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Sep 22, 2025

DEPARTMENT OF
WATER RESOURCES

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*Attorneys for Carey Valley Ground Water
District*

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

IN THE MATTER OF WATER RIGHTS OF
JERRY D. BINGHAM, 1675 W 400 N,
BLACKFOOT, ID 83221-5051

WATER RIGHT NO: 35-12226, 35-2202B, 35-
2205E, 35-2266, 35-2269G, AND 35-2186D

Docket No. CM-MP-2025-003

Fee Category Exempt: I.C. § 67-2301

**CAREY VALLEY GROUND WATER
DISTRICT PROTEST TO JERRY
BINGHAM MITIGATION PLAN**

The Carey Valley Ground Water District, by and through counsel McHugh Bromley, PLLC, and pursuant to Rule 43 of the Idaho Department of Water Resources' ("IDWR") *Rules for Conjunctive Management of Surface and Ground Water Resources*, IDAPA 37.03.11 ("CM Rules") and Rule 154 of IDWR's *Rules of Procedure*, IDAPA 37.01.01, hereby files this Protest in the above-captioned mitigation plan filed by Jerry D. Bingham in response to the Surface Water Coalition's delivery call.

BASES FOR PROTEST

1. At various times during the on-going Surface Water Coalition (“SWC”) delivery call, certain junior ground water users have received approval from the Director for CM Rule 43 mitigation plans to allow out-of-priority pumping, including but not limited to the Carey Valley Ground Water District, who is a party to *Final Order Approving Stipulated Mitigation Plan*, Docket No. CM-MP-2024-003 (Jan. 3, 2025).

2. In general terms, the *Final Order Approving Stipulated Mitigation Plan* requires CVGWD’s members to reduce ground water pumping, engage in recharge activities, and supply SWC with a volume of storage water in return for the ability to continue to pump ground water when the Director has predicted material injury.

3. It is understood that Mr. Bingham is within the boundaries of a ground water district who is party to the *Final Order Approving Stipulated Mitigation Plan*, yet he has chosen not to join the district.

4. Because it is unknown how the filing of this separate CM Rule 43 mitigation will or will not impact the *Final Order Approving Stipulated Mitigation Plan* and CVGWD’s mitigation obligations arising therefrom, CVGWD files this Protest.

5. CVGWD requests that this Protest be considered continuing in nature and reserves the right to amend as necessary as additional grounds become apparent during the course of this proceeding.

DATED this 22nd day of September, 2025.



Chris M. Bromley
McHugh Bromley, PLLC
Attorneys for Carey Valley Ground Water Dist.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of September, 2025, I served a true and correct copy of the foregoing document on the person(s) whose names and addresses appear below by electronic service:

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