

## ROSTER OF ATTENDANCE

IN THE MATTER OF THE PROPOSED CREATION )  
 OF A WATER DISTRICT FOR THE LOWER )  
 PORTNEUF RIVER AND TRIBUTARIES, AND THE )  
 PROPOSED COMBINATION OF WATER DISTRICTS )  
29C, 29F & 29U WITH THE NEW PROPOSED DISTRICT )

PUBLIC HEARING  
 May 12, 2009 3:00 P.M.  
 City Hall Council Chambers  
 911 N 7<sup>th</sup> Ave.  
 Pocatello, Idaho

Conducted by Tim Luke

NAME	ADDRESS	I am planning to Testify (Yes/No)
<del>Dennis Hill</del>	<del>3399 S Old Hwy 91</del>	<del>X (N)</del>
Roger Chase	4985 Clearview, Pocatello	YES
DELBERT OWENS	2073 No. INKOM RD INKOM	YES
Hermann R. F. Skner	1936 S. Old Hwy 91	N
Ken Stead	2500 N. Stead RD INKOM	no
Joyce Rendace	2204 W. Portneuf Rd INKOM	
Norman Hill	6900 W. Portneuf Rd	NO
George W. Chandler	3440 N. Rapid Creek Rd.	YES
Seren R Chandler	367 E. Inman INKOM ID	YES
Peggy L. Chandler	" " " "	NO
Samuel D. Chandler	INMAN RD INKOM ID	YES
Lorene F Chandler	3440 N. Rapid Creek Rd. INKOM	NO
Bruce M. Kilgore	1502 South Mink Creek Rd, Pocatello	No
Elaine Kilgore	" " " "	No
Doyle Petersen	2046 N. Haysuckle INKOM ID	NIO.
Gene Scuita	1791 N. Inkom Rd. Inkom	No

NAME

ADDRESS

I am planning to  
Testify (Yes/No)

NAME	ADDRESS	I am planning to Testify (Yes/No)
Elberta Eschier	P.O. Box 306 Fort Hall ID 83203	Yes
IRVIN Spraker	745 N. Old Hwy 91 Inkom	maybe
Randy Smith	2396 S Grant Pcc.	✓
Jes Somner	2100 N. Inkom Rd.	?
Kent Murdock	2483 N. Inkom Rd	?
RALPH OUSTINE	3103 S. OLD HWY 91	MAYBE
RASHID BISHARIAT	1496 N. Inkom Rd	N
Ralph Richard	2050 4th LAUG FARM	N-
RAY OUSTINE	2498 S OLD HWY 91	?
Norma Worth	3259 N. Barnard Hwy	?
Norma Payne	5492 W Portneuf INKOM	NO
EDIL MARTIN	P.O. Box 306 Fort Hall ID 83203	NO
Gerne Jim	" "	NO
Tamra Scott	1770 Mile Creek	?
Bonnie J. Shaw	2072 N. Milk Creek Rd	?
Brett Casper	8893 E MAGNAN LAUGA	?
Erica Backer	mailing address 13767 Whitecloud (Property South Grant)	?
Wade Johnson	1971 Old Hwy 91 Inkom, ID 83245	?
Walter E. Friedel	55 E Inma R. Inkom	N
Del Koltz	1135 Valley Rd So Eden Id.	NO
RICHARD SPENCER	2080 W. PORTNEUF INKOM	NO

**I am planning to  
Testify (Yes/No)**

Todd Gilbert	578 Upper Rock	?
Ellis Gilbert	2777 E Hawkins	Downey, ID ?
Matt Rendace	2204 Portneuf Rd	Idaho, ID ?

# TESTIMONY LOG

IN THE MATTER OF THE PROPOSED )  
 CREATION OF WATER DISTRICT FOR THE )  
 LOWER PORTNEUF RIVER & TRIBUTARIES, )  
 AND THE PROPOSED COMBINATION OF )  
 WATER DISTRICTS 29C, 29F AND 29U WITH )  
 THE NEW PROPOSED DISTRICT )

**PUBLIC HEARING**  
 May 12, 2009 at 3:00 P.M.  
 Pocatello City Hall Council Chambers.  
 911 N 7<sup>th</sup> Ave  
 Pocatello, ID

TAPE NUMBER \_\_\_\_\_

TAPE TO	LOCATION FROM	TESTIMONY DESCRIPTION
	177	Intro - Gary.
278	302	Roger Chase - Mayor - Pocatello.
310	316	Belbert Owens
3:29	342	George Chandler
355	381	Samuel Chandler
394	403	Alberta Eschier
450	526	Ervin Spracker
544	549	Ralph Christen
570	595	Randy Smith
608	700	Idaho Code 42-604 (Gary)
723	751	Kent Murdock
769	780	Tamra Scott
806	811	Erica Backer
842	920	Todd Gilbert
932	950	Matt Rendocki
974	1020	Troy Anthony.
1039	1087	Serin Chandler.
1100	1115	Dennis Hill
1130	1165	Ervin Spracker.
1166	2332	Explanation of forfeiture - sharing a water master, general discussion

track 3  
 Marant 2  
 0  
 3:21 4:03  
 4:20 4:40  
 5:05 5:36  
 5:56 6:45  
 7:10 8:44  
 9:16 11:30  
 12:12 12:3  
 13:00 13:4  
 14:27 17:3  
 18:10 19:00  
 19:30 20:00  
 20:41 21:05  
 21:55 24:2  
 24:52 25:3  
 26:07 27:3  
 28:10 29:4  
 30:05 30:47  
 31:20 32:2  
 32:25



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

<b>IN THE MATTER OF THE PROPOSED</b>	)	
<b>EXPANSION OF WATER DISTRICT NO.</b>	)	
<b>29, PORTNEUF RIVER AND</b>	)	
<b>TRIBUTARIES,</b>	)	
	)	
<b>AND;</b>	)	<b>TESTIMONY OF THE SHOSHONE-</b>
	)	<b>BANNOCK TRIBES</b>
<b>IN THE MATTER OF THE PROPOSED</b>	)	
<b>CREATION OF A WATER DISTRICT</b>	)	
<b>FOR THE LOWER PORTNEUF RIVER</b>	)	
<b>AND TRIBUTARIES, AND THE</b>	)	
<b>PROPOSED COMBINATION OF WATER</b>	)	
<b>DISTRICTS 29-C, 29-F AND 29-U WITH</b>	)	
<b>THE NEW PROPOSED DISTRICT</b>	)	

The Shoshone-Bannock Tribes (hereinafter referred to as "Tribes"), the State of Idaho (hereinafter referred to "State"), and the United States entered into an agreement in 1990, entitled the "1990 Fort Hall Indian Water Rights Agreement" (hereinafter referred to as Agreement) to quantify the rights of the Shoshone-Bannock Tribes in the upper Snake River Basin. The Agreement was congressionally mandated agreement and was subsequently entered into a Decree by the Snake River Basin Adjudication District Court in 1994. The Agreement and subsequent Decree recognizes and respects the sovereignty of each of the entities that are party to the Agreement.

In the Agreement the parties agreed to cooperate in the administration of water resources. The parties agreed to administer water rights within the Reservation as follows: the Tribes administers the distribution of all Tribal water rights within the Reservation; the United States administers the distribution of the Fort Hall Irrigation Project water rights and the Fort Hall Agency water rights; and the State administers the distribution of those water rights acquired under state law within the Reservation that are not part of the Fort Hall Agency, Tribal or Fort Hall Irrigation Project water rights.

The Shoshone-Bannock Tribes holds water rights and land in above proposed districts which are listed in the "Partial Final Consent Decree Determining the Rights of the Shoshone-Bannock Tribes to the Use of Water in the Upper Snake River Basin."

It is critical that the proposed expansion and creation of water districts do not interfere with the Tribes ability to develop and manage its water rights or future development of groundwater diversions for utilization on any Indian lands pursuant to the Agreement.

Furthermore, the Agreement provides that the Tribes, State and United States will work cooperatively, pursuant to provisions of the Agreement, to coordinate and monitor water use to

the same extent as required of other users in Idaho. The Tribes are willing to work cooperatively with the other parties provided that any monitoring equally benefits and protects each party's interests.

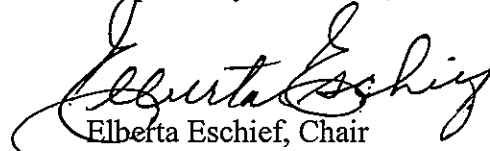
The Tribes believes that the proposed expansion and creation of water districts in SRBA Basin 29 may interfere with the provisions, nature, scope, or spirit of the "1990 Fort Hall Indian Water Rights Agreement" and rights decreed and protected under the Agreement. The Shoshone-Bannock Tribes maintains jurisdiction to implement and administer the water rights on the Reservation that would be potentially impacted by this change pursuant to the "1990 Fort Hall Indian Water Rights Agreement."

The Shoshone-Bannock Tribes reminds the State of Idaho and water users that the Shoshone-Bannock 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. The Tribes further assert that civil regulatory authority is vested with the Shoshone-Bannock Tribes within the exterior boundaries of the Fort Hall Reservation; all monitoring activities will be in cooperation with the Tribes and the State relating to non-Indian lands.

We, therefore, demand that the State implement enforcement measures, on both non-Indian surface water and non-Indian groundwater use, within said district to ensure that Tribal water rights are preserved.

Dated this 12 th day of May, 2009.

Respectfully Submitted,

  
Elberta Eschief, Chair  
Shoshone-Bannock Tribes  
Water Resources Commission