



How to Transfer Water Rights (Information Sheet)

(Idaho Code §42-222) requires that any proposed change in a water rights point of diversion, place of use, period of use, or nature of use shall be made by making an application to the Department of Water Resources for approval. This application must be made on the forms provided by the Department. Privately held surface water rights or ground water rights would be required to be changed through this manner. Canal shares or stock may not be required to be changed, depending on locations of the proposed uses.

1. Water Right Transfer Application Process for Ground Water Rights and Private Irrigation or Domestic Rights.

a. Gathering Information.

Before starting an application for transfer of water right, a specific water right(s) needs to be identified and information on the specific water right(s) needs to be gathered. If the water right number or the owner is known, you can search the water right specifics on IDWRs website here:

<https://research.idwr.idaho.gov/apps/waterrights/wrajsearch/wradjsearch.aspx>

Along with the specifics of the water right(s) the new location or other change to the water right and the particulars must be known.

b. Filling out Application for Transfer Form

Once the specifics of the water right(s) is known, the Application can be prepared. The Application for Transfer can be found on IDWRs website in the Water Right Forms section along with Instructions. Developers may hire a water rights representative to help them with this process.

If the water right(s) is being transferred to the City municipal system, or any other system owned by the City, then an authorization letter is required by the City, which can be provided upon approval of a Water Right Mitigation Plan.

c. Submitting Application for Transfer Form

Idaho Code §42-222 requires that a fee be submitted with all Applications for Transfer. If the correct fee is not submitted with the Application, it will be returned. The Application must be submitted to the Eastern Regional office in Idaho Falls.

Developers are responsible for the cost of applications.

2. Notice of Change in Water Right Ownership and Deeds

An Application for Transfer does not convey ownership of the water right. Idaho Code §42-248 requires that notice of any change in ownership of any part of a water right must be provided to IDWR on its form. The Notice of Change in Water Right Ownership form may be found on IDWRs website in the Water Right Forms section.

- a. A deed will be required to legally convey ownership to the City. Once recorded, the deed will be submitted by the City with the Notice of Change in Water Right Ownership form to IDWR.

3. Transfer of Canal Company Stock or Share Certificate

- a. Provide the original share certificate to the Secretary of the Company and obtain a new certificate transferring all or part of the shares to the City.
- b. Fill out the Transfer of Ownership form and provide it to the Secretary, if applicable.
- c. Provided updated certificate to the City confirming City as Shareholder.