



FOOD SUMMIT 2022

Food for All

Scaling Up Local Food Production on the Palouse

<https://www.pcfoodcoalition.org/>



Water Available for Local Food Production in Latah County

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Water Rights and Exemptions

- ▶ Idaho's constitution and statutes declare all waters of the state when flowing in their natural channels, including the waters of all natural springs and lakes within the boundaries of the state and groundwaters of the state, to be public waters.
- ▶ The State appropriates those public waters. The appropriation is called a “Water Right” which allows people to use/divert public waters and put them to a beneficial use in accordance with the use’s priority date. **You need a water right for everything except for exempt use.**

Exempt Uses

- ▶ “The excavation and opening of wells and the withdrawal of water there from for domestic purposes shall not be subject to the permit requirement under section 42-229, Idaho Code . . . Rights to ground water for such domestic purposes may be acquired by withdrawal and use.”
- ▶ Idaho Code § 42-111 defines domestic purposes for Idaho Code § 42-227 –
 - (a) The use of 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, if the total use is not in excess of 13,000 gallons per day,
 - or – (b) any other uses, if the total use does not exceed a diversion rate of four one-hundredths (0.04) cubic feet per second and a diversion volume of 2500 gallons per day.
- ▶ Multiple ownership subdivisions and multiple ownership business developments do not qualify
- ▶ Exemptions cannot be “stacked”

Finding Water for Your Farm: Water Collection, Diversion & Pumping

- ▶ Ground / surface run-off
- ▶ Roof collection
- ▶ Diversion from a creek, stream, tributary, river, spring, or shallow ground water. Depending on the flow, it may be directly irrigated. Some surface diversions require special permitting from Latah County, Army Corp, IDL, IDFG
- ▶ Pumping from a well, a pond, a river, or a lake, with exceptions
- ▶ Usually collection and diversion happens best in the spring. Unfortunately, that is often the time water is not needed. Typically, water is needed for a portion of June, July, August and possibly September, so storage is typically needed.
- ▶ Storage methods include a pond (dug or dammed), a cistern, barrels or any other type of containment apparatus. Some people dam off a draw to create this type of collection or create a pond that is naturally filled from shallow ground water or a spring.

Do I Need or Want a Water Right?

- ▶ Do you have a home (or other exempt use) on the property? If so, do you think you will exceed 13,000 gpd for your domestic uses? Will you exceed ½ acre of irrigation (13,000 gpd=1 inch of water over ½ acre of property)? Do you want to firmly establish your right in time? Will you be using water other than from your well?
- ▶ If no home, will you need more than 2500 gpd or more than .04cfs?
- ▶ Does your pump/well produce more than 9 gallons/minute (13000 gpd)?
- ▶ Is there already a water right on the property?
- ▶ Typical water usage:
 - ▶ People: 50-200 gpd
 - ▶ Cows, steers, bulls, horses, donkeys: 5- 20 gpd
 - ▶ Sheep, goats, pigs, llamas, alpacas, chickens: 1-5 gpd
 - ▶ Plants: Most vegetables typically need about 1 inch a week. Fruit trees typically need around 10-20 gallons per tree every 10-14 days.
 - ▶ Typical house with 10 cows, 50 chickens, 20 fruit trees and a ¼ acre garden would use about 7650 gallons on a peak summer day with about 1250 gallons on most other summer days. If you water a yard, and you did that on your peak day, it would likely go up to 13000 gallons, but if you did it on an off day, you would simply have 2 peak days a week.

Items to Consider and Conservation Techniques

- ▶ Consider using conservation techniques in your irrigation; your water supply is likely limited in nature
- ▶ Most drip irrigation needed for 10 acres is equal to 1 acre of normal irrigation
- ▶ Water only when needed
- ▶ Use a spring/shallow ground water/collection pond or surface diversion if you can
- ▶ Consider how your water use effects neighboring properties
- ▶ Consider how your diversion/collection affect nearby streams/property/flood areas
- ▶ If you want to use ground water, are you or your neighbors using that same water for domestic purposes? Will the amount that you use for irrigation have a negative effect on you or your neighbors?
- ▶ If you are in the Palouse Basin Aquifer Area, look at the plan on the PBAC website to see if you will be in accordance with the plan

How do I Get A Water Right?

- ▶ Apply through the Idaho Department of Water Resources (info at end of presentation)
- ▶ You will need to know:
 - ▶ When your use was established (if it already has been) and have proof of such
 - ▶ What types of uses you need to apply for. In the case of a farm that is not exempt, know your totals for stockwater, irrigation, domestic, industrial, and storage
 - ▶ How much water you need for each of your uses – both the total amount of water needed and the instantaneous demand
- ▶ When you apply, the State will recommend pre-set numbers on your permit. You can and should apply for less if you plan to use less water than the recommended amounts. The water right that is issued is only for the amount of water that can be beneficially used, not for a hypothetical amount. So if your well is a low producer, your pump is small, or you have a water conservation plan, plan accordingly.

How Do I Get A Water Right?

- ▶ Once you apply, the State posts a public notice, which gives others a chance to “protest” your application
- ▶ If no “protest” is filed, the State issues the permit; The permit is monitored and the beneficial use is determined.
- ▶ If the beneficial use is not established, or, if the beneficial use lapses, within or for 5 years, the right is discarded. Use of the water would have to be reestablished.
- ▶ The water right typically goes with the land/well, but may be abandoned if the use is abandoned; Idaho retains the ownership of the water, but allows the use.
- ▶ You may have to cede your water right to an earlier established user.

What if Someone “Protests” your application?

- ▶ A protest is usually settled between the applicant and the protestor
- ▶ Typically, the protestor will request to meet with you to discuss if there are ways to modify your application to accommodate their concerns. Concerns are most typically that they are worried that your use will effect their supply of water to their home or homes in the area.
- ▶ If an agreement can't be reached, the IDWR has a hearing.
- ▶ Challenges to established water use generally go through the IDWR but may end up in court.

Adjudication

- ▶ Adjudication is the process of inventorying the water rights of people in a basin.
- ▶ We have two basins in Latah County
- ▶ One basin has already been adjudicated; the other is currently being adjudicated
- ▶ If you have an existing well, you should be part of this process
- ▶ If you choose to opt out of the process, your well and rights will not be accounted for and you will not be able to make a right in time claim if someone applies for a right that adversely affects your water
- ▶ You can still join the adjudication for a fee

IDWR Information

- ▶ <https://idwr.idaho.gov/>
- ▶ idwrinfo@idwr.idaho.gov
- ▶ **Northern Regional Office**
7600 N MINERAL DR STE 100
COEUR D ALENE ID 83815-7763
- ▶ [Phone \(208\) 762-2800](tel:(208)762-2800)
- ▶ [Fax \(208\) 762-2819](tel:(208)762-2819)
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