

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

RECEIVED

DEC 20 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 East Fork of the Salmon River which is a tributary of Salmon River
3. Location of point of diversion is Township 09N Range 17E Sec. 22 in the SW 1/4,
NW 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> | 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 and/or _____
cubic feet per second 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	
09N	17E	22														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? Idaho Foundation for Parks and Lands

b. Who owns the land to be irrigated or place of use? Idaho Foundation for Parks and Lands

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, SEF-18A.

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8 1/2"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 12/20/2007 Time _____ Preliminary check by James Jones
 Fee \$ 250.00 Received by _____ # R146 3629 1/24/08 Date _____
 Publication prepared by _____ Date _____ Published in _____
 Publication approved _____ Date _____

114.46667° W

114.45000° W

114.43333° W

NAD27 114.41667° W

44.11667° N

44.11667° N

44.10000° N

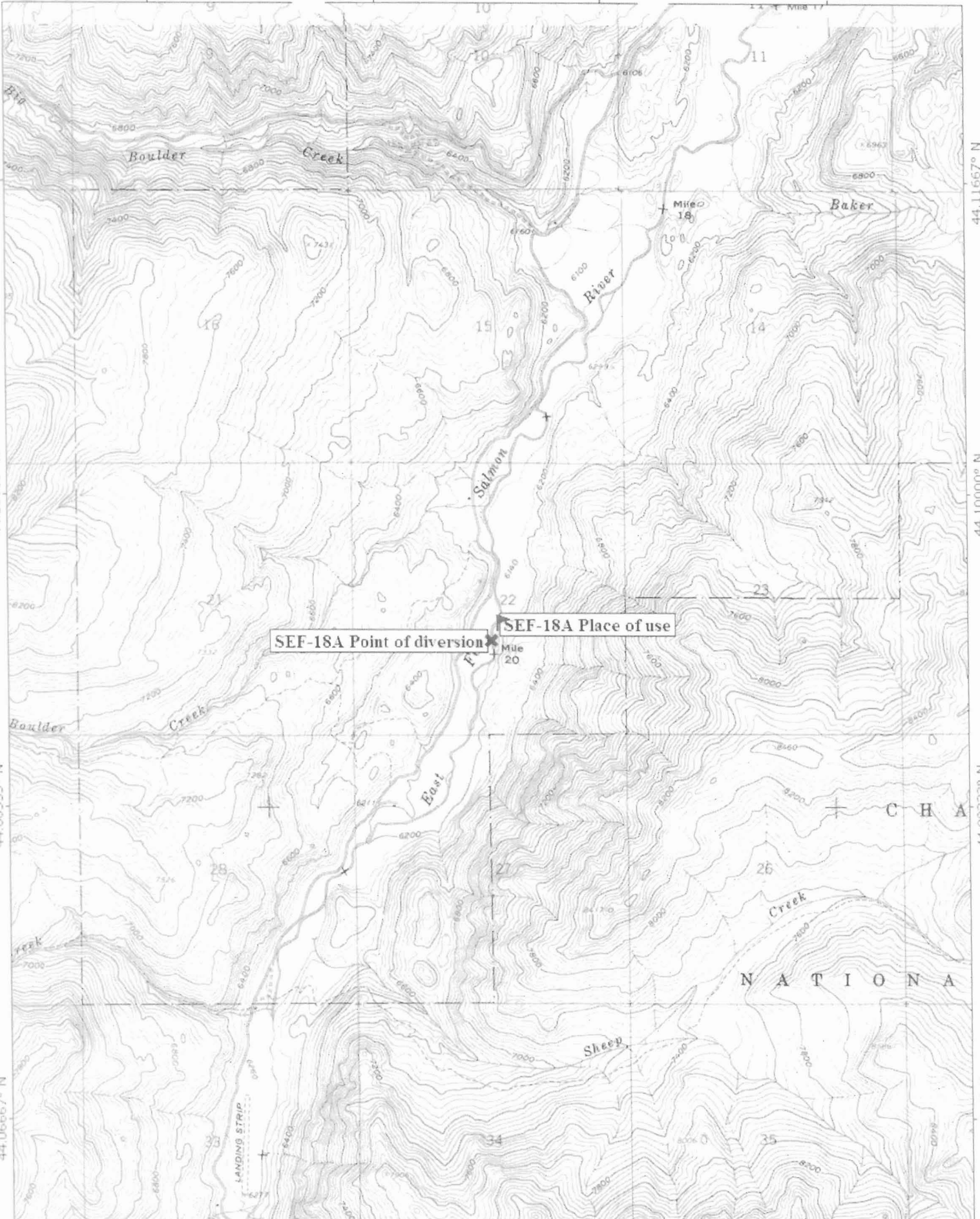
44.10000° N

44.08333° N

44.08333° N

44.06667° N

44.06667° N



114.46667° W

114.45000° W

114.43333° W

NAD27 114.41667° W



AGREEMENT

This Agreement, made and entered into by and between the Idaho Department of Fish and Game (hereinafter Department) and the Idaho Foundation for Parks and Lands (hereinafter Foundation) is made in reference to the following facts:

A. The Foundation is the holder of a conservation easement over property owned by F. Robert Insinger III, Linda Insinger, R. John Insinger, Susan M. Insinger, Elizabeth J. Goldmanis, and Sven B. Goldmanis (hereinafter Insinger/Goldmanis) which is located at the confluence of the East Fork of Salmon River and Little Boulder Creek (hereinafter Property).

B. Paragraph 5 of the Deed of Conservation Easement granting the easement to the Foundation provides that practices consistent with the easement shall not be precluded, prevented, or limited by the easement. However, it further provides that prior approval must be obtained from the Foundation for such practices.

C. The Department wishes to obtain an easement for the purposes of construction, operation, and maintenance of a self-cleaning fish screen and fish bypass on the property within the area of the easement, which activity is consistent with the easement and which requires the Foundation's prior approval.

D. Insinger/Goldmanis are willing to grant an easement if the Foundation gives its approval.

NOW, THEREFORE, the parties agree as follows:

1. The Foundation agrees that the activities proposed by the Department, including the permanent easement are consistent with the terms of the conservation easement held by the Foundation.

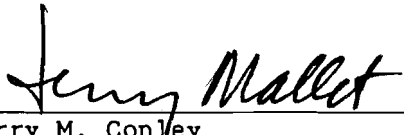
2. By this document, the Foundation gives its approval to the activities and concurs in the deed of easement granted to the Department by Insinger/Goldmanis.

3. The Department agrees to conduct all activities on the property pursuant to the easement for the fish screen and fish bypass in accordance with the terms of the conservation easement held by the Foundation.

WHEREFORE, the parties have executed this agreement on the dates following their signatures below:

IDAHO DEPARTMENT OF FISH AND GAME

IDAHO FOUNDATION OF PARKS AND
LANDS

for 

Jerry M. Conley
Director

Sharon Hubler
Executive Director

EASEMENT AGREEMENT

THIS INDENTURE, Made and entered into this 13th day of ~~January~~ ^{February}, 1991, by and between IDAHO FOUNDATION FOR PARKS AND LANDS, 1020 West Franklin Street, Boise, Idaho 83702, hereinafter called the Foundation, 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 Foundation, receipt whereof is hereby acknowledged, the Foundation has this day bargained and sold and by these presents does hereby grant, bargain, sell, convey, transfer and deliver unto the Department a permanent easement for the purposes 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 INSINGER IRRIGATION DITCH and located in Custer County upon lands administered by the Foundation at a point within the SW1/4 SE1/4, Section 15, and the E1/2 NW1/4, W1/2 NE1/4, NE1/4 SW1/4 NW1/4 SE1/4, Section 22, Township 9 North, Range 17 East, Boise Meridian, said fish bypass to run from said fish screen to the adjacent stream course known as East Fork of Salmon River. Together with the right of ingress and egress

for personnel of the Department or its authorized agents on and over property in easement of the Foundation for the purposes herein designated, together with rights of way along the canal channel 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 Foundation, by these presents, also grants, bargains and sells to the Department an easement as herein first above granted to relocate its installations in said canal channel or ditch if the canal channel, ditch, or stream course is still located on the lands administered by the Foundation, 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 and 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 this agreement shall be subject to appropriations being available for the purpose.

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

STATE OF IDAHO
DEPARTMENT OF FISH AND GAME

FOUNDATION ADMINISTRATOR

Sharon Hubler, Executive
Director

STATE OF IDAHO)
) ss.
COUNTY OF _____)

On this 13th day of February, 1991, in the year 1991, before
me, the undersigned, a Notary Public in and for said State, personally
appeared Sharon Hubler, known to me to be the person
whose name is subscribed to the within instrument, as Foundation
Administrator, 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.

Notary Public for the State of
Idaho.
Residing at _____, Idaho.
My commission expires _____

P.S. It was notarized
before being
returned to
Jim Blake.