

[Page 2, line 25]

42-111(3) Multiple water rights for domestic purposes or uses may be established and exercised from the same point or points of diversion if the use is limited to residential, in-home use and a water meter capable of measuring the total volume diverted shall be installed at the point or points of diversion. This subsection does not affect any other permitting or other requirements that may apply to the use of water within a subdivision. The term "in-home use" shall mean the utilization of water within a residence or household, including all activities that require water, such as drinking, cooking, bathing, and cleaning within and around the home. It does not include irrigation of lawn, garden, landscaping, pasture or other open space.

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42-227(4) For purposes of new diversions within subdivisions, as defined in chapter 13, title 50, Idaho Code, in any area where the director of the department of water resources has issued a moratorium order on the development of new water rights or has designated a critical ground water area or ground water management area, an application for permit, pursuant to section 42-229, Idaho Code, shall be required for the diversion of water for any new domestic purposes or uses, as defined in section 42-111, Idaho Code, other than for in-home uses or watering livestock. The term in-home use is defined in section 42-111(3), Idaho code.

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42-1701C. ENFORCEMENT OF DOMESTIC USE AND DOMESTIC PURPOSE LIMITATIONS.

(4) The Director may request that the County in which the property is located collect the penalty for excess use. If the county agrees to collect the penalty:

(a) The Director shall provide the County with a copy of the notice of violation issued pursuant to this section; and

(b) The County shall retain half of the penalty proceeds and deliver the other half to the director.