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APR 17 2009

DEPT. OF WATER RESOURCES
SOUTHERN 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, Twin 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 9th day of April, 2009 and ending with the issue dated 16th day of April, 2009

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.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho to be issued thereof Thursday is announced as the day on which said legal will be published.

Ruby Aufderheide
Ruby Aufderheide, Legal Clerk

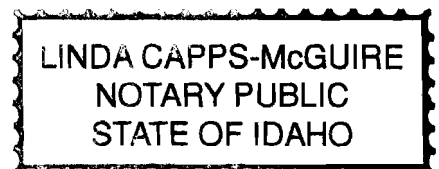
STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 16th day of April, 2009, before me,

a Notary Public, personally appeared Ruby Aufderheide, *Ruby Aufderheide*
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.

Linda Capps McGuire
Notary Public for Idaho
Residing at Twin Falls, Idaho.

My commission expires: 5-19-09



(See Reverse Side)

NOTICE OF PROPOSED CHANGE TO WATER RIGHTS

Notice is hereby given that seven (7) Applications for Transfer have been filed with the Idaho Department of Water Resources for changes to water rights within Southern and Eastern Idaho. The following three applications (3) involve water rights located within Cassia County and Jerome County. **Application No. 74396 was filed by WENDY STOKER, LAVEL STOKER, BRENT STOKER, and MARLA STOKER, 707 E 500 S; BURLEY ID 83318.** Transfer application proposes changing the place of use and points of diversion for two groundwater rights currently used to irrigate a farm located approximately 4.0 mi. north and 11 mi. east of the city Declo. Transfer proposes to dry up 120 acres at the current place of use to be used at a farm located approximately 2.1 mi. to 5.5 mi. south and 0.75 mi. east to 2.0 mi west of the city of Declo. Application proposes to use nine existing wells at the farm, found approximately at the following locations from the city of Declo: 2.2 mi. S & 0.1 mi. E, 2.2 mi. S & 0.3 mi E, 3.2 mi. S & 0.3 mi. E, 3.0 mi. S & 0.8 mi. W, 4.1 mi. S & 1.0 mi. W (three wells), 5.1 mi. S & 1.7 mi. W, and 3.6 mi. S. Upon approval of this transfer, these rights will bring an additional 1.36 cfs, 440.8 AFA, and 120 acres of irrigation to the existing rights at the farm for a total of 28.4 cfs, 8099.2 AFA, and 2034.6 acres of irrigation. **Application No. 74719 was also filed by WENDY STOKER, LAVEL STOKER, BRENT STOKER, and MARLA STOKER, 707 E 500 S; BURLEY ID 83318.** Transfer application proposes changing the place of use, points of diversion, period of use, and nature of use for groundwater rights currently used to irrigate a farm located approximately 4.0 mi. north and 11 mi. east of the city Declo. Transfer proposes to dry up 124.6 acres at the farm to be used year round for stockwater and commercial purposes at an existing dairy located approximately 4.5 mi. south and 1.2 mi. west of the city of Declo. Application proposes to use three existing wells at the dairy, located approximately 4.5 mi. south & 1.2 mi. west (two wells) and 4.6 mi south & 1.0 mi. west from the city of Declo. Upon approval of this transfer, these Rights will bring an additional 1.41 cfs and 370 AFA for a total of 3.55 cfs and 765.9 AFA, when combined with other rights at the facility. **Application No. 74781 was filed by ALLIANCE LAND & LIVESTOCK LLC, 707 E 500 S; BURLEY ID 83318.** Transfer application proposes moving water rights from three different farms to a farm and CAFO located approximately 3.1 to 5.0 miles south and 4.0 to 8.0 miles west of the center of Burley (the intersection of Overland and Main). The transfer proposes converting a 45.5 acre portion (0.51 cfs) of two irrigation rights currently appurtenant to a farm located approximately 3.0 miles north and 20.0 miles east of the center of Burley to stock water and commercial use associated with the CAFO facility located southwest of Burley mentioned above. The application also proposes to transfer a 0.37 cfs and 28.1 acre portion of four ground water irrigation rights from a farm located approximately 11.5 miles north and 7.5 miles west of the center of Burley to the farm located southwest of Burley mentioned above for additional irrigation use. The application also proposes to transfer a 0.24 cfs and 11.9 acre portion of a ground water irrigation right from a farm located approximately 6.2 miles north and 13.8 miles west of the center of Burley to the farm located southwest of Burley mentioned above for additional irrigation use. The application also proposes to modify existing ground water rights that allow for the diversion of 30.11cfs and 8678.5afa at the farm and CAFO located approximately 3.1 to 5.0 miles south and 4.0 to 8.0 miles west of the center of Burley by adding additional authorized points of diversion (wells) and modifying their authorized place(s) of use. Upon approval of this transfer, 11 interconnected wells (10 existing wells and one new well to be drilled) on the existing farm and CAFO located southwest of the center of Burley will be used to divert up to 31.23 cfs and 8973.5 af of water to be used in the CAFO and used to irrigate up to 2283.4 acres within a 3088.3 acre permissible place of use.*****The following transfers, 74093, 74094, 74095, 74096, 74396, 74719 and 74781, are being processed as a group because they are related by ESPA ground water model analysis. The transfers are being advertised simultaneously in their respective counties. In the event that any one transfer is protested, then final administrative action on the group of transfers will be delayed until a decision can be issued for each transfer. To see a full description of these rights and proposed transfers, please see: www.idwr.idaho.gov/apps/ExtSearchWRFiling.asp***** Protests may be submitted based on the criteria of Sec 42-222, Idaho Code. Any Protest against approval of Application Nos. 74396, 74719 or 74781 must be filed with IDWR, Southern Region, 1341 Fillmore St.-Suite 200; Twin Falls, ID 83301 with a protest fee of \$25.00 for each application on or before April 27, 2009. The protestant must also send a copy of the protest to the applicant.

David R. Tuthill, JR., Director



OK
4/17/09

