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Date: 01/25/2024 INVOICE NO. 177069
Account No. 446620
Description 177069 NOTICE O

LEGAL ADVERTISING INVOICE

Times 2 Lines 77
Tab. lines
\$ 235.22

Sold To: IDAHO DEPT OF WATER RESOURCES
650 ADDISON AVE W, STE 500
TWIN FALLS ID 83301

RECEIVED

FEB 01 2024
DEPT OF WATER RESOURCES SOUTHERN REGION
PO# Maline, Denise

NOTICE: This is a invoice of Purchase made by you. Statement will be rendered the first of the month
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

177069

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.

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.

AFFIDAVIT OF PUBLICATION

SKELLAM, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho and under and by virtue of the laws of the State of Washington, publishers of the Lewiston Tribune, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 105 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 177069 NOTICE O attached hereto and which is made a part of this affidavit was published in the said Lewiston Tribune,

2 time(s). Publication being on 01/18, or once a week for 2 consecutive weeks the first publication thereof being on the 01/18/2024, and the last publication thereof being on the 01/25/2024, and said 177069 NOTICE O was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

Skellam

State of Idaho
S.S.
County of Nez Perce

On this 26 day of Jan in the year of 2024, before me, a Notary Public, personally appeared SKELLAM, known or identified to me to be the person whose name 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 executed the same.

Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires 1/23/28

DM 2/5/2024



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

Published in the Idaho Statesman, Mountain Home News, Idaho Mountain Express, Post Register & Idaho State Journal on January 17th & 24th, 2024, and Times News & Lewiston Tribune on January 18th & 25th; and Rexburg Standard Journal on January 19th & 26th, 2024.

✓ DM 2/5/2024