

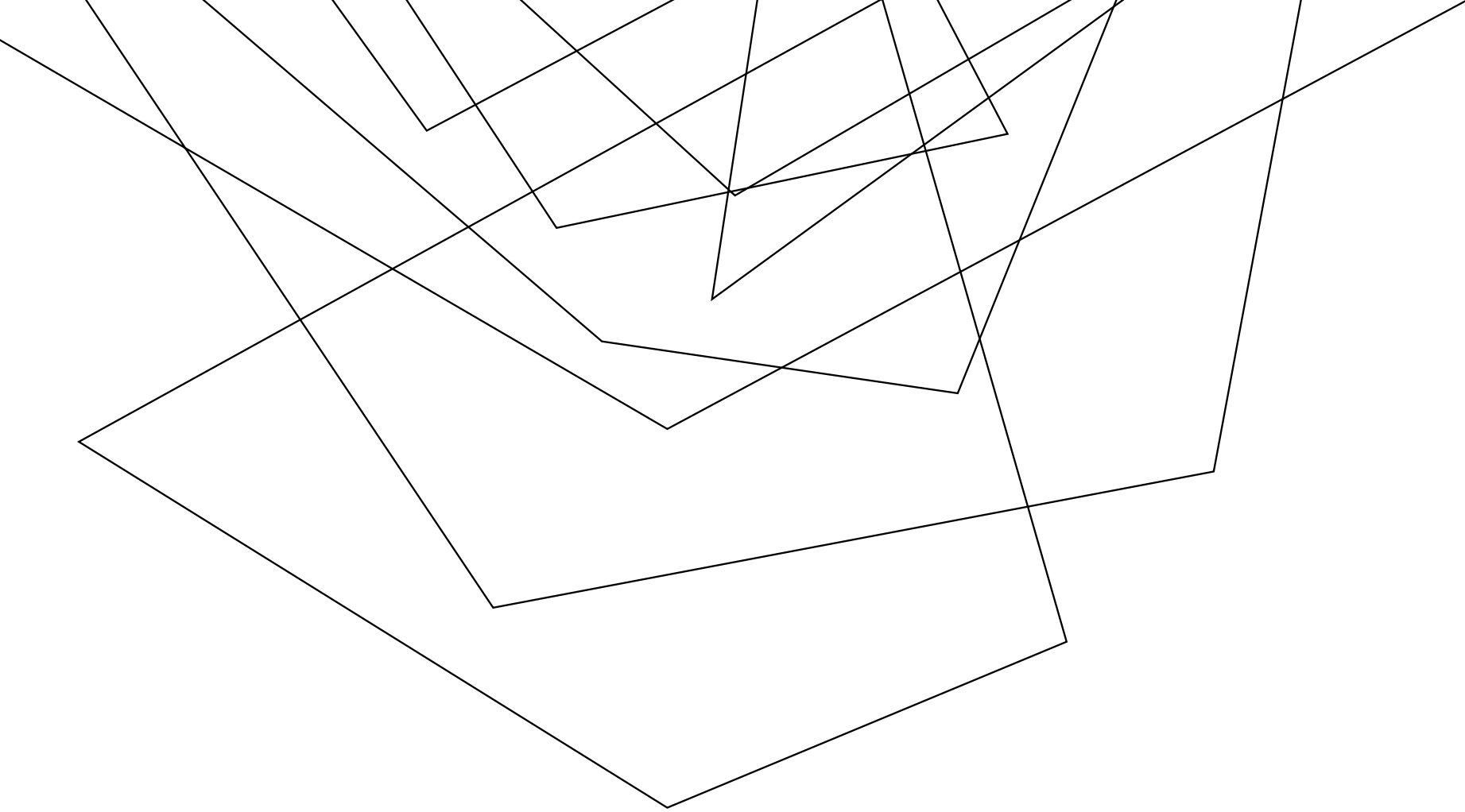
**Lacey Rammell-O'Brien & Craig Saxton
for the Idaho Department of Water Resources
September 17, 2024**





DISCUSSION ITEMS

- Snake River Basin Adjudication
- Coeur d'Alene – Spokane River Basin Adjudication
- Palouse River Basin Adjudication
- Clark Fork – Pend Oreille River Basins Adjudication
- Bear River Basin Adjudication
- Other General Matters



SRBA

SUBCASE 00-92095

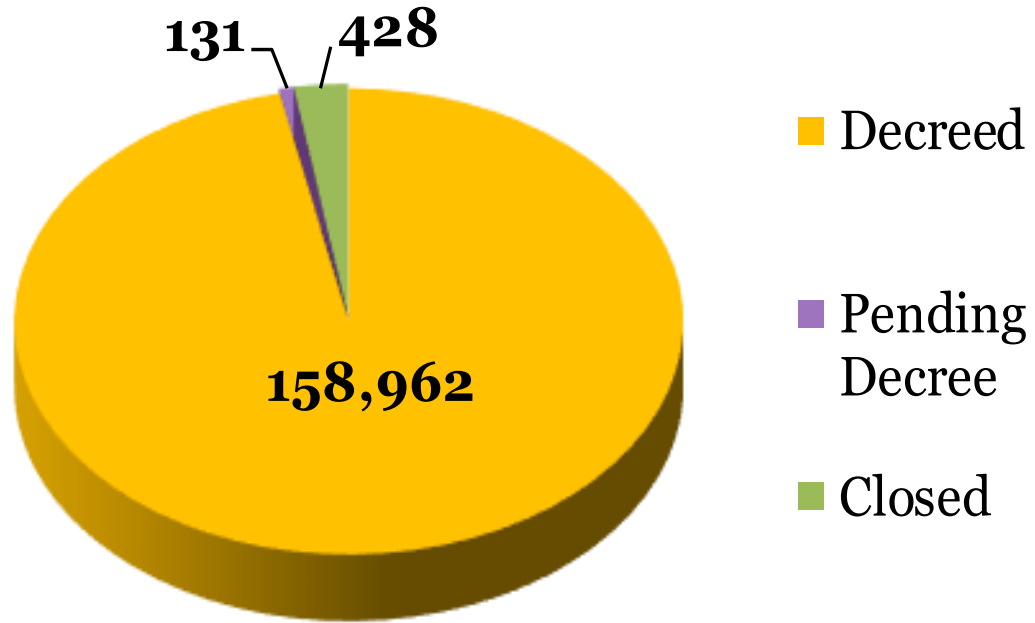
ADJUDICATION OF DEFERRED DE MINIMIS DOMESTIC AND STOCKWATER CLAIMS

- The United States challenged the constitutionality of several statutes enacted by the Idaho Legislature following the Idaho Supreme Court's decision in *Joyce Livestock Co. v. US*, 156 P.3d 508 (2007).
- *Memorandum Decision and Order* issued by Chief U.S. District Court Judge, David Nye, on August 28, 2024.
 - The Court concluded §§ 42-222 and 42-224 are constitutional as applied to the US and rejected the US' requests for permanent injunctions under those statutes.
 - The Court granted summary judgment to the US on the following statutes: §§ 42-113(2)(b), 42-502, and 42-504. The Court concluded that the US is entitled to a declaratory judgment that these three statutes violate the Supremacy Clause of the US Constitution. The Court also granted permanent injunction with respect to these three statutes.
- Still have to wait and see if any party appeals or files for reconsideration.



Palisades Dam, Michael Thompson
IDWR Northern Region

SRBA SUMMARY AS OF SEPTEMBER 9, 2024



Note: If slides are printed in greyscale, all graphs should be read in clockwise order in relation to their legends.

MOTION FOR DETERMINATION OF DE MINIMIS D&S RIGHT FILED BUT AWAITING AFFIDAVIT OF PUBLICATION

Count	Claimant	Subcase #(s)	Motion Filed	Next Step
1	Thompson	65-24131	4/18/2022	Waiting on Claimant to file Affidavit
1	Lanman	83-11999	5/1/2023	Waiting on Claimant to file Affidavit
2	Bingham	25-14553, 25-14554	8/21/2024	Waiting on Claimant to file Affidavit
1	Bingham	25-14555	8/21/2024	IDWR to Publish Notice
6	Indian Meadows Ranch	55-14052 through 55-14057	8/22/2024	IDWR to Publish Notice
5	Casa Del Norte	37-23474, 61-12361, 61-12363, 61-12364, 61-12367	9/5/2024	IDWR to Publish Notice
1	Bieker	86-12178	9/9/2024	Waiting on Claimant to file Affidavit

WAITING FOR IDWR TO SUBMIT NOTICE OF EXAMINATION

Count	Claimant	Subcase #(s)	Affidavit Filed	Next Step

AWAITING DIRECTOR'S REPORT BY IDWR

Count	Claimant	Subcase #(s)	Director's Report Due	Next Step
1	Huff	85-15853	11/18/2024	IDWR to submit DR
1	Nuismer	86-12169	11/18/2024	IDWR to submit DR
1	Rose	63-35068	2/7/2025	IDWR to submit DR
1	Love	63-35519	4/21/2025	IDWR to submit DR
1	Watson	86-12177	6/6/2025	IDWR to submit DR

AWAITING PARTIAL DECREE

Count	Claimant	Subcase #(s)	DR Filed	Hearing on Uncontested
1	Gallant	67-15210	6/8/2022	Referred to Special Master Booth
1	Drake	63-11858	2/29/2024	10/15/2024
1	Farley	86-12165	2/29/2024	10/15/2024
1	Steigers	85-15844	5/12/2024	10/15/2024
1	Kittrell	75-15065	5/23/2024	10/15/2024
1	Bowen	85-15851	6/10/24	11/19/2024

DIRECTOR'S REPORT ISSUED WITH OUTSTANDING OBJECTIONS

Count	Claimant	Subcase #(s)	DR Filed	Objection Filed
1	Parke	43-13796	9/13/2021	9/23/2021
27	Hood	67-15263 et al	9/21/2021	11/23/2021
47	Pioneer Power LLC (<i>formerly Collett</i>)	55-14030 et al	1/14/2022	3/14/2022
2	Gallant	67-15211, 67-15212	6/8/2022	5/24/2019*
2	Gallant	67-15208, 67-15209	6/8/2022	8/8/2022
14	Williams	29-14388 thru 29-14397, 61-12467 thru 61-12470	5/22/2023	7/25/2023*

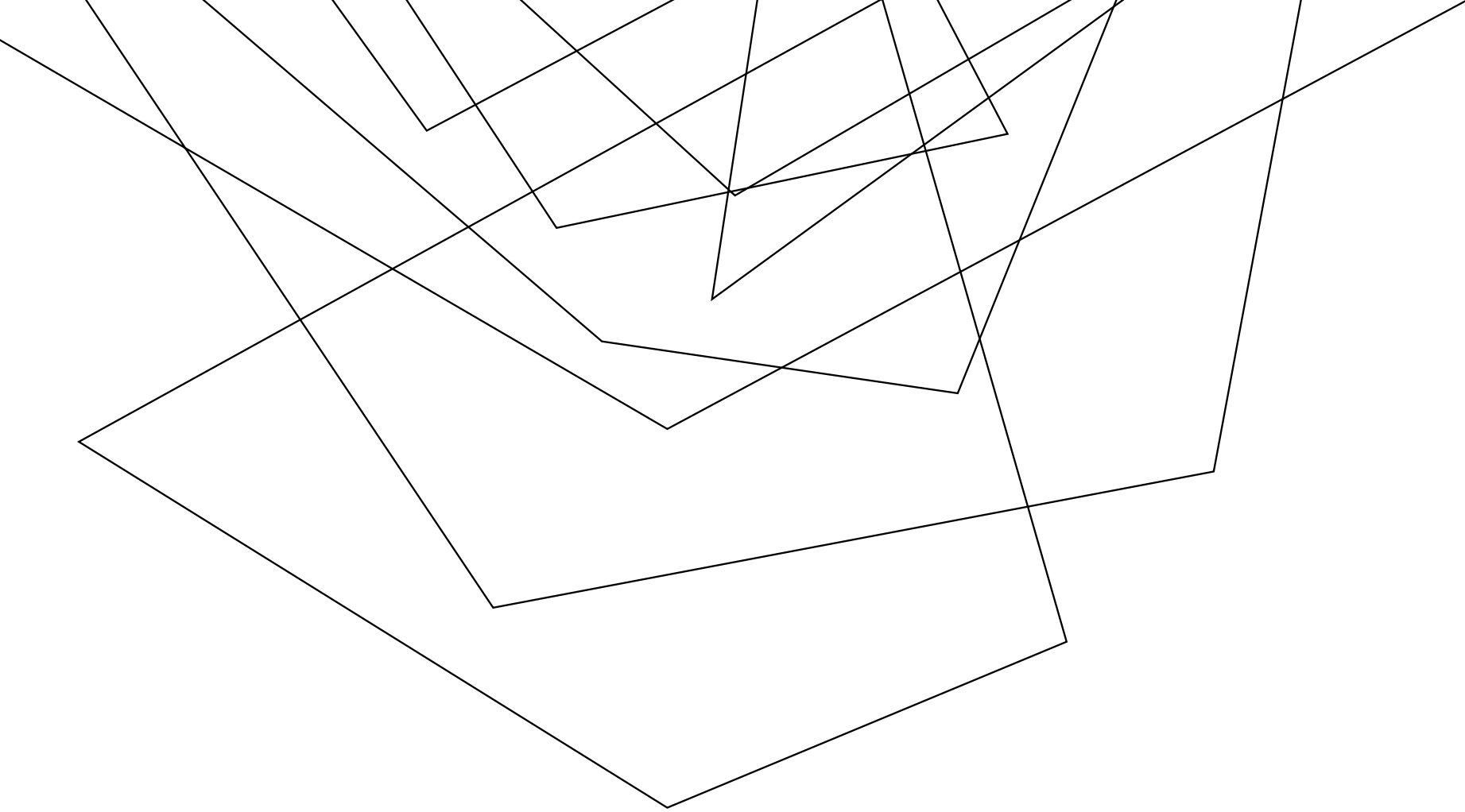
*Objection to the claim filed before Director's Report

DIRECTOR'S REPORTS WITH EXECUTED SF5S

Count	Claimant	Subcase #(s)	DR Filed	SF5 Filed Date	SMRR Filed Date

PARTIAL DECREE ISSUED

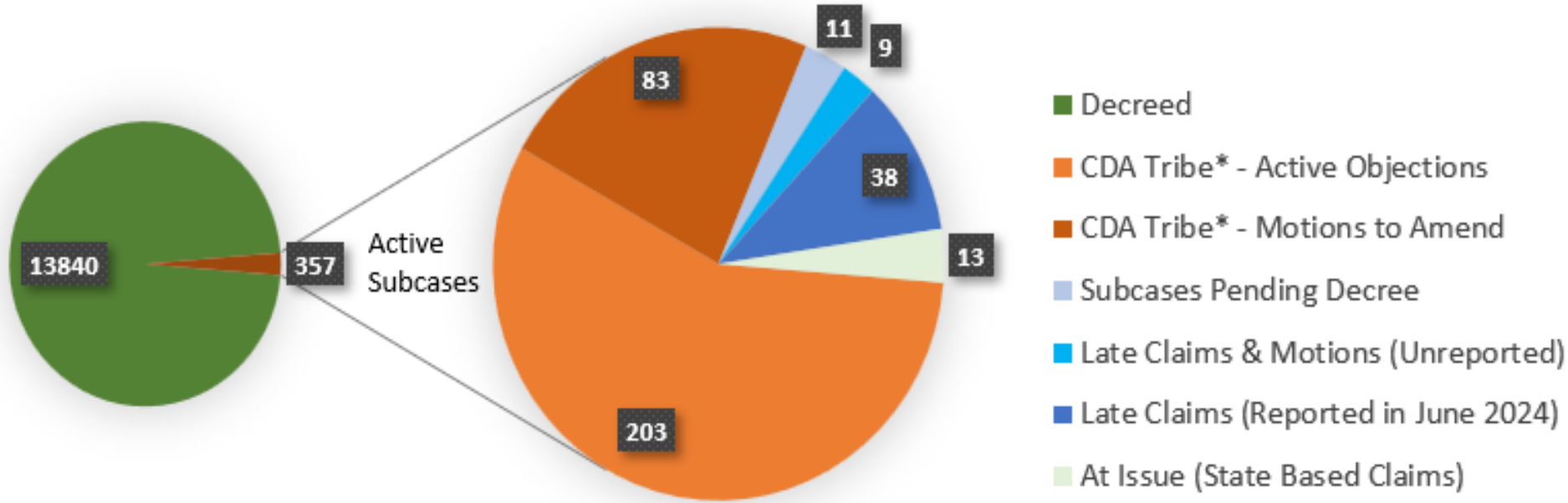
Count	Claimant	Subcase #(s)	Partially Decreed
11	Hagenbarth – 1 st Group	31-12488 thru 31-12495, 31-12504 thru 31-12506	8/2/2024
1	Pioneer Power LLC (<i>Formerly Collett</i>)	57-12038	8/13/2024



CSRBA

CSRBA Summary

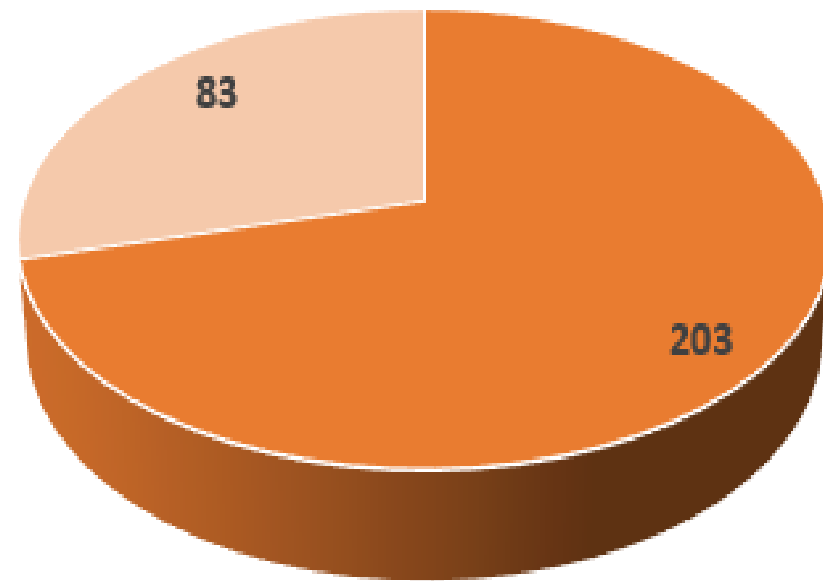
All Subcases



*United State of America as trustee on behalf of the Coeur d'Alene Tribe of the Coeur d'Alene Indian Reservation

Last Updated 9/8/2024

CSRBA FEDERAL RESERVED CLAIMS



**Basins 91-95
Current Subcases**

- CDA Tribe* - Active Objections
- CDA Tribe* - Motions to Amend

** United State of America as trustee on behalf of the Coeur d'Alene Tribe of the Coeur d'Alene Indian Reservation*

BASIN 95 PART 1

SUBCASES FOR WHICH OBJECTIONS ARE UNRESOLVED



Photo courtesy of Scott Potter, Northern Region

Settlement conferences are ongoing.

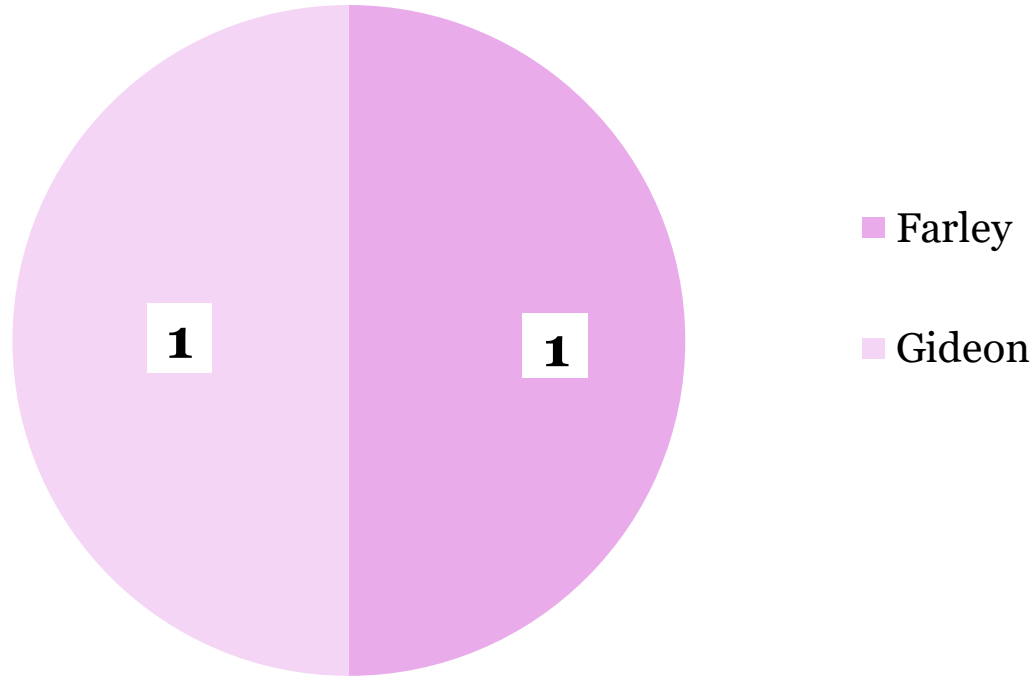
Deadline to file SF5s in the Avista and Governor's water rights set for October 30, 2024.

Status Conference for the state-based lake claims is scheduled for September 25, 2024.

BASIN 95 PART 2

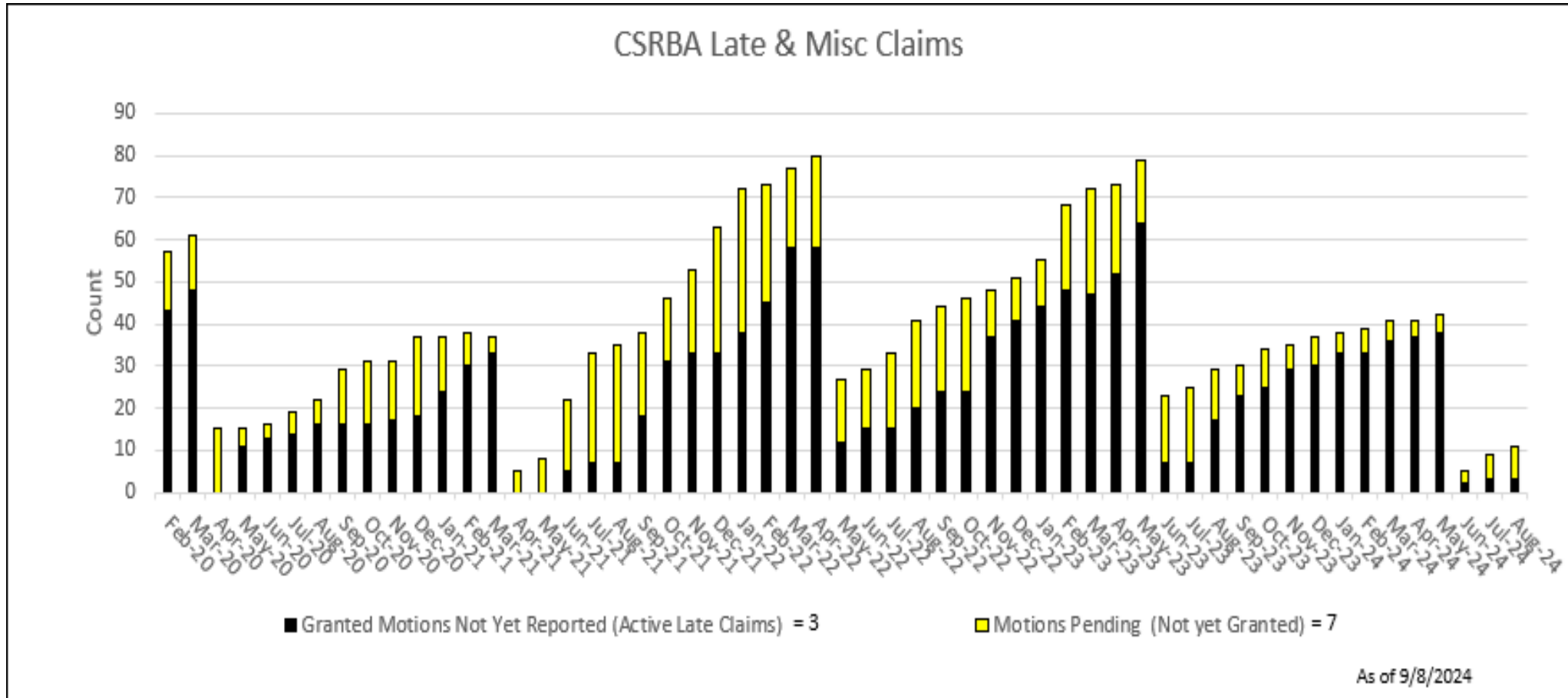
SUBCASES FOR WHICH OBJECTIONS ARE UNRESOLVED

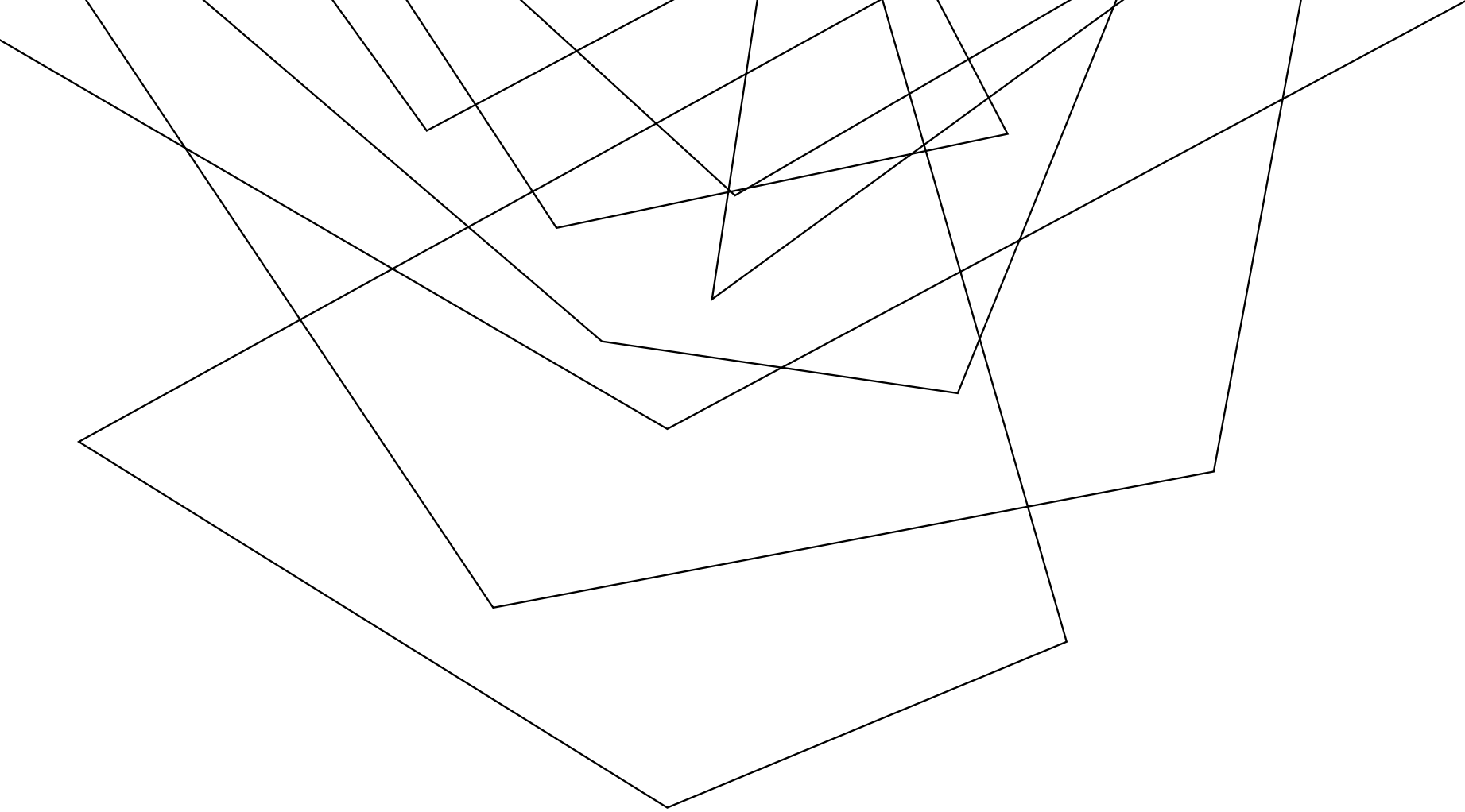
3 OBJECTIONS TO 2 CONTESTED SUBCASES



Director's Report filed February 26, 2019, Response August 20, 2019.
2,566 State Based Rights (2,379 Active –187 Disallowed)
Special Master Booth

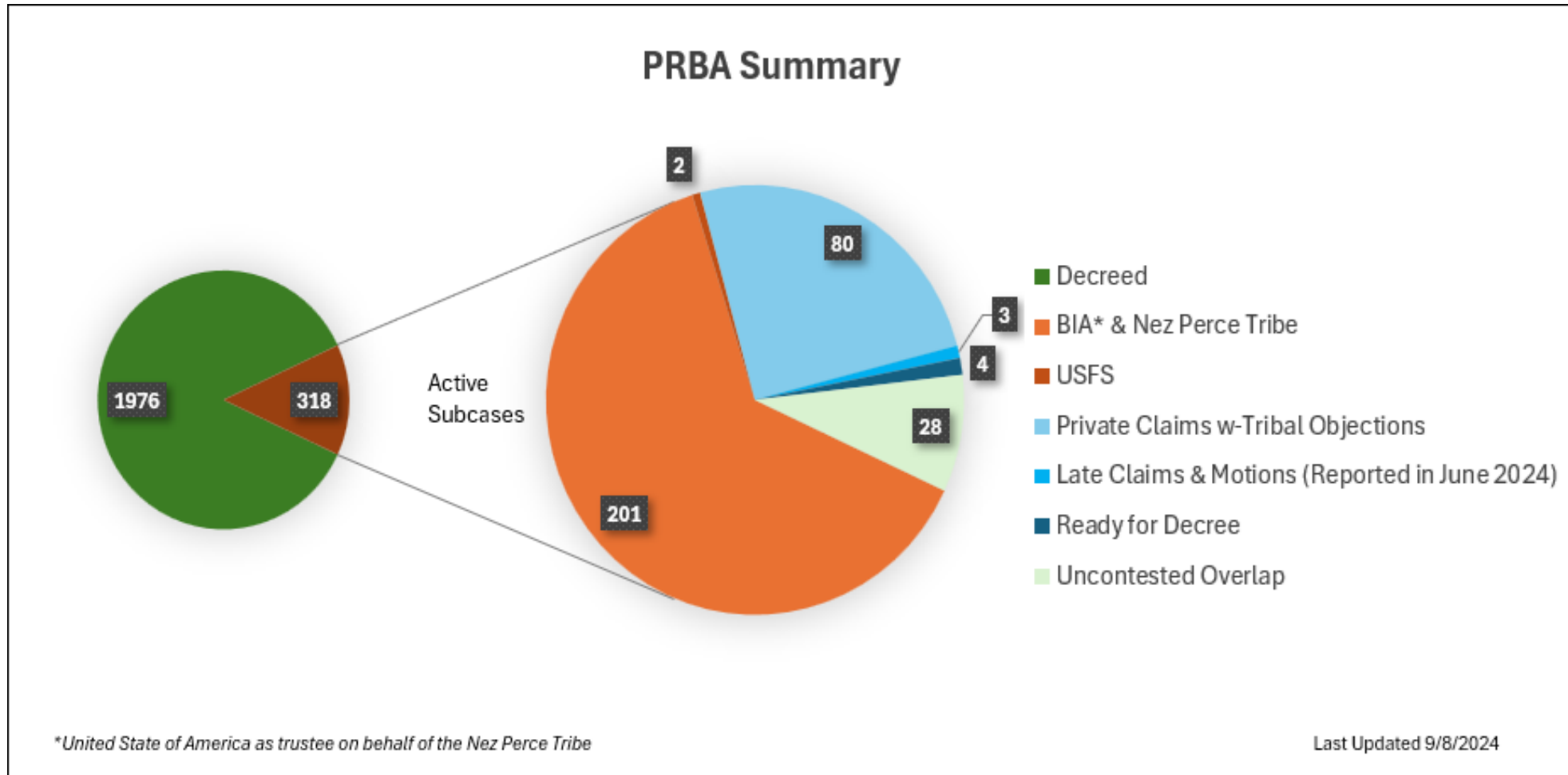
CSRBA – SUMMARY OF LATE CLAIMS



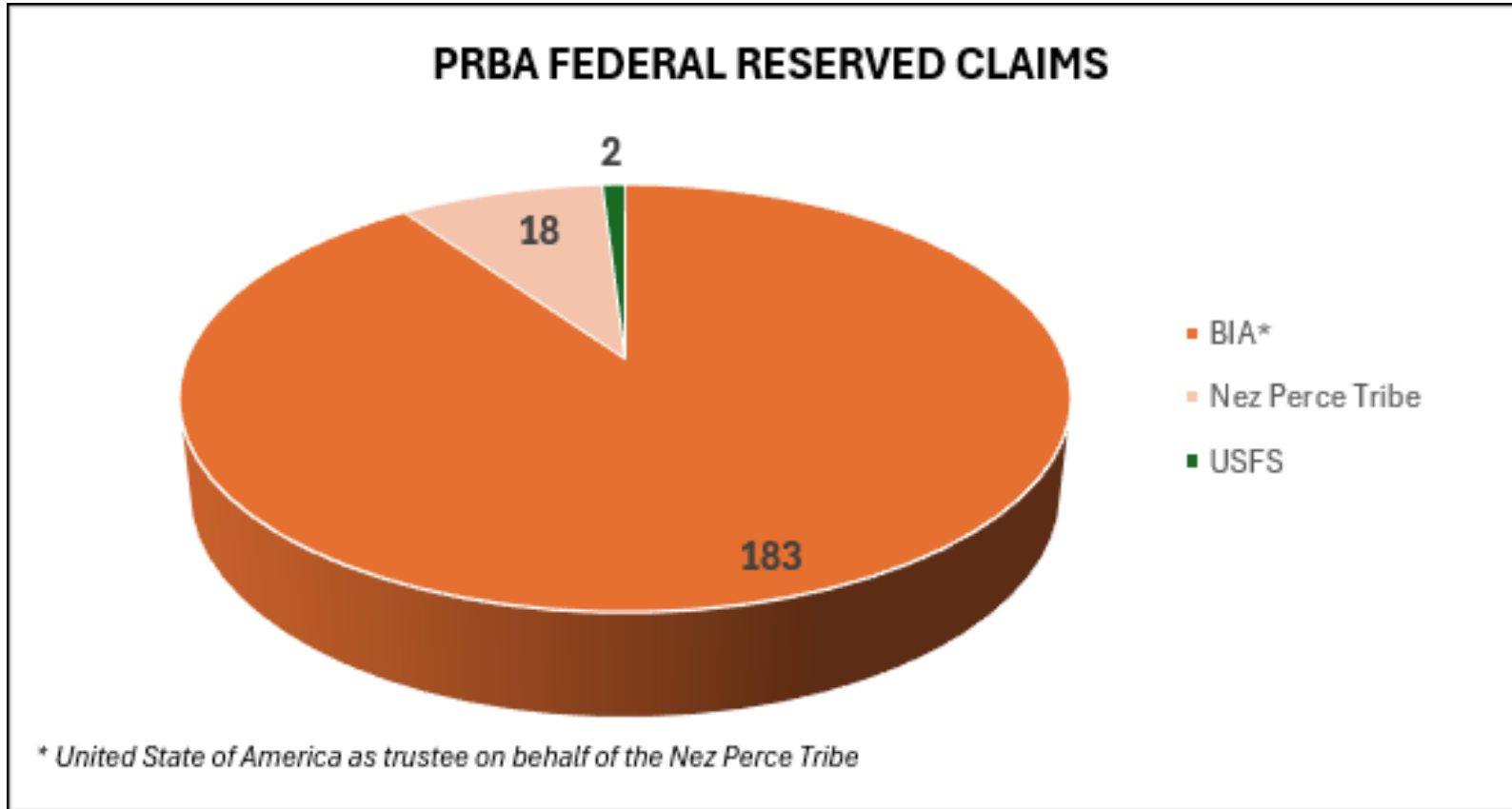


PRBA

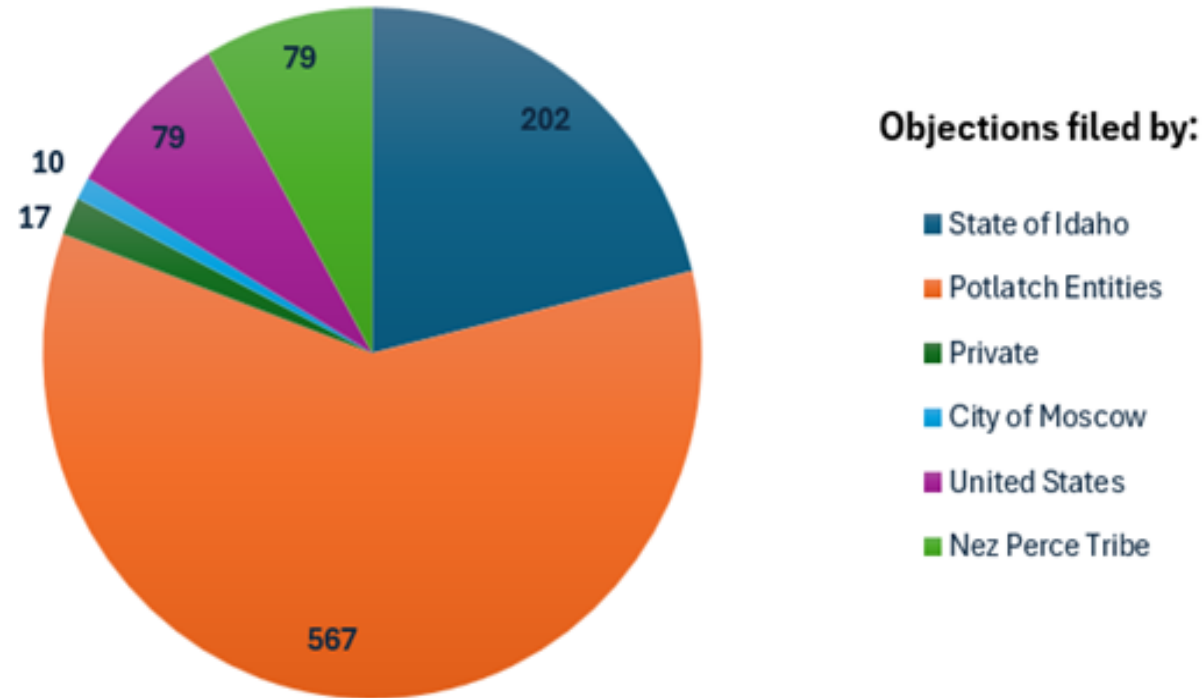
PRBA SUMMARY AS OF SEPTEMBER 9, 2024



PRBA FEDERAL RESERVED CLAIMS

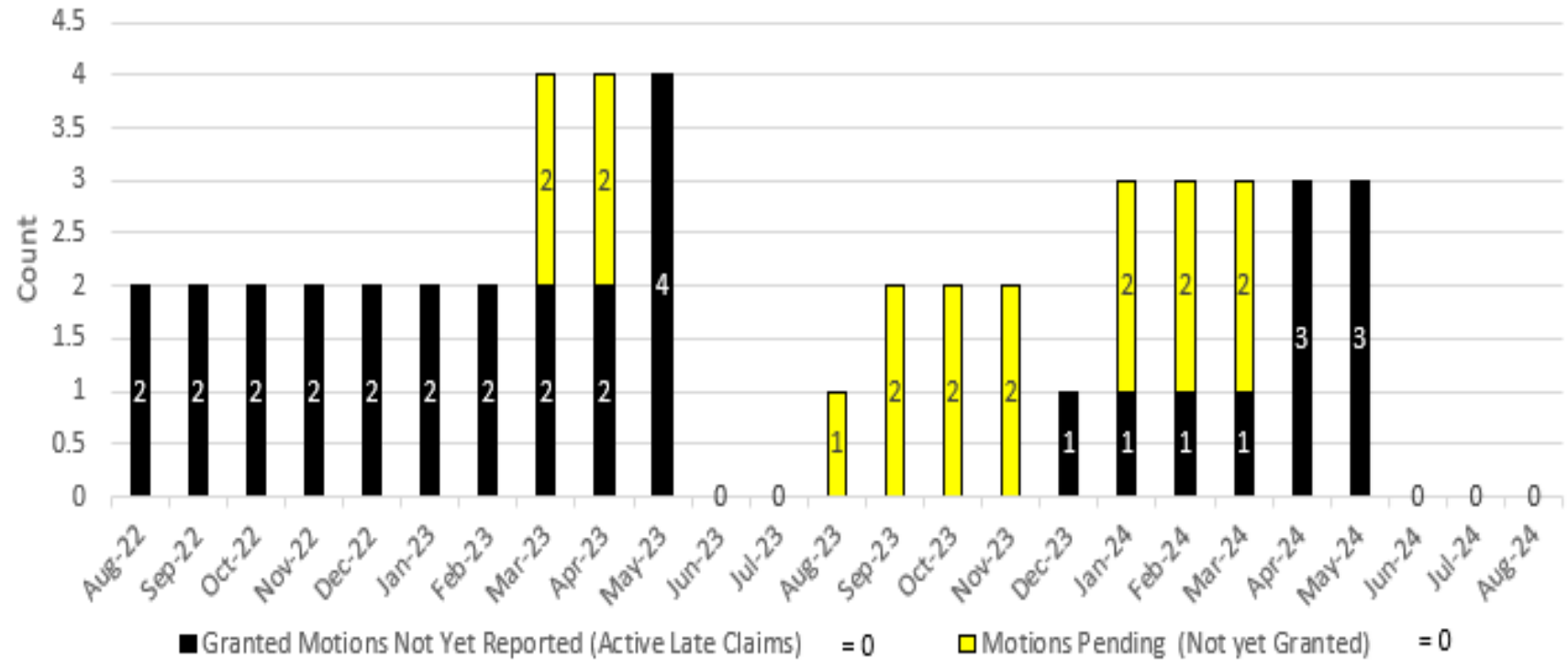


PRBA Outstanding Objections

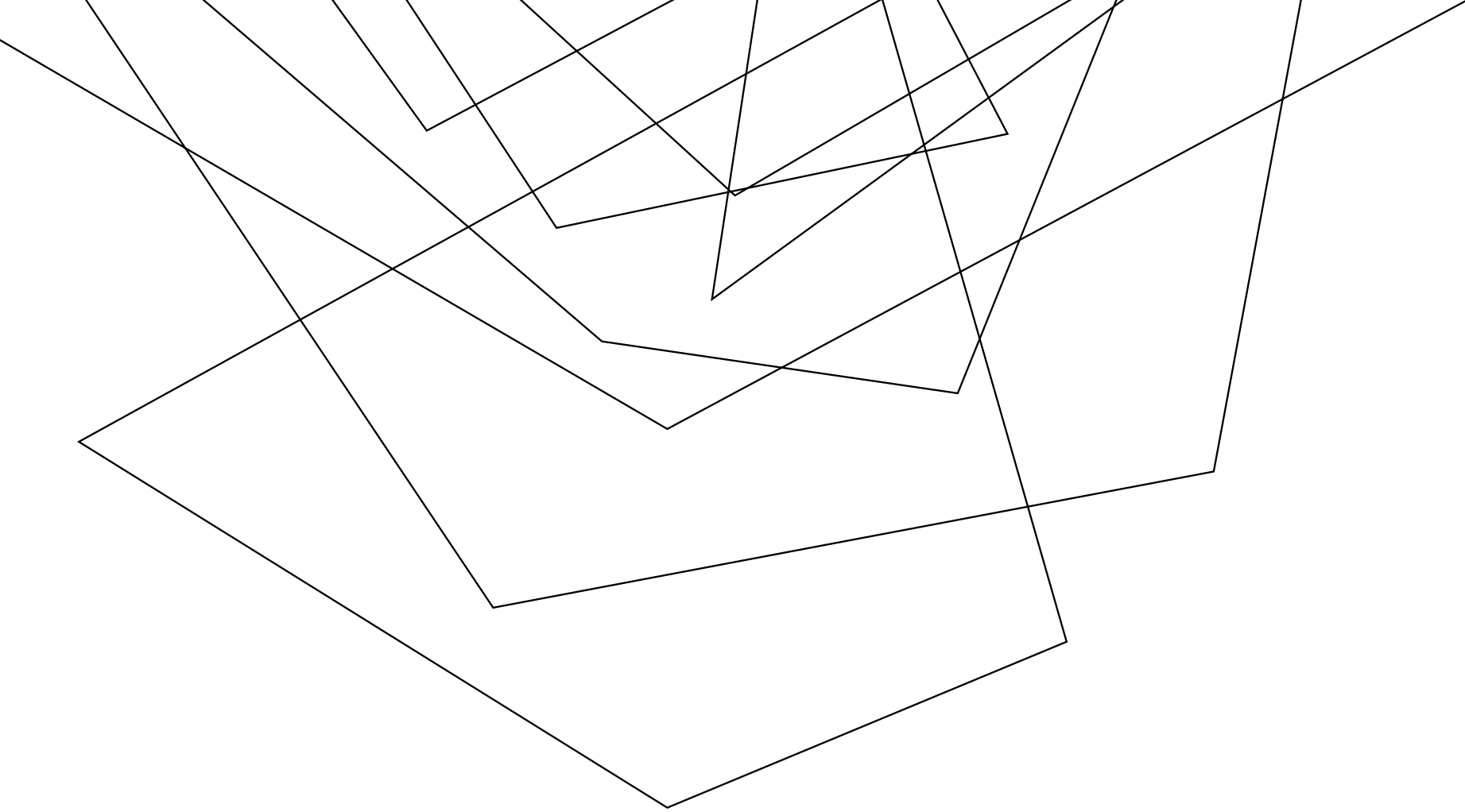


All the remaining outstanding objections are to claims filed by private parties with a spring source, or to the corresponding federal reserved claims.

PRBA Late & Misc Claims



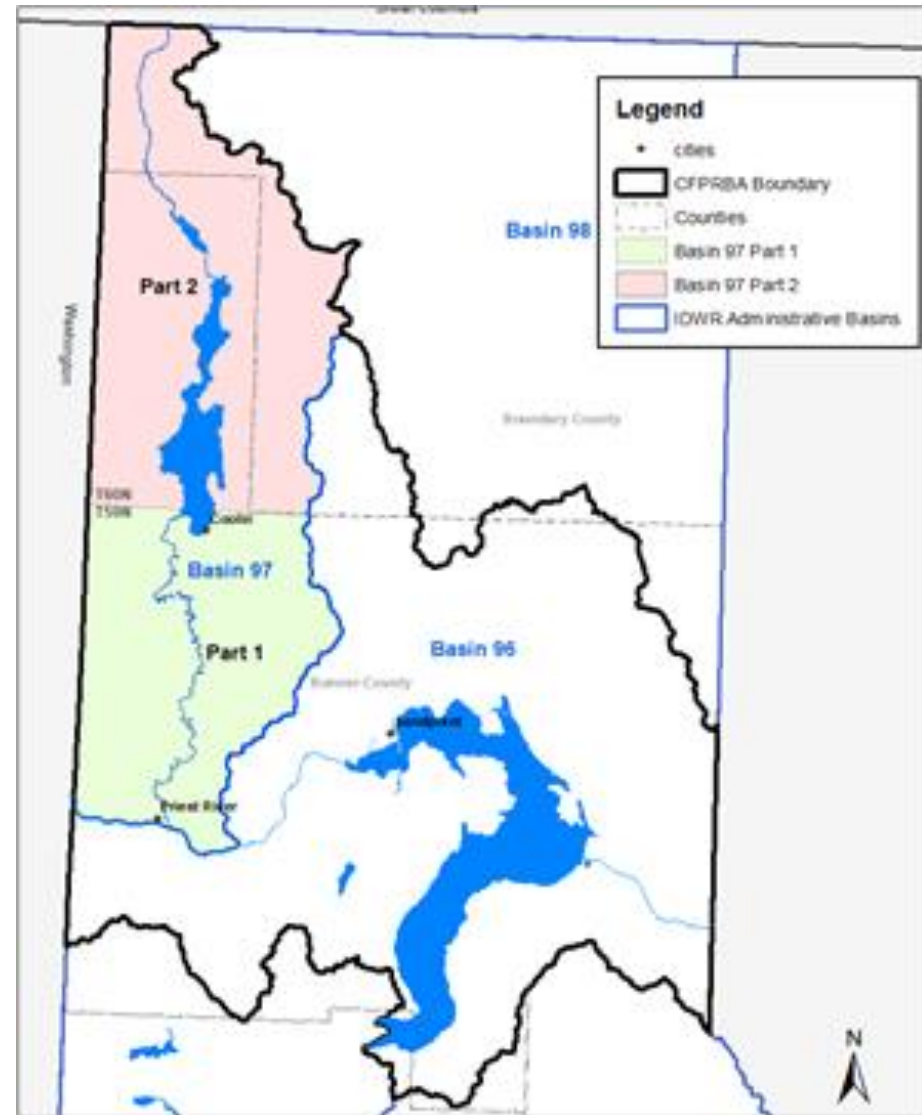
As of 9/8/2024



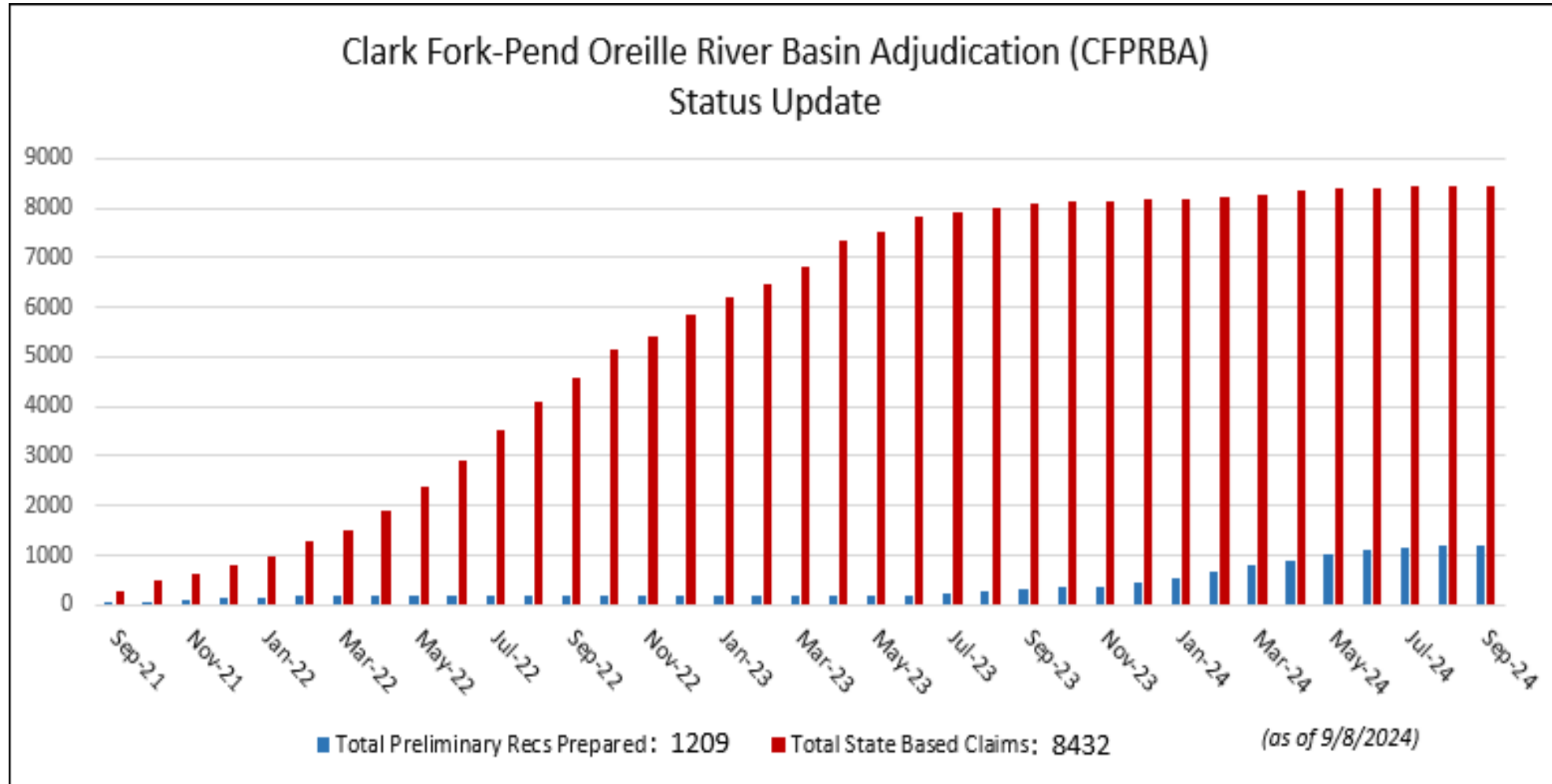
CFPRBA

CFPRBA UPDATES

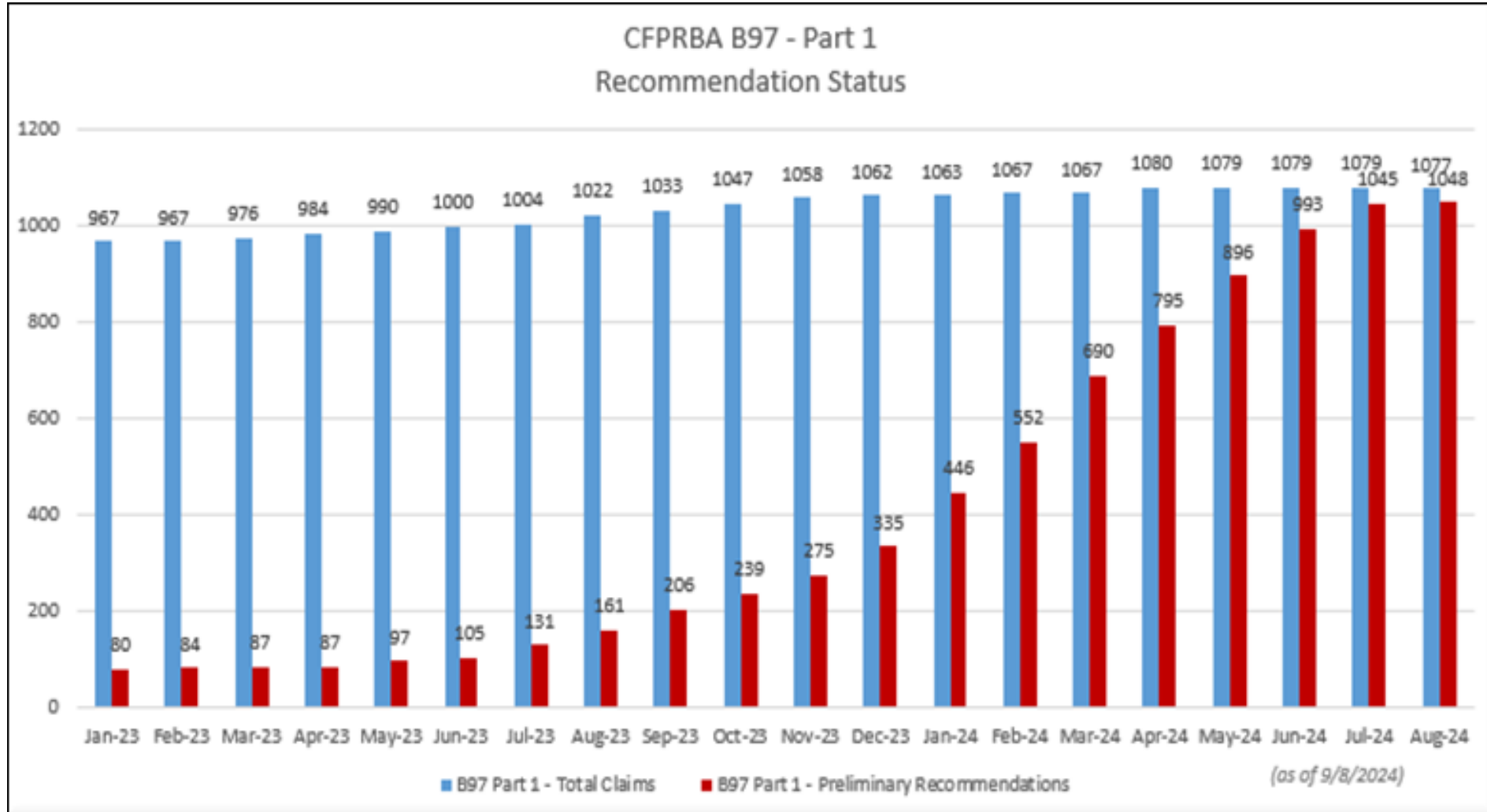
- Notice of Error Meetings were held on September 10 & 11 at The Inn at Priest Lake, in Coolin, Idaho. A total of 104 claimants participated in the meetings.
- The deadline to mail the notice of error form to IDWR is **October 4, 2024**.
- The Director's Report for Basin 97 Part 1 is anticipated to be filed with the Court in November 2024.
- Adjudication staff are working on recommendations for the Basin 97 Part 2 Preliminary Director's Report.



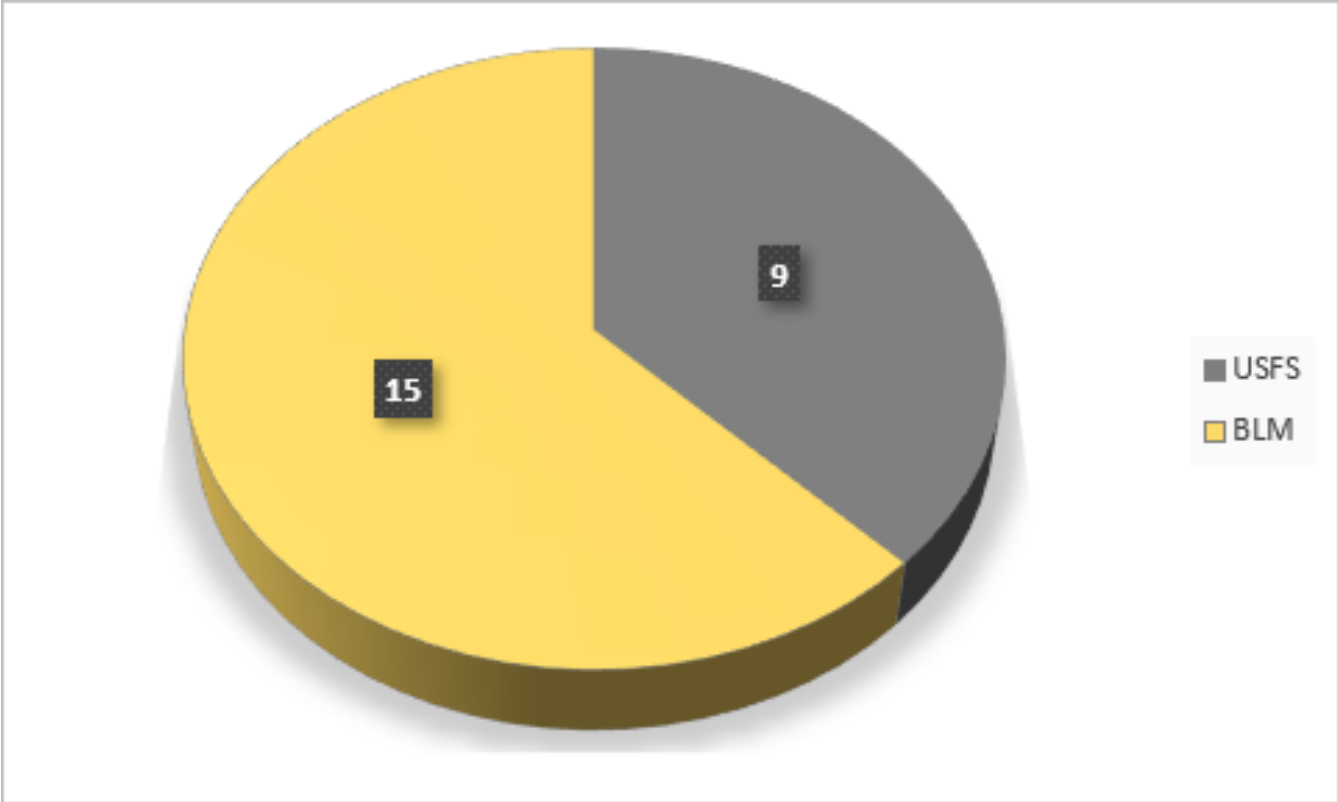
CFPRBA SUMMARY

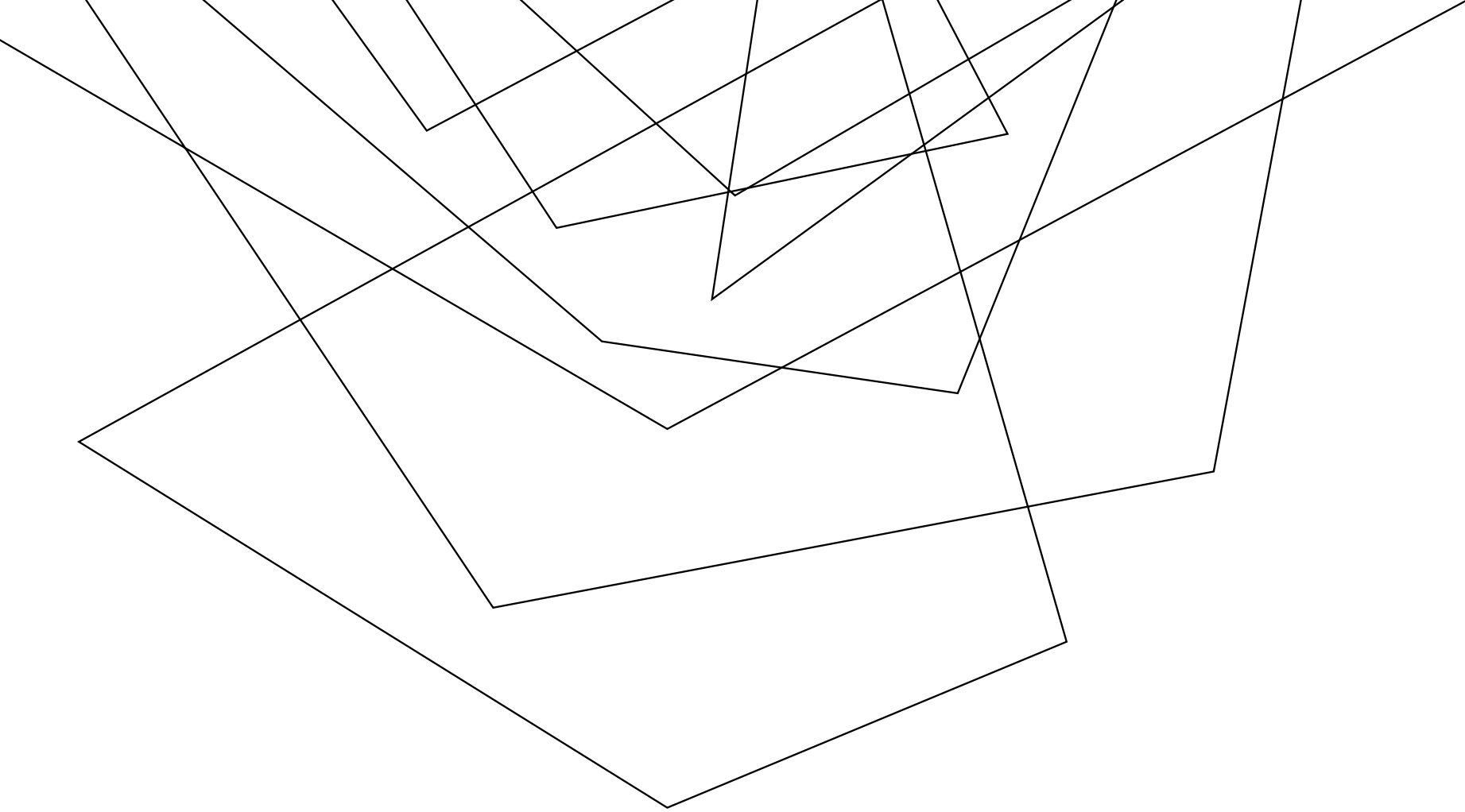


BASIN 97 – PART 1



CFPRBA FEDERAL RESERVED CLAIMS

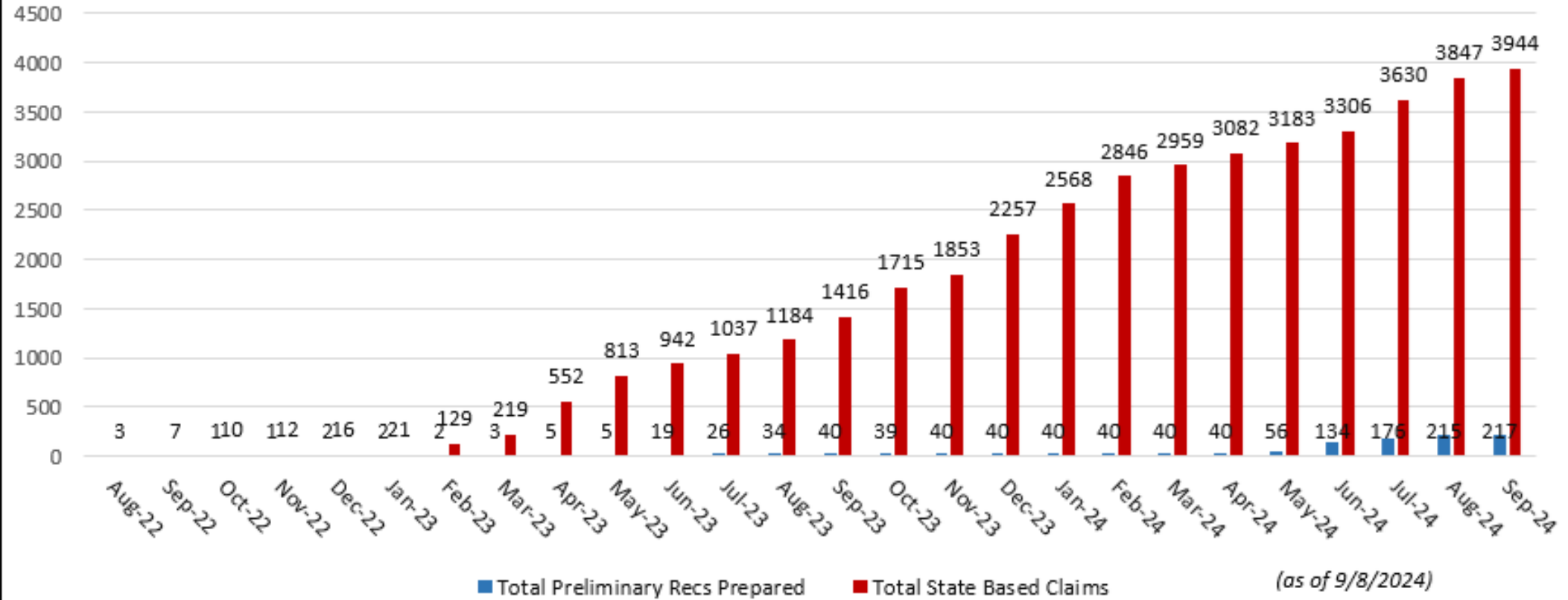




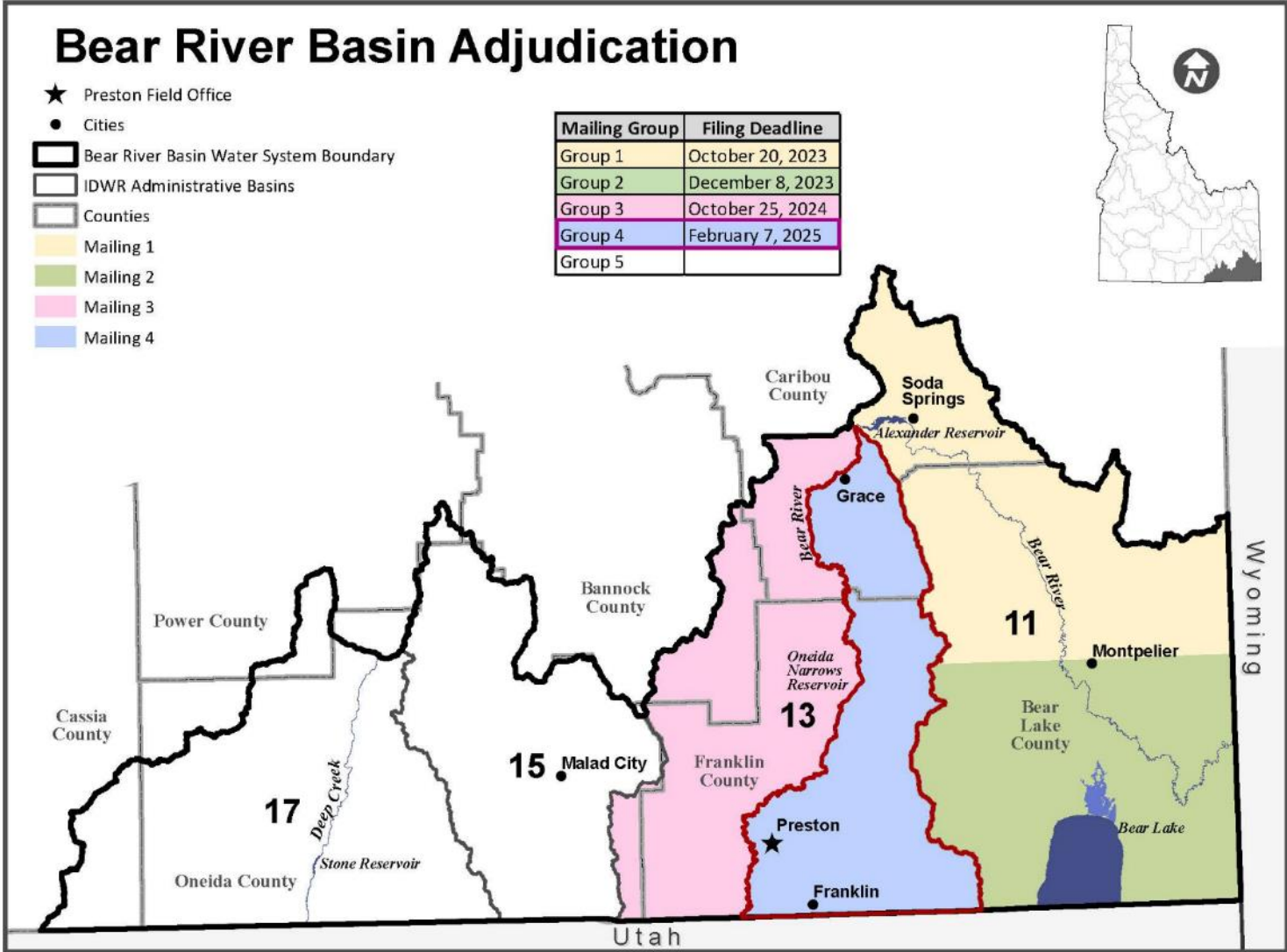
BRBA

BRBA SUMMARY

Bear River Basin Adjudication (BRBA) Status Update



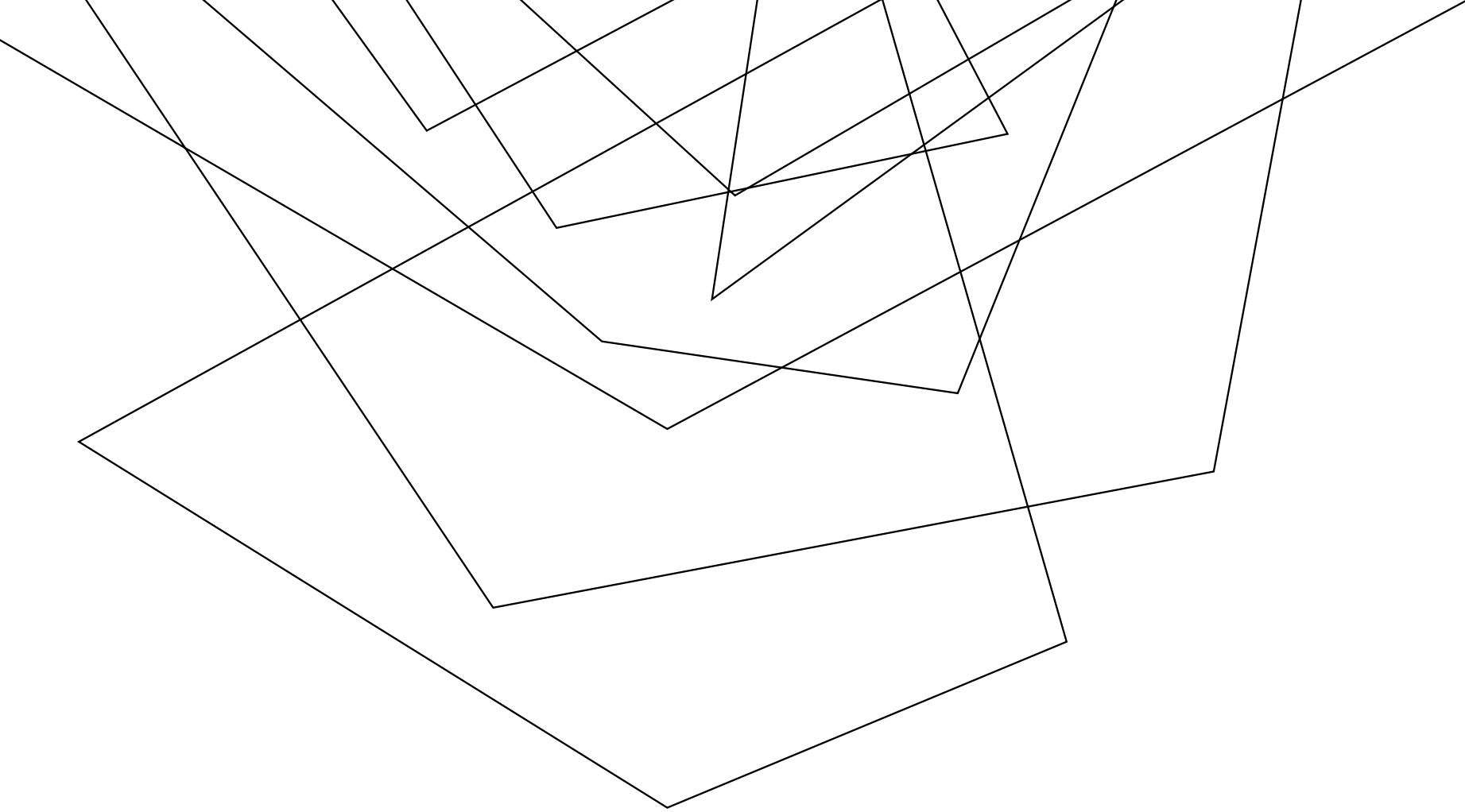
COMMENCEMENT NOTICE MAILINGS



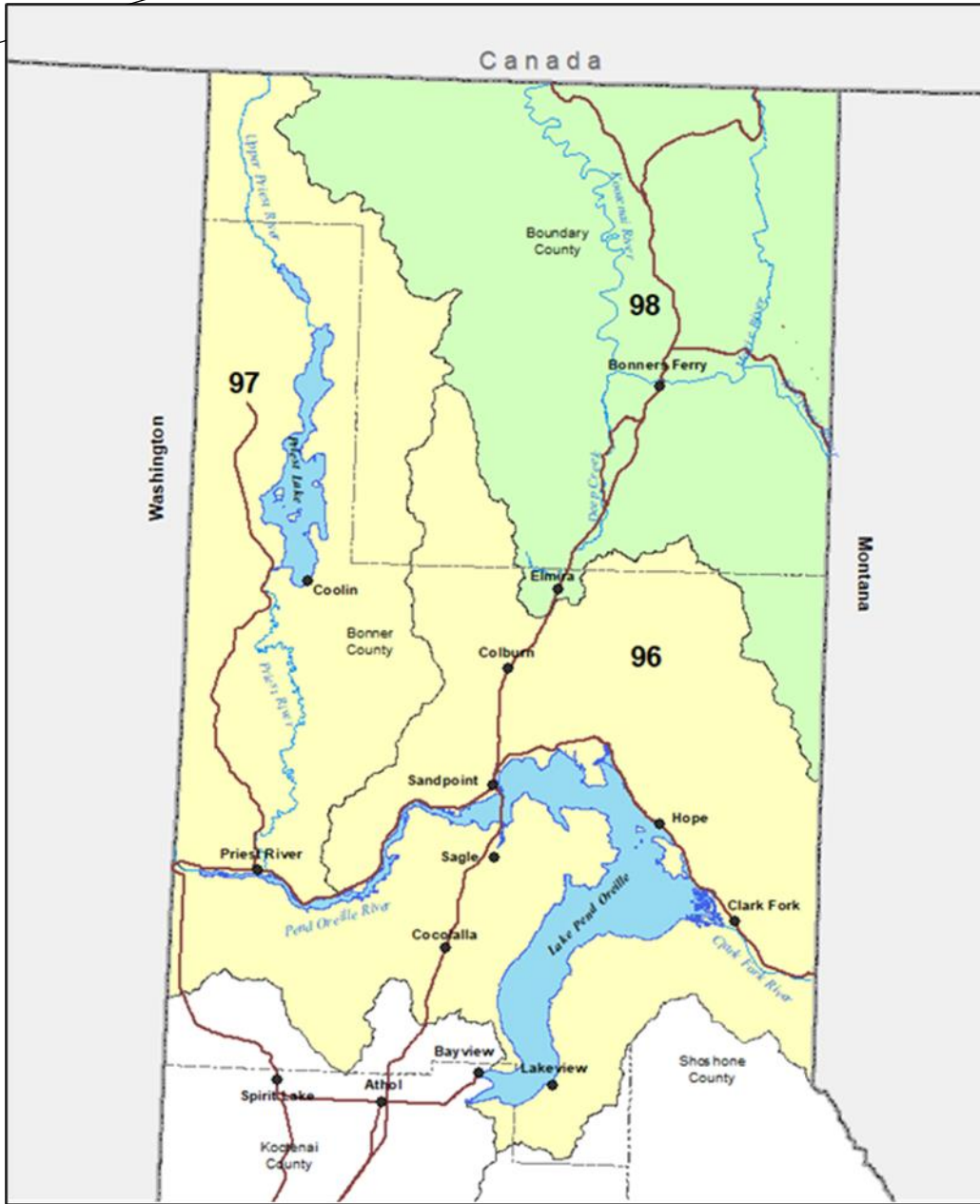
BRBA UPDATES



Mountains north of Bear Lake
Photo courtesy of Chris Holmes, Preston Office.



**OTHER GENERAL
MATTERS**



BASIN 98 UPDATES

- The Kootenai River Basin, or Administrative Basin 98, is the only basin that has not yet been adjudicated.
- Idaho Code § 42-1406D, the statute authorizing the Department to petition the district court to commence the Kootenai River Basin Adjudication, went into effect July 1, 2024.

CASES OF INTEREST UPDATES

- City of Pocatello, et al. v. Idaho Department of Water Resources
 - CM-DC-2010-001; Ada County Case CV01-23-13238
 - Notice of Appeal filed July 12, 2024
 - Record is being compiled
- Idaho Ground Water Appropriators Inc. v. Idaho Department of Water Resources
 - CM-MP-2016-001; Ada County Case CV01-23-7893
 - Notice of Appeal filed April 5, 2024
 - Matter stayed until October 1, 2024

GOODBYE!

This month, the Department said goodbye and good luck to Greg Cooksey, Senior Water Agent from the Northern Region, and Angie Hanson, Water Allocation Bureau Chief.

Greg and his wife Teresa are realizing their vision of opening homes for disabled veterans.

Angie has accepted a project hydrogeologist position with Luhdorff & Scalmanini Consulting Engineers after 20+ years with IDWR.

We'll miss them both!

QUESTIONS?



Field exam along the Kootenai River. As you can see, this sweet dog was an active participant in the exam process.

Photo courtesy of Luke Bates, Northern Region