

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

**INSTRUCTIONS FOR FILING AN APPLICATION FOR PERMIT**

All waters of Idaho, when flowing in their natural rivers, springs, lakes, and aquifers, are the property of the state. A right to divert and use Idaho water can be established only by obtaining a permit from the Department of Water Resources. To apply for a permit, prospective water users must complete the "Application for Permit" form and submit it to the Department of Water Resources with the required filing fee. The Department of Water Resources will review and process the application in accordance with applicable statutes and rules and either issue a permit or deny the application. The only water uses authorized to begin without a permit are: 1) use of ground water for single ownership homes, campgrounds, or stock watering up to 13,000 gallons per day, 2) other uses of ground water up to 2,500 gallons of water per day, 3) stockwater use where the animals drink directly from the water source, 4) extinguishing an existing fire, and 5) forest practices as defined in Idaho Code § 38-1303(1) and forest dust abatement up to 0.2 acre-feet per day.

**COMPLETE THE APPLICATION FORM AS FOLLOWS:**

1. Print the full name, mailing address, telephone number, and email address of each applicant. If more than one applicant, select the name connector. If the applicant is a corporation, include the names of all directors. If the applicant is a partnership, limited liability company, or joint venture, also include the names of all partners or members and the name of the managing partner, if any.
2. Enter the full name, mailing address, telephone number, and email address of the applicant's representative, if any.
  - a. Check this box if the applicant or representative agrees to receive communications regarding the application and service of documents in accordance with Rule 53 by email.
3. Identify the source of water supply and the major stream to which it is tributary. Include the official geographic name listed on the U.S. Geological Survey Quadrangle map for surface water. Use "unnamed stream" for unnamed bodies of water. For a water source under the ground surface, identify the source as "ground water".

**EXAMPLES:**

Source of water supply	<u>Trail Creek</u>	which is tributary to	<u>Snake River</u>
Source of water supply	<u>unnamed stream</u>	which is tributary to	<u>Grimes Creek</u>
Source of water supply	<u>ground water</u>	which is tributary to	<u>n/a</u>

Identify only one (1) water source per Application for Permit form unless the application is for a single interconnected system that will divert water from more than one (1) source.

For ground water source with a temperature greater than 85°F, answer 8.e. to have a complete application.

4. Locate the point of diversion within each 40-acre tract and/or the U.S. Government Lot of the Public Land Survey System. Identify the county where the point of diversion is located. The point of diversion is the location where water is being diverted from its natural course. The example below reads as: the northeast quarter of the northwest quarter in Section 14, government lot 4 of 10 south and 14 east. See POINT OF DIVERSION EXAMPLE at end of instructions for another example. The blank quarter may be reserved for springs when the known 10-acre tract is known. For an online map, visit <https://maps.idwr.idaho.gov/agol/ApplyingforaWaterRight/>

**EXAMPLE:**

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
10S	14E	14	4		NE	NW	Twin Falls	ground water	D0077250

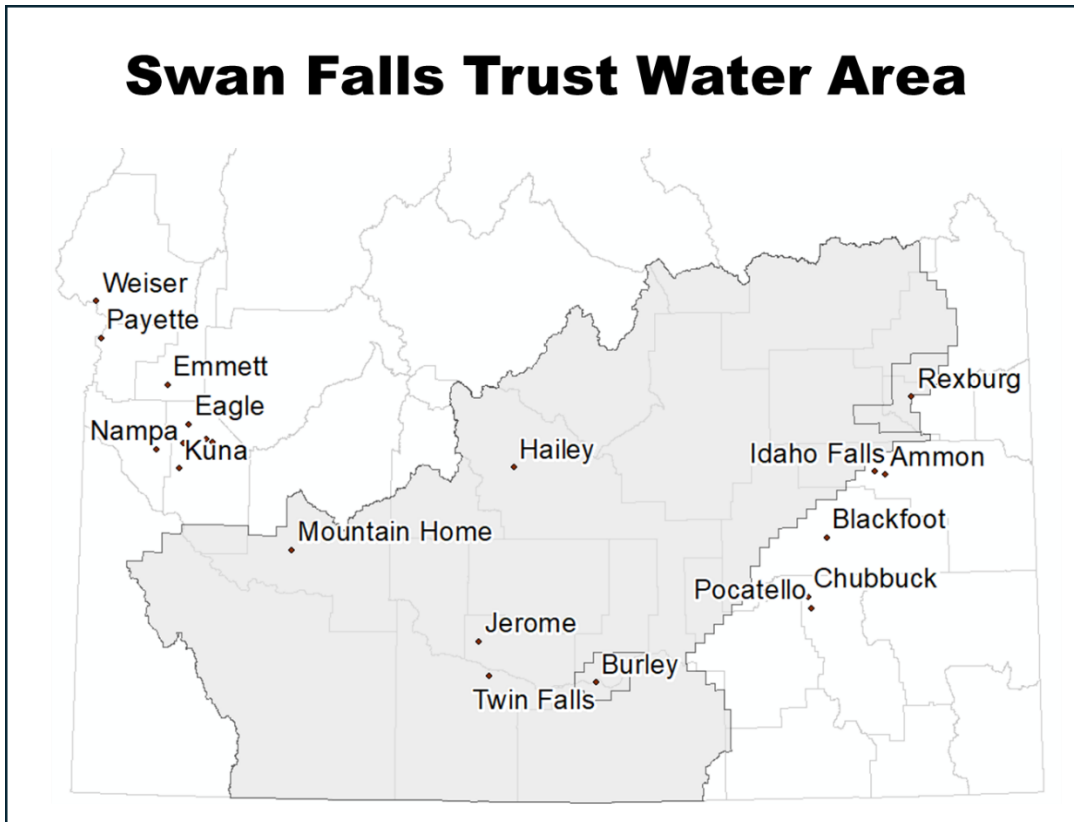
- a. Refer to the Swan Falls Trust Water Area (Trust Water Area) map below. For applications within the Trust Water Area, check either Unappropriated Water or Reallocation of Trust Water. For applications outside the Trust Water Area, do not check any boxes and move on to Item #5.

Unappropriated water in the Swan Falls Trust Water Area is water not set apart for or assigned a particular beneficial use and may be available after the Snake River minimum stream flow at the Murphy Gauge, established hydropower generation rights, and all other senior water right uses are met. Use of this water may

be limited seasonally and may fluctuate from year to year.

Reallocation of trust water in the Swan Falls Trust Water Area uses water authorized for hydropower use for a new beneficial use. Use of this water may be allowed if flows in the Snake River are above the minimum stream flow at the Murphy Gauge, the new use does not significantly reduce the amount of water available for hydropower generation, and the use is in the public interest<sup>1</sup>.

More information about the [Swan Falls Settlement](https://idwr.idaho.gov/legal-actions/settlements/swan-falls/) can be viewed on the Department website at <https://idwr.idaho.gov/legal-actions/settlements/swan-falls/>.<sup>1</sup>



The [Trust and Non-Trust Water Areas](https://maps.idwr.idaho.gov/agol/TrustandNon-TrustWaterAreas/) interactive map can be viewed on the Department website at <https://maps.idwr.idaho.gov/agol/TrustandNon-TrustWaterAreas/>.

5. Estimate the rate of diversion in cubic feet per second (cfs) or the amount of storage in acre-feet (af) to be used for each purpose shown. Describe the intended use of the water and state the annual beginning and ending dates for the diversion of water. The maximum rate needed for each purpose should be requested. For instance, the normal maximum rate of diversion for irrigation is 0.02 cubic feet per second per acre. The customary diversion rate for watering range cattle is 0.00022 cubic feet per second per animal, rounded to the nearest hundredth of a cubic foot per second. Describe the rate of diversion with a maximum of three significant figures with no more precision than hundredths (0.01) for rate and tenths (0.1) for volume.

**EXAMPLES:**

- Amount 6.40 cfs for Irrigation purposes from Mar. 15 to Nov. 15 (both dates inclusive)  
(cfs or acre-feet per year)
- Amount 100 af for Irrigation Storage purposes from Jan. 1 to Dec. 31 (both dates inclusive)  
(cfs or acre-feet per year)
- Amount 6.40 cfs for Fish Propagation purposes from Jan. 1 to Dec. 31 (both dates inclusive)  
(cfs or acre-feet per year)

If the proposed use is fish propagation, heating, cooling, power, or if the proposed flow rate exceeds 5.0 cfs, or if

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<sup>1</sup> IDAPA 37.03.08.010.15. The interests that the people of the state of Idaho have in the effects of a proposed reallocation of trust water pursuant to Section 42-203C(2), Idaho Code. For the definition of "local public interest," see Section 42-202B, Idaho Code.

proposed irrigation exceeds 200 acres, additional information may be required. Contact a Department office to determine the requirements.

For irrigation use, the season of use must coincide with the Department established annual season of use. If a longer season of use is proposed, check the appropriate box in Item #5 and include information demonstrating that the longer season of use is necessary in Item #12 or as attached additional information. Maps describing the Department's standard season of use can be found in Appendix A. The [Irrigation Headgate and Season of Use](https://maps.idwr.idaho.gov/agol/SeasonofUseandHeadgateRequirement/) interactive map can be viewed on the Department website at <https://maps.idwr.idaho.gov/agol/SeasonofUseandHeadgateRequirement/>.

Domestic may describe uses where the total use does not exceed 2,500 gal/day nor 0.04 cfs

6. State the total rate of diversion. The amount entered in Item #6 may be less than the sum total of the amounts listed in Item #5. However, it must be at least equal to the largest amount in line Item #5. The acre-foot amount need not be shown unless water will be stored.

**EXAMPLE:**

Total quantity to be appropriated is (a) 6.40 cubic feet per second (cfs) and/or (b) 100 acre-feet per year (af).

**Note:** If the project proposes storage of water and also a direct flow diversion, both the storage and direct flow components can be shown on the same form.

7. a. Describe the complete diversion system using as much information as is known including the methods for which water is diverted from the source, conveyed to the place of use, and applied to each use listed in section 5. Include any pump, motor, ditch, pipeline, or diversion structure sizes.
- b. If applying to divert water from a well, complete this information. A separate well construction permit will also be required for a new or reconstructed well.
- c. If applying to develop a use from an existing well, complete this information.
- d. If applying to store water, complete this information. Depending on your proposal, a separate dam construction permit may be required. Please indicate "yes" or "no" in the corresponding checkbox.

For applications to store water, the maximum acre-feet per year may not exceed the storage facility capacity unless the application includes a plan of operation for filling the facility more than once per year. The refill plan may include refills for seepage, evaporation use from storage, and other purposes the applicant intends to replace in the storage facility throughout the year. Submit information for the refill plan in Item #12 or include in an attachment.

8. a. If applying for power generation, estimate both total head in feet and the anticipated installed power generation capacity in kilowatts. Include an affidavit of residency. [Form No. 205/206](#) may be used.
- b. If stockwater has been listed under Item #5, state the total number of each kind of livestock, i.e. horses, beef cattle, dairy cattle, etc.
- c. If municipal water use is listed under Item #5, complete the [Municipal Water Right Application Checklist](#) and attach it to your application.
- d. If domestic use is listed under Item #5, state the maximum number of households to be served. If more than one domestic unit is described and water is used for irrigation, include irrigation as a use under Item #5 and identify the number of acres that will be irrigated in Item #9.

For an application proposing domestic use for a multiple home subdivision where the applicant intends to convey a portion of the place of use land to an individual parcel or lot owner, describe the applicant's plan, if any, to keep the permit in single ownership by conveying the permit to a homeowner's association, water system operator, or other entity prior to conveying an individual parcel or lot with appurtenant portion of the permit. Include this information in Item #12 or in an attachment.

- e. If ground water greater than 85°F is being sought, describe how the ground water will be used primarily for its heat value and secondarily for its value as water or how the use qualifies for an exemption pursuant to Section 42-233(1), Idaho Code. An attachment may also be used if the explanation requires additional space.
- f. Describe any other uses not fully explained above.

**EXAMPLE:** If for industrial, fish propagation, etc., give details to support the amount of water requested.

9. Locate all water uses by writing in the townships, ranges and sections. Identify the uses within each 40-acre tract with the symbols shown on the table below. The number of acres to be irrigated in each 40-acre tract must be shown. If irrigation is less than 10 acres, round to the nearest one-tenth (0.1) acre. If total irrigation is greater than 10 acres,

round to the nearest acre.

**EXAMPLE:**

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	14E	21	40		4	4					4			40		40	40		172
		21	S		S	S	D				S			S					

**Use Symbols:**

- |                           |                     |                      |
|---------------------------|---------------------|----------------------|
| Aesthetic – J             | Commercial – C      | Cooling – L          |
| Domestic – D              | Fire Protection – F | Fish Propagation – H |
| Ground Water Recharge – E | Heating – G         | Industrial – I       |
| Mining – X                | Municipal – M       | Power – P            |
| Recreation – R            | Stockwater – S      | Wildlife – W         |

- c. If the proposed place of use is a generally described place of use with an existing digital boundary or existing service area boundary, name the service area place of use, list the water right number serving the place of use, attach a map showing the boundary, and state the total number of acres to be irrigated.
  - d. If the application proposes water use for municipal purposes or fire protection by a municipal provider within a service area, the service area need not be described by legal description. Describe the service area and attach a map depicting the service area.
10. Describe all other water rights used for the same purposes as sought in the application. If possible, identify the water right number assigned by the Department of Water Resources.
- a. Describe if the current delivery system from a water delivery entity is capable of delivering water to the place of use.
  - b. If the application proposes Domestic use and intends to irrigate a lawn or landscape with domestic water, describe the extent of domestic irrigation that will occur and the extent of any existing irrigation from other sources on the same property. For example, describe if the property currently has shares and how additional water used from a well will provide irrigation when surface water is unavailable. Describe how this application proposes combined or overlapping use with existing water uses for lawn or landscape irrigation.
11. a. Identify the landowner of record even if the land is being purchased, rented, or leased in relation to the point of diversion.
- b. Follow the same instructions as above in Item #11a in relation to the place of use.
  - c. Follow same instructions as in Item #11a in relation to the conveyance system, such as ditch, pipe, or other delivery method.
  - d. Explain the contract, lease, desert land entry, or other arrangement by which land not owned by applicant will be developed. If any federal lands must be accessed as part of the development, include with the application evidence that an application for right of way or special use permit has been filed with the federal government. If developing water from a pond of less than five acres in surface area or from a spring wholly contained within a single land ownership and not flowing therefrom, submit evidence that the landowner consents to the proposed development.
12. The narrative should provide a detailed summary of your proposal. It should also relate any additional pertinent information that will be useful to the Department. For example, list unique features such as treatment of industrial waste, name of well drillers, number of raceways, or total weight of fish anticipated to be grown for a fish propagation filing. Attach additional pages, if necessary, to achieve sufficient detail.
13. Estimate the time required for completion of work and application of water to the proposed use. The minimum term of a permit is one year. A development period of up to five years may be requested. The Department will only grant a development period equal to the time necessary to complete the project with due diligence.
14. The map must locate the point of diversion from the source of water and the location of the lands to be irrigated or the place where the water will be used.

**SIGNATURE:**

Sign the application exactly as the name appears in Item #1, unless the applicant is a corporation, municipality, partnership or other entity.

An application in more than one name must be signed by each applicant unless the names are joined "or".

If the applicant is a corporation, municipality, or partnership, the person signing the application must be an officer or elected official of the corporation or municipality and must show the position below the signature. The applicant must submit a list of corporate or partnership officers, directors and partners to the Department with the application.

If someone other than the applicant or a company officer signs the application, evidence must be included with the application that the person signing has authority to sign and holds a current "Power of Attorney" authorizing the action.

**Measurement Units**

- One cubic foot per second (cfs) = 448.8 gallons per minute or 50 miner's inches (Idaho)
- One cubic foot per second flowing 24 hours = 1.9835 acre-feet
- One acre-foot = the volume necessary to cover one acre to a depth of one foot (325.850 gallons)
- One miner's inch = a continuous flow equal to 1/50 cubic feet per second or 0.02 cubic feet per second

**APPLICATION FEE SCHEDULE (PER [IDAHO CODE § 42-221](#))**

The application fee is based on the proposed storage volume (acre-feet per year or AFY) or on the proposed diversion rate (cubic feet per second or CFS). For applications proposing both a diversion rate and a storage volume, determine each fee separately and pay the greater of the two.

Application fees (CFS = cubic feet per second; AF = acre-feet)

Flow Rate (CFS)	Storage Volume (AF)	Fee	Flow Rate (CFS)	Storage Volume (AF)	Fee
0.00 – 0.20	0.0 – 20.0	\$100.00	11.01 – 12.00	1,100.1 – 1,200.0	\$690.00
0.21 – 1.00	20.1 – 100.0	\$250.00	12.01 – 13.00	1,200.1 – 1,300.0	\$730.00
1.01 – 2.00	100.1 – 200.0	\$290.00	13.01 – 14.00	1,300.1 – 1,400.0	\$770.00
2.01 – 3.00	200.1 – 300.0	\$330.00	14.01 – 15.00	1,400.1 – 1,500.0	\$810.00
3.01 – 4.00	300.1 – 400.0	\$370.00	15.01 – 16.00	1,500.1 – 1,600.0	\$850.00
4.01 – 5.00	400.1 – 500.0	\$410.00	16.01 – 17.00	1,600.1 – 1,700.0	\$890.00
5.01 – 6.00	500.1 – 600.0	\$450.00	17.01 – 18.00	1,700.1 – 1,800.0	\$930.00
6.01 – 7.00	600.1 – 700.0	\$490.00	18.01 – 19.00	1,800.1 – 1,900.0	\$970.00
7.01 – 8.00	700.1 – 800.0	\$530.00	19.01 – 20.00	1,900.1 – 2,000.0	\$1,010.00
8.01 – 9.00	800.1 – 900.0	\$570.00	20.01 – 100.00	2,000.1 – 10,000.0	*
9.01 – 10.00	900.1 – 1,000.0	\$610.00	101.01 – 500.00	10,000.1 – 50,000.0	**
10.01 – 11.00	1,000.1 – 1,100.0	\$650.00	500.01 & over	50,000.1 & over	***

- \* \$1,010.00 plus \$20.00 for each additional 1.0 cfs or part thereof or 100 acre-feet or part thereof over the first 20 cfs or 2,000 acre-feet.
- \*\* \$2,610.00 plus \$10.00 for each additional 1.0 cfs or part thereof or 100 acre-feet or part thereof over the first 100 cfs or 10,000 acre-feet.
- \*\*\* \$6,610.00 plus \$2.00 for each additional 1.0 cfs or part thereof or 100 acre-feet or part thereof over the first 500.0 cfs or 50,000 acre-feet.

Your application and fee may be submitted to one of the following offices:

**Northern Region**

Idaho Dept. of Water Resources  
7600 N Mineral Dr, Suite 100  
Coeur d'Alene, ID 83815-7763  
Tel. – 762-2800

**Eastern Region**

Idaho Dept. of Water Resources  
900 N Skyline Dr, Suite A  
Idaho Falls, ID 83402-1718  
Tel. – 525-7161

**Southern Region**

Idaho Dept. of Water Resources  
650 Addison Ave W, Suite 500  
Twin Falls, ID 83301-5858  
Tel. – 736-3033

**Western Region**

Idaho Dept. of Water Resources  
2735 Airport Way  
Boise, ID 83705-5082  
Tel. – 334-2190

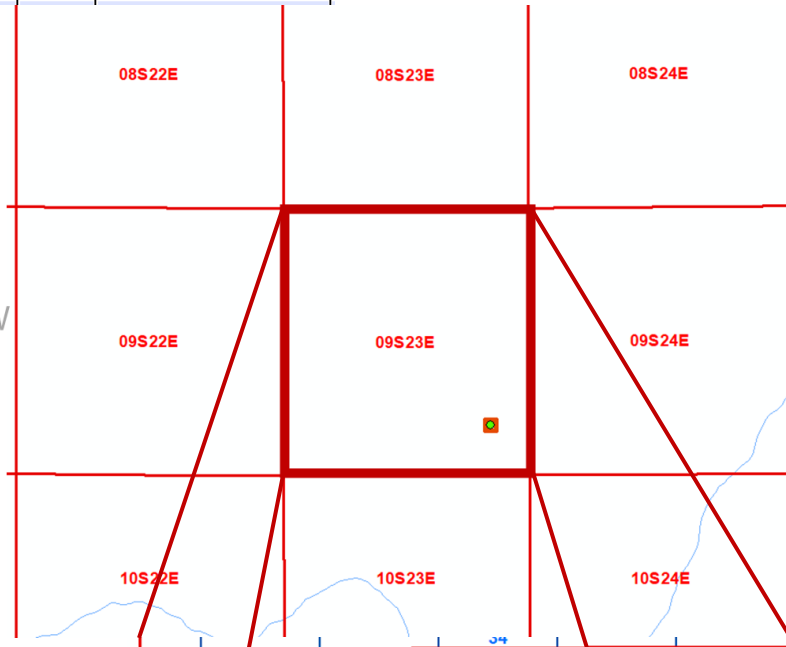
# POINT OF DIVERSION EXAMPLE

Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	County
09S	23E	25		SW	SW	Minidoka

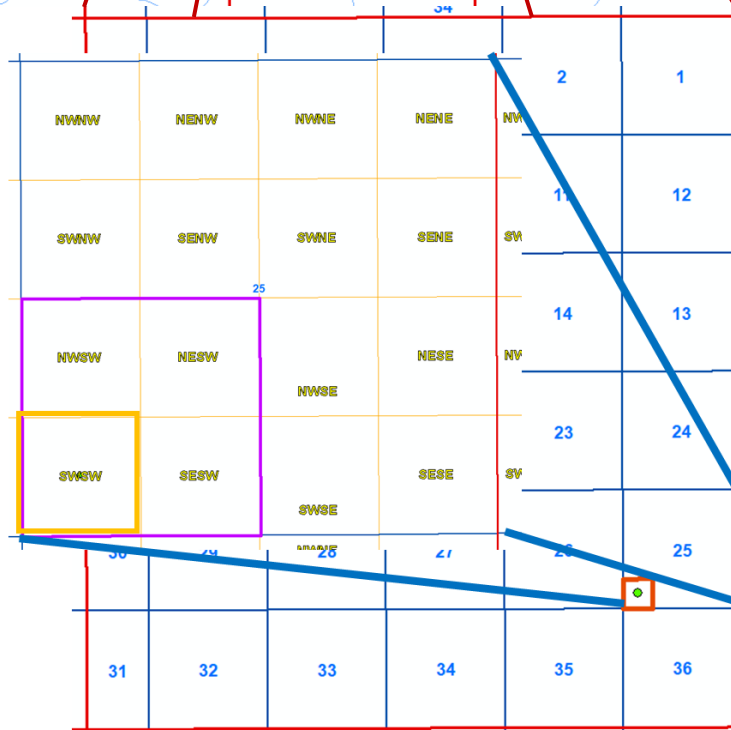
- Example:**

- Township - 09S
- Range – 23E
- Section - 25
- Quarter - SW
- Quarter Quarter - SWSW
  - Reads as “SW quarter of the SW Quarter”

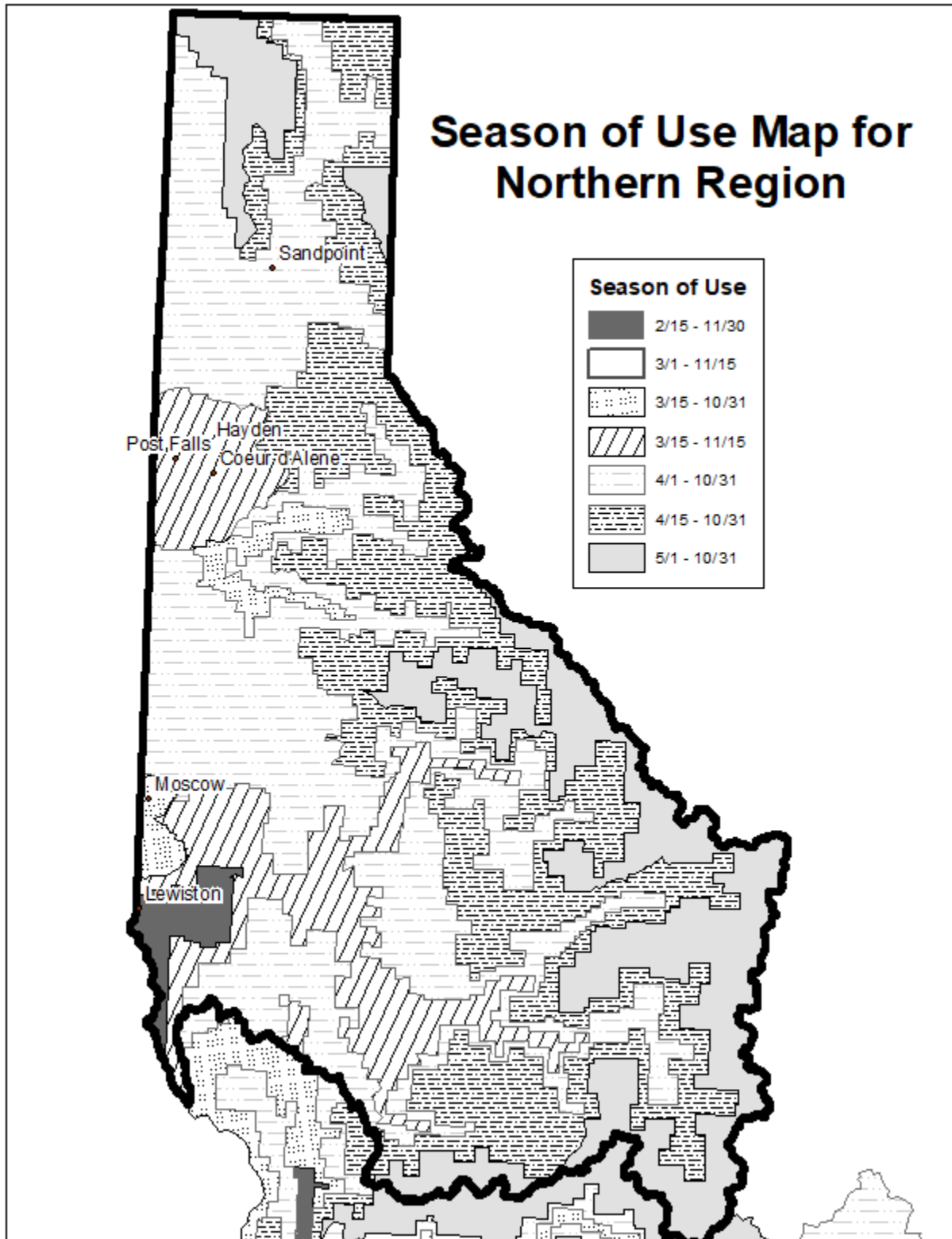


- Example:**

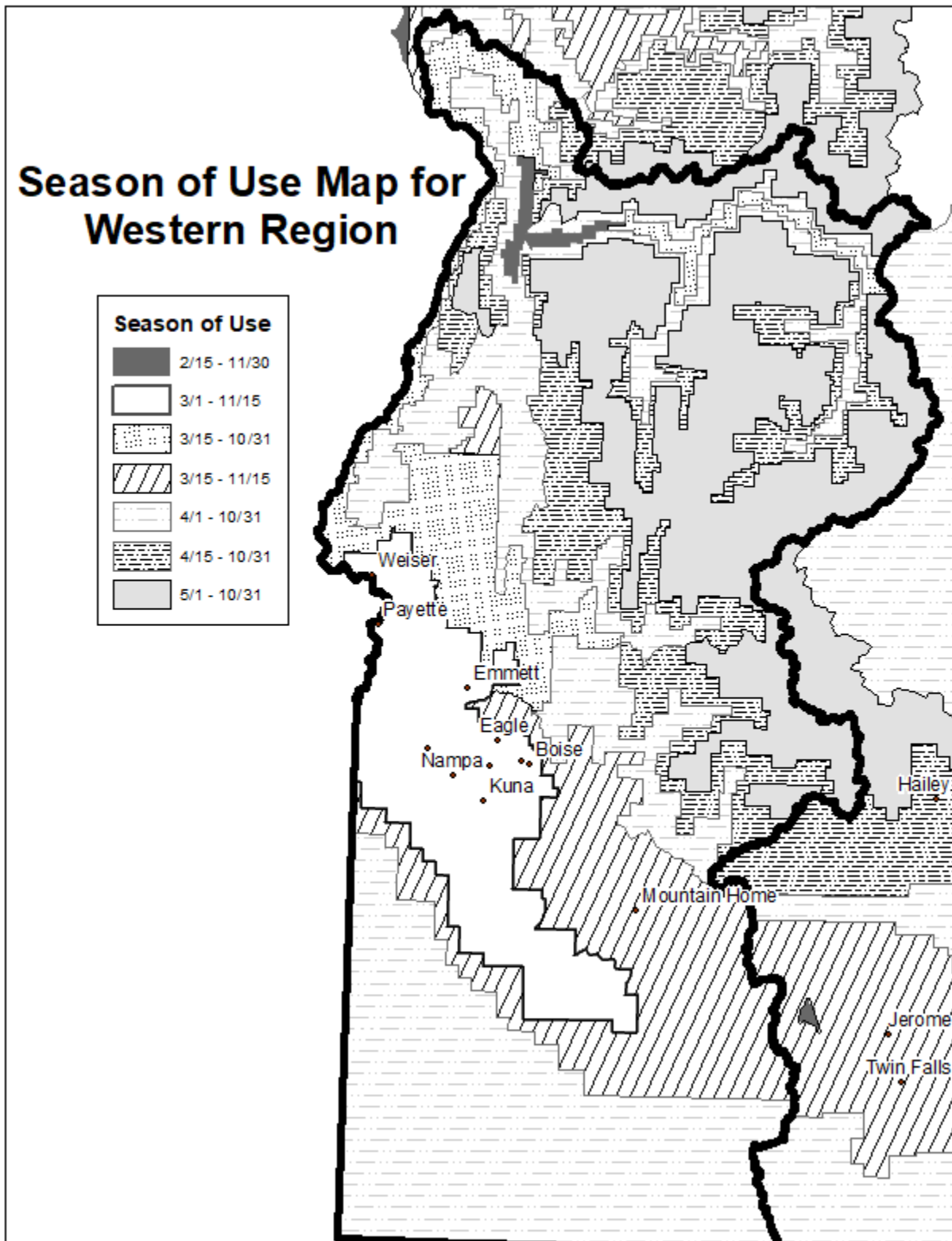
- Township - 09S
- Range – 23E
- Section - 25
- Quarter - SW
- Quarter Quarter - SWSW
  - Reads as “SW quarter of the SW Quarter”



# APPENDIX A: SEASON OF USE MAPS

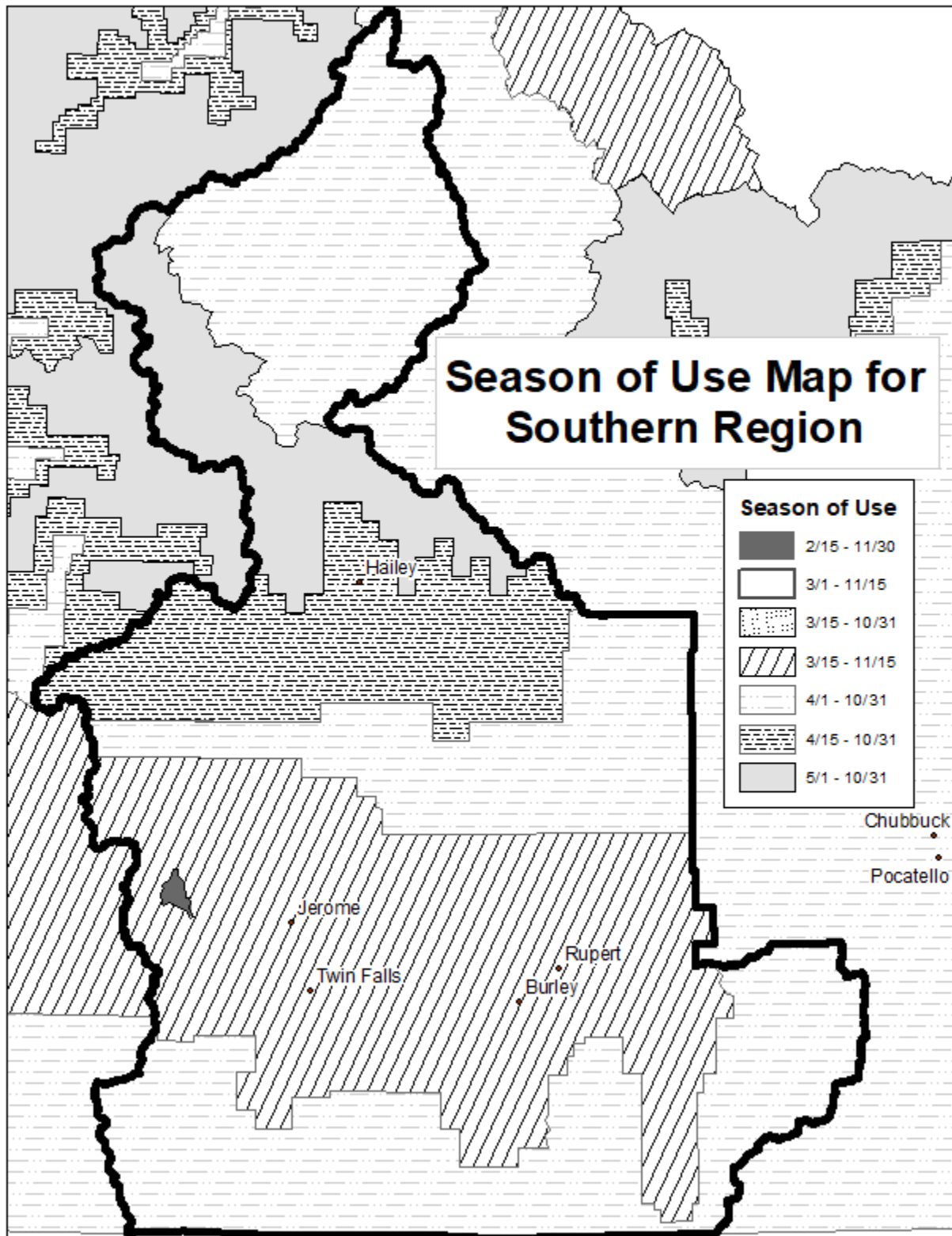


# APPENDIX A: SEASON OF USE MAPS (cont.)





# APPENDIX A: SEASON OF USE MAPS (cont.)



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