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DEPARTMENT OF  
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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  
DISTRICT, MINIDOKA IRRIGATION

CM-DC-2010-001

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 2017 CITIES'  
PARTICIPATION**

COME NOW the cities of Bliss, Burley, Carey, Declo, Dietrich, Gooding, Hazelton, Heyburn, Jerome, Paul, Richfield, Rupert, Shoshone 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 the 2017 participation in the Cities' Mitigation Plan by the cities of Ammon, Blackfoot, Iona, and Rigby.


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 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). In 2016, the Cities notified the Director of


participation by other municipalities. See e.g. *Third Notice of Cities' Participation* (October 7, 2016).


On December 21, 2016, the Cities and SWC notified the Director of their intention to continue the Cities' Mitigation Plan for 2017. *Joint Motion for Order Extending Settlement Between Pocatello, Coalition of Cities, Idaho Falls and Surface Water Coalition* (December 21, 2016). The agreement is effective "until December 31, 2017," may be "jointly" renewed by the parties, and requires the Cities to provide the SWC with "2,600 acre-feet of storage water from the Cities and to recognize a 488 acre-feet recharge benefit in 2017 attributable to the Cities past recharge activities as stipulated mitigation for any injury caused by the Cities' pumping under junior priority ground water rights in 2017." *Id.* at 2. Following publication, the Director issued his *Final Order Approving Cities' Interim Mitigation Plan* (February 8, 2017).


As in 2016, the Cities are required to notify the SWC and Director of participation by other municipalities in the Cities' Mitigation Plan for 2017. The Cities hereby notify the Director and the SWC of the participation of the cities of Ammon, Blackfoot, Iona, and Rigby in the Cities' Mitigation Plan for 2017.


DATED this 15<sup>th</sup> day of September, 2017.


  
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## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15<sup>th</sup> day of September 2017, 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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