

Bond Case Briefs

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WATER RIGHTS - IDAHO

City of Blackfoot v. Spackman

Supreme Court of Idaho, Twin Falls - May 2017 Term - June 20, 2017 - P.3d - 2017 WL 2644703

City filed petition for review of ruling by Idaho Department of Water Resources (IDWR) denying its application for water right, to be offset by mitigation through another water right.

Irrigation districts and canal companies intervened. The District Court denied petition, and city appealed.

The Supreme Court of Idaho held that:

- City could not use its water permit for groundwater recharge without first filing for transfer;
- Settlement agreement between city and private party did not allow city to use permit for groundwater recharge or mitigation purposes associated with future groundwater rights;
- Seepage that occurred from city's diversion and use of water from river pursuant to permit could not be used as basis for claim of separate or expanded water right without transfer; and
- Intervenors were entitled to recover their attorney fees.