

**NOTICE OF MITIGATION PLAN SUBMITTED BY THE
CITY OF POCATELLO**

Notice is hereby given that, on April 7, 2015, the City of Pocatello ("Pocatello"), through its counsel A. Dean Tranmer, City of Pocatello Attorney's Office, P.O. Box 4169, Pocatello, ID, 83201, and Sarah A. Klahn, White & Jankowski, LLP, 511 Sixteenth Street, Suite 500, Denver, CO, 80202, submitted to the Idaho Department of Water Resources ("Department") the *City of Pocatello's Rule 43 Mitigation Plan* ("Mitigation Plan"). The Department will process the Mitigation Plan pursuant to the Department's Conjunctive Management Rules (IDAPA 37.03.11). The Mitigation Plan may be viewed online at the following website link:

http://www.idwr.idaho.gov/legal_actions/City_of_Pocatello.html

Pocatello holds water rights that are subject to potential curtailment in Snake River delivery calls before the Department. A list of these water rights is attached to the Mitigation Plan as Exhibit 2. The Mitigation Plan is intended to benefit senior water rights held by the members of the Surface Water Coalition ("SWC") (comprised of Twin Falls Canal Company, North Side Canal Company, A&B Irrigation District, American Falls Reservoir District #2, Burley Irrigation District, Milner Irrigation District, and Minidoka Irrigation District) and involved in the SWC delivery call. The Mitigation Plan is also intended to benefit unidentified senior surface water rights upstream of Milner Dam that may make a future delivery call against Pocatello. Pocatello holds a contract with the United States Bureau of Reclamation for 50,000 acre-feet of storage in Palisades Reservoir on the Snake River ("Palisades Contract"). In the event the Director of the Department issues an order finding material injury that will result in curtailment of Pocatello's ground water rights, Pocatello proposes to provide mitigation water from its Palisades Contract water to mitigate for its proportionate share of the shortage to the senior calling water right caused by junior pumping in the curtailment area.

The Department has not determined the adequacy of the proposed Mitigation Plan. A complete copy of the 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 Mitigation Plan must be filed with any Department office, together with a protest fee of \$25, on or before May 4, 2015. The protest must include a certificate of service showing that a copy of the protest has been mailed to or served upon Pocatello and its counsel.

Gary Spackman, Director

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