

Affidavit of Publication

State of Idaho

County of Power

Brett Crompton being first duly sworn on oath, states:

That he is the Publisher of The Power County Press, a newspaper of general circulation in Power County, Idaho, published weekly at American Falls in said county, that said newspaper has been published in said county uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

That the annexed notice or advertisement was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for 2 successive weekly issues thereof, the date of the first publication being the 30th day of March 2016 and the date of the last publication being the 6th day of April 2016.

Signed

Brett Crompton

State of Idaho

County of Power

On this 6th day of April in the year of 2016, before me, a Notary Public, personally appeared Brett Crompton, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.



Debbie Crompton

Notary Public for Idaho
Residing at American Falls, Idaho
My commission expires: July 19, 2016

RECEIVED

APR 21 2016

Department of Water Resources
Eastern Region

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APR 28 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

Interim mitigation plan submitted

P.1

Published in The Power County Press March 30, April 6, 2016.

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 Trammer, 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").

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.

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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>

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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.

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 4/28/2016

