

**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 12<sup>th</sup> day of June 2019.

  
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Gary Spackman  
Director

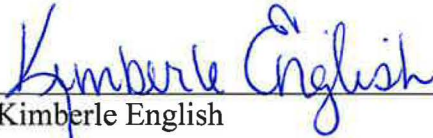
## CERTIFICATE OF SERVICE

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

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