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ADMINISTRATOR'S MEMORANDUM

TO: Regional Offices and Water Allocations Section

FROM: Norman C. Young

Norman C. Young

DATE: June 4, 1980

RE: Definition of "Domestic"

The Department's interpretation of "domestic", as defined relative to beneficial use for the establishment of a water right, must be divided into two categories: First, the single household domestic use, and second, the general domestic use.

SINGLE HOUSEHOLD DOMESTIC

Single household domestic use must be accurately defined because many water rights within this category are exempt from recording requirements. The current definition is provided by section 42-230(d), Idaho Code, which states:

"Domestic purposes" is water for household use or livestock and water used for all other purposes including irrigation of up to one half ($\frac{1}{2}$) acre of land in connection with said household where total use is not in excess of thirteen thousand (13,000) gallons per day. For the purposes of the exception in section 42-227, Idaho Code, "domestic purposes" shall not include water for multiple ownership subdivisions, mobile home parks, commercial or business establishments.

All surface and groundwater rights within this category are exempt from the mandatory claim filing requirement. Surface water rights developed for single household domestic use after May 20, 1971, must be represented by an application for permit.

Note that "domestic purposes" is defined as water for household use or livestock, so a stockwater well not connected with a household is considered to be included in the definition. Since range cattle consume about twelve (12) gallons per day per head, about 1000 head can be watered within the 13,000 gallon per day limit of the definition.

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An interpretation of the definition must be carefully made when a second hookup is attached to an existing single household domestic system. The resulting two-household system can be considered as either a multiple system or two single household systems, depending on intent. If the system was designed and built for multiple hookups, then it must be considered to be a multiple system and subject to the recording requirement. However, if the system was designed and built for one household, and the second household was added later in time, two distinct single household domestic water rights may have been established from one well.

GENERAL DOMESTIC

"Domestic" has in the past been interpreted to include a variety of uses for multi-household water systems. Henceforth this term should be used to identify only the in-house or culinary aspect for these systems. For example, the water right description for a housing subdivision should identify irrigation, recreation and fire protection in addition to domestic use. In this way acre-foot values can be assigned to each parameter for an accurate volumetric description of the water right.

A reference to section 42-111, Idaho Code, indicates that the heating of dwelling houses comes within the meaning of "domestic purposes". However, since the 1922 court case from which that statement was taken, the interpretation of the domestic use has been narrowed considerably. Heating should be designated as a unique use.

A quantification of the rate of flow necessary for the in-house or culinary use for multi-household systems has been identified in Figure 1, attached. The flow identified on this graph should be used as a guideline in determining and reviewing domestic use rates of flow on applications for permit with more than one hookup. Greater flows can be accepted if justified.

*Use .6 aFA when irrigation is separated (per household)
Use 1.2 aFA when " " included (per household)*

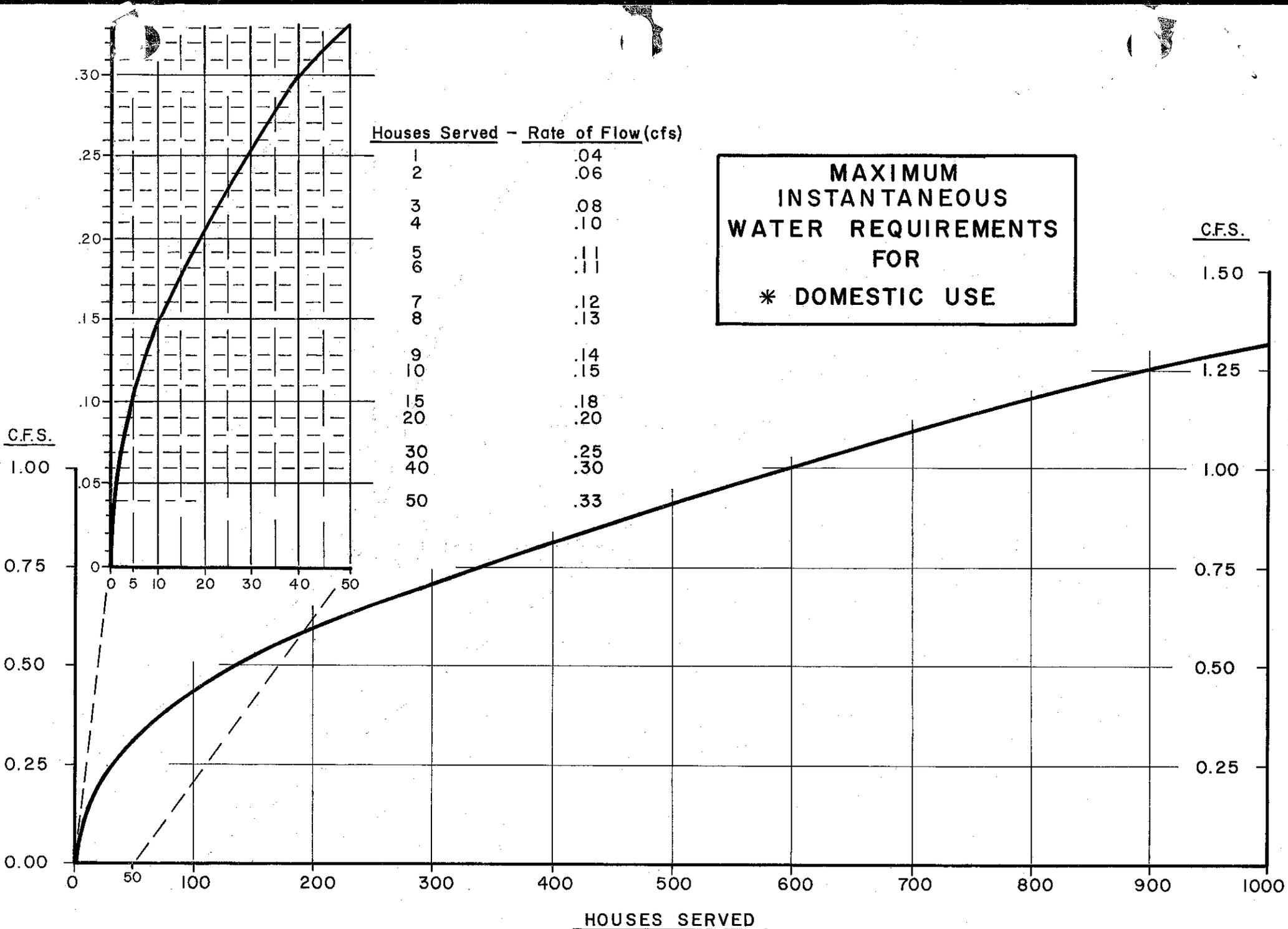


FIG. 1.

* From Community Water Systems Source Book, J. Ameen, 1977, Technical Proceedings, North Carolina.)