



## Fact sheet on Northern Idaho Adjudications

**What is an adjudication?** The purpose of a water rights adjudication is to make a complete and accurate record of all water rights in a particular river basin, including surface and ground water rights. The process gives Idaho water users the opportunity to “prove up” their water rights, including the priority date when they began diverting water for beneficial use. The priority date is very important in Idaho water law.

### **Water rights adjudications protect the legal interests of property owners.**

Confirming the legal water rights of farmers, ranchers, commercial and industrial businesses, and municipalities helps existing water users protect their investments against future competition for the resource.

Water use in Idaho is administered according to a priority system of “first in time, first in right,” known as the Prior Appropriation Doctrine.



According to state law, entities with the oldest, most “senior” water rights are allowed to divert water to satisfy their water use before any newer, or “junior”, water right holder can divert water. Adjudicated water rights establish priority dates, which determine whose water rights are senior in times of water shortage. In addition to the priority date, an adjudication establishes a water right’s ownership, quantity, season, location, and type of water use.

Watermasters work with water users and the Idaho Department of Water Resources (“IDWR”) in river basins throughout Idaho to distribute water rights under the priority system.

### **The Adjudication Process**

The general steps in a river basin adjudication are:

- IDWR notifies water users of when water right claims can be filed.
- Water users claim their water rights by completing claim forms and submitting them to IDWR.
- Claimants work with IDWR staff to supply information supporting their claims.
- IDWR investigates the claims and submits recommended water rights to the District Court.
- The District Court reviews recommended water rights and resolves disputes.
- The District Court issues a final decree determining the claimed water rights.

## Northern Idaho Adjudications (NIA)

In 2006, the Idaho Legislature authorized the NIA to be accomplished in three phases:

1. Coeur d'Alene – Spokane River Basin Adjudication
2. Palouse River Basin Adjudication
3. Clark Fork – Pend Oreille River Basin Adjudication.

The Idaho Legislature removed the Kootenai River Basin from the NIA in 2008.

### Coeur d'Alene – Spokane River Basin Adjudication

IDWR, the water right claimants, and the District Court have been working through the Coeur d'Alene -Spokane River Adjudication since 2009. About 12,000 water rights claims have been filed so far. The process is expected to be completed in 2022.

### Palouse River Basin Adjudication

The Palouse River Basin Adjudication commenced in 2017. IDWR has received more than 1,800 claims. IDWR has investigated the claims and submitted a Director's Report of its recommendations to the District Court in August of 2021.

### Clark Fork – Pend Oreille River Basin

The District Court issued an order to commence the Clark Clark Fork – Pend Oreille River Basin Adjudication on June 15, 2021. On September 3, 2021, IDWR mailed notices to the 1st of 5 planned mailing groups. First round commencement notice mailings are expected to continue through 2022.

- Of the approximately 2,613 existing water right filings in the Clark Fork – Pend Oreille basin, only 394 are from the Pend Oreille River or Lake Pend Oreille.
- By comparison, 480 filings are from springs and 663 are from ground water.
- About 795 water right records are unconfirmed statutory claims. It is likely many other uses are unrecorded. Delay in an adjudication makes it more difficult for longtime water users to substantiate the origins (priority dates) of their claims.

### Kootenai River Basin

The Kootenai River Basin is not currently included in the NIA. IDWR officials are consulting with local water users, local elected officials, and legislators to determine if there is interest in adjudicating water rights in the Kootenai River Basin.

- Of the approximately 925 existing water right filings in the basin, only 44 are from the Kootenai and Moyie Rivers.
- By comparison, 261 filings are from springs and 213 are from ground water.
- About 230 water right records are unconfirmed statutory claims. It is likely many other water uses are unrecorded. Delay makes it more difficult for longtime water users to substantiate the origins, or priority dates of their claims.

For more background on Idaho adjudications, go to: <https://idwr.idaho.gov/water-rights/adjudication/>.

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