



April 10, 2024

PERPETUA RESOURCES IDAHO INC
PO BOX 429
DONNELLY ID 83615-0429

RE: Permit Nos. 77-14377, 77-14378, 77-14379

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources ("Department") has issued the enclosed permits authorizing you to establish a new water right. Please be sure to thoroughly review all the conditions of approval listed on your permits. The conditions include requirements that you must accomplish, such as timely submittal of proof of beneficial use or installation of a measuring device, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district. Failure to comply with the conditions of approval may result in your permits lapsing or being canceled.

A permit is a PRELIMINARY ORDER issued 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.

The final step in the water right process is issuance of a water right license. To receive a water right license, you must divert and use water to the full extent intended and submit a *Statement of Completion for Submitting Proof of Beneficial Use* by the date shown in condition no. 1 of your permit. The Department will send you a *Proof Due Notice* approximately 60 days prior to the date listed in condition no. 1 of your permit.

You may also require approvals from other Department programs, such as Ground Water Protection, Safety of Dams, or Stream Channel Protection, to accomplish your proposed development. Please call or visit any Department office or see the Department's website at idwr.idaho.gov for more information about these programs.

Please be advised that Idaho Code § 42-248, requires you or the owner of this water permit to maintain current ownership and address records on file with the Department. Forms to file an assignment of permit and/or a change in the address of the permit owner are available from any Department office or at the Department's website at www.idwr.idaho.gov.

If you have any questions concerning the enclosed information, please contact me at (208) 497-3784.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Cefalo', written in a cursive style.

James Cefalo
Eastern Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on April 10, 2024, I served a true and correct copy of Permits to Appropriate Water by U.S. Mail, postage prepaid, to the person(s) listed below:

RE: Permit Nos. 77-14377, 77-14378, 77-14379

PERPETUA RESOURCES IDAHO INC
PO BOX 429
DONNELLY ID 83615-0429
ahaslam@midasgoldinc.com

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BOISE, ID 83701
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SAVE THE SOUTH FORK SALMON
INC
AND IDAHO CONSERVATION
LEAGUE
C/O JULIA S THROWER
MOUNTAIN TOP LAW PLLC
614 THOMPSON AVE
MCCALL ID 83638-4103
jthrower@mtntoplw.com

Courtesy copy sent only by email to:

Kathryn.conant@usda.gov
Mleah.woodard1@usda.gov
Nicholas.pina@usda.gov
Mark.rosebrough@usda.gov



**Christina Henman
Administrative Asst. I**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was held)

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

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the hearing officer within fourteen (14) days of the service date of the order as shown on the certificate of service. **Note: the petition must be received by the Department within this fourteen (14) day period.** The hearing officer 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 to the Director. Otherwise, this preliminary order will become a final order of the agency.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have fourteen (14) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Director. The Director retains the right to review the preliminary order on his own motion.

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.

CERTIFICATE OF SERVICE

All exceptions, briefs, request 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 Rules of Procedure 302 and 303.

FINAL ORDER

The Department 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.

State of Idaho
 Department of Water Resources
Permit to Appropriate Water
 No. 77-14377

Priority: October 08, 2021

Maximum Diversion Rate: 0.20 CFS

This is to certify that

PERPETUA RESOURCES IDAHO INC
 PO BOX 429
 DONNELLY ID 83615-0429

has applied for a permit to appropriate water from:

Source : GROUND WATER

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

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>
DOMESTIC	01/01 to 12/31	0.20 CFS

Location of Point(s) of Diversion

GROUND WATER	NE¼ NE¼, Sec. 24, Twp 18N, Rge 09E, B.M.	VALLEY County
GROUND WATER	SW¼ SE¼, Sec. 13, Twp 18N, Rge 09E, B.M.	VALLEY County
GROUND WATER	SW¼ SE¼, Sec. 13, Twp 18N, Rge 09E, B.M.	VALLEY County
GROUND WATER	SW¼ SE¼, Sec. 13, Twp 18N, Rge 09E, B.M.	VALLEY County

Place of Use: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
18N	09E	24	X	X														
18N	09E	13																X

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **May 01, 2029**.
2. Subject to all prior water rights.
3. Rights 77-7141 and 77-14377 when combined shall not exceed a total diversion rate of 0.20 cfs and a total annual maximum diversion volume of 28.0 af.
4. Waste water generated by the diversion and use of water under this right shall be discharged into the East Fork South Fork Salmon River, or through subsurface injection, within the SESW or SWSE Section 13, or the NENW or NWNE Section 24, T18N, R09E.
5. Domestic use is for a worker housing facility and does not include lawn, garden, landscape, or other types of irrigation.
6. 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.
7. Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide suitable control of the diversion.

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 77-14377

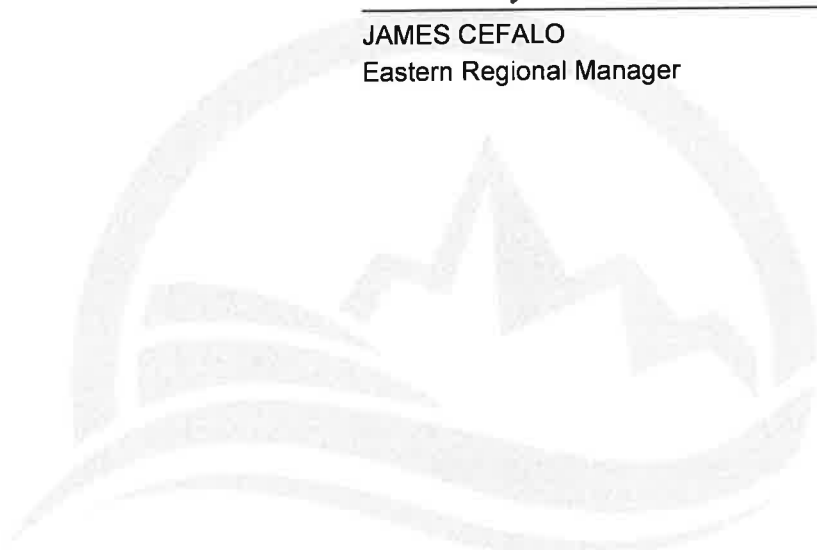
8. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
9. This right does not grant any right-of-way or easement across the land of another.

This permit is issued pursuant to the provisions of Idaho Code § 42-204.

Signed this 10th day of April, 2024.



JAMES CEFALO
Eastern Regional Manager



State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 77-14378

Priority: November 18, 2021

Maximum Diversion Rate: 9.60 CFS
Maximum Diversion Volume: 600.0 AF

This is to certify that

PERPETUA RESOURCES IDAHO INC
PO BOX 429
DONNELLY ID 83615-0429

has applied for a permit to appropriate water from:

Source : GROUND WATER

Source : EAST FORK SOUTH FORK SALMON
RIVER

Tributary: SALMON RIVER

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>	<u>Annual Volume</u>
INDUSTRIAL	01/01 to 12/31	9.60 CFS	
DIVERSION TO STORAGE	01/01 to 12/31	9.60 CFS	
INDUSTRIAL STORAGE	01/01 to 12/31		600.0 AF
INDUSTRIAL FROM STORAGE	01/01 to 12/31		600.0 AF
WATER QUALITY IMPROVEMENT STORAGE	01/01 to 12/31		600.0 AF

Location of Point(s) of Diversion

GROUND WATER NW¼ NE¼, Sec. 2, Twp 18N, Rge 09E, B.M. VALLEY County
GROUND WATER SE¼ NE¼, Sec. 3, Twp 18N, Rge 09E, B.M. VALLEY County
GROUND WATER SW¼ NE¼, Sec. 15, Twp 18N, Rge 09E, B.M. VALLEY County
GROUND WATER NE¼ NW¼, Sec. 22, Twp 18N, Rge 09E, B.M. VALLEY County
GROUND WATER L6 (NW¼ SE¼), Sec. 15, Twp 18N, Rge 09E, B.M. VALLEY County
GROUND WATER SE¼ NE¼, Sec. 15, Twp 18N, Rge 09E, B.M. VALLEY County
E FORK S FORK SALMON RIVER NE¼ SE¼, Sec. 3, Twp 18N, Rge 09E, B.M. VALLEY County
GROUND WATER L2 (NW¼ NE¼), Sec. 2, Twp 18N, Rge 09E, B.M. VALLEY County
GROUND WATER SW¼ NE¼, Sec. 2, Twp 18N, Rge 09E, B.M. VALLEY County
GROUND WATER SE¼ NE¼, Sec. 2, Twp 18N, Rge 09E, B.M. VALLEY County
GROUND WATER L3 (NE¼ NW¼), Sec. 2, Twp 18N, Rge 09E, B.M. VALLEY County
GROUND WATER NE¼ NW¼, Sec. 2, Twp 18N, Rge 09E, B.M. VALLEY County
GROUND WATER L4 (NW¼ NW¼), Sec. 2, Twp 18N, Rge 09E, B.M. VALLEY County
GROUND WATER L4 (NW¼ NW¼), Sec. 2, Twp 18N, Rge 09E, B.M. VALLEY County
GROUND WATER SW¼ NW¼, Sec. 2, Twp 18N, Rge 09E, B.M. VALLEY County
GROUND WATER NW¼ SW¼, Sec. 2, Twp 18N, Rge 09E, B.M. VALLEY County
GROUND WATER L1 (NE¼ NE¼), Sec. 3, Twp 18N, Rge 09E, B.M. VALLEY County
GROUND WATER L1 (NE¼ NE¼), Sec. 3, Twp 18N, Rge 09E, B.M. VALLEY County
GROUND WATER NW¼ NE¼, Sec. 3, Twp 18N, Rge 09E, B.M. VALLEY County
GROUND WATER NE¼ SE¼, Sec. 3, Twp 18N, Rge 09E, B.M. VALLEY County
GROUND WATER NE¼ SE¼, Sec. 3, Twp 18N, Rge 09E, B.M. VALLEY County
GROUND WATER NE¼ SE¼, Sec. 3, Twp 18N, Rge 09E, B.M. VALLEY County

State of Idaho
Department of Water Resources

Permit to Appropriate Water

No. 77-14378

GROUND WATER	NW¼ SE¼, Sec. 3, Twp 18N, Rge 09E, B.M.	VALLEY County
GROUND WATER	NW¼ SE¼, Sec. 3, Twp 18N, Rge 09E, B.M.	VALLEY County
GROUND WATER	NW¼ SE¼, Sec. 3, Twp 18N, Rge 09E, B.M.	VALLEY County
GROUND WATER	SE¼ SE¼, Sec. 3, Twp 18N, Rge 09E, B.M.	VALLEY County
GROUND WATER	SW¼ NW¼, Sec. 14, Twp 18N, Rge 09E, B.M.	VALLEY County
GROUND WATER	SE¼ NE¼, Sec. 15, Twp 18N, Rge 09E, B.M.	VALLEY County
GROUND WATER	SE¼ NE¼, Sec. 15, Twp 18N, Rge 09E, B.M.	VALLEY County
GROUND WATER	SE¼ NE¼, Sec. 15, Twp 18N, Rge 09E, B.M.	VALLEY County
GROUND WATER	SE¼ NE¼, Sec. 15, Twp 18N, Rge 09E, B.M.	VALLEY County
GROUND WATER	SE¼ NE¼, Sec. 15, Twp 18N, Rge 09E, B.M.	VALLEY County
GROUND WATER	SE¼ NE¼, Sec. 15, Twp 18N, Rge 09E, B.M.	VALLEY County
GROUND WATER	SW¼ SW¼, Sec. 15, Twp 18N, Rge 09E, B.M.	VALLEY County
GROUND WATER	SE¼ SW¼, Sec. 15, Twp 18N, Rge 09E, B.M.	VALLEY County
GROUND WATER	SE¼ SW¼, Sec. 15, Twp 18N, Rge 09E, B.M.	VALLEY County
GROUND WATER	SE¼ SW¼, Sec. 15, Twp 18N, Rge 09E, B.M.	VALLEY County
GROUND WATER	SE¼ SW¼, Sec. 15, Twp 18N, Rge 09E, B.M.	VALLEY County
GROUND WATER	L5 (NE¼ SE¼), Sec. 15, Twp 18N, Rge 09E, B.M.	VALLEY County
GROUND WATER	L5 (NE¼ SE¼), Sec. 15, Twp 18N, Rge 09E, B.M.	VALLEY County
GROUND WATER	L5 (NE¼ SE¼), Sec. 15, Twp 18N, Rge 09E, B.M.	VALLEY County
GROUND WATER	L5 (NE¼ SE¼), Sec. 15, Twp 18N, Rge 09E, B.M.	VALLEY County
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GROUND WATER	L5 (NE¼ SE¼), Sec. 15, Twp 18N, Rge 09E, B.M.	VALLEY County
GROUND WATER	L6 (NW¼ SE¼), Sec. 15, Twp 18N, Rge 09E, B.M.	VALLEY County
GROUND WATER	L6 (NW¼ SE¼), Sec. 15, Twp 18N, Rge 09E, B.M.	VALLEY County
GROUND WATER	L6 (NW¼ SE¼), Sec. 15, Twp 18N, Rge 09E, B.M.	VALLEY County
GROUND WATER	L6 (NW¼ SE¼), Sec. 15, Twp 18N, Rge 09E, B.M.	VALLEY County
GROUND WATER	NW¼ SE¼, Sec. 15, Twp 18N, Rge 09E, B.M.	VALLEY County
GROUND WATER	L6 (NW¼ SE¼), Sec. 15, Twp 18N, Rge 09E, B.M.	VALLEY County
GROUND WATER	L6 (NW¼ SE¼), Sec. 15, Twp 18N, Rge 09E, B.M.	VALLEY County
GROUND WATER	SW¼ SE¼, Sec. 15, Twp 18N, Rge 09E, B.M.	VALLEY County
GROUND WATER	SW¼ SE¼, Sec. 15, Twp 18N, Rge 09E, B.M.	VALLEY County
GROUND WATER	SW¼ SE¼, Sec. 15, Twp 18N, Rge 09E, B.M.	VALLEY County
GROUND WATER	SW¼ SE¼, Sec. 15, Twp 18N, Rge 09E, B.M.	VALLEY County
GROUND WATER	NE¼ SW¼, Sec. 2, Twp 18N, Rge 09E, B.M.	VALLEY County

Place of Use: INDUSTRIAL and INDUSTRIAL FROM STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
18N	09E	2	X L1	X L2	X	X	X L3	X L4	X	X	X	X	X	X	X	X			
18N	09E	3	X L1	X L2	X	X									X	X	X	X	
18N	09E	10	X			X									X			X	
18N	09E	15	X L1	X L2	X L3	X L4				X	X	X	X	X	X	X L5	X L6	X	X
18N	09E	20	X			X									X				
18N	09E	21	X	X	X	X	X	X	X	X	X	X	X	X					
18N	09E	11					X	X	X	X	X	X	X						
18N	09E	14					X	X	X										
18N	09E	22					X	X	X										
18N	09E	28					X	X											
18N	09E	16											X	X			X	X	

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 77-14378

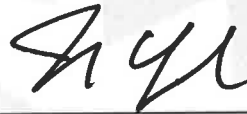
8. The diversion and use of water described in this right may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible 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.
9. 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.
10. The thirteen industrial supply wells located in Section 15, T18N, R09E, shall not exceed a combined monthly diversion volume of 31 acre-feet.
11. 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.
12. 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.
13. 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.
14. 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.
15. 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.
16. 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.

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 77-14378

17. 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.
18. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
19. Water used under this right when discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards.
20. 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.
21. 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.
22. This right does not grant any right-of-way or easement across the land of another.

This permit is issued pursuant to the provisions of Idaho Code § 42-204.

Signed this 10th day of April, 2024.



JAMES CEFALO
Eastern Regional Manager

State of Idaho
 Department of Water Resources
Permit to Appropriate Water
 No. 77-14379

Priority: October 08, 2021

Maximum Diversion Rate: 0.06 CFS

This is to certify that

PERPETUA RESOURCES IDAHO INC
 PO BOX 429
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has applied for a permit to appropriate water from:

Source : GROUND WATER

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<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>
DOMESTIC	01/01 to 12/31	0.06 CFS

Location of Point(s) of Diversion

GROUND WATER SW¼ SW¼, Sec. 11, Twp 18N, Rge 09E, B.M. VALLEY County

Place of Use: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
18N	09E	14					X	X	X										
18N	09E	11							X				X	X	X	X			

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **May 01, 2029**.
2. Subject to all prior water rights.
3. Domestic use is for in-house, culinary use at a truck shop and various buildings and does not include lawn, garden, landscape, or other types of irrigation.
4. Waste water generated by the diversion and use of water under this right shall be discharged into the East Fork South Fork Salmon River, or through subsurface injection, within the SESW or SWSE Section 13, or the NENW or NWNE Section 24, T18N, R09E.
5. 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.
6. Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide suitable control of the diversion.
7. This right does not grant any right-of-way or easement across the land of another.

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 77-14379

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Signed this 10th day of April, 2024.



JAMES CEFALO
Eastern Regional Manager

