

**NOTICE OF FOURTH 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 August 27, 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 Fourth Mitigation Plan to the Idaho Department of Water Resources ("Department").

IGWA's Fourth Mitigation Plan ("mitigation plan") is intended to mitigate for the Rangen, Inc. delivery call ("call") made to the Department. The mitigation plan proposes an alternate means of providing mitigation in addition to those that are or may be authorized under IGWA's first, second, and third mitigation plans. The Department will process the 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*; 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*; and June 20, 2014, *Order Approving IGWA'S Second Mitigation Plan; Order Lifting Stay Issued April 28, 2014; Second Amended Curtailment Order* ("orders").

The orders, mitigation plan, and other related documents may be viewed online at the following website link under four different tabs related to each of the mitigation plans filed by IGWA with respect to the call:

<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"). The Ground Water Users consist of numerous landowners who hold ground water rights for irrigation, commercial, municipal, industrial, and other non-de minimis 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.

The Ground Water Users have proposed the mitigation plan to mitigate injury to Rangen's senior water rights caused by pumping pursuant to junior priority ground water rights held by the Ground Water Users. The mitigation plan contains multiple components including:

- Lease or purchase of 10.0 cfs of water right nos. 36-7072 and 36-8356 owned by SeaPac;
- Long-term lease or purchase from the Idaho Water Resource Board of Aqua Life water right nos. 36-4011 (mistakenly identified as 36-1044 in mitigation plan), 36-2734, 36-15476, 36-2414, and 36-2338 to make available to SeaPac;
- Design, construction, operation, and maintenance of the water intake and collection facilities, pump station, and pipeline to transport water from Sea Pac's Magic Springs facility to the head of Billingsley Creek directly up gradient from the Rangen hatchery;
- Acquisition of permanent easements at Magic Springs for the water intake and collection facilities, pump station, pipeline, and other necessary features for delivery of water to the head of Billingsley Creek; and
- Approval of a transfer application to change the place of use to Rangen.

The Department has not determined the adequacy of the proposed mitigation plan. A complete copy of the mitigation 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 mitigation 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 upon IGWA and its counsel.

Gary Spackman, Director

Published in the Mountain Home News and Idaho Mountain Express on September 3rd & 10th, 2014; and the Times News on September 4th & 11th, 2014.