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Date: 01/25/2024 INVOICE NO. 177072
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 Description 177072 NOTICE O

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 DEPT OF WATER RESOURCES
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**NOTICE OF MITIGATION PLAN
 SUBMITTED BY BINGHAM GROUND WATER DISTRICT
 IN RESPONSE TO THE
 SURFACE WATER COALITION WATER DELIVERY CALL**

Notice is hereby given that, on January 2, 2024, Bingham Ground Water District ("BGWD"), through counsel Dylan Anderson, PO Box 35, Rexburg, ID 83440, and on behalf of BGWD members, submitted the *Petition for Approval of Bingham Ground Water District'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 BGWD 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. BGWD 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.

BGWD proposes to mitigate injury to all the SWC members by 1) permanent reduction of ground water pumping and use on 16,139 irrigated acres under BGWD members' ground water rights (also known as non-use acres or acreage reduction), to be staged or phased-in over a five-year period from 2024 to 2028, and 2) limiting annual ground water pumping on irrigated acres within BGWD to 2.1 acre-feet per acre based on a five-year rolling average. If any non-use acreage is found to be out of compliance, then the deficit to the aquifer must be replaced in at least equivalent volume, on a transient response basis, during the following irrigation season. Any water users found to be out of compliance with the 2.1 acre-feet per acre pumping limit in any given year will be required by the end of the following irrigation season to provide the volume benefit to the ESPA equal to their excess use.

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 177072 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 177072 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.

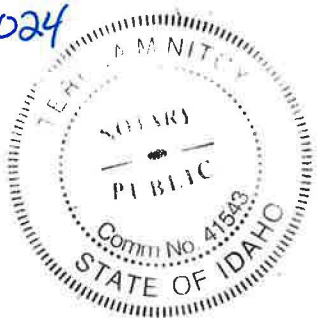
Skellam

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.

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

✓ DM 2/5/2024



The *Mitigation Plan* further proposes that aquifer recharge may be implemented as an alternative to permanent ground water reduction. Specifically, the *Plan* states that "[a]quifer recharge for the purpose of replacing groundwater diversions may be accomplished under a steady state analysis of the actual benefit of the recharge to the SWC reach gain, as determined by the ESPAM 2.2 (or currently adopted) groundwater model (Model), during the water year in which the groundwater diversion will occur. Any recharge accomplished for the purpose of mitigating groundwater pumping under this plan must be reported by time and place of the recharge, daily volume (acre-feet per day), source (storage lease or water right), and water quality compliance plan." Additionally, the *Plan* states that "[a]lternatively, in-season mitigation of groundwater diversions may be accomplished by providing recharge of an equal, or greater, volume to the amount diverted, within the same irrigation season, and in the same vicinity as the groundwater point of diversion."

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/bgwd/>.

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 BGWD.

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