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SEP 18 2009

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, Twins 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 10th day of September, 2009 and ending with the issue dated 17th day of September, 2009

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
Ruby Aufderheide, Legal Clerk

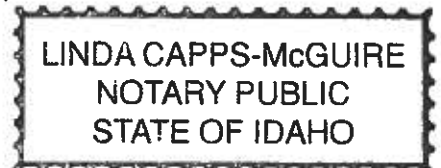
STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 17th day of September, 2009, before me,

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.

Linda Capps-McGuire
Notary Public for Idaho
Residing at Twin Falls, Idaho.

My commission expires: 5-19-15



**NOTICE OF APPLICATION FOR APPROVAL OF
A&B IRRIGATION DISTRICT'S MITIGATION PLAN
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_lakes.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

Published in the Times News on 9/10 & 9/17/09.

OK
MB
9/18/09