



1155 CANYON BOULEVARD, SUITE 110, BOULDER, CO 80302
OFFICE: 303-449-2834 FAX: 720-535-4921
SOMACHLAW.COM

April 28, 2022

Sent via Email to:

Gary Spackman, Director
Idaho Department of Water Resources
322 East Front Street
Boise, ID 83720-0098
Gary.spackman@idwr.idaho.gov

Re: ESPA Cities' Intent to Mitigate, Final Order Regarding April 2022 Forecast,
CM-DC-2010-001

Dear Director Spackman:

This letter is sent on behalf of the Eastern Idaho cities identified on Attachment A in response to the Department's April 20, 2022 Order requiring juniors to submit evidence of an intent to mitigate to avoid curtailment. The cities listed on Attachment A request that the Department exclude their water right from any curtailment order arising from the April 20, 2022 Order, based on the April 9, 2019, Final Order approving the Stipulated Mitigation Plan submitted by the City of Pocatello, City of Idaho Falls, and the Coalition of Cities¹ ("ESPA Cities' Mitigation Plan") in Docket No. CM-MP-2019-001. The substance of mitigation obligations under the Cities' Mitigation Plan is reflected in the September 2018 Settlement Agreement between the Surface Water Coalition and the Idaho Department of Ground Water Appropriators.² The ESPA Cities are in compliance with the ESPA Cities' Mitigation Plan, and expect to remain in compliance during the pendency of the 2022 water year.

If you have any questions or concerns, please let me know.

Very truly yours,

Sarah A. Klahn

¹ The Coalition of Cities is made up of the Cities of Bliss, Burley, Carey, Declo, Dietrich, Gooding, Hazelton, Heyburn, Jerome, Paul, Richfield, Rupert, Shoshone and Wendell.

² The September 2018 Settlement is an attachment to the ESPA Cities' Mitigation Plan.

Gary Spackman, Director
Idaho Department of Water Resources
April 28, 2022
Page 2

Attachment

SAK/dkt

cc: Sarah Tschohl, sarah.tschohl@idwr.idahogov
Matt Howard, mhoward@usbr.gov, emcgarry@usbr.gov
Tony Olenichak, tony.olenichak@idwr.idaho.gov
Kathleen M. Carr, kathleenmarion.carr@sol.doi.gov
Randy Budge, randy@racineolson.com
T.J. Budge, tjb@racineolson.com
David Gehlert, david.gehlert@usdoj.gov
Rich Diehl, rdiehl@pocatello.us
Robert E. Williams, rewilliams@wmlattys.com
Corey Skinner, corey.skinner@idwr.idaho.gov
Robert L. Harris, rharris@holdenlegal.com
Candice McHugh, cmchugh@mchughbromley.com
Chris Bromley, cbromley@mchughbromley.com
Randall D. Fife, rfife@idahofallsidaho.gov
William A. Parsons, wparsons@pmt.org
W. Kent Fletcher, wkf@pmt.org
John K. Simpson, jks@idahowaters.com
Travis L. Thompson, tlt@idahowaters.com
Sarah W. Higer, swh@idahowaters.com

Attachment A

Eastern Idaho Cities on whose behalf the
April 28, 2022 letter to IDWR Director re: ESPA Cities' Intent to Mitigate, Final
Order Regarding April 2022 Forecast, CM-DC-2010-001 is sent:

City of Aberdeen
City of Ammon
City of Atomic City
City of Blackfoot
City of Bliss
City of Burley
City of Carey
City of Declo
City of Dietrich
City of Firth
City of Gooding
City of Hazelton
City of Heyburn
City of Idaho Falls
City of Iona
City of Jerome
City of Paul
City of Pocatello
City of Rexburg
City of Richfield
City of Rigby
City of Ririe
City of Roberts
City of Rupert
City of Shoshone
City of Sugar City
City of Wendell