

GIVENS PURSLEY LLP

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WATER RESOURCES
WESTERN DIVISION

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WATER RESOURCES
WESTERN DIVISION

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TAX CONSULTANT

*Licensed in Oregon only
**Licensed in Kentucky only

November 21, 2002

Ms. Debbie Gibson
Idaho Department of Water Resources
Water Allocation Bureau
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 Ms. Gibson:

Enclosed for filing with regard to Permit No. 63-12598 please find the original and one copy a Request for Extension of Time to Provide Additional Time in Which to Submit Proof of Beneficial Use for a Water Right Permit. Please conform the copy and return it to our office in the enclosed self-addressed, stamped envelope. I have also enclosed a check in the amount of \$50.00 to cover the filing fee associated with the Request.

Thank you for your assistance with this matter. If you have any questions or require any additional information please call.

Sincerely,



Michael C. Creamer

Enclosures

cc: Gary Spackman

MCC:kdt S:\CLIENTS\3906\101\MCC Ltr to IDWR re Request for Extension.DOC

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

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

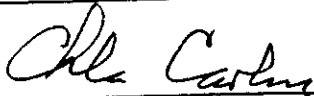
acre-feet.

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.

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11/21/02 Idaho Department of Water Resources
Request for Extension of Time
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1598-00-0-000 50.00

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GIVENS PURSLEY LLP
277 N. SIXTH STREET, SUITE 200
P.O. BOX 2720
BOISE, ID 83701
(208) 388-1200

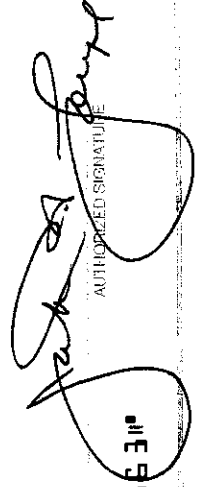
WELLS FARGO BANK
92-379/1241

PAY: *****FIFTY AND NO/100 DOL RS

DATE	AMOUNT
11/21/02	*****50.00

PAY TO THE ORDER OF

Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706-2237


AUTHORIZED SIGNATURE

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