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APR 11 2016

DEPT OF WATER RESOURCES  
SOUTHERN REGION

# PROOF OF PUBLICATION

STATE OF IDAHO  
County of Bannock

LN 23285

KAREN MASON

## NOTICE OF INTERIM MITIGATION PLAN SUBMITTED BY THE CITY OF POCATELLO, COALITION OF CITIES, CITY OF IDAHO FALLS, AND SURFACE WATER COALITION

Notice is hereby given that, on March 15, 2016, the City of Pocatello ("Pocatello"), through counsel A. Dean Tranmer, P.O. Box 4169, Pocatello, ID 83205, and Sarah A. Klahn, 511 Sixteenth Street, Ste. 500, Denver, CO 80202; the cities of Bliss, Burley, Carey, Declo, Dietrich, Gooding, Hazelton, Heyburn, Jerome, Paul, Richfield, Rupert, Shoshone, and Wendell ("Coalition of Cities"), through counsel Chris Bromley, 380 S. 4th St., Ste. 103, Boise, ID 83702, and Robert E. Williams, P.O. Box 168, Jerome, ID 83338; the City of Idaho Falls ("Idaho Falls"), through counsel Randall D. Fife, P.O. Box 50220, Idaho Falls, ID 83405, and Robert L. Harris, P.O. Box 50130, Idaho Falls, ID 83405; and 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 (collectively the "Surface Water Coalition"), through counsel Travis L. Thompson, 195 River Vista Place, Ste. 204, Twin Falls, ID 83301-3029, and W. Kent Fletcher, P.O. Box 248, Burley, ID 83318, submitted to the Idaho Department of Water Resources ("Department") a Joint Motion for Order Entering Settlement Between Pocatello, Coalition of Cities, Idaho Falls and Surface Water Coalition ("Motion"). Attached to the Motion as Exhibit A is an Interim Mitigation Agreement ("Interim Mitigation Plan") entered into by Pocatello, the Coalition of Cities, Idaho Falls, and the Surface Water Coalition ("SWC").

The Department will process the Interim Mitigation Plan pursuant to the Department's Conjunctive Management ("CM") Rules (IDAPA 37.03.11). The Motion and Interim Mitigation Plan may be viewed at the following website link:

<http://www.idwr.idaho.gov/legal-actions/mitigation-plan-actions/SWC/Cities.html>

being first duly sworn on oath deposes and says: that SHE was at all times herein mention a citizen of the United States of America more than 21 years of age, and the Principal Clerk of the Idaho State Journal, a daily newspaper, printed and published at Pocatello, Bannock County Idaho and having a general circulation therein.

That the document or notice, a true copy of which is attached, was published in the said IDAHO STATE JOURNAL, on the following dates, to-wit:

|         |      |      |      |
|---------|------|------|------|
| Mar. 31 | 2016 | Apr. | 2016 |
| Apr. 07 | 2016 | Apr. | 2016 |
| Apr.    | 2016 | Apr. | 2016 |
| Apr.    | 2016 | Apr. | 2016 |

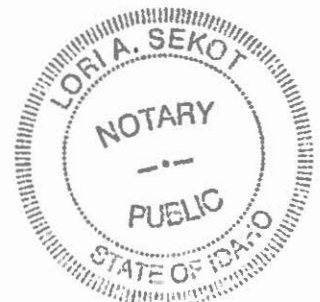
That said paper has been continuously and uninterruptedly published in said County for a period of seventy-eight weeks prior to the publication of said notice of advertisement and is a newspaper within the meaning of the laws of Idaho.

STATE OF IDAHO  
COUNTY OF BANNOCK

On this 07th. of Apr. in the year of 2016, before me, a Notary Public, personally appeared KAREN MASON Known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn declared that the statements therein are true, and acknowledge to me that he executed the same.

Notary of Public

*Lori A. Sekot*  
Residing at Arimo exp. 3/3/2021



over  
←

✓ OK Am 4/15/2016

Prior to submitting the Motion and Interim Mitigation Plan, Pocatello, the Coalition of Cities, and Idaho Falls each submitted a proposed individual mitigation plan intended to benefit senior water rights held by members of the SWC involved in the SWC water delivery call. Each individual plan generally proposed to directly deliver some volume of storage water. The Coalition of Cities' and Idaho Falls' plans also proposed unspecified ground water recharge activities. The Department previously published notice of these individual plans. The Interim Mitigation Plan was submitted following negotiations between Pocatello, the Coalition of Cities, Idaho Falls, and the SWC to resolve "their differences" regarding the proposed individual plans. *Motion at 2.*

The Interim Mitigation Plan specifies details of mitigation activities that Pocatello, the Coalition of Cities, Idaho Falls, and the SWC agree will "constitute full mitigation" for any injury to members of the SWC in 2016 associated with ground water pumping by Pocatello, the Coalition of Cities, and Idaho Falls. *Interim Mitigation Plan at 2.* Specifically, the Interim Mitigation Plan proposes delivery of 2,600 acre-feet of storage water to storage accounts selected by the SWC from "Pocatello's or Idaho Falls' (through its Palisades Water Users, Inc. shares) storage space in Palisades Reservoir or the Water District 01 Rental Pool(s)." *Id.* The Interim Mitigation Plan also seeks credit for past recharge activities "that are estimated to benefit the Near Blackfoot to Neeley and Neeley to Minidoka Reaches of the Snake River in the amount of 515 acre-feet of water during the 2016 irrigation season." *Id.* In addition, the Interim Mitigation Plan states that other municipal corporations who pump ground water from the Eastern Snake Plain Aquifer Area of Common Ground Water Supply defined by CM Rule 50 "may become a participant" and that the delivery of 2,600 acre-feet of storage water "will mitigate injury to the SWC" caused by pumping under junior ground water rights held by those municipal corporations. *Id.*

The Department has not determined the adequacy of the proposed Interim Mitigation Plan. A complete copy of the Interim Mitigation Plan is available for review at either the Department's State Office in Boise, the Department's Regional Office in Twin Falls, or at the website link above.

Any protest against approval of the Interim Mitigation Plan must be filed with any Department office, together with a protest fee of \$25, on or before April 18, 2016. The protest must include a certificate of service showing that a copy of the protest has been mailed to or served upon counsel for Pocatello, the Coalition of Cities, Idaho Falls, and the SWC.

Gary Spackman, Director

March 31, 2016  
April 7, 2016

LN23285

✓ OK DM  
4/15/2016