

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 72-07549

Priority: October 26, 2000

Maximum Diversion Rate: 4.50 CFS
Maximum Diversion Volume: 1,275.9 AF

It is hereby certified that STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 1336
SALMON ID 83467-1336 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated May 21, 1997; and has
submitted Proof of Beneficial Use on October 26, 2000. An examination indicates that water is diverted
from:

SOURCE

SQUAW CREEK

Tributary: SALMON RIVER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
FISH PROPAGATION	03/15 to 09/15	4.50 CFS	1,275.9 AF

LOCATION OF POINT(S) OF DIVERSION:

SQUAW CREEK
CUSTER County

SW1/4SE1/4

Sec. 21, Twp 11N, Rge 17E, B.M.

PLACE OF USE: FISH PROPAGATION

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11N	17E	28	X																

CONDITIONS OF APPROVAL

1. Fish propagation use is for a hatchery rainbow trout sport fishery and steelhead acclimation and release pond.
2. This right does not grant any right-of-way or easement across the land of another.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 72D.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 72-07549

5. The right holder shall not divert water at a rate exceeding what is reasonably necessary for the beneficial use authorized by this right.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. 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 18th day of January, 2013.

FOR

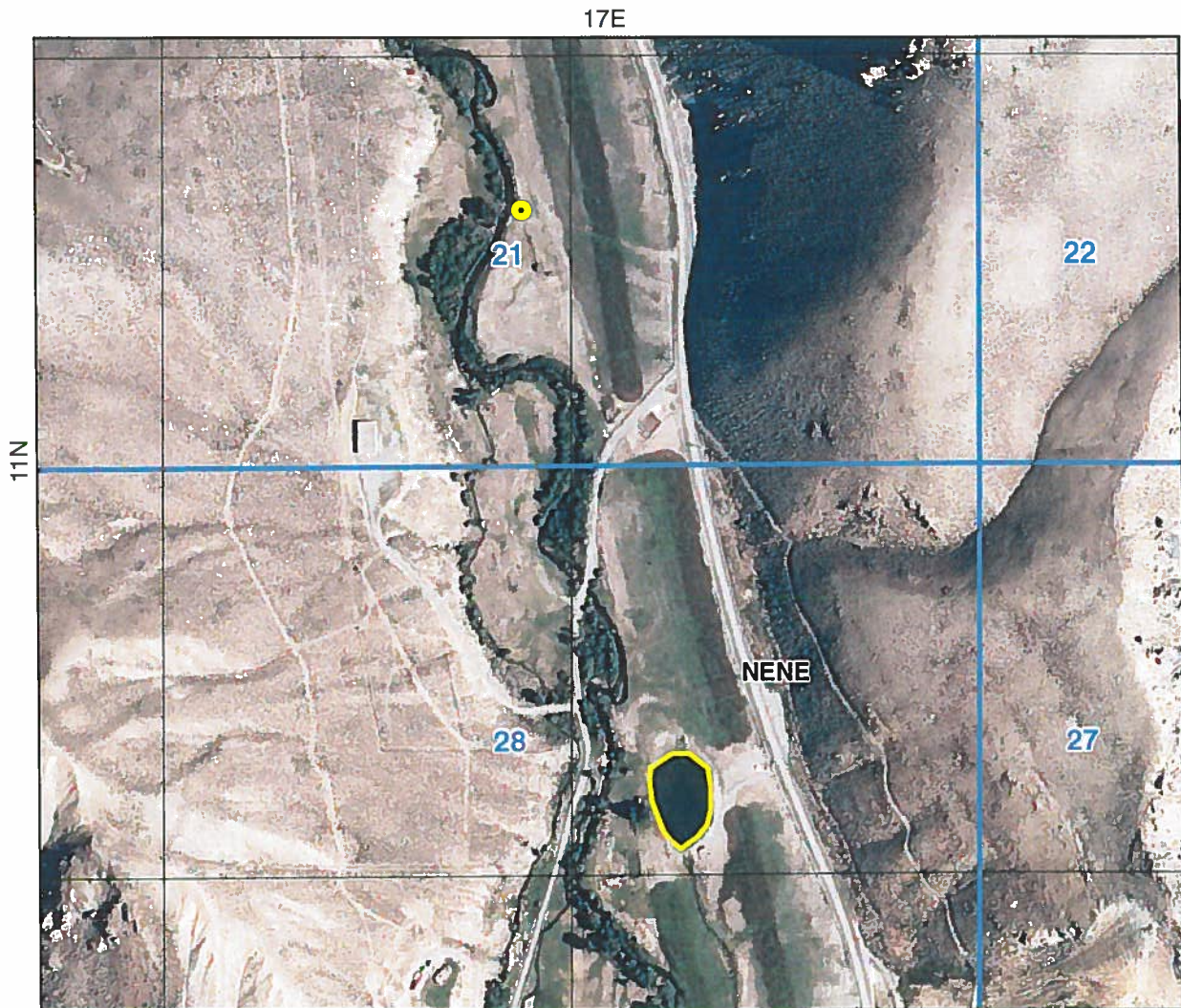


GARY SPACKMAN
Director

State of Idaho
Department of Water Resources

Attachment To Water Right License 72-7549

This map depicts the FISH PROPAGATION 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.



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

0 0.05 0.1 0.2 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 18, 2013

STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 1336
SALMON ID 83467-1336

RE: License No. 72-7549

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources 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 the conditions of approval and remarks listed on your license.

The license 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 by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

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. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-736-3033.

Sincerely,

Allen Merritt
Southern Region Manager

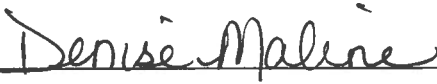
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on January 18, 2013 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 72-7549

**STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 1336
SALMON ID 83467-1336**

A handwritten signature in cursive script, reading "Denise Maline", is written over a horizontal line.

**Denise Maline
Administrative Assistant**

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.

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.

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 72-07549

RECEIVED

NOV 08 2012

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Date of Priority: October 26, 2000

Maximum Diversion Rate: 4.50 CFS

Maximum Diversion Volume: 1,275.9 AF

Comes now STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 1336

SALMON ID 83467-1336 and represents to the Director of the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 72-07549, and requests that the permit be changed as follows:

Source: SQUAW CREEK

Tributary: SALMON RIVER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
FISH PROPAGATION	03/15 to 09/15	4.50 CFS	1,275.9 AF

LOCATION OF POINT(S) OF DIVERSION:

SQUAW CREEK
CUSTER County

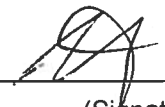
SW1/4SE1/4

Sec. 21, Twp 11N, Rge 17E, B.M.

PLACE OF USE: FISH PROPAGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
11N	17E	28	X				

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 13 day of July, 2012.


(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 72-07549

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = \$100.00 Received by _____ # BILL0296 Date _____

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, GARY SPACKMAN, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 72-07549 with the following:

CONDITIONS OF APPROVAL

1. Fish propagation use is for a steelhead acclimation and release pond.
2. This right does not grant any right-of-way or easement across the land of another.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 72D.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. The right holder shall not divert water at a rate exceeding what is reasonably necessary for the beneficial use authorized by this right.

Witness my hand this 18th day of January, 2013

For



GARY SPACKMAN
Interim Director

Skinner, Corey

From: Curet, Tom [tom.curet@idfg.idaho.gov]
Sent: Thursday, September 20, 2012 4:43 PM
To: Skinner, Corey
Subject: RE: 72-7549 Licensing Amendment for steelhead pond on Squaw Creek

I just left word for Walt to get back to me. Sorry for the delay – I'm on it. Thx tc

Tom Curet
Regional Fisheries Manager
Idaho Fish and Game
Office 208.756.2271
Cell 208.756.7841

From: Skinner, Corey [mailto:Corey.Skinner@idwr.idaho.gov]
Sent: Thursday, September 20, 2012 4:35 PM
To: Curet, Tom
Subject: RE: 72-7549 Licensing Amendment for steelhead pond on Squaw Creek

Tom,

I thought I would let you know that I have yet to receive anything on this.

Corey

From: Curet, Tom [mailto:tom.curet@idfg.idaho.gov]
Sent: Thursday, August 23, 2012 8:36 AM
To: Skinner, Corey
Subject: RE: 72-7549 Licensing Amendment for steelhead pond on Squaw Creek

Corey – I sent the paperwork to Walt Poole in our Boise office for routing. If you don't see it in the next few weeks please let me know. Sorry for the speed of our processing. Thx tc

Tom Curet
Regional Fisheries Manager
Idaho Fish and Game
Office 208.756.2271
Cell 208.756.7841

From: Skinner, Corey [mailto:Corey.Skinner@idwr.idaho.gov]
Sent: Wednesday, August 22, 2012 4:03 PM
To: Curet, Tom
Subject: RE: 72-7549 Licensing Amendment for steelhead pond on Squaw Creek

Tom,

I haven't seen anything show up here at our office regarding this, so I thought I would drop you a line. Is this moving forward on your end?

Corey

From: Curet, Tom [mailto:tom.curet@idfg.idaho.gov]
Sent: Tuesday, July 10, 2012 4:50 PM
To: Skinner, Corey
Subject: RE: 72-7549 Licensing Amendment for steelhead pond on Squaw Creek

Will do – thanks. tc

Tom Curet
Regional Fisheries Manager
Idaho Fish and Game
Office 208.756.2271
Cell 208.756.7841

From: Skinner, Corey [mailto:Corey.Skinner@idwr.idaho.gov]
Sent: Tuesday, July 10, 2012 4:40 PM
To: Curet, Tom
Subject: RE: 72-7549 Licensing Amendment for steelhead pond on Squaw Creek

Tom,

If you want to go ahead and make that change so that it looks like part of the original document, print it out, sign it, and return it with the fee I will make sure that wording gets incorporated into the license.

Corey

From: Curet, Tom [mailto:tom.curet@idfg.idaho.gov]
Sent: Tuesday, July 10, 2012 4:37 PM
To: Skinner, Corey
Subject: RE: 72-7549 Licensing Amendment for steelhead pond on Squaw Creek

Corey – I made one edit (in track changes). Once I receive it back from you (if the edits are acceptable) I'll begin the processing. Thanks tc

Tom Curet
Regional Fisheries Manager
Idaho Fish and Game
Office 208.756.2271
Cell 208.756.7841

→ CONDITION REWORDING.
*Fish propagation use is for a hatchery rainbow trout
sport fishery and steelhead acclimation and release pond.
P.S.*

From: Skinner, Corey [mailto:Corey.Skinner@idwr.idaho.gov]
Sent: Tuesday, July 10, 2012 3:52 PM
To: Curet, Tom
Subject: RE: 72-7549 Licensing Amendment for steelhead pond on Squaw Creek

Tom,

We just need an IDF&G signature on the attached amendment form (basically a document that allows for the license to be issued correctly) and the \$100.00 fee. The IDF&G was issued a permit to build the pond, but it turns out that they actually built it in a different location than what was permitted. If there are any questions about the information on the amendment form let me know and hopefully I can offer an explanation.

Corey

From: Curet, Tom [<mailto:tom.curet@idfg.idaho.gov>]
Sent: Tuesday, July 10, 2012 3:46 PM
To: Skinner, Corey
Subject: RE: 72-7549 Licensing Amendment for steelhead pond on Squaw Creek

Corey – thanks for your patience. Yes – now is a better time. Can you counsel me on the process? Thx tc

Tom Curet
Regional Fisheries Manager
Idaho Fish and Game
Office 208.756.2271
Cell 208.756.7841

From: Skinner, Corey [<mailto:Corey.Skinner@idwr.idaho.gov>]
Sent: Tuesday, July 03, 2012 2:16 PM
To: Curet, Tom
Subject: FW: 72-7549 Licensing Amendment for steelhead pond on Squaw Creek

Tom,

You had mentioned that you might need to wait until the start of the new fiscal year to pay for this amendment. I am assuming you/we might be able to move forward on this now?

Corey

From: Skinner, Corey
Sent: Tuesday, May 01, 2012 4:53 PM
To: 'tom.curet@idfg.idaho.gov'
Subject: 72-7549 Licensing Amendment for steelhead pond on Squaw Creek

Tom,

If you recall, I discussed with you on the phone, the problem relating to water right permit 72-7549 and the actual location of the steelhead pond. Water right permit 72-7549 was issued for the diversion of water from Squaw Creek into a steelhead pond within the SENE of Section 28, T11N, R17E. However, the pond was actually built within the NENE of Section 28, T11N, R17E. IDWR is reviewing the permit in an attempt to issue a license for the project. Because the place of use (pond) is located in a different legal description than what was permitted, a licensing amendment is required. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before IDWR can issue license 72-7549, the IDF&G must amend the permit to reflect the water use as is was actually developed.

The attached Application for Amendment depicts the elements of water right 72-7549 as it should appear on the license when it is issued. Please review the amendment carefully, and if you agree with the information presented, please sign the form and return it to our office along with the \$100.00 filing fee.

If you have any questions, or if I can be of any further assistance, regarding this matter, feel free to contact me at your convenience.

Corey