

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESIdent. No. 51-13098
RECEIVED

NOV 03 2011

DEPARTMENT OF
WATER RESOURCES**APPLICATION FOR PERMIT**

To appropriate the public waters of the State of Idaho

1. Name of applicant(s) Kristy Pigeon, John Prudden and Mather Capital Corp.Phone 208-788-9636Name connector (check one): ☒ and ☐ or ☐ and/orMailing address: 109 Greenhorn RoadCity HaileyState Idaho Zip 83333Email: kristypigeon@cox.net**RECEIVED**

NOV 07 2011

2. Source of water supply Bruneau River which is a tributary of Snake River

3. Location of point(s) of diversion:

WATER RESOURCES
WESTERN REGION

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
7S	6E	26		SW	sw		Owyhee	Bruneau River	

4. Water will be used for the following purposes:

Amount 2.6 cfs for wildlife purposes from 3/1 to 6/15 (both dates inclusive)
(cfs or acre-feet per year)Amount 2.6 cfs for diversion to storage purposes from 3/1 to 6/15 (both dates inclusive)
(cfs or acre-feet per year)Amount 77 acre-ft. for wildlife storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)5. Total quantity to be appropriated is (a) 2.6 cubic feet per second (cfs) and/or (b) _____ acre-feet per year (af).

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source. Bruneau Buckaroo Canal Ditch Co. (BBCDC)
diversion structure to be conveyed through the BBCDC ditch to point of use.b. Height of storage dam n/a feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 11.For dams 10 feet or more in height OR reservoirs with a total storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☒ Noc. Proposed well diameter is n/a inches; proposed depth of well is _____ feet.d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ Noe. If well is already drilled, when? _____; drilling firm _____;
Well was drilled for (well owner) _____; Drilling Permit No. _____.

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

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 or the applicant's qualifications as a municipal provider. _____

d. Domestic; show number of households _____

e. Other; describe fully. The water will be used to restore historic Bruneau River stream channels for wildlife use.

8. 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	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7S	6E	4											W						
7S	6E	5													W	W	W	W	

Total number of acres to be irrigated: n/a

9. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? n/a

10. a. Who owns the property at the point of diversion? Bruneau Buckaroo Co-op Ditch Co.
b. Who owns the land to be irrigated or place of use? Kristy Pigeon, John Prudden, Mather Capital Co.
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Agreement pending between Pigeon, Prudden & Mather Capital and the BBCDC

11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. Please see attached narrative and restoration plan.

12. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year).

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Signature of Applicant

Kristy Pigeon

Print Name (and title, if applicable)

John Prudden

Signature of Applicant

Print Name (and title, if applicable)

TIM GARDNER, PRESIDENT

For Department Use:

Received by SL Date 11/7/11 Time Preliminary check by WMM

Fee \$ 330 Receipted by SB Receipt No. WD39697 Date 10/20/11

incomplete @ G.O. on 11/3/11. info for western 11/7/11 added. P1370.

Idaho Department of Water Resources
Application for Permit

11. This water right will be used to stack water in the spring into restored wetland areas supported by constructed levees for the benefit of wildlife. Approximately 38 acres of wetlands will create habitat for waterfowl, shorebirds and amphibians. In addition, the surrounding riparian areas will provide food, cover and nesting habitat for gallinaceous birds such as quail and pheasant.

The project was designed in collaboration with Ducks Unlimited and the Natural Resource Conservation Service. The need for the project is due to the declining numbers of waterfowl that use the Snake River flyway.

The project site is near the Bruneau River, approximately 4 miles from the Snake River. Within the project the location of the levees will mimic historic streambed channels, (*please see restoration plan attached*). The project area will encompass 159 acres. 2.6 cfs will be needed to fill 38 acres of wetland areas at varying depths no greater than two feet. Assuming the total volume at capacity will equal 57 acre ft., (38 acres x average depth of 1 1/2 ft.), the wetlands will take 17 days to fill. The calculation is as follows: 2.6 cfs, less evaporation and seepage of .9 cfs = 1.7 cfs net. 1.7 cfs x 2 acre ft. per day = 3.4 acre ft. per day fill rate. The required 57 acre ft. divided by 3.4 acre ft. per day = 17 days. The objective will be to maintain maximum water depths during the height of geese, duck and shorebird migration periods that commence during the third week in March and continue through the spring. The wetlands will initially provide resting and feeding areas for migrating birds and later brood rearing habitat for ducks that have nested in the surrounding grassland areas. Mallards and Blue Winged Teal, two common species to the area, begin nesting in late April/early May. The first broods appear towards the end of May. Ducks return their broods to water within two days of hatching. The restoration plan calls for wetlands #1, 2 and 3 will be deeper for waterfowl use and wetlands 2A, #3A and 4 will be shallower, thus providing preferred habitat for shorebirds. Considering our inland location, it is interesting to note that numerous shorebirds frequent wetland areas during this period in the Bruneau area. Noted species during spring migration include avocets, stilts, rails and snipes. In summary, the new right would be used for the greatest benefit to wildlife during the critical migration period. Water would flow from wetlands to shallower riparian areas to grasslands and then back to the Bruneau River for water reuse.

After June 15th an existing right of 2300 shares in the Bruneau Buckaroo Canal Ditch Co., (1.9 cfs), will be used to: 1) irrigate grassland areas both inside and outside of the project area and 2) for livestock use in the late summer and fall.

IDAHO DEPARTMENT OF WATER RESOURCES

T06S, R05E, S10, 14, 15, 22, 23, 24, 25 & 26

T06S, R06E, S30, 31 & 32

T07S, R06E, S4, 5, 8, 9, 10, 14, 15, 16, 22 & 23

Point of Diversion



1987 NAPP PHOTO

 SECTION LINES

 POD

 POU

1/4 1/4 LINES

6 ACRES

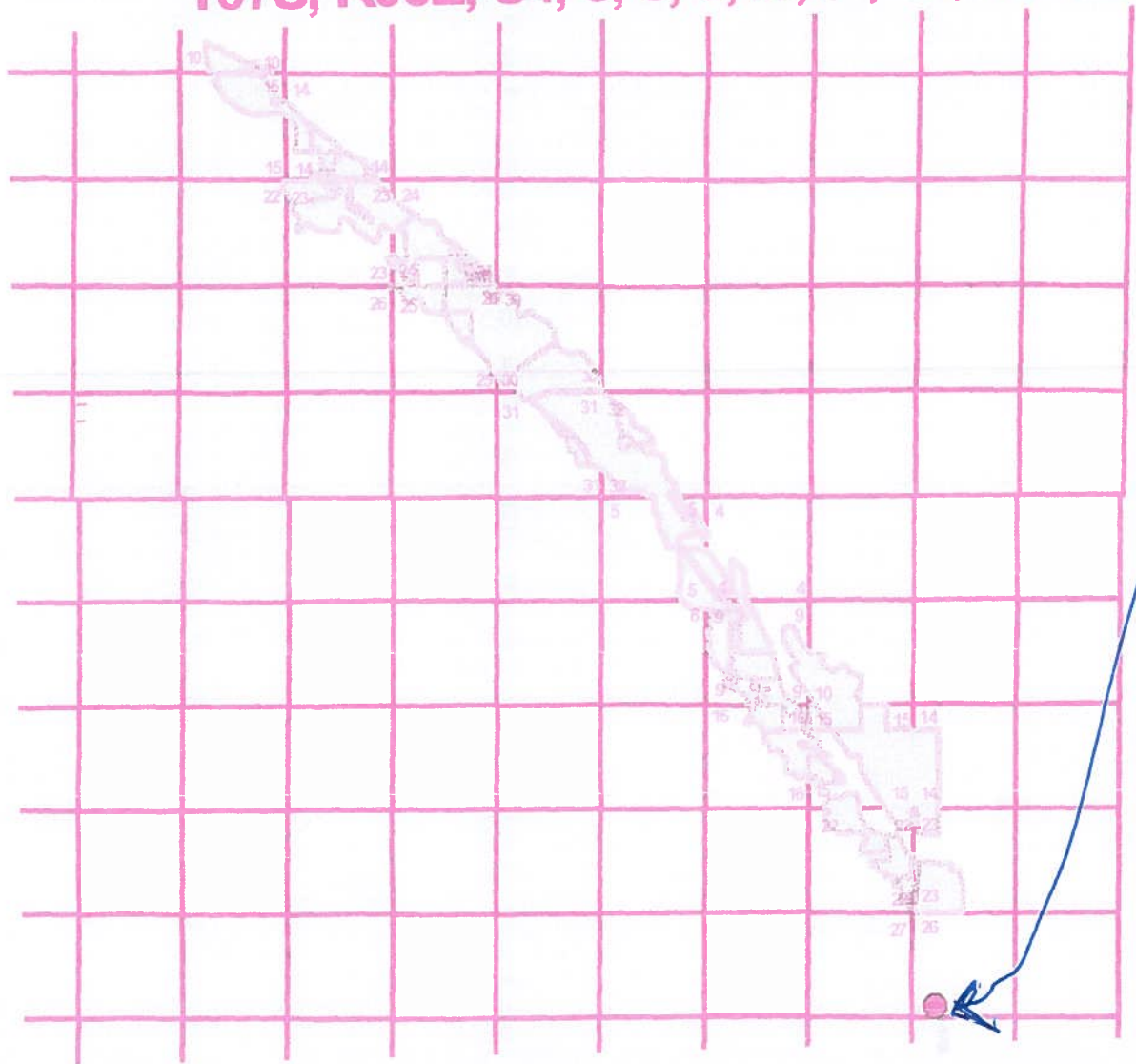
6 SECTION NUMBER

CLAIM(S) : 51-00002, 51-00003, 51-00005,
51-10350, 51-10351 & 51-10271

OWNER(S): BRUNEAU BUCKAROO

Prepared by: Mel Schulte

Date: 7/21/1998



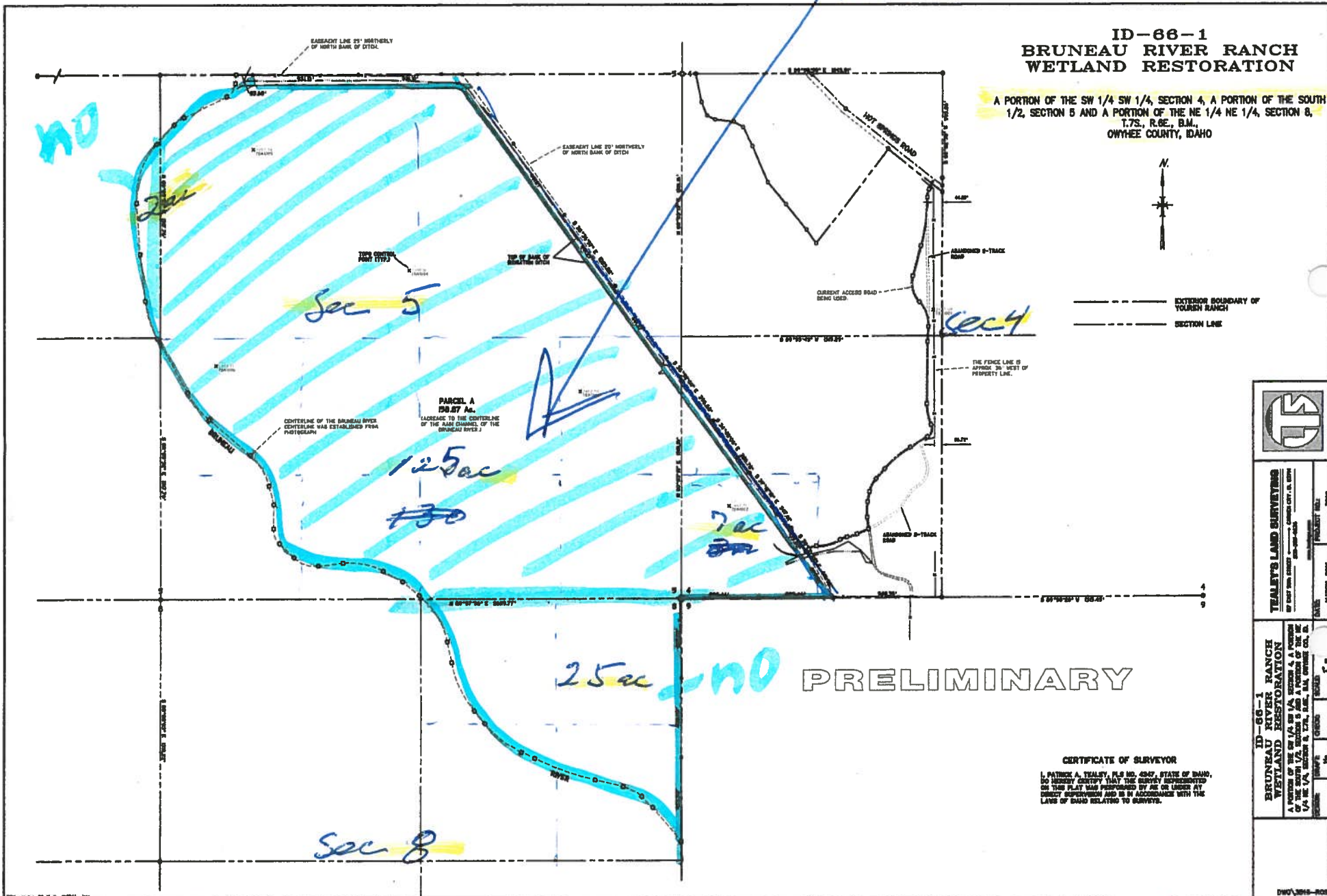
PLACE OF USE

**ID-66-1
BRUNEAU RIVER RANCH
WETLAND RESTORATION**

A PORTION OF THE SW 1/4 SW 1/4, SECTION 4, A PORTION OF THE SOUTH 1/2, SECTION 5 AND A PORTION OF THE NE 1/4, SECTION 8, T.7S., R.8E., B.M., OMYHEE COUNTY, IDAHO



----- EXTERIOR BOUNDARY OF YOURS RANCH
----- SECTION LINE



TEALEY'S LAND SURVEYING

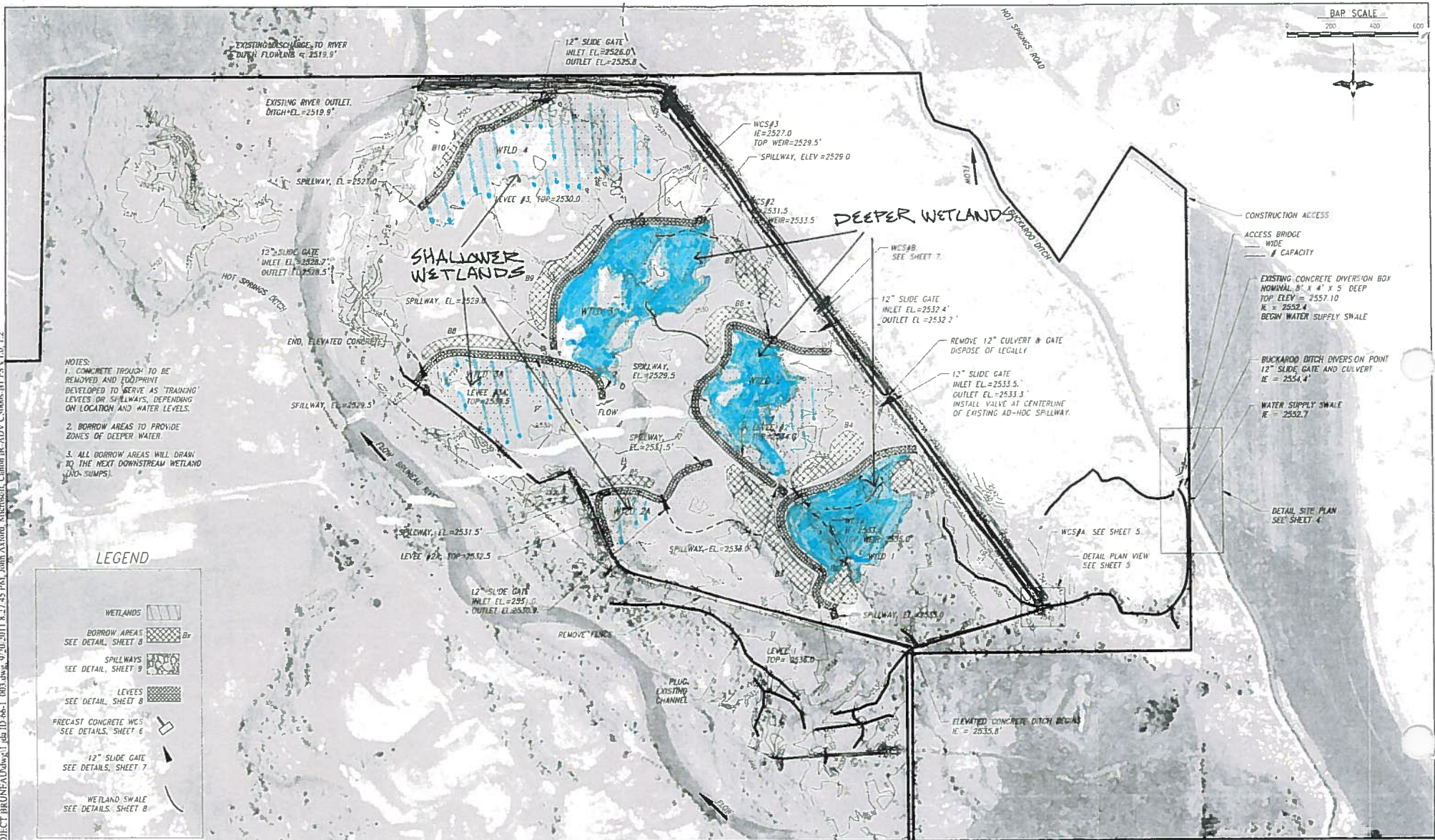
ID-66-1 BRUNEAU RIVER RANCH WETLAND RESTORATION

A PORTION OF THE SW 1/4 SW 1/4, SECTION 4, A PORTION OF THE SOUTH 1/2, SECTION 5 AND A PORTION OF THE NE 1/4, SECTION 8, T.7S., R.8E., B.M., OMYHEE CO., ID.

DATE: MARCH, 2011 PROJECT: 001

DWG: 2011-001

C:\travel\work\brp\PROJECT BRUNEAU\dwg\1 jda ID 446-1 403.dwg, 9/20/2011 8:27:45 PM, John A. Ford, Microsoft, C:\Program Files\Autodesk\AutoCAD 2011\PS\V1.0.1.2



- NOTES:
1. CONCRETE TROUGH TO BE REMOVED AND FOOTPRINT DEVELOPED TO SERVE AS "TRAINING" LEVEES ON SPILLWAYS, DEPENDING ON LOCATION AND WATER LEVELS.
 2. BORROW AREAS TO PROVIDE ZONES OF DEEPER WATER.
 3. ALL BORROW AREAS WILL DRAW TO THE NEXT DOWNSTREAM WETLAND (AND 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

- CONSTRUCTION ACCESS
- ACCESS BRIDGE
WIDE
CAPACITY
- EXISTING CONCRETE DIVERSION BOX
NOMINAL 8" X 4" X 5' DEEP
TOP ELEV = 2557.10
IE = 2552.4
BEGIN WATER SUPPLY SWALE
- BUCKAROO DITCH DIVERTS ON POINT
12" SLIDE GATE AND CULVERT
IE = 2554.4'
- WATER SUPPLY SWALE
IE = 2552.7
- DETAIL SITE PLAN
SEE SHEET 4

SURVEY DATUM		REVISIONS		DATE		APPROVED	
SURVEY DATE	OCTOBER 2010	REV. NO.	DESCRIPTION				
HORIZONTAL DATUM	NAD 83 STATE PLANE WEST ZONE	1					
VERTICAL DATUM	NAD 83 (GDA83) (EPSCH.2002.0000)	2					
GEN. MODEL	03	3					
CONTOUR INTERVAL	1	4					
AERIAL PHOTO	1 NOV 2009	5					

DUCKS UNLIMITED INC.
Pawnee Field Office
(360) 485-2011

PROJECT NO 10-65-1
**BRUNEAU RIVER RANCH
RESTORATION DESIGN
PLAN VIEW**

DESIGNED BY JDA
DRAWN BY DMC
SURVEYED BY JPS
CHECKED BY

DATE: SEPT. 20, 2011
SHEET NO: 3 of 10
APPROVED BY:



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 USE 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.

Elizabet

RECEIVED

OCT 31 2011

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No. _____

1. Name of applicant(s) Kristy Pigeon, John Prudden and Mather Capital Corp. Phone 208-788-9636Name connector (check one): ☒ and ☐ or ☐ and/orMailing address: 109 Greenhorn Road City HaileyState Idaho Zip 83333 Email: kristypigeon@cox.net2. Source of water supply Bruneau River which is a tributary of Snake River

3. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
7S	6E	26		SW	sw		Owyhee	Bruneau River	

4. Water will be used for the following purposes:

Amount 2.6 cfs for wildlife storage purposes from 3/1 to 6/15 (both dates inclusive)
(cfs or acre-feet per year)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)5. Total quantity to be appropriated is (a) 2.6 cubic feet per second (cfs) and/or (b) _____ acre-feet per year (af).

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source. Bruneau Buckaroo Canal Ditch Co. (BBCDC)
diversion structure to be conveyed through the BBCDC ditch to point of use.b. Height of storage dam n/a feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 11.For dams 10 feet or more in height OR reservoirs with a total storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☒ Noc. Proposed well diameter is n/a inches; proposed depth of well is _____ feet.d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ No

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

Well was drilled for (well owner) _____; Drilling Permit No. _____.

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

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 or the applicant's qualifications as a municipal provider. _____

d. Domestic; show number of households _____

e. Other; describe fully. The water will be used to restore historic Bruneau River stream channels for wildlife use.10/31/11 As 1 of APR - now superceded

RECEIVED

OCT 20 2011

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

ORIGINAL

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

WATER RESOURCES
WESTERN REGION

1. Name of applicant(s)
- Kristy Pigeon, John Prudden and Mather Capital Corp.
- Phone
- 208-788-9636

Name connector (check one): ☒ and ☐ or ☐ and/orMailing address: 109 Greenhorn Road City HaileyState Idaho Zip 83333 Email: kristypigeon@cox.net

2. Source of water supply
- Bruneau River
- which is a tributary of
- Snake River

3. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
7S	6E	26		SW	sw		Owyhee	Bruneau River	

4. Water will be used for the following purposes:

Amount 3.2 cfs for wildlife/wetland purposes from 3/1 to 6/16 (both dates inclusive)
(cfs or acre-feet per year)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)

5. Total quantity to be appropriated is (a)
- 3.2
- cubic feet per second (cfs) and/or (b)
- 159
- acre-feet per year (af).

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source. Existing Bruneau Buckaroo Co-op Ditch Co. (BBCDC)
diversion structure to be conveyed through the BBCDC ditch to point of use.b. Height of storage dam n/a feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 11.For dams 10 feet or more in height OR reservoirs with a total storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☐ Noc. Proposed well diameter is n/a inches; proposed depth of well is _____ feet.d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☐ No

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

Well was drilled for (well owner) _____; Drilling Permit No. _____

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

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 or the applicant's qualifications as a municipal provider. _____

d. Domestic; show number of households _____

e. Other; describe fully. The water will be used to restore historic Bruneau River stream channels for wildlife use.

3. 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	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7S	6E	4											W						7
7S	6E	5									W						W		127
7S	6E	5									2						125		
7S	6E	8	W																25

Total number of acres to be irrigated: 159

9. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? n/a

10. a. Who owns the property at the point of diversion? Bruneau Buckaroo Co-op Ditch Co.
b. Who owns the land to be irrigated or place of use? Kristy Pigeon, John Prudden, Mather Capital Co.
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. The right would be used to stack water, on approximately 35 acres at a depth of no greater than 2 feet, (average = 1 ft.), in areas supported by constructed levees. The purpose of the levees would be to re-create historic stream channels. There would be no excavated ponds and the water in the wetlands would not be permanently impounded. Only a minimal amount of dozer work would be required to provide barrow for the levees. Water would flow from the areas of greater depth to shallower areas then back to the Bruneau River. The wetland and riparian areas would maximize the establishment of wildlife habitat and allow for water reuse.

12. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year).
13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Signature of Applicant: [Signature]
Print Name (and title, if applicable): Mather Capital Corp. President

Signature of Applicant: [Signature]
Print Name (and title, if applicable): John Prudden, Kristy Pigeon

For Department Use:

Received by SB Date 10/20/11 Time 12:35pm Preliminary check by _____
Fee \$ 370.00 Received by SB Receipt No. W039697 Date 10/20/11

page superseded 2/21/12

8. 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	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7S	6E	4											W						
7S	6E	5									W						W		
7S	6E	5																	
7S	6E	8	W																

Total number of acres to be irrigated: n/a

9. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? n/a

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MATHER CAPITAL CORP.

Signature of Applicant

Print Name (and title, if applicable)

Kristy Pigeon

Signature of Applicant

Print Name (and title, if applicable)

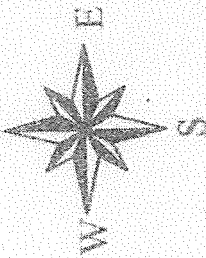
John Prudden

For Department Use:

Received by SR Date 11/7/11 Time Preliminary check by VLM
 Fee \$ 330 Received by SB Receipt No. W039897 Date 10/20/11

IDAHO DEPARTMENT OF WATER RESOURCES
T06S, R05E, S10, 14, 15, 22, 23, 24, 25 & 26
T06S, R06E, S30, 31 & 32
T07S, R06E, S4, 5, 8, 9, 10, 14, 15, 16, 22 & 23

Print of DIVISION



1987 NAPP PHOTO

SECTION LINES

POD

1/4 1/4 LINES

ACRES

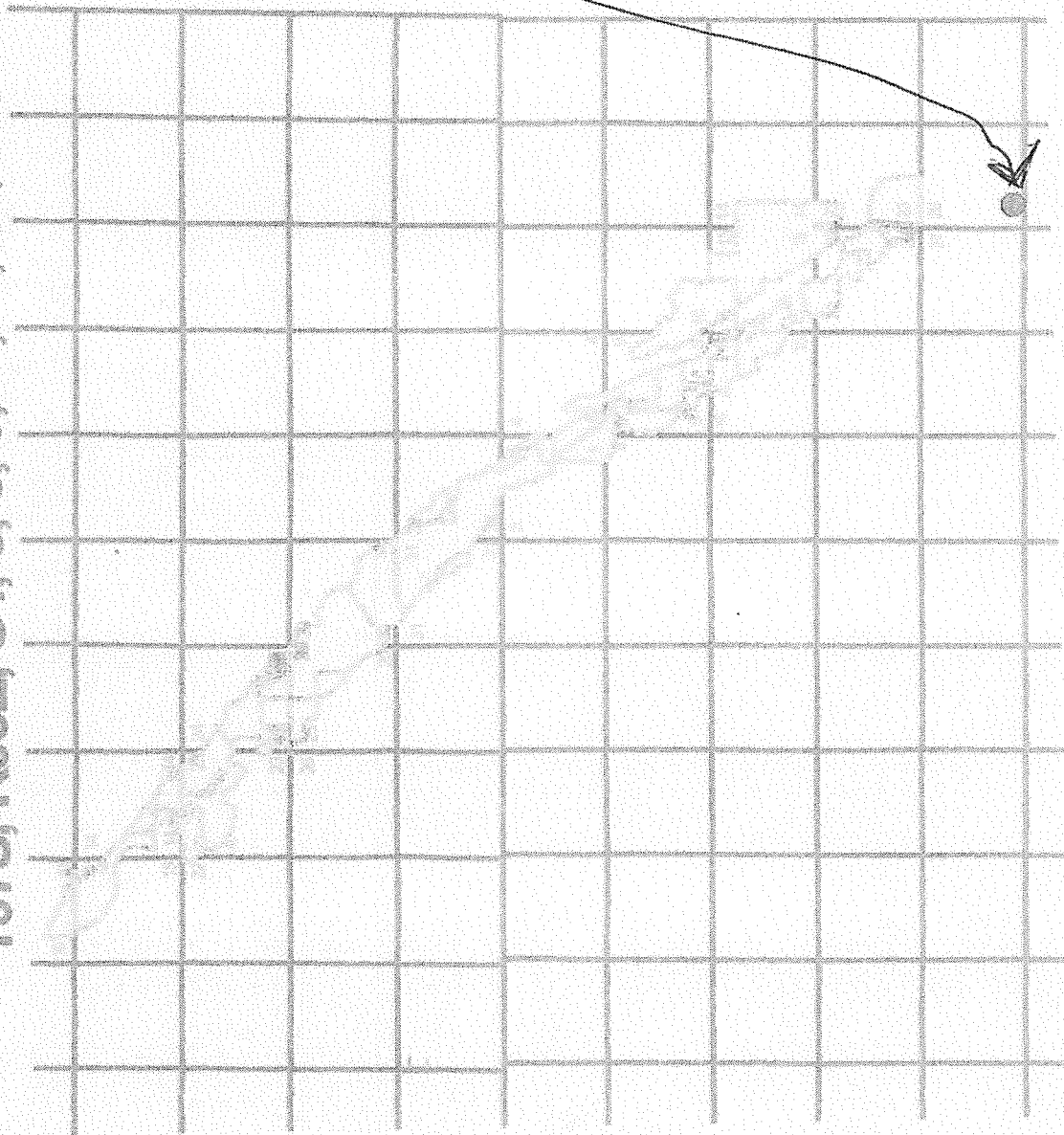
SECTION NUMBER

CLAIM(S) : 51-00002, 51-00003, 51-00005
51-10350, 51-10351 & 51-10271

OWNER(S): BRUNEAU BUCKAROO

Prepared by: Mel Schulte

Date: 7/21/1998



8 Miles



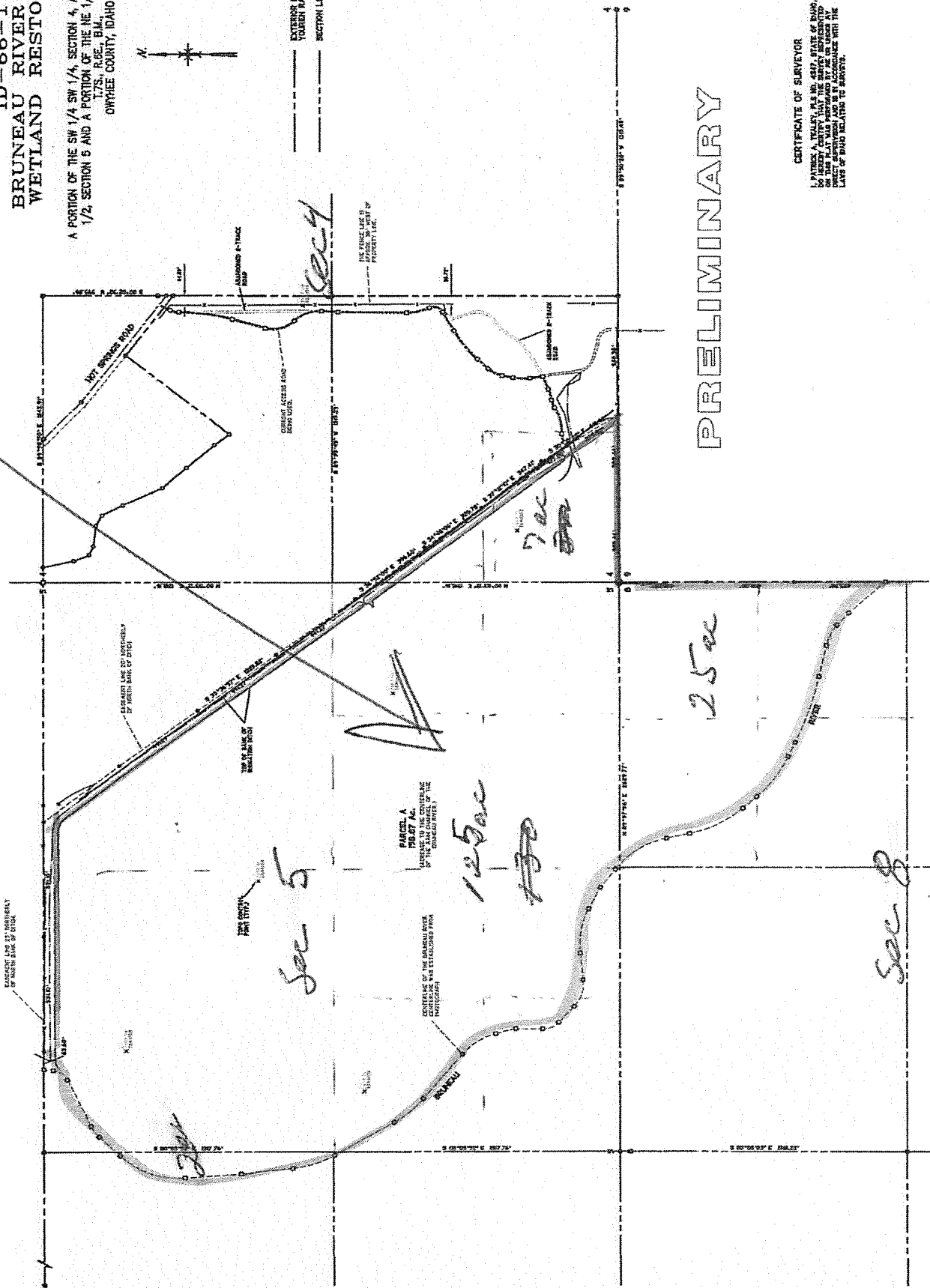
PLACE OF USE

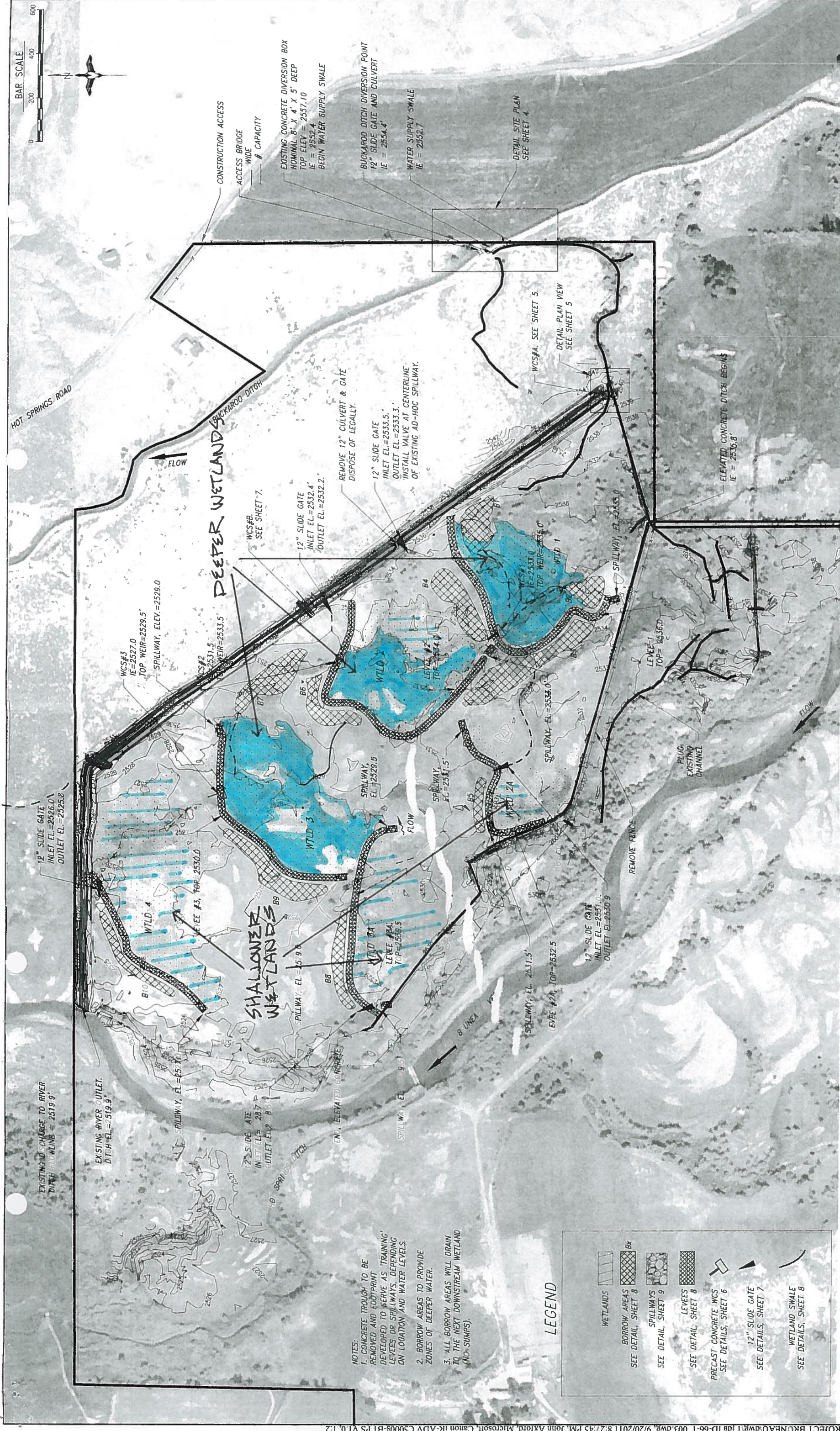
ID-66-1
BRUNEAU RIVER RANCH
WETLAND RESTORATION

A PORTION OF THE SW 1/4 SW 1/4, SECTION 4, A PORTION OF THE SOUTH
1/2, SECTION 5 AND A PORTION OF THE NE 1/4 NE 1/4, SECTION 6,
T7S, R6E, 1B.M.
OWYHEE COUNTY, IDAHO



EXTENSIVE BOUNDARY OF
TOWN RANCH
SECTION LINE





- 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



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.

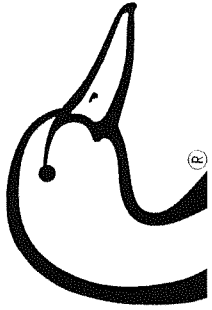
NOTE: DUCKS UNLIMITED WILL PROVIDE CONSTRUCTION STAKING AND/OR VERTICAL CONTROL FOR THE CONTRACTOR.

SURVEY DATUM		REVISIONS		GENERAL INFORMATION	
SURVEY DATE:	OCTOBER 2010	REV. NO.	DESCRIPTION	DESIGNED BY:	JDA
HORIZONTAL DATUM:	IDAHO STATE PLANE WEST ZONE	1		DRAWN BY:	DMC
VERTICAL DATUM:	MAD_B3 (COR96) (EPOCH=2002.0000)	2		SURVEYED BY:	JPS
GEOID MODEL:	03	3		CHECKED BY:	
CONTOUR INTERVAL:	1			PROJECT NO. ID-66-1	
AERIAL PHOTO:	1 NOV 2006			BRUNEAU RIVER RANCH	
				RESTORATION DESIGN	
				PLAN VIEW	
				DATE: SEPT. 20, 2011	
				SHEET NO. 3 of 10	
				APPROVED BY:	

ID-66-1

BRUNEAU RIVER RANCH

WETLAND RESTORATION



**DUCKS
UNLIMITED**
DUCKS UNLIMITED, INC.
PACIFIC NORTHWEST FIELD OFFICE
17800 S. E. MILL PLAIN BLVD.
VANCOUVER, WA. 98683 PH.
(360) 885-2011

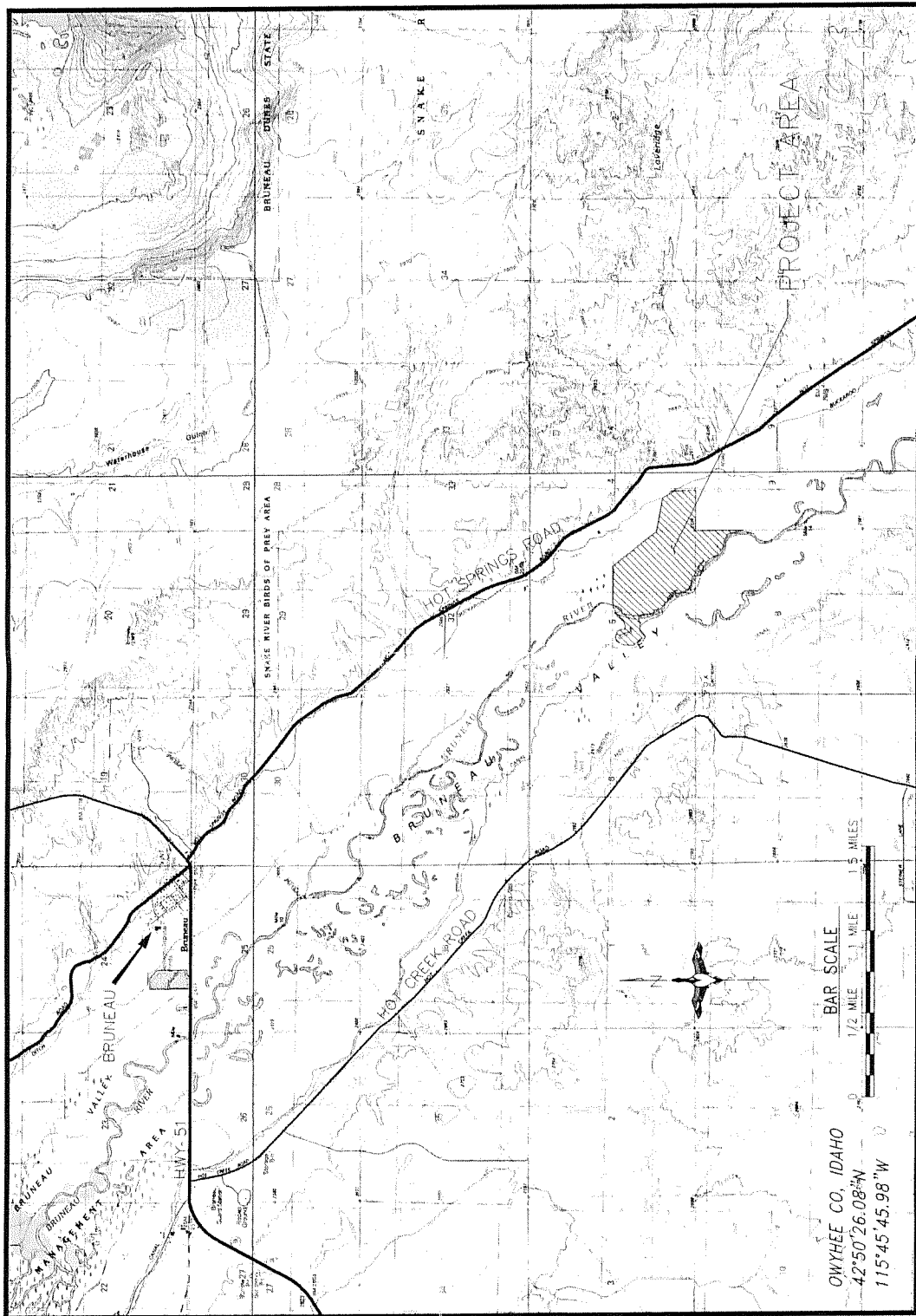
PROJECT ENGINEER:
JOHN D. AXFORD, PE
360-608-7799
jaxford@ducks.org

PROJECT BIOLOGIST:
CHRIS COLSON
208 608-2441
CCOLSON@DUCKS.ORG

GENERAL NOTES:

1. SHOULD THE CONTRACTOR FIND ANY DISCREPANCIES BETWEEN THE CONDITIONS EXISTING IN THE FIELD AND THE INFORMATION SHOWN ON THE DRAWINGS, HE SHALL NOTIFY THE ENGINEER BEFORE PROCEEDING WITH CONSTRUCTION.
2. DUCKS UNLIMITED MAKES NO REPRESENTATIONS AS TO THE EXISTENCE OR NONEXISTENCE OF UTILITIES.
3. SURVEY CONTROL WAS ESTABLISHED BY USING 6 HOUR GPS STATIC OBSERVATION PROCESSED BY NATIONAL GEODETIC SURVEY (NGS) ONLINE POSITIONING USER SERVICE (OPUS).

UNAUTHORIZED CHANGES AND 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.



SHEET INDEX

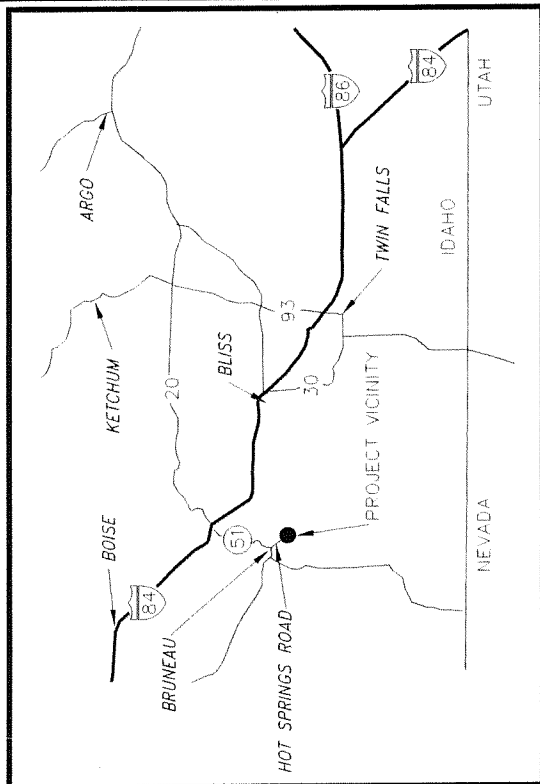
- | REV. NO. | DESCRIPTION |
|----------|--------------------------------|
| 1. | COVER SHEET |
| 2. | EXISTING TOPOGRAPHY & FEATURES |
| 3. | RESTORATION PLAN VIEW |
| 4. | WATER SUPPLY INLET DETAILS |
| 5. | WATER CONTROL STRUCTURE A |
| 6. | WETLAND WCS DETAILS |
| 7. | DIVERSION WCS DETAILS |
| 8. | LEVEE DETAILS |
| 9. | ROCK DETAILS |
| 10. | PLANTING PLAN |

SURVEY NOTE:
Horizontal: Idaho State Plane West Zone
NAD_83(CORS96)(EPOCH:2002.0000)
Vertical: NAVD88 (Computed using GEOID03).
Base position by 2 GPS static observations
submitted to NGS OPUS.
Units: U.S. Survey Feet

SURVEY DATUM		REVISIONS	
SURVEY DATE:	OCTOBER 2010	REV. NO.	DESCRIPTION
HORIZONTAL DATUM:	IDaho STATE PLANE WEST ZONE	DATE	APPROVED
VERTICAL DATUM:	NAD_83 (CORS96) (EPOCH:2002.0000)		
GEOID MODEL:	03		
CONTOUR INTERVAL:	1		
AERIAL PHOTO:	1 NOV 2005		

PRELIMINARY

 PacNW Field Office (360) 885-2011	PROJECT NO. ID-63-1		GENERAL INFORMATION	
	BRUNEAU RIVER RANCH		DESIGNED BY:	JDA
	RESTORATION DESIGN		DRAWN BY:	DMC
	COVER SHEET		SURVEYED BY:	JPS
DATE: SEPT. 20, 2011		SHEET NO. 1 OF 10		CHECKED BY:
				APPROVED BY:



VICINITY MAP

61-12A99



SURVEY DATUM		REVISIONS		GENERAL INFORMATION	
SURVEY DATE:	OCTOBER 2010	REV. NO.	DESCRIPTION	DESIGNED BY:	JDA
HORIZONTAL DATUM:	IDAHO STATE PLANE WEST ZONE	1		DRAWN BY:	DMC
VERTICAL DATUM:	NAD_83 (CORRIG) (EPOCH=2002.0000)	2		SURVEYED BY:	JPS
GEOD MODEL:	03	3		CHECKED BY:	
CONTOUR INTERVAL:	1	4		PROJECT NO. ID-66-1	
AERIAL PHOTO:	1 NOV 2005	5		BRUNEAU RIVER RANCH	
NOTE: DUCKS UNLIMITED WILL PROVIDE CONSTRUCTION STAKING AND/OR VERTICAL CONTROL FOR THE CONTRACTOR.		DATE: SEPT. 20, 2011		EXISTING TOPOGRAPHY & FEATURES	
		SHEET NO. 2 OF 10		APPROVED BY:	



Utility Notification Center
CALL BEFORE YOU DIG

- NRCS SOIL TYPES:
1. DELINEATIONS BETWEEN SOIL TYPES ARE APPROXIMATE.
 2. SOIL DATA WAS OBTAINED FROM THE NRCS WEB SOIL SURVEY.
 3. SOIL TYPES IN THE PROJECT AREA ARE AS FOLLOWS:
 - #10 - BALDOCK LOAM, 0-2% SLOPES
 - #12 - BRAMWELL SILTY CLAY LOAM, 0-1% SLOPES
 - #60 - FLUVAQUENTS, CHANNLED
 - #70 - GRANDVIEW LOAM, 0-4% SLOPES
 - #71 - GRANDVIEW, DRAINED-GARBUTT SILT LOAMS, 0-4% SLOPES

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.

Lester, Steve

From: Lester, Steve
Sent: Thursday, March 15, 2012 2:02 PM
To: 'Ward,Rick'
Subject: Water Right Applications
Attachments: IDFG comment letter.docx; 51-13098.pdf; 65-23477.pdf; 67-15076.pdf

Contacts: Rick Ward

Rick:

Attached is information for 3 new applications for your review.

51-13098 is a wildlife project near Bruneau where no additional water from the river is proposed. Instead, they describe an alternate use of existing irrigation water until irrigation kicks in by June 15.

65-23477 proposes use of an existing pond.

Please let me know if you need more information. Thanks.

Steve Lester
Water Rights Supervisor
IDWR Western Region
208-334-2190

Comment letter

March 15, 2012

STATE OF IDAHO
DEPT OF FISH & GAME
ATTN: RICK WARD
3101 S POWERLINE RD
NAMPA, ID 83686

RE: Application(s) for Permit No(s). 51-13098, 65-23477, 67-15067

Dear Mr. Ward:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from your agency regarding the above referenced water right application(s). A copy of the application(s) is enclosed with this email for your reference. Please review the application(s), complete the enclosed recommendation form(s), and submit your reply, if any, to this office within 30 days.

If your agency desires to formally protest approval of this application(s), you may do so by filing a written protest along with a \$25.00 filing fee for each protested application by April 9, 2012.

IDWR will assume your agency does not object to this application(s) if a timely response is not received. Please contact me if you have any questions regarding the application(s). Thank you for your help.

Sincerely,

Steve Lester
Water Rights Supervisor

Lester, Steve

From: Lester, Steve
Sent: Thursday, March 15, 2012 1:13 PM
To: 'jennifer@owyheeavalanche.com'
Subject: Legal Ads
Attachments: Owyhee County letter.docx; Combined ads Owyhee County.docx

Jennifer:

Please publish the attached ads for 3/21 & 3/28/2012. Let me know if you need anything else. Thank you.

Steve Lester
Water Rights Supervisor
IDWR Western Region
208-334-2190

Legal notice

March 15, 2012

LEGAL NOTICE DEPARTMENT
OWYHEE AVALANCHE
PO BOX 97
HOMEDALE, ID 83628

RE: Transfer No. 77667 (Water Right No. 2-7065C) and
Application for Permit No. 51-13098

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). 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. Please send the affidavit and bill to this office before 4/9/2012. Your cooperation is appreciated.

Sincerely,

Steve Lester
Water Rights Supervisor

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.

GARY SPACKMAN, Interim Director

Published on 3/21/2012 and 3/28/2012

Music, Vicky

From: Music, Vicky
Sent: Thursday, March 08, 2012 10:49 AM
To: Marston, Sascha
Subject: request to process refund 51-13098
Attachments: Refund 51-13098.pdf

Tracking:	Recipient	Delivery
	Marston, Sascha	Delivered: 3/8/2012 10:49 AM

Good morning, Sascha –

Attached is a refund memo and receipt for the request referenced above.

Thank you -

Vicky Music
Sr. Water Resource Agent
IDWR Western Region
2735 Airport Way
Boise, ID 83705
208.334.2190

MEMORANDUM

TO: Debbie Allen / Sascha Marston

FROM: Vicky Music

DATE: March 7, 2012

RE : Refund

On October 20, 2011, Kristy Pigeon, John Prudden and the Mather Capital Corp. filed an Application for Permit for 3.2 cfs and paid the correct fee of \$370. (Bruneau River Ranch was the payee).

The application was amended on November 7, 2011, and the quantity reduced to 2.6 cfs. The correct fee due for 2.6 cfs is \$330, therefore, a refund of \$40 should be issued.

Please issue a refund of \$40 to:

BRUNEAU RIVER RANCH
c/o Kristy Pigeon, John Prudden, The Mather Capital Corp.
109 Greenhorn Rd.
Hailey, ID 83333

TEL. (208) 788-9636

RECEIPT #

W039697, copy attached

Copy: 51-13098

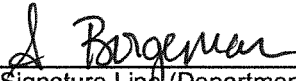
Idaho Department of Water Resources Receipt

Receipt ID: W039697

Payment Amount	\$370.00	Date Received	10/20/2011 1:01 PM	Region	WESTERN
Payment Type	Check	Check Number	1186		
Payer	BRUNEAU RIVER RANCH				
Comments	APPLICATION FOR PERMIT FOR KRISTY PIGEON, JOHN PRUDDEN AND MATHER CAPITAL CORP T7S R6E S-26 SW SW 3.2 CFS WILDLIFE / WETLAND				

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$370.00	PERMITS	62103	0229	21		1155



Signature Line (Department Representative)

INTEROFFICE MEMORANDUM

TO: WATER RIGHT FILE 51-13098
FROM: VICKY MUSIC
SUBJECT: TRUST WATER
DATE: 2/21/2012
CC:

The Owyhee County project site is in the "trust area" wherein all surface and ground water is considered tributary to the Snake R. between Swan Falls Dam and Milner Dam. Proposals for new appropriations in the trust area require additional analysis to determine if the appropriation will deplete Snake R flows 2af/day or more. I used the Western Region Trust Water Review Checklist to assist me in determining that the application is approvable.

The 2.6 cfs from the Bruneau R. is not for additional water from the river. The applicants have 2600 shares of Bruneau Buckaroo Canal and Ditch Co. [BBCDC] water for irrigation of land that includes the project site. However, use is for wildlife, wildlife storage on a total of 38 acres and diversion to wildlife storage so the consumptive use is evaporation.

I calculated the daily consumptive use two ways.

[1] The *POND EVAPORATION MAP* that the Department uses as a reference to estimate af lost to evaporation show the annual evaporation in southwest Idaho as 40".

$40"/12" = 3.33' \text{ evap/acre.}$

$3.33' \times 38 \text{ acres} = 126.5 \text{ af per year evap} / 365 \text{ days} = 0.35 \text{ af per day evaporation.}$

[2] The IDWR consumptive use standard in this area is 3 afa/acre.

$3 \times 38 \text{ acres wildlife use} = 114 \text{ afa.}$

The season of use will be 107 days from March 1 – June 15.

$107/260 \text{ days in the irrigation season} = 0.4.$

$114 \times 0.4 = 45.6 \text{ af used during the proposed season} / 107 \text{ days in the proposed season} = 0.43 \text{ af / day.}$

Both of these methods yield evaporative losses less than the 2 af/day.

JOHN PRUDDEN

Vicky,

Attached is the
corrected POV.



RECEIVED

FEB 21 2012

WATER RESOURCES
WESTERN REGION

Music, Vicky

From: John Prudden [jprudden@cox.net]
Sent: Friday, February 17, 2012 10:18 AM
To: Music, Vicky
Attachments: Scan0001.pdf

Vicky,

Attached is a scanned copy of the corrected POU. The original is being mailed to you today.

Thanks for the help.

John Prudden

8. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7S	6E	4											W						
7S	6E	5													W	W	W	W	

Total number of acres to be irrigated: n/a

9. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? n/a

10. a. Who owns the property at the point of diversion? Bruneau Buckaroo Co-op Ditch Co.
- b. Who owns the land to be irrigated or place of use? Kristy Pigeon, John Prudden, Mather Capital Co.
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Agreement pending between Pigeon, Prudden & Mather Capital and the BBCDC
11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. Please see attached narrative and restoration plan.

12. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year).

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.


 Signature of Applicant Kristy Pigeon
John Prudden
 Print Name (and title, if applicable)

MATHER CAPITAL CORP
 by:
 Signature of Applicant 
TIM GARDINER, PRESIDENT
 Print Name (and title, if applicable)

For Department Use:

Received by _____ Date _____ Time _____ Preliminary check by _____
 Fee \$ _____ Receipted by _____ Receipt No. _____ Date _____

Music, Vicky

From: Music, Vicky
Sent: Wednesday, February 15, 2012 3:34 PM
To: 'kristypigeon@cox.net'
Subject: wildlife application 51-13098
Attachments: DOC005.pdf

Hi Kristy –

I am working on the wildlife application. The place of use [POU] maps and the place of use description in item 8 of the application do not correspond. The map labeled “place of use”, attached to the application, shows the place of use to be the project area as depicted in the other plats attached to the application.

I have attached here a copy of the POU map attached to the application, with my notes. It appear to me that the water use will occur in 4 quarter-quarters [QQs] of Section 5: the NWSE, NESE, SWSE and SESE And Section 4: SESE. So, the application in item 8 must identify these 5 QQs.

The easiest way to correct the application is to fill out this last page again from the IDWR webpage, have everyone sign and date again because I have to have original signatures. I will substitute the new page.

Also, you overpaid the fee by \$80 so IDWR will process a refund. It will take a few months. Thank you.

Vicky Music
Sr. Water Resource Agent
IDWR Western Region
2735 Airport Way
Boise, ID 83705
208.334.2190

51-13048
PLACE OF USE

ID-66-1
BRUNEAU RIVER RANCH
WETLAND RESTORATION

A PORTION OF THE SW 1/4 SW 1/4, SECTION 4, A PORTION OF THE SOUTH 1/2, SECTION 5 AND A PORTION OF THE NE 1/4 NE 1/4, SECTION 8, T.7S, R.6E, B.M., Owyhee County, Idaho



--- EXTERIOR BOUNDARY OF YOURER RANCH
--- SECTION LINE

SEC 5
NE GW
(no water use)

NWSE

NESE

Sec 5

* GW GE

12.5 ac

SESE

7 ac

GW SW

SEC 4 GESE (no water use?)

PRELIMINARY

2.5 ac

* NENE
(no water use)

Sec 8

CERTIFICATE OF SURVEYOR
I, PATRICK A. TEALY, P.L.S. NO. 4347, STATE OF IDAHO,
DO HEREBY CERTIFY THAT THE SURVEY REPRESENTED
ON THIS PLAT WAS PERFORMED BY ME OR UNDER MY
DIRECT SUPERVISION AND IS IN ACCORDANCE WITH THE
LAWS OF IDAHO RELATIVE TO SURVEYS.



TEALEY'S LAND SURVEYING	
BRUNEAU RIVER RANCH WETLAND RESTORATION	DATE: MARCH, 2001
BY ORDER OF: PATRICK A. TEALY, P.L.S. NO. 4347, STATE OF IDAHO	SCALE: 1" = 200'
1/4 SW 1/4 SW 1/4, SECTION 4, T.7S, R.6E, B.M., Owyhee Co., ID.	PROJECT NO.: 2001-001
1/4 NE 1/4 NE 1/4, SECTION 8, T.7S, R.6E, B.M., Owyhee Co., ID.	DATE: MARCH, 2001

* = the quarter-quarters listed
on application for place of use.
Correct QQs where
water use occurs

Date: February 1, 2012

TO: Steve Lester
IDWR



FROM: John Prudden

Steve,

Shelley Keen asked that the enclosed agreement for the water carriage be forwarded to you and that it be part of the water permit application that you are processing for Pigeon/Prudden/Mather capital.

Thank you.

RECEIVED

FEB 03 2012

WATER RESOURCES
WESTERN REGION

RECEIVED

FDWR

FEB 03 2012

WATER RESOURCES
WESTERN REGION

LICENSE AGREEMENT FOR WATER CARRIAGE, AND DITCH AND DIVERSION WORKS USE

THIS LICENSE AGREEMENT, made and entered into this 31st day of JANUARY, 2012, by and among BRUNEAU BUCKAROO COOPERATIVE DITCH COMPANY, a non-profit ditch company organized and existing under and by virtue of the laws of the State of Idaho, party of the first part, hereinafter referred to as the "Company", and

MATHER CAPITAL CORP, an Idaho Corporation,
KRISTY PIGEON, an individual, and JOHN PRUDDEN, an individual
109 Greenhorn Road, Hailey, Idaho 83333

party or parties of the second part, hereinafter referred to as the "Licensee",

WITNESSETH:

WHEREAS, the Licensee is the owner of real property described particularly in the legal description attached hereto as Exhibit A and by this reference made a part hereof; and,

WHEREAS, the Company owns the ditch known as Bruneau Buckaroo Cooperative Ditch Company ditch (hereinafter sometimes referred to as "ditch") along with the diversion works for the same, an integral part of the Company's diversion works and distribution and delivery system, together with an easement 60 feet in width (30 feet on either side of the centerline of the ditch) therefor to divert, carry, distribute and deliver water, and operate, clean, maintain, and repair the ditch and works, and access the ditch and works for those purposes; and,

WHEREAS, said ditch and easement traverse adjacent to and/or near Licensee's property at the location shown on Exhibit B attached hereto and by this reference made a part hereof; and,

WHEREAS, the Licensee desires a license to use said ditch and easement, together with the Company's diversion works in the manner and under the terms and conditions hereinafter set forth; and,

WHEREAS, it is necessary that the Company protect absolutely its right to control any use, modification or alteration of its watercourses and its right of way along its watercourses;

NOW, THEREFORE, for and in consideration of the premises and of the covenants, agreements and conditions hereinafter set forth, the parties agree as follows:

1. The Licensee shall have the right to use and encroach upon the Bruneau Buckaroo Cooperative Ditch Company's diversion, ditch, and easement therefor:
 - a. for diversion from the Bruneau River and carriage of Licensee's storage and wildlife water; and to divert (the same amount, or less, water than Licensee diverts from the Bruneau River) out of said ditch for the delivery of said water to Licensee's property; and

- b. maintain a currently existing diversion and delivery structure/system within the Company's easement that is used to divert water from the ditch to Licensee's property; and
- c. construct, install, maintain and repair a measuring device to be approved and operated by Company,

all within or near Licensee's property, as described in Exhibit A, located in or near T07S R06E, Section 4, SWSW; Section 5, NESW, SWSE, and Section 8, NENE in Owyhee County, Idaho.

Licensee's encroachment and/or use of the Company's easement and ditch shall be performed and maintained in accordance with the "Special Conditions" stated in Exhibit C, attached hereto and by this reference made a part hereof.

2. This agreement pertains only to the Licensee's use of said ditch and/or encroachment upon the Company's easement for the purposes and in the manner described herein. The Licensee shall not change the location of the ditch, bury the ditch in pipe, or otherwise alter the ditch in any manner not described in this agreement without first obtaining the written permission of the Company.

3. Licensee agrees to construct, install, maintain and repair the measuring device described hereinabove, and conduct its activities within or affecting the Company's ditch and/or easement so as not to constitute or cause:

- a. a hazard to any person or property;
- b. an interruption or interference with the flow of water in the ditch;
- c. an increase in seepage or any other increase in the loss of water from the ditch;
- d. the subsidence of soil within or adjacent to the easement;
- e. any other damage to the Company's easement and ditch works.

4. Licensee agrees to indemnify, hold harmless, and defend the Company from all claims for damages arising out of any of the Licensee's construction or activity which constitutes or causes any of the circumstances enumerated in the preceding paragraph, 4.a. through 4.e., or any other damage to the easement and ditch works which may be caused by the construction, installation, operation, maintenance, repair, and any use or condition of any facility.

5. Licensee agrees that the work performed and the materials used in construction of the measuring device shall at all times be subject to inspection by the Company and the Company's engineers, and that final acceptance of the such work shall not be made until all such work and materials shall have been expressly approved by the Company. Such approval by the Company shall not be unreasonably withheld.

6. The Company reserves the right, at the Company's option, to remove the measuring device installed by the Licensee and to repair any alteration by the Licensee of said ditch and the easement therefor which does not comply with the terms of this agreement, and to remove any impediment to the flow of water in said ditch and any unsafe condition or hazard caused by the Licensee, at any time, and the Licensee agrees to pay to the Company, on demand, the costs which shall be

reasonably expended by the Company for such purposes. If the Licensee shall fail in any respect to properly maintain and repair the measuring device, then the Company, at its option, and without impairing or in anywise affecting its other rights and remedies hereunder, shall have the right to perform the necessary maintenance and repairs and the Licensee agrees to pay to the Company, on demand, the cost or expense which shall be reasonably expended or incurred by the Company for such purposes.

7. Neither the terms of this agreement, the permission granted by the Company to the Licensee, the Licensee's activity which is the subject of this agreement, nor the parties' exercise of any rights or performance of any obligations of this agreement, shall be construed or asserted to extend the application of any statute, rule, regulation, directive or other requirement, or the jurisdiction of any federal, state, or other agency or official to the Company's ownership, operation, and maintenance of its ditches, canals, ditch works and facilities which did not apply to the Company's operations and activities prior to and without execution of this agreement. In the event the Company is required to comply with any such requirements or is subject to the jurisdiction of any such agency as a result of execution of this agreement or the Licensee's activity authorized hereunder, Licensee shall indemnify, hold harmless and defend the Company from all costs and liabilities associated with the application of such laws or the assertion of such jurisdiction or, at the option of the Company, this agreement shall be of no force and effect and the Licensee shall cease all activity and remove any facility authorized by this agreement.

8. In addition to all other indemnification provisions herein, Licensee further agrees to indemnify, hold harmless and defend the Company from any injury, damages, claim, lien, cost and/or expense (including reasonable attorney's fees) incurred by, or asserted against, the Company by reason of the negligent acts or omissions of Licensee or its agents, contractors or subcontractors in performing the construction and activities authorized by this agreement.

9. The Licensee agrees that the Company shall not be liable for any damages which shall occur to any facility, structure, plant, or any other improvement of any kind or nature whatsoever which the Licensee shall install on the said easement area of the Company in the reasonable exercise of the rights of the Company in the course of performance of maintenance or repair of said ditch. The Licensee further agrees to suspend its use of the said easement area when the use of the easement area is required by the Company for maintenance or repair under this or any other paragraph of this agreement.

10. Licensee agrees that Company shall not be liable for any damages which shall occur as a result of Company's normal operation of its ditch, including specifically the application of chemicals for weed and/or moss control purposes.

11. Licensee shall not excavate, nor place any structures or landscaping of any kind within the Company's easement area except as referred to in this agreement or exhibits hereto without the prior written consent of the Company.

12. Should either party incur costs or attorney fees in connection with efforts to enforce the provisions of this agreement, whether by institution of suit or not, the party rightfully enforcing or rightfully resisting enforcement of the provisions of this agreement, or the prevailing party in case suit is instituted, shall be entitled to reimbursement for its costs and reasonable attorney fees from the other party.

13. The parties hereto understand and agree that the Lessee has no right in any respect to impair the uses and purposes of the diversion works and distribution and delivery system of the Company by this agreement, nor to grant any rights in its diversion works and delivery and distribution system incompatible with the uses to which such diversion works and delivery and distribution system are devoted and dedicated and that this contract shall be at all times construed according to such principles.

14. Nothing herein contained shall be construed to impair the easement and right of way of the Company in the said ditch and all uses of said ditch by the Licensee and the license herein provided therefor shall remain inferior and subservient to the rights of the Company to the use of said ditch for the diversion, distribution and delivery of water.

15. In the event of the failure, refusal or neglect of the Licensee to comply with all of the terms and conditions of this agreement, the license of the Licensee under the terms hereof may be terminated by the Company, and any facility, structure, plant, or any other improvement in or over said ditch, and the right of way therefor, which may impede or restrict the maintenance and operation of such ditch by the Company with its equipment for the maintenance of its said ditch may be removed by the Company. This Agreement shall not be terminated by the Company without written notification to the Licensee of non-compliance and without providing Licensee fifteen days to cure any non-compliance.

16. The Licensee agrees to pay attorney fees or engineering fees charged by the attorney for the Company or by the engineers for the Company in connection with the preparation of this License Agreement or in connection with negotiations covering the terms and conditions of this License Agreement. Licensee also agrees to pay for any fees incurred in connection with recording of this Agreement. Applicability of this Agreement is specifically contingent upon payment of any and all such fees.

17. Nothing in this agreement shall create or support a claim of estoppel, waiver, prescription or adverse possession by the Company, Licensee or any third party against the Company or Licensee.

18. This agreement is not intended for the benefit of any third party and is not enforceable by any third party.

19. If any provision of this agreement is determined by a court of competent jurisdiction to be invalid or otherwise unenforceable, all remaining provisions of this agreement shall remain in full force and effect.

20. The word "Licensee", if used in the neuter in this agreement, includes the masculine and feminine genders, the singular number includes the plural, and the plural number includes the singular.

The covenants, conditions and agreements herein contained shall constitute covenants to run with, and running with, all of the lands of the Licensee described in said Exhibit A, and shall be binding on each of the parties hereto and on all parties and all persons claiming under them or either of them, and the advantages hereof shall inure to the benefit of each of the parties hereto and their respective successors and assigns.

BRUNEAU BUCKAROO COOPERATIVE DITCH COMPANY

By Frank L. Bachman
Its President

ATTEST:

Richard Strickland
Its Secretary

MATHER CAPITAL CORP

By Mr. J. J. Jarama
Its President

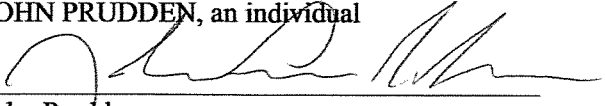
ATTEST:

Mr. J. J. Jarama
Its Secretary

KRISTY PIGEON, an individual

Kristy Pigeon
Kristy Pigeon

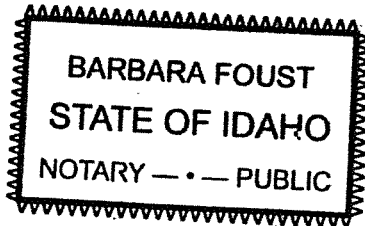
JOHN PRUDDEN, an individual


John Prudden

STATE OF IDAHO)
) ss:
County of Owyhee)

On this 31st day of January, 2012, before me, the undersigned, a Notary Public in and for said State, personally appeared Frank Bachman and Richard Strickland, known to me to be the President and Secretary, respectively, of BRUNEAU BUCKAROO COOPERATIVE DITCH COMPANY, the entity that executed the foregoing instrument and acknowledged to me that such entity executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

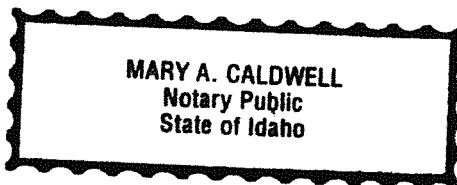


Barbara Foust
Notary Public for Idaho
Residing at Bruneau, Idaho
My Commission Expires: Oct 3, 2017

STATE OF IDAHO)
) ss:
County of Blaine)

On this 30 day of January, 2012, before me, the undersigned, a Notary Public in and for said State, personally appeared Timothy Gardiner and _____, known to me to be the President and Secretary, respectively, of MATHER CAPITAL CORP., the entity that executed the foregoing instrument and acknowledged to me that such entity executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

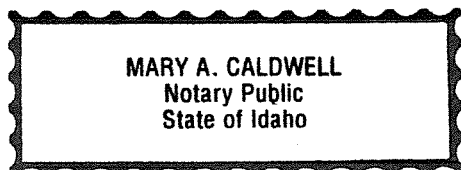


Mary A. Caldwell
Notary Public for Idaho
Residing at Bellevue, Idaho
My Commission Expires: 08-20-2013

STATE OF IDAHO)
)ss.
County of Blaine)

On this 30 day of January, 2012, before me, the undersigned, a notary public in and for said state, personally appeared KRISTY PIGEON, known to me to be the individual that executed the foregoing instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

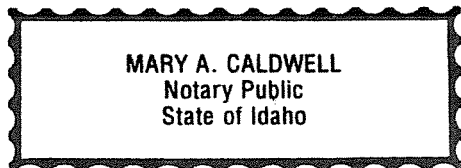


Mary A. Caldwell
Notary Public for Idaho
Residing at Bellevue, IDAHO
My Commission Expires: 08-20-2013

STATE OF IDAHO)
)ss.
County of Blaine)

On this 30 day of January, 2012, before me, the undersigned, a notary public in and for said state, personally appeared JOHN PRUDDEN, known to me to be the individual that executed the foregoing instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



Mary A. Caldwell
Notary Public for Idaho
Residing at Bellevue, IDAHO
My Commission Expires: 08-20-2013

EXHIBIT A To agreement dated January 31, 2012

IN TOWNSHIP 7 SOUTH, RANGE 6 EAST, B. M.,
OWYHEE COUNTY, IDAHO

Section 4: W1/2SW1/4

Section 8: N1/2NW1/4, NE1/4

Section 5: E1/2SW1/4, SE1/4, SW1/4SW1/4,
EXCEPT a parcel described as follows:

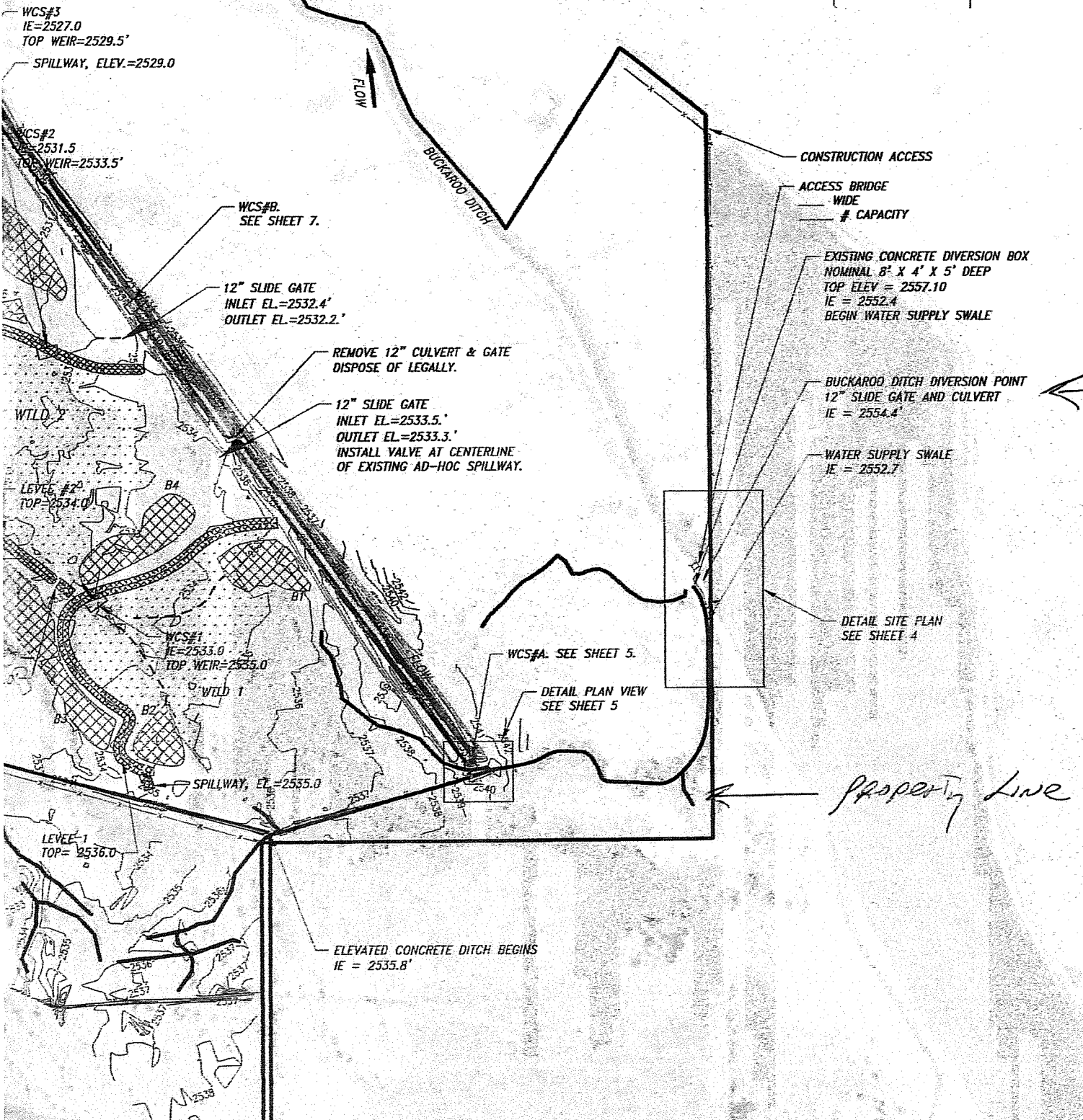
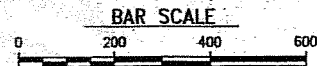
Commencing at the NE corner of the
SW1/4SW1/4, Sec. 5, T7S, R6E, B. M.;
thence South along the East boundary of
the said SW1/4SW1/4, Sec. 5, 450 feet,
more or less, to a point; thence West and
parallel to the North line of said
SW1/4SW1/4, 100 feet, more or less, to an
irrigation ditch being the REAL POINT OF
BEGINNING; thence continuing West and
parallel to the North line of said
SW1/4SW1/4, 208 feet to a point; thence
South and parallel to the East line of
said SW1/4SW1/4, 208 feet to an
irrigation ditch; thence East 208 feet
along the said irrigation ditch and
parallel to the North line of said
SW1/4SW1/4; thence North 208 feet along
the irrigation ditch and parallel to the
East line of the said SW1/4SW1/4 to the
REAL POINT OF BEGINNING.

TOGETHER with all water rights
appurtenant thereto.

HOT SPRINGS ROAD

EXHIBIT B

To agreement dated January 31, 2012



REVISIONS					 DUCKS UNLIMITED INC. PacNW Field Office (360) 885-2011	PROJECT NO. ID-66-1 BRUNEAU RIVER RANCH RESTORATION DESIGN PLAN VIEW	GENERAL INFORMATION DESIGNED BY: JDA DRAWN BY: DMC SURVEYED BY: JPS CHECKED BY:
REV. NO.	DESCRIPTION	DATE	APPROVED				
1	EST ZONE						
2	(2002.0000)						
3							
4							
5							

EXHIBIT C
Special Conditions

a. Licensee's diversion of water and carriage of water to Licensee's diversion structure is limited to the use by Licensee on Licensee's land. No other landowners shall be entitled to use the Company's ditch for carriage without the written consent of the Company. Licensee is not entitled to take or divert any water from the Company's ditch that is not diverted into the ditch by Licensee. Licensee's diversion and use of the water is limited in that Licensee shall not be entitled to divert more water from the Company's ditch than the amount water diverted into the ditch from the Bruneau River by Licensee.

b. The Licensee recognizes and acknowledges that the license granted in this agreement by the Company pertains only to the rights of the Company as owner of a ditch and an easement. The Company has no right or power to create rights in the Licensee affecting the holder of title to the property subject to the Company's easement. Any such rights affecting fee title must be acquired by the Licensee from the holder of title to the property. Should Licensee fail to obtain such rights from the holder of title to the property or should the rights obtained prove legally ineffectual, Licensee shall hold harmless, indemnify and defend the Company from any claim by any party arising out of or related to such failure of rights and at the option of the Company this agreement shall be of no force and effect.

c. Licensee hereby indemnifies, holds harmless and shall defend the Company from any and all penalties, sanctions, directives, claims or any action taken or requirement imposed by any party or entity, public or private, with respect to the subject matter, terms or performance of this agreement unless the Company shall be solely responsible for the condition or activity which gives rise to any such penalty, sanction, directive, claim, action or requirement.

d. In the event the Company is required by any governmental authority to acquire or comply with any permit or other operational requirements associated with Licensee's diversion of water and use of the ditch, and other activity which is the subject of this agreement, Licensee shall indemnify, hold harmless and defend the Company from all costs and liabilities associated with such permit and other requirements, including but not limited to all costs associated with all permit acquisition, construction, monitoring, treatment, administrative, filing and other requirements.

e. The parties to this agreement recognize this license agreement is an accommodation to Licensee. The Company by this agreement does not assume, create, or exercise legal or other authority, either express or implied, to regulate, control, or prohibit the discharge or contribution of pollutants or contaminants to the Company's facilities or to any groundwater, waters of the State of Idaho or the United States, or any other destination. Such authority, to the extent that it exists, is possessed and exercised by governmental environmental agencies.

f. Licensee shall not excavate, discharge, place any structures, plant any trees, shrubs, or landscaping or perform any other construction or activity within or affecting the Company's easement for the ditch except as referred to in this agreement or exhibits hereto without the prior written consent of the Company.

g. Prior to the diversion of any water from the Bruneau River pursuant to the terms of this agreement, Licensee shall apply for and obtain a Permit to appropriate water from the Idaho Department

of Water Resources, and shall comply with all conditions and terms of said permit and any successive license at any and all times. In the event that Licensee fails to comply with any condition and/or term of said permit and license, it shall indemnify, hold harmless and defend the Company from all costs and liabilities associated with such failure to comply.

h. At any point in time that Licensee is diverting water pursuant to this License Agreement for Water Carriage, Licensee shall not call for delivery of water from the Company represented by any shares in the Company that are owned or that may be owned by Licensee.

i. Licensee, as a specific condition of this License Agreement for Water Carriage, shall pay all assessments and fees assessed by the Company as a result of Licensee's ownership of Company shares. Additionally, Licensee specifically agrees to pay all assessments and fees assessed by the Company for the use of the ditch and/or easement permitted by this License.

j. The Licensee shall not adjust, maintain, repair, or in any way interfere with any part of the Company's diversion works.

Lester, Steve

From: Keen, Shelley
Sent: Wednesday, February 01, 2012 11:32 AM
To: kristypigeon@cox.net
Cc: Lester, Steve
Subject: RE: Buckaroo Ditch agreement (App. 51-13098)

Kristy,

I left you a voicemail at the Hailey number. Go ahead and send a copy of the agreement with Bruneau Buckaroo Ditch Co. to IDWR's Western Region office. Steve Lester and his crew are processing the application. If you've already sent it to me, I can forward it to Steve. A scanned copy sent via email should be okay, as would a paper copy sent via the mail.

Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705

Steve.lester@idwr.idaho.gov.

Steve or someone from his staff could confirm this, but I'm guessing that once the agreement is received the application will be submitted for advertising, probably the last two weeks of February or the first two weeks of March. The application then has to be held for ten days to see if it will be protested. Since you've already worked with BBCDC, the potential for a protest is diminished, but we never know for sure what may happen. If it's not protested, a final resolution could be reached shortly after the protest period is over. Steve or his staff will let you know if there is any other information they need.

Have a great day!

Shelley Keen
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098
(208) 287-4947
shelley.keen@idwr.idaho.gov

-----Original Message-----
From: kristypigeon@cox.net [<mailto:kristypigeon@cox.net>]
Sent: Tuesday, January 31, 2012 3:48 PM
To: Keen, Shelley
Subject: Buckaroo Ditch agreement

Hi Shelley,

FINALLY! We have an agreement, signed and notarized, with the Buckaroo Ditch Co. to convey our new water right. I am currently in Bruneau with no copy machine or scanner. I am planning on sending the agreement to you tomorrow when I return to Hailey. Will a scanned copy work or would you like the original? Also, it would be great if we could speak on the phone about the timeline on the status of our application. Bruneau # 845-2026, Hailey # 788-9636.

Thanks much,
Kristy

Lester, Steve

From: Keen, Shelley
Sent: Friday, January 20, 2012 5:30 PM
To: John Prudden
Cc: Lester, Steve
Subject: RE: Water Right Application

John,

IDWR does not need much detail. IDWR policy is simply to ensure that you have written permission from the ditch company to use its conveyance system. The form and content of the permission is up to you and the ditch company.

I do know that this session the legislature will entertain a bill requiring IDWR to make sure ditch company permission is demonstrated in cases like yours. Even so, the bill only indicates that the permission should be obtained. It does not address the content or form of the permission.

The ditch company is likely to be concerned about a variety of things, including liability in case of an accident that causes property damage, paying maintenance costs, making sure you don't interfere with the delivery of water to its shareholders, etc.

Shelley Keen
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098
(208) 287-4947
shelley.keen@idwr.idaho.gov

From: John Prudden [<mailto:jprudden@cox.net>]
Sent: Friday, January 20, 2012 12:38 PM
To: Keen, Shelley
Cc: kristypigeon@cox.net
Subject: FW:

From: John Prudden [<mailto:jprudden@cox.net>]
Sent: Friday, January 20, 2012 12:18 PM
To: 'shelleykeen@idwr.idaho.gov'
Cc: kristypigeon@cox.net
Subject:

Shelley,

Kristy and I wanted to check in with you regarding the water license application and the Buckaroo Ditch Company, in their role as the conveyance for the water.

The ditch company's board has reviewed and tentatively approved our request that the ditch company convey the applied for water to our wetlands project. It is subject to satisfactory documentation. Unfortunately, the ditch company's water attorney has been very slow in drafting a document. What he has prepared and distributed to the board is ten pages in length and reportedly, somewhat difficult to understand.

In an effort to reduce and simplify the document, we would like to help out by defining the needs of each party. My purpose in writing is to ask what key points IDWR would be looking for in the conveyance agreement. We want to make sure that IDWR concerns are addressed and also, if the water attorney has overreached in his writing, to identify areas of his document that may be removed in order to simplify it.

Thanks for your assistance and we look forward to hearing from you.

Kristy and John

Keen, Shelley

From: Keen, Shelley
Sent: Monday, October 31, 2011 3:32 PM
To: 'kristypigeon@cox.net'
Subject: Water Right Application
Attachments: Pigeon App Page 1.pdf

Kristy,

The Department received your application this morning. I had a chance to review it, and I think it still needs a little work on the list of beneficial uses before it can be processed.

I've attached a scanned image of a copy of the first page. On it I've marked the beneficial uses as I understand them based on our discussions. The "diversion to storage" provides for a flow of water to be transported through the BBCDC system to your wetland ponds. Every off-stream storage right must have a "diversion to storage" component. The "wildlife storage" component allows impoundment of the water in the wetland ponds. As I mentioned in my email last week, the "wildlife storage" volume should be expressed in AF, and it should probably be more than 57 AF to account for seepage and evaporation losses directly from the ponds themselves. If you limit "wildlife storage" to 57 AF, you won't be authorized to top off the ponds to keep them full after the first filling. The "wildlife" use, a non-consumptive component, will cover water flowing through the full ponds and back to the river.

If you agree with my assessment, you can make the changes by replacing the entire application or by replacing page 1 and initialing and dating the changes.

Also, since you will be using BBCDC's diversion and delivery system, IDWR will not issue a permit without evidence of a right-of-way or written permission from BBCDC.

Call or email if you have questions.

Sincerely,

Shelley Keen
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098
(208) 287-4947
shelley.keen@idwr.idaho.gov

RECEIVED

OCT 31 2011

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No. _____

1. Name of applicant(s) Kristy Pigeon, John Prudden and Mather Capital Corp. Phone 208-788-9636
 Name connector (check one): ☒ and ☐ or ☐ and/or

Mailing address: 109 Greenhorn Road City HaileyState Idaho Zip 83333 Email: kristypigeon@cox.net

2. Source of water supply Bruneau River which is a tributary of Snake River

3. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
7S	6E	26		SW	sw		Owyhee	Bruneau River	

4. Water will be used for the following purposes:

Amount 2.6 cfs for wildlife storage purposes from 3/1 to 6/15 (both dates inclusive)
 (cfs or acre-feet per year)

Amount 2.6 cfs for diversion to storage purposes from 3/1 to 6/15 (both dates inclusive)
 (cfs or acre-feet per year)

Amount ? for wildlife storage purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)

5. Total quantity to be appropriated is (a) 2.6 cubic feet per second (cfs) and/or (b) _____ acre-feet per year (af).

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source. Bruneau Buckaroo Canal Ditch Co. (BBCDC)
diversion structure to be conveyed through the BBCDC ditch to point of use.

b. Height of storage dam n/a feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 11.

For dams 10 feet or more in height OR reservoirs with a total storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☒ No

c. Proposed well diameter is n/a inches; proposed depth of well is _____ feet.

d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ No

e. If well is already drilled, when? _____; drilling firm _____;
 Well was drilled for (well owner) _____; Drilling Permit No. _____

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

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 or the applicant's qualifications as a municipal provider. _____

d. Domestic; show number of households _____

e. Other; describe fully. The water will be used to restore historic Bruneau River stream channels for wildlife use.

RECEIVED

OCT 31 2011

DEPARTMENT OF
WATER RESOURCES

10/31/2011
B/SR7

KRISTY PIGEON
109 Greenhorn Road
Hailey, Idaho 83333

October 27, 2011

Hi Shelley,

Enclosed please find the completed Application for Permit. I enclosed a check with the previous application.

Thanks so much for making a trip to Bruneau to view my project and for the extra time you have spent helping me!

Happy trails always,



Kristy