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Description 121785 NOTICE O

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APR 14 2016

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Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

121785
NOTICE OF INTERIM MITIGATION PLAN
SUBMITTED BY THE CITY OF POCATELLO,
COALITION OF CITIES, CITY OF IDAHO FALLS, AND
SURFACE WATER COALITION

Notice is hereby given that, on March 15, 2016, the City of Pocatello ("Pocatello"), through counsel A. Dean Tranmer, P.O. Box 4169, Pocatello, ID 83205, and Sarah A. Klahn, 511 Sixteenth Street, Ste. 500, Denver, CO 80202; the cities of Bliss, Burley, Carey, Declo, Dietrich, Gooding, Hazelton, Heyburn, Jerome, Paul, Richfield, Rupert, Shoshone, and Wendell ("Coalition of Cities"), through counsel Chris Bromley, 380 S. 4th St., Ste. 103, Boise, ID 83702, and Robert E. Williams, P.O. Box 168, Jerome, ID 83338; the City of Idaho Falls ("Idaho Falls"), through counsel Randall D. Fife, P.O. Box 50220, Idaho Falls, ID 83405, and Robert L. Harris, P.O. Box 50130, Idaho Falls, ID 83405; and A&B Irrigation District, American Falls Reservoir District #2, Burley Irrigation District, Milner Irrigation District, Minidoka Irrigation District, North Side Canal Company, and Twin Falls Canal Company (collectively the "Surface Water Coalition"), through counsel Travis L. Thompson, 195 River Vista Place, Ste. 204, Twin Falls, ID 83301-3029, and W. Kent Fletcher, P.O. Box 248, Burley, ID 83318, submitted to the Idaho Department of Water Resources ("Department") a Joint Motion for Order Entering Settlement Between Pocatello, Coalition of Cities, Idaho Falls and Surface Water Coalition ("Motion"). Attached to the Motion as Exhibit A is an Interim Mitigation Agreement ("Interim Mitigation Plan") entered into by Pocatello, the Coalition of Cities, Idaho Falls, and the Surface Water Coalition ("SWC").

The Department will process the Interim Mitigation Plan pursuant to the Department's Conjunctive Management ("CM") Rules (IDAPA 37.03.11). The Motion and Interim Mitigation Plan may be viewed at the following website link:

<http://www.idwr.idaho.gov/legal-actions/mitigation-plan-actions/SWC/Cities.html>

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 121785 NOTICE O attached hereto and which is made a part of this affidavit was published in the said Lewiston Tribune, 2 time(s). Publication being on 03/31, or once a Week for 2 consecutive Week, the first publication thereof being on the 03/31/2016, and the last publication thereof being on the 04/07/2016, and said 121785 NOTICE O 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.

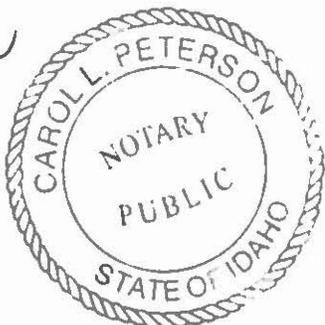
Karen J. Lewis

State of Idaho
S.S.
County of Nez Perce

On this 17th day of April in the year of 2016, 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

over
✓ OK PM
4/15/2016



Prior to submitting the Motion and Interim Mitigation Plan, Pocatello, the Coalition of Cities, and Idaho Falls each submitted a proposed individual mitigation plan intended to benefit senior water rights held by members of the SWC involved in the SWC water delivery call. Each individual plan generally proposed to directly deliver some volume of storage water. The Coalition of Cities' and Idaho Falls' plans also proposed unspecified ground water recharge activities. The Department previously published notice of these individual plans. The Interim Mitigation Plan was submitted following negotiations between Pocatello, the Coalition of Cities, Idaho Falls, and the SWC to resolve "their differences" regarding the proposed individual plans. Motion at 2.

The Interim Mitigation Plan specifies details of mitigation activities that Pocatello, the Coalition of Cities, Idaho Falls, and the SWC agree will "constitute full mitigation" for any injury to members of the SWC in 2016 associated with ground water pumping by Pocatello, the Coalition of Cities, and Idaho Falls. Interim Mitigation Plan at 2. Specifically, the Interim Mitigation Plan proposes delivery of 2,600 acre-feet of storage water to storage accounts selected by the SWC from "Pocatello's or Idaho Falls' (through its Palisades Water Users, Inc. shares) storage space in Palisades Reservoir or the Water District 01 Rental Pool(s)." Id. The Interim Mitigation Plan also seeks credit for past recharge activities "that are estimated to benefit the Near Blackfoot to Neeley and Neeley to Minidoka Reaches of the Snake River in the amount of 515 acre-feet of water during the 2016 irrigation season." Id. In addition, the Interim Mitigation Plan states that other municipal corporations who pump ground water from the Eastern Snake Plain Aquifer Area of Common Ground Water Supply defined by CM Rule 50 "may become a participant" and that the delivery of 2,600 acre-feet of storage water "will mitigate injury to the SWC" caused by pumping under junior ground water rights held by those municipal corporations. Id.

The Department has not determined the adequacy of the proposed Interim Mitigation Plan. A complete copy of the Interim 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 Interim Mitigation Plan must be filed with any Department office, together with a protest fee of \$25, on or before April 18, 2016. The protest must include a certificate of service showing that a copy of the protest has been mailed to or served upon counsel for Pocatello, the Coalition of Cities, Idaho Falls, and the SWC.

Gary Spackman, Director

Published in the Mountain Home News, Idaho Mountain Express, and Power County Press on March 30th & April 6th, 2016; and the Times News, Post Register, Idaho Statesman, Lewiston Tribune, and Idaho State Journal on March 31st & April 7th, 2016.

✓ OK DM 4/15/2016