

RECEIVED

JAN 29 2018

AFFIDAVIT of PUBLICATION

COPY OF NOTICE

State of Idaho  
County of Blaine

DEPT OF WATER RESOURCES  
SOUTHERN REGION

Pam Morris, being the first duly sworn, deposes and says that she is the printer (publisher) of the Idaho Mountain Express, a newspaper published every week in Ketchum, County of Blaine, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first

publication of said advertisement was on the 17<sup>th</sup> day of

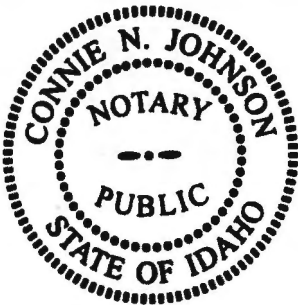
January, 20 18, and the date of the last publication was

on the 24<sup>th</sup> day of January, 20 18

Subscribed and sworn to before me this 24 day of

Jan., 20 18.

Connie N Johnson  
NOTARY PUBLIC



RESIDING AT HAILEY, IDAHO  
MY COMMISSION EXPIRES ON 7/10/2018

IDAHO MOUNTAIN EXPRESS  
P.O. Box 1013  
Ketchum, Idaho 83340

COST OF PUBLICATION

Number of Picas per Line 11.5

Number of Lines in Notice 111

Number of Insertions 2

\_\_\_\_\_ Lines tabular at \_\_\_\_\_ 9.0 cents/pica

111 Lines straight at \$102.12 8.0 cents/pica

111 Subsequent lines at \$89.36 7.0 cents/pica

TOTAL COST \$191.48

Legal Notice  
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IDWR

BILL TO

NOTICE OF MITIGATION PLAN  
SUBMITTED BY SOUTHWEST  
AND GOOSE CREEK IRRIGATION  
DISTRICTS AND THE SURFACE  
WATER COALITION

Notice is hereby given that, on January 4, 2018, Southwest Irrigation District and Goose Creek Irrigation District (collectively, "SWID"), and A&B Irrigation District, American Falls Reservoir District #2, Milner Irrigation District, Minidoka Irrigation District, North Side Canal Company, and Twin Falls Canal Company (collectively, the "Surface Water Coalition"), through counsel of the firms Parsons, Smith, Loveland, Stone & Shirley LLP, 137 West 13th St., P.O. Box 910, Burley, Idaho, 83318; Barker Rosholt & Simpson LLP, P.O. Box 63, Twin Falls, Idaho 83303-0063; and Fletcher Law Office, P.O. Box 248, Burley, Idaho 83318, submitted to the Idaho Department of Water Resources ("Department") a Joint Motion for Approval of Mitigation Agreement ("Motion"). Attached to the Motion as Exhibit A is a Mitigation Agreement executed by SWID and the Surface Water Coalition.

✓ OK AM 2/5/2018

SWID represents numerous landowners who hold ground water rights for irrigation, commercial, and other non-*de minimis* consumptive uses located within the Eastern Snake Plain Aquifer and other areas of Cassia and Twin Falls Counties. Certain of these ground water rights have priority dates junior to the priority dates of surface water rights held by the Surface Water Coalition. The *Mitigation Agreement* intends to benefit senior water rights held by members of the Surface Water Coalition involved in the Surface Water Coalition delivery call.

In the *Mitigation Agreement*, SWID agrees to undertake "aquifer mitigation actions during the years 2018-2026" including groundwater recharge, conversions, and voluntary curtailment "to meet the groundwater level benchmarks and the groundwater level goal set forth" in paragraph seven of the agreement. SWID also agrees that landowners within SWID will not irrigate with any ground water prior to April 1 or after October 31 within a given irrigation season. In exchange, the Surface Water Coalition "agrees that junior priority ground water rights held by SWID members . . . shall not be subject to curtailment in response to" the Surface Water Coalition delivery call during the term of the agreement. The *Mitigation Agreement* "is a perpetual agreement." SWID and the Surface Water Coalition ask that the Director "approve the *Mitigation Agreement*" and "recognize that [SWID's] members' junior priority ground water rights are not subject to curtailment or any further mitigation requirements in response to" the Surface Water Coalition delivery call "during the term of the *Mitigation Agreement*."

The Department will process the Motion and *Mitigation Agreement* pursuant to the Department's Conjunctive Management Rules (IDAPA 37.03.11). A complete copy of the Motion is available for review at either the Department's State Office in Boise, the Department's Regional Office in Twin Falls, or at the following website link:

<https://idwr.idaho.gov/files/legal/CM-MP-2010-001/CM-MP-2010-001-20180104-Joint-Motion-for-Approval-of-Mitigation-Plan.pdf>

The Department has not determined the adequacy of the proposed *Mitigation Agreement*. Any protest against approval of the *Mitigation Agreement* must be filed with any Department office, together with a protest fee of \$25, on or before **FEBRUARY 5, 2018**. The protest must include a certificate of service showing that a copy of the protest has been mailed to or served upon counsel for SWID and the Surface Water Coalition.

Gary Spackman, Director

**PUBLISH**  
**IDAHO MOUNTAIN EXPRESS**  
**JAN. 17 & 24, 2018**



✓ OK AM  
2/5/2018