

TRIBUNE PUBLISHING COMPANY, INC

The Lewiston Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

**LEGAL ADVERTISING
INVOICE**

Date: 07/14/2011 Invoice NO. 42734
Account No. 446600
Description 42734 NOTICE OF
Times 2 Lines 65
Tab. lines 65

RECEIVED

\$ 190.12

Sold To: IDAHO DEPT/ WATER RESOURCES
900 N. SKYLINE DR, STE A
IDAHO FALLS ID 83402

JUL 18 2011 PO#
Department of Water Resources
Eastern Region

NOTICE: This is a invoice of Purchase made by you. Statement will be rendered the first of the month
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

42734
**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 77231**

Smith-Maxwell Ditch Co, 839 W Riverton Rd, Blackfoot, ID 83221, has filed Application No. 77231 for changes to the following water rights within BINGHAM County(s): Right No(s). 01-10058; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov <<http://www.idwr.idaho.gov>>

The purpose of the transfer is to change a portion of the above rights as follows:

The applicant proposes to change the point of diversion. The points of diversion are in the NENESE Sec 8 T2S R36E, SESE Sec 10 T3S R35E and the SWSWSW Sec 23 T3S R34E for 10.58 cfs. The place of use remains the same for 695 acres.

Protests may be submitted based on the criteria of Idaho Code Sec. 42-222.

Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before July 25, 2011. The protestant must also send a copy of the protest to the applicant. The following application has been file to appropriate the public waters of the State of Idaho.

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

73-12175
FLYING JOSEPH RANCH LLC
C/O JOSEPH CLARK
7213 PERMIETER RD S
SEATTLE WA 98108

Point of Diversion: NENESEW AND NWSWSW T13N R23E
SEC 20 CUSTER County
Source PASHIMEROI RIVER tributary SALMON RIVER
Use: AESTHETICS 01/01 to 12/31 20.0 CFS
Use: RECREATION 01/01 to 12/3 20.0 CFS
Use: WILDLIFE 01/01 to 12/31 20.0 CF
Total Diversion 20.0 CFS
Date Filed: 09/17/2010
Place Of Use: AESTHETICS, RECREATION and WILDLIFE
T13N R23E S19 NESE SESE

This application proposes the diversion and use of water from Pashimeroi River tributary to the Salmon Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because the diversion rate 20.0 cfs for aesthetics, recreation and wildlife will be applied to the subordination amounts specified in the decree for the Wild & Scenic River listed above.

GARY SPACKMAN
Interim Director

Published July 7 and 14, 2011

AFFIDAVIT OF PUBLICATION

Karen J. Lewis, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho and under and by virtue of the laws of the State of Washington, publishers of the Lewiston Tribune, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 105 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 42734 NOTICE OF attached hereto and which is made a part of this affidavit was published in the said Lewiston Tribune,

2 time(s). Publication being on 07/07, or once a Week for 2 consecutive Week, the first publication thereof being on the 07/07/2011, and the last publication thereof being on the 07/14/2011, and said 42734 NOTICE OF was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

Karen J. Lewis

State of Idaho

S.S.

County of Nez Perce

On this 14th day of July in the year of 2011, before me, a Notary Public, personally appeared Karen J. Lewis, known or identified to me to be the person whose name subscribed to 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.

Sheryl M. Lentz
Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires 6/04/15

**Proof of Publication
The Post Register**

**State of Idaho
Bonneville County:**

RECEIVED
JUL 18 2011

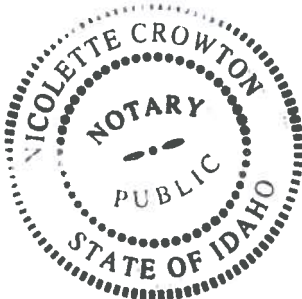
I, ~~Hilary Witt~~ or Staci Dockery, first being duly sworn, depose and say: That I am the Classifieds Manager or Legal Notice Representative of the Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post Register, a newspaper of general circulation, published Tuesday through Sunday at Idaho Falls, Idaho; said Post Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880, and the Idaho Falls Post, established in 1903, such consolidation being made on the First day of November 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than twelve consecutive months and said Post Register having been published continuously and uninterruptedly from the date of such consolidations up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post Register under this ad number: **399526**, for **2** consecutive (days) weeks, between **07/07/2011** and **07/14/2011**,

and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Staci Dockery

Subscribed and sworn to before me, this 14 day of July 2011



Nicolette Crowton

Notary Public

My Commission expires: 5/25/2013

----- attached jurat -----

STATE OF IDAHO

ss.

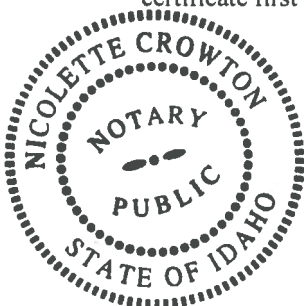
COUNTY OF BONNEVILLE

Subscribed and sworn to before me, this 14 day of July 2011, before me, the undersigned, a Notary public for said state, personally appeared ~~Hilary Witt~~ or Staci Dockery, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and being by me duly sworn, declared that the statements therein are true, and acknowledged to me that he/she/they executed the same,

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

Nicolette Crowton

Notary Public for The Post Company
Residing at: Idaho Falls
My Commission expires: 5/25/2013



**NOTICE OF PROPOSED CHANGE
OF WATER RIGHT
TRANSFER NO. 77231**

Smith-Maxwell Ditch Co, 839 W Riverton Rd, Blackfoot, ID 83221, has filed Application No. 77231 for changes to the following water rights within BINGHAM County(s): Right No(s). 01-10058; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov

The purpose of the transfer is to change a portion of the above rights as follows:

The applicant proposes to change the point of diversion. The points of diversion are in the NENESE Sec 8 T2S R36E, SESESE Sec 10 T3S R35E and the SWSWSW Sec 23 T3S R34E for 10.58 cfs. The place of use remains the same for 695 acres.

Protests may be submitted based on the criteria of Idaho Code Sec. 42-222.

Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before July 25, 2011. The protestant must also send a copy of the protest to the applicant. The following application has been filed to appropriate the public waters of the State of Idaho.

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

73-12175

FLYING JOSEPH RANCH LLC
C/O JOSEPH CLARK
7213 PERMIETER RD S
SEATTLE WA 98108

Point of Diversion: NESESW AND NWSWSW
T13N R23E SEC 20 CUSTER County
Source PASHIMEROI RIVER tributary SALMON RIVER

Use: AESTHETICS 01/01 to 12/31 20.0 CFS
Use: RECREATION 01/01 to 12/31 20.0 CFS
Use: WILDLIFE 01/01 to 12/31 20.0 CF
Total Diversion 20.0 CFS

Date Filed: 09/17/2010

Place Of Use: AESTHETICS, RECREATION and WILDLIFE

T13N R23E S19 NESE SESE

This application proposes the diversion and use of water from Pashimeroi River tributary to the Salmon Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because the diversion rate 20.0 cfs for aesthetics, recreation and wildlife will be applied to the subordination amounts specified in the decree for the Wild & Scenic River listed above.

GARY SPACKMAN

Interim Director

Published: July 7, and 14, 2011

(399526)

NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
TRANSFER NO. 77231

Smith-Maxwell Ditch Co,
839 W Riverton Rd, Black-
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full description of these
rights and the proposed
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www.idwr.idaho.gov The
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sion. The points of diver-
sion are in the NENESE Sec
8 T2S R36E, SESESE Sec 10
T3S R35E and the
SWSWSW Sec 23 T3S R34E
for 10.58 cfs. The place of
use remains the same for
695 acres. Protests may be
submitted based on the cri-
teria of Idaho Code Sec.
42-222. Any protest against
the proposed change must
be filed with the Depart-
ment of Water Resources,
Eastern Region, 900 N Sky-
line Dr Ste A, Idaho Falls ID
83402 together with a pro-
test fee of \$25.00 for each
application on or before July
25, 2011. The protestant
must also send a copy of
the protest to the applicant.
The following application(s)
have been filed to appropri-
ate the public waters of the
State of Idaho:

35-14144

PYAN YANCEY

367 W 150 N

BLACKFOOT ID 83221

Point of Diversion:

NWNESW

T02S R35E SEC 28 BING-
HAM

County Source GROUND
WATER

Use: DOMESTIC
01/01 to 12/31

0.04 CFS

Total Diversion 0.04 CFS

Date Filed: 06/07/2011

Place Of Use: DOMESTIC

T02S R35E S28 NESW

RECEIVED

JUL 15 2011

Department of Water Resources
Eastern Region

Permits will be subject to all
prior water rights. Protests
may be submitted based on
the criteria of Idaho Code §
42-203A. Any protest
against the approval of this
application must be filed
with the Director, Dept. of
Water Resources, Eastern
Region, 900 N Skyline Dr
Ste A, Idaho Falls ID 83402
together with a protest fee
of \$25.00 for each applica-
tion on or before July 25,
2011. The protestant must
also send a copy of the pro-
test to the applicant GARY
SPACKMAN,
Interim Director
Published July 7 & 14,
2011(8709)

Legals

AFFIDAVIT OF PUBLICATION

County of Bingham)

ss

State of Idaho)

I, Patty Coffey do solemnly swear
that I am the Legal Coordinator of
The Morning News, which is a daily
newspaper of general circulation,
published each day except Sunday at
Blackfoot, Bingham County, Idaho,
said newspaper having been so
published at Blackfoot, aforesaid for
more than one year past; that said
newspaper heretofore complied with
all the provisions of Chapter 154 of
the Sessions Laws of Idaho of 1911,
approved March 11, 1911, and duly
designated, pursuant to law, a
particular day of the week as the day
on which legal notices required by
law or by the order of any Court of
competent jurisdiction within the
State of Idaho shall be published
to-wit: of each week; that the notice
attached hereto and which is a part
of this affidavit and part of the proof
of publication was published in said
issue of said

newspaper 2 consecutive Weeks
the first publication having been
made on the 7th day of July
2011, and the last publication having
been made on the 14th day of
July 2011; that said notice was
published in the regular and entire
issue of every number of the paper
as aforesaid during the period and
time of publication, and that notice
was published, in the newspaper and
not in a supplement.

Patty Coffey

On this 14 day of July, in
the year of 2011, before me a Notary
Public of the State, personally
appeared Patty Coffey known or
identified to me to be the person
whose name is subscribed to the
within instrument, and being by me
the first duly sworn, declared that the
statements therein are true, and
acknowledged to me that the
executed the same.

Melissa Sutton

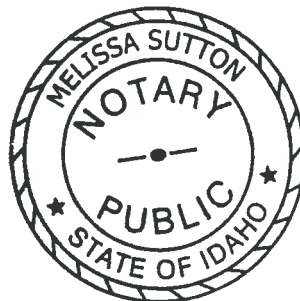
Melissa Sutton

Notary Public for the State of Idaho
Residing at Blackfoot, Idaho

My Commission Expires:

October 27, 2014

Affidavit Processing Fee.....\$5.00



Idaho Statesman

The Newspaper of the Treasure Valley
IDAHOSTATESMAN.COM

PO Box 40, Boise, ID 83707-0040

RECEIVED

JUL 15 2011

Department of Water Resources
Eastern Region

LEGAL PROOF OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Lines
100564	0000558927	LEGAL NOTICE	Smith-Maxwell Ditch	\$199.08	2	55

Attention: Sharla Cox

IDAHO DEPT WATER RESOURCE / LEGAL

900 N SKYLINE DR STE A

IDAHO FALLS ID 83402

LEGAL NOTICE NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 77231

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C/O JOSEPH CLARK
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SEATTLE WA 98108

Point of Diversion: NENESE AND NWSWSW T13N R23E SEC 20 CUSTER County

Source PASHIMEROI RIVER tributary SALMON RIVER

Use: AESTHETICS	01/01 to 12/31	20.0 CFS
Use: RECREATION	01/01 to 12/31	20.0 CFS
Use: WILDLIFE	01/01 to 12/31	20.0 CF
Total Diversion		20.0 CFS

Date Filed: 09/17/2010

Place Of Use: AESTHETICS, RECREATION and WILDLIFE
T13N R23E S19 NESE SESE

This application proposes the diversion and use of water from Pashimeroi River tributary to the Salmon Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because the diversion rate 20.0 cfs for aesthetics, recreation and wildlife will be applied to the subordination amounts specified in the decree for the Wild & Scenic River listed above.

GARY SPACKMAN, Interim Director

Pub. July 7,14, 2011

0000558927-01

JANICE HILDRETH, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in The Idaho Statesman, in conformity with Section 60-108, Idaho Code, as amended, for:

2 Insertions

Beginning issue of: 07/07/2011

Ending issue of: 07/14/2011

Janice Hildreth
(Legal Clerk)

STATE OF IDAHO)

SS

COUNTY OF ADA)

On this 14 day of July in the year of 2011 before me, a Notary Public, personally appeared before me Janice Hildreth known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Cecily Bringham

Notary Public for Idaho
Residing at: Boise, Idaho

My Commission expires:

8-27-15



RECEIVED

JUL 15 2011

Department of Water Resources
Eastern Region

Affidavit of Publication
STATE OF IDAHO)
COUNTY OF TWIN FALLS) SS.

I, Ruby Aufderheide, being first duly sworn upon oath, depose and say that I am Legal Clerk of the TIMES-NEWS, published daily at, Twins Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for two consecutive weeks, commencing with the issue dated 7th day of July, 2011 and ending with the issue dated 14th day of July, 2011

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 77231**

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C/O JOSEPH CLARK

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SEATTLE WA 98108

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Use: RECREATION 01/01 to 12/31 20.0 CFS

Use: WILDLIFE 01/01 to 12/31 20.0 CF

Total Diversion 20.0 CFS

Date Filed: 09/17/2010

Place Of Use: AESTHETICS, RECREATION and WILDLIFE
T13N R23E S19 NESE SESE

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GARY SPACKMAN

PIIRISH: July 7 and 14, 2011

Section 60-108 Idaho Code, Thursday of each week has been designated as the day of any court of competent jurisdiction within the state of Idaho to be issued thereof and said legal will be published.

Ruby Aufderheide
Ruby Aufderheide, Legal Clerk

ie,

by Aufderheide.

n whose name subscribed to the within instrument, and being by me first duly n are true, and acknowledged to me that he executed the same.

Linda Capps McGuire
ry Public for Idaho
ling at Twin Falls, Idaho.

ommision expires:

5-19-15

LINDA CAPPS-McGUIRE
NOTARY PUBLIC
STATE OF IDAHO