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DEPARTMENT OF  
WATER RESOURCES

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STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF THE MITIGATION  
PLAN OF BIG LOST RIVER GROUND  
WATER DISTRICT

Docket No. CM-MP-2025-004

**IGWA'S NOTICE OF PROTEST**

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

Idaho Ground Water Appropriators, Inc. ("IGWA"), by and through counsel, acting for and on behalf of its members, hereby protests *Big Lost River Ground Water District's CM Rule 43 Mitigation Plan* (the "Big Lost Plan") filed September 24, 2025, in the above-captioned matter. The initial reasons for IGWA's protest are:

1. The Big Lost Plan proposes to "perform ground water conservation equivalent to the IGWA participating districts by reducing ground water diversions by 11.4%, the average pumping reduction required of the signatory ground water districts in the IGWA-SWC mitigation plan." (Big Lost Plan, p. 4.) Unlike the 2024 Stipulated Mitigation Plan between the Surface Water Coalition ("SWC") and Ground Water

Districts (referred to in the Big Lost Plan as the “IGWA-SWC mitigation plan”), which utilizes the time period 2010-2014 to define baseline pumping, the Big Lost Plan proposes to use the time period 2013-2015 to define baseline pumping. *Id.* The Big Lost Plan states that the 2013-2015 time period is comparable to the 2010-2014 time period in terms of irrigation demand for the Big Lost River Basin Ground Water District (the “District”), but it does not provide hard data to verify that statement. It further states that using 2013-2015 as the baseline will give District members “roughly 1.9 acre-feet of ground water pumping per ground water right acre.” *Id.* IGWA needs to see weather and irrigation demand data to confirm that 2013-2015 is an appropriate baseline period and 1.9 acre-feet per water right acre is an appropriate allocation for the District.

2. The Big Lost Plan states that it is “structurally consistent with the pumping reductions associated with the approved mitigation plan between IGWA and the SWC.” *Id.* at 3. Presumably, this statement is intended to include, among other things, an allowance for District members to supplement their compliance period allocation by performing managed aquifer recharge in accordance with section 4.5 of the IGWA-SWC mitigation plan. Section 4.5.1 of the IGWA-SWC mitigation plan provides a 1:1 credit for managed recharge at an “In-District Site.” While this provision is appropriate for the IGWA-SWC mitigation plan, it is not appropriate for the District because, unlike the signatory ground water districts to the IGWA-SWC mitigation plan, recharge at an In-District Site may not have an equivalent effect on the Eastern Snake Plan Aquifer (“ESPA”) as a reduction in groundwater use. The Big Lost Plan must contain conditions to ensure that managed recharge by the District receive mitigation credit based on its effect on the ESPA, comparable to the signatory districts to the IGWA-SWC mitigation plan.
3. The Big Lost Plan proposes to contribute money to the SWC to utilize to lease storage water. IGWA does not object to this proposal in concept, so long as it is reasonably calculated to provide an equivalent amount of storage as is required of the ground water districts that participate in the IGWA-SWC mitigation plan. It appears that the amount of money proposed by the Big Lost Plan will generate far less storage than is required of participants in the IGWA-SWC mitigation plan.

4. The Big Lost Plan purports to be structured after the IGWA-SWC mitigation plan, yet it does not address reach gains to the Near Blackfoot to Minidoka reach of the Snake River.

This protest is continuing in nature and IGWA reserves the right to raise additional objections to the proposed mitigation plan as additional information is discovered.

Dated this 5th day of November, 2025.

RACINE OLSON, PLLP

By:   
Thomas J. Budge  
*Attorneys for IGWA*

## CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of November, 2025, I cause the foregoing document to be served on the persons below via the method below:

  
Thomas J. Budge

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