

37.03.01 – ADJUDICATION RULES

000. LEGAL AUTHORITY.

These rules are adopted under the legal authorities of Section ~~42-1414, and~~ 42-1805(8), Idaho Code. ~~(3-18-22)()~~

001. TITLE AND SCOPE.

01. Title. These rules are titled IDAPA 37.03.01, “Adjudication Rules.” (3-18-22)

02. Scope. These rules implement statutes governing the filing of notices of claim to water rights acquired under state law and the collection of fees for filing notices of claims to water rights acquired under state law in general adjudications, ~~as provided in pursuant to~~ Sections ~~4142-1409, and~~ 42-1414, ~~and 42-1415~~, Idaho Code. ~~(3-18-22)()~~

002. -- 009. (RESERVED)

010. DEFINITIONS.

01. Amendment Fee. The additional fee ~~payable required~~ at the time of filing an amendment to a claim, ~~as provided in pursuant to Section 42-1414(2), Idaho Code.~~ ~~(3-18-22)()~~

02. Aquaculture. The use of water for propagation of fish, shell-fish, and any other animal or plant product naturally occurring in an underwater environment. (3-18-22)

~~**03. Aquaculture Fee.** The variable fee payable for aquaculture use, as provided in Section 42-1414(1)(b)(iii), Idaho Code, which shall be calculated for each cfs and fraction thereof to the nearest dollar. (3-18-22)()~~

~~**0403. Claim.** A notice of claim to a water right acquired under state law, as provided in pursuant to Section 42-1409(4), Idaho Code. (3-18-22)()~~

~~**0504. Department.** The Idaho Department of Water Resources. (3-18-22)()~~

~~**0605. Director.** The Director of the Idaho Department of Water Resources. Per Section 42-1701(3), Idaho Code, the Director may delegate authority to perform duties imposed upon the Director by law, including duties described herein, to a Department employee. (3-18-22)()~~

~~**0706. Domestic Use.** Domestic use as defined in Section 42-1401A(4), Idaho Code. (3-18-22)()~~

~~**0807. Flat Fee.** The per claim fee for filing a claims, as provided in pursuant to Section 42-1414(1)(a), Idaho Code. (3-18-22)()~~

~~**0908. Late Fee.** The additional fee payable required for the filing of a late claims, as provided in pursuant to Section 42-1414(3), Idaho Code. (3-18-22)()~~

~~**10. Per Acre Fee.** The variable fee for irrigation use, as provided in Section 42-1414(1)(b)(i), Idaho Code, which shall be calculated for each acre and fraction thereof rounded to the next whole acre. (3-18-22)~~

~~11. Per Cfs Fee. The variable fee payable for other uses, as provided in Section 42-1414(1)(b)(iii), (iv) and (v), Idaho Code, which shall be calculated for each cfs and fraction thereof to the nearest dollar. (3-18-22)~~

~~12. Per Kilowatt Fee. The variable fee payable for power generation use, as provided in Section 42-1414(1)(b)(ii), Idaho Code, which shall be calculated for each kilowatt and fraction thereof. (3-18-22)~~

09. Public Entity. A state or local government, or any agency, office, or department run by a state or local government. ()

10. Public Purpose. Use of water by a public entity for in-stream flows, lake level maintenance, wildlife, aesthetic, or recreation use. ()

~~13. State Law Claim Form. The department's form entitled "Notice of Claim to a Water Right Acquired Under State Law as provided in Section 42-1409(4), Idaho Code. (3-18-22)~~

~~1411. Stock Watering Use. Stock watering use as defined in Section 42-1401A(11), Idaho Code. (3-18-22)()~~

1512. Total Fee. The fee payable required for filing a claim, which consists consisting of the flat fee plus any applicable variable fee and late fee. (3-18-22)()

~~1613. Variable Fee. The fee payable required for filing a claims in addition to the flat fee, as provided pursuant to Section 42-1414(1)(b), Idaho Code. (3-18-22)()~~

1714. Water Delivery System. All structures and equipment used for diversion, storage, transportation, and use of water from the water source to and including each place of use. (3-18-22)()

~~1815. Water Delivery Organization. An irrigation district, a water utility, a municipality, or any similar claimant of a water right who diverts water pursuant to the water right claimed and delivers the water to others who make beneficial use of the water diverted by the water delivery organization pursuant to the water right claimed by the water delivery organization. (3-18-22)()~~

011. ABBREVIATIONS.

~~01. AF. An acre-Acre foot (feet). (3-18-22)()~~

~~02. CFS. Cubic foot (feet) per second. (3-18-22)~~

~~03. NA. Not applicable. (3-18-22)~~

~~04. PIN. Parcel identification number. (3-18-22)~~

012. -- 024. (RESERVED)

025. GENERAL.

01. Requirement to Pay. All persons filing claims to water rights acquired under state law or amendments to claims to water rights acquired under state law shall be required to pay filing fees as set forth by statute and these rules. (3-18-22)()

02. Method of Payment. Fees shall be paid in cash legal tender of the United States; or by money order, certified check, cashier's check, personal check, debit or credit card payment, or by electronic payment on-line payable to the department in legal tender of the United States. Two party checks will not be accepted. (3-18-22)()

03. Personal Check. If a personal check ~~in payment of a flat fee, a variable fee, or a late fee,~~ is returned unpaid to the ~~department~~ Department or the debit or credit card payment is rejected by the financial institution, the claims ~~covered by the returned check or the rejected debit or credit card~~ will be rejected and returned to the claimant. If a personal check in payment of an amendment fee is returned unpaid to the ~~department~~ Department or the debit or credit card payment is rejected by the financial institution, the amended claim will be rejected and returned to the claimant, but the original claim will still be in effect. (3-18-22)()

~~**04. Time of Payment.** Flat fees and variable fees shall be payable to the department at the time of filing a claim. Amendment fees shall be payable to the department at the time of filing the amended claim. Late fees shall be payable at the time of filing the late claim. (3-18-22)~~

0504. Government Voucher. Fees payable by government agencies (other than agencies of foreign governments) may be paid ~~when due~~ by government voucher. If full payment of the voucher is not received within forty-five (45) days of the date the voucher is received, the unpaid voucher will be treated as a returned check ~~as provided in pursuant to~~ Subsection 025.03. (3-18-22)()

0605. Rejection of Claim. Claims submitted without the correct filing fee ~~shall will~~ be rejected and returned to the claimant ~~along with any fees paid.~~ (3-18-22)()

0706. Fire-Fighting. A claim is not required ~~to be filed~~ for water used solely to extinguish or prevent spreading of an existing fire on private or public lands, structures, or equipment, ~~or to prevent an existing fire from spreading to private or public lands, structures, or equipment endangered by an existing fire~~ pursuant to Section 42-201(3), Idaho Code. A claim is required for the use of water for ~~domestic purposes in regularly maintained~~ firefighting stations and for the storage of water for fighting future fires. (3-18-22)()

026. -- 029. (RESERVED)

030. FLAT FEES.

01. Small-Domestic and Stock Water. A flat fee of twenty-five dollars (\$25) ~~is required shall be payable~~ for each claim for domestic use ~~and~~/or stock watering use meeting the definition of domestic use ~~and~~/or stock watering use in Rule Section 010. Filing fees for stock watering use only claims for stock water use only, are assessed for the first four claims filed by a claimant. (3-18-22)()

02. Other Claims. A flat fee of fifty dollars (\$50) ~~shall be payable is required~~ for each claim that does not meet the criteria of Subsection 030.01. (3-18-22)()

031. -- 034. (RESERVED)

035. VARIABLE FEES.

01. General. A variable fee in addition to the flat fee is required ~~For for~~ each claim not meeting the criteria of Subsection 030.01, ~~unless otherwise stated in these rules, there may be a variable fee in addition to the flat fee.~~ (3-18-22)()

02. Per Acre Fee. The variable fee for irrigation use, pursuant to Section 42-1414(1)(b)(i), Idaho Code, is calculated for each acre and fraction thereof rounded to the next whole acre. (3-18-22)()

a. A fee of one dollar (\$1.00) per acre ~~shall be is~~ required for an irrigation use claims for irrigation use. (3-18-22)()

b. The per acre fee ~~shall is~~ only ~~be~~ charged once against a particular acre, regardless of the number of claims filed for the irrigation of that acre or the number of claimants filing claims for the irrigation of that acre. (3-18-22)()

c. The per acre fee ~~shall be~~ payable by the first person to file a claim for the irrigation of a particular acre.

~~(3-18-22)()~~

d. The per acre fee for an irrigation project where the canals constructed cover an area of twenty-five thousand (25,000) acres or more, or irrigation districts organized and existing as such under the laws of the state of Idaho, or for beneficial use by more than five (5) water users in an area of less than twenty-five thousand (25,000) acres ~~shall will~~ be determined based upon the acreage claimed to be irrigated by the project or irrigation district within the boundaries of the project or irrigation district.

~~(3-18-22)()~~

03. Per Kilowatt Fee. ~~The variable fee for power generation use pursuant to Section 42-1414(1)(b)(ii), Idaho Code,- calculated for each kilowatt and fraction thereof.~~

~~(3-18-22)()~~

a. A per kilowatt of capacity (manufacturer's nameplate rating) fee of three dollars and fifty cents (\$3.50) per kilowatt, or two hundred fifty thousand dollars (\$250,000.00), whichever is less, ~~shall be~~ required for a ~~power generation use claims for power use.~~

~~(3-18-22)()~~

b. The per kilowatt fee ~~shall be~~ determined based upon the total generating capacity of all generators in which the water right claimed is used.

~~(3-18-22)()~~

c. The total per kilowatt fee for all claims filed for a single hydropower facility ~~shall will~~ not exceed the per kilowatt fee for the total generating capacity of all generators in the hydropower facility.

~~(3-18-22)()~~

04. Per CFS Fee. ~~The variable fee for a uses other than those identified above in sSubsections 030.01, 035.01, 035.02, and 035.03, pursuant to Section 42-1414(1)(b)(iii), (iv), and (v), Idaho Code, calculated for each cfs and fraction thereof to the nearest dollar.~~

~~(3-18-22)()~~

a. A fee of ten dollars (\$10) per cfs ~~for aquaculture shall be~~ required ~~for an aquaculture use claims for aquaculture use.~~ A fee of one hundred dollars (\$100) per cfs ~~is required~~ for all other uses ~~shall be required~~ except for irrigation, power, and domestic and stock watering uses meeting the definition of domestic and stock watering use in Section 010.

~~(3-18-22)()~~

b. For a claim ~~to water~~ for more than one (1) public purpose, the per cfs fee ~~shall will only~~ be charged ~~only~~ once per cfs claimed. ~~Public purposes shall include public in stream flows, lake level maintenance, wildlife, aesthetic beauty, and recreation.~~

~~(3-18-22)()~~

c. If there is a seasonal variation in the number of cfs claimed, the per cfs fee ~~shall be~~ based upon the maximum number of cfs claimed for any period during a single calendar year.

~~(3-18-22)()~~

~~d. The per cfs fee shall apply to claims for water quality improvement, recreation, aesthetic purposes, and any other purpose not expressly listed at Section 42-1414(1), Idaho Code, except as otherwise provided by these rules.~~

~~(3-18-22)~~

05. Claims Including Storage.

~~(3-18-22)()~~

a. The ~~ultimate use of the water stored determines the variable fee for a claim that includes storage.~~ ~~variable fee for a claim that includes storage shall be based upon the ultimate use of the water stored.~~ If ~~the a~~ claim states ~~a~~ purposes other than diversion to storage, storage, and diversion from storage, the total variable fee will be determined ~~as provided in~~ pursuant to Subsection 035.06.

~~(3-18-22)()~~

~~b. No variable fee shall be payable for water claimed for ground water recharge purposes.~~ ~~(3-18-22)~~

~~eb.~~ For purposes of determining the per cfs fee for ~~the amounts~~ of water claimed in af, one (1) cfs equals one and ninety-eight one-~~hundredths~~ hundredths (1.98) af per day of diversion to storage.

~~(3-18-22)()~~

~~d. No variable fee shall be payable for minimum by pass flows. (3-18-22)~~

06. Multiple Purpose Claims. If a ~~claimant~~ claims includes more than one (1) purpose of use ~~on a single claim~~, the variable fee will be the total of the variable fees payable required for each purpose of use. ~~(3-18-22)()~~

07. Exceptions. No variable fee ~~shall be~~ payable required for a claims or portions of a claims for ground water recharge purposes, fire-fighting purposes ~~if a claim is required under Subsection 025.07₂~~ or for domestic use and/or stock watering use meeting the definitions of domestic use and stock watering use in Section 010. ~~(3-18-22)()~~

036. -- 044. (RESERVED)

045. AMENDMENT FEES.

When a claimant files an amendment to a claim, ~~the total fee shall be recalculated as if the amended claim were the original claim.~~ If the total fee as recalculated is greater than the total fee paid at the time the claim was originally filed, the amendment fee ~~shall be~~ the difference between the two (2) amounts. No refund ~~shall be made issued~~ if the total fee as recalculated is less than the total fee paid at the time the claim was originally filed. ~~(3-18-22)()~~

046. -- 049. (RESERVED)

050. LATE FEES.

01. Late Fee Payable. A late fee ~~shall be~~ payable required ~~when a for a claim is~~ filed after the date set forth in the first commencement notice mailed to the claimant or the claimant's predecessor in interest pursuant to Sections 42-1414(3), Idaho Code. ~~(3-18-22)()~~

02. Waiver. The late fee may be waived by the ~~director~~ Director for good cause shown. ~~(3-18-22)()~~

051. -- 054. (RESERVED)

055. REFUNDS.

Fees ~~shall will~~ not be refunded or returned except where the fee was miscalculated at the time the claim was filed or as expressly provided in these rules. ~~(3-18-22)()~~

056. -- 059. (RESERVED)

060. SUFFICIENCY OF CLAIMS.

01. Single Claim. Except for claims based on both state law and federal law, a single claim may describe only one (1) water right. ~~A claim that describes more than one (1) water right will be rejected and returned along with any fees paid, and must be refiled as multiple claims.~~ ~~(3-18-22)()~~

02. State Law Claim Form. -- Minimum Requirements. Claims filed on the state law A claim form shall must contain the following information be filed: ~~(3-18-22)()~~

a. On the Department's form entitled "Notice of Claim to a Water Right Acquired Under State Law", or equivalent from approved by the Department, with any applicable attachments; ~~()~~

b. In accordance with IDAPA 37.01.01, "Rules of Procedure of the Idaho Department of Water Resources," Section 053, either on paper, digitally in PDF format, or through the Department's online filing process. ~~()~~

c. With required filing fees pursuant to Subsections 030 and 035. ()

d. In accordance with the minimum requirements pursuant to Subsection 060.03. ()

03. Minimum Requirements. Claims filed on the claim form ~~shall~~ must contain the following information:

()

a. ~~Name, Address and Phone Number of Claimant.~~ The ~~n~~Name and mailing, address, and phone number of the claimant and all co-claimants ~~claiming filing the notice of claim to a~~ water right jointly ~~with the claimant shall be listed at item one (1) of the form.~~

(3-18-22)()

b. ~~Date of Priority.~~ The ~~d~~Date of priority ~~shall be listed at item two (2) of the form, and shall, include~~ including month, day and year.

()

i. ~~List~~ Only one (1) priority ~~date may be stated~~ unless the claim is based upon both state and federal law ~~as provided in~~ pursuant to Subsection 060.01. ~~If more than one (1) priority date is stated, the claim will be rejected and returned along with any fees paid, and must be refiled as multiple claims.~~

(3-18-22)()

i. ~~Within thirty (30) days, unless an extension by the director or his designee is approved, the claimant shall provide evidence of the priority date to support the water right claimed. If the claimant fails to provide evidence of priority, the form may be rejected and returned with no refund of the fees paid.~~

(3-18-22)

c. ~~Source of Water Supply.~~ The ~~source of water supply shall be stated at item three (3) of the form.~~

(3-18-22)()

i. For ~~a~~ surface water sources, ~~include the source of water shall~~ ~~should~~ be identified by the official geographic name listed on the ~~United States~~ Geological Survey (USGS) Quadrangle map. ~~If the source of water is not named on the USGS Quadrangle map no official name has been given, describe it as an unnamed water body, such as "unnamed stream."~~ For surface water sources, also identify the first named stream or river to which the source is tributary. ~~If the water source sinks into the ground before reaching a stream named on the USGS Quadrangle map, describe the "tributary to" stream as "sinks."~~ If the water source flows into a stream named on the USGS Quadrangle map for part of the year and sinks into the ground for the other part of the year, identify the "tributary to" stream as the named stream on the USGS Quadrangle map. ~~the name in local common usage should be listed. If there is no official or common name, the source should be described as "unnamed stream" or "spring."~~ The first named downstream water source to which the source is tributary shall also be listed. ~~For ground water sources, the source shall be listed as "ground water."~~

(3-18-22)()

ii. ~~Identify~~ Only one (1) water source ~~shall be listed~~ unless the claim is for a single interconnected water delivery system that ~~diverts water from~~ has more than one (1) source, ~~or the claim is for a single licensed or decreed right that covers more than one (1) water delivery system. If more than one (1) source is listed and the claim is not for a single water delivery system that has more than one (1) source, and the claim is not for a single licensed or decreed water right that covers more than one (1) water delivery system, the claim will be rejected and returned along with any fees paid, and must be refiled as multiple claims.~~

(3-18-22)()

iii. For a water source under the ground surface, identify the source as "ground water." ()

d. ~~Point of diversion.~~ Describe the ~~Location~~ location of the ~~Point~~ point of ~~Diversion~~ diversion to the nearest forty (40) acre tract (quarter-quarter section) or government lot number, and include township number (including north or south designations), range number (including east or west designations), section number and county. For claims other than in-stream flows, the location of the point(s) of diversion shall be listed at item four (4) part (a) of the form. For claims to in-stream flows, the beginning and ending points of the claimed in-stream flow shall

be listed at item four (4) part (b) of the form.

~~(3-18-22)()~~

~~i. The location of the point of diversion shall be described to nearest forty (40) acre tract (quarter-quarter section) or government lot number, and shall include township number (including north or south designations), range number (including east or west designations), section number, and county. For claims to in-stream flows, describe the beginning and ending points of in-stream flow use, if claimed.~~
~~(3-18-22)()~~

~~ii. The claimant shall also must list the Parcel Number or Parcel Identification Number (PIN) as assigned by the county assessor's office for the parcel where the water is diverted unless no Parcel Number or PIN is recorded for the property at the point of diversion.~~
~~(3-18-22)()~~

~~iii. List the subdivision name, block number, and lot number, If-if the point of diversion is located in a platted subdivision, a where the plat of which has been is recorded in the county recorder's office for the county in which the subdivision is located, the claimant shall may also list the subdivision name, block number and lot number in item thirteen (13) of the form (remarks section).~~
~~(3-18-22)()~~

~~iv. A claim to a water right that includes storage shall state must include the point at which water is impounded (applicable only to for an on-stream reservoirs) or the point at which water is diverted to storage (applicable only to for an off-stream reservoirs). For a claim, the point at which water is released from storage into a natural stream channel (applicable only where a natural stream channel is used to convey stored water), include and the point at which water is diverted into a natural channel, and the point where water is rediverted from the natural channel (applicable only where a natural channel is used to convey stored water).~~
~~(3-18-22)()~~

~~v. List Only one (1) point of diversion shall be listed unless the claim is for a single water delivery system that has more than one (1) point of diversion, or the claim is for a single licensed or decreed water right that covers more than one (1) water delivery system. If more than one (1) point of diversion is listed and the claim is not for a single water delivery system that has more than one (1) point of diversion, and the claim is not for a single licensed or decreed water right that covers more than one (1) water delivery system, the claim will be rejected and returned along with any fees paid, and must be refiled as multiple claims.~~
~~(3-18-22)()~~

~~e. Description of Diversion Works. The diversion works shall be described at item five (5) of the form.~~
~~(3-18-22)()~~

~~i. The description shall include Describe all major components of the water delivery system, such as dams, reservoirs, ditches, pipelines, pumps, wells, headgates, etc. The description shall also include those dimensions of major components which affect the diversion capacity of the water delivery system. The description shall also state whether the ditches are lined and/or covered, Include the depth of wells, the horsepower rating of installed capacity of pumps, and whether headgates are automatic or equipped with locks and/or measuring devices.~~
~~(3-18-22)()~~

~~ii. For a claim asserting an accomplished transfer pursuant to Section 42-1425, Idaho Code, The description shall include the dates and a description of any changes in use (including change in point of diversion, place of use, purpose of use, and period of use). Describe the diversion works before and after the accomplished transfer. ()~~

~~iii. For claim describing an enlargement in use pursuant to or enlargements in use Section 42-1426, Idaho Code, identify the base water right enlarged and the date the enlargement occurred. Identify (including an increase in the amount of water diverted, the the enlarged elements of the base right including number of acres irrigated, extended season of use, or additional uses of water), and as to those dimensions required to be described above, Describe the dimensions diversion works as originally constructed and as enlarged.~~
~~(3-18-22)()~~

~~iv. For claims describing an expansion in use pursuant to Section 42-1416B, Idaho Code, identify the base water right expanded and the date the expansion occurred. Identify the expanded element of the base right including number of acres irrigated, or additional uses of water. Describe the diversion works as originally constructed and as expanded. ()~~

~~iii.~~ Water delivery organizations ~~shall~~must describe the water delivery system up to and including the point where responsibility for water distribution is assumed by entities other than the water delivery organization. (3-18-22)()

~~f.~~ Purpose of Use ~~and~~ Period of Use. Each purpose for which water is claimed, the period of use for each purpose for which water is claimed, and the amount of water claimed for each purpose for which water is claimed shall be listed at item six (6) of the form. Period of use shall include the month and day of the first and last day of use. For example, the period of use for domestic use is often January 1st through December 31st. (3-18-22)()

~~i.~~ Describe each purpose of use. ~~The purpose may be described~~ in general terms such as irrigation, industrial, municipal, mining, power-generation, fish propagation, domestic, stock-watering, etc. (3-18-22)()

~~ii.~~ A claim to a water right that includes storage ~~use shall~~must be ~~broken down~~separated into component purposes with the ultimate use(s) of the stored water indicated. The component purposes of a storage right are diversion to storage (not applicable to an on-stream reservoirs), storage, and diversion from storage (not applicable where the ultimate use is an in-reservoir public purpose). Detention of water in a holding pond, where the pond is not the end use of the water, that can be filled in less than twenty-four (24) hours at the claimed diversion rate is not required to be claimed as storage. ~~The amount of water claimed shall be limited to the active storage capacity of the reservoir unless a past practice of refilling the reservoir during the water year (October 1 to September 30) is shown or the claim is for a licensed or decreed right that includes refill. If a past practice of refilling the reservoir is shown or if the claim is for a licensed or decreed right that includes refill, the total amount of water claimed for the calendar year and the entire period during which diversion to storage or impoundment occurs shall be indicated.~~ (3-18-22)()

~~iii.~~ The amount of water claimed for each purpose for which water is claimed shall not exceed the amount of water beneficially used for the purpose claimed, and the period of use for each purpose claimed shall not exceed the period in which water is beneficially used for the purpose claimed. (3-18-22)

~~iv.~~ The amount of water diverted shall be listed in cfs, and the amount of water stored shall be listed in af per annum. (3-18-22)

~~g.~~ Quantity of Water ()

~~i.~~ Include the flow rate in cfs or the volume of water to be stored in af per year for each purpose of use, using values with a maximum of three significant figures with no more precision than hundredths for rate and tenths for volume. ()

~~ii.~~ For claims to store water, the maximum af per year may not exceed the storage facility capacity unless the claim includes a description explaining the past practice of filling the storage facility more than once per year, or the claim is for a licensed or decreed right that includes refill. The description of past refill practices may include refills for seepage, evaporation, or use from storage. ()

~~iii.~~ The amount of water claimed for each purpose for which water is claimed must not exceed the amount of water beneficially used for the purpose claimed. ()

~~giv.~~ Amount of Water Claimed. The total amount of water claimed shall be listed at item seven (7) of the form. The total amount of water claimed shall must not exceed the sum total of the amountsquantity listed for each water use at item six (6) of the form, or the total diversion capacity of the diversion system, whichever is less. (3-18-22)()

~~h.~~ Period of Use. A period of use must be listed for each purpose of use and must include the month and day of the first and last day of use. ()

hi. Description of Non-Irrigation Uses. Fully describe any n~~Non-irrigation uses should~~all be fully described at item eight (8) of the form. For d~~Domestic uses must, describe~~the number of households served and any irrigation associated with the domestic use. S~~shall be described; for stock watering uses must, describe~~the type of stock and number of each type of stock~~shall be described.~~ (3-18-22)(____)

~~i. If the claimant's domestic use does not meet the definition of domestic use in Subsection 010.07, the form will be rejected and returned unless the appropriate variable fee is paid. (3-18-22)~~

~~ii. Claims for stock watering uses. The claimant shall also state~~must identify whether if~~the stock watering use is in-stream, or whether if water is diverted from the source for stoek watering. In-stream stock watering and diverted Both types of stock watering cannot be filed on the same claim form unless the claim is for in-stream stock watering-in for which a "Notice of Diversion as an Alternative to Instream Stockwater #Use" has been filed pursuant to Section 42-113, Idaho Code; each type requires a separate claim. (3-18-22)(____)~~

~~iii. Describe d~~Domestic use for organization camps and public campgrounds~~shall~~must be fully described, including, but not limited to, the number of camp units, water faucets, flush toilets, showers, and sewer connections. Description of domestic use for organization camps and public campgrounds shall also include the average and peak number of individuals using the facility, and the periods when peak or average rates of usage occur. (3-18-22)(____)

ij. Place of Use. Describe the location of the place of use to the nearest forty (40) acre tract or government lot and include township number (including north or south designations), range number (including east or west designations), section number and county of the Public Land Survey System. The place of use for each purpose for which water is claimed shall be listed at item nine (9) of the form, except that t~~The place of use for in-stream flows for public purposes need not be listed if the place of use is fully described as the stream between the beginning and ending points listed as the points of diversion. (3-18-22)(____)~~

~~i. Except claims for irrigation projects and irrigation districts meeting the criteria described in Subsection 060.ik.ii. below, describe the number of acres irrigated to the nearest whole acre shall be described by entering the appropriate numbers in the appropriate boxes for in each forty (40) acre tract or government lot on the form. For irrigation of less than ten (10) acres, acreage must be shown to the nearest one-tenth (0.01) acre. For other uses, a symbol or letter corresponding to the purpose for which water is claimed shall be placed in the appropriate box for each forty (40) acre tract or government lot on the form. (3-18-22)(____)~~

~~ii. Claims for an irrigation project where the canals constructed cover an area of twenty-five thousand (25,000) acres or more, or irrigation districts organized and existing as such under the laws of the state of Idaho, or for beneficial use by more than five (5) water users in an area of less than twenty-five thousand (25,000) acres shall must be accompanied by a map showing the boundaries of the project or irrigation district, and shall must state the total number of acres irrigated within the boundaries of the project or irrigations district. The project or district shall must submit include a map of the boundary of the place of use and, w~~When available, claims should include a digital boundary defined in Section 42-202(B)(2), Idaho Code. (3-18-22)(____)

~~iii. The claimant shall also list Include the Parcel Number or Parcel Identification Number (PIN) as assigned by the county assessor's office for the parcel where the water is used unless no Parcel Number or PIN is recorded for the property at the place of use or the PIN is the same as the PIN shown in item four (4) for the point of diversion. (3-18-22)(____)~~

jk. County of Place of Use. List the~~The~~county(ies) in which the place(s) of use is (are) located~~shall be listed at item ten (10) of the form. (3-18-22)(____)~~

kl. Authority to Assert Claim. The claimant shall i~~Indicate at item eleven (11) of the form~~whether the claimant is the owner of the place(s) of use. If the claimant is not the owner of the place(s) of use, the claimant shall

describe ~~in the remarks section of the form~~ the claimant's authority to assert the claim. Unless the claimant is a water delivery organization, ~~the claimant shall also state~~ include the name, ~~and~~ address, ~~and phone number~~ of the owner(s) of the place of use. ~~in item thirteen (13) (remarks section) of the form.~~ (3-18-22)(____)

lm. Other Water Rights. ~~The claimant shall d~~ Describe at item twelve (12) of the form any other water rights used at the same place and for the same purpose as the water right claimed. Include the existing water right number, if known. ~~If there are no other water rights used at the same place and for the same purpose as the right claimed, the claimant shall state "NA" or "none."~~ (3-18-22)(____)

mn. Remarks. ~~At item thirteen (13) of the form, t~~ The claimant may submit any additional, relevant information not specifically requested. If the space provided on the claim form is ~~not in~~ insufficient, remarks shall be set forth on a separate piece of paper and attached to the form. All separate attachments must be specifically referenced in the remarks section of the claim form. (3-18-22)(____)

no. Maps. Include a An aerial photograph, digital image, or USGS quadrangle map ~~shall be included~~ with the claim, unless the claim meets the definition of domestic use ~~and or~~ stock watering use as defined in Section 010 or unless the claim is submitted electronically through the ~~department's~~ Department's online claim filing website. Identify The the point(s) of diversion, place(s) of use, and the water delivery system ~~shall be identified~~ on the aerial photograph, imagery or USGS quadrangle map. (3-18-22)(____)

op. Basis of Claim. ~~Include The the~~ basis of the claim ~~shall be indicated at item fourteen (14) of the form.~~ Include any fa water right number ~~has been previously~~ assigned by the ~~department~~ Department to the water right claimed, ~~the water right number shall also be indicated.~~ If a water right number has not been assigned and the water right ~~the claimed water right~~ is based upon a decree that does not have a previously assigned water right number, the claimant shall list the title and date of the decree, the case number, and the court that issued the decree. ~~If the basis of claim is a beneficial use (also known as the constitutional method of appropriation), the claimant shall provide a short description of events or history of the development of the water right.~~ (3-18-22)(____)

pq. Signature. Each claim must be signed by each the claimant, ~~at item fifteen (15) of the form, submitted electronically by the claimant, or signed and submitted including with evidence to show the signatory has authority to sign on behalf of the claimant unless the claim is submitted electronically through the department's online claim filing website.~~ Each claimant, ~~through submission of a signed claim or through submission of a claim by means of the department's online claim filing website,~~ solemnly swears or affirms under penalty of perjury that the statements contained in the notice of claim are true and correct. (3-18-22)(____)

i. ~~For c~~ Claims submitted through the department's online claim filing website, the form shall ~~must~~ be submitted by a person listed as the claimant at item one (1) of the form unless the person submitting the form ~~claim~~ has authority to submit the claim form for the claimant or claimants. ~~A C~~ Claims by a corporations, municipalities or other organizations ~~shall must~~ be submitted by an officer of the corporation or an elected official of the municipality or an individual authorized by the organization to submit the form. ~~The signatory's title shall must be stated with the signature.~~ (3-18-22)(____)

ii. ~~For c~~ Claims that are not submitted through the department's claim filing website by means of the internet, the form must be signed by each of the persons listed as claimants at item one (1) of the form unless the signatory has authority to sign for the claimant or claimants. ~~Claims filed by corporations, municipalities or other organizations shall must be signed by an officer of the corporation or an elected official of the municipality or an individual authorized by the organization to sign the form. The signatory's title shall be indicated with the signature.~~ (3-18-22)

qr. Notice of Appearance. An attorney submitting a claim on behalf of their client must include a ff notice of appearance s to be sent by the director to the claimant are to be sent to the claimant's attorney, the claimant's attorney shall list the attorney's name and address, ~~and sign and date the form at item sixteen (16) of the form.~~ (3-18-22)(____)

034. ~~State Law Claim Form~~ — Insufficient Claims, and Waivers. (3-18-22)()

a. A ~~C~~claims filed on the ~~state law~~ claim form that does not contain the information required by Subsection 060.023 ~~shall may~~ be rejected and returned along with any fees paid, unless otherwise provided by these rules.

(3-18-22)()

b. The ~~director~~ Director may waive the minimum information requirements of Subsection 060.023 and accept the claim for good cause shown.

(3-18-22)()

045. Further Information. ~~This Rule Section~~ 060 sets forth minimum requirements for the filing of a claims. The ~~director~~ Director may request further information in support of the assertions contained in a claim as part of the investigation of the water system and the claims pursuant to Section 42-1410, Idaho Code. (3-18-22)()

061. -- 064. (RESERVED)

065. REJECTED AND RETURNED CLAIMS.

01. **Rejected Claims.** ~~Rejected claims shall~~ The Department may return a rejected claim, be returned or a copy of a generated claim record for claims filed electronically, to the claimant by ordinary mail at the most recent address shown by ~~department~~ Department records. ~~The rejected claim or a copy of a generated claim record for claims filed electronically, shall be accompanied by a~~ with the notice of rejection that states generally the reason(s) for rejection. (3-18-22)()

02. **Refiled Claims.** ~~Claimants~~ Claims that have been rejected and returned to the claimant may be refiled ~~rejected claims~~ with the appropriate fees and appropriate information at any time prior to the deadline for filing the original claim. Claims refiled after the deadline for filing the original claim will be subject to the late ~~fee, unless~~ fee unless the claim is refiled within thirty (30) days from the date of mailing the rejected claim by the ~~department~~ Department. (3-18-22)()

066. -- 999. (RESERVED)