

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 51-13098

Priority: November 03, 2011

Maximum Diversion Rate: 2.60 CFS

This is to certify, that KRISTY PIGEON
JOHN PRUDDEN
109 GREENHORN RD
HAILEY ID 83333

MATHER CAPITAL CORP
109 GREENHORN RD
HAILEY ID 83333

has applied for a permit to appropriate water from:

Source: BRUNEAU RIVER

Tributary: SNAKE RIVER

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>	<u>ANNUAL VOLUME</u>
WILDLIFE	03/01 to 06/15	2.60 CFS	
DIVERSION TO STORAGE	03/01 to 06/15	2.60 CFS	
WILDLIFE STORAGE	01/01 to 12/31		77.0 AF

LOCATION OF POINT(S) OF DIVERSION:

BRUNEAU RIVER SW1/4SW1/4 Sec. 26, Twp 07S, Rge 06E, B.M. OWYHEE County

PLACE OF USE: WILDLIFE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S 06E 4												X					
07S 06E 5														X	X	X	X

PLACE OF USE: WILDLIFE STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S 06E 4												X					
07S 06E 5														X	X	X	X

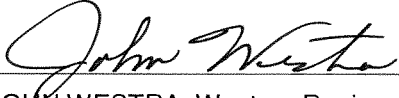
CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **May 01, 2013**.
2. Subject to all prior water rights.
3. Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 5 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.

State of Idaho
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4. 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 the permit holder had no control.
5. Use of water under this right shall be returned to the Bruneau River.
6. Wildlife use is for habitat improvement during the early irrigation season and diversions for this right are not authorized after June 15 of each year.
7. From March 1 to June 15, this right authorizes the use of Bruneau Buckaroo Canal Ditch Co. shares for wildlife uses but does not authorize an additional diversion of water from the Bruneau River. This right shall not be used if the Bruneau Buckaroo Canal Ditch Co. shares appurtenant to the place of use are sold, transferred, leased or used on any other place of use.
8. This right does not grant any right-of-way or easement across the land of another.
9. This right may be subject to an agreement between the applicants and the Bruneau Buckaroo Canal Ditch Co.
10. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
11. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
12. This right is subordinate to existing and future minimum instream flow water rights.
13. This right shall be junior and subordinate to future water rights authorizing the diversion and use of water from the Bruneau River and its tributaries, including ground water, for consumptive uses, except that this right shall not be subordinate to future water rights for similar wildlife, recreation or aesthetic uses.
14. The six (6) ponds or wetland areas established by the storage of water under this right shall not exceed a total capacity of 77 acre-feet or a total surface area of 38 acres.
15. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 4th day of May, 2012.


JOHN WESTRA, Western Regional Manager



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

May 7, 2012

KRISTY PIGEON
JOHN PRUDDEN
109 GREENHORN RD
HAILEY ID 83333

MATHER CAPITAL CORP
109 GREENHORN RD
HAILEY ID 83333

RE: Permit No.51-13098

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources 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 the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

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 into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

Please note that a separate stream channel alteration permit must be obtained from the Department 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.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-334-2190.

Sincerely,

A handwritten signature in black ink, appearing to read "John Westra", with the word "for" written in smaller letters below it.

John Westra

Western Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on May 7, 2012 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

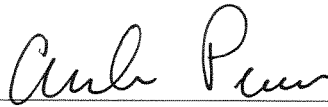
RE: WATER RIGHT NO.

51-13098

**JOHN PRUDDEN
109 GREENHORN RD
HAILEY ID 83333**

**KRISTY PIGEON
109 GREENHORN RD
HAILEY ID 83333**

**MATHER CAPITAL CORP
109 GREENHORN RD
HAILEY ID 83333**

A handwritten signature in cursive script, appearing to read "Mandi Pearson", is written over a horizontal line.

**Mandi Pearson
Office Specialist II**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case 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 this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

INTEROFFICE MEMORANDUM

TO: 51-13098 APPLICATION FOR PERMIT FILE
FROM: VICKY MUSIC
SUBJECT: PROPOSED WILDLIFE USE, NRCS STANDAR OF 0.15 CFS PER
ACRE & IDFG CONCERNS RE WILDLIFE
DATE: 4/26/2012
CC:

Application no. 51-13098 proposes 2.26 cfs of Bruneau R water, diverted through the Bruneau Buckaroo Canal Ditch Co. [BBCDC] ditch. The applicant has permission for the ditch company to use their shares for this wildlife use. IDWR has not had guidance as to how to evaluate the quantity of water need for wildlife uses until the NRCS proposed a methodology. In addition, the Idaho Dept. of Fish and Game [IDFG], in a recent response to a request for comment on a wildlife application, expressed concerns that recent wildlife applications does not adequately explain the benefit to wildlife.

This memo analyzes the quantity proposed in application 51-13098 according to the method outlined in correspondence from the NRCS, dated 4/29/10, and addresses concerns of the IDFG regarding beneficial use in a letter dated 4/2/12.

Quantity for wildlife/wetlands

Rob Sampson, PE with the NRCS, described a method for estimating cfs/acre of wildlife use. He analyzed flow needed for evaporation/transpiration, infiltration, and flow needed to keep the wetlands ice-free. His analysis is attached to this memo. The rate of 0.15 cfs/acre provides sufficient water for wildlife/wetlands use.

The wetland in this application will cover about 38 acres $\times$ 0.15 cfs/acre = 5.7 cfs. The proposed of quantity of 2.26 is approximately half of the theoretical quantity and should be approvable.

Beneficial use for wildlife

In its letter, Scott Reinecker, SW Regional Supervisor with the IDFG responded to a request for a comment letter for a wildlife application in the lower Basin 63. He expressed concern that the application for wildlife use did not sufficiently explain the wildlife use, the link between the quantity and volume and the use, a management plan and where the water would return to the source.

IDFG recommended that IDWR request the specific information regarding how the quantity and volume benefits the wildlife, the species of wildlife that would benefit from the

proposed application, how the water will be managed for the benefit of wildlife, and that the water be returned to its source as near the proposed POD as is reasonable possible.

Application 51-13098 that is the subject of this memo provides the level of detail in all respects recommended by IDFG.

When the methodology submitted by the NRCS and the recommendations presented by IDFG are applied to this application, the application 51-13098 is approvable. A comment letter regarding this application was solicited from the IDFG on 3/15/2012 but IDWR has not received a reply.



Natural Resources Conservation Service
9173 W. Barnes Dr., Ste. C
Boise, Idaho 83709

4/29/2010

To: John Westra
Regional Manager
IDWR Western Regional Office

As requested I have examined the application by Tree Top Ranches L.P. and by Steven Stout. I will demonstrate a methodology using standard sources to calculate flows relating to various parts of the water budget.

Tree Top Ranches L.P. Application for Wildlife Wetlands

Application is for 35.5 acres of wetlands. What water flow is needed by various components?

Evaporation and Transpiration

The ET Idaho site for the Parma Experimental Station was examined. 'Large Stands of Wetlands' and 'Actual ET' parameters were used to obtain:

ET (mm/day)

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
0.28	0.60	0.95	1.18	2.91	6.33	7.70	6.87	4.93	1.93	0.39	0.25

<http://www.kimberly.uidaho.edu/ETIdaho/stcvrstats.php?station=106844&cover=51&stats=Actual>

Converting these to average cfs/acre yields:

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
0.28	0.60	0.95	1.18	2.91	6.33	7.70	6.87	4.93	1.93	0.39	0.25	mm/d
0.00	0.00	0.00	0.00	0.00	0.01	0.01	0.01	0.01	0.00	0.00	0.00	cfs/ac
0.02	0.04	0.06	0.07	0.17	0.37	0.45	0.40	0.29	0.11	0.02	0.01	cfs/35a

1 mm/day = 0.001654 cfs/acre

1 mm/day = 0.0587 cfs/35.5 acres

Infiltration

Infiltration (seepage) is fairly constant in the silts and clays of Southwest Idaho. Laboratory values taken from NRCS holding ponds indicate a high seepage rate of about 0.0001 cm/sec and a low of about 0.000001 cm/sec. Using 0.00001 as an average, this translate to about 0.014 cfs per acre or about 0.51 cfs per day for 35.5 acres.

The application suggests that the flow through rate is required to keep the ponds from icing. Cooling of lakes results in convective mixing until the water temperature hits 39 degrees F, at which water obtains its maximum density. The surface layer then cools (and becomes lighter, floating on the denser water below. The water cools at a rate proportional to the average air temperature (ignoring convection losses from wind). The average air temperature (deg. F) at Parma is:

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
27.9	34.5	42.9	50.7	58.8	65.8	73.3	71.4	61.7	50.7	38.2	30.3

<http://www.wrcc.dri.edu/cgi-bin/cliMAIN.pl?idparma>

Flow to Keep Ice-Free

Ice thickness can be predicted using freezing degree days. Using the above data December has about -53 freezing degree-days and January has about -127 freezing degree-days. Assuming an ice-air resistance of about $1 \text{ hr ft}^2 \text{ F} / \text{ BTU}$, this creates about 6 inches of ice, or about 1,240,000 pounds of ice per acre¹. Converting that to pounds per day over 62 days yields 20,000 pounds of ice formed per day per acre. An inflow of 1 cfs at 40 degrees equates to 5,400,000 pounds per day and lowering 8 degrees would provide 43,000,000 BTUs. Therefore inflow at 40 degrees F would need to be 0.07 cfs to melt 20,000 pounds of ice (144 BTU per pound to melt), so inflow required would be about 0.1 cfs per acre.

The above analysis assumes perfect mixing. Reference is Cold Regions Engineering Short Course, University of Washington, January 9-13th, 2003.

Another way to examine the needed flow rate is to look at fresh water turnover. This application is for 91.5 acre-feet of storage. Each cfs of flow provides 2 acre-feet of volume each day. For 91.5 acre feet of storage, 6.5 cfs would provide one water turnover each week.

Recommended flows:

1. The flow required to counteract evapotranspiration in the summer is 0.5 cfs for 35.5 acres.
2. The flow required to counteract seepage year around is 0.5 cfs for 35.5 acres.
3. The flow required to keep 35.5 acres ice free in December and January is 3.6 cfs, assuming perfect mixing.

Recommendations:

1. It is probably not feasible to keep a completely open water surface during freezing months.

Steven Stout Application for Wildlife Wetlands

Application is for 76 acres of which 13 acres are open water. What water flow is needed by various components? This application is near the one cited above, so the same meteorological data can be applied.

Evaporation and Transpiration

It appears from the application that the fields and ponds will be provided water simultaneously. Using the same ET parameters derived above, and scaling the numbers up to 76 acres:

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
0.28	0.60	0.95	1.18	2.91	6.33	7.70	6.87	4.93	1.93	0.39	0.25	mm/d
0.00	0.00	0.00	0.00	0.00	0.01	0.01	0.01	0.01	0.00	0.00	0.00	cfs/ac
0.04	0.06	0.12	0.15	0.37	0.80	0.97	0.87	0.62	0.24	0.05	0.03	cfs/76a

1 mm/day = 0.001654 cfs/acre

1 mm/day = 0.1257 cfs/76 acres

The above analysis assumes the 'fields' are flooded in the summer.

Infiltration

Infiltration will be a similar steady state value calculated using 0.00001 cm/sec. This results in 1.06 cfs for 76 acres.

Flow to Keep Ice-Free

Given similar temperatures, the ice thickness will be the same, 6". The same amount of daily flow will be needed to melt that same amount of ice, 0.1 cfs/acre, assuming perfect mixing.

Keeping the 'fields' ice free with what is assumed to be a relatively shallow water cover will be very difficult, so flow required to remove ice will be very dependent on the number of acres desired to keep ice free. 13 acres (the area of the ponds) would require 1.3 cfs. The entire 76 acres would require a flow of 7.6 cfs.

Recommended flows:

1. The flow required to counteract evapotranspiration in the summer is 1.0 cfs for 76 acres.
2. The flow required to counteract seepage year around is 1.1 cfs for 76 acres.
3. The flow required to keep 13 acres ice free in December and January is 1.3 cfs, while the flow to keep 76 acres ice free is 7.6 cfs, assuming perfect mixing.

Recommendations:

1. It is probably not feasible to keep a completely open water surface during freezing months.



Rob Sampson, P.E.
State Conservation Engineer

¹ the equation to calculate ice thickness is:

$$\frac{FI}{\rho_i L} = R (X_2 - X_1) + (X_2^2 - X_1^2) / 2k_i$$

Where

- FI is the freezing index (number of degree days average below freezing)
- ρ_i is the density of ice, taken as 57 # / ft³
- L is the latent heat of fusion, taken as 144 BTU / #
- R is the thermal resistance above growing ice, taken as 1 hr ft² °F / BTU
- X_1 is the initial thickness of ice, taken to be 0 feet
- X_2 is the final thickness of ice, feet
- k_i is the thermal conductivity of ice, taken as 1.4 BTU / (hr ft °F)



IDFG CONCERNS

IDAHO DEPARTMENT OF FISH AND GAME
SOUTHWEST REGION
3101 South Powerline Road
Nampa, Idaho 83686

C.L. "Butch" Otter / Governor
Virgil Moore / Director

RECEIVED

March 28, 2012

APR 02 2012

WATER RESOURCES
WESTERN REGION

*C
Email*

Steve Lester
Water Rights Supervisor
IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
Steve.Lester@idwr.idaho.gov

RE: Water Right Applications 63-33507, 63-33508

Dear Mr. Lester,

The Idaho Department of Fish and Game (Department) has reviewed application for permit numbers 63-33507 and 63-33508. Application 63-33507 proposes to divert 24 cubic feet per second (cfs) of water from the Boise River to be used annually to flood areas for wildlife use from March through mid-November. Application 63-33508 proposes to divert 6 cfs from an unnamed drain to be used annually to fill excavated ponds from March through mid-November. Place of use for application 63-33507 is in T5N, R5W, Sections 21 and 22. Place of use for application 63-33508 is adjacent to 63-33507 in T5N, R5W, Sections 22 and 27. Both 63-33507 and 63-33508 would cover the remainder of the year not covered by water right applications 63-32459 and 63-32460, which are currently under review.

As written, the applications do not demonstrate a benefit to wildlife as a result of the proposed water diversions. Additionally, the Department is not able to deduce benefits to wildlife relative to the volume of water proposed for diversion from the information provided. Application 63-33507 proposes to divert 24 cfs, apparently to be used in a 20 acre-foot pond. The Department questions how this volume of water in a relatively small area would benefit wildlife. While the specific objectives of these water right applications remain unclear, it is difficult for the Department to understand how these volumes of water would be needed to benefit wildlife.

Additionally, application 63-33507 proposes that water will drain into an existing drain ditch and exit the property. It appears that this drain empties to the Snake River. The Department recommends that water be returned to its source as near the point of diversion as reasonably possible – in this case the Boise River. Application 63-33508 does not state where water will drain to.

Keeping Idaho's Wildlife Heritage

The Department recommends that the Idaho Department of Water Resources (IDWR) request specific information from the applicant on how these waters would be managed to benefit wildlife, as well as which species of wildlife may benefit. Additionally, the Department requests clarification on the point of termination of the unnamed ditch that would be used drain water from the property. The Department is available at the request of IDWR to review and provide comment on any additional information.

Thank you. Please contact Rick Ward in the Southwest Regional Office at (208) 465-8465, or via e-mail at rick.ward@idfg.idaho.gov if you have any questions.

Sincerely,



Scott Reinecker
Southwest Regional Supervisor

Ecc: Kiefer, Poole/ HQ
R3 staff

Vicky,

Enclosed is a DU project map with the return flow of water to the Bruneau River shown by the four arrows drawn.

We met with NRCS and DU last week. All parties are posed to move forward as soon as IDWR issues the water permit. The use period for the water ends June 15, so we are anxious to begin.

Thank you for your assistance in moving the paperwork along.

John Prudden

RECEIVED

APR 24 2012

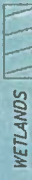
WATER RESOURCES
WESTERN REGION



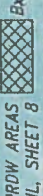
(4) ARROWS INDICATE FLOW END, OF WATER TO RIVER

- NOTES:
1. CONCRETE TROUGH TO BE REMOVED AND FOOTPRINT DEVELOPED TO SERVE AS 'TRAINING' LEVEES OR SPILLWAYS, DEPENDING ON LOCATION AND WATER LEVELS.
 2. BORROW AREAS TO PROVIDE ZONES OF DEEPER WATER.
 3. ALL BORROW AREAS WILL DRAIN TO THE NEXT DOWNSTREAM WETLAND (NO-SUMPS).

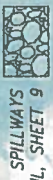
LEGEND



WETLANDS



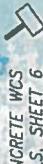
BORROW AREAS
SEE DETAIL, SHEET 8



SPILLWAYS
SEE DETAIL, SHEET 9



LEVEES
SEE DETAIL, SHEET 8



PRECAST CONCRETE WCS
SEE DETAILS, SHEET 6



12" SLIDE GATE
SEE DETAILS, SHEET 7



WETLAND SWALE
SEE DETAILS, SHEET 8

SURVEY DATUM			REVISIONS		GENERAL INFORMATION	
SURVEY DATE:	OCTOBER 2011	REV. NO.	DESCRIPTION	DATE	DESIGNED BY: JDA	PROJECT NO. ID-66-1
HORIZONTAL DATUM:	IDAHO STATE PLANE WEST ZONE	1			DRAWN BY: DMC	BRUNEAU RIVER RANCH
VERTICAL DATUM:	NAD_83 (COR36) (EPOCH=2002.0000)	2			SURVEYED BY: JPS	RESTORATION DESIGN
GEOD MODEL:	03	3			CHECKED BY:	PLAN VIEW
CONTOUR INTERVAL:	1	4			APPROVED BY:	
AERIAL PHOTO:	1 NOV 2006					



Utility Notification Center
CALL BEFORE YOU DIG

UNAUTHORIZED CHANGES & USES
THE ENGINEER PREPARING THESE PLANS WILL NOT BE RESPONSIBLE FOR, OR LIABLE FOR, UNAUTHORIZED CHANGES TO OR USES OF THESE PLANS. ALL CHANGES MUST BE IN WRITING AND MUST BE APPROVED BY THE PREPARER OF THESE PLANS.

NOTE: DUCKS UNLIMITED WILL PROVIDE CONSTRUCTION STAKING AND/OR VERTICAL CONTROL FOR THE CONTRACTOR.

The Owyhee Avalanche

P.O. Box 97 • HOMEDALE, ID 83628 • 208/337-4681

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
COUNTY OF OWYHEE)

✓ Rec'd
4/4/12

✓ both
pp-kw
4/12/12

I, Robert E. Aman, being first duly sworn, depose and say:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned.

2. That during the time of publication of the notice hereinafter mentioned, I was and now am the president of The Owyhee Avalanche, a newspaper of general circulation printed and published weekly, on Wednesday of each and every week, in the City of Homedale, County of Owyhee and State of Idaho.

3. That the said The Owyhee Avalanche has been printed and published continuously and uninterruptedly in said County during a period of more than seventy-eight weeks prior to the first publication of the attached notice.

4. That said notice of which a printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not a supplement thereto, in said newspaper, in TWO (2)
(consecutive) calendar weekly issue(s) of said newspaper, in the following date(s):

MARCH 21, 28, 2012

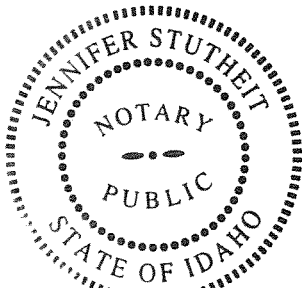
SIGNED: _____

Robert E. Aman

STATE OF IDAHO }
COUNTY OF OWYHEE }

On this 4 day of Apr. in the year of 2012 before me, a

Notary Public, personally appeared ROBERT E. AMAN
known or identified to me to be the person whose name subscribed to the within instrument, and being by me duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.



Jennifer Stutheit
Notary Public of Idaho

Residing at HOMEDALE, IDAHO
My commission expires: JANUARY 3, 2015

THE FOLLOWING APPLICATION(S) HAVE BEEN FILED TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO: 51-13098
KRISTY PIGEON, JOHN PRUDDEN & MATHER CAPITAL CORP, 109 GREENHORN RD, HAILEY, ID 83333
Point of Diversion: SWSW S26 T07S R06E OWYHEE County Source BRUNEAU RIVER Tributary SNAKE RIVER
Use: DIVERSION TO STORAGE & WILDLIFE 03/01 to 06/15 for 2.6 CFS each use; WILDLIFE STORAGE 01/01 to 12/31 77 AF
Total Diversion: 2.6 CFS
Date Filed: 11/3/2011
Place Of Use: WILDLIFE & WILDLIFE STORAGE
T07S R06E S4 SWSW & S5 SE ¼ (all)
No increase in diversion from the Bruneau River proposed. Will use existing Bruneau Buckaroo Co-op Ditch Co. irrigation shares for new use through June 15, after which the use of the shares will revert to irrigation.
PROPOSED CHANGE OF WATER RIGHT
U.S. Ecology Idaho, Inc. of 300 East Mallard Dr., Suite 300, Boise, ID, 83706 filed Application No. 77667 to transfer one water right with a 1970 priority date from the Snake River totaling 8.62 cfs. The purpose of the transfer is to change the point of diversion and place of use of a right that has been enrolled in the Water Supply Bank. Water will be used at a place of use located approximately 7 miles southeast of Hammett on the south side of the Snake River, east of Bruneau Dunes State Park and north of Saylor Creek Air Force Range.
Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the rights &/or proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 4/9/2012. The protestant must also send a copy of the protest to the applicant.