

## **SUMMARY STATEMENT**

Case No. 44635

*United States v. Black Canyon Irrigation District et al.*

The Idaho Supreme Court affirmed the Snake River Basin Adjudication (SRBA) district court's judgment in favor of the State of Idaho (State) and Suez Water, Inc. (Suez). The appeal concerned the United States' late claims (Late Claims) filed in January 2013, which asserted "supplemental beneficial use storage water rights" claims under the constitutional method of appropriation to store water in priority after flood-control releases. The district court referred the Late Claims to a special master, who recommended the Late Claims be disallowed on two grounds: first, as the Director of the Idaho Department of Water Resources recommended, the rights asserted in the Late Claims had not been claimed when the underlying water rights were adjudicated and decreed; and second, as intervenor Black Canyon Irrigation District (BCID) asserted, the rights asserted in the Late Claims were duplicative of the underlying water rights. The district court agreed with the special master insofar as the Late Claims were precluded, but concluded the special master erroneously determined the Late Claims were duplicative of the underlying water rights.

On appeal, the Court affirmed that claim preclusion barred the Late Claims because the Late Claims were not asserted in the Payette Adjudication or the SRBA, even though the critical elements of the Late Claims indisputably predated both adjudications. Because the United States did not raise whether the Late Claims were duplicative of the underlying water rights below and thus did not preserve that issue for appeal, the Court did not address it. Accordingly, the Court affirmed the judgment of the district court.