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Department of Water Resources
Eastern Region

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APR 05 2019

STATE OF IDAHO
County of Bannock

LN26036

KAREN MASON

DEPARTMENT OF
WATER RESOURCES

NOTICE OF JOINT STIPULATED MITIGATION PLAN SUBMITTED BY THE COALITION OF CITIES, CITY OF IDAHO FALLS, AND CITY OF POCATELLO IN RESPONSE TO THE SURFACE WATER COALITION DELIVERY CALL

Notice is hereby given that, on February 25, 2019, 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 and Candice McHugh, 380 S. 4th St., Ste. 103, Boise; ID 83702; the City of Idaho Falls ("Idaho Falls"), through counsel Robert L. Harris, P.O. Box 50130, Idaho Falls, ID 83405; and the City of Pocatello ("Pocatello"), through counsel Sarah A. Klahn, Somach, Simmons & Dunn, 2701 Lawrence St, Ste. 113, Denver, CO 80205, submitted to the Idaho Department of Water Resources ("Department") the Coalition of Cities, City of Idaho Falls, and City of Pocatello Joint Mitigation Plan with an attached Settlement Agreement between the Surface Water Coalition ("SWC"), Participating Members of Idaho Ground Water Appropriators, Inc. ("IGWA"), and Signatory Cities (collectively, "Joint Stipulated Mitigation Plan").

The Coalition of Cities, Idaho Falls, and Pocatello (collectively, "Cities") have individually and collectively filed four CM Rule 43 mitigation plans, CM-MP-2015-001, CM-MP-2015-004, CM-MP-2015-005, CM-MP2016-001, to satisfy their mitigation obligations in response to the SWC delivery call, CM-CD-2010-001. The Joint Stipulated Mitigation Plan replaces the previously filed plans.

The Cities assert the Joint Mitigation Plan "resolves the Cities' collective mitigation obligation under the SWC delivery call." Joint Stipulated Mitigation Plan at 2. The Cities also assert that the SWC and IGWA "stipulate to the Joint Mitigation Plan with the Cities, agreeing that the Plan shall be deemed to fully mitigate all impacts caused by the Cities' out-of-priority ground water pumping in CM-DC-2010-001 for the term of the mitigation plan." Id. at 4-5. The term of the Joint Stipulated Mitigation Plan "shall be until the average annual ESPA pumping of the cities referenced in the Agreement reaches 120,000 acre-feet per year as determined by a five-year rolling average, or December 31, 2053, whichever is earlier" Id. at 4.

The Department will process the Joint Stipulated Mitigation Plan pursuant to the Department's Conjunctive Management Rules (IDAPA 37.03.11). A complete copy of the Joint Stipulated 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 following website link:

being first duly sworn on oath deposes and says: that SHE was at all times herein mention a citizen of the United States of America more than 21 years of age, and the Principal Clerk of the Idaho State Journal, a daily newspaper, printed and published at Pocatello, Bannock County Idaho and having a general circulation therein.

That the document or notice, a true copy of which is attached, was published in the said IDAHO STATE JOURNAL, on the following dates, to-wit

Mar. 14 2019 Mar. 2019
Mar. 21 2019 Mar. 2019
Mar. 2019 Mar. 2019
Mar. 2019 Mar. 2019

That said paper has been continuously and uninterruptedly published in said County for a period of seventy-eight weeks prior to the publication of said notice of advertisement and is a newspaper within the meaning of the laws of Idaho.

K. Mason

STATE OF IDAHO
COUNTY OF BANNOCK

On this 21st. of Mar. in the year of 2019, before me, a Notary Public, personally appeared KAREN MASON 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 acknowledge to me that he executed the same.

Notary of Public
Lori A. Sekot
Residing at Arimo exp. 3/3/2021



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DEPARTMENT OF
WATER RESOURCES

<https://dwr.idaho.gov/files/legal/CM-MP-2019-001/CM-MP-2019-001-20190225-Coalition-of-Cities-et-al-Joint-Mitigation-Plan.pdf>

The Department has not determined the adequacy of the Joint Stipulated Mitigation Plan. Any protest against approval of the Joint Stipulated Mitigation Plan must be filed with any Department office, together with a protest fee of \$25, on or before **April 1, 2019**. 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 Cities.

Gary Spackman, Director

Published in the Mountain Home News, Idaho Mountain Express, and Power County Press on March 13 and 20, 2019 and the Times News, Post Register, Idaho Statesman, Lewiston Tribune, and Idaho State Journal on March 14 and 21, 2019.

March 14, 21, 2019
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