

APR 07 2025

DEPARTMENT OF
WATER RESOURCES

March 25, 2025

IDWR PUBLIC HEARING – EXPANSION OF BASINS TO SNAKE RIVER

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-I did give testimony at the Arbon hearing, but this may be completer and more understandable.
-I was impressed that the hearing was REAL. Those making decisions all came and really listened. Many hearings I've attended, the plan was already set and no one ever cared about what came from the hearing.

Although it seems inevitable that those pushing water calls on junior right holders will demand that all the water in the Snake River Basin be included.... It is problematic for many reasons.

1) Above Fort Hall reservation Arbon 290 calls:

The 290 water users located in Arbon Valley, the upper reaches of the Bannock Creek Drainage and upstream (as stated by IDWR engineers) of the Fort Hall Reservation boundaries which has rights senior to all other water right holders. This being the case, any water that is 'saved' for downstream users would almost always be picked up by the reservation holders, not others making water calls. Thus, no reward would be given to downstream holders for injunctive relief. It could only be argued that everyone must suffer equally, not that the call would solve a water deficiency.

2) Arbon water right reduction:

The 1990 Fort Hall Indian Water Rights Agreement. The articles of this agreement by and between the Shoshone Bannock Tribes of the Fort Hall Indian Reservation, The State of Idaho, The United States and certain Idaho water users. At this point the IDWR who has had no input into the negotiation of this agreement was handed the task of overseeing and administrating the equitable adjustment agreement if and when the trigger point of 2,400 AFA was reached or exceeded (this is a statement of clarification, many of the 290 water right holders were not aware of this fact). This has happened in four of the last five years. The 2,400 AFA only represents 30% of their full legal entitlement, which is 7871 afa, the increase to 4,500 AFA that was placed in the equitable adjustment agreement proposal still only represents 57% of their full legal entitlement. There are wells and pivots that are not protected but have been held to the same management as the protected wells. The increase to 4,500 AFA was in part anticipation of further development of 150 acres that will be under two half pivots and to adjust to the protected acres developed after the 1990 court decision was reached. A large portion of the acres listed under the protected rights were not being irrigated or in government set aside programs. This development started as acres were removed from programs or properties changed hands. I believe that the exclusion of the water users above and to the south of the tribal boundary in the Arbon Valley Bannock Creek Drainage and with a shift in the proposed boundary location would be a logical and simple movement. These water right holders are and have been in a manner of

water call or management curtailment since the court decision of 1990 was handed down. The include the protected users in the new boundaries would be a double-edged sword where they would be subject to water calls from the SRPA and the curtailment that the court ruling of 1990 imposes on them.

Respectfully submitted,

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