

FAQ: Director’s Report of Federal Reserved Claims in the Clark Fork-Pend Oreille River Basin Adjudication (“CFPRBA”)

Why was I mailed notice of the Director’s Report for Federal Reserved Claims in the CFPRBA?

You received notice because you filed a claim to a water right in the CFPRBA. Everyone who filed a claim should receive a copy of this notice.

Do the federal reserved claims affect my water rights?

Only you can make that determination. You were sent notice because you filed a claim to a water right in the CFPRBA. IDWR has not made, and cannot make, any determination about whether the federal claims affect your water use.

What if I feel that the federal water right claims could affect my water use?

You may file an objection to the claim(s) that you feel will cause injury to your water right. Instructions for how to file an objection are in the notice.

Why did I get notice and my neighbor didn’t?

The notice was sent to anyone who filed a claim. If your neighbor didn’t receive notice and should have, then they should contact IDWR and verify that the mailing address we have on record is up to date.

Can I participate in proceedings on an objection filed by someone else to a federal reserved claim?

If you wish to participate in proceedings on an objection filed by someone else to a federal reserved claim, then you may file a response to that objection. Instructions for how to file an objection are in the notice.

Do I need an attorney to file an “objection” or “response” with the Idaho Water Adjudication court?

No, you do not need an attorney to file an objection or response. The objection and response process is conducted using standard forms (Form 1 for objections, Form 2 for responses), which are designed for self-representation. Most water right owners complete them without legal assistance. Forms can be found at:
<http://www.srba.idaho.gov/FRBA5.HTM>

What happens if there are no objections to a federal reserved water right claim?

If no objections are filed, an evidentiary hearing on the uncontested federal reserved water rights in the CFPRBA will be held. A partial decree will be issued following this hearing.

How will I be kept informed about the proceedings on a claim to the federal reserved water right to which I filed an objection or response?

A notice will be mailed to you for court dates on the federal reserved claim if you filed an objection or a response. You will not receive notice of court dates on any other claims to federal reserved rights for which you did not file an objection or response.

Why are the Clark Fork-Pend Oreille River Basin, Palouse River Basin, and the Coeur d’Alene–Spokane River Basin being adjudicated?

Water resources in the Clark Fork-Pend Oreille River Basin, Palouse River Basin, and Coeur d’Alene-Spokane River Basin, including significant underlying aquifers, are shared with the State of Washington. Both Idaho and Washington desire to reach agreement on how the waters of these resources will be used. To best protect the interests of Idaho water users, Idaho’s water managers must know the extent of the valid water rights in Idaho. An adjudication is the only way to determine this.

In addition, population growth in northern Idaho is adding pressure on water resources. According to the Idaho Constitution and Idaho law, in a time of water shortage, Idaho water right holders with older water rights have priority over newer water rights. This is sometimes called the “first in time is first in right” doctrine. For each water right, the date of first water use is called the priority date. An adjudication is the only way to determine the relative priorities of all the water rights diverted from a water source.