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OCT 30 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 22nd day of October, 2009 and ending with the issue dated 29th day of October, 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 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 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 29th day of October, 2009, 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: 5-19-15

OK
MB
10/30/09

LINDA CAPPS-McGUIRE
NOTARY PUBLIC
STATE OF IDAHO

NOTICE OF MITIGATION PLAN

Notice is hereby given that on October 6, 2009, the Idaho Ground Water Appropriators, Inc. ("IGWA"), c/o Randall C. Budge or Candice McHugh, Racine Olson Nye Budge & Bailey, 101 S. Capitol Blvd., Suite 208, Boise, ID 83702, submitted IGWA's Mitigation Plan for Conversions, Dry-Ups and Recharge ("plan or mitigation plan") to the 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 IGWA hold numerous ground water rights for domestic, municipal, commercial and industrial uses, and for irrigation in excess of 220,000 acres within Southern Idaho. Certain of these ground water rights have priority dates junior to the priority dates of certain water rights from spring sources that discharge to various reaches of the Snake River. The ground water and the springs are interconnected sources of water.

IGWA has proposed the mitigation plan to mitigate injury to earlier priority surface water rights that may result from depletions under later priority ground water rights. Pursuant to this plan, IGWA proposes to mitigate material injury by converting ground water irrigated acres to surface water; voluntarily drying up ground water irrigated acres through programs such as the Conservation Reserve Enhancement Program and the Agricultural Water Enhancement Program; and by early or late season recharge through canal conveyance systems or recharge sites.

The plan is intended to seek advanced approval of these mitigation activities to mitigate for existing or future water calls.

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/ESPA_MitPlan.htm

Any protest against approval of the plan must be filed with the Department, together with a protest fee of \$25.00 on or before November 9, 2009. The protest must include a certificate of service showing that a copy of the protest has been mailed to IGWA's counsel.

Gary Spackman, Interim Director

Publish in the Times News, Idaho Statesman and Post Register on 10/22 & 10/29/09