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MAY 13 2010

Form 113
10/07

WATER RESOURCES
WESTERN REGION

Ident No. 51-13069

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Ref Application

51-13042

**NOTICE OF DIVERSION AS AN ALTERNATIVE TO
INSTREAM STOCKWATER USE**

(To provide notice of intent to divert surface water from a stream or riparian area to troughs or tanks as an alternative to instream use for the watering of livestock)

1. Name of right holder JOHN PROFFER, KRISTINE PROFFER
MATHER CAPITAL CORP Phone 208 788-9636
Mailing address 109 Greenhorn Rd HAILEY ID 83333 Email _____
2. Source of water supply unnamed stream tributary to Bruneau River
3. Point of Diversion: Spring Crook County

- a) Is this notice based on an existing recorded instream stockwater right? If yes, provide the water right number _____

If no, describe the beginning and ending points for the instream stockwater use:

Beginning point is in Gov't. Lot _____, _____ 1/4 _____ 1/4 _____ 1/4,
Section _____, Township _____ Range _____, B.M.,
_____ County.

Ending point is in Gov't. Lot _____, _____ 1/4 _____ 1/4 _____ 1/4,
Section _____, Township _____ Range _____, B.M.,
_____ County.

- b) Alternate point of diversion is in Gov't. Lot _____, NW 1/4 SE 1/4 SW 1/4,
Section 5, Township 7S Range 6E, B.M.,
Owyhee County.

4. Description of diversion and delivery system:

a) Describe the type of diversion 2" PVC PIPE SET IN SMALL PLASTIC DIVERSION BOX SET IN STREAM

b) Describe the delivery system 2" PVC PIPE BURIED 30" FROM STREAM TO TROUGH - GRAVITY FLOW

c) Describe the number, type and total capacity of troughs or tanks (1) 200 GALLON GALVANIZED METAL TANK ON GRAVEL PAD

= Fill in blank.

d) Describe the automatic shutoff or flow control mechanism or means of returning unused water to the source mechanical automatic shut off with float control

* e) Describe how the system is designed to allow measurement of the rate of diversion MANUAL VALVE AT TANK INLET TO CONTROL flow of water - NOT TO EXCEED 9 GPM - Flow rate determined manually with container and timer.

5. Describe the place of use by placing an X in the appropriate 40-acre tract(s) below:

TWP	RGE	SEC	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
7S	6E	5											X					

6. Priority date claimed or established 5-6-06 Historic use by us.

7. Rate of diversion .02 cfs

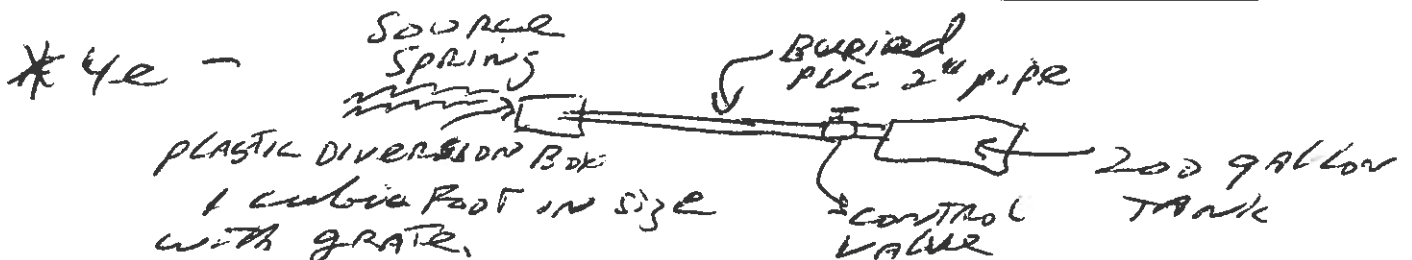
8. Season of use: from Jan. 1 to Dec. 31 year around

9. a) Who owns the property at the point of diversion? John Bruckden

b) Who owns the property at the place of use? Kristine Pigeon
Mather Capital

10. When will construction occur? June 2011

11. Comments (include number and type of stock) CATTLE (50) OR HORSES (20) water in stream. we want to fence off the stream access and divert stock water so animals will stay out of the riparian area.



I hereby assert the following:

- a) Diversion is from a surface water source to which the livestock would otherwise have access. The land where the watering tanks or troughs will be located is land from which the livestock had access to the source of water from which diversion is being made.
- b) The diversion of water out of the stream as described in this notice is for watering livestock and will not injure other water rights.
- c) I will not alter the bed and banks of the source as the term is defined in section 42-3802, Idaho Code. I understand that I may place an inlet conduit into the source in a manner that does not require excavation or obstruction of the stream channel, unless the director of the department of water resources approves a stream channel alteration permit for additional work.
- d) I understand that upon determination of interference with other water rights, the Director may order curtailment of diversion or use of water under this notice or may require the diversion and delivery system to be modified to prevent injury.
- e) I will not divert more than 13,000 gallons per day for livestock watering from this diversion, and I will not use more than one point of diversion under this notice.
- f) I am authorized to make the changes described in this notice and that if the notice involves a federal grazing allotment, the permittee consents to the changes described in this notice.
- g) I understand that any willful misrepresentation on this notice will void any right to divert water for livestock under this notice.

Dated this 5 day of May, 2010

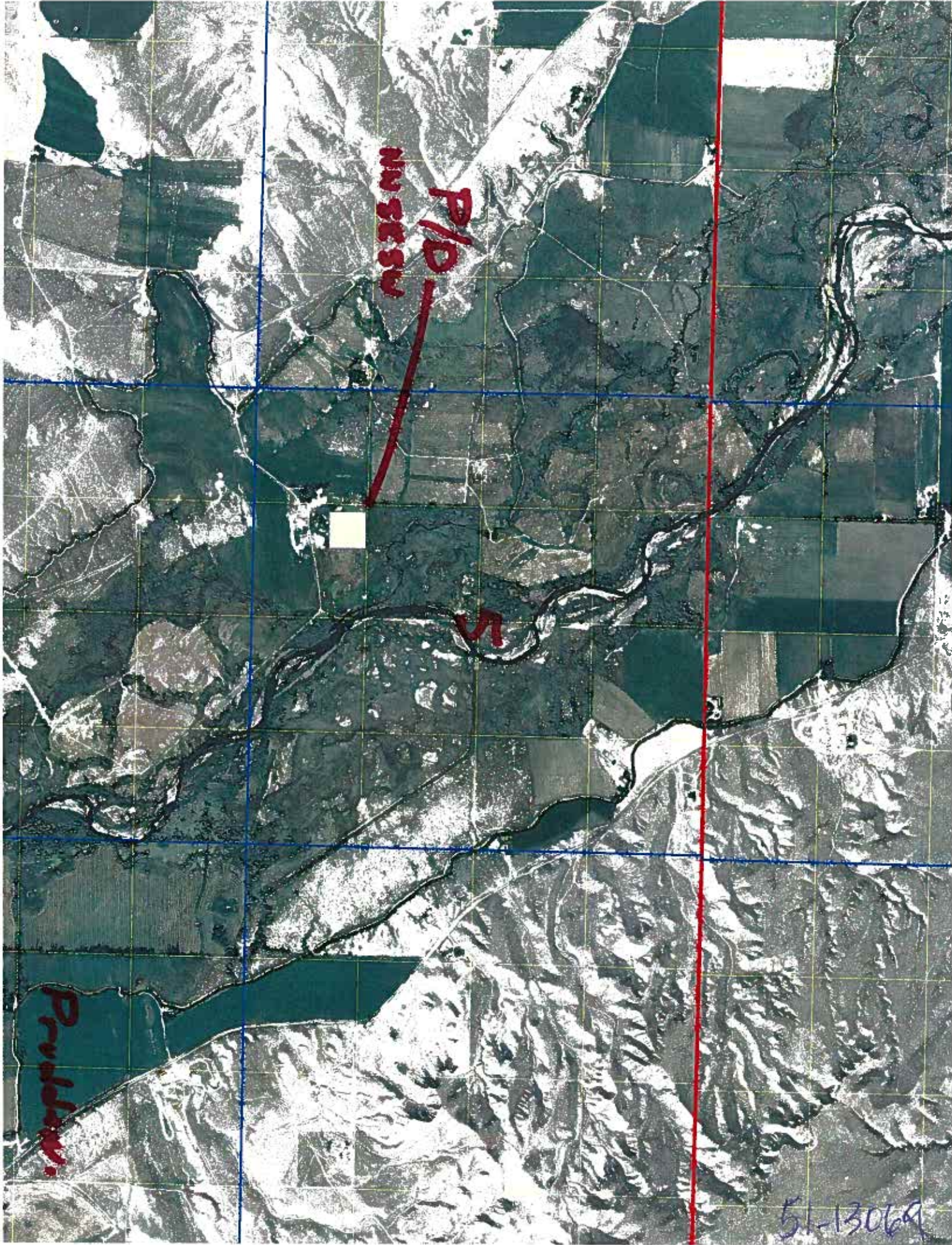
MATHER CAPITAL
by TIM GARDINER
Right Holder or Authorized Representative

[Signature]
[Signature]

FOR DEPARTMENT USE

Received by SB Date 5.13.10 Preliminary check by JFW
Fee: \$ 25- Received by DB Receipt No. W038370 Date 5-13-2010

Water District No. _____ Entered into data base _____ By _____



NW SE SW

P/D

W

Problem

51-13069