

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 98-8005

Priority: August 01, 2019

Maximum Diversion Rate: 1.00 CFS

This is to certify that

ALTA FOREST PRODUCTS LLC PO BOX 135 NAPLES ID 83847-0135

has applied for a permit to appropriate water from:

Source : DEEP CREEK

Tributary: KOOTENAI RIVER

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>
INDUSTRIAL	01/01 to 12/31	1.00 CFS
FIRE PROTECTION	01/01 to 12/31	1.00 CFS

Location of Point(s) of Diversio

DEEP CREEK L7 (SW¼, SW¼), Sec. 6, Twp 60N, Rge 01E, B.M., BOUNDARY County

Place of Use: INDUSTRIAL

Twp	Rng	Sec	NE				NW				SW				SE				No QQ	Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
60N	01E	6											X L7							
60N	01E	7						X L1												

Place of Use: FIRE PROTECTION

Twp	Rng	Sec	NE				NW				SW				SE				No QQ	Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
60N	01E	6											X L7							
60N	01E	7						X L1												

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **November 01, 2024**.
2. Subject to all prior water rights.
3. This right does not grant any right-of-way or easement across the land of another.
4. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
5. Rights 95-7750 and 95-8005 when combined shall not exceed a total diversion rate of 1.0 Cubic Feet per Second (CFS).
6. Industrial use is for mill processes, boiler, sawmill, log yard watering, and dust abatement.
7. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
8. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
9. When submitting a proof of beneficial use statement for this permit, the permit holder shall also submit a report showing total monthly diversion volumes or a pump curve with total pumping hours. Proof of beneficial use shall be deemed incomplete and returned to the permit holder if the proof of beneficial use

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statement is not accompanied by this report. The right holder shall provide the Department supporting records used to compile the report upon request.

This permit is issued pursuant to the provisions of Idaho Code § 42-204.

Signed this 16th day of October, 20 19.


DOUGLAS JONES
Northern Regional Manager

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

98-8005

This map depicts the FIRE PROTECTION and INDUSTRIAL 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.



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

0 0.05 0.1 0.2 Miles



Tax parcel information provided by Boundary County.



Brad Little
Governor

State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region • 7600 N MINERAL DR STE 100 • COEUR D ALENE, ID 83815-7763
Phone: (208)762-2800 • Fax: (208)769-2819 • Website: www.idwr.idaho.gov

Gary Spackman
Director

October 16, 2019

ALTA FOREST PRODUCTS LLC
PO BOX 135
NAPLES ID 83847-0135

RE: Permit No. 98-8005

Permit Approval Notice

Dear Permit Holder(s):

The Department of Water Resources ("Department") has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review all the conditions of approval listed on your permit. The conditions include requirements that you must accomplish, such as timely submittal of proof of beneficial use or installation of a measuring device, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district. Failure to comply with the conditions of approval may result in your permit lapsing or being canceled.

The permit is a PRELIMINARY ORDER issued pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

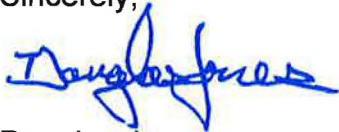
The final step in the water right process is issuance of a water right license. To receive a water right license, you must first commence the excavation or construction of your diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is complete. In addition, you must divert and use water to the full extent intended and submit a *Statement of Completion for Submitting Proof of Beneficial Use* by the date shown in condition no. 1 of your permit. The Department will send you a *Proof Due Notice* approximately 60 days prior to the date listed in condition no. 1 of your permit.

You may also require approvals from other Department programs, such as Ground Water Protection, Safety of Dams, or Stream Channel Protection, to accomplish your proposed development. Please call or visit any Department office or see the Department's website at idwr.idaho.gov for more information about these programs.

Also, please note that permit holders are required to report any change of 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. Forms to assign ownership or update your address are available from any office of the Department or on the Department's website.

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

Sincerely,



Douglas Jones
Northern Regional Manager

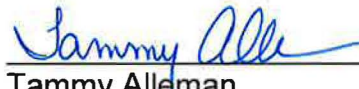
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on October 16, 2019, I served a true and correct copy of Permit to Appropriate Water No. 98-8005 by U.S. Mail, postage prepaid, to the following:

ALTA FOREST PRODUCTS LLC (Current Owner)
PO BOX 135
NAPLES ID 83847-0135

CLIVE J STONG (Representative)
6244 S SURVIVAL PL
BOISE ID 83716-9089



Tammy Alleman
Administrative Assistant 1

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.

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 Bookkeeper 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:

Application 98-8005
as it
was published in the regular and entire issue of the said
paper for a period of 2 consecutive weeks,
commencing on 15th day of Aug, 2019 and
ending on the 22nd day of Aug, 2019 and
that said notice was published in said newspaper.

Jinda Johnson
SUBSCRIBED AND SWORN TO before me, this
22nd day of Aug, 2019.

Katrina George
Notary Public-State of Idaho
Residing at: Kootenai County 10239

MY COMMISSION EXPIRES 8/29/23

The following application(s) have been filed to appropriate the
public waters of the State of Idaho:
98-8005

ALTA FOREST PRODUCTS LLC

PO BOX 135

NAPLES, ID 83847-0135

Point of Diversion L7(SWSW)

S6 T60N R01E

BOUNDARY County

Source DEEP CREEK

Tributary KOOTENAI RIVER

Use: FIRE PROTECTION

01/01 to 12/31 1 CFS

Use: INDUSTRIAL

01/01 to 12/31 1 CFS

Total Diversion: 1 CFS

Date Filed: 8/1/2019

Place Of Use: INDUSTRIAL

T60N R01E S6

L7(SWSW)

T60N R01E S7

L1(NWNW)

Place Of Use: FIRE PROTECTION

T60N R01E S6

L7(SWSW)

T60N R01E S7

L1(NWNW)

Permits will be subject to all prior water rights. For additional in-
formation 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 Di-
rector, Dept. of Water Resources, Northern Region, 7600 N
MINERAL DR STE 100, COEUR D'ALENE ID 83815-7763 to-
gether with a protest fee of \$25.00 for each application on or be-
fore 9/3/2019. The protestant must also send a copy of the pro-
test to the applicant.

GARY SPACKMAN, Director

BFH Legal 10239

August 15, 22, 2019



RECEIVED

SEP 05 2019

IDWR / NORTH

Maxey, Shaun

From: Maxey, Shaun
Sent: Thursday, September 5, 2019 2:49 PM
To: 'clivejstrong@gmail.com'
Subject: RE: Alta Forest Products - Naples App (98-8005)

Clive:

I haven't reviewed the permit file in detail yet but can confirm that we received no protests by the deadline of 5 P.M. on September 3rd. There were no protests for the 95-8005 Application to divert water from Deep Creek.

Shaun Maxey IDWR

From: clivejstrong@gmail.com [mailto:clivejstrong@gmail.com]
Sent: Tuesday, September 3, 2019 8:28 PM
To: Maxey, Shaun <Shaun.Maxey@idwr.idaho.gov>
Subject: RE: Alta Forest Products - Naples App (98-8005)

Shaun, I was checking IDWR's summary page on the data base to see if any protests were filed to application 98-8005 and kept getting an error message. This wasn't isolated to right 98-8005 so I assume something is wrong with the data base. In any event, please advise as to whether any protests were filed.

Thanks, Clive

From: Maxey, Shaun <Shaun.Maxey@idwr.idaho.gov>
Sent: Thursday, August 1, 2019 12:48 PM
To: clivejstrong@gmail.com
Cc: Jones, Doug <Doug.Jones@idwr.idaho.gov>
Subject: RE: Alta Forest Products - Naples App (98-8005)

Clive:

I'm have data entered the Alta Forest Products, LLC Application with ID number 98-8005.

Our current Administrative Rules require an original signature and documentation that the signer is an officer of Alta Forest Products authorized to sign the Application. I believe the Application we have received has a photocopied signature for Ryan W. Comer.

I checked the Washington Secretary of State web site and the 2018 and 2019 entries for Alta Forest Products on the Idaho Secretary of State Web site. I didn't find any information for Mr. Comer so we will need some documentation indicating he is an officer of Alta Forest Products.

Thanks,

Shaun Maxey

Shaun M. Maxey
Sr. Water Resource Agent
Idaho Department of Water Resources, Northern Region
7600 N Mineral DR Suite 100

Coeur d'Alene, ID 83815-7763
Phone (208) 762.2816 /2800
Fax (208) 762.2819
www.idwr.idaho.gov

From: Jones, Doug
Sent: Wednesday, July 31, 2019 3:07 PM
To: clivejstrong@gmail.com
Subject: RE: Alta Forest Products - Naples App

Clive,

It is in queue to data enter and then review prior to advertising.

Thanks for your help getting the confirmation.

Doug

From: clivejstrong@gmail.com [<mailto:clivejstrong@gmail.com>]
Sent: Wednesday, July 31, 2019 2:25 PM
To: Jones, Doug <Doug.Jones@idwr.idaho.gov>
Subject: RE: Alta Forest Products - Naples App

Doug, just following up to make sure you have everything you need to publish Alta's application. I see that Ryan sent an email confirming the Range as 01E.

Regards, Clive

From: Jones, Doug <Doug.Jones@idwr.idaho.gov>
Sent: Tuesday, July 30, 2019 2:35 PM
To: Clive Strong <clivejstrong@gmail.com>
Subject: Alta Forest Products - Naples App

Clive,

We have received Alta's recent draft of the application (unnumbered) and seek clarification from Ryan Comer that the diversion should be described with a Range of 01E (not 1W). If Mr Comer would email me that he agrees, then we will correct the entry on the strength of his written concurrence.

Thank you for your attention to this detail.

Douglas Jones
IDWR Northern Regional Manager

208.762.2800