Legal Reference

• Idaho Code § 42-222A (added in 1993)

- Upon declaration of drought emergency by IDWR Director & approval by Governor

- Authorizes IDWR to allow temporary water right transfers or exchanges

- Provides an expedited but temporary transfer or exchange process
Temporary Changes

- Changes in point of diversion, place of use, purpose of use
- $50 application fee
- No advertising required
- IDWR not required to make findings needed in normal transfer process such as injury, enlargement, local public interest etc. (recipient assumes these risks)
Temporary Changes

- Changes are to provide a replacement water supply for uses that normally have a full supply except for drought
- Expires at end of year or season
Declaration Process:

County Commission Makes Request to IDWR

IDWR Director Declares Drought (with findings)

Governor Approves/Signs Drought Declaration
County Drought Declarations and Temporary Changes by Year

- Counties
- Approvals

Year:
- 2000: 5 Counties, 10 Approvals
- 2001: 30 Counties, 61 Approvals
- 2002: 17 Counties, 44 Approvals
- 2003: 19 Counties, 45 Approvals
- 2004: 24 Counties, 87 Approvals
- 2005: 20 Counties, 38 Approvals
- 2006: 21 Counties, 44 Approvals
- 2007: 4 Counties, 3 Approvals
- 2008: 8 Counties, 4 Approvals
- 2009: 9 Counties, 5 Approvals
- 2010: 9 Counties, 19 Approvals
- 2011: 29 Counties, 30 Approvals
- 2012: 29 Counties, 30 Approvals
- 2013: 29 Counties, 30 Approvals
IDWR Admin Basins
No. of Drought Temp
Changes Approved since 2001

Not Shown
Basin 01: 86
Basin 02: 4