

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

RECEIVED
DEC 24 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 SW 1/4, NW 1/4, NE 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> | for <u>Fish Propagation</u> | purposes from <u>04/01</u> | to <u>11/01</u> | (both dates inclusive) |
| (Cfs or acre-feet per annum) | | | | |
| Amount _____ | for _____ | purposes from _____ | to _____ | (both dates inclusive) |
| (Cfs or acre-feet per annum) | | | | |
| Amount _____ | for _____ | purposes from _____ | to _____ | (both dates inclusive) |
| (Cfs or acre-feet per annum) | | | | |
| Amount _____ | for _____ | purposes from _____ | to _____ | (both dates inclusive) |
| (Cfs or acre-feet per annum) | | | | |
| Amount _____ | for _____ | purposes from _____ | to _____ | (both dates inclusive) |
| (Cfs or acre-feet per annum) | | | | |
| Amount _____ | for _____ | purposes from _____ | to _____ | (both dates inclusive) |
| (Cfs or acre-feet per annum) | | | | |
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-04/05.

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. Jenkins
Regional Supervisor

Signature of Applicant (and title, if applicable)

Received by Southern Date 12/20/07 Time _____ Preliminary check by J. Cooper
 Fee \$ 250.00 Received by _____ # RELLO387 1/24/08 Date _____
 Publication prepared by _____ Date _____ Published in _____
 Publication approved _____ Date _____

114.21667° W

114.20000° W

114.18333° W

114.16667° W

NAD27 114.15000° W

44.65000° N

44.65000° N

44.63333° N

44.63333° N

44.61667° N

44.61667° N

44.60000° N

44.60000° N

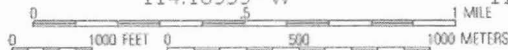
114.21667° W

114.20000° W

114.18333° W

114.16667° W

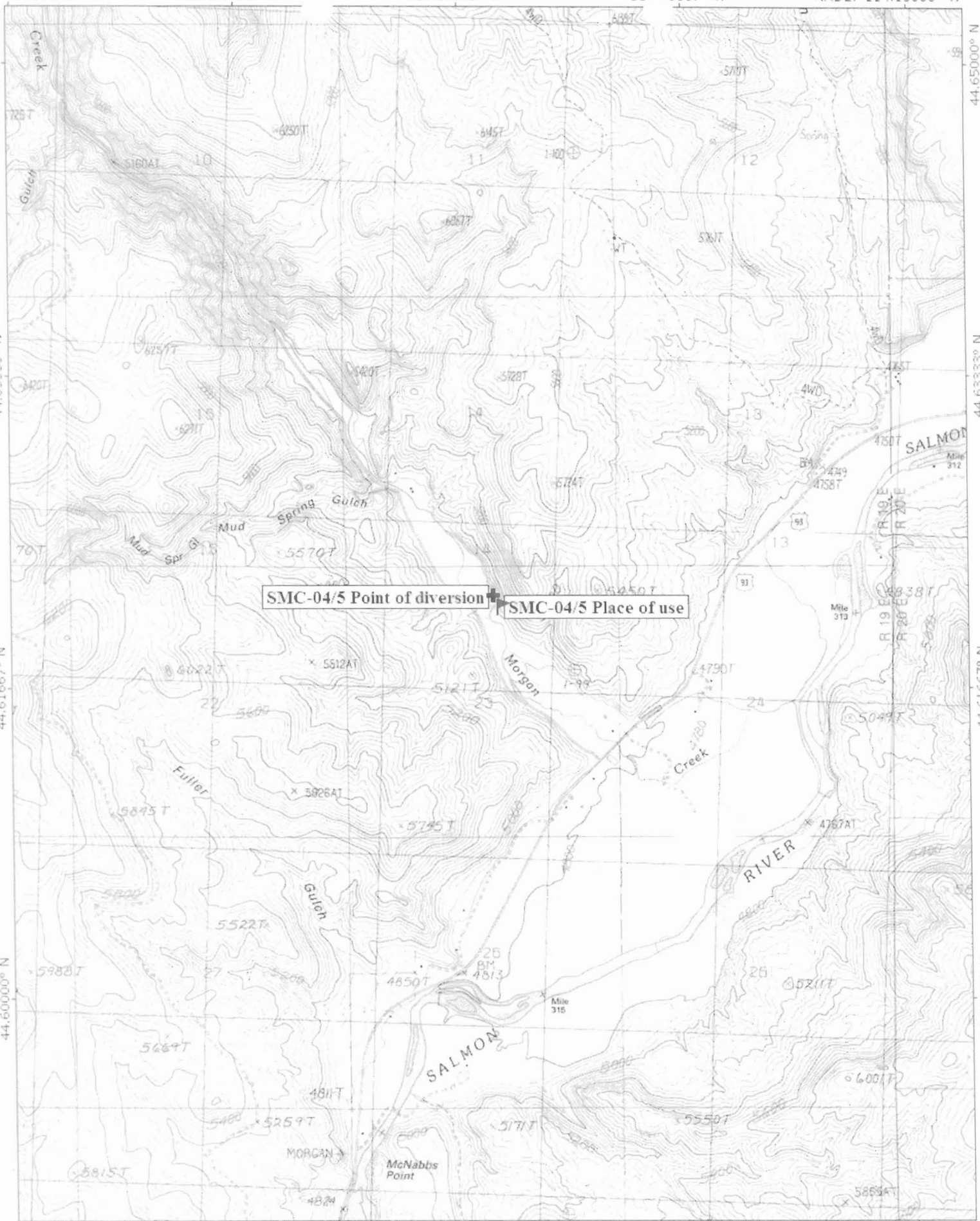
NAD27 114.15000° W



T15N R19E S23

SMC-04/5 Point of diversion

SMC-04/5 Place of use



FISH SCREEN CONSTRUCTION AND INSPECTION AGREEMENT

Between

JERRY HAWKINS

And

IDAHO DEPARTMENT OF FISH AND GAME

This AGREEMENT is made and entered into this 30 day of July, 2001 by and between, __

JERRY HAWKINS, hereinafter referred to as OWNERS, and the Idaho Department of Fish and Game, hereinafter referred to as IDFG, WITNESSETH:

WHEREAS: Idaho Code § 36-906(b) requires a suitable screen be installed and maintained by the owner or operator on any diversion receiving or taking water from any Idaho stream or river, to prevent fish from entering into said diversion; and

WHEREAS: OWNERS are presently diverting irrigation water from Morgan Creek; and

WHEREAS: The existing diversion is not adequately screened to prevent entry or injury of fish; and

WHEREAS: Under Idaho Code §36-906(c) the IDFG has the program responsibility for specifying the type, design, and location of devices for screening fish from irrigation diversions within waterways of the state; and

WHEREAS: The National Marine Fisheries Service has designated the Snake River spring, summer, and fall chinook, and sockeye salmon as endangered species, which dictates the protection and enhancement of fish; and

WHEREAS: In order to expedite compliance with Idaho Code and the ESA, IDFG will assist with installation of proper screen protection by entering into a cooperative screen inspection agreement with diversion OWNERS.

THEREFORE IT IS AGREED;

A. Idaho Department of Fish and Game (IDFG) will:

1. Design, purchase, and install a screen on OWNERS' diversion.
2. Should technical or biological criteria change requiring replacement and installation of a new screen, IDFG will assume responsibility for furnishing and installing replacement.
3. In order to ensure continual maintenance of a fish screen, the IDFG reserves the right to remove any fish screen that has not been maintained.
4. IDFG Provide assistance as requested by the OWNER'S for repair or upkeep on fish screens as long as the screen has received proper maintenance by the OWNER'S.

B. OWNERS will:

1. Cooperate with IDFG by allowing access during construction, and access for monthly inspections during the irrigation season.
2. Upon satisfactory maintaining the fish screen for a period of five years the facilities installed by IDF&G, the water users will assume screen ownership. IDFG will continue to provide maintenance services as long as funds are available.
3. Ensure Idaho Code § 36-906(b) is met and guarantee screening equipment is in place and operating properly whenever water is being diverted.

C. INDEMNITY:

The OWNERS shall indemnify and hold harmless IDFG and its representatives against and from any and all demands, claims, or liabilities of every nature arising directly or indirectly from or in any way connected with the execution of the provisions authorized under this agreement.

D. APPROPRIATION BY LEGISLATURE REQUIRED:

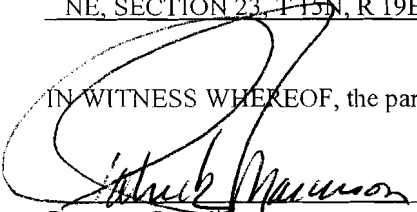
It is understood and agreed that IDFG is a government entity, and this agreement shall in no way or manner be construed so as to bind or obligate the state of Idaho to expend funds beyond that available in a specific appropriation of funds by the state legislature as may exist from time to time.

AGREEMENT:

For and in consideration of the IDFG designing, furnishing, and installing screening equipment on OWNERS' diversion system, OWNERS do hereby agree to allow authorized IDFG agents permission to inspect the fish screen when permission has been obtained. Permission to inspect fish screen will be based on contact with the owner a half day prior to inspection. Said inspection agreement is located in Custer County upon lands of the OWNERS or OWNERS' having the following description

NE, SECTION 23, T 15N, R 19E.

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



Program Coordinator
Idaho Dept. of Fish and Game

11/12/01

Date



Owner(s)

7-30-01

Date