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1 IDAHO DEPT. OF WATER RESOURCES

WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705

AFFIDAVIT OF PUBLICATION
STATE OF IDAHO)

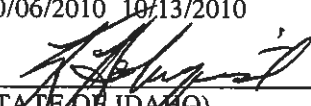
WATER RESOURCES
WESTERN REGION

County of Canyon)

SS.

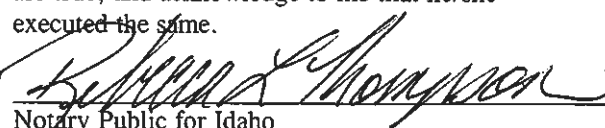
Katherine Holmquist
of Nampa, Canyon County, Idaho, being
first duly sworn, deposes and says:

1. That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.
2. That I am the Principal Clerk of the Emmett Messenger-Index, a weekly newspaper published in the City of Emmett, in the County of Gem, State of Idaho; that the said newspaper is in general circulation in the said County of Gem, and in the vicinity of Emmett, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of this notice, a copy of which is hereto attached.
3. That the notice, of which the annexed is a printed copy, was published in said newspaper 2 times(s) in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.
4. That said notice was published the following:
10/06/2010 10/13/2010

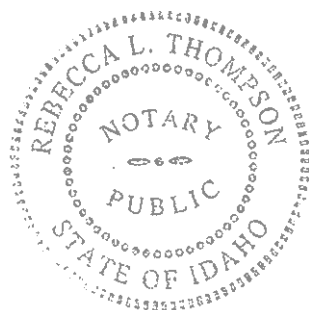


STATE OF IDAHO)
County of Canyon)

On this 13th day of October in the year of 2010 before me a Notary Public, personally appeared. Katherine Holmquist, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledge to me that he/she executed the same.



Notary Public for Idaho
Residing at Nampa
My Commission expires April 19, 2014



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

63-33419

MORNING STAR MINING LLC

C/O RICHARD T DALE

839 E WINDING CREEK DR STE 102

EAGLE, ID 83616

Point of Diversion NENE S21 T06N R01E GEM County Source GROUND WATER Tributary

Point of Diversion NWNE S21 T06N R01E GEM County Source GROUND WATER Tributary

Point of Diversion L4(SWNE) S21 T06N R01E GEM County Source GROUND WATER Tributary

Point of Diversion SENE S21 T06N R01E GEM County Source GROUND WATER Tributary

Use: MINING STORAGE 01/01 to 12/31 98.6 AF

Use: MINING FROM STORAGE 01/01 to 12/31 98.6 AF

Use: DIVERSION TO STORAGE 01/01 to 12/31 0.13 CFS

Total Diversion: 0.13 CFS

Date Filed: 6/11/2010

Place Of Use: MINING STORAGE

T06N R01E S21 NENE

Place Of Use: MINING FROM STORAGE

T06N R01E S21 NE (ALL)

Water bearing zone to be appropriated is from 200 to 400 feet for 2 wells. Water will be diverted to a pond holding about 10 af of water. The pond

will be refilled several times per year for a total capacity and refill of about 100 af per year.

PROPOSED NEW AND CHANGED WATER RIGHTS

The following applications have been filed for aesthetic and aesthetic storage purposes within the proposed Woods Ranch Subdivision south east of

Letha and north of Highway 52 in the Emmett Valley. The purpose of the transfers is to change the nature of use of the Payette River water from irrigation purposes to aesthetic purposes year-round to provide mitigation water for 25 acres of ponds.

✓ **Application 65-23156 for a new right** filed by J & G Development Inc. of PO Box 1400, Eagle, ID, 83616 on 9/20/2007, to excavate three ponds

that will fill naturally with ground water totaling 476 acre feet of water. The water right will be used for aesthetic storage purposes.

The points of diversion and places of use will be located within Twp. 6N, Rge. 2W, Sec. 6, NWSW, SWSW, and SESW; Twp. 6N, Rge. 3W, Sec. 1, SWNE, SENE, NESE and SESE.

✓ **Application No. 74309** to change an existing right filed by Reed Ditch Company of 3740 County Line Road, Emmett, ID, 83617, to change

the nature of use of a portion of one water right with an 1882 priority date totaling 0.05 cfs and drying up 2 acres.

✓ **Application No. 74310** to change an existing right filed by Letha Irrigation & Water Company Inc. of 400 Coston Street, Boise, ID 83712,

to change the nature of use of a portion of one water right with an 1884 priority date totaling 0.92 cfs and drying up 23 acres.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Idaho Code § 42-211 / § 42-222. For specific details regarding the application, please contact the Idaho Department of Water Resources (IDWR) Western Region at 208-334-2190 or visit www.idwr.idaho.gov with details provided under "new water right applications." Any protest against the approval of this application 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 October 25, 2010. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

October 6, 13, 2010

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✓ OK DB 10/29/2010