

ENERGY USAGE PROFILE						
MONTHLY BILLING	DAYS	KWH USED		ELECTRIC SERVICE CHARGE		
		TOTAL	AVG/DAY	TOTAL	AVG/DAY	AVG\$/KWH
THIS YEAR						
LAST YEAR						

CUSTOMER PORTION-PLEASE RETAIN-FOR ADDITIONAL INFORMATION PLEASE SEE REVERSE SIDE

10380
45

1645762 7 438006265.001
EAST SHORE SEWER PUMP
EASTSHORE HOMEOWNERS
SCOTT FRECKLETON
4579 S TROJAN DR
WVLC UT 84120-5826

STATEMENT DATE	12-27-94
CURRENT CHARGES DUE	1-12-95
AMOUNT NOW DUE	11.27

UTAH POWER
P.O. Box 31898
SLC UT 84131-0898
MICROFILMED

4380062650010000011274

7

AUG 12 1997

\$
AMOUNT ENCLOSED

PLEASE RETURN THIS STUB IF PAYMENT IS BY MAIL
BRING ENTIRE BILL IF PAYING IN PERSON

EAST SHORE SEWER PUMP
 EASTSHORE HOMEOWNERS
 SCOTT FRECKLETON
 4579 S TROJAN DR
 WVLC UT 84120-5826

45 LOCAL OFFICE AND PHONE 5

425 CLAY ST
 MONTPELIER ID 83254
 847-1971

UTAH POWER

ACCOUNT NUMBER		SERVICE ADDRESS					
4380-06265.001 7		EAST SHORE				EAST SHR ID 83272	
RATE SCHEDULE	SERVICE		DAYS	METER READINGS		KILOWATT-HOURS USED	AMOUNT
	FROM	TO		FROM	TO		
23	12-23-94	1-24-95	32	08900	08923	207	29.58
MULTIPLIER				9.0000			
18 KW POWER				1.9900			
INTEREST							.11

You can "LEND A HAND" to someone in need.
 If you add \$1, \$2, \$5, or \$10 to your payment, it will go
 directly to Idaho agencies helping people with energy emergencies

PREVIOUS BALANCE NOT RECEIVED Your PREVIOUS BALANCE had not been received at the time this billing was prepared. Please pay the AMOUNT NOW DUE. If you have already paid the past due amount, please disregard this message.	CURRENT BILL	29.69
	PREVIOUS BALANCE	11.27
	PAYMENTS RECEIVED	.00
	ACCOUNT BALANCE	40.96
	STATEMENT DATE	1-26-95
	CURRENT CHARGES DUE	2-10-95
	AMOUNT NOW DUE	40.96

ENERGY USAGE PROFILE						
MONTHLY BILLING	DAYS	KWH USED		ELECTRIC SERVICE CHARGE		
		TOTAL	AVG/DAY	TOTAL	AVG/DAY	AVG¢/KWH
THIS YEAR	32	207	6	29.58		¢
LAST YEAR	33	135	4	24.76		¢

CUSTOMER PORTION—PLEASE RETAIN—FOR ADDITIONAL INFORMATION PLEASE SEE REVERSE SIDE

16660
 PB-D45

1645762 7 438006265.001
 EAST SHORE SEWER PUMP
 EASTSHORE HOMEOWNERS
 SCOTT FRECKLETON
 4579 S TROJAN DR
 WVLC UT 84120-5826

STATEMENT DATE	1-26-95
CURRENT CHARGES DUE	2-10-95
AMOUNT NOW DUE	40.96

UTAH POWER
 P.O. Box 31898
 SLC UT 84131-0898

MICROFILMED

4380062650010000040968

7

AUG 12 1997

\$
 AMOUNT ENCLOSED

PLEASE RETURN THIS STUB IF PAYMENT IS BY MAIL



EAST SHORE SEWER PUMP

EASTSHORE HOMEOWNERS

SCOTT FRECKLETON

4579 S TROJAN DR

WVLC UT

84120-5826

45

LOCAL OFFICE
AND PHONE 45

UTAH POWER

A Division of PacifiCorp

425 CLAY ST
MONTPELIER ID
1-800-523-2129

83254

ACCOUNT NUMBER				SERVICE ADDRESS					
4380-06265.001 7				EAST SHORE EAST SHR ID 83272					
RATE SCHEDULE	SERVICE FROM TO		DAYS	METER READINGS FROM TO		KILOWATT-HOURS USED	AMOUNT		
23	5-26-95	6-26-95	31	09020	09276	2304	204.70		
MULTIPLIER 9.0000									
37 KW POWER				4.0900					
You can "LEND A HAND" to someone in need. If you add \$1, \$2, \$5, or \$10 to your payment, it will go directly to Idaho agencies helping people with energy emergencies THANK YOU We appreciate and thank you for paying your bill on time. Your prompt payments help the company hold down the costs of providing reliable service.								CURRENT BILL	204.70
								PREVIOUS BALANCE	41.39
								PAYMENTS RECEIVED	41.39-
								THANK YOU	
								ACCOUNT BALANCE	204.70
STATEMENT DATE 6-26-95									
CURRENT CHARGES DUE 7-12-95									
AMOUNT NOW DUE 204.70									

Pd
Clt #195
7/6/95

ENERGY USAGE PROFILE						
MONTHLY BILLING	DAYS	KWH USED		ELECTRIC SERVICE CHARGE		
		TOTAL	AVG/DAY	TOTAL	AVG/DAY	AVG¢/KWH
THIS YEAR	31	2304	74	204.70		¢
LAST YEAR	33	2448	74	217.52		¢

CUSTOMER PORTION-PLEASE RETAIN-FOR ADDITIONAL INFORMATION PLEASE SEE REVERSE SIDE

MICROFILMED

AUG 12 1997

EAST SHORE SEWER PUMP
EASTSHORE HOMEOWNERS
SCOTT FRECKLETON
4579 S TROJAN DR
W VALLEY C UT 84120-5826

45 LOCAL OFFICE 45
AND PHONE
425 CLAY ST
MONTPELIER ID 83254
847-1971

UTAH POWER
A Division of PacifiCorp

ACCOUNT NUMBER		SERVICE ADDRESS					
4380-06265.001 7		EAST SHORE			EAST SHR ID 83272		
RATE SCHEDULE	SERVICE		DAYS	METER READINGS		KILOWATT-HOURS USED	AMOUNT
	FROM	TO		FROM	TO		
23	11-20-95	12-28-95	38	10292	10334	378	44.80
MULTIPLIER 9.0000				1.9900			
18 KW POWER							

pcp
1/4/95
C16#209

You can "LEND A HAND" to someone in need.
If you add \$1, \$2, \$5, or \$10 to your payment, it will go
directly to Idaho agencies helping people with energy emergencies

THANK YOU We appreciate and thank you for paying your bill on time. Your prompt payments help the company hold down the costs of providing reliable service.	CURRENT BILL	44.80
	PREVIOUS BALANCE	49.05
	PAYMENTS RECEIVED	49.05-
	THANK YOU	
	ACCOUNT BALANCE	44.80
	STATEMENT DATE	12-29-95
	CURRENT CHARGES DUE	1-16-96
	AMOUNT NOW DUE	44.80

ENERGY USAGE PROFILE						
MONTHLY BILLING	DAYS	KWH USED		ELECTRIC SERVICE CHARGE		
		TOTAL	AVG/DAY	TOTAL	AVG/DAY	AVG\$/KWH
THIS YEAR	38	378	10	44.80		¢
LAST YEAR						

CUSTOMER PORTION—PLEASE RETAIN—FOR ADDITIONAL INFORMATION PLEASE SEE REVERSE SIDE

MICROFILMED
AUG 12 1997

NOTICE

This file has been REPRODUCED
from MICROFICHE [REDACTED]:

For a possible reinstatement

Paula Block
Person Recreating File

May 14, 1997
Date

I certify that file No. 11-07372

has been reviewed and is ready to be

MICROFILMED and DESTROYED.

The attached proof report is the water right as it appeared in the database prior to final status entry and deletion from the database.

A. Curtis
Reviewer

1/10/96
Date

UR5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

01/10/96 14:28:35
Page 1

Water Right Number - 11-07372

Prefix Translation:

WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - - + + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
BEAR LAKE SANDS INC.

1 - 2230 S. 3270 W.

2 -

3 -

City- SALT LAKE CITY

State- UT Zip- 84110

Phone - 801-972-5272

+ - - Priority Date - - - +
05/23/1988

+ - - Region - - - +
15 EASTERN

+ - - Stage - - - +
P - PERMIT

+ - - Status - - - +

+ - - Source - - - - - +
GROUNDWATER

+ - - Tributary - - - - - +

Trn	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion	Diversion Name	Diversion Rate	Diversion No.
16S	44E	1	SE SW NE	1	(7)	BEAR LAKE				
			NE SW SE	2	(7)	BEAR LAKE				
		12	NE NW NE	1	(7)	BEAR LAKE				
			NW SW SE	3	(7)	BEAR LAKE				

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
43 - DOMESTIC		01/01	12/31	2.610	
01 - IRRIGATION		04/15	10/15	2.980	
10 - COMMERCIAL		01/01	12/31	0.060	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
5.650

Trn	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County
16S	44E	1	NE SE	1	29.0	01	IRRIGATION	(7) BEAR LAKE
16S	44E	1	SW SE	2	29.0	01	IRRIGATION	(7) BEAR LAKE
16S	44E	12	NW NE	1	31.0	01	IRRIGATION	(7) BEAR LAKE
16S	44E	12	SW NE	2	31.0	01	IRRIGATION	(7) BEAR LAKE
16S	44E	12	NE SE	3	29.0	01	IRRIGATION	(7) BEAR LAKE
16S	44E	1	SW NE			43	DOMESTIC	(7) BEAR LAKE
16S	44E	1	SE NE			43	DOMESTIC	(7) BEAR LAKE
16S	44E	1	NE SE	1		43	DOMESTIC	(7) BEAR LAKE
16S	44E	1	NW SE	1		43	DOMESTIC	(7) BEAR LAKE
16S	44E	1	SW SE	2		43	DOMESTIC	(7) BEAR LAKE
16S	44E	1	SE SE			43	DOMESTIC	(7) BEAR LAKE
16S	44E	12	NE NE			43	DOMESTIC	(7) BEAR LAKE
16S	44E	12	NW NE	1		43	DOMESTIC	(7) BEAR LAKE
16S	44E	12	SW NE	2		43	DOMESTIC	(7) BEAR LAKE
16S	44E	12	SE NE			43	DOMESTIC	(7) BEAR LAKE
16S	44E	12	NE SE	3		43	DOMESTIC	(7) BEAR LAKE

VR5008NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

01/10/96 14:28:35
Page 2

Water right number - 11-07372

Prefix Translation: WATER RIGHT

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County
16S	44E	12	NW SE			43 DOMESTIC		(7) BEAR LAKE
Total Acres:					149.0			

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - - Remarks - - - - -
Domestic use is for 957 homes.
Commercial use is for recreational development.
The maximum rate of diversion for irrigation purposes under this permit shall not exceed 2.98 cfs.
The maximum rate of diversion for domestic purposes under this permit shall not exceed 2.61 cfs.

+ - - - - - Old Water Right Numbers - - - - -
No Old Water Right Numbers found.

+ - - - - - Conditions of Approval - - - - -
026 - Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
046 - Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
016 - See remarks for additional conditions of approval.
01G - Prior to the diversion of water under this right a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
005 - Use of water under this right is subject to control by the watermaster of State Water District No. 11.
03A - The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

+ - - - - Decree Plaintiff - - - +

+ - - - - Decree Defendant - - - +

+ - Decree Date - +

00/00/0000

+ - - - - - Comments - - - - -

Date: 07/07/1995 User Id: VAULT Subject: Lapse Notice Sent
Lapse Notice Sent

+ - - Audit Fields - 11/07/88 BODELL 11/08/88 BODELL 11/30/88 WRAY 01/10/89 WRAY 01/17/89 WRAY
07/17/90 CURTIS 07/18/90 CURTIS 07/07/95 COMMENTS

WR5A08WP
(00-26)

IDAH0 DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

01/10/96 14:28:33
Page 3

Water right number - 11-07372

Prefix Translation: WATER RIGHT

+ Water Rights Dates and Flags Area +

Proof Due Date	- 07/01/1995	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 07/23/1990	Protested Date	- 00/00/0000	Shan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date	- 00/00/0000	Verified Date	- 00/00/0000	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 11
Licensed Date	- 00/00/0000	Appl Received	- 05/25/1988	Transfer/Amended	-
Decree Date	- 00/00/0000	Name Connector	-	POU Ownership Flag	-
Presumption Flag	-				



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARI J. DREHER
DIRECTOR

December 6, 1995

Bear Lake Sands Inc.
Attn: Sid Nebeker
2230 S 3270 W
Salt Lake City, UT 84119

RE: Lapsed Permit No. 11-07372

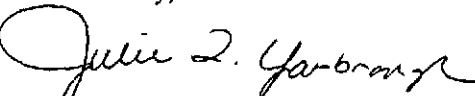
Dear Mr. Nebeker:

On September 28, 1995, I sent you a letter informing you of the steps which needed to be taken to reinstate the above referenced lapsed permit. To this date I have received no further correspondence from you on how you plan to handle this permit.

The department cannot continue to hold this file without action. Please notify me within fifteen (15) days on whether or not you plan to have this permit reinstated.

If you have any questions or concerns, please do not hesitate to contact me directly at (208)327-7953.

Sincerely,


JULIE L. YARBROUGH
Senior Secretary

~ Celebrating Our Centennial Year of Service to Idaho 1895-1995 ~



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 26, 1995

Bear Lake Sands Inc.
Attn: Sid Nebeker
2230 S 3270 W
Salt Lake City, UT 84119

RE: Lapsed Permit No. 11-07372

Dear Mr. Nebeker:

Per your request of September 25, 1995, I have enclosed a proof of beneficial use form and instructions. Because the proof of beneficial use was not filed in a timely manner, and pursuant to Section 42-218a, Idaho Code, (copy enclosed) the permit can be reinstated only if you submit the completed proof form and appropriate license examination fee along with the following information:

- a) Two pieces of evidence to show that beneficial use of the water did commence and to show the extent of the use of water during the authorized permit period from the time the permit was issued until the proof due date, and
- b) Reasonable cause why the proof of beneficial use was filed late.

If you have any questions or if I can be of any assistance, please feel free to contact me at (208)327-7953.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

July 7, 1995

BEAR LAKE SANDS INC.
2230 S. 3270 W.
SALT LAKE CITY UT 84119

LAPSE NOTICE

RE: PERMIT NO. 11-07372

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated April 30, 1995. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifty dollar (\$50.00) fee.

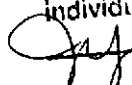
Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

Enclosures

CERTIFICATION OF MAILING
I hereby certify that on 7/7/95
a copy of an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.



April 30, 1995

BEAR LAKE SANDS INC.
2230 S. 3270 W.
SALT LAKE CITY UT 84119

PROOF DUE NOTICE

RE: PERMIT NO. 11-07372

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before July 1, 1995. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

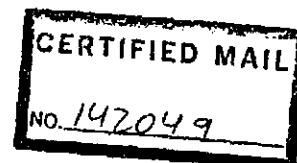
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures



Form 204-g
6/82

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 11-07372
Name(s) of Permit Holder(s): Bear Lake Sands, Inc.
Post Office Address: 2230 S. 4270 West, Sand Lake City, Utah
84119 Tel. No. 801-872-5272

☐ I hereby certify that construction of diversion works for the above referenced permit began on _____ (date) I understand that I must continue to develop the water system with due diligence to maintain a valid permit.

☐ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control:
Well drilled about 1981 under prior failed permit 100,000 gal
concrete system with 40' head has completed in 1989.

*Note: A financing difficulty is not an acceptable reason.

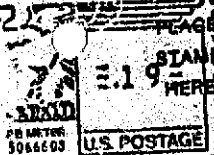
12 July 1991
Date

[Signature]
Signature of Permit Holder

East Shore Co

2230 S 3270 W

W. G. E. 111



RECEIVED
JUL 17 1991
Department of Water & Power

JUL 17 1991

JUL 17 1991
Department of Water Resources
IDAHO
STATE
BOISE



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho 83720
(208) 327-7900
July 23, 1990

BEAR LAKE SANDS INC.
2230 S. 3270 W.
SALT LAKE CITY, UT 84119

PERMIT APPROVAL NOTICE

RE: PERMIT NO. P11-07372

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

You should be aware that the groundwater you propose to divert is located within a drainage basin where surface waters are regulated during the months of low flow. It is possible that diversion of groundwater may have an adverse impact on these surface water flows. Information available to us at this time does not warrant refusing to issue permits in your area, but we do caution that diversions of groundwater are not allowed to deplete flows available for surface water users with earlier priority dates. Siting your well as far from surface sources as possible and casing out upper water producing zones may reduce the potential of interference.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

Be sure to note the special condition requiring you to install a measuring device, or a flow measurement port to provide for the installation of measuring equipment by the Department. Enclosed please find a list of measuring device options, and specifications for the installation of the flow measurement port.

Please note the requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction, no later than one year from the date the permit was approved.

We have enclosed 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 license.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

MEMORANDUM

TO: File No. 11-7372 in the Name of Bear Lake Sands Inc.
FROM: Gary Spackman *Gary*
DATE: July 16, 1990

RE: Sufficiency of Information Submitted Pursuant to Rule 4,5.
of the Water Appropriation Rules and Regulations

I have reviewed application for permit no. 11-7372, and the information submitted pursuant to Rule 4,5. of the Water Appropriation Rules and Regulations. I find that the application satisfies requirements of Rule 4,5. except that the information does not adequately show that the wells proposed to be drilled will not impact surface water of Bear Lake, and ultimately the water rights in the Bear River.

Standard condition number 05 should be imposed as a condition of the permit:

Use of water under this permit is subject to control by the watermaster of State Water District #11.

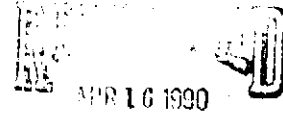
With the imposition of the above condition, and also the condition suggested by Kay Walker in her analysis, the application may be approved.

THE EAST SHORE COMPANY

CORDIN BUILDING
2210 SOUTH 3270 WEST
SALT LAKE CITY, UTAH 84119
(801) 972-5272

Date April 2, 1990

Mr. Gary Spackman
Manager
Water Right Permit Section
State Department of Water Resources



Department of Water Resources

Dear Gary,

Please find enclosed the following items discussed in detail over the phone concerning the renewal of our water rights at Bear Lake Sands (East Shore) at Bear Lake. We apologize for the delay in getting some of this information to you. We have been waiting on the information coming from Mr. Bert Westlake on the well already existing at East Shore.

Our concern is that for the last year and a half we have been working with and been informed by Harold Jones and others that the State of Idaho had all the information required, and that our renewals were forthcoming. For the present with this submittal of information we have provided the information three times.

The evident problem seems to be getting all the information from one group to the other, and the understanding that we are not requesting new water rights. We are renewing a previous water rights permit on an existing water system that is already in use. This system includes a commercially completed well that services two existing subdivisions, and a third under construction. We just completed a one hundred thousand gallon storage facility, and have a sophisticated sewage system with a three cell sewage treatment facility currently using water from this existing system.

This project has been in a construction phase for over 15 years. The well has been operational for over 10 years. The Master Plan of the project has been approved, and revised for over 15 years by the County. Three phases of the project are essentially complete. We are receiving instructions from the State of Idaho to make plans to drill an additional well to provide a second source of water when the homes that are built in the third subdivision exceed the State requirements. The only reason we reached a point for renewing our existence permits is that the construction of the storage facility was not completed until this year. That facility is now complete, and we need to renew our water use permits in order to move ahead with a formal water and services company. This company is needed to maintain and provide services in a timely manner for those living, and using our subdivisions, and other facilities.

With this in mind we are providing the following information that should help resolve some of the confusion.

THE EAST SHORE COMPANY

CORDIN BUILDING
2230 SOUTH 3270 WEST
SALT LAKE CITY, UTAH 84119
(801) 972-5272

1. Copies of the October planning and Commission meeting with Bear Lake county. These minutes outline the history of project and construction approvals.
2. Notes from Mr. Bert Westlake of Westlake Drilling and Water Services Company concerning the existing well, and the separation of the water sources
3. Copies of the Master Plan, existing subdivisions, and completed construction improvements.
4. You should have in your possession the annual volumes of water planned for diversion as previously discussed, and our check of Four Hundred and Twenty Five dollars with the application to renew our existing water rights.

Gary we would really appreciate your help in concluding this renewal process. We need to finish the water right in order to move ahead with many anticipated improvements for the upcoming season. If we can help speed this process up we will do everything in our power so that we can provide better services to the public as well as the subdivisions already in existence.

Thanks

Mark E. McSwain
Mark E. McSwain
Project Manager

Completed Summer 1973

COUNTY ENGINEER

I, _____, County Engineer of Alameda County, hereby have checked the plat of Alameda County, Nevada, and the same is correct for making the plat and find they comply with the laws relating thereto.

DEAR LAKE COUNTY COMMISSION

I, _____, Chairman of the Board of County Commissioners of
New Lots County, Idaho, do hereby certify that the plot of New Lots
Sund No 8 was accepted and approved by resolution of said board
this _____ day of _____ 1912
I, _____, I have hereunto set my hand and affixed the seal of New
Lots County, Idaho, this _____ day of _____ 1912

ACKNOWLEDGEMENTS

On _____ day of _____, 1942, before me a Notary
Public in and for the State of _____, personally appeared
Johnny W. Smith and acknowledged to me that he executed the
confession on this date in a free and voluntary manner and of his own free will
and affixed my official seal this _____ day of _____, 1942.

State of _____
County of _____
On this _____ day of _____ 1912, before me a
Notary Public in and for the State of _____, personally
appeared _____ known as the devisor or on the first and
last named to me that they executed the above in
a free and lawful manner and I have hereunto set my hand and
affixed my official seal this _____ day of _____ 1912

BOUNDARY	DESCRIPTION
Beginning of a parcel which is N 41° 35' 22" E, 249.71' from the SW corner of the SE 1/4 of Section 18, T. 7 S. R. 14 E. Base State and	
N 41° 35' 22" E	189.00' Road thence
N 77° 25' 52" E	33.0' East thence
N 87° 19' 18" E	13.75' East thence
N 41° 35' 22" E	90.00' East thence
N 0° 13' 42" E	183.60' East thence
S 20° 32' 04" W	23.63' East thence
S 41° 35' 22" W	30.00' East thence
S 41° 35' 22" E	240.0' East thence
S 30° E	191.21' East thence
S 1° 15' 18" E	200.96' East thence
S 1° 15' 18" E	180.27' East thence
S 3° 0' 16.70" E	930.0' East thence
N 81° 33' 30" W	112.36' East thence
N 0° 0' 0" E	15.0' East thence
S 40° 0' 0" W	262.2' East to parcel

SCALE - 1" = 50'

BEAR LAKE SANDS NO.2
A SUBDIVISION OF A PART OF THE NE 1/4
OF SECTION 12 T18N. R.44E.
BOISE BASE & MERIDIAN
BEAR LAKE COUNTY, IDAHO

ENGINEERS' CERTIFICATE

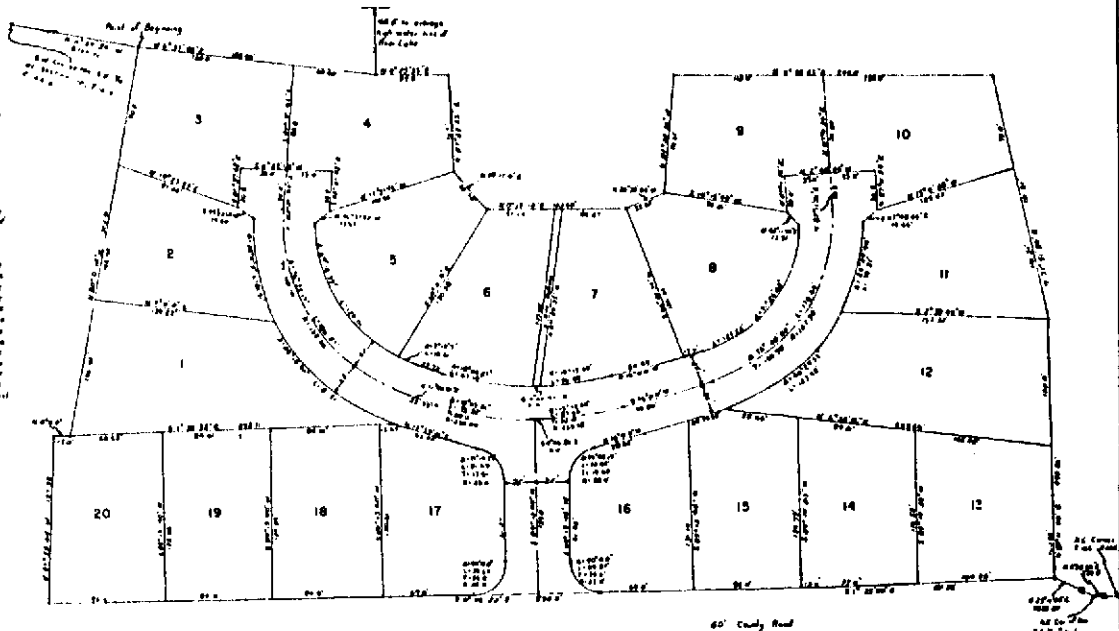
I, Henry W Smith, do hereby certify that I am a Registered Engineer, in the State of Idaho, being Certified to that, and in the territory of the Owens, I have made a survey of the land shown on the Plot and described hereon, and have marked and found there in the Wells and streets to hereafter be known as Owens Lake Town Plots and that the same has been correctly surveyed and plotted on the ground as shown on this plot.

I further certify that this is a correct copy of said plot.

Adelphiopsis

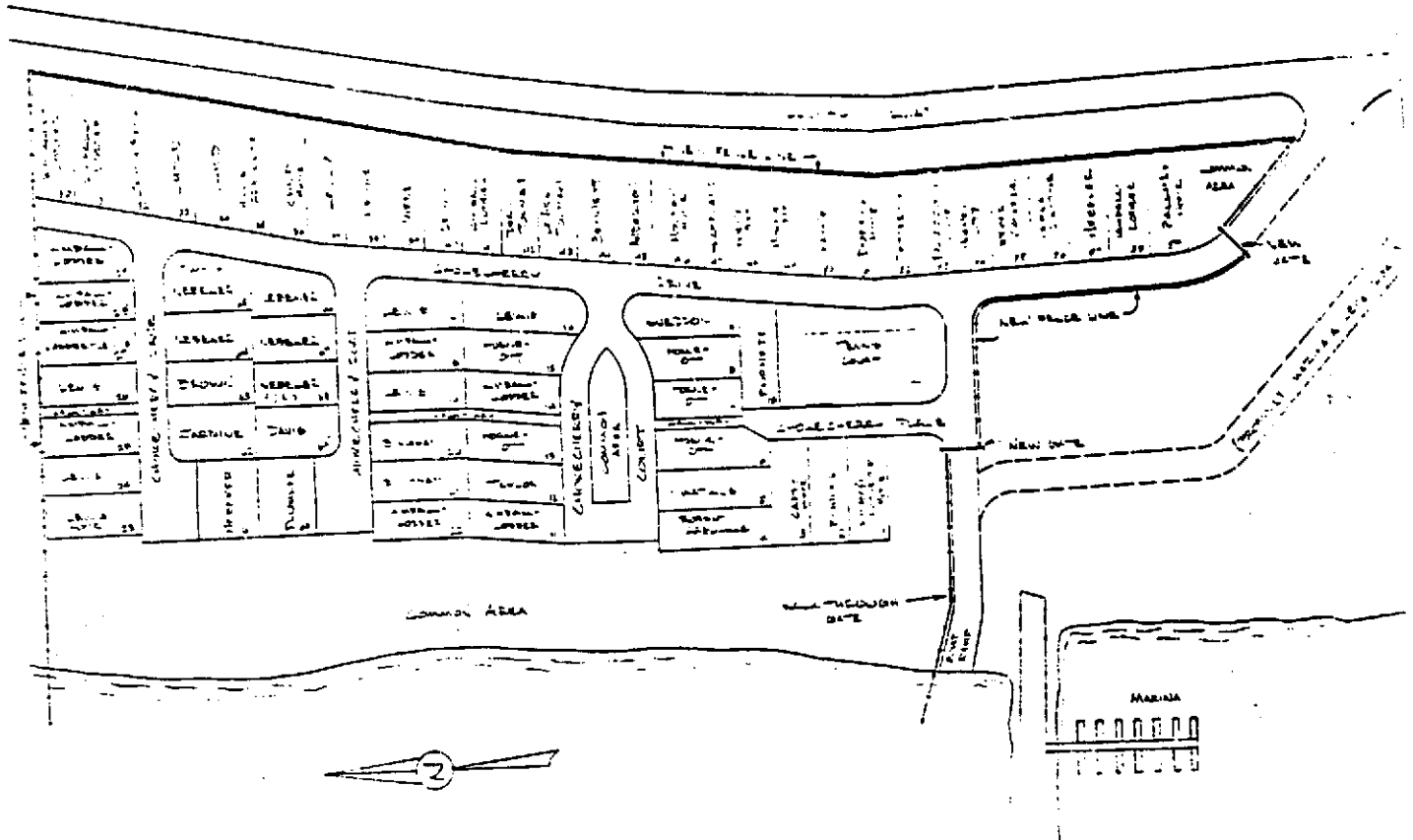


OWNERS DEDICATION

[illegible]

COMPLETED SUMMER 1976

THE SLICE SUBDIVISION
HOME OWNERS ASSOCIATION



SEPT 7/89

PROJECT REVIEW

NAME: EAST SHORE SUBDIVISION #3 STEP: PRELIMINARY PLAT

DEVELOPER: SID NEBEKER

ENGINEER: TERRY PRICE

DATE: AUGUST 29, 1989

REVIEWED BY: C. THOMAS, BLRC

PROJECT HISTORY

This project began in April of 1975, with the development of a master plan by Paul Salisbury for Sid Nebeber and receiving approval of the concept by the Planning and Zoning Commission at that time.

Bear Lake Sands I and II were done prior to 1975 without master plan guidance.

The first major action came with the approval of East Shore Subdivision #1 with 59 lots and the approval of the marina in 1976.

In 1980, a new group was formed to develop the project and a revised master plan was prepared by Del Cook which covers 265 acres and has 794 units proposed. The new master plan was approved with reduced density for the high density areas. Thus setting the master plan limit at 794 units. This was completed in January of 1981. At this same time, the developer was allowed to subdivide a portion of the open space in East Shore #1 into 10 lots known as East Shore #2. The marina was completed to its current status at this time.

Then in April of 1985 the project was revived for the third time when the second revised master plan was presented as prepared by James Glascock for a different management organization. This plan was not approved by the Bear Lake County Planning and Zoning Commission.

Another Development push came in 1986 with James Boyd but this also did not come into being.

In 1987, plans for a commercial and marina development on the project were proposed in conformance with the master plan in force. Conditional approval was granted in September 1987. Some progress was made but the plans were not carried out and approval has expired.

In April of 1988, plans for East Shore #3 containing 25 lots was presented to the Bear Lake County Planning and Zoning Commission and received conditional and road variance approval. This approval has gone past the one year requirement and therefore has expired.

This now brings us to the current East shore #1 proposal of 35 lots.

CONFORMANCE WITH MASTER PLAN OF 1980 WHICH IS IN FORCE

1. This subdivision has a proposed density of 2.55 units per acre and is proposed for a parcel of land master planned for high density of 6.1 units per acre. In reviewing the Bear Lake County Planning and Zoning Commission's past actions in this same type of situation, the following steps were taken

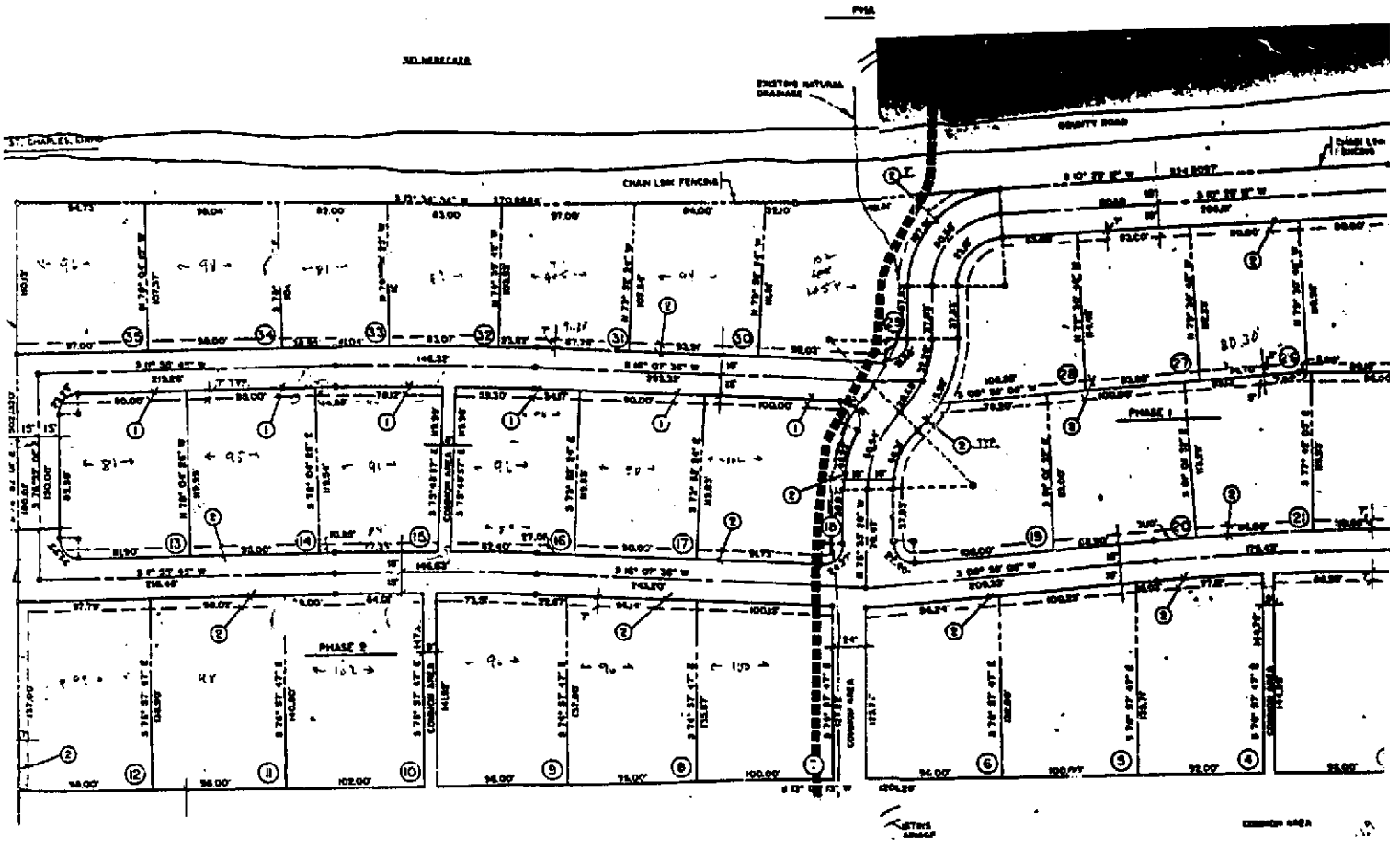
A) Master plan revision was not required because the density levels were not being exceeded. If the developer proceeds with his request, however, it would mean a loss of approximately 49 units from the total number approved in the master plan. The developer may submit a special use permit to amended the master plan as a possible means of retaining the master plan total.

2. The concepts of open drainage ways maintaining open space along the beach and providing access to the beach and marina future lots east of the County road are in general being complied with by this proposed subdivision.

The homeowners association have however change their restrictive covenants that prohibit this access for future lots on Subdivisions #1 and #2.

The proposed subdivision complies in general with the master plan except for the reduced density which is really a plus for the area and impact on the land and Lake.

UNDER
EAST SW



March 22, 1990

MEMO: Interaction of groundwater in proposed and existing wells with the surface waters of Bear Lake.

TO: Mr. Gary Spackman
Manager
Water Rights Division
State Dept. of Water Resources

FROM: Bert Westlake
Owner
Westlake Drilling and Water Services

Dear Gary,

In conjunction with and followup to conversations held with Mr. Mark McSwain project manager at East Shore Development and Bear Lake Sands the following conversation is provided in the Water Rights renewal process.

1. We respectfully submit that the well currently in operation at East Shore was drilled, cased and registered with the State Engineers office Department of Water Resources located in Idaho Falls, Idaho.
2. This process of drilling and casing not only met all State standards, but was also witnessed and inspected by State personell during construction and completion.
3. Because the anticipated use of the wells were to provide water to a community of subdivisions, careful work and state inspections were required to assure that the source of water was independant of the Bear Lake surface water. In addition the casing was installed in a proper manner to preserve the integrity and consolidate the perforated formations. Thus to provide an assured supply of pure and uncontaminated domestic water supply. The water coming from the well has been tested by Elmer Smith of the Idaho Department of Health and Welfare. It was found to be uncontaminated and in compliance with State standards for public drinking water. This would not be a likely situation if there were interaction between lake water and water being produced from the existing well.
4. Water in the well does not contain contaminants normally associated with the surface water in Bear Lake.
5. Although there are no large rivers or streams in the area concerned, care was taken to be sure that there would be no interaction in excess water run-off and the water source in the well to prevent contamination.
6. The underground formations that are perforated to supply water in the wells are intact and safe because the formations run north and south perpendicular to the lake.

7. Water in the current well tubing is higher than the level in the lake indications of an independant water source. If the well and the lake shared water sources the level in the tubing would be approximatley equal to the level of the water in the lake.
8. The Natural faults in the area run opposite the direction of the lake reducing the probabilities that there is interaction between the lake and the flowing well.
9. The well was completed in and cased to the highest standards in order to maintain the integrity of the underground formation of the water system and sources.
10. It our belief and opinion that there is little if any interaction or interdependance of the water in the well we completed and the surface water in Bear Lake.

Bert Westlake
Westlake Drilling and Water Supply

4,5,3,1. Information relative to the effect on existing water rights, Section 42-203A(5)(a), Idaho Code, shall be submitted as follows:

4,5,3,1.1. For applications appropriating springs or surface streams with 5 or fewer existing users, either the identification number, or the name and address of the user, and the location of the point of diversion and nature of use for each existing water right shall be submitted.

4,5,3,1.2. For applications appropriating groundwater, a plat shall be submitted locating the proposed well relative to all existing wells and springs and permitted wells within a one-half mile radius of the proposed well.

4,5,3,1.3. Information shall be submitted concerning any design, construction, or operation techniques which will be employed to eliminate or reduce the impact on other water rights.

4,5,3,2. Information relative to sufficiency of water supply, Section 42-203A(5)(b), Idaho Code, shall be submitted as follows:

4,5,3,2.1. Information shall be submitted on the water requirements of the proposed project, including, but not limited to, the required diversion rate during the peak use period and the average use period, the volume to be diverted per year, the period of year that water is required, and the volume of water that will be consumptively used per year.

4,5,3,2.2. Information shall be submitted on the quantity of water available from the source applied for, including, but not limited to, information concerning flow rates for surface water sources available during periods of peak and average project water demand, information concerning the properties of the aquifers that water is to be taken from for ground-water sources, and information on other sources of supply that may be used to supplement the applied for water source.

4,5,3. Information relative to good faith, delay, or speculative purposes of the applicant, Section 42-203A(5)(c), Idaho Code, shall be submitted as follows:

4,5,3,3.1. The applicant shall submit copies of deeds, leases, easements or applications for rights-of-way from federal or state agencies documenting a possessory interest in the lands necessary for all project facilities and the place of use or if such interest can be obtained by eminent domain proceedings the applicant must show that appropriate actions are being taken to obtain the interest. Applicants for hydropower uses shall also submit information required to demonstrate compliance with Sections 42-205 and 42-206, Idaho Code.

4,5,3,3.2. The applicant shall submit copies of applications for other needed permits, licenses and approvals, and must keep the department apprised of the status of the applications and any subsequent approvals or denials.

4,5,3,4. Information Relative to Financial Resources, Section 42-203A(5)(d), Idaho Code, shall be submitted as follows:

4,5,3,4.1. The applicant shall submit a current financial statement certified to show the accuracy of the information contained therein, or a financial commitment letter along with the financial statement of the lender or other evidence to show that it is reasonably probable that financing will be available to appropriate the water and apply it to the

beneficial use proposed.

4,5,3,4.2. The applicant shall submit plans and specifications along with estimated construction costs for the project works. The plans shall be definite enough to allow for determination of project impacts and implications.

4,5,3,5. Information Relative to Conflict with the Local Public Interest, Section 42-203A(5)(e), Idaho Code, shall be submitted as follows:

4,5,3,5.1. The applicant shall seek comment and shall submit all letters of comment on the effects of the construction and operation of the proposed project from the governing body of the city and/or county and tribal reservation within which the point of diversion and place of use are located, the Idaho Department of Fish and Game, the Idaho Department of Health and Welfare, Division of Environment, and any irrigation district or canal company within which the proposed project is located and from other entities as determined by the director.



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mall, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

August 9, 1989

Bear Lake Sands Inc.
2230 South 3270 West
Salt Lake City, UT 84119

RE: Application for Permit to Appropriate Water No. 11-7372

Dear Sirs:

The Department of Water Resources has reviewed application for permit no. 11-7372. Correspondence in the file indicates that you are aware of the additional information requirements of Rule 4,5. of the Water Appropriation Rules and Regulations. Enclosed is a copy of the rules for your reference.

The following items have not been submitted to the Department:

1. Although a plat was not submitted to the Department, you refer to an Exhibit A, attached to the application. The Department will accept attachment A along with the explanation that there are no other wells or springs within one half mile radius of the proposed wells other than wells owned by the applicant.

2. The application does not contain a statement of design construction or operation techniques which will be implemented to reduce impact on existing rights. The most obvious impact will be water flows to Bear Lake. Bear Lake is used as a storage facility for delivery of water through the Bear River system. Recent interest in regulation of water rights on the Bear River also raises questions about interference with water stored in Bear Lake for release to downstream water users.

3. Please discuss property of the aquifers which you intend to intercept in drilling the proposed wells. Because of the close proximity of the wells to Bear Lake, a discussion of the interaction of groundwater with surface water in Bear Lake is necessary.

4. Please submit information about the annual volume of water which is planned for diversion, and also the diversion rate that will be required during an average use period. I interpret the amount set forth in the application as the required diversion

during peak use.

5. The rules require either a current certified financial statement of the developer or a financial commitment letter to determine that sufficient funds are available to finance the project.

6. Please submit project designs and plans along with cost estimates to complete the project. These plans and designs should include plats that have been prepared.

7. Please seek comment from Bear Lake County, the Idaho Department of Fish & Game and the Idaho Department of Health & Welfare, Division of Environment.

Please submit the above requested information within sixty (60) days of the date of this letter. Failure to do so could result in the voiding of your application.

Respectfully,



GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

cc. Skip Jones - Eastern

THE EAST SHORE COMPANY

CORDIN BUILDING
2230 SOUTH 9270 WEST
SALT LAKE CITY, UTAH 84119
(801) 972-5272

RECEIVED

MAR 27 1989

Department of Water Resources
Eastern District Office

March 22, 1989

Department of Water Resources
150 Shoup Avenue #315
Idaho Falls, ID 83402

Attention: Harold Jones

Dear Sir,

As per our phone conversation of 3/17/89, please accept this letter as our Report in Conformance of 4,5,3,12; 4,5,3,13; and 4,5,3,2,1.

4,5,3,2,1, as per our Exhibit A, consists of existing and proposed wells. The plat indicates all wells in operation or proposed for future drilling. The grounds surrounding the properties in question are either owned or under development in condition with the water use in question. There are no other existing wells within one half mile. Any foreseeable potential wells are included in the application. There exist no potential conflicts that affect this renewal.

4,5,3,13, please refer to explanations included with the application concerning the completion of the water systems under current construction. This includes a 92,000 gallon tank, pipelines, and the completion of the sewage lagoons. A small interest in the water rights in the existing well has been issued to East Shore Subdivision, but they have no equity in the storage or distribution systems. The water systems for East Shore, and the projects under construction are all a part of the planned development of the entire area, and share common ownerships.

This application is a resubmission of the water rights filed and issued to us under application #11-7088. Because of the economic conditions of the area, we have been unable to prove the wells and complete the water systems until now. In anticipation of completing the project proposed granted under #11-7088 we submit our reapplication. Therefore, there is not only no adverse affect on other interest or water rights, there is a great deal of pressure to complete this re-filing and finish the water system under construction.

4,5,3,2,1, as mentioned in the previous paragraph, these water rights are submitted in conjunction with a planned use area that is interrelated. Please refer to the estimated use schedule prepared and filed with this re-application. They indicate dates, volumes, and seasonal use.

Harold Jones
Department of Water Resources
Page 2

Harold, we express our appreciation for your help with this application. I believe that this should fulfill all the requirements to accomplish this re-filing. If you need any additional information, please phone. Our number is 801-972-5272.

Thanks,



Sidney J. Nebeker
President

November 16, 1988

Department of Health & Welfare
Division of Environment
150 N. 3rd
Pocatello, ID 83201

RE: Application for Permit No. 11-07372

Dear Sir:

This office is currently in the process of publishing notice that the above application was filed with the Department of Water Resources. Since the application may be of interest to you, a copy is enclosed for your examination. Comments concerning the application should be addressed to the applicant with a copy forwarded to this office. Protests objecting to granting a permit should be directed to this Department and received by DECEMBER 5, 1988. Final action will be taken by this office shortly after this date, provided there are no protests lodged against the applications.

Respectfully submitted,

Harold W. Jones
Water Rights Supervisor

HWJ/rb
Enclosure

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
150 Shoup Ave., Suite 15

Idaho Falls, Idaho 83402
(208) 525-7161

NOVEMBER 8, 1988

THE NEWS-EXAMINER
P.O. BOX 278
MONTPELIER, ID 83254

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before DECEMBER 5, 1988.

Yours truly,

Rita Bodell
Secretary

Encl.

11-07372

BEAR LAKE SANDS INC.
2230 S. 3270 W.
SALT LAKE CITY, UT 84119

Source: GROUNDWATER

Diversión Pt: LOT 1 (SESWNE) Sec 1 T 16S R 44E
LOT 2 (NESWSE) Sec 1 T 16S R 44E
LOT 1 (NENWNE) Sec 12 T 16S R 44E
LOT 3 (NWSWSE) Sec 12 T 16S R 44E

Use: DOMESTIC (2.610 CFS)
IRRIGATION (2.980 CFS)
COMMERCIAL (.060 CFS)

Date Filed: 5/23/1988

In: T16S R44E S01	SWNE	SENE	NESE	Lot 1	(NESE)
	Lot 1 (NESE)	Lot 1 (NWSE)	SWSE	Lot 2	(SWSE)
	SESE				
S12	NENE	NWNE	Lot 1	(NWNE)	Lot 1 (NWNE)
	SWNE	Lot 2 (SWNE)	Lot 2	(SWNE)	SENE
	NESE	Lot 3 (NESE)	Lot 3	(NESE)	NWSE

149.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Eastern Region, 150 Shoup Avenue, Suite 15, Idaho Falls, Idaho 83402 on or before DECEMBER 5, 1988.

R. KEITH HIGGINSON, Director

Published 11/17/1988 & 11/24/1988

October 14, 1988

Bear Lake Sands, Inc.
2230 S. 3270 W.
Salt Lake City, UT 84119

RE: Application for Permit No. 11-07372

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned identification No. 11-07372. Please refer to this number in all further correspondence.

This office is currently in the process of advertising the application in THE NEWS-EXAMINER. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

MEMO

FROM: Eric Verner, Eastern

TO: Nancy Handzel, State Office

SUBJECT: Application for Permit Refund Request

Nancy -

We recently accepted and received an application for permit from Bear Lake Sands Inc. During the staff analysis we recommended that the applicants reduce their original filing (19 cfs) to the maximum that the Department would allow for their proposed use (5.65 cfs), which the applicants agreed to do. We would like to request that the Department refund a portion of the original filing fee that is over the amount due for the adjusted filing.

We received \$425.00 for 19 cfs - new filing is for 5.65 cfs which is a \$145.00 fee. Difference to refund is \$300.00.

Please find enclosed 2 copies of the original receipt. Let me know if you need any additional information.

TX- EV

Nº 3652

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Bear Lake

ss.

Thurston Starnes
being duly sworn,

deposes and says:

That he is the Editor of THE NEWS-EXAMINER, a weekly newspaper published at Montpelier, in the County of Bear Lake and State of Idaho; and said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Montpelier; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for 2 consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

November 17, 1988, and ending
with the issue of November 24, 1988

Fees, \$34.00 Thurston Starnes

Subscribed and sworn to before me this 25 day
of November, 1988

Ronald O. Peterson

Notary Public, Residing at Montpelier, Idaho

My Commission Expires 8/23/91, 1991

RECEIVED

DEC 1 1988

Department of Water Resources
Eastern District Office

NOTICE OF APPLICATION
FOR WATER RIGHTS

The following application(s) have been filed: (a) appropriate) they shall waters of the State of Idaho.

BEAR LAKE SANDS INC.
2250 N. 320 W.
SALT LAKE CITY, UT 84111

Source: GROUNDWATER

Division Pt: LOT 1 (SESWNE) SEC 1
T 16S R 44E; LOT 1 (NESE) SEC 1
T 16S R 44E; LOT 1 (NENWNE) SEC 1
T 16S R 44E; LOT 1 (NWSWNE) SEC 1
T 16S R 44E

Use: DOMESTIC (SEWAGE) WATER
RIGATION (1.000 CFS) COMMERCIAL (0.000 CFS)

Date Filed: 1/25/1988

In: T16S R44E SEC 1 SWNE SEC 1
NESE Lot 1 (NESE) Lot 1 (NESE) SEC 1
1 (NWSE) SWNE Lot 1 (SWNE) SEC 1
S12 NENE NWNE Lot 1 (NWNE) SEC 1
(NWNE) SWNE Lot 1 (SWNE) SEC 1
(SWNE) SESE NESE Lot 1 (NESE)
Lot 1 (NESE) NWSE

148.0 Acres Total

The premises will be subject to prior water rights. Prospective purchaser with the Director, Dept. of Water Resources, Eastern District Office, 3340 S. 1000 E, Salt Lake City, Utah 84111, on or before DECEMBER 1, 1988.

K. KEITH HOGG, Director
Legal No. 3652 - 1988