



Completion of the SRBA and Status Update Regarding the CSRBA

Hon. Eric J. Wildman
Presiding Judge

What is a “General Adjudication?”

- The adjudication of all of the claims to the use of water from a source including all of its tributaries and connected groundwater in a single comprehensive lawsuit.
- All water users on source are joined including the United States and on behalf of Indian tribes.
- Failure to file a claim could result in loss of water right.

What is the Significance of a “General Adjudication?”

- The United States and Indian tribes waive sovereign immunity for the purpose of being joined in a general adjudication commenced by a state. 42 U.S.C. § 666 (McCarran Amendment)

Reasons Why No Comprehensive Inventory of Water Rights

- No record of beneficial use claims
 - 1963 ground water
 - 1971 surface water
- No record of Federal/Tribal claims
- Private decrees only binding on parties
- Past failure to follow transfer requirements

Reasons for Adjudications

- Comprehensive inventory of all water rights on a source. (Essential for administering in priority in times of shortage “first in time . . .”)
- Essential for “conjunctive management”
- Determine amount of unappropriated water

Why Adjudicate? (cont.)

- Creates certainty in water rights (in relation to other rights)
- Facilitates water markets and transfers
- Facilitates resolution of interstate water disputes
- Necessary to determine federal and tribal rights
- Binding affect on all water users

What is Adjudicated?

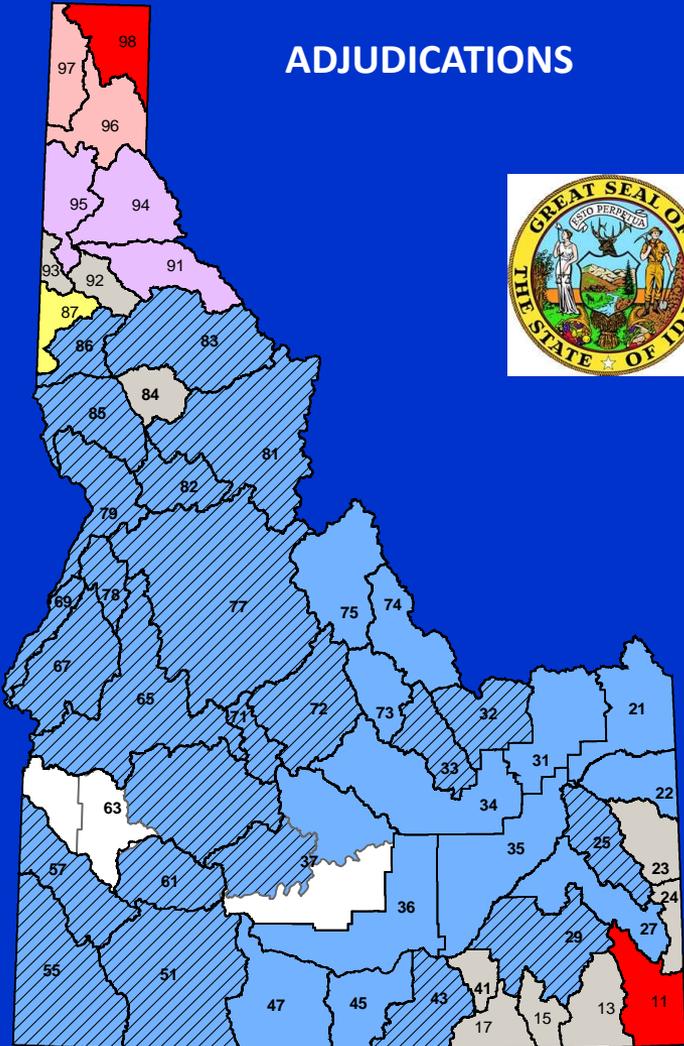
- The elements of the water right (I.C. § 42-1411), including:
 - Ownership
 - Source
 - Quantity
 - Priority Date
 - Point of diversion
 - Purpose of use
 - Place of use
 - Any other matters necessary for definition or administration of the water right

Brief SRBA Facts

- Petition Filed June 17, 1987
- Commenced November 19, 1987
- Final Decree August 25, 2014
- Partial Decrees 158,591
- Cases Remaining 72
- Contested Subcases 43,822
- Idaho Supreme Court Decisions 36
- U.S. Supreme Court Decisions 1
- Federal Reserved Rights Settlements 8

Idaho Water Rights Adjudications

ADJUDICATIONS



Sub-basin Boundaries

Snake River Basin (1987)

Coeur d'Alene-Spokane River Basin (2008)

Clark Fork-Pend Oreille River Basin (?)

Palouse River Basin (?)

Completed Sub-basins

Not Scheduled

Breakdown of Remaining Subcases

• Basin-Wide 17 (refill claims)	23
• Wild & Scenic Rivers Act (2009)	16
• Miscellaneous at issue	5
• Late Claims	
– Out of State POD	15
– Miscellaneous	2
– Pending Director's Report	5
• Ready for Decree	6
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Total Remaining	72





Deferrable Domestic and Stockwater Claims

- Defined by Idaho Code
- Stipulation between State and United States providing for deferral of small d & s claims
- Court is still responsible for adjudicating in accordance with stipulated procedure as provided in final decree

Deferrable claims

Domestic claims as defined by I.C. § 42-111 are deferrable:

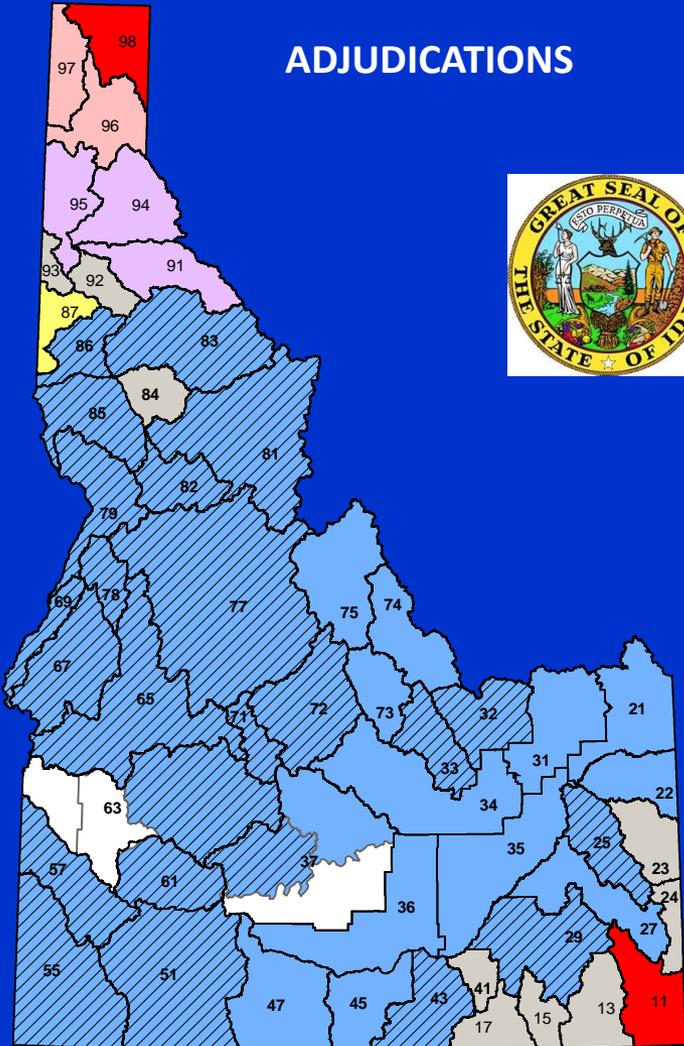
- water for homes, organization camps, public campgrounds and livestock; &
- irrigation not to exceed 1/2 acre; &
- quantity limited to 13,000 gpd; or any other purpose not to exceed .04 cfs or a volume of 2500 gpd

Brief CSRBA Facts

- Petition filed July 8, 2008
- Commenced November 12, 2008
- First and Second Round Service Completed
- Claims filed to date:
 - State law 11,378
 - Federal law
 - Avista 2
 - Forest Service 9
 - BLM 83
 - Tribal 353

Idaho Water Rights Adjudications

ADJUDICATIONS



Sub-basin Boundaries

Snake River Basin (1987)

Coeur d'Alene-Spokane River Basin (2008)

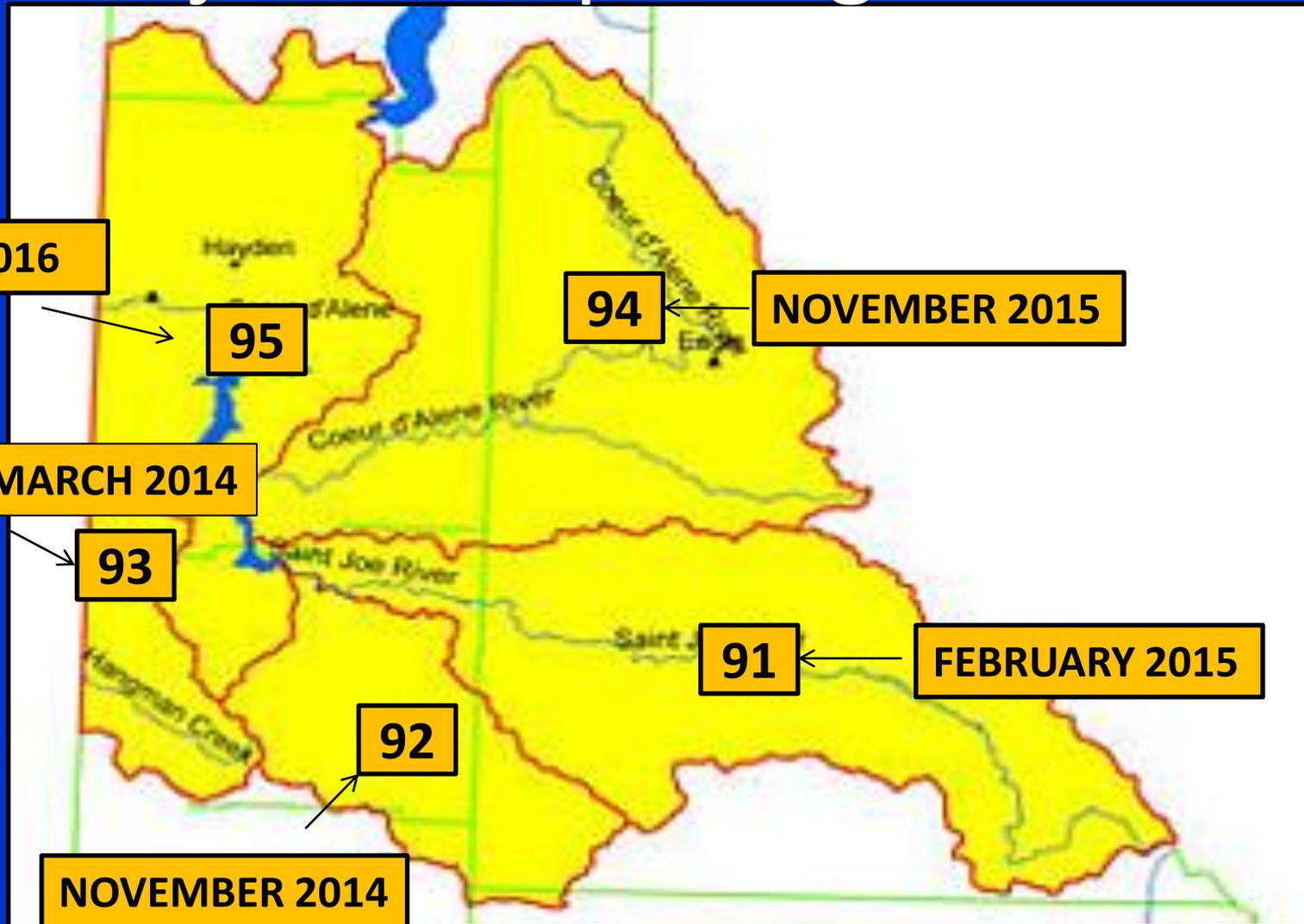
Clark Fork-Pend Oreille River Basin (?)

Palouse River Basin (?)

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Projected Reporting Schedule



FEDERAL/TRIBAL CLAIMS FILED MARCH 2014

Reporting Schedule Showing Numbers of Claims by Basin

Basin	Active Claims to be Reported to the Court	Deadline to File Claims (Second Round Service)	Projected Filing Date for Director's Reports
93	551	June 29, 2012	Filed March 2014
92	884	July 31, 2013	November 2014
91	557	August 31, 2012	February 2015
95	7,493	June 20, 2013	July 2016
94	1,893	August 30, 2013	November 2015
TOTAL	11,378		

Objections

- Objection period for Basin 93 and Federal and Tribal Claims closes September 29, 2014
- To date Court has received 846 objections

Questions?



For more information go to - www.srba.state.id.us