

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 98-07804

Priority: May 24, 2001

Maximum Diversion Rate: 0.12 CFS

It is hereby certified that SKIN CREEK WATER ASSN
PO BOX 1441
BONNERS FERRY ID 83805 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated May 24, 2001; and has
submitted Proof of Beneficial Use on July 24, 2006. An examination indicates that the works have a
diversion capacity of 0.26 cfs of water from:

SOURCE

SKIN CREEK

Tributary: MOYIE RIVER

and a water right has been established as follows:

BENEFICIAL USE

MUNICIPAL

PERIOD OF USE

01/01 to 12/31

DIVERSION RATE

0.12 CFS

LOCATION OF POINT(S) OF DIVERSION:

SKIN CREEK, SE¼SW¼, Sec. 29, Twp 63N, Rge 03E, B.M., BOUNDARY County

CONDITIONS OF APPROVAL

1. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
2. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.
3. Place of use is within the service area of Skin Creek Water Association as provided for under Idaho law. The place of use is generally located within Section 12-18, Township 62N, Range 03E.
4. Water shall not be diverted under this right when flows in the Moyie River are below minimum flow amounts as defined by Right 98-7704.
5. The issuance of 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.

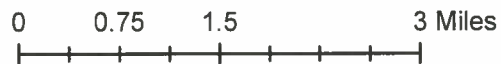
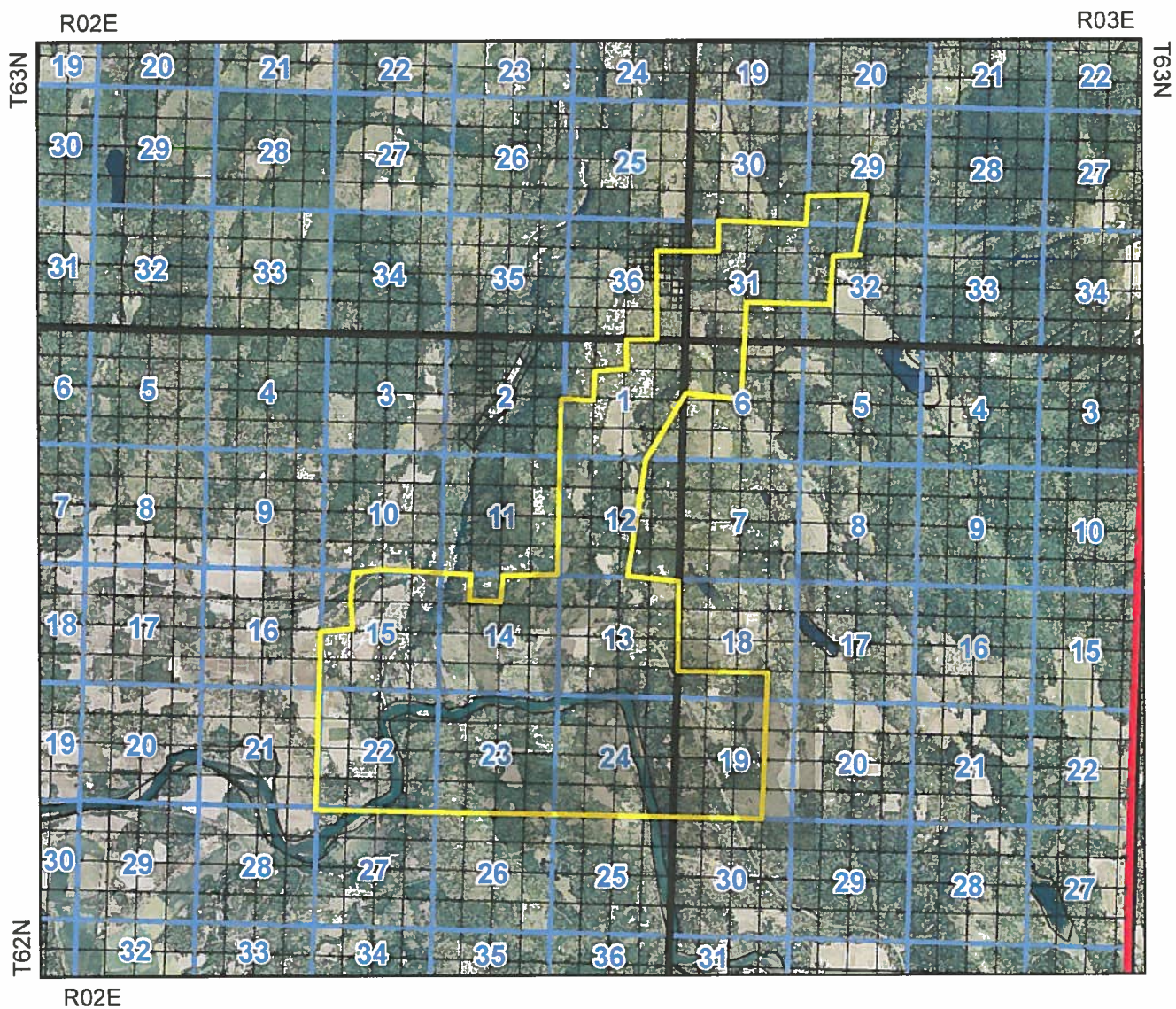
Signed on this 23 day of April, 2013.


For, GARY SPACKMAN
Director

State of Idaho
Department of Water Resources
Water Right License

98-7804

Water Service Area Boundary for Skin Creek Water Assn



- Water Service Area Boundary
- Townships
- PLS Sections
- Quarter Quarters



State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 98-07804

RECEIVED

JAN 25 2013

DEPARTMENT OF
WATER RESOURCES

Date of Priority: May 24, 2001

Maximum Diversion Rate: 0.12 CFS

Maximum Diversion Volume:

Comes now SKIN CREEK WATER ASSN
PO BOX 1441

BONNERS FERRY ID 83805 and represents to the Director of 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. 98-07804, and requests that the permit be changed as follows:

Source: SKIN CREEK

Tributary: MOYIE RIVER

BENEFICIAL USE**PERIOD OF USE****RATE OF DIVERSION**

MUNICIPAL

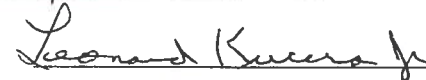
01/01 to 12/31

0.12 CFS

LOCATION OF POINT(S) OF DIVERSION:

SKIN CREEK SE1/4SW1/4 Sec 29, Twp 63N, Rge 03E, B.M. BOUNDARY County

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 23 day of January, 2003.



(Signature)

President: SKIN CREEK WATER

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 98-07804

FOR DEPARTMENT USE ONLY

Preliminary check by HP Fee = 100.00 Received by HP # 1096478 Date 1-25-13

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, GARY SPACKMAN, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 98-07804 with the following:

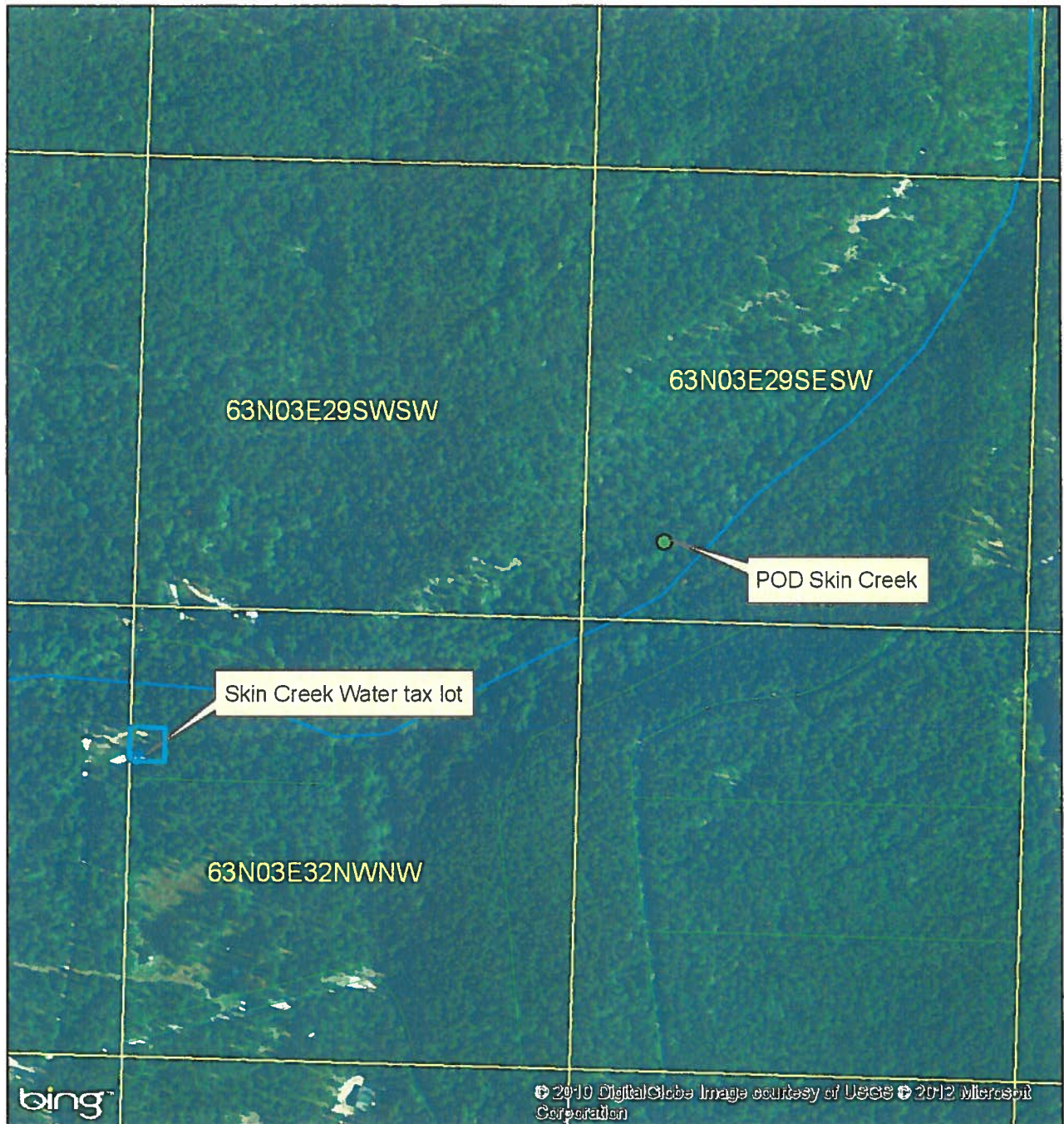
CONDITIONS OF APPROVAL

1. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
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4. Water shall not be diverted under this right when flows in the Moyie River are below minimum flow amounts as defined by Right 98-7704.
5. The issuance of this right does not grant any right-of-way or easement across the land of another.

Witness my hand this 23 day of April, 2012-2013.


For, GARY SPACKMAN
Director

98-7804 System



1 inch = 470 feet



Legend

• Application POD

□ Taxlots



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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

April 24, 2013

SKIN CREEK WATER ASSN
PO BOX 1441
BONNERS FERRY ID 83805

Re: 98-7804 - Application for Amendment

Dear Water Right Holder(s):

Enclosed is your copy of the Approved Application for Amendment.

Sincerely,

A handwritten signature in blue ink that reads "Eric Davis". The signature is written in a cursive, flowing style.

Eric Davis
Sr. Water Resource Agent

ED: cm

Encl.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

April 23, 2013

SKIN CREEK WATER ASSN
PO BOX 1441
BONNERS FERRY ID 83805

RE: License No. 98-7804
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 me at 208-762-2800.

Sincerely,

Eric Davis
Sr. Water Resource Agent

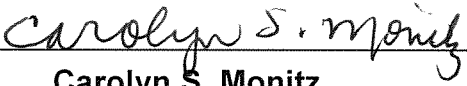
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on April 24, 2013 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. 98-7804

**SKIN CREEK WATER ASSN
PO BOX 1441
BONNERS FERRY ID 83805**



Carolyn S. Monitz
Technical Records Specialist

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

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

1-10-13

~~12/17/2012~~

SKIN CREEK WATER ASSN
PO BOX 1441
BONNERS FERRY ID 83805

RE: Water Right Permit No. 98-07804

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. 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 have been developed differently than described on your permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, your permit 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:

☒ **Point(s) of Diversion**

☐ **Place(s) of Use**

☐ **Other**

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

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

Sincerely,
Eric Davis
Senior Water Resource Agent
Northern Regional Office

COPY



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

December 17, 2012

SKIN CREEK WATER ASSN
PO BOX 1441
BONNERS FERRY ID 83805

Water Right: 98-7804

Amendment to water 98-7804

The recommended Amendment to water 98-7804 is to correct the location for the point of diversion.

The exam show that location of this point of diversion is: **GPS W116 °06.332 N 48°46.552**. IDWR and DEQ have GPS this location to be in Township 63 N, Range, 03E, Section 29, SE¼ of SW¼. The application and permit has the incorrect location as; Township 63 N, Range, 03E, Section 29, NE¼ of NE¼. The map provided with this exam will show the GPS location of the point of diversion and the tax lot for Skin Creek Water Association.

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

Sincerely,
Eric Davis
Senior Water Resource Agent
Northern Regional Office