

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**  
No. 98-7997

Priority: April 24, 2019

Maximum Diversion Rate: 1.00 CFS

This is to certify that

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

has applied for a permit to appropriate water from:

Source : MOYIE RIVER

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 Diversion**

MOYIE RIVER NW¼ SE¼, Sec. 15, Twp 62N, Rge 02E, B.M. BOUNDARY County

**Place of Use: INDUSTRIAL AND 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 |       |        |
| 62N | 02E | 15  |    | X  | X  |    | X  |    | X  | X  | X  | X  | X  | X  |    |    |    |    |       |        |

**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 |       |        |
| 62N | 02E | 15  |    | X  | X  |    | X  |    | X  | X  | X  | X  | X  | X  |    |    |    |    |       |        |

**Conditions of Approval**

1. Proof of application of water to beneficial use shall be submitted on or before **August 01, 2020**.
2. Subject to all prior water rights.
3. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
4. 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.
5. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
6. Industrial use is for log watering and dust abatement.
7. 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 statement is not accompanied by this report. The right holder shall provide the Department supporting records used to compile the report upon request.

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8. This right does not grant any right-of-way or easement across the land of another.

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

Signed this 5<sup>th</sup> day of August, 20 19.

  
\_\_\_\_\_  
DOUGLAS JONES

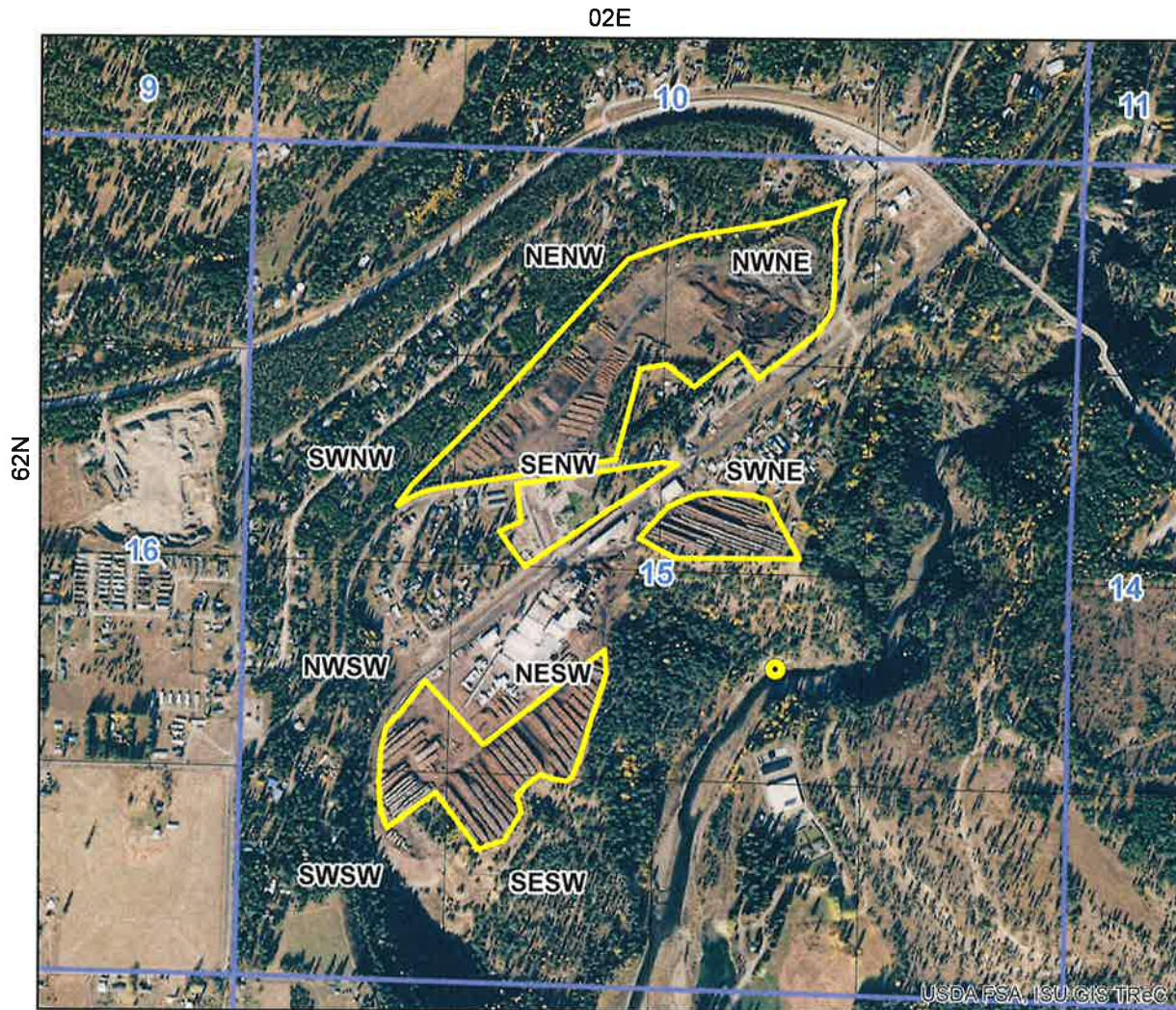
Northern Regional Manager

State of Idaho  
Department of Water Resources

# Attachment to Permit to Appropriate Water

98-7997

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.



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

0 0.125 0.25 0.5 Miles





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](http://www.idwr.idaho.gov)

Brad Little  
Governor

Gary Spackman  
Director

August 05, 2019

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

RE: Permit No. 98-7997

### 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.

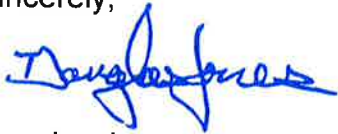
The final step in the water right process is issuance of a water right license. To receive a water right license, you must divert and use water to the full extent intended and submit a *Statement of Completion for Submitting Proof of Beneficial Use* ("Proof") by the date shown in condition no. 1 of your 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. If you have already diverted and used water to the full extent intended, you may complete and submit the enclosed Proof form immediately.

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](http://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 August 05, 2019, I served a true and correct copy of Permit to Appropriate Water No. 98-7997 by U.S. Mail, postage prepaid, to the following:

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

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



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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 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:

Application 98-7997

as it was published in the regular and entire issue of the  
said paper for a period of 2 consecutive weeks,  
commencing on 16<sup>th</sup> day of May, 2019  
and ending on the 23<sup>rd</sup> day of May,  
2019 and that said notice was published in said  
newspaper.

Jinda Johnson

SUBSCRIBED AND SWORN TO before me,  
this 23<sup>rd</sup> day of May, 2019.

Katrina George

Notary Public-State of Idaho 10173

Residing at: Kootenai County, ID

MY COMMISSION EXPIRES 8/29/23



RECEIVED

JUN 03 2019

IDWR / NORTH

The following application(s) have been filed to appropriate the public waters of the State of Idaho:  
**98-7997**

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

Point of Diversion NWSE

S15 T62N R02E

BOUNDARY County

Source MOYIE RIVER

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: 4/24/2019

Place Of Use: INDUSTRIAL

T62N R02E S15

NWNE SWNE NENW SWNW SENW NESW NWSW SWSW SESW

Place Of Use: FIRE PROTECTION

T62N R02E S15

NWNE SWNE NENW SWNW SENW NESW NWSW SWSW SESW

Permits will be subject to all prior water rights. For additional 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 Water Resources, Northern Region, 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 6/3/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

BFH Legal 10173

May 16, 23, 2019