RECEIVED
SEP 15 2017
DEPARTMENT OF WATER RESOURCES

Chris M. Bromley (ISB #6530)
McHugh Bromley, PLLC
Attorneys at Law
380 South 4th Street, Suite 103
Boise, ID 83702
Telephone: (208) 287-0991
Facsimile: (208) 287-0864
cbromley@mchughbromley.com

Attorneys for Cities of Bliss, Burley, Carey, Declo, Dietrich, Gooding, Hazelton, Heyburn, Jerome, Paul, Richfield, Rupert, Shoshone and Wendell

Randall D. Fife, Esq. (ISB #4010)
City Attorney, City of Idaho Falls
P.O. Box 50220
Idaho Falls, ID 83405
Telephone: (208) 612-8177
rfife@idahofallsidaho.gov

Robert L. Harris, Esq. (ISB #7018)
Holden, Kidwell, Hahn & Crapo, PLLC
P.O. Box 50130
1000 Riverwalk Drive, Suite 200
Idaho Falls, ID 83405
Telephone: (208) 523-0620
Facsimile: (208) 523-9518
rharris@holdenlegal.com

Attorneys for the City of Idaho Falls

Robert E. Williams (ISB #1693)
Williams, Meservy & Lothspeich, LLP
Attorneys at Law
153 East Main Street
P. O. Box 168
Jerome, Idaho 83338
Telephone: (208) 324-2303
Facsimile: (208) 324-3135
rewilliams@cableone.net

Attorneys for Cities of Bliss, Carey, Declo, Dietrich, Gooding, Hazelton, Heyburn, Jerome, Paul, Richfield, Rupert, Shoshone and Wendell

Kirk Bybee (ISB #2782)
City of Pocatello
P.O. Box 4169
Pocatello, ID 83201
Telephone: (208) 234-6149

Sarah A. Klahn (ISB #7928)
Mitra M. Pemberton
White & Jankowski, LLP
511 Sixteenth Street, Suite 500
Denver, Colorado 80202
Telephone: (303) 595-9441
sarahk@white-jankowski.com
mitrap@white-jankowski.com

Attorneys for the City of Pocatello

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF DISTRIBUTION OF WATER TO VARIOUS WATER RIGHTS HELD BY OR FOR THE BENEFIT OF A&B IRRIGATION DISTRICT, AMERICAN FALLS RESERVOIR DISTRICT #2, BURLEY IRRIGATION DISTRICT, MILNER IRRIGATION DISTRICT, MINIDOKA IRRIGATION	CM-DC-2010-001

DISTRICT, NORTH SIDE CANAL COMPANY, AND TWIN FALLS CANAL COMPANY	
IN THE MATTER OF THE MITIGATION PLAN FILED BY THE CITY OF POCATELLO, THE COALITION OF CITIES, AND THE CITY OF IDAHO FALLS FOR THE DISTRIBUTION OF WATER TO WATER RIGHTS HELD BY THE SURFACE WATER COALITION	CM-MP-2016-002 **NOTICE OF 2017 CITIES' PARTICIPATION**

COME NOW the cities of Bliss, Burley, Carey, Declo, Dietrich, Gooding, Hazelton, Heyburn, Jerome, Paul, Richfield, Rupert, Shoshone and Wendell (hereinafter the "Coalition of Cities"), the City of Idaho Falls, and the City of Pocatello (collectively referred to herein as the "Cities"), by and through their undersigned counsel, pursuant to the terms of the above-captioned mitigation plan ("Cities' Mitigation Plan"), and hereby notify the Director of the Idaho Department of Water Resources ("Director" or "IDWR") and the Surface Water Coalition ("SWC") of the 2017 participation in the Cities' Mitigation Plan by the cities of Ammon, Blackfoot, Iona, and Rigby.

On April 27, 2016, and in response to the Cities' Mitigation Plan, the Director issued his *Final Order Approving Mitigation Plan for 2016*. The Cities' Mitigation Plan, which was stipulated to by the SWC, and settled the parties' differences for 2016, allowed for other cities to participate in the Cities' Mitigation Plan: "Participation of other municipalities shall be at the sole discretion of the Cities and shall not increase the amount of mitigation water in paragraph 2. The Parties agree that upon approval of participation by the Cities, the Cities will provide notice to the Department and the SWC of other municipalities participating in the Mitigation Plans, and said municipalities shall be protected from curtailment pursuant to the terms of this Agreement." *Exhibit A, p. 3, Joint Motion for Order Entering Settlement Between Pocatello, Coalition of Cities, Idaho Falls and Surface Water Coalition* (March 15, 2016). In 2016, the Cities notified the Director of

participation by other municipalities. *See e.g. Third Notice of Cities' Participation* (October 7, 2016).

On December 21, 2016, the Cities and SWC notified the Director of their intention to continue the Cities' Mitigation Plan for 2017. *Joint Motion for Order Extending Settlement Between Pocatello, Coalition of Cities, Idaho Falls and Surface Water Coalition* (December 21, 2016). The agreement is effective "until December 31, 2017," may be "jointly" renewed by the parties, and requires the Cities to provide the SWC with "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." *Id.* at 2. Following publication, the Director issued his *Final Order Approving Cities' Interim Mitigation Plan* (February 8, 2017).

As in 2016, the Cities are required to notify the SWC and Director of participation by other municipalities in the Cities' Mitigation Plan for 2017. The Cities hereby notify the Director and the SWC of the participation of the cities of Ammon, Blackfoot, Iona, and Rigby in the Cities' Mitigation Plan for 2017.

DATED this 15th day of September, 2017.

Chris M. Bromley
Attorney for Coalition of Cities

for
Robert E. Williams
Attorney for Coalition of Cities

for
Randall D. Fife
Attorney for City of Idaho Falls

for
Robert L. Harris
Attorney for City of Idaho Falls

for
Kirk Bybee
Attorney for City of Pocatello

for
Sarah A. Klahn
Attorney for City of Pocatello

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of September 2017, I served a true and correct copy of the foregoing document on the person(s) whose names and addresses appear below by the method indicated:

Director Gary Spackman Idaho Department Of Water Resources PO Box 83720 Boise, ID 83720 kimi.white@idwr.idaho.gov	X Via US Mail, Postage Paid ☐ Via Facsimile ☐ Hand-Delivered X Via Electronic Mail
Garrick L. Baxter Emmi Blades Deputy Attorneys General Idaho Department Of Water Resources PO Box 83720 Boise, ID 83720-0098 garrick.baxter@idwr.idaho.gov emmi.blades@idwr.idaho.gov	☐ Via US Mail, Postage Paid ☐ Via Facsimile ☐ Hand-Delivered X Via Electronic Mail
Travis L. Thompson Barker Rosholt & Simpson 195 River Vista Place, Ste. 204 Twin Falls, ID 83301-3029 tlt@idahowaters.com	☐ Via US Mail, Postage Paid ☐ Via Facsimile ☐ Hand-Delivered X Via Electronic Mail
W. Kent Fletcher Fletcher Law Office P.O. Box 248 Burley, ID 83318 wkf@pmt.org	☐ Via US Mail, Postage Paid ☐ Via Facsimile ☐ Hand-Delivered X Via Electronic Mail
Robert E. Williams Williams, Meservy & Lothspeich, LLP Attorneys at Law 153 East Main Street P. O. Box 168 Jerome, Idaho 83338 rewilliams@wmlattys.com	☐ Via US Mail, Postage Paid ☐ Via Facsimile ☐ Hand-Delivered X Via Electronic Mail
Robert L. Harris Holden, Kidwell, Hahn & Crapo, PLLC P.O. Box 50130 1000 Riverwalk Drive, Suite 200 Idaho Falls, ID 83405 rharris@holdenlegal.com	☐ Via US Mail, Postage Paid ☐ Via Facsimile ☐ Hand-Delivered X Via Electronic Mail

Sarah A. Klahn
Mitra M. Pemberton
White & Jankowski, LLP
511 Sixteenth Street, Suite 500
Denver, CO 80202
sarahk@white-jankowski.com
mitrap@white-jankowski.com

☐ Via US Mail, Postage Paid
☐ Via Facsimile
☐ Hand-Delivered
X Via Electronic Mail

Randall Fife
City Attorney
City of Idaho Falls
P.O. Box 50220
Idaho Falls, ID 83405
rfife@idahofallsidaho.gov

☐ Via US Mail, Postage Paid
☐ Via Facsimile
☐ Hand-Delivered
X Via Electronic Mail

Kirk Bybee
City of Pocatello
P.O. Box 4169
Pocatello, ID 83201
kbybee@pocatello.us

☐ Via US Mail, Postage Paid
☐ Via Facsimile
☐ Hand-Delivered
X Via Electronic Mail

Jerry Rigby
Rigby Andrus & Rigby Law PLLC
P.O. Box 250
Rexburg, ID 83440-0250
jrigby@rex-law.com

☐ Via US Mail, Postage Paid
☐ Via Facsimile
☐ Hand-Delivered
X Via Electronic Mail

Randall C. Budge
T.J. Budge
Racine Olson Nye Budge & Bailey, Chtd.
P.O. Box 1391
Pocatello, ID 83204
rcb@racinelaw.net
tjb@racinelaw.net

☐ Via US Mail, Postage Paid
☐ Via Facsimile
☐ Hand-Delivered
X Via Electronic Mail

CHRIS M. BROMLEY