

RELINQUISHMENT OF PERMIT

RECEIVED

JUN - 6 1994

NORTHERN REGION
IDWR

TO WHOM IT MAY CONCERN:

I hereby relinquish to the State of Idaho all my rights, title, and interest in and to Permit to Appropriate the Public Waters of the State of Idaho, No. 92-7208 & No. 92-7209 for the following tracts of land:

Source: CARPENTER CREEK

Trib to: ST MARIES RIVER - No. 92-7209

SWSE Sec 7, Township 43N, Range 01E
SESE Sec 7, Township 43N, Range 01E
NESE Sec 22, Township 43N, Range 01E
NWSE Sec 22, Township 43N, Range 01E
SWSE Sec 22, Township 43N, Range 01E
SESE Sec 22, Township 43N, Range 01E
SWNW Sec 23, Township 43N, Range 01E
SENE Sec 23, Township 43N, Range 01E
SENE Sec 23, Township 43N, Range 01E
SWNE Sec 23, Township 43N, Range 01E
NESW Sec 23, Township 43N, Range 01E
NWSW Sec 23, Township 43N, Range 01E
NESE Sec 23, Township 43N, Range 01E
NWSE Sec 23, Township 43N, Range 01E
SWNE Sec 24, Township 43N, Range 01E
SENE Sec 24, Township 43N, Range 01E
NESE Sec 24, Township 43N, Range 01E
NWSE Sec 24, Township 43N, Range 01E

Partial
Relinquishment

Source: EMERALD CREEK, WEST FORK

Trib. to EMERALD CREEK - No. 92-7208

·SWNW Sec. 2, Township 42N, Range 01W
·SENE Sec. 2, Township 42N, Range 01W
·NESW Sec. 2, Township 42N, Range 01W
·NWSW Sec. 2, Township 42N, Range 01W
·SWSW Sec. 2, Township 42N, Range 01W
·SESW Sec. 2, Township 42N, Range 01W
·NWNW Sec. 11, Township 42N, Range 01W

changed P.O.D. 7.20.00
DB
6/13 JSC

Signed at Fernwood, Id this 3rd day of

June, 19 94.

Emerald Creek Grant
Steve Osburn
PERMIT HOLDER

Deeey Power
PERMIT HOLDER

RECEIVED

SEP 12 1994

ATTEST:

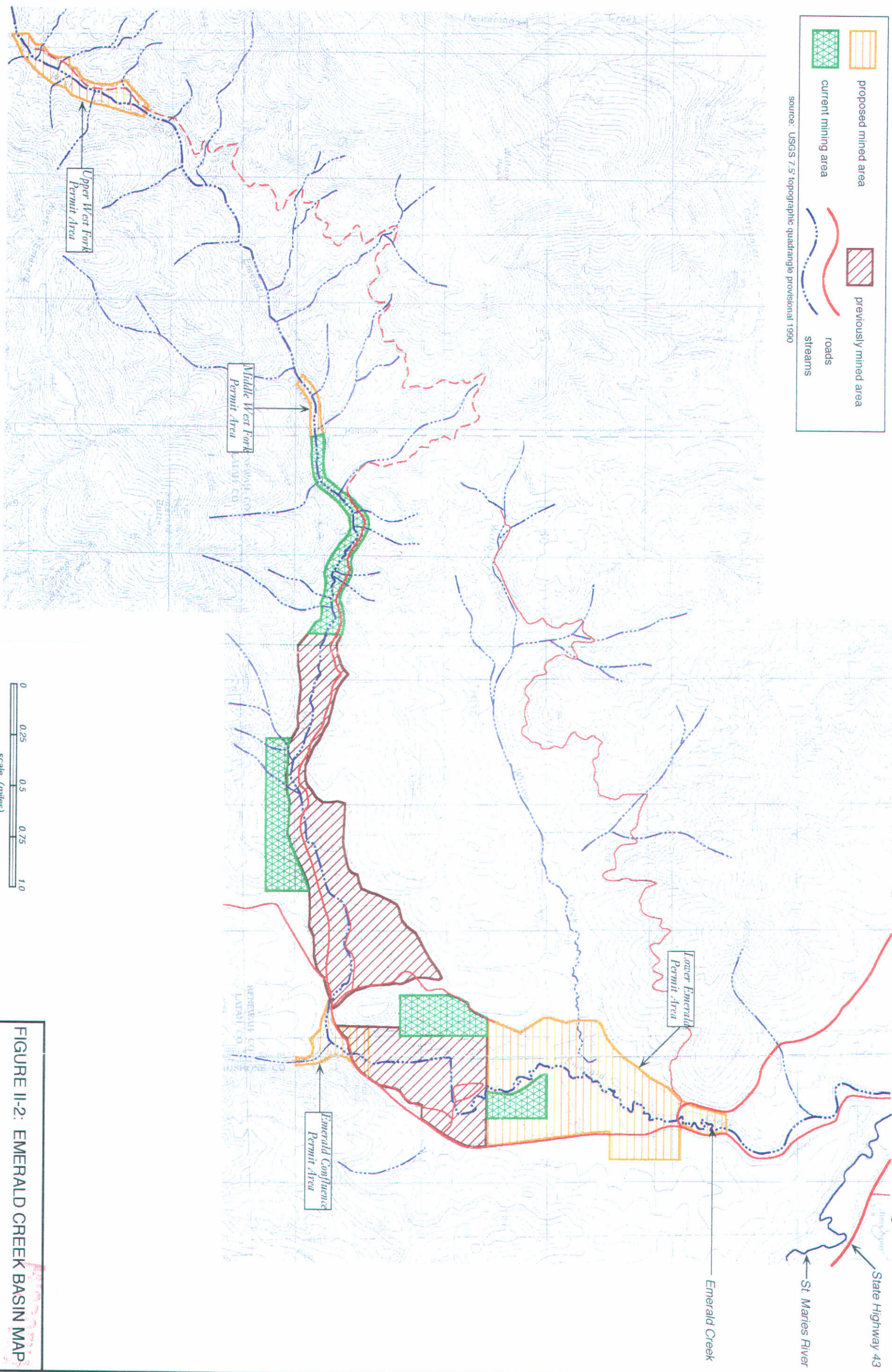


FIGURE II-2: EMERALD CREEK BASIN MAP

SLP 1 & 1994

RECEIVED

JUN - 3 1994

NORTHERN REGION
IDWR

Affidavit of Publication

STATE OF IDAHO

County of Benewah, ss.

Cynthia Ann Hammes, being first duly sworn on oath, deposes and says that she is vice president of The Corporation, owner of the St. Maries Gazette Record, a weekly newspaper printed and published at St. Maries, Benewah County, State of Idaho; the St. Maries Gazette Record is a newspaper having general circulation in Benewah County, State of Idaho, and has been continuously and uninterruptedly published in Benewah County, State of Idaho, during a period of more than seventy-eight consecutive weeks prior to the first publication of the notice of advertisement hereon.

That the notice, of which the one hereto attached is a true copy, was published in said newspaper for a period of 2 issues, the first publication being on the 25th day of May, 1994 and the last on the 1st day of June, 1994.

That said newspaper was regularly distributed to its subscribers during the time of the same period; that said notice was published in the regular and entire issue of said paper.

Dated this 2nd day of June, 1994.

STATE OF IDAHO
COUNTY OF BENEWAH }

On this 2nd day of June in the year of 1994, before me, a Notary Public, personally appeared Cynthia Ann Hammes, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Notary Public for Idaho

Residing at St. Maries, ID

My commission expires: NOV. 4, 1998

Sharon D. Black
NOTARY PUBLIC

IMPROVED

SEP 12 1994

Emerald Creek Garnet

s water application

NOTICE OF APPLICATION
FOR WATER RIGHT

The Following application(s) have been filed to appropriate the public waters of the State of Idaho: 92-07208

Emerald Creek Garnet Co.
Fernwood, ID 83830

Source: Emerald Creek, West Fork
Tributary: Emerald Creek

Diversion Pt:
SWNW Sec 2 T 42N R 01W in
Benewah County.

SENE Sec 2 T 42N R 01W in
Benewah County.

NESW Sec 2 T 42N R 01W in
Benewah County.

NWSW Sec 2 T 42N R 01W in
Benewah County.

SWSW Sec 2 T 42N R 01W in
Benewah County.

SESW Sec 2 T 42N R 01W in
Benewah County.

NWNW Sec 11 T 42N R 01W in
Benewah County.

SESW Sec 22 T 43N R 01E in
Shoshone County.

SWSE Sec 22 T 43N R 01E in
Shoshone County.

NWNE Sec 27 T 43N R 01E in
Shoshone County.

SWNE Sec 27 T 43N R 01E in
Shoshone County.

NENW Sec 27 T 43N R 01E in
Shoshone County.

NWNW Sec 27 T 43N R 01E in
Shoshone County.

SWNW Sec 27 T 43N R 01E in
Shoshone County.

SENE Sec 27 T 43N R 01E in
Shoshone County.

NESW Sec 27 T 43N R 01E in
Shoshone County.

NWSW Sec 27 T 43N R 01E in
Shoshone County.

SWSW Sec 27 T 43N R 01E in
Shoshone County.

SESW Sec 27 T 43N R 01E in
Shoshone County.

NWSE Sec 27 T 43N R 01E in
Shoshone County.

SWSE Sec 27 T 43N R 01E in
Shoshone County.

NENE Sec 28 T 43N R 01E in
Benewah County.

SENE Sec 28 T 43N R 01E in
Benewah County.

NESE Sec 28 T 43N R 01E in
Benewah County.

SESE Sec 28 T 43N R 01E in
Benewah County.

NESE Sec 33 T 43N R 01E in
Benewah County.

NWSE Sec 33 T 43N R 01E in
Benewah County.

SWNW Sec 34 T 43N R 01E in
Benewah County.

NWSW Sec 34 T 43N R 01E in
Benewah County.

NESE Sec 36 T 43N R 01W in
Benewah County.

NWSE Sec 36 T 43N R 01W in
Benewah County.

SWSE Sec 36 T 43N R 01W in
Benewah County.

SESE Sec 36 T 43N R 01W in
Benewah County.

USE: Irrigation (.100 CFS); Mining
(2.230 CFS); Total Diversion: (2.230
CFS)

Date Filed: 5/2/1994

In: Benewah County, T42N R01W S
02 SWNW SENW NESW NWSW
SWSW SESW

In: Shoshone County, S11 NWNW;
T43N R01E S22 SESW SWSE; S27
NWNE SWNE NENW NWNW
SWNW SENW NESW NWSW

In: Benewah County SWSW SESW
NWSE SWSE; S28 NENE SENE
NESE SESE; S33 NESE NWSE;
S34 SWNW NWSW; R01W S36
NESE NWSE SWSE SESE

33.0 Acres Total

USE: Irrigation (.100 CFS); Mining
(2.230 CFS); Total Diversion: (2.230
CFS)

Date Filed: 4/4/1994

In: Benewah County, T43N R01E
S07 SWNE SENE NESE NWSE;
SWSE SESE; S18 NWNE SWNE;
S22 NESE NWSE SWSE SESE; S23
SWNE SENE SWNW SENW;
NWSW NESE NWSE; S24 SWNE
SENE NESE NWSE

23.0 Acres Total

92-07209
Emerald Creek Garnet Co.
Fernwood, ID 83830

Source: Carpenter Creek
Tributary: St. Maries River

Diversion Pt:
SWNE Sec 7 T 43N R 01E in
Benewah County.

SENE Sec 7 T 43N R 01E in
Benewah County.

NESE Sec 7 T 43N R 01E in
Benewah County.

NWSE Sec 7 T 43N R 01E in
Benewah County.

SWSE Sec 7 T 43N R 01E in
Benewah County.

SESE Sec 7 T 43N R 01E in
Benewah County.

NWNE Sec 18 T 43N R 01E in
Benewah County.

SWNE Sec 18 T 43N R 01E in
Benewah County.

NESE Sec 22 T 43N R 01E in
Benewah County.

NWSE Sec 22 T 43N R 01E in
Benewah County.

SWSE Sec 22 T 43N R 01E in
Benewah County.

SESE Sec 22 T 43N R 01E in
Benewah County.

SWNE Sec 23 T 43N R 01E in
Benewah County.

SENE Sec 23 T 43N R 01E in
Benewah County.

SWNW Sec 23 T 43N R 01E in
Benewah County.

SENE Sec 23 T 43N R 01E in
Benewah County.

SWNW Sec 23 T 43N R 01E in
Benewah County.

NESW Sec 23 T 43N R 01E in
Benewah County.

NWSW Sec 23 T 43N R 01E in
Benewah County.

NESE Sec 23 T 43N R 01E in
Benewah County.

NWSE Sec 23 T 43N R 01E in
Benewah County.

SWNE Sec 24 T 43N R 01E in
Benewah County.

SENE Sec 24 T 43N R 01E in
Benewah County.

NESE Sec 24 T 43N R 01E in
Benewah County.

NWSE Sec 24 T 43N R 01E in
Benewah County.

USE: Irrigation (.100 CFS); Mining
(2.230 CFS); Total Diversion: (2.230
CFS)

Date Filed: 4/4/1994

In: Benewah County, T43N R01E
S07 SWNE SENE NESE NWSE;
SWSE SESE; S18 NWNE SWNE;
S22 NESE NWSE SWSE SESE; S23
SWNE SENE SWNW SENW;
NWSW NESE NWSE; S24 SWNE
SENE NESE NWSE

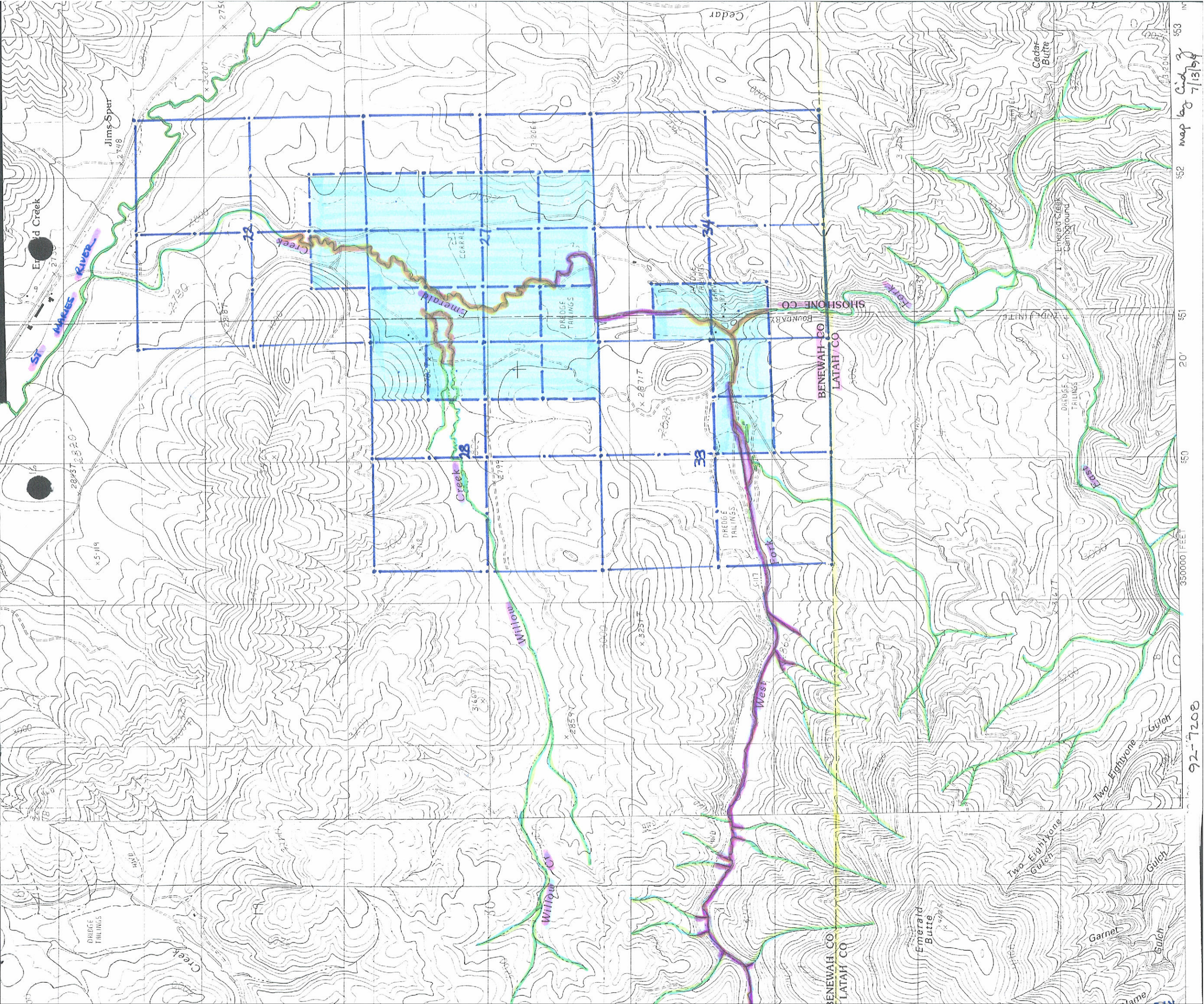
23.0 Acres Total

For additional information con-
cerning the property location, call
the Northern Regional Office at
(208) 769-1450.

The permit(s) will be subject to
all prior water rights. Protests must
be filed with the applicant and with
the Director, Dept. of Water
Resources, Northern Region, 1910
Northwest Blvd., Suite 210, Coeur
d'Alene, Idaho 83814 on or before
June 6, 1994.

R. KEITH HIGGINSON,
Director

No. 2402 --- May 25-June 1.



92-7208

350000 FEET

20'

552

map by Cindy 3/7/13/19

543

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554

555

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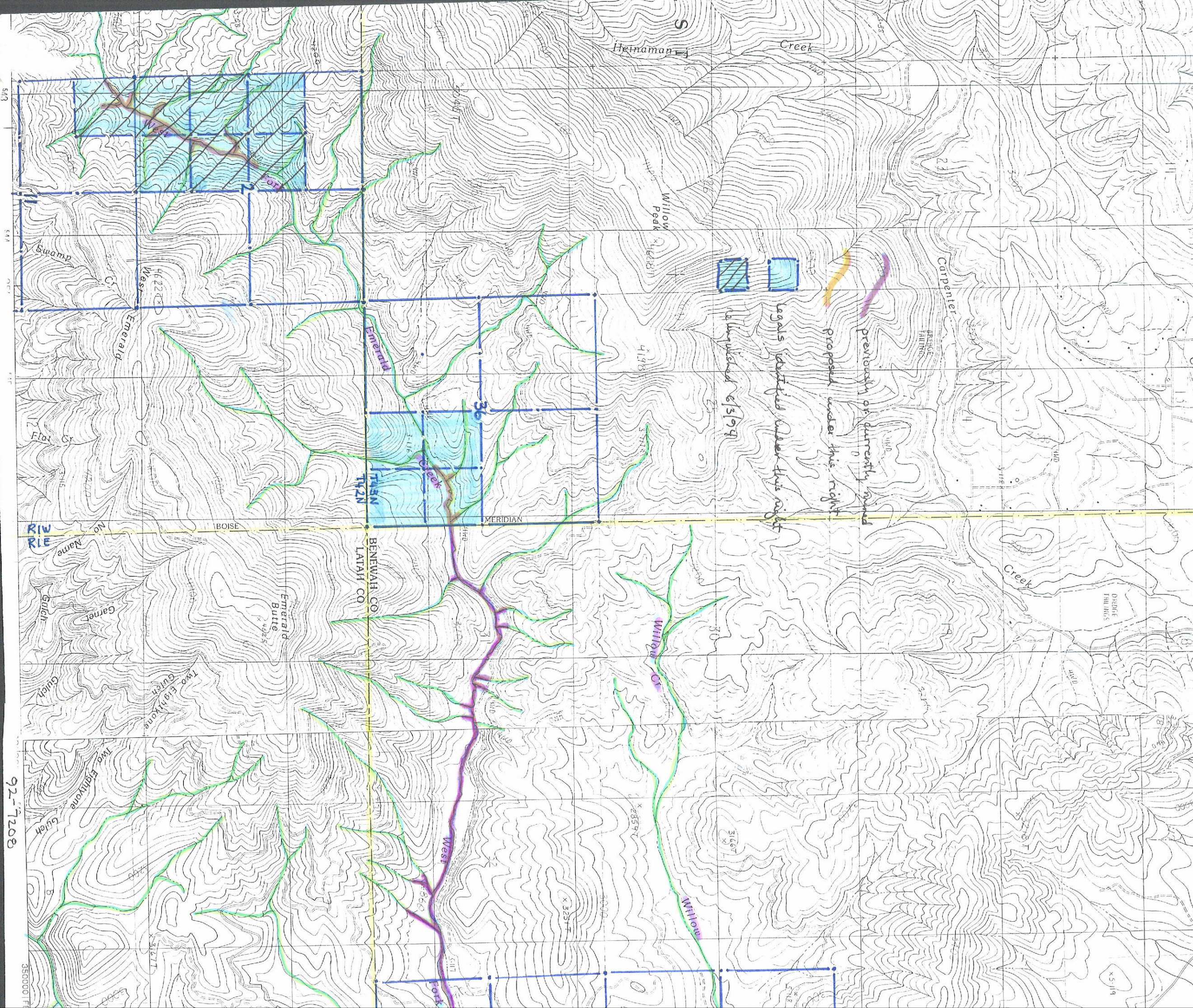
557

558

559

560

561



92-7208

350000 FT

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed, to appropriate the public waters of the State of Idaho:

92-07208

EMERALD CREEK GARNET CO

FERNWOOD, ID 83830

Source: EMERALD CREEK, WEST FORK

Tributary: EMERALD CREEK

Diversion Pt: SWNW Sec 2 T 42N R 01W in BENEWAH County.

SENE Sec 2 T 42N R 01W in BENEWAH County.

NESW Sec 2 T 42N R 01W in BENEWAH County.

NWSW Sec 2 T 42N R 01W in BENEWAH County.

SWSW Sec 2 T 42N R 01W in BENEWAH County.

SESW Sec 2 T 42N R 01W in BENEWAH County.

NWNW Sec 11 T 42N R 01W in BENEWAH County.

SESW Sec 22 T 43N R 01E in SHOSHONE County.

SWSE Sec 22 T 43N R 01E in SHOSHONE County.

NWNE Sec 27 T 43N R 01E in SHOSHONE County.

SWNE Sec 27 T 43N R 01E in SHOSHONE County.

NENW Sec 27 T 43N R 01E in SHOSHONE County.

NWNW Sec 27 T 43N R 01E in SHOSHONE County.

SWNW Sec 27 T 43N R 01E in SHOSHONE County.

SENE Sec 27 T 43N R 01E in SHOSHONE County.

NESW Sec 27 T 43N R 01E in SHOSHONE County.

NWSW Sec 27 T 43N R 01E in SHOSHONE County.

SWSW Sec 27 T 43N R 01E in SHOSHONE County.

SESW Sec 27 T 43N R 01E in SHOSHONE County.

NWSE Sec 27 T 43N R 01E in SHOSHONE County.

SWSE Sec 27 T 43N R 01E in SHOSHONE County.

NENE Sec 28 T 43N R 01E in BENEWAH County.

SENE Sec 28 T 43N R 01E in BENEWAH County.

NESE Sec 28 T 43N R 01E in BENEWAH County.

SESE Sec 28 T 43N R 01E in BENEWAH County.

NESE Sec 33 T 43N R 01E in BENEWAH County.

NWSE Sec 33 T 43N R 01E in BENEWAH County.

SWNW Sec 34 T 43N R 01E in BENEWAH County.

NWSW Sec 34 T 43N R 01E in BENEWAH County.

NESE Sec 36 T 43N R 01W in BENEWAH County.

NWSE Sec 36 T 43N R 01W in BENEWAH County.

SWSE Sec 36 T 43N R 01W in BENEWAH County.

SESE Sec 36 T 43N R 01W in BENEWAH County.

Use: IRRIGATION (.100 CFS)

MINING (2.230 CFS)

Total Diversion: (2.230 CFS)

Date Filed: 5/ 2/1994 In: BENEWAH County

T42N ROIW S02 SWNW, SENW, NESW, NWSW, SWSW, SESW

In: SHOSHONE County S11, NWNW

T43N ROIW S22, SESW, SWSE

S27, NWNE, SWNE, NENW, NWNW, SWNW, SENW, NESW, NWSW

In: BENEWAH County

SWSW, SESW, NWSE, SWSE

S28, NENE, SENE, NESE, SESE

S33, NESE, NWSE

S34, SWNW, NWSW

ROIW S36, NESE, NWSE, SWSE, SESE

33.0 ACRES TOTAL

92-07209

EMERALD CREEK GARNET CO

FERNWOOD, ID 83830

Source: CARBON CREEK Tributary:

ST MARIES

Diversion Pt: SWNE Sec 7 T 43N R 01E in BENEWAH County.

SENE Sec 7 T 43N R 01E in BENEWAH County.

NESE Sec 7 T 43N R 01E in BENEWAH County.

NWSE Sec 7 T 43N R 01E in BENEWAH County.

SWSE Sec 7 T 43N R 01E in BENEWAH County.

SESE Sec 7 T 43N R 01E in BENEWAH County.

NWNE Sec 18 T 43N R 01E in BENEWAH County.

SWNE Sec 18 T 43N R 01E in BENEWAH County.

NESE Sec 22 T 43N R 01E in BENEWAH County.

NWSE Sec 22 T 43N R 01E in BENEWAH County.

SWSE Sec 22 T 43N R 01E in BENEWAH County.

SESE Sec 22 T 43N R 01E in BENEWAH County.

SWNE Sec 23 T 43N R 01E in BENEWAH County.

SENE Sec 23 T 43N R 01E in BENEWAH County.

SWNW Sec 23 T 43N R 01E in BENEWAH County.

SENE Sec 23 T 43N R 01E in BENEWAH County.

NWSE Sec 23 T 43N R 01E in BENEWAH County.

NWSW Sec 23 T 43N R 01E in BENEWAH County.

NESE Sec 23 T 43N R 01E in BENEWAH County.

NWSE Sec 23 T 43N R 01E in BENEWAH County.

SWNE Sec 24 T 43N R 01E in BENEWAH County.

SENE Sec 24 T 43N R 01E in BENEWAH County.

NESE Sec 24 T 43N R 01E in BENEWAH County.

NWSE Sec 24 T 43N R 01E in BENEWAH County.

SWNE Sec 24 T 43N R 01E in BENEWAH County.

Use: IRRIGATION (.100 CFS)

MINING (2.230 CFS)

Total Diversion: (2.230 CFS)

Date Filed: 4/ 4/1994

In: BENEWAH County

T43N ROIW S07 SWNE SENE NESE

NWSE SWSE SESE

S18 NWNE SWNE

S22 NESE NWSE SWSE SESE

S23 SWNE SENE SWNW SENW

NWSW NESE NWSE

S24 SWNE SENE NESE NWSE

23.0 ACRES TOTAL

For additional information concerning the property location, call the Northern Regional Office at (208) 769-1450.

The permit(s) will be subject to all prior water rights. Protests must be filed with the applicant and with the Director, Dept. of Water Resources, Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, Idaho 83814 on or before JUNE 6, 1994.

R. KEITH HIGGINSON, Director

Legal #SHO 542

2 x 5-18/25/1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 92-07208 Telephone No. 208-245-2096

2. Name(s) of Permit Holder(s): Emerald Creek Garnet Co.

3. Mailing Address: P.O. Box 190 Fernwood Id. 83830

4. Source of Water: Emerald Creek If GROUNDWATER (well), Date Drilled: mo. ____ / yr. ____

a. Well Driller: _____ Drilling Permit Number: ____ - ____ - ____ - ____

b. OPTIONAL:
Pump Horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft): _____

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): _____ Stockwater (No. and type of stock): _____

Irrigation (No. of acres): 0.10 CFS Other: mining - 2.23 CFS

6. Total rate of diversion and/or volume for which proof is submitted: 2.23 cfs OR _____ acre feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device:	Is a measuring device required?	Yes _____	or	No <u>✓</u>
	Has the measuring device been installed?	Yes _____	or	No <u>✓</u>
Flow Measurement Port:	Is a flow measurement port required?	Yes _____	or	No <u>✓</u>
	Has the measurement port been installed?	Yes _____	or	No <u>✓</u>

8. Fee Enclosed: \$ 150.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: Steve Osburn Telephone Number: 208-245-2096

Address: P.O. Box 190 Fernwood Id 83830

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.

MICROFILMED

Signature of permit holder: Steve Osburn VP/GM Date: 5-4-99
(include your title, if on behalf of company or organization)

AUG 23 1999

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 92-07208

Proposed Priority: May 2, 1994

Maximum Diversion Rate:

2.23 CFS

This is to certify, that **EMERALD CREEK GARNET CO**
PO BOX 190
FERNWOOD ID 83830-0190

has applied for a permit to appropriate water from:

EMERALD CREEK	tributary of	ST MARIES RIVER
EMERALD CREEK, EAST FORK	tributary of	EMERALD CREEK
EMERALD CREEK, WEST FORK	tributary of	EMERALD CREEK
UNNAMED STREAM	tributary of	EMERALD CREEK, WEST FORK
WILLOW CREEK	tributary of	SINKS

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>
IRRIGATION	03/15 to 11/15	0.10 CFS
MINING	01/01 to 12/31	2.23 CFS
	Totals	2.23 CFS

LOCATION OF POINT(S) OF DIVERSION:

SESW , Sec. 22, Township 43N, Range 01E
SWSE , Sec. 22, Township 43N, Range 01E
NWNE , Sec. 27, Township 43N, Range 01E
SWNE , Sec. 27, Township 43N, Range 01E
NENW , Sec. 27, Township 43N, Range 01E
NWNW , Sec. 27, Township 43N, Range 01E
SWNW , Sec. 27, Township 43N, Range 01E
SESW , Sec. 27, Township 43N, Range 01E
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NWSE , Sec. 27, Township 43N, Range 01E
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SHOSHONE County
NENE , Sec. 28, Township 43N, Range 01E
SENE , Sec. 28, Township 43N, Range 01E
NESE , Sec. 28, Township 43N, Range 01E
SESE , Sec. 28, Township 43N, Range 01E
NESE , Sec. 33, Township 43N, Range 01E
NWSE , Sec. 33, Township 43N, Range 01E
SWNW , Sec. 34, Township 43N, Range 01E
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SWSE , Sec. 36, Township 43N, Range 01W
SESE , Sec. 36, Township 43N, Range 01W
BENEWAH County

SEP 12 1994

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 92-07208

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
43N	01E	22	SESW 1	SWSE 1		2
		27	NWNE 1	SWNE 1	NENW 1	
			NWNW 1	SWNW 1	SENW 1	
			NESW 1	NWSW 1	SWSW 1	
			SESW 1	NWSE 1	SWSE 1	12
		28	NENE 1	SENE 1	NESE 1	
			SESE 1			4
		33	NESE 1	NWSE 1		2
		34	SWNW 1	NWSW 1		2
01W	36		NESE 1	NWSE 1	SWSE 1	
			SESE 1			4

Total number of acres irrigated: 26

PLACE OF USE: MINING, same as IRRIGATION use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before July 1, 1999.
2. Subject to all prior water rights.
3. 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 permit holder had no control.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
5. 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 contact the Department and obtain a Stream Channel Alteration permit prior to the start of construction.
6. Prior to diversion and use of water under this right, the right holder shall comply with all bonding requirements of appropriate governmental entities.
7. Water used under this right if discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards. SEP 12 1994
8. The issuance of this right in no way grants any right-of-way or easement across the land of another.
9. The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

State of Idaho
Department of Water Resources

Permit To Appropriate Water

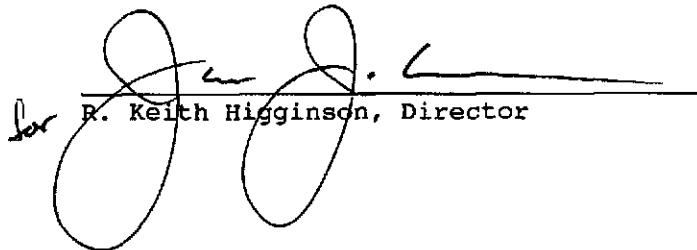
NO. 92-07208

CONDITIONS/REMARKS:

10. This right authorizes no more than one diversion period per washer per 30-day period, or one diversion period per washer per calendar month.
11. The maximum duration of diversion period authorized under this right is limited to 5 hours in two weeks.
12. 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.
13. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

14th day of July, 19 84.


for R. Keith Higginson, Director

RECEIVED
JUL 2 1984

RELINQUISHMENT OF PERMIT

RECEIVED

JUN - 6 1994

NORTHERN REGION
IDWR

TO WHOM IT MAY CONCERN:

I hereby relinquish to the State of Idaho all my rights, title, and interest in and to Permit to Appropriate the Public Waters of the State of Idaho, No. 92-7208 & No. 92-7209 for the following tracts of land:

Source: CARPENTER CREEK

Trib to: ST MARIES RIVER - No. 92-7209

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Partial
Relinquishment

Source: EMERALD CREEK, WEST FORK

Trib. to EMERALD CREEK - No. 92-7208

·SWNW Sec. 2, Township 42N, Range 01W
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·SWSW Sec. 2, Township 42N, Range 01W
·SESW Sec. 2, Township 42N, Range 01W
·NWNW Sec. 11, Township 42N, Range 01W

changed ROD 9208
DB
6/13 PSC

Signed at Fernwood, Id this 3rd day of

June, 19 94.

Emerald Creek Grant
Steve Osburn
PERMIT HOLDER

Danny Pomeroy
PERMIT HOLDER

MICROFILMED

SEP 12 1994

ATTEST:

RELINQUISHMENT OF PERMIT

RECEIVED

JUN - 6 1994

NORTHERN REGION
IDWR

TO WHOM IT MAY CONCERN:

I hereby relinquish to the State of Idaho all my rights, title, and interest in and to Permit to Appropriate the Public Waters of the State of Idaho, No. 92-7208 & No. 92-7209 for the following tracts of land:

Source: CARPENTER CREEK

Trib to: ST MARIES RIVER - No. 92-7209

SWSE Sec 7, Township 43N, Range 01E
SESE Sec 7, Township 43N, Range 01E
NESE Sec 22, Township 43N, Range 01E
NWSE Sec 22, Township 43N, Range 01E
SWSE Sec 22, Township 43N, Range 01E
SESE Sec 22, Township 43N, Range 01E
SWNW Sec 23, Township 43N, Range 01E
SENE Sec 23, Township 43N, Range 01E
SENE Sec 23, Township 43N, Range 01E
SWNE Sec 23, Township 43N, Range 01E
NESW Sec 23, Township 43N, Range 01E
NWSW Sec 23, Township 43N, Range 01E
NESE Sec 23, Township 43N, Range 01E
NWSE Sec 23, Township 43N, Range 01E
SWNE Sec 24, Township 43N, Range 01E
SENE Sec 24, Township 43N, Range 01E
NESE Sec 24, Township 43N, Range 01E
NWSE Sec 24, Township 43N, Range 01E

Partial
Relinquishment

Source: EMERALD CREEK, WEST FORK

Trib. to EMERALD CREEK - No. 92-7208

SWNW Sec. 2, Township 42N, Range 01W
SENE Sec. 2, Township 42N, Range 01W
NESW Sec. 2, Township 42N, Range 01W
NWSW Sec. 2, Township 42N, Range 01W
SWSW Sec. 2, Township 42N, Range 01W
SESW Sec. 2, Township 42N, Range 01W
NWNW Sec. 11, Township 42N, Range 01W

changed P.O.D. of 7.0.0.
on DB
6/13 PSC

Signed at Fernwood, Id this 3rd day of

June, 19 94.

Emerald Creek Grant
Steve Coleman
PERMIT HOLDER

Debbie Powers
PERMIT HOLDER

NOTED WED

SEP 12 1994

ATTEST:

06/03/94

09:03

2087738690

WESTERN GARNET

001

RELINQUISHMENT OF PERMIT

TO WHOM IT MAY CONCERN:

I hereby relinquish to the State of Idaho all my rights, title, and interest in and to Permit to Appropriate the Public Waters of the State of Idaho, No. 92-7208 & No. 92-7209 for the following tracts of land:

Source: CARPENTER CREEK

Trib to: ST MARIES RIVER - No. 92-7209

SWSE Sec 7, Township 43N, Range 01E
SESE Sec 7, Township 43N, Range 01E
NESE Sec 22, Township 43N, Range 01E
NWSE Sec 22, Township 43N, Range 01E
SWSE Sec 22, Township 43N, Range 01E
SESE Sec 22, Township 43N, Range 01E
SWNW Sec 23, Township 43N, Range 01E
SENE Sec 23, Township 43N, Range 01E
SENE Sec 23, Township 43N, Range 01E
SWNE Sec 23, Township 43N, Range 01E
NESW Sec 23, Township 43N, Range 01E
NWSW Sec 23, Township 43N, Range 01E
NESE Sec 23, Township 43N, Range 01E
NWSE Sec 23, Township 43N, Range 01E
SWNE Sec 24, Township 43N, Range 01E
SENE Sec 24, Township 43N, Range 01E
NESE Sec 24, Township 43N, Range 01E
NWSE Sec 24, Township 43N, Range 01E

Source: EMERALD CREEK, WEST FORK

Trib. to EMERALD CREEK - No. 92-7208

SWNW Sec. 2, Township 42N, Range 01W
SENE Sec. 2, Township 42N, Range 01W
NESW Sec. 2, Township 42N, Range 01W
NWSW Sec. 2, Township 42N, Range 01W
SWSW Sec. 2, Township 42N, Range 01W
SESW Sec. 2, Township 42N, Range 01W
NWNW Sec. 11, Township 42N, Range 01W

Signed at Terrebonne, Id this 3rd day ofJune, 1994

Emerald Creek Permit
Steve Osburn
PERMIT HOLDER

Steve Osburn
PERMIT HOLDER

MICROFILMED

SEP 12 1994

ATTEST:

RECEIVED

JUL 11 1994

Ident. No. 92-07208

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: EMERALD CREEK GARNET CO
FERNWOOD ID 83830

245 2096
208-000-0000

2. Source: EMERALD CREEK, WEST FORK
3. Location of Point of Diversion:

Trib. to: EMERALD CREEK

~~SWNW Sec. 2, Township 42N, Range 01W~~
~~SESW Sec. 2, Township 42N, Range 01W~~
~~NESW Sec. 2, Township 42N, Range 01W~~
* ~~NWSW Sec. 2, Township 42N, Range 01W~~
~~SWSW Sec. 2, Township 42N, Range 01W~~
~~SESW Sec. 2, Township 42N, Range 01W~~
~~NWNW Sec. 11, Township 42N, Range 01W~~

BENEWAH County

SESW Sec. 22, Township 43N, Range 01E
SWSE Sec. 22, Township 43N, Range 01E
NWNE Sec. 27, Township 43N, Range 01E
SWNE Sec. 27, Township 43N, Range 01E
NENW Sec. 27, Township 43N, Range 01E
NWNW Sec. 27, Township 43N, Range 01E
SWNW Sec. 27, Township 43N, Range 01E
SESW Sec. 27, Township 43N, Range 01E
NESW Sec. 27, Township 43N, Range 01E
NWSW Sec. 27, Township 43N, Range 01E
SWSW Sec. 27, Township 43N, Range 01E
SESW Sec. 27, Township 43N, Range 01E
NWSE Sec. 27, Township 43N, Range 01E
SWSE Sec. 27, Township 43N, Range 01E

SHOSHONE County

NENE Sec. 28, Township 43N, Range 01E
SENE Sec. 28, Township 43N, Range 01E
NESE Sec. 28, Township 43N, Range 01E
SESE Sec. 28, Township 43N, Range 01E
NESE Sec. 33, Township 43N, Range 01E
NWSE Sec. 33, Township 43N, Range 01E
SWNW Sec. 34, Township 43N, Range 01E
NWSW Sec. 34, Township 43N, Range 01E
NESE Sec. 36, Township 43N, Range 01W
NWSE Sec. 36, Township 43N, Range 01W
SWSE Sec. 36, Township 43N, Range 01W
SESE Sec. 36, Township 43N, Range 01W

BENEWAH County

SEP 12 1994

* Relinquished 6/3/94 cz.

4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
IRRIGATION	03/15	11/15	0.100		
MINING	01/01	12/31	2.230		

5. Total quantity to be appropriated is:

2.230 CFS (and/or) AF

6. Proposed diverting works:

- Description of ditches, flumes, pumps, headgates, etc.
1000 GPM PUMP.
- Height of storage dam feet; active reservoir capacity acre-feet; total reservoir capacity acre-feet; period of year when water will be diverted to storage: to inclusive.
- Proposed well diameter is inches; proposed depth of well is feet.
- Is groundwater with a temperature greater than 85F being sought? NO
- If well is already drilled, when?
Drilling Firm
Well was drilled for

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 year(s).

8. Place of Use: IRRIGATION

TWN	RGE	SEC	ACRES	ACRES	ACRES	TOTAL
* 42N	01W	2	~~SWNW 1~~	~~SENE 1~~	~~NESW 1~~	
			~~NWSW 1~~	~~SWSW 1~~	~~SESW 1~~	6
		11	~~NWNW 1~~			1
43N	01E	22	SESW 1	SWSE 1		2
		27	NWNE 1	SWNE 1	NENW 1	
			NWNW 1	SWNW 1	SENE 1	
			NESW 1	NWSW 1	SWSW 1	
			SESW 1	NWSE 1	SWSE 1	12
		28	NENE 1	SENE 1	NESE 1	
			SESE 1			4
		33	NESE 1	NWSE 1		2
		34	SWNW 1	NWSW 1		2
01W	36		NESE 1	NWSE 1	SWSE 1	
			SESE 1			4

Total number of acres irrigated:

~~33~~
26

Place of Use: MINING, same as IRRIGATION use

SEP 12 1994

* relinquished 6/3/94 c.g.

9. a. Who owns the property at the point of diversion?
APPLICANT & OTHERS
b. Who owns the land to be irrigated or place of use?
APPLICANT & OTHERS
c. If the property is owned by a person other than the applicant,
describe the arrangement enabling the applicant to make this filing.
APPLICANT OWNS AND HAS MINERAL RIGHTS FOR THE LAND TO BE WORKED.

10. Remarks:

This project will mine an area from 2-3 years and then move to a different location.

The irrigation is for reclamation of previously mined area during extremely dry conditions. The maximum amount of land irrigated at one time will be 5 acres.

11. Map of proposed point of diversion and place of use attached? [✓]

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

I. J. O'Leary
Applicant
Vice President / operations

Received by LAF Date 5/2/94 Time 1:19 Preliminary check by AB

Fee \$ 85.00 Receipted by LAF # N007595 Date 5/2/94

Publication prepared by RJC Date 5/11/94 Published in Shoshone Co. N.P. 5/18/94

Publication approved RJC Date 6/1/94

SEP 12 1994

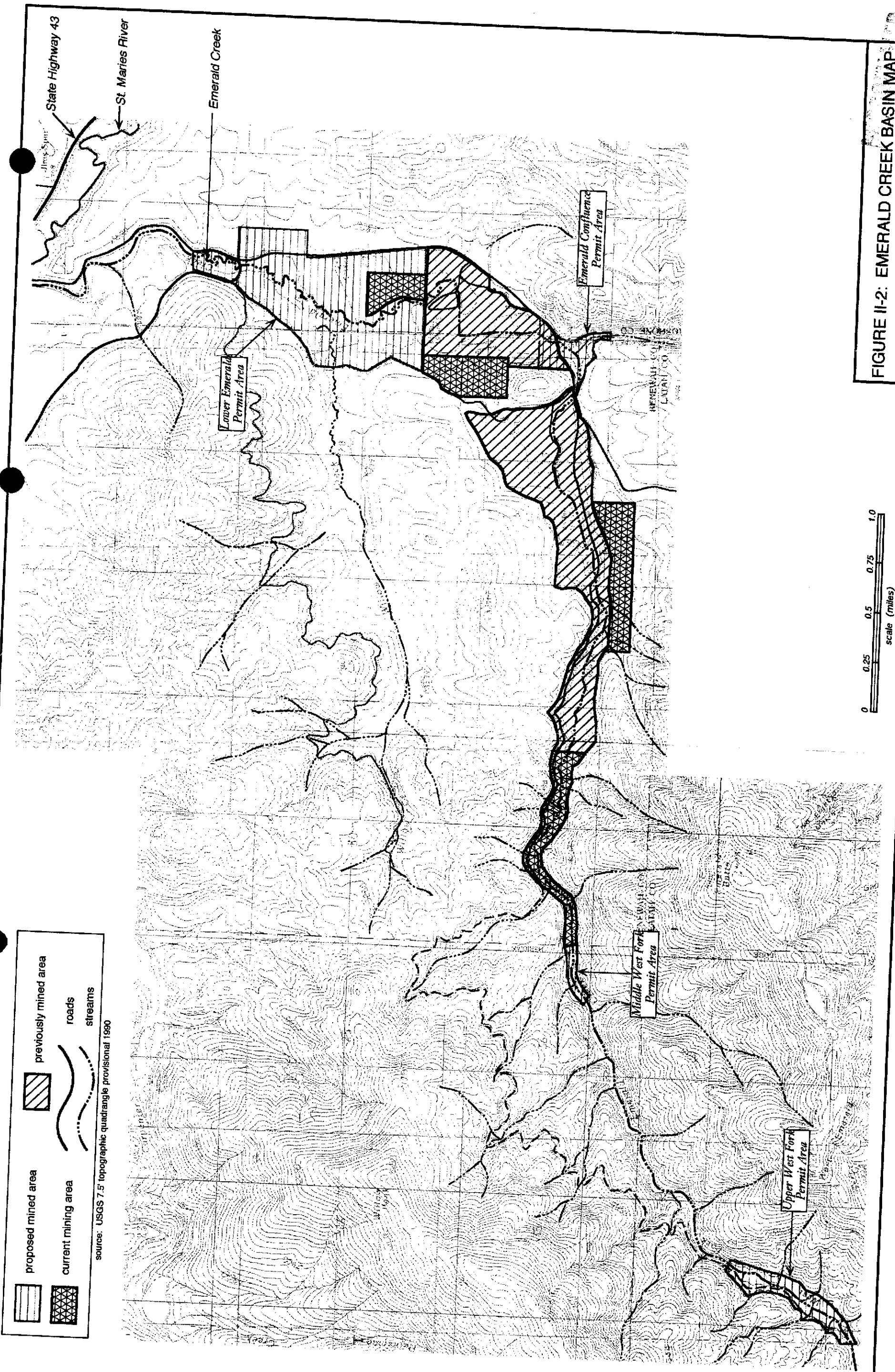


FIGURE II-2: EMERALD CREEK BASIN MAP

SEP 12 1994

These plans describe the reclamation process as an on-going part of mining, minimizing the time frame from initial disturbance to revegetation. Once mining and reclamation are completed, 100 percent of the wetland and stream areas, disturbed by mining, will be restored to pre-mining conditions. Reclamation would be completed within 5 years after mining completion.

Mining is proposed in eight areas of Emerald and Carpenter drainages (Figures I-2 and I-3). These eight areas are expected to provide mining opportunities for the next 10 to 15 years. Proposed permit areas are those riparian corridors and adjacent lower sideslopes that lie within the provided legal descriptions identified in Table I-A.

Table I-A: Proposed Permit Area Legal Descriptions

Proposed Permit Area	Legal Description		
	Township	Range	Section
Emerald Basin			
Lower Emerald Permit Area	T 43 N	R 1 E	W1/2 Section 27 W1/2 E1/2 Section 27 E1/2 E1/2 Section 28 SE1/4 SW1/4 and SW1/4 SE1/4 Section 22
Emerald Confluence Permit Area	T 43 N	R 1 E	SW1/4 NW1/4 and NW1/4 SW1/4 Section 34 N1/2 SE1/4 Section 33
Middle West Fork Permit Area	T 43 N	R 1 W	SE1/4 Section 36
Upper West Fork Permit Area	T 42 N	R 1 W	SW1/4 and S1/2 S1/2 NW1/4 Section 2 NW1/4 NW1/4 Section 11
Carpenter Basin			
Lower Carpenter Permit Area	T 43 N	R 1 E	S1/2 NE1/4 and SE1/4 Section 7 W1/2 NE1/4 Section 18
Middle Carpenter Permit Area	T 43 N	R 1 W	S1/2 NE1/4 Section 24 N1/2 N1/2 SE1/4 Section 24
Upper Carpenter Permit Area	T 43 N	R 1 W	N1/2 S1/2 and S1/2 S1/2 N1/2 Section 23 SE1/4 Section 22
Heinaman Permit Area	T 43 N	R 1 W	SE1/4 NW1/4 SW1/4 Section 23

92-7208

92-7209

A comprehensive mining plan has been developed for each proposed permit area. Integrated into this plan is a detailed surface water management plan that describes the application of BMP's. The mining plan also establishes a management plan providing a format to monitor and maintain BMP's, to allocate personnel and equipment, and to complete annual mining reports for lead agency review.

SEP 12 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 11, 1999

EMERALD CREEK GARNET CO
PO BOX 190
FERNWOOD ID 83830

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 42-07208

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

Be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions concerning the field examination, please contact the NORTHERN Regional Office of the department in Coeur d'Alene at (208)769-1450.

Sincerely,

JULIE L. YARBROUGH, Administrative Assistant
Water Allocation Bureau

c: IDWR - Regional Office

12-6-04
Ø field exam
per proof report.
KW

MICROFILMED

AUG 23 1999

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 92-07208 Reviewed by [Signature] Date 8-9-99

GENERAL CONSIDERATIONS

yes Name same as permit?
yes Address same as permit?
yes Proof timely received?
If not, complete calculation below.

TYPES OF USE

irr. mining

Correct Uses? yes

SOURCE OF WATER

☒ Surface water source

☐ Ground water source

☐ Drilling permit required?

☐ Copy in the file? Drilling Permit No. _____

☐ Amount paid for permit

_____ Correct?

☐ Well log in the file?

LICENSE EXAMINATION FEE

yes Required?
150- Amount Submitted
yes Correct?

MEASURING DEVICE

NO Required?
_____ Installed?
_____ Waiver requested?

PRIORITY CALCULATION

Date proof received	_____	- = +	_____
Date proof due	_____		_____
No. of days late	_____		_____
Priority Date	_____		_____
New Priority Date	_____		_____

DEFICIENCIES OR ACTION ITEMS

Proof Acceptable

DATA ENTRY

New Address X

Proof Made 5-13-99

April 30, 1999

EMERALD CREEK GARNET CO
PO BOX 190
FERNWOOD ID 838300190

PROOF DUE NOTICE

RE: PERMIT NO. 92-07208

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before July 1, 1999.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

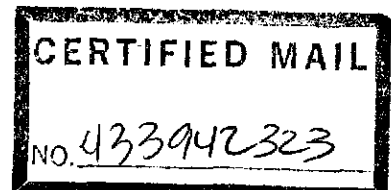
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED

AUG 23 1999



MEMORANDUM

Date: October 12, 1995
From: Jim Johnson
To: File
Subject: Follow-up to Sharon Murray's October 4, 1995 letter.

=====

On this date I talked to Tom Markland and discussed his concerns about the permit holder developing a water right on state owned land. In our conversation, we concluded that it was unlikely that a permanent water right would be developed and once the mining efforts were completed no further diversion of water would occur.

We agreed that no further action would be taken at this time and we would wait to see if the permit holder submitted proof to beneficial use. If a field exam is ever conducted it would note where irrigation was developed. Prior to licensing Department of Lands would be contacted if irrigation was developed on their land.

MICROFILMED
AUG 23 1999

IDAHO DEPARTMENT OF LANDS

1215 W. State St., 2nd Flr., PO Box 83720
Boise, Idaho 83720-0050
Phone (208) 334-0200 Fax (208) 334-2339

STANLEY F. HAMILTON - DIRECTOR

BOARD OF LAND
COMMISSIONERS

PHILIP E. BATT
Governor

PETE T. CENARRUSA
Secretary of State

ALAN G. LANCE
Attorney General

J.D. WILLIAMS
State Controller

ANNE C. FOX
Sup't of Public
Instruction

October 4, 1995

RECEIVED

OCT 05 1995

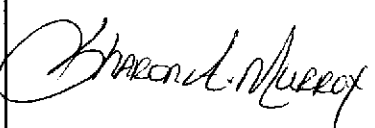
Department of Water Resources

Jim Johnson, Manager
Water Rights Permit Section
Department of Water Resources
Statehouse Mail

SUBJECT: Permit to Appropriate Water No. 92-07208

The Idaho Department of Lands requests an appeal of your decision to grant the right to appropriate water at four points of diversion in Section 36, Township 43 North, Range 1 West, B.M., in Benewah County. This land is public school endowment land, owned by the State of Idaho. The Department of Lands did not receive notice of the water appropriation application submitted by Emerald Creek Garnet Company and therefore did not have an opportunity for comment. Emerald Creek Garnet Company does hold a state mineral lease on this section, however they neither hold the mineral rights or own the land as mentioned in their application. Generally, when water appropriations are made on endowment lands, the Department of Lands applies for the appropriation in their name. Would you please look into this issue.

Should you have any questions, you may contact me at 334-0231 or Tom Markland at 334-0232.



SHARON A. MURRAY
Mineral Leasing Specialist

SAM:sjb

MICROFILMED

AUG 23 1999

KEEP IDAHO GREEN
PREVENT WILDFIRE

EQUAL OPPORTUNITY EMPLOYER



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

July 20, 1994

EMERALD CREEK GARNET CO
PO BOX 190
FERNWOOD ID 838300190

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 92-07208

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "CONDITIONS/REMARKS:" listing on the permit.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a "Proof Due Notice" approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

Please be advised that water quality is subject to regulations of the Idaho Department of Health and Welfare. We suggest that you check with them before starting construction.

Sincerely,

JIM JOHNSON, Manager
Water Right Permits Section

JJ:dc

Enclosures

RECEIVED

SEP 12 1994

APPLICATION FOR PERMIT
STATE OFFICE REVIEW
by Cindy Zimmerman

No.: 92-7208 Name: Emerald Co. Garnet Co. Date: 7/13/94 Correct Fee? ☒

AREA OF CONCERN? - No/Yes _____ Mor _____ GWMA Trust/Non-trust
SYSTEM COMPLETED:

No - *26A-P17
Complete in 1 year - P16

Yes

Proof not submitted - P16
Proof submitted - NA

GROUNDWATER:

+ 0.2 cfs <FLO-CH> - T17 (new), 01K (existing), No MD
- 0.2 cfs - No MD <FLOW CHART>

Drilling Permit:

Included w/permit - Permit No. _____, P99
Existing well - NA (pre 7/1/87)
No WD permit? - 046-46A(Irr)-46B-P23 (post 7/1/87)

SURFACE WATER: not in WD - *T17 (+.2 w/pump), No MD <FLOW CHART>

LOCATION:

Water District(~~dem~~) - WD No. _____
*Surface water - 005 (req) 01J-P08 <FLOW CHART>
(doesn't sink) or 01H-P01 <FLOW CHART>; No MD
Groundwater - P05 (new irrigation well)
In stream channel - 030 (stream channel alteration)
Irr Dist/Canal Co. - 023 (Twin Falls area)
Drainage Districts - 024
Flood Control Dist. - 063
Boise Front (63) - 058 (-85° GW temp only)
Swan Falls Flag - 3 <SEE CONDITION CODE CHART>
Trust - 051-052-053-P74 (Consumptive Uses), NA
Non Trust <1> - 048-049 (Consumptive Uses), NA

RIVER BASINS (*Surface water):

Boise R(63) - 05A (if WD), 11E (non-domestic use), NA
Payette R(65) - 064(consump. use), 047-P04(Payette Lake), NA
Snake R(01/02/03) - 11A-P04 (01), 061-P07 (02/03 No WD Cond.), NA

USE:

Fish Propagation - 07A-042 (req) & 010/06A/09E(WQ)-P10
044 (N 1000 Spr)
Irrigation - 03A/057, 803(if GW use SW 1st)(+5A PU comp), NA
Power - 08A-17K-025-027(req); 01F(MD)-P19; 09E(WQ)-P10;
+25 cfs-P18; 17G(FERC) or 17M(FERE); 18B-P09
Mining - 054 (req) & 06A/010/09E-P10
Storage(✓ 3 compo.) - 18A(multi MD in WD), 18B-P09 (+10' dam), NA
Domestic (surface) - 021(Boise R ↑ L Peak), 27A(Payette R), NA

OWNERSHIP:

Non land owner - *004 (PD/PU)

PROTESTED:

- 020(Prehearing agreement)/W19(See Order) See Remarks.

OTHER CONDITIONS:

REMARKS:

- ① No more than one diversion period per 30 day period, or one
diversion per calendar month ② Max duration of the diversion
period is 5 hrs. ③ W15 ④ W16

BENEFICIAL USE DUE:

- 7-1-1999

COMMENTS:

- ① Comp Off.

No. a
4/87-06/92n

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

APPLICATION # 92-07208

***** INITIAL REVIEW *****

APPLICANT: EMERALD CREEK GARNET BY: BS DATE: 5/10/94

ITEM REQUIRED INFORMATION

1. (X) Name and Address
2. (X) Source
3. (X) Point of Diversion & County
4. (X) Quantity
(X) Nature of Proposed Use
(X) Period of Use
5. (X) Total Quantity
6. (X) Description of diverting works
7. (X) Time required for b/u
8. (X) Proposed use
9. (X) Place of use or acres irrigated
10. (X) Other Water Rights
11. (X) Ownership
13. (X) Map
(X) Signature
(X) Fee (Amt, recpt, acknowlegment)

*** Send info sheet Y () N ()

ADDITIONAL INFORMATION

Yes No

- X Field check: by _____
 Field report attached
 Analysis Supp. attached(>5cfs/500af)
 Water delivered by water master?
Water District # _____

PROCESSING

Yes No

PRIORITY DATE: 5/2/94

- X (Include Moratorium Remark)
 X Statewide Avertising: (Diversion rate greater than 10 cfs or 1,000 af).

ADVERTISE IN: SM NP (thurs)
BENJAMIN/SWASHONE County.

LETTERS SENT REQUESTING:

- () Dam Information () Fish Information
() Power Information () Other: N/A

INFORMATION RECEIVED:

- () Dam Information () Fish Information
() Power Information () Other: N/A

***** GROUNDWATER SECTION *****

(Yes) (No)

Checked by: _____ Date: ____/____/____

Remarks: _____

- X Groundwater management area
 Critical ground water area
 Well Drilling Permit required
 Well Drilling Application and Fees received
 Well Drilling Application approved?
 Well Drilling Application Number _____

***** FINAL REGIONAL PROCESSING/REVIEW *****

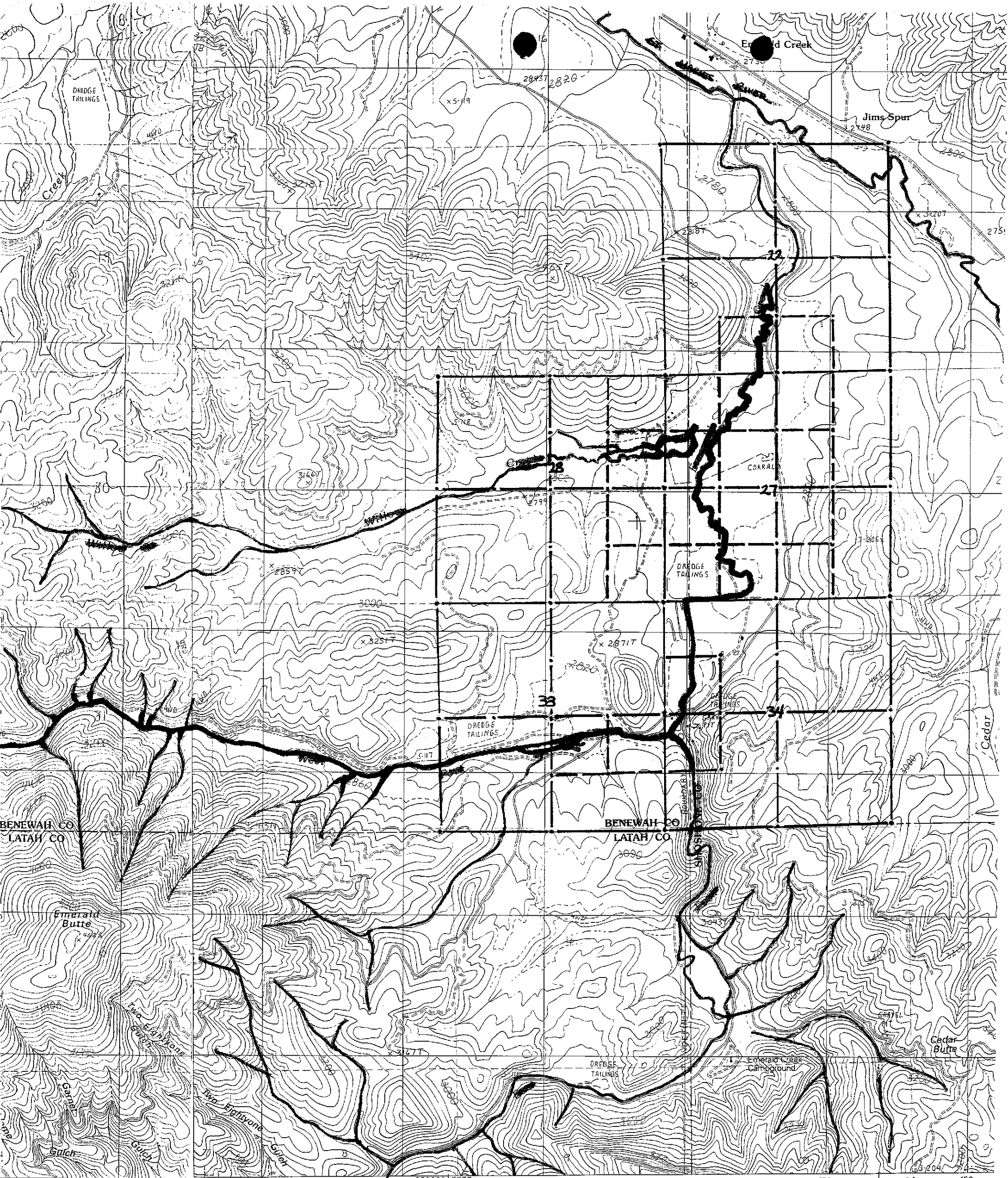
(Yes) (No)

- Notice of pending void order issued. Final order response date: ____/____/____
 Further information required from applicant
 Affidavit of publication received
 Application published correctly, If not, record action taken: _____
 Publication dates and paper recorded on application | Sr. Agent initial BS
 Protests received. Final protest date: 6/16/94
 Measuring device required
 Measuring port required
 Special conditions: _____
 Special conditions of approval supplemented or by letter attached:

Approval Recommended by: BS JUL 11 1994 Date: 6/28/94

Department of Water Resources

Partially Relinquished 6/3/94 czg.



92-7208

350000 FEET

550

20'

551

552

map by Cid 3
7/12/16

553

IN

WATER RIGHT

The Following application(s) have been filed, to appropriate the public waters of the State of Idaho:

92-07208

EMERALD CREEK GARNET CO

FERNWOOD, ID 83830

Source: EMERALD CREEK, WEST FORK Tributary: EMERALD CREEK

Diversion Pt: SWNW Sec 2 T 42N R 01W in BENEWAH County.

SENW Sec 2 T 42N R 01W in BENEWAH County.

NESW Sec 2 T 42N R 01W in BENEWAH County.

NWSW Sec 2 T 42N R 01W in BENEWAH County.

SWSW Sec 2 T 42N R 01W in BENEWAH County.

SESW Sec 2 T 42N R 01W in BENEWAH County.

NWNW Sec 11 T 42N R 01W in BENEWAH County.

SESW Sec 22 T 43N R 01E in SHOSHONE County.

SWSE Sec 22 T 43N R 01E in SHOSHONE County.

NWNE Sec 27 T 43N R 01E in SHOSHONE County.

SWNE Sec 27 T 43N R 01E in SHOSHONE County.

NENW Sec 27 T 43N R 01E in SHOSHONE County.

NWNW Sec 27 T 43N R 01E in SHOSHONE County.

SWNW Sec 27 T 43N R 01E in SHOSHONE County.

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NWSW Sec 27 T 43N R 01E in SHOSHONE County.

SWSW Sec 27 T 43N R 01E in SHOSHONE County.

SESW Sec 27 T 43N R 01E in SHOSHONE County.

NWSE Sec 27 T 43N R 01E in SHOSHONE County.

SWSE Sec 27 T 43N R 01E in SHOSHONE County.

NENE Sec 28 T 43N R 01E in BENEWAH County.

SENE Sec 28 T 43N R 01E in BENEWAH County.

NESE Sec 28 T 43N R 01E in BENEWAH County.

SESE Sec 28 T 43N R 01E in BENEWAH County.

NESE Sec 33 T 43N R 01E in BENEWAH County.

NWSE Sec 33 T 43N R 01E in BENEWAH County.

SWNW Sec 34 T 43N R 01E in BENEWAH County.

NWSW Sec 34 T 43N R 01E in BENEWAH County.

NESE Sec 36 T 43N R 01W in BENEWAH County.

NWSE Sec 36 T 43N R 01W in BENEWAH County.

SWSE Sec 36 T 43N R 01W in BENEWAH County.

SESE Sec 36 T 43N R 01W in BENEWAH County.

Use: IRRIGATION (.100 CFS)

MINING (2.230 CFS)

Total Diversion: (2.230 CFS)

Date Filed: 5/ 2/1994 In: BENEWAH County

T42N ROIW S02, SWNW, SENW, NESW, NWSW, SWSW, SESW

In: SHOSHONE County S11, NWNW

T43N ROIW S22, SESW, SWSE

S27, NWNE, SWNE, NENW, NWNW, SWNW, SENW, NESW, NWSW

In: BENEWAH County

SWSW, SESW, NWSE, SWSE

S28, NENE, SENE, NESE, SESE

S33, NESE, NWSE

S34, SWNW, NWSW

R01W S36, NESE, NWSE, SWSE, SESE

23.0 ACRES TOTAL

EMERALD CREEK GARNET CO

FERNWOOD, ID 83830

Source: CARPENTER CREEK Tributary:

ST MARIES R

Diversion Pt: SWNE Sec 7 T 43N R 01E in BENEWAH County.

SENE Sec 7 T 43N R 01E in BENEWAH County.

NESE Sec 7 T 43N R 01E in BENEWAH County.

NWSE Sec 7 T 43N R 01E in BENEWAH County.

SWSE Sec 7 T 43N R 01E in BENEWAH County.

SESE Sec 7 T 43N R 01E in BENEWAH County.

NWNE Sec 18 T 43N R 01E in BENEWAH County.

SWNE Sec 18 T 43N R 01E in BENEWAH County.

NESE Sec 22 T 43N R 01E in BENEWAH County.

NWSE Sec 22 T 43N R 01E in BENEWAH County.

SWSE Sec 22 T 43N R 01E in BENEWAH County.

SESE Sec 22 T 43N R 01E in BENEWAH County.

SWNE Sec 23 T 43N R 01E in BENEWAH County.

SENE Sec 23 T 43N R 01E in BENEWAH County.

SWNW Sec 23 T 43N R 01E in BENEWAH County.

SENW Sec 23 T 43N R 01E in BENEWAH County.

SESW Sec 23 T 43N R 01E in BENEWAH County.

NWSW Sec 23 T 43N R 01E in BENEWAH County.

NESE Sec 23 T 43N R 01E in BENEWAH County.

NWSE Sec 23 T 43N R 01E in BENEWAH County.

SWNE Sec 24 T 43N R 01E in BENEWAH County.

SENE Sec 24 T 43N R 01E in BENEWAH County.

NESE Sec 24 T 43N R 01E in BENEWAH County.

NWSE Sec 24 T 43N R 01E in BENEWAH County.

Use: IRRIGATION (.100 CFS)

MINING (2.230 CFS)

Total Diversion: (2.230 CFS)

Date Filed: 4/ 4/1994

In: BENEWAH County

T43N ROIW S07 SWNE SENE NESE

NWSE SWSE SESE

S18 NWNE SWNE

S22 NESE NWSE SWSE SESE

S23 SWNE SENE SWNW SENW

NWSW NESE NWSE

S24 SWNE SENE NESE NWSE

23.0 ACRES TOTAL

For additional information concerning the property location, call the Northern

Regional Office at (208) 769-1450.

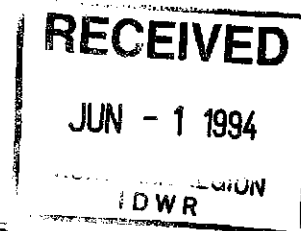
The permit(s) will be subject to all prior water rights. Protests must be filed with the applicant and with the Director, Dept. of Water Resources, Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, Idaho 83814 on or before JUNE 6, 1994.

R. KEITH HIGGINSON, Director

Legal #SHO 542

2 x 5-18/25/1994

PROOF OF PUBLICATION



) Idaho Department of Water Resources
) 1910 Northwest Blvd Suite 210
) Coeur d'Alene, Idaho 83814

s/ Daniel C. Drewry, being first duly sworn deposes and says:
SHOSHONE NEWS-PRESS, a daily newspaper of general circulation in said
county, published in the city of Kellogg, in the County of Shoshone and
the State of Idaho, and which has been published continuously in said
county for a period of 78 weeks immediately prior to the publication of this
notice hereinafter described, and that the

LEGAL NOTICE

of which the annexed is a true copy, was published in each regular
weekly/daily issue of said newspaper, and not in supplement thereto, for
a period of (2) two consecutive weeks/days, the first
publication thereof being in the issue dated 5/18/94 - 5/25/94

STATE OF IDAHO

)
)
)
)
)
)

COUNTY OF

On this 31st day of May in the year of 1994,
before me a Notary Public, personally appeared Daniel C. Drewry known or
identified to me to be the person whose name subscribed to the within
instrument, and being by me first duly sworn, declared that the statements
therein are true, and acknowledged to me that he executed the same.

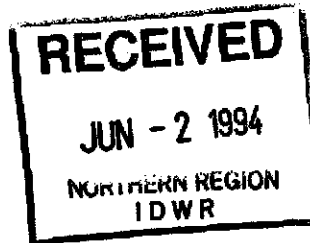
Notary Public for Idaho
Residing in Kellogg, Idaho
My Commission expires:
10/17/94

SEP 12 1994



IDAHO FISH & GAME
PANHANDLE REGION
2750 Kathleen Avenue
Coeur d'Alene, Idaho 83814

Cecil D. Andrus / Governor
Jerry M. Conley / Director



May 27, 1994

Mr. Robert G. Haynes
Idaho Department of Water Resources
1910 Northwest Blvd. Suite 210
Coeur d'Alene, ID 83814

Dear Bob:

REFERENCE: 92-07208 EMERALD CREEK GARNET COMPANY
92-07209

We have discussed our protests of these water right applications with Emerald Creek Garnet Company. Mr. Steve Osburn of Emerald Creek Garnet Company has agreed to the conditions stated on the attached FAX transmittal sheet.

Provided these conditions are incorporated into these water rights, we will withdraw our protests.

Please contact Chip Corsi of my staff if there are any questions.

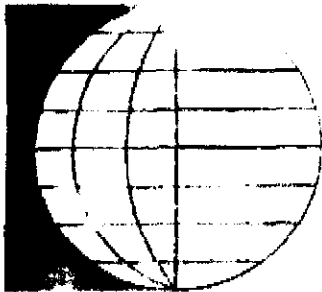
Sincerely,

David W. Ortmann
Regional Supervisor

DWO:CEC:kh

C: Legal
Emerald Creek Garnet Company, PO Box 190, Fernwood, ID 83830
Natural Resource Policy Bureau
Attachment

SEP 1 2 1994



Emerald Creek Garnet Co.

Making our environment cleaner

208 773 8690

FAX TRANSMITTAL

TO: Idaho Fish & Game
Chip Corsi
F - 208-769-1418

FROM: Emerald Creek Garnet
Steve Osburn
F - 208-245-5309

DATE: May 26, 1994

REFERENCE: 92-07208 EMERALD CREEK CO/WEST FORK
92-07209 EMERALD AND CARPENTER CREEKS

1. Per washer, no more than one diversion period per 30 day period, or one per calendar month.
2. Maximum duration of the diversion period is five hours, within a two week period.
3. Pump intake must be screened to one-quarter inch or smaller mesh, with approach velocities not to exceed 0.5 feet per second.

Thank you for your assistance with this matter. If you have any questions please call.

EMERALD CREEK GARNET

Steve Osburn

MICROTECH INC

SEP 12 1994

P.O. Box 100

Telephone: (208) 245-2096

Fernwood, ID 83830

Products to suit all proprietary needs

Facsimile: (208) 245-5309



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450 Fax (208) 769-1454

CECIL D. ANDRUS
May 12, 1994

R. KEITH HIGGINSON
Director

Emerald Creek Garnet Co.
P.O. Box 190
Fernwood, ID 83830

Gentlemen:

Subject: Water Appropriation Application for Permit Number 92-7208*.

The Idaho Department of Water Resources hereby acknowledges receipt of the above-referenced Application for Permit to appropriate the Public Waters of the State of Idaho. Enclosed is Receipt Number N7595. Please refer to your Application for Permit Number in future matters concerning this water right application.

Your Application for Permit is currently being prepared for advertising in the local county newspaper. The advertisement will be published for two consecutive weeks followed by a waiting period of ten days to allow for submittal of protests.

If your application is not protested, it will be forwarded to Boise for processing. Normal processing time is approximately 3 to 4 months, if the application is not protested. If your Application for Permit is protested, you will be sent a copy of the protest and instructions to aid you in resolving the protest without a hearing. All protests must be resolved before your Application for Permit can be approved. If the protest is not resolved, this Department will conduct a conference and/or hearing on the matter.

You will receive your approved Application for Permit and instructions on filing the Proof of Beneficial Use from our State Office in Boise.

If your Application for Permit is for a well (groundwater) that was constructed after July 1, 1987, you must apply for a well drilling permit upon approval of your Application for Permit if no permit was obtained by previous owners to construct the well. Well Drilling Permits can only be issued by this office to holders of approved Applications for Permit.

If I can be of further assistance, please feel free to contact me at this office.

Sincerely,

ALLEN BEARDSLEE
Senior Water Resource Agent

Enc. - Receipt

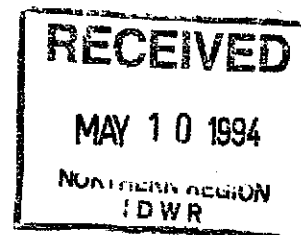
RECEIVED
SEP 12 1994



IDAHO FISH & GAME
PANHANDLE REGION
2750 Kathleen Avenue
Coeur d'Alene, Idaho 83814

Cecil D. Andrus / Governor
Jerry M. Conley / Director

May 6, 1994



Mr. Robert G. Haynes
Idaho Department of Water Resources
1910 Northwest Blvd. Suite 210
Coeur d'Alene, ID 83814

Dear Bob:

REFERENCE: 92-07208 EMERALD CREEK GARNET CO/WEST FORK
92-07209 EMERALD AND CARPENTER CREEKS

We have recently received a FAX transmittal (attached) from Emerald Creek Garnet Company regarding their diversion plan. Emerald Creek Garnet indicates water only needs to be diverted for an average of four hours at a time with at least 30 days between withdrawals.

Diversions of 2.23 cfs under these conditions are much less likely to have a significant impact on fish populations in these streams than a continuous diversion. Provided the following conditions are stipulated in the permits, we will withdraw our protest against these applications.

1. No more than one diversion period per 30 day period, or one per calendar month.
2. Maximum duration of the diversion period is five hours.
3. Pump intake must be screened to one-quarter inch or smaller mesh, with approach velocities not to exceed 0.5 feet per second.

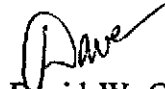
We also request that Emerald Creek Garnet recognize this compromise may occasionally still leave fish at risk during periods of extreme low flow and/or extreme water temperatures. During these periods, we request Emerald Creek Garnet use alternative water sources, a lower diversion rate, and/or nighttime withdrawal to reduce impacts to fish.

SEP 12 1994

Mr. Robert G. Haynes - Page 2
May 6, 1994

We are hopeful this correspondence will serve to resolve this protest. If the conditions cannot, for some reason, be agreed to, we will continue to work with the applicants to find a solution.

Sincerely,



David W. Ortmann
Regional Supervisor

DWO:CEC:kh

C: Emerald Creek Garnet
Legal
Natural Resource Policy Bureau

RECEIVED

SEP 12 1994



Emerald Creek Garnet Co.

Making our environment cleaner

TO: Department of Fish and Game

FAX #: 208)769-1418

ATTN: Chip Corsi

FROM: Steve Osburn

PHONE: 208)245-2096

DATE: May 5, 1994

MESSAGE:

Initially to start a mining panel, the topsoil is removed & stored, the overburden pushed, dug, and piled adjacent to the panel that is being opened up.

A first panel may range in size from 1/4 of an acre up to a acre. The water is then drawn from the creek to fill up the panel. The amount of water used the first time depends on panel size and depth. For an average panel one acre in size, the initial draw out of the creek is an average 250,000 - 350,000 gallons of water. This water will then be used in the next concurrent panels as mining progresses. During the low flow months (July-Sept.), additional water may be added to dilute the mining water as mining progresses to other panels. This amount of water varies due to weather conditions and mining conditions and will usually average about 100,00 gallons per month.

The rest of the year, spring and fall rains, spring run-off and ground water supply the additional water needed to dilute the water being used in the mining process.

The initial amount drawn out of the creek is in the amount rate of 2.230 CFS, but it takes an average of four hours to fill the panel and then the water being diverted from the creek is ceased and mining will continue without additional water being added to the mining panels, for 30 days up to 180 days or longer.

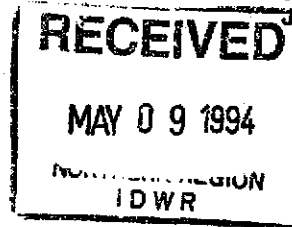
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IDAHO FISH & GAME
PANHANDLE REGION
2750 Kathleen Avenue
Coeur d'Alene, Idaho 83814

Cecil D. Andrus / Governor
Jerry M. Conley / Director



May 2, 1994

Mr. Robert G. Haynes
Idaho Department of Water Resources
1910 Northwest Boulevard, Suite 210
Coeur d'Alene, ID 83814

Dear Bob:

REFERENCE: 92-07208, 92-07209 EMERALD CREEK GARNET COMPANY/WEST
FORK EMERALD CARPENTER CREEK

We have reviewed these water right filings and are concerned about the impact diversion of 2.23 cfs will have on the two streams. Both the West Fork of Emerald Creek and Carpenter Creek support fish populations, including westslope cutthroat trout. Migratory cutthroat trout from the St. Maries River and/or Coeur d'Alene Lake may also use these streams for spawning and rearing, and both streams are in historic bull trout range.

We are concerned that water rights, which according to the filing, are for year-round, permanent diversion of a major portion of the streams' flow will (or potentially will) negatively affect downstream fish habitat. Because it is our understanding the mining operations do not require a continual diversion of water, we question whether year long diversion is necessary. Because of the potential negative impact to fish downstream, in an area where habitat disturbance has already negatively affected fish, we are protesting this application at this time. We are optimistic a workable solution can be developed which will allow us to drop our protest. If Emerald Creek Garnet can develop a diversion plan which will protect downstream fishery habitat, and the issuance of the water right will be conditional upon adoption and implementation of the plan, we withdraw our protest. Chip Corsi of my staff will be the contact person.

Sincerely,

David W. Ortmann
Regional Supervisor

RECEIVED

MAY 12 1994

DWO:CEC:njk

C: Natural Resource Policy Bureau
Legal
Emerald Creek Garnet Co.

RECEIVED

MAY 02 1994

**NORTHWEST REGION
IDWR**

OFFICERS OF EMERALD CREEK GARNET CO.:

President

Lindsay E. Gorrill
4201 Harbor View Drive
Post Falls, ID 83854

Vice-President/Administration

Debby Powell
P.O. Box 174
Fernwood, ID 83830

Vice-President/Operations

Steve Osburn
P.O. Box 365
Fernwood, ID 83830

RECEIVED

SEP 12 1994