

MEMORANDUM

To: Water Allocation Bureau
Regional Offices
Adjudication Bureau

From: Norman C. Young *ncy*

RE: LICENSE EXAMINATION FEE APPLICABILITY

Date: November 1, 1991 Licensing No. 5 (revised)

This memo supercedes my prior memo dated April 7, 1987 on this subject. Amendments to the definition of "domestic purposes" and "domestic uses" by the legislature in 1990 are the principal reason for amendment of the prior memo.

Sections 42-217 and 42-221, Idaho Code, respectively require the submittal of a license examination fee as a part of the proof of beneficial use submittal for water right permits. Domestic uses, for which the filing of an application for a water right permit is not required (exempt uses), however, are exempt from the submittal of license examination fees. This category of use must utilize a ground water source and fit within the limitations described below:

- A. Water for homes, organization camps, public campgrounds, livestock and for any other purpose in connection therewith, including irrigation of up to one-half (1/2) acre of land, where total use is not in excess of thirteen thousand (13,000) gallons per day.
- B. Any other use if the total use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2,500 gallons per day.

For the purpose of determining the applicability of the license examination fee for items A. and B. above, the upper limits of the described uses can not exceed a diversion rate of 0.04 cfs nor an annual storage volume of more than 4.0 acre feet.

When several uses which do not individually require the submittal of a license examination fee (exempt uses) appear on a permit and cumulatively exceed the amounts described above, a license examination fee is applicable.

Any permit which includes non-exempt uses together with exempt uses is not exempt from the fee requirement solely by virtue of an exempt use appearing on the permit. When an exempt use and non-exempt uses appear on a permit, the rate or volume shown on the proof submittal will determine if the fee applies.

The major difference between this memo and the prior memo is the clarification that a license examination fee does apply to certain permits for stockwater use and that the exemptions do not apply to permits which utilize a surface water source.

Note that Beneficial Use Examination Rule 1,4,4. needs to be disregarded until the rule is amended and can be applied consistently with this memo.