

Treasure Lake Property Owners Association, Inc.

MANUAL: PROPERTY CONTROL

POLICY NO.: P-17

SUBJECT: Water Use and Extraction Provisions

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DATE ORIGINALLY ADOPTED BY B.O.D.: 7/28/03

DATE(S) REVISION(S) APPROVED BY B.O.D.: 8/26/06

This policy, adopted or revised on the date indicated, by the Treasure Lake Property Owners Association, Inc. Board of Directors sets forth that this policy incorporates provisions of the 'Treasure Lake Declaration of Restrictions' dated May 28, 1968:

The following is set forth in Article 15.A. of the Declarations of Restrictions with regard to provisions in respect of lakes and lots contiguous thereto: *The water in, and the land under, Treasure Lake or lakes as shown on the plan, is and will be owned by the Declarant, its subsidiaries or its successors and assigns. The title that will be acquired by the grantee of the Declarant's title to any lot fronting on said lake (and by the successors and assigns of such grantee) shall extend only to such point as designated on the plan and in no event shall it extend beyond the shoreline of the lake to which such lot is fronting or contiguous. No such grantee nor any of such grantee's successors or assigns, shall have any right with respect to any stream that is tributary to said lake or with respect to said lake, the land thereunder, the water therein, or its elevation, use, or condition, and none of said lots shall have any riparian rights or incidents appurtenant; provided, further, that title shall not pass by reliction or submergence or changing water elevations. The Declarant, its successors and assigns shall have the right at any time to dredge or otherwise remove any accretion or deposit from any of said lots in order that the shoreline of the lake may be moved toward or to, but not inland beyond the location of said shoreline as it would exist as of the date hereof. Further, Article 16.A. with regard to reservation of easement of Declarant for operation of lake: The Declarant reserves to itself, and its successors and assigns, such an easement upon, across and through the lakefront portion of each of said lots contiguous to said lake as is reasonably necessary in connection with operating said lake. Without limiting the generality of the immediately preceding sentence, it is declared that neither the Declarant nor any successor assign of the Declarant shall be liable for damages caused by ice, erosion, washing, flooding or other action by the water.*

The following criteria will be used to establish guidelines, rules and regulations applying to the residential and commercial usage of the lakes (Treasure Lake, Bimini, and Little Flipper Lake) for recreational purposes and the extraction of water from those lakes for residential or commercial use. Such guidelines, rules and restrictions are based on seasonal water levels and include but are not limited to; boating, water skiing, jet boating, fishing, swimming, and all other forms of recreational use.

Commercial Use of Lake Water

Removal or extraction of water, by any method, for commercial purposes i.e.: line flushing, concrete or mortar mixing, landscaping, lawn seeding and watering, cleaning of equipment or any other practice, operation or

procedure that involves the use of lake water is prohibited without the expressed consent (by permit) of the Treasure Lake Property Owners Association. Application for said permit must be made through the Property Control Officer. Cleaning of any equipment used for liquid fertilizers, sewer

flushing or any other equipment used to apply, mix or clean equipment used for chemical solutions, granular products or caustic or semi-caustic materials is strictly prohibited.

A property owner defined as a lake front owner, who is in good standing and who is residing on lake front property is permitted to install a water extraction apparatus on the shoreline of Treasure, Bimini or Little Flipper Lake for the sole purpose of removing water for personal use on said owners property only. Lake water usage for homeowner needs must not exceed those amounts deemed necessary for watering, gardening, flower beds, lawns, trees, shrubs or other miscellaneous uses. Pumped or otherwise extracted water shall not be used for commercial purposes, unless permitted, nor is it permissible to give, sell or otherwise supply lake water for any commercial venture or operation.

Points of Measure

The General Manager shall establish points of measure, to be monitored, at each pool location.

~~The need to establish a permanent point on each lake that enables accurate measurement of lake water levels are hereby set at:~~

~~Treasure Lake point of measure shall be by a set story pole in six (6) inch graduations. This pole is attached to the intake basin at the Galion Bay Dam and is visible from dam breast works.~~

~~Bimini Lake point of measure shall be by a set story pole in six (6) inch graduations. This pole is attached to the low level flow valve cover pan and is visible from the dam breast works.~~

~~Little Flipper Lake point of measure shall be by a set story pole in six (6) inch graduations. This pole is attached to the intake basin and is visible from the breast works of the dam.~~

~~All measurements, to verify the pool levels of the lakes, will determine what restrictions will be enforced at a given time.~~

Restrictions

One foot below pool measurement:

1. Pumping of water from the lake for residential purposes shall be suspended.
2. "Low Water Level Warnings" shall be posted at the marina and at all public boat launches for the protection of all boating traffic and on the front and rear gate signboards.

Two feet below pool measurement:

1. Swimming from all beach areas will be suspended.
2. Water skiing, tubing and other water activities will be suspended.
3. Watercraft with a draft deeper than a pontoon boat will be suspended from operating on Treasure Lake. All watercraft permitted to operate on Treasure Lake shall operate at "No Wake" speed.

Three feet below pool measurement:

1. All swimming, boating (regardless of the type of boat shall be banned from both lakes.)
2. All fishing in the lake shall be suspended.

3. Due to the differences in the depth of Treasure Lake, Bimini Lake, and Little Flipper Lake, Bimini Lake will be monitored on a daily basis. In all cases when restrictions are enforced, pumping from both lakes is banned.

Additionally, at the discretion of the General Manager, water restrictions may be implemented due to other conditions and or restrictions that may influence the lake levels and or restrictions that could be initiated by the state.

Extraction of water for fire fighting purposes is exempt from these restrictions.

Penalty for violation. Violation of any provision hereof will result in the issuance of a citation by Treasure Lake Security Officer or the Treasure Lake Property Control Officer with a fine of up to \$100 (one-hundred dollars) for each occurrence.

End of Policy

Authenticated By:

Signature of Secretary, TLPOA Board of Directors

Date

Signature of President, TLPOA Board of Directors

Date