

Idaho Statesman

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DEPT. OF WATER RESOURCES
SOUTHERN REGION

Account # 100632	DT# 473928	Identification LEGAL NOTICE NOTICE OF MITIGATION PLAN	Amount \$256.25
Attention: MARY BALDWIN	P.O.#	Run Dates NOVEMBER 25, DECEMBER 2, 2009	
IDAHO DEPARTMENT OF WATER RESOURCES 1341 FILLMORE STREET, STE 200 TWIN FALLS ID 83301		Number of Lines 2 X 67	Affidavit 1
		Legal #	

**LEGAL NOTICE
NOTICE OF MITIGATION PLAN SUBMITTED BY THE
IDAHO GROUND WATER APPROPRIATORS, INC.
IN RESPONSE TO THE SURFACE WATER COALITION
WATER DELIVERY CALL**

Notice is hereby given that on November 9, 2009, the Idaho Ground Water Appropriators, Inc. (IGWA), through its counsel, c/o Randy C. Budge, Racine Olson Nye Budge & Bailey, PO Box 1391, Pocatello, ID, 83204-1391, and on behalf of its Ground Water District members, and its other water user members, for and on behalf of their respective members and those ground water users who are non-member participants for mitigation purposes (collectively the "Ground Water Users"), submitted IGWA's Mitigation Plan for the Surface Water Coalition Delivery Call ("plan" or "mitigation plan") to the Idaho Department of Water Resources ("Department"). IGWA Ground Water District members covered by this plan include Aberdeen-American Falls Ground Water District, Bingham Ground Water District, Bonneville-Jefferson Ground Water District, Jefferson-Clark Ground Water District, Magic Valley Ground Water District, and North Snake Ground Water District. The Department will process this plan pursuant to the Department's Conjunctive Management Rules (IDAPA 37, Title 03, Chapter 11).

The plan is intended to satisfy the mitigation obligations of the Ground Water Users for the Surface Water Coalition Water Delivery call administered by the watermasters of State Water District Nos. 110, 120, 130, 140 and 34 and the Department. The Surface Water Coalition ("SWC") consists of irrigation water delivery entities that hold senior surface water rights diverted from the Snake River and tributaries above Milner Dam. SWC members include A&B Irrigation District, American Falls Reservoir District #2, Burley Irrigation District, Milner Irrigation District, Minidoka Irrigation District, North Side Canal Company, and Twin Falls Canal Company.

The Ground Water Users consist of numerous landowners who hold ground water rights for irrigation, commercial, municipal, industrial and other non-dominant consumptive uses located within the Eastern Snake Plain Aquifer ("ESPA"). Certain of these ground water rights have priority dates junior to the priority dates of surface water rights held by the SWC. Ground water sources in the ESPA and the Snake River are interconnected sources of water.

The Ground Water Users have proposed to mitigate injury to all SWC senior priority surface water rights that may result from depletions under junior priority ground water rights held by the Ground Water Users by providing direct delivery of replacement water when necessary during the irrigation season. The source of the replacement water under this plan includes storage water as secured by agreements entered into between IGWA and storage space holders in the Upper Snake Reservoir system. IGWA states in its plan that these existing agreements provide a reliable supply of up to 68,000 acre-feet of storage water that will be available on an annual basis for delivery to SWC entities as may be required by the Director of the Department. The Ground Water Users' commitment to provide direct replacement water to any injured SWC member is subject to conditions that are outlined in the proposed plan. In the event that direct replacement water from storage is not available in a given year that the Director determines water is owed to any SWC member, the Ground Water Users propose to monetarily reimburse the injured SWC member(s) at a rate equivalent to the Water District 01 Rental Pool rate.

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 Offices in Twin Falls and Idaho Falls, or may be viewed online at the following website along with other related documents:

<http://www.idwr.idaho.gov/News/MitigationPlan/SWC/IGWA.htm>

Any protest against approval of the plan must be filed with the Department, together with a protest fee of \$25, on or before December 14, 2009. The protest must include a certificate of service showing that a copy of the protest has been mailed to or served on IGWA, and its counsel.

Gary Spackman, Interim Director

Pub. Nov. 25, Dec. 2, 2009

0000473928-01

JANICE HILDRETH, being duly sworn, deposes and says: That she is the Principal Clerk of *The Idaho Statesman*, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in *The Idaho Statesman*, in conformity with Section 60-108, Idaho Code, as amended, for:

TWO

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beginning issue of: NOVEMBER 25, 2009

ending issue of: DECEMBER 2, 2009

Janice Hildreth

STATE OF IDAHO)

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COUNTY OF ADA)

On this 2 day of DECEMBER in the year of 2009 before me, a Notary Public, personally appeared before me Janice Hildreth 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 she executed the same.

Notary Public for Idaho

Residing at: Boise, Idaho

My Commission expires: 8/23/14

Janice Hildreth

OK MB 12/8/09