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Subject: Legal and Practical Justification for Exclusion of Basin 290 (Arbon Valley) from Snake River Basin Expansion

To Whom It May Concern with the IDWR:

I respectfully submit this letter to strongly advocate for the exclusion of Basin 290 (Arbon Valley) from the proposed Snake River Basin expansion. Inclusion of this basin would neither fulfill the regulatory intent nor adhere to sound principles of water rights administration under Idaho law.

From a legal perspective, Basin 290 is situated upstream from the Fort Hall Reservation, whose water rights are senior and legally superior under recognized federal and state law, specifically pursuant to the Fort Hall Indian Water Rights Agreement of 1990. Idaho Code § 42-602 clearly recognizes and prioritizes senior water rights holders. Thus, restricting water use in Basin 290 would not legally achieve the intended objective of conserving water for downstream junior right holders, as senior reservation rights would lawfully absorb any conserved water immediately.

Moreover, Idaho Administrative Procedure Act (IDAPA) Rule 37.03.11 explicitly instructs IDWR to consider existing regulatory constraints when implementing basin-wide water resource management decisions. The 1990 Fort Hall Indian Water Rights Agreement, already administered by IDWR, establishes firm annual limits (currently 2,400 AFA, frequently exceeded) and significantly restricts water use within Basin 290. Implementing additional constraints under the proposed expansion would contravene IDAPA's principle against imposing duplicative and overly burdensome regulations on water users already facing stringent administrative oversight.

Practically, Basin 290 users are operating under considerable restrictions designed explicitly to manage local water resources effectively and equitably. Additional administrative burdens would neither yield increased water availability nor improve water management efficiency. Instead,

these redundant measures would result in unnecessary economic hardship, undermining local agricultural sustainability.

Given these compelling legal precedents, administrative regulations, and practical considerations, excluding Basin 290 from the proposed Snake River Basin expansion area is both legally justified and practically necessary.

I sincerely request IDWR's consideration of these factors and urge the exclusion of Basin 290 from the expansion proposal.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jacob Andersen', with a stylized, cursive script.

Jacob Andersen