

PROOF OF PUBLICATION

STATE OF IDAHO
Madison and Fremont Counties

SJ 8402

KAREN MASON

**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.

being first duly sworn on oath deposes and says: that SHE was at all times herein mention a citizen of the United States of America more than 21 years of age, and the Principal Clerk of the Standard Journal, a two times a week newspaper, published in Madison and Fremont Counties Idaho and having a general circulation therein.

That the document or notice, a true copy of which is attached, was published in the said STANDARD JOURNAL, on the following dates, to-wit:

Jan 19 2018 Jan _____ 2018
Jan 26 2018 Jan _____ 2018
Jan _____ 2018 Jan _____ 2018
Jan _____ 2018 Jan _____ 2018

That said paper has been continuously and uninterruptedly published in said County for a period of seventy-eight weeks prior to the publication of said notice of advertisement and is a newspaper within the meaning of the laws of Idaho.

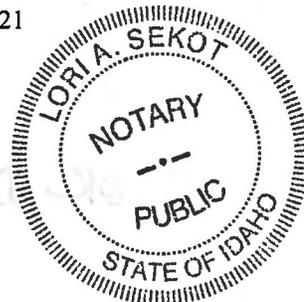
Karen Mason

STATE OF IDAHO
COUNTY OF Madison and Fremont

On this 26th of Jan. in the year of 2018, before me, a Notary Public, personally appeared KAREN MASON 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 acknowledge to me that he executed the same.

Notary of Public
Lori A. Sekot
Residing at Arimo

My commission expires 3/3//2021



✓ OK DM 2/5/2018

8100/2/18

RECEIVED

JAN 2 2018

DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

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 in the Idaho Mountain Express, Mountain Home News, and Power County Press on January 17th & 24th, 2018; and the Times News, Idaho Statesman, Post Register, and Idaho State Journal on January 18th & 25th, 2018; and the Rexburg Standard Journal on January 19th & 26th, 2018.

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