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*Attorneys for A&B Irrigation District*

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

IN THE MATTER OF THE MITIGATION  
PLAN FILED BY A&B IRRIGATION  
DISTRICT FOR THE DISTRIBUTION OF  
WATER TO WATER RIGHTS HELD BY  
THE SURFACE WATER COALITION

Docket No.: CM-MP-2015-003  
~~CM-DC-2010-001~~

**OBJECTION TO BGWD NOTICE OF  
PARTICIPATION**

COMES NOW, the Applicant A&B Irrigation District (“A&B” or “District”), by and through its undersigned counsel of record, and hereby files this *Objection* to the *BGWD Notice of Participation in Mitigation Plan and Request for Approval* (“*Notice*”) filed on behalf of the Bingham Ground Water District (“BGWD”) on June 1, 2024.

BGWD filed an attempted “notice” to participate in A&B’s approved mitigation plan without any contact or approval by A&B or the Surface Water Coalition. BGWD admits the same in its filing. *See Notice* at 2. BGWD apparently takes issue with Falls Irrigation District’s proposed joinder in A&B’s plan and seeks to join and participate in A&B’s plan on that basis. *See id.* Unlike the Falls’ notice, BGWD has not obtained the stipulation or consent of A&B and the affected senior surface water right holders, the members of the Surface Water Coalition. Further, BGWD has failed to comply with the Director’s prior orders regarding notice of its intent to mitigate under the

mitigation plans that BGWD has previously participated in. BGWD cannot fail to comply with IDWR's orders and then unilaterally seek to participate in another water user's approved and effectively operating mitigation plan without that user's approval or consent. The Director should deny or dismiss BGWD's *Notice* accordingly.

DATED this 3<sup>rd</sup> day of June, 2024.

**MARTEN LAW LLP**

*/s/ Travis L. Thompson*  
Travis L. Thompson

*Attorneys for A&B Irrigation District*

### CERTIFICATE OF SERVICE

I hereby certify that on this 3<sup>rd</sup> day of June, 2024, I served a true and correct copy of the foregoing *Objection to BGWD Notice of Participation* on the following by the method indicated:

<p>Director Mat Weaver Garrick Baxter Sarah Tschohl Idaho Dept. of Water Resources 322 E Front St. Boise, ID 83720-0098 *** service by electronic mail <a href="mailto:mat.weaver@idwr.idaho.gov">mat.weaver@idwr.idaho.gov</a> <a href="mailto:garrick.baxter@idwr.idaho.gov">garrick.baxter@idwr.idaho.gov</a> <a href="mailto:sarah.tschohl@idwr.idaho.gov">sarah.tschohl@idwr.idaho.gov</a> <a href="mailto:file@idwr.idaho.gov">file@idwr.idaho.gov</a></p>	<p>Matt Howard U.S. Bureau of Reclamation 1150 N. Curtis Rd. Boise, ID 83706-1234 *** service by electronic mail only <a href="mailto:mhoward@usbr.gov">mhoward@usbr.gov</a></p>	<p>Craig Chandler IDWR – Eastern Region 900 N. Skyline Dr., Ste. A Idaho Falls, ID 83402-1718 *** service by electronic mail only <a href="mailto:craig.chandler@idwr.idaho.gov">craig.chandler@idwr.idaho.gov</a></p>
<p>T.J. Budge Elisheva Patterson Racine Olson P.O. Box 1391 Pocatello, ID 83204-1391 *** service by electronic mail only <a href="mailto:tj@racineolson.com">tj@racineolson.com</a> <a href="mailto:elisheva@racineolson.com">elisheva@racineolson.com</a></p>	<p>Sarah A. Klahn Max C. Bricker Veva Francisco Somach Simmons &amp; Dunn 1155 Canyon St., Suite 110 Boulder, CO 80302 *** service by electronic mail only <a href="mailto:sklahn@somachlaw.com">sklahn@somachlaw.com</a> <a href="mailto:mbricker@somachlaw.com">mbricker@somachlaw.com</a> <a href="mailto:vfrancisco@somachlaw.com">vfrancisco@somachlaw.com</a></p>	<p>David Gehlert ENRD – DOJ 999 18th St. South Terrace, Ste. 370 Denver, CO 80202 *** service by electronic mail only <a href="mailto:david.gehlert@usdoj.gov">david.gehlert@usdoj.gov</a></p>
<p>Rich Diehl City of Pocatello P.O. Box 4169 Pocatello, ID 83201 *** service by electronic mail only <a href="mailto:rdiehl@pocatello.us">rdiehl@pocatello.us</a></p>	<p>William A. Parsons Parsons, Smith &amp; Stone LLP P.O. Box 910 Burley, ID 83318 *** service by electronic mail only <a href="mailto:wparsons@pmt.org">wparsons@pmt.org</a></p>	<p>Corey Skinner IDWR – Southern Region 650 Addison Ave W, Ste. 500 Twin Falls, ID 83301-5858 *** service by electronic mail only <a href="mailto:corey.skinner@idwr.idaho.gov">corey.skinner@idwr.idaho.gov</a></p>
<p>W. Kent Fletcher Fletcher Law Offices P.O. Box 248 Burley, ID 83318 *** service by electronic mail only <a href="mailto:wkf@pmt.org">wkf@pmt.org</a></p>	<p>Candice McHugh Chris M. Bromley McHugh Bromley, PLLC 380 South 4<sup>th</sup> Street, Ste. 103 Boise, ID 83702 *** service by electronic mail only <a href="mailto:cbromley@mchughbromley.com">cbromley@mchughbromley.com</a> <a href="mailto:cmchugh@mchughbromley.com">cmchugh@mchughbromley.com</a></p>	

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/s/ Travis L. Thompson  
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