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Date: 01/25/2024 INVOICE NO. 177077
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DEPT OF WATER RESOURCES
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NOTICE: This is a invoice of Purchase made by you. Statement will be rendered the first of the month
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**NOTICE OF MITIGATION PLAN SUBMITTED BY
 MAGIC VALLEY GROUND WATER DISTRICT
 IN RESPONSE TO THE SURFACE WATER COALITION
 WATER DELIVERY CALL**

177077

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.

AFFIDAVIT OF PUBLICATION

S KELLAM , 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 177077 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 177077 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 S KELLAM, 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 *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 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