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Department of Water Resources  
Eastern Region

New Sweden Irrigation District  
2350 West 1700 South  
Idaho Falls, ID 83402

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF THE CITY OF )  
IDAHO FALLS MITIGATION PLAN )  
FOR THE SURFACE WATER )  
COALITION CALL )

DOCKET NO. CM-MP-2015-005

NOTICE OF PROTEST

\_\_\_\_\_  
IN THE MATTER OF )  
DISTRIBUTION OF WATER TO )  
VARIOUS WATER RIGHTS HELD )  
BY OR FOR THE BENEFIT OF A&B )  
IRRIGATION DISTRICT, )  
AMERICAN FALLS RESERVOIR )  
DISTRICT #2, BURLEY )  
IRRIGATION DISTRICT, MILNER )  
IRRIGATION DISTRICT, )  
MINIDOKA IRRIGATION )  
DISTRICT, NORTH SIDE CANAL )  
COMPANY, AND TWIN FALLS )  
CANAL COMPANY )

TO: IDAHO DEPARTMENT OF WATER RESOURCES

Comes now, New Sweden Irrigation District, an Idaho irrigation district, and hereby protests that certain City of Idaho Falls Conjunctive Management Rule (CMR) 43 Mitigation Plan, dated October 16, 2015, for reasons, including, but not limited to, the following:

Paragraph 4 purports to grant the right to the City to assign "unused water allocated to the City-owned property by virtue of its membership in irrigation districts to the Water District 1

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*Receipt  
#ED41629*

storage water accounts of the injured members of the SWC." However, no member or "elector" of an Idaho irrigation district has the right or power to "assign" any of the irrigation district's water, either natural flow or storage. Therefore, the City's mitigation plan cannot include such a statement and the plan cannot rely upon any cooperation by an irrigation district to participate in such a plan without its express authorization, which it cannot be forced or required to grant.

Dated this 17<sup>th</sup> day of November, 2015

New Sweden Irrigation District



BY:

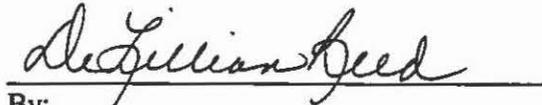
DIRECTOR

CERTIFICATE OF SERVICE BY MAIL, HAND DELIVERY  
OR FACSIMILE TRANSMISSION

I hereby certify that a true and correct copy of the foregoing document was on this date served upon the persons named below, at the addresses set out below their name, either by mailing, hand delivery or by telecopying to them a true and correct copy of said document in a properly addressed envelope in the United States mail, postage prepaid; by hand delivery to them; or by facsimile transmission.

DATED this 7<sup>th</sup> day of November, 2015.

New Sweden Irrigation District

  
By: \_\_\_\_\_

Director Gary Spackman  
Idaho Department of Water Resources  
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Mayor City of Idaho Falls  
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David R. Richards  
Water Superintendent  
P.O. Box 50220  
Idaho Falls, ID 83405

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Kathy Hampton  
City Clerk  
P.O. Box 50220  
Idaho Falls, ID 83405

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# Idaho Department of Water Resources Receipt

Receipt ID: E041629

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Payment Amount \$25.00 Date Received 11/18/2015 10:00 AM Region EASTERN

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Payer New Sweden Irrigation Dist.

Comments City of Idaho Falls Mitigation Plan for the Surface Water Coalition Call

## Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$25.00	PROTESTS	63103	0229	21		1155

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Signature Line (Department Representative)