

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

Notice is hereby given that, on January 2, 2024, Bingham Ground Water District (“BGWD”), through counsel Dylan Anderson, PO Box 35, Rexburg, ID 83440, and on behalf of BGWD members, submitted the *Petition for Approval of Bingham Ground Water District’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 BGWD 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. BGWD 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.

BGWD proposes to mitigate injury to all the SWC members by 1) permanent reduction of ground water pumping and use on 16,139 irrigated acres under BGWD members’ ground water rights (also known as non-use acres or acreage reduction), to be staged or phased-in over a five-year period from 2024 to 2028, and 2) limiting annual ground water pumping on irrigated acres within BGWD to 2.1 acre-feet per acre based on a five-year rolling average. If any non-use acreage is found to be out of compliance, then the deficit to the aquifer must be replaced in at least equivalent volume, on a transient response basis, during the following irrigation season. Any water users found to be out of compliance with the 2.1 acre-feet per acre pumping limit in any given year will be required by the end of the following irrigation season to provide the volume benefit to the ESPA equal to their excess use.

The *Mitigation Plan* further proposes that aquifer recharge may be implemented as an alternative to permanent ground water reduction. Specifically, the *Plan* states that “[a]quifer recharge for the purpose of replacing groundwater diversions may be accomplished under a steady state analysis of the actual benefit of the recharge to the SWC reach gain, as determined by the ESPAM 2.2 (or currently adopted) groundwater model (Model), during the water year in which the groundwater diversion will occur. Any recharge accomplished for the purpose of mitigating groundwater pumping under this plan must be reported by time and place of the recharge, daily volume (acre-feet per day), source (storage lease or water right), and water quality compliance plan.” Additionally, the *Plan* states that “[a]lternatively, in-season mitigation of groundwater diversions may be accomplished by providing recharge of an equal, or greater, volume to the amount diverted, within the same irrigation season, and in the same vicinity as the groundwater point of diversion.”

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/bgwd/>.

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 BGWD.

Mathew Weaver, Director

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