


ADJUDICATION MEMORANDUM #1

TO: Adjudication Bureau Staff

FROM: Don Shaff, Adjudication Bureau Chief 

SUBJECT: Adjudication Claims for New Water Right Applications

REVISED: October 23, 2008

Frequently, when helping a water user prepare claims for the adjudication, we find uses developed since the date it became mandatory to file an application for a new water right, and the uses are not covered by the single family domestic exemption of Section 42-227, Idaho Code, or the enlargement provisions of Section 42-1416B or 42-1426, Idaho Code.

When such a situation occurs, the agent should encourage the water user to file an application for permit for the use. The agent should also advise the water user of restrictions on new appropriations of water if the new application is in an area of special concern, such as a:

- Ground water management area (GWMA)
- Critical ground water area
- Moratorium area
- Another area where agent's knowledge suggests new appropriations are of special concern

IDWR's external website (www.idwr.idaho.gov) includes information on critical ground water areas, ground water management areas and moratoriums. Also, IDWR's available GIS layers provide spatial tools for determining claim intersections with areas of special concern, as does the "WR Special Admin Areas Map" available under Query Tools in Workflow.

A claim must be accepted if the water user wishes to have the claim filed. The claimant should be advised of the possibility of the claim being recommended as disallowed in the Director's Report, but the claimant can still file the claim and it must be accepted if it meets the requirements of the rules for being complete and has the proper fee. See Adjudication Memo #9 for additional information on the acceptance of a claim.