

Buffington, Denise

From: Buffington, Denise
Sent: Wednesday, September 29, 2010 1:58 PM
To: Messenger Index
Subject: LEGAL NOTICE - GEM COUNTY
Attachments: Gem County Ads - Cover Letter.Doc; Gem County Ads - COMBINED.Doc

Attached please find (1) legal notice being submitted for publication. Please contact me immediately if you have any questions, or if you are not able to publish the ad on the dates requested.

Thank you in advance,

*Denise Buffington
Administrative Assistant I
Dept of Water Resources
Western Region
(208) 334-2190*

September 29, 2010

LEGAL NOTICE DEPARTMENT

MESSENGER-INDEX
PO BOX 577
EMMETT, ID 83617

RE: Transfer No. 74309
Water Right No(s). 65-53X

RE: Transfer No. 74310
Water Right No(s). 65-78

RE: Application For Permit No(s).: 63-33419 & 65-23156

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 10/25/2010. Your cooperation is appreciated.

Sincerely,

Denise Buffington
Administrative Assistant

Enclosure(s)

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

Published on 10/6 & 10/13/2010