

**NOTICE OF FIFTH 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 December 18, 2014, the Idaho Ground Water Appropriators, Inc. ("IGWA"), through its counsel Randy C. Budge, Racine Olson Nye Budge & Bailey, PO Box 1391, Pocatello, ID, 83204-1391, and on behalf of its members and non-member participants in mitigation activities (collectively the "Ground Water Users"), submitted IGWA's Fifth Mitigation Plan ("Mitigation Plan") to the Idaho Department of Water Resources ("Department"). 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 provide mitigation water to Rangen, Inc. ("Rangen"), as a result of the 2011 delivery call filed with the Department by Rangen. The Mitigation Plan proposes an alternate means of providing mitigation to Rangen in addition to those authorized under IGWA's first mitigation plan (CM-MP-2014-001) and IGWA's fourth mitigation plan (CM-MP-2014-006).

The Mitigation Plan may be viewed online at the following website link:

<http://www.idwr.idaho.gov/News/MitigationPlan/Rangen/IGWA5th.htm>

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 material injury to any water rights now owned or hereafter acquired by Rangen from the Martin-Curren Tunnel. The Mitigation Plan proposes to deliver water to Rangen under water right no. 36-16976. Permit to Appropriate Water no. 36-16976 ("Permit"), which is owned by IGWA's member groundwater districts North Snake Ground Water District, Bingham Ground Water District, Bonneville-Jefferson Ground Water District, Jefferson-Clark Ground Water District, Madison Ground Water District, and Magic Valley Ground Water District (collectively, the "Districts"), was issued by the Department on November 18, 2014, pursuant to a preliminary order. The Permit authorizes the Districts to divert up to twelve cfs from Billingsley Creek for mitigation purposes from two alternative points of diversion. One point of diversion is commonly known as the Bridge Diversion which may be used to divert mitigation water to Rangen's Large Raceways. The other consists of a pump station which may be used to pump water from Billingsley Creek to Rangen's Hatch House, Green House, and/or Small Raceways.

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

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