

Priest River Watershed Group – July 13, 2023

WATER RIGHTS IN THE PRIEST RIVER BASIN

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**PARSONS
BEHLE &
LATIMER**

Who is this guy?

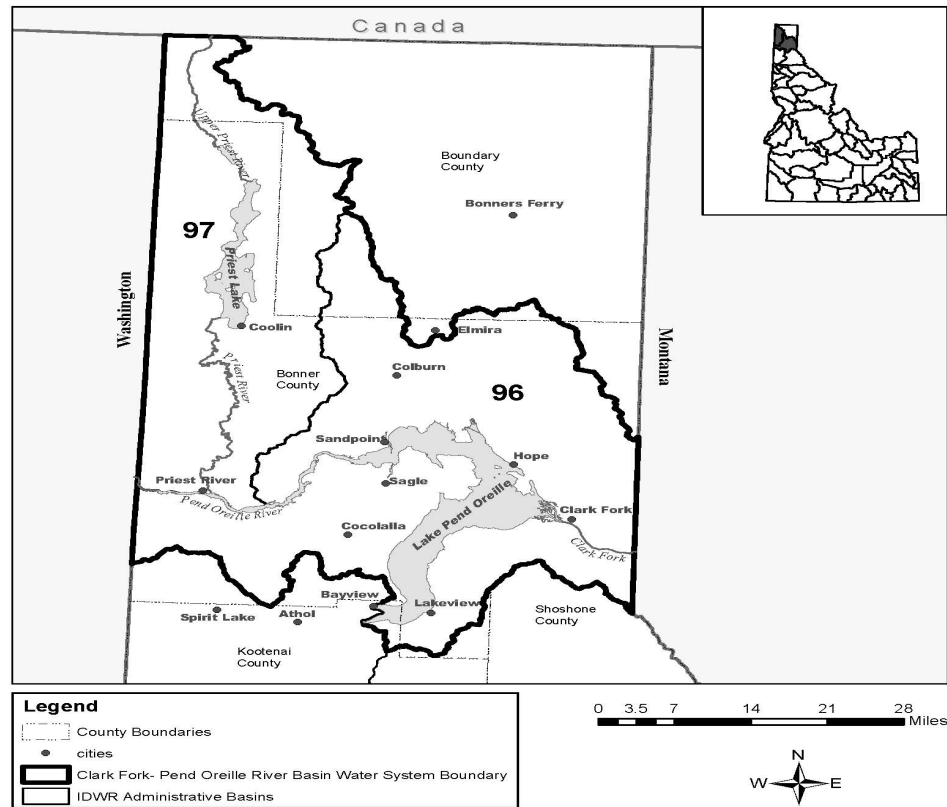
- Spirit Lake Elementary/Lakeland grad
- U of I/Georgetown Law
- Experience in Idaho water right adjudications/administration in North Idaho
- Part-time resident
- Coordination with Attorney General

Topics to be Covered

- Water rights in the basin
 - Governor's lake water right
 - IWRB minimum stream flow water right
 - Federal claims
- Adjudication process
- Administration
 - IDWR, Water District, voluntary agreements

Basin 97

Clark Fork-Pend Oreille River Basin Water System



Basin 97 Water Rights

- Confirmed by IDWR (license) or a court (decree); also unconfirmed (beneficial use)
- Includes diversionary water rights
- Also includes in-situ water rights:
 - Governor's water right (Priest Lake) 1927
 - IWRB water rights: Indian Creek and Lion Creek (1985), NF East River (1990), and (Priest River) 1997

Gov's Water Right (Priest Lake)

- Water Right No. 97-2020 (license)
- For recreation storage in Priest Lake
- Held in trust by the Governor for the people of the State of Idaho
- Created by Idaho State Legislature in response to irrigation project proposal in Washington State. I.C. Sec. 67-4304

IWRB Minimum Stream Flow Water Right (Priest River)

- Water Right No. 97-7380 (license)
- For protection of fish and wildlife habitat, aquatic life, and recreational values
- 21.4 miles from East River to the mouth

MINIMUM	4/01	6/30	1500.00 CFS
MINIMUM	7/01	7/31	700.00 CFS
MINIMUM	8/01	10/31	300.00 CFS
MINIMUM	11/01	3/31	700.00 CFS

Priest River Water Right Conditions

“Use of water under this right shall recognize and allow the continued beneficial diversion of water under any prior existing water right. . with a priority of water right date earlier than the date of priority of this right [1997].”

“Upon further finding. . .that gaging stations are required to maintain the approved minimum flows. . .such measuring devices shall be permanently installed and maintained. . .”

What is an Adjudication?

- A determination of all existing surface and ground water rights in a river basin
- All existing water rights must be claimed
- Rights are recommended by the Idaho Department of Water Resources
- Includes all elements of the water right
- Objections heard and decided by the Idaho Adjudications Court

Adjudication Process

- Claims Taking: Notice of Claim
- Examination and Preliminary Findings
- Final Director's Report
- Objections and Responses
- Hearing and Special Master's Report
- Decision by Presiding Judge & Appeals

Clark Fork-Pend Oreille Basin Adjudication

- Basins 96 and 97
 - Includes Priest and Pend Oreille River basins
- Claims taking has begun
 - Split into 5 mailing groups with varying filing deadlines
 - Approximately 7,000 claims filed
- Federal claims filed
 - 15 BLM; 9 Forest Service

Administration of Water Rights

- First in time is first in right. Idaho Const. Art. 15, Sec. 3; I.C. Sec. 42-106.
- IDWR responsible for administration by priority. I.C. Sec. 42-602.
- IDWR may adopt rules. I.C. Sec. 42-603.
- Water Districts may be formed to administer water rights by priority. I.C. Secs. 42-604, 42-607.

North Idaho Water Districts

- 95A Hayden Lake (Inactive)
- 95B Cougar Gulch Creek (Inactive)
- 95C Twin Lakes-Rathdrum Creek (Active)
- 96A Lewellen Creek (Inactive)
- 96D Blanchard Creek (Inactive)
- 98A Cow Creek (Inactive)

For more information or questions, please contact:

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