

As detailed below, diversion of ground water under A&B's water rights subject to any future curtailment orders issued by the Director in response to the Surface Water Coalition delivery call can be fully mitigated with various actions undertaken by the District. The Coalition hereby stipulates to this plan as described below.

BACKGROUND

A&B filed an amended mitigation plan on May 21, 2015. After published notice pursuant to CM Rule 43, the Director issued a *Final Order Approving Plan* on December 16, 2015. The parties are filing the current stipulation consistent with other stipulated mitigation plans (i.e. SWID, IGWA, Coalition of Cities) so that A&B does not have to submit new documentation every year showing that it can mitigate for its proportionate share of a predicted demand shortfall. See *Final Order Regarding April 2023 Forecast Supply (Methodology Steps 1-3)* at 5, n. 5.

A&B has curtailed the diversion of groundwater to approximately 3,573.6 acres within the Unit B portion of the irrigation district. A&B has delivered surface water to these "soft conversion" acres dating back to 1994 (1,378 acres) and 2016 (2,195 acres). The cessation of groundwater pumping and delivery or surface water benefits the Eastern Snake Plain Aquifer (ESPA) and the hydraulically connected reaches of the Snake River, including the Near Blackfoot to Minidoka reaches.

A&B also holds rights to storage water in American Falls Reservoir (46,826 af) and Palisades Reservoir (90,800 af) and has the ability to participate in Water District 01's Rental Pool. Available storage can be delivered to injured Coalition members to mitigate for any shortfalls caused by the District's junior priority ground water that are subject to curtailment beyond what may not be covered by the "soft conversions" described above. This action would

only be necessary if the benefits of the above conversions do not satisfy the injury caused by A&B's ground water rights that are found to be subject to curtailment in any given year.

The Mitigation Plan provides replacement water "at the time and place required by the senior-priority water right, sufficient to offset the depletive effect of ground water withdrawal on the water available in the surface or ground water source at such time and place as necessary to satisfy" injured senior surface water rights held by the Coalition, including A&B. See CMR 43.03.b.

A&B and the other parties hereby request the Director to approve this stipulation accordingly.

DATED this 27 day of December, 2023.

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CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of December, 2023, the above and foregoing **STIPULATION REGARDING A&B IRRIGATION DISTRICT'S AMENDED MITIGATION PLAN** was sent to the following by electronic mail only:

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