



Governor Brad Little

Director Mathew Weaver

November 25, 2025

Re: Expansion of the Eastern Snake Plain Aquifer Area of Common Ground Water Supply – American Falls Tributary Basin

Water User,

On March 7, 2025, the Department published the *Notice of Proposed Action, Public Hearing and Written Comment Period* (“Notice”) for the matter of including the American Falls tributary basin into the Eastern Snake Plain Aquifer (ESPA) area of common ground water supply (ACGWS). The Notice was sent to all current owners of non-exempt ground water rights that have an authorized point of diversion within the American Falls tributary basin.

On March 25, 2025, the Department conducted a public hearing regarding the proposed action.

Public comments were recorded at the hearing, and written comments were accepted until April 7, 2025. Written comments, audio, and a transcript from the hearing can be found at <https://idwr.idaho.gov/legal-actions/administrative-actions/espa-acgws-am-falls/>.

In the 1990 Fort Hall Agreement (“Agreement”), the State of Idaho, the Shoshone-Bannock Tribes, and other parties negotiated a provision that calls for an “equitable adjustment” to tribal water rights if the diversions by certain privately owned state-based water rights in administrative Basin 29 exceed 2,400 acre-feet. *Agreement*, ¶ 7.2.2.x.c. The parties have and continue to be in settlement discussions regarding an equitable adjustment pursuant to this provision. The ongoing equitable adjustment discussions leave uncertainty regarding future ground water use in administrative Basin 29, which is part of the American Falls tributary basin. Considering this, the Department will not expand the ESPA ACGWS to include the American Falls basin at this time.




Respectfully,

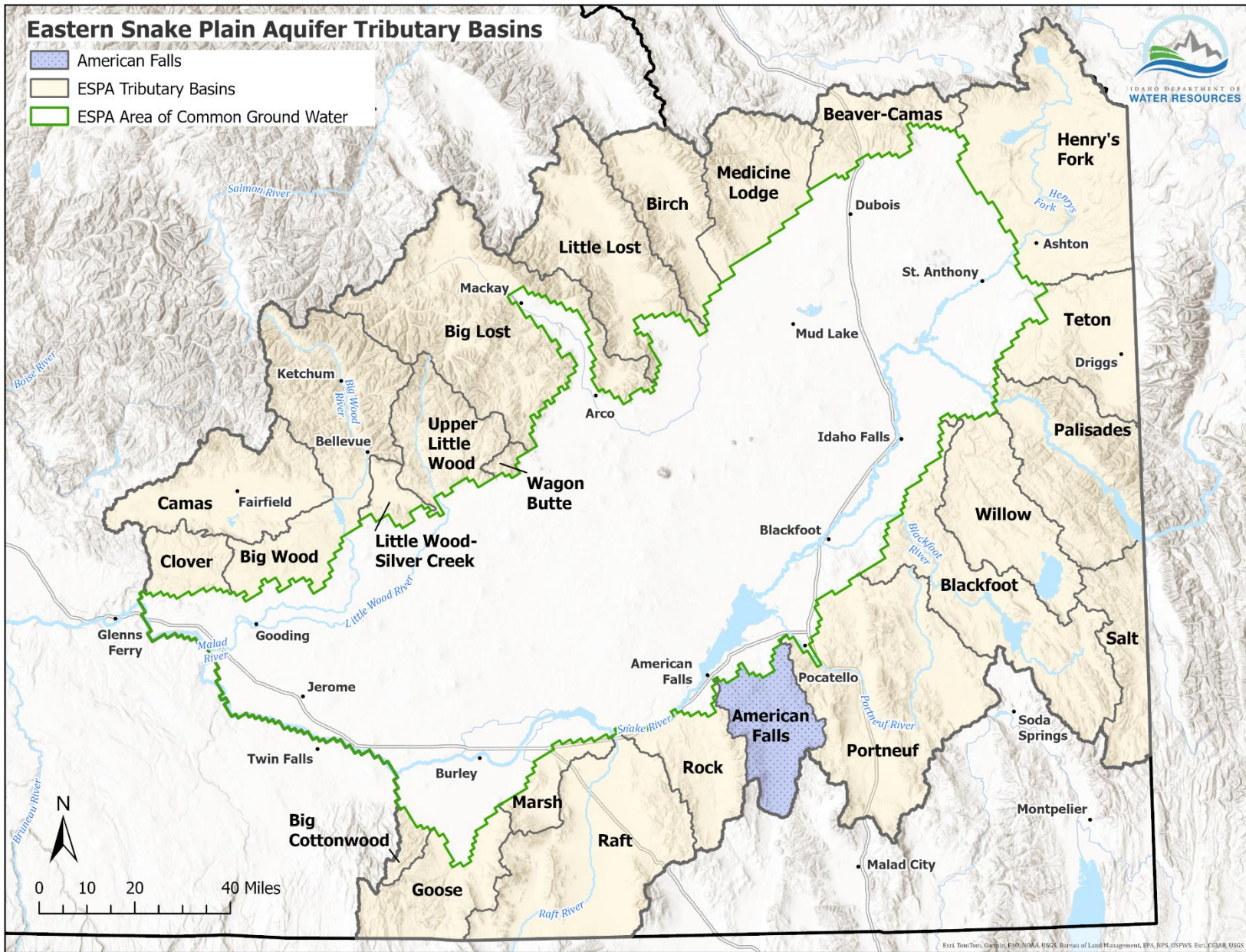
A handwritten signature in blue ink, appearing to be 'M. Weaver', written over a horizontal line.

Mathew Weaver
Director

Enclosed: ESPA Tributary Basins Map – American Falls

Eastern Snake Plain Aquifer Tributary Basins

-  American Falls
-  ESPA Tributary Basins
-  ESPA Area of Common Ground Water



Esri, TomTom, Garmin, FDO, NOAA, USGS, Bureau of Land Management, BPA, NPS, ISFPWS, Esri, CGIMR, USGS