

SUMMARY STATEMENT

City of Idaho Falls v. Idaho Department of Water Resources
Docket No. 52102-2025

This appeal concerned a final order of the Director of the Idaho Department of Water Resources (“the Director”) modifying the data and modeling used to determine material injury to senior surface water rights holders in the Eastern Snake Plain Aquifer (“ESPA”). Sixteen cities (“the Cities”), all with junior ground water rights, challenged the Director’s Fifth Methodology Order at an administrative hearing. After the hearing, the Director issued a Post-Hearing Order that affirmed the Fifth Methodology Order with a few modifications. The Director then issued a Sixth Methodology Order that incorporated those modifications. The Cities sought judicial review of the Director’s Post-Hearing Order in the Snake River Basin Adjudication (“SRBA”) district court. The Sixth Methodology Order was not challenged. The district court affirmed the Post-Hearing Order.

The Cities appealed the district court’s decision to the Idaho Supreme Court. They disputed the evidence the Director relied upon, contested the evidentiary standard this Court applies when reviewing challenges to a methodology order, and claimed that their substantial rights were prejudiced. On appeal, the Director denied these claims of error and asserted that the Court lacked jurisdiction to address these issues because the Cities had not challenged the proper order.

The Idaho Supreme Court dismissed the appeal, holding that the Cities failed to invoke the Court’s jurisdiction because they did not appeal the operative methodology order—the Sixth Methodology Order. The Court explained:

[I]t is a bedrock principle of appellate law that one seeking relief from an order must necessarily appeal *that* order. If the order appealed from is no longer in effect, the appeal is moot. Although there may only be minor differences between the Fifth and the Sixth Orders, only the Sixth Methodology Order is currently in effect, and it has not been appealed. Accordingly, this Court does not have jurisdiction to grant the Cities’ requested relief—a remand of the Sixth Methodology Order—and an appeal of that order is no longer timely under Idaho Code section 67-5273(2).

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