

AFFIDAVIT of PUBLICATION

State of Idaho
County of Blaine

RECEIVED

Pam Morris

MAR 25 2019

I, Pam Morris, being first duly sworn, deposes and says that she is the printer/publisher of the Idaho Mountain Express, a newspaper published every week in Blaine County of Blaine, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first

publication of said advertisement was on the 13th day of

March, 20 19, and the date of the last publication was

on the 20th day of March, 20 19

Subscribed and sworn to before me this 20 day of

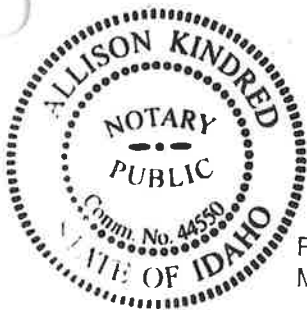
March, 20 19.

[Signature]

20

[Signature]

NOTARY PUBLIC



RESIDING AT HAILEY, IDAHO
MY COMMISSION EXPIRES ON 5/26/2023

Redacted Cost Information

COPY OF NOTICE

Legal Notice

TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Idaho Dept. of Water Resources
BILL TO

NOTICE OF JOINT STIPULATED MITIGATION PLAN SUBMITTED BY THE COALITION OF CITIES, CITY OF IDAHO FALLS, AND CITY OF POCATELLO IN RESPONSE TO THE SURFACE WATER COALITION DELIVERY CALL

Notice is hereby given that, on February 25, 2019, 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 and Candice McHugh, 380 S. 4th St., Ste. 103, Boise; ID 83702; the City of

Idaho Falls ("Idaho Falls"), through counsel Robert L. Harris, P.O. Box 50130, Idaho Falls, ID 83405; and the City of Pocatello ("Pocatello"), through counsel Sarah A. Klahn, Somach, Simmons & Dunn, 2701 Lawrence St, Ste. 113, Denver, CO 80205, submitted to the Idaho Department of Water Resources ("Department") the Coalition of Cities, City of Idaho Falls, and City of Pocatello Joint Mitigation Plan with an attached Settlement Agreement between the Surface Water Coalition ("SWC"), Participating Members of Idaho Ground Water Appropriators, Inc. ("IGWA"), and Signatory Cities (collectively, "Joint Stipulated Mitigation Plan").

The Coalition of Cities, Idaho Falls, and Pocatello (collectively, "Cities") have individually and collectively filed four CM Rule 43 mitigation plans, CM-MP-2015-001, CM-MP-2015-004, CM-MP-2015-005, CM-MP2016-001, to satisfy their mitigation obligations in response to the SWC delivery call, CM-CD-2010-001. The Joint Stipulated Mitigation Plan replaces the previously filed plans.

The Cities assert the Joint Mitigation Plan "resolves the Cities' collective mitigation obligation under the SWC delivery call." *Joint Stipulated Mitigation Plan* at 2. The Cities also assert that the SWC and IGWA "stipulate to the Joint Mitigation Plan with the Cities, agreeing that the 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." *Id.* at 4-5. The term of the Joint Stipulated Mitigation Plan "shall be until the average annual ESPA pumping of the cities referenced in the Agreement reaches 120,000 acre-feet per year as determined by a five-year rolling average, or December 31, 2053, whichever is earlier" *Id.* at 4.

The Department will process the Joint Stipulated Mitigation Plan pursuant to the Department's Conjunctive Management Rules (IDAPA 37.03.11). A complete copy of the Joint Stipulated 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 following website link:

<https://idwr.idaho.gov/files/legal/CM-MP-2019-001/CM-MP-2019-001-20190225-Coalition-of-Cities-et-al-Joint-Mitigation-Plan.pdf>

The Department has not determined the adequacy of the Joint Stipulated Mitigation Plan. Any protest against approval of the Joint Stipulated Mitigation Plan must be filed with any Department office, together with a protest fee of \$25, on or before **April 1, 2019**. The protest must include a certificate of service showing that a copy of the protest has been mailed to or served upon counsel for the Cities.

Gary Spackman, Director

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