



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

April 8, 2016

Sarah A. Klahn
Mitra M. Pemberton
White & Jankowski, LLP
511 Sixteenth St., Ste. 500
Denver, CO 8020

A. Dean Tranmer
City of Pocatello
PO Box 4169
Pocatello, ID 83201

Re: *City of Pocatello's Protest* in response to the SWC-IGWA stipulated mitigation plan, Docket No. CM-MP-2016-001

Dear Interested Parties:

On March 9, 2016, the Surface Water Coalition ("SWC") and Idaho Ground Water Appropriators, Inc., submitted to the Idaho Department of Water Resources ("Department") a stipulated mitigation plan in response to the SWC delivery call.

The Department published notice of the stipulated mitigation plan. Protests against the stipulated mitigation plan were due on or before April 4, 2016.

On April 4, 2016, the City of Pocatello ("Pocatello") submitted to the Department the *City of Pocatello's Protest*, but did not also submit the \$25 filing fee as required by Idaho Code section 42-221(L).

Rule 58 of the Department's Rules of Procedure states: "Filings required to be accompanied by a fee shall not be complete until the fee is paid."

Because the filing fee was not paid by April 4, 2016, the protest document submitted by Pocatello to the Department on April 4, 2016, was not timely filed. As a result, Pocatello is not a protestant/party to the contested case pending before the Department regarding the stipulated mitigation plan.

Sincerely,

Gary Spackman
Director

cc: Randall C. Budge
Thomas J. Budge
John K. Simpson
Travis L. Thompson
Paul L. Arrington
W. Kent Fletcher
Randall D. Fife
Robert L. Harris