

Chris M. Bromley, ISB No. 6530
McHugh Bromley, PLLC
Attorneys at Law
380 S. 4th St., Ste. 103
Boise, ID 83702
Telephone: (208) 287-0991
Facsimile: (208) 287-0864
cbromley@mchughbromley.com

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JAN 28 2016

**DEPARTMENT OF
WATER RESOURCES**

Attorney for the Association of Idaho Cities

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF THE MITIGATION
PLAN FILED BY THE CITY OF
POCATELLO

CM-MP-2015-001; CM-MP-2015-004; CM-
MP-2015-005

IN THE MATTER OF THE COALITION OF
CITIES MITIGATION PLAN FOR DIRECT
DELIVERY AND MANAGED RECHARGE

**NOTICE OF INTENTION TO
PARTICIPATE**

IN THE MATTER OF THE CITY OF
IDAHO FALLS MITIGATION PLAN FOR
THE SURFACE WATER COALITION

COMES NOW the Association of Idaho Cities (“AIC”), by and through its undersigned counsel, on behalf of AIC’s member cities who divert ground water from the Eastern Snake Plain Aquifer (“ESPA”) “area of common ground water supply” (“ACGWS”), as that term is defined in Conjunctive Management Rule 50, and in accordance with CM Rule 43.03.m, hereby notify the Director of the Idaho Department of Water Resources (“Director” or “IDWR”) of those cities’ intention to participate under the terms of the above-captioned mitigation plans filed by

the City of Pocatello (“Pocatello”), the Coalition of Cities (“CC”),¹ and the City of Idaho Falls (“Idaho Falls.”).

The Association of Idaho Cities was founded in 1947 and is a non-partisan corporation that is owned, organized, and operated by Idaho’s city governments. Sixteen (16) AIC member cities – Pocatello, CC, and Idaho Falls – have filed CM Rule 43 mitigation plans with IDWR in response to the on-going Surface Water Coalition (“SWC”)² delivery call.

On January 25, 2016, Pocatello, CC, and Idaho Falls filed a *Motion to Consolidate* the above-captioned mitigation plans. In the *Motion to Consolidate*, Pocatello, CC, and Idaho Falls notified the Director, in accordance with CM Rule 43.03.m, that their mitigation plans were structured to allow future participation by other municipalities who divert ground water from the ESPA. *Motion to Consolidate* at 5. CM Rule 43.03.m allows the Director to approve a mitigation plan if it “provides for future participation on an equitable basis by ground water pumpers who divert water under junior-priority rights but who do not initially participate in such mitigation plan.”

There are twenty-five (25) AIC member cities who did not initially participate in the above-captioned mitigation plans and who divert ground water from the ESPA ACGWS under non-*de minimis* junior-priority rights (collectively referred to herein as the “ACGWS Cities”).³

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

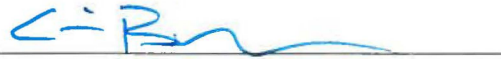
² The SWC is made up of the A&B Irrigation District, American Falls Reservoir District No. 2, Burley Irrigation District, Milner Irrigation District, Minidoka Irrigation District, North Side Canal Company, and Twin Falls Canal Company.

³ The ACGWS Cities that may elect to participate in the above-captioned mitigation plans are the cities of Aberdeen, American Falls, Ammon, Atomic City, Basalt, Blackfoot, Butte City, Chubbuck, Dubois, Eden, Firth, Hagerman, Iona, Minidoka, Mud Lake, Parker, Rexburg, Rigby, Ririe, Roberts, Shelley, St. Anthony, Sugar City, Teton, and Ucon. If there are subsequent changes in the law that allow the Director to expand his authority to curtail outside the ACGWS, AIC reserves the right to notify the Director of participation in the above-captioned mitigation plans by other AIC member cities within the ESPA.

Pocatello, CC, and Idaho Falls concur in the ability for the ACGWS Cities to participate in the above-captioned mitigation plans. *See Motion to Consolidate* at 5.

Based on the foregoing, and consistent with CM Rule 43.03.m, AIC, on behalf of the ACGWS Cities who are potentially subject to curtailment in response to the SWC delivery call, respectfully notifies the Director of the intention of the ACGWS Cities to participate under the terms of the above-captioned mitigation plans.

DATED this 28th day of January, 2016.



Chris M. Bromley
Attorney for Association of Idaho Cities

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of January 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
 Hand-Delivered
 Via Electronic Mail

Garrick L. Baxter
Deputy Attorney General
Idaho Department Of Water Resources
PO Box 83720
Boise, ID 83720-0098
garrick.baxter@idwr.idaho.gov
kimi.white@idwr.idaho.gov

Via US Mail, Postage Paid
 Via Facsimile
 Hand-Delivered
 Via Electronic Mail

Travis L. Thompson
Paul L. Arrington
Barker Rosholt & Simpson
195 River Vista Place, Ste. 204
Twin Falls, ID 83301-3029
tlt@idahowaters.com
pla@idahowaters.com

Via US Mail, Postage Paid
 Via Facsimile
 Hand-Delivered
 Via Electronic Mail

W. Kent Fletcher
Fletcher Law Office
P.O. Box 248
Burley, ID 83318
wkf@pmt.org

Via US Mail, Postage Paid
 Via Facsimile
 Hand-Delivered
 Via Electronic Mail

Robert E. Williams
Williams, Meservy & Lothspeich, LLP
Attorneys at Law
153 East Main Street
P. O. Box 168
Jerome, Idaho 83338
rewilliams@cableone.net

Via US Mail, Postage Paid
 Via Facsimile
 Hand-Delivered
 Via Electronic Mail

Robert L. Harris
Holden, Kidwell, Hahn & Crapo, PLLC
P.O. Box 50130
1000 Riverwalk Drive, Suite 200
Idaho Falls, ID 83405
rharris@holdenlegal.com

Via US Mail, Postage Paid
 Via Facsimile
 Hand-Delivered
 Via Electronic Mail

Sarah A. Klahn
Mitra M. Pemberton
White & Jankowski, LLP
511 Sixteenth Street, Suite 500
Denver, CO 80202
sarahk@white-jankowski.com
mitrap@white-jankowski.com

- Via US Mail, Postage Paid
- Via Facsimile
- Hand-Delivered
- Via Electronic Mail

Michael A. Kirkham
Assistant City Attorney
City of Idaho Falls
P.O. Box 50220
Idaho Falls, ID 83405
mkirkham@idahofallsidaho.gov

- Via US Mail, Postage Paid
- Via Facsimile
- Hand-Delivered
- Via Electronic Mail

A. Dean Tranmer
City of Pocatello
P.O. Box 4169
Pocatello, ID 83201
dtranmer@pocatello.us

- Via US Mail, Postage Paid
- Via Facsimile
- Hand-Delivered
- Via Electronic Mail

New Sweden Irrigation Dist.
2350 West 1700 South
Idaho Falls, ID 83402

- Via US Mail, Postage Paid
- Via Facsimile
- Hand-Delivered
- Via Electronic Mail



CHRIS M. BROMLEY