

SUPREME COURT OF THE STATE OF IDAHO

United States v. Black Canyon Irrigation District, State of Idaho, and
Suez Water Idaho, Inc.

2017 Opinion No. 131 (Idaho 2017) (Supreme Court of the State of Idaho 2017) · No. 44635 · Decided
December 21, 2017

SUMMARY

The Idaho Supreme Court affirmed a district court judgment holding that the United States’ late-filed supplemental storage water-right claims were barred by claim preclusion. The court concluded that the relevant water rights had been adjudicated and decreed in prior general adjudications, that the claims arose from the same transaction, and that they should have been asserted earlier. The court also rejected the United States’ argument that later changes in water-accounting procedures created claims exempt from preclusion.

CASE DETAILS

COURT	Supreme Court of the State of Idaho
WRITING FOR THE COURT	Burdick, Chief Justice; Horton, Justice; Brody, Justice; Bevan, Justice; Walters, Justice Pro Tem
JURISDICTION	Idaho
DECIDED	December 21, 2017
DOCKET	44635
DISPOSITION	affirmed
PROCEDURAL POSTURE	The United States appealed from the district court's summary judgment ruling in consolidated Snake River Basin Adjudication subcases. The district court adopted the special master's conclusion that the United States' late-filed supplemental storage-water-right claims were barred by claim preclusion. The Idaho Supreme Court affirmed and declined to award attorney fees on appeal, while awarding costs to the State and Suez.
STANDARD OF REVIEW	The Idaho Supreme Court freely reviews conclusions of law, including whether res judicata applies. It reviews summary judgment under the same standard as the district court, considering each motion on its own merits and determining whether the record shows no genuine dispute of material fact and entitlement to judgment as a matter of law.

PRECEDENTIAL VALUE	published
PARTIES	United States of America v. Black Canyon Irrigation District, State of Idaho, Suez Water Idaho, Inc.

TOPICS

res judicata summary judgment appellate procedure civil procedure administrative law

PRACTICE AREAS

water rights civil procedure appellate procedure administrative law

QUESTIONS PRESENTED

1. Whether claim preclusion barred the United States' late claims for supplemental beneficial-use storage water rights.
2. Whether the State of Idaho and Suez Water Idaho, Inc. were entitled to attorney fees on appeal under Idaho Code section 12-117.

HOLDINGS

1. Claim preclusion barred the United States from litigating the late claims because the Payette Adjudication and SRBA were final judgments on the merits, the identity-of-parties requirement was satisfied or had little relevance in the general-adjudication context, and the late claims arose from the same transaction and should have been asserted in the earlier adjudications.
2. The State and Suez were prevailing parties but were not entitled to attorney fees because the United States had not acted without a reasonable basis in fact or law.

KEY QUOTATIONS

“We thus hold that claim preclusion bars the United States in this proceeding from seeking to litigate issues of refill and flood-control administration, and from attempting to supplement the water rights already decreed with quantities of water in excess of the quantities already decreed.” (at 12)

“Absent the United States undertaking appropriate proceedings to set aside a final judgment under Idaho Rule of Civil Procedure 60(b), we emphasize that the decrees are conclusive and final, which comports our general reluctance to allow already-decreed water rights to be relitigated.” (at 12)

“For the reasons above, we affirm the district court’s ruling that claim preclusion bars the Late Claims.” (at 14)

FACTUAL BACKGROUND

The United States held decreed storage-water rights totaling 700,000 AFY in Cascade Reservoir and 163,000 AFY in Deadwood Reservoir, with those rights adjudicated in the Payette Adjudication and later decreed in the SRBA. In 2013, the United States filed late claims asserting supplemental storage rights that would allow the

Bureau of Reclamation to complete a physical refill after flood-control releases, based on a 1965 priority date. The claims arose after Idaho's water-accounting system shifted from physical-fill accounting to computerized paper-fill accounting, but the asserted diversion and beneficial use allegedly predated both earlier adjudications.

PROCEDURAL HISTORY

The United States filed late claims in 2013 asserting supplemental beneficial-use storage water rights for Cascade and Deadwood Reservoirs. The Idaho Department of Water Resources recommended disallowance because the rights had not been claimed in the earlier Payette Adjudication and SRBA. After referral to a special master, the district court adopted the recommendation that the claims were precluded, but rejected an alternative duplicative-rights rationale. The United States appealed the preclusion ruling.

DISPOSITION

affirmed

CASES CITED

- In re SRBA, 157 Idaho 385, 390, 336 P.3d 792, 797 (2014)
- United States v. Pioneer Irrigation Dist., 144 Idaho 106, 115, 157 P.3d 600, 609 (2007)
- State v. Hagerman Water Right Owners, Inc., 130 Idaho 736, 740, 947 P.2d 409, 413 (1997)
- Borley v. Smith, 149 Idaho 171, 176-77, 233 P.3d 102, 107-08 (2010)
- Ticor Title Co. v. Stanion, 144 Idaho 119, 122, 124, 157 P.3d 613, 616, 618 (2007)
- Hindmarsh v. Mock, 138 Idaho 92, 94, 57 P.3d 803, 805 (2002)
- Berkshire Invs., LLC v. Taylor, 153 Idaho 73, 81, 278 P.3d 943, 951 (2012)
- Maravilla v. J.R. Simplot Co., 161 Idaho 455, 459, 387 P.3d 123, 127 (2016)
- Joyce v. Murphy Land & Irrigation Co., 35 Idaho 549, 553, 208 P. 241, 242-43 (1922)
- U.S. Nat'l Bank Ass'n v. Kuenzli, 134 Idaho 222, 224-26, 999 P.2d 877, 879-81 (2000)
- City of Pocatello v. Idaho, 152 Idaho 830, 841-42, 275 P.3d 845, 856-57 (2012)
- Joyce Livestock Co. v. United States, 144 Idaho 1, 7-8, 156 P.3d 502, 508-09 (2007)
- Idaho Power Co. v. Idaho Dep't of Water Res., 151 Idaho 266, 275, 255 P.3d 1152, 1161 (2011)
- Taylor v. Riley, 162 Idaho 692, 703, 403 P.3d 636, 647 (2017)
- Wolfe v. Farm Bureau Ins. Co., 128 Idaho 398, 403, 913 P.2d 1168, 1173 (1996)
- United States v. Pioneer Irrigation Dist., 144 Idaho 106, 110, 157 P.3d 600, 604 (2007)
- In re SRBA, 157 Idaho 385, 394, 336 P.3d 792, 801 (2014)
- Rangen, Inc. v. Idaho Dep't of Water Res., 159 Idaho 798, 806, 367 P.3d 193, 201 (2016)
- City of Blackfoot v. Spackman, 162 Idaho 302, 396 P.3d 1184, 1190 (2017)
- Idaho Ground Water Assoc. v. Idaho Dep't of Water Res., 160 Idaho 119, 128, 369 P.3d 897, 906 (2016)
- State v. Nelson, 131 Idaho 12, 16, 951 P.2d 943, 947 (1998)
- Nevada v. United States, 463 U.S. 110, 144 (1983)

- Mont. Trout Unlimited v. Beaverhead Water Co., 255 P.3d 179, 194 (Mont. 2011)
- Dennett v. Kuenzli, 130 Idaho 21, 24, 936 P.2d 219, 222 (Ct. App. 1997)

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