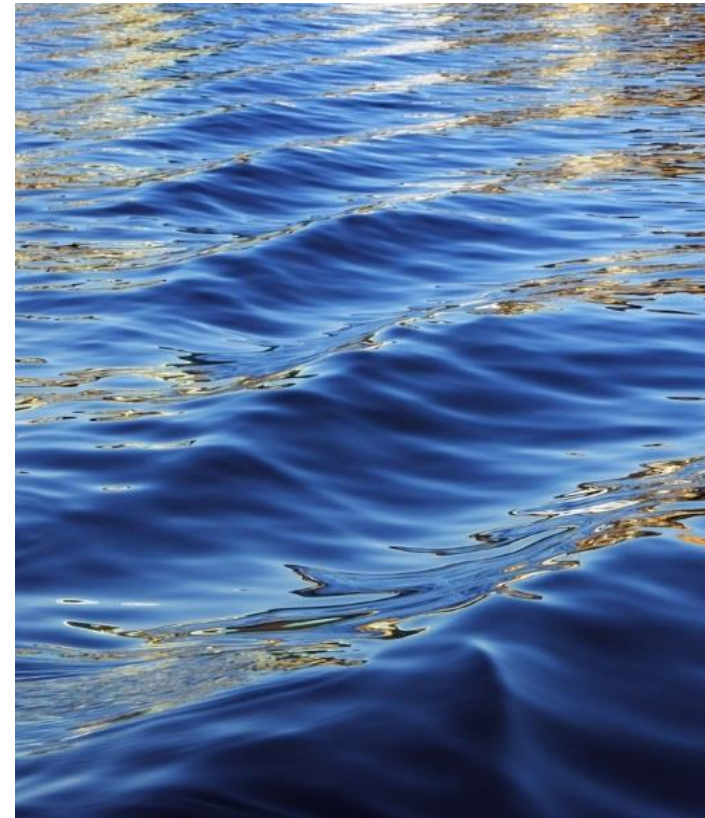




Water Right Adjudication in Idaho

John K. Simpson



Adjudication

"Adjudication serves a noble purpose," he said. "It lets people of Idaho know just what they own. Everything from farming to fishing to mining and manufacturing requires water. Each of these will go smoothly now that they know what they own."

U.S. Supreme Court Justice Antonin Scalia

August 25, 2014

Adjudication

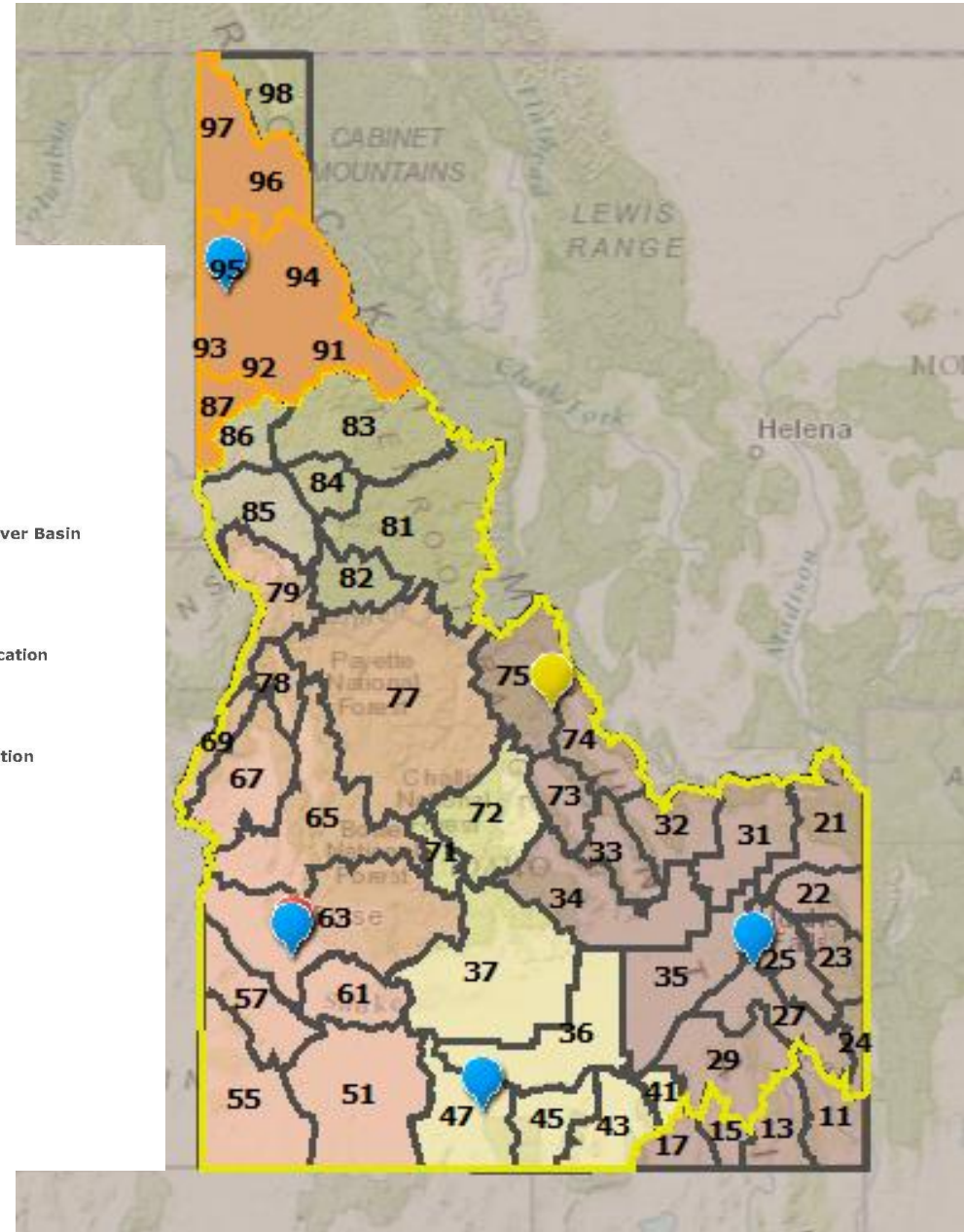
- *Adjudication*: An adjudication is a court action for the determination of existing water rights which results in a decree that confirms and defines each water right.
- *General Stream Adjudication*: is a lawsuit to inventory the water rights of an entire stream system by deciding their nature, extent and priority.
- *Priority* is especially important in Idaho where a water user with an early priority date (senior water right) is generally entitled to use water before others with later priority dates (junior water right).
- All water uses in the Adjudication areas, except for small domestic and/or stockwater, must be recorded.
- The Court will issue a 'partial decree' for each claim that appears in the Director's report.
- Delivery of water (if or when required) will be based on the partial decree for each right.

Purposes of Idaho Water Adjudications

- Snake River Basin Adjudication
 - Swan Falls Settlement
- Confirm Uses
 - Mandatory Permit Process
 - 1971 Surface Water
 - 1963 Groundwater
 - Prior to those dates one could acquire a right by Constitutional Method
 - Diversion
 - Intent
 - Beneficial use

Adjudication, continued...

- Snake River Basin Adjudication (SRBA)
 - 158,664 Water Right Claims Decreed as of June 7, 2017
- Coeur d'Alene-Spokane River Basin Adjudication (CSRBA)
 - Basins 91-95
 - 11,853 Total Number of Claims filed, 7,647 claims remaining to be reported as of June 7, 2017
 - 13,000 Claims originally projected
- Palouse River Basin Adjudication (PRBA)
 - Basin 87
 - Commencement Order issued March 1, 2017
 - IDWR requesting all federal claims be submitted by December 2019
- Clark Fork-Pend Oreille River Basins Adjudication (CFPRBA)
 - Basins 96-97

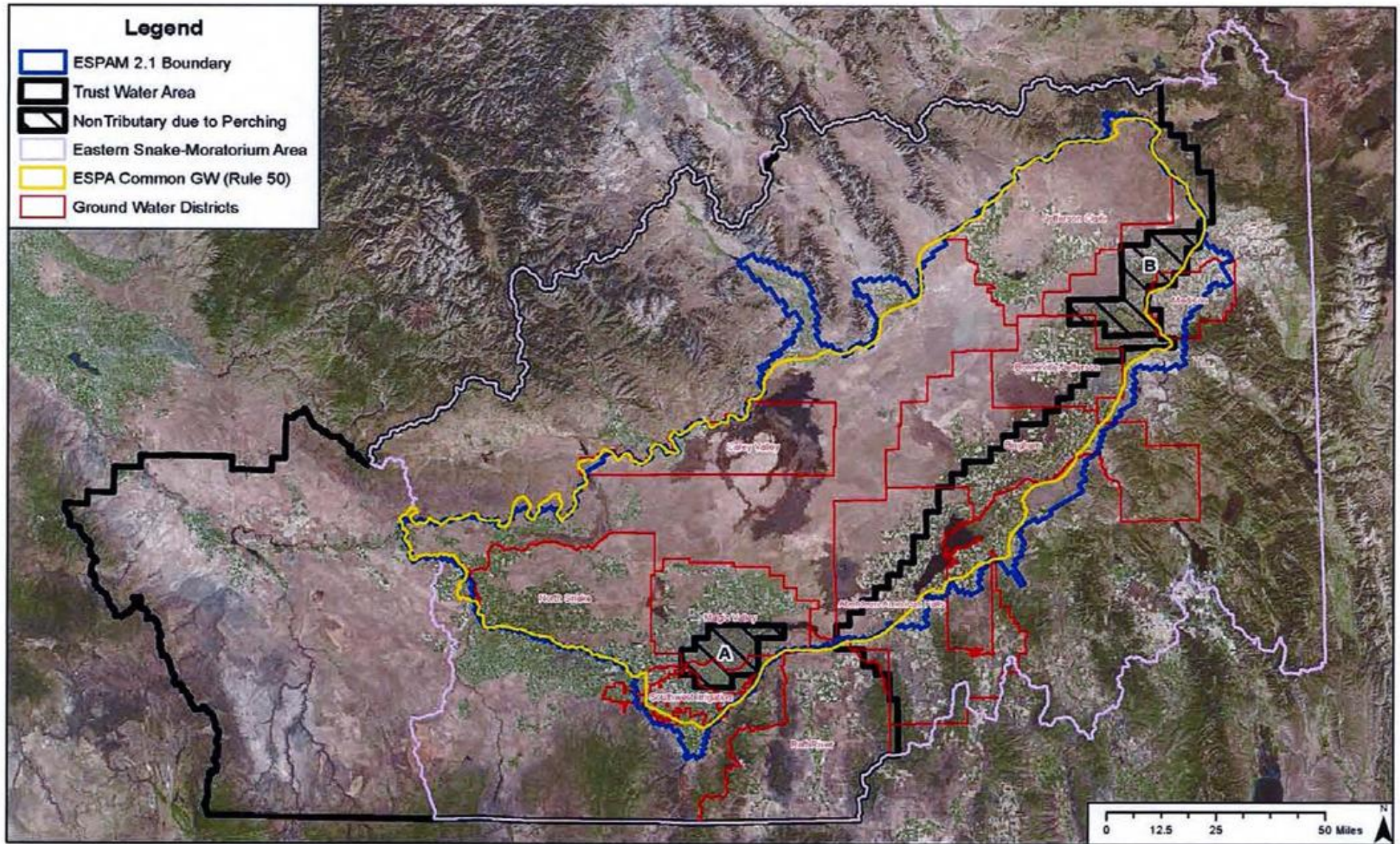


Costs

- Snake River Basin Adjudication (SRBA)
 - 27 year long general stream adjudication
 - State judicial and administrative costs were approximately \$94 million
 - 43,822 Contested Cases Resolved by the SRBA Court

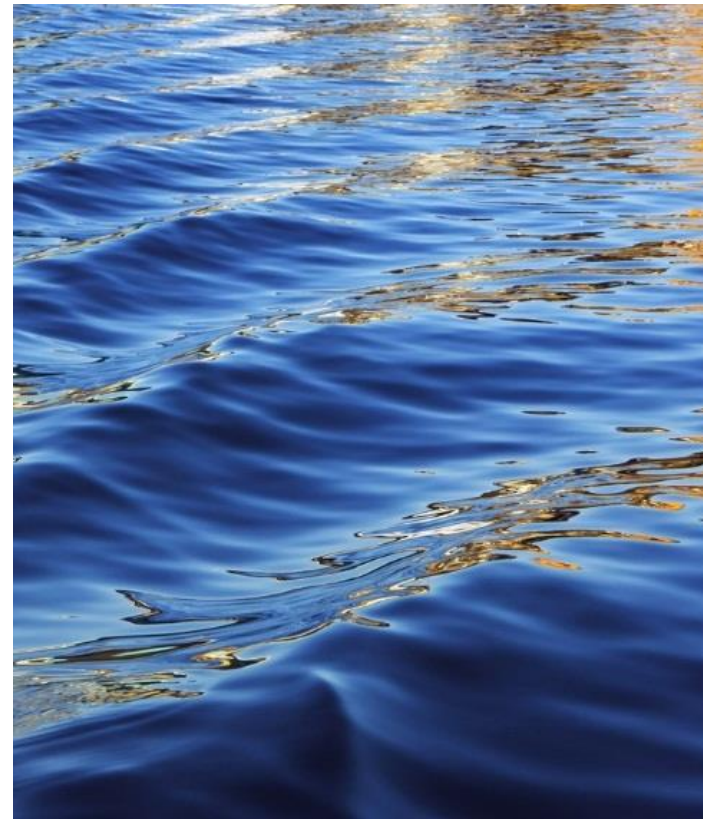
What Follows Idaho Water Adjudications

- Administration
 - Water Districts, Idaho Code Section 42-602
 - DISTRIBUTION OF WATER. It shall be the duty of said watermaster to distribute the waters of the public stream, streams or water supply, comprising a water district, among the several ditches taking water therefrom according to the prior rights of each respectively, in whole or in part, and to shut and fasten, or cause to be shut or fastened, under the direction of the department of water resources, the headgates of the ditches or other facilities for diversion of water from such stream, streams or water supply, when in times of scarcity of water it is necessary so to do in order to supply the prior rights of others in such stream or water supply
- Management of the Resource





Questions?





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