

72-16745
Ident. No. 44538

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 Squaw Creek which is a tributary of Salmon River
3. Location of point of diversion is Township 11N Range 17E Sec. 28 in the SW 1/4,
NE 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 <u> </u> | for <u> </u> | purposes from <u> </u> | to <u> </u> | (both dates inclusive) |
| (Cfs or acre-feet per annum) | | | | |
| Amount <u> </u> | for <u> </u> | purposes from <u> </u> | to <u> </u> | (both dates inclusive) |
| (Cfs or acre-feet per annum) | | | | |
| Amount <u> </u> | for <u> </u> | purposes from <u> </u> | to <u> </u> | (both dates inclusive) |
| (Cfs or acre-feet per annum) | | | | |
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| (Cfs or acre-feet per annum) | | | | |
| Amount <u> </u> | for <u> </u> | purposes from <u> </u> | to <u> </u> | (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	
11N	17E	28	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? Thompson Creek Mine Co.

b. Who owns the land to be irrigated or place of use? Thompson Creek Mine Co.

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, SSC-01

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.

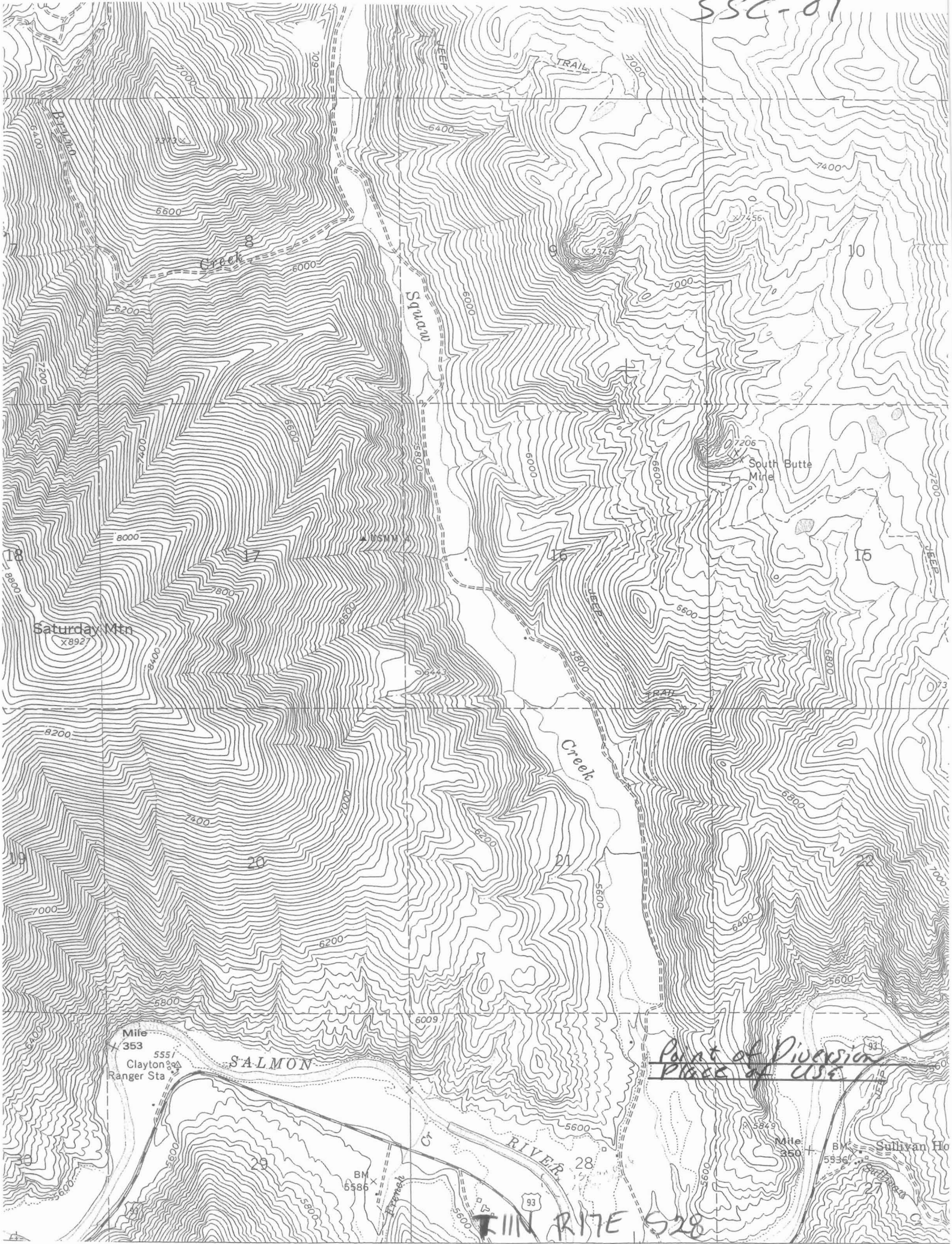
James R. Fuhens
Regional Supervisor

Signature of Applicant (and title, if applicable)

Received by MB Date 12/20/07 Time Noonish Preliminary check by
 Fee \$ 250.00 Received by Bill # 0384 Date
 Publication prepared by _____ Date _____ Published in _____
 Publication approved _____ Date _____

Payment received 1/24/08
 per Email from Sascha Marston

SSC-01



Point of Diversion
Place of Use

TIN RITE S28

(POTAM)

230812
Cus County Req. of
Idaho Fish & Game
Time 1:40 P M Date 2-16-2005
Ethel M. Peck, Clerk
Betsy Dougherty \$ 0
Deputy

Landowner SSC-01

EASEMENT AGREEMENT

THIS INDENTURE, made and entered into this 8th day of December, 2004, by and between Thompson Creek Mine Co., hereinafter called Landowners, and the STATE OF IDAHO for the use and benefit of the Idaho Fish and Game Commission, hereinafter called the Commission,

WITNESSETH:

That for and in consideration of the sum of ONE DOLLAR (\$1.00), cash in hand paid by the Commission 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 Commission 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 the Salmon Squaw Creek-01, and located in Custer County, upon lands of the Landowners at a point within, NE ¼ NE ¼, Section 28, Township 11 North, Range 17 East, B.M., and said fish bypass to run from said fish screen to the adjacent stream course known as Squaw Creek. Together with the right of ingress and egress for personnel of the Commission, the Department of Fish and Game 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 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 Commission's installations, due to a change in irrigation practices, the Landowners, by these presents, also grant, bargain and sell to the Commission 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 Commission 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 Commission shall remain the property of the Commission and may be removed by the Commission at any time.

Landowner-SSC-01

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

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

LANDOWNERS

Thompson Cress Mincey Co. Inc Paul Douglas

STATE OF IDAHO)
S.S.
COUNTY OF Custer)

On this 8th day of December, in the year 2004, before me,

_____, a notary public, personally appeared,

_____, personally known to me to be the person(s) whose name(s) is (are) subscribed to the within instrument, and acknowledged to me that he (she) (they) executed the same.

S
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A
L



Danielle Harvie
Notary Public

My Commission Expires 5/18/07

Idaho Fish and Game Commission

Steve Huffaker
Steve Huffaker, Secretary

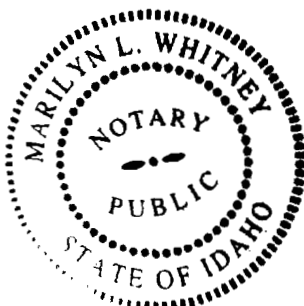
STATE OF IDAHO)
S.S.
COUNTY OF Ada)

On this 4th day of February, in the year 2005, before me,

Marilyn L. Whitney, a notary public, personally appeared,

Steve Huffaker, personally known to me to be the person(s) whose name(s) is (are) subscribed to the within instrument, and acknowledged to me that he (she) (they) executed the same.

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Marilyn L. Whitney
Notary Public

My Commission Expires 5/24/2010