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**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

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-DC-2010-001
CM-MP-2016-001

**NOTICE OF FALLS IRRIGATION
DISTRICT’S JOINDER AND
PARTICIPATION IN AMERICAN
FALLS-ABERDEEN GROUND WATER
DISTRICT’S MITIGATION PLAN IN
2024**

IN THE MATTER OF IGWA’S
SETTLEMENT AGREEMENT
MITIGATION PLAN

COMES NOW American Falls-Aberdeen Ground Water District (“AFA”), by and through its undersigned counsel, and consistent with the Director’s May 30, 2024 *Final Order Curtailing Ground Water Rights Junior to March 31, 1954* (“Curtailment Order”), hereby provides notice that Falls Irrigation District (“Falls”) has joined AFA, solely for mitigation purposes, in participating in the *2016 Mitigation Plan* for the duration of the 2024 irrigation season, and accordingly should not be subject to curtailment from the SWC Delivery Call.

The *Curtailment Order* provides in relevant part:

IT IS FURTHER ORDERED that holders of ground water rights listed in Attachment B to this order may seek to participate in an approved mitigation plan through a ground water district and shall have fifteen days from the date of this order to join, solely for mitigation purposes, the ground water district situated nearest the lands to which the water rights are appurtenant. See H.B. 737a, 58th Leg., 2d Reg. Sess. (Idaho 2006) (*Act Relating to the Administration of Ground Water Rights Within the Eastern Snake River Plain*); see also I.C. § 42-5259.

...

The *Act Relating to the Administration of Ground Water Rights Within the Eastern Snake River Plain*, H.B. 737a, 58th Leg., 2d Reg. Sess. (Idaho 2006), allows for ground water users that are not members of a ground water district to join or participate in an approved mitigation plan of a ground water district. Attachment B identifies those junior ground water users who, according to Department records, are not currently members of a ground water district and are subject to curtailment by this order.

Curtailment Order at 9, n. 6 (emphasis added). Falls, together with the United States Bureau of Reclamation, is the holder of the following ground water rights that are listed on Attachment B to the *Curtailment Order*:

- 29-1167
- 29-1168
- 29-1169
- 29-2380

Id. at 173 (Attachment B, p. 7), 190 (Attachment B, p. 24). Falls and its ground water rights are physically located within the boundaries of AFA, but Falls is not a member of AFA.

AFA is in compliance with and participating in the *2016 Mitigation Plan* in 2024.

Undersigned counsel certifies that Falls has joined AFA, on terms and conditions set by the AFA Board of Directors, solely for mitigation purposes, for the remainder of 2024 and is entitled to safe harbor from curtailment this irrigation season. AFA respectfully requests that the Director issue another amended *Curtailment Order* removing the above-referenced ground water rights from the curtailment list.

DATED this 7th day of June 2024.

SOMACH SIMMONS & DUNN, P.C.



Sarah A. Klahn
Maximilian C. Bricker

*Attorneys for American Falls-Aberdeen
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of June 2024, the foregoing document was served via electronic mail to the following:

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