

T12-R12E is unsurveyed area.
Section lines projected from 6
surrounding surveyed area per USGS
7 1/2' maps. Some distortion occurs in
this map due to 4 quads needed
to make 1 8 1/2" x 11" copy of
area. Thus, it's difficult to
exactly pinpoint old & new to

MAP PREPARED BASED ON
APPLICATION INFO & MAP.
JL 10/9/90

PIO'S PLN

KNAPP CREEK

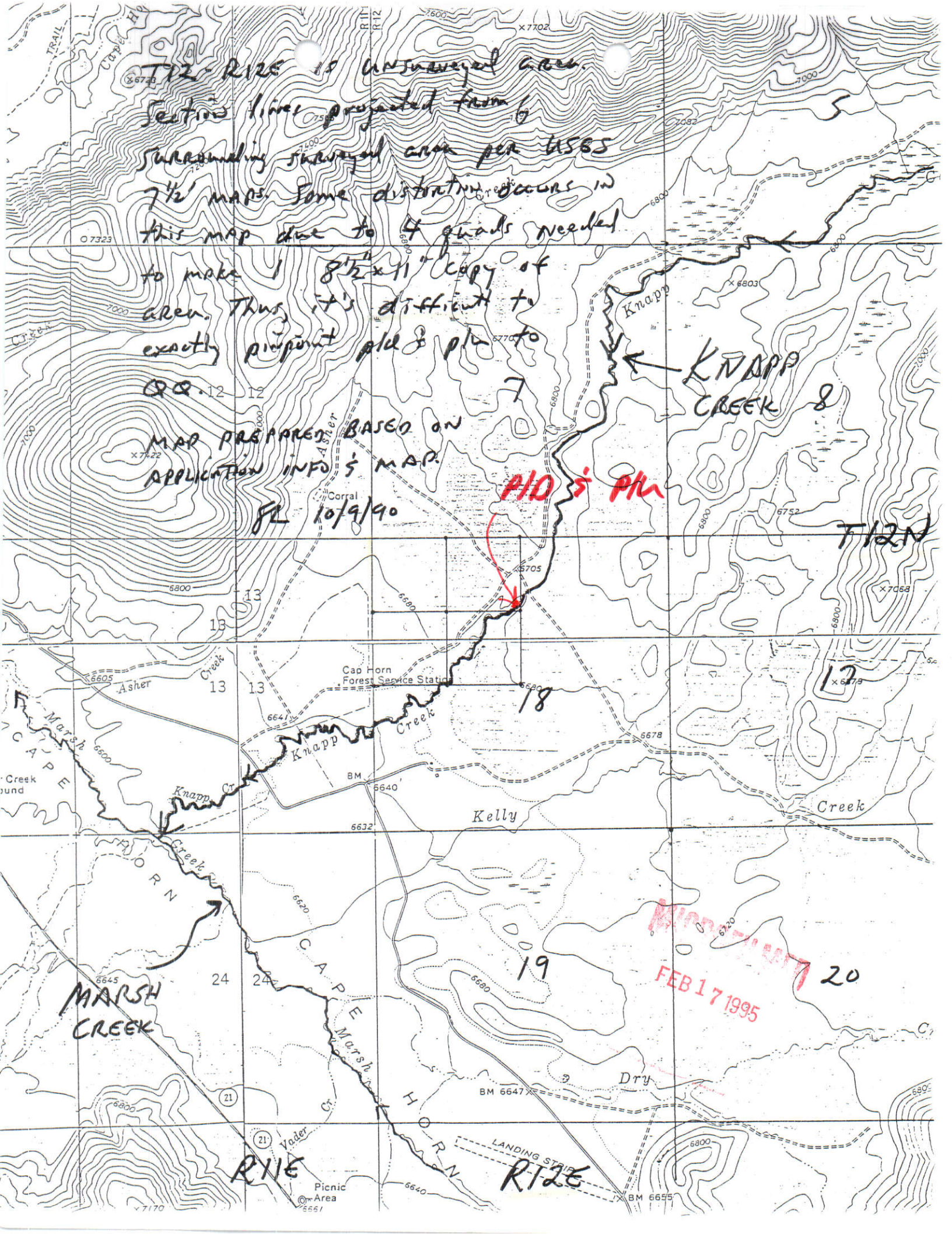
T12N

MARSH CREEK

MINNEAPOLIS 20
FEB 17 1995

R1E

R12E

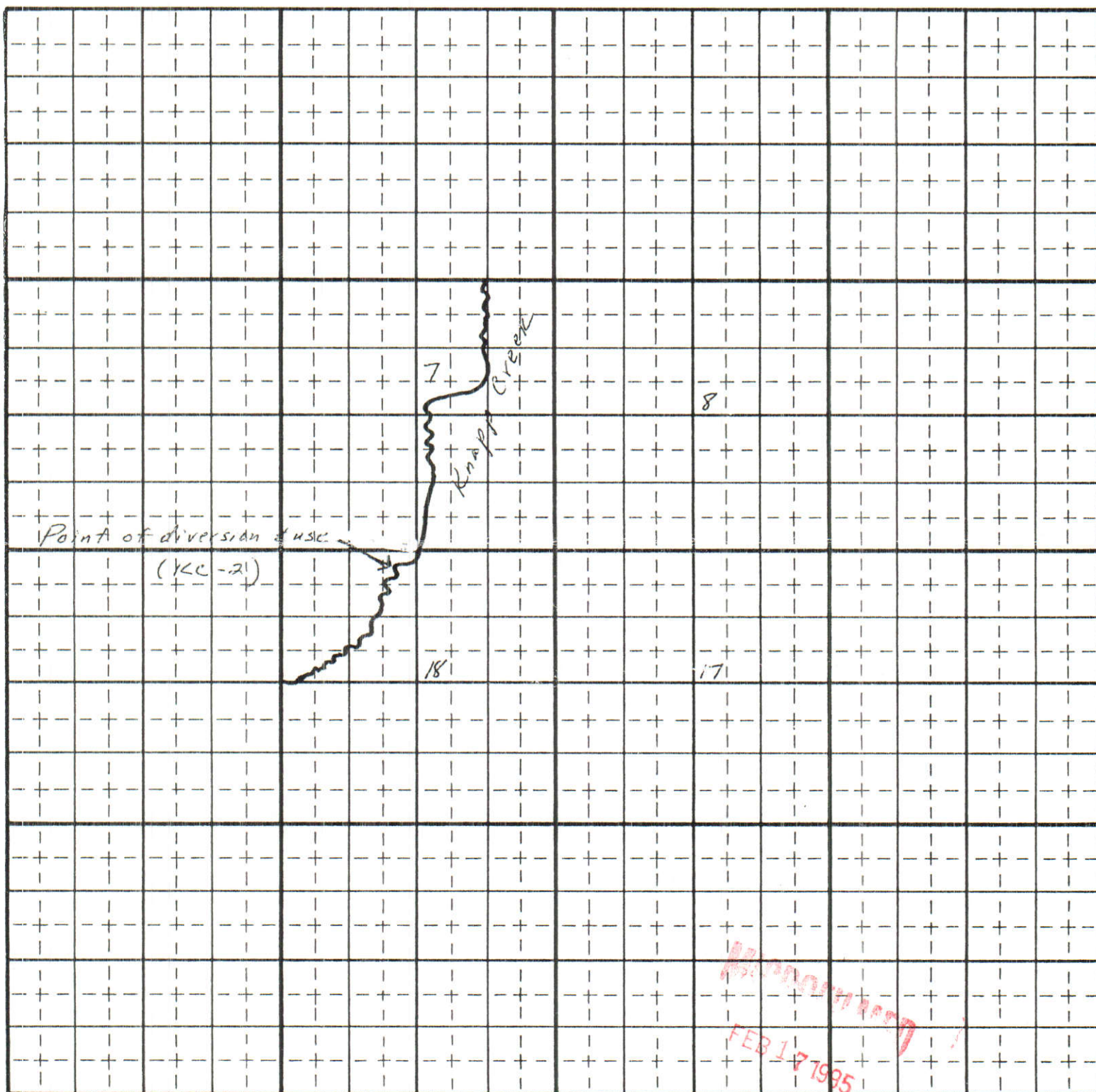


Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

T. 12 N.

R. 12 E.

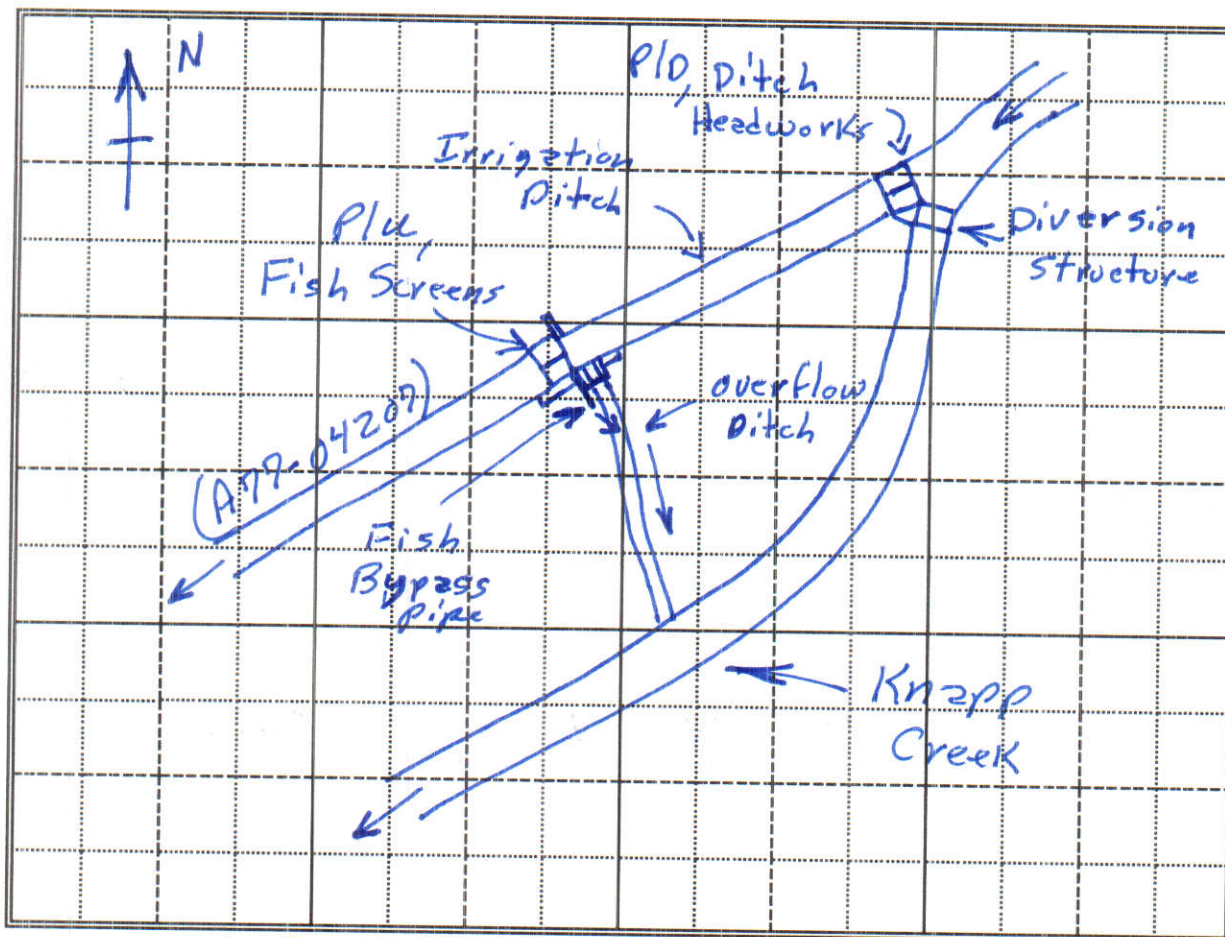


APPLICANT'S MAP

Last Name IDF#G Ident No. _____

Copies: White-State, Yellow-Claimant

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = No Scale

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☐ Aerial Photo Attached (required for irrigation of 10+ acres)

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

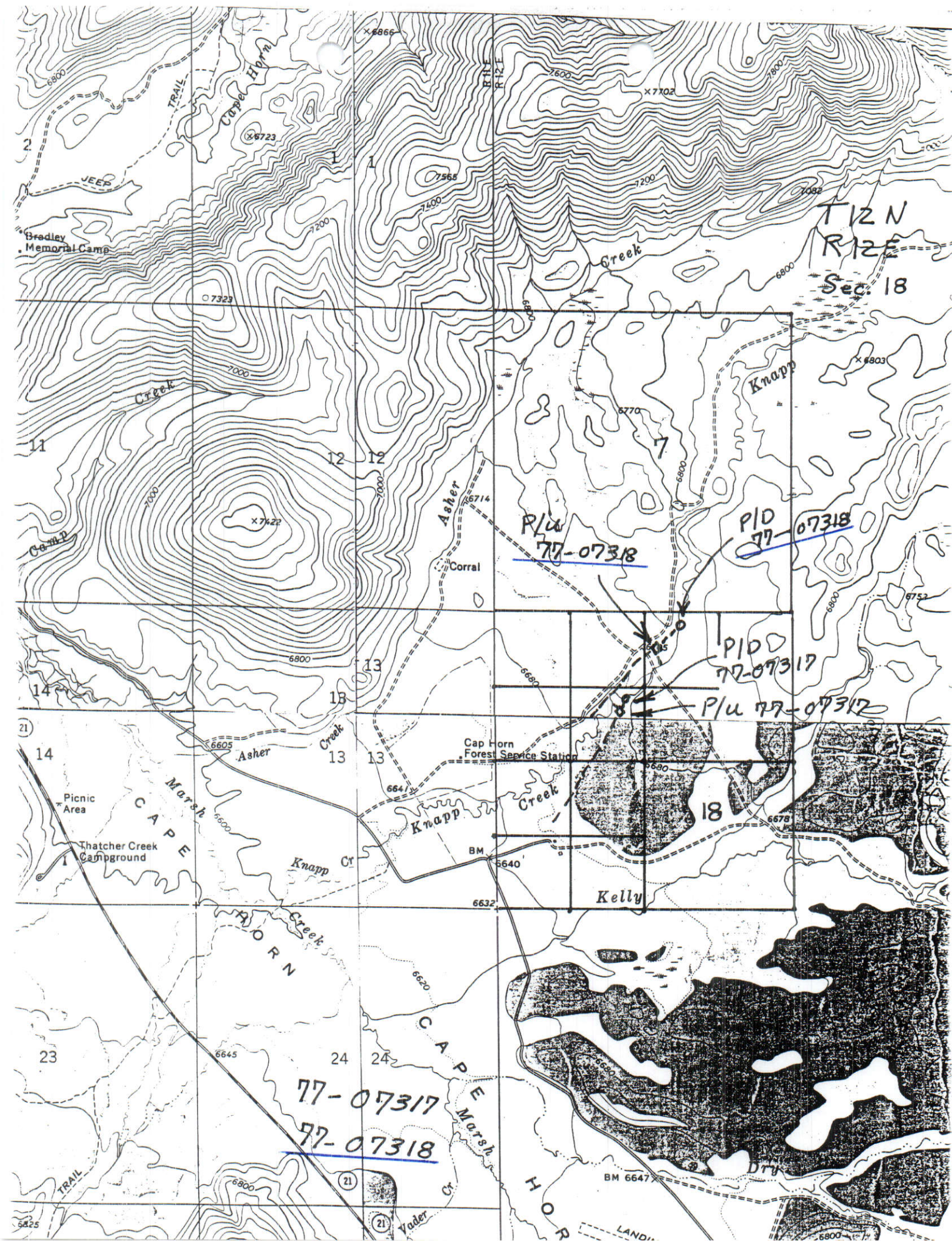
*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: None



1 of 2



P/O
Irrigation
Ditch
headworks
and
Knapp Creek
Diversion
Structure

View
Looking
East

Irrigation ditch in foreground.



P/u
Fish
Screens
in
Irrigation
pitch

View
Looking
Southwest

77-07318

2 of 2



P/u
Fish
Screens,
Stoplog
overflow
structure,
and
fish
bypass
pipe -
Adjacent
to
Screen,
(in shadow)



P/u
Fish
Screen
and
4" PVC
Fish
Bypass
pipe
flowing
into
overflow
pitch

77-07318

FOR OFFICE USE ONLY
Amt. of Fee \$: 100.00
Receipt No. C034661
Receipt By: JW
Date Received: 1-25-96

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN 25 1996

PROOF OF BENEFICIAL USE

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 who has been appointed by the department.

1. Permit No. 77-07318 Telephone No. 208-756-5100
2. Name(s) of Permit Holder(s): USDA-Forest Service
3. Mailing Address: P.O. Box 729, Salmon, ID 83467
4. Source of Water: Knapp Creek If GROUNDWATER (well), Date Drilled: mo. _____ / yr. _____
- a. Well Driller: _____ Drilling Permit Number: _____ - _____ - _____ - _____
- b. **OPTIONAL:**
Pump Horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft): _____
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 Passage
6. Total rate of diversion and/or volume for which proof is submitted: 0.80 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 X
Has the measuring device been installed? Yes _____ or No _____
- Flow Measurement Port:** Is a flow measurement port required? Yes _____ or No X
Has the measurement port been installed? Yes _____ or No _____
8. Fee Enclosed: \$ 100.00 (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: John Fowler Telephone Number: 208-838-2201
Yankee Fork Ranger District
Address: Salmon and Challis National Forests, HC 67, Box 650, Clayton, ID 83227

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

USDA-Forest Service

Signature of permit holder: George Matejko Date: 11/18/96
(include your title, if on behalf of company of organization)
(for DALE N. BOSWORTH, Regional Forester)

ter
MAR 29 1996

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 77-07318

Proposed Priority: June 10, 1992 **Maximum Diversion Rate:** 0.80 CFS

This is to certify, that **FOREST SERVICE US DEPT OF AGRICULTURE**
324 25TH ST
OGDEN UT 84401

has applied for a permit to appropriate water from:
KNAPP CREEK tributary of **MARSH CREEK**

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
FISH PASSAGE	03/15 to 11/15	0.80 CFS

LOCATION OF POINT(S) OF DIVERSION: NENW , Sec. 18, Township 12N, Range 12E
CUSTER County

PLACE OF USE: FISH PASSAGE
TWN RGE SEC
12N 12E 18 NENW

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **February 1, 1996**.
2. Subject to all prior water rights.
3. A separate stream alteration permit from the IDWR is required for any activity in the stream channel other than construction and/or maintenance of the diversion structure. If the proposed construction or operation involves construction of an outfall or any other work in the stream channel other than a water diversion, the right holder shall contact the Department and obtain a Stream Channel Alteration permit prior to the start of construction.
4. Use of water under this right shall be non-consumptive.

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

3rd day of February, 1995

[Signature]
for R. Keith Higginson, Director

FEB 17 1995

RECEIVED
JAN 19 1995

Department of Water Resources

Ident. No. 77-07318

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: FOREST SERVICE US DEPT OF AGRICULTURE 801-625-5360
Address: 324 25TH ST
OGDEN UT 84401
2. Source: KNAPP CREEK Trib. to: MARSH CREEK
3. Location of Point of Diversion: NENW Sec. 18, Township 12N, Range 12E
CUSTER County
4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
FISH PROPAGATION	03/15	11/15	0.800		
5. Total quantity to be appropriated is:
0.800 CFS (and/or) AF
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc.
CONCRETE STRUCTURE WITH BYPASS PIPE & METAL SCREEN.
 - 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 groundwater with a temperature greater than 85F being sought? NO
 - e. If well is already drilled, when?
Drilling Firm
Well was drilled for
7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 1 year(s).
8. Place of Use: FISH PROPAGATION

TWN RGE SEC
12N 12E 18

NENW

RECEIVED
JAN 17 1995

9. a. Who owns the property at the point of diversion?
APPLICANT
b. Who owns the land to be irrigated or place of use?
APPLICANT
c. If the property is owned by a person other than the applicant,
describe the arrangement enabling the applicant to make this filing.

10. Remarks:

This application represents non-consumptive use of water for the purpose of screening fish from irrigation ditches and returning them back to the stream (Screen No. KC-2).
Letter sent 9/93.

11. Map of proposed point of diversion and place of use attached? []

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

Received by _____ Date _____ Time _____ Preliminary check by _____

Fee \$ 845.00 Receipted by _____ #C018129 Date 8/24/1990

Publication prepared by _____ Date _____ Published in _____

Publication approved _____ Date _____

FILED
AUG 27 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

change to
77-07318
71-7166
Ident. No. _____

To appropriate the public waters of the State of Idaho

1. Name of applicant Idaho Dept. of Fish & Game Phone 334-3700
Post office address PO Box 25 Boise, ID 83707
2. Source of water supply Knapp Creek which is a tributary of Marsh Creek
3. Location of point of diversion is _____ $\frac{1}{4}$ of NE $\frac{1}{4}$ of NW $\frac{1}{4}$, Govt. Lot N/A
Sec. 18 Township 12N Range 12E B.M. Custer County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.8 for Fish Prop. purposes from 3/15 to 11/15 (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) 0.8 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Concrete structure with metal screen which prevents fish from entering irrigation ditch. Includes a bypass pipe which returns water to the main stream.
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 90°F being sought? _____
7. Time required for the completion of the works and application of the water to the proposed beneficial use is Existing years (minimum 1 year).

RECORDED
FEB 17 1995

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. Fish propagation - fish screens and bypass pipe to return fish to main stem

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	
12N	12E	18					H												

Total number of acres to be irrigated _____

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

- Who owns the property at the point of diversion? Challis National Forest
- Who owns the land to be irrigated or place of use? Challis National Forest
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. No special use permit was issued. Verbal agreement to construct screen.

12. Remarks: _____

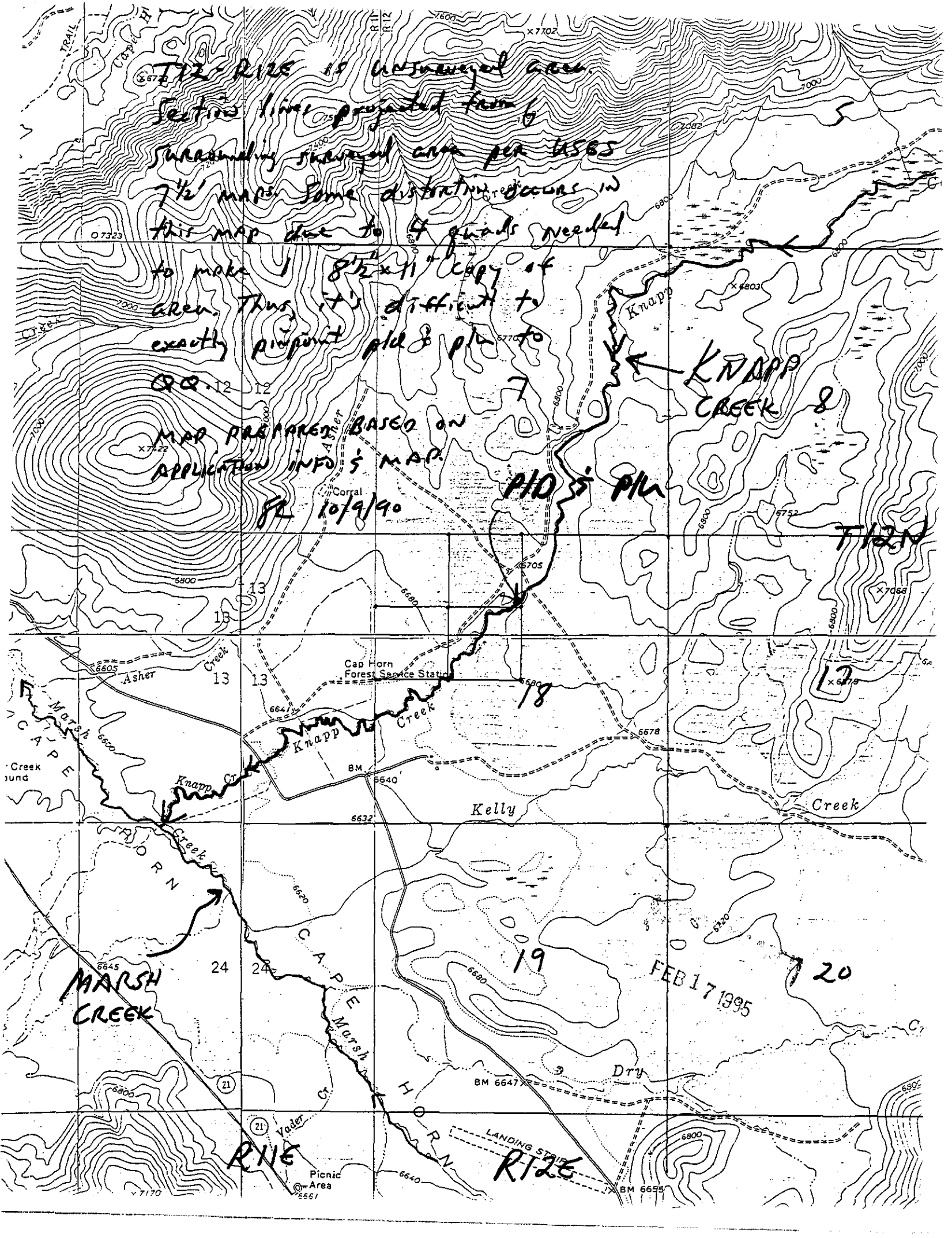
FEB 17 1995

T12-R12E is unsurveyed area.
Section line projected from
surrounding surveyed area per USGS
7 1/2' map. Some distortion occurs in
this map due to 4 grads needed
to make 1 8 1/2" x 11" copy of
area. Thus it's difficult to
exactly pinpoint pld & pln to
QQ. 12 12

MAP PREPARED BASED ON
APPLICATION INFO & MAP.
FL 10/9/90

PLD & PLN

T12N

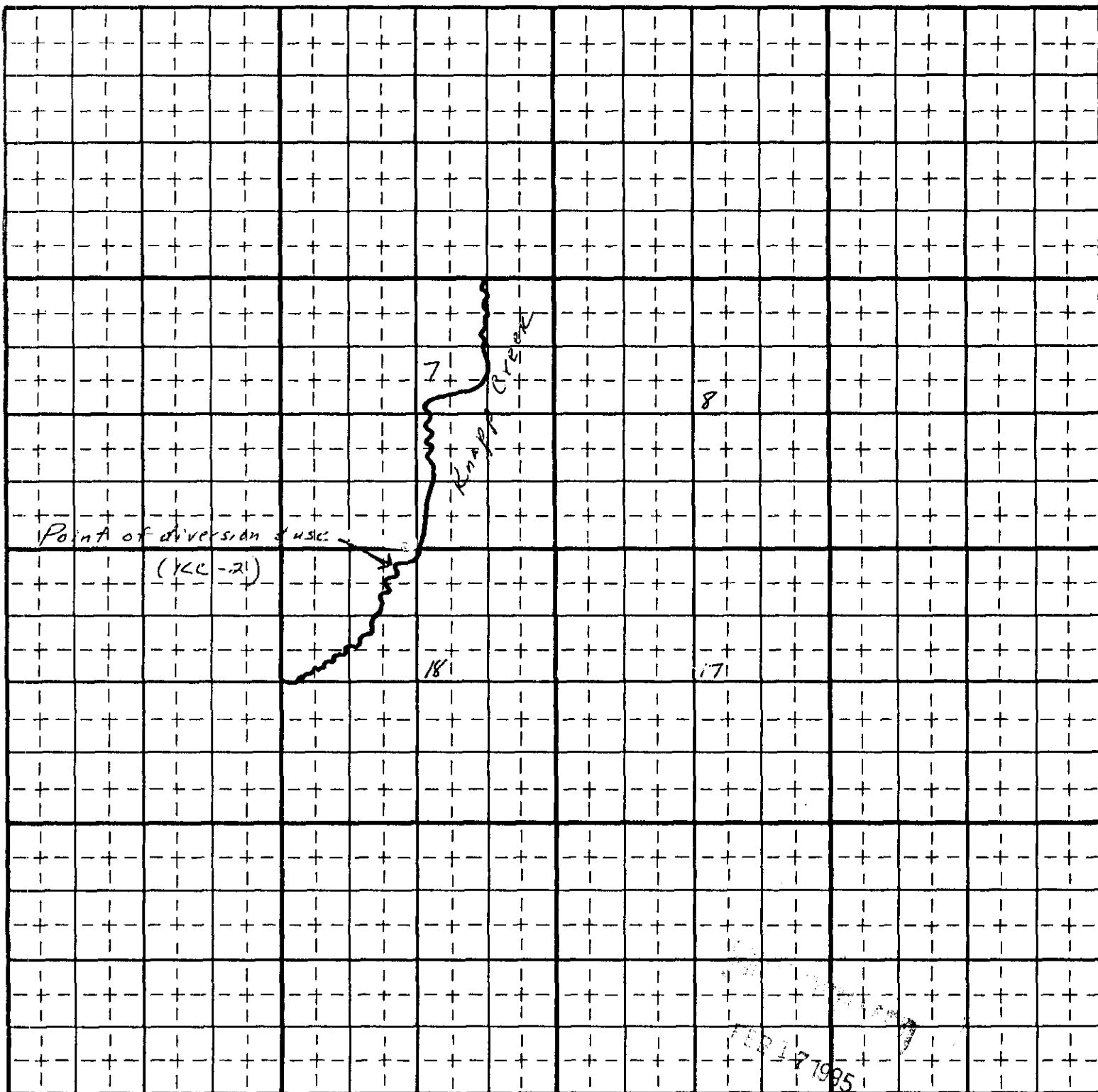


Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

T. 12 N.

R. 12 E.



APPLICANT'S MAP

Last Name IDF#G

Ident No. _____

Copies: White-State, Yellow-Claimant

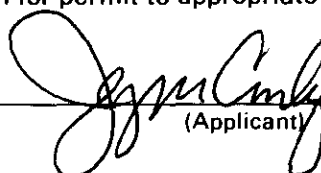
13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

SEE Attached maps

FEB 17 1995

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) Director, IDEG

Proposed SRP 10-3-90 11:35 AM
 Priority: 6/10/92 8-29-90 10:30 AM
 Received by J. J. J. J. Date 7/3/90 Time 2:48 p.m. Preliminary check by MTS
MM (Western) 7-14-92 11:11 PM
 Fee \$ 45.00 Received by mjb # 2018129 Date 8/24/90 (Withdrawn)
45.00 State Office C 024477 6/10/1992
 Publication prepared by MB-J. J. J. Date 7/13/92 Published in Challis Messenger
8/6 + 8/13/92
 Publication approved AT Date 10-14-92

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:

FEB 17 1995
 10:00 AM

Public Notices

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

71-07146
State of Idaho
Dept. of Fish and Game
P.O. Box 25
Boise, ID 83707

Source: Elk Creek Tributary:
Valley Creek
Division Pt: SENW Sec 16 T
11N R 12E in Custer County

Use: Fish propagation (.800 cfs)
Total Diversion: (.800 cfs)
Date Filed: 6/24/1990
In: Custer County
T11N R12E S16 NENW
71-07147

State of Idaho
Dept. of Fish and Game
P.O. Box 25
Boise, ID 83707

Source: Elk Creek Tributary:
Valley Creek
Division Pt: SESW Sec 11 T
11N R 12E in Custer County

Use: Fish propagation (.800 cfs)
Total Diversion: (.800 cfs)
Date Filed: 6/24/1990
In: Custer County
T11N R12E S11 SESW
71-07148

State of Idaho
Dept. of Fish and Game
P.O. Box 25
Boise, ID 83707

Source: Valley Creek Tributary:
Salmon River
Division Pt: SESW Sec 3 T 11N
R 12E in Custer County

Use: Fish propagation (.800 cfs)
Total Diversion: (.800 cfs)
Date Filed: 6/24/1990
In: Custer County
T11N R12E S03 SESW
71-07149

State of Idaho
Dept. of Fish and Game
P.O. Box 25
Boise, ID 83707

Source: Salmon River Tributary:
Snake River
Division Pt: Lot 2 (NWNE) Sec 5
T 08N R 14E in Custer County

Use: Fish propagation (.800 cfs)
Total Diversion: (.800 cfs)
Date Filed: 6/9/1992
In: Custer County
T08N R14E S05 NWNE
71-07150

State of Idaho
Dept. of Fish and Game
P.O. Box 25
Boise, ID 83707

Source: Salmon River Tributary:
Snake River
Division Pt: Lot 2 (NWNE) Sec 5
T 08N R 14E in Custer County

Use: Fish propagation (.800 cfs)
Total Diversion: (.800 cfs)
Date Filed: 6/9/1992
In: Custer County
T08N R14E S05 NWNE
71-07151

State of Idaho
Dept. of Fish and Game
P.O. Box 25
Boise, ID 83707

Source: Salmon River Tributary:
Snake River
Division Pt: SESW Sec 10 T
07N R 14E in Custer County

Use: Fish propagation (.800 cfs)
Total Diversion: (.800 cfs)
Date Filed: 6/9/1992
In: Custer County
T07N R14E S10 SESW
71-07152

State of Idaho
Dept. of Fish and Game
P.O. Box 25
Boise, ID 83707

Source: Salmon River Tributary:
Snake River
Division Pt: SESW Sec 3 T 07N
R 14E in Custer County

Use: Fish propagation (.800 cfs)
Total Diversion: (.800 cfs)
Date Filed: 6/9/1992
In: Custer County
T07N R14E S03 SESW
71-07153

State of Idaho
Dept. of Fish and Game
P.O. Box 25
Boise, ID 83707

Source: Salmon River Tributary:
Snake River
Division Pt: SESW Sec 8 T 08N
R 14E in Custer County

Use: Fish propagation (.800 cfs)
Total Diversion: (.800 cfs)
Date Filed: 6/9/1992
In: Custer County
T08N R14E S08 NESE
71-07154

State of Idaho
Dept. of Fish and Game
P.O. Box 25
Boise, ID 83707

Source: Salmon River Tributary:
Snake River
Division Pt: SESE Sec 3 T 11N
R 12E in Custer County

Use: Fish propagation (.800 cfs)
Total Diversion: (.800 cfs)
Date Filed: 6/9/1992
In: Custer County
T11N R12E S03 SWNW
71-07155

State of Idaho
Dept. of Fish and Game
P.O. Box 25
Boise, ID 83707

The People's Right To Know

Source: Salmon River Tributary:
Snake River
Division Pt: NESE Sec 8 T 08N
R 14E in Custer County

Use: Fish propagation (.800 cfs)
Total Diversion: (.800 cfs)
Date Filed: 6/9/1992
In: Custer County
T08N R14E S08 NESE
71-07155

State of Idaho
Dept. of Fish and Game
P.O. Box 25
Boise, ID 83707

Source: Valley Creek Tributary:
Salmon River
Division Pt: SWNW Sec 3 T 11N
R 12E in Custer County

Use: Fish propagation (.800 cfs)
Total Diversion: (.800 cfs)
Date Filed: 6/9/1992
In: Custer County
T11N R12E S03 SWNW
71-07156

State of Idaho
Dept. of Fish and Game
P.O. Box 25
Boise, ID 83707

Source: Valley Creek Tributary:
Salmon River
Division Pt: SESE Sec 11 T 11N
R 12E in Custer County

Use: Fish propagation (.800 cfs)
Total Diversion: (.800 cfs)
Date Filed: 6/9/1992
In: Custer County
T11N R12E S11 SESE
71-07157

State of Idaho
Dept. of Fish and Game
P.O. Box 25
Boise, ID 83707

Source: Valley Creek Tributary:
Salmon River
Division Pt: NWNW Sec 13 T
11N R 12E in Custer County

Use: Fish propagation (.800 cfs)
Total Diversion: (.800 cfs)
Date Filed: 6/9/1992
In: Custer County
T11N R12E S13 NWNW
71-07158

State of Idaho
Dept. of Fish and Game
P.O. Box 25
Boise, ID 83707

Source: Valley Creek Tributary:
Salmon River
Division Pt: SENW Sec 13 T
11N R 12E in Custer County

Use: Fish propagation (.800 cfs)
Total Diversion: (.800 cfs)
Date Filed: 6/9/1992
In: Custer County
T11N R12E S13 SENW
71-07159

State of Idaho
Dept. of Fish and Game
P.O. Box 25
Boise, ID 83707

Source: Valley Creek Tributary:
Salmon River
Division Pt: NENW Sec 24 T
11N R 12E in Custer County

Use: Fish propagation (.800 cfs)
Total Diversion: (.800 cfs)
Date Filed: 6/9/1992
In: Custer County
T11N R12E S24 NENW
71-07161

State of Idaho
Dept. of Fish and Game
P.O. Box 25
Boise, ID 83707

Source: Salmon River Tributary:
Snake River
Division Pt: SWSW Sec 26 T
07N R 14E in Custer County

Use: Fish propagation (.800 cfs)
Total Diversion: (.800 cfs)
Date Filed: 6/9/1992
In: Custer County
T07N R14E S26 SWSW
71-07162

State of Idaho
Dept. of Fish and Game
P.O. Box 25
Boise, ID 83707

Source: Salmon River Tributary:
Snake River
Division Pt: Lot 5 (NESW) Sec
15 T 10N R 13E in Custer County

Use: Fish propagation (.800 cfs)
Total Diversion: (.800 cfs)
Date Filed: 6/9/1992
In: Custer County
T10N R13E S15 NESW
71-07163

State of Idaho
Dept. of Fish and Game
P.O. Box 25
Boise, ID 83707

Source: Salmon River Tributary:
Snake River
Division Pt: Lot 4 (SWNE) Sec
22 T 10N R 13E in Custer County

Use: Fish propagation (.800 cfs)
Total Diversion: (.800 cfs)
Date Filed: 6/9/1992
In: Custer County
T10N R13E S22 SWNE
71-07164

State of Idaho
Dept. of Fish and Game
P.O. Box 25
Boise, ID 83707

Source: Salmon River Tributary:
Snake River
Division Pt: SENW Sec 27 T
09N R 17E in Custer County

Use: Fish propagation (.800 cfs)
Total Diversion: (.800 cfs)
Date Filed: 6/9/1992
In: Custer County
T09N R17E S27 SENW
71-07165

State of Idaho
Dept. of Fish and Game
P.O. Box 25
Boise, ID 83707

71-07164
State of Idaho
Dept. of Fish and Game
P.O. Box 25
Boise, ID 83707

Source: Groundwater
Division Pt: SENW Sec 31 T
10N R 14E in Custer County

Use: Domestic (.040 cfs)
Total Diversion: (.040 cfs)
Date Filed: 6/24/1990
In: Custer County
T10N R14E S31 SENW
71-07317

State of Idaho
Dept. of Fish and Game
P.O. Box 25
Boise, ID 83707

Source: Knapp Creek Tributary:
Marsh Creek
Division Pt: SWNW Sec 18 T
12N R 12E in Custer County

Use: Fish propagation (.800 cfs)
Total Diversion: (.800 cfs)
Date Filed: 6/24/1990
In: Custer County
T12N R12E S18 SWNW
71-07318

State of Idaho
Dept. of Fish and Game
P.O. Box 25
Boise, ID 83707

Source: Knapp Creek Tributary:
Marsh Creek
Division Pt: NENW Sec 18 T
12N R 12E in Custer County

Use: Fish propagation (.800 cfs)
Total Diversion: (.800 cfs)
Date Filed: 6/24/1990
In: Custer County
T12N R12E S18 NENW
71-07482

State of Idaho
Dept. of Fish and Game
P.O. Box 25
Boise, ID 83707

Source: Salmon River Tributary:
Snake River
Division Pt: NWNW Sec 35 T
15N R 19E in Custer County

Use: Fish propagation (.800 cfs)
Total Diversion: (.800 cfs)
Date Filed: 6/24/1990
In: Custer County
T15N R19E S26 SWSW
71-07483

State of Idaho
Dept. of Fish and Game
P.O. Box 25
Boise, ID 83707

Source: Salmon River Tributary:
Snake River
Division Pt: SESW Sec 19 T
12N R 19E in Custer County

Use: Fish propagation (.800 cfs)
Total Diversion: (.800 cfs)
Date Filed: 6/24/1990
In: Custer County
T12N R19E S19 SWSW
71-07484

State of Idaho
Dept. of Fish and Game
P.O. Box 25
Boise, ID 83707

Source: Salmon River Tributary:
Snake River
Division Pt: SWNW Sec 19 T
12N R 19E in Custer County

Use: Fish propagation (.800 cfs)
Total Diversion: (.800 cfs)
Date Filed: 6/24/1990
In: Custer County
T12N R19E S19 SWNW
71-07485

State of Idaho
Dept. of Fish and Game
P.O. Box 25
Boise, ID 83707

Source: Herd Creek Tributary:
Salmon River, East Fork
Division Pt: SESE Sec 18 T 09N
R 19E in Custer County

Use: Fish propagation (.800 cfs)
Total Diversion: (.800 cfs)
Date Filed: 6/9/1992
In: Custer County
T09N R19E S18 SWNE
71-07486

State of Idaho
Dept. of Fish and Game
P.O. Box 25
Boise, ID 83707

Source: Salmon River, East Fork
Tributary: Salmon River
Division Pt: SWNW Sec 27 T
09N R 17E in Custer County

Use: Fish propagation (.800 cfs)
Total Diversion: (.800 cfs)
Date Filed: 6/9/1992
In: Custer County
T09N R17E S27 SWNW
71-07487

State of Idaho
Dept. of Fish and Game
P.O. Box 25
Boise, ID 83707

Source: Salmon River, East Fork
Tributary: Salmon River
Division Pt: SENW Sec 27 T
09N R 17E in Custer County

Use: Fish propagation (.800 cfs)
Total Diversion: (.800 cfs)
Date Filed: 6/9/1992
In: Custer County
T09N R17E S27 SENW
71-07488

State of Idaho
Dept. of Fish and Game
P.O. Box 25
Boise, ID 83707

Source: Salmon River, East Fork
Tributary: Salmon River
Division Pt: SENW Sec 27 T
09N R 17E in Custer County

Use: Fish propagation (.800 cfs)
Total Diversion: (.800 cfs)
Date Filed: 6/9/1992
In: Custer County
T09N R17E S27 SENW
71-07489

State of Idaho
Dept. of Fish and Game
P.O. Box 25
Boise, ID 83707

Dept. of Fish and Game
P.O. Box 25
Boise, ID 83707

Source: Salmon River, East Fork
Tributary: Salmon River
Division Pt: SENW Sec 22 T
09N R 17E in Custer County

Use: Fish propagation (.800 cfs)
Total Diversion: (.800 cfs)
Date Filed: 6/9/1992
In: Custer County
T09N R17E S22 SENW
71-07488

State of Idaho
Dept. of Fish and Game
P.O. Box 25
Boise, ID 83707

Source: Salmon River, East Fork
Tributary: Salmon River
Division Pt: SWSW Sec 1 T 09N
R 17E in Custer County

Use: Fish propagation (.800 cfs)
Total Diversion: (.800 cfs)
Date Filed: 6/9/1992
In: Custer County
T09N R17E S01 SWSW
71-07490

State of Idaho
Dept. of Fish and Game
P.O. Box 25
Boise, ID 83707

Source: Salmon River Tributary:
Snake River
Division Pt: Lot 7 (SENE) Sec
26 T 11N R 16E in Custer County

Use: Fish propagation (.800 cfs)
Total Diversion: (.800 cfs)
Date Filed: 6/9/1992
In: Custer County
T11N R16E S26 NESE
71-07491

State of Idaho
Dept. of Fish and Game
P.O. Box 25
Boise, ID 83707

Source: Salmon River Tributary:
Snake River
Division Pt: SWNE Sec 7 T 12N
R 19E in Custer County

Use: Fish propagation (.800 cfs)
Total Diversion: (.800 cfs)
Date Filed: 6/9/1992
In: Custer County
T12N R19E S07 SWNE
71-07492

State of Idaho
Dept. of Fish and Game
P.O. Box 25
Boise, ID 83707

Source: Salmon River Tributary:
Snake River
Division Pt: Lot 5 (SWNE) Sec
32 T 13N R 19E in Custer County

Use: Fish propagation (.800 cfs)
Total Diversion: (.800 cfs)
Date Filed: 6/9/1992
In: Custer County
T13N R19E S28 NWNE
71-07493

State of Idaho
Dept. of Fish and Game
P.O. Box 25
Boise, ID 83707

Source: Salmon River Tributary:
Snake River
Division Pt: SWSE Sec 16 T
13N R 19E in Custer County

Use: Fish propagation (.800 cfs)
Total Diversion: (.800 cfs)
Date Filed: 6/9/1992
In: Custer County
T13N R19E S16 SWNE
71-07494

State of Idaho
Dept. of Fish and Game
P.O. Box 25
Boise, ID 83707

Source: Salmon River Tributary:
Snake River
Division Pt: NWSW Sec 35 T
15N R 19E in Custer County

Use: Fish propagation (.800 cfs)
Total Diversion: (.800 cfs)
Date Filed: 6/9/1992
In: Custer County
T15N R19E S35 SWNW
71-07495

State of Idaho
Dept. of Fish and Game
P.O. Box 25
Boise, ID 83707

Source: Salmon River Tributary:
Snake River
Division Pt: NWSW Sec 26 T
15N R 19E in Custer County

Use: Fish propagation (.800 cfs)
Total Diversion: (.800 cfs)
Date Filed: 6/9/1992
In: Custer County
T15N R19E S26 NWSE
71-07496

State of Idaho
Dept. of Fish and Game
P.O. Box 25
Boise, ID 83707

Source: Salmon River Tributary:
Snake River
Division Pt: Lot 4 (SESE) Sec
24 T 15N R 19E in Custer County

Use: Fish propagation (.800 cfs)
Total Diversion: (.800 cfs)
Date Filed: 6/9/1992
In: Custer County
T15N R19E S24 SESE
71-07497

State of Idaho
Dept. of Fish and Game
P.O. Box 25
Boise, ID 83707

Source: Salmon River Tributary:
Snake River
Division Pt: Lot 4 (SESE) Sec
24 T 15N R 19E in Custer County

Use: Fish propagation (.800 cfs)
Total Diversion: (.800 cfs)
Date Filed: 6/9/1992
In: Custer County
T15N R19E S24 SESE
71-07498

State of Idaho
Dept. of Fish and Game
P.O. Box 25
Boise, ID 83707

P.O. Box 25
Boise, ID 83707

Source: Salmon River Tributary:
Snake River
Division Pt: Lot 3 (SESE) Sec
13 T 15N R 19E in Custer County

Use: Fish propagation (.800 cfs)
Total Diversion: (.800 cfs)
Date Filed: 6/9/1992
In: Custer County
T15N R19E S13 SESE
71-07499

State of Idaho
Dept. of Fish and Game
P.O. Box 25
Boise, ID 83707

Source: Warm Springs Creek
Tributary: Salmon River
Division Pt: NENE Sec 34 T
11N R 16E in Custer County

Use: Fish propagation (.800 cfs)
Total Diversion: (.800 cfs)
Date Filed: 6/9/1992
In: Custer County
T11N R16E S34 NENE
71-07499

State of Idaho
Dept. of Fish and Game
P.O. Box 25
Boise, ID 83707

Source: Warm Springs Creek
Tributary: Salmon River
Division Pt: NENE Sec 34 T
11N R 16E in Custer County

Use: Fish propagation (.800 cfs)
Total Diversion: (.800 cfs)
Date Filed: 6/9/1992
In: Custer County
T11N R16E S34 NENE
71-07499

The permit(s) will be subject to
all prior water rights. Protests
must be filed with the Director,
Dept. of Water Resources, South-
east Region, 222 Shoshone Street
East, Twin Falls, ID 83301 on or
before August 24, 1992.

R. KEITH HUGGINS, Director
Pub: Aug. 6 & 13, 1992.

RECEIVED
AUG 25 1992

Department of Water Resources
Western Regional Office

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

I, Margaret Parks, Pub:

the Challis Messenger, a weekly news
published at Challis, Idaho, do solemnly
swear that the notice hereto attached and made
hereof, was published in the regular and
issue of the Challis Messenger for

consecutive days, commencing with
dated Aug 6 1992 and ending
issue dated Aug 13 1992

Margaret Parks
OK
YMB
8-24-92

STATE OF IDAHO

RECEIVED

STATEMENT

AUG 24 1992

Department of Water Resources



Custer Publishing, Inc.

Phone 879-4445

P.O. Box 405

Challis, Idaho 83226

RECEIVED

AUG 25 1992

Department of Water Resources
Western Regional Office

Dept. of Water
232 Shoshone St. East
Twin Falls, Id 83301

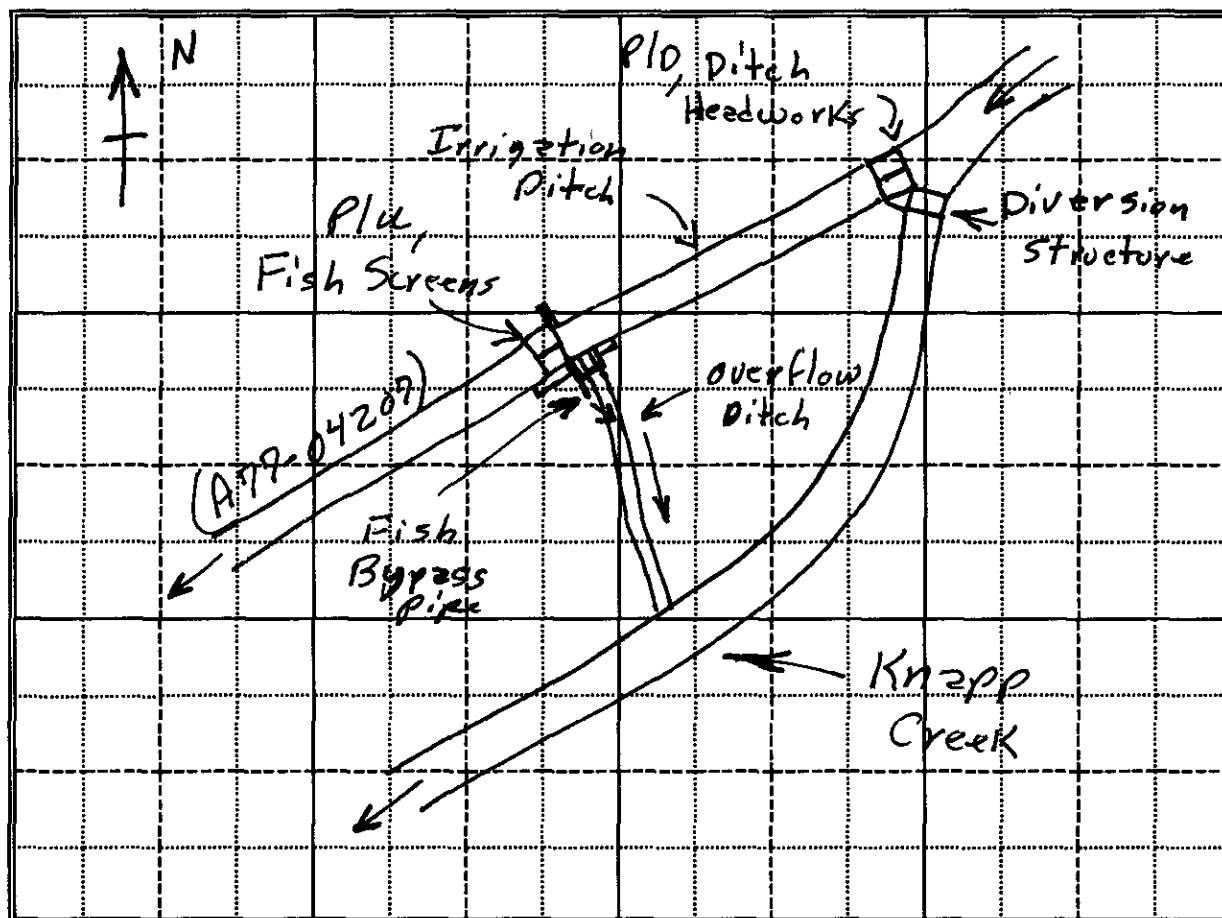
Job No.	Date	DESCRIPTION	Amount
544 lines	8-20-92	Notice of Application for Water Right 8/6/13/92 # 71-07146, 71-07147, 71-07148, 71-07149, 71-07150, 71-07151, 71-07152, 71-07153, 71-07154, 71-07155, 71-07156, 71-07157, 71-07158, 71-07159, 71-07161, 71-07162, 71-07163, 71-07164, 77-07317, 77-07318, 72-07482, 72-07483, 72-07484, 72-07485, 72-07486, 72-07487, 72-07488, 72-07489, 72-07490, 72-07491, 72-07492, 72-07493, 72-07494, 72-07495, 72-07496, 72-07497, 72-07498, 72-07499	\$ 12.80 OK MB 8-24-92

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.

PAID
AUG 27 1992

[illegible]

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = No Scale

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☐ Aerial Photo Attached (required for Irrigation of 10+ acres)

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: None

using PVC 160 pipe tables

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method: None - Max. Q of Fish by pass pipes

$H = 2.2'$, 4" PVC, 10.1'

$H = H_f + H_e + H_v$

friction Misc. Velocity
 $= 10\% H_f \quad V^{2/29}$

Assume Q	Head Loss	Head Avail.	Velocity
0.8 cfs	1.6'	2.2'	~~8.38~~ 8.38 fps
1.0 cfs	2.7'	2.2'	10.77 fps
0.9 cfs	2.1	2.2'	9.57 fps

$\therefore$ The max. Q of the pipe is about

0.9 to 1.0 cfs

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

None, Non-Consumptive Use.

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>Fish Passage</u>	<u>03/15</u>	<u>11/15</u>	<u>0.80</u>	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Totals:			<u>0.80</u>	_____

2. Recommended Amendments

☒ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None 1) PD is NWNE
☒ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other 2) PU is NWNE

I. AUTHENTICATION

Sec. 18

Field Examiner's Name Don Tomich Date 12-12-97

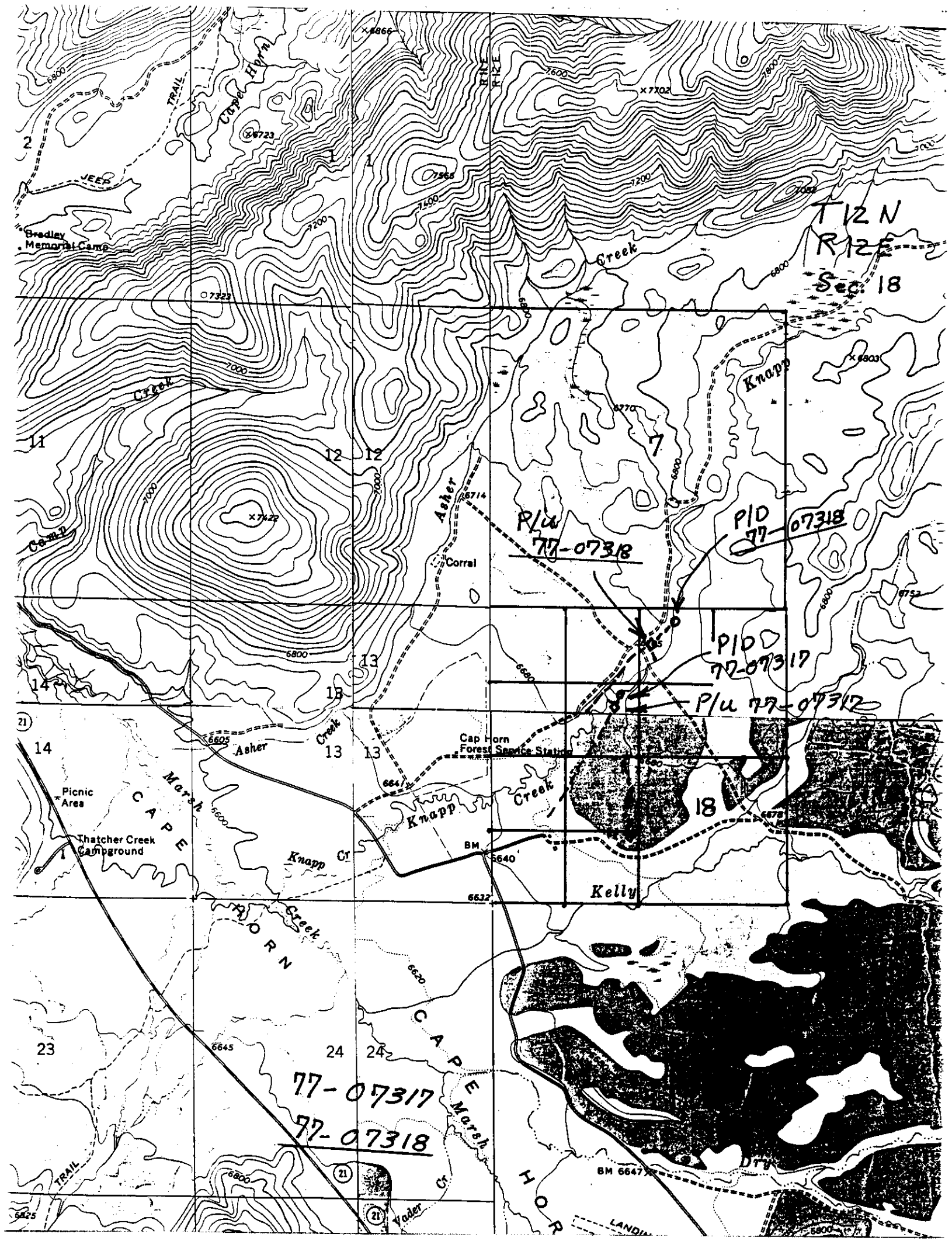
Reviewer _____ Date _____

SEAL

E. NARRATIVE/REMARKS/COMMENTS

1. This permit is for fish passage water used to convey fish and water from the fish screens to an overflow ditch. The ditch conveys the fish and water back to Knapp Creek.
2. The head on the fish bypass pipe is based on the high water mark on the screen structure and the pipe outlet, and is 2.2'. The pipe is 4" PVC, and 10.1' long.
3. The fish screen structure has a stoplog overflow structure in it, which conveys excess water to the overflow ditch.
4. The irrigation ditch is under WR# A77-04207, and serves 159 Acres of land on the North side of Knapp Creek.
5. The fish screen structure has GPS tag # A 0000910.
6. All the water returns to Knapp Creek
- Non-Consumptive Use.
7. There was a low flow in the irrigation ditch and fish bypass pipe at the time of the exam. A77-04207 is for 4.7 cfs.

Have conditions of permit approval been met? ☒ yes ☐ no



T12N
R12E
Sec. 18

P/u
77-07318

P/D
77-07318

P/D
77-07317

P/u 77-07312

77-07317
77-07318

1 of 2



P/O
Irrigation
Ditch
headworks
and
Knapp Creek
Diversion
Structure

View
Looking
East

Irrigation ditch in foreground.



P/u
Fish
Screens
in
Irrigation
Ditch

View
Looking
Southwest

77-07318

2 of 2



P/u
Fish
Screens,
Stoplog
overflow
structure,
and
fish
bypass
pipe -
Adjacent
to
Screen,
(in shadow)



P/u
Fish
Screen
and
4" PVC
Fish
Bypass
pipe
flowing
into
overflow
Ditch

77-07318

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 77-07318 Reviewed by [Signature] Date 2-2-96

GENERAL CONSIDERATIONS

yes Name same as permit?
yes Address same as permit?
yes Proof timely received?
If not, complete calculation below.

TYPES OF USE

fish passage

Correct Uses? yes

SOURCE OF WATER

✓ Surface water source

 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?

100.00 Amount Submitted

yes Correct?

MEASURING DEVICE

no Required?

 Installed?

 Waiver requested?

PRIORITY CALCULATION

Date proof received	<u> </u>	<u> </u> <u> </u> <u> </u> <u> </u> <u> </u>
Date proof due	<u> </u>	
No. of days late	<u> </u>	
Priority Date	<u> </u>	
New Priority Date	<u> </u>	

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address Proof Made 1-25-96

February 2, 1996

US DEPT OF AGRICULTURE
FOREST SERVICE
324 25TH ST
OGDEN UT 84401

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 77-07318

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. 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 this matter, please feel free to contact the WESTERN Regional Office in Boise at (208)334-2190.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

[Handwritten signature]

MAR 29 1996

November 30, 1995

FOREST SERVICE US DEPT OF AGRICULTURE
324 25TH ST
OGDEN UT 84401

PROOF DUE NOTICE

RE: PERMIT NO. 77-07318

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 February 1, 1996.

(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.

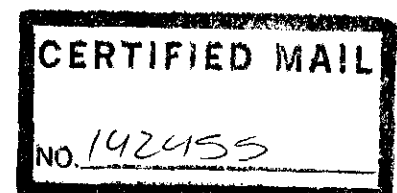
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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,

JULIE L. YARBROUGH
Senior Secretary

Enclosures





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

February 6, 1995

FOREST SERVICE US DEPT OF AGRICULTURE
324 25TH ST
OGDEN UT 84401

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 77-07318

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "CONDITIONS/REMARKS:" listing on the permit.

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed you should complete and submit this form immediately.

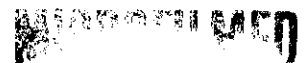
Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosures



FEB 17 1995

WR0749NP
No. #77-07318

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/03/95
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	FOREST SERVICE US DEPT OF AGRICULTURE 324 25TH ST OGDEN UT 84401 (801) 625-5360	06/10/1992	FISH PROPAGATION	03-15-11-15	0.000 CFS	
TOTAL DIVERSION:					0.000 CFS	

Water Source: KNAPP CREEK

Tributary to: MARSH CREEK

Stage: PERMIT

Point(s) of Diversion:

T12N R12E S18

NE NW

CUSTER County

Place of use Legal Description for: FISH PROPAGATION

NE				NW				SW				SE			
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac									
12N	12E	18	:	:	:	:	:	:	:	:	:	:	:		

Pou County: CUSTER

Conditions of Approval:

- 030 - A separate stream alteration permit from the IDWR is required
- for any activity in the stream channel other than construction
- and/or maintenance of the diversion structure. If the proposed
- construction or operation involves construction of an outfall or
- any other work in the stream channel other than a water
- diversion, the right holder shall contact the Department and
- obtain a Stream Channel Alteration permit prior to the start of
- construction.
- 027 - Use of water under this right shall be non-consumptive.

Dates: App. Received: 08/24/1990 Priority Date: 06/10/1992
Proof Due Date: 02/01/1996 Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 02/03/1995 User-ID: CZIMMERM Subject: FISH USE
Use identified on permit document has been modified to "Fish
Passage", but because this is not a coded use within the database
the nearest coded use would be fish propagation.
Please note that actual propagation of fish is not the intent of
this right. This right is to install screens in the existing
irrigation ditch, and to install submerged bypass pipes from the
ditch to the stream to allow the fish to return to the stream.

Audit: 01/30/95 CZIMMERM

**APPLICATION FOR PERMIT
STATE OFFICE REVIEW
by Cindy Zimmerman**

No.: 77-7318 Name: USDA FS Date: 1/30/95 Ad OK? ✓
Correct Fee? ✓ Receipt #: 6024477 Priority: 6/10/92

AREA OF CONCERN? - No/Yes Mor GWMA Trust/Non-trust
PROTESTED: - 020 (Prehearing agreement) or W19 (See Order)

SYSTEM COMPLETED:

Yes/proof filed - NA
1 year/no proof - P16
+1 year - 26A-P17

GROUNDWATER: <✓ FLO-CH>

- + 0.2 cfs - 01M
- 0.2 cfs - No MD
- + 5 a. (POU cmp) - 01M, 803(if GW use SW 1st)

Drilling Permit:

Existing well - NA (pre 7/1/87)
Included w/permit - Permit No. _____, P99
No WD permit? - 046-46A(LG Irr)-46B-P23 (post 7/1/87)
irr. in WD - P05 (new well)

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

Water District(~~dem~~) - 005 (req) WD # _____ <SEE MAP & LISTING>
 + 0.2 cfs - 01J-P08 or 01M
 - 0.2 cfs - 01H-P01 or No MD
 + 5 a. irr. - 01M (POU cmp)
~~In WD~~ + 0.2 cfs - ~~01M or No MD (in stream)~~ not instream;
 + 5 a. irr. - 01M (POU cmp) inst. dist. back

RIVER BASINS (*Surface water):

Snake R	(01)	-	11A-P04, NA
	(02/03)	-	007-P07 (w/remark WB7), NA
Boise R	(63)	-	05A (if WD), 11E (non-domestic use), NA
Payette R	(65)	-	064 (consump. use), 047-P04 (Payette Lake), NA

USE:

Domestic (surface) - 021(Boise R + L Peak); 064(Payette R); NA
Fish Propagation NA - ~~07A-042(req)~~-010/06A/09E(WQ)-P10-044(N 1000 Spr)
Irr - 5 acres - 057 (0.03 cfs/A)
+ 5 acres - 03A (0.02 cfs/A)
Mining - 054 (req) & 06A/010/09E-P10
Power - 08A-17K-025-027-01M-01F(P19)-09E(P10);
+25 cfs-P18; 17G(FERC) or 17M(FERC); 18B-P09
Storage(✓ 3 compo.) - 18A(multi MD in WD), 18B-P09 (+10' dam), NA

LOCATION:

Boise Front LoGeo	-	058 (-85° GW temp only)
In-stream dev.	-	~~030~~ (stream channel alteration)
Irr Dist/Canal Co.	-	023 (Twin Falls area)
Swan Falls Flag	-	<u>B</u> <SEE CONDITION CODE CHART>
Trust	-	051-052-053- ~~P74~~ (Consumptive Uses), NA
Non-Trust <1>	-	048-049 (Consumptive Uses), NA

OWNERSHIP:

Non-land owner - .004 (PD/PU)

OTHER CONDITIONS:

~~STANDARD REMARKS:~~

BENEFICIAL USE DUE:

COMMENTS:

- 2-1-1996
- This is a non-typical fish prop. It is not a facility but rather screening off existing irr. ditches so fish can by-pass back into the stream during the irr. season.

unsurveyed area. govt lots N/A

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 ☒ US ☐ Water Dist.
☐ Idaho Dept of Lands ☐ Other ☐
☐ Adjudication Bureau Unit

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 - *Withdrawn*
Final date for Protest *8/24/92*
☐ Yes ☒ No Protests, dates, resolution of protest, recorded on app.
☐ Yes ☒ No Recommendations attached *Approved, DW*
☐ 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 *6/10*, 19 *92*
By *DW* Date *1/17*, 19 *95*

STATE OFFICE REVIEW

See below for additional information

By ☐ Date ☐, 19 ☐

ADDITIONAL INFORMATION:

Similar to 77-07317: Submitted at Western 1990, withdrawn, subsequently resubmitted to Southern.

LOCAL PUBLIC INTEREST

Comments recieved from:

_____ City	_____ Idaho Fish & Game	_____ Irrigation Dist.
_____ County	_____ Idaho Health & welfare	_____ Canal Company
_____ Reservations	_____ Div. of Enviromental Quality	_____ Other _____

PROJECT IMPACTS/IMPLICATIONS REPORT

COMMENTS:

_____ DATE _____, 19 _____

No overlaps for P/D or P/U .



IDAHO FISH & GAME

600 South Walnut / Box 25
Boise, Idaho 83707-0025

Cecil D. Andrus / Governor
Jerry M. Conley / Director

December 6, 1994

RECEIVED

DEC 08 1994

WATER RESOURCES
WESTERN REGION

Mr. David Tuthill, Manager
Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705

RE: Applications for permit 77-07317 and 77-07318

Dear Dave:

In response to our conversation of December 5, 1994, the Idaho Department of Fish and Game wishes to drop the above-referenced applications for permit for fish screens in Knapp Creek. I sent a copy of this letter to Gray Reynolds, Regional Forester for the Intermountain Region, U.S. Forest Service in Ogden, UT. If you have further questions regarding this matter, please call me 334-2597.

Sincerely,

Cindy Robertson

Cindy Robertson
Fisheries Staff Biologist

CR:alb

cc: Gary Power, Salmon Region
Steve Goddard, Legal
Gray Reynolds, Forest Service, Ogden, UT

RECORDED

FEB 17 1995



IDAHO FISH & GAME

600 South Walnut / Box 25
Boise, Idaho 83707-0025

Cecil D. Andrus / Governor
Jerry M. Conley / Director

December 6, 1994

RECEIVED

DEC 08 1994

**WATER RESOURCES
WESTERN REGION**

Mr. Gary Boyle
Intermountain Region
U.S. Forest Service
324 25th Street
Ogden, UT 84401

RE: Protest of applications for water right permit 77-07317 and 77-07318 (Fish screens on Knapp Creek)

In December 1993, Cal Groen, Idaho Department of Fish and Game (IDFG), sent you a letter regarding the above-referenced applications for permit. In that letter (attached), IDFG asked that you send a letter to Idaho Department of Water Resources (IDWR) stating that the U.S. Forest Service accepts assignment of the applications and withdraws its protest. IDFG further requested that you provide them a copy of that letter. This apparently has not yet been done.

I received a phone call from Dave Tuthill, IDWR, on December 5, 1994 indicating that the last correspondence he had regarding the applications was a letter from us dated December 7, 1993 (attached). I am unsure what has transpired at your end since last year and ask that we try again to resolve this matter as quickly as possible. If I can provide you with any further information, please contact me at (208) 334-2597.

Sincerely,

Cindy Robertson

Cindy Robertson
Fisheries Staff Biologist

CR:alb

cc: Gary Power, Salmon Region
Steve Goddard, Legal
Dave Tuthill, Water Resources

Attachments

Handwritten: 100-1569
FEB 17 1995



IDAHO FISH & GAME

600 South Walnut / Box 25
Boise, Idaho 83707-0025

RECEIVED

DEC 10 1993

WATER RESOURCES
WESTERN REGION

Cecil D. Andrus / Governor
Jerry M. Conley / Director

December 7, 1993

Mr. David R. Tuthill, Manager *DR*
Western Regional Office
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

RE: Applications for permit nos. 77-07317 and 77-07318 (Fish Screens on Knapp Creek)

Dear Dave:

Idaho Department of Fish and Game personnel have discussed the above-referenced applications with our legal staff, the Attorney General's Office, and the U.S. Forest Service (Forest Service). We have decided to assign the referenced permits to the USDA Forest Service, Intermountain Region, 324 25th Street, Ogden, Utah, 84401. Gary Boyle, the Water Rights Specialist for the Forest Service, has verbally told me they will accept the assignment of the permits. I have sent him a letter and asked him to accept the assignment in writing. I have also requested that upon receipt of my letter, the Forest Service drop their protest of the applications. Gary indicated they would do so.

I hope this will resolve matters with regards to these applications. If we can answer any questions or provide you with any additional information, please call Cindy Robertson at 334-2597. Thank you for your help in this matter.

Sincerely,

Cal Groen, Chief
Natural Resources Policy Bureau

CG:CR:alb

cc: Gary Power, Salmon Region
Steve Goddard, Legal

RECEIVED

FEB 17 1995



*Protest
File*

RECEIVED

Reply to: 2540-1

DEC 20 1993

Date: DEC 16 1993

WATER RESOURCES
WESTERN REGION

Mr. David R. Tuthill, Jr.
Western Region Supervisor
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Dear Mr. Tuthill: *Dr*

We protested Application for Permit Nos. 77-07317 and 77-07318 filed by the Idaho Department of Fish and Game for fish screens on National Forest land. We have discussed the Applications and the screens with Cindy Robertson of the Idaho Department of Fish and Game and we agree to accept assignment of the Applications and will withdraw our protest upon said assignment. We will follow through on any and all administrative procedures required to carry the Applications through to licensing.

If you have any questions, please call Gary Boyle at (801) 625-5360.

Sincerely,

for Laura Ferguson
GRAY F. REYNOLDS
Regional Forester

RECEIVED

FEB 17 1995





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 13, 1993

STEPHEN V GODDARD
ID DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707

RE: Applications for Permit No. 77-07317 and 77-7318

Dear Steve:

The purpose of this letter is to inquire as to the status of the above-referenced applications.

Please let us know how your negotiations with the U.S. Forest Service are coming along and how you wish to proceed with these applications.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT:st

FEB 17 1994



File _____
RECEIVED

JUN 10 1993

Department of Water Resources
Western Regional Office

STATE OF IDAHO

OFFICE OF THE ATTORNEY GENERAL

LARRY ECHOHAWK
ATTORNEY GENERAL

STEPHEN V. GODDARD
W. DALLAS BURKHALTER
DEPUTY ATTORNEYS GENERAL

June 8, 1993

DEPARTMENT OF FISH & GAME
600 S. WALNUT STREET
P.O. BOX 25
BOISE, IDAHO 83707
TELEPHONE: (208) 334-3715

DM
Mr. David R. Tuthill, Jr., P.E.
Manager, Western Regional Office
State of Idaho
Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082

RE: Protested Applications for Permit Nos. 77-07317 and 77-07318

Dear Dave:

This is written in response to your letter of May 26, 1993 regarding the above-referenced applications. Fish and Game hopes to resolve these protests through negotiations with the United States Government. Hopefully, these negotiations will result in resolution of similar protests to other Department water right applications.

Therefore, I would request that you delay the proceedings in order to allow negotiations to proceed. Thank you for your assistance in this matter.

If you have any questions, please contact me at 334-3715.

Sincerely,

Stephen V. Goddard
Deputy Attorney General

SVG:cb

c: Clive Strong
Cindy Roberston

FEB 17 1995

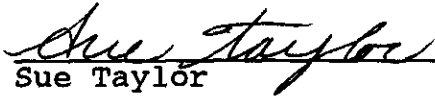
BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATIONS)
FOR PERMIT NOS. 77-7317 AND) CONTINUANCE IN CONFERENCE
77-7318 IN THE NAME OF IDAHO) DATE
DEPARTMENT OF FISH AND GAME)

Pursuant to a request by the protestant, the conference in the above-referenced matter is hereby continued from Wednesday, January 27, 1993, for 60 days. The time and place of the continued conference, should one be necessary, will be announced at a later date.


DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

I hereby certify that on the 22nd day of January, 1993, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:


Sue Taylor
Secretary

IDAHO DEPT OF FISH AND GAME
PO BOX 25
BOISE ID 83706

GRAY F. REYNOLDS, REGIONAL FORESTER
U. S. DEPT. OF AGRICULTURE
FOREST SERVICE
324 25TH ST.
OGDEN, UT 84401

JANICE STAATS
CHALLIS NATIONAL FOREST
HC 63 BOX 1671
CHALLIS ID 83226

STEVE GODDARD
ID DEPT FISH & GAME
STATEHOUSE MAIL
BOISE ID 83720

KEN PITTS ESQ
USDA OFFICE OF THE GENERAL COUNSEL
1405 CURTIS ST
SUITE 1950
DENVER CO 80202

FILED 1/27/93

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATIONS)
) CHANGE IN CONFERENCE DATE
FOR PERMIT NOS. 77-7317 AND)
)
77-7318 IN THE NAME OF IDAHO)
)
DEPARTMENT OF FISH AND GAME)

Pursuant to a request by the protestant, the date of the conference in the above-referenced matter is hereby changed from Wednesday, January 13, 1993, to Wednesday, January 27, 1993. The time and place of the conference are 10:00 a.m., in the Second Floor Conference Room, Department of Water Resources, 1301 N. Orchard St., Boise, Idaho 83706.

David R. Tuthill
DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

I hereby certify that on the 11th day of January, 1993, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:

Sue Taylor
Sue Taylor
Secretary

Certified Mail

IDAHO DEPT OF FISH AND GAME
PO BOX 25
BOISE ID 83706

GRAY F. REYNOLDS, REGIONAL FORESTER
U. S. DEPT. OF AGRICULTURE
FOREST SERVICE
324 25TH ST.
OGDEN, UT 84401

Un-Certified Mail

JANICE STAATS
CHALLIS NATIONAL FOREST
HC 63 BOX 1671 HWY 93
CHALLIS ID 83226

FEB 17 1995

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 Airport Way
Boise, Idaho 83705-5082

77-7317 #18

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- 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:

GRAY F REYNOLDS REGIONAL
U S DEPT OF AGRICULTURE
FOREST SERVICE
324 25TH ST
OGDEN UT 84401

4a. Article Number

28 397 317 316

4b. Service Type

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

7. Date of Delivery

12-10-92

5. Signature (Addressee)

Norma Shupla

6. Signature (Agent)

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

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE

Official Business
Penalty for Private Use
\$300
RECEIVED

DEC 14 1992

Department of Water Resources
Western Regional Office

Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

|||||



PENALTY FOR PRIVATE
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OF POSTAGE, \$300



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3. Article Addressed to:

JANICE STAATS
CHALLIS NATIONAL FOREST
HC 63 BOX 1671 HWY 93
CHALLIS ID 83226

4a. Article Number

4b. Service Type

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

Date of Delivery

JAN 13 1993 397 917 188

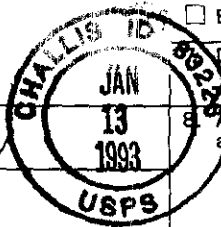
5. Signature (Addressee)

Carolyn Mattson

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

6. Signature (Agent)

[Signature]



Thank you for using Return Receipt Service.

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Official Business

PENALTY FOR PRIVATE
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OF POSTAGE, \$300



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JAN 17 1995

7 1995

Department of Water Resources
Boise Office

Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES

2735 AIRPORT WAY
BOISE, IDAHO 83705

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3. Article Addressed to:

Department of Water Resources
Western Regional Office

STATE OF IDAHO
DEPARTMENT OF FISH & GAME
P O BOX 25
BOISE ID 83720

5. Signature (Agent)

6. Signature (Agent)

RECEIVED
JAN 19 1993

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

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

Consult postmaster for fee.

4a. Article Number

4b. Service Type

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

7. Date of Delivery

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

Thank you for using Return Receipt Service.

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Official Business

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OF POSTAGE, \$300



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Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

GRAY F REYNOLDS REGIONAL
U S DEPT OF AGRICULTURE
FOREST SERVICE
324 25TH ST
OGDEN UT 84401

4a. Article Number

P397 917 324

4b. Service Type

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

7. Date of Delivery

1-15-93

5. Signature (Addressee)

6. Signature (Agent) *

Alvin Burdson

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

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE



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Official Business
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JAN 15 1993

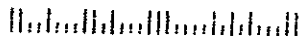
Department of Water Resources

Western Regional Office Print your name, address and ZIP Code here

Albuquerque
FEB 7 1995

DEPARTMENT OF WATER RESOURCES

2735 AIRPORT WAY
BOISE, IDAHO 83705



P 397 917 316



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**GRAY F REYNOLDS REGIONAL
U S DEPT OF AGRICULTURE
FOREST SERVICE
324 25TH ST
OGDEN UT 84401**

PS Form 3800, June 1991

Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$ 2.29
Postmark or Date	

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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 and present it if you make inquiry.

105603-92-B-0226

PS Form 3800, June 1991 (Reverse)

P 397 917 308



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STATE OF IDAHO
DEPARTMENT OF FISH & GAME
P O BOX 25
BOISE ID 83720

Postage	
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

PS Form 3800, June 1991

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165603-92-8-0226

PS Form 3800, June 1991 (Reverse)

P 397 917 324



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GRAY F REYNOLDS REGIONAL
U S DEPT OF AGRICULTURE
FOREST SERVICE
324 25TH ST
OGDEN UT 84401

Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

PS Form 3800, June 1991

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105603-92-B-0226

PS Form 3800, June 1991 (Reverse)

P 397 917 188



**Receipt for
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JANICE STAATS
CHALLIS NATIONAL FOREST
HC 63 BOX 1671 HWY 93
CHALLIS ID 83226

Postage	
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

PS Form 3800, June 1991

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
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105603-92-B-0226

PS Form 3800, June 1991 (Reverse)

P 397 917 315



**Receipt for
Certified Mail**

TM No Insurance Coverage Provided

**STATE OF IDAHO
DEPARTMENT OF FISH & GAME
P O BOX 25
BOISE ID 83720**

PS Form 3800, June 1991

Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

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6. Save this receipt and present it if you make inquiry.

105603-92-B-0226

PS Form 3800, June 1991 (Reverse)

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

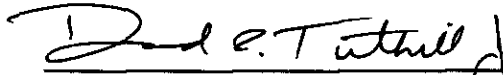
IN THE MATTER OF APPLICATIONS)
FOR PERMIT NOS. 77-7317 AND)
77-7318 IN THE NAME OF IDAHO)
DEPARTMENT OF FISH & GAME)

NOTICE OF CONFERENCE

On August 24, 1990, the Idaho Department of Fish & Game filed with the Department of Water Resources two applications for permit to appropriate the public waters of the State of Idaho. The applications were protested by the U.S. Forest Service.

The Department has set the matter of protests for a conference to be held on Wednesday, January 13, 1992, at 10:00 a.m., in the Second Floor Conference Room, Department of Water Resources, 1301 N. Orchard St., Boise, Idaho 83706. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Practice and Procedure of the Department of Water Resources, and Rules 4 and 5 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present information and argument on all issues involved.

Dated this 8th day of December, 1992.


DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

RECEIVED
FEB 17 1995

I hereby certify that on the 8th day of December, 1992, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:

Sue Taylor
Sue Taylor
Secretary

Certified Mail

GRAY F REYNOLDS REGIONAL FORESTER
U S DEPT OF AGRICULTURE
FOREST SERVICE
324 25TH ST
OGDEN UT 84401

STATE OF IDAHO
DEPARTMENT OF FISH & GAME
P O BOX 25
BOISE ID 83720

RECEIVED
FEB 17 1995

CONFERENCE AND HEARING PROCEDURE

IN THE MATTER OF A PROTESTED APPLICATION FOR PERMIT

In accordance with IDAHO CODE, Section 42-203, the following issues are involved in the consideration of the application and protest(s):

- 1) Will the proposed use reduce the quantity of water under existing rights?
- 2) Is the proposed water supply insufficient for the purposes intended?
- 3) Is the application made in good faith or for delay or speculative purposes?
- 4) Has the applicant sufficient financial resources with which to complete the proposed project?
- 5) Will the proposed use conflict with the local public interest?
- 6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The Applicant has the initial burden of proof on issues 1,2,3,4,& 6 above, that is, the applicant has the burden of coming forward with evidence for evaluation of those criteria.

The initial burden of proof on issue 5, local public interest, lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant of. The applicant has the ultimate burden of persuasion with respect to this issue.

PROCEDURE

The procedure normally followed by the department in arriving at a decision on the issues which must be considered is to first hold a conference in the matter and then, if necessary, hold a hearing. If a hearing is held a written decision is issued based on the hearing record.

CONFERENCE

Preliminary to holding a hearing, a pre-hearing conference is held to familiarize the department and the parties with the matter and to determine if a resolution of the protest(s) is possible without the need for a hearing.

FEB 17 1967

At the conference the department may formulate and simplify the issues, obtain admissions of fact and of documents which will avoid unnecessary proof, arrange for the exchange of proposed exhibits or prepared expert testimony prior to the hearing, limit the number of witnesses, consolidate the examination of witnesses, and advise the parties of the procedure which will be followed at any subsequent hearing.

HEARING

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes at the expense of the requesting party. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

If the hearing is conducted by a hearing officer appointed by the Director, rather than the Director himself, a proposed decision will be issued and the parties will be afforded the opportunity to file exceptions to the proposed decision and present briefs and to request oral argument before the Director prior to the issuance of a final decision by the Director. This procedure is required by IDAHO CODE, Section 42-1701A.

The parties by written stipulation, may waive their right to a proposed decision, however, the failure of either party to waive a proposed decision will not predjudice the director's review of a party's evidence and arguments. However, such a waiver will shorten the decision making process and may expedite substantially the issuance of a final decision. Whether compliance with Section 42-1701A is waived will not affect a party's right to petition for a rehearing of the final decision pursuant to rule 11 of the Department's Rules of Practice and Procedure or affect a party's right to appeal the final decision to the District Court.

Under the provisions of the IDAHO CODE, Sections 42-1701A and 67-5215, any court review of the department's decision on appeal shall be confined to the record created before the department.

If you require special accommodations for a disability in order to participate in or attend the conference (hearing) (public meeting) please advise the department within ten (10) days prior to the conference, hearing or public meeting.

EXHIBITS

If any party at a hearing intends to present an exhibit to augment the hearing record, such party shall in advance of the hearing, prepare sufficient copies of the exhibit for distribution to all parties at the hearing.

RECEIVED
FEB 17 1995



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

August 24, 1992

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

GRAY F. REYNOLDS, REGIONAL FORESTER
U. S. DEPT. OF AGRICULTURE
FOREST SERVICE
324 25TH ST.
OGDEN, UT 84401

Re: Applications for Permit Nos. 77-7317 and 77-7318 in the
Name of ID Dept. of Fish & Game

Dear Protestant:

This office acknowledges receipt of your protest to the issuance of a permit pursuant to the above referenced applications. The Department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference. At such a conference, the following are the principle items the Department can consider in either approving or denying an application or permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

If this office can be of further assistance, please contact us.

Sincerely,

DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

FEB 17 1995



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

August 25, 1992

ID DEPARTMENT OF FISH & GAME
PO BOX 25
BOISE ID 83707

Re: Application for Permit No. 77-7317 and 77-7318

Dear Applicant:

Enclosed is a copy of a protest(s) filed against the issuance of a permit pursuant to the above-referenced application. The Department suggests that you contact the protestant(s) and attempt to resolve the protest(s).

If this office has not been advised within twenty (20) days that the protest(s) has been resolved, the matter will be scheduled for a conference. At such a conference, the following are the principle items the Department will review (per Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

Please contact this office if you have questions regarding this procedure.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

Enclosure: Copy of protest(s)

FEB 17 1995



United States
Department of
Agriculture

Forest
Service

Intermountain
Region

324 25th Street
Ogden, UT 84401

Reply to: 2540-1

Date: AUG 20 1992

Mr. David R. Tuthill, Jr.
Western Region Supervisor
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

RECEIVED
AUG 21 1992

Department of Water Resources
Western Regional Office

Dear Mr. Tuthill:

We are writing to protest Applications for Permit Nos. 77-7317 and 77-7318 filed by the Idaho Department of Fish and Game for water rights on Knapp Creek for fish propagation. These Applications are for existing fish screens and bypass that return fish to Knapp Creek on existing diversions on the Challis National Forest. We are not against the use, however, the name of the water right should be in the name of the United States and not Idaho Fish and Game. Until this can be resolved, we are protesting these Applications.

Sincerely,

for *Randall R. Hall*
GRAY F. REYNOLDS
Regional Forester

MICROFILMED

FEB 17 1995



Caring for the Land and Serving People

FS-6200-28b(4/88)



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

August 6, 1992

GRAY F. REYNOLDS, REGIONAL FORESTER
U. S. DEPT. OF AGRICULTURE
FOREST SERVICE
324 25TH ST.
OGDEN, UT 84401

Re: Applications for Permit Nos. 77-7317 and 77-7318 in the
Name of ID Department of Fish & Game

Dear Sir:

Enclosed area copys of the above-referenced applications
for permit which may be of interest to your agency. Please
review the applications and submit any comments you may have.

This office normally completes the processing of an
application within a six-week period and is required to take
final action shortly thereafter, however, if your agency
desires to file a formal protest against the approval of these
applications, your written protest must be received in this
office by August 24, 1992.

If you have any questions regarding the applications,
please contact this office.

Sincerely,

DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

DRT:st

Enclosure(s):

FEB 17 1995

MEMORANDUM

TO: Files 77-07317, 77-07318

FROM: Mary Baldwin, Office Coordinator
Southern Region

DATE: 13-Jul-1992

SUBJECT: Changes during advertising

A telephone call was made on this date to the Challis Messenger, (Custer Publishing Co., telephone #879-4445) with the following changes for the scheduled publication on 8/6 & 8/13/92:

Change #71-07165 to 77-07317

Change #71-07166 to 77-07318

RECEIVED
FEB 17 1995



ate of Idaho
DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

08-Jul-1992

R. KEITH HIGGINSON
Director

ATTN CINDY ROBERTSON
FISHERY BIOLOGIST
IDAHO FISH & GAME
PO BOX 25
BOISE ID 83707-0025

Re: Applications for Permit Nos. 71-07146 thru 71-07166,
72-07482 thru 72-07499

Dear Ms. Robertson:

The Department of Water Resources acknowledges receipt of 39 water right applications for permit. Each application has been assigned an identification number. Please refer to this number in all further correspondence. A computer produced proof report for each application is enclosed for your information and reference.

This office will be advertising the applications with points of diversion located within Custer County in the Challis Messenger on 8/6 & 8/13/92. Application No. 71-07160 will be advertised in the Wood River Journal on 8/5 & 8/12/92 because it has a point of diversion located within Blaine County. 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 the 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

[Handwritten signature]

FEB 17 1993

Idaho Fish & Game
Page 2
08-Jul-1992

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,

Mel Schulte
Water Right Agent

MS:MB

RECORDED

FEB 17 1995

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed to appropriate the public waters of the State of Idaho:

77-07318

~~71-07166~~

STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE, ID 83707

Source: KNAPP CREEK

Tributary: MARSH CREEK

Diversion Pt: NENW Sec 18 T 12N R 12E in CUSTER County.

Use: FISH PROPAGATION (.800 CFS)
Total Diversion: (.800 CFS)

Date Filed: 8/24/1990

In: CUSTER County
T12N R12E S18 NENW

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, ID 83301 on or before AUGUST 24, 1992.

R. KEITH HIGGINSON, Director

Published: 8/ 6/1992 & 8/13/1992

FEB 17 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region
222 Shoshone Street East
Twin Falls, ID 83301
(208) 736-3033

JULY 6, 1992

CUSTER PUBLISHING COMPANY
PO BOX 405
CHALLIS, ID 83226

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before AUGUST 24, 1992.

Yours truly,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

FEB - 7 1995



IDAHO FISH & GAME

600 South Walnut
P.O. Box 25
Boise, ID 83707-0025

June 3, 1992

Mr. Jim Johnson
Idaho Department of Water Resources
STATEHOUSE MAIL
Boise, ID 83720

Re: Water Right Application for Fish Screens

Dear Mr. Johnson:

I have enclosed 33 applications for permit and a check for \$1,485.00 for fish screens in the Salmon River Basin. These applications are for nonconsumptive uses of water. The screens prevent fish from entering irrigation ditches and becoming stranded. The fish are shunted into bypass pipes near the screens and are returned back to the stream below the irrigation ditch.

I have had several conversations with Water Resources personnel regarding the need to apply for water right permits for these fish screens and have received conflicting responses. When I filed our Department's claims for the Snake River Basin Adjudication, I was told that we should file claims for existing fish screens and applications for permit for screens that were built after 1971. Conversely, since filing our adjudication claims, I have been told that because the use of the water is nonconsumptive and no additional water is diverted down the ditches to run the screens, we do not need a water right to use them.

Could you clarify for me whether or not we need to file applications for the fish screens? If we do not need to file the enclosed applications, please return them to me with the check. If we are required to file applications, then you have them and the payment for processing them. If I can provide you with any further information regarding these applications, please call me at 334-2597. Thank you in advance for your help in this matter.

Sincerely,

Cindy Robertson

Cindy Robertson
Fishery Biologist

CR:tlv

Enclosure

cc: Jim Blake, Salmon
Lee VanDeBogart, Engineering

Cecil D. Andrus / Governor
Jerry M. Conley / Director

Equal Opportunity Employer



Working for wildlife - since 1938

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FEB 17 1995

APPLICATIONS FOR WATER RIGHT PERMITS FOR FISH SCREENS
IN THE SALMON RIVER BASIN

<u>Screen Number</u>	<u>Cost</u>
EF-14 ✓	\$45.00
EF-20	45.00
EF-22	45.00
EF-24	45.00
EF-HC-3	45.00
S-1	45.00
S-8	45.00
S-20	45.00
S-21	45.00
S-21A	45.00
S-23	45.00
S-24	45.00
S-28	45.00
S-32	45.00
S-33	45.00
S-38	45.00
S-39	45.00
S-39A	45.00
S-40	45.00
S-41	45.00
S-42	45.00
S-43	45.00
S-44	45.00
S-45	45.00
S-47	45.00
S-PC-1	45.00
S-VC-1	45.00
S-VC-2	45.00
S-VC-3	45.00
S-VC-4	45.00
S-VC-6	45.00
S-WSC-1	45.00
S-WCS-2	45.00

FEB 17 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No.

77-7318
71-7166

RECEIVED
MAY 31 1990

To appropriate the public waters of the State of Idaho

Department of Water Resources

Name of applicant Idaho Dept. of Fish and Game Phone 334-3700

Post office address P.O. Box 25 600 S. Walnut Boise ID 83707

2. Source of water supply Knapp Creek which is a tributary of Marsh Creek

3. Location of point of diversion is 1/4 of NE 1/4 of NW 1/4 Govt. Lot

Sec. 18 Township 2E 8N County; additional
points of diversion if any:

WITHDRAWN

4. Water will be used for the following purposes:

Amount 0.8 for Fish propagation purposes from 3/15 to 11/15 (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) 0.8 and/or (b)
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Concrete structure with metal screen
which prevents fish from entering irrigation ditch. Includes a bypass pipe
which returns water to the main stream

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 90°F being sought? no

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

Built in 1981 years (minimum 1 year).

↑ = ALLOW 1 YEAR

FEB 17 1995

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 - fish screen and bypass pipe to return fish to main stem

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	
12N	12E	18					H												

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? Challis National Forest

b. Who owns the land to be irrigated or place of use? Challis National Forest

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. No special use permit was issued. Verbal agreement to construct screen.

12. Remarks: _____

FEB 17 1995