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MAY 01 2019

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
DISTRICT, MINIDOKA IRRIGATION
DISTRICT, NORTH SIDE CANAL
COMPANY, AND TWIN FALLS CANAL
COMPANY

CM-DC-2010-001

**NOTICE OF PARTICIPATION IN
CITIES' MITIGATION PLAN**

IN THE MATTER OF THE JOINT
MITIGATION PLAN FILED BY THE

CM-MP-2019-001

COALITION OF CITIES, THE CITY OF
IDAHO FALLS, AND THE CITY
POCATELLO IN RESPONSE TO THE
SURFACE WATER COALITION
DELIVERY CALL

COME NOW the cities of Bliss, Burley, Carey, Declo, Dietrich, Gooding, Hazelton, Heyburn, Jerome, Paul, Richfield, Rupert, Shoshone, and Wendell, the City of Idaho Falls, and the City of Pocatello (“Cities”), by and through its undersigned counsel, and consistent with the *Coalition of Cities, City of Idaho Falls, and City of Pocatello Joint Mitigation Plan* (“Joint Mitigation Plan”) and hereby notify the Director of the Idaho Department of Water Resources (“Director” or “IDWR”) that the following additional cities will be participating in the Joint Mitigation Plan: Ammon, Atomic City, Blackfoot, Firth, Iona, Rexburg, and Ririe.

The Joint Mitigation Plan was filed in response to the delivery call initiated by the Surface Water Coalition (“SWC”) in 2010, CM-DC-2010-001, and approved by the Director on April 9, 2019. The Joint Mitigation 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.” *Joint Mitigation Plan* at 4-5; *Final Order Approving Joint Mitigation Plan* at 2. As part of the Joint Mitigation Plan, any city pumping ground water from the Eastern Snake Plain Aquifer (“ESPA”) may join the Joint Mitigation Plan, subject to approval by the Cities and notification by the Cities to the Director. *Joint Mitigation Plan* at 3-4.

On April 11, 2019, the Director issued his *Final Order Regarding April 2019 Forecast Supply (Methodology Steps 1-3)* (“Methodology Steps 1-3 Order”) predicting a demand shortfall (“DS”) of 20,900 acre-feet to Twin Falls Canal Company, a member of the SWC. “If, on or before May 1, 2019, ground water users holding consumptive water rights bearing priority dates junior to August 25, 1991, within the Eastern Snake Plain Aquifer area of common ground water

supply fail to establish, to the satisfaction of the Director, that they can mitigate for their proportionate share of the predicted DS of 20,900 acre-feet in accordance with an approved mitigation plan, the Director shall issue an order curtailing the junior-priority ground water user.” *Methodology Steps 1-3 Order* at 5.

In addition to the Cities that filed the Joint Mitigation Plan, the following cities will participate under the terms of the Joint Mitigation Plan and ground water rights owned by these communities should be excluded in any curtailment order: Ammon, Atomic City, Blackfoot, Firth, Iona, Rexburg, and Ririe. Consistent with the Joint Mitigation Plan, and if additional cities elect to participate, the Cities will notify the Director.

DATED this 1st day of May, 2019.

MCHUGH BROMLEY, PLLC



CHRIS M. BROMLEY

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Sarah A. Klahn

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of May, 2019, 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	<input type="checkbox"/> US Mail, Postage Paid <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Hand-Delivered <input type="checkbox"/> Electronic Mail
Deputy Attorney General Attn: Garrick L. Baxter Idaho Department of Water Resources PO Box 83720 Boise, ID 83720-0098 Fax: 208-287-6700 garrick.baxter@idwr.idaho.gov	<input type="checkbox"/> US Mail, Postage Paid <input type="checkbox"/> Facsimile <input type="checkbox"/> Hand-Delivered <input checked="" type="checkbox"/> Electronic Mail
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W. Kent Fletcher Fletcher Law Office PO Box 248 Burley, ID 83318 wkf@pmt.org	<input type="checkbox"/> US Mail, Postage Paid <input type="checkbox"/> Facsimile <input type="checkbox"/> Hand-Delivered <input checked="" type="checkbox"/> Electronic Mail
Randy Budge TJ Budge Racine Olson, PLLP 201 E. Center St. PO Box 1391 Pocatello, ID 83204-1391 reb@racinelaw.net tjb@racinelaw.net	<input type="checkbox"/> US Mail, Postage Paid <input type="checkbox"/> Facsimile <input type="checkbox"/> Hand-Delivered <input checked="" type="checkbox"/> Electronic Mail
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