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Sep 17, 2025

DEPARTMENT OF
WATER RESOURCES

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Ground Water District*

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF JERRY AND VALERIE
BINGHAM'S MITIGATION PLAN FOR THE
SURFACE WATER COALITION

Docket No. CM-MP-2025-003

**AMERICAN FALLS-ABERDEEN
GROUND WATER DISTRICT'S
PROTEST TO JERRY AND VALERIE
BINGHAM'S MITIGATION PLAN**

Exempt from filing fees under I.C. § 67-2301

COMES NOW American Falls-Aberdeen Ground Water District ("AFA"), by and through its undersigned counsel, and, pursuant to IDAPA 37.01.01.210 and 37.03.11.043.02., hereby files this *Protest* to the *Mitigation and Curtailment Plan* ("*Mitigation Plan*") dated August 19, 2025.

The initial grounds for AFA's *Protest* are as follows:

1. The contents of the *Mitigation Plan* fail to satisfy the requirements set forth in the Idaho Department of Water Resources' ("IDWR" or "Department") Rules for Conjunctive Management of Surface and Ground Water Resources, IDAPA 37.03.11.043.01 (Rule 43.01). For example, the evaluation of any proposed mitigation must be made by reference to whether or not such activities will adequately benefit the senior water rights

of the Surface Water Coalition (“SWC”). Whether or not the water rights of Jerry and Valerie Bingham is immaterial. *See Mitigation Plan* at I.B.

2. The *Mitigation Plan* will not provide replacement water or other appropriate compensation or otherwise prevent injury to the SWC. *See* Rule 43.03. Neither the Bingham’s partial pumping reduction nor any decision to not irrigate on certain weekdays (*see Mitigation Plan* at I.C-I.F) satisfies the standards under the Conjunctive Management Rules.
3. And other grounds that may become known in the course of litigation, which AFA reserves to raise.

Respectfully submitted this 17th day of September 2025.

SOMACH SIMMONS & DUNN, P.C.



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CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of September 2025, I served the foregoing document on the persons below via email as indicated:

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