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AFFIDAVIT of PUBLICATION SEP 12 2014

COPY OF NOTICE

State of Idaho
County of Blaine

Pam Morris

DEPT OF WATER RESOURCES
SOUTHERN REGION

Pam Morris, being the first duly sworn, deposes and says that she is the printer (publisher) of the Idaho Mountain Express, a newspaper published every week in Ketchum, County of Blaine, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first

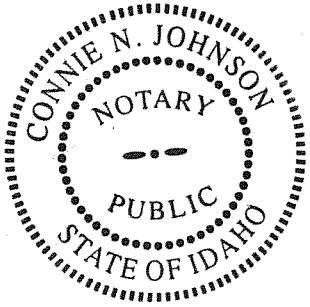
publication of said advertisement was on the 3 day of

Sept., 20 14, and the date of the last publication was on the 10 day of Sept., 20 14

Pam Morris

Subscribed and sworn to before me this 10 day of Sept., 20 14.

Connie N Johnson
NOTARY PUBLIC



RESIDING AT HAILEY, IDAHO
MY COMMISSION EXPIRES ON 7/10/2018

IDAHO MOUNTAIN EXPRESS
P.O. Box 1013
Ketchum, Idaho 83340
COST OF PUBLICATION

Number of Picas per Line 11.5
Number of Lines in Notice 134
Number of Insertions 2

Lines tabular at _____ 9.0 cents/pica
134 Lines straight at 123.28 8.0 cents/pica
134 Subsequent lines at 107.87 7.0 cents/pica
TOTAL COST \$231.15

Legal Notice
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IDWR

BILL TO

NOTICE OF FOURTH 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 August 27, 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 Fourth Mitigation Plan to the Idaho Department of Water Resources ("Department").
IGWA's Fourth Mitigation Plan ("mitigation plan") is intended to mitigate for the Rangen, Inc. delivery call ("call") made to the Department. The mitigation plan proposes an alternate means of providing mitigation in addition to those that are or may be authorized under IGWA's first, second, and third mitigation plans. The Department will process the mitigation plan pursuant to the Department's Conjunctive Management Rules (IDAPA 37.03.11).

OVER →

✓ ok DM 9-16-2014

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SEP 15 2014
DEPT OF WATER RESOURCES
MONTICELLO

The mitigation plan is intended to satisfy the Ground Water Users' mitigation obligations related to the call as defined in the following orders issued by the Director: January 29, 2014, *Final Order Regarding Rangen, Inc's Petition For Delivery Call; Curtailing Ground Water Rights Junior to July 13, 1962*; April 11, 2014, *Order Approving in Part and Rejecting in Part IGWA's Mitigation Plan; Order Lifting Stay Issued February 21, 2014; Amended Curtailment Order*; May 16, 2014, *Amended Order Approving in Part and Rejecting in Part IGWA's Mitigation Plan; Order Lifting Stay Issued February 21, 2014; Amended Curtailment Order*; and June 20, 2014, *Order Approving IGWA'S Second Mitigation Plan; Order Lifting Stay Issued April 28, 2014; Second Amended Curtailment Order* ("orders").

The orders, mitigation plan, and other related documents may be viewed online at the following website link under four different tabs related to each of the mitigation plans filed by IGWA with respect to the call:

<http://www.idwr.idaho.gov/News/MitigationPlan/Rangen/IGWA3rd.htm> *

Rangen, Inc. ("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 injury to Rangen's senior water rights caused by pumping pursuant to junior priority ground water rights held by the Ground Water Users. The mitigation plan contains multiple components including:

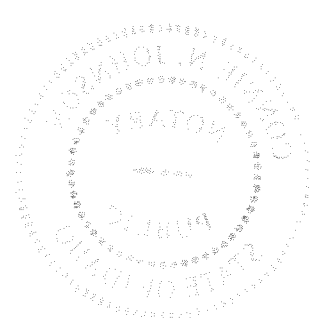
- Lease or purchase of 10.0 cfs of water right nos. 36-7072 and 36-8356 owned by SeaPac;
- Long-term lease or purchase from the Idaho Water Resource Board of Aqua Life water right nos. 36-4011 (mistakenly identified as 36-1044 in mitigation plan), 36-2734, 36-15476, 36-2414, and 36-2338 to make available to SeaPac;
- Design, construction, operation, and maintenance of the water intake and collection facilities, pump station, and pipeline to transport water from Sea Pac's Magic Springs facility to the head of Billingsley Creek directly up gradient from the Rangen hatchery;
- Acquisition of permanent easements at Magic Springs for the water intake and collection facilities, pump station, pipeline, and other necessary features for delivery of water to the head of Billingsley Creek; and
- Approval of a transfer application to change the place of use to Rangen.

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

PUBLISH
IDAHO MOUNTAIN EXPRESS
Sept. 3 & 10, 2014



✓ OK DM 9-16-2014

← REVO

* Link should have directed to "4th" plan. Newspaper did not modify / correct as requested.
DM