



PROOF OF PUBLICATION
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DEPT OF WATER RESOURCES
SOUTHERN REGION

State of Idaho
Counties of Bannock and Caribou

I, Dawn Giannini or Collins Crapo first being duly sworn, depose and say: That I am the Classified Manager, or Processing Clerk employed by Adams Publishing Group of the Rockies LLC, publishers of Idaho State Journal, a newspaper of general circulation, published 4 days, Tues-Wed-Friday and Saturday, at Pocatello, Idaho.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Idaho State Journal and on IdahoPublicNotices.com for 2 day(s), first publication having been made on 01/17/2024 last publication having been made on 01/24/2024, and that 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.

[Handwritten signature of Dawn Giannini]

Subscribed and sworn to before me, on this 24th day of January, 2024.

[Handwritten signature of Beth Crossley]

Notary Public
My commission expires:

\_\_\_\_\_ attached jurat \_\_\_\_\_

STATE OF IDAHO

ss.

COUNTIES OF BANNOCK AND CARIBOU

On this 24th day of January, 2024 before me, the undersigned, a Notary public for said state, personally appeared Dawn Giannini or Collins Crapo, known or identified to me to be the person(s) whose name(s) is/are 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/she/they executed the same,

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



[Handwritten signature of Beth Crossley]

Notary Public for APG of the Rockies
Residing: Idaho Falls, Idaho
Commission expires:

✓ DM 2/5/2024

**NOTICE OF MITIGATION PLAN SUBMITTED BY MAGIC VALLEY GROUND WATER DISTRICT IN RESPONSE TO THE SURFACE WATER COALITION WATER DELIVERY CALL**

Notice is hereby given that, on December 20, 2023, Magic Valley Ground Water District ("MVGWD"), through counsel Thomas J. Budge, PO Box 1391, Pocatello, ID 83204-1391, and on behalf of MVGWD members, submitted the Petition for Approval of MVGWD's Mitigation Plan for the Surface Water Coalition ("Mitigation Plan" or "Plan") to the Idaho Department of Water Resources ("Department").

The Plan is intended to satisfy the mitigation obligations of MVGWD 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 A&B Irrigation District, American Falls Reservoir District #2, Burley Irrigation District, Milner Irrigation District, Minidoka Irrigation District, North Side Canal Company, and Twin Falls Canal Company. MVGWD represents members who hold ground water rights within a portion of the ESPA that are junior in priority to the SWC's senior priority Snake River water rights.

MVGWD proposes to mitigate injury to all the SWC members by providing to the SWC an amount of water equivalent to what the SWC would receive from curtailment under the SWC delivery call pursuant to the Sixth Final Order Regarding Methodology for Determining Material Injury to Reasonable In-Season Demand and Reasonable Carryover or any other Department order. MVGWD proposes to offset all or part of the water the SWC would receive from curtailment of MVGWD's ground water rights by (a) assigning or delivering to SWC members storage water from reservoirs in the Water District 1 reservoir system, (b) conducting managed aquifer recharge, (c) reducing ground water use, (d) fallowing land that would otherwise be irrigated with ground water, or (e) any combination thereof. The Plan proposes that if MVGWD provides less water to the SWC than is required to fully offset the amount of water the SWC would receive from curtailment, MVGWD members may be subject to curtailment to make up the shortfall, unless MVGWD provides mitigation under another approved mitigation plan that fully mitigates material injury to the SWC.

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

The Department has not determined the adequacy of the Mitigation Plan. Any protest against approval of the Mitigation Plan 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 MVGWD.

Mathew Weaver  
Director

Published: January 17, 24, 2024 (ISJ40251-468512)

✓ DM 2/5/2024

