

NOTICE OF AMENDED MITIGATION PLAN SUBMITTED BY FALLS IRRIGATION DISTRICT IN RESPONSE TO THE SURFACE WATER COALITION WATER DELIVERY CALL

Notice is hereby given that on December 2, 2025, Falls Irrigation District ("FID"), through counsel John K. Simpson, PO Box 152, Boise, ID 83701-0152, and on behalf of FID members, submitted the *Falls Irrigation District's Amended Rule 43 Mitigation Plan* ("*Plan*") to the Idaho Department of Water Resources ("Department").

The *Plan* is intended to satisfy the mitigation obligations of FID 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 entities with senior surface water rights diverted from the Snake River above Milner Dam, including 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. FID represents members who hold ground water rights within a portion of the ESPA that are junior in priority to the SWC's senior priority water rights.

FID proposes six ways to mitigate injury to the SWC members. First, FID and SWC have stipulated that FID's water rights will not be subject to curtailment if the Snake River return flows exceed FID's ground water consumptive use. *Plan*, at 4. To make up for any deficit in return flows, FID will directly deliver storage water to injured SWC members. *Id.* FID and SWC also agree that no other water right holder shall be assigned FID's modeled impacts. *Id.* Second, FID indicates that approximately 812 acres are not irrigated with junior ground water rights due to voluntarily reducing pumping, building subdivisions, new roads, and lands lost to erosion. *Id.* at 5. Third, FID proposes to reduce or eliminate return flow discharges by recharging storage water that is not consumed. *Id.* at 6. Fourth, FID seeks credit for historical reductions taken as part of the 2015 SWC/IGWA settlement agreement and future reductions from a grant to rehabilitate a pump station. *Id.* Fifth, FID proposes to reduce wastewater in holding ponds and directly deliver storage water to materially injured SWC members as necessary. *Id.* at 7. Sixth, FID proposes to deliver storage water it holds in the American Falls and Palisades Reservoirs to injured SWC members as necessary. *Id.*

The Department will process the *Plan* pursuant to the Department's Conjunctive Management Rules (IDAPA 37.03.11). A complete copy of the *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: <https://idwr.idaho.gov/legal-actions/mitigation-plan-actions/SWC/fid/>.

This notice does not represent analysis or approval of the proposed *Plan* by the Department. Protests against approval of the *Plan* must be filed with the Department, together with a protest fee of \$25, on or before **January 5, 2026**. 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 at the following link: <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 FID's counsel.

Mathew Weaver, Director

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