State of Idaho
Department of Water Resources

Water Right License

Water Right No. 93-7667

Priority: February 02, 2017

Maximum Diversion Volume: 17.0 AF

It is hereby certified that:

4M RANCH PO BOX 115 TENSED ID 83870-0115

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 02, 2017, and has submitted Proof of Beneficial Use on February 08, 2022. An examination confirms water is diverted from:

Source : SPRING **Tributary:** HANGMAN CREEK

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
STOCKWATER STORAGE	01/01 to 12/31		9.4 AF
STOCKWATER FROM STORAGE	01/01 to 12/31		9.4 AF
WILDLIFE STORAGE	01/01 to 12/31		7.6 AF
RECREATION STORAGE	01/01 to 12/31		7.6 AF
FIRE PROTECTION STORAGE	01/01 to 12/31		7.6 AF

Location of Point(s) of Diversion
SPRING SE¼ NW¼ SE¼, Sec. 16, Twp 44N, Rge 04W, B.M. BENEWAH County

Place of Use: STOCKWATER STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
44N	04W	16														X			

Place of Use: STOCKWATER FROM STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
44N	04W	16														X			

Place of Use: WILDLIFE STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
44N	04W	16														X			

Place of Use: RECREATION STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
44N	04W	16														X			

SCANNED
JUL 14 2023

State of Idaho
Department of Water Resources

Water Right License

Water Right No. 93-7667

Place of Use: FIRE PROTECTION STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
44N	04W	16														X			

Conditions of Approval

1. Water shall not be diverted from fire protection storage except to fight or repel an existing fire.
2. Right 93-7667 authorizes the storage of an annual total of 17.0 acre-feet, 5.4 acre-feet to be used for the initial filling of the pond, 2.2 acre-feet for the replacement of losses due to seepage and evaporation, and up to 9.4 acre-feet for additional refills for stockwater from storage use.
3. The pond established by the storage of water under this right shall not exceed a total capacity of 5.4 acre-feet or a total surface area of 0.9 acres.
4. 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 Idaho Code § 42-219. 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 this 27th day of June, 2023.

Michelle Richman

MICHELLE RICHMAN
Northern Regional Manager

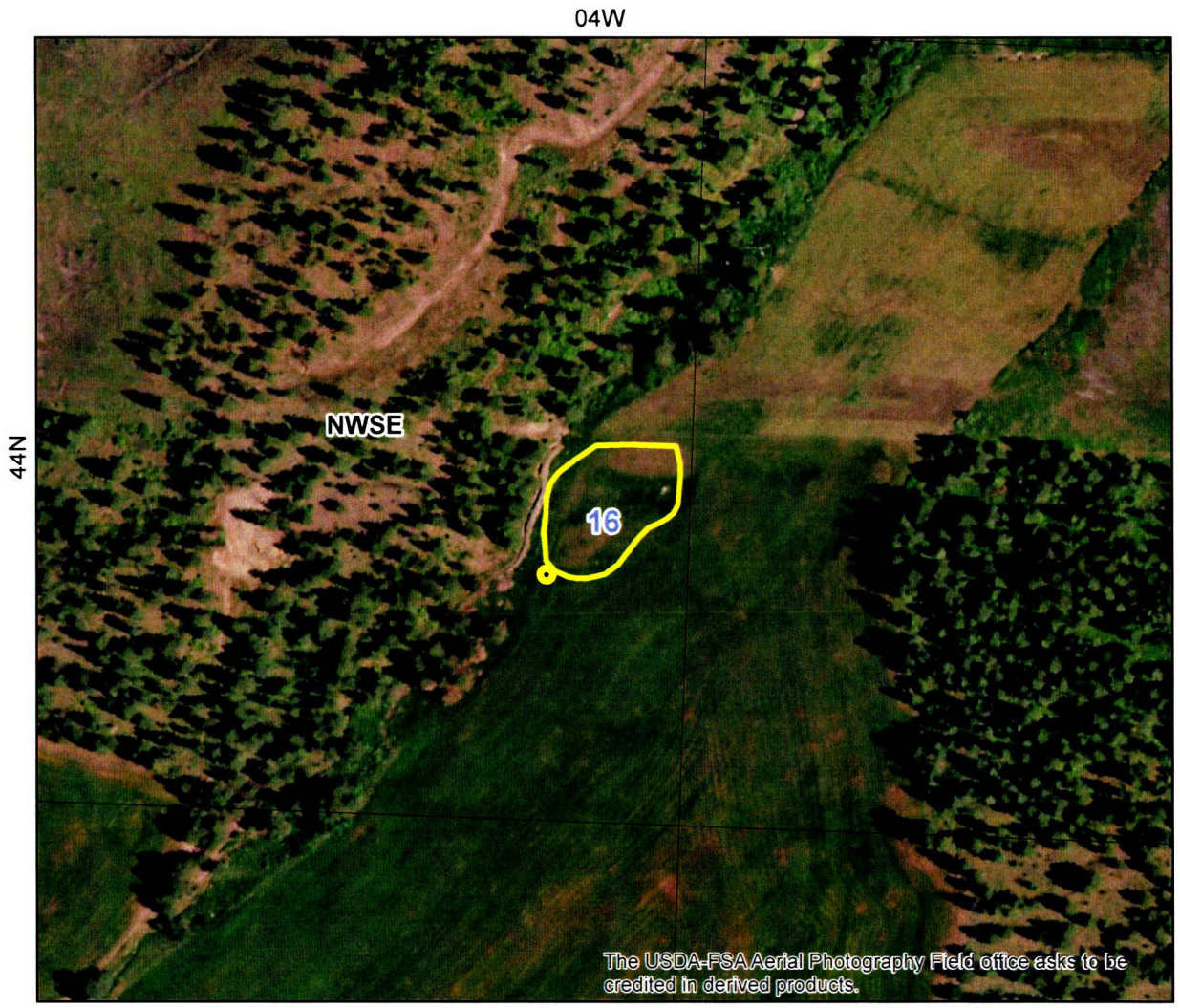
SCANNED
JUL 14 2023

State of Idaho
Department of Water Resources

Attachment to Water Right License

93-7667

This map depicts the STOCKWATER STORAGE, RECREATION STORAGE, WILDLIFE STORAGE, & FIRE PROTECTION STORAGE place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



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

0 0.035 0.07 0.14 Miles

N

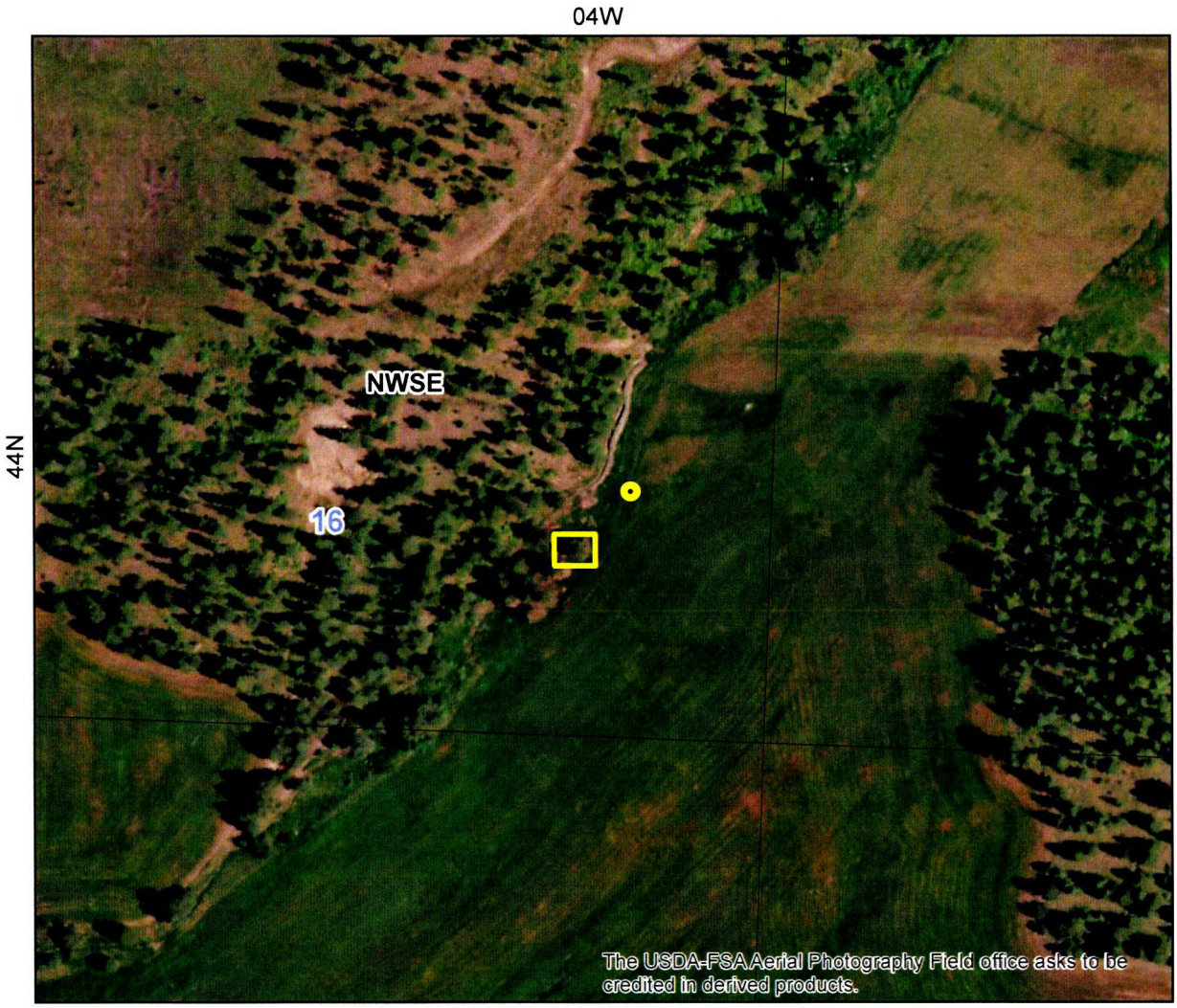
SCANNED
JUL 14 2023

State of Idaho
Department of Water Resources

Attachment to Water Right License

93-7667

This map depicts the STOCKWATER FROM STORAGE place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



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

0 0.035 0.07 0.14 Miles

N

SCANNED
JUL 14 2023

IDAHO DEPARTMENT OF
WATER RESOURCES

Northern Region • 7600 N Mineral Drive, Suite 100 • Coeur D'Alene, ID 83815-7763
Phone: 208-762-2800 • Fax: 208-762-2819 • Email: northerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

June 27, 2023

4M RANCH
PO BOX 115
TENSED ID 83870-0115

RE: License No. 93-7667

ISSUANCE OF LICENSE

Dear Water Right Holder(s):

The Department of Water Resources ("Department") has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review all the conditions of approval listed on your license. The conditions may include ongoing requirements, such as maintenance of a measuring device or implementation of mitigation, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district.

The license is a PRELIMINARY ORDER issued by the Department pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Water right forms are available from any office of the Department or on the Department's website at idwr.idaho.gov

If you have any questions concerning the enclosed information, please contact the Northern Region Office at (208) 762-2800.

Sincerely,

Michelle Richman

Michelle Richman
Northern Regional Manager

Enclosure(s)

SCANNED
JUL 14 2023

CERTIFICATE OF SERVICE

I hereby certify that on June 27, 2023, I served a true and correct copy of Water Right License No. 93-7667 by U.S. Mail, postage prepaid, to the following:

4M RANCH (Current Owner)
PO BOX 115
TENSED ID 83870-0115

Tammy Alleman
Administrative Assistant 1

SCANNED
JUL 14 2023

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

SCANNED
JUL 14 2023

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

> Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:
>
> (a) The petition for reconsideration is disposed of; or
> (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

i. A hearing was held,
ii. The final agency action was taken,
iii. The party seeking review of the order resides, or
iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

SCANNED
JUL 14 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 93-7667
Exam Date: 06/09/2022

1. Current Owner:
   4M RANCH PO BOX 115 TENSED ID 83870-0115

2. Accompanied by: Michael Mc Carver
   Phone No: 208-661-1506
   Address: Same as above
   Relationship to permit Holder: Permit Holder

3. **SOURCE:** SPRING

Tributary HANGMAN CREEK

Method of Determination: Arcmap and DRG.

B. OVERLAP REVIEW

1. Other water rights with the same place of use: YES Overlap

Water Right No.	Source	Purpose of Use	Basis
93-7452	Spring, Squaw Creek, Unnamed Stream, Springs	STOCKWATER	DECREED

Comments: Decreed right 93-7452 shows ownership by Stimson Lumber Co and uses numerous segments of unnamed stream(s), Spring, Springs, & Squaw Creek for in-stream stockwater use. While the POU shape overlaps this storage pond POU, it is not related to this permit's spring source nor does the unnamed stream which routes around the pond interact with the storage of water in the pond – the systems are separate. 93-7452 is not a concern for overlap with this water right.

2. Other water rights with the same point-of-diversion: NO Overlap

C. DIVERSION AND DELIVERY SYSTEM

1. **LOCATION OF POINT(S) OF DIVERSION:**
SPRING SE¼ NW¼ SE¼, Sec. 16, Twp 44N, Rge 04W, B.M. BENEWAH County

Method of Determination: GPS. Spring source located at bank of pond is impounded by an earthen pond dam located at -116°50.3012 47°9.2131

PLACE OF USE: STOCKWATER STORAGE, STOCKWATER FROM STORAGE, WILDLIFE STORAGE, RECREATION STORAGE, & FIRE PROTECTION STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
44N	04W	16														X			

Method of Determination: Beneficial use field exam and Arcmap aerial imagery.

SCANNED
JUL 14 2022

3.

Delivery System Diagram Attached (required). Indicate all major components and distances between components.
__X__ Indicate weir size/pipe as applicable.

Map Attached Showing Location(s) of point(s) of diversion and place(s) of use (required). Scale must be
__X__ 1:24,000 or greater.

__X__ Aerial Photo Attached (required for irrigation of 10+ acres).

__X__ Photo of Diversion and System Attached

4.

Well or Diversion ID No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
SPRING – POND DAM					

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
NONE						

2. Measurements: The storage pond is considered in-stream excavated, with the spring source filling the pond without diversion to storage development – the pond dam shall serve as the POD for the spring. Neither are considered for a diversion rate and this permit is recommended for licensing using volumetric values only.

E. FLOW CALCULATIONS

Measured Method: N/A

F. VOLUME CALCULATIONS

1. Volume Calculations for irrigation: N/A
2. Volume Calculations for Other Uses:
   - See attached pond analysis worksheet
   - Stockwater Storage & from Storage annual volume = 700 head mixed stock (cow/horse) x 12 gpd x 365 day = 3,066,000 gal per year / 325,850 gal per af = **9.4 af** considering department rounding standards.

G. NARRATIVE/REMARKS/COMMENTS

Field exam performed on 6/9/2022 with the applicant, Michael McCarver, showed an excavated pond that impounds spring water for multiple storage uses & stockwater from storage use. At the POD the pond has an earthen dam that impounds spring water before it flows into an unnamed stream that flows just west of the pond's bank. A rocked overflow channel has been developed on the SE corner of the pond that allows overflow discharge to flow down grade to its confluence with a small unnamed stream. There is no diversion rate associated with licensing this surface water source permit.

SCANNED
JUL 14 2023

The permit included a spring source & an unnamed stream source which incorporated 2ea PODs. The unnamed stream source was filed on because it was uncertain if the pond would be built instream from an unnamed stream that flows approximately north south near the pond. Field exam proved the pond with semi circular earthen dam is built east of the unnamed stream and doesn't impede flow in the stream. I have removed the unnamed stream tributary of Hangman Creek source and POD during licensing review.

Photographs were taken of the storage pond POU during the field exam that provide stockwater storage, recreation storage, wildlife storage, and fire protection storage uses. Arcmap aerial imagery & photographs were used to trace out the pond surface area during licensing review; year 2021 imagery doesn't show the recently excavated pond. A pond analysis worksheet was developed during licensing review which derives pond calculations as follows:

- Pond – surface area = 0.9 ac, maximum depth = 15 feet, average depth = 6 feet, pond capacity = 5.4 af, seepage & evaporation loss rate = 2.2 af, stockwater from storage use multiple fill annual volume = 9.4 af, and total volume required = 17.0 af.
- Recreation storage, wildlife storage & fire protection storage annual volume(s) = 5.4 af (pond capacity) + 2.2 af (seepage & evaporation rates) = **7.6 af**. This value is not additive by beneficial use toward the maximum diversion volume.
- Stockwater Storage & from Storage annual volume = 700 head mixed stock (cow/horse) x 12 gpd x 365 day = 3,066,000 gal per year / 325,850 gal per af = **9.4 af** considering department rounding standards.
- The maximum diversion volume recommended for licensing equals **17.0 af**.

For stockwater from storage use the applicant routes a 1 ¼ inch poly pipe from the dam down grade to the southwest where a concrete stock watering device has been installed. Directly below the southern extent of the pond dam the applicant has installed a manual shutoff value and hose bib riser for use in watering temporary stock tanks. The stockwater from storage POU shape has been reduced to cover only the area where water from the pond is piped for stock watering vice the large 80-acre tract which was permit approved for use. Stock can drink directly from the pond, but the applicant intends to fence off the pond to reduce erosion caused by stock for future years. Recreation storage use is for swimming & wildlife use is for waterfowl and deer/elk which periodically use the pond.

Conditions 26A, 082, X02, and a text condition related to recreation were removed from the permit during licensing review. Condition 259 & 220 were revised to reflect pond size & volume(s) following the field exam and updated pond analysis worksheet. All other conditions on the permit shall be carried to licensing. WR 93-7452 was decreed for instream stockwater use but is not recommended for overlap concern as discussed above PG1. There are no additional overlap concerns for this water right.

Have conditions of permit approval been met? __X__ Yes ____ No

SCANNED
JUL 14 2023

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use	Annual Volume
STOCKWATER STORAGE	01/01 to 12/31	9.4 AF
STOCKWATER FROM STORAGE	01/01 to 12/31	9.4 AF
WILDLIFE STORAGE	01/01 to 12/31	7.6 AF
RECREATION STORAGE	01/01 to 12/31	7.6 AF
FIRE PROTECTION STORAGE	01/01 to 12/31	7.6 AF

Totals: 17.0 AF

2. Recommended Amendments

____ Change P.D. as reflected above ____ Add P.D. as reflected above __X__ None

____ Change P.U. as reflected above ____ Add P.U. as reflected above __X__ None

I. AUTHENTICATION

Luke Bates -

Field Examiner's Name _____ Date 11/17/2022

Reviewer Michelle Richmond Date 6/27/2023

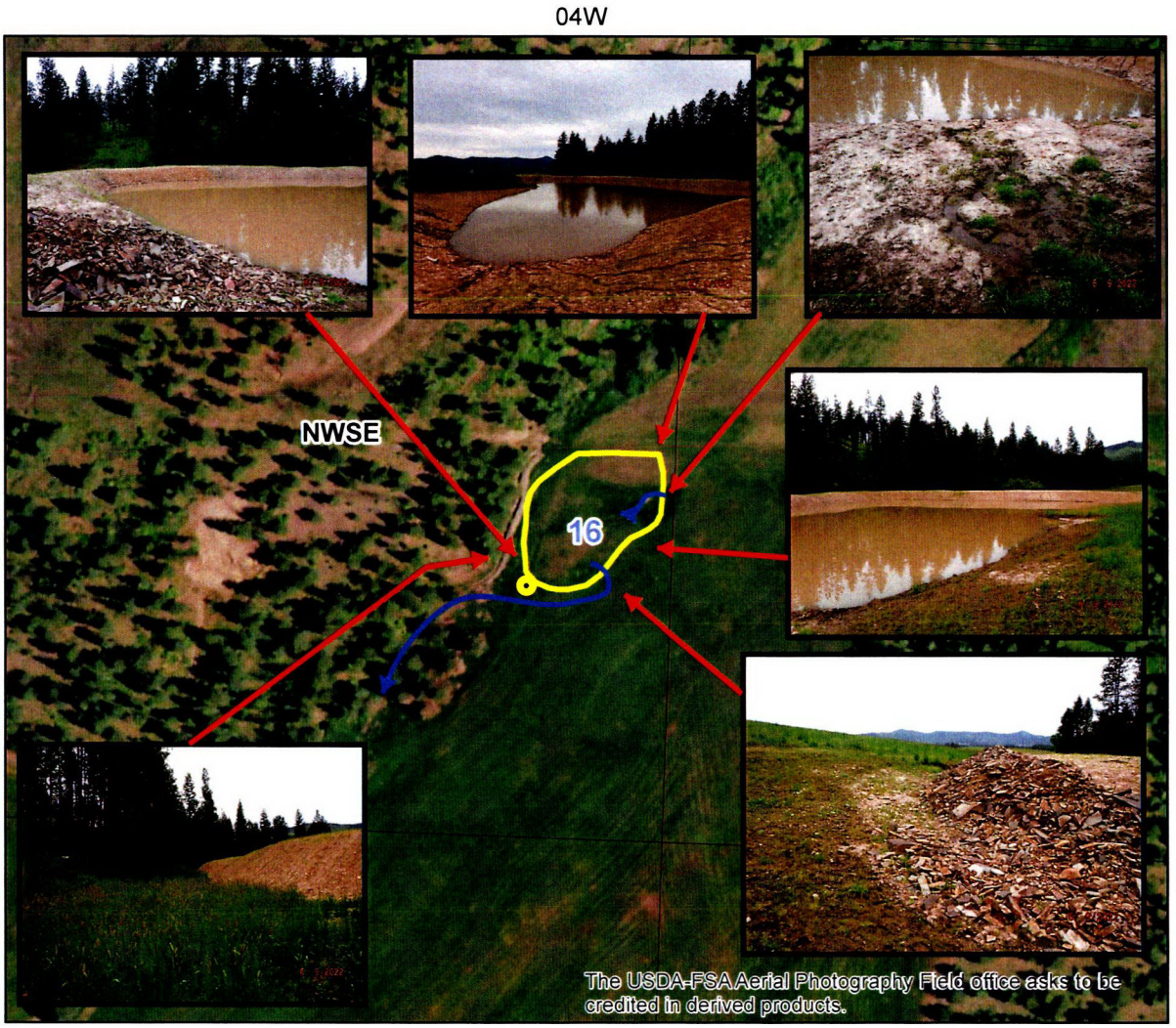
SCANNED
JUL 14 2023

State of Idaho
Department of Water Resources

Attachment to Field Exam

93-7667

STOCKWATER STORAGE, RECREATION STORAGE, WILDLIFE STORAGE,
& FIRE PROTECTION STORAGE system diagram.



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

0 0.035 0.07 0.14 Miles

N

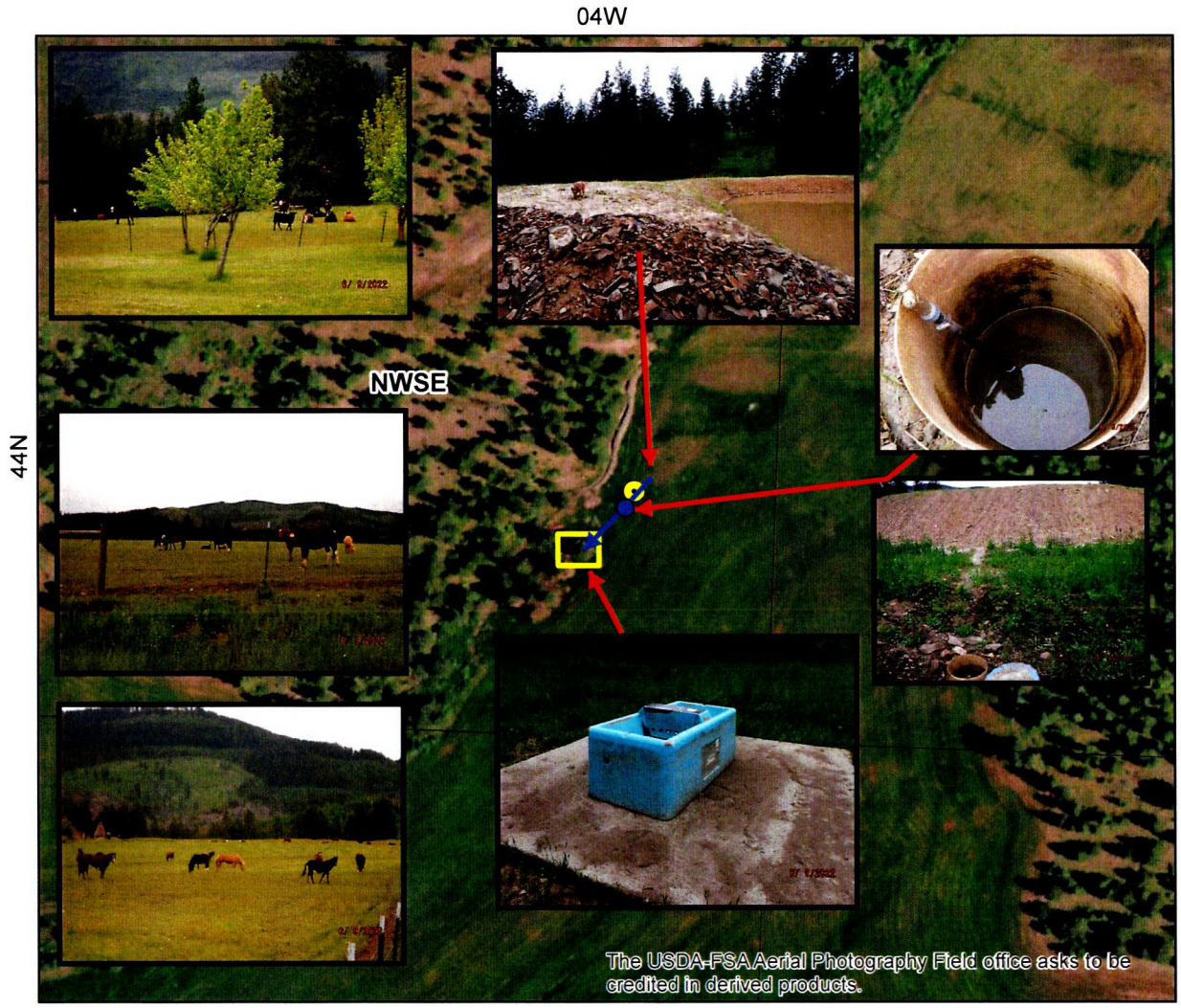
SCANNED
JUL 14 2023

State of Idaho
Department of Water Resources

Attachment to Field Exam

93-7667

STOCKWATER FROM STORAGE system diagram.



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

0 0.035 0.07 0.14 Miles

N

SCANNED
JUL 14 2023

Total Storage Calculations

FILE NUMBER	93-7667
REVIEWER	LUKE BATES
DATE	11/17/2022

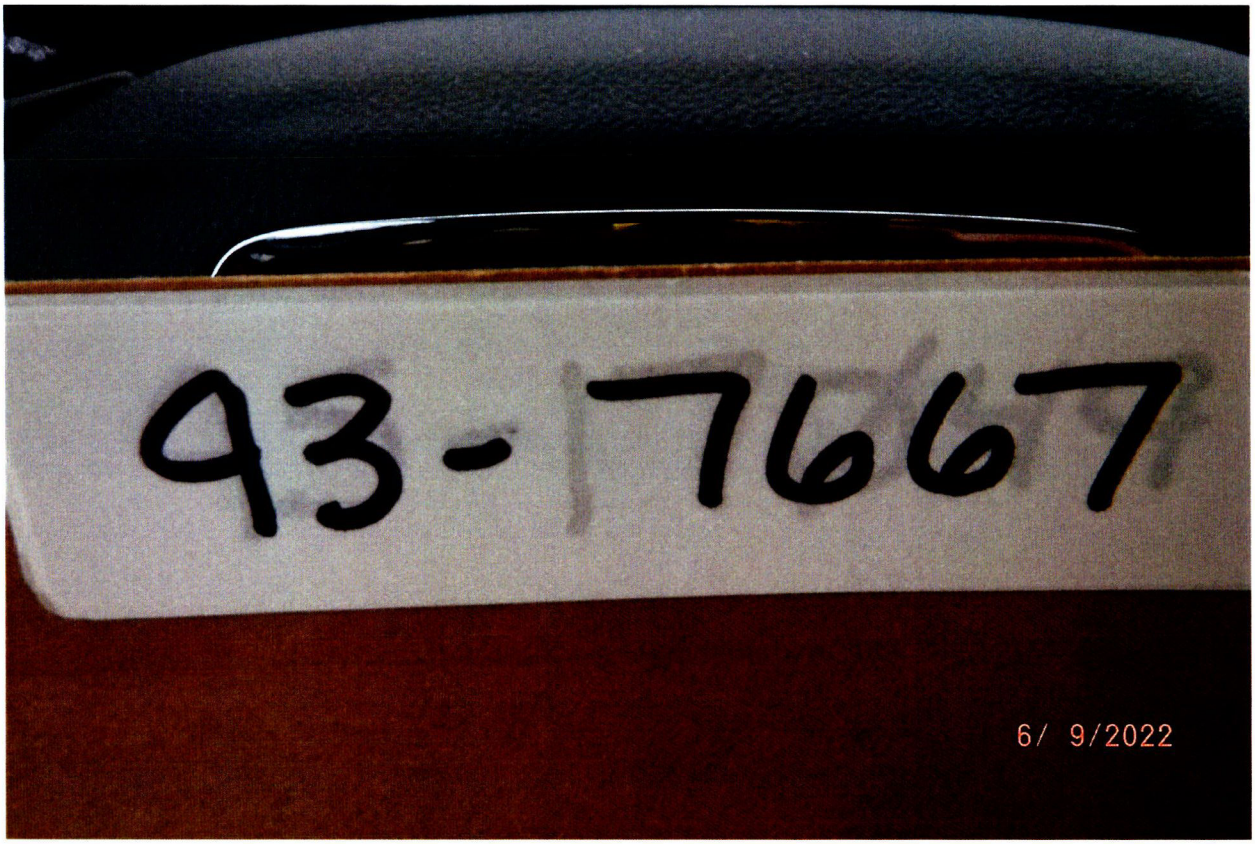
This spreadsheet has been designed by Idaho Department of Water Resources to estimate the total seepage, evaporation and fill capacity required for a pond.

User Input
Calculated value
Formula Explanations

Surface Area (AC.)	0.9	"Surface Area" is automatically carried over from the "Seepage Loss" sheet.
Average Pond Depth (FT.)	6	"Average Pond Depth" depicts the actual depth of the pond either measured or estimated. Note: If you know the maximum depth and not the average depth, the Field Examiner's Handbook suggests multiplying the maximum depth by 0.4 to get the average depth, or you can use any method that seems reasonable to attain average depth.
Pond Capacity (AF)	5.4	Pond Capacity is calculated by multiplying the Pond Surface Area by the Average Pond Depth. If you know the capacity, divide the capacity by surface area and enter the average pond depth in the space above. Note: If pond capacity is determined using a method shown on the "Pond Capacity" sheet, the user may need to modify the value of "Pond Capacity" (cell B9) manually. Note that if the value is modified manually, the formula will be altered for future use.

Multiple Fill Volume Above Initial Fill to Fulfill From Storage Needs- "Multiple Fills" (AF)	9.4	The "Multiple Fill Volume Above Initial Fill" is the acre-feet of water required to meet a *from storage* component if the *from storage* component exceeds a one time fill. This section should not include the amount of water needed to fill the pond initially or the amount of water needed to maintain the pond level due to evaporation or seepage. For example: if a pond has a capacity of 5 acre feet and 2.5 acre feet of seepage and evaporation, but the pond is used for irrigation that requires 10 acre feet of from storage for the irrigation use, then you would insert 5 acre feet into this location (10 acre feet needed - 5 acre feet from the initial fill = 5 acre feet of additional storage needed). Note: You must have a "From Storage" component exceeding the initial fill on the permit to include a volume in this space.
Estimated Seepage Loss (AF)	1.0	The "Estimated Seepage Loss" is automatically carried over from the "Seepage Loss" sheet.
Estimated Evaporation Loss (AF)	1.2	The "Estimated Evaporation Loss" is automatically carried over from the "Evaporation Loss" sheet.
Total Volume Required (AF)	17.0	The "Total Volume Required" is calculated by adding the Pond Capacity, Multiple Fills, Seepage Loss, and Evaporation Loss amounts to determine the total amount of storage required.

SCANNED
JUL 14 2023



BENEFICIAL USE FIELD EXAMINATION DATE 6/9/2022



POD – EARTHEN DAM IMPOUNDS SPRING WATER

SCANNED
JUL 14 2023



POD & POU – EARTHEN DAM; FIRE PROTECTION STORAGE, WILDLIFE STORAGE, RECREATION STORAGE, & STOCKWATER STORAGE



SCANNED
JUL 14 2023



SPRING SOURCE LOCATED ALONG NE CORNER OF POND



ROCK REINFORCED OVERFLOW DISCHARGE CHANNEL LOCATED SE CORNER OF POND

SCANNED
JUL 14 2023



BELOW SOUTHERN SIDE POND DAM – STOCKWATER FROM STORAGE SHUTOFF VALVE



SCANNED
JUL 14 2023



STOCKWATER FROM STORAGE – BURIED 1 ¼ POLY PIPE FROM POND TO STOCKTANK



SCANNED
JUL 14 2023



MIXED STOCK – CATTLE, HORSES, & MULES USE STOCKTANKS AS WATER SOURCE



SCANNED
JUL 14 2023



EXAMPLE STOCK WATER FROM STORAGE USE – CATTLE CYCLED BY PASTURE THROUGHOUT YEAR



SCANNED
JUL 14 2023