



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

June 23, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

VIOLET RICH
1213 W 600 S
PINGREE ID 83262

*property
owner*

RE: Fort Hall Water Right Agreement

Dear Mrs. Rich:

Thank you for meeting with me and Keith last week.

As I promised, I spoke with our legal staff regarding the status of water rights on private lands located within the boundaries of the Fort Hall Indian Reservation. The position of the State of Idaho is that developed water rights on any private lands are recognized as valid rights which may be confirmed, administered and regulated by the State. Therefore, to the extent that the development of the Thousand Springs permits can be determined and verified, water right licenses will be issued and those licenses will be included along with the earlier statutory claim, in the Snake River Basin Adjudication.

The relationship of your water rights to the surrounding Indian rights is not as clear. In 1990, the State of Idaho signed an agreement with the Shoshone and Bannock tribes (The 1990 Fort Hall Indian Water Rights Agreement) which assigns a quantity to each tribal right claimed and defines the authority of the State and the tribes to administer rights from the Snake River, Blackfoot River and tributaries. The State has recognized a finite amount of reserved tribal water, with a date of priority of 1867.

Even with the existence of the Fort Hall Agreement, IDWR cannot predict what will happen when and if the Shoshone-Bannock tribes divert water under the reserved tribal water rights. Because the nature of your water use is non-consumptive, you may not be affected by a downstream use. There is a possibility that increased use of water upstream or upgradient from the hatchery may reduce your available flows. If those diversions are located on reservation lands and made under senior rights, they will be under the jurisdiction of the Reservation Watermaster and not a State watermaster.

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It is important at this point that you complete the change in ownership forms and coordinate with Keith Wilson regarding the licensing of the Thousand Springs permits. Any information you are able to find which documents total flow through the facility will be critical to the final license recommendation for the permits. I have located three additional claims within the hatchery for domestic uses at the home sites, and have included copies. These uses are not required to be measured, however, you need to include the right numbers on your Change in Ownership form as these claims are also in the name of AquaLife.

Please phone me at 208-327-5406 if you have further questions.

Sincerely,

A handwritten signature in cursive script that reads "Cindy Hodges".

Cindy Hodges
Sr. Water Resource Agent
Water Distribution Section

enclosures

cc: Keith Wilson, IDWR Eastern Region