

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 85397**

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>
77-7285	WR/LICENSE	11/7/1988	0.500 cfs	30.2 af	N/A	N/A	GROUND WATER

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>
77-7285	NO	YES	YES	YES	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>
77-7285	77-7285	0.500 cfs	30.2 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.500 cfs	30.2 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. 77-7285**As Modified by Transfer No. 85397**

In accordance with the approval of Transfer No. 85397, Water Right No. 77-7285 is now described as follows:

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

Priority Date: 11/7/1988

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
DIVERSION TO STORAGE	01/01	to 12/31	0.500 cfs	
MINING	01/01	to 12/31	0.500 cfs	30.2 af
MINING FROM STORAGE	01/01	to 12/31		9.0 af
MINING STORAGE	01/01	to 12/31		9.0 af
			0.500 cfs	30.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SENE	Sec 15 Twp 18N Rge 09E	VALLEY County
GROUND WATER	L6 (NWSE)	Sec 15 Twp 18N Rge 09E	VALLEY County
GROUND WATER	L6 (NWSE)	Sec 15 Twp 18N Rge 09E	VALLEY County
GROUND WATER	L6 (NWSE)	Sec 15 Twp 18N Rge 09E	VALLEY County
GROUND WATER	SWSE	Sec 15 Twp 18N Rge 09E	VALLEY County
GROUND WATER	SWSE	Sec 15 Twp 18N Rge 09E	VALLEY County
GROUND WATER	SWSE	Sec 15 Twp 18N Rge 09E	VALLEY County
GROUND WATER	SWSE	Sec 15 Twp 18N Rge 09E	VALLEY County
GROUND WATER	SESW	Sec 15 Twp 18N Rge 09E	VALLEY County
GROUND WATER	SESW	Sec 15 Twp 18N Rge 09E	VALLEY County
GROUND WATER	SESW	Sec 15 Twp 18N Rge 09E	VALLEY County
GROUND WATER	SESW	Sec 15 Twp 18N Rge 09E	VALLEY County
GROUND WATER	SWSW	Sec 15 Twp 18N Rge 09E	VALLEY County

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	

Transfer No. 85397

WATER RIGHT NO. 77-7285
As Modified by Transfer No. 85397

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	
19N	09E	35											X	X			X	X	

PLACE OF USE: MINING 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	
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	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	

PLACE OF USE: MINING 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	
18N	09E	15			X	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.
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.

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CONDITIONS OF APPROVAL

3. To mitigate for the depletion of water resulting from the use of water under this right and to prevent injury to senior water right holders, specifically water rights 75-13316 and 77-11941, the right holder has prepared a Mitigation Plan, dated May 18, 2021, which proposes to hold water rights 72-149, 72-150, and 72-16273 from Morgan Creek and water rights 72-4031, 72-4032, 72-4033, and 72-4034 from the Salmon River unused. Mitigation water will be available under the Mitigation Plan between April 1 and October 31. For purposes of implementation of the Mitigation Plan, the point of compliance is the Salmon River immediately below the mouth of the South Fork Salmon River.
4. When the stream flows described in water rights 75-13316 and 77-11941 are not satisfied at the point of compliance between November 1 and March 31, Perpetua will curtail diversions to storage under water rights 77-7122, 77-7285, and 77-14378.
5. During the period from April 1 to October 31, at times when the stream flows described in water rights 75-13316 and 77-11941 are not satisfied at the point of compliance, diversions to storage will not exceed the mitigation water rights that are in priority pursuant to the mitigation plan as follows: (a) Diversions to storage under water rights 77-7122, 77-7285, and 77-14378 shall not exceed 9.60 cfs; and (b) the right holder shall maintain an annual cumulative accounting of the volume of water diverted to storage under water rights 77-7122, 77-7285 and 77-14378 when flows at the point of compliance are at or below the stream flows described in water rights 75-13316 and 77-11941 during the period from April 1 to October 31. If the cumulative accounting reaches 347 acre-feet during the annual period, the right holder shall curtail diversions to storage under water rights 77-7122, 77-7285, and 77-14378 when the stream flows described in water rights 75-13316 and 77-11941 are not satisfied at the point of compliance for the remainder of the period in that year.
6. 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.
7. The thirteen industrial supply wells located in Section 15, T18N, R09E, shall not exceed a combined monthly diversion volume of 31 acre-feet.
8. 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.

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CONDITIONS OF APPROVAL

9. 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.
10. 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.
11. 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.
12. During all times when the right holder is diverting ground water under this right from any of the wells in Section 15, T18N, R09E the right holder shall ensure a flow of at least 3.0 cfs in Meadow Creek from the existing fish passage barrier located above the confluence of Meadow Creek and Blowout Creek to the confluence of Meadow Creek and EFSFSR.
13. 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.
14. 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.
15. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.

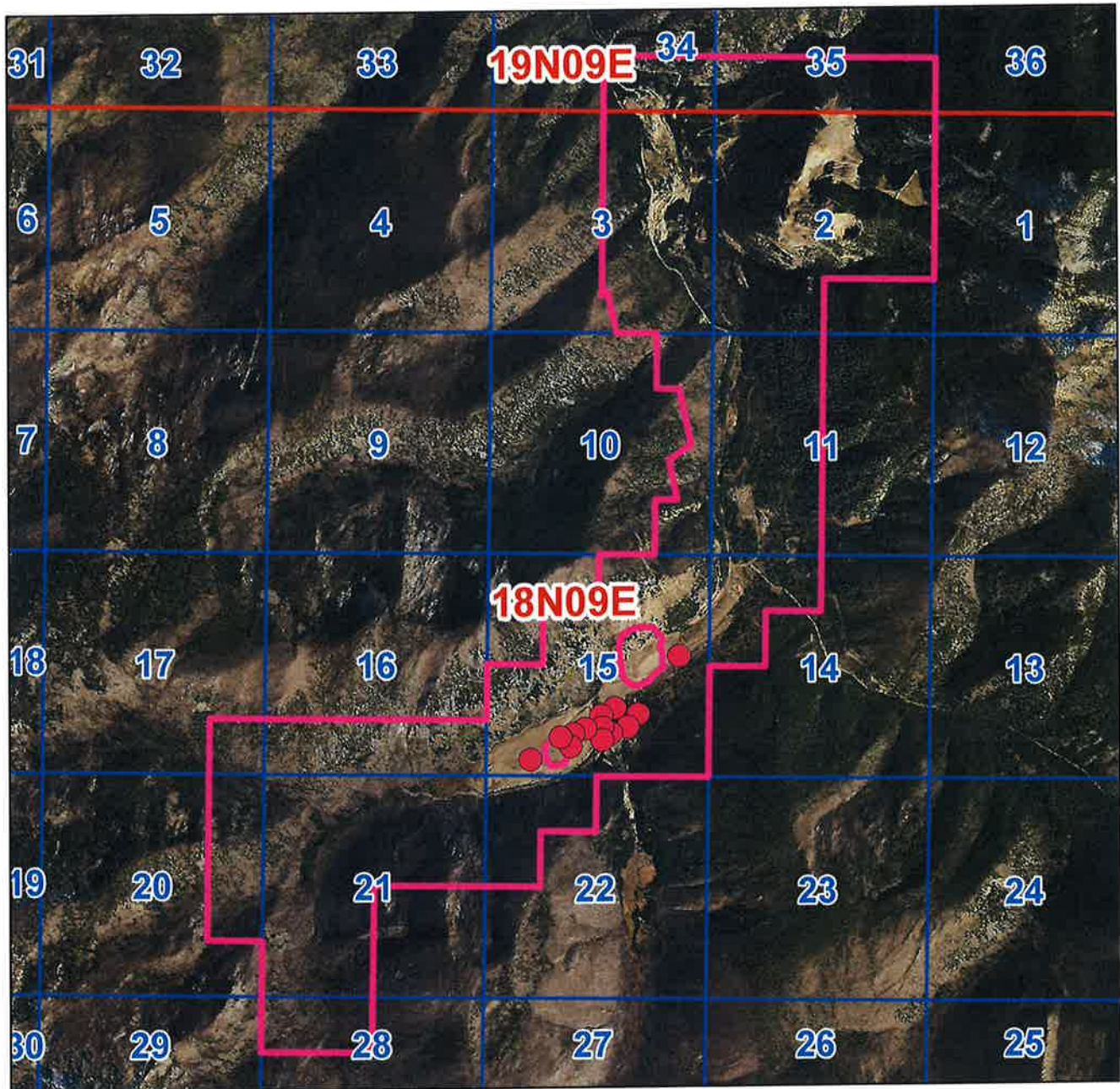
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16. Water used under this right when discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards.
17. The impoundment of water under this right is contingent upon the issuance of a certificate of approval per the dam safety provisions of Idaho Code and subsequent written authorization by the dam safety program administered by the Department.
18. 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.
19. This right does not grant any right-of-way or easement across the land of another.
20. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
21. 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 Transfer Approval 85397

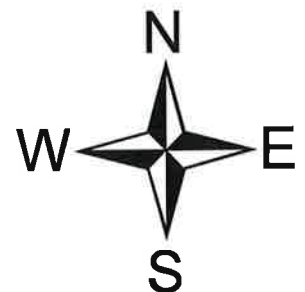
This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



Legend

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

0 0.5 1 2 Miles



Date: 4/10/2024