

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 84-12242

Priority: July 30, 2007

Maximum Diversion Rate: 4.50 CFS

This is to certify, that EMPIRE LUMBER COMPANY
PO BOX 206
WEIPPE ID 83553

has applied for a permit to appropriate water from:

Source: GROUND WATER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
COMMERCIAL	01/01 to 12/31	4.50 CFS
FIRE PROTECTION	01/01 to 12/31	4.50 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 15, Twp 35N, Rge 04E, B.M. CLEARWATER County

GROUND WATER NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 15, Twp 35N, Rge 04E, B.M. CLEARWATER County

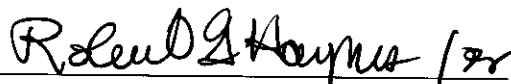
PLACE OF USE: COMMERCIAL and FIRE PROTECTION

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	14							X	X									
35N	04E	15	X																

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **December 01, 2010**.
2. Subject to all prior water rights.
3. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
6. This right does not grant any right-of-way or easement across the land of another.
7. 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.
8. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
9. The diversion and use of water described in this order is subject to additional conditions and limitations agreed to by both the City of Weippe, and the water right holder under a separate agreement to which the Department is not a party and which is independently enforceable by a court of law.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Coeur d'Alene, this 17th day of November, 2008.


DAVID R. TUTHILL, JR., Director