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MAY 12 2008

WATER RESOURCES
WESTERN 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, Twins 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 1st day of May, 2008 and ending with the issue dated 8th day of May, 2008

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

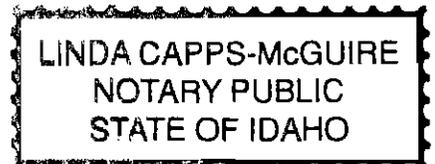
STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 8th day of May, 2008, before me,

a Notary Public, personally appeared 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



✓ OK

APPLICATION FOR NEW WATER RIGHT

M3 Eagle LLC of 533 E Riverside DR, STE 110, Eagle ID 83616 filed the following application to appropriate the public waters of the State of Idaho in the Eagle Foothills north of Eagle between Hwy 16 and Hwy 55, Ada County:

Application 63-32573 filed on 11/21/2006 for 23.18 cfs and 1836 af of storage from ground water for year around municipal use for a planned community. Ground water will be provided from 12 existing wells and up to 15 proposed wells with a water bearing zone from 200 to 650 feet. Major storage will include mostly excavated ponds (no dams) not seeking to capture surface water. Minor storage will involve storage tanks. The applicant seeks a municipal right for reasonably anticipated future needs within its service area for a 30 year planning horizon defined in Sec 42-202B, Idaho Code. The project will include about 7,100 dwelling units, plus parks, businesses, schools, golf courses, community amenities, open spaces and so forth. Water conservation, water treatment and water re-use features are anticipated. The applicant anticipates the property will eventually be annexed by the City of Eagle. The area includes some existing water rights to be held and used by the applicant (existing irrigation etc.). The site covers about 6,000 acres within T5N, R1E, Sections 7, 15, 17-22 and T5N, R1W, Sections 10-15, 21-24, 26-28, 33.

The permit will be subject to all prior water rights. For specific details regarding the applications, please contact the Idaho Department of Water Resources (IDWR) Western Region at 208-334-2190 or visit www.idwr.idaho.gov with detail provided under "new water right applications". Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code. Any protest against approval of the application(s) must be filed with IDWR Western Region, 2735 Airport Way, Boise ID 83705-5082 together with a protest fee of \$25.00 for each application on or before May 19, 2008. The protestant must also send a copy of the protest to the applicant.

DAVID R. TUTHILL, JR., Director

PUBLISH: Times-News May 1 and 8, 2008

✓ OK DB 5-20-08