



# Adjudication Process Rolls Along

**W**ater rights situated in roughly 90% of Idaho's geographical expanse have been exhaustively inventoried thanks to an endeavor unlike any other concluded in the United States. But while the 2014 completion of the Snake River Basin Adjudication (SRBA) came with a gratifying sense of accomplishment for those administratively and judicially involved, it did not signal the end of the process within the Gem State.

No, the Idaho Department of Water Resources (IDWR) and the state's designated adjudication court have merely shifted attention to regions where water use is still inadequately categorized and demand for this most vital of resources is certain to increase.

Currently, the focus is on the panhandle. The North Idaho Adjudication (NIA), a venture covering parts of six counties and stretching from the Canadian border to just south of Genesee, has been under way since 2008 and is well into the first of its three phases. The Coeur d'Alene-Spokane River Basin Adjudication has advanced through the notice and claim stages, and director's reports – a compilation of IDWR's investigations into claims submitted – have been filed for three of its five basins.

While the Twin Falls-based adjudication court fields objections from interested parties and IDWR investigates claims for the two remaining basins in the Coeur d'Alene-Spokane River grouping, everyone involved braces for the start of the NIA's second phase, which is anticipated in spring of 2016.

When the commencement order is signed, IDWR will provide notice by way of mail to identifiable water users – i.e., users that are documented (license, permit) or of which IDWR is aware. All users, including those who did not receive notification, are asked file claims with IDWR detailing, among other things, source, type of use, place of use, quantity, and date of first use, otherwise known as priority. With the exception of certain uses (domestic, stockwater) that are deferrable, holders of water rights predating November 12, 2008 must participate or the right will be extinguished once a final decree is entered.

When the director's report for a basin is released, claimants are asked to review IDWR's recommendation for their claim, and encouraged to review the recommendations for claims which could potentially impact their own. Objections to recommendations – as well as responses to objections – can be filed with the adjudication court, which will rule on the matter and issue a judgment, or partial decree, on that particular claim. Any appeals of partial decrees will be heard before a final decree for the basin is issued.

IDWR has yet to file a petition for commencement of the last phase of the NIA, the Clark Fork-Pend Oreille River Basin Adjudication. Still, it is expected that the NIA will take much less time to complete than the 27 years needed to finish the SRBA, due to the reduced scope of the latter – IDWR expects to handle around 30,000 claims in the NIA, which is about one-fifth the number received in the previous adjudication – and familiarity with the process on the part of both IDWR and the adjudication court.

Idaho's adjudication efforts likely will not end when the NIA does. IDWR has proposed an adjudication in the extreme southeastern corner of the state, in the Bear River Basin and two adjacent watersheds, and has conducted public informational meetings concerning the subject. As with the SRBA and NIA, legislative authorization will be required, for which an IDWR request is believed to be forthcoming.

## About the authors

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