

## NOTICE OF MITIGATION PLAN SUBMITTED BY MAGIC VALLEY GROUND WATER DISTRICT IN RESPONSE TO THE SURFACE WATER COALITION WATER DELIVERY CALL

Notice is hereby given that, on December 20, 2023, Magic Valley Ground Water District ("MVGWD"), through counsel Thomas J. Budge, PO Box 1391, Pocatello, ID 83204-1391, and on behalf of MVGWD members, submitted the *Petition for Approval of MVGWD's 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 MVGWD 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. MVGWD 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.

MVGWD proposes to mitigate injury to all the SWC members by providing to the SWC an amount of water equivalent to what the SWC would receive from curtailment under the SWC delivery call pursuant to the *Sixth Final Order Regarding Methodology for Determining Material Injury to Reasonable In-Season Demand and Reasonable Carryover* or any other Department order. MVGWD proposes to offset all or part of the water the SWC would receive from curtailment of MVGWD's ground water rights by (a) assigning or delivering to SWC members storage water from reservoirs in the Water District 1 reservoir system, (b) conducting managed aquifer recharge, (c) reducing ground water use, (d) fallowing land that would otherwise be irrigated with ground water, or (e) any combination thereof. The *Plan* proposes that if MVGWD provides less water to the SWC than is required to fully offset the amount of water the SWC would receive from curtailment, MVGWD members may be subject to curtailment to make up the shortfall, unless MVGWD provides mitigation under another approved mitigation plan that fully mitigates material injury to the SWC.

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/mvgwd/>.

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 MVGWD.

Mathew Weaver, Director

Published in the Idaho Statesman, Mountain Home News, Idaho Mountain Express, Post Register & Idaho State Journal on January 17<sup>th</sup> & 24<sup>th</sup>, 2024, and Times News & Lewiston Tribune on January 18<sup>th</sup> & 25<sup>th</sup>; and Rexburg Standard Journal on January 19<sup>th</sup> & 26<sup>th</sup>, 2024.