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DEPARTMENT OF
WATER RESOURCES

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Attorneys for Idaho Ground Water Appropriators, Inc.

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	**IGWA's Notice of Protest to The *Joint Motion for Order Entering Settlement Between Pocatello, Coalition of Cities, Idaho Falls, and Surface Water Coalition***
IN THE MATTER OF THE CITY OF IDAHO FALLS MITIGATION PLAN FOR THE SURFACE WATER COALITION	

Idaho Ground Water Appropriators, Inc. (IGWA), acting for and on behalf of its members, hereby submits this notice of protest to the *Joint Motion for Order Entering Settlement Between Pocatello, Coalition of Cities, Idaho Falls, and Surface Water Coalition* (the "Motion") filed in these matters March 15, 2016.

The Motion purports to provide "full mitigation for any injury in 2016 associated with the Cities' ground water pumping." (Motion p. 2.) The Motion purposes to mitigate "consumptive pumping," but does not explain how consumptive pumping was calculated or how injury to the Surface Water Coalition (SWC) was calculated in response to such pumping.

The Motion further states that will mitigation is provided for all of the Cities' groundwater rights, it provides mitigation only for "consumptive pumping estimated to be attributable to the ESPA Cities junior to 1982." (Motion p. 2.) Thus, the Motion appears to protect water rights senior to 1982 without actually taking action to actually mitigate the impacts of such rights on the SWC, thereby shifting the burden of mitigating those rights to IGWA's members and other junior water users.

In addition, Conjunctive Management Rule (CMR) 43.03.m entitles IGWA's members to participate in the Cities' mitigation plan on an equitable basis. The Motion does not indicate this is available or explain how it may be accomplished.

For these reasons IGWA submits this Notice of Protest. IGWA reserves the right to protest any additional aspects or components of the Motion under CMR 43.

DATED this 18th day of April, 2016.

Randall C. Budge
Thomas J. Budge
RACINE OLSON NYE BUDGE & BAILEY, CHARTERED
Attorneys for IGWA

CERTIFICATE OF MAILING

I certify that on this 18th day of April, 2016, the foregoing document was served on the following persons in the manner indicated.

Signature of person mailing form

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Idaho Department of Water Resources Receipt

Receipt ID: C101876

Payment Amount	$25.00	Date Received	4/18/2016 4:11 PM	Region	STATE
Payment Type	Check	Check Number	5601		

Payer RACINE OLSON NYE BUDGE & BAILEY CHTD

Comments NOTICE OF PROTEST FOR IDAHO GROUND WATER APPROPRIATORS INC (IGWA) PROTESTING THE JOINT MOTION FOR ORDER ENERING SETTLEMENT BETWEEN POCATELLO, COALITION OF CITIES, IDAHO FALLS AND SURFACE WATER COALITION CM-MP-2015-001, CM-MP-2015-004, CM-MP-2015-005

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
$25.00	PROTESTS	56103	0229	21		1155

Signature Line (Department Representative)

Idaho Department of Water Resources Receipt

Receipt ID: C101877

Payment Amount	$50.00	Date Received	4/18/2016 4:16 PM	Region	STATE
Payment Type	Check	Check Number	5602		

Payer RACINE OLSON NYE BUDGE & BAILEY CHTD

Comments NOTICE OF PROTEST FOR IDAHO GROUND WATER APPROPRIATORS INC (IGWA) PROTESTING THE JOINT MOTION FOR ORDER ENTERING SETTLEMENT BETWEEN POCATELLO, COALITION OF CITIES, IDAHO FALLS, AND SURFACE WATER COALITION. CM-MP-2015-001, CM-MP-2015-004, CM-MP-2015-005

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
$50.00	PROTESTS	56103	0229	21		1155

Signature Line (Department Representative)