

NOTICE OF STIPULATION REGARDING A&B IRRIGATION DISTRICT'S AMENDED MITIGATION PLAN IN RESPONSE TO THE SURFACE WATER COALITION WATER DELIVERY CALL

Notice is hereby given that, on December 27, 2023, A&B Irrigation District ("A&B"), Burley Irrigation District, Milner Irrigation District, North Side Canal Company, and Twin Falls Canal Company, through their counsel Travis L. Thompon, PO Box 63, Twin Falls, ID 83303-0063, and the American Falls Reservoir District #2 and Minidoka Irrigation District, through their counsel, Kent Fletcher, PO Box 248, Burley, ID 83318, submitted a *Stipulation Regarding A&B Irrigation District's Amended Rule 43 Mitigation Plan* ("*Stipulation Mitigation Plan*" or "*Stipulation*") to the Idaho Department of Water Resources ("Department"). The irrigation entities listed herein who submitted the *Stipulation* are collectively known as the "Stipulating Parties."

The *Stipulation* is intended to satisfy A&B's mitigation obligations for the Surface Water Coalition ("SWC") Water Delivery Call administered by the Department and watermasters of state water districts who administer ground water rights within the Eastern Snake Plain Aquifer ("ESPA"). The SWC consists of irrigation water delivery entities that hold senior surface water rights diverted from the Snake River above Milner Dam. The SWC members include all of the Stipulating Parties referenced above in this notice. A&B holds ground water rights within a portion of the ESPA that are junior in priority to the SWC's senior priority Snake River water rights.

A&B filed an amended mitigation plan on May 21, 2015. The Department issued a *Final Order Approving Plan* on December 16, 2015. The Stipulating Parties have filed the new *Stipulation* "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." The *Stipulation* proposes that A&B will continue to mitigate injury to all the SWC members by curtailing ground water diversions to approximately 3,574 acres within Unit B of A&B's irrigation service area and replacing the ground water with surface water (commonly referred to as "conversions"). The *Stipulation* further proposes to deliver available storage water held or obtained by A&B to injured SWC members if the benefits of the 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 Department will process the *Stipulation Mitigation Plan* pursuant to the Department's Conjunctive Management Rules (IDAPA 37.03.11). A complete copy of the *Stipulation* is available for review at either the Department's State Office in Boise, the Department's Regional Office in Twin Falls, or at the following website link: <https://idwr.idaho.gov/legal-actions/mitigation-plan-actions/swc/abi/>.

The Department has not determined the adequacy of the *Stipulation Mitigation Plan*. Any protest against approval of the *Stipulation* must be filed with the Department, together with a protest fee of \$25, on or before **February 5, 2024**. Rule 53 of the Department's Rules of Procedure (IDAPA 37.01.01.053) outlines how documents may be filed with the Department and when they are considered filed. A copy of the Rules of Procedure may be obtained from the Department upon request or at <https://adminrules.idaho.gov/rules/current/37/370101.pdf>. The protest must include a certificate of service showing that a copy of the protest has been mailed or delivered personally to counsel for the Stipulating Parties.

Mathew Weaver, Director

Published in the Idaho Statesman, Mountain Home News, Idaho Mountain Express, Post Register & Idaho State Journal on January 17th & 24th, 2024, and Times News & Lewiston Tribune on January 18th & 25th; and Rexburg Standard Journal on January 19th & 26th, 2024.