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RECEIVED
JAN 28 2016
DEPARTMENT OF
WATER RESOURCES

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]

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[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:

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