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AFFIDAVIT OF PUBLICATION

Department of Water Resources
Eastern Region

State of Idaho, County of Custer, ss:

I, Ruth E. Burchill, 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 Feb 12 ~~12~~ 2004 and ending with the issue dated Feb 19 ~~19~~ 2004.

Ruth E Burchill

STATE OF IDAHO

COUNTY OF CUSTER

On this 23rd day of February in the year of 2004 before me, a Notary Public, personally appeared Ruth E. Burchill 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.

Laura H. Baker
Notary Public for Idaho
Laura H. Baker
NOTARY PUBLIC
STATE OF IDAHO
My commission expires 2-12-09

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
TRANSFER NO. 70926**

NO TELLM CREEK RANCH LLC, 4550 E THOUSAND OAKS BLVD #202, WEST LAKE VILLAGE, CA 91362, has filed Application No. 70926 for changes to the following water rights within CUSTER County:

Right No. 34-444

Priority: 6/1/1884
Source: PARSONS CREEK
Use: IRRIGATION (310 acres)
1.60 CFS
Total Amount: 1.60 CFS
Point(s) of Diversion: S30 T08N R23E

S30 T08N R23E
S31 T08N R23E
Place of Use: S30 T08N R23E
S31 T08N R23E

Right No. 34-445

Priority: 6/1/1887
Source: PARSONS CREEK
Use: IRRIGATION (310 acres)
1.60 CFS
Total Amount: 1.60 CFS
Point(s) of Diversion S30 T08N R23E

S30 T08N R23E
S31 T08N R23E
Place of Use: S30 T08N R23E
S31 T08N R23E

Right No. 34-443

Priority: 6/1/1882
Source: PARSONS CREEK
Use IRRIGATION (310 acres)
3.20 CFS
STOCKWATER
Total Amount: 3.20 CFS
Point(s) of Diversion S30 T08N R23E

S30 T08N R23E
S31 T08N R23E
Place of Use: S30 T08N R23E
S31 T08N R23E

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

The applicant proposes to fix an error in the original Adjudication. One point of diversion was incorrect and two diversions were not listed. Below are all the points of diversions that were historically used: NWSW Sec 30 T8N R23E in Parson Creek, SWSW Sec 30 T8N R23E in Parson Creek, NWNW Sec 31 T8N R23E in Parson Creek, SENW Sec 31 T8N R23E in Pole Stackyard Creek and SENW Sec 31 T8N R23E Pole Stackyard Creek. IDWR water distribution section discovered the problem and this transfer is to correct the water rights.

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

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 for each application on or before March 1, 2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director
Publish: Feb. 12 & 19, 2004.