

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Bear Lake West, Inc. II Phone 208-945-2222
Post office address Post Office Box 396 Fish Haven, ID 83287
2. Source of water supply Groundwater which is a tributary of unknown
3. Location of point of diversion is NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of NW $\frac{1}{4}$, Govt. Lot _____
Sec. 22 Township 16S Range 43E B.M. Bear Lake County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 10 cfs for domestic purposes from 7/1/92 to 6/30/93 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) .10 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. well + pump to 4 homes

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:
_____ to _____ inclusive.
c. Proposed well diameter is 8 inches; proposed depth of well is 400 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
7/1/92 - years (minimum 1 year).
6/30/93 one year

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

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. 4
- 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.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
16S	43E	21	D	D			D	D											
16S	43E	22					D												

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. _____

11. a. Who owns the property at the point of diversion? Bear Lake West Properties
 b. Who owns the land to be irrigated or place of use? No. 1 Plot B
Same as above
 c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. Bear Lake West is the developer of Plot B.

12. Remarks: Well driller: Elroy Westlake

	T	R 43 E			D
	16				D
	S	28		21	16
					D
					D
					D* Point of Diversion (Well)
		27		22	15

Jeff Willmore - Pres
 Ron Lofthouse - Sec.

Bear Lake West Inc., II

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.

Jeff M. Wellman
President (Applicant)

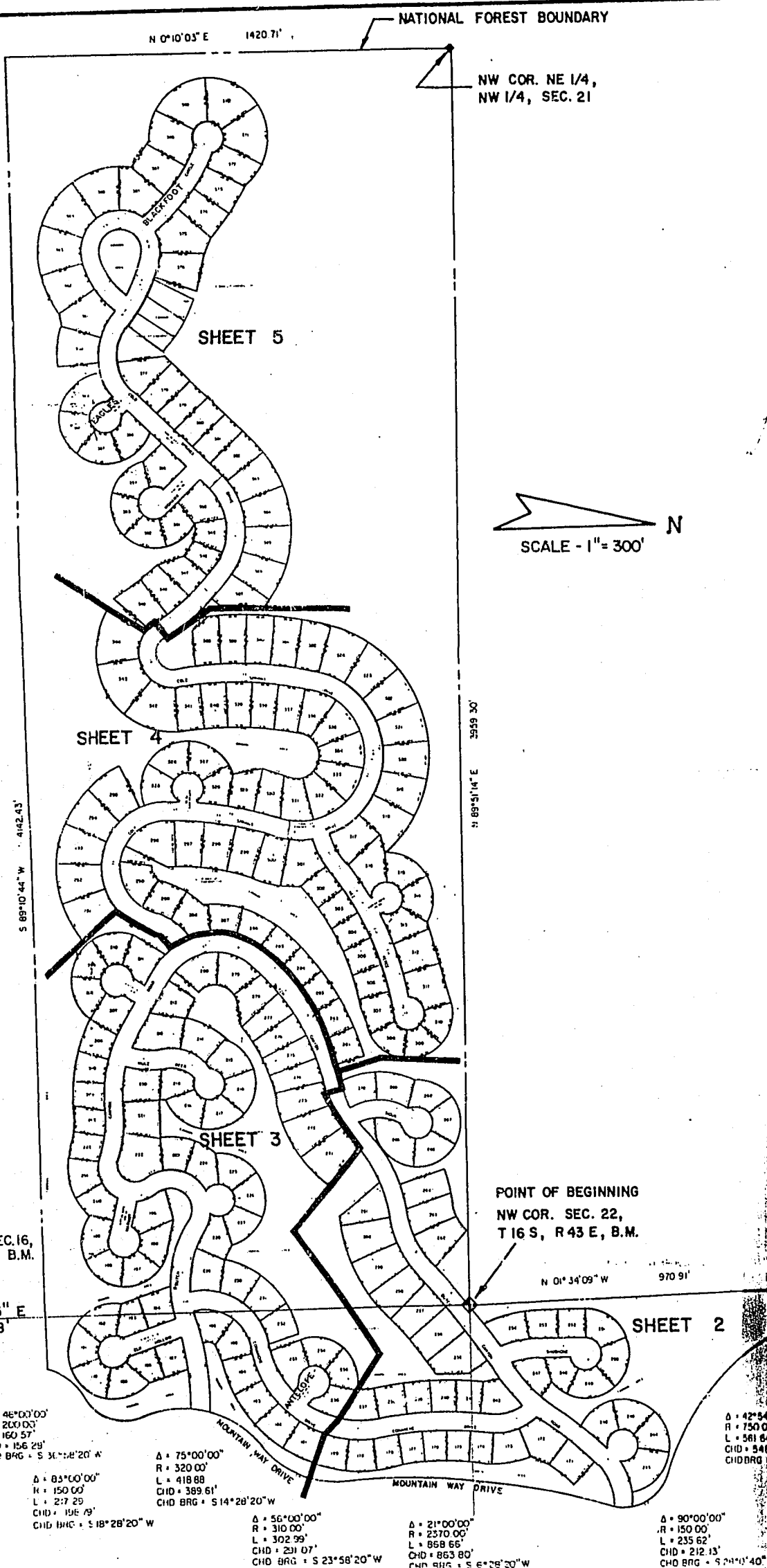
Received by RB Date 7-7-92 Time 2:05 Preliminary check by _____
Fee \$ 30⁰⁰ Receipted by HWT # E017588 Date 7-7-92
Publication prepared by RB Date 8-6-92 Published in News Examiner
Publication approved RB Date 8-24-92

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:



OWNER'S DEDICATION

Know all men, by these presents, that we, the undersigned owners of the tract of land described above and shown on this plat, have caused the same to be surveyed and subdivided into lots, streets, easements and common areas, as indicated on this plat, and hereby warrant and save County harmless from any easements and encumbrances and do hereby give, grant and dedicate the streets and common areas as indicated on this plat, to the Bear Lake West Property Owner's Association and grant and dedicate to Bear Lake County a perpetual easement on the streets and common areas as indicated on this plat. Other easements indicated on this plat are not dedicated to the public, but the right to use said easements are hereby reserved for public utilities and for drainage and for any other uses hereon designated. No structures, other than for such utility purposes designated, shall be constructed within the limits of said easements. In witness whereof we have hereunto set our signatures this 26 day of Feb. 1985.

Bear Lake West, Inc.

J.N. Willmore
J.N. Willmore
President

Ron Lofthouse
Ron Lofthouse
Secretary

CORPORATE ACKNOWLEDGEMENT

State of Idaho }
County of Bear Lake } SS

On the 26th day of February 1985, personally appeared before me, the undersigned Notary Public, J.N. Willmore and Ron Lofthouse who, being first duly sworn by me, did say that they are the President and Secretary, respectively, of Bear Lake West, Inc., and the above Owner's Dedication was signed in behalf of said corporation by authority of the Articles of Incorporation and the aforesaid officers did acknowledge to me that said corporation executed the same.

My commission expires Lifetime
Residing at Paris

Jeannine Parker
Notary Public

COUNTY COMMISSION APPROVAL AND ACCEPTANCE

Approved and accepted by the Bear Lake County Commission this 26th day of March, 1985.

Attest Don D. Evans
Clerk

George M. Hulme
Chairman

COUNTY ENGINEER'S APPROVAL

Reviewed and approved by the Bear Lake County Engineer this 26th day of FEBRUARY, 1985.

Scott L. Bybee
County Engineer

SANITARY RESTRICTIONS

Sanitary restrictions in force under Title 50, Chapter 13, Idaho Code.

ALL ROADS ARE OWNED AND MAINTAINED BY BEAR LAKE WEST HOMEOWNERS ASSOCIATION.

BEAR

NDARY

1/4,
21

OWNER'S DEDICATION

Know all men, by these presents, that we, the undersigned owners of the tract of land described above and shown on this plat, have caused the same to be surveyed and subdivided into lots, streets, easements and common areas, as indicated on this plat, and hereby warrant and save County harmless from any easements and encumbrances and do hereby give, grant and dedicate the streets and common areas as indicated on this plat, to the Bear Lake West Property Owner's Association and grant and dedicate to Bear Lake County a perpetual easement on the streets and common areas as indicated on this plat. Other easements indicated on this plat are not dedicated to the public, but the right to use said easements are hereby reserved for public utilities and for drainage and for any other uses hereon designated. No structures, other than for such utility purposes designated, shall be constructed within the limits of said easements. In witness whereof we have hereunto set our signatures this 26 day of Feb. 1985.

Bear Lake West, Inc.

J.N. Willmore
J.N. Willmore
President

Ron Lofthouse
Ron Lofthouse
Secretary

CORPORATE ACKNOWLEDGEMENT

State of Idaho }
County of Bear Lake } SS

On the 26th day of February 1985, personally appeared before me, the undersigned Notary Public, J.N. Willmore and Ron Lofthouse who, being first duly sworn by me, did say that they are the President and Secretary, respectively, of Bear Lake West, Inc., and the above Owner's Dedication was signed in behalf of said corporation by authority of the Articles of Incorporation and the aforesaid officers did acknowledge to me that said corporation executed the same.

My commission expires lifetime
Residing at Lewis

Jessamine Parker
Notary Public

COUNTY COMMISSION APPROVAL AND ACCEPTANCE

Approved and accepted by the Bear Lake County Commission this 26th day of MARCH, 1985.

Attest Don P. Evans
Clerk

George M. Hulme
Chairman

COUNTY ENGINEER'S APPROVAL

Reviewed and approved by the Bear Lake County Engineer this 26th day of FEBRUARY, 1985.

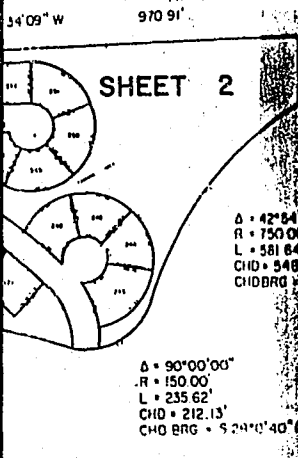
Scott L. Bybee
County Engineer

SANITARY RESTRICTIONS

Sanitary restrictions in force under Title 50, Chapter 13, Idaho Code.

George Quinner E.H.S.
ALL ROADS ARE OWNED AND MAINTAINED BY BEAR LAKE WEST HOMEOWNERS ASSOCIATION.

BEGINNING
SEC. 22,
43 E, B.M.



ENGINEER'S CERTIFICATE

I, EARL S. KEMP, do hereby certify that I am a Registered Professional Engineer Land Surveyor and that I hold Certificate No. 3419 as prescribed by the laws of the State of Idaho. I further certify that, by authority of the owner, I have made a survey of the tract of ground shown on this plat and described below and have subdivided said tract into lots, streets, easements and common areas and the same has been correctly surveyed and staked on the ground as shown on this plat and that this plat is true and correct.

BOUNDARY DESCRIPTION

Beginning at the Northwest Corner of Section 22, Township 16 South, Range 43 East, Boise Meridian, and running thence North 1°34'09" West along the Section line 970.91 feet; thence North 89°33'31" East, 145.66 feet; thence along the arc of a 750.00 foot radius curve to the left 561.64 feet (chord bears South 51°34'29" East, 548.61 feet); thence along the arc of a 150.00 foot radius curve to the right 235.62 feet (chord bears South 28°01'40" East, 212.13 feet); thence along the arc of a 2370.00 foot radius curve to the left 868.56 feet (chord bears South 6°28'20" West, 863.80 feet); thence along the arc of a 310.00 foot radius curve to the right 302.99 feet (chord bears South 23°58'20" West, 291.07 feet); thence along the arc of a 320.00 foot radius curve to the left 418.88 feet (chord bears South 14°28'20" West, 389.61 feet); thence along the arc of a 150.00 foot radius curve to the right 217.29 feet (chord bears South 18°28'20" West, 198.79 feet); thence along the arc of a 200.00 foot radius curve to the left 160.57 feet (chord bears South 36°58'20" West, 156.29 feet); thence South 89°10'44" West, 4142.43 feet to the National Forest Boundary; thence North 0°10'03" East along said boundary 1420.71 feet to the Northwest Corner of the Northeast 1/4 of the Northwest 1/4, Section 21, said Township and Range; thence North 89°51'14" East along the North line of said Section 21, 3959.30 feet to the point of beginning, containing 151.70 Acres.

1/7/85
Date



COUNTY RECORDER'S CERTIFICATE

State of Idaho }
County of Bear Lake } SS

137203

This is to certify that this plat was filed for recording at the Bear Lake County Recorder's Office at the request of Ron Lofthouse on the 1st day of APRIL, 1985 at 9:55 o'clock A.M., and is duly recorded in Book NICER 1105A Page Instrument No. .

Don P. Evans
County Recorder

COUNTY TREASURER

Pursuant to Title 50-1308 of the Idaho Code, I, Elaine W. With hereby certify that all County Property Taxes due on this property, either delinquent and/or current, have been paid in full as of Feb. 26, 1985.

Elaine W. With
County Treasurer



BEAR LAKE WEST PROPERTIES NO. 1
PLAT 'B'

PART OF
SECTIONS 15, 21 S 22, T16S, R43E, B.M.
BEAR LAKE COUNTY, IDAHO

06/93

State of Idaho
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF APPLICATION FOR PERMIT

To change the ownership of an application for permit

We, Bear Lake West Inc., II, hereby assign to Bear Lake West Property Owners Assn.
in care of Dr. Mike Homer, PO Box 71, Fish Haven ID 83287,

All my right, title, and interest in and to Application for Permit No. 11-07399 to
appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to
Application for Permit No. N/A to appropriate the public waters of the
State of Idaho.

Describe portion of the permit assigned listing the number of acres in each 40 acre subdivision,
point of diversion location, and the amount of water in cubic feet per second.

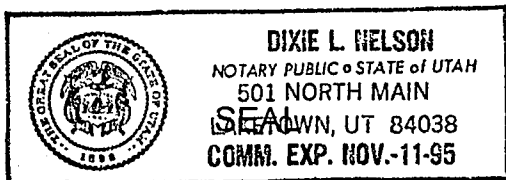
N/A

Made this 4 day of October, 1993.

Jeff M. Willmore
Jeff Willmore, President

State of Utah
County of Rich ^{SS}

On this 4 day of October, 1993, personally appeared before me the
signer of the above instrument, duly acknowledged to me that he/she/they executed the same.



Dixie L. Nelson
Notary Public

Dixie L. Nelson
Signature

My commission expires: 11-11-95

database updated 10/20/93 cz.

PROPERTY OWNER'S ASSOCIATION
BEAR LAKE WEST II PROPERTIES B & C
1993/94 BOARD MEMBERS

Michael M. Homer, President
2022 W. 5540 S.
Salt Lake City, UT 84118
(801)966-4190

Michael Wray, Vice President
9 Exchange Place, Suite 900
Salt Lake City, UT 84111
(801)359-2230

Steve Howard, Secretary
962 E. Birchwood Drive
Salt Lake City, UT 84121
(801)262-3440

Paul Underwood, Treasurer
3671 S. Oxford Way
West Valley City, UT 84119
(801)968-4376

Daniel Wheatley
944 Hillview Road
Brigham City, UT 84302
(801)723-7405

Gary McKee
P.O.Box 396
Fish Haven, ID 83287
(208)945-2315

Jeff Willmore
P.O.Box 396
Fish Haven, ID 83287
(208)945-2222

RECEIVED
DEC 08 1993

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED APPLICATION FOR PERMIT

Ident. No. 11-07399

RECEIVED
OCT 20 1993

Department of Water Resources

To appropriate the public waters of the State of Idaho

1. Name: BEAR LAKE WEST PROPERTY OWNERS ASSN
Address: C/O MIKE HOMER
PO BOX 71
FISH HAVEN ID 83287
801-966-4190
2. Source: GROUNDWATER
3. Location of Point of Diversion: NENWNW Sec. 22, Township 16S, Range 43E
BEAR LAKE County
4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
DOMESTIC	01/01	12/31	0.330		
5. Total quantity to be appropriated is:
0.330 CFS (and/or) AF
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc.
WELL, PUMP
 - 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: to inclusive.
 - c. Proposed well diameter is 8 inches; proposed depth of well is 400
feet.
 - d. Is groundwater with a temperature greater than 85F being sought? NO
 - e. If well is already drilled, when?
Drilling Firm
Well was drilled for
7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 5 year(s).
8. Place of Use: DOMESTIC

TWN RGE SEC
16S 43E 21

NENE
NWNW
NWNW

NWNE

NENW

22

Ident. No. 11-07399

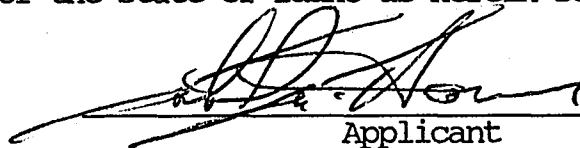
Page 2

9. a. Who owns the property at the point of diversion?
APPLICANT
b. Who owns the land to be irrigated or place of use?
INDIVIDUAL HOMEOWNERS
c. If the property is owned by a person other than the applicant,
describe the arrangement enabling the applicant to make this filing.
COMMUNITY WELL TO SERVICE INDIVIDUAL HOMEOWNERS WITHIN SUBDIVISION.

10. Remarks:
Domestic use is for 50 homes.

11. Map of proposed point of diversion and place of use attached? ☒

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.


Applicant

Received by CS Date 10/20/93 Time 1 P.M. Preliminary check by _____

Fee \$ 45.00 ~~30.00~~ Receipted by JV.4C #E017588 Date 7/ 7/1992

Publication prepared by RB Date 11-18-93 Published in Re-ad News Examiner

Publication approved RB Date 12-6-93

Comments: Date: 9/22/1993 User-ID: ZIMMERMA

Subject:
ALTERNATE ADDRESS

Mike Homer's home address is 2022 W 5540 S, SLC UT 84118.

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 11-07399

Proposed Priority: July 7, 1992 Maximum Diversion Rate: 0.33 CFS

This is to certify, that BEAR LAKE WEST PROPERTY OWNERS ASSN
C/O MIKE HOMER
PO BOX 71
FISH HAVEN ID 83287-0071

has applied for a permit to appropriate water from: GROUNDWATER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
DOMESTIC	01/01 to 12/31	0.33 CFS

LOCATION OF POINT(S) OF DIVERSION: NENWNW , Sec. 22, Township 16S, Range 43E
BEAR LAKE County

PLACE OF USE: DOMESTIC

TWN RGE SEC

16S 43E 21	NENE	NWNE	NENW
	NWNW		
22	NWNW		

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before December 1, 1998.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. 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.
5. The issuance of this right in no way grants any right-of-way or easement across the land of another.
6. Place of use is located within Bear Lake Properties #1, Plat B. Domestic use is for 50 homes.
7. The domestic use authorized under this permit shall not exceed 13,000 gallons per day per dwelling in accordance with Section 42-111, Idaho Code.
8. This permit authorizes irrigation of up to 1/2 acre within each platted subdivision lot upon which a domestic dwelling has been constructed.

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 11-07399

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

18th day of January, 1994

R. Keith Higginson
for R. Keith Higginson, Director



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 AUGUST 24, 1992.

R. KEITH HIGGINSON, Director

Published: 8/ 6/1992 & 8/13/1992

11-07399

BEAR LAKE WEST INC II
PO BOX 396
FISH HAVEN, ID 83287

Source: GROUNDWATER

Diversion Pt: NENWNW Sec 22 T 16S R 43E in BEAR LAKE County.

Use: DOMESTIC (.100 CFS)
Total Diversion: (.100 CFS)

Date Filed: 7/ 7/1992

In: BEAR LAKE County
T16S R43E S21
S22

NENE
NWNW

NWNE

NENW

NWNW

NOTICE OF APPLICATION FOR WATER RIGHT

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

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

Idaho Falls, Idaho 83402
(208) 525-7161

JULY 22, 1992

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 AUGUST 24, 1992.

Yours truly,

Rita Bodell
Secretary

Encl.

No 4420

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

County of Bear Lake

ss.

Rosa S. Moosma

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

August 6, 1992 and ending
with the issue of Aug 13, 1992

Rosa S. Moosma
Fees, \$36.59

Subscribed and sworn to before me this 17th day
of August, 1992

Sherry Brown
Notary Public, Residing at Montpelier, Idaho

My Commission Expires August 15, 1997

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have
been filed to appropriate the public wa-
ters of the State of Idaho:

11-07399

BEAR LAKE WEST INC II

PO BOX 396

FISH HAVEN, ID 83287

Source: GROUNDWATER

Diversion Pt: NENWNW Sec 22T
16S R 43E in BEAR LAKE County.

Use: DOMESTIC (.100 CFS)

Total Diversion: (.100 CFS)

Date Filed: 7/7/1992

In: BEAR LAKE County T16SR43E
S21NENENWNE NENWNWNWS22
NWNW

The permit(s) will be subject to all
prior water rights. Protests must be filed
with the Director, Dept. of Water Re-
sources, Eastern Region, 150 Shoup
Avenue, Suite 15, Idaho Falls, Idaho
83402 on or before AUGUST 24, 1992.

R. KEITH HIGGINSON, Director

Legal No. 4420 — Published August
6 and 13, 1992.

RECEIVED

AUG 24 1992

Department of Water Resources
Eastern District Office

28-Jul-1992

BEAR LAKE WEST
PO BOX 396
FISH HAVEN ID 83287

RE: Application No. 11-7399

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the News Examiner on 8-6 & 13-92. 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



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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

February 1, 1993

JEFF WILLMORE
BEAR LAKE WEST INC II
PO BOX 396
FISH HAVEN ID 83287

Application for Permit No. 11-07399

Dear Mr. Willmore:

The above referenced application is here at the State Office for final review and processing; however, before the application process can continue, I will need some additional information.

The application lists a domestic use for 4 homes. The description listing the place of use shows five locations in five different 1/4 1/4's. Also, the map drawing indicates there are more than 4 homes involved. The proposed diversion rate of 0.10 cfs is for no more than 4 homes.

If your project is different from what is proposed on the application, you will need to file another application to cover the additional homes.

I will hold the application from further processing pending your reply.

Sincerely,

Brenda L. Miller

BRENDA L. MILLER
Water Resource Agent



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

July 12, 1993

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

JEFF WILLMORE
BEAR LAKE WEST INC II
PO BOX 396
FISH HAVEN ID 83287-0396

RE: Permit to Appropriate Water No. 11-07399

NOTICE OF PENDING ORDER TO REJECT APPLICATION FOR PERMIT

Dear Permit Holder(s):

On July 7, 1992, you filed with the Department of Water Resources an Application to Appropriate Water No. 11-07399, for domestic purposes in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 22, Twp. 16S, Rng. 43E, B.M., Bear Lake County.

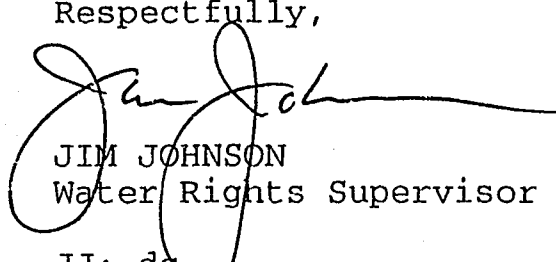
On February 1, 1993, a Department staff member requested that you submit additional information, the number of homes planned. As of this date, the Department has not received the requested information.

The purpose of this letter is to inform you that I will take action to void your application after thirty (30) days from the date of this letter, pursuant to Section 42-204, Idaho Code, unless you can provide a satisfactory explanation why you have not responded to previous requests of this Department for additional information.

If you are no longer interested in this application, you can shorten the voiding process by signing and returning the enclosed withdrawl form.

If you have any questions in regard to this matter, please feel free to contact me at 327-7947.

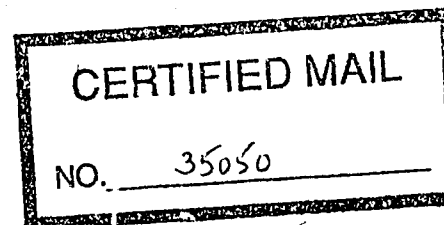
Respectfully,


JIM JOHNSON
Water Rights Supervisor

JJ: dc

Enclosure

c: Eastern Region



Bear Lake West

August 31, 1993

Mrs. Brenda Miller
State Of Idaho
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

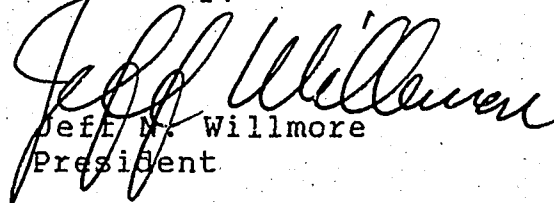
Dear Mrs. Miller:

I am writing in regards to permit no. 11-07399.

The permit should actually be in the name of Bear Lake West Property Owners Association. The chairman of that organization is Mr. Mike Homer. Their address is P.O. Box 71, Fish Haven, Idaho 83287.

The subject permit is for a well in a 224 recreational lot subdivision. At the time that the permit was filed there were four homes under construction. There are now seven homes. The other lots are not built on. Let me know if I can be of further assistance. Otherwise, all correspondence should be directed to the Property Owners Association as they own and manage the subdivision improvements.

Sincerely,


Jeff W. Willmore
President

JNW/tsh



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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

September 22, 1993

BEAR LAKE WEST PROPERTY OWNERS ASSN
% DR MIKE HOMER
2022 W 5540 S
SALT LAKE CITY UT 84118

RE: Application for Permit No. 11-07399

Dear Dr. Homer:

Thank you for your prompt response. As I told you on the telephone today, the above referenced application is not approvable and requires modifications in order to become approvable. In order for you to amend the application, it must first be assigned to your association.

I have enclosed a partially completed 'Assignment of Application for Permit' form assigning this application to Bear Lake West Property Owners Association. The assignment form must be signed by Jeff Willmore, then his signature needs to be notarized.

Also enclosed is an 'Amended Application for Permit' form identifying domestic use for 50 homes totalling 0.33 cfs for your review and signature. As I requested on the telephone, please supply a subdivision plat map with the application. I also need a listing of the names, titles, and addresses of the officers of Bear Lake West Property Owners Association.

Since this amended application is for a greater rate of flow than the original application, it must be advertised again. The application filing fee for 0.33 cfs is \$45.00, \$30.00 of which was paid with the filing of the original application, leaving a balance due of \$15.00. The filing fee for the re-advertisement of the amended application is \$20.00.

I will hold further processing on this application for 30 days. Please return to me the completed, signed, and notarized assignment form along with the signed amended application form and \$35.00 in filing fees within the 30-day period.

Application for Permit No. 11-07399
Page 2

If you have any questions or need any assistance, please
feel free to contact me directly at (208) 327-7944.

Sincerely,

Cindy Zimmerman
CINDY ZIMMERMAN
Water Resource Agent

October 16, 1993

Ms. Cindy Zimmerman, Water Resource Agent
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 84720-9000

RECEIVED

OCT 20 1993

Department of Water Resources

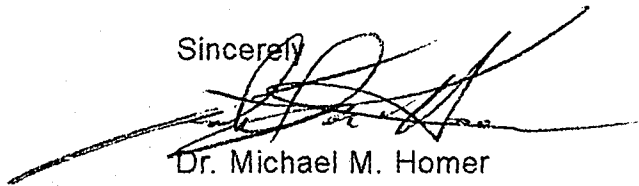
Dear Ms. Zimmerman

Enclosed is the Plat Map of Bear Lake West II Plat B on which the existing water system is located. I have obtained Jeff Willmore's signature on the assignment document along with our signed Property Owner's Association Application for the permit to develop our water system. I have enclosed a check in the amount of \$35.00.

I hope everything has been properly completed. Our association very much appreciates your follow-up and willingness to assist us with the proper application process. We are very concerned that we adhere to all appropriate procedures as we improve the area for our owners.

If there is anything further that we can do to comply with recording or obtaining necessary permits, please contact any one of us on the Property Owner's Association Board, which list is also enclosed. Again, thank you for your help and attention to this matter.

Sincerely,



Dr. Michael M. Homer
2022 West 5540 South
Salt Lake City, UT 84118
H=(801)966-4190
W=(801)967-4321

MEMORANDUM

Date: November 1, 1993
From: Jim Johnson
To: Eastern, and Skip
Subject: Reprocessing of application for permit No. 11-07399

=====

After this application was received in the State Office additional information was requested to resolve an inconsistency found on the application. In response we found that the application should have included more domestic uses than originally identified, therefore, an amended application was requested and received. Since the application now is larger than the original it must be re-advertised and the priority date must be advanced to 10/20/1993.

If you have any questions please let me know.

11-07399

BEAR LAKE WEST PROPERTY OWNERS ASSN

Source: GROUNDWATER

Diversion Pt: NENWNW Sec 22 T 16S R 43E in BEAR LAKE County.

Use: DOMESTIC (.330 CFS)
Total Diversion: (.330 CFS)

Date Filed: 7/ 7/1992

In: BEAR LAKE County
T16S R43E S21
S22

NENE
NWNW

NWNE

NENW

NWNW

NOTICE OF APPLICATION FOR WATER RIGHT

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
900 N Skyline

Idaho Falls, Idaho 83402
(208) 525-7161

NOVEMBER 15, 1993

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 6, 1993.

Yours truly,

Rita Bodell
Secretary

Encl.

No 4694

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

County of Bear Lake

ss.

Rosa S. Moosman

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, 1993, and ending

with the issue of November 24, 1993.

Rosa S. Moosman

Fees, \$65.84

Subscribed and sworn to before me this 30th day

of November, 1993

Henry Brown

Notary Public, Residing at Montpelier, Idaho

My Commission Expires August 15, 1997

NOTICE OF APPLICATION FOR WATER RIGHT

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

11-07399

BEAR LAKE WEST PROPERTY OWNERS ASSN.

Source: GROUNDWATER

Diversion Pt: NENWNW Sec 22 T

16S R 43E in BEAR LAKE County

Use: DOMESTIC (.330 CFS)

Total Diversion: (.330 CFS)

Date Filed: 7/7/1992

In: BEAR LAKE County

T16S R43E S21 NENE NWNE

NENW NWNW S22 NWNW

11-07407

HENNINGS, DONALD D.

P.O. BOX 248

MONTPELIER, ID 83254

Source: SPRING

Tributary: SINKS

Diversion Pt: NESWSE Sec 18 T

11S R 44E in BEAR LAKE County

Use: STOCKWATER (.020 CFS)

Total Diversion: (.020 CFS)

Date Filed: 10/26/1993

In: BEAR LAKE County

T11S R44E S18 SWSE

11-07408

BOWCUTT, MICHAEL C.

AMERICAN EMBASSY

UNIT 15550

APO, AP 962050001

Source: GROUNDWATER

Diversion Pt: NWNENE Sec 18 T

12S R 43E in BEAR LAKE County

Use: DOMESTIC (.040 CFS)

Total Diversion: (.040 CFS)

Date Filed: 10/26/1993

In: BEAR LAKE County

T12S R43E S18 NENE

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N. Skyline, Idaho Falls, Idaho 83402 on or before DECEMBER 6, 1993.

R. KEITH HIGGINSON, Director

Legal No. 4694 — Publish Nov. 17,

24, 1993



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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 18, 1994

BEAR LAKE WEST PROPERTY OWNERS ASSN
C/O MIKE HOMER
PO BOX 71
FISH HAVEN ID 832870071

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 11-07399

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "CONDITIONS/REMARKS:" listing on the permit.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed. You will receive a "Proof Due Notice" from this Department approximately 60 days prior to the completion date requiring you to file either a Proof of Beneficial Use form stating that the project has been completed or file a Request for an Extension of Time in which to file the proof statement.

Be sure to note the special condition requiring you to install a measuring device. Enclosed, for your reference, is a list of measuring device options.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosures

FOR OFFICE USE ONLY
Amt. of Fee \$: 100.00
Receipt No. 100008
Receipt By: SS
Date Received: 10/27/97

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 27 1997

PROOF OF BENEFICIAL USE

Department of Water Resources

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. 11-07399 Telephone No. 801-255-6100

2. Name(s) of Permit Holder(s): BEAR LAKE WEST PROPERTY OWNERS ASSOCIATION

3. Mailing Address: P.O. Box 2086, SANDY, UT 84091-2086

4. Source of Water: Well T. 16S. R. 43E Sec 22 If GROUNDWATER (well), Date Drilled: mo. 11 / yr. 92

a. Well Driller: WEST LAKE Drilling Permit Number: 11-92-E-0016

b. OPTIONAL:

Pump Horsepower: 5 Pressure (psi): _____ Dynamic pumping level (ft): 350

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): 50 Stockwater (No. and type of stock): _____

Irrigation (No. of acres): _____ Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: .33 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)

Measuring Device: Is a measuring device required? Yes ☒ or No _____
Has the measuring device been installed? Yes ☒ or No _____

Flow Measurement Port: Is a flow measurement port required? Yes _____ or No _____
Has the measurement port been installed? Yes _____ or No _____

8. Fee Enclosed: \$ 100.00 (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: STEVE HOWARD Telephone Number: 801-539-4067

Address: 962 E. BIRCHWOOD DR. SALT LAKE CITY, UT 84121

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: Steve Howard CHAIRMAN Date: 10-21-97
(include your title, if on behalf of company or organization)



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

December 2, 1997

BEAR LAKE WEST PROPERTY
OWNERS ASSN
PO BOX 2086
SANDY UT 84091-2086

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 11-07399

Dear Permit Holder:

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

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.

If you have questions concerning the field examination, please contact the department's **EASTERN** Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary, Water Allocation Bureau

c: IDWR - Regional Office