



Idaho Statutes

TITLE 42

IRRIGATION AND DRAINAGE – WATER RIGHTS AND RECLAMATION

CHAPTER 2

APPROPRIATION OF WATER – PERMITS, CERTIFICATES, AND LICENSES – SURVEY

42-233b. GROUND WATER MANAGEMENT AREA. "Ground water management area" is defined as any ground water basin or designated part thereof which the director of the department of water resources has determined may be approaching the conditions of a critical ground water area. Upon designation of a ground water management area the director shall publish notice in two (2) consecutive weekly issues of a newspaper of general circulation in the area.

When a ground water management area is designated by the director of the department of water resources, or at any time thereafter during the existence of the designation, the director may approve a ground water management plan for the area. The ground water management plan shall provide for managing the effects of ground water withdrawals on the aquifer from which withdrawals are made and on any other hydraulically connected sources of water.

Applications for permits made within a ground water management area shall be approved by the director only after he has determined on an individual basis that sufficient water is available and that other prior water rights will not be injured.

The director may require all water right holders within a designated water management area to report withdrawals of ground water and other necessary information for the purpose of assisting him in determining available ground water supplies and their usage.

The director, upon determination that the ground water supply is insufficient to meet the demands of water rights within all or portions of a water management area, shall order those water right holders on a time priority basis, within the area determined by the director, to cease or reduce withdrawal of water until such time as the director determines there is sufficient ground water. Water right holders participating in an approved ground water management plan shall not be subject to administration on a time priority basis so long as they are in compliance with the ground water management plan.

← must be defined.

History:

[42-233b, added 1982, ch. 90, sec. 1, p. 165; am. 2000, ch. 85, sec. 6, p. 187; am. 2016, ch. 297, sec. 1, p. 848.]

How current is this law?

Because of this opportunity for GW right holders, support of the SW right holders is needed, or the plan will be opposed. It has to rise to the level of a mitigation plan that addresses the injury to surface water users.