



Bear River Basin Adjudication

Public Information Meeting – Montpelier ID

November 16 & 17, 2022

Meeting Topics



- Introductions
- What is a water right?
- What is a Water Rights Adjudication?
- Reasons for an Adjudication
- Bear River Basin Adjudication
- What water rights should be claimed?
- Preparing to file your claim
- Questions

Introduction Staff

IDWR Staff

- **Christopher Holmes** – Water Rights Supervisor – Preston
- **Craig Saxton** – Adjudication Section Manager – Boise
- **James Cefalo** – Eastern Regional Manager – Idaho Falls

Idaho Water Adjudications Court

- **Paul Harrington** –Staff Attorney – Twin Falls

Attorney General's Office

- **Lacey Rammell-O'Brien** – Deputy Attorney General – Boise
- **Pete Wood** – Deputy Attorney General – Boise

What is a Water Right?

- The constitution and statutes of the State of Idaho declare all the waters of the state, when flowing in their natural channels, including the waters of all natural springs, lakes and groundwaters within the boundaries of the state, to be public waters
- A water right is the right to divert public waters and put them to a beneficial use in accordance with one's priority date. See I.C. § 42-230

Idaho is a Prior Appropriation State

- “First in time is first in right”
- The earlier (senior) priority date rights must be satisfied before the later (junior) priority date rights can be delivered
- This becomes important when the source (available supply of water) is not sufficient to meet the demand
- A water right allows the private use of Idaho’s public water

Ways to Establish a Water Right

- Permit Process

- The permit process became mandatory to establish new water rights from:

Ground water diversions (except for domestic and/or livestock uses as defined in I.C. § 42-111)

March 25, 1963

Surface water diversions (except for watering livestock directly from streams as defined in I.C. § 42-113)

May 20, 1971

- Decrees – Previous Court Actions
- Beneficial Use - (aka constitutional or grandfather)
 - Posted Notice
 - Statutory Claim
 - Unrecorded Use

What is a Water Rights Adjudication?

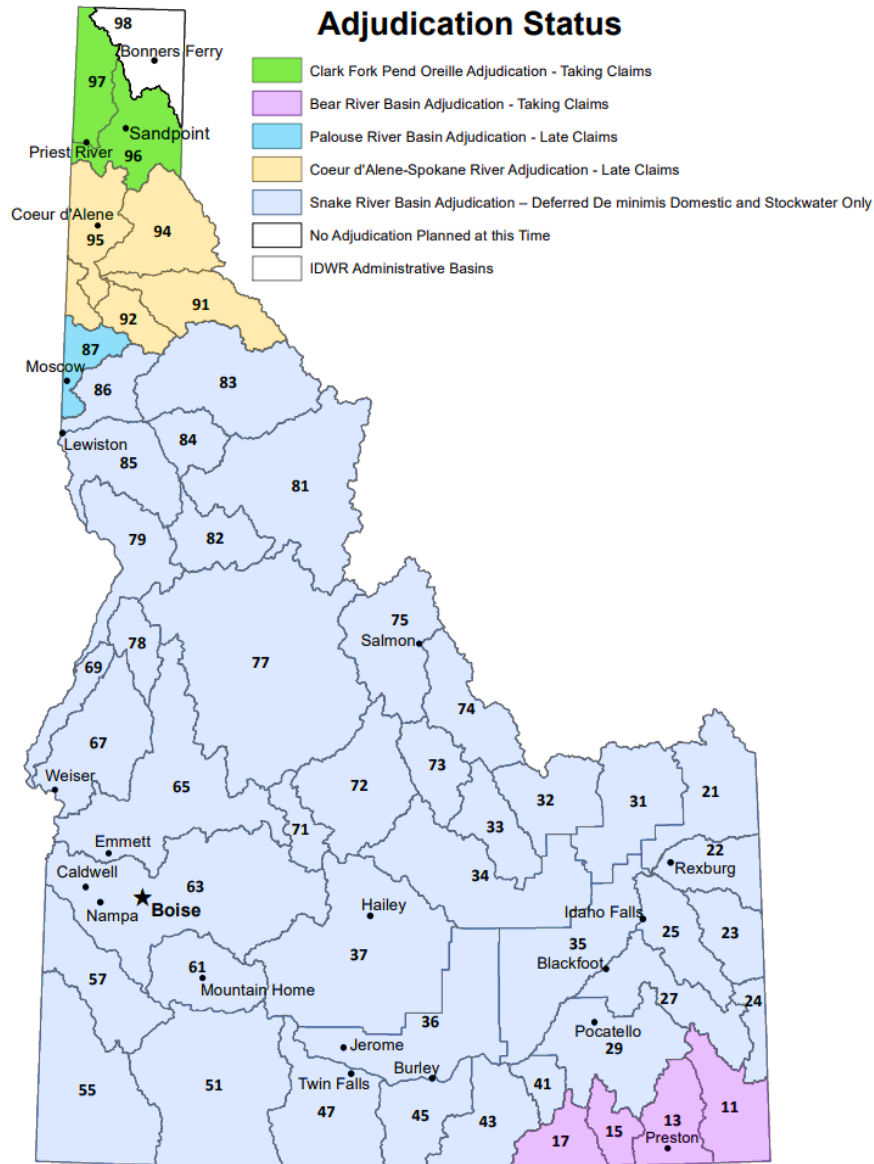
- Adjudicate – To Settle Judicially
- Process to make a complete and accurate record of all existing water rights through the court



Why Adjudicate Water Rights?

- Protection against competition for finite resources
 - Supplies are not always sufficient to meet demands
 - During times of scarcity Idaho relies on priority administration
- Confirm Private Property Rights
- Idaho population growth continues
- Only way to confirm Statutory Claims
- Record and confirm beneficial use rights
- Record changes to water rights

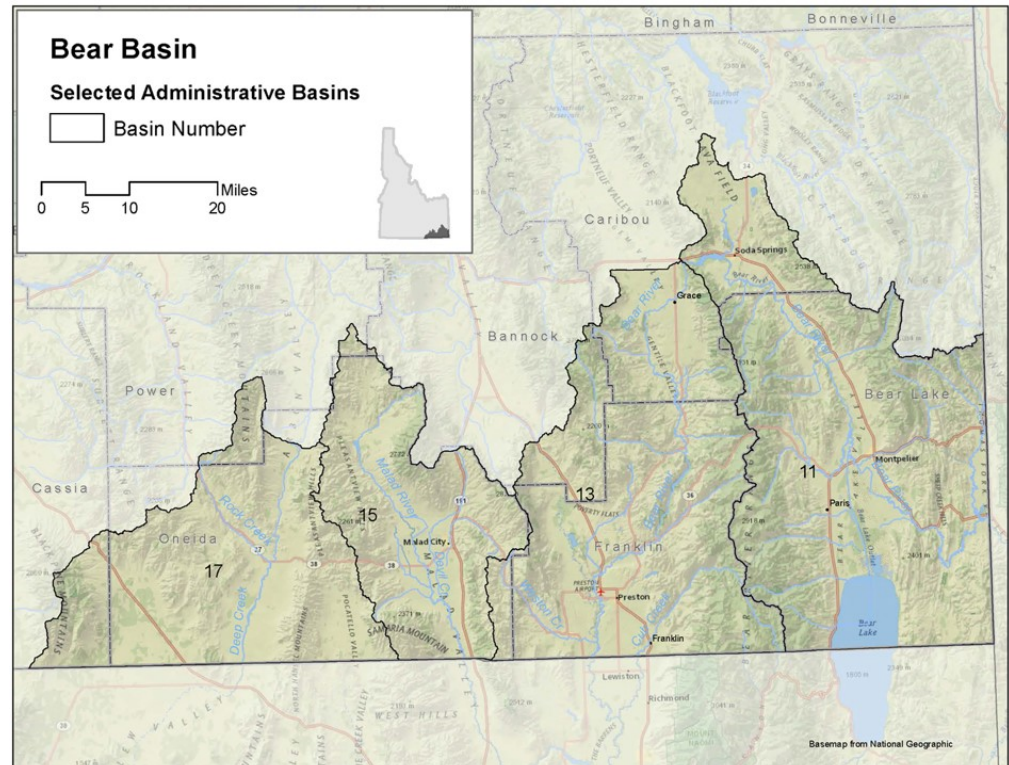




Adjudications in Idaho

Purpose of the Bear River Basin Water Rights Adjudications

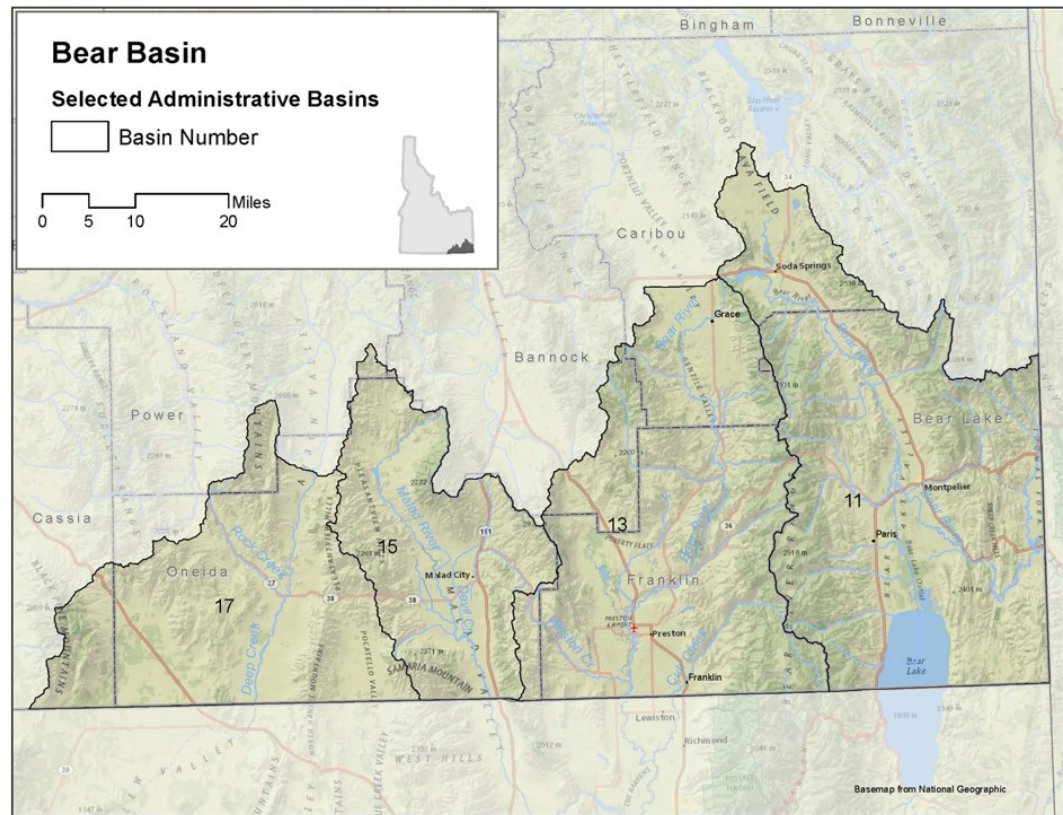
42-1406C: “Effective management of the waters of the Bear River basin requires that a comprehensive determination of the nature, extent and priority of the rights of users of surface and ground water be determined.”



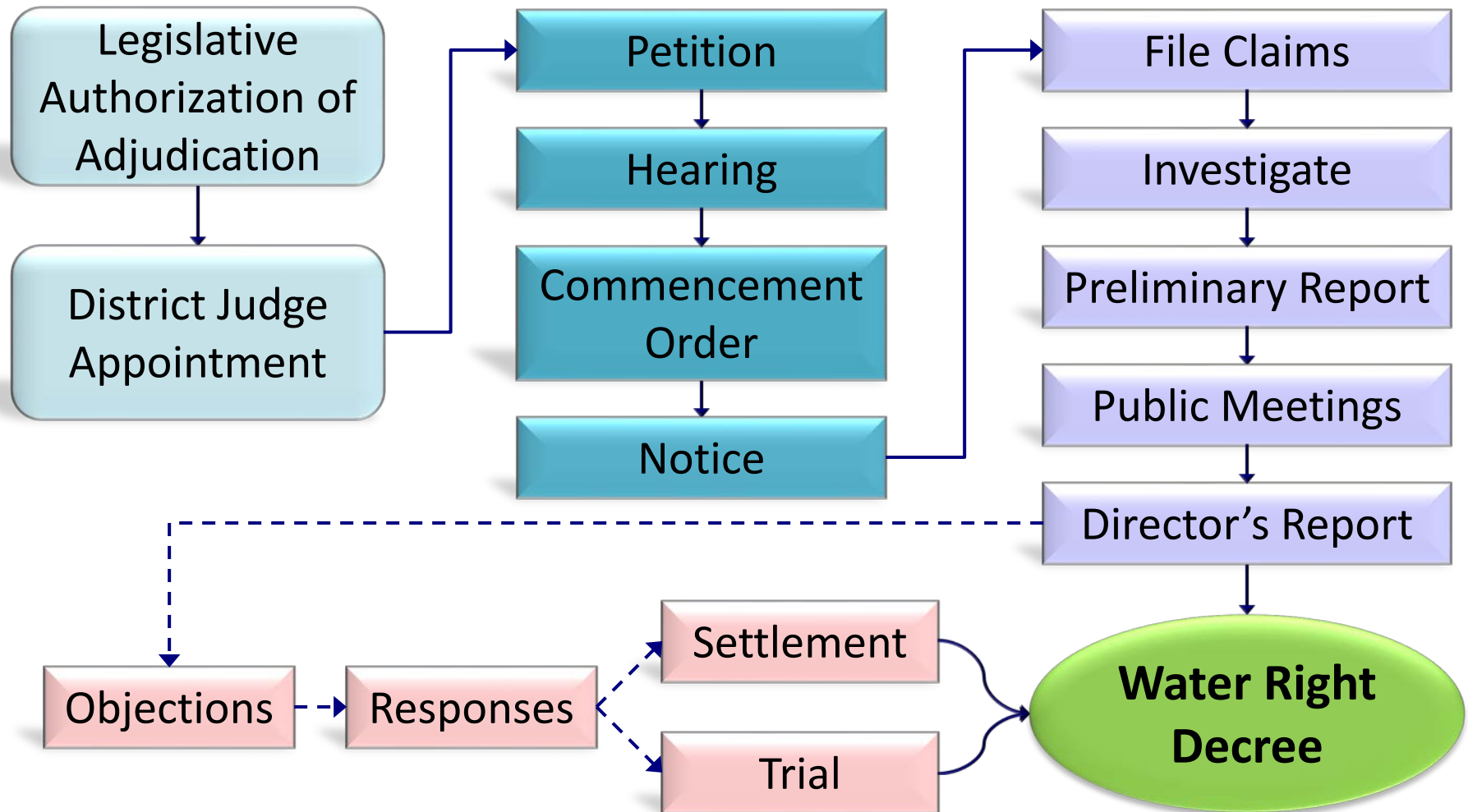
Bear River Basin Adjudication

Background

- **2020** Legislative Session
42-1406C authorizes the Bear River Basin Adjudication
- **November 20, 2020**
Attorney Generals office files
Petition to commence the Bear
River Basin Adjudication
- **July 15, 2021** Commencement
order is issued by Judge
Wildman

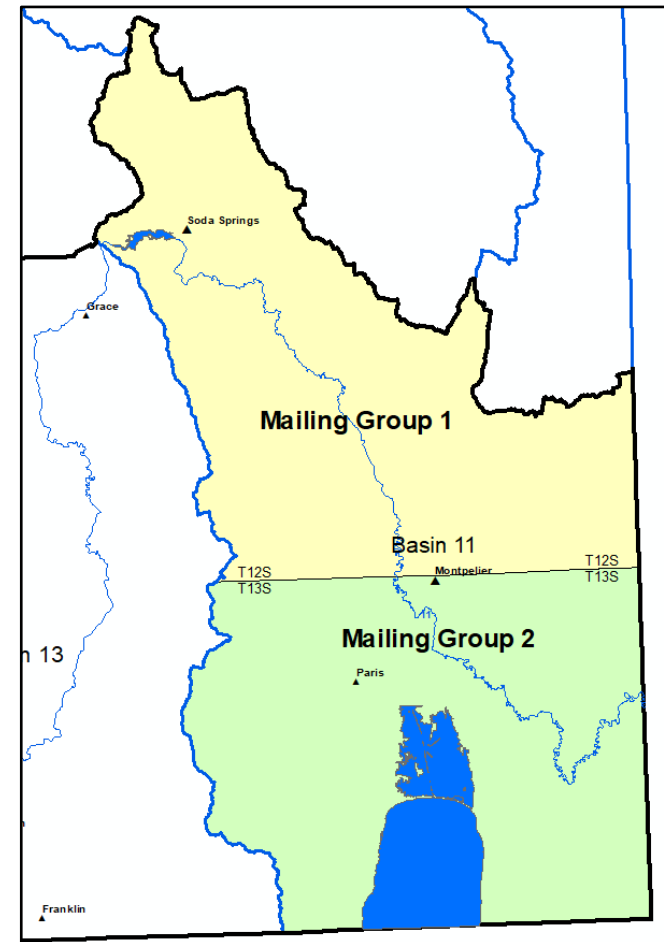


Adjudication Process



Commencement Notice Mailing Groups

- IDWR plans to start sending notice in late January or early February of 2022, in Basin 11 and then continuing by basin going east to west (11, 13, 15, then 17).
- Notice in Basin 11 will be sent in two groups. Parcels north of the boundary between Township 12S and Township 13S will be included in Mailing Group 1. Parcels south of the boundary will be in Mailing Group 2.
- IDWR has a statutory obligation to send notice to all property owners.
- Filing deadlines will be for no less than 90 days (generally > 6 months)



Commencement Notice

IMPORTANT WATER RIGHTS INFORMATION

YOUR FILING DEADLINE IS: October 28, 2022

**FAILURE TO FILE A REQUIRED NOTICE OF CLAIM WILL RESULT IN A
DETERMINATION BY THE COURT THAT THE WATER RIGHT NO LONGER EXISTS.**

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re: The General Adjudication of)
Rights to the Use of Water from the)
Clark Fork-Pend Oreille River)
Basins Water System.)

Civil No. 00-69576

**COMMENCEMENT
NOTICE**

) Property Owners within Bonner, Boundary, and
) Kootenai Counties within IDWR's Administrative
) Basin 96
)

**TO: ALL PERSONS OWNING RIGHTS TO THE USE OF WATER WITHIN THE
CLARK FORK-PEND OREILLE RIVER BASINS WATER SYSTEM**

YOU ARE HEREBY NOTIFIED THAT:

On June 15, 2021, the Fifth Judicial District Court in and for the County of Twin Falls issued an

What water rights need to be claimed?

- All water uses in the adjudication areas must be documented
 - Existing Water Right Licenses
 - Existing water rights decreed in prior adjudications (Ex: Dietrich, Terrell)
 - Statutory Claims
 - Beneficial use water rights
- Municipalities, water districts, and water delivery organizations are responsible for filing claims for the uses on their systems
- Permits where proof was submitted after July 15, 2021, are not required to file.

Domestic Use



Domestic Deferral

- Water users can choose to defer (postpone) filing for small Domestic & Stockwater rights (I.C. § 42-111)
 - However, filing fees for deferrable domestic and/or Stockwater claims are \$25.
-
- Deferral is not forever. There will never be an easier or cheaper time to file on your domestic and stock water claim than now.

How the Adjudication Affects Water Right Holders

- 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

2009 APR 03 PM 02:00
DISTRICT COURT - SBA
TWIN FALLS CO., IDAHO
FILED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SBA }
Case No. 39576 } PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 43-19013

NAME AND ADDRESS: CITY OF BOISE
DEPT OF AVIATION & PUBLIC
TRANSPORTATION
PO BOX 500
BOISE, ID 83701

SOURCE: GROUND WATER
QUANTITY: 0.04 CFS
The quantity of water under this right for domestic and
stockwater uses shall not exceed 15,000 gallons per day.

PRIORITY DATE: 12/31/1999

POINT OF DIVERSION: TWIN ROSE S19 REMOVED Within Ada County

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Domestic 03-01 TO 12-31 0.04 CFS

PLACE OF USE: Domestic Within Ada County
TWIN ROSE S19 WHEE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:
The quantity of water decreed for this water right is not a
determination of historical beneficial use.
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE NECESSARILY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 43-1412(4).

RULE 54(b) CERTIFICATE
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

John M. Melanson
JOHN M. MELANSON
Presiding Judge of the
Snake River Basin Adjudication

SBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 43-19013

PAGE 1
SBA-11-1009

Preparing to File your Claim

What information will I need to file my claim?

Location Information:

- Tax Documents or parcel information
 - Parcel (PIN) number
Ex: RP11S43E120149A
 - Township, Range, Section, QQ
Ex: T11S, R43E, S12, NENE
- Parcel information
<http://bearlake.idahoparcels.us>
<http://caribou.idahoparcels.us>

Bill Summary	Prior Year	Current	Delinquent
	\$982.66	\$1,070.92	\$0.00

YOU CAN NOW PAY WITH CREDIT/DEBIT CARDS FOR A 2.5% FEE OR BY ELECTRONIC PAYMENT. ALSO, NEW DRIVE UP PAYMENT DROP BOX ON THE SOUTHEAST CORNER OF THE MORTGAGE COMPANIES HAVE RECEIVED OUR TAX FILES. IF YOUR MORTGAGE COMPANY HAS NOT, FOR YOUR RECORDS

Make Check Payable to: Bear Lake County Treasurer

**FOR PROPER CREDIT RETURN THIS STUB WITH PAYMENT
PERSONAL CHECKS ARE SUBJECT TO BANK CLEARANCE**


Bill Number: 2021 - 101136

PIN: RPM46400040050
AIN: 01073.00

BEAR LAKE COUNTY

MONTHLY PAYMENTS ARE ACCEPTED
DELINQUENT IF NOT PAID BY

1ST HALF \$0.00
FULL AMOUNT \$535.46
December 20, 2021



Preparing to File your Claim (cont.)

Map & System Description

- Web Maps:
<https://www.google.com/maps>
<https://www.bing.com/maps>
- Survey Maps
- Farm Service Agency Maps
- IDWR Maps:
<https://idwr.idaho.gov/>
<https://data-idwr.hub.arcgis.com/pages/popular-maps>



Preparing to File your Claim (cont.)

Proof of Priority Date

For Claims Based on Beneficial Use



Priority Date is the date the water right was established.

Claims to water rights that are based on development through beneficial use require evidence of priority:

- Statutory Claim
- Unrecorded beneficial use claims
- Posted Notice

What can I use as Proof of Priority?

- Irrigation claims – crop reports, income tax documents showing sale of crops
- Affidavits
- Property tax documents showing property was taxed as agriculture land
- Historical Aerial Photography
- Newspaper Articles



What is not proof of priority

- Statutory Claims - a statutory claim is NOT evidence of the priority date on the claim.

How can I file a claim?

- Print a paper claim at:
<https://idwr.idaho.gov/form/adjudication/>
- File online at:
<https://research.idwr.idaho.gov/apps/Adjudication/OcLogin>
- Meet or contact IDWR staff in the Preston Office
Call: (208) 701-7200 for an appointment
Email: prestoninfo@idwr.idaho.gov
- Contact Adjudication Staff at the State Office of IDWR in Boise
Call: (800) 451-4129
E-mail: NIAHelp@idwr.idaho.gov

BRBA Website



IDAHO DEPARTMENT OF WATER RESOURCES

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Adjudication Overview

Palouse River Basin Adjudication (PRBA)

Clark Fork-Pend Oreille River Basin Adjudication (CFPRBA)

Bear River Basin Adjudication (BRBA)

Northern Idaho Adjudication (NIA) ▾

SNAKE River Basin Adjudication (SRBA) ▾

Research and Maps

Adjudication Forms

Contacts

Adjudication Court

Bear River Basin Adjudication (BRBA)

Active Adjudication

[+ BRBA Background](#)

[File Online Claim](#)

[File Paper Claim](#)

Upcoming Meetings & Events

What:

Bear River Basin Adjudication Public Information Meeting

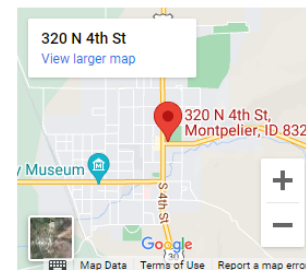
When:

November 16, 2022: 6:00 PM
November 17, 2022: 10:00 AM

Where:

National Oregon/California Trail Center
320 N 4th St
Montpelier, ID 83254

Summary:



[Click to Enlarge Image](#)

FAQs

Bear River Basin

[Bear River Compact](#)

Terrell Decree:

[Preston-Montpelier Irrigation Company v. Dingle Irrigation Company, et al.](#) – dated March 7,

"Adjudication serves a noble purpose. 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."

Unites States Supreme Court Justice Antonin Scalia, 2014



Idaho Water Adjudications Court

Paul Harrington –Staff Attorney



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Questions?



Thank you