

Nov 19, 2024

DEPARTMENT OF
WATER RESOURCES

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF DISTRIBUTION OF WATER TO VARIOUS WATER RIGHTS HELD BY OR 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 No. CM-MP-2024- 003

JOINT MOTION FOR ORDER APPROVING 2024 STIPULATED MITIGATION PLAN

IN THE MATTER OF THE SURFACE WATER COALITIONS' AND THE GROUND WATER DISTRICTS' 2024 STIPULATED MITIGATION PLAN

Twin Falls Canal Company, North Side Canal Company, American Falls Reservoir District No. 2, Milner Irrigation District, Burley Irrigation District, A&B Irrigation District, and Minidoka Irrigation District (collectively, the “Surface Water Coalition”), and North Snake Ground Water District, Magic Valley Ground Water District, Carey Valley Ground Water District, Aberdeen-American Falls Ground Water District, Bingham Ground Water District, Bonneville-Jefferson Ground Water District, Jefferson-Clark Ground Water District, Madison Ground Water District, and Henry’s Fork Ground Water District (collectively, the “Ground Water Districts”), through counsel, jointly move the director pursuant to rule 220 of the Rules of Procedure of the Idaho Department of Water Resources and rule 43 of the Rules for Conjunctive Management of Surface and Ground Water Resources for an order approving the 2024 Stipulated Mitigation Plan attached hereto as Appendix A (the “Plan”).

Pursuant to Conjunctive Management Rule 43.01.a, the names and addresses of the entities submitting the Plan are:

- North Snake Ground Water District
214 E. Yakima St., Suite A
Jerome, Idaho 83338

- Magic Valley Ground Water District
P.O. Box 430
Paul, Idaho 83347
- Carey Valley Ground Water District
P.O. Box 261
Carey, Idaho 83320
- Aberdeen-American Falls Ground Water District
P.O. Box 70
American Falls, Idaho 83211
- Bingham Ground Water District
P.O. Box 1268
Blackfoot, Idaho 83221
- Bonneville-Jefferson Ground Water District
P.O. Box 51121
Idaho Falls, Idaho 83405
- Jefferson-Clark Ground Water District
P.O. Box 118
Terreton, Idaho 83450-0118
- Madison Ground Water District
P.O. Box 15
St. Anthony, Idaho 83445
- Henry's Fork Ground Water District
P.O. Box 15
St. Anthony, Idaho 83445

Pursuant to Conjunctive Management Rule 43.01.b, the Plan is designed to mitigate material injury to water rights held by members of the Surface Water Coalition, and to provide safe harbor to groundwater rights held by patrons of the Ground Water Districts and other entities representing groundwater users that participate in and comply with the Plan.

Pursuant to Conjunctive Management Rule 43.01.c, sections 4 and 6 of the Plan identify the water supply proposed to be used for mitigation and any circumstances or limitations on availability of such supplies.

Pursuant to Conjunctive Management Rule 43.01.d, the Plan includes information that will allow the Director to evaluate the factors set forth in Conjunctive Management Rule 43.03. The

Plan is submitted pursuant to stipulation of the Ground Water Districts and the Surface Water Coalition in accordance with Conjunctive Management Rule 43.03.o, as set forth in section 11 of the Plan.

RESPECTFULLY SUBMITTED the 19th day of November, 2024.

SOMACH SIMMONS & DUNN, P.C.

/s/ Maximilian C. Bricker

Sarah A. Klahn

Maximilian C. Bricker

Attorneys for Aberdeen-American Falls Ground Water District

DYLAN ANDERSON LAW PLLC

/s/ Dylan Anderson

Dylan Anderson

Attorneys for Bingham Ground Water District

OLSEN TAGGART PLLC

/s/ Skyler C. Johns

Skyler C. Johns

Attorneys for Bonneville-Jefferson Ground Water District

SAWTOOTH LAW OFFICES, PLLC

/s/ Andrew J. Waldera

Andrew J. Waldera

Attorneys for Magic Valley Ground Water District and North Snake Ground Water District

RIGBY, ANDRUS & RIGBY LAW, PLLC

/s/ Jerry R. Rigby

Jerry R. Rigby

Hyrum Erickson

Attorneys for Henry's Fork Ground Water District, Jefferson Clark Ground Water District and Madison Ground Water District

MCHUGH BROMLEY, PLLC

/s/ Chris M. Bromley

Candice M. McHugh

Chris M. Bromley

Attorneys for Carey Valley Ground Water District

FLETCHER LAW OFFICE

/s/ W. Kent Fletcher

W. Kent Fletcher

Attorneys for American Falls Reservoir District

No. 2 and Minidoka Irrigation District

MARTEN LAW LLP

/s/ Travis L. Thompson

Travis L. Thompson

Attorneys for A&B Irrigation District, Burley

Irrigation District, Milner Irrigation District,

North Side Canal Company, and Twin Falls

Canal Company

APPENDIX A

2024 STIPULATED MITIGATION PLAN

This 2024 Stipulated Mitigation Plan (“Plan”) is entered into between the parties defined in section 1. The parties agree as follows:

1. Parties. The parties to this Plan are (a) the members of the SWC, (b) ground water districts that sign this Plan by November 14, 2024, pursuant to section 2, and (c) ground water districts and other entities representing groundwater users that subsequently participate in this Plan pursuant to section 10. Parties may be referred to individually in this Plan as a “party.”

1.1 Surface Water Coalition. The members of the SWC are A&B Irrigation District, American Falls Reservoir District No. 2, Burley Irrigation District, Milner Irrigation District, Minidoka Irrigation District, North Side Canal Company, and Twin Falls Canal Company (individually, a “SWC member,” collectively, the “SWC”). Each SWC member is a party to this Plan.

1.2 Ground Water Districts. The ground water districts initially invited to participate in this Plan are Aberdeen-American Falls Ground Water District, Bingham Ground Water District, Bonneville-Jefferson Ground Water District, Carey Valley Ground Water District, Henry’s Fork Ground Water District, Jefferson-Clark Ground Water District, Madison Ground Water District, Magic Valley Ground Water District, and North Snake Ground Water District. Only those ground water districts who sign this Plan by November 14, 2024, pursuant to section 2, or who participate in this Plan pursuant to section 10, are parties to this Plan. Ground water districts and other entities who participate in this Plan are referred to herein individually as “District” and collectively as the “Districts.” Any ground water district who does not sign this Plan by November 14, 2024, or who does not participate in this Plan pursuant to section 10, shall not be a party to this Plan, shall not be bound by the terms of this Plan, and shall not benefit from this Plan. The failure of any ground water district to participate in this Plan shall not alter the proportionate obligations of any District.

2. Approval Process and Effective Date. This Plan shall be submitted to the boards of the SWC and the ground water districts identified in sections 1.1 and 1.2 for review by November 1, 2024. Ground water districts that elect to participate in this Plan pursuant to section 1.2 will have until November 14, 2024, to sign this Plan. The SWC will have until November 15, 2024, to sign this Plan. This Plan shall be effective once it is signed by all members of the SWC and at least five of the nine ground water districts identified in section 1.2. The SWC shall not enter into a separate stipulated mitigation plan or agreement with any ground water district that does not participate in this Plan during the term of this Plan.

3. Term.

3.1 Initial Term. The initial term of this Plan is four years, beginning January 1, 2024, and ending December 31, 2027. Compliance with section 4 (groundwater conservation) shall begin January 1, 2024. Compliance with all other sections shall begin November 1, 2024.

3.2 Renewal Terms. This Plan shall automatically renew for successive four-year terms unless a party provides written notice of termination to the other parties by September 15 prior to the end of the term then in effect, in which case this Plan will terminate at the end of such term.

4. Groundwater Conservation. During the term of this Plan, each District will conserve, at a minimum, the volume of groundwater set forth in the “Conservation Obligation” column in Appendix A, on an average annual basis over four-year periods, as measured from the District’s baseline groundwater diversion set forth in Appendix A.

4.1 Compliance Periods. Groundwater conservation shall be measured over four-year periods known as “compliance periods.” Each four-year term of this Plan is a compliance period; thus, the first compliance period is 2024-2027, the second compliance period is 2028-2031, and so on until Plan termination.

4.2 District Conservation Obligations. As of November 15, 2024, the conservation obligations of the Districts collectively total 205,000 acre-feet annually as initially shown in Appendix A. The Districts’ collective conservation of 205,000 acre-feet equates to a total annual divertible volume of 1,590,034 acre-feet as initially shown in Appendix A. Each District’s proportionate share of the annual divertible volume is also set forth in Appendix A. Appendix A will be updated annually by the Districts to reflect additions and removals of groundwater rights participating in this Plan through the Districts. Groundwater rights added to a District after November 15, 2024, shall proportionately increase the District’s baseline diversion volume, annual conservation obligation, annual divertible volume, and compliance period allocation in Appendix A, and groundwater rights removed from a District after November 15, 2024, shall proportionately decrease the District’s baseline diversion volume, annual conservation obligation, annual divertible volume, and compliance period allocation in Appendix A. If a groundwater right is added to or removed from a District for only part of a compliance period, the adjustment to the District’s baseline diversion volume, annual conservation obligation, annual divertible volume, and compliance period allocation shall be prorated based on the portion of the compliance period in which the groundwater right participates in this Plan.

4.3 Compliance Period Allocations. At the beginning of each compliance period, each District will be allocated a volume of water that may be diverted during that four-year period, calculated by multiplying the District’s annual divertible volume by four, plus surplus allocation carried over from the prior compliance period in accordance with section 4.7, if any. The Districts’ four-year compliance period allocations are set forth in Appendix A. Districts are not restricted to the use of one-fourth of their compliance period allocation during each year of the compliance period; rather, Districts may divert more or less than one-fourth of their compliance period allocation in any given year so long as the total amount diverted during a compliance period does not exceed the District’s total compliance period allocation. Each District shall independently comply with its individual compliance period allocation in accordance with sections 4.4 and 4.5.

4.4 Patron Allocations. Each District will apportion its compliance period allocation to the District’s patrons in the form of a diversion allocation in accordance with Idaho Code § 42-5244A. Districts may allow patrons with multiple groundwater rights to pool their individual water right allocations for purposes of compliance. Districts may also allow patrons to exchange or transfer patron allocations within the District, so long as such patrons do not divert water in excess of the maximum rate or volume authorized under their water rights. District patrons may use their diversion allocation over a compliance period as they choose; however, when a District patron depletes their allocation, that patron will not receive any additional allocation until the next compliance period starts, unless the patron acquires additional allocation from (a) other patrons within the District in accordance with this section 4.4, or (b) the District as a result of managed aquifer recharge in accordance with section 4.5. If a District patron diverts more than their allocation and does not acquire additional allocation, the provisions of section 9.1 apply.

4.5 District Aquifer Recharge. Districts may supplement their compliance period allocation by performing managed aquifer recharge in accordance with standards set forth in Appendix C and with section 4 of the Memorandum of Agreement executed contemporaneously with this Plan. Credit for the managed aquifer recharge shall be determined as follows:

4.5.1 In-District Site. Recharge accomplished at a site within the boundaries of the District performing the recharge or at a site within 12 miles of the boundary of the

District (“In-District Site”) will count 1:1 as a reduction in groundwater use within the District performing the recharge.

4.5.2 Out-of-District Site. Recharge performed at a site other than an In-District Site (“Out-of-District Site”) will be modeled using the current version of the Eastern Snake Plain Aquifer (“ESPA”) Model to quantify the steady-state impact to the Near Blackfoot to Minidoka reach of the Snake River. The impact of recharging the same volume of water at the In-District Site nearest to the Near Blackfoot to Minidoka reach will also be modeled using the ESPA Model to quantify the steady-state impact to the Near Blackfoot to Minidoka reach. The modeled steady-state impact of recharge at the Out-of-District Site will be divided by the modeled steady-state impact of recharge at the In-District Site. If the calculated ratio is less than two (the steady-state impact of recharge at the Out-of-District site is less than twice the steady-state impact of recharge at the In-District Site), the credit towards reduction in groundwater use will be equal to the calculated ratio multiplied by the volume of water recharged. If the calculated ratio is greater than two (the steady-state impact of recharge at the Out-of-District Site is greater than twice the steady-state impact of recharge at the In-District Site), the credit towards reduction in groundwater use will be limited to twice the volume of water recharged.

4.6 Measurement.

4.6.1 Groundwater. Measurement and reporting of non-irrigation diversions will occur on an annual basis. The Districts will develop and implement methods to read irrigation diversions monthly. Irrigation diversions shall be read from June to October, with the June reading including diversions from the start of the irrigation season. The Districts will have functioning programs by the start of the 2026 irrigation season to read irrigation diversions monthly. The Districts’ methods may include telemetry, self-reporting with photo evidence, or other reliable techniques to report water diversions. Measurements shall be made available to the appropriate watermaster and the watermaster will make the measurement data publicly available upon request.

4.6.2 Surface Water. The SWC will continue to support the measurement and reporting of the SWC’s surface water diversion by Water District 1 and the measurement and reporting of the SWC’s return flows by the Idaho Department of Water Resources (“Department”).

4.6.3 Reach Gains. Reach gains to the Near Blackfoot to Minidoka reach of the Snake River shall be measured based on calendar year reach gains from the ESPA as reported by the Department to the Idaho Water Resource Board.

4.7 Conservation Carryover. If a District has remaining allocation (*i.e.* the District performs surplus groundwater conservation) at the end of the first compliance period (2024-2027), the surplus will be carried over to the second compliance period (2028-2031). At the annual meeting held in 2031 pursuant to [section 7](#), the parties shall commence discussions to determine the minimum reach gain conditions and other water supply factors that must be maintained to allow surplus allocation to be carried over from one compliance period to the next, which determination shall be documented by a written amendment to this Plan executed by the parties by September 15, 2031.

4.8 Annual Report. By February 15 annually, the Districts will submit a report to the SWC and the Department documenting the Districts' compliance with section 4 during the previous calendar year.

5. Reach Gain Mitigation Fund. The parties understand that the Idaho Water Resource Board ("Board") will contribute \$5,000,000 to develop projects that will target and maximize benefits to the reach gains in the Near Blackfoot to Minidoka reach. The projects will be selected by the Board with input from the parties as to the criteria for ranking proposed projects. The Board will make the final decision on projects. Beginning in 2035, the Districts will collectively deposit \$250,000 annually into a bank account maintained by the Districts to fund development and implementation of projects designed to further increase reach gains to the Near Blackfoot to Minidoka reach of the Snake River. If, during the second compliance period (2028-2031) or any subsequent compliance period, the average annual reach gains to the Near Blackfoot to Minidoka reach of the Snake River for that compliance period drops below the 2023 reach gains, the Districts will then deposit \$500,000 annually, until average annual reach gains over the most recent compliance period equal or exceed the 2023 reach gains. Each District shall be independently responsible to deposit its proportionate share of the \$250,000 or \$500,000 in proportion to its respective steady-state impacts to the Near Blackfoot to Minidoka reach of the Snake River under the current version of the Model (ESPAM 2.2) as set forth in Appendix B.

6. Storage Water Component. The Districts will collectively secure the volume of storage water required by section 6.1 to meet irrigation needs and carryover storage of the SWC in accordance with section 6.4.

6.1 Storage Water Volume. The Districts will secure 75,000 acre-feet of storage water for the 2025 and 2026 irrigation seasons. In 2027, the maximum volume of storage water the Districts are required to secure is capped at 82,500 acre-feet. If reach gains to the Near Blackfoot to Minidoka reach of the Snake River in 2026 are greater than 2023 reach gains, the Districts will secure 75,000 acre-feet of storage for the 2027 irrigation season. If reach gains to the Near Blackfoot to Minidoka reach of the Snake River in 2026 are less than or equal to 2023 reach gains, the Districts will secure 82,500 acre-feet of storage for the 2027 irrigation season. At the annual meeting held in 2027 pursuant to section 7, the parties shall commence discussions to determine the amount of storage the Districts will be required to secure in 2028 and subsequent years, which determination shall be documented by a written amendment to this Plan executed by the parties by September 15, 2027.

6.2 Storage Water Allocation. Each District will secure its proportionate share of the storage water required by section 6.1 based on their respective steady-state impact to the Near Blackfoot to Minidoka reach of the Snake River as defined by the current version of the ESPA Model. The Districts' respective steady-state impacts under the current version of the Model (ESPAM 2.2) are set forth in Appendix B. If the Districts' respective steady-state impacts set forth in Appendix B change due to Model updates adopted by the Department, or due to changes in the universe of water rights participating in this Plan (e.g., additions or removals of groundwater participating in this Plan through the Districts), the parties will revise Appendix B to reflect the most up-to-date calculation of their respective steady-state impacts. If additional organized groundwater groups join this Plan as contemplated in section 10, they will provide a proportionate share of the storage water required by this section 6.1, thereby reducing the proportionate obligations of the Districts, and the parties will revise Appendix B to reflect the most up-to-date calculation of the proportionate shares of the Districts and additional organized groundwater groups participating in this Plan.

6.3 Acquisition of Storage. Within twenty-one (21) days after the Water District 1 "day of allocation," the Districts will secure, to the satisfaction of the Department, leases or options to lease the volume of storage water required by section 6.1, or demonstrate the ability to supply water under alternative

mitigation actions pursuant to section 6.7. Within seven (7) days thereafter, the Districts will supply copies of such agreements to the SWC.

6.4 Delivery of Storage. If the Water District 1 storage water account of any SWC member drops below the reasonable carryover volume listed in Appendix D between the Water District 1 day of allocation and November 10, the SWC member may draw on the secured storage for in-season irrigation needs and to maintain its reasonable carryover volume by notifying the Districts no later than November 15, and the Districts shall assign storage to such SWC member in the amount needed to maintain its reasonable carryover volume, up to the maximum volume required by section 6.1. The SWC shall not draw down their storage water accounts unnecessarily.

6.5 SWC Lease Adjustment. If a SWC member requesting delivery of storage water pursuant to section 6.4 leases storage water to another person or entity during an irrigation season, other than to the U.S. Bureau of Reclamation for flow augmentation as assigned by Water District 1 or as required rentals by Water District 1 to participate in the rental pool, such water shall be deducted from the volume of storage water the Districts are required to deliver to that SWC member under section 6.4.

6.6 2024 Storage Delivery. The Districts supplied 60,000 acre-feet of storage to the SWC for mitigation purposes pursuant to the *2024 Stipulation* dated June 24, 2024. Any portion of such storage that is not diverted by the SWC during the 2024 irrigation season or delivered to maintain reasonable carryover shall revert to the Districts.

6.7 Alternative Mitigation Actions. The Districts may take alternative actions to deliver water to the SWC, including but not limited to acquiring natural flow, in lieu of securing and delivering storage water. To the extent alternative actions deliver water to the SWC in accordance with state law (including Water District 1 procedures), they shall offset the amount of storage water the District implementing such alternative actions is required to secure under section 6.1 or deliver under section 6.4.

7. Oversight Committee. There will be an oversight committee (“Committee”) established to review implementation of this Plan. The Committee shall be made up of the chairs (or their designees) of each party. Additional groundwater groups who join this Plan pursuant to section 10 will have a position on the Committee. Committee meetings will be co-chaired by one representative of the SWC and one representative of the Districts. By February 15 annually, the Committee shall meet to review (a) the annual report submitted by the Districts in accordance with section 4.8; (b) carryover storage from the prior irrigation season; (c) the reach gains to the Near Blackfoot to Minidoka reach of the Snake River; (d) the delivery of storage water to the SWC pursuant to section 6; (e) progress of any alternative mitigation actions taken pursuant to section 6.7; (f) progress of the Board’s managed recharge program and the Cooperative Cloud Seeding Program; (g) changes to Appendix A pursuant to section 4.2; and (h) additional groundwater users joining this Plan pursuant to section 10 and the corresponding adjustment to Appendix B. The Committee is advisory in nature, has no authority to bind any party, but may submit recommendations to the Department upon unanimous agreement of Committee members.

8. Safe Harbor. Districts and their patrons that comply with this Plan shall receive safe harbor from the SWC delivery call (IDWR Docket No. CM-DC-2010-001) during the term of this Plan.

9. Enforcement. Each District is independently responsible for complying with its proportionate obligations under sections 4, 5 and 6. If a District does not comply, such non-compliance shall not adversely affect any other District that is in compliance with its proportionate obligations under this Plan.

9.1 Groundwater Conservation. If a District patron fails to comply with their patron allocation, the District shall report the patron to the Department for enforcement under Idaho Code § 42-5244B. Non-compliance shall result in curtailment by the Department, pursuant to Idaho Code § 42-5244B. District

patrons are independently responsible to comply with their respective patron allocations, such that non-compliance by one patron shall not adversely affect any other patron that is in compliance with its patron allocation. If a District reports a non-compliant patron to the Department for enforcement, that patron's allocation under section 4.4 will be deducted from the District's compliance period allocation under section 4.3, and the non-compliant patron's diversions will be deducted from a District's diversions when the District documents compliance under section 4.8, until the non-compliance is remedied. Non-compliant patrons subject to enforcement under this section 9.1 shall not be considered a participant in this Plan until the non-compliance is remedied.

9.2 Storage Water. If a District fails to secure its proportionate share of storage water in accordance with section 6.3, or deliver its proportionate share of storage water in accordance with section 6.4 or deliver water under alternative mitigation actions in accordance with section 6.7, the non-compliant District shall lose safe harbor under section 8, and patrons of the non-compliant District shall be subject to administration pursuant to Conjunctive Management Rule 40.05 unless and until such non-compliance is remedied.

9.3 Reach Gain Mitigation Fund. If a District fails to contribute its proportionate share of funding for projects to improve Near Blackfoot to Minidoka reach gains in accordance with section 5, patrons of the non-compliant District shall be subject to administration pursuant to Conjunctive Management Rule 40.05 until such non-compliance is remedied.

10. Additional Organized Ground Water Groups May Join Plan. Ground water districts or other entities representing groundwater users brought into the area of common ground water supply through the passage of Senate Bill 1341 (2024) or brought in through expansion of the area of common ground water supply as allowed by Senate Bill 1341 (2024) may seek to join this Plan. Upon the written consent of all parties, which consent shall not be unreasonably withheld, the parties and the entity joining this Plan shall execute an addendum to this Plan whereby the joining entity agrees to (a) perform groundwater conservation equivalent to the Districts, which conservation shall be in addition to the 205,000 acre-feet required under section 4; (b) contribute pro rata toward the reach gain fund under section 5; (c) contribute pro rata toward the storage water obligation under section 6, which shall proportionately reduce the storage obligation of the Districts; (d) perform such other obligations as may reasonably be required as a consequence of joining this Plan; and (e) consent to be bound by all other terms of this Plan on the same terms and conditions as the Districts.

11. Mitigation Plan Approval. Within ten (10) days after the Effective Date, the parties will submit this Plan to the Department for approval as a stipulated mitigation plan under rule 43 of the Conjunctive Management Rules. Upon approval, this Plan shall (a) supersede and replace the stipulated mitigation plan previously approved in IDWR Docket No. CM-MP-2016-001, and such plan, together with the agreements upon which it is predicated,¹ shall be null and void; (b) supersede and replace the mitigation plans previously approved in IDWR Docket Nos. CM-MP-2009-006 and CM-MP-2009-007, which shall be null and void. The parties acknowledge that all terms of the *2024 Stipulation* dated June 19, 2024, have been satisfied except for the groundwater conservation obligation in paragraph 5 which is superseded and replaced by section 4 of this Plan.

12. Miscellaneous.

¹ The mitigation plan approved in IDWR Docket No. CM-MP-2016-001 is predicated upon the *Settlement Agreement Entered Into June 30, 2015 Between Participating Members of the Surface Water Coalition and Participating Members of Idaho Ground Water Appropriators, Inc.*, which was amended and clarified by the *Agreement* dated October 7, 2015, the *Addendum to Settlement Agreement* dated October 19, 2015, and the *Second Addendum to Settlement Agreement* dated December 14, 2016.

12.1 Amendment. This Plan may be amended only by a written instrument signed by all parties and approved by the Department.

12.2 Notices. Notices required or permitted to be given to any party under this Plan shall be in writing and shall be effective (a) when personally delivered, (b) three days after mailing via U.S. Postal Service certified mail, (c) upon delivery by a reputable overnight courier, or (d) upon delivery via email to an authorized representative of the party. Notices sent by email shall be deemed received when the designated recipient acknowledges receipt via reply email.

12.3 Appendices. All appendices cited in, and attached to, this Plan are incorporated into this Plan by reference as if set forth fully herein.

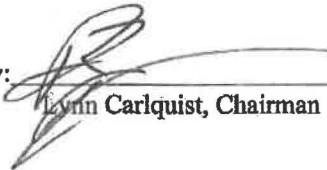
12.4 Counterparts. This Plan may be executed in counterparts which, when taken together, shall constitute one and the same document.

12.5 Digital Signatures. Digital and scanned signatures to this Plan shall be valid and effective to bind the party so signing.

[End of text; signature pages below]

GROUND WATER DISTRICT SIGNATURES

North Snake Ground Water District

By:  _____
Lynn Carlquist, Chairman

Date: Nov 12, 2024

Magic Valley Ground Water District

By: _____
Dean Stevenson, Chairman

Date: _____

Carey Valley Ground Water District

By: _____
Leta Hansen, Chairwoman

Date: _____

Aberdeen-American Falls Ground Water District

By: _____
Tim Deeg, Chairman

Date: _____

Bingham Ground Water District

By: _____
Connie Christensen, Chairwoman

Date: _____

Bonneville-Jefferson Ground Water District

By: _____
Stephanie Mickelsen, Chairwoman

Date: _____


GROUND WATER DISTRICT SIGNATURES

North Snake Ground Water District

By: _____
Lynn Carlquist, Chairman

Date: _____

Magic Valley Ground Water District

By:  _____
Dean Stevenson, Chairman

Date: 11/12/2024

Carey Valley Ground Water District

By: _____
Leta Hansen, Chairwoman

Date: _____

Aberdeen-American Falls Ground Water District

By: _____
Tim Deeg, Chairman

Date: _____

Bingham Ground Water District

By: _____
Connie Christensen, Chairwoman

Date: _____

Bonneville-Jefferson Ground Water District

By: _____
Stephanie Mickelsen, Chairwoman

Date: _____

GROUND WATER DISTRICT SIGNATURES

North Snake Ground Water District

By: _____
Lynn Carlquist, Chairman

Date: _____

Magic Valley Ground Water District

By: _____
Dean Stevenson, Chairman

Date: _____

Carey Valley Ground Water District

By: Leta Hansen
Leta Hansen, Chairwoman

Date: 11/8/2024

Aberdeen-American Falls Ground Water District

By: _____
Tim Deeg, Chairman

Date: _____

Bingham Ground Water District

By: _____
Connie Christensen, Chairwoman

Date: _____

Bonneville-Jefferson Ground Water District

By: _____
Stephanie Mickelsen, Chairwoman

Date: _____

GROUND WATER DISTRICT SIGNATURES

North Snake Ground Water District

By: _____
Lynn Carlquist, Chairman

Date: _____

Magic Valley Ground Water District

By: _____
Dean Stevenson, Chairman


Date: _____

Carey Valley Ground Water District

By: _____
Leta Hansen, Chairwoman

Date: _____

Aberdeen-American Falls Ground Water District

By:  _____
Tim Deeg, Chairman

Date: 11-13-2024

Bingham Ground Water District

By: _____
Connie Christensen, Chairwoman

Date: _____

Bonneville-Jefferson Ground Water District

By: _____
Stephanie Mickelsen, Chairwoman

Date: _____

GROUND WATER DISTRICT SIGNATURES

North Snake Ground Water District

By: _____ Date: _____
Lynn Carlquist, Chairman

Magic Valley Ground Water District

By: _____ Date: _____
Dean Stevenson, Chairman

Carey Valley Ground Water District

By: _____ Date: _____
Leta Hansen, Chairwoman

Aberdeen-American Falls Ground Water District

By: _____ Date: _____
Tim Deeg, Chairman

Bingham Ground Water District

By: Connie Christensen Date: 11-13-24
Connie Christensen, Chairwoman

Bonneville-Jefferson Ground Water District

By: _____ Date: _____
Stephanie Mickelsen, Chairwoman

GROUND WATER DISTRICT SIGNATURES

North Snake Ground Water District

By: _____
Lynn Carlquist, Chairman

Date: _____

Magic Valley Ground Water District

By: _____
Dean Stevenson, Chairman

Date: _____

Carey Valley Ground Water District

By: _____
Leta Hansen, Chairwoman

Date: _____

Aberdeen-American Falls Ground Water District

By: _____
Tim Deeg, Chairman

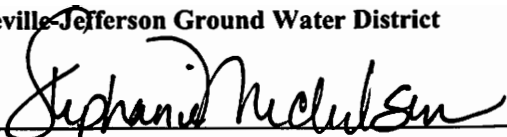
Date: _____

Bingham Ground Water District

By: _____
Connie Christensen, Chairwoman

Date: _____

Bonneville-Jefferson Ground Water District

By: 
Stephanie Mickelsen, Chairwoman

Date: 11/13/2024

Jefferson-Clark Ground Water District

By: Kirk M Jacobs
Kirk Jacobs, Chairman

Date: 11/13/24

Madison Ground Water District

By: _____
Bevan Jeppsen, Chairman

Date: _____

Henry's Fork Ground Water District

By: _____
Jeff Raybould, Chairman

Date: _____

Jefferson-Clark Ground Water District

By: _____
Kirk Jacobs, Chairman

Date: _____

Madison Ground Water District

By:  _____
Bevan Jeppsen, Chairman

Date: 11-13-24

Henry's Fork Ground Water District

By: _____
Jeff Raybould, Chairman

Date: _____

Jefferson-Clark Ground Water District

By: _____
Kirk Jacobs, Chairman

Date: _____

Madison Ground Water District

By: _____
Bevan Jeppsen, Chairman

Date: _____


Henry's Fork Ground Water District

By:  _____
Jeff Raybould, Chairman

Date: 11-11-24

SURFACE WATER COALITION SIGNATURES

Twin Falls Canal Company

By: 
Roger Blass, Chairman

Date: 11/12/24

North Side Canal Company

By: 
Mike Elliott, Chairman

Date: 11/13/2024

American Falls Reservoir District No. 2

By: _____
Ellis Gooch, Chairman

Date: _____

Milner Irrigation District

By: _____
Scott Breeding, Chairman

Date: _____

Burley Irrigation District

By: _____
Clifford Searle, Chairman

Date: _____

A&B Irrigation District

By: 
Harold Mohlman, Chairman

Date: 11-12-24

Minidoka Irrigation District

By: _____
Ronald D. Kowitz, Chairman

Date: _____

SURFACE WATER COALITION SIGNATURES

Twin Falls Canal Company

By: _____
Roger Blass, Chairman

Date: _____

North Side Canal Company

By: _____
Mike Elliott, Chairman

Date: _____

American Falls Reservoir District No. 2

By: Ellis Gooch
Ellis Gooch, Chairman

Date: 11-15-24

Milner Irrigation District

By: _____
Scott Breeding, Chairman

Date: _____

Burley Irrigation District

By: _____
Clifford Searle, Chairman

Date: _____

A&B Irrigation District

By: _____
Harold Mohlman, Chairman

Date: _____

Minidoka Irrigation District

By: Ronald D Kowitz
Ronald D. Kowitz, Chairman

Date: 11 12 24

SURFACE WATER COALITION SIGNATURES

Twin Falls Canal Company

By: _____ Date: _____
Roger Blass, Chairman

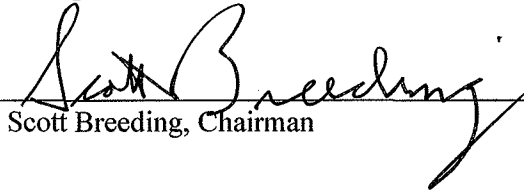
North Side Canal Company

By: _____ Date: _____
Mike Elliott, Chairman

American Falls Reservoir District No. 2

By: _____ Date: _____
Ellis Gooch, Chairman

Milner Irrigation District

By:  _____ Date: 11-12-24
Scott Breeding, Chairman

Burley Irrigation District

By: _____ Date: _____
Clifford Searle, Chairman

A&B Irrigation District

By: _____ Date: _____
Harold Mohlman, Chairman

Minidoka Irrigation District

By: _____ Date: _____
Ronald D. Kowitz, Chairman

SURFACE WATER COALITION SIGNATURES

Twin Falls Canal Company

By: _____
Roger Blass, Chairman

Date: _____

North Side Canal Company

By: _____
Mike Elliott, Chairman

Date: _____

American Falls Reservoir District No. 2

By: _____
Ellis Gooch, Chairman

Date: _____

Milner Irrigation District

By: _____
Scott Breeding, Chairman

Date: _____

Burley Irrigation District

By:  _____
Clifford Searle, Chairman

Date: 11/12/24

A&B Irrigation District

By: _____
Harold Mohlman, Chairman

Date: _____

Minidoka Irrigation District

By: _____
Ronald D. Kowitz, Chairman

Date: _____

APPENDIX A

Groundwater Conservation Allocations

District	Baseline Diversion Volume	Annual Conservation Obligation	Annual Divertible Volume	Compliance Period Allocation
American Falls-Aberdeen	286,111	34,132	251,979	1,007,916
Bingham	274,578	32,756	241,822	967,287
Bonneville-Jefferson	161,987	16,500	145,487	581,948
Carey	5,545	661	4,883	19,533
Jefferson-Clark	445,393	53,134	392,259	1,569,037
Henry's Fork	76,241	9,095	67,146	268,583
Madison	78,095	3,000	75,095	300,380
Magic Valley	258,203	30,803	227,400	909,601
North Snake	208,881	24,919	183,962	735,849
	1,795,034	205,000	1,590,034	6,360,135

APPENDIX B

Storage Water Allocations Based on Initial 75,000AF Obligation

District	Baseline Diversion Volume	NB-M SS Baseline Impact	% of total SS Impact	Share of 75k Storage
American Falls-Aberdeen	286,111	210,298	28.6%	21,420.0
Bingham	274,578	173,258	23.5%	17,647.0
Bonneville-Jefferson	161,987	79,000	10.7%	8,047.0
Carey	5,545	2,714	0.4%	277.0
Jefferson-Clark	445,393	109,276	14.8%	11,130.0
Henry's Fork	76,241	3,528	0.5%	359.0
Madison	78,095	2,949	0.4%	300.0
Magic Valley	258,203	123,758	16.8%	12,605.0
North Snake	208,881	31,566	4.3%	3,215.0
	1,795,034	736,347	100%	75,000

APPENDIX C

Managed Aquifer Recharge Standards

1. Natural flow water rights used for recharge must have “recharge” listed as an authorized beneficial use.
2. Water must be recharged in the calendar year of the irrigation season in which mitigation credit is claimed.
3. In-canal recharge will be accounted for in accordance with Idaho Water Resource Board standards taking into consideration historical diversion rates.
4. The following information must be provided by the entity conducting the recharge:
 - 4.1 Water source.
 - 4.2 Water right number or storage placeholder providing storage.
 - 4.3 If storage water is leased, a copy of the lease contract.
 - 4.4 Copy of the recharge contract with the entity that performed the recharge.
 - 4.5 Location(s) where recharge occurred.
 - 4.6 Dates recharge was performed.
 - 4.7 Total volume recharged at each recharge site.
 - 4.8 Daily or weekly measurement data supporting the total volume recharged.
 - 4.9 Description of measurement device and accuracy


APPENDIX D

Reasonable Carryover Volumes

SWC Member	Carryover Volume
A&B Irrigation District	22,700
American Falls Reservoir Dist. #2	16,700
Burley Irrigation District	0
Milner Irrigation District	16,100
Minidoka Irrigation District	0
North Side Canal Company	113,300
Twin Falls Canal Company	37,400

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of November, 2024, I served the foregoing document on the persons below via email as indicated:



Signature of person mailing form

Director Mat Weaver Garrick Baxter Sarah Tschohl IDAHO DEPT. OF WATER RESOURCES 322 E Front St. Boise, ID 83720-0098	mat.weaver@idwr.idaho.gov garrick.baxter@idwr.idaho.gov sarah.tschohl@idwr.idaho.gov file@idwr.idaho.gov
John K. Simpson Travis L. Thompson Abigail R. Bitzenburg MARTEN LAW P.O. Box 63 Twin Falls, ID 83303-0063	jsimpson@martenlaw.com tthompson@martenlaw.com abitzenburg@martenlaw.com jnielsen@martenlaw.com
W. Kent Fletcher FLETCHER LAW OFFICE P.O. Box 248 Burley, ID 83318	wkf@pmt.org
Jerry Rigby RIGBY, ANDRUS & RIGBY LAW, PLLC P.O. Box 250 Rexburg, ID 83440	jrigby@rex-law.com
Skyler C. Johns OLSEN TAGGART PLLC 1449 E 17th St, Ste A P.O. Box 3005 Idaho Falls, ID 83403	sjohns@olsentaggart.com nolsen@olsentaggart.com staggart@olsentaggart.com
Dylan Anderson DYLAN ANDERSON LAW P.O. Box 35 Rexburg, Idaho 83440	dylan@dylanandersonlaw.com

<p>Sarah A Klahn Maximilian C. Bricker SOMACH SIMMONS & DUNN 2033 11th Street, Ste 5 Boulder, Co 80302</p>	<p>sklahn@somachlaw.com mbricker@somachlaw.com vfrancisco@somachlaw.com</p>
<p>Andrew J. Waldera SAWTOOTH LAW OFFICES, PLLC 1101 W. River Street, Suite 110 Boise, ID 83702</p>	<p>andy@sawtoothlaw.com</p>
<p>Candice McHugh Chris Bromley MCHUGH BROMLEY, PLLC 380 South 4th Street, Suite 103 Boise, ID 83702</p>	<p>cbromley@mchughbromley.com cmchugh@mchughbromley.com</p>

Courtesy Copies to:

<p>Thomas J. Budge RACINE OLSON, PLLP 201 E. Center Street P.O. Box 201 Pocatello, ID 83204</p>	<p>tj@racineolson.com</p>
<p>William A. Parsons PARSONS, LOVELAND, SHIRLEY & LINDSTROM, LLP P.O. Box 910 Burley, ID 83318</p>	<p>wparsons@magicvalley.law</p>