

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

IN THE MATTER OF THE DISTRIBUTION OF WATER TO VARIOUS WATER RIGHTS HELD BY AND FOR THE BENEFIT OF A&B IRRIGATION DISTRICT, AMERICAN FALLS RESERVOIR DISTRICT #2, BURLEY IRRIGATION DISTRICT, MILNER IRRIGATION DISTRICT, MINIDOKA IRRIGATION DISTRICT, NORTH SIDE CANAL COMPANY, AND TWIN FALLS CANAL COMPANY

Docket Nos. CM-MP-2015-001; CM-MP-2015-004; CM-MP-2015-005; & CM-MP-2016-002

**ORDER DISMISSING
MITIGATION PLANS**

IN THE MATTER OF THE MITIGATION PLAN FILED BY THE CITY OF POCA TELLO FOR THE SURFACE WATER COALITION DELIVERY CALL

IN THE MATTER OF THE MITIGATION PLAN FILED BY THE COALITION OF CITIES FOR THE SURFACE WATER COALITION DELIVERY CALL

IN THE MATTER OF THE MITIGATION PLAN FILED BY THE CITY OF IDAHO FALLS FOR THE SURFACE WATER COALITION DELIVERY CALL

IN THE MATTER OF THE MITIGATION PLAN FILED BY THE CITY OF POCA TELLO, THE COALITION OF CITIES, AND THE CITY OF IDAHO FALLS FOR THE DISTRIBUTION OF WATER TO WATER RIGHTS HELD BY THE SURFACE WATER COALITION

BACKGROUND

The cities of Bliss, Burley, Carey, Declo, Dietrich, Gooding, Hazelton, Heyburn, Jerome, Paul, Richfield, Rupert, Shoshone, and Wendell (collectively referred to herein as “Coalition of Cities”), the City of Idaho Falls (“Idaho Falls”), and the City of Pocatello (“Pocatello”) have filed with the Idaho Department of Water Resources (“Department”) four mitigation plans pursuant to Rule 43 of the Department’s *Rules for Conjunctive Management of Surface and Ground Water Resources* (IDAPA 37.03.11.043), to satisfy their mitigation obligations in

response to the Surface Water Coalition (“SWC”) delivery call. These are: CM-MP-2015-001, CM-MP-2015-004, CM-MP-2015-005, and CM-MP-2016-002.

On February 25, 2019, these same three entities filed *Coalition of Cities, City of Idaho Falls, and City of Pocatello Joint Mitigation Plan* (“Joint Mitigation Plan”). The new plan was assigned Docket No. CM-MP-2019-001. Attached to the Joint Mitigation Plan was a settlement agreement between the SWC, the Idaho Ground Water Appropriators, Inc., the Coalition of Cities, the City of Idaho Falls and the City of Pocatello. The settlement agreement states: “This Joint Mitigation Plan replaces the previously filed plans and in accordance with its terms resolved the Cities’ collective mitigation obligation under the SWC delivery call.” *Joint Mitigation Plan* at 2. Therefore, the purpose of the Joint Mitigation Plan is to supplant the four previously filed plans.

On April 9, 2019, the Director approved the Joint Mitigation Plan, issuing the *Final Order Approving Stipulation Mitigation Plan*. No request for hearing or petition for reconsideration was received. Therefore, the previously filed plans are now moot and should be dismissed.

ORDER

Based upon and consistent with the foregoing, IT IS HEREBY ORDERED that Docket Nos. CM-MP-2015-001, CM-MP-2015-004, CM-MP-2015-005, and CM-MP-2016-002 have been supplanted by the Joint Mitigation Plan and are DISMISSED.

DATED this 12th day of June 2019.



Gary Spackman
Director

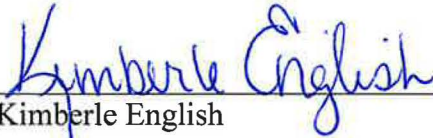
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of June 2019, the above and foregoing, was served by the method indicated below, and addressed to the following:

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Kimberle English