

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 83803**

This is to certify that: IDAHO FOREST GROUP LLC
687 W CANFIELD AVE STE 100
COEUR D ALENE, ID 83815-5335

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
98-2083	WR/LICENSE	1/4/1946	0.400 cfs	N/A	N/A	20.0	MOYIE SPRINGS

Purpose of Transfer (Changes Proposed)

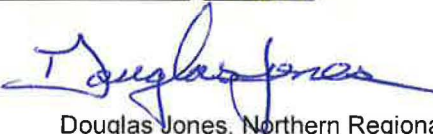
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
98-2083	NO	NO	YES	NO	NO	YES

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
98-2083	98-2083	0.400 cfs	N/A	N/A	20.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.400 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 14th day of July, 2020.



Douglas Jones, Northern Regional Manager

WATER RIGHT NO. 98-2083
As Modified by Transfer No. 83803

In accordance with the approval of Transfer No. 83803, Water Right No. 98-2083 is now described as follows:

Right Holder: IDAHO FOREST GROUP LLC
 687 W CANFIELD AVE STE 100
 COEUR D ALENE, ID 83815-5335

Priority Date: 1/4/1946

Source: MOYIE SPRINGS

Tributary: SINKS

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
INDUSTRIAL	01/01	to 12/31	0.400 cfs	34.0 af
FIRE PROTECTION	01/01	to 12/31	0.400 cfs	
			0.400 cfs	

LOCATION OF POINT(S) OF DIVERSION

MOYIE SPRINGS NWNWNE Sec 15 Twp 62N Rge 02E BOUNDARY County

PLACE OF USE: FIRE PROTECTION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
62N	02E	15		X	X		X		X	X									

PLACE OF USE: INDUSTRIAL

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
62N	02E	15		X	X		X		X	X									

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
4. Industrial use is for log deck watering and dust abatement.
5. The issuance of this right does not grant any right-of-way or easement across the land of another.

Transfer No. 83803

State of Idaho
Department of Water Resources






Attachment to Transfer # 83803

98-2083

This map depicts the INDUSTRIAL and FIRE PROTECTION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

02E



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.05 0.1 0.2 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region • 7600 N Mineral Drive, Suite 100 • Coeur D'Alene ID 83815-7763

Phone: (208) 762-2800 • Fax: (208) 762-2819

Website: idwr.idaho.gov • Email: northerninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

July 14, 2020

IDAHO FOREST GROUP LLC
687 W CANFIELD AVE STE 100
COEUR D ALENE ID 83815-5335

Re: Transfer No: 83803
Water Right No(s): 98-2083
Transfer Approval Notice

Dear Water Right Holder:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

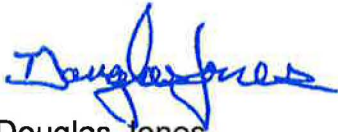
ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact the Northern Region Office at (208) 762-2800.

Sincerely,



Douglas Jones
Northern Regional Manager

Enclosure

CC:

CLIVE J STRONG
6244 S SURVIVAL PL
BOISE ID 83716-9089

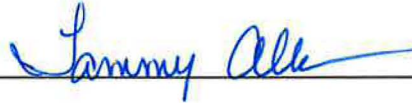
CERTIFICATE OF SERVICE

I hereby certify that on July 14, 2020 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

**Re: Transfer No.: 83803
Water Right No(s): 98-2083**

**IDAHO FOREST GROUP LLC
687 W CANFIELD AVE STE 100
COEUR D ALENE ID 83815-5335**

**CLIVE J STRONG
6244 S SURVIVAL PL
BOISE ID 83716-9089**



**Tammy Alleman
Administrative Assistant**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

To: Application for Transfer of Water Right No. 83803

From: Adam Frederick AF

Date: 7/14/2020

Re: Application for Transfer of Water Right 98-2083

The transfer application received on 4/19/2019 in the name of Idaho Forest Group LLC did not have a change in nature of use historic consumptive volume. The applicant submitted information related to the history of the site and how the change occurred in 1970. Because there is no ET data from that far back, current values will be used off of the University of Idaho ETIDAHO site. The station used is Bonners Ferry and the crop is grass hay as it was mentioned in the backfile that the irrigation was for pasture. The precipitation deficit for that crop was 518 mm which when converted into feet is 1.7 AF/Acre ($518 \times .0032808$). You then multiple that by the 20 acres of irrigation which is equal to 34 acre-feet ($1.7 \text{ AF/Acre} \times 20 \text{ Acres}$). The transfer will be approved with a diversion rate of 0.4 cfs with an annual volume for Industrial of 34.0 acre-feet.

MEMORANDUM

Date: July 14, 2020
To: Transfer 83803
From: Adam Frederick **AF**
Re: Review & Evaluation of Sufficiency of Information

Review & Evaluation of Sufficiency of Information
12/23/2019 & 7/14/2020

Authority to File:

The applicant submitted a change in ownership with the transfer which has been verified and changed.

Water Right Validity:

The water right is valid according to IDWR records.

Injury to Other Water Rights:

None anticipated.

Enlargement of Use:

Annual volume will be based upon the consumptive volume of grass hay which is equal to 34.0 acre-feet.

Local Public interest:

No negative issues anticipated.

Beneficial Use/Conservation of Water Resources:

Proposed use is recognized as a beneficial use of water.

Effect on Economy the Local Area:

Proposed change in use will benefit local logging community.

Effect on Agricultural Base of the Local Area:

None anticipated.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

Frederick, Adam

From: clivejstrong@gmail.com
Sent: Wednesday, April 15, 2020 7:34 AM
To: Frederick, Adam
Subject: Water Transfer No. 83803 (Water Right 98-2083
Attachments: North Yard Log Water System Description.docx; Water Right Exhibit for Moyie Springs North Yard 98-2083.pdf; Cistern - Upper Spring feeds into (1).JPG; New Storage Tank from Upper Spring.JPG; Upper Spring Box.JPG

Follow Up Flag: Follow up
Flag Status: Flagged

Adam, this email responds to your request for more information about IFG's north log yard water diversion system. Attached is a description of the distribution system for water right 98-2083, a schematic showing the diversion system, and photographs of the spring box, the cistern and the storage tank.

Let me know if you need more information or would like to do a field visit.

Regards,

Clive J Strong
Attorney at Law
6244 S Survival Place
Boise, ID 83716
(208)850-7792
clivejstrong@gmail.com

Moyie Springs North Yard Log Sprinkler Operation Criteria (Water Right 98-2083)

IFG diverts water to wet down 3-4 million board feet (mbf) of logs. The system is turned on when the temperature exceeds 70 degrees for three consecutive days. When the system is operating, it runs from sunup to sundown. Thus, in the early spring the system operates for approximately 10 hours per day. The hours the system operates gradually increase until reaching the maximum of 17 daylight hours in August and then system operation gradually decreases until it is turned off in late summer/early fall when the temperature falls below 70 degrees.

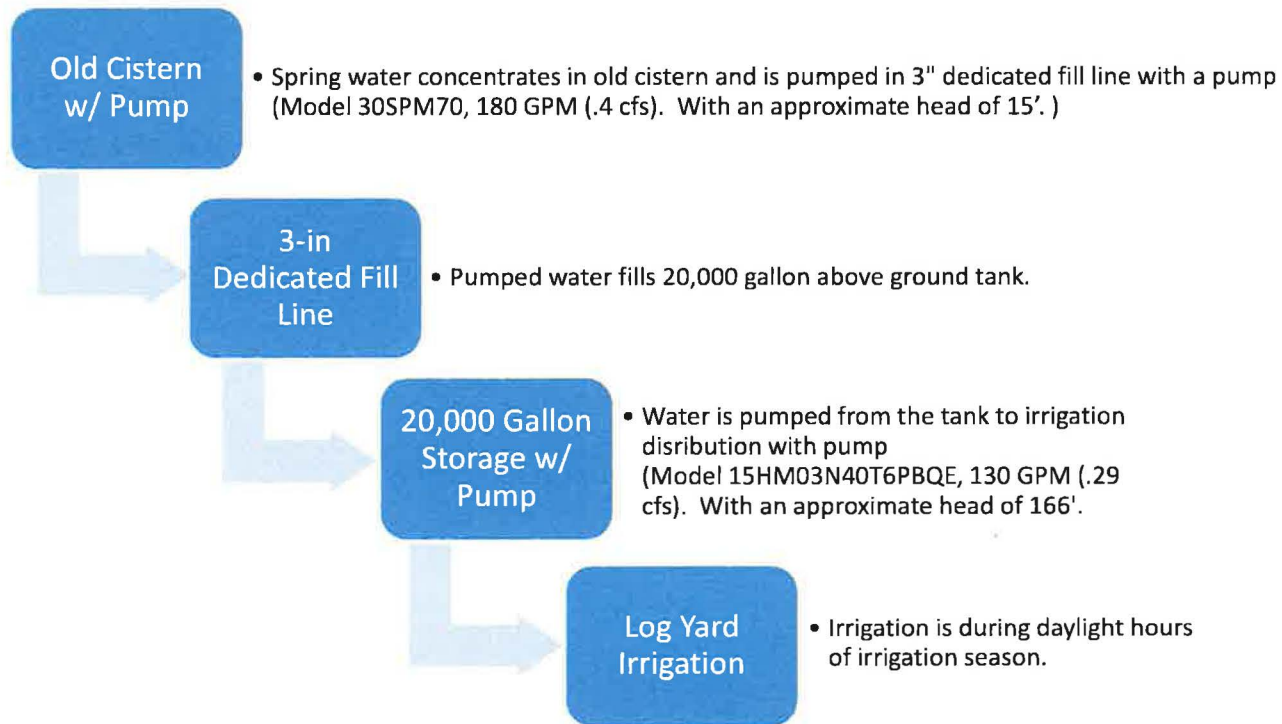
A schematic of the log yard diversion system is shown on the attached flow chart. Water is pumped from the cistern by a Model 30SPM70 pump at 180 gpm (.4cfs). The limiting factor for the length of operation of the cistern pump is controlled by the amount of water produced by Moyie Spring. The spring flow is highly variable, but on average produces approximately 15-20 gpm. The spring water is captured in an 8x8x2 reservoir. The water flows from the reservoir into the cistern and is pumped to a 20,000-gallon storage tank.

Water is pumped from the storage tank to a one zone sprinkler line by a Model 15HM03N40T6PBQE pump at 130 gpm and applied under the guidelines described in paragraph 1 above. In order to avoid over saturation of the ground, which impairs operation of large equipment through creation of ruts, the length of time logs are watered is carefully monitored. Once the logs are wet, the sprinkler line is turned off until the logs begin to dry out from evaporation.

A float in the storage tank turns the yard pump off when the remaining volume in the storage tank reaches 5,000 gallons. Once the tank is refilled by the cistern pump, the yard pump and sprinkler line are reactivated. The amount of time it takes to refill the tank varies depending upon the rate of spring flow. The number of times during day the tank refills also varies depending upon how many times the sprinkler line is operated during the day.

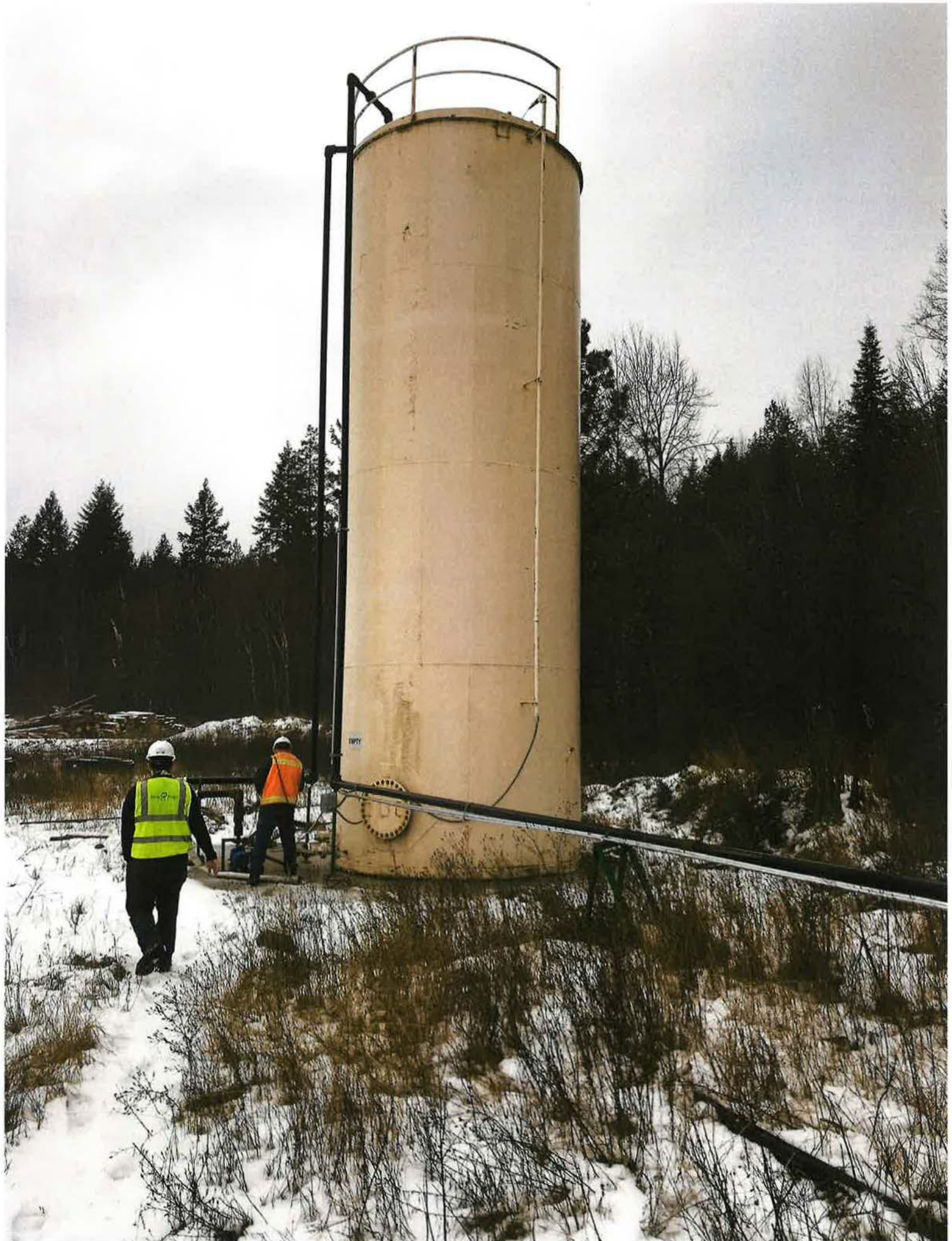
Like a typical irrigation water right, log watering follows a bell shaped curve starting off with a lower daily diversion volume in the spring, gradually increasing to a peak daily diversion volume in the hot summer months and then gradually reducing until the system is turned off in late summer or early fall.

IDAHO FOREST GROUP MOYIE MILL WATER RIGHT 98-2083 EXHIBIT









AFFIDAVIT OF PUBLICATION

State of Idaho

ss

County of Boundary, Jinda Johnson
being first duly sworn on oath deposes and says that
he/she is book keeper of the
Bonners Ferry Herald, a newspaper printed and
published at Bonners Ferry, Boundary County, Idaho;
that the said newspaper has been continuously and
uninterruptedly published in said Boundary County during
a period of 12 months prior to the first publication of the
hereto attached notice of publication in the case of:

Notice of Proposed Change
of Water Right as it
was published in the regular and entire issue of the said
paper for a period of 2 consecutive weeks,
commencing on 2nd day of Jan, 2020 and
ending on the 9th day of Jan, 2020 and
that said notice was published in said newspaper.

Jinda Johnson
SUBSCRIBED AND SWORN TO before me, this

9th day of Jan, 2020.

Katrina George
Notary Public-State of Idaho

Residing at: Kootenai County 10332

My Commission Expires 8/29/23



The following application(s)
have been filed to appropriate
the public waters of the State
of Idaho:
98-8012
RAYMOND E GREEN
ANNETTE PETERSEN
GREEN
8995 OLD TOLLHOUSE RD
WINNEMUCCA, NV
89445-8603
Point of Diversion SWNW
S4 T61N R02E
BOUNDARY County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 12/16/2019
Place Of Use: DOMESTIC
T61N R02E S4 SWNW

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
TRANSFER NO. 83803**

IDAHO FOREST GROUP LLC,
687 W CANFIELD AVE STE
100, COEUR D ALENE, ID
83815-5335; has filed Applica-
tion No. 83803 for changes to
the following water rights with-
in BOUNDARY County: Right
No. 98-2083; to see a full de-
scription of these rights and
the proposed transfer, please
see [www.idwr.idaho.gov/apps/
wr/QueryNewTransfers/Query
NewTransfers.aspx](http://www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx). The pur-
pose of the transfer is to
change a portion of the above
rights as follows:

**This transfer proposes to
change the nature of use
from domestic and irrigation
to industrial and fire protec-
tion. This change will also
adjust the place of use.**

Permits will be subject to all
prior water rights. For addition-
al information concerning the
property location, contact
Northern Region office at (208)
762-2800. Protests may be
submitted based on the criteria
of Idaho Code § 42-203A. Any
protest against the approval of
this application must be filed
with the Director, Dept. of Wa-
ter Resources, Northern Re-
gion, 7600 N MINERAL DR
STE 100, COEUR D ALENE
ID 83815-7763 together with a
protest fee of \$25.00 for each
application on or before
1/21/2020. The protestant
must also send a copy of the
protest to the applicant.

GARY SPACKMAN, Director
BFH LEGAL 10338
JANUARY 2, 9, 2020

RECEIVED

FEB 05 2020

IDWR / NORTH