

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET-STE# 200
TWIN FALLS ID 83301
Phone: 736-3033 Fax: 736-3037

September 2, 2009

ATTN RUBY AUFDERHEIDE, LEGALS DEPARTMENT
TIMES NEWS
PO BOX 548
TWIN FALLS ID 83303-0548

Dear Ruby:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper.

We have inserted the required publication dates. If you cannot publish the notice on the proposed dates, please contact us immediately. In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin, Administrative Assistant

**NOTICE OF APPLICATION FOR APPROVAL OF
A&B IRRIGATION DISTRICT'S MITIGATION PLAN
TO COMPENSATE BLUE LAKES TROUT FARM, INC.**

Notice is hereby given that on August 18, 2009, A&B Irrigation District (A&B), PO Box 675, Rupert, ID, 83350-0675, through its counsel, Barker Rosholt & Simpson LLP, PO Box 485, Twin Falls, ID, 83303-0485, submitted a Mitigation Plan (plan) to the Idaho Department of Water Resources (Department) pursuant to Rule 43 of the Department's Conjunctive Management Rules. ****The plan is intended to satisfy the mitigation obligations of A&B for the Blue Lakes Delivery call regulated by the watermaster of State Water Districts 130 and 140.***A&B holds numerous ground water rights for irrigation uses located within Jerome and Minidoka Counties. Certain of these ground water rights have priority dates junior to the priority dates of certain water rights from surface water sources dependent on springs that discharge to the Devil's Washbowl to Buhl Gage reach of the Snake River. The ground water and the springs are interconnected sources of water. A&B has proposed the plan to compensate for injury to senior priority surface water rights that may result from depletions caused by junior priority ground water rights. The surface water rights that the plan proposes to benefit are: 36-2356A, 36-7210 and 36-7427 held by Blue Lakes Trout Co. LLC for use at its hatchery facility near Alpheus Creek. The plan proposes that A&B will maintain a project within the A&B service area that converts irrigation of 1,378 acres from a ground water source to a surface water supply. A&B will use stored water from the Upper Snake River under its own storage water rights as the surface water supply for the on-going conversion project. The plan includes incidental recharge resulting from conversion and delivery of the surface water using conveyance facilities owned and operated by A&B. The plan also includes the ongoing enrollment of 121 acres of ground water irrigated lands in the Conservation Reserve Enhancement Program (CREP).

The Department will process this plan pursuant to the Department's Conjunctive Management Rules (IDAPA 37, Title 03, Chapter 11).****The Department has not determined the adequacy of the proposed plan. A complete copy of the proposed plan is available for review at either the Department's State Office in Boise, the Department's Regional Office in Twin Falls, or may be viewed online at the following website along with other related documents:

http://www.idwr.idaho.gov/News/WaterCalls/1000Spring%20Users%20Calls/blue_lakes.htm

Any protest against approval of the plan must be filed with the Department, together with a protest fee of \$25, on or before September 28, 2009. The protest must include a certificate of service showing that a copy of the protest has been mailed to or served on A&B and its counsel.

Gary Spackman, Interim Director

Published in the Times News on 9/10 & 9/17/09.