

S1083a: Updating Idaho's Domestic Exemption Statutes

Paul Arrington
Idaho Water Users Association

January 12, 2026

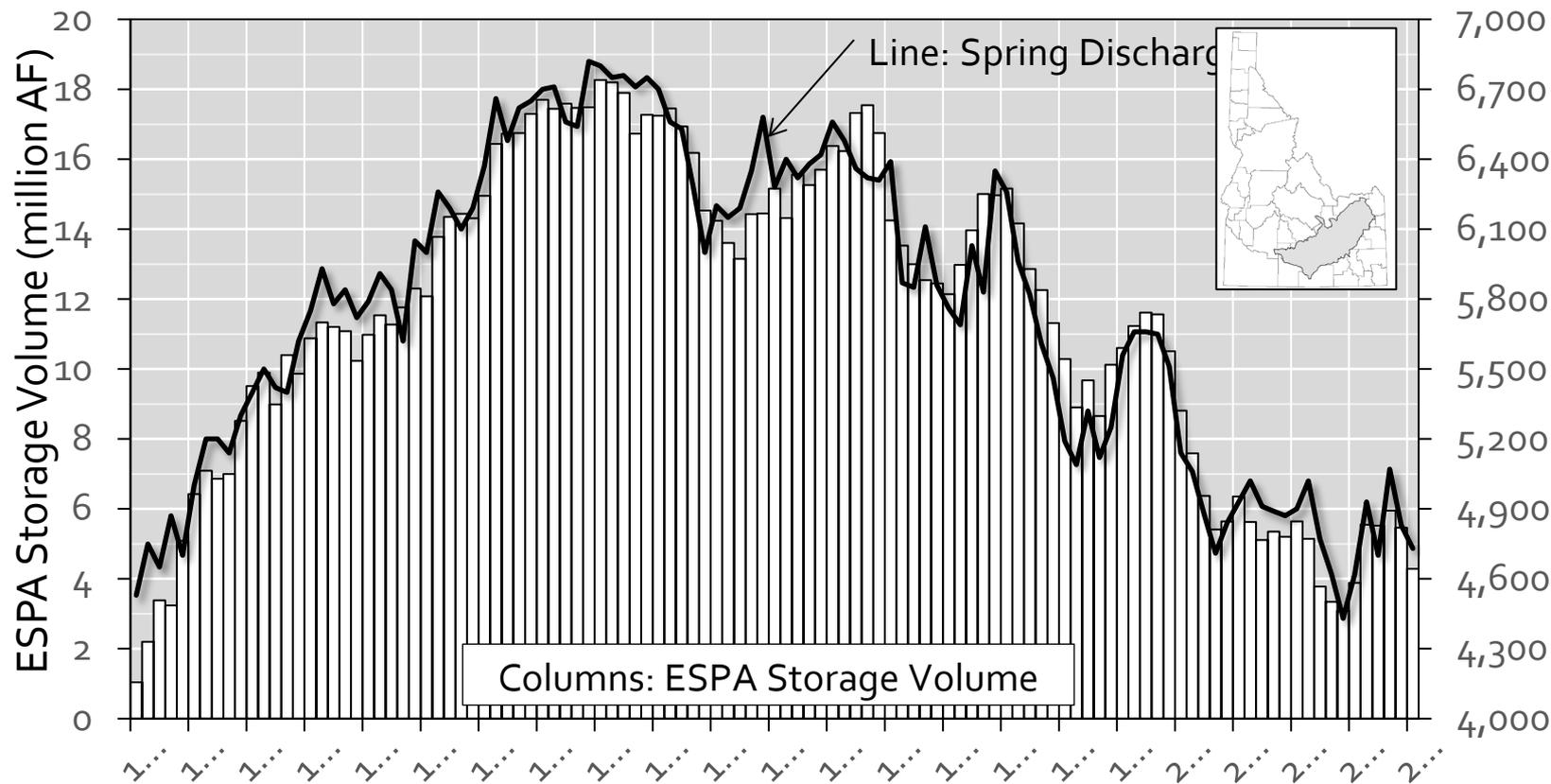


Early 2022: Two Conversations

Senator Harris

ESPA Ground Water Users





More than just an ESPA issue ...

- **Treasure Valley:** By 2065 -
 - Population > 1.57m (~811k in 2022)
 - Households increase 280%
 - Need 188,000 AF/year
- **Elmore County:**
 - Up to 200-foot aquifer decline since the 1960's
 - Current decline of 5-feet / year in areas
 - Annual pumping deficit of 43,000 AF/year
- **Rathdrum Prairie:** By 2045 -
 - Population growth of 88,000
 - Significant increase in water demand
- **Palouse Aquifer:**
 - 2,256 AF/year required to stabilize the aquifer

You can't get different results
by doing things the same way.

Richard Moran

quotefancy



Forming Workgroup & Engaging Stakeholders

IWUA Workgroup formed

- Met to identify / hone the issue (about 4-5 months)

Stakeholders Engaged:

- Water users (surface and ground water)
- Counties
- Cities
- Well Drillers
- Consultants
- Realtors
- Developers
- Farm Bureau
- Idaho Department of Water Quality
- Idaho Department of Water Resources

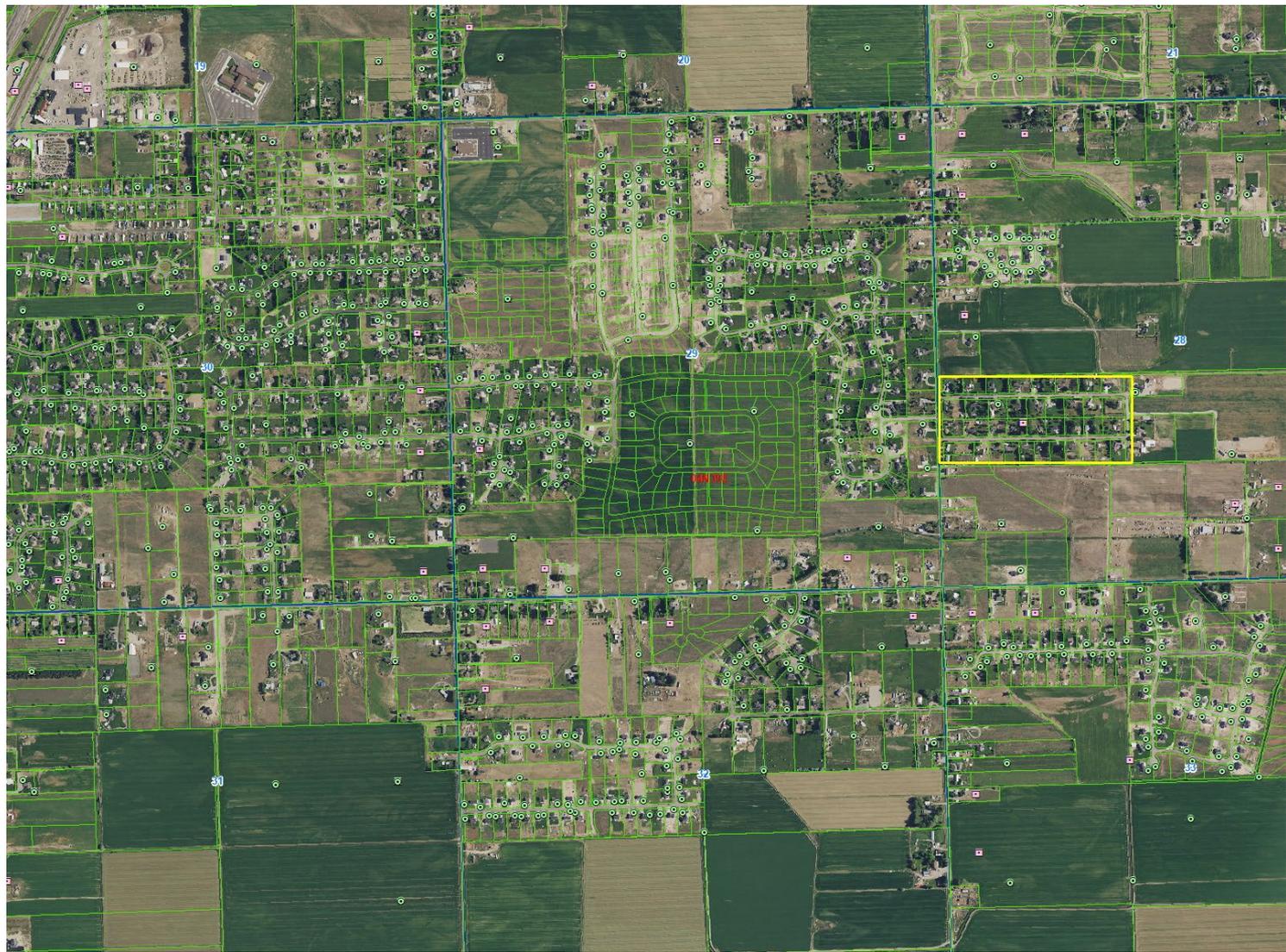
Domestic Use Workshop (Sept. 2022)

Different Perspectives

“Given the challenges we are facing with declining aquifers, it makes no sense to continue allow unchecked diversions. We must do something different.”

“Every new well (especially each unregulated well) is another opportunity for contaminants to be introduced into the aquifer.”

“It is unfair to allow some water users to divert, without consequence, while others are being forced to curtail in times of shortage.”



Different Perspectives

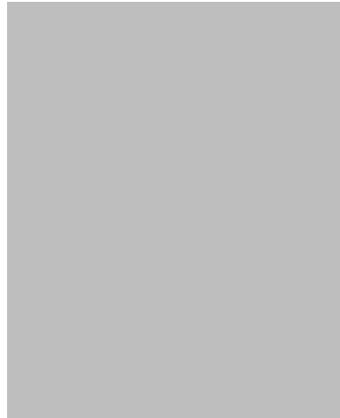
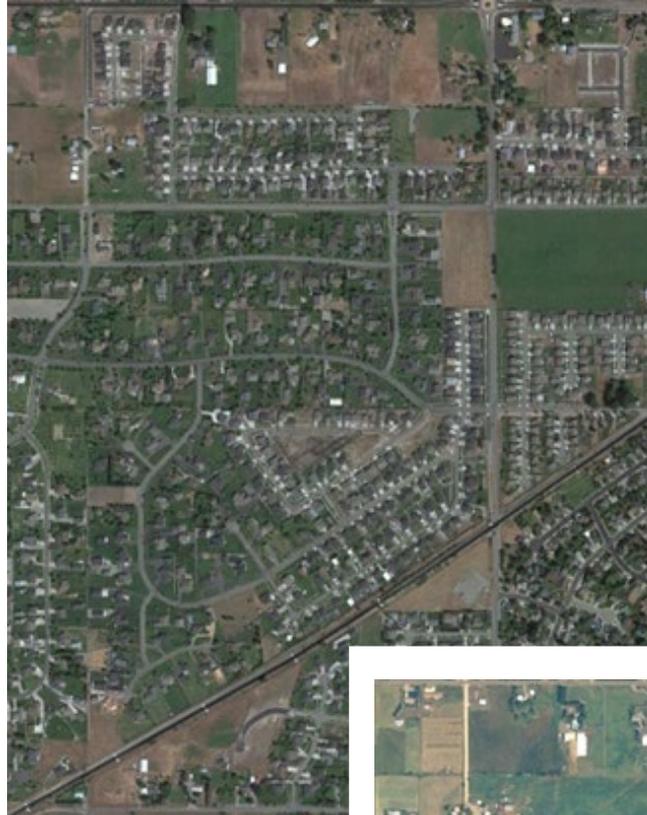
Growth is exploding throughout Idaho.

Concerns about delays, cost & regulation

Water Rights

Shared / public water well drilling and permitting

Ongoing regulation (post development)



Ideas Discussed

- Reducing the 13,000 gpd limit
- Density limitations on the use of the domestic exemption
- Lot-size limitations
- Authorizing the IDWR Director *or counties* to impose more stringent limitations in certain conditions
- Repeal domestic well exemption altogether



An
Unsuccessful
Effort: S1370
(2024)

- Shared / Public water system for all subdivisions with 10+ lots
- Strengthen “Retain Surface Water” provisions
- Clarify local government authorities

S1083a – the Solution Discovered

- Overwhelming legislative support:
 - House: 63-2-5
 - Senate: 32-1-2
- Not every member of the workgroup ultimately supported S1083 (largely due to uncertainties in application)
- What did S1083a do – 4 elements ...

Element #1: Fairness is Administration

- For subdivisions in areas designated as Ground Water Management Areas, Critical Ground Water Areas, or Moratorium Areas:
 - The domestic use exemption only applies to in-home and livestock uses.
 - Any irrigation or other uses require an Application for Permit, including possible mitigation, and will be subject to administration.
- Outside of these parameters, the domestic use exemption will remain unchanged.

Element #2: Water Quality Concerns

- Multiple domestic exempt uses for in-home purposes can be combined into 1 well.
 - Historically, separate wells were required for each use.
- Permitting requirements for shared / community wells and public water systems remains unchanged.

Element #3: Enforcement

- Prior laws were ineffective for enforcement of the domestic exemption.
 - I.e. the max \$300 / year penalty did not incentivize compliance.
- S1083 establishes a streamlined process for ensuring compliance with the domestic use exemption.
 - Notice of possible violation
 - Opportunity to respond and correct any violation
 - Increased penalties for failure to correct noncompliance (\$500 per 0.1 acre / year)

Element #4: Local Government Provisions

- Requires compatibility for community well systems installed within 1-mile of municipal service area.
 - Does not apply to individual domestic exempt wells
- Requires that irrigation water remain with the land following development.
 - Strengthened the prior law
- Authorizing consideration of water conditions in planning efforts like comprehensive plans.

2026 Adjustments

- Clarifying that the limitations only apply to subdivisions with final applications on or after July 1, 2025.
- For purposes of water management only, creating a uniform definition of subdivision.
 - Development law defines subdivision as 5 lots or are more restrictive local ordinance.
 - Allows IDWR to enforce without requiring an understanding of every local ordinance.
- Additional tweaks to improve readability and clarity

Questions?

Paul Arrington
Idaho Water Users Assoc.
paul@iwua.org

