DISTRICT COURT - KRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

MAR 6 2026

By_____ Clerk
_____ Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE: THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE KOOTENAI RIVER BASIN WATER SYSTEM	)	**Case No.: 89576**
	)	**ORDER ESTABLISHING PROCEDURES FOR THE ADJUDICATION OF *DE MINIMIS* DOMESTIC AND STOCKWATER CLAIMS**

Pursuant to the *Memorandum Decision on Petition to Commence Kootenai River Basin Adjudication*, the *Memorandum Decision on Optional Deferral Process* and the *Commencement Order for the Kootenai River Basin Adjudication* entered in the above-captioned matter; the following procedures are ordered for Case No. 89576, *In Re: The General Adjudication of the Rights to the use of Water from the Kootenai River Basin Water System*:

DEFERRAL PROCEDURE FOR *DE MINIMIS* DOMESTIC AND STOCKWATER CLAIMS

All claimants of ***de minimis*** (small) domestic and/or stock ("D&S") water rights as defined in Idaho Code§ 42-1401A(4) and (11) shall be joined as parties in this proceeding and shall be bound by all decrees entered in this case, including the final decree. Any objection to any and all claims being adjudicated in this proceeding, including those of a D&S claimant, must be timely raised in accordance with Idaho Code§ 42-1412 or be forever barred.

Users of D&S water rights may elect to file a Notice of Claim at the time of commencement of the Kootenai River Basin Adjudication or defer (postpone)

the filing. If a D&S claimant elects to have the claim adjudicated now, then the D&S claimant must file a Notice of Claim pursuant to Idaho Code § 42-1409 and pay any fees as per Idaho Code § 42- 1414. Deferral will not result in a loss of the D&S water right nor will a D&S claimant be prevented from making a D&S claim in the future. The owner of a D&S water right who chooses to defer the filing of a Notice of Claim will be required to have the water right adjudicated prior to the water right being distributed by a watermaster pursuant to Idaho Code§ 42-607 and/or before an application for change of the water right may be filed with IDWR (Idaho Code§ 42-222).

D&S water right holders who choose to delay filing on their D&S water rights and who wish to obtain an adjudicated water right will be required to file a Motion for Determination of the Use ("Motion"), with an attached Notice of Claim. Notice of the Motion and information describing the claim must be published by the claimant for at least three (3) weeks in a newspaper of general circulation in the county where the point of diversion is located. In addition, the claimant must serve the Motion and Notice of Claim on the Director, the State of Idaho, the United States, and persons against whom relief is sought. Service upon the United States must be via certified mail to the United States Attorney for the District of Idaho and the United States Attorney General in Washington, D.C.

Any party may object to a D&S claim by filing written notice of the objection with the district court within forty-five (45) days from the date of the first publication of the Notice of Claim. A copy of the objection shall be served on the State of Idaho, Director, United States, the person whose claim is being objected to, and all persons who have appeared in response to the motion.

Within thirty (30) days of the objection deadline, the Director will file a notice with the district court stating whether the Director will examine the D&S claim and whether the Director will prepare a report on the claim to the district court. The Director's notice will contain the Director's estimated costs, to be paid by the claimant, for examination of the claim and preparation of the report. The notice will also include the Director's approximation of time for filing the report. Before the Director files the report, the D&S claimant shall pay the balance ofthe Director's costs or be refunded by the Director for any unused estimated costs. If the D&S claimant contests the Director's costs, the district court shall determine a reasonable cost to be paid by the claimant. Deferrable domestic claimants are also required to pay their own filing fees. The Director will investigate the claim and submit the report to the court with copies to the State of Idaho, United States, all parties who filed objections, and all parties against whom relief is sought. The court will then set objection and response deadlines and set a hearing pursuant to Idaho Code § 42-1412.

If the Director notifies the court that the Director does not intend to prepare a report, then the district court will proceed with a hearing and any party who timely objected may appear and challenge the D&S Motion and claim. The district court

may order the Director to prepare a report after a hearing on the Motion and D&S claim.

Proof of service is required for any motion under this deferred procedure. A claimant must certify the date and manner of service of the motion on the State of Idaho the Director, the United States, and persons against whom relief is sought.

Appeal of any order or decree entered under the deferred procedure are governed by the rules applicable to appeals of orders in the Kootenai River Basin Adjudication.

The district court retains continuing jurisdiction of the subject matter in this proceeding and the parties to the proceeding for the purpose of adjudicating deferred D&S claims.

The proposed process above meets the requirements of the McCarran Amendment, 43 U.S.C. § 666, because all water users, including those claiming ***de minimis*** D&S rights, will be served and made parties to this adjudication, and will eventually have their rights adjudicated, either in this phase of the proceeding or pursuant to the proposed procedures set forth in this Notice.

IT IS SO ORDERED

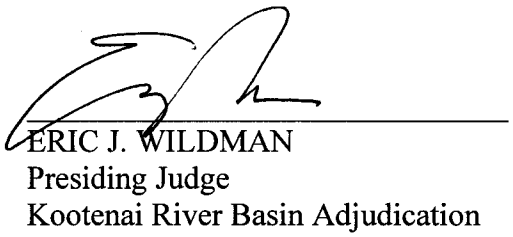
DATED: March 6, 2026

ERIC J. WILDMAN
Presiding Judge
Kootenai River Basin Adjudication

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DATED: March 6, 2026



ERIC J. WILDMAN
Presiding Judge
Kootenai River Basin Adjudication

CERTIFICATE OF MAILING

I hereby certify that true and correct copies of the ORDER ESTABLISHING PROCEDURES FOR THE ADJUDICATION OF DE MINIMIS DOMESTIC AND STOCKWATER CLAIMS were mailed on March 6, 2026, by first-class mail to the following:

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Valerie McCoy
Chief Deputy Clerk