WATER LAW UPDATE NOVEMBER 2026

Of Local Interest:

- Declaratory relief lawsuit filed by the federal government seeking a declaration that the Idaho Department of Water Resources does not have authority to administer the INL's federal water right. https://idahocapitalsun.com/2026/11/02/idahoans-must-once-again-fight-off-a-serious-federal-water-threat/

National Updates:

- Supplemental notice of proposed rulemaking for the definition of WOTUS (Waters of the United States). The EPA and Army Corps of Engineers issued a supplemental notice of proposed rulemaking on September 9, 2026 (see attached). The deadline to submit comments was October 9, 2026.
    - The purpose of the supplemental notice is as following: "In this SNPRM, the agencies are seeking comment on supplemental regulatory options for the revised definitions of 'relatively permanent' and 'continuous surface connection,' and adding a definition of the term 'perennial,' which, if finalized, would result in a renumbering of the existing and previously proposed definitions in paragraph (c) of the regulatory text, along with other conforming edits."