
4) SNAKE RIVER BASIN ADJUDICATION (SRBA)

Past Idaho essay exams mention the SRBA. The SRBA refers to litigation involving a general adjudication of water rights in Idaho's Snake River Basin. The SRBA case was created by an order of November 19, 1987. *See In re Snake River Basin Water System*, 115 Idaho 1, 764 P.2d 78 (1988), cert. denied, 490 U.S. 1005, 109 S.Ct. 1639, 104 L.Ed.2d 155 (1989). This date also appears in some of the Idaho statutes regarding water rights.

a) SRBA District Court Jurisdiction

Idaho law provides for the adjudication of northern Idaho water rights arising from within specified river basins. *See Idaho Code § 42-1406B*. Generally, special jurisdiction for those adjudications exists in the SRBA district court. *See Idaho Code § 42-1406B(2)*.

If a party wants to adjudicate water rights contained within the Snake River Valley after the SRBA began, "jurisdiction to resolve all of the water rights claims within the scope of the general adjudication is in the SRBA district court only. Jurisdiction remains with the SRBA district court until it issues a final order concerning the particular water right at issue." *See Walker v. Big Lost River Irr. Dist.*, 124 Idaho 78, 856 P.2d 868 (S.Ct. 1993).

b) Accomplished Transfers

(1) General Rule

The Accomplished Transfer Statute generally provides that a change in the purpose of a valid use of water rights is permissible if it took place before the SRBA commenced on November 19, 1987, and no expansion of use occurred or injury resulted. *See Idaho Code § 42-1425(2)*.

(2) Accomplished Transfer Statute

Any change in the use of a water right by any person entitled to use of water or owning any land to which water has been made appurtenant either:

- before November 19, 1987, when the SRBA commenced; OR
- before January 1, 2006, for northern Idaho adjudications,

can be claimed in a general adjudication even though the person has not complied with the change of use or transfer statutes, IF

- no other water rights existing on the date of change were injured; AND
- the change did not result in an enlargement of the original right. *Id.*

B. Private Adjudications