

# LEGAL PROOF OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Lines
263982	0002066298	LEGAL NOTICE NOTICE OF MITIGATION	City of Idaho Falls	\$195.50	2	60

**Attention: DENISE MALINE**

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

**RECEIVED**

**NOV 16 2015**

**LEGAL NOTICE  
NOTICE OF MITIGATION PLAN SUBMITTED  
BY THE CITY OF IDAHO FALLS**

**DEPT OF WATER RESOURCES  
SOUTHERN REGION**

Notice is hereby given that, on October 19, 2015, the City of Idaho Falls ("City"), through counsel Michael A. Kirkham, Assistant City Attorney, City of Idaho Falls, P.O. Box 50220, Idaho Falls, ID, 83405, and Robert L. Harris, Esq. of the firm Holden, Kidwell, Hahn & Crapo, P.L.L.C., P.O. Box 50130, 1000 Riverwalk Drive, Suite 200, Idaho Falls, ID, 83405, submitted to the Idaho Department of Water Resources ("Department") the City of Idaho Falls Conjunctive Management Rule (CMR) 43 Mitigation Plan ("Mitigation Plan"). The Department will process the Mitigation Plan pursuant to the Department's Conjunctive Management Rules ("CM Rules") (IDAPA 37.03.11). The Mitigation Plan may be viewed online at the following website link:  
<http://idwr.idaho.gov/legal-actions/mitigation-plan-actions/SWC/City-of-Idaho-Falls.html>

The City holds water rights subject to potential curtailment in Snake River delivery calls before the Department. See Mitigation Plan at Exhibits 1 & 2. The Mitigation Plan intends to benefit senior water rights held by members of the Surface Water Coalition ("SWC") (comprised of Twin Falls Canal Company, North Side Canal Company, A&B Irrigation District, American Falls Reservoir District #2, Burley Irrigation District, Milner Irrigation District, and Minidoka Irrigation District) involved in the SWC delivery call. The Mitigation Plan is being submitted to avoid any disruption in the City's operations and to ensure the necessary approvals are in place to mitigate without procedural delay for the SWC's senior water rights determined to be impacted by exercise of the City's ground water rights. Id. at 6.

The Mitigation Plan seeks pre-approval for the following activities: (1) discharge into the Snake River from the City's wastewater treatment facility; (2) assignment of storage water allocated to its 1,180 shares of Palisades Water Users, Inc., stock, up to the mitigation amount required, to the Water District 1 storage water accounts of the injured SWC members; (3) future ground water recharge activities; (4) assignment of unused water allocated to City-owned property by virtue of its membership in irrigation districts to the Water District 1 storage water accounts of the injured members of the SWC; (5) lease of surface water from the Idaho Water Supply Bank or the Water District 1 Rental Pool; (6) a petition to participate as a non-member of the Bonneville-Jefferson Ground Water District and/or Idaho Ground Water Appropriators, Inc., to receive the benefits of an approved mitigation plan; (7) entry into leases with private water right holders of either surface or ground water to be used for mitigation purposes.

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 November 23, 2015. The protest must include a certificate of service showing that a copy of the protest has been mailed to or served upon counsel for the City.

Gary Spackman, Director

Pub. Nov. 5, 12, 2015

0002066298-01

JANICE HILDRETH, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed 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: 11/05/2015

Ending issue of: 11/12/2015

*Janice Hildreth*  
(Legals Clerk)

STATE OF IDAHO )

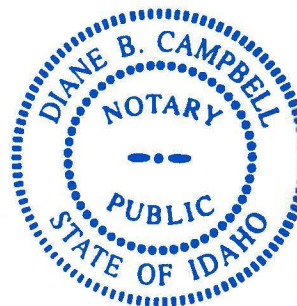
.SS

COUNTY OF ADA )

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

*Diane B. Campbell*  
Notary Public FOR Idaho  
Residing at: Boise, Idaho

My Commission expires: 1/23/2021



✓ OK DM 11/20/2015