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Department of Water Resources  
Eastern Region

## AFFIDAVIT OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Depth
263963	0004120379	NOTICE OF JOINT STIPULATED MITIGATION P	Idaho Water East	\$207.20	2	6.22 In

**Attention:** Cox Sharla

IDAHO DEPT OF WATER RESOURCE / EAST  
900 N SKYLINE DR SUITE A  
IDAHO FALLS, ID 834021700

**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-MP-2016-001, 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:

<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.

0004120379-01

STEFANI BEARD, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterrupted published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in The Idaho Statesman, in conformity with Section 60-108, Idaho Code, as amended, for:

2 Insertions

Beginning issue of: 03/14/2019

Ending issue of: 03/21/2019

  
(Legals Clerk)

On this 21st day of March in the year of 2019 before me, a Notary Public, personally appeared before me Stefani Beard known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.



Notary Public in and for the state of Texas, residing in Dallas County

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