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TAX CONSULTANT

*Licensed in Oregon only
**Licensed in Kentucky only

December 4, 2002

RECEIVED
DEC 05 2002
WATER RESOURCES
WESTERN REGION

Ms. Debbie Gibson
Idaho Department of Water Resources
1301 N. Orchard St.
P.O. Box 83720
Boise, ID 83720-0098

Re: Eagle River LLC—Request for Extension of Time
Our File No. 3906-101

Dear Debbie:

Lori Graves informs me that you are now aware of the amendment of the Eagle River water right permit to include the sixth pond, and that I should resubmit the enclosed Request for Extension of Time to Provide Additional Time in Which to Submit Proof of Beneficial Use for a Water Right Permit for the Department's consideration. I have enclosed the original and one copy of the Request. Please conform the copy and return it to our office in the enclosed self-addressed, stamped envelope. As you will recall, we submitted the required \$50.00 filing fee when we first filed the request. I have enclosed a copy of the receipt for your information.

Thank you for your assistance with this matter. If you have any questions or require anything else in connection with this request, please contact me immediately.

Sincerely,

Dictated by Mr. Creamer and sent without
signature to avoid delay.

Michael C. Creamer

Enclosures

cc: Gary Spackman
Chuck Carlise

MCC:kdt S:\CLIENTS\3906\101\MCC Ltr to IDWR re Resubmission of Request.DOC

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
REQUEST FOR EXTENSION OF TIME RECEIVED
TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT
NOV 21 2002
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.

Permit No. 63-12598

Name(s) of Permit Holder: Eagle River LLC

Address: 3101 North Central Avenue, Suite 1390 City Phoenix State AZ Zip 85012

Telephone No. 602-285-1300 Date Proof is Due: January 1, 2003

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".)

Five of six contemplated ponds have been constructed with estimated storage
capacity of 77 acre-feet. Sixth pond will be constructed within next year to year
and a half. Sixth pond will have an estimated capacity of between 27 and 30
acre-feet.

Costing \$ \$500,000.00

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

See attached.

Permit holder(s) request an extension to June 30, 20 04



(Signature)* Chuck Carlise, Vice Chairman, Eagle River LLC

*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

Signed this _____ day of _____, 20 _____

Attachment to
Request for Extension of Time to
Submit Proof of Beneficial Use
Water Right Permit 63-12598

The Permit Holder has been unable to complete the remainder of the work for the following reasons:

The permitted pond construction has proceeded in coordination with the phased-construction of a large-scale commercial/residential development. Five of the six ponds have been excavated and are storing ground water for aesthetic purposes as authorized by the Permit. Excavation of the sixth and final pond is proceeding in conjunction with construction of a hotel/convention center in the southwest corner of the development. This construction has only recently commenced. Absent unforeseen delays Eagle River LLC expects construction and pond excavation to be completed within ___ months.

Also, Eagle River LLC's proposed mitigation for evaporative losses from the six ponds involves a change in nature of use of 0.14 cfs of water rights represented by seven of Eagle River LLC's shares in the Ballentyne Ditch Company, Ltd, and 0.03 cfs of water rights represented by 1.5 of Eagle River LLC's shares in the New Union Ditch Company. Transfer Applications to accomplish these changes in nature of use and provide the proposed mitigation were filed with the Department in August 2002 and currently are under Department review.

For the above reasons, Eagle River LLC requests an extension of time to file its Proof of Beneficial use until June 30, 2004 to ensure that it has completed construction of the sixth pond and has obtained a final order approving the Transfers and the proposed mitigation.

Idaho Department of Water Resources Receipt

Receipt ID C065947

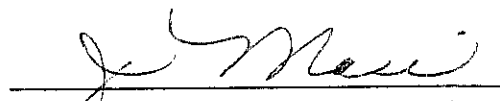
Payment Amount Date Received Region Status
Payment Type Check Number

Payer

Comment

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$50.00	EXTENSIONS	0229	21	56103	1155


Signature Line (Dept. Representative)