

IDAHO Department of Water Resources

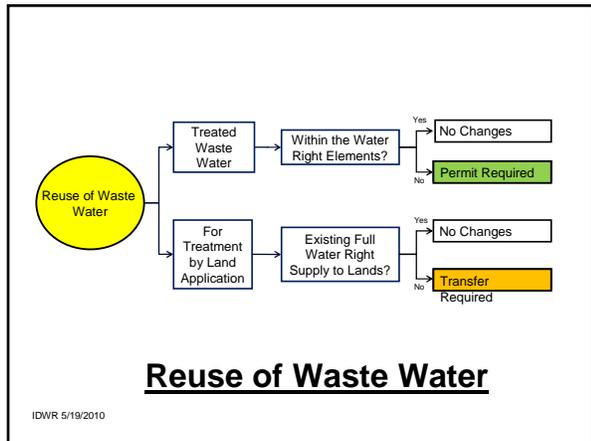
**Water Rights for Water Reclamation and Reuse**

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IDAHO Department of Water Resources

**QUESTIONS:**

- How do water rights need to be considered when implementing a reuse program?
- Are there changes in nature of use, or changes in the place of use?
- What you can do with existing water rights.
- When do you need to file an application for permit for a new water right?
- When do you need to file an application for a water right transfer?



**Permit**

**PERMIT**

- **Idaho Code 42-101.** All the water of the state..... declared to be property of the state. A right to divert and use Idaho water can be established only by obtaining a permit from IDWR.
- **Idaho Code 42-103.** Right acquired by appropriation (application, permit, license).
  - New Beneficial Uses
  - New Users
  - Dilution of Waste Water
  - Increased Consumption

**The Department must ensure that a proposed Permit Application is:**

- Completed Thoroughly
- Fees Submitted
- Meets Requirements of the Statutes, Rules and Regulations
- Appropriation, and Proof of Beneficial Use Deadline

**Transfer**

**TRANSFER**

- **Idaho Code 42-222.** Requires water right owner or applicant to seek approval from IDWR (the Department) before changing any of the following elements of a water right:
  - Point of Diversion (POD)
  - Place of Use (POU)
  - Period of Use
  - Nature of Use of Water Under Established Rights

**The Department must ensure that a proposed Transfer does not:**

- Injure other water rights.
- Enlarge the original water right.
- Conflict with the local public interest.
- Prevent the conservation of water resources within Idaho.
- Adversely affect the local economy.

**REFERENCES**

- Administrator's Memorandum, IDWR Water Management Division, Transfer Processing No. 24, Land Application of Wastewater, Pages 3, 7, 11, and 31. [http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/PDFs\\_09/20091221\\_TransferProcessing\\_No24.pdf](http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/PDFs_09/20091221_TransferProcessing_No24.pdf)
- Administrator's Memorandum, IDWR Water Management Division, Application Processing Memorandum No. 61.
- Idaho Code 42-103, Right acquired by appropriation (application, permit, license procedure). <http://www.legislature.idaho.gov/idstat/Title42/T42CH1SECT42-103.htm>
- Idaho Code 42-202B, Definitions. (1) Consumptive use. (2) Digital boundary. (3) Local Public Interest. (4) Municipality. (5) Municipal Provider. (6) Municipal Purposes. (7) Planning Horizon. (8) Reasonable anticipated future needs. (9) Service Area. <http://www.legislature.idaho.gov/idstat/Title42/T42CH2SECT42-202B.htm>
- Idaho Code 42-222, Change in point of diversion, place of use, period of use, or nature of use of water under established right—Forfeiture and extension—Appeals. (Transfers) <http://www.legislature.idaho.gov/idstat/Title42/T42CH2SECT42-222.htm>



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**Power Point Presentation,  
Transfers, & Permit**

**Applications:**

<http://www.idwr.idaho.gov>

**Email, comments, & Questions:**

[http://www.idwr.idaho.gov/contact/  
ontact.htm](http://www.idwr.idaho.gov/contact/contact.htm)