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DEPARTMENT OF
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BEFORE THE DEPARTMENT OF WATER RESOURCES OF THE STATE OF IDAHO

IN THE MATTER OF THE MITIGATION PLAN FILED BY THE CITY OF POCATELLO	Docket Nos. CM-MP-2015-001, CM-MP-2015-004, CM-MP-2015-005
IN THE MATTER OF THE MITIGATION PLAN FILED BY THE COALITION OF CITIES	**JOINT MOTION FOR ORDER EXTENDING SETTLEMENT BETWEEN POCATELLO, COALITION OF CITIES, IDAHO FALLS AND SURFACE WATER COALITION**
IN THE MATTER OF THE CITY OF IDAHO FALLS MITIGATION PLAN FOR THE SURFACE WATER COALITION CALL	

COMES NOW, City of Pocatello ("Pocatello"), a municipal corporation of Idaho, and the Cities of Bliss, Burley,[1] Carey, Delco, Dietrich, Gooding, Hazelton, Heyburn, Jerome, Paul, Richfield, Rupert, Shoshone, and Wendell, all municipal corporations of Idaho (collectively, "Coalition of Cities"), the City of Idaho Falls ("Idaho Falls"), and A&B Irrigation District, American Falls Reservoir District No. 2, Burley Irrigation District, Milner Irrigation District, Minidoka Irrigation District, North Side Canal Company, and Twin Falls Canal Company (collectively referred to as the "Surface Water Coalition") (altogether collectively referred to hereinafter as "Parties") and jointly move the Director for an Order approving the attached settlement for the time period described below.

1. On March 15, 2016, the Parties submitted a *Joint Motion for Order Entering Settlement Agreement Between Pocatello, Coalition of Cities, Idaho Falls, and Surface Water Coalition* ("Joint Motion"), which attached an *Interim Mitigation Agreement* ("Interim Mitigation Agreement"). Among other things, the Cities agreed to provide the Surface Water Coalition 2,600 acre-feet of storage water, Interim Mitigation Agreement at 2, ¶ 2a, and were recognized a recharge benefit of 515 acre-feet as computed by ESPAM 2.1 to the Near Blackfoot to Neeley and Neeley to Minidoka reaches of the Snake River in 2016, *id.* at 2, ¶ 2b. By providing storage water and through recognition of the recharge benefit, the Interim Mitigation Agreement and Joint Motion resolved the Parties' differences through December 31, 2016. The Parties recognized that the Interim Mitigation Agreement could be extended by "jointly seek[ing] such an Order from the Director." Joint Motion at 2, ¶ 5. On April 27, 2016, the agreement was approved by the Director. *Final Order Approving Mitigation Plan for 2016.*

[1] The City of Burley is now participating in mitigation with the Coalition of Cities.

2. The Parties desire to extend the Interim Mitigation Agreement for 2017. The Parties' understanding of the effect of this extension is described below.

3. Consistent with the 2016 Interim Mitigation Agreement, the SWC agrees to accept 2,600 acre-feet of storage water from the Cities and to recognize a 488 acre-feet recharge benefit in 2017 attributable to the Cities past recharge activities as stipulated mitigation for any injury caused by the Cities' pumping under junior priority ground water rights in 2017.[2]

4. The Interim Mitigation Agreement, attached as Exhibit A to the Joint Motion, reflects the substance of the settlement between the Parties. The dates in the Interim Mitigation Agreement that refer to elements or actions to be taken by the Parties in 2016 will extended to the same or similar dates for 2017.

5. The Parties request that this stipulated extension of the Interim Mitigation Agreement be considered effective until December 31, 2017, and that the extension will protect the participating cities from any curtailment ordered by IDWR under the Methodology Order procedures during that time period.

6. If at any time the Parties desire to extend or renew the effective date(s) of this Interim Mitigation Agreement, they will jointly seek such an Order from the Director.

Respectfully submitted this 21st day of December, 2016.

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[2] The 488 acre-feet recharge volume is the benefit that will accrue to the Near Blackfoot to Neeley and Neeley to Minidoka reaches of the Snake River as computed by ESPAM 2.1 in 2017.

CITY OF IDAHO FALLS ATTORNEY'S OFFICE

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By_____
John K. Simpson
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CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of December, 2016, I caused to be served a true and correct copy of the foregoing **Joint Motion for Order Extending Settlement Between Pocatello, Coalition of Cities, Idaho Falls and Surface Water Coalition** in **Docket Nos. CM-MP-2015-001, CM-MP-2015-004, and CM-MP-2015-005** upon the following by the method indicated:

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