

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 December 21, 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, P.O. Box 63, Twin Falls, ID 83303-0063, 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 Extending Settlement Between Pocatello, Coalition of Cities, Idaho Falls and Surface Water Coalition* ("Interim Mitigation Plan for 2017").

On March 15, 2016, Pocatello, the Coalition of Cities, Idaho Falls, and the Surface Water Coalition ("SWC") (collectively, the "Parties") submitted to the Department an *Interim Mitigation Agreement* ("Interim Mitigation Plan for 2016") proposing mitigation activities the Parties agreed would "constitute full mitigation" for any injury to members of the SWC in 2016 associated with junior-priority ground water pumping by Pocatello, the Coalition of Cities, and Idaho Falls. *Interim Mitigation Plan for 2016* at 2. The Interim Mitigation Plan proposed delivery of 2,600 acre-feet of storage water to the SWC and recharge activities estimated to benefit the Near Blackfoot to Neeley and Neeley to Minidoka Reaches of the Snake River. In April 2016, the Department published notice of and approved the Interim Mitigation Plan for 2016.

The Parties "desire to extend the Interim Mitigation [Plan] for 2017." *Interim Mitigation Plan for 2017* at 3. The SWC "agrees to accept 2,600 acre-feet of storage water" and "to recognize a 488 acre-feet recharge benefit in 2017" attributable to recharge activities as "mitigation for any injury" to SWC members in 2017 associated with junior-priority ground water pumping by Pocatello, the Coalition of Cities, and Idaho Falls. *Id.*

The Department will process the Interim Mitigation Plan for 2017 pursuant to the Department's Conjunctive Management Rules (IDAPA 37.03.11). A complete copy of the Interim Mitigation Plan for 2017 is available for review at either the Department's State Office in Boise, the Department's Regional Office in Twin Falls, or at the following website link:

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

The Department has not determined the adequacy of the proposed Interim Mitigation Plan for 2017. Any protest against approval of the Interim Mitigation Plan for 2017 must be filed with any Department office, together with a protest fee of \$25, on or before **January 23, 2017**. 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.

AFFIDAVIT OF PUBLICATION

County of Elmore }
State of Idaho }ss.

I, **Brenda M. Fincher**, do solemnly swear that I am the Publisher of the:

Mountain Home News

A weekly newspaper of general circulation, published once a week, in Mountain Home, Idaho, that the notice attached hereto which is a part of publication thereof; was published in said newspaper for 2 consecutive weeks, the first publication having been made on the 9th day of Jan, 2017, and the last publication having been made on the 11th day of Jan, 2017; every Wednesday issue of the paper during the period and time of publication and that the notice was published in the paper proper and not in a supplement thereof.

And I further swear that the said Mountain Home News has been continuously and uninterruptedly published in said Elmore County during the period of 78 consecutive weeks prior to the first publication of the attached notice.

Brenda M Fincher

Publisher

Subscribed and sworn to me this 16th day of Jan 2017.

[Signature]

Notary Public

Residing in Mountain Home, Elmore County, Idaho.

My commission expires **11-17-2017**.

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JAN 25 2017

DEPT OF WATER RESOURCES
SOUTHERN REGION



✓ SM
1-26-2017

Gary Spackman, Director
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