
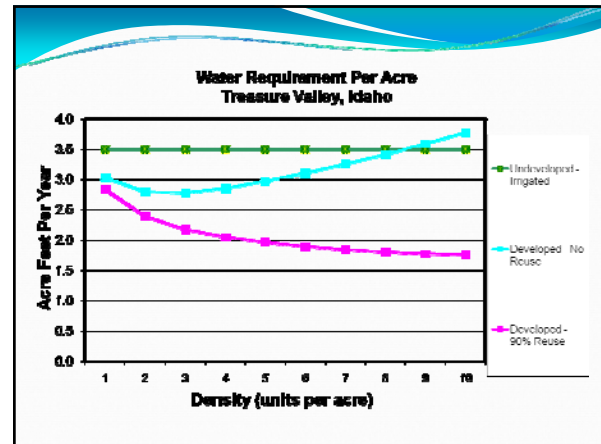


Water Rights Considerations in Water Reuse Decisions

2010 Idaho Water Reuse Conference

Municipal Water Right Permit Condition

“Common areas, parks, school grounds, golf courses, and any other large parcels may only be irrigated under this water right with wastewater that has been previously beneficially used for potable or culinary purposes, has been treated in a wastewater treatment plant, and is delivered to the parcel irrigated.”

Condition No. 7, Permit 61-12090
Condition No. 8, Permit 63-32225
Similar conditions in Permits 63-32061 and 63-32573

- ## “A World of Gray”
- Statutes
 - Administrative Rules
 - IDWR Policies
 - Future Court Decisions

- ### Some Factors to Consider in the “Gray Area”
- What is the intent of the reuse? Is it a new beneficial use or a means of disposal?
 - Is the reuse for a purpose authorized by the original water right? Or is the reuse an unauthorized enlargement of the original water right?
 - Does the reuse occur within the place of use authorized by the original water right?

- ### Some Factors to Consider in the “Gray Area”
- Has the reuse water returned to the system (i.e., waters of the state) or is the water still under the original appropriator’s control?
 - Will the reuse injure other water rights or other water uses?
 - Does the public have adequate legal notice of the new use? Does an application need to be filed with IDWR?

