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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 &

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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 ENTERING SETTLEMENT BETWEEN POCA TELLO, 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

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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 POCA TELLO, 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)