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Sagewillow, Inc. v. Idaho Dep't of Water Res., 13 P.3d 855 (Idaho 2000)

Sara Wagers

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dock) presented “unusual circumstances.” Dupont argued the Board’s decision was not based on substantial and competent evidence because the Board impermissibly considered the intended use of the proposed encroachment, instead of focusing only on the placement and existence of the dock. Dupont contended the Board had the right to regulate the existence of this encroachment, but could not regulate the use of it. The supreme court held the Board possessed the authority to consider the intended use of the proposed encroachment in making its determination to revoke the permit based on the existence of unusual circumstances.

Both the City and the Board argued substantial and competent evidence supported the Board’s decision that the existence of unusual circumstances required the revocation of Dupont’s permit. The City produced evidence that the area had been a designated swimming area for approximately forty years, and the City had an encroachment permit, granted for at least ten years, to place buoys around the area. Dupont argued the beach area in front of the swimming area was private property. While riparian owners have a traditional right to “wharf out,” such right was clearly subject to state regulation. Thus, the supreme court held substantial and competent evidence supported the Board’s finding of “unusual circumstances.”

Finally, the City argued the Board erred in rejecting the hearing officer’s conclusion that the City had been given inadequate notice. In contrast, the Board and Dupont contended the City’s argument was moot because the City received actual notice of the proposed encroachment in a timely fashion. The supreme court determined that this question was moot, and asserted it could overturn an administrative agency’s incorrect decision only if an appellant’s substantial rights had been prejudiced. The supreme court held the City’s rights had not been prejudiced because the City was allowed to intervene in the action, present its evidence and witnesses, and be heard at all stages of the revocation hearing.

Nicole Anderson

Sagewillow, Inc. v. Idaho Dep’t of Water Res., 13 P.3d 855 (Idaho 2000) (finding that when a district court is assigned exclusive jurisdiction over a river adjudication, Idaho Department of Water Resources decisions involving that river cannot be reviewed by any other district court).

Sagewillow, Inc. (“Sagewillow”) acquired water rights in the Snake River water system. Six water rights authorized irrigation of 2,383 acres. The Idaho Department of Water Resources (“IDWR”) approved Sagewillow’s first application for transfer of place of use and point of diversion in 1992. No protests were filed to the transfer. Four years later, after Sagewillow applied for seven additional place of use

transfers, IDWR issued the disputed order. IDWR's order found a portion of Sagewillow's rights forfeited and voided the approval given on the previous application.

Sagewillow appealed IDWR's decision to the District Court of the Seventh Judicial District. The district court affirmed, finding resumption of use is not a valid defense to forfeiture of a water right. Sagewillow appealed to the Supreme Court of Idaho. While several substantive issues were raised, a procedural matter prevented the supreme court from reaching those issues.

The supreme court noted resolution of water right and water use disputes occurs only through the framework designated by the Idaho Legislature. Changes to existing water rights must be made by application to the IDWR. State statute allows judicial review of an IDWR decision. Unless another provision of law exists, an aggrieved party may obtain judicial review in the district court where either the hearing was held, the final agency was taken, the aggrieved party resides, or the property is located.

The supreme court considered the ongoing Snake River Basin Adjudication ("SRBA") to be "another provision of law" which precluded review by the District Court of the Seventh Judicial District. In 1987, the Idaho Legislature created the SRBA to adjudicate all water rights within the Snake River Basin, and the supreme court designated the fifth district as the exclusive SRBA district court. Thus, the SRBA precludes all private actions for water right adjudications within the Snake River Basin.

Because Sagewillow's water rights were part of the Snake River water system, its appeal fell under the exclusive jurisdiction of the SRBA. Therefore, the District Court of the Seventh Judicial District lacked jurisdiction over Sagewillow's appeal, and the supreme court vacated and remanded the case to the designated SRBA district court.

Sara Wagers

Weaver v. Stafford, 8 P.3d 1234 (Idaho 2000) (holding: (1) defendant's actions in filling in an original dirt ditch running along boundary between defendant and plaintiff's property constituted abandonment of any prescriptive easement; (2) defendant committed trespass by erecting a new fence between his and plaintiff's property; and (3) plaintiff did not negligently interfere with defendant's water rights).

This dispute involved three parcels of land owned by Plaintiff Max Weaver ("Weaver") and Defendant Frank Stafford ("Stafford"). At the core of the dispute was the original location of a fence and a dirt irrigation ditch that existed as a boundary between the parcels long before either party acquired title to their respective land. After