

# Joyce Livestock Company v. United States of America

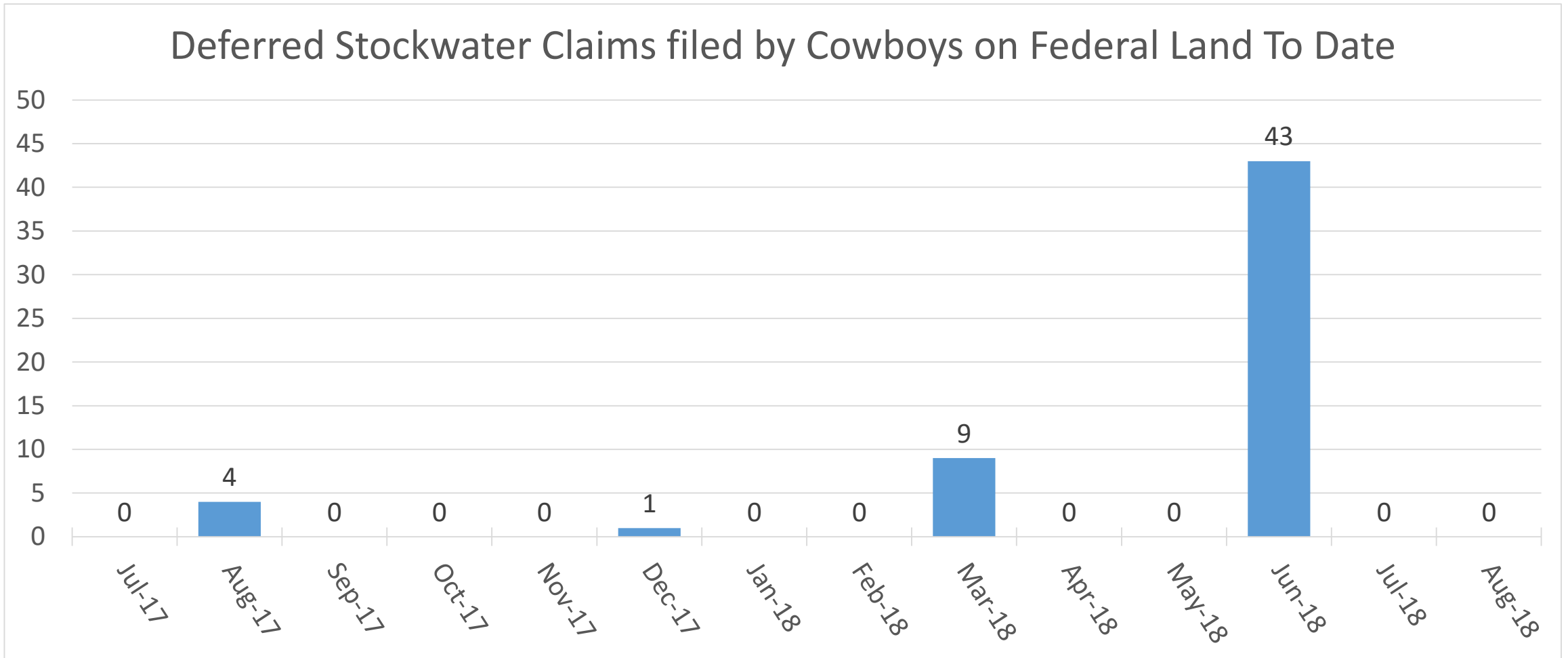
## LU Ranching Company v. United States of America

- In the 1990's and early 2000's, 17,000 to 18,000 federal water rights for stock water were decreed to BLM, the Forest Service, and other federal agencies in the Snake River Basin Adjudication.
- In 2007, after most of the federal stock water rights were already decreed, the Idaho Supreme Court held that:
  - Federal government could not perfect a water right (for instream flow) for watering stock unless it owned livestock. Land ownership was not enough.
  - Cowboys lawfully grazing livestock on federal land can perfect a water right through beneficial use. The water right is appurtenant to the private ranch base property.

# SB 1101, Amend Idaho Code §42-1414

- Heading: Fees for filing notice of claims with the director.
- SB 1101 amended §42-1414 to limit the filing fees and costs of deferred stockwater claims filed in the adjudication.
- Regardless of the number of claims filed, filing fees will only be charged for the first four claims per claimant. Maximum fee of \$100 at \$25/claim.
- All publication and investigation costs associated with deferrable claims to be borne by IDWR.
- Prohibition on non-federal applicants from being agents of the federal government.

# SB 1101, Activity to Date (7/1/17-9/1/18)



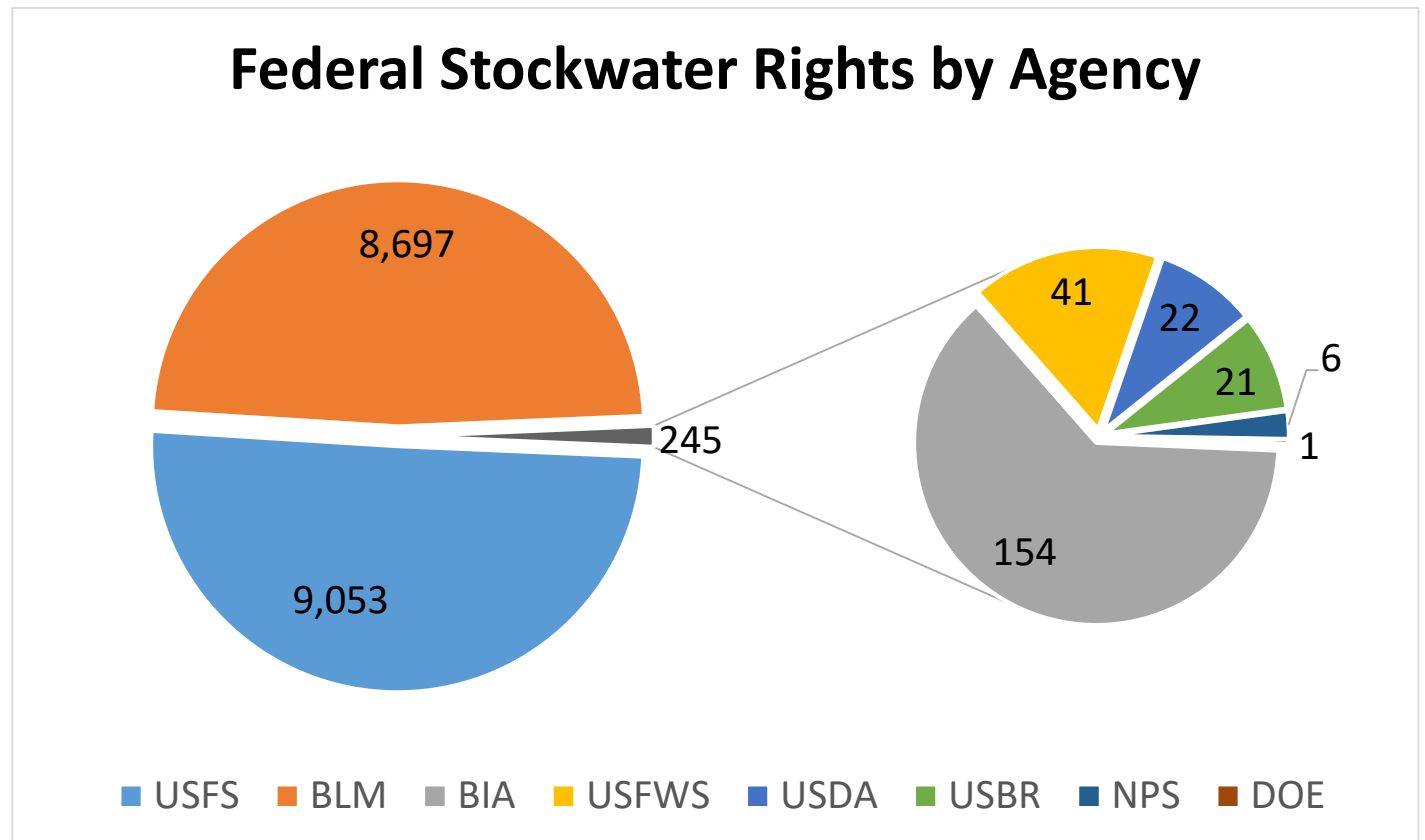
# HB 718 Idaho Code §§42-501 through 42-507

- Further, in order to comply with the *Joyce* decision, it is the intent of the Legislature that stockwater rights acquired in a manner contrary to the *Joyce* decision are subject to forfeiture.
- (1) Within ninety (90) days following the enactment of this section, the director of the department of water resources shall:
  - (a) Compile a list of all stockwater rights held by any federal agency; and
  - (b) Submit the list of stockwater rights to the appropriate federal agency.
- Following the ninety (90) day period as provided in subsection (1) of this section, the director shall, upon approval by the governor, submit an order to the federal agency identifying the stockwater right or rights held by that federal agency and requiring the federal agency to show cause before the director why the stockwater right or rights should not be lost or forfeited pursuant to section 42-222(2), Idaho Code.
- (3) Any order to show cause shall contain the factual and legal basis for the order.

# HB 718, List of Federal Stockwater Rights

- List submitted to Federal Entities on August 24, 2018
- List contains 17,995 individual stockwater rights

Div. Rate (cfs)	No. WR's
= 0.010	695
= 0.020	16,403
0.021 - 0.200	219
0.210 - 1.000	20
1.100 - 10.000	17
>10.000	1



# Measurement Device Installation

## 💧 2015 SWC-IGWA Settlement Agreement

### ○ 3.d. *Mandatory Measurement Requirement*

*Installation of approved closed conduit flowmeter on all remaining unmeasured and power consumptive coefficient (PCC) measured ground water diversions will be completed by the beginning of the 2018 irrigation season. Measurement device installation will be phased in over three years, by ground water district, in a sequence determined by the parties.*

## 💧 2016 (July 22) ESPA IDWR Measurement Device Order

- Order mailed to over 3,000 water users affecting over 5,000 PODs
- Exempt: dom/stock (42-111); irrigation <5 ac; & non-irrigation <0.24 cfs
- Installation: (1) non-irrigation by 1/1/18; and (2) irrigation by 4/1/18

# Measurement Order Compliance

- 84% Compliance – Official IDWR and WMIS Records
- 97% Compliance – based on field inspections, Watermaster records, and GWD records
- What is known:
  - Not all data has been entered into WMIS
  - Variances are still being submitted and processed
  - Final tally will come into focus during meter readings this fall and next spring



# Curtailment/Enforcement Efforts

## 💧 First Curtailment Notice

- Issued July 31, 2018
- 33 wells received curtailment notice
- 5 wells curtailed
- Remaining wells avoided curtailment through approved variances, extension, meter installation, or partial WR abandonment

## 💧 Second Curtailment Notice

- Issued August 31, 2018
- 91 wells received curtailment notice
- 19 wells curtailed
- Remaining wells avoided curtailment similar to first round



QUESTIONS?