

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 84-12232

PRIORITY: December 14, 2005

Maximum Diversion Volume: 802.0 AF

It is hereby certified that:

STATE OF IDAHO DEPT OF FISH & GAME
PO BOX 25 BOISE ID 83707

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated November 14, 2005, and has submitted Proof of Beneficial Use on January 13, 2014. An examination confirms water is diverted from:

SOURCE:
SCHMIDT CREEK

TRIBUTARY:
LOLO CREEK

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>ANNUAL DIVERSION VOLUME</u>
RECREATION STORAGE	01/01 to 12/31	802.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SCHMIDT CREEK L1 (NW¼NW¼) Sec. 19, Twp 35N, Rge 04E, B.M. CLEARWATER County

PLACE OF USE: RECREATION 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	
35N	04E	19	X	X	X	X	X	X L1		X									

CONDITIONS OF APPROVAL

1. The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.
2. Right 84-12232 authorizes the total annual storage volume of 802.0 acre-feet, 660.0 acre-feet to be used for the initial filling reservoirs and 142.0 acre-feet for the replacement of losses caused by seepage and evaporation.
3. The reservoir established by the storage of water under this right shall not exceed a total capacity of 660.0 acre-feet or a total surface area of 55.0 acres.
4. Water shall not be diverted under this right when flows in the Clearwater River are below minimum flow amounts as defined by Right 85-7583. The right holder shall be responsible for monitoring the daily flow of the Clearwater River using real-time data and shall cease diverting water when flows in the Clearwater 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 Peck gauging station, No. 13341050, may be used for purposes of determining the daily flow amounts.

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 84-12232

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.

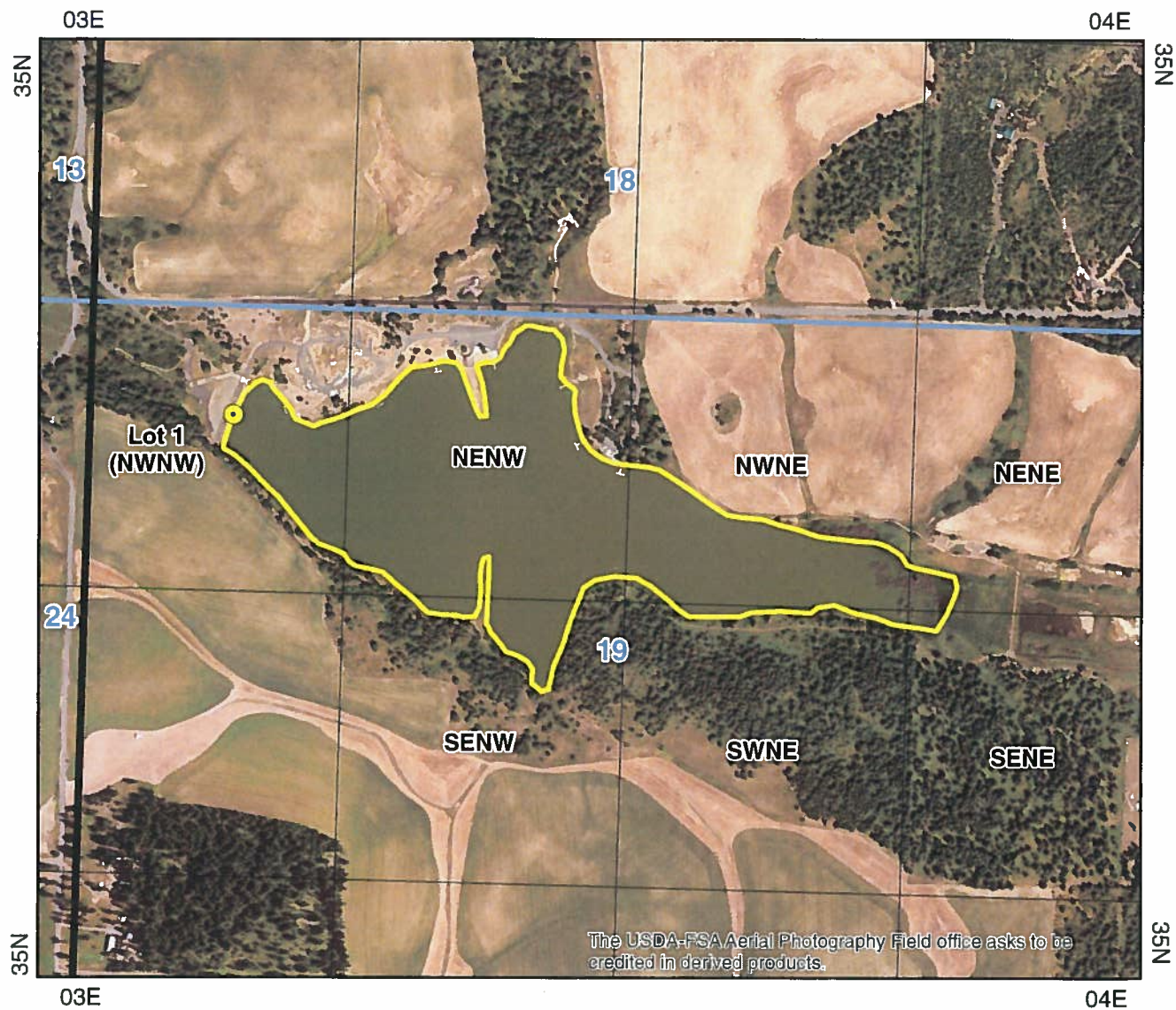
Signed this 9th day of November, 2017.


DOUGLAS JONES
Northern Regional Manager



State of Idaho
Department of Water Resources
Attachment to Water Right License
84-12232

This map depicts the RECREATION 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.



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

0 0.1 0.2 0.4 Miles



State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 84-12232

RECEIVED
JUL 24 2017
IDWR/NORTHERN

PRIORITY: December 14, 2005

Maximum Diversion Volume: 802.0 AF

Comes now

STATE OF IDAHO DEPT OF FISH & GAME
PO BOX 25 BOISE ID 83707

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. 84-12232, and requests that the permit be changed as follows:

SOURCE:
SCHMIDT CREEK

TRIBUTARY:
LOLO CREEK

BENEFICIAL USE
RECREATION STORAGE

PERIOD OF USE
01/01 to 12/31

**ANNUAL
DIVERSION VOLUME**
802.0 AF

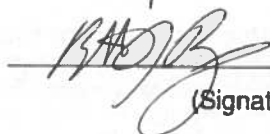
LOCATION OF POINT(S) OF DIVERSION:

SCHMIDT CREEK L1 (NW¼NW¼) Sec. 19, Twp 35N, Rge 04E, B.M. CLEARWATER County

PLACE OF USE: RECREATION 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	
35N	04E	19	X	X	X	X	X	X	L1	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 18th day of July, 2017.


(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 84-12232

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = \$100.00 Received by SM # BLG152 Date 8-23-17

ACTION OF THE DEPARTMENT OF WATER RESOURCES

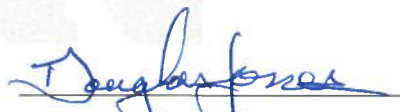
The Idaho Department of Water Resources hereby approves the above Application for Amendment for Permit No. 84-12232 with the following:

CONDITIONS OF APPROVAL

1. The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.
2. Right 84-12232 authorizes the total annual storage volume of 802.0 acre-feet, 660.0 acre-feet to be used for the initial filling reservoirs and 142.0 acre-feet for the replacement of losses caused by seepage and evaporation.
3. The reservoir established by the storage of water under this right shall not exceed a total capacity of 660.0 acre-feet or a total surface area of 55.0 acres.
4. Water shall not be diverted under this right when flows in the Clearwater River are below minimum flow amounts as defined by Right 85-7583. The right holder shall be responsible for monitoring the daily flow of the Clearwater River using real-time data and shall cease diverting water when flows in the Clearwater 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 Peck gauging station, No. 13341050, may be used for purposes of determining the daily flow amounts.

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

Signed this 9th day of November, 2017.


DOUGLAS JONES
Northern Regional Manager



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

November 9, 2017

STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707

RE: License No. 84-12232
Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources 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 the conditions of approval and remarks listed on your license.

The license 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 a party 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.

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 Regional Office at (208) 772-2800.

Sincerely,

Douglas Jones, P.E.

Northern Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on November 9, 2017 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO.

84-12232

**STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707**



**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.