


ADJUDICATION MEMORANDUM #12

TO: Adjudication Bureau Staff

FROM: Don Shaff, Adjudication Bureau Chief 

SUBJECT: Multiple Sources on a Single Claim

REVISED: January 22, 2009

Idaho Administrative Procedures Act (IDAPA) 37.03.01.060.02.c.ii (also known as the Adjudication Rules) permits more than one source to be claimed if the claim is for a single water delivery system where more than one source was developed as part of the same project, or the claim is for a single licensed or decreed right that covers more than one water delivery system.

More than one source may also be claimed where the claimant developed an additional point of diversion after the water right was initiated. (An example is where a person is using water from an artesian spring, but the flow of the spring decreased and the water user later drilled a well near the spring to be able to continue to get the full amount of the appropriation.) However, where the additional point of diversion is used for additional uses, to irrigate additional acres, or divert more water than originally appropriated, there has been an expansion and may be a second water right for the additional use, irrigation, or diversion. When the department identifies such a scenario, a second claim should generally be filed for the expansion. See the Adjudication Bureau Chief with questions.

A common example is the use of multiple springs for stockwatering use. If there is more than one spring on the claimant's parcel of land, and the use of water for stockwatering was initiated on all of the springs at the same time or as part of the same project, all of the springs can be claimed as one water right. The same rule applies if the claimant has more than one parcel, so long as the parcels are contiguous. (Note that where there is a water right with a diversion system, the place of use may consist of noncontiguous parcels where the parcels are connected by a single water delivery system.)

Where there are two water rights with different priorities, the claimant may in some instances claim both as a single water right if the claimant wants to claim both with the later priority date. For example, the claimant has a parcel with a spring and the claimant started using the spring to water stock in 1935. The claimant then acquired a contiguous parcel with a spring and started using the spring to water stock in 1940. The claimant could submit one notice of claim for both springs if a 1940 priority date is claimed. (Or, the claimant started using a spring to water 100 head of stock in 1935, and added an additional 100 head in 1940. The claimant could submit one notice of claim for watering 200 head with a 1940 priority date.)