



Shoshone-Bannock Tribes

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TRIBAL WATER RESOURCES COMMISSION

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DEPT. OF WATER RESOURCES

April 1, 2025

Idaho Department of Water Resources
Attn: Brian Ragan, Water Compliance Bureau
344 E. Front Street. Suite 648
Boise, Idaho 83702

RE: Proposed Action to Include Tributary Basins into the Eastern Snake Plain Aquifer Area of Common Ground Water Supply

The recent proposed action to include tributary basins into the Eastern Snake Plain Aquifer Area of Common Ground Water Supply addressing a goal to increase groundwater in the Snake Plain Aquifer is commendable however, the actions proposed with the state cannot impact the sovereignty of the Shoshone Bannock Tribes in accordance with the 1868 Fort Bridger Treaty that provides regulatory authority to the Tribes in addition to the "1990 Fort Hall Indian Water Rights Agreement."

The Tribes object to the language in the proposal stating, "all groundwater," since the usufructuary rights of ground water proposal, is targeted to non-Indian groundwater users. The proposal language should also include, excluding all groundwater rights of the Shoshone Bannock Tribes in the tributary basins.

The Tribes reaffirm and reiterate our stance regarding boundary issues as stated in prior testimonial to IDWR. In the Eastern Snake Plain Aquifer Area of Common Ground Water Supply Proposal:

1. The Tribes believe that inclusions of the Eastern Snake River Aquifer Common Groundwater Supply Proposal must not interfere with the provisions, nature, scope or spirit of the "1990 Water Rights Agreement" and the rights decreed and protected under the Agreement.
2. The Shoshone Bannock Tribes maintain jurisdiction to implement and administer the rights on the Reservation that would be potentially impacted by this change pursuant to the "1990 Fort Hall Indian Water Rights Agreement.
3. Tribal ground water rights are not subject to the jurisdiction of the Idaho Department of Water Resources and therefore needs to be excluded from the expansion area.
4. It is critical that proposed expansion area of said proposal does not interfere with the Tribes ability to develop and manage future points of groundwater diversions for utilization on any Indian lands pursuant to the Agreement. Since the Arbon Valley groundwater is considered part of future tribal water supply as per the Fort Hall Water Agreement.

COMMENTS TO PROPOSED ACTION TO INCLUDE TRIBUTARY BASINS INTO THE EASTERN
SNAKE PLAIN AQUIFER AREA OF COMMON GROUND WATER SUPPLY

5. The Tribes remind the State, IDWR, and other water users that the Tribes have a “unique status” with the United States Government consistent with the Fort Bridger Treaty of 1868, a congressionally ratified treaty which guarantees a trust responsibility to Tribes with the Federal government.
6. The Tribes further assert that civil boundaries of the Fort Hall Reservation; all monitoring activities will be in cooperation with the Tribes. The Tribes are willing to work with other parties provided that any monitoring equally benefits and protects each party’s interest.

Respectfully submitted,



Sonae Watson, Chair
Shoshone-Bannock Tribal Water Resources Commission