

SUMMARY STATEMENT

Blackfoot v. Spackman, et al.

No. 44207

The Idaho Supreme Court affirmed the Bingham County district court's ruling that affirmed a ruling by the Idaho Department of Water Resources (IDWR or Department) denying the City of Blackfoot's (City) application for a water right, Application for Permit No. 27-12261 (12261). The Court held that recharge is a beneficial use that must be listed under a water right's purpose of use element before a water right can be used for that purpose. The Court further held that a private agreement cannot alter the elements of a judicially decreed water right. Consequently, the Court held that Water Right No. 01-181C (181C) could not be used for groundwater recharge without an approved transfer application and could not be used as mitigation for 12261 until such transfer was approved.