

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 13th day of March 2019 and the date of the last publication being the 20th day of March 2019

Signed

Brett Crompton

State of Idaho

County of Power

On this 20th day of March in the year of 2019, 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 he executed the same.



Debbie Crompton

Notary Public for Idaho
Residing at American Falls, Idaho
My commission expires: July 25, 2022

RECEIVED
MAR 25 2019
Department of Water Resources
Eastern Region

Mitigation plan for water delivery call

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, Somachi, 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 Stipu-

lated 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 Con-junctive 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 web-site 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.