

NOTICE OF APPLICATION FOR APPROVAL OF MITIGATION PLAN

Notice is hereby given that on February 8, 2005, the North Snake Ground Water District, Magic Valley Ground Water District, American Falls-Aberdeen Ground Water District, Bingham Ground Water District, Bonneville-Jefferson Ground Water District, Madison Ground Water District, and South West Irrigation District (collectively referred to as "the districts"), c/o Jeffrey C. Fereday and Michael C. Creamer, Givens Pursley LLP, 601 West Bannock Street, P. O. Box 2720, Boise, Idaho 83701-2720, submitted an application for approval of a Mitigation Plan ("plan") to the Idaho Department of Water Resources ("Department"). The Department will process this plan pursuant to the Department's Conjunctive Management Rules (IDAPA 37, Title 03, Chapter 11).

The members of the districts hold ground water rights from the Eastern Snake River Plain Aquifer ("ESPA") and areas adjacent to the ESPA for domestic, municipal, commercial, and industrial uses, and for irrigation of approximately 800,000 acres located mostly north of the Snake River within Bannock, Bingham, Blaine, Bonneville, Cassia, Gooding, Jerome, Lincoln, Madison, and Minidoka Counties. These ground water rights have priority dates junior to the priority dates of certain water rights from the Snake River and its tributaries. The ground water of the ESPA and the Snake River and its tributaries are interconnected sources of water. The districts have proposed the mitigation plan to mitigate injury to earlier priority surface water rights that may result from depletions under later priority ground water rights.

The proposed mitigation plan filed by the districts consists of seven components. First, the districts propose to provide up to 65,000 acre-feet of replacement water to mitigate injury in any one year from sources including but not limited to: a) rental of storage water from the Water District 01 Rental Pool; b) permanent or dry-year private leases or purchases of surface or ground water supplies; and c) pumping of ground water via replacement supply wells operating under permits held by the Idaho Water Resource Board. Second, to the extent that surface water available to the districts for use as replacement water in any year is insufficient to fully mitigate remaining injury, the districts propose to implement conditional curtailment of ground water use within their districts. Third, the districts propose long-term reductions in ground water withdrawals through voluntary set-aside programs and conversion to surface water irrigation of acres irrigated using ground water. Fourth, the districts propose to participate in state-managed large-scale recharge of the ESPA. Fifth, the districts propose to participate in establishing an accounting system to accurately document the benefits of the proposed mitigation measures. Sixth, the districts propose to participate in implementing appropriate monitoring of water use on the Eastern Snake River Plain. And seventh, the districts propose to participate in establishing an appropriate adaptive management process.

The Department has not made any determinations regarding the adequacy of the proposed mitigation plan. A complete copy of the application and the proposed mitigation plan is available for review at either the Department's State Office in Boise, the Department's Regional Offices in Twin Falls and Idaho Falls, or may be viewed online at the following website: www.idwr.idaho.gov. Any protest against approval of the plan must be filed with the Idaho Department of Water Resources, 322 East Front Street, P. O. Box 83720, Boise, ID 83720-0098, together with a protest fee of \$25 received on or before March 21, 2005. The protest must include a certificate of service showing that a copy of the protest has been mailed to or served on the districts. An expedited hearing on the districts' application and proposed mitigation plan is tentatively scheduled for March 22 – 25, 2005, at the Department's State Office in Boise.

KARL J. DREHER
Director