

SUMMARY STATEMENT

South Valley Ground Water District v. IDWR, Docket No. 49632

This appeal stemmed from a district court decision involving the adjudication of water rights in the Wood River Valley. Anticipating an unprecedented drought in 2021, the director of the Idaho Department of Water Resources (“the Director”) commenced an administrative proceeding under Idaho Code section 42-237a.g. to determine whether water was “available to fill” junior groundwater rights in the aquifer beneath the Bellevue Triangle, the primary source of water on Silver Creek and the Little Wood River. After a six-day hearing, the Director issued a Final Order that found water was unavailable to fill the junior rights because pumping from the aquifer was affecting the use of senior surface water rights in violation of Idaho’s prior appropriation doctrine. South Valley Ground Water District and Galena Ground Water District (“the Districts”) petitioned for judicial review. The district court affirmed the Director’s authority to initiate administrative proceedings in times of shortage under section 42-237a.g., but set aside the Director’s Final Order after concluding it did not comply with Idaho’s prior appropriation doctrine because the Director had not: (a) formally designated an area of common groundwater supply, or (b) determined “material injury” had been sustained by senior surface water rights holders.

The Idaho Department of Water Resources (“IDWR”) appealed the district court’s decision to this Court, and argued the Director complied with the prior appropriation doctrine by: (1) finding injury to surface water users under the statutory test for curtailment, and (2) faithfully applying the prior appropriation doctrine’s longstanding presumptions, burdens, and evidentiary standards. The Districts filed a cross-appeal, challenging the district court’s determination that the Director had authority to initiate proceedings under Idaho Code section 42-237a.g.

The Idaho Supreme Court affirmed in part and reversed in part the district court’s decision. The Court held that: (1) the Director was permitted to initiate proceedings under Idaho Code section 42-237a.g.; (2) the Conjunctive Management Rules do not apply to proceedings instituted under Idaho Code section 42-237a.g.; (3) the district court erred in concluding that the Director’s Final Order violated the prior appropriation doctrine; and (4) the Districts were afforded the process they were due.

******This summary constitutes no part of the opinion of the Court, but has been prepared by court staff for the convenience of the public.******