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JAN 29 2018

DEPT OF WATER RESOURCES
SOUTHERN REGION

Proof of Publication The Post Register

State of Idaho
County of Bonneville

I, ~~Dawn Giannini~~ or Staci Dockery, first being duly sworn, depose and say: That I am the ~~Classified Manager~~, or Legal Notice Representative of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post Register, a newspaper of general circulation, published Tuesday through Sunday at Idaho Falls, Idaho; said Post Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880, and the Idaho Falls Post, established in 1903, such consolidation being made on the First day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than twelve consecutive months and said Post Register having been published continuously and uninterruptedly from the date of such consolidations up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post Register under ad number: 76741 for 2 consecutive (days) weeks, between 01/18/2018 and 01/25/2018, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Staci Dockery

Subscribed and sworn to before me, this 25th day of January 2018

BAMBI L FERGUSON
Notary Public
State of Idaho

Bambi Ferguson

Notary Public
My commission expires: 06/28/2023

_____ attached jurat _____

STATE OF IDAHO

ss.

COUNTY OF BONNEVILLE

Subscribed and sworn to before me, this 25th day of January 2018, before me, the undersigned, a Notary public for said state, personally appeared ~~Dawn Giannini~~ or Staci Dockery, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and being by me duly sworn, declared that the statements therein are true, and acknowledged to me that he/she/they executed the same,

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

BAMBI L FERGUSON
Notary Public
State of Idaho

Bambi Ferguson

Notary Public for The Post Company
Residing: Idaho Falls, Idaho
Commission expires: 06/28/2023

✓ OK AM 2/5/2018

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JAN 28 2018

DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

**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.

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
Published: January 18, and 25, 2018 (76741)

✓ OK DM
2/5/2018

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