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Idaho Water Users Association

- Formed in 1937 as the Idaho State Reclamation Association
- 300+ Members
- Canal Companies, Irrigation Districts, Water Districts, Ground Water Districts, Municipal and Public Water Suppliers, Hydroelectric Companies, Aquaculture Facilities, Agri-Businesses, Professional Firms and Individuals
- Formed to Advocate and Educate on issues affecting Idaho's agricultural water users

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Discussion

- ❑ Idaho's Domestic Well Exemption Statutes - Is it Time for a Change?
- ❑ Local Government Water College Discussion

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Local
Government
Water College

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Let's Discuss!

What is
LGWC?

What topics
should be
included?

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Domestic Well
Exemption
Statutes – Is it
Time for a
Change?

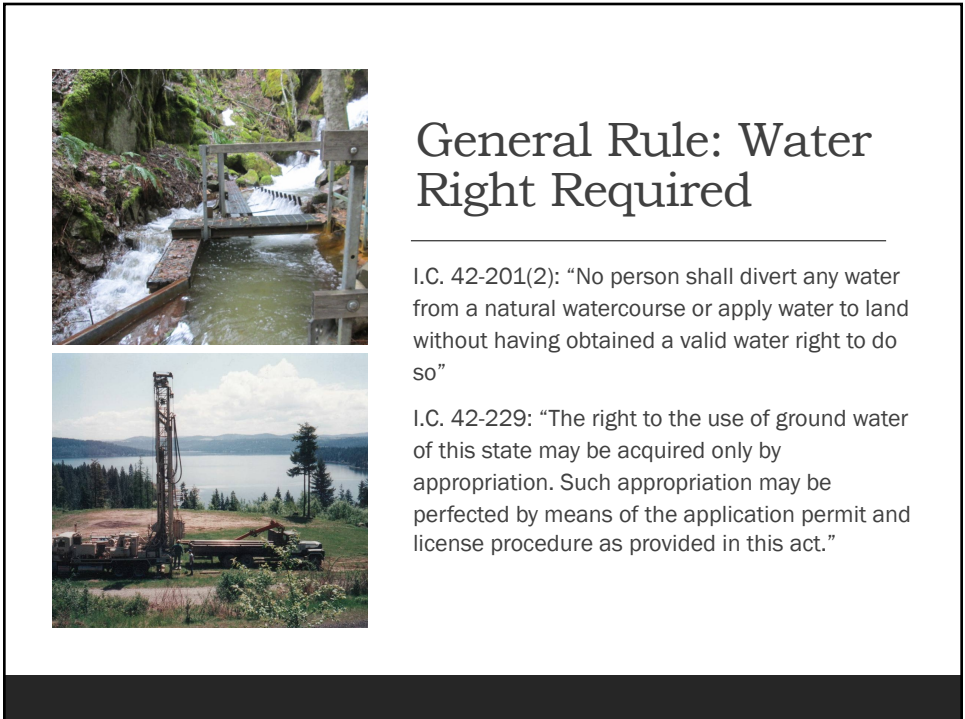
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It started
with 2
conversations

Senator Harris
Idaho Ground Water
Appropriators

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General Rule: Water Right Required

I.C. 42-201(2): "No person shall divert any water from a natural watercourse or apply water to land without having obtained a valid water right to do so"

I.C. 42-229: "The right to the use of ground water of this state may be acquired only by appropriation. Such appropriation may be perfected by means of the application permit and license procedure as provided in this act."

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The Domestic Exemption

I.C. 42-227: “The excavation and opening of wells and the withdrawal of water therefrom for domestic purposes shall not be subject to the permit requirement ...”

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Well Drilling Permit Still Required

“Start Card” process

I.C. 42-235: Fee of \$75 (regularly \$200)

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What is “Domestic” (I.C. 42-111(1))?

The phrase "domestic purposes" or "domestic uses" means:

- (a) The use of water for homes, organization camps, public campgrounds, livestock and for any other purpose in connection therewith, including irrigation of up to one-half (1/2) acre of land, if the total use is not in excess of thirteen thousand (13,000) gallons per day, or
- (b) Any other uses, if the total use does not exceed a diversion rate of four one-hundredths (0.04) cubic feet per second and a diversion volume of twenty-five hundred (2,500) gallons per day.

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What is NOT Domestic?

I.C. 42-111(2): “Domestic purposes or domestic uses **shall not include** water for multiple ownership subdivisions, mobile home parks, or commercial or business establishments ...”

I.C. 42-111(3): “Multiple water rights for domestic uses . . . shall not be established or exercised in a manner to satisfy a single combined water use or purpose that would not itself come within the definition of a domestic use or purpose under this section”



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Value of Domestic Exemption?

- ❑ Reduced paperwork
- ❑ Rural homes build / occupied without delay
- ❑ No protest / hearing
- ❑ No priority administration
- ❑ No water use data



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**How many
domestic
exempt
water
users are
there?**

Past Exemptions:

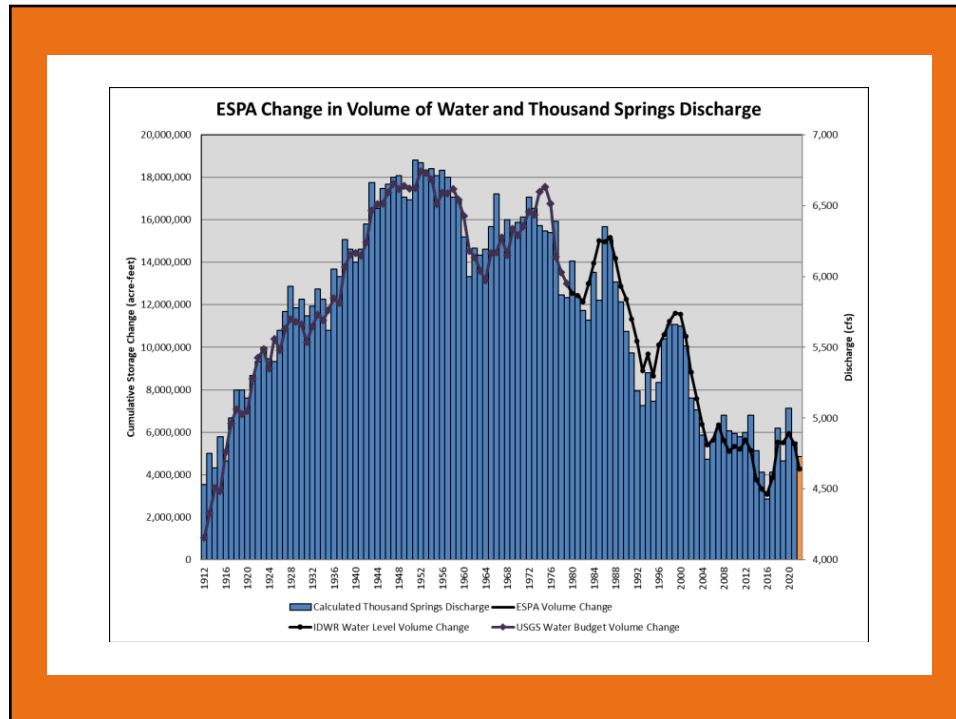
- IDWR is highly uncertain about the number of *de minimis* claims that have been deferred in the SRBA. Our very preliminary estimate is that there could be as many as 42,000 pre-1987 deferred water rights. If post-1987 water rights are included, the number of additional claims could be 45,000 to 83,000 based on well driller reports. **Thus, we estimate that between 42,000 and 125,000 deferred claims could be filed in the SRBA.**

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Concerns with the Domestic Exemption

- ☐ Water Supply Impacts
- ☐ Water Quality Impacts
- ☐ Fairness (Administration)
- ☐ Fairness (Municipal / Exempt)
- ☐ Development

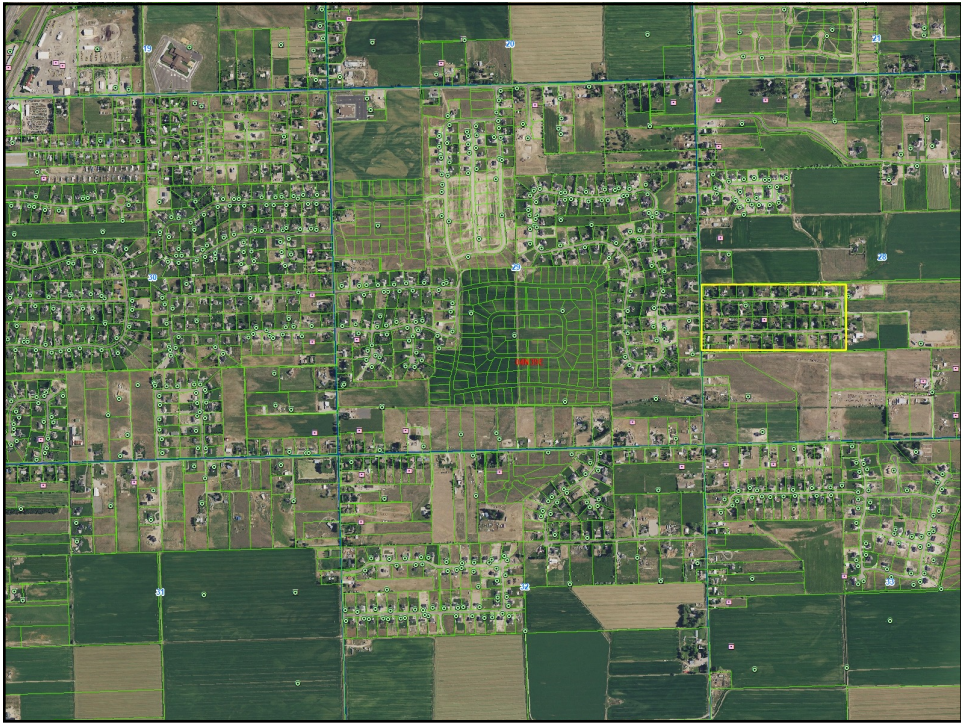
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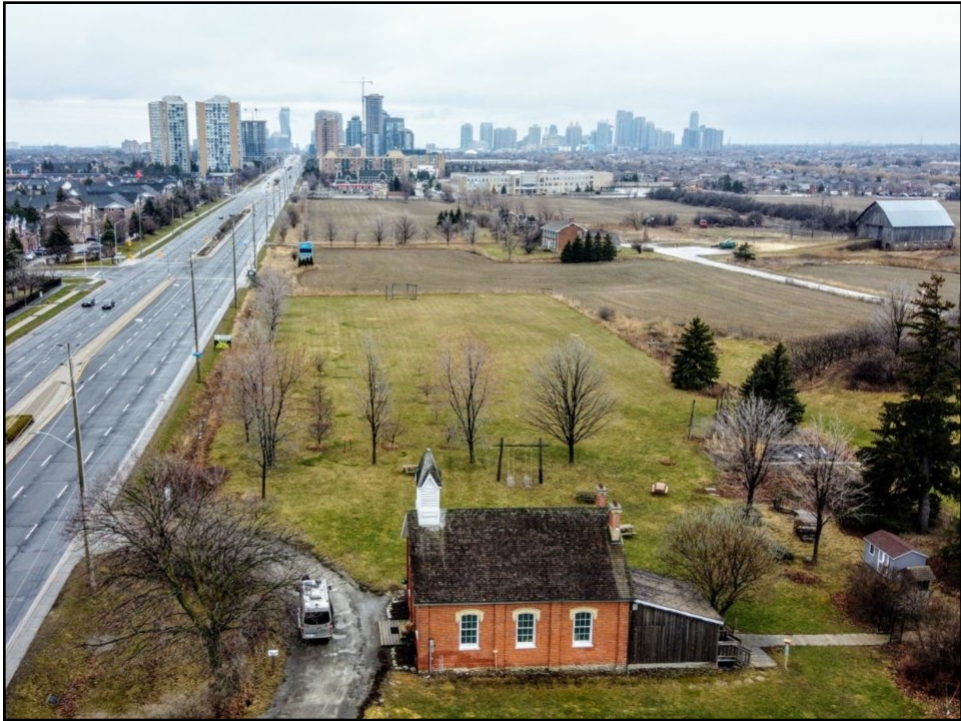
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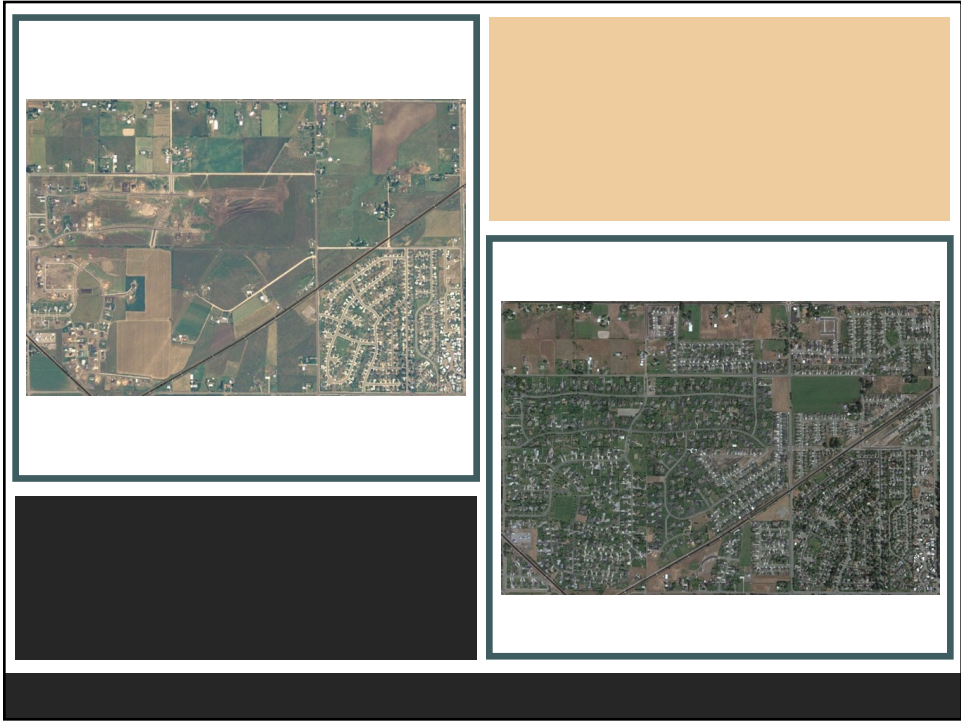
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Ideas Discussed

- ❑ Reducing the 13,000 gpd limit
- ❑ Density limitations on the use of the domestic exemption
- ❑ Lot-size limitations
- ❑ Authorizing the IDWR Director or counties to impose more stringent limitations in certain conditions
- ❑ Repeal domestic well exemption altogether

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The Strawman

Community wells required for “residential lots smaller than five (5) acres within a subdivision as defined in chapter 13, title 50, Idaho Code, or as defined by a more restrictive county or city zoning ordinance”

Mitigation Path Forward (retirement of water right or payment to mitigation fund)

Amend 31-3805 to require that surface water remain on the property (tighten code)

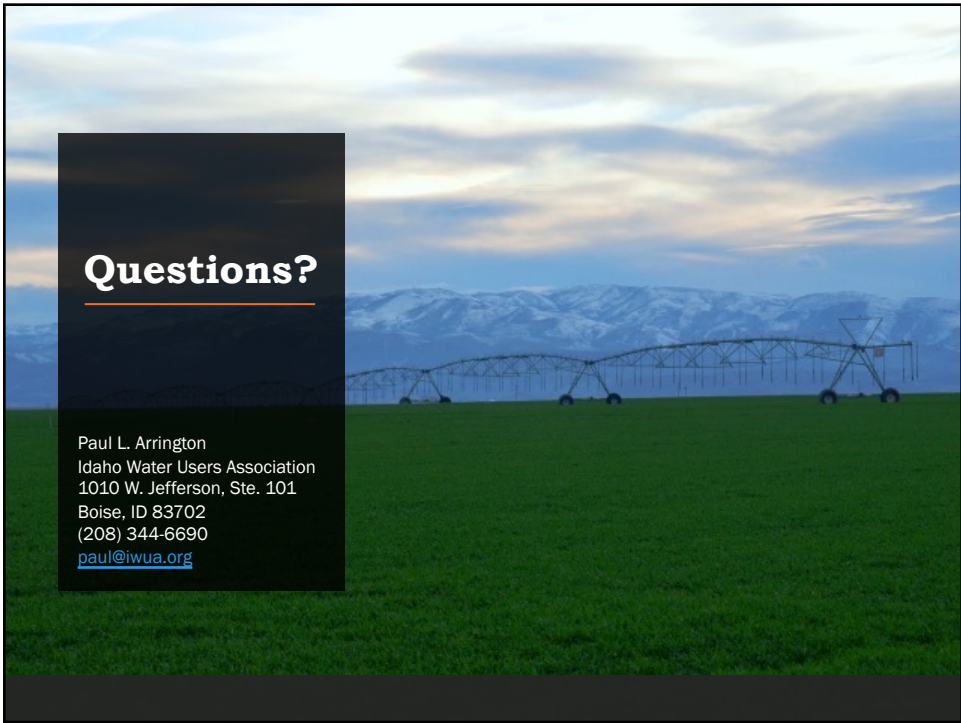
Amend 67-6508 to include available water supplies as a part of the comprehensive planning process

COMMENTS ON STRAWMEN ACCEPTED UNTIL JUNE 20

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Questions?

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