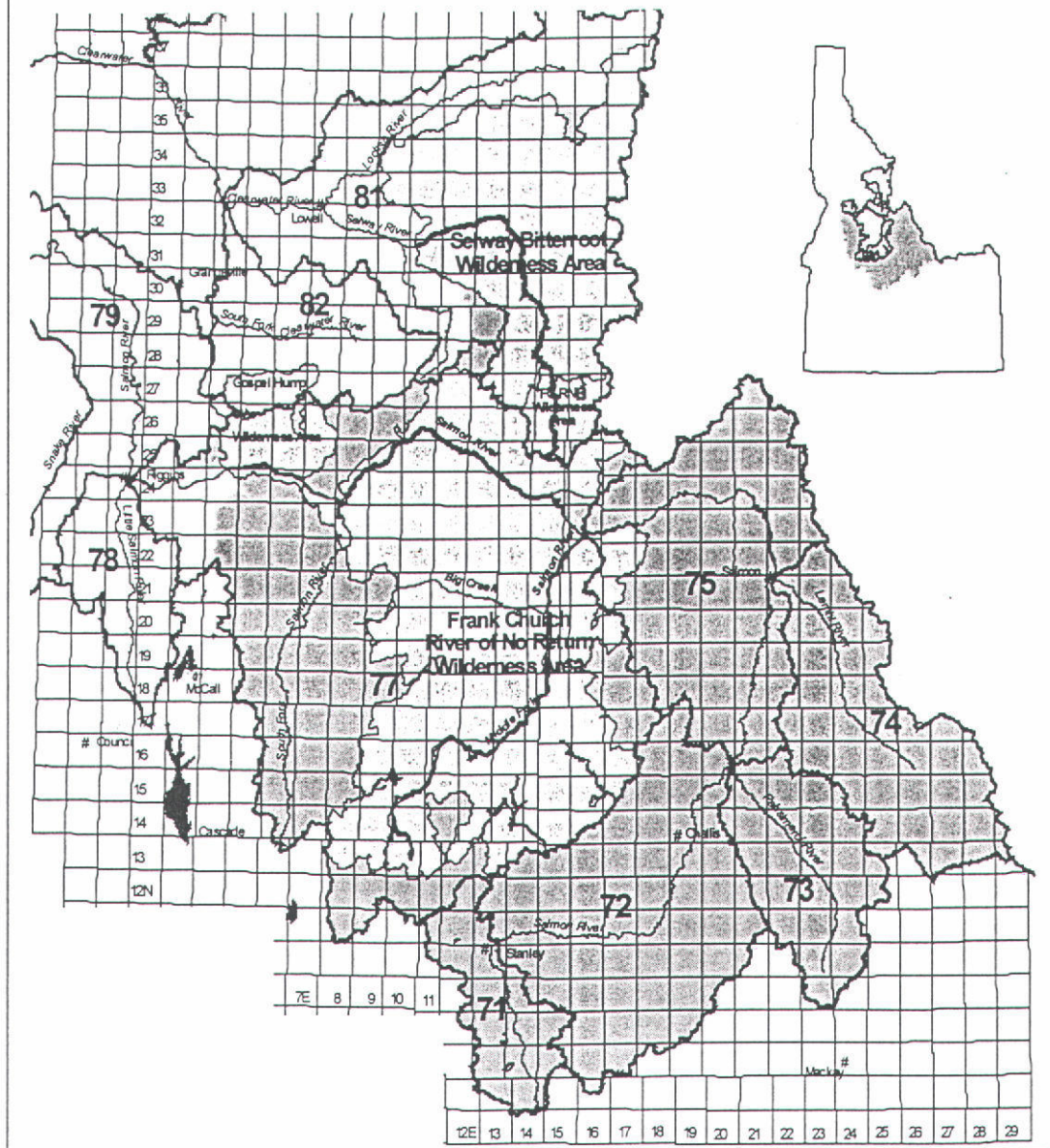


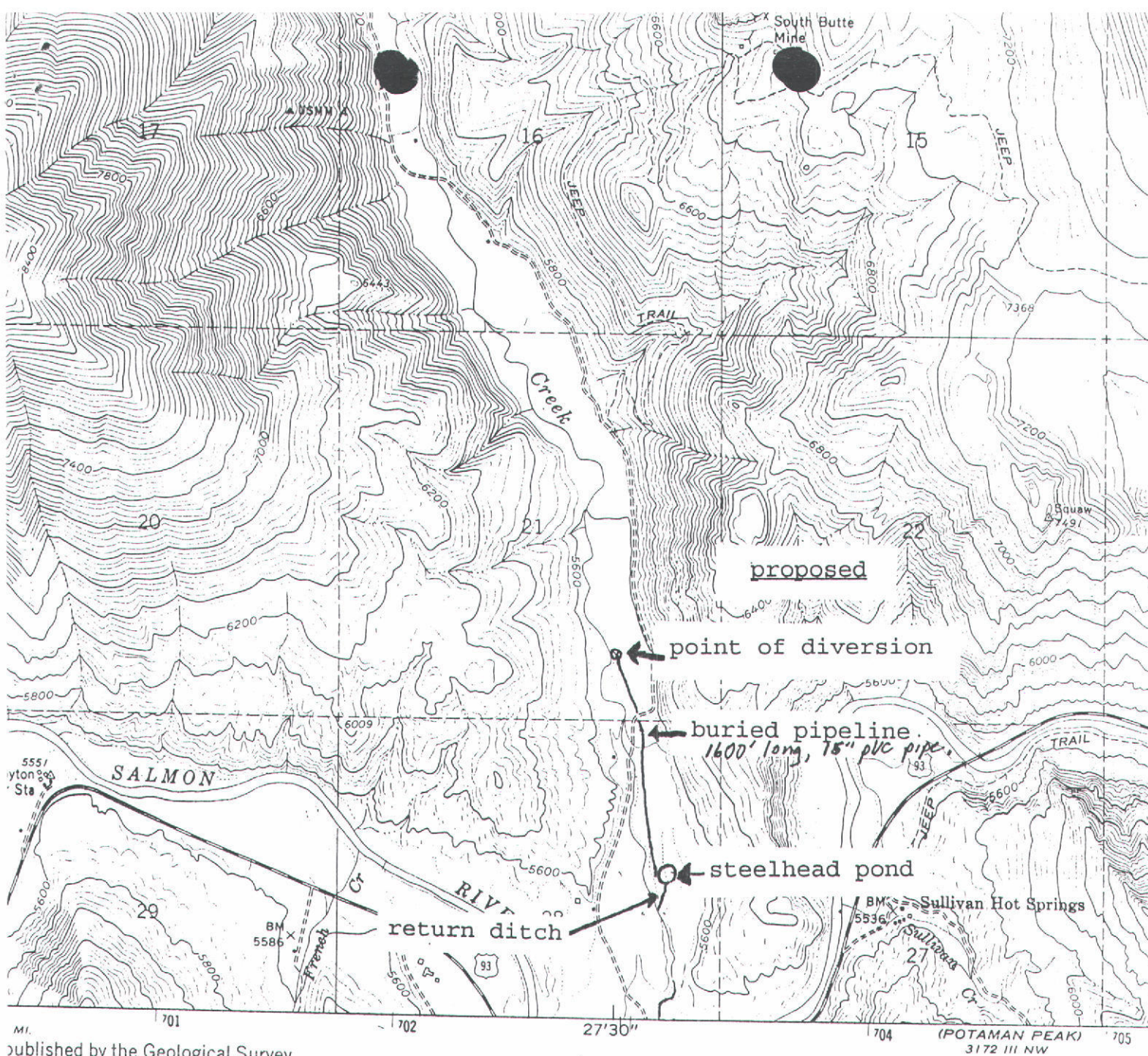
Wilderness Moratorium Areas

October 26, 1999

-  IDWR Administrative Basins with basin number
-  Wilderness Areas
-  Tributary Areas
-  Township/Range



MICROFILMED
APR 25 2000

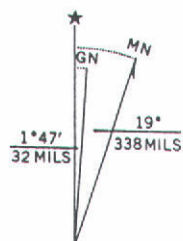


published by the Geological Survey
SC&GS

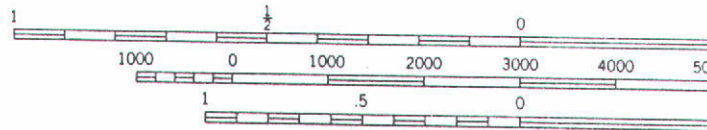
metric methods from aerial
7. Field checked 1963

1927 North American datum
on Idaho coordinate system, central zone
transverse Mercator grid ticks,

as have not been established



UTM GRID AND 1963 MAGNETIC NORTH
DECLINATION AT CENTER OF SHEET



CONTOUR INTERVAL 40 FEET
DOTTED LINES REPRESENT 20-FOOT CONT
DATUM IS MEAN SEA LEVEL

MICROFILMED
AUG 20 1997

72-07549

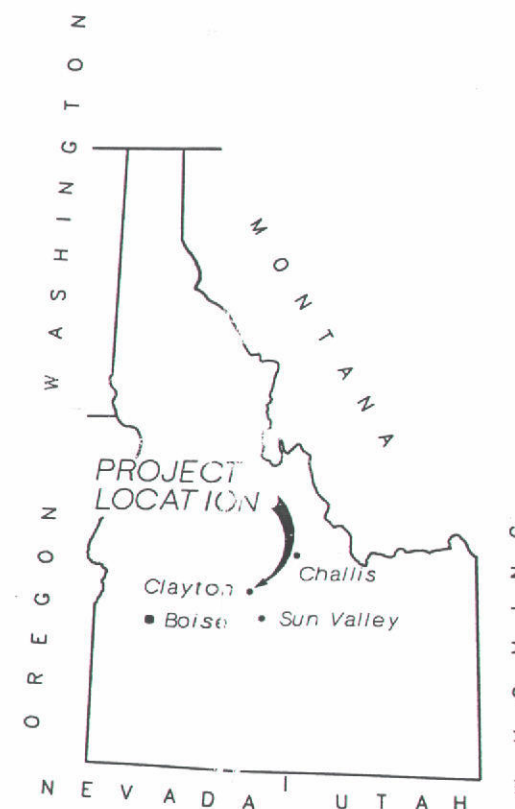
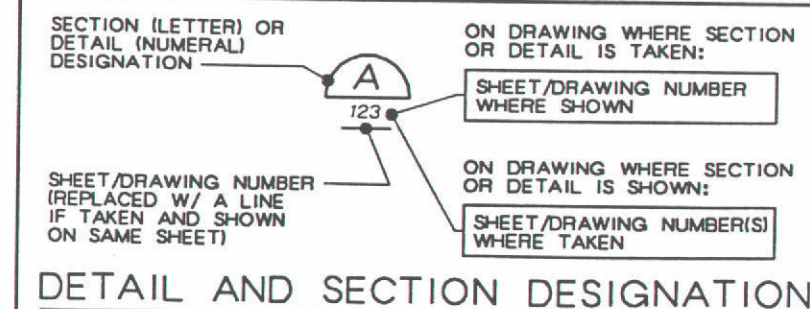
SQUAW CREEK STEELHEAD ACCLIMATION/ RELEASE POND

INDEX TO DRAWINGS

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OUTLET STRUCTURE-ADULT TRAP/ JUVENILE RELEASE	3
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PIPELINE PROFILES & POND/ CHANNEL SECTIONS	5
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MAIN ACCESS AND IDFG ACCESS ROAD PLAN AND PROFILE	7
GENERAL STRUCTURAL NOTES	8
STANDARD STRUCTURAL DETAILS	9
STRUCTURAL DETAILS	10

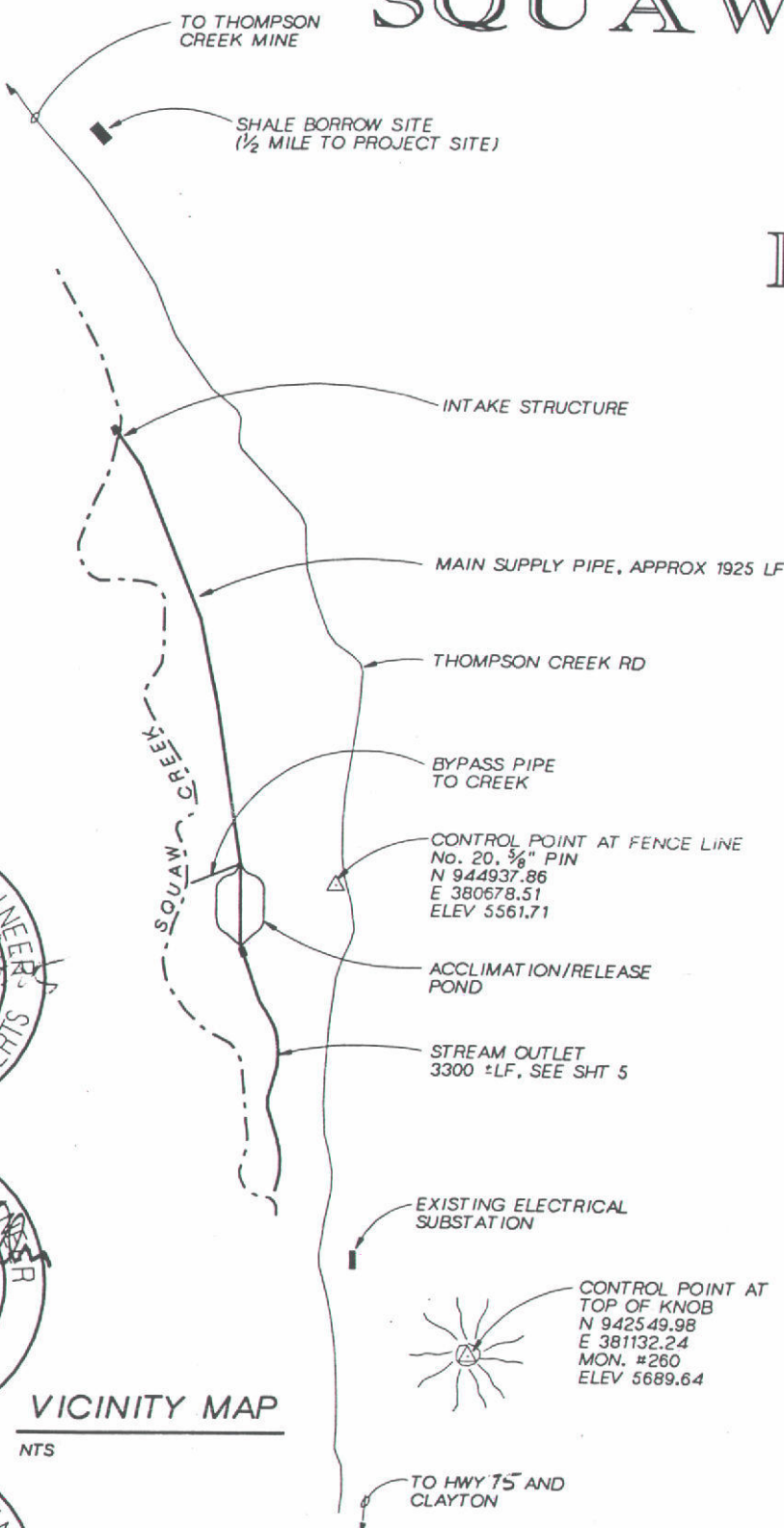
LEGEND

	CUT/FILL SECTION
56.0	FINISH GRADE ELEVATION (EL)
CONN	CONNECTION
LF	LINEAR FEET
T.O.	TOP OF
PE	PLAIN END
DB	DROP BOARD



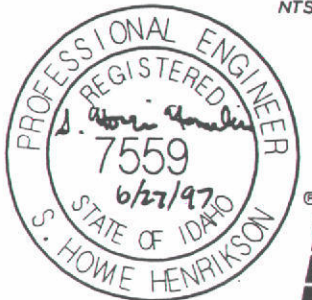
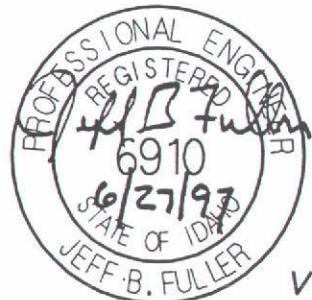
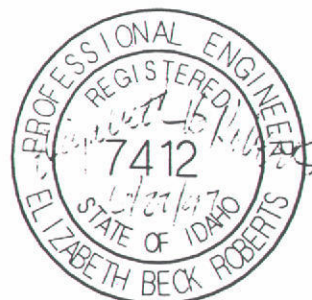
LOCATION MAP

NTS



VICINITY MAP

NTS



DSGN	E.B. ROBERTS
DR	T.J. PHILLIPS
CHK	M.P. LAVEY
APVD	J.B. FULLER

NO. DATE

REVISION

BY APVD

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BAR IS ONE INCH ON ORIGINAL DRAWING.
IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY.



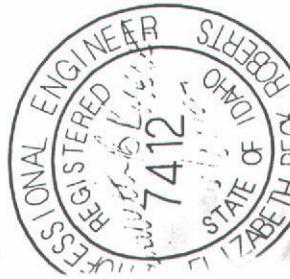
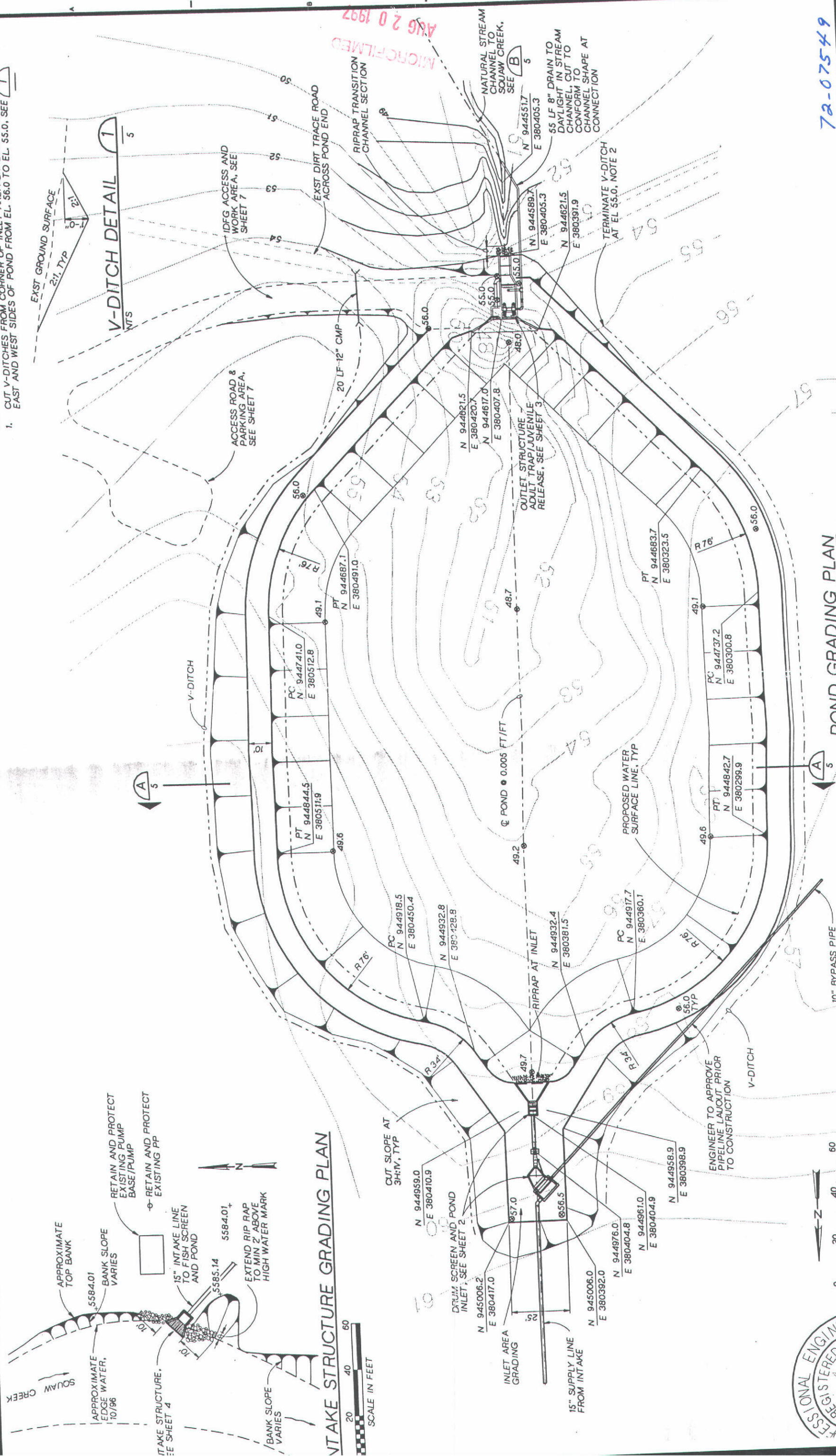
SQUAW CREEK
STEELHEAD
ACCLIMATION/RELEASE
POND

VICINITY MAP AND
INDEX TO DRAWINGS

DWG	1
DATE	JUNE 97
PROJ NO.	137042.S1.ZZ

72-07549

NOTES:
1. CUT V-DITCHES FROM CORNER OF INLET AREA GRADING ALONG EAST AND WEST SIDES OF POND FROM EL. 56.0 TO EL. 55.0, SEE 1



DESIGNED BY: E.B. ROBERTS
DRAWN BY: T.J. PHILLIPS
CHECKED BY: M.P. LAVEY

REVISION

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INTAKE STRUCTURE AND POND GRADING PLANS

DWG 6
DATE: JUNE 97
PROJ: 137042.S1.ZZ

72-07549



DESIGN: E.B. ROBERTS
 DRAWN: T.J. PHILLIPS
 CHECKED: M.P. LAVEY
 APPROVED: J.B. FULLER

NO. DATE REVISION

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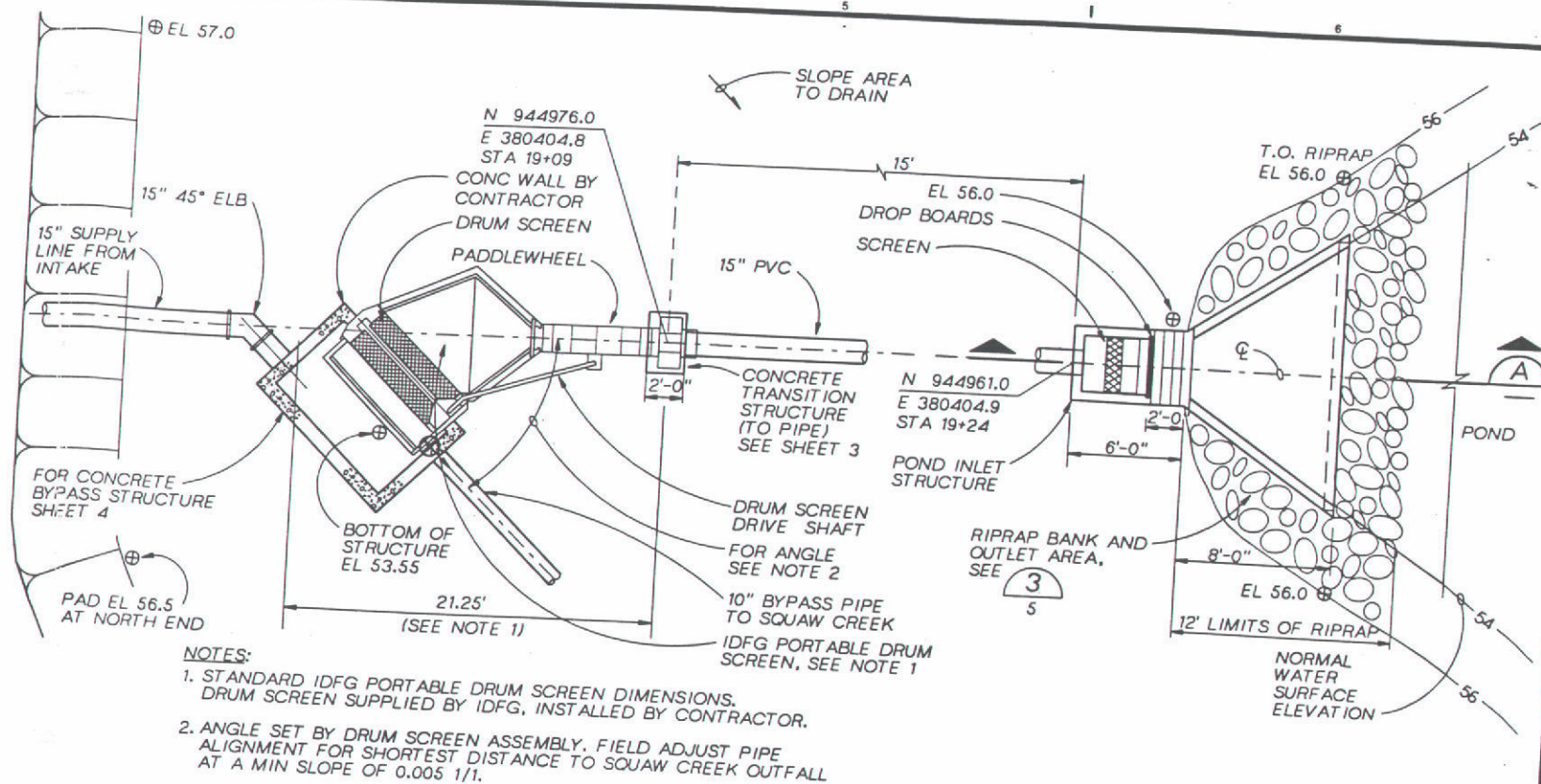
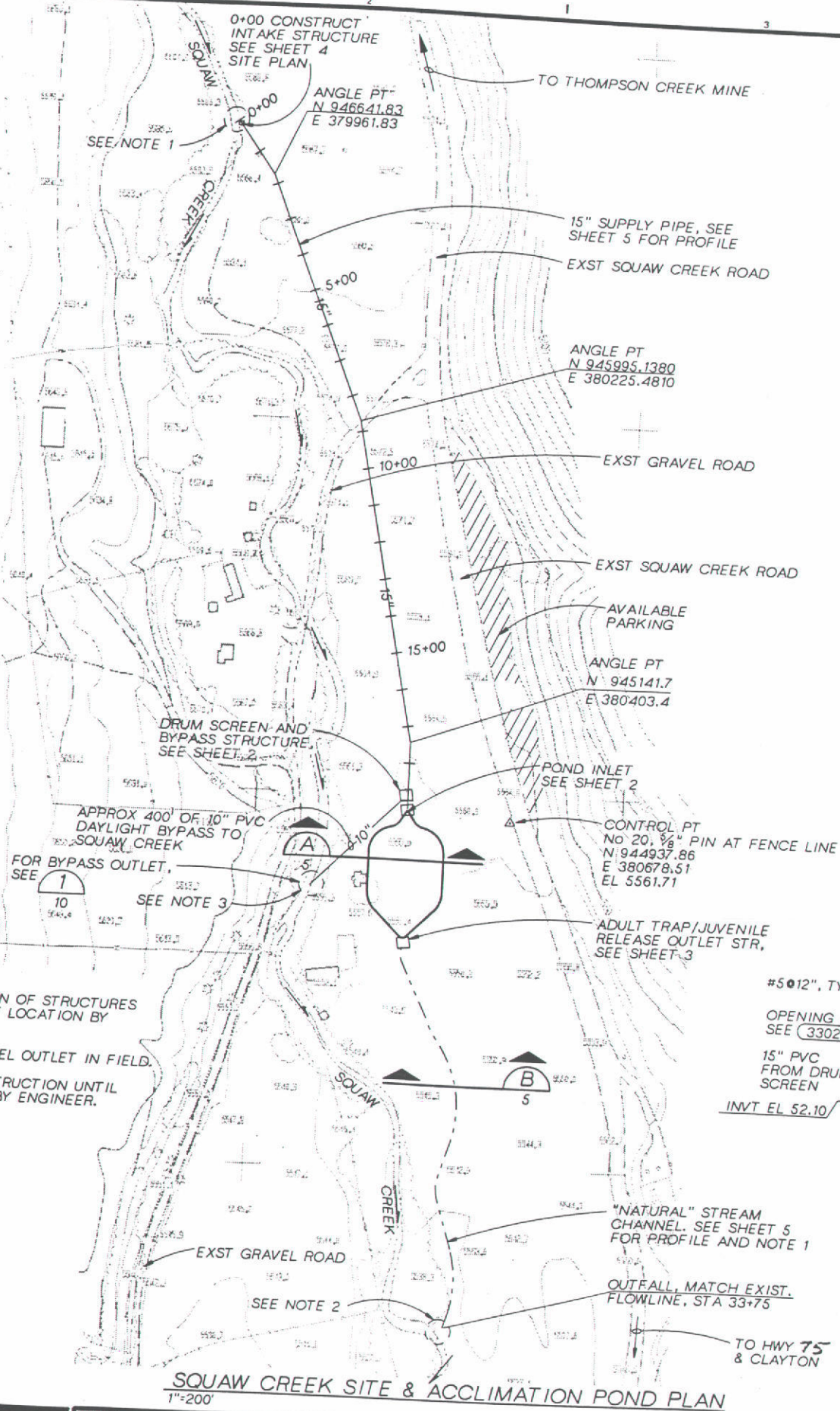
SQUAW CREEK
 STEELHEAD

SITE PLAN & POND PLAN

DWG

NOTES:

- DO NOT BEGIN CONSTRUCTION OF STRUCTURES WITHOUT FINAL APPROVAL OF LOCATION BY ENGINEER.
- ENGINEER TO LOCATE CHANNEL OUTLET IN FIELD.
- DO NOT BEGIN BYPASS CONSTRUCTION UNTIL PIPELINE LAYOUT APPROVED BY ENGINEER.



NOTES:

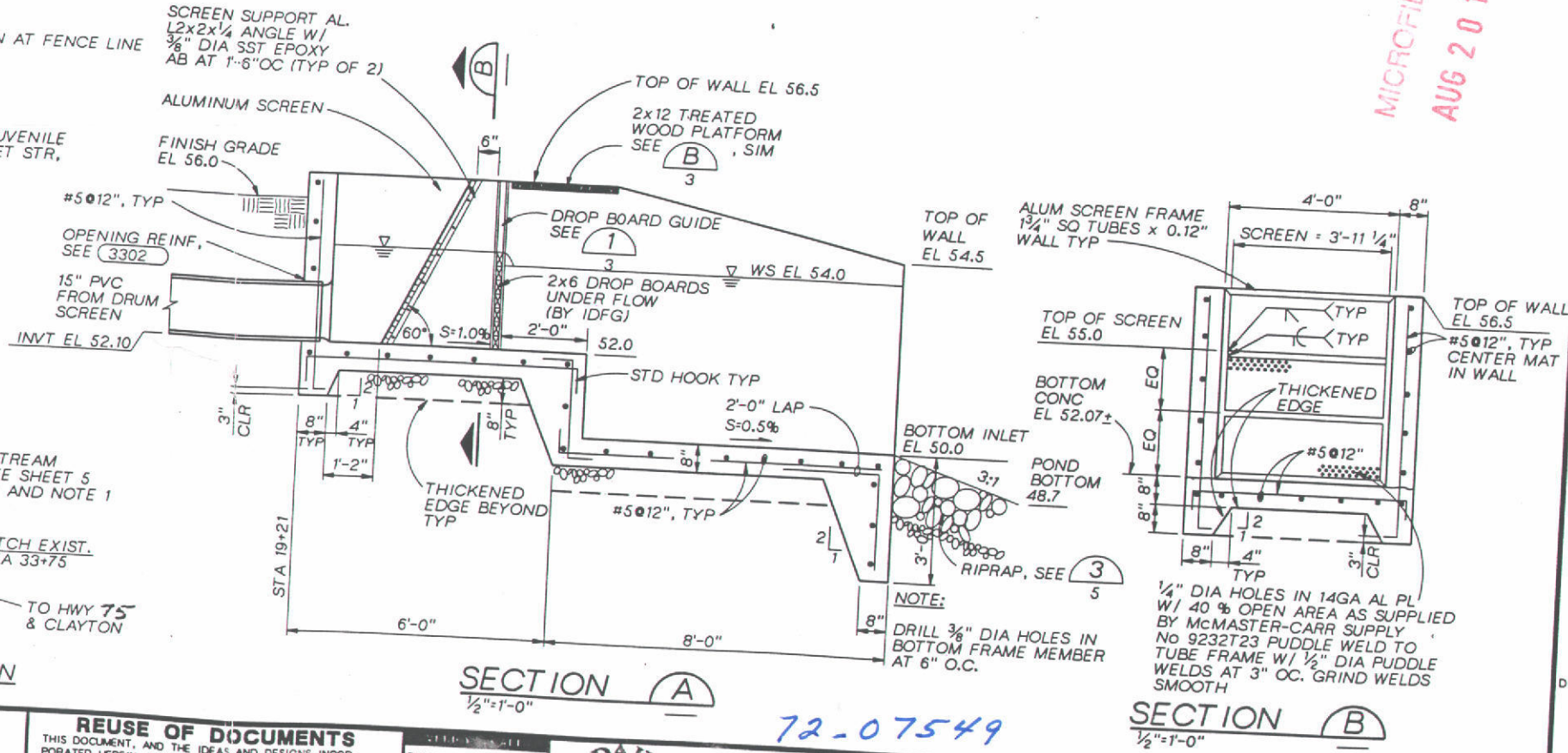
- STANDARD IDFG PORTABLE DRUM SCREEN DIMENSIONS. DRUM SCREEN SUPPLIED BY IDFG, INSTALLED BY CONTRACTOR.
- ANGLE SET BY DRUM SCREEN ASSEMBLY. FIELD ADJUST PIPE ALIGNMENT FOR SHORTEST DISTANCE TO SQUAW CREEK OUTFALL AT A MIN SLOPE OF 0.005 1/1.

DRUM SCREEN 1

1"=5'

POND INLET 2

1"=5'



MICROFILMED
AUG 20 1997

72-07549

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF LAPSED PERMIT)
NO. 72-07549 IN THE NAME OF THE)
STATE OF IDAHO, DEPARTMENT)
OF FISH & GAME)
_____)

REINSTATEMENT ORDER

This matter having come before the Idaho Department of Water Resources ("Department"), the Department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On August 13, 1997, the Department issued Permit No. 72-07549 to the State of Idaho, Department of Fish & Game ("permit holder") authorizing the diversion of 4.50 cubic feet per second ("cfs") of surface water to be used for fish propagation within the SENE of Sec. 28, T11N, R17E, Custer County, B.M. A condition of permit approval required the permit holder to submit proof of beneficial use of water ("proof") to the Department on or before August 1, 2000.
2. On May 31, 2000, by certified mail, the Department notified the permit holder that proof of beneficial use was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use or an extension of time request; and,
3. On August 16, 2000, the Department sent the permit holder a lapse notice, since the Department had not received an acceptable proof of beneficial use statement or extension of time; and,
4. On October 26, 2000, the permit holder submitted proof to the Department.

CONCLUSIONS OF LAW

1. Section 42-218a.2, Idaho Code, provides as follows:

That upon receipt of proof of beneficial use after sixty (60) days after such notice of lapsing, the director shall require

sufficient evidence to be submitted by the permit holder to clearly establish the extent of beneficial use made during the time authorized by the permit and any extensions of time previously approved. Upon finding that beneficial use had occurred during the authorized period and upon a showing of reasonable cause for filing a late proof of beneficial use, the director may reinstate the permit with the priority date advanced to the day that proof of beneficial use was received;

2. The permit holder has provided sufficient information and reasonable cause for the Department to reinstate the permit by submitting a Certificate of Completion and a 2000 Project Progress Report as proof of beneficial use on November 13, 2000.

3. The Department should reinstate the permit with the priority advanced to the date that proof and the license examination fee were received.

ORDER

IT IS HEREBY ORDERED, that Permit No. 72-07549 in the name of the State of Idaho, Department of Fish & Game is **REINSTATED** for fish propagation use with the priority advanced to **October 26, 2000**.

Dated this 15th day of November, 2000.


L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

PROOF OF BENEFICIAL USE

OCT 13 2000

Department of Water Resources

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 72-07549 Telephone No. 208-756-2271

2. Name of Permit Holder(s):
State of Idaho Dept of Fish & Game

3. Mailing Address: P.O. Box 1336

City Salmon State Id Zip 83467

4. Source of Water: Spring Creek If **GROUNDWATER** (well), Date Drilled: mo. MM / yr. MM

Well Driller: _____ Drilling Permit Number: _____

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): _____ Stockwater (No. and type of stock): _____

Irrigation (No. of acres): _____ Other: Fish Propagation

6. Total rate of diversion and/or volume for which proof is submitted: 4.3 cfs OR _____ acre-feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is **not optional**. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required?

Yes _____ or No _____

Has the measuring device been installed?

Yes ✓ or No _____

8. Fee Enclosed: \$ 200.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: Mike Larkin Telephone Number: 756-2271

Address: Box 1336 Salmon Idaho 83467

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: _____
(include your title, if on behalf of company or organization)

MICROFILMED Date: 9/19/00

9/19/00

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATIONS AND)
PERMITS FOR THE DIVERSION AND USE)
OF SURFACE WATER AND GROUND)
WATER IN AND TRIBUTARY TO THE)
SELWAY-BITTERROOT WILDERNESS)
AREA, GOSPEL-HUMP WILDERNESS AREA,)
AND FRANK CHURCH-RIVER OF NO)
RETURN WILDERNESS AREA)
_____)

MORATORIUM ORDER

The Director of the Department of Water Resources ("Director"), having responsibility for the administration of the appropriation of water in the State of Idaho, the protection of rights to the use of water within the state, the protection of the public interest in the waters of the state, and the conservation of the water resources of the state, enters the following Findings of Fact, Conclusions of Law, and Final Order.

FINDINGS OF FACT

1. On April 30, 1993, the Director issued an Amended Moratorium Order that stopped the approval of certain applications seeking to appropriate surface water within the Salmon and Clearwater River Basins in Idaho.
2. On December 13, 1993, the United States filed Notices of Claim in the Snake River Basin Adjudication ("SRBA") for federal reserved water rights for the Selway-Bitterroot, Gospel-Hump, and Frank Church-River Of No Return wilderness area designations. On February 27, 1997, a motion to amend the Notices of Claim for all three wilderness area designations was filed with the District Court of the Fifth Judicial District of the State of Idaho (the "SRBA district court") to change the claimed priority dates.
3. As amended, pertinent portions of the claim filed in the SRBA for a federal reserved water right for the Selway-Bitterroot Wilderness are as follows:

Identification Number: A31-11191
Name of Claimant: United States of America

Date of Priority: September 3, 1964, except for Magruder Corridor that has priority date of July 23, 1980

Source of Water Supply: All streams, lakes, ponds, springs, seeps or other natural sources of water including groundwater, whether named or not and whether perennial, intermittent or ephemeral within the boundaries of the Selway-Bitterroot Wilderness. This claim is intended to also include those sources of water which are not presently known or not reasonably susceptible of quantification because of the de minimus and diffuse nature of their flow and which supply wetlands, marshes, or other vegetation which serves such wilderness purposes as habitat protection and drinking water for wildlife. Tributary to Lochsa and Selway Rivers.

Location of Points of Diversion: None

Location of Place of Use: All locations in the Selway-Bitterroot Wilderness where natural sources of water exist.

Instream Flow Beginning

And Ending Points: All locations in the Selway-Bitterroot Wilderness where natural sources of water exist

Total Quantity Claimed: The entire unappropriated flow and all other natural sources of water as of the date of designation, specifically, September 3, 1964.

4. As amended, pertinent portions of the claims filed in the SRBA for federal reserved water rights for the Gospel-Hump Wilderness are as follows:

Identification Numbers: 77-12774, 82-11120

Name of Claimant: United States of America

Date of Priority: February 24, 1978

Source of Water Supply: All streams, lakes, ponds, springs, seeps or other natural sources of water including groundwater, whether named or not and whether perennial, intermittent or ephemeral within the boundaries of the Gospel-Hump Wilderness. This claim is intended to also include those sources of

water which are not presently known or not reasonably susceptible of quantification because of the de minimus and diffuse nature of their flow and which supply wetlands, marshes, or other vegetation which serves such wilderness purposes as habitat protection and drinking water for wildlife. Tributary to Salmon River.

Location of Points of Diversion: None

Location of Place of Use: All locations in the Gospel Hump Wilderness where natural sources of water exist.

Instream Flow Beginning

And Ending Points: All locations in the Gospel-Hump Wilderness where natural sources of water exist

Total Quantity Claimed: The entire unappropriated flow and all other natural sources of water as of the date of designation, specifically, February 24, 1978.

5. As amended, pertinent portions of the claims filed in the SRBA for federal reserved water rights for the Frank Church-River of No Return Wilderness are as follows:

Identification Numbers: A75-13605, A77-12775

Name of Claimant: United States of America

Date of Priority: July 23, 1980

Source of Water Supply: All streams, lakes, ponds, springs, seeps or other natural sources of water including groundwater, whether named or not and whether perennial, intermittent or ephemeral within the boundaries of the Frank Church-River of No Return Wilderness. This claim is intended to also include those sources of water which are not presently known or not reasonably susceptible of quantification because of the de minimus and diffuse nature of their flow and which supply wetlands, marshes, or other vegetation which serves such wilderness purposes as habitat protection and drinking water for wildlife. Tributary to Salmon River.

Location of Points of Diversion: None

Location of Place of Use: All locations in the Frank Church-River of No Return Wilderness where natural sources of water exist.

Instream Flow Beginning

And Ending Points: All locations in the Frank Church-River of No Return Wilderness where natural sources of water exist

Total Quantity Claimed: The entire unappropriated flow and all other natural sources of water as of the date of designation, specifically, July 23, 1980.

6. On December 18, 1997, the SRBA district court issued *Order Granting and Denying United States' Motions for Summary Judgment on Reserved Water Rights* for claims made by the United States under the Wilderness Act, Multiple-Use Sustained-Yield Act ("MUSYA"), and Hells Canyon National Recreation Area Act ("HCNRA"), referred to herein as "1997 SRBA Reserved Rights Order." In this order, the SRBA district court ruled that: "The United States is entitled to a federal reserved water right for all unappropriated flows in the Frank Church-River of No Return, the Selway-Bitterroot, and the Gospel-Hump wilderness areas." (1997 SRBA Reserved Rights Order, p. 5). The SRBA district court emphasized its ruling by stating: "The amount of water minimally sufficient to fulfill Congressional intent is the total amount of unappropriated water within each [wilderness] area, **such that none is ever available for future appropriation.**" (1997 SRBA Reserved Rights Order, p. 15, emphasis added).

7. On July 24, 1998, the SRBA district court issued *Memorandum Decision Granting, In Part, and Denying, In Part, the United States' Motion for Summary Judgment on Reserved Water Rights Claims* for claims made by the United States under the Wild and Scenic Rivers Act, referred to herein as "1998 SRBA Wild and Scenic Decision." In this decision, the SRBA district court ruled that under the Central Idaho Wilderness Act, the United States " ... **reserved land north and south of the Mainstem of the Salmon River as wilderness, thereby reserving all unappropriated flows of water in the Mainstem**" referring back to the 1997 SRBA Reserved Rights Order in a footnote. (1998 SRBA Wild and Scenic Decision, p. 7, emphasis added). The SRBA district court noted that "Congress declared that the Mainstem of the Salmon River [that segment of the main Salmon River designated as a component of the Wild and Scenic Rivers System] would be administered solely under the Wild and Scenic Rivers Act, not the Wilderness Act." However, the SRBA district court did not describe any limitation on the reservation of unappropriated flows, nor did the court distinguish between that segment of the main Salmon River designated as Wild and Scenic and that segment adjacent to the Gospel-Hump and Frank Church-River of No Return Wilderness Areas that lies downstream of the Wild and Scenic designation.

8. On October 1, 1999, the Supreme Court of the State of Idaho issued 1999 Opinion No. 113 in the case of *Potlatch Corp. et al. v. United States of America* affirming the 1997 SRBA Reserved Rights Order granting the United States reserved water rights for all unappropriated water in the Frank Church-River of No Return, the Selway-Bitterroot, and the Gospel-Hump Wilderness Areas.

9. As of the date of this Order, there are approximately 60 pending applications for permits to appropriate surface water and ground water in the Selway-Bitterroot, Gospel-Hump, and Frank Church-River of No Return Wilderness Areas, and areas tributary to the wilderness areas. In addition, approximately 90 permits to appropriate water have been issued in these areas for which proof of beneficial use has not yet been submitted.

10. Although the SRBA district court has not issued final decrees for federal reserved water rights in the Selway-Bitterroot, the Gospel-Hump, and the Frank Church-River of No Return Wilderness Areas, the Supreme Court's decision of October 1, 1999, once final, will preclude future appropriations of water within the wilderness areas and in areas tributary to the wilderness areas.

CONCLUSIONS OF LAW

1. The Director is responsible for the allocation of water for new uses in Idaho. Section 42-203A(5), Idaho Code, reads in pertinent part as follows:

... In all applications whether protested or not protested, where the proposed use is such (a) that it will reduce the quantity of water under existing water rights, or (b) that the water supply itself is insufficient for the purpose for which it is sought to be appropriated, or (c) where it appears to the satisfaction of the director that such application is not made in good faith, is made for delay or speculative purposes, or (d) that the applicant has not sufficient financial resources with which to complete the work involved therein, or (e) that it will conflict with the local public interest, where the local public interest is defined as the affairs of the people in the area directly affected by the proposed use, or (f) that it is contrary to conservation of water resources within the state of Idaho; the director of the department of water resources may reject such application and refuse issuance of a permit therefor, or may partially approve and grant a permit for a smaller quantity of water than applied for, or may grant a permit upon conditions. (emphasis added)

2. The Director is authorized under the provisions of Section 42-1805(7), Idaho Code, as follows:

After notice, to suspend the issuance or further action on permits or applications as necessary to protect existing vested water rights or to ensure compliance with the provisions of chapter 2, title 42, Idaho Code, or to prevent violation of the minimum flow provisions of the state water plan.

3. The claims filed by the United States in the SRBA for federal reserved water rights for all unappropriated water in the Selway-Bitterroot, Gospel-Hump, and Frank Church-River of No Return Wilderness Areas did not limit the claimed amount to unappropriated water arising solely within the wilderness areas as of the date the wilderness areas were reserved, nor did the claims include subordination to existing permits to appropriate water having junior priority dates for private holdings within the wilderness areas. Neither the 1997 SRBA Reserved Rights Order nor the Idaho Supreme Court decision affirming the 1997 SRBA Reserved Rights Order limited the federal reserved water rights to unappropriated water arising solely within the boundaries of the wilderness areas. Therefore, both the SRBA district court and the Idaho Supreme Court have included unappropriated water flowing into the wilderness areas, either above or below land surface, as part of the unappropriated water "in" or "within" the wilderness areas.

4. Neither the 1997 SRBA Reserved Rights Order, the 1998 SRBA Wild and Scenic Decision, nor the Idaho Supreme Court decision affirming the 1997 SRBA Reserved Rights Order excluded portions of the Middle Fork of the Salmon River, the South Fork of the Salmon River, or Big Creek lying upstream of the wilderness area boundaries, or clearly excluded the Mainstem of the Salmon River, from being considered as sources for unappropriated water "in" or "within" the wilderness areas as of the date the wilderness areas were reserved.

5. Although petitions for rehearing are pending before the Idaho Supreme Court, a moratorium on the granting of new permits to appropriate surface water or ground water and on continued development under existing permits is necessary. A moratorium will preserve the status quo until final decrees are issued for federal reserved water rights and limit the potential for resources being expended to develop water rights for which no unappropriated water may be available.

6. Because this moratorium order is issued to preserve the status quo, the order should take effect immediately upon issuance to protect the public interest in accordance with the provisions of Section 67-5247, Idaho Code.

ORDER

IT IS, THEREFORE, HEREBY ORDERED that the prior Amended Moratorium Order of the Director issued on April 30, 1993, remains in effect and the requirements listed below also apply.

IT IS FURTHER HEREBY ORDERED that a moratorium is established on the processing of applications for permits to appropriate surface water or ground water within and tributary to the Selway-Bitterroot Wilderness Area, the Gospel-Hump Wilderness Area, and the Frank Church-River of No Return Wilderness Area, subject to the following conditions:

1. This moratorium order shall be in effect on and after its entry and shall remain in effect until withdrawn or modified by order of the Director, except as provided herein.
2. This moratorium order applies to all applications for permit, previously filed or to be filed, and all existing permits for which proof of beneficial use has not been filed with the Department, seeking to appropriate surface water or ground water within the Salmon River Basin upstream from the location where the Salmon River leaves the Gospel-Hump Wilderness Area in Section 3, T24N, R4E, B.M. and in the Clearwater River Basin upstream from the location where the Selway River leaves the Selway-Bitterroot Wilderness Area in Section 7, T31N, R10E, B.M. The wilderness areas and tributary areas affected by this moratorium order are depicted on the attached map.
3. This moratorium order does not apply to any application proposing a non-consumptive use of water.
4. This moratorium order does not prevent the Director from reviewing an application that otherwise would not be approved under terms of this moratorium on a case by case basis, if the Director determines that the use of the water pursuant to the application would have no effect on other water rights due to:
 - (a) the location of use; or
 - (b) the effect on other water rights would be offset through mitigation provided by the applicant.

5. The holders of all existing permits to appropriate water within the Selway-Bitterroot, Gospel-Hump, and Frank Church-River of No Return Wilderness Areas, and within areas tributary to those wilderness areas, shall upon receipt of this moratorium order immediately stop further development under the permit, and within sixty (60) days of receipt of this order do one of the following:

- (a) file proof of beneficial use documenting the extent of diversion and beneficial use of water that was completed prior to receiving this moratorium order; or
- (b) request a stay in the development period under the permit, in accordance with Section 42-204, Idaho Code, until the conditions that resulted in this order have been alleviated, if such should ever occur.

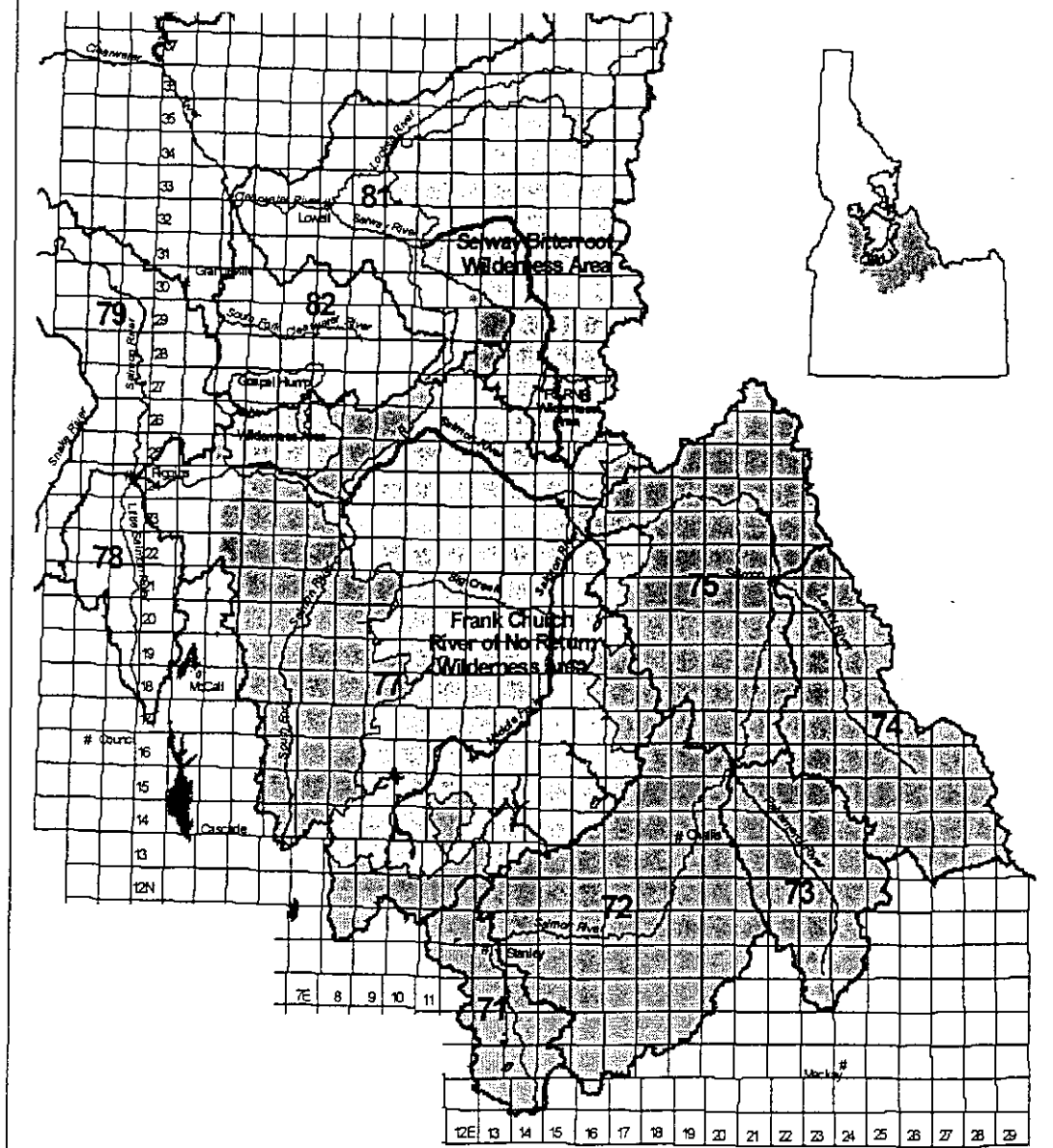
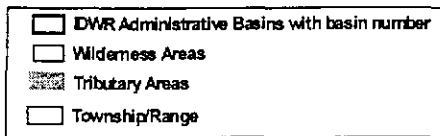
Dated this 26th day of October, 1999.



KARL J. DREHER
Director

Wilderness Moratorium Areas

October 26, 1999



MICROFILMED

APR 26 2000

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 72-07549

Proposed Priority: May 21, 1997

Maximum Diversion Rate:

4.50 CFS

This is to certify, that STATE OF IDAHO

DEPT OF FISH & GAME

PO BOX 1336

SALMON ID 83467-1336

has applied for a permit to appropriate water from:

SQUAW CREEK

tributary of SALMON RIVER

and a permit is APPROVED for development of water as follows:

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

FISH PROPAGATION

01/01 to 12/31

4.50 CFS

LOCATION OF POINT(S) OF DIVERSION:

SWSE , Sec. 21, Township 11N, Range 17E
CUSTER County

PLACE OF USE: FISH PROPAGATION

TWN RGE SEC

11N 17E 28

SENE

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before August 1, 2000.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Assignment or sale of this right is subject to a determination by the Department that the right holder has proceeded to develop the right with due diligence and without speculation.
5. The right holder shall be required to provide the Department, upon request, information showing volume changes per hour necessary to maintain an adequate environment for the fish propagation facility. Volume changes per hour shall be based upon actual fish production.
6. Water used under this right when discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards.
7. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
8. The issuance of this right does not grant any right-of-way or easement across the land of another.
9. Fish propagation use is for a steelhead acclimation and release

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 72-07549

CONDITIONS OF APPROVAL AND REMARKS

pond.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

13 th day of August, 1997.


Karl J. Dreher
Karl J. Dreher, Director

for

[Faint handwritten notes]

RECEIVED

MAY 07 1997

\$ 180.00

Form 202
10/92 Department of Water Resources
Southern Division

Ident. No. 72-07547

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED

JUL 23 1997 To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of applicant Idaho Department of Fish and Game Phone 208-756-2271

Post office address PO Box 1336 Salmon, Idaho 83467

2. Source of water supply Squaw Creek which is a tributary of Salmon River
or 5-21-97

3. Location of point of diversion is NE 1/4 of SW 1/4 of SE 1/4, Govt. Lot _____

Sec. 21 Township 11N Range 17E B.M. Custer County; additional

points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 4.5 cfs for fish propagation purposes from 01/01 to 12/31 (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) 4.5 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Rock diversion in creek
to headgate with pipeline to pond

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.

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? No

e. If well is already drilled, when? _____; Drilling firm _____;

Well was drilled for (well owner) _____

7. Time required for the completion of the works and application of the water to be proposed beneficial use is

3 years (minimum 1 year).

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. Fish propagation steelhead acclimation/release pond

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	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
11N	17E	28				H													

H = Fish Propagation

Total number of acres to be irrigated _____

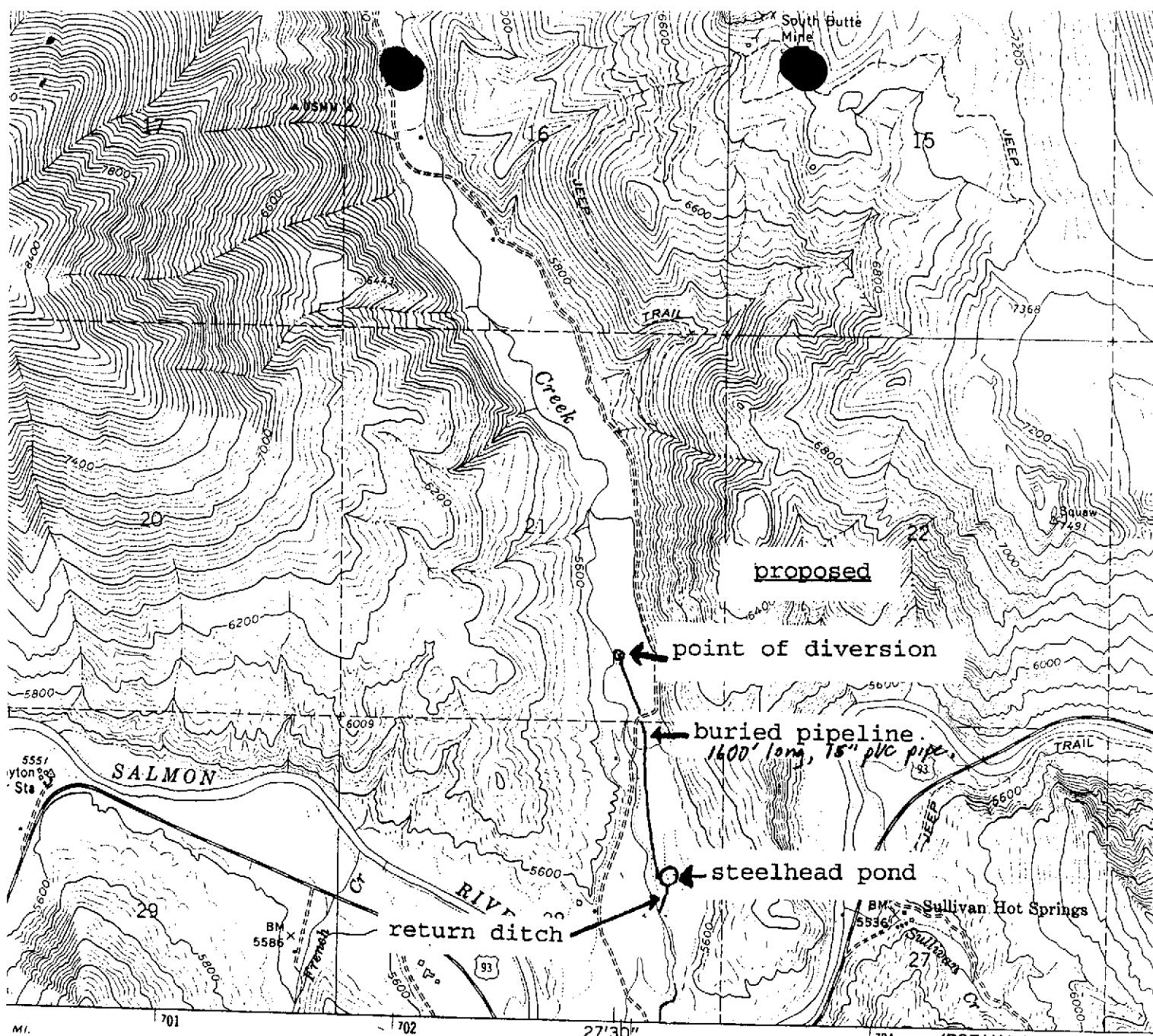
10. Describe any other water rights used for the same purposes as described above. _____

11. a. Who owns the property at the point of diversion? Thompson Creek Mining Co

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

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. Cooperative Agreement with Thompson Creek

12. Remarks: _____

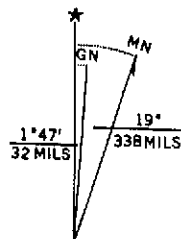


published by the Geological Survey
SC&GS

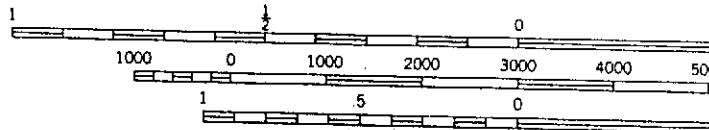
metric methods from aerial
7. Field checked 1963

927 North American datum
on Idaho coordinate system, central zone
transverse Mercator grid ticks,

as have not been established



UTM GRID AND 1963 MAGNETIC NORTH
DECLINATION AT CENTER OF SHEET



CONTOUR INTERVAL 40 FEET
DOTTED LINES REPRESENT 20-FOOT CONTOUR
DATUM IS MEAN SEA LEVEL

50-00542

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number. (14 added)

(Attached)

[illegible]

Scale: 2 inches equal 1 mile.

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


(Applicant)
Regional Fisheries Manager

Received by if Date 5/21/97 Time 9:30am Preliminary check by JB Stanton
Fee \$ 180⁰⁰ Received by MB # 5020148 Date 5/21/97
Publication prepared by MB Date 5/3/97 Published in Idaho Times
Publication approved MB Date 6/16/97

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

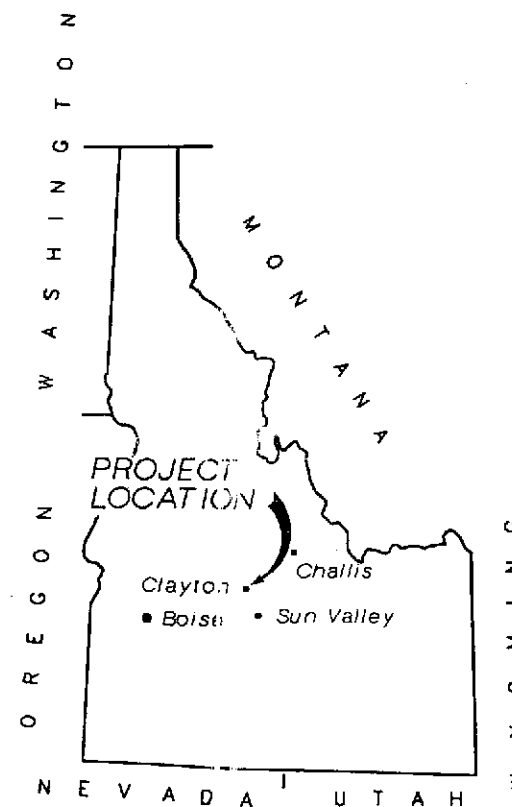
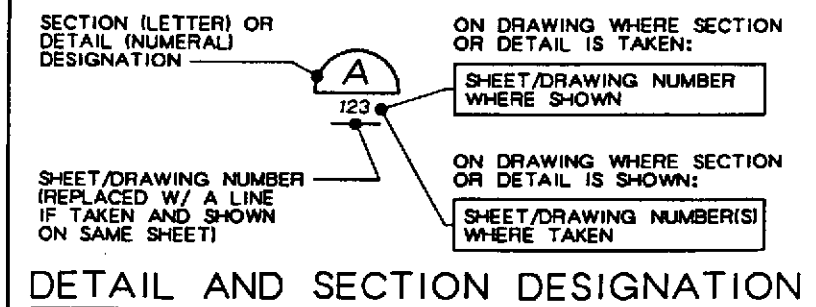
SQUAW CREEK STEELHEAD ACCLIMATION/ RELEASE POND

INDEX TO DRAWINGS

VICINITY MAP AND INDEX TO DRAWINGS	1
SITE PLAN & POND INLET STRUCTURE	2
OUTLET STRUCTURE-ADULT TRAP/ JUVENILE RELEASE	3
BYPASS STRUCTURE, INTAKE STRUCTURE & DETAILS	4
PIPELINE PROFILES & POND/ CHANNEL SECTIONS	5
POND AND INTAKE STRUCTURE GRADING PLANS	6
MAIN ACCESS AND IDFG ACCESS ROAD PLAN AND PROFILE	7
GENERAL STRUCTURAL NOTES	8
STANDARD STRUCTURAL DETAILS	9
STRUCTURAL DETAILS	10

LEGEND

	CUT/FILL SECTION
± 56.0	FINISH GRADE ELEVATION (EL)
CONN	CONNECTION
LF	LINEAR FEET
T.O.	TOP OF
PE	PLAIN END
DB	DROP BOARD



LOCATION MAP

NTS

TO THOMPSON
CREEK MINE

SHALE BORROW SITE
(1/2 MILE TO PROJECT SITE)

INTAKE STRUCTURE

MAIN SUPPLY PIPE, APPROX 1925 LF

THOMPSON CREEK RD

BYPASS PIPE
TO CREEK

CONTROL POINT AT FENCE LINE
No. 20, 3/8" PIN
N 944937.86
E 380678.51
ELEV 5561.71

ACCLIMATION/RELEASE
POND

STREAM OUTLET
3300 ± LF, SEE SHT 5

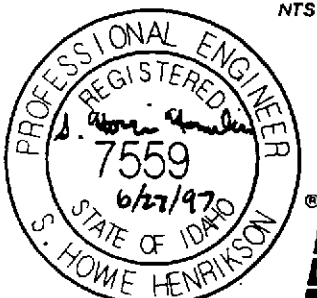
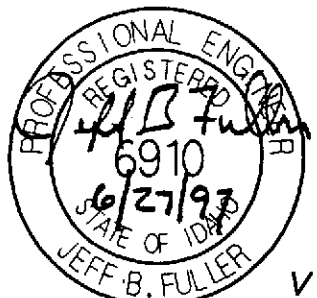
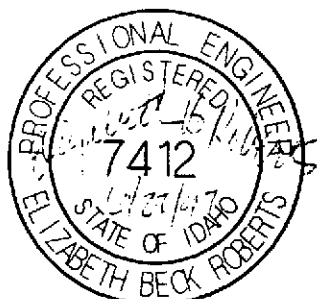
EXISTING ELECTRICAL
SUBSTATION

CONTROL POINT AT
TOP OF KNOB
N 942549.98
E 381132.24
MON. #260
ELEV 5689.64

TO HWY 75 AND
CLAYTON

VICINITY MAP

NTS



DESIGNED BY
E.B. ROBERTS
CHECKED BY
T.J. PHILLIPS
APPROVED BY
M.P. LAVEY
J.B. FULLER

NO. DATE

REVISION

BY APVD

CDM HILL

REUSE OF DOCUMENTS

THIS DOCUMENT, AND THE IDEAS AND DESIGNS INCORPORATED HEREIN, AS AN INSTRUMENT OF PROFESSIONAL SERVICE, IS THE PROPERTY OF CDM HILL AND IS NOT TO BE USED, IN WHOLE OR IN PART, FOR ANY OTHER PROJECT WITHOUT THE WRITTEN AUTHORIZATION OF CDM HILL.

BAR IS ONE INCH ON ORIGINAL DRAWING.
IF NO ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY.

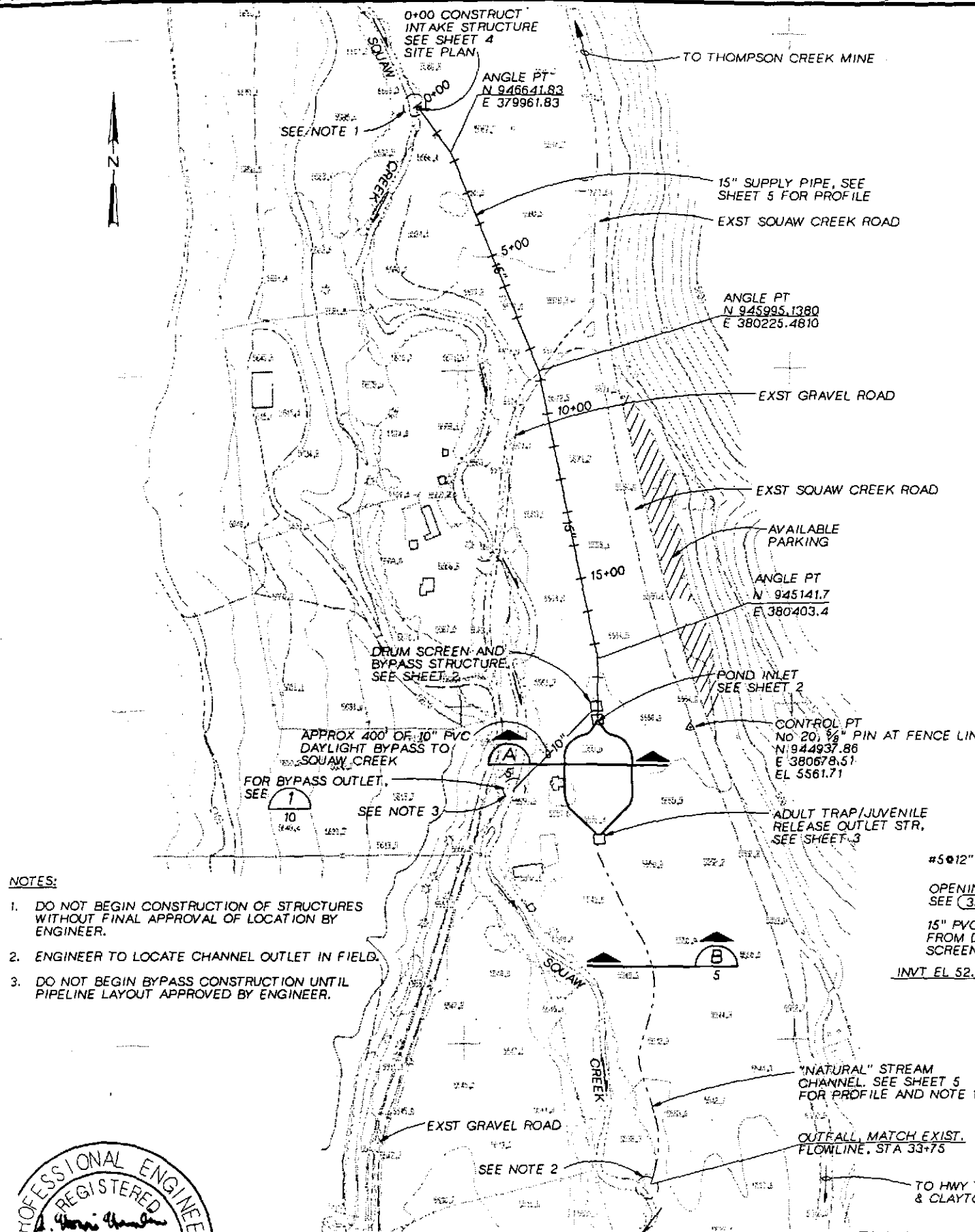


SQUAW CREEK
STEELHEAD
ACCLIMATION/RELEASE
POND

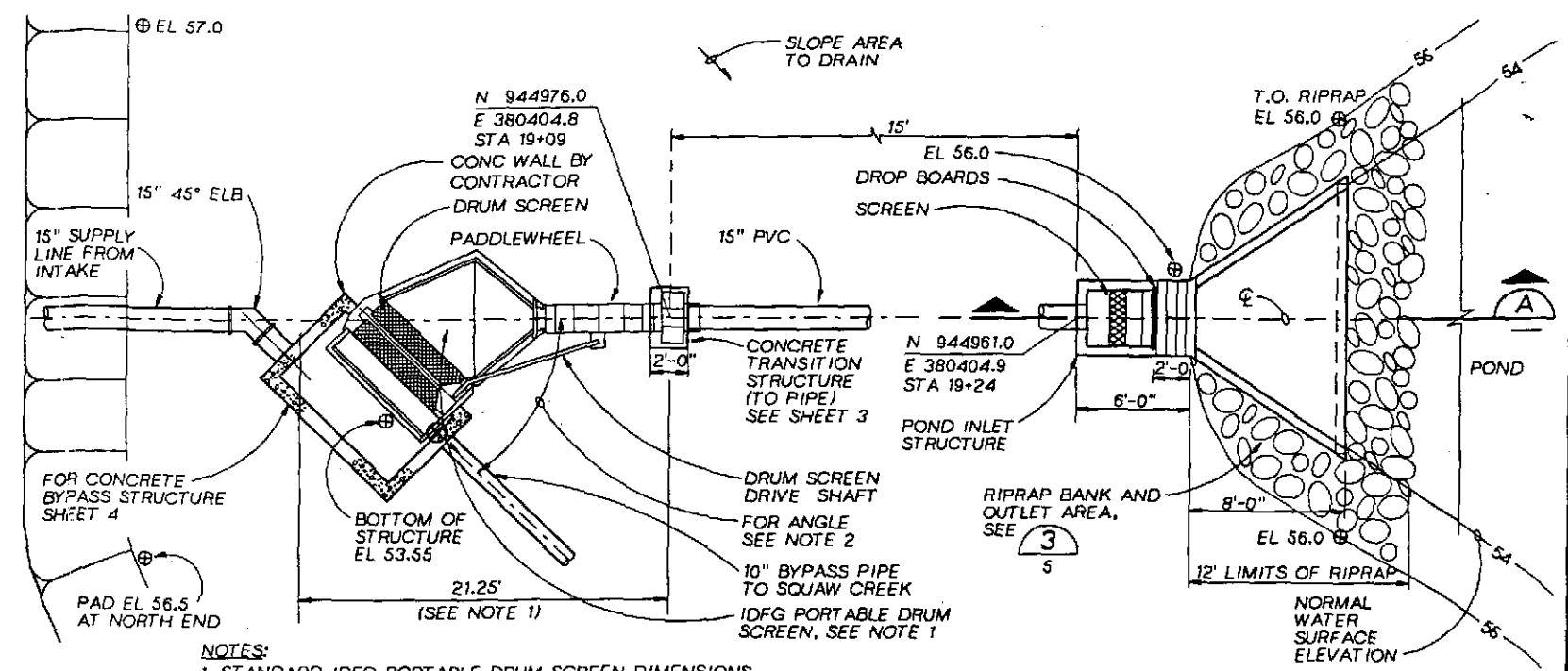
VICINITY MAP AND
INDEX TO DRAWINGS

OWG
1
DATE JUNE 97
PROJ NO. 137042.S1.22

72-07549



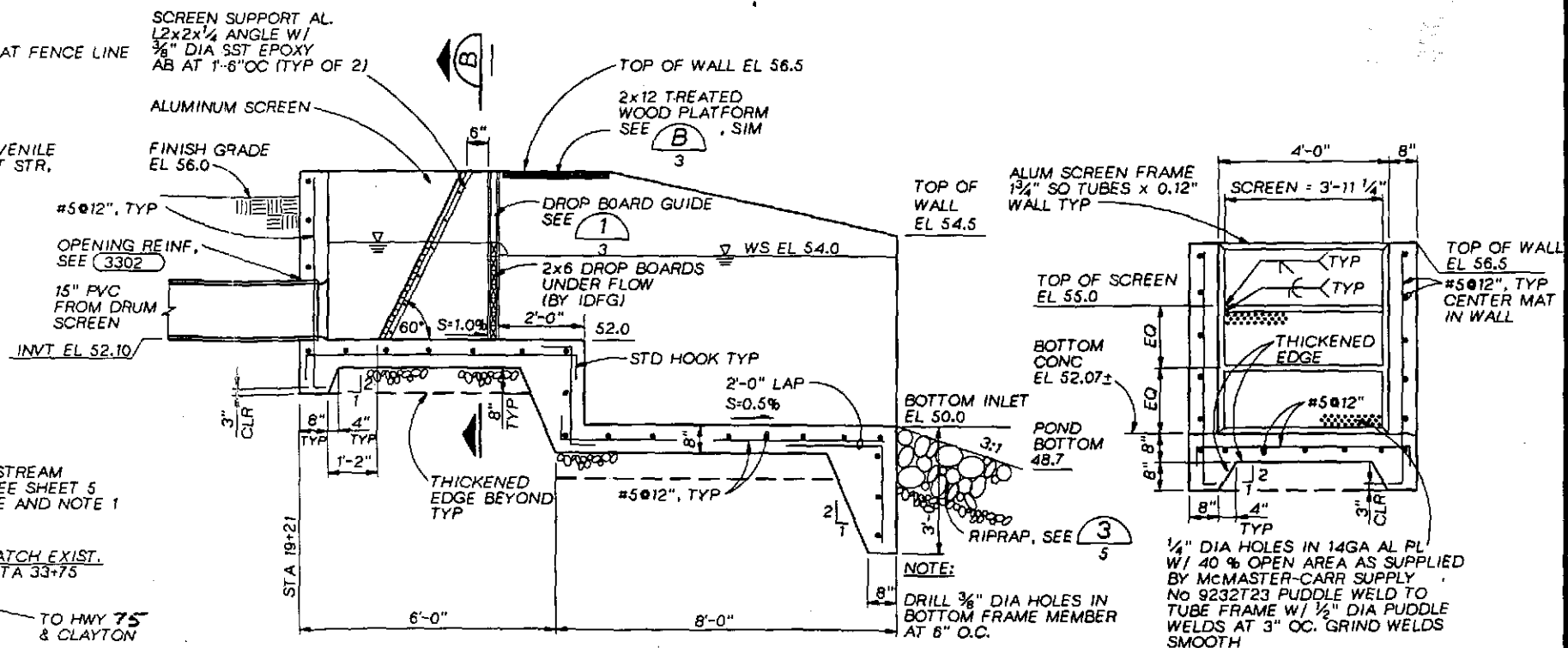
- NOTES:
- DO NOT BEGIN CONSTRUCTION OF STRUCTURES WITHOUT FINAL APPROVAL OF LOCATION BY ENGINEER.
 - ENGINEER TO LOCATE CHANNEL OUTLET IN FIELD.
 - DO NOT BEGIN BYPASS CONSTRUCTION UNTIL PIPELINE LAYOUT APPROVED BY ENGINEER.



- NOTES:
- STANDARD IDFG PORTABLE DRUM SCREEN DIMENSIONS. DRUM SCREEN SUPPLIED BY IDFG, INSTALLED BY CONTRACTOR.
 - ANGLE SET BY DRUM SCREEN ASSEMBLY. FIELD ADJUST PIPE ALIGNMENT FOR SHORTEST DISTANCE TO SQUAW CREEK OUTFALL AT A MIN SLOPE OF 0.005 1/1.

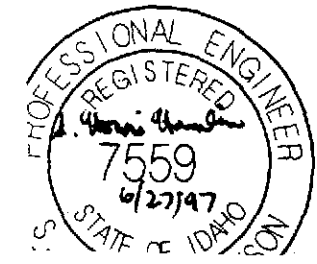
DRUM SCREEN (1)
1"=5'

POND INLET (2)
1"=5'



SECTION (A)
1/2"=1'-0"

SECTION (B)
1/2"=1'-0"



DESIGNED BY
E. B. ROBERTS
CHECKED BY
T. J. PHILLIPS

REUSE OF DOCUMENTS
THIS DOCUMENT, AND THE IDEAS AND DESIGNS INCORPORATED HEREIN, AS AN INSTRUMENT OF PROFESSIONAL SERVICE, IS THE PROPERTY OF CH2M HILL AND IS NOT TO BE USED, IN WHOLE OR IN PART, FOR ANY OTHER PROJECT WITHOUT THE WRITTEN PERMISSION OF CH2M HILL.

SCALE: AS SHOWN ON ORIGINAL DRAWING.
DATE: 6/27/97



SQUAW CREEK
STEELHEAD
ACCLIMATION POND

SITE PLAN & POND

**1301 N. ORCHARD ST.
BOISE, ID 83706-2237**

**DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
1341 FILLMORE STREET, SUITE 200
TWIN FALLS, ID 83301-3300**



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

November 14, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

MIKE LARKIN
REGIONAL FISHERIES MANAGER
IDAHO FISH AND GAME
PO BOX 1336
SALMON ID 83467

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 72-07549

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use documents submitted for the above referenced permit. I have reviewed the Certificate of Completion and the 2000 Project Progress Report and find they meet the department's request for additional proof of completion during the development period of this permit.

Enclosed is an order reinstating the permit since proof and the license examination fee were submitted more than 60 days after the lapse notice was issued. Please note that the priority date has been advanced to **October 26, 2000**, as provided in Section 42-218a(2), Idaho Code.

The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water. If you have questions concerning the field examination, please contact the **Southern** Regional Office of the department in Twin Falls at (208) 736-3033.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure

c: IDWR - Region
Bob Foster



IDAHO FISH AND GAME

1215 Hwy 93 N
P.O. Box 1336
Salmon, Idaho 83467
208-756-2271

Dirk Kempthorne/Governor
Rod Sando/ Director

November 7, 2000

RECEIVED

NOV 13 2000

Department of Water Resources

Deborah Gibson
Administrative Assistant
Water Allocation Bureau
Department of Water Resources
1301 North Orchard Street
P.O. Box 83720
Boise, Idaho 83720-0098

Dear Ms. Gibson:

I've enclosed two papers showing proof of beneficial use for Water Permit #72-07549. One is the Certificate of Completion for the pond. The other is a progress report for year 2000 but discusses use over the last three years.

Thanks for your help on this permit.

Sincerely

Mike Larkin
Regional Fisheries Manager

STATE OF IDAHO



DEPARTMENT OF FISH AND GAME

CERTIFICATE OF SUBSTANTIAL COMPLETIONPROJECT: Squaw Creek Steelhead
Acclimation Pond

ENGINEER: ID Dept. of Fish and Game

D.F.G. NUMBER: 97-138

CONTRACTOR: Trammels, Inc.

CONTRACT DATE: August 4, 1997

CONTRACT AMOUNT: \$168,589.00

DATE OF CERTIFICATE ISSUANCE: October 31, 1997

The Work performed under this Contract has been reviewed and found to be substantially complete. The Date of Substantial Completion is hereby established as October 31, 1997 which is also the date of commencement of all warranties and guarantees required by the Contract Documents

DEFINITION OF DATE OF SUBSTANTIAL COMPLETION

The Date of Substantial Completion of the Work or designated portion thereof is the Date certified by the Architect when construction is sufficiently complete, in accordance with the Contract Documents, so the Owner may occupy the Work or designated portion thereof for the use for which it is intended.

A list of items to be completed or corrected, prepared by the Contractor and verified and amended by the Architect, is appended hereto. The failure to include any items on such list does not alter the responsibility of the Contractor to complete all work in accordance with the Contract Documents.

ENGINEER/ARCHITECT

11/3/97
DATE

The Contractor will complete or correct the Work on the list of items appended hereto with 10 days from the above Date of Substantial Completion.

CONTRACTOR

11/3/97
DATE

The Owner accepts the Work or designated portion thereof as substantially complete and will assume full possession thereof at 1700 (time) October 31, 1997 (date)

11/3/97
DATE

The Owner shall assume full responsibility for all utilities and insurance effective 1700 (time) October 31, 1997 (date).

IDAHO DEPARTMENT OF FISH AND GAME

11/3/97
DATE



STATE OF IDAHO
DEPARTMENT OF FISH AND GAME

FILE COPY
IDFG Project No.

97-138

GENERAL CONTRACTOR
PERIODIC ESTIMATE FOR PARTIAL PAYMENT

PCA: 60802

Prepare Original and Four Copies

Name and Location of Project: **SQUIAW CREEK STEELHEAD ACCLIMATION POND**

Contract Completion Date:

NOVEMBER 2, 1997

Name and Address of Contractor:

**FRAMMETS INC.
15778 HWY 20/28
CALDWELL, ID 83605**

Revised Date:

Periodic Estimate No. **4 FINAL**

For Period

SEPTEMBER 30

19 97

TO

OCTOBER 31

19 97

I ANALYSIS OF ADJUSTED CONTRACT AMOUNT TO DATE

a. Original contract amount	\$ <u>168,569.00</u>
b. Total amount of change orders to date (Addition/Deduction)	\$ <u>50,807.00</u>
c. Adjusted contract amount to date	\$ <u>219,376.00</u>

II ANALYSIS OF WORK PERFORMED (Attach Pay Estimate Breakdown)

a. Total cost of work performed to date (Total of original contract plus change orders)	\$ <u>219,376.00</u>
b. Less amount retained in accordance with contract terms (Show both percent and dollar amount) _____ %	\$ <u>0</u>
c. Net amount earned to date	\$ <u>219,376.00</u>
d. Less: Previous payments	\$ <u>208,407.20</u>

III BALANCE DUE THIS PAYMENT

\$ 10,968.80

IV CERTIFICATION OF CONTRACTOR

I certify that the foregoing is just and correct; that the amount claimed is legally due after showing all just credits, and that no part has been paid; that I, as well as any sub-contractors have complied with the labor standard provisions of the contract, or that there is an honest dispute with respect thereto.

Signature of Contractor

Y

Date

11/3/97

I hereby certify that I have inspected the above work; that to the best of my knowledge it is in accord with contract requirements and that the estimated quantities are correct and that work has not been reported on any previous estimate.

Signature of Engineer

Y

Date

11/12

Signature of District Engineer

Y

Date

11/12

Signature of District Chief

Y

Date

11/12

Signature of Chief, Bureau of Engineering

Y

Date

11/12

Copies to: Engineering Bureau Project Engineer Contractor Fiscal Parent Project Manager

STEELHEAD VOLITIONAL RELEASE EXPERIMENT

SQUAW CREEK POND, IDAHO

2000 Project Progress Report

Report Prepared For:

2000 Squaw Creek Pond Coordination and Evaluation Meeting

By:

**Ryan L. Newman
Fisheries Research Biologist**

**Idaho Department Of Fish and Game
August 2000**

6. Compare two different methods of estimating the number of emigrants from Squaw Creek Pond—electronic fish counter and a mark-recapture estimate.

The objectives for this study have been met. We now need to determine the effectiveness of Squaw Creek Pond in reducing the number of residual steelhead entering the Salmon River. Data from 1998 and 1999 suggested Squaw Creek Pond was unsuccessful at separating residual from migrant steelhead. Current data (2000) suggests the pond was successful. However, low flow conditions in the migration corridor in 2000 (Figure 1), relative to flow conditions in 1998 (Figure 2) and 1999 (Figure 3), may account for this difference. Other possible factors influencing study results include, but are not limited to, the following: pond temperature and oxygen level, pond inflow and discharge, weather conditions and pond management (i.e. water level fluctuation). Tables 2-7 provide Squaw Creek Pond study data for 1998, 1999 and 2000.

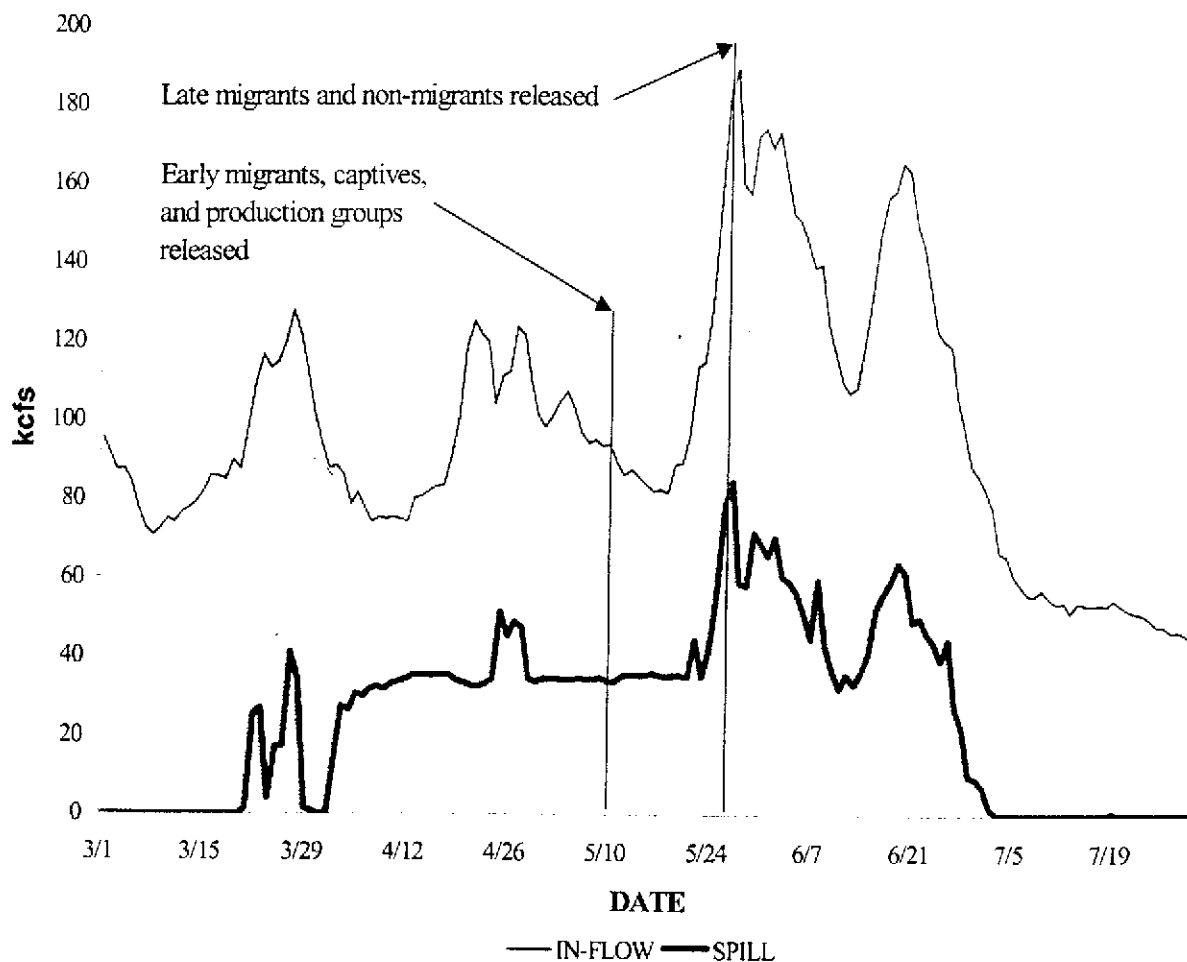


Figure 2. Mean daily in-flow and spill of the Snake River at Lower Granite Dam, Washington, between March 1 and July 31, 1999. Steelhead from the early migrant group and the captive population (Sawtooth FH) were PIT-tagged and released on May 10 whereas steelhead from the late migrant and non-migrant groups were PIT-tagged and released on May 26. Steelhead from the general production groups were also released on May 10 but were PIT-tagged on March 2.

Table 2. Descriptive statistics for each release group of steelhead released from Squaw Creek Pond in 2000.

	<u>Fork Length (mm)</u>	<u>Weight (g)</u>	<u>Condition Factor</u>
<u>Early Migrants</u>			
n	300	300	300
Mean	210.36	88.17	0.911
SD	29.57	35.82	0.288
Median	212	83.7	0.87
<u>Late Migrants</u>			
n	295	295	295
Mean	214.46	85.88	0.85
SD	24.06	30.43	0.26
Median	214	81	0.84
<u>Nonmigrants</u>			
n	290	290	290
Mean	231.71	116.55	0.59
SD	25.54	35.12	0.48
Median	233	112	0.89
<u>Control Group</u>			
n	300	300	300
Mean	220.24	102.78	0.98
SD	21.33	26.44	0.48
Median	214	91.3	0.93
<u>Production Group</u>			
n	300	50	50
Mean	174.27	69.00	1.26
SD	20.96	25.43	0.07
Median	176	72.9	1.26

Table 4. Descriptive statistics for each release group of steelhead released from Squaw Creek Pond in 1998.

	<u>Fork Length (mm)</u>	<u>Weight (g)</u>	<u>Condition Factor (K)</u>
<u>Early Migrants</u>			
n	296.00	296.00	296.00
Mean	238.54	125.77	0.91
SD	20.91	32.57	0.07
<u>Late Migrants</u>			
n	287.00	287.00	287.00
Mean	228.62	106.57	0.87
SD	22.60	32.10	0.08
<u>Nonmigrants</u>			
n	299.00	299.00	299.00
Mean	244.47	127.18	0.85
SD	19.99	32.39	0.05



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

November 1, 2000

KARL J. DREHER
DIRECTOR

STATE OF IDAHO
DEPARTMENT OF FISH & GAME
PO BOX 1336
SALMON ID 83467-1336

RE: LAPSED PERMIT NO. 72-07549

Dear Permit Holder:

The department is in receipt of the proof of beneficial use statement you filed with the department on October 26, 2000, with the appropriate license examination fee for the referenced lapsed permit.

Since the proof was received after the 60-day lapse period, the permit can be reinstated only if you submit **two (2) pieces of evidence** to show that beneficial use of the water did commence and to show the extent of the use of water during the authorized permit period, i.e. from the time the permit was issued until the proof due date (August 13, 1997 to August 1, 2000) for department consideration.

Typical evidence of the extent of beneficial use of the water include pumping records, receipts from equipment purchased and/or installed, or other information to verify use during the authorized development period.

The department will maintain the proof of beneficial use statement along with any information which has been submitted with it, for **30 days** to provide you the opportunity to submit the required information. Please be aware that this permit is **lapsed** and is of no force nor effect unless it is reinstated.

Page 2

If you have questions regarding this matter, please feel free to contact me at (208)327-7953 or the Southern Regional Office at (208)736-3033.

Sincerely,

A handwritten signature in cursive script that reads "Deborah J. Gibson".

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

c: IDWR - Region

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 72-07549 Reviewed by J. Libera Date 10/26/00

GENERAL CONSIDERATIONS

Yes Name same as permit?
Yes Address same as permit?
No Proof timely received?
If not, complete calculation below.

TYPES OF USE

Fish propagation
Yes Correct Uses?

SOURCE OF WATER

Yes Surface water source
No Ground water source
Drilling permit required?
Copy in the file? Drilling Permit No.
Amount paid for permit Correct?
Well log in the file?

LICENSE EXAMINATION FEE

Yes Required?
\$200 Amount Submitted
Yes Correct?

MEASURING DEVICE

No Required?
Yes Installed?
 Waiver requested?

PRIORITY CALCULATION

Date proof received 10/26/00 299
Date proof due 8/1/00 - 213 of (License notice sent 8/1/00) 228 = 71 days late
No. of days late = .86 $\times 60 \text{ days} = 10/26/00$
Priority Date 2/21/97 + 141
New Priority Date 8/15/97 - 227

DEFICIENCIES OR ACTION ITEMS

Obtain page proof and request photo of development
completed within development permit. Upon
receipt of a photo, submit to the permit and
submit compliance to 10/26/00.

DATA ENTRY

New Address Proof Made 10/26/00

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

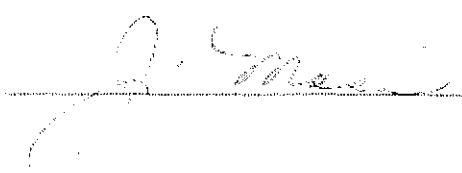
Receipt No: 12/12/00

Date: 12/12/2000
Time: 14:40:50

Received
From: IDAHO DEPART FISH & GAME

Type of Payment	Program A cct	Amount
PROOF OF BENEFICIAL USE #72-7549	28104	229 21 1155
CHECK	40686	
Total		\$ 270,396.11

Region: STATE

Signature: 

FILE COPY

Bill #1283 - Pd. 1/11/01 per Nancy Bandys
cc'd: Fish & Game 12/31/00 dg

Idaho Department of Fish and Game
Request for Services and Supplies

RECEIVED

OCT 26 2000

Department of Water Resources

34727
Project Cost Account(s) (PCA)

10/19/00
Date

Quantity	Complete Specifications for Purchase	Est. Cost
1	Fee - Proof of Beneficial Use Receipt Required No 72-07549 Idaho Dept. of Water Resources 1301 North Orchard St PO Box 83720 Borise, Idaho 83720-0098 Attn: Debbie Gibson	\$200.00 #040686 10/24/00 826 000 952 DP 5145

Substitution

Justification

Suggested Sources

Deliver To

✓ *[Signature]* Reg 7
Signature

Concurrence, including Funds Availability

PCA Leader *[Signature]* Date 10/19/00
Regional Supervisor *[Signature]* Date 10/19/00
Bureau Chief *[Signature]* Date 10/23/00
Chief, Administration *[Signature]* Date 10/23/00
Director *[Signature]*

Comments:

Disposition (Purchasing/Engineer Use Only)

- ☐ Approved for your purchase. Have vendor put Req. # _____ on invoice.
- ☐ Item has been ordered. Copy of PO # _____ attached.
- ☐ Bids have been requested. Req. # _____ has been assigned.
- ☐ Sent to State Purchasing for bid. Req. # _____ has been assigned.
- ☐ EPA has been requested/approved. EPA # _____
- ☐ To be filled by Mailroom/Warehouse
- ☒ Other: 10/26/00 #0050924 -
- ☐ Funds have been preencumbered.
- ☐ Funds have been preencumbered. Funds will be encumbered when purchase order is issued.
- ☐ Funds have been encumbered.

MICROFILMED

NPV 28 2000

90.00
10/24/00

August 15, 2000

STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 1336
SALMON ID 834671336

LAPSE NOTICE

RE: PERMIT NO. 72-07549

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated May 31, 2000. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifty dollar (\$50.00) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

CERTIFICATION OF MAILING

I hereby certify that on 8/16/00
~~a copy~~ an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

D. Gibson

MICROFILMED

SEP 26 2000

May 31, 2000

STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 1336
SALMON ID 834671336

PROOF DUE NOTICE

RE: PERMIT NO. 72-07549

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before August 1, 2000.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

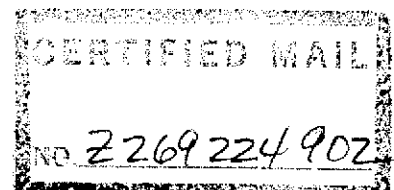
SINCERELY,

DEBORAH DREW-ELLIS
Administrative Assistant

Enclosures

MICROFILMED

NOV 2 3 1999



Z 269 221 936

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided

Do not use for International Mail

Sent to

Street & Number

Post Office, State, & ZIP Code

Postage

Certified Fee

Special Delivery Fee

Restricted Delivery Fee

Return Receipt Showing to Whom & Date Delivered

Return Receipt Showing to Whom, Date, & Addressee's Address

TOTAL Postage & Fees

Postmark or Date

10 82427-1336

PS Form 3800 April 1995

72-07549

STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 1336
SALMON

Stick postage stamps to article to cover First-Class postage, certified mail fee, and charges for any selected optional services (*See front*).

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached, and present the article at a post office service window or hand it to your rural carrier (*no extra charge*).
2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach, and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt to present it if you make an inquiry.

102595-99-M-0079

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

72-07549

STATE OF IDAHO

DEPT OF FISH & GAME

PO BOX 1336

SALMON ID 83467-1336

MICROFILMED

APR 25 2000

4a. Article Number**4b. Service Type**

- ☐ Registered ☒ Certified
- ☐ Express Mail ☐ Insured
- ☒ Return Receipt for Merchandise ☐ COD

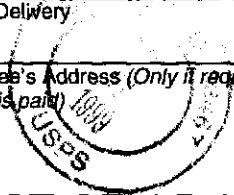
7. Date of Delivery**5. Received By: (Print Name)**

JO WENGER

6. Signature: (Addressee or Agent)

X

Jo Wenger

8. Addressee's Address (Only if requested and fee is paid)

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

DEPARTMENT OF WATER RESOURCES
1301 N. ORCHARD ST.
BOISE, ID 83706-2237

MICROFILMED

RECEIVED

OCT 25 2000

NOV 2 - 1999

WA

Department of Water Resources



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

October 26, 1999

CERTIFIED MAIL

RE: Procedures Available upon Issuance of Final Moratorium Order

Dear Applicant or Permit Holder:

The accompanying "Final Order" by the Director of the Department of Water Resources establishes a moratorium on the processing of applications for permits to appropriate surface water or ground water within and tributary to the Selway-Bitterroot Wilderness Area, the Gospel-Hump Wilderness Area, and the Frank Church-River of No Return Wilderness Area. The order is issued pursuant to Section 67-5246, Idaho Code, and is effective as of October 25, 1999.

This letter provides a statement of the available procedures pursuant to Section 67-5246, Idaho Code, and provides the time limits for filing a petition for reconsideration of the order. The statement is required by the Department's Rule of Procedure 740.02.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a final order within fourteen (14) days of the service date of the order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be deemed denied by operation of law pursuant to Section 67-5246(4), Idaho Code.

A party may not be required to comply with a final order unless the party has been served with or has actual knowledge of the order. If the order is mailed to the last known address of a party, the service is deemed to be sufficient.

OPPORTUNITY TO REQUEST HEARING

The department did not conduct a hearing prior to issuance of the accompanying order. Section 42-1701A(3) provides, in pertinent part, as follows:

MICROFILMED

SEP 2 1999

Unless the right to a hearing before the director or the water resource board is otherwise provided by statute, any person aggrieved by any decision, determination, order or action of the director of the department of water resources or any applicant for any permit, license, certificate, approval, registration, or similar form of permission required by law to be issued by the director, who is aggrieved by a denial or conditional approval ordered by the director, and who has not previously been afforded an opportunity for a hearing on the matter shall be entitled to a hearing before the director to contest the denial or conditional approval upon filing with the director, within fifteen (15) days after receipt of the denial or conditional approval, a written petition stating the grounds for contesting the action by the director and requesting a hearing.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to Sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by a final order or orders previously issued in a matter before the department may appeal the final order and all previously issued orders in the matter to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of (a) the service date of the final order, (b) an order denying petition for reconsideration, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See Section 67-5273, Idaho Code. The filing of an appeal to district court does not in itself stay the effectiveness or enforcement of the order under appeal.

For questions regarding the moratorium order please contact Glen Saxton, Water Allocation Bureau Chief, or me at (208) 327-7900.

Sincerely,



Norman C. Young

Administrator

Water Management Division

MICROFILMED
APR 25 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 13, 1997

STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 1336
SALMON ID 83467-1336

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 72-07549

Dear Permit Holder:

The Department of Water Resources (IDWR) has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a "Proof Due Notice" approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

Please be advised that water quality is subject to regulations of the Idaho Department of Health and Welfare. We suggest that you check with them before starting construction.

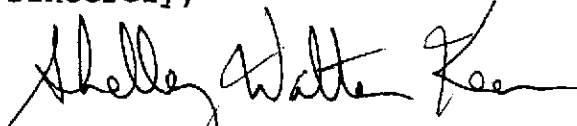
Also, please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address to the department. If you have acquired a water right or have changed your mailing address PRIOR TO July 1, 1996, you have until July 30, 1998, to notify the department. If you acquire a water right or change your mailing address AFTER July 1, 1996, you must notify the department within 120 days of the change.

100-1176
AUG 16 1997

Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department to obtain the proper reporting form.

Please note that a separate stream channel alteration permit must be obtained from the IDWR prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

Sincerely,

A handwritten signature in cursive script, appearing to read "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

ENCLOSURE

ENCLOSURE

CERTIFICATE OF MAILING

I hereby certify that on the 13th day of August, 1997, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 72-07549

STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 1336
SALMON ID 834671336


Kari Lynn Townsend
Secretary

07/97

APPLICATION FOR PERMIT STATE OFFICE REVIEW

by Cindy Lou

No.: 12-7549 Name: 10 F&G Date: 8/12/97 Ad OK? ☒ ☒ Gvmt Lts: ☒

AREA OF CONCERN: use exempt - No/Yes: S/C Mor / GWMA / Trust / Non-trust
PROTESTED: - 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED:

1 year/no proof
>1 year

- P16
- 26A-P17

GROUNDWATER: (✓ FLO-CH)

WMD (✓ MAP)

>0.24 cfs/5 acres
≤ 0.24 cfs/5 acres

- or No MD (in-stream stock or power)
- No MD

WMD >0.24 cfs

- 01M (report when notified)

>5 a.

- 01M; 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)

≤ 0.24 cfs/5 acres

- No MD

DRILLING PERMIT:

Existing well

- NA (pre 7/1/87; ✓ WDQ3)

Included w/permit

- Permit No. - - - - P99

No drilling permit?

- 046-46B-P23 (post 7/1/87)

irr. in WD

- P05 (new well location)

SURFACE WATER: (✓ FLO-CH) (Surface water that doesn't sink is regulated):

IN MIN. STR. FLOW (✓ MAP)

- (modify remark *WB9)

WD (✓ MAP & LISTING)

- R04 (WD #) - 01J-P08 (MD)

Pumped >0.20 cfs

- 01H-P01 (LD & MD) or No MD (in-stream stock)

WMD (✓ MAP)

> 0.24 cfs/5 acres

- or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres

- No MD

SPRINGS/SINK, INACTIVE WD & REST OF STATE

> 0.24 cfs/5 acres

- 01M or No MD (in-stream stock or power)

~~< 0.24 cfs/5 acres~~~~- No MD~~

RIVER BASINS: (*Surface water):

Snake R (01)

- 11A-P04, NA

(02/03-irr)

- 007-P07 (w/ remark *WB9 if above Weiser), NA

Boise R (63)

- 05A (if WD), 11E (not 42-111 use), NA

Payette R(65)

- *W22 (regulated uses), 047-P04 (Payette Lake), NA

USE:

Domestic surface

- *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA

>1 in rest. area

- 070-071- P53

Fish Propagation

- 07A-042 (req)-09E (WQ) P10; 044 (N of 1000 Springs)

Irr ≤ 5 acres

- 057 (0.03 cfs/acre)

> 5 acres

- 03A (0.02 cfs/acre)

Mining

- 054 (req) & 09E-P10

Muni (in restricted areas)

- 022, 075, 004 (+memo?)

Power

- 17K-08A-025-01F(P19)-028-09E(P10); 027 (if no other cons. use);

17G (FERC) or 17M (FERC); 18B-P09; >25 cfs-P18

Storage (✓3 compo.)

- 080; 18A (in- & out-flow MD within district), 18B-P09 (>10' dam),

LOCATION:

42-248 area

- P84 (in 20/30/40/50/60/70/80 (87) basin)

Boise Front LoGeo

- 058 (<85° GW temp only)

In-stream dev.

- P52 (stream channel alteration)

Irr Dist/Canal Co.

- 023 (Twin Falls area)

SWAN FALLS FLAG (See Code Chart)

Trust

- 051-052-053-P74 (Consumptive Uses), NA

Non-Trust (1)

- 048-049 (Consumptive Uses), NA

OWNERSHIP:

- 004 (PD/PU) Thompson Mining Co/ agreement

OTHER CONDITIONS:

STANDARD REMARKS:

- ① Steelhead acc / release pond

BENEFICIAL USE DUE:

- 8/1/ 2000

COMMENTS:

IDAHO DEPARTMENT
OF HEALTH AND WELFAREDIVISION OF
ENVIRONMENTAL QUALITY

900 North Skyline, Idaho Falls, ID 83402-1718, (208) 528-2650

Philip E. Balt, Governor

DIVISION OF ENVIRONMENTAL QUALITY

IDAHO FALLS REGIONAL OFFICE

TRANSMITTAL COVER SHEET

FAX NUMBER (208) 528-2695

DATE: 8/4/97 FROM: MARC DIETRICH
TO: CINDY ZIMMERMAN DEQ-EIRO
IDWR 900 NORTH SKYLINE STE B
IDAHO FALLS, ID 83402
PHONE: () PHONE: (208) 528-2650
FAX: (208) 327-7866

TOTAL NUMBER OF PAGES (INCLUDING THIS COVER SHEET): _____

IF FAX IS INCOMPLETE OR UNREADABLE CALL: (208) 528-2650DOCUMENT DESCRIPTION/COMMENTS: _____



IDAHO DEPARTMENT
OF HEALTH AND WELFARE

DIVISION OF
ENVIRONMENTAL QUALITY

900 North Skyline, Idaho Falls, ID 83402-1718, (208) 528-2650

Philip E. Batt, Governor

August 4, 1997

Cindy Zimmerman
Idaho Department of Water Resources
1301 N. Orchard
Boise, ID 83706

Re: Engineering Review of the Squaw Creek Steelhead Acclimation/ Release Pond

Dear Cindy:

Thank you for the opportunity to review the plans and specifications for the proposed steelhead acclimation and release pond at Squaw Creek. The plans and specifications appear to meet State engineering standards and are hereby approved.

If you have any questions regarding this letter or if we can be of further assistance, please call me at (208) 528-2650.

Sincerely,

Mark Dietrich
Associate Engineer

cc: Jim Johnston, Regional Administrator, DEQ-Idaho Falls
Greg Eager, Regional Manager, Engineering, DEQ-IF

Fishgame.ltr

Rec 20 1997

FROM: Allen Merritt *AM*

DATE: July 22, 1997

TO: Application No. 72-07549

In the Name of: Idaho Department of Fish & Game

SUBJECT: Review and Recommendation

This application seeks the diversion of water from Squaw Creek for non-consumptive use in an acclimation pond adjacent to the creek. The proposed site is in the impact area of the "Salmon and Clearwater Moratorium Order"; however since the use is non-consumptive or of little impact it appears approvable.

RECOMMENDATION

I recommend that the application be approved subject to the following conditions:

- Inlet & Outlet measuring devices.
- Use is non-consumptive.
- Discharge must meet DEQ standards.
- If measurable loss through facility is found the loss must be mitigated.

RECEIVED

JUL 23 1997

Department of Water Resources

APPROVED

ADN 11/1/97

Idaho Dept. of Fish & Game

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

JUL 23 1997

APPLICATION FOR PERMIT ANALYSIS SHEET Department of Water Resources

INITIAL REVIEW BY
APPLICATION NO.

J. E. Stanton
72-00047

DATE *5-21*, 19*97*

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
- ☒ Address
- ☒ Source (see USGS quad for names of water sources)
- ☒ Point of diversion (10 Acres for spring, lot & block descriptions subdivisions, local name, flow &/or volume.)
- ☒ County
- ☒ Quantity (flow &/or volume)
- ☒ Period of use
- ☒ Nature of proposed use (include description of use)
- ☒ Description of diverting works.
- ☒ Time required for beneficial use of water.
- ☒ Place of use or acres irrigated.
- ☒ Map
- ☒ Signature (If applicant is corp., partnership, or municipality of signator is required)
- ☒ Fee
- ☒ Yes ☐ No* In form to receipt

-----PROPOSED PRIORITY DATE
5-21, 19*97*

ADDITIONAL INFORMATION

- ☒ Overlapping place of use(Describe source & relationship to prease application on the back.
- ☒ Overlapping point of diversion.
- ☐ Yes ☒ No Field check required
- ☐ Yes ☒ No Field check by _____
- ☐ Yes ☒ No Field report attached
- ☐ Yes ☒ No Critical Ground water area
- ☐ Yes ☒ No Groundwater management area
- ☐ Yes ☒ No Send Dam safety information
- ☐ Yes ☒ No Send power requirement letter
- ☒ Yes ☒ No Send fish farm requirement letter
- ☐ Yes ☒ No Power residency affidavit.
- ☐ Yes ☒ No Power efficiency form
- ☐ Yes ☒ No Within trustwater boundary(If yes, attach trustwater supplementary analysis sheet.
- ☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If yes attach large diversion supplementary analysis sheet

See reverse side for additional information.

* REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

_____ Date Requested _____, 19____

PROCESSING ☒ Yes ☐ No In form for Advertising
☐ Yes ☒ No No Statewide Advertising
☒ Yes ☐ No Fee amount, receipt date & No. recorded on app.

SEND COPIES TO: ☐ Idaho Dept of Health & Welfare ☐ USDI BLM
☐ Idaho Dept of Fish & Game ☐ USFS
☐ Idaho Dept of Lands ☐ Water Dist.
☐ Adjudication Bureau Unit ☐ Other

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received.
☒ Yes ☐ No Application published correctly. If not, record action taken.
☒ Yes ☐ No Publication dates and paper, recorded on App.
☐ Yes ☒ No Protests received
☒ Yes ☐ No Final date for Protest
☒ Yes ☐ No Protests, dates, resolution of protest, recorded on app.
☒ Yes ☐ No Recommendations attached
☒ Yes ☐ No Measuring device required
☐ Yes ☒ No Access port required
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what dist.
☐ Yes ☒ No Special conditions of approval or cover letter below.

See below for additional information

Date of priority recommended 5/21, 1997
By AD Date 7/22, 1997

STATE OFFICE REVIEW

See below for additional information

By _____ Date _____, 19____

ADDITIONAL INFORMATION:

See memo 7/22/97



IDAHO FISH & GAME

SALMON REGION
1215 Hwy 93 N / P.O. Box 1336
Salmon, Idaho 83467
(208) 756-2271
Idaho Relay Center
(TTY) 1-800-377-3529

Philip E. Batt / Governor
Stephen P. Mealey / Director

July 14, 1997

James Stanton
Sr. Water Resource Agent
Department of Water Resources
1341 Fillmore St.
Twin Falls, Idaho 83301

RECEIVED
JUL 16 1997
Department of Water Resources
Southern Region

RE: Application for Water Permit 72-07549

Dear Mr. Stanton:

I've enclosed a portion of our engineer's plans for the proposed pond on Squaw Creek. Also I enclosed a copy of the MOA we have with Thompson Creek Mining Co. on the use of their land.

I've also contacted Custer County for their comments and IDH&W (Tom Herron, DEQ). They are reviewing the project and I expect a response by July 31, 1997.

We would like to start construction in August. Please let me know of any further concerns.

Sincerely,

Michael R. Larkin
Regional Fishery Manager

MRL:jw

WATER RESOURCES

ASSISTANT

**MEMORANDUM OF AGREEMENT
BETWEEN
CYPRUS THOMPSON CREEK MINING COMPANY
AND
IDAHO DEPARTMENT OF FISH AND GAME**

Squaw Creek Pond Agreement

This agreement is made and entered into on February 1, 1997 between Cyprus Thompson Creek Mining Company (The Company) and the Idaho Department of Fish and Game (The Department).

Introduction

The Company owns the real Property along Squaw Creek and the water right for said property (more particularly described in attachments A, B, and C respectively). The Department desires to construct and operate a pond, for fishery purposes, on said property.

SECTION ONE

- A. The Company, by this agreement, grants to The Department, the right to enter the property, construct and operate said pond, subject to the conditions set forth in this section,
- B. Nothing herein shall be construed as conveyance of an easement or other real Property right to The Department,
- C. Conditions under which the pond may be used are:
 - 1. All construction costs will be paid for by The Department.
 - 2. The pond will be used for fishery enhancement that includes a hatchery steelhead smolt rearing and release pond, an adult trapping area plus a put-and-take rainbow trout stocking fish out pond.
 - 3. Public use will be limited to daylight hours only and public access will be restricted to parking in designated area along the main Squaw Creek Road, no camping or camp fires will be allowed.
 - 4. The Department will be responsible for any required state and federal permits or consultation pursuant to pond construction and operation. The Department will be responsible for resolving state or federal regulatory concerns pursuant to pond construction and operation. The Company will assume no additional environmental or Endangered Species Act restrictions, either state or federal, because of pond construction and operation.

SECTION TWO
Terms of Agreement

The agreement shall be for a period of ten years, commencing on February 1, 1997 and terminating on December 31, 2007. It is the intention of this agreement that it will be renewed for additional ten year periods upon agreement and approval of both parties.

SECTION THREE
Termination

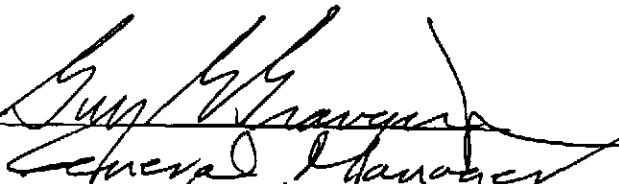
The Company and The Department retain the right to terminate the agreement after the initial ten year period with 30 days notice.

SECTION FOUR
Indemnification

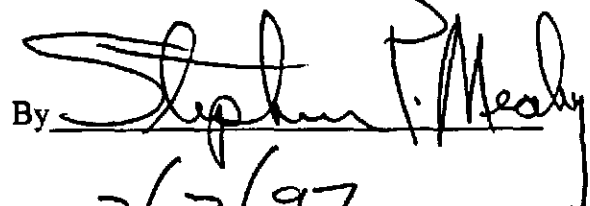
The Department agrees to fully indemnify, to save and hold harmless, The Company, its officers and agents and employees, from and against all claims, actions, and all expenses incidental thereto, for damages or injuries to third persons or their property arising out of the construction or use of the ponds unless such damages or injuries are caused by negligence of The Company. The Department is a state agency and its liability for its own wrongful acts or omissions, or those of its officers, agents, or employees, is established and controlled by the Idaho Tort Claims Act. The Department acknowledges its responsibility for the construction and use of the pond under this agreement.

In witness Whereof, the parties have caused this agreement to be executed by their duly authorized representatives, the day and year herein above written.

Cyprus Thompson Creek
Mining Company

By 
General Manager
Date 1/16/97

State of Idaho
Department of Fish & Game

By 
Date 2/3/97



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 1, 1997

Idaho Dept. of Fish & Game
ATTN: Mike Larkin
PO Box 1336
Salmon, ID
83467

RE: App. for Water Permit 72-07549

Dear Mr. Larkin;

We have completed regional processing of the above-referenced application, and no protests were received. We need additional information, however, as required for fish-propagation facilities diverting 5 cfs or less. The attached sheet details what is needed. This sheet should have been sent to you earlier, but was not. We will hold your application until the needed documents are received. If you have questions, feel free to contact me. Or you can contact Shelley Keen of our Boise office (327-7946) if that would be more convenient.

Regards,

James E. Stanton
Sr. Water Resource Agent

1341 Fillmore Street

Idaho 83301-3380

S. Region
3/96

Application No. 72-07549

ADDITIONAL INFORMATION REQUIREMENTS
FOR FISH PROPAGATION APPLICATIONS
FIVE (5) CFS AND LESS

The following additional information is required to be made part of the application file pursuant to IDAHO CODE section 42-203A and the Rules and Regulations for Water Appropriation:

- 1) Copies of deeds, leases, easements, or other information documenting that you have a possessory interest in the place of use. (Rule 40.05, e, i)
- 2) Copies of plans and specifications for the project works. The plans must be definite enough to allow for determination of project impacts and implications. For fish propagation facilities the plans must show the number of ponds proposed and give the length, width and depth dimensions of all ponds. (Rule 40.05, f, ii)
- 3) You must seek comment on the effects of the construction and operation of the proposed project from the city and/or county within which the project is to be located, the Idaho Department of Fish and Game, the Idaho Department of Health and Welfare, Division of Environment, and any irrigation district or canal company within which the project is to be located. (Rule 40.05, g) A copy of your application is enclosed for your use in seeking comments.

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

I, Ruth E. Burdhill, representing the Challis Messenger, a weekly newspaper, published at Challis, Idaho, do solemnly swear that the notice hereto attached and made a part hereof, was published in the regular and entire issue of the Challis Messenger for 2 consecutive weeks, commencing with the issue dated June 5 1997 and ending with the issue dated June 12 1997.

Ruth E. Burdhill

STATE OF IDAHO

COUNTY OF CUSTER

On this 12 day of June in the year of 1997 before me, a Notary Public, personally appeared Ruth E. Burdhill known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Della B. Owen
Notary Public for Idaho

Residing at 41619 Clayton

My commission expires: 7/6/99

NOTICE OF APPLICATION FOR WATER PERMIT

The following application has been filed to appropriate the public waters of the State of Idaho:

STATE OF IDAHO

DEPARTMENT OF FISH & GAME
PO BOX 1336

SALMON ID 83467

Application for Permit No. 72-07549

Source: Squaw Creek tributary to Salmon River

Diversion Pt(s): NE1/4SW1/4SE1/4, S21, T11N, R17E; Custer County.

Use: 1/1-12/31

Fish propagation (4.5 cfs)

In: SE1/4NE1/4, S28, T11N, R17E.

Date Filed: 05/21/1997

The permit will be subject to all prior water rights. Any protest must be filed with the Director, Dept. of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before June 23, 1997. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreber, Director

Pub: June 5 & 12, 1997.

OK MB
6/16/97

RECEIVED

JUN 13 1997

Department of Water Resource
Southern Region

APR 1 1997

STATEMENT

**Custer Publishing, Inc.**

Phone 879-4445

P.O. Box 405

Challis, Idaho 83226

Dept of Water
 1341 Fillmore St., Suite 200
 Twin Falls, ID 83301-3380

Job No.	Date	DESCRIPTION	Amount
	6-12-97	<u>72-07549</u> Notice of Application for Water Permit. 6/5 + 6/12/97, 28 lines RECEIVED JUN 13 1997 Department of Water Resources Southern Region	\$35.42 OV MB 6/16/97

A finance charge of 1½ percent (annual percentage rate of 18%) with a minimum charge of 50¢ will be charged to all accounts not paid within 30 days of billing.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 14, 1997

David Bergey
Thompson Creek Mining Company
P.O. Box 62
Clayton, ID 83227

Dear Mr. Bergey:

Pursuant to our recent telephone conversation, please find enclosed the recently submitted transfer application filed by Thompson Creek Mining Company. No filing fee was submitted with the application, so no refund has been issued.

As we discussed during our telephone conversation, the preliminary Snake River Basin Adjudication recommendations indicate that the irrigation rights are significantly smaller than the amounts initially claimed and listed on the transfer application. In addition, the irrigation rights can only be diverted from Squaw Creek during the irrigation season, approximately April 15th to October 15th. In the water right transfer process, our Department can not approve an application that proposes to increase the diversion rate or diversion volume of an existing water right. The recommended diversion rates for the water rights you are attempting to transfer total 0.93 cfs (46.5 inches).

I have discussed this matter with Mike Larkin of the Idaho Department of Fish and Game, and he indicated that the proposed pond would require a **year round** diversion rate from Squaw Creek that would be significantly larger than 0.93 cfs. For this, and other reasons, I suggest that an application for permit be submitted to add this new proposed use of water from Squaw Creek.

Currently, a moratorium on the processing of new applications for permit to appropriate surface water sources in the Salmon River Basin is in place. However, this moratorium was issued in the public interest to control the appropriation of water from the Salmon River and its tributaries to reduce the resulting effects on salmon and steelhead. In addition, our Department can process applications that propose non-consumptive water uses. Since the proposed fish rearing pond is relatively small (Mr. Larkin said a surface area of approximately $\frac{1}{2}$ acre), and the proposed use is to assist in the restoration of steelhead in the Salmon River, I suspect our Department can process an application for a new water right permit in this particular situation.

WFO:WED

2004-10-20

April 14, 1997
PAGE 2

I have enclosed an application for a water right permit and the corresponding instructions for completing the application. In addition, I have included two lists of additional information that is required, by IDAHO CODE, to be submitted along with applications proposing fish propagation uses. One list is for a proposed diversion of more than 5.0 cfs, and the other list is for a proposed diversion of 5.0 cfs or less. The information on only one of these lists needs to be submitted, depending on the diversion amount applied for.

Hopefully, this information will prove to be useful to you and the Idaho Department of Fish and Game and will assist in your efforts to develop the steelhead rearing pond along Squaw Creek. If you have any questions, or if I can be of any assistance, feel free to contact me at your convenience.

Sincerely,



Corey Skinner, EIT
Dam Safety Section

Enclosures

cc: Mike Larkin w/o enclosures



RECEIVED
no fees included
APR 03 1997

April 1, 1997

Department of Water Resources
Southern Region

Idaho Dept. of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

To Whom It May Concern:

Please find enclosed our Application for Water Right Transfers concerning water in the Squaw Creek drainage.

To summarize information contained within the forms, we are seeking to help the Idaho Fish and Game Department in their efforts to restore Steelhead runs on the Salmon River. We have agreed to donate land for a small rearing pond, and subject to your approval, have agreed to let them use irrigation water from Squaw Creek in order to fill the pond and flush the planted smolts back into Squaw Creek, which reports to the Salmon River. This use would occur during the pre-irrigation season in early spring. Following the flush, a lesser amount would be allowed to flow into the pond to prevent stagnation and at that time (during the summer months), the pond would be used for public fishing.

We appreciate your consideration of what we feel is a very worthwhile project. Please contact me or Bert Doughty at Thompson Creek Mine if we can be of any assistance @ 208-838-2200. The Idaho Fish and Game contact is Mike Larkin in Salmon, Idaho @ 208-756-2271.

Sincerely,

A handwritten signature in cursive script that reads "David Bergey".

David Bergey
Environmental Tech.
TCMC

NOTICE OF APPLICATION FOR
WATER PERMIT

The following application has been filed
to appropriate the public waters of the
State of Idaho:

STATE OF IDAHO

DEPARTMENT OF FISH & GAME

PO BOX 1336

SALMON ID 83467

Application for Permit No. 72-07549

Source: Squaw Creek tributary to
Salmon River

Diversion Pt(s): NE1/4SW1/4SE1/4,
S21, T11N, R17E; Custer County.

Use: 1/1-12/31

Fish propagation (4.5 cfs)

In: SE1/4NE1/4, S28, T11N, R17E.

Date Filed: 05/21/1997

The permit will be subject to all prior
water rights. Any protest must be filed
with the Director, Dept. of Water
Resources, Southern Region, 1341
Fillmore St., Suite 200; Twin Falls, ID
83301 together with a protest fee of
\$25.00 on or before June 23, 1997. The
protestant must also send a copy of the
protest to the applicant.

Karl J. Dreher, Director

Published in The Challis Messenger on
6/5 & 6/12/97.

✓
OK

✓
OK



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

May 27, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

CUSTER PUBLISHING CO
PO BOX 405
CHALLIS ID 83226

Gentlemen:

Enclosed you will find a legal notice which we wish to have published in your newspaper. We have inserted the required publication dates.

We have attempted to submit this legal as camera ready. Please call me at your earliest convenience and prior to your staff re-typing the legal if it does not meet your specifications so I can possibly make adjustments.

If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin
Sr. Secretary

Enclosure

NOTICE OF APPLICATION FOR WATER PERMIT

The following application has been filed to appropriate the public waters of the State of Idaho:

STATE OF IDAHO
DEPARTMENT OF FISH & GAME
PO BOX 1336
SALMON ID 83467

Application for Permit No. 72-07549

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Karl J. Dreher, Director

Published in The Challis Messenger on 6/5 & 6/12/97.



State of Idaho
DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

May 27, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ATTN MIKE LARKIN
ID DEPT FISH & GAME
PO BOX 1336
SALMON ID 83467

Re: Application for Permit No. 72-07549

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned the above referenced identification number. Please refer to this number in all further correspondence.

This office has scheduled advertising the application in The Challis Messenger for 6/5 & 6/12/97. A period of ten days following the second publication will be allowed for the submittal of protests.

If an application is protested you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If an application is not protested, it will be forwarded to our State Office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Very truly yours,

James E. Stanton
Sr. Water Resource Agent

JS:MB

Idaho Department of Fish and Game
Request for Services and Supplies

35717

Project Cost Account(s) (PCA)

5/5/97

Date

Quantity

Complete Specifications for Purchase

Est. Cost

1

Application for 4.5 cfs of water

RECEIVED

#180.00

Squaw Creek Pond

MAY 21 1997

Department of Water Resources
Southern Region

Mail to :

Idaho Dept. of Water Resources
1341 F. Illmore St., Suite 200
Twin Falls, Idaho 83301-3380

IDWR Receipt #5020148

#028539

5/12/97

Receipt Required
TO Clear Rotary Loan

Substitution

Justification

Suggested Sources

Deliver To

Twin Falls Office - IDWR

Signature
MIKE LARKIN (392-48-4773)

Concurrence, including Funds Availability

PCA Leader

Date

Regional Supervisor

Date

Bureau Chief

Date

Chief, Administration

Date

Director

Date

Comments:

Rotary fund

Disposition (Purchasing/Engineer Use Only)

- ☐ Approved for your purchase. Have vendor put Req. # _____ on invoice.
- ☐ Item has been ordered. Copy of PO # _____ attached.
- ☐ Bids have been requested. Req. # _____ has been assigned.
- ☐ Sent to State Purchasing for bid. Req. # _____ has been assigned.
- ☐ EPA has been requested/approved. EPA # _____
- ☐ To be filled by Mailroom/Warehouse
- ☐ Other: _____
- ☐ Funds have been preencumbered.
- ☐ Funds have been preencumbered. Funds will be encumbered when purchase order is issued.
- ☐ Funds have been encumbered.

MICROFILMED

AUG 20 1997

72-07549