

NOTICE OF AMENDED THIRD MITIGATION PLAN SUBMITTED BY THE IDAHO GROUND WATER APPROPRIATORS, INC. IN RESPONSE TO THE RANGEN, INC. WATER DELIVERY CALL

Notice is hereby given that, on May 29, 2014, 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 members, and its non-member participants for mitigation purposes (collectively the "Ground Water Users"), submitted IGWA's Third Mitigation Plan for the Rangen, Inc. delivery call ("call"), to the Idaho Department of Water Resources ("Department"). Notice of IGWA's Third Mitigation Plan was suspended when, on June 10, 2014, IGWA filed an Amended Third Mitigation Plan.

IGWA's Amended Third Mitigation Plan ("mitigation plan") replaces the Third Mitigation Plan and is intended to mitigate for the call and other delivery calls made to the Department by other water users in Water District 36A (Hagerman Valley area). The Department will process IGWA's mitigation plan pursuant to the Department's Conjunctive Management Rules (IDAPA 37.03.11).

The mitigation plan is intended to satisfy the Ground Water Users' mitigation obligations related to the call as defined in the following orders issued by the Director: January 29, 2014, Final Order Regarding Rangen, Inc.'s Petition For Delivery Call; Curtailing Ground Water Rights Junior to July 13, 1962; April 11, 2014, Order Approving in Part and Rejecting in Part IGWA's Mitigation Plan; Order Lifting Stay Issued February 21, 2014; Amended Curtailment Order; and May 16, 2014, Amended Order Approving in Part and Rejecting in Part IGWA's Mitigation Plan; Order Lifting Stay Issued February 21, 2014; Amended Curtailment Order ("orders"). The plan is also intended to satisfy the Ground Water Users' additional mitigation obligations related to pending or future calls from surface water and spring users in the Hagerman Valley area.

The orders, mitigation plan, and other related documents may be viewed online at the following website link:

<http://www.idwr.idaho.gov/News/MitigationPlan/Rangen/IGWA3rd.htm>

Rangen, Inc. ("Rangen") holds water rights for fish propagation from the Martin-Curren Tunnel which is hydrologically connected to the Eastern Snake Plain Aquifer ("ESPA"). Other water users in the Hagerman Valley area hold water rights from various springs or creeks also connected to the ESPA.

The Ground Water Users consist of numerous landowners who hold ground water rights for irrigation, commercial, municipal, industrial, and other non-deminimis consumptive uses located within the ESPA. Certain of these ground water rights have priority dates junior to the priority dates of rights held by Rangen and others in the Hagerman Valley area.

The Ground Water Users have proposed the mitigation plan to mitigate injury to Rangen's senior water rights and other senior water right holders in the Hagerman Valley area caused by pumping pursuant to junior priority ground water rights held by the Ground Water Users.

AFFIDAVIT OF PUBLICATION

County of Elmore } ss.
State of Idaho

I, **Brenda M. Fincher**, do solemnly swear that I am the Publisher of the:

Mountain Home News

A weekly newspaper of general circulation, published once a week, in Mountain Home, Idaho, that the notice attached hereto which is a part of publication thereof; was published in said newspaper for 2 consecutive weeks, the first publication having been made on the 18th day of June, 2014, and the last publication having been made on the 25th day of July, 2014; every Wednesday issue of the paper during the period and time of publication and that the notice was published in the paper proper and not in a supplement thereof.

And I further swear that the said Mountain Home News has been continuously and uninterruptedly published in said Elmore County during the period of 78 consecutive weeks prior to the first publication of the attached notice.

Brenda M. Fincher

Publisher

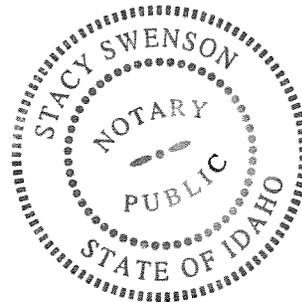
Subscribed and sworn to me this 30th day of June 2014.

[Signature]

Notary Public

Residing in Mountain Home, Elmore County, Idaho.

My commission expires **11-17-2017**.



✓ ok
DM
7/2/2014

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JUL 02 2014

DEPT OF WATER RESOURCES
SOUTHERN REGION

→
over

The plan contains multiple components including:

- Sandy Pond Recharge;
- Improvements to Martin-Curren Tunnel Diversion;
- Direct delivery of water to Rangen pursuant to pending application to appropriate water no. 36-16976 if and when approved;
- Recirculation of Rangen water rights via a proposed pump-back system operated by IGWA;
- Lease or purchase of the right to deliver water from the Aqua Life Hatchery to Rangen's place of use or to other water users in the Hagerman Valley Area.

The Department has not determined the adequacy of the proposed plan. A complete copy of the plan is available for review at either the Department's State Office in Boise, the Department's Regional Office in Twin Falls, or at the website link above.

Any protest against approval of the plan must be filed with the Department, together with a protest fee of \$25, within ten days of the last day of publication of this notice. 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, Director
First Publication: June 18, 2014
Last Publication: June 25, 2014

✓ OK AM 7/2/2014



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JUL 10 2014

WATER RIGHTS DIVISION

Affidavit of Publication
STATE OF IDAHO)
COUNTY OF TWIN FALLS) SS.

RECEIVED
JUN 27 2014
DEPT. OF WATER RESOURCES
SOUTHERN REGION

I, Ruby Aufderheide, being first duly sworn upon oath, depose and say that I am Legal Clerk of the TIMES-NEWS, published daily at, Twin 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 19th day of June, 2014 and ending with the issue dated 26th day of June, 2014

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 uninterruptedly.

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 26th day of June, 2014, 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.

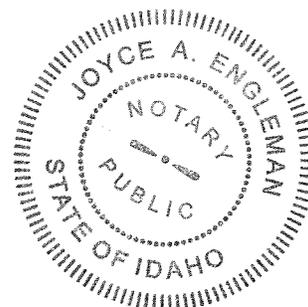
Joyce A. Engleman

Notary Public for Idaho
Residing at Twin Falls, Idaho

6/28/14

My commission expires: _____

✓ OK AM 7/2/2014



**NOTICE OF AMENDED THIRD MITIGATION PLAN
SUBMITTED BY THE IDAHO GROUND WATER
APPROPRIATORS, INC.
IN RESPONSE TO THE RANGEN, INC.
WATER DELIVERY CALL**

✓ OK DM
7/2/2014

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The mitigation plan is intended to satisfy the Ground Water Users' mitigation obligations related to the call as defined in the following orders issued by the Director: January 29, 2014, Final Order Regarding Rangen, Inc's Petition For Delivery Call; Curtailing Ground Water Rights Junior to July 13, 1962; April 11, 2014, Order Approving in Part and Rejecting in Part IGWA's Mitigation Plan; Order Lifting Stay Issued February 21, 2014; Amended Curtailment Order; and May 16, 2014, Amended Order Approving in Part and Rejecting in Part IGWA's Mitigation Plan; Order Lifting Stay Issued February 21, 2014; Amended Curtailment Order ("orders"). The plan is also intended to satisfy the Ground Water Users' additional mitigation obligations related to pending or future calls from surface water and spring users in the Hagerman Valley area.

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The Department has not determined the adequacy of the proposed plan. A complete copy of the plan is available for review at either the Department's State Office in Boise, the Department's Regional Office in Twin Falls, or at the website link above.

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Gary Spackman, Director

Published in the Mountain Home News and Idaho Mountain Express on June 18th & 25th, 2014; and the Times News on June 19th & 26th, 2014.

AFFIDAVIT of PUBLICATION

State of Idaho
County of Blaine

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 18 day of

June, 20 14, and the date of the last publication was

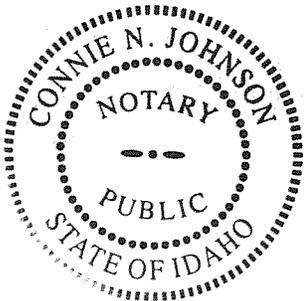
on the 25 day of June, 20 14

Pam Morris

Subscribed and sworn to before me this 25 day of

June, 20 14.

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 116

Number of Insertions 2

Lines tabular at _____ 9.0 cents/pica
116 Lines straight at 106.72 8.0 cents/pica
116 Subsequent lines at 93.38 7.0 cents/pica
TOTAL COST \$ 200.10

COPY OF NOTICE

Legal Notice

TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IDWR

BILL TO

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JUN 26 2014

DEPT. OF WATER RESOURCES
SOUTHERN REGION

✓ OK DM
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PUBLISH:
IDAHO MOUNTAIN EXPRESS
June 18 & 25, 2014

✓ OK DM 7/2/2014

