

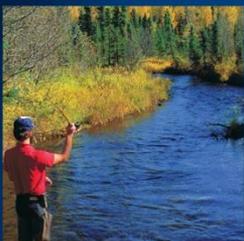


Exempt Wells in Idaho

Thomas F. Neace, P.G.

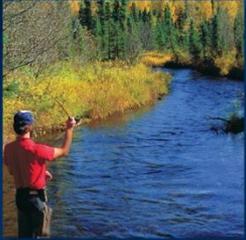
Manager, Ground Water Protection Section





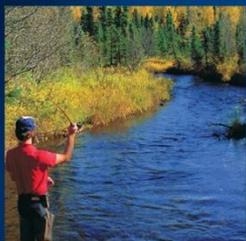
Idaho Constitution

- Article 15 – Water Rights
 - Establishes the Prior Appropriation Doctrine – First in Time = First in Right
 - Provides a Priority of Appropriation for Domestic Purposes over those claiming for any other purpose for condemnation purposes.



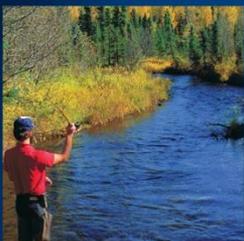
Who owns the ground water?

- **Idaho Code § 42-226**– “All ground waters in this state are declared to be the property of the state, whose duty it shall be to supervise the appropriation and allotment to those diverting the same for beneficial use.”



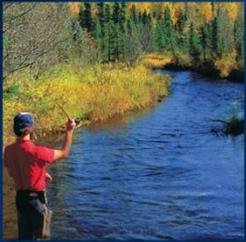
Water rights are required for ground water appropriations – since 1963

- **Idaho Code § 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”



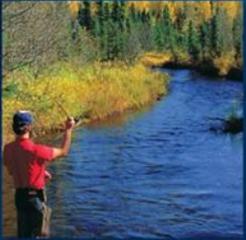
The domestic exemption

- **Idaho Code § 42-227** – “The excavation and opening of wells and the withdrawal of water there from for domestic purposes shall not be subject to the permit requirement under section 42-229, Idaho Code . . . Rights to ground water for such domestic purposes may be acquired by withdrawal and use.”



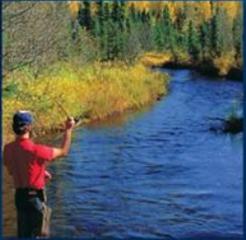
What is domestic use?

- Idaho Code § 42-111 defines domestic purposes for Idaho Code § 42-227
 - (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.



Domestic use continued

- Multiple ownership subdivisions and multiple ownership business developments do not qualify
- Exemptions cannot be “stacked”



Domestic exemption not available for low temp. geothermal water

- **Idaho Code § 42-233** – “The right to the use of low temperature geothermal resources of this state shall be acquired by appropriation. The appropriation may be perfected by means of the application, permit and license procedure as provided in this chapter for ground water, provided that low temperature geothermal resources shall be utilized primarily for heat value and secondarily for the value as water . . .

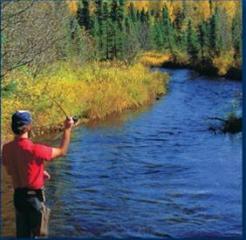


Some advantages of the domestic exemption

- Quick, simple, convenient method to obtain water
- Less expensive to administer

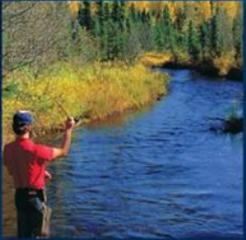
Some disadvantages of the exemption

- Does not allow for evaluation of the cumulative effects of small diversions on the water supply
 - Especially important for critical ground water areas, ground water management areas, and moratorium areas
- Does not allow for protests or other public input



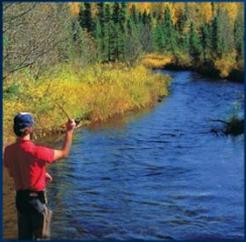
More disadvantages of the exemption

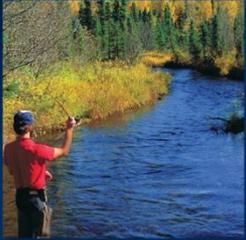
- Potentially prone to abuse by those who would use more water than the statutory limits
- Results in a proliferation of wells
 - Even carefully constructed wells are potential conduits for contaminants into the ground water supply



Administrative challenges that could accompany a change to the exemption

- Between 1,500 and 5,000 new wells are drilled for exempt domestic uses each year
- IDWR processes about 400 applications for new water rights, mainly non-domestic uses, each year.
- Processing 10X the current number of applications, maintaining paper and electronic files, conducting field examinations, etc., would require more space, more equipment, and a much larger staff.

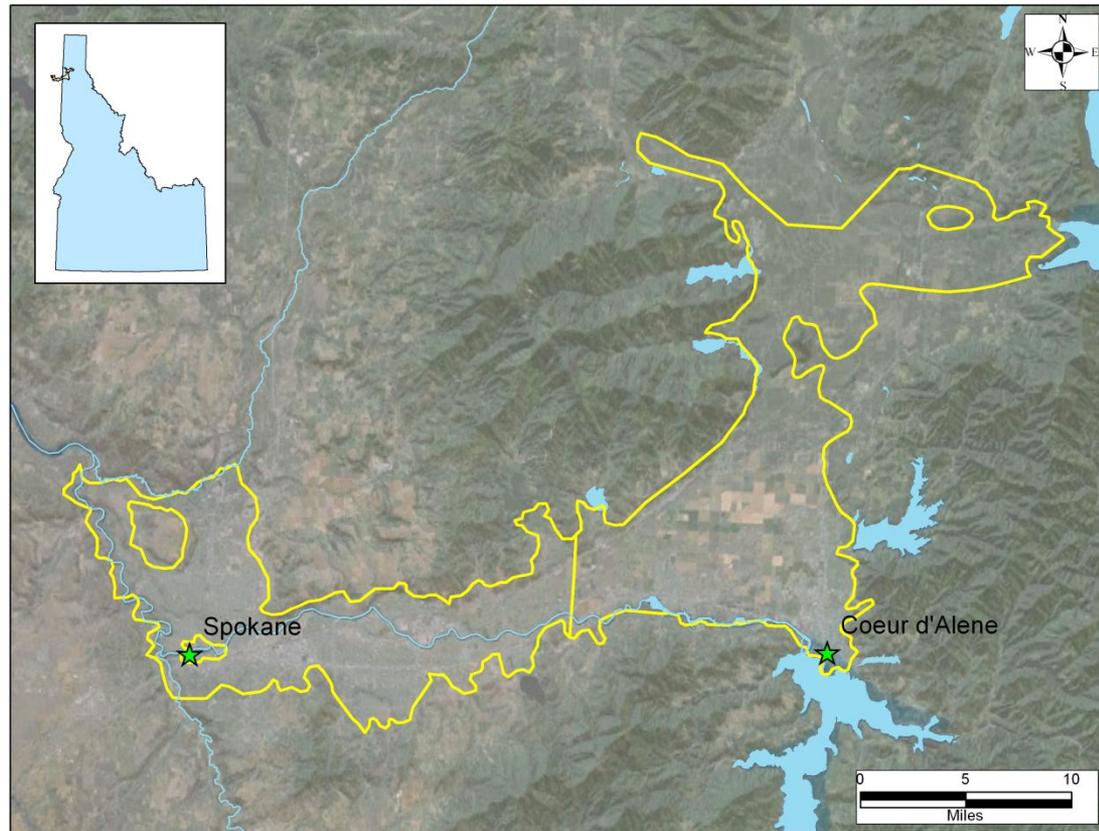




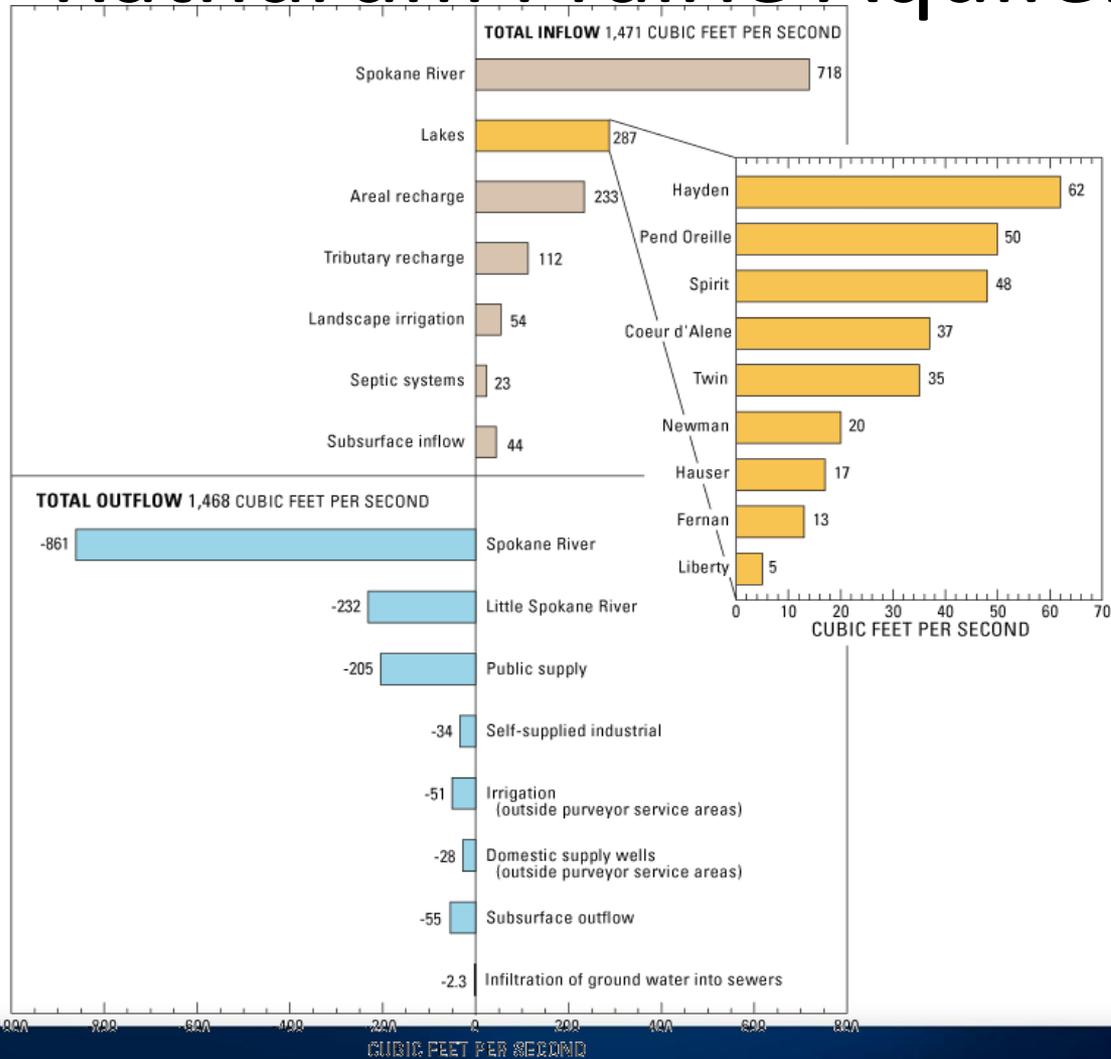
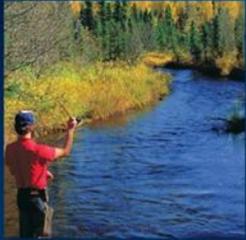
Water Budget Estimates

- Rathdrum Prairie Aquifer – Northern Idaho
- East Snake River Plain Aquifer – Southeast and South Central Idaho
- Treasure Valley Aquifer – Southwest Idaho

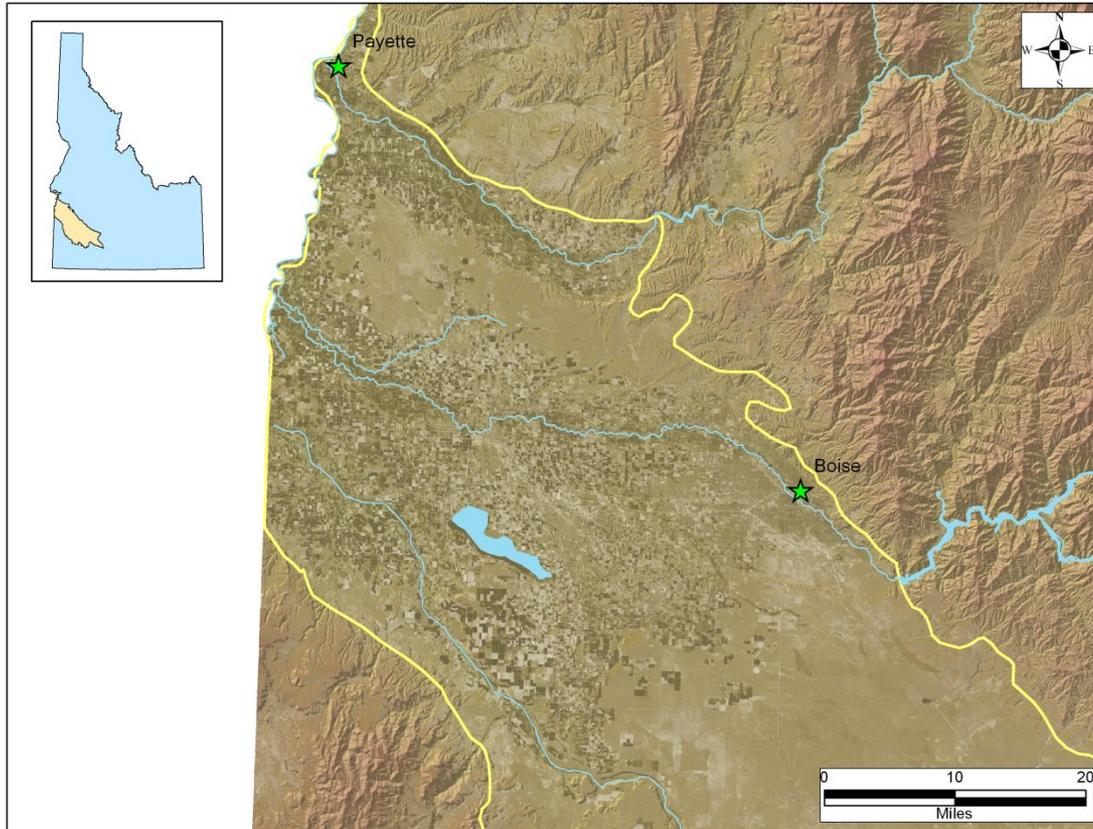
Spokane Valley-Rathdrum Prairie Aquifer



Estimated Ground Water Budget Rathdrum Prairie Aquifer

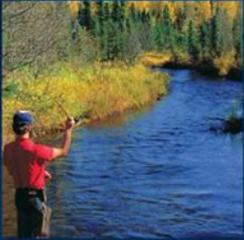


Treasure Valley Aquifer System

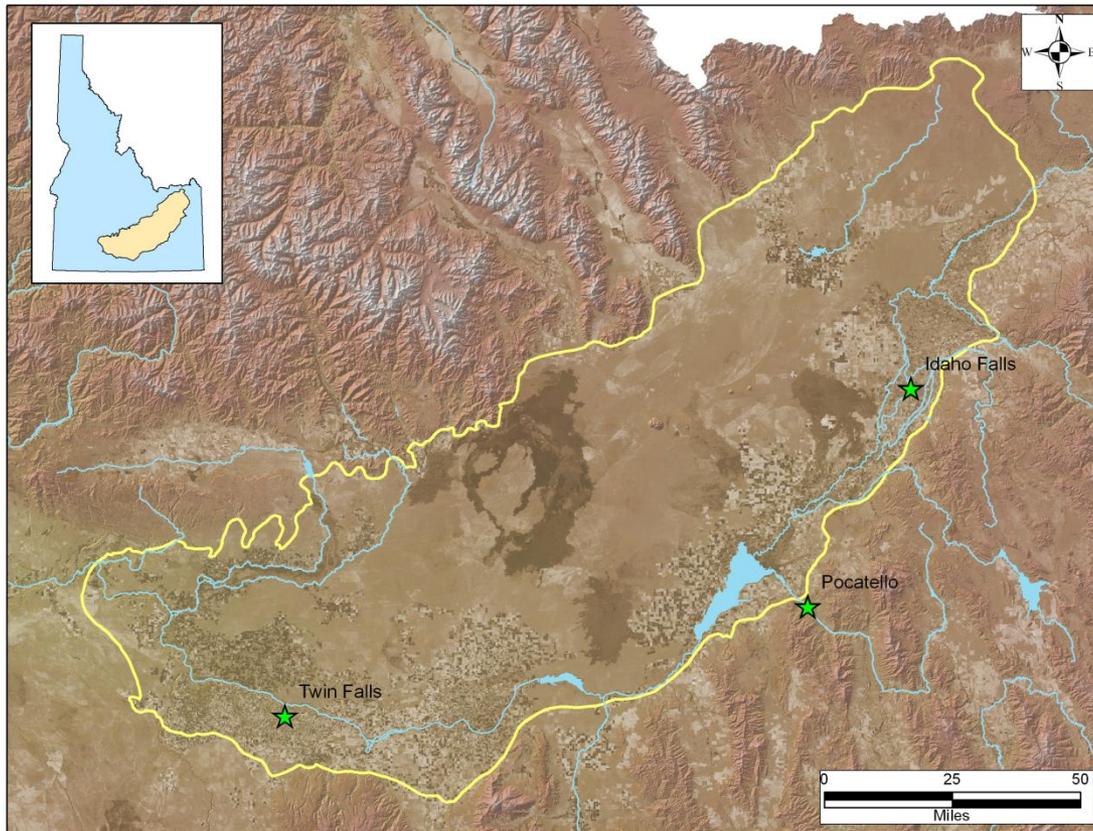
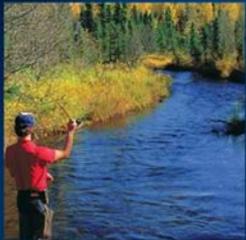


Treasure Valley Withdrawals

Sources of Discharge	Estimated Discharge ^a			
	1996		2000	
	(af)	(% of total)	(af)	(% of total)
Discharge				
Municipal and Industrial Withdrawals	66,000	7	76,800	7
Municipal Irrigation	10,000	1	10,000	1
Self-Supplied Industrial	21,000	2	8,200	<1
Agricultural Irrigation	72,000	7	53,000	5
Rural Domestic Withdrawals	27,000	3	24,000	2
Stock Watering	3,000	<1	3,000	<1
Discharge to Rivers and Drains	814,000	82	881,600	83
Total Discharge	1,013,000		1,056,600	
Net Difference	+7,300		+42,100	



East Snake River Plain Aquifer





Consumptive Use*

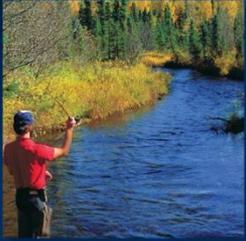
Category	Consumptive Use (Mgal/day)	Consumptive Use (% total)
Domestic/Municipal	0.41	0.01%
Commercial	2.21	0.07%
Industrial	3.89	0.12%
Thermoelectric Power	0.50	0.02%
Mining	1.51	0.05%
Livestock	6.96	0.21%
Irrigation	3270.86	99.53%

*ESPA Trend data from USGS water use statistics 1985, 1990, and 1995



Conclusions

- Idaho Code provides for an exemption of the formal water right procedures for domestic wells.
- Overall water use concerning domestic wells is low compared to other beneficial uses.
- IDWR does not have the staff currently to process water right for domestic uses if the exemption was removed.



IDWR's position regarding the domestic exemption

- IDWR has not conducted a comprehensive study of the cumulative impact of the domestic exemption.
- IDWR has not recommended changing the exemption criteria
- IDWR administers the current exemption