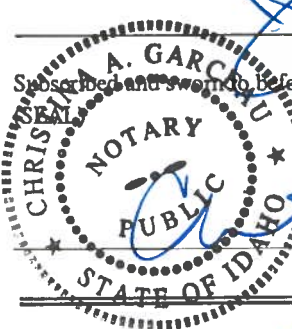


AFFIDAVIT of PUBLICATION

RECEIVED
NOV 13 2000
Department of Water Resources
Southern Region

State of Idaho, }
County of Blaine } SS.

On this 9 day of November, in the year 2000, before me a Notary Public of said State, personally appeared _____, known or identified to me to be the person whose name is subscribed to be the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same. As the publisher of the Wood River Journal, he/she attests that said newspaper has been continuously and and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 1 day of November 2000, and the date of the last publication was on the 8 day of November 2000.

Subscribed and sworn to before me this 9 day of November, 2000


NOTARY PUBLIC

#12460
WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line 89
Number of Lines in Notice 11.5
Number of Insertions 2
89 Lines tabular at 1.32 7¢ / Pica
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TOTAL COST 122.48

COPY OF NOTICE (Paste Here)

Notice of water Applications
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

BILL TO

Resources

Notice of water applications

Notice of Applications
For Water Permit
& Changes to Water Rights
The following applications have been
filed regarding the public waters of the
State of Idaho, Blaine County:

WALKER MONROE
PO BOX 6543
KETCHUM ID 83340

Application for Permit No. 37-08916

Source: Big Wood River tributary to
Malad River (existing development)
Diversion Pt(s): SWNE via Little Mack-
awao channel
Year Round Use: Aesthetics (6.0 cfs);
Aesthetic Storage (4.0 afa)
Used in: E 1/2, all S07, T03N, R18E
Date Filed: 09/28/00

The application proposes to divert
groundwater from the "Eastern Snake
River Plain Aquifer" presently under a
moratorium order dated April 30th,
1993. The order allows the Director to
consider on a case-by-case basis appli-
cations; if it can be shown the develop-
ment will have no effect on prior sur-
face and groundwater rights because
of its location, insignificant consump-
tion, or mitigation by the applicant to
offset injury to other rights. The appli-
cant is requesting pre-1987 develop-
mental processing of the application.

Publication Rates

As of 1997
(Idaho code,
Rev. Statutes 1984)
7-8 pt./line straight: .06 / pica
7-8 pt./line tabular: .07 / pica
7-8 pt./line successive
insertion: .05 / pica

12460

CHARLES THOMAS FOLEY &
KATHLEEN MAHER FOLEY
430 PARK AVE., 18TH FLOOR
NEW YORK NY 10022

Application for Permit No. 37-

08917

Source: ground water

Diversion Pt(s): NESE

Year Round Use: Recreation Storage
(12.8 AFA); Aesthetic Storage (12.8
AFA)

Total Storage: 12.8 AFA

In: NESE, all S23, T01S, R19E

Date Filed: 06/26/00

Companion Transfer No. 5852 was
filed by Charles & Kathleen Foley as
mitigation for the above listed Applica-
tion for Permit by drying up 2.6 irrigat-
ed acres within NESE in order to fill an
excavated pond with a 2.60 acre sur-
face area from high ground water
table at that site. The transfer involves
ground water rights diverted and used
within NESE for irrigation of 28.0 acres
recorded as Water Right No. 37-
02686B (0.23 cfs) with priority date of
12/11/1962 and Water Right No. 37-
07598B (0.32 cfs) with priority date of
07/08/1977. Transfer No. 5852 propos-
es to use Designated Right No. 37-
02686F for recreational storage (6.5
afa) & aesthetic storage (6.5 afa) and
Designated Right No. 37-07598F for
recreational storage (6.5 afa) and aes-
thetic storage (6.5 afa). The remaining
portions, Designated Right No. 37-
02686E (0.212 cfs) and Designated
Right No. 37-07598E (0.298 cfs) will
continue to irrigate 25.4 acres at the
original site, all S23, T01S, R19E.

Any protest against the proposed
application(s) must be filed with the
Department of Water Resources,
Southern Region, 1341 Fillmore St.,
Suite 200; Twin Falls, ID 83301 togeth-
er with a protest fee of \$25.00 on or
before November 20, 2000 to be con-
sidered by the Department in its deci-
sion to grant or deny any part of the
proposed application(s). (Each applica-
tion requires a separate protest). The
protestant must also send a copy of
the protest to the applicant.

Karl J. Dreher, Director

Publish: Wood River Journal—Novem-
ber 1 & 8, 2000.

