

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

RECEIVED
DEC 21 2007
DEPT. OF WATER RESOURCES
SOUTHERN REGION

1. Name of Applicant Idaho Department of Fish and Game Phone 208-334-3700
Mailing address P.O. Box 25, Boise, Idaho, 83707-0025
2. Source of water supply Morgan Creek which is a tributary of Salmon River
3. Location of point of diversion is Township 15N Range 19E Sec. 23, in the NE 1/4, NE 1/4, SE 1/4, Govt. Lot _____, B.M., Custer County;
additional points of diversion if any:
4. Water will be used for the following purposes:
- | | | | | |
|---|-----------------------------|----------------------------|-----------------|------------------------|
| Amount <u>.80 cfs</u>
(Cfs or acre-feet per annum) | for <u>Fish Propagation</u> | purposes from <u>04/01</u> | to <u>11/01</u> | (both dates inclusive) |
| Amount _____
(Cfs or acre-feet per annum) | for _____ | purposes from _____ | to _____ | (both dates inclusive) |
| Amount _____
(Cfs or acre-feet per annum) | for _____ | purposes from _____ | to _____ | (both dates inclusive) |
| Amount _____
(Cfs or acre-feet per annum) | for _____ | purposes from _____ | to _____ | (both dates inclusive) |
| Amount _____
(Cfs or acre-feet per annum) | for _____ | purposes from _____ | to _____ | (both dates inclusive) |
| Amount _____
(Cfs or acre-feet per annum) | for _____ | purposes from _____ | to _____ | (both dates inclusive) |
5. Total quantity to be appropriated is (a) .80 cubic feet per second and/or _____ acre feet per annum
6. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source Water is diverted at an existing irrigation diversion, then re-diverted from the ditch, at the fish screen, and piped back to the stream.
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet;
total reservoir capacity _____ acre-feet
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
- d. Is ground water with a temperature of greater than 85°F being sought?
- e. If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is _____ years (minimum 1 year)
Completed
8. Description of proposed uses (if irrigation only, go to item 9):
- a. Hydropower; show total feet of head and proposed capacity in kW.
- b. Stockwatering; list number and kind of livestock.
- c. Municipal; show name of municipality.
- d. Domestic; show number of households.
- e. Other; describe fully. The water returns fingerling fish to the stream from the irrigation ditch through a 10" bypass pipe that has a control plate at the inlet with a 4" orifice.

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	19E	23													H				

Total number of acres to be irrigated NA

10. Describe any other water rights used for the same purposes as described above. 74-07341 and 74-01678

11. a. Who owns the property at the point of diversion? Jerry Hawkins

b. Who owns the land to be irrigated or place of use? Jerry Hawkins

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:

See attached – Easement

12. Remarks:

We would like this water right to be assigned to the Idaho Department of Fish and Game name for this diversion, SMC-01/03.

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8Yz"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

James R. Fulkers
Regional Supervisor

Signature of Applicant (and title, if applicable)

Received by Southern Date 12/29/07 Time _____ Preliminary check by J Cooper
 Fee \$ 250.00 Received by _____ # BELLO584 Date _____
 Publication prepared by _____ Date _____ Published in _____
 Publication approved _____ Date _____

114.20000° W

114.18333° W

114.16667° W

NAD27 114.15000° W

44.63333° N

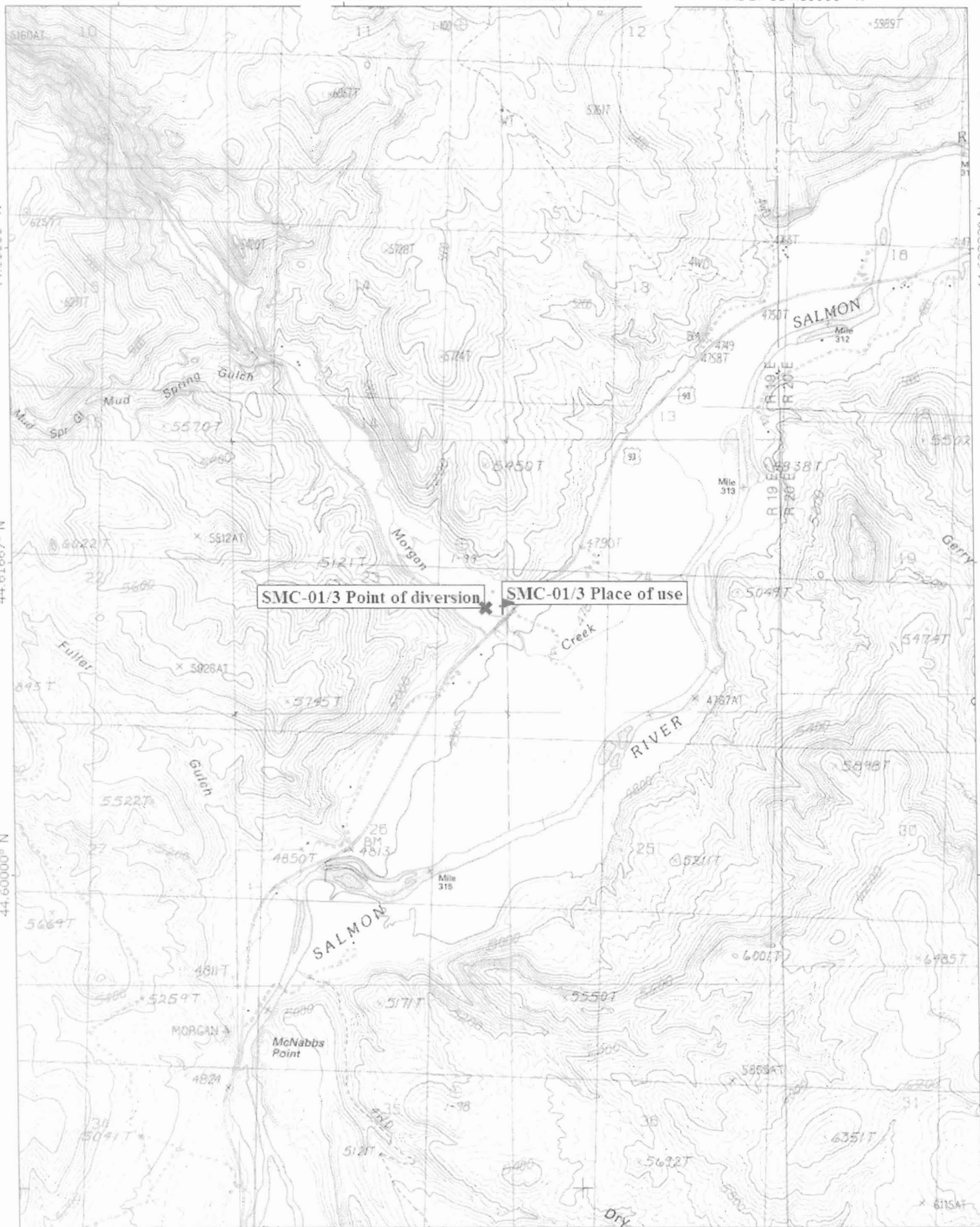
44.63333° N

44.61667° N

44.61667° N

44.60000° N

44.60000° N



114.20000° W

114.18333° W

114.16667° W

NAD27 114.15000° W



T15N R19E S23

EASEMENT AGREEMENT

THIS INDENTURE, made and entered into this 26th day of July, 2001, by and between Jerry Hawkins, hereinafter called Landowners, and the STATE OF IDAHO for the use and benefit of the Department of Fish and Game, hereinafter called the Department,

WITNESSETH:

That for and in consideration of the sum of ONE DOLLAR (\$1.00), cash in hand paid by the Department to the Landowners, receipt whereof is hereby acknowledged, the Landowners have this day bargained and sold and by these presents do hereby grant, bargain, sell, convey, transfer and deliver unto the Department a permanent easement for the purpose of construction, operation, maintenance, alteration, renewal and removal of a self-cleaning fish screen and fish bypass thereto on, within, and across a canal or ditch known as Morgan Creek 1 and 3 diversion consolidation (SMC 1/3) and located in Custer County upon lands of the Landowners at a point within the NE SE, Sec. 23 and NW SW, Sec. 24, Township 15 North, Range 19 East, said fish bypass to run from said fish screen to the adjacent stream course known as Morgan Creek. Together with the right of ingress and egress for personnel of the Department or its authorized agents on and over property of the Landowners for the purposes herein designated, together with rights of way along the canal channel

Easement Agreement SMC-1/3

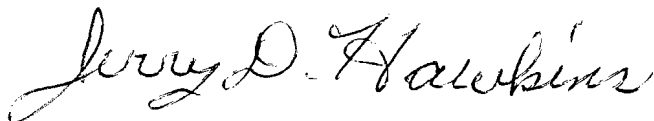
to provide for removal of debris, logs, log jams, mud or gravel bars that may accumulate in the canal channel or ditch immediately above or below the fish screen and which have been caused to accumulate by installation of said fish screen.

In the event of any future alterations in the line or grade of the canal channel, ditch, or stream course necessitating changes in or relocation of the Department's installations, due to a change in irrigation practices, the Landowners, by these presents, also grant, bargain and sell to the Department an easement as herein first above granted to relocate its installations in said canal channel or ditch or stream course still located on the lands of the Landowners, their heirs or assigns.

In construction of the fish bypass, the Department will assume responsibility for the future stability of any dike, ditch, or canal bank, or similar structure penetrated by said bypass, in the immediate area disturbed by the penetration and installation of the bypass pipe.

All such installations placed on, within and across said canal or ditch by the Department shall be remain the property of the Department and may be removed by the Department at any time.

All expenditures to be made by the Department under the provisions of the agreement shall be subject to appropriations being available for the purpose.



Easement Agreement SMC-1/3

IN WITNESS WHEREOF, the parties have hereunto executed their signature below.

Jerry D. Hawkins

STATE OF IDAHO)
COUNTY OF CUSTER) ss.

On this 30th day of July, in the year 2001,
before me the undersigned, a Notary Public in and for said

State, personally appeared Jerry D. Hawkins,
known to me to be the person(s) whose name(s) subscribed to the
within instrument, as Landowners, and acknowledged to me that he
executed the same.

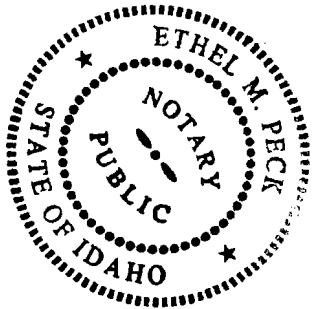
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my
official seal, the day and year in this certificate first above
written.

Ethel M. Peck

Notary Public for the State of Idaho,

residing at Challis, Idaho

My commission expires: 3-19-2004



Rodney W. Sando
Idaho Department of Fish and Game

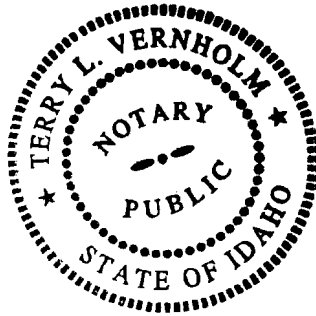
Rodney W. Sando
Secretary, Idaho Fish and Game Commission

0224178
Custer County Req. of
Idaho Fish & Game
Time 10:25 A.M. Date 1/9 20 02
Ethel M. Peck, Clerk
Janet Langis \$ 0
Deputy

STATE OF IDAHO)
County of Ada) ss.

On this 20th day of November, 2001, before me, a Notary Public for the State of Idaho, personally appeared Rodney W. Sando, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first hereinabove written.



Terry L. Vernholm
Notary Public for the State of Idaho
Residing at Emmett ID
My Commission Expires 8-15-05