



NEWS RELEASE – FOR IMMEDIATE RELEASE

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## **Clark Fork-Pend Oreille River Basin Adjudication is proceeding on schedule; next deadline for filing claims is in Summer 2024**

SANDPOINT - (Jan. 10, 2024) – The Idaho Department of Water Resources (IDWR) is proceeding on schedule with the Clark Fork-Pend Oreille River Basin Adjudication (CFPRBA). The majority of the water rights claims have been filed in the basin after two years of working with water users and property owners to file claims, officials said.

IDWR has received a total of 8,176 water rights claims in the CFPRBA so far. IDWR is about to mail out the last round of notifications that water users and property owners should file a claim in the Clark Fork-Pend Oreille River Basin Adjudication. The mailing explains the adjudication process, who is required to file a claim, and how to file a claim. The deadline for filing claims associated with that mailing will be in the Summer of 2024.

On Jan. 2, a TikTok channel put out a video with erroneous information about the Clark Fork-Pend Oreille River Basin Adjudication. The video has resulted in numerous angry calls to the IDWR offices in Coeur d’Alene and Boise. Most of the calls have come from out of state, IDWR officials said.

IDWR officials want to reassure the public that the purpose of the adjudication is to document and protect water rights held by water users. Idaho has been adjudicating water rights throughout its history. Significantly, the huge Snake River Basin Adjudication commenced in 1987, followed by the Northern Idaho Adjudications and the Bear River Basin Adjudication.

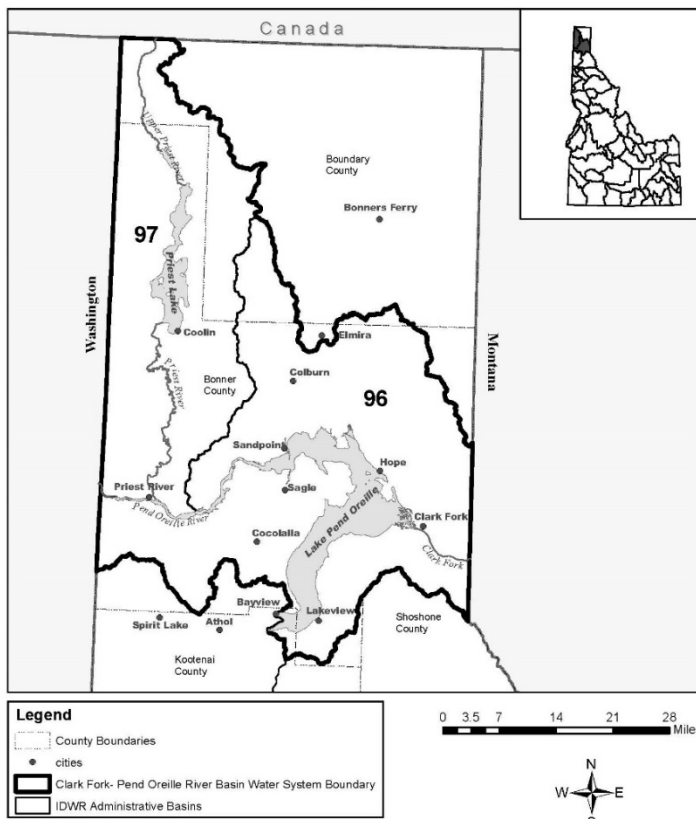
Here is some important background about adjudications:

- 1)** The water rights adjudication process is not about policing water usage, but rather recording and protecting established water rights .
- 2) What is a water right?** A water right allows a water user to divert water from the State of Idaho for beneficial use. It entitles a person, company, or organization to divert water from a natural source for a defined beneficial purpose. The water right is a property right; it is appurtenant to the land where it’s used.
- 3) What is an adjudication?** The purpose of a water rights adjudication is to make a complete and accurate record of all established water rights in a particular river basin, including surface and ground water rights. It is also the only legal process that allows water users to prove up and document unrecorded historical water rights while also back-dating the priority date to when the right was first established

through beneficial use. The priority date is very important in Idaho water law because in times of water shortage, water users with the oldest priority dates have priority - "first in time, is first in right."

- 4) Significant population growth in the state has led to increased demands on existing water resources. If a water right is negatively impacted by overuse, IDWR cannot intervene to resolve the injury until the priority dates and other elements of all water rights from the same source have been legally determined through an adjudication.
- 5) Legislation authorizing the Northern Idaho Adjudications occurred in 2006 just as the Snake River Basin Adjudication was coming to a close. The commencement order for the Clark Fork-Pend Oreille Basin Adjudication occurred in 2021, kicking off the claims-taking process administered by IDWR.
- 6) Small domestic and stockwater uses, also known as *de minimis* uses, that do not exceed 13,000 gallons per day and ½ acre of irrigation are deferrable and a claim is not required at this time. However, IDWR recommends filing those claims now because it's the cheapest and easiest time to do so.
- 7) Water right claims can be submitted after filing deadlines, but a late fee of \$50.00 or 15% of the original filing fee (whichever is greater) may be required for non *de minimis* water uses.

### Clark Fork-Pend Oreille River Basin Water System



For more information about the Clark Fork-Pend Oreille Adjudication, go to this web site: <https://idwr.idaho.gov/water-rights/adjudication/nia/cfprba/>. Information about filing water rights claims online are located on that web page as well.

While an adjudication is for existing water rights based on established water use, Idaho also has a process for developing new water rights. Property owners who want to begin a **new water use** may contact or visit IDWR's Coeur d'Alene office or visit IDWR's website for detailed information about filing an application for permit. New well owners who use less than 13,000 gallons of water per day for domestic and stock watering purposes and irrigate less than half an acre may be exempt from the permitting requirement.

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