



# Water Rights for Water Reclamation and Reuse

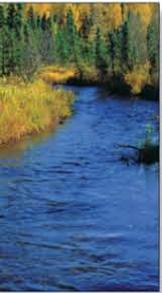
Presented by: Sandy Hemenway

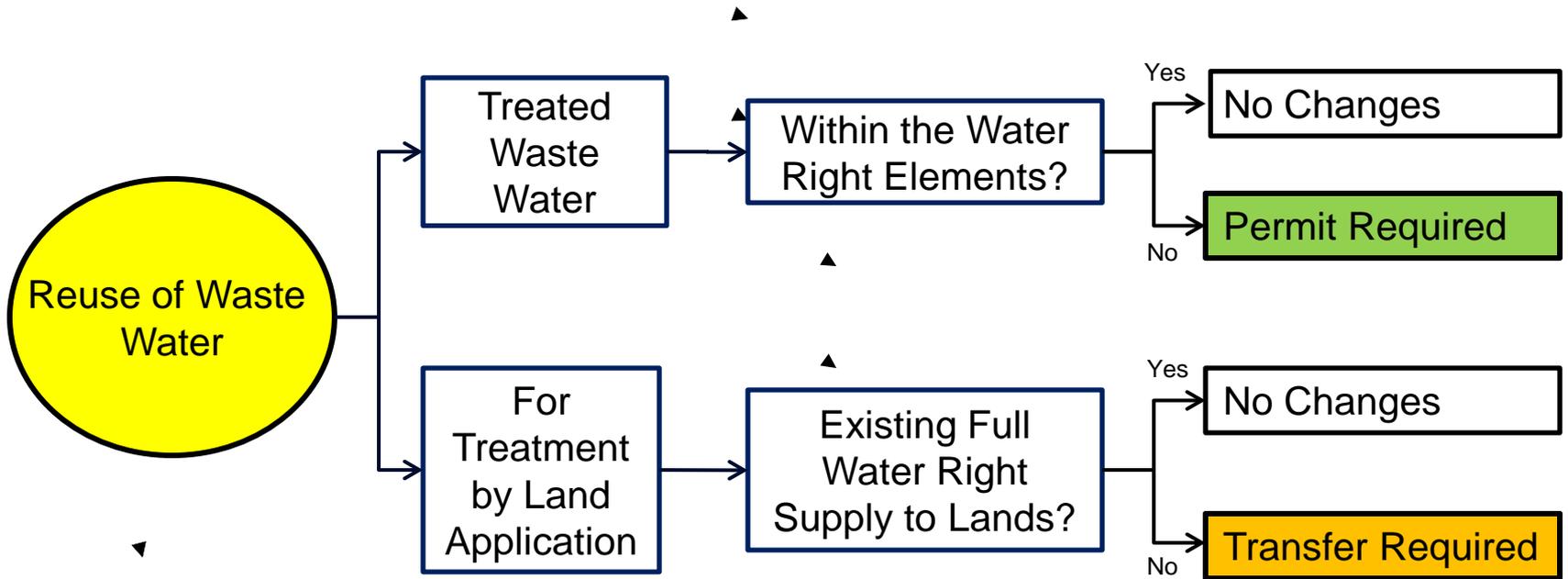
Date: May 19, 2010



## 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?





# Reuse of Waste Water

# 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)