

MITIGATION PLAN

I. Name and Address:

A&B Irrigation District
P.O. Box 675
Rupert, Idaho 83350-0675
(208) 436-3152

II. Water Rights to be Mitigated By Plan:

36-2080
36-16192
36-16749
36-15127A
36-15193A
36-15194A
36-15195A
36-15196A
36-15127B
36-15193B
36-15194B
36-15195B
36-15196B

III. Description of Plan:

A&B originally filed a mitigation plan for this delivery call on May 12, 2005. At that time, the Idaho Ground Water Appropriators moved to consolidate proceedings on its mitigation plan with other plans, including A&B's. The former Director denied IGWA's request and further indicated that he would take action on A&B's plan "as soon as practicable after it is submitted." *See Order Granting Extension of Time to File Mitigation Plan* at 2 (May 6, 2005); *see also, Order Regarding Protests and Motions to Dismiss Mitigation Plan et al.* at 22 (September 13, 2005). After consultation with Department counsel Garrick Baxter it appears that notice of A&B's mitigation plan was never published, and no order was ever issued approving the plan. Accordingly, A&B is filing this amended plan to follow the required

procedures. Further, since A&B has undertaken additional actions since 2005, the District is filing this amended plan for consideration.

First, A&B has curtailed the diversion of groundwater under its senior priority water right (36-2080) for the irrigation of 1,377.8 acres within the Unit B portion of the irrigation district. *See* Ex. A. A&B has converted the 1,378 acres (Ex. A) from groundwater to a surface water supply, consisting of stored water in American Falls and Palisades Reservoirs (water right nos. 1-2064, 1-2068). In addition, landowners within A&B have enrolled 121 acres in the federal CREP program (Ex. B). The District's curtailment of groundwater pursuant to these actions has previously been found to mitigate for depletions caused by certain junior ground water rights used within the District. *See e.g., Final Order Approving Mitigation Plans (Blue Lakes Delivery Call) (May 7, 2010); Final Order Approving Mitigation Plan (Rangen Delivery Call) (April 28, 2014).*

Second, A&B is in the process of developing a second pumping plant and pipeline project to deliver available surface water to lands served by senior ground water right 36-2080. The District will provide available surface water to these "soft conversions." For example, the District recently obtained water right permit 1-10633 for the use of available natural flow in the Snake River for the irrigation of 1,478 acres currently irrigated with ground water (Ex. C).

Finally, A&B holds rights to storage water in American Falls Reservoir (46,826 af) and Palisades Reservoir (90,800 af) and has the ability to participate in Water District 01's Rental Pool. Available storage, if necessary, can be rented and delivered to injured Coalition members to mitigate for any shortfalls caused by the District's junior priority ground water that are subject to curtailment. This action would only be necessary if the benefits of the above conversions and CREP action did not satisfy the injury caused by A&B's ground water rights that are found to be

subject to curtailment.

Although the Director has not yet issued a curtailment order this year, certain junior priority ground water rights (i.e. junior to 1982¹) may be subject to future orders. As detailed above, it is anticipated that A&B's actions will completely mitigate for the depletions resulting from the use of any ground water rights subject to curtailment. The Mitigation Plan provides replacement water "at the time and place required by the senior-priority water right, sufficient to offset the depletive effect of ground water withdrawal on the water available in the surface or ground water source at such time and place as necessary to satisfy" injured senior surface water rights held by the Coalition, including A&B. *See* CMR 43.03.b.

A&B reserves the right to develop approved procedures with IDWR to identify and determine the respective percentage obligation of its junior priority rights subject to curtailment and the required mitigation.

REQUEST FOR RELIEF

A&B hereby requests IDWR to process this plan as soon as possible. A&B further requests the Director to approve this plan in conformance with the procedures and criteria set forth in CMR 43.

DATED this 21st day of May, 2015.

BARKER ROSHOLT & SIMPSON LLP



Travis L. Thompson
Paul L. Arrington

Attorneys for A&B Irrigation District

¹ This date has been presented as a potential curtailment date in response to the injury order of 89,000 acre-feet. *See Final Order Regarding April Forecast Supply (Methodology Steps 1 – 3) (April 16, 2015).*

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of May, 2015, the above and foregoing **A&B IRRIGATION DISTRICT'S AMENDED MITIGATION PLAN** was sent to the following by the method indicated:

Gary Spackman, Director
Garrick Baxter
Idaho Department of Water Resources
322 E. Front Street
P.O. Box 83720
Boise, Idaho 83720-0098
deborah.gibson@idwr.idaho.gov
garrick.baxter@idwr.idaho.gov

- U.S. Mail, postage prepaid
- Facsimile
- E-Mail
- Hand Delivery



Travis L. Thompson

Exhibit

A



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GEP - MARCH 6, 2014

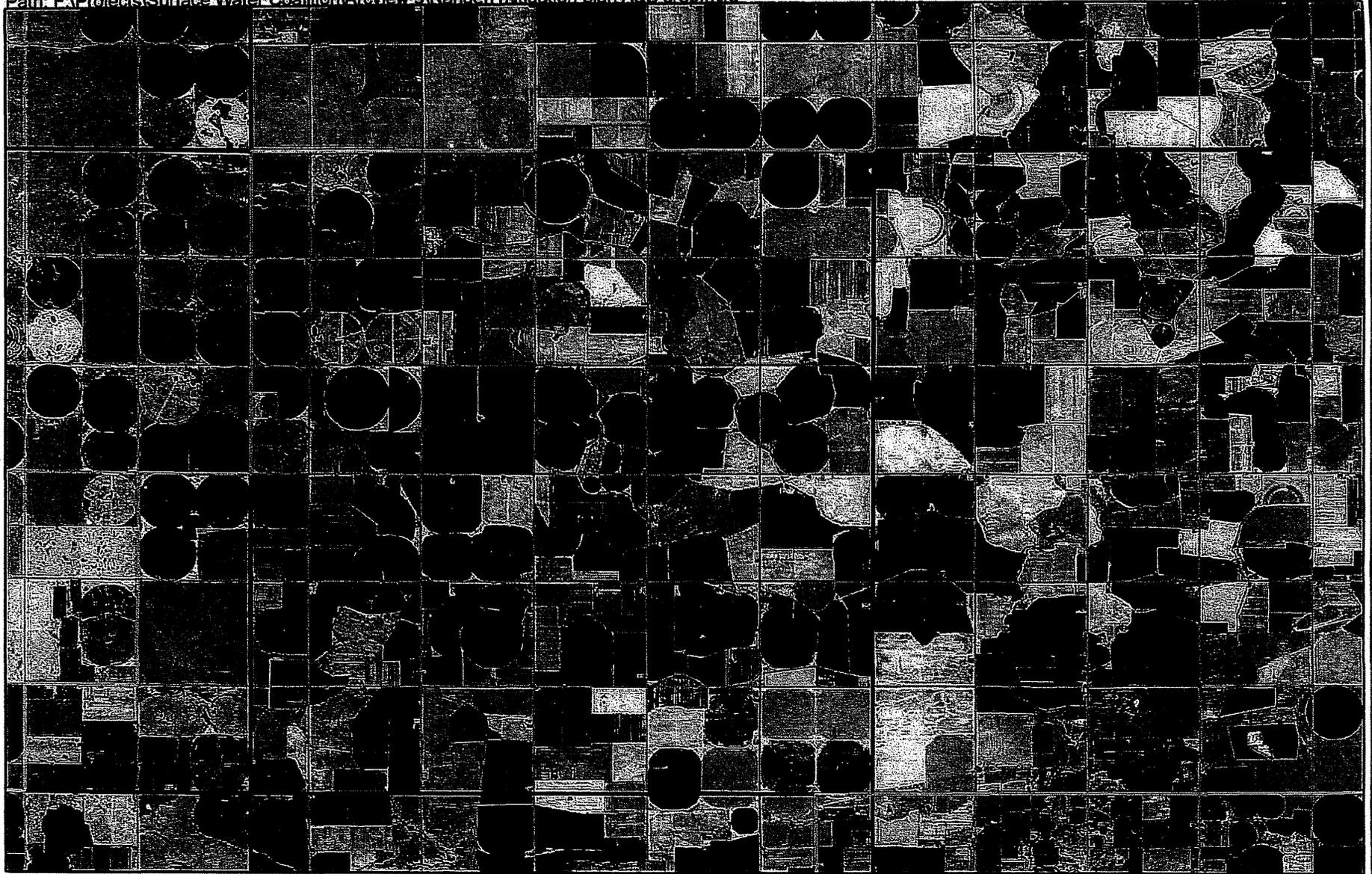
A&B IRRIGATION DISTRICT CONVERSION ACRES

RANGEN CALL MITIGATION PLAN FOR A&B IRRIGATION DISTRICT

NAIP 2013 AERIAL PHOTOGRAPH

- Legend**
- A&B Wells
 - 2014 Conversion Land
 - A&B Irrigation District

Exhibit B



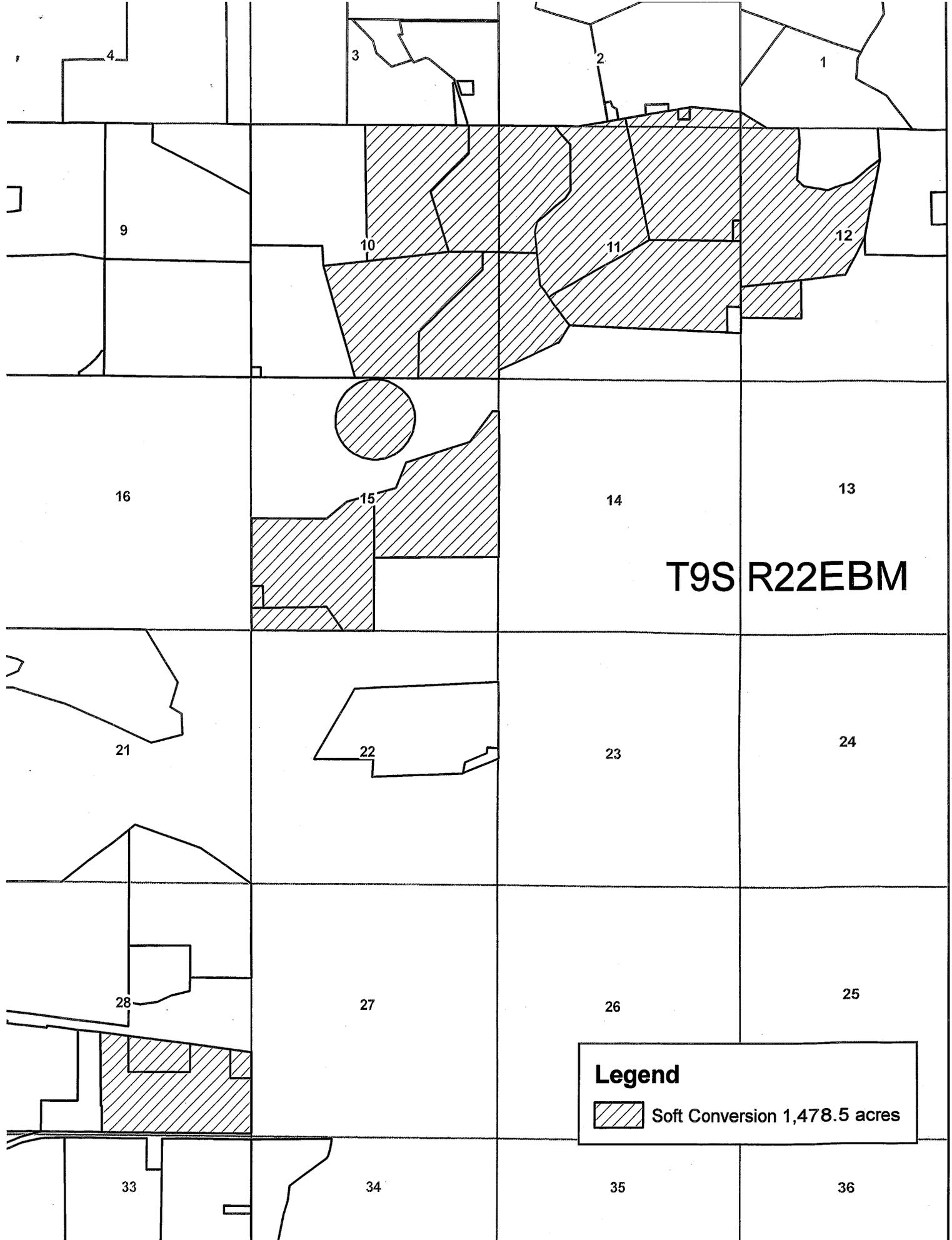
BROCKWAY ENGINEERING, PLLC
GEP - MARCH 6, 2014

A&B IRRIGATION DISTRICT CREP ACRES
RANGEN CALL MITIGATION PLAN FOR A&B IRRIGATION DISTRICT
NAIP 2013 AERIAL PHOTOGRAPH

Legend

-  A&B CREP
-  A&B Irrigation District

Exhibit C



T9S R22EBM

Legend

 Soft Conversion 1,478.5 acres