

Oct 03, 2025

DEPARTMENT OF
WATER RESOURCES

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 Heyburn, Jerome, Paul, Richfield, Rupert,
 Shoshone, and Wendell*

**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

IN THE MATTER OF THE JOINT
 MITIGATION PLAN FILED BY THE
 COALITION OF CITIES, THE CITY OF
 IDAHO FALLS, AND THE CITY
 POCATELLO IN RESPONSE TO THE
 SURFACE WATER COALITION
 DELIVERY CALL

CM-DC-2010-001
 CM-MP-2019-001

**AMENDED NOTICE OF ADDITIONAL
 NON-SIGNATORY CITIES
 PARTICIPATING IN THE CITIES'
 JOINT MITIGATION PLAN IN 2025**

COME NOW the Cities of Ammon, Blackfoot, Bliss, Burley, Carey, Declo, Dietrich, Firth, Gooding, Hazelton, Heyburn, Idaho, Iona, Jerome, Paul, Pocatello, Rexburg, Richfield, Rupert, Shoshone, and Wendell (“Signatory Cities”), by and through their undersigned counsel, and consistent with paragraph I.B. of the *Coalition of Cities, City of Idaho Falls, and City of Pocatello Joint Mitigation Plan* (“Joint Mitigation Plan”) provide the following notice regarding certain non-signatory cities’ participation in the *Joint Mitigation Plan* in 2025.

The *Joint Mitigation Plan* makes provision for the Signatory Cities to extend the protections of safe harbor to other, non-signatory, ESPA Cities. *See, July 15, 2025 Notice of Non-Signatory Cities Participating in the Cities’ Joint Mitigation Plan.* Following the Department’s July 25, 2025 Final Curtailment Order which included curtailment of water rights for Butte City, City of Minidoka, City of Dubois and City of Mud Lake (“Four Curtailed Cities”), representatives of these cities reached out to counsel for the Signatory Cities to inquire whether it was timely for them to join the *Joint Mitigation Plan* for 2025. With the Department’s support, in early September the Signatory Cities extended the opportunity for the Four Curtailed Cities to participate in the *Joint Mitigation Plan* on or before September 30, 2025. To date, the following Cities have executed a *Notice of Intent to Participate*, which is the Signatory Cities’ requirement for participation in the *Joint Mitigation Plan*, and are accordingly entitled to safe harbor from curtailment from the Surface Water Coalition delivery call for the remainder of 2025:

- City of Minidoka
- City of Mud Lake

In addition, on September 19, 2025, the city attorney for the City of Dubois emailed undersigned counsel to report that the city council authorized staff at the September 10, 2025

council meeting to take all measures necessary to participate in the *Joint Mitigation Plan*.

However, as of October 3, 2025, we have not received any executed documents or the required payment from the City of Dubois.

DATED this 3rd day of October 2025.

SOMACH SIMMONS & DUNN, P.C.



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/s/ Robert Harris

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of October 2025, the foregoing document was served via electronic mail to the following:

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