State of Idaho
Department of Water Resources

Water Right License

WATER RIGHT NO. 97-07420

PRIORITY: July 24, 2002

Maximum Diversion Volume: 4.7 AF

It is hereby certified that:

PHILLIP MACK And/Or
JO ANN MACK
240 GARN LN PO BOX 159
PRIEST RIVER ID 83856-0159

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated July 24, 2002, and has submitted Proof of Beneficial Use on October 09, 2003. An examination confirms water is diverted from:

SOURCE:
UNNAMED STREAM

TRIBUTARY:
PRIEST RIVER

and a water right has been established as follows:

BENEFICIAL USE	PERIOD OF USE	ANNUAL DIVERSION VOLUME
WILDLIFE STORAGE	01/01 to 12/31	4.7 AF

LOCATION OF POINT(S) OF DIVERSION:
UNNAMED STREAM NW¼SW¼ Sec. 12, Twp 56N, Rge 05W, B.M. BONNER County

PLACE OF USE: WILDLIFE STORAGE

			NE				NW				SW				SE				
Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
56N	05W	12										X							

CONDITIONS OF APPROVAL

1. Rights 97-7399 and 97-7420 authorize a total annual storage volume of 5.7 acre-feet, 4.2 acre-feet to be used for the initial filling of the pond and 1.5 acre-feet for the replacement of losses caused by seepage and evaporation.

2. The pond established by the storage of water under this right shall not exceed a total capacity of 4.2 acre-feet or a total surface area of 0.8 acres.

3. Rights 97-7399 and 97-7420 when combined shall not exceed a total annual maximum diversion volume of 5.7 acre-feet.

4. Water shall not be diverted under this right when flows in the Priest River are below minimum flow amounts as defined by Right 97-7380. The right holder shall be responsible for monitoring the daily flow of the Priest River using real-time data and shall cease diverting water when flows in the Priest River are below established minimum flow amounts. Unless otherwise specified by the Director of the Department of Water Resources, data from the U.S. Geological Survey Priest River Gauging Station, No. 12395000, may be used for purposes of determining the daily flow amounts.

State of Idaho
Department of Water Resources

Water Right License

WATER RIGHT NO. 97-07420

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

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 21st day of June, 2018.

DOUGLAS JONES
Northern Regional Manager

State of Idaho
Department of Water Resources

Attachment to Water Right License

97-7420

This map depicts the WILDLIFE STORAGE 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.

0 0.035 0.07 0.14 Miles

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

N

RECEIVED
FEB 28 2018
IDWR-NORTH

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)
WATER RIGHT NO. 97-07420

PRIORITY: July 24, 2002

Maximum Diversion Volume: 4.7 AF

Comes now

PHILLIP MACK And/Or
JO ANN MACK
240 GARN LN PO BOX 159
PRIEST RIVER ID 83856-0159

and represents to the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 97-07420, and requests that the permit be changed as follows:

SOURCE:
UNNAMED STREAM

TRIBUTARY:
PRIEST RIVER

BENEFICIAL USE	PERIOD OF USE	ANNUAL DIVERSION VOLUME
WILDLIFE STORAGE	01/01 to 12/31	4.7 AF

LOCATION OF POINT(S) OF DIVERSION:
UNNAMED STREAM NW¼SW¼ Sec. 12, Twp 56N, Rge 05W, B.M. BONNER County

PLACE OF USE: WILDLIFE STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
56N	05W	12										X							

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 26th day of February, 2018.

Jo Ann L Mack
(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)
WATER RIGHT NO. 97-07420

FOR DEPARTMENT USE ONLY

Preliminary check by TA Fee = 100.00 Receipted by TA # N033180 Date 2/28/18

ACTION OF THE DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources hereby approves the above Application for Amendment for Permit No. 97-07420 with the following:

CONDITIONS OF APPROVAL

1. Rights 97-7399 and 97-7420 authorize a total annual storage volume of 5.7 acre-feet, 4.2 acre-feet to be used for the initial filling of the pond and 1.5 acre-feet for the replacement of losses caused by seepage and evaporation.

2. The pond established by the storage of water under this right shall not exceed a total capacity of 4.2 acre-feet or a total surface area of 0.8 acres.

3. Rights 97-7399 and 97-7420 when combined shall not exceed a total annual maximum diversion volume of 5.7 acre-feet.

4. Water shall not be diverted under this right when flows in the Priest River are below minimum flow amounts as defined by Right 97-7380. The right holder shall be responsible for monitoring the daily flow of the Priest River using real-time data and shall cease diverting water when flows in the Priest River are below established minimum flow amounts. Unless otherwise specified by the Director of the Department of Water Resources, data from the U.S. Geological Survey Priest River Gauging Station, No. 12395000, may be used for purposes of determining the daily flow amounts.

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

This amendment is issued pursuant to the provisions of Section 42-211, Idaho Code.

Signed this 21st day of June, 2018.

Douglas Jones

DOUGLAS JONES
Northern Regional Manager

State of Idaho
Department of Water Resources

Attachment for Application to Amend a Permit

97-7420

This map depicts the WILDLIFE STORAGE 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.

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

C.L. "Butch" Otter
Governor

Gary Spackman
Director

June 21, 2018

JO ANN MACK
240 GARN LN
PO BOX 159
PRIEST RIVER ID 83856-0159

PHILLIP MACK
240 GARN LN
PO BOX 159
PRIEST RIVER ID 83856-0159

RE: License No. 97-7420

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources ("Department") has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review all the conditions of approval listed on your license. The conditions may include ongoing requirements, such as maintenance of a measuring device or implementation of mitigation, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district. Also enclosed is a copy of the approved application for amendment.

The license is a PRELIMINARY ORDER issued by the Department 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.

Also, 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. Water right forms are available from any office of the Department or on the Department's website at idwr.idaho.gov

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

Sincerely,

Douglas Jones, P.E.
Northern Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on June 21, 2018, I served a true and correct copy of Water Right License No. 97-7420 by U.S. Mail, postage prepaid, to the following:

JO ANN MACK (Current Owner)
240 GARN LN
PO BOX 159
PRIEST RIVER ID 83856-0159

PHILLIP MACK (Current Owner)
240 GARN LN
PO BOX 159
PRIEST RIVER ID 83856-0159

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.

State of Idaho
DEPARTMENT OF WATER RESOURCES
Northern Region • 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815-7763
Phone: (208) 762-2800 • Fax: (208) 762-2819 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

February 22, 2018

PHILLIP MACK And/Or
JO ANN MACK
240 GARN LN
PO BOX 159
PRIEST RIVER ID 83856-0159

RE: Water Right Permit No. 97-07420

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit(s) referenced above prior to issuing water right license(s). By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The examiner who verified your water use reported that certain elements of the permit(s) have been developed differently than described on your permit(s). Changes that do not increase the authorized use of water under the permit(s) can be requested and approved in accordance with Section 42-211, Idaho Code. Before license(s) can be issued, your permit(s) must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit(s):

__X___ Point(s) of Diversion

__X___ Place(s) of Use

_____ Other

The enclosed Application for Amendment form(s) depicts the elements of the water right(s) as they will appear on the license(s) when issued. Please review the amendment form(s) carefully. If you concur with the information presented, please sign and return the form(s) with the $100.00 filing fee within 14 days.

If you have any questions, please call me at 208-762-2800.

Sincerely,

Adam Frederick
Senior Water Resource Agent

Enclosure(s): Application for Amendment