

MAY 04 2016

DEPARTMENT OF
WATER RESOURCES

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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

CM-DC-2010-001

DISTRICT, MINIDOKA IRRIGATION
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 CITIES' PARTICIPATION

COME NOW the cities of Bliss, Buhl, Carey, Declo, Dietrich, Gooding, Hazelton, Heyburn, Jerome, Paul, Richfield, Rupert, 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 participation in the Cities' Mitigation Plan by other municipalities who pump water from the Eastern Snake Plain Aquifer ("ESPA") Area of Common Ground Water Supply ("ACGWS").

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 Surface Water Coalition ("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). Consistent with the terms therein, the Cities hereby notify the Director and the SWC of participation by the following additional cities in the Cities’ Mitigation Plan:¹

- City of Ammon
- City of Blackfoot
- City of Chubbuck
- City of Iona
- City of Rigby
- City of Ririe
- City of Sugar City
- City of St. Anthony

Accordingly all water rights owned by the cities of Bliss, Buhl, Carey, Declo, Dietrich, Gooding, Hazelton, Heyburn, Jerome, Paul, Richfield, Rupert, Wendell, Idaho Falls, Pocatello, Ammon, Blackfoot, Chubbuck, Iona, Rigby, Ririe, Sugar City, and St. Anthony shall be protected from curtailment in response to the SWC delivery call for 2016.

DATED this 4th day of May, 2016.



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Robert E. Williams
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Robert L. Harris
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Sarah A. Klahn
Attorney for City of Pocatello

¹ The Cities shall notify the Director and SWC if the status of participating cities changes or if additional cities join this Plan in 2016.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of May 2016, 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:

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