

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 92-07208

Priority: May 02, 1994

Maximum Diversion Rate: 2.23 CFS
Maximum Diversion Volume: 24.0 AF

It is hereby certified that EMERALD CREEK GARNET LTD
PO BOX 190
FERNWOOD ID 83830-0190 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated May 02, 1994; and has
submitted Proof of Beneficial Use on May 13, 1999. An examination indicates that the works have a
diversion capacity of 2.23 cfs of water from:

SOURCE

EMERALD CREEK

Tributary: ST MARIES RIVER

WILLOW CREEK

SINKS

EAST FORK EMERALD CREEK

EMERALD CREEK

WEST FORK EMERALD CREEK

EMERALD CREEK

UNNAMED STREAM

WEST FORK EMERALD CREEK

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
MINING	01/01 to 12/31	2.23 CFS	24.0 AF

LOCATION OF POINT(S) OF DIVERSION:

WEST FORK EMERALD CREEK, NW¼SE¼, Sec. 36, Twp 43N, Rge 01W, B.M., BENEWAH County
WILLOW CREEK, SE¼NE¼, Sec. 28, Twp 43N, Rge 01E, B.M., BENEWAH County
EAST FORK EMERALD CREEK, NW¼SW¼, Sec. 34, Twp 43N, Rge 01E, B.M., BENEWAH County
UNNAMED STREAM, NE¼SE¼, Sec. 28, Twp 43N, Rge 01E, B.M., BENEWAH County
UNNAMED STREAM, SW¼SW¼, Sec. 27, Twp 43N, Rge 01E, B.M., SHOSHONE County
UNNAMED STREAM, SE¼SE¼, Sec. 28, Twp 43N, Rge 01E, B.M., BENEWAH County
EMERALD CREEK, SE¼SW¼, Sec. 22, Twp 43N, Rge 01E, B.M., SHOSHONE County
EMERALD CREEK, SE¼NW¼, Sec. 27, Twp 43N, Rge 01E, B.M., SHOSHONE County
EMERALD CREEK, NE¼NW¼, Sec. 27, Twp 43N, Rge 01E, B.M., SHOSHONE County
EMERALD CREEK, SE¼SW¼, Sec. 27, Twp 43N, Rge 01E, B.M., SHOSHONE County
EMERALD CREEK, NE¼SW¼, Sec. 27, Twp 43N, Rge 01E, B.M., SHOSHONE County
EMERALD CREEK, SW¼NW¼, Sec. 27, Twp 43N, Rge 01E, B.M., SHOSHONE County
EMERALD CREEK, NW¼SW¼, Sec. 27, Twp 43N, Rge 01E, B.M., SHOSHONE County
UNNAMED STREAM, NE¼NE¼, Sec. 28, Twp 43N, Rge 01E, B.M., BENEWAH County
WEST FORK EMERALD CREEK, NW¼SE¼, Sec. 33, Twp 43N, Rge 01E, B.M., BENEWAH County
EMERALD CREEK, SW¼NW¼, Sec. 34, Twp 43N, Rge 01E, B.M., BENEWAH County
WEST FORK EMERALD CREEK, NE¼SE¼, Sec. 36, Twp 43N, Rge 01W, B.M., BENEWAH County
UNNAMED STREAM, SE¼SE¼, Sec. 36, Twp 43N, Rge 01W, B.M., BENEWAH County
WILLOW CREEK, NW¼NW¼, Sec. 27, Twp 43N, Rge 01E, B.M., SHOSHONE County
WEST FORK EMERALD CREEK, NE¼SE¼, Sec. 33, Twp 43N, Rge 01E, B.M., BENEWAH County
WEST FORK EMERALD CREEK, SW¼SE¼, Sec. 36, Twp 43N, Rge 01W, B.M., BENEWAH County

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PLACE OF USE: MINING

Twp Rge Sec	NE				NW				SW				SE				Totale
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
43N 01E 22												X			X		
43N 01E 27		X	X		X	X	X	X	X	X	X	X		X	X		
43N 01E 28	X			X									X			X	
43N 01E 33													X	X			
43N 01E 34							X			X							
43N 01E 36													X	X	X	X	

CONDITIONS OF APPROVAL

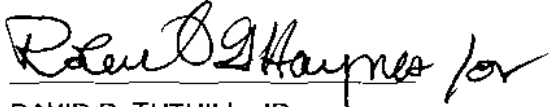
1. Water used under this right when discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards.
2. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
3. A separate stream alteration permit from the IDWR is required for any activity in the stream channel other than construction and/or maintenance of the diversion structure. If the proposed construction or operation involves construction of an outfall or any other work in the stream channel other than a water diversion, the right holder shall contact the Department and obtain a Stream Channel Alteration permit prior to the start of construction.
4. This right authorizes no more than one diversion period per washer per 30-day period, or one diversion period per washer per calendar month.
5. The maximum duration of diversion period authorized under this right is limited to 5 hours in two weeks.
6. An intake screen of 1/4 inch or smaller mesh shall be installed at the point of diversion to prevent any negative impact on juvenile fish.
7. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.

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8. The issuance of this right in no way grants any right-of-way or easement across the land of another.
9. Water shall not be diverted under this right when flows in the St. Maries River are below established minimum flow amounts. The right holder shall be responsible for monitoring the daily flow of the St. Maries River near Santa using real-time data published on the internet by the U.S. Geological Survey and shall cease diverting water when flows in the St. Maries are below established minimum instream flow amounts.
10. Under this right, the land application of water is limited to the reclamation of land directly affected as a result of being mined and is not to exceed a total of 26 acres annually within the place of use described above for mining.
11. Subject to all prior water rights.

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 and sealed this 6th day of March, 2009.

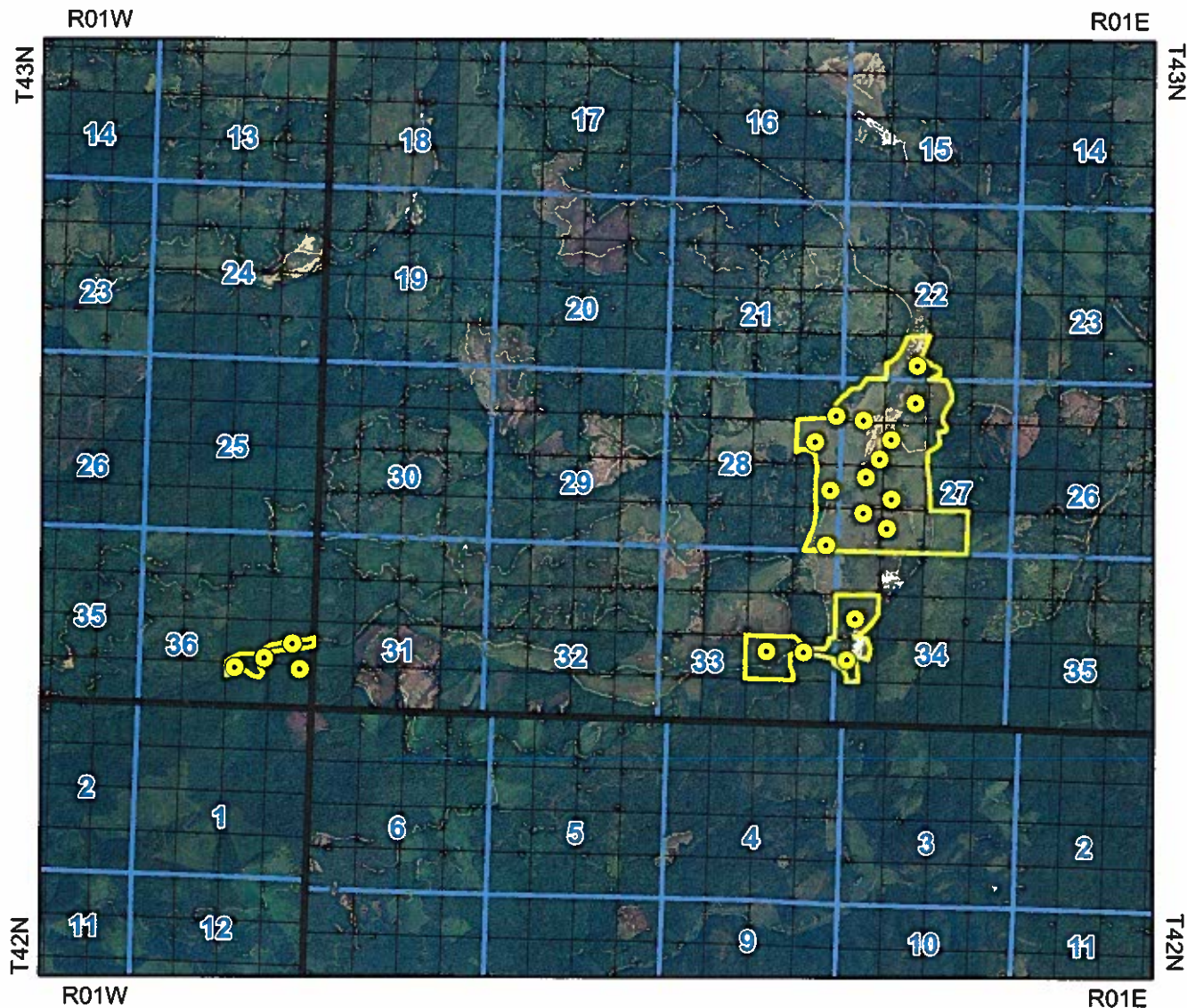

DAVID R. TUTHILL, JR.
Director

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Water Service Area Boundary for Emerald Creek Garnet Ltd

March 06, 2009



Legend

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

0 0.5 1 2 Miles