

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
EXCHANGE NO. 85538**

This is to certify that: PERPETUA RESOURCES IDAHO INC
PO BOX 429
DONNELLY, ID 83615-0429

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
77-7293	WR/LICENSE	4/19/1989	0.250 cfs	20.0 af	N/A	N/A	UNNAMED STREAM

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
77-7293	NO	YES	NO	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
77-7293	77-7293	0.250 cfs	20.0 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.250 cfs	20.0 af	N/A	N/A		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 10th day of April, 2024.



Regional Manager

WATER RIGHT NO. 77-7293
As Modified by Exchange No. 85538

In accordance with the approval of Transfer No. 85538, Water Right No. 77-7293 is now described as follows:

Right Holder: PERPETUA RESOURCES IDAHO INC
 PO BOX 429
 DONNELLY, ID 83615-0429

Priority Date: 4/19/1989

Source: EAST FORK SOUTH FORK
 SALMON RIVER

Tributary: SALMON RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
MINING	01/01	to 12/31	0.250 cfs	20.0 af
			0.250 cfs	20.0 af

LOCATION OF POINT(S) OF DIVERSION

EAST FORK SOUTH FORK NESE Sec 3 Twp 18N Rge 09E VALLEY County
 SALMON RIVER

PLACE OF USE: MINING

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
18N	09E	2	X	X	X	X	X	X	X	X	X	X	X	X	X	X			
			L 1	L 2			L 3	L 4											
18N	09E	3	X	X	X	X									X	X	X	X	
			L 1	L 2															
18N	09E	10	X			X									X			X	
18N	09E	11					X	X	X	X	X	X	X	X					
18N	09E	14					X	X	X										
18N	09E	15	X	X	X	X				X	X	X	X	X	X	X	X	X	
			L 1	L 2	L 3	L 4									L 5	L 6			
18N	09E	16											X	X			X	X	
18N	09E	17																X	
18N	09E	20	X			X									X				
18N	09E	21	X	X	X	X	X	X	X	X	X	X	X	X					
18N	09E	22					X	X	X										
18N	09E	28					X	X											
19N	09E	34															X	X	
																	L 3	L 4	
19N	09E	35											X	X			X	X	

CONDITIONS OF APPROVAL

1. Rights 77-7122, 77-7285, 77-7293 and 77-14378 when combined shall not exceed a total diversion rate of 9.60 cfs.

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CONDITIONS OF APPROVAL

2. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works at all points of diversion. Multiple points of diversion may be measured by a single measuring device.
3. The diversion and use of water described in this right may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.
4. The diversion of water directly from the East Fork of the South Fork Salmon River (EFSFSR), located in the NESE, Section 3, T18N, R09E, shall not exceed a maximum diversion rate of 4.50 cfs.
5. The approval of this permit is in the local public interest based on the elements and actions described in the Modified Plan of Restoration and Operations, dated October 15, 2021. If the final plan of operations approved by the U.S. Forest Service differs substantially from the Modified Plan of Restoration and Operations, the permit holder shall file an application for amendment, updating the elements of the permit to reflect the final plan of operations and asking the Department to re-evaluate the local public interest of the project.
6. Net diversions from the EFSFSR and ground water under water rights 77-7122, 77-7285, 77-7293, and 77-14378 shall not cause more than twenty percent depletion to the unimpaired streamflow in the EFSFSR below its confluence with Sugar Creek when the unimpaired streamflow is less than 25 cfs. For purposes of this condition:
 - a. Percent depletion is equal to net diversion divided by unimpaired streamflow.
 - b. Net diversion is the sum of ground water and EFSFSR diversions minus the discharge of treated water to the EFSFSR and its tributaries.
 - c. Unimpaired streamflow is defined as the gauged flow at Sugar Creek (USGS Gage #13311450) plus the gauged flow at EFSFSR above Sugar Creek (USGS Gage #13311250) plus the net diversion from EFSFSR and ground water under water rights 77-7122, 77-7285, 77-7293, and 77-14378.
 - d. Calculations shall be based on three-day trailing averages of net diversions and gauged stream flows.
7. From June 30 to September 30, no water shall be diverted under this right unless there is at least 7.25 cfs passing the river pump point of diversion on the EFSFSR in the NESE, Section 3, T18N, R09E.
8. From October 1 to June 29, no water shall be diverted under this right unless there is at least 5.00 cfs passing the river pump point of diversion on the EFSFSR in the NESE, Section 3, T18N, R09E.

WATER RIGHT NO. 77-7293

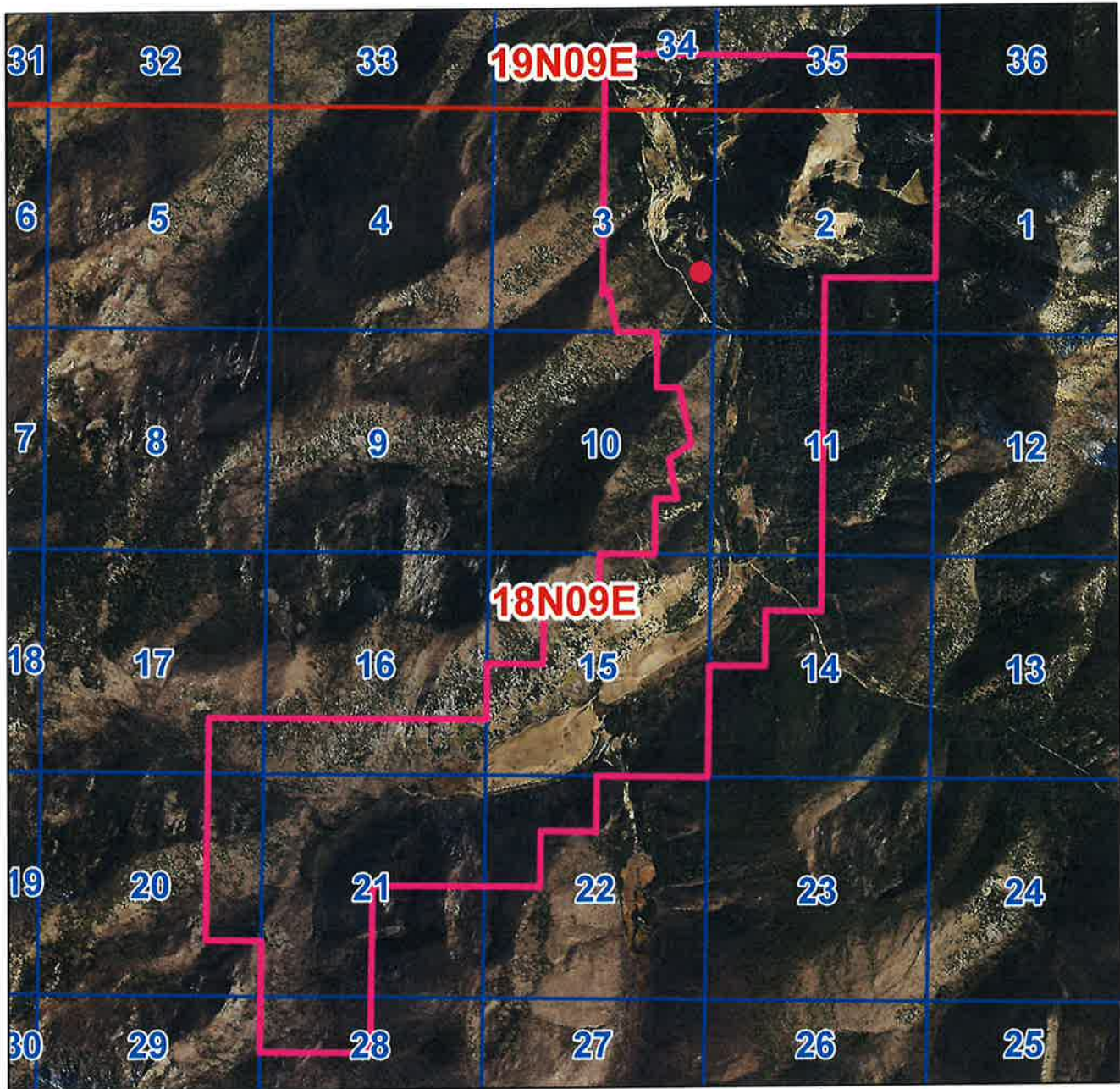
As Modified by Exchange No. 85538

CONDITIONS OF APPROVAL

9. On or before March 1st each year, the right holder shall provide the Department with an annual report summarizing the diversion amounts and flow rates for the previous calendar year. The annual report shall include the following information: (1) the daily diversion rates for the river pump and ground water diversions (industrial supply, dewatering, open pit, underdrain); (2) daily streamflow rates for (a) Meadow Creek just above the confluence with Blowout Creek, (b) Meadow Creek just above the confluence with EFSFSR, and (c) EFSFSR at the entrance to the fishway tunnel downstream of the river pump on the EFSFSR; (3) an analysis of how the right holder complied with the U.S. Forest Service Stipulation and mitigation plan; and (4) an analysis of how the right holder satisfied the conditions of approval for this water right.
10. Source is also known as Hennessey Creek.
11. Diversion of water under this right is limited to those times when water is available for diversion under the priority of this right at the original point of diversion from Hennessey Creek in the SWNE, Section 3, T18N, R09E.
12. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
13. Water used under this right when discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards.
14. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality monitoring and/or permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
15. This right does not grant any right-of-way or easement across the land of another.
16. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
17. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Attachment to Exchange Approval 85538

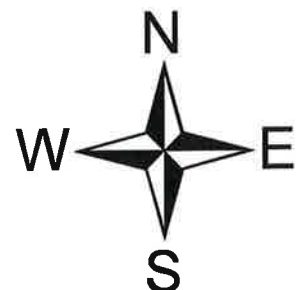
This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



Legend

- WR POD
- WR POU
- Township/Range
- Sections

0 0.5 1 2 Miles



Date: 4/10/2024