

NOTICE OF MITIGATION PLAN SUBMITTED BY THE IDAHO GROUND WATER APPROPRIATOR'S, INC., IN RESPONSE TO THE SURFACE WATER COALITION WATER DELIVERY CALL

Notice is hereby given that, on March 9, 2016, the Idaho Ground Water Appropriators, Inc. ("IGWA"), and 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 (collectively the "Surface Water Coalition"), through counsel of the firms Racine Olson Nye Budge & Bailey, Chtd., P.O. Box 1391, Pocatello, Idaho 83204-1391; Barker Rosholt & Simpson LLP, 195 River Vista Place, Suite 204, Twin Falls, Idaho 83301-3029; and Fletcher Law Office, P.O. Box 248, Burley, Idaho 83318, submitted to the Idaho Department of Water Resources ("Department") the *Surface Water Coalition's and IGWA's Stipulated Mitigation Plan and Request for Order* ("Request for Order"). Attached to the Request for Order as Exhibits B and C respectively are the *Settlement Agreement Entered into June 30, 2015, Between Participating Members of the Surface Water Coalition and Participating Members of the Idaho Ground Water Appropriator's, Inc.* and the *Addendum to Settlement Agreement* (collectively the "SWC-IGWA Settlement Agreement"). Attached to the Request for Order as Exhibit D is the *October 7, 2015, Agreement between A&B Irrigation District and the IGWA members who entered into the SWC-IGWA Settlement Agreement* (the "A&B-IGWA Agreement"). The Surface Water Coalition and IGWA submit the SWC-IGWA Settlement Agreement and the A&B-IGWA Agreement (collectively the "Mitigation Plan") as a stipulated mitigation plan in response to the Surface Water Coalition delivery call. *Request for Order* at 3.

The Department will process the Mitigation Plan pursuant to the Department's Conjunctive Management Rules (IDAPA 37.03.11). The Mitigation Plan may be viewed online at the following website link:

<http://www.idwr.idaho.gov/legal-actions/mitigation-plan-actions/SWC/IGWA.html#CM-MP-2016-001>

IGWA represents numerous ground water right holders whose ground water rights have priority dates junior to the priority dates of surface water rights held by the Surface Water Coalition and are subject to potential curtailment in the Surface Water Coalition delivery call. The Mitigation Plan intends to benefit senior water rights held by members of the Surface Water Coalition involved in the Surface Water Coalition delivery call.

The Mitigation Plan seeks approval of long term practices commencing 2016 including a total ground water diversion reduction of 240,000 ac-ft annually, annual delivery of 50,000 ac-ft of storage water to the Surface Water Coalition through private lease(s) of water from the Upper Snake Reservoir system, a reduction in irrigation season, contributions to the State sponsored recharge program, ground water to surface water conversions and/or fallow land projects, and adaptive water management measures if benchmarks or the ground water level goal identified in the SWC-IGWA Settlement Agreement are not met. See Exhibit B at 2-5.

The Department has not determined the adequacy of the proposed Mitigation Plan. A complete copy of the Mitigation Plan is available for review at either the Department's State Office in Boise, the Department's Regional Office in Twin Falls, or at the website link above.

Any protest against approval of the Mitigation Plan must be filed with any Department office, together with a protest fee of \$25, on or before April 4, 2016. The protest must include a certificate of service showing that a copy of the protest has been mailed to or served upon counsel for IGWA and the Surface Water Coalition.

GARY SPACKMAN, Director

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