



Holden Kidwell
Hahn & Crapo P.L.L.C.
LAW OFFICES

RECEIVED

DEC 21 2015

DEPARTMENT OF
WATER RESOURCES

1000 Riverwalk Drive, Suite 200
PO Box 50130
Idaho Falls, Idaho 83405

Tel: (208) 523-0620
Fax: (208) 523-9518
www.holdenlegal.com

Email: rharris@holdenlegal.com

December 17, 2015

Gary Spackman, Director
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

RE: City of Idaho Falls Conjunctive Management Rule (CMR) 43 Mitigation Plan.

Dear Director Spackman:

In October of this year the City of Idaho Falls submitted a mitigation plan pursuant to Rule 43 of the Department's *Conjunctive Management Rules* (the "Plan"). The Plan was advertised and protested by the New Sweden Irrigation District.

Since the Plan was advertised, the City has been engaged in fruitful discussions with representatives from other cities that divert water from the ESPA with a goal to draft and submit a single mitigation plan for all cities. The details of this plan are still being worked out, but given the high likelihood that the plan will be submitted and will include the City of Idaho Falls' participation, we request that the Department not move forward with any other action on the City of Idaho Falls mitigation plan until further notice from me.

Idaho Falls prefers not to withdraw the Plan at this point because it is unknown if there will be concerns with the larger municipal plan involving all cities, and Idaho Falls may need to then request further processing of its plan. However, the cities and their attorneys intend to work closely with members of the Surface Water Coalition on the details of the larger city plan prior to its submission.

If you have any questions or concerns, please let me know.

Best Regards,

Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.