

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 1-10633

Priority: February 11, 2015

Maximum Diversion Rate: 29.57 CFS

This is to certify, that A & B IRRIGATION DISTRICT
PO BOX 675
RUPERT ID 83350-0675

has applied for a permit to appropriate water from:

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/15 to 11/15	29.57 CFS

LOCATION OF POINT(S) OF DIVERSION:

SNAKE RIVER	NE1/4NW1/4	Sec. 20, Twp 10S, Rge 22E, B.M.
MINIDOKA County		

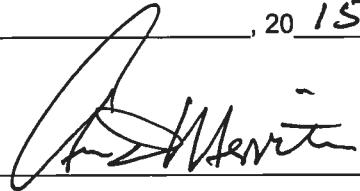
CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **June 01, 2018**.
2. Subject to all prior water rights.
3. Place of use is for irrigation of 1,478.5 acres within the boundary of A & B Irrigation District pursuant to Section 43-323, Idaho Code.
4. The boundary encompassing the place of use for irrigation under this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
5. This right is limited to use on land with valid ground water irrigation right(s) and does not authorize irrigation of land not already irrigated with ground water. The water user shall not divert water under the appurtenant ground water irrigation right(s) when receiving water for irrigation under this right.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
7. The point of diversion is to be located within the Lee Placer Claim within Section 20, Township 10 South, Range 22 East, B.M., generally located within the projected NENW.
8. This right does not grant any right-of-way or easement across the land of another.
9. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District 01. In addition, the watermaster of state water district 130, or its successor, shall be responsible for administering the requirement that this water right must be used in lieu of ground water rights in Water District 130.

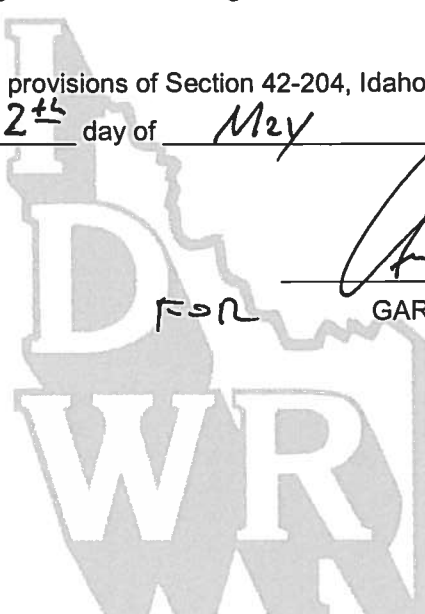
State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 1-10633

10. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
11. The right holder shall not divert and use water under this right if the natural flow in the Snake River is not sufficient to fill senior rights diverting from the Snake River as determined by the Watermaster of Water District 01.
12. When submitting proof of beneficial use for this right, the right holder shall also submit a set of detailed maps and/or electronic shape file showing the land actually irrigated with water diverted pursuant to this right in each irrigation season during the authorized development period.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 12th day of May, 20 15.



GARY SPACKMAN, Director

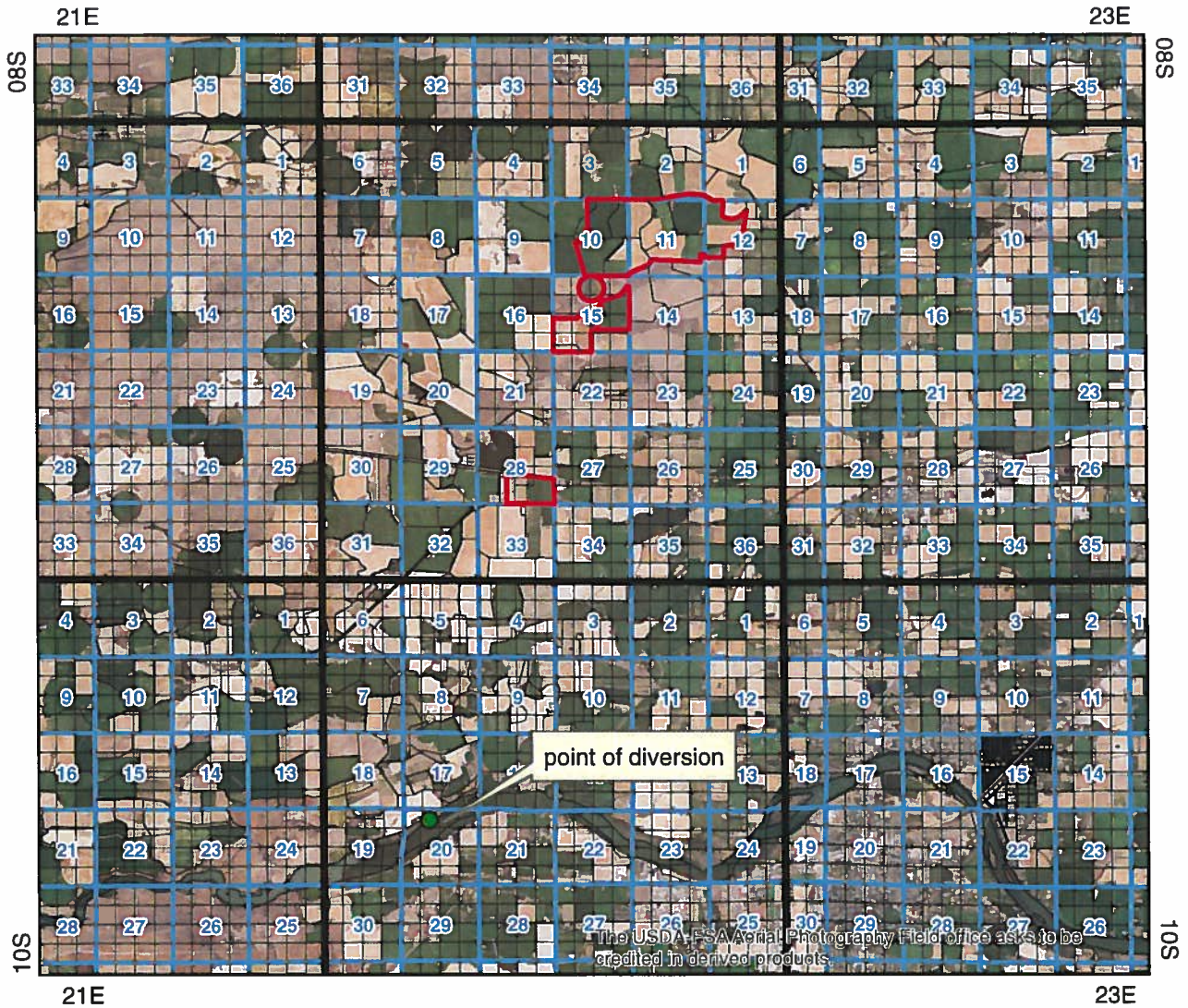


A & B Irrigation District

Attachment To Permit to Appropriate Water

1-10633

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 1.5 3 6 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 20, 2015

LYLE SWANK WATERMASTER
WATER DISTRICT # 01
900 N SKYLINE DR, STE A
IDAHO FALLS, ID 83402

Via e-mail

Re: **APPROVED Permit No. 1-10633 (A & B Irrigation District)**

Dear Lyle:

For your information and records, we have enclosed a copy of an APPROVED Application for Permit within your District.

If you have any questions, please contact this office, or the applicant.

Sincerely,

A handwritten signature in black ink that reads "Denise Maline".

Denise Maline
Administrative Assistant

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 13, 2015

A & B IRRIGATION DISTRICT
PO BOX 675
RUPERT ID 83350-0675

RE: Permit No. 1-10633

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-736-3033.

Sincerely,

A handwritten signature in black ink, appearing to read "Allen Merritt". The signature is stylized with a large initial "A" and a cursive "Merritt".

Allen Merritt
Southern Region Manager

Enclosure(s)

cc: BARKER ROSHOLT & SIMPSON LLP

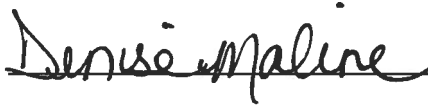
CERTIFICATE OF SERVICE

I hereby certify that on May 13, 2015 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 1-10633

**A & B IRRIGATION DISTRICT
PO BOX 675
RUPERT ID 83350-0675**

**BARKER ROSHOLT & SIMPSON LLP
ATTN TRAVIS L THOMPSON
195 RIVER VISTA PL STE 204
TWIN FALLS ID 83301-3029**

A handwritten signature in cursive script, reading "Denise Maline", is written over a solid horizontal line.

**Denise Maline
Administrative Assistant**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

*John A. Rosholt
Albert P. Barker
John K. Simpson
Travis L. Thompson
Shelley M. Davis
Paul L. Arrington
Scott A. Magnuson*



195 River Vista Pl., Suite 204
Twin Falls, ID 83301-3029
(208) 733-0700 telephone
(208) 735-2444 facsimile

1010 W. Jefferson St., Suite 102
P.O. Box 2139
Boise, ID 83701-2139
(208) 336-0700 telephone
(208) 344-6034 facsimile
brs@idahowaters.com

Travis L. Thompson
tlt@idahowaters.com

April 10, 2015

RECEIVED

APR 10 2015

**DEPT OF WATER RESOURCES
SOUTHERN REGION**

VIA HAND DELIVERY

Mr. Corey Skinner
IDWR – Southern Region
650 Addison Ave. W, Suite 500
Twin Falls, Idaho 83301-5858

Re: Application for Permit 1-10633 (Rule 40 Information)

Dear Corey:

This letter responds to IDWR's February 27, 2015 letter requesting information related to Water Appropriation Rule 40 and the above-referenced application. I have reviewed the request with A&B's manager, Dan Temple, and the District has requested me to respond on its behalf as follows:

Rule 40.05.c.i and ii - N/A

Rule 40.05.c.iii - **Project Description / Other Water Users**

The proposed pumping plant and use of water under the new natural flow water right for the Snake River will not affect other water users in Water District 01. The District intends to construct a pumping plant in the NENW Section 20, Township 10, Range 22 EBM, Minidoka County, beginning some time later this year. The plant will be constructed inland at the end of a constructed channel that will be used to convey water from the river. The plant will have a total pumping capacity of 118 cfs that will provide water to approximately 6,000 acres within the District (acres that already have existing water rights, including surface and groundwater rights).

The new water right will be used by the District to provide surface water, when available, to approximately 1,500 groundwater acres as a "soft conversion" project. The District will only divert water under this right when in priority as administered by the Water District 01 Watermaster. Therefore, the proposed irrigation system and project will not affect other water users.

Rule 40.05.d.i and ii - **Sufficiency of Water Supply**

The delivery design rate of the new pumping plant will be capable of providing a maximum instantaneous delivery rate of 1 miner's inch per acre (0.02 cfs) to existing District lands. The historic annual diversion on a per acre basis has averaged between 2.91 and 3.05 acre-feet on the ground water irrigated lands and 3.5 acre-feet on surface water irrigated lands since 1962. The District will pump and deliver water to landowners throughout the irrigation season as needed.

Information regarding the water supply of the Snake River above Milner Dam is well documented over history. Annual stream flow data is accounted for at different gauging stations and recorded by Water District 01 in its annual report. IDWR should contact the Water District 01 Watermaster for specific questions regarding the water supply. It is anticipated that this water right would only be in priority when water is spilling over Milner Dam during the irrigation season.

Rule 40.05.e.i and ii - **Land Ownership / Permits**

The District is in the process of acquiring fee title to the land where the pumping plant will be located. Through their attorney, the landowners provided consent for the District to file the application for permit while the purchase of the property is still being finalized. *See Consent from Rob Harris* (filed with application). The place of use is owned by various landowners within the District.

The District does not need a stream alteration or a Section 404 permit. *See Attached Letters*. Further, the District received authorization from the U.S. Bureau of Reclamation through the NEPA process with a final biological assessment and finding of no significant impact (FONSI). *See CD*. Finally, any additional authorization by state or local agencies will be provided as they are acquired.

Rule 40.05.f.i and ii - **Financial Statement**

The project will be funded through loans from the Idaho Water Resource Board and funds provided through landowners and the Natural Resource Conservation Service (NRCS). *See Attached IWRB Resolution & Letter*. The Board issued a loan for \$3.5 million in 2014 and it will issue an additional loan for \$3.5 million later in 2015. NRCS has obligated \$3.8 million through contracts executed with individual landowners in the District. The District is the "sponsor entity" for purposes of the NRCS funds. Finally, a copy of the District's most recent audited financial statements can be provided on request.

Mr. Corey Skinner – IDWR
April 10, 2015
Page - 3

Rule 40.05.g.i - **Local Public Interest**

The District submits the project will not conflict with the “local public interest” as defined in Idaho Code § 42-202B. No protests were filed to the application, and other federal, state, and tribal agencies were provided an opportunity to comment on the project through Reclamation’s NEPA process. *See CD (comments).*

If you need additional information please contact me at 733-0700.

Sincerely,

BARKER ROSHOLT & SIMPSON LLP

A handwritten signature in black ink, appearing to read 'Travis L. Thompson', with a stylized, flowing script.

Travis L. Thompson

Enc.

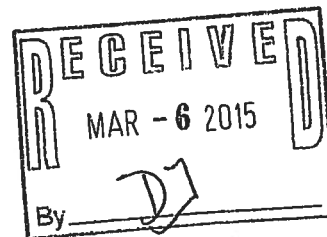
cc: Dan Temple, A&B Irrigation District (w/o attachments)



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
WALLA WALLA DISTRICT, CORPS OF ENGINEERS
IDAHO FALLS REGULATORY OFFICE
900 NORTH SKYLINE DRIVE SUITE A
IDAHO FALLS, IDAHO 83402-1718

March 3, 2015



Regulatory Division

SUBJECT: NWW-2015-00085-I01

Mr. Dan Temple
A&B Irrigation District
PO Box 675
Rupert, Idaho 83350

Travis Thompson
Barker, Rosholt, & Simpson LLP
195 River Vista Place Ste 204
Twin Falls, ID 83301

Gentlemen:

This is in regard to your proposed development of the A&B Pumping Plant #2 adjacent to the Snake River at Milner Lake, in Section 20, Township 10 S, Range 22 E, Boise Meridian, Minidoka County, Idaho. Your application states there will be no discharge into waters of the United States as the plant and canal will be constructed in uplands. The river bank will be cut landward to expose the pumping station when Milner Lake is low. This project was also the subject of a Bureau of Reclamation Environmental Assessment which we reviewed and provided comments (project number 2014-260).

Section 404 of the Clean Water Act (33 U.S.C. 1344) requires a Department of the Army (DA) permit for the discharge of dredged or fill material into waters of the United States, including wetlands. This includes excavation activities which result in the discharge of dredged material and destroy or degrade waters of the United States.

As you propose no discharge of dredged or fill material into the Snake River a DA 404 permit is not required. Should you need to modify the design and construction or in the future conduct maintenance of the pump station inlet or impact wetlands with canal construction or pipeline construction or maintenance, such a project may be exempt from the requirements of Section 404 of the Clean Water Act under 33 CFR 323.4(a)(3) (copy enclosed). This exemption would only be in effect only if the requirements of 33 CFR 323.4(b) and (c) are met. In such an event we request you coordinate with us to ensure the specific project would meet these requirements. If not such a project might require a Department of the Army permit.

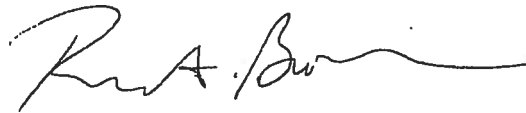
This exemption would only apply to the discharge of dredged or fill material into the Snake River, Milner Lake associated with the construction or maintenance of the proposed new pumping plant or the inland canal and pipeline construction and maintenance. If you are planning other discharges of dredged or fill material into waters of the United States, including wetlands, a permit may be required and you should contact us.

This determination applies only to Department of the Army permits administered by the Corps of Engineers.

We are interested in your thoughts and opinions concerning the quality of service you received from the Walla Walla District, Corps of Engineers Regulatory Division. If you have Internet access and are interested in letting us know how we are doing, you can complete an electronic version of our Customer Service Survey form on our web site at: <http://per2.nwp.usace.army.mil/survey.html> which will be automatically submitted to us. Alternatively, you may call and request a paper copy of the survey that you may complete and return to us by mail or fax.

Please contact me at 208-522-1645 if you have any questions. A copy of this letter is being sent to the Idaho Departments of Water Resources (Mr. Aaron Golart); Environmental Quality (Dr. Buhidar); and Department of Lands (Ms. Meribeth Lomkin); the Bureau of Reclamation (Mr. Ryan Newman); and Minidoka County (Ms. Patty Temple).

Sincerely,

A handwritten signature in black ink, appearing to read "R. A. Brochu", with a long horizontal flourish extending to the right.

Robert A. Brochu
Regulatory Project Manager

Enclosure

Discharges Not Requiring Permits
Section 323.4(a)(3)

(a) General. Except as specified in paragraphs (b) and (c) of this section, any discharge of dredged or fill material that may result from any of the following activities is not prohibited by or otherwise subject to regulation under Section 404:

(3) Construction or maintenance of farm or stock ponds or irrigation ditches, or the maintenance (but not construction) of drainage ditches. Discharges associated with siphons, pumps, headgates, wingwalls, weirs, diversion structures, and such other facilities as are appurtenant and functionally related to irrigation ditches are included in this exemption.

(b) If any discharge of dredged or fill material resulting from the activities listed in paragraphs (a)(1) - (6) of this section contains any toxic pollutant listed under Section 307 of the CWA such discharge shall be subject to any applicable toxic effluent standard or prohibition, and shall require a Section 404 permit.

(c) Any discharge of dredged or fill material into waters of the United States incidental to any of the activities identified in paragraphs (a)(1) - (6) of this section must have a permit if it is part of an activity whose purpose is to convert an area of the waters of the United States into a use to which it was not previously subject, where the flow or circulation of waters of the United States may be impaired or the reach of such waters reduced. Where the proposed discharge will result in significant discernible alterations to flow or circulation, the presumption is that flow or circulation may be impaired by such alteration. For example, a permit will be required for the conversion of a cypress swamp to some other use or the conversion of a wetland from silvicultural to agricultural use when there is a discharge of dredged or fill material into waters of the United States in conjunction with construction of dikes, drainage ditches or other works or structures used to effect such conversion. A conversion of a Section 404 wetland to a non-wetland is a change in use of an area of waters of the United States. A discharge which elevates the bottom of waters of the United States without converting it to dry land does not thereby reduce the reach of, but may alter the flow or circulation of, waters of the United States.

(d) Federal projects which qualify under the criteria contained in Section 404(r) of the CWA are exempt from Section 404 permit requirements, but may be subject to other state or Federal requirements.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

February 26, 2015

Dan Temple
A&B Irrigation District
P.O. Box 675
Rupert, Idaho 83350

RE: Joint Application for Permit No. S01-20203
A&B Pumping Plant #2 – Milner Lake

Dear Mr. Temple:

The Idaho Department of Water Resources (IDWR) has reviewed your attached Joint Application for Permits, dated February 9, 2015 for the A&B Pumping Plant #2 project. Project activities include developing a second pumping plant on the Snake River (Milner Lake) to deliver surface water to landowners. Your proposed project is located in Section 20, Township 10 South, Range 22 East, Boise Meridian, Minidoka County, Idaho. It has been determined that an IDWR Stream Channel Alteration Permit will not be required for this activity as provided for within Section 42-3806, Idaho Code.

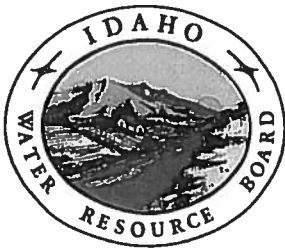
This does not relieve you of the responsibility to obtain any other local, state or federal permits that may be required, such as those required under the Clean Water Act or local ordinances required to meet federal flood insurance guidelines.

Please contact Aaron Golart (208) 287-4941 or aaron.golart@idwr.idaho.gov if you have any questions regarding this matter.

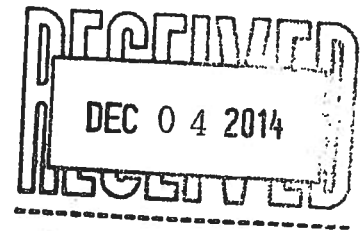
Sincerely,

Aaron Golart
State Coordinator
Stream Protection Program

cc: Travis L. Thompson, Barker Rosholt & Simpson, Twin Falls
Balthasar Buhidar, Idaho Department of Environmental Quality, Twin Falls
Doug Megargle, Idaho Department of Fish and Game, Jerome
Meribeth Lomkin, Idaho Department of Lands, Jerome
Corey Skinner, Idaho Department of Water Resources, Twin Falls
Patty Temple, Minidoka County, Rupert
James Joyner, US Army Corps of Engineers, Idaho Falls



IDAHO WATER RESOURCE BOARD



December 2, 2014

C.L. "Butch" Otter
Governor

Barker, Rosholt, and Simpson, LLP
195 River Vista Pl.
Suite 204
Twin Falls, ID 83301-3029

Roger W. Chase
Chairman
Pocatello
District 4

Re: Contracts for A&B Irrigation District

Dear Mr. Thompson:

Peter Van Der Meulen
Vice-Chairman
Hailey
At Large

On October 9, 2014 the Idaho Water Resource Board awarded A&B Irrigation District a loan of \$7,000,000 to be used for a new pipeline and pumping plant. Enclosed is your copy of the signed contract for the loan.

Bob Graham
Secretary
Bonners Ferry
District 1

Please be aware that funds for the first half of the loan are available at this time with the remainder being available after August 1st, 2015. Should you have any questions in regards to the loan please let me know.

Charles "Chuck" Cuddy
Orofino
At Large

The Board thanks you for your business.

Vince Alberdi
Kimberly
At Large

Sincerely,


Stuart VanGreuningen
Engineer, IDWR

Jeff Raybould
St. Anthony
At Large

Cc: A&B Irrigation District
Attn: Dan Temple
PO Box 675
414 11th St.
Rupert, ID 83350

Albert Barker
Boise
District 2

John "Bert" Stevenson
Rupert
District 3

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF THE	)	A RESOLUTION TO MAKE
A&B IRRIGATION DISTRICT	)	A FUNDING COMMITMENT
_____	)	

WHEREAS, a Letter of Intent from the A&B Irrigation District (A&B) has been submitted to the Idaho Water Resource Board (IWRB) requesting a loan in the amount of \$7,000,000; and

WHEREAS, A&B delivers irrigation water to 77,000 acres of farmland, with surface water from the Snake River supplying about 15,000 acres in A&B's Unit A, and with ground water from the Eastern Snake Plain Aquifer (ESPA) supplying about 62,000 acres in A&B's Unit B; and

WHEREAS, A&B has requested funds to construct a pumping plant and pipeline to 1) convert 1,500 acres from declining ground water to surface water supplies, 2) reliably deliver surface water to 1,500 acres that were previously converted from ground water to surface water but to which A&B has difficulty making reliable surface water deliveries, 3) improve the reliability and efficiency of deliveries to approximately 4,500 acres within Unit A; and

WHEREAS, the proposed system will have substantial district-wide benefits to A&B and its members through increasing reliability and efficiency of surface water deliveries and through reducing demand on declining ground water supplies; and

WHEREAS, A&B currently holds natural flow surface water rights and water storage contracts that are sufficient to supply the proposed project with surface water; and

WHEREAS, the delivery of surface water to lands currently supplied by ground water will aid in the reduction of ground water withdrawals from the ESPA; and

WHEREAS, the total project cost is estimated to be about \$12.5 million; and

WHEREAS, with encouragement from the IWRB, the Natural Resources Conservation Service has provided federal grant funding to the project through the Agricultural Water Enhancement Program in the amount of approximately \$3.8 million; and

WHEREAS, A&B is a qualified applicant and the proposed project qualifies for a loan from the Revolving Development Account and/or the Secondary Aquifer Planning, Management, and Implementation Fund; and

WHEREAS, on November 5, 2013, a bond election was held to authorize A&B to incur indebtedness up to \$7 million for a 20-year period for the project, which was approved by an 81% margin; and

WHEREAS, the proposed project is in the public interest and aligns with the objectives of the ESPA Comprehensive Aquifer Management Plan and with the State Water Plan, and will assist with the stabilization of the ESPA.

NOW THEREFORE BE IT RESOLVED that the IWRB approves a loan not to exceed \$7,000,000 from the Revolving Development Account and/or the Secondary Aquifer Planning, Management, and Implementation Fund with a 20-year term and provides authority to the Chairman or his designee to enter into contracts with the A&B on behalf of the Board.

BE IT FURTHER RESOLVED that this resolution and the approval of the loan is subject to the following conditions:

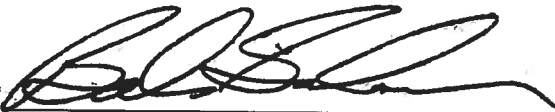
- 1) The A&B shall provide security to the IWRB in a manner authorized by Title 43, Idaho Code, for irrigation districts.
- 2) The Board shall obligate funds for the loan in the amount of \$3.5 million at 3.5% interest on August 1, 2014 and \$3.5 million at an interest rate to be determined on August 1, 2015.
- 3) At its regularly scheduled July 2015 meeting, the IWRB will review the allocation and demands on its funds and may decide by resolution to provide the August 1, 2015 loan obligation from the Secondary Aquifer Planning, Management, and Implementation Fund rather than the Revolving Development Account.
- 4) A&B shall establish a reserve account in an amount equal to one annual payment, to be phased in over a 5-year schedule.

DATED this 18th day of July, 2014.



ROGER W. CHASE, Chairman
Idaho Water Resource Board

ATTEST

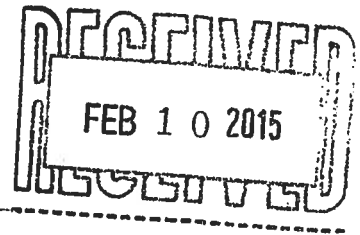


BOB GRAHAM, Secretary



United States Department of the Interior

BUREAU OF RECLAMATION
Pacific Northwest Region
Snake River Area Office
230 Collins Road
Boise, ID 83702-4520



IN REPLY REFER TO:
SRA-1303
ENV-1.00

JAN 29 2015

Subject: Release of Final Environmental Assessment and Finding of No Significant Impact for the Proposed A&B Irrigation District – Unit A Pumping Plant #2, Minidoka County, Idaho

Dear Interested Party:

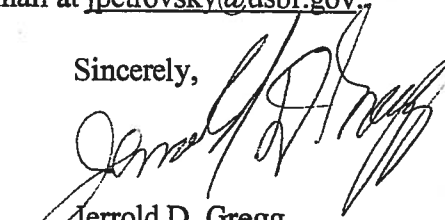
Enclosed for your information is a copy of the Final Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) for A&B Irrigation District's (District) proposed Unit A Pumping Plant #2 in Minidoka County, Idaho. This EA presents Reclamation's analysis of the environmental effects of constructing and operating the proposed pumping plant and associated delivery pipeline.

This EA documents Reclamation's compliance with the National Environmental Policy Act of 1969 and addresses four alternatives: the No Action alternative; and three alternative locations for the proposed pumping plant and distribution pipeline. Among the three alternative configurations for the pumping plant and pipeline, the District's preferred alternative is specifically identified and assessed along with other potentially feasible siting and routing alternatives.

Reclamation made a Draft EA publicly available in May 2014, with copies sent to about 130 agencies, elected officials, Native American tribes, irrigation districts, and interest groups. Reclamation received 30 letters of comment on the Draft EA, as well as verbal commentary at an open house held in Burley, Idaho during the Draft EA public review. The written comments received are addressed in both the Final EA and the FONSI. It is notable that the public input received in response to the Draft EA resulted in the District changing its preferred alternative from Alternative 2 (as specified in the Draft EA) to Alternative 3 (as specified in the Final EA and FONSI).

The Final EA and FONSI are available on the internet at Reclamation's Pacific Northwest Regional Office webpage at <http://www.usbr.gov/pn/programs/ea/idaho/abpumpplant/index.html>. Hard copies of the report may also be obtained free of charge by contacting Mr. John Petrovsky at the Bureau of Reclamation, Snake River Area Office, 230 Collins Road, Boise, ID 83702-4520, by phone at 208-383-2224, or via e-mail at jpetrovsky@usbr.gov.

Sincerely,



Jerrold D. Gregg
Area Manager

Enclosure

RECEIVED

MAR 18 2015

DEPT OF WATER RESOURCES
SOUTHERN REGION

LEGAL PROOF OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Lines
263982	0001594009	LEGAL NOTICE The following application(s)	A&B IRRIGATION	\$132.58	1	79

Attention: DENISE MALINE

IDAHO DEPT WATER RESOURCE / SOUTH
650 ADDISON AVE W STE 500
TWIN FALLS, ID 83301

LEGAL NOTICE

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

1-10633
A & B IRRIGATION DISTRICT
 PO BOX 675
 RUPERT, ID 83350-0675
 Point of Diversion NENW S20
 T10S R22E MINIDOKA County
 Source SNAKE RIVER Tributary
 COLUMBIA RIVER
 Use: IRRIGATION 03/15 to
 11/15 30 CFS
 Total Diversion: 30 CFS
 Date Filed: 2/11/2015
 Place Of Use: IRRIGATION
 T09S R22E S1 SWSW
 T09S R22E S2 SEW SESE
 T09S R22E S10 NENE SWNE
 NENW SWSE SESE
 T09S R22E S11 NENE NWNW
 SENW SWSW NWSE
 T09S R22E S12 SENW NWSW
 T09S R22E S15 NE(ALL)
 NENW L2(SENW) SW(ALL) NESE
 NWSE
 T09S R22E S28 SESE NWSE
 SESE
 Total Acres: 1478.5

Application proposes diverting up to 30 cfs from the Snake River, upstream from Milner Dam, at a point located approximately 6.2 miles west and 4.0 miles south of Paul. Water will be used for irrigation of 1478.5 acres of land located approximately 1.8 - 5.1 miles west and 0.0 to 4.2 miles north of the center of Paul. The 1478.5 acres is currently irrigated with groundwater and the 30 cfs will be used when available as a "soft conversion" in lieu of diverting groundwater. Groundwater rights will continue to be utilized on the 1478.5 acres when the 30 cfs is not available.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Southern Region office at (208) 736-3033, or you may visit our website at www.idwr.idaho.gov and search under New Water Right Applications. Protests may be submitted based on the criteria of Idaho Code S 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Southern Region, 650 Addison Ave W Ste 500, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before March 23, 2015. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Pub. Mar. 5, 12, 2015
0001594009-01

JANICE HILDRETH, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printer and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in The Idaho Statesman, in conformity with Section 60-108, Idaho Code, as amended, for:

2 Insertions

Beginning issue of: 03/05/2015

Ending issue of: 03/12/2015

Janice Hildreth
(Legals Clerk)

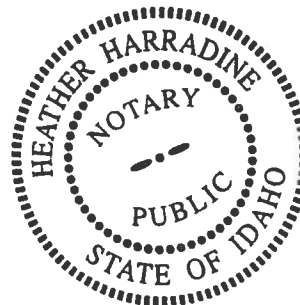
STATE OF IDAHO)
).SS

COUNTY OF ADA)

On this 12th day of March in the year of 2015 before me, a Notary Public, personally appeared before me Janic Hildreth known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declare that the statements therein are true, and acknowledged to me that she executed the same.

Heather Haradine
Notary Public FOR Idaho
Residing at: Boise, Idaho

My Commission expires: 2/11/2020



✓ OK DM 3.18.2015

Proof of Publication
The Post Register

RECEIVED

MAR 16 2015

State of Idaho
Bonneville County:

DEPT OF WATER RESOURCES
SOUTHERN REGION

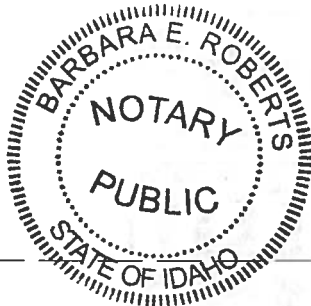
I, ~~Donna Nims~~ or Staci Dockery, first being duly sworn, depose and say: That I am the ~~Classifieds Manager~~ or Legal Notice Representative of the Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post Register, a newspaper of general circulation, published Tuesday through Sunday at Idaho Falls, Idaho; said Post Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880, and the Idaho Falls Post, established in 1903, such consolidation being made on the First day of November 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than twelve consecutive months and said Post Register having been published continuously and uninterruptedly from the date of such consolidations up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post Register under this ad number: 708997, for 2 consecutive (days) weeks, between 03/05/2015 and 03/12/2015,

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.

Staci Dockery

Subscribed and sworn to before me, this 12 day of March 2015



Barbara E. Roberts
Notary Public

My Commission expires: 5/9/2019

_____ attached jurat _____

STATE OF IDAHO

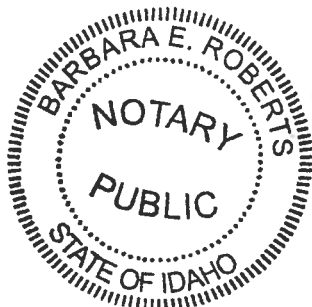
ss.

COUNTY OF BONNEVILLE

Subscribed and sworn to before me, this 12 day of March 2015, before me, the undersigned, a Notary public for said state, personally appeared ~~Donna Nims~~ or Staci Dockery, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and being by me 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.

Barbara E. Roberts
Notary Public for The Post Company
Residing at: Idaho Falls
My Commission expires: 5/9/2019



✓ ok DM
3.18.2015

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

1-10633

A & B IRRIGATION DISTRICT

PO BOX 675

RUPERT, ID 83350-0675

Point of Diversion NENW S20 T10S R22E
MINIDOKA County Source SNAKE RIVER
Tributary COLUMBIA RIVER

Use: IRRIGATION 03/15 to 11/15 30 CFS

Total Diversion: 30 CFS

Date Filed: 2/11/2015

Place Of Use: IRRIGATION

T09S R22E S1 SWSW

T09S R22E S2 SESW SESE

T09S R22E S10 NENE SWNE NENW SWSE
SESE

T09S R22E S11 NENE NWNW SENW
SWSW NWSE

T09S R22E S12 SENW NWSW

T09S R22E S15 NE(ALL) NENW L2(SENW)
SW(ALL) NESE NWSE

T09S R22E S28 SESW NWSE SESE

Total Acres: 1478.5

Application proposes diverting up to 30 cfs from the Snake River, upstream from Milner Dam, at a point located approximately 6.2 miles west and 4.0 miles south of Paul. Water will be used for irrigation of 1478.5 acres of land located approximately 1.8 - 5.1 miles west and 0.0 to 4.2 miles north of the center of Paul. The 1478.5 acres is currently irrigated with groundwater and the 30 cfs will be used when available as a "soft conversion" in lieu of diverting groundwater. Groundwater rights will continue to be utilized on the 1478.5 acres when the 30 cfs is not available.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Southern Region office at (208) 736-3033, or you may visit our website at www.idwr.idaho.gov and search under New Water Right Applications. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Southern Region, 650 Addison Ave W Ste 500, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before March 23, 2015. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published in the Times News, Idaho Statesman,
Post Register & Lewiston Tribune on March 5th &
12th, 2015 (708997)

✓ OK AM 3-18-2015

TRIBUNE PUBLISHING COMPANY, INC

The Lewiston Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date: 03/12/2015 INVOICE NO. 107105
Account No. 446c
Description 107105 The foll

**LEGAL ADVERTISING
INVOICE**

Times 2 Lines 49
Tab. lines
\$ 143.32

RECEIVED

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

MAR 16 2015
DEPT OF WATER RESOURCES
SOUTHERN REGION

PO# 1-10633

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.

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

1-10633
A & B IRRIGATION DISTRICT
PO BOX 675
RUPERT, ID 83350-0675
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Source SNAKE RIVER Tributary COLUMBIA RIVER
Use: IRRIGATION 03/15 to 11/15 30 CFS
Total Diversion: 30 CFS
Date Filed: 2/11/2015
Place Of Use: IRRIGATION
T09S R22E S1 SWSW
T09S R22E S2 SESW SESE
T09S R22E S10 NENE SWNE NENW SWSE SESE
T09S R22E S11 NENE NWNW SENW SWSW NWSE
T09S R22E S12 SENW NWSW
T09S R22E S15 NE(ALL) NENW L2(SENW) SW(ALL)
NESE NWSE
T09S R22E S28 SESW NWSE SESE
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GARY SPACKMAN, Director
Published in the Times News, Idaho Statesman, Post Register & Lewiston Tribune on March 5th & 12th, 2015

AFFIDAVIT OF PUBLICATION

Karen J. Lewis, 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 107105 The foll attached hereto and which is made a part of this affidavit was published in the said Lewiston Tribune,

2 time(s). Publication being on 03/05, or once a Week for 2 consecutive Week, the first publication thereof being on the 03/05/2015, and the last publication thereof being on the 03/12/2015, and said 107105 The foll 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.

Karen J. Lewis

State of Idaho

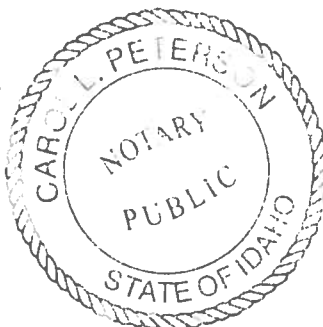
S.S.

County of Nez Perce

On this 13th day of March in the year of 2015, before me, a Notary Public, personally appeared Karen J. Lewis, 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.

Carol Peterson
Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires 9/1/2017

✓ OK DM
3.18.2015



RECEIVED

MAR 16 2015

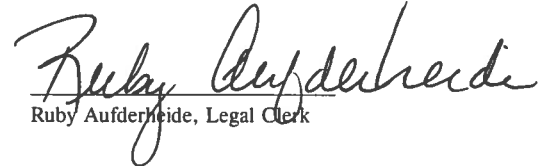
DEPT OF WATER RESOURCES
SOUTHERN REGION

Affidavit of Publication
STATE OF IDAHO)
COUNTY OF TWIN FALLS) SS.

I, Ruby Aufderheide, being first duly sworn upon oath, depose and say that I am Legal Clerk of the TIMES-NEWS, published daily at, Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for two consecutive weeks, commencing with the issue dated 5th day of March, 2015 and ending with the issue dated 12th day of March, 2015

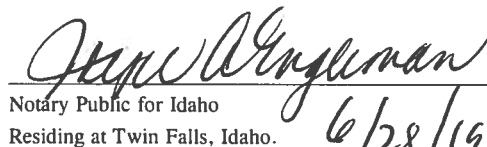
And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho to be issued thereof Thursday is announced as the day on which said legal will be published.

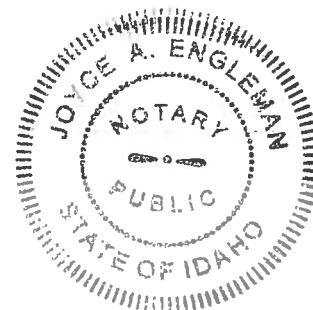

Ruby Aufderheide, Legal Clerk

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 12th day of March, 2015, before me,
Joyce Engleman
a Notary Public, personally appeared Ruby Aufderheide,
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 for Idaho
Residing at Twin Falls, Idaho. 6/28/19

My commission expires: _____



The following application(s) have been filed to appropriate the public waters of the State of Idaho:

✓ 43-13740

STATE OF IDAHO

DEPT OF PARKS & RECREATION

PO BOX 83720

BOISE, ID 83720-0065

Point of Diversion NENE S16 T15S R24E CASSIA County Source
GROUND WATER Tributary

Point of Diversion SESESW S9 T15S R24E CASSIA County
Source ALMO CREEK Tributary RAFT RIVER

Use: AESTHETIC 03/15 to 11/15 3 CFS

Use: AESTHETIC STORAGE 01/01 to 12/31 17.4 AF

Use: RECREATION 03/15 to 11/15 3 CFS

Use: RECREATION STORAGE 01/01 to 12/31 17.4 AF

Use: WILDLIFE 03/15 to 11/15 3 CFS

Use: WILDLIFE STORAGE 01/01 to 12/31 17.4 AF

Total Diversion: 3 CFS 17.4 AF

Date Filed: 2/24/2015

Place Of Use: RECREATION, AESTHETIC, WILDLIFE,
RECREATION STORAGE, AESTHETIC STORAGE, WILDLIFE
STORAGE

T15S R24E S16 NENE

Application filed to appropriate water for a proposed fishing and wildlife pond located on Castle Rocks State Park property approximately 1.8 miles north and 0.95 miles west of Almo. The pond will be excavated into the ground water table and irrigation water diverted via Almo Water Company shares will flow through the pond. The application seeks to appropriate 17.4 acre-feet of water for storage in the pond and to make up for annual evaporative losses. The application also lists 3.0 cfs of water from Almo Creek to reflect the additional aesthetic, recreation, and wildlife uses of the Almo Water Company shares flowing through the pond. A mitigation plan that involves drying up irrigated lands to offset consumptive uses associated with the pond has been included as part of the application.

✓ 1-10633

A & B IRRIGATION DISTRICT

PO BOX 675

RUPERT, ID 83350-0675

Point of Diversion NENW S20 T10S R22E MINIDOKA County
Source SNAKE RIVER Tributary COLUMBIA RIVER

Use: IRRIGATION 03/15 to 11/15 30 CFS

Total Diversion: 30 CFS

Date Filed: 2/11/2015

Place Of Use: IRRIGATION

T09S R22E S1 SWSW

T09S R22E S2 SESW SESE

T09S R22E S10 NENE SWNE NENW SWSE SESE

T09S R22E S11 NENE NWNW SENW SWSW NWSE

T09S R22E S12 SENW NWSW

T09S R22E S15 NE(ALL) NENW L2(SENW) SW(ALL) NESE
NWSE

T09S R22E S28 SESW NWSE SESE

Total Acres: 1478.5

Application proposes diverting up to 30 cfs from the Snake River, upstream from Milner Dam, at a point located approximately 6.2 miles west and 4.0 miles south of Paul. Water will be used for irrigation of 1478.5 acres of land located approximately 1.8 - 5.1 miles west and 0.0 to 4.2 miles north of the center of Paul. The 1478.5 acres is currently irrigated with groundwater and the 30 cfs will be used when available as a "soft conversion" in lieu of diverting groundwater. Groundwater rights will continue to be utilized on the 1478.5 acres when the 30 cfs is not available. Published in the Times News, Idaho Statesman, Post Register & Lewiston Tribune on March 5th & 12th, 2015.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 79596**

✓ CITY OF KIMBERLY, PO BOX Z, KIMBERLY, ID 83341; has filed Application No. 79596 for changes to the following water rights within TWIN FALLS County(s): Right No(s). 47-4459, 47-4460, 47-7306, 47-7649; allowing for the total diversion of 5.56 cfs. The purpose of the transfer is to change a portion of the above rights as follows: Transfer proposes to add all seven of the city's existing municipal wells as authorized points of diversion to the City of Kimberly's groundwater rights 47-4459, 47-4460, 47-7306 and 47-7649. The wells are within the City of Kimberly's service area.

Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. For additional information on new permits, please visit our website at www.idwr.idaho.gov and search under New Water Right Applications. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Southern Region, 650 Addison Ave W, Ste 500, Twin Falls, ID 83301 together with a protest fee of \$25.00 for each application on or before March 23, 2015. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on March 5th & 12th, 2015

✓ OK DM
3/18/2015

**Proof of legal notice received
3/4/2015 from Post Register**

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

1-10633
A & B IRRIGATION DISTRICT
PO BOX 675
RUPERT, ID 83350-0675
Point of Diversion NENW S20 T10S R22E
MINIDOKA County Source SNAKE RIVER
Tributary COLUMBIA RIVER
Use: IRRIGATION 03/15 to 11/15 30 CFS
Total Diversion: 30 CFS
Date Filed: 2/11/2015
Place Of Use: IRRIGATION
T09S R22E S1 SWSW
T09S R22E S2 SESW SESE
T09S R22E S10 NENE SWNE NENW SWSE
SESE
T09S R22E S11 NENE NWNW SENW
SWSW NWSE
T09S R22E S12 SENW NWSW
T09S R22E S15 NE(ALL) NENW L2(SENW)
SW(ALL) NESE NWSE
T09S R22E S28 SESW NWSE SESE
Total Acres: 1478.5

Application proposes diverting up to 30 cfs from the Snake River, upstream from Milner Dam, at a point located approximately 6.2 miles west and 4.0 miles south of Paul. Water will be used for irrigation of 1478.5 acres of land located approximately 1.8 - 5.1 miles west and 0.0 to 4.2 miles north of the center of Paul. The 1478.5 acres is currently irrigated with groundwater and the 30 cfs will be used when available as a "soft conversion" in lieu of diverting groundwater. Groundwater rights will continue to be utilized on the 1478.5 acres when the 30 cfs is not available.

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GARY SPACKMAN, Director
Published in the Times News, Idaho Statesman,
Post Register & Lewiston Tribune on March 5th &
12th, 2015 (708997)

✓ OK DM 3/4/2015

E-mail sent to newspaper.