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DEPT. OF WATER RESOURCES
SOUTHERN REGION

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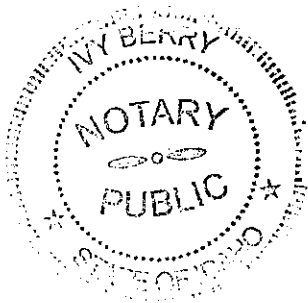
State of Idaho
County of Bonneville

I, ~~Dan Moore~~, or Joanna Hibbert, first being duly sworn, depose and say: That I am the Operations Manager, or Production Supervisor of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post Register, a newspaper of general circulation, published daily at Idaho Falls, Idaho; said Post Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the First day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than twelve consecutive months and said Post Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post Register for 2 consecutive (days) weeks, first publication having been made on the 22ND day of OCTOBER 2009, last publication having been made on the 29TH day of OCTOBER 2009 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.

Joanna Hibbert

Subscribed and sworn to before me, this 4TH day of NOVEMBER 2009



Ivy Berry

Notary Public

My commission expires January 10, 2015

Credit

(See Reverse Side)

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CM-MP-2009-006

NOTICE OF MITIGATION PLAN

Notice is hereby given that on October 6, 2009, the Idaho Ground Water Appropriators, Inc. ("IGWA"), c/o Randall C. Budge or Candice McHugh, Racine Olson Nye Budge & Bailey, 101 S. Capitol Blvd., Suite 208, Boise, ID 83702, submitted IGWA's Mitigation Plan for Conversions, Dry-Ups and Recharge ("plan or mitigation plan") to the Department of Water Resources ("Department").

The Department will process this plan pursuant to the Department's Conjunctive Management Rules (IDAPA 37, Title 03, Chapter 11).

The members of IGWA hold numerous ground water rights for domestic, municipal, commercial and industrial uses, and for irrigation in excess of 220,000 acres within Southern Idaho. Certain of these ground water rights have priority dates junior to the priority dates of certain water rights from spring sources that discharge to various reaches of the Snake River. The ground water and the springs are interconnected sources of water.

IGWA has proposed the mitigation plan to mitigate injury to earlier priority surface water rights that may result from depletions under later priority ground water rights. Pursuant to this plan, IGWA proposes to mitigate material injury by converting ground water irrigated acres to surface water; voluntarily drying up ground water irrigated acres through programs such as the Conservation Reserve Enhancement Program and the Agricultural Water Enhancement Program; and by early or late season recharge through canal conveyance systems or recharge sites.

The plan is intended to seek advanced approval of these mitigation activities to mitigate for existing or future water calls.

The Department has not determined the

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adequacy of the proposed plan. A complete copy of the proposed plan is available for review at either the Department's State Office in Boise, the Department's Regional Office in Twin Falls, or may be viewed online at the following website along with other related documents:

http://www.idwr.idaho.gov/News/WaterCalls/1000Spring%20Users%20Calls/ESPA_MitPlan.htm

Any protest against approval of the plan must be filed with the Department, together with a protest fee of \$25.00 on or before November 9, 2009. The protest must include a certificate of service showing that a copy of the protest has been mailed to IGWA's counsel.

Gary Spackman, Interim Director

Published: October 22, 29, 2009 (5184091)