

**NOTICE OF JOINT  
STIPULATED MITIGATION  
PLAN SUBMITTED BY THE  
COALITION OF CITIES,  
CITY OF IDAHO FALLS,  
AND CITY OF POCATELLO  
IN RESPONSE TO THE SUR-  
FACE 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.

# AFFIDAVIT OF PUBLICATION

County of Elmore }  
State of Idaho } 55

I, **Joy Martinez**, do solemnly swear that I am the Legal Clerk 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 13 day of March 2019, and the last publication having been made on the 20 day of March, 2019; 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.

Joy Martinez  
Legal Clerk

Subscribed and sworn to me this 20th day of March, 2019.

Brenda M. Fincher  
Notary Public

Residing in Mountain Home, Elmore County, Idaho.

My commission expires **11-16-2022**.



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:

<https://idwr.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  
First Publication:  
March 13, 2019  
Second Publication:  
March 20, 2019

