



# Update on Pending Matters at IDWR

NOVEMBER 12, 2020

# Idaho Supreme Court

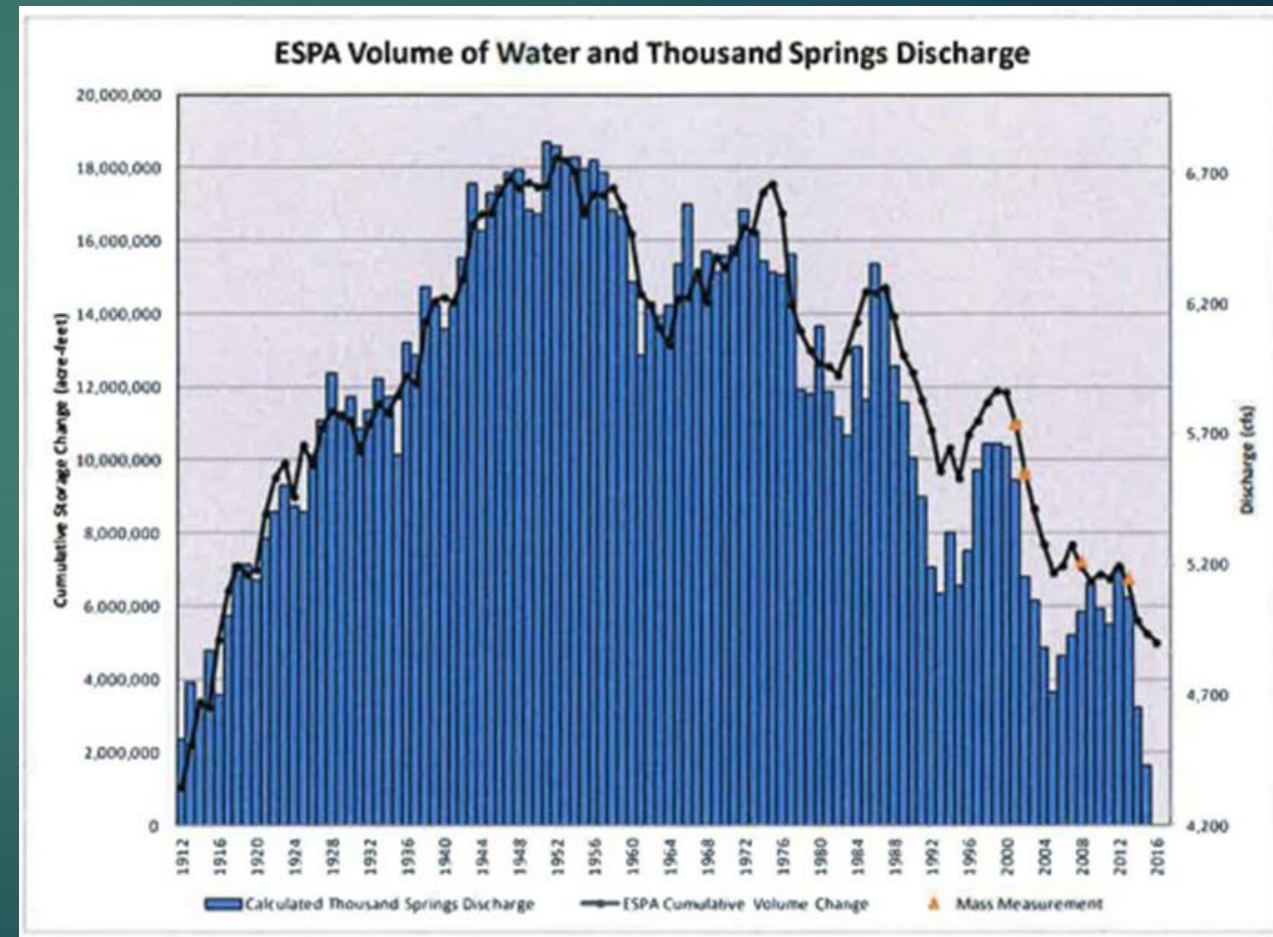
# Eckhardt Family, LLLP v. IDWR and Double C&J Land Co., Inc.

- ▶ IDWR's only matter pending before the Idaho Supreme Court
- ▶ District Court cases [CV44-20-38](#) and CV44-20-39
- ▶ Consolidated into Supreme Court Docket No. 48263-2020
- ▶ Eight denied applications for permit for stockwater rights (67-15292 through 67-15297, 67-15298, 67-15300)
- ▶ Director denied because there was insufficient evidence in the record to find no injury to existing senior water rights
- ▶ Judge Wildman [upheld the Director's denial of the applications](#)
- ▶ Supreme Court briefing due early 2021

# District Court

# Basin 33 Water Users et al v. IDWR (the ESPA GWMA case)

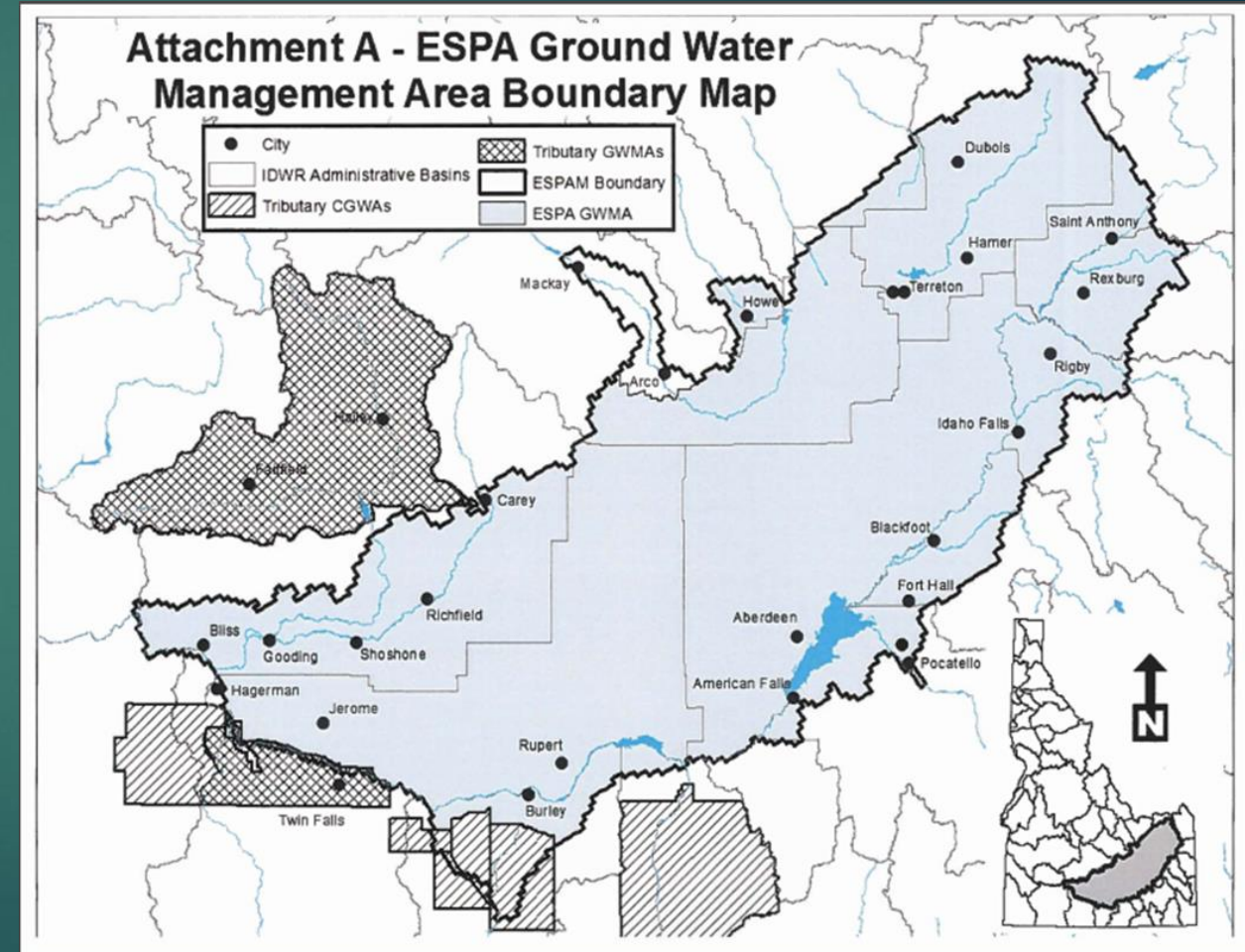
- ▶ District Court case no. [CV01-20-8069](#)
- ▶ Background
  - ▶ 2016: The Director issued the [Order Designating the Eastern Snake Plain Aquifer Ground Water Management Area](#)
    - ▶ A number of cities filed objections, and the Sun Valley Company (SVC) filed a petition requesting a hearing on the Director's Order
  - ▶ 2017: SVC withdrew its petition requesting a hearing
  - ▶ 2017-2019: case stayed to allow settlement discussions
  - ▶ 2019: Director determined remaining parties can continue matter





# Basin 33 Water Users et al v. IDWR (the ESPA GWMA case)

- ▶ Decided by Judge Wildman on November 6, 2020
- ▶ (1) Creating the ESPA GWMA
  - ▶ Director was not required to hold a hearing before creating the ESPA GWMA
  - ▶ The conjunctive management rules do not preclude the Director from creating the ESPA GWMA
  - ▶ Director was not required to conduct rulemaking
- ▶ (2) Allowing the intervenors in the case to continue the case after SVC withdrew
  - ▶ Director did not lose jurisdiction to continue the case with the intervenors after SVC withdrew its petition for a hearing



# Idaho Water Resource Board & Idaho Department of Fish & Game v. Kurt W. Bird & Janet E. Bird v. IDWR,

- ▶ Case No. [CV01-20-09661](#)
- ▶ Application for permit for 6.4 cfs for irrigation in the Lemhi River Basin
- ▶ Approved with conditions by the IDWR
- ▶ Appealed to the District Court by the Idaho Water Resource Board and the Department of Fish and Game
  - ▶ Did the Director accurately apply the public interest standards?
    - ▶ Public Interest standard: Idaho Code § 42-203A(5) and Idaho Code § 42-2028(3)

# Duffin v. IDWR re Duffin Application for Transfer 83160

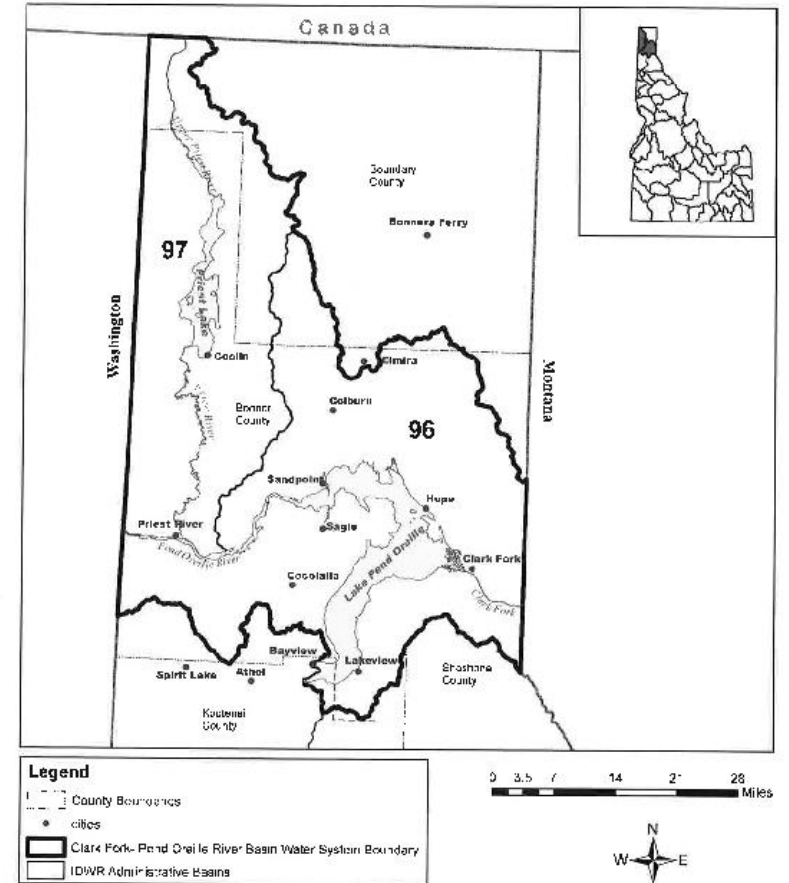
- ▶ [Case No. CV06-20-1467](#)
- ▶ Application for transfer groundwater to surface water
- ▶ Department denied, found enlargement in unstacking rights
- ▶ Broad implications for the ESPA



# General Adjudications

- ▶ Clark Fork Pend-Oreille River Basin Adjudication
- ▶ Bear River Basin Adjudication

**Clark Fork-Pend Oreille River Basin Water System**



**Exhibit A**

# Administrative Matters

# Cat Creek Energy, LLC Applications for Permit Nos. 63-34403, 63-34652, 63-34897, and 63-34900

- ▶ [Application for permit](#) for a pump back project in the Boise Basin

# In the Matter of Riverside's Petition for Declaratory Ruling Regarding Need for a Water Right to Divert Water Under Reuse Permit No. M-225-01

- ▶ [City of Nampa changing the way it manages its reuse water](#)
- ▶ Riverside Irrigation District contested
- ▶ Broad implications for other cities

# Big Wood Ground Water Management Area

- ▶ Advisory committee launched last week