

TO: BANNOCK SHOSHONE LEGAL DEPT
THE NEW AGREEMENT BETWEEN SURFACE WATER USERS AND GROUND
WATER RESOURCES WATER USERS EXEMPTS
THE RESERVATION.

RECEIVED

APR 14 2025

DEPARTMENT OF
WATER RESOURCES

Governor Brad Little

Director Mathew Weaver

March 7, 2025

MORRIS LEHMAN
2174 MICHAUD CREEK RD
POCATELLO, ID 83204

GARY SPACKMAN IDWR ISSUED WATER RIGHTS
ON PREVIOUSLY APPROPRIATED IRRIGATION
WATER SINCE 1975. HE DEPLETED THE
EASTERN SNAKE RIVER PLAIN AQUIFER.
NOW IDWR BRIAN RAGAN IS PROPOSING
IDAHO'S JURISDICTION ONTO THE RESERVATION.
FEDERAL LAW VIOLATION.

THE SHOSHONE BANNOCK TRIBES HAVE FIRST RIGHTS
TO WATER BENEFICIAL USE FROM THE THE AQUIFER.

Re: Notice of Public Hearing on the Expansion of the Eastern Snake Plain Aquifer Area of
Common Ground Water Supply to Include Tributary Basins.
Idaho Code § 42-233c(2) authorizes the Director ("Director") of the Idaho Department of Water
Resources ("Department") to expand the Eastern Snake Plain Aquifer ("ESPA") Area of
Common Ground Water Supply ("ACGWS") to include tributary basins that affect the ESPA.

The Department is hosting a Public Hearing on the proposed action to expand the ESPA ACGWS
to include tributary basins that affect the ESPA, as described in the enclosed notice. You are
receiving this notice because you are listed as the current owner of a ground water right located
within a tributary basin proposed to be included in the ESPA ACGWS.

During the hearing the Department will present information about the proposal to expand the
ESPA ACGWS to include tributary basins. People attending the hearing will have an
opportunity to make an oral presentation regarding the proposed action. The Department will
consider testimony presented at the hearing and timely submitted written comments to determine
whether the proposed expansion of the ESPA ACGWS into tributary basins is appropriate.

For further information regarding this meeting, please contact Brian Ragan at
brian.ragan@idwr.idaho.gov, or 208-287-4800.

NOTE: THE NEW IRRIGATION WATER AGREEMENT ON THE
FEDERAL FORT HALL INDIAN RESERVATION IS
NULL AND VOID

Brian Ragan

Brian Ragan
Water Distribution Section

WRITTEN COMMENT MARCH 10
2025

cc. Water District 290 Watermaster

THE SHOSHONE AND BANNOCK SOVEREIGN NATION IS UNDER
FEDERAL JURISDICTION ON THE FORT HALL RESERVATION.
IN A PREVIOUS MEETING WITH THE IDAHO STATE JOURNAL AT
THE ISU, BENGALE ALUMNI CENTER, GOVERNOR BRAD LITTLE
COMMITTED ANOTHER 10 MILLION TOTALING 40,000,000
DOLLARS FOR EAST IDAHO AQUIFER RECHARGE PROJECTS.
THE SHOSHONE - BANNOCK TRIBES OPPOSE ALL IDWR WATER RIGHT EXPANSION

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

IN THE MATTER OF THE PROPOSED)
EXPANSION OF THE EASTERN SNAKE)
PLAIN AQUIFER AREA OF COMMON)
GROUND WATER SUPPLY TO INCLUDE)
THE AMERICAN FALLS)
TRIBUTARY BASIN)

NOTICE OF PROPOSED ACTION,
PUBLIC HEARING AND WRITTEN
COMMENT PERIOD

NOTICE

**IDWR CAN NOT EXPAND THE ESPA TO INCLUDE TRIBUTARYS
PROPOSED ACTION**

ONTO THE FEDERAL SHOSHONE-BANNOCK RESERVATION
Idaho Code § 42-233c(2) authorizes the Director ("Director") of the Idaho Department of Water Resources ("Department") to expand the Eastern Snake Plain Aquifer ("ESPA") Area of Common Ground Water Supply ("ACGWS") to include tributary basins that affect the ESPA. **WITHOUT THEIR APPROVAL**
Consumptive use of ground water and surface water in basins tributary to the ESPA reduces inflow to the ESPA and Snake River and therefore, reduces the water supply needed by senior surface water users reliant on the Snake River and springs emerging from the ESPA.

Due to the impact of ground water use in ESPA tributary basins on senior surface water users, the Director proposes to expand the ESPA ACGWS to include the American Falls tributary basin pursuant to Idaho Code § 42-233c(2). Attachment A of this notice is a map showing the American Falls tributary basin in blue, all other ESPA tributary basins in tan, and the current ESPA ACGWS boundary as a green line.¹ Non-exempt² ground water rights in the American Falls tributary basin will be subject to priority administration associated with delivery calls connected to the ESPA ACGWS.

NOTICE OF HEARING

The Department will conduct a public hearing regarding the proposed action as follows:

March 25, 2025 (Tuesday)

1:00 P.M.

**Arbon Elementary School
4405 Arbon Valley Highway**

Arbon, Idaho 83212

**THE ARBON ELEMENTARY SCHOOL IS IN THE BANNOCK CREEK
DRAINAGE ON THE FEDERAL FORT HALL INDIAN RESERVATION.**

THE IDAHO DEPT OF WATER RESOURCES IS TRESPASSING.

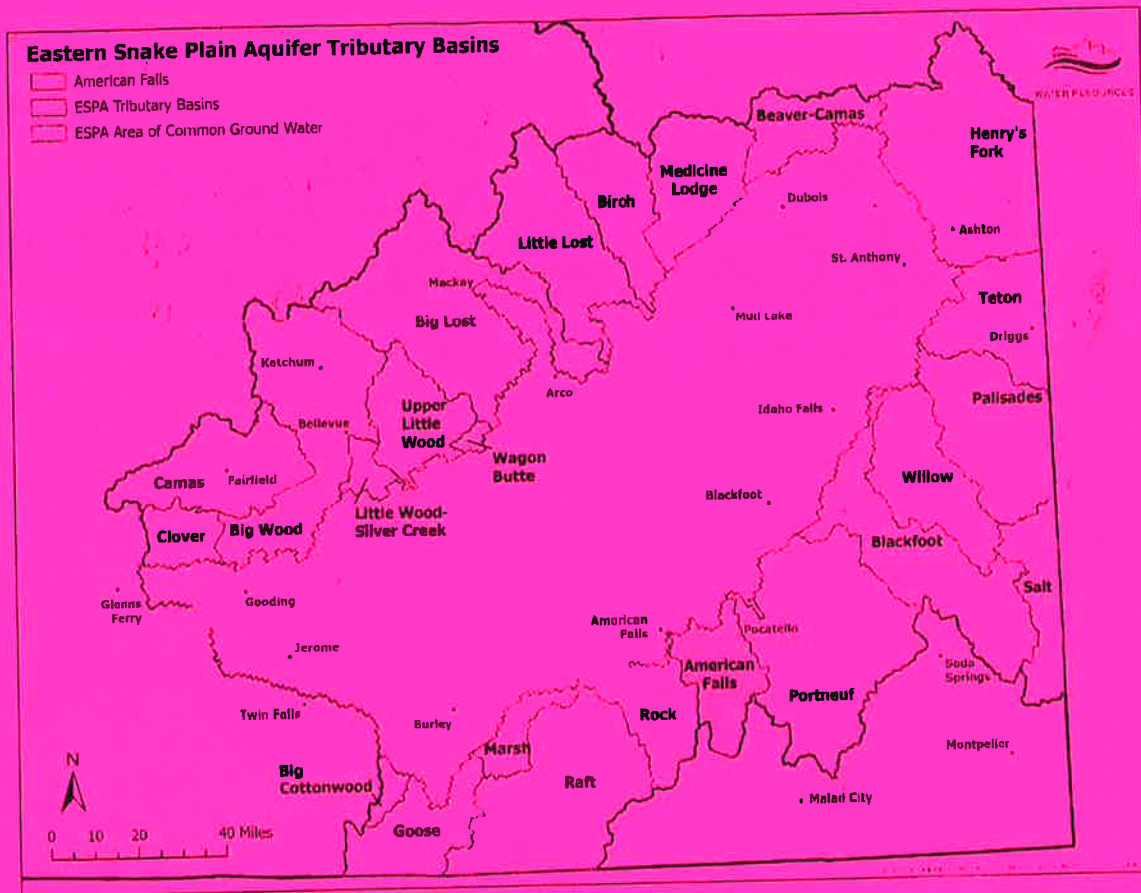
¹ The ESPA ACGWS is defined in Idaho Code § 42-233c(1).
² Exempt ground water rights include those used for domestic and stockwater rights as defined under Idaho Code §§ 42-111 and 42-1401A (11). These include domestic and stock water uses associated with single family residences where the total daily ground water use is ≤13,000 gallons per day and the total lawn irrigation is ≤0.5 acres. Exempt ground water rights also include those administered by the Shoshone-Bannock Tribes and the United States pursuant to the 1990 Fort Hall Indian Water Rights Agreement.

WRITTEN COMMENT MARCH 10, 2025

**THE SOVEREIGN SHOSHONE-BANNOCK NATION OPPOSES ALL
FUTURE PROPOSED ACTIONS - PUBLIC HEARINGS - PROPOSED EXPANSION BY IDWR**

Attachment A

Proposed Expansion of the Eastern Snake Plain Aquifer Area of Common Ground Water Supply



WRITTEN COMMENT MARCH 10, 2025

THIS IDAHO DEPT OF WATER RESOURCES PROPOSED EXPANSION MAP IS ERRONEOUS. THIS MAP DOES NOT SHOW THE FEDERAL FORT HALL INDIAN RESERVATION BOUNDARIES. THE IDWR CANNOT ASSERT IDAHO JURISDICTION ONTO THE SOVEREIGN SHOSHONE-BANNOCK TRIBAL NATION. THE UNITED STATES CONSTITUTION SUPREMACY CLAUSE ESTABLISHED "FIRST IN TIME - FIRST IN RIGHT." ON JULY 3, 1868. THE FORT BRIDGER TREATY SET ASIDE THE FORT HALL INDIAN RESERVATION FOR A PERMANENT HOMELAND FOR THE SHOSHONE AND BANNOCK.

Notice of Public Hearing: Expansion of ESPA ACGWS into Tributary Basins

Attachment A TRIBES

ALL FUTURE IDAHO DEPT OF WATER RESOURCES EXPANSION SCHEMES ONTO THE SOVEREIGN SHOSHONE-BANNOCK NATION ARE PROHIBITED.
THE EASTERN IDAHO SNAKE RIVER PLAIN MUST BE RECHARGED.