

NOTICE OF SECOND 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 March 10, 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 Second Mitigation Plan ("plan" or "mitigation plan") for the Rangen Inc. Delivery Call ("call") to the Idaho Department of Water Resources ("Department"). The Department will process this plan pursuant to the Department's Conjunctive Management Rules (IDAPA 37.03.11).

The plan is intended to satisfy the Ground Water Users mitigation obligations related to the call as defined in the January 29, 2014, "Final Order Regarding Rangen Inc's Petition For Delivery Call; Curtailing Ground Water Rights Junior to July 13, 1962" ("order") issued by the Director. The order, plan, and other related documents may be viewed online at the following website link: <http://www.idwr.idaho.gov/News/WaterCalls/1000Spring%20Users%20Calls/Rangen.htm>

Rangen Inc. ("Rangen") holds water rights for fish propagation rights 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-deminimis 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 a second plan to mitigate injury to Rangen's senior water rights that result from depletions under junior priority ground water rights held by the Ground Water Users. The second plan includes multiple components including:

- Acquisition of Tucker Springs water rights owned by the State of Idaho;
- Design and construction of a pump station with pumps, motors, and related equipment to pump water from Tucker Springs to Rangen;
- Design and construction of approximately 1.3 miles of pipeline to deliver water from Crystal Springs to Rangen;
- Acquisition by purchase of condemnation of the necessary rights of way for the above described facilities and pipeline;
- Permission from Rangen to access its property for engineering and design purposes; and
- An easement from Rangen to construct and operate the pipeline and other facilities necessary to deliver water to Rangen property.

The Department has not determined the 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 Offices in Twin Falls, or at the website link above.

Any protest against approval of the 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 on IGWA, and its counsel.

Gary Spackman, Director
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AFFIDAVIT OF PUBLICATION

County of Elmore } ss.
State of Idaho

I, **Brenda M. Fincher**, do solemnly swear that I am the Publisher of the:

Mountain Home News

A weekly newspaper of general circulation, published once a week, in Mountain Home, Idaho, that the notice attached hereto which is a part of publication thereof; was published in said newspaper for 2 consecutive weeks, the first publication having been made on the 19th day of March, 2014, and the last publication having been made on the 26th day of March, 2014; every Wednesday issue of the paper during the period and time of publication and that the notice was published in the paper proper and not in a supplement thereof.

And I further swear that the said Mountain Home News has been continuously and uninterruptedly published in said Elmore County during the period of 78 consecutive weeks prior to the first publication of the attached notice.

Brenda M Fincher

Publisher

Subscribed and sworn to me this 27th day of March, 2014.

[Signature]

Notary Public

Residing in Mountain Home, Elmore County, Idaho.

My commission expires **11-17-2017**.

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DEPT. OF WATER RESOURCES
SOUTHERN REGION

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3/31/2014*

