

Bond Case Briefs

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WATER LAW - IDAHO

City of Idaho Falls v. Idaho Department of Water Resources

Supreme Court of Idaho, Boise, October 2025 Term - December 31, 2025 - P.3d - 2025 WL 3771308

Cities that held junior groundwater rights in aquifer petitioned for judicial review of Department of Water Resources' order regarding modification of data and modeling used to determine material injury to senior surface water rights holders in aquifer.

Surface water coalition that represented a group of irrigators intervened. The Fourth Judicial District Court affirmed. Cities appealed.

The Supreme Court held that:

- Cities failed to properly challenge Department's order that was currently in effect;
- Department was entitled to statutory attorney fees on appeal as prevailing party; but
- Coalition was not an adverse party to Department under attorney fee statute.

Cities that held junior groundwater rights failed to properly challenge Department of Water Resources' order that was currently in effect in cities' petition for judicial review, and thus review of that order was barred, in proceeding regarding Department's modification of data and modeling used to determine material injury to senior surface water rights holders in aquifer, where cities appealed Department's post-hearing order that concerned a prior methodology order and that Department issued simultaneously with new, operative order that superseded all previously issued methodology orders in the matter.