

RECEIVED  
APR 10 2009  
DEPT. OF WATER RESOURCES  
SOUTHERN 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 2nd day of April, 2009 and ending with the issue dated 9th day of April, 2009

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 uninterrupted 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 uninterrupted.

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 9th day of April, 2009, before me,

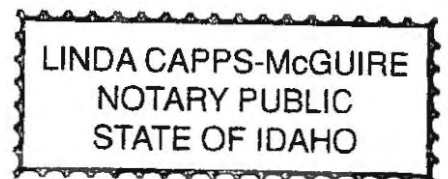
a Notary Public, personally appeared Ruby Aufderheide, *Ruby Aufderheide* known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

*Linda Capps McGuire*  
Notary Public for Idaho  
Residing at Twin Falls, Idaho.

My commission expires: 5-19-09

OK  
MB  
4/17/09

(See Reverse Side)



**NOTICE OF APPLICATION FOR APPROVAL  
OF THIRD MITIGATION PLAN TO COMPENSATE  
SNAKE RIVER FARM**

Notice is hereby given that on March 12, 2009, North Snake Ground Water District and Magic Valley Ground Water District (collectively referred to as "the districts"), c/o Randall C. Budge, Racine Olson Nye Budge & Bailey, PO Box 1391, Pocatello ID 83204-1391, submitted a Third Mitigation Plan (Over-the-Rim Plan) of North Snake Ground Water District and Magic Valley Ground Water District (plan or mitigation plan) to the Department of Water Resources (Department). On March 19, 2009 the districts augmented the plan. 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 for domestic, municipal, commercial and industrial uses, and for irrigation of approximately 220,000 acres located mostly north of the Snake River within Gooding, Jerome, Lincoln, Minidoka, Blaine and Cassia Counties. Certain of these ground water rights have priority dates junior to the priority dates of certain water rights from spring sources that discharge to the Buhl to Thousand Springs reach of the Snake River. The ground water and the springs 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 surface water rights which the mitigation plan proposes to benefit are: 36-4013B and 36-7148, both held by Clear Springs Foods for use at their Snake River Farm hatchery facility. The Over-the-Rim plan provides up to 3.0 cfs continuous flow of ground water or spring water directly into the head works of Clear Springs Foods hatchery facility north of Buhl. The plan proposes to permanently discontinue use of seven wells for irrigation and change the use of the wells from irrigation to year-round aquaculture. This will be accomplished by conversion of the irrigation of up to 2,000 acres near the site from ground water supply to surface water supply and utilization of the wells to supply water to Clear Springs Foods hatchery facility and/or utilization of a spring right held by the Idaho Department of Fish and Game for delivery to Clear Springs Foods hatchery facility.

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/Calls/Spring%20Users%20Calls/snake\\_river.htm](http://www.idwr.idaho.gov/Calls/Spring%20Users%20Calls/snake_river.htm)

Any protest against approval of the plan must be filed with the Department of Water Resources, together with a protest fee of \$25 on or before April 20, 2009. The protest must include a certificate of service showing that a copy of the protest has been mailed to or served on the districts.

DAVID R. TUTHILL JR, Director

Published in the Times News on 4/2 & 4/9/09.