

## NOTICE OF MITIGATION PLAN SUBMITTED BY BONNEVILLE-JEFFERSON GROUND WATER DISTRICT IN RESPONSE TO THE SURFACE WATER COALITION WATER DELIVERY CALL

Notice is hereby given that, on December 19, 2023, Bonneville-Jefferson Ground Water District (“BJGWD”), through counsel Skyler C. Johns, PO Box 3005, Idaho Falls, ID 83403, and on behalf of BJGWD members, submitted the *Petition for Approval of Bonneville-Jefferson Ground Water District’s Conservation Mitigation Plan for the Surface Water Coalition* (“*Mitigation Plan*” or “*Plan*”) to the Idaho Department of Water Resources (“Department”).

The *Plan* is intended to satisfy the mitigation obligations of BJGWD 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 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. BJGWD represents members who hold ground water rights within a portion of the ESPA that are junior in priority to the SWC’s senior priority Snake River water rights.

BJGWD proposes a five-year plan to mitigate its proportionate share of injury to all the SWC members. BJGWD proposes a quantification of the “BJGWD Obligation from the Total Obligation” in part by using “a steady-state rendition of the ESPAM2.2 aquifer model, ....” BJGWD proposes to meet the “BJGWD Obligation” implementing the following efforts:

- 1) **Aquifer Recharge:** the *Plan* states that “Recharge under this plan refers to intentional processes that measure and convey surface water to underground storage in the ESPA. ... Under the Mitigation Plan, the BJGWD may assign its Recharge to any location within the ESPA....”
- 2) **Pumping Reductions:** the *Plan* states that “Pumping Reductions refer to any reduction in ground water pumping from the BJGWD’s established Baseline Value”, which is recommended as 2.30 acre-feet per acre pursuant to calculations attached as Exhibit A to the proposed *Mitigation Plan*.
- 3) **Fallowing Acres:** the *Plan* states that “Fallowing Acres refers to the intentional withholding of ground water from a defined section of land that is otherwise authorized to divert ground water under a valid water right.”
- 4) **Delivery of Storage Water (or Wet Water Delivery):** the *Plan* states that “Wet Water Delivery refers to the direct delivery of storage water to the SWC that is acquired from surface water sources.”

The *Plan* further proposes that by May 1 of each year, BJGWD will certify to the Department BJGWD’s commitments for reductions or fallowing, commitments for recharge including water supply, conveyance and use of facilities, and commitments for wet water delivery.

The Department will process the *Plan* pursuant to the Department’s Conjunctive Management Rules (IDAPA 37.03.11). A complete copy of the *Mitigation Plan* is available for review at either the Department’s State Office in Boise, the Department’s Regional Offices in Twin Falls and Idaho Falls, or at the following website link: <https://idwr.idaho.gov/legal-actions/mitigation-plan-actions/swc/bjgwd/>.

The Department has not determined the adequacy of the *Mitigation Plan*. Any protest against approval of the *Mitigation Plan* 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 BJGWD.

Mathew Weaver, Director

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