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SEP 21 2009

AFFIDAVIT of PUBLICATION

DEPT. OF WATER RESOURCES
SOUTHERN REGION
SS,State of Idaho
County of Blaine

COPY OF NOTICE

Pam Morris, being the first duly sworn, deposes and says that he is the printer (publisher) of the Idaho Mountain Express, a newspaper published every week in Ketchum, County of Blaine, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first

publication of said advertisement was on the 9 day of

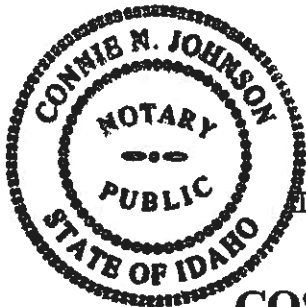
Sept, 20 09, and the date of the last publication was

on the 16 day of Sept, 20 09

Subscribed and sworn to before me this 16 day of

Sept, 20 09.

Connie N. Johnson
NOTARY PUBLIC



IDAHO MOUNTAIN EXPRESS
P.O. Box 1013
Ketchum, Idaho 83340

COST OF PUBLICATION

Number of Picas per Line 11.5

Number of Lines in Notice 83

Number of Insertions 2

83 Lines tabular at 76.36 9.0 cents/pica

83 Lines straight at 66.82 8.0 cents/pica

83 Subsequent lines at 66.82 7.0 cents/pica

TOTAL COST \$143.18

(See Reverse Side)

Legal Notice
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Idaho Dept. of Water Resources
BILL TO

OK
mb
9/29/09

Reading incomplete noted.

**TO COMPENSATE BLUE LAKES
TROUT FARM, INC.**

Notice is hereby given that on August 18, 2009, A&B Irrigation District (A&B), PO Box 675, Rupert, ID, 83350-0675, through its counsel, Barker Rosholt & Simpson LLP, PO Box 485, Twin Falls, ID, 83303-0485, submitted a Mitigation Plan (plan) to the Idaho Department of Water Resources (Department) pursuant to Rule 43 of the Department's Conjunctive Management Rules. ****The plan is intended to satisfy the mitigation obligations of A&B for the Blue Lakes Delivery call regulated by the watermaster of State Water Districts 130 and 140. ***A&B holds numerous ground water rights for irrigation uses located within Jerome and Minidoka Counties. Certain of these ground water rights have priority dates junior to the priority dates of certain water rights from surface water sources dependent on springs that discharge to the Devil's Washbowl to Buhl Gage reach of the Snake River. The ground water and the springs are interconnected sources of water. A&B has proposed the plan to compensate for injury to senior priority surface water rights that may result from depletions caused by junior priority ground water rights. The surface water rights that the plan proposes to benefit are: 36-2356A, 36-7210 and 36-7427 held by Blue Lakes Trout Co. LLC for use at its hatchery facility near Alpheus Creek. The plan proposes that A&B will maintain a project within the A&B service area that converts irrigation of 1,378 acres from a ground water source to a surface water supply. A&B will use stored water from the Upper Snake River under its own storage water rights as the surface water supply for the on-going conversion project. The plan includes incidental recharge resulting from conversion and delivery of the surface water using conveyance facilities owned and operated by A&B. The plan also includes the ongoing enrollment of 121 acres of ground water irrigated lands in the Conservation Reserve Enhancement Program (CREP).

The Department will process this plan pursuant to the Department's

Conjunctive Management Rules (IDAPA 37, Title 03, Chapter 11). ****The Department has not determined the adequacy of the proposed plan. A complete copy of the proposed plan is available for review at either the Department's State Office in Boise, the Department's Regional Office in Twin Falls, or may be viewed online at the following website along with other related documents:

<http://www.idwr.idaho.gov/News/WaterCalls/1000Spring%20Users%20Calls/blue%20lakes.htm>

Any protest against approval of the plan must be filed with the Department, together with a protest fee of \$25, on or before September 28, 2009. The protest must include a certificate of service showing that a copy of the protest has been mailed to or served on A&B and its counsel.

Gary Spackman, Interim Director

**PUBLISH:
IDAHO MOUNTAIN EXPRESS
Sept. 9 & 16, 2009**

OK
MB
9/29/09