

[illegible]

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 98-07859

CONDITIONS OF APPROVAL

1. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
2. Use of water under this right shall be non-consumptive.
3. 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.
4. This right shall be junior and subordinate to future water rights authorizing the diversion and use of water from Round Prairie Creek and its tributaries, including ground water for consumptive uses and water rights for minimum instream flow, except that this right shall not be subordinate to future water rights for private use authorizing similar wildlife, recreation and/or aesthetic uses.
5. Wildlife, recreation, and fire protection storage is for added capacity in an existing pond and the addition of a separate pond that shall not exceed a storage volume of 100.6 acre feet.
6. The use of water under this water right shall in no way affect the rights or use of water of senior water users, including, but not limited to, minimum stream flow right no. 98-7704.
7. Water shall not be diverted under this right when flows in Round Prairie Creek fall below 2.0 cfs, as measured below the point of diversion of this water right.
8. Recreation use is for swimming, fishing and boating.
9. 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.
10. The two ponds established by the storage of water under this right shall not exceed a total capacity of 100.6 acre-feet or a total surface area of 22.1 acres.
11. This right authorizes the diversion of an annual total of 100.6 acre-feet to be used for the initial filling of the ponds, for the replacement of losses caused by seepage and evaporation from the ponds and for the storage of water for wildlife, recreation and fire protection.
12. Water shall not be diverted from fire protection storage except to fight or repel an existing fire.
13. 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 5 day of February, 2013.


GARY SPACKMAN
Director