

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 92-07209

Priority: April 04, 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 April 04, 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

CARPENTER CREEK

Tributary: ST MARIES RIVER

LITTLE CARPENTER CREEK

CARPENTER CREEK

UNNAMED STREAM

CARPENTER 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:

LITTLE CARPENTER CREEK, NW¼SE¼, Sec. 7, Twp 43N, Rge 01E, B.M., BENEWAH County
CARPENTER CREEK, SE¼NE¼, Sec. 7, Twp 43N, Rge 01E, B.M., BENEWAH County
UNNAMED STREAM, SW¼NE¼, Sec. 7, Twp 43N, Rge 01E, B.M., BENEWAH County
CARPENTER CREEK, NE¼SE¼, Sec. 7, Twp 43N, Rge 01E, B.M., BENEWAH County
CARPENTER CREEK, SW¼NE¼, Sec. 18, Twp 43N, Rge 01E, B.M., BENEWAH County
CARPENTER CREEK, NW¼NE¼, Sec. 18, Twp 43N, Rge 01E, B.M., BENEWAH County

PLACE OF USE: MINING

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
43N 01E 7			X	X									X	X			
43N 01E 18		X	X														

CONDITIONS OF APPROVAL

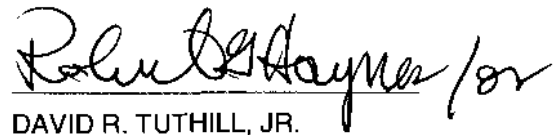
- After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
- Water used under this right when discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards.

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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. The issuance of this right in no way grants any right-of-way or easement across the land of another.
5. Subject to all prior water rights.
6. This right authorizes no more than one diversion period per washer per 30-day period, or one diversion per washer per calendar month.
7. The maximum duration of diversion period authorized under this right is limited to 5 hours in two weeks.
8. 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.
9. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.
10. 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.
11. 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 6 acres annually within the place of use described above for mining.

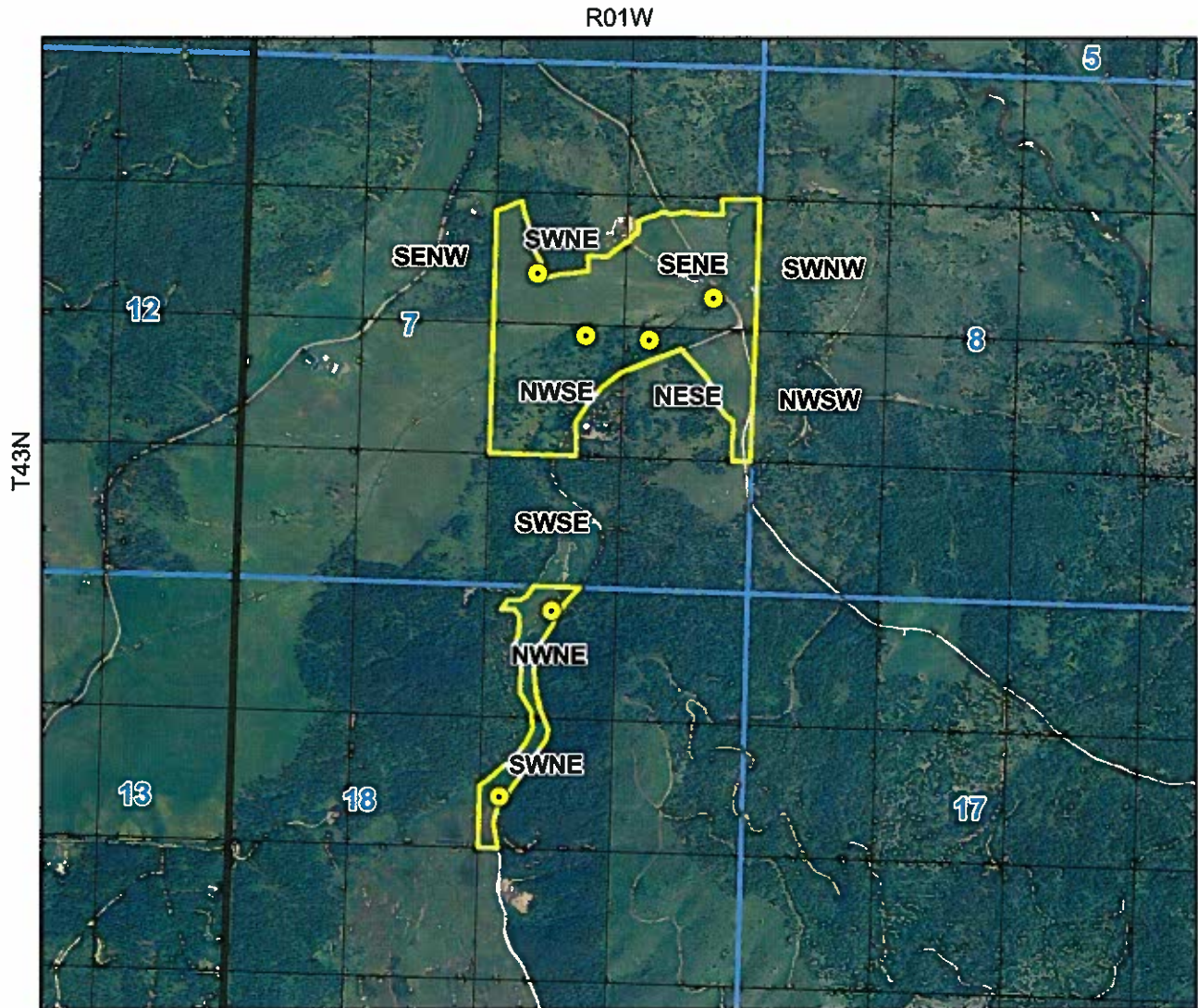
This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

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 0.2 0.4 0.8 Miles

