

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

I, Susan Callahan, representing the Challis Messenger, a weekly newspaper, published at Challis, Idaho, do solemnly swear that the notice hereto attached and made a part hereof, was published in the regular and entire issue of the Challis Messenger for 2 consecutive weeks, commencing with the issue dated 7/20 2006 and ending with the issue dated 7/27 2006

Susan Callahan

STATE OF IDAHO)

COUNTY OF CUSTER)

On this 27th day of July in the year of 2006, before me, a Notary Public,

personally appeared Susan Callahan, 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.

Lura H Baker

Notary Public for Idaho
Residing at Clayton, ID
My commission expires: 12-12-09

NOTICE OF APPLICATIONS

The following two applications were filed on 1/4/2006 by MARSHALL D. & JOLENE OGDEN, HC 67 BOX 550; CLAYTON ID 83227 regarding the public waters of the State of Idaho, Custer County.

Application for Permit No. 72-16692

Points of Diversion: SENESE, S29 and NWNENE, S32, both T11N, R17E

Source: FRENCH CREEK Tributary To SALMON RIVER

Use: 04/01 To 10/31 IRRIGATION (0.29 CFS).

Application proposes appropriating 0.29 cfs from French Creek for the irrigation of 14.7 acres within a 27.7-acre permissible place of use along the south side of Highway 75, approximately 0.25 - 0.60 miles south and 3.45 - 3.75 miles west of Clayton. The application proposes two diversions from French Creek, one located

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approximately 0.9 miles south and 3.8 miles west of Clayton and the other diversion located approximately 0.55 miles south and 3.7 miles west of Clayton. This application proposes the diversion and use of water tributary to a federally designated 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 be applied to the subordination amounts specified in the decree for the applicable Salmon River Wild & Scenic River. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code. Application for Transfer No. 72496 proposes creating a 27.7-acre permissible place of use for a 0.29 cfs water right currently diverted from French Creek at a point located approximately 0.9 miles south and 3.8 miles west of Clayton and currently authorized to irrigate 13.0 acres, along the south side of Highway 75, approximately 0.25 - 0.55 miles south and 3.45 - 3.7 miles west of Clayton. The application proposes irrigating 13.0 acres within the proposed 27.7-acre permissible place of use, along the south side of Highway 75, approximately 0.25 - 0.60 miles south and 3.45 - 3.75 miles west of Clayton. The application also proposes adding a second point of diversion at a point located approximately 0.55 miles south and 3.7 miles west of Clayton. Protests may be submitted based on the criteria of Sec 42-222, Idaho Code. For specific details regarding an application, please contact IDWR Southern Regional Office at 208-736-3033 or visit www.idwr.idaho.gov with detail provided under "New Water Right Applications". Protests against approval 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 August 7, 2006. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director
Published: July 20 & 27, 2006.