

# DOMESTIC EXEMPTION DECISION TABLE

**AFTER JULY 1, 2025**

	Shared Well(s) - No			Shared Well(s) - Yes			
Within "Regulated Area" <sup>1</sup>	Not in a Subdivision <sup>2</sup>	Use is within a Subdivision		Not in a Subdivision		Use is within a Subdivision	
	"In-home use" &/or domestic irrigation	In-home use <sup>3</sup> only	Domestic Irrigation <sup>4</sup> included	In-home use only	Domestic Irrigation included	In-home use only	Domestic Irrigation included
No	<b>Exempt<sup>5</sup></b>  42-111(1)(a), 42-227(1)	<b>Exempt</b>  42-111(1)(a), 42-227(1)	<b>Exempt</b>  42-111(1)(a), 42-227(1)	<b>Exempt</b>  42-111(3)	<b>Permit required if collective use exceeds ½ acre of irrigation or diversion of more than 13,000 gpd.  42-111(a)(i)</b>	<b>Exempt</b>  42- 111(1)(b)(iii), 42-111(3)	<b>Permit Required</b>  42-111(1)(b)(iii), 42-111(3)
Yes	<b>Exempt</b>  42-111(1)(a), 42-227(1)	<b>Exempt</b>  42-227(4)	<b>Permit Required<sup>6</sup></b>  42-227(4)	<b>Exempt</b>  42-227	<b>Permit required if collective use exceeds ½ acre of irrigation or diversion of more than 13,000 gpd.  42-111(a)(i)</b>	<b>Exempt</b>  42-227	<b>Permit Required</b>  42-111(1)(b)(iii), 42-111(3), 42- 227(4)

<sup>1</sup> **Regulated Area** - An area where the Director of the Department of Water Resources ("IDWR") has issued a moratorium order on the development of new water rights or has designated a critical ground water area or ground water management area.

<sup>2</sup> **Subdivision** - Idaho Code § 50-1301(18) defines "subdivision" as "[a] tract of land divided into five (5) or more lots, parcels, or sites for the purpose of sale or building development . . . ."

<sup>3</sup> **In-home use** – Pursuant to Idaho Code § 42-111(3) the term "in-home use" means the utilization of water within a residence or house hold, including all activities that require water, such as drinking, cooking, bathing, and cleaning within and around the household. It does not include irrigation of lawns, gardens, landscaping, pastures, or other open spaces.

<sup>4</sup> **Domestic Irrigation** - Total irrigation use does not exceed 1/2 acre. Pursuant to Section 42-111(1)(a)(i), the phrase "domestic use" includes water for livestock, including irrigation of up to ½ acre of land. This means use could include stockwater with up to 1/2 acre of irrigation even if there is no home on the property.

<sup>5</sup> **Exempt** – A water right permit is not required to divert and use water.

<sup>6</sup> **Permit Required** - A water right permit issued by IDWR is required to divert and use water.