
Memorandum

Date: May 9, 2024

To: Files 96-2118, 96-7771, 96-7772, 96-7979, 96-7980, 96-8503, 96-8717, 96-8730, 96-8764, 97-2020, 97-7274, 97-7275, 97-7308, 97-7380, 97-9667, 97-9668, 97-9669, 97-9670, 97-9671

From: Craig Saxton

Re: Filing fees for claims filed by the Governor's office and the Idaho Water Resource Board (IWRB)

The purpose of this memo is to explain how filing fees due for claims filed by the Governor's office and the Idaho Water Resource Board (Board) in the Clark Fork-Pend Oreille River Basin Adjudication (CFPRBA), are offset through moneys appropriated from Idaho's general stream adjudications from the General Fund through authorization by [SB1411 passed in the 2024](#) legislative session.

Appropriations for the general stream adjudications are found in [S1269](#) and [S1411](#). The funding authorization sections found in S1411 became effective 03/21/24, with the rest of S1411 effective July 1, 2024 at the start of FY2025. S1269 is also effective July 1, 2024. The offset is applicable to claims filed by the Governor's Office and the Board during FY2024 in the CFPRBA.

Spending authority

	General Fund Appropriation for General Stream Adjudications	
	FY	Appropriation
S1181	2024	\$ 1,512,000
S1269	2025	\$ 1,410,400
S1411	2025	\$ 17,000
	Total	\$ 2,939,400

Claim Fee Summary

Claimant	Claim #	Source	Claim Status	Purpose of Use	Filing Fee
IWRB	96-7771	Granite Creek	ACTIVE	Minimum Stream Flow*	\$ 1,050.00
IWRB	96-7772	Sullivan Spring	ACTIVE	Minimum Stream Flow*	\$ 750.00
IWRB	96-7979	Lightning Creek	ACTIVE	Minimum Stream Flow*	\$ 8,450.00
IWRB	96-7980	Grouse Creek	ACTIVE	Minimum Stream Flow*	\$ 8,550.00
IWRB	96-8717	Pack River	ACTIVE	Minimum Stream Flow*	\$ 12,950.00
IWRB	96-8730	Pend Oreille River	ACTIVE	Minimum Stream Flow*	\$ 1,065,550.00
IWRB	97-7274	Indian Creek	ACTIVE	Minimum Stream Flow*	\$ 2,650.00
IWRB	97-7275	Lion Creek	ACTIVE	Minimum Stream Flow*	\$ 2,250.00
IWRB	97-7308	N Fk East River	ACTIVE	Minimum Stream Flow*	\$ 7,050.00
IWRB	97-7380	Priest River	ACTIVE	Minimum Stream Flow*	\$ 150,050.00
Subtotal =					\$ 1,259,300.00

Claimant	Claim #	Source	Claim Status	Purpose of Use	Filing Fee
IWRB	97-9667	Priest Lake	ACTIVE	Lake Level Maintenance*	\$ 151,389.00
				Recreation Storage**	
IWRB	97-9668	Priest Lake	ACTIVE	Lake Level Maintenance*	\$ 119,788.00
				Recreation Storage**	
IWRB	97-9669	Priest Lake	ACTIVE	Lake Level Maintenance*	\$ 162,120.00
				Recreation Storage**	
IWRB	97-9670	Priest Lake	ACTIVE	Lake Level Maintenance*	\$ 207,365.00
				Recreation Storage**	
IWRB	97-9671	Priest Lake	ACTIVE	Lake Level Maintenance*	\$ 126,477.00
				Recreation Storage**	
				Streamflow Maint. Storage**	
				Streamflow Maint. from Storage**	
Subtotal =					\$ 767,139.00

Claimant	Claim #	Source	Claim Status	Purpose of Use	Filing Fee
IWRB	96-8503	Round Lake	ACTIVE	Lake Level Maintenance*	\$ 50.00
IWRB	96-8764	Gamble Lake	ACTIVE	Lake Level Maintenance*	\$ 50.00
Subtotal =					\$ 100.00

Claimant	Claim #	Source	Claim Status	Purpose of Use	Filing Fee
Governor	97-2020	Priest Lake	ACTIVE	Lake Level Maintenance*	\$ 110,551.00
				Aesthetic**	
				Recreation**	
Governor	96-2118	Lake Pend Oreille	ACTIVE	Lake Level Maintenance*	\$ 331,553.00
				Aesthetic**	
				Recreation**	
Subtotal =					\$ 442,104.00

Total CFPRBA Filing Fees: \$ 2,468,643

* Fee includes \$50 flat fee for claim

** No variable fee for this use. IDAPA Section 37.03.01.030.04.b: *For a claim to water for more than one (1) public purpose, the per cfs fee shall only be charged once per cfs claimed. Public purposes shall include public in-stream flows, lake level maintenance, wildlife, aesthetic beauty, and recreation.*

SB1411 Pertinent Sections:

1 SECTION 4. FILING FEES FOR FISCAL YEAR 2025. Notwithstanding the
2 provisions of Section 42-1414(1)(c), Idaho Code, it is the intent of the
3 Legislature that moneys appropriated to the Department of Water Resources
4 for Idaho's general stream adjudications from the General Fund count toward
5 the filing fees required under Section 42-1414(1)(a) and (b), Idaho Code,
6 for water right claims filed in Idaho's general stream adjudications by the
7 Idaho Water Resource Board and the Governor based on instream flow, public
8 lake level maintenance, or recreation. If the General Fund appropriation
9 exceeds the amount required for the Idaho Water Resource Board's and the Gov-
10 ernor's filing fees in the current fiscal year, the excess shall be counted
11 toward future filing fees required for those same purposes. If the General
12 Fund appropriation does not meet or exceed the fee required for claims of the
13 Idaho Water Resource Board or the Governor, the Director of the Department of
14 Water Resources shall grant an extension of time to the Idaho Water Resource
15 Board or the Governor to file the claim, and the General Fund appropriation
16 for the following fiscal year shall be counted toward the balance of the
17 filing fee.

28 SECTION 6. FILING FEES FOR FISCAL YEAR 2024. Notwithstanding the
29 provisions of Section 42-1414(1)(c), Idaho Code, it is the intent of the
30 Legislature that moneys appropriated to the Department of Water Resources
31 for Idaho's general stream adjudications from the General Fund count toward
32 the filing fees required under Section 42-1414(1)(a) and (b), Idaho Code,
33 for water right claims filed in Idaho's general stream adjudications by the
34 Idaho Water Resource Board and the Governor based on instream flow, public
35 lake level maintenance, or recreation. If the General Fund appropriation
36 exceeds the amount required for the Idaho Water Resource Board's and the Gov-
37 ernor's filing fees in the current fiscal year, the excess shall be counted
38 toward future filing fees required for those same purposes. If the General
39 Fund appropriation does not meet or exceed the fee required for claims of the
40 Idaho Water Resource Board or the Governor, the Director of the Department of
41 Water Resources shall grant an extension of time to the Idaho Water Resource
42 Board or the Governor to file the claim, and the General Fund appropriation
43 for the following fiscal year shall be counted toward the balance of the
44 filing fee.