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FEB 22 2007

FORM 202
12/99

Department of Water Resources
Eastern Region

Ident. No.

74-15842

AMENDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

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FEB 28 2008

Department of Water Resources
Eastern 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 Wimpey Creek which is a tributary of Lemhi River
3. Location of point of diversion is Township 21N Range 23E Sec. 34, in the SE 1/4,
SW 1/4, SE 1/4, Govt. Lot _____, B.M., Lemhi 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 1 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.

74-15842

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	
21N	23E	34																	

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? Steve Borden

b. Who owns the land to be irrigated or place of use? Steve Borden

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, LWC-01

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. Fuhens
Regional Supervisor

Signature of Applicant (and title, if applicable)

Received by _____ Date 1/18/08 Time _____ Preliminary check by _____
 Fee \$ 106 Received by _____ # BILLO44 Date 1/18/08
 Publication prepared by _____ Date 3/20/08 Published in _____
 Publication approved _____ Date _____

74-15842

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

LWC-01



This instrument was filed for record at the request

of Idaho Fish and Game
at 11:37 o'clock a.m. 10/20 2006

and duly filmed and indexed in the records of Lemhi

County
Terri J. Morton
Ex-Officio Recorder

By Sandra L. Morton Deputy

Fee

Return to

Landowner LWC-01

EASEMENT AGREEMENT

WIMPEY CREEK-01

THIS INDENTURE, made and entered into this 25th day of July, 2006, by and between, Steven T. Borden and Maryann C. Borden, 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 Lemhi River, Wimpey Creek-01 or (LWC-01), and located in Lemhi County, at a point within, SE ¼ SE ¼, Section 34, Township 21 North, Range 23 East, B.M., and said fish bypass to run from said fish screen to the adjacent stream course known as Wimpey Creek.

Together with the right of ingress and egress for Department personnel or its authorized agent or agents on and over the right of way of said ditch or canal for the purposes herein designated, together with the right to remove 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 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.

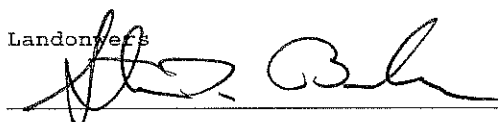
All such installations placed on, within and across said canal or ditch by the Commission shall remain the property of the Commission and may be removed by the Commission at any time.

Landowners LWC-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

STATE OF ~~IDAHO~~ California)

S.S.

COUNTY OF San Diego)

On this 25 day of July, in the year 2006, before me,

C.A. Grosvenor

~~Cag Steven T. Borden + Mary Anne Borden~~, a notary public, personally appeared,

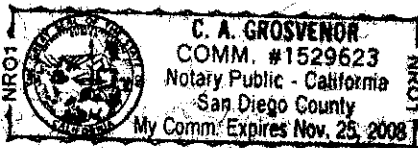
Steven T. Borden + Mary Anne Borden, personally known to me to be the person(s) whose name(s) is (are) subscribed to the within instrument, and acknowledged to me that ~~he~~ (she) (they) executed the same.

S

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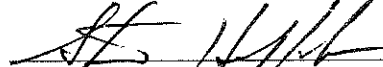
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C.A. Grosvenor
Notary Public

My Commission Expires 11/25/08

Idaho Fish and Game Commission


Steve Huffaker, Secretary

STATE OF IDAHO)

S.S.

COUNTY OF Ada)

On this 7th day of Sept, 2006, in the year 2006, before me,

Mary C. Boyer, a notary public, personally appeared,

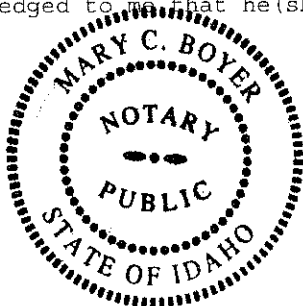
Steve Huffaker, personally known to me to be the person(s) whose name(s) is (are) subscribed to the within instrument, and acknowledged to me that he (she) (they) executed the same.

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Mary C. Boyer
Notary Public

My Commission Expires 8/31/2011