



PROOF OF PUBLICATION
Idaho State Journal

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DEPT OF WATER RESOURCES
SOUTHERN REGION

State of Idaho
County of Bannock

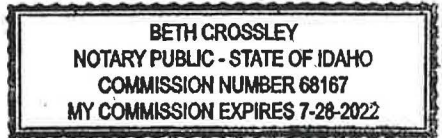
I, ~~Dawn Giannini~~, or Collins Crapo first being duly sworn, depose and say: That I am the ~~Classified Manager~~, or Processing Clerk employed by Adams Publishing Group of the Rockies LLC, publishers of Idaho State Journal, a newspaper of general circulation, published 4 days, Tues-Wed-Friday and Sunday, at Pocatello, Idaho.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Idaho State Journal for 2, first publication having been made on 09/15/2021 last publication having been made on 09/22/2021, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

[Handwritten signature]

Subscribed and sworn to before me, on this 22nd day of September, 2021

[Handwritten signature]



Notary Public
My commission expires:

_____ attached jurat _____

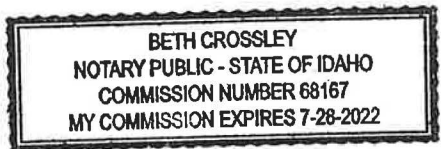
STATE OF IDAHO

ss.

COUNTY OF BANNOCK

On this 22nd day of September, 2021 before me, the undersigned, a Notary public for said state, personally appeared ~~Dawn Giannini~~ or Collins Crapo, known or identified to me to be the person(s) whose name(s) is/are 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/she/they executed the same,

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



[Handwritten signature]

Notary Public for APG of the Rockies
Residing: Idaho Falls, Idaho
Commission expires:

✓ sm 10/8/2021



**NOTICE OF MITIGATION AGREEMENT SUBMITTED BY
THE WATER MITIGATION COALITION
AND THE SENIOR WATER USERS' COALITION**

Notice is hereby given that on August 26, 2021, the Idaho Department of Water Resources ("Department") received a request to process a *Stipulation Regarding Mitigation and Motion for Approval* ("Mitigation Agreement"), entered into in 2007 by the Water Mitigation Coalition ("WMC"), a group of ground water right holders comprised of J.R. Simplot Company, Basic American Foods, a division of Basic American, Inc., and ConAgra Foods Packaged Foods Company, Inc., d/b/a/ Lamb-Weston, and the Senior Water Users' Coalition ("Senior Coalition"), consisting of A&B Irrigation District, Burley Irrigation District, Milner Irrigation District, Minidoka Irrigation District, North Side Canal Company, Twin Falls Canal Company, American Falls Reservoir District #2, Minidoka Irrigation District, and Clear Springs Foods, Inc.

The Department will process the Mitigation Agreement pursuant to the Department's Conjunctive Management ("CM") Rules (IDAPA 37.03.11). The Mitigation Agreement may be viewed at:

<https://idwr.idaho.gov/legal-actions/delivery-call-actions/wmc-mitigation-plan/>

The Mitigation Agreement specifies that for a minimum of twenty years, the WMC will acquire and annually deliver 10,000 acre feet of Minidoka Irrigation District stored water to the Senior Coalition for the purposes of mitigating the stipulated depletion amount of 10,000 acre-feet per annum. Mitigation Agreement at ¶ 7-8. In return, the Senior Coalition agrees to "fully subordinate any surface water Delivery Call to WMC's water rights listed on Exhibit A." *Id.* at 8. The parties intend the Delivery Call subordination to remain in effect indefinitely with no additional obligations by WMC provided certain provisions of the Mitigation Agreement are satisfied and there are no additional parties or water rights in the Delivery Call subordination. *Id.* The parties agree that the WMC will pay for yearly water rental fees for 10,000 acre feet of mitigation storage water should the WMC be unable to deliver the 10,000 acre feet of storage water from Minidoka Irrigation District. *Id.*

The Department has not determined the adequacy of the Mitigation Agreement. A complete copy of the Mitigation Agreement is available for review at any of the Department's offices or at the website link above.

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 **October 4, 2021**. The protest must include a certificate of service showing that a copy of the protest has been mailed to or served upon counsel for the Water Mitigation Coalition (Albert P. Barker, 1010 W. Jefferson St., Suite 102, Boise, ID 83702) and counsel for the Senior Water Users Coalition (Travis Thompson, P.O. Box 63, Twin Falls, ID 83303-0063; Kent Fletcher, P.O. Box 248, Burley, ID 83318-0248; and John Simpson, 1010 W. Jefferson St., Suite 102, Boise, ID 83702).

Gary Spackman, Director

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✓ dm 10/8/2021