

**Thousand Springs Water Users Association Inc.**  
PO Box 178, Hagerman, ID 83332

February 23, 2009

Idaho Department of Water Resources  
322 East Front St.  
PO Box 83720  
Boise, ID 83720-0098

RECEIVED  
FEB 23 2009  
DEPT. OF WATER RESOURCES  
SOUTHERN REGION

**RE: Protest to Ground Water District's Mitigation Plan  
For Water Rights 36-04013A, 36-04013B and 36-07148**

The Thousand Springs Water Users Association Inc. (TSWUA) hereby files this Protest to the approval of the 2<sup>nd</sup> Mitigation Plan ("GWD Plan") filed by the Magic Valley and North Snake Ground Water Districts ("Ground Water Districts") on December 18, 2008 and published in the Twin Falls *Times News* on February 5, 2009. In this GWD Plan, the ground water districts propose to mitigate injury to senior priority rights in the form of monetary compensation per cfs loss of flow per year caused by the junior priority groundwater depletions.

The members of TSWUA have a direct and substantial interest in the mitigation plan proposed by the Ground Water Districts. Our members utilize spring flows primarily in the Thousand Springs reach of the Snake River pursuant to water rights they hold. TSWUA can show a direct and substantial interest in the subject matter of this proceeding since part or all of its members water rights may be materially injured if the Department accepts an inadequate or defective mitigation plan contrary to Conjunctive Management Rule 37.03.11.41. A requirement that a senior water right holder accept financial payment for injury *in lieu* of water delivery would further injure our property rights and would set precedence for all water users.

It is TSWUA's belief that the submitted Mitigation Plan is wholly inadequate and does not comply with the facial and substantive requirements of Conjunctive Management Rule 37.03.11.43. The Mitigation Plan provides no delivery of water required to mitigate all of the material injury incurred by the continued pumping of junior ground water rights.

The TSWUA requests that its protest be granted and that the mitigation plan be dismissed.

Respectfully Submitted,

  
John W. Jones, Jr.,  
President

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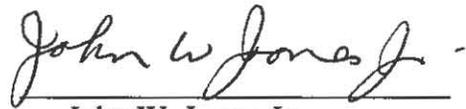
Fee: \$25.00  
Receipt No. 5030704  
Receipt by: Cited  
Date Received: 2/23/09

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 23<sup>rd</sup> day of February 2009, the above and foregoing, was served by the method indicated below, and addressed to the following:

David R. Tuthill, Director Idaho Department of Water Resources 1341 Fillmore St., Suite 200 Twin Falls, ID 83301	<input checked="" type="checkbox"/> Hand Delivery <input type="checkbox"/> E-mail <input type="checkbox"/> US Mail/Postage Prepaid
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North Snake Groundwater District Magic Valley Groundwater District c/o Randall C. Budge Racine, Olson, Nye, Budge & Bailey PO Box 1391 Pocatello, ID 83204-1391 <a href="mailto:rcb@racinelaw.net">rcb@racinelaw.net</a>	<input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> US Mail/Postage Prepaid <input type="checkbox"/> Facsimile
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John W. Jones, Jr.