



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 13, 2016

Sarah A. Klahn
Mitra M. Pemberton
White & Jankowski, LLP
511 Sixteenth St., Ste. 500
Denver, CO 80202

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 Sarah, Mitra, and Dean,

On April 11, 2016, I sent you a letter regarding the *City of Pocatello's Protest* submitted to the Idaho Department of Water Resources ("Department") on April 4, 2016, protesting the stipulated mitigation plan filed by the Surface Water Coalition and Idaho Ground Water Appropriators, Inc.

The letter explained that the deadline for filing protests to the stipulated mitigation plan was April 4, 2016, the City of Pocatello ("Pocatello") did not submit the \$25 filing fee required by Idaho Code section 42-221(L) along with the protest document, and 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." Thus, the letter informed Pocatello that its protest was not timely filed and it was not a protestant/party to the contested case.

On April 11, 2016, counsel for Pocatello sent email correspondence to counsel for the Department, asserting that Idaho Code section 67-2301 applies to exempt Pocatello from paying the fee for filing a protest as required by Idaho Code section 42-221(L). Upon review, it appears that Idaho Code section 67-2301 exempts Pocatello from paying the fee for filing a protest. Accordingly, the Department will treat the *City of Pocatello's Protest* as timely filed and consider Pocatello a protestant/party to the contested case regarding the stipulated mitigation plan.

With respect to future filings, please specify if you intend to rely on the exemption set forth in Idaho Code section 67-2301.

Sincerely,

A handwritten signature in black ink that reads "Gary Spackman". The signature is written in a cursive, flowing style.

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