February 23, 2009

Idaho Department of Water Resources
322 East Front St.
PO Box 83720
Boise, ID 83720-0098

RE: Protest to Ground Water District’s Mitigation Plan
For Water Rights 36-04013A, 36-04013B and 36-07148

The Thousand Springs Water Users Association Inc. (TSWUA) hereby files this Protest to the approval of the 2nd Mitigation Plan (“GWD Plan”) filed by the Magic Valley and North Snake Ground Water Districts (“Ground Water Districts”) on December 18, 2008 and published in the Twin Falls Times News on February 5, 2009. In this GWD Plan, the ground water districts propose to mitigate injury to senior priority rights in the form of monetary compensation per cfs loss of flow per year caused by the junior priority groundwater depletions.

The members of TSWUA have a direct and substantial interest in the mitigation plan proposed by the Ground Water Districts. Our members utilize spring flows primarily in the Thousand Springs reach of the Snake River pursuant to water rights they hold. TSWUA can show a direct and substantial interest in the subject matter of this proceeding since part or all of its members water rights may be materially injured if the Department accepts an inadequate or defective mitigation plan contrary to Conjunctive Management Rule 37.03.11.41. A requirement that a senior water right holder accept financial payment for injury in lieu of water delivery would further injure our property rights and would set precedence for all water users.

It is TSWUA’s belief that the submitted Mitigation Plan is wholly inadequate and does not comply with the facial and substantive requirements of Conjunctive Management Rule 37.03.11.43. The Mitigation Plan provides no delivery of water required to mitigate all of the material injury incurred by the continued pumping of junior ground water rights.

The TSWUA requests that its protest be granted and that the mitigation plan be dismissed.

Respectfully Submitted,

John W. Jones, Jr.,
President
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of February 2009, the above and foregoing, was served by the method indicated below, and addressed to the following:

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John W. Jones, Jr.