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## **New law allows for temporary use of surplus water to prevent floods, recharge aquifers or address water-quality issues**

BOISE - (April 13, 2017) – In the final days of the 2017 Idaho legislative session, lawmakers approved a change in State law to allow people or entities to apply for the temporary use of surplus water to prevent flood damage, recharge ground water, or work on ground or surface water-quality remediation.

Governor C.L. “Butch” Otter signed the amendments to Idaho Code § 42-202A into law on March 30. An emergency provision makes the new law effective immediately.

An overabundance of water in Idaho streams and lakes from heavy snows and rain, which has resulted in widespread flooding throughout the state, was the primary impetus for the amendment to the law. Governor Otter has issued emergency declarations for 25 of Idaho’s 44 counties in response to flooding and damage to private property, road washouts, mudslides, avalanches, and more.

The Idaho Department of Water Resources (IDWR) is prepared to process applications for the temporary use of water in a timely manner. “Applications and instructions are available online and can be filed anytime with our regional offices,” IDWR Director Gary Spackman said. “Approval of applications seeking to divert volumes of water in excess of five acre-feet will be dependent upon a determination of available surplus water.”

IDWR has received several applications from canal companies and irrigation districts so far, and the Idaho Water Resource Board is expected to file an application to use additional surplus water for aquifer recharge as well.

“We will expedite the processing of these applications to the best of our ability,” Spackman said, knowing that time is of the essence while surplus flows exist.

Prior to this year’s amendment to the law, there was a five-acre-foot volume limit on all temporary water uses. With the changes to the law this year, the five acre-foot limit has been removed for the three specific purposes stated in the legislation.

Applicants will need to explain where they want to divert the water, how much is requested, and the purpose for which the application is being filed. Applicants also may need to explain how their temporary use of water is in the public interest and how it will not injure existing water rights.

Application forms are available on the IDWR web site. <https://idwr.idaho.gov/files/forms/application-for-temporary-water-use.pdf>. There is a \$50 fee for the applications.

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