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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 **AMENDED NOTICE OF CITIES' PARTICIPATION**

COME NOW the cities of Bliss, Carey, Declo, Dietrich, Gooding, Hazelton, Heyburn, Jerome, Paul, Richfield, Rupert, Shoshone and Wendell (hereinafter the "Coalition of Cities"),[1] 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

[1] On May 4, 2015, the Cities filed a *Notice of Participation* with the Director. The May 4, 2015 *Notice of Proceeding* incorrectly listed some members of the Coalition of Cities, and incorrectly omitted some members of the Coalition of Cities. This *Amended Notice of Participation* corrects those errors.

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:[2]

- 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, Carey, Declo, Dietrich, Gooding, Hazelton, Heyburn, Jerome, Paul, Richfield, Rupert, Shoshone and 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 5th day of May, 2016.

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[2] 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 5th 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:

Director Gary Spackman Idaho Department Of Water Resources PO Box 83720 Boise, ID 83720 deborah.gibson@idwr.idaho.gov	☐ Via US Mail, Postage Paid ☐ Via Facsimile X Hand-Delivered ☐ Via Electronic Mail
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