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DEPT OF WATER RESOURCES  
SOUTHERN REGION

AFFIDAVIT OF PUBLICATION

*Lani Brewer*

I, *Lani Brewer*, of the Arco Advertiser, a weekly newspaper of general circulation, published weekly at Arco, Idaho, since March, 1909, do solemnly swear that a copy of this notice, per clipping attached, was published weekly in the regular and entire issue of said newspaper, and not in any supplement thereof,

for 2 consecutive weeks, commencing with the issue dated November 16, 2017

and ending with the issue dated November 23, 2017

STATE OF IDAHO

COUNTY OF BUTTE

On this 23<sup>rd</sup> day of November

in the year of 2017, before me, a Notary Public,

personally appeared

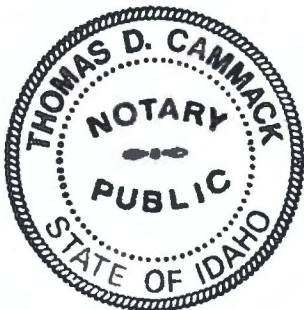
*Lani Brewer*

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.

*Thomas D. Cammack*  
Notary Public for Idaho

Residing at Arco, Idaho

My commission expires: 1-23-2022



LEGAL NOTICE

LEGAL NOTICE

See Legal Notices Online at [idahopublicnotices.com](http://idahopublicnotices.com)

NOTICE OF MITIGATION PLAN SUBMITTED BY THE UPPER BIG LOST RIVER GROUND WATER ASSOCIATION

Notice is hereby given that, on October 13, 2017, the Upper Big Lost River Ground Water Association ("Association") submitted to the Idaho Department of Water Resources ("Department") a Mitigation and Aquifer Enhancement Plan of and for the Upper Big Lost River Ground Water Association Users ("Mitigation Plan") pursuant to Rule 50.04 of the Department's Water Distribution Rules for Water District 34 (IDAPA 37.03.12.050.04) and the Department's Rules for Conjunctive Management of Surface and Ground Water Resources (IDAPA 37.03.11).

The Mitigation Plan states the Association "functions mainly for the purpose of mitigation" and "the purpose of mitigation is to augment the natural flow of the Big Lost River downstream from Mackay Dam to replace water that would be available in the river absent the diversion and use of ground water." Mitigation Plan at 1. The Mitigation Plan also states "it is intended to meet the requirements of mitigation by augmentation of the natural flow of the Big Lost River" and that "Association Users ground water rights currently represent 12.67% of the total licensed Ground Water CFS in Basin 34." Id.

The Mitigation Plan "describes categories from which water supplies may be obtained to mitigate withdrawal and use of ground water for consumptive purposes," including "stored water in the Mackay Reservoir" and "[a]ll of part of the water available from a valid existing right to divert the flow of the Big Lost River." Id. at 2. The Mitigation Plan states the Association may "use other means of mitigation including, but not limited to, consumption reduction by crop management, irrigation pivot end gun use reduction or non-use, diversion limitation or other creative means." Id. The Mitigation Plan describes "current aquifer stabilization/enhancement efforts" such as "managed recharge efforts," "potential and future stabilization/enhancement methods," and "other means and methods to achieve ground water demand reductions" such as "[g]round water to surface water conversions." Id. at 5.

The Department will process the Mitigation Plan pursuant to Rule 50.04 of the Department's Water Distribution Rules for Water District 34 (IDAPA 37.03.12.050.04) and pursuant to the Department's Rules for Conjunctive Management of Surface and Ground Water Resources (IDAPA 37.03.11). A copy of the Mitigation Plan is available for review at either the Department's State Office in Boise or at the following website link:

<https://idwr.idaho.gov/legal-actions/mitigation-plan-actions/upper-big-lost.html>

The Department has not determined the adequacy of the proposed Mitigation Plan. Any protest against approval of the Mitigation Plan must be filed with any Department office, together with a protest fee of \$25, on or before **December 4, 2017**. The protest must include a certificate of service showing that a copy of the protest has been mailed to or served upon the Upper Big Lost River Ground Water Association, P.O. Box 122, Mackay, Idaho 83251.

GARY SPACKMAN, Director

Published in the Arco Advertiser, Challis Messenger, and Post Register on November 16th and 23rd, 2017.

✓ OK *AM* 1-4-2018