

How to File a Complaint

Step 1: Determine which office to call using the last page of this brochure.

Step 2: Discuss your concerns with IDWR staff, giving as many details as possible. IDWR will ascertain the validity of your complaint and if it is within IDWR's jurisdiction.

Step 3: IDWR may give you a complaint form or ask that you submit your complaint in writing so IDWR may determine an appropriate response to the alleged violation.

Step 4: If IDWR determines the matter is non-jurisdictional, IDWR will refer you to the proper regulatory agency or educate you that it's a civil matter*. It is also possible that IDWR may find that the subject activity is lawful and no enforcement action is warranted.

*Complaints that are civil or criminal in nature may not be within IDWR's jurisdiction. The following are examples of non-jurisdictional issues that are properly addressed by Idaho's courts:

- Trespass, rights-of-way, and easement issues
- Conveyance issues down ditches, laterals, or pipelines that are beyond the water right point of diversion such as blocked ditches, poorly maintained ditches, change of ditches, and flooding
- Property damage due to irrigation/water use management practices
- Irrigation District or Canal/Ditch Company issues including delivery disputes, inadequate delivery of ditch shares, ditch interference, and rotation problems, etc.

Contact Us

LOCATIONS

IDWR locations with regional boundaries



IDWR has multiple offices around the state to serve you including full-service regional offices where you can receive assistance with water management.

1 STATE OFFICE

Phone: (208) 287-4800

Fax: (208) 287-6700

2 WESTERN REGION

Phone: (208) 334-2190

Fax: (208) 334-2348

3 NORTHERN REGION

Phone: (208) 762-2800

Fax: (208) 762-2819

4 SOUTHERN REGION

Phone: (208) 736-3033

Fax: (208) 736-3037

5 EASTERN REGION

Phone: (208) 525-7161

Fax: (208) 525-7177

6 SALMON OFFICE

Phone: (208) 742-0658



Enforcement Coordinator

Cherie Palmer
(208) 287-4944

Answers to Frequently Asked Questions Regarding Compliance & Enforcement



IDAHO DEPARTMENT OF WATER RESOURCES

Water Compliance Bureau

December 2020

Enforcement Activities in Idaho

Compliance Objectives

IDWR's mission to manage the public's water resources includes encouraging voluntary compliance with Idaho's water laws. IDWR promotes compliance by educating the public on laws and rules pertaining to IDWR's programs. IDWR is committed to providing assistance that achieves compliance across its jurisdictional programs.

What are IDWR's jurisdictional programs? A water related matter is jurisdictional if IDWR has the power, right, or authority to interpret and apply the law to the facts of the matter in the following areas:

- Water Rights Appropriation
- Diversion & Use of Water
- Ground Water Protection, Well Construction & Well Driller Licensing
- Stream Channel Protection & Alteration of Streams
- Underground Injection Control & Disposal of Fluids below Ground Surface
- Dam Safety

Do other agencies regulate these activities too? Activities associated with some of these programs may also be jurisdictional for other state, federal, or local agencies. Information about other relevant agencies can be found on IDWR's website or by contacting a local IDWR office.

What is IDWR's approach to compliance and enforcement? IDWR takes a consistent, fair, and assertive approach to enforcement actions when managing non-compliant activities. IDWR's role is to investigate activities, educate individuals on necessary authorizations, issue formal enforcement

actions as necessary, and work with individuals to achieve legal compliance. When a violation is evident, IDWR may work with the parties to achieve compliance at an informal level or through IDWR's formal enforcement procedures. Informal compliance may be achieved through education on how a violation can be avoided or corrected. If compliance is achieved swiftly, IDWR rarely elevates the case to a formal enforcement action. However, each violation is unique, and IDWR may consider all factors (severity of violation, previous warnings, previous violations, etc.) when determining whether to initiate a formal enforcement action.

What is formal enforcement? Idaho Code § 42-1701B outlines IDWR's formal enforcement procedures. If implemented, IDWR will send the violator a Notice of Violation, typically requiring the violator to cease and desist the unauthorized activity and outlining steps to correct the violation.

Can IDWR issue penalties to violators? Formal enforcement procedures may result in both monetary penalties and remedial actions. Continued non-compliance may result in IDWR filing a civil complaint in district court.

Why are compliance and enforcement actions important? Water is the foundation of Idaho's economy and culture. Idaho's numerous water resources support a variety of interests such as agriculture, aquaculture, industry, public drinking water, energy development, recreation, wildlife habitat, and more. IDWR has invested millions in taxpayer dollars to balance these interests and to provide for the conservation of Idaho's water resources. To support these efforts, IDWR has a duty to investigate compliance issues and seek corrective action.

What are the most common violations IDWR handles? Unauthorized diversion and use of water without a water right is the most common type of violation investigated by IDWR.

How can I avoid an unauthorized diversion and use of water? There are a few exceptions, but in most cases a water right is required to divert and use surface water or ground water. Before you pump or divert any water, be sure you have a water right, or don't need one, and carefully review the elements and limits of the water right. Understanding conditions included on the water right that may limit your water use is important. There are many elements of a water right such as place of use, point of diversion, the amount of water you're allowed to divert for a specific reason, etc. Water rights can be complicated. If you need help understanding the elements or conditions, please contact your local IDWR office.

Are there any other common compliance issues that I can avoid? In many water districts throughout Idaho, most water diversions require measuring devices and controlling works. Approved devices, proper installation of devices, and subsequent maintenance of devices are required for the proper administration of water in those districts.

What can happen if I don't comply with IDWR's measurement and controlling device requirement? IDWR may order the watermaster to shut-off (curtail) any further diversions until proper devices are installed and functional. Other options could include formal enforcement actions described on page 2.