

NOTICE OF STIPULATION REGARDING A&B IRRIGATION DISTRICT'S AMENDED MITIGATION PLAN IN RESPONSE TO THE SURFACE WATER COALITION WATER DELIVERY CALL

Notice is hereby given that, on December 27, 2023, A&B Irrigation District ("A&B"), Burley Irrigation District, Milner Irrigation District, North Side Canal Company, and Twin Falls Canal Company, through their counsel Travis L. Thompson, PO Box 63, Twin Falls, ID 83303-0063, and the American Falls' Reservoir District #2 and Minidoka Irrigation District, through their counsel, Kent Fletcher, PO Box 248, Burley, ID 83318, submitted a *Stipulation Regarding A&B Irrigation District's Amended Rule 43 Mitigation Plan ("Stipulation Mitigation Plan" or "Stipulation")* to the Idaho Department of Water Resources ("Department"). The irrigation entities listed herein who submitted the Stipulation are collectively known as the "Stipulating Parties."

The *Stipulation* is intended to satisfy A&B's mitigation obligations for the Surface Water Coalition ("SWC") Water Delivery Call administered by the Department and watermasters of state water districts who administer ground water rights within the Eastern Snake Plain Aquifer ("ESPA"). The SWC consists of irrigation water delivery entities that hold senior surface water rights diverted from the Snake River above Milner Dam. The SWC members include all of the Stipulating Parties referenced above in this notice. A&B holds ground water rights within a portion of the ESPA that are junior in priority to the SWC's senior priority Snake River water rights.

✓ OK DM
2/5/2024

AFFIDAVIT OF PUBLICATION

RECEIVED

JAN 29 2024

DEPT OF WATER RESOURCES
SOUTHERN REGION

County of Elmore}

} ss

State of Idaho }

I, Swana Stokes, do solemnly swear that I am the legal clerk 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 part of publication thereof; was published in print, in said newspaper for 2 consecutive weeks, the first publication having been made on the 17 day of Jan, 2024, and the last publication having been made on the 24 day of Jan, 2024, in 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 a supplement thereof.

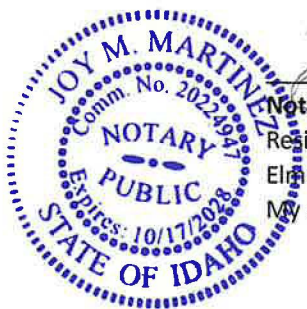
The attached notice was also posted online at IdahoPublicNotices.com on the 18 day of Jan, 2024.

I further swear that the said Mountain Home News has been continuously an uninterruptedly published in said Elmore County during the period of 52 consecutive weeks prior to the first publication of the attached notice.

Swana Stokes
Legal Clerk

Subscribed and sworn to me this 24th day of Jan, 2024

Joy M. Martinez
Notary Public
Residing in Mountain Home,
Elmore County, Idaho
My commission expires Oct. 17, 2028



A&B filed an amended mitigation plan on May 21, 2015. The Department issued a *Final Order Approving Plan* on December 16, 2015. The Stipulating Parties have filed the new *Stipulation* "so that A&B does not have to submit new documentation every year showing that it can mitigate for its proportionate share of a predicted demand shortfall." The *Stipulation* proposes that A&B will continue to mitigate injury to all the SWC members by curtailing ground water diversions to approximately 3,574 acres within Unit B of A&B's irrigation service area and replacing the ground water with surface water (commonly referred to as "conversions"). The *Stipulation* further proposes to deliver available storage water held or obtained by A&B to injured SWC members if the benefits of the conversions do not satisfy the injury caused by A&B's ground water rights that are found to be subject to curtailment in any given year.

The Department will process the *Stipulation Mitigation Plan* pursuant to the Department's Conjunctive Management Rules (IDAPA 37.03.11). A complete copy of the *Stipulation* is available for review at either the Department's State Office in Boise, the Department's Regional Office in Twin Falls, or at the following website link: <https://idwr.idaho.gov/legal-actions/mitigation-plan-actions/swc/abi/>.

The Department has not determined the adequacy of the *Stipulation Mitigation Plan*. Any protest against approval of the *Stipulation* must be filed with the Department, together with a protest fee of \$25, on or before **February 5, 2024**. Rule 53 of the Department's Rules of Procedure (IDAPA 37.01.01.053) outlines how documents may be filed with the Department and when they are considered filed. A copy of the Rules of Procedure may be obtained from the Department upon request or at <https://adminrules.idaho.gov/rules/current/37/370101.pdf>. The protest must include a certificate of service showing that a copy of the protest has been mailed or delivered personally to counsel for the Stipulating Parties.

Mathew Weaver,
Director

First Publication:
January 17, 2024
Second Publication:
January 24, 2024

✓ DM 2/5/2024